



REQUESTING FOR EXPRESSION OF INTEREST FOR
EMPANELMENT OF ADVOCATES / LEGAL FIRMS
FOR A TERMS OF 2 YEARS

RFP No: STPI/BLR/ADM/CDLC/LITI/2023-2024/2

Date: 07.02.2024

To be submitted to

Software Technology Parks of India

(Ministry of Electronics and Information Technology, , Government of India)

NO.76&77, CYBER PARK, 6th FLOOR, KEONICS

ELECTRONICS CITY,HOSUR ROAD,

BENGALURU-560100 INDIA

TEL: +91- 80- 66186000-07 / 080-28526115 ,

FAX: +91-80- 28521161

Email: blr.cog@stpi.in

URL: <http://bengaluru.stpi.in>

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SECTION - I
INVITATION FOR PROPOSALS (IFP)

Software Technology Parks of India (STPI), an autonomous Society under the Ministry of Electronics and Information Technology, set up to boost up software export from India, is working with the objective to implement STP/EHTP schemes formulated by the Government of India. STPI also provides data communication services and promote micro-small and medium entrepreneurs for entrepreneurship in IT/ITes.

Software Technology Parks of India (STPI) invites sealed proposal under two bid system (Technical & Commercial proposal) from reputed vendors for **Empanelment of Advocates / Legal Firms** for the legal requirements of STPI Bengaluru and its sub-Centres in Karnataka.

Legal firms and practicing advocates who are registered with Bar Council of India /State Bar Council are eligible for empanelment. The Qualification, Experience, Schedule of Fees, Other Terms and Conditions and the application format in which the application has to be made have been prescribed and are as given below.

Intending Advocates/ Legal firms may submit the application before the due date. RFP document can be downloaded from the website <http://bengaluru.stpi.in>.

***Note:** Applying for empanelment at STPI does not confer any right/assurance whatsoever that they will be empaneled on the panel of STPI. Letters to advocates / legal firms confirming their **empanelment** will be issued by STPI separately*

Sd/-

Director
Software Technology Parks of India
Plot No 76&77, 6th Floor, Cyber Park,

SECTION - II

GUIDELINES FOR EMPANELMENT OF ADVOCATES/ LEGAL FIRMS

Following guidelines are to provide and regulate the manner and procedure for empaneling the advocates to represent and assist the STPI Bengaluru before various courts and for regulating the referrals of the cases and payment of fees/remuneration payable to such persons/firms.

STPI Bangalore invites applications from Advocates/Legal firms for various legal services especially in areas covering Labour Laws, Contract Law, Corporate Laws, Foreign Trade Policy Act, Tax Laws etc. for empanelment as Advocates/Firms. STPI Bangalore is located at No. 76&77, Cyber Park, 6th Floor, Keonics Electronic City, Bengaluru – 560100 and it has five sub-Centers – Mysore, Mangalore, Manipal, Davangere and Hubli. The empanelled Advocates/firms may have to offer their legal services in Bangalore, Mangalore, Manipal, Davanagere and Hubli or any other location within the country if needed.

Definitions

For the purposes of these Guidelines, the terms used will have the following meaning;

- (i) ‘Advocate’ means an advocate, entered in any roll of advocates under the provisions of The Advocates Act, 1961.(The Act)
- (ii) ‘Competent Authority’ shall be the Director, STPI Bengaluru or any other officer so designated by the Director General STPI.
- (iii) ‘Court’ shall mean all courts of law including District Courts, CMM, High Courts, Supreme Court, Tribunals, Judicial Forums, Authorities and Arbitrators etc.
- (iv) ‘Effective Hearing’ shall mean a hearing in which either one or both parties involved in a case are heard by the Courts / arguments were advanced by the Counsel of any of the parties, Examination-in-chief, cross examination is conducted, issues/charges have been framed and statement under Section 313 of Cr.P.C is recorded. And in addition to the above, effective hearings are according to the High Court Rules.
- (v) ‘Non-effective Hearing’ shall mean all hearings which are not covered in the above definition of effective hearing.
- (vi) ‘Similar Cases’ shall mean two or more cases in which identical or substantially similar questions of law or facts are involved.

