

Request For Expression of Interest

Legal Consultants

Kannur International Airport

EOI Document

Nodal Agency

[Type text]



Kerala Industrial Infrastructure Development Corporation
KINFRA HOUSE, Sasthamangalam,
Trivandrum 695010

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1. Introduction

Government of Kerala (GOK) proposes to establish an international airport at Kannur. GOK has selected the site and has obtained the in-principle approval of Government of India to establish the proposed airport. GOK intends to develop the project on public private partnership (PPP) format.

GOK had appointed KINFRA as the nodal agency for the Airport project. Land acquisition work is in progress at Kannur.

GOK had engaged an experienced agency for the preparation of a techno economic feasibility report and the project has been formulated on the basis of the report prepared by the Consultant.

In this context, Govt. of Kerala proposes to select a Legal Consultant or a firm of legal consultants, with proven track record as Legal Consultants in Airport Projects, including Greenfield Airport Projects, as Legal Consultant for the Kannur Airport project, through competitive tendering process by inviting bids from interested parties selected by KINFRA.

2. Objective of Process

The objective of the process is to engage a Legal Consultant, or firm of Legal Consultants who will be handholding and advising GOK / KINFRA to develop the Kannur International Airport Project from

selection of a private sector developer(s) / investor(s), till its technical and Financial closure.

The Legal consultant may also be requested to extend the services beyond the contract period, on a retainer basis.

3. Scope of the Assignment

The broad scope of work, inter-alia, shall cover all the activities connected with the review of the project, drawing up of all legal documents, agreements, covenants, letters, scrutiny of documents etc, assistance in preparation of bid documents, participation in meetings with stake holders, investor(s), other consultants, assistance in identification/ selection of a private sector developer(s)/ investor(s) and the financial closure of the airport project. The consultant shall protect the interests of GOK / KINFRA in all matters connected with the project, more especially in matters related to civil aviation policies and enactments. The selected Consultant is expected to adequately detail these activities / components as part of their Technical Proposal.

Wherever standard documents and formats have been approved by Ministry of Civil Aviation, Government of India, in this regard, those shall be used by the Consultant.

The Consultant is also free to suggest any alternatives / changes to meet the objectives better, provided that such changes are properly justified and implemented in an optimal manner. The Legal consultant shall work in perfect coordination with the technical and financial consultants.

The Consultant may also be required to continue his services on a retainer basis for a period of one year after the expiry of the initial assignment.

4. Conditions of Eligibility of Applicants

4.1 Applicants must read carefully the minimum conditions of eligibility provided herein. EOI of only those Applicants who satisfy the Conditions of Eligibility will be considered for issue of RFP documents.

4.2 **No consortium arrangements shall be accepted.**

4.3 To be eligible for evaluation of its Proposal, the Applicant shall fulfill the following:

A. **Technical Capacity:** The Applicant shall have, over the past 7 (seven) years preceding the due date of submission of the proposal, undertaken a minimum of five Eligible Assignments of which at least one should be PPP Project.

[Eligible Assignments means (i) Development of an airport, railway, metro rail, port, highway other infrastructure or urban real estate projects (such as district center, shopping mall, hotel, entertainment complex, office complex etc.) through Public Private Partner(s)ship (PPP) and having an estimated capital cost (excluding land) of at least Rs. 500 crores. or (ii) Development of Government or Public sector BOT, BOO projects with private participation in any other infrastructure projects with capital outlay of not less than Rs.750 Crores.]

B. **Financial Capacity:** The Applicant shall have received a minimum income of Rs. 50 million per annum from professional fees during each of the three years preceding the Proposal Due Date.

C. **Availability of Legal Expert:** The Applicant should have had the Legal Expert(s) on its roll for more than 12 months as on the due date.

D. The Legal Expert should fulfill the following Conditions of Eligibility:

Educational Qualification	Length of Professional Experience	Experience on Eligible Assignments
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Bachelor in Law or equivalent	25 years	He/she should have led the legal team in preparation of various Agreements and provision of advisory services in the bidding process for five Eligible Assignments of which at least one should be PPP Project.
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- 4.4 Any entity which has been barred by the Central / State Government in India, or any entity controlled by them, from participating in any project, and the bar subsists as on the date of Proposal, would not be eligible to submit the EOI.
- 4.5 An Applicant should, in the last three years, have neither failed to perform on any agreement, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Applicant, nor been expelled from any project or agreement nor have had any agreement terminated for breach by such Applicant.

