

**DEPARTMENT OF COMMERCE
MINISTRY OF COMMERCE AND INDUSTRY
GOVERNMENT OF INDIA**

REQUEST FOR PROPOSAL HIRING OF A CONSULTANT FIRM

FOR

**CONDUCTING STUDY TO ASSESS BEST PRACTICES, EXPERIENCES AND
POLICY INTERVENTIONS GOVERNING DRY PORTS GLOBALLY AND
ACORDINGLY, RECOMMEND CHANGES IN POLICIES GOVERNING DRY PORTS
AND ASSOCIATED STAKEHOLDERS IN INDIA TO OVERCOME EXISTING
CHALLANGES**

**Department of Commerce
Ministry of Commerce and Industry
Government of India
New Delhi**

DECEMBER, 2017

Notice Inviting : Request for Proposal

**Government of India
Ministry of Commerce & Industry
Department of Commerce
Udyog Bhawan, New Delhi
Government of India**

Ref. No. K-36019/06/2017-INFRA – I

REQUEST FOR PROPOSAL – “DEVELOPING AN INSTITUTIONAL FRAMEWORK FOR GOVERNING DRY PORTS IN INDIA”.

Hiring Consultant Firm for conducting a study to assess best practices, experiences and policy interventions governing dry ports globally and accordingly, recommend changes in policies governing dry ports and associated stakeholders in India to overcome existing challenges.

Request for proposal is invited from Consultancy Firms, having proven expertise in executive research based analytical studies in the area of dry ports. The RFP documents may be submitted on Central Public Procurement Portal (<http://eprocure.gov.in>) on or before 5:00 PM on 09-01-2018. Any response received after the scheduled date and time shall not be considered.

Any query relating to RFP may be sent to Shri B. Praveen, Director, Department of Commerce, Udyog Bhawan, New Delhi on e mail: b.praveen@nic.in latest by 5:00 PM on 26-12-2017.

Bidders are advised to visit the website of the Department www.commerce.nic.in also for detailed information.

Last Date and time for Submission : 09-01-2018 at 05.00 P.M.

1.1 Introduction

1.1.1 The mandate of the Department of Commerce is regulation, development and promotion of India's international trade and commerce through formulation of appropriate international trade & commercial policies and implementation of the various provisions thereof. The basic role of the Department is to facilitate the creation of an enabling environment and infrastructure for accelerated growth of international trade. In addition, the Department is also entrusted with responsibilities relating to multilateral and bilateral commercial relations, Special Economic Zones, state trading, export promotion and trade facilitation, and development and regulation of certain export oriented industries and commodities.

1.1.2. Department of Commerce endeavours to provide transport/ logistic support to India's foreign trade through coordination and resolution of problems experienced by the trading community in carriage of goods by courier, sea, air, rail and road with concerned Ministries & Departments. It seeks to encourage greater containerization, computerization of cargo clearance and electronic data interchange, warehousing, setting up of Inland Container Depots (ICDs), Container Freight Stations (CFSs) etc. In order to resolve the infrastructural constraints being faced by exporters / importers, Department of Commerce has been taking up the various issues with Ministry of Shipping, Ministry of Road Transport and Highways, Department of Revenue, Ministry of Civil Aviation, Ministry of Railways etc. The Department of Commerce intends to hire a consultancy firm to analyse the existing institutional framework and regulations governing dry ports in India based on international experiences of dry ports and global best practices. The study will suggest government interventions for efficient functioning of dry ports.

1.1.3. The selected firm, as part of this exercise, will aim at benchmarking critical regulatory/policy, infrastructural and operational aspects related to dry ports globally with the practices followed in India. Subsequently, recommendations to overcome the existing challenges in India- regulatory, policy level, infrastructural and operational – would be submitted in the form of a comprehensive plan of action that would be drawn from the assessment of global best practices, experiences and policy interventions that

govern dry ports (to be selected in defined geographies based on situational analysis) outside India.

1.1.4. The consulting firm should have a proven expertise in executing research-based analytical studies in the area of dry ports. Potential firms must have the necessary reach and also have access to all relevant resources that are required for conducting such a global study. Prior experience in handling a project in a similar area will be an added advantage. Comprehensive details on the relevant past and present clientele / assignments are to be included in the proposal.

1.1.5. The Consulting Partner would be appointed on a project basis for the said project.

1.1.6. Interested firms are invited to submit their proposals for the assignment, which must include the following, as detailed subsequently in this document:

- (i) Earnest Money Deposit
- (ii) A Technical Proposal and
- (iii) A Financial Proposal

1.1.7. It may be noted that

- (i) The costs of preparing the proposal are not reimbursable and
- (ii) Department of Commerce is not bound to accept any of the proposals submitted.

