

**No. 371/ 6 /2012-AVD-I**

Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

**Document of 'Expression of Interest'(EOI) for the assignment of 'Self Evaluation Study' of India's status of compliance of provisions of the United Nations Convention Against Corruption(UNCAC) and preparation of 'Country Response' to the 'Comprehensive Self Assessment Checklist' (SACL) for submission to the United Nation's Office on Drugs and Crime (UNODC) under the UNCAC review mechanism.**

**1. Invitation to EOI**

A copy of the Advertisement Notice inviting Expression of Interest is enclosed. [\[Annexure.1\]](#)

**2. United Nations Convention Against Corruption (UNCAC)**

2.1 The United Nations Convention against Corruption (UNCAC) is a universal legal instrument to deal with the menace of Corruption including corruption at the global level. This Convention was adopted by the UN General Assembly on 31st October 2003 and entered into force on 14th Dec 2005. The Convention and its provisions are legally binding on countries which have acceded to it or have ratified the same. India signed the UNCAC on 9<sup>th</sup> Dec 2005 and ratified the same by deposit of instrument of ratification on 9<sup>th</sup> May 2011 with the Secretary General of the United Nations. With ratification India has become obligated to implement the provisions of the Convention after acceptance of the instrument of ratification. There are at present 160 States Parties to the UNCAC who have either ratified or acceded to the UNCAC, including India.

**Background and History**

2.2 The UN General Assembly, vide its resolution no 53/111 of 9th December 1998<sup>1</sup> established an adhoc committee on the elaboration of a Convention of Transnational Organized Crime<sup>2</sup>. Subsequently, the General Assembly vide resolution 55/61 dated 4th Dec

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<sup>1</sup> Source " [www.unodc.org](http://www.unodc.org) " the website of United Nations Office of Drugs and Crime. The United Nations initiatives to respond to the threat of corruption and paving the way for setting international standards against corruption actually began much earlier. There have also been a number of multi-lateral institutions and instruments (with focus on regional co-operation) before the coming into force of this Convention in October 2003. The multilateral instruments to name a few are , Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996, the Convention on the Fight against Corruption involving Officials of the European Communities or Officials of Member States of the European Union, adopted by the Council of the European Union on 26 May 1997, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, adopted by the Organisation for Economic Cooperation and Development on 21 November 1997, the Criminal Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 27 January 1999, the Civil Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 November 1999, and the African Union Convention on Preventing and Combating Corruption, adopted by the Heads of State and Government of the African Union on 12 July 2003,

<sup>2</sup> The United Nations Convention against Transnational Organized Crime, adopted by General Assembly resolution 55/25 of 15 November 2000, is the main international instrument in the fight against transnational organized crime. It entered into force on 29 September 2003. The Convention is further supplemented by Protocols, such as , Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; the Protocol against

2000<sup>3</sup> recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime (resolution 55/25, annex I) was desirable.

2.3 In its resolution 55/188 of 20th Dec 2000, the General Assembly while reiterating its request to the Secretary-General, as contained in resolution 55/61, to convene an intergovernmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of the future legal instrument against corruption, invited the expert group to examine the question of illegally transferred funds and the return of such funds to the countries of origin. The meeting of the Intergovernmental Open-Ended Expert Group to prepare Draft Terms of Reference for the negotiation of an International Legal Instrument against Corruption was held in Vienna from 30 July to 3 August 2001. The Intergovernmental Open-Ended Expert Group recommended to the Assembly, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, the adoption of a draft resolution on the terms of reference for the negotiation of an international legal instrument against corruption. The draft resolution was subsequently adopted by the Assembly as resolution 56/260 of 31 January 2002.

2.4. The General Assembly in its resolution 56/260 of 31 January 2002, decided that the Ad Hoc Committee for the Negotiation of a Convention against Corruption should negotiate a broad and effective convention, which, subject to the final determination of its title, should be referred to as the "United Nations Convention against Corruption". The adhoc committee deliberated on the draft of the United Nations Convention Against Corruption over 7 sessions during January 2002 to October 2003 in which India was also an active participant. The Travaux Préparatoires (official records)<sup>4</sup> of the negotiations for the elaboration of the United Nations Convention against Corruption, gives a detailed historical background of international efforts to address the need to tackle corruption at global level and also brings out how the various provisions of UNCAC as it stands today evolved during the extensive discussions. In evolving an universal global convention providing for obligations on State Parties, the negotiations have carefully built into the document the necessary flexibility in respecting the sovereignty of the nations and in providing a window for accommodating the needs laid down under member countries own constitution, fundamental legal principles, national laws and procedures, The first session of the Ad Hoc Committee was held in January 2002. After an extensive debate, on Saturday, 9 August 2003, delegates from the 128 Member States decided to continue working on the Convention on Corruption's final details in a short, three-day seventh session, which concluded on 1 October, 2003. The United Nations Convention Against Corruption (UNCAC) was adopted vide General Assembly resolution 58/4 of 31 October 2003 and opened it for signature at the High-level Political Signing Conference held in Merida, Mexico, from 9 to 11 December 2003 and subsequently in New York from 11th Dec 2003 to 9th December 2005.

