

Expression of Interest (EOI)

For

Empanelment of lawyers

For handling matters under Insolvency & Bankruptcy Code, 2016 before National Company Law Tribunal

EOI NO-

Date: _____

Issued By:

Deputy General Manager (CDR)
State Bank of India, Corporate Centre,
SAMG Department,
21st Floor, E Block, Maker Tower,
Cuffe Parade, Mumbai-400005

SCHEDULE OF EVENTS

| | |
|-------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| EOI Document Availability | EOI document can be downloaded from website (http://www.sbi.co.in) from 5.30 P.M. on 15.05.2017 to 4 P.M. on 30.05.2017 |
| Last date for requesting clarification (optional) | 20.05.2017 |
| Conduct of briefing session (if required) | 23.05.2017 |
| Last date for providing clarifications to queries raised | 26.05.2017 |
| Last date of submission of response to EOI | 4 P.M. on 30.05.2017 |
| Contact Details | A.N.Upadhyaya, AGM (CDR) Mobile - 8451878400 Land line – 022-22177540 |
| Address for Communication and Submission of Bid | Deputy General Manager (CDR) State Bank of India, Corporate Centre, SAMG Department, 21 st Floor, E Block, Maker Tower, Cuffe Parade, Mumbai-400005 |
| All correspondence relating to this EOI should be sent to following email ids | dgm.cdr@sbi.co.in |

1. Introduction: State Bank of India (“SBI” or “the Bank”) is the largest Bank with a network of approx. 22500 branches spread across India. The SBI also has presence in 37 countries across the globe.

The provisions of the Insolvency and Bankruptcy Code, 2016 (‘the Code’), relating to insolvency resolution and liquidation process for corporate persons have been notified. Pursuant to the same, the Bank seeks to empanel Law firms to represent the Bank in applications filed before the National Company Law Tribunal as per the provisions of the Code for resolution and / or liquidation proceedings.

2. Background: State Bank of India (SBI) invites applications from Law firms enrolled with the respective State Bar Association, having office(s) at places where NCLT benches are established and requisite qualification and experience as per the eligibility criteria as set out in **Annexure ‘A’**, already empanelled with the Bank to appear on behalf of the Bank in applications for insolvency resolution and/ or liquidation process under the Code. The objective of this EOI is to identify and empanel eligible firms, having requisite capability, experience & expertise and are interested in providing services to SBI as detailed in this document.

2 (a) Submission of EOI: Expression of Interest (EOI) are invited in sealed envelope superscripted as **<Expression of Interest for empanelment of Law firm for handling matters for Insolvency resolution process/liquidation of corporate persons.**

a. From the applicants who meet the eligibility criteria as set out in **Annexure ‘A’**, and

b. Agree to abide by the terms and conditions contained in this Request for

EOI document

Sealed envelope containing complete set of hard copy of EOI should be submitted by Post to or delivered in person at the below mentioned Office. A soft copy of EIO should be mailed to dgm.cdr@sbi.co.in. EOI should be in format as per **Annexure ‘B’**. Additional information should be provided by annexing separate sheets.

Deputy General Manager (CDR)
State Bank of India, Corporate Centre,
SAMG Department,
21st Floor, E Block, Maker Tower,
Cuffe Parade, Mumbai-400005

Phone: 022-22177513

3. Applicant's Eligibility Criteria:

This process is open to all applicants who fulfill the eligibility criteria as set out in **Annexure-'A'** of this document. Applicants should furnish information on the lines of Annexure-A in their EOI proposal.

4. Scope of Work:-

Applicants should describe, comprehensively, how they fulfill the requirements and additional details they may seek to provide in an annexure to their application.

