



**GOVERNMENT OF ODISHA
DEPARTMENT OF HIGHER EDUCATION**

**Expression of Interest
for
Engagement of an Agency to Develop and Administer
Application and Student Database Management
for
Disbursement of
Scholarship under Medhabruti**

Tender Document
(Includes both Technical & Financial Bid Documents)

CONTENTS

SI No	Particulars	Page
1	Tender Notification	03
2	Expression of Interest	04
3	About the Department of Higher Education (DHE)	04
4	About Medhabruti	04
5	Steps of Bidding Process	05
6	EOI Timeline details	05
7	Project Delivery Timeline	06
8	Eligibility criteria for submission of EOI	06
9	Operations to be provided by developing Agency	07
10	Security Audit	11
11	Performance Bank Guarantee (PBG)	11
12	Payment Terms	12
13	Other Conditions	12
14	Technical Bid Format	13
15	Financial Bid Format	14
16	Agreement Format	15

TENDER NOTIFICATION

Government of Odisha, Department of Higher Education invites “Expression Of Interest” (EOI) from interested registered Companies/ Agencies involved in Information Technology (IT) development and Information Technology Enabled Services (ITES) for Application and Student Database Management for Disbursement of Scholarship under Medhabruti. The work includes the responsibility of receipt of online application from eligible meritorious students, validation by respective colleges/ institutions, shortlisting the applicants for facilitating disbursement of scholarship. The company will undertake the entire activity as an outsourced service model and the department will not own any infrastructure and man power other than software application and the student’s data base.

The interested company/agency may go through the details of EOI document at the official website of Department of Higher Education www.dheodisha.gov.in. The companies/ agencies need to submit a detailed proposal along with technical and financial bid in separate sealed cover as per formats at Annexure-I & Annexure - II of the EOI document. Both the covers shall be put in a third sealed cover super scribing “**EOI for Development and Administration for Application and Student Database Management for Disbursement of Scholarship under Medhabruti**” and same may be sent through registered post or in person so as to reach the undersigned on or before **15.07.2016** up to **5.00 PM**. The bidders are required to deposit an amount of Rs 10,000/- (Rupees Ten Thousand) towards cost of EOI document (non-refundable) and Earnest Money Deposit (EMD) of Rs. 2, 00,000/- (Rupees Two Lakh only)(refundable). The cost of tender document and EMD should be in the form of separate Bank Drafts issued by a Nationalized Bank in favour of “Deputy Secretary, Department of Higher Education” payable at Bhubaneswar. The important time lines are given below.

Pre-Bid Meeting <i>(at 11.00 AM in the Conference hall of the Department)</i>	:	01.07.2016
Last date for submission of technical and financial bid <i>(Up to 5.00 PM)</i>	:	15.07.2016
Technical bid opening <i>(at 11.00 AM in the Conference Hall of Department)</i>	:	18.07.2016
Financial bid opening <i>(at 11.00 AM in Conference Hall of Department)</i>	:	19.07.2016

**Deputy Secretary to Government
Department of Higher Education
Contact No : 0674- 2322437/ 9437152018**

1. EXPRESSION OF INTEREST (EOI):

Department of Higher Education (DHE), Government of Odisha invites Expression of Interest (EOI) for engagement of a Software Development Agency to develop and administer application software for application and student database management and provide all technical support to the Department in the process of sanction of scholarship under the scheme “Medhabruti”. The process includes the responsibility of collection of online application from eligible students for payment of scholarship under the “Medhabruti” scheme after being validated by the Institutions/Colleges and maintain the total student data base on a regular basis. The agency will undertake the entire activity as an outsourced service model and the department will not own any infrastructure other than the software application and the student’s data base. Interested parties may visit www.dheodisha.gov.in for understanding regarding overall operation of DHE.

2. ABOUT THE DEPARTMENT OF HIGHER EDUCATION (DHE):

The Department of Higher Education, Government of Odisha looks after education at University, Post-Graduate and Graduate level. It also provides Vocational Education in order to prepare the youths for self-employment. Besides, the Department promotes technical/professional courses in Government and Private colleges and Institutions.

3. ABOUT MEDHABRUTI:

In order to encourage and motivate meritorious students of Odisha pursuing their higher studies in the field of +2, +3, Post-Graduation and technical/ professional courses, the State Government is awarding several scholarship each year under the scheme Medhabruti. For effective monitoring and transparency in the process of disbursement of scholarship, applications from eligible students are being invited online from the year 2012-13. The scholarships are awarded on the basis of the results of secondary/ senior secondary/ university / joint entrance examination. 24,544 fresh students per year [10,000 Junior Merit for +2 students, 3,000 Senior Merit for +3 students, 1,500 for P.G Merit, 10,000 for technical/ professional courses and 44 Special Girls’ Merit Scholarship] can avail scholarship. 50% of the scholarships under all categories are earmarked for girls apart from 44 Special Girls’ merit Scholarship specifically earmarked for the girl students. The objective of this scheme is to provide financial assistance to meritorious students of Odisha including those who have secured admission in Technical / Medical institutions inside or outside the state or in the Institutes of National repute in accordance with the terms and conditions specified by the Government of Odisha.

The minimum qualifying marks, qualifying examination, period and amount of scholarship under different fields are given in the following table:-

SI No	Name of the Scholarship	Qualifying Examination	Minimum qualifying marks in last examination in %	Period of scholarship in years	Amount of scholarship in Rupees
1	Junior Merit	10th Board	60	2	3000
2	Senior Merit	12th Board	60	3	5000
3	P.G Merit	+3 final	60	2	10000
4	Technical/ Professional	12 th Board	60	As per duration of the course subject to maximum five years	10000
5	Special Girls' Merit Scholarship	JEE	-		12000

4. STEPS OF BIDDING PROCESS:

- 4.1. Interested parties/firms/agency may go through the EOI document after the launching/floating of EOI by Department of Higher Education website.
- 4.2. Interested parties may attend the pre-bid meeting to enquire about any queries regarding the EOI document.
- 4.3. The parties need to submit a detailed proposal along with technical and financial bid as per the formats in Annexure-I and Annexure - II respectively and deposit an amount of Rs.10,000/- (Rupees Ten Thousand) towards cost of tender document (non-refundable) and Earnest Money Deposit (EMD) of Rs.2,00,000/- (Rupees Two Lakh only). The cost of tender document and EMD should be in the form of separate Bank Drafts issued by a Nationalized Bank, in favour of "Deputy Secretary, Department of Higher Education" payable at Bhubaneswar. The EMD amount shall be refunded to all firms except the party to which the tender is awarded soon after the tender process is finalized.
- 4.4. Technical Bid and Financial Bid submission by the bidders
- 4.5. Opening of Technical Bid of the bidders.
- 4.6. Opening of Financial Bid of the technically selected bidders.
- 4.7. Issuance of Letter of Award to the selected L1 bidder.

5. EOI TIMELINE DETAILS:

Activities	Date & Time
EOI Floating date	24.06.2016
Pre-Bid Meeting	01.07.2016
Last date for submission of technical and financial bid	15.07.2016
Technical bid opening	18.07.2016
Financial bid opening	19.07.2016

6. PROJECT DELIVERY TIMELINE:

Deliverables	Timeline
Submission of Software Requirement Specification Report	10 days from issuance of Letter of Award (LOA)
Development of required Software Application	40 days from issuance of Letter of Award (LOA)
Finalisation of Software Application as per requirement	60 days from issuance of Letter of Award (LOA)
Launching of the project	60 days from issuance of Letter of Award (LOA)
Deployment of resources for Project Management, Operation & Maintenance	Five years from the date of Go live

7. ELIGIBILITY CRITERIA FOR SUBMISSION OF EOI:

SI No	Basic Requirement	Specific Requirements	Documents Required
1	Legal Entity	The bidder should be a Company registered under the Companies Act, 1956 since last 3 years. Also the company should be registered with the Service Tax, Sales Tax / VAT (as applicable) & Employee Provident Fund Authorities and operating for the last 3 years in Odisha.	Certificates of incorporation & other registration certificates.
2	Software/ Web Application Development Expertise	The bidder should have at least 3 years of experience in Software/Web application Development	Order for work or Letter of Award. Experience Details.
3	Quality Certification	The bidder should have assessment and certification for ISO and the validity till submission of the bid.	Copy of the valid certificates
4	Bidder Turnover	a) The Average Annual Turnover during the last three financial years ending on 31.03.2015 (as per the last published Balance sheets), should be Rs.5.0 Crore. b) The company must be profit making & positive net worth since last three financial years ending on 31/03/2015.	Extracts from the audited Balance Sheet and Profit & Loss Statement OR Certificate from the statutory auditor. Income Tax Returns of last 3 Financial Years
5	Blacklisting	A self-certified letter by the authorized signatory of the bidder that the bidder has not been blacklisted by any Central / State Government and Public Sector or under a declaration of ineligibility for corrupt or fraudulent practices as of date of Bid Submission must be submitted on original letter head of the bidder with signature and stamp.	

8. OPERATIONS TO BE PROVIDED BY DEVELOPING AGENCY/BIDDER:

- 8.1 Developing agency shall make an interface through which DHE and applying candidate will interact with the system through internet i.e. a website should be made in order to apply for the scholarship and extracting the required report by the officer concerned of DHE as and when required.
- 8.2 The designed web application should be SSL (Secure Sockets Layer) certified in order to avoid any unauthenticated approach.
- 8.3 Time line of all the activities involved as noted below in Medhabruti shall be submitted to the DHE and with due approval from DHE the same should be uploaded on the Medhabruti website.
 - (a) Release of online application form.
 - (b) Last date of applying for Medhabruti.
 - (c) Last date of offline form to be accepted at DHE
(only for the student of Odisha studying outside Odisha)
 - (d) Last date of the entry of the offline application form through department login.
 - (e) Last date of validation by the college/institution.
 - (f) Date of release of Merit list.
- 8.4 Instructions with detail process for the candidates “How to apply for the scholarship” and the instruction for colleges/institutions shall be provided on the website. Proper User Guides for both students and colleges/ institutions shall be provided by the agency on the website.
- 8.5 Agency shall provide call centre support during office hours for the candidates as well for colleges/institutions to avoid any confusion among candidates and colleges/institutions.
- 8.6 State login id and password to be provided to DHE with the facility to view the reports as per the format that will be given by DHE, to enter the details of the candidates applying offline (only for the students of Odisha studying outside Odisha) and validate them in order to make them eligible for scholarship.
- 8.7 Before applying for scholarship candidate should accept the “Terms and Conditions” decided by the Govt. then only the candidate should be redirected to the “Apply” page, otherwise system should not allow any candidate to apply for scholarship.
- 8.8 Candidate should first register themselves by providing the necessary details including email id and mobile number. Login id and password should be auto

generated by the system and automatic e-mail and SMS should be sent to the registered email id and mobile number respectively, also the candidate's Medhabruti profile is to be created by the system.

- 8.9 If candidate has already registered themselves in previous years, they should not be allowed to register them again instead they should receive a mail and SMS for their login id and password with reference to the design of website interface. Similarly if the candidate had been already selected for the merit list of Medhabruti in previous years then they should be redirected for the Renewal of Medhabruti instead of applying again.
- 8.10 Candidate should be able to login only by using login id and password sent through email and SMS. No other means of login should be allowed.
- 8.11 Proper application form should be designed capturing the entire requirement needed regarding the candidate, necessary for the disbursement of the scholarship amount in different categories. On login the candidate should be redirected to the same application form.
- 8.12 Application should be made part wise capturing the personal detail, Last Exam Passed detail, Present Course and College/institution/University information, Scholarship Information for which category candidate is applying, Guardian Information, Permanent Address, Bank Account Information and the photograph of the candidate in segments. At last an option should be provided to view the summary of an application form filled in by the candidate, so that candidate can review the form and can make correction if required before final submission.
- 8.13 Provision of web page requesting to upload photo, aadhaar card, mark sheet of qualifying examination, income certificate, residential certificate, bank details are to be made available for upload for individual candidate as required by DHE.
- 8.14 Validation shall be made while developing the online application system that the name of the bank account holder and the name of the candidate should be same i.e. registered name of the candidate and other registered details should automatically appear on the online application form making it not editable.
- 8.15 It is quite possible that one candidate can apply more than once by registering their different e-mail id and phone number. In order to avoid such circumstances, validation shall be made keeping in view several fields like aadhaar number while developing the system so that no student can apply more than once and if they do so their previous filled application form shall be

rejected automatically by the system only keeping the fresh application form in the applied candidates list.

- 8.16 Candidate shall have to upload the scanned document asked in the application form and system should be capable enough to maintain the records of the document in candidate wise manner as indicated at Para 13.
- 8.17 The Officers concerned of the Department shall be provided with Supervisor Login in order to check the details of the applied application form so that any irrelevant application form can be rejected at that level only. Supervisor login should have the authority to view the application form, scanned document uploaded for that application, photograph of the candidate and should have the authority to reject the application form.
- 8.18 A record should be maintained by the system for all the accepted, rejected application form, reason for rejection of the application form and supervisor id through which an application has been accepted or rejected. Time log should also be maintained for all the operations. Mail and SMS should be sent to the candidate informing their acceptance or rejection by the supervisor, same should reflect on the candidate's Medhabruti profile.
- 8.19 Back up of the system should be taken by the developing agency at regular intervals.
- 8.20 Physical survey of all the +2 colleges, degree colleges duly recognised by Government of Odisha, technical/ professional colleges duly recognised by AICTE and medical colleges duly recognised by MCI has to be done in order to capture the necessary detail of the colleges/institutions i.e. email id, phone number of the principal and approving authority with the signature of the college/institution head and stamp of the same.
- 8.21 List of all the eligible college/institution based on the survey is then to be uploaded on the website i.e. www.dheodisha.gov.in-medhabruti so that a student shall be able to choose name of his/her college/institution in which he/ she is currently studying from the list provided.
- 8.22 College/institution login id and password shall be automatically generated by the system and email and SMS shall be sent on the email id and mobile number respectively of the head of the institute or nodal officer of that college/institution.
- 8.23 Time to time e-mail and SMS should be sent to the Principal/ Head of the institution reminding the total number of students applied from their college/

institution, number of candidates that have been validated, number of candidates remaining for validation and the last date of validation.

- 8.24 College login shall provide the list of all the students applied from that particular college/institution. View application and related document option should be provided in order to compare the copy submitted by the candidate and details provided on the online application system. “Validate” and “Reject” form option shall be provided in the said college/institution login. In case of “Reject” the college has to record the reason of reject. Only the candidates and their details validated by the colleges/institutions shall be considered for the preparation of merit list.
- 8.25 State login shall provide one dashboard comprising all the activities carried out at candidate level, supervisor level and college/institution level. It shall comprise the details as noted below
- (a) Total number of students registered.
 - (b) Total number of students completed and submitted the form.
 - (c) Total number of forms cancelled automatically by the system.
 - (d) Total number of forms accepted by the supervisor.
 - (e) Total number of forms rejected by the supervisor.
 - (f) Total number of forms validated and rejected by the college/institution.
 - (g) List of all the colleges/institution with the Principal name, e-mail id, phone number, total number of students applied from that institute, total number of student validated, rejected and the total number of students remaining for validation should appear in the state login so that as and when required authority from DHE can enquire regarding the same with the principal.
- 8.26 The validated candidates list shall be considered for the preparation of merit list.
- 8.27 After validation by respective colleges/ institutions, the Supervisor or the designated officer of the DHE shall be provided with a web page containing photo, aadhaar number and uploaded aadhaar card of the student for verification with aadhaar data to be made available by OCAC from State Resident Data Hub for facilitating “Accept” or “Reject” of an application.
- 8.28 Selection logic of the candidate according to different scholarship scheme shall be designed depending on the selection criteria provided by DHE. Scholarship scheme wise merit list should be generated by the system through state login.

- 8.29 The merit list shall also be additionally made in formats provided by DHE required for automated billing and money transfer to selected applicants.
- 8.30 Selected candidates shall be intimated through e-mail and SMS and the selection list shall be published on the Medhabruti website.
- 8.31 Every college/institution should be able to view status of the candidate applied from their college/institution in their college login.
- 8.32 Scholarship under the scheme is renewable from year to year. For all technical/professional courses, scholarship will be renewed till the end of the course or up to a maximum period of five years whichever is less.
- 8.33 Each student in receipt of scholarship for one session shall apply for the “Renewal” of their application form in the next session. Renewal process of the selected candidate will depend purely on the scholarship scheme for which selection has been made and the duration of the course. System should be capable enough to make the list of the students eligible for “Renewal” process.
- 8.34 College/ Institution shall be provided option to validate the ‘Renewal form’ of a student in their log in area of the software. The college/ institution shall be provided option not to validate the renewal form under following three grounds :
- (a) Student indulged in indiscipline activity like ragging.
 - (b) Student with shortage of required attendance
 - (c) Student academically unfit for promotion to next higher class.

9. SECURITY AUDIT:

The developing agency is required to perform security audit of the web application to be developed via Government Empanelled Information Security Auditing Organisations by CERT-In (Indian Computer Emergency Response Team).

10. PERFORMANCE BANK GUARANTEE (PBG):

- 10.1 An unconditional and irrevocable Bank Guarantee equivalent to 10% of the cost of project from any nationalized / scheduled commercial bank in favor of “Department of Higher Education, Govt. of Odisha” shall be submitted by the successful bidder within 5 days of issue of work order/letter of award.
- 10.2 Failure of submission of PBG within the specified time period may lead to cancellation of the Work Order/letter of award.
- 10.3 The Bank guarantee shall be valid for a period of 1 year from the date of order.

10.4 In the event of the bidder being unable to service the contract for whatever reason, DHE would invoke the PBG. DHE shall notify the Bidder in writing of the exercise of its right to receive such compensation within 14 days, indicating the contractual obligation(s) for which the Bidder is in default.

11. PAYMENT TERMS:

The payment shall be made after successful conduction of the process and generation of Merit List as per the following:

11.1 The payment shall be made in lump sum for each Medhabruti session after generation of merit list successfully in various formats as required by DHE.

11.2 The payment shall be made after raising of invoices by the bidder after completion of work for the said Medhabruti session.

11.3 No payment shall be made for partial work done.

11.4 The quoted price shall be exclusive of all taxes.

12. OTHER CONDITIONS:

12.1 **Service Level Agreement:** The bidder shall sign a service level agreement with DHE after being selected. A copy of the agreement format is placed at Annexure – III. The agreement will be valid for a period of five years from the date of letter of award of the contract and can be rescinded by either party by giving a prior notice of three months.

12.2 The developed software/web application should be hosted by the bidder in their server or as required by DHE, and shall be capable of handling the traffic of all applications throughout the state and beyond.

12.3 The required training shall be imparted to DHE officials as and when required, by the selected bidder.

12.4 In case of breach of any terms and conditions attached to the contract, the EMD amount will be liable to be forfeited to Department of Higher Education with annulment of the contract.

ANNEXURE – I

TECHNICAL BID FORMAT

(To be put in a separate cover)

Brief Description of the Firm

1	Name of the Firm	
2	Constitution	
3	Name of owner/Partners/Directors	
4	Full particulars of office	
	(a) Address	
	(b) Telephone No.	
	(c) Fax No	
	(d) E-mail address	
5	Full particulars of the Bankers of the Firm	
	(a) Name of the Bank	
	(b) Account Type	
	(c) Account No.	
6	Registration Details: (Self-attested copies of all Certificates/ Licenses / Permits / Registrations, etc., should be enclosed failing which the application is liable to be rejected outright)	
	(a) PAN/GIR/ TIN No	
	(b) Service Tax Registration No.	
	(c) EPF Registration No.	
7	Details of Cost of Tender Document /Earnest Money Deposit	
	(a) Amount	
	(b) DD Nos and Dates	
	(c) Drawn on bank	
	(d) Valid Upto	
8	Software/ Web Application Experience	
	(a) Experience in software/ web application	
	(b) Security Audit Certification by CERT-IN Government Empaneled Agency	
	(c) ITES contracts in last three years (Copy of work order to be enclosed)	
	(d) Employee Strength in Odisha (Declaration by HR Department or ESI or PF Registration Copy)	
9	Annual Turnover (Financial)	
	(a) For 2012-13	
	(b) For 2013-14	
	(c) For 2014-15	

Note: Certified that information furnished above are true and correct to the best of my/our knowledge and belief. If anything is found to be incorrect at any point of time then the bid submitted is liable to be rejected.

Authorized Signatory

ANNEXURE – II

FINANCIAL BID FORMAT

(To be put in separate cover)

To

ThePrincipal Secretary to Government,
Department of Higher Education,
Government of Odisha.
Bhubaneswar.

Sub : Financial Bid for engagement of Software Development Agency to develop and administer application software for Scholarship Scheme of Govt. of Odisha (e-Medhabruti)

Sir,

I/We hereby submit our financial bid for software development and service charges as per the scope of work given in this document within the time specified and in accordance with the Terms and Conditions. The rates quoted in the prescribed format given below:-

One Time - Software Development Charges(in INR):	
Recurring charges:	
(a) Per Applicant Service charge (in INR):	
(b) Per Applicant Service Charge for renewal of Applications (in INR):	

Note: The prices given above are exclusive of all taxes but inclusive of installation, demonstration, physical survey of institutions/ colleges and training etc.

Grand Total Rs. _____ (In words Rupees _____)

Note: -

- The service period shall commence from *date of letter of Award*.

Name and Address of the Firm

Date :
Place:

Authorized Signatory

ANNEXURE – III

AGREEMENT

for

**Developing and Administering Application and Student Database
Management for Disbursement of Scholarship under Medhabruti**

This AGREEMENT is made on this the _____ day of _____, 2016 at Bhubaneswar, Odisha between :

Government of Odisha, Department of Higher Education, Secretariat, Bhubaneswar represented by the Principal Secretary to Government (hereinafter referred to as “the DHE” which expression shall, unless repugnant to the context thereof, include its successors and assigns)

- FIRST PART

And

_____ **Name of the Firm/ Agency**, a company incorporated under the Companies Act 1956 and having its registered office at _____(Address) (herein after referred to as _____) represented by its Managing Director _____, which expression shall, unless repugnant to the context thereof, includes its successors, assigns.

- SECOND PART

WITNESSES AS FOLLOWS:

1. WHEREAS In order to encourage and motivate meritorious students of Odisha pursuing their higher studies in the field of +2, +3, Post-Graduation and technical/professional courses, the DHE is awarding several scholarship each year under the scheme Medhabruti.
2. WHEREAS the DHE is desirous of engaging the services of an Agencyinvolved in Information Technology (IT) development and Information Technology Enabled Services (ITES) for Application and Student Database Management for Disbursement of Scholarship under Medhabruti.
3. WHEREAS In consideration of the conditions mutually agreed upon by the parties. The DHE is desirous of appointing _____(Name of the agency), as its Contractor to carry out works specified in the tender document and the contractor is desirous of being engaged to carry out the works.

4. Now this agreement witnesses that in consideration of the above and of the covenants of the parties contained herein, the DHE hereby engages _____(Name of the agency), as its contractor for facilitating online application, validating applications by institutions and final shortlisting the applicants for disbursement of scholarship, the scope of which is specified in tender document and to which engagement is hereby accepted by the Contractor, on the mutual terms and conditions contained below:
5. **TENURE OF CONTRACT AGREEMENT:** The engagement of the contractor by the DHE under this agreement shall be for a period of 60 months from the date of agreement. This agreement shall automatically stand terminated upon expiry thereof unless extended by mutual agreement.
6. **FUNCTIONS, DUTIES AND RESPONSIBILITIES OF THE CONTRACTOR.**
 - 6.1 The contractor shall perform all the works specified in tender document of this agreement and may engage IT employees for the said purpose.
 - 6.2 The contractor hereby agrees and confirms to comply with all the provisions laid down in the tender document and shall be paid in lump sum for each Medhabruti session including one time charges for development of the software application.
 - 6.3 The contractor shall be solely responsible to adhere to all the rules and regulations relating to labour practices and service conditions of its workmen and at no time it shall be the responsibility of the DHE.
 - 6.4 The contractor or its workmen shall not at any point of time have any claim whatsoever against the DHE. Neither the contractor nor his workmen can be treated as employees of the DHE for any purposes. They are not entitled for any claim, right, preference etc over any job/regular employment of the DHE.
 - 6.5 If the contractor fails to discharge his duties or neglects to perform the work agreed to done under the agreement, the DHE is entitled to terminate this agreement as per clause 12.4 of Other Conditions of the tender document.
7. **MISCELLANEOUS:**
 - 7.1 The contractor shall at all times during the agreement and thereafter, indemnify and keep indemnified the DHE, its officers, employees and representatives, from all or any claims, losses, demands, damages, etc., which the DHE, its officers, employees and representatives may or are likely to suffer by reason of acts, defaults, deeds, things, omissions and commissions committed by the contractor, while performing the conditions of this agreement.

- 7.2 Any amendment and/or modifications to this agreement shall be valid and binding on either party, only if such amendment/modification is mutually agreed to in writing and executed by both parties.
- 7.3 If any provision contained herein should be held unlawful, becomes incapable of performance by either party, is rendered void or unenforceable for any reason, that provision shall be severed from this agreement and the other provisions shall continue to be valid and performed, as if the severed provision was never a part of this agreement.
8. TERMINATION:- This agreement is valid for a period of five years from the date of the agreement and can be rescinded by the either party by giving a prior notice of three months. In case the contractor, in the opinion of the DHE, fails or neglects to fulfil any or all terms and conditions of the agreement, the DHE shall terminate this agreement, without assigning any reason, by a written notice of ninety (90) days to the contractor and the contractor shall not have any right to claim any damage / compensation from the DHE for the same.
8. GOVERNING LAW AND JURISDICTION:- Suites, if any, arising out of the contract shall be filed by either party in a court of law to which the jurisdiction of the Odisha High Court extends.
9. DISPUTE RESOLUTION:- In case of any dispute arising by either party during the contract period, it should be resolved amicably, at the level of the Government in Higher Education Department and the Agency.
10. ARBITRATION:- In case of any difference with regard to the obligations of the parties or interpretation of the clauses of this Agreement , or any alleged breach or violation thereof, the said dispute or difference shall be referred for adjudication by a sole arbitrator agreeable to the parties. The award of the arbitrator shall be final and binding on both parties. The arbitration shall be governed by the provisions of the Arbitration and Conciliation Act, 1996.

In witness where of the parties hereto have set their hands the day year first above written.

Signed and delivered by the both the parties

Name of First Party	:	Name of Second Party	:
Signature of First Party	:	Signature of Second Party	:
Seal of First Party	:	Seal of Second Party	:
Witness	:	Witness	: