



UNODC

United Nations Office on Drugs and Crime

Regional
Office for
South Asia

EP 16/17, Chandragupta Marg, Chanakyapuri, New Delhi – 110 021. India
Tel: +91-11-4222-5000 Fax: +91-11-2410-4962 Website: <http://www.unodc.org/india>

**TERMS OF REFERENCE FOR
CONSULTANT FOR THE ASSESSMENT OF THE ABUSE AND TRAFFICKING OF
PRESCRIPTION DRUGS CONTAINING NARCOTICS AND PSYCHOTROPIC
SUBSTANCES AND THEIR PREPARATIONS IN INDIA**

Post Title: Consultant for assessment on pharmaceutical abuse in India

Organisational Section/Unit: United Nations Office on Drugs and Crime (UNODC) ROSA

Project Title & No.: Strengthening drug law enforcement capacities in South Asia(XSAJ81)

Name & Title of Supervisor: Mr. Rajiv Walia, Project Coordinator

Duty Station: Home based (India)

Proposed Duration: 4 months between 1st April 2015 – 31st July 2015

Type of Contract: Contract under IC modality

A. TERMS OF REFERENCE

I. BACKGROUND

United Nation's Office on Drugs & Crime, Regional Office for South Asia, UNODC (ROSA) based in New Delhi, India is implementing project XSA/J81, (hereinafter referred as project) on "Strengthening of Drug Law Enforcement Capacities in South Asia". The objective of the project is to capacities of drug law enforcement agencies in South Asia region comprising of Bangladesh, Bhutan, India, Maldives, Nepal and Sri Lanka. Project XSA J81, as a part of its work plan for 2015 & 2016 would undertake various activities to strengthen the regional drug law enforcement and forensic detection capacities.

One of the outputs of the project is to enhance capacities of drug regulatory authorities, including drug law enforcement agencies of member States to counter diversion, internal and cross border trafficking of prescription drugs containing narcotics and psychotropic substances and their preparations in collaboration with trade and industry. Accordingly, the project needs to conduct expert assessments in each member state in the following three areas:

- i. On the nature and extent of the abuse of prescription drugs

- ii. On the existing legal and regulatory regimes related to pharmaceutical abuse with an aim to strengthen them
- iii. On the existing enforcement organisations and institutions dealing with pharmaceutical abuse with a view to strengthen them

To this end, UNODC seeks to engage a Consultant to conduct a comprehensive expert assessment in above stated areas.

II. OBJECTIVES:

The Consultant will conduct an expert assessment on following three critical issues related to prescription drugs containing narcotics and psychotropic substances and their preparations **in India** and its cross border trafficking on Indian borders:

- i. Assess the nature and extent of the problem of abuse of prescription drugs containing narcotics and psychotropic substances and identify the pharmaceuticals that are generally used
- ii. Assess and review the existing national laws and regulations pertaining to the abuse of prescription drugs containing narcotics and psychotropic substances with the aim to:
 - ✓ *Verify that they are in line with provisions of the international drug control treaties;*
 - ✓ *Harmonise conflicting legislations, wherever they occur, that govern the use/control of prescription drugs containing narcotics and psychotropic substances;*
 - ✓ *Identify gaps in the legal and regulatory regimes that restrict enforcement of internal and cross border trafficking of prescription drugs containing narcotics and psychotropic substances and their preparations*
- iii. To assess the existing enforcement organizations dealing with pharmaceutical abuse with the objective of identifying their capacities, weaknesses, constraints and how to strengthen them

IV. SCOPE OF WORK:

The Consultant will work under the direct supervision of Mr Rajiv Walia, Project Coordinator (Project XSA/J81), UNODC, ROSA, New Delhi. He will be required to submit his reports and direct his communications pertaining to matter to the Project Coordinator XSA J81. The Consultant is required to perform the following specific tasks:

1. **Nature and extent:** Collect, review and analyse all the necessary documents to identify the nature and extent of problem of abuse of pharmaceutical preparations in India and its trafficking across the borders. This may include existing national / regional /state level surveys, baseline studies, data bases, research papers, government reports, inputs from treatment centres etc. The assessment should be comprehensive and include various dimensions of the problem like age-sex profile, demographic and economic profile, types of pharmaceutical drugs being misused within India, problem of cross border pharmaceutical drugs trafficking etc

The Consultant should thereafter, make a comprehensive set of recommendations on the above aspects

2. **Legal and regulatory regimes:** Compile and analyze the existing legal and regulatory regimes that are in place in India to prevent trafficking / abuse of prescription drugs containing narcotics and psychotropic substances and its cross border smuggling. The analyses may include existing legislations, manuals, instructions, circulars, Standard Operating Procedures (SOPs) etc. The Consultants should examine these existing instruments to:

