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INDIAN COUNCIL OF FORESTRY RESEARCH AND EDUCATION
(An Autonomous Body of the Ministry of Environment and Forests, Govt. of India)
P.O. New Forest, Dehradun – 248 006 (Uttarakhand)

No.58-21/49th/2013-ICFRE

Dated 12 May, 2016

To

The ADG (IT&FS),
ICFRE

Sub:- Draft revised guidelines for undertaking institutional consultancy in ICFRE - reg.

Sir,


In pursuance of decision of the Board of Governors, ICFRE, draft revised guidelines for undertaking institutional consultancy has been framed. The report may be uploaded on the web-site of ICFRE inviting comments/suggestions and the guidelines for undertaking institutional consultancy in the Council.

It is requested Annexure-I (enclosed) of the report may please be uploaded for inviting comments/ suggestions on the 'Revised guidelines for undertaking institutional consultancy in ICFRE.

The comments/suggestions may be forwarded to Deputy Director General (Extension) on e-mail by 15th June 2016.

Encl: As above

Yours faithfully,


(Vivek Khandekar)
Secretary, ICFRE

Copy to:

1. The DDG (Extension) in reference to letter No.11-1/16-DDG (Extn)/ICFRE/60 dated 06th May 2016.
2. All Directors of the institutes under ICFRE with request to furnish your comments on the Revised guidelines for undertaking institutional consultancy in ICFRE to the DDG (Extension), ICFRE.

Consultancy Rules of the ICFRE

(Revised Vr.- 2015)

The Indian Council of Forestry Research and Education (ICFRE) is an autonomous body under the Ministry of Environment, Forest and Climate Change (MoEF&CC), Govt. of India. This organization has been established with a mandate to fulfil the need of Forestry Research, Education and Extension of its technologies from lab to land and expert services in the field of forestry, environment and allied sectors to the various stakeholders in the country including Government organizations, various industries and farmers.

The consultancy provided is to support the Government and Industries in order to take the policy decisions and also benefits these organizations in building their capacity. The consultancy services not only utilizes the professional experience and knowledge of officials of the council but also expose them in developing better skills and professionalism in imparting the consultancy services on their subject matter. In addition, the organization gets the firsthand knowledge of the current problems in the fields of forestry and environment which are very helpful in identifying the priorities. With increasing input on forest and environmental science at national and international level, new opportunities have come up for effective and efficient transfer of knowledge, skills and technologies to the end-users. New opportunities are likely to increase in coming days in the field of forestry research, environment protection and allied subjects.

The ICFRE *vide notification no. 58-21/XXXV/2006-ICFRE dated 16.10.2006* has framed its Consultancy Rules. In the light of changing developmental and economic scenario and enhanced concerns for the environment protection, the Government policies and priorities of the organizations are also changing. Accordingly, the Indian Council of Forestry Research and Education is also encouraging different divisions of ICFRE and its institutes to undertake research/consultancies to address various environment related issues and fulfil the objectives of the Council. With this background, necessity is realized for revision in the existing ICFRE Consultancy Rules, 2006.

The revision in the existing ICFRE Consultancy Rules, 2006 is being proposed keeping in view the present scenario of the Council, the current demand in the fields of forestry and environment, to cater the needs of various user groups and the nation in particular.

1. Scope of Consultancy Services

Consultancy shall mean professional services rendered to external agencies in terms of scientific, technical, engineering or other professional advice/assistance based on the expert knowledge and skill available in ICFRE. All consultancy services in ICFRE shall be institutional in the area of expertise of the individual(s) and shall preferably be in the thrust areas of the Council.

