



Indian Ports Association (IPA), New Delhi
Pre-Bid Query Replies - Empanellment of Consultants/ Agencies

IPA/PGAV/COE/RFP/2022

DATE: 25/01/2023

Sno	Part	Clause/ Page NO	Clause in RFP	Change Requested/ Clarification sought	Clarification
1	Instructions for Empanellment	4.4	Interested companies/agencies can submit their application along with Non refundable payment towards Document Fee of Rs. 10,000/- (Rupees Ten Thousand Only) + GST.	Kindly clarify if the Document Fee is the same as the Tender Fees of Rs. 10,000 to be paid through DD or NEFT, or the Document Fee is separate and over and above the Tender Fees and EMD.	Document fee and tender fee are the same
2	Instructions for Empanellment	4.4	Interested companies/agencies can submit their application along with Non refundable payment towards Document Fee of Rs. 10,000/- (Rupees Ten Thousand Only) + GST.	Kindly inform about the timeline of payment of the Document Fee	Document fee and EMD are to be paid along with submission of the technical bid. .
3	Eligibility of applicants Sl No:2 (Page 11) Pre-Qualification Form 3 – Bidders Organization & Experience Sl. No. 2 (Page 23)	5.1 Form 3 SL No:2	The Company/Agency should be operating in the field of providing Consultancy Services involving consultancy services from the last ten financial years. The Company/Agency should be operating in the field of providing Consultancy Services involving consultancy services for IT projects from the last three financial years.	The RFP mentions two different criteria against the same point. Please clarify which pre-qualification criteria should be considered.	The company should be operating in the field of providing consultancy services for the last 10 financial years. In addition to this, the company should have also been involved in providing consultancy services for IT projects during the last 3 financial years
4	Eligibility of Applicants Sl. No. 8 (Page 12)	Clause 5.1	The Company/Agency shall not earlier be blacklisted or under pending litigation/action, suit, proceeding or investigation by any State/UT Government or Central Government / IPA / agency(ies) / any Indian tribunal in India from participating in bidding process	Request you to please rephrase it to the following: The Agency is not blacklisted or under pending investigation by any State/UT Government or Central Government / IPA / agency(ies) / any Indian tribunal in India from participating in bidding process as on the date of submission of this proposal.	The change requested is accepted
5	Eligibility of Applicants Sl. No. 9 Page: 12 of 35	Clause 5.1	In case the entity is a defaulter in paying any dues to any of the Government IPAs, the entity is not eligible for the tender	Request you to please clarify whether a certificate of no default in loan payment from bankers will suffice the requirement mentioned in the said clause as being in service industry, percentage of Accounts Receivables is comparatively on higher side than Accounts Payables	A self declaration by the competent authority of the company would suffice
6	Events Page: 15 of 35	Clause 10 Key	Table of key events	Request you to please revisit the dates of Key Events as highlighted on the left.	The last date for the submission of bids has been extended to 22nd February 2023
7	Pre-qual form 2, of the letter Page: 20	Sl. No 6	In case, I/We are engaged by IPA as service provider for projects, I/We shall provide all assistance/cooperation required by IPA appointed auditing agencies officials for performing their auditing and inspection functions. I/We understand that our non cooperation for the same shall be grounds for termination of service/contract.	Request you to delete this clause or rephrase it to the following: "Notwithstanding the above any audit conducted shall be restricted to the physical files in relation to this Agreement only and shall be subject to Client agreeing to maintain confidentiality of these documents. No access to Consultant's systems or hands on or intrusive testing will be permitted. Any third parties employed by the Client to conduct such audit shall not be a competitor of the Consultant and shall agree to confidential obligations with the Consultant.	This clause has been deleted
8	Pre-Qual Form 2	Sl. No. 4	Business Address: City District State PIN code Telephone Nos Contact email	Please clarify whose email address should be mentioned here.	The company email address as well as the email address of the person signing the Application

9	Pre-Qual Form 2	Sl. No. 5	Registered Address of the Company: Address City District State PIN code Telephone Nos Contact email Company Website URL	Please clarify whose email address should be mentioned here.	The company email address as well as the email address of the person signing the Application
10	Pre-Qual Form 2	Sl. No. 10	Name of Bid and Contract Signing Authority – I Name Designation Contact No. Email: Power Of Attorney or resolution of Board of Directors through which authorized as signatory Authority – II Name Designation Contact No. Email: Power Of Attorney or resolution of Board of Directors through which authorized as signatory	Request you to revisit the clause. The order of the sentences seems to be jumbled up.	Under this column please provide the name , designation, contact no: and email of the person signing the application. Also in case of power of attorney, please provide the name , designation, contact no: and email of the person who has provide the power of attorney. Alternately provide the resolution by the board of directors.
