

**Bihar State Hydroelectric Power  
Corporation(BSHPC)**

Request for Qualification

For

Selection of Contractor for Chandil Dam Hydro Electric  
Power Project  
(2 x 4 MW)

**Issued by**

**Bihar State Hydroelectric Power Corporation (BSHPC)**

**Office of the Managing Director**

Bihar State Hydro-electric Power Corporation  
2nd Floor, Sone Bhawan,  
Birchand Patel Marg, Patna – 800 001.  
[www.bshpcLtd.com](http://www.bshpcLtd.com)

**1 August 2008**

## **DISCLAIMER**

1. This RFQ document has been prepared on the basis of information provided by Bihar State Hydroelectric Power Corporation Limited (“BSHPC”). The sole purpose of this RFQ is to provide interested parties with information to assist the formulation of their Response to RFQ.
2. This document is not intended to form the basis of any investment decision or any decision to purchase any securities or any decision to participate in the process. This document also does not constitute an offer or invitation or solicitation of an offer, to subscribe to or purchase any securities.
3. While this document has been prepared in good faith, no representation or warranty, express or implied, is or will be made, and no responsibility or liability will be accepted by BSHPC, any of their employees, advisors, consultant or agents as to or in relation to the accuracy or completeness of this document or any other oral or written information made available to any interested recipient or its advisors at any time during the bidding process and any such liability thereof is hereby expressly disclaimed. Such liability is accordingly expressly disclaimed even if any loss or damage is caused by any act or omission on part of the aforesaid, whether negligent or otherwise.
4. Neither this document nor anything contained herein shall form a basis of any contract or commitment whatsoever. Any prospective purchaser of shares will be required to acknowledge in the transaction agreements that he has not relied on or been induced to enter into such agreement by any representation or warranty, save as expressly set out in such an agreement.
5. Accordingly, interested parties are advised to carry out their own due diligence, investigation and analysis of any information contained or referred to herein or made available.
6. BSHPC and its advisors, undertake no obligation to provide the recipient with any additional information or update this document and reserve the right, at any time and without notice, to change or modify the procedure or process of the bidding or terminate the due diligence or negotiations or any part of or the entire disinvestment process.
7. This document has not been filed, registered or approved in any jurisdiction. Recipients of this document, particularly in jurisdictions outside India, should inform themselves of and observe any applicable legal requirements.
8. This Request for Qualification (RFQ) document is not an agreement or offer by BSHPC to the prospective Bidders.



## INDEX

---

SECTION	CONTENTS	PAGE NO.
<b>DEFINITIONS</b>		
1	INTRODUCTION .....	9
2	INFORMATION AND INSTRUCTIONS FOR BIDDERS.....	13
3	EVALUATION OF RESPONSE TO RFQ .....	24
4	Formats for Response to RFQ .....	28

## DEFINITIONS

The terms used in this RFQ document, unless as defined below or repugnant to the context, shall have the same meaning as assigned to them by the Electricity Act, 2003 [No.36 of 2003, hereinafter referred to as the “Act”/ “Electricity Act”] and rules or regulations framed there under, including those issued/framed by the Bihar State Electricity Commission, as amended or re-enacted from time to time.

### **The following terms are defined for use in this RFQ:**

**“Affiliate”** shall mean a company that either directly or indirectly controls or is controlled by or is under common control with a Bidding Company (in the case of a single entity) or a Member (in the case of a Consortium) and **“control”** means ownership by one company of at least fifty one percent (51%) of the voting rights of the other company;

**“Bid”** shall mean Non-Financial Bid and Financial Bid submitted by the Bidder, in response to the RFP, in accordance with the terms and conditions of the RFP;

**“Bidder”** shall mean either a single entity or a Consortium of entities submitting a Response to RFQ with the intent to be qualified as a potential bidder, for the Project. Any reference to the Bidder includes Bidding Company, Bidding Consortium/ Consortium, Member in a Bidding Consortium and Lead Member of the Bidding Consortium jointly and severally, as the context may require;

**“Bidding Company”** shall refer to such single entity that has made a Response to RFQ for the Project;

**“Bidding Consortium/ Consortium”** shall refer to a group of entities that has collectively made a Response to RFQ for the Project. A Bidding Consortium is not permitted to have more than 3 (three) Members;

**“BSHPC”** shall mean the Bihar State Hydroelectric Power Corporation Limited, a company incorporated in 1982 as an undertaking of the Government of India under the Companies Act, 1956, which owns the Chandil dam Hydroelectric Power Project (2 x 4 MW) and is authorized to conduct the bidding process for the Project by the State Governments of Bihar and Jharkhand;

**“Consents, Clearances, Permits”** shall mean all authorizations, approvals, registrations, permits, waivers, privileges, acknowledgements, agreements, or concessions required to be obtained from or provided by any concerned authority for the development, execution and performance of Project including without any limitation on the construction, ownership, operation and maintenance of the power project;

**“Contractor” or “Successful Bidder”** shall mean the Bidder selected, through a competitive process pursuant to the RFP, to complete the scope of work of the Project as defined in this RFQ and the RFP;

**“EPC”** shall mean Erection, Procurement and Commissioning;

**“Financially Evaluated Entity”** shall mean the entity which has been evaluated for the satisfaction of the financial requirements set forth in Clause 2.1.3 hereof;

**“Lead Member”** shall mean the company committing at least fifty one percent (51%) of the investment requirement for the completion of the Project and so designated by the other Members of the Consortium as the responsible authority in connection with the bidding process and execution of Project;

**“MOP”** means the Ministry of Power, Government of India;

**“Member in a Bidding Consortium” / “Member”** shall mean each company in the Bidding Consortium;

**“Parent Company”** shall mean a Company that holds at least fifty one percent (51%) of the paid - up equity capital of Bidding Company or Member of the Bidding Consortium and having management control of such Bidding Company or Member of the Bidding Consortium, as the case may be;

**“Project”** shall mean the site of the Chandil Dam Hydro Electric Power Project (2 x 4 MW) along with all the civil, mechanical and electrical assets at site, which are owned by BSHPC, as described in Section 1.2 of this RFQ and described in greater detail in the RFP;

**“Qualification Requirements”** shall mean the qualification requirements as set forth in Section-2, Clause 2.1 of RFQ;

**“Qualified Bidders”** shall mean the Bidders who are short listed by BSHPC after their meeting the Qualification Requirements in pursuant to this RFQ and who shall be eligible for issuance of RFP by BSHPC;

**“Request for Proposal” or “RFP”** shall mean Request for Proposal document comprising all schedules, annexures and Project details attached thereto and shall include any modifications, amendments or alterations or clarifications thereto;

**“Request for Qualification” or “RFQ”** shall mean the Request for Qualification document issued by BSHPC on ..... [insert date] for the competitive bidding process for short listing of Bidders to participate in the next stage of bidding process i.e. RFP, for selection of Contractor to execute the Project and shall include any modifications, amendments or alterations or clarifications thereto;

**“Response to RFQ”** shall mean the written response of a Bidder to and in accordance with this RFQ, duly submitted at the address mention in Clause 2.4.1 by the time specified in 2.9;

**“Technically Evaluated Entity”** shall mean the entity which has been evaluated for the satisfaction of the technical requirements set forth in Clause 2.1.2 hereof;

**“Ultimate Parent Company”** shall mean a company which owns at least fifty one percent (51%) equity in the Bidding Company or Member of a Consortium, (as the case may be) and in the Technically Evaluated Entity and/or Financially Evaluated Entity (as the case may be) and such Bidding Company or Member of a Consortium, (as the case may be) and the Technically Evaluated Entity and/or Financially Evaluated Entity (as the case may be) shall be under the direct control or indirectly under the common control of such entity.

# **SECTION - 1**

# **INTRODUCTION**

## SECTION 1

### INTRODUCTION

- 1.1 Bihar State Hydroelectric Power Corporation (BSHPC) invites responses from all prospective Bidders in accordance with this Request for Qualification (RFQ) to shortlist Bidders to participate in the next stage of Bidding, i.e., Request for Proposal (RFP), as part of the process to select the Contractor with the required technical and financial capability to finish the remaining work for completion of the Chandil Dam Hydro Electric Project (2 x 4 MW Capacity) at Chandil, located in the Saraikela district of Jharkhand, approximately 40 Kms from Jamshedpur as per the scope of work in Clause 1.5 and start the commercial operation of the Chandil Dam Hydro Electric Project. This project is part of the Swarnarekha Multi-purpose project and is currently owned by BSHPC. As some of the project work has already been done by BSHPC, the Contractor shall be responsible for completing the remaining part of the work on a turnkey basis.
- 1.2 **Completed Work:** BSHPC has obtained all necessary clearances for development of the Project and has already completed about 75% of the work on the Chandil Dam Hydro Electric Power Project (2 x 4 MW). The total estimated cost of the Project was Rs. 1,295 lakhs in 1987 which was revised to Rs. 4,048.72 lakhs in 1996. Until March 2006, BSHPC had spent Rs. 3,067 lakhs on the Project. The summary status of the progress on the Project is as detailed below.

