

Request for Qualification
(RFQ)

FOR

EMPANELMENT OF TRANSACTION ADVISORS (TA)

FOR

PPP PROJECTS



Indian Ports Association

1st Floor, South Tower, NBCC Place
B. P Marg, Lodi Road
New Delhi - 110 003
Ph No : 011-24369061/63; Fax No : 011-24365866

INR 10,000/-

(August 2014)

LETTER FOR ISSUE OF RFQ FOR THE
“Empanelment of Transaction Advisors (TA)”

The set of RFQ document is issued to:

Name : _____

Address : _____

The cost of the RFQ document is INR 10,000/- (Indian Rupees Ten Thousand only)

IPA

Signature of the Officer
Issuing the RFQ Document : _____

Indian Ports Association

IPA/GAD/Consultant-TA/2014

22/8/2014

Notice for Empanelment of Transaction Advisor for Major Ports

Indian Ports Association has been assigned by Ministry of Shipping, Govt of India with the task of preparation of panel of Transaction Advisors for different types of consultancy services for use by the Major Ports as and when required. Accordingly, Indian Ports Association invites Requests for Qualification (RFQ) for empanelment as Transaction Advisors for class namely:

Class-A (Transaction Advisory Services for the PPP Projects with Estimated Cost of Project more than 250 Cr).

The panel will be valid for a period of 3 years.

The panel may be used by Major Ports by inviting financial bids as and when required for their projects/works. The detailed terms and conditions including evaluation criteria and application fee are available in the web site www.ipa.nic.in.

The schedule for receipt of the application is as follows :-

1. Submission of document fee of Rs.10,000/- for each RFQ on or before 1430 Hrs on 15/09/2014.
2. Pre-bid meeting 15/09/2014 at 3.00 pm (1500 hrs) at IPA, New Delhi.
3. Reply to the queries on 29/09/2014
4. Receipt of offers on or before 3.00 pm(1500 Hrs) on 10/10/2014
5. Opening of offers at 3.30 pm (1530 Hrs) on 10/10/2014

Reputed and interested Parties/consulting firms/consortia may download the RFQ from the above website and send in their response to the Managing Director, Indian Ports Association, 1st. floor, South Tower, NBCC Place, Bhisham Pitamah Marg, Lodi Road, New Delhi- 110 003.

In case, if RFQ is downloaded from website, the requisite document fee of Rs 10,000/- in form of Demand Draft, In favor of Indian Ports Association shall be submitted along with bid.

Indian Ports Association

Empanelment of Transaction Advisors (TA) for PPP Projects of Major Ports

1. INTRODUCTION

India's ports comprise of 12 major ports and around 200 non-major ports along the coast and islands. The Major Ports except one i.e. Kamarajar Port (Ennore) are managed by the respective Port Trust Boards and the Kamarajar Port is in the form of Public Limited Company. All the Major Ports are administered by the Central Government under Ministry of Shipping. The total volume of traffic handled by all the Indian Ports during 2013-14 was 980.00 million tonnes and the major ports account for around 57% of total sea-borne trade. The Government of India has formulated "National Maritime Agenda 2010-20" in which, a number of development projects has also been identified under five projects heads viz. deepening of channels, construction and re-construction of berths, procurement / modernization of equipment, hinterland connectivity and various other developmental works to be taken up, in order to meet the projected traffic and estimated capacity. The expected investment for the Major Ports from 2010-2020 is 127942.35 crores.

The detail of the expected investment under the National Maritime agenda is as under:

SI. No	PROJECT HEAD	No. of Projects	Funding (Rs. In Crore)
1.	Deepening of Channel / Berths etc.	46	10148.25
2.	Construction/Reconstruction of Berths / Jetties etc.	130	65866.35
3.	Procurement of Equipments etc.	80	6168.22
4.	Rail / Road Connectivity Works	46	7913.08
5.	Other Works	122	37846.45
	TOTAL	424	127942.35

During the year 2013-14, 30 projects with an estimated investment of Rs. 20709.93 crores have been awarded so far, with an expected capacity addition of 217 MMTPA. Around 70 projects with an estimated investment of Rs. 50,280 crores are under shelf to be taken by the Major Ports, which will create capacity of 812 MMTPA. List of these projects are listed at **Annexure-I**. To execute these projects, Ports would require the services of the consultants to assist the Ports in various activities like preparation of Feasibility / Project reports, tariff proposals, appointment of transaction advisors & independent engineers, preparation of EMP reports, and project monitoring etc. To this endeavor, Indian Ports Association on the direction of Ministry of Shipping has mandated to prepare a panel of consultants for the various types of consultancy services, which may help the Port Trust in speedy selection/ appointment of consultants as when required.

Through, the present exercise, the panel of consultants will be prepared through assessment of technical and financial capacity for various disciplines of consultancy services that may be required by the Ports with reference to the estimated cost of the projects. The panel so prepared will be valid for three years from

the date of publication. However, the application for addition or deletion can be sent to Indian Ports Association at any time but the empanelled list will be updated once in six months or such period as be decided by IPA.

2. Objective

The objective of the tender is to prepare a panel of Transaction Advisors for PPP Projects use by the major ports. The individual Major Port seeking Advisory Services on their port activity shall then invite competitive price offers from the panel of Transaction Advisors so prepared for the respective activities and at that time shall also prescribe Terms of Reference and Terms of Payment.

3. Broad Role of Transaction Advisors

Transaction Advisors are normally required for rendering their services in Technical, Financial & Legal services for PPP Projects of all Major Ports.

In short, they shall be instrumental in conceptualization of the PPP projects till implementation. However, while inviting the RFP, concerned Port will spell out the detailed scope of work of Transaction Advisor.

4. Entering into Agreement

4.1 On selection of the Transaction Advisor, the concerned Major Port Trust" will enter into agreement in the form prescribed by them. The format of agreement will be enclosed by the Port Trust while seeking financial offers.