2. Categories of Consultancies

Consultancies is envisaged as an activity which entails assistance to an external organisation in finding a solution to specific scientific/technical/managerial problem(s) or performing a task for it in return for pecuniary consideration in whatever form. There shall be two categories of consultancies *viz.*,

- i. Advisory in nature and
- ii. General to meet the demand of end-users.

i. Advisory Consultancy

Advisory consultancy comprises of scientific, technical or other professional advice and

shall be provided to a client purely on the basis of available expert knowledge and experience of individual(s), rendered outside the ICFRE Institutes and not envisaging use of any facilities of the Council (including experimental, informational, computational etc.), and also not involving any kind of survey, detailed study or report preparation/submission.

ii. General Consultancy

General consultancy shall comprise scientific, technical, engineering or other professional advice / assistance based on the available knowledge base/expertise of the Council, and envisaging only minimum use of the Council facilities for essential experimentation, computation and other facilities needed to meet the objectives of the consultancy assignment. General consultancy may inter-alia cover:

- Preparation of report based on literature survey/feasibility studies, state-of-the-art technology sources, forecasting/evaluation reports/management plans, etc;
- Interpretation and validation of test results and data, risk and hazard/environment impact assessment studies etc;
- Rendering of expert advice in all the fields related to forestry and environment management.
- The Competent Authority for approving the consultancy shall have the power to decide on the category of a particular consultancy assignment. Any consultancy assignment which does not strictly fall under the category of Advisory Consultancy, shall be taken up as General Consultancy as indicated above.
- It should be ensured that financial benefits accruing to staff members from consultancy work may not affect the regular R & D activities of the Institute. A proper balance of the manpower and other resources of the Institute to be deployed between R & D activities and consultancy services should be decided upon by the Competent Authority.

3. Processing of the Consultancy Services

3.1. Understanding the proposal for selection of the leader and team of consultant(s).

Consultancy assignments involve high level skill, work efficiency, and scientific & systems approach, and contribute to image building of the institute/system. Therefore, decision on selection of the personnel should be made on the basis of the nature of work involved and capability of particular persons, and not on merely on the basis of hierarchy. At the same time, total work in hand with an individual is also to be considered. The client may approach either the expert concerned directly, or the Director of the Institute or Head of the Directorate of the Council or DG, ICFRE, who can direct the client to the potential expert in the Institute/Council. The consultancy project should be evolved through mutual discussion between the client and the expert(s). The proposal can then be mutually prepared and agreed upon by signing MoU.

3.2 Outlines of work and terms of reference (ToR) in the consultancy proposals

After a decision has been taken to accept the consultancy by a particular Division/Institute under the Council, it would be necessary to consider whether the outlines of work and terms of reference suggested by the client describe adequately and clearly the level of information desired and the facilities needed. In case it is considered that outlines of work and terms of reference are not likely to give the desired level of information, appropriate modifications and alterations should be proposed and made in the very beginning. The procedures and programmes to be followed should be mutually agreed upon and then issue notification for the same.

3.3 Limitation to consultancy by an individual

An individual scientist/staff in the ICFRE and its institutes, who is associated with R & D works, will not be allowed to accept consultancy service for a total period not exceeding 75 days in a calendar year, except the scientist/staff exclusively posted in the division/unit established for consultancy project. If in an individual case, the total period of consultancy in a year exceeds 75 days, approval of the Director General, ICFRE shall be necessary, who may accord relaxation based on merit.

2.4 In case of proposals from the ICFRE institutes requiring approval of ICFRE Headquarter, it shall be sent to the concerned Directorates of the Council depending upon the nature of the proposal. The Head of the Directorate will then seek/obtain approval of the competent authority and communicate the same back to the concerned institutes.

4. Costing of Consultancy Project

The costs for consultancy projects shall be worked out after taking into account the actual expenses connected with the consultancy proposal, intellectual fees, and any other costs specific to the proposal, **including** mandatory taxes (such as service tax) as applicable which shall be paid by the client concerned. The client may offer a lump-sum payment as the project/consultancy cost.

The minimum charges should ideally be equal to the charges for man-days, except in case of consultancy offered against open tenders, where the intellectual fee could be decided by the competent authority keeping in view the potential competition.

The charges for consultancy project shall comprise of two main components viz,:

(i) **Expenses:** This should include the following:-

- a) Cost of man-days of staff Scientist/ officer to be deployed.
- b) Cost of physical inputs/ services / utilities/ consumables/ raw materials
- c) Equipment usage cost/cost of equipment procured specifically for the Project, if any.
- d) External payments envisaged e.g. to outside consultants, for obtaining data, hiring of infrastructural facilities, computer, information etc.
- e) TA and DA
- f) Contingencies.
- g) Total expenses = sum of [i(a) to i(f)]

(ii) **Intellectual fee**

To be decided by the authority competent to approve the project/Consultancy Services [minimum equal to manpower charges i.e. i (a)].

