



**INFRASTRUCTURE CORPORATION OF ANDHRA PRADESH LIMITED (INCAP)**

**NOTICE INVITING**

**REQUEST FOR QUALIFICATION (RFQ)**

**FOR**



**EMPANELMENT OF ADVOCATES BY INFRASTRUCTURE CORPORATION OF  
ANDHRA PRADESH LIMITED (INCAP) FOR PROVIDING COMPREHENSIVE  
LEGAL SERVICES IN RESPECT OF INFRASTRUCTURE PROJECTS BEING  
DEVELOPED IN THE STATE OF ANDHRA PRADESH**

**(September 2016)**

**(Proposal Due Date: 30-09-2016)**

**(This document is meant for exclusive purposes of submitting the Proposal against this RFQ document and shall not be transferred, reproduced or otherwise used for purposes other than that for which it is specifically issued)**

**Vice Chairman and Managing Director,  
Infrastructure Corporation of Andhra Pradesh Limited (INCAP)  
# 10-2-1, III Floor, FDC Complex, AC Guards,  
Hyderabad – 500 028, India  
Tel: +91-40-2332 1771/72 Fax: +91-40-2332 1773  
Email: [incap@incap.co.in](mailto:incap@incap.co.in), [md@incap.co.in](mailto:md@incap.co.in).  
Web: [www.incap.co.in](http://www.incap.co.in)**

	<p><b>Infrastructure Corporation of Andhra Pradesh Ltd.</b> (Under the control of Energy, Infrastructure &amp; Investment Dept., GoAP) # 10-2-1, III Floor, FDC Complex, AC Guards, Hyderabad – 500 028, India</p>	
<p><b>NOTICE INVITING</b></p>	<p>Empanelment of Advocates by INCAP for providing comprehensive legal services in respect of infrastructure projects being developed in the state of Andhra Pradesh</p>	
<p><b>Notice No. INCAP/Empanelment/ Legal Firms /195/2016 06/09/2016</b></p>		
<p>Infrastructure Corporation of Andhra Pradesh (INCAP) invites Proposals for Captioned assignment.</p> <p>All other details including any date extensions, clarifications, amendments, corrigenda etc., will be uploaded only to the website of INCAP and will not be published in Newspapers. Hence, Applicants shall regularly visit the website of INCAP to keep themselves updated.</p> <p>The interested Applicants may download the Request for Qualification (RFQ) document from the following website : <a href="http://www.incap.co.in">www.incap.co.in</a></p> <p style="text-align: right;">Sd/- Vice Chairman and Managing Director</p>		
<p><b>For any queries please send e-mail to: <a href="mailto:incap@incap.co.in">incap@incap.co.in</a> or contact Mr. R. Srinivasa Rao, CPC, INCAP on +917702918484</b></p>		

**INFRASTRUCTURE CORPORATION OF ANDHRA PRADESH LIMITED (INCAP)**  
**10-2-1, 3<sup>rd</sup> FLOOR, FDC COMPLEX, AC GUARDS, HYDERABAD – 500028, India,**  
**Tel: +91-40-2332 1771/72 Fax: +91-40-2332 1773 Email: [incap@incap.co.in](mailto:incap@incap.co.in).**

EMPANELMENT OF ADVOCATES BY INFRASTRUCTURE CORPORATION OF ANDHRA PRADESH LIMITED (INCAP) FOR PROVIDING COMPREHENSIVE LEGAL SERVICES IN RESPECT OF INFRASTRUCTURE PROJECTS BEING DEVELOPED IN THE STATE OF ANDHRA PRADESH

**Notice No. INCAP/Empanelment/ Legal Firms /195/2016 06/09/2016**

**REQUEST FOR QUALIFICATION DOCUMENT**

Proposals in the prescribed format are invited from suitable Applicant(s) for empanelment of Advocates for providing comprehensive legal services in respect of infrastructure projects being developed in the state of Andhra Pradesh.

1.	Name of Authority	Infrastructure Corporation of Andhra Pradesh Limited (INCAP)
2.	Name of the Consultancy assignment	Providing comprehensive legal services to INCAP/Energy, Infrastructure and Investment Department in respect of infrastructure projects being developed in the state of Andhra Pradesh
3.	Last date & time for submission of Proposal (Proposal Due Date)	15.00 Hours IST on 30-09-2016
4.	Date & time for opening Proposal	16.00 Hours IST on 30-09-2016 in the Board Room of Infrastructure Corporation of Andhra Pradesh, #10-2-1, 3rd FLOOR, FDC COMPLEX, AC GUARDS, HYDERABAD – 500028, India.
5.	Method of Empanelment	The empanelment shall be on the following basis: <ol style="list-style-type: none"><li>1) The Applicants should meet the minimum eligibility criteria</li><li>2) Technical proposals of Applicants who meet the minimum eligibility criteria shall be evaluated</li><li>3) Using the score obtained in</li></ol>

		Evaluation Criteria in descending order, to constitute a panel of <b>6 (Six)</b> Advocates.
6.	Validity of the Proposal	The RFQ Proposal shall indicate that it shall remain valid for a period of minimum 90 (Ninety) days from the last date of submission of the RFQ with a provision for extension without change in terms and conditions.
7.	Proposal Processing Fee (Non-refundable)	Rs.10,000/- (Rupees ten thousand only) In the form of a Demand Draft issued by one of the Nationalized/ Scheduled Banks in India in favor of the Vice Chairman and Managing Director, INCAP Ltd., payable at Hyderabad. The Proposal Processing Fee shall have its validity up to 90 (Ninety) days from the Proposal Due Date.
8.	Validity of Empanelment	The empanelment shall remain valid for a period of 3 (Three) years from acceptance of Letter of Empanelment with a provision for extension without change in terms and conditions.