4.2 The invitation of the applications for enrolment as

Transaction Advisor for PPP Projects will have a pre-bid conference before submission of final application for evaluation. The Pre-Bid conference will be held on 15/09/2014 at 3.00 pm (1500 hrs) at IPA, New Delhi.

The applicants, who have submitted application fee will only be allowed to participate in the pre-bid meeting. All the queries must be submitted one day before the pre-bid meeting. No fresh queries will be allowed thereafter. The clarifications will be issued as early as possible so as to have atleast 10 days time for submitting the bid.

5. CATEGORIES OF EMPANELMENT

5.1 Class-A : Transaction Advisory Services for the PPP Projects with Estimated Cost of Project is more than Rs 250 Cr).

6 Brief scope of Transaction Advisory Services for Class-A for PPP Projects.

The scope of work of the PPP Cell will be as follows:

- Preparation of Techno Economic Feasibility Report if required.
- ✦ ○ Preparation of Expression of Interest PPP (BOT/Captive) projects and its evaluation.
- As per the Model Documents of Ministry, preparing RFQ on the basis of Feasibility Report and updated figures, data and statistics, etc. ,scrutiny & evaluation thereof.
- ✦ ○ Preparation for Pre-Bid and other meetings, conducting the same, preparing replies/clarifications in consultation with officials of Ports.
- Preparation of Tariff Proposal as per prevailing standard guidelines issued by TAMP, clarification to the queries raised by TAMP and assist Port for finalization of the same from TAMP.

- ✚ ○ As per Model Document of Ministry, preparing RFP, issuance, scrutiny and evaluation thereof.
- As per Model document of Ministry, preparing Draft Concession Agreement, finalize the same.
- Follow-up of compliance and scrutiny of conditions precedent and final closure.
- Preparing material for the Board Meeting for obtaining approvals at various stages.
- Preparation of letters, drafts, etc. for obtaining Govt. approvals including Security Clearance, etc.
- Co-ordination and correspondence with concerned statutory State/Central Govt. organizations/persons.
- Providing Transactional and Legal advice as required by Govt.
- Provide necessary technical, financial and legal assistance from time to time from Head Office.
- For appointment of consultant /technical advisor for PPP projects, frame bidding documents & subsequent evaluation thereof.
- Furnish clarification to query from RFQ applicants/bidders, Ministry, TAMP or any other statutory Authority.
- After signing of agreement with concessionaire, provide financial/legal opinion on implementation & operation of terminal.
- Scrutiny of various policies /guidelines issued by statutory authorities from time to time and suggest any action to be taken by Ports.
- Frame the various formats by incorporating information there be sent to concerned authority.
- To work out sustainable Royalty for PPP Project.
- To scrutinize security clearance information of bidders/RFQ Applicants.
- To frame proposals like but not limited to SFC, EFC, PPPAC, CCEA etc. to take approval of competent authority.
- To frame presentation to be made by Port before Authorities to

finalization evaluation to seek approval of proposal.

- To attend the meeting and assist Port officials in respect to finalization, evaluation & approval of project.
- To frame documents for appointing of Independent Engineer and evaluation thereof.
- Any other matter related to procedural issues of PPP.

7 Qualification Criteria for Empanelment of Transaction Advisor.

Stage-I

The Tenderers shall meet the following qualifying criteria:

7.1 Average annual financial turnover during the last 3 years ending 31st March of previous financial year should be at least, For Class-A **Rs 75 Lakhs**

7.2 Experience of having successfully completed similar works during last 7 years, ending last day of the month previous to the one in which applications are invited should be either of following:-

For Class-A

a) Three completed similar works for the PPP Projects each costing not less than Rs 100 Crores.

OR

b) Two completed similar works for the PPP Projects each costing not less than Rs. 125 crores.

OR

c) One similar completed work for PPP projects costing not less than Rs.200 crores.

Similar Works : The Tenderer should have experience of providing Transaction Advisory Services i.e. Providing qualified Legal, Financial & Technical Experts with a minimum Three years experience for carrying out PPP Transactions in Port Sector PPP Projects .

Stage-II (Short listing/Scoring criteria for empanelment of Transaction Advisor).

8.0 Evaluation criteria for Class A :

8.1 Experience (Total : 40 Points)			
8.1.1	For Class-A	<p>The applicant should provide details of completed assignments in the last 07 years to demonstrate experience in providing the consultancy service.</p> <p>For each assignment, the applicant should provide details of the nature of consultancy provided, the clients response, the further action taken by the client in implementation and its status as also the duration of the assignment including date of start and completion of the assignment and cost of project and total fees etc.</p>	Demonstration of appropriate experience upto 40 points as per criteria given at appendix-1.
<p>Response : The applicant should submit clients completion certificate for each assignment to support their claim along with firm's experience and team experience separately not more than 2 pages for specific assignments by the authorized person of the firm.</p>			
8.2 Human Resources (Total : 30 Points)			
8.2.1	Full Time Equivalent (FTE) professional	The applicant should indicate the team with the team leader and the role and responsibility of each key member in each discipline for the assignments they desire to be empanelled.	Upto 10 points as per criteria given at appendix-1.
<p>Response : The applicant should indicate the details of FTE professionals along with supporting documents for their engagement and provide an organization structure of the applicant indicating the FTE professional in that category.</p>			
8.2.2	Key Personnel	The applicant should indicate the team key personnel with experience in finance and legal	Upto 20 points as per criteria given at appendix-1.

	<p>Response : The applicant should submit curriculum vitae of the key personnel, details of assignments carried out and claimed for duly indicating their qualification and experience. The involvement of key personnel in carrying out such similar nature of studies during the past 5 years should be in a brief write up by the key personnel of not more than 2 pages for each assignment indicating their role, responsibility and amount of involvement and duly certified by the firm should be submitted.</p> <p>The firm should also submit an "undertaking" that the key personnel would be maintained during the actual assignment to be awarded in case they are selected. In case replacement is inevitable, the equivalent qualification and experienced key personnel will be inducted to carryout the assignment in case of award.</p> <p>Note : The ports will obtain such undertaking while calling financial bids from the empanelled consultants.</p>	
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Note: 1) The applications, only of those bidders who qualified as per qualification criteria laid down under stage-I, will be evaluated further against the qualification criteria laid down under stage –II

2) The applicant has to score minimum 50% points in each of above sub criteria viz 8.1.1 & 8.2.1 for getting qualified.

