

Request for Qualification
(RFQ)

FOR

EMPANELMENT OF CONSULTANTS



Indian Ports Association

1st Floor, South Tower, NBCC Place
B. P. Marg, Lodi Road
New Delhi - 110 003
Phone No: 011-24369061/63; Fax No: 011-24365866
Email – ipa@nic.in
August -2022

LETTER FOR ISSUE OF RFQ FOR THE

“Empanelment of Consultants”

The set of RFQ document is issued to:

Name : _____

Address : _____

IPA

Signature of the Officer Issuing the RFQ Document : _____

Indian Ports Association

Notice for Empanelment of Consultants for Major Ports

Indian Ports Association intends to prepare a panel of Consultants for different types of consultancy services for use by the Major Ports as and when required. Accordingly, Indian Ports Association invites Requests for Qualification (RFQ) for empanelment as Consultants for consultancy in various disciplines, namely -

A) Class-A (Consultancy for the Projects with Estimated Cost Project more than Rs 200 Cr).

Group – 1 :

- a) Marine Construction works
- b) General Civil, Mechanical and Electrical works
- c) Railway works
- d) Dredging works
- e) Rock Dredging Works

Group – 2

- a) Traffic Studies and Logistic Management Services
- b) Project Management

B) Class-B (Consultancy for the Projects with Estimated Cost of Project upto Rs 200 Cr).

Group – 1

- a) Marine Construction works.
- b) General Civil, Mechanical and Electrical works.
- c) Railway works.
- d) Dredging works.
- e) Rock Dredging Works.

Group – 2:

- a) Traffic Studies and Logistic Management Services.
- b) Project Management.

The panel shall be valid for a period of 3 years.

The panel may be used by Major Ports for inviting financial bids as and when required for their projects/works. The detailed terms and conditions including evaluation criteria and application fee are available in the web site www.ipa.nic.in & <https://eprocure.gov.in/epublish/app> (CPP Portal)

Note: Completed Applications are not to be uploaded in the CPP portal. Hard copies of the applications are to be submitted to IPA to reach before the designated date and Time. Soft copy of the entire submission is to be provided in a pen drive in the same cover.

The schedule for receipt of the application is as follows:-

1. Receiving of queries/request for clarifications on or before 3.00 pm (1500 Hrs) on 05/09/2022
2. Pre-application meeting on 07/09/2022 at 1500 hrs at IPA, New Delhi.
3. Receipt of Applications on or before 1500 Hrs on 20/09/2022
4. Opening of Covers at 1530 Hrs on 20/09/2022

Reputed and interested consultants/consulting firms/consortia may download the RFQ from the above website/CPP Portal and send in their response to the Managing Director, Indian Ports Association, 1st. floor, South Tower, NBCC Place, Bhisham Pitamah Marg, Lodi Road, New Delhi – 110 003.

Earnest Money Deposit and Document Fee

Applicants who wish to participate shall submit an Earnest Money Deposit for an amount of Rs.2.50 lakhs (Rupees Two Lakhs Fifty Thousand Only). There will be only one EMD for participation in all the works indicated in Group 1 or Group 2.

Applicants shall also submit a non-refundable document fee of Rs.5000/- (Rupees Five Thousand only) for each group under which they would like to participate irrespective of the number of areas they would like to participate. For avoidance of doubt, as an illustration, if an applicant wants to

submit his application for only Marine Construction works in Group 1 and Project Management in Group 2, the bid document fee payable will be Rs.10,000/-. If an Applicant wants to submit his application for all the works under Group 1 and Group 2, the bid document fee will be Rs.10,000/-. Separate applications are to be submitted for various works under each group.

Payment for EMD and bid document fee shall be either in the form of two separate demand drafts in favour of Indian Ports Association payable at New Delhi or RTGS. The demand drafts shall be submitted along with the Application. In case of RTGS, proof of payment shall be submitted along with the Application. Details for making online payment to IPA are as below;

Bids are to be submitted in Hard copies only.

Name of the Organization	INDIAN PORTS ASSOCIATION
Address of organization with PIN Code	1 st Floor, South Tower, NBCC Place Bhisham Pitamah Marg, Lodhi Road, New Delhi – 110003
Contact person	Chief Administrative Officer
Name of the Bank and Branch	Indian Overseas Bank Lok Kala Manch, Lodhi Colony, New Delhi
Account No.	149801000002360
IFSC Code No.	IOBA0001498
Beneficiary E-mail ID	ipa@nic.in , prem.mpt@gmail.com
Document download from	25/08/2022
Pre-Application meeting	15.00 hrs on 07/09/2022
Hard copies of Applications to be submitted by	1500 hrs on 20/09/2022

Applicants registered under MSME under the relevant categories, will be exempted from payment of document fee subject to producing a copy of the certificate which shall be enclosed along with the application. Divisions 70, 71, 74 indicated under the National Industrial Classification released by the Central Statistical Organisation shall qualify as the relevant categories.

