



REQUEST FOR PROPOSAL

RFP No : RGR.ASDMA/09/2015/90

RFP on : Study on "Legal & Regulatory framework under various Government Departments for Disaster Management" _RFP

Issued By: Assam State Disaster Management Authority

Issue Date: 18.09.2015

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Summary of Proposal:

This Request for Proposal is issued by the Assam State Disaster Management Authority to obtain proposal from Firms/Institutions/Organisations having expertise and experience of carrying out research studies and projects in socio-economic, legal & environmental sectors for the study of legal and regulatory frameworks and enforcement mechanisms for Disaster Management in selected Government departments under the Government of Assam;

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1. REQUEST FOR PROPOSAL TERMINOLOGY

Throughout this document, the following definitions apply:

- a) "Applicant" means a party that submits, or intends to submit, a Proposal;
- b) "Work Order" means the written order resulting from this RFP issued by the Authority;
- c) "The Authority" means the Assam State Disaster Management Authority;
- d) "Must", or "mandatory" means a requirement that must be met in order for a Proposal to receive consideration;
- e) "Proposal" means a proposal submitted in response to this RFP;
- f) "RFP" means this Request for Proposal and
- g) "Should" or "desirable" means a requirement having a significant degree of importance to the objectives of RFP.

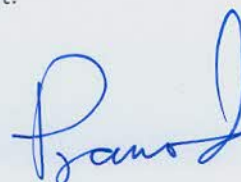


2. EXECUTIVE SUMMARY

2.1 The State of Assam lies at the heart of North eastern region which is one of the most hazard prone regions in the Asian continent, with different areas being prone to multiple hazards like earthquake, flood, landslide and cyclonic storm. Assam fall in the highest rainfall intensity zone of the Country where average annual rainfall ranges from 1750 mm in the plains to 6400 mm in the hills making the State very highly prone to floods. On the other hand destabilisation of hill slope, non-regulated land use practice has been causing landslide affecting lives and property of many people. Again, the entire State falls in Zone V, the most vulnerable seismic zone.

2.2 The enactment of the Disaster Management Act 2005 has brought about paradigm shift in the concept of disaster management. Definition of disaster now includes both natural & manmade disasters; and disaster management encompasses prevention, mitigation, response, relief and rehabilitation in respect of both natural and man-made disasters. Section 39 of the Act states that : It shall be the responsibility of every department of the Government of the State to-

- a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity building in accordance with the guidelines laid down by the National Authority and the State Authority ;
- b) integrate into its development plans and projects, the measures for prevention of disaster and mitigation;
- c) allocate funds for prevention of disaster, mitigation, capacity-building and preparedness ;
- d) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the State Plan, and in accordance with the State Plan, and in accordance with the guidelines or directions of the National Executive Committee and the State Executive Committee ;
- e) review the enactments administered by it, its policies, rules and regulations with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;
- f) provide assistance as required, by the National Executive Committee, the State Executive Committee and Disaster Authorities, for-
 - i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;
 - ii) assessing the damage from any disaster;
 - iii) carrying out rehabilitation and reconstruction;
- g) make provision for resources in consultation with the State Authority for the implementation of the District Plan by its Authorities at the District Level;
- h) make available its resources to the National Executive Committee or the State Executive Committee or the District Authority for the purposes of responding promptly and effectively to any disaster in the State.
- i) such other actions as may be necessary for disaster management.



2.3 Section 40 of the DM Act 2005 stipulates that (1) every Department of the State Government in conformity with the Guidelines laid down by the State Authority -

- a) shall prepare a Disaster Management Plan
- b) annually review and update the Plan referred to in clause 'a' ; and
- c) furnish a copy of the Plan referred to in clause 'a' or clause 'b' as the case may be, to the State Authority

(2) Every Department of the State Government, while preparing the plan and under sub-section (1), shall make provisions for financing the activities specified therein.

(3) Every Department of the State Government shall furnish an implementation status report to the State Executive Committee regarding the implementation of the disaster management plan referred to in sub-section (1).

2.4 The holistic approach to disaster management mandated by the Act necessitates a close, comprehensive and in –depth look at the existing legal and regulatory frameworks under various State Government departments that have a bearing on the preparedness and capacity of the departments to deal with the responsibilities having devolved on them after the enactment of the Act and also at the institutional mechanism that exist in the departments to enforce the legal and regulatory provisions. Needless to say, stronger legal regulatory framework and enforcement mechanism facilitate better management of disasters.

2.5 Assam State Disaster Management Authority (ASDMA) was established in the year 2010 in pursuance of Section 14 (1) of the Act with the mandate to lay down policies and plans for the disaster management in the State, approve the State Plan as per NDMA guidelines, approve the disaster management plans prepared by the departments of the Government of the State , lay down guidelines to be followed by the departments for integration of measures in their development plans and projects and to prevent , mitigate disasters as well as coordinate the implementation of the State Plan, recommend provision of funds for mitigation and preparedness measures, review development plans of different departments, review measures for mitigation and capacity-building and preparedness.

2.6 In the furtherance of this mandate, ASDMA has decided to commission a study of legal and regulatory framework and enforcement mechanisms for the discharge of responsibilities assigned to them under the act in respect of a few selected departments so that the gaps in the existing framework and mechanisms, if any, can be identified and a roadmap can be developed to plug up and introduce necessary changes.



3. TERMS OF REFERENCE :

A) Scope of work:

- i. Extensive and in-depth study and analysis of the existing Legal & Regulatory framework under selected Government Departments that have a bearing on their role and responsibilities in regard to disaster management. Legal and regulatory framework includes Central and State legislations the department has the responsibility to implement, rules framed thereunder, circulars, executive instructions, manuals and protocols issued by the State Government.
- ii. Identification of areas in need of strengthening.
- iii. Suggesting way forward to make them stronger in the light of international protocols, agreements or standards, and legal- regulatory framework in developed countries and other States of the country.
- iv. Extensive and in-depth study and analysis of the existing institutional mechanisms for the enforcement of the existing legal regulatory framework under selected departments, identification of areas in need of strengthening and suggesting way forward in the context of good and effective international and national practices.
- v. The departments to be covered under the study are: Forest & Environment, Water Resources, Agriculture, Soil Conservation, Animal Husbandry and Veterinary, Panchayat & Rural Development , Public Health Engineering, Urban Development including Guwahati Development Department, Town and Country Planning, Industry, Revenue & Disaster Management and PWD (Building) Department.
- vi. Suggesting the framework for utilisation of the study by the departments.

B) Methodology to be followed

(i) The study will involve examination of and analysis of the legislations, rules etc., interview with the departmental officials and stakeholders, visits to the offices and field to have first-hand view of the ground realities.

(ii) There will be a Research Advisory Committee in ASDMA. The agency conducting the research will have to present its detailed plan for conducting the study to this committee and be bound to follow the directions of the committee within the approved scope of work . The plan should indicate the samples selected for study , sample size, questionnaires for interviews and focus group discussion, schedules of field visits etc.

(iii) The selected agency shall also present a monthly progress report to the Research Advisory Committee.

(iv) The draft report on completion of the study shall be made final only after it has been presented to the Research Advisory Committee and suggestions of the committee should be incorporated in the report.

C) Eligibility criteria and Experience:

- i. Minimum five years of experience in the field of research in socio-economic, techno-legal and environmental sectors.
- ii. Experience of carrying out at least three studies of similar scale within the country. Details of the agencies / departments / organisations for which study was conducted, year of study and abstract of the study report should be submitted.
- iii. At least five personnel in the field of research should be employed with the agency on long term basis and their CVs should be furnished.
- iv. List of personnel who will be engaged for the study should be submitted along with their CVs.

Note: Agency must provide necessary supporting documents as proof in respect of the eligibility criteria mentioned above.

D) Time line

The entire exercise should be completed within nine months (270 days) from the date of the award of study. The selected agency must furnish a time plan for completing the study.

3. RFP Process:

- i. The Authority is the Work Order issuing authority as relates to this RFP.
- ii. This RFP is illustrative in nature and all narrations are intended to be used by the applicant as a preliminary background explanation. This RFP does not necessarily contain all relevant information and the Authority reserves the right to amend its requirements or the information contained in this document at any time during the RFP process.
- iii. The Authority offer no warranties in regard to the information contained in this RFP and shall not be liable for any loss or damage as relates to this RFP for any applicant, potential applicant or any other third party arising as a result of reliance on this RFP's information or any subsequent communication.
- iv. If the Authority decides to select an applicant for the services, at that time a detailed Work Order will be issued to the applicant selected. This Work Order will not be made available until the selection of a successful applicant.
- v. Neither the RFP document nor any other related document shall constitute a contract or agreement with Authority, except as where specifically referenced in **ANNEXURE – 1**.
- vi. The Authority reserves the right to disqualify any applicant who provides information which later proves to be incorrect, or which does not supply the information required by this RFP.
- vii. The Authority will not be liable for any costs of any applicant participating in this RFP.
- viii. The submission of a response to this RFP by any applicant or potential applicant confirms the applicant or potential applicant's acceptance of all terms and conditions of this RFP.
- ix. Respondents to this RFP or their agents may not make any contact with any party employed or directly associated with the Authority as relates to this RFP. Any clarifications and all information will be via e-mail only to asdmaghy@gmail.com



4. INSTRUCTIONS TO APPLICANT

A. General Requirements

- i) The response to RFP is required to address all technical requirements contained within this RFP.
- ii) Only proposals submitted strictly in accordance with the RFP Documents or as may be required by the Authority will be considered as valid proposals by the Authority.
- iii) The RFP is not a Work Order. A separate Work Order will be made available only after selection of the preferred applicant.
- iv) All information supplied by the Authority in connection with this RFP shall be treated as confidential.

B. Timetable

The RFP timetable is given below. The Authority retains the right to vary or discontinue the process or any part thereof at its absolute discretion.

<i>Activity</i>	<i>Date</i>
Issue of RFP Document	18.09.2015
Last date for submission queries/date of pre-bid meeting	30.09.2015 (By 4 PM)
Deadline for Proposal submission	18.10.2015 (By 4 PM)
Opening of Technical proposal	To be notified later
Opening of Financial proposal	To be notified later

C. Submission of RFP

- i. Potential Applicant must complete and sign the Undertaking at **ANNEXURE - 1**
- ii. Only one original form of proposal signed by the authorised signatory in ink is required by the Authority. No typed or pencil signatures will be accepted.
- iii. Applicants are required to submit one printed original hard copy of the proposal document and one electronic copy in Microsoft Word. The printed copy of the documents will be taken to be correct if there is any inconsistency between the versions.
- iv. The proposal submitted must be without any overwriting, corrections, double typing, etc.
- v. Applicant will submit their proposal in three parts. The first part will contain documents relating to eligibility criteria and the second part will contain the documents relating to technical proposal. The third part will contain the financial proposal.
- vi. The documents containing the Eligibility Criteria, Technical Proposal and Financial Proposal should be submitted in three separate sealed envelope marked "**Eligibility Criteria**", "**Technical Proposal**" & "**Financial Proposal**".
- vii. The three sealed envelopes should then be submitted in one sealed envelope super scribed with the wordings "**Confidential RFP Document - Do not open**" and this envelope should be

clearly marked **"Study on Legal & Regulatory framework under various Government Departments for Disaster Management"**.

- viii. The cover thus prepared should also indicate clearly the name, address and telephone number of the Tenderer to enable the Bid to be returned unopened in case it is declared "Late".
- ix. The Eligible Criteria, Technical Bid and Financial Bid should be a complete document and should be bound as a volume separately. The document should be page numbered and appropriately flagged and contain the list of contents with page numbers. The deficiency in documentation may result in the rejection of the Bid.
- x. The sealed envelope containing the proposal must be received in the office of the Chief Executive Officer by **4.00 PM** on any working day up to 18.10.2015. Envelopes /documents received after the stated time and date will be rejected even if it is delayed by postal or courier service providers.

