

Airports Economic Regulatory Authority of India

EoI No. 04/2019-20

Expression of Interest (EOI) for
Empanelment of Consulting
Agencies to Assist AERA in
Determination of Tariff and for
conduct of Strategic & Economic
Studies

Policy & Statistics Division



सत्यमेव जयते

2020

AERA playing a pivotal role in adoption and adherence to quality standards relating to Quality, Continuity and Reliability of Services at Major Airports having significant bearing on investment in airport facilities, protection of reasonable interest of users, operational efficiency and economic viability of Major Airports

EXPRESSION OF INTEREST (EOI) OF CONSULTING AGENCIES TO ASSIST AERA IN DETERMINATION OF TARIFF AND TO CONDUCT STRATEGIC & ECONOMIC STUDIES

Bid Information

Airports Economic Regulatory Authority of India plays a vital role in fostering a healthy competition amongst all Major Airports, encouraging investment in airport facilities, protection of reasonable interests of users, operation of efficient, economic and viable airports through regulations of tariff for aero nautical services/activities and also monitors performance standards at Major Airports.

AERA invites EOI from reputed Consulting Agencies (hereinafter referred to as “Agencies”) for “**Empanelment of Consulting Agencies**” under different categories to assist AERA in determination of tariff for aero nautical services/activities, evaluation of tariff proposals, studies for traffic forecast, technical feasibility studies and reviews, life cycle costing and analysis, cost of equity, efficient cost of operation & maintenance, asset allocation, monitoring of performance standards and airport audits etc. Towards this endeavor, AERA intends to prepare a panel of reputed Consulting Agencies for the aforesaid consultancy services/ studies which would be broadly in following areas:

Area	Nature of Work
Tariff Determination	<ul style="list-style-type: none"> • In determination of tariffs for Aeronautical services at major airports. • Studies related to Cost of Equity and its reasonableness in relation to Industry & returns to the Airport. • Determination of efficiency and reasonableness of O&M costs including segregation into aero vs. non-aero costs. • Determination of the allocation of Assets between Aeronautical and Non Aeronautical activities.
Economic and other Studies	<ul style="list-style-type: none"> • Strategic and economic regulatory studies. Financial feasibility studies for Airport segment • Develop knowledge map(s) including knowledge/databases in identified areas; • Develop guidelines/manuals including templates for project

	<p>documentation, drafting agreements,;</p> <ul style="list-style-type: none"> • Conduct impact assessment, Setting up and monitoring of performance standards and its evaluation studies including benchmarking and performance measurements. • Review of existing guidelines, proposing improvements and recommendation of new ideas within the overall mandate of the regulatory framework. • Undertake Traffic projection Studies including carrying out market surveys through collection and analysis of data. • Any other activity.
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Important dates:

The “**Application form for empanelment**” can be downloaded from the AERA website i.e. www.aera.gov.in

The applicant should submit hard copy of the “**Application form for empanelment**” duly filled, along with supporting documents in a sealed envelope subscribing “**Application for Empanelment of Consulting Agencies for Category “-----”**” by post/courier so as to reach this office on or before **05/03/2020; 1600 Hrs.**

Categories of Empanelment

The Consultancy Agencies will be empanelled in following categories, based on their experience and number and types of consulting assignments handled:

Category ‘A’	Shall be empanelled to assist AERA in Consulting Assignments related to Major Airports having annual passenger throughput of 10 MPPA and above.
Category ‘B’	Shall be empanelled to assist AERA in Consulting Assignments related to Major Airports having annual passenger throughput less than 10 MPPA.
Note: - AERA reserves the right to invite Techno Commercial bids for tariff related strategic and economic studies at all Major Airports from Category –‘A’ or Category-‘B’ or ‘Both the Categories’ amongst all the empanelled Consultancy Agency or reserve to open tender.	

Critical Data Sheet

S No.	Activity	Date
1	Start date of downloading of EOI.	12/02/2020
3	Last date for seeking clarifications if any by email or post.	24/02/2020
4	AERA's response to bidder's queries.	28/02/2020
5	Last date for submission of EOI.	05/03/2020; 1600 Hrs.
6	Date of opening of bids.	06/03/2020; 1100 Hrs.

Note : The list of Shortlisted Consulting Agencies in each category will be uploaded on AERA website i.e. [http:// aera.gov.in](http://aera.gov.in)

Correspondence

Proposal to be submitted in sealed envelope should reach by 05/03/2020 before 1600 hours addressed to:

Director (Policy & Statistics)
AERA Administrative Complex, Safdarjung Airport,
New Delhi-110003; e-Mail ID: krishan.ram@aera.gov.in

All future communication / changes / bidders' response/ additional information shall be notified on www.aera.gov.in only.