11	Tech Form-4 - Qualification & Competence of Professional Staff (Note 1)		Please attach resumes for each of the above categories to illustrate the Competency and experience.	As mentioned in the table, we will submit the number of full-time resource persons in our organization who are fulfilling the prescribed qualification. However, our understanding is that we have to submit the resume of one profile per resource category. Kindly confirm.	Please submit the resumes per resource category as follows: Managing Consultant - Resume of 3 resources Principal Consultant - Resume of 5 resource Senior Consultant - Resume of 8 resources Consultant - Resume of 10 resources The number of consultants specified for each resource category indicated above is essential and the bids will be disqualified in case the number of consultants fail to meet the above stipulated criteria
12	Affidavit (Page 34)	Sl. No. 13	That I hereby confirm and declare that my/our firm/company M/s..... that there has been no litigation with any Government IPA/organization on account of similar services.	Request you to kindly remove this clause. Any information pertaining to the bidder firm's litigation is confidential information and cannot be divulged to any third party. However, the bidder can assure the client that it are not involved in any such litigation that will affect the performance of services under this engagement.	The clause mentioned in the tender stands
13	Affidavit (Page 34)	SL No 14	That I hereby confirm and declare that my/our firm/company M/s..... has not undergone any legal proceedings of whatever kind in the past three years.	Any information pertaining to firm's litigation is confidential information and cannot be divulged to any third party. However, the bidder can assure the client that it is not involved in any such litigation that will affect the performance of services under this engagement.	The clause mentioned in the tender stands

14	New Clause	NA	Liability	<p>Request you to please add the following clause:</p> <p>"The Client shall not recover from the Consultant, in contract or tort, under statute or otherwise, any amount with respect to loss of profit, data or goodwill, or any other consequential, incidental, indirect, punitive, or special damages in connection with claims arising out of this Agreement or otherwise relating to the Services, whether or not the likelihood of such loss or damage was contemplated.</p> <p>The Client shall not recover from the Consultant, in contract or tort, under statute or otherwise, aggregate damages in excess of the fees actually paid for the Services that directly caused the loss in connection with claims arising out of this Agreement or otherwise relating to the Services."</p>	This is only an empanelment exercise. All financial conditions will be stipulated by the respective engaging ports
15	New Clause	NA	Confidentiality	<p>Request you to please add the following clause:</p> <p>"Except as otherwise permitted by this Agreement, neither of the parties may disclose to third parties the contents of this Agreement or any information provided by or on behalf of the other that ought reasonably to be treated as confidential and/or proprietary. Parties may, however, disclose such confidential information to the extent that it: (a) is or becomes public other than through a breach of this Agreement, (b) is subsequently received by the receiving party from a third party who, to the receiving party's knowledge, owes no obligation of confidentiality to the disclosing party with respect to that information, (c) was known to the receiving party at the time of disclosure or is thereafter created independently, (d) is disclosed as necessary to enforce the receiving party's rights under this Agreement, or (e) must be disclosed under applicable law, legal process or professional regulations. These obligations shall be valid for a period of 3 years from the date of termination of this Agreement."</p>	This is only an empanelment exercise. All confidentiality conditions will be stipulated by the respective engaging ports
16	New Clause	NA	Disclosure of firm's Reports to Third Parties	<p>Request you to please add the clause:</p> <p>"Client may not disclose any information, advice, recommendations or other content of any reports, presentations, or other communications the bidder (as an agency) provide under this Agreement ("Reports") or any portion or summary of a Report or refer to bidder or to any other bidder Firm or bidder firm's Person in connection with the Services to any third party except with bidder's prior written consent."</p>	This is only an empanelment exercise. All non disclosure conditions will be stipulated by the respective engaging ports
17	New Clause	NA	Termination	<p>Request you to please add the following clause:</p> <p>Consulting firm may terminate this Agreement, or any particular Services, immediately upon written notice to Client if consulting firm reasonably determine that consulting firm can no longer provide the Services in accordance with applicable law or professional obligations.</p>	This is only an empanelment exercise. All termination conditions will be stipulated by the respective engaging ports

18	Tech Form 4	Prescribed Qualification	BE/B-Tech/ Post Graduate with at least 60% marks with MBA for Resources category (Managing Consultant, Principal Consultant, Senior Consultant and Consultant)	<p>We request you to kindly note that most of the MBA professionals are into advisory services firms rather than Engineering firms. Many engineering firms provide project management services by employing graduates / Post-graduates in engineering. Since the projects under consideration are infrastructure projects, engineering professionals with post-graduate qualifications in engineering can address any issue and provide solutions.</p> <p>We request you to kindly consider Post Graduation in Engineering (MTech/ME) discipline with at least 60% marks as the higher qualification for the prescribed resource category apart from MBA.</p>	The clause mentioned in the tender stands
19	5.1 Eligibility of applicants Pre-qualification Page 11	Criteria (4)	The bidder should have at least two engagements of minimum value Rs.5 Crore each during the last 7 Years for Central Government, State Government, or its agencies.	<p>Pre-Qualification Criteria 4 reads (Page 11): The bidder should have at least two engagements of minimum value Rs.5 Crore each during the last 7 Years for Central Government or State Government or its agencies. However, Pre-Qualification Form 3- Bidders Organization & Experience 4 reads (Page 23): The bidder should have at least two completed engagements of minimum value Rs.5 Crores in their services offerings during the last 7 Years for Central Government or State Government. Word "Completed" may have been inadvertently added to the clause on page 23. Therefore, we assume that the wording in the Pre-Qualification Criteria 4 on Page 11 of the RFP shall be final for consideration. Please confirm.</p>	Only completed projects will be considered for evaluation
20	Pre- Qualification Form 3- Page 23	Bidders Organization & Experience	<p>The Company/Agency should be operating in the field of providing Consultancy Services involving consultancy services for IT projects from the last three financial years. Supporting Document: - • Attested copy of the Memorandum and Articles of Association. Certificate from statutory auditors can be accepted. • Declaration from the authorized signatory on the services that were provided earlier and the services that they wish to offer for this empanelment.</p>	We request you to provide a declaration format as requested in the supporting documents column and also provide clarity on which all services we need to highlight as part of this format.	The requirement mentioned is clear. Please provide the required information as per the pre Qualification form 3
21	Bid Documents -D Page 11	4.9 Methodology for submission of Bids	Affidavit from authorized signatory of bidder (As per specified format)	Please let us know, where should we upload the "Affidavit" as there is no option to upload it on the tender portal. Please find a screenshot of the tender portal below.	The power of attorney shall be part of the technical proposal which will be uploaded in the CPP Portal. Also please note that the original affidavit shall be enclosed along with the hard copy submission
22	Bid Documents -D Page 10	4.9 Methodology for submission of Bids	Agencies shall also submit a hard copy of the Technical Bid which shall reach IPA by the due date and time. The hard copy submitted shall contain apart from other documents, original demand drafts/copy of MSME certificate and a pen drive containing all the documents submitted as hard copy. The outer envelope of the hard copy submission shall contain the name of agency, name of work RFP no. and the following written in bold letters. 'Tender Document. Do	We request you clarify the submission mode of the bid response. Do we need to submit our bid response online only, or do we need to submit the hard copy (physical submission) and pen drive also to your office? If a physical submission is required, where and by when the same should be submitted?	Please note that the technical bid shall be uploaded on the CPP Portal. Also a hard copy of the technical bid submission shall be submitted along with the pendrive containing the technical bid. The financial bid shall be submitted ONLY IN THE CPP Portal and NO HARD COPY IS TO BE SUBMITTED
23	5.1 Eligibility of applicants	Pre- qualification Criteria 3.b)	The company/agency should be in net profit at the time of submission of the bid.	Please clarify whether you need the CA Certificate from the Statutory Auditor of the Company on the date of submission of the bid or whether a letter for the current financial year will suffice.	The letter for the current financial year would suffice

24	5.1 Eligibility of applicants	Pre- qualification Criteria 9.	In case the entity is a defaulter in paying any dues to any of the Government IPAs, the entity is not eligible for the tender. Supporting document: - Certificate from the current authorized signatory of the Company/Agency.	Please clarify if this will be a self-certification on our letterhead or a certificate from the CA or do you need the same in any specific format? If in a specific format, request you to share the format with us	This letter can be signed by either an authorized signatory of the organization or the Chartered Accountant. There is no specific format for the same
25	5.3 Evaluation of Technical proposal	Page No 13	The Bidder shall be selected on the basis of QCBS Method, whereby technical proposal will be allotted weightage of 70% and financial proposal will be allotted weightage of 30%.	We request that the rankings of the proposal be made purely on the basis of the technical score of the bidders alone and financial proposal be evaluated on the L1 (lowest bid) basis. QCBS may not be required as the bid is for the empanelment of agencies.	The clause mentioned in the tender stands
26	13. Registration of Procurement Portal	13.2 Obtaining a Digital Certificate	If the digital certificate issued to the authorized user of a firm is used for signing and submitting a bid, it will be considered equivalent to a no- objection certificate /power of attorney / lawful authorization to that User. The firm has to authorize a specific individual through an authorization certificate signed by all partners to use the digital certificate as per Indian Information Technology Act 2000. Unless the certificates are revoked, it will be assumed to represent adequate authority of the user to bid on behalf of the firm in the IPA tenders as per Information Technology Act 2000. The digital signature of this authorized user will be binding on the firm.	We have a Board of Directors resolution for giving the powers to the signing authority for bid response submission for the firm. Please clarify whether we need to submit any additional certificate authorizing an individual to use a digital certificate as well or if this Board of Director resolution will be sufficient. If any additional certificate is required to be submitted, we request you to provide the format for this certificate.	The resolution of the board of directors would be sufficient
27	Tech Form 3- Bidders	Presentation	Local office information	We assume that the local office details shall be pertaining to the Delhi location. Please confirm	The local office can be anywhere in India
28	Tech Form 4-	Qualification & Competence of Professional Staff Note: 1)	Please attach resumes for each of the above categories to illustrate the competency and experience.	For the category and number of the resources we share, is a CV for all the resources required to be submitted or only the HR undertaking be sufficient? If CVs are required, kindly share the format in which the CVs need to be submitted	The CVs for resources in each of the resources category needs to be submitted. Please refer Sno 11 for the no of resources to be submitted in each category
29	Tech Form 4	Qualification & Competence of Professional Staff Page 29	1) Please attach resumes for each of the above categories to illustrate the competency and experience.	Request you to please share a CV format for better comparability. We understand one CV for each category shall be submitted. Pls confirm.	CVs can be submitted in accordance with the World Bank format.
30	Eligibility of Applicants:	Page No. 11; 5.1;	The bidder should have at least two engagements of minimum value Rs.5 Crore each during the last 7 Years for Central Government or State Government or its agencies.	We request the authority to kindly amend the clause as: The bidder should have at least two engagements of minimum project cost value of Rs.50 Crore each during the last 10 Years for Central Government or State Government or its agencies	The minimum value of work shall be Rs 5 crore each. Projects undertaken during last 10 years will be considered for evaluation. Only completed projects shall be considered.
