



**Government of Jharkhand**  
**Department of Mines and Geology**  
**Directorate of Mines**

Response to Queries/Request for Additional Information regarding Selection of Management Consultant for Strategic Support to the Directorates of Mines & Geology under Department of Mines & Geology, Government of Jharkhand Request for Proposal (RFP) RFP No: DMG/RFP/03/2021-22 Dated: 28.02.2022 as discussed in Pre-Bid Conference held on 10.03.2022

#	RFP Clause No	Existing provision/Clause	Clarification required	Suggested text for amendment, if any	Rationale/Justification provided for clarification or amendment.	Response from State Govt.
<b>a'XYKno Capital Services Pvt. Ltd.</b>						
1	Section 6: Clause 6.1.1: Bidder Turnover, Page No, 17	The bidder should have an average annual turnover of INR 100 crores over the Last three audited financial years (FY 2018-19,2019-2020, 2020-21) from Consultancy Services	The bidder should have an average annual turnover of INR 50 crores over the Last three audited financial years (FY 2018-19, 2019-2020, 2020-21) from Consultancy Services		Department of Economic Affairs, Ministry of Finance, Govt, of India vide RFQ dated 31.05.2010 has formulated detailed guidelines for selection of Consultant wherein, it has benchmarked the Turnover at Rs 20 crores only. (Copy attached)  Rs. 20 Crores is a reasonable threshold to ensure a fair participation resulting into a competitive bid.  In light of the above, we request you to kindly relax the criteria to	No supporting documents regarding guidelines were provided by the participants.  Request for amendment was disallowed.

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					Rs. 50 Crores as this can also be in line with the financial criteria set by the Department of Economic Affairs for selection of consultant and further Turnover requirements does not add value in increasing the competition or encouraging bidders who can provide quality solution.	
2	Section 6: Clause 6.1.1: Bidder Turnover, Page No, 17	Bidder should have complete 1 project in mining sector, 1 project of bid process management and 1 project of IT Consultancy/Project for Central or State Government in India in last 7 years.	Bidder should have complete 1 project in mining sector, 1 project of bid process management and 1 project of Strategic Support for Central or State Government in India in last 10 years		Since this assignment is for setting up of a PMU the experience of PMU also has activity of Business Management and Strategic support. Therefore, the experience of PMU should be considered instead of IT Consultancy project.	IT consultancy is included in the scope thus IT project experience is included in RFP.  Request for amendment was disallowed in absence of valid grounds.
3	Section 6: Clause 6.1.3: Legal Entity, Page No,	No consortium will be allowed.	consortium will be allowed.		Generally Mining consultancy organisations do not carry IT Consultancy.  If at all, as per clause 6.1.2; IT Consultancy/ project is essential for Technical capability, then consortium should be allowed.	Request for amendment was disallowed in absence of valid grounds.

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	17					
4	Section 7: Clause No : 19 Bid Security Page No 22	The bid Security of amount INR 5,00,000/- (INR Five Lakhs only) in favour of "Director Mines, Department of Mines and Geology, Jharkhand" payable at Ranchi and shall be in the form of Demand Draft or in the form of Bank Guarantee from any of the scheduled commercial bank or nationalized bank having its branch in Jharkhand.	If the Bidder's company is registered under single point registration scheme of MSME Act 2006/MSME while making application for Government Tenders, the Registered bidder is exempted from submission of Tender EMD/ Bid Security/ Cost/Fee.  In line of above please give exemption from tender fee & EMD for those bidders who have the above Registration Certificate.		In view of above, we humbly request you to please relax the EMD criteria for those bidders who have the MSME Registration Certificate.	As turnover participation is 100 crores, request for amendment was disallowed in absence of valid grounds.
5	Section 5 : Clause 5.2.1 (vii), (ix), Page 9	MC Shall prepare the fresh GSRs (Geological Study Report) as per the Latest formats specified in the Mineral (Evidence of Mineral Contents) Rules 2015 and its amendments for the department explored blocks as well as blocks explored by previous lessees/ other blocks as per the data provided.	Kindly confirm the nos. of mineral blocks for which geological study reports, prefeasibility reports, and block summary are to be prepared per year.			As consultancy services are remunerated on monthly basis not on quantity basis, request for amendment was disallowed in absence of valid grounds.
6	Section 8 :	Number of coal blocks successfully operationalized	Number of coal blocks successfully		It is imperative to note that, in order to open and operationalized coal	As Coal block/ leases operations being the

