DEPARTMENT OF HIGHER EDUCATION

INVITE

REQUEST FOR PROPOSAL

Selection of Agency for Annual Subscription of Supply, Configuration, Customization, Implementation, Integration and Cloud Hosting of e-Library solution for 10 State Universities and affiliated Colleges in Haryana

July 2020

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A. Document Control Sheet

#	Information	Details
1.	RFP reference No.	DHE-010009/15/2020-DD-Coordination-DHE
2.	Receiving of Pre-bid queries (start date)	Date: 05th July, 2020 Time: 11 :00 AM
3.	Receiving of Pre-bid queries (end date)	Date: 08th July, 2020 Time: 5:00 PM
4.	Pre-bid meeting (through Video Conference)	Date: 09th July, 2020 Time: 11:00 AM https://meet.google.com/nbv-rpxh-nkz
5.	Issue of clarification to the bidders (Date)	Date: 13th July, 2020
6.	Last date and time for submission of proposals	Date: 24th July, 2020 Time: 5.00 P.M
7.	Opening of Technical Bid	Date: 27th July, 2020 Time: 10.00 A.M
8.	Date of Opening of Commercial bids	Date and Time: to be decided
9.	Contact Person	Name: Dr. Hemant Verma hemant.hechry@gmail.com
10.	Submission mode	Online submission at https://etenders.hry.nic.in/
11.	Tender Processing Fee	As per online mode
12.	Cost of RFP document	Rs 5000 (online payment through portal)
13.	Bid Security Amount/EMD	EMD Rs 2.00 Lakhs (online payment through portal)
14.	Method of selection	Least Cost selection (L1)

1. Introduction

A. Background

The Department of Higher education, Haryana has been continuously making tremendous efforts to improve the facilities for higher education ecosystem in the state. The state has achieved remarkable progress in its higher and technical education sector and is committed in its endeavor to further provide quality education to its students. To be a door opener for the students in a rapidly globalizing world, it is important to follow the emerging technological trends that are shaping the future educational landscape. Evidently enough, latest interactive teaching is changing the role of education with the introduction of e-libraries, and an innovative effort of an institution helps in its academic excellence.

Through this RFP, Department of Higher Education Haryana invites responses from eligible and reputed agency/organization for annual subscription of Supply, Configuration, Customization, Implementation, Integration and Cloud Hosting of e-Library solution for 10 State Universities of Haryana.

2. Scope of work

Department of Higher Education, Haryana, intends to select an Agency/Organization for annual subscription of Supply, Configuration, Customization, Implementation, Integration and Cloud Hosting of e-Library for 10 State Universities and its affiliated colleges in Haryana.

The implementation shall be done in the phased manner. In first phase (pilot), annual subscription will be given to all students of State Universities and 50,000 students of affiliated colleges. Upon the successful implementation of pilot, the number of students of affiliated colleges can be increased further.

1. **Deployment, Architecture and Security**
    i.   Hosted and maintained by the bidder on a secure cloud infrastructure of either on SAAS (software as a service) model with an uptime assurance of over 98%.
    ii. To setup 10 independent University e-Libraries (separate instances) to deliver open access e-Resources and content subscribed by the Universities.

iii. All users will be registered on the platform and given a unique, 2-factor identity for authentication. This unique identity can be the created using email address, enrollment number or any other existing unique identification.

iv. Service to be hosted on reliable Microsoft or AWS or cloud infrastructure of repute that ensures auto-scaling and 99.5% uptime. All servers shall be automatically backed up on remote location for an un-interrupted experience in case of a natural accident.

v. The proposed solution must have been currently audited by a CERT-In, independent agency and awarded safe hosting certificate. The bidder must provide a current safe hosting certificate for a running implementation.

vi. The service must be fully hosted in India and covered by Indian Laws governing privacy of information and data flow.

vii. The platform should be hosted on the DNS of maintained by the bidder secured with an SSL encryption certificate.

viii. The rewriting proxy solution shall allow differentiated access per institution to subscribed resources and must do this under the same DNS domain name in order to minimize the expenses of SSL certificate per wildcard DNS.

ix. The solution must provide multi-tenant capabilities for hosting in multiple colleges under a single University eLibrary instance.

x. Each eLibrary instance with all its modules, services and features must be fully cloud based to be used by at least 5,000 registered users.

xi. The eLibrary platform should be fully customized with the Institute branding.

2. **e-Content & Information Services**

i. Aggregation of all resources subscribed by the institutes from time to time.

ii. Curated collection of open access resources from web related to Science, Technology, Engineering, Social Science, Agriculture, Humanities, Health and Medical Sciences, of over 25,00,000 eResources including eBooks, eJournals, Video Lectures, Theses, Magazines and Dissertations.

Tentative list of eBooks, eResourses and eJournals that application shall provide access to students and teachers

Sr No	Name of the Journal
1.	Economist

2.	Newsweek
3.	National Geographic Traveller
4,	BBC History (digital)
5.	New York Times
6.	MIT Tech Review
7.	Foreign Policy
8.	Cambridge Journal Library Collection
9.	European Journal of International Law
10	Lancet
11.	Oxford Journal of International Humanitarian law
12.	Oxford International Journal of Refugee law
13.	Oxford Journal of Legal studies
14.	Oxford Art Journal

   iii. Real-time integration with the public Web-OPAC and existing institutional repositories of the institutes. The company must provide URL of such live implementation.

   iv. Integration with existing e-libraries of the universities.

3. Search and Browse

   I. The platform must allow user to browse through the aggregated catalog by A-Z scale, Publisher, Subject collections or Media type.

   II. The platform should have a simple but powerful search interface to perform keyword searches in Title, Author, Publisher, etc.

   III. The search interface should have auto-complete feature and support Google like Boolean operators (AND, OR, "" for phrase).

   IV. The search interface should be powered with a Federated search engine for article level discovery across all library subscriptions including but not limited to e-Journals databases, these databases, bibliographic databases, standards and conference proceeding collections.

   V. The search should have an advanced search form to perform complex, concatenated or Boolean queries.

   VI. The search result page should be modern and have all the following features:

      a) Modern layout with book jackets.

      b) At least 2 search view layouts – Tile and Record.

      c) Sorting Options.

d) Facets – Including but not limited to Subject (2 Level ex: Engineering- Mechanical Engineering), Author, Publisher, Media Type (eBooks, Journals, etc.), Accessibility (Open Source, Subscription based, Physical Collections) Year (Latest to Oldest)

e) Search within results filtration

f) Lazy loading pagination so users focus on result set rather than page clicks.

