

Planning Commission

ADDENDUM NO. 3 TO THE  
REQUEST FOR PROPOSAL (RFP)  
FOR APPOINTMENT OF

**LEGAL ADVISER**

Government of India

**ADDENDUM NO. 3 TO THE  
REQUEST FOR PROPOSAL (RFP)  
FOR THE APPOINTMENT OF LEGAL ADVISER  
RFP NOTICE No. 14026/13/2009-INFRA of 11  
DECEMBER 2009**

1. The following are the modifications to the Request for Proposal for Appointment of Legal Adviser dated 11 December 2009 as modified by Addendum No. 1 on 08 January 2010 and further modified by Addendum No. 2 on 18 January 2010. The referenced provisions are to be read in the amended form as set out below. The deletions from the earlier text of the Request for Proposal are indicated as strikethroughs and the additions are underlined.

Sl. No.	Clause No.	Modified Provision of the Request for Proposal
(i)	2.3.4 in Request for Proposal	<p><b>Conflict of Interest</b></p> <p>An Applicant eventually appointed to provide Consultancy for this Project, its Associates, affiliates and the Legal Expert, shall be disqualified from subsequently providing goods or works or services related to the construction and operation of the same Project and any breach of this obligation shall be construed as Conflict of Interest; provided that the restriction herein shall not apply after a period of <del>5</del> <u>6</u> (<del>five</del> <u>six</u>) <del>years</del> <u>months</u> from the <del>completion</del> <u>commencement</u> of this assignment or to any consulting assignments granted by banks/ lenders at any time; provided further that this restriction shall not apply to consultancy/ advisory services performed for the Authority in continuation of this Consultancy or to any subsequent consultancy/ advisory services performed for the Authority in accordance with the rules of the Authority. For the avoidance of doubt, an entity affiliated with the Legal Adviser shall include a partner in the Legal Adviser's firm or a person who holds more than 5% (five per cent) of the subscribed and paid up share capital of the Legal Adviser, as the case may be, and any Associate thereof. For the avoidance of doubt, in the event that: (a) the Legal Expert of an Applicant/ Legal Advisor was a partner or an employee of another firm, which attracts the provisions relating to Conflict of Interest hereunder; and (b) was directly or indirectly associated with any assignment that causes a Conflict of Interest hereunder, then such Legal Expert shall be deemed to suffer from Conflict of Interest for the purpose hereof.</p>

(ii)	3.2.2 of Schedule – 2: Forms of Agreement	<p><b>Conflict of Interest</b></p> <p>Legal Adviser and Affiliates not to be otherwise interested in the Project</p> <p>The Legal Adviser agrees that, during the term of this Agreement and after its termination, the Legal Adviser or any Associate thereof and any entity affiliated with the Legal Adviser, shall be disqualified from providing services, loans or equity for any project resulting from or closely related to the Services and any breach of this obligation shall amount to a Conflict of Interest; provided that the restriction herein shall not apply after a period of <del>five</del> <u>six</u> <del>years</del> <u>months</u> from the <del>completion</del> <u>commencement</u> of this assignment or to consulting assignments granted by banks/ lenders at any time; provided further that this restriction shall not apply to consultancy/ advisory services provided to the Authority in continuation of this Consultancy or to any subsequent consultancy/ advisory services provided to the Authority in accordance with the rules of the Authority. For the avoidance of doubt, an entity affiliated with the Legal Adviser shall include a partner in the firm of the Legal Adviser who holds more than 5% (five per cent) of the subscribed and paid up share capital of the Legal Adviser.</p>
<p><b>2. A revised version of the Request for Proposal for Appointment of Legal Adviser dated 11 December 2009 incorporating the changes in Addendum No. 1, 2 and 3 issued on 08 January 2010, 18 January 2010 and 25 January 2010 respectively, is placed on the Website. In case no further amendments are made to the RFP, the same may be treated as the final version.</b></p>		