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SECTION I: BACKGROUND

- 1.1 Airports Economic Regulatory Authority of India (AERA) is a statutory body established by an Act of Parliament and functioning under the Administrative control of Ministry of Civil Aviation. The Parliament of India enacted an Act called “The Airports Economic Regulatory Authority of India Act, 2008” (hereinafter to be referred as the “Act”). The said Act envisages the establishment of a statutory authority called the Airports Economic Regulatory Authority (hereinafter referred to as the “AERA”) to regulate tariff for the aeronautical services, determine other airport charges for services rendered at major airports and to monitor the performance standards of such airports. The provisions of the said Act came into force w.e.f. 1st September, 2009.
- 1.2 AERA, was established by the Government of India vide notification No. GSR 317(E) dated 12th May 2009. The functions of AERA, in respect of major airports, are specified in section 13 of the Act, which are as below:-
- i. to determine the tariff for aeronautical services taking into consideration the capital expenditure incurred and timely investment in the improvement of airport facilities;
 - ii. the service provided, its quality and other relevant factors;
 - iii. the cost for improving efficiency;
 - iv. economic and viable operation of major airports;
 - v. the concession offered by the Central Government in any agreement or memorandum of understanding or otherwise; and
 - vi. any other factor which may be relevant for the purpose of the Act.
 - vii. determine the amount of the development fees;
 - viii. determine the amount of the passengers’ service fee levied under Rule 88 of the Aircraft Rules, 1937 made under the Aircraft Act, 1934;
 - ix. monitor the set performance standards relating to quality, continuity and reliability of service as may be specified by the Central Government or any authority authorized by it in this behalf;

- x. call for any such information as may be necessary to determine the tariff for aeronautical services; and
 - xi. Perform such other functions relating to tariff, as may be entrusted to it by the Central Government or as may be necessary to carry out the provisions of the Act.
- 1.3 The terms ‘aeronautical services’ and ‘major airports’ are defined in Sections 2(a) and 2 (i) of the Act, respectively and the same shall be read herein.
- 1.4 While discharging its functions, AERA is required to ensure transparency by interalia, holding due consultations with stake-holders, which includes a licensee of an airport, airlines operators there at and/or a person who provides aeronautical services and any association of individuals, which in the opinion of AERA, represents the passengers or cargo facility users, by permitting such stake-holders to make submissions in writing and by documenting all its decisions and explanations thereof.
- 1.5 AERA has, after extensive stakeholder consultation, finalized its approach to the economic regulation of services categorized in (a) and (b) above. Detailed Guidelines laying down information requirements, periodicity and procedure for Tariff determination have also been issued on time to time basis.
- 1.8 The consultancy agencies are expected to be well conversant with the physical aspects of the Airport infrastructure and its economic regulations. Consulting agency be capable of providing a range of skills and services including preparation of Feasibility studies of Multi Year Tariff and Annual Tariff proposals, Traffic studies, technical feasibility studies and reviews, life cycle costing and analysis, cost of equity, efficient cost of operation & maintenance, data analysis, asset allocation study, airport audit and project monitoring etc.
- 1.11 AERA intends to empanel reputed consulting agencies for the work on the aspects of Airport economic studies/Policies and tariff determination at Major Airports or as notified by GoI from time to time or any other activity or decided by the AERA.

SECTION 2- SCOPE OF WORK

2.1 Objective

Object of empanelment to accelerate the process of finalization of Consulting Agency for a specific assignment. Present EOI is for empanelment of Consulting Agencies capable of taking up Consulting studies related to various aspects of AERA functioning in discharging its regulatory functioning and nature of assignments which may generally be required by AERA is given on page-1 of the EOI. Consulting Agencies will be empanelled in two category i.e. Category – ‘A’ and Category-‘B’ for providing consultancy services for the indicative list of jobs defined in the scope of work.

The deliverable based approach for engaging the empanelled agencies shall be undertaken wherever feasible. In this route the empanelled agency selected for the assignment after call of bids shall take full responsibility of the desired outcome of the assignment. In such assignment, the empanelled agencies will be asked to prepare a detailed assignment plan with definite milestones and time lines along with detailed resource requirement in a well-defined format in response to the defined scope of work.

2.2 Scope of Work

Scope of work includes an indicative list of jobs which the selected agency would be expected to perform. Detailed description of the objectives, scope of services, deliverables and other requirements to be undertaken by the Selected Agency is given herein after, however, the same is merely illustrative and not exhaustive. The Selected Agency shall thus have to consider the required output and include all further incidental activities that may be necessary for efficient and successful implementation and for achieving the ultimate purpose of the assignment awarded pursuant to this EOI. The indicative list of jobs/assignments required by AERA is as under:

- i. Examine the MYTP/ATPs of the Major Airport Operator / ISP's and verifies the data with reference to the Balance Sheet, P&L account and auditor certificates in compliance with the Regulatory Framework.
- ii. Strategic and Regulatory Economic Studies.

- iii. Ensure that the financial model employed is in line with the methodology prescribed by the Authority.
- iv. In determination of tariffs for Aeronautical services at major airports.
- v. Studies related to Cost of Equity and its reasonableness in relation to Industry & returns to the Airport.
- vi. Determination of efficiency and reasonableness of O&M costs including segregation into aero vs. non-aero costs.
- vii. Determination of the allocation of Assets between Aeronautical and Non Aeronautical activities.
- viii. Examine each building block in tariff determination and ensure that the treatment given to it is in line with the AERA Act, extensive guidelines, SSA, OMDA, Land Lease agreement etc.
- ix. Prepare a Consultation Paper and assist the Authority in holding consultations with the stakeholders and analyze the various suggestions made by the stakeholders.
- x. Assist the Authority to implement the Tribunal Orders.
- xi. Draw up the final version of the Tariff Order for the approval of the Authority.
- xii. Assist Authority in appeals against the orders of the Authority.
- xiii. Undertake Research studies including carrying out market surveys through collection and analysis of data.
- xiv. Review of project funding guidelines and recommend modifications/improvements within the overall framework of the rules and regulations of the statutory provisions and its impact analysis with optimum utilisation of available resources, process improvement etc.
- xv. Conduct impact assessment, Setting up and monitoring of performance standards and its evaluation studies including benchmarking and performance measurements.
- xvi. Any other assignment.

