

**NATIONAL CAPITAL REGION TRANSPORT CORPORATION
LIMITED**
(A JV of Government of India and participating State Governments)



NOTICE INVITING

**Rolling Expression of Interest (EoI) for Empanelment of Legal
firms and Techno-Commercial Legal firms.**

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National Capital Region Transport Corporation Ltd. (NCRTC) invites Rolling **Expression of Interest (EOI)** for Empanelment of Legal firms and Techno-Commercial Legal firms, for dealing with various legal/techno-commercial issues which may arise in its operations. The terms and conditions, essential/desirable eligibility requirements for empanelment as Legal firms and Techno-Commercial Legal firms are stipulated in the EOI. Interested eligible firms may send their application duly signed by authorized representative (necessary authorization on behalf of firm to be attached) to:

Group General Manager/Contract & Dispute Resolution
National Capital Region Transport Corporation Ltd.
GatiShakti Bhawan,
INA, New Delhi
New Delhi – 110023
Tel : +91- 011 2466 6700

The application with supporting documents (each document duly signed by the authorized representative) shall be submitted only at official e-mail id of Contract Cell i.e. contractcell@ncrtc.in. **The already empanelled firms with NCRTC are required to apply afresh.**

Application for empanelment does not confer any right/assurance whatsoever that applicant will be empanelled on the panel of NCRTC. Applications received will be examined by NCRTC. Letters to selected firms for empanelment will be issued separately.

Note: This Rolling EOI may be withdrawn by NCRTC without any prior notice and assigning any reason. No claim shall be entertained in this regard.



**TERMS AND CONDITIONS FOR EMPANELMENT OF LEGAL FIRMS AND
TECHNO-COMMERCIAL LEGAL FIRMS**

1. Introduction

National Capital Region Transport Corporation (NCRTC) is a Joint Venture company of Government of India and participating State Governments of Delhi, Uttar Pradesh, Haryana and Rajasthan and is under the administrative control of Ministry of Housing and Urban Affairs (MoHUA), Govt. of India (GoI). NCRTC is mandated for designing, developing, implementing, financing, operating, and maintaining Regional Rapid Transit System (RRTS projects). The Namo Bharat Project in National Capital Region (NCR), ensuring a balanced and sustainable urban development through better connectivity and access. Namo Bharat Project is a dedicated, high speed, rail based, high capacity, comfortable state of art, world class commuter service connecting regional nodes in NCR.

Various Namo Bharat RRTS Corridors will connect economic centers in metropolitan cities with other sub-urban and urban nodes in NCR, thereby triggering sustainable economic development across NCR. Once operational, RRTS stations will become epicenters of commercial activities and catchment around these nodes will benefit from employment and entrepreneurial opportunities. The economic impact through investments in sustainable and resilient public transit infrastructure has a multiplier effect on the associated supply chains which, further, generates employment opportunities in the form of indirect and induced employment.

In Phase-I, GOI has prioritized three (03) RRTS corridors and entrusted NCRTC for planning and implementation namely Delhi-Meerut, Delhi-Gurugram-SNB-Alwar, and Delhi-Panipat-Karnal. These corridors are being undertaken to create a direct link between National Capital of India (Delhi), Meerut, Alwar and Panipat. These RRTS corridors would meet at Sarai Kale Khan in Delhi and are interoperable, thus providing seamless mobility across NCR towns. In addition to this, two more RRTS corridors are also under consideration namely, Ghaziabad-Jewar and Noida-Faridabad-Gurugram.

Delhi-Meerut Namo Bharat Corridor is already operational and in a pioneering initiative, the 21 km long Meerut Metro services are also provided on the same tracks and infrastructure on this RRTS corridor.

NCRTC may encounter commercial and techno-commercial disputes with the agencies (contractors/suppliers) engaged for the project implementation as well as enabling works related to future corridors, which may have far reaching implications for the Organization.

NCRTC intends to have a panel of Legal firms and Techno-Commercial legal firms of repute to which the matters/issues having legal or techno-commercial legal implications could be referred for expert advice/opinion and other assignments.