9. General Conditions

- 9.1 Conflict of Interest: The applicant or its affiliates should not have conflict of interest with the project authority in taking up the Transaction Advisory Service assignment. Applicants are required to provide details of any existing or potential conflict of interest. It should be noted that applicants will be required to demonstrate that no conflict of interest exists when providing or submitting financial proposal for specific assignments to the concerned port by way of an Undertaking.
- 9.2 The applicant will be required to submit their financial offer strictly on the basis of terms of reference provided by individual port without attaching any counter conditions and certificate to this effect has to be furnished.
- 9.3 If there is any change in the key personnel or full time professionals, it should be brought to the notice of IPA immediately for considering either to accept such changes or otherwise. The details of qualification, experience etc. of

such key personnel when there is change and if they are replaced': with the equivalent level of qualification, experience etc. the same may be intimated. In case the change of' personnel/professional is ultimately not acceptable to IPA, the firm will not continue to be empanelled.

- 9.4 The empanelment of Transaction Advisors will be valid for three years.
- 9.5 The applicant has to submit along with the bid document Rs.10,000/- as non-refundable application fee, which will be valid for 3-years irrespective of number of disciplines quoted.
- 9.6 The empanelment made by IPA is intended to be used by all Major Ports.
- 9.7 In case of any dispute arising out of the empanelment, the decision of the Governing Body of IPA will be final and binding.
- 9.8 For applicants who are subsidiaries of foreign companies (Equity of Foreign entity more than 50%) and if their turnover are claimed, the IPA/Major Port shall insist a letter from the Parent Company to make their services available to Indian Company as required and demanded by IPA/Major Port without any extra financial liabilities.
- 9.9 The applicant should have regular set up of a team of Persons having sufficient experience in Technical, Financial & Legal as per of PPP Projects.
- 9.10 When two or more firms are forming a consortium to participate in RFQ than one firm shall become the lead member of the consortium and shall submit an authorization letter for other members of consortium. The evaluation will be conducted on the basis of performance of consortium as a whole against evaluation criteria. However, no applicant applying individually or as a member of a consortium, as the case may be, can be member of another applicant.

9.11 Even though applicants satisfy the necessary requirements they are subject to disqualification if they have:

- (i) Made untrue or false representation in the form, statements required in the application document.
- (ii) Records of poor performance such as abandoning work, not properly completing contract, financial failures or delayed completion.

9.12 It may be noted that after empanelment, works shall be allotted to various Transaction Advisors commensurate to their capabilities and capacities as assessed by IPA/Major Port No representation in this respect will be entertained.

9.13 For the purpose of empanelment, applications received will be evaluated based on the details furnished and minimum criteria specified by the IPA para-7 above. Further, the Transaction Advisors who had applied already and were/are in the services of the Corporation will be evaluated based on their past performance.

9.14 Applicant has to furnish following undertaking along with bid:
“I/we certify that in the last three years, we/any of the consortium members have neither failed to perform on any contract, as evidenced by imposition of Penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award, nor been expelled from any project or contract by any public authority nor have had any contract terminated by any public authority for breach on our part”.

9.15 EARNEST MONEY DEPOSIT

No tender will be considered which is not accompanied by a sum of Rs.250000.00 (Rs. Two lakhs and fifty thousand only) as Earnest Money

Deposit, which is lodged on the understanding that in the event of the Tenderer withdrawing his tender before the expiry of 180 (one hundred and eighty) days from the date of opening of the tender, the tender would be cancelled and the earnest money deposit therewith forfeited by the IPA.

The Earnest Money can be paid in the form of Bank Guarantee issue by a Nationalized Bank / Scheduled Bank drawn on New Delhi Branch of the Bank in favour of the Indian Ports Association, New Delhi. The EMD must be forwarded in separate cover (cover I) along with Tender. In case, it is not forwarded as stated above, the tender will be liable to be rejected. No cash remittance along with the tender will be accepted. The amount of earnest money will be refunded to disqualified Tenderers/non Short listed tenderers as soon as possible by IPA. No interest will be allowed on the earnest money from the date of receipt until it is refunded in case of BG. EMD of successful bidders/Empanelled bidders will be retained for entire period of empanelment i.e 3 years by IPA.

9.16 Right to accept or reject any or all proposals

9.16.1 Notwithstanding anything contained in this document, the IPA reserves the right to accept or reject any Proposal and to annul the Selection Process and reject all Proposals, at any time without any liability or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereof.

9.16.2 The Authority reserves the right to reject any Proposal if: (a) at any time, a material misrepresentation is made or discovered, or (b) the Applicant does not provide, within the time specified by the Authority, the supplemental information sought by the Authority for evaluation of the Proposal. Misrepresentation/ improper response by the Applicant may lead to the disqualification of the Applicant. If the Applicant is the Lead Member of a consortium, then the entire consortium may be disqualified / rejected. If such disqualification/rejections occurs after the proposals have been opened and the highest ranking Applicant gets disqualified / rejected, then the Authority reserves the right to consider the next best

Applicant, or take any other measure as may be deemed fit in the sole discretion of the Authority, including annulment of the Selection Process.

9.17 Language

The Proposal with all accompanying documents (the "Documents") and all communications in relation to or concerning the Selection Process shall be in English language and strictly on the forms provided in this document. No supporting document or printed literature shall be submitted with the Proposal unless specifically asked for and in case any of these Documents is in another language, it must be accompanied by an accurate translation of the relevant passages in English, in which case, for all purposes of interpretation of the Proposal, the translation in English shall prevail.