- Understand and identify whether they are in line with all provisions of the international drug control treaties
- Understand and specifically identify weakness and gaps in these instruments which restrict their effective implementation and enforcement
- Understand and specifically identify any conflict in existing legal and regulatory regime which restricts their effectiveness and if there is any need to harmonize legislations / regulations

The Consultant should thereafter, make a comprehensive set of recommendations on the above aspects

3. **Organizations / institutions:** Identify the existing government organizations / institutions that are in place to prevent abuse and trafficking of prescription drugs containing narcotics and psychotropic substances and their preparations and their smuggling across the borders of India. Carry out an analysis on their specific mandate, roles and responsibilities. Also assess their effectiveness and whether there is an effective coordination / cooperation mechanism among these organizations / institutions.

The Consultant should thereafter, make a comprehensive set of recommendations on the above aspects

4. Since the above assessments are in the nature of expert assessments, the Consultant must meet and consult with relevant stakeholders in India including concerned government departments, border agencies such as BSF and SSB, Customs, NCB, CBN, INGOs and NGOs, treatment and rehabilitation centers, drug users, medical professionals, members of Industry & Trade etc.

The Consultant should attach with his reports, the record of discussions on the proceeding and outcomes of the above interactions / discussions to the Project Coordinator

5. As an end product of this exercise, the Consultant should produce a well-written, analytical and comprehensive report on the above three assessments as mentioned above. The report should include a background, existing scenario, finding and a set of recommendations along with a strategy to implement the recommendations

6. Based on the report, the Consultant will prepare and make a presentation to UNODC and other stakeholders for sharing details and findings of the assessments

V. EXPECTED TANGIBLE OUTPUTS/DELIVERABLES:

The outcome of the above assessments would be documented in the form of a comprehensive documentation and separate assessment reports for the three identified areas. The report should be divided into four parts and should include:

PART I: NATURE & EXTENT OF PROBLEM

- i. Nature and extent of the problem of prescription drugs containing narcotics and psychotropic substances and their preparations in India and its various dimensions
- ii. Types of drugs that are commonly abused and its profiling
- iii. Trends and patterns of cross border trafficking of prescription drugs containing narcotics and psychotropic substances and their preparations including “hotspots” for cross-border trafficking and modus operandi

PART II: ASSESSMENT OF LEGAL & REGULATORY REGIME

- i. Compilation of existing legal and regulatory instruments
- ii. Weaknesses/gaps in the effective implementation of existing legal and regulatory regimes that restrict their enforcement.
- iii. Set of recommendations on how to bridge these gaps and to harmonise the conflicting legislations wherever it exists

PART III: ASSESMENT OF ORGANIZATIONS/INSTITUTIONS

- i. Information on all existing relevant government departments/ Ministries/Institutions /agencies dealing with the enforcement of prescription drugs containing narcotics and psychotropic substances and their preparations and their cross border trafficking. The information should enumerate their mandates, powers & role
- ii. The weaknesses/constraint which limit their enforcement capacities
- iii. Set of recommendations on how to strengthen existing institutions

PART IV: RECOMMENDATIONS AND A STRATEGY FOR THEIR IMPLEMENTATION

VI. TIMEFRAME & DEADLINES:

This assignment is for India based Consultants for a period of 4 months from 1st April 2015 – 31st July 2015

The Consultant on fortnightly basis will share the progress of activities under this contract and certifying that the works, tasks, assignment have been / are being satisfactorily performed

The Consultant would submit a draft of his report to the Project Coordinator, not later than 30th June 2015. On receipt of draft report, the project team, within 7 days of its receipt, will discuss the draft report with the Consultant and give its suggestions/feedback, if any. Thereafter, the Consultant would submit his final report for three identified areas not later than 31st July 2015

VII. REQUIREMENTS FOR EXPERIENCE AND QUALIFICATIONS

- At least **10 (ten) years** experience in the field of drug law enforcement or drug prevention
- Knowledge of and practical experience in research and documentation in the field of drug enforcement/drug prevention
- Experience in the usage of computers and office software packages (MS Word, Excel, Power point etc.)
- Excellent writing, editing, and oral communication skills in English

VIII. DOCUMENTS TO BE INCLUDED WHEN SUBMITTING THE PROPOSALS

While submitting the Technical Proposal, the Consultant shall, in particular, ensure to attach the following:

- i. Profile (max 1 page) explaining why he/she is the most suitable for the work
- ii. Relevant experience (max 2 page)
- iii. Detailed methodology and conceptual framework with expected deliverables and timelines, man days required (3-5 pages)
- iv. Recent CV

IX. FINANCIAL PROPOSAL

Lump sum contracts: The financial proposal shall specify a total lump sum amount (including a breakdown of costs for fee, travel, and number of working days). Payments will be made in installments based upon key outputs, i.e. upon delivery of the services specified below in the TOR.

