



SUMANDEEP VIDYAPEETH

An Institution Deemed to be University u/s 3 and 12B of UGC Act 1956
Accredited by NAAC with a CGPA of 3.53 on a Four Point Scale at 'A' Grade
Category - I Deemed to be University under UGC Regulation 2018

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Intellectual Property Rights (IPR) Policy

➤ Introduction:

Intellectual Property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

IP is protected in law by, for example; patents, copyrights and trademarks, which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.

➤ Terms, Definition and Synonyms:

Copy right: Copyright is a legal term used to describe the rights that creators have over their literary and artistic works. Works covered by copyright range from books, music, paintings, sculpture and films, to computer programs, databases, advertisements, maps and technical drawings.

Patents: A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how or whether the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document.

Trademarks: A trademark is a sign capable of distinguishing the goods or services of one enterprise from those of other enterprises. Trademarks date back to ancient times when artisans used to put their signature or "mark" on their products.

➤ Purpose:

The purpose of this policy is to promote these missions by making inventions, copyrightable works and other intellectual property that may be created by Clinician, researcher, trainee and others who are at or associated with the Institution for the benefit of the public while also providing for a fair allocation of the financial costs and rewards associated with them.

➤ Scope:

The scope of intellectual property rights (IPR) is quite broad, consisting of many aspects. Defining intellectual property rights is difficult because globalization,

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technology, and IP law are constantly changing. In general, intellectual property is a concept that consists of a grouping of rights designed to protect the ownership of patents, trademarks, inventions, and works of art and literature.

➤ **Policy Statement:**

Intellectual Property Cell on behalf of Research Cell looking after overall activities concerning with intellectual property of the Institution.

- a) IPR cell is responsible for arranging social activities for members of the organization and promotes knowledge of intellectual property law by lectures, discussions, books, correspondences, pamphlets, dissemination of information or otherwise.
- b) IPR cell shall assist and facilitate owner of intellectual property.
- c) IPR cell also fosters ties, mutual cooperation and understanding among those who are practicing in the field of intellectual property law and through such ties promotes the protection and development of intellectual property in Institution.
- d) IPR cell shall provide customized corporate services such as legal consultancy in Intellectual Property Rights and in related areas such as anti-dumping, anti-competition, IP audits, anti-trust laws and respond to questions affecting intellectual property law and/or the interest of the Institution faculty/students.
- e) IPR cell shall encourage innovation of IPR's by interacting and keeping pace with development outside the Institution and engage in activities in conjunction with other bodies or associations within the limits of the Institution's objects.
- f) IPR cell shall arrange reciprocal concessions and co-operation with other such bodies and associations and assists in implementing the rules and enforcement of laws pertaining to IPR.
- g) IPR cell shall conduct training and capacity building activities for students and faculty and seeks affiliation with National or International bodies keeping in view of the fact that personal empowerment and convergence plays a crucial role in IPR issues.
- h) IPR cell shall monitor all the IPR concerned on-going activities in the Institution, maintains the data, records and documentations at IPR cell.
- i) If faculty is applying for any patent, the Institution has special incentive for the same.

➤ **Responsibilities:**

It is the responsibility of the Research Cell, Sumandeep Vidyapeeth Deemed to be University for implementation, monitoring and review the IPR of the researcher of the Institution.

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➤ **Reporting:**

The reporting authority is the Director Research of Sumandeep Vidyapeeth Deemed to be University.

➤ **Records management:**

The documents pertaining to the IPR of the researchers of the Institution shall be maintained and managed in soft and hard copies for minimum five year after granting the patents, copyrights and trademarks.

➤ **Policy Administrator:**

Director Research shall be the administrator of this policy.

➤ **Implementation Procedure:**

- a) In practice, upon submission of IP documents to Research Cell or verbal intimation by innovator to Research officials, Research Cell forward the innovator's idea to Sumandeep Patent Attorney, for further screening and identification of IP in the innovator claims.
- b) Upon finding the content, Patent Attorney files the application for eligible claims.
- c) All the expense for filing the application will be borne by Sumandeep Vidyapeeth Deemed to be University and will consider as "The Applicant".
- d) Innovator has all the authority for commercialization of the IP with prior MoU. For any commercial benefits, Innovator and Sumandeep Vidyapeeth will engaged in 80:20 ratios.