9.18 Evaluation Processes

The applications will be scrutinized as per the criteria given in the bid documents and a list of pre-qualified bidder be prepared and communicated to all the Major Ports. The Major Ports as and when required will obtain financial offers from the Transaction Advisors who are empanelled.

9.19 Correspondence with Applicant

Given and except as provided in EOI/RFQ, the IPA shall not entertain any correspondence with any applicant in relation to be acceptance or rejection of any application

IPA, in its sole discretion and without incurring any obligation or liability, reserves the right, at any time to:

- (a) Suspend and/or cancel the bidding process and/or amend and/or supplement the Bidding process or modify the dates or other terms & conditions relating there to.

- (b) Consult with any applicant in order to receive clarification or further information.
- (c) Empanel or not to empanel any applicant and/or to consult with any applicant in order to receive clarification or further information.
- (d) Retain any information and / or evidence submitted to the IPA by, on behalf of, and/or in relation to any applicant and/or.
- (e) Independently verify, disqualify, reject and/or accept any and all submissions or other information and/or evidence submitted by or on behalf of any applicant.

9.20 Fraud and corrupt practices

9.20.1 The Applicants and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the Selection' Process. Notwithstanding anything to the contrary contained in this document, the Authority shall reject a Proposal without being liable in any manner whatsoever to the Applicant, if it determines that the Applicant has, directly or indirectly or through an agent, engaged in corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice (collectively the "Prohibited Practices") in the Selection Process. In such an event, the Authority shall, without prejudice to its any other rights or remedies, forfeit and appropriate the Bid Security or Performance Security, as the case may be, as 'mutually agreed genuine pre-estimated compensation and damages payable to the Authority for, *inter alia*, time, cost and effort of the Authority, in regard to this document, including consideration and evaluation of such Applicant's Proposal.

9.20.2 Without prejudice to the rights of the. Authority herein above and the rights and remedies which the Authority may have under the LOA or the Agreement, if an Applicant or Transaction Advisor, as the case may be, is found by the Authority to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice,

coercive practice, undesirable practice or restrictive practice during the Selection Process, or after the issue of the LOA or the execution of the Agreement, such Applicant or Transaction Advisor shall not be eligible to participate in any tender or RFP issued by the Authority during a period of three years from the date such Applicant or Transaction Advisor, as the case may be, is found by the Authority to have directly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice, as the case may be.

9.20.3 For the purposes of this Section, the following terms shall have the meaning hereinafter respectively assigned to them: (a) "corrupt practice" means (i) the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of any person connected with the Selection Process (for avoidance of doubt, offering of employment to or employing or engaging in any manner whatsoever, directly or indirectly, any official of the Authority who is or has been associated in any manner, directly or indirectly with the Selection Process or the LOA or has dealt with matters concerning the Agreement or arising therefrom, before or after the execution thereof, at any time prior to the expiry of one year from the date such official resigns or retires from or otherwise ceases to be in the service of the Authority, shall be deemed to constitute influencing the actions of a person connected with the Selection Process); or (ii) save as provided herein, engaging in any manner whatsoever, whether during the Selection Process or after the issue of the LOA or after the execution of the Agreement, as the case may be, any person in respect of any matter relating to the Project or the LOA or the Agreement, who at any time has been or is a legal, financial or technical- Transaction Advisor! adviser of the Authority in relation to any matter concerning the Project; (b) "fraudulent practice" means a misrepresentation or omission of facts or disclosure of incomplete facts, in order to influence the Selection Process; (c) "coercive practice" means impairing or harming or threatening to impair or harm, directly or

indirectly, any persons or property to influence any person's participation or action in the Selection Process; (d) "undesirable practice" means (i) establishing contact with any person connected with or employed or engaged by the Authority with the objective of canvassing, lobbying or in any manner influencing or attempting to influence the Selection Process; or (ii) having a Conflict of Interest; and (e) "restrictive practice" means forming a cartel or arriving at any understanding or arrangement among Applicants with the objective of restricting or manipulating a full and fair competition in the Selection Process.

10. Conflict of Interest

- 10.1 An Applicant shall not have a conflict of interest that may affect the Selection Process or the Consultancy (the "**Conflict of Interest**"). Any Applicant found to have a Conflict of Interest shall be disqualified.
- 10.2 It is necessary that the Transaction Advisor provides professional, objective, and impartial advice and at all times hold the interests of the Port Trust as paramount, avoid conflicts with other assignments or its own interests, and act without any consideration for future work. The Transaction Advisor shall not accept or engage in any assignment that would be in conflict with its prior or current obligations to other clients, or that may place it in a position of not being able to carry out the assignment in the best interests of the Port Trust.
- 10.3 Addressing Conflicts of Interest have been illustrated in the Guidance Note at Schedule. Without limiting the generality of the above, an Applicant shall be deemed to have a Conflict of Interest affecting the Selection Process, if: (a) the Applicant, its consortium member (the "Member") or Associate (or any constituent thereof) and any other Applicant, its consortium member or Associate (or any constituent thereof) have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply in cases where the direct or indirect share holding or ownership interest of an Applicant, its Member or Associate (or any shareholder thereof having a shareholding of more than 5 per cent of the

paid up and subscribed share capital of such Applicant, Member or Associate, as the case may be) in the other Applicant, its consortium member or Associate is less than 5% (five per cent) of the subscribed and paid up equity share capital thereof; provided further that this disqualification shall not apply to any ownership by a bank, insurance company, pension fund or a public financial institution referred to in section 4A of the Companies Act, 1956. For the purposes of this, indirect share holding held through one or more intermediate persons shall be computed as follows:

10.3 (aa) where any intermediary is controlled by a person through management control or otherwise, the entire share holding held by such controlled intermediary in any other person (the "Subject Person") shall be taken into account for computing the shareholding of such controlling person in the Subject Person; and

