

CLARIFICATIONS ON THE QUERIES OF VARIOUS FIRMS
DURING THE PRE-PROPOSAL MEETING ON
EMPANELMENT OF TRANSACTION ADVISORS FOR PPP MODE INFRASTRUCTURE PROJECTS

Relevant portions of the clarifications to be treated as part of the RFP document

Notice No. L-12/JS(PY)/FD(PPP) Dated 01.08.2012

Pre-proposal Meeting held on 14.08.2012

Date of Proposal Submission 29.08.2012 upto 1 pm

The following are the queries and their clarifications, to be treated as part of the RFP document:

Name of the organization	Queries	Clarification
Jones Lang LaSalle	<p>1. Whether the consultant is required to submit 8 separate envelopes with the specific objective mentioned in the envelope</p> <p>2. whether the processing fee continues to be the same irrespective of the number of EOI's; and the processing fee has to be submitted along with each envelop</p>	<p>1. Respondents have to submit separate envelopes for each category of consultancy.</p> <p>2. A single Processing fee of Rs. 1,00,000/- shall be payable irrespective of the sectors for which the interested firms are applying</p> <p>The Demand Draft submitted shall be in favour of Secretary Finance, Government of West Bengal, payable at Kolkata.</p>
PricewaterhouseCoopers Pvt. Ltd.	<p>1. Will there be 8 separate empanelment list? 1 for transaction advisor and 8 transaction advisors & technical Pre Advisor for 8 categories or the Pre feasibility advisors will be selected from the Transaction Advisors?</p> <p>Can we submit a bid for sectoral Pre-feasibility empanelment without bidding for transaction advisor</p> <p>2. Will the 5 transaction advisor and pre-feasibility advisors be selected as the top 5 scoring bids like the top 9 scoring bids for transaction advisors?</p> <p>3. Is processing fee in the form of EMD? Is it refundable? In what form is it required?</p>	<p>1. Yes, 8 separate lists will be prepared; one for the general TA, and 7 others for each of the seven infrastructure sectors mentioned in para 1.1.5.</p> <p>Yes</p> <p>2. Yes, there will be separate evaluation for the General Pool of Transaction Advisors (9 firms) and Technical Pre-Feasibility & Transaction Advisors in 7 sectors (5 firms each).</p> <p>3. No, the processing fee is not in the nature of EMD and hence is not refundable. The processing fee is required to be furnished in the form of Demand Draft</p>

	<p>4. RFP para 5.2 B : Technical Evaluation point A-1</p> <p><i>25 marks will be given for firms with more than 10 projects where the bidder was a Transaction Advisor in Infrastructure domain. For Sectoral empanelment in e-Governance what kind of projects shall be considered for marking?</i></p> <p>5. RFP para 5.2 B: Technical Evaluation point A-3</p> <p><i>Same query as above. What kind of projects will be considered for marking for e-Governance Sector? E.g. will State Data Centre, e-District, SSDG be considered as a Infrastructure project?</i></p> <p>6. RFP para 5.2A: Technical Evaluation point A-4</p> <p><i>How many resources have to be proposed to fetch maximum marks?</i></p>	<p>drawn in favour of Secretary Finance, Government of West Bengal payable at Kolkata.</p> <p>4. As stated in the RFP document.</p> <p>Examples (not part of RFP document)- SDC, SWAN, and e-District etc. are some of the e-Governance Infrastructure projects</p> <p>MCA 21 is an e-Governance PPP Project.</p> <p>5. As stated above</p> <p>6.</p> <table border="1" data-bbox="1199 927 1822 1430"> <tr> <td data-bbox="1199 927 1436 1321">For the General TA empanelment</td> <td data-bbox="1436 927 1822 1321">10 CVs including the CVs of 6-7 Experts from various sectors, 1 PPP Modeling Expert, 1 Financial Expert, 1 Legal & Environmental expert. CVs of upto 1 independent SME and 1 Independent Legal Expert may be proposed (along with the confirmation from the concerned expert)</td> </tr> <tr> <td data-bbox="1199 1321 1436 1430">For the 7 Sectoral empanelment</td> <td data-bbox="1436 1321 1822 1430">6 CVs including the CVs of 2-3 Domain Experts, 1 PPP Modeling Expert, 1 Financial</td> </tr> </table>	For the General TA empanelment	10 CVs including the CVs of 6-7 Experts from various sectors, 1 PPP Modeling Expert, 1 Financial Expert, 1 Legal & Environmental expert. CVs of upto 1 independent SME and 1 Independent Legal Expert may be proposed (along with the confirmation from the concerned expert)	For the 7 Sectoral empanelment	6 CVs including the CVs of 2-3 Domain Experts, 1 PPP Modeling Expert, 1 Financial
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	<p>7. Note 3 below RFP para 5.2B: <i>What kind of completion certificate from employer is required?</i></p> <p>8. Consortium may be allowed</p> <p>9. Can we include CVs of our independent experts (we agree to obtain their written consent that they are committed to work as part of the PwC team as and when PwC is awarded any contract under this empanelment & their CV is included) who are not on our payroll but work as a part of PwC team in various projects.</p>	<table border="1" data-bbox="1203 133 1824 386"> <tr> <td data-bbox="1203 133 1436 386">proposals</td> <td data-bbox="1436 133 1824 386">Expert, 1 Legal & Environmental expert. CVs of upto 1 independent SME and 1 Independent Legal Expert may be proposed (along with the confirmation from the concerned expert)</td> </tr> </table> <p>7. No specific proforma is given.</p> <p>Completion Certificate should, however, contain a client confirmation on completion of work and the key deliverables of the project.</p> <p>In case of partly completed projects, the deliverables completed so far and their acceptance by the client shall be required.</p> <p>8. Consortium is not allowed. CV's of a maximum of 1 independent Subject Matter Expert and 1 independent Legal Expert in the concerned Sector may be proposed by the interested firms in their proposals.</p> <p>CVs of upto 1 independent SME and 1 Independent Legal Expert may be proposed (along with the confirmation from the concerned expert)</p>	proposals	Expert, 1 Legal & Environmental expert. CVs of upto 1 independent SME and 1 Independent Legal Expert may be proposed (along with the confirmation from the concerned expert)
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CRISIL	1. Please consider QCBS also as one of selection criteria as there will be complex and capital intensive projects where transaction advisor (TA)'s role becomes more critical	1. Since the current empanelment is purely Quality Based and Financial Bids are not been taken, QCBS is not being considered from amongst the empaneled TA's.		

	<p>2. Please consider fee and payment structure to be milestone wise and stage-wise for completion of various deliverables forming part of the transaction advisory such as feasibility study completion, RFP preparation, evaluation of tenders and selection of operator/developer, negotiations, signing of agreements etc.</p> <p>3. Requirement of personnel may please be defined on a case-to-case basis of the transaction depending on the scope of work, duration and level of skill requirement etc. and may not be fixed from the beginning.</p> <p>4. Establishing an office would mean extra cost to the bidder, which would ultimately get loaded in to the advisor's fee. Therefore, it is suggested that this clause</p>	<p>In case, under exceptional conditions, any Department wants to undertake a QCBS based selection, it shall be an Open bid instead of a limited tender from amongst the empaneled TA's</p> <p>2. The mile-stone based rates will be quoted by the empaneled firms in the limited tenders called by the various Departments. These will be based on the various stages and deliverables thereof.</p> <p>However, there could also be a success fee (for successful implementation of the project by the Private Partner in the PPP Project), as upfront proposed in the limited RFP floated by the departments.</p> <p>These details and procedures are being worked out by Finance Department, GoWB and communication will be issued to the departments in near future.</p> <p>3. The resource requirement for individual projects will be informed by the concerned departments to the empaneled TA firms in the limited tender RFP.</p> <p>The resources shall be deployed by the TA firms from amongst those CVs submitted in the empanelment process, and as identified by the departments, based on their requirements.</p> <p>In case of any project where more numbers of resources are required than as solicited in the empanelment stage, the departments will seek such further CVs in the subsequent RFP.</p> <p>4. The office shall be required only during the duration of live projects, for which a TA firm has been selected from amongst the empaneled TA's.</p>
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	<p>may not be made a stringent compliance criteria.</p> <p>Alternatively, this clause may be invoked for those projects where tenure of appointment of TA will be more than 1 year and on a continuous basis.</p> <p>5. Kindly indicate a list of projects/program that Government of West Bengal intends to take-up in the next 2-3 years, for whom this empanelment process has been initiated.</p>	<p>For empaneled firms not working on the Projects, there is no requirement to create their offices as no retainership has been prescribed for the empaneled TA's</p> <p>5. A large number of projects in Tourism, Infrastructure, Health, Power, and other sectors are in the pipeline. The details are to be collected from the Departments concerned. Compilation of information is not required at this stage as it may cause unnecessary delay in the empanelment process.</p> <p>PPP is a high focus field of Government of West Bengal for its infrastructure projects, cutting across all sectors.</p>
Ernst & Young Pvt. Ltd.	<p>1. Terms of Reference - point II – pg 38: <i>The ToR entails that minimum 3 professionally qualified persons needs to be posted in Kolkata. We request that the Authority should pay a retainership fee of at least Rs 3.0 lakhs per month for the above resources or it may remove such a mandatory condition.</i></p> <p>2. Terms of Reference - point V – pg 39 : <i>The ToR entails that professional fee shall be paid in the form of Success Fee. We request that the professional fee may be paid as per the following schedule:</i></p> <ul style="list-style-type: none"> - Inception report - 25% - Project structuring report - 25% - Bid process document - 25% - Signing of Concession Agreement with the private partner - 25% 	<p>1. This condition of retaining necessary professionally qualified persons in Kolkata will be applicable at the time of providing Transaction Advisory services by the empanelled TAs for a project to the Government Department concerned. Regarding the fees, the same will be decided through financial bid and selection process of the L-1 bidder out of the panel.</p> <p>2. To be finalized by the Government Department concerned at the time of inviting financial bid (RFP for resource deployment) for selection of TA's/consultants out of the panel.</p>

	<p><i>Apart from the above professional fee, a uniform Success Fee @ 1.0% of project cost shall be paid to the Transaction Advisors on signing of the Concession Agreement.</i></p> <p>3. Criteria for Evaluation – pg 17 : <i>Please clarify whether the “Project experience” of the firm which is required for evaluation shall be completed in nature or ongoing projects will also be considered for evaluation.</i></p>	<p>3. Please see empanelment criteria (A) and (B) under para 3. General terms and condition for evaluation at page no. 8 of the RFP document.</p> <p>Addendum: In case, there are not sufficient qualified proposals in any sector, the Department of Finance, GoWB may also consider partly completed projects as part of the evaluation process. However, partial marks will be given to such projects based on the completed deliverables only for the purpose of ranking of the interested firms.</p>
RITES	Whether weightage would be given for the projects undertaken but not implemented by the client	Yes, provided the deliverables were accepted by the client and the non-implementation is a policy decision and non-attributable to the lack of any performance by the Transaction Advisor.
Capital Fortunes Pvt. Ltd. – Project Development Partners	<p>1. Single entity bidder- Kindly allow consortium to enable us to enhance our qualifications and expertise.</p> <p>2. Clause 5.2 (A-2)- The applicant shallin any of the specific sectors as mentioned in the Clause no. 1.1.4</p> <p>3. 5.2 (B-2) - Kindly clarify the term “Average annual turnover of the firm as on 31st March 2011”. Does it mean “Annual turnover”?</p> <p>4. Request you to kindly reduce the amount of processing fee to Rs. 5,000/- (or) Refund the amount of Rs. 1,00,000 after selection of the</p>	<p>1. Consortiums are not allowed. However, CVs of upto 1 SME and 1 Independent Legal Expert may be proposed (along with the confirmation from the concerned expert)</p> <p>2. Amendment- Kindly read Clause 1.1.4 as Clause 1.1.5 here</p> <p>3. “Average Turnover” hereby implies Average Annual Turnover of last three Financial Years</p> <p>4. No change in the Processing Fees, which is non-refundable</p>

	<p>panel of transaction advisors</p> <p>5. Kindly extend the due date by atleast 2 weeks.</p>	<p>5. No change in the submission deadline for the proposals.</p>
Accenture	<p>1. Whether projects done outside India would be considered for evaluation?</p> <p>2. Would request to kindly clarify if the fees of Transaction Advisor involved with deliverables till award of contract to a successful private partner (DPR, RFP etc) would be on a Success Fee basis</p> <p>3. Our understanding is that the personnel shall be deployed only on a TA being awarded a project and not on getting just empanelled. Would request to kindly clarify the same</p> <p>4. Since a technical empanelment would happen through this RFP, would request to keep the RFP process restricted to a limited tender with QCBS mode of evaluation</p> <p>5. Sec 5A, Pg 17: Request if the clause may kindly be modified as 'Experience of providing infrastructure advisory services to Government organisations' (3 other similar clarifications)</p>	<p>1. In case, there are not sufficient qualified proposals in any sector, the Department of Finance, GoWB may also consider Foreign Projects of a TA firm as part of the evaluation process.</p> <p>However, owing to the difference in the backgrounds, 75% weightage would be given to such projects for the purpose of ranking of the interested firms.</p> <p>2. Replied earlier</p> <p>3. Replied earlier</p> <p>4. Replied earlier</p> <p>5. No change</p> <p>The experience in other Government Organizations is already been considered in A-1 and A-2. This is specific to the experience in the State of West Bengal.</p>
a'XYKno Capital Services Ltd.	<p>1. Clause 1.1.3- Increase the size of the Panel from 9</p>	<p>Since Sectoral Panels are also being empaneled for Technical Pre-Feasibility and Transaction Advisory</p>

		Services, there is no need to further extend the General panel of TA's
	2. Clause 1.1.13- Consortium may be allowed	Replied earlier
	3. Clause 3.11.1 (B) - Whether separate 7 submissions? Need for time extension for proposal submission	Replied earlier
	4. Clause 8- Processing Fees high. EMD may be considered	Replied earlier
	5. Clause 10- ToR V- Stage Payment during the Advisory Process	Replied earlier
	6. Clause 5.2 B- The qualifying criteria should be Rs. 20 crores average for last three years	No change
	7. Clause 3(A)- In Progress Projects may also be considered for evaluation	Replied earlier

Other changes as amendments

(I)

Read Clause 4.1.3 (h) “does not meet the Empanelment criteria as mentioned in Clause 3.1”

As “meets the Empanelment criteria as mentioned in Clause 3.1”

(II)

Read

5.2 The following marking system shall be followed.

A: Empanelment as Transaction Advisor

Sl. no	Marking System
A-1	<ul style="list-style-type: none">• More than 20 projects: 25 marks• 16-20 projects 20 marks• 11-15 projects 15 marks• 6-10 projects 10 marks• 0-5 projects 5 marks
A-3	<ul style="list-style-type: none">• More than 10 projects: 10 marks• 5-10 projects: 8 marks• 0-5 projects: 4 marks

As

5.2 The following marking system shall be followed.

A: Empanelment as Transaction Advisor

Sl. no	Marking System
A-1	<ul style="list-style-type: none"> • More than 20 projects: 25 marks • 16-20 projects 20 marks • 11-15 projects 15 marks • 6-10 projects 10 marks • 1-5 projects 5 marks
A-3	<ul style="list-style-type: none"> • More than 10 projects: 10 marks • 5-10 projects: 8 marks • 1-5 projects: 4 marks

(III)

Read

B: Empanelment as Transaction Advisor with experience in preparation of Technical Pre-Feasibility Report

Sl. no	Marking System
A-1	<ul style="list-style-type: none"> • 10 or more projects: 25 marks • 7-9 projects: 21 marks • 4-6 projects: 14 marks • 0-3 projects: 7 marks

As

B: Empanelment as Transaction Advisor with experience in preparation of Technical Pre-Feasibility Report

Sl. no	Marking System
A-1	<ul style="list-style-type: none">• 10 or more projects: 25 marks• 7-9 projects: 21 marks• 4-6 projects: 14 marks• 1-3 projects: 7 marks

(IV)

Read on Pg 20

Note:

1. Applicants applying under "Empanelment as Transaction Advisor with experience in preparation of Technical Pre-Feasibility Report" must attach separate sheets for separate sector they are applying for.

As

Note:

1. Applicants applying under "Empanelment as Transaction Advisor with experience in preparation of Technical Pre-Feasibility Report" must submit separate envelopes (as mentioned in this RFP) for separate sector they are applying for.

(V)

Further, Read on Pg 24 As

1. Processing Fee of Rs. 100,000/- (Rupees One Lakh only) is attached in the form of Demand Draft no. _____,

dated _____ drawn on _____ in favour of Secretary Finance, Government of West Bengal payable at Kolkata.

(VI)

Read on Pg 38

II. Minimum number of Personnel to be posted by the Transaction Advisor in the Kolkata office

A. Transaction Advisor- General for all sector			
SI No	Description		
1	Three professionally qualified persons		
B. Transaction Advisor and Technical Pre-Feasibility Report Expert: For Specific Sector			
SI No	Description		
1	Two professionally qualified persons		

As

Minimum number of Personnel to be posted by the Transaction Advisor in the Kolkata office

A. Transaction Advisor- General for all sector			
SI No	Description		
1	Professionally qualified persons, as per the project requirement, from the resource CV's submitted for empanelment		
B. Transaction Advisor and Technical Pre-Feasibility Report Expert: For Specific Sector			

SI No	Description		
1	Professionally qualified persons, as per the project requirement, from the resource CV's submitted for empanelment		