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	Evaluation: Table 8.1, Page No. 29 1.b	for any Central/ State Government or Central/ State PSU in the last 7 year.	Developed and / or operationalized for any Central/ State Government or Central/ State PSU in the last 7 year.		blocks would require various prior approvals/ permission/ consents from multiple Central/state/local govt. department which is time taking process and very few coal blocks owned by Central/ State Government or Central/ State PSU in the 7 years have started operation after Post de- allocation of coal blocks by honourable supreme court in year 2015.  Therefore, in view of above facts, experience in Development of coal blocks of any Central/ State Government or Central/ State PSU may be considered in the last 7 years.	major contributor to Jharkhand's revenue, request for amendment was disallowed in absence of valid grounds.
7	Section 8 : Evaluation: Table 8.1, Page No. 29 1.c	Setting up of PMU for Business transformation/ strategic Support for any Central/ State Government or Central/ State PSU in Mining and Mineral Sector in the Last 7 years.	Setting up of PMU for Business transformation/ strategic Support for any Central/ State Government or Central/ State PSU in across Sector in the Last 10 years.		Kindly consider PMU for Business transformation/Strategic Support for any Central/ State Government or Central/ State PSU for across Sector in the last 10 year. This will be help for better participation.	As auction regime was introduced in 2015, request for amendment was disallowed in absence of valid grounds.
8	Section 8 : Evaluation:	Number of completed assignments in IT consultancy/ project for Central/ State	May be deleted		It is to mention here that in Mines and Mineral sector very few organisations carry out IT	IT consultancy is included in the scope thus IT project

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	Table 8.1, Page No. 29 1.f	Government or Central/State PSU in mines and minerals sector in India in Last 7 years.			<p>Consultancy/ project for Central/State Government or Central/State PSU.</p> <p>Therefore, the said criteria may deprive the participation of resourceful bidders even if the Bidder holds strong credentials/ testimonials across the mining value chain.</p> <p>Hence, it should be deleted or otherwise consortium upto two corporate entity shall be allowed for free and fair participation.</p>	<p>experience is included in RFP.</p> <p>Request for amendment was disallowed in absence of valid grounds.</p>
9	Section 8 : Evaluation: Table 8.1, Page No. 30 3.a	Business Expert (Team Leader): Should have at-least 15 years of post qualification relevant experience and should be a full-time employee at the date of submission	Should have at-least 15 year of relevant experience and should be a full-time employee at the date of submission		We understand that the team leader or team member should have relevant experience more importantly for quality delivery of the assignment and timely execution. Therefore, we propose to have relevant experience of 15 years for team leader instead of post qualification experience.	Request for amendment was disallowed in absence of valid grounds.
10	Section 8 : Evaluation: Table 8.1,	Domain Expert To have at-least 10 years of post qualification experience in Mining & metal sector including coal related projects and their	To have at-least 10 years of relevant experience in Mining & metal sector including coal related projects and their Management.		We understand that the Domain Expert, or team member should have relevant experience more importantly for quality delivery of the assignment and timely	Request for amendment was disallowed in absence of valid grounds.

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	Page No. 31 3.b	Management.			execution. Therefore, we propose to have relevant experience of 10 years for Domain expert instead of post qualification experience.	
11	Section 8 : Evaluation: Table 8.1, Page No. 33	Note: (iii) On-site team members should be below 60 years of age.	Should be deleted.		This clause is highly stringent and appears to be limiting participation. Therefore, it should be deleted.	Request for amendment was disallowed in absence of valid grounds.
<b>PWC</b>						
12	<b>Clause 5.2.1.(i).</b>  Page no:11	The MC would assess the preparedness of the different major mineral blocks to be auctioned and identify the additional activities that need to be undertaken by the Directorates of Geology and Mining, Jharkhand, as may be required in light of the "The Mines & Minerals (Development and Regulation) Act, 1957, Mineral (Auction) Rules, 2015 and its amendments and Minerals (Evidence of Mineral Contents)	<ul style="list-style-type: none"> <li>It is requested to clarify the list of items to be assessed to check preparedness of the mineral blocks to be auctioned.</li> </ul>			Mineral Auction is done under provisions of MMDR, Mineral Auction Rules, 2015 Mineral (Evidence of Mineral Contents) Rules 2015, JMMC and their subsequent amendments.

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		Rules, 2015 and its amendments.				
13	Clause 5.2.1.(iv). Page no:11	Planning, organizing and conducting Preliminary Stakeholder's Conference with potential bidders and other stakeholders to assess market expectations.	The cost towards organizing such events will be borne by the Directorates of Mines & Geology,(DMG) Jharkhand. Please Confirm.			As provisioned in RFP.
14	Clause 5.2.1.(v). Page no:11	Assistance in appropriate sizing of the mineral blocks for auction based on techno-commercial considerations and market expectations.	Sizing of mineral blocks shall be done with respect to area and reserves, or some other parameters shall also be considered? If Yes, then please clarify the parameters to be considered for sizing of the mineral blocks.			Mineral block preparation and auction are done as per the provision of Mineral Auction is done under provisions of MMDR, Mineral Auction Rules, 2015 Mineral (Evidence of Mineral Contents) Rules 2015, JMMC and their subsequent amendments.
15	Clause 5.2.1.(vi). Page no:11	MC shall provide third party consultants/experts/professionals of requisite qualification and experience in technical, legal and other matters as may be necessary for the execution	We understand that the Consultant is required to provide only 4 on-site and 2 off-site professionals.  Any additional consultants if required will be appointed by the Directorates of Mines			Request for amendment was disallowed in absence of valid grounds.

