

2013 as on date of financial year ending i.e. 31.03.2020 or 31.12.2020 as the case may be, or in case the Bidder is a newly formed company, supported by documentary evidence of its recent formation at ROC or in case the networth of the Bidder is not meeting the criteria as per Clause 3.6(i), then the certificate issued by a Chartered Accountant computing net worth based on certified copy of Balance Sheet, Profit & Loss account, Schedules and cash flow statement as on latest available date supported with bank statement shall be required to be submitted.

viii) In case a bidder submits the Net-worth credentials of its Parent / Affiliate, an undertaking from such Parent / Affiliate shall be submitted, stating that in case the bidder(s) fails to contribute required equity funding and performance bank guarantee, the same shall be done by such Parent / Affiliate in line with Clause 3.6(ii) of the RFS.

ix) Activity wise schedule for meeting timelines/milestones as per RfS at the time of bid submission such as Land Procurement, Grid Connectivity, Material Procurement, tentative date/month of procurement of Solar Modules/Panels, Country of Import, if not domestically procured - Solar Modules/Panels, Start and Completion of construction activities etc

3.19 Important notes and instructions to Bidders:

- a) Wherever information has been sought in specified formats, the Bidders shall fill in the details as per the prescribed formats and shall refrain from any deviations and referring to any other document for providing any information required in the prescribed format.
- b) The Bidders shall be shortlisted based on the declarations made by them in relevant provisions of RfS. The documents submitted online will be verified before signing of PPA.
- c) If the Bidder/ Member in a Bidding Consortium conceals any material information or makes a wrong statement or misrepresents facts or makes a misleading statement in its response to RfS, in any manner whatsoever, MSEDCL reserves the right to reject such response to RfS and/or cancel the Letter of Award, if issued, and the Bank Guarantee provided up to that stage shall be encashed. Bidder shall be solely responsible for disqualification based on their declaration in the submission of response to RfS.
- d) If the event specified at point (c) above is discovered after the Effective Date of PPA, consequences specified in PPA shall apply.
- e) Response submitted by the Bidder shall become the property of the MSEDCL and MSEDCL shall have no obligation to return the same to the Bidder. However, the EMDs submitted by unsuccessful Bidders shall be returned as specified in Section 3.9 (ix).

- f) All documents of the response to RfS (including RfS, PPA and all other documents uploaded on <https://etender.mahadiscom.in> as part of this RfS) submitted online must be digitally signed by the person authorized by the Board as per Format 6.4.
- g) The response to RfS shall be submitted as mentioned in Section 3.21. No change or supplemental information to a response to RfS will be accepted after the scheduled date and time of submission of response to RfS. However, MSEDCL reserves the right to seek additional information from the Bidders, if found necessary, during the course of evaluation of the response to RfS.
- h) All the information should be submitted in English language only. In case of foreign bidders having documents in other than English language, then the documents shall be translated in English language by certified translator and submitted.
- i) Bidders shall mention the name of the contact person and complete address of the Bidder in the covering letter.
- j) Response to RfS that are incomplete, which do not substantially meet the requirements prescribed in this RfS, will be liable for rejection by MSEDCL.
- k) Response to RfS not submitted in the specified formats will be liable for rejection by MSEDCL.
- l) Bidders delaying in submission of additional information or clarifications sought will be liable for rejection.
- m) Non submission and/or submission of incomplete data/ information required under the provisions of RfS shall not be construed as waiver on the part of MSEDCL of the obligation of the Bidder to furnish the said data/information unless the waiver is in writing.
- n) Only MERC and/ or Bombay High Court shall have exclusive jurisdiction in all matters pertaining to this RfS.
- o) Bidder shall submit the bid considering the impact of the imposition of Basic Custom Duty (BCD) on Solar PV Cells & Modules/Panels as per MNRE Office Memorandum dated 09.03.2021.

3.20 Non-responsive Bid:

The electronic response to RfS submitted by the bidder along with the documents submitted offline to MSEDCL shall be scrutinized to establish “Responsiveness of the bid”. Each bidder’s response to RfS shall be checked for compliance with the submission requirements set forth in this RfS.

Any of the following conditions shall cause the Bid to be “Non-responsive”:

- a) Non submission of Cost of RfS and/or Processing fee as mentioned in the Bid Information Sheet.

- b) Non-submission of EMD in acceptable form along with RfS document.
- c) Response to RfS (offline as well as online) not received by the due date and time of bid submission;
- d) Non submission of the original documents mentioned at **Section 3.21 A** by due date and time of bid submission;
- e) Any indication of tariff in any part of response to the RfS, other than in the financial bid.
- f) Data filled in the Electronic form of financial bid (Second envelope), not in line with the instructions mentioned in the same electronic form.
- g) Bidder or any of its Affiliates is a willful defaulter to any lender
- h) Major litigation pending or threatened against the bidder or any of its Affiliates which are of a nature that could cast a doubt on the ability or the suitability of the bidder to undertake the Project
- i) In case it is found that the Bidding Company including Ultimate Parent Company / Parent Company/ Affiliate / Group Companies have submitted more than one response to this RfS, then all these bids submitted shall be treated as non-responsive and rejected.
- j) Conditional bids shall be summarily rejected.

3.21 Method of Submission of Response to RfS by the bidder

A. Documents to be submitted Offline (in Original)

The bidder has to submit the documents in original as part of Response to RfS to the address mentioned in Bid Information Sheet before the due date and time of bid submission.

Bidding Envelope: Superscribed as “Bidding Envelope containing Covering Envelope,” at the top of the Envelope and “Name & Address of the Bidder” on the left hand side bottom must contain the following:

- (a) Covering Envelope: **Superscribed as** “Covering Envelope Containing Cost of RfS Document, Processing Fee, Bank Guarantee towards EMD, and Covering Letter, Power of Attorney (if applicable), Consortium Agreement (if applicable), Board Resolution” **must contain the following:**
 - i) Payment details for RfS Document as mentioned in Bid Information Sheet.
 - ii) Payment Details for Processing Fee as mentioned in the Bid Information Sheet
 - iii) Original Bank Guarantee towards EMD as mentioned in the Bid Information Sheet (as per Format 6.3A). One EMD may be submitted for the cumulative capacity quoted by the bidder.
 - iv) Covering Letter as per Format-6.1,
 - v) Power of Attorney as per Format 6.2 (if applicable),

- vi) Board Resolution as per Format 6.4
- vii) Consortium Agreement as per Format 6.5 (if applicable)
- viii) Letter for Disclosure, as per format 6.6

(b) **Pass-Phrase Envelope-1** : Containing Pass Phrase for Technical Bid duly stamped and signed by the authorized signatory in sealed envelope.

(c) **Pass-Phrase Envelope-2** : Containing Pass Phrase for Financial Bid duly stamped and signed by the authorized.

The bidding envelope shall contain the following sticker: (illustration)

<i>Response to RfS for procurement of 500 MW of Power from Intra-State Grid-Connected Solar Power Projects (Phase – VI)</i>	
<i>Cumulative Capacity of the project applied for</i>	___MW
<i>No. of Locations Bid for</i>	
<i>RfS Reference No.</i>	
<i>Submitted by</i>	<i>(Enter Full name and address of the Bidder)</i>
<i>Authorized Signatory</i>	<i>(Signature of the Authorized Signatory)</i> <i>(Name of the</i>
<i>Bid Submitted to</i>	Chief Engineer (Renewable Energy) Maharashtra State Electricity Distribution Co. Ltd. Office of the Chief Engineer (Renewable Energy) “Prakashgad”, 5th Floor, Station Road, Bandra (E), Mumbai -400 051. Tel.: 26474211

B. Documents to be submitted Online:

Detail instructions to be followed by the bidders for online submission of response to RfS as stated as **Annexure-D and E**. The bidders shall strictly follow the instructions mentioned in the electronic form in respective technical bid and financial bid while filling the form.

