

GOVERNMENT OF INDIA
MINISTRY OF PETROLEUM AND NATURAL GAS
DIRECTORATE GENERAL OF HYDROCARBONS



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NIO No. - DGH/GPP/EMP/2023/ENQ-224 For empanelment of agencies to independently carry out auctions through Electronic Platform for the Price Discovery of Natural Gas Produced in India

Corrigendum 1- Response to Pre Bid queries

Pre - Bid Queries from IGX					
S.NO	Page no.	Clause Reference	Clause Description	Query	DGH response
1	Page 9	Clause 5 under D. Eligibility Criteria	The bidder should have the capability of hosting and managing the entire e-auction (on its own or through its e-auction platform service provider) through Central Government/ State Government/PSU owned data centre cloud hosted on the servers located in India or through MeITY empanelled Cloud Service Providers (CSP). In respect of above, the bidder should provide any documentary evidence/self-declaration in support of the same.	Data Centre at our exchanges are physical dedicated servers with significant infrastructure and 24*7 monitoring, with Tier 3 standards and SOC certification. However, the same is at privately owned data centre. Hence it is requested that for private owned data centre, having such certifications and standards should be allowed.	No Change. To be guided by NIO Terms & Conditions
2	Page 3	Clause 'm' under '2 E-auction platform or e-bidding	The e-auction platform should ensure confidentiality and data security by incorporating the Digital Signature Certificate (DSC) Class 3 so that only authorized personnel are registered and have access to the platform.	At exchange we are providing secured trading environment which ensure confidentiality and data security through SSL VPN connectivity, where only authorized personnel can register and have access	No Change. To be guided by NIO Terms & Conditions

			portal' under 'Scope of work'		to the platform. We request Honorable DGH to allow us using our existing infrastructure.	
	3	Page 5	Clause 'c' under '3. Pre-auction' under 'Scope of work'	The e-auction platform shall facilitate electronic payment through web towards the Bidder Registration, tender fees, earnest money, and security money etc. with all requisite security standards in place. The online platform must be integrated with the payment gateway and the bidder should be able to pay the Earnest Money Deposit (EMD) and document fees online. Also, it should have a provision to get EMD automatically refunded via NEFT to the account of the unsuccessful buyers.	At Exchange, each participant has to maintain and operate a separate and distinct Settlement account for the gas exchange transactions with a designated clearing bank. The settlement account is used for clearing and settlement operations i.e., for settling funds obligation, payment of margins etc as may be specified by the exchange from time to time. Hence, request DGH to accept exchange's settlement mechanism as one of the payment solutions.	Agreed. Treat this as an addendum to SI No 3 (c) under Scope of Work.

Pre- Bid Queries from mJunction						
S.NO	Page no.	Clause Reference	Clause Description	Query	DGH response	
1	Pg. 3	Clause 2 (f)	All data, information, documents, etc., received over the bidding portal shall reside within Indian geography and jurisdiction.	As per our understanding, this clause pertains to only the database and the servers. (Since the e-auction application is being hosted on the web, all relevant data, information and downloadable documents can be accessed from anywhere. Clarification is sought on whether e-Auction portal needs to be restricted for access within country). Request DGH to confirm.	Clarified that e-Auction portal is not restricted for access within country & that the clause pertains to e-Auction portal database & servers.	
2	Pg. 4	Clause 2 (l)	The e-auction platform should be available online on a 24x7x365 basis and should be accessible from anywhere over public accessible from anywhere over public internet with uptime of 99.9% excluding pre-announced scheduled maintenance activities.	In case of schedule maintenance, or upgradation, necessary system downtime may be required. This may please be considered. Request DGH to confirm.	Clarified that scheduled maintenance/ upgradation shall not be considered as downtime for uptime availability calculation. However, the same shall be on prior intimation and shall not be carried out during anytime that may impact live e-auction.	