5. EOI submission format

- 5.1 Applicants meeting the eligibility criteria may submit their expression of interest with the details of the applicant, details of eligibility etc using the formats given below along with a covering letter in their official letter head duly signed by an authorized person.
- 5.2 There is no registration fees payable at the time of submitting the EOI
- 5.3 Eligible applicants shall submit the expression of interest in a sealed envelope marked " **Expression of interest – Legal Consultant – Kannur International Airport** ", to The Managing Director, KINFRA, "Kinфра House", Sasthamangalam, Trivandrum 695010, on or before 1st December 2008, along with all supporting documents.
- 5.4 No documents submitted through e-mail or fax shall be accepted.
- 5.5 KINFRA reserves the right to accept or reject any of the EOI and submission of the EOI shall not automatically make the applicant eligible to receive the Request for Proposal.
- 5.6 For more details you can contact :

Sr.Co-ordinator

Mobile No. +91 9495989360

Kerala Industrial Infrastructure Development Corporation

**KINFRA House, T C 31/2312, Sasthamangalam
Trivandrum – 6950 10**

Tel: +91-471-2726585, Fax: 2724773

E mail:kinfra@vsnl.com

6. Formats for submission of EOI

Particulars of the Applicant

(To be provided for each of the consortium members on letter heads)

- 1.1 Title of Consultancy : **Legal Advisory Service**
- 1.2 Title of Project : **Kannur Airport Project**
- 1.3 State the following:
 - i) Name of Company or Firm:
 - ii) Technical status (e.g. incorporated private company, unincorporated business, partnership etc.):
 - iii) Country of incorporation:
 - iv) Registered address:

- v) Year of Incorporation:
- vi) Year of commencement of business:
- vii) Principal place of business:
Brief description of the Company including details of its main lines of business , legal experts associated with the applicant , their experience etc.
- viii) Particulars of individual(s) who will serve as the point of contact/ communication with KINFRA / GOK:
- (a) Name:
- (b) Designation:
- (c) Company:
- (d) Address:
- (e) Telephone Number:
- (f) E-Mail Address :
- (g) Fax Number:
- ix) Name, Designation, Address and Phone Numbers of Authorised Signatory of the Applicant:
- Name:
- Designation:
- Company:
- Address:
- Phone No.:
- Fax No. :

1.4 For the Applicant state the following information:

- i) In case of non - Indian company, does the company have business presence in India?

Yes/No

If so, provide the office address(es) in India.

- ii) Has the Applicant been penalized by any organization for the poor

quality of work in the last five years?

Yes/No

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

Yes/No

iv) Has the Applicant been blacklisted by any Govt. department/Public Sector Undertaking in the last five years?

Yes/No

v) Has the Applicant suffered bankruptcy/insolvency in the last five years?

Yes/No

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

1.5 Does the Applicant's firm/company combine functions as a Technical Consultant along with the functions as a contractor and/or a manufacturer?

Yes/No

If yes, then for this work does the Applicant agree to limit the Applicant's role only to that of a Technical Consultant and to disqualify themselves, their associates/ affiliates and/or parent organization subsequently from work on this project in any other capacity (including tendering relating to any goods or services for any part of this project) other than that of Technical Consultant for KINFRA / GOK?

Yes/No

1.6 Does the Applicant intend to borrow or hire temporarily, personnel from

contractors, manufacturers or suppliers for performance of the Advisory Services?

Yes/No

If yes, does the Applicant agree that it will only be acceptable as Technical Consultant, if those contractors, manufacturers and suppliers disqualify themselves from subsequent execution of work on this project (including tendering relating to any goods or services for any other part of the project) other than that of the Technical Consultant?

Yes/No

If yes, have any undertakings been obtained (and annexed) from such contractors, manufacturers, etc. that they agree to disqualify themselves from subsequent execution of work on this project and they agree to limit their role to that of Technical Consultant for KINFRA / GOK only?

Yes/No

Signature of the Applicant with Seal.

Financial Capacity of the Applicant

S. No.	Financial Year		Annual Revenue -Professional Income (Rs. in million)
1.			
2.			
3.			
4.			
5.			

Certificate from the Statutory Auditors

This is to certify that _____ (name of the Applicant) has received the payments shown above against the respective years on account of professional fees.

Name of Authorised Signatory:

Designation:

Date:

Name of firm:

(Signature of the Authorised Signatory)

Seal of firm

Eligible Assignments of Applicant

Name of Applicant:	
Name of the Project:	
Description of services performed by the Applicant firm:	
Name of client and Address:	

Name, telephone no. and fax no. of client's representative	
Estimated capital cost of projects handled.	
Key Persons associated with the assignment , Their experience and qualification	
Start date and finish date of the services (month/ year):	
Brief description of the project:	
Brief scope of work under the assignment.	

Notes: Use separate sheet for each Eligible Project. Attach a single page summary containing the brief particulars of each project. Also provide copies of documents supporting the award of assignments.