

EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2X350 TPD) FOR KAWAS GAS POWER STATION

Bidding Document No.: CS-2600-001-9

Amendment No. 02 to Bid Data Sheet (BDS), Section-III

S. No	Clause Reference	Amendment	
		Existing Provisions	Amended Provisions
1	BDS item no. 3.0	Qualification Requirements	Replace Qualification Requirements mentioned at BDS item no. 3.0 with following: 3.1.0.0 Technical Criteria The Bidder should meet the qualifying requirements stipulated in any one of the qualifying routes i.e. Route-1 (clause 1.1.0) or Route-2 (clause 1.2.0) or Route-3 (clause 1.3.0) including requirements stipulated in sub clauses of respective routes. In addition, the Bidder should also meet the requirements stipulated under clause 2.0.0 together with the requirements stipulated under section ITB. 1.1.0 Route1: Qualified Waste to Energy Plant Equipment Manufacturer (QWEPM) 1.1.1. The Bidder should have designed, engineered, supplied, erected / supervised erection, commissioned / supervised commissioning of at least two (02) numbers of waste to energy plants employing Grate Combustion System and Flue Gas Treatment System, having rated waste incineration capacity of at least 300 metric tonnes per day per stream or higher, anywhere in the world. Both reference waste to energy plants should have been in successful operation for a period of not less than two (2) years prior to the date of techno commercial bid opening. AND 1.1.2. The Bidder should have designed, engineered, manufactured/ got manufactured at least Grate Combustion System or Waste Heat Recovery Steam Generator (WHRSG) or both in all two (2) reference waste to energy plants stipulated in clause 1.1.1 above. The bidder shall offer only the type of Grate Combustion System or Waste Heat Recovery Steam Generator (WHRSG) or both for which it is qualified. 1.2.0 Route 2: Indian EPC/R&M Company 1.2.1. Bidder should be an Indian Company registered in India as per Companies Act of India and should have executed at least one Engineering, Procurement, Construction (EPC) Contract OR Renovation & Modernisation (R&M) Contract of value not less than ₹ 100 Crores consisting of at least Steam Generator and Steam
EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2x350 TPD) AT KAWAS GAS POWER STATION		AMENDMENT NO. 02 TO SECTION-III OF BIDDING DOCUMENTS Doc. No.: CS-2600-001-9-AMDT.09 dated 28.01.2020	
		PAGE 1 OF 9	

EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2X350 TPD) FOR KAWAS GAS POWER STATION

Bidding Document No.: CS-2600-001-9

Amendment No. 02 to Bid Data Sheet (BDS), Section-III

S. No	Clause Reference	Amendment	
		Existing Provisions	Amended Provisions
			Turbine Generator Set in a thermal power plant which has been in successful operation for a period of not less than one (1) year prior to the date of techno-commercial bid opening. 1.2.2. Such bidder should associate/ collaborate with a Qualified Waste to Energy Plant Equipment Manufacturer (QWEPM) meeting the requirements as specified in clause 1.1.0 above at least for design, engineering, erection / erection supervision and commissioning / commissioning supervision of Solid waste combustor cum steam generator including its grate and flue gas cleaning system of waste to energy plant being offered to NTPC by bidder. 1.2.3. Additionally, the Grate Combustion System or Waste Heat Recovery Steam Generator (WHRSG) or both (as applicable) to be supplied under the Contract to NTPC shall be designed, engineered and manufactured/ got manufactured by its associate/ collaborator and that shall be of the type for which its associate/collaborator is qualified. In case, associate/ collaborator has designed, engineered, manufactured/ got manufactured both Grate Combustion System and Waste Heat Recovery Steam Generator (WHRSG) in reference waste to energy plants, both shall necessarily be designed, engineered, manufactured/ got manufactured for waste to energy plant being offered to NTPC by bidder. 1.2.4. In such case, the Bidder shall furnish Deed of Joint Undertaking (DJU) executed by it and its associate/ collaborator in which the executants of DJU shall be jointly and severally liable to NTPC for successful performance of Solid waste combustor cum steam generator including its grate and flue gas cleaning system as per format enclosed in the bidding documents. The DJU shall be submitted along with techno-commercial bid, failing which the Bidder shall be disqualified and its bid shall be rejected. In case of award, associate/ collaborator of Bidder will be required to furnish an on demand bank guarantee for an amount of 2.5% of the total contract price of this Package in addition to the contract performance security to be furnished by the Bidder. 1.3.0 Route 3: Indian Subsidiary Company/JV Company of a Qualified Waste to Energy Plant Equipment Manufacturer (QWEPM)

EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2X350 TPD) FOR KAWAS GAS POWER STATION

Bidding Document No.: CS-2600-001-9

Amendment No. 02 to Bid Data Sheet (BDS), Section-III

S. No	Clause Reference	Amendment	
		Existing Provisions	Amended Provisions
			1.3.1. The Bidder shall be an Indian Subsidiary Company/JV Company of a Qualified Waste to Energy Plant Equipment Manufacturer (QWEPM) meeting the requirements as specified in clause 1.1.0 above, registered in India under the Companies act of India for purpose of design, engineering and manufacturing/get manufacturing of at least Grate System or Waste Heat Recovery Steam Generator (WHRSG) or both for waste to energy plants as well as design, engineering, supply, erection/ erection supervision, commissioning/ commissioning supervision of waste to energy plants as on the date of techno-commercial bid opening. If the Subsidiary Company/JV Company is incorporated as a public limited company then it should have obtained certificate for commencement of Business in India as on the date of techno-commercial bid opening. 1.3.2. The Qualified Waste to Energy Plant Equipment Manufacturer (QWEPM) shall maintain a minimum equity participation of 51% in the Subsidiary Company / 26% in JV Company for a lock-in period of 5 years from the date of incorporation of Subsidiary Company/JV Company or up to the end of the defect liability period of the contract whichever is later. 1.3.3. In case of JV Company, one of the promotor should be an Indian Company meeting the requirement as specified in clause 1.2.1 above who shall maintain the minimum equity participation of 51% in the JV Company for a lock in period of 5 years from the date of incorporation of JV Company or up to the end of defect liability period of the contract whichever is later. 1.3.4. Such Subsidiary Company/JV Company shall associate/ collaborate with its Qualified Waste to Energy Plant Equipment Manufacturer (QWEPM) promotor for design, engineering, erection/erection supervision and commissioning /commissioning supervision of Solid waste combustor cum steam generator including its grate and flue gas cleaning system of waste to energy plant being offered to NTPC by bidder. 1.3.5. Additionally, bidder shall have collaboration or valid licensing agreement with QWEPM for design, engineering, manufacturing of Grate System or Waste Heat Recovery Steam Generator (WHRSG) or both, being offered to NTPC by the bidder, of type for which its associate/collaborator is qualified. 1.3.6. The Bidder shall furnish a Deed of Joint Undertaking (DJU) executed by it and its Qualified Waste to Energy Plant Equipment Manufacturer (QWEPM) and other promotor having 25% or higher equity participation, in which all the executants of DJU shall be

EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2X350 TPD) FOR KAWAS GAS POWER STATION

Bidding Document No.: CS-2600-001-9

Amendment No. 02 to Bid Data Sheet (BDS), Section-III

S. No	Clause Reference	Amendment	
		Existing Provisions	Amended Provisions
			jointly and severally liable to NTPC for successful performance of Solid waste combustor cum steam generator including its grate and flue gas cleaning system as per the format enclosed in the bidding documents. The DJU shall be submitted along with techno-commercial bid, failing which the bidder shall be disqualified and its bid shall be rejected. In case of award, each promoter having 25 % or higher equity participation in the Subsidiary Company /JV Company will be required to furnish an on demand bank guarantee for an amount of 2.5 % of the total contract price of this package in addition to the contract performance security to be furnished by the Bidder. <u>NOTES FOR CLAUSE 3.1.0.0:-</u> (1) Definitions (i) Wherever the term 'Waste' is appearing above, "Waste" shall be deemed to include Municipal Solid Waste (MSW)/ Refused Derived Fuel (RDF). (ii) Refused Derived Fuel shall mean fuel derived from combustible waste fraction of solid waste like plastic, wood, pulp or organic waste in the form of fluff (iii) Wherever the term “Flue Gas Treatment System”, is appearing above, the same shall be deemed to include complete flue gas treatment system with De-NOx system, Lime system, activated carbon system, bag house, flue gas cooling, ducting etc. (iv) Wherever the term “per stream”, is appearing above, the same shall mean a single block of Waste Heat Recovery Steam Generator. (v) Wherever the term “Waste Heat Recovery Steam Generator” is appearing above, the same shall be deemed to include furnace and pressure parts as minimum. (2) Equity Lock in period Wherever equity lock in period requirement or subsidiary status requirement is indicated, the Bidder would be required to furnish along with his bid, a Letter of Undertaking from the promoter(s), supported by Board Resolution as per the format enclosed in the bid documents, for maintaining the required minimum equity for the specified lock in period. (3) Experience of bidder as lead partner of a contract for more than 100 Cr. on consortium mode shall also be considered for qualification under Clause 1.2.1 of QR.
EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2x350 TPD) AT KAWAS GAS POWER STATION		AMENDMENT NO. 02 TO SECTION-III OF BIDDING DOCUMENTS Doc. No.: CS-2600-001-9-AMDT.09 dated 28.01.2020	
		PAGE 4 OF 9	

EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2X350 TPD) FOR KAWAS GAS POWER STATION

Bidding Document No.: CS-2600-001-9

Amendment No. 02 to Bid Data Sheet (BDS), Section-III

S. No	Clause Reference	Amendment	
		Existing Provisions	Amended Provisions
			3.2.0.0 Financial Criteria 2.1.0 Financial Criteria of Bidder 2.1.1 The average annual turnover of the Bidder, in the preceding three (3) financial years as on the date of Techno-Commercial bid opening, should not be less than INR 910 Million (Indian Rupees Nine hundred Ten Million only) or in equivalent foreign currency. In case a Bidder does not satisfy the average annual turnover criteria, stipulated above on its own, its Holding Company would be required to meet the stipulated turnover requirements as above, provided that the Net Worth of such Holding Company as on the last day of the preceding financial year is at least equal to or more than the paid-up share capital of the Holding Company. In such an event, the Bidder would be required to furnish along with its Techno-Commercial bid, a Letter of Undertaking from the Holding Company, supported by the Holding Company's Board Resolution, as per the format enclosed in the bid documents, pledging unconditional and irrevocable financial support for the execution of the Contract by the Bidder in case of award. 2.1.2 Net worth of the bidder should not be less than 100 % (one hundred percent) of its paid up share capital as on the last day of the preceding financial year on the date of Techno-commercial bid opening. In case the Bidder does not meet the Net worth criteria on its own, it can meet the requirement of Net worth based on the strength of its Subsidiary (ies) and/or Holding Company and/or Subsidiaries of its Holding company wherever applicable. In such a case, however the Net worth of the Bidder and its Subsidiary(ies) and/or Holding Company and/or Subsidiary(ies) of the Holding Company, in combined manner should not be less than 100% (hundred percent) of their total paid up share capital. However individually, their Net worth should not be less than 75% (seventy five percent) of their respective paid up share capitals. Net worth in combined manner shall be calculated as follows:

**EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2X350 TPD) FOR KAWAS
GAS POWER STATION**

Bidding Document No.: CS-2600-001-9

Amendment No. 02 to Bid Data Sheet (BDS), Section-III

S. No	Clause Reference	Amendment	
		Existing Provisions	Amended Provisions
			Net worth (combined) = $(X1+X2+X3) / (Y1+Y2+Y3) \times 100$ Where X1, X2, X3 are individual Net worth which should not be less than 75% of the respective paid up share capitals and Y1,Y2,Y3 are individual paid up share capitals. 2.1.3 In case the Bidder is not able to furnish its audited financial statements on standalone entity basis, the unaudited unconsolidated financial statements of the Bidder can be considered acceptable provided the Bidder further furnishes the following documents for substantiation of its qualification: (i) Copies of the unaudited unconsolidated financial statements of the Bidder along with copies of the audited consolidated financial statements of its Holding Company. (ii) A Certificate from the CEO/CFO of the Holding Company, as per the format enclosed with the bidding documents, stating that the unaudited unconsolidated financial statements form part of the consolidated financial statements of the Holding Company. In cases where audited results for the last financial year as on the date of Techno Commercial bid opening are not available, the financial results certified by a practicing Chartered Accountant shall be considered acceptable. In case, Bidder is not able to submit the Certificate from a practicing Chartered Accountant certifying its financial parameters, the audited results of three consecutive financial years preceding the last financial year shall be considered for evaluating the financial parameters. Further, a Certificate would be required from the CEO/CFO as per the format enclosed in the bidding documents stating that the financial results of the Company are under audit as on the date of Techno-commercial bid opening and the Certificate from the practicing Chartered Accountant certifying the financial parameters is not available. 2.2.0 Financial Criteria of Collaborator/Associate (Applicable for clause 1.2.0 and 1.3.0) 2.2.1 The average annual turnover of the Collaborator/Associate, in the preceding three (3) financial years as on the date of Techno-Commercial bid opening, should not be less than INR 910 Million

EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2X350 TPD) FOR KAWAS GAS POWER STATION

