



**EXPRESSION OF INTEREST  
CUM  
REQUEST FOR PROPOSAL  
FOR  
ENGAGEMENT OF CA, CS & LEGAL  
ADVISOR FOR URBAN TRANSPORT  
DEPARTMENT**



**REGIONAL CENTRE FOR URBAN ENVIRONMENTAL  
STUDIES (RCUES), LUCKNOW**

## DISCLAIMER

The information contained in this Request for Proposal document (**RFP Document**) or subsequently provided to BIDDER (s), whether verbally or in documentary form or otherwise by REGIONAL CENTRE FOR URBAN & ENVIRONMENTAL STUDIES (RCUES), LUCKNOW or any of its employees or advisors, is provided to BIDDER(s) on the terms and conditions set out in this RFP Document and such other terms and conditions subject to which such information is provided. The RFP Document is neither an agreement nor a binding offer by the Department to the prospective BIDDERS or any other person. The purpose of this RFP Document is to provide interested parties with information to assist in the formulation of their Proposal pursuant to this RFP Document. This RFP Document includes statements, which reflect various assumptions and assessments arrived at by Department in relation to the Project. Such assumptions and statements do not purport to contain all the information that each BIDDER may require. This RFP Document may not be appropriate for all persons, and it is not possible for the Department, their employees or advisors to consider the investment objectives, financial situation and particular needs of each party who reads or uses this RFP Document. The assumptions, assessments, statements and information contained in this RFP Document may not be complete, accurate, adequate or correct. Each BIDDER shall conduct its own investigations and analysis and shall check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments and information contained in this RFP Document and obtain independent advice from appropriate sources.

Information provided in this RFP to the BIDDER(s) 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 RCUES, its employees and advisors, accepts no responsibility for the accuracy or otherwise for any interpretation or opinion on law expressed herein, its employees and advisors make no representation or warranty, express or implied, and shall have no responsibility or liability to any person, including any BIDDER, 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 RFP Document or otherwise, including the accuracy, adequacy, correctness, reliability or completeness of the RFP Document and any assessment, assumption or information contained therein or deemed to form part of this RFP Document or arising in any way with evaluation of BIDDERS or selection of the Successful BIDDER in the selection process.

The RCUES, its employees and advisors, also accepts no liability of any nature whether resulting from negligence or otherwise howsoever caused arising from reliance of any BIDDER upon the statements contained in this RFP Document.

The RCUES may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in this RFP. The issue of this RFP Document does not imply that the RCUES, Lucknow is bound to select a BIDDER for implementing the Project and the RCUES, Lucknow reserves the right to reject all or any of the Proposals/Bids or withdraw or cancel the RFP Document or annul the selection process at any time without assigning any reasons whatsoever. The BIDDER 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 RCUES, Lucknow or any other costs incurred in connection with or relating to its Proposal. All such costs and expenses shall remain with the BIDDER and the Department, its employees and advisors, shall not be liable in any manner whatsoever for the same and for any other costs or other expenses incurred by an BIDDER in preparation or submission of the proposal, regardless of the conduct or outcome of the selection process.

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**NOTIFICATION FOR REQUEST OF PROPOSAL (RFP)****Ref: URC/ 779/24/2021-22****Date: 02/09/2021**

To,  
All Prospective BIDDERS

**Sub: “Engagement of CA, CS & Legal Advisor for Urban Transport Department”**

Sir,

The **RCUES, Lucknow** invites proposals for “**Engagement of CA, CS & Legal Advisor for Urban Transport Department**”. The Background Information and Terms of Reference are provided in Request for Proposal (RFP). This RFP is available to all experienced & qualified individual professional as Consultant and the Consultant will be selected through procedures described in this RFP.

**The RFP includes the following documents:**

- Data Sheet
- Expression of Interest
- Terms of Reference
- Instruction to BIDDERS
- Eligibility Criteria
- Payment schedule and terms
- Submission & Evaluation of the Proposal
- Technical & Financial Submission Forms

The deadline for receipt of proposals shall be on the date mentioned in Notice Inviting Request for Proposals. **RCUES** reserves the right to accept or reject any or all proposals, and to annul the selection process and reject all proposals at any time prior to the award of contract, without thereby incurring any liability or any obligation in any form to the affected firms on any grounds.