31	Technical Bid Qualification; Evaluation Criteria:	Page No. 12; 5.2	Experience in Providing Consultancy Services – Bidder should demonstrate their past experience in consultancy /advisory services for Central Government or State Government or their agencies with a consulting fee of at least 5 cr during the past seven years. (10 marks per engagement) – 30 Marks	We request the authority to kindly amend the clause as: Experience in Providing Consultancy Services – Bidder should demonstrate their past experience in consultancy /advisory services for Central Government or State Government or their agencies with a Project Cost of Rs. 500 Cr. or consulting fee of at least Rs. 10 Lakhs during the past Ten years. (5 marks per engagement) – 25 Marks	The clause mentioned in the tender stands
32	Technical Bid Qualification; Evaluation Criteria:	Page No. 12; 5.2	Experience of providing consultancy support in the field of Logistics/ Industrial Infrastructure/ Ports/Infrastructure and regional Planning and other similar domains for Government or Private Sector client. International Projects are allowed. (5 marks per engagement) – 10 Marks	We request the authority to kindly amend the clause as: Experience of providing consultancy support in the field of Logistics/ Industrial Infrastructure/ Ports/Infrastructure and regional Planning/ any other Infrastructure projects and other similar domains for Government or Private Sector client. International Projects are allowed. (5 marks per engagement) – 25 Marks	The clause mentioned in the tender stands

33	Technical Bid Qualification; Evaluation Criteria:	Page No. 13; 5.2	Turnover Turnover from Management Consultancy/ Advisory Services in last financial year i.e. FY 2021-22 i. >=25 Cr. and < =50 Cr.: 05 Marks ii. >=50 Cr.: 10 Mark	We request the authority to kindly amend the clause as: Turnover Turnover from Management Consultancy/ Advisory Services in last financial year i.e. FY 2021-22 i. >=15 Cr. and < =30 Cr.: 10 Marks ii. >=30 Cr.: 20 Marks	The clause mentioned in the tender stands
34	Technical Bid Qualification; Evaluation Criteria:	Page No. 13; 5.2;	Employees on payrolls i. >= 50 and <= 75: 05 Marks ii. >= 75 and <= 100: 10 Marks iii. > 100: 15 Marks	We request the authority to kindly amend the clause as: Employees on payrolls i. >= 50 and <= 75: 05 Marks ii. >= 75 and <= 100: 15 Marks iii. > 100: 20 Marks	The clause mentioned in the tender stands
35	Technical Bid Qualification; Evaluation Criteria:	Page No. 13; 5.2	Presentation, Approach and unique value proposition – 35 Marks	We request the authority to kindly amend the clause as: Presentation, Approach and unique value proposition – 10 Marks	The clause mentioned in the tender stands
36	Qualification & Competence of Professional Staff	Page No. 13; Tech Form 4	Managing Consultant - BE/B-Tech/ Post Graduate with at least 60% marks with MBA	We request the authority to kindly amend the clause as: Managing Consultant - BE/B-Tech/ Post Graduate/ MBA/ CA	The clause mentioned in the tender stands.
37	Qualification & Competence of Professional Staff	Page No. 13; Tech Form 4	Principal Consultant - BE/B-Tech/ Post Graduate with at least 60% marks with MBA	We request the authority to kindly amend the clause as: Principal Consultant - BE/B-Tech/ Post Graduate/ MBA/ CA	The clause mentioned in the tender stands
38	Qualification & Competence of Professional Staff	Page No. 13; Tech Form 4	Senior Consultant - BE/B-Tech/ Post Graduate with at least 60% marks with MBA	We request the authority to kindly amend the clause as: Principal Consultant - BE/B-Tech/ Post Graduate/ MBA/ CA	The clause mentioned in the tender stands
39	Qualification & Competence of Professional Staff	Page No. 13; Tech Form 4	Consultant - BE/B-Tech/ Post Graduate with at least 60% marks with MBA	We request the authority to kindly amend the clause as: Principal Consultant - BE/B-Tech/ Post Graduate/ MBA/ CA	The clause mentioned in the tender stands
40	Eligibility of applicants	5.1 Page 11	Pre-qualification Criteria: a) Average of the Turnover in the last 3 Financial Years (2019-20, 2020-21, 2021- 22) should be at least INR 25 Crores	In case of some bidders following a different financial year and whose books have not been audited yet, we request Authority to allow for last 3 financial years as 2018-19, 2019-20 and 2020-21	Average of the Turnover in the last 3 Financial Years (2019-20, 2020-21, 2021-22) will be considered. In case a company follows a calendar year system, turnover for the years 2019, 2020 and 2021 can be submitted.
41	Eligibility of applicants	5.1 Page 11	Pre-qualification Criteria: The bidder should have at least two engagements of minimum value Rs.5 Crore each during the last 7 Years for Central Government or State Government or its agencies	We humbly request the Authority to reduce the requirement of engagement value to Rs 2 crore, since the existing requirements are restrictive in nature and prohibit competition. We would request the Authority to please consider an extension of the period for including eligible assignments for the purpose of evaluation to at least 10 years. Further, we understand that both Ongoing Projects as well as Completed Projects of similar nature will be considered and Work Order/ LoA/ Completion Certificate, either of the documents shall be submitted as Supporting Documents. Request Authority to confirm the same	The minimum value of work shall be Rs 5 crore each. Projects undertaken during last 10 years will be considered for evaluation. Only completed projects shall be considered.