[Handwritten Signature]

DIRECTOR RESEARCH
SUMANDEEP VIDYAPEETH
RESEARCH CELL
At. & Po. Piparia, Ta. Waghodia
Dist. Vadodara-391 760.

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[Handwritten Signature] 12/5/2021

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Consultancy Policy

➤ Introduction:

Consultancy is essentially a knowledge based profession and consultants play an important role in technological, industrial and economic development and are effective agents of change in the society. Over the years, consultancy capabilities have grown in several sectors, public and private and more recently a number of foreign consultants have also started operations in India. However, the domestic consultancy capabilities need to be strengthened and skills be upgraded continually in several sectors, since the consultancy profession growth in India has not kept pace with the industrial and economic developments over the years. Consultancy plays an important role in providing a competitive edge to an organization. The intangible assets of an organization such as technical know-how and expertise of the staff, are often more valuable than its physical assets. Over the last few decades, legitimate appreciation of the commercial value of technical know-how has grown both within the academic / non-academic community and in the society at large. The pace of development of the human mind, resulting in new and useful inventions, initiated a need for a central policy in determining the course of the creation, protection and commercialization of technical know-how in the Institution in the form of consultancy services which are now not only being used as a tool to share the knowledge, generate revenue but also to build strategic alliances for the socioeconomic and technological growth.

Keeping in mind the intellectual strength of Sumandeep Vidyapeeth growing awareness about the innovative research of commercial value and the need for collaboration with other organizations for mutual benefits, the Consultancy rules have been formulated to provide guidance to the Full time faculty and Core Research Scientists, and any other Professionally Technically well qualified employees of Sumandeep Vidyapeeth, interested in the consultancy work. This document specifies the rules and norms of Sumandeep Vidyapeeth regarding consultancy and obligations depending upon the nature of consultancy. The rules laid down in this document are expected to fulfill the commitment of the Institution to promote academic freedom and provide a conducive environment for research and development of commercial importance.

➤ Terms, Definition and Synonyms:

A consultancy project/task/work: is one where faculty and research staff provide knowledge and intellectual inputs to industry or other organizations (within India and abroad), primarily for their purpose.

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Sponsored Projects: Projects wholly funded by the client having specified R & D objectives and well defined expected project outputs/ results, generally culminating in generation of intellectual property. Sponsored projects could be multi-client also, with sharing the project funding and research results.

Collaborative Projects: Projects partially funded by the client and supplemented by provision of inputs from the Institute such as extra manpower, production/ fabrication of product in bulk for testing infrastructural facilities, etc. Collaborative projects could be for up scaling/ proving of laboratory level knowhow, technology development or generation of intellectual property etc. The expected project output/ results are well defined.

Advisory Consultancy: Wherein the services would involve scientific, technical, engineering or other professional advice, provided to a client purely on the basis of available expert knowledge and experience of individual.

General Consultancy: Wherein the services shall comprise scientific, technical, engineering or other professional advice/ assistance based on the available knowledge base/ expertise of Sumandeep Vidyapeeth and envisaging only minimum use of laboratory facilities for essential experimentation needed to meet the objectives of the consultancy assignment.

➤ **Purpose:**

The purpose of consultancy policy is to establish a framework to support consultancy activities and services at the Sumandeep Vidyapeeth Deemed to be University (SVDU).

➤ **Scope:**

This policy applies to:

- ❖ All staff, of the SVDU, who are involved in the conduct of a consultancy service,
- ❖ All funds provided to the Institution for the purpose of conducting or supporting a consultancy service.

➤ **Policy Statement:**

(I) Scope of Consultancy Services offered:

- a) Consultancy Services may be offered to Industries, Service Sector, Govt. Departments and other National and International agencies in niche areas of expertise available in the Institution.
- b) The services offered shall be along the lines of 'Professional Services' and will hence carry with them obligations and ethical requirements associated with such

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services as indicated in the Standard Terms and Conditions (Appendix 5).

c) Consultancy services offered may cover a variety of activities related to

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Technology, Medical and paramedical areas.