**Director**  
**RCUES**

## 1. INFORMATION TO BIDDERS

S.No.	DATA SHEET
1.	Name of the Client: Regional Centre for Urban & Environmental Studies (RCUES)
2.	Name of the Assignment: “ <b>Engagement of CA, CS &amp; Legal Advisor for Urban Transport Department</b> ”.
3.	Details on the services to be provided: As Mentioned in Terms of Reference (ToR ) of the RFP
4.	Financial Proposal to be submitted together with Technical Proposal: Yes
5.	Proposals must remain valid for 90days from the opening of Financial Proposal.
6.	The Cost of RFP Documents would be <b>Rs. 5,900.00 (Rupees Five Thousand Nine Hundred only)</b> to be paid through RTGS/NEFT in the following account details: <ul style="list-style-type: none"> <li>• <b>Bank Name: Axis bank Ltd</b></li> <li>• <b>Branch Name: Aliganj, Lucknow</b></li> <li>• <b>Account Name: Regional centre for Urban &amp; Environmental Studies Lucknow</b></li> <li>• <b>Account No.: 914010033522336</b></li> <li>• <b>IFSC: UTIB0001692</b></li> </ul>
7.	The format of the Technical Proposal to be submitted is: Full Technical Proposal (FTP)
8.	Under this contract the Consultant’s payments are as mentioned in Terms of Reference (ToR).
9.	It is expected that the Consultant will quote its Fee considering all requirements for satisfactory performance of the services which are included in ToR.
10.	Amounts payable by RCUES to the Consultant under the contract shall be on the basis of Tax Invoice.
11.	Eligibility Criteria: As per mentioned in the RFP
12.	Evaluation Criteria: Technical Proposals shall be evaluated on the basis of the criteria provided in the RFP.
13.	Method of selection: The selection is based on QCBS and further details on the evaluation process are specified in RFP

**The duration of the assignment:** The contract will be initially for a period of One year with the possibility of renewal subject to work requirement & satisfactory performance of the Consultant. The Director, RCUES reserves the right to accept or reject a bid or part thereof, or rejects all bids, without assigning any reason whatsoever, or cancels the tender without prior notice. Court jurisdiction in case of

any disputes would be at Lucknow.

## 2. SCHEDULE OF SHORTLISTING PROCESS

S.No.	Event Description	Indicative Dates and Time	Remarks
1.	Date of Issue of RFP	<b>06.09.2021</b>	-
2.	Last date of Submission of RFP	<b>27.09.2021 by 3:00 PM</b>	Online Submission & Offline Submission
3.	Pre-Bid Meeting	<b>13.09.2021 at 11:30 AM</b>	Online Meeting through Zoom App.
4.	Date of Opening of Application	<b>28.09.2021 at 4:00 PM</b>	RCUES, Lucknow

## 3. COMMUNICATION

All communications excluding the submission of Application shall be addressed to Email: **tender.rcueslko@gmail.com**

## 4. BACKGROUND

REGIONAL CENTRE FOR URBAN & ENVIRONMENTAL STUDIES (RCUES), serves as the Resource Centre for different flagship projects including Swacchh Bharat Mission and AMRUT of Urban Development Department of Government of Uttar Pradesh, Lucknow. It provides a range of quality Consultancy and training services to the Urban Development Departments of the ten States in the country.

Besides formulating policies and programs for overall urban development in the state, the Urban Development Department, Government of Uttar Pradesh (GoUP) is also implementing a number of centrally sponsored schemes of Ministry of Housing and Urban Affairs, Government of India (GoI) i.e. Smart Cities, AMRUT, Swaach Bharat Mission, etc. It is proposed that the services of qualified Consultant/s may be required for proper planning and implementation of these schemes. The Consultant will also help in project/scheme conceptualization, processing preliminary studies,

assisting in procurement of technical consultants, contract management and such other works which may be deemed necessary regarding implementation of the schemes.

RCUES, Lucknow on behalf of Directorate, Urban Transport Department, GoUP (“Department”) is now inviting proposal from such experienced and qualified individual professional as Consultant for procurement of technical consultants, project development on PPP mode, monitoring of transactions and overall assistance to the Department in successful implementation of the on-going schemes/projects on monthly retainership fee basis or case to case basis. The Consultant shall therefore be attached to the office of Directorate, Urban Transport Department, GoUP and will have cross-cutting functions for project development and co-ordination.

## 5. EXPRESSION OF INTEREST CUM REQUEST FOR PROPOSAL

The Consultant will provide technical and advisory support for the procurement of technical consultants, development of PPP projects in urban sector, implementation of the on-going projects under various schemes of GoI and GoUP and provide necessary assistance to the officials assigned, with regards to the organizational, professional and modus operandi requirements of the Department. The detailed Terms of Reference along with the Scope of Works is given at Annexure 1.



