

Addendum-1

IPA/GAD/CoE – LEGAL ADVISOR /2017

Dated: 30/06/2017

RFQ FOR EMPANELMENT OF LEGAL ADVISORS (INDIVIDUAL ADVOCATES/LAW FIRMS) FOR MAJOR PORTS

1. **Last Date of Submission offer shall be read as 12/07/2017**
2. **Earnest Money Deposit – para 8 is deleted**
3. **Under General Conditions, para 7.3 shall be read as**

The applicant has to submit along with the bid document Rs. 1,000/- as non-refundable application fee. This document fee shall be remitted by way of DD/ Banker's cheque drawn in favour of Indian Ports Association, New Delhi. However, the applicants, who have submitted application fee, either prior to pre-bid or on the date of pre-bid meeting will only be allowed to participate in the pre-bid meeting.

4. **RFQ for Empanelment of Legal Advisors (Ref Page No.3)** – “Empanelment as consultants to resolve all possible legal related matters impacting Ports namely on Industrial Relations / Labour, Commercial, Environment and Civil related matters such as below” shall be read as “Individual Advocates / Law Firms for legal consultancy and litigation matters in three Classes (as referred to in Table 1, page #9)”
5. **RFQ for Empanelment of Legal Advisors (Ref Page No.3) shall be read as** *The empanelment for legal consultancy in the above mentioned three Classes are required in the following categories:*
6. **Refer page 4 of RFQ** – last but one paragraph added “*and specifically mention the categories in which they are specializing in*”
7. **Refer Page 4 of RFQ shall be read as**

“Note:

“Applicants are divided into three Classes i.e., A, B & C based on the average turnover of the Individual/Firm over the last three years i.e., last 3 financial years ending with 31st March 2013-14, 2014-15 and 2015-16 (refer Table 1 under clause 6). Applicants categorized under any Class can apply towards any or all Categories i.e., Category 1 to 5. Applicants, who qualify under Class A, automatically qualify under Classes B&C. Also applicants qualifying under Class B would automatically qualify for Class C. Therefore, Applicant qualifying under any

Class is open to apply for any or all categories in the qualified class. For avoidance of any doubt, if any applicant qualifying under Class A, he could, say, apply for Categories 1,3,5 in Class A, Category 2,5 in Class B and Category 1,4 in Class C. A single bid document fee shall be applicable for each Class and no additional fees would apply for the specific Category in the said Class. IPA / Major Ports may at a later date limit the applicants under each Class based on the response received. Application money for those rejected by IPA on account of such limitation would be duly refunded.”

8. Refer Para 5 page 3 of RFQ “Categories of Empanelment” shall be read as

“Category 1: Labour / Industrial Relations / Service laws

Category 2: Commercial law including Corporate Laws / Arbitration Law / Contract Law

Category 3: Civil laws and criminal law (emphasis on IT related matters)/property related issues / Municipal laws/ Electricity Laws etc.

Category 4: Environment laws

Category 5: Maritime laws”

9. Refer point 2 on Objective (Page 7 of RFQ) shall be read as

“The objective of this RFQ is to prepare a panel of legal consultants for use by the major ports for the identified consultancy services that will be based upon the requisite track record and specialization of the empanelled applicants. The individual Major Port Seeking Consultancy on their port activity shall then choose the legal consultant from the empanelled list and invite competitive price offers from the relevant panel of Legal Advisors (as prepared for the respective Categories) and at that time shall also prescribe Terms of Reference and Terms of Payment.”

10. Refer point 3 on Broad role of Consultants (Page 8 of RFQ) shall be read as

“Individual Advocates / Law Firms are required to (a) provide opinion based legal advice; and/or (b) handle litigation at Supreme Court, High Courts and Subordinate Courts / Tribunal, for major ports in one or more of the different categories as defined in para 5 below.

The advocates / law firms should be familiar with the branches of law for the Categories mentioned herein and specifically highlight their specific skill set for the same.

Advocates and law firms once empanelled will act as the first case of interface for the respective Major Ports in India for providing legal consultancy to Major Ports in the identified Class and

Categories. It is however clarified that the mere empanelment does not confirm or guarantee work allocation by the Major Ports since the work allocation would entirely depend upon (a) the need as may emerge at the Major Ports from time to time and (b) the response to the solicitation of competitive price offers from the relevant panel of Individual Advocates / Law Firms sought by the concerned Major Port”

11. Refer Page 8 of RFQ on “Categories of Empanelment” shall be read as

Indian Ports Association invites applications for empanelment of Individual Advocates / Law Firms as legal consultants to Major Ports in the following three Classes:

Class A: *Average Turnover of Individual / Firm over the last three years greater than Rs 5 crore (refer Para 6 below).*

Class B: *Average Turnover of Individual / Firm over the last three years greater than Rs 2 crore (refer Para 6 below).*

Class C: *Average Turnover of Individual / Firm over the last three years greater than Rs 20 lakh (refer Para 6 below).*

The empanelment for Individual Advocates / Law Firms in the above three Classes is required in the following categories:

Category 1: *Labour / Industrial Relations / Service laws*

Category 2: *Commercial law including Corporate Laws / Arbitration Law / Contract Law*

Category 3: *Civil laws and criminal laws (emphasis on IT related matters) / property related issues / Municipal laws / Electricity Laws and laws*

Category 4: *Environment laws*

Category 5: *Maritime laws*

12. Refer Page. 8 of RFQ, Clause 6 - “Qualification Criteria for Empanelment of Individual Advocate / Legal Firm” shall be read as

Class	Average Turnover (for both Individual / Legal Firm)
For Class A	Above Rs 5 crores
For Class B	Above Rs 2 crores
For Class C	Above Rs 20 lakh

13. Under para 6, page 10, the following has been added

In addition to above, the Advocates / Law Firms are required to have the minimum professional/court practice experience:

- (i) *For empanelment for Supreme Court of India – 15 years’ experience in Supreme Court.*
- (ii) *For empanelment for High Courts – 10 years’ experience in High Court.*
- (iii) *For empanelment for the Subordinate Courts/Tribunals – 7 years’ experience in Subordinate Courts/Tribunals.*

Provided that IPA may relax the above conditions at its discretion, if otherwise found suitable in certain cases.

For considering empanelment for the Supreme Court, generally those Advocates who are regularly practicing including Advocates-On-Record of the Supreme Court would be considered, if they are otherwise found to be competent and suitable.

14. Stage-II (Short listing/Scoring criteria for empanelment of Legal Advisors) shall be read as

6.1 Experience: Individual / Law Firms (Total: 60 points)			
6.1.1	<i>For Class A, B & C in all categories</i>	<i>The applicant should provide details of successful legal assignments in the last 05 years to demonstrate experience in providing the consultancy service / litigation, in the relevant Class and Category</i>	<i>Demonstration of appropriate experience based upon the Category(ies) being applied for upto 60 points as per criteria given</i> Appendix-I
Response : <i>The applicant should submit documents in support of abovementioned experience</i>			
6.2 For Law Firms only : Additional Information			
Response: <i>The Firm to provide a list of all Partners with qualifications along with Revenue earned by the Firm over the last 3 financial years (Average Revenue) ending with 31st March</i>			

2013-14, 2014-15 and 2015-16					
40 points relate to Revenue (Gross Income) of Individual advocate / Law Firms in the following manner as below:					
Class A (Min Rs 5cr +)		Class B (Min Rs 2 cr+)		Class C (Min Rs 20 lakh +)	
Average Revenue > Rs 10 cr	40 points	Average Revenue > Rs 4 cr	40 points	Average Revenue > Rs 1.5 cr	40 points
Average Revenue > Rs 8 cr	30 points	Average Revenue > Rs 3 cr	30 points	Average Revenue > Rs 1 cr	30 points
Average Revenue > Rs 6 cr	20 points	Average Revenue > Rs 2.5 cr	20 points	Average Revenue > Rs 50 lakh	20 points
Average Revenue > Rs 5 cr	10 points	Average Revenue > Rs 2 cr	10 points	Average Revenue > Rs 20 Lakh	10 points

15. Para 6.3 is extended by

There is a Category Wise Empanelment based on marks obtained as follows:

CATEGORY	PERCENTAGE OF MARKS
List of Category 1	>= 90%
List of Category 2	>= 80%
List of Category 3	>= 70%
Shall not be considered for empanelment	<70%

16. Refer 7.7 of General Conditions which shall be read as

The applicant must be a well-established legal consultant and should be familiar with the branches of law for the Categories mentioned herein and specifically highlight their specific skill set for the same

17. Refer 7.3 of General Conditions which shall be read as

The applicant has to submit along with the bid document Rs. 1,000/- as non-refundable application fee for each Class of application

18. Appendix 1 shall be read as

	<i>For Firms - Experience Criteria as per Para 6.1 for each Class and Categories 1,23 4 and 5</i>	<i>POINTS</i>
	<p><i>The basis of evaluation would be the submission of quantity and quality of successful legal cases - giving equal weightage to both quantity and quality</i></p> <p><i>The maximum points will be given to the bidder providing the highest number of successful projects in each Class and Category and the other bidders' points would be equalized accordingly</i></p>	<i>60 points</i>
	<i>For Individuals - Experience Criteria as per Para 6.1 for Class and Categories 1,23 4 and 5</i>	<i>POINTS</i>
	<p><i>The basis of evaluation would be the submission of quantity and quality of successful legal cases - giving equal weightage to both quantity and quality</i></p> <p><i>The maximum points will be given to the bidder providing the highest number of successful projects in each Class and Category and the other bidders' points would be equalized accordingly</i></p>	<i>60 points</i>
