

MSMC Tender Specification No. : MSMC/Coal/2019/09

(Beneficiation of RoM Coal and Supply of Beneficiated Coal To Chandrapur, Koradi, Khaperkheda, Nasik, Bhusawal, Parli & Paras TPS of MAHAGENCO)

Reply to Bidders queries and Corrigendum.

(Pre-bid meeting held on 25th November 2019 at MSMC H.Q)

1. INDO UNIQUE FLAME LIMITED				
Sr. No.	Clause No.	Bidders Queries	Clarification	Corrigendum
1.	Financial Criteria Point No.1	The bidder should have net worth of Rs. 85 Crores and Turnover of Rs.140 crores. In case of Turnover the Average of 3 Years is missing as per other terms, moreover, as stated above that the Washeries have been out of business for aduration of more than 8 years, having such high net worth and turnover is not possible. Please consider the point and reduce it to a level where competition increases, in our suggestion it should be reduced to Rs. 25 Crores for Net worth and Rs. 50 Crores for Average 3 years Turnover.	Bid conditions shall prevail.	--
2.	Technical Criteria Point No.4	The Technical criteria of having an experience of 1.5 MMTPA average in any three years are extremely high. Having an experience of 1.5 MMTPA average in last 3 years should be replaced by 0.50 MMTPA average in last 3 years. Reducing the condition to these levels would ensure good participation in tenders as well as ensure that only reputed parties with experience	Bid conditions shall prevail	--

		<p>are eligible for your prestigious tender.</p> <p>Not changing this condition will promote the bidders who do not have the Washeries in WCL area and who do not have the experience for beneficiation in WCL area but have experience in other areas to bid from WCL area and demote the actual owner of Washeries in WCL area from Bidding .This condition is monopolistic.</p> <p>On the contrary MSMC should allow parties who have already worked for MAHAGENCO earlier for almost a decade to be eligible as they are aware of the working condition in WCL area and have a knowhow and proven track record with MAHAGENCO itself and are the most capable bidders for this Tender.</p>		
3.	Point No: 1-5 Page:13	<p>Bidders Bank Guarantee has been invoked by any government company/undertaking on account of its failure to carry out any tender milestone / obligation.</p> <p>As per the points ranging from 01 to 05 regarding litigation, restrictions ,impediment ,termination /foreclosed of any contract on account of default by bidder ,</p>	<p>Bid conditions shall prevail.</p> <p>However, in cases, which are sub-judiced in any court of law, MSMC shall, for the purpose of this tender, refer to the most recent ruling of the competent judicial court / Judiciary in the matter.</p>	--

		<p>legal cases / arbitration pending with any govt.co and invocation and encashment of Bank Guarantee are of no significance. As the criteria for blacklisting /foreclosure of contract etc is already covered ,hence the criteria of invocation of bank guarantee should be waived of as invocation may be on account of disputed penalty or disputed non- compliance</p> <p>By doing so MSMC has restricted reputed parties from participating where in the fault has not been identified and the matter is pending before the Court of Law. In earlier tender such parties have been cleared whose cases are still going on and no final verdict has been achieved.</p> <p>MSMC needs to clarify and make the terms such that equal opportunity is provided to the parties participating.</p>	<p>Final decision taken by MSMC in the matter based on the merits of the case shall be conclusive and binding on all bidders.</p>	
4.	Point No:1.6.1	<p>The tender quantity is for beneficiation of ROM Coal of average 2.0 MMTPA from WCL Collieries, 1.40 MMTPA from SECL Collieries and 1.0 MMTPA from MCL Collieries.</p> <p>In order to promote competition and to have</p>	<p>Bid conditions shall prevail</p>	--

