

IDB985-735(OO)

BRAZIL

HIGH-SPEED TRAIN LINE RIO DE JANEIRO–SÃO PAULO

Sector: Consultants /Transport / Legal

SPECIALIZED LEGAL SERVICES

BR-T1087 / ATN/OC 10699-BR

Expressions of Interest (EOI)

Deadline: 9 September 2008

The Brazilian *Banco Nacional de Desenvolvimento Econômico e Social* (BNDES) has requested support from the Inter-American Development Bank (IDB) for the procurement of legal services required to structure the concession for the high-speed train line between the cities of Rio de Janeiro and São Paulo. The HST project contemplates the introduction of a modern rail service utilizing the latest equipment and technology to provide a very high quality of service. The retained services are part of a technical cooperation project. The main objective of the services is to provide specialized legal services with recognized experience in structuring concessions, with specific experience for high speed rail transportation.

During the estimated 6-month period of execution of the consulting services, the selected firm is expected to complete the following key task activities:

- Gather all relevant laws, ordinances, acts of Congress, government resolutions and decrees relating to the sector, real estate development, technology transfer and copyrights, the laws establishing the concessions and PPP, laws and regulations relating to tariffs, environmental laws, health and safety laws, the Constitution, and relevant parts of the Civil Code applicable to the Project
- Advise on the legal implications under national and local law of different methods of private sector participation (sale of shares, concession, lease, management contract, and so on) and the proposed transaction structure
- Review current institutional arrangements, legislation, government resolutions, court decisions relevant to the sector to identify key legal and regulatory issues that must be addressed in order to achieve acceptable international standards
- Identify any approvals, licenses and authorizations that are required for the proposed transaction, including those related to environmental and expropriation issues, and assisting in preparing any legal documents to obtain approval
- Prepare the term sheet for the bidding rules and the corresponding concession contract
- Recommend and draft the legal documentation required to implement the selected transaction structure
- Provide comments on the draft documentation in reference to international experience and standards and consistent with the applicable laws and regulations.

The Government of Brazil is deeply interested in gaining access to HST technology; as this issue will become an important aspect of the legal services required, it will be a criterion for selection of the firm.

The IDB now invites eligible consultants from IDB's member countries to submit EOI in providing the services. Eligible law firms must have proven general experience and specific expertise on legal advisory services, drafting legal tendering and concession documents, for similar projects with the objectives and activities indicated in this notice. As a result of the EOI evaluation, the IDB will short list six law firms or affiliations, to which tentatively on mid-September 2008 will invite to present proposals. A period of ten calendar days will be given for the selected law firms to present proposals.

The budget cap for the consulting services is US\$ 400,000.

Interested law firms must submit information establishing that they are qualified to perform the services (description of similar assignments, experience in similar conditions: country, continents, urban areas, and proven availability and experience of appropriate skills among staff, etc.).

Interested consultants must send their EOI with no more than 15 pages and include: (i) legal name of the firm; (ii) legal representative properly authorized to sign the declaration for and on behalf of the firm; (iii) address; (iv) telephone number and fax; (v) e-mail address of contact person; (vi) information about the consulting firm organization and its principal areas of expertise and activity; (vii) description of specific experiences in similar projects, within the last ten years, and the proven aptitude and expertise to develop travel demand models. The information requested in (vii) should include at least: a description of the activities, the degree or percentage of participation in the study, the execution period and dates, the level of responsibility, the country and urban area with the location of the project. The curricula vitae of potential personnel involved in the studies are not required at this stage.

Consultants may associate to enhance their qualifications. EOI should be sent in English or Portuguese. The working language of the consultancy will be Portuguese, and reports will therefore be presented in that language.

Consultants will be selected in accordance with the procedures set out in the IDB's *Policies for the Selection and Contracting of Consultants financed by the Inter-American Development Bank* (current edition) and is open to all eligible bidders as defined in the policies. The contract must include provisions limiting future engagement of the consultant for other services resulting from or directly related to the firm's consulting services in accordance with the requirements of paragraphs 1.9 and 1.10 of the Policies.

Interested consultants may address any questions related to the consultancy by e-mail to the address below by close of business (c.o.b.) on 5 September 2008.

Expressions of interest must be sent in electronic format to the same e-mail address by c.o.b. on 9 September 2008.

IDB

Inter-American Development Bank
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