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the Smuggling of Migrants by Land, Sea and Air; and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. This Convention which came into force before the UNCAC, inter alia, has also provisions criminalizing both bribery of domestic public officials and also foreign public officials and requires institutional infrastructure in place for prevention of corruption.

<sup>3</sup> <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan010993.pdf>

<sup>4</sup> [http://www.unodc.org/documents/treaties/UNCAC/Publications/Travaux/UNCAC\\_Travaux\\_Preparatoires\\_-\\_English.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/Travaux/UNCAC_Travaux_Preparatoires_-_English.pdf)

## Overview of provisions of Convention

2.5 The UNCAC enjoins upon the States Parties to fulfil obligations under the Convention, some of which are mandatory, some recommendatory and some optional. The Convention requires the States Parties to provide in their domestic legal system, measures, legal and administrative, for prevention of corruption; for making certain acts relating to corruption as criminal offence and providing for sanctions against them; for facilitating Recovery of Assets in trans border corruption; for promoting widest possible international co-operation in combating trans border corruption through measures facilitating, mutual legal assistance, extraditions, joint investigations etc; and, for assessing the need and to provide technical assistance in the prevention of and fight against corruption. The UNCAC has in all 71 Articles. The obligations as regards preventive measures, criminalisation of offence and their enforcement, International Co-operation and Asset Recovery are enumerated in Chapter II to Chapter V, in that order, in the Convention. Chapter-III, inter alia, covers Article 15 (domestic bribery) Article 16 (foreign bribery), Article 21 (criminalization of private sector bribery), Article 23 (prevention of money laundering), Article 36 (specialised agencies). Chapter –IV inter alia covers issues relating to extradition, mutual legal assistance etc. Chapter –II inter alia, covers Article 5-6 (anti corruption policies, anti corruption institutions), Article 8 (public sector integrity i.e., code of conduct for public servants etc.) Article 9(public procurement issues), Article 12 (Preventive aspects of private sector bribery) etc. Chapter V requires measures, both administrative and legal, to be in place for recovery of assets and proceeds of crime established under the Convention. Apart from the above, Article 2 contains definitions of terms and of particular importance is the exhaustive definition of the terms public official, foreign public official, proceeds of crime. Article 4 require the members in complying with the obligations, to respect the sovereignty and jurisdiction of a State Party. With this basic philosophy behind, a number of provisions of the Convention, provide flexibility to member State Parties to keep in consideration the local constitution, legal systems and practices while implementing the Convention. Of the procedural provisions, Article 63,65 relating to implementation aspects and Article 68 relating to coming into force of the Convention are also important.

## Nature of obligations under the Convention

2.6 All provisions of the UNCAC are not mandatory. Some are mandatory, some Recommendatory in the sense that the State Parties are encouraged to implement them and some are optional. Generally the convention, uses the phrase of 'shall adopt' to denote the mandatoriness of the provision, uses the phrase 'shall endeavour to' or 'shall consider adopting' to denote recommendatory nature of the provision, and the phrase 'may consider or adopt' to denote optional nature of the provision. The complete text of the Convention can be accessed through the link: [http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026\\_E.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/Convention/08-50026_E.pdf). A complete text of the UNCAC is attached herewith. [\[Annexure 2\]](#)

## Guiding Tools of UNCAC

2.7 There are two facilitating tools evolved by the UNODC, namely, the Legislative Guide and Technical Guide, providing guidance to the policy makers and practioners in formulating their domestic laws and programmes for implementation of the UNCAC. Another useful reference document is the 'Travaux Préparatoires of the negotiations for the elaboration of the United Nations Convention against Corruption'. This document is intended to provide a comprehensive picture of the background to the Convention and, by presenting the evolution of

the text, to give the reader an understanding of the issues confronted by the Ad Hoc Committee and the solutions it found. This publication is intended to provide a better, in-depth understanding of the Convention. These tools can be accessed through the links :

[http://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/06-53440\\_Ebook.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/06-53440_Ebook.pdf) [Legislative Guide]

[http://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395\\_Ebook.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395_Ebook.pdf) [Technical Guide]

[http://www.unodc.org/documents/treaties/UNCAC/Publications/Travaux/UNCAC\\_Travaux\\_Preparatoires\\_-\\_English.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/Travaux/UNCAC_Travaux_Preparatoires_-_English.pdf) [Travaux of Preparatories]

#### Review Mechanism under the Convention and Conference of State Parties (COSP)

2.8. The Convention requires state parties to take measures for monitoring the implementation of the provisions of the Convention. Chapter VII of the Convention, provides for a mechanism of monitoring and review through Conference of State Parties(COSP) which has been set up to improve the capacity of and cooperation between States parties to achieve the objectives set forth in the Convention and to promote and review its implementation. It is a body of countries and anti corruption agencies which have ratified/acceded to the United Nations Convention Against Corruption. Countries can participate in the Conference as an observer if they have not ratified the Convention. UNODC functions as a Secretariat for the Convention including the COSP. The COSP is assisted by the Inter Governmental Working Groups<sup>5</sup> in the specified areas such as, Asset Recovery, Prevention of Corruption, Review of Implementation of UNCAC and Technical Assistance. This apex body of UNCAC takes decisions and provide guidance based on the recommendations of the various working groups. The COSP has a very detailed procedure prescribed for conduct of its proceedings and that of the Intergovernmental Working Groups. The procedures are laid down in the “Rules of Procedure”. The COSP has so far had four meetings one in 2006, 2<sup>nd</sup> one in 2007, third in November, 2009 and the fourth in October 2011. The deliberations in COSP meetings can be accessed through the link <http://www.unodc.org/unodc/en/treaties/CAC/CAC-COSP.html>.

2.9 A detailed mechanism for monitoring and review of the implementation of the provisions of the UNCAC by the State Parties<sup>6</sup> was evolved during the November 2009 meeting of the COSP. The mechanism inter alia envisages a peer review by two countries selected through draw of lots, with one of the countries from the same geographical region. Each review phase shall comprise of two review cycles of five years each and one fourth of the States parties will be reviewed in each of the first four years of each review cycle. All countries who are State Parties will be reviewed in a particular cycle. During the first cycle, the implementation of chapters III (Criminalization and law enforcement) and IV (International cooperation) of the Convention and during the second cycle, the implementation of chapters II (Preventive measures) and V (Asset recovery) will come for review. The second review cycle would start after completion of review of all countries in respect of chapters identified in the first review cycle. The first year of the first cycle commenced from the year 2010-11. India has been

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<sup>5</sup> These inter governmental Working Groups hold their meetings between the sessions of COSP and make recommendations for consideration of the COSP.

<sup>6</sup> A member country which has either acceded to the Convention or has ratified the Convention is a State Party.

slotted to be reviewed during the fourth year of the 1st review cycle which would coincide with the biennium of 2013-2014. The pairing of countries for review of countries slotted for review during the third and fourth year of the 1st review cycle has not been decided yet.

### 3. **Purpose or objective of the invitation to Express Interest**

3.1 One of the basic and initial step in the review process involves filing of detailed responses to the questionnaire in the prescribed format, by the country to be reviewed through an online software<sup>7</sup> of 'Comprehensive Self Assessment Chek list'. As the responses to this document is expected to bring out the state of compliance and implementation of the provisions of the UNCAC of the member country it has been considered necessary to have a detailed assessment done of the state of compliance of the domestic laws/measures vis-a-vis the requirements under the provisions of the UNCAC through an independent source.

3.2 The DOPT has, during the course of the due diligence exercise of ratification of the UNCAC, carried out in house inter-ministerial consultations for a broad assessment of the state of compliance of the provisions of the UNCAC. The internal evaluation based on a broad approach indicated that the domestic laws are substantially compliant of the mandatory provisions of UNCAC excepting for areas of bribery of foreign public officials and bribery in private sector. The process of corrective course of action is currently on in respect of these issues. The relevant documents in this respect will be shared at a later stage of the tender process after evaluation of EOIs with the shortlisted agencies.

