

CORRIGENDUM-1

AAICLAS Reply on Queries for Tender id: 2023 AAICL 148441 1

Name of Work: Selection of Consultant Cum Transaction Advisor for Finalization of Request For Proposal (RFP) for concession to Design, Fit-out, Finance, Develop, Market, Operate, Maintain, Manage and transfer of Newly Created Cargo Facilities at Ahmedabad Airport.

S. No.	Section	Clause and Page No.	Clause Reference	Clause		Clarification Required / Sought			AAICLAS Reply
1	Annexure - 4	Annexure 4, Page no 28	Note	Applicant shall also furnish statutory auditor certificate certifying the volumes for total cargo handled and total international cargo handled in this Form IV.		We request the Authority to waive this requirement , as any third party/Client may not allow the Consultant to perform audit on its operations / cargo volume handled			NIT criteria remains the same.
2	6. E-NIT	Clause 6, Page no 19	2. Critical Data Sheet	Bid Submission Start Date	Date 21-03-2023 from 10:30 hrs.	We request the authority to grant an extension by two weeks to prepare a quality proposal and ensuring identification of the team with right experience. We would request the authority to modify the clause as follows:			NIT criteria remains the same.
				Bid Submission End Date	Date 05-04-2023 upto 15:00 hrs.				
						Bid Submission Start Date	Date 04-04-2023 from 10:30 hrs.		
						Bid Submission End Date	Date 19-04-2023 upto 15:00 hrs.		
3	Evaluation Criteria	Clause 15, Page no 11	S. No. 1	Description	Maximum Marks	We humbly request the Authority to modify the requirement of cargo handling values as per below table, since the existing requirements are restrictive in nature and prohibit competition.			
				Satisfactorily completed consultancy works for any Multilateral Agencies, Statutory Authority,	Cargo handling >100000 MTPA -15 Marks >80000 MTPA <=				

				<p>National Government, Public Sector entity or Private Sector entity for Cargo related Services or (O & M consultancy contract) Multi-model logistics / Airports / Surface transport infrastructure / Logistics to handle Minimum 50000 MTPA of which minimum 5000 MTPA cargo handled was for International) at a particular station/Airport in a Year during last 5 years ending last day of month previous to the one in which tenders are invited.</p>	<p>100000 MTPA - 12 Marks >70000 MTPA <= 80000 MTPA - 10 Marks >60000 MTPA <= 70000 MTPA - 7 Marks >50000 MTPA <= 60000 MTPA - 5 Marks</p>	<table><tr><th>Description</th><th>Maximum Marks</th></tr><tr><td></td><td></td></tr></table>	Description	Maximum Marks			<p>NIT criteria remains the same.</p>
Description	Maximum Marks										

					<p>Satisfactorily completed consultancy works for any Multilateral Agencies, Statutory Authority, National Government, Public Sector entity or Private Sector entity for Cargo related Services or (O & M consultancy contract) Multi-model logistics / Airports / Surface transport infrastructure / Logistics to handle Minimum 30000 MTPA of which minimum 3000 MTPA cargo handled was for International) at a particular station/Airport in a Year during last 5 years ending last day of month previous to the one in which tenders are invited.</p>	<p>Cargo handling >70000 MTPA - 15 Marks >60000 MTPA <= 70000 MTPA - 12 Marks >50000 MTPA <= 60000 MTPA - 10 Marks >40000 MTPA <= 50000 MTPA - 7 Marks >30000 MTPA <= 40000 MTPA - 5 Marks</p>	
					<p>We also request the Authority to additionally consider consultancy works executed during last 10 years, and ongoing projects for evaluation. For such ongoing projects, Work Order shall be submitted as Supporting Documents.</p>		