3	Pg. 5	Clause 3 (d)	The agency shall provide secure registration facility to prospective bidders through authenticated login and password along with secure and encrypted DSC issued by a certifying authority in India or any other latest technology complying with Govt. of India IT Act-2000.	Will the agencies be allowed to collect bidder registration fees, and to what extent? Request DGH to clarify.	To be mutually decided between the seller and e-auction agency
4	Pg. 8	Clause D (1)	Any company legally registered in India can participate in this NIO solely or in consortium with an e-auction platform service provider, referred to as "bidder" in this NIO. In case of bidding consortium, maximum of two (2) members are allowed to form a consortium and their bid shall clearly indicate the lead partner.	Request DGH to clarify whether any company (including their associate companies) which is/ was providing consultancy/ transaction advisory services to MoPNG or to DGH will be allowed to participate solely or in consortium in this NIO. We recommend that this should not be allowed to avoid any Conflict of Interest. The clause on Conflict of Interest (Pg. 15, Cl. I.) may also be referred to & modified if required.	To be guided by NIO terms & conditions.
5	Pg. 12	Clause 4 (a)	Robustness of the platform in the form of hosting large number of tenders simultaneously, large number of participants in a single tender, peak traffic, Reverse Auction Facility, etc.	As per our understanding, it should be Forward Auction Facility instead of Reverse Auction Facility for the price discovery of Natural Gas. Request DGH to confirm.	Agreed. To be read as "Forward Auction Facility" in Clause 4(a). Treat this as an amendment.
6	Pg. 14	Clause F (2)	Open window for future empanelment: The window for empanelling new agencies may be reopened after a duration of one-year. The window for re-empanelment of agencies may be opened after two years.	Request DGH to clarify the meaning of re-empanelment of agencies may be opened after two years."	Clause F(2) amended as "Open window for future empanelment: The window for empanelling new agencies may be reopened after one year."
7	Pg. 17	Clause (Physical Document)	Physical Documents: Bidders are required to submit following documents offline (physically) before 1400 Hrs (IST) on 18.09.2023, in a properly sealed envelope: (i) Power of Attorney (in Original) for authorized signatory of bid (ii) Any other document, if specified, in the tender.	W.r.t the Clause No.: (ii) "Any other document, if specified, in the tender", our understanding is we have to submit complete set of our Technical Bid Response. Request DGH to confirm.	To be guided by NIO terms & conditions.

Pre- Bid Queries from CRISIL					
S.NO	Page no.	Clause Reference	Clause Description	Query	DGH response
1	Pg. 9	point 8. D. Eligibility Criteria	The average annual turnover of the bidder (either individually or combined in case of a consortium) in the last three (3) Financial Years should be at least INR 100 Crore.	One of the Consortium Partners falls under Small Category as per MSE. Requesting you to kindly relax this clause as mentioned below: "The average annual turnover of one of the Consortium partners in the last three (3) Financial Years should be at least below INR 50 Crores."	No Change. To be guided by NIO Terms & Conditions
2	Pg. 9	D. Eligibility Criteria	_____	We propose that an aggregate liability cap, capped at value of work that is awarded should form a part of contract with empanelled agencies. We also request that the Standard ABAC and Sanction clauses be included in the contract. Along with the categories specified in the e-Auction, we request DGH to allow companies with the experience in conducting e-Auction for properties too, as the eAuction solution for properties OR commodities uses the same solution, the business logic and e-auction functionalities remains the same. This will allow, companies with such experience to also participate in the tender & help DGH getting better competition	To be guided by NIO Terms & Conditions

Pre- Bid Queries from IDFC First Bank					
S.NO	Page no.	Clause Reference	Clause Description	Query	DGH response
1	Pg. 8	Clause D, Eligibility Criteria, Point No. -4		Reg. the STQC certificate, as per the scope of the services the solution should also be capable of collecting the security deposit from the successful bidder / highest bidder in the eAuction. In such case the STQC certificate should have been tested & audited for the collection of security deposits post eAuction as well?	No Change. To be guided by NIO Terms & Conditions
2	Pg. 11	Matrix for Technical Evaluation, 1a (c)		In case the each eauction value of Rs. 50 crore is considered only, this will limit the qualifying company to score less in the evaluation. We request you to kindly reconsider the same for the better interest of	No Change. To be guided by NIO terms & Conditions

					the fair competition as such clause will favour only selected few.	
	3	Pg. 11	Matrix for Technical Evaluation, 1b		In the eligibility criteria, the eAuction value of Rs 1500 crore is asked & in the scoring, bidder with Rs. 1500 crore value of auction is scoring the least and benefitting the one with eAuction value of Rs. 5000 crore, this needs to be reconsidered for the technical scoring and allowing equal opportunity to all those qualifies.	No Change. To be guided by NIO terms & Conditions

Pre- Bid Queries from Xomic Infotech Private Limited						
S.NO	Page no.	Clause Reference	Clause Description	Query	DGH response	
1	Page No: 9	6.	The security standard of software solution to be used for e-Bidding shall be duly compliant with standards prescribe by MeITY and STQC.	As per the Guidelines for Compliance to Quality requirements of procurement System, STQC Directorate states under Point No. 4.2 Other Requirements for Quality and Security Evaluation "The Audit for the certification of the entire e - procurement solution shall be undertaken after its deployment and prior to its usage." (Refer enclosed STQC Guidelines, Highlighted) With ref. to Pre-qualifying Criteria of NIT published by Damodar Velly Corporation on Page No: 5 Clause No: vi, vii, xi the solution is to be audited by STQC with valid certificate as on date of bid submission It will only benefit a certain companies which were incorporated before the STQC guidelines came i.e. 2011. Our solution is compliant with the STQC guideline but the solution is to be audited after the deployment as per the guidelines. We would like to bring it to your notice that our application is already audited by Cert.in & STQC empanelled auditor for the said requirement but not by STQC. We are willing to give an undertaking to Damodar Velly Corporation that "The proposed solution will be STQC certified after deployment & before implementation". Therefore, we request you to allow the participating bidders to submit the undertaking that if we're selected as the	To be guided by NIO terms & Conditions	

