

## **1. Brief Information on the Project**

GIZ is engaged in the field of international cooperation for sustainable development and international education work, dedicated to shaping a future worth living around the world. GIZ has over 50 years of experience in a wide variety of areas, including economic development and employment promotion, energy and the environment, and peace and security. GIZ's main commissioning party is the German Federal Ministry for Economic Cooperation and Development (BMZ). As a federal enterprise, GIZ supports the German Government in achieving its objectives in the field of international cooperation for sustainable development in more than 120 countries worldwide.

Under the Indo German Development Cooperation, a project on "Sustainable and Environment-friendly Industrial Production" (SEIP) was taken up from March 2015 to February 2019. SEIP project focused on finding solutions to industrial wastewater and water so as to reduce pollution, besides working on corresponding state level action plans and national level policy instruments. Ref. [www.seip.urban-industrial.in](http://www.seip.urban-industrial.in).

The second phase of the Sustainable and Environment-friendly Industrial Production (SEIP) that will be implemented from March 2019 to February 2022 is based on the experiences from the preceding SEIP project that ended in 02/2019. The second phase of SEIP will continue to have a focus on abatement of industrial wastewater pollution in the context of urban areas as well as the pollution of rivers and other water resources. The aim of the project is the promotion of sustainable industrial development in the urban sphere by reducing industrial wastewater pollution through the strengthening of strategic and operational governance structures including framework conditions for regulating, implementing and monitoring. The Ministry of Environment, Forest and Climate Change of the Government of India is the implementing partner.

The objective of the SEIP phase 2 project is, "The strategic and operational governance structures of the Indian Government to effectively combat water pollution from industrial wastewater are strengthened." The SEIP II phase works on the following main outputs:

- Output 1: Strengthening of Legal Framework
- Output 2: Strengthening of Organisational Procedures and Processes
- Output 3: Strengthening of Incentive Mechanisms
- Output 4: Guidelines/e-portals/reference documents
- Output 5: Resource efficiency (RE) and sustainable consumption & production (SCP)

## **2. Context**

Since, India has an extensive environmental management system with a comprehensive set of environmental laws, specific statutory mandates, regulatory instruments, and institutional frameworks to implement and enforce environmental policy objectives. Environmental

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legislation is on the national list. However, it involves a shared responsibility between the agencies at State (specifically State Pollution Control Board). Vital “command and control” instruments are the principle foundations of any environmental regulatory system.

The inadequacies in structures and mechanisms of implementation of pollution prevention and control in India. Civil society rhetoric has repeatedly articulated that environmental legislation has been systematically weakened to provide a better climate for development projects to languish by removing legal impediments.

Given this era of poor implementation, the Supreme Court of India has stepped in or has been looked up to time and again for improving implementation. This judicial activism led ‘ad-hoc’ implementation has, over the years, transformed the role of the courts to that of a policy maker, and even an educator.

Courts enforcing the law by calling upon the implementers to do their duties, by disciplining industries, through imposition of penalties, by awarding compensation and by-and-large allowing judicial activism to flourish through Public Interest Litigation (PIL) have all been welcomed.

The growing number of industries, the increasing types of industries and the growing number of functions of the Boards dictate an urgent need for capacity building within the SPCBs. The absence of technical capacity is compounded by the lack of technical man power within the Boards related to enviro-legal matters, specifically the working procedures, legal processes and management of legal orders and its compliance status.

To comply with orders of NGT/Courts for the regulations and management of pollution at state level needs significant resources, expertise and time. In order to effectively manage and conduct compliance of orders effectively UKPCB is in need of enviro-legal expert to provide advisory support. Also, GIZ has suggested to UKPCB to set up of an Enviro-legal Cell. For this purpose, GIZ is proposing to engage consultancy services of a competent enviro-legal firm as per Terms of Reference given below to advise UKPCB on enviro-legal issues and to support in setting up of an Enviro-legal Cell at UKPCB.

### **3. GIZ shall hire the contractor from 01<sup>st</sup> July 2020 until 30<sup>th</sup> June 2021**

### **4. The contractor shall provide the following work/service**

#### **4.1 Objective of the consultancy services**

The objective of the consultancy services is to provide advisory support to UKPCB on enviro-legal matters such as regulatory compliance orders, court matters, public complaints, coordination with other state agencies party on NGT / Court matters etc. on legal compliance aspects, and to support in development of an Enviro-legal Cell at UKPCB.

#### 4.2 Scope of services

- Tasks to be performed:
  - a) advisory support to UKPCB,
  - b) documentation, and
  - c) support in capacity building of UKPCB on enviro-legal matters. Details are given in Section 3.3.
- Consultant should be present at UKPCB Head Office in Dehradun for atleast 3 days a week and as required by UKPCB/GIZ.
- Consultant should undertake visits to other Government agencies involved in legal matters related to environment on legal compliance in Dehradun as may be required.

#### 4.3 Tasks to be performed by the consultant

The following tasks and sub tasks to be taken up by the consultant as in the table below.