(iii) **Taxes (including service tax)**

(iv) **Total Cost of Consultancy Project = Total expenses + Intellectual fee + All taxes (including service tax) as levied by the Government from time to time.**

5. Approval of consultancy projects

The proposal for consultancy projects/services received from any client need to be finalized in consultation with respective client and to be put up to the respective competent authorities in the ICFRE and its institutes. The approving authority shall be decided based on the proposed cost of consultancy projects as follows:

Nature of Client	Cost of Consultancy Project	Competent Authority for approval
National	Up to Rs. 50.00 lakhs and not involving the Director or Director level officer as one of the consultants	Director of the Institute/Deputy Director General, ICFRE
National	Beyond the powers of the Director of Institute/ Deputy Director General, ICFRE involving the Director or Director level officer as the sole consultant or member of team.	DG, ICFRE
International/ foreign sponsored	No ceiling for International/ foreign sponsored project	DG, ICFRE with the prior approval of the Chairman BoG, ICFRE/ Secretary MoEF&CC

The project proposal will be placed before the Competent Authority, for consideration and approval in the prescribed Proforma (Annexure – II).

6. Authorized signatories for consultancy projects or signing of MoU

The authorised signatories for the consultancy project shall be the Director's of institute/DDG's, ICFRE or nominated official from respective Institute/Directorate as the case may be.

7. Execution and completion of consultancy projects

The works under consultancy project will be executed and project completed under overall supervision/direction of the Team leader with the help of team of consultants approved for the project by the competent authority and project staff. In case, expertise is not available on any desired aspect under the consultancy project, the services of suitable expert institution/individual subject matter experts may be taken following due codal formalities and after due approval of the competent authority i.e. Director of the respective Institute or DDGs in case of ICFRE.

All efforts should be made to complete the assignment as per the approved Terms and Reference (ToR)/ MoU for the execution of the project.

8. Incentives to the personnel working under consultancy projects

- Telephone/Mobile phone charges of about Rs. 750/- may be paid to the personnel involved in consultancy project during the tour undertaken for the said project works outside their work place.
- An amount of Rs. 2000/- shall be allowed towards out of pocket expenses to the Coordinator/Nodal officer of the respective consultancy and an amount of Rs. 1000/- to the individual scientist/official during the field visit.
- The officials involved in consultancy projects may be permitted to attend conferences/Seminars/Workshops along with registration fee if any, in the related aspects from the funds under any of the ongoing consultancy projects.

9. Sharing of Money as Honorarium with Staff realized under consultancy projects

This merely reflects charges for ICFRE investment over a period of time, in building up and sustaining the extant level of expertise, knowledgebase and facilities. In order to encourage the staff for taking the challenging responsibility in the field of environment and forest and recognition of their contribution in the consultancy services rendered by the ICFRE and its institutes, some monetary benefit need to be extended to the staff involved in such activities. Therefore, a portion of money realized under consultancy project may be shared in the form of **honorarium** to those staff (Team of Consultants, Other S&T Staff and Supporting staff) who were actively associated with the consultancy project works and had contributed meaningfully.

9.1 Quantum of money to be shared as Honorarium under the Consultancy Projects and ICFRE Revenue

The amount of honorarium distributable to staff involved in the consultancy projects shall be restricted to a maximum half of the intellectual fee portion or of the net surplus (remaining after accounting for all direct and indirect expenditure for the consultancy service) whichever is less. For the maximum amount of honorarium to a official on annual basis, a ceiling of amount equivalent to 50 man days in respective grade may be kept, or as may be considered appropriate and decided by Director of Institutes/ concerned DDG/DG, ICFRE based on the quantum of work and project value.

9.2 Pattern of Distribution of Honorarium

The pattern of distribution of the permissible honorarium from consultancy services/Projects is to be as follows:

(i) Advisory Consultancy

Team of Consultants - 90%
ICFRE Welfare Fund - 10%

(ii) General Consultancy

The permissible amount of honorarium for distribution among the members of the Consultancy team will be as follows:

Team of Consultants - 60%
Other S&T Staff - 15%
Supporting Staff - 15%
ICFRE Welfare Fund - 10%

9.3 Quantum of money under the Consultancy Projects that should go to the ICFRE Revenue Account

After distribution of honorarium and transfer of amount to the ICFRE Welfare Fund, as provided under the said Rules, the unutilized/balance amount available under the respective ongoing consultancy projects should be transferred to the ICFRE Revenue account and the respective consultancy project account closed.

