

## GUJARAT ELECTRICITY REGULATORY COMMISSION

6<sup>th</sup> Floor, GIFT ONE,  
Road 5-C, Zone 5, GIFT CITY,  
Gandhinagar – 382 355, Gujarat, India.  
Ph.: +91-79-2360 2000 | E-mail : [gerc@gercin.org](mailto:gerc@gercin.org) | Website : [www.gercin.org](http://www.gercin.org)

Date: 08.04.2022

**Subject :** Engagement of Consultant to provide assistance to GERC in the work of Preparation of the GERC (Multi-Year Tariff) Regulations for the 4<sup>th</sup> Control Period.

In response to queries raised by the participants on the RfP document for providing assistance to GERC in the work of preparation of the GERC (MYT) Regulations for the 4<sup>th</sup> Control Period dated 05.03.2022, the following amendments to the RfP document and clarifications are hereby issued.

- a. The Clause Nos. XVI, XVII, XX of Srl. No. 3. Scope of Work to the RfP are dropped.
- b. The schedule under the Srl. No. 4. deliverables and duration of the Assignment to the RfP is amended. The revised schedule of the deliverables and duration of the Assignment is given below:

*“ The Schedule of delivery for the Task shall be as under:*

### **SCHEDULE**

1	<i>Award of work and signing of Agreement (Copy of the agreement attached herewith as Annexure I)</i>	<i>Date of signing the agreement</i>
2	<i>Submission of the <b>inception report</b> outlining the tentative work plan for the assignment</i>	<i>10 days from the date of signing the Agreement</i>
3	<i>Submission of the <b>preliminary analysis report</b> flagging the areas where amendments/changes are required as mentioned in I under scope of work and preparation of formats for collecting data from Utilities required for setting norms.</i>	<i>30 days from the date of signing the Agreement</i>
4	<i>Submission of the <b>1<sup>st</sup> Progress Report</b> on points mentioned under scope of work</i>	<i>15 days from submission of preliminary analysis report as per 3 above.</i>
5	<i>Submission of the final <b>study report / Discussion Paper</b> (to be published) as mentioned in II under scope of work</i>	<i>15 days from submission of preliminary analysis report as per 3 above</i>

6	<b>Submission of the 2<sup>nd</sup> Progress Report</b> on points mentioned under scope of work	15 days from submission of study report as per 5 above
7	<b>Submission of the 3<sup>rd</sup> Progress Report</b> on points mentioned under scope of work	15 days from submission of 2 <sup>nd</sup> progress report as per 6 above
8	<b>Preparation and submission of Draft Regulations accompanying Explanatory Memorandum (EM).</b>	20 days from the completion of the task as per 7 above
9	<b>Preparation of amended final draft regulations accompanying Explanatory Memorandum (EM)</b>	20 days after submission as per 8 above
10	<b>Submission of the final regulations along with Statement of Objects &amp; Reasons (SoR)</b>	15 days after the public hearing

- c. The Clause No. g) of Srl. No. 5. Eligibility & Qualification Criteria to the RfP is amended as follows:

*“ g) Personnel of Consultancy Firm should be a Graduate, Post Graduate or Doctorate of relevant disciplines and additionally may have MBA / CMA / CA / CS and/or Law qualifications related to tasks which are to be performed and shall be technically sound with practical knowledge in performing various assigned tasks.*

*The desired profile is as under:*

- A. Project Director – at least 15 years of experience in power sector. (Preferably BE & MBA/Ph.D.)*
- B. Regulatory Expert – at least 10 years of experience in power sector (Preferably BE & MBA/Ph.D.)*
- C. Financial & Accounting Expert – at least 10 years of experience, preferably in the power sector with qualification of CA or CMA*
- D. Data Scientist – at least 10 years of experience. (Preferably M.Sc./Ph.D.)*
- E. Legal Expert – at least 10 years of experience (preferably LLM or CS or any Law degree)*
- F. Team Leader – at least 8 years of experience in power sector*

*The team members having at least 5 years of experience in power sector shall support these experts. However, the firm may strengthen its team with additional manpower as per requirement of the assignment. Any deployment of additional manpower should be made with the approval of the Commission. Such manpower must be on the payroll of the Bidding Firm prior to the date of submission of the Bid.”*

- d. The Clause No. (i) of the Srl. No. 5. Eligibility & Qualification Criteria to the RfP is amended as follows:

*“i) Shall have an appropriate team or individuals, with the proposed key resources being full time employees with requisite skills to carry out the tasks within the time frame prescribed by the Commission. No change in the personnel shall be permissible.*

*Provided that If any reasons, beyond the reasonable control of the Consultants, it becomes necessary to change any of the key personnel for which the Consultants will forthwith provide as a replacement a person of equivalent or better qualifications and experience with prior approval of the Commission.”*

- e. The Clause No. (h) of the Srl. No. 5. Eligibility & Qualification Criteria to the RfP is amended as follows:

*“ h) The Bidder is required to nominate a Project Director who shall interact with the Commission or the Officer designated by the Commission on regular basis during the consultancy period. The Commission shall require on continuous basis at least two persons, one person has sufficient exposure of technical, financial and regulatory aspects and another person has sufficient knowledge of legal aspects to be present in the office of the Commission, since beginning of the process till the final regulations are issued. Each member of the team should be a full-time employee of the consultant.*

- f. The Srl. No. 9. Last date for submission of RfP is extended up to 1800 hrs. on or before 18/04/2022.

