

[Translation]

**REPUBLIC OF BULGARIA**

**MINISTRY OF FINANCE**

**ORDER**

**No. 3MΦ-371**

Sofia, 25 April 2018

Based on protocols of 27 March 2018, 12 April 2018 and 20 April 2018 from sessions of the Commission appointed by Order No. 3MΦ-277/26.03.2018 of the Minister of Finance for examination, assessment and ranking of the submitted tenders for participation in the procedure for conclusion of framework agreements with the following subject: "Procedural Representation and Legal Advice in International Arbitration Cases and in Proceedings before Foreign Jurisdictions, as well as Legal Advice and Representation in Negotiations and Mediation related to Resolution of Legal Disputes", having made verification of the Commission's work and having got acquainted with the assessment and ranking protocol of the appointed Commission, I found the following:

By virtue of Order No. 3MΦ-173/21.02.2018 of the Minister of Finance a procedure for conclusion of Framework agreements with the following subject matter: "Procedural Representation and Legal Advice in International Arbitration Cases and in Proceedings before Foreign Jurisdictions, as well as Legal Advice and Representation in Negotiations and Mediation related to Resolution of Legal Disputes", has been initiated.

Eleven tenders from law firms for participation in the announced procedure were submitted to the registry office of the Ministry of Finance by the specified deadline.

The tenders received were opened at a public session of the Commission, held on 27 March 2018, by the order of their receipt and registration in the registry office of the Ministry of Finance as follows:

1. **Jones Day;**
2. **Foley Hoag LLP;**
3. **Lalive SA;**
4. **Arnold & Porter Kaye Scholer LLP;**
5. **Cleary Gottlieb Steen & Hamilton LLP;**
6. **McDermott Will & Emery LLP;**
7. **Sidley Austin LLP;**
8. **White & Case LLP;**
9. **Dechert (Paris) LLP;**
10. **PETROVA & ABADZHIEV Law Firm;**
11. **Dentons US LLP.**

[Translation]

The Commission has found that the tenders were submitted within the set deadline and it admitted to consideration the tenders of all participants in the procedure, as required by the Documentation for Participation.

After considering and assessing the submitted tenders of the participants and the documents and evidence annexed thereto, the Commission has made the following proposals:

**1. It proposes the removal of the tenderer Jones Day from further participation in the procedure** for the following reasons:

The tenderer does not meet the requirements of the Contracting Authority for professional experience in the category “investment arbitration”, as set out in Section II, item 1.2 of the Documentation for Participation.

Based on detailed considerations set out in Protocol No 2. of 12 April 2018, the Commission has proposed the removal of the tenderer from the procedure. The envelope containing the price offer of this tenderer has not been opened by the Commission.

**I find that the Commission’s assessment of the tender of this participant is impartial, detailed and reasoned. I fully accept the Commission’s reasoning, based on which it proposed the removal of the tenderer Jones Day from participation in the procedure.**

**2. It proposes the removal of the tenderer Foley Hoag LLP from further participation in the procedure** for the following reasons:

The tenderer does not meet the requirements of the Contracting Authority for professional experience in investment and commercial arbitration, as set out in Section II, item 1.2 of the Documentation for Participation.

Based on detailed considerations set out in Protocol No. 2 of 12 April 2018, the Commission has proposed the removal of the tenderer from the procedure. The envelope containing the price offer of this tenderer has not been opened by the Commission.

**I find that the Commission’s assessment of the tender of this participant is impartial, detailed and reasoned. I fully accept the Commission’s reasoning, based on which it proposed the removal of the tenderer Foley Hoag LLP from participation in the procedure.**

**3. It proposes the removal of the tenderer Lalive SA from further participation in the procedure** for the following reasons:

The tenderer does not meet the requirements of the Contracting Authority for professional experience in the categories “investment arbitration” and “commercial arbitration”, as set out in Section II, item 1.2 of the Documentation for Participation, and has not submitted a document for valid “Professional Liability” insurance of no less than EUR 20 (twenty) million in accordance with Section III.2.7 of the Documentation for Participation.

[Translation]

Based on detailed considerations set out in Protocol No. 2 of 12 April 2018, the Commission has proposed the removal of the tenderer from the procedure. The envelope containing the price offer of this tenderer has not been opened by the Commission.

