

STANDARD REQUEST FOR PROPOSAL (SRFP)

FOR THE

REVISION OF THE RULES AND REGULATIONS

ON CONTENT, 2019



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



MCB/eGP2021-22/274

05 November 2021

Subject: Invitation for Consultancy Service

The Media Council Secretariat (Secretariat) is pleased to invite proposals for consultancy service from eligible Bhutanese firms to carry out the **REVISION of the Rules and Regulation on Content 2019** in line with the existing codes and regulations.

The detailed scope of the work is provided in the Terms of Reference (ToR). The Bid must be submitted latest by 22/11/2021 before 3:00 PM BST via eGP System (www.egp.gov.bt).

For any clarification, kindly email at tzangmo@mediacouncil.gov.bt or contact us at 02-331347/48 during office hours.

(Tshering Wangmo)
Head



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Royal Government of Bhutan
Thimphu: Bhutan



1. **INTRODUCTION**

1.1 Firms/individuals are hereby invited to submit a technical and financial proposal for consultancy services required for the Assignment named in the attached Letter Of Intent (LOI) Data Sheet (referred to as "Data Sheet"). The proposal could form the basis for future negotiations and ultimately a contract between your firm and the Client named in the Data Sheet.

1.2 A detailed description of the Assignment and its Objectives are given in the Data Sheet.

1.3 The Assignment will be implemented in accordance with the procedure indicated in the Data Sheet.

1.4 To obtain first hand information on the Assignment and on the local conditions, firms/individuals are encouraged to pay a visit to the Client before submitting a proposal and attend a pre-proposal conference as specified in the Data Sheet. Firms/individuals must take into account the local conditions while preparing the proposal.

1.5 The Client will provide the inputs specified in the Data Sheet, and will assist the Consultants in obtaining licenses and permits needed to carry out the services, and make available relevant project data and reports.

1.6 Please note that (i) the costs of preparing the proposal and of negotiating the contract, including a visit to the Client, are not reimbursable as a direct cost of the Assignment; and (ii) the Client is not bound to accept any of the proposals submitted.

1.7 Consultants shall not be under a declaration of ineligibility for corrupt and fraudulent practices.

2. **DOCUMENTS**

2.1 To enable firms/individuals to prepare a proposal, please find and use the attached Documents listed in the Data Sheet.

2.2 Consultants requiring a clarification of the Documents must notify the Client in writing, and not later than seven days before the proposal submission date.

2.3 At any time before the submission of proposals, the Client may, for any reason, whether at its own initiative or in response to a clarification requested by an invited consulting firm, modify the Documents by amendment.



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Royal Government of Bhutan
Thimphu: Bhutan



3. PREPARATION OF PROPOSAL

3.1 Firms/individuals are requested to submit a technical and a financial proposal. Your proposal shall be written in the language specified in the Data Sheet.

Technical Proposal

3.2 Firms/individuals are expected to examine all terms and instructions included in the Documents. Failure to provide all requested information may result in rejection of your proposal.

3.3 During preparation of the technical proposal, firms/individuals must give particular attention to the following:

- i) If firms/individuals consider that the firm does not have all the expertise for the Assignment, you may associate with other firms or entities, including the other firms invited for this Assignment and/or local consultants, subject to restrictions specified in the Data Sheet, to enable a full range of expertise to be presented;
- ii) While there is a budget outlay for this Assignment it has deliberately not been mentioned in the Data Sheet. Given the nature of the assignment and the fact that the consultants are given total leeway to craft the assignment based on their professional outlook, expertise and the requirements and potentials of the industry, the firms/individuals should feel free to design a budget based on the projections and demands of the assignment.
- iii) The estimated man months/number of days for the Assignment are stated in the data sheet for your information. However, firms/individuals should feel free to submit your proposal on the basis of man months/number of days which firms/individuals consider necessary to undertake the assignment.

3.4 The technical proposal must provide the following information, using, but not limited to, the formats attached in **Annexure 2**:

- i) A brief description of the Consultant's organization and an outline of recent experience on assignments of a similar nature. The information provided on each assignment should indicate, inter alia, the profiles of the staff provided, duration, contract amount and firm involvement;
- ii) Any comments or suggestions on the TORs, and a description of the methodology (work plan) which the Consultants propose to execute the services, illustrated with bar charts of activities.
- iii) The composition of the proposed staff team, the tasks which would be assigned to each and their timing;



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



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- iv) Curriculum Vitae (C.V.) recently signed by the proposed key professional staff or an authorized manager in the home office.
 - v) Estimates of the total time effort (person x months) to be provided for the services, supported by bar chart diagrams showing the time proposed (person x months) for each professional staff; and
 - vi) The Consultant's comments, if any, on the data, services and facilities to be provided by the Client indicated in the TORs.

3.5 The technical proposal **must not** include any financial information.

Financial Proposal

3.6 The financial proposal should list the costs associated with the Assignment. These normally cover: remuneration for staff, accommodation (per diem, housing), transportation, for mobilization and demobilization, and equipment (vehicles, office equipment, furniture and supplies), printing of documents, surveys. Your financial proposal should be prepared using, but need not be limited to, the formats attached in **Annexure 3**.

3.7 The financial proposal must take into account the tax liability and cost of insurance specified in the Data Sheet.

3.8 Costs may be expressed in currency as provided in data sheet

4. SUBMISSION OF PROPOSALS

4.1 The completed technical and financial proposal must be submitted on or before the time and date stated in the Data Sheet.

4.2 The proposal must be valid for the number of days stated in the Data Sheet from the date of its submission during which firms/individuals must maintain available the professional staff proposed for the assignment. The Client will make its best effort to complete negotiations at the location stated in the Data Sheet within this period.

5. PROPOSAL EVALUATION

5.1 A two-stage procedure will be adopted in evaluating the proposals:

- i) A technical evaluation, which will be carried out prior to opening any financial proposal;
- ii) A financial evaluation.
- iii) Firms will be ranked using a combined technical/financial score, as indicated below.



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



Technical Proposal

5.2 The evaluation committee appointed by the Client will carry out the evaluation applying the evaluation criteria and point system specified in the Data Sheet. Each responsive proposal will be attributed a technical score (St.).

Financial Proposal

5.3 The evaluation committee will determine if the financial proposals are complete and without computational errors. The lowest financial proposal (Fm) will be given a financial score (Sf) of 100 points. The financial scores of the proposals will be computed as follows: $Sf = 100 \times Fm/F$ (F - amount of financial proposal).

5.4 Proposals will finally be ranked according to their combined technical (St) and financial (Sf) scores using the weights indicated in the Data Sheet” S = St x T% + Sf x F%.

6. NEGOTIATIONS

6.1 Prior to the expiration period of proposal validity, the Client will notify the successful Consultant who submitted the highest scoring proposal (technical + financial) in writing and invite to negotiate the Contract.

6.2 Negotiations normally finish within five days. The aim is to reach an agreement on all points, and initial a draft contract by the conclusion of Negotiations.

6.3 Negotiations will commence with a discussion of technical proposal, the proposed methodology (work plan), staffing and any suggestions made to improve the TORs. Agreement must then be reached on the final TORs, the staffing and bar charts, which will indicate activities, staff, periods in the field and in the home office, staff months, logistics and reporting. Special attention will be paid to optimize the required outputs from the Consultants within the available budget and to define clearly the inputs required from the Client to ensure satisfactory implementation of the Assignment.

6.4 Changes agreed upon will then be reflected in the financial proposal, using proposed unit rates.

6.5 The negotiations will be concluded with a review of the draft form of Contract. The Client and the Consultants will finalize the contract to conclude negotiations.

7. AWARD OF CONTRACT



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



7.1 The Contract will be awarded after successful Negotiations with the successful Consultants. If negotiations fail, the Client will invite the Consultants having obtained the second highest score to Contract negotiations. Upon successful completion, the Client will promptly inform the other Consultants that their proposals have not been selected.