## 6. GENERAL TERMS & CONDITIONS

- All communications including Expression of Interest cum Request for Proposal (RFP) and Consultant's contract for the proposed consultancy will be issued in English language only.
- Proposals submitted by fax, telex or telegram shall not be entertained and shall be rejected
- The Consultant will be selected in accordance with the Quality Cum Cost Based System (QCBS) procedures described in this RFP and in accordance with the procurement guidelines for the Selection of Consultants/Advisors, Developers for PPP Projects & Private Partners for Disinvestments in Uttar Pradesh, Department of Infrastructure Development Government of Uttar Pradesh.
- The selected Consultant will have to sign an Agreement with the Department.
- The Proposal shall be valid for a period of 90 days from the date of opening of the Financial Proposal.
- No Applicant shall submit more than one Proposal for the consultancy.
- The Applicants shall be responsible for all of the costs associated with the preparation of their Proposals and their participation in the Selection Process, visits to the Department, etc. The Department will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the Selection Process.

## 7. ELIGIBILITY CRITERIA

### 7.1 Eligibility Qualifications

#### 7.1.1 For Legal Advisor

- Bachelor or Master Degree in Law from any recognized university of India.
- A minimum of 05 years of professional experience in providing legal advice to any State/Central Government Department.
- At least 05 years of progressively responsible experience in providing legal advice to Clients related to projects and schemes.
- In depth knowledge of formulation of Tender agreement, Contract agreement, Arbitration related to projects and schemes of Central/State Government Department.
- Sound knowledge of the current Government policies in the Center and State level, legal frameworks and process for urban infrastructure development and management; and

#### 7.1.2 For Chartered Accountant

- Must passed Chartered Accountant and registered in Chartered Accountant Council of India.
- A minimum of 05 years of professional experience in Audit of nationalized banks, State/Central Government Department of India, Companies etc.
- In depth knowledge of formulation of Tender agreement, Contract agreement, Arbitration related to projects and schemes of Central/State Government Department.
- To provide financial advice related to 4 SPV projects of Urban Transport Department.

**7.1.3 For Company Secretary**

- Must passed Company Secretary.
- A minimum of 05 years of professional experience of Company Secretary of any nationalized banks, State/Central Government Department of India, Companies etc.
- Must have experience in formulation of Public/Private SPV of any State Government Department.
- To provide advisory on SPV to Urban Transport Department and advisory services to follow the rules as per Indian law.

**7.2 Other Requirements**

- Strong oral and written communication skills in Hindi and English language with a capacity to communicate effectively to a wide variety of audiences, including conducting periodic presentations;
- Ability to convey ideas and positions clearly.
- Ability to manage multiple tasks effectively
- A strong team player with excellent leadership and interpersonal skills;

**8. PREPARATION & SUBMISSION OF THE APPLICATION**

- Interested experienced and qualified individual professionals must provide information strictly as per format given at Annexure II to V.
- The Applicant shall provide all the information sought under this RFP. The Department will evaluate only those Proposals that are received in the required formats and complete in all respects.
- Technical Proposal: Annexure 4 (A) & 4(B)
- Financial Proposal: Annexure 5
- The Applicant would provide all the information in terms of this RFP Document. Only those Applications shall be evaluated that are received in the required format and complete in all respects. The Application shall be submitted in maximum of 100 pages.
- The Applicant shall submit digitally signed and complete Proposal comprising the documents and forms. The submission shall be done electronically only:
- **ONLINE SUBMISSION: THE TENDER APPLICATION SHALL BE UPLOADED ON THE WEB PORTAL WWW.EPROCURE.GOV.IN. DULY DIGITALLY SIGNED. PHYSICAL SUBMISSION OF APPLICATIONS SHALL BE ACCEPTED & SHOULD ADDRESS TO FOLLOWING: -**

*Application for the Consultancy for \_\_\_\_\_ (Name of the Post)*

*Administrative Officer  
Adjacent Registrar's Office  
University of Lucknow Campus  
Lucknow University  
Lucknow (U.P) – 226001*

- Bids submitted through e-mail or fax or some other means **will not be** considered.
- The rate/price must be clearly written, or typed, in the bid format on the same sheet or on the bidder's sheet in the format provided without any alterations or overwriting in the rate/price. In case of any unavoidable alterations/overwriting the full signature of the bidder should be put next to such alterations/overwriting clearly indicating the changed rate/price.
- Each of the pages of this Tender Document (both the Original and the Duplicate) may be duly signed by the Bidder/Tenderer.
- The price quoted by the bidder in the price bid shall be firm and fixed during the period and shall not be subject to any variation or escalation whatsoever, on any account.
- Price shall be quoted only in Indian Rupees.
- Price quoted shall be excluding applicable taxes, duties, etc. and as per format enclosed. Taxes should be mentioned separately.
- In the event of any increase or decrease in the rate of taxes due to any statutory notifications during the Term of the Agreement, the consequential effect shall be claimed extra.
- The Proposal shall be submitted in sealed envelopes as marked below. The BIDDER **shall submit its Proposal in the following covers:**  
**Cover 1 – “Technical Proposal for “Engagement of CA, CS & Legal Advisor for Urban Transport Department” – (State whichever is applicable)**  
**Cover 2 – “Financial Proposal for “Engagement of CA, CS & Legal Advisor for Urban Transport Department” - (State whichever is applicable)**
- The information “Technical Proposal” and “Financial Proposal” should be specifically mentioned on the cover of respective envelopes.