**I find that the Commission's assessment of the tender of this participant is impartial, detailed and reasoned. I fully accept the Commission's reasoning, based on which it proposed the removal of the tenderer Lalive SA from participation in the procedure.**

**4. It proposes the removal of the tenderer Cleary Gottlieb Steen & Hamilton LLP from further participation in the procedure** for the following reasons:

The tenderer does not meet the requirements of the Contracting Authority for professional experience in the category "investment arbitration", as set out in Section II, item 1.2 of the Documentation for Participation.

Based on detailed considerations set out in Protocol No. 2 of 12 April 2018, the Commission has proposed the removal of the tenderer from the procedure. The envelope containing the price offer of this tenderer has not been opened by the Commission.

**I find that the Commission's assessment of the tender of this participant is impartial, detailed and reasoned. I fully accept the Commission's reasoning, based on which it proposed the removal of the tenderer Cleary Gottlieb Steen & Hamilton LLP from participation in the procedure.**

**5. It proposes the removal of the tenderer McDermott Will & Emery LLP from further participation in the procedure** for the following reasons:

The tenderer does not meet the requirements of the Contracting Authority for professional experience in investment and commercial arbitration, as set out in Section II, item 1.2 of the Documentation for Participation.

Based on detailed considerations set out in Protocol No. 2 of 12 April 2018, the Commission has proposed the removal of the tenderer from the procedure. The envelope containing the price offer of this tenderer has not been opened by the Commission.

**I find that the Commission's assessment of the tender of this participant is impartial, detailed and reasoned. I fully accept the Commission's reasoning, based on which it proposed the removal of the tenderer McDermott Will & Emery LLP from participation in the procedure.**

**6. It proposes the removal of the tenderer Sidley Austin LLP from further participation in the procedure** for the following reasons:

The tenderer does not meet the requirements of the Contracting Authority for professional experience in investment and commercial arbitration, as set out in Section II, item 1.2 of the Documentation for Participation.

[Translation]

Based on detailed considerations set out in Protocol No. 2 of 12 April 2018, the Commission has proposed the removal of the tenderer from the procedure. The envelope containing the price offer of this tenderer has not been opened by the Commission.

**I find that the Commission's assessment of the tender of this participant is impartial, detailed and reasoned. I fully accept the Commission's reasoning, based on which it proposed the removal of the tenderer Sidley Austin LLP from participation in the procedure.**

**7. It proposes the removal of the tenderer Dechert (Paris) LLP from further participation in the procedure** for the following reasons:

The tenderer does not meet the requirements of the Contracting Authority for professional experience in investment and commercial arbitration, as set out in Section II, item 1.2 of the Documentation for Participation.

Based on detailed considerations set out in Protocol No. 2 of 12 April 2018, the Commission has proposed the removal of the tenderer from the procedure. The envelope containing the price offer of this tenderer has not been opened by the Commission.

**I find that the Commission's assessment of the tender of this participant is impartial, detailed and reasoned. I fully accept the Commission's reasoning, based on which it proposed the removal of the tenderer Dechert (Paris) LLP from participation in the procedure.**

**8. It proposes the removal of the tenderer PETROVA & ABADZHIEV Law Firm from further participation in the procedure** for the following reasons:

The participant's tender does not meet the requirements of the Contracting Authority, as set out in the Documentation for Participation.

Based on detailed considerations set out in Protocol No. 2 of 12 April 2018, the Commission has proposed the removal of the tenderer from the procedure. The envelope containing the price offer of this tenderer has not been opened by the Commission.

**I find that the Commission's assessment of the tender of this participant is impartial, detailed and reasoned. I fully accept the Commission's reasoning, based on which it proposed the removal of the tenderer PETROVA & ABADZHIEV Law Firm from participation in the procedure.**

**9. It proposes the removal of the tenderer Dentons US LLP from further participation in the procedure** for the following reasons:

The tenderer does not meet the requirements of the Contracting Authority for professional experience in investment and commercial arbitration, as set out in Section II, item 1.2 of the Documentation for Participation, and has not submitted a document of valid "Professional Liability" insurance of no less than EUR 20 (twenty) million in accordance with Section III.2.7 of the Documentation for Participation.

[Translation]

Based on detailed considerations set out in Protocol No. 2 of 12 April 2018, the Commission has proposed the removal of the tenderer from the procedure. The envelope containing the price offer of this tenderer has not been opened by the Commission.