3.3 The response to the questionnaire of a member country is then placed before the nominated Governmental experts of the two peer reviewing countries. Thereafter, if necessary, country visits and meeting of stakeholders takes place. After consultations with the country that is reviewed, the experts submit their report to the UNODC Sectt. The Sectt presents this report to the Implementation Review Group which finalises the report and places it before the Conference of State Parties for consideration and adoption. Thus the State party slotted for review will have to provide to the secretariat of the UNODC, inputs on the state of compliance of the provisions of UNCAC and its implementation thereof, using the "Comprehensive Self-Assessment Checklist on the Implementation of the United Nations Convention Against Corruption" ('SACL'). The responses to the 'SACL' have to be prepared and submitted to UNODC through an on line software, namely 'Omnibus Survey Software'. The nature of response, requires the State Parties, to indicate, in respect of each of the Article under Review, whether they are fully or partly compliant or non-compliant. The responses indicating full or part compliance have to be supported by adequate documents, list of good practices and citation of decisions of judiciary, where ever required, and data in support of actual implementation in the field. In the event of response of non-compliance, the responses will have to indicate steps being taken and the approximate time frame to be taken for compliance. The exercise also requires the responding countries to indicate their technical assistance needs as regards a particular Article, under review. The inputs in the 'Self Assessment Cheklist Questionnaire' become the basic material for the Peer Review, by the Governmental Experts from two other member countries slotted to review and assess the status of implementation of the various Articles of UNCAC. The document giving details of the process of the review mechanism, Terms of Reference, Guidelines can be accessed through the link: <http://www.unodc.org/unodc/en/treaties/CAC/IRG.html>. A copy of the same is annexed. **[Annexure 3]**. The user guide on the 'online Self Assessment Checklist software' can be

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<sup>7</sup> This 'online software' is known as 'OMNIBUS survey Software' and is freely downloadable.

accessed through the link: <http://www.unodc.org/unodc/en/treaties/CAC/self-assessment.html>. A copy of the same is Annexed. **[Annexure 4]**. The document containing Sample question flow for the self-assessment of the implementation of provisions of Chapter III of the United Nations Convention against Corruption can be accessed through the link : [http://www.unodc.org/documents/treaties/UNCAC/SA-Checklist/Sample\\_Question\\_flow\\_final\\_English\\_ver\\_2.0.6.0.pdf](http://www.unodc.org/documents/treaties/UNCAC/SA-Checklist/Sample_Question_flow_final_English_ver_2.0.6.0.pdf) .A copy of the document containing sample question flow is attached. **[Annexure 5]**.

3.4 Thus the objective and purpose of this EOI is to get a Self Evaluation Study done of the Status of Compliance of the provisions of UNCAC with a report thereon and to get prepared detailed responses to the questionnaire contained in the Comprehensive Self Assessment Checklist through a reputed academic cum research agency.

#### **4. Scope of work and tasks required to be carried out by the agency**

4.1 The UNCAC, as mentioned in para 2.6 above, imposes obligations, some of which are mandatory, some recommendatory and some optional, covering preventive, punitive, aspects of corruption. The Convention also envisages that State Parties shall take measures for recovery of proceeds of crime and stolen assets and provide for widest possible co-operation in areas such as Mutual Legal Assistance and Extradition, to facilitate effective international co-operation. The requirements envisaged in the Convention are covered under a number of existing domestic laws and administrative initiatives falling within the domain of different Ministries /Departments of the Government of India and other Governmental agencies. Some of the major domestic acts/laws closely linked to the various provisions of the Convention include, Prevention of Corruption Act 1988, Indian Penal Code, Criminal Procedure Code, Prevention of Money Laundering Act, Right to Information Act, Extradition Act, Companies Act, Central Vigilance Commission Act, Delhi Special Police Establishment Act, Banking Laws etc. These are dealt with and administered by different Ministries/Departments, namely, Ministry of Home Affairs, Ministry of Finance (All the three departments and Department of Financial Services), Ministry of Law and Justice, Ministry of External Affairs, Ministry of Corporate Affairs, Department of Personnel and Training, Central Vigilance Commission and Central Bureau of Investigation etc. As the States have their own vigilance administration mechanism and police set up to control crimes there may also be a need to interact and get inputs from them, if necessary.

4.2 The tasks to be performed by the selected agency will include the following:

- i) Study, analyse the provisions of the United Nations Convention Against Corruption and assess the nature and extent of obligations imposed on the State Parties by the Convention after taking into consideration, inter alia:
  - a) the guidelines for policy makers contained in the Legislative Guide which can be accessed through the link : [http://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/06-53440\\_Ebook.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/LegislativeGuide/06-53440_Ebook.pdf)
  - b) the guidelines for practioners contained in the Technical Guide which can be accessed through the link : [http://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395\\_Ebook.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/TechnicalGuide/09-84395_Ebook.pdf)

