



Bihar Medical Services & Infrastructure Corporation Limited

(A Govt. of Bihar Undertaking)

5th Floor, Bismaun Bhavan, Gandhi Maidan, Patna -800001

Tel No. 0612-2219634, 2219635

Expression of Interest for Empanelment of Legal Advisor

Bihar Medical Services & Infrastructure Corporation Ltd (BMSICL) invites "Expression of Interest" (EOI) from **well established, experienced Law Firms for empanelment as Legal Advisors on part time basis.**

The details of the EOI and the Terms of Reference (TOR) are available on the website **www.bmsicl.gov.in**

The last date for the receipt of the EOI and the accompanying documents is 04/04/2013 (15:00 Hrs.) through Speed Post/Courier/by hand. The Technical Offer shall be opened on the same day at 16:00 Hrs.

**Managing Director,
BMSICL**



Bihar Medical Services & Infrastructure Corporation Limited

(A Govt. of Bihar Undertaking)

5th Floor, Bismaun Bhavan, Gandhi Maidan, Patna -800001

Tel No. 0612-2219634, 2219635

BACKGROUND OF BMSICL

Government of Bihar (GoB) is committed to provide timely and effective Health Care Services to the people of Bihar. A majority of the poor people of Bihar usually depend on Public/Government Health Care Delivery Systems to address their preventative and curative health needs. Optimal availability of good quality drugs procured at competitive prices, quality provision of health related services and proper construction and maintenance of health facilities are of paramount importance for better Health Care Delivery. In such a scenario, the financing and supply of drugs, services, etc. for government health services has become one of the key concerns for GoB.

To meet the above mentioned objectives in a professional manner GoB has set up the Bihar Medical Services & Infrastructure Corporation (BMSICL) under the aegis of the Department of Health and Family Welfare (DoHFW). BMSICL is incorporated under the Companies Act, 1956 and is responsible for the procurement of quality drugs, equipments, services and works for the DoHFW.

The overall objective of the Corporation is to:

- Procure and ensure provision of quality drugs, equipment, services and works in right quantities in a timely manner and the most optimal rates.
- Ensure provision of value for money services in an transparent and equitable manner to the people of Bihar
- Improve the performance of the health care system through systematic improvements in the quality, effectiveness and coverage of health services through proper infrastructure

EOI FOR EMPANELMENT OF LEGAL ADVISOR

Bihar Medical Services & Infrastructure Corporation Ltd (BMSICL) invites "Expression of Interest" (EOI) from **well established, experienced and reputed Law Firms for empanelment as Legal Advisors on part time basis** to provide services, including rendering of advice, opinions, drafting & vetting agreements, conducting legal cases and matters incidental thereto for and on behalf of BMSICL.

Eligibility criteria for Applicants:-

The Applicant must satisfy each of the following eligibility criteria to be considered for empanelment with BMSICL as Legal Advisors.

- i. The Applicant should have at least 5 (Five) years experience in rendering legal advisory/ consultancy/ litigation support services. Income Tax Return or such other adequate proof to be furnished in this regard
- ii. The Applicant should have at least one office in Patna with a minimum average strength of 2 Lawyers. House Tax Return or Lease Deed in respect of the office to be furnished in this regard
- iii. The firm shall have received a minimum of Rs.10,00,000 (Rupees Ten Lakhs) per annum as professional fees during each of the preceding three financial years. For the avoidance of doubt, professional fees hereunder refers to fees received by the Firm for providing advisory or consultancy services to its clients and shall not include any amounts received by way of reimbursement or fee for payment to external counsels, senior advocates or external professional retained by the firm for its clients. Income Tax Returns or certificate from Auditor to that effect be submitted as proof thereof

iv. The Applicant should have acted as a legal advisor to any State Governments and/ or PSU's in at least 4 engagements. Applicants are required to submit proof of at least 4 such engagements with the application (Annexure 5);

v. The Applicant should have demonstrable expertise in drafting, and conveyance of contracts, preparation and evaluation of tenders, in order to be considered for evaluation under this criterion. Applicants must submit an Illustrative List of at least 4 Clients (as per Annexure 6) to whom the Applicant has rendered such and/ or similar services;

vi. The Applicant should have demonstrable experience in conducting litigations relating to infrastructure projects and procurement of materials including conducting domestic and international arbitrations. Applicants must submit an illustrative List of a maximum of 5 such litigations/disputes/arbitrations handled/being handled by the Applicant (as per Annexure 7).

vii. The Applicant should have requisite knowledge and ability to deal with issues relating to and arising out of, but not limited to, laws related to health infrastructure development, procurement of drugs and medical equipments, in order to be considered for evaluation under this criteria.

