

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

**INVITING REQUEST FOR PROPOSAL (RFP)
FOR INSTITUTIONAL REPORT
FOR TDSAT**

TELECOM DISPUTES SETTLEMENT AND APPELLATE TRIBUNAL

3rd& 4th Floor, Samrat Hotel

Chanakyapuri,

New Delhi 110021

Request for Proposal (RFP)
for
“Institutional Report For TDSAT”

1. Introduction

1.1 Brief about TDSAT

Telecom Disputes Settlement and Appellate Tribunal (TDSAT) was established by the Central Government under section 14 of the Telecom Regulatory Authority of India Act, 1997 (as amended) to adjudicate any dispute involving licensor, licensee and a group of consumers. The Appellate Tribunal exercises both original as well as appellate jurisdiction. The TDSAT has been hearing the cases since the year 2001. The TDSAT comprises of a Chairperson and not more than two members. Initially the jurisdiction of the Appellate Tribunal was on telecommunication matters but in January, 2004, the Central Government, by way of a Notification, extended the jurisdiction of the Appellate Tribunal to Broadcasting services as well. In terms of the provisions of Finance Act, 2017, the jurisdiction of TDSAT was further extended to cover cyber matters and airport tariff matters, the jurisdiction over which was earlier exercised by the erstwhile Cyber Appellate Tribunal and the Airports



Economic Regulatory Authority Appellate Tribunal which stand merged with the TDSAT.

2. RFP Scope

Preparation, printing and publishing of a comprehensive report to capture TDSAT's function as an Institution, which has 18 years of history and the Report should throw light on the impact of the Institution on industry and stakeholders. The proposed report should include the gist of important judgments delivered by TDSAT since its inception, various activities undertaken by the Appellate Tribunal, statistical analysis of the cases disposed of by the TDSAT on various issues and also its institutional journey so far.

3. Request for Proposal

The TDSAT invites RFP Bids in the Format given at Annexure-I & Annexure-II.

3.1 Eligibility Conditions

The Bidder is required to meet the following criteria and submit documentary proof along with its offer:

- (i) The bidder should be a corporate entity duly incorporated in India under the relevant laws and has been engaged in the business of providing research-based analysis/report/output of the Institutions, preferably Courts/Tribunals.



- (ii) The bidder must have an experience of working on research project for a Court/Tribunal.
- (iii) The bidder is required to submit its profile for the last three years.
- (iv) The bidder should have a minimum experience of 3 years and must have undertaken research project in Government Departments/PSUs/Statutory institutions, etc., in the last three years.
- (v) The bidder should have a valid GST registration certificate.
- (vi) The bidder should not have been blacklisted for any reason by any Central/State Government departments, Autonomous bodies, Private organisation from participating in projects either individually or as a member of a consortium as on the date of submission of RFP. The bidder will be required to provide detailed manpower costing (designation wise).

3.2 Earnest Money Deposit (EMD)

The bidder needs to submit refundable EMD of Rs. 10,000/- in the form of Demand Draft (DD) drawn in favour of "DDO, TDSAT" along with RFP .

The EMD will be refunded to those bidders who do not qualify under this RFP.



The EMD of the successful bidder will be refunded after the submission of Bank Guarantee in favour of "DDO, TDSAT" which is required to be submitted upon award of work/project to qualified successful bidder.

3.3 Validity of the RFP

The RFP bid submitted by the bidder will be valid for 180 days from the last date of submission of the bid.

3.4 RFP Submission

All the necessary information as sought in this RFP is required to be provided by the Bidder before the last date and time of submission.

The last date for submission of RFP is **17th May, 2019, not later than 2.00 p.m.** Any RFP received after the specified date shall be rejected and returned unopened. TDSAT reserves the right to accept or reject an RFP without assigning any reason.


3.5 Pre-Bid Meeting/Clarifications

A Pre-bid meeting of all the Bidders will be convened as follows:

(i) Date of pre-bid Meeting: 3rd May, 2019.

(ii) Time of pre-bid Meeting: 2:30 p.m.

(iii) Venue: TDSAT, Room No. 472, 4th floor, Samrat Hotel, New Delhi
110021



3.6 Documents to be enclosed with RFP

- (i) RFP document duly signed and stamped on each page
- (ii) Bid form containing complete details such as company/firm name, address etc., as per Annexure-I.
- (iii) Bidder's disclosure to support the various clauses in the eligibility criteria as per Annexure-I.
- (iv) Authority letter to designate a person to interact with TDSAT.

