

Responses to the Queries received by National Skill Development Corporation till December 20, 2017 5:00 PM IST under RFP Notice No. RFP/NIP/2017/0026 dated December 14, 2017 For Empanelment of Sending Organizations For Japan's Technical Intern Training Program (TITP)

Sl. No.	Query	Response
1	<p>Related to definition of a Consortium, the RFP document states that it has to be a separate legal entity & this might be a showstopper because getting into a legal JV arrangement is a time-consuming process. Request a relaxation such that the partners can have a consortium document signed off as a memorandum of Understanding rather than having to create a separate legal entity.</p> <p>=====</p> <p>“Consortium” means a group of legal entities joining together under a binding agreement to apply for this RFP. In case the Consortium gets “Provisional Empanelment” as stated in Section 3 of this RFP, all the Consortium members shall have to form a Joint Venture (“JV”) entity which complies with all the following conditions throughout the term of the Contract, if awarded:</p> <p>(i) JV entity shall have a legal personality distinct from that of its members;</p> <p>(ii) All the Consortium members shall individually hold at least 26% ownership capital in the JV entity;</p> <p>(iii) The major ownership capital in the JV entity shall be held by the Lead Applicant;</p> <p>(iv) No person (natural or legal) other than Consortium members shall have any ownership in the JV entity; and</p> <p>(v) No change in the JV members shall be permitted throughout the Contract period.</p> <p>For the purpose of this RFP, Consortium consisting of maximum three (3) members shall be allowed. In case of Consortium, the Lead Applicant shall have to be clearly specified in the Proposal.</p>	<p>The existence of JV entity is not required at the time of submission of Proposal. The JV entity may be formed by the Consortium members later.</p> <p>However, Consortium Agreement is required to be submitted with the Proposal (in case where the Proposal is being submitted by the Applicant in a Consortium). Kindly refer to the list of enclosures required for Annexure 4.5 on page no. 36 of RFP.</p> <p>Further, the following provision of the definition of “Consortium” on page no. 6 of RFP may also be referred:</p> <p><i>“In case the Consortium gets “Provisional Empanelment” as stated in Section 3 of this RFP, all the Consortium members shall have to form a Joint Venture (“JV”) entity.....”</i></p> <p>However, kindly note that in case of Applicant applying in consortium, the Contract shall be signed by NSDC with JV entity only. The provisions of Stage 5 on page no. 20 of RFP may be referred.</p>
2	<p>As per the RFP document, the first step in operations is “Sending Organization concluding Bilateral Contract with Supervising organization”.</p>	<p>This is not a prerequisite.</p>

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	We are not getting clarity if this is required as a pre-requisite while submitting the bid document as per the deadline proposed in the RFP.	The bilateral contract with Supervising Organization may be concluded by the Sending Organization at any time after its Final Empanelment, as stated in Stage 6 on page no. 20 of RFP
3	<p>While it states that the Japanese Language Proficiency Test has 5 levels, it does not:</p> <p>a. Mention the certification level of the Trainer</p> <p>b. What is the level of proficiency that the candidates have to clear in order to qualify as an Intern under TITP</p>	<p>Response to (a): This shall be as per the requirement of Supervising Organization in Japan. Therefore, this may be clarified by the Sending Organization from Supervising Organization in Japan at the time of signing of bilateral contract between them. As on date, there are no guidelines or regulations in this regard.</p> <p>Response to (b): Note that one of the evaluation parameters of Applicants for the purpose of this RFP requires the assessment of proposals to be done for JLPT Level N5 as Level N5 is the basic minimum level of JLPT, however it does not imply that the candidates need to be trained for JLPT Level N5 only for all the job roles. Sending Organization needs to train the candidates as per the requirements of Japanese Supervising Organization as explained in above response to (a)</p>
4	<p>Under Section 3 (Process of Evaluation & Empanelment):</p> <p>a. In spite of being a leading Training Partner of NSDC, it is practically impossible to qualify in the Technical Scoring with a minimum score of 50 because; 60 out of 100 points is related to expertise in International & Japanese operations</p> <p>b. As a leading Training Partner of NSDC, our expertise & contribution to India's Skilling Space over the last decade has to be given due weightage. We feel that proficiency in Japanese language is a requirement however, the main criteria is to have candidates equipped with the necessary job skill & knowledge who can intern in Japan.</p> <p>c. The evaluation criteria has to be relooked to create a level playing ground of National & International players in the Education & Skilling space.</p>	There are no relaxations / modifications in the Technical Evaluation Criteria. The evaluation of the Proposals shall be done as per the process and parameters stated in Section 3 of RFP.
5	With regard to the approach & methodology, we need more clarity in terms of the level of skilling to be provided in the 74 Job Categories & 133	This shall be as per the requirement of Supervising Organization in Japan. Therefore, this may be clarified by the Sending Organization

