

## **EXPRESSION OF INTEREST(EoI) NOTICE**

### **EXPRESSION OF INTEREST FOR APPOINTMENT OF TECHNO-LEGAL SERVICES FROM AN EXPERIENCED FIRM / ADVOCATE DEALING WITH WORKS CONTRACT**

#### **1. General Information:**

Nashik Municipal Smart City Development Corporation Ltd. (NMSCDCL) has been incorporated under the Companies Act, 2013. It is a Special Purpose Vehicle of Nashik Municipal Corporation (NMC) and State Government of Maharashtra under the Smart Cities Mission of the Government of India for the implementation of Smart City Proposal in Nashik City. Under Smart City proposal 'Redevelopment of Major & Minor Roads with infrastructure utility services including water supply and Sewerage ABD Area under Nashik Smart City Projects' is in progress.

That, the contractor M/s. B.G. Shirke Construction Technology Pvt Ltd (BGSCTPL) has invoked Arbitration Clause provided under the contract and submitted Statement of Claims amounting Rs. 45.77 Cr excluding applicable taxes and interest. The dispute has been referred to an Arbitral Tribunal consisting of three Arbitrators.


That, NMSCDCL intends to avail Techno-Legal Services from an Experienced Firm/ Advocate dealing with Works Contract on behalf of NMSCDCL to represent NMSCDCL and carry out all the necessary actions in the Arbitral Proceedings.

#### **2. Eligibility**

The eligibility criteria for the Techno Legal Firm/Advocate are prescribed below:

- a) A Firm or an Advocate with Post Graduation in Civil Engineering, registered with Bar Council of India. Copy of the Registration Certificate to be enclosed in Annexure II
- b) Having minimum 10 (Ten) years of experience in dealing Works Contract litigations. The proof of dealing such matter should be enclosed in Annexure-II.
- c) Having minimum average annual income of ₹50 lakhs for last three years.
- d) Should have minimum one client from Government/PSU/Autonomous Body.
- e) Should have carried minimum 15 (Fifteen) numbers of Arbitration proceedings. The proof of dealing such matter should be enclosed in Annexure-II.
- f) Should have minimum 5 (Five) Arbitration Awards declared in last 10 (Ten) years.

### 3. Instructions on Proposal Submission-

<b>EXPRESSION OF INTEREST (EoI)</b>	
<p><b>Nashik Municipal Smart City Development Corporation Ltd.</b> 4th Floor, Loknete Panditrao Khaire Panchvati Divisional Office, Nashik Municipal Corporation, Makhmalabad Naka, Panchavati, Nashik-422003 Email id: <a href="mailto:ceo@nashiksmartcity.in">ceo@nashiksmartcity.in</a> Phone No: <a href="tel:0253-2518833">0253-2518833</a></p>	 <p>The logo for Nashik Smart City features a stylized city skyline with a Wi-Fi signal icon in the center, composed of three curved lines in orange, green, and blue. Below the icon, the text 'NASHIK SMART CITY' is written in a sans-serif font.</p>
<p><b>EoI of APPOINTMENT OF TECHNO-LEGAL SERVICES FROM AN EXPERIENCED FIRM/ADVOCATE DEALING WITH WORKS CONTRACT</b> is invited online on <a href="http://www.mahatenders.gov.in">www.mahatenders.gov.in</a> from the bidder meeting the basic eligibility criteria as stated in the bid document.</p>	
<b>Amount Details</b>	
Tender Fee	: INR 1,000/- (Rupees One Thousand only) +Rs. 90/- + 9% CGST + 9% SGST per set (Tender Document can only be downloaded from mahatender portal <a href="http://www.mahatenders.gov.in">www.mahatenders.gov.in</a> using credit card/debit card/net banking)
Earnest Money Deposit (EMD)	: Rs. 10,000/- (Rupees Ten Thousand Only)
<b>Tender Dates</b>	
Bid Document Downloading Start from website <a href="http://www.mahatenders.gov.in">www.mahatenders.gov.in</a>	: 03/10/2023 at 1500 Hrs. (IST)
Last Date of Submission online Tender (Soft copy)	: 10/10/2023 till 1500 Hrs. (IST)
Last date and time for Online Receipt of Bids	: 10/10/2023 till 1500 Hrs. (IST)
Officer Inviting Bids	The Chief Executive Officer, Nashik Municipal Smart City Development Corporation Limited (NMSCDCL).
<b>Notes:</b> <ul style="list-style-type: none"><li>• The changes/ corrigendum, if any will only be published on <a href="https://www.mahatenders.gov.in">https://www.mahatenders.gov.in</a>.</li><li>• Right to reject any or all Bids without assigning any reason thereof is reserved by NMSCDCL.</li><li>• All requisite information required for the submission of documents is available in the above-mentioned website.</li><li>• For any queries related to the Bidding Documents, please contact NMSCDCL.</li></ul>	
<p>SD/- <b>Chief Executive Officer,</b> Nashik Municipal Smart City Development Corporation Limited.</p>	

#### 4. Terms and Conditions

- a) The bid should be submitted in compliance to the NIT at: <https://mahatenders.gov.in>
- b) 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.
- c) An amount of **Rs.1,300/-** (non-refundable cost of downloaded tender form) should be remitted through e-payment gateway available on mahatender portal.

#### 5. Bids are to be submitted through online mode at <https://mahatenders.gov.in> only, no hard copy is to be sent to the NMSCDCL.

6. Bidder should submit the Bid Security Declaration form on the firm's letter head.

7. The Chief Executive Officer, NMSCDCL 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 Chief Executive Officer, NMSCDCL will be final and binding to all tenderers.

#### 6. Special Terms and Conditions

- a. The interested counsel may furnish complete details in the application form at Annexure-I attached with this document.
- b. All enclosed documents should be duly signed by the interested advocate/firms authorized representative.
- c. Selected advocate/firm shall sign an agreement with the NMSCDCL agreeing to provide Techno-Legal matters of the NMSCDCL and representing the NMSCDCL in such matters before appropriate authority on as required basis.
- d. 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).
- e. The NMSCDCL 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.
- f. The NMSCDCL reserves the right to consider/reject any such proposal without assigning any reason if it does not fit the requirement of the NMSCDCL.

#### 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/advocate

Sr. No.	Description	Maximum Marks	Enclosures
1.	10 Years	10	Registration details
	11 years	12	
	12 years	14	
	13 years	16	
	14 years	18	
	15 years and above	20	

2.	Minimum Average Annual Income of ₹ 50 lacs for last three years		30	I.T. returns for last 3 year or Audited Accounts for last 3 years (Signed by C.A. with his stamp bearing Registration No.)	
		<b>Avg. Income</b>			<b>Mark</b>
		Above 50 lacs and up to 75 lacs			10
		Above 75 lacs and up to 100 lacs			20
	Above 100 lacs	30			
3.	Shall have Minimum five clients from Government /PSU/Autonomous Bodies in last 10 years.		30	Copy of the Assignment Letters from the Client	
		<b>No of Client</b>			<b>Mark</b>
		up to 5			15
		From 6 to 10			20
	Above 10	30			
4.	Advocates available with the Firm.		20	Copy of letter of engagement with CV of the appointee	
		<b>No of Advocates</b>			<b>Mark</b>
		1 No.			10
		More than 1 No.			20

### 7.1. Evaluation Process: Quality and Cost Based Selection (QCBS)

- NMSCDCL's Bid Evaluation Committee (BEC) will evaluate the responses of the bidders. The decision of the BEC in the evaluation of responses to the EOI shall be recommended to the competent Authority for approval.
- The BEC shall submit its decision to the Competent Authority whose decision shall be final and binding upon the bidders.
- Technical Evaluation: The Bidders with Technical Score of 60.00 Marks or above in Technical Evaluation, shall be considered eligible for Financial Evaluation. Rounding of score shall not be permitted.
- Financial Evaluation: Financial Proposal of the eligible Bidders who are considered for the financial evaluation will be evaluated out of 20. The Financial Score of the bidder with least financial quote will be 20 and for other bidders it shall be calculated based on the following formula:

$\text{Financial Score of the Bidder} = \frac{(\text{Least financial quote amongst bidders}) \times 20}{\text{Financial quote of the bidder}}$
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- Bidder scoring the maximum points (out of 100) in a combined technical and financial score shall be considered as the Preferred Bidder followed by second and third Preferred Bidders depending on their scores, subject to approval of Competent Authority.
- The BEC reserves the right to accept or reject any or all bids without giving any reasons thereof.

- (g) In case of Single Bid response, NMSCDCL reserves the right to accept or reject the bid on approval of Competent Authority.
- (h) The cost of the project as reflected in the financial proposal of the selected Agency may be further negotiated with the Agency, if NMSCDCL considers it necessary. On successful negotiations, the negotiated cost will be considered as final.
- (i) The preferred bidder, who does not agree to carry out improvements in technical inputs suggested by NMSCDCL and/or the negotiations about the cost of the project between the bidder and NMSCDCL fail, such bidder will no more be considered as the preferred bidder and, in such a case, bid with the next highest score will be considered as the preferred bidder.
- (j) NMSCDCL reserves the right to confirm the Preferred Bidder as Successful Bidder subject to negotiations/clarifications if any and approval of competent Authority.

**7.2. Technical Score:**

Each Proposal which qualifies in Technical Evaluation shall be scrutinized further with Financial Evaluation and accordingly as per the following process and granted marks.

- (a) Technical Score: The marks secured based on evaluation of the Technical Proposal as above shall be the Technical Score of the Bidder.
- (b) Technical Evaluation: The Bidders with Technical Score of 60.00 or above (out of 80), in Technical Evaluation, shall be considered eligible for Financial Evaluation. Rounding of score shall not be permitted.

**7.3. Financial Proposal: -**

- (a) The Bidder(s) shall submit their Financial Quote as per the format provided.
- (b) The financial offers of the qualified bidders (who have secured technical score of 60.00 or above) shall be tabulated for this Assignment.
- (c) The Financial Proposal shall be evaluated based on Financial Quote (inclusive of all Taxes) offered by the Bidder. Any monetary figure in decimal shall be rounded off to the nearest INR.
- (d) Financial Proposal of the eligible Bidders who are considered for the financial evaluation will be evaluated out of 20. The Financial Score of the Bidder with least financial quote will be 20 and for other bidders it shall be calculated based on the following formula:

Financial Score of the Bidder	=	$\frac{(\text{Least financial quote amongst bidders}) \times 20}{\text{Financial quote of the bidder}}$
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**7.4. Final Score:**

- (a) Bidder scoring the maximum points (out of 100) in a combined Technical and Financial Score shall be considered as the Preferred Bidder followed by second and third Preferred Bidders depending on their scores, subject to approval of Competent Authority.

- (b) The Bid Evaluation Committee reserves the right to accept or reject any or all bids without giving any reasons thereof.
- (c) In cases of discrepancy between the prices quoted in words and in figures, the value in words shall be considered. For any other calculation/ summation error etc. the bid may be rejected.
- (d) In the event of two or more Bidders quoting the same Financial Bid, then NMSCDCL reserves the right to:
- i. Declare the bidder whose technical mark is highest, among the bidders who have secured the same composite marks as preferred bidder,
  - or
  - ii. Adopt any other method as decided by NMSCDCL.
- (e) NMSCDCL reserves the right to confirm the Preferred Bidder as Successful Bidder subject to negotiations/clarifications, if any, and approval of Competent Authority.

**8. Right to Reject.** NMSCDCL 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.

#### **9. SCOPE OF SERVICES.**

- The firm/advocate shall be readily available to perform any techno-legal services as requested by the NMSCDCL with respect to Arbitration Proceedings.
- The appointment of techno-legal firm/advocate shall represent the NMSCDCL and carry out all the necessary actions in the Arbitral Proceedings.
- Venue of arbitration is at Nashik.
- Study of Contract Document, all correspondences, statement of claim filed by Contractor and Prepare Statement of Defence/ Counter Claims/ Applications/ Affidavits, etc.
- Co-ordination for Arbitration, Conciliation, and all related legal matters.
- To assist/ advice NMSCDCL in the Arbitration Proceedings.

## Annexure-I

### Financial Bid/Commercial Bid

Item No.	Description of Head	Unit	Rate in figure (Rs.)	Rate in words (Rupees).	Remark
1	Reading Fee/ Study of Contract Document, all correspondences, statement of claim filed by Contractor	Lump sum one-time fee			
2	Fee per appearance before arbitral tribunal and any other meeting with client (NMSDCL) (considering 10 numbers of such hearings)				
3	Drafting OF submissions to be made before Tribunal on behalf of NMSDCL. The submission includes statement of defence (SOD), affidavits of admission & denial, Affidavits and reply of affidavits, Application and reply to application filed by claimant, written submission, written synopsis, compilations of documents /judgements etc. to be made before Hon'ble Arbitral Tribunal.				
4	Clerical charges				
5	Traveling expenses				
6	Lodging and boarding charges				
7	Local conveyance				
8	Appearance charges before Tribunal, including travelling, lodging & boarding, local conveyance, clerical charges, etc. complete, over and above Ten (10) (Hearings)/meetings for each additional hearing/meeting etc. including all expenses.	Lump sum per additional Hearing (Over 10 number of hearings)			

**Note: -**

1. GST will be paid at applicable rate.
2. TDS will be deducted at source at the prescribed rates.

**Annexure-II**  
**COMPANY PROFILE**

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 Enrolment 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)

<b>Sr. No.</b>	<b>Descriptions</b>	<b>Enclosed (Yes/No)</b>
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 Chief Executive Officer,  
NMSCDCL, Nashik-422003.

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 he 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)

### **Enclosure-III**

#### **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://www.mahatenders.gov.in>

1. Bidders are required to enrol on the e-Procurement Portal (URL: <https://www.mahatenders.gov.in>) with clicking on the link "Online bidder Registration" on the e-tender Portal by paying the Registration fee.
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.
3. 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.
4. Upon enrolment, the bidders will be required to register their valid Digital Signature Certificate issued by any Certifying Authority recognized by CCA India with their profile.
5. 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.
6. 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.
7. The scanned copies of all original documents should be uploaded on portal.

Please feel free to contact (as given below) for any query related to e-tendering:  
Mr. Nikhil Bhoir ( [pml-civil@nashiksmartcity.in](mailto:pml-civil@nashiksmartcity.in) )