

Reply to queries on the E-Tender for “Engagement of Consultants for providing Consultancy Services to the APGCL for Tariff Petition for the FY 2018-19 of the MYT Control Period 2016-19”

Sl. No.	Query	APGCL Reply
1	<p>The Sub-clause B, Clause I, Para 6 at Page No. 4 under Terms of Reference and Scope of Work specifies that the Consultants are required to assist APGCL in preparation and filing of Review Petitions for both, i.e., Tariff Order for FY 2018-19 and Tariff Order for Myntriang SHEP. Further, in Form 9, Summary of Cost at Page No. 21, Bidders are required to quote separately the ‘Bid Amount’ for filing of Review petition/Appeal filed in respect of the Tariff Order.</p> <p>We understand that the ‘Bid Amount’ required to be quoted for Item “D.1 .“ in Form 9, Summary of Cost Page No. 21 of NIT is for assistance in both the review petition activities as given below:</p> <p>a. Preparation and filing of review petition filed in respect of the Tariff Order for FY 20 18-19 and</p> <p>b. Preparation and filing of review petition filed in respect Tariff Order for Myntriang SHEP</p> <p>Further, there is no provision for separate fee quote in Form 9 of the tender document and the corresponding payment terms. Kindly provide a clarification in this regard and also include an appropriate clause in effect to the same.</p>	<p>As stated at Sl. No. D.1 of Form-9, the bidder is to quote rate for “Review petition/ Appeal files in respect of the Tariff Order”, which means APGCL has considered Review as a single task and bidders are to quote accordingly. Selected Bidder will be paid by APGCL for the task of Review, if any (whether for MYT Order for FY 2018-19 or MSHEP Tariff Order or both), as a whole.</p>
2	<p>The ‘Terms of Payment’ in the captioned Para specifies that payment of 15% of consultant fee is to be made after filing of review petition and remaining 15% is to be made after issuance of Order against Review Petition. From our previous experience in similar kind of assignments, we understand that the filing of review petition is a dependent on the Tariff Order approvals/dis-</p>	<p>Both the queries are related to the Model Agreement, which is a draft agreement only. It is stated in the Bid Document Para No. 14- “The APGCL will select the bidder with the highest score and discuss the detailed work plan with them. Any suggestions that the bidder has, to improve the TOR, staffing details, activities to be undertaken by</p>

	<p>approvals and may or may not be required. Accordingly, please clarify that in case a review petition is not filed before the Commission, how the bidder's balance payment (15%+15%) would be released by APGCL as there is no provision for same in the tender document. Kindly include a corresponding payment term/clause through a corrigendum.</p>	<p>the consultants, reporting, etc. as also the inputs required from the APGCL to ensure satisfactory implementation of the assignment, shall be discussed with the bidder and finalized. These discussions will be on the strict understanding that the amount quoted in the Bid document will not be increased for any reason whatsoever". As such, any genuine/valid observation/ suggestion/ modification related to the Payment Terms or any other clause of the Model Agreement can be discussed before signing of the Final Agreement by the Selected Bidder.</p>
3	<p>We understand that the terms of payment are applicable on the Fee for the job as fixed in the Para B of the Model Agreement. As discussed in above query, in case a review petition is not filed, what amount will be considered as the total fee?</p> <p>We understand that applicable "Total Fee" in a case when review petition is not filed would be the total fee fixed in Para B of Model Agreement less Bid Amount quoted for Item D. 1. in Form 9 under Summary of Cost. If it is so, then the Bidder shall receive this complete "Total Fee" (including 30% that was to be issued after Order on Review Petition) after the Tariff Order is issued by the Regulatory Commission. Please clarify if this understanding is correct. Further, please include an appropriate clause/condition through a corrigendum.</p>	