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	Operations listed in “Annexure 2 Occupations subject to transfer to Technical Intern Training” so that we can accordingly conceptualize & propose how we can operationalize this.	from Supervising Organization in Japan at the time of signing of bilateral contract between them. As on date, there are no guidelines or regulations in this regard.
6	Further to our earlier e-mail, would also like to highlight that the last date for submitting the proposal is 5 th January 2018 which is too short a time frame and would request that the same is extended to 31 th January 2018.	<p>The last date of submission of the Proposal to the RFP has been extended to 30th January, 2018 , 6:00 PM IST</p> <p>Kindly visit NSDC website (www.nsdcindia.org) to see the Addendum in this regard. It is also requested to visit NSDC website regularly for any update or amendment in RFP schedule, if any.</p>
7	<p>Is following consortium eligible to apply under this scheme, where</p> <p>PARTNER ONE</p> <ul style="list-style-type: none"> - is more than 3-year-old, - is in skilling business, - is NSDC partner and - last three years average turnover is 1.75CRs <p>PARTNER TWO</p> <ul style="list-style-type: none"> - is more than 3-year-old, - is in Language Skilling business, - last three years average turnover is 1CR Plus (from activities related to Japanese Language Training) 	<p>The definition of “Applicant” on page no. 6 of RFP may be referred. All the consortium members need to be legal entity to be an Applicant for this RFP. Assuming that both the partners given in this query are legal entities, the consortium may be formed between them.</p> <p>Eligibility of any Consortium will be as per Eligibility Criteria stated in Section 3.2 on page no. 21 of RFP (Note that only the Lead Applicant will be evaluated for all the three parameters of Eligibility Criteria mentioned under Section 3.2). Therefore, the Applicant has to clearly specify the details of the Lead Applicant in case of Consortium, and the Lead Applicant has to clear the Eligibility Criteria mentioned under Section 3.2, failing which the Proposal shall be rejected.</p> <p>Also, refer to the parameter no. 3 about average annual turnover and its corresponding foot note given on page no 22 of the Technical Evaluation Criteria mentioned under Section 3.3 , stating “Evaluation criteria under this Parameter may be different as per the categories of activities of the Applicants under Section 3.2 Eligibility Criteria – Parameter No. 2 (Financial Capability)”</p>
8	In above mentioned consortium scenario (i.e. query at Sl. No. 7 above), can any partner (PARTNER ONE / PARTNER TWO) can be a "LEAD	Kindly refer to Eligibility Criteria mentioned under Section 3.2 of the RFP, which states “In case of a Consortium, only the Lead

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	PARTNER" in consortium or ONLY PARTNER TWO is eligible to be a "LEAD PARTNER"?	<p>Applicant will be evaluated for the Eligibility Criteria". It implies that the Lead Applicant has to clear the Eligibility Criteria.</p> <p>With regard to the case mentioned in the query, kindly note that if 'Partner One' becomes the Lead Applicant, the Proposal will be rejected as Partner One is not meeting the requirements of parameter no. 2 (Financial Capability) of the Eligibility Criteria mentioned under Section 3.2 However, it shall be consortium members' decision to designate one of them as the Lead Applicant.</p>
9	We would like to request extension till 15th January 2018 to submit RFP for the empanelment of sending organisations as we are still in discussion with our potential partners (some are from overseas) in order to set up a consortium. The process will take few more days to zero in on the actual ones and therefore we would like to seek your kind consideration on the extension.	Kindly refer to response to query at Sl. No. 6 above
10	Section 3.2‐ Eligibility criteria page 21 of RFP - How will you categorize lead company in the consortium? If all the partners are equal shareholders, then who will be considered as the lead company.	<p>It shall be consortium members' decision to designate one of them as the Lead Applicant. The following provision of the definition of "Consortium" on page no. 6 of RFP may also be referred: <i>"In case of Consortium, the Lead Applicant shall have to be clearly specified in the Proposal."</i></p> <p>Also, Annexure 4.3 (Power of Attorney for Lead Applicant of Consortium) on page no. 31 of RFP may be referred.</p> <p>Further, point no. (iii) of the definition of "Consortium" on page no 6 of RFP may be referred which requires that – <i>"(iii) The major ownership capital in the JV entity shall be held by the Lead Applicant;"</i> It implies that the Consortium members cannot have equal ratio of ownership capital in the JV entity.</p>