## 9. SELECTION PROCESS & EVALUATION CRITERIA

- The Department has adopted a two stage selection process (collectively the “Selection Process”) in evaluating the Proposals comprising Technical and Financial proposals to be submitted in two separate sealed envelopes. In the first stage, a technical evaluation will be carried out as specified below.
- The Department shall open the Proposals at 11:00 AM on the Proposal Due Date, at the Office of the Regional Centre for Urban & Environmental Studies, Lucknow and in the presence of the Applicants who choose to attend.
- All the proposals will be scrutinized and candidates shortlisted. The Applicants will be evaluated based on appropriate marking system. The categories for marking and their respective marks are as under:

<b>Educational Qualification</b>	
▪ Bachelor or Master degree in Law/Chartered Accountant/Company Secretary.	<b>10</b>
<b>Work Experience</b>	<b>70</b>
Total professional experience (minimum 05 years)	10
Working Experience in the Region (Uttar Pradesh)	10
Working with State Governments/Urban Local Bodies (ULBs)/Development Authorities in urban development sectors	10
Working with Ministries/Apex Bodies of Central Governments in infrastructure sectors	5
Working experience with MDBs/Donor Agencies like World Bank/ ADB etc.	5
Working experience of Urban Development and urban infrastructure projects i.e. City Development Plan, Policies related to urban development, Urban Transport, Housing projects, Municipal Finance, Water supply and sanitation etc. (5 marks for one Project; maximum 4 projects)	10
Other Infrastructure/PPP projects with transaction advisory support (5 marks for One Project; maximum 2 projects)	10
Capacity Building and Managerial skills	10
<b>Statement of Interest (Discussion/presentation)</b>	<b>20</b>
<b>Total Marks</b>	<b>100</b>

- a) Quality and competence of the consulting service shall be considered as the paramount requirement.
- b) In the first stage, the Technical Proposal will be evaluated on the basis of Applicant's CV, Work experience and Statement of Interest. Applicants whose Technical Proposals get a score of 75 marks or more out of 100 (St) will only be considered for financial evaluation. The financial proposal of others will not be considered and returned unopened after completing the technical selection process. The client shall notify the consultants, results of the technical evaluation and invite those who have secured the minimum qualifying mark for opening of the financial proposals indicating the date and time.
- c) In the second stage, the financial evaluation will be carried out. Applicant shall submit the Financial Proposal in the format at **Annexure 5** clearly indicating the total cost of the Consultancy i.e. **Monthly Retainership Fee only**.  
*"Monthly Retainership Fee" shall include all the costs associated with the assignment. These shall normally cover remuneration for the Personnel man month (work in the Department office for a maximum duration of 15 days in a month and rest from home office location), accommodation during visit to Department office at Lucknow, air fare (maximum one to and fro travel to Lucknow).*
- d) The total amount indicated in the Financial Proposal shall be without any condition attached or subject to any assumption, and shall be final and binding. In case any assumption or condition is indicated in the Financial Proposal, it shall be considered non-responsive and liable to be rejected.
- e) The Department will determine whether the Financial Proposals are complete, unqualified and unconditional.

f) The lowest financial proposal (Fm) will be given a financial score (Sf) of 100 points. The financial scores of all the proposals will be computed as follows:

i.  $Sf = 100 \times Fm/F$  (F - amount of financial proposal)

g) Proposals will finally be ranked according to their combined technical (St) and financial (Sf) scores using a weight of 70% for technical proposal and 30% for financial proposal.

i.  $S = St \times 0.70 + Sf \times 0.30$

h) The Proposal securing the highest combined score and ranked H-1 will be invited for negotiations, if required and shall be recommended for award of contract.

i) Applicants are advised that the selection of Consultant shall be on the basis of an evaluation by the Department through the Selection Process specified in this RFP. Applicants shall be deemed to have understood and agreed that no explanation or justification for any aspect of the Selection Process will be given and Department's decisions are final.

## 10. REJECTION OF INCOMPLETE & CONDITIONAL BIDS

- Notwithstanding anything contained in this Document, the Department 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 cancellation, and
- The Department reserves the right to reject any Proposal if:
  - a) at any time, a material misrepresentation is made or uncovered, or
  - b) the Applicant does not provide, within the time specified by the Department, the supplemental information sought by the Department for evaluation of the Proposal.

