

Bidders including its Parent, Affiliate or Ultimate Parent or any Group Company shall submit single response to RfS. Detailed Instructions to be followed by the bidders for online submission of response to RfS as stated at Annexure C .

Submission of bid proposals by Bidders in response to RfS shall be in the manner described below:

- i) Covering Letter as per **Format 6.1.**
- ii) In case of a Bidding Consortium, a Power of Attorney in favour of the Lead Member issued by the other Members of the Consortium shall be provided in original as per format attached here to as **Format 6.2.**

In the event any Member of the Bidding Consortium (other than Lead Member) is a foreign entity, it may submit Board Resolutions in place of Power of Attorney for the purpose of fulfilling the requirements under this section. Provided that, such Board Resolutions shall be supported by an unqualified opinion issued by the legal counsel of such foreign entity stating that the Board Resolutions are in compliance with the applicable laws of the respective jurisdictions of the issuing Company and the authorizations granted therein are true and valid.

For meeting the above financial eligibility criteria, if the data is provided by the Bidder in a foreign currency, equivalent Indian Rupees of Net Worth and other financial parameters will be calculated by the Bidder using Reserve Bank of India's reference rates prevailing on the date of closing of the accounts for the respective financial year.

In case of any currency for which RBI reference rate is not available, Bidders shall convert such currency into USD as per the exchange rates prevailing on the relevant date and used for such conversion, as certified by their banker. After such conversion, Bidder shall follow the procedure/ submit document as elaborated above.

- iii) Earnest Money Deposit (EMD) in the form as per **Format 6.3 A.**

- iv) Performance Bank Guarantee (to be submitted before signing of PPA as specified in Section 3.9) in the form as per **Format 6.3 B**
- v) Board Resolutions, as per prescribed formats enclosed as **Format 6.4** duly certified by the Company Secretary or the Director of the relevant Bidder, as applicable to the Bidder and mentioned hereunder:
 - a) Board resolution from the Bidding Company or the Lead Member of the Consortium, as the case may be, in favour of the person signing the response to RfS and in the event of selection of the Projects, to sign the PPA with the MSEDCL. Board Resolution from each of the Consortium Members in favour of the person signing Consortium Agreement.
 - b) Board Resolution from the Bidding Company committing one hundred percent (100%) of the equity requirement for the Project / Board Resolutions from each of the Consortium Members together in aggregate committing to one hundred percent (100%) of equity requirement for the Project (in case of Bidding Consortium); and
 - c) Board Resolutions from each of the Consortium Members and Lead member contributing such additional amount over and above the percentage limit (specified for the Lead Member and other member in the Consortium Agreement) to the extent becoming necessary towards the total equity share in the Project Company, obligatory on the part of the Consortium pursuant to the terms and conditions in the Consortium Agreement.
- vi) In case of a Consortium, the Consortium Agreement between the Members in the Consortium as per **Format 6.5** along with Board resolution from each Member of the Consortium for participating in Consortium.
- vii) Bidder shall ensure that the technology to be adopted shall be commercially established technology as per the type certified wind turbine models listed in Revised List of Models and Manufactures (RLMM) (Refer NIWE website) issued by MNRE and For solar modules, Bidder shall ensure that the technology to be adopted shall be commercially established technology or in accordance with MNRE's Approved Models and Manufacturers of Solar PV

Modules (Requirements for Compulsory Registration) Order, 2019 as amended from time to time, whichever is applicable. Final details of the same shall be submitted prior to commissioning of project.

- viii) Tie-up of Financing Arrangements for the projects within 12 months from the date of signing of PPA.
- ix) **Format 6.6:** Format for Disclosure.
- x) **Format 6.7:** Format submission of Financial Bid
- xi) **Format 6.8:** Format for regarding timelines and milestones
- xii) Attachments
 - a) Memorandum of Association, Section of Association needs to be attached along with the bid. The bidder should also highlight the relevant provision which highlights the objects relating to generation and sale of Power/ Energy/ Renewable Energy/ Wind-Solar Hybrid Power plant development.
 - b) In case, there is no mention of the above provisions in the MoA/ AoA of the bidding company, the same has to be amended and submitted prior to signing of PPA, if the bidder is selected as Successful bidder.
 - c) Certificate of Incorporation of Bidding Company / all member companies of Bidding Consortium.
 - d) A certificate of shareholding of the bidding company, its Parent and Ultimate Parent (if any), duly certified by a practicing Chartered Accountant/ Company Secretary/ Appropriate Authority as on a date within one week prior to the last date of bid submission.
 - e) Documents containing information about the Promoters and their shareholding in the Company (as on a date within one week prior to the last date of bid submission) to MSEDCL indicating the controlling shareholding at the stage of submission of response to RfS to MSEDCL as per Section 3.16. MSEDCL reserves the right to seek

additional information relating to shareholding in promoter companies, their parents/ ultimate parents and other group companies to satisfy themselves that RfS conditions have been complied with and the bidder will ensure submission of the same within the required time lines.

- f) Certified copies of annual audited accounts for the last financial year, i.e. 2019-20 as applicable shall be required to be submitted; OR in case the Bidder is a newly formed company, then the certificate issued by a Chartered Accountant/ Appropriate Authority with certified copy of Balance sheet, Profit & Loss account, Schedules and cash flow statement supported with bank statement (if available) shall be required to be submitted.
- g) Certificate from Chartered Accountants/ Appropriate Authority, certifying the Net worth of the bidder per MW of quoted capacity as on 31st March, 2020.
- h) 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/wind turbines, Country of Import, if not domestically procured - Solar Modules/Panels, Start and Completion of construction activities etc.(Format 6.8)

3.21 Important notes and instructions to Bidders

- i) 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.
- ii) 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.
- iii) 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 forfeited. Bidder shall be solely responsible for disqualification based on their declaration in the submission of response to RfS.

- iv) If the event specified at (c) above is discovered after the Effective Date of PPA, consequences specified in PPA shall apply.
- v) 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).
- vi) All documents of the response to RfS (including RfS, PPA and all other documents uploaded on <https://www.bharat-electronictender.com> part of this RfS) submitted online must be **digitally signed** by the person authorized by the Board as per Format 6.4.
- vii) 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.
- viii) 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.
- ix) Bidders shall mention the name of the contact person and complete address of the Bidder in the covering letter.
- x) Response to RfS that are incomplete, which do not substantially meet the requirements prescribed in this RfS, will be liable for rejection by MSEDCL.
- xi) Response to RfS not submitted in the specified formats will be liable for

rejection by MSEDCL.

- xii) Bidders delaying in submission of additional information or clarifications sought will be liable for rejection.
- xiii) 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.
- xiv) Only MERC and/ or Bombay High Court shall have exclusive jurisdiction in all matters pertaining to this RfS.
- xv) The bidders are advised to take cognizance of the O.M. dated 09.03.2021 issued by MNRE, on the subject of “Imposition of Basic Customs Duty (BCD) on Solar Cells & Modules/Panels”, while preparation of their response to this RfS. The following proposal of MNRE to impose BCD on solar cells and modules (without grandfathering of bid out projects) has been agreed to by the Ministry of Finance:

Items	Upto 31.03.2022	w.e.f. 04.04.2022
Solar Module	0%	40%
Solar Cell	0%	25%

The above O.M. and its associated orders issued by the Ministry of Finance will be applicable on this tender and changes in taxes/duties on account of the above, shall not be considered under “Change in Law” under the PPA.

3.22 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”:

- i) Non submission of Cost of RfS and/or Processing fee or the details pa

yment done online as mentioned in the Bid Information Sheet.

- ii) Non-submission of EMD in acceptable form along with RfS document.
- iii) Response to RfS (offline as well as online) not received by the due date and time of bid submission;
- iv) Non submission of correct, valid and operative Pass-Phrase to decrypt either the Technical Bid Part or Financial Bid Part offline before due date and time of submission of bid;
- v) Non submission of the original documents mentioned at Section 3.21.A by due date and time of bid submission;
- vi) Any indication of tariff in any part of response to the RfS, other than in the financial bid.
- vii) Data filled in the Electronic form of financial bid (Second envelope), not in line with the instructions mentioned in the same electronic form.
- viii) 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.
- ix) Conditional bids shall be summarily rejected.

3.23 Method of Submission of Response to RfS by the bidder

3.23.1 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: Super scribed “as Bidding Envelope containing Covering Envelope, Pass Phrase Envelope 1 & Pass Phrase Envelope -2 at the top of the Envelope and Name & Address of the Bidder” on the left hand side bottom must contain the following:

- i) Covering Envelope: Super scribed “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:
 - a) Details of online payment made towards Cost of RfS Document as mentioned in Bid Information Sheet.
 - b) Details of online payment towards Processing Fee as mentioned in the Bid Information Sheet.
 - c) 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.
 - d) Covering Letter as per Format 6.1
 - e) Power of Attorney as per Format 6.2 (if applicable)
 - f) Board Resolution as per Format 6.4
 - g) Consortium Agreement as per Format 6.5 (if applicable)
 - h) Letter for Disclosure, as per format 6.6:
 - i) Submission of Financial Bid as per format 6.7
 - j) Format regarding timelines of the milestones as per format 6.8
- ii) **Pass-Phrase Envelope-1:** Containing Pass Phrase for Technical Bid duly stamped and signed by the authorized signatory in sealed envelope.
- iii) **Pass-Phrase Envelope-2:** Containing Pass Phrase for Financial Bid duly stamped and signed by the authorized signatory in sealed envelope.

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

Response to RfS for procurement of 500 MW of Power from Grid- Connected Wind-Solar Hybrid Power Project	
Cumulative Capacity of the project applied for	___ MW
RfS Reference No.	
Submitted by	(Enter Full name and address of the Bidder)
Authorized Signatory	(Signature of the Authorized Signatory) (Name of the Authorized Signatory) (Stamp of the Bidder)
Bid Submitted to	Chief Engineer (Renewable Energy) Maharashtra State Electricity Distribution Co. Ltd. Office of the Chief Engineer (Renewable Energy), “Prakashgad”, 5 th floor, Station Road, Bandra (E), Mumbai -400 051.

3.23.2 Documents to be submitted Online

Detail instructions to be followed by the bidders for online submission of response to RfS as stated as Annexure-C. 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 forfeited 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:

i) **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.

- a) Formats- 6.1, 6.2 (if applicable), 6.3 A, 6.4, 6.5 (if applicable), 6.6
- b) All supporting documents regarding meeting the eligibility Criteria
- c) The bidder will have to fill the Electronic Form provided at the p <https://www.bharat-electronictender.com> portal as part of Technical Bid.

ii) Financial Bid (Second Envelope

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

- a) Covering letter as per Format-6.7 of this **RfS** document;
- b) Only single tariff bid for all the Projects shall have to be filled online in the Electronic Form provided at the <https://www.bharat-electronictender.com> portal. 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) Any Financial Bid received in the physical form shall be considered as a non-responsive Bid and would be rejected.
- b) The Bidders shall not deviate from the naming and the numbering formats mentioned above, in any manner.
- c) 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.
- d) 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.