- g. The Following New Clause on ‘Anti-Bribery & Anti-Corruption’ is included in the agreement as Clause No. 15(a):

*”1. The party of first part (Consultant) has not and shall not offer, promise, give encourage, solicit, receive or otherwise engage in acts of bribery or corruption in relation to this Agreement (including without limitation any facilitation payment), or to obtain or retain business or any advantage in business for any member of its group, and has and shall ensure to the fullest*

*extent possible that its employees and agents and others under its direction or control and directly involved in providing Services under the Agreement do not do so. For the purposes of this clause it does not matter if the bribery or corruption is*

- a. direct or through a third party;*
  - b. of a public official or a private sector person;*
  - c. financial or in some other form; or*
  - d. relates to past, present, or future performance or non-performance of a function or activity whether in an official capacity or not, and it does not matter whether or not the person being bribed is to perform the function or activity to which the bribe relates, or is the person who is to benefit from the bribe. For the purposes of this clause, a "person" is any individual, partnership, Company or any other legal entity, public or private.*
- 2. The party of the First part (Consultant) shall, adhere to applicable anti-bribery and corruption laws.*
  - 3. Each party shall, immediately upon becoming aware of them, give the other Party all details of any non-compliance with sub-clauses (a) and (b)*

*It is a condition of this agreement that each Party fully complies with this Clause. If it does not do so, without prejudice to any other remedy available to a party, the non-breaching party shall have the right (but not the obligation) in its absolute discretion to terminate the whole of this Agreement to which the bribery or corruption relates. For the avoidance of doubt, any breach of this Clause shall be deemed to be incapable of remedy. "*

The Commission's response to the queries of the interested bidders is given in the Annexure to this letter. The interested bidders are advised to go through the clarifications given in the said Annexure. All other terms and conditions of the tender remain unchanged. The Technical Bids will be opened by the Consultancy Evaluation Committee, GERC on 19.04.2022 at 1100 hrs. in the Conference Hall at the Commission's office.

Sd/-

(Roopwant Singh, IAS)  
Secretary, GERC

Encl. : As above.

## Annexure

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC	Comments of GERC
1.	3. Scope of Work Page 2	<p>II. Submission of the study report based on the analysis of model regulations evolved by Forum of Regulations, similar regulations issued by CERC, various SERCs, judgements issued by GERC and other Commissions, APTEL, various High Courts, and the Supreme Court of India, <b><u>rules and codes being specified by CEA and various circulars, policy papers, notifications, office memorandum, guidelines issued by the ministry of various authorities</u></b> on the <b><u>various aspects of abovementioned regulations with literature survey of National and International Journals of repute.</u></b></p>	<p>It is understood that the objective of the assignment is to provide assistance to GERC in preparation of MYT Regulations. In this regard, the following phrase may kindly be explained in the interest of further clarifying the Scope of Work:</p> <ul style="list-style-type: none"> <li>• rules and codes being specified by CEA and various circulars</li> <li>• various authorities</li> <li>• various aspects of abovementioned regulations with literature survey of National and International Journals of repute</li> </ul> <p>Further, kindly confirm that in the phrase ‘various circulars, policy papers, notifications, office memorandum, guidelines issued by the ministry, the term ministry is being used for “Ministry of Power, Government of India.”</p>	<p>The broad objective of the study report / discussion paper is to provide directions based on the extant economic and financial scenario of the State/Country. In view of the developments and challenges faced by the sector and changing financial market in the sector, there is a need to give a fresh look into the assumptions and factors to be considered while framing the terms and conditions of tariff. The Consultant is expected to refer or do literature survey of various extant tariff regulations/ Rules / important judgments / policy document-papers / Regulations / OMs / circulars / notifications /</p>

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC	Comments of GERC
				<p>guidelines / research papers etc. which carry direct or indirect bearing on the issues related to electricity tariff regulations. Further, the consultant in its study report/ discussion paper, is expected to do its own assessment and evolve possible options/scenarios based on learnings gained from the national and international practices in this regard. It is left to the consultants to suggest methodology adopted for evolving options/options/scenarios.</p>
2.	3. Scope of Work Page 2	<p>III. <b>Collect and assimilate</b> actual data on Norms &amp; Components of tariff for GY 2014-15 to FY 2020-21 (Seven Years) and analyse the said information for setting the Tariff Design, Norms and Mechanism for Incentive &amp; Disincentive in the Draft (MYT) Regulations for the 4<sup>th</sup> Control Period.</p>	<p>It is understood that the responsibility of the consultant is to devise the format for collections of data and not to collect the same from the Utilities. Further, as the Actual data for previous seven FYs is to be collected, which is a time-consuming process, the same needs to be appropriately considered while deciding the timelines of the assignment.</p>	<p>The objective is to estimate and develop normative parameters for the proposed MYT Regulations for which a huge amount of information may have to be collected and</p>

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC	Comments of GERC
				<p>analysed. Further, for the stated period, sizable relevant information available as regular true-up exercise had already been carried out. However, the Consultant is expected to devise the format for collection of data which shall be circulated by the Commission amongst utilities. The consultant needs to do data analysis for formulating the norms for the proposed MYT Regulations.</p>
3.	3. Scope of Work Page 2	<p>IV. Analysis of the historical financial and technical performance of the distribution licensees, transmission licensees and generating companies, and prepare baseline data for evolving norms and also <b><u>prepare a benchmark study based on comparable entities.</u></b></p> <p>.....</p> <p>VI. Evolve appropriate methodology for determining performance linked norms for various expenditure items in</p>	<p>It is submitted that the benchmark study based on comparable entities can be undertaken if the requisite data for comparison ( comparable entities and similar time period) is available in the public domain. Accordingly, it may be clarified as to how the data for comparable entities for the similar time period would be made available to the consultants.</p>	<p>The consultant is expected to do its own assessment, wherever possible, referring the relevant available information as well as different practices adopted in the Sector by different Commission, decisions pronounced by the Apex authorities and</p>

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		<p>utilities. Suggest performance linked norms reflecting efficiency considering historical data and efficiency based on <b><u>benchmarking the performance with comparable entities</u></b> and also suitable incentive disincentive mechanism for norms.</p>		<p>studies being undertaken by FoR / Institutions by which the estimated costs and corresponding benefits in technical/operating/ financial parameters achievable. Similarly the guaranteed parameters by OEM/suppliers needs to be considered as well as standards if any specified by any authority while specifying normative parameters. Capex, Opex etc. linked with benefits achievable shall be assessed for suggesting the benchmarked normative parameters.</p>
4.	3. Scope of Work Page 3	XIV. Preparation of guidelines for procurement of Power by Distribution Licensees.	It is understood that here the intention is to prepare the provisions related to power procurement of Power by Distribution Licensees in the proposed MYT Regulations and not a separate document.	Yes.
5.	3. Scope of Work Page 3	XVI. Preparation of Regulatory Accounts	It is submitted that the scope of work under this head may be explained further, so that the expected output as a part of the main objective, i.e., draft MYT	A separate RfP in this regard shall be issued. Hence, the clause is

