

Government of India
Ministry of Panchayati Raj

Request for Proposal (RFP) cum Terms of Reference (TOR)

For

“To Review the status of amendments of various Acts by the States in compliance to the provisions of PESA Act and their actual implementation”.

1. Introduction:

1.1 The provisions of Panchayats enshrined in Part IX of the Constitution, were extended to Fifth Schedule Areas (FSA) with the enactment of “The Provisions of the Panchayats (Extension to the Scheduled Areas) Act” in 1996 which is popularly known as PESA Act. The enactment of PESA Act was a major step taken by the Central Government to extend the provisions of Part IX with certain modifications and exceptions wherein Gram Sabha has been given specific powers and responsibilities. As per the Act, the legislatures of States are mandated not to make any law which is inconsistent with the provisions of the PESA Act.

1.2 The powers vested with Gram Sabha (GS) and Gram Panchayat (GP) under the Act, which include approval of plans, programmes and projects for social and economic development, mandatory consultation before acquisition of land in the FSA for development projects and before resettling or rehabilitating persons affected by such projects, mandatory recommendations prior to grant of prospecting licence or mining lease and grant of concessions for exploitation of minor minerals in FSA. GSs have been mandated to resolve minor disputes through their traditional ways of dispute resolution, selection of beneficiaries and issue of utilization certificates. In short, PESA Act mainly aims to protect the tribal population from exploitation by making Gram Sabha and Gram Panchayat centers of self-governance and has laid special emphasis on empowering Gram Sabha.

1.3 Recognizing the importance of PESA, the Government of India has been making efforts to ensure effective implementation of PESA in partnership with the State Governments. Ministry of Panchayati Raj is pursuing with State Governments having FSA to amend their Panchayati Raj Acts and other subject laws to make them compliant to the provisions of the PESA Act. Consequent to the enactment of PESA Act, States having FSA have taken steps to amend respective Panchayati Raj Acts and subject laws in compliance with the PESA Act but certain gaps continue to exist. Therefore, the purpose of the proposed study is to come out with detailed document on the amendments of various Acts by the States in compliance of PESA provisions and actual implementation (including impact of any recent legislation on PESA provisions).

2. Proposed theme of the study

“To review the status of amendments of various Acts by the States in compliance to the provisions of PESA Act and their actual implementation”

3. Methodology, Scope and Expected Outcomes

The methodology used for this study will be finalized by the selected agency in consultation with the Ministry of Panchayati Raj. This research study would include detailed literature review, interactions with officials of PR Departments and other related departments, ERs and residents of GPs. It should cover

- a) Review of existing gaps in State Panchayati Raj Acts and Subject laws not yet consistent with the PESA provisions.
- b) Whether State Rules are adequate for effective implementation of the provisions of PESA Act.
- c) Review of new legislations of the States if any, which have impact on the effective implementation of PESA Act.
- d) Whether the Panchayats, particularly the Gram Panchayats, are able to discharge their functions and responsibilities in compliance with the provisions of PESA Act and State PR Acts
- e) The status of notification of “village” by the State Government for the purpose of having a separate Gram Sabha within a GP
- f) Whether village level institutions have been strengthened/empowered as envisaged in the Act and Rules and whether adequate manpower and infrastructure have been provided to GS/GP to discharge their

functions effectively.

The selected agency should cover at least two districts (having one fully and one partially notified FSA) each in the States of Madhya Pradesh, Maharashtra, Andhra Pradesh, Telangana, Jharkhand, Odisha and Chattisgarh, one district each in Himachal Pradesh, Rajasthan and Gujarat, two intermediate Panchayats in each such district and two Gram Panchayats in each such Intermediate Panchayat.

The study should bring out detailed information on the points mentioned above after carefully analyzing the information/suggestions received during interactions with the elected representatives, officials of Panchayat Raj and other related departments and the residents of the GPs covering all sections of society, SC/STs and others.

4. Time Frame for Submission of Reports

The reports should be submitted within 180 days (i.e. 6 months) of award of the assignment as per the following schedule. The submission of the final report will have to be done within a period of twenty days from the date from which comments by MoPR has been received. A presentation has to be made to the Ministry of Panchayati Raj before the final report is prepared and presented to MoPR. A penalty @ 10% of the contract value for delay upto two months will be levied in the case of non-completion of work satisfactorily within the stipulated timeframe. Beyond two months, penalty of 20% of the contract value will be levied upon.