7.2 The selected Consultant is expected to commence the Assignment from the date of signing of Contract.



LOI DATA SHEET

- | Clause No. | Clauses |
|-------------------|--|
| 1.1 | The name of the Assignment is: Revision of Rules and Regulations on Content, 2019 |
| 1.2 | The name of the Client is: Media Council Secretariat of Bhutan |
| 1.3 | The description and the objectives of the Assignment are: Mentioned in the ToR |
| 1.5 | Pre-Proposal Conference: No |
| 1.6 | The name(s) and address of the Official(s) is (are): Ms. Tshering Wangmo and Ms. Thinlay Zangmo, Media Council Secretariat of Bhutan (MCB). |
| 2.1 | The Documents are: (TORs and Appendices) |
| 2.2 | The address is: Head, MCB, Thimphu |
| 3.1 | The language is: English |
| 3.7 | Tax liability, insurances <i>(Insert as appropriate)</i> |
| 3.8 | Currency is: Bhutanese Ngultrum |
| 4.1 | The date and time of proposal submission are: as per the eGP notice |
| 4.2 | Validity period (days, date): 90 days |
| 5.1 | The points given to evaluation criteria are: |

SI No.	Evaluation Criteria	Points
1.	CV of key consultant and team(if any)	50
	1.1 Education qualification and working experience of the key consultant	20
	1.2 General experience of the firm (Consultant's Organization and experience)	10
	1.3 Relevant working experience of the key professional staffs and its adequacy for the assignment	20
2.	Description of Approach, Methodology and Work Plan for Executing the Assignment	50
	2.1 Ingenuity of the Technical Approach and Methodology Proposed	30
	2.2 Work Schedule and planning	20
Total Points		100
The minimum technical score required to pass is 80		



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



The technical proposal should score at least **80 points** out of 100 to be considered for financial evaluation.

- 5.4 The weight (T%) given to the Technical Proposal is **70 percent**.
The weight (F%) given to the Financial Proposal is **30 percent**.

Attachments:

1. ToR
2. Annexures (Format of technical and financial submission form)



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



Terms of Reference

1. Background and Context

In today's world, the media is considered as one of the most important tools for information dissemination. The media helps its consumers to access a wide range of information and also form opinions and judgements on various issues. Although the media was introduced with an objective to share current news, disseminate information and educate the masses, over the years its users have started to use it to create disharmony in the society through distortion of information and sharing misinformation and alike.

Advertisement too is one such tool that shapes/changes the consumer's behavior and opinion. Advertising is a necessary reality that must be carefully filtered and consumed. Products and services were initially sold through advertisements in the traditional media but now mass media platforms are used to advertise propaganda and present information to influence people on the way they think, feel or act.

With the change in time and emergence of advanced Information and Communication Technologies (ICTs), there are many sources for information and sharing of information has become faster thus affecting the way people consume media and information. Unlike traditional media, mass media offers easy access to a wide range of information and the risk of consumers being exposed to misinformation, disinformation and inappropriate content are unusually high.

Apart from the information source from the traditional media, it has become critical for all the media consumers to distinguish between the real and fake contents available in various media platforms including mass media and consume the information provided with care.

Social media influencers or Content Creators have a big role to play in impacting the way their followers think and live. Content creators produce entertaining or educational materials and are one of the biggest contributors of information in today's media scenario. Content Creators are part of the greater public knowledge creation and discussion. This role carries with it a responsibility to be fair, factual, honest and respectful. Content Creators must present fact as fact and opinion as opinion.

In today's context, content creators are hired by private companies and businesses to advertise their products and services to attract and connect to their existing and new customers. While doing so, a content creator should have the ability to blend his/her



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



employer's/client's guidelines with creativity. Besides having to comply with their clients' guidelines and requirements, currently there are no such legal documents requiring them to conduct in a certain way while presenting to the viewers. Hence the need to draw up the Rules on Content. When there are rules/code of conduct to be followed by media professionals practising with the mainstream media, it is only right that the content creators/social media influencers conduct themselves responsibly with authenticity, integrity and dignity that are in harmony with the Bhutanese values.