**Acknowledgement:**

This document shall be returned duly signing each page by the Applicant accepting the terms and conditions.

It is expressly understood that the party has subscribed to this document with an express understanding that they will use this document only for the sole purpose of participating in the Qualification process for the **empanelment of Advocates for providing comprehensive legal services in respect of infrastructure projects being developed in the state of Andhra Pradesh** and must not be used for any other purpose. This document must not be passed to a third party except professional advisers assisting with this Proposal submission. The document may not be reproduced or communicated, in whole or in part, and its contents may not be distributed in written or oral form without written permission from the issuing authority.

**Signature of the issuing Authority**

Vice Chairman & Managing Director  
Infrastructure Corporation of Andhra Pradesh Ltd. (INCAP)  
10-2-1, 3rd Floor, FDC Complex,  
AC Guards, Hyderabad – 500028, India.  
Tel: +91-40-2332 1771/72 Fax: +91-40-2332 1773  
Email: [incap@incap.co.in](mailto:incap@incap.co.in), [md@incap.co.in](mailto:md@incap.co.in).  
Web: [www.incap.co.in](http://www.incap.co.in)

### **Disclaimer**

The information contained in this Request for Qualification document (“**RFQ**”) or subsequently provided to Applicants, whether verbally or in documentary or any other form by or on behalf of the Authority or any of its employees or advisers, is provided to Applicants on the terms and conditions set out in this RFQ and such other terms and conditions subject to which such information is provided.

This RFQ is not an agreement and is neither an offer nor invitation by the Authority to the prospective Applicants or any other person. The purpose of this RFQ is to provide interested parties with information that may be useful to them in the formulation of their Proposals pursuant to this RFQ. This RFQ includes statements, which reflect various assumptions and assessments arrived at by the Authority in relation to the Consultancy. Such assumptions, assessments and statements do not purport to contain all the information that each Applicant may require. This RFQ may not be appropriate for all persons, and it is not possible for the Authority, its employees or advisers to consider the objectives, technical expertise and particular needs of each party who reads or uses this RFQ. The assumptions, assessments, statements and information contained in this RFQ, may not be complete, accurate, adequate or correct. Each Applicant should, therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments and information contained in this RFQ and obtain independent advice from appropriate sources.

Information provided in this RFQ to the Applicants is on a wide range of matters, some of which depends upon interpretation of law. The information given is not an exhaustive account of statutory requirements and should not be regarded as a complete or authoritative statement of law. The Authority accepts no responsibility for the accuracy or otherwise for any interpretation or opinion on the law expressed herein.

The Authority, its employees and advisers make no representation or warranty and shall have no liability to any person including any Applicant under any law, statute, rules or regulations or tort, principles of restitution or unjust enrichment or otherwise for any loss, damages, cost or expense which may arise from or be incurred or suffered on account of anything contained in this RFQ or otherwise, including the accuracy, adequacy, correctness, reliability or completeness of the RFQ and any assessment, assumption, statement or information contained therein or deemed to form part of this RFQ or arising in any way in this Selection Process.

The Authority also accepts no liability of any nature whether resulting from negligence or otherwise, howsoever caused, arising from reliance of any Applicant upon the statements contained in this RFQ.

The Authority may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumption contained in this RFQ.

The issue of this RFQ does not imply that the Authority is bound to select an Applicant or to appoint the Selected Applicant, as the case may be, for the Consultancy and the Authority reserves the right to reject all or any of the Proposals without assigning any reasons whatsoever.

The Applicant shall bear all its costs associated with or relating to the preparation and submission of its Proposal including but not limited to preparation, copying, postage, delivery fees, expenses associated with any demonstrations or presentations which may be required by the Authority or any other costs incurred in connection with or relating to its Proposal. All such costs and expenses will remain with the Applicant and the Authority shall not be liable in any manner whatsoever for the same or for any other costs or other expenses incurred by an Applicant in preparation or submission of the Proposal, regardless of the conduct or outcome of the Selection Process.

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## **1. INTRODUCTION**

### **1.1. Background**

- 1.1.1. Government of Andhra Pradesh is engaged in the development of various infrastructure projects across various sectors defined in Schedule III of AP IDE Act 2001, sectors being handled or to be handled by INCAP/Energy, Infrastructure & Investment Department, including but not limited to:
- a) Airports
  - b) Ports
  - c) Highways including Beach Road
  - d) Urban infrastructure projects like convention centers, hotels, sports complexes, international schools, golf courses, bus/truck terminals etc.
- 1.1.2. Infrastructure Corporation of Andhra Pradesh (INCAP) (the “**Authority**”) is providing advisory services to the Government of Andhra Pradesh for implementation of the aforesaid infrastructure projects.
- 1.1.3. The Authority intends to empanel Advocates (the “Consultant” or “Advocate”) for providing comprehensive legal services in respect of infrastructure projects being developed in the state of Andhra Pradesh in the infrastructure sectors defined in the Schedule III of AP IDE Act 2001, sectors being handled or to be handled by INCAP/Energy, Infrastructure & Investment Department. The scope of services is detailed in section 2.1.1. Therefore, the Authority invites Proposals for forming a panel of Advocates.

### **1.2. Release of RFQ Document**

- 1.2.1. The RFQ document will be made available in the website of INCAP from the date of publication of RFQ notification in the News Papers.
- 1.2.2. The Applicants needs to furnish, as part of its Proposal, a fee of Rs. 10,000/- (Rupees Ten Thousand Only) in the form of a Demand Draft issued by one of the Nationalised/ Scheduled Banks in India in favour of the Vice Chairman and Managing Director, INCAP Ltd., payable at Hyderabad towards non-refundable proposal processing fee (the “**Proposal Processing Fee**”). The Proposal Processing Fee shall have its validity up to 90 (Ninety) days from the Proposal Due Date (the “**Proposal Due Date**”).