					successful service provider we will deploy the application after the successful audit of the proposed solution by STQC.	
2	Pg. 11	Clause E. Point No: 2.a	Average annual turnover of the bidder in the last 3 year Financial year (i.e. 2020-21 to 2022-23) More than 100CR.	As per published document for public procurement policy published by different dept. MSME & Start up Organizations are allowed an exemption for Prior Experience & Turnover Regarding same mentioned publication details as below:Please Refer published document by; 1) Ministry of Heavy Industries & Public Enterprise, Government of India OM No.F.20/0214.PPD(pt.) dated 8th Nov. 20162) Ministry of Finance Department of Expenditure Published on 20th September 20163) Ministry of Finance Department of Expenditure Published on 25th July 2016 Circular No: 1(2)(1)2016-MA dated 10th March, 2016 For Reference, here we have attached Relaxation Norms of Public Procurement Policy where we have attached published documents. so, as per public procurement policy wants to know that MSME/Startups are allowed an exemption Prior Experience & Turnover? if not please provide the reason. With ref to mentioned RFP clause, if we are charging higher rates to our Client we would generate more revenue but our rates are competitive.e.g. If Service Provider A charges 3% of Rs. 5 Crores (materialized value through e auction) in such case revenue of Service Provider A would be Rs. 15 Lacs. BUT Says Service Provider B charges 0.5% for the same e auction of Rs. 5 Crores (materialized value through e auction) their revenue would be 2.5lacs. In the above sighted example both the service provider offers similar services but revenue is diff. whereas both are capable of delivering the services considering. Considering the RFP clause the competitive bidder will not get the chance to work with NLC India Ltd but the bidder who charging higher will get contract So our request is to relax this criteria of revenue & consider the past experience, even CVC guidelines also suggests the same.	No Change. To be guided by NIO terms & Conditions	

Pre- Bid Queries from Antares Systems Ltd					
ltd	Page no.	Clause Reference	Clause Description	Query	DGH response
1	Pg 9	Point No. 6 of Bidder Evaluation Criteria	The security standard of software solution to be used for e-bidding shall be duly compliant with standards prescribed by MeITY and STQC (Guidelines for Compliance to Quality requirements of eProcurement systems dated 31.08.2011 notified by STQC Directorate, MeITY). In this respect, the bidder shall provide valid STQC Certification of the offered e-auction platform to DGH as documentary evidence of compliance of standards prescribed by MeITY and STQC, prior to undertaking the first e-auction after empanelment. An undertaking to this effect shall be provided by the bidder along with the bid.	Request DGH Noida, to amend this clause to take the Copy of STQC certificates issued for past 10 years for the Proposed Solution to DGH instead of undertaking. This will ensure that DGH, Noida will help well experienced and audited application for best experience.	No change. To be guided by NIO Terms & Conditions
2	Pg 9	Point No. 8 of Eligibility Criteria	The average annual turnover of the bidder (either individually or combined in case of a consortium) in the last three (3) Financial Years should be at least INR 100 Crore.	Request DGH - Noida to amend this Clause as it is contradictory between Single OEM E-Procurement Specialised & Experienced Company offering services & competing with the consortiums (Two Companies): Also, to bring in to your kind information here that in the Business of E-Procurement / E-Tendering / E-Auction Services who are specialised in rendering the E-Procurement services to PSUs or Private companies are not dealing with any other services & Rs. 100 CR Turn Over is impartial & restricting all the more experienced agencies to participate or no bid received. So, request DGH to amend this clause to : The Turn Over through E-Procurement business (not any other services) with Annual Average Turn Over of Rs. 20 Cr to get more competitive bids & participations for successful tendering:	No Change. To be guided by NIO Terms & Conditions

3	Pg 8	Point 8 Eligibility Criteria	<p>D. Eligibility Criteria The bidding process will consist of two stages, Pre-qualification/Eligibility followed by Technical Evaluation.</p> <p>3) If the bidder is a consortium, a memorandum of understanding / consortium agreement executed between the members of consortium shall be submitted clearly stating that the e-auction platform service provider will provide the necessary services and support required for execution of the scope of work as defined in the NIO document and both the members of the consortium shall be jointly and severally responsible for conducting e-auction as per the requirement of this NIO</p>	<p>Since, Consortium Lead Partner have the chances to change the Proposed Software to DGH post availing the Order from DGH Noida at any time with or without concerns which may lead into the conspiracy. Request to DGH Noida to Amend this clause as with more commandingly their requirement as below, " In Case of Consortium Bid Submission, The Lead Consortium Partner should have the STQC in their own Name for the Proposed Solution to DGH Noida" to fulfil the Eligibility criteria and the contract award.</p>	<p>No Change. To be guided by NIO Terms & Conditions.</p>
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