

**FORMAT S6: Declaration**

(Applicable to Individual farmers or Group of farmers or Cooperatives or panchayats or Farmer Producer Organizations (FPO) or Water User associations (WUA) or Government agricultural institute or other agriculture related institutions applying under self-development mode)

Ref. no.: MPUVN/KUSUM-A/2021-22/\_\_\_\_\_ dated \_\_\_\_\_

I/ We have carefully read and understood the Terms and Conditions of the RFP and agree to abide by them. I/ We accept and undertake, the following statements that,

1. I/ We have carefully read and understood terms and conditions of above referenced RFP and associated PPA and their corrigenda/ addenda/ amendments issued from time to time before bid submission end date (collectively called as "RfP Documents"). In case, at any stage of bidding process or after award of work, our bid or award of work is found non-compliant with any provisions of RfP Documents or any of our undertakings/ declarations are found wrong/ unsolicited/ misrepresented/ unfulfilled, we unconditionally declare and undertake to accept, without any responsibility/ accountability/ implications/ liabilities/ obligations on anyone other than us, decision of competent authority as appropriate, including rejection of our bid and/ or cancellation of award of work, without prejudice to any other rights that competent authority may be entitled to exercise as per law or under provisions of RfP documents
2. I/ We have, in last 3 years, not been Black listed or debarred or otherwise for any Supply of Goods / Services / Works by any Ministry / Department / PSU of Central Government / Any of the State Government(s), anytime / anywhere in the Country or have failed to execute any previous work of MPUVNL.
3. I/ We solemnly undertake that, the responsibility of execution of the Work as per the terms and conditions of the RFP/ Contract Agreement shall be entirely ours.
4. Except as required by nodal agency, we/ I have not taken support from any of the independent Consultant or Consulting Agency who is associated with Nodal Agency in any form while preparing RFP.
5. I/ We are aware that, I/ we should ensure compliance to the all MNRE's order/ rule/ guidelines pertaining to KUSUM – A till date.

If this Declaration is found to be incorrect or if any RFP Condition is found violated by us, then without prejudice .....(*Insert Bidder's Name*)including our Members, shall be suspended/ debarred from participating in upcoming tenders issued by any department of MP State Government for a period of 5 years from the date of default as notified by MP Urja Vikas Nigam Limited. and the Proposal to the Extent of Acceptance / anytime during Execution of Assignment may be cancelled.

(Signature of Authorized Signatory)

Name& Address:

**FORMAT S7: Power of Attorney**

(Applicable to Group of farmers or Cooperatives or panchayats or Farmer Producer Organizations (FPO) or Water User associations (WUA) or Government agricultural institute or other agriculture related institutions applying under self-development mode)

*(To be stamped on non – judicial stamp paper of minimum INR 1000 value)*

- a) Power of Attorney to be provided by the Bidder in favour of its representative as evidence of authorized signatory's authority.
- b) Know all men by these presents, we (name and address of the registered office of the Bidder as applicable) do hereby constitute, appoint and authorize Mr./ Ms. (name & residential address) who is presently employed with us and holding the position of \_\_\_\_\_ as our true and lawful attorney, to do in our name and on our behalf, all such acts, deeds and things necessary in connection with or incidental to submission of our Bid for Selection of Solar Power Developer for Design, Engineering, Supply, Installation, Testing and Commissioning including construction of bay and related switchgear at sub-station along with Comprehensive Operation & Maintenance (for twenty-five (25) Operational Years of Grid Connected Solar based Power Plants (SPPs) of aggregate capacity of approximate 225 MW for Sale of Solar Power to MPPMCL at the delivery point in each substation at various locations in the state of Madhya Pradesh, India in response to the RFP No. 1482 Dated: 30.07.2021 issued by Nodal Agency including signing and submission of the Bid and all other documents related to the Bid, including but not limited to undertakings, letters, certificates, acceptances, clarifications, guarantees or any other document which the Nodal Agency may require us to submit. The aforesaid Attorney is further authorized for making representations to the Madhya Pradesh Urja Vikas Nigam Limited and providing information / responses to Nodal Agency representing us in all matters before Nodal Agency and generally dealing with Nodal Agency in all matters in connection with Bid till the completion of the bidding process as per the terms of the above mentioned in RFP.
- c) We hereby agree to ratify all acts, deeds and things done by our said attorney pursuant to this Power of Attorney and that all acts, deeds and things done by our aforesaid attorney shall be binding on us and shall always be deemed to have been done by us.
- d) All the terms used herein but not defined shall have the meaning ascribed to such terms under the RFP.

\_\_\_\_\_  
Signed by the within named

(Insert the name of the executant)

through the hand of

Mr \_\_\_\_\_

duly authorized by the all signees to issue such Power of Attorney

Dated this \_\_\_\_\_ day of \_\_\_\_\_

Accepted

\_\_\_\_\_  
Signature of Attorney

Name:

Address:

Aadhar Card/ PAN Card Number:

Attested

\_\_\_\_\_  
(Signature of the executant)

Name:

Address of the Attorney:

Aadhar Card/ PAN Card Number:

\_\_\_\_\_  
Signature and stamp of Notary of the place of execution

Common seal of \_\_\_\_\_ has been affixed in my/ our presence pursuant to Board of  
Director's Resolution dated

WITNESS

\_\_\_\_\_  
(Signature)

Name:

Address,

Aadhar Card/ PAN Card Number:

(Signature)

Name:

Address,

Aadhar Card/ PAN Card Number:

**FORMAT S8: Format for Joint Bidding Agreement**

(Applicable to Group of farmers, Cooperatives, Panchayats, Farmer Producer Organizations (FPO), Water User associations (WUA), Government Agricultural Institutes and other agriculture related institutions applying under self-development mode)

**Joint Bidding Agreement Format for Participation in**

**“Request for Proposal (RFP)**

**For Selection of Solar Power Developer**

**For**

Design, Engineering, Supply, Installation, Testing and Commissioning including construction of bay and related switchgear at sub-station along with Comprehensive Operation & Maintenance (for twenty-five (25) Operational Years of Grid Connected Solar based Power Plants (SPPs) of aggregate capacity of approximate 225 MW for Sale of Solar Power to MPPMCL at the delivery point in each substation at various locations in the state of Madhya Pradesh, India.

*(To be stamped at non judicial stamp paper of minimum INR 1000)*

THIS JOINT BIDDING AGREEMENT is entered into on this \_\_\_\_ day of \_\_\_\_\_ 2021.

**AMONGST**

\_\_\_\_\_ (name of member who is assigned to power of attorney) and having its registered office/ residence at \_\_\_\_\_ (Hereinafter referred to as the **“First Part” or “Lead Member”** which expression shall, unless repugnant to the context include its successors and permitted assigns)

**AND**

\_\_\_\_\_ (name of all members) Having its residence/ registered office at \_\_\_\_\_. (Hereinafter referred to as the **“Second Part” or “Member”** which expression shall, unless repugnant to the context include its successors and permitted assigns).

The above-mentioned parties of the First and Second are collectively referred to as the **“Parties”** and each is individually referred as a **“Party”**.

**WHERE AS,**

i. Madhya Pradesh Urja Vikas Nigam Ltd. (hereinafter referred to as the **“MPUVNL”** which expression shall, unless repugnant to the context or meaning thereof, include its administrators, successors and assigns) has invited applications (the **“Applications”**) by its RFP No: 1482

Dated 30.07.2021 for award of the rate contract/ work under “Selection of Solar Power Developer for Design, Engineering, Supply, Installation, Testing and Commissioning including construction of bay and related switchgear at sub-station along with Comprehensive Operation & Maintenance (for twenty-five (25) Operational Years of Grid Connected Solar based Power Plants (SPPs) of aggregate capacity of approximately 225 MW for Sale of Solar Power to MPPMCL at the delivery point in each substation at various locations in the state of Madhya Pradesh, India (hereinafter called “**Project (s)**”) and Selection of Solar Power Developer for the same.

ii. The Parties are interested in jointly bidding for the Project as members of *Group of farmers/ Cooperatives/ Panchayat/ Farmer Producer Organizations (FPO)/ Water User associations (WUA)* in accordance with the terms and conditions of the RFP document and other bid documents in respect of the Project, and

iii. It is a necessary condition under the RFP document that, the members of *Group of farmers/ Cooperatives/ Panchayat/ Farmer Producer Organizations (FPO)/ Water User associations (WUA)* shall enter into a joint bidding agreement and furnish a copy thereof with the Application.

**NOW IT IS HEREBY AGREED as follows:**

### **Definitions and Interpretations**

In this agreement, the capitalized terms shall, unless the context otherwise require, have the Meaning ascribed thereto under the above mentioned RFP.

### **1. Joint Bidding Agreement**

The Parties do hereby irrevocably constitute a joint bidding agreement (the “**Joint Bidding Agreement**”) for the purposes of jointly participating in the Bidding Process. The Parties hereby undertake to participate in the Bidding Process in a Project Group as per FORMAT S7: Power of Attorney of this RFP, only through this *Group of farmers/ Cooperatives/ Panchayat/ Farmer Producer Organizations (FPO)/ Water User associations (WUA)*, and not individually and/ or through any other consortium constituted for this RFP, either directly or indirectly or through any of their Affiliate(s).

### **2. Role of the Members**

The Members hereby undertake to perform the roles and responsibilities as described below:

- a) The Member agree to submit bid as *Group of farmers/ Cooperatives/ Panchayat/ Farmer Producer Organizations (FPO)/ Water User associations (WUA)* for following Substations:

Sr No	District	Tehsil	Village	SubstationName	Capacity quoted(in kW)

Sr No	District	Tehsil	Village	SubstationName	Capacity quoted(in kW)

- b) First Part shall have the power of attorney from all members of *Group of farmers/ Cooperatives/ Panchayat/ Farmer Producer Organizations (FPO)/ Water User associations (WUA)* for conducting all business for and on behalf of the *Group of farmers/ Cooperatives/ Panchayat/ Farmer Producer Organizations (FPO)/ Water User associations (WUA)* during the Bidding Process and after its selection as Successful Bidder.
- c) First Part would be responsible and obligated for successful execution of all work awarded to them by MPUVNL and in no circumstances the same shall be the responsibility of Second Part. Pursuant to selection of Successful Bidder as per criteria delineated in the RFP, all obligations as per RFP shall be borne by the First Part.
- d) Second Part shall work in accordance with roles and responsibilities assigned to them by First Part as a part of their internal understanding.
- e) Members of *Group of farmers/ Cooperatives/ Panchayat/ Farmer Producer Organizations (FPO)/ Water User associations (WUA)* have agreed and documented clearly stated roles and responsibilities between First Part and Second Part for execution of work awarded by MPUVNL.

### 3. Termination

This Agreement shall be effective from the date hereof and shall continue in full force and effect until the Bid Validity Period of Award and further in accordance with the LOA subsequently issued if bid arrives as successful. However, in case the *Group of farmers/ Cooperatives/ Panchayat/ Farmer Producer Organizations (FPO)/ Water User associations (WUA)* is either not pre-qualified for the Project or does not get selected for Award of the work, the Agreement will stand terminated in case the Applicant is not pre-qualified.

### 4. Miscellaneous

This Joint Bidding Agreement shall be governed by laws of India. The Parties acknowledge and accept that this Agreement shall not be amended by Parties without the prior written consent of the MPUVNL. Party of First Part would decide on the representative of joint bidding agreement at MPUVNL.

IN WITNESS WHERE OF THE PARTIES ABOVE NAMED HAVE EXECUTED AND DELIVERED  
THIS AGREEMENT AS OF THE DATE FIRST ABOVE WRITTEN.

SIGNED, SEALED AND DELIVERED For  
and on behalf of First Part or Lead Member by:

(Signature)

(Name & Designation)

(Organization Name)

(Address)

In Presence of:

Witness -1

Witness -2

SIGNED, SEALED AND DELIVERED For  
and on behalf of Second Part or Member:

(Signature)

(Name & Designation)

(Organization Name)

(Address)

In Presence of:

Witness -1

Witness -2

### **SECTION VIII: FORMATS TO BE SUBMITTED BY BIDDERS UNDER DEVELOPER MODE**

Formats under this section shall be submitted by Bidders applying under Developer Mode. Bidder should be a body corporate incorporated in India under the Companies Act, 1956 or 2013 including any amendment thereto or a Partnership Firm having executed partnership deed and registered as per sections 58 & 59 of the Partnership Act, 1932, as amended or a Limited Liability Partnership Firm (LLP) registered under section 12 of Limited Liability Partnership Act, 2008, as amended or registered Sole Proprietor.



**CHECK LIST FOR BIDDERS PARTICIPATING UNDER DEVELOPER MODE**

Under developer mode, bidder should be a body corporate incorporated in India under the Companies Act, 1956 or 2013 including any amendment thereto or a Partnership Firm having executed partnership deed and registered as per sections 58 & 59 of the Partnership Act, 1932, as amended or a Limited Liability Partnership Firm (LLP) registered under section 12 of Limited Liability Partnership Act, 2008, as amended or registered Sole Proprietor.

**1. Checklist Envelope - I**

Sr. No.	Particular	Format No.	Page No	Document uploaded online (Yes/ No)
1	Covering Letter	D1		
2	General Particulars of the Bidder	D2		
3	Bid Security Declaration	D4		
4	Proof of Bid Processing Fee Submission	-		

**2. Checklist Envelope - II**

Sr. No.	Particular	Format No.	Page No	Document uploaded online (Yes/ No)
1.	Shareholding certificate	D3		
2.	Power of attorney for authorized signatory on appropriate value stamp paper	D5		
3.	Financial eligibility criteria	D6		
4.	Relationship with affiliate	D7		
5.	Undertaking from Affiliate of Bidder/ Lead Member/ Member of Consortium, as applicable	D8		
6.	Consortium Agreement Format	D9		
7.	Power of attorney in favor of lead member of consortium	D10		
8.	Declaration	D11		

**3. Main Envelope**

- Both envelopes will be kept under the main envelope.
- On each envelope, name and address of bidder and scheme name will be mentioned.
- All bid document should be duly spiral bound and compiled with page numbers.
- Page number should also be indicated in the check list for ease of checking the documents.

Signature

Name:

**FORMAT D1: Covering Letter**

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

**Ref. No.** \_\_\_\_\_ (Please insert RfP No)

**Date:** \_\_\_\_\_

**From:** Insert name and address of Bidder

**Tel.:** \_\_\_\_\_

**E-mail:** \_\_\_\_\_

**To,**

Chief Engineer

Madhya Pradesh Urja Vikas Nigam Limited

(A Government of Madhya Pradesh Enterprise)

Urja Bhawan, Link Road No. 2,

Shivaji Nagar, Bhopal - 462016

Sub: Request for Proposal (RFP) for Selection of Solar Power Developer setting up of Grid connected Solar based Power Plants (SPP) of capacity 500 kW to 2 MW under PM KUSUM Scheme for sale of power to MPPMCL

Dear Sir,

- a) We, the undersigned \_\_\_\_\_ [insert name of the Bidder] having read, examined and understood in detail the Request for Proposal (RFP) for Design, Engineering, Supply, Installation, Testing and Commissioning including construction of bay and related switchgear at sub-station along with Comprehensive Operation & Maintenance (for twenty-five (25) Operational Years of Grid Connected Solar based Power Plants (SPPs) of aggregate capacity of approximate 225 MW for Sale of Solar Power to MPPMCL at the delivery point in each substation at various locations in the state of Madhya Pradesh, India, hereby submit our Bid comprising of Financial Bid and Technical Bid. We confirm that neither we nor any of our Affiliate (if applicable) has submitted Bid other than this Bid directly or indirectly in response to the aforesaid RFP.
- b) We give our unconditional acceptance to the RFP attached thereto, issued by Madhya Pradesh Urja Vikas Nigam Limited, as amended. As a token of our acceptance to the RFP, the same have been initialled by us and enclosed to the Bid.

We shall ensure that we execute such RFP as per the provisions of the RFP and provisions of such RFP shall be binding on us.

**c) Project Groups**

We are pleased to submit our bid for the following substations as mentioned in table<sup>2</sup> below:

Sr No	District	Tehsil	Village	Substation Name	Capacity quoted (in kW)

**d) Bid Security Declaration**

We have enclosed Bid Security Declaration.

**e) Acceptance**

We hereby unconditionally and irrevocably agree and accept that the decision made by Nodal Agency in respect of any matter regarding or arising out of the RFP shall be binding on us. We hereby expressly waive any and all claims in respect of Bid process.

We confirm that there are no litigations or disputes against us, which materially affect our ability to fulfil our obligations with regard to execution of projects of capacity offered.

**f) Familiarity with Relevant Indian Laws & Regulations**

We confirm that we have studied the provisions of the relevant Indian laws and regulations as required to enable us to submit this Bid and execute the RFP, in the event of our selection as Bidder. We further undertake and agree that all such factors as mentioned in RFP have been fully examined and considered while submitting the Bid.

We undertake that we have satisfied ourselves with the site conditions of the projects and our proposed financial bid takes into consideration the existing site conditions.

**g) Contact Person**

Details of the contact person are furnished as under:

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<sup>2</sup>Please insert the rows according to the number of applied sub-stations by bidder.

Particulars	Description
Name	
Designation	
Company	
Address	
Phone Nos.	
E-mail address	

We confirm that our bid shall remain valid for a period of one hundred and eighty (180) Days from Bid Deadline. We are enclosing herewith the Envelope-I (Covering letter, Processing fee and Bid Security Declaration) and Envelope-II (Technical documents as per applicable mode; Self-development mode or Developer mode) containing duly signed formats, each one duly sealed separately, in one original as desired by you in the RFP for your consideration.

It is confirmed that our Bid is consistent with all the requirements of submission as stated in the RFP and subsequent communications from Nodal Agency. The information submitted in our Bid is complete, strictly as per the requirements stipulated in the RFP and is correct to the best of our knowledge and understanding. We would be solely responsible for any errors or omissions in our Bid. We confirm that all the terms and conditions of our Bid are valid for acceptance for a period of one hundred and eighty days, confirm that we have not taken any deviations, so as to be deemed non-responsive.

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 2021

Thanking you,

We remain,

Yours faithfully,

(Signature of Authorized Person in whose name Power of Attorney/ Board Resolution)

**Name:**

**Designation:**

**Organization Stamp:**

**FORMAT D2: General Particulars of the Bidder under Developer mode**

1.	Name of the Bidder	
2.	Type of Bidders (Company/ Limited Liability Partnership (LLP) firm/ Partnership Firm/ Sole Proprietor)	
3.	Is proof for the bidder eligibility is attached (e.g. certificate of incorporation etc.)	Yes/ No
4.	Address for communication	
5.	E-mail	
6.	Website	
7.	Authorized Contact Person(s) with name, designation, Address and Mobile Phone No., E-mail address/ Fax No. to whom all references shall be made	
8.	Year of Incorporation (as applicable)	
9.	Have the Bidder/ Company debarred preceding 3 years from bid submission date by any Govt. Dept. / undertaking for undertaking any work	Yes/ No
10.	Reference of any documentation formation attached by the Bidder other than specified in the RFP.	
11.	Whether the Bidder wishes to form a Project Company for execution of work	Yes/ No
12.	Bidder is listed in India (as applicable)	Yes/ No
13.	GSTIN No. (if Applicable)	
14.	PAN No.	
15.	Certificate of Incorporation of Bidder/ Affiliate (as applicable) enclosed	Yes/ No
16.	Partnership deed for LLP/ Sole Proprietor registration (as applicable) enclosed	Yes/ No

\_\_\_\_\_  
(Signature of Authorized Signatory)

**Name:**

**Designation:**

**Organization Stamp:**

**FORMAT D3: Shareholding certificate for company / partner contribution in a partnership firm (as applicable)**

To Be Issued by CA

**SHAREHOLDING CERTIFICATE FOR COMPANY**

<b>Name of the Equity holder</b>	<b>Type and Number of shares owned</b>	<b>% of equity holding</b>	<b>Extent of Voting rights</b>

OR

**PARTNER CONTRIBUTION IN A PARTNERSHIP FIRM**

<b>Name of Partner</b>	<b>Capital Contribution (Rs)</b>	<b>% of Ownership in the Firm</b>

\_\_\_\_\_  
(Signature of Authorized Signatory) With Stamp

\_\_\_\_\_  
(Signature of Company Secretary/ Director/ Chartered Accountant)

**FORMAT D4: Bid Security Declaration**

*(To be stamped on non – judicial stamp paper of minimum INR 500)*

**Date:**

Ref: \_\_\_\_\_ *(please insert the RfP Number)*

**Name of Bidder:**

Mobile Number:

Details of applied sub-stations for solar power plants:

<b>Sr No</b>	<b>District</b>	<b>Tehsil</b>	<b>Village</b>	<b>Substation Name</b>	<b>Capacity quoted (in kW)</b>
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Subject: Declaration for bid security requirement.

We, \_\_\_\_\_(insert name of the Bidder) hereby provide this undertaking to MP Urja Vikas Nigam Limited, in respect to our response to RfP vide RfP No. 1482 dated 30.07.2021.

We undertake that we will abide by the provisions of the RfP for the activities pertaining to submission of response to RfP, during the bid validity period. We undertake not to withdraw or modify our bid during the bid validity period, in line with provisions of the RfP. In case we withdraw or modify our response to the RfP during the bid validity period, or violate other provisions of the RfP which make the bid non-responsive under Clause 4.2 of the RfP, we, \_\_\_\_\_ (insert name of the bidder) including our Members, Parent, Ultimate Parent, and our Affiliates shall be suspended/ debarred from participating in upcoming tenders issued by any department of MP State Government for a period of 5 years from the date of default as notified by MP Urja Vikas Nigam Limited.

(Signature of the Authorized Signatory)

**Name:**

**Designation:**

**Organization Stamp:**

**FORMAT D5: Power of Attorney**

*(To be stamped on non – judicial stamp paper of minimum INR 1000)*

- a) Power of Attorney to be provided by the Bidder in favour of its representative as evidence of authorized signatory's authority.
- b) Know all men by these presents, we (name and address of the registered office of the Bidder as applicable) do hereby constitute, appoint and authorize Mr./ Ms. (name & residential address) who is presently employed with us and holding the position of \_\_\_\_\_ as our true and lawful attorney, to do in our name and on our behalf, all such acts, deeds and things necessary in connection with or incidental to submission of our Bid for Selection of Solar Power Developer for Design, Engineering, Supply, Installation, Testing and Commissioning including construction of bay and related switchgear at sub-station along with Comprehensive Operation & Maintenance (for twenty-five (25) Operational Years of Grid Connected Solar based Power Plants (SPPs) of aggregate capacity of \_\_\_\_\_ MW for Sale of Solar Power to MPPMCL at the delivery point in each substation at various locations in the state of Madhya Pradesh, India in response to the RFP No 1482 Dated: 30.072021 issued by Nodal Agency including signing and submission of the Bid and all other documents related to the Bid, including but not limited to undertakings, letters, certificates, acceptances, clarifications, guarantees or any other document which the Nodal Agency may require us to submit. The aforesaid Attorney is further authorized for making representations to the Madhya Pradesh Urja Vikas Nigam Limited and providing information / responses to Nodal Agency representing us in all matters before Nodal Agency and generally dealing with Nodal Agency in all matters in connection with Bid till the completion of the bidding process as per the terms of the above mentioned in RFP.
- c) We hereby agree to ratify all acts, deeds and things done by our said attorney pursuant to this Power of Attorney and that all acts, deeds and things done by our aforesaid attorney shall be binding on us and shall always be deemed to have been done by us.
- d) All the terms used herein but not defined shall have the meaning ascribed to such terms under the RFP.

\_\_\_\_\_  
Signed by the within named

(Insert the name of the executant's/ executant's company)

through the hand of

Mr \_\_\_\_\_

duly authorized by the Board to issue such Power of Attorney



Dated this \_\_\_\_\_ day of \_\_\_\_\_

Accepted

\_\_\_\_\_

Signature of Attorney

Name:

Designation:

Address of the Attorney:

Attested

\_\_\_\_\_

(Signature of the executant)

Name:

Designation:

Address of the executant:

\_\_\_\_\_

Signature and stamp of Notary of the place of execution

Common seal of \_\_\_\_\_ has been affixed in my/ our presence pursuant to Board of Director's Resolution dated \_\_\_\_\_

WITNESS

\_\_\_\_\_

(Signature)

Name \_\_\_\_\_

Designation \_\_\_\_\_

Name of Organization (Stamp) \_\_\_\_\_

(Signature)

Name \_\_\_\_\_

Designation \_\_\_\_\_

Name of Organization (Stamp) \_\_\_\_\_

**FORMAT D6: Financial Eligibility Criteria Requirement**

(To be submitted on the CA/ Statutory Auditor's Letterhead, duly sealed and signed by CA/  
Statutory Auditor)

To,

**Chief Engineer**

Madhya Pradesh Urja Vikas Nigam Limited

(A Government of Madhya Pradesh Enterprise)

Urja Bhawan, Link Road No. 2,

Shivaji Nagar, Bhopal - 462016

Ref.: RFP No. 1482 dated 30.07.2021 and corrigenda/ addenda/ amendments thereof

Dear Sir,

Sub: Financial eligibility fulfilment in response to above referred RFP

We, M/ s \_\_\_\_\_ (Mentioned the Name of Chartered Auditor), Chartered Accountant (CA) and authorized by below mentioned entities to certify their net-worth and/ or turnover for FY19, FY20 and FY21, as applicable according to the clause 3.12.6, do hereby certify and state the following:

Based on audited annual accounts, net worth (latest of FY20 or FY21) and/ or turnover (continuous 2 years among FY19, FY20 or FY21) of below mentioned entities are as mentioned in table below:

Name of Entity being evaluated (Lead Member in case of Consortium)	Name of Affiliate in case its Financial Strength being used	Financial Year	Financial Parameters	
			Net worth (INR Lakh)	Turn over (in Cr)
		FY 19		
		FY 20		
		FY 21		

Consortium Member (if Applicable)

Name of Consortium Partner	Financial Year	Financial Parameters	
		Net worth(INR Lakh)	Turn over (in Cr)

Name of Consortium Partner	Financial Year	Financial Parameters	
		Net worth(INR Lakh)	Turn over (in Cr)
	FY 19		
	FY 20		
	FY21		

The relevant financial statement for respective years shall be enclosed, duly signed by authorised signatory.

Note:

1. Please attached audited financial statements (balance sheets, including all related notes, and income statements)clearly mentioning the UDIN number, for the years required above complying with the following condition:
  - a. Must reflect the financial situation of the Bidder as well as a member of a Consortium (if applicable), and not sister or parent companies;
  - b. Historic financial statements must be audited by a certified public accountant;
  - c. Historic financial statements must correspond to accounting periods already completed and audited. No statements for partial periods shall be accepted;
  - d. Should be submitted on the letter head of the public accountant.
2. Net worth and turnover will be calculated as per methodology under the clause 3.12.6 of RfP no. 1482 dated 30.07.2021, and its amendments/ corrigenda etc.
3. The bidders shall declare in undertaking (Format-D8) the criteria on which they fulfil the financial eligibility as per the provisions of this RFP.
4. Audited consolidated annual accounts of the Bidder may also be used for the purpose of financial criteria provided the Bidder has at least 26% equity and control in each company whose accounts are merged in the audited consolidated accounts and provided further that the financial capability of such companies (of which accounts are being merged in the consolidated accounts) shall not be considered again for the purpose of evaluation of the Bid.

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

Registration No.: \_\_\_\_\_

Registered office: \_\_\_\_\_

Date: \_\_\_\_\_

Place: \_\_\_\_\_

Signature and stamp (on each page) of Chartered Accountant/ Statutory Auditors of Bidder

**FORMAT D7: Format for certificate of relationship of affiliate with the bidder**  
(CA/ statutory auditor's certificate to be submitted by Bidder/ Lead Member on behalf of self, as applicable)

To,

Chief Engineer,  
Madhya Pradesh Urja Vikas Nigam Limited  
Urja Bhawan, Link Road No. 2,  
Shivaji Nagar, Bhopal - 462016

Ref.: RFP no. 1482 dated 30.07.2021 and corrigenda/ addenda/ amendments thereof

Dear Sir,

Sub: Relationship of lead member with affiliate bidder

We hereby certify that M/ s\_\_\_\_\_,M/ s\_\_\_\_\_,M/ s\_\_\_\_\_, are the Affiliate(s) of the Bidder as per the definition of Affiliate as provided in this RFP and based on details of equity holding as on seven (7) Days prior to the Bid Deadline.

The details of equity holding of the Affiliate / Bidder or vice versa as on seven (7) Days prior to the Bid Deadline are given as below:

a) In case of Bidder being Company/ LLP/ Partnership Firm/ Sole – Proprietor:

Name of Company/ LLP/ Partnership Firm/ Sole – Proprietor	Name of the Affiliate	Details of Equity Holding

OR

b) In case of Bidder being member of the Consortium

Name of Member of Consortium	Name of the Affiliate	Details of Equity Holding

Yours Faithfully

\_\_\_\_\_  
Signature of Statutory Auditor

**Name:**

**Designation:**

**Organization Stamp:**

**FORMAT D8: Undertaking Form**

Undertaking from Affiliate of Bidder/ Lead Member/ Member of Consortium, as applicable

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

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

Telephone No.: \_\_\_\_\_

E-mail address:\_\_\_\_\_

To,

\_\_\_\_\_

Dear Sir,

- a) We refer to the RFP No: 1482 Dated: 30.07.2021 for Request for Proposal (RFP) for Selection of Solar Power Developer for Design, Engineering, Supply, Installation, Testing and Commissioning including construction of bay and related switchgear at sub-station along with Comprehensive Operation & Maintenance (for twenty-five (25) Operational Years of Grid Connected Solar based Power Plants (SPPs) of aggregate capacity of approximately 225MW for Sale of Solar Power to MPPMCL at the delivery point in each substation at various locations in the state of Madhya Pradesh, India.
- b) We have carefully read and examined in detail the RFP regarding submission of an undertaking, as per the prescribed Format of the RFP.
- c) We confirm that M/ s \_\_\_\_\_ (Insert name of Bidder) is our Affiliate on the following basis:
- d) that M/ s (Insert name of Bidder) has been authorized by us to use our financial capability for meeting the Financial Eligibility as specified in the RFP referred to above in terms of Net worth and/ or Turnover.
- e) We have also noted the amount of the Performance Guarantees and Bid Security required to be submitted as per the RFP by (Insert the name of the Bidder) in the event of it being selected as the SPD.
- f) In view of the above, we hereby undertake to you and confirm that in the event of failure of (Insert name of the Bidder) to submit the Performance Guarantees in full or in part at any stage and Bid Security declaration, as specified in the RFP, we shall submit the Performance Guarantee and Bid Security declaration not submitted by (Insert name of the Bidder)".
- g) We also undertake that we shall maintain our relationship with M/ s \_\_\_\_\_(insert name of bidder) so that it is in accordance with principles of 'Control' and 'Affiliate' laid out in RfP No. **1482** Dated:30.07.2021. **(in case of affiliate)**
- h) We have attached hereto certified true copy of the Board Resolution, whereby the Board of Directors of our Company has approved issue of this Undertaking by the Company.

- i) All the terms used herein but not defined, shall have the meaning as ascribed to the said terms under the RFP.

\_\_\_\_\_  
Signature of Chief Executive Officer/ Managing Director/ Authorized Signatory

Common seal of has been affixed in my/ our presence pursuant to Board of Director's Resolution dated.

Name:

Designation:

Name of Organization:

WITNESS

\_\_\_\_\_  
(Signature)

Name:

Designation:

Name of Organization:

\_\_\_\_\_  
(Signature)

Name:

Designation:

Name of Organization:

**FORMAT D9: Format for Consortium Agreement for Participation in  
Request for Proposal (RFP)**

**for**

**Selection of Solar Power Developer**

**for**

Design, Engineering, Supply, Installation, Testing and Commissioning including construction of bay and related switchgear at sub-station along with Comprehensive Operation & Maintenance (for twenty-five (25) Operational Years of Grid Connected Solar based Power Plants (SPPs) of aggregate capacity of approximately 225MW for Sale of Solar Power to MPPMCL at the delivery point in each substation at various locations in the state of Madhya Pradesh, India.

*(To be stamped as per the stamp act of the state where the document is made, on minimum INR 1000 value non judicial stamp paper)*

THIS JOINT BIDDING AGREEMENT is entered into on this \_\_\_\_ day of \_\_\_\_ 2021.

**AMONGST**

{\_\_\_\_\_, party on **First Part** of consortium} and having its registered its registered office at \_\_\_\_\_ (Hereinafter referred to as the **“First Part” or “Lead Member”** which expression shall, unless repugnant to the context include its successors and permitted assigns)

**AND**

\_\_\_\_\_. Having its registered office at \_\_\_\_\_. (Hereinafter referred to as the **“Second Part” or “Member”** which expression shall, unless repugnant to the context include its successors and permitted assigns)

The above-mentioned parties of the First and Second are collectively referred to as the **“Parties”** and each is individually referred as a **“Party”**

**WHERE AS,**

i. Madhya Pradesh Urja Vikas Nigam Ltd. (hereinafter referred to as the **“MPUVNL”** which expression shall, unless repugnant to the context or meaning thereof, include its administrators, successors and assigns) has invited applications (the **“Applications”**) by its RFP No: 1482 Dated: 30.07.2021 for award of the rate contract/ work under “Selection of Solar Power Developer for Design, Engineering, Supply, Installation, Testing and Commissioning including construction of bay and related switchgear at sub-station along with Comprehensive Operation & Maintenance (for twenty-five (25) Operational Years of Grid Connected Solar based Power Plants



(SPPs) of aggregate capacity of approximate 225 MW for Sale of Solar Power to MPPMCL at the delivery point in each substation at various locations in the state of Madhya Pradesh, India (hereinafter called “**Project (s)**”) and Selection of Solar Power Developer for the same.

ii. The Parties are interested in jointly bidding for the Project as members of consortium in accordance with the terms and conditions of the RFP document and other bid documents in respect of the Project, and

iii. It is a necessary condition under the RFP document that the members of the Consortium shall enter into a Consortium agreement and furnish a copy thereof with the Application.

**NOW IT IS HEREBY AGREED as follows:**

**Definitions and Interpretations**

In this agreement, the capitalized terms shall, unless the context otherwise require, have the Meaning ascribed thereto under the above mentioned RFP.

**1. Consortium**

The Parties do hereby irrevocably constitute a consortium (the “**Consortium**”) for the purposes of jointly participating in the Bidding Process. The Parties hereby undertake to participate in the Bidding Process in a Project Group as per Table 1 of this RFP, only through this Consortium and not individually and/ or through any other consortium constituted for this RFP, either directly or indirectly or through any of their Affiliate(s).

Parties do here by irrevocably state and affirm that if consortium has referred financial credentials of its Affiliate to meet the Financial Eligibility criteria, then the same relationship with the Affiliate by the Parties shall continue at least for the period of First Operational Year (equity lock-in period).

**2. Role of the Parties**

The Parties hereby undertake to perform the roles and responsibilities as described below:

a) The parties agree to submit bid as Consortium for following Substations:

Sr No	District	Tehsil	Village	Substation Name	Capacity quoted(in kW)

b) Only First Part shall be evaluated for qualification against technical eligibility criteria as per RFP.

c) First Part shall have the power of attorney from all Parties for conducting all business for and

on behalf of the Consortium during the Bidding Process and after its selection as Successful Bidder.

- d) First Part would be responsible and obligated for successful execution of all work awarded to them by MPUVNL and in no circumstances the same shall be the responsibility of Second Part. Pursuant to selection of Successful Bidder as per criteria delineated in the RFP, all obligations as per RFP shall be borne by the First Part.
- e) Second Part and Third part shall work in accordance with roles and responsibilities assigned to them by First Part as a part of their internal understanding.
- f) Parties have agreed and documented clearly stated roles and responsibilities between First Part, Second Part and Third Part for execution of work awarded by MPUVNL.
- g) Subject to the terms of this agreement, the share of each Member of the Consortium in the "issued equity share capital" shall be in the following proportion: (if applicable)

Name of Member	Proposed % Equity holding
Lead Member	..... (At least 51%)
Member	

### 3. Termination

This Agreement shall be effective from the date hereof and shall continue in full force and effect until the Bid Validity Period of Award and further in accordance with the LOA subsequently issued if bid arrives as successful. However, in case the Consortium is either not pre-qualified for the Project or does not get selected for Award of the work, the Agreement will stand terminated in case the Applicant is not pre-qualified.

### 4. Miscellaneous

This Joint Bidding Agreement shall be governed by laws of India. The Parties acknowledge and accept that this Agreement shall not be amended by Parties without the prior written consent of the MPUVNL. Party of First Part would decide on the representative of Consortium at MPUVNL.

IN WITNESS WHERE OF THE PARTIES ABOVE NAMED HAVE EXECUTED AND DELIVERED THIS AGREEMENT AS OF THE DATE FIRST ABOVE WRITTEN.

SIGNED, SEALED AND

DELIVERED For and on behalf of

Lead Member by:

(Signature)

(Name & Designation)

Organization Name

(Address)

In Presence of:

SIGNED, SEALED AND DELIVERED

For and on behalf of Second Part:

(Signature)

(Name & Designation)

Organization Name

(Address)

In Presence of:

Witness -1

Witness -1

Witness -2

Witness -2

**FORMAT D10: Power of attorney in favour of lead member of the consortium**

*(to be submitted by each member of the Consortium)*

*(To be stamped as per the stamp act of the state where the document is made, minimum INR 1000 value stamp paper)*

Whereas Madhya Pradesh Urja Vikas Nigam Ltd. (MPUVNL) has invited applications (the “Applications”) by its RFP No: 1482 Dated: 30.07.2021 for Selection of Solar Power Developers for Design, Engineering, Supply, Installation, Testing and Commissioning including construction of bay and related switchgear at sub-station along with Comprehensive Operation & Maintenance (for twenty-five (25) Operational Years of Grid Connected Solar based Power Plants (SPPs) of aggregate capacity of \_\_\_\_MW for Sale of Solar Power to MPPMCL at the delivery point in each substation at various locations in the state of Madhya Pradesh, India (hereinafter called “Project”)

Whereas, ....., and ..... (collectively the **Consortium**) being Members of the Consortium and having signed a Joint Bidding Agreement dated [●], are interested in submitting a Bid in accordance with the terms and conditions of the Request for Proposal (**RFP**) and the other Bid Documents, and

Whereas, it is necessary for the Members of the Consortium to designate one of them as the Lead Member with all necessary power and authority to do for and on behalf of the Consortium, all acts, deeds and things as may be necessary in connection with the Consortium's bid for the Unit(s) and its execution.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS**

- a) We, ....., having our registered office at ....., and ....., having our registered office at ....., (hereinafter collectively referred to as the **Principals**) do hereby irrevocably designate, nominate, constitute, appoint and authorise ..... having its registered office at ....., being one of the Members of the Consortium, as the Lead Member and true and lawful attorney of the Consortium (hereinafter referred to as the **Attorney**). We hereby irrevocably authorize the Attorney (with power to sub-delegate) to conduct all business for and on behalf of the Consortium, and any one of us, during the Bid Process, including undertaking all acts required for the submission of the Bid in accordance with the terms and conditions of the RFP. Additionally, we also authorise the Lead Member to do any other acts or submit any information and documents related to the above Bid submission, to do on our behalf and on behalf of the Consortium, all or any of such acts, deeds or things as are necessary or required or incidental to the submission of its Bid for the Unit(s), including but not limited to signing and submission of all applications, undertakings and other documents and writings, participate in bidders and other conferences and respond to queries, if required. In the event the Consortium is awarded the Project Documents for developing the Units, we authorise the Lead Member to

submit information/ documents, sign and execute contracts and undertakings consequent to acceptance of the Bid of the Consortium in relation to the incorporation of the SPV and generally to represent the Consortium in all its dealings with RUMSL, and/ or any other Government Agency or any Person, in all matters in connection with or relating to or arising out of the Consortium's Bid for the Unit(s) and/ or upon award thereof till incorporation of the SPV.

- b) **AND** hereby agree to ratify and confirm and do hereby ratify and confirm all acts, deeds and things done or caused to be done by our said Attorney pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Attorney in exercise of the powers hereby conferred shall and shall always be deemed to have been done by us/ Consortium.

IN WITNESS WHEREOF WE THE PRINCIPALS ABOVE NAMED HAVE EXECUTED THIS POWER OF ATTORNEY ON THIS ..... DAY OF ....., 2021

For .....

(Signature)

.....

Name:

Designation:

Organization Name:

For .....

(Signature)

.....

Name:

Designation:

Organization Name:

(To be executed by authorized signatories of the Members of the Consortium, except the Lead Member)

Witnesses:

1.

(Signature)

Name:

Designation:

Organization Name:

2.

(Signature)

Name:

Designation:

Organization Name:

(Notarised)

Accepted

.....

(Signature of the authorized signatory of the Lead Member)

(Name, Title and Address of the Attorney)

Instructions:

- (1) *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.*
- (2) *Also, wherever required, the Members should submit for verification the extract of the charter documents and documents such as a board or shareholders' resolution/ power of attorney in favour of the person executing this Power of Attorney for the delegation of power hereunder on behalf of the Member of the Consortium.*

**FORMAT D11: Declaration**

(To be submitted on Original Letter Head of Bidder/ Lead Member of Consortium)

I/ We have carefully read and understood the Terms and Conditions of the RFP and agree to abide by them. I/ We accept and undertake, the following statements that,

1. I/ We have carefully read and understood terms and conditions of above referenced RFP (no. MPUVN/KUSUM-A/2021-22/\_\_\_\_ dated \_\_\_\_\_) and associated PPA and their corrigenda/ addenda/ amendments issued from time to time before bid submission end date (collectively called as "RfP Documents"). In case, at any stage of bidding process or after award of work, our bid or award of work is found non-compliant with any provisions of RfP Documents or any of our undertakings/ declarations are found wrong/ unsolicited/ misrepresented/ unfulfilled, we unconditionally declare and undertake to accept, without any responsibility/ accountability/ implications/ liabilities/ obligations on anyone other than us, decision of competent authority as appropriate, including rejection of our bid and/ or cancellation of award of work, without prejudice to any other rights that competent authority may be entitled to exercise as per law or under provisions of RfP documents
2. I/ We have, in last 3 years, not been Black listed or debarred or otherwise for any Supply of Goods / Services / Works by any Ministry / Department / PSU of Central Government / Any of the State Government(s), anytime / anywhere in the Country or have failed to execute any previous work of MPUVNL.
3. I/ We solemnly undertake that, the responsibility of execution of the Work as per the terms and conditions of the RFP/Contract Agreement shall be entirely ours.
4. Except as required by nodal agency, we have not taken support from any of the independent Consultant or Consulting Agency who is associated with Nodal Agency in any form while preparing RFP.
5. I/ We are aware that, I/ we should ensure compliance to the MNRE's order/ rule/ guidelines pertaining to KUSUM – A.

If this Declaration is found to be incorrect or if any RFP Condition is found violated by us, then without prejudice .....(*Insert Bidder's Name*) including our Members, Parent, Ultimate Parent, and our Affiliates shall be suspended/ debarred from participating in upcoming tenders issued by any department of MP State Government for a period of 5 years from the date of default as notified by MP Urja Vikas Nigam Limited. and the Proposal to the Extent of Acceptance / anytime during Execution of Assignment may be cancelled.

(Signature of Authorized Signatory)

Name (in Block Letter):

Designation & Organization Name (in Block Letter):

**Section IX: Formats for Submitting Performance Bank Guarantee for Financially Successful Bidders**

**FORMAT 1: Format for performance bank guarantee**

(To be stamped on non – judicial stamp paper as per the stamp act of the state where the document is made)