### **1.3. Validity of the Proposal**

- 1.3.1. The RFQ Proposal shall indicate that it shall remain valid for a period of minimum 90 (Ninety) days from the last date of submission of the RFQ with a provision for extension without change in terms and conditions.
- 1.3.2. Empanelment is also liable for cancellation if at any stage it is found that the documents/information submitted in the Proposal is false.

- 1.3.3. The Authority shall have the right to terminate the empanelment by giving a written notice to the Consultant without any compensation if the empanelled Consultant is found corrupt or fraudulent.

#### **1.4. Brief description of the Selection Process**

- 1.4.1. The Authority intends to select the Consultant(s) through an open competitive process in accordance with the procedure set out herein.
- 1.4.2. This RFQ document will be used to select a panel of **6 (Six)** Advocates, using the score obtained in Evaluation Criteria (detailed in Clause 3.1) in descending order, who will be empanelled to provide comprehensive legal services per the scope defined in Clause 2.1.1.
- 1.4.3. If the number of qualified Applicants is less than **6 (Six)**, the Authority reserves the right to reduce the minimum eligibility criteria and/or evaluation criteria for technical proposal.
- 1.4.4. A Request for Proposal (RFP) for each infrastructure project as described in Clause 1.1.1 will be released to all the empanelled consultants.
- a) For each engagement / assignment the Authority would specifically define the scope of engagement, which may include components beyond the defined scope in this RFQ and/or call for a Limited RFP to the Empanelled Advocates.
- b) As per the selection criteria detailed in the respective RFPs, the Consultant shall be selected.
- 1.4.5. The selected Consultant after the RFP shall provide comprehensive legal services to INCAP/Energy, Infrastructure & Investment Department in relation to the infrastructure projects being developed in the state of Andhra Pradesh. During the provision of such services, the selected Consultant shall visit INCAP whenever required or whenever requested by INCAP.

#### **1.5. Currency conversion rate and payment**

- 1.5.1. For the purposes of technical evaluation of Applicants, Rs. 60 (Rupees Sixty) per USD shall be considered as the applicable currency conversion rate. In case of any other currency, the same shall first be converted to USD as on the date 60 (sixty) days prior to the Proposal Due Date, and the amount so derived in USD shall be converted into INR at the aforesaid rate. The conversion rate of such currencies shall be the daily representative exchange rates published by the International Monetary Fund for the relevant date.
- 1.5.2. All payments to the Consultant shall be made in INR in accordance with the provisions of this RFP. The Consultant may convert INR into any foreign currency as per Applicable Laws and the exchange risk, if any, shall be borne by the Consultant.

## 1.6. Schedule of Selection Process

The Authority would endeavor to adhere to the following schedule:

Event Description	Date
1. Last date for receiving queries/clarifications	1700 hours IST 13-09-2016
2. Authority's response to queries	1700 hours IST 15-09-2016
3. Proposal Due Date	1500 hours IST 30-09-2016
4. Opening of Proposals	1600 hours IST 30-09-2016
5. Validity of Proposals	90 (Ninety) days of Proposal Due Date

## 1.7. Communications

1.7.1. Submission of Proposal in hard copies in response to this RFQ through registered post/speed post/ courier or hand delivered, should be addressed to:

The Vice Chairman and Managing Director,  
Infrastructure Corporation of Andhra Pradesh Ltd.  
# 10-2-1, III Floor, FDC Complex, AC Guards,  
Hyderabad - 500 028, Telangana, India.  
Phone: 040-23321771/2  
Fax: 040-23321773  
Email: [incap@incap.co.in](mailto:incap@incap.co.in)

The Applicants are welcome to make any query related to RFQ prior to submission of Proposal on email at [incap@incap.co.in](mailto:incap@incap.co.in) within the date specified in Clause 1.6.

The Applicants are advised in their own interest to ensure that completed Proposals reach the office of Authority at the address mentioned well before the dates stipulated in the document. Proposals submitted through Speed post/ Registered Post / Courier / Hand delivered shall be accepted. Proposals submitted through Telex / Telegraphic / Fax / email will not be considered and summarily rejected.

Proposals received after the date and time stipulated in this RFQ shall not be considered and shall be summarily rejected. **Any proposal received after the closing time for submission of proposals shall be returned unopened.** The Authority shall not be responsible for delayed receipt of Proposals.

The official website of the Authority is: <http://www.incap.co.in>. All details including this RFQ document, any Proposal Due Date extensions, clarifications, amendments, addenda, corrigenda, etc., in respect of this notification will be uploaded only to the website of INCAP and will not be published in Newspapers.

- 1.7.2. All communications, including the envelopes, should contain the following information, to be marked at the top:

**Notice No. INCAP/Empanelment/Legal Firms/195/2016 06/09/2016**

**EMPANELMENT OF ADVOCATES BY INFRASTRUCTURE CORPORATION OF  
ANDHRA PRADESH LIMITED (INCAP) FOR PROVIDING COMPREHENSIVE  
LEGAL SERVICES IN RESPECT OF INFRASTRUCTURE PROJECTS BEING  
DEVELOPED IN THE STATE OF ANDHRA PRADESH**

## **2. INSTRUCTIONS TO APPLICANTS**

### **2.1. Scope of Services**

**2.1.1. Role of Consultant:** The empanelled Consultants will provide comprehensive legal consultancy services for various infrastructure projects in the course of the empanelment period. A Consultant would be selected from the empanelled list for each such project. The Consultant would be responsible for providing comprehensive legal services to INCAP, in relation to the infrastructure projects being developed in the State of Andhra Pradesh.

