

Date: March 25th, 2017

**APPOINTMENT OF LAW OFFICE TO ACT AS LEGAL CONSULTANT
TO FACILITATE APEDA IN DEALING WITH SPS NOTIFICATIONS
RELATED TO ALL COMMODITIES FROM WTO MEMBER COUNTRIES**

Background:

Agricultural and Processed Food Products Export Development Authority (APEDA), an autonomous organisation under Deptt. of Commerce, Ministry of Commerce & Industry, Govt. of India is mandated with the responsibility for promotion of agricultural and processed agricultural food products from India.

APEDA has been actively involved in agricultural trade facilitation and intends to improve market access for Indian agricultural products at international level. The process involves improving quality of produce and to achieve optimum shelf life resulting into increased quality exports of Indian agriculture products. It also requires addressing the issues of Sanitary and Phyto-Sanitary (SPS), Technical Barriers to Trade (TBT) which are currently resulting in poor market access and hampering exports. Therefore, APEDA wants to increase efficiency in addressing these issues and in view of that, APEDA intends to appoint law offices as legal consultant for APEDA to advise in the matters related to various SPS notifications related to all APEDA scheduled products released by WTO member countries.

Terms of Reference (TOR):

1. Download all the SPS Notifications from the WTO website on a daily basis and identify SPS Notifications that are likely to have significant impact on Indian exports.
2. Disseminate the identified SPS Notifications to all domestic stakeholders, including the concerned Ministry, Commodity Boards, Export Promotion Councils, and industry body / associations.
3. The Law firm will forward a copy of the English translation of the actual notifications. For the purpose, they may obtain English translation from the Enquiry Points of EC, US, etc., if required.
4. Examine the comments received in (2) above and collate the same to prepare a comprehensive Indian response to the proposed measure and communicate it to the concerned WTO Member with a copy to APEDA and the concerned JS of territorial division in Department of Commerce.
5. List out possible trade restrictive issues that need to be raised with the Member notifying the draft measure.
6. Provide inputs which includes both tariff and non-tariff details on market access issues as and when requested by APEDA.
7. Assist APEDA in responding to the notifications of the other countries by drafting responses.
8. Provide advice on various issues concerning the bilateral, multilateral and regional trade agreements.
9. Send a quarterly performance report/assessment report to APEDA and the Department of Commerce

Tenure of consultancy service: 3 years (on renewable basis)

Eligibility Criterion:

1. A registered individual legal/law consulting firm, with minimum 10 years of experience (individual firm/lead firm) in providing consultancy services in the field of WTO issues to Government sectors. Consortia/tie-ups/Joint Ventures are not permitted.
2. The individual firm should be ISO certified firm and copy of the latest ISO certificate should be submitted.
3. The firm should have an average annual turnover of at least INR 3 crores (three crores only) during each of the last three years (2013-14, 2014-15, 2015-16). The turnover should include income from consultancy fee only.

4. The firm should have national / international experience in providing consultancy services in WTO – SPS/TBT matters for Exporters, Importers, Intl. Trade House etc.
5. The firm should have experience of liasoning with trade bodies / associations during the last 10 years
6. Team leader and Senior Associates should have atleast 10 years of working experience with government, industry and stakeholders who are involved in SPS & TBT issues. Experience certificate from the previous organisation with whom similar activity was carried out.
7. Other team members should have atleast 5 years working experience and dedicated team of atleast five people who will work on SPS & TBT issues.
8. The firm should submit CV of the team leader and team members who will be associated in this work.
9. Team should have the capability to prepare background notes and points to be raised in any bilateral meeting/trade meeting negotiations that may happen due to SPS/TBT notifications.
10. Translation of WTO notifications, in English, wherever required.

