

REQUEST FOR PROPOSAL

SELECTION OF PROJECT MANAGEMENT AGENCY TO ASSIST MINISTRY OF COAL

IN

IMPLEMENTATION OF SCHEME FOR PROVIDING FINANCIAL ASSISTANCE TO COAL/LIGNITE GASIFICATION PROJECTS OF PUBLIC SECTOR UNDERTAKINGS AND PRIVATE SECTOR

Ministry of Coal Government of India Shastri Bhawan, Dr. Rajendra Prasad Road, New Delhi- 110001

Important Notice

- 1. The information contained in this Request for Proposal document, or any information subsequently provided to Bidder(s), by or on behalf of Ministry of Coal shall be provided to the prospective Bidder(s) on the terms and conditions set out in this Request for Proposal document.
- 2. This Request for Proposal is neither an agreement nor an offer by the Ministry of Coal but is invitation to receive responses from eligible interested Bidders i.e., Public Financial Institutions as Project Management Agency for assisting Ministry of Coal.
- 3. The evaluation selection of the Project Management Agency shall be strictly based on the information and supporting documents provided by the Bidders in the Bid submitted by them. It is the responsibility of the Bidders to provide all supporting documents necessary to fulfil the mandatory eligibility criteria.
- 4. Each Bidder is encouraged to conduct independent enquiry and analysis and should check accuracy, reliability, and completeness of the information in this Request for Proposal document and wherever necessary obtain independent advice from appropriate sources. Ministry of Coal, or its employees and advisors make no representation or warranty and shall incur no liability under any law, statute, rules, or regulations as to the accuracy, reliability, or completeness of the Request for Proposal document.

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1. Definitions

Unless the context otherwise requires, capitalised terms and expressions used in this Request for Proposal Document shall have the meaning assigned to it in this Clause1: Definitions.

- 1.1. "Coal" shall include Lignite.
- 1.2. "Force Majeure" shall have the meaning ascribed thereto in Clause 8.3.
- 1.3. "Government e-Marketplace/ GeM Portal" shall mean website with Uniform Resource Locater- https://gem.gov.in/.
- 1.4. "Performance Security" shall have the meaning ascribed thereto in Clause 7.2.
- 1.5. "Public Financial Institution" shall have the meaning ascribed thereto in Section 2(72) of The Companies Act, 2013.
- 1.6. "Request For Proposal" shall have the meaning ascribed thereto in Clause 2.3.
- 1.7. "Scheme" shall have the meaning ascribed thereto in Clause 2.1.
- 1.8. "Successful Bidder" shall have the meaning ascribed thereto in Clause 6.4.

2. Introduction

2.1. Scheme

Government of India is introducing a scheme for providing financial assistance to Coal/Lignite Gasification Projects of both Public Sector Undertakings and Private Sector with an objective to support demonstration of financial and technical viability of gasification projects more widely, accelerate markets for downstream products and create additional value in the economy for coal ('Scheme'). The gasification technology shall not only contribute to the growth of the country in terms of domestic product development but shall also ensure diversified use of coal for production of products like methanol, ethanol, Di-Methyl Ether (DME), Synthetic Natural Gas (SNG) and Ammonia/Urea/ Ammonium Nitrate. Domestic production of such products shall accelerate import substitution and promote Aatmanirbharta in coal sector.

Under the aforementioned scheme, applications would be received under three different categories. The categorization shall be done on the basis of capacity of the plant to be constructed, type of product and the requirement of capital subsidy for establishing the plant. Further details as to the categories shall be issued in due course in the scheme guidelines. Selected applicants would be granted financial incentives based on the pre-feasibility report prepared by the applicant, and the capital subsidy sought by the applicant. The total outlay of the scheme will be Rs. 6,000 Crores (Rupees Six Thousand Crores).

2.2. Vision of Ministry of Coal

To provide financial assistance to coal gasification projects in a transparent manner by appointing a Project Management (PMA) Agency which shall be responsible for inviting and evaluating the proposals, monitoring the progress, and facilitating disbursement of the financial outlay and incentives.

2.3. Request For Proposal

Government of India, through Ministry of Coal, invites proposals ("Proposal/Bid") from "Public Financial Institutions" through the instant "Request for Proposal" for a Project Management Agency to provide services for implementation of the Scheme for a period of five years or extended period till completion of final reimbursement of the outlay of scheme.