- c) the discussions contained in the 'Travaux of Préparatoires' at the time formulating the provisions of the Convention which can be accessed through the link : [http://www.unodc.org/documents/treaties/UNCAC/Publications/Travaux/UNCAC\\_Travaux\\_Preparatoires\\_-\\_English.pdf](http://www.unodc.org/documents/treaties/UNCAC/Publications/Travaux/UNCAC_Travaux_Preparatoires_-_English.pdf)
  - d) the observations and reports of Implementation Review Group (IRG), wherever available, in respect of the State Parties which have already undergone a peer review in the first cycle, from the point of view of their relevance to the Indian context
  - e) any other material which in the opinion of the agency is considered relevant in assessing the nature and type of obligations imposed on the State Party in the Indian context.
- ii) Identify the relevant provisions from the wide spectrum of existing domestic laws/rules/regulations and other administrative measures so as to ensure effective reflection the state of compliance against obligations/requirements assessed under (i) above.
  - iii) Make an evaluation of the state of compliance based on such identified provisions/measures and furnish a report on the assessment indicating the State of Compliance and gaps if any;
  - iv) Formulate India's responses to the questionnaire in SACL. The Agency will also factor into, the latest anti corruption initiatives which have matured or are in the pipeline, while finalizing the responses.
  - v) In the course of undertaking the tasks of identification etc of domestic laws as required under (ii) to(iv) above, the agency will with the assistance and guidance of DOPT be required to
    - a) Interact with concerned Ministries/Departments, including, Ministry of Finance and its Departments, Ministry of Home Affairs, Ministry of External Affairs, Ministry of Law & Justice, Ministry of Corporate Affairs as also the Central Vigilance Commission and the Central Bureau of Investigation, wherever, necessary, to gather inputs and/or clarifications, in respect of the legislations administered/measures taken by them with specific references to the requirements laid down under the UNCAC and the deliverables.
    - b) Interact and gather inputs, if necessary, from the National Crime Records Bureau to support the level and extent of implementation of the Anti Corruption laws at the ground level.
    - c) Interact and gather inputs as may be necessary from any other source or agency which will facilitate the preparation of appropriate and effective responses to the SACL.
    - d) Gather inputs on findings, in their thematic reviews on specific aspects of UNCAC provisions if any, with reference to India by reputed international agencies, and factor in them, where necessary and relevant in formulating the response to SACL.
    - e) Study responses of member countries that may be available in public domain of UNODC to the Self Assessment Check list and the executive summary report thereon of the 'Implementation Review Group' and factor in the same wherever relevant and necessary in the Indian Context, in the deliverables.
  - vi) Any other specific task as considered necessary to be assigned by the DOPT including participating in public consultations to ensure the deliverables indicated in para 5 below.

4.3 The methodology and tasks outlined above is a broad framework and the agency may identify specific tasks within this broad framework and manner of achieving the same. The agency is required to spell out the same at the appropriate place in the enclosed form along with necessary justifications of such requirements, so as to enable the Department to appreciate the need of expansion /modification of the scope of the assignment at the stage of inviting the bids.

#### **5. Deliverables and obligations of the agency finally selected**

The deliverables and the obligations on the part of the Enlisted Agency of the project will be:

- a) to submit a Status Report on the extent of Compliance of the Provisions of the UNCAC and bring out gaps, if any, the grounds for coming to such conclusions and suggested remedial actions.
- b) to prepare and submit the first draft of the responses duly filled in the SACL with supporting documents in the prescribed form (both in soft and adequate number of hard copies) for circulation to the concerned Ministries/Departments and agencies consulted for comments.
- c) to carry out and incorporate the modifications /changes in the first draft of the responses to the SACL, wherever considered necessary and required by the DOPT, before acceptance of the draft to be placed on public domain for comments of stakeholders including the public.
- d) to compile the comments/suggestions received from the various stakeholders on the draft responses to SACL placed in public domain.
- e) to compile and present the 2<sup>nd</sup> draft of the responses in the SACL after factoring in the modifications required based on the comments received from stakeholders for consideration and acceptance by the DOPT.
- f) to make available adequate number of hard copies of the final responses to the SACL as approved by the DOPT and a soft copy (electronic form) in appropriate format for uploading the same through the online software of the UNODC.
- g) to apprise the DOPT of the progress in the work at periodic intervals preferably every month or at any stage when the DOPT seeks such status report, with first report being submitted immediately on the expiry of the first month after acceptance of the assignment by the Agency.

The entire material as assimilated and as available in any form electronic or otherwise shall be the property of the Purchaser and the copyrights to its papers brought out in this regard shall vest in the Government of India.