While the above mentioned activities are to give an idea on the nature and type of works/ assignments, there could be additional activities of similar nature, which the consulting Agency would need to undertake from time to time, based on requirement.

It is clarified that each of the tariff proposal need to be considered separately, based on the submissions made therein as well as other factors that AERA is mandated to consider while determining the aeronautical tariffs or as AERA may instruct from time to time.

From the above list, jobs will be assigned to any one of the empanelled agencies by inviting techno commercial bids through call for tenders from empanelled consulting agencies in **Category-‘A’ & Category-‘B’**. Agency’s consultants deployed on a job will use their own computer/laptop, data cards, etc. when working from AERA premises. AERA’s responsibility will be restricted to provide work space and environment for the consultants’ official work related to the assigned job.

The works /activities to be undertaken under this empanelment would be, in key strategic areas, multidisciplinary in nature having high impact. The quality of the services is extremely critical and as part of their proposal the consultancy agency would be required to demonstrate core competencies/strengths on the above key aspects including adherence to quality and timely execution at the time of technical evaluation for specific assignment for which bids will be called from the empanelled agencies.

SECTION 3: ELIGIBILITY CRITERIA

3.1 Pre-Qualification Criteria

Consulting Agencies will be assessed as per the pre-qualification criteria defined in the EOI and only the agencies who qualify pre-qualification shall be eligible for technical evaluation. Consulting Agency should be in the consulting business for a period of minimum 07 (Seven) years ending 31st December 2019. AERA shall evaluate the prequalification proposal with reference to the information contained in Standard Form and the supporting documents furnished therein:

Sr. No	Pre-Qualification Criteria – Common for Both the Category i.e. Category-‘A’ and Category-‘B’	Supporting documents to be furnished
1	Consulting Agency should be a registered company/ firm in India under the Companies Act 1956 and should have a valid registered office in India with a valid Service Tax registration.	Certificate of Incorporation / Registration
2	Consulting Agency should have assisted at least one Regulatory Authority or Regulated entity or Government Authority in any infrastructure/essential services sectors such as aviation, power, gas, telecommunication, shipping, etc., in preparation and evaluation of Multi Year Tariff proposals.	Sanction Order and Completion Certificate for the same.
3	An undertaking (self-certificate) that the Consultancy Agency hasn’t been blacklisted by a central / state Government/ Regulatory institution and there has been no litigation with any government department on account of similar services must be submitted.	Letter of undertaking Provide a copy of the address proof

Annual Turn Over			
	Category – ‘A’	Category – ‘B’	Supporting documents to be furnished
5	Annual turnover of Consulting Agency should be minimum of Rs. 20 crores (Rupees thirty crores) in each of the last three financial years (2016-17, 2017-18 and 2018-19).	Annual turnover of Consulting Agency should be minimum of Rs. 5 crores (Rupees thirty crores) in each of the last three financial years (2016-17, 2017-18 and 2018-19).	Audited/Certified Annual Financial Statements and Annual Report for the last three financial years (2016-17, 2017-18 and 2018-19).
Assignments			
6	The Consulting Agency should have successfully completed at least 5 assignments of similar nature of work in the last 7 (Seven) financial years as listed in the scope of work under Section – II of the EOI.	The Consulting Agency should have successfully completed at least 2 assignments of similar nature of work in the last 7 (Seven) financial years as listed in the scope of work under Section – II of the EOI.	Copies of the Work Order and completion Certificate issued by the client for the consulting
Professional Manpower			
8	Consulting Agency should have at least 30 qualified and experienced professional specializing in executing various activities on their permanent roll as listed in the	Consulting Agency should have at least 15 qualified and experienced professional specializing in executing various activities on their permanent roll as listed in	Certificate from the HR/ Head of the organization

	scope of work under Section –II of the EOI.	the scope of work under Section –II of the EOI.	
Note	The Consultancy Agency who apply for Category –‘A’ empanelment and, if getting qualified for Category –‘A’, shall get qualified automatically under the Category –‘B’; for which the Consultancy Agency may submit a Willingness Letter to get empanelled in Category –‘B’.		

3.2 Composition of Expert Team

Consulting Agency shall provide the Key Professionals and Sector Experts during the actual assignment in case they get selected through Techno Commercial bidding process specifically invited for the empanelment . In general, Consulting agencies are expected to provide following key personnel with requisite experience and qualification for undertaking assignment on award of work:

S.No	Resource Category	Prescribed Qualifications	Minimum Prescribed experience	Roles and Responsibilities
1	Senior Specialist	ICWA/ CA/MBA (Finance)/PGDBM with specialization in Finance from premier institutes such as Indian Institute of Management.	10 years	<ul style="list-style-type: none"> • Subject Matter Experts • Responsible for overall coordination supervision in the process of assisting or advising the regulatory authorities or assisted any regulatory entity in preparation and evaluation of multiyear tariff proposals and submissions and determination of tariffs/user charges.

				<ul style="list-style-type: none"> • Serve as Project Lead or Project Manager via management of end to end life cycle development of various priority and mission oriented projects. • Shall be responsible for all agreed outputs and provide other necessary support.
2	Specialist (Financial Expertise)	ICWA/CA/MBA (Finance)/MCA	7 years	<ul style="list-style-type: none"> • Develop and disseminate guidelines on project preparation, project documentation and other related • Activities. • Facilitate effective implementation of the various priority and mission oriented projects • Specialist domain knowledge Review of various reports pertaining to services under scope of work • The financial expert should have experience in the cost and financial analysis of public, private and PPP Projects in the airport infrastructure or other aeronautical services or across other infrastructure/ essential services/ including cost analysis and determination of tariff or user charges.