The technology we rely on to keep connected and informed is enabling and amplifying an infodemic that continues to undermine the response and jeopardizes measures to control the misinformation spreading in the country and around the globe. Now with the development of OTT platforms offering diverse contents, regulation of content has been even more difficult and challenging. And with almost everyone owning a smartphone and with faster internet connection, information sharing is just a click away and this has posed a great challenge in handling media and the public.

Infodemic is spreading faster than a virus and like any other country, Bhutan is also facing a lot of challenges in curtailing harmful contents available in all media and ICT services. In absence of a proper regulatory tool, technical experts and a comprehensive legal document, the regulation of such contents has been difficult and a national concern.

The existing 'Rules and Regulations on Content' issued by the Bhutan InfoComm and Media Authority (Authority) in 2019, focuses on the regulation of contents in print and broadcast media. However, this does not cover other media aspects like content sharing through mass media and OTT platforms. Considering these aspects, it is timely to amend the existing Rules on Content and incorporate these new components to make it more comprehensive and appropriate to the requirements of the present times. Therefore, the Secretariat invites the participation of national consultants to carry out the **REVISION of the Rules and Regulation on Content 2019** in line with the existing codes and regulations.

2. Aims and Objectives

The aim and overall objective of this assignment is to:

- I. Develop a comprehensive legal tool to take care of all forms of contents available in all media and ICT services
- II. Ensure appropriate and right contents in all media and ICT services
- III. Protect the general public from unhealthy/undesirable contents
- IV. Create a healthy and literate society



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



V. Align the existing rules in keeping with the latest developments in the current scenario

3. Methodology:

This is the most important aspect of any consultancy proposal. For this assignment too, we call upon the consultants to propose effective methodology to execute the project.

4. Expected Deliverables and TimeLine

The Consultant will be expected to provide the following deliverables:

Sl No.	Deliverables	Timeline
1.	Planning & discussion of methodology and presentation	Within 7 days after the award of the work
2.	First stakeholders' consultation	Within 20 days after the award of the work
3.	Draft presentation and discussion	Within 30 days after the award of the work
4.	Second stakeholders' consultation	Within 45 days after the award of the work
5	Final submission and presentation to the Secretariat	Within 60 days after the award of the work

5. Roles and Responsibilities:

5.1. Consultant Firm's Responsibilities:

- The Consultant shall carry out the tasks and specific activities outlined in this TOR to deliver the specific expected output professionally and responsibly.
- Develop a plan and methodology for the work.

5.2. The Secretariat's Responsibilities:

- The Secretariat will pay only to the winning Consultant the fee and all other costs outlined in the contract upon submission and acceptance of the Consultant's final performed work by the Secretariat.



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



- The Secretariat shall provide all the necessary information needed for the proper execution of the assignment.
- Facilitate the Consultant in executing the tasks as per the agreed work-plan.

6. Documentation Requirement

SI No.	Documents required
1.	CV of key consultant and team(if any)[<i>Supporting documents required</i>] <ul style="list-style-type: none">• General Experience of the Consultant• Working experience relevant to the assignment• Educational qualifications• Technical human resources of the firm• Relevant skills and trainings
2.	Work Plan <ul style="list-style-type: none">• Approach and Methodology for this assignment• Work schedule and planning
3.	Other Mandatory Eligibility documents* <ul style="list-style-type: none">• Valid Security and Tax Clearance• Valid Trade License• Copy of the Consultant's CID

****Non-compliance to mandatory eligibility requirements is treated as non-responsive and the bid shall not be considered for further evaluation.***

7. Evaluation Criteria

The proposal will be evaluated on the basis of the quality of the proposal and costs of the services. Technical and financial proposals will be assigned a weightage of 70% and 30% respectively. The technical proposals with a minimum score of 56 from 70 shall be considered for financial evaluation.

A consultancy firm will be selected as indicated in the Data Sheet.

Please note that the Secretariat is not bound to select any of the firms/companies submitting proposals. Furthermore, since a contract will be awarded in respect of the proposal which is considered most responsive to the needs of the project concerned, due consideration being



given to the Secretariat's general principles, including economy and efficiency, the Secretariat does not bind itself in any way to select the firms/companies offering the lowest price.

8. Payment Schedule

The payment shall be inclusive of all taxes and charges and shall be released as follows:

- a. 40% of the total cost shall be released after execution of the contract, as an advance for the service; and
- b. Remaining 60% shall be paid upon successful completion and acceptance of the final product by the Secretariat.

9. Confidentiality and Ownership

The Consultant will protect the confidentiality of the data received to carry out this work, and sign an agreement with the Secretariat. No data or deliverables from these assignments will be released to third parties without the written approval from the Secretariat. The Consultant will turn over all data and other material to the Secretariat and will not retain any information or material after the assignment has ended.

The Secretariat will be the sole and legitimate owner of all the deliverables and outputs emanating from this project. The Consultant shall have no right to claim ownership of the assignment or its outputs once completed. Any studies/reports/research outputs/audio visual outcomes/process documents produced as a part of this assignment shall be the property of the Secretariat. The Consultant shall not use or reproduce the contents of the produced data and outputs without the written permission of the Secretariat.

10. Reporting Requirements

The consultant shall directly liaise with the Secretariat to ensure that work is completed as per the objective and schedule.

11. Composition of the Review Committee to monitor Consultants work:

The Review Committee shall consist of the officials from the Secretariat, the Ministry of Information and Communications (MoIC) and if necessary, working professionals and experts in the field.

12. List of Key positions whose CV and experience would be evaluated:



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MEDIA COUNCIL OF BHUTAN
Royal Government of Bhutan
Thimphu: Bhutan



Key Consultant, Researcher, Established office setup and others as deemed necessary for the assignment.

13. Termination of Work

The contract shall be terminated if the selected consultant breaches any of the terms and conditions stipulated under the contract.

12. Legal Responsibility and Performance Security

- a. The contract agreement will be signed between the Secretariat and the Consultant for the work.
- b. The performance security (10% of the contract amount) shall either be deducted from the 40% advance payment payable or submitted in the form of Demand Draft/Cash Warrant at the time of signing the contract and shall be valid for not less than 6 months.
- c. In case of any dispute, it shall be dealt as per the dispute resolution clause prescribed in the Procurement Rules and Regulation (PRR), 2019.

(Tshering Wangmo)
Head



Annexure 2: FORMATS FOR TECHNICAL PROPOSAL

TECHNICAL PROPOSAL SUBMISSION FORM

TO

Madam:

**Subject: Hiring of Consultancy Service for _____
regarding technical proposals.**

I/We _____ Consultant/Consultancy firm
herewith enclose Technical Proposal for selection of my/our firm/organization as Consultant
for _____.

Yours faithfully,

(Signature)

Full Name _____

Designation _____

Address _____

(Authorized Representative)

I am enclosing herewith the following [Please tick]:

1. Attach firm's profile (if it is not individual)
2. Relevant services carried out in the last five years which best illustrate qualifications



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Royal Government of Bhutan
Thimphu: Bhutan



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3. Approach and methodology if asked in the LOI Data Sheet
 4. Comments and suggestions on the ToR
 5. CVs of proposed personnel
 6. Valid trade license & CDB certificate (if not individual)

Annexure 3: FORMATS OF FINANCIAL PROPOSAL

FINANCIAL PROPOSAL SUBMISSION FORM

TO

Madam:

**Subject: Hiring of Consultants' Services for _____
regarding the price proposal.**

I/We _____ Consultant/consultancy firm herewith enclose
Price Proposal for selection of my/our firm/organization Consultant for _____.
I, the undersigned, hereby declare to the best of my knowledge and belief, this information is
true and correct.

Yours faithfully,

(Signature)

Full Name _____

Designation _____

Address _____

(Authorized Representative)