

Response to queries raised during Pre-Bid Meeting

<u>Sl</u>	<u>Content of RFP</u>	<u>Point of Clarification</u>	<u>Clause of RFP</u>	<u>Response</u>
1	In case bidder ranked no.1 is unable to execute the contract Bidder ranked no.2 would be called for negotiation and asked to match the fee quoted by bidder no.1	Whether the Contract / LoI would be issued to Bidder ranked No. 2, in case Bidder ranked No. 2 refuses to match the fee quoted by Bidder ranked No. 1	Clause 1.8	No
2	The firm must be operational and engaged in legal service for at least 15 years.	(1) According to Rule 10 (e) (ii) (C)&(D), any advocate who ten years' experience can provide non-encumbrance certificate/title report. Kindly clarify reasons based upon which such criteria of 15 years of experience has been prescribed. Furthermore, kindly clarify whether an individual who has more than 15 years of experience as an advocate but his firm is not 15 years old then whether he would be apply?	Clause 2(2)	Criteria changed: The firm must be operational and engaged in legal service for at least 05 years as on date of Bid submission.
3	The bidder must have average turnover of Rs. 1.5 crs in provision of legal services in the last three financial years, the last year being 2018-19.	(1) Kindly clarify on what basis the criteria of having such high amount of turnover is being fixed. (2) Only selected few would be able to bid because of such high financial criteria. Kindly note that this bid is for providing legal services to	Clause 2(3)	No change

		Gujarat, RERA. There is no link between providing legal services by an individual /firm and his financial status. So, there should not be such high financial criteria.		
4	The bidder must have at least 20 full time employed professional staff including partners having bachelors of Law (LLB) qualification.	<p>(1) Kindly clarify whether professional employees mean the bidder must have 20 advocates or total staff of 20 persons?</p> <p>(2) As per the tender condition 2 Advocates having more than 10 years' experience should be appointed to RERA Authority and details of such Advocates is to be submitted along with bid. Kindly note that submission of details of such advocates should not be insisted at the time of bid and once a firm is selected that the firm should be permitted to employ Advocates have more than 10 years' experience. Because Advocates having 10 years' experience do</p>	Clause 2(3)	<p>(1) Bidder must have 20 professionals having LLB qualification.</p> <p>(2) The Bidder has to provide CV for Senior Professionals proposed to be deputed at GujRERA Office. In case, after selection, the Service Provider needs to change the Senior Professionals, then it needs to get new CVs approved by GujRERA before deputation.</p>

		not normally stay in one law firm.		
5	The service provider should not engage in providing legal services for Real Estate developer whose documents they are evaluating.	<ul style="list-style-type: none"> (1) Kindly clarify what sort of legal services are prohibited. (2) Furthermore, Kindly clarify whether the service provider can provide title certificate/ report, documentation work, civil litigations, non-encumbrance certificate to the real estate developer? (3) If such restrictions are put for work done for Real Estate developer, then a similar restriction should be put restricting advocates doing work for banks. (4) Additionally, whether any present/ ex-employee of the bidder firm can provide legal services to the real estate developer? (5) Whether M/S Talati & Talati, Chartered Accountants or advocates/consultants appointed by Gujarat RERA have been following such "Conflict of Interest 	Clause 2(6)	<p>Clarification on Conflict of Interest clause :</p> <p>During the duration of the contract with GujRERA the Service Provider engaged for undertaking Part A of scope of work shall proactively disclose conflict of interest circumstances for any work at GujRERA. If the Service Provider is advising the Developer, it will abstain itself from evaluating the Project File of that Developer.</p>

		<p>“Clause? If not, then why such restriction is being imposed on legal professionals?</p> <p>(6) Whether architects, engineers, chartered accountants issuing certificates to developers have been asked to follow such “Conflict if Interest” restrictions? If not then why such restrictions is being imposed on legal professionals?</p>		
6	Gujarat RERA Gandhinagar will form a committee which will evaluate the technical bids.	<p>(1) Kindly clarify who will be the members of the committee?</p> <p>(2) Whether they all will be the employees of Gujarat RERA or any third parties?</p>	Clause 7.3.1	The Committee formation is prerogative of Guj RERA
7	<p>(1) The bidder shall submit certificate from statutory auditor certifying the assignment and work order from the company.</p> <p>(2) The bidder shall submit the detailed scope of work.</p>	<p>(1) Kindly clarify what sort of certificate and in what sort of format required from the statutory auditors is to be obtained.</p> <p>(2) Whether mentioning details about each work is mandatory or directory in nature? It is practically impossible to mention details pertaining to each work which is undertaken</p>	Clause 7.3.3	<p>For experience, the Bidder is required to submit the following :</p> <p>a) Completion certificate from client; or</p> <p>b) Work order plus self-certification of completion (certified by Statutory Auditor);</p>

		<p>during the last financial years, last year being 2018-19. In the last five financial years beginning from 2014 - 15, the Advocate would have undertaken tilt investigation and documentation works for hundreds of files. Hence, it is impossible to submit the details scope of work for last five financial years. Therefore, kindly clarify what should be mentioned in the detail of scope of work?</p> <p>(3) Moreover, it is submitted that this is not a construction/service providing contract wherein work order is issued. In legal profession, work orders are never issued by clients.</p>		
8	No further discussion will be held with the bidders whose bids are technically disqualified /rejected.	(1) Kindly clarify whether marks obtained by each bidder will be disclosed after completion of technical evaluation.?	Clause 7.4	This would be the prerogative of the Committee formed by Guj RERA for evaluation
9	The service Provider shall be paid on project file basis for evaluation of documents submitted by Real estate	(1) Whether the invoice for the purposes of payment has to be	Annexure 3 (Note 1)	Invoice is to be raised on monthly basis for Part A and Part B of scope of work. For Part A of scope of work, Invoice has to be raised for files evaluated and

	Developer. Only for Evaluation of Financial proposals,2100 projects files are considered.	<p>raised on a monthly basis? Within how much time period payment will be made by the authority?</p> <p>(2) Kindly clarify that in case there are less than 2100 files then authority will pay for minimum 2100 files or as per actual number?</p> <p>(3) Similarly if there are more than 2100 files then Authority will pay as per actual number of files or only 2100 files?</p>		accepted by GujRERA. Payment would be done within 15 working days. The Service Provider would be paid on actual number of files evaluated.
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General : GujRERA has decided to split the entire scope of work as :

Part A: Verify and review the legal documents submitted by various real estate developers to GujRERA for registration of project. The scope shall also include review of documents for alteration and extension of Project.

Part B: Deputation of 2 senior legal professionals at Guj RERA Office for undertaking legal appraisal work, drafting of various legal documents and agreements, undertaking legal appraisal work, preparing internal notes for legal work, supervise and review the work of various legal consultants appointed by GujRERA and assisting GujRERA office for all legal work.

Bidders are required to bid for undertaking both the scope of work however, financial bids have to be submitted separately and GujRERA shall evaluate both the bids independently. Two separate contracts would be awarded as detailed in the RFP. Updated RFP is uploaded on GujRERA website.