3. Scope of Work and Tenure of Contract

The Project Management Agency shall be appointed to invite and evaluate coal gasification project proposals, monitor the progress and facilitate disbursement of financial outlay and incentives to the applicants selected under the Scheme. The Project Management Agency shall assist the Technical Taskforce, Implementation Committee headed by the Additional Secretary, Ministry of Coal, and Empowered Group of Secretaries (EGoS) constituted for the purpose of implementation of the Scheme.

3.1. Responsibilities of the Project Management Agency

The Project Management Agency shall be responsible for

- a. Development and maintenance of an online portal for inviting and receipt of applications under the Scheme.
- b. Preparation of operating procedures for processing, scrutiny, appraisal, verification of applications/proposals received under the Scheme, as per procedures and established practices and getting the same approved from Ministry of Coal.
- c. Processing of applications as per the qualifications and evaluation criteria for selection of applications for the purpose of Scheme.
- d. Placing appraisal reports of shortlisted applicants before the Empowered Group of Secretaries for its concurrence.
- e. Completion of documentary formalities and issuance of approval letters to all selected applicants.
- f. Verification of annual threshold investment for deciding eligibility to receive incentives under the Scheme. The said verification will primarily include document-based verification but may also involve physical verification based on risk assessment.
- g. Receiving claims for capital subsidy based on actual expenditure, processing the same with regard to correctness of the claim and placing the claims before the Empowered Group of Secretaries within laid down timelines for getting approval.
- h. Preparation of agenda papers for the meetings of Empowered Group of Secretaries and providing secretarial assistance to Ministry of Coal for the same.
- i. Maintenance of records in a systematic manner, in both digital and physical modes, to be handed over to Ministry of Coal as and when required by it.
- j. Periodic submission of data at various stages of the Scheme to Ministry of Coal, which includes compilation of data on cumulative investment and production of Gasification products achieved by selected applicants.
- k. Monitoring the progress of the scheme in a framework to be provided by Ministry of Coal.
- 1. Communicating with the Technical Committee in case of any requirement of technical opinion for the purposes of implementing the Scheme.
- m. Providing all necessary documents and information as may be required for the conduct of mid-term and end of term evaluation of the Scheme.
- n. Providing utilization certificates in the prescribed format for the funds provided to the beneficiaries and submitting the progress report of the same to Ministry of Coal.
- o. Any other work which may be specified in the Scheme guidelines to be issued in due course.

3.2. Tenure of Contract

The selected Project Management Agency shall enter into a contract with the Ministry of Coal for providing its services for a period of five (5) years or extended period based on completion of construction of projects taken up, subject to an annual review of its performance.

4. Eligibility Conditions

4.1. Eligibility Conditions

- a. The bidder must be a Public Financial Institution in terms of Section 2(72) of The Companies Act, 2013.
- b. Bidder must possess experience of managing at least one such incentive/subsidy scheme of Government of India during last five years immediately before the bid invitation date/bid start date.
- c. Bidder's Average Annual Financial Turnover of any three of the last four completed financial years should be at least Rs. 96 Crores.
- d. No consortium shall be allowed to participate in the bidding process. No more than one bidder from a business group shall be allowed to participate. Two or more than two bidders having business relationships inter-se shall not be allowed to participate.

5. Bidding Process

5.1. Mode of Bidding Process

The bidding process shall be conducted online through Government e-Marketplace ("GeM") Portal. The intending bidders may download the instant Request for Proposal from the said portal. The bidding process shall commence and conclude on the aforementioned GeM portal only.

5.2. Two Bid System

The online bids are to be submitted in a two-bid system i.e., - (i) **Technical Bid,** and (ii) **Financial Bid** in the prescribed proforma as per the schedule mentioned in Clause5.5. Supporting documents are to be uploaded on GeM portal. Both the bids are to be uploaded simultaneously.