## 11. LAST DATE OF SUBMISSION OF PROPOSAL

- The Application or its modifications must be uploaded on the portal no later than the deadline mentioned in the Schedule of Shortlisting Process (refer Clause 2), or any extension to this deadline. The electronic system will not accept any Proposal or its modification for uploading after the deadline. Applications submitted by either facsimile transmission or telex shall not be accepted.
- RCUES Lucknow may, in exceptional circumstances, and at its sole discretion, extend the Application Due Date by issuing an Addendum in accordance with Clause 14.5, uniformly for all Applicants.
- **The application shall be uploaded on the web portal [www.eprocure.gov.in](http://www.eprocure.gov.in). Duly digitally signed. Physical submission of applications shall be accepted.**
- The Proposals must be uploaded not later than **27<sup>th</sup> September 2021 by 3:00 PM** for the “Engagement of Experienced Professional for Urban Development Projects”.

## 12. DATE OF PROPOSAL OPENING

The proposal will be opened for evaluation on the Proposal Submission on **28<sup>th</sup> September 2021 by 5:00 PM** hours in the Conference Hall of RCUES, Lucknow.

The authorized representatives of the BIDDERS may choose to attend the proposal opening. The BIDDERS who qualify as per technical evaluation shall qualify for opening of their financial bids. However, the Selected Bidder (R1) bidder shall be declared in due course after verification of the documents.

## 13. CONFIDENTIALITY

Information relating to evaluation of Proposals and recommendations concerning awards shall not be disclosed to the Consultant who submitted the Proposals or to other persons not officially concerned with the process, until the winning Consultant has been notified that it has been awarded the contract.

## 14. TERMINATION OF CONTRACT

The Department, if not satisfied with the work performance of the Consultant, may terminate the Contract with 30 days' notice in advance. If the Consultant decides to resign then he/she should give at least a month's

## 15. PAYMENTS TERMS & CONDITIONS

- The Consultant has to raise monthly invoice for payment of monthly Retainership Fee
- Payment has to be made within 15 days after receiving the invoice for each month.
- The Fees payable are exclusive of GST as applicable from time to time. GST should be charged extra.
- TDS and other statutory deductions to be deducted as per Government Rule.
- The Consultant is eligible for Travel Allowance and Daily Allowance equivalent to Class 1 Officers of Government of Uttar Pradesh in case of travel to different locations from Lucknow.
- In house infrastructure facility for office space/furniture/office equipment's/office supplies will be provided to the Consultant.
- Payment will be made only through RTGS/NEFT electronic transfer to Vendor's account.

## 16. PERIOD OF SERVICES

The consultancy will be initially for one year, with the possibility of renewal subject to work requirements and satisfactory performance of the Consultant.

The appointment is only for the contract period and the candidate will not have any lien to the Department in any manner after the end of the contract period.

## 17. ARBITRATION

If the parties are unable to resolve the Dispute by way of amicable settlement in accordance as above, the parties shall refer such Dispute for Arbitration. Any dispute or difference of any nature whatsoever or regarding any right, liability, act, omission or account of any of the parties hereto arising out of or in relation to this Agreement shall be referred to the Sole Arbitrator appointed by the Director RCUES. The Award of the Arbitrator so appointed shall be final, conclusive and binding on all parties to the Agreement, subject to the provisions of the Arbitration and Conciliation Act, 1996 or any statutory modifications/amendments of or re-enactment thereof and the rules made there under and for the time being in force shall apply to the Arbitration proceedings under this clause. The Award shall be made in writing within three months after entering upon the reference or within such extended time with mutual consent of the parties as the Sole Arbitrator shall by writing under his own hands make. The place of arbitration shall be Lucknow only. The language to be used in the arbitral proceedings shall be English. The dispute, controversy or claim shall be decided in accordance with the Indian Laws, only. Each Party shall bear the cost of preparing and presenting its own case, and the cost of arbitration, including fees and expenses of the arbitrators, shall be shared equally by the Parties unless the arbitration award otherwise provides. The award of the arbitration panel shall be final and binding and neither Party shall be entitled to commence or maintain any action in a court of law upon the Dispute, except for the enforcement of an arbitral award granted pursuant to this part.

## 18. INSTRUCTION TO THE BIDDER

### *18.1 Number of Applications*

Each BIDDER is eligible to submit one proposal in the format prescribed in the RFP document.

### *18.2 Proposal Validity*

The Proposal shall remain valid for acceptance by the RCUES for a period of **90 days** from the date of opening of Financial Proposal. In case of need RCUES may request the BIDDERS to extend the period of validity of their proposals on the same terms and conditions.