				<ul style="list-style-type: none"> Preference shall be given to experts who have assisted regulatory bodies / regulated entities in reviewing tariff applications / making tariff submissions.
3	Junior Specialist	Post Graduate (Finance /Economic)	2 Years	<ul style="list-style-type: none"> Support in project planning: activity planning and scheduling Monitor and report to the Senior Specialist on the progress of various programs/ projects
4	Aviation Expert	ICWA/CA/MBA (Finance) /MCA/ Graduate Engineer/post Graduate in any discipline	7 years	The aviation expert should have relevant experience in the aviation sector
5	Legal Expert	LLB	7 years	Legal expert should have relevant experience in the regulatory frame. Preference will be given having experience in Airport Sector.
	Data Analyst	B.E /B.Tech/MCA/MB A (IT)	7 years	<ul style="list-style-type: none"> Data Analyst should have relevant experience in the regulatory frame. Database management and analysis would require experience in software based analytical tools, sensitivity analysis, and econometric modelling including experience in word and excel sheet.

7	Any other Expert	The required qualifications and experience specific to particular assignment / consulting service decided by AERA.
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While inviting techno commercial bids from the empanelled consultancy agencies, Resume/CVs of the team deployed for a particular project shall be sought and the CVs submitted shall be evaluated based on the methodology as decided by AERA.

The consultancy agencies should submit an "undertaking" that they would engage key qualified professionals with adequate expertise and experience as specified in the specific bidding document for future assignments, in case they are selected.

3.3 Category of empanelment

The Consultancy Agencies will be empanelled in following categories, based on their experience and number and types of consulting assignments handled:

Category 'A'	Shall be empanelled to assist AERA in Consulting Assignments related to Major Airports having annual passenger throughput of 10 MPPA and above.
Category 'B'	Shall be empanelled to assist AERA in Consulting Assignments related to Major Airports having annual passenger throughput less than 10 MPPA.
Note: - AERA reserves the right to invite Techno Commercial bids for tariff related strategic and economic studies at all Major Airports from Category –‘A’ or Category-‘B’ or ‘Both the Categories’ amongst all the empanelled Consultancy Agency or reserve to open tender.	

3.4 Earnest Money Deposit (EMD)

- i) The Consulting Agencies are required to submit EMD of Rs. 15,000 (Rs. Fifteen Thousand only) either in the form of Bank Guarantee or Demand Draft / Pay Order of any scheduled / nationalized / commercial bank drawn in favour of “Airports Economic Authority of India”, payable at New Delhi.
- ii) Refund of EMD: The EMD of unsuccessful and successful bidders shall be refunded within 90 days of the date of empanelment.
- iii) No interest shall be paid on EMD by AERA.
- iv) The EMD will be forfeited on account of one or more of the following reasons:

- Bidders withdraw its Bid during the validity period specified in the tender.
 - Made misleading or false representations.
- v) Applications without EMD will be rejected.

3.5 Consortium

Consortium/JVC is not allowed.

3.6 List of documents to be submitted as part of response to EOI

- i. Covering letter on Consulting Agencies letter head.
- ii. Organization Details in the format given in Annexure-I.
- iii. List of consultancy assignments completed during last 07 years ending 31- 12- 2019 as per annexure-II
- iv. Financial Status as per Annexure -III
- v. Details of Technical Staff Strength as per Annexure - IV.
- vi. Number of Works/Assignment as per Annexure-V
- vii. Criterion for Technical Evaluation for Category-‘A’ &’B’ as per Annexure –VI&VII
- viii. Undertaking as per Annexure VIII &IX
- ix. Any other supporting information that is relevant.

All documents must be properly marked. The response to EOI should be submitted in one hard copy duly signed on every page.

3.7 Disqualification

AERA may at its sole discretion and at any time during the evaluation of application or after empanelment disqualify any applicant, if the applicant:

- i) Submits the application after the response deadline;
- ii) Makes misleading or false representations in the forms, statements and attachments submitted in proof of the eligibility requirements;
- iii) Exhibited a record of poor performance such as abandoning works, not properly completing the contractual obligations, inordinately delaying completion, or financial

- failures, etc. in any project in the preceding seven years;
- iv) Submitted an application that is not accompanied by required documentation.
 - v) Failed to provide clarifications related thereto, when sought by AERA.
 - vi) Submitted more than one application on its own;
 - vii) Was declared ineligible/blacklisted by the Government of India/State/UT Government/Statutory body.

3.8 Important Dates

S No.	Activity	Date
1	Start date of downloading of EOI.	12/02/2020
3	Last date for seeking clarifications if any by email or post.	24/02/2020
4	AERA's response to bidder's queries.	28/02/2020
5	Last date for submission of EOI.	05/03/2020; 1600 Hrs.
6	Date of opening of bids.	06/03/2020; 1100 Hrs.

3.9 Technical Bid

- i) List of Enclosures submitted along with application should be properly numbered and indexed along with signatures of the authorized representative as per the annexure -I to IX.