<p><b>Main Task 1: Advisory Support to UKPCB</b></p>	<p>Provide the technical and advisory support to UKPCB on enviro-legal matters, including:</p> <ul style="list-style-type: none"> <li>• Regulatory compliance issues, court matters, public complaints, coordination with centre pollution control board on legal matters etc.</li> <li>• Develop database of all orders issued to UKPCB from NGT/Courts/other legal instruments.</li> <li>• Compile case wise orders, compliance and status for monitoring and getting updates to UKPCB.</li> <li>• Support in reporting compliances / measures taken on individual orders, directions issued by courts.</li> <li>• Participate/assist in meetings with regulatory agencies and NGT matters.</li> <li>• Support in coordination with various governmental agencies on legal matters concerning environmental issues.</li> <li>• Coordinate with the legal experts engaged by UKPCB to get the required submissions and documentation preparation on behalf of UKPCB.</li> </ul>
<p><b>Main Task 2: Documentation</b></p>	<ul style="list-style-type: none"> <li>• Develop a database of all environmental laws/directions/notifications applicable to UKPCB for environmental management in Uttarakhand state.</li> <li>• Make a compilation of court cases, public complaints, directions etc. received by UKPCB on environmental matters.</li> </ul>

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<b>Main Task 3: Support in capacity building of UKPCB on environmental matters</b>	<ul style="list-style-type: none"> <li>• Support in institutional tie ups for legal support to UKPCB on environment aspects.</li> <li>• Support in setting up of an Enviro-legal Cell at UKPCB.</li> </ul>
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## 4.4 Deliverables

Required deliverables from the consultancy services and the timelines are given below.

Deliverable	Deadline/place
Corresponding to Main -task 1: <ul style="list-style-type: none"> <li>• Report on advisory support provided to UKPCB</li> <li>• Report on case wise orders, compliance and status for monitoring and getting updates to UKPCB</li> </ul>	Quarterly report December 31, 2020
Corresponding to Main-task 2: <ul style="list-style-type: none"> <li>• Database of all environmental laws/directions/notifications applicable.</li> <li>• Compilation of court cases, public complaints, directions etc. received by SIIDCUL on environmental matters.</li> </ul>	August 2020  September 2020
Report on the consultancy services	June 30, 2021

## 5. Appropriateness of suggested concept

The technical proposal to be submitted by the bidder should include details as per the following:

- **Technical-methodological concept:** In the bid, the bidder is required to submit a technical concept note explaining the concept and approach on how the objectives and various tasks defined in ToR would be achieved. Examples and best practices could also be quoted.
- **Strategy:** The bidder is required to understand the objectives given in the ToR and do critical examination of the tasks. Subsequently, the elaborated strategy for delivering the services put out to tender.
- **Cooperation:** The bidder is required to interact with relevant actors for successful implementation of the contract, therefore a clear strategy for establishing cooperation and then cooperating with the relevant actors needs to be drawn in line with the ToR requirements.
- **Steering Structure:** The bidder is required to outline the approach and procedure for steering the measures with the project partners for the purpose of seeking approvals, comments on the concepts and contents etc.

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- **Processes:** The bidder should include in the technical proposal an explanation of the implementation plan: work steps, milestones, schedule. The description of the key processes which it intends to follow for delivering the services.
- **Project Management:** The bidder is required to prepare and submit the approach and procedure for coordination with/in GIZ project.

## 6. Qualification of proposed staff

Expert 1:

- General qualification (2.1.1)  
Training: University qualification (Graduate degree) in Law or equivalent  
Professional experience: 10 years of professional experience in enviro-legal matters related to industries/industrial area and experience of working with pollution control boards or government agencies on enviro-legal matters
- Regional experience/ knowledge of country (2.1.2)
- Language skills (2.1.3): Good business language skills in English & Hindi (both spoken and written).

Eligibility requirements for the bidders / Firms participating in the tender:

- Please provide the legal status of your firm.
- Average annual turnover of the agency or consortium for the last three financial years: at least Euro 30,000 (approx. INR 25,00,000)
- The number of employees of the agency or consortium as at 31.12. of the previous year: at least 5 persons.
- Please provide details of at least 1 similar reference project in the last 3 years of your portfolio in the field of Plantation in industrial/urban areas with a minimum commission of Euro 5,000 (approx. INR 4,50,000).
- Minimum 2 years' experience in providing enviro-legal services on environmental issues to government agencies
- Minimum 2 years' technical experience in dealing with NGT cases for government agencies
- Experience in working with governments in India in field of legal services (national/state)

## 7. Specification of inputs

Fee days	Number of days up to	Comments
• Preparation/debriefing	3	Preparation/debriefing on the assignment by GIZ
• Implementation	137	Mandays for taking up the tasks as defined in the TORs.
• Travel days	20	Travel within Uttarakhand

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<b>Travel expenses</b>	<b>Number of days/nights up to</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>Per diem</li> </ul>	20	Bidder to quote per diem costs. Note that costs will be reimbursable upto limits as per GIZ rules.
<ul style="list-style-type: none"> <li>Accommodation allowance</li> </ul>	20	Bidder to quote per accommodation costs. Note that costs will be reimbursable upto limits as per GIZ rules.
<b>Other travel expenses</b>		<b>Comments</b>
<ul style="list-style-type: none"> <li>Number of domestic trips</li> </ul>	5	Within Uttarakhand through taxi/train
<ul style="list-style-type: none"> <li>Number of trips abroad</li> </ul>	N/A	
<ul style="list-style-type: none"> <li>Ancillary travel expenses (e.g. visa, airport transfers)</li> </ul>	N/A	
<b>Flights</b>	<b>Number of flights up to</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>International flights</li> </ul>	N/A	
<ul style="list-style-type: none"> <li>Domestic flights</li> </ul>	N/A	
<b>Other costs</b>		<b>Comments</b>
Local conveyance	20	Local conveyance within Uttarakhand/Dehradun subject to actuals, reimbursable as per GIZ rules.
Institutional overheads		Institutional overheads (please specify if any) for this assignment to be specified by the bidder.