**18.2.1** Bidders may note that the RCUES will not entertain any deviations to the RFP at the time of submission of the Proposal or thereafter. The Proposal to be submitted by the Bidders would have to be unconditional and the Bidders would be deemed to have accepted the terms and conditions of the RFP with all its contents. Any conditional Proposal shall be regarded as non-responsive and would be liable for rejection.

**18.2.2** The BIDDERS can submit their queries through email, latest by **11<sup>th</sup> September 2021 by 3:00**

**PM** at **tender.rcueslko@gmail.com**

**18.2.3** RCUES shall endeavor to clarify the queries to all the BIDDERS by posting clarification on the RCUES web site, [www.rcueslucknow.org](http://www.rcueslucknow.org) within a week time, without identifying the party seeking the clarifications.

### ***18.3 Amendment of RFP***

At any time prior to the Proposal Due Date, RCUES for any reason, whether on its own initiative or in response to clarifications requested by a prospective BIDDER, may modify and/or amend the RFP Document or part thereof by the issuance of an amendment.

**Any amendment thus issued shall form a part of the RFP Document and shall be communicated through RCUES Website.**

To give the prospective BIDDERS reasonable time in which to take such amendments/modifications into account for preparing their Proposals, RCUES reserves the right to extend the Proposal Due Date.

### ***18.4 Confidentiality***

Information relating to the examination, clarification, evaluation for selection, and recommendation of the Preferred BIDDER(s) / Successful BIDDER(s) shall not be disclosed to any person who is officially not concerned with the process or is not a retained professional advisor advising RCUES in relation to, or matters arising out of, or concerning the process. RCUES shall treat all information submitted as part of Proposal as confidential and shall require all those who have access to such material to treat the same in confidence. RCUES shall not divulge any such information unless it is ordered to do so by any authority that has power under law to require its disclosure or is to enforce or assert any right or privilege of the statutory entity and/or RCUES.

### ***18.5 Litigation History***

Any Consultant which has been barred/blacklisted by the Central/ State Government, or any entity controlled by it, from participating in any assignment/ project, and the bar subsists as on the date of Application (even if the litigation is pending on the same dispute (barred / blacklisted) under the jurisdiction / arbitration/ laws), would not be eligible to submit Application, individually.

### ***18.6 Conflict of Interest***

The BIDDER shall not have a conflict of interest (the “Conflict of Interest”) that affects the selection



process. Any BIDDER found to have a Conflict of Interest shall be disqualified. In the event of disqualification, RCUES shall be entitled to forfeit and appropriate the Bid Security as mutually agreed genuine pre-estimated loss and damage likely to be suffered and incurred by the RCUES and not by way of penalty for, inter alia, the time, cost and effort of the RCUES, including consideration of such BIDDER's Application (the "Damages"), without prejudice to any other right or remedy that may be available to RCUES under the agreement or otherwise.

### ***18.7 Fraud and Corrupt Practices***

The BIDDERS and their respective officers, employees, agents shall observe the highest standard of ethics during the selection process. Notwithstanding anything to the contrary contained herein, RCUES may reject an Application without being liable in any manner whatsoever to the BIDDER if it determines that the BIDDER has, directly or indirectly or through an agent, engaged in corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice in the selection process.

Without prejudice to the rights of RCUES hereinabove, if the BIDDER is found by RCUES, to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice during the selection process, such BIDDER shall not be eligible to participate in any of EOI/ RFP issued by RCUES during a period of 2 (two) years from the date such BIDDER is found by RCUES to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice, as the case may be. For the purposes of this, the following terms shall have the meaning hereinafter respectively assigned to them:

a. "corrupt practice" means (i) the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the actions of any person connected with the selection process (for avoidance of doubt, offering of employment to, or employing, or engaging in any manner whatsoever, directly or indirectly, any official of the RCUES who is or has been associated in any manner, directly or indirectly, with the selection process or the LOA or has dealt with matters concerning the agreement or arising there from, before or after the execution thereof, at any time prior to the expiry of one year from the date such official resigns or retires from or otherwise ceases to be in the service of the RCUES, shall be deemed to constitute influencing the actions of a person connected with the selection process); or (ii) engaging in any manner whatsoever, whether during the selection process or

after the issue of the LOA or after the execution of the agreement, as the case may be, any person in respect of any matter relating to the Project or the LOA or the agreement, who at any time has been or is a legal, financial or technical adviser of the RCUES in relation to any matter concerning the Project;

**b.** “fraudulent practice” means a misrepresentation or omission of facts or suppression of facts or disclosure of incomplete facts, in order to influence the selection process;

**c.** “coercive practice” means impairing or harming or threatening to impair or harm, directly or indirectly, any person or property to influence any person’s participation or action in the selection process;

**d.** “undesirable practice” means (i) establishing contact with any person connected with or employed or engaged by the Urban Development Department, Government of UP with the objective of canvassing, lobbying or in any manner influencing or attempting to influence the selection process; or (ii) having a Conflict of Interest; and

**e.** “restrictive practice” means forming a cartel or arriving at any understanding or arrangement among BIDDERS with the objective of restricting or manipulating a full and fair competition in the selection process.