The selected Consultant would have to wholly or partly provide services described below:-

- 1) To review the tender documents such as Request for Expression of Interest, Request for Qualification (RFQ) and the Request for Proposal (RFP) documents for a Project from a legal perspective, and suggest changes as may be necessary.
- 2) To draft, review, negotiate and finalize the Agreement/Concession Agreement to be entered with the successful bidder for a project, from a legal perspective
- 3) To attend pre-bid meetings with the proposed bidders, provide clarification and assist in negotiations/discussions with respect to the Project, from a legal perspective.
- 4) Assist INCAP/Energy, Infrastructure & Investment Department in addressing bidders' queries relating to legal issues.
- 5) To review and finalize the Letter of Award and other correspondence related to award of a project to the successful bidder.
- 6) To provide requisite legal advice in relation to a Project until the execution of Concession Agreement.
- 7) To represent INCAP/Energy, Infrastructure & Investment Department in legal proceedings viz. court cases, PILs, writ petitions; prepare all required documentation for representing INCAP/Energy, Infrastructure & Investment Department.
- 8) To prepare affidavits/caveats and other legal documents for INCAP/Energy, Infrastructure & Investment Department as needed.
- 9) Appear in courts for the legal proceedings assigned to it on behalf of INCAP/Energy, Infrastructure & Investment Department. Follow up on the cases assigned to it
- 10) Keep INCAP/Energy, Infrastructure & Investment Department officials informed of the important developments in legal proceedings from time to time, particularly

with regard to finalization of drafts, filing of legal documents, dates of hearing of cases, supplying of copies of judgements etc.

- 11) Customize the model concession agreement (including schedules to the concession agreement) recommended by the Planning Commission or customize benchmark agreement from similar projects or draft agreement to suit the requirements of a project.
- 12) Assist INCAP/Energy, Infrastructure & Investment Department in negotiating the Agreement with the preferred bidder, as required.
- 13) Finalize the agreement (including schedules to the agreement) to be signed.
- 14) Assist INCAP/Energy, Infrastructure & Investment Department in responding to legal issues raised by the Concessionaire/Contractor/Consultant
- 15) Any other legal matters as required during the empanelment period.

### **Other Instructions**

The Consultant shall not utilize or publish or disclose or part with any statistics, data/proceeding or information collected for the purpose of INCAP/Energy, Infrastructure & Investment Department, without written consent of INCAP/Energy, Infrastructure & Investment Department. The Consultant shall be bound to hand over the entire records of assignment to INCAP. The Consultant shall be responsible for any explanation / description in the matter of this engagement.

### 2.1.2. Applicant

Personnel	Minimum Educational Qualification	Minimum length of Professional Experience	Minimum Eligibility
Advocate	Bachelor in law	15 years	He/She should have 15 years' experience in providing legal services. He/She should have provided legal services for not less than 2 (two) Eligible Assignments in the last 10 years. He/She shall be a member of the Bar Council of India.

*Note: 1) Applicant should not have attained the age of 75 (seventy five) years at the time of submitting the Proposal*

## 2.2. Minimum Eligibility Criteria for Empanelment

- 2.2.1. The Applicant shall have experience of 15 year experience in providing legal services
- 2.2.2. The Applicant shall be currently practising in relevant fields
- 2.2.3. The Applicant should not have a Conflict of Interest that affects the empanelment process. Any Applicant found to have a Conflict of Interest shall be disqualified.
- 2.2.4. Any Applicant who has been barred by the Central/ State Government, or any entity controlled by it, from participating in any project, and the bar subsists as on the date of RFQ, would not be eligible to submit a RFQ.
- 2.2.5. The Applicant should have never been penalized by any bar council in any disciplinary processing.
- 2.2.6. The Applicant should hold a valid PAN and Service Tax Registration Number (Attach Photostat copies.).
- 2.2.7. An Applicant, in the last 3 years, have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Applicant, as the case may be, nor has been expelled from any project or contract by any public entity nor have had any contract terminated by any public entity for breach by such Applicant.
- 2.2.8. **Financial Capacity:** The Applicant shall have received an average of Rs. 18 lakh (Rupees Eighteen Lakh) per annum as professional fees during each of the last three financial years preceding the PDD viz. 2015-16, 2014-15 and 2013-14. For the avoidance

of doubt, professional fees hereunder refers to fees received by the Advocate for providing legal advisory or consultancy services to its clients.

**The Applicant shall submit copy of Income Tax Returns (ITR) filed for the last three years with a statement of revenue earned from professional fees in the last three financial years**

2.2.9. **Technical Capacity:** The Applicant must have completed providing services for at least 2 (Two) Eligible Assignments over the past 10 (ten) years as defined in Clause 3.2., at least one of which should have been undertaken for a Government/PSU client.

2.2.10. The Applicants may note that mere meeting of the minimum eligibility criteria does not entitle them for empanelment. The Applicants meeting the minimum eligibility criteria will be further short-listed for Evaluation. Technical Proposal of only those Applicants will be evaluated who meets the minimum eligibility criteria.

### **2.3. Cost of Proposal**

2.3.1. The Applicants shall be responsible for all of the costs associated with the preparation of their Proposals and their participation in the Selection Process including subsequent negotiation, visits to the Authority etc. The Authority will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the Selection Process.