Indian Ports Association

Empanelment of Consultants for Major Ports

1 INTRODUCTION

Post India's ratification of World Trade Organization's (WTO) Trade Facilitation Agreement (TFA), there has been increased movement on the transformation of trade ecosystem, in India, through interventions focussed on reductions in time and cost, procedural simplifications, reduced human interventions, digitization, etc. The trade mosaic in the last few years in India was going through a period of momentous changes, with the policy establishment initiating an array of interventions directed towards trade facilitation. The focus towards smooth EXIM procedures at Indian borders has been a priority for quite some time with regular interventions being implemented on ground, also resulting in an upward movement in the ease of doing business rankings, particularly in the 'trading across borders' parameter wherein India ranked 67th in 2021 compared to 146th in 2018. The National Trade Facilitation Action Plan 2020-2023 laid out well defined objectives for providing necessary fillip to the country's trade prospects, which entail improving India's Ease of Doing Business rankings. This is envisaged to be achieved through reducing cargo release time, creating a paperless regulatory ecosystem, developing a transparent and predictable legal regime mandated to ensure consistent consultation with the trade on new rules/amendments. In the recent years, Indian Ports Association (IPA) has been focussing particularly on the digitization of the processes to reduce human intervention in EXIM procedures and achieving the goal of near paperless trading environment or enhanced digital trading environment. With the recent COVID-19 crisis the focus on digitization is further important. Development of Port Community System (PCS) as the core multi stakeholder platform where all the stakeholders in 6 trade ecosystem are present and exchanging messages electronically becomes a very critical digital platform in the Post COVID scenario. Recently, IPA has enhanced the PCS 1x features for scanning of e-BL and letter of indemnity and brought digital documentation exchange platform Cargo for implementation of smart BL document transfer platform, using the neutral, public block chain Ethereum network. Ease of doing business (EoDB) reforms under the Ministry of Ports, Shipping and Waterways have also been at the core of IPA's initiatives. Development of digital platforms, identification of trade related bottlenecks and their solutions, implementation of initiatives, interaction with the Public/Private stakeholders in the port ecosystem, supporting the Ministry of Ports, Shipping and Waterways vision on ease of doing business, etc are some of the works that IPA is actively involved in. Providing support to various inter-ministerial committees (IMCL) in the EoDB sphere is another scope that is handled at IPA. IPA has also come out with the managing the 'land portal' which will be key to port led industrialization and development of areas around the major ports in India. It will help in boosting development of more coastal economic zones (CEZs), Special Economic Zones (SEZs) etc. which will link coastal districts to ports and also help in creating more employment. Attracting investments through this model will be key towards the development in the land portal. A special cell has been developed at IPA which look at the Collection of information of land parcels, update various land policies announced by the Government of India from time to time at Portal, Manage the land registration portal centrally, CRM capabilities to store key contact information, email and

communication history, purchase history, preferences, documents, contracts, Monitor allotment of land to different industries, Help market the port land to potential investors, etc These pillars i.e. digitization, ease of doing business initiatives and Land portal are the key functions which requires an additional resource to manage and monitor for effective implementation and 7 output from these pillars. Indian Ports Association seeks to invite prospective applicants for applying towards empanelment of Consultants to work on the variety of initiatives being taken at Major Ports in India. The initiatives range from Ease of Doing Business, Digitization, Port Land portal, etc. The empanelled consultants will help to implement the initiatives at major ports and support in improving India's trading environment across Major ports. This call is for the engagement of consultants, well versed with India's port ecosystem and ease of doing business initiatives in the port ecosystem, to help improve our rankings in the trading across borders parameter of The World Bank's Ease of Doing Business rankings.

To execute these projects, Ports would require the services of the consultants to assist the Ports in various activities like preparation of Feasibility / Project reports, appointment of transaction advisors & independent engineers, preparation of EMP reports, and project monitoring etc. For this endeavour, Indian Ports Association intends to prepare a panel of consultants for various types of consultancy services, which may help the Port Authority in speedy selection/ appointment of consultants as and when required.

The panel of consultants will be prepared through assessment of technical and financial capacity for various disciplines of consultancy services that may be required by the Ports with reference to the estimated cost of the projects. The panel so prepared shall be valid for three years from the date of engagement.

2 Objective

The objective of this RFQ is to prepare a panel of consultants for use by the Major Port Authorities for the identified consultancy services. The individual Major Port seeking consultancy on their port activity shall then invite competitive price offers from the panel of Consultants so prepared for the respective activities and at that time shall also prescribe Terms of Reference and Terms of Payment.

3 Broad Role of Consultants

Technical consultants are normally required for preparing Techno-economic Feasibility Reports, setting performance targets and determining investment needs. They are expected to be well conversant with the physical aspects of the Port infrastructure under consideration. The Consultants should be capable of providing a range of skills and services including general and architectural design, costing and quantity surveying, planning and traffic studies, technical feasibility studies and reviews, life cycle costing and analysis, and project monitoring and management. In short, they shall be instrumental in conceptualization of the project till completion. However, while inviting the RFP, concerned Port will spell out the detailed scope of work of consultant.

4 Entering into Agreement

- 4.1 On selection of the consultant, the concerned Major Port Authority shall enter into agreement in the form prescribed by them. The format of agreement will be enclosed by the Port Authorities while seeking financial offers.
- 4.2 The invitation of the applications for enrolment as Consultant for various Port activities above mentioned will have a stage of pre-application conference before submission of final application for evaluation. The Pre-application conference will be held on 07/09/2022 at 3.00 pm (1500 hrs) at IPA, New Delhi. Applicants have the option of either attending the physical meeting or joining the virtual meeting. The link for the meeting will be hosted on the IPA website.
- 4.3 All the queries must be submitted up to two days before the pre-application meeting. No fresh queries shall be allowed thereafter. The clarifications will be issued as early as possible so as to allow at least 10 days time for submitting the application. **Clarifications may be mailed to ipa@nic.in and prem.mpt@gmail.com**

5 GROUPS OF EMPANELMENT

5.1 Class-A : Consultancy for the Projects with Estimated Cost of Project more than 200 Cr.

5.1.1 Empanelment will be made in the following categories:

Group – 1:

- a) Marine Construction works.
- b) General Civil, Mechanical and Electrical works.
- c) Railway works.
- d) Dredging works.
- e) Rock Dredging Works.