- d) Testing & Evaluation services are to be normally offered in selected specialized areas. In order to meet the needs of clients, routine testing services may also be offered.
- e) Technical infrastructure / Computational facilities of the Institution may be offered to undertake the outside work of the clients. The use of physical infrastructure of the Institution purely for Rent Purpose will not be covered under consultancy work.
- f) All Consultancy and related Jobs need to be structured and executed in order to augmenting current levels of excellence in teaching and research, and in the process, generating funds.

(II) Consultancy Project Categories:

- a) Each project shall be undertaken under-

- I. Standard Term and Conditions (Appendix 5) and other specified General Consultancy rules
- II. Specific research agreement or Memorandum of Understanding describing the details of contract (if any)

In the former case, the work is taken up in good faith between the consultant and the client, the obligations and responsibilities of both parties.

The latter case refers to consultancy projects that usually involve non-disclosure agreements, detailed negotiations of contract terms and signing of contracts in the form of agreement or MOU covering various aspects such as deliverables, milestones, payment schedules, role and responsibilities of the parties, non-disclosure of confidential information, disputes resolution, liability, IPR matters, arbitration, and applicable law. These projects involve significant amount of effort and time associated with the negotiation and implementation of the research contracts.

The consultant (as defined in item III) may undertake the consultancy project under any of the categories below:

- b) The consultant (as defined in item III) may undertake the consultancy project under any of the categories below:

Category I: Expert Advice and R&D Consultancy: - This type of consultancy will be Expertise intensive and based on the expertise of the Consultant.

Category II: Testing Consultancy: -This type of Consultancy will involve testing of sample/component/product against a standard. The Institution will undertake testing jobs provided testing facilities and expertise are available in the

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Institution.

Category III: Minor & Major Research Consultancy:- This type of Consultancy will involve use of Institution's Physical, instrumental and other infrastructure by the client in order to proceed with a minor or major research projects involving all sophisticated instruments for product development, stability studies, work on molecular biology, and cell culture studies.

(III) Who can be a Consultant(s)?

There shall be a Principal Consultant in every category of consultancy project who will act as a team leader. The office of Research Cell will communicate with Principal Consultant only regarding the consultancy project. A consultant must fulfill the following eligibility criteria for undertaking consultancy project in the respective category.

For Category I:

Full time regular faculty, Core Research Scientists and any other Professionally & Technically well qualified employee of the Sumandeep Vidyapeeth may take up the consultancy work in this category. However, the Principal Consultant in this category shall be a regular Faculty member of the Sumandeep Vidyapeeth. Merely possessing academic qualification and designation at SV level will not entitle a consultant(s) for the consultancy project in this category. In addition to the academic qualifications in the relevant field, the consultant(s) must possess expertise and proved credentials (in terms of published research work / R&D experience / practical experience in relevant field, etc.) in the area of the consultancy work.

For Category II:

Full time regular faculty, Core Research Scientists and any other technically well qualified employee of the SV are eligible to take up this category of consultancy work. However, the Principal Consultant in this category also shall be a regular Faculty member of the SV. The consultant(s) must possess the practical experience of handling and operating the testing equipment. The Principal Consultant must have the capability to interpret the results obtained through testing.

For Category III:

Full time regular faculty, Core Research Scientists, and any other Professionally / Technically well qualified employee of the SV are eligible to take up this category of consultancy work either as a Principal Consultant / Consultant(s). The consultant(s) must be well versed with the use of all sophisticated equipments and

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other technical infrastructure required for the consultancy work. Further, merely possessing any designation at SV level will not entitle a consultant for this category of consultancy projects.

