

month on RTC (30 days, 24 hours) basis and same shall be reduced on pro-rata basis in case of bids on hourly basis, in the form of Bank Guarantee /e-Bank Guarantee issued by Banks as per list of Banks approved by Govt. of Gujarat GR no. EMD/4/2022/0002/DMO dated 20.05.2022 read with FD GR no. FDIMSM/e-file/4/2023/00S7/D.M.O dated 21.04.2023 or Electronically Transfer through payment gateway provided by MSTC Ltd. in the portal, if available. (**Govt. of Gujarat GSO attached herewith at Annexure-III and EMD Format & GUVNL bank details is attached herewith at Annexure-IV**)

- 7.2 The original EMD needs to be submitted before the opening of the Non-Financial Technical Bid.
- 7.3 The EMD shall be forfeited:
- (a) If Bidder withdraws bid during Bid Validity Period except as provided in the Guidelines.
 - (b) For non-submission of Contract Performance Guarantee as specified in this RFP document, by Successful Bidder(s).
- 7.4 The EMD shall be refunded to the unsuccessful Bidders within 10 days of expiry of Bid validity period.
- 7.5 The EMD of the Successful Bidder(s) shall be refunded after furnishing the Contract Performance Guarantee (CPG).

8. Bid Submission

- 8.1 Tenders are to be submitted online through the DEEP e-Bidding portal. All the documents uploaded by GUVNL, form an integral part of the contract. Bidders are required to upload all the documents as asked for in the RFP, through the above website within the stipulated date and time as given in the RFP. The Bidder shall carefully go through the RFP and prepare the required documents and upload the scanned documents in Portable Document Format (PDF) to the portal in the designated locations of Technical Bid.
- 8.2 The documents uploaded shall be digitally signed using the Digital Signature Certificate (DSC). Bidders should take note of all the addendum/corrigendum related to the RFP and upload the latest documents as part of the Bid.

- 8.3 The process of e-Bidding shall be conducted online, in accordance with the provisions laid herein. Each e-Bidding event shall comprise of two parts i.e. e-Tender and e-Reverse Auction. To participate in the event each Bidder will have to specify the source(s) of power for that particular bid. Each bid will have only one price per requisition accompanied by total quantum of power the Bidder intends to supply and minimum threshold quantum acceptable to the Bidder. However, the Bidder shall have the option to choose the requisition of an event in which it intends to participate. Each of the bid will have to be signed by the Digital Signature of the Bidder.
- 8.4 The Bidder shall use one Digital Signature to submit bid through one login and for each login the Bidder may submit only one price bid from one source. However, against each requisition the bidder have the option to bid multiple bids from separate logins from different sources. The bidder needs to ensure that only one bid is submitted from one source. In the event if two bids are received from the same source, both bids would be treated as non-responsive.
- 8.5 Bidders shall be required to submit separate non-financial technical Bid and Financial Bids i.e. Initial Price Offer (IPO) through e-Bidding portal. The Bidder will have the option to indicate their minimum threshold quantity and the same would be considered for allocation of power to the Bidder(s). The non-financial Bids shall contain the acceptance of general terms and conditions without any deviation and information about the sources from which the Bidder shall supply the power. Bidders shall also be required to furnish necessary EMD/Bank Guarantee along with the Bids. The Bidders can revise their IPOs before date and time of submission of RFP.
- 8.6 The IPO shall be strictly as per the terms of RFP and shall be unconditional. The conditional price bid shall be summarily rejected.

9. VALIDITY OF TENDER AND OFFER

The offer against tender should remain valid for a period of 30 (Thirty) days from the day of opening of the tender (e-reverse auction).

10. CONDITIONAL AND INCOMPLETE TENDER

Conditional and incomplete bids are liable to rejection.

11. OPENING AND EVALUATION OF BID

- 11.1 To ensure competitiveness, the minimum number of Bidders should be at least two for each requisition. If the number of Bidders responding to the RFP is less

than two, and GUVNL still wants to continue with the selection process, the selection of that single Bidder may be done with the consent of the Appropriate Commission i.e. Hon'ble Gujarat Electricity Regulatory Commission (GERC).

11.2 GUVNL shall constitute a Committee for evaluation of the Bids.

11.3 Technical proposals will be opened by GUVNL or its authorized representative electronically from the website stated above, using their Digital Signature Certificate.

11.4 Technical proposals for those tenders whose original copies of DD/BG towards EMD have been received and who have deposited the e-Bidding Fee will only be opened. Proposals corresponding to which original copy of DD /BG towards tender fee & EMD has not been received, will not be opened and will stand rejected.

11.5 Decrypted (transformed into readable formats) documents of the Statutory and Non-statutory Covers will be downloaded for the purpose of evaluation.

11.6 GUVNL or its authorized representative can seek clarifications/documents required in connection with technical bid. After acceptance of the non-financial technical Bids, the Financial Bids, Initial Price offer (IPO) shall be opened as per the procedures specified in the Bid document.

11.7 In the event, if two or more Bidders quote the same amount of Tariff during IPO and e-Reverse Auction stage, the time of submission of bid will be the deciding factor for their ranking.

12. ELIMINATION OF BIDDERS

The elimination of the Bidders shall be done by the following method:

After the opening of Initial Price Offers, the system will rank the Bidders according to their price bids. The Bidder with the highest price bid in IPO stage will be called the H1 Bidder. The system will then analyse all the quantities offered by the Bidders in the IPO stage. If the total quoted quantity is greater than twice the Requisitioned Quantity, the Highest Bidder (H1) will be eliminated provided that the total quoted quantity after elimination is not less than or equal to twice the Requisitioned Quantity.

The Elimination process will be done for each of the requisition separately.

13. E - REVERSE AUCTION (e-RA)

- 13.1 The shortlisted Bidders after elimination will be intimated individually by system generated emails only.
- 13.2 The Reverse auction should start within 120 minutes of opening of Initial Price Offers and shall continue for a period of next 120 minutes without any extension (automatic or otherwise).
- 13.3 During the Reverse Auction the shortlisted Bidders will have the option of reducing the tariff quoted by them in decrements of one paisa or multiples thereof and to increase the quantum quoted by them 10 MW or multiples thereof. During the Reverse Auction the prevailing Lowest Tariff would be visible to all the Bidders.
- 13.4 The Bidders will have the option to increase the quantum of power up to the value corresponding to the EMD submitted along with IPO, but decrease the Tariff during the e-Reverse Auction process.

14. ISSUANCE OF LETTER OF AWARD (LoA)

- 14.1 The Bidder after the e-RA process will be ranked in accordance with the tariff offered in ascending order. The list would also include the name, quantum offered and tariff quoted by those qualified Bidder(s) who have not changed the quantum of power and tariff from IPO stage to e-RA stage. The Bidder(s), in order of their rankings, offering the quantum of power up to the requisitioned capacity would be the Successful Bidder(s).
- 14.2 GUVNL shall procure power from the Successful Bidders in the order of their rankings decided on the basis of tariff quoted by them until the entire Requisitioned Capacity is met.
- 14.3 GUVNL shall have the right to issue Letter of Award (LoA) to the Successful Bidder(s) in the same order to fulfil its requirement, which can be lower than the Requisitioned Capacity but not less than the quantum of Lowest Bidder. In the event GUVNL rejects or annuls all the Bids, it may go for fresh Bids hereunder. If GUVNL fails to issue the LoA within a period of 15 days from the close of e-Reverse Auction, the Successful Bidder(s) shall have the option to exit without forfeiting the EMD.
- 14.4 In case the Selected Bidder(s) is allocated a quantity of power less than the minimum threshold quantum mentioned by it, it shall have the option to exit without forfeiting the EMD.

14.5 In case the LoA is issued but Selected Bidder(s) is/are not in a position to fulfil the requirement, being selected in another bidding process the EMD/CPG shall be forfeited as the case may be.

14.6 After selection, a Letter of Award (the "LoA") shall be issued, in duplicate, by GUVNL, to the Selected Bidder(s) and the Selected Bidder(s) shall, sign and return the duplicate copy of the LoA in acknowledgement thereof. In the event the duplicate copy of the LoA duly signed by the Selected Bidder(s) is not received by the stipulated date, GUVNL, may, unless it consents for extension of time for submission thereof, forfeit the EMD of such Bidder as Damages on account of failure of the Selected Bidder(s) to acknowledge the LoA.

15. CONTRACT AWARD AND CONCLUSION

15.1 After acknowledgement of LoA by the Selected Bidder(s), GUVNL shall cause the Selected Bidder(s) to execute the PPA within the prescribed period in the Bid document. The Selected Bidder(s) shall not be entitled to seek any deviation, modification or amendment in the PPA. GUVNL, would appropriate the EMD of such Bidder as Damages on account of failure of the Selected Bidder(s) to execute the PPA. In case GUVNL fails to sign the PPA within 15 days of receipt of signed PPA from selected bidder, the Selected Bidder(s) shall have the option to exit without forfeit of EMD/CPG as the case may be.

15.2 PPA will be signed with the selected Bidders within 30days from conclusion of the selection process or bid validity date, whichever is earlier.

16. RIGHT TO ACCEPT / REJECT THE BID

16.1 Lowest valid rate of the tender cum reverse auction price should normally be accepted as per bucket filling. GUVNL reserves the right to reject any or all bids or to accept any bid, at its sole discretion, without assigning any reasons whatsoever thereof and without any liability.

16.2 GUVNL reserves the right to accept or reject a bid if GUVNL considers that the implementation of the Award and / or PSA is affected by implications of any pending litigation or otherwise disputes with the bidder / supplier or the Award and / or PSA under this RFP will have any impact of implication on the pending litigation or otherwise disputes with the bidder/supplier.

17. CONTRACT PERFORMANCE GUARANTEE (CPG)