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		of the assignment.	& Geology, Jharkhand itself.			
16	Clause 5.2.1.(vii). Page no:12	MC shall prepare the fresh GSRs (Geological Study Report) as per the latest MC shall prepare the fresh GSRs (Geological Study Report) as per the latest formats specified in the Mineral (Evidence of Mineral Contents) Rules 2015 and its amendments for the department explored blocks as well as blocks explored by previous lessees/ other blocks as per the data provided. MC shall also prepare pre-feasibility report for each mineral block for auctioning for mining lease and composite license as per the requirement of the "Minerals (Evidence of Mineral Contents) Rules, 2015" and its amendments and any other reports which will be required for the auctioning of blocks. formats specified in the Mineral (Evidence of Mineral Contents) Rules 2015 and its amendments for the department explored blocks as well as blocks explored by previous lessees/ other blocks as per the data provided. MC	Geological Study Report (GSR's) are technical reports and may also require specialized expertise to develop them. Therefore, some technical consultant who have worked in the area of developing GSR may be required on sub-contracting basis.  It is understood that, if any documents pertaining to the projects is required to procure from Govt. agencies, the cost of the same will be borne by Directorates of Mines & Geology (DMG),Jharkhand. Please Confirm  Further, it is requested to clarify whether the GSR should be prepared by NABET /QCI certified surveyor accredited consultants?			As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds.

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		shall also prepare pre-feasibility report for each mineral block for auctioning for mining lease and composite license as per the requirement of the "Minerals (Evidence of Mineral Contents) Rules, 2015" and its amendments and any other reports which will be required for the auctioning of blocks.				
17	Clause 5.2.1.(xvi) Page no:13.	MC will co-ordinate with the e-auction platform provider and oversee the conduct of e-auctions based on the evaluation report for Technically Qualified Bidders, as approved by Directorates of Geology and Mining, Jharkhand.	The charges of the e-auction platform will be borne by Directorates of Mines & Geology, Jharkhand. Please Confirm?			As provisioned in RFP.  MSTC e-auction platform is engaged by the department for e-auctions.
18	Clause 5.2.2. (iii) Page no:14	Co-ordination with different department of state and central Government and other agencies to resolves the issues pertaining to operationalization of coal blocks, auctioned major and minor mineral blocks	The MC shall work on the data provided by Directorates of Mines & Geology, Jharkhand and its officers. The Head office of Directorates of Mines & Geology, Jharkhand shall provide necessary support and issue instructions in this regard. Please confirm			As provisioned in RFP.

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19	Clause 5.2.2. (vi) Page no:15	Participate in meetings with various departments/ officers for streamlining of approvals for operationalization of coal mines and undertake follow-up activities against the decisions taken in the meetings	The Head office of Directorates of Mines & Geology, Jharkhand shall provide necessary support and issue instructions in this regard to various departments/ officers and MC shall follow up and work upon the information furnished by respective officers/Departments. Please confirm			As provisioned in RFP.
20	Clause 5.2.3.A. (ii) Page no:15	Bid process management for selection of agency for exploration of a particular mineral block including preparation of BOQ (Bill of Quantity), Schedule of exploration, bore hole planning and related activities related to outsourcing of exploration activities etc.	<ol style="list-style-type: none"> <li>1. We wish to understand the activities and objective of selection of Exploration agencies. Please provide necessary details.</li> <li>2. We wish to understand Directorates of Mines &amp; Geology, Jharkhand have made any progress in selection of Exploration Agency for exploration of mineral blocks.</li> </ol> <p>Are there any exploration agencies engaged by Directorates of Mines &amp; Geology, Jharkhand in the past?</p>			<p>As provisioned in RFP.</p> <p>Exploration agencies are empaneled by the Directorate of Geology.</p>
21	Clause 5.2.3.B. (i) Page no:15	Assessment of future exploration needs considering upcoming mineral auction program	<ol style="list-style-type: none"> <li>1. What all information do the Directorates of Mines &amp; Geology, Jharkhand shall provide for the study of future exploration need?</li> <li>2. Is there any data bank available with the Directorates of Mines &amp; Geology, Jharkhand ?</li> </ol> <p>Please clarify.</p>			<p>As provisioned in RFP.</p> <p>Mineral Data bank is with Directorate of Geology.</p>

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22	Clause 5.2.4.A. (i) Page no:16	Identification and formulation of projects to be taken by DMFTs under particular districts by assessing the benefit of on-going projects.	Please clarify the role of MC in Identification and formulation:  1. Does MC required to prepare the Annual Plans and Budgets for identification and formulation of projects under DMFTs?  2. Is there any requirement for conducting surveys and visits at panchayat /districts for identification of projects?  3. Is there any requirement of stakeholder's consultations in assessing the benefits of the on-going projects?			As per DMFT Trust Rules, 2016 and PMKKKY guidelines Selection and operation of DMFT schemes are done at district level. Department has been entrusted with monitoring of the same, for which consultancy are required.  As provisioned in RFP.
23	Clause 5.2.4.B. (iii) Page no:16	Selection of suitable area to be explored through NMET funds.	We understand that MC shall provide its observations and necessary inputs for identification of areas to be explored through NMET. However, Directorates of Mines & Geology, Jharkhand shall approve and finalize such areas. Please confirm.			As provisioned in RFP.