viii. The Applicant should also have the requisite capabilities and expertise in advising on, drafting contracts and/ or contractual clauses and conducting litigation, where necessary and under all relevant laws; in order to be considered for evaluation under this criterion.

ix. The Applicant should have demonstrable ability to dedicate at least 5 professionals including the 2 Key Professionals (1 Legal Expert and 1 Associate Lawyer) fulfilling the following conditions for the proposed engagement or any such other number of professionals for the proposed engagement as may be specified by BMSICL from time to time. The firm shall undertake to make available the personnel meeting the requirements specified below during the period of contract:

Key Professional	Educational Qualification	Length of Professional Experience	Experience
Legal Expert	Bachelor in law or equivalent	5 years	S/he should have not less than 5 Years experience in rendering legal advisory services, including litigation and/or Transaction advisory and support services. S/he should have advised on at least 3 assignments in the health sector
Associate Lawyer	Bachelor in law	2 to 3 years	s/he should have worked as an Associate lawyer on not less than 2 Assignments in the health sector

Name of the lawyers and their resume to be furnished in this regard. (as per Annexure 8)

x. An Applicant 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, nor been expelled from any project or agreement nor have had any agreement terminated for breach by such Applicant.

Duration

Selected law firm shall be empanelled for a period of two years and his/their services shall be availed from case to case basis.

Terms of Reference

The detailed Terms of Reference is attached as Schedule-1 of this document

Submission of Proposals:

The Proposal shall be typed or written in indelible ink and signed by the Applicant who shall initial each page, in blue ink. All the alterations, omissions, additions, or any other amendments made to the Proposal shall be initialled by the person (s) signing the Proposal. The Proposal shall be made in the Forms specified in this EOI. Any attachment to such Forms must be provided on separate sheets of paper and only information that is directly relevant should be provided. This may include photocopies of the relevant pages of printed documents.

The EOIs are to be submitted in the following manner:-

The particulars relating to the professional qualifications and experience shall be furnished in the enclosed formats provided in the Annexes and shall be placed in a sealed envelope, super- scribed "Empanelment of Legal Advisor- Technical Bid".

The schedule of fees quoted as per the format at Annexure- B to this notice shall be placed in another sealed envelope and super-scribed as "Empanelment of Legal Advisor - Financial Bid".

Both the sealed Technical Bid and Financial Bid shall be placed in a separate sealed envelop super-scribed "EOI FOR EMPANELMENT OF LEGAL ADVISOR". The sealed envelope is to be sent on the below mentioned address:

The Managing Director,
Bihar Medical Services & Infrastructure Corporation Ltd,
5th Floor, Biscomaun Bhawan, Gandhi Maidan, Patna – 800001

If the envelope is not sealed and marked as instructed above, then BMSICL assumes no responsibility for the misplacement or premature opening of the contents of the Proposal submitted.

Every page of the Technical and Financial Bid shall be signed by the Advocate/Authorized Signatory of the Firm. Any documents, clarifications or any additional information furnished subsequently shall not be considered. However BMSICL reserves the right to call for such clarifications confined to the scope of the EOI and can call for documentary evidence of the information submitted, should it become necessary for proper judgment in evaluation

The Bid, either Technical or Financial is liable to be rejected if it is not in the prescribed format or incomplete or in any way violates the conditions of the Tender Process in letter and spirit.

Interested firms may send their applications in the enclosed formats provided in the Annexes to reach on or before **15:00** hours on **April 4, 2013**

Opening of Bid:

The Technical Bid will be opened at 16:00 hours on **April 4, 2013 at the BMSICL office** before the bidders as present.

The Financial Bid of such Bidders who qualify the Technical Bid will be opened before the representatives of the qualified Bidders on a subsequent time and date to be informed by the BMSICL.

Bidders can be either present themselves or send their duly authorized representatives at the time of tender opening.

Right to reject any or all Proposals:

Notwithstanding anything contained in this EOI, BMSICL reserves the right to accept or reject any Proposal and to annul the Selection Process and reject all Proposals, at any time without any liability or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereof.



Bihar Medical Services & Infrastructure Corporation Limited

(A Govt. of Bihar Undertaking)

5th Floor, Biscomaun Bhavan, Gandhi Maidan, Patna -800001

Tel No. 0612-2219634, 2219635

Schedule 1: Terms of Reference for Engagement of Legal Firm

For Infrastructure Projects & Procurement of Drugs-Equipments

1. The Firm would undertake a detailed desk review of the tender documents, contractual agreements, work-orders etc. and provide legal vetting to the documents before execution by BMSICL. Also ensure that the agreements are in compliance with local laws and statutes
2. The firm would suggest amendments to specific articles/clauses of the tender documents, contractual agreements, work-orders etc. for safeguarding the interest of BMSICL
3. The firm would suggest alternative formulations, wherever necessary, for specific articles/clauses with the purpose of establishing that the tender documents, contractual agreements, work-orders are in accordance with best practices and applicable laws.
4. The firm should ensure that the contractual agreements allocate legal, financial and other risks in such a fashion that BMSICL does not at a future date become liable to pay compensation or damages for any unintended/unidentified risk. In the unlikely event that such a liability arises, the firm shall suggest provisions that safeguard the interest of BMSICL.
5. The firm would suggest provisions that would ensure that the agreements are in line with the global best practices.