**I find that the Commission's assessment of the tender of this participant is impartial, detailed and reasoned. I fully accept the Commission's reasoning, based on which it proposed the removal of the tenderer Dentons US LLP from participation in the procedure.**

The tenders of the participants **Arnold & Porter Kaye Scholer LLP and White & Case LLP** have been accepted as meeting the Contracting Authority's requirements, as set out in the Documentation for Participation, and therefore they have been evaluated by the Commission. The experience of each tenderer has been evaluated according to the formula specified for this indicator and has been multiplied by the corresponding weighting factor.

In accordance with Section IV.11.7 and the following of the Documentation for Participation, the Commission has proceeded to the opening and evaluating of the price offers of Arnold & Porter Kaye Scholer LLP and White & Case LLP. The Commission has found that the price offers submitted by the two tenderers are correctly drawn up and submitted in a separate, non-transparent envelope with intact integrity. Each of the price offers is signed by three members of the Commission and by one of the representatives of the participants attending the public part of the Commission's session at which the price offers of the two tenderers were opened and announced. The price offers have been evaluated according to the formula announced for this indicator.

In accordance with the results obtained from the evaluation made pursuant to the two indicators, the Commission has calculated the integrated final evaluation of the tender of each tenderer. The results of this integrated evaluation are recorded in Protocol No. 3 of the Commission's work.

I find that the Commission's assessment of the tenders admitted to ranking is impartial, detailed and reasoned.

Based on the foregoing and fully accepting the results of the assessment of the Commission and the findings and reasons set out thereby, as recorded in the drawn-up protocols, as well as the ranking of the tenderers made on the grounds of the integrated evaluation of each tenderer,

**I HEREBY ORDER THE FOLLOWING:**

I. On the grounds of Section IV, item 11.6, 'c' of the Documentation for Participation and in view of the reasons set forth above, I hereby remove the tenderer **Jones Day** from participation in the procedure;

[Translation]

II. On the grounds of Section IV, item 11.6, 'c' of the Documentation for Participation and in view of the reasons set forth above, I hereby remove the tenderer **Foley Hoag LLP** from participation in the procedure;

III. On the grounds of Section IV, item 11.6, 'c' of the Documentation for Participation and in view of the reasons set forth above, I hereby remove the tenderer **Lalive SA** from participation in the procedure;

IV. On the grounds of Section IV, item 11.6, 'c' of the Documentation for Participation and in view of the reasons set forth above, I hereby remove the tenderer **Cleary Gottlieb Steen & Hamilton LLP** from participation in the procedure;

V. On the grounds of Section IV, item 11.6, 'c' of the Documentation for Participation and in view of the reasons set forth above, I hereby remove the tenderer **McDermott Will & Emery LLP** from participation in the procedure;

VI. On the grounds of Section IV, item 11.6, 'c' of the Documentation for Participation and in view of the reasons set forth above, I hereby remove the tenderer **Sidley Austin LLP** from participation in the procedure;

VII. On the grounds of Section IV, item 11.6, 'c' of the Documentation for Participation and in view of the reasons set forth above, I hereby remove the tenderer **Dechert (Paris) LLP** from participation in the procedure;

VIII. On the grounds of Section IV, item 11.6, 'c' of the Documentation for Participation and in view of the reasons set forth above, I hereby remove the tenderer **PETROVA & ABADZHIEV Law Firm** from participation in the procedure;

IX. On the grounds of Section IV, item 11.6, 'c' of the Documentation for Participation and in view of the reasons set forth above, I hereby remove the tenderer **Dentons US LLP** from participation in the procedure;

X. I hereby rank the tenderers in the procedure for conclusion of framework agreements with the subject matter: "Procedural Representation and Legal Advice in International Arbitration Cases and in Proceedings before Foreign Jurisdictions, as well as Legal Advice and Representation in Negotiations and Mediation related to Resolution of Legal Disputes" as follows:

**First place: White & Case LLP with 89.6 points;**

**Second place: Arnold & Porter Kaye Scholer LLP with 82 points.**

XI. I hereby determine the tenderers ranked in the first two places, which shall be invited to conclude framework agreements in accordance with the requirements of Section IV, item 12 and the following of the Documentation for Participation.

XII. All tenderers in the procedure shall be notified of the results of the tenders' assessment.

[Translation]

This Order shall be notified to the persons concerned for information and implementation.

**MINISTER:** *[illegible signature]*

**/VLADISLAV GORANOV/**

*[Round seal of the Ministry of Finance \* Republic of Bulgaria]*