(IV) General Consultancy Rules:

- a) The services of permanent employees of the SV will be utilized for the execution of the consultancy projects provided it does not affect at any cost their primary functions and responsibilities to the SV.
- b) Consultancy assignments must not have any adverse impact on the ongoing academic, research, official and administrative activities. Further, such assignments need to be carefully scheduled in the light of ongoing commitments.
- c) The consultancy assignments under Category-I are of highly specialized nature and must be handled with utmost sincerity. The assignments under this category may have far reaching impact on academia as well as society. Thus, any compromise in the execution of these assignments may tarnish the image of SV. Keeping this in view, it is mandatory to ensure that the concerned consultant possess proper academic qualifications and well-established credentials in the area of consultancy.
- d) The consultant must undertake any consultancy assignment under Category – II only after ensuring that the machine/equipment used for testing is duly calibrated and provide accurate results against a reference / standard. It is understood that the testing equipment will be used only by the consultant(s) and not by the client.
- e) The consultant must undertake any consultancy assignment under Category – III only after ensuring that all sophisticated instruments for product development, stability studies, work on molecular biology and cell culture studies in proper working conditions.
- f) Merely possessing any position / designation / supervisory role at SV level will not entitle a consultant for the consultancy project.
- g) The total annual income of an individual Consultant from the Consultancy work shall not exceed his / her Gross Salary for 6 months in a financial year.
- h) The time spent on consultancy and related assignments shall be limited to the non-working days /holidays. However, an individual Consultant / staff member shall not undertake consultancy work more than 60 days in a calendar year.

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- i) Outstation travel on Consultancy assignments will be undertaken with the

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prior approval of the Vice-Chancellor under intimation to the Head of the Department / Office concerned. TA-DA, expenses towards boarding and lodging, etc. as per entitlement of the consultant shall be admissible as per SV rules. However, depending on the urgency of the consultancy work and the consent of client, the consultant(s) may claim TA-DA irrespective of his / her entitlement as per actual on the production of original tickets / bills. All these expenses will be met out of the concerned consultancy project funds.

- j) No ceiling limit has been prescribed for undertaking consultancy projects provided consultancy work does not interfere with the normal teaching / research / official work in the Institution and other duties of the consultant(s) and the associated staff.
- k) No retiring employee of the Institution will be allowed to submit a fresh consultancy project proposal as a consultant, if the duration of the project is beyond his/her date of retirement. However, in exceptional circumstances, a retired employee may continue to work as consultant with the approval of the Vice Chancellor, if he/she continues to serve the SV in some other capacity.
- l) If the Principal Consultant leaves the SV or proceeds on leave or not available for some reason (emergency / critical illness), the Director Research Cell on the recommendation of the Principal Consultant (if he/she is available) will appoint a new Principal Consultant in consultation with the client subject to the eligibility criteria of the consultancy rules and the written consent of new Principal Consultant. The new Principal Consultant will also give an undertaking to complete the project in the remaining funds and time period to the Director Research Cell through Head of the department / office concerned. However, in case of death of Principal Consultant, a mutually agreeable solution with the client will be worked out by the office of Research Cell.
- m) Normally the agreed charges of the consultancy project are to be deposited by the client, in full, before the consultancy work commences. However, this stipulation is negotiable. In cases where the consultancy work is started with only partial charges deposited in advance, the arrangements of subsequent receipt of funds from the client have to be clearly spelled out in advance while submitting the proposal before screening committee. However, the project will commence only after depositing 50% of total contracted amount of the consultancy project by the client. The final report of the consultancy work shall be released subject to the full payment of the total contracted amount.

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n) All purchases / procurement under consultancy projects shall be made as per

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norms prevailing in the SV.

- o) If any of the Consultant(s) or supporting staff wishes to donate part or whole of his/her own remuneration, the same will be permissible and transferred to Research Cell SV Fund only.
- p) Items like Book royalty and honorarium for Expert Committee meetings, invited lectures, PhD viva/evaluation, invited training programmers, organization of conferences/workshops are not covered under consultancy.
- q) A consultancy project is normally expected to be closed soon after the date of completion as stipulated in the original project proposal, unless an extension has been sought and granted. The completion certificate should be taken from the client on his letterhead by the Principal Consultant.
- r) Consultant(s) shall disclose in writing at the time of submission of consultancy project proposal, the existence of (i) any relationship between him / her and the client funding the consultancy project or any vendor to whom payments are made from the consultancy project funds, in the form of involvement of any immediate relatives or (ii) any scope for potential disproportionate self-gain. The Director Research Cell will review such cases and decide appropriately, with the advice of the committee formed by Research Cell SV, to ensure that no actual conflict of interest exists and that such an involvement by the consultant does not adversely affect the consultant's objectivity, integrity, or commitment to the SV and to the profession.
- s) In case any legal dispute arises between the consultant(s) and the client such that the consultant(s) are in any way, held responsible to make good the losses incurred by the client, such liability will be restricted to a maximum limit which will be calculated as follows:

