



TENDER NOTICE

Reference No.: SU/ET/2022-23/12

Date: 07/02/2023

REQUEST FOR PROPOSAL FOR HIRING TECHNO-LEGAL SERVICES FROM AN EXPERIENCED FIRM DEALING WITH WORKS CONTRACT FOR A PERIOD OF ONE YEAR.

GENERAL INFORMATION.

- Purpose.** Each construction project is a unique complex set of contracts and other legal obligations needs to be carefully considered. The University wishes to hire Techno Legal Consultancy services which include complete Documentation & Correspondence for all Contractual & Legal issues that covers virtually every aspect of the construction related legal matters. This Request for Proposal (RFP) is to hire the consultant for rendering Techno-legal services with relation to completed/ongoing/upcoming works of the Sikkim University during the period of engagement.
- Eligibility.** The eligibility criteria for the Techno Legal Consultant is prescribed below:
 - A Firm or an Advocate with engineering background registered in Bar Council of India. Copy of the Registration Certificate to be enclosed in Annexure II
 - Having minimum five years of experience in dealing Contract litigations, responding to the dispute letters of contractor based on Contract laws, contract document and other statutory norms/guidelines issued by Government from time to time. The proof of dealing such matter should be enclosed in Annexure-II. An Advocate with engineering background can also participate, if he is having valid registration/enrollment with bar council of India fulfilling the prescribed requirements
 - Having minimum average annual income of ₹10 lakhs for last three years
 - Should have minimum one client from Government/PSU/Autonomous Body
- Instructions on Proposal Submission.**

The offers, in the prescribed format, shall be submitted online at <https://mhrd.euniwizarde.com/> as per the tender document. No tender will be accepted in hard copy, fax, e-mail or any other such means. The intending, bidders must be registered with Public Procurement <https://mhrd.euniwizarde.com/> the tender document is also available on website: <https://mhrd.euniwizarde.com/> and CPP Portal <https://eprocure/gov.in/epublish/app>.

a.	Availability of tender document on CPP portal/ website: https://mhrd.euniwizarde.com/	07/02/2023
b.	Request Tender Document from date and time	07/02/2023 & 5.00 pm
c.	Request Tender documents till date and time	28/02/2023 & 5:00 pm
d.	Technical Bid online submission end date	28/02/2023 & 5:00 pm
e.	Date & Time for opening online Technical bid	01/03/2023 & 11:00 am
f.	Financial bid online submission end date.	28/02/2023
g.	Date and time for opening online financial bids	Shall be notified after technical bid is evaluated.
h.	Validity of tenders.	90 Days

Inquiries. Inquiries/clarification concerning this RFP should be mailed to: The Registrar, Sikkim University, 6th Mile, Samdur, Tadong, Gangtok 737102 East Sikkim at registrar@cus.ac.in. Or to Engineering Unit, Sikkim University at sucampus@cus.ac.in.

- 4. Conditions of Proposal.** Any Legal Entity/professional/Advocate, who is authorized by Government/Local body/appropriate body to render such service of Consultancy/Legal service. The firm/professional/Advocate should have experience as Engineer to deal with techno-legal matters related to ongoing and completed contract of all major works.

Terms and Conditions

1. The bid should be submitted in compliance to the NIQ at: <https://mhrd.euniwizarde.com>
2. In order to participate, the bidding firm should be registered in the online e-tender portal and should have a valid authorized Digital Signature Certificate – (DSC). Bids submitted otherwise shall not be accepted.
3. The quoted product should be of reputed brand.
4. An amount of **Rs.1,000/-** (non-refundable cost of downloaded tender form) should be remitted through e-payment gateway available on MHRD portal.
5. **Bids are to be submitted through online mode at <https://mhrd.euniwizarde.com> only no hard copy is to be sent to the University.**
6. The bidder registered with Micro and small scale enterprises (MSEs) are exempted from submitting bid security/EMD based on guide line issue by department of Micro, small and medium Enterprises. (MSME). If EMD and Application fees are claimed for exemption then the relevant MSME certificate supporting the exemption claim may be uploaded along with the online tender document with Annexure I.
7. Bid Security/Earnest Money Deposit: - Bidder is not required to submit any Bid Security as per the Government Office Memorandum No F.9/4/2020-PPD dated 12th November,2020. However, bidder should submit the Bid Security Declaration form on the firm's letter head.
8. The Registrar, Sikkim University, has the power to reject any tender or all tender or extend the date of opening of tender without citing any reasons. Decision of The Registrar, Sikkim University will be final and binding to all tenderers.

Special Terms and Conditions

1. The interested counsel may furnish complete details in the application form at Annexure-I attached with this document.
2. All enclosed documents should be duly signed by the interested counsel/advocate/firms authorized representative.
3. Selected counsel/advocate/firm shall sign an agreement with the University agreeing to provide guidance in Technical-Legal matters of the University and representing the University in such matters before appropriate authority on as required basis.
4. The charges for the services to be rendered must be duly filled in as per format enclosed at Annexure-I (this should be submitted in Cover Two).
5. The University reserves the right to extend/curtain the contract based on the performance of firm, however either party can serve one-month notice before termination of contract/agreement if the contract is terminated before expiry of one year from signing of agreement.
6. The University reserves the right to consider/reject any such proposal without assigning any reason if it doesn't fit the requirement of the University.

5. **Right to Reject.** University reserves the right to reject any and all proposals received in response to this RFP. A contract for the accepted proposal will be drafted based upon the factors described in this RFP.

6. **SCOPE OF SERVICES.**

- The firm/professional/advocate shall be readily available to perform the any techno-legal services, as requested by the Registrar or his nominated representative.
- The appointment of techno-legal firm/professional/advocate shall represent the university in various matters related to ongoing and completed works.
- The appointment of techno-legal firm/professional/ advocate for representing the university in dispute/arbitration related to matter in court/venue of arbitration/dispute.
- Preparation of Construction Claims.
- Dealing with Contractual Correspondence.
- Proposals for Extension of Time.
- Addressing Change of Scope.
- Legal Drafting and Vetting of Documents.
- Costing and Estimations for Value Addition
- Co-ordination for Arbitration, Conciliation and all related legal matters.
- Contractual Advice and Contract Administration Services
- Contract Drafting and Review, Risk Analysis, Mitigation measures, Pre-Tender and Post – Tender Services
- Documentation & Correspondence
- Requests for Equitable Contract Adjustments / Claims Documents / Expert Reports
- Expert reports pertaining to our analysis and Defense against Claims
- Program / Schedule analysis to quantify Delay, Time Extension etc.
- Quantification of Direct and Indirect Damages including Delay and Loss of Productivity

7. **Additional condition of RFP for selection of the firm: -**

1. Selection Criteria for the firm/advocate shall be based on following:
 - a. The experience of the firm/advocates

SL No	Duration served as Advocate & Engineer	Maximum Marks	Enclosures										
1	5 Years and above (2 mark for each year above 5 years subject to maximum of 10)	10	Registration details										
2	Minimum Average Annual Income of ₹ 10 lakh for last three years <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Avg. Income</th> <th>Mark</th> </tr> </thead> <tbody> <tr> <td>10-15 lakh</td> <td>5</td> </tr> <tr> <td>15-20 lakh</td> <td>10</td> </tr> <tr> <td>20-30 lakh</td> <td>15</td> </tr> <tr> <td>30 lakh and above</td> <td>20</td> </tr> </tbody> </table>	Avg. Income	Mark	10-15 lakh	5	15-20 lakh	10	20-30 lakh	15	30 lakh and above	20	20	I T returns for last 3 year or Audited Accounts for last 3 years
Avg. Income	Mark												
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3	Shall have Minimum one client from Government/PSU/Autonomous Bodies <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>No of Client</th> <th>Mark</th> </tr> </thead> <tbody> <tr> <td>From 1 to 5</td> <td>5</td> </tr> <tr> <td>From 6 to 10</td> <td>10</td> </tr> <tr> <td>Above 10</td> <td>15</td> </tr> </tbody> </table>	No of Client	Mark	From 1 to 5	5	From 6 to 10	10	Above 10	15	30	Copy of the Assignment Letters from the Client		
No of Client	Mark												
From 1 to 5	5												
From 6 to 10	10												
Above 10	15												
4	No of Advocates with engineering background Associated with the Firm (2 marks for each advocate above 1 advocate subject to maximum of 5 marks)	10	Copy of letter of engagement with CV of the appointee										
5	Online Presentation on the profile of the Agency to evaluate the suitability for the assignment.	30	To be evaluated by the SU										

2. The Firms who will score minimum 60 marks will technically qualify for financial evaluation
3. Out of the Technically Qualified Bidders the lowest quote as a whole will be offered for the assignment. In case of the refusal of the Agency, the assignment will be offered to the next lower bidder.
4. Firm should submit the undertaking of integrity as per Enclosure -III
8. Enclosures:
 - Annexure- I: Quotation Form
 - Annexure-II: Firm Details.
 - Enclosure-I: Checklist
 - Enclosure-II: Bid security declaration form
 - Enclosure-III: Integrity Pledge
9. While submitting the bid, the bid security declaration form duly filled in, on the letter head of the organization as per the prescribed format.

Note: All page(s) of Annexures has to be printed in official letter head and has to be duly signed and stamped by the authorized signatory.

**Sd/-
Registrar**

GeM Availability Report And Past Transaction Summary

Report ID: GEM/GARPTS/07022023/12RI81K5A8X4

Report Name: HIRING TECHNO-LEGAL SERVICES

Annexure-I

Quotation Form (Only to be submitted as Cover Two)

Sl. No	Particulars	Fees (INR)			
		Supreme Court	High Court	Tribunal	Arbitration
1.	a. For written opinion	₹	₹	₹	₹
	b. Drafting Pleadings	₹	₹	₹	₹
	c. Drafting/vetting of agreements/ contracts	₹	₹	₹	₹
2.	Appearance- 1. Effective Hearing	(Delhi)	(Gangtok)	(Kolkata)	(Siliguri)
	2. Non- effective Hearing(VC)				
3.	Discussion/ Conference Charge	For each day @ Gangtok		₹..... Per day	
		On VC		₹..... Per day	
4	Drafting Legal Notice, Notice	Per work:		₹..... Per day	
5.	Reply to Letters of Contractor (ongoing work) over email	Per work		₹..... Per day	
6	Total per day considering all types of works mentioned in Sl.1 to 2	₹	₹	₹	₹
7	Total of Row 6	₹			
8	Total 3 & 4	₹			
9	Grand Total for evaluating L1 Bidder	₹			

Note: -

1. Rate quoted shall include all clerical, stationary, postal charges etc.
2. Rate quoted shall inclusive of travel/conveyance charges (to and fro) wherever applicable.
3. Rate shall be valid for one year from the date of appointment.
4. GST at the applicable rate will be charged separately by the Agency, therefore, the price quoted should be exclusive of GST.
5. TDS will be deducted at source at the prescribed rates.
6. No other cost(s) shall be borne by the University.

Annexure-II

COMPANY PROFILE

Supplier's Ref. No.....

Dated.....

Reference No.: SU/ET/2022-23/12

Dated: 07/02/2023

FOLLOWING DETAILS ARE TO BE FURNISHED BY THE BIDDING FIRM

1. Name of the Firm:
2. Address of the Firm:
3. Contact no:
4. Email address:
5. Registration details:
6. Permanent Account Number:
7. G.S.T number:
8. Bank Account Number:

Bank name:

Branch name:

IFSC code:

9. Enlistment/trade license No/BAR Enrollment No:
10. Experience Details with copies of Proof:

Declaration:

I/We hereby declare that I/We have read & understood all the terms & conditions mentioned in the E-tender notice and I/We undertake myself/ourselves to abide by them.

I/We further, declare that all the information given above is true.

Name:

Designation:

[Official Seal with authorized signature]

Place:

Date:

CHECKLIST
(Only to be submitted as Cover One)

SI No.	Descriptions	Enclosed (Yes/No)
1	Company Profile – Annexure II format	
2	Details of similar work executed(work order and completion certificate)	
3	Undertaking for similar work executed	
4	Signed and sealed copy of Tender document	
5	Letter of authorisation& power of attorney for signing the bid	
6	Company registration/enlistment certificate	
7	Company/professional Pan and/or GST certificate	
8	EPF & ESIC registration details and documents(if applicable)	
9	Bid security declaration(as per format attached)	
10	Financial Bid	

Enclosure-II

Bid Security Declaration Form

Date: _____ Tender No. _____

To

The Registrar

Sikkim University

I/We. The undersigned, declare that:

I/We understand that, according to your conditions, bids must be supported by a Bid Securing Declaration.

I/We accept that I/We may be disqualified from bidding for any contract with you for a period of one year from the date of notification if I am /We are in a breach of any obligation under the bid conditions, because I/We

- a. have withdrawn/modified/amended, impairs or derogates from the tender, my/our Bid during the period of bid validity specified in the form of Bid; or
- b. having been notified of the acceptance of our Bid by the purchaser during the period of bid validity (i) fail or reuse to execute the contract, if required, or(ii) fail or refuse to furnish the Performance Security, in accordance with the Instructions to Bidders.

I/We understand this Bid Securing Declaration shall cease to be valid if I am/we are not the successful Bidder, upon the earlier of (i) the receipt of your notification of the name of the successful Bidder; or (ii) thirty days after the expiration of the validity of my/our Bid.

Signed: (insert signature of person whose name and capacity are shown) in the capacity of (insert legal capacity of person signing the Bid Securing Declaration)

Name: (insert complete name of person signing the Bid Securing Declaration)

Duly authorized to sign the bid for an on behalf of (insert complete name of Bidder)

Dated on _____ day of _____ (insert date of signing)

Seal (where appropriate)

Integrity Pledge for Organizations

We believe that corruption has been one of the major obstacles to economic, political and social progress of our country.

We believe that all stakeholders such as Government, citizens and private sector need to work together to eradicate corruption.

We acknowledge our responsibility to lead by example and the need to put in place safeguards, integrity frameworks and code of ethics to ensure that we are not part of any corrupt practice and we tackle instances of corruption with utmost strictness.

We realize that as an Organization, we need to lead from the front in eradicating corruption and in maintaining highest standards of integrity, transparency and good governance in all aspects of our operations.

We, therefore, pledge that:

- We shall promote ethical business practices and foster a culture of honesty and integrity;
- We shall not offer or accept bribes;
- We commit to good corporate governance based on transparency, accountability and fairness;
- We shall adhere to relevant laws, rules and compliance mechanisms in the conduct of business;
- We shall adopt a code of ethics for all our employees;
- We shall sensitize our employees of laws, regulations, etc. relevant to their work for honest discharge of their duties;
- We shall provide grievance redressal and Whistle Blower mechanism for reporting grievances and fraudulent activities;
- We shall protect the rights and interests of stakeholders and the society at large.



Instructions for Online Bid Submission:

The bidders are required to submit soft copies of their bids electronically on the e-tender Portal, using valid Digital Signature Certificates. The instructions given below are meant to assist the bidders in registering on the e-tender Portal, prepare their bids in accordance with the requirements and submitting their bids online on the e-tender Portal.

More information useful for submitting online bids on the e-tender Portal may be obtained at <https://mhrd.euniwizarde.com/>

REGISTRATION

1. Bidders are required to enroll on the e-Procurement Portal (URL: <https://mhrd.euniwizarde.com/>) with clicking on the link "Online bidder Registration" on the e-tender Portal by paying the Registration fee of Rs. 2360/- per year charge.
2. As part of the enrolment process, the bidders will be required to choose a unique user name and assign a password for their accounts.
4. Bidders are advised to register their valid email address and mobile numbers as part of the registration process. These would be used for any communication with the bidder.
5. Upon enrolment, the bidders will be required to register their valid Digital Signature Certificate (Only Class III Certificates with signing + encryption key usage) issued by any Certifying Authority recognized by CCA India (e.g. Sify / TCS / nCode / eMudhra etc.), with their profile.
6. Only one valid DSC should be registered by a bidder. Please note that the bidders are responsible to ensure that they do not lend their DSC"s to others which may lead to misuse.
7. Bidder then logs in to the site through the secured log-in by entering their user ID/password and the password of the DSC / e-Token.
8. The scanned copies of all original documents should be uploaded on portal.

SEARCHING FOR TENDER DOCUMENTS

There are various search options built in the e-tender Portal, to facilitate bidders to search active tenders by several parameters. These parameters could include Tender ID, Item/work id, Title, Date, etc.

Once the bidders had selected the tenders in which they are interested, bidder can pay the processing fee Rs. 2,950/- inclusive of all taxes (NOT REFUNDABLE) by net-banking / Debit / Credit card then you may download the required documents / tender schedules, Bid documents etc. Once you pay both fees, tenders will be moved to the respective "Register" Tab. This would enable the e-tender Portal to intimate the bidders through e-mail in case there is any corrigendum issued to the tender document.

Please feel free to contact ITI Helpdesk (as given below) for any query related to e-tendering.

1. Helpdesk landline No: 011-49606060
2. Mr. Amrendra Kumar (8448288980).