

**Ministry of Defence  
Department of Defence**

**EXPRESSION OF INTEREST (EOI)  
FOR EMPANELMENT OF LEGAL CONSULTING FIRMS FOR Acquisition Wing,  
Department Of Defence , MoD**

The Department of Defence is mandated with Defence of India and every part thereof including defence policy. The Acquisition Wing of Department of Defence deals with Capital Acquisition matters of Army & Land Systems, Navy and Coast Guard, Air Force and Cyber/IT Systems. It is headed by Director General (Acquisition) who reports to Defence Secretary. Details of Acquisition Wing, DoD can be obtained from our website [www.mod.gov.in](http://www.mod.gov.in). Defence Acquisition Procedure, 2020 can also be accessed through this website.

2. Acquisition Wing, DoD proposes to empanel Legal Firms initially for one year extendable and for a total period of upto 3 years. Expression(s) of interest (EOI) are invited from the Legal Firms which have adequate experience in dealing with matters pertaining to public procurement contract matters, security/defence contract agreements, international defence trade practices.

3. The Firm shall be required to perform various activities on a case to case basis based on a stipulated TOR. Some of the indicative activities are as follows:

- 1) Legal Advice on acquisition related contractual matters.
- 2) Legal Advice on resolving of contractual issues during contract formulation and Post contract management.
- 3) Legal Advice and support during arbitration process, Suspension & blacklisting of firms, court cases etc.
- 4) Any other duties of legal nature which may be assigned by Acquisition Wing, DoD.

4. Eligibility/ Qualification Criteria:

The following are the eligibility criteria for submission of EOI:

- i) The legal Firms shall be well acquainted with the statutory & regulatory environment in the defence sector, IPR, contract management and international guidelines and possess relevant experience.
- ii) The legal Firms shall be on the panel of at least one Central or State Govt. organization /PSU/Govt. Autonomous Organization/ Govt. Institution.

- iii) The legal Firms shall have adequate legal, administrative and financial capability to undertake the tasks assigned.
- iv) The legal Firms should have completed operation for a minimum of 5(five) years since its inception/ formation.
- v) The Legal Firm should have an annual turnover of not less than Rs. 2.00 Crore (Rupees Two Crore only) per year for the past 3 (three) consecutive years (i.e. FY 2017-18.2018-19 &2019-20) and a certificate to this effect should be submitted from the Auditor of the Firm.
- vi) Further, any Bidder which has been barred by Government of India/ any State Government/ Government agency, Supreme Court /High Court or any lower court within last three years or the bar exists as on date of EoI submission, would not be eligible to submit an EoI. An undertaking stating the same must be submitted along with the EoI.

5. Legal Firms to provide a list of key employees/qualified lawyers enrolled in bar councils engaged by it having minimum 5 years experience.

6. The Firm shall furnish copies of certificate of registration/agreement/articles of association, as the case may be, as service firm and PAN, and GST Registration.

7. Tenure of Empanelment.

The initial empanelment will be for one year or until further orders whichever is earlier. The same may be extended for one year at a time for a total period not exceeding 3 years.

8. Firms are required to give their proposals in writing providing their credentials and requests for empanelment. Details are to be given as per the format enclosed in Annexure A.

9. The proposals so received from the legal Firms shall be evaluated on the following criteria. Firms that score a minimum of 50 marks out of 100 marks of the following criteria shall only be considered for empanelment and any subsequent action towards their engagement:

Sr. No	Parameters	Marks
1.	Length of relevant experience of providing legal services (The applicants/ firms have to submit documentary proof thereof and a list of clients)	Maximum 25 marks as follows: i. Above 15 years = 25 marks ii. Above 10 up to 15 years= 18 marks iii. Above 08 up to 10 years = 12 marks iv. Above 06 up to 08 years = 10 v. From 05 to 06 years = 5 marks vi. Below 05 years zero (0) marks
2.	Sound Financial standing of the Applicants/ Firms in terms of annual turnover, during the last three Financial years i.e. 2017-18 2018-19, 2019-20 (relevant certificate from Auditor must be appended)	Maximum 15 marks as follows: i. More than 10 Crore = 15Marks ii. More than 7 crore upto 10 crore= 10 Marks iii. Above 5 upto 07 Crore = 8 Marks iv. Above 4 upto 5 crore = 5 Marks v. Above 3 upto 4crore = 4 Marks vi. From 2 upto 3 crore = 02 Marks vii. Below 02 crore = zero (0) Marks
3	Number of qualified Lawyers enrolled in respective State Bar Council (Please indicate enrolment number and enclose a copy of the same) engaged by the firm, having experience of more than 05 years in providing legal services. (The applicants/ firms have to furnish CVs of the Lawyers/ Legal consultants engaged in the firm).	Maximum 20 marks as follows: i. 16 and above persons - 20 Marks ii. 11 to 15 persons - 15 marks iii. 9 to 10 persons - 10 marks iv. 7 to 8 persons - 8 marks v. 5 to 6 persons - 5 marks vi. 2 to 4 persons – 3 marks vii. Less than 2 persons – zero (0) marks
4	Level of Client Satisfaction (Certificate from client's organization to be attached)	Maximum 15 marks as follows: (Only First 5 Certificates shall be taken into consideration). i. 3 marks for each client Certificate with Outstanding/Excellent, ii. 2 marks for Very Good, and iii. 1 marks for Good service. iv. 0.5 mark for Satisfactory Service.
5	Experience in Legal cases related to Defence Sector Organizations or Entity	Maximum marks 25 as follows i. 5 experiences -25 marks ii. 4 experiences – 20 marks iii. 3 experiences -15 marks iv. 2 experiences -10 marks v. 1 experience-5 marks vi. 0 experience -0 marks