Sl. No	Name of Work	Status of Work
<b>Civil Work</b>		
1	Power House Building	Completed
2	Penstock	Completed
3	Tail Race Channel	Completed
4	D.L.R Bridge	Completed
5	S.L.R Bridge	Completed
6	Escape Channel	Completed except stilling basin
7	Boundary Fencing	To be done
8	Finishing Work	To be done
<b>Electrical and Mechanical Work</b>		
9	Main Generating Equipment – Unit 1	Supplied & Boxed up
10	Main Generating Equipment – Unit 2	Partially erected
11	Unit Auxiliaries	Partially Erected
12	Switchyard	Mostly Procured & to be installed

<b>Transmission Line</b>		
13	33 kV Power Evacuation Transmission Line	90% work done
14	11 kV Transmission line	To be done

1.3 All Bidders are encouraged to visit the Project site to assess the amount of work already completed by BSHPC and to assess the balance work that the Contractor would be required to complete, before submitting the response to this RFQ.

1.4 **Contractual Arrangements:** The Contractor shall not be responsible for any of the earlier contracts entered into by BSHPC with regards to the Project. Bidders shall select their own suppliers for completion of the Project. Details of earlier contracts entered into by BSHPC shall be shared with the Contractor, along with such documents and manuals from Original Equipment Manufacturers, which are in the possession of BSHPC.

### 1.5 Brief Scope of Work to be completed by the Contractor

1.5.1 The Contractor's scope of work for the Project shall comprise, but not necessarily be limited to the following:

<b>Sl. No</b>	<b>Details</b>	<b>Scope of work to be completed by the Contractor</b>
<b>Electrical and Mechanical Work</b>		
1	Escape Channel	Stilling basin to be completed
2	Boundary Fencing	To be done
3	Finishing Work	To be done
<b>Electrical and Mechanical Work</b>		
4	Main Generating Equipment – Unit 1	Supplied & boxed up
5	Main Generating Equipment – Unit 2	To be completed, presently partially erected
6	Unit Auxiliaries	To be completed, presently partially erected
7	Switchyard	Equipment mostly procured, balance procurement to be completed and installed
<b>Transmission Line</b>		
8	33 kV Power Evacuation Transmission Line	90% work done; balance to be completed
9	11 kV Transmission line	To be done

- 1.5.1.1 The work proposed to be completed by the Contractor in the Clause 1.5 of this RFQ is only indicative. Neither BSHPC nor its advisors/consultants guarantee the accuracy of this information. All interested Bidders are encouraged to visit the Project site to take stock of the progress of work completed till date and to assess the balance work to be carried out by the Contractor on the Project for consideration and formulation of their Bids.
- 1.5.1.2 The Contractor shall ensure timely completion of the entire scope of Project in all respects as per the schedule provided for in Clause 1.7 below and subsequently in the RFP documents.
- 1.6 The details and documents as maintained by BSHPC in relation to the Project shall be shared with the Contractor on as-is-where-is basis, so that it may facilitate the Contractor in taking further actions to complete the Project and maintain Consents, Clearances and Permits, till the completion of the Project and handover of such documents / materials back to BSHPC.
- 1.7 Time for Completion of the Project**
- 1.7.1 The Contractor is expected to be complete the entire Project within eighteen (18) months from the date of acceptance of the letter of intent, issued by BSHPC in its favor. The Project is required to be completed in accordance with the detailed schedule to be specified in the RFP.

# **SECTION - 2**

## **INFORMATION AND INSTRUCTIONS FOR BIDDERS**

## **SECTION – 2**

### **INFORMATION AND INSTRUCTIONS FOR BIDDERS**

#### **2.1 Qualification Requirements**

- 2.1.1 The Bidder can be any reputed manufacturer of hydro turbine generating sets or their authorized licensee or their authorized dealer or EPC contractors of repute, i.e., designing, manufacturing, testing, supplying, erection and commissioning of hydro generating sets of 1.0 MW and above on turnkey basis, registered in India having experience of executing similar works, are eligible to participate in this bidding process. In addition, EPC contractors and manufacturers of hydro turbine generating sets, as described above, are also allowed subject to fulfillment of other conditions by individual JV Partner as stipulated in the bid documents

All such Bidders should be a corporate entity duly incorporated under the relevant laws (hereinafter referred to as the Bidding Company) or a Consortium of corporate entities (hereinafter referred to as the Bidding Consortium) with one of the entities acting as the Lead Member of the Bidding Consortium. A Bidding Consortium is not permitted to have more than three (3) members. Short-listing of Bidders will be based on their meeting the Qualification Requirements specified in Clauses 2.1.2 and 2.1.3, as demonstrated by the Bidder's Response to the RFQ. Further, a Bidding Consortium can participate in the bidding process for the Project if any Member of the Consortium has purchased the RFQ document for such Project.

#### **2.1.2 Technical Requirement to be met by the Bidding Company or Lead Member of Bidding Consortium**

- 2.1.2.1 The Bidder must fulfill following technical requirements:

Bidders should have satisfactorily completed or on the verge of completion three similar works of similar capacity as enumerated above each costing not less than Rupees Three crores (Rs. 3 crores) or equivalent USD or two similar works each costing not less than Rupees Six crores (Rs. 6 Crores) or equivalent USD or one similar work costing not less than Rupees Eight crores (Rs. 8 Crores) or equivalent USD, during the last seven (7) years ending 31st March, 2008. This should be certified by an officer not below the rank of Executive Engineer / Project Manager of the organization executing the work.

For this purpose of computing the technical qualification, capital expenditure incurred on projects for which commercial operation has commenced till at least seven (7) days prior to the last date for submission of Response to RFQ shall be considered. In case a clearly identifiable part of a project has been put into commercial operation, the capital expenditure on such part of the

project shall be considered. Further, the Technically Evaluated Entity must have either executed such projects itself or must own directly at least fifty one percent (51%) of the shareholding in the entity that has executed the project(s). The Technically Evaluated Entity may be the Bidding Company or the Lead Member of a Consortium or an Affiliate or Parent of such Bidding Company or the Lead Member, as the case may be.

In case of a Bidding Consortium, the technical requirement should be met by the Lead Member of the Consortium or its Affiliate / Parent.

The Bidders should have sufficient number of Technical / Managerial and Administrative employees for proper execution of the Project and should submit a list of these employees stating clearly how these would be involved in work.

In case of authorized licensees / dealers / firms / contractors, guarantee for prompt service back up as regards providing of spares and after sales service from the manufacturers of turbine and generators shall also be provided and undertaking to this effect shall be provided on non-judicial stamp paper of Rupees One hundred (Rs. 100/-) along with the Bid.

A similar undertaking shall be submitted by the manufactures of imported machineries (turbine and generating sets) either by themselves or through their licensee or dealer stating clearly that they have well equipped infrastructure with sufficient technically competent manpower in India to provide prompt after sale service as regards providing of spares and repairing.

### **2.1.3 Financial Requirement to be met by the Bidding Company/Bidding Consortium**

2.1.3.1 The Bidder must fulfill following financial requirements:

#### **A. Annual Financial Turnover:**

Annual Turnover of Rupees Six crores (Rs. 6 crores) or equivalent USD, computed in any of the last three (3) financial years immediately preceding the last date of submission of Response to RFQ. This should be duly certified by a Chartered Accountant. Any financial year in which no turnover is shown would also be considered for working out the average.

#### **B. Networth:**

Networth should be equally to at least Rupees Four Crores (Rs. 4 crores) or equivalent USD computed as the Networth based on the unconsolidated

audited annual accounts of any of the last three (3) financial years immediately preceding the last date of submission of Response to RFQ.

Should not have incurred any loss in more than two (2) years during the last five (5) years ending 31st March, 2008 and necessary financial audited accounts and documents to this effect shall be certified by a Chartered Accountant.

2.1.3.2 Above financial parameters shall be computed in following manner by the Bidder:

**A. Annual Turnover:** Annual Gross Revenue earned by the Bidder

**B. Networth**

=	Equity share capital
Add:	Reserves
Subtract:	Revaluation Reserves
Subtract:	Intangible Assets
Subtract:	Miscellaneous expenditures to the extent not written off and carry forward losses

2.1.3.3 If the Response to RFQ is submitted by a Bidding Consortium, the financial requirement shall be met individually and collectively by all the Members in the Bidding Consortium. The financial requirement to be met by each Member of the Bidding Consortium shall be computed in proportion to the commitment made by each of them for the completion of the Project. The technical requirement should be at least met by the Lead Member.

2.1.4 The Bidding Company or a Consortium Member (including Lead Member) may seek qualification on the basis of technical and financial capability of its Parent and / or its Affiliate(s) for the purpose of meeting the Qualification Requirements.

If the Technically Evaluated Entity and/or Financially Evaluated Entity is an entity other than the Bidding Company or a Member in a Bidding Consortium, the Bidding Company or the Consortium Member shall have to provide information relating to its relationship with such Technically Evaluated Entity and/or Financially Evaluated Entity including details about the equity shareholding between them as per Format 4.7(D).

2.1.5 A Bidder shall submit only one response in the same bidding process, either individually as Bidding Company or as a Member of a Bidding Consortium.

2.1.6 Notwithstanding anything stated above, BSHPC reserves the right to verify the authenticity of the documents submitted for meeting the Qualification Requirements and request for any additional information. BSHPC reserves the right at its sole discretion to contact the Bidder's bank and project references and verify the Bidder's information for the purpose of qualification.

2.1.7 The Qualified Bidders will be required to continue to maintain compliance with the Qualification Requirements throughout the bidding process till the completion of the process. The Contractor will be required to maintain such compliance till the completion and transfer of the Project to BSHPC.

## **2.2 Submission of Response to RFQ by the Bidder**

2.2.1 The information/document in Response to RFQ will be submitted by the Bidder as per the formats specified in Section – 4 (Formats for RFQ) of this document.

2.2.2 Strict adherence to the formats wherever specified, is required. Wherever, information has been sought in specified formats, the Bidder shall refrain from referring to brochures/ pamphlets. Non-adherence to formats and/ or submission of incomplete information may be a ground for declaring the Response to RFQ as non-responsive. Each format has to be duly signed and stamped by the authorized signatory of Bidder.

2.2.3 The Bidder shall furnish documentary evidence in support of meeting technical requirements to the satisfaction of BSHPC and shall furnish unconsolidated audited annual accounts in support of meeting financial requirement of the Bidder.

### **2.2.4 Response to RFQ submitted by a Bidding Consortium:**

2.2.4.1 The Response to RFQ shall contain a legally enforceable Consortium Agreement (as per Format 4.6) entered into between the Consortium Members, clearly indicating inter alia the responsibilities of each Consortium Member in execution of the Project, specifying the commitment of each Consortium Member for the completion of the Project and designating one of the Members to be the Lead Member. Each Member of the Consortium shall duly sign the Consortium Agreement, making each of the Consortium Members, individually liable for obligations set forth in the Consortium Agreement. In absence of Consortium Agreement, the Response to RFQ will not be considered for evaluation and will be rejected.

2.2.4.2 The Lead Member should designate one (1) person to represent the Consortium in its dealings with BSHPC. The person designated by the Lead Member should be authorized through a Power of Attorney (as per Format 4.3) to perform all tasks including, but not limited to providing

information, responding to enquiries, signing of Response to RFQ on behalf of the Consortium, etc.

- 2.2.4.3 The Members of the Bidding Consortium would be permitted to choose which of the Members (other than the Lead Member) would be exempt from joint liability as contemplated in the Consortium Agreement.

Provided, the balance Members in the Bidding Consortium (i.e., Members who are not exempted) will be jointly and severally liable to commit investment for completion of the Project to the extent of one hundred percent (100%), i.e., for both their own liability as well as the liability of Members who have been exempted.

- 2.2.4.4 The Response to RFQ should also contain signed letters (Letter of Consent as per Format 4.2) from each Member of the Consortium confirming that the entire Response to RFQ has been reviewed and each element of the Response to RFQ is agreed to by them including investment commitment for the Project.

- 2.2.4.5 Any request for change in the membership of the Consortium after the submission of RFQ and after getting short listed to participate in the RFP process would be considered only upon the Bidding Consortium making a written application to BSHPC seeking its approval for such change at least thirty (30) days prior to the last date of submission of RFP Bids, along with suitably modified formats of the RFQ. A change in membership of a Consortium will be permitted only once, provided that the changed Consortium be such that it would have also qualified technically and financially as required by the provisions of the RFQ and provided that the Lead Member, in case of a Consortium, is not changed. The changed Consortium should also ensure that it meets all the applicable requirements in the RFQ document including the instructions outlined in Clause 2.6 and should submit a revised Response to RFQ (including all revised formats of Section 4 of RFQ), within a week of the approval of the changed Consortium by BSHPC. No change in the membership of the Bidding Consortium will be permitted after submission of the Bids in the RFP stage.

Provided that, if the Lead Member of the Bidding Consortium intends to change itself into a Bidding Company after submission of the RFQ, such change would be considered only once upon the Lead Member making a written application along with suitably revised formats of the RFQ to BSHPC seeking its approval for such change at least 30 days prior to the last date of submission of RFP Bids. The Lead Member in case of such change would need to be the Bidding Company and fulfill all the Qualifying Requirements, as specified in the RFQ.

2.2.4.6 The Response to RFQ shall contain unconsolidated audited annual accounts (consisting of unabridged Balance Sheet, Profit and Loss Account, profit appropriation account, Auditors Report, etc.) of each Member of the Consortium including Lead Member for the last three (3) financial years immediately preceding the last date for submission of Response to RFQ for the purpose of calculation of necessary financial requirements.

## 2.2.5 Response to RFQ submitted by a Bidding Company

2.2.5.1 The Bidding Company should designate one (1) person to represent the Bidding Company in its dealings with BSHPC. The person should be authorized to perform all tasks including, but not limited to providing information, responding to enquiries, signing of Response to RFQ etc. The Bidder should submit, along with Response to RFQ, a Power of Attorney, authorising the signatory of the Response to RFQ as per Format 4.3. At the RFP Stage, the Bidding Company shall provide the board resolution committing one hundred percent (100%) of the investment requirement for the Project.

2.2.5.2 If a Bidding Company intends to form a Consortium after submission of the RFQ, then the Bidding Company would need to be the Lead Member of such Consortium and fulfill all the Qualifying Requirements, as specified in the RFQ. Further, request for such change would be considered only upon the Bidding Company making a written application to BSHPC seeking its approval for such change at least thirty (30) days prior to the last date of submission of RFP Bids and submit details, within a week of the approval from BSHPC, of the Consortium Members along with duly filled applicable Formats of Section – 4 of RFQ, provided further that such a change will be permitted only once.

2.2.5.3 In case of Response to RFQ by a Bidding Company the unconsolidated audited annual accounts (consisting of unabridged Balance Sheet, Profit and Loss Account, profit appropriation account, Auditors Report, etc.) for the last three (3) financial years immediately preceding the last date for submission of Response to RFQ for the purpose of calculation of Annual Turnover and Networth shall be required to be submitted.

## 2.3 **Receipt and Opening of Response to RFQ**

2.3.1 The Response to RFQ duly filled in, one (1) original and three (3) copies, placed in one envelope, must be delivered to the address hereunder on or before 16:00 Hrs (IST) on 31/10/08 (last date of submission of Response to RFQ) and will be opened on 31/11/08 at 11:00 Hrs (IST), in the presence of Bidder's representatives who wish to attend. If it is a public holiday on the date of receipt of the Response to RFQ as specified, the Response to RFQ

shall be received and opened on the next working day at the same time and venue.

**Office of the Superintending Engineer (Civil),  
Chandil Dam Hydro-Electric Project, Chandil,  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand.**

## 2.4 Method of Submission

2.4.1 The Response to RFQ is to be submitted in a sealed envelope which should be transcribed in the following manner:-

***“Response to RFQ for Chandil Dam Hydro-Electric Project”***

***Office of the Superintending Engineer (Civil),  
Chandil Dam Hydro-Electric Project, Chandil,  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand***

***“.....” [Bidder to insert name]***

2.4.2 The Response to RFQ shall contain a covering letter as per Format 4.1.

2.4.3 The Bidder has the option of sending his Response to RFQ by registered/speed post or submitting in person so as to reach BSHPC at the designated address by the time and date stipulated in this RFQ. Responses submitted by telex/ telegram/ fax/ email shall not be considered under any circumstances. BSHPC shall not be responsible for any delay in receipt of response. Any Response to RFQ received by BSHPC after the time and date for submission of the responses stipulated in the RFQ shall not be opened.

2.4.4 No change or supplemental information to the Response to RFQ already submitted will be accepted after the scheduled date and time of submission of Response to RFQ. Notwithstanding the above, BSHPC reserves the right to seek additional information from the Bidders, if found necessary, during the course of evaluation of the Response to RFQ.

2.4.5 If the envelope is not sealed and not superscribed as per the requirement, BSHPC will assume no responsibility for its misplacement or premature opening.

## 2.5 Preparation Cost

The Bidder shall be responsible for all the costs associated with the preparation of the Response to RFQ and participation in discussions. BSHPC shall not be responsible in any way for such costs, regardless of the conduct or outcome of the process of competitive bidding for selection of Contractor.

## 2.6 Bidders may note that:

- All the information in Response to RFQ should be submitted in English language only.
- Bidders shall mention the name, designation, telephone number, fax number, email address of the contact person and complete address of the Bidder in the covering letter.
- All pages of the responses submitted must be initialed and stamped by the authorized signatory on behalf of the Bidder.
- If there is any change in the composition of the Bidding Company or any Member of the Bidding Consortium due to merger, demerger, acquisition, takeover or in any other manner, intimation of such change shall be given to BSHPC. BSHPC reserves the right to reject the Bid, in case BSHPC is not intimated in this regard.
- A Bidder shall submit only one Response to RFQ in the same bidding process, either individually as Bidding Company or as a Member of a Bidding Consortium.
- The technical and financial capability of a particular company (Parent and/ or Affiliate) shall not be used by more than one Bidder/ Member of a Bidding Consortium including Lead Member / Bidding Company.
- This Request for Qualification (RFQ) document is not transferable. The RFQ document and the information contained therein is for the use only by the Bidder to whom it is issued. It may not be copied or distributed by the recipient to third parties (other than in confidence to the recipient's professional advisors). In the event that the recipient does not continue with its involvement in the Project, this RFQ document must be kept confidential.
- Though adequate care has been taken while preparing this RFQ document, the Bidder shall satisfy himself that document is complete in all respects. Intimation of any discrepancy shall be given to BSHPC immediately. If no intimation is received from any Bidder within ten (10) days from the date of issue of RFQ document, it shall be considered that the RFQ document is complete in all respects and has been received by the Bidder.
- Bidder who meets the Qualification Requirements and is issued RFP document must continue to maintain his status as a Qualified Bidder. At the RFP stage, Bidder will be required to certify that it still meets the Qualification Requirements as per RFQ.
- Responses submitted by the Bidder shall become the property of BSHPC and BSHPC shall have no obligation to return the same to the Bidder.