2. Objective of Rolling Expression of Interest (EoI)

The objective of this EoI is to solicit applications from the eligible (qualifying eligibility norms as per this EoI) Legal firms and Techno-Commercial Legal firms who are interested in being empanelled as Legal firms or Techno-Commercial Legal firms with NCRTC.

3. Scope of Work

I) Law Firms:

A. DAB/Arbitration/Court cases: The empanelled firm(s) may be engaged to represent NCRTC before DAB/Arbitrators/Court and such firms shall be required to undertake all formal/informal Pre and Post Arbitral Proceedings like initiation of Arbitration, discussions pertaining to above, communication/correspondence with the Domestic/International Arbitral Forum/Tribunal, drafting pleadings/replies, filing of Statements/cross examination attending all hearings of the Tribunal, appeals, implementation/execution of awards and other related works while defending NCRTC. Such firm(s) shall advise on strategizing the claims and defense keeping in view the contract documents and views of NCRTC officials dealing with the contract.

B. Labour Law Compliance: The empanelled firm(s) may be required to advice on matters related to Labour Law compliance.

C. The services to be performed shall include general and commercial advice, legal opinion including review of all relevant agreements, documents, preparing Affidavits and presenting of cases before various Courts/Arbitrators/DAB in India and abroad.

D. The empanelled firm(s) may be required to visit and participate in meetings/conferences with NCRTC representatives and render legal advice/opinion(s) on documents executed and other legal formalities entered into by NCRTC.

II) Techno-Commercial Legal Firms:

Empanelled Techno-Commercial Legal firms may be engaged to provide integrated legal and technical services, including all services specified for Legal firms (Section 3-I) and/or the following specialized techno-commercial services:

A. Review of Bid Documents from the perspective of gaps that may lead to claims in future so that claims may be mitigated. Review of correspondence with Contractors.



B. Claims Preparation and Quantum Analysis: Detailed analysis, preparation, and substantiation of contractual claims/counterclaims; quantum determination, cost-benefit analysis; technical support in documentation, financial reconciliation, variations, change orders and contract lifecycle management.

C. Delay and Time Impact Expertise: Comprehensive delay/time impact analysis, schedule adherence/critical path review, assessment of concurrent delays, force majeure, compensable delays, expert input for arbitration/adjudication on technical specifications, design standards, construction methodologies, defects and performance issues.

D. Dispute Resolution and Integration Support: Specialized technical expertise in arbitration, adjudication, dispute boards, coordination with external experts/engineers, seamless integration of technical analysis with legal pleadings, expert reports, annexures, schedules and risk mitigation strategies from technical/commercial perspective.

4. Eligibility Criteria

I) Law Firms:

- A.** The firm should have an independent office set up in National Capital Region (NCR) with requisite infrastructure & resources having adequate strength of dedicated legal associates.
- B.** The firm/Managing Partner should have a minimum experience of 10 years on the date of application in response to this EOI, in dealing with high value (Rs. 100 Crore & above) matters pertaining to legal aspects of contractual techno-commercial issues emanating from large construction infrastructure projects like Metro Rail Projects, Railway and Highway Projects, etc. It is clarified that assignments undertaken for both client organization and contractors/suppliers will be considered. To substantiate the above, the applicant is required to submit the certificates/engagement letters issued by clients.
- C.** The firm/Managing Partner should have dealt with not less than 7 Arbitration cases in last ten years on the date of application in response to this EOI, with claims/counter claims or both of Rs. 500 crores in total. Certified copies of relevant extract of Claims and Counter claims referred to Arbitration is to be submitted.
- D.** The firm must have an average annual turnover of at least Rs. 10 crores during the last five financial years. To substantiate above the applicant is required to submit certified copy of Financial Statements for the last five years.



II) Techno-Commercial Legal Firms:

A. Technical Qualification and Experience:

- (i) The firms shall have at least one designated Lead Technical Professional associated with the firm, who holds a Bachelor's Degree in Engineering (Civil/Mechanical /Electrical /Electronics /Infrastructure /Project Management or equivalent); and
- (ii) The firms should have been incorporated / registered for a minimum **10 (ten) years** and should have experience in construction/project execution/ planning/ claims/Dispute Resolution/ Delay and Quantum Analysis.