1. Eligibility for Empanelment

- (i) The Advocates/ Firms should be familiar with various branches of law especially those concerning laws on matters related to constitutional/service laws, labour laws, contract law, commercial law, property laws, corporate law, Foreign Trade, Taxation, etc.
- (ii) For empanelment with STPI as Panel Advocate, an individual advocate must have at least three (3) years of experience as a practicing Advocate and in case of firms, the **senior most** Advocate/Partner/Associate of the firm must have at least **seven (7)** years of experience as a practicing Advocate.
- (iii) There would not be any court specific empanelment. However, while referring cases to Advocates, the following would be the criterion for such referrals:

- a) For designation of an Advocate to handle the cases before the High Courts and the Supreme Court of India, at least 5 yrs. experience in case of individual advocate and 10 yrs. of experience of Senior Partner in the case of firms.
- b) For designation of an Advocate to handle cases before the Supreme Court of India, generally those Advocates who are regularly practicing before the Supreme Court and Advocates-on-Record would be preferred, if they are otherwise found to be competent and eligible.
- c) For designation of an Advocate to handle the cases before all the other courts not mentioned above, at least 3 yrs. Experience in case of individual advocate and 7 yrs. of experience of Senior Partner in the case of firms.

(iv) Infrastructure Facilities:

- a) Advocates / Firms should have their own chambers in the Supreme Court, the High Court or major District Courts and should have good office space with facilities like telephone, fax, computers, internet, etc.
- b) The advocate/ firm must have adequate manpower to support the legal activities.
- c) The office of the advocate/ firms preferably should be situation within 30 to 40 Kms of office of STPI, which is located in Electronics City, Bengaluru.

Provided that the Competent Authority may relax the above conditions at its discretion, if otherwise found eligible in certain cases.

2. Tenure of Empanelment

The initial empanelment will be for a **period of one year** or until further orders whichever is earlier. Performance of empaneled advocates shall be reviewed on annual basis. However, on completion of the term and satisfactory performance of the advocate / legal firm, the empanelment **may be renewed for a period of another one year by the STPI Bengaluru**. STPI reserves the right to terminate the empanelment of any advocate / legal firm at any time without assigning any reason thereof.

3. General Terms and Conditions

- (i) The Advocates shall be engaged only in cases where STPI is a necessary party.
- (ii) The advocate shall not necessarily be empaneled for specific court and shall accept the work assigned to him and shall not refuse to accept any work without reasonable cause.
- (iii) Refusal by any advocate to accept any work otherwise than on grounds of conflict of interest, may entail removal of such advocate from the panel. Similarly, no advocate, as long as his name is on the panel, shall contest any matter against STPI.
- (iv) The empanelled Advocates will not delegate cases and shall themselves deal with the same. They may have to coordinate and work with designated Senior Advocates, if any, engaged in the case as well as with officers of the STPI, as and when required.
- (v) The Advocates empanelled under these guidelines shall not be treated as employees of the STPI and therefore, shall not be eligible for any salary or benefits available to its employees.
- (vi) The empanelled Advocate shall maintain absolute secrecy and confidentiality about the cases of

- the STPI as required under the Act and rules/regulations made thereunder & would sign NDA.
- (vii) The advocates shall accept the terms and conditions of the empanelment as determined by the STPI in full and also with modification from time to time.
 - (viii) Proforma matters: - where the STPI is a proforma party in matters pending before any court, the same may be taken care of by the officers of the STPI. However, the Advocates may be engaged, if deemed necessary, by the Competent Authority.
 - (ix) The empanelled panel of advocates/ firms may consist of Advocates from diversified fields viz. Telecom Regulatory laws, constitutional law, civil law, commercial law, property law, Foreign Trade Policy, taxation law, corporate law, cyber law etc. having the expertise and experience.
 - (x) In case of empanelment of Law Firms, all the terms and conditions for empanelment of the individual Advocates shall apply mutatis mutandis to them.
 - (xi) If required and considered appropriate by the Competent Authority, Attorney General of India/Solicitor-General of India/Additional Solicitor General/Advocate General/Designated Senior Advocates may be engaged to argue the cases on behalf of STPI keeping in view the urgency and importance of a particular matter. They shall be engaged on a case to case basis with the approval of the Competent Authority. Engagement of Sr. Advocates etc. and their fees for such cases may be approved and decided by the Competent Authority of STPI.
 - (xii) Any case taken / assigned during the tenure of empanelment, the advocate/ firm has to complete the procedure even if the tenure gets expired in between.
 - (xiii) Advocate/Legal firm shall not have any cases filed against/pending against them in any court of law. Self-declaration in this regard shall be provided.
 - (xiv) Bid validity shall be for 120 days,

