

# Terms of reference (ToRs) for the procurement of services below the EU threshold

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Tender for providing legal services to GIZ India

**Project number/  
cost centre:**  
**99.9245.4-001.00**

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## **Context**

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH is an enterprise owned by the German Government. GIZ implements sustainable development through international cooperation, on behalf of Germany and other partners. With a global footprint in over 120 countries, GIZ leverages its regional and technical expertise for local innovation.

For over 60 years, GIZ has been working jointly with partners in India for sustainable economic, ecological, and social development. Currently, GIZ has around 330 employees in India, of whom 85 per cent are national personnel.

India is fast emerging as an economic and industrial power. It is a member of the 'Group of Twenty' (G20) as well as one of the five major emerging national economies, namely Brazil, Russia, India, China and South Africa (BRICS). Despite the country's rapidly growing economy, poverty and other socio-economic issues remain a challenge. The burgeoning population and accelerated urbanization in the country have resulted in an environment at risk and greenhouse gas emissions that continue to spiral upwards.

The focal areas of Indo-German cooperation currently are:

- Energy
- Environment, Climate Change and Biodiversity
- Sustainable Urban and Industrial Development
- Sustainable Economic Development

The Federal Ministry for Economic Cooperation and Development (BMZ), the Federal Ministry of the Environment, Nature Conservation and Nuclear Safety (BMU) as well as the Federal Ministry for Economic Affairs and Energy (BMWi) are the main commissioning parties of GIZ in India. Other clients include Indian public sector clients, the European Union and foundations.

The Government of India has launched numerous important initiatives to address the country's economic, environmental and social challenges, and GIZ is contributing to some of the most significant ones. For example, it supports key initiatives such as Smart Cities, Clean India Mission and Skill India. GIZ, in close cooperation with Indian partners, devises tailor-made, jointly developed solutions to meet local needs and achieve sustainable and inclusive development.

## **Tasks to be performed by the contractor**

The purpose of this tender is to hire a professional legal firm to provide legal advisory services pertain to organisational matters, hereafter referred to as **"Legal Advisory Services"** to GIZ offices.

The Legal Advisory Services requested under the tender will be primarily for GIZ Country office in the New Delhi. However, the framework of the services can be extended to other GIZ project offices located in other states of India as well.

**Period of Services:** From **01 October 2020** until **30 September 2022**.

### **Concept**

The Legal firm is primarily required to provide advisory services but as per situation GIZ may also ask to support in handling litigation matters in including but not limited to Contractual cases, Arbitration cases, Recovery cases, Legal Notices, HR (POSH act) and Labour Matters etc.

Apart for core Legal matters, the firm is also expected to provide in-depth advisory pertain to various other services in relation to GIZ's work in India such as Immigration, Leasing, Legal compliance, audits, Implementation agreements etc.

Legal firm is also expected to represent GIZ in matters pending before any court/tribunals as and when required on mutually agreed professional fees.

### **Project management of the contractor**

The Legal firm shall report to ***“Head of Finance and Administration”*** and ***“Head of Contract and Procurement”*** or any other nominated personnel from GIZ Management.

### **Personnel concept:**

The Legal firm shall provide minimum 02 legal experts (including 01 women lawyers) to GIZ.

The Legal expert/advocate shall have minimum of 10 years of experience in providing legal advisory services pertain to all the above-mentioned topics including practical assistance during any arbitration or mediation process.

It is desirable to have at least one legal expert/advocate who is familiar with the functioning of International Organisations.

### **Costing requirements**

Not Applicable

### **Inputs of GIZ**

The empanelled legal firm shall provide legal opinion in the matters wherever requested by GIZ. The Major requirements are pertain to advisory services and representation in court will be as per the requirements. The current requirement of GIZ is approx. 2 man-days (16 hours) in a month, which may increase in future, however the same is not guaranteed.

The scope of work includes-

- Drafting and sending legal notices on behalf of GIZ and replies to the legal notices/show cause notices, if any received by GIZ including existing matters.
- Drafting or reviewing contracts, leases, agreements and other documents as requested by GIZ.
- To provide advisory on FCRA or Taxation matters, Technical cooperation agreement between Governments, or formation of MoUs etc.
- To provide legal support in case of negotiation with disputed parties in order to amicably settle the matter out of court.
- To provide legal support to Human Resources pertain to employment matters including any topic concerning to its employees and relevance due to any changes in labour laws
- To provide legal support to Internal Complaints committee in relation to POSH or any other disciplinary matters.
- To provide Legal support to GIZ Security Unit pertain to matters of Risk and Security.
- To update GIZ Management about any new legal precedents and amendments that have relevance to our core area of work.
- To appear before the relevant court/ authorities to argue the matters either as a petitioner or defendant.
- Any other work of legal nature assigned from time to time on mutually agreed upon.