OR

The Lead Technical Professional, associated with the firm, should have a minimum of 10 years of past experience in construction/project execution/ planning/ claims/Dispute Resolution/ Delay and Quantum Analysis.

- (iii) Relevant experience records of the firms or the lead Technical Professional and degree certificate of lead Technical Professional shall be submitted.

B. Integrated Techno–Legal Experience:

The firm or the Lead Technical Professional shall have provided consultancy of technical and/or legal services in Domestic or International Arbitration matters in at least 4 infrastructure construction projects like Metro Rail Projects, Railway and Highway Projects of value not less than **Rs. 100 Crores** each (irrespective of value of claim) during the last **five (5) years**, covering at least two (2) of the following relevant fields:

- Preparation of claims/counterclaims;
- Delay analysis/Time Impact Analysis;
- Quantum / Cost analysis
- Contract and dispute management advisory;
- Preparation of pleadings with technical inputs in dispute resolution mechanism.

(Supporting documents shall be furnished such as letter of Engagement from client/ AT order sheets or any other document substantiating the above experience.)



C. Minimum Manpower Strength and Office Infrastructure:

- (i) The firm shall have a minimum associated team comprising:
- At least 2 (two) qualified Advocates with 10 Yrs of experience, and
 - At least 2 (two) Technical Professionals with 10 Yrs of experience in the relevant field as mentioned in (B) above.

III) Desirable

- A. The firms who have represented or empanelled with Central or State Government Departments, Public Sector Undertakings (PSU's) will be preferred.
- B. For Techno-Commercial legal firms, preference shall be accorded to firms having key professionals holding recognized certifications such as PMP/PMI-SP, AACE, RICS, CIARB, FIDIC, Chartered Engineer, or equivalent.

5. Term of Empanelment

- i. The currency of the panel will be three (3) years from the date of notification of panel which may further be extended upto two years.
- ii. The empanelment of a firm can be terminated by NCRTC at any time by giving one month's notice.

6. Procedure for Empanelment

- (a) Firms meeting the eligibility criteria may submit applications either in physical form or by email in the prescribed format (**Annexure-A** for Legal firms and **Annexure-B** for Techno-Commercial Legal firms), endorsing "**Application for empanelment as Legal firm or Techno-Commercial Legal firm**" whichever is applicable, addressed to:

Group General Manager/Contract & Dispute Resolution, National Capital Region Transport Corporation Ltd. GatiShakti Bhawan, INA, New Delhi- 110023.

Email ID- contractcell@ncrtc.in.

- (b) The empanelment will be on the basis of various details/documents submitted by the applicant in support of fulfilment of eligibility criteria., past experience, credentials and suitability. Merely satisfying the eligibility criteria will not entitle a firm for empanelment and NCRTC's decision in such matters will be final and binding.

NCRTC reserves its right to empanel any number of firms as it deems fit.



7. Fees & other charges

NCRTC in its discretion may invite commercial offers (financial quotes) from one or more firms having expertise pertaining to the issue.

NCRTC reserves the right for allotment of work to any firm and no claim of any nature will be entertained in this regard. The decision of NCRTC will be final and binding and no claim/correspondence of any nature will be entertained in this regard.

8. Maintaining of Professional Ethics

During the tenure of empanelment and thereafter the Empanelled firm will maintain strict confidentiality of the matters pertaining to NCRTC and its contractors/suppliers/designers, etc. or its sub-contractor doing or seeking business in relation to NCRTC projects.

At the time of submission of its offer for any assignment, the Empanelled firm shall furnish an undertaking that it has not been engaged with any firm/company in any capacity against NCRTC. Further, the firm shall not accept any assignment against NCRTC during the period of its empanelment with NCRTC.