42	Eligibility of applicants	5.1 Page 11	Pre-qualification Criteria: Supporting Documents to be furnished Work Order/ Completion Certificate/ Client Certificate and citations	We humbly request the client to allow the Authorised Representative of the consulting firm to self-certify in case the supporting documents have not been made available by the client to the consulting firm yet	The clause mentioned in the tender stands
43	Eligibility of applicants	5.1 Page 12	The Company/Agency shall submit EMD of Rs.2.00 lakhs through online mode or Demand Draft	We would request the Authority to kindly clarify if the EMD amount is refundable or non-refundable	In case of firms that are not empanelled, the EMD will be returned back within a period of 30 days from the completion of the empanelment process. For the firms that are empanelled, the EMD will be returned on the expiry of the empanelment period.

44	Technical bid qualification	5.2 Page 12	Experience of providing consultancy support in the field of Logistics/ Industrial Infrastructure/ Ports/Infrastructure and regional Planning and other similar domains for Government or Private Sector client. International Projects are allowed.	We understand that both Ongoing Projects as well as Completed Projects of similar nature will be considered and Work Order/ LoA/ Completion Certificate, either of the documents shall be submitted as Supporting Documents. Request Authority to confirm the same	Only completed projects will be considered for evaluation
45	Pre-Qual Form 2	Appendix Page 22	Memorandum of Association and Articles of Association of the company Bye Laws and certificates of registration (in case of registered firm)	We humbly request the Authority to consider a Certificate of Incorporation and self-certification instead of the Memorandum of Association and Articles of Association of the company	The clause mentioned in the tender stands
46	Pre-Qual Form 2	Appendix Page 22	Whether MOA of Bidding Company allows entering into the bid of respective services? If yes, indicate the relevant clause.	We request the Authority to accept Certificate from statutory auditors in place of MOA clause as allowed in previous clauses.	The clause mentioned in the tender stands
47	Tech Form 4- Qualification & Competence of Professional Staff	29/35	BE/B-Tech/ Post Graduate with at least 60% marks with MBA	Request you to kindly modify as follows : BE/B-Tech/ Post Graduate with at least 60% marks with MBA/ <u>PGDM</u>	PGDM will also be considered for MBA as eligibility
48	Com Form 2- Summary of Costs of Resources- Consultancy	31/35	The first four ranked bidders with the combined Technical and Financial scores will be considered for empanelment. These four bidders will have to match the lowest rate quoted by any of these four bidders for an individual key personnel. In case this condition is not accepted by any of these three bidders the 5th ranked bidder will be considered under the same conditions. In such an event, the financial bid of the 4th ranked bidder will not be considered for rate comparison. This process will be continued so that a panel of four bidders can be made with the lowest quote for each key personnel.	We wish to state that by selecting only 4 vendors will be restricting competition and may defeat the very purpose of empanelment. Also, having more vendors will encourage in obtaining competitive rates for the proposed profiles. In this regard, we request you to keep the upto six (6) bidders.	The number of consultants to be empanelled has been decided to be 5 No.s
49	AFFIDAVIT	33/35	12. That in the past five years prior to the date of this application, I or any principal of the entity has not been deemed to be in default on any contract or have not been forcefully terminated from any contract of any Organization.	Request you to kindly to modify this clause <u>12. That in the past five years prior to the date of this application, I or any principal of the entity has not been blacklisted/debarred from any contract of any Organization.</u>	The change requested is accepted
50	New Clause	NA	Limitation of Liability	Request you to kindly add this clause Limitation of Liability The aggregate liability of the Firm, its partners, directors, consultants, employees, agents, affiliates and other personnel for damage shall be limited to the amount of the fees that the Firm has received in connection with the Engagement. If the Engagement is of a recurring nature, then the aggregate liability shall not exceed the amount received by the Firm in the immediately preceding year.	This is only an empanelment exercise. All financial conditions will be stipulated by the respective engaging ports
51		NA	Confidentiality	Confidentiality+D65	This is only an empanelment exercise. All confidentiality conditions will be stipulated by the respective engaging ports
52	New Clause	NA	Indemnification	Request you to kindly add this clause The Client shall indemnify and hold harmless the Firm against all claims by third parties (contractual or in tort), threatened claims, suits, taxes, penalties, liabilities, damages, costs and expenses, suffered, incurred, arising or expended ("Claims"), directly or indirectly by reason of Firm's performance under this Engagement or from having performed any services to the Client, except in the event of fraud, gross negligence, or wilful misconduct on the part of the Firm. However, the Client shall not be liable for any special, consequential, or incidental damages (including but not limited to damages for loss of goodwill and the like) arising out of this Engagement. The indemnity obligations as set out above shall survive the termination or rescission for any reason of the contractual relationship between the Firm and the Client until the expiry of the relevant statute of limitation applicable to any claims.	This is only an empanelment exercise. All indemnification conditions will be stipulated by the respective engaging ports