3.7 Bid submission

The Bid is to be submitted in one sealed cover mentioning "RFP for Institutional Report For TDSAT" containing two separate envelopes as explained below:

Envelope A: It should contain all the documents alongwith Demand Draft towards Earnest Money Deposit. The outer cover should mention "Envelope A- Eligibility Documents as per Annexure-I".

Envelope B: It should contain quoted rates for the work/project. The outer cover should mention "Envelope B-Financial Bid" as per Annexure-II.

3.8 Opening of Bids

The bids will be opened as per the following schedule.

- i. Date: 17th May, 2019.



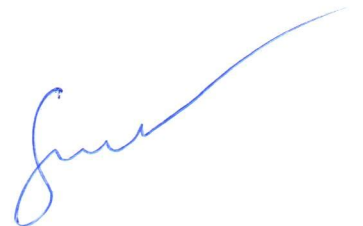
ii. Time: 2:30 p.m.

iii. Venue: TDSAT, 472, 4th floor, Samrat Hotel, New Delhi

In case there is any change in the schedule, information will be sent through email to the participating bidders at least three working days prior to convening of such a meeting.

3.9 Instructions to the bidders

- (i) TDSAT may at its discretion- extend the deadline for the submission of RFP by amending the RFP documents, in which case all rights and obligations of TDSAT and bidders previously, subject to the deadline, will thereafter be subjected to the deadline as extended.
- (ii) To assist in the examination, evaluation and comparison of RFP, TDSAT at its discretion can ask the bidder for clarification of its RFP. The request for clarification and the response shall be in writing. However, post submission of RFP, clarification at the initiative of the bidder, shall not be entertained.
- (iii) Prior to submitting their RFP, the Bidders, if they so desire, may ask for any clarification(s) from TDSAT on e-mail id: dr.tdsat@nic.in
- (iv) Bidders may be called for making a presentation before the TDSAT committee.
- (v) TDSAT representative may visit bidder's facilities for the assessment.



- (vi) At any time before the submission of RFP, TDSAT may carry out amendment to this RFP document and/or the schedule. The amendment will be made available on the website **www.tdsat.gov.in** and CPPP portal will be binding on the concerned bidder.
- (vii) The TDSAT reserves the right to accept or reject any application without assigning any reason thereof.
- (viii) Bids that are incomplete in any respect or those that are not consistent with the requirements as specified in this document or those that do not adhere to the formats, wherever specified, may be considered non-responsive and may be liable for rejection and no further correspondences will be entertained with such bidders.
- (ix) Canvassing in any form would disqualify the bidder.
- (x) Any wilful concealment of facts by the bidder, if detected at the time of processing or at any stage later, will lead to its rejection.
- (xi) This RFP does not constitute and will not be deemed to constitute any commitment or confirmation on the part of TDSAT for any work order to the bidders.
- (xii) Successful bidder shall be required to sign an Agreement with the TDSAT on mutually accepted terms and conditions.
- (xiii) The bidder shall bear all costs associated with the preparation and submission of its response to the RFP including cost of



presentation for the purpose of clarification of the offer, if so desired by TDSAT. The TDSAT in no case will be responsible for these costs

(xiv) RFP document duly completed and signed by the authorized signatory must be submitted in a sealed cover superscribing "RFP for Institutional Report For TDSAT"

(xv) Only relevant and precise information should be provided. If any information provided by the bidder is found to be incorrect at any stage it would render his or her bid liable for rejection and the EMD shall be forfeited.

(xvi) Bidders who are willing to work with TDSAT on prescribed terms and conditions may kindly send their RFP in line with the aforesaid requirements to:

Administrative Officer,
TDSAT, Room No. 478,
Hotel Samrat,
Chanakyapuri,
New Delhi 110021
e-mail: ado.tdsat@nic.in

4. Selection Criteria

4.1 The bids will be opened by the duly designated committee on the given date and time in the presence of the bidders, if they choose to be present.

4.2 A duly designated TDSAT committee will evaluate the documents submitted in envelope "A" for its completeness by having a



preliminary scrutiny of the documents, and as per the Eligibility Criteria as mentioned in Annexure. Further the committee will evaluate the nature of past work done and detailed men power cost submitted by vendor, and may call for presentations, site visit to evaluate actual work done.