1.1.8. The Agencies are required to provide professional, objective, and impartial service and at all times hold the Department of Commerce's interests paramount, without any consideration for future work, and strictly avoid conflicts with other assignments or their own corporate interests.

1.1.9. Agencies have an obligation to disclose any situation of actual or potential conflict that impacts their capacity to serve the best interests of Department of Commerce, or that may be reasonably perceived as having this effect. Failure to disclose such situations by the Agency may lead to disqualification of the Agency or termination of the contract.

1.1.10. Agencies must observe the highest standards of ethics during the selection and execution of the contract. Department of Commerce may reject a proposal at any stage

if it is found that the firm recommended for award has indulged in corrupt or fraudulent activities in competing for the contract in question, and may also declare a firm ineligible or blacklist the firm, either indefinitely or for a stated period of time, if at any time it is found that the firm has engaged in corrupt or fraudulent practices in competing for, or in executing, the contract.

1.1.11. The family members / blood relations of employees and / or full-time consultants (i.e. consultants working exclusively with Department of Commerce on retainership basis) of Department of Commerce shall not be eligible to participate in the RFP process. Any proposal submitted by them may be summarily rejected. In case, Department of Commerce comes to know of the relationship subsequent of the award of contract, the contract shall be liable to be cancelled and Department of Commerce shall be entitled to claim damages apart from engaging any other consultant / vendor at the cost and risk of the defaulting consultant. It is clarified that the term full time consultants of Department of Commerce does not refer to agencies / people, which may have been shortlisted for an assignment / project of Department of Commerce through an RFP process.

1.2 Minimum Eligibility Criteria

1.2.1. The firm should have conducted at least 5 infrastructure related consultancy studies with a minimum cumulative value of more than Rs. 3 crores in the last three financial years.

1.2.2. The firm should have prior experience of policy advisory and institutional strengthening of government institutions in India – a minimum of **3** projects in the last 3 years.

1.2.3 The firm or its parent company or group should have experience of having conducted a study on an international scale covering at least 3 different countries.

1.2.4 Consortia/Tie-Ups/JVs are not permitted.

1.2.5 Documentary evidence regarding having successfully undertaken the projects mentioned in the above sub paras have to be submitted for qualifying.

1.3 Scope of work

To review of the existing institutional framework, assess the best practices, identify the gaps, experiences and policy interventions governing dry ports globally and accordingly, recommend changes in policies governing dry ports and associated stakeholders in India to overcome existing challenges.

Terms of Reference for the study proposed are to include as under: -

1. Comparative assessment of the regulatory mechanism for dry ports, including laws/acts/statutes governing their functioning vis-à-vis India. The assessment should compare a minimum of ten countries having dry ports and are to be selected in defined geographies based on situational analysis.
2. Identify regulatory framework as required in the Indian context based on a benchmarking of international best practices with Indian operational standards.
3. Gathering insights on pricing policy, strategy and relevant authorities involved with respect to various dry ports to understand patterns of funding, subsidies provided, establishment and operational costs to the dry port operators and finally, transaction costs borne by the trade.
4. Monitoring of performance including pricing regulation, if any, prevalent in other countries and suggest the changes required in the Indian context.
5. To assess minimum infrastructure requirements including equipments for handling of cargo at dry ports, as prevalent in other countries and suggest the requirements in the Indian context.
6. Analysing the policies for establishing dry ports based on location and on a logistics mix including composition of the same (rail, road, multi modal) as well as the practices adopted for streamlined connectivity with other ports and the hinterland.
7. Understanding the emerging stipulations at dry ports, in order to gather insights on the emerging trends in the governance of dry ports internationally.

1.4 Consulting Partner Delivery

1.4.1. As elaborated above, the consulting partner needs to have a strong background in research and consulting projects involving government and private institutions on a global level.

1.4.2. The Agency should have access to all relevant knowledge reports, data sources, industry studies, etc that will provide it with the much required secondary research inputs.

1.4.3. Additionally, the agency must have a strong interface with government institutions and offices in key trading hubs, enabling it to engage with them for the necessary inputs.

1.4.4. The selected agency should be able to deliver the project within 150 days of award of the project work.

1.5 Preparation of Proposals

1.5.1 Agencies are required to submit EMD, Technical proposal and a Financial Proposal as specified below through e-procurement portal:-

(a) Earnest Money Deposit

EMD in form of Bank DD worth Rs. **2 lakh** drawn favour of Under Secretary (Cash), Department of Commerce. (validity of *6 months*). The same shall be returnable within one month of finalisation/ award of contract. It shall be submitted to:-

Shri B. Praveen,
Room No.223, Department of Commerce,
Udyog Bhawan, New Delhi

(b) Technical Proposal :

1.5.2 The Agencies are expected to provide the Technical Proposal as specified in the RFP Document. Material deficiencies in providing the information requested for may result in rejection of a proposal.

