

## REPLIES TO BID QUERIES OF 500 MW WIND POWER (Post Expiry EPA) TENDER

S. No.	Clause No.	Existing Clause	Bidder's Query	MSEDCL Reply
1.	Bid Information Sheet	Rs. 1 Lakhs plus applicable GST as on last date of bid submission for each response/bid, to be submitted in the form of DD/Pay Order along with the response to RfS in favour of "Maharashtra State Electricity Distribution Co. Ltd.", payable at Mumbai.	We request you to waive off the processing fee as it is stated to be non-refundable	Processing fees is revised and the revised clause is as below: Rs. 10,000 plus applicable GST as on last date of bid submission for each response/bid, to be submitted in the form of DD/Pay Order along with the response to RfS in favour of "Maharashtra State Electricity Distribution Co. Ltd.", payable at Mumbai.
2.	Bid Information Sheet	Earnest Money @ 5 lakh /MW/Project to be submitted in the form of Bank Guarantee along with the Response to RfS.	We also request you to waive off the deposit as the process seems to be time consuming	The request is not accepted. The bidder has to adhere to the bid documents
3.	Bid Information Sheet	Ceiling Tariff: INR 2.52 per unit	In view of increasing operation and maintenance cost owing to old age of the machines we request for increase in tariff rate at least by Rs. 0.75 – 1.00 per unit to accommodate increasing operation costs and interest costs.	The request is not accepted. The bidder has to adhere to the bid documents, as the ceiling Tariff is decided by the Hon'ble MERC.
4.	Section 2 – Definitions	<b>"Bidder"</b> shall mean Bidding Company or a Limited Liability Company (LLC) or a Bidding Consortium or any other wind power generator having an EPA with MSEDCL which has already expired or is going to be expired in FY 2019-20, submitting the Bid. Any reference to the Bidder includes Bidding	The document is silent about the Individual and Firm entities who can bid.  Is Proprietor owned firm will qualify under eligible criteria for submission of Bid?	The existing definition of Bidder has been amended as below: <b><i>"Bidder" or "Bidding Entity" shall mean Bidding Company or a Limited Liability Company (LLC) or a Bidding Consortium or a Proprietary Concern or an Individual or a Co-operative Society or any other wind power generator</i></b>

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		Company/ Bidding Consortium/Consortium Member of a Bidding Consortium including its successors, executors and permitted assigns and Lead Member of the Bidding Consortium jointly and severally, as the context may require.	Is Proprietor owned firm will qualify under eligible criteria for submission of Bid?	<i>having an EPA with MSEDCL which has already expired or is going to be expired in FY 2019-20, submitting the Bid. Any reference to the Bidder includes Bidding Company / Proprietary Concern / Individual / Co-Operative Society / Bidding Consortium/ Consortium Member of a Bidding Consortium including its successors, executors and permitted assigns and Lead Member of the Bidding Consortium jointly and severally, as the context may require.;</i>
5.	Section 2 – Definitions	–	-	“ <b>Co-Operative Society</b> ” shall mean a body registered in India under the Co-operative Societies Act, 1912;
6.	RFS Clause no. 4.3:	4.3: Reverse Auction	We request you to go for normal bidding instead of reverse bidding as it will lead to tedious process.	The request is not accepted. The bidder has to adhere to the bid documents
7.	RFS Clause no. 3.3	....In order to ensure only quality systems are installed, the type certified wind turbine models listed in Revised List of Models and Manufactures (RLMM) will be allowed.	Is the type certified wind turbine models listed in Revised List of Models and Manufactures (RLMM) referred to Proposed New WTGs (Existing 1.5 MW WTG of SEL is not in the MNRE RLMM dated 29th May 2019)	The request is partly accepted. For existing WTG, there is not any need to comply this condition  Revised clause is as below:  .....In order to ensure only quality systems are installed, the type certified wind turbine models listed in Revised List of Models and Manufactures (RLMM) will be allowed in case of repowering of WTG only..