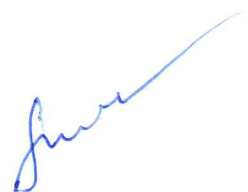
4.3 To provide support for project and for smooth functioning of work and coordination, the selected Bidder needs to have local office in Delhi/NCR.

4.4 The bidders for RFP will be shortlisted and only the shortlisted bidders will be allowed to participate in the Financial Bid. The financial bid will be opened in the presence of the shortlisted bidders, if they decide to be present. The bidder who is found to be successful in Financial Bid will be awarded the work, as per the provisions contained in Rule 193 of GFR 2017.

5. Signing of Agreement

5.1 This Agreement is non-exclusive and nothing in this Agreement will be construed to prevent either party from entering into a similar agreement with any other party or to restrict such Party from directly engaging in related activities.

6. Performance Bank Guarantee



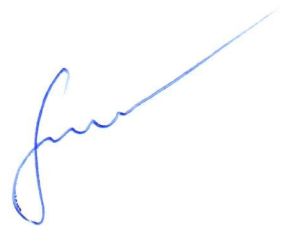
6.1 The ASP (Agreement Signing Party) shall submit a Bank guarantee of 5% of the total cost of the project (amount quoted against RFP) to TDSAT after award of work. The bank guarantee shall be valid for the entire duration of project assignment and deliverables with ASP. TDSAT shall reserve the right to encash the bank guarantee in the event of unsatisfactory execution and delivery of the work by the ASP. Under no circumstances ASP can withdraw or refuse to execute the work, partly or fully, as mentioned in the RFP or proposal submitted (against RFP) by ASP after award of work.

7. Measurable Outcome

7.1 Interested parties need to project a level of measurable outcome (Technical Solution, Data, etc.) to satisfactory level to the evaluation committee. It is required to submit the expected outcome alongwith desired solution, time line & deviation expected, if any.

8. Indemnity

8.1 In no event shall TDSAT be liable to the Bidder for special, direct, indirect or any other damages in connection with or arising out of the performance or use of services provided by the Bidder under the RFP. The Bidder shall indemnify TDSAT in respect of any damages, claim, loss or action against TDSAT for any act of commission or omission on the part of the bidder, its agents or servants.



9. Correspondence

9.1 The bidder shall appoint one of its employees as coordinator who shall represent the Bidder in dealings with TDSAT. All correspondence relating to RFP shall be addressed to

Administrative Officer,
TDSAT, Room No. 478,
Hotel Samrat,
Chanakyapuri,
New Delhi 110021

10. Confidentiality

10.1 All the information collected during RFP process will be the sole property of TDSAT. The Bidder will not transfer/pass on the information to any third party under any circumstances. Further, by signing this RFP document, the bidder confirms that he shall not disclose any information contained in this document or part thereof to any third party without prior written consent of TDSAT .

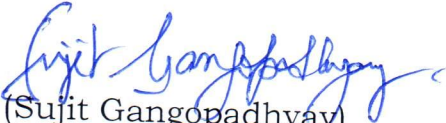
10.2 The authorised representative(s) of the bidder will be allowed to have access to the judicial records of TDSAT exclusively for the purpose of the task mentioned in this document, under the supervision of the staff of the Registry of TDSAT.

10.3 The bidder will be required to submit a “draft report” to TDSAT for taking approval of the competent authority, before proceeding for final printing and publishing of the Report.



11. Arbitration

11.1 In the event of any dispute arising between TDSAT and the Bidder, the matter shall be referred to the Director/HOD, TDSAT who may himself act as sole arbitrator or may name sole arbitrator an officer of TDSAT/Govt. of India notwithstanding the fact that such officer has been directly or indirectly associated with RFP process or the agreement signed between the parties. The bidder shall not be entitled to raise any objection to the appointment of such officer as the sole arbitrator.