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC	Comments of GERC
			Regulations may be clarified. It is further submitted that the point : preparation of Regulatory Accounts' is itself a complete and independent work, which would require significant time and effort even beyond the overall timeline of approx. 5-6 months as envisaged in the RFP for MYT Regulations. Therefore, it is requested to clearly specify the expected output under this head in the draft MYT Regulations.	dropped from the Scope of Work. Appropriate changes are made in the RfP.
6.	3. Scope of Work Page 3	XVII. Devising guidelines for adoption of Tariff Based Competitive Bidding for Intra-state Transmission Projects and Transmission Pricing Framework	It is submitted that the scope of work under this head may be explained further, so that the expected output as a part of the main objective, i.e. draft MYT Regulations may be clarified. Clarity may be provided on the phase 'Devising guidelines for adoption of Tariff Based Competitive Bidding for Intra-state Transmission Projects' under this head, as the draft MYT Regulations would govern the computation of ARR for Transmission projects covered under Section 62 of the EA, 2003. Further, it is also submitted that the phrase 'Transmission Pricing Framework' under this head is itself a complete and independent work, which would not only require past data for 5-6 years, but also involve significant time and effort much beyond the overall timeline of approx. 6 months as envisaged in the RFP for MYT Regulations. Therefore, it is requested to clearly specify the expected output under this head in the draft MYT Regulations.	A separate RfP shall be issued. Hence, the clause is dropped from the Scope of Work. Appropriate changes are made in the RfP.
7.	3. Scope of Work Page 3	Develop a web-based easy-to-use, secure and state of the art portal for	As per the RFP clause, the scope mandates development of IT enabled Regulatory Information	A separate RfP in this regard shall be issued.

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC	Comments of GERC
		<p>various filings related to tariffs, FPPA, Capex approval and Regulatory Information Monitoring System for utilization between utilities and the Commission only.</p>	<p>Monitoring System (RIMS) along with web portal which itself is a full-fledged technology solution. For the procurement and implementation of IT solution and services, there are. Certain technical considerations which need to be finalised at the tendering stage only so that Bidder have necessary information to accurately estimate the efforts and costs for the IT solution development, hosting and support. Hence, we request GERC to provide clarity on the following points:</p> <ul style="list-style-type: none"> <li>* Scope of Work of RIMS along with web portal- As per the industry norms, entire IT scope can be divided into software modules and functionalities/user requirements/workflows/expected outputs are defined for each module.</li> <li>* Objective of the solution -whether the proposed solution will be used as a data compilation tool in which data files from utilities will be uploaded in a centralised data repository for easy access to GERC Or the proposed solution will also have data analytics, MIS and dashboard features to gain meaningful insights from the data uploaded by utilities.</li> <li>* Clarity should be provided in the RFP on the following components:</li> <li>* Preparation and approval of SRVB (Software Requirement Specification) document which would</li> </ul>	<p>Hence, the clause is dropped from the Scope of Work. Appropriate changes are made in the RfP.</p>

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC	Comments of GERC
			<p>require multiple discussion with GERC and other stakeholders to finalise the software requirements, i.e., data input formats, integration with utility systems/GERC's existing system (if any), screen layouts, workflows, approval mechanism, reporting formats, data updation periodicity, business logics, etc.</p> <ul style="list-style-type: none"> <li>* Technical requirements of RIMS and web portal</li> <li>* Design and developments of RIMS and web portal.</li> <li>* UAT (User Acceptance Testing)</li> <li>* Go-live (Timeline and criteria to define Go-live stage)</li> </ul> <p>Stabilization period (Say, three months from Go-live)</p> <ul style="list-style-type: none"> <li>* User training and handholding</li> <li>* User manual and technical documentation</li> <li>* Annual technical support (say, for three years)</li> <li>* Hosting of entire solution (preferably on cloud)</li> <li>* The design, development, implementation, and support on RIMS and web portal would require involvement of dedicated IT team along with resources having power sector and regulatory experience. As per the industry norms, development of IT system requires various skilled resources including Business Analysts, Software Developers, Testing engineers, Database Administrations, Software Architect, Web Designers, Data Scientist, etc.</li> </ul>	

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC				Comments of GERC								
			<p>* Clarity should be provided on the hosting arrangements of proposed system. Whether GERC will provide in-house hardware/servers and other associated infrastructure for hosting and deployment of proposed system or it will be the responsibility of the bidder to provide cloud hosting services along with the software application.</p> <p>* Clarity should be provided on requirement of post-implementation annual technical support (combination of onsite and offsite support) for specified number of years.</p> <p>* Clarity on the implementation timelines (our experience says full implementation would need around 12 months).</p> <p>* Price bid format -we suggest GERC to seek price for this work in the following format:</p> <table border="1" data-bbox="1041 943 1727 1377"> <thead> <tr> <th data-bbox="1041 943 1126 1102">Part</th> <th data-bbox="1126 943 1435 1102">Sub task</th> <th data-bbox="1435 943 1574 1102">Amount (INR) Without tax</th> <th data-bbox="1574 943 1727 1102">Amount (INR) With tax</th> </tr> </thead> <tbody> <tr> <td data-bbox="1041 1102 1126 1377">A</td> <td data-bbox="1126 1102 1435 1377">Design, Development and Implementation of RIMS and web portal including training of stakeholders and cyber security audit</td> <td data-bbox="1435 1102 1574 1377"></td> <td data-bbox="1574 1102 1727 1377"></td> </tr> </tbody> </table>				Part	Sub task	Amount (INR) Without tax	Amount (INR) With tax	A	Design, Development and Implementation of RIMS and web portal including training of stakeholders and cyber security audit			
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A	Design, Development and Implementation of RIMS and web portal including training of stakeholders and cyber security audit														