53	New Clause	NA	Non- exclusivity	Request you to kindly add this clause The Parties acknowledge that the Firm shall have the right to provide consulting or other professional services of any kind or nature whatsoever to any person or entity as the Firm in its sole discretion deems appropriate.	This can be agreed to the extent that there is no conflict of interest
54	New Clause	NA	Non-solicitation	Request you to kindly add this clause Non-solicitation Each Party undertakes during the effective term of this Engagement and for a period of 1 (one) year thereafter, not to solicit, hire or employ directly or indirectly any partner, director, personnel or employee of the other Party who has had any involvement in the Engagement except with the prior written consent of the other Party. If such consent is given a fee of 15% of the individual's annual total compensation (cost to company) shall be payable to the other Party. Notwithstanding the foregoing, nothing shall prohibit the Parties from offering employment to persons who respond to a general solicitation or advertisement.	This cannot be agreed
55	New Clause	NA	Termination	Request you to kindly add this clause Termination : Request you to add these following clauses in the termination as well. a) Termination by Mutual Consent : Mutually by each party by giving the other party a notice of 30 days. b)In the event of Non—payment of payment dues 60 days post submission of invoice	This is only an empanelment exercise. All termination conditions will be stipulated by the respective engaging ports
56	Instructions for Empanelment	Page No. 8 4.3	If a company/agency with diversified consulting services is interested to apply, the average sales turnover could relate to the entire company/agency. Likewise, the same principle shall be accorded in the case of group companies/agencies as long as the parent company/agency provides support to its subsidiary company/agency through a legally enforceable arrangement for joint and several liabilities	As per the clause, we understand that company with Multiple Verticals / Businesses under the same umbrella can consider the entire turnover of the company? Kindly clarify.	The entire turnover of the company can be considered
57	Technical bid qualification	Page No. 12 5.2	Turnover Turnover from Management Consultancy/Advisory Services in last financial year i.e. FY 2021-22 i. >=25 Cr. and < =50 Cr.: 05 Marks ii. >=50 Cr.: 10 Marks	Please refer to Office Memorandum (as in annexure), Government of India, Ministry of Finance, Department of Expenditure, Procurement Policy, dated 13/07/2020, for Advisory regarding Turnover criteria in Consultancy Contracts and for Technical Evaluation Criteria and their weightages, as well The Office Memorandum also specifies the minimum qualifying turnover at the level of 5-10 times of the estimated cost of consultancy work. Even while referring to the EMD value of INR 5.0 Lakh, and while considering cost put to be the tender, as 100 times the EMD value, the present Turnover criteria Of INR 50 Crore from Management Consultancy/Advisory in last financial year i.e. FY 2021-22 in last financial year i.e. FY 2021-22 is not justified. We request authority to kindly reduce the turnover criteria and amend as below: Annual turnover from Management Consultancy/Advisory in last financial year i.e. FY 2021-22 is i. >=25 Cr. and < =30 Cr.: 05 Marks ii. >=30 Cr.: 10 Marks	The clause mentioned in the tender stands

58	ombined and Final Evaluation	Page No. 14 5.5	i. Proposals will finally be ranked according to their combined technical (ST) and financial (SF) scores as follows: ii. $S = ST \times 0.70 + SF \times 0.30$ (Where S is the combined score) iii. A minimum score of 70 on Technical is required for Financial opening	We request the Authority to consider as below i. Proposals will finally be ranked according to their combined technical (ST) and financial (SF) scores as follows: ii. $S = ST \times 0.80 + SF \times 0.20$ (Where S is the combined score) iii. A minimum score of 70 on Technical is required for Financial opening	The clause mentioned in the tender stands
59	Com Form 2- Summary of Costs of Resources- Consultancy	Page No 31	The first four ranked bidders with the combined Technical and Financial scores will be considered for empanelment. These four bidders will have to match the lowest rate quoted by any of these four bidders for an individual key personnel. In case this condition is not accepted by any of these three bidders the 5th ranked bidder will be considered under the same conditions. In such an event, the financial bid of the 4th ranked bidder will not be considered for rate comparison. This process will be continued so that a panel of four bidders can be made with the lowest quote for each key personnel.	Considering the investments proposed under Indian Port Association in next three years, and ambitious physical and financial progress targets, we request the Authority to consider empaneling at least 10 Consultants firms based on their highest technical scores	The number of consultants to be empanelled has been decided to be 5 No.s
60	Eligibility of applicants	Page 12, 5.1	The Company/Agency shall submit EMD of Rs.2.00 lakhs through online mode or Demand Draft	We request the Authority to accept BID DECLARATION FORM in place of EMD of Rs. 2.00Lakh	This cannot be agreed. The clause mentioned in the tender stands
61	Qualification & Competence of Professional Staff	Tech form 4 Page No. 29	Managing Consultant \geq 15 Years Prescribed Qualification BE/B-Tech/ Post Graduate with at least 60% marks with MBA.	We request authority to consider as below Managing Consultant \geq 15 Years Prescribed Qualification B.E./B-Tech/ B. Arch / Graduation in relevant stream with MBA/ Post Graduate in relevant stream	The clause mentioned in the tender stands. PGDM will also be considered for MBA as eligibility
62	Qualification & Competence of Professional Staff	Tech form 4 Page No. 29	Principal Consultant \geq 10 Years BE/B-Tech/ Post Graduate with at least 60% marks with MBA.	We request authority to consider as below Principal Consultant \geq 10 Years Prescribed Qualification B.E./B-Tech/ B. Arch / Graduation in relevant stream with MBA/ Post Graduate in relevant stream	The clause mentioned in the tender stands. PGDM will also be considered for MBA as eligibility
63	Qualification & Competence of Professional Staff	Tech form 4 Page No. 29	Senior Consultant \geq 6 Years BE/B-Tech/ Post Graduate with at least 60% marks with MBA.	We request authority to consider as below Senior Consultant \geq 6 Years Prescribed Qualification B.E./B-Tech/ B. Arch / Graduation in relevant stream with MBA/ Post Graduate in relevant stream	The clause mentioned in the tender stands. PGDM will also be considered for MBA as eligibility
64	Qualification & Competence of Professional Staff	Tech form 4 Page No. 29	Consultant \geq 3 Years BE/B-Tech/ Post Graduate with at least 60% marks with MBA.	We request authority to consider as below Consultant \geq 3 Years Prescribed Qualification B.E./B-Tech/ B. Arch / Graduation in relevant stream with MBA/ Post Graduate in relevant stream	The clause mentioned in the tender stands. PGDM will also be considered for MBA as eligibility
65	Other Instructions	Page No: ec 4.8	Bids from a consortium of companies/agencies are not allowed.	We request you to kindly allow the consortium of the bidders as the scope of work is for different services which may require firms to collaborate the first to deliver successfully	The clause mentioned in the tender stands. PGDM will also be considered for MBA as eligibility
66	Pre-qualification criteria	Point No 3	Average of the Turnover in the last 3 Financial Years (2019-20, 2020-21, 2021-22) should be at least INR 25 Crores.	We are requesting to reduce the amount of average turnover and amend the point as a) Average of the Turnover in IT/ITES projects during the last 3 Financial Years (2019-20, 2020-21, 2021-22) should be at least INR 15 Crores	The clause mentioned in the tender stands
67	Pre-qualification criteria	Point No 4	The bidder should have at least two engagements of minimum value Rs.5 Crore each during the last 7 Years for Central Government or State Government or its agencies.	We are requesting that you kindly amend the point as follows: The bidder should have at least two engagements of minimum value Rs.3 Crore each during the last 7 Years for Central Government or State Government or its agencies.	The minimum value of work shall be Rs 5 crore each. Projects undertaken during last 10 years will be considered for evaluation. Only completed projects shall be considered.

68	Pre-qualification criteria	Point No 10	The Company/Agency shall submit an EMD of Rs.2.00 lakhs through online mode or Demand Draft.	Oasys is under MSME, for which we avail exemption towards paying EMD. So kindly allow for the exemption.	Firms with valid MSME certificate under appropriate category are exempted from payment of EMD as well as tender document fee
69	Technical Evaluation criteria	Point No 1	Experience in Providing Consultancy Services – Bidder should demonstrate their past experience in consultancy /advisory services for Central Government or State Government or their agencies with a consulting fee of at least 5 cr during the past seven years. (10 marks per engagement)	We are requesting to amend the point as Experience in Providing Consultancy Services – Bidder should demonstrate their past experience in consultancy /advisory services for Central Government or State Government or their agencies with a consulting fee of at least 3 cr during the past seven years. (10 marks per engagement)	The minimum value of work shall be Rs 5 crore each. Projects undertaken during last 10 years will be considered for evaluation. Only completed projects shall be considered.
70	Technical Evaluation criteria	Point No 2	Experience of providing consultancy support in the field of Logistics/ Industrial Infrastructure/ Ports/Infrastructure and regional Planning and other similar domains for Government or Private Sector client. International Projects are allowed. (5 marks per engagement)	We are requesting to amend the point as Experience of providing consultancy support services in any State / Central Government/ PSUs/ International Projects are allowed. (5 marks per engagement)	The clause mentioned in the tender stands
71	Technical Evaluation criteria	Point No 3	Turnover from Management Consultancy/Advisory Services in last financial year i.e. FY 2021-22 i. >=25 Cr. and < =50 Cr.: 05 Marks ii. >=50 Cr.: 10 Marks	We are requesting to amend the point as Turnover Turnover from IT/ITES Services in last financial year i.e. FY 2021-22 i. >=15 Cr. and < =20 Cr.: 05 Marks ii. >=20 Cr.: 10 Marks	The clause mentioned in the tender stands
72	Notice for Empanelment of Consulting Agencies	Page 3,	Indian Ports Association has decided to take up the task of preparation of panel of consultants for different type of consultancy services for use by the Major Ports Authorities as and when required.	We would request you to clarify that how work allocation would be done to the empaneled agencies, what would be basis of allocation of work.	This is to be decided by the respective major ports that wish to avail the services of the empanelled consultants
73	5. Evaluation Criteria, Point 9	Page 11,	In case the entity is a defaulter in paying any dues to any of the Government IPAs, the entity is not eligible for the tender	Does bidder needs provide the declaration in any specified template.	The bidder has to provide a self declaration. There is no fixed template for this
74	Pre-Qualification Form 3- Bidders Organization & Experience	Page 23,	The Company/Agency should have minimum 50 Full Time Resources on their own payroll as on date of submission of bid Certificate and list of professionals from the current authorized signatory of the Company /Agency along with their Provident Fund Numbers. Self-declaration with supporting document can be accepted.	Kindly clarify which certificate to be provided? As providing list of all the employees will not be feasible, request you to kindly clarify the minimum number of resources to provided as part of proposal Also, request you to exclude the details of provident fund numbers.	Please see Sno:11 . Also it is agreed that details of PF numbers need not be provided
75	Tech Form 3- Bidders Presentation	Page 28,	The Bidders Should Enclose A Hard Copy Of Their Presentation Material As A Part Of This Form. The Presentation Should Demonstrate Competence And Experience With Proof For The Services Proposed And The Past Experience In Support Of Evaluation. Present Of The Highlights Of No More Than Three (3) Projects Submitted For Evaluation Including Government Sector Experience, Including Staff Stregnth, Commercial Information (Where Applicable), Service Delivery Approach, Local Office Information, Etc. S	Kindly clarify the detailed requirement for the presentation and marking criteria for the same.	Port related projects in the govt sector would be given greater weightage. The evaluation would be done on competence And experience with proof for the services proposed and the past experience In support of evaluation
76	Tech Form 2- Bidders Overall Experience & Organizational Strength	Page 27,	Tech Form 2- Bidders Overall Experience & Organizational Strength	Kindly clarify the minimum number of assignment/work experience to be provided	In order to score the maximum points the bidder should provide the details of at least 3 projects
77	NA	General	Payment Terms & Agreement	We request you to kindly clarify work agreement would be done with IPA or Ports, and payment would be processed by Ports or IPA. Kindly also explain the payment terms.	This is an empanelment exercise. All commercial conditions to be decide the respective major ports. Agreements are also to be submitted with the respective major ports that wishes to avail the services of the empanelled consultants

78	Section 4 Instructions for Empanelment	Cl. No. 4.9/ Methodology for submission of bids/ Pg. No. 9 of 35	ii) Scanned copies of the Technical Bid shall be submitted on e-Procurement Portal (CPPP) https://eprocure.gov.in/eprocure/app . An amount of Rs. 10,000/- (Rupees Ten thousand only) towards tender fee and Rs. 2,00,000/- (Rupees two lakh only) towards EMD, is payable for submission of bids. In case of payments of the above amounts by Demand Drafts, the DDs shall be drawn from a Nationalized/scheduled commercial bank, payable to Indian Port Association, New Delhi. Copies of the DDs should be scanned and uploaded along with the technical proposal. In case the Agency has a valid MSME registration under the required category, such agencies are exempt from paying tender fees and EMD. A copy of the MSME certificate shall also be scanned and uploaded along with the technical bid in such cases. Tender fee and EMD may also be submitted through NEFT, the details of which are as under.	Being a CPSE, bidder requests exemption of EMD.	Exemption only for the relevant MSMEs as mentioned in the document
79	Section 5 Evaluation Criteria	Sr. No. 3 of Cl. No. 5.2/ Employees on Payroll/ Pg. No. 13 of 35	Employees on payroll i. >= 50 and <= 75 : 05 Marks ii. >= 75 and <= 100 : 10 Marks iii. > 100 : 15 Marks	Considering the futuristic vision of assignment, Bidder requests Client to modify the referred clause as following: "Employees on permanent payrolls i. >= 50 and <= 75 100: 05 Marks ii. >= 75 100 and <= 100 200: 10 Marks iii. > 100 200: 15 Marks"	The clause mentioned in the tender stands
80	Tech Form 4 Qualification and Competence of Professional Staff	Sr. No. 1/ Managing Consultant/Pg. 29 of 35	Managing Consultant >= 15 Years Prescribed Qualification BE/B-Tech/ Post Graduate with at least 60% marks with MBA.	Bidder requests Client to remove the criteria for requirement of at least 60% marks with MBA and modify the clause as following: "BE/B-Tech/ Post Graduate with at least 60% marks with MBA. "	The clause mentioned in the tender stands. PGDM will also be considered for MBA as eligibility
81	Tech Form 4 Qualification and Competence of Professional Staff	Sr. No. 2 / Principal Consultant/Pg. 29 of 35	Principal Consultant >= 10 Years BE/B-Tech/ Post Graduate with at least 60% marks with MBA.	Bidder requests Client to remove the criteria for requirement of at least 60% marks with MBA and modify the clause as following: "BE/B-Tech/ Post Graduate with at least 60% marks with MBA. "	The clause mentioned in the tender stands. PGDM will also be considered for MBA as eligibility
82	Tech Form 4 Qualification and Competence of Professional Staff	Sr. No. 3/Senior Consultant/Pg. 29 of 35	Senior Consultant >= 6 Years BE/B-Tech/ Post Graduate with at least 60% marks with MBA.	Bidder requests Client to remove the criteria for requirement of at least 60% marks with MBA and modify the clause as following: "BE/B-Tech/ Post Graduate with at least 60% marks with MBA. "	The clause mentioned in the tender stands. PGDM will also be considered for MBA as eligibility
83	Tech Form 4 Qualification and Competence of Professional Staff	Sr. No. 4/ Consultant/Pg. 29 of 35	Consultant >= 3 Years BE/B-Tech/ Post Graduate with at least 60% marks with MBA.	Bidder requests Client to remove the criteria for requirement of at least 60% marks with MBA and modify the clause as following: "BE/B-Tech/ Post Graduate with at least 60% marks with MBA. "	The clause mentioned in the tender stands. PGDM will also be considered for MBA as eligibility