10. Interested and eligible legal Firms may submit their Application Form in the prescribed format (Annexure A) with complete information and documents. The Application Form duly filled in, along with all supporting documents/information

should be submitted by post in a closed envelope super scribing as "Expression of Interest (EOI) for Empanelment of legal Firms in Acquisition Wing, DoD" at the following address:

Mr. Pankaj Srivastava,  
Director (PMU), Department of Defence,  
Room No- 154, "B" Wing,  
Sena Bhawan,  
New Delhi – 110011

The last date of receipt of proposal is 17.00 hrs on 21 days from the date of issue of this Notice/Advertisement.

11. Entities currently debarred/blacklisted by any agency or any authority in India or elsewhere shall be ineligible to apply or be considered for empanelment. Applicant firm should give a declaration that the firm has not been blacklisted or debarred by any agency or any authority in India or elsewhere (Annexure B).

12. The legal firm should give a declaration of "No conflict of Interest" i.e. it is not dealing with any vendor/supplier of Department of Defence dealing with Capital acquisition.

13. The criteria and weightage indicated are for the purpose of empanelment only. Specific evaluation criteria may be included in the RFP for selection process for individual assignment, if required.

14. DEBARRING PROVISIONS OR REMOVAL FROM PANEL

The law firm may (on discretion of Acquisition wing, Department of Defence, MoD) be debarred from empanelment for present and /or in future under any or all of the following conditions:

- a. If the law firm obtains the empanelment on the basis of false information/ mis-statement.
- b. It does not take up work in terms of empaneled letter.
- c. Handing over the brief of matter to another advocates or law- firms without prior written permission of Acquisition wing, Department of Defence, MoD.
- d. It fails to abide by advocate- client privileges.
- e. Fails to maintain/honor confidentiality and secrecy of the any Acquisition wing, Department of Defence, MoD data, statement and any other information.
- f. Fails to attend the hearing of the case without sufficient reason or prior information to Acquisition wing, Department of Defence, MoD.

- g. Passing of information relating to Acquisition wing, Department of Defence, MoD's case to opposite party or their advocates, etc. which is likely to damage or cause damage to the Acquisition wing, Department of Defence, MoD's interest, legal or otherwise.
- h. Giving false and/or misleading information to Acquisition wing, Department of Defence, MoD relating to the proceedings of the case.
- i. Threatening and/or intimidating and/or abusing any of the employees or officers or representatives of Acquisition wing, Department of Defence, MoD
- j. Not returning the brief when demanded or not allowing or evading to allow its inspection on demand.
- k. If the law firm indulges in any misappropriation of Acquisition wing, Department of Defence, MoD's funds in any form or/and commits an act tantamount to contempt of court or professional misconduct.
- l. Not acting as per Acquisition wing, Department of Defence, MoD's specific instructions repeatedly.
- m. Frequent adjournment being obtained or not objecting the adjournment moved by other party without sufficient reason.

Empanelment shall be liable to be cancelled consequent upon occurring of any or all of the above said conditions/events.

15. Acquisition Wing, Department of Defence (DoD) MoD reserves all rights to reject one or all the proposals without assigning any reason thereof.

(PANKAJ SRIVASTAVA)  
Director (PMU)

Copy to: IT Cell - for uploading on MoD website

**PROFORMA FOR APPLICATION FOR EMPANELMENT OF LEGAL FIRMS**

- 1- Name of the Firm
- 2- Address
- 3- PAN of the Firm
- 4- GST Registration No
- 5- Date of registration of the Firm
- 6- Details of the Experience /Practice/achievements
- 7- Details of manpower structure and their expertise
- 8- Details of Penalty imposed on the firm, if Any
- 9- Details of Firm's policy on confidentiality and conflict of interest
- 10-Annual Income Tax return filed with the Income Tax Authorities for the last three Years
- 11-Information along with documentary proof for each of the parameter in para 9 of the EOI document. Documentary proof to be attached in support of credentials mentioned by firm.

**DECLARATION**

We hereby declare that the information so provided for empanelment is factually correct

Date:

Place

Authorized Signatory

(Representative of the Law Firm)

(Complete postal address with mobile number and e mail ID) (Office Seal/Stamp)

**UNDERTAKING** (In the Letter Head of the Firm)

1. "I /We hereby certify that in the last three years, neither firm nor any of its engaged lawyers/employees have failed to perform on any contract or expelled from any project or contract or have had any contract terminated for breach on our part.
2. We have not been banned/ suspended by Government of India/ any State Government/ Govt. agency, Supreme Court/ High Court or any lower Court within last three years.

Signature (s) & Seal