VII. The search filter (facets) should allow users to select two filters values from the same filter (ex: user can select two authors from Author filter) and the other filters should be reset accordingly.

VIII. Subscription check on the federated search result to help users remove unsubscribed results. The check should be based on open URL link resolver or another reliable standard/workflow so that accessible articles are not removed.

4. **Personalization Features:**

I. Ability for users to share search results on different social media.

II. Ability to save search query for future re-attempts.

III. Ability to save search results into user created web folder for future references.

IV. Ability to automatically see past readings.

V. Ability to send saved records via central email to peers.

VI. Ability to export citation in at least 3 different standard citation formats.

VII. Inbuilt social library feature

a) Ability to follow peers and see what they their readings for social discovery of library content.

b) Find top users in the library and check reading ranks

c) Security and privacy features to prevent peers from following and to remove/report activity posts

VIII. Ability to harvest any web page for metadata and save the link for future reference.

IX. Ability to set up favorite journals for latest issue TOC alerts on email.

5. **News services:**

I. Ability for users to see headlines of more than 50 news publication.

II. Ability for users to see news related to trending terms/ topics or keywords selected by Administrator.

III. Ability for users to browse the e-news clippings harvested by the administrators.

IV. Ability for users to setup automatic e-news alerts. The user will specify keyword of choice and shall receive daily headlines related to that keyword on email with full text links.

V. Ability for administrator to manage a news headlines page by topic or publication.

6. **Auxiliary Library Services:**

I. Non-scholarly collections like expert talks, biographies, bioscopes, documentaries or literature. Please provide details of all such collections with counts.

II. Alerts for events or conferences.

7. **In-built remote access:**

I. When selecting an electronic item that the Institute subscribes to, the full content should be available for immediate reading, printing or downloading, likely accomplished by leveraging the rewriting proxy component of the same software solution for full text access of all subscribed resources from any IP address/location.

II. To provide users with secure remote access facility for full text access from anywhere.

III. Remote access facility should be cloud based.

IV. The rewriting proxy component must belong to the same solution provider and should work both bundled with and independently of the discovery tool.

V. Remote access should not require any user intervention or browser configuration setup.

8. **Fully featured Mobile App:**

I. To deploy custom designed and independent Android and iOS library mobile app for all University instances.

II. The app must not ask for special provisions and permissions to call logs, internal storage that might be seen as a security/privacy threat by the users.

III. To show all open access collections, subscriptions, Union OPAC records in the Library Mobile app.

IV. To show new arrivals, staff picks, trending content.

V. Ability to browse or search by keyword.

VI. In built remote access for full text access of subscribed publications from anywhere, anytime

VII. Should support federated search for article level discovery from subscribed databases.

9. **Administration Panel:**

    I.   Separate, independent Administrators for all the University.

    II.   To manage staff picks on the home page of e-Library including a Noticeboard for new e-library updates.

    III.   To view, create, edit or disable users.

    IV.   To create different user groups for easy management.

    V.   To be able to give remote access rights selectively to users; individually or at group level and:

        a) set daily remote access download limit.

        b) set remote access for selected resources.

        c) set expiry date for remote access rights.

    VI.   An inbuilt repository feature for the administrators to upload texts, datasets, video lectures, question papers or power points with full bibliography.

    VII.   The platform should come with at least 100 GB of cloud storage to upload institutional resources for all University Instances.

    VIII.   The upload form should also provide the configuration to provide third party document URLs or on request document delivery services.

    IX.   Graphical usage reports to see searches and downloads by users, by publication, date wise, location or category.

    X.   Send both automatic and manual notifications to users via email and within the mobile app.

10. **Other desired features:**

    I.   Modern Landing page with engaging library services such as

        a) New Arrivals in library

        b) Trending in campus

        c) Staff picks – to be managed by e-Library administrator

        d) News headlines

        e) Event updates

    II.   A detailed page for all catalog results with bibliographic details, abstract and similar items suggestions.

    III.   The e-Library must have a Chatbot with natural language processing to:

a) Respond to common user queries like access related, content collections or feature related queries.

b) Allow audio input in English and Hindi.

c) Provide search results based on audio queries by users in a robust manner.

11. Training, Service and Maintenance:

I. Online Training webinars shall be conducted at least 4 times in a year for the library staff of all institutes for successful orientation and user adoption across all State Universities.

II. Complete documentation manual shall be provided. A video tutorial must be created after full implementation and uploaded on the homepage.

III. The bidder shall continuously update the platform with new features developed and launched by the firm/company.

IV. A dedicated support executive shall be assigned to resolve all platform related support requests, queries promptly.

V. Bidder shall provide full support escalation matrix.

Note: Rates quoted by the agency will remain **valid for two year** (from the date of awarding the contract). During this period, department may place orders for additional unit on the price quoted by selected agency.

3. Eligibility criteria, Technical and Financial capability of bidders

3.1. Eligibility of applicants

As part of eligibility criteria, only those bidders who meet the following pre-qualification criteria are eligible to participate in the Technical and Financial bidding process. Bidders failing to meet these criteria or not submitting requisite supporting documents / documentary evidence for supporting prequalification criteria are liable to be rejected summarily

To be eligible for evaluation of the Proposal, the Bidder shall fulfill the following Minimum Eligibility Criteria:

S. No.	Minimum Eligibility Criteria	Proof to be submitted for fulfilling the Eligibility Criteria
1	Bidder and OEM should be a registered company under Companies Act 1956/2013	In case of a company, certificate of Incorporation should be submitted along with Memorandum and Articles of Association
2	The Authorized Signatory signing the bid should be either an OEM or an authorized business partners of an OEM.	A certificate from the company secretary of the bidder certifying that the Bid signatory is the authorized by the Board of Directors of the Company to do so, with resolution number and date.
3	The bidder or OEM shall be financially sound having minimum average annual turnover of INR 1 Crore in India for last 3 financial years	CA certificate (as per Form Tech 3)
4	The proposed solution must have been successfully implemented and currently in use in at least 1 State Government University for a period of more than 3 Years	Signed Self-Declaration with Copy of purchase orders conforming the same.
5	The Bidder must have implemented the proposed solution in at least two organizations of repute in India	Signed Self-Declaration with Copy of purchase orders conforming the same.
6	The proposed solution should have 1,00,000 enrolled student users in a single implementation at any University / College / Education Trust in India	Undertaking from the concerned college/university on their letter head along with the copy of workorder. (as per Form Tech 4)
7	Bidder and OEM should not currently be blacklisted by any of the State/Central Government or organizations of the State/Central Government in India and the bidder shall not be under declaration of ineligibility for corrupt or fraudulent practices.	A self-declaration on letter head of respective bidder and OEM
7	The bidder and OEM must submit their valid PAN, TAN and GST Registration Number on their letter head.	Copy of PAN, TAN and GST
8	Technical Compliance to Specifications	As per Form Tech 6

9	The bidder or OEM should possess CERT-In certification	Copy of the valid Certificates issued from the accreditation organization
10	Manufactural Authorization Form (MAF) from the OEM	

Note:

- *The proposed solution should be a proprietary product developed using open source technologies. OEM should take responsibility of providing regular updates and bug fixes.*
- *The proposed solution should have fully integrated e-Library Platform developed as per the scope of work. 3rd party Bolt-On solutions will not be considered.*
- *Last Three Financial Year means- 2016-17, 2017-18 and 2018-19*

3.2. Technical bid qualification

Technical evaluation will be done only for those bidders who have qualified the pre-qualification stage. The technical evaluation of the qualified bidders shall be done based on the following evaluation criteria: -

S.N	Evaluation Criteria	Maximum marks	*Reference document*
1	The bidder or OEM shall be financially sound having minimum average annual turnover of INR 1 Crore in India for last 3 financial years	50 - 55 lakhs- 15 marks More than 55 lakhs- 20 marks	CA certificate (as per Form Tech 3)
2	The proposed solution should have 1,00,000 enrolled student users in a single implementation at any University / College / Education Trust in India.	1,00,000- 1,50,000 -15 marks More than 1, 50,000 – 20 marks	Undertaking from the concerned college/university on their letter head along with the copy of workorder. (as per Form Tech 4)

3	The proposed solution must have been successfully implemented and currently in use in at least 1 State Government University for a period of more than 3 Years	10 marks	Signed Self-Declaration with Copy of purchase orders conforming the same. (as per Form Tech 4)
4	The Bidder must have implemented the proposed solution in at least two organizations of repute in India	10 marks	Signed Self-Declaration with Copy of purchase orders conforming the same. (as per Form Tech 4)
5	Technical Presentation and Demo during pre-bid meeting • Demo of the product as per required specifications • Product features	40 marks	
	Total	**100 marks**	
• *Last Three Financial Year means- 2016-17, 2017-18 and 2018-19*			

3.3. Evaluation of Technical proposal

The minimum Technical Qualification score for the bidder to be qualified is 70 for opening of Financial Bid.

3.4. Evaluation of financial proposal

i.   Those companies who are scoring 70% and above, will be finalized for opening of their financial bids. The Bidder will be selected on L1 method (Least Financial bid).

4. Information and instructions to the bidders – General instruction

4.1. Checklist of Submission

#	Criteria/Form	Documents required	Status (submitted/Not submitted)
1	Applicant must be an Indian entity	Certificate of incorporation	
2	Tender Processing fee	As per Online payment	
3	Bid Security Amount	EMD Rs 2.00 Lakhs	
4	Tender Fee	Rs 5000	
5	Bidder and OEM should be a registered company under Companies Act 1956/2013.	In case of a company, certificate of Incorporation should be submitted along with Memorandum and Articles of Association.	
6	The Authorized Signatory signing the bid should be either an OEM or an authorized business partners of an OEM.	A certificate from the company secretary of the bidder certifying that the Bid signatory is the authorized by the Board of Directors of the Company to do so, with resolution number and date.	
7	The bidder and OEM must submit their valid PAN, TAN and GST Registration Number on their letter head.	Copy of PAN, TAN and GST Registration Number	
8	The bidder or OEM shall be financially sound having minimum average annual turnover of INR 1 Crore in India for last 3 financial years 2016-17, 2017-18, 2018-2019	Audited Balance Sheets, Profit and Loss Account of last three years along with CA Certificate with CA's Registration Number and Seal. (as per Tech 3)	
9	The proposed solution must have been successfully implemented and currently in use in at least 1 State Government University for a period of more than 3 Years	Signed Self-Declaration with Copy of purchase orders conforming the same.	
10	The Bidder must have implemented the proposed solution in at least two organizations of repute in India.	Signed Self-Declaration with Copy of purchase orders conforming the same	
11	The proposed solution should have 1,00,000 enrolled student users in a single implementation at any University / College / Education Trust in India	Undertaking from the concerned college/university on their letter head	
15	Technical Compliance to Specifications	As per Form Tech Form 6	
16	The bidder or OEM should possess CERT-In certification	Copy of the valid ISO Certificates issued from the accreditation organization	

#	Criteria/Form	Documents required	Status (submitted/Not submitted)
17	Manufactual Authorization Form (MAF) from the OEM		
18	1. The bidder and OEM should: - a) Not be insolvent, in receivership, bankrupt or being wound up, not have its affairs administered by a court or a judicial officer, not have its business activities suspended and must not be the subject of legal proceedings for any of the foregoing reasons. b) Not have their Directors and officers been convicted of any criminal offence related to their professional conduct or the making of false statements or misrepresentations as to their qualifications to enter into a procurement process, or not have been otherwise disqualified pursuant to debarment proceedings. c) Not have a conflict of interest in the procurement in question as specified in the bidding document. d) Comply with the code of integrity as specified in the bidding document. 2. A firm is not eligible to participate in this project while under sanction by Education Department, GoH or debarred/blacklisted by any State and Central Government	A self-declaration on letter head of respective bidder and OEM	
19	Technical Proposal Submission Form	Form Tech 1	
20	Bidder and OEM Details	Form Tech 2	
21	Financial Information	Form Tech 3	
22	Experience of bidder	Form Tech 4	
23	Approach, Methodology and Work Plan	Form Tech 5	
24	Technical Compliance	Form Tech 6	
25	Performa for Commercial cost	Form FIN 1	

4.2. Important Instructions

4.2.1 Registration of bidders on e-Procurement Portal

All the bidders intending to participate in the tenders process online are required to get registered on the e - Procurement Portal i.e. https://etenders.hry.nic.in/. Please visit the website for more details.

4.2.2 Obtaining a Digital Certificate

i. The Bids submitted online should be encrypted and signed electronically with a Digital Certificate to establish the identity of the bidder bidding online. These Digital Certificates are issued by an Approved Certifying Authority, by the Controller of Certifying Authorities, Government of India.

ii. The bidders may obtain Class-II or III digital signature certificate from any Certifying Authority or Sub-certifying Authority authorized by the Controller of Certifying Authorities

iii. Bid for a particular tender must be submitted online using the digital certificate (Encryption & Signing), which is used to encrypt and sign the data during the stage of bid preparation.

iv. If the digital certificate issued to the authorized user of a firm is used for signing and submitting a bid, it will be considered equivalent to a no-objection certificate /power of attorney / lawful authorization to that User. The firm has to authorize a specific individual through an authorization certificate signed by all partners to use the digital certificate as per Indian Information Technology Act 2000. Unless the certificates are revoked, it will be assumed to represent adequate authority of the user to bid on behalf of the firm in the department tenders as per Information Technology Act 2000. The digital signature of this authorized user will be binding on the firm.

4.2.3 Download of Tender Documents

The tender documents can be downloaded free of cost from the eProcurement portal https://etenders.hry.nic.in/nicgep/app

4.3. Pre-bid meeting

Pre bid meeting will be done by Department of Higher Education, Panchkula as per the data sheet. Bidders may request a clarification with regard to any part of the RFP document on or before pre-bid meeting. Any request for clarification must be sent in writing through e-mail with subject as "**Selection of Agency for Annual Subscription of Supply, Configuration, Customization, Implementation, Integration and Cloud Hosting of e-Library for 10 State Universities and its affiliated colleges in Haryana**" to the email id mentioned in data sheet. The format for pre-bid clarification is as follows:

#	Section/ Clause No.	Name of Section/ Clause	Text (which is mentioned and requires clarification)	Clarification required (Suggested/proposed text)

The address for requesting clarifications and pre-bid conference detail are mentioned in Document Control Sheet.

4.4. Number of Applications and costs thereof

4.3.1. No bidder shall submit more than one application for the Project.

4.3.2. The bidder shall be responsible for all of the costs associated with the preparation of their applications and their participation in the bid process. The Authority will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the Bidding Process.

4.5. Acknowledgement by Applicant

4.5.1. It shall be deemed that by submitting the Bid, the bidder has:
   i.   Made a complete and careful examination of the RFP;
   ii. Received all relevant information requested from the department;
   iii. Accepted the risk of inadequacy, error or mistake in the information provided in the RFP or furnished by or on behalf of the department
   iv. Agreed to be bound by the undertakings provided by it under and in terms hereof.

4.5.2. The department shall not be liable for any omission, mistake or error in respect of any of the above or on account of any matter or thing arising out of or concerning or relating to RFP or the bidding process, including any error or mistake therein or in any information or data given by the department.

4.6. Right to Accept or Reject any or all Applications/ Bids

4.6.1. Notwithstanding anything contained in this RFP, the Authority reserves the right to accept or reject any application and to annul the bidding process and reject all Bids, at any time without any liability whatsoever or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereof. In the event, that the authority rejects or annuls all the applications/bids, it may, in its discretion, invite all applicants/bidders to submit fresh applications/bids hereunder.

4.6.2. The department reserves the right to reject any application and/or bid if:
   i. At any time, a material misrepresentation is made or uncovered, or
   ii. The applicant does not provide, within the time specified by the authority, the supplemental information sought by authority for evaluation of the application.

4.6.3. If such disqualification/ rejection occurs after the Bids have been done and the highest bidder gets disqualified/ rejected, then the authority reserves the right to:
   i. Invite the next highest bidders to match the highest bidder/ submit their bids in accordance with the RFP; or
   ii. Take any such measure as may be deemed fit in the sole discretion of the authority, including annulment of the bidding process.

4.6.4. The department reserves the right to verify all statements, information and documents submitted by the applicant in response to the RFP. Any such verification or lack of such verification by the authority shall not relieve the applicant of its obligations or liabilities hereunder nor will it affect any rights of the authority there-under.

4.7. Clarifications

4.7.1. The bidders requiring any clarification on the RFP may notify the department by e-mail in accordance with Clause 4.3. The department shall endeavor to respond to the queries within the period specified therein, but no later than the date stipulated in Document Control Sheet. The responses will be sent by e-mail. The department will forward all the queries and its responses thereto, to only the purchasers of the RFP without identifying the source of queries. The department may choose to upload the responses only on the websites specified in the RFP advertisement.

4.7.2. The department shall endeavor to respond to the questions raised or clarifications sought by the applicants. However, the department reserves the right not to respond to any question or provide any clarification, in its sole discretion, and nothing in this clause shall be taken or read as compelling or requiring the authority to respond to any question or to provide any clarification.

4.7.3. The department may, on its own, if deemed necessary, issue interpretations and clarifications to all applicants. All clarifications and interpretations issued by the department shall be deemed to be part of the RFP. Verbal clarifications and information given by the department or its employees or representatives shall not in any way or manner be binding on the department.

4.8. Amendment of RFP

4.8.1. At any time prior to the deadline for submission of bid, the department may, for any reason, whether at its own initiative or in response to clarifications requested by the bidders, modify the RFP by the issuance of Addendum.

4.8.2. Any Addendum thus issued will only be uploaded on Haryana e-procurement website (https://etenders.hry.nic.in/nicgep/app)

4.8.3. In order to afford the bidders, a reasonable time in which to take an Addendum into account, or for any other reason, the department may, at its own discretion, extend the application due date.

4.9. Language of proposal

4.9.1. The application and all related correspondence and documents should be written in the English language. Supporting documents and printed literature furnished by the bidder with the application may be in any other language provided that they are accompanied by appropriate translations of the pertinent passages in the English language, duly authenticated and certified by the applicant. Supporting materials, which are not translated into English, may not be considered. For the purpose of interpretation and evaluation of the bid, the English language translation shall prevail.

4.9.2. All communication provided should be legible, and wherever the information is given in figures, the same should also be mentioned in words. In case of difference in amounts

stated in figures and words, the amount stated in words only will be taken as correct and final.

4.10. Format and Signing of application

4.10.1. The proposal shall provide all information sought under this RFP. The department would evaluate only those bids that are received in the required format and complete in all respects. Incomplete and / or conditional bid shall be liable for rejection.

4.10.2. The bidder shall prepare separate files for Pre-qualification document, technical document and financial document.

4.10.3. The proposal shall be typed or written in indelible ink, stamped (Company/firm stamp or seal) and signed by the Authorized signatory of the applicant who shall also initial each page. In case of printed and published documents, only the cover shall be initialled. All the alterations, omissions, additions or any other amendments made to the bid shall be initialled by the person(s) signing the bid. The proposal shall contain page numbers and shall be in pdf format only.

4.11. Submission of proposal

4.11.1. The bidders shall upload the required technical and commercial documents online on https://etenders.hry.nic.in/nicgep/app using the digital certificate

4.12. Application due date

4.12.1. The bids should be submitted before time mentioned in Document control sheet in the manner and form as detailed in this RFP.

4.12.2. In the event that the due date for the bid submission is a holiday for the department, the next working day (at same time) will be the date of submission.

4.12.3. The department may, in its sole discretion, extend the application due date by issuing an Addendum in accordance with Clause 4.8 uniformly for all applicants.

4.13. Late applications

Applications received by the Authority after the application due date shall not be eligible for consideration and shall be summarily rejected. Authority shall not be responsible for any delay in submission of the same.

4.14. Opening & Evaluation of Applications

4.14.1. The department would open the bids for the purposes of evaluation at the place specified in Document Control Sheet and in the presence of the applicants who choose to attend.

4.14.2. The bidders will be deemed to have understood and agreed that no explanation or justification on any aspect of the bidding process or selection will be given.

4.14.3. Any information contained in the bid shall not in any way be construed as binding on the department, its consultants, agents, successors or assigns, but shall be binding against the bidder if any project is subsequently awarded to it under the bidding process on the basis of such information.

4.14.4. The department reserves the right not to proceed with the bidding process at any time without notice or liability and to reject any bid without assigning any reasons.

4.14.5. If any information furnished by the bidder is found to be incomplete, or contained in formats other than those specified herein, the department may, in its sole discretion, exclude the relevant project from computation of the experience of the applicant.

4.14.6. In the event that a bidder claims credit for an Eligible Project, and such claim is determined by the department as incorrect or erroneous, the department shall reject such claim and exclude the same from computation of the experience. Where any information is found to be patently false or amounting to a material misrepresentation, the department reserves the right to reject the application and/ or bid in accordance with the provisions of Clause 4.6.

4.15. Confidentiality

Information relating to the examination, clarification, evaluation, and recommendation for the short-listed pre-qualified bidders shall not be disclosed to any person who is not officially concerned with the process or is not a retained professional advisor advising the department in relation to or matters arising out of, or concerning the bidding process. The department will treat all information, submitted as part of the bid, in confidence and would require all those who have access to such material to treat the same in confidence. The department may not divulge any such information unless it is directed to do so by any statutory entity that has the power under law to require its disclosure or is to enforce or assert any right or privilege of the statutory entity and/or authority or as may be required by law or in connection with any legal process.

4.16. Clarifications from Applicants

4.16.1. To facilitate evaluation of applications, authority may, at its sole discretion, seek clarifications from any applicant regarding its application. Such clarifications shall be provided within the time specified by authority for this purpose. Any request for clarifications and all clarifications shall be in writing.

4.16.2. If the bidder does not provide clarifications sought, as mentioned above, within the prescribed time, its bid shall be liable to be rejected. In case, the bid is not rejected, the department may proceed to evaluate the bid by construing the particulars requiring clarification to the best of its understanding, and the bidder shall be barred from subsequently questioning such interpretation of the department.

4.17. Shortlisting & Notification

4.17.1. Based on the evaluation of bids, the department would prepare a list of bidders that shall have been qualified through the evaluation criteria and the same will be communicated to all the bidders. The department will not entertain any query or clarification from bidders who fail to qualify.

4.17.2. The pre-qualified/eligible bidder shall only be invited to make a presentation to the "Evaluation Committee" constituted for the purpose.

4.17.3. The financials of only those applicants will be opened, who have scored atleast 70 in Technical Qualification.

4.18. Proprietary Data

All documents and other information supplied by the department or submitted by the bidder to the department shall remain or become the property of the department. The bidders are to treat

all information as strictly confidential and shall not use it for any purpose other than for preparation and submission of their bid. The department will not return any bid or any information provided along therewith.

4.19. Payment Schedule

Sr No	Payment	Milestone	Timeline
1	70%	Successful supply of E-library solution at respective locations.	T+30 days
2	20%	Successful Configuration, customization, Implementation, Integration and Cloud Hosting of e-Library and satisfactory report as per head of the University.	T+60 days
3	10%	After successful expiry of maintenance period and satisfactory report as per head of the University.	2 years from the date of going live
T = Acceptance of letter of award by the selected agency			

4.20. Notification of Award of Contract

The department will notify the successful bidder in writing that its proposal has been accepted. The notification of award will constitute the formation of the contract after submission of performance bank guarantee by the successful bidder.

4.21. Performance Bank Guarantee (PBG)

The selected agency shall furnish an unconditional and irrevocable Performance Bank Guarantee (PBG) within 15 days of issuance of letter of award. PBG shall be furnished for an amount equal to 10% of project cost. The PBG shall remain valid for a period of ninety days beyond the date of completion of all contractual obligations of the successful bidder including warranty obligations. The said Performance Bank Guarantee be extendable by the Department as per the requirement and

shall be kept in full force and effect for the full term of the Contract Agreement. No interest will be paid on the PBG.

Failure to perform services / delivery of product as per RFP conditions after acceptance of work order shall constitute sufficient grounds for revocation of the PBG.

4.22. Signing of Contract

The successful bidder will sign the Contract with the department within 15 days of the release of notification and submission of PBG. After signing of the Contract, no variation in or modification of the term of the Contract shall be made except by mutual written amendment signed by both the parties

4.23. Sub-contracting/Subletting

Neither party may assign nor transfer any of its rights and obligations under the Agreement to any person without the other party's consent. The successful bidder shall not assign or transfer the whole or any part of scope of work nor shall it subcontract/sublet.

4.24. Maintenance and Support

The bid proposal shall be inclusive of the two-year maintenance and support including delivery, onsite installation, onsite training and 24*7 online support system. All the technical issues shall be resolved in 1 working day.

During the maintenance and support period, successful bidder shall provide IT operations and administration of the installed solution in conformity with the Center and State Government's IT policies, fix defects, enhance the software solution as per an agreed plan and also provide such other technical support in house and hand-holding initially for two years. The selected agency shall ensure that all software operate without defect. Any modification or addition in the firmware/ software as may be required will be undertaken by the agency without any additional cost.

If university is closed due any force majeure like flood, earthquake, fire, epidemic etc, the days for which the university is closed shall be added in the maintenance and support time.

4.25. Price Fall

If, at any time during "the contract" the selected agency reduces the sale price, sells, or offers to sell such goods to any person/organization including the Corporation or any Department of State or Central Government or any statutory Undertaking of the Central or State Government as the case may be, at a price lower than the price chargeable under the contract, the selected agency shall forthwith notify such reduction or sell or offer to sell to the department *and* that very price,

with due allowance for elapsed time, will be applicable to the present case and the difference in the cost would be refunded by the Bidder to the Buyer, even if the contract has already been concluded.

4.26. Penalty

The selected agency shall successfully configure, customize, integrate, host and implement the solution at respective locations within 60 days. The selected agency shall strictly adhere to the timelines provided for delivery and implementation. For late delivery or implementation, penalty of 2% a week shall be imposed after the schedule date. If there is further delay, penalty of 5% shall be imposed per week thereafter. In case the delay is more than one month, the contract shall be terminated and PBG shall be forfeited.

4.27. Termination by default

Department may terminate the Contract if:

a) the selected agency fails to remedy any breach hereof or any failure in the performance of its obligations hereunder, within fifteen (15) days of receipt of notice of default or within such further period as Department may have subsequently granted in writing;

b) the selected agency becomes insolvent or bankrupt

c) if the selected agency fails to comply decisions / mandate of Department.

d) any document, information, data or statement submitted by the selected agency in its Proposals, based on which it was considered eligible or successful, is found to be false, incorrect or misleading; or

e) if the acts of the selected agency are found to be unethical by Department.

4.28. Dispute Resolution

In the event of any legal disputes, between parties, the appropriate court in Panchkula will have sole and exclusive jurisdiction to settle disputes

4.29. Validity of Proposal

Proposals shall remain valid for a period of 180 (one hundred and eighty) days from the date of opening of Commercial Proposal. The Department reserves right to reject a proposal valid for a shorter period as non-responsive.

Prior to the expiration of the validity period, the Department will notify the successful bidder in writing or by fax or email, that its proposal has been accepted. In case the tendering process is not completed within the stipulated period, the Department, may like to request the bidders to extend the validity period of the

bid. The request and the response thereto shall be made in writing. Extension of validity period by the bidder shall be unconditional. A bidder granting the request will not be permitted to modify its Proposal.

4.30. Validity of Offers

The commercial price quoted in the financial bid shall be valid for a minimum period of 2 years from the date of awarding the contract. Bids mentioning a shorter validity period than specified shall be ignored/rejected and will not be accepted.

4.31. Fraud & Corrupt Practices

4.30.1 The Applicants and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the bidding process. Notwithstanding anything to the contrary contained herein, the authority shall reject an application without being liable in any manner whatsoever to the applicant if it determines that the applicant has, directly or indirectly or through an agent, engaged in corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice in the bidding process.

4.30.2 Without prejudice to the rights of the authority under Clause 5.1 hereinabove, if an applicant is found by the authority to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice during the bidding process, such applicant shall not be eligible to participate in any tender or RFP issued by the authority during a period of 2 (two) years from the date such applicant is found by the authority to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice, as the case may be.

4.30.3 For the purposes of this Section, the following terms shall have the meaning hereinafter respectively assigned to them:

   I. "Corrupt Practice" means (i) the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the actions of any person connected with the Bidding Process (for avoidance of doubt, offering of employment to or employing or engaging in any manner whatsoever, directly or indirectly, any official of the Authority who is or has been associated in any manner, directly or indirectly with the Bidding Process or the LOA or has dealt with matters concerning the Concession Agreement or arising there from, before or after the execution thereof, at any time prior to the expiry of one year from the date such official resigns or retires from or otherwise ceases to be in the service of the Authority, shall be deemed to constitute influencing the actions of a person connected with the Bidding Process); or (ii) save and except as permitted under Clause 3, engaging in any manner whatsoever, whether during the Bidding Process or after the issue of the LOA or after the execution of the Agreement, as the case maybe, any person in respect of any matter relating to the Project or the LOA or the Concession Agreement, who at any time has been or is a legal, financial or technical adviser of the Authority in relation to any matter concerning the Project;

   II. "Fraudulent practice" means a misrepresentation or omission of facts or suppression of facts or disclosure of incomplete facts, in order to influence the Bidding Process;

III. "Coercive practice" means impairing or harming or threatening to impair or harm, directly or indirectly, any person or property to influence any person's participation or action in the Bidding Process;

IV. "Undesirable practice" means (i) establishing contact with any person connected with or employed or engaged by the Authority with the objective of canvassing, lobbying or in any manner influencing or attempting to influence the Bidding Process; or (ii) having a Conflict of Interest; and

V. "Restrictive practice" means forming a cartel or arriving at any understanding or arrangement among Applicants with the objective of restricting or manipulating a full and fair competition in the Bidding Process.

5. Roles and Responsibilities

5.1. Responsibilities of the Department

a. Nomination of a nodal officer for all communications & interaction required for this project.

b. Carry out project activities which fall under the department's responsibility, within reasonable time limits, particularly in matters related to reviews, approvals, acceptance, etc. Delay on any activities by the department shall not be on the bidder.

c. Provide the required timely access to required data and information and to resolve any issues as may be necessary for the selected agency to carry out their obligations under this contract.

d. Report technical issues to the selected bidder's personnel for resolution.

e. Provide all necessary data/content.

f. The department shall periodically review the implementation progress of the project

5.2. Responsibilities of the Agency

a. Nominate a senior person in the capacity of a Project manager, who will serve as the single point of contact for the department and shall attend all meetings related to the project.

b. Plan and execute the project through a suitably qualified technical team. As part of this requirement, submit a project plan and keep it updated at all times.

c. Provide Comprehensive Technical Documents and User Manuals

d. Impart training to the end users and also develop Training materials.

e. Provide implementation and other support services, as proposed and mutually agreed upon, to ensure that the solution is rolled out to all the participating stakeholders and is smoothly operational as per the work (project) plan that is agreed upon.

f. Provide the said maintenance and support for the period of the contract as agreed upon.

g. Submit periodic reports and support project reviews as may be agreed and necessary.

h. At the end of Maintenance and Support period, assist in smooth transition of the operations to the department.

6. APPENDIX
6.1. Form Tech 1 –Technical Proposal Submission Form

To
Director,
Department of Higher Education

Date:

Dear Sir:

We, the undersigned, offer to provide our proposal for the assignment '**Selection of Agency for Annual Subscription of Supply, Configuration, Customization, Implementation, Integration and Cloud Hosting of e-Library for 10 State Universities and its Affiliated Colleges in Haryana**" in accordance with your Request for Proposal dated _____. We are hereby submitting our Proposal only through online mode, which includes Technical Proposal, and a Financial Proposal.

We hereby declare that all the information and statements made in this Proposal are true and accept that any misinterpretation contained in it may lead to our disqualification. Our Proposal is binding upon us and subject to the modifications resulting from Contract negotiations.

We undertake, if our Proposal is accepted, to initiate the services related to the assignment not later than the date indicated in Document Control sheet.

We understand you are not bound to accept any Proposal you receive.

Yours sincerely,

Authorized Signature [In full and initials]: _____

Name and Title of Signatory: _____

Name of Firm: _____

Address: _____

Location: _____Date: _____

Email ID: _____

Telephone No (s): _____

6.2. Form Tech 2 Details of Bidder and OEM

Form A: Details of the Bidder	
Name	
Date of Incorporation	
Date of Commencement of Business	
Address of Headquarters	
Address of the Registered Office in India	
Contact detail of Authorized person (name, address, phone no. and email)	

Form A: Details of the OEM	
Name	
Date of Incorporation	
Date of Commencement of Business	
Address of Headquarters	
Address of the Registered Office in India	
Contact detail of Authorized person (name, address, phone no. and email)	

6.3. Form Tech 3 Financial Information

For A3: Financial Information – From India Operations			
	FY 2016-17	FY 2017-18	FY 2018-19
Annual Turnover (in INR Crores)			
	Other Relevant Information		

Note: Please provide CA certificate

6.4. Form Tech 4 – Experience of bidder

Assignment name:	Approx. Value of Contract: (Mandatory field) (Mention contract value in INR or provide ranges)
Country: Location within country	Duration of assignment (months):
Name of Employer:	
Address:	Approx. value of the services provided by your firm under the contract (in INR):
Start date (month/year): Completion date (month/year):	No of Students enrolled
Name of senior professional staff of your firm involved & functions performed (indicate most significant profiles such as Project Director/Coordinator, Team Leader):	
Narrative description of Project:	
Description of actual services provided by your staff within the assignment:	

*Note: Please provide the copy of Letter **of agreement/ Certificate of Completion for each project***

6.5 Form Tech 5 - Work Plan for Performing the Assignment

6.6. Technical Compliance

Name of Bidder/OEM:_____

Following are the Technical Compliance to the e-library software.

Items	Scope	Compliance (Yes/No)	Supporting Documents (Page no. Reference)
Deployment, Architecture and Security	Hosted and maintained by the bidder on a secure cloud infrastructure of either on SAAS (software as a service) model with an uptime assurance of over 98%.		
	To setup 10 independent University eLibraries (separate instances) to deliver open access eResources and content subscribed by the Universities.		
	All users will be registered on the platform and given a unique, 2-factor identity for authentication. This unique identity can be the created using email address, enrollment number or any other existing unique identification.		
	Service to be hosted on reliable Microsoft or AWS or cloud infrastructure of repute that ensures auto-scaling and 99.5% uptime. All servers shall be automatically backed up on remote location for an un-interrupted experience in case of a natural accident.		
	The proposed solution must have been currently audited by a CERT-In, independent agency and awarded safe hosting certificate. The bidder must provide a current safe hosting certificate for a running implementation		
	The service must be fully hosted in India and covered by Indian Laws governing privacy of information and data flow.		
	The platform should be hosted on the DNS of maintained by the bidder secured with an SSL encryption certificate.		

	The rewriting proxy solution shall allow differentiated access per institution to subscribed resources and must do this under the same DNS domain name in order to minimize the expenses of SSL certificate per wildcard DNS.			
	The solution must provide multi-tenant capabilities for hosting in multiple colleges under a single University eLibrary instance.			
	Each eLibrary instance with all its modules, services and features must be fully cloud based to be used by atleast 5,000 registered users.			
	The eLibrary platform should be fully customized with the Institute branding			
eContent & Information Services	Aggregation of all resources subscribed by the institutes from time to time			
	Curated collection of open access resources from web related to Science, Technology, Engineering, Social Science, Agriculture, Humanities, Health and Medical Sciences, of over 2,50,000 eResources including eBooks, eJournals, Video Lectures, Theses, Magazines and Dissertations.			
	Real-time integration with the public Web-OPAC and existing institutional repositories of the institutes. The company must provide URL of such live implementation. Integration with existing e-libraries of the universities.			
Search and browse	The platform must allow user to browse through the aggregated catalog by A-Z scale, Publisher, Subject collections or Media type			
	The platform should have a simple but powerful search interface to perform keyword searches in Title, Author, Publisher, etc.			
	The search interface should have auto-complete feature and support Google like Boolean operators (AND, OR, "" for phrase).			
	The search interface should be powered with a Federated search engine for article level discovery across all library subscriptions including but not limited to eJournals databases, these databases, bibliographic databases, standards and conference proceeding collections			
	The search should have an advanced search form to perform complex, concatenated or Boolean queries.			

	The search result page should be modern and have all the following features: a) Modern layout with book jackets. b) At least 2 search view layouts – Tile and Record. c) Sorting Options. d) Facets – Including but not limited to Subject (2 Level ex: Engineering- Mechanical Engineering), Author, Publisher, Media Type (eBooks, Journals, etc), Accessibility (Open Source, Subscription based, Physical Collections) Year (Latest to Oldest) e) Search within results filtration f) Lazy loading pagination so users focus on result set rather than page clicks.		
	The search filter (facets) should allow users to select two filters values from the same filter (ex: user can select two authors from Author filter) and the other filters should be reset accordingly.		
	Subscription check on the federated search result to help users remove unsubscribed results. The check should be based on open URL link resolver or another reliable standard/workflow so that accessible articles are not removed.		
Personalization Features	Ability for users to share search results on different social media.		
	Ability to save search query for future re-attempts.		
	Ability to save search results into user created web folder for future references.		
	Ability to automatically see past readings		
	Ability to send saved records via central email to peers.		
	Ability to export citation in at least 3 different standard citation formats.		
	Inbuilt social library feature a) Ability to follow peers and see what they their readings for social discovery of library content. b) Find top users in the library and check reading ranks c) Security and privacy features to prevent peers from following and to remove/report activity posts		
	Ability to harvest any web page for metadata and save the link for future reference.		
	Ability to set up favorite journals for latest issue TOC alerts on email		
News services	Ability for users to see headlines of more than 50 news publication		
	Ability for users to see news related to trending terms/ topics or keywords selected by Administrator.		

	Ability for users to browse the e-news clippings harvested by the administrators.		
	Ability for users to setup automatic e-news alerts. The user will specify keyword of choice and shall receive daily headlines related to that keyword on email with full text links.		
	Ability for administrator to manage a news headlines page by topic or publication.		
Auxiliary Library Services	Non-scholarly collections like expert talks, biographies, bioscopes, documentaries or literature. Please provide details of all such collections with counts		
	Alerts for events or conferences		
In-built remote access	When selecting an electronic item that the Institute subscribes to, the full content should be available for immediate reading, printing or downloading, likely accomplished by leveraging the rewriting proxy component of the same software solution for full text access of all subscribed resources from any IP address/location.		
	To provide users with secure remote access facility for full text access from anywhere.		
	Remote access facility should be cloud based.		
	The rewriting proxy component must belong to the same solution provider and should work both bundled with and independently of the discovery tool.		
	Remote access should not require any user intervention or browser configuration setup.		
Fully featured Mobile App	To deploy custom designed and independent Android and iOS library mobile app for all University instances.		
	The app must not ask for special provisions and permissions to call logs, internal storage that might be seen as a security/privacy threat by the users.		
	To show all open access collections, subscriptions, Union OPAC records in the Library Mobile app.		
	To show new arrivals, staff picks, trending content.		
	Ability to browse or search by keyword.		
	In built remote access for full text access of subscribed publications from anywhere, anytime		
	Should support federated search for article level discovery from subscribed databases.		
Administration Panel	Separate, independent Administrators for all the University.		
	To manage staff picks on the home page of eLibrary including a Noticeboard for new elibrary updates.		
	To view, create, edit or disable users.		
	To create different user groups for easy management.		
	To be able to give remote access rights selectively to users; individually or at group level and:		

	a) set daily remote access download limit. b) set remote access for selected resources. c) set expiry date for remote access rights.		
	An inbuilt repository feature for the administrators to upload texts, datasets, video lectures, question papers or power points with full bibliography. The platform should come with at least 100 GB of cloud storage to upload institutional resources for all University Instances. The upload form should also provide the configuration to provide third party document URLs or On request document delivery services.		
	Graphical usage reports to see searches and downloads by users, by publication, date wise, location or category.		
	Send both automatic and manual notifications to users via email and within the mobile app.		
Other desired features	Modern Landing page with engaging library services such as a) New Arrivals in library b) Trending in campus c) Staff picks – to be managed by e-Library administrator d) News headlines e) Event updates		
	A detailed page for all catalog results with bibliographic details, abstract and similar items suggestions.		
	The e-Library must have a Chatbot with natural language processing to: a) Respond to common user queries like access related, content collections or feature related queries. b) Allow audio input in English and Hindi. c) Provide search results based on audio queries by users in a robust manner.		
	Online Training webinars shall be conducted at least 4 times in a year for the library staff of all institutes for successful orientation and user adoption across all State Universities		

Training, Service and Maintenance	Complete documentation manual shall be provided. A video tutorial must be created after full implementation and uploaded on the homepage.		
	The bidder shall continuously update the platform with new features developed and launched by the firm/company.		
	A dedicated support executive shall be assigned to resolve all platform related support requests, queries promptly.		
	Bidder shall provide full support escalation matrix		

(Signature of the Authorized Person)

Date:

Format for Financial Bid

Dated:

To

………………………………….

…………………………………

………………………………..

Tel:

Fax:

Sub: Selection of Agency for Annual Subscription of Supply, Configuration, Customization, Implementation, Integration and Cloud Hosting of e-Library for 10 State Universities and its Affiliated Colleges in Haryana"

Dear Sir,

1.   With reference to your RFP document dated …………… I/we, having examined the Bidding Documents and understood their contents, and pursuant thereto, hereby submit my/our Financial Bid for the aforesaid mentioned services as per Schedule of Requirements and other terms of the RFQ cum RFP. The Bid is unconditional and unqualified.

2.   Our Financial Bid offer for annual subscription is INR [……………………….] per student per year {…..(in words)} (exclusive of applicable taxes) .

3.   I/We agree to keep this offer valid for 180 (One Hundred Eighty days) days from the Bid Due Date specified in the RFQ cum RFP.

4.   I/We agree and undertake to abide by all the terms and conditions of the Bidding Documents. By filling this Form online, we hereby irrevocably consent and agree to be bound by all the terms and conditions set out hereunder.

5. I / We further confirm that we shall not demand Additional Fee, any other charges etc. from Haryana Government during the mentioned Period

We hereby declare that our Financial Proposal is unqualified and unconditional in all respects and there are no deviations from the stated terms in the Bidding Documents.

Yours faithfully,

(Signature of the Authorized signatory)

(Name and designation of the of the Authorized signatory)

Note:-

The Financial bid quote shall include supply, configuration, customization, implementation, integration, cloud hosting support and support and maintenance charges.

The Bidder shall not quote in decimal or fraction and shall provide the quote both in figures and words. Further the quote in words shall take precedence over figures and shall be deemed as final.

Any conditional Bid shall be summarily rejected.