Group – 2:

- a) Traffic Studies and Logistic Management Services
- b) Project Management

5.2 Class-B : Consultancy for the Projects with Estimated Cost of Project upto 200 Cr).

5.2.1 Empanelment shall be made in the following categories:

Group – 1:

- a) Marine Construction works
- b) General Civil, Mechanical and Electrical works
- c) Railway works
- d) Dredging works
- e) Rock Dredging works

Group -2:

- a) Traffic Studies and Logistic Management Services
- b) Project Management

6 Brief scope in various disciplines

6.1 Group - 1

- a) **Marine construction works:** This includes port planning and development covering construction of berths along with erection of mechanical and electrical equipment, construction of breakwaters, reclamation.
- b) **General civil, mechanical and electrical works:** This includes all general civil engineering works viz. architectural services, construction of buildings, pavements and roads, yards for storage, warehouses and sheds, water supply and drainage system including its infrastructure. General Mechanical and Electrical works in port works.
- c) **Railway works:** This includes laying of new railway lines, revamping of existing railway lines, interlocking, signalling, development of inter-change yards and marshalling yards including drainage planning, platforms etc.
- d) **Dredging works:** This includes capital and maintenance dredging works.
- e) **Rock Dredging Works:** This includes capital dredging works for rock dredging.

6.2 Group -2.

- a) **Traffic studies and logistic management services:** This includes various traffic studies, Port and hinterland connectivity, CFS, ICD, Marketing etc.

b) Project Management services: This includes detailed engineering drawings, tender documents preparation, evaluation of offers and project execution supervision, etc.

7 Minimum Eligibility Criteria for Empanelment of Consultants.

Stage-I

The Tenderers shall meet the following Minimum Eligibility Criteria:

- 7.1 Average annual turnover during the last 3 financial years ending with 31st March (2019-20, 2020-21 and 2021-22) must be at least Rs 200 Lakhs for Class-A and Rs. 60 Lakhs for Class-B empanelment. (In case of companies following the calendar year, years 2019, 2020 and 2021 shall be considered)
- 7.2 Experience of having successfully completed similar works during last 7 years, ending last day of the month previous to the one in which applications are invited should be either of following:-

For Class-A

- a) Three completed similar works for the Project each costing not less than Rs 120 Crores.

OR

- b) Two completed similar works for the Project each costing not less than Rs.150 Crores.

OR

- c) One completed similar work for Project costing not less than Rs.240 Crores.

For Class-B

- d) Three completed similar works for the Project each costing not less than Rs 40 Crores.

OR

- e) Two completed similar works for the Project each costing not less than Rs.50 Crores.

OR

- f) One completed similar work for Project costing not less than Rs.80 Crores.

Similar Works: The Applicant should have experience of providing consultancy services as mentioned in respective Groups under Clause-6.

Note :-

The applicants who apply for the Class – A registration and, if getting qualified for Class-A, shall get qualified automatically to be registered under the Class – B; for which the applicant may submit a Willingness Letter to get empanelled in Class –B.

Stage-II (Short listing/Scoring criteria for empanelment of Consultants).

8 Evaluation criteria for Group –1 & 2 works:

8.1 Experience			
8.1.1	For Category 1 & 2	<p>The applicant should provide details of completed assignments in the last 07 years to demonstrate experience in providing the consultancy service.</p> <p>For each assignment, the applicant shall provide details of the nature of consultancy provided, the clients response, the further action taken by the client in implementation and its status as also the duration of the assignment including date of start and completion of the assignment and cost of project and total fees etc.</p>	Demonstration of appropriate experience up to 40 points as per Criteria given in Appendix-I
Response: The applicant should submit clients’ completion certificate for each assignment to support their claim along with firm’s experience and team experience separately in not more than 2 pages for specific assignments by the authorized person of the firm.			
8.2	Human Resources	The applicant should not have less than the following Full Time equivalent (FTE) professional staff in the field of port consultancy	
8.2.1	Full time Equivalent (FTE) professional	<p>Class A (Project value more than Rs 200 Crs) – Min 20 FTE, minimum 12 FTE in case of Dredging works only.</p> <p>Class B (up to Project value Rs 200 Crs) – Min 10 FTE, minimum 07 FTE in case of</p>	Up to 10 Points as per criteria given Appendix-I

	Dredging works only.	
<p>Response: The applicant should indicate the details of FTE professionals along with supporting documents for their engagement and provide an organization structure of the applicant indicating the FTE professional in that category.</p> <p>Employees/Professionals who have exclusive long-term contract of more than 3 years shall be considered as FTE. Letter issued by HR department of the company will suffice in this regard.</p> <p>The firm should also submit an "undertaking" that the FTE professionals would be maintained during the actual assignment to be awarded in case they are selected. In case replacement is inevitable, the equivalent qualification and experienced key personnel will be inducted to carry out the assignment in case of award.</p>		

Note : The ports will obtain such undertaking, as required, while calling financial bids from the empanelled consultants. The Major ports will call for the project specific key personnel in the RFP and evaluate separately with the price bid.