## Annexure 1 – Terms of Reference (ToR)

The Terms of Reference (the “**TOR**”) and the scope of the works are specified below.

### **Objective**

The prime objective of the consultancy is to assist the Department in procurement of technical services, development of projects in urban sector on PPP mode, implementing centrally sponsored schemes of Ministry of Housing and Urban Affairs, Government of India (GoI) i.e. Smart Cities, AMRUT, Swachh Bharat Mission, etc.

### **Scope of Works**

Without limiting the scope, the Consultant has to work in close liaison with the Department and will be responsible for the following tasks:

#### **Legal Advisor: -**

1. To provide legal advice to the department.
2. To provide legal advice related to the projects implemented by the department and to draft the agreements.
3. Any other task assigned by the higher authority/RCUES, Lucknow.

#### **Chartered Accountant: -**

1. To provide financial advice related to tender documents/agreements/contracts/arbitration of the department.
2. To provide financial advice related to the 04 SPV packages.
3. Any other task assigned by the higher authority/RCUES, Lucknow.

#### **Company Secretary: -**

1. To advise the department related to companies act and its implementation.
2. To provide advice related to the 04 SPV packages.
3. Any other task assigned by the higher authority/RCUES, Lucknow.

### **Period of Services**

The consultancy will be initially for one year, with the possibility of renewal subject to work requirements and satisfactory performance of the Consultant.

The appointment is only for the contract period and the candidate will not have any lien to the Department in any manner after the end of the contract period.

### **Reporting Arrangements**

- The Consultant will report to Director, Urban Transport Department, Government of Uttar Pradesh for his day-to-day work.
- Physical presence of the Consultant at Lucknow is required for full month.
- The Professional will also be expected to undertake some travel officially for activities as outlined above.

**Remuneration and Reimbursable expenses, support to be provided by the Department**

- The Consultant has to raise monthly invoice for payment of monthly Retainership Fee or Case to Case basis fees.
- Payment has to be made within 15 days after receiving the invoice for each month.
- The Fees payable are exclusive of GST and other taxes as applicable from time to time.
- TDS and other statutory deductions to be deducted as per Government Rule.
- The Consultant is eligible for Travel Allowance and Daily Allowance equivalent to Class 1 Officers of Government of Uttar Pradesh in case of travel to different locations from Lucknow.
- In house infrastructure facility for office space/furniture/office equipment's/office supplies will be provided to the Consultant.

## Annexure 2 – Proposal Covering Letter

Dated:

To

**The Administrative Officer**

Regional Centre for Urban & Environmental Studies  
Ministry of Housing & Urban Affairs, Government of India  
Adjacent Registrar's Office, University of Lucknow Campus  
Lucknow-226007 (Uttar Pradesh)

**Sub: Proposal for appointment of CA, CS & Legal Advisor in Urban Transport Department, Government of Uttar Pradesh**

Sir

- a) With reference to your advertisement, and having examined the RFP Document and understood their contents, I hereby submit this proposal for the said post. My proposal is unconditional and unqualified.
- b) I acknowledge that the Department will be relying on the information provided in the RFP document for selection and I certify that all information provided therein is true and correct: nothing has been omitted which renders such information misleading; and all documents accompanying this proposal are true copies of their respective originals.
- c) I shall make available to the Department any additional information it may find necessary or require to supplement or authenticate the proposal.
- d) I acknowledge the right of the Department to reject the proposal without assigning any reason or otherwise and hereby waive, to the fullest extent permitted by applicable law, our right to challenge the same on any account whatsoever.
- e) I certify that I fulfill the qualification and experience as sought by the Department.
- f) I also certify that the proposal is valid for a period of 90 days from the date of opening of the Financial Proposal
- g) I further certify that no investigation by a regulatory Department is pending against me.

Yours faithfully,

Date: (Signature and name of the Applicant)

Address

Mobile No:

E-mail ID:

## Annexure 3- Format for the Details of the Applicant

1.	<b>Name of the Consultant making this application:</b>	
2.	<b>Address for Correspondence</b>	
3.	<b>Telephone No./Mob No./Fax No. :</b>	
4.	<b>PAN No. :</b>	
5.	<b>AADHAAR No:</b>	
6.	<b>GST No. :</b>	
7.	<b>Details of RFP Document Fees of Rs. 5,900/- (Mention UTR No./DDNo.)</b>	

I \_\_\_\_\_, son/daughter of \_\_\_\_\_  
 \_\_\_\_\_ hereby declare that the information given in this form is true and correct to the best of my knowledge and belief.