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24	Clause 5.2.4.B. (iii) Page no:16	Any other work related to NMET or DMF e.g.: Presentation preparation, comparison of rules/regulations with other States, any assistance in amendments of the rules as may be required with the department.	We understand that MC shall provide assistance in preparation of necessary inputs for compilation of information to Directorates of Geology and Mining, Jharkhand as may be required for amendments of the rules. It shall not be treated as a legal opinion on the said rules and regulations. Please confirm.			As provisioned in RFP. (Section 5.2.6)
25	Clause 5.2.4.B. (iv) Page no:16	Identification and preparation of proposal for projects of mineral exploration to be taken under NMET fund program.	We understand that the MC is not required to conduct any survey and visits at district level. Please confirm.  Do Directorates of Mines & Geology, Jharkhand has any SoP for identification of such projects?			As provisioned in RFP.
26	Clause 5.2.4.C. (iv) Page no:16	Development of Royalty revision policy and assistance in implementation	We understand that MC shall assist in providing necessary inputs for framing the policy. However, the inputs so provided by MC shall be reviewed and approved by Directorates of Mines & Geology, Jharkhand before finalization and implementation. Please confirm			As provisioned in RFP.
27	Clause 5.2.4.C. (xii) Page no:17	Organizing on the job training/workshop for accounting staff of DMG as part of hand holding assistance with an aim to provide acquaintance and expertise in	The MC shall provide trainings and workshops as may be necessary but the cost of conducting such trainings and workshops shall be borne by Directorates of Mines & Geology, Jharkhand. Further,			As provisioned in RFP.  Request for amendment was disallowed in absence

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		evaluating hired agencies revenue collection/augmentation outcomes and overall results.	it is to note that there is no HR expert in the team, we propose to include HR expert in the team or exclude this activity from the scope of work.			of valid grounds.
28	Clause 5.2.6. (ii) Page no:18	Drafting of replies based on the understanding of the laws/ issues and department's stand related to litigations of different issues in mining sector.	Please clarity what area the legal issues or litigations will form? It is clarified that no <b>legal opinion will be required from</b> MC in the Tasks related to laws/ legal issues. The role of MC shall only be limited to assistance in providing advise related to policy/ regulatory matter.  In our view the clause shall be amended as Assistance in Drafting of replies based on the understanding of the policy and regulatory issues and department's stand related to litigations of different issues in mining sector.			As provisioned in RFP. (Section 5.2.6)  Request for amendment was disallowed in absence of valid grounds
29	Clause 5.2.6. (iii) Page no:18	Comments on rules and regulations from department perspective on the laws/ regulation issued from time to time.	Please clarity what area the legal issues or litigations will form? It is clarified that no <b>legal opinion will be required from</b> MC in the Tasks related to laws/ legal issues. The role of MC shall only be limited to assistance in providing advise related to policy/ regulatory matter.			As provisioned in RFP. (Section 5.2.6)  Request for amendment was disallowed in absence of valid grounds
30	Clause 5.4. iii. Page no:19	The Team Leader will make regular presentations on the work plan and this will be a working document.	In our view presentations should be made by subject matter experts/team members having domain expertise rather than only			As provisioned in RFP.  Request for amendment was

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				team leader. This will help in sharing the domain expertise and knowledge from the past experience in similar assignment. Therefore, we propose that there should be no restrictions on making presentations by team leader only. We propose that any of the team member who is working on a particular task should be making the presentations. This shall bring in best value to the table.		disallowed in absence of valid grounds
31	Clause Qualifying Criteria: Sr.No.5. no:20	6.1. Blacklisting 1. Page A self-certified letter by the authorized signatory of the bidder that the bidder has not been blacklisted by any Central / State Government (Central/State Government and Public Sector), must be submitted on original letter head of the bidder with signature and stamp.	Blacklisting <b>Suggested clause</b>	A self-certified letter by the authorized signatory of the bidder that the bidder has not been blacklisted at the <b>time of submission</b> by any Central / State Government (Central/State Government and Public Sector) <b><u>to participate in this tender.</u></b> must be submitted on original letter head of the bidder with signature and stamp.  <b>Rationale:</b> The Client is requested to revise the pre-qualification regarding backlisting/ debarment. Entities that are not blacklisted / debarred at the time of the submission of bid should be allowed to participate in the tender process. Further, entities whose blacklisting was subsequently revoked / set aside should		As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds

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			also be allowed to participate in the tender process.			
32	Clause 8.2.2. Table 8.1: Evaluation Criteria -.1. Sr.No. c. Page No-32	<p><b>Technical Evaluation Score</b></p> <p>Setting up of PMU for Business transformation/ Strategic Support for any Central/ State Government or Central/State PSU in mining and mineral sector in the last 7 years</p> <p><b>Scoring Pattern:</b></p> <p>2 marks for one or more completed assignment/s in each area.</p> <p>Subject to maximum of 10 marks</p>	We understand that the bidder can submit assignments of project monitoring/ retainer assignments/ project management assignments for any Central/ State Government or Central/State PSU in mining and mineral sector in the last 7 years Please clarify.			As provisioned in RFP.
33	Clause 8.2.2. Table 8.1: Evaluation Criteria 1. Sr.No. b Page No-32	<p><b>Technical Evaluation Score</b></p> <p>Number of coal blocks successfully operationalized for any Central/ State Government or Central/State PSU in the last 7 years.</p> <p><b>Scoring Pattern:</b></p> <p>5 marks for each successfully operationalized coal block (subject to max 10 marks)</p>	We understand selection of MDO is an assignment for operationalization of coal block. Hence, same will be considered Please Confirm our understanding.	<p><b>Proposed Addition:</b></p> <p>Number of assignments in the State of Jharkhand in Mining and Metal Sector PSU/ Government shall also be added as a criterion in the Technical Evaluation. This shall also ensure better understanding of bidder for the state of Jharkhand and shall help in bringing best value to the table.</p>		As provisioned in RFP.