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8.	RFS Clause no. 3.4	<p><b>3.4 Eligibility for Project capacity allocation</b></p> <p>Following conditions shall be applicable to the Bidders for submission of bids against this RfS:</p> <p>1.A bidder including its Parent, Affiliate or Ultimate Parent or any Group Company can only submit a single application, subject to minimum bidding as per Section 3.2.2.</p> <p>2.Multiple bids from same company including its Parent / Ultimate Parent / Affiliates / Group Companies shall make all the bids submitted by the group invalid.</p>	Is multiple Bids of Proprietor owned firm can be submitted	<p>Yes, Bidders as defined in the Definition as amended above are eligible to submit their bids and are allowed to submit multiple bids i.e. a Bidder can submit bids from more than one project. It is however clarified that Bidder(s) cannot submit multiple bids from the same project and such Bids shall be summarily rejected along with other Bids submitted by the same Bidder from its other projects.</p> <p><u>Clause 3.4 of the RfS is amended as given below:</u></p> <p><b>3.4 Eligibility for Project capacity allocation</b></p> <p>Following conditions shall be applicable to the Bidders for submission of bids against this RfS:</p> <p>1. A bidder including its Parent, Affiliate or Ultimate Parent or any Group Company can submit multiple applications from different projects, subject to minimum bidding as per Section 3.2.2.</p> <p>2. Multiple bids for the same project from the same company including its Parent / Ultimate Parent / Affiliates / Group Companies shall make all the bids submitted by the group invalid.</p>
9.	RFS Clause no. 3.4	<p><b>3.12.1 Criteria for generation:</b></p> <p>The power producer shall supply the</p>	Dispensing with the requirement of CUF @17% (+/-10%) as the same is	The power producer shall supply the entire power generated from its project to

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		entire power generated from its project to MSEDCL as per the terms and conditions of the PPA.	very unlikely to generate the required CUF by all the WTG's which are older than 13 yrs in view of depletion of the WTG.	MSEDCL as per the terms and conditions of the PPA and there is no minimum CUF requirement as stated in the RfS.
10.	RfS Clause no. 3.5.2	The Bidding Entity should be incorporated in India under the Companies Act 1956 or Companies Act, 2013 as applicable.		Clause 3.5.2 of the RfS has been amended as given below: <i>"The Bidding Entity should be incorporated or registered in India under the Companies Act 1956 or Companies Act, 2013 or Co-operative Societies Act, 1912, as applicable."</i>
11.	RfS Clause no. 3.16	<u>Minimum Paid up Share Capital to be held by Project Promoter:</u> a) The Company developing the project shall provide complete information in their bid in reference to RfS about the Promoters and their shareholding in the company indicating the controlling shareholding before signing of PPA with MSEDCL. b) The successful bidder, if being a single company, shall ensure that its shareholding in the SPV/project company executing the PPA shall not fall below 51% (fifty-one per cent) at any time prior to 1 (one) year from the date of execution of PPA, except with the prior approval of MSEDCL. However, in case the Project is being		Clause 3.16 of the RfS has been amended as given below: <u>"Minimum Paid up Share Capital to be held by Bidder:</u> <i>Minimum Paid up Share Capital to be held by Project Promoter:</i> a) <i>The Bidder developing the project shall provide complete information in their bid in reference to RfS about the Owners or Promoters or Proprietor or Members of the Co-Operative Society and their shareholding in the Bidding Entity indicating the controlling shareholding before signing of PPA with MSEDCL.</i> b) <i>The successful bidder, if being a single bidding entity, shall ensure that its shareholding in the entity</i>

