

NATIONAL BIODIVERSITY AUTHORITY, CHENNAI – 600 0041

CALL FOR LEGAL CONSULTANT

EXTENSION OF TIME FOR SUBMISSION OF PROPOSAL

The **National Biodiversity Authority (NBA)** an autonomous and statutory Authority under the Ministry of Environment and Forests has invited Expression of Interest (EoI) from well established suitably experienced Lawyers/Lawyer firms to act as legal Consultant to NBA vide Advertisement published in “The Indian Express” dated 13th June 2009. Time limit for submission of proposals in the prescribed formats mentioned in the advertisement as “on or before 26th June 2009” stands extended till **6th July 2009**. For further details please refer our website www.nbaindia.org.

NATIONAL BIODIVERSITY AUTHORITY

GOVERNMENT OF INDIA
475, 9th South Cross Street,
Kapaleeswarar Nagar,
Neelankarai, Chennai - 600 041.

NOTICE INVITING EXPRESSION OF INTEREST FOR SELECTION OF LEGAL CONSULTANTS

1) INTRODUCTION:

National Biodiversity Authority (NBA), an autonomous and statutory Authority under the Ministry of Environment and Forests, Government of India has been established in the year 2003 with Head office at Chennai to implement the Biological Diversity Act, 2002.

- i. to regulate and approve access to biological resources of the country by foreign nationals with the purpose of securing equitable share in benefits arising out of the use of biological resources; and associated knowledge relating to biological resources including biosurvey;
- ii. to conserve and sustainably use biological resources including flora, fauna, marine bioresources, micro-organisms etc.
- iii. to secure sharing of benefits with local people as conservers of biological resources and holders of knowledge and information relating to the use of biological resources;
- iv. protection and rehabilitation of threatened species;
- v. to regulate and approve transfer of research results to foreign nationals involving Bioresources;
- vi. to approve Intellectual Property Rights involving Bioresources;
- vii. to regulate and approve third party transfer of Bioresources and associated traditional knowledge;

The National Biodiversity Authority (NBA) invites Expression of interest (EoI) from well established suitably experienced lawyers/Lawyer firms to act as Legal Consultant to NBA. **For the eligibility criteria, scope of work and other terms and conditions are given as under.**

2. Purpose

The NBA proposes to engage the services of a Lawyer/Lawyer firms to assist them in policy making and advice on legal aspects related to the implementation of the various provisions of the Biological Diversity Act, 2002 and more specifically described in the Scope of Work. The Selected Lawyer/Law firms will be entitled to engage the assistance of two persons on full time basis for the effective delivery of work in accordance with the Scope of Work.

3. Eligibility criteria

- a) The Applicant should have a degree in Law from a recognised university and should have at least 5 years experience in the profession. A Master's degree /Diploma in Intellectual Property law would be desirable and an added advantage.
- b) The applicant should have acted as a legal consultant to Government of India (GoI)/ any regulatory authority. Any engagement previously with the Ministry of Environment and Forests or any Department under it would be desirable.
- c) The applicant should have knowledge of the Biological Diversity Act, the UN CBD and national and international developments/mechanisms in these fields would be an added advantage
- d) Publications of articles/books if any would be desirable.

4. Proposed schedule for completing the assignment

The NBA proposes the contract for appointment of the Legal Consultant to be for a period of **ONE** year from the date of award at the first instance which may be extended with revised terms and conditions subject to satisfactory performance. The NBA also reserves the right to extend without any change in terms and conditions

5. Last date for submission of EoI

- 5.1 The interested parties may submit their EoI within two separate sealed covers subscribing on the top of envelope "**Expression of Interest for Selection of Legal Consultant 1) Technical bid in Form "A". 2) Financial bid in Form "B"** on or before **26th June 2009**" (Time extended till on or before 6th July 2009). The EoI should also propose the retainer amounts on a monthly basis.
- 5.2 The Technical bids will be opened first and financial bids of those who qualify in technical bid will be opened thereafter.
- 5.3 The Consultant will be selected based on combined grading of Technical bid plus Financial bid.

6. Scope of work

- a) To frame the Access and Benefit Sharing guidelines and advice on formulating the Benefit Sharing Formulae
- b) To advise strategy to enforcement of the provisions of the Biological Diversity Act and set up operational structures in general and to check Bio piracy in particular.
- c) To advise strategy to enforce sec.18 (4) of the BD Act and set up operational structures under the "Cell" headed by the Secretary, NBA.
- d) Provide for strategies for effective coordination between the NBA and the SBB
- e) Prepare policy guidelines required for Prior Informed Consent
- f) Prepare policy guidelines required for Mutually Agreed Terms

- g) Advice on sui generis legislation for protection of Traditional Knowledge
- h) To prepare guidelines within the framework of the BD Act to encourage research based on Biological resources in India
- i) To advise and develop synergies between NBA and PVPFRA, Patent Office etc
- j) To advise on legal aspects related to conservation and sustainable development and advise on notification of Normally Traded Commodities
- k) Provide Training and Training materials tailor made for specific groups like SBB, BMC, Forest Officers, Patent Examiners, Students etc
- l) Prepare a database of Biodiversity Laws and procedures followed in other countries
- m) Any legal matters pertaining to NBA falling under any other law in force.

7. Other terms and conditions

- a) In case the Applicant (Advocate) is employed, a No objection certificate from the employer be produced.
- b) NBA reserves the right to cancel/withdraw the invitation or to modify/add/delete the eligibility criteria and terms and conditions without assigning any reason thereof.
- c) NBA reserves the full right to accept/reject any proposal or call for any clarification/information/presentation.
- d) The NBA reserves the right to reject any or all Bids without assigning any reason thereof as well as the right to add/delete/modify any one or more of the terms and conditions.
 - e) The NBA reserves the right to discontinue the services of the appointed Lawyer/Lawyer firms at any point of time on account of non-satisfactory performance by the Lawyer.
- f) The Lawyer/Lawyer firm has right to discontinue the services with two months notice.
- g) There is no fee for participation in the EoI.
- h) In case of any dispute, the same will be limited to jurisdiction of Chennai courts only.
- i) All Reports/work/legal advice shall be received by Advisor (Law) a permanent employee of NBA and the Accounts officer shall route the file for Monthly Payment through Advisor (law) to higher authorities.

8. Letter of Appointment

The selected Lawyer/Lawyer firm shall be issued a Letter of Appointment after completion of the selection process.

9. Agreements

The selected Legal Consultant shall enter into a Confidentiality Agreement & Agreement for Advisory services in the prescribed format.

- 10. The interested Lawyers/Lawyer firms may submit their proposals in the prescribed formats i.e., Technical bid in “Form A” and Financial bid in “Form B” with supporting documents as required on or before 26th June 2009 (Time extended till on or before 6th July 2009) to the address mentioned below.**

The Secretary,
National Biodiversity Authority
#475, 9th South Cross Street,
Neelankarai,
Chennai -600 041.
Ph: 044-2449 0292 Fax : 044-2449 2777
E-mail: 1) nba_secretary@vsnl.net
2) nba_advlaw@vsnl.net

Sd/-
Secretary,
National Biodiversity Authority,

FORM “A “
[For Appointment of Legal Consultant to NBA]

TECHNICAL BID

1) a) Name:

b) Date of Birth:

c) Address:

Phone:

Mobile:

E-mail:

2) Educational Qualifications:

a) Bachelors degree

b) Master’s degree

c) Any other degree in any subject:

d) Any specialization

3) Experience in No of years :

4) Experience in dealing with

a) Biodiversity laws

b) Intellectual property Laws/Patent:

5) Any Publications (please mention Titles and give details in brief) :

a) Articles

b) Books

6) Notable Achievements(If any) :

7) (a) Consultancy to Govt of India/Regulatory Authority/
MoEF etc,

(b) Consultancy to Corporate sector/private or others:

8) Conferences/Workshops/Committees attended either
as a Member / Special Invitee/delegate(please furnish details) :

9) Any other Information which applicant would
like to furnish in not more than 200 words :

10) Copies of documents enclosed (Please list out) :

Place :

Signature:

Date :

Name :

This form should be placed in a sealed Envelope/cover subscribing on the top of
Envelope/cover "Expression of Interest for Selection of Legal Consultant-Technical
Bid in FORM A". The sealed Envelope/Cover shall be sent to the following address:

The Secretary,
National Biodiversity Authority
#475, 9th South Cross Street,
Neelankarai,
Chennai -600 041.
Ph: 044-2449 0292 Fax : 044-2449 2777.

***LAST DATE OF SUBMISSION-26th JUNE 2009. (Time extended till on or
before 6th July 2009)**

FORM “B
[For Appointment of Legal Consultant to NBA]
FINANCIAL BID

- 1) a) Name:
b) Date of Birth:
c) Address:

Phone:
Mobile:
E-mail:

- 2) Lump sum payment on Monthly basis for 12 Months Including the cost of assistance of two full time persons for the effective delivery of work in accordance with the scope of work.

(A) Rs. ----- per Month.

(B) Break up:

Applicant Lawyer : Rs.....
Assistant I(If any) : Rs.....
Assistant II(If any): Rs.....

* Total : Rs

* Total of B should be equal to ‘A’.

- 3) The above amount excludes Travel charges by air to Chennai or anywhere in India and NBA shall bear A/C Vehicle Charges for journey on Road as and when used for work and shall spend Rs.2000/- towards stay in hotel per day when on tour as per the requirement of NBA. The two persons engaged are not eligible for this entitlement.
- 4) Whether Technical bid submitted: YES / NO (Please tick one)

Place:
Date:

Signature:
Name :

This form should be placed in a sealed Envelope/cover subscribing on the top of Envelope/cover “Expression of Interest for Selection of Legal Consultant-Financial Bid in FORM B”. The sealed Envelope/Cover shall be sent to the following address:

The Secretary,
National Biodiversity Authority
#475, 9th South Cross Street,
Neelankarai,
Chennai -600 041. Ph: 044-2449 0292 Fax : 044-2449 2777.

*LAST DATE OF SUBMISSION-26th JUNE 2009(Time extended till on or before
6th July 2009)