Note:

1. The Applications of only those applicants who fulfil the Minimum Eligibility Criteria as laid down under stage-I, shall be evaluated further against the qualification criteria laid down under Stage-II.
2. The applicant has to score minimum 50% points in each of above sub criteria viz 8.1.1 & 8.2.1 for getting qualified.

8.3 Empanelment will be based on the marks obtained as follows:

CATEGORY	PERCENTAGE OF MARKS
Category A	>/= 90%
Category B	>/= 80% to <90%
Category C	>/= 70% to <80%
Shall not be considered for empanelment	< 70%

9 General Conditions:

- 9.1 The applicants shall be required to submit their financial offer strictly on the basis of terms of reference provided by individual port without attaching any counter conditions and certificate to this effect has to be furnished.

- 9.2 The empanelment of consultants shall be valid for three years and extended period, if any, as may be arrived at by mutual consent from the date of original empanelment or any date stated in the empanelment letter.
- 9.3 The applicant has to submit along with the application non-refundable application fee. This document fee shall be remitted by way of NEFT/ DD/ Banker's cheque drawn in favour of Indian Ports Association payable at New Delhi.
- 9.4 The empanelment made by IPA is intended to be used by all Major Ports.
- 9.5 In case of any dispute or difference arising out of the empanelment, the decision of IPA shall be final.
- 9.6 For applicants who are subsidiaries of foreign companies (Equity of Foreign entity more than 50%) and if their turnover are claimed, the IPA/Major Port shall insist a letter from the Parent Company to make their services available to Indian Company as required and demanded by IPA/Major Port without any extra financial liabilities.
- 9.7 The applicant must be a well-established consultant for more than 5 years having experience in conceptualizing/planning/engineering/design/proof checking, preparing feasibility reports, design and estimation, preparation of architectural / structural drawings, preparation of tender documents, evaluation of tenders, comprehensive project management with quality and quantity survey, preparation of bills etc. of the work (s) in the respective category.
- 9.8 The applicant should have regular set up of a team of Architects/Engineers having sufficient experience.
- 9.9 The applicant shall be able to hire the services of some other suitable consulting agencies for specialized jobs such as Retrofitting/Rehabilitation of Civil and Marine structures. This includes health studies of the civil and marine structures, suggestion of treatments for rehabilitation / retrofitting / maintenance of the structures, preparation of scope of the work from execution point of view etc.
- 9.10 When two or more firms are forming a consortium to participate in RFQ then one firm shall become the lead member of the consortium and shall submit an authorization letter from other members of consortium. The evaluation shall be conducted on the basis of performance of consortium as a whole against evaluation criteria. However, no applicant applying individually or as a member of a consortium, as the case may be, can be member of another applicant.
- 9.11 Even though applicants satisfy the necessary requirements they are subject to disqualification if they have:

- (i) Made untrue or false representation in the form, statements required in the application document.
 - (ii) Records of poor performance such as abandoning work, not properly completing contract, financial failures or delayed completion.
 - (iii) Submitted fake, fictitious or fabricated documents in support of their work experience, eligibility criteria etc.
- 9.12 It may be noted that after empanelment, works shall be allotted to various consultants commensurate to their capabilities and capacities as assessed by IPA/Major Port. No representation in this respect shall be entertained.
- 9.13 For the purpose of empanelment, applications received within due date shall be considered for evaluation based on the details furnished and minimum criteria specified by the IPA in clause 7 above. Further, the Consultants who had applied already and were/are in the services of the Major Port will be evaluated based on their past performance.
- 9.14 Applicant has to furnish following undertaking along with application:-

“I/we certify that in the last three years, we/any of the consortium members have neither failed to perform on **any contract**, as evidenced by imposition of Penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award, nor been expelled from any project or contract by any public authority nor have had any contract terminated by any public authority for breach on our part”.

10 EARNEST MONEY DEPOSIT

No Application will be considered which is not accompanied by a sum of Rs. 2,50,000.00 (Rs. Two lakhs and fifty thousand only) as Earnest Money Deposit. In the event of the applicant withdrawing the Application before the expiry of 180 (one hundred and eighty) days from the date of opening, the Application shall be cancelled and the earnest money deposit therewith forfeited by the IPA.

The Earnest Money shall either be paid in the form of Demand Draft (DD)/Pay Order issue by a Nationalized Bank / Scheduled Bank drawn on New Delhi Branch of the Bank in favour of the Indian Ports Association payable at New Delhi or through RTGS. The EMD must be forwarded in separate cover along with Tender. In case of payment through RTGS, proof of the same is to be submitted along with the Application. In case, it is not forwarded as stated above, the Application shall be liable to be rejected. No cash remittance along with the tender shall be accepted. The amount of earnest money shall be refunded to disqualified Tenderers/non Short-listed Applicants, once the Application is finalised by IPA. No interest shall be payable on the earnest money from the date of receipt until it is refunded. EMD of

Empanelled Applicants shall be retained for entire period of empanelment i.e 3 years or such extended period by IPA.

11 Right to accept or reject any or all proposals

11.1 Notwithstanding anything contained in this document, IPA reserves the right to accept or reject any Proposal/application and to annul the Selection Process and reject all Proposals, at any time without any liability or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereof.