5.3. Pre-Bid Meeting

- a. A Pre-bid Meeting will be held with the prospective bidders as per schedule mentioned in Clause 5.5, details of which shall be intimated through designated emails of the bidders.
- b. The queries of the prospective bidders shall be received by post or by email till the scheduled Pre-Bid Meeting at the below postal address/ email address: -

Sh. Hitar Singh. Under Secretary, Ministry of Coal, Room No. 622, A-Wing, Shashtri Bhawan Dr. Rajendra Prasad Road, New Delhi 110001

Email: hitlar.singh85@nic.in

Tel: 011-23382269

c. It shall be endeavour of Ministry of Coal to provide satisfactory responses to all the queries. Ministry of Coal, at its discretion or in response to queries, issue clarification or corrigendum to this Request for Proposal. The said corrigendum shall be published at GeM Portal and shall also be emailed to all participants of the pre-bid conference. Any such corrigendum shall be deemed to be incorporated into this Request for Proposal.

5.4. Preparation and Submission of Bids

- a. Bidders are strongly encouraged to examine and understand the nature and scope of this Request for Proposal prior to participating in the bidding process.
- b. Any corrigendum issued to the instant Request for Proposal shall be considered integral part of this document.

- c. All documents supporting the eligibility must be uploaded with the bid on the GeM portal.
- d. The bids are to be submitted only at the GeM Portal.
- e. Following documents, attested by authorized representative of the bidder, must form part of the bid, and be submitted along with the bids on GeM portal:
 - i. Covering Letter on Bidder's Letterhead
 - ii. Form 1: Letter for submission of Proposal/ Declaration in the format prescribed in **Annexure 1**.
 - iii. Form 2: Details of the Bidders in format prescribed in Annexure 2.
 - iv. Form 3: Compliance Sheet for pre-qualification criteria in the format prescribed in **Annexure 2**.
 - v. Documents in support of Eligibility as listed in Clause 6.1.

5.5. Schedule of Bidding Process

Ministry of Coal shall endeavour to adhere to the schedule as given below. However, Ministry of Coal, it its sole discretion, revise or extend any of the schedule set out in Table 1below: -

Table 1

S. No.	Event Description	Date & Time
1	Uploading of RFP on GeM Portal	14.07.2023
2	Bid start date and time	14.07.2023 at 4.00 PM
3	Start date for submission of queries	14.07.2023 at 5.00 PM
4	Last date for submission of queries	22.07.2023 at 5.00 PM
5	Pre-Bid Meeting	27.07.2023 at 3.00 PM (through
		video conferencing)
6	Issuance of clarification/ response to	04.08.2023 at 3.00 PM
	queries	
7	Last date and time for Bid-Submission/	28.08.2023 at 5.00 PM
	Bid Due Date	
8	Bid opening	28.08.2023 at 5.30 PM
9	Technical Evaluation of Bids	13.09.2023
10	Financial Evaluation of Bids	20.09.2023
11	Declaration of result	15 days
12	Issuance of Letter of Award	
13	Last date to furnish performance security	
14	Issuance of Work Order	

5.6. Validity of Bids

The bids shall be valid for a period of not less than 120 days from the Bid Due Date.

5.7. Late Bids

Bids received beyond the specified time on the Bid Due Date shall not be eligible for consideration and shall be summarily rejected.

5.8. Disqualifications

Ministry of Coal, in its sole discretion and at any time during the bidding process, may disqualify any bidder, if the bidder has:

a. Made misleading or false representation in the forms, statements or documents submitted with the bid.

- b. Exhibited poor performance such as abandoning works, non-fulfilment of contractual obligations, inordinate delays in completion of works, financial failures etc, in any scheme managed by it.
- c. Submitted a bid that is not accompanied by required documents or is non-responsive.
- d. Failed to provide clarification when sought for Ministry of Coal
- e. Submitted more than bid on its own or through a consortium or is amongst the two or more Bidders of the same business group or is having a business relationship with another bidder (s), in which case all such bids shall be rejected.

5.9. Rejection of Bids and Annulment of Bidding Process

Notwithstanding anything in this Request for Proposal, the Ministry of Coal reserves its right to reject any bid and/or to annul the bidding process and reject all bids at any time without any liability or any obligation for such rejection or annulment, and without assigning any reasons thereof.