S. N.	Activity	Timeline
1.	Study, design, preparation of tools and examination of various reports, etc.	By end of 30 days
2.	Field visits/interaction with stakeholders	By end of 90 days
3.	Analysis and derivation of conclusions	By end of 120 days
4.	Submission of draft reports	By end of 140 days
5.	Submission of final reports (<i>in English</i>) & <i>Hindi both</i>)	Within 20 days of receipt of comments from MoPR.

5. Projected Cost

The selected institute may provide project cost in following indicative format in a sealed separate envelope marked as “Financial Bids”. This format is only indicative, the institute/ agency may provide further details:

Sl. No.	Activity	Cost per state (Rs.)
1.	Honorarium to Staff to be deployed	
2.	Travel /lodging & boarding / Incidentals	
3.	Cost of translation of Manual from English to Hindi	
	Total	
4.	10% overhead charges	
5.	Service tax	
6.	Proposed Total Cost for the Project	

6. Eligibility Norms

The agency must have the following qualifications and experience to be eligible to apply:

- i. The organization must be a legal entity eligible to enter into an agreement/ contract with the Ministry to undertake work contract in India.
- ii. Specialized agencies having expertise in rural domain. It should have experience of carrying out at least three similar studies of rural programmes/schemes of the Government of India in the last five years (*as on January 01, 2015*).
- iii. It should have professionals with expertise in conducting studies related to rural social sector schemes, project management, capacity building, evaluation & review of projects & institutional development, etc.
- iv. The agency should cover all the 10 States as stated in para 3 above.
- v. The agency should not be blacklisted by any Central / State Departments.
- vi. The organization must be registered on or before 1st May 2010.
- vii. The organization must provide audited accounts of 2015-16, 2014-15 and 2013-14.

- viii. The organization must demonstrate the availability of at least five experts capable of undertaking research.
- ix. Organization must submit EMD.
- x. The technical and financial bids are submitted separately.

7. Selection Process

After the preliminary scrutiny by the Tender Opening Committee (TOC), the proposals (bids) would be placed before a Consultancy Evaluation Committee (CEC) for further evaluation. The selection of agency will be made by a duly constituted selection committee as mentioned above. The selection committee shall follow the below mentioned evaluation criteria:

S. No.	Evaluation Parameters	Marks	Weightage
A	Technical Evaluation	100	70%
(i)	<i>Team composition and expertise</i>	50	
	1. Qualifications and experience of team leader including previous studies conducted and reports published. <i>(Minimum Post Graduate & Doctorate with 10 years of experience in rural domain)</i>	20	
	2. Qualification and experience of two senior members <i>(other than leader)</i> of the research team Post Graduate with 7 years of experience in rural domain = 10 marks Post Graduate & Doctorate with 7 years of experience in rural domain = 20 marks	20	
	3. No. of experts in Panchayat domain.	10	

	<p>Less than two experts = 5marks</p> <p>Two to Five Experts = 8 marks</p> <p>More than Five Experts = 10 Marks</p>		
(ii)	Manpower and Infrastructure Available with the Agency	10	
	Number of full time research staff in the agency	5	
	Number of Offices / Regional Offices in other States	5	
(iii)	Past Experience of the Organization (Research / Study / Published Reports)	15	
	1. Organization experience in similar assignments (15 marks if at least 5 similar assignments undertaken & completed successfully in the past 5 years for Govt. of India/PSUs. 8 marks if 3 similar assignments undertaken & completed in the last 5 years. Else Nil.)	10	
	2. Number of research / study reports published related to Rural Areas (<i>Panchayat Level</i>) (5 marks if at least 5 reports published in last 3 years. 3 marks if at 3 reports published. Else Nil)	5	
(v)	Approach and Methodology:	15	
	a. Whether in consonance with the objectives of the TOR & includes all aspects mentioned in TOR.	10	
	b. Quality of research design / strategy	5	
(vi)	Plan to organize the study:	10	
	1. Whether appropriate manpower & appropriate time lines for various steps of the study have been indicated?	10	

B.	Financial Evaluation:	100	30%
	Total project cost with financial breakup		
	(Professional fees <i>(with categories)</i> , operational expenses and applicable taxes are to be shown separately)		

Note:

- a) Minimum qualifying score in technical evaluation will be 75 out of 100.
- b) The financial bids will be opened only of those agencies, which meet minimum requirements as mentioned in eligibility norms & fulfils the minimum technical evaluation parameters mentioned above.
- c) Financial evaluation marks will be calculated in proportionate to lowest bid *(for instance lowest financial bid will get 30 marks)*.
- d) The agency that gets highest mark based on above evaluation criteria and as recommended by the Consultancy Evaluation Committee will be awarded with the work of evaluation.