11.2 IPA/Major Port Authority reserves the right to reject any Proposal if: (a) at any time, a material misrepresentation is made or discovered, or (b) the Applicant does not provide, within the time specified by the Authority, the supplemental information sought by the Authority for evaluation of the Proposal. Misrepresentation/ improper response by the Applicant may lead to the disqualification of the Applicant. If the Applicant is the Lead Member of a consortium, then the entire consortium may be disqualified / rejected.

12 Language

The Proposal with all accompanying documents (the "Documents") and all communications in relation to or concerning the Selection Process shall be in English language and strictly on the forms provided in this document. No supporting document or printed literature shall be submitted with the Proposal unless specifically asked for and in case any of these Documents is in another language, it must be accompanied by an authenticated accurate translation of the relevant passages in English, in which case, for all purposes of interpretation of the Proposal, the translation in English shall prevail.

13 Evaluation processes

The applications shall be scrutinized as per the criteria given in the RFQ documents and a list of empanelled consultants will be prepared and communicated to all the Major Ports. The Major Ports as and when required may obtain financial offers (RFP) along with key personnel required specifically for the project from the Consultants who are empanelled and evaluated as below :

- Key personnel - 70 points
- Financial Bid - 30 points

14 Correspondence with Applicant

Given and except as provided in EOIRFQ, IPA shall not entertain any correspondence with any applicant in relation to acceptance or rejection of any application.

IPA, in its sole discretion and without incurring any obligation or liability, reserves the right, at any time to:

- (a) Suspend and/or cancel the process and/or amend and/or supplement the process or modify the dates or other terms & conditions relating there to.
- (b) Consult any applicant in order to receive clarification or further information.
- (c) Empanel or not to empanel any applicant and/or to consult with any applicant in order to receive clarification or further information.
- (d) Retain any information and / or evidence submitted to the IPA by, on behalf of, and/or in relation to any applicant and/or.
- (e) Independently verify, disqualify, reject and/or accept any and all submissions or other information and/or evidence submitted by or on behalf of any applicant.

15 Fraud and corrupt practices

15.1 The Applicants and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the Selection' Process. Notwithstanding anything to the contrary contained in this document, the Port Authority shall reject a Proposal without being liable in any manner whatsoever to the Applicant, if it determines that the Applicant has, directly or indirectly or through an agent, engaged in corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice (collectively the "Prohibited Practices"). In such an event, the Port Authority shall, without prejudice to its any other rights or remedies, forfeit and appropriate the Bid Security or Performance Security, as the case may be, as 'mutually agreed genuine pre-estimated compensation and damages payable to the Port Authority for, *inter alia*, time, cost and effort of the Port Authority, in regard to this document, including consideration and evaluation of such Applicant's Proposal.

15.2 Without prejudice to the rights of the Port Authority herein above and the rights and remedies which the Port Authority may have under the LOA or the Agreement, if an Applicant or Consultant, as the case may be, is found by the Port Authority to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice during the Selection Process, or after the issue of the LOA or the execution of the Agreement, such Applicant or Consultant shall not be eligible to participate in any tender or RFP issued by the IPA or Port Authority during a period of three years from the date such Applicant or Consultant, as the case may be, is found by the Port Authority to have directly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice, as the case may be.

15.3 For the purposes of this Section, the following terms shall have the meaning hereinafter respectively assigned to them: (a) "corrupt practice" means (i) the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of any person connected with the Selection Process (for avoidance of doubt, offering of employment to or employing or engaging in any manner whatsoever, directly or indirectly, any official of the Port Authority who is or has been associated in any manner, directly or indirectly with the Selection Process or the LOA or has dealt with matters concerning the Agreement or arising therefrom, before or after the execution thereof, at any time prior to the expiry of one year from the date such official resigns or retires from or otherwise ceases to be in the service of the Authority, shall be deemed to constitute influencing the actions of a person connected with the Selection Process); or (ii) save as provided herein, engaging in any manner whatsoever, whether during the Selection Process or after the issue of the LOA or after the execution of the Agreement, as the case may be, any person in respect of any matter relating to the Project or the LOA or the Agreement, who at any time has been or is a legal, financial or technical consultant adviser of the Port Authority in relation to any matter concerning the Project; (b) "fraudulent practice" means a misrepresentation or omission of facts or disclosure of incomplete facts, in order to influence the Selection Process; (c) "coercive practice" means impairing or harming or threatening to impair or harm, directly or indirectly, any persons or property to influence any person's participation or action in the Selection Process; (d) "undesirable practice" means (i) establishing contact with any person connected with or employed or engaged by the Port Authority with the objective of canvassing, lobbying or in any manner influencing or attempting to influence the Selection Process; or (ii) having a Conflict of Interest; and (e) "restrictive practice" means forming a cartel or arriving at any understanding or arrangement among Applicants with the objective of restricting or manipulating a full and fair competition in the Selection Process.

16 Conflict of Interest

16.1 An Applicant shall not have any conflict of interest that may affect the Selection Process or the Consultancy (the "Conflict of Interest"). Any Applicant found to have a Conflict of Interest shall be disqualified.

16.2 It is necessary that the Consultant provides professional, objective, and impartial advice and at all times hold the interests of the Port Authorities as paramount to avoid any conflict with other assignments or its own interests, and act without any consideration for future work. The Consultant shall not accept or engage in any assignment that would conflict with its prior or current obligations to other clients, or that may place it in a position of not being able to carry out the assignment in the best interests of the Port Authorities.