10.3 (bb) subject always to sub-clause (aa) above, where a person does not exercise control over an intermediary, which has shareholding in the Subject Person, the computation of indirect shareholding of such person in the Subject Person shall be undertaken on a proportionate basis; provided, however, that no such share holding shall be reckoned under this "sub-clause' (bb) . if- the share holding of such-person in the intermediary is less than 26% (twenty six per cent) of the subscribed and paid up equity share holding of such intermediary; (b) a constituent of such Applicant is also a constituent of another Applicant; or (c) such Applicant or its Associate receives or has received any direct or indirect subsidy or grant from any other Applicant or its Associate; or (d) such Applicant has the same legal representative for' purposes of this Application as any other Applicant; or (e) such Applicant has a relationship with another Applicant, directly or through common third parties, that puts them in a position to have access to each others' information about, or to influence the Application of either or each of the other Applicant; or (f) there is a conflict among this and other consulting assignments of the Applicant (including its personnel and Sub-Transaction Advisor) and any subsidiaries or entities controlled by such Applicant or having common

controlling shareholders. The duties of the Transaction Advisor will depend on the circumstances of each case. While providing consultancy services to the Authority for this particular assignment, the Transaction Advisor shall not take up any assignment that by its nature will result in conflict with the present assignment; or (g) a firm which has been engaged by the Authority to provide goods or works or services for a project, and its Associates, will be disqualified from providing consulting services for the same project save and except as provided in Clause 8.5; conversely, a firm hired to provide consulting services for the preparation or implementation of a project, and its Members or Associates, will be disqualified from subsequently providing goods or works or services related to the same project; or (h) the Applicant, its Member or Associate (or any constituent thereof), and the bidder or Concessionaire, if any, for the Project, its contractors or sub contractor(s) (or any constituent thereof) have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply In cases where the direct or indirect share holding or ownership interest of an Applicant, its Member or Associate (or any shareholder hereof having a share holding of more than 5% (five per cent) of the paid up and subscribed share capital of such Applicant, Member or Associate, as the case may be.) in the bidder or Concessionaire, if any, or its contractor(s) or sub-contractor(s) is less than 5% (five per cent) of the paid up and subscribed share capital of such Concessionaire or its contractor(s) or sub-contractor(s); provided further that this disqualification shall not apply to ownership by a bank, insurance company, pension fund or a Public Financial Institution referred to in section 4A of the Companies Act, 1956. For the purposes of this sub-clause (h), indirect shareholding shall be computed in accordance with the provisions of sub-clause (a) above

- 10.4 For purposes of this bid, Associate means, in relation to the Applicant, a person who controls, is controlled by, or is under the common control with such Applicant (the "Associate"). As used in this definition, the expression "control" means, with respect to a person which is a company or corporation, the ownership, directly or indirectly, of more than 50% (fifty per cent) of the

voting shares of such person, and with respect to a person which is not a company or corporation, the power to direct the management and policies of such person by operation of law or by contract.

- 10.5** An applicant eventually appointed to provide consultancy by any port trust or any specific project and its associate, shall be disqualified from subsequently providing goods or works or services related to the construction and operation - of the same Project-and-any breach -of this obligation shall be construed as Conflict of Interest; provided that the restriction herein shall not apply after a period of 5 (five) years from the completion 'of the original assignment or to consulting assignments granted by banks/ lenders at any time; provided further that this 'restriction shall not apply to consultancy/ advisory services performed for the Port Trust in continuation of a specific Consultancy or to any subsequent consultancy/ advisory services performed for the Port Trust in accordance with the rules of the Port Trust. For the avoidance of doubt, an entity affiliated with the Transaction Advisor shall include a partner in the Transaction Advisor's firm or a person who holds more than 5% (five percent) of the subscribed and paid up share capital of the Transaction Advisor, as the case may be, and any Associate thereof.

1	Experience Criteria as per Para 7.2	POINTS : 40
1.1	<p><u>For Class-A</u></p> <p>a) Three completed similar works for the PPP Projects each costing not less than 100 Crores.</p> <p align="center">OR</p> <p>b) Two completed similar works for the PPP Projects each costing not less than Rs. 125 crores.</p> <p align="center">OR</p> <p>c) One similar completed work for PPP projects costing not less than Rs.200 crores.</p>	<p>Initial three completed similar works for the project– 20 points. For additional three projects additional 5 marks will be given</p> <p>Initial two completed similar works for the project – 20 points. For additional two projects additional 5 marks will be given</p> <p>Initial one completed similar works for the project – 20 points. For additional one project additional 5 marks will be given</p>
2	Human Resources as per para 8.2	POINTS : 30
2.1	<p>Details of Full Time Equivalent (FTE) professional as per para 8.2.1</p> <p>For Class A (Project value more than Rs 250 Crs) – Min 20 FTE</p>	<p>For 20 FTE – 6 points</p> <p>More than 20 FTE – 10 points</p>
2.2	<p>Key Personnel as per para 8.2.2</p> <p>The applicant should indicate the team key personnel with experience in finance and legal</p>	<p>Key Personnel with experience in finance and legal – 20 points</p>

Annexure - I

Shelf of Projects at Major Ports for 2013-14

(Based on weekly report of Ministry & Input from Ports)

S.No.	Name of the Project	PPP/Non-PPP/ Captive	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Target (In Quarter)
Standby Projects of 2013-14					