(Sujit Gangopadhyay)
Admin. Officer

Annexure - I (Part-A)**Bidder's Profile**

| S.No. | Particulars |
|--------------|--|
| 1 | Name of the Organization: Website: |
| 2. | Name of the Contact Person: Name: Address: Telephone: Fax: Mobile: E-Mail: |
| 3. | Year of Incorporation: |
| 4. | Type of Organization: a. Public Sector/ Public Limited/Private Limited/ Partnership /Proprietorship/ Society/Any other b. Whether Foreign Equity Participation (Please give name of foreign equity participant and percentage thereof) c. Names of Directors of the Board /Proprietors d. Name and address of NRI(s), if any |
| 5. | Category of the firm: Large/Medium/Small Scale Unit |
| 6. | Address of the Registered Office: |
| 7. | Number of Offices with addresses (Excluding Registered Office): India: ----- Abroad:----- |
| 8. | Certificate of registration: |
| 9. | Permanent Account Number: |
| 10. | GST: |
| 11. | Status CMMI/ISO Certification: |



Annexure-I (Part-B)

Eligibility Criteria

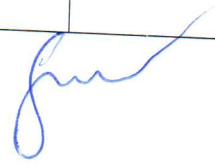
| S.No. | Eligibility Criteria | Qualification | Supporting Document | Document attached Yes/No. |
|-------|--|--|--|---------------------------|
| 1. | The Bidder must be registered under relevant Act. | Minimum 3 years of incorporation/registration on date of publishing of this RFP. | Self attested copy of the Certificate of Incorporation/ partnership/Proprietor ship. | |
| 2. | The Bidder should have PAN and GST Number. | Essential | Self attested GST registration Certificate copy Self attested PAN Card copy | |
| 3. | The Bidder must have minimum experience of 3 years for providing research-based reports. | Minimum 3 years | Self attested certificate along with copy of the work orders | |
| 4. | The Bidder must have provided Research-based reports to atleast three institutions in the last three years preferably Government Departments/ Statutory bodies/Courts/ Tribunals / Constitutional bodies | Minimum 3 in the last three years | Self attested Project completion certificates Self attested copy of work order/contract/ agreement from the client/owner to be submitted Self attested project/work-wise details of technology/tools employed for developing/ implementing/ delivering the | |



| | | | | |
|----|--|--|----|---|
| 5. | Men power strength | Minimum personnel | 10 | <p>solution</p> <p>Self attested Certificate from Head (HR) or Company Secretary for number of professionals employed by the company as on the date of submission of RFP and appropriate supporting undertakings to be attached Self attested resumes of team members</p> |
| 6. | Minimum average overall financial Turnover | Rs. 30 lakhs in the last three financial years, in each year | | <p>Self attested copy of Audited Balance Sheet and Profit and Loss indicating turnover for applicable financial year(s)</p> <p>Self attested copy of Audited Profit and Loss indicating turnover for applicable financial year(s)</p> |
| 7. | Bidder should not be insolvent, in receivership, or being wound up, not have its affairs administered by a court or a judicial officer, not have its business activities suspended and | Essential | | A self declaration/ affidavit executed before the Notary. |



| | | | |
|--|--|--|--|
| <p>must not be the subject of legal proceedings for any of the foregoing reasons</p> <p>Bidder should not have, and their directors and officers not have, been convicted of any criminal offence related to their professional conduct or the making of false statements or misrepresentations as to their qualifications to enter into a procurement contract within a period of three years preceding the commencement of the procurement process, or not have been otherwise disqualified pursuant to debarment proceedings</p> <p>Bidder should comply with the self certification for code of integrity.</p> <p>Bidder should comply with the code of conduct and should not have worked against the</p> | | | |
|--|--|--|--|



| | | | | |
|----|--|---|--|--|
| | interest and sovereignty of the state. | | | |
| 8. | Measurable outcome of the work done | A comprehensive Report on TDSAT since its inception | Assessment Sheet (to be annexed by bidder) | |
| 9. | Time period for preparation of Report | Maximum time of 6 months | Timeline Chart (to be annexed by bidder) | |

for

Annexure-II

Financial Bid

| S.No. | Subject head/ Purpose | Amount in Rupee | GST (INR) | Total (INR) |
|-------|---|--------------------|-----------|-------------|
| 1. | Charges towards collecting data for Institutional Journey of TDSAT and preparation of the finalised comprehensive report. | | | |
| 2. | Charges for printing and publication of 100 nos* of report | | | |
| 3. | Any other expenses (please specify, if any) | | | |
| | Grand Total | | | |

- *Note**
1. Any other taxes and duties levied by the Government from time to time shall be paid extra on actual basis.
 2. Additional copies of the report if any, ordered by TDSAT will be paid proportionally in reference to the rate quoted for S.No.2 above.