4. Payment of Fee and Other Conditions

- (i) The fee payable to the Advocates/firms shall be as per the empaneled advocate firm quote for various legal services as per the Annexure – B, or the fee approved by the competent authority from time to time.
- (ii) The quote received will be evaluated based on the acceptance of rates as per Annexure-B or lower against each legal service. Preference will be given to the Advocate / firm with lower quote.
- (iii) The Competent Authority shall have the right in exceptional cases to approve the payment of a higher fee keeping in view the importance of the matter and the labour and efforts put in by the advocate in a particular case. It shall also have the power to fix the fee for eventualities which have not been mentioned in the fee schedule at Annexure B till the appropriate amendment is made in this regard by STPI.
- (iv) Prior sanction of the STPI is to be obtained for appearance of the Senior Advocate or an Advocate if required at a place other than the place where he ordinarily practices justifying the reasons as to why the local Senior Advocate or an Advocate is not to be engaged.
- (v) No retainer fee shall be paid to any panel Advocate/legal firm merely because such advocate/firm has been empaneled.

5. Procedure for Empanelment

The Competent Authority will consider the applications for empanelment in terms of these guidelines:

- (i) Length of practice and specialization.
- (ii) Proper and adequate infrastructure such as office premises, number of junior advocates, assistants, clerks, fax, mobile phone, fixed phone, internet connection etc.
- (iii) Annual income-tax return filed with the Tax Authorities.
- (iv) Track record and integrity.
- (v) If considered necessary, an enquiry with the respective Bar Council/Bar Association about the claims and conduct of the advocate to be empaneled may be made and credentials may also be verified.
- (vi) If the advocate is empaneled by other organizations/authorities, their opinion may also be obtained, if felt necessary.
- (vii) If STPI gets a large number of applications, then to select the required number of Advocates / Firms, in addition to above, the attributes like experience in representing Govt./PSU/Statutory Bodies/Telecom Sector or number of cases in which the Advocate was able to get favorable outcome/decision which are reported/referred in reputed legal journals etc. shall be taken into account.
- (viii) The above list is illustrative and not exhaustive. The Competent Authority may also consider any other factor relevant for empanelment.
- (ix) The panel of Advocate / Legal Firm shall be selected for legal services as per the rates quoted by them under Annexure –B.
- (x) STPI Bengaluru has the right to empanel the Advocate/ Legal Firm partly for some specific items based on evaluation of techno-commercial proposal of Advocate/ Legal Firm.
- (xi) The Empaneled Advocate/Legal Firm will be abiding all the Terms & Conditions of the proposal Document.
- (xii) The Advocates/Firms should have office in Bengaluru.

6. Documents required to be submitted by the Advocates/Legal Firm (s)

The Advocates will be required to submit their application in the prescribed format as given in ‘Annexure A’ along with the rates for various legal services in ‘Annexure B’. In the case of Legal Firms, the application in the prescribed format as given in ‘Annexure AI’ along with rates for various legal services in ‘Annexure B’ shall be submitted. The self-attested copies of the following documents are required to be submitted along with the application:

- (i) Certificates in support of educational qualifications and age.
- (ii) Certificate of Registration with Bar Council.
- (iii) Identity card issued by Bar Association / Bar Council.
- (iv) Details regarding representation of other Govt./PSU/Statutory Bodies/Telecom Sector organizations.
- (v) Documents regarding empanelment with other Organizations, if any.

- (vi) Details regarding the cases in which the Advocate was able to get favorable outcome/decision which are reported/referred in reputed legal journals etc.
- (vii) Details of office Infrastructure.
- (viii) Acceptance of all the terms and conditions of empanelment unconditionally and unequivocally.
- (ix) An undertaking from the advocates to the effect that all information furnished by him/her is correct to the best of his/her knowledge and belief.
- (x) A self-declaration that no case is pending against the Advocate/Firm in any court of law involving moral turpitude.
- (xi) Local address of Advocate/ Firm in Bengaluru with phone numbers.
- (xii) Other relevant information, if any.

7. Communication of Empanelment

After a decision to empanel the Advocate/Legal firm is taken, a communication in writing to this effect shall be sent to the shortlisted Advocates/Firms as per Annexure-C with acknowledgement and acceptance due. The process of empanelment shall be complete when STPI receives an acceptance letter from the advocate / firm.