### **2.4. Acknowledgement by Applicant**

2.4.1. It shall be deemed that by submitting the Proposal, the Applicant has:

- a) made a complete and careful examination of the RFQ;
- b) received all relevant information requested from the Authority;
- c) acknowledged and accepted the risk of inadequacy, error or mistake in the information provided in the RFQ or furnished by or on behalf of the Authority;
- d) Acknowledged that it does not have a Conflict of Interest.

2.4.2. The Authority shall not be liable for any omission, mistake or error on the part of the Applicant in respect of any of the above or on account of any matter or thing arising out of or concerning or relating to RFQ or the Selection Process, including any error or mistake therein or in any information or data given by the Authority.

### **2.5. Right to reject any or all Proposals**

2.5.1. Notwithstanding anything contained in this RFQ, the Authority 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.

2.5.2. The proposal received without Proposal Processing Fee or other requisite documents shall be rejected.



2.5.3. Without prejudice to the generality of Clause 2.5.1, the Authority reserves the right to reject any Proposal if:

- a) at any time, a material misrepresentation is made or discovered, or
- b) The Applicant does not provide, within the time specified by the Authority, the supplemental information sought by the Authority for evaluation of the Proposal.

2.5.4. Misrepresentation/ improper response by the Applicant may lead to the disqualification of the Applicant.

2.5.5. Receipt of Proposal beyond the Proposal Due Date shall result in disqualification.

2.5.6. Additionally, the Proposals may lead to disqualification under, inter-alia, any of the following circumstances:

- a) Prior suspension by Government of Andhra Pradesh, whether in a capacity as an individual consultant.
- b) A record of unsatisfactory past performance, particularly non-compliance with contract terms, plans and specifications or abandonment of work and similar deficiencies.

2.4.7. Corrupt or Fraudulent Practices - In the event of the Applicants engaging in corrupt or fraudulent practices during the proposal process, as per the judgement of INCAP, the proposal will be rejected. Any decision in this regard will be final and binding on the Applicant.

For the purpose of this clause: “Corrupt Practice” means the offering, giving, receiving or soliciting of anything of value to influence the action of INCAP in the selection process. It also includes bringing undue influence through any quarter or interfering directly or indirectly in the selection process to affect its outcome.

## **2.6. Amendment of RFQ**

2.6.1. At any time prior to the deadline for submission of Proposal, the Authority may, for any reason, whether at its own initiative or in response to clarifications requested by an Applicant, modify the RFQ document by the issuance of Addendum/ Amendment.

2.6.2. The amendments will be posted on the Official Website along with the revised RFQ containing the amendments and will be binding on all Applicants.

2.6.3. In order to afford the Applicants a reasonable time for taking an amendment into account, or for any other reason, the Authority may, in its sole discretion, extend the Proposal Due Date.

## **2.7. Preparation and Submission of Proposal**

### **2.7.1. Language**

The Proposal with all accompanying documents (the “**Documents**”) and all communications in relation to or concerning the Selection Process shall be in English

language and strictly on the forms provided in this RFQ. No supporting document or printed literature shall be submitted with the Proposal unless specifically asked for and in case any of these Documents is in another language, it must be accompanied by an accurate translation of the relevant passages in English, in which case, for all purposes of interpretation of the Proposal, the translation in English shall prevail.

### 2.7.2. Submission of Proposal

2.7.2.1. The Applicants shall submit the Proposal in hard copy form with all pages numbered serially and by giving an index of submissions. Each page of the submission shall be initialled by the Authorized Representative of the Applicant as per the terms of the RFQ. Soft copy of the Proposal in MS Word and/or PDF formats shall also be submitted in a Compact Disk/Digital Versatile Disc/Pen Drive.

2.7.2.2. The Proposal from the Applicants must contain the following:

- a) Letter of Proposal (Appendix I – Form 1)
- b) Index (giving list of contents and corresponding page numbers in the Proposal)
- c) Original and 1(One) Copy of the Proposal
- d) Compact Disk/Digital Versatile Disc/Pen Drive containing soft copy of the Proposal in MS Word and/or PDF formats.
- e) Proposal Processing Fee
- f) Financial capacity of the Applicant (Appendix I – Form 2)
- g) Copy of PAN card, Service Tax Registration Certificate and Income Tax Returns (ITR) (filed for the last three financial years)
- h) Summary of list of assignments undertaken in the last 10 years (Appendix I – Form 3)
- i) Detailed Particulars of Assignments (Appendix I – Form 4)
- j) Summary of Applicant's experience (Appendix I – Form 5)
- k) CV of Applicant (Appendix I – Form 6)
- l) Proofs of qualification and bar council membership
- m) Summary Sheet for Evaluation (Appendix I – Form 7)
- n) Other documents, if any

2.7.2.3. The Proposal will be sealed in an envelope which will bear the address of the Authority, RFQ Notice number, Consultancy name (as detailed in Clause 2.7.2.7) and the name and address of the Applicant. It shall bear on top, the following:

**“Do not open, except in presence of the Authorized Person of the Authority”**

If the envelope is not sealed and marked as instructed above, the Authority assumes no responsibility for the misplacement or premature opening of the contents of the Proposal submitted and consequent losses, if any, suffered by the Applicant.

