

# CAREER OPPORTUNITIES

## Applications Invited for Legal Advisor of Pakistan Single Window Company FEDERAL BOARD OF REVENUE

Pakistan Single Window (PSW) is a public sector company incorporated by Pakistan Customs under Section 42 of the Companies Act, 2017. It will act as the Operating Entity for development and operation of the Pakistan Single Window (PSW) system to facilitate imports, exports and transit trade. The Company is headquartered at Islamabad with a site office at Karachi.

The PSW Company intends to hire the services of a Corporate Law Consultant/Firm/Legal Advisor. The basic objective of the Legal Advisor is to help achieve compliance with the legal requirements/ obligations and adherence to the requirements of corporate and commercial laws. The Legal Advisor shall provide legal assistance to PSW company for running its day to day affairs involving legal and corporate issues as per the prevalent laws, rules and regulations.

The Company invites applications for the position of Legal Advisor for carrying out the following tasks: -

- Provide legal opinion/endorsement/recommendation on day to day business affairs of the Company under Companies Act, 2017 and under other enabling laws of the country;
- Review and legal endorsement and legal vetting of all contracts and agreements of Company, procurement documents prepared by the Company, including but not limited to Pre-Qualification Documents (PQD), Request for Proposal Documents (RFP), Expression of Interest (EOI), Evaluation Criteria, Notification of pre-qualified bidders, and grievance redressal etc.;
- Provide support in preparation and vetting of Service Level Agreements with various public and private sector stakeholders;
- Review and legal endorsement and legal vetting of Bidding Documents, contracts/ agreements for inviting bids for procurement as per Public Procurement Rules, 2004, notification of successful bidder and assistance in grievance redressal or any other matter incidental thereto;
- Provide legal assistance in the process of contract development, contract management and contract administration, negotiations, legal endorsement of guarantees and signing of contract agreement whether at national or international level etc.

### Required qualifications and competencies:

- Bachelor's Degree in Law/ Bar at Law/ Master's Degree or foreign qualification in Public Policy, Governance, Legislative Drafting;
- Ten (10) years of post-qualification experience in the legal field on similar projects, procurement or commercial and trade discipline in a relevant organisation (for e.g. legal institution, project-based firm, consultancy firm);
- Enrolment of Pakistan Bar Council as Advocate High Court;
- Expertise in Trade Law, Policy, Rules, Regulations, Civil, Corporate, Criminal, Revenue, Tax and Arbitration issues;
- Preferably prior experience with public sector engagement, international trade and international trade law;
- Excellent and proven written and oral communication and presentation skills in Urdu and English;
- Experience in corporate law and knowledge of corporate governance structure will be preferred;
- Experience of working in organisations providing ICT based solutions for trade facilitation or similar operating environment will bring added value; and
- Maximum age limit is 55 years.

### TERMS FOR APPOINTMENT

- The candidate will have to be based in head office in Islamabad.
- Initial appointment shall be made for a period of two years, extendable for another year.
- Compensation shall be market based.

Interested candidates are encouraged to read and understand the full job description by clicking on the link <http://psw.gov.pk/jobs> and subsequently, shall send their curriculum vitae/resume at [recruitment.psw@gmail.com](mailto:recruitment.psw@gmail.com) by no later than October 23, 2020.

Note: The date of interview will be intimated after shortlisting of candidates. (No TA/DA is admissible for the interview). In case the degree is obtained from foreign university, equivalency certificate from HEC is to be submitted by the candidate at the time of interview.

**GOVERNMENT OF PAKISTAN**  
**(Revenue Division)**  
**FEDERAL BOARD OF REVENUE**  
**(Customs Wing)**

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**(TERMS OF REFERENCE)**  
**For**  
**Legal Advisor of PSW Company**