8. Payment to the Agency

The payment of the sanctioned amount will be made in three instalments of 30:30:40. The first instalment of 30% will be released after the agency submits the requisite bond, a Performance Security in the form of fixed deposit receipts, bank guarantee, detailed study design, including methodology and size etc., details of project team, time-lines of various stages of preparation of the report. The study design and methodology to be adopted should be presented and got approved from MoPR before starting the process. The second instalment of 30% will be released after (i) A presentation is made on the Draft Report; (ii) Assessment and acceptance of Draft report by MoPR and (iii) Furnishing of Utilization Certificate (refer the sanction order for the release of first installment).

The third (final) installment of 40% will be released subject to Final report *(10 hard copies along with soft copy on a CD and a pen drive)* incorporating the suggestions of MoPR after making final presentation is submitted by the institution/organization along with Utilization Certificate. Final payment will be released within 30 days of the assessment and acceptance of the final report.

9. Other Term & Conditions:

Interested agencies may submit their detailed information & bids (*As per Annexure-II*) latest by 25th January, 2017 in separate cover to be super-scribed as **Bids for engagement of agency "To review the status of amendments of various Acts by the States in compliance to the provisions of PESA Act and their actual implementation" to:-**

- a) **Shri K. S. Panchpal,**
Deputy Secretary (AR&RS),
Ministry of Panchayati Raj,
Room No. 128, 1st Floor, Sardar Patel Bhawan,
Parliament Street, New Delhi – 110001
Ph.: (011) – 23746560

Please note that two copies of the bids mentioning “original” and “a copy” should be furnished in a sealed cover. In case of any discrepancy “original” version will prevail. Documents in electronic form will not be accepted at the time of bid submission, however clarification related to bid may be submitted in electronic form. The technical and financial bids are to be submitted separately in sealed envelopes in “original” and “a copy”.

- b) The Technical bids will be opened by the Tender Opening Committee (TOC) at 4:30 PM on 31st January, 2017 in the presence of the bidders who wish to be present on the given time & date.
- c) Ministry reserves the right to reject any bid proposal without assigning any reasons if bid does not fulfil the criteria mentioned in this document.
- d) Along with the proposal (Technical bids), Earnest Money Deposit (EMD) of Rs. 5.00 lakh may be furnished by way of a Demand Draft/Fixed Deposit Receipt/Bank Guarantee (*valid for 180 days*) drawn in favor of “Section Officer” (Cash), Ministry of Panchayati Raj, payable at New Delhi. Proposals not accompanied by EMD will not be entertained. The EMD will be returned to the unsuccessful bidders as soon as possible. The refund of EMD shall not carry any interest. The EMD of the successful bidder will be refunded on receipt of performance security

before signing the contract. The performance security shall be @ 10% of the value of the contract which would be valid for a period of 60 days beyond completion of all contractual obligations.

- e) As the duration of the study is short, the agency must have skill base of large, expert manpower (*permanent as well as temporarily hired*) for conducting and coordinating data collection, data scrutiny, data filtering and data analysis simultaneously from the different States concerned. No requirement of manpower will be met by the Ministry of Panchayati Raj.
- f) The data generated from the study would be the sole property of the Ministry of Panchayati Raj. However, the evaluator may be allowed to use the data specifically for research/analysis with the prior permission of the Ministry of Panchayati Raj.
- g) Neither any capital cost would be incurred under the fee money for the evaluation nor would any liability be created for the Ministry of Panchayati Raj, beyond the original fee sanctioned to conduct the evaluation for the Agency.
- h) Ministry of Panchayati Raj reserves the right to terminate the Agency contract at any point of time without assigning any reasons. In such eventuality, the agency shall have to refund the amount released by the Government together with the penal interest of 10 % per annum. Any dispute in this regard would be subject to jurisdiction of courts in Delhi.
