

Planning Commission

ADDENDUM NO.2 TO THE
REQUEST FOR PROPOSAL (RFP)
FOR SELECTION OF
LEGAL ADVISER
FOR
PPP IN COAL MINING

GOVERNMENT OF INDIA

**ADDENDUM NO. 2 TO THE
REQUEST FOR PROPOSAL (RFP)
FOR SELECTION OF LEGAL ADVISER
RFP NOTICE NO. N-14028/02/2012-INFRA OF 9 MAY 2013**

The following are the modifications to the Request for Proposal for selection of Legal Adviser for PPP on Coal Mining. The referenced provisions are to be read in the amended form as set out below. **The deletions from the earlier text of the draft circulated are indicated as strikethroughs and the additions are underlined.**

Sl. No.	Clause No.	Modified Provision of the Request for Proposal
1.	3.2 of the Terms of Reference (ToR)	<p>3.2 The Legal Adviser shall review, vet and comment on the draft MCA provided by the Authority. This will include a review of the relevant provisions of Applicable Laws in order to determine that the MCA is compatible with these provisions. In case of any incompatibility, the Legal Adviser shall recommend the course of action to be adopted. The advisory services to be provided by the Legal Adviser shall include:</p> <p style="text-align: center;">*****</p> <p style="padding-left: 40px;">(c) assisting the Authority in identification of project risks across various States and in allocation of the same in an efficient and economic manner;</p> <p style="text-align: center;">*****</p> <p style="padding-left: 40px;">(e) assist in preparation of the RFQ and RFP documents <u>on the basis of Model documents.</u></p>
2.	4.1 (B) of the ToR	<p><i>Draft Documents</i></p> <p>Legal Adviser shall deliver the drafts of the MCA and other documents, as may be necessary, including the following:</p> <p style="padding-left: 40px;">(i) Draft of the Model Concession Agreement for PPP in Coal Mining, duly reviewed and vetted, based on the draft MCA to be provided by the Authority, as specified in Clause 3.1;</p> <p style="padding-left: 40px;">(ii) development of the Revenue Model as specified in Cause 3.3;</p> <p style="padding-left: 40px;">(iii) advise as regards requisite regulatory approvals which would require to be obtained for the Project<u>coal mining projects</u>; and</p>

		(iii) review of the Applicable Laws relating to the coal mining sector as specified in clause 3.4.
3.	3.2.2 of the Agreement	<p>3.2.2 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 6 (six) months from the commencement<u>completion</u> of this assignment or to consulting assignments granted by banks/ lenders at any time; provided further that</p>