D. Preparation of RFP Document:

D. 1. Technical Proposal:

- i. The technical proposal will have the detailed design of the Study and the report as per the TOR already stated at point 3 above.
- ii. The approach to be adopted in conducting the study should be provided in detail by the consultants. Source of information, framework of the study, monitoring indicators to be adopted, expected outputs and outcomes etc. should also be provided in detail.
- iii. In the technical proposal, the tenderer is required to provide details of the key personnel (who are proposed to be deployed on the project) and clearly identify the competencies that they bring with them on the project.
- iv. Details of team structure should be laid out in the technical proposal with the CVs of all the listed personnel in a summery table.
- v. The tenderer is also expected to showcase past experience in undertaking similar studies.



Form for Technical Proposal is given at ANNEXURE 2, 3 & 4.

D. 2. Financial proposal:

- i) The financial proposal will be the Overall Cost of the study and report there on as laid down in the Terms of Reference.
- ii) Tenderer should provide all prices as per the prescribed format under this Form. Tenderer should not leave any field blank. In case the field is not applicable, Tenderer must indicate "0" (Zero) in all such field.
- iii) All the prices are to be entered in Indian Rupees INR (%age values are not allowed).
- iv) It is mandatory to provide breakup of all Taxes, Duties and Levies wherever applicable and/or payable.
- v) The final financial proposal of the Tenderer shall be inclusive of all Taxes, Duties and Levies including Service Tax, etc.
- vi) Authority shall take into account all Taxes, Duties & Levies for the purpose of Evaluation.

The Financial Bid Summary Form is given at ANNEXURE – 5

D. 3. Period of Validity

Proposals must remain open for acceptance for a minimum of 90 days.

6. EVALUATION OF PROPOSAL

The evaluation would consist of following phases:

Phase I: Evaluation of Eligibility Criteria.

Phase II: Evaluation of Technical proposal.

Phase III: Evaluation of Financial proposal.

Phase IV: Combined Evaluation of Technical and Financial proposals.

Phase I: Evaluation of Eligibility Criteria:

In this part, the Agency will be evaluated for the fulfillment of the conditions specified in the **Eligibility Criteria**.

Phase II: Evaluation of Technical proposals:

- 1) In this part the technical proposal of only those agencies who have qualified the Phase I i.e. **Eligibility Criteria** will be evaluated.

The technical proposal will be analyzed and evaluated on:

- a) Content & Concept.
- b) Outline of the Study , approach and methodology
- c) Time line for project completion.
- d) Expertise of the agency in terms of experts proposed to be engaged within the study
- e) Experience of conducting research studies.

- 2) The technical proposal shall be analyzed and evaluated and the technical proposal marks shall be assigned to each bid on the basis of following evaluation matrix

Bid Component	Weightage in Technical Score	Minimum Qualification Score
Content & Concept	25	15
Outline of the Study , approach and methodology	35	25
Time line for project completion	10	7
Professional Expertise	15	9
Experience	15	9

- 3) Analysis of technical bid

In this part, the technical proposal will be analyzed and evaluated and the technical proposal marks (S_{tm}) shall be assigned to each bid on the basis of following evaluation matrix :

- i. Each competency group will have Minimum Qualification Score and only those Technical Bids receiving marks greater than or equal to cut-off marks in each competency group will be eligible for consideration in financial proposals. If required, the Authority may seek specific clarifications from any or all Tenderer(s) at this stage. The Authority shall determine the Tenderer that qualify for the next phase after reviewing the clarifications provided by the Tenderer(s).
- ii. Technical proposal Score: The Technical proposal Score 'St' of the Tenderer shall be derived as under

$$S_t = (S_{tm}/S_H), \text{ where}$$

S_t is the Technical proposal Score

S_{tm} = Total technical proposal marks of the proposal under consideration

S_H = Highest total technical proposal marks amongst all evaluated proposals

- 4) The Authority reserves the right to modify the evaluation process at any time during the Tender process, without assigning any reason, whatsoever, and without any requirement of intimating the Tenderer of any such change. At any time during the process of evaluation the Authority may seek specific clarifications from any or all Tenderer.