## **Introduction**

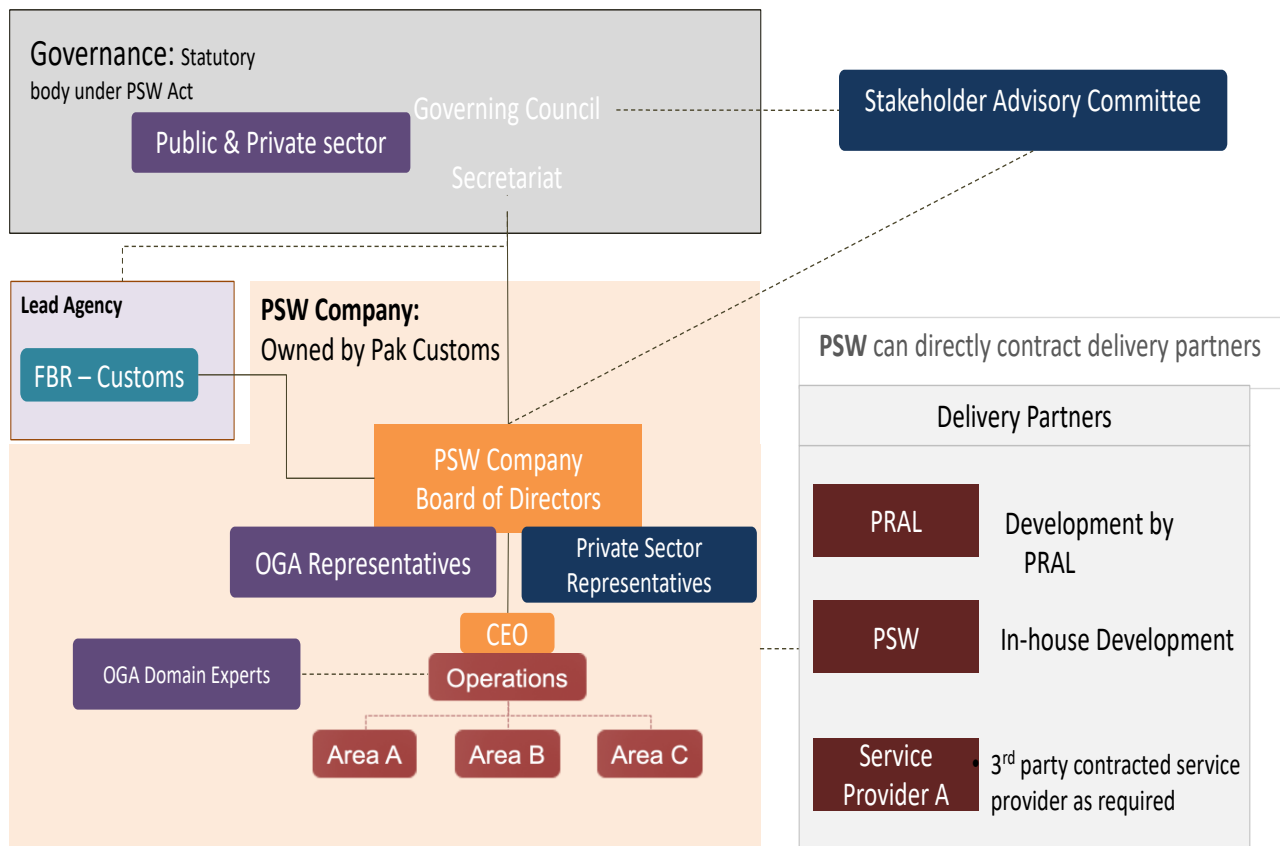
The Pakistan Single Window (PSW) is a public sector company incorporated by Pakistan Customs under Section 42 of the Companies Act, 2017. It will act as the Operating Entity for development and operation of the Pakistan Single Window (PSW) system to facilitate imports, exports and transit trade. The Company is headquartered at Islamabad with a site office at Karachi.

## **2. Background**

As a signatory to the WTO's Trade Facilitation Agreement (2015), Pakistan has notified the establishment of a 'National Single Window' (NSW) as a 'Category C' commitment with an implementation timeline of five years with effect from 22nd February 2017. *A national single window is a facility that allows parties involved in trade and transport to lodge standardized information and documents with a single-entry point to fulfil all import, export, and transit-related regulatory requirements. If information is electronic, then individual data elements should only be submitted once.* The NSW will help reduce the time and cost of doing business in Pakistan, enabling its better integration into the global value chains and unlocking its potential to become a hub for regional and international trade and transit. The Prime Minister's Office in October, 2017 designated Pakistan Customs as the 'Lead Agency' for development and implementation of the NSW keeping in view Customs role and importance in cross-border trade and expertise in designing and implementing trade related automation initiatives. Accordingly, the Federal Board of Revenue established a Program Management Office (PMO) under its Customs Wing to coordinate and supervise this initiative named as Pakistan Single Window (PSW). The Prime Minister's Office also constituted a Steering Committee chaired by the Federal Minister for Finance & Revenues and comprising Federal Secretaries of those ministries which regulate cross border movement of goods and transport to ensure broader co-operation and supervision in early implementation of the initiative.