		<p>maximum participation from the parties in WCL area keeping in mind the washing industry scenario of the Vidarbha region ,you are requested to change the terms and conditions in such a manner that qualifying criteria is as per subsidiary wise tendered quantity. It would be wise and fair to reduce the conditions so that it again doesn't become a single party tender and tender gets finalized in the interest of public.</p>		
2. INDUS UDYOG AND INFRASTRUCTURE PRIVATE LIMITED				
5.	1.3.1 – Tender Fee	<p>Non-refundable Tender fee of Rs.1,00,000/- is very high. Tender fee shall be kept reasonably at maximum of Rs.25,000/-</p>	Bid conditions shall prevail.	--
6.	Clause No.15.1 – Minimum Qualifying Criteria	<p>May please consider that bidder shall be allowed to bid through consortium with another company wherein consortium members can meet technical and financial criteria either jointly or severally since it is very difficult for a single bidder to meet the stringent conditions set out for meeting the minimum qualifying criteria.</p> <p>Further in order to avoid monopoly the no bid shall be accepted in the event where any of the successful bidders who have been</p>	Bid conditions shall prevail	--

		awarded / qualified for work under Tender No: MSMC/Mining/2019/07 and / or its related party / affiliate / associate / common shareholding company / Directors has submitted bid.		
7.	Clause No.1.5.1 – Technical Criteria Point No. 4	<p>It is to submit that this is very stringent condition which will lead to monopoly of only one of two bidder. It may please be noted that during previous bid only limited participant were qualified which has lead to reissue of the tender.</p> <p>Hence may please consider following:</p> <p>The bidder must have executed the work of lifting and beneficiation of 0.50 million metric tons per annum in any one of the recent three financial years. In this regard may please refer the latest bid document of other state owned electricity boards like Gujarat State Electricity Corporation Ltd (GSECL) & Punjab State Power Corporation Ltd (PSPCL) wherein both GSECL and PSPCL has sought past experience of 3 lakh tone in last one year. This will result in to more competitive bids for MSMC as well.</p>	Bid conditions shall prevail	--

		Further bidder should be allowed meet requisite technical and financial criteria either jointly or severally though consortium / lease basis.		
8.	Clause No.1.5.1 – Note Point No. 2	<p>May please consider bidder having coal washery located in subsidiary other than MCL, SECL & WCL shall be allowed to participate in the bid through consortium or leased washery from any of the above subsidiaries</p> <p>Further may please clarify that bidder having washery located in vicinity of one subsidiary can submit the bid for other subsidiary from the same washery.</p> <p>May please also be considered that bidder having minimum installed capacity of 0.9 MTPA should be qualified for the bid and with minimum offer quantity of 0.9 MTPA in any of the</p>	<p>Bid conditions shall prevail.</p> <p>Bidder having coal washery located in subsidiary other than MCL, SECL & WCL are not allowed to participate in the bid.</p>	--
9.	Clause No.1.5.1 – Financial Criteria Point No. 1	May please be noted that net worth and turnover sought is on a very higher side due to which it resulted to limited participant in previous bid called by MSMC. Further this will encourage cartelization among limited	Bid conditions shall prevail	--

		<p>participant and monopoly of previous qualified bidders.</p> <p>Hence may please consider to lower the turn over & net worth criteria to Rs.70 Crores and 25 Crores respectively.</p> <p>Further bidder should be allowed meet requisite technical and financial criteria either jointly or severally through consortium / lease basis.</p>		
10	Leasing of Washery	<p>May please be clarified that a bidder engaged in coal business (not having washery with installed capacity of 2 MMTPA or having lessee installed capacity) can bid through leased washery from another company wherein both combined installed capacity of both owned and leased washery shall be minimum 2 MMTPA.</p> <p>If not may please consider the same</p> <p>Further may also be clarifies that a bidder washery located in vicinity CCL or any other subsidiary can submit it bid through leased washery from another company for any of the subsidiary of MCL, WCL or SECL .</p> <p>If not may please consider the same</p> <p>Further may also be clarified “washery hired on lease basis in any of the other subsidiaries” shall</p>	Bid conditions shall prevail	--