5. Process before submission of EOIs:-

i. **Raising of queries/clarifications on Request for EOI document:** Applicants requiring any clarification on this document should submit their queries through email on or before 20.05.2017, 5.30 P.M. to dgm.cdr@sbi.co.in.

ii. **Modification in Request for EOI document:** SBI may modify any part of this document at any time prior to the deadline for submission of EOIs. Such change(s) if any, may be in the form of an addendum/corrigendum and will be uploaded in Bank's website - <http://www.StateBankofIndia.com> or <http://www.sbi.co.in>. All such change(s) will automatically become part of this Request for EOI and binding on all applicants. Interested applicants are advised to regularly refer SBI's URLs referred above.

iii. **Extension of date of submission of EOIs:** Request for extension of date for submission of EOIs will not be entertained. However, the SBI at its discretion may extend the deadline in order to allow prospective applicants a reasonable time to take the amendment/changes, if any, into account.

iv. **Briefing session:** SBI may organize a briefing session on 23.05.2017 at 3.00 P.M. at their office at SAMG, Corporate Centre, Maker Tower, 21st Floor, E Block, Cuffe Parade, Mumbai -400005 to respond to the queries received by the scheduled date and time from the applicants. Applicants may also seek clarifications at the briefing session. Relevant clarifications will be e-mailed to the applicants who raise queries and participate in the briefing session.

6. Format and Signing of EOI:

- i. The applicants should prepare EOI strictly as stated in this Request for EOI document.
 - a. EOI should be typed and submitted on A4 size paper, spirally and securely bound and with all pages therein in serial order.
 - b. All pages of the EOI should be signed by only the authorized person(s) of the company/firm. Any interlineations, erases or overwriting shall be valid only if the person(s) signing the EOI authenticates them. The EOI should bear the rubber stamp of the applicant on each page except for the un-amendable printed literature.
 - c. Contact detail of the authorized signatory and an authorized contact person on behalf of the applicant is to be provided as under:-

Particulars of Authorized signatory for signing the EOI and Authorized contact person

Name

Designation

Email id

Landline

Mobile No

Fax No.

Address

- ii. The applicants should demonstrate in EOIs that they meet all parameters given in **Annexure-‘A’** of this Request for EOI.
- iii. In case any discrepancy is observed between hard copy and soft copy, the hard copy will be considered as the base document and the information contained in hard copy shall prevail.

7. Last Date for submission of EOI:

The last date for submission of EOI is 30.05.2017 up to 4.00 P.M. In case the designated day happens to be a holiday; the next working day will be deemed as the last date for submission of EOI.

8. Process after submission of EOIs:

- i. All EOIs received by the designated date and time will be examined by the SBI to determine if they meet criteria/terms and conditions mentioned in this document including its subsequent amendment(s), if any, and whether EOIs are complete in all respects.
- ii. On scrutiny, the EOIs NOT found in desired format/ illegible/ incomplete/not containing clear information, or failing to fulfill the relevant requirement will be rejected for further evaluation process at the sole discretion of SBI.
- iii. SBI reserves the right, at any time, to waive any of the requirements of this Request for EOI document if it is deemed in the interest of SBI.
- iv. If deemed necessary, the SBI may seek clarifications on any aspect of EOI from the applicant. If a written response is requested, it must be provided within 02 working days by email. The responses received beyond 02 working days, if any, may not be considered. However, that would not entitle the applicant to change or cause any change in the material particulars of their EOI document already submitted. SBI may also make enquiries to verify the past performance of the applicants in respect of similar work. All information submitted in the application or obtained subsequently will be treated as confidential.
- vi. SBI may shortlist the applicants who fulfill the eligibility criteria, have experience and capability as per its requirement and who agree to abide by the terms and conditions of the Bank. SBI's judgment in this regard will be final.
- vii. Applicants will be advised about short listing of their EOIs or otherwise. However, applicants will not be provided with information about comparative position of their EOIs with that of others.

9. Terms & Conditions

- i. Lodgement of an EOI is evidence of an applicant's consent to comply with the terms and conditions of Request for EOI process. If an applicant fails to comply with any of the terms, its EOI may be summarily rejected.
- ii. Wilful misrepresentation of any fact in the EOI will lead to the disqualification of the applicant without prejudice to other actions that SBI may take. The EOI and the accompanying documents will become property of SBI.
- iii. SBI reserves the right to accept or reject any or all EOIs received without assigning any reason therefore whatsoever and the SBI's decision in this regard will be final. No contractual obligation whatsoever shall arise from the EOI process.