4	Evaluation Criteria	Clause 15, Page no 11	S. No. 3	Airports Experience of the Applicant Firm in Airports sector with public / private airport operators /concessionaires related to operations improvement / process improvement / growth strategy / ancillary revenues improvement/ Air Cargo Movement Experience of the Applicant Firm/ Large Scale Cargo Movement Studies/preparation of RFP for PPP model or equivalent	Experience of consultancy Projects in India or abroad with project value greater than INR 100 Crores for projects in India or equivalent value of USD @conversion rate of Rs. 80 per US dollar for projects executed outside India, in the last 5 years , >= 3projects – 15 marks >= 2projects – 12marks >= 1projects – 9 marks	We request the Authority to clarify whether the definition of project value means professional/consulting fee or value/cost of project for which consultancy was delivered. We request the Authority that in case project value is equal to consulting fee, to modify the value to INR 100 Lakhs , since the existing requirements are restrictive in nature and prohibit competition. We also request the Authority to additionally consider consultancy works executed during last 10 years, and ongoing projects for evaluation. For such ongoing projects, Work Order shall be submitted as Supporting Documents.			It is clarified that Project value for which consultancy was delivered is to be considered. NIT criteria remains the same.
S.No.	Clause No., Page no		Existing Clause			Queries/Suggestions			AAICLAS Reply
5	Clause 5.1, Schedule 3, Payment Milestones, Page 63		KD#1	Submission of Options for potential OMDT structures for the project and undertaking stakeholder consultation process. (KD#1)	6%	It is our humble submission that the existing payment terms appear to be significantly back loaded. The consulting firm will have to spend significant efforts in the initial stages of the project. Also the Consultant for this assignment has no role to play in Deliverable 12 and 13 i.e. KD#12, 13 hence it is requested to remove Deliverable 12 and 13 from the payment milestones of this assignment. In above context, we request you to please modify the payment terms and timelines as below:			NIT criteria remains the same.
			KD#2	Submission of Term Sheets covering financial, commercial,	16%	No.	Description of Deliverable	Payment	

		and KD#3	technical and legal aspects of approved OMDT structure (KD#2) Submission of Financial Model and financial model report reflecting various financial and commercial aspects of the approved OMDT structure (KD#3)		KD#1	Submission of Options for potential OMDT structures for the project and undertaking stakeholder consultation process. (KD#1)	15%	NIT criteria remains the same.
		KD#4	Assistance in finalizing the bidding documents and draft OMDT Agreement (KD#4)	6%	KD#2 and KD#3	Submission of Term Sheets covering financial, commercial, technical and legal aspects of approved OMDT structure (KD#2) Submission of Financial Model and financial model report reflecting various financial and commercial aspects of the approved OMDT structure (KD#3)	25%	
		KD#5	Issuance of bidding documents and draft OMDT Agreement to potential/registered bidders by AAICLAS (KD#5)	6%	KD#4	Assistance in finalizing the bidding documents and draft OMDT Agreement (KD#4)	20%	
		KD#6, 7,8 &9	Assistance in conducting the bid process upon submission of bid and assist in evaluation of bids (KD#6, 7,8 & 9)	6%	KD#5	Issuance of bidding documents and draft OMDT Agreement to potential/registered bidders by AAICLAS (KD#5)	10%	
		KD#10 ,11	Assistance in completion of services upon execution of OMD	20%	KD#6	Assistance in conducting the Pre-Bid Conference with the bidders (KD#6)	5%	NIT criteria remains the same.

			Agreement with the concessionaire (KD#10 & 11). For avoidance of doubt, it is clarified that if Concession Agreement is not executed within 06 months of issuance of Letter of Award (LOA), in such scenario, Consultant will be paid 50% value as per the defined milestone payment. Remaining amount will be paid upon signing of the Concession Agreement.					
		KD#1 2	Completion of 9 month from the date of signing of concession agreement (KD#12).	20%	KD#7	Assistance in preparing Response to queries submitted by the bidders (KD#7)	5%	NIT criteria remains the same.
		KD#1 3	Completion of 3 months from the date of COD with the Concessionaire (KD#13).	20%	KD#8	Submission of bids by bidders (KD#8)	4%	
			Total	100%	KD#9	Assistance in Completion of Evaluation of bids (KD#9)	6%	
					KD#10 , 11	Assistance in completion of services upon execution of OMD Agreement with the concessionaire (KD#10 & 11). For avoidance of doubt, it is clarified that if Concession Agreement is not executed within 06 months of issuance of Letter of Award (LOA), in	10%	