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC			Comments of GERC																
			<b>B</b>	Cloud hosting services for XX years (covering implementation period + annual technical support period)																		
			<b>C</b>	Annual technical support for XX years																		
			<b>Total (Task B)</b>																			
			* Timelines and payment milestones: we suggest GERC to define the following format:																			
			<table border="1"> <thead> <tr> <th data-bbox="1039 831 1361 911">Milestone</th> <th data-bbox="1361 831 1520 911">Payment</th> <th data-bbox="1520 831 1704 911">Delivery Schedule</th> </tr> </thead> <tbody> <tr> <td data-bbox="1039 911 1361 991">Submission of SRC document</td> <td data-bbox="1361 911 1520 991">10% of Part A</td> <td data-bbox="1520 911 1704 991">T+1 month</td> </tr> <tr> <td data-bbox="1039 991 1361 1150">Demonstration of high-level design and prototype of RIMS and web portal</td> <td data-bbox="1361 991 1520 1150">20% of Part A</td> <td data-bbox="1520 991 1704 1150">T+6 months</td> </tr> <tr> <td data-bbox="1039 1150 1361 1230">Completion of UAT</td> <td data-bbox="1361 1150 1520 1230">40% of Part A</td> <td data-bbox="1520 1150 1704 1230">T+9 months</td> </tr> <tr> <td data-bbox="1039 1230 1361 1347">Demonstration and training to GERC and stakeholders and</td> <td data-bbox="1361 1230 1520 1347">20% of Part A</td> <td data-bbox="1520 1230 1704 1347">T+12 months</td> </tr> </tbody> </table>				Milestone	Payment	Delivery Schedule	Submission of SRC document	10% of Part A	T+1 month	Demonstration of high-level design and prototype of RIMS and web portal	20% of Part A	T+6 months	Completion of UAT	40% of Part A	T+9 months	Demonstration and training to GERC and stakeholders and	20% of Part A	T+12 months	
Milestone	Payment	Delivery Schedule																				
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Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC			Comments of GERC	
			submission of user manual				
			Stabilisation period	10 % OF Part A	T + 15 months		
			Cloud hosting services	Quarterly Payment= 25% of annual Technical Support Charges (Part B)	Quarterly Progress report		
			Annual technical support	Quarterly Payment= 25% of annual Technical Support Charges (Part C)	Quarterly Progress report		
			* Eligibility & Qualification Criteria – development of RIMS and web portal are highly specialised tasks, which would require significant time and effort of functional/sector resources and IT resources and form substantial part of the whole assignment.				

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC	Comments of GERC
			<p>However, there is no corresponding clauses in the “Eligibility &amp; Qualification Criteria” in the RFP. It is requested to include the Eligibility &amp; Qualification Criteria relevant for RIMS and web portal. These should include firm’s experience of implementing RIMS, web portals and other IT tools for power sector entities and relevant experience of resources proposed.</p>	
8.	NA	NA	<p>In the wake of our queries and observations as mentioned in Sr. Nos. 5,6 and 7 above, it is suggested to segregate the entire RFP’S Scope of Work, Deliverables (timelines) and Payment terms in four distinct modules as per the following:</p> <ol style="list-style-type: none"> <li>1. Module 1: Drafting of MYT Regulations</li> <li>2. Module 2: Preparation of Regulatory Accounts</li> <li>3. Module 3: Transmission Pricing Framework</li> <li>4. Module 4: RIMS and web portal</li> </ol> <p>Further, for each of the above-mentioned modules, technical weightage should be appropriately included based on firm’s experience and relevant experience of resources proposed for objective technical scoring.</p>	Appropriate modifications are made in the RfP document.
9.	5. Eligibility & Qualification Criteria Page 6-7	g) Personal of Consultancy Firm should be a Graduate, Post Graduate or Doctorate of relevant disciplines and additionally may have MBA/CMA/CA and/or Law qualifications related to	The subsequent section to point 5 (g) provides for the desired profile include Company Secretary (CS) also, which may be included in the point 5(g) also.	Suggestion regarding 5(g) is accepted. Appropriate changes are made in the RfP.

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC	Comments of GERC
		tasks which are to be performed and shall be technically sound with practical knowledge in performing various assigned tasks		
10.	5. Eligibility & Qualification Criteria Page 7	h) The Bidder is required to nominate a Project Director who shall interact with the Commission or the Officer designed by the Commission on regular basis during the consultancy period. <b>The Commission shall require on continuous basis at least one person having sufficient exposure technical, financial, regulatory and legal aspects to be present in the office of the Commission, since beginning of the process till the final regulations are issued.</b> Each member of the team should be a full-time employee of the consultant.	Considering the fact that the assignment would be for medium to long term (presently 5-6 months) period, it would be difficult to continuously deploy a person at the GERC office meeting the requirements i.e., having sufficient exposure technical, financial, regulatory and legal aspects. It is requested that the requirement of presence of one person on continuous basis at the GERC office for the duration of entire Assignment may be dispensed with. The consultant team may be allowed to visit the GERC office and work there as and when required.	The stated requirement is as decided by the competent authority and hence cannot be changed. Further, Appropriate changes are made in the RfP.
11.	5 Eligibility & Qualification Criteria Page 7	i) Shall have an appropriate team or individuals, with the proposed key resources being full time employees with requisite skills to carry out the tasks within the time frame prescribed by the Commission. <b>No change in the personnel shall be permissible.</b>	For a long-term assignment, it is not feasible to commit that a forced change in the personnel may not happen. There may be instances of resignation, removal, etc. of resources from the organization, which will necessitate change in the personnel as committed in the Proposal. Accordingly, the clause may be amended as follows: i. Shall have an appropriate team... by the Commission. No change in the personnel shall be	The provision in clause 5 (i) is adequate. However minor changes in the said provision are made in the RfP.