9. Removal from Panel

Empanelment of firm shall stand automatically cancelled due to the following acts of omission and commission on its part: -

- (a) Furnishing false information in the application for empanelment.
- (b) Failing in discharging assignment.
- (c) Not maintaining professional ethics including but not limited to accepting of any assignment against NCRTC during the period of its empanelment with NCRTC.
- (d) Involvement of the firm or any associates in corrupt, fraudulent and coercive practices in the matters pertaining to NCRTC.
- (e) Firm becomes insolvent and found guilty of moral turpitude.
- (f) Abuse of the position to the detriment of NCRTC/work or for the purpose of gaining direct or indirect personal advantage.
- (g) Passing on the information relating to NCRTC to third parties which may cause damage to NCRTC's interests in violation of non-disclosure agreement.

- 10. Group General Manager/Contract & Dispute Resolution shall be the sole nodal officer for all correspondence pertaining to invitation of EOI.**



ANNEXURE-A**To,**

**Group General Manager/Contract & Dispute Resolution
National Capital Region Transport Corporation Ltd.
GatiShakti Bhawan,
INA, New Delhi – 110023**

Subject: Application for Empanelment of Legal firms in NCRTC.

1. Name of the firm :
2. Address along with contact telephone/Mobile & Fax Nos.:
 - i. Office Address:

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 - ii. Phone number/Mobile:
 - iii. Email id (email id is compulsory)
3. Name of Contact Person:
4. Income Tax/PAN:
5. Details of resources (Refer para 4 (I) of EoI):

S. No.	Particulars	Details
1.	Office set up at NCR	(Give details of office address)
2.	Details of Managing Partner (s)*	
3.	Number of Partners*	
4.	Number of Associates*	

*Experience details including date and year of enrolment in Bar Council, period and area of legal practice. In case of partners /associate etc., organization chart showing their roles and responsibilities should be attached.

6. Details of dealing with high value matters pertaining to legal aspects of contractual techno-commercial issues and labour related issues emanating from large construction infrastructure projects like Metro Rail Projects, Railway and Highway Projects, etc. (Rs. 100 Crore & above) (Refer para 4 (I) B of EoI)

S. No.	Details/Title	Period	Amount Involved (Rs. crores)

Note: Submit copies of self-certified documents / engagement letters issued by the client.



7. Detail of Arbitration cases dealt (in last ten years) (Refer para 4 (I) C of EoI):

S.No.	Title of the case	Period	Amount in dispute (Rs. crores)

Note: Submit self-certified copy of relevant copy of Claims and Counter Claims referred to Arbitration.

8. Details of Turnover of last five years (Refer para 4 (I) D of EoI):

S.No	Financial Year	Turnover (Rs. Crore)	Remarks (if any)
Average Annual Turnover for last 5 years			

Note: Submit copies of financial statements certified by a CA / Auditor for the last five years.

9. Details of dealings/Empanelment with Central or State Government Departments/Organizations and PSUs (Refer para 4 (III) A of EoI):

S.No	Department/ Organization/PSU	Nature of dealings	Period

Note: Submit certificates / engagement letters issued by the Central / State Government Departments, PSUs etc.

10. Brief description of the firm.

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11. Any other information worth mentioning:

12. Documents to be attached with the application: -

- a) Registration Certificate
- b) PAN (firm)
- c) Documentary evidence with respect to 5, 6, 7, 8, 9, 10 & 11
- d) Any other (please specify)

DECLARATION

I/We,, Authorized Signatory of M/s, hereby declare and undertake that:

- 1. The firm, its partners and associates have never been imposed any penalty arising out of breach of professional ethics or involvement in corrupt, fraudulent or coercive practices.
- 2. The firm has not been engaged with any firm/company in any capacity against NCRTC and shall not accept any assignment against NCRTC during the period of its empanelment.
- 3. The firm shall maintain strict confidentiality of all matters pertaining to NCRTC and its contractors, suppliers, designers and sub-contractors during and after empanelment and shall not pass on any information to third parties.
- 4. The firm shall not abuse its position to the detriment of NCRTC or for any direct or indirect personal advantage.
- 5. All information furnished in the application is true and correct and the firm is not insolvent or found guilty of moral turpitude.
- 6. The firm understands that its empanelment shall stand automatically cancelled on furnishing false information, failure in discharging an assignment, breach of professional ethics, involvement in corrupt, fraudulent or coercive practices, insolvency or moral turpitude, abuse of position, or breach of confidentiality.