						such scenario, Consultant will be paid 50% value as per the defined milestone payment. Remaining amount will be paid upon signing of the Concession Agreement.											
					KD#12	Completion of 9 month from the date of signing of concession agreement (KD#12).	20%										
					KD#13	Completion of 3 months from the date of COD with the Concessionaire (KD#13).	20%	NIT criteria remains the same.									
						Total	100%										
6	Clause 4.1, Schedule 2, Timeline of project, Page 61	<table><tr><th>Proposed Deliverable</th><th>KD *</th><th>Timelines</th></tr><tr><td>Completion of 12 month from the date of signing of concession agreement.</td><td>12</td><td>From the date of signing of concession agreement.</td></tr><tr><td>Completion of 3 month from the date of COD.</td><td>13</td><td>From the date of signing of concession agreement till the effective date of concession agreement i.e. COD**</td></tr></table>	Proposed Deliverable	KD *	Timelines	Completion of 12 month from the date of signing of concession agreement.	12	From the date of signing of concession agreement.	Completion of 3 month from the date of COD.	13	From the date of signing of concession agreement till the effective date of concession agreement i.e. COD**			Consultant for this assignment has no role to play in Deliverable 12 and 13 i.e. KD#12, 13 hence it is requested to remove Deliverable 12 and 13 from the timelines of this project.	NIT criteria remains the same.		
Proposed Deliverable	KD *	Timelines															
Completion of 12 month from the date of signing of concession agreement.	12	From the date of signing of concession agreement.															
Completion of 3 month from the date of COD.	13	From the date of signing of concession agreement till the effective date of concession agreement i.e. COD**															

7	Clause 14, Brief description of the Selection Process, Page 10	Consultant will be selected through bidding process by adopting Least Cost System (LCS) methodology. Based on technical evaluation, only technically qualified bid shall be opened and awarded to the bidder with lowest Financial quote.	We have reviewed the scope of work and for such projects it is general practice across the industry to follow Quality cum Cost Based Selection (QCBS) method for selection of the Consultant. Hence we request the client to kindly adopt Quality-Cost Based Selection (QCBS) method for selection of the consultant for this assignment.	NIT criteria remains the same.
8	Clause 5.1, Schedule 3, Payment Milestones Page 63	KD#9 : Completion of Evaluation of bids	The consulting firm will have to spend significant efforts till completion of Deliverable 9 i.e. "Completion of Evaluation of bids of the project". If after completion of bid evaluation it is found that none of the Concessionaire (bidder) has been qualified and some (or all) of the deliverables 1 to 9 have to be done again, then in this case the Consultant will be paid the remaining 60% of the pending payment. Please confirm if our understanding is correct.	NIT criteria remains the same. In case after completion of bid evaluation it is found that none of the Concessionaire (bidder) has been qualified, the bid will be recalled with modified RFP. KD 7, 8 & 9 shall be considered compete only after successful bidding and selection of prospective bidder.
9	Notice Inviting e-Tender on Page 18	Period for consultancy of 24 (Twenty Four) months.	Consultant for this assignment has no role to play in Deliverable 12 and 13. We request to reduce the project duration till the completion of Deliverable 11.	NIT criteria remains the same.
10	Notice Inviting e-Tender on Page 18 Clause 4.1,	Period for consultancy of 24 (Twenty Four) months. Overall completion time is 21 months for all above activities (upto KD 12).	Please clarify if the period of consultancy is 21 months or 24 months.	It is clarified that the Period of Consultancy is 24 months. At KD 12, "Completion of 12 month from the