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		<p>set up by a Public Limited Company, this condition will not be applicable.</p> <p>c) In the event the successful bidder is a consortium, then the combined shareholding of the consortium members in the SPV/project company executing the PPA, shall not fall below 51% at any time prior to 1 (one) year from the date of execution of PPA, except with the prior approval of the MSEDCL.</p> <p>d) However, in case the successful bidder shall be itself executing the PPA, then it shall ensure that its promoters shall not cede control (Control shall mean ownership, directly or indirectly, of more than 50% (fifty per cent) of the voting shares of such Company or right to appoint majority Directors) till 1 (one) year from the date of execution of PPA, except with the prior approval of MSEDCL. In this case it shall also be essential that the successful bidder shall provide the information about its promoters and their shareholding to MSEDCL before signing of the PPA with</p>		<p><i>executing the PPA shall not fall below 51% (fifty-one per cent) at any time prior to 1 (one) year from the date of execution of PPA, except with the prior approval of MSEDCL. However, in case the Project is being set up by a Public Limited Company, this condition will not be applicable.</i></p> <p><i>c) In the event the successful bidder is a consortium, then the combined shareholding of the consortium members in the entity executing the PPA, shall not fall below 51% at any time prior to 1 (one) year from the date of execution of PPA, except with the prior approval of the MSEDCL.</i></p> <p><i>d) However, in case the successful bidder shall itself be executing the PPA, then it shall ensure that its owners or promoters or Proprietor or Members of the Co-Operative Society shall not cede control (Control shall mean ownership, directly or indirectly, of more than 50% (fifty per cent) of the voting shares of such entity or right to appoint majority Directors) till 1 (one) year from the date of execution of PPA, except with</i></p>

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12.	PPA Clause No. 6.5	Payment Security Mechanism	Timely releasing of payments and issuance of credit notes. Revolving letter of Credit for payment security must be opened by MSEDCL within 30 days of signing the PPA	PPA document has provided the provision of Revolving Letter of Credit as below:  “..The Letter of Credit shall be established in favour of, and issued to, the Power Producer on the date hereof and made operational thirty (30) days prior to due date of first invoice and shall be maintained consistent herewith by MSEDCL and all times during the Term of the Agreement...”  Existing clauses in the PPA for Payment Security mechanism is self-sufficient to take care of timely releasing of payments.
13.	RFS Clause no. 5.1	<b>5.1 General Design of the Facility</b> ....b. Have installed Special Energy Meter (SEM) with telecommunication facility with availability based tariff (ABT) feature as per relevant CEA specifications / regulations as may be applicable.	Requirements of SEM as well as online data transmission to MSLDC, shall be at the pooling substation level and not at individual wind mills.	As per prevailing MERC/CERC Regulations, SLDC/RLDC procedure.

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14.	Bid Information Sheet	<b>Last date &amp; Time for</b> a) Online Submission of Response to RfS and  b) All documents as per Section 3.21A physically at MSEDCL office, Mumbai	Last date of submission of tender document may be kept as 31st July, since the bidder has to acquaint with e-tendering process	The bid submission date is extended to 18.07.2019.
15.	RFS Clause no. 1.2: Details of Power Procurement.	MSEDCL shall enter into Power Purchase Agreement (PPA) with the Bidders selected based on the terms & conditions and provisions of this RfS for purchase of wind power for a period of 8 years from the date of execution of PPA or from the date of expiry of EPA for existing wind power projects.	Whether bidders are allowed to enter into PPA for the lesser period than 8 years.	The request is not accepted. The bidder shall adhere to the bid documents.
16.	RFS Clause no. 3.2: Total Capacity Offered	2. <b>Minimum Capacity of Project:</b> Wind power projects having an individual size of 0.50 MW and above at one site with a minimum bid capacity of 0.50 MW.	Is it possible, if 2 WTG having capacity lesser than 0.50 MW but situated at different location are allowed to bid for the total capacity	Two adjacent WTGs having capacity lesser than 0.50 MW but having common metering arrangement are allowed to bid for the total capacity more than the minimum bid capacity mentioned in the tender document.
17.			We would also like to request for hybrid power supply i.e. Solar with WTGs so that price can be improved	The request for installation of hybrid project at the existing wind farm is out of scope of this Tender. However, such bidders may approach MSEDCL with their proposal of Hybrid project.