- 20% on signing of contract and submission of detailed work plan and proposed methodology in addressing the issue (in English)
- 50% on submission of draft comprehensive documentation on assessment of three identified areas in India (in English)
- 30% on submission of final comprehensive documentation on assessment of the three identified areas in India (in English)

X. BID EVALUATION

Cumulative analysis

The weighted average basis will be applied to evaluate the applicant; the award of the contract will be made to the Consultant whose offer has been evaluated and determined as:

- Responsive/compliant/acceptable, and
- Having received the highest score out of a pre-determined set of weighted technical and financial criteria specific to the solicitation

Criteria Max. Point: 100

Technical: 70 points

- Demonstrate knowledge on drug enforcement laws, drug prevention issues, Laws, and UN Drug control mechanisms/instruments - **15 Marks**
- Experience and skills in conducting research and documentation, in the field of drug control/enforcement/prevention - **15 Marks**
- Demonstrate experience of drafting report, facilitation and dissemination skills among relevant stakeholders - **20 Marks**
- Methodology, activities, Work plan, experience and skills - **10 Marks**
- Demonstrate organizational mandates, sound structure, sound programmatic and financial track record - **10 Marks**

Financial: 30 points

A detailed Financial Proposal to be submitted including travel costs to several areas in India to collect information. The financial proposal shall specify a total lump sum amount (including a detailed breakdown of costs for consultancy fees, travel, meeting costs and number of working days. Payments will be made in installments based upon outputs/deliverables specified in the TOR and upon certification of satisfactory work as per work plan and endorsed by UNODC.

XI. HOW TO APPLY

1. HOW TO SEND THE BID/PROPOSAL:

Interested eligible may submit their proposal both in sealed envelope and through email (only technical and financial proposal) detailing the individual costs for carrying out the assignment as well as the consolidated cost along with documents to support qualification and experience.

2. LANGUAGE OF BID:

The bid, as well as all correspondence and documents relating to the bid shall be written in English language. Supporting documents and printed literature furnished by the Bidder may be in another language provided they are accompanied by an accurate translation of the relevant passages in the English language.

3. CURRENCIES OF BID:

All financial information should be provided in Indian currency. Both, hard copy (sealed and signed) quotations and soft scanned copies of proposals should be submitted

4. PERIOD OF VALIDITY OF BIDS:

Bids shall remain valid for the period of 90 days after the date of bid submission. A bid valid for a shorter period shall be rejected by the Purchaser as non- responsive

5. FORMAT AND SIGNING OF BID:

The Bidder shall prepare one original and one copy of the bid, clearly marking each one as "ORIGINAL BID" and "COPY OF BID," as appropriate. In the event of any discrepancy between them, the original shall govern.

The original and all copies of the bid shall be typed or written in indelible ink and shall be signed by the Bidder or a person or persons duly authorized to bind the Bidder to the Contract. Any interlineations, erasures, or overwriting to correct errors made by the Bidder should be initialed by the person or persons signing the bid.

6. SEALING AND MARKING OF BIDS:

The bidder is expected to submit the proposal both in hard copies and electronically.

- 1) **Electronically (only the technical and financial proposal) to Ms. Savita Bhat (savita.bhat@unodc.org)**
- 2) Hard copy (technical and financial proposal including annexures): The bidder shall enclose the original and a copy of the bid in separate sealed envelopes, duly marking the envelopes as "ORIGINAL" and "COPY." The envelopes containing the original and copy shall then be enclosed in another envelope

The inner and outer envelopes shall:

(a) bear the name and address of the Bidder;

(b) be addressed to:

Ms. Savita Bhat

Admin and Finance Assistant
Project XSA J81 on Drug Law Enforcement
UNODC, Regional Office for South Asia
EP 16/17, Chandragupta Marg, Chanakyapuri, New Delhi

(c) bear the specific identification number and title i.e. **UNODC/XSAJ81/National Consultancy (Assessment)/ Pharmaceutical Abuse/INDIA/ 2015**

If the outer envelope is not sealed and marked, the purchaser will assume no responsibility for the misplacement or premature opening of the bid.

7. DEADLINE FOR SUBMISSION OF BIDS:

Bids must be received by UNODC at the address specified above not later than 15th March 2015.

Late bids will be rejected.

8. MODIFICATION AND WITHDRAWAL OF BIDS:

The bidder may modify or withdraw its bid after submission, provided that written notice of the modification, or withdrawal of the bids duly signed by an authorized representative, is received by the Purchaser prior to the deadline prescribed for submission of bids.
