

SECTION A

NOTICE INVITING TENDER (NIT) FOR GLOBAL COMPETITIVE BIDDING

2. INTRODUCTION

Solid Waste Management has been a critical issue in Kerala, especially in urban areas, for many years. Government of Kerala, through its Local Self Government Department, is in the process of implementing an integrated Solid Waste Management solution for the State on a high priority and for this purpose it is envisaged to setup and operate Waste to Energy Plant in seven sites across the State through Public Private Partnership under ‘Design Build Finance Operate and Transfer (DBFOT)’ basis. The projects will be implemented in identified location by GoK and the beneficiary LSGIs in such locations as grouped into separate clusters. Kerala State Industrial Development Corporation (KSIDC) is appointed as the Nodal Agency for the selection of Private Partner for the implementation of projects at various locations/clusters.

State Government vide GO (Ms) No. 805/2020/LSGD dated 30/04/2020 has authorized Managing Director KSIDC to take immediate steps to float an RFP for the selection of a suitable Concessionaire to set up a Waste-to-Energy Plant at Brahmapuram, Kochi with the broad terms and conditions ordered in G.O.(Ms.)No. 82/2018/LSGD dated 11/06/2018 and G.O.(Ms.)No. 174/2018/LSGD dated 22/11/2018.

Accordingly, this RFP is issued by the Authority, for identification of Private Partner for undertaking the integrated solid waste management project with a Waste to Energy plant of minimum 300 TPD processing capacity for the Ernakulam Cluster and for providing the services detailed in the Concession Agreement. The Ernakulam Cluster comprises of the LSGIs of Ernakulam District operating in the State of Kerala.

3. INVITATION FOR BID

- 3.1. Kerala State Industrial Development Corporation Ltd. (KSIDC), as the Nodal Agency on behalf of GoK, invites online Bids (E-Tender) under two cover system from eligible applicants, who fulfil qualification criteria as stipulated in clause 4 of this section, through the Kerala Government e-tender portal <https://etenders.kerala.gov.in>, for **‘Integrated Solid Waste Management with a Waste to Energy Plant of minimum processing capacity of 300 TPD on Design, Build, Finance, Operate and Transfer (DBFOT) basis for the Ernakulam Cluster comprising of the Local Self Governments of Ernakulam District operating in the State of Kerala, under Public Private Partnership.**
- 3.2. Interested parties may obtain the Request for Proposal documents from the website by paying a non-refundable fee of INR 25,000/- (Indian Rupees Twenty Five Thousand only) as Tender fee.
- 3.3. The RFP contains information about the Project, bidding process, Bid submission, qualification and Financial Proposal requirements and includes the following documents.
Volume 1:

Section A: Notice Inviting Tender (NIT)

Section B: Project Details and Scope of the Project (PDS)

Section C: Instruction to Bidders (ITB)

Appendices

Volume 2: Draft Concession Agreement

Volume 3: Schedules to the Draft Concession Agreement

4. MINIMUM ELIGIBILITY CRITERIA

4.1. The Bidder may be a Single Specified Entity OR a group of entities joined together as a Consortium subject to the conditions specified in clause 5 of this RFP.

4.2. The bid under this RFP will be considered only from those bidders who meet minimum eligibility criteria stipulated hereunder. If the bidder is a single specified entity, the stipulated criteria shall be fulfilled by the bidder itself. If the bidder is a consortium or joint venture, the stipulated criteria shall be fulfilled by any member of the consortium by itself or through its Affiliate or Parent or Subsidiary, In case of consortium, the bidder will be considered to have met the stipulated criteria only if the condition for consortium specified against each criterion is fulfilled.

4.3. Stipulated Criteria :

	Stipulated Criteria	Conditions for Consortium	Supporting Document to be submitted
(A)	Technical Capacity: For demonstrating technical capacity and experience (the “Technical Capacity”), the Bidder; (i) shall be in continuous existence for minimum 3 (Three) years as on 1 st April 2020 AND has been in operation since the last three financial years; AND (ii) shall have experience of design & development of at least one Waste to Energy Plant of minimum 1 MW in India or abroad in the period of past five years from the bid due date and the relevant plant is currently in operation; OR successful operation of at least one Waste to Energy Plant of minimum 1 MW capacity for a minimum period of 1 year in India or abroad in the period of past five years from the bid due date	At least one member of the consortium (not being an individual) shall meet this criterion.	Copy of Certificate of Registration under relevant Act and certificate by Statutory Auditors in the format given in Annex-II of Appendix I. AND Copy of relevant Work Orders & Invoices OR Work completion Certificate/ satisfactory client Certificate or other evidence, certified by Statutory Auditors in the format given in Appendix VII.

	and the relevant plant is currently in operation;		
(B)	Financial Capacity:		
	For demonstrating financial capacity (the “Financial Capacity”), the Bidder shall have a minimum Net Worth of INR.250,000,000/-(Indian Rupees Two Hundred Fifty Million) or its equivalent in US Dollars, converted as per specified Exchange Conversion Method given in Annex-III-A of Appendix I, as per the Latest Audited Financial Statement. For this clause, the closure of latest financial year shall not be before 31 st March 2018.	At least one member of the consortium (not being an individual) holding more than 26% (Twenty Six percent) stake shall meet this criterion.	Certificate evidencing Net Worth by the Statutory Auditors in the format given in Annex-IIA, Appendix I.

4.4. In the case of bidding by Consortium, the Supporting Document specified above to prove eligibility criteria shall be submitted for all the members in the Consortium.

4.5. If any of the criteria is met through Affiliate or Parent or Subsidiary, Supporting Document specified above to prove the relevant criteria shall be submitted for such Affiliate or Parent or Subsidiary, as the case may be. The Bidder shall also submit a Certificate from the Statutory Auditors or Company Secretary demonstrating the relationship with the applicant in the format given in **Annex-IV of Appendix – I**.

4.6. If the stipulated criteria, either in full or in part, is fulfilled by the Bidder/member of Consortium through its Affiliate or Parent or Subsidiary, it shall submit an undertaking from such Affiliate or Parent or Subsidiary to the effect that the experience of such Affiliate or Parent or Subsidiary shall be available for the use of the bidder if selected for implementation of the project.

5. **CONDITIONS FOR FORMATION OF CONSORTIUM**

5.1. The number of members in a Consortium would be limited to Five (five) such as Power Developer Entity or Investment Entity or Solid Waste Collection & Transportation entity or Information and Communication Technology (ICT) entity etc.;

5.2. An individual, resident of India or a foreign resident holding Non-Resident Indian (NRI) / Overseas Citizen of India (OCI)/ Person of Indian Origin (PIO) status, as per Government of India documents may also become a member of the Consortium. However, such individual

shall not be considered for evaluation of either Technical Capacity or Financial Capacity requirement of the Bid, though he/she will be counted for the total number of members;

- 5.3. Any member of the Consortium could be appointed as Lead Member of the Consortium. The nomination(s) of Lead Member shall be supported by a Power of Attorney, as per the format at Appendix – II A, signed by all the members of the Consortium;
- 5.4. The Lead Member and a Member of the Consortium, meeting either Technical Capacity or Financial Capacity shall each have an equity share holding of at least 26% (Twenty Six percent) of the paid up and subscribed equity of the SPV in accordance with Clause 10.4 of this RFP. The other members of the Consortium shall be termed as “Other Members”;
- 5.5. The shareholding commitments of all the members of the Consortium shall be in accordance with Clause 10.4;
- 5.6. The Bid should contain the information required for each member of the Consortium;
- 5.7. The Bid should include a brief description of the roles and responsibilities of individual members, particularly with reference to financial, technical and / or operation & maintenance obligations;
- 5.8. An individual Bidder cannot at the same time be member of a Consortium applying for qualification. Further, a member of a particular Bidder Consortium cannot be a member of any other Bidder Consortium applying for qualification;
- 5.9. The Parties to the Consortium should agree to establish SPV for executing the Concession Agreement in respect of the Project(s) awarded to such Consortium.
- 5.10. Members of the Consortium shall enter into a binding Joint Bidding Agreement (JBA), as per the format provided in **Appendix – IV**, for the purpose of submitting Bid and should submit the same along with the Bid. The JBA should be specific to the Project and should fulfil the requirements set out below, failing which the Bid shall be considered non-responsive. The JBA shall, inter alia:
 - 5.10.1. convey the intent to form an SPV with shareholding/ownership equity commitment(s) in accordance with Clause 10.4, which would enter into the Concession Agreement and subsequently carry out all the responsibilities as Concessionaire in terms of the Concession Agreement, in case the Concession to undertake the Project is awarded to the Consortium;
 - 5.10.2. clearly outline the proposed roles and responsibilities of each member at each stage;
 - 5.10.3. commit the minimum equity stake to be held by each member; and
 - 5.10.4. All members of the Consortium (including Subsidiary or Parent or Affiliate, whose technical or financial experience has been claimed) shall under the Concession Agreement, be liable jointly and severally for obligations of the Concessionaire in relation to the Project.

- 5.11. Except as provided under this RFP and the Bidding Documents, there shall not be any amendment to the JBA without the prior consent of the Authority.

6. KEY DETAILS

1)	Tender inviting Authority Designation and Address	The Managing Director Kerala State Industrial Development Corporation Limited, T.C. XI/266, Keston Road, Thiruvananthapuram Kerala - 695003, INDIA. Tel: +91 471 2318922
2)	Name of the Public Private Partnership project	(Tender Ref No.KSIDC/TVM/W2E/17/2020) : Integrated Solid Waste Management project with a Waste to Energy plant of min 300 TPD capacity on Design, Build, Finance, Operate and Transfer (DBFOT) basis at Brahmapuram, Ernakulam District in the State of Kerala for the Local Self Government Department, Govt of Kerala under Public Private Partnership
3)	Mode of Tender	e-tender through the Government of Kerala tender portal https://etenders.kerala.gov.in (Please visit the e-tender portal for technical details of submission of tender through the portal)
4)	Tender Fee	INR.25,000/- (Indian Rupees Twenty Five Thousand Only) plus 18% GST (To be paid online through e-tender portal)
5)	Bid Security Amount (EMD)	INR.10 Million /- (Indian Rupees Ten Million Only). (To be paid online through e-tender portal)
6)	Bid validity	Min. 180 (One Hundred and Eighty) days from the Bid Due Date, extendable for maximum of another 180 days on mutual consent.
7)	Validity of Bid Security	Min 240 (Two Hundred and Forty) days from the Bid Due Date, inclusive of a claim period of 60 (sixty) days, and may be extended subject to maximum of 180 days on mutual consent.
8)	Completion period of the work and Commissioning of project	24 months from the completion of Conditions Precedent specified in Concession Agreement
9)	Concession Period	25 years from COD
10)	Date of start of Tender Document download	25 th June 2020 (at https://etenders.kerala.gov.in and www.ksidc.org)

11)	Site Visit	Will be arranged on request
12)	Last date of seeking clarification	3rd July 2020 till IST 15:00 hrs
13)	Pre-bid Meeting	On 6 th July 2020 at 11:00 hrs at KSIDC Corporate office, Keston Road, Kowdiar, Trivandrum
14)	Response to Pre-bid Queries	On or before 10 th July 2020
15)	Date of start of Bid upload	14 th July 2020 (at https://etenders.kerala.gov.in and www.ksidc.org)
16)	Last Date and Time of submission of Tender	4th August 2020, IST 14:00 hrs (at https://etenders.kerala.gov.in only)
17)	Date and Time of opening of Cover 1 (“Fee/Prequalification/Technical proposal”)	6 th August 2020 , IST 15:00 hrs at KSIDC Corporate office, Keston Road, Kowdiar, Trivandrum
18)	Technical Evaluation and Presentation by Bidders	On 14 th August 2020 IST 10:00 hrs at KSIDC Corporate office, Keston Road, Kowdiar, Trivandrum
19)	Date and Time of opening of Cover 2 (“Price Bid”)	20 th August 2020, IST 11:00 hrs
20)	Authority for seeking clarifications	Kerala State Industrial Development Corporation Limited
21)	Website from which Tender Documents and any additional information can be downloaded	https://etenders.kerala.gov.in or www.ksidc.org
22)	Hard copy submission of technical proposal, stamp paper/notarised documents	On or before 5 th August 2020 , IST 15.00 hrs At Kerala State Industrial Development Corporation Limited, T.C. XI/266, Keston Road, Thiruvananthapuram Kerala - 695003, INDIA
23)	Issue of Letter Of Intent	8 (Eight) weeks from opening of financial proposal
24)	Acceptance by the successful bidder of the Letter of intent (LOI)	Within 15 (fifteen days) from issuance of LOI
25)	Formation of SPV and submission of performance security by SPV	Formation of SPV Within 30 (Thirty) days and submission of performance security within 45 (Forty Five) days from acceptance of LOI
26)	Signing of concession agreement	Within 60 (Sixty) days from acceptance of LOI

Note: (a) If the date of submission of tenders happens to be a public holiday, Tenders will be received and opened on the next working day at the same venue and time. Bidders are requested to check the website for regular updates.

(b) Authority will endeavour to adhere to the dates indicated above. However, it reserves the right to effect changes to the above dates, if the need arises. Such change, if any, would be uploaded at Authority’s website (<https://etenders.kerala.gov.in>) from time to time.

7. INSTRUCTIONS ON E-TENDER

- 7.1. The Bid should be submitted online at website **<https://etenders.kerala.gov.in>** in the relevant covers only, by the due date and time, as specified in the Key Details. Late/delayed tenders submitted online after the due date and time, for whatsoever reasons will not be considered. The Server Date & Time as appearing on the website **<https://etenders.kerala.gov.in>** shall only be considered for the critical date and time of tenders. Offers sent through post, telegram, fax, telex, e-mail, courier will not be considered.
- 7.2. Partially completed/incomplete bids shall not be considered.
- 7.3. All communication regarding how to submit offers shall be done online through website **<https://etenders.kerala.gov.in>**
- 7.4. Bidders shall be required to arrange all resources, including Digital Signature Certificates and Internet Connections at their own cost, for participating in online tenders at **<https://etenders.kerala.gov.in>**.
- 7.5. The Authority shall not be responsible for any delays reasons whatsoever in receiving as well as submitting offers, including connectivity issues. The Authority shall not be responsible for any other delays in submitting any documents wherever applicable.
- 7.6. The Authority will not be responsible for the cost incurred in preparation and submission of bids online including the cost of digital certificate, regardless of the conduct of outcome of the bidding process.
- 7.7. Two cover system :
As two bid system is insisted Bidders are required to submit offer in two covers, namely “Fee/Prequalification/Technical” and “Financial”.
 - In Cover I (“Fee/Prequalification/Technical”), Bidders are requested to upload, the scanned copies of the documents specified under Technical Cover in the Checklist given in Clause 37 Section C of Volume I of RFP, “online”.
 - In Cover II (“Finance”), Bidders are requested to quote rates in the file ‘BOQ’ and upload the same online. PLEASE DO NOT QUOTE/MENTION RATES ANYWHERE ELSE IN THE TENDER OTHER THAN BOQ
- 7.8. In case if applicant does not hold any document which need to be uploaded OR there is no need to upload the mentioned document please upload a scanned copy stating the reason for not uploading OR a blank sheet for proceeding with tendering. Provisions for uploading cannot be left blank.
- 7.9. Please note that queries related to enquiry specifications, terms & conditions etc. should be submitted online by logging in at **<https://etenders.kerala.gov.in>** or through email (pdw2e@ksidcmail.org) before the clarification end date/time specified in the Key Details.
- 7.10. Tender opening will be done online at the time and dates specified in the tender Key Details.
- 7.11. The bidders are requested to go through the instruction to the bidders in the website **<https://etenders.kerala.gov.in>** . The bidders who submit their bids for this tender after digitally signing using their Digital Signature Certificate (DSC), accept that they have clearly

understood and agreed the terms and conditions in the website including the terms and conditions of this tender.