8. Private Practice and Restrictions

- (i) An advocate shall have the right to private practice which should not, however, interfere with or be in conflict with the efficient discharge of his duties as an empaneled advocate of the STPI.
- (ii) An advocate shall not advise any party or accept any case against STPI

9. Disablements

Disablement on the part of the Advocate shall mean and include any of the following:

- (i) Giving false information in the online bid for empanelment;
- (ii) Handing over the brief or matter to another advocate without prior written permission of the STPI;
- (iii) Failing to attend the hearing of the case without any sufficient reason and/or prior information;
- (iv) Not acting as per STPI's instructions or going against specific instructions;
- (v) Not returning the brief when demanded or not allowing or evading to allow its inspection on demand;
- (vi) Making any of his associates or juniors to appear on behalf of any of the opposite parties in cases/appeal related to STPI.
- (vii) Committing an act that tantamount to contempt of court or professional misconduct;
- (viii) Conviction of the Advocate in any offence resulting into arrest or detention or disbarment by the Bar Council;
- (ix) Passing on information relating to STPI's case on to the opposite parties or their advocates or any third party which is likely to cause any damage to the STPI's interests;
- (x) Giving false or misleading information to STPI relating to the proceedings of the case;
- (xi) Seeking frequent adjournments or not objecting the adjournment moved by other party without sufficient reason.

Empanelment shall be liable to be cancelled due to occurring of any of the above disablements on the part of the Advocate.

10. Doubt/ Difficulty

If there arises any doubt/difficulty with respect to the implementation/interpretation of any clause of these guidelines, the same shall be placed before the Director, STPI Bengaluru and his decision in this regard shall be final and binding.

SECTION - III

ANNEXURE 'A'

FORMAT OF APPLICATION FOR ADVOCATES

- 1) Name.....
- 2) Date of birth & Age (as on)
- 3) Educational qualifications
- 4) Date of Enrolment, Name of Bar Council(*Copy of enrolment certificate must be attached*)
- 5) Period of practice
- 6) Details of Experience/practice
- 7) Area of practice
- 8) Specialization, if any (constitution/taxation/service etc.)
The details of a few important cases the Advocate has dealt with/handled and reported Judgment if any.
- 9) Whether Central Govt. counsel/pleader (indicate period)
- 10) Brief list of clients e.g. Govt./organizations/Commissions/PSUs
- 11) The courts where the Advocate is regularly practicing (Enclose Bar Association Membership Certificate)
- 12) Date of enrolment as an Advocate – on – Record (AOR) of the Supreme Court / High Court / District Court / Other Court and Registration No.
- 13) Local address in Bengaluru with phone numbers.
- 14) PAN number
A brief note on suitability for empanelment. (*Details of major cases dealt/ contested by the advocate successfully*)
 - i) **I declare that I have never been penalized by any bar council in any Disciplinary Proceedings.**
 - ii) **I also undertake to maintain absolute secrecy about the cases of the STPI as required under the Act, Rules and Regulations thereunder.**

Signature of Advocate

**Address (office & residence/chamber)
Tel. No. Mobile No.
Fax No./ Email ID**

SECTION - IV

‘ANNEXURE-AI’

Format for Bio-data for Legal Firm

1	Name of the Firm & detailed address, Pan Number, Date of Registration of the Firm	
2	Details of Experience & Practice including important cases the firm has dealt with or handled.	
3	Details of the Manpower structure and their expertise.	
4	Details of the Branch Offices in India and the manpower structure of such branch office and the level of control exercised over such offices.	
5	Details of reported judgment if any in the last two years	
6	Brief list of clients and details of the cases won & lost on behalf of such clients (in the last two years.)	
7	Experiences in Foreign Trade Act, if any or Contract Law.	
8	Details of penalty imposed on the firm, if any.	
9	Details of firm's policy on confidentiality and conflict of interest.	
10	Details of awards won by the firm, its partners, associates and personal achievements by the Partners/Associates of the firm.	
11	A brief note on suitability for empanelment in STPI.	
12	Details of the local (Bengaluru) office with phone numbers etc.	
13	Annual income tax returns filed with the Income tax Authorities for the last two years.	

DECLARATION

We declare that the information so provided for empanelment by the Board are factually correct.
(Signature with Address, Mobile No. Fax No and E-mail ID)

Yours faithfully

(Authorized Signatory)

SECTION - V

'ANNEXURE B'

The rates for various legal services may be quoted under the following heads:

S. No.	Particulars	Amount in INR	Rates By Legal Firm / Advocate
1	a) For Legal Notice/Reply of Notices	3000/-	
	b) For written opinion/advice	5000/-	
2	Drafting and filing caveat petitions	4000/-	
3	a) Drafting W.P./ Plaint / W.S. /Rejoinder	7500/-	
	b) I.A. and filing	5500/-	
4	Conference with Sr. Advocates (P/ hr. rate)	3000/-	
5	a) Appearances in the District Court Effective Non-effective	6000/- 1500/-	
	b) Appearances in the High Court Effective Non-effective	14000/- 3500/-	
	c) Appearances in the Supreme Court Effective Non-effective	18000/- 4500/-	
	d) Arbitration matters	Lump-Sum Amount	
6	Outstation Appearances (outside the city) Making own arrangement for boarding and lodging and to and fro journey or To be arranged by STPI B	Double The Appearance Fee	
7	Clerical (Please indicate on percentage basis)	10% Fee	
8	Misc. Expenditure (Fax, photocopy etc.)	On actual	
9	Discussions/drafting for finalization of agreements/MOU Etc.	5000/-	
10	Charges for dealing counsel when opinion has been obtained from Sr. Advocate((on percentage basis)	Consolidated fee of 10% equivalent to clerkage charges by Sr. Advocate	