- 2.7.2.4. The Proposal shall be typed or written in indelible ink and signed by the Applicant. All pages of the original Proposal must be numbered and initialled by the Applicant.
- 2.7.2.5. The completed Proposal must be delivered on or before the specified time on Proposal Due Date. Proposals submitted by fax, telex, telegram, e-mail or any other format except as specified in this section shall not be entertained. However, response to clarifications sought by the Authority may be submitted by fax/telex/telegram/e-mail/any other format.
- 2.7.2.6. The Proposal shall be made in the Forms specified in this RFQ. 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 above sealed envelope shall be submitted with the following inscription:

**“REQUEST FOR QUALIFICATION”**

**EMPANELMENT OF ADVOCATES BY INFRASTRUCTURE CORPORATION OF  
ANDHRA PRADESH LIMITED (INCAP) FOR PROVIDING COMPREHENSIVE  
LEGAL SERVICES IN RESPECT OF INFRASTRUCTURE PROJECTS BEING  
DEVELOPED IN THE STATE OF ANDHRA PRADESH**

**2.7.3. Proposal Due Date**

- 2.7.3.1. The completed Proposals should reach the under mentioned address before 1500 hours IST on 30/09/2016

Vice Chairman and Managing Director,  
Infrastructure Corporation of Andhra Pradesh Limited (INCAP)  
# 10-2-1, III Floor, FDC Complex, AC Guards,  
Hyderabad – 500 028, India  
Tel: +91-40-2332 1771/72 Fax: +91-40-2332 1773  
Email: [incap@incap.co.in](mailto:incap@incap.co.in), [md@incap.co.in](mailto:md@incap.co.in).

- 2.7.3.2. In case, the Proposal Due Date is an unscheduled holiday, the Proposal has to be submitted latest by the next working day. The time and venue of submission/opening will remain unchanged. A receipt thereof should be obtained from the person specified therein.

- 2.7.3.3. The Authority may, in its sole discretion, extend the Proposal Due Date by issuing an Addendum in accordance with Clause 2.6 uniformly for all Applicants.

**2.7.4. Late Proposals**

Proposals received by the Authority after the specified time on Proposal Due Date shall not be eligible for consideration and shall be summarily rejected. The Authority will not be responsible for any delay in receipt of Proposals.

### **2.7.5. Modification/ substitution/ withdrawal of Proposals**

2.7.5.1. The Applicant may modify, substitute, or withdraw its Proposal after submission, provided that written notice of the modification, substitution, or withdrawal is received by the Authority prior to Proposal Due Date. No Proposal shall be modified, substituted, or withdrawn by the Applicant on or after 1500 hours IST of Proposal Due Date.

2.7.5.2. The modification, substitution, or withdrawal notice shall be prepared, sealed, marked, and delivered with the envelopes being additionally marked “MODIFICATION”, “SUBSTITUTION” or “WITHDRAWAL”, as appropriate.

2.7.5.3. Any alteration / modification in the Proposal or additional information or material supplied subsequent to the Proposal Due Date, unless the same has been expressly sought for by the Authority, shall be disregarded.

### **2.7.6. Opening of Proposals**

The Proposals will be opened at 1600 hours IST on 30/09/2016 at the following address:

Board Room,  
Infrastructure Corporation of Andhra Pradesh Limited (INCAP)  
# 10-2-1, III Floor, FDC Complex, AC Guards,  
Hyderabad – 500 028, India  
Tel: +91-40-2332 1771/72 Fax: +91-40-2332 177

### **2.8. Conflict of Interest**

The Authority requires that Consultants provide professional, objective, and impartial advice and at all times hold the Authority’s interests paramount, strictly avoid conflicts with other Projects or their own corporate interests and act without any consideration for future work. Without limitation on the generality of the foregoing, Consultants, and any of their affiliates, shall be considered to have a conflict of interest and shall not be recruited.

### **2.9. Confidentiality**

The empaneled Advocates shall not, either during the term or after expiration of this empanelment, disclose any proprietary or confidential information relating to the services, contract or business or operations of the Authority, without the prior written consent of the Authority.

### 3. CRITERIA OF EVALUATION OF TECHNICAL PROPOSALS

#### 3.1. Evaluation of Proposals

An overall minimum score of 70 out of 100 is required for consideration of empanelment.

S.No	Description	Forms	Marks
<b>1.</b>	<b>Past relevant experience of the Applicant in last ten years</b>		<b>90</b>
<b>1.a</b>	<p>Past relevant experience of consultancy in terms of no. of completed eligible assignments (<b>Max. marks - 40</b>)</p> <p><b>Number of assignments: 5 (40 marks)</b> Note : For each Eligible Assignment, 8 marks will be given</p> <p>Marks will be awarded based on documentary proof of assignments of consultancy, enclosed along with the Technical proposal*.</p> <p>Note: 1. For assignments – Work Order/Agreement/Completion Certificate/Invoice/Certificate from the Client/Any other documentary evidence</p>	<i>Form 3 &amp; 4</i>	<b>40</b>
<b>1.b</b>	<p><b>Comparative size and quality of Eligible Assignments (Max marks – 30)</b></p> <p><b>A. Estimated Capital Cost – PPP projects (in INR)</b> i. Estimate capital cost of Eligible Project : Rs.100 crore – Rs. 200 crore – 5 marks ii. Estimate capital cost of Eligible Project: Rs. 201 crore – Rs. 300 crore – 7 marks iii. Estimate capital cost of Eligible Project &gt; or = Rs. 301 – 10 marks OR <b>B. Estimated Capital Cost – Non PPP projects (in INR)</b> i. Estimate capital cost of Eligible Project: Rs.200 crore – Rs. 400 crore – 5 marks ii. Estimate capital cost of Eligible Project: &gt; or = Rs. 401 crore - Rs. 600 crore – 7 marks iii. Estimate capital cost of Eligible Project: &gt; or = Rs. 601 crore – 10 marks</p>	<i>Form 3 and 4</i>	<b>30</b>
<b>1.c</b>	<p><b>Past relevant experience in provision of similar legal services (as defined in the Clause 2.1) for infrastructure projects (Max. marks - 20)</b></p> <p><b>Number of assignments: 5 (20 marks)</b></p>	<i>Form 3 and 4</i>	<b>20</b>