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by PWC	Comments of GERC
			permissible, without prior approval of the Commission, which may be permitted by replacement of a personnel with similar or better qualification and experience.	
12	5 Eligibility & Qualification Criteria Page 8	j) The Turnover and Net Worth of the firm as per the Audited Annual Accounts for any of the FY 2019-20 or FY 2020-21 should be a minimum of Rs. 1 Crore.	<p>To ensure participation of only experienced, serious and capable consultancy firms, we propose to increase Turnover and Net worth requirements.</p> <p>The Minimum Average Annual Turnover (MAAT) and Minimum Average Net worth (MAN) Requirement for three immediately preceding financial years (FY 2018-19 to FY 2020-21) may be kept as at least INR 10 Crore.</p> <p>Further, bid submission by consortium or joint venture of two or more firms shall be prohibited to ensure timely and quality delivery. However, bidder should be allowed to procure cloud hosting services and cyber security audit services from the Meit Y-empanelled service providers.</p>	The provision in clause 5(j) is adequate and does not require any further clarification.
13.	9. Last date of submission of RFP Page 10	The final bids complete in all respect are required to be submitted latest by, on or before <b>31/03/2022, up to 1800 hours IST.</b>	Due to financial year closing related activities, it would be difficult for us to submit our proposal by 31 <sup>st</sup> March 2022. Therefore, we request you to kindly consider extending the last date of the proposal submission by at least two weeks from the date of publishing clarifications/corrigendum Or 15 <sup>th</sup> April 2022, whichever is later.	The last date of submission of RfP is already extended till 18.04.2022, up to 1800 hrs. IST.

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by CRISIL	Comments of GERC
1	3. Scope of Work Clause XX, Page No. 3	Develop a web-based, easy-to-use, secure and state of the art portal for various filings related to tariffs, FPPPA, Capex approval and Regulatory Information Monitoring System for utilization between utilities and the Commission only.	<p>It is submitted that development of a web-based portal is entirely a different assignment than preparation of Tariff Regulations and requires a totally different skill-set.</p> <p>Accordingly, we request to separate this particular work from the said RfP and a separate RfP may be issued for the same</p>	A separate RfP in this regard shall be issued. Hence, the clause is dropped from the Scope of Work. Appropriate changes are made in the RfP.
2	3. Scope of Work clause XXVI, Page No. 3	To assist in case the Regulations being challenged before the Higher Forum.	<p>It is submitted that this clause is in contravention with the clause 4) under point no. 8 (signing the Agreement and Terms of Payment), wherein is stated that the last payment milestone is 40% against submission of the final report/Final Regulations &amp; SoR.</p> <p>Accordingly, we request to remove this clause from the RfP.</p>	These are standard clauses as decided by the competent authority and hence cannot be changed. Further, these are in line with several other RfPs floated earlier.
3.	5. Eligibility & Qualification Criteria Clause b) Page No. 6	Shall be Consultancy Firm which shall key personnel on its payroll, having proven records of accomplishment in the above field with minimum five years' experience in the similar task areas.	It is submitted that the nature of assignments in the consulting industry is such that consultants are brought on payroll in general. However, for few skill sets like data science, legal expertise etc., consultants are brought on board as associated and such arrangement is acceptable in general practice.	Consortium / joint venture / sub-contract is not envisaged in the RfP.

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by CRISIL	Comments of GERC
			Accordingly, we request you to relax this clause of all personnel being on payroll of the Consulting Firm.	
4.	5. Eligibility & Qualification Criteria Clause e), Page No. 6	The bidding firm must/should have an adequate relevant experience in framing of the Regulations/Policies being issued by the Regulatory Authorities or by the Ministries.	It is submitted that at certain places RfP, the experience of personnel has been referred to. Accordingly, to avoid confusion, we request to modify the said clause as <i>“The bidding firm/personnel must/should have an adequate relevant experience in framing of the Regulations/Policies being issued by the Regulatory Authorities or by the Ministries.”</i>	The provisions in the RfP appear to be adequate.
5	Eligibility & Qualification Criteria Clause i), Page No. 7	Shall have an appropriate team or individuals, with the proposed key resources being full time employees with requisite skills to carry out the tasks within the time frame prescribed by the Commission. No change in the personnel shall be permissible.	It is submitted that the personnel of any firm leave the organisation for various reasons like growth, location, health etc. and such personnel cannot be bound to continue under any legal provision.  Accordingly, we request to relax this clause as under: <i>“Replacement of personnel can be done only after approval of the commission wherein the Consultant shall have to replace one existing resource by another resource of equivalent or higher qualification &amp; experience than desired in the RfP”</i>	The provision in clause 5 (i) is adequate. However minor changes in the said provision are made in the RfP.
6	5. eligibility & Qualification	The personnel concerned of the Consultancy Firm should have completed at least 4 (four)	The specific experience desired from the personnel like Project Director, Regulatory Expert and Project Leader is understood and	Evaluation will be done based on relevant experience of the related personnel submitted by the bidder.

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by CRISIL	Comments of GERC
	Criteria Clause d), Page No. 6	assignments each involving preparation or determination of tariff proposals in Generation, Transmission and Distribution businesses in the past assisting the Electricity entities and have involved in preparation/approval of business Plan and/or Capex Plan for Electricity Entities.	appreciated. However, expecting the similar experience from personnel like data scientist, IT specialist, legal expert does not make much sense as these are general functions and are not power/electricity sector specific. Accordingly, we request to restrict the requirement of this specific work experience from Project Director, Regulatory Expert and Project Leader only.	
7	Agreement Format, Clause 13), Page No. 21	Consultant's Personnel The party of the first part (Consultant) shall provide Description of personnel with names, position, qualifications and experience. The Consultants shall also make sure continuous availability of the senior personnel at GERC office till completion of the consultancy assignment.	It is submitted that under Clause i) Page No. 7, the following is stated: <i>"The Commission shall require on continuous basis at least one person having sufficient exposure technical, financial, regulatory and legal aspects to be present in the office of the Commission, since beginning of the process till the final regulations are issued."</i>  Accordingly, we request to restrict the continuous presence of personnel at GERC office to one only. However, the availability of the other personnel for the assignment at GERC office shall be ensured, on need basis.	The stated requirement is as decided by the competent authority and hence cannot be changed. Further, Appropriate changes are made in the RfP.
8		New Clause – Anti-Bribery & Anti-Corruption	We request Hon'ble GERC to add the following clause: Anti-Bribery & Anti-Corruption: Each Party represents, warrants and undertakes that:	The suggestion is accepted. Appropriate changes are made in the RfP.