		<p>mean that a bidder lease washery only from the subsidiary other than its own washery location. If not may please consider the same</p> <p>With due respect, it is submitted that the conditions of qualifying criteria set out in the tender document are very specific and will result into monopoly of one or two bidder. We therefore earnestly request your kind consideration toward above, we are sure it will result in larger bid participation with better and competitive offers and will be win-win situation for MSMC.</p> <p><i>Note: Please amend the bid documents as per the CVC guidelines while the offer is to be submitted for 1 MMTPA whereas the eligibility criteria is called for entire quantity hence conditions of meeting financial and other criteria may please be revised accordingly as per guidelines of CVC.</i></p>		
3. N N GLOBAL MERCANTILE PVT. LTD				
11	1.	<p>"The Pre-qualifying requirements for SECL and MCL subsidiaries are suitable as per tender because there are continuous similar nature of work for the washeries from Govt, PSU's and</p>	Bid conditions shall prevail	--

		<p>IPP's, whereas for WCL Subsidiary, the entire scenario is different as there is no major work for washery operators from last 8 years from Govt. PSU's as well as IPP's therefore the technical and financial criteria for WCL subsidiary should be relaxed accordingly."</p> <p>PRE QUALIFYING REQUIREMENTS FOR BIDDER OF WCL SUBSIDIARY:- The amendment in Pre qualifying requirement is requested for the bidder of Vidharbha region in MAHARASTRA state for WCL Command Area</p> <ol style="list-style-type: none"> 1. Bidder must have an established washery in WCL command area of Minimum installed capacity of 0.96 MMTPA to meet the tender requirement as Maharashtra Government permits to establish the washery below 1.0 MMTPA of capacity. <p style="text-align: center;">AND</p> <p>The bidder must be permitted to submit bid through washery hired on lease basis of 2.00 MMTPA of Capacity in WCL command area so that the bidder of Vidharbha area may get chance to participate in the tender.</p>		
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12		<p>2. The bidder must be permitted to submit bid through washery hired on lease basis in WCL Subsidiary with the submission of technical and financial criteria of the same subsidiary.</p>	Bid conditions shall prevail	--
13		<p>3. The Bidder must have executed the work of lifting and beneficiation of at least 1.50 Lakh metric tons (0.15 MMTPA) of RoM coal supply of beneficiated coal (Washed Coal) is carried out at the washery in anyone of the financial year from the last three financial year (2016-17, 2017-18 and 2018-19) in WCL Subsidiary.</p> <p>Note: MSMC has taken base of Gujarat State Electricity Corporation Limited Tender Specification No. GSECL/Fuel/Wash Coal/2016-17 dated 07.09.2016 as model tender for preparation of the subject tender wherein "GSECL invites bid from eligible bidders for beneficiation (Washing) of 12.0 Lakh MT per month (14.40 MMTPA) of RoM Coal and supply of Beneficiation coal (Washed Coal) to its TPS of GSECL. The said tender of GSECL requires bidder's Minimum Qualification requirements as the bidder should have executed the work of lifting and beneficiation of at least 3 Lakh MT of RoM Coal and supply of beneficiated coal (Washed Coal) is carried out at the washery in the last one year. Therefore the</p>	Bid conditions shall prevail	--

		minimum work experience is required mere less than 2.5% of tender quantity.		
14		4. Since last 7-8 years there is no work of coal washing for the washeries under WCL Subsidiary only Private Power Plants were taking washed coal of limited quantity as per their requirement. The above reason affected in lower turnovers and net worth of the bidders under WCL subsidiary for the period of last 7-8 years. Considering above facts JV/Consortium may please be allowed in this tender	Bid conditions shall prevail	--
15		5. MSME / SME bidder must be given relaxation under WCL Subsidiary.	Bid conditions shall prevail	--
16		6. Relaxation in financial qualification viz. As on 31 st March 2019, the bidder should have Positive Networth and Turnover of atleast Indian Rupees 30 - 40 (Thirty to Forty) Crores. Therefore we request you to kindly consider the aforementioned amendments in the tender clauses. It is also requested to extend the due date of Bid Submission of at least by 10 (ten) days enabling us to prepare and submit the bid as per amendments.	Bid conditions shall prevail	--