(I) PPP Projects

1	Kolkata : Development of Haldia Dock II (North)	PPP	821.40	11.70	
2	Kolkata : Development of Haldia Dock II (South)	PPP	886.10	11.70	
3	Kolkata : Construction of Outer Terminal 1 upstream of 3rd Oil Jetty with ancillary facilities (<i>Port reported Est. Cost as Rs. 278.90 and Capacity as 5.11</i>)	PPP	290.00	4.50	
4	Kolkata : Development of Dry Dock & Ship repair facility at Kolkata Port	PPP			Yet to be decided
5	VIZAG : Up-gradation of ORS dry doct at VPT (<i>Not reported by Port</i>)	PPP	100.00	0.00	Yet to be decided
6	VIZAG : Construction of open storage sheds/warehouses at VPT (<i>Not reported by port</i>)	PPP	50.00	0.00	Stand by
7	Chennai : Development of Dry Dock facilities at Timber Pond/Boat basin at Chennai Port (<i>Not reported by port under Revised List</i>)	PPP	250.00	0.00	FOURTH
8	Chennai : Development of Marine Highway along East Coast connecting Chennai, Ennore and other ports in TN (<i>Port reported Estd. Cost as Rs. 225.00, Capacity as 3.00 and Target as Q1 of 2014-15</i>)	PPP	107.00	0.00	THIRD
9	Ennore : Development of Multi-Cargo Berh	PPP	100.00	2.00	THIRD (Newly identified project)
10	Mumbai : Container freight station (CFS) at Wadala of Mumbai Port (<i>Port reported Capacity as 3.00 and target as Q4</i>)	PPP	80.00	0.60	THIRD
11	Kandla : Development of Barge Handling facilities at Tuna, for handling multipurpose dry cargo (excluding container and liquid cargo)	PPP	271.90	6.29	SECOND
12	Kandla : Setting up of multipurpose cargo berth on existing berth No. 11 & 12 at Kandla Port. (<i>This scheme is appearing in 2014-20 under PPP Projects with Status as SCHEME DEFERRED as reported by Port</i>)	PPP	400.00	3.00	FOURTH

Shelf of Projects at Major Ports for 2013-14

(Based on weekly report of Ministry & Input from Ports)

S.No.	Name of the Project	PPP/Non-PPP/ Captive	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Target (In Quarter)
Standby Projects of 2013-14					

(II) Non-PPP Projects

13	Kolkata : Mechanisation of Berth No. 4,5 & 8 NSD.	Non-PPP	490.00	13.50	THIRD
14	VIZAG : Small Jetties 130-170 m Length <i>(not reported by Port)</i>	Non-PPP	22.00	1.00	SECOND
15	NMPT : Acquisition of 2 Mobile Harbour Cranes as replacement of 3 Nos of 10 T Wharf Cranes at NMPT	Non-PPP	39.75	1.00	SECOND (Newly identified project)
16	Kandla : Commissioning of Floating cranes on license basis at Outer Tuna Bay (OTB) <i>(Not reported by Port)</i>	Non-PPP	60.00	2.00	FIRST

**SHELF OF PPP PROJECTS AT MAJOR PORTS
(2014 - 2020)**

S.No.	Name of the Project	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Date of award	Expected date of completion
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KOLKATA DOCK SYSTEM AND HALDIA DOCK COMPLEX UNDER KOLKATA PORT TRUST

1	Development of full-fledged Cargo handling Facilities at Saugor	7820.00	54.00 (In 2019-20)	2016-17	2019-20 1st phase
2	Floating Storage Regasification Unit (FSRU)	500.00	6.00	2015-16	2017-18
3	Statigical alliances with neighbouring ports with dedicated Berth		6.00	2017-18	2019-20
TOTAL		8320.00	66.00		

PARADIP

4	Mechanization of South Quay and Multi Purpose Berth (MPB)	600.00	10.00	2016-17	2020-21
5	Construction of Western Dock on BOT basis at Paradip Port(Phase-I)* (Two Berths)	927.94	25.00	2016-17	2019-20
6	Construction of Western Dock on BOT basis at Paradip Port(Phase-II)* (Two Berths)	927.94	25.00	2017-18	2021-22
7	Construction of Western Dock on BOT basis at Paradip Port(Phase-III)* (Two Berths)	966.12	25.00	2018-19	2022-23
TOTAL		3422.00	85.00		

VISAKHAPATNAM

8	Development of satellite port at Bheemunipatnam including new Fishery Harbour	1000.00	7.50	2016	2019
9	Expansion of Outer Harbour (Phase-I)	1500.00	10.00	2016	2019
10	Expansion of Outer Harbour (Phase-II)	1000.00	5.00	2019	2022
11	Development Barge Jetty at YARADA	500.00	3.00	2015-16	2017-18
12	Strengthening of berth (Non PPP)	100.00	5.00	2014	2019
TOTAL		4100.00	30.50		

CHENNAI

13	Development of North Quay (PPP mode)	100.00	2.00	2014-15	
14	Development of Barge Jetty near Tiruvottiyur Parking Yard (PPP mode)	500.00	3.00	2014-15	

**SHELF OF PPP PROJECTS AT MAJOR PORTS
(2014 - 2020)**

S.No.	Name of the Project	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Date of award	Expected date of completion
15	Development of Satellite Port for handling dusty cargo	1000.00	20.00	2014-15	
16	Development of SQ I with JD I Shed for Bulk Handling Terminal	100.00	2.00	2015-16	
17	Development of Container Terminal at WQ (850 mtrs.)	1000.00	15.00	2016-17	
18	Development of Off-Dock CFS at Tondiarpet (PPP mode)	250.00	2.00	2016-17	
19	Development of Deep Draft Liquid Bulk Terminal in the Eastern Arm of the Mega Container Terminal Project (PPP mode)	400.00	10.00	2018-19	
TOTAL(A)		3350.00	54.00		

Other PPP Projects at Chennai(Non capacity yielding)

20	Development of Air Cargo Freight Station at Trisoolam (PPP mode)	20.00		2014-15	
21	Development of Wind Mill on the Breakwaters	100.00		2014-15	
22	Development of 2 nd Off-Dock CFS and Multi Modal Transport Hub adjacent to	650.00		2015-16	
23	Development of Off-Dock CFS at Tondiarpet (PPP mode)	250.00		2016-17	
24	Power Generation from Ocean Based Renewal Energy Resources	100.00		2017-18	
25	Development of Marina in the Groyne Field of North Chennai (PPP mode)	25.00		2017-18	
26	Elevated Corridor from Chennai Port to CPCL Junction via Buckingham Canal (PPP mode)	2000.00		2019-20	
TOTAL (B)		3145.00	0.00		
TOTAL (A+B)		6495.00	54.00		