The PMO has undertaken a number of preparatory studies and activities with the help of local and foreign experts to help implement the program. This include the PSW detailed 'Project Design Document' which after evaluating different business models for PSW governance and operations proposed adoption of a Hybrid Model. This model was approved by the Steering Committee which included establishment of a Public Sector Company as PSW's operating entity. Under this model the oversight and monitoring of the PSW Company shall be performed by a Governing Council created under the PSW Act supported by a permanent Secretariat. The PSW Company is owned by Pakistan Customs and managed by an independent board comprising of Customs, representatives from key government departments and the private sector. The new company can develop in-house software as well as can elect to contract any 3rd party service provider for provision of parts of the PSW development, maintenance or support. The company

will primarily derive its funds from the service fees levied on users with additional sources of funding being GoP budgetary support for initial three years of its operations, grants-in-aid by the federal government and development partners. The business model is reproduced below for ease of reference:



PSW Business Model

## **Job Description of Legal Advisor**

The PSW Company intends to hire the services of a Corporate Law Consultant/Firm. The basic objective of the Legal Advisor is to help achieve compliance with the legal requirements/ obligations and adherence to the requirements of corporate and commercial laws. The Legal Advisor shall provide legal assistance to PSW company for running its day to day affairs involving legal and corporate issues as per the prevalent laws, rules and regulations.

PSW is an equal opportunity employer which means employees are hired regardless of race, colour, caste, creed or gender on the basis of qualification required as specified by the job description, including education, experience, training, skill, physical requirement or any other condition required to perform satisfactorily the duties of the position.

The position is open to only Pakistani nationals with the requisite qualifications and experience.

### **2. Scope of Services**

2.1 This section provides an indicative scope of work for the legal advisor. It shall, however, be the responsibility of the Legal Advisor to carry out all the tasks for smooth running of the company's affairs under the provisions of Company's Act, 2017 as well as legal endorsement of all documents relating to the company.

2.2 Without prejudice to the generality of foregoing clause, the specific tasks and activities of the Legal Advisor include, but are not limited to, the following:

1. Provide legal opinion/endorsement/recommendation on day to day business affairs of the Company under Companies Act, 2017 and under other enabling laws of the country;
2. Review and legal endorsement and legal vetting of all contracts and agreements of Company, procurement documents prepared by the Company, including but not limited to Pre-Qualification Documents (PQD), Request for Proposal Documents (RFP), Expression of Interest (EOI), Evaluation Criteria, Notification of pre-qualified bidders, and grievance redressal etc.;
3. Provide support in preparation and vetting of Service Level Agreements with various public and private sector stakeholders;
4. Review and legal endorsement and legal vetting of Bidding Documents, contracts/ agreements for inviting Bids for procurement as per Public Procurement Rules, 2004, Notification of successful bidder and assistance in grievances redressal or any other matter incidental thereto;
5. Provide legal assistance in the process of contract development, contract management and contract administration, negotiations, legal endorsement of guarantees and signing of contract agreement whether at national or international level;
6. Ensure the legal form and content of all company documents prepared, as well as those to be approved;
7. Develop principles for entering into contracts/agreements/partnerships and to hold development and copy rights of company products;
8. Interact on behalf of the Company with relevant Federal and Provincial government authorities as and when required with regard to corporate/ contractual/ commercial/ legal matters of the Company;
9. Provide legal assistance in negotiations, mediations and alternate dispute resolution at international/ national forums on as and when required;