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11	Annexure 4.8 page 40 CA/Auditors certificate on turnover- Any one of the Consortiums members turnover is considered. Kindly solve the anomaly.	The question is not clear. However it may be noted that the average annual turnover amount of any one of the Consortium members may be submitted as required under Annexure 4.8 on page 40. For further clarity regarding the turnover clauses, kindly refer to response to query at Sl. No. 7 and 8 given above
12	Section-2 page 6 - Can a foreign entity /company be a partner of the consortium? Please clarify as no instructions about this issue.	Foreign legal entity can be a consortium member.
13	Do you have a set Format for the Binding Agreement for the Consortium? If so, please provide the format.	The General Standard Terms of the Contract are mentioned in the RFP. The complete format of the Contract shall be shared with the Applicant who gets Provisional Empanelment.
14	Also does the binding agreement has to be on a judicial paper or plain paper is acceptable.	The execution of the Contract shall be in accordance with the applicable provisions of the relevant law of the land.
15	Are partnership firms eligible for filing proposal?	Partnership firms, which are Registered, can submit the proposal.
16	As you are aware ASSOCHAM as Sending Organization, after getting clearance in our meeting with all the sending organization in the Indian Embassy in Japan on 29 th August 2017 which was chaired by the Secretary, MSDE along with DGE&T and other officials, has already signed MoUs with Supervising Organizations and made all the arrangements/infrastructure etc. including having our representatives and offices in Japan for sending candidates under TITP to Japan. Our 1 st batch of 20 candidates is already undergoing training and another batch of 20 candidates is also ready for training to be commenced shortly. Mr. Sougata Roy Choudhary of CII has told that 1 st batch after training is awaiting permission/ visa etc. for their departure to Japan and training of their next 2 batches is also commencing shortly. On 14 th December 2017 NSDC has released a RFP for empanelment of Sending Organizations under the scheme. We presume it is for empanelment of additional Sending Organizations and we continue as an approved Sending Organization of MSDE.	The Memorandum of Cooperation (MoC) signed between Ministry of Skill Development and Entrepreneurship (MSDE), India and the Ministry of Japan dated 17 th October 2017, mentions that Ministry of Japan will accept only those technical intern trainees of India who are sent by Approved Sending Organization after the commencement of cooperation under this MoC. Further, considering that the new TITP Act enforced in Japan is effective from November 2017, it was decided to identify and select appropriate Sending Organizations as per MoC requirements. It is with the best intention to work towards having a positive outcome as per requirements of Japan. In view of the above, the agencies which were identified as Sending Organizations before the signing of MoC, shall also need to apply to the RFP to be evaluated for becoming Sending Organizations in accordance with provisions of the RFP
17	Para 3f, Pg 55 As per JITCO, there are five Indian Sending Organizations already operational (https://www.jitco.or.jp/send/situation/india/sending_organizations.html).	Kindly refer reply to query at Sl. No. 16 above.