ENNORE

27	Development of Second Marine Liquid Terminal on BOT basis	250.00	3.00	2016-17	2018-19
TOTAL		250.00	3.00		

V.O. CHIDAMBARANAR

28	Construction of Barge Jetty (2 Nos.)	80.00	1.00	2014-15	Mär.17
29	Conversion of Berth no. 9 as Container Terminal	500.00	7.20	2019-20	Mär.22

**SHELF OF PPP PROJECTS AT MAJOR PORTS
(2014 - 2020)**

S.No.	Name of the Project	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Date of award	Expected date of completion
30	Development of Marina	304.00		2015-16	Mar.16
31	Development of Outer Harbour	7500.00	42.00	2018-19	2020-21
TOTAL		8384.00	50.20		
COCHIN					
32	Development of General Cargo Terminal at Q8, Q9 berths	250.00	General Cargo/10.00	Mar. - 14	Sept. - 15
33	International Container Transshipment Terminal				
(a)	Phase IB for Extension of berth by 300m and providing related facilities	250.00	Container/ 6.25	2014-15	2016-17
(b)	Phase II for Extension of berth by further 900m and providing related facilities	750.00	Container/ 19.00	2016-17	2018-19
34	Reconstruction of Mattancherry wharf (Q1 to Q3 Berths) Phase - II	Estd. Cost not formulated	Coal & Misc./2.00	2013-14	2015-16
35	Outer harbour project for construction of a Deep Water Port		Container - 62.5, POL - 20, Bulk - 20	2019-20	
TOTAL		4300.00			
NEW MANGALORE PORT TRUST					
36	Coal Handling Berth No 16	147.00	6.00	2015-16	2017-18
37	Multi Purpose General Cargo Berth No. 17	150.00	5.00	2016-17	2018-19
TOTAL		297.00	11.00		
MORMUGAO PORT TRUST					
38	Development of 7.2 MMTPA Terminal for Dry Bulk Cargo	720.00	7.20	2014-15	2017-18
39	Development of Vasco Bay (Phase - I) for Clean Cargo	250.00	2.00	2015-16	2017-18
40	Development of Vasco Bay (Phase - II) for Clean Cargo	250.00	2.00	2018-19	2020-21
TOTAL		1220.00	11.20		
JAWAHARLAL NEHRU PORT TRUST					
41	Construction of Additional Liquid Berth	1200.00	15.00 (Tentative)	2014	2016
42	Development of Bulk Berths in Nhava creek area in JN Port.		Yet to be analysed	2018-19	NYA
43	Development of 5th Container Terminal at JNPT			2018-19	
TOTAL		1200.00	75.00		

**SHELF OF PPP PROJECTS AT MAJOR PORTS
(2014 - 2020)**

S.No.	Name of the Project	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Date of award	Expected date of completion
Kandla					
44	Development of marine liquid terminal facilities consisting of two berths, 300m. Each on North side of existing jetty and a SPM in KPT waters at OOT Vadinar for handling crude & petroleum products. (on captive use basis)	448.00	Two berths-10, SPM - 14.5	July- 13	July- 16
45	Setting up of Container Terminal at Tuna-Tekra for Kandla Port	4500.00	6.00	Dec- 14	June- 17
46	Construction of T shape jetty at Tekra (phase- II)	1500.00	14.00	Dec- 17	Dec- 19
47	Setting up of multipurpose cargo berth on existing berth no 11 & 12	400.00	3.00	Jun.14	Dez.15
48	Mechanization of berth no 1 to 6	50.00	0.70	2016-17	2018-19
TOTAL		6898.00	48.20		

SHELF OF CAPACITY YIELDING NON-PPP PROJECTS AT MAJOR PORTS (2013 - 2020)

S.No.	Name of the Project	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Date of award/ Commencement
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KOLKATA DOCK SYSTEM AND HALDIA DOCK COMPLEX UNDER KOLKATA PORT TRUST

1	Setting up of IWT Terminals, development of Mechanised loading/unloading facilities at the IWT Terminal (A/C KDS).	100.00	0.50	
2	Construction of Outer Terminal 2	35.22	2.50	To be taken up subject to exhibition of buoyant traffic in future
TOTAL		135.22	3.00	

PARADIP

1	Mechanisation of EQ 1 to EQ 3 berths at Paradip Port on Captiv user basis	1000.00	14.00	May-2014
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VISAKHAPATNAM

1	Additional Oil Handling Facilities for POL	200.00	2.00	2014-15
2	Development of barge handling/ deep draft facilities at Yarada water front	50.00	2.00	2015-16
3	Augmentation of OSTT to cater to 2 lakh DWT tankers	100.00	2.00	2019-20
4	Relocation of Oil mooring facility in OH between LPG and OSTT	200.00	2.00	2019-20
TOTAL		550.00	8.00	

CHENNAI

1	Deepening of Channel, Basin and Berths (Spill Over)	143.00	General Cargo 7.00	First Stage 20.09.2006
TOTAL		143.00	7.00	

COCHIN

1	Capital Dredging for Creation of Berth Basin for ICTT-			
a.	Phase-III for extending the length of basin for 300 m	90.00	14.50 mtrs	2015
b.	Phase-IV for extending the length of 900 m	120.00	14.50 mtrs	2017

SHELF OF CAPACITY YIELDING NON-PPP PROJECTS AT MAJOR PORTS (2013 - 2020)

S.No.	Name of the Project	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Date of award/ Commencement
2	Deepening of EKM channel – Q5 to Q7 frontage	5.00	12.50	2015
3	Strengthening of Q5 to Q7 berths of E/Wharf	10.00	1.00	2014
TOTAL		225.00		
NEW MANGALORE PORT TRUST				
1	Construction of new multipurpose berth (Berth No. 18) for handling General Cargo & Containers	137.44	5.00	2013-14
TOTAL		137.44	5.00	
MORMUGAO PORT TRUST				
1	Modernization of MOHP through Project Management System	410.00	120.00	April 2013
TOTAL		410.00	120.00	
MUMBAI PORT TRUST				
1	Construction of 2nd liquid chemical/ specialised grades of POL berth off New Pir Pau Pier	116.00	2.00	Oct. 2012
TOTAL		116.00	2.00	
JAWAHARLAL NEHRU PORT TRUST				
1	Replacement of 2 nos super-post panamax size RMQCs acquired in 1997 at Main Container Berth and shifting of 2 nos existing RMQCs from MCB to SDB.	70.00	1.25	Jan. 2017
TOTAL		70.00		
Kandla				
1	Modification & upgradation of 7th cargo berth. (Scheme changed as 7th to 10th cargo berth)	300.00	3.20	Jan. 2014
TOTAL		300.00	43.89	