## 2.7 Clarifications on RFQ document

BSHPC will not enter into any correspondence with Bidders, except to furnish clarification on this RFQ, when necessary. Bidders may seek clarifications

about the RFQ in writing up to fifteen (15) days from the date of close of sale of RFQ or as may be indicated separately by BSHPC.

The Bidders may seek clarifications with respect to this document from:

**Superintending Engineer (Civil),** Phone(Off):0657-2464882  
**Chandil Dam Hydro-Electric Project, Chandil,** Fax : 0657 -2464882  
**P.O.: Ghoraling,** Email:pradeepsingh@sify.com  
**Dist.: Saraikela-Kharsanwa,**  
**Jharkhand**

## 2.8 Modification/Amendments in RFQ

- (a) At any time, not later than ten (10) days prior to the last date for submission of Response to RFQ, BSHPC may, for any reason, whether at its own initiative or in response to clarifications requested by any Bidder may modify the RFQ by issuance of addendum/modification/errata and/or revised document. Such document shall be notified in writing through a letter or fax or e-mail to all the Bidders and shall be binding on them. In order to ensure that Bidders have reasonable time to take the modification into account in preparing their Response to RFQ, or for any other reasons, BSHPC may at its discretion, extend the due date for submission of Responses to RFQ. Late receipt of any modification document will not relieve the Bidder from being bound by that modification.
- (b) All modifications shall become part of the terms and conditions of this RFQ. No interpretation, revision or communication regarding this RFQ is valid, unless made in writing.

## 2.9 Timeline for Response to RFQ

The following shall be the time schedule for completion of qualification process.

Event	Schedule
1. Issue of RFQ document.	01 August, 2008
2. Submission of Responses to RFQ	31 October 2008
3. Opening of the RFQ Document	11 November 2008

To enable BSHPC to meet the schedule, all Bidders are expected to respond expeditiously during qualification process. If any milestone/activity falls on a day which is not a working day or which is a public holiday, then the milestone/activity shall be achieved/completed on the next working day.



# **SECTION - 3**

## **EVALUATION OF RESPONSE TO RFQ**

## **SECTION 3**

### **EVALUATION OF RESPONSE TO RFQ**

3.1 The evaluation process comprises the following three steps:

- Step I – Responsiveness check
- Step II- Compliance with submission requirements
- Step III– Evaluation of Qualifying Requirements

#### 3.1.1 STEP 1 – Responsiveness check

The response submitted by the Bidder shall be initially scrutinized to establish “Responsiveness”. The following conditions shall cause the Response to RFQ to be “Non-responsive”:

- Responses not received by the prescribed due date and time.
- Response not signed by authorised signatory and / or stamped in the manner indicated in this RFQ.
- Response not including the covering letter as per format
- Response submitted by a Bidding Consortium not including the Consortium Agreement.
- Material inconsistencies in the information/ documents submitted by the Bidder, affecting the Qualification Requirements.
- A Bidder who submits, or participates in, more than one response either as a Bidding Company or as a Member of Bidding Consortium will cause all the proposals in which the Bidder has participated to be rejected.
- More than one Member of the Bidding Consortium or a Bidding Company using the credentials of the same Parent/Affiliate will cause the Response to RFQ of the Bidding Consortium to be rejected.
- Failure to comply with any other requirement or stipulation contained in this RFQ and/or information not submitted in specified formats.

#### 3.1.2 STEP 2 - Compliance with submission requirements

Each Bidder’s Response to RFQ shall be checked for compliance with the submission requirements set forth in this RFQ before the evaluation of Response to RFQ is taken up.

#### 3.1.3 STEP 3 -Evaluation of Qualifying Requirements

Evaluation of Qualification Requirements will be carried out considering the information furnished by the Bidders as required under this RFQ. This step would involve technical and financial evaluation of the details/ documents

furnished by the Bidding Company / Bidding Consortium in support of meeting the Qualification Requirements.

#### 3.1.3.1 Interpolation of financial data.

For the Qualification Requirements data provided by the Bidders in foreign currency, equivalent rupees of Annual Turnover and Networth will be calculated using bills selling exchange rates (card rate) \$/ Rs. of State Bank of India prevailing on the date of closing of the accounts for the respective financial year. For the purpose of calculating the aggregate capital cost of the projects completed/ commissioned where such projects are executed outside India and capital cost is denominated in foreign currency, bills selling exchange rates (card rate) \$/ Rs. of State Bank of India prevailing on the date of closing of the financial year in which the projects were completed, and for the projects executed in the current financial year bills selling (card rate) \$/ Rs. of State Bank of India prevailing on seven (7) days prior to the last date of submission of Response to RFQ shall be considered. For currency other than USD, Bidders shall convert such currency into USD as per the exchange rates certified by its Banker prevailing on the relevant date and used for such conversion. If the exchange rate for any of the above dates is not available, the rate for the immediately available previous day shall be taken into account.

### 3.2 Misrepresentation by the Bidder

If at any later date it is found that any information or document submitted by a Bidder or any statement made in the Response to RFQ on the basis of which the Bidder has been qualified and invited by BSHPC to participate in the RFP or is selected as the Contractor does not reflect the truth and there is a material misrepresentation by the Bidder, such Bidder shall be forthwith disqualified and if selected its selection cancelled. In addition, its securities shall be forfeited.

### 3.3 Disposition of Response to RFQ

- 3.3.1 Response to RFQ that are incomplete, which do not substantially meet the requirements prescribed in this RFQ, will be liable for rejection.
- 3.3.2 Failure in the submission of additional information or clarifications sought by BSHPC within the stipulated time period, will make Response to RFQ of such Bidders liable for rejection.
- 3.3.3 If the Bidder makes any claim in its Response to RFQ, which does not reflect the truth or makes material misrepresentation of facts, affecting the Qualification Requirements, then the response will be rejected.
- 3.3.4 A Bidder who submits, or participates in, more than one response either as a Bidding Company or as a Member of Bidding Consortium will cause such Response to RFQ in which the Bidder has participated to be rejected.

- 3.3.5 If the technical and financial capability of a particular company (Parent and/ or Affiliate) is used by more than one Member of a Bidding Consortium including Bidder/ Lead Member / Bidding Company, then such Response to RFQ shall be rejected.
- 3.3.6 If the Bidder deliberately gives wrong information in its Response to RFQ in order to create circumstances for the acceptance of its Response to RFQ, BSHPC reserves the right to reject such Response to RFQ and/ or cancel the award, if made.
- 3.3.7 BSHPC reserves the right to interpret the Response to RFQ in accordance with the provisions of this RFQ document and make its own judgment regarding the interpretation of the same. In this regard, BSHPC shall have no liability towards any Bidder and no Bidder shall have any recourse to BSHPC with respect to the qualification process.

#### **3.4 Effect of decision.**

BSHPC shall evaluate Response to RFQ using the process specified in Clause 3.1, at its sole discretion. BSHPC's decision in this regard shall be final and binding.

#### **3.5 Eligibility of Qualified Bidders**

Qualified Bidders will be eligible for issue of a Request for Proposal (RFP) document by BSHPC in order to submit their bid for the Project.

# **SECTION - 4**

  

## **FORMATS FOR RESPONSE TO RFQ**

## **SECTION – 4**

### **FORMATS FOR RESPONSE TO RFQ**

The following formats are required to be included in the Bidder's Response to RFQ. These formats are designed to demonstrate the Bidder's compliance with the Qualification Requirements set forth in Clause 2.1 of Section – 2.

- i) Format for the Covering Letter
- ii) Format for Letter of Consent from Consortium Members
- iii) Format for signatory's authority (Power of Attorney)
- iv) Format for Power of Attorney from Consortium Members
- v) Format for Bidders composition and ownership structure
- vi) Format for Consortium Agreement
- vii) Format for Bidders financial and technical capabilities
- viii) Format of checklist for submission of Response to RFQ
- ix) Format for No Objection Certificate (NOC) [from each of the Consortium Members in the event of change
- x) Authorization from Parent/Affiliate of Bidding Company/Member of Bidding Consortium whose technical/financial capability has been used by the Bidding Company/Member of Bidding Consortium.

Bidder may use additional sheets to submit the information for its detailed response.

#### 4.1 Format for the Covering Letter

**(The covering letter should be on the Letter Head of the Bidding Company/ Lead Member of the Consortium)**

**Date:** .....

**From :** .....  
.....  
.....

**Telephone :** .....

**Fax :** .....

**E-mail address:** .....

**To,**

**The Superintending Engineer (Civil),  
Chandil Dam Hydro-Electric Project, Chandil,  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand**

**Dear Sir,**

**Sub: Response to RFQ for selection of Contractor for Chandil Dam Hydro Electric Power Project (2 x 4 MW).**

Sir,

1. Being duly authorised to present and act on behalf of M/s. ....[insert name of Bidding Company / Bidding Consortium] (hereinafter called the "**Bidder**") and having read and examined in detail the Request for Qualification (RFQ) document, the undersigned hereby submit our Response to RFQ with duly signed formats in one (1) original + ..... ( ) copies as stipulated in RFQ document for your consideration.
2. It is confirmed that our proposal is consistent with all the requirements of submission as stated in the RFQ document and subsequent communications from BSHPC.
3. The information submitted in our Response to RFQ is complete, is strictly as per the requirements stipulated in the RFQ document and is correct to the best of our knowledge and understanding. We would be solely responsible for any errors or omissions in our Response to RFQ.

4. We confirm that there are no litigations or disputes against us, which materially affect our ability to fulfill our obligations with regard to the Project.
5. We hereby confirm that we shall continue to maintain compliance with Qualification Requirements till the completion of the completion of the scope of work for the Project as per Clause 1.5 of this.
6. We confirm that we have studied the provisions of relevant Indian laws and regulations required to enable us to build, own, maintain and operate the said Project and to prepare this Response to RFQ.
7. We hereby confirm that we shall abide unreservedly with BSHPC's decision in the qualification process for selection of the Contractor and further warrant that under no circumstances we shall challenge either BSHPC's decision or its right to make such decision at any time in the future.
8. The details of contact person are furnished as under:
  - Name
  - Designation
  - Name of the Company
  - Address of the Bidder
  - Phone Nos.
  - Fax Nos.
  - E-mail address

Thanking you,

Yours sincerely,

(Signature)  
(Authorised Signatory)

Name:  
Designation:  
Address:

Date -----

Place -----

---

#### 4.2 Format for Letter of Consent

**(On the letter head of each Member of the Consortium including Lead Member)**

Date: .....  
From : .....  
.....  
.....  
Tel.No.: .....  
Fax No.: .....  
E-mail address: .....

**To,**  
**The Superintending Engineer (Civil),**  
**Chandil Dam Hydro-Electric Project, Chandil,**  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand

**Dear Sir,**

**Sub: Response to RFQ for selection of Contractor for Chandil Dam Hydro Electric Power Project (2 x 4 MW).**

Dear Sir,

We, the undersigned Member of ..... (Insert name of the Bidding Consortium) have read, examined and understood the RFQ document for ..... [Insert Name of Project]. We hereby confirm our concurrence with each element of the Response to RFQ including in particular the Consortium Agreement submitted by ..... (Insert name of the Bidding Consortium) in Response to RFQ document.

We hereby confirm our commitment to participate in the said Bidding Consortium and invest ..... % of the total investment requirement for the completion of the Project as per the terms of the Consortium Agreement dated .....

We further confirm that in accordance with Clause 2.1.4 of the RFQ, we shall submit legally binding undertaking supported by a board resolution at the RFP stage from our Parent and/ or Affiliates that all our investment obligations for the Project completion shall be deemed to be the investment obligations of our Parent and/ or Affiliates and in the event of any default the same shall be met by our Parent and/ or Affiliates. [Insert if applicable]

The details of contact person are furnished as under:

Name : .....  
Designation : .....  
Name of the Company : .....  
Address : .....  
Phone Nos.  
Fax Nos.  
E-mail address

Dated the \_\_\_\_\_ day of \_\_\_\_\_ of 20

Thanking you,  
Yours faithfully,

(Signature, Name, Designation of Authorised Signatory and Company's Rubber Stamp)

Business Address:

Name and address of principal officer.

**4.3 Format for evidence of authorized signatory's authority (Power of Attorney)**

**POWER OF ATTORNEY**

(To be on non-judicial stamp paper of appropriate value as per Stamp Act relevant to place of execution. Foreign entities submitting bids are required to follow the applicable law in their country)

Know all men by these presents, We .....(name and address of the registered office of the Bidder) do hereby constitute, appoint and authorize Mr./Ms.....(name and residential address) who is presently employed with us and holding the position of ..... as our attorney, to do in our name and on our behalf, all such acts, deeds and things necessary in connection with or incidental to our Response to RFQ for Selection of Contractor for Chandil Dam Hydroelectric Power Project (2 x 4 MW), including signing and submission of all documents and providing information / responses to BSHPC, representing us in all matters before BSHPC, and generally dealing with BSHPC in all matters in connection with our Response to RFQ.

We hereby agree to ratify all acts, deeds and things lawfully done by our said attorney pursuant to this Power of Attorney and that all acts, deeds and things done by our aforesaid attorney shall and shall always be deemed to have been done by us.

**For [Insert name of the Bidder on whose behalf PoA is executed]**

.....  
(signature)

Name: .....  
Designation: .....

**Accepted**

**Specimen signatures of attorney attested**

**(Signature of Notary Public)**

.....  
(signature)

**(Name, Designation and Address of the Attorney)**

Place: .....

Date:.....

**Note:**

- (1) To be executed separately by each Member of the Consortium, including the Lead Member.
- (2) The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executant(s) and when it is so required the same should be under common seal affixed in accordance with the required procedure.

#### **4.4 Format for Power of Attorney to be provided by each of the other members of the Consortium in favour of the Lead Member**

##### **POWER OF ATTORNEY**

(To be on non-judicial stamp paper of appropriate value as per Stamp Act relevant to place of execution. Foreign entities submitting bids are required to follow the applicable law in their country)

**KNOW ALL MEN BY THESE PRESENTS THAT** M/s.....having its registered office at ....., .....,and M/s..... having its registered office at ....., the Members of Consortium have formed a Bidding Consortium named \_\_\_\_\_ [insert name of the Consortium] (hereinafter called the 'Consortium') vide Consortium Agreement dated..... and having agreed to appoint M/s.....as the Lead Member of the said Consortium do hereby constitute, nominate and appoint M/s.....a company incorporated under the laws of .....and having its Registered /Head Office at .....as our duly constituted lawful Attorney (hereinafter called as Lead Member) to exercise all or any of the powers for and on behalf of the Consortium in regard to submission of the Response to RFQ and submission of Bid against RFP (in the event of being selected as a Qualified Bidder) as part of the process of selection of Contractor for Chandil Dam Hydroelectric Power Project (2 x 4 MW), for which bids will be invited by the Bihar Small Hydroelectric Power Corporation Limited (hereinafter called the "BSHPC"). We also authorize the said Lead Member to undertake the following acts :

- i) To submit on behalf of Consortium Members Response to RFQ and on selection as a Qualified Bidder, a Bid in response to RFP to participate in the aforesaid competitive bidding initiated by BSHPC for selection of the Contractor.
- ii) In the event the Consortium being selected as a successful Bidder, to execute all relevant agreements specified in the RFP.
- iii) To do any other act or submit any document related to the above.

It is expressly understood that in the event of the Consortium being selected as Contractor, this Power of Attorney shall remain valid, binding and irrevocable until the Bidding Consortium achieves execution of all RFP Project Documents.

We as the Member of the Consortium agree and undertake to ratify and confirm all whatsoever the said Attorney/Lead Member has done on behalf of

the Consortium Members pursuant to this Power of Attorney and the same shall bind us and deemed to have been done by us.

**IN WITNESS THEREOF** M/s....., as the Member of the Consortium have executed these presents on this..... day of .....under the Common Seal of our company.

Common Seal of .....  
has been affixed in my/our  
presence pursuant to the  
Board of Director's  
resolution dated .....

For and on behalf of  
Consortium Member  
M/s.....  
(Signature of authorized  
representative)

(Name : .....  
Designation: .....  
Place: .....  
Date: .....)

**WITNESS**

1. ....  
(Signature)

Name .....

Designation.....

2. ....  
(Signature)

Name .....

Designation.....

#### 4.5 Format for Bidder's composition and ownership structure

##### 1. Corporate Details:

Please provide the following information for the Bidder. If the Bidder is a Consortium, please provide this information for each Member including the Lead Member:

a) Company's Name, Address, and Nationality:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Website Address: \_\_\_\_\_

Country of Origin: \_\_\_\_\_

b) Year Organized: \_\_\_\_\_

c) Type of Organization: \_\_\_\_\_

d) Company's Business Activities:

e) Status as a Bidder:

- i. Bidding Company
- ii. Lead Member of the Bidding Consortium
- iii. Member of the Bidding Consortium

Note: (tick the applicable serial number)

f) Company's Local Address in India (if applicable):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

g) Name of the authorised representative:

h) Telephone Number: \_\_\_\_\_

i) Email Address: \_\_\_\_\_

j) Telefax Number: \_\_\_\_\_

k) Please provide the following documents:

- (i) Copy of the Memorandum and Articles of Association and certificate of incorporation or other organizational document (as applicable), including their amendments, certified by the company secretary as **Attachment 1** for Bidding Company/ each Member of Bidding Consortium including Lead Member.

**2. Details of Ownership Structure:**

Equity holding of Bidding Company/ each Member of Bidding Consortium including Lead Member owning 10% or more of total paid up equity.

Name of the Bidding Company/ Consortium Member: .....

Status of equity holding as on .....

NAME OF EQUITY HOLDER	TYPES and NO. OF SHARES OWNED	EXTENT OF VOTING CONTROL (%)
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
....		

**Notes:**

1. The above table is to be filled in separately for each Consortium Member.
2. Status of equity holding should be provided not earlier than thirty (30) days prior to last date for submission of Response to RFQ.

**For and on behalf of Bidding Company/ Bidding Consortium**

M/s.....

(Signature of authorized representative

Name:.....

Designation:.....

Stamp:.....

Date: .....

Place: .....