#### **6. Expected Time-frame:**

The entire assignment upto the stage of uploading the responses in SACL for transmission to UNODC is expected to be completed within 36 weeks commencing from the week ending with the date of acceptance of the assignment. Keeping the overall time limit, a tentative time schedule for the key tasks /activities in the assignment is indicated below:

- a) Identification, examination and analysis the domestic laws to assess the state of compliance vis-à-vis provisions of the UNCAC – 8 weeks from the date of letter of



- acceptance of appointment, and furnishing of a detailed report on the State of Compliance on conclusion of the study and analysis.
- b) Submission of the first draft of the responses to the SACL for consideration by the DOPT – 10 weeks from the date of letter of acceptance of appointment.
  - c) Modifications/changes in first draft on the basis of comments received from Ministries/Departments and placing the 2nd draft of responses to SACL on public domain for comments of stakeholders(public) – 13 weeks from the date of letter of acceptance of appointment.
  - d) Compilation and Tabulation of the comments received on the responses to the SACL from stakeholders after the national level consultations - 28 weeks from the date of letter of acceptance of appointment. (includes 8 weeks from the date of placing of the 2<sup>nd</sup> draft on public domain for holding national level consultations and receipt of comments from the stake holders)
  - e) Prepare and submit the final draft of responses to the SACL for consideration and approval of DOPT– 34 weeks from the date of letter of acceptance of appointment.
  - f) Incorporation of corrections/modifications suggested after consideration by DOPT and uploading of the responses through the online software of UNODC – 36 weeks from the date of letter of acceptance of appointment.

**7. Obligations of the Department of Personnel & Training, Government of India, the enlisting agency**

**The DOPT will be responsible for the following:**

- a) Constitute a core group consisting of representatives of the concerned Ministry/Department and agencies which would assist and co-ordinate with the agency in gathering inputs from other concerned Ministry/Department.
- b) Act as a nodal point for coordinating the work relating to the assignment and ensure timely responses to the clarifications and relevant information and documents that may be required for completing the assignment.
- c) Make available the documents/material related to the signing and ratification of UNCAC considered to be relevant in facilitating the carrying out of the assignment.
- d) Take a final view as regards conflicts emanating from discussions with Ministries/Departments and accordingly facilitate and guide the enlisted agency to finalise the assignment and the decision of DOPT in respect of such issues will be final.

**5. Terms of Reference including Tender Methodology**

- a) Agency /organisations if found to have indulged in any corrupt or fraudulent practices will have their EOI document not taken for consideration and the decision of DOPT in this regard will be final.
- b) This is only an invitation for EOI and should not be construed as the Tender or RFP in any form and would not be binding in any form on the DOPT in any manner whatsoever. Information provided at this stage is indicative and the DOPT reserves the right to amend/add further details in the RFP document.
- c) DOPT reserves the right to cancel / re-tender this tender assignment process if the necessity so arises. It also reserves the right to seek further information /clarification at any stage of the process.

- d) DOPT will not be responsible for non receipt /non delivery of Bid Document due to any reason whatsoever.
- e) The Tender Methodology to be adopted will consist of two stages. In the first stage, of the eligible applicants expressing EOI, those found suitable and short listed, on the basis of evaluation of pre-qualification parameters, mentioned hereinbelow, will be informed of their qualifying to the next stage.
- f) Only such short listed agencies will be issued Request for Proposal [RFP] documents with an invitation to submit Technical and Financial Bid.
- g) The next stage of tendering process will comprise of inviting Request for Proposals for Technical and Financial Bids. The evaluation procedure for the tendering process would follow the Quality-cum-Cost Based System (QCBS). The costs associated with the preparation and submission of the response to the EOI and RFP shall be borne by the bidder. The selection would be based on QCBS [70:30] for technical and financial bids respectively.

9. **Pre Qualification Criteria for short listing of the agencies for the RFP Stage.**