10. Negotiate and reply legal notices and help the Company in sorting out issues out of courts through Alternate Dispute Resolution (ADR) mechanism;
11. Ensure compliance of the Companies Act, 2017 and all other relevant laws;
12. Provide legal assistance against any litigation arising out of Company's daily business affairs or during contract administration etc.;
13. Provide legal opinion as and when required on all legal matters of the Company pertaining to laws of Pakistan including but not limited to Corporate /Contractual / Commercial/ Procurement/ Transactional/ Regulatory/ Employment/ Intellectual Property/ Banking/ Taxation, and other legal matters;
14. Advise on various matters relating to corporate and secretarial affairs like amendment of constitutive documents of Company i.e. MOA and AOA, annual general meetings, EOGM, Board meetings etc.;
15. Represent and defend the Company before various Courts of Law including but not limited to Magistrate/Civil/Labour Courts/Tribunals/Sessions/All High Courts of Pakistan as the case may be/Federal Shariat Court/Supreme Court for the cases filed by the Company against Consultants/Contractors/ Suppliers/ Sub-Contractors/Employees etc. or vice versa;
16. Replies to the legal notices received by the Company and;
17. Any other area where legal support is required as per instructions of the CEO or the BoD.

### **3. Period of Service**

The Services of Legal Advisor are initially required for two years commencing from the date of coming into force of the agreement; which may be extended for another year as per terms and conditions mutually agreed.

### **4. Qualification Criteria**

Qualification shall be based on Legal Advisor's meeting the following qualification criteria, experience record and quality of its personal capabilities and other relevant information.

- Bachelor's Degree in Law/ Bar at Law/ Master's Degree or foreign qualification in Public Policy, Governance, Legislative Drafting;
- Ten (10) years of post-qualification experience in the legal field on similar projects, procurement or commercial and trade discipline in a relevant organisation (for e.g. legal institution, project-based firm, consultancy firm);
- Enrolment of Pakistan Bar Council as Advocate High Court.
- Expertise in Trade Law, Policy, Rules, Regulations, Civil, Corporate, Criminal, Revenue, Tax and Arbitration issues.
- Preferably prior experience with public sector engagement, international trade and international trade law;
- Maximum age limit is 55 years for the position.
- Excellent and proven written and oral communication and presentation skills in Urdu and English;
- Experience of working in organisations providing ICT based solutions for trade facilitation or similar operating environment will bring added value.
- Experience in corporate law and knowledge of corporate governance structure will be preferred.

## 5. Criteria of Evaluation

Sr. No.	Description	Marks
1.	Qualification and Experience	10 Marks
2.	Experience with Government Organizations/ Public Sector Entities i.e. Authorities, Statutory Corporations, Public Sector Companies etc.	10 Marks
3.	Experience of Legislative Review and Drafting - Assignment of Drafting/Review or Vetting of Regulatory Framework Documents; and - Assignment of Drafting/ Review or Vetting of Laws/Rules/ Regulations.	10 Marks
4.	Experience of Review of Contractual Documents, Procurement Documents, Transactional Assignments etc.	10 Marks
5.	Reported Judgments	10 Marks
6.	Pending or decided cases of Supreme Court: - Corporate and commercial litigation - Procurement cases - Service law cases - Trade law cases - Banking cases - Intellectual Property law cases - Insurance cases - Matters before SECP	10 Marks
7.	List of pending or decided cases of High Court: - Corporate and commercial litigation - Procurement cases - Service law cases - Trade law cases - Banking cases - Intellectual Property law cases - Insurance cases - Matters before SECP	10 Marks
8.	Interview	30 Marks
	<b>Total</b>	

## **6. Reporting Requirements**

The Legal Advisor will communicate with Chief Executive Officer of the Company for all matters related to the services or any other officer designated by the Chief Executive Officer of the company.

6.1 The Company shall provide the legal advisor with all available relevant materials that can be useful in relation to the assignment.

6.2 The Company shall liaise with external agencies to ensure that the legal advisor has access to all information required as may be allowed under the laws.

6.3 The Legal Advisor will report the progress report of various cases / activities underway with him indicating the areas requiring special attention of CEO PSW Company / BoD PSW Company by pointing out the steps to be taken for compliance with the statutory provisions of laws/rules/regulations. Such reports shall be submitted during the 1<sup>st</sup> week of the respective month.

## **7. Conditions**

- The Legal Advisor will be expected to work together in coordination with other advisors and consultants that are appointed by the company in a positive manner to ensure achievement of the overall company objectives.
- The Legal Advisor should be willing to travel throughout Pakistan to represent the Company and defend its cases in the courts as and when required by the Company.

## **8. Application Procedure**

Online application should be submitted along with a detailed CV and a recent photograph on the given email ID. Shortlisted candidates will be interviewed.

## **9. Location**

Islamabad.