- iv. Any effort on the part of applicant to influence evaluation process may result in rejection of the EOI.
- v. SBI is not responsible for non-receipt of EOIs within the specified date and time due to any reason including postal delays or holidays in between.
- vi. SBI reserves the right to verify the validity of information provided in the EOIs and to reject any bid where the contents appear to be incorrect, inaccurate or inappropriate at any time during the process of EOI.
- vii. Applicants shall be deemed to have:
 - a. examined the Request for EOI document and its subsequent changes, if any for the purpose of responding to it.
 - b. examined all circumstances and contingencies, having an effect on their EOI application and which is obtainable by the making of reasonable enquiries.
 - c. satisfied themselves as to the correctness and sufficiency of their EOI applications and if any discrepancy, error or omission is noticed in the EOI, the applicant shall notify the Bank in writing on or before the end date/time.
- viii. The applicants shall bear all costs associated with submission of EOI desired by SBI. SBI will not be responsible or liable for any cost thereof, regardless of the conduct or outcome of the process.
- ix. Applicants must advise the SBI immediately in writing of any material change to the information contained in the EOI application, including any substantial change in their ownership or their financial or technical capability. Copies of relevant documents must be submitted with their advices.
- x. Shortlisted applicants must not advertise or publish the same in any form without the prior written consent of SBI.
- xi. SBI shall have the right to cancel the EOI process itself at any time, without thereby incurring any liabilities to the affected applicants.

10. Disclaimer:

SBI is not committed either contractually or in any other way to the applicants whose applications are accepted. The issue of this Request for EOI does not commit or otherwise oblige SBI to proceed with any part or steps of the process. Subject to any law to the contrary and to the maximum extent permitted by law, SBI and its directors/officers/employees/contractors/agents and advisors disclaim all liabilities

(including liability by reason of negligence) from any loss or damage, cost or expense incurred or arising by reasons of any person using the information and whether caused by reasons of any error, omission or misrepresentation in the information contained in this document or suffered by any person acting or refraining from acting because of any information contained in this Request for EOI document or conduct ancillary to it whether or not the loss or damage arises in connection with any omission, default, lack of care or misrepresentation on the part of SBI or any of its officers, employees, contractors, agents or advisors.

Annexure A

Eligibility Criteria

Applicants must read carefully the minimum conditions of eligibility criteria provided herein. Proposals of only those Applicants who satisfy these conditions will be considered.

Eligibility Criteria

1. The Applicant should be a firm having at least 15 years of successful practice on the civil side before the High Court and the advocates, individuals or partners of the firm should be of undoubted legal acumen and unblemished integrity.
2. The Advocate / firm should be of good repute and have experience in attending to corporate matters before the Company Court including substantial experience in handling petitions for scheme of arrangement and/or winding up of companies and related proceedings and recovery proceedings initiated by the Bank. The details of the experience are to be provided in the annexure to the applicant's response to this EOI.
3. The Advocate/ firm should be well versed with the Companies Act, 2013 and the Insolvency and Bankruptcy Code, 2016.
4. The Advocate/ firm must be willing to abide by the Bank's terms and conditions as to fees, charges etc.
5. The Advocate/ firm should be empanelled with the bank and should be willing to undertake that they shall not appear/ advise or represent interest adverse to the Bank's interests.

Annexure B

(Form for submission of EOI)

1. Name of the firm, address, contact details, e-mail id:
2. Number of years for which the firm is existing:
3. Date or year from which the firm is on panel of SBI:
4. Details of the Senior Partner/Partner:
5. Details about having present office at places where NCLT benches have been established:
6. Details of the Senior Partner/Partner at respective places/offices (NCLT location) who will handle matters for resolution/liquidation under Insolvency & Bankruptcy Code, 2016:
7. Academic qualifications of partners:
8. Experience of appearing in petitions for sanction of scheme of arrangement and/or winding up and other proceedings before Company Court/High Court, including number of cases handled:
9. Experience of appearing on behalf of banks/financial institutions in matters stated in (8) above:
10. Details of the matters for appearance against SBI in any suit/DRT or any other proceedings:
11. Whether the firm is willing to withdraw from matters, if any, being contested against the Bank.
12. Tentative fees proposed to be charged for handling matters for corporate insolvency resolution process/liquidation process:
13. Whether willing to abide by the fees decided by the Bank.