- a) The Agency Expressing Interest should be an Indian firm/company /institution having independent legal existence, registered/incorporated under the Companies Act, 1956 or any other applicable Act. [Submit proof of Registration Certificate, Articles and Memorandum of Association].
- b) The Agency expressing interest should have been in existence for at least 10 years, and should enjoy a good reputation. The applicant agency should have an annual turnover of Rs 2 crores or more in each of the last three financial years and preferably a positive net worth. [Relevant documents viz, Audited financial statements and a certificate from Chartered Accountant in support of satisfying the criteria should be submitted]
- c) The Agency if found to have indulged in any corrupt or fraudulent practices will have their EOI document not taken up for consideration.
- d) The Agency should have experience of at least 7 years of having undertaken projects /studies or research, on subjects connected to criminal law, international law/treaties.
- e) Experience of having undertaken at least 2 assignments in areas specific to the proposed assignment, which may include the studies/research in or relating to, anti corruption laws in India, laws on money laundering and its related subjects, issues relating to international co-operation particularly aspects of mutual legal assistance, extradition etc in criminal matters in connection with UN Convention or multilateral treaty, assessment of compliance of domestic laws vis-à-vis requirements of International Treaty or Convention.
- f) The Agency should have a well qualified and sufficiently experienced faculty, in house or should be in a position to commit the requisite resources from outside, capable of handling the assignment.
- g) The agency should furnish the complete details along with CVs of key personnel who may be directly associated with the assignment. At least two of the key personnel who are expected to work directly on the assignment should hold Doctorate or Masters degree in International Law and should have atleast 5 years of experience in dealing with International Conventions or Multilateral Treaties preferably on regulatory aspects. Past experience of key professionals in handling similar assignment with an UN body would be preferred and given weightage.

- h) The criteria that would be adopted for short listing the Agency for the next stage would be based on three parameters, namely, Past experience of the firm/agency, Experience and qualifications of key personnel and financial strength of the firm/ agency. The weights and sub parameters that will be used will be the same as contained in para 2.3.2 in chapter II of the Manual of Policies and Procedure of Employment of Consultants issued by Department of Expenditure, Ministry of Finance dated 31<sup>st</sup> August 2006 [\[Annexure-VII\]](#). The Minimum qualification criterion under each of the parameter will be 50% .

**10. Instructions to the Applicants Expressing Interest**

- a) The Name of the Purchaser, is 'President of India through, Secretary, Department of Personnel and Training.( DOPT).
- b) Interested Agencies should submit their application expressing interest in quadruplicate, to the DOPT in the prescribed proforma annexed herewith [Annexure A] in sealed envelope with each page of the application signed by an authorised signatory, including the pages comprising the annexures, if any, of EOI document.
- c) The proforma MUST be accompanied by all the relevant documents in support of the statements or claims made in the application including i) A capability statement (not more than two pages) (ii) A write up on the understanding of the assignment (not more than two pages),(iii) CVs of Key functionaries who would be associated with the assignment in the prescribed form attached to the Proforma [Annexure A], iv) Evidence of registration of the agency, (v) Annual Report (vi) Audited Financial Statements including Balance Sheet, Profit and loss account, for the last three years, (vii) Evidence of incorporation.
- c) Any response received after the due date or not found to be in accordance with the above procedure, is liable to be rejected outright and the decision of the DOPT in this regard shall be final.
- d) The proposal containing EOI should be addressed to Ms. Anshu Sinha, Deputy Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pensions, Room no 215A-I, North Block, New Delhi- 110001, [Tel No:23092158]
- e) The proposal in sealed envelope containing EOI along with the annexures in quadruplicate should reach the addressee at (d) above not **after 5PM on or before the expiry of 21 days** from the date of advertisement (day of appearance of advertisement excluded). Alternatively, the EOI in sealed envelopes alongwith its enclosures can also be arranged to be dropped in the '**Tender Box**' placed at the **Facilitation Centre of DOPT located near Gate no 8, North Block, New Delhi**, on or before the above specified date and time.
- f) The sealed envelope containing the proposal should be superscribed with the words "Expression of Interest for appointment of Agency for preparation of Self Assessment Report on implementation of the United Nations Convention Against Corruption".
- g) For any clarification the contact officer will be Smt Anshu Sinha, Deputy Secretary, Department of Personnel and Training, Ministry of Personnel, Public Grievances & Pensions, Room no 215A-1, North Block, New Delhi-110001, [Tel No: 23092158]
- g) The Expression of Interest shall be valid for 270 days from the date of opening of EOI.

Sd/-  
Deputy Secretary  
Government of India

**Proforma**

To,

Ms Anshu Sinha  
Deputy Secretary  
Ministry of Personnel, Public Grievances and Pensions,  
Department of Personnel and Training  
Government of India,  
Room No. 215-A1,  
North Block, New Delhi- 110001

**Sub: Expression of Interest for Engagement of a reputed agency for the assignment of 'Self Evaluation Study' of India's status of compliance of provisions of the United Nations Convention Against Corruption(UNCAC) and preparation of 'Country Response' to the 'Comprehensive Self Assessment Checklist' (SACL) for submission to the United Nation's Office on Drugs and Crime (UNODC) under the UNCAC review mechanism.**

**Madam,**

With reference to the Notice Inviting Expression of Interest of the Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training dated \_\_\_\_\_ which appeared in [news paper], [edition] on [date] [copy enclosed] for engagement of a reputed agency for undertaking the above assignment, we [the name of the agency applying] wish to express our interest to undertake the work.