3.10 Clarification on Tender Document

Consultancy Agency requiring any clarification on the Tender Document may submit their queries to AERA via email at krishan.ram@aera.gov.in or in hard copy as per the critical fact sheet in the following format

Sr. No	Section No.	Clause No.	Referenc e/ Subject	Clarification Sought

3.11 Bid Opening Process

- i. Envelope-I: - Containing EMD of Rs. 15,000 (Rupees Fifteen thousand only) in the form of Demand Draft/ BC drawn in favour of Airports Economic Regulator Authority of India Payable at New Delhi.
- ii. Envelope-II: - Containing EOI documents duly filled in as per Forms enclosed shall be opened as per the para 3.6
- iii. Envelop-II shall be opened and processed only of those consulting agencies who have deposited EMD and copy of PAN card in Envelope-I.
- iv. If any clarification is needed from the consulting agencies about the deficiency in the submitted documents in Envelope – II, consulting agencies will be asked to provide it through e-mail ID. Consulting Agency shall submit the requisite clarification / document within time specified by AERA, failing which his EOI will be liable for rejection.

3.12 Instructions and Guidelines to the Bidders

- i) AERA reserves the right to accept or reject any or all applications without assigning any reason thereof. AERA further reserves the right to call off the process of short listing of empanelment of Consulting Agencies at any stage without assigning any reason thereof. Mere empanelment with AERA does not guarantee allocation of work to any of the empanelled agencies.
- ii) AERA reserves the right to invite techno commercial bids from empanelled agencies and evaluate the same based on QCBS, CBS or any other evaluation model as deemed fit for award of contract or may assign any project or study to the agency on nomination basis.
- iii) AERA will be at liberty to call open tenders, if desired, for any works/assignment and Consulting Agency shall have no objection to this even if they are empanelled for that category (i.e. 'A', 'B') for similar type of works. AERA further reserves the right to modify the evaluation criteria and take its own decision, if so required.
- iv) AERA reserves the right at its discretion to delist Empanelled agencies, who do not participate in consecutive 3 (Three) bids invited by AERA after empanelment.

- v) The panel of consultancy agencies will be valid for a period of 5 (Five) years. The panel of consultancy agencies shall be updated **every year** and AERA may add / delete some agencies based on documents received towards stipulated eligibility criteria/performance of the consultancy services. During this period, AERA may also remove agencies from the Panel if it concludes that they have not demonstrated adequate capability of providing the required services in a professional manner or the quality of service is found to be inadequate after the award of contract.
- vi) Consultancy Agency not meeting the minimum eligibility criteria in EOI document shall not be considered for further evaluation for empanelment.
- vii) Consultancy Agency shall submit an undertaking that all information submitted in EOI document is true and they will not sublet the actual assignment if awarded on back to back basis.
- viii) AERA reserves the right at its discretion to assign any study to an independent professional or any premier academic institution.

SECTION 4: EVALUATION AND EMPANELMENT PROCESS

4.1 Evaluation Criteria for Empanelment

AERA will evaluate the applications received against the EOI submitted by the participating consultancy agencies for empanelment. During the evaluation process, AERA may, at its discretion, ask the consulting agencies for clarification on any additional information/documents.

Scrutiny of pre-qualification eligibility criteria mentioned in 3.1 for responsiveness to the EOI will be done by AERA to determine whether the documents have been properly signed, qualification criteria fulfilled, all relevant papers submitted and whether the response to EOI is generally in order. The response to the EOI not conforming to requirements will be rejected.

Technical Proposals would be evaluated only for those Bidders, who qualify the Pre-qualification evaluation. Technical proposal will be evaluated and marks shall be awarded as per the criteria mentioned below:

Sr. No.	Criteria	Weightage
1	Past Experience of the Consultancy Agency	60%
	<ul style="list-style-type: none"> • Number of years' Experience of Consulting Agency • Past Experience in similar assignment with any Regulatory Authority. • Past experience in carrying out assignment in Aviation Sector. • Past experience in economic studies conducted for Central / State Governments / PSUs • Past Experience in determination of Tariff in AERA • Past experience in Tariff determination in any Regulatory Body/Regulated entity. 	<p>15%</p> <p>15%</p> <p>10%</p> <p>10%</p> <p>5%</p> <p>5%</p>
2	Qualified & Experience Professional Strength	20%
3	Financial Strength of the Consultancy Agency	15%

4	Regional Presence including infrastructure manpower and other resources at each location. This may be substantiated by the Consultancy Agency through documentary evidence.	5%
Consulting Agencies who meet specified minimum criteria will be eligible to apply. However just meeting criteria may not entitle the agency for empanelment. Marking as specified in annexure – VI & VII shall be given to each bidder. Minimum 60% marks in aggregate shall be required to qualify for empanelment.		

Consulting Agency shall submit duly attested documents with details towards the above along with satisfactory completion certificate for consultancy assignments/jobs mentioned in the application.

SECTION 5: GENERAL TERMS AND CONDITIONS OF EMPANELMENT

Consulting Agencies shall abide with the following terms and conditions during their empanelment with AERA and at the time of execution of the actual assignment if awarded.

6.1 Relationship

- a) Nothing mentioned herein shall be construed as relationship of master and servant or of principal and agent as between the “AERA” and the “Consultancy Agency”. No partnership shall be constituted between AERA and the Consultancy Agency by virtue of this empanelment nor shall either party have powers to make, vary or release agreement obligations on behalf of the other party or represent that by virtue of this or any other empanelment a partnership has been constituted, or that it has any such power. The Consultancy Agencies shall be fully responsible for the services performed by them or on their behalf.
- b) Neither party shall use the other parties name or any service or proprietary name, mark or logo of the other party for promotional purpose without first having obtained the other party’s prior written approval.