6. Evaluation Criteria and Process of Selection

6.1. Test of Responsiveness

The Bid Evaluation Committee shall scrutinize the bids/proposals received against the instant Request for Proposal for compliance with the Eligibility Conditions mentioned in Clause 4. The bidder must submit/upload the following documents in support of the Eligibility Conditions as prescribed in *Table 2* below:-

Table 2

S. No.	Eligibility Condition	Document(s) Required		
1.	Bidder must be a Public Financial	Notification in terms of Section 2(72) of The		
	Institution	Companies Act, 2013.		
2.	Bidder must have experience of	Completion Certificate/ Part or Phase		
	managing at least one such	Completion Certificate/ Work Order, etc.,		
	incentive/subsidy scheme of	certified by the statutory auditor of the bidder.		
	Government of India during last five			
	years immediately before the bid			
	invitation date/bid start date.			
3.	Bidder's Average Annual Financial	Audited Financial Statements (Balance		
	Turnover of any three of the last four	Sheet) OR		
	completed financial years should be at	Certificate from the statutory auditor		
	least Rs.96 Crores			

Only responsive bids shall be evaluated as per the Technical Evaluation Criteria and the Financial Evaluation Criteria. Non-responsive bids shall be summarily rejected and shall not be evaluated.

6.2. Technical (Quality) Evaluation Criteria

Only those bids which meet the Eligibility Conditions shall be evaluated as per Technical Evaluation Criteria given below in Table 3:

Table 3

S. No.	Technical Evaluation Criteria	Maximum Score	Minimum score
	Bidder must have experience of managing at least one such		

	Total		100	60
	For every additional Rs. 96 Crores turnover	10	40	20
2	Average Annual Financial Turnover of any three of the last four completed financial years at least 96 Crores.	20		
	For experience in every additional incentive/subsidy scheme of the Government of India during last five years immediately before bid invitation date			
1.	incentive/subsidy scheme of Government of India during last five years immediately before the bid invitation date/bid start date.	40	60	40

6.3. Financial (Cost) Evaluation Criteria

Only those bids which score a minimum of 60 in the Technical Evaluation shall be evaluated upon Financial Evaluation Criteria given in Table 4.Bidder will be selected by using CQCCBS (Combined Quality Cum Cost Based System) method.

Table 4

S. No.	Financial Evaluation Criteria	Maximum Score
1	Bidder quoting the lowest amount of fee (as an amount of total scheme outlay)	100
	Total	100

The bidder quoting the lowest fee will get the maximum score of 100 and the score for remaining bidders will be calculated on proportionate basis using the formula:

Score= (Lowest quoted amount of fee * Max. Score) / Quoted amount of fee.

6.4. Process of Selection

- a. The Bid Evaluation Committee shall evaluate the proposals.
- b. On upon meeting the Eligibility Conditions mentioned in Clause 4 the bids shall be evaluated on the Technical Evaluation Criteria. Thereafter, only those bids which receive a minimum score of 60 in the Technical Evaluation shall be evaluated as per the Financial Evaluation Criteria.
- c. Bidder receiving highest combined score i.e., sum total of scores received in Technical Evaluation and Financial Evaluation (Highest Scoring Bidder HS-1) shall be selected for award of contract for a tenure of five years. In case of a tie/draw, the bidder quoting lowest percentage of fee shall be selected. Further, if even the lowest percentage of fee is same, then the HS-1 shall be selected through draw of lots.

- d. The HS-1 shall be invited for execution of Contract, Non-Disclosure Agreement (NDA) and for submission of performance security as detailed in Clause 7.2. Upon execution of the Contract HS-1 shall be referred as 'Successful Bidder'.
- e. If the bidder whose bid has been found to be the lowest withdraws or upon acceptance of its bid, fails to execute the contract or fails to submit the required performance security within the prescribed time period then the Ministry of Coal shall be at liberty to terminate the process and shall reserve its right to float fresh proposal.
- f. Bid Evaluation Committee reserves the right to reject any or all proposals/ bids without assigning any reasons.
- g. Decisions taken by the Bid Evaluation Committee in regard to evaluation of proposals shall be final. No correspondence shall be entered beyond the evaluation process.

7. Instructions to Bidders

7.1. General Terms of Bidding

- a. Each Bidder shall submit only a single proposal in the two-bid system. In case of multiple proposals from the same bidder, both the proposals shall be rejected.
- b. Decision taken by Bid Evaluation Committee shall be final and no further correspondence shall be entered in this regard.
- c. Ministry of Coal may issue addendum/ corrigendum to this Request for Proposal and the same shall be considered integral part of this Request for Proposal.
- d. Any modification or variation in Scope of Work may only be made with written agreement between the parties i.e., Ministry of Coal and the Successful Bidder.

7.2. Performance Security

a. Post issuance of Letter of Award, the successful bidder shall be required to submit original performance guarantee in form of an unconditional, irrevocable, and revolving bank guarantee from a commercial bank i.e., "Performance Security" within *fourteen days* from issuance of Letter of Award. The performance security must adhere to the conditions specified in *Table 5* below: -

Table 5

S. No.	Description	Details	
1.	Quantum of Performance	5% of the Total Value of the Contract	
	Security		
2.	Responsibility of submission/	Sole Responsibility of HS-1/ the	
	renewal of Performance Security	Successful Bidder	
3.	Form of Performance Security	Bank Guarantee from a commercial bank	
4	Minimum Validity	At least One Year	
5	Minimum Claim period	90 days from last date of validity	

- b. The successful bidder shall keep the performance security alive at all times. The renewal/extension of performance security must be communicated to the Ministry of Coal within [5] calendar days of renewal/extension along with the original performance security. Non-renewal of performance security at least thirty calendar days prior to its expiry shall give unconditional right to the Ministry of Coal to [terminate the contract and forfeit the said Performance Security.]
- c. The performance security shall remain valid for a period of 60 (sixty) days beyond the date of successful completion of deliverables assigned and thereafter, it will be returned to the successful bidder.

7.3. Payment Terms

Payment Terms in respect of implementation of the Scheme shall be as given in Table 6 below. No escalation be paid in case construction of project get delayed:

Table 6

S. No.	Description of fee component	% of the Quoted fee.	Remarks
1	Upfront fee and fee during the Gestation Period	5%	On selection of PMA and execution of NDA and Contract.
2	Preparation & floating RFP for all three categories for 14 projects including three on nomination basis		Payment will be made on floating of tender for all three categories
3	Identification of Agency for all projects and disbursement of first installment of assistance	15%	In case, finalization of less than 14 projects, payment will be calculated on pro-rata basis.
2	Capex verification	15%	On 25% financial progress of plant. In case, finalization of less than 14 projects, payment will be calculated on pro-rata basis.
3	Capex verification	15%	On 50% financial progress of plant. In case, finalization of less than 14 projects, payment will be calculated on pro-rata basis.
4	Capex verification	15%	On 25% financial progress of plant. In case, finalization of less than 14 projects, payment will be calculated on pro-rata basis.
6	Capex and plant operation verification for FY 2027- 28	25%	The fee will be paid after payment of 2nd installment (50%) and successful running of plant on pro rata basis.

7.4. Obligations of the selected Project Management Agency (PMA)

- a. The PMA shall be obliged to work closely with Ministry of Coal and shall abide by the directives issued by it.
- b. The PMA shall be responsible for managing the activities of its personnel or subcontractors and will be keep Ministry of Coal indemnified at all times in respect of the said activities.
- c. The PMA shall maintain utmost confidentiality of the data/information gathered about the gasification projects and shall not reveal any information to any third party without prior written approval from Ministry of Coal.

7.5. Remedies available with Ministry of Coal in case of non-performance of obligations by Project Management Agency

Upon failure of the Project Management Agency to perform its obligations, as may be detailed in the contract, to the satisfaction of Ministry of Coal, Ministry of Coal may-

- a. Forfeit the performance security; and
- b. Terminate the Contract without incurring any liability.

8. Miscellaneous

8.1. Right to Reject and Right to Annul

Ministry of Coal reserves the right to reject any proposal/bid/requests and/or annul the Bidding/Selection Process at any time and at any stage prior to selection without thereby incurring any liability or any obligation.

8.2. Governing Language

All documents in pursuance of this Request for Proposal shall be in English Language only.