	<p>Note : For each assignment with similar services, 4 marks will be given</p> <p>Marks will be awarded based on documentary proof of assignments of consultancy, enclosed along with the Technical proposal*.</p> <p>Note: For assignments – Work Order/Agreement/Completion Certificate/Invoice/Certificate from the Client/Any other documentary evidence</p>		
<b>2</b>	<b>Qualification and experience of the Applicant (Max. marks - 10)</b>		<b>10</b>
<b>2.a</b>	<p>Years of experience – 20 years and above (5 marks)</p> <p>Note: No marks will be awarded for experience between 15 – 20 years</p>	<i>Form 5 and 6</i>	5
<b>2.b</b>	Experience in AP projects (Combined AP) (5 marks)	<i>Form 5 and 6</i>	5
	<b>Total</b>		<b>100</b>

### 3.2. Eligible Assignments

- 1) An infrastructure project undertaken through Public Private Partnership (the “PPP Projects”) having an estimated capital cost (excluding land) of at least Rs. 100 crore (Rupees Hundred Crore) in case of a project in India, and USD 50 million (US Dollars Fifty Million) for infrastructure projects undertaken elsewhere through PPP.

OR

- 2) A non-PPP infrastructure project having an estimated capital cost (excluding land) of at least Rs. 200 crore (Rupees Two Hundred Crore) in case of a project in India, and USD 100 million (US Dollars Hundred Million) for projects elsewhere.
- 3) Provided that the Applicant claiming credit for an Eligible Assignment should have completed provision of his/her services for the assignment within 10 years prior to PDD.

### 3.3. Letter of Empanelment

The Selected Applicants shall be the top **6 (Six)** Applicants (as per score in descending order) who have secured a score above the minimum score on the evaluation criteria. A Letter of Empanelment (the "LOE") shall be issued to the selected applicants by the Authority. Each Selected Applicant shall acknowledge receipt of LOE and confirm acceptance within 7 days from the date of issue. In case, an acceptance is not received, the next highest scoring Applicants shall be issued the LOE.

**Form 1**

**Letter of Proposal**

(On Applicant's letter head)

(Date and Reference)

To,

The Vice Chairman and Managing Director,  
Infrastructure Corporation of Andhra Pradesh Ltd.  
# 10-2-1, III Floor, FDC Complex, AC Guards,  
Hyderabad - 500 028, Telangana, India.  
Tel: +91-40-2332 1771/72 Fax: +91-40-2332 1773  
Email: incap@incap.co.in, md@incap.co.in.  
Web: www.incap.co.in

Sub: Empanelment of Advocates for providing comprehensive legal services in respect of infrastructure projects being developed in the state of Andhra Pradesh

Dear Sir,

With reference to your RFQ Document dated ....., I, having examined all relevant documents and understood their contents, hereby submit our Proposal for selection as Consultant for Empanelment of Advocates for providing comprehensive legal services in respect of infrastructure projects being developed in the state of Andhra Pradesh

The Proposal is unconditional and unqualified.

1. All information provided in the Proposal and in the Appendices is true and correct and all documents accompanying such Proposal are true copies of their respective originals.
2. This statement is made for the express purpose of appointment as the Consultant for the aforesaid Empanelment
3. I shall make available to the Authority any additional information it may deem necessary or require for supplementing or authenticating the Proposal.
4. I acknowledge the right of the Authority to reject our Proposal without assigning any reason or otherwise and hereby waive our right to challenge the same on any account whatsoever.
5. I certify that in the last three years, I have neither failed to perform on any contract, 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 contract by any public authority nor have had any contract terminated by any public authority for breach on our part.

6. I understand that you may cancel the Selection Process at any time and that you are neither bound to accept any Proposal that you may receive nor to select the Consultant, without incurring any liability to the Applicants
7. I certify that in regard to matters other than security and integrity of the country, I have not been convicted by a Court of Law or indicted or adverse orders passed by a regulatory authority which would cast a doubt on our ability to undertake the Consultancy for the Project or which relates to a grave offence that outrages the moral sense of the community.
8. I further certify that in regard to matters relating to security and integrity of the country, I have not been charge-sheeted by any agency of the Government or convicted by a Court of Law for any offence committed by us or by any of our Associates.
9. I further certify that no investigation by a regulatory authority is pending against me<sup>§</sup>
10. I hereby irrevocably waive any right or remedy which we may have at any stage at law or howsoever otherwise arising to challenge or question any decision taken by the Authority and/ or the Government of India in connection with the selection of Consultant or in connection with the Selection Process itself in respect of the above mentioned Project.
11. I agree and understand that the Proposal is subject to the provisions of the RFQ document. In no case, shall I have any claim or right of whatsoever nature if me or our Proposal is not opened or rejected.
12. I agree to keep this offer valid for 90 (Ninety) days from the Proposal Due Date specified in the RFQ.
13. I agree that the empanelment shall be valid for 3 (Three) years from the acceptance of Letter of Empanelment.
14. I agree and undertake to abide by all the terms and conditions of the RFQ Document. In witness thereof, I submit this Proposal under and in accordance with the terms of the RFQ Document.

Yours faithfully,

(Signature and name of the Applicant)

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<sup>§</sup> In case the Applicant is unable to provide the certification specified in Paragraph 9, it may precede the Paragraph by the words viz. “Except as specified in Schedule ..... Hereto”. The exceptions to the certification or any disclosures relating thereto may be clearly stated in a Schedule to be attached to the Application. The Authority will consider the contents of such Schedule and determine whether or not the exceptions/disclosures are material to the suitability of the Applicant for pre-qualification hereunder.