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			<p><b>Technical Evaluation Score</b></p> <p>Number of assignments in the State of Jharkhand in Mining and Metal Sector for PSU/ Government.</p> <p><b>Scoring Pattern:</b></p> <p>5 marks for each completed assignment (subject to max 10 marks)</p>			
34	Clause 8.2.2. Table 8.1: Evaluation Criteria -.1. Sr.No. c. Page no:25	<p><b>Technical Evaluation Score</b></p> <p>Number of completed assignments in coal/Mineral sector in following areas</p> <ol style="list-style-type: none"> <li>1. Grade evaluation/Resource Assessment or such other related activities.</li> <li>2. Price determination / Financial Appraisal or such other related activities.</li> <li>3. Policy advisory/ Policy Review Paper/ Policy Advocacy Paper or such other related activities.</li> <li>4. MDO selection</li> </ol> <p>Development of efficient mechanism for Effective administration, monitoring and compliance of coal mines/ Operational Improvements or</p>	<p>We understand that the bidder has to submit 4 assignments in each of the 4 area and 1 additional assignment for any of these areas for claiming full marks in the criteria. Please Confirm our understanding.</p> <p>In addition, the maximum marks allocated is 2 marks in the criterion. In our view the marks allocated to this section shall be revied as the MC shall have to carry out similar jobs in the assignment on regular basis. Therefore, this section shall be allocated 10 marks.</p> <p><b>Suggested Scoring Pattern:</b></p> <p>2 mark for one or more completed assignment/s in each area.</p> <p>Subject to maximum of 10 marks</p> <p>Similar allocation of 10 marks for this section was done by DGM, Chhattisgarh</p>		As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds	

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		<p>such other related activities.</p> <p><b>Scoring Pattern:</b></p> <p>1 mark for one or more completed assignment/s in each area.</p> <p>Subject to maximum of 2 marks</p>	for appointing Management consultant in the past tender process.			
35	<p>Clause 8.2.2.</p> <p>Table 8.1: Evaluation Criteria - 3 Page No-33 &amp; 34</p>	<p><b>Onsite Team for assignment</b></p> <p>a) <b>Business Expert (Team Leader):</b></p> <p>b) <b>Domain expert:</b></p>	<p><b>Proposed Amendment</b></p> <p><b>The onsite team should be amended as Offsite team with the following experts:</b></p> <p>a) Business Expert (Team Leader):</p> <p>b) Domain expert</p> <p><b>Rationale</b></p> <p>In our view this shall be more helpful in executing the assignment as the onsite team of 4 experts shall be available at Directorates of Mines &amp; Geology, Jharkhand office and 2 office experts shall be working offline on need basis. This shall also be a cost-effective model as this will fetch best value to Directorates of Mines &amp; Geology, Jharkhand. The Onsite team shall consist of following experts:</p> <p>a) Mining Specialist</p> <p>b) Geology Specialist</p> <p>c) Business Analyst</p> <p>IT Specialist</p>			<p>As provisioned in RFP.</p> <p>Request for amendment was disallowed in absence of valid grounds</p>

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36	Clause 8.2.2. Table 8.1: Evaluation Criteria – 3.a. Page No-34	<b>Team Leader:</b> <b>Business Expert (Team Leader):</b> Should have at-least 15 years of post-qualification relevant experience and should be a full-time employee at the date of submission <ul style="list-style-type: none"> <li>• Should be a B.E./B.Tech from any discipline with full time MBA from a reputed and recognized institute</li> <li>• Should have experience of Procurement, Project management, Strategy, Technology, Bid Process Management, Project evaluation, Budgeting, Knowledge of GFR, Financial appraisal, Financial due diligence</li> <li>• Should have Mineral Policy Advisory related project Experience</li> </ul>	<b>Proposed Amendment:</b> <b>Team Leader:</b> MBA or equivalent from any recognized institute  To have at-least 12 years of <b>relevant experience</b> in Mineral sector including coal related projects and their Management. Successfully managed and coordinated as leader or member, in at least 2 mining related projects. <ul style="list-style-type: none"> <li>• <i>MBA or equivalent from any recognized Institute.</i></li> <li>• Should have experience of Procurement, Project management, Strategy, Technology, Bid Process Management, Project evaluation, Budgeting, Knowledge of GFR, Financial appraisal, Financial due diligence</li> <li>• Should have Mineral Policy Advisory related project Experience</li> </ul>	<b>Rationale:</b> We understand that the team leader should have <b>relevant experience of at least 12 years</b> more importantly for quality delivery of the assignment and timely execution and can be a graduate from any discipline and <b>should have a management degree like MBA</b> . There should be no barring of technical qualifications for team leader as the other team members in the team are having		As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds

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			degree qualification as mining engineer, geologist. Therefore, we propose to have relevant experience of 12 years for team leader instead of post qualification experience and MBA or equivalent from any recognized Institute.  <b>Similar qualifications for the Management Consultancy assignment were given in DGM, Chhattisgarh MCTA tender process which had similar scope of services.</b>			
37	Clause 8.2.2. Table 8.1: Evaluation Criteria – 3.c. Page No-35	<b>Business Analyst (Full Time)</b>  ○ Should be an MBA/CA/CFA or equivalent  ○ Should have <b>at-least 5 years</b> of relevant experience  ○ Should have experience of project evaluation, financial appraisal, financial due diligence.  ○ Should have at-least 5 years of post-qualification relevant experience.	<b>Proposed Amendment:</b>  <b>Business Analyst (Full Time)</b>  • Should be an MBA/CA/CFA or equivalent  • Should have <b>at-least 3 years</b> of relevant experience  • Should have experience of project evaluation, financial appraisal, financial due diligence.  • Should have at-least 3 years of relevant experience.			As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds

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				years' experience rather relevant experience of 3 years is enough for quality delivery of the assignment and timely execution. Therefore, we propose to have relevant experience of 3 years for Business Analyst instead of post qualification experience.		
38	Clause 8.2.2. Table 8.1: Evaluation Criteria- Note. ii Page No-36.	In case work is done for more than one asset/mine under same work order, it shall be considered as one experience only.	We also propose if the work is done under single work order for more than one category/area the same should be considered in other categories.  <b>Rationale:</b> If the MC has worked in different areas or category the experience should be considered although it will be under a single work order. This will allow larger participation in the bidding process and shall also help in better price discovery.			As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds
39	Clause 9.6. Payment Terms Page No-41	In considerations of its services defined above, the selected MC shall be paid a fixed Monthly Retainership Fee (Professional Fee) in line with the Financial Quote made in response to this RFP document and other fees subject to completion of the milestones as mentioned in the financial proposal. Monthly	<b>Proposed Amendment:</b> In considerations of its services defined above, the selected MC shall be paid a fixed Monthly Retainership Fee (Professional Fee) in line with the Financial Quote made in response to this RFP document and other fees subject to completion of the milestones as mentioned in the financial proposal. Monthly Retainership fee would be payable upon completion of each month.			As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds

#	RFP Clause No	Existing provision/Clause	Clarification required	Suggested text for amendment, if any	Rationale/Justification provided for clarification or amendment.	Response from State Govt.
		Retainership fee would be payable upon completion of each month.	The monthly invoices should process within 30 days of receipt by Directorates of Mines & Geology, Jharkhand.  <b>Rationale:</b> The process of payments to MC should be time bound and monthly fee shall be paid by Directorates of Mines & Geology within 30 days of receipt of invoices by Directorates of Mines & Geology, Jharkhand. This will help the MC in managing the working capital efficiently and shall also be helpful in offering best rates to Directorates of Mines & Geology, Jharkhand.			
40	Clause 9.9. Penalties for Non-Performance. Sr.No.4. Page No-42	In case of unavoidable circumstances, one replacement per position shall be allowed in a year under prior intimation. Such replacement to be made at the earliest not later than 30 days. Every replaced person will be interviewed firstly by DMG at the initial/joining time. In case of replacement of any resource more than once in an year, a penalty of 5% of monthly retainership fee shall be imposed unless waived off by DMG. Such penalty shall not	<b>Proposed Amendment:</b> In case of unavoidable circumstances, one replacement per position shall be allowed in a year under prior intimation. Such replacement to be made at the earliest not later than 30 days. Every replaced person will be interviewed firstly by DMG at the initial/joining time. In case of replacement of any resource more than once in a year, a one-time penalty of 5% of monthly retainership fee shall be imposed <del>unless waived off by DMG</del> . Such penalty shall not be applicable in case of resignation or medical incapacity or death. However, it is clarified, if DMG ask for replacement due to non-satisfactory performance or any			As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds

#	RFP Clause No	Existing provision/Clause	Clarification required	Suggested text for amendment, if any	Rationale/Justification provided for clarification or amendment.	Response from State Govt.
		be applicable in case of resignation or medical incapacity or death. However, it is clarified, if DMG ask for replacement due to non-satisfactory performance or any other reasons on its own, no penalty would be applicable.	other reasons on its own, no penalty would be applicable. <b>Rationale:</b> In normal course of business MC shall not replace any expert/resource/team member unless otherwise it is not in control of MC. Therefore, imposing such heavy penalties for just replacing the resources will fetch higher cost to MC and shall not so be logical to continue penalizing multiple time for a Sigle replacement. Therefore, in best interest of both parties the penalties should be one time for replacement of team member/experts. This will bring in best value to the table and will also help in better price discovery.			
	Clause 9.9. Penalties for Non-Performance. Sr.No.1.page no-42	Every MC resource (onsite team) to mark their attendance via Aadhaar Enabled Bio-matrix Attendance System (AEBAS) to be provided by DMG and calculation will be done based on AEBS system. If DMG does not provide AEBAS, alternate arrangement may be made.	Since, MC is not the on-roll employee of DGM, Jharkhand such practice is not required. The attendance of the resources can be taken up in a separate register for ease of calculations.			As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds
41	Clause 9.9. Penalties for Non-Performance.	Proposed Addition- Standard Contract Agreement "Consultancy Agreement"	Consultant may disclose confidential information: (a) to its employees, directors, officers and			As provisioned in RFP.  Request for