Sr.No	Eligibility Criterion	Does the applicant meet the criterion
1.	A registered consulting firm with minimum 10 years of experience in providing consultancy services in the field of WTO-SPS/TBT related issues	
2.	Copy of the ISO certificate	
3.	Annual turnover of at least INR 3 crores (three crores only) during each of the last three years available	
4.	National/international experience in providing consultancy services in WTO-SPS/TBT for Governments	
5.	National/international experience in liasoning with trade bodies / associations for Governments (National or State Governments)	
6.	Dedicated team of atleast five people, their names, qualification & experience who will work on SPS & TBT issues	
7.	CV of the team leader and team members who will be associated in this work. The CV should mention the names of the organisations where similar activity has been carried out.	
8.	Experience certificate from the previous organisation with whom similar activity was carried out.	
9.	Team should have the capability to prepare background notes and points to be raised in any bilateral meeting that may happen due to SPS/TBT notifications.	
10.	Ability to provide translation of WTO notifications, in English, wherever required	

Earnest Money Deposit (EMD): Consultant should submit an EMD of INR .Rs.1 lakh (Rs. One lakh only). The EMD should be prepared in favour of APEDA, New Delhi. The EMD will be refunded after the selection process is over. The draft should be from the Nationalized /Scheduled Bank.

The agency qualifying the above criteria shall submit the bid in two separate covers as follows:

- **Cover A – Technical bid**: containing all documents supporting the eligibility criteria along with the approach, methodology, work plan and team structure & detailed CVs. It should include the following:
 - a) Last 3 years balance sheet / audited statement of accounts
 - b) Authenticated copy of certificates of incorporation / registration of the organization
 - c) List of relevant services rendered during last three years with work order and completion certificates
 - d) Authenticated copy of service tax registration certificate
 - e) PAN Card
- **Cover B would include financial bid.**
- These two sealed covers (A&B) should be kept under an outer envelope (cover) for sending to APEDA office.
- A pre-bid meeting to explain the exact scope of the assignment and resolve the queries of the participating firms will be organised by APEDA.

Selection Criterion:

The proposal submitted by the consultant will be evaluated on the credential & experience of lead firm,/Law firm, suitability of approach & methodology the team proposed. The financial bid of only those consultants would be opened who score minimum of **49%** in the technical evaluation phase. The consultant would be selected as Legal Consultant based on QCBS criteria. The final score would be calculated as follows:

For financial scores:

$S_f = 100 \times F_m / F$, in which S_f is the financial score, F_m is the lowest price and F the price of the proposal under consideration.

For final composite score:

The weights given to the Technical and Financial Proposals are:

T = 0.70

F = 0.30

Criterion 3: Experience of working with Central Government / APEDA / Multinationals / Private sector in WTO SPS/TBT issues (10 marks)

The marking pattern will be:

Total services rendered	Maximum Marks
0	0
1	1
2	2
3 & above	4

Name of the Firm	Type of services rendered	Name of the service rendered	Time period	Name of Client	Total value of the assignment	Marks Obtained

Payment schedule:

The consultant need to quote quarterly rate (inclusive of taxes) for the work assigned above.

The payment will be released after receipt of the bill alongwith quarterly report submitted by the Law firm.

Note: Quotes to be inclusive of all applicable taxes.

For further clarification please contact:
General Manager (P&A)
APEDA
NCUI Building 3, Siri Institutional Area,
August Kranti Marg, New Delhi - 110 016,
India
Phone : 91-11-26526196

Application format

Sl. No.	Particulars	Details
1.	Name of the agency	
2.	Address	
3.	Name of the Chief Executive	
4.	Approach & Methodology	
5.	Financial turnover of the agency in the last 3 financial years 2013-14 to 2015-16	
6.	Experience of the agency in undertaking the task of WTO SPS/TBT issues	
7.	Experience of working with Central Government/Multinationals/APEDA in the areas of SPS/TBT and other WTO related matters	
8.	Experience of the team leader	
9.	Details of EMD	

Date:

(Signature of the Authorized
Signatory with Company Seal)