#### **4.6 Format for Consortium Agreement**

**(To be on non-judicial stamp paper of appropriate value as per Stamp Act relevant to place of execution. Foreign entities submitting bids are required to follow the applicable law in their country)**

**THIS CONSORTIM AGREEMENT** executed on this..... day of ..... Two thousand ..... between M/s. ...., a company incorporated under the laws of ..... and having its Registered Office at ..... (hereinafter called the "**Party 1**", which expression shall include its successors, executors and permitted assigns) and M/s.....a Company incorporated under the laws of ..... and having its Registered Office at ..... (hereinafter called the "**Party n**", which expression shall include its successors, executors and permitted assigns) and for the purpose of submitting the Response to RFQ and submitting a Bid in response to RFP (in the event of selection as a Qualified Bidder) and entering into any Agreement to be specified in the RFP (hereinafter referred to as "Agreement").

**WHEREAS** the Bihar State Hydroelectric Power Corporation Limited (hereinafter referred to as "BSHPC"), intends to select Contractor for the completion of the Chandil dam Hydroelectric Power Project (2 x 4 MW) to a Contractor through a competitive bidding process.

**WHEREAS**, BSHPC had invited Response to RFQ issued to (insert the name of purchaser of RFQ)

**AND WHEREAS** Clause 2.2.4 of the RFQ document stipulates that the Bidders qualifying on the strength of a Bidding Consortium will have to submit a legally enforceable Consortium Agreement in a format specified in the RFQ document wherein the Consortium Members have to commit investment of a specific percentage of the total investment requirement for the completion of the Project.

**AND WHEREAS** Clause 2.2.4 of the RFQ document also stipulates that a Consortium Member shall provide along with the Bid, a Consortium Agreement as per prescribed format whereby the Consortium Members whose technical and financial capability has been offered for evaluation, undertake to be jointly and severally liable for contributing to the total investment commitment of the Bidding Consortium ('**Proposed Total Commitment**') in the Project.

#### **NOW THEREFORE, THIS INDENTURE WITNESSTH AS UNDER:**

In consideration of the above premises and agreement all the parties in this Consortium do hereby mutually agree as follows:

1. In consideration of the selection of the Consortium as the Contractor, we the Members of the Consortium and parties to the Consortium Agreement do hereby unequivocally agree that Party 1 (M/s.....), shall

act as the Lead Member as defined in the RFQ for self and agent for and on behalf of ..... (the names of all the other parties to be filled in here).

2. (i) The parties hereto agree that the following Members of the Bidding Consortium shall be exempt from joint liability for contribution to the investment obligation of other Members, as envisaged under this Agreement.

[Insert name of Member companies who would not be jointly liable along-with their proposed investment in the Project].

Although the aforesaid members are not jointly liable, they would be severally liable for the respective obligations undertaken by them.

2. (ii) The parties hereto agree that the following Members of the Bidding Consortium shall be jointly and severally liable for contribution to the investment obligation in the Project.

[Insert name of Consortium Member(s) who would be jointly liable along with their proposed investment in the Project]

(The aforesaid Consortium Member are hereinafter referred to as “**Jointly Liable Members**”)

2. (iii) Notwithstanding anything contrary contained in this agreement, the Jointly Liable Members shall always be jointly and severally liable for the investment obligations of all the Consortium Members, i.e., the Jointly Liable Members shall be liable for both their own liability as well as the liability of Members who have been exempted.

2. (iv) The Lead Member is hereby authorized by the Members of Consortium and parties to the Consortium Agreement to bind the Consortium and receive instructions for and on behalf of the Members.

3. The Jointly Liable Members shall be jointly liable and responsible for ensuring the individual and collective commitment of each of the Members of the Consortium in discharging all their respective investment obligations for the completion of the Project. Each Consortium Member further undertakes to be individually liable for the performance of its part of the obligations without in any way limiting the scope of collective liability envisaged in this agreement.

4. Subject to the terms of this agreement, the share of each Member of the Consortium in the capital investment requirement of the Project is/shall be in the following proportion: (if applicable)

Name	Percentage of the total investment requirement in the Project
------	---

Party 1	---
....	....
....	----
<b>Total</b>	<b>100%</b>

**[Note: The percentage commitment for any Consortium Member in the Project cannot be zero in the above table]**

5. In case of any breach of any of the investment commitment by any of the Consortium Members, the Jointly Liable Members shall be liable for the consequences thereof jointly and severally.
6. Except as specified in the Agreement, it is agreed that sharing of responsibilities as aforesaid and investment obligations thereto shall not in any way be a limitation of joint and several responsibilities of the Jointly Liable Members under these presents.
7. It is expressly understood and agreed between the Members that the responsibilities and obligations of each of the Members shall be as delineated as annexed hereto as Annexure-I forming integral part of this Agreement. It is further agreed by the Members that the above sharing of responsibilities and obligations shall not in any way be a limitation of joint and several responsibilities and liabilities of the Members to BSHPC, with regards to all matters relating to the bid process.
8. It is clearly agreed that the Lead Member shall ensure performance under the Agreements and if one or more Consortium Members fail to perform its /their respective obligations under the Agreement(s), the same shall be deemed to be a default by all the Consortium Members.
9. This Consortium Agreement shall be construed and interpreted in accordance with the Laws of India and courts at Delhi alone shall have the exclusive jurisdiction in all matters relating thereto and arising thereunder.
10. It is hereby agreed that the Consortium Members, if qualified to submit a Bid for the Project, shall furnish the bid bond, as stipulated in the RFP, jointly, on behalf of the Consortium Members.
11. It is hereby agreed that in case of selection of Consortium as the Contractor, the parties to this Consortium Agreement do hereby agree that they shall furnish the performance guarantee in favour of Jharkhand State Electricity Board (or its successor and assign), as stipulated in the RFP, jointly, on behalf of the Consortium Members.
12. It is further expressly agreed that the Consortium Agreement shall be irrevocable and shall form an integral part of the RFP Project Document and

shall remain valid till the successful completion and handover of the Project to BSHPC unless expressly agreed to the contrary by BSHPC and Jharkhand State Electricity Board (or its legal successor and assign).

13. The Lead Member is authorised and shall be fully responsible for the accuracy and veracity of the representations and information submitted by the Consortium Members respectively from time to time in response to the RFQ/RFP and for the purposes of the Project.
14. It is hereby expressly agreed between the parties to this Consortium Agreement that neither party shall assign or delegate its rights, duties or obligations under this Agreement except with prior written consent of BSHPC and Jharkhand State Electricity Board.

### **This Consortium Agreement**

- (a) has been duly executed and delivered on behalf of each party hereto and constitutes the legal, valid, binding and enforceable obligation of each such party,
- (b) sets forth the entire understanding of the parties hereto with respect to the subject matter hereof;
- (c) may not be amended or modified except in writing signed by each of the parties and with prior written consent of Beneficiaries:

**IN WITNESS WHEREOF**, the parties to the Consortium Agreement have, through their authorised representatives, executed these present and affixed Common Seals of their respective companies on the Day, Month and Year first mentioned above.

Common Seal of .....  
has been affixed in my/our  
presence pursuant to the  
Board of Director's  
resolution dated .....

For and on behalf of  
Consortium Member (Party 1)  
M/s.....  
(Signature of authorized  
representative)

(Name: .....  
Designation: .....  
Place: .....  
Date:.....)

.....

Common Seal of .....  
has been affixed in my/our  
presence pursuant to the  
Board of Director's  
resolution dated .....

For and on behalf of  
Consortium Member (Party n)  
M/s.....  
(Signature of authorized  
representative)

(Name: .....  
Designation: .....  
Place:.....  
Date:.....)

**WITNESS**

1. ....  
(Signature)

Name .....

Designation.....

2. ....  
(Signature)

Name .....

Designation.....

**Attested:**

**Signature**  
(Notary Public)

Place: .....

Date: .....

#### 4.7 FORMAT FOR QUALIFICATION REQUIREMENT

##### A] ANNUAL TURNOVER

To,

**The Superintending Engineer (Civil),  
Chandil Dam Hydro-Electric Project, Chandil,  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand**

Dear Sir,

Sub: **Response to RFQ for selection of Contractor for Chandil Dam Hydro Electric Power Project (2 x 4 MW)**

1. We certify that the Bidding Company had Annual Turnover equal to Rs. ....(....) Crore or equivalent USD computed as the gross revenue in a financial year based on unconsolidated audited annual accounts of any of the last three (3) financial years immediately preceding the last date of submission of Response to RFQ. This Annual Turnover has been calculated as per the instructions provided in the RFQ.

For the above calculations, we have considered Annual Turnover of the Bidding Company and/ or its Parent/ Affiliates for the financial year \_\_\_\_\_ as per following details:

Name of Company	Relationship with Bidding Company*	Annual Turnover (Rs. Crore)
1		
2		
3		
...		
<b>Total Annual Turnover</b>		

\* The column for "Relationship with Bidding Company" is to be filled in only in case financial capability of Parent/Affiliate has been used for meeting Qualification Requirements.

##### 2 [Note: Applicable in case of Bidding Consortium]

1. We certify that the Bidding Consortium had Annual Turnover equal to Rs. .... (.....) Crore or equivalent USD computed as the gross revenue in a financial year based on unconsolidated audited annual accounts of any of the last three (3) financial years immediately preceding the last date of submission of Response to RFQ. This Annual Turnover has been calculated as per the instructions provided in the RFQ.

For the above calculations, we have considered the Annual Turnover by each Member of Bidding Consortium and/ or its Parent/ Affiliates for the financial year ..... as per following details:

Name of Consortium Member (1)	Investment commitment in the Project (%) (2)	Annual Turnover of Member (Rs.Crore) (3) (As per table below)	Annual Turnover Requirement to be met by Member in proportion to the investment commitment (Rs.Crore) (4 = 2 x 3)	Whether the Member meets the Annual Turnover (5)
1				Yes/No
2				Yes/No
..				Yes/No
<b>Total Annual Turnover for financial Qualification Criteria</b>				

#### Member – I (Lead Member)

[Note: Similar particulars for each Member of the Consortium is to be furnished, duly certified by the Member's Statutory Auditors]

- i. Name of Member:
- ii. Total Annual Turnover requirement: Rs \_\_\_\_\_crores
- iii. Percentage of investment commitment for the Project by the Member
- iv. Annual Turnover requirement for the Member: Rs.....crores.
- v. Financial year considered for the Member: .....

Name of Company	Relationship* with Member of Consortium	Annual Turnover (Rs. Crore)
Company 1		
---		
---		
<b>Total Annual Turnover Generation</b>		

Note1: Annual Turnover requirement to be met by Member should be in proportion to

the investment commitment of the Member for the Project.

\*Note 2: The column for "Relationship with Member of Consortium" is to be filled in only in case financial capability of Parent/Affiliate has been used for meeting Qualification Requirements.

**Yours faithfully**

***(Signature and stamp of Chief Executive/Company Secretary of Bidding Company/ Lead Member of Consortium)***

***Name:***

***Date:***

***Place:***

***(Signature and Stamp of statutory Auditors of Bidding Company/ Lead Member of Consortium)***

***Name:***

***Date:***

***Place:***

**Signature of Authorized Signatory of the Bidder:**

**Date:**

**(Please also affix Bidder's stamp)**

**B] NET WORTH**

To,

**The Superintending Engineer (Civil),  
Chandil Dam Hydro-Electric Project, Chandil,  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand**

Dear Sir,

**Sub: Response to RFQ for selection of Contractor for Chandil Dam Hydro Electric Power Project (2 x 4 MW)**

1. We certify that the Bidding Company had a Network of Rs. ----- Crore or equivalent USD computed based on unconsolidated audited annual accounts of any of the last three (3) financial years immediately preceding the last date of submission of Response to RFQ.

This Network has been calculated as per the instructions provided in the RFQ. For the above calculations, we have considered the Maximum Network by Bidding Company and/ or its Parent/ Affiliates for period financial year \_\_\_\_\_ as per following details:

Name of Company	Relationship with Bidding Company*	Network (Rs. Crore)
1		
2		
3		
....		
<b>Total Network</b>		

\* The column for "Relationship with Bidding Company" is to be filled in only in case financial capability of Parent/Affiliate has been used for meeting Qualification Requirements.

**2 [Note: Applicable in case of Bidding Consortium]**

We certify that the Bidding Consortium had a Network of Rs. ----- Crore or equivalent USD computed based on unconsolidated audited annual accounts of any of the last three (3) financial years immediately preceding the last date of submission of Response to RFQ.

This Network has been calculated as per the instructions provided in the RFQ. For the above calculations, we have considered the Network of each Member of Bidding Consortium and/ or its Parent/ Affiliates for the financial year ..... as per following details:

Name of Consortium Member (1)	Investment Commitment in the Project (%) (2)	Networth of Member (Rs. Crore) (3) (As per table below)	Networth Requirement to be met by Member in proportion to the Investment Commitment (Rs. Crore) (4 = 2 x 3)	Whether the Member meets the Network Requirement (5)
1				Yes/No
2				Yes/No
..				Yes/No
<b>Total Network for financial Qualification Criteria</b>				

#### Member – I (Lead Member)

**[Note: Similar particulars for each Member of the Consortium is to be furnished, duly certified by the Member’s Statutory Auditors]**

- i. Name of Member:
- ii. Total Network requirement: Rs \_\_\_\_\_crores
- v. Percentage of investment commitment for the Project by the Member\_\_\_\_%
- vi. Networth requirement for the Member: Rs. \_\_\_\_\_crores.
- v. Financial year considered for the Member:\_\_\_\_\_

Name of Company	Relationship* with Member of Consortium	Networth (Rs. Crore)
Company 1		
---		
---		
<b>Total Network</b>		

Note1: Networth requirement to be met by Member should be in proportion to the investment commitment of the Member for the Project.

\*Note 2: The column for “Relationship with Member of Consortium” is to be filled in only in case financial capability of Parent/Affiliate has been used for meeting Qualification Requirements.

**Yours faithfully**

***(Signature and stamp of Chief Executive/Company Secretary of Bidding Company/ Lead Member of Consortium)***

***Name:***

***Date:***

***Place:***

***(Signature and Stamp of statutory Auditors of Bidding Company/ Lead Member of Consortium)***

***Name:***

***Date:***

***Place:***

**Signature of Authorized Signatory of the Bidder:**

**Date:**

**(Please also affix Bidder's stamp)**

**Note:**

- 1. Along with the above format, in a separate sheet, please provide details of computation of Network.**

**C] FORMAT FOR TECHNICAL REQUIREMENT**

To,

**The Superintending Engineer (Civil),  
Chandil Dam Hydro-Electric Project, Chandil,  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand**

Dear Sir,

**Sub: Response to RFQ for selection of Contractor for Chandil Dam Hydro Electric Power Project (2 x 4 MW)**

We certify that M/s. ....[Insert name of Bidding Company or Lead Member of the Consortium] have experience of development of power generation projects in the last ten (10) years whose aggregate capital cost is not less than Rs. 40 (forty) Crore or equivalent USD. We further certify that the capital cost of ..... [insert name of the project] project is equivalent to at least Rs 10 (ten) Crore or equivalent USD. For this purpose, capital expenditure incurred on projects which have been either wholly or partly completed/commissioned and for which operation has commenced till at least seven (7) days prior to the last date for submission of Response to RFQ has been considered.

The project(s) considered for the purpose of technical experience (as per table given below) have been executed and owned to the extent of at least fifty one percent (51%) by the Bidding Company / Lead Member of the Consortium / our Parent / our Affiliate [ strike off whichever is not applicable] on operation of the projects.

This technical requirement has been calculated as per the instructions provided in the RFQ on the basis of following projects:

<b>Name of Company whose technical capability has been used for Qualification Requirement (1)</b>	<b>Relationship* with Bidding Company / Lead Member (2)</b>	<b>Project name (3)</b>	<b>Nature of Project (4)</b>	<b>Date of Completion (5)</b>	<b>Project cost (Rs. Crore) (6)</b>	<b>Percentage Equity Holding of Company at (1) in Completed Project (7)</b>
		Project 1				
---		---				
---		---				
<b>Total (Rs. Crores)</b>						

\* The column for "Relationship with Bidding Company / Lead Member" is to be filled in only in case technical capability of Parent/Affiliate has been used for meeting Qualification Requirements.

**Yours faithfully**

***(Signature and stamp of Chief Executive/Company Secretary of Bidding Company/ Lead Member of Consortium)***

***Name:***

***Date:***

***Place:***

***(Signature and Stamp of statutory Auditors of Bidding Company/ Lead Member of Consortium)***

***Name:***

***Date:***

***Place:***

**Signature of Authorized Signatory of the Bidder:**

**Date:**

**(Please also affix Bidder's stamp)**

**Note:**

- 1. Along with the above format, in a separate sheet, please provide details of computation of capital cost of projects .**

**D] FORMAT FOR TECHNICAL & FINANCIAL REQUIREMENT –  
RELATIONSHIP & DETAILS OF EQUITY SHAREHOLDING**

**[to be filled by Bidding Company/ each Member of the Bidding Consortium including Lead Member if credentials of Parent and/or Affiliates have been used by them]**

To,

**The Superintending Engineer (Civil),  
Chandil Dam Hydro-Electric Project, Chandil,  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand**

Dear Sir,

**Sub: Response to RFQ for selection of Contractor for Chandil Dam Hydro Electric Power Project (2 x 4 MW)**

We certify that M/s. .... [insert name of the Bidding Company/ **Consortium Members**] have considered the technical and financial capability of its Parent and/ or Affiliates, for the purpose of meeting Qualification Requirements as per the instructions provided in the RFQ. The name of Parent and/ or Affiliate, nature of relationship(s) with such Parent and / or Affiliate and details of equity holding are as follows:

<b>Name of Company whose credentials considered</b>	<b>Type of credentials considered (technical and/or financial)</b>	<b>Relationship with Bidding Company / Consortium Member (Parent / Affiliate)</b>	<b>Details of equity shareholding (refer notes below)</b>
Company 1			
---			
---			
---			

**NOTE:**

- i) In case of Parent the equity holding of the Parent in the Bidding Company/ Member of the Bidding Consortium including the Lead Member of the Consortium needs to be specified
- ii) In case of Affiliate the equity holding of the Bidding Company/ Member of the Bidding Consortium including the Lead Member of the Consortium in the Affiliate needs to be specified

Yours faithfully

***(Signature and Stamp of Chief Executive/ Company Secretary of Bidding Company/ Lead Member of Consortium)***

***Name:***

***Date:***

***Place:***

***(Signature and Stamp of statutory Auditors of Bidding Company/ Lead Member of Consortium)***

***Name:***

***Date:***

***Place:***

**Signature of Authorized Signatory of the Bidder:**

**Date:**

**(Please also affix Bidder's stamp)**

**E] ADDITIONAL INFORMATION FOR VERIFICATION OF FINANCIAL AND TECHNICAL CAPABILITIES OF BIDDERS.**

Name of Bidder (Bidding Company/ Bidding Consortium)  
(Note: in case of Consortium to be filed in by each Member of the Consortium including the Lead Member)

i. Financial capability (Attachment 1):

1. Bidders shall attach unconsolidated audited annual accounts, statements for the last three (3) financial years as **Attachment 1**. Such unconsolidated audited annual accounts shall include a Balance Sheet, Profit and Loss Account, Auditors Report and profit appropriation account.
2. In addition to providing copies of unconsolidated audited annual accounts as per 1) above, please complete the following table (for conversion of Indian Rupees refer Clause-3.1.3.1of Section-3). These computations shall be made on the basis of unconsolidated audited accounts.

**Figures Rs. In Crores**

Financial Information	Actuals: Last Three financial years		
<b>Financial year</b>			
1. Total assets			
2. Current assets			
3. Total liabilities			
4. Current liabilities			
5. Net worth**			
6. Turnover			
7. Profits before tax			
8. Profits after tax			
9. Exchange Rate (\$/Rs) refer Clause 3.1.3.1of Section 3.			

\*\* Refer instructions in 2.1.3.2 of Section 2 for calculating Networkth and Annual Turnover.

**Notes:**

The information in the above table must be certified by statutory auditors of the concerned entity and such certification should not be dated 30 days prior to Response to RFQ submission date.

In case a Bidder is a Consortium, the details in the table above need to be submitted for the Lead Member and for each Member of the Consortium.

**ii. Technical capability (Attachment 2):**

- a. This attachment shall include details of projects completed/commissioned and for which commercial operation has commenced to be considered for the purpose of meeting Qualification Requirements.

Particulars	Year 1	Year 2	Year 3	-----	Upto Year 10
Name(s) of project(s)					
Location(s) including country(s) where project was set up					
Capacity of Project (in MW)					
Type of Project (Hydro/Thermal/Non-conventional, etc.)					
Capital cost of project(s) Rs. in Crores					
*Status of the project					
% of equity owned in the project(s)					

**\*Note 1:** Date of commercial operation to be mentioned

**Note 2:** For each project listed in the table, the Bidder shall furnish an executive summary including the following information:

- Project model, i.e., BOO, BOOT, BOOM;
- Debt financing and equity raised and provided by Bidder/Bidder's Parent/Bidder's Affiliate for the project, including names of lenders and investors;

- Size and type of installation;
- Technical data/information on major equipment installed
- Description of role performed by the Bidder/Bidder's Parent/Bidder's Affiliate on the project
- Summary cost data (breakdown of major components)
- Name of EPC and/or other major contractor
- Construction time for the project
- Names, addresses and contact numbers of owners of the projects
- Operating reliability over the past five (5) years or since date of commercial operation
- Operating environmental compliance history
- Names of supervisory entities or consultant, if any
- Date of commercial operation
- Total duration of operation

**iii. Attachment-3 :** For each project listed in Attachment 2 above, certificates of final acceptance and/or certificates of good operating performance duly issued by owners for the project.

**For and on behalf of Bidding Company/Consortium**

M/s.....

(Signature of authorised representative)

Name:

Designation:

Date:

Place:

**4.8 FORMAT OF CHECKLIST FOR RESPONSE TO RFQ SUBMISSION REQUIREMENTS FOR..... (INDICATE NAME OF PROJECT)**

<b>Response to RFQ Submission Requirements</b>	<b>Response (Yes/No)</b>
<p>Format for the Covering Letter on the letterhead of Bidding Company or Lead Member of the Consortium, as applicable.</p>	
<p>Format for Letter of Consent on the letterhead from each Consortium Member, including Lead Member.</p>	
<p>Format for signatory's authority (Power of Attorney in original)</p>	
<p>Format for Power of Attorney (in original) from each Consortium Member including Lead Member</p>	
<p>Format for Bidder's composition and ownership structure</p>	
<p>Format for Consortium Agreement (in original)</p>	
<p>Attachment to Consortium Agreement delineating the responsibilities and obligations of each of the Consortium Members</p>	
<p>Format for Bidders financial and technical capabilities</p>	
<p>Sheets detailing computation of Networth and Capital Cost of Projects considered for meeting Qualifying Requirements</p>	
<p>Last 3 financial years' unconsolidated audited Annual Accounts of Bidding Company or each Member in case of a Consortium</p>	
<p>Copy of the Memorandum and Articles of Association and certificate of incorporation or other organizational document (as applicable), including their amendments, certified by the company secretary of Bidding</p>	

<p>Company or each Member in case of a Consortium.</p> <p>Attachment detailing projects completed/commissioned and for which commercial operation has commenced including Executive Summary for each project.</p> <p>For each project listed in Attachment above, certificates of final acceptance and/or certificates of good operating performance duly issued by owners or clients for the project</p> <p>Initialing of all pages of Response to RFQ by Authorized Signatory</p>	
---	--

**For and on behalf of Bidder Company**  
M/s.....  
(Signature of Authorised Representative)

**4.9 No Objection Certificate (NOC) [from each of the Consortium members  
in the event of change as per Clause 2.2.6.2 and 2.2.6.3 of RFQ]**

**(On the letterhead of each Member of the Bidding Consortium)**

To,

**The Superintending Engineer (Civil),  
Chandil Dam Hydro-Electric Project, Chandil,  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand**

Dear Sir,

**Sub: No objection for change in Membership of the Bidding Consortium  
(Reference Clause 2.2.6.2) OR No objection for change from Bidding  
Consortium to Bidding Company (Reference Clause 2.2.6.3) [Strike-off  
whichever is not applicable]**

We M/s ..... (Insert name of Member issuing NOC) have been duly informed  
by M/s..... (Insert name of Lead Member) of their intention to submit a Bid as a  
Bidding Company instead of Bidding Consortium.

OR

We M/s. .... (Insert name of Member issuing NOC) have been duly informed by  
M/s..... (Insert name of Lead Member) of the intention to change the Bidding  
Consortium. M/s....., M/s ..... (*Insert names of Members being excluded  
from the Bidding Consortium*) are to be excluded from the Bidding Consortium and  
M/s....., M/s.....(*Insert Names of Members being inducted in the Bidding  
Consortium*) are to be inducted into the Bidding Consortium.

We have no objection to this change in Response to RFQ by M/s.....(Insert  
name of Lead Member) and hereby permit the BPC to consider this change as per  
Clause 2.2.6.2 or 2.2.6.3, as the case may be, of the RFQ dated.....[Insert date].

We expressly waive any objections or claims in respect to the aforesaid changes.

**For and on behalf of M/s..... (Insert Name of Member)**

Signature and Name of the authorised representative of the Company

Company rubber stamp/seal

**4.10 Authorisation from Parent / Affiliate of Bidding Company / Member of Bidding Consortium whose technical / financial capability has been used by the Bidding Company / Member of Bidding Consortium.**

**[On the Letter Head of the Parent /Affiliate]**

Name: .....  
Full Address: .....  
Telephone No.: .....  
E-mail address: .....  
Fax / No.: .....

**To**

**The Superintending Engineer (Civil),  
Chandil Dam Hydro-Electric Project, Chandil,  
P.O.: Ghoraling, Dist.: Saraikela-Kharsanwa,  
Jharkhand**

**Sub: Authorisation for use of Technical/Financial Capability of M/s.....  
(Insert name of Parent / Affiliate) by M/s ..... (Insert name of Bidding  
Company/Member of Bidding Consortium).**

**Dear Sir,**

We refer to the RFQ dated ..... ('RFQ') issued by you for the Chandil Dam Hydro-Electric Project.

We confirm that M/s. .... (Insert name of Bidding Company/ Consortium Member) has been authorized by us to use our technical and/or financial capability [strikeout whichever is not applicable] for meeting the Qualification Requirements for the Chandil Dam Hydro-Electric Project.

We have carefully read and examined in detail the RFQ including in particular, Clause 2.1.4 of the RFQ, and confirm that on being shortlisted as a qualified Bidder, we shall submit legally binding undertaking supported by a board resolution at the RFP stage that all the equity investment obligations of M/s.....(Insert Name of Bidding Company/ Consortium Member), shall be deemed to be our equity investment obligations and in the event of any default the same shall be met by us.

**For and on behalf of M/s..... (Insert Name of Parent/Affiliate)**

**(Signature and stamp of Managing Director /Chief Executive Officer/Manager  
(refer Note 1 and 2 below) of Parent/Affiliate)**

**Name:  
Date:**

**Place:**

**Note:**

1. Managing Director / Chief Executive Officer, being a full time director in the Board of the Parent/Affiliate.
2. In case of Manager, the Parent/Affiliate should confirm through a copy of Board Resolution attested by Company Secretary that the concerned person is appointed as Manager as defined under the Companies Act, 1956 for the purpose in question.

The Company Secretary also certifies that the Parent/Affiliate does not have a Managing Director or CEO.

3. The above undertaking can be furnished by Ultimate Parent of Technically Evaluated Entity or Financially Evaluated Entity, as the case maybe, if legally binding undertaking shall be furnished by the Ultimate Parent at the RFP stage on behalf of such Financially Evaluated Entity/Technically Evaluated Entity.

**(Signature and Stamp of statutory Auditors of Parent/Affiliate)**

**Name:**

**Date:**

**Place:**

**Please also affix common seal of Parent/Affiliate**