16.3 Addressing Conflicts of Interest have been illustrated in the Guidance Note at Schedule. Without limiting the generality of the above, an Applicant shall be deemed to have a Conflict of Interest affecting the Selection Process, if:

a) Major Ports/IPA and Consultant:

- i) Potential Consultant shall not be privy to information from Major Ports/ IPA which is not available to others; or
- ii) Potential Consultant should not have been involved in the project when earlier working for the Major Ports/IPA; or
- iii) Potential Consultant should not have recently worked for the Major Ports/IPA overseeing the project in the capacity of Transaction Advisor for that project.

16.4 (aa) where any intermediary is controlled by a person through management control or otherwise, the entire shareholding held by such controlled intermediary in any other person (the "Subject Person") shall be taken into account for computing the shareholding of such controlling person in the Subject Person; and

(bb) subject always to sub-clause (aa) above, where a person does not exercise control over an intermediary, which has shareholding in the Subject Person, the computation of indirect shareholding of such person in the Subject Person shall be undertaken on a proportionate basis; provided, however, that no such shareholding shall be reckoned under this "sub-clause' (bb) . if- the shareholding of such-person in the intermediary is less than 26% (twenty six per cent) of the subscribed and paid up 3 equity share holding of such intermediary; (b) a constituent of such Applicant is also a constituent of another Applicant; or (c) such Applicant or its Associate receives or has received any direct or indirect subsidy or grant from any other Applicant or its Associate; or (d) such Applicant has the same legal representative for' purposes of this Application as any other Applicant; or (e) such Applicant has a relationship with another Applicant, directly or through common third parties, that puts them in a position to have access to each other's information about, or to influence the Application of either or each of the other Applicant; or (f) there is a conflict among this and other consulting assignments of the Applicant (including its personnel and Sub-Consultant) and any subsidiaries or entities controlled by such Applicant or having common controlling shareholders. The duties of the Consultant will depend on the circumstances of each case. While providing consultancy services to the Authority for this particular assignment, the Consultant shall not take up any assignment that by its nature will result in conflict with the present assignment; or (g) a firm which has been engaged by the Authority to provide goods or works or services for a project, and its Associates, will be disqualified from providing consulting services for the same project save and except as provided conversely, a firm hired to provide consulting services for the preparation or implementation of a project, and its Members or Associates, will be disqualified from subsequently providing goods or works or services related to the same project; or (h) the Applicant, its Member or Associate (or any constituent thereof), and the bidder or Concessionaire, if any, for the Project, .its. _contractors or sub-contractor(s) (or any constituent thereof) have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply In cases where the direct or indirect shareholding or ownership interest of an Applicant, its Member or Associate (or any shareholder hereof having a share holding of more than 5% (five per cent) of the paid up and subscribed share capital of such Applicant, Member or Associate, as the case may be.) in the bidder or Concessionaire, if any, or its contractor(s) or subcontractor'(s) is less than 5% (five per cent) of the paid up and subscribed share capital of

such Concessionaire or its contractor(s) or sub-contractor(s); provided further that this disqualification shall not apply to _ ownership by a bank, insurance company, pension fund or a Public Financial Institution referred to in section 2(72) of the Companies Act, 2013. For the purposes of this sub-clause (h), indirect shareholding shall be computed in accordance with the provisions of sub-clause (a) 4 above.

16.5 For purposes of this bid, Associate means, in relation to the Applicant, a person who controls, is controlled by, or is under the common control with such Applicant (the "Associate"). As used in this definition, the expression "control" means, with respect to a person which is a company or corporation, the ownership, directly or indirectly, of more than 50% (fifty per cent) of the voting shares of such person, and with respect to a person which is not a company or corporation, the power to direct the management and policies of such person by operation of law or by contract.

16.6 An applicant eventually appointed to provide consultancy by any Port Authority or any specific project and its associate, shall be disqualified from subsequently providing goods or works or services related to the construction and operation - of the same Project-and-any breach - of this obligation shall be construed as Conflict of Interest; provided that the restriction herein shall not apply after a period of 5 (five) years from the completion 'of the original assignment or to consulting assignments granted by banks/ lenders at any time; provided further that this 'restriction shall not apply to consultancy/ advisory services performed for the Port Authority in continuation of a specific Consultancy or to any subsequent consultancy/ advisory services performed for the Port Authority in accordance with the rules of the Port Authority. For the avoidance of doubt, an entity affiliated with the Consultant shall include a partner in the Consultant's firm or a person who holds more than 5% (five percent) of the subscribed and paid up share capital of the Consultant, as the case may be, and any Associate thereof.

17 **Courts at Delhi shall have exclusive jurisdiction.**

Guidance Note at Schedule

SCHEDULE-3
(See Clause 16.3)

Guidance Note on Conflict of Interest

1. This Note further explains and illustrates the provisions of Clause 16.3 of the RFQ and shall be read together therewith in dealing with specific cases.
2. Consultant shall be deemed to be in a conflict-of-interest situation if it can be reasonably concluded that their position in a business or their personal interest could improperly influence their judgment in the exercise of their duties. The process for selection of Consultant should avoid both actual and perceived conflict of interest.
3. Conflict of interest may arise between the Major Ports/IPA and a Consultant or between Consultant and present or future concessionaries/ contractors. Some of the situations that would involve conflict of interest are identified below:

(a) Major Ports/IPA and Consultant:

- (i) Potential Consultant shall not be privy to information from Major Ports/ IPA which is not available to others; or
- (ii) (ii) Potential Consultant should not have been involved in the project when earlier working for the Major Ports/IPA; or
- (iii) (iii) Potential Consultant should not have recently worked for the Major Ports/IPA overseeing the project.

(b) Consultant and concessionaires/contractors:

- (i) No Consultant shall have an ownership interest or a continuing business interest or an on-going relationship with a potential concessionaire/ contractor save and except relationships restricted to project-specific and short-term assignments; or
- (ii) No Consultant shall be involved in owing or operating entities resulting from the project; or
- (iii) No Consultant shall bid for works arising from the project.

RFQ FOR SELECTION OF CONSULTANT

The participation of companies that may be involved as investors or consumers and officials of the Major Ports/IPA who have current or recent connections to the companies involved, therefore, needs to be avoided.

1. The normal way to identify conflicts of interest is through self-declaration by Consultant. Where a conflict exists, which has not been declared, competing companies are likely to bring this to the notice of the Major Ports/IPA. All conflicts must be declared as and when the Consultant become aware of them.
2. Another approach towards avoiding a conflict of interest is through the use of “Chinese walls” to avoid the flow of commercially sensitive information from one part of the Consultant’s company to another. This could help overcome the problem of availability of limited numbers of experts for the project. However, in reality effective operation of “Chinese walls” may be a difficult proposition. As a general rule, larger companies will be more capable of adopting Chinese Walls approach than smaller companies. Although, “Chinese Walls” have been relatively common for many years, they are an increasingly discredited means of avoiding conflicts of interest and should be considered with caution. As a rule, “Chinese Walls” should be considered as unacceptable and may be accepted only in exceptional cases upon full disclosure by the Consultant coupled with provision of safeguard to the satisfaction of the Major Ports/IPA.
3. Another way to avoid conflicts of interest is through the appropriate grouping of tasks. For example, conflicts may arise if Consultant drawing up the terms of reference or the proposed documentation are also eligible for the consequent assignment or project.
4. Another form of conflict of interest called “scope-creep” arises when Consultants advocate either an unnecessary boarding of the terms of reference or make recommendations which are not in the best interest of the Major Ports/IPA but which will generate further work for the Consultant s. Some forms of contractual arrangements are more likely to lead to scope-creep. For example, lump-sum contracts provide fewer incentives for this, while time and material contracts provide built in incentives for Consultants to extend the length of their assignment.
5. Every project contains potential conflicts of interest. Consultants should not only avoid any conflict of interest, they should report any present/potential conflict of interest to the Major Ports/IPA at the earliest. Officials of the Major Ports/IPA involved in development of a project shall be responsible for identifying and resolving any conflicts of interest. It should be ensured that safeguards are in place to preserve fair and open competition and measures should be taken to eliminate any conflict of interest arising at any stage in the process.

Appendix – I

1	Experience Criteria as per 7.2	Points
1.1	For Class-A	
	a) Three completed similar works for projects each costing not less than Rs.120 crores	20 points
	b) Two completed similar works for projects each costing not less than Rs.150 crores	20 points
	c) One completed similar work for projects costing not less than Rs.240 crores	20 points
Note: For each additional project – i) Additional 2 points if the similar project cost is not less than Rs.120 crores ii) Additional 3 points if the similar project cost is not less than Rs.150 crores iii) Additional 5 points if the similar project cost is not less than Rs.240 crores <p align="right">Max. points : 40</p>		
1.2	For Class-B	
	a) Three completed similar works for projects each costing not less than Rs.40 crores	20 points
	b) Two completed similar works for projects each costing not less than Rs.50 crores	20 points
	c) One completed similar work for projects costing not less than Rs.80 crores	20 points
Note: For each additional project – i) Additional 2 points if the similar project cost is not less than Rs.40 crores ii) Additional 3 points if the similar project cost is not less than Rs.50 crores iii) Additional 5 points if the similar project cost is not less than Rs.80 crores <p align="right">Max. points : 40</p>		
2.	Human Resources as per para 8.2.1	
2.1	For Class A Project Value more than Rs.200 crores – Min. 20 FTE Dredging - Min. 12 FTE	For 20 FTE – 8 points More Than 20 FTE – Additional 1 point per FTE For 12 FTE - 8 points Additional 1 point per FTE <p align="right">Max. 10 points</p>
2.2	For Class B Project Value upto Rs.200 crores – Min. 10 FTE Dredging - Min 7 FTE	For 10 FTE – 8 points More Than 10 FTE – Additional 1 point per FTE For 7 FTE – 8 points Additional 1 point per FTE <p align="right">Max. 10 points</p>

(Technical Proposal-Standard Forms)

Form TP 1: Letter of Proposal submission

Form TP 2: Consultant's organization & experience

Form TP 3: Curriculum vitae

Form TP 4: Curriculum Vitae of key personnel

Form TP 5: Information regarding any conflicting activities and declaration thereof.

Technical Proposal-Other Undertakings

1. An undertaking that the firm/organisation is not blacklisted or its agencies including Central/State Level Public Enterprises
2. Undertaking as following ... 'I/We certify that in the last 3 years, we/any of the consortium members have neither failed to perform on any contract, as evidenced by imposition of penalty by an arbitral or Judicial Authority or a Judicial Pronouncement or Arbitration Award, nor have been expelled from any project or contract by any Public Authority nor had any contract terminated by any Public Authority for breach of Termination on our part.
3. An Undertaking regarding non-disclosure sharing of confidential information with third parties.

