



REQUEST FOR PROPOSAL

RFP No : RGR.ASDMA/09/2015/3

RFP on : Study on “Legal & Regulatory framework under various Government Departments for Disaster Management” _RFP

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Summary of Proposal:

This Request for Proposal is issued by the Assam State Disaster Management Authority to obtain proposal from Firms/Institutions/Organisations having expertise and experience of carrying out research studies and projects in socio-economic, legal & environmental sectors for the study of legal and regulatory frameworks and enforcement mechanisms for Disaster Management in selected Government departments under the Government of Assam;

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1. REQUEST FOR PROPOSAL TERMINOLOGY

Throughout this document, the following definitions apply:

- a) “Applicant” means a party that submits, or intends to submit, a Proposal;
- b) “Work Order” means the written order resulting from this RFP issued by the Authority;
- c) “The Authority” means the Assam State Disaster Management Authority;
- d) “Must”, or “mandatory” means a requirement that must be met in order for a Proposal to receive consideration;
- e) “Proposal” means a proposal submitted in response to this RFP;
- f) “RFP” means this Request for Proposal and
- g) “Should” or “desirable” means a requirement having a significant degree of importance to the objectives of RFP.



2. EXECUTIVE SUMMARY

2.1 The State of Assam lies at the heart of North eastern region which is one of the most hazard prone regions in the Asian continent, with different areas being prone to multiple hazards like earthquake, flood, landslide and cyclonic storm. Assam fall in the highest rainfall intensity zone of the Country where average annual rainfall ranges from 1750 mm in the plains to 6400 mm in the hills making the State very highly prone to floods. On the other hand destabilisation of hill slope, non-regulated land use practice has been causing landslide affecting lives and property of many people. Again, the entire State falls in Zone V, the most vulnerable seismic zone.

2.2 The enactment of the Disaster Management Act 2005 has brought about paradigm shift in the concept of disaster management. Definition of disaster now includes both natural & manmade disasters; and disaster management encompasses prevention, mitigation, response, relief and rehabilitation in respect of both natural and man-made disasters. Section 39 of the Act states that : It shall be the responsibility of every department of the Government of the State to-

- a) take measures necessary for prevention of disasters, mitigation, preparedness and capacity building in accordance with the guidelines laid down by the National Authority and the State Authority ;
- b) integrate into its development plans and projects, the measures for prevention of disaster and mitigation;
- c) allocate funds for prevention of disaster, mitigation, capacity-building and preparedness ;
- d) respond effectively and promptly to any threatening disaster situation or disaster in accordance with the State Plan, and in accordance with the State Plan, and in accordance with the guidelines or directions of the National Executive Committee and the State Executive Committee ;
- e) review the enactments administered by it, its policies, rules and regulations with a view to incorporate therein the provisions necessary for prevention of disasters, mitigation or preparedness;
- f) provide assistance as required, by the National Executive Committee, the State Executive Committee and Disaster Authorities, for-
 - i) drawing up mitigation, preparedness and response plans, capacity-building, data collection and identification and training of personnel in relation to disaster management;
 - ii) assessing the damage from any disaster;
 - iii) carrying out rehabilitation and reconstruction;
- g) make provision for resources in consultation with the State Authority for the implementation of the District Plan by its Authorities at the District Level;
- h) make available its resources to the National Executive Committee or the State Executive Committee or the District Authority for the purposes of responding promptly and effectively to any disaster in the State.
- i) such other actions as may be necessary for disaster management.

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2.3 Section 40 of the DM Act 2005 stipulates that (1) every Department of the State Government in conformity with the Guidelines laid down by the State Authority -

- a) shall prepare a Disaster Management Plan
- b) annually review and update the Plan referred to in clause ‘a’ ; and
- c) furnish a copy of the Plan referred to in clause ‘a’ or clause ‘b’ as the case may be, to the State Authority

(2) Every Department of the State Government, while preparing the plan and under sub-section (1), shall make provisions for financing the activities specified therein.

(3) Every Department of the State Government shall furnish an implementation status report to the State Executive Committee regarding the implementation of the disaster management plan referred to in sub-section (1).

2.4 The holistic approach to disaster management mandated by the Act necessitates a close, comprehensive and in –depth look at the existing legal and regulatory frameworks under various State Government departments that have a bearing on the preparedness and capacity of the departments to deal with the responsibilities having devolved on them after the enactment of the Act and also at the institutional mechanism that exist in the departments to enforce the legal and regulatory provisions. Needless to say, stronger legal regulatory framework and enforcement mechanism facilitate better management of disasters.

2.5 Assam State Disaster Management Authority (ASDMA) was established in the year 2010 in pursuance of Section 14 (1) of the Act with the mandate to lay down policies and plans for the disaster management in the State, approve the State Plan as per NDMA guidelines, approve the disaster management plans prepared by the departments of the Government of the State , lay down guidelines to be followed by the departments for integration of measures in their development plans and projects and to prevent , mitigate disasters as well as coordinate the implementation of the State Plan, recommend provision of funds for mitigation and preparedness measures, review development plans of different departments, review measures for mitigation and capacity-building and preparedness.

2.6 In the furtherance of this mandate, ASDMA has decided to commission a study of legal and regulatory framework and enforcement mechanisms for the discharge of responsibilities assigned to them under the act in respect of a few selected departments so that the gaps in the existing framework and mechanisms, if any, can be identified and a roadmap can be developed to plug up and introduce necessary changes.



3. TERMS OF REFERENCE :

A) Scope of work:

- i. Extensive and in-depth study and analysis of the existing Legal & Regulatory framework under selected Government Departments that have a bearing on their role and responsibilities in regard to disaster management. Legal and regulatory framework includes Central and State legislations the department has the responsibility to implement, rules framed thereunder, circulars, executive instructions, manuals and protocols issued by the State Government.
- ii. Identification of areas in need of strengthening.
- iii. Suggesting way forward to make them stronger in the light of international protocols, agreements or standards, and legal- regulatory framework in developed countries and other States of the country.
- iv. Extensive and in-depth study and analysis of the existing institutional mechanisms for the enforcement of the existing legal regulatory framework under selected departments, identification of areas in need of strengthening and suggesting way forward in the context of good and effective international and national practices.
- v. The departments to be covered under the study are: Forest & Environment, Water Resources, Agriculture, Soil Conservation, Animal Husbandry and Veterinary, Panchayat & Rural Development , Public Health Engineering, Urban Development including Guwahati Development Department, Town and Country Planning, Industry, Revenue & Disaster Management and PWD (Building) Department.
- vi. Suggesting the framework for utilisation of the study by the departments.

B) Methodology to be followed

(i) The study will involve examination of and analysis of the legislations, rules etc., interview with the departmental officials and stakeholders, visits to the offices and field to have first-hand view of the ground realities.

(ii) There will be a Research Advisory Committee in ASDMA. The agency conducting the research will have to present its detailed plan for conducting the study to this committee and be bound to follow the directions of the committee within the approved scope of work . The plan should indicate the samples selected for study , sample size, questionnaires for interviews and focus group discussion, schedules of field visits etc.

(iii) The selected agency shall also present a monthly progress report to the Research Advisory Committee.

(iv) The draft report on completion of the study shall be made final only after it has been presented to the Research Advisory Committee and suggestions of the committee should be incorporated in the report.