Phase III: Evaluation of Financial Proposals:

In this phase, the financial proposal of the Tenderer, who are technically qualified in Phase II, shall be opened. Formula to determine the scores for the Financial Bids shall be as follows

$$S_f = (F_L / F),$$

Where



S_r is the Financial Score

F_l is the value of lowest financial proposal

F is the price quoted in the proposal under consideration

Phase IV: Combined Evaluation of Technical & Financial proposal

- i. The Total score of the Tenderer will be determined as under

$$\text{Total Score } (T_s) = (70 \times S_t) + (30 \times S_f)$$

- ii. The proposal of the Tenderer, who obtains the highest T_s value, will be rated as the best proposal. In the event of a tie, the proposal with the highest technical score (S_t) will be rated as the best proposal. Beyond that, Authority will decide the matter in its full discretion.
- iii. The Authority will award the Contract to the successful Tenderer whose proposal has been determined to be substantially responsive and has been determined as the best bid, provided further that the Tenderer is determined to be qualified to perform the Contract satisfactorily. The Authority shall however not bind itself to accept the best proposal or any proposal and reserves the right to accept any proposal, wholly or in part.

7. Right to Vary Scope of work at the time of Award:

The Authority may at any time, by a written order given to the Tenderer, make changes within the general scope of the Work. If any such change causes an increase or decrease in the cost of, or the time required for, the Tenderer's performance of any part of the work, whether changed or not changed by the order, an equitable adjustment shall be made in the agreed Price or delivery schedule, or both, and the Work Order shall accordingly be amended. Any claims by the Tenderer for adjustment under this Clause must be asserted within 15 days from the date of the Tenderer's receipt of the Authority's changed order.

8. Right to accept any proposal and to reject any or all proposal:

The Authority reserves the right to accept any proposal, and to annul the Tender process and reject any or all proposals at any time prior to award of work, without thereby incurring any liability to the affected Tenderer or any obligation to inform the affected Tenderer or the grounds for the Authority's action.

9. Notification of Award:

Prior to the expiration of the period of bid validity, the Authority will notify the successful Tenderer by e-mail or in writing, by registered letter that its bid has been accepted.

10. Issuing the Work Order:

At the same time as the Authority notifies the successful Tenderer that its proposal has been accepted, the Authority will send the Work Order, incorporating its requirements including the

conditions laid down in the RFP. Within 7 days of receipt of the Work Order, the successful Tenderer shall sign and date the Work Order and return a copy to the Authority as a token of acceptance of the requirements laid down.

11. Performance Guarantee:

The successful agency will execute a Performance Guarantee for 10 % of the total value of the contract in the form of Account Payee Demand Draft or a Bank Guarantee from a Nationalized Commercial Bank in an acceptable form. The Performance Guarantee should remain valid for a period of 60 days beyond the date of completion of the project.

12. Confidentiality of the Document:

This Tender is confidential and anything contained in this Tender shall not be disclosed in any manner, whatsoever.

13. Rejection Criteria:

Besides other conditions and terms highlighted in the Tender document, proposals may be rejected under following circumstances:

- Incomplete proposal that do not quote for the complete Scope of Work as indicated in the bidding documents, addendum (if any) and any subsequent information given to the Tenderer
- Bids providing information that are found to be incorrect/ misleading at any stage / time during the Tendering Process
- Technical proposal containing financial details
- Bids that reveal prices in any form or by any reason before opening the Financial proposal
- Bids not submitted in Two Bid systems in separate envelopes.
- Bids in which the total lump sum price quoted by the Tenderer is not inclusive of all taxes, duties, fees, levies, works contract tax and other charges
- Bids made through Telex /Telegraphic / Fax/E. Mail
- Bids which do not confirm unconditional validity of the bid for 90 days from the date of opening of proposal
- Bids where prices are not firm during the entire duration of the contract and / or with any qualifications
- Bids that do not confirm unconditional acceptance of full responsibility of executing the 'Scope of Work' of this Tender
- Bids in which the Tenderer seeks to influence the Authority's bid evaluation, bid comparison or contract award decisions.



