

[Translation from Bulgarian]

REPUBLIC OF BULGARIA

MINISTRY OF FINANCE

19 May 2023

No. 3MΦ-376

Signed by: Ministry of Finance [electronic registry]

ORDER

On the basis of Minutes No. 1 of 31 March 2023, No. 2 of 12 April 2023, No. 3 of 10 May 2023, and No. 4 of 12 May 2023 from sessions of the commission appointed by Order No. 3MΦ-254/30.03.2023 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 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”, following verification of the Commission’s work and acquainting myself with the assessment and ranking protocol of the appointed Commission, I found the following:

The procedure for the 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” was initiated by Order No. 3MΦ-182/24.02.2023 of the Minister of Finance.

Seven law firms submitted tenders for participation in the announced procedure to the Ministry of Finance’s registry office by the deadline set. One tender was submitted after the deadline set in the Rules for Participation in the Tender Procedure.

In a public session on 31 March 2023, the Commission opened the tenders received within the deadline in the order of their receipt and registration in the registry office of the Ministry of Finance as follows:

- 1. Dechert (Paris) LLP – the tender was submitted to the Ministry of Finance on 27 March 2023 at 4:25 p.m.;**
- 2. Curtis, Mallet-Prevost, Colt & Mosle LLP – the tender was submitted to the Ministry of Finance via courier on 28 March 2023 at 2:10 p.m.;**
- 3. Pinsent Masons LLP – the tender was submitted to the Ministry of Finance via courier on 29 March 2023 at 11:30 a.m.;**
- 4. Arnold & Porter Kaye Scholer LLP – the tender was submitted to the Ministry of Finance on 29 March 2023 at 1:00 p.m.;**
- 5. White & Case LLP – the tender was submitted to the Ministry of Finance on 30 March at 10:00 a.m.;**

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6. **Foley Hoag LLP – the tender was submitted to the Ministry of on 30 March 2023 at 11:00 a.m.;**
7. **Mayer Brown – the tender was submitted to the Ministry of Finance on 30 March 2023 at 4:15 p.m.;**
8. **Clyde & Co LLP – the tender was submitted to the Ministry of Finance via courier on 31 March at 11:25 a.m.**

The Commission found that the tender of Clyde and Co LLP **was received in the Ministry of Finance after the deadline for submission of tenders** and, for this reason, the Commission decided not to open the tender submitted by Clyde & Co LLP and that the tender had to be returned to the participant. The Commission found that the rest of the tenders were submitted within the deadline set in the Rules for Participation in the Tender Procedure, and hence they had to be admitted to consideration.

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

1. It proposed the disqualification of the tenderer Curtis, Mallet-Prevost, Colt & Mosle 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 commercial arbitration category set out in Section II, item 1.2 of the Rules for Participation in the Tender Procedure. The Participant has not submitted the originals of the documents set out in Section III, items 2.1, 2.8, and 2.11 of the Rules for Participation in the Tender Procedure. The participant has not submitted the additionally requested documents within the deadline set in Section IV, item 11.4 of the Rules for Participation in the Tender Procedure. The participant's tender does not meet the requirements of the Contracting Authority set out in the Rules for Participation in the Tender Procedure.

Based on the detailed considerations set out in Minutes No 3. of 10 May 2023, the Commission proposed disqualifying the tenderer from the procedure. The Commission did not open the envelope containing the price offer of this tenderer.

I find that the Commission's assessment of the tender of this participant is impartial, detailed, and reasoned. I fully agree with the Commission's reasoning on the basis of which it proposed the disqualification of the tenderer Curtis, Mallet-Prevost, Colt & Mosle LLP from participation in the procedure.

2. It proposed the disqualification of the tenderer Pinsent Masons 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 categories set out in Section II, item 1.2 of the Rules for Participation in the Tender Procedure.

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Based on the detailed considerations set out in Minutes No 3. of 10 May 2023, the Commission proposed disqualifying the tenderer from the procedure. The Commission did not open the envelope containing the price offer of this tenderer.