**Form 2**

**Financial Capacity of the Applicant**

<b>S. No.</b>	<b>Financial Year</b>	<b>Annual Revenue (Rs. in Lakh)</b>
1.	2015-16	
2.	2014-15	
3.	2013-14	

Date: \_\_\_\_\_ (Signature and name of the Applicant)

**Form 3**

**Summary List of Eligible Assignments**

<b>I. No.</b>	<b>Title of the Assignment</b>	<b>Type of Assignment (PPP or Non-PPP)</b>	<b>Infrastructure Sector</b>	<b>Client</b>	<b>Period of the Assignment (Should have been undertaken in the last 10 years)</b>	<b>Project Cost (In INR Crore) (Should be as per Clause 3.2)</b>	<b>Scope of Services</b>	<b>Status of completion of services</b>	<b>Proof enclosed (Yes/No) and type of proof (As per Clause 3.1)</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>	<b>(7)</b>	<b>(8)</b>	<b>(9)</b>	<b>(10)</b>

**Form 4**

**Detailed Particulars of Assignments**

1.	Name of the Assignment:	
2.	Nature of the Assignment: PPP/Non-PPP	
3.	Infrastructure sector	
4.	Assignment description and other particulars	
5.	Description of services performed by the Applicant:	
6.	Name of client and Address: (indicate whether public or private)	
7.	Estimated capital cost of the Assignment (in Rs crore or USD million):	
8.	Start date of the services (month/ year):	
9.	Finish date of the services (month/ year):	
10.	Brief description of the Assignment and services provided:	
11.	Components of the Scope of Services provided (as detailed Clause 2.1)	

**Notes:**

1. Use separate sheet for each Project.
2. The Applicant may attach separate sheets to provide brief particulars of other relevant experience of the Applicant.

**Form 5**

**Summary of Applicant's experience**

<b>Name of the Advocate</b>	<b>Qualification</b>	<b>Experience in providing legal services in years</b>	<b>Areas of specialization</b>	<b>No. of Agreements, Request for Qualification/Proposal drafted/vetted</b>	<b>No: of court cases, PILs, writ petitions filed</b>	<b>Membership in Bar Council of India (Yes/No)</b>	<b>Experience in provision of services to Clients in AP (Yes/No)</b>
<b>(1)</b>	<b>(2)</b>	<b>(3)</b>	<b>(4)</b>	<b>(5)</b>	<b>(6)</b>	<b>(7)</b>	<b>(8)</b>

**Form 6**

**Particulars and Curriculum Vitae (CV) of Applicant**

1. Title of Consultancy: **Consultancy services for providing comprehensive legal services in respect of infrastructure projects being developed in the state of Andhra Pradesh**
2. Name of Applicant:
3. Date of Birth:
4. Nationality:
5. Educational Qualifications:
6. Contact details:  
  
Full permanent address:  
  
Phone No.:  
  
Mobile No.:  
  
E-mail address:
7. Principal place of business:
8. Brief description of the Applicant including details of its main lines of business
9. Employment Record: (Starting with present position, list in reverse order every employment held.)
10. Date & year of registration into the Bar Council of India:
11. Bar Council Membership Number:
12. Permanent Account Number
13. Service Tax Registration Number
14. Number of years of experience in legal advisory services
15. Areas of services and core competency



16. Declarations by the Applicant

For the Applicant, state the following information:

(i) Does the Applicant apply to be empanelled for infrastructure sectors defined in the Schedule III of AP IDE Act 2001, sectors being handled or to be handled by INCAP/E, I&I Dept.

Yes/No

(ii) Has the Applicant been penalized by any organization for poor quality of work or breach of contract in the last three years?

Yes/No

(iii) Has the Applicant ever failed to complete any work awarded to it by any public authority/ entity in last three years?

Yes/No

(iv) Has the Applicant been blacklisted by any Government department/Public Sector Undertaking in the last three years?

Yes/No

**Note: If answer to any of the questions at (ii) to (v) is yes, the Applicant is not eligible for this empanelment.**

17. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes me, my qualifications and my experience.

(Signature and name of the Applicant)

Place.....

**Notes:**

- 1. Documentary evidence for qualification (Certificates) and membership into Bar Council shall be enclosed

**Form 7**

**Summary Sheet for Evaluation  
(To be filled by Applicants)**

<b>S. No.</b>	<b>Criteria</b>	<b>Form</b>	<b>Reference for Information by Applicant</b>	<b>Marks to be assigned</b>
1.	Past relevant experience of the Applicant in last ten years – number of completed eligible projects	Form 3		
2.	Comparative size and quality of Eligible Assignments – List of completed Eligible Projects and estimated capital cost per Eligible Project (in INR) - PPP projects/Non-PPP projects	Form 4		
3.	Past relevant experience in provision of similar legal services (as defined in the Clause 2.1) for infrastructure projects	Form 4		
4.	Advocate (Experience and Regional Experience)	Form 5 and Form 6		

Certified that the information provided above is correct. In case any mistake/wrong information is found by the Authority, I will automatically get disqualified for empanelment.

**(Signature and Name of the Applicant)**



**Infrastructure Corporation of Andhra Pradesh Limited (INCAP)**

**# 10-2-1, III Floor, FDC Complex, AC Guards,  
Hyderabad – 500 028, India**

**Tel: +91-40-2332 1771/72 Fax: +91-40-2332 1773**

**Email: [incap@incap.co.in](mailto:incap@incap.co.in)**

**Web: [www.incap.co.in](http://www.incap.co.in)**