14. General

i) Tenderer shall not make any alteration / changes in the proposal after the closing time and date. Unsolicited correspondences from Tenderer will not be considered.

ii) If at any stage of Tendering process or during the currency of the Work, any suppression / falsification of such information is brought to the knowledge of the Authority, the Authority shall have the right to reject the bid or cancel the Work Order, as the case may be, without any compensation to the Tenderer.

iii) The Tenderer shall deem to have complied with all clauses in the Tender under all the sections/chapters of the Bidding document, unless otherwise stated in the deviation statement. Evaluation will be carried out on the available information in the bid.

iv) Any other point, which may arise at the time of evaluation, will be decided by Authority for assessment of the proposals.

v) Other important Information

- a) The ownership of the outcome/ report and all its elements will at all times vest with Authority and the agency will have no proprietary or other rights or other rights in respect of the same
- b) The Authority is not bound to accept the lowest or any tender or to assign any reason for non-acceptance. The Authority reserves its right to accept the RFP either in full or in part. Conditional proposals will be rejected outright.
- c) The Authority reserves the Right to place an order for the full or part quantities under any items of work under Scope of work
- d) After issue of the Work Order the Performance Guarantee will be forfeited in case of undue delays in performance by the agency.
- e) The Authority reserves the right to cancel the Work Order of any agency/ agencies in case of change in the procedures or unsatisfactory services.
- f) In the event of any dispute, the tribunals and courts in Guwahati will have the exclusive jurisdiction in respect of all matters pertaining to the agreement between the Consultant/Organization/Institute and the Authority.



ANNEXURE - 1

UNDERTAKING

TO: The Chief Executive Officer
Assam State Disaster Management Authority
Assam State Secretariat
Dispur, Guwahati

I/We _____

Of (insert business address)

Hereby submit our proposal in response to the Request for Proposal (RFP) for the study on Legal & Regulatory framework under various Government Departments for Disaster Management and preparation of the report and undertake to execute and complete the services as we will be reasonably required to be performed, in accordance with our proposal, the RFP requirements and the final work order to be issued by the Authority.

This RFP shall remain valid to be accepted by the Authority and shall not be withdrawn for a period of 90 days from the date of opening of the RFP.

I/We understand that the Authority reserves the right to accept / reject any application and the selection is at their sole discretion.

Authorized Signature

Name in full:

Agency Name:

Title:

Date:



ANNEXURE - 2

(On Company/Firm Letter Head)

TECHNICAL PROPOSAL

**REQUEST FOR PROPOSAL FOR CONDUCTING A STUDY ON LEGAL & REGULATORY FRAMEWORK
UNDER VARIOUS GOVERNMENT DEPARTMENTS FOR DISASTER MANAGEMENT**

Form A: Technical Bid - Content & Concept

In this section the Tenderer is expected to showcase understanding of the basic Content & Concept of the Authority.



Annexure - 3

Form B: Technical proposal - Outline of the Study, approach & methodology and outline of the report

In this section the Tenderer is expected to provide the arrangement format on outline of the study, approach and methodology to be adopted and an outline of the report to be prepared on the study.

A handwritten signature in blue ink, appearing to read "Prasad", is located on the right side of the page.

Annexure - 4

Form C: Technical proposal – Time line for Completion of the Project:

In this section the Tenderer is expected to provide Project completion period for the project study on Legal & Regulatory framework under various Government Departments for Disaster Management and preparation of the compiled report

Pramod

Annexure - 5

(On Company/Firm Letter Head)
Financial proposal

Sl.No.	Description	Value in INR
1	Field study / consultations / research and information and document collection	
2	Preparation of report	
3	Taxes	
	a. _____ Tax @ __%	
	b. _____ Tax @ __%	
4	Miscellaneous Expenses 1	
	Miscellaneous Expenses 2	
	Miscellaneous Expenses 3	
	Miscellaneous Expenses ...	
5	Taxes if any on Miscellaneous Expenses	
	_____ Tax @ __%	
	_____ Tax @ __%	
	Total Commercial Bid (In Figures)	
	Total Commercial Bid (In Words)	

Pramod

Annexure-6

CVS OF EXPERTS

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Annexure-7

Experience Details