#	RFP Clause No	Existing provision/Clause	Clarification required	Suggested text for amendment, if any	Rationale/Justification provided for clarification or amendment.	Response from State Govt.
	Sr.No.1. Page No-	General Terms & Conditions	<p>subcontractors, on a need-to-know basis, as required for performance of services, provided such employees, directors, officers and subcontractors are bound by confidentiality obligations.</p> <p>(b) where required by applicable law or regulation or for regulatory and compliance (both internal and external) purposes.</p> <p>The confidentiality obligations shall be valid till 1-year post expiry or termination.</p> <p><b>Rationale:</b> Client is requested to consider that we may have to disclose information for successful accomplishment of work and for regulatory and internal compliance purposes. However, to the extent legally permissible, we will ensure that even if the information is disclosed to any third party, such parties maintain confidentiality of such information.</p> <p><b>Supporting Argument:</b> Client is requested to allow standard exceptions to confidential information, which is industry standard and reasonable. Not all information can be regarded as confidential. For e.g., if the information is in public domain, we cannot be expected to keep it confidential at our end. Similarly, if any information is liable to be disclosed under the RTI, giving it a confidential status and obliging us to keep such</p>			amendment was disallowed in absence of valid grounds

#	RFP Clause No	Existing provision/Clause	Clarification required	Suggested text for amendment, if any	Rationale/Justification provided for clarification or amendment.	Response from State Govt.
				<p>information confidential is not correct. We request inclusion of following clause:</p> <p>Confidential information does not include any information which</p> <p>i) is rightfully known to the recipient prior to its disclosure.</p> <p>ii) is independently developed by the recipient without use of or reliance on confidential information; or</p> <p>iii) is or later becomes publicly available without violation of this agreement or may be lawfully obtained from a third party; or</p> <p>which would be required to be disclosed under the (Indian) Right to Information Act.</p>		
42	Clause 6.4 Annexure – D : Power of Attorney For Authorized Signatory page no-63	<p>Power of Attorney of signatory of the tender.</p> <p>Power of Attorney of signatory of tender: Enclosed /Not enclosed</p>	It is requested to kindly approve board resolution authorizing signatory to suffice, since arranging for Power of Attorney during COVID situation would be difficult.			<p>As provisioned in RFP.</p> <p>Request for amendment was disallowed in absence of valid grounds</p>
43	NA	<p>Proposed addition Standard Contract Agreement</p> <p>"Consultancy Agreement" General Terms &amp; Conditions</p> <p>(Acceptance Criteria)</p>	Within 10 days (or any other agreed period) from DGM, Jharkhand receipt of a draft deliverable, DGM, Jharkhand will notify MC if it is accepted. If it is not accepted, DGM, Jharkhand will let MC know the reasonable grounds for such non acceptance, and Consultant will take reasonable remedial measures so that the			<p>As provisioned in RFP.</p> <p>Request for amendment was disallowed in absence of valid grounds</p>

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			draft deliverable materially meets the agreed specifications. If DGM, Jharkhand does not notify MC within the agreed time period or if DGM, Jharkhand uses the draft deliverable, it will be deemed to be accepted.	<p><b>Rationale:</b> If the project is to be completed on time, it would require binding both parties with timelines to fulfill their respective part of obligations. We request you that you incorporate a deliverable acceptance procedure, perhaps the one provided by Meity in their guidelines, or the one suggested below, to ensure that acceptance of deliverables is not denied or delayed and comments, if any, are received by us well in time.</p>		
44	NA	<p>Proposed additions - Standard Contract Agreement</p> <p>"Consultancy Agreement" General Terms &amp; Conditions</p> <p>(Indemnities for IPR infringement claims without exceptions)</p>	1. Notwithstanding anything contained in this agreement, if the Indemnified Party promptly notifies Indemnifying Party in writing of a third-party claim against Indemnified Party that any Service provided by the Indemnifying Party infringes a copyright, trade secret or patents incorporated in India of any third party, Indemnifying Party will defend such claim at its expense and will pay any costs or damages, that may be finally awarded against Indemnified Party.			<p>As provisioned in RFP.</p> <p>Request for amendment was disallowed in absence of valid grounds</p>