LETTER OF PROPOSAL SUBMISSION

TO: [Name and address of Employer]

Dear Sirs,

We, the undersigned, offer to provide the consulting Assignment/job for [Empanelment of Consultants-] in accordance with your Request for Proposal dated [insert date] and our Proposal. We are hereby submitting our Proposal, which includes this Technical Proposal sealed under a separate envelope with document fee and requisite EMD.

We are submitting our Proposal in association with [Insert a list with full name and address of each Consultant]

We hereby declare that all the information and statements made in this Proposal are true and correct and accept that any misinterpretation contained in it may lead to our disqualification.

If negotiations are held during the period of validity of the Proposal, we undertake to negotiate on the basis of the proposed staff. Our Proposal is binding upon us and subject to the modifications resulting from Contract negotiations.

We understand you are not bound to accept any Proposal you receive.

We remain,

Yours sincerely

Authorized Signature [in full and initials];

Name and Title of Signature:

Name of Firm:

Address:

Date:

CONSULTANT’S ORGANIZATION AND EXPERIENCE

A- Consultant’s Organization

[Provide here a brief description of the background and organization of your firm/entity and each associate for this Assignment/job. The brief description must include ownership details, date and place of incorporation of the firm, objectives of the firm etc. Also if the consultant has formed a consortium, details of each of the member of the consortium, name of lead members etc shall be provided]

B- Consultant’s Experience

[Using the format below, provide information on each Assignment/job for which your firm, and each partner in the case of consortium or joint venture, was legally contracted either individually as a corporate entity or as one of the major partners within an association, for carrying out consulting Assignment/job similar to the ones requested under this Assignment/Job (if possible, the employer shall specify exact assignment/job for which experience details may be submitted). In case of consortium, association of consultants, the consultant must furnish the following information for each of the consortium member separately]

A) Organizational Experience

Sl. No	Name of Entity with complete Communication address.	Order No. and Date	Scope of Consultancy work	Date of award of contract & Contract Period	Value of Contract	Actual Date of Completion	Person / Project authority who could be contracted for further information.	Supporting Document

B) Skill & Competencies & Key Personnel

Sl. No.	Name of the Key Personnel	Qualification / Professional qualification	Proof of Years Experience	Details of Experience	Remarks

C) Gross Annual Revenue (in `)

Financial year	Gross Annual Revenue / Turnover	Revenue / Turnover from consultancy business	Remarks
2019-20			
2020-21			
2021-22			

Signature and Seal

Note: Please provide documentary evidence from the client i.e. copy of work order, contract and completion certificate for each of above mentioned assignments. The Competent Authority of the consulting firm shall self-certify if the firm has non-disclosure agreements with its clients. The experience shall not be considered for evaluation if such requisite support documents are not provided with the proposal. In case of selection, the details of work order, contract and completion certificate which have non-disclosure agreements shall be submitted for verification.

CURRICULUM VITAE (CV) FOR PROPOSED KEY PERSONNEL

1. Proposed Position :
[For each position of key professional separate from Tech-5 will be prepared]:
2. Name of Firm :
[Insert name of firm proposing the Staff]:
3. Name of Staff :
[Insert full name]:
4. Date of birth :
5. Nationality :
6. Education :
[Indicate college/university and other specialized education of staff member, giving names of institutions, degrees obtained, and dates of obtainment]:
7. Membership of Professional Associations :
8. Other Training :
9. Countries of work experience :
[List countries where staff has worked in the last ten years]:
10. Languages :
[For each language indicate proficiency: good, fair, or poor in speaking, reading, and writing]:
11. Employment Record :
[Starting with present position, list in reverse order every employment held by staff member since graduation, giving for each employment (see format here below): dates of employment name of employing organization, positions held]:

From [Year]: To Year]
Employer:

Positions held:
12. Detailed Tasks Assigned :
[List all tasks to be performed under this Assignment/Job]:

13. Work undertaken that best illustrates Capability to Handle the Tasks Assigned: [Among the Assignment/Jobs in which the staff has been involved, indicate the following information for those Assignment/jobs that best illustrate staff capability to handle the tasks listed under point 12]

Name of Assignment/job or project: Year:

Location:

Employer:

Main project features:

Positions held:

Activities performed:

14. Certification :

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any wilful misstatement described herein may lead to my disqualification or dismissal, if engaged.

[Signature of staff member or authorized representative of the staff]

[Full name of authorized representative]

Date :

Place :

**INFORMATION REGARDING ANY CONFLICTING ACTIVITIES AND
DECLARATION THEROF**

Are there any activities carried out by your firm or group company or any member of the consortium which are of conflicting nature as mentioned in RFQ, If yes, please furnish details of any such activities.

If no, please certify,

We hereby declare that our firm our associate/group firm or any of the member of the consortium are not indulged in any such activities which can be termed as the conflicting activities at this present moment. Further, we hereby agree to disclose any further conflicting activities, in case they occur, till the finalization of the bid. We also acknowledge that in case of misrepresentation of the information, our proposals/contract shall be rejected/terminated by the employer which shall be binding on us.

Authorized Signature [in Full and initials]:

Name and Title of Signatory:

Name of Firm:

Address:

Date: