

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**



Dedicated Freight Corridor
Transforming Transportation

**BID DOCUMENT FOR ENGAGEMENT OF LAW
FIRMS/ADVOCATES (CONSULTANT) FOR REVIEW OF
DAB AND ARBITRATION AWARDS**

01ST JULY, 2022

**DEDICATED FREIGHT CORRIDOR CORPORATION OF
INDIA LIMITED**

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TABLE OF CONTENT – RFP

S.No.	Particular	Page No.
1	Introduction	3
2	Background	3
3	Scope of Work	4
4	Number of Law Firms/Advocates (Consultant) to be engaged	5
5	Eligibility Conditions	5
6	Non barring from Government assignments	6
7	Miscellaneous Terms	7
8	Time period of engagement	7
9	Payment Terms	7
10	Terms & Conditions of Engagement	9
11	Submission of Documents	9
12	Conflict of Interest	10
13	Meetings	13
14	Completion of Services	13
15	Confidentiality Clause	14
16	Interpretations	14
17	Submission of application	15
	APPENDICES	16-30

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

1. INTRODUCTION

Dedicated Freight Corridor Corporation of India (DFCCIL) is a Special Purpose Vehicle set up under the administrative control of Ministry of Railways to undertake planning & development, mobilization of financial resources and construction, maintenance and operation of the Dedicated Freight Corridors. DFCCIL was incorporated in October 2006 under Indian Companies Act 1956. DFCCIL is constructing two corridors; the Western DFC and Eastern DFC- spanning a total length of about 3300 route km. The Eastern Corridor, starting from Ludhiana in Punjab is passing through the states of Haryana, Uttar Pradesh, Bihar and terminates at Dankuni in West Bengal. The Western Corridor traverses the distance from Dadri to Mumbai, passing through the states of Delhi, Haryana, Rajasthan, Gujarat and Maharashtra. At present two corridors of the DFCCIL are under the construction phase i.e. the Eastern Corridor funded by the World Bank and Western Corridor funded by JICA having a project cost in excess of, Rs. One lakh Crore. Various contracts awarded by the DFCCIL are under execution which were awarded through International competitive bidding to various Indian and International contractors, joint ventures and consortiums.

2. BACKGROUND

DFCCIL is interested in conducting a review of some of its decisions in Dispute Adjudication Board (DAB) and Arbitration proceedings. The intent of such a review is to understand the various learnings which can be adopted by the organization to improve contract management practices and dispute management so as to reduce the potential for disputes. The review may also be undertaken from the viewpoint of the understanding as to;

- A. whether the best possible response to the claim had been adopted on behalf of DFCCIL:

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

- B. Shortcomings, if any; may be identified so as to strengthen DFCCIL submissions in similar disputes in future:
- C. Suggestions, for contract practices, reporting formats:
- D. Suggestion for amendment of contract clause, if any:

3. SCOPE OF WORK

DFCCIL seeks the services of a law firm/Advocates (Consultant) for providing assistance in review of decisions of Dispute Adjudication Board (pre-Arbitration Committee) and Arbitration Awards. These decisions and awards have to be analysed by using FARC method and such other methods/perspectives as mutually decided between the parties. The base documents for analysis will be the various decisions and awards, the Contract in relation to such decisions/awards and FIDIC Yellow Book - 1999 edition. Additional documents like associated submissions of the parties before the adjudication forum will also be made required to be analysed by the Law firms/Advocates (Consultant) as a part of the consultancy. The analysis of the documents to be based on relevant rules and regulations. The Law firms/Advocates (Consultant) is required to study these documents and provide suggestions by way of

- (i) steps to be taken for preventing a recurrence of the dispute –
 - (a) contractual steps i.e changes contract management practices,
 - (b) amendment of contract document, if required,
 - (c) contract reporting practices and formats,
 - (d) approaches to/methods of evaluating time and cost.
- (ii) recommendation on approach taken by DFCCIL in the dispute.
- (iii) incompatibility of various clauses, if any - contractual & legal.
- (iv) alternative approaches in similar domestic/international contracts governed by FIDIC contracts.
- (v) potential solutions in other design build contract formats.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

(vi) review of the Contractual provisions, contractual practices, contract reporting systems, legal aspects in terms of FIDIC Yellow Book (GCC) and Indian Contract Act. Thus, the Consultant must offer the services of **Law Firms/Advocates (Consultant)(s)** having expertise in Arbitration Matters.

4. Number of Law Firms/Advocates (Consultant) to be engaged: 15 Law Firms/Advocates (Consultant). Applications are invited from eligible and competent Law Firms/Advocates (Consultants) for engagement in DFCCIL for providing legal services pertaining to DAB/Arbitration awards.

5. ELIGIBILITY CONDITIONS

a) Essential:

- i. The Law Firm/Advocates (Consultant) must have experience in dealing with Construction Arbitration matters or pre-Arbitration matters conducted under the Indian Arbitration Act, 1996; whether under institutional rules or ad-hoc arbitration.
- ii. The Law Firm/Advocates (Consultant) should have dealt with at least 4 Construction Arbitration matters/pre-Arbitration/Court cases in the last financial years 3 years having the Claim value of not less than INR 25 crores in each case (**Eligible assignments**).
- iii. The Law Firm/Advocates (Consultant) should have an independent office set up at New Delhi/NCR with requisite infrastructure, resources and must have an adequate bench strength of dedicated associates.
- iv. The Law Firm/Advocates (Consultant) must have an annual turnover of at least 25 Lakhs per annum over the last 3 years. Copy of Income Tax Returns (ITR) filed for the last 3 years to be attached.

(a) In view of the Pandemic Situation in the preceding two Financial Years the Eligibility Criteria in case of Advocates is relaxed to the extent that the turnover stated above may be taken for a period of 3 Financial Years preceding 2020-21.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

b) Desirable qualification

- i. The Law Firm/Advocates (Consultant) who have dealt with other Central or State Government Departments, PSU's or Large Indian Corporates will be preferred.

Note:

- (1) In the event of more than 15 firms meeting the eligibility condition, the top 15 agencies shall be selected on the basis of number of cases handled meeting eligibility criteria (ii) listed under Essential eligibility condition and on the basis of a presentation on their profile to the DFCCIL management. It is pointed out that 80% weightage to be given to former and 20% will be given to the latter for final selection. The presentation will be made before DFCCIL Official(s) at such date and time as advised subsequent to the date of opening of the applications. Presentations will be called for only from such applicants who meet the essential eligibility norms. Presentation shall be for a maximum period of 10 minutes. The purpose of the presentation is to assess the professional capability vis-à-vis the credential stated in the applications.
- (2) The eligible assignments relate to matters in which a final Judgement/Award/Decision has been formally issued by the Court/Adjudicating Forum. Therefore, it is clarified that matters pending before Court/Adjudicating Forum are not eligible for being considered for eligibility.

6. NON BARRING FROM GOVERNMENT ASSIGNMENTS

The Law firms/Advocates (Consultant) or its Associate(s) should have, during the last three years, neither failed to perform on any agreement, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Applicant or its Associate, nor been expelled from any project or agreement nor have had any agreement terminated for breach by such Applicant or its Associate.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

7. MISCELLANEOUS TERMS

A. The Law Firms/Advocates (Consultant) cannot transfer or assign or sub Contract the order or any part thereof or any benefit or interest therein or thereunder.

B. DFCCIL shall have the right to request Law Firms/Advocates (Consultant) to immediately withdraw any person(s) from the Consultancy whose services in its opinion are not conducive to the execution of the Consultancy. The Law Firms/Advocates (Consultant) shall forthwith comply with the said request.

8. Time period of engagement:

The Consultancy will be for a period of one year from the date of award of the Consultancy. The time period for Consultancy can be further extended for another year on same terms and conditions subject to the satisfactory performance. The payments due on approval of Reports will be released within a period of 30 days thereafter to allow for consideration of the Reports. The Consultancy shall stand completed on acceptance by DFCCIL of all the deliverables of the Law Firms/Advocates (Consultant) or one year from the date of issue of LOA whichever is earlier.

9. PAYMENT TERMS:

The payment will be made as per the following schedule;

SN	Item	Fees
1	Reading fee (1 time)	Rs 1 Lakh
2	Submission of final report to DFCCIL	Rs 1.5 Lakh
3	Meetings with DFCCIL Officials	Rs. 9,000 per hour

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

Note:

- (1) The reading fee will be paid per contract i.e whenever a new contract is to be examined, this fee shall be payable.
- (2) The submission of final report to the DFCCIL shall be accompanied by a detailed presentation to the DFCCIL management on the entire issue.
- (3) Payment for meetings with DFCCIL officials shall be paid only in cases where the Consultant is called for the meeting by the DFCCIL officials.
- (4) It is clarified that in case the submission of final report pertains to only Court/Arbitration/DAB matter item no 2 would be applicable ipso facto. However in case of final report pertains to the DAB issue as well as associated Arbitration matter or Arbitration and associated Court matter fee would include 1.5X of item no 2 as Consultant is expected to examine the associated matter also. And in case where the report pertains to DAB, associated Arbitration and Court proceedings fee would be 2X item no 2.
- (5) Payment for consumables the aforesaid cost payable to the Law Firms/Advocates (Consultant) shall cover the costs of Transportation, Clerkage, local telephone/fax, amount of in-house photocopying and stationery and costs of support staff etc. No additional charges other than mentioned above in respect thereof shall be due or payable.
 - A. All payments to the Law Firms/Advocates (Consultant) shall be made subject to deductions of income tax, as applicable, under the Income Tax Act, 1961 or Finance Act or any other statutory modification or re-enactment thereof from time to time being in force. Necessary deductions as regards GST/TDS shall be made, if applicable.
 - B. DFCCIL will provide to the Law Firms/Advocates (Consultant) Tax Deduction Certificates(s), if any. However, if the Law Firms/Advocates (Consultant) submits a valid certificate from Income Tax Department authorizing non deduction or lower deduction of tax at source, then DFCCIL shall deduct TDS accordingly while making payments to the Law Firms/Advocates (Consultant).

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

10. TERMS & CONDITIONS OF ENGAGEMENT

The DFCCIL reserves the right to engage or not to engage any Advocate/law firm (Consultant) or to request additional documents or clarification from applicants at any stage or to cancel the process entirely at its sole discretion without assigning any reason whatsoever.

The applications received shall be scrutinized by DFCCIL and the decision of the DFCCIL shall be final & binding and shall not be subject of challenge

The DFCCIL also reserves the right to assign the work to any empaneled law Firm/Advocate (Consultant) at its sole discretion without assigning any reason whatsoever.

The DFCCIL reserves the right to verify the work claimed to be done by the Applicant and mere submission of application does not entitle an applicant for empanelment/engagement.

This application process or the empanelment of any Law Firms/Advocates (Consultant) does not create any right in favor of such persons. DFCCIL reserves the right to get the works proposed under this document by any agency which it may so choose to.

11. SUBMISSION OF DOCUMENTS:

- A. Documents to be submitted along with quote: The bidder should submit following documents within the format as mentioned in Appendix-I namely
1. Form-1 Letter of Proposal,
 2. Form-2 Particulars of the Applicant.
 3. Form-3 Statement of Legal capacity.
 4. Form-4 Power of Attorney.
 5. Form-5 Particulars of Law Firms/Advocates (Consultant)
 6. Form-6 Abstract of Eligible Assignments of the Law Firms/Advocates (Consultant).

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

7. Form-7 Abstract of assignments in the infrastructure sector experience of the Law Firms/Advocates (Consultant).
 8. Form-8 Eligible Assignments of Law Firms/Advocates (Consultant).
 9. Form-9 Curriculum Vitae (CV) of Professional Personnel.
- B. Bidder should also furnish Notarized copies of their Income Tax Permanent Account Number (PAN), GSTIN registration, Memorandum of Association and Article of Association and Power of Attorney in the name of the person submitting the tender from an authorized person empowered to issue the POA and Board Resolution along with the bid. In addition, Bidder's Bank details like Name of Bank, Branch, IFSC Code, Bank Account Number to be submitted.

12. CONFLICT OF INTEREST

- A. Bidder shall not have a conflict of interest (the "Conflict of Interest") that affects the consideration of the firm. Any Bidder found to have a Conflict of interest shall be disqualified. Without limiting the generality of the above, a Bidder shall be deemed to have a Conflict of Interest affecting the Bidding Process, if:
- (i) the Bidder, its member or Associate (or any constituent thereof) and any other Bidder, its member or any Associate thereof (or any constituent thereof) have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply in cases where the direct or indirect shareholding of a Bidder, or its member or Associate thereof (or any shareholder thereof having a shareholding of more than 20% (twenty per cent) of the paid up and subscribed share capital of such Bidder, or its Consortium/Joint Venture member, as the case may be), in the other Bidder, its Consortium/Joint Venture member is less than 20% (twenty per cent) of the subscribed and paid up equity share capital thereof;

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

- (ii) For the purposes of this Clause indirect shareholding held through one or more intermediate persons shall be computed as follows:
 - (a) where any intermediary is controlled by a person through management control or otherwise, the entire shareholding held by such controlled intermediary in any other person (the “Subject Person”) shall be taken into account for computing the shareholding of such controlling person in the Subject Person; and
 - (b) subject always to sub-Clause (a) above, where a person does not exercise control over an intermediary, which has shareholding in the Subject Person, the computation of indirect shareholding of such person in the Subject Person shall be undertaken on a proportionate basis; provided, however, that no such shareholding shall be reckoned under this sub-Clause (b) if the shareholding of such person in the intermediary is less than 26% (twenty six per cent) of the subscribed and paid up equity shareholding of such intermediary; or a constituent of such Bidder is also a constituent of another Bidder; or
- (iii) such Bidder, or any of its Consortium/Joint Venture member or Associate thereof, receives or has received any direct or indirect subsidy, grant, concessional loan or subordinated debt from any other Bidder, or any of its Consortium/Joint Venture member thereof or has provided any such subsidy, grant, concessional loan or subordinated debt to any other Bidder, its member or any of its Consortium/Joint Venture member thereof; or
- (iv) such Bidder has the same legal representative for purposes of this RFP as any other Bidder; or

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

(v) such Bidder, or any of its Consortium/ Joint Venture member or Associates thereof has a relationship with another Bidder, or any of its Consortium/ Joint Venture member or Associates thereof, directly or through common third party/parties, that puts either or both of them in a position to have access to each other's information about, or to influence the Bid of either or each other; or

(vi) such Bidder, or any of its Consortium/ Joint Venture members thereof has participated as a consultant to DFCCIL in the preparation of any documents, design or technical specifications of the Project.

B. Law Firms/Advocates (Consultant) represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of consultancy services required hereunder. Law Firms/Advocates (Consultant) further represents that no persons having any such interest shall be employed to perform those services.

C. **Conflict of Interest.** Law Firms/Advocates (Consultant) represents and warrants the following:

(i) No Current or Prior Conflict of Interest. That Law Firms/Advocates (Consultant) has no business, professional, personal, or other interest, including, but not limited to, the representation of other clients, that would conflict in any manner or degree with the performance of its obligations under this Agreement.

(ii) Notice of Potential Conflict. If any such actual or potential conflict of interest arises under this Agreement, Law Firms/Advocates (Consultant) shall immediately inform the DFCCIL in writing of such conflict.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

D. **Termination for Material Conflict:** If, in the reasonable judgment of DFCCIL, such conflict poses a material conflict to and with the performance of Law Firms/Advocates (Consultant)'s obligations under this Agreement, then DFCCIL may terminate the Agreement immediately upon written notice to Law Firms/Advocates (Consultant); such termination of the Agreement shall be effective upon the receipt of such notice by Law Firms/Advocates (Consultant).

13. MEETINGS

DFCCIL may review with the Law Firms/Advocates (Consultant), any or all of the documents and advice forming part of the Consultancy, in meetings and conferences which will be held in Delhi at DFCCIL's offices. Further, the Law Firms/Advocates (Consultant) may be required to attend meetings and conferences with DFCCIL. Documents to be made available by DFCCIL.

14. COMPLETION OF SERVICES

All the Deliverables shall be compiled, classified and submitted by the Law Firms/Advocates (Consultant) to DFCCIL in soft form also, to the extent possible. The documents comprising the Deliverables shall remain the property of DFCCIL and shall not be used by the Law Firms/Advocates (Consultant) for any purpose other than that intended under these Terms of Reference without the permission of DFCCIL. The Consultancy shall stand completed on acceptance by DFCCIL, of all the Deliverables of the Law Firms/Advocates (Consultant) or one year from the date of issue of LOA whichever is earlier.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

15. CONFIDENTIALITY CLAUSE

During the Term of Engagement and thereafter, the Law Firms/Advocates (Consultant) shall maintain strict confidentiality of the matters pertaining to the DFCCIL and shall submit the Confidentiality undertaking placed at Appendix-1 Form-9. DFCCIL shall treat all information, submitted as part of the Proposal, in confidence and shall require all those who have access to such material to treat the same in confidence. DFCCIL may not divulge any such information unless it is directed to do so by any statutory entity that has the power under law to require its disclosure or to enforce or assert any right or privilege of the statutory entity and/or the Authority or as may be required by law or in connection with any legal process.

All documents and other information provided by DFCCIL or submitted by the Law Firms/Advocates (Consultant) and all its Personnel to the DFCCIL shall remain or become the property of DFCCIL. DFCCIL will not return any Proposal or any information related thereto. All information collected, analysed, processed or in whatever manner provided by the Law Firms/Advocates (Consultant) and all its Personnel to DFCCIL in relation to the Consultancy shall be the property of DFCCIL.

16. INTERPRETATIONS

DFCCIL reserves the right for allotment of legal work as envisaged hereunder and no claim of any nature will be entertained in this regard. In case of any doubt or difference of opinion, interpretation issue or ambiguity as regards the terms and conditions of engagement of Law Firms/Advocates (Consultant) the same shall be decided by GM/Law whose decision shall be final and binding and no claim/correspondence of any nature will be entertained in this regard. GM/Law shall be the sole nodal officer for all the purposes/correspondence.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

17. SUBMISSION OF APPLICATION

A complete set of application should be submitted by the applicants at the DFCCIL office in the formats latest by **15th July, 2022 (Friday)**

THE APPLICATIONS ON THE PRESCRIBED FORMAT MAY BE SENT TO;

Shri Jitender Kumar,

Dy. G.M./Law,

Dedicated Freight Corridor Corporation of India Ltd.

4th Floor, Supreme Court Metro Station Building complex,

New Delhi-110001

E-mail: jkumar@dfcc.co.in

Mobile No. 09717636966

Applications will not be considered by Fax or through E-mails, applications received earlier to this notification or after the closing date of this notification will not be considered.

DFCCIL reserves the right to accept or reject any or all the offers at any stage of the process without assigning any reason thereof and no claim/dispute in this regard shall be entertained.

APPENDICES

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

**APPENDIX-1
(See Clause 9)
TECHNICAL PROPOSAL
Form-1 Letter of Proposal (On Applicant's letter head)**

(Date & Reference)

To,

Dy. General Manager (Law),
Dedicated Freight Corridor Corporation of India Limited,
4th Floor, Supreme Court Metro Station Complex,
New Delhi-110001 (India)

Sub: Appointment of Law Firms/Advocates (Consultant) for review of Dispute related DAB decision and Arbitration Awards

Dear Sir,

With reference to your QF Document dated

1. I/We, having examined all relevant documents and understood their contents, hereby submit our Application for Appointment of Law Firms/Advocates (Consultant) for review of Dispute related DAB decision and Arbitration Awards. The Application is unconditional and unqualified.
2. I/We acknowledge that DFCCIL will be relying on the information provided in the Application and the documents accompanying the Application for selection of Law Firms/Advocates (Consultant) for the Consultancy, and we certify that all information provided in the Application and in the Appendices is true and correct, nothing has been omitted which renders such information misleading; and all documents accompanying such Application are true copies of their respective originals.
3. This statement is made for the express purpose of appointment as the Law Firms/Advocates (Consultant) for the aforesaid subject.
4. I/We shall make available to DFCCIL any additional information it may deem necessary or require for supplementing or authenticating the Quotation.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

5. I/We acknowledge the right of DFCCIL to reject our application without assigning any reason or otherwise and hereby waive our right to challenge the same on any account whatsoever.
6. I/We certify that in the last three years, we or any of our Associates have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Applicant, nor been expelled from any project or contract by any public authority nor have had any contract terminated by any public authority for breach on our part.
7. I/We declare that:
 - a. I/We have examined and have no reservations to the QF Documents issued by DFCCIL;
 - b. I/We do not have any conflict of interest in accordance with Clause 10 of the QF Document;
 - c. I/We have not directly or indirectly or through an agent engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice, in respect of any tender or request for application issued by or any agreement entered into with DFCCIL or any other public sector enterprise or any government, Central or State; and
 - d. I/We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf will engage in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice.
8. I/We understand that you may cancel the Selection Process at any time and that DFCCIL are neither bound to accept any Application that you may receive nor to select the Law Firms/Advocates (Consultant), without incurring any liability to the Applicant.
9. I/We further certify that in regard to matters relating to security and integrity of the country, we have not been charge-sheeted by any agency of the Government or convicted by a Court of Law for any offence committed by us or by any of our Associates.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

10. I/We further certify that no investigation by a regulatory authority is pending either against us or against our Associates or against our CEO or any of our Directors / Managers/ employees.
11. I / We hereby irrevocably waive any right or remedy which we may have at any stage at law or howsoever otherwise arising to challenge or question any decision taken by DFCCIL and/ or the Government of India in connection with the selection of Law Firms/Advocates (Consultant).
12. I/We agree and understand that the application is subject to the provisions of the QF document. In no case, shall I/we have any claim or right of whatsoever nature if the Consultancy for the Project is not awarded to me/us our application is not opened or rejected.
13. A Power of Attorney in favour of the authorized signatory to sign and submit this Application and documents is attached herewith in Form 4.
14. In the event of my/our being selected as the Law Firms/Advocates (Consultant), I/we agree and undertake to provide the services of the Law Firms/Advocates (Consultant) in accordance with the provisions of the Application and that the Law Firms/Advocates (Consultant) shall be responsible for providing the agree services himself and not through any other person or Associate.
15. I/We have studied Application conditions and all other documents carefully. I/We understand that except to the extent as expressly set forth in the Quotation, we shall have no claim, right or title arising out of any documents or information provided to us by DFCCIL or in respect of any matter arising out of or concerning or relating to the award of Consultancy.
16. I/We agree and undertake to abide by all the terms and conditions of the application Document. In witness thereof, I/we submit this Application under and in accordance with the terms of the QF Document.

Yours faithfully,

(Signature, name and designation of the authorized signatory)

(Name and seal of the Applicant/ Lead Member)

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

APPENDIX-I

Form-2

Particulars of the Applicant

1.1	Title of Consultancy : Title of Project :
1.2	Appointment of Law Firms/Advocates (Consultant) for review of Dispute related DAB decision and Arbitration Awards
1.3	State the following : Name of Firm : Name : Designation : Address and phone number of authorized signatory of the Applicant Name: Designation: Company Address: Phone No: FAX No: E-mail Address:
1.4	(i) Name of Firm: (ii) Legal Status and country of incorporation; (iii) Registered address and principal place of business;
1.5	(Signature, name and designation of the authorized signatory) For and on behalf of

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

Form-3

Statement of Legal Capacity

(To be forwarded on the letter head of the Applicant)

Ref.

Date:

To,

Dy. General Manager (Law),

Dedicated Freight Corridor Corporation of India Limited,

4th Floor, Supreme Court Metro Station Complex,

New Delhi- 10001

(India)

Dear Sir,

**Sub: Appointment of Law Firms/Advocates (Consultant) for review of
Dispute related DAB decision and Arbitration Awards.**

I/We hereby confirm that we, the Applicant, satisfy the terms and conditions laid down in the document.

I/We have agreed that (insert individual's name) will act as our Authorised Representative on our behalf and has been duly authorized to submit our Quotation. Further, the authorized signatory is vested with requisite powers to furnish such application and all other documents, information or communication and authenticate the same.

Yours faithfully,

(Signature, name and designation of the authorized signatory

For and on behalf of

*Please strike out whichever is not applicable

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

Form-4

Power of Attorney

Know all men by these presents, We, (name of Firm and address of the registered office) do hereby constitute, nominate, appoint and authorize Mr/Ms..... son/daughter/wife and presently residing at who is presently employed with/retained by us and holding the position of as our true and lawful attorney (hereinafter behalf, all such acts, deeds and things as are necessary or required in connection with or incidental to submission of our Application for and selection as the Law Firms/Advocates (Consultant) for review of Dispute related DAB decision and Arbitration Awards, proposed to be developed by the Dedicated Freight Corridor Corporation of India Limited, New Delhi (DFCCIL) including but not limited to signing and submission of all applications, quotations and other documents and writings, participating in pre-bid and other conferences and providing information / responses to DFCCIL, representing us in all matters before DFCCIL, signing and execution of all contracts and undertakings consequent to acceptance of our application and generally dealing with DFCCIL in all matters in connection with or relating to or arising out of our Application for the said Project and/or upon award thereof to us with DFCCIL.

AND, we do hereby agree to ratify and confirm all acts, deeds and things lawfully done or caused to be done by our said Authorised Representative pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Authorised Representative in exercise of the power hereby conferred shall and shall always be deemed to have been done by us.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

IN WITNESS WHEREOF WE, THE ABOVE NAMED PRINCIPAL HAVE
EXECUTED THIS POWER OF ATTORNEY ON THISDAY
OF, 20** For

(Signature, name, designation and address)

Witnesses:

1.

2. Notarised

Accepted

.....
(Signature, name, designation and address of the Attorney)

Notes:

The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executant (s) and when it is so required the same should be under common seal affixed in accordance with the required procedure.

Wherever required, the Applicant should submit for verification the extract of the character documents and other documents such as a resolution / power of attorney in favour of the person executing this Power of Attorney for the delegation of power hereunder on behalf of the Applicant.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

Form – 5

Particulars of Key Personnel

SN	Designation of Key Personnel	Name	Education Qualification	Length of Professional Experience	Present Employment		No. of Eligible Assignments#
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Law Firms/Advocates (Consultant)						

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

Form-6

**Abstract of Eligible Assignments of the Law
Firms/Advocates (Consultant)#**

(Refer Clause 43)

SN	Name of Project	Start and end dates of the Service/ Assignment	Name of Client	Estimated capital cost of Project (in Rs crore/ US\$ million)	Professional fee received by the Applicant (in Rs crore)
(1)**	(2)	(3)	(4)	(5)	(6)
1					
2					
3					
4					
5					

The Applicant should provide details of only those assignments that have been undertaken by it under its own name as a sole applicant or lead member of a JV/Consortium or certify that legal services have been rendered by the applicant as a part of JV or Consortium

* *The name and chronology of Eligible Assignments included here should conform to the project-wise details submitted in Form-7 of Appendix-I.

\$ In case the Applicant does not have a statutory auditor, it shall provide the certificate from its chartered accountant that ordinarily audits the annual accounts of the Applicant.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

APPENDIX-I

Form-7

Abstract of Eligible Assignment of Law

Firms/Advocates (Consultant)

(Refer Clause 4.3)

Name of Key Personnel:	
Designation of Key Personnel:	
Name of the Project :	
Is it a Construction Arbitration Assignment	
Whether the assignment involves use of FIDIC as the GCC	
Name of Consulting Firm where employed:	
Description of services performed by the Key Personnel (including designation):	
Name of client and Address:	
Name, telephone no. and fax no. of client's representative:	
Estimated capital cost of Project (in Rs. Crore or US\$ million):	
Start date and finish date of the services/assignment (month/year):	
Brief description of the Project:	

Notes:

1. Use separate sheet for each Eligible Assignment.
2. All the particulars under this form must be furnished without any fail. Withholding/failing to furnish any particular information may affect the evaluation of the applicant.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

APPENDIX-I

FORM-8

Curriculum Vitae (CV) of Law Firms/Advocates (Consultant)

1. Proposed Position: Law Firms/Advocates (Consultant)/Associate
Lawyer/Supporting staff (specify as applicable)
2. Name of Personnel:
3. Date of Birth:
4. Nationality:
5. Educational Qualifications:
6. Employment Record:
7. (Starting with present position, list in reverse order every employment held.)
8. Years of professional experience:

Certification:

- A. I have not attained the age of 75 years as on date.
- B. I am willing to work on the Project and I will be available for entire duration of the Project assignment as required.
- C. I have good working knowledge of English language.
- D. I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes my qualifications, my experience and me.

Place..... (Signature and name of the Professional)

(Signature and name of the authorized signatory of the Applicant)

Notes:

1. Use separate form for each Key Personnel.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

2. Each page of the CV shall be signed in ink by both the Personnel concerned and by the Authorised Representative of the Applicant firm along with the seal of the firm. Photocopies will not be considered for evaluation.
3. All the particulars under this form must be furnished without any fail. Withholding/failing to furnish any particular information may affect the evaluation of the applicant.

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

APPENDIX-I

Form-9

Confidentiality Undertaking

1. I/We _____ on behalf of M/S (herein after called The Consultant) do hereby commit ourselves to confidentiality in respect of the engagement with DFCCIL in respect of services in relation to legal and contractual advice on various dispute related awards. In specific, the following terms of confidential agreement are being undertaken:
2. The Consultant shall not, either during the term or within two years after the expiration or termination of this Agreement disclose
 - A. any proprietary information, including information relating to reports, data, drawings, design software or other material, whether written or oral, in electronic or magnetic format, and the contents thereof;
 - B. any reports, digests or summaries created or derived from any of the foregoing that is provided by DFCCIL to the Law Firms/Advocates (Consultant) and the Personnel;
 - C. any information provided by or relating to DFCCIL, its technology, technical processes, business affairs or finances or any information relating to DFCCIL's employees, officers or others or other professionals or suppliers, customers, or contractors of DFCCIL; and
 - D. any other information which the Law Firms/Advocates (Consultant) is under an obligation to keep confidential in relation to the Project, the Services or this Agreement ("Confidential Information"), without the prior written consent of DFCCIL.
3. Notwithstanding the aforesaid, the Law firms/Advocates (Consultant) may disclose Confidential Information to the extent that such Confidential Information:
 - A. was in the public domain prior to its delivery to the Law Firms/Advocates (Consultant) and the Personnel or becomes a part of the public knowledge from a source other than the Law Firms/Advocates (Consultant) and the Personnel or either of the;

**BID DOCUMENT FOR ENGAGEMENT OF LAW FIRMS/ADVOCATES (CONSULTANT)
FOR REVIEW OF DAB AND ARBITRATION AWARDS**

- B. was obtained from a third party with no known duty to maintain its confidentiality;
- C. is required to be disclosed by Applicable Laws or judicial or administrative or arbitral process or by any governmental instrumentalities, provided that for any such disclosure, the Law Firms/Advocates (Consultant) and the Personnel shall give the DFCCIL, prompt written notice, and use reasonable efforts to ensure that such disclosure is accorded confidential treatment; and
- D. is provided to the professional advisers, agents, auditors or representatives of the Law Firms/Advocates (Consultant) or Personnel, as is reasonable under the circumstances; provided, however, that the Law Firms/Advocates (Consultant) or Personnel, shall require their professional advisers, agents, auditors or its representatives, to undertake in writing to keep such Confidential Information, confidential and shall use its best efforts to ensure compliance with such undertaking.
- E. Information relating to the examination, clarification, evaluation, and recommendation for the selection of Applicants shall not be disclosed to any person who is not officially concerned with the process or is not a retained professional adviser advising DFCCIL in relation to matters arising out of, or concerning the Selection Process.

END OF DOCUMENT