

Dated: 27.05.2022

No. WTO-2021-22-000046

'Last date for bid: 10 days from the date of advertisement'

Sub:- Inviting bids from Firm/Agency for preparation of Compendium of SPS/TBT issues by mapping of Sanitary and Phytosanitary (SPS) measures and Technical Barriers to Trade (TBT) of Indian (agricultural) products including all fruits, nuts and vegetables in importing Countries, capacity building and handholding of Stakeholders

Bids are invited from Firms/Agencies for mapping of Sanitary and Phytosanitary (SPS) measures and Technical Barriers to Trade (TBT) of Indian (agricultural) products including all fruits, nuts and vegetables in importing countries, prepare a detailed Compendium of the SPS/TBT issues of the importing countries, Capacity building and handholding of the stakeholders on the SPS/TBT requirements.

The applicant agency must be well versed with the WTO norms, SPS and TBT measures, its implications on international trade and India's exports, foreign trade etc.

Application in sealed covers should reach the Deputy General Manager (WTO) Agricultural and Processed Food Products Export Development Authority (APEDA), 3rd Floor, NCUI Building, 3 Siri Institutional Area, August Kranti Marg, (Opp. Asiad Village), New Delhi-110 016 within 10 days till 1700 hrs from date of the advertisement. The eligibility criteria, scope of work and other details are available on APEDA website www.apeda.gov.in under the icon - Announcements

TERMS OF REFERENCE

A. Background and Rationale

The Agricultural and Processed Food Products Export Development Authority (APEDA) was established by the Government of India under the Agricultural and Processed Food Products Export Development Authority Act passed by the Parliament in December, 1985. APEDA is mandated with the responsibility of promotion and development of export of its scheduled products, details of which are available on APEDA's website www.apeda.gov.in

APEDA has been actively involved in agricultural trade facilitation and facilitation for market access of Indian agricultural products at international level to expand export destinations.

Sanitary and Phyto-Sanitary (SPS), Technical Barriers to Trade (TBT)

(SPS/TBT) issues are one of the critical factors that affect market access of agri products in the importing countries. Continued compliance to the requirements of importing countries under a dynamic SPS regime needs continuous updation on the issues and challenges to take appropriate action in time and develop a contingency plan during exigency.

Hence, identifying and addressing the (SPS/TBT issues) play a pivotal role in gaining market access and enhancing exports.

B. Objectives of the study

The main objectives of the study is

1. Identify the top 50 Countries importing Agri Products (APEDA Scheduled 719 Tariff lines at 6 digit HS Code)
2. Country wise mapping and compilation of all the 719 APEDA Tariff lines in terms of SPS/TBT barriers/requirements of these products.
3. Preparation of Compendium of SPS/TBT issues of the top 50 Export Destinations
4. Key recommendations for addressing the identified SPS/TBT issues for enhancing exports to the identified 50 Countries.
5. Road map to mitigate SPS/TBT measures impacting Indian Agri Exports
6. Capacity building and Handholding of the stakeholders in addressing the SPS/TBT issues and meeting the regulatory compliance of the importing Countries.

C. Scope of Work

- Identify the top 50 Countries importing Agri Products (APEDA Scheduled 719 Tariff lines at 6 digit HS Code)
- Country wise compilation of all the 719 APEDA Tariff lines in terms of SPS/TBT barriers/requirements of these products.
- Identify and analyze the status of market access of the APEDA scheduled products and constraints in gaining market access in the identified 50 Countries.
- Identify and analyze specific SPS/TBT issues hampering export to these countries inspite of having attained market access.
- List out and analyze the possible trade restrictive issues that need to be raised with the trading partners through the concerned desk in DoC
- Provide in depth analysis on the existing and negotiated trade agreements taking into consideration Country's existing scenario
- Recommendation for addressing the identified SPS/TBT issues to enhance export/gain market access to the identified Countries.
- Road map to mitigate SPS/TBT measures impacting Indian Agri Exports
- Preparation of detailed and comprehensive Compendium of the Study
- Capacity building and Handholding of the stakeholders in addressing the SPS/TBT issues and meeting the regulatory compliance of the importing countries.

D. Timelines – 3 months from commissioning of the Study till submission of final report

E. Deliverables and Timelines

| S.No | Deliverables | Format | Time Frame |
|-------------|--|---|---|
| 1. | Inception Report | Presentation and Document - physical and electronic | Within 2 weeks of commissioning of the Study |
| 2 | Submission of draft report by the Agency | Presentation and document –physical and electronic | Within 8 weeks of commissioning of the Study |
| 3 | Submission of Final report by the Agency | Document –physical and electronic | Within 12 weeks of commissioning of the Study |
| 4 | Acceptance of the Final Report by APEDA/Concurrence by DoC | ----- | Upon receipt of concurrence of DoC |

Eligibility Criterion:

1. A registered Firm/ Agency having minimum three years of experience in providing consultancy services in the field of WTO/Foreign Trade related agricultural exports.
2. The firm/Agency should have a established physical office in India.
3. The firm/Agency should have national / international experience in providing consultancy services in WTO,SPS-TBT matters in field of agriculture exports for Government, Exporters, Importers, International Trade House, etc.;
4. Consortia/tie-ups/Joint Ventures are not permitted;

5. The firm/Agency should have an average annual turnover of at least INR 50 lakhs (fifty lakhs only) during last 3 years (2018-19, 2019-20 and 2020-21).
6. Team leader and Senior Associates should have at least 5 years working experience with Government, Industry and stakeholders etc who are involved in SPS &TBT issues (supporting documents to be provided).
7. There should be a dedicated team of at least five people who will work on this assignment and each member should have at least 3 years experience. The dedicated team must have at least one member with legal background.
8. The firm/Agency 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.
11. Any other relevant matter related to the assignment not specified above but considered necessary for the effective implementation of the assignment, shall be considered as part of the scope of work.

Selection Criterion:

The proposal submitted by the Firm/Agency will be evaluated on the credential & experience, domain knowledge, understanding of the subject and assignment, suitability of approach & methodology, the team proposed etc.

- The marking will be done on all the presentations. The applicant who secures minimum 70% marks (49 out of 70 marks) in technical presentations will be shortlisted for submitting financial bids.
- Financial bid will carry a maximum of 30 marks. The calculation of marking will have the following method:
L1 = 30 marks
L2 = 30xL1 (the cost quoted by L1/L2 (the cost quoted by L2) and in similar fashion for L3, L4 etc. (depending on no. of parties).

After the financial marks are obtained the technical and financial marks will be added up and the bidder scoring highest aggregate marks will stand selected.

TERMS AND CONDITIONS

It shall be the sole responsibility of the Firm/Agency to ensure all activities undertaken by them are as per the scope of work and agreed terms and conditions. The Firm/Agency shall carry out its obligations here under with all due diligence, efficiency in accordance with generally accepted professional techniques and practices, and shall observe sound management practices.

Confidentiality:

Firm/Agency will ensure that its experts and the Personnel appointed for the work, during the term of this assignment, shall not disclose any proprietary or confidential information relating to the work contrary to the interest of India's trade.

Conflict of Interest:

Firm/Agency shall submit an undertaking to the effect that neither the Agency nor their external experts nor the Personnel associated in the assignment shall engage, either directly or indirectly, during the term of this work, any business or professional activities which would conflict with the activities assigned to them under this assignment.

Availability of the Senior experts & Core team:

The Firm/Agency will submit an undertaking regarding availability of their Lead and Senior Experts as well as Core team as and when required for disposal of urgent matters, accompanying as expert in Ministerial meetings, providing inputs at a short notice etc.

Documents Prepared by the Firm/Agency to be the Property of the APEDA: All Consultation Paper/ Reports, other documents submitted by the Firm/Agency pursuant to this assignment shall become and remain the property of the APEDA, and the Firm/Agency shall, not later than upon termination or expiration of this work, deliver all such documents to APEDA, together with a detailed inventory thereof. The entire database and applications developed, maintained and hosted shall be the assets of the APEDA and shall be handed over to the APEDA on expiry /termination of the Agreement.

APEDA reserves the right to:

- Cancel the contract with the selected party in part or in the whole at any time if in the opinion of the APEDA, the deliverables are not in line with the expected output.
- The decision of the APEDA shall be final and binding in this regard. APEDA shall not be responsible for any damage or loss caused or arises out of aforesaid action.

- Modify terms and conditions of the contract, if in the opinion of the APEDA, it is necessary or expedient to do so in public interest or for proper implementation of the assignment. The decision of the APEDA shall be final and binding in this regard.
- For interpretation of any clause of this document, the decision of Chairman APEDA would be final and binding on both the parties.

Arbitration

All matters of dispute arising out of this shall be governed by Indian law and subject to Court jurisdiction in New Delhi only. Both the parties shall make all efforts to resolve any dispute by way of reconciliation. In the event of any question, dispute or difference arising under the agreement in connection therewith (except as to matters, the decision to which is specifically provided under this agreement) remains unresolved, the same shall be referred to sole arbitration to be appointed by the CHAIRMAN, APEDA and the decision given shall be binding on the parties. The provisions of Indian Arbitration & Conciliation Act 1996 shall apply on both the parties. The venue of the arbitration proceeding shall be the office of APEDA or such other place as the CHAIRMAN, APEDA may decide. Upon any and every reference as aforesaid, the assessment of costs and incidental expenses in the proceedings for the award shall be at the discretion of the CHAIRMAN, APEDA.

The firm/agency qualifying the eligibility 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) Turnover certificate (only fee) by a practicing Chartered Accountant with UDIN for the last 3 years. i.e., 2018-19, 2019-20 and 2020-21.
 - b) Authenticated copy of certificates of incorporation / registration of the organization
 - c) List of relevant services rendered during last three years with supporting documentary evidence.
 - d) Authenticated copy of GST registration certificate.
 - e) Copy of PAN Card
- **Cover B**- would include financial bid.

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Application format (Cover A)

| S. No. | Particulars | Details |
|---------------|---|----------------|
| 1. | Name of the Firm/Agency | |
| 2. | Address, email and phone number | |
| 3. | Name and Designation of the Authorized Signatory with email and mobile no. | |
| 4. | Approach & Methodology for activities required by APEDA | |
| 5. | List of relevant services rendered during the last three financial years along with work order and completion certificate | |
| 6. | Financial turnover of the Firm/Agency, during last 3 financial years 2018-19 to 2020-21 | |
| 7. | Experience of the firm/agency in undertaking the task of WTO for SPS- TBT issues | |
| 8. | Experience of the team leader alongwith CVs of the team members | |
| 9. | Copies of GST registration, PAN card, Firm incorporation/ Registration certificate etc | |

Date

(Signature of the
Authorized Signatory
with Company Seal)