1.5.3 The Technical Proposal shall contain the following documents:

- i) Brief profile of the organization/firm
- ii) Relevant document for establishing the eligibility – in support of Para 1.2

iii) It is expected that consultants would integrate their team deployment plan along with the overall approach and work plan and propose suitable number of resources required to successfully deliver the project over a period defined in the RFP. Brief CVs of the Key Personnel who will be engaged for the research project should be included. Each Consultant is required to provide CVs of proposed team. The key personnel whose CVs are provided will continue to be engaged and available for the project throughout the duration of the project. Substitution, will, however be permitted with prior written approval of DOC if the Key Personnel is not available for reasons of any incapacity or due to health, subject to equally or better qualified and experienced personnel being provided to the satisfaction of DOC.

The following conditions would be applicable with respect to the **Key Personnel** indicated by the Consultant.

- a) The Consultant should provide the details of the Key Personnel as prescribed in this RFP. It is mandatory that the Key Personnel proposed be permanent employees of the firm.
 - b) The composition of the proposed team and Task Assignment to individual personnel shall be clearly stated.
 - c) No such Key Personnel shall be proposed for any position if the CV of the personnel does not meet the requirements of the TOR
 - d) No alternative proposal to any key personnel shall be made and only one CV for each position shall be furnished.
 - e) Each CV needs to have been signed by the Key Personnel on a date near to the issue of the advertisement for this RFP and counter-signed by the authorized official of the Firm.
 - f) The client reserves the right to ask for proof of age and qualification at any stage of the project.
 - i) The personnel proposed should possess good working knowledge of English Language.
 - j) No Consultant shall submit more than one bid for the Project.
- iv) Failure to comply with the prescribed requirements for evaluation of the proposals shall make the proposal liable to be rejected and the evaluation of Financial Bid shall not be undertaken.

- v) The Technical Proposal must not include any information related to the Financial Bid.
- vi) Proposals submitted by the applicants must be properly signed as detailed below:
 - a) By the partner holding the Power of Attorney in case of a firm in partnership (*A Certified copy of the Power of Attorney shall accompany the Proposal*);
 - b) By a duly authorized person holding the Power of Attorney in case of a Limited Company or a corporation (*A certified copy of the Power of Attorney and the board resolution shall accompany the proposal*);
- vii) A description of the detailed approach and methodology and work plan for performing the Project.

1.5.4 The Technical Proposal shall not include any financial information.

(c) Financial Proposal

Consultants are expected to take into account the various requirements and conditions stipulated in this RFP document. The Financial Bid is to indicate be the lump-sum quote for the entire Project *inclusive* of all the costs including taxes and applicable service tax associated with the Project. (*taxes/duties to be indicated in break up separately*).

While submitting the financial bid, the Consultant shall ensure the following:

- a) The Financial Bid shall contain the financial quote covering the total fees / cost for the entire project. The Financial Bid shall be for an overall amount for the entire project duration.
- b) The Financial Bid shall be in Indian Rupees only.
- c) The amount quoted should include all costs such as professional fees, consultancy fees, travel expenses, lodging, boarding, administrative charges and all taxes/duties etc. DOC will not reimburse any other expenses other than what is quoted in the lump sum total cost indicated in the Financial Bid.

- d) The total amount indicated in the financial proposal shall be without any condition attached or subject to any assumption, and shall be final and binding. In case any assumption or condition is indicated in the Financial Bid, it shall be considered non-responsive and liable to be rejected.
- f) For the purpose of clarification, it is clarified that the consultant will bear all the taxes and duties by whatever name called and deposit them with the authority concerned and submit proof of the same. The client will only be responsible for reimbursing the fees quoted in the financial proposal after deducting the TDS as applicable.
- g) The proposal should clearly indicate the scope of work, methodology to be adopted, challenges expected etc. without any ambiguity/ inferences to be made by the Department of Commerce.
- h) Consultants must do their due diligence about the tax implications and the Client will not be responsible for submission of any tax incident.
- i) The proposals must remain valid for a period of 4 months. During this period, the consultant is expected to keep available the professional staff proposed for the Project. The Client will make its best effort to complete negotiations within this period. If the Client wishes to extend the validity period of the proposals, it may ask the consultants to extend the validity of their proposals for a stated period. Consultants, who do not agree, have the right not to extend the validity of their proposals.

1.6 Submission of Proposals

1.6.1 The Proposal shall be submitted through e-procurement portal CPPP. The procedure for filing of e-tender is provided on the portal. Files uploaded on the portal should have file name in accordance to following format [form name. Applicant name]. Applicant name should contain only first two words of its name. Proposal received in any other manner shall be summarily rejected.