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	<p>a. Will these organizations, in terms of their monitoring and implementation, be governed by NSDC, in terms of Para 3f, Page 55 of the RFP?</p> <p>b. If not, what will be the difference of governance of these Sending Organizations, and those, which would now be empanelled? It is important to understand this as all Sending Organizations from India would be focused on same market, and there must be a level playing field.</p>	
18	<p>Para 6, Page 3</p> <p>a. By when would the Operating Guidelines for NSDC and Sending Organizations, in relation to TITP, be released?</p> <p>b. Is it possible that there are any variations from stipulations laid down anywhere in this RFP, which would materially impact the Contract between NSDC and Empanelled Sending Organizations?</p>	<p>Response to (a): The Operating Guidelines would be released in due course of time in consultation with Ministry of Skill Development and Entrepreneurship.</p> <p>Response to (b): As it shall be an evolving process, it may be noted that the execution of TITP may observe changes as per the learnings during its implementation. The Sending Organizations are advised to be prepared for such changes, considering the best interest and benefit of Indian youth and the reputation of our country (India).</p>
19	<p>Para 6, Page 3</p> <p>Empanelment of Sending Organizations would be for a period of three years, as per RFP. TITP cycle of each Intern would be a minimum of 4 years, with Year 1 (and possibly Part of Year 2), being utilized by Sending Organizations, to source vacancies for TITP, and signing of Contract with Supervising Organizations, and mobilizing and training, and dispatch of prospective candidates. Interns, once placed in Japan, can undergo TITP for three years (Page 13, Para iii, JITCO Manual Sending Organizations). Thus, each TITP cycle is four years +. To provide continuity to the Program, and secure investments of Sending Organizations, can the Empanelment Period be raised to 10 years, if the Sending Organizations deliver on their remit?</p>	<p>The Contract shall initially be for a period of 3 years which may be reviewed for its renewal at the time of its expiry subject to other relevant factors.</p>
20	<p>The consortium members need to have a separate legal entity – does this mean they need to register /form a new company?</p>	<p>Kindly refer to the response to query at Sl. No. 1 above.</p>
21	<p>The proposal security (5 lakhs) and performance security (10 lakhs), do they need to be given as a monetary instrument, or can we request it to be taken as a Bank Guarantee?</p>	<p>The Proposal Security and Performance Security shall be provided by the Applicant in the form of Bank Guarantee. The format of the same are given in Annexure 4.16 on page no. 49 and Annexure 4.17 on page no. 51 of RFP respectively.</p>

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22	What is the training duration required/desirable, to be provide by SA	This shall be as per the bilateral contract between the Sending Organization in India and Supervising Organization in Japan
23	Do we need to have a person in Japan for meeting candidates when they reach there, or can that be handled by supervising organization?	It is desirable that the Sending Organization has an office / set up in Japan, though this requirement shall not be the cause of rejection of the Proposal.
24	Is it specifically the responsibility of the Sending Organization to get the trainee a job on their return, as they can also manage on their own or become self employed	Yes, it is the responsibility of the Sending Organization.
25	What will be the wages for the job on return to India as their expectation would have risen when they work at 50-60 k in Japan?	There are no guidelines or regulations in this regard as on date.
26	What is the range/amount that can be charged to the technical trainee by Sending Organization?	There are no guidelines or regulations in this regard as on date. This may be determined by the Sending Organization as per the market forces
27	Is the Indian Govt funding any amount to the sending organization in the entire arrangement?	No.
28	It is mentioned in one page (8.2, pg 12) that no subletting is allowed and on another page(8.6.3 , pg 15) it is mentioned that sub-contracting can be done . Pls specify what is allowed. “-Service Provider shall not subcontract any of its rights or obligations under the Contract without NSDC’s prior written consent. If NSDC consents to the use of a Subcontractor, Service Provider will: (a) guarantee and will remain liable for the performance of all subcontracted obligations;	Both the clauses (i.e. 8.2 and 8.6.3) contain the same provision. None of these contradicts the other. However, clause 8.6.3 contains detailed provisions about sub-contracting which will be a part to the Contract. Both the above clauses (i.e. 8.2 and 8.6.3) provide that <u>Sub-contracting is not permitted without prior written consent of NSDC.</u>
29	Also wrt query at Sl. No. 28, can we engage a Language training company on a contractual arrangement, rather than as a JV partner?	Sub-contracting is not permitted without prior written consent of NSDC. For the purposes of Technical Scoring, under Section 3.3 (Technical Evaluation Criteria) – i. (Technical Scoring), the information of any one of the Consortium members, as submitted with the Proposal, shall be considered.
30	After going through the RFP document and the technical evaluation criteria, we realized that there is a need to form a Consortium with relevant organizations who have operations in Japan and /or involved in Japanese training, as there are substantial points allocated to this. . This process is, as you would understand, not something that can be expedited or rushed through	Kindly refer to response to query at Sl. No. 6 above.

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	<p>as any partnership of such nature has to be entered only after appropriate due diligence and conformity in goals, vision and value systems of the organizations.</p> <p>Apart from the challenge of finding suitable partners, the date of 5th January 2018 as last date for the RFP submission is also difficult as we have Christmas and year end approaching a a lot of such potential partners would not be available for discussion and closure during this time. We feel that the total time given to prepare and submit the RFP reply (21 days) is much lesser than what is required,</p> <p>Hence it is a sincere request to give some more time and extend the date, preferably to 25th of January 2018. This would be helpful to all the prospective applicants for the RFP and help in ensuring that the applicants would have completely thought though the planning and execution related structure and challenges, there by possibly ensuring a much higher chance of making this ambitious program successful.</p>	