10. Distribution of honorarium for Consultancy Services

10.1 Honorarium is payable only to the 'Team of Consultants' and 'Other S&T Staff providing inputs to the specific consultancy assignment, together hereinafter referred to as "Group of Staff and the 'Supporting Staff"'. In case there is no staff under 'Other S&T staff' associated with a consultancy project, the share of honorarium earmarked for this category shall then go to the Team of Consultants.

- 10.2 The 'Team of Consultants' shall comprise only such staff members who provide intellectual inputs to the specific consultancy work, while 'Other S&T Staff shall generally include Group III & IV staff, project staff who assist the team of consultants with S&T, information, computational, economic and marketing-inputs pertaining to the specific consultancy and the 'Supporting Staff, will comprise all staff in the Institutes/Council from the technical groups I, II & III administration, finance, stores and purchase who have not been included in the other two categories of staff of any consultancy project for the year of distribution of honorarium. The Director/Council shall have the flexibility to, group the 'Supporting Staff as (a) those who contributed directly to the consultancy and (b) the remaining supporting staff. The Director/Council can also apportion between the two groups (a) and (b) above, the honorarium earmarked for the category of Supporting Staff. The distribution of honorarium to group (b) staff is to be uniform for all the staff in the same pay scale and is to be done twice a year, however any supporting staff included in Group (a) of a consultancy shall be excluded from Group (b).
- 10.3 The names of the 'Group of Staff to be associated with the 'consultancy project' Indicated under each category, along with the proposed share (%) of honorarium of each individual member should be included in the project proposal put up to the Competent Authority for seeking approval to the project.
- 10.4 Any change in the approved ' Group of Staff for the consultancy project can be made by the Director /Council with the revision being ratified by the D.G., ICFRE for projects within their competence for approval.
- 10.5 The consultancy will be deemed to have been completed only when the obligations envisaged in the assignment have been fulfilled and all the money due from the client has been received.
- 10.6 On the completion of the consultancy, the Project Coordinator shall in consultation with the team of consultants decide the share of honorarium to each member of the "Group of Staff, commensurate with the inputs of each individual member. The share of distribution agreed upon will be intimated to the concerned staff and also displayed on the notice board of the Institute/Council. In case of any objection to / representations against the proposed distribution are received within fifteen days from the date of intimation/ notification, the recommended distribution be taken as final.
- 10.7 The Director/Council would be competent to approve the distribution of honorarium in all cases where there is no deviation from the approvals obtained for the distributable amount of intellectual fee and or share of honorarium of individual member for a consultancy project.
- 10.8 In certain cases where there is a deviation in the approved share of honorarium of individual member and/or the amount of intellectual fee available for distribution, approval of the Competent Authority to the revised proposal for grant of honorarium as envisaged by the changed conditions may be obtained prior to distribution of honorarium.
- 10.9 Any objections/representations received (within the stipulated period of time) to the distribution of honorarium shall be discussed with the Project Coordinator by either the Director/Council or any committee setup for this purpose. The committee's recommendation would then be placed for consideration/decision of the Director/Council. The decision of the Director/Council shall be intimated to all the concerned staff and displayed on the notice board. In case there is no representation against the decision of the Director/ Council within 30 days of its display on the notice board, distribution of honorarium as per the decision shall be done.

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- 10.10 Representations/objections received against the decision of the Director/ DG, ICFRE can be made to DG, ICFRE /Chairman within 30 days of the date of its display on the notice board (a copy of all such representations should invariably be endorsed to the Director/Council). The decision of D.G., ICFRE /Chairman in the matter shall be final and binding on all concerned.
 - 10.11 A member of the consultancy team shall have the option to forego his/her share of honorarium, which shall then lapse to the ICFRE Welfare Fund.
 - 10.12 There is no ceiling on the maximum amount of honorarium receivable by an individual on consultancy provided that the man-days devoted by the individual on consultancy work in a financial year do not exceed 50 man-days.
 - 10.13 Distributions of money made in disregard of the prescribed procedure and guidelines shall be deemed as unauthorized and liable to recovery with 18% interest.