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			<p>2. Indemnifying Party will not indemnify the Indemnified Party, however, if the claim of infringement is caused by: a) Indemnified Party's misuse or modification of the Service; b) Indemnified Party's failure to use corrections or enhancements made available by the Indemnifying Party; c) Indemnified Party's use of the Service in combination with any product or information not owned or developed by Indemnifying Party; However, if any service, information, direction, specification or materials provided by Indemnified Party or any third party contracted to it, is or likely to be held to be infringing, Indemnifying Party shall at its expense and option either: i. Procure the right for Indemnified Party to continue using it; ii. Replace it with a no infringing equivalent; iii. Modify it to make it no infringing.</p> <p>3. The foregoing remedies constitute Indemnified Party's sole and exclusive remedies and Indemnifying Party's entire liability with respect to infringement.</p> <p><b>Rationale:</b> We request client to include the following exceptions and procedure as these are industry standards and</p>			

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			reasonable. They are also mentioned in the MeitY guidelines.			
<b>KPMG</b>						
45			We earnestly request you to extend the last date of submission of bids from 22/03/2022 to 31/03/2022 as the present duration is inadequate to complete the necessary documentation and obtain approvals. This will be useful to make it consistent with the completion date (refer table- 8.1, page- 29)			As provisioned in RFP.  Request for extension was disallowed in absence of valid grounds
46	Section 7.2 (12)page no-20	The proposal shall be signed by the Bidder or duly authorized persons to bind the Bidder to the contract. The Letter of authorization shall be indicated by written power of attorney and shall accompany the proposal.	We request to amend the clause to include that Power of Attorney should be on a stamp paper and duly notarized.			As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds
47		8.1 Table	Both the experts should not be required to stay onsite throughout the requirement and therefore, we recommend that both the experts should stay at least 12 days onsite on the project. This will help in better utilization of the Expert's time as well as reduction in engagement cost.			As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds

#	RFP Clause No	Existing provision/Clause	Clarification required	Suggested text for amendment, if any	Rationale/Justification provided for clarification or amendment.	Response from State Govt.
			Accordingly, following point may be included in Notes of the said Section:	"viii. Both the Experts shall be onsite at least 12 working days individually in a month and for better co-ordination and project management."		
48	Section – 8.2.2 (5) Page no-33		Contract period for Phase 1 is 2 years whereas contract period for Phase 2 and 3 is one year each. Therefore, request you to amend the clause so that Performance Security is equivalent to 5% of the annual contract value.	Accordingly, the clause may be amended as follows,  "The selected bidder will furnish within 30 days of the issue of Letter of Acceptance (LOA), a Bank Guarantee (in prescribed format) payable at Ranchi, from any Nationalized or scheduled commercial Bank in India for an amount equivalent to 5% (five percent) of the annual contract value i.e. contract value for 12 months towards Performance Security valid for a period of three (3) months beyond the stipulated date of completion of services for each Phase."		As provisioned in RFP.  Request for amendment was disallowed in absence of valid grounds

#	RFP Clause No	Existing provision/Clause	Clarification required	Suggested text for amendment, if any	Rationale/Justification provided for clarification or amendment.	Response from State Govt.
49	Section – 9.3 Page no-37	<p>9.3. PERFORMANCE SECURITY</p> <p>The selected bidder will furnish within 30 days of the issue of Letter of Acceptance (LOA), an Unconditional Bank Guarantee (in prescribed format) payable at Ranchi, from any Nationalized or scheduled commercial Bank in India having its office at Jharkhand for an amount equivalent to 5% (five percent) of the total contract value towards Performance Security valid for a period of three (3) months beyond the stipulated date of completion of services for each Phase. DMG will have the right to invoke the performance security without assigning any reasons if performance of the successful bidder is not found up to the mark.</p>	<p>The Section should explicitly mention payment duration otherwise it seems payment is immediately done. Therefore, we propose to include an additional sub-clause as follows:</p> <p>“d. Invoices will be raised by MC as per the process and payment schedule described above and the invoices will be payable within a period of 30 days from the date of the invoice.”</p>			<p>As provisioned in RFP.</p> <p>Request for amendment was disallowed in absence of valid grounds</p>
50	Section – 9.11 Page no-38	<ul style="list-style-type: none"> <li>If the engaged agency resorts to unfair practices in collection &amp; recovery processes</li> </ul>	<p>Since MC is not involved in collection or recovery process, following bullet points in 9.11 should be deleted:</p> <ul style="list-style-type: none"> <li>If the engaged agency resorts to unfair</li> </ul>			<p>As provisioned in RFP.</p> <p>Request for amendment was disallowed in absence</p>

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			practices in collection & recovery processes Provides false information consciously regarding assessment and collection by its staff			of valid grounds

Sd/-  
(Ameet Kumar)  
Director, Mines

Memo:

/M., Ranchi, Dated:

Copy forwarded to: Director, Geology/ All Deputy Director, Mines (HQ)/ Company Secretary, JSMD/ Shri Manoj Kumar Pathak, Under Secretary, Deptt. of Planning/ Shri Akhileshwar Prasad Sinha, Deputy Secretary, Department of Cabinet Secretariat and Vigilance/ Shri Kumar Amitabh, Deputy Director, Geology/ for information and necessary action.

Sd/-  
Director, Mines

Memo:

652 /M., Ranchi, Dated: 16-03-2022

Copy forwarded to: Shri Kumar Amitabh, Deputy Director, Geology/ Project Manager, JIMMS for information and necessary action.  
You are requested to publish the document on the departmental website.

  
15/03/2022  
Director, Mines  
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