2. The details regarding our organization are furnished below, for consideration of the Ministry:

| <b>S.No.</b> | <b>Item</b>   | <b>Particulars</b>   |
|--------------|---|--|
| 1.           | Name and mailing/Registered address of the Organisation   | Name:<br>Address:<br>a)Mailing<br>b) Registered<br>Office: |
| 2.           | Name, Designation, Telephone No. and E-mail address of the head of the organisation   | Name:<br>Designation:<br>Phone No:<br>E-mail address:      |
| 3.           | Name, Designation, Telephone No. and Email address of the contact person for the purpose of this EOI.                                       | Name:<br>Designation:<br>Phone No:<br>E-mail address:      |
| 4.           | Year of registration of Organisation and registration No.:<br>[Proof of Registration, Memorandum and Article of Association to be enclosed] |  |

|     |   |
|-----|---|
| 5.  | <p>a) Details of Top Management with their professional qualifications and experience.</p> <p>b) Total number of years of experience of the organisation in conducting study /research.</p> <p>c) Details of Nature of the projects, research work/study done by the Agency during the last 7 years clearly indicating, inter alia i) Name of the project, (ii) Short description and value of the project, (iii) The organization(s) and its country for whom the study/research was done; iv) Period of Project; v) Brief description of Outputs delivered, vi) Details as to how experience gained in study /research will be helpful in handling the project to be undertaken under this EOI, if shortlisted for the project, vii) Details of current assignment and the expected date of completion and key professionals associated with it.<br/>[ See also Annexure A-1 attached to this Proforma]</p> |
| 6.  | Process and Methodology in brief that will be adopted by you for undertaking the assignment.  |
| 7.  | <p>Details of key Personnel which the institution will depute for work:<br/>[information may be provided in the format attached herewith[<b>Annexure-A2</b>]. In case if services of professionals are to be outsourced, the necessary details may be provided about the sources from where the outsourcing will be done.]</p>  |
| 9.  | <p>Details of turnover of the agency over the last 3 financial years<br/>[Furnish audited annual accounts for the last 3 financial years]</p>   |
| 10. | Any additional information to be furnished  |
| 11  | List of Annexures enclosed.   |

Note: The pages of the Application and annexures should be serially numbered and Annexures properly cross referenced and each page signed by the authorised signatory.

Dated :  
Place:

Signature of the Applicant

**Annexure A-1 [See item 5(c) of the Proforma]**

**Statement Indicating details of projects/work undertaken during ... .. by the.....**

| Sn<br>o | Name<br>of<br>Projec<br>t | Descriptio<br>n of the<br>project<br>and value<br>thereof | Organisatio<br>n for which<br>done and<br>country<br>thereof | Perio<br>d of<br>projec<br>t | Details<br>of<br>output<br>delivere<br>d | How<br>experienc<br>e in the<br>project<br>would be<br>useful for<br>this<br>assignme<br>nt | Details of<br>current<br>assignme<br>nt | Remark<br>s |
|---------|---------------------------|---|--|------------------------------|--|---|---|-------------|
|         |                           |   |  |                              |  |   |   |             |

Note: One row may be used for one project. Additional Columns may be needed if required.

**KEY PROFESSIONAL STAFF –Proforma for**

1. (a) Name of the key Professional Staff :  
(b) Position Held in the Applicant Organisation.  
[For each position of key professional separate form be prepared]:
2. Date of Birth:
3. Nationality:
4. Educational Qualifications:  
[Indicate college/university and other specialized education of staff member, giving names of institutions, degrees obtained, and dates of obtainment]:
7. Membership of Professional Associations:
8. Other Training:
9. Employment Record (with following details)  
[Sr. No. Name of Staff Name of Firm Area of Expertise Position / Task assigned for this job, Detailed Tasks Assigned]
10. Work Undertaken that Best Illustrates Capability to handle the proposed assignment with the following details  
[Name of Assignment/job or project ,Year, Location, Employer, Main project features: Positions held, Activities performed:]
11. Certification:

I, the undersigned, certify that to the best of my knowledge and belief, this CV correctly describes myself, my qualifications, and my experience. I understand that any wilful misstatement described therein may lead to my disqualification or dismissal, if engaged.

Date: [Signature of key staff member or authorised representative of the applicant agency]