Signature with Stamp: \_\_\_\_\_

Dated: \_\_\_\_\_

Place: \_\_\_\_\_

## Annexure 4 – Technical Proposal (Part A)

Name of Expert					
Sex (Male / Female)					
Date of Birth					
PAN Number and ADHAAR Number					
Address for Communication					
Key Qualifications					
Total Experience					
<b>Statement of Professional experiences – Key expertise (10 Marks)</b>					
Sl.No.	Client/Organization	Designation	Project Name	Key Task performed	Duration
A	<b>Working Experience in the Region (Uttar Pradesh) – (10 Marks)</b>				
1					
2					
3					
B	<b>Working with State Governments/Urban Local Bodies (ULBs)/Development Authorities in urban development sectors – (10 Marks)</b>				
1					
2					
3					
4					
5					
C	<b>Working with Ministries/Apex Bodies of Central Governments in infrastructure sectors – (05 Marks)</b>				
1					
2					
3					
4					
D	<b>Working experience with Donor Agencies like World Bank/ ADB etc. – (05 Marks)</b>				
1					
2					
3					
4					
E	<b>Working experience of Urban Development and urban infrastructure projects i.e. City Development Plan, Policies related to urban development, Urban Transport, Housing projects, Municipal Finance, Water supply and sanitation etc. (2.5 marks for one Project; maximum 4 projects)</b>				
1					

2					
3					
4					
5					
F	<b>Other Infrastructure/PPP projects with transaction advisory support (5 marks for One Project; maximum 2 projects)</b>				
1					
2					
G	<b>Capacity Building and Managerial skills - (10 Marks)</b>				
1					
2					
<b>Statement of Interest (maximum 2 Page) – (20 Marks)</b>					



## Annexure 4 - Technical Proposal (Part B)

**Curriculum Vitae of the Applicant**

Proposed Position	
Name of Expert	
Date of Birth	
Citizenship	
Education	<i>Summarize college/university and other specialized education of staff member, giving names of schools, dates attended, and degrees obtained</i>
Membership in Professional Associations	
Other Training	
Countries of Work Experience	
Languages	Indicate proficiency in speaking, reading and writing of each language by 'excellent', 'good' or 'poor'.
Employment Record <i>Starting with present position, list in reverse order every employment held. For experience in last 15 years, also give types of activities performed and client references, where appropriate.</i>	From: Date to Date Employer: Position Held:
Work Undertaken that Best Illustrates Capability to Handle the Tasks Assigned	
<b>Certification with documentary proof.</b>	
(signature with date)	
I, the undersigned, certify to the best of my knowledge and belief that this CV correctly describes my qualifications and my experience. I understand that any willful misstatement described herein may lead to disqualification or dismissal, and/or any other disciplinary action being taken by the Department.	

## Annexure 5 – Financial Proposal

***Financial Proposal Covering Letter***

(To be placed in the sealed cover containing financial bid)

[Location, Date]

To

**The Administrative Officer**

Regional Centre for Urban & Environmental Studies  
 Ministry of Housing & Urban Affairs, Government of India  
 Adjacent Registrar's Office, University of Lucknow Campus  
 Lucknow-226007 (Uttar Pradesh)

**Sub: Proposal for appointment of CA, CS & Legal Advisor in Urban Transport Department, Government of Uttar Pradesh**

Sir,

I the undersigned, offer to provide the consulting services for the above in accordance with your Request for Proposal dated [Date], and my Proposal (Financial Proposals).

My Financial Proposal is given below.

Monthly Retainership Fee* payable	(In Figures) (Excluding GST)	(In Words) (Excluding GST)
	GST Amount (In Figures)	GST Amount (In Words)
On Case to Case Basis	(In Figures) (Excluding GST)	(In Words) (Excluding GST)
	GST Amount (In Figures)	GST Amount (In Words)

\*The Fees payable are exclusive of GST as applicable from time to time.

\*GST should be mentioned separately.

\* The Monthly Retainership Fee quoted shall be taken into account for financial evaluation

My financial Proposal shall be binding upon me subject to the modifications resulting from contract negotiations, if any.

No fees, gratuities, rebates, gifts, commissions or other payments have been given or received in connection with this Proposal

I undertake that, in competing for (and, if the award is made to me, in executing) the above contract, I will strictly observe the laws against fraud and corruption in force in India namely "Prevention of Corruption Act 1988".

I understand you are not bound to accept any Proposal you receive.

Yours faithfully,

Date: (Signature and name of the Applicant)

Address

Mobile No:

E-mail ID: