



BRAITHWABRAITHWAITE & CO LIMITED

(A Government of India Undertaking Under Ministry of Railways)

HEAD OFF. & REGD. OFF. : 5, HIDE ROAD, KOLKATA – 43,
TEL 2439-7415 / 4114 / 6613 / 7413, FAX :91 (033) 2439 7632 / 5607

E MAIL: purchase@braithwaiteindia.com, Website: braithwaiteindia.com

CIN: U74210WB1976G01030798

EXPRESSION OF INTEREST

EOI NO. : BCL/EOI/SOLICITORS/2017-18

January 9, 2018

Expression of Interest from Solicitor firms are invited for providing Legal Services to BCL as per EOI conditions.

Interested parties should submit the offer against this EOI addressed to Sr. Manager (Purchase), Braithwaite & Co. Limited (BCL), 5, Hide Road, Kolkata-700043 within 10 (Ten) days i.e. within 18.01.2018 at 14.30 hours. The sealed offers should be submitted in tender box no.1. The offer shall be opened on 18.01.2018 at 15.00 hours on the same day. Bidders may depute their authorized representative for witnessing the names of the responding parties during opening of offers.

The Offer to be submitted, in sealed envelope bearing EOI No. BCL/EOI/SOLICITORS/2017-18, dated 09.01.2018, job description & due date written on the same shall be containing covering letter with credentials/documents, acceptance of terms and conditions etc., as specified in this EOI. Price part shall be invited later on as stipulated in the para for basis of selection and award.

Any query regarding job requirements may be clarified with prior appointment from Asst. Company Secretary, Braithwaite & Co. Ltd, 5, Hide Road, Kolkata, before submission of bid against this EOI. No claim shall be entertained afterwards.

A.0 INTENTION OF EOI:

Braithwaite & Co. Ltd., (BCL) intends to empanel and engage Solicitor firms for dealing & attending the legal cases, Arbitration matters etc., and acting as legal advisors. For this purpose, the subject Expression of Interest (EOI) is invited.

B.0 QUALIFYING CRITERIA :

The bidder must possess the following minimum qualifying criteria :

- i) Should have an office based in Kolkata and New Delhi with common Partners.
- ii) Should have prior experience in handling litigation matters in all forums.
- iii) Should have 5 years of experience in providing legal services to PSUs / Govt. of India/ State Govt./Autonomous Bodies / Statutory Corporations / Authorities.
- iv) Should have a team of atleast 3 qualified lawyer, who are enrolled in respective state Bar Council and having experience of more than 10 years in handling legal matters.
- v) Should have an Indirect tax Practice team led by team leader having not less than 12 years of experience in the field of Indirect Tax Practice in any of the "Big Fours", Big Four shall mean PWC,E & Y, Delloitte and PMG.
- vi) Having average annual Turnover of more than Rs.50 Lacs during last 3(three) financial years ending on 2016-17.

C.0 DOCUMENTS TO BE SUBMITTED ALONG WITH OFFER:

The bidders should submit the following documents along with their offer:

- Covering letter which should indicate the interest by the bidder for taking the job as per scope of work. Documents as required in the para for "Qualifying Criteria". An unconditional acceptance of terms & conditions of the EOI shall also be submitted.

- Company Profile along with addresses of Registered Office / Head Office, names & contact details of Directors/ Partners.
- Audited / Chartered Accountant certified Balance Sheet and Profit & Loss Accounts Statement for the last three years ending on 31.03.2017.
- Copy of enrollment with State Bar Council for the qualified lawyers along with their CVs.
- Details of Experience during last 5 (five) years ending on 31.12.2017 in respect of similar jobs executed by the bidder. Relevant documentary evidences shall have to be submitted.
- Certificates from Client's organization in respect of client satisfaction.
- PAN & IT Returns for last three years ending on 31.03.2017.

D.0 EVALUATION OF OFFERS:

The offers of bidders meeting the Qualifying criteria shall be evaluated and a panel of Solicitor firms shall be prepared considering suitability in the context of BCL's requirements of different legal matters. Bidders to note that only Empanelment as above does not guarantee that all such firms shall be engaged for awarding jobs to them. However, BCL may in future consider them awarding jobs at the discretion of BCL, subject to found acceptability of rates by BCL at proper times.