Shelf of Projects at Major Ports for 2014-15

(Based on weekly report of Ministry & Input from Ports)

S.No.	Name of the Project	PPP/Non-PPP/ Captive	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Target (In Quarter)
New Identified Projects of 2014-15					

(I) PPP Projects

1	Paradip : Development of Iron Ore Berth on BOT Basis at Paradip Port	PPP	681.94	10.00	THIRD
2	Paradip : Development of clean Multi-Cargo berth in Southern Dock	PPP	430.78	5.00	THIRD
3	Chennai : Dry port at Chennai Port	PPP	20.00	0.20	SECOND
4	JNPT : Developmet of Additional Liquid Terminal	PPP	2496.00	26.00	THIRD
5	Mumbai : Facilities for handling & storage of Bulk Cement	PPP	95.00	1.25	SECOND
6	Kandla : Development of marine liquid terminal facilities consisting of two berths, 300m each on North side of existing jetty and a SPM in KPT waters at OOT Vadinar for handling crude & pertoleum products. (on Captive use basis)	PPP	448.00	24.50	SECOND
7	Kandla : Operation and Maintenance of Container Terminal on PPP mode "as is where is basis"	PPP	446.70	24.50	THIRD

(II) Rail Road Connectivity

1	Kamarajar : Rail cinnectivity for Container and Multi cargo terminal	RRC	50.00	0.00	SECOND
2	Kamarajar : Rail cinnectivity for Container and Multi cargo terminal	RRC	20.00	0.00	SECOND
3	VOC : Development of road facilities for cargo evacuation from Hare Island (Phase-I)	RRC	8.20	0.00	SECOND
4	JNPT : Laning of Uran-Sheva Road	RRC	45.00	0.00	
5	JNPT : Development of Road behind CFS connecting SH-54	RRC	20.00	0.00	

(III) Non-PPP Projects

1	Kolkata : Integrated Container Handling at Berth No. 10 & 11 of HDC	Non-PPP	10.00	0.02	THIRD
2	Kamarajar : Development of additional automobile parking area	Non-PPP	25.00	0.00	SECOND
3	Chennai : Supply, Operation and Maintenance of Harbour Mobile Crane and other Cargo handling equipments	Non-PPP	62.57	5.00	THIRD

Shelf of Projects at Major Ports for 2014-15

(Based on weekly report of Ministry & Input from Ports)

S.No.	Name of the Project	PPP/Non-PPP/ Captive	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Target (In Quarter)
New Identified Projects of 2014-15					
4	VOC : Mechanization of cargo transfer from VOC Wharf to the backup yard and mechanization of wagon loading system at existing coal yard	Non-PPP	10.00	13.60	THIRD
5	NMPT : Construction of Export Promotion Zone Building	Non-PPP	20.00	0.00	SECOND
6	NMPT : Updation of Fire Fighting System at Berth No. 12 or 13 for handling of VLCC Vessels	Non-PPP	35.00	0.00	FOURTH
7	JNPT : Development of additional reefer yard	Non-PPP	17.00	7.50	SECOND

Shelf of Projects at Major Ports for 2014-15

(Based on weekly report of Ministry & Input from Ports)

S.No.	Name of the Project	PPP/Non-PPP/ Captive	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Target (In Quarter)
Standby Projects of 2014-15					

(I) PPP Projects

1	Kolkata : Diamond Harbour Container Terminal Project	PPP	1758.50	25.00	
2	Kamarajar : Development of Marine Highway along East Coast connecting Chennai	PPP	10.00	0.00	
3	Chennai : Development of Jawahar Dok (East) berths as Container Terminal	PPP	475.00	5.00	
4	Chennai : Development of BD-II for handling alternative cargoes	PPP	50.00	3.00	
5	Mormugao : Development of Multipurpose Cargo Terminal	PPP	1366.00	6.40	
6	Mumbai : Development of Mechanised 5B coal handling facility at Haji Bunder	PPP	350.00	6.00	
7	Mumbai : Infrastructure development in handling ships of greater capacity along Harbour Wall 5B Berths No. 18-22 ID	PPP	613.00	7.00	
8	Kandla : Setting up of a Container Terminal at Tuna-Terka, on BOT basis	PPP		42.00	
9	Kandla : Setting up of Single Point Mooring (SPM) and allied facilities off Veera in Gulf of Kutch	PPP	830.00	12.00	

(II) Mechanized Projects

1	Paradip : Mechanization of CQ-1 to CQ-2 berths		1357.02	20.00	
2	Paradip : Mechanization of EQ-1 to EQ-2 berths on BOT basis		1567.30	30.00	

(III) Non-PPP Projects

1	Kolkata : Supply, operation & Maintenance of different cargoe handling equipment at berth Nos. 2 & 8 of HDC	Non-PPP	150.00	8.00	
2	Chennai : Cruise Terminal Construction of Annex building and improvement works in the existing passenger terminal for cruise passenger facilitation centre	Non-PPP	24.01		

Shelf of Projects at Major Ports for 2014-15

(Based on weekly report of Ministry & Input from Ports)

S.No.	Name of the Project	PPP/Non-PPP/ Captive	Est. Cost (Rs. In Cr.)	Capacity (MTPA)	Target (In Quarter)
Standby Projects of 2014-15					
3	Mumbai : Improvement to port connectivity Rail:- dedicated goods line between Wadala and Kurla for freight movement	Non-PPP			