NOTE: The Advocate/Firm may quote less than the above rates. The Advocate/Firm who quote less then above rates have an advantage.

Signature of Advocate / Authorized Signatory of Firm

Address (office &residence/chamber):

Tel. No. Mobile No.

Fax No./ Email ID

SECTION - VI

'ANNEXURE C'

To,

-----, Advocate/Legal Firm

Sub: Empanelment of Advocates/ Legal Firms for STPI Bengaluru for a period of two years.

Dear Sir,

This is with reference to your application dated ----- wherein you have evinced interest for empanelment as an advocate with the STPI. We are pleased to inform that your request has been considered favorably and you are advised to give your assent for empanelment on following terms and conditions:

1. You will abide by STPI's terms and conditions as enumerated in the Guidelines for such empanelment.
2. Your fees would be strictly governed by the STPI fee schedule as mutually agreed (Annexure I enclosed) and you will not claim any retainer fee or employment in STPI's service.
3. You will not accept any case against the STPI during the period of empanelment.
4. You will take necessary steps to protect the interest of the STPI in matters entrusted to you from time to time.
5. Empanelment does not confer any right or claim that you alone should be entrusted with the STPI's work.
6. You will personally deal with the case assigned to you in addition to coordinating and working with designated Senior Advocate, if any, engaged in some matter.
7. Any unsatisfactory performance in assigned matter, STPI may at any time, at its discretion, withdraw from you such proceedings/matter/ brief and may discontinue you as STPI's advocate without giving any further notice.
8. You will keep STPI informed about the developments in the matters entrusted to you periodically.
9. Unless a case is specially assigned to you by the STPI, you will not on your own receive Summons/ Notices of the STPI's matters and even if you receive, if no Vakalatnama is given to you, you shall not otherwise deal with such cases. However, you will immediately inform STPI in this regard.
10. You shall not use STPI's name or symbol, logo in your letter heads, sign boards name plates etc.
11. In case of any misconduct, the STPI will take appropriate action against you which includes filing complaint with Bar Council and recovery of financial loss caused to the STPI due to your misconduct.
12. In case of initiation of any disciplinary proceedings/ criminal proceedings against you, STPI may remove you from the panel even without waiting for the conclusion of such proceedings.
13. Your performance will be reviewed on yearly basis and if your services are not required/ found not up to the mark, STPI may remove you from panel and the cases/matters entrusted to you will be taken back from you.
14. You are required to maintain absolute secrecy about the cases of the STPI as required under the Act, relevant rules and regulations and you shall not divulge any details to an outsider or opponent as the case may be without written consent of the competent authority of STPI.
15. You are requested to return the duly signed duplicate copy of this letter indicating your consent.
16. You are requested to provide the necessary contact information for coordination and availing the desired legal services.
17. All other terms and conditions which are enumerated in the Expression of Interest (EoI) and are not specifically mentioned above shall be applicable.
18. Effective hearing for the purpose of claiming appearance fee in a case means a hearing in which one or both the parties involved in a case are heard by the court. If the matter is called in its turn and the Counsel is present to represent the office and the court listens to the submissions made by him or by other side or by both and if, thereafter, the court adjourns the matter, that will be an effective hearing. If the case is mentioned and adjourned or only directions are given or only judgement is delivered by the court, it would not constitute an effective hearing but will be termed as non-effective hearing.
19. No fee is payable in cases where advance notice of adjournment is received.
20. The counsel shall be engaged on case-to -case basis and the allocation of work will be decided by STPI.

21. The counsel will take necessary steps to protect the interest of STPI in the matters entrusted to him from time to time.
22. Engagement does not confer any right or claim that the counsel shall alone be entrusted with the work of the STPI.
23. STPI may, at any time, at its discretion, withdraw from the counsel any proceedings /matter/brief.
24. The counsel shall keep STPI informed regarding the developments in the matters entrusted to him.

We look forward to your cooperation and hope for good relations;

Thanking You,

Yours Faithfully,

For Software Technology Parks of India Bengaluru