E.0 BASIS OF SELECTION AND AWARD

- 1) Selection and Empanelment/Engagement will be on the basis of credential documents to be submitted by the bidders. Bidders will have to meet the qualifying criteria. Those Bidders who will not meet the qualifying criteria shall not be considered.
- 2) Rates for different activities will be invited later on only from the qualified firms as mentioned in para 1 above, which would be further negotiated for arriving at acceptable rates to BCL.
- 3) Accordingly the firms shall be empanelled and letters of engagement will be issued along with agreed rates and others terms and conditions. Issue of Letter of engagement will also be at the discretion of BCL. In case there are large no. of qualified firms [generally more than 3(three)], invitation of rates from such firms shall be at the sole discretion of BCL, without assigning any reasons thereof.
- 4) The decision of BCL with respect to evaluation & selection shall be final & binding to all the bidders.

F.0 SCOPE OF WORK:

The Solicitor firm shall be required to handle legal matters for & on behalf of BCL including attending the legal cases and shall act as legal advisors. The cases may be at District Courts, High Courts and Supreme Court and/or at Arbitration Tribunal and/or at different legal forums/appellate authorities. The firms shall be required to carry out 'Drafting of Petitions', 'Conference' / 'Meeting with Senior Advocate' / 'Client(s)', Appearance and allied legal matters of the Company such as:

- I. Rendering Legal opinion
- II. Serving 'Show Cause Notices', 'Legal Notice'
- III. Conference' / 'Meeting with Senior Advocate' / 'Client(s)'
- IV. Assistance in drafting regulations, notices, replies, policies or Manual of Company etc.
- V. Legal vetting of orders, decisions, concept papers, bidding/tender documents, undertakings/ indemnity bonds/Agreements/Contracts/MOU/NDA/Deeds to be obtained from entities
- VI. Review of regulations based on the requirements of the Company.
- VII. Assistance in preparing record note of proceedings of various hearings
- VIII. Handling litigations matters before the High Court and Supreme Court Distt. or Lower Courts/Tribunals/Arbitration forum or any other Govt. Authority. This will include representing before the Supreme Court of India, High Courts of India etc.
- IX. Liason with the statutory bodies at State and Central Level for necessary approvals as and when required by BCL.
- X. To perform such other work of a legal nature as may be entrusted from time to time.

The above description of scope of work is indicative and not exhaustive. Changes/additions can be made by BCL as and when necessary.

G.0 TERMS & CONDITIONS:

1. The EOI offers received through E-mail / Fax are not acceptable.
2. The Solicitor firm will not delegate cases and would themselves deal with the same.
3. They may have to coordinate and work with designated Senior Advocates, if any, engaged in the case as well as with the officers of the BCL, if required.
4. The Solicitor firm shall maintain absolute secrecy and confidentiality about the cases of the BCL as required under the Act and rules/regulations framed there under.
5. Braithwaite & Co. Ltd., reserves all rights to reject one or all the proposals without assigning any reason thereof.
6. BCL reserves its right to withdraw this EOI notice inviting proposal at any time without assigning any reason thereof.
7. Payment of GST, if applicable on the selected firm, shall be made extra at actual as per prevailing rate on receipt of GST compliant invoice from the firm.
8. All staffs & employees to be deployed by them shall be treated as the employees of the firm for all purposes. BCL shall have no liability in such matters.
9. The contract period shall initially be for 2(Two) years from the date of engagement. The contract period may be extended for another one year at the discretion of BCL.
10. The payment to the selected firm shall be made after 30 days on receipt of bill, duly certified by in-charge Legal Dept. of BCL.
11. BCL shall be entitled to terminate the contract at any time with 15 days notice at BCL's discretion. Once the termination letter is issued upon the concerned Solicitor firm, within 3 days of receipt of the said letter they shall return all the documents of BCL and other related documents if any, lying in the possession of the Concerned Solicitor firm, unconditionally.
12. In case any dispute arises, the same shall be settled as per relevant rules and laws prevailing in India.
13. Any legal dispute shall be settled within the jurisdiction of courts in Kolkata.

H.0. Schedule of Fees :

The rates are to be quoted by the nominated qualified bidders at appropriate time against BCL's request for the same at a later date. However the rates shall remain Firm during validity of the Contract.

FOR BRAITHWAITE & CO. LTD.