Maximum Liability = the total contracted amount (excluding Service Tax) charged for the consultancy project – the expenditure / liabilities on the project. It is in the interest of the consultant(s) to bring this fact to the notice of the clients well in advance. The expenditure / liabilities as determined by the Institution will be calculated as the expenditure / liability till such date on which the client inform the consultant(s) in writing to stop work on the project for on-going projects, or till the end of the project for completed projects. The expenditure will also include the remuneration paid to the supporting staff of the SV. Submission of the requisite report itself in such cases shall constitute the Utilization Certificate / final bill.

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- t) If a prima-facie case of malpractice and/or misconduct is established by a fact

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finding committee (duly approved by Vice-Chancellor through Director Research Cell) against the consultant(s) or the associated staff in connection with consultancy project(s), the Vice Chancellor, on the recommendation of Director Research Cell may prohibit the concerned person to take part in any new project either as consultant or the associated staff, till such time that a final decision is taken by the appropriate authority in the matter. However, in such cases the concerned person will be expected to complete his/her obligations in the ongoing consultancy project(s) with which he/she is connected, in order that the ongoing projects and obligations to the client do not suffer.

u) Any disagreement within the SV arising at any stage of a Consultancy project will be resolved in consultation with Director Research Cell and the Vice Chancellor to ensure an expeditious removal of bottlenecks and smooth functioning of the project. In case of any dispute arising at any stage of Consultancy project between Consultant(s) and the client(s), the Consultant(s) will be responsible for settlement of the dispute. The arbitration power shall lie with Registrar, SV, Vadodara, in case of any dispute and the decision taken by the Vice-Chancellor shall be final.

➤ **Responsibilities:**

In case of any consultancy project, it is necessary to review the project every three months. It is the responsibility of Director Research to look after such projects.

➤ **Reporting:**

In case of any dispute arising, the Director Research shall immediately report to the Registrar of SVDU in order to resolve the matter.

➤ **Records management:**

All the records pertaining to the consultancy projects shall be maintained in soft and hard copies minimum for five year after the completion of the project.

➤ **Related Legislation and References: NIL**

➤ **Policy Administrator:**

The Director research shall be the administrator of this consultancy policy.

➤ **Implementation Procedure:**

[A] CONSULTANCY PROPOSAL INITIATION AND MANAGEMENT

a) Consultancy projects are normally initiated by requests / enquiries from the Client directly to the SV or by discussion between the Client and the Consultant(s).

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When the enquiry is directly received by the SV, the Principal Consultant and other consultants (if required) will be identified depending on their expertise, and

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existing commitments, by the Director Research Cell on the recommendations of the Head of the constituent Institutes and on the recommendations of the Registrar in case of non-teaching staff.

- b) In the event of a client preferring the services of a specific consultant, the consultant must fulfill the specified eligibility criteria and proper justification by the client for preferring a specific consultant must be given. The Director Research Cell after satisfying himself / herself shall ask the identified Principal Consultant to submit the detailed proposal as per the specified procedure.
- c) The Principal Consultant identified by the office of Director Research Cell shall read the standard terms and conditions (Appendix 5) and submit a detailed project proposal (as per the Performa at Appendix 6) for the consultancy work through the respective Head of the Institute to the office of Director Research Cell.
- d) An employee of the SV, who finds himself / herself eligible for the consultancy work, can also submit a detailed project proposal (as per the Performa at Appendix 6 through respective Head of the Institute to the office of Director Research Cell with Consultant(s) certificates (Appendix 7).
- e) The proposal so submitted shall be placed for screening before a Committee constituted by the Research Cell considering expert members of relevant field in case the total cost of Consultancy project is more than Rs. 10,000/-. The said committee may accept / reject the proposal depending on its merit. The recommendations of the committee will be approved by the Vice-Chancellor through Director Research Cell in case the total cost of Consultancy project is more than Rs. 1,00,000/-. If the total cost of Consultancy project is less than or equal to Rs. 1,00,000/-, the Director Research Cell will approve the proposal.