6.2 Right to rejection and Right to annulment

- a) AERA reserves the right to reject any request for empanelment and to annul the empanelment process and reject all such requests at any time prior to empanelment, without thereby incurring any liability to the affected applicant(s) or any obligation to inform the affected applicant(s) of the grounds for such decision.
- b) AERA also reserves the right to employ any agency outside of the list of empanelled agencies.

6.3 No obligation

The empanelment with AERA does not guarantee that any or all Consultancy Agencies shall be awarded any work / assignment as a result of this empanelment.

6.4 Fraud and Corruption

- a) AERA requires that the Consultancy Agencies engaged through this process must

observe the highest standards of ethics during the performance and execution of the awarded assignment(s).

- b) AERA will reject the application for empanelment, if the applicant recommended for empanelment, has been determined by AERA to having been engaged in corrupt, fraudulent, unfair trade practices, coercive or collusive

These terms are defined as follows:

- i) "Corrupt practice" means the offering, giving, receiving or soliciting of anything of value to influence the action of AERA or any personnel during the tenure of empanelment.
- ii) "Fraudulent practice" means a misrepresentation of facts, in order to influence a procurement process or the execution of a contract, to AERA, and includes collusive practice among Consultancy Agencies (prior to or after Proposal submission) designed to establish proposal prices at artificially high or non-competitive levels and to deprive AERA of the benefits of free and open competition.
- iii) "Unfair trade practices" means supply of services different from what is ordered on, or change in the Scope of Work which was agreed to.
- iv) "Coercive practices" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation during the period of empanelment.
- v) "Collusive practices" means a scheme or arrangement between two or more Consultancy Agencies with or without the knowledge of the AERA, designed to establish prices at artificial, non-competitive levels;

6.5 Confidentiality

Information relating to evaluation of application and recommendations concerning awards shall not be disclosed to the Consultancy Agencies who submitted the applications or to other persons not officially concerned with the process. The undue use by any applicant of confidential information related to the empanelment process may result in the rejection of

their application.

6.6 Indemnity

The selected Agencies will indemnify AERA against all third party claims of infringement of patent, trademark/copyright or industrial design rights arising from the use of software/ hardware/ manpower etc. and related services or any part thereof. AERA stand indemnified from any claims that the hired manpower may opt to have by virtue of working on the project for whatever period. AERA also stand indemnified from any compensation arising out of accidental loss of life or injury sustained by the hired manpower while working on the project.

6.7 Only one application

An applicant can submit only one proposal on its own. If an applicant submits more than one proposal, both proposals shall be disqualified.

6.8 Amendment

At any time prior to deadline for submission of applications, AERA may for any reason thereof, modify this tender document. The amendment document shall be notified through AERA website i.e. <http://aera.gov.in> and such amendments shall be binding to all Consultancy Agency.

6.9 Disclaimer

- i) This EOI is not an offer by the AERA, but an invitation to receive responses from eligible interested Consultancy Agencies as consulting agencies for AERA. The AERA will empanel limited Consultancy Agencies who fulfill the eligibility criteria. No contractual obligation whatsoever shall arise from this process.
- ii) The evaluation shall be strictly based on the information and supporting documents provided by the Consultancy Agencies in the application submitted by them. It is the responsibility of the Consultancy Agencies to provide all supporting documents necessary to fulfill the mandatory eligibility criteria. In case, information required by AERA is not provided by applicant, AERA may choose to proceed with evaluation

based on information provided and shall not request the applicant for further information. Hence, responsibility for providing information as required in this form lies solely with applicant.

6.10 Binding Clause

All decisions taken by the AERA regarding empanelment of Consultancy Agencies shall be final and binding on all concerned agencies.

6.11 Agency's Integrity

Consulting Agency is responsible for and obliged to conduct all assignments/ activities as defined in the scope of work.

6.12 Agency's Obligations

The consulting Agency shall be obliged to work closely with the AERA's staff and act within its own authority and abide by directives issued by the AERA on time to time.

The Agency shall also be abide by the job safety measures prevalent in India and will free the AERA from all demands or responsibilities arising from accidents or loss of life the cause of which is the Agency's negligence. The Agency will pay all indemnities arising from such incidents and will not hold the AERA.

- i) responsible or obligated.
- ii) The Agency will be responsible for managing the activities of its personnel or sub-contracted associates and will hold itself responsible for any misdemeanor.
- iii) The Agency is expected to maintain high level of professional ethics and will not act in any manner, which is detrimental to AERA's interest.

6.13 Conflict of Interest

Consultancy Agencies shall furnish an affirmative statement as to the existence of, absence of, or potential for conflict of interest on the part of the Consultancy Agency due to prior, current, or proposed contracts, engagements, or affiliations with the Department. Additionally, such disclosure shall address any and all potential elements (time frame for service delivery, resource, financial or other) that would adversely impact the ability of the Consultancy Agency to complete the requirements.

6.14 Applicable Law

Consultancy Agencies shall be governed by the laws and procedures established by Govt. of India, within the framework of applicable legislation and enactment made from time to time.

6.15 Jurisdiction of Courts

All legal disputes between the parties shall be subject to the jurisdiction of the Courts situated in New Delhi only.