1.6.2 The Authorized Representative of the Applicant should authenticate EMD Details, Technical and Financial proposal using digital signatures. The Authorized Representative's authorization should be confirmed by a written power of attorney by the competent authority accompanying the Proposal. (Pre-Qualification Proposal).

1.6.3 The Applicant shall submit his proposal in **four covers containing details of EMD, Technical Proposal and Financial Proposal** respectively, on e-procurement portal.

1.6.4 The completed Technical and Financial Proposal **must be submitted through Central Public Procurement Portal (<http://eprocure.gov.in>)** on or before the Bid Submission Date". Any Proposal received after the closing time for submission of proposals shall be returned unopened. *(the decision of the receiving authority shall be final in this regard)*

1.6.5 Withdrawal of Proposals: No modification or substitution of the submitted Proposal shall be allowed. A Consultant may withdraw its Proposal after submission, provided that the written notice of the withdrawal is received **by Department of Commerce** before the due date of submission of Proposals. The withdrawal notice shall be prepared in original only and each page of the notice shall be signed and stamped by the Authorised Signatories. The copy of the notice shall be duly marked "WITHDRAWAL". In case a Consultant wants to re-submit their Proposal, the Consultant shall submit a fresh Proposal, following all the applicable terms and conditions prescribed in this RFP. The Department of Commerce would reserve the right to treat such fresh proposal as eligible or ineligible based on merits and decision of the Department shall be final and binding in this regard.

1.7 Opening of Proposals and Selection Process

1.7.1 The technical bids will be opened at first instance. The eligibility of the bidder shall be evaluated subject to qualifying the minimum eligibility criteria detailed in Para 1.2, completeness of the Technical Bid as per Para 1.5.3 alongwith a technical presentation on the methodology and work plan proposed.

1.7.2 The financial bids of only eligible technically qualified bidding parties will be opened and the lowest cost (L1) bid from these eligible bidders will be accepted in accordance with the terms applicable for awarding of such contracts in Government.

1.7.3 From the time the Technical Proposals are opened to the time the contract is awarded, if any agency wishes to contact Department of Commerce on any matter related to its proposal, it should do so only in writing. Any effort by the agency to

influence the Department of Commerce in the proposal evaluation or contract award decisions may result in rejection of the proposal of the Agency.

1.8 Issue of Work Order

1.8.1 Work Order shall normally be issued within 15 days of finalization of the bid and the security deposit shall be as per the provision of GFR. The Consultant Firm shall submit its acceptance of the Work Order within 10 days of its issue.

1.8.2 The release of payments will be as per the guidelines for award of study under MAI Scheme of the Department.

Disclaimer :

1. This RFP document is neither an agreement nor an offer by Department of Commerce to the prospective Applicants or any other person. The purpose of this RFP is to provide information to the interested parties that may be useful to them in the formulation of their proposal pursuant to this RFP.
2. Department of Commerce does not make any representation or warranty as to the accuracy, reliability or completeness of the information in this RFP document and it is not possible for Department of Commerce to consider particular needs of each party who reads or uses this RFP document. This RFP includes statements which reflect various assumptions and assessments arrived at by Department of Commerce in relation to the statement of work. Such assumptions, assessments and statements do not purport to contain all the information that each Applicant may require. Each prospective Applicant should conduct its own investigations and analyses and check the accuracy, reliability and completeness of the information provided in this RFP document and obtain independent advice from appropriate sources.
3. Department of Commerce will not have any liability to any prospective Applicant/Firm/or any other person under any laws (including without limitation the law of contract, tort), the principles of equity, restitution or unjust enrichment or otherwise for any loss, expense or damage which may arise from or be incurred or suffered in connection with anything contained in this RFP document, any matter deemed to form part of this RFP document, the award of the Assignment, the information and any other information supplied by or on behalf of Department of Commerce or their employees, any Agency or otherwise arising in any way from the selection process for the Assignment. Department of Commerce will also not be liable in any manner whether resulting from negligence or otherwise however caused arising from reliance of any Applicant upon any statements contained in this RFP.
4. Department of Commerce will not be responsible for any delay in receiving the proposals. The issue of this RFP does not imply that Department of Commerce is bound to select an Applicant or to appoint the Selected Applicant, as the case may be, for the services and Department of Commerce reserves the right to accept/reject any or all of proposals submitted in response to this RFP document at any stage without assigning

any reasons whatsoever. Department of Commerce also reserves the right to withhold or withdraw the process at any stage with intimation to all who submitted the RFP Application.

5. The information given is not exhaustive on account of statutory requirements and should not be regarded as a complete or authoritative statement of law. Department of Commerce accepts no responsibility for the accuracy or otherwise for any interpretation or opinion on the law expressed herein.

6. Department of Commerce reserves the right to change/modify/amend any or all provisions of this RFP document. Such revisions to the RFP/amended RFP will be made available on the website of Department of Commerce.