4. PARAS POWER & COAL BENEFICIATION LTD

17		We are Coal Beneficiation Company having wet type washery and siding at a strategic location in SECL. We started operations in last year. In your tender for 20% quantity, there exist no opportunity for existing vendors of MAHAGENCO for coal related services, having new facilities having washery / siding together. Whereas 20 % quantity is suppose to be to encourage new vendors so that in future, we can be a vendor to serve you in washing activities.	Bid conditions shall prevail	--
18	Technical Criteria - 1 (Note Point No. 2)	In the SECL, the quantity is 1.4 MTPA, in case of L1/L2 Bidder (60:40), the quantity will get distributed. Why are we asked to have minimum capacity of 2 MTPA. Even if we have 0.6 MTPA available, still we can serve MAHAGENCO. In addition to this, our spare capacity for the financial year is 0.7 Million ton for this year and for next financial financial year, we are willing to dedicate our full capacity that is 0.96 MTPA.	Bid conditions shall prevail	--
19	Technical Criteria - 2	Your actual work will start from January / February onwards, in case a company is adding the capacity and will complete by January 2020, the addition capacity should be considered.	Bid conditions shall prevail	--
20	Technical Criteria	There exist no consideration for vendor directly	Bid conditions shall prevail	--

	- 3	or in consortium presently executing the work of Coal Related services for MAHAGENCO (more than 1 million ton) and have experience for FSA Clients of washing and have performed satisfactorily.		
21	Technical Criteria - 4	Why single bidder is allowed, JV or consortium is not allowed? In case MSMC feels that vendors executing other coal related services like RCR can't perform the job alone for washing, then they should be allowed to form a JV or work in Consortium?	Bid conditions shall prevail	--
22	Technical Criteria - 5	You have allowed leasing of washeries, and have raised the PQR, whereas PQR should have been relaxed so that maximum participation could come and new facilities will get an opportunity to get the work by them. With the existing conditions, new facilities are made dependent, and are forced to be leased out and work as a Subcontractor.	Bid conditions shall prevail	--
23	Financial Criteria	To execute the job of SECL quantity, for L2 bidder (incase 40% is allotted), turnover will be approx. 40 Crores and one month quantity will be approx. 7 Crores	Bid conditions shall prevail	--
24	Financial Criteria	Why the turnover is required to be 140 Crores and the networth 85 Crores?	Bid conditions shall prevail	--
25	Financial Criteria	For vendors executing the job of MAHAGENCO for RCR mode directly or in consortium, why	Bid conditions shall prevail	--

		relaxation is not given in terms of PBG?		
26		It is humbly requested to kindly consider the companies already working for MAHAGENCO in coal related services either directly or in consortium to be a part of the tender.	Bid conditions shall prevail	--
5. KBS ENERGY				
27	Section – I, Page No. 10 Clause No. 1.5.1 “Minimum Qualification Requirements “	<p>Tender Condition: The Bidder should be a single bidder, bidding on his own. A party Cannot submit multiple bids. No bid shall be accepted from bidder where any of the successful Bidder who has been awarded work under Tender No. MSMC/ Mining/2019/07 and /or its related party / affiliate/ associate has submitted bid. An affidavit cum undertaking to this effect shall be submitted by the bidders along with the bid.</p> <p>Acceptance of this Condition: Not Accepted</p> <p>Amendment Requested: Joint Venture / Consortium of minimum two Parties shall be allowed altogether (jointly) fulfilling the Technical and Financial Criteria of</p>	Bid conditions shall prevail	--

		<p>the Tender. Since Joint Venture / Consortium has also been allowed in the Tender No. MSMC/Mining/2019/07</p>		
28	<p>Page No. 11 “Technical Criteria” 1</p>	<p>Tender Condition: The Bidder shall have own beneficiation plant with renowned technology for wet beneficiation of raw coal such as JIG or Heavy Media or Dense Media or FBC Technology</p> <p>Acceptance of this Condition: Not Accepted</p> <p>Amendment Requested: Any of the Parties from JV / Consortium shall be allowed to meet the criteria of having Beneficiation Plant with renowned technology.</p>	<p>Bid conditions shall prevail</p>	<p>--</p>
29	<p>“Technical Criteria” 2</p>	<p>Tender Condition: The Bidder shall have own beneficiation plant located in vicinity of at least one of the three subsidiaries i.e. South Eastern Coalfields Limited, Western Coalfields Limited and Mahanadi Coalfields Limited from where the FSA has been allotted to MAHAGENCO</p> <p>Acceptance of this Condition: Not Accepted</p>	<p>Bid conditions shall prevail</p>	<p>--</p>

		<p>Amendment Requested: Any of the Parties from JV / Consortium shall be allowed to meet the criteria of having Beneficiation Plant with renowned technology in any of the three subsidiaries i.e. SECL /WCL or MCL from where FSA has been allotted to MAHAGENCO</p>		
30	“Technical Criteria” 3	<p>Tender Condition: The Bidder should have own private Railway Siding or should have tied up with other Railway Siding for dispatch of coal. The railway siding should be approved for Coal dispatches. The Railway approval for the siding for dispatch of coal shall be treated as approval for loading Rakes with “C” priority. The railway siding can be goods shed siding for loading of Washed Coal to MAHAGENCO TPS</p> <p>Railway siding owned by the Bidder :</p> <ol style="list-style-type: none"> Final siding agreement with the Indian Railways. Rail Transport Clearance issued by the Indian Railways Any other supporting document to establish use of the siding <p>If the railway siding is not owned by the bidder :</p> <ol style="list-style-type: none"> Valid lease Deed / Agreement with the 	--	--

		<p>owner of the siding or No Objection Certificate as per format</p> <p>b. Rail Transport Clearance issued by the Indian Railways</p> <p>c. Any other supporting documents required to establish use of the siding for the project</p> <p>Acceptance of this Condition: Accepted</p> <p>Amendment Requested: No Amendment Requested</p>		
31	“Technical Criteria” 4	<p>Tender Condition: The Bidder must have executed the work of lifting and beneficiation of an average quantity of 1.50 MMTPA of RoM coal and supply of Beneficiated coal (washed coal) in the last three financial years (2016-17, 2017-18 and 2018-19). Details of customer, year-wise quantity of raw coal lifted washed and dispatched by rail along with washing technology used for the same should be given as per format ANNEXURE-III</p> <p>Acceptance of this Condition: Not Accepted</p> <p>Amendment Requested:</p>	Bid conditions shall prevail	--

		<p>Clause may be read as “The Bidder (JV / Consortium) should be successfully undertaking execution of work of MAHAGENCO for transportation of Coal / Coal Handling / Coal Washing / Coal Crushing / Railway Liasoning / Rakes Monitoring etc to the utmost satisfaction shall be considered for participating in the tender.</p> <p>Thus the existing Vendors of MAHAGENCO shall be given preference to form a JV / Consortium with washery operator and submit most competitive bid.</p> <p>Preference may be given to MAHAGENCO Vendors undertaking following work under single order i.e.</p> <ol style="list-style-type: none"> a. Loading of Coal into Tipper from Mines b. Transportation of RoM Coal from Mines to Railway Siding by Road, c. Loading of Coal into Wagons of rakes from siding <p>And</p> <ol style="list-style-type: none"> a. Dispatch of rakes from siding to the TPS of Mahagenco. b. Monitoring the movement of rakes and appraising the movements etc. to Mahagenco, enroute supervision during transportation of Coal through Rail to TPS 		
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		<p>of Mahagenco.</p> <p>c. Liasoning / Coordination with Mines (Liasoning, Supervision and Coordination for loading and Transportation of Coal) Complete Liasoning with Railways for rake placement and rake loading.</p>		
32	“Technical Criteria” 5	<p>Tender Condition: The Bidder must have supplied beneficiated coal to any State Electricity Board or Central Government owned company or any State Owned Company or Supply to Independent Power Producer (IPP) (not captive)</p> <p>Acceptance of this Condition: Not Accepted</p> <p>Amendment Requested: Please clarify State Owned Company / Independent Power Producer more significantly Since the washeries are not into operation from 2011, it is not possible to submit experience of Coal Beneficiation and Washed Coal dispatch by any of the Washery Operator.</p>	Bid conditions shall prevail	--
33	“Technical Criteria” 6	<p>Tender Condition: The Bidder shall have to submit the experience / performance certificates in original in this regard. The experience / performance certificate</p>	Bid conditions shall prevail	--