11.0 General aspects

- 11.1 Contractual obligations of a consultancy project shall be that of the ICFRE. Agreements with clients, will thus be executed, on behalf of the ICFRE and not by an individual consultant or team of consultants. Every care should be taken to avoid any legal complications involving the ICFRE as a result of the consultancy service.
- 11.2 For consultancy services of a minor nature, agreement on a stamp paper may be dispensed with and the terms and conditions of consultancy settled through exchange of letters. In case, the Council feels that an agreement would be technically and legally useful, the party may be asked to enter into a legally enforceable agreement. The terms and conditions should include a disclaimer on responsibility of the ICFRE for the advice /recommendations given in the consultancy.
- 11.3 The ICFRE is often called upon to carry out investigational jobs by the government agencies, courts of law and statutory authorities etc. These jobs may need to be undertaken on an urgent basis and in such cases the Council shall not, subject to acceptance of payment and other terms by the client in writing, insist on advance payments.
- 11.4 The staff involvement for each consultancy project shall be approved by the Director of Institutes / DG, ICFRE, as the case may be. While assigning the consultancy job to a staff member, cognizance shall be taken of his / her workload, qualifications and experience vis-a-vis the specific requirements of the consultancy job, annual honorarium likely to accrue to him/her from consultancy etc.
- 11.5 As far as possible, the 'team of consultants' selected for consultancy work should have the confidence of the sponsor. If the sponsor indicates preference for a particular person(s), the request shall be given due consideration.
- 11.6 A copy of the project report for all consultancy jobs undertaken shall be retained for record purposes, with the Council, except those which are purely advisory in nature and where no project report is required to be submitted to the client. In such cases, a brief note on the consultancy rendered should be submitted to the Council for record.
- 11.7 Provision of insurance on manpower and equipment, medical reimbursement to project staff during the tour period under consultancy project.

12. Feedback

Feedback, the institutes/Directorates shall keep the DG, ICFRE informed of all the consultancy projects undertaken during the year.

13. LIABILITY

In case any legal dispute arises between the Investigator(s) and the sponsor such that the Investigator(s) are in any way, held responsible to make good the losses incurred by the sponsor, such liability will be restricted to a maximum limit which will be calculated as follows:

Maximum Liability = The total amount charged for the project – the expenditure / liabilities on the project. It is in the interest of the Investigators to bring this fact to the notice of the sponsors. The expenditure / liabilities as determined by the Institute will be calculated as the expenditure / liability till such date on which the sponsors inform the Investigator in writing to stop work on the project for on-going projects, or till the end of the project for completed projects. This amount does not include the remuneration paid to the Investigator(s) and staff of the Institute. The insurance for this purpose on a rolling basis.

14. DISAGREEMENTS / DISPUTES

Any disagreement within the Institute arising at any stage of a Consultancy project will be resolved in consultation with DG/DDG and Director of Institutes to ensure an expeditious removal of bottlenecks and smooth functioning of the project.

All legal action will be subject to jurisdiction at Civil Courts of respective institutes and in Dehradun / High Court at Nainital and in case of ICFRE.

15. ARBITRATION

In the event of any disputes or differences at any time arising between the parties relating to Consultancy project or any other clause(s) or any content of the right and liabilities of the parties or other matters specified therein or with reference to anything arising out of the Consultancy or otherwise in relation to the terms, whether during the Consultancy or thereafter, such disputes or differences shall be endeavoured to be resolved by mutual negotiations. If, however, such negotiations are in-fructuous, the dispute should be finally settled through Arbitration and Conciliation Act, 1996 by three arbitrators appointed in accordance with the said Act. The arbitrators shall give reasoned and speaking award.

16. PUBLICATION OF RESULTS

ICFRE/Institutes will have the right to publish the work carried out by its officials unless the sponsors have an agreement under which their prior permission is required. In such cases the draft paper before publication will be submitted to sponsors and if no objections are raised within one month of the submission of the proposal to publish the result, it will be assumed that the sponsors have no objection to such publication.