6.16 Instruction to the Bidders

- a) **Last date of submission:** Last date of receipt of sealed applications is 5th March, 2020 upto 1600 Hours. No application shall be entertained after the expiry of the due date and time.
- b) **Validity of the Bids:** The applications submitted shall be valid for a period of 90 days subject to increase in the period by mutual consent.
- c) **Authorized Signatory:** The application must be signed by the authorized signatory and their contact details must be mentioned on the cover page of the application.
- d) **Applications sent by post/courier:** The applications may be sent by post/courier to reach before the scheduled date and time as per the bid submission schedule.
- e) **Empanelment Information:** The suitability of the agency will be ascertained based on their experience, background and quality of past work for empanelment only. The list of shortlisted consultancy agencies in each category will be uploaded on AERA website.
- f) **Intellectual Property Rights:** All intellectual property rights developed as a consequence of any allotment of work to the subsequent empanelled agencies shall be the sole property of AERA.
- g) **Blacklisting/debarring:** AERA reserves the right to cancel the empanelment and debar the Consultancy Agency if it is discovered that the agency had produced any false information, on continued delivery of unsatisfactory services, insolvency of the company or any other ethical ground as deemed fit by giving a 10 days prior written notice.

APPLICATION FORM FOR EMPANELMENT

INFORMATION TO BE FURNISHED BY THE APPLICANTS

Category of empanelment applied for: “**Empanelment of Consulting Agencies in Category**” _____”

Sr.no.	Particulars	Details
1	Name of Organization	
2	Address Telephone No. Fax No. E-mail ID.	
3	Organization Details	Provided in Annexure-I
4	List of Consultancy Assignments completed during last 7 (Seven) years ending 31-12-2019	Provided in Annexure-II
5	Financial Status	Provided in Annexure-III
6	Details of technical staff strength	Provided in Annexure-IV
7	Number of Works/Assignments	Provided in Annexure-V
8	Criterion for technical evaluation for category- ‘A’ & ‘B’	VI & VII
9	Undertaking	Provided in Annexure-VIII to IX

Place:

Signature of the applicant

Date:

Name & designation

Annexure - I

ORGANIZATIONAL DETAILS

Name of the consultancy Agency: _____

Category of empanelment applied for: **Category “ _____ ”**

Sr. No.	Parameter	Details
1.	Organizational Set-up: i) Year of Establishment ii) Status of Consultancy Agency (Proprietorship /Partnership /Any other) iii) Permanent Account Number (PAN) iv) GST Registration No.	
	Empanelment with Govt. Organizations, Regulatory if any, specify their names.	
2	Name of the top executive with designation	
3	Qualified and Experienced Professional strength:	Technical Manpower as per clause 3.2 ----- Nos. Legal Expert _____ Nos. Aviation Expert _____ Nos. Data Analyst ----- Nos.
4	Regional Presence of the Consulting Agency in the location of Major Airport.	In Nos.

Place:

Signature of the applicant

Date:

Name & Designation

Annexure-II

LIST OF CONSULTANCY ASSIGNMENTS COMPLETED DURING LAST 07 YEARS ENDING 31- 12-2019

Name of the consultancy Agency: _____

Category of empanelment applied for: **Category” _____”**

Sr. No.	Name of consultancy assignment with address	Short description of Consultancy assignment	Name and address of Client	Cost of consultancy services (In Lakhs)	Date of Start of consultancy services etc.		Date of Completion of consultancy services.		LD if any imposed for Delay in execution of the services by the client	Any other Relevant Information
					Stipulated	Actual	Stipulated	Actual		

NOTE:

Certified copies of work/assignment experience certificates etc. should be enclosed with the EOI document. The certificate should be duly certified and issued by authorized officer only.

It is certified that all information submitted in EOI document are true and no work has been sublet on back to back basis.

Additional sheet may be enclosed, in case works are more than as per the pre-qualification criteria.

Place:

Signature of the applicant

Date:

Name & Designation

Annexure-III

FINANCIAL STATUS

Name of the consultancy Agency: _____

Category of empanelment applied for: **Category_____”**

Sr. No.	Financial Year	Turnover (Rs. in Lakhs) by way of Professional Fee	Profit / Loss (-)
1.	2016-2017		
2.	2017-2018		
3.	2018-2019		

NOTE: Certified copies of audited Balance Sheets/Chartered Accountants Certificates to be enclosed for each Financial Year.

Place:

Signature of the applicant

Date:

Name & Designation

Annexure-IV

DETAILS OF TECHNICAL STAFF STRENGTH

Name of the consultancy Agency: _____

Category of empanelment applied for: **Category_____”**

Sr. No.	Segment	Qualifications	Experience	Important consulting assignment or tariff determination handled	Total Number of Staff in each category
1	Senior Specialist				
2	Specialist				
3	Junior Specialist				
4	Aviation Expert- On roll or association				
5	Legal Expert – On roll or associate				
6	Data Analyst - On roll or associate				

Place:

Signature of the applicant

Date:

Name & Designation

Annexure –V

Number of Works/Assignments

Name of the consultancy Agency: _____

Category of empanelment applied for: **Category _____”**

No. of assignment with any Regulatory body in last 7 years	No. of assignment carried out with Aviation Sector in last 7 years	No. of economic studies conducted for central/state Govt./PSUs last 7 years	No. of assignments carried out in determination of tariffs in AERA last 7 years	No. of assignments carried out in determination of tariffs in any Regulatory Body/Regulated Entity in last 7 years

Place:

Signature of the applicant

Date:

Name & Designation

Annexure -VI

CRITERION FOR TECHNICAL EVALUATION FOR CATEGORY-‘A’