8.3. Force Majeure

- a. Neither party will be liable in respect of failure to fulfil its obligation if such failure is entirely due to the "Force Majeure".
- b. For the purposes of this Request For Proposal, "Force Majeure" shall mean an event which is beyond the reasonable control of a Party, is not foreseeable, is unavoidable and not brought about by or at the instance of the Party claiming to be affected by such event and which has caused the non-performance or delay in performance, which makes a Party's performance of its obligations hereunder impossible or so impractical as reasonably to be considered impossible in the circumstances, and includes, but is not limited to earthquake, fire, explosion, flood, Government restrictions or instructions, a pandemic situation causing lockdown by the order of the concerned Government or strikes, lockouts or other industrial action (except where strikes, lockouts or other industrial action are within the power of the Party invoking Force Majeure to prevent), confiscation or any similar action by Government agencies.
- c. Force Majeure shall **not** include:
 - i. Any event which is caused by the negligence or intentional action of a Party or by or of such Party's agent or employees, nor
 - ii. Any event which a diligent Party could have reasonably foreseen at the time of execution of contract.
 - iii. Insolvency or Bankruptcy of the Project Management Agency.
- d. A Party affected by an event of Force Majeure shall immediately notify the other Party of such event in writing, providing sufficient and satisfactory evidence of the nature and cause of such event, and shall similarly give written notice of the restoration of normal conditions as soon as possible.

8.4. Dispute Resolution

a. Amicable Settlement

In case of a dispute arising between the Parties in reference to this Request for Proposal, either Party may send a written notice of dispute to the other party. The Party receiving such notice shall respond to it in writing within 30 (thirty) days of its receipt. If that party fails to respond within 30 (thirty) days, or the dispute cannot be amicably settled with 60 (sixty) days following the response of the Party to the notice of dispute, Clause 8.4 (b) below shall become applicable.

b. Settlement of Dispute through Arbitration

Upon failure of amicable settlement of dispute, the Parties agree to submit such dispute to arbitration. The arbitration will be guided by the DPE OM No.

05/0003/2019-FTS-10937 dated 14.12.2022 as revised from time to time for resolution of disputes through Administrative Mechanism for Resolution of Commercial Disputes (AMRCD).

c. Jurisdiction

The Courts having territorial jurisdiction over New Delhi will have jurisdiction for adjudication of disputes arising in pursuance of this Request for Proposal.

Annexure 1

Form 1: Letter for submission of Proposal

To

<Location, Date>

Shri Hitlar Singh Under Secretary Ministry of Coal Room No. 622, A-Wing, Shastri Bhawan, New Delhi- 110001

Sir,

We, the undersigned, hereby submit out proposal for Project Management Agency services for the implementation of Scheme for promotion of Coal/Lignite Gasification Projects of Government PSUs and Private Sector. The correspondence details with regard to this RFP are:

S. No.	Information	Details
1.	Name and designation of the Contact Person	
2.	Address of the Contact Person	
3.	Telephone number of the Contact Person	
4.	Mobile number of the Contact Person	
5.	Email ID of the Contact Person	
6.	Corporate website URL	

We hereby declare that our proposal submitted in response to this RFP is made in good faith and the information contained is true and correct to the best of our knowledge and belief. We understand that the Department is not bound to accept our proposal. We also understand and agree to comply that on verification if any, of the information provided is found to be false/misleading, the Ministry of Coal reserves the right to disqualify us from the selection process or terminate the work order at any point of time.

For and on behalf of << Legal name of bidding entity>

<< Authorized Signatory's signature affixed with corporate seal>> Full Name: << Insert Name >>

Signature: <<Insert Signature>>

Annexure 2

Form 2: Details of the Bidder

S.No.	Information sought	Document furnished
1	Name and address of the bidder	
2	Year of establishment	
3	Details of registration with Registrar of Companies (RoC)	
4	GST Registration (in case of multiple, only of HQ)	

Form 3: Compliance sheet for pre-qualification criteria

S. No.	Basic requirement	Documents required	Provided (Yes/No)	Reference & page number
1	Public Financial Institution as per section 2(72) of the Companies Act, 2013	Documentary evidence supporting the same.		
2	Bidder must have experience in managing at least one such incentive/subsidy schemes of the Govt. of India.	Documentary evidence such as completion certificate, part/phase completion certificate, work order, etc., certified by the statutory auditor of the bidder.		
3	Financial Turnover of any	1		