		<p>should reflect minimum quantities as stated above for minimum qualifying criteria.</p> <p>Acceptance of this Condition: Not Accepted</p> <p>Amendment Requested: Any of the JV Partner / Consortium Member shall be required to submit the Performance Certificate for execution of order for Raw Coal Transportation, Coal Handling, Rake Monitoring, Coal Liasioning & other allied activities.</p>		
34	Page No. 12 "Note	<p>Tender Condition: Bidder shall have to submit Capacity of beneficiation plant, quantity of beneficiation presently being carried out for the FSA linked consumers and the spare capacity</p> <p>Acceptance of this Condition: Not Accepted</p> <p>Amendment Requested: JV Partner / Consortium member shall submit details of Capacity of Beneficiation Plant and details of work carried out (execution of Raw Coal Transportation, Coal Handling, Rake Monitoring, Liasioning & other allied activities).</p>	Bid conditions shall prevail	--
35		Tender Condition:	Bid conditions shall prevail	

		<p>The bidder should have a minimum installed capacity of 2.00 MMTPA washery in any one of the three subsidiaries. Bidder should offer minimum 1 MMTPA from any of the three subsidiaries i.e. SECL, WCL, and MCL. However the Bidder may offer maximum quantity upto the approved capacity as approved by the State Pollution Control Board of their Washery or their available spare capacity whichever is lower</p> <p>Acceptance of this Condition: Not Accepted</p> <p>Amendment Requested: Since Bidder is submitting offer for 1 MMTPA then the washery capacity shall also be restricted to 1 MMTPA only.</p>		
36	Page No. 12 Financial Criteria	<p>Tender Condition: As on 31st March 2019, the Bidder should have a Net worth of atleast 85 Crores and Turnover of atleast 140 Crores.</p> <p>Acceptance of this Condition: Not Accepted</p> <p>Amendment Requested: The Net Worth and Turnover of JV /</p>	Bid conditions shall prevail	--

		<p>Consortium together (combine) shall be considered during finalization of the tender.</p> <p>Or</p> <p>the same shall be relaxed as the Washery Operation is closed since 2011 and many companies do not have positive Networth nor increased Turnover as required in the Tender.</p>		
37		<p>Tender Condition: Credit Limits as on the date not prior to 15 days before the last date of submission of Bid along with bank reference of the bidder.</p> <p>Acceptance of this Condition: Accepted</p> <p>Amendment Requested: No Amendment Requested.</p>	--	--
38	Leasing of Washery Page No. 12 Section – I	<p>Tender Condition: The bidder meeting aforementioned technical and financial criteria shall be permitted to submit bid through washery hired on lease basis in any of the other subsidiaries subject to the condition that both the bidder and the Lesser are engaged in the business of Coal Beneficiation. However the bidder cannot take washery on lease in that subsidiary company on the basis of which he is qualifying in the technical and financial criteria.</p>	--	--

		Acceptance of this Condition: Accepted Amendment Requested: No Amendment Requested.		
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