I find that the Commission's assessment of the tender of this participant is impartial, detailed, and reasoned. I fully agree with the Commission's reasoning on the basis of which it proposed the disqualification of the tenderer Pinsent Masons LLP from participation in the procedure.

3. It proposed the disqualification of the tenderer Mayer Brown 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 investment arbitration and commercial arbitration categories set out in Section II, item 1.2 of the Rules for Participation in the Tender Procedure. The participant's tender does not meet the requirements of the Contracting Authority set out in the Rules for Participation in the Tender Procedure.

Based on the detailed considerations set out in Minutes No 3. of 10 May 2023, the Commission proposed disqualifying the tenderer from the procedure. The Commission did not open the envelope containing the price offer of this tenderer.

I find that the Commission's assessment of the tender of this participant is impartial, detailed, and reasoned. I fully agree with the Commission's reasoning on the basis of which it proposed the disqualification of the tenderer Mayer Brown from participation in the procedure.

The Commission found that the tenders of the participants **Dechert (Paris) LLP, Arnold & Porter Kaye Scholer LLP, White & Case LLP, and Foley Hoag LLP** meet the Contracting Authority's requirements set out in the Rules for Participation in the Tender Procedure, and, accordingly, evaluated them. The experience of each tenderer was evaluated in accordance with the formula for this criterion and multiplied by the corresponding weighting factor.

In accordance with Section IV.11.7 *et seq.* of the Rules for Participation in the Tender Procedure, the Commission proceeded to open and evaluate the price offers of Dechert (Paris) LLP, Arnold & Porter Kaye Scholer LLP, White & Case LLP, and Foley Hoag LLP. The Commission found that the price offers submitted by the four tenderers were prepared correctly and submitted in a separate non-transparent envelope with intact integrity. Each price offer was signed by the chairman of the Commission and at least one representative of the participants which attended the public part of the Commission's session at which it opened and announced the price offers of the four tenderers. The price offers were evaluated according to the formula announced for this criterion.

On the basis of the results of the evaluation in accordance with the two criteria, the Commission calculated the final integral mark of each tenderer's tender. The results of this integral evaluation are recorded in Minutes No. 4 of the Commission.

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

Based on the foregoing, I fully agree with the results of the assessment of the Commission and its findings and reasons set out in its minutes, as well as with the ranking of the tenderers made on the basis of the integral evaluation of each tenderer, and

I HEREBY ORDER THE FOLLOWING:

I. On the ground of Section IV, item 11.6 (a) and (c) of the Rules for Participation in the Tender Procedure and the reasons set forth above, I hereby disqualify the tenderer **Curtis, Mallet-Prevost, Colt & Mosle LLP** from participation in the procedure;

II. On the ground of Section IV, item 11.6 (c) of the Rules for Participation in the Tender Procedure and the reasons set forth above, I hereby disqualify the tenderer **Pinsent Masons LLP** from participation in the procedure;

III. On the ground of Section IV, item 11.6 (c) of the Rules for Participation in the Tender Procedure and the reasons set forth above, I hereby disqualify the tenderer **Mayer Brown** from participation in the procedure;

IV. Based on the Commission's assessment, I hereby determine the tenderers which shall be invited to conclude framework agreements in accordance with the requirements of Section IV, item 12 *et seq.* of the Rules for Participation in the Tender Procedure:

- **White & Case LLP**, and
- **Arnold & Porter Kaye Scholer LLP**;

V. Pursuant to Section V of the Rules for Participation in the Tender Procedure, in the event that any of the tenderers determined as a contractor under item IV above declines to enter into a framework agreement, I hereby determine that the following tenderers shall be invited to enter into a framework agreement: **Dechert (Paris) LLP** and **Foley Hoag LLP**.

VI. All tenderers in the procedure must be notified of the results of the tenders' assessment.

This Order must be notified to all interested persons for information and implementation.

MINISTER OF FINANCE: *[electronic signature]*

/ROSITZA VELKOVA-JELEVA/