Miscellaneous

The firm would suggest on various types of RTI / General / Civil / Criminal Laws and act on the best practices if need arises.

Format for Empanelment of Legal Firm

Annexure - 1

Details of the Firm

1.	Name of the firm :-	
2.	Structure of the firm (Sole Proprietary Firm/Partnership Firm)	
3.	Registered Address	
4.	Address of Branch Office if any:-	
5.	Name of Contact Person & his designation	
6.	Telephone No:-	
7.	E-Mail:-	
8.	Fax Number:-	
9.	Registration Number of firm:-	
10.	No. of years the Firm has been in legal practice	

Annexure – 2

Number of personnel in the organization who have been with the organization for at-least three years

Annexure – 3

Financial Capacity of the Firm

SL. No.	Financial Year	Annual Revenue (Rs.)
1.		
2.		
3.		

*** Please do not attach any printed Annual Financial Statement**

***Auditor of the Law Firm should certify the financial capacity**

Annexure - 4

FORMAT: UNDERTAKING

Date:

Managing Director,
Bihar Medical Services & Infrastructure Corporation Limited
5th Floor, Biscomaun Bhawan,
Gandhi Maidan , Patna – 800001

Sub: Expression of Interest is being invited from eligible Legal Firms for discharging of duties as legal Advisor on Part time basis at Bihar Medical Services & Infrastructure Corporation Limited (BMSICL)

We have read and understood the Terms of Reference for the captioned Project provided to us by BMSICL.

We hereby declare that:

Our EOI is made in good faith and the information contained is true and correct to the best of our knowledge and belief.

We are not barred by any PSU/ Government of India/ any State Government/ semi Government agency/ High Court / Supreme Court from participating in similar projects.

Dated this day of 2013.

(Signature of Authorised Signatory)

Name of the Authorised Signatory:

Company Name:

Date:

Annexure 5

List of assignments for GOI/State Govt/PSU

Note: Please provide details of four assignments for which you have claimed credit (as “Legal Advisors”) in the format below:

Serial No.	Name of Client	Period of Engagement of the Law Firm	Description of the scope and nature of services rendered by the Law Firm
1.			
2.			
3.			
4.			

Annexure 6

Illustrative List of Clients

SN	Name of Client*	Period of Engagement of the Law Firm	Description of the scope and nature of services rendered by the Law Firm	Professional Fee received by the Firm (in Rs.)**
1.				
2.				
3.				
4.				

* The firm should provide details of only those assignments that have been undertaken by it under its own name

**In the event that the firm does not wish to disclose the actual fee received for any particular assignment, it may state that it has received more than the amount specified for eligibility under this EOI. For Example it may state “Above Rs.5 (Five) lakh in respect of other assignment.

Annexure 7

Illustrative List of Clients

Serial No.	Name of Client	Details of the Matter including details of the Court/Tribunal	Judgement
1.			
2.			
3.			
4.			
5.			

Annexure 8

Details and Experience of Professionals including Key Personnel

SN	Name & Designation	Qualification	Total years of Experience	No. of Years with present firm	Area of Expertise/ Core Competence	Assignments handled
1.						
2.						
3.						
4.						
5.						

Note: Resume of Key Professionals to be attached with a copy of their enrolment certificate with the Bar Council of India.

Annexure-B

Schedule of Fee Quoted.

S. No.	Particulars	Fee (in INR)
A	a. For drafting legal notice / reply notices b. For written opinion	
B	a. Drafting and filing caveat petitions b. Lump sum for a suit	
C	Drafting & Filing of Complaint/W.S/Rejoinder/petition	
D	Appearance - (i) Effective (ii) Non-Effective	
TOTAL		

S. No.	Particulars	Fee (in INR)
A	Drafting for finalization of tender documents	
B	Discussion / vetting of tender documents	
TOTAL		

The Consolidated Fee on per case basis quoted shall be all inclusive of expenses associated with the litigation like transport, clerkage, steno service, xerox, fax, courier/postage, phone, research, filing, etc ; (but excluding of government Taxes, as applicable from time to time). No additional claim of expense on any account shall be admissible.