Bidding Document No.: CS-2600-001-9

Amendment No. 02 to Bid Data Sheet (BDS), Section-III

S. No	Clause Reference	Amendment	
		Existing Provisions	Amended Provisions
			(Indian Rupees Nine hundred Ten Million only) or in equivalent foreign currency. In case a Collaborator/Associate does not satisfy the average annual turnover criteria, stipulated above on its own, its Holding Company would be required to meet the stipulated turnover requirements as above, provided that the Net Worth of such Holding Company as on the last day of the preceding financial year is at least equal to or more than the paid-up share capital of the Holding Company. In such an event, the Collaborator/Associate would be required to furnish along with bidder's Techno-Commercial bid, a Letter of Undertaking from the Holding Company, supported by the Holding Company's Board Resolution, as per the format enclosed in the bid documents, pledging unconditional and irrevocable financial support to the Collaborator/Associate to honour the terms and conditions of the Deed of Joint Undertaking in case of award of the Contract to the Bidder with whom Collaborator/Associate is associated. 2.2.2 Net worth of the Collaborator/Associate should not be less than 100% (hundred percent) of its paid up share capital as on the last day of the preceding financial year on the date of Techno-commercial bid opening. In case the Collaborator/Associate does not meet the Net worth criteria on its own, it can meet the requirement of Net worth based on the strength of its Subsidiary (ies) and/or Holding Company and/or Subsidiaries of its Holding company wherever applicable. In such a case, however the Net worth of the Collaborator/Associate and its Subsidiary(ies) and/or Holding Company and/or Subsidiary(ies) of the Holding Company, in combined manner should not be less than 100% (hundred percent) of their total paid up share capital. However individually, their Net worth should not be less than 75% (seventy five percent) of their respective paid up share capitals. Net worth in combined manner shall be calculated as follows: Net worth (combined) = $(X1+X2+X3) / (Y1+Y2+Y3) \times 100$ Where X1, X2, X3 are individual Net worth which should not be less than 75% of the respective paid up share capitals and Y1,Y2,Y3 are individual paid up share capitals.

EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2X350 TPD) FOR KAWAS GAS POWER STATION

Bidding Document No.: CS-2600-001-9

Amendment No. 02 to Bid Data Sheet (BDS), Section-III

S. No	Clause Reference	Amendment	
		Existing Provisions	Amended Provisions
			2.2.3 In case the Collaborator/Associate is not able to furnish its audited financial statements on standalone entity basis, the unaudited unconsolidated financial statements of the Collaborator/Associate can be considered acceptable provided the Collaborator/Associate further furnishes the following documents for substantiation of its qualification: (i) Copies of the unaudited unconsolidated financial statements of the Collaborator/Associate along with copies of the audited consolidated financial statements of its Holding Company. (ii) A Certificate from the CEO/CFO of the Holding Company, as per the format enclosed with the bidding documents, stating that the unaudited unconsolidated financial statements form part of the consolidated financial statements of the Holding Company. In cases where audited results for the last financial year as on the date of Techno Commercial bid opening are not available, the financial results certified by a practicing Chartered Accountant shall be considered acceptable. In case, Collaborator/Associate is not able to submit the Certificate from a practicing Chartered Accountant certifying its financial parameters, the audited results of three consecutive financial years preceding the last financial year shall be considered for evaluating the financial parameters. Further, a Certificate would be required from the CEO/CFO as per the format enclosed in the bidding documents stating that the financial results of the Company are under audit as on the date of Techno-commercial bid opening and the Certificate from the practicing Chartered Accountant certifying the financial parameters is not available. <u>NOTES FOR CLAUSE 3.2.0.0</u> (i) Net worth means the sum total of the paid up share capital and free reserves. Free reserve means all reserves credited out of the profits and share premium account but does not include reserves credited out of the revaluation of the assets, write back of depreciation provision and amalgamation. Further any debit balance of Profit and Loss account and miscellaneous expenses to the extent not adjusted or written off, if any, shall be reduced from reserves and surplus. (ii) Other income shall not be considered for arriving at annual turnover.

**EPC PACKAGE FOR WASTE TO ENERGY PROJECT (2X350 TPD) FOR KAWAS
GAS POWER STATION**

Bidding Document No.: CS-2600-001-9

Amendment No. 02 to Bid Data Sheet (BDS), Section-III

S. No	Clause Refer- ence	Amendment	
		Existing Provisions	Amended Provisions
			(iii) "Holding Company" and "Subsidiary Company" shall have the meaning ascribed to them as per Companies Act of India. (iv) For annual Turnover indicated in foreign currency, the exchange rate as on seven (7) days prior to the date of Techno-Commercial bid opening shall be used. (v) In case the bidder participating under Clause 1.2.0 or 1.3.0 , do not meet the turnover requirement, then, the Turnover of any of the Promoters individually or all the promoters (in a combined manner) (each having Equity Stake more than 25%) of the Subsidiary Company / JV Company would be considered. Each such promoter of the Subsidiary Company / JV Company shall have to meet the Net Worth criteria individually as per clause 2.1.2 and/or 2.2.2. In such an event the Bidder would be required to furnish along with its techno-commercial bid, a Letter of Undertaking from such promoter(s), supported by Board Resolution as per the format enclosed in the bidding documents, pledging unconditional and irrevocable financial support for execution of the Contract by the Bidder in case of award.