

**REPLIES TO BIDDERS QUERIES**

APPOINTMENT OF CONSULTANT ON RETAINER-SHIP BASIS FOR PROVIDING CONSULTANCY SERVICES TO RENEWABLE ENERGY & POWER PURCHASE SECTION.

<b>Sr. No</b>	<b>Clause No.</b>	<b>Existing Clause</b>	<b>Bidder's Query/ Proposed clause</b>	<b>Request accepted/ not accepted</b>	<b>MSEDCL Reply</b>
1.	1.2.5 - Eligible Bidders	The average annual turnover of the Bidder during last 3 financial years shall be more than Rs. 50 Crs. from Consultancy business.	To amend the average annual turnover to Rs. 10 crores. Alternatively, to consider cumulative turnover of Rs. 40 crore in the last 3 financial years and modify the clause.  This will also allow wider participation in this tender process, and enable more competitive price discovery.	Request accepted	The modified clause is- “The average annual turnover of the Bidder during last 3 financial years shall be more than Rs. 10 Crs. from Consultancy business.”
2.	1.3 – Qualification of the Bidder	Proposed Team to be deputed at MSEDCL Head office.	Request MSEDCL to clarify whether the CVs off role profiles (who are not employed with consultancy firm currently) can be proposed with an undertaking to join consultancy firm in case the project is awarded to consultancy firm.	Request accepted	The request is accepted.
3.	1.3.3 - Qualification for Team leader		As mentioned in the RfP, the team leader should have 5 years of Power Sector Experience. However, personnel with 5 years	Request not accepted	No Change.

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			experience will incurred with higher cost which will increase the overall price of the bid. Hence, we request you to consider 5 years overall experience with minimum 3 years of working experience in Power Sector for Team Leader.		
4.	1.3.3 (Sr. No. 2) – Criteria for Technical Evaluation	Experience with MSEDCL. 1 Assignments completed = 1 Mark.  Total = 5 marks	The current provision of experience with MSEDCL only, is restrictive and will benefit the select bidder(s) who have worked with MSDECL in the past.  Request to consider experience in ongoing or completed assignments in the state of Maharashtra with Maharashtra Power Utilities or the Commission (MERC) and limit this to only two assignments for securing maximum marks in this criteria.	Request accepted	The modified clause is-  Experience with MSEDCL/Maharashtra Distribution Utilities /MERC/ GUVNL Gujrat/ MP Discom/ Karnataka Discom/ AP Discom/ Telangana Discom.  1 Assignments completed = 1 Mark.
5.	1.3.3 (Sr. No. 3) – Criteria for Technical Evaluation	The Bidder should have experience of supporting Distribution State Utilities / Electricity Departments in Bid Process Management for Renewable Energy Projects (no. of bid	Bid advisory assistance to any developer or private entity for participation in bid for a tender for renewable / conventional project should also be considered at par with the requirement, since participation in bid processes also requires clear	Request accepted	The modified clause is- “The Bidder should have experience of advisory & assisting to Distribution State Utilities / Electricity Departments or other

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		process completed).  1 Assignments completed = 5 Mark	understanding of the bidding process, regulatory scenario and involves review of PPAs, market scenario along with preparation of bids in line with the RFP parameters.		power entities like SECI/NTPC in Bid Process Management or Bid Advisory for Renewable Energy Projects (no. of bid process or Bid Advisory completed).”
6.	1.5.1 – Conflict of Interest	Bidders found to be in conflict of interest shall be disqualified. A bidder may be considered to have a conflict of interest with one or more parties in a bidding process if they.	We understand that MSPGCL being a sister concern of MSEDCL, the same will not be considered as a conflict of interest.		No Change. MSEDCL has clearly defined the clause.
7.	9.6 – Penalty Clause.	If it is observed that the Consultant fails to perform as per Terms and Conditions of contract, the penalty of 0.5% of the annual contract value shall be imposed for each occasion of non performance.	Currently, there is no cap on the aggregate penalty which a consultant is required to pay during the entire tenure of the contract.  The Liquidated Damages should be capped to 5% of the total contract value.	Request not accepted	No Change.

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8.	Schedule – V Current Contract Commitments / Works in Progress		<p>You have asked the bidder to submit current contract commitments/ Works in Progress. In this you have asked for following details namely, name of contract, employer's contact details, value of outstanding work, estimated completion date and average monthly invoicing over last six months. Furthermore, you have also specified that this schedule and all supporting documents shall be certified by an independent Auditor/ CA.</p> <p>At any given time, there are multiple assignments carried out by specialized teams at different locations. Therefore, providing information about all contract commitments may be possible for a small firm but is almost impossible for a large firm. Further, getting auditor certified supporting documents for Schedule V would be time consuming.</p> <p>Therefore, we request you to modify the condition in Schedule V. We would be able to provide you details regarding some of our ongoing commitments but, not all contract commitments due to time constraints. Further, we request you to waive off</p>	Request not accepted	<p>All supporting documents shall be self-certified by the consultancy firm.</p> <p>If the volume of ongoing contract commitments is more than 20 nos., then in such case, if consultancy firm is selected as successful bidder then you have to submit the details of remaining ongoing contract commitments before signing of the contract.</p>

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			<p>the condition regarding providing auditor certified supporting documents for Schedule V. If selected as successful bidder we would submit the same to you before signing the contract.</p> <p>Considering the difficulties mentioned above and paucity of time we request you to take considerate view regarding our request.</p>		
9.	Limitation of Liability		<p>Clause on Limitation of Liability is missing. The overall liability of the Consultant cannot be undefined and needs to be capped at a maximum threshold value. We suggest MSEDCL to add the clause as mentioned below:</p> <p>“Notwithstanding anything to the contrary, the maximum aggregate liability of the Consultancy Firm shall not exceed the fees paid to the Consultancy firm.”</p>	Request not accepted	No Change.
10.	Anti-Bribery & Anti-Corruption		<p>Request to include the following clause related to Anti-Bribery &amp; Anti-Corruption in RfP and Contract Agreement:</p> <ul style="list-style-type: none"> <li>• Anti-bribery &amp; Anti-corruption</li> </ul>	Request not accepted	No Change.

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			<ul style="list-style-type: none"> <li>• Economic &amp; Trade Sanctions</li> <li>• Non-Exclusivity</li> </ul>		
11.	Bid deadline	Last date of submission of bid is 22.10.2019	Keeping in view of the quantum of work involved in preparing the proposal and the holidays of Gandhi Jayanti and Dusshera, requests that the date of submission may be appropriately extended by two weeks to enable us to submit a competitive bid.		The request is accepted. Last date of submission of bid is extended till 04.11.2019
12.	There is change in proposed team profile, it will include one team leader cum Regulatory / Power Purchase Expert and only one team member instead of two team member.				