



MINISTRY OF HUMAN RESOURCES, CULTURE, TOURISM & DEVELOPMENT

BUREAU OF HUMAN RESOURCES

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REQUEST FOR PROPOSAL

Date of Issue: March 27, 2024

RFP No.: PCS-2024-24

SOLICITATION INFORMATION AND SELECTION SCHEDULE

Solicitation (RFP) Number: PCS-2024-24

Solicitation Title: to assist in Designing a Legislation for a Non-Resident Corporate Registry

Date of Issue: March 27, 2024

MANDATORY REQUIREMENTS AND DATES

Inquiries Due Date: April 8, 2024 (Monday) 4:00 pm Palau Time

Answers/ Response: April 15, 2024 (Monday) 11:00 am Palau Time

Expression of Interest: April 18, 2024 (Thursday) 4:00 pm Palau Time

Proposal Due Date and Time: April 25, 2024 (Thursday) 4:00 pm Palau Time

RFP Opening Date: April 26, 2024 (Friday) 10:00 am Palau Time

Anticipated Contract Award: By May 26, 2024

Terralyn R. Nabeyama
Director/Procurement Officer

SECTION A – RFP INFORMATION

Request for Proposal (RFP) for the Government of the Republic of Palau in relation to the design and enactment of a new piece of legislation for the establishment of a non-resident corporation registry.

I. RFP Purpose, Type, Process

- a. Purpose. The Government is requesting proposals for the design and enactment of a new piece of legislation which is intended to attract non-resident corporates to register business entities in the Republic of Palau (“Palau”).
- b. Interested vendors may obtain copies of specifications by contacting the Bureau of Human Resources Procurement website <http://palaugov.pw/rfp-bids/> or calling 680-767-2415/1126.
- c. Type of RFP. This is a *competitive negotiated contract where evaluation is based on various criteria.*
- d. Funding. The proposals shall contain a revenue-sharing strategy that ensures equitable distribution of profits by the Palau National Treasury between the Government and the selected partner.
- e. Inspection. Offeror acknowledges that the submission of a proposal provides the Republic of Palau the right to inspect at a reasonable time the part of the plant or place of business of a contractor or subcontractor which is related to the performance of any contract awarded by the government. Failure to allow inspection may result in the rejection of the proposal/offer.
- f. Business Laws and Taxes. A successful contractor must comply with local business laws and shall be subject to applicable Republic of Palau taxes and fees. In order to be awarded a contract, **a vendor shall provide proof of applicable ROP Business License (Applicable Business License) as well as be in good standing with the Bureau of Revenue and Taxation.**
- g. Potential finalist interviews/demonstrations: If necessary, the Procurement Officer will notify vendors for additional information and/or discussions. However, it is required that proposals shall be inclusive of any and all information needed for the ROP Government to make a determination on the best proposal.
- h. Award. It is anticipated that a vendor will be awarded within 30 days of the Bid opening unless otherwise approved by the Procurement Officer.

II. Preparation/Submission of Proposal

- a. Intention to Bid. In order for your business to be considered for this RFP, you **MUST** submit a written Expression of Interest (EOI) to the Procurement Officer by

April 18, 2024 by emailing hr@palaugov.org or providing a written EOI to the Bureau of Human Resources Office located at the 3rd Floor Executive Building in Ngerulmud, Melekeok. The email or letter shall include Business or organization Name, Point of Contact or Authorized Representative, phone number, email address, and statement of your interest to bid.

- b. Vendors are invited to participate in the competitive selection process for the Services outlined in this RFP. Responding parties shall review their Proposal submissions to ensure the following requirements are met.
- c. Required Submittal Details and Quantities. *Proposals must be submitted in electronic format (in a USB/thumb drive) of the finalized proposal, one (1 original printed proposal and three (3) hard copies). Proposals must be enclosed in an envelope and addressed to the above address with the RFP No. indicated on the envelope.* In addition to the hard copies of the proposal, one complete and exact copy of the entire proposal on CD-ROM or Flash Drive in Microsoft Office or Microsoft Office compatible format or PDF format shall also be submitted. The electronic copy must be a mirror image of the hard copy. Proposals must be received by the Bureau of Human Resources Office in Capitol by **4:00pm (Palau Time) on April 25, 2024**, which is the closing date of this RFP. Proposals received before the issuance date and after the closing date of this RFP will not be considered.
- d. Proposal Format. Please comply with the following format:
 - i. Section 1 – Provide the Company Information – Name and contact information of authorized representative, copy of Business License, other information relevant to the service.
 - ii. Section 2 – Description services, schedules, etc.
 - iii. Section 3 – Total Cost of Proposal.
- e. Vendor Responsibilities. All Vendors shall:
 - i. examine the entire RFP,
 - ii. seek clarification of any item or requirement that may not be clear,
 - iii. check all responses for accuracy before submitting a Proposal and,
 - iv. submit the entire Proposal by the Proposal Due Date and Time.
- f. Cost of Proposal Preparation. The ROP does not reimburse the cost of developing, presenting or providing any response to this solicitation. Proposals submitted for consideration should be prepared simply and economically, providing adequate information in a straightforward and concise manner. The Vendor is responsible for all costs incurred in responding to this RFP. All materials and documents

submitted in response to this RFP become the property of the ROP and will not be returned.

III. Inquiries

- a. All Inquiries and Clarification shall be received by email hr@palaugov.org no later than 4 pm (Palau Time) **April 8, 2024**.
- b. Answers/Responses to Inquiries shall be available online at <http://palaugov.pw/rfp-bids/>- COB on **April 15, 2024**.

IV. RFP Timeline:

Bidding Period	March 27, 2024 – April 25, 2024
Inquiries/Clarification Due	April 8, 2024 (4pm Palau Time)
Answers Responses will be Posted After	April 15, 2024 (11am Palau Time)
Expression of Interest	April 18, 2024 (4pm Palau Time)
RFP Closing Date	April 25, 2024 (4pm Palau Time)
RFP Opening Date	April 26, 2024
Anticipated Contract Award	May 26, 2024

V. Guidelines for Potential Partners:

The Government is inviting potential partners to submit their proposed design for the legislation by the time and in the manner set out in the Submission Guidelines below.

Proposals must include:

1. the key features and mechanics of the legislation, together with a description of how the proposal intends to differentiate itself from competing frameworks and attract non-resident corporates to establish commercial operations in Palau;
2. an estimate of the economic benefit for Palau and its citizens, stated in United States Dollars;
3. a description as to how the proposed legislation will comply with the guidelines issued by the Organisation for Economic Co-operation and Development (“**OECD**”) and the Financial Actions Task Force (“**FATF**”), within the broader objective of safeguarding the reputational integrity of Palau;
4. the proposed remuneration and/or other forms of consideration to be paid to the potential partner to undertake the project, stated in United States Dollars; and

5. potential partners must be able to present their proposals during an in-person meeting in Palau at some point prior to being awarded a contract.
- VI. The Preparation/Submission of Proposal Guidelines are:

Deadline for Submission: Government will accept proposals from potential partners for this project within 30 days after RFP opening unless otherwise approved by the Procurement Officer.

Submission Method: As required by the Bureau of Human Resources, MHRCTD.

Contact Point: Director of HR/Procurement Officer.

VII. Scope of Work

Project Objectives:

The specific objectives and goals of the project are to design legislation that:

1. will attract non-resident corporates to register entities in Palau, with the overarching objective of attracting new inbound investment and/or stimulating new economic activity that will benefit Palau and its citizens.
2. is secure and protects Palau's reputation, including but not limited to ensuring compliance with the guidelines issued by the OECD and FATF, with the overarching objective of safeguarding Palau's reputational integrity and avoiding any potential sanctions, including "blacklisting."

Scope of Work and Project Requirements:

If selected, the selected partner will be required to:

1. provide an unlimited license to the Government for the use of any intellectual property held by the selected partner that is needed to implement and/or operate the proposed legislation, pursuant to the terms of a licensing agreement to be put in place between the Government and the selected partner (the "**Licensing Agreement**");
2. work with the Government to draft the proposed legislation;
3. obtain a legal opinion to confirm compliance of the legislation with all applicable guidelines, including those issued by the OECD and FATF.

4. design a compensation framework between the Government and the partner, which may include a revenue-sharing strategy that ensures equitable distribution of profits between the Government and the participating corporations;
5. present the project and plans of the legislation in-person to relevant stakeholders, community representatives, and government officials;
6. provide ongoing support and expertise during the legislative review process; and
7. assist the Government to establish and operate the infrastructure needed to implement the legislation once it has been enacted by Palau's legislative branch, including but not limited to any operational and/or procedural systems and processes, pursuant to the terms of an operating agreement to be put in place between the Government and the selected partner (the "**Operating Agreement**").

VIII. **Evaluation Process:**

Government will evaluate proposals based on the following criteria, each of which will be equally weighted at 25%:

1. The perceived prospects for success of the legislative design, including marketability of the corporate registry when compared to similar registries with which it will compete;
2. Cost implications to the Government of the proposal;
3. Reputational risks of the proposed legislation, including the potential for sanctions; sai
4. Experience and professionalism of the potential partner and any identified subcontractors and/or commercial partners.

Proposals will be evaluated no later than **[April 30, 2024]**, after which all bidders will be notified of their status within three business days.

Confidentiality: The Government hereby undertakes to protect and preserve the confidentiality of any and all information submitted to the Government as part of the making of a proposal in reply to this RFP.

Bid Submitted shall Include:

- Description of work/activities to be carried out
- The total project cost for performance of contract and any other relevant documents

The maximum possible total combined score for a proposal is 5 weighted points. Each Major category is assigned a weight, and each evaluator will rate the categories with the following points:

Points	Description
0	Fails
1	Poor
2	Fair
3	Good
4	Very Good
5	Excellent

Proposals will be evaluated based on the following formula:

Criteria 1 Points x Weight % = Criteria 1 Score

Criteria 2 Points x Weight % = Criteria 2 Score

Criteria 3 Points x Weight % = Criteria 3 Score

Criteria 4 Points x Weight % = Criteria 4 Score

Criteria 1 + Criteria 2 + Criteria 3 + Criteria 4 = TOTAL SCORE