If the Bidder has submitted offline documents and fails to submit the online bid, then the same shall be treated as incomplete bid and Cost of RfS, Processing fee submitted shall be encashed and the EMD(s) shall be returned.

All documents of the response to RfS submitted online must be digitally signed on <https://www.bharat-electronictender.com> which should contain the following:

1. “Technical Bid (First Envelope)”

The Bidder shall upload single technical bid containing the **scanned copy** of following documents duly signed and stamped on each page by the authorized person as mentioned below.

- i. Formats - 6.1, 6.2 (if applicable), 6.3 A, 6.4, 6.5 (if applicable), 6.6
- ii. All supporting documents regarding meeting the eligibility criteria.
- iii. The bidder will have to fill the Electronic Form provided at <https://etender.mahadiscom.in> as part of Technical Bid.

2. “Financial Bid (Second Envelope)”

Bidders shall submit the single Financial Bid containing the scanned copy of following document(s):

Covering letter as per Format-6.7 of this RfS document;

Only single tariff bid for all the Projects shall have to be filled online in the Electronic Form provided at <https://etender.mahadiscom.in>. The instructions mentioned in the Financial Bid Electronic Form have to be strictly followed without any deviation; else the bid shall be considered as non-responsive.

Important Note:

- a) The Bidders shall not deviate from the naming and the numbering formats mentioned above, in any manner.
- b) Wherever mentioned, the Bidder must clearly indicate the Category under which the respective Project is being proposed. In case of any discrepancy, the Bid will be liable for rejection.
- c) In each of the Envelopes, all the documents enclosed shall be indexed and flagged appropriately, with the index list indicating the name of the document against each flag.
- d) All the Envelopes shall be properly sealed with the signature of the Authorized Signatory running across the sealing of the envelopes.

3.22 Validity of the Response to RfS

The Bidder shall submit the response to RfS which shall remain valid up to One Hundred Eighty (180) days from the last date of submission of response to RfS (“Bid Validity”). MSEDCL reserves the right to reject any response to RfS which does not meet the aforementioned validity requirement.

3.23 Bid Preparation cost

The Bidder shall be responsible for all the costs associated with the preparation of the response to RfS and participation in discussions and attending pre-bid meeting(s), etc. MSEDCL shall not be responsible in any way for such costs,

regardless of the conduct or outcome of the bid process.

3.24 Clarifications/Pre Bid meeting/ Enquires/ Amendments

- i. Clarifications / Doubts, if any, on RfS document may be emailed and/or through <https://www.bharat-electronictender.com>
- ii. MSEDCL will make effort to respond to the same in the Pre-Bid Meeting to be held as mentioned in the Bid Information Sheet. A compiled list of such questionnaire and MSEDCL's response will be uploaded in the <https://www.bharat-electronictender.com>. If necessary, amendments, clarifications, elaborations shall be issued by MSEDCL which will be notified on <https://www.bharat-electronictender.com>. No separate reply/intimation will be given for the above, elsewhere.
- iii. A Pre Bid Meeting shall be held as mentioned in the Bid Information sheet.

3.25 Right of MSEDCL to reject a Bid:

MSEDCL reserves the right to reject any or all of the responses to RfS or cancel the RfS or annul the bidding process for any project at any stage without assigning any reasons whatsoever and without thereby any liability.

3.26 Pre and Post LoA Compliance :

Timely completion of all milestones i.e. signing of PPA, meeting Financial Closure requirements, conditions subsequent, commissioning, etc. will be the sole responsibility of the Successful Bidders and MSEDCL shall not be liable for issuing any intimations / reminders to them for timely compliance of milestones and/or submission of compliance documents.

Any checklist shared with the Bidders / Successful Bidders by MSEDCL for compliance of milestones shall be for the purpose of facilitation only. Any additional documents required as per the conditions of RfS and PPA must be timely submitted by the Bidders / Successful Bidders.

SECTION 4: BID EVALUATION AND SELECTION OF PROJECTS