Name of the consultancy Agency: _____

Category of empanelment applied for: **Category_____”**

S. No.	Eligibility/Evaluation Criterion	Max. Marks	Marks obtained
1	<p>1) Experience of the Consulting Agency</p> <ul style="list-style-type: none"> • > 7 and <=10 years = 5 Marks • >10 and <=15 years = 10 Marks • > 15 years and above = 15 Marks <p>2) Past Experience in similar assignments with any Regulatory body</p> <ul style="list-style-type: none"> • >5 and <= 10 assignments = 5 Marks • >11 and <= 15 assignments = 10 Marks • >16 assignments and above = 15 Marks <p>3) Past experience in carrying out assignments in Aviation Sector</p> <ul style="list-style-type: none"> • At least 2 assignments = 5 Marks • >2 and <= 5 assignments = 7 Marks • >5 assignments and above = 10 Marks <p>4) Past experience in economic studies conducted for central / state government/PSUs</p> <ul style="list-style-type: none"> • >5 and <= 7 studies = 5 Marks • >7 and <= 10 studies = 7 Marks • >10 studies and above = 10 Marks <p>5) Past experience in determination of tariff in AERA</p> <ul style="list-style-type: none"> • At least 1 assignments = 2 Marks • >1 and <= 3 assignments = 4 Marks • >3 assignments and above = 5 Marks <p>6) Past experience in Tariff Determination in any Regulatory</p>	60%	

	<p>Body/Regulated Entity</p> <ul style="list-style-type: none"> • At least 1 assignments = 3 Marks • >1 and <= 2 assignments = 4 Marks • >2 assignments and above = 5 Marks 		
2	<p>Qualified and Experienced Professional Strength</p> <ul style="list-style-type: none"> • >30 and <= 50 Nos.. = 10 Marks • >51 and <= 75 Nos. = 15 Marks • >76 and above = 20 Marks 	20%	
3	<p>Financial Strength (in Crores)</p> <ul style="list-style-type: none"> >21 and <=50 = 5 Marks >51 and <=75 = 10 Marks >76 and above = 15 Marks 	15%	
4	<p>Regional Presence of the Agency</p> <ul style="list-style-type: none"> • Minimum presence at 5 location of Major Airport = 3 Marks • Presence more than 5 location of Major Airport = 5 Marks 	5%	

Annexure-VII

CRITERION FOR TECHNICAL EVALUATION FOR CATEGORY-‘B’

Name of the consultancy Agency: _____

Category of empanelment applied for: **Category _____**”

S. No.	Eligibility/Evaluation Criterion	Max. Marks	Marks obtained
1	<p>1. Experience of the Consulting Agency</p> <ul style="list-style-type: none"> • >7 and <=10 years = 5 Marks • >10 and <=15 years = 10 Marks • > 15 years and above = 15 Marks <p>2. Past Experience in similar assignment with any Regulatory body</p> <ul style="list-style-type: none"> • >2 and <= 5 assignment = 5 Marks • >5 and <= 10 assignment = 10 Marks • >10 assignment and above = 15 Marks <p>3. Past experience in carrying out assignment in Aviation Sector</p> <ul style="list-style-type: none"> • At least 1 assignment = 5 Marks • >1 and <= 3 assignment = 7 Marks • >3 assignment and above = 10 Marks <p>4. Past experience in economic studies conducted for central / state government/PSUs</p> <ul style="list-style-type: none"> • >2 and <= 5 studies = 5 Marks • >5 and <= 8 studies = 7 Marks • >8 studies and above = 10 Marks <p>5. Past experience in determination of tariff in AERA</p> <ul style="list-style-type: none"> • At least 1 assignment = 3 Marks • >1 and <= 2 assignment = 4 Marks • >2 assignment and above = 5 Marks <p>6. Past experience in Tariff Determination in any Regulatory</p>	60%	

	<p>Body/Regulated Entity</p> <ul style="list-style-type: none"> • At least 1 assignment = 3 Marks • >1 and <= 2 assignment = 4 Marks • >2 assignment and above = 5 Marks 		
2	<p>Qualified and Experienced Professional Strength</p> <ul style="list-style-type: none"> • >15 and <= 20 Nos.. = 10 Marks • >21 and <= 30 Nos. = 15 Marks • >30 and above = 20 Marks 	20%	
3	<p>Financial Strength (in Crores)</p> <ul style="list-style-type: none"> >5 and <=10 = 5 Marks >11 and <=20 = 10 Marks >21 and above = 15 Marks 	15%	
4	<p>Regional Presence of the Agency</p> <ul style="list-style-type: none"> • Minimum presence at 5 location of Major Airport = 3 Marks • Presence more than 5 location of Major Airport = 5 Marks 	5%	

Annexure-VIII

TO WHOM SO EVER IT MAY CONCERN

**It is certified that our Consultancy Agency_____is not black-listed by any Govt. /
Local bodies / PSUs / Regulatory or any other organization.**

Place:

Signature of the applicant

Date:

Name & Designation

Annexure - IX

TO WHOM SO EVER IT MAY CONCERN

It is certified that our Consulting Agency _____ is having full capability of carrying out Consultancy services of the notice inviting Expression of Interest (EOI) for 'Empanelment of Consultancy Agencies in Category -----'.

It is further certified that all information/data furnished in the Application Form for “**Empanelment of Consulting Agency in Category_____**” are true to the best of our knowledge and belief.

Date:

Signature of the applicant

Place:

Name & Designation