	Schedule 2, Timeline of project, Page 62			<p>date of signing of concession agreement” may be read as “Completion of 15 months from the date of signing of concession agreement”</p> <p>It is clarified that it also includes the time taken by the prospective bidder for COD (Commercial Operation Date) as selected by the Consultant.</p>
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11	Clause 3.4.2, Scope of work, Page 55	The tentative Master plan is attached. The consultant is required to prepare Draft RFP in consultation with AAICLAS in such a way to make optimize use of this land by constructing cargo building with all required facilities (Cost to be bear by Perspective bidder) through prospective bidder who will bid for construction, operationalize, Manage the Cargo facilities of AAICLAS for a period of 15 Years and then transfer the newly created facilities to AAICLAS.	We understand that the scope of work does not include any Technical Studies or review of Technical Reports/ Master Plan / Drawings etc. These inputs would be included in the RFP process as provided by AAICLAS or its technical advisors.	Not Agreed. The consultant is required to prepare Draft RFP in consultation with AAICLAS in such a way to make optimize use of this land by constructing cargo building with all required facilities. It is the responsibility of the Consultant only to collect inputs and make future planning.
12	Clause 15, Evaluation Criteria, Page 14	Note : For the purpose of assigning marks, following assignments shall be eligible: Consultancy services provided to multilateral agencies, statutory AAICLAS, national government, public sector entity or private sector entity in respect of at least one of the areas of i) Operations improvement in a service/logistics industry ii) Preparation of detailed framework to drive cargo business iii) Developed business model/organizational strategies and iv) Other assignment in relation to growth of cargo/logistics businesses.	This eligibility criterion provided in this note is for firm credentials or is it for the assignment undertaken by key staff proposed for this assignment. Please provide clarity in this regard.	Applicable for both Consultancy firm as well as Key Staff.
13	Annexure 7, Undertaking for deployment of	I / we have gone through the tender documents and drawings in its entirety, visited the site and have understood the nature of work to be executed.	It is requested to modify this undertaking as under: I / we have gone through the tender documents and have understood the nature of work to be executed.	Undertaking is required to be attached for point no. 1 only. Remaining

	minimum technical manpower, Page 31			points may be strike out/considered omitted.
14	Clause 7.2.1(ii) b, Page 67	When the amount involved is Rs. 25 Crores and below shall be referred to a Sole Arbitrator to be appointed by Chairman/Member, AAI, after obtaining consent of the other party, as per format annexed at Annexure	When the amount involved is Rs. 25 Crores and below shall be referred to a Sole Arbitrator to be appointed mutually by the parties.	NIT criteria remains the same.
15	-	-	It is requested to provide clarity that in addition to AAI Cargo Logistics and Allied Services Company Limited (AAICLAS) will there be any other party such as Ahmedabad Airport or any other entity (from client's side) who will be signing contract with the winning bidder. This information is required for our internal approvals before bid submission.	Agreement is to be signed by AAICLAS only.
16	-	-	Limitation of liability: We note that there is no express limitation on our liability under the RFP. In accordance with standard industry practice, our aggregate liability under this RFP and in connection with the services shall be for direct damages and shall be limited to one time the fees paid to us. We shall not be liable for any indirect or consequential losses.	Not Agreed. The Consultant shall be liable for indirect or consequent losses. The work of the consultant shall be completed only after successfully Completion of 3 months from the date of Commercial Operation Date by the prospective bidder as selected by the Consultant.

SL NO.	CLAUSE IN RFP	RFP QUERY	AAICLAS REPLY
17	<p>Page No. 19</p> <p>UNDERTAKING FOR DEPLOYMENT OF MINIMUM TECHNICAL MANPOWER</p> <p>vii) Bidder shall submit scanned copy of 'Undertaking' on Company's Letter Head that I/ We will deploy sufficient technical Manpower as per requirement to achieve the milestones/targets and overall completion within the time. (Annex 7)</p> <p>Page No. 59, Clause 3.4.10.3</p> <p>e. The Consultant is required to deploy one Expert official/Team Member in the AAICLAS's headquarters during the peak period of Consultancy services in connection with Project. The requirement in this regard will be made to the Consultant by the AAICLAS.</p>	<p>We request the authority to kindly allow Team experts to be available for meetings monthly/fortnightly for updates on the project and not keep deployment requirement. We believe that when such senior resources are deployed then, the tentative costs associated for each expert will go higher with very little effects on the output. Thus, it is a benefitting factor to not have deployment mandatory and thus all experts can be utilized with planning and the costs will be lower for the authority as well for the project.</p>	<p>NIT criteria remains the same.</p>

18	Liability of the Consultant (New Clause)	<p>We would request the authority to kindly add the clause of limitation of liability as follows:</p> <p>"In no circumstances shall Consultant's total liability for any direct damages under this Contract exceed the Fee paid to Consultant. Consultant shall not be liable to Client in tort (including negligence), breach of contract, breach of statutory duty or otherwise due to, under and/or arising out of or in connection with this Contract to the extent such loss or damage is consequential, indirect, special, or punitive, whether or not Client had been advised of the likelihood of any such loss or damage."</p>	<p>Not Agreed.</p> <p>The Consultant shall be liable for indirect or consequent losses.</p> <p>However, the consultant's liability shall be limited to maximum 200% of the Award of the Consultancy contract. The work of the consultant shall be completed only after successfully Completion of 3 months from the date of Commercial Operation Date by the prospective bidder as selected by the Consultant.</p>
19	<p>Page No. 21</p> <p>ii) Should have Average Annual Financial Turnover of ₹1,50,00,000/-on consultancy works during last three years ending 31st March of the previous financial year ending on 31/03/2022. The Financial Information shall be submitted in the given format –(Annex5). Tenderers showing continuous losses during the last three years in the balance sheet shall be summarily rejected.</p>	<p>We would request the authority to kindly increase the Average Annual Financial Turnover to INR 100 Crores on consultancy works during last three years ending 31st March of the previous financial year ending on 31/03/2022.</p> <p>As for such large value mandates, consultants having large scale turnover will be better aligned to showcase large value capacity via mandates as well</p>	<p>NIT criteria remains the same.</p>

20	Replacement of the Key personnel (New Clause)	We would request the authority to kindly include the clause for replacement of key personnel in case of any unprecedented situation like death, Health issues, etc. and thus allow the consultant to showcase the equal or better qualified profile	Agreed, However, replacement of the key personnel will be allowed only in case of unprecedented situation such as death or permanent disability of the key personnel.
21	Page No. 28 Annexure - 4 2. Applicant shall also furnish statutory auditor certificate certifying the volumes for total cargo handled and total international cargo handled in this Form IV.	Typically, Statutory Auditor/ Chartered Accountant only audit and certify the financials of the project. For instance, the Fee received, Project Cost, etc. As per the given form requirement, the consultant is required to certify the project details (Cargo Volume, etc). We would like to highlight that due to the technicality of information regarding projects cargo volume handling capacity, Chartered Accountant/ Statutory Auditor will not certify the same. Therefore, we will request the authority to kindly remove this clause.	NIT criteria remains the same.
22	Page No. 19 Critical Data Sheet Bid Submission End Date 05-04-2023 up to 15:00 hrs	The preparation of bid documents involves extensive work in niche domain and includes heavy paperwork and collation of data. Furthermore, it requires time to formulate a team of qualified professionals suitable for their respective positions. Hence, we request the authority to extend the date of submission by at least 2 weeks from the date of release of corrigendum.	NIT criteria remains the same.

23	Sub consulting (New Clause)	<p>We would like to highlight that Sub consulting for services namely Aviation Expert, Cargo specialist can bring more specialized skills on the table.</p> <p>Thereby, we would request the authority to kindly allow the sub consulting</p>	NIT criteria remains the same.
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 (V. S. Rawat)
 DGM (Cargo)