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by CRISIL	Comments of GERC
			<p>4. It has not and shall not offer, promise, give encourage, solicit, receive or otherwise engage in acts of bribery or corruption in relation to this Agreement (including without limitation any facilitation payment), or to obtain or retain business or any advantage in business for any member of its group, and has and shall ensure to the fullest extent possible that its employees and agents and others under its direction or control and directly involved in providing Services under the Agreement do not do so. For the purposes of this clause it does not matter if the bribery or corruption is (i) direct or through a third party; (ii)of a public official or a private sector person; (iii) financial or in some other form; or (iv) relates to past, present, or future performance or non-performance of a function or activity whether in an official capacity or not, and it does not matter whether or not the person being bribed is to perform the function or activity to which the</p>	

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			<p>bribe relates, or is the person who is to benefit from the bribe. For the purposes of this clause, a “person” is any individual, partnership. Company or any other legal entity, public or private.</p> <p>5. Each Party shall, adhere to applicable anti-bribery and corruption laws.</p> <p>6. Each party shall, immediately upon becoming aware of them, give the other Party all details of any non-compliance with sub-clauses (a) and (b)</p> <p>7. It is a condition of this agreement that each Party fully complies with this Clause. If it does not do so, without prejudice to any other remedy available to a party, the non-breaching party shall have the right (but not the obligation) in its absolute discretion to terminate the whole of this Agreement to which the bribery or corruption relates. For the avoidance of doubt, any breach of this Clause shall be deemed to be incapable of remedy.</p>	

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by Mercados	Comments of GERC
1	Clause No. 5.b and Desired Profile Pg. No. -6 & 7	<p><b>Eligibility &amp; Qualification Criteria</b></p> <p>5.(b) Shall be Consultancy Firm which has key personal on its payroll, having proven records of accomplishment in the above field with minimum five years' experience in the similar task areas.</p> <p>Desired Profile as under:  D. Data Scientist – at least 10 years of experience.  (Preferably M.Sc./Ph.D.)  E. IT Specialist – at least 10 years of experience.  (Preferably BE/MCA)  F. Legal Expert – at least 10 years of experience (preferably LLM or CS or any Law degree)</p>	<p>We understand, Commission has asked for desired profile of experts on bidder's payroll.</p> <p>We further understand, mentioned experts are specialized experts in the respective fields and may be available with the firm on contractual/empanelment basis.</p> <p>Hence, request the Commission to allow such experts to be onboarded on contractual/expertise basis as and when needed for the assignment. We propose to provide undertaking on behalf of experts/declaration from the experts while submitting the bid.</p>	<p>Consortium / joint venture / sub-contract is not envisaged in the RfP. As regards Clause E under 'Desired Profile', it is decided to drop. Appropriate changes are made in the RfP.</p>
2.	3.XX	<p><b>Scope of Work</b></p> <p>Develop a web-based, easy-to-use, secure and state of the art portal for various filings related to tariffs, FPPPA Capex approval and Regulatory Information Monitoring System for utilization between utilities and the Commission only</p>	<p>We understand that, the Commission desires to develop web-based portal for submission of various filings, etc. which is similar to Saudamini Portal of CERC. This work requires IT experts who has experience in website development.</p>	<p>A separate RfP in this regard shall be issued. Hence, the clause is dropped from the Scope of Work. Appropriate changes are made in the RfP.</p>

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by Mercados	Comments of GERC				
			<p>Hence, we request the Commission to allow Construction with IT Consultants who will assist in developing a portal as needed.</p> <p>The assignment is related to power sector and it is better always to have a technical partner/consultant in power sector along with the software experts.</p>					
3.	Clause No. – 5.d Pg. no. -6	<p><b>Eligibility &amp; Qualification Criteria</b></p> <p>The personnel concerned of the Consultancy Firm should have completed at least 4 (four) assignments each involving preparation or determination of tariff proposals in Generation, Transmission and Distribution business in the past assisting the electricity Regulatory Commissions and/or electricity Entities and have involved in preparation/approval of Business Plan and/or Capex Plan for Electricity Entities.</p>	<p>Request the Commission to clarify whether 4 assignments required for each business i.e. generation, transmission and distribution, hence, which total to minimum Twelve (12) assignment or at least four (4) assignment from any business (G/T/D) to meet the minimum eligibility criteria.</p>	<p>The personnel concerned of the consultancy firm is expected to have completed minimum of twelve (12) assignments, consisting at least 4 (four) assignments each involving preparation or determination of tariff proposal in G/T/D business in the past.</p>				
4.	Clause No. – 7.3 Pg. No. – 7 & 8	<table border="1" data-bbox="488 1139 1061 1342"> <thead> <tr> <th data-bbox="488 1139 815 1219">Technical Parameters (Criteria)</th> <th data-bbox="815 1139 1061 1219">Weights</th> </tr> </thead> <tbody> <tr> <td data-bbox="488 1219 815 1342">The consultant's relevant experience for the assignment</td> <td data-bbox="815 1219 1061 1342">35</td> </tr> </tbody> </table>	Technical Parameters (Criteria)	Weights	The consultant's relevant experience for the assignment	35	<p>We observe that the score weightage given to each of the criteria is on broad basis and further detailed break-up for the. Same is not provided in the tender. We request to provide clarification so that all bidders are at par in terms of exact requirement for technical scoring.</p>	<p>These are standard clauses as decided by the competent authority and hence cannot be changed. Further, these are in line with the GERC Appointment of Consultants Regulations.</p>
Technical Parameters (Criteria)	Weights							
The consultant's relevant experience for the assignment	35							

Sr. No	Clause Reference	Clause description		Clarification requested/suggestions by Mercados	Comments of GERC
		The quality of the methodology proposed for the assignment (Understanding of the issues and approach to be followed)	<b>20</b>	<p>For example,</p> <p>a) In case of Experience of consultants, if one bidder has submitted list of 20 assignments and other has submitted a list of 50 assignments, then whether the Commission will give full marks to the bidder who submitted 50 assignments and pro-rata marks to the bidder who has submitted 20 assignments. Also, the nature of assignments could be different, some bidder has worked more in particular business segment (G/T/D) and showcased more projects in one particular business segments of GTD.</p> <p>b) The above can also be said for Qualification &amp; adequacy &amp; competency of staff. In case different bidders showcased experts with additional education qualification (more than minimum required), additional experience (more than minimum required),</p>	
The qualification, competence and experience of the key staff (who would actually be working on the project) proposed					
I. General Qualification	<b>20</b>				
II. Adequacy, competency and experience	<b>25</b>				
Total Technical Score	<b>100</b>				

