

SAMPLE AGREEMENT

CONSORTIUM AGREEMENT

This Consortium Agreement is made on _____ at _____ between _____ with its registered and corporate office at hereinafter referred to as _____, which expression shall include its successor and its permitted assigns.

AND

M/s _____, registered under the Indian Companies Act 1956, having their corporate office at _____, hereinafter referred as _____, which expression shall include its successors and assigns.

_____ and _____ individually referred as "Party" and collectively as "Parties".

WHEREAS _____ is a _____

WHEREAS _____ is a _____ and
WHEREAS the Rajasthan State Power Finance Corporation Limited, (hereinafter referred to as "RSPFCL"), has invited Bid for "Appointment of Merchant Bankers", hereinafter referred to as "Bid".

Now, it is agreed between the Parties as under:

1. _____ and _____ will exclusively participate in the above mentioned Bid with _____ acting as Lead Partner and _____ as Partner. During the term of this Consortium Agreement and such extended period mentioned in clause 2 herein below, _____ and _____ shall not enter into any teaming arrangements with any other party for any component of the Bid covered under this Consortium Agreement.
2. The 'Term' of this Consortium Agreement shall be for 12 months from the date of signing of this Agreement or the contract period (in case of award of contract).
3. _____ and _____ hereby mutually agree that both of them shall remain as irrevocable members of this tie-up for the complete execution and completion of the Bid arrangement.

4. In case of award of contract, both the Parties will be jointly and severally liable for fulfilling the Terms & Conditions stipulated in the Bid document.
5. All legal and financial interactions with RSPFCL would be undertaken by Lead Partner.
6. _____ and _____ agree to keep confidential all information shared with each other and disclose to third party only after taking prior written consent of each other. This clause excludes information available in public domain.
7. This Consortium Agreement shall be construed and governed by the laws of India.
8. Any matter, which is not stipulated in the Consortium Agreement, shall be settled in good faith by discussion among the parties in the spirit of understanding and cooperation.
9. During its Term, this teaming arrangement will be terminated in the event of Consortium not been selected by RSPFCL for the referred assignment.
10. By signing this Consortium Agreement, the "Parties" acknowledge that it correctly records the understanding both have reached with regard to the Bid.

IN WITNESS WHEREOF, each Party hereto has caused this Consortium Agreement to be executed in duplicate to be effective as of the Effective Date, by its duly authorized representative.

(For _____)

(For _____)

Signature:

Signature:

Name:

Name:

Designation:

Designation:

Date:

Date:

Witness:

Witness: