



मध्य प्रदेश MADHYA PRADESH

AM 246654

AGREEMENT

This agreement is on this 28 day of 11/, 2016 between the following parties: Textile Sector Skill Council, a Company incorporated under the Companies Act, 2013 (hereinafter called 'Council' or the Project Implementation Agency (PIA) which shall expression shall mean and include their successors and assigns) having their registered office at 6th Floor, Narain Manzil, Barakhamba Road, New Delhi 110 001 and a place of business at 15th Floor, Nirmal Tower, Barakhamba Road, New Delhi 110 001 on the first part; & ABC, a company registered under the Companies Act, 1956 / Companies Act, 2013 having its registered office at "Rishikul Ashram" Address Chandla Road Chhatibamhori Distt. Chhatarpur (m.p.) OR a Society/Trust registered under SC/2721,1973 Societies Registration Act, 1860 or As applicable having its registered office at Shiva Poojan Awasthi S/o Ramlagan Awasthi "Secratry" Address Near the Old Tahsil Lavkush Nagar Distt. Chhatarpur (m.p.) (hereinafter called either "RPL Facilitator" or 'Facilitator' which shall expression shall mean and include their successors and assigns) having their registered office at P.T.C Ground Sagar (M.P) on the second part;

WHEREAS,

2 - National Skills Development Corporation situated at 15th Floor, Nirmal Tower, Barakhamba Road, New Delhi 110 001 (hereinafter called "NSDC") under the guidance of the Union of India through

Ministry of Skill Development & Entrepreneurship had launched Pradhan Mantri Kaushal Vikas Yojna (PMKVY) in the year 2015 to enable a large number of Indian youth to take up industry-relevant skill training that will help them in securing a better livelihood; -The vision of PMKVY is to make India "Skilled India" on a large scale with speed and high standards; -Under the said Yojna, individuals with prior learning experience or skill were to be assessed and certified under the Recognition of Prior Learning (RPL), a component of the said Scheme; -RPL encompasses firstly to align the competencies of the unregulated workforce of the country to the standardized National Skills Qualification Framework (NSQF) and secondly to enhance the career or employability opportunities of an individual as well as provide alternative routes to higher education as well as thirdly to provide opportunities for reducing inequalities based on privileging certain norms of knowledge over others;

-PMKVY has a massive plan to achieve skilling of 10 million youth and certifications under RPL numbering to 25 lakh over a period of four years during 2016-20; -To accomplish the said objective the Ministry has retained the Council to take forward to bringing all RPL Facilitators into a group for imparting training as Project Implementing Agency;

3 - Ministry has floated guidelines (2016-2020) under PMKVY envisaging detailed terms and conditions. A copy of said guideline is enclosed and appended for information and thorough understanding which shall form part of this agreement; and -In furtherance of the same, Council has discussed the Scheme of PMKVY with the RPL Facilitator, details and terms of conditions of which are reduced as per the following terms.

NOW THIS AGREEMENT DOES WITNESSETH AS UNDER:

Submission of proposal:

1. That RPL facilitator shall submit proposal to undertake certification of Recognition of Prior Learning (RPL) candidates in the project type "RPL". Such project proposals shall be submitted to NSDC in the prescribed project template as per PMKVY guidelines;

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2. That the project proposal is required to be submitted in Project Proposal Template details of which are mentioned in Annexure 4 as enclosed. Importance of guidelines and scheme:

3. That RPL facilitator shall ensure that they have read and understood the guidelines, especially PMKVY guidelines 2016-20, guidelines for accreditation, affiliation, and 4 continuous monitoring of training centres for the skill ecosystem and branding and communication guidelines;

4. That RPL facilitator shall regularly visit website www.pmkvyofficial.org and keep themselves updated with the recent PMKVY guidelines;

5. That RPL facilitator shall continue to be in full compliance of PMKVY guidelines, as amended from time to time, with respect to all locations reported by RPL facilitator for conducting RPL;

6. That it is clearly understood that actions may be taken by the Council against the RPL Facilitator on the happening of one or more of the following event:

- a. that non-compliance with PMKVY guidelines;
- b. if any of the information and / or documents furnished by RPL Facilitator are found to be incorrect;
- c. providing information which misleading and / or mismatching with the data uploaded in Skill Development;
- d. RPL facilitator unable to achieve the targets predetermined; Appropriate action may be taken against RPL Facilitator may include and not limited to –

1. Withdrawal of targets allotted to non-compliant RPL locations of RPL Facilitator;

2. Recovery of the disbursed amount and withholding of any further disbursement;

3. Rescinding the contract; 5

4. Levy of penalty described in monetary terms;


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13. That RPL Facilitator should ensure that candidates admitted for training should not include a candidate who has already received training in some other government schemes. A declaration to this effect shall be taken from the candidates at the time of their enrolment on SDMS; Obligations of RPL Facilitator:

14. That RPL Facilitator shall conduct orientation programme in domain training, soft skills and entrepreneurship tips specific to the job role, familiarization with assessment process and terms as explained in Paragraph 2.4.3.1 of the PMKVY guidelines;

15. That final assessment of candidates shall be done in accordance with PMKVY guidelines as envisaged in paragraph no. 2.4.4

16. That Skill Certificate, mark list and payout would be made available only to those candidates who have submitted Aadhar Card and details of bank account. Such details are required to be validated by RPL Facilitator for verification and uploaded on the SDMS before the start of the final assessment. Payout as per guideline will be directly deposited in the bank account of the candidate and therefore, RPL Facilitator should ensure that bank details are uploaded correctly. Types of Skill Certificate to be issued shall be governed by paragraph no. 2.4.5.4 of PMKVY guidelines;

17. That RPL Facilitator shall publicise and promote RPL projects conducted through the following prescribed medium:

1. Print media – Advertisement in news papers, photo opportunities and press releases;
2. Outdoor advertising – Wall paintings, installation of outdoor hoardings and posters in populated areas;
3. Electronic media – SMS, Whatsapp, pictures and videos on
4. Facebook, YouTube, twitter and NSDC / PMKVY / SSC / Trade Association websites 4. Local and community radio stations; 8

18. That the programme shall be closely monitored under the purview of Monitoring Framework of PMKVY. Project shall be evaluated at


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5. Blacklisting the RPL facilitator. Project approval.

7. That NSDC shall evaluate the said project and take appropriate decision which shall be unequivocally binding on RPL Facilitator. Projects successfully approved by NSDC shall be allocated the number of candidates to be enrolled under RPL for implementation of the project.

8. The council being the PIA, will distribute the number of candidates to RPL facilitator and shall have exclusive powers to adjust the targets proposed by RPL Facilitator depending on the performance of RPL facilitator. Such targets fixed may be reviewed periodically in accordance with the monitory framework. Admission of candidates and training methodology.

9. That RPL Facilitator shall ensure that RPL candidates shall undergo all the five steps of processes, viz., mobilisation, counselling and pre-screening, orientation, final assessment and certification and payout.

10. That RPL Facilitator shall ensure that RPL beneficiaries are selected after thorough verification of their nationality and aadhar card. RPL Facilitators and their functions. 6

11. That RPL Facilitator shall engage certified trainers i.e. Council approved trainers who have completed the Training of Trainers (ToT) programme, for counselling, pre-screening of candidates, orientation and conducting the program and details of which are explained in the PMKVY guidelines. Such Certified Trainers should be made responsible by RPL Facilitator to provide training to candidates with up-to-date knowledge, theoretical as well as practical, in accordance with QPs with enough stress to requirement of industry, keeping in mind the present scenario of industry. Certified Trainers should underline the importance of this training, its purpose and ensure that the candidates are oriented towards this end. Certified Trainers should take up class room training in a well organised and cohesive manner stressing upon importance and seriousness of the scheme.

12. RPL Facilitator should develop the trainers in accordance with the scheme of PMKVY and its brand image and ensure that the trainers complete the task in a well professional manner.


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18. That the programme shall be closely monitored under the purview of Monitoring Framework of PMKVY. Project shall be evaluated at


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appropriate intervals in various parameters results of which may be taken into account for adjustment of targets set.

19. The performance of the candidate allotted to RPL Facilitator shall be assessed at frequent intervals by the Council and may terminate the assignment, if target is not met effectively both quantitatively and qualitatively.

20. That in order to carry out assessment correctly, RPL Facilitator shall send video clippings and clear photographs to Council/NSDC showing candidates undergoing their final assessment;

21. That RPL Facilitator shall be free to post the credentials of candidates in their websites once they are certified mentioning job-role wise and grade-wise;

22. That the RPL Facilitator shall submit undertaking cum indemnity bond executed on Rs. 300 non-judicial stamp paper, duly notarised, as per format at the time of submission of proposal. The said bond shall be signed by Head of Institution of RPL Facilitator under rubber stamp under documented authority. Consideration;

23. That RPL Facilitator shall be funded for the implementation of RPL project in accordance with paragraph no. 2.7 of PMKVY guidelines, which may be amended from time to time, and if so amended, shall be binding on the RPL Facilitator; Notices under this agreement:

24. That all notices, correspondence and other formal communication should be exchanged at the following addresses:

1. Textile Sector Skill Council, at 15th Floor, Nirmal Tower, Barakhamba Road, New Delhi 110 001 inviting the attention of CEO, and
2. ABC at inviting the attention of Dissolution of the contract:

25. That parties to this agreement are independent of each other. Neither RPL Facilitator, trainers nor the candidates should assume any employer – employee relationship amongst themselves and especially with the Council.


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26. That this agreement shall be current for a project period ending 31st March 2017, thereafter the same shall conclude and dissolve. In such an event, the parties shall discuss amongst themselves and submit and settle to each other all accounts receivables and payables and in consonance with obligations under this agreement;

27. That the contents of this agreement are required to be adhered to strictly without any deviation without taking confidence and concurrence of the opposite party. In case a party to this contract does not fulfil his promises in accordance with this agreement, the other party may inform the nature of promise not having been fulfilled for compliance of the opposite party. The parties may discuss with each other and come to an amicable solution to resolve the issue;

28. That all disputes that may arise out of this agreement should be discussed and resolved amicably by mutual discussion and understanding. In the event of disputes, decision of Council shall be final and binding. If still aggrieved, RPL Facilitator may move an application for redressal of grievance to NSDC. Decision of NSDC shall be final and binding on RPL Facilitator.

Miscellaneous:

29. That marginal notes and serial numbers are meant for easy recapitulation and understanding and do not create any kind of cedence to each other.

In witness, whereof, the parties have set their hands on the day, month, and year first above written.

Signature:

Name:

Designation:

Textile Sector Skill Council,
6th Floor, Narain Manzil,
Barakhamba Road, New Delhi
110 001

Signature:

Name: Shivraj Anandhi



Designation: सचिव
मिशन आर्यम
(म.प्र.)

Witnesses: Kaatg Prasad Poojapati


Kaatg Prasad Poojapati

Witnesses:

Sumendra Bhatt
Sumendra Bhatt


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by me


सं० समक्ष आज दिनांक 29/11/16
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निवासी लखनऊ जिला अखिल
प्रदेशीय शिव मठ संघ के अध्यक्ष
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Public Notary
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