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by Mercados	Comments of GERC
			<p>experience of working on different nature of projects, then how Commission will assess the competency of experts.</p> <p>Hence, request the Commission to please elaborate and specify the weighs/scores for each of the technical parameters. We request the Commission to provide the number &amp; nature of assignments required to get full marks in consultant's relevant experience</p>	
5		<b>Budget for the study</b>	<p>From the scope of the work, we understand the Commission apart from main task of assistance for Preparation of the GERC (Multi-year Tariff0 Regulations for the 4<sup>th</sup> Control Period, also desires to ease the overall tariff determination process by benchmarking parameters and digitization of filing process. We understand, the overall study is exhaustive one and requires rigorous efforts and time to execute it efficiently.</p> <p>Hence, we request you to provide estimated budget for this study.</p>	It is for the Consultant to estimate.

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6	Clause No. 9 Pg. No. 10	<p><b>Last date of submission of RFP</b></p> <p>The final bids complete in all respect are required to be submitted latest by, on or before 31/03/2022, up to 1800 hours IST.</p>	<p>We understand, the last date of submission of the proposal is last day of financial year 2022, i.e. 31<sup>st</sup> March, 2022. We submit that presently due to financial year end closure activities involving achieving various timelines for assignment submission, financial target etc it would be difficult to manage hard copy submission and hence request to at least extend the submission of proposal by 2 weeks i.e. 15<sup>th</sup> April, 2022.</p>	<p>The last date of submission of RfP is already extended till 18.04.2022, up to 1800 hrs. IST.</p>
7	Clause No. 3.II Pg. No. 2	<p><b>Scope of Work</b></p> <p>Submission of the study report based on the analysis of model regulations evolved by Forum of Regulators, similar regulations issued by GERC and other Commissions, APTEL, various High Courts, and the Supreme Court of India, rules and codes being specified by CEA and various circulars, policy papers, notifications, office memorandum, guidelines issued by the ministry of various authorities on the various aspects of above mentioned regulations with literature survey of National and International Journals of repute.</p>	<p>We understand, the Commission wants a comprehensive study report based on analysis of model regulations issued by FOR, &amp; similar regulations issued by CERC, SERCs, various judgments issued by GERC, various High courts, APTEL, other commissions and the Supreme Court of India.</p> <p>Since, the above exercise is open-ended and voluminous also, we request the Commission to please specify the number of years of which regulations &amp; order need to be studied in this element of scope of work.</p>	<p>The broad objective of the study report / discussion paper is to provide directions based on the extant economic and financial scenario of the State/County. In view of the developments and challenges faced by the sector and changing financial market in the sector, there is a need to give a fresh look into the assumptions and factors to be considered while framing the terms and conditions of tariff. The Consultant is expected to refer or do literature survey of various extant tariff regulations</p>

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by Mercados	Comments of GERC
				/ important judgments / policy document-papers / OMs / circulars / notifications / guidelines / research papers etc. which carry direct or indirect bearing on the issues of electricity tariff regulations. Further, the consultant in its study report/ discussion paper, is expected to do its own assessment and evolve possible options/ scenarios based on learnings gained from the national and international practices in his regard. It is left to the consultants to suggest methodology adopted for evolving options/ options/scenarios.
8	Clause No. 3.III Pg. No. 2.	<p><b>Scope of Work</b></p> <p>Collect and assimilate actual data on Norms &amp; Components of tariff for FY 2014-15 to FY 2020-21 (Seven Years) and analyse the said information for setting the Tariff Design, Norms and Mechanism for Incentive &amp; disincentive in the Drat (MYT) Regulations for the 4<sup>th</sup> control Period.</p>	We request the Commission to clarify, whether consultants need to visit various utilities or only prepared the formats which can be circulated from GERC side, to collect actual data.	The objective is to estimate and develop normative parameters for the proposed MYT Regulations for which a huge amount of information may have to be collected and analysed. Further, for the stated period, sizable relevant information available as

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by Mercados	Comments of GERC
				regular true-up exercise had already been carried out. However, the Consultant is expected to devise the format for collection of data which shall be circulated by the Commission amongst utilities. The consultant needs to do data analysis for formulating the norms for the proposed MYT Regulations.
9	Clause No 3.IV Pg. No. 2	<p><b>Scope of Work</b></p> <p>Analysis of the historical financial and technical performance of the distribution licensees, transmission licensees and generating companies, and prepare baseline data for evolving norms and also prepare a benchmark study based on comparable entitles.</p>	We request the Commission to specify the number of states/utilities to be covered under the benchmarking study to enable us to estimate our efforts.	The consultant is expected to do its own assessment, wherever possible, referring the relevant available information as well as different practices adopted in the Sector by different Commission, decisions pronounced by the Apex authorities and studies being undertaken by FoR / Institutions by which the estimated costs and corresponding benefits in technical/operating/ financial parameters achievable. Similarly the

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				guaranteed parameters by OEM/suppliers needs to be considered as well as standards if any specified by any authority while specifying normative parameters. Capex, Opex etc. linked with benefits achievable shall be assessed for suggesting the benchmarked normative parameters.
10	Clause No. 3. XIII to XVIII Pg. No. 3	<p><b>Scope of Work</b></p> <ul style="list-style-type: none"> <li>* Devising mechanism for submission for Capex, prudence check and verification and approval of it. Capital expenditure approval norms, monitoring capital expenditure.</li> <li>* Preparation of guidelines for Procurement of Power by Distribution Licensees.</li> <li>* Formulation of Fuel Utilization Plan and Mechanism for Fuel Price and Power Purchase Price Adjustment.</li> <li>* Preparation of Regulatory Accounts.</li> <li>* Devising guidelines for adoption of Tariff Based Competitive Bidding for Intra-state Transmission Projects and Transmission Pricing Framework</li> <li>* Forming the allocation matrix for segregation of expenses between Distribution Wire business. Appropriate</li> </ul>	<p>We understand, the Commission wants to develop various guidelines, devise mechanism and prepare sub-reports etc. for various components.</p> <p>We request the Commission to clarify whether these guidelines will be part of Regulations or would be separate reports along with supporting explanatory memorandum/statement of reasons.</p>	Preparation of Regulatory Accounts and Devising guidelines for adoption of Tariff Based Competitive Bidding for Intra-state Transmission Projects and transmission pricing framework are dropped from the Scope of Work. Appropriate changes are made in the RfP.

