

**MINISTRY OF DEFENCE
DEPARTMENT OF DEFENCE PRODUCTION**

No.1/EPCELL/ Legal Consultant/ 2018-19

22nd MAY 2018

EXPRESSION OF INTEREST (EOI)

FOR EMPANELMENT OF LEGAL CONSULTANTS FOR DDP, MOD

The Department of Defence Production (DDP) deals with matters pertaining to defence production, indigenization of imported stores, equipment and spares, planning and control of departmental production units of the Ordnance Factory Board and Defence Public Sector Undertakings (DPSUs). It also engages with the private sector licensed for Defence Production and export of various defence related systems, equipment, components etc. Further details of the organization can be obtained from our website <http://ddpmod.gov.in>.

2. DDP proposes to empanel Legal Firms, for a period of **3** years. Expression(s) of Interest (EOI) are invited from the Legal Consultants /Firms which have adequate experience in dealing with matters pertaining to public policies, legislative enactments, security/defence agreements etc.

3. Duties

The Firm shall be required to perform various activities on a case-to-case basis based on a stipulated TOR. Some of the activities following duties:

- 1) developing a suitable legal framework for robust and secure private sector engagement in the defence sector (for e.g. participation of Licensed Defence
- 2) Undertaking a comparative analysis of defence and security laws of identified jurisdictions contracting with India through bilateral or multilateral instruments
- 3) legal vetting of the industrial security arrangements with the United States of America and other countries
- 4) Perform such other duties of legal nature which may be assigned by DDP

4. Eligibility & Qualification Criteria:

The following are the eligibility criteria for submission of EOI:

- 1) The legal Council(s)/ Consultants /Firms shall be well acquainted with the regulatory environment in the defence sector vis-à-vis government and international guidelines and possess relevant experience.
- 2) The legal Council(s)/ Consultants /Firms shall be at least on the panel of any one Central/State/PSU/Autonomous Organization/ Institution.

- 3) The legal Council(s)/ Consultants /Firms shall have adequate legal, administrative and financial capability to undertake the tasks assigned.
- 4) The legal Council(s)/ Consultants /Firms should have completed operation for a minimum of 5 (five) years since its inception/formation.
- 5) Preference will be given to the legal Council(s)/ Consultants /Firms who have dealt earlier with matters pertaining to security and defence related issues.
6. The applicant should provide details of successful legal assignments in the Last 03 years to demonstrate experience in providing the legal services in the relevant field.
7. Legal Firms to provide a list of all Partners with qualifications along with Revenue earned by the Firm over the last 3 financial years and a certificate to this effect should be submitted from the Auditor of the Firm.
8. The Firm shall furnish copies of certificate of registration/ agreement/articles of association, as the case may be, as service firm and PAN, and GST Registration.
9. Tenure of Empanelment:
The initial empanelment will be for six months or until further orders whichever is earlier.
10. Firms are required to give their proposals in writing providing their credentials and requests for empanelment with their charges.
11. The proposals so received from the legal Council(s)/ Consultants /Firms shall be evaluated on the following criteria. Please note that only those applicant/ firms shall be considered for empanelment that would score a minimum of 70 marks out of 100 marks of the following criteria;

Sl. No.	Parameters	Marks
1.	Length of experience of providing legal services in security and defence related matters (The applicants/ firms have to submit documentary proof thereof and a list of clients)	Maximum 30 marks as follows: i. Above 15 years = 30 marks ii. From 10 to 15 years = 25 marks iii. From 08 to 10 years = 15 marks iv. From 06 to 08 years = 10 marks v. From 05 to 06 years = 05 marks vi. Below 05 years zero (0)marks

2. (a)	Number of qualified Lawyers enrolled in respective State Bar Council (<i>Please indicate enrolled number and enclosed a copy of the same</i>) engaged in the firm, having experience of more than 10 years in providing legal services in security and defence related matters (The applicants/ firms have to furnish CV's of the Lawyers/ Law consultant firm engaged in the firm).	Maximum 20 marks as follows: i. 11 and above persons - 20 Marks ii. Upto 10 persons - 15 marks iii. Upto 08 persons - 10 marks iv. Upto 06 persons - 08 marks v. Upto 03 persons - 05 marks
3.	Level of Client Satisfaction (Certificate from client's organization to be attached)	Maximum 30 marks as follows: (Only First 4 Certificates shall be taken into consideration). i. 5 marks for each client Certificate with Outstanding/ Excellent, ii. 3 marks for Very Good, and iii. 2 marks for satisfactory service. <i>Applicants/ Firms are advised to place their best certificate's only</i>
4.	Sound Financial standing of the Applicants/ Firms in terms of annual turnover, during the last three years i.e. 2015-16, 2016-17, 2017-18 (relevant certificate from CA must be appended).	Maximum 20 marks as follows: i. More than 05 Crore = 20 Marks ii. Upto 05 Crore = 15 Marks iii. Upto 04 Crore = 10 Marks iv. Upto 03 Crore = 05 Marks v. Upto 02 Crore = 03 Marks vi. Below 01 Crore zero (0) Marks

12. Interested and eligible legal Council(s)/ Consultants /Firms may submit their Application Form in the prescribed format (enclosed hereto) with complete information. The Application Form duly filled in, along with all supporting documents/information should be submitted in a closed envelope super scribing as "Expression of Interest (EOI) for Empanelment of legal Council(s)/ Consultants /Firms in DDP" to DDP at its following address:

Mr. Sanjay Jaju, JS(DIP), Room no. 135'A', South Block, New Delhi. The last date of receipt of proposal is 05.06.2018.

13. The Pre Bid Meeting shall be held on 30 May at 11.00 AM.

14. Department of Defence Production (DDP), reserves all rights to reject one or all the proposals without assigning any reason thereof.

**(Sanjay Jaju)
JS(DIP)**

Copy to: IT Cell - for display in MOD website

ANNEXURE A

PROFORMA FOR APPLICATION FOR EMPANELMENT OF LEGAL COUNCIL(S)/CONSULTANTS /FIRMS

- 1) Name of the Firm
- 2) Address*
- 3) Pan Number*
- 4) Date of Registration of the Firm*
- 5) Details of Experience/practice /achievements
- 6) Details of the Manpower structure and their expertise
- 7) Details of penalty imposed on the firm, if any
- 8) Details of firm's policy on confidentiality and conflict of interest
- 9) Annual income tax returns filed with the Income tax Authorities for the last three years*

*Documentary proof to be attached. Supporting documents may be attached for heads wherever a need is felt to provide enclosures.

DECLARATION:

We hereby declare that the information so provided for empanelment by FDDI is factually correct.

Date:

Place

Authorized Signatory

(Representative of the Law Firm)

(Complete postal address with mobile number and email id) (Office Seal/Stamp)

ANNEXURE B

UNDERTAKING

"I/we hereby certify that in the last three years, I / we any of the consortium members have neither failed to perform on any contract, as evidenced by imposition of Penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award, 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".