### **Minimum Eligibility to participate**

1. Legal Firm should have their registered office in Delhi/NCR region.
2. Legal Firms should have a minimum 05 **years of experience in providing legal Services** to reputed Multinationals/Transnationals or International Organizations.
3. Providing Legal services to **minimum 10** organization and having minimum of 10 advocates in panel. (list of clients/details required)
4. Legal Firm must have **minimum turnover of 2 crores (INR)** during last 2 financial years. Copies of financial required.
5. Current association with International, Bilateral, or UN bodies will be desirable though not mandatory.

***Non-submission/Partial submission of documents for the above criteria's by any agency/company could lead to rejection of bid.***

### **Requirements on the format of the bid**

Your price quotation is to be submitted together with your technical bid in a separate envelope. Please refer **Annexure “A”** for providing technical proposal. Please refer **Annexure “B”** for providing price proposal.

While providing pricing details, Tenderers should note that unless otherwise specified, prices tendered must:

- be expressed in Indian rupees (INR)
- exclude Govt. taxes. (tax and duty components separately identified);
- remain unalterable for the period of tender validity;
- not vary according to the mode of payment;

Technical proposal shall consist all information/ supporting documentations as asked on Annexure A.

### **Option**

The bidders are requested to kindly go through the enclosed Evaluation Criteria and provide all the requisite details in their proposal.

The financials must be provided in the format. The Financial quote must be duly filled, signed & stamped and should be kept in a separate envelope – refer bidding conditions.

### **Evaluation**

The eligibility of the bidders in terms of relevant experience/financial stability will be assessed. Refer Grid for assessing the eligibility of consulting firms. The bidders have to provide documentary proof to meet the required criteria. The documents can be sent along with technical proposal.

The technical assessment of the proposals will be undertaken for the only bidders who qualify in eligibility grid as mentioned above. (Refer technical assessment grid).

The project shall be awarded taking into account the evaluation the technical and financial proposal. However, the score obtained in the evaluation of technical proposal shall form basis for opening financial proposal. The financial proposal shall be evaluated, by the concerned commercial officer, only if the technical proposal has obtained minimum score of 500 points as set by the evaluation committee.

The technical bid and price quotation are weighted at a ratio of 70:30 respectively.

***GIZ reserves the right to cancel/modify this tender and /or reject a bid document including subsequently a technical and financial proposal, without assigning any reasons.***

## **Annexes**

- A- Technical Proposal
- B- Financial Template

### **ANNEXURE- A (TECHNICAL EVALUATION -QUESTIONS)**

1. Describe your legal firm's complete profile including year of establishment, status, organisational structure and different verticals. List of clients along with few copies of current contracts (if possible) will be desirable.
2. Describe the qualifications and experience of firm's senior most Advocates/partners along with brief details of few cases handled. It will be desirable, if you can share the CV's of legal experts who are going to coordinate with us in case of selection of your firm.
3. Describe the relevant and special services your firm provides, particularly those that may not be offered by other law firms such as Immigration laws, IPR, FCRA etc.
4. Describe your firm's history representing International, or non for profit and/or Indian/Foreign government as clients. Please indicate in case you have handled any case pertain to POSH and the timeline/mechanism adopted.
5. Please describe your firm's backup procedures in the event one or more attorneys assigned to GIZ leave the firm. Identify the key attorney who will be the primary contact and lead counsel in providing services to GIZ, whose continuing status as such is an essential element of any contract.

## **ANNEXURE- B (FINANCIAL TEMPLATE)**

Financial Proposal **must be on the company's letterhead**, should be **duly signed & stamped** by the authorized signatory and must mention the validity of the quote for minimum 60 days.

The Legal firms should quote costs as stated in ToR

Description	PRICE (INR) Without Taxes
Monthly Retainership Fees /Management Fee for minimum of 2 man-days (equivalent to 16 hours) for advisory services only.	
Additional hourly charges beyond stipulated 2 man-days... for advisory services only.	
Other charges (if any, please elaborate the nature/description as well)	

### **Note-**

1.In case of request for meeting in GIZ Delhi offices, no additional conveyance/taxi shall be reimbursed to the firms, however the actual travel time will be considered for calculating the time sheet for payments.

2.In case of travel outside Delhi region, GIZ Travel guidelines will be applicable.

3. Professional fees pertain to represent GIZ in court will be discussed separately as a case to case basis.

### **Signature & Stamp**

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