Authorized Signatory (with seal)

Place:

Date:

Note: Additional Sheets regarding details can be attached.



ANNEXURE-B

To,

**Group General Manager/Contract & Dispute Resolution
National Capital Region Transport Corporation Ltd.
GatiShakti Bhawan,
INA, New Delhi – 110023**

Subject: Application for Empanelment of Techno-Commercial Legal firms in NCRTC.

1. Name of the firm (Please refer *para 4 (II) (A) of EOI*):

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(i) Income Tax / PAN.....

(ii) Address along with contact telephone/Mobile & Fax Nos./ Email id:

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(iii) Name of the contact person

2. Name of the Lead Technical Professional associated with the firm (please refer *para 4 (II) (A) of EOI*)

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(i) Academic Qualifications.....

(ii) Years of Experience in construction/project execution/ planning/
claims/Dispute Resolution/ Delay and Quantum Analysis.....Years

(iii) Phone number / Mobile:.....

(iv) Email ID (Email ID is compulsory)

3. Details of firm or the Lead Technical Professional having provided consultancy of technical and/or legal services in Domestic or International Arbitration matters in at least 4 infrastructure construction projects of value not less than **Rs. 100 Crores** each (irrespective of value of value of claim) during the last **five (5) years**, covering at least two (2) of the experiences mentioned in *para 4 (II) (B) of EOI*

S.No.	Details/Title of the Project	Value of the Project (Rs. In Crores)	Details of the Consultancy Services including specific service of para 4 (II) (B) of EOI	Period of service during last five years

(Add rows if required)



(Supporting documents shall be furnished.)

4. Details of Manpower Strength and Office Infrastructure
(Please refer para 4 (II) (C) of EOI)

S. No.	Particulars	Details
1	Number of Advocates with 10 Yrs of experience	
2	Number of Technical Professionals with 10 Yrs of experience in the relevant field	

- (i) For serial number 1 furnish year of enrolment at Bar Council
(ii) For Serial number 1 & 2 furnish experience details

5. Details of dealings/Empanelment with Central or State Government Departments/Organizations and PSUs: (Please refer para 4 (III) (A) of EOI)

S.No	Department/ Organization/PSU	Nature of dealings	Period

6. Details of recognized certificate held by key professionals (Please refer para 4 (III) (B) of EOI)

S.No	Name of the key professional	Details of certificate held

7. Brief description of the firm. (if desired to be supplemented)

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8. Any other information worth mentioning:



9. Documents to be attached with the application: -
- a) Certificate of incorporation / Partnership Deed.
 - b) PAN (firm/entity)
 - c) Documentary evidence with respect to details furnished in SN. 2, 3 & 4. In cases where a Non-Disclosure Agreement (NDA) exists, masked or redacted documents may be submitted.
 - d) Any other (please specify)

DECLARATION

I/We,, Authorized Signatory of M/s, hereby declare and undertake that:

1. The firm, its partners and associates have never been imposed any penalty arising out of breach of professional ethics or involvement in corrupt, fraudulent or coercive practices.
2. The firm has not been engaged with any firm/company in any capacity against NCRTC and shall not accept any assignment against NCRTC during the period of its empanelment.
3. The firm shall maintain strict confidentiality of all matters pertaining to NCRTC and its contractors, suppliers, designers and sub-contractors during and after empanelment and shall not pass on any information to third parties.
4. The firm shall not abuse its position to the detriment of NCRTC or for any direct or indirect personal advantage.
5. All information furnished in the application is true and correct and the firm is not insolvent or found guilty of moral turpitude.
6. The firm understands that its empanelment shall stand automatically cancelled on furnishing false information, failure in discharging an assignment, breach of professional ethics, involvement in corrupt, fraudulent or coercive practices, insolvency or moral turpitude, abuse of position, or breach of confidentiality.

Authorized Signatory (with seal)

Place:

Date:

Note: Additional Sheets regarding details can be attached.