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by Mercados	Comments of GERC
		methodology for segregation of distribution and retail supply business.		
11	Clause No. 3.XX Pg. No. 3	<p><b>Scope of Work</b></p> <p>Develop a web-based, easy-to-use, secure and state of the art portal for various filings related to tariffs, FPPPA, Capex approval and Regulatory Information Monitoring System for utilization between utilities and the Commission only.</p>	<p>We understand that, Commission wants to adopt an e-filing process and for the same have asked the consultant to develop web-based portal. However, we request to detail out the various specifications. Some are listed below:</p> <ol style="list-style-type: none"> <li>1. Technical Specifications required for the portal,</li> <li>2. Dashboard requirement,</li> <li>3. MIS reports requirement,</li> <li>4. Data Hosting (Cloud/GERC Server)</li> <li>5. Trial Period for the portal,</li> <li>6. Web Portal and Mobil APP development and Implementation,</li> <li>7. Co-ordination with IT Vendor for Hosting of Application,</li> <li>8. User Support and Maintenance of the Integrated IT application,</li> <li>9. Operation &amp; Maintenance of the portal, etc.</li> </ol>	<p>A separate RfP in this regard shall be issued. Hence, the clause is dropped from the Scope of Work. Appropriate changes are made in the RfP.</p>

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by Mercados	Comments of GERC
			<p><b>Alternatively, we suggest, since this requires a different skill set and expertise, this element of work may be issued through separate tender.</b></p>	
12	Clause 3.XXVI Pg. No. 4	<p><b>Scope of Work</b></p> <p>To assist in case the Regulations being challenged before the Higher Forum.</p>	<p>The scope mentions that the Consultant to assist the Commission before higher forum in case the new Regulations are challenged. Also, it has only mentioned the Higher Forum. Hence, we request the Commission to provide the list of higher forums such as APTEL, High Courts, Supreme Courts, etc. to enable us to estimate our efforts.</p> <p>We believe that, consultant's role would be limited to technical inputs and regulatory assistance to legal counsel or lawyer of GERC who would be pleading the case in such higher forum.</p>	<p>These are standard clauses as decided by the competent authority and hence cannot be changed. Further, these are in line with several other RfPs floated earlier.</p>
13	Clause No. 5 Pg. No. 6	<p><b>Eligibility &amp; Qualification Criteria</b></p>	<p>We understand the Commission has sought tariff &amp; framing regulations projects of consultancy firm along with experienced manpower to fulfil minimum eligibility criteria which is in line with present scope of work.</p> <p>However, the scope is very wide and covers various elements such as</p>	<p>Evaluation will be appropriately done based on relevant experience of the related personnel submitted by the bidder.</p>

Sr. No	Clause Reference	Clause description	Clarification requested/suggestions by Mercados	Comments of GERC
			<p>development of web-based state of the art portal, fuel utilization plan and benchmarking study, etc. &amp; no such experience for the such works is sought in the eligibility criteria and/technical scoring.</p> <p>Hence, we request the Commission to also seek experience related to software development, preparation of fuel utilization plan, benchmarking study, etc.</p>	
14	Clause No. 5 (j) Pg. No. 7	<p><b>Eligibility &amp; Qualification Criteria</b></p> <p>The Turnover and Net Worth of the firm as per the Audited Annual Accounts for any of the FY 2019-20 OR FY 2020-21 should be a minimum of Rs. 1 Crore.</p>	<p>We understand that, the scope envisaged by the Commission. Is extensive and requires huge efforts. Since the study is vast which requires knowledge across power sector, we presume, the Commission is seeking assistance from reputed consultancy firms. To ensure reputed and decent-sized firm is selected for such prestigious assignment, we request the Commission to revise the turnover criteria from minimum Rs. 1 Crore to minimum Rs. 10 Crores in Power Sector Consultancy Business.</p>	<p>The provision in clause 5(j) is adequate and does not require any further clarification.</p>
15	Clause No. 5 (j)	<p><b>Signing the Agreement and Terms of Payment:</b></p>	<p>We understand that, the scope and deliverable schedule mention various</p>	<p>These are standard clauses as decided by the competent</p>

<b>Sr. No</b>	<b>Clause Reference</b>	<b>Clause description</b>	<b>Clarification requested/suggestions by Mercados</b>	<b>Comments of GERC</b>
	Pg. No. 9	<p>The successful bidder shall sign the agreement with GERC, a sample copy of which is attached herewith. The schedule of payment to the bidder is as under;</p> <ol style="list-style-type: none"> <li>1. 10% on award of contract &amp; execution of agreement.</li> <li>2. 25% on submission of the study report.</li> <li>3. 25% on submission of the draft report/draft Regulations.</li> <li>4. 40% on submission of the final report/Final Regulations &amp; SoR.</li> </ol>	<p>reports, sub-reports to submit at different timelines. However, the payment terms need to be aligned with deliverable schedule in such a way that payment terms will commensurate the level of efforts deployed.</p>	<p>authority and hence cannot be changed. Further, these are in line with several other RfPs floated earlier.</p>

<b>Sr. No</b>	<b>Clause Reference</b>	<b>Clause description</b>	<b>Clarification requested/suggestions by ABPS</b>	<b>Comments of GERC</b>
1.	NA	NA	<p>Payment terms for the assignment be distinguished for 2 (two) parts/Modules, Viz.,</p> <p>Module 1: Framing of MYT Regulations; and Module 2: Development of Web Portal with the desired functionalities.</p>	<p>Appropriate changes are made in the RfP.</p>
2	Clause 9	<p>9. Last date of submission of RFP Page 10</p>	<p>The final bids complete in all respect are required to be submitted latest by, on or before 31/03/2022, up to 1800 hours IST.</p>	<p>The last date of submission of RfP is already extended till 18.04.2022, up to 1800 hrs. IST.</p>