Table: Committee constituted by Research Cell

Designation	Position
Director Research	Chairman
Dean of Faculty Concerned (in case of Teaching Staff) OR Registrar (in case of Non-Teaching Staff)	Member
Head of the Institute concerned	Member
One member from the Research Advisory Committee (to be nominated by Director Research Cell)	Member
Chief Finance Officer	Member
One Outside Expert**(to be nominated by Vice-Chancellor)	Member

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** In case the total cost of Consultancy project is more than Rs. 2 Lakhs. The consultant(s) shall not be a part of the selection committee.

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- f) The office of Director Research Cell will intimate the Principal Consultant through respective Head of Institute about the decision of screening by the committee after getting approval from the Vice-Chancellor.
- g) For large projects (>Rs. 10 Lakhs), the said Committee shall review and assess the
- h) progress periodically (at least once in a year or twice in the total duration of the project) for timely completion of the projects. The Principal Consultant shall submit his progress report every six months to the office of Director Research Cell, SV. Also, consultant(s) shall submit his/her annual progress regularly to the office of Director Research Cell.

[B] DOCUMENTS, TO BE MAINTAINED

Following documents will be maintained by the Principal Consultant through his team members and produced as and when required.

- a) Attendance Records: Attendance record of the Consultant(s), supporting staff etc. with man-hours spent during the consultancy work.
- b) Inspection / Site Visit Register: A register to record any site visit by the Consultant(s) be maintained by the Principal Consultant. The suggestions rendered by the Consultant(s) during site visit along with remarks of the clients must be recorded. Further, if any expert advice by external expert is required during the Consultancy project, the same may also be recorded along with the remarks of the Consultant(s).
- c) Salary/Payment Record: To record all payments made to Consultant(s), supporting staff etc.
- d) Consumable and Non-Consumable Register: Register for recording hire/purchase of all equipments, materials, all consumables, non- consumables items etc. and its utilization.
- e) Travel Record Register: To record details of all expenditure incurred on travel.
- f) Log books and Warranty/Guarantee Record: Log books are used to record number of hours, laboratory equipment or hired or purchased equipments have been used. Besides, maintain warranty/guarantee certificates and also breakdown details of equipments.
- g) Correspondence File: For all correspondence since initiation.
- h) Agreement/Contract File: To maintain complete record of all agreements, contracts, drawings and such document which may constitute legal requirement.
- i) Work Progress Report: Record of monthly progress report will be maintained by the Consultant(s). Every three months the consultant(s) is supposed to submit a

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copy of progress report to the client.

- j) Any Other Document: Any other document as per the requirement of the client / nature of consultancy project, etc. shall also be maintained by the Consultant(s).

At the time of completion of a consultancy project, the Principal Consultant shall submit a copy of final report along with duly audited expenditure statement, utilization certificate and completion certificate from the client in the office of Director Research Cell, SV.

[C] BUDGETARY NORMS AND DISTRIBUTION OF CONSULTANCY FUNDS

- a) All payments related to Consultancy work will be received by the SV under separate budget head "Consultancy Services". The funds for Consultancy work will be operated by Director Research Cell/Registrar and Accounts officer of the SVDU.
- b) The norms for calculation of various percentages for distribution of the total money received from client will be as follows:

Item	Amount
Total money received from client	X
Service Tax	Y
Total Contracted Amount	$Z = X - Y$
SV Share (U)	$U = 0.4Z$
Remaining Amount (RA)	$RA = Z - U$
Total Expenditure* (E)	E
Balance Amount for Distribution (D)	$D = RA - E$
To Consultant	0.9D
To Institute Development Fund	0.1D

*Expenditure Details:

The actual expenditure in the consultancy work should cover the following costs related to the project. The taxes will be applicable as per government rules.

- c) All expenditure under consultancy projects shall be made as per norms prevailing in the SV, unless otherwise mentioned in the MoU or Agreement of the Consultancy project.

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