

HIGH COURT OF MADHYA PRADESH: JABALPUR

// CLARIFICATION //

No. Reg(IT)(SA)/2023/1496

Jabalpur, Dated:12-12-2023

Sub:- The matter regarding to publish the clarification / reply of pre-bid meeting dated: 28th November, 2023 for the selection of consultant for preparing DPR, blue print and bid process management for the High Court of Madhya Pradesh, Jabalpur with reference to tender no. Reg(IT)(SA)/2023/1401, dated: 01.11.2023.

Ref:- Pre-Bid Meeting dated: 28th November, 2023.

Reply / clarification to the pre-bid queries

On the basis of query submitted by the bidders, the detailed reply / clarifications is prepared and the same enumerated as per details given below:-

Query No.	RFP Reference (Section No. /Page No.)	Content of RFP Requiring Clarification	Query of the bidder / Remarks of the bidder	Reply / clarification to the query /Remarks by the High Court.
M/s. Grant Thornton				
1	Pg-11; Clause No. "3. Eligibility Criteria:- Point 1."	The Bidder must be a company registered under Indian Companies Act 1956 in India	This is a Consulting assignment therefore kindly allow Firms incorporated under The Limited Liability Partnership Act, 2008. All	Yes accepted

		since last three years (as on the date of bid submission.)	multinational major Consulting Firms are incorporated under this act.	
2	Pg-11; Clause No. "3. Eligibility Criteria:- Point 3. "	Bidder should have a minimum average annual turnover of Rs. One crore during last three financial years (FY- 2020-2021, 2021-22 and 2022-23).	<p>The turnover of the Firm is too low as compare to the worth of the assignment. Companies having so less turnover will not be able to sustain the project and the salaries of the resources deployed. As generally the payment process in government consulting takes time and since then the company whosoever will take the task should have to maintain substantial liquidity. Moreover the project is an IT Project hence we suggest the following changes as per Meity guidelines i.e. the turnover should be 5 times worth of the project.</p> <p>Bidder should have a minimum average annual turnover of Rs. Twelve crore during the last three financial years (FY- 2020-2021, 2021-22 and 2022-23).</p>	No Change

3	Pg-11; Clause No. "3. Eligibility Criteria:- Point 5. "	<p>The bidder must have successfully executed during the last five years (as on the date of bid submission), at least <u>one consultancy project</u> for establishment of Tier II/Tier III Data Centre of minimum 20 Server Rack Space or minimum 500 Sq. Ft. Server Farm Area.</p>	<p>GT Bharat have executed the consulting assignment of establishment/ audit/ Monitoring of large scale Data Centers. But mentioning the number of racks or space of the farm make the Bid quite specific which should not be ideally kept in public procurements as it may restrict many companies to participate. Moreover the project belongs public sector hence experience from public sector consulting should be counted. The experience of any type of data centre involves same set of skill sets. As such projects have large span of implementation and monitoring hence the experience should be counted for last seven years rather than five years. Hence we suggest the clause as below:</p> <p>The bidder must have successfully executed during the last seven years (as on the date of bid submission), at least one consultancy project for establishment/ audit/ monitoring of Tier II/Tier III Data Centre in any government</p>	No Change
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			(State/ Central/ PSU).	
4	Pg-11; Clause No. "ii. Tender Evaluation"	<u>Point A.2:-</u> Experience of handling projects with ICT component procurement. " <u>Point B:-</u> Domain Knowledge for Gap Analysis & Requirement Gathering	What relevant documentary evidence proofs is expected in support of these scoring points? As the client certificates will mention the successful execution of the Consulting Project work as a whole. Whereas most of the IT related consulting works including development / implementation / or procurement Project involves Project evaluation planning , requirement analysis and gap identification i.e. AS-IS documentation and the proposed TO-BE involving technological development, sizing, estimation, implementation and SLA monitoring, which remains part of the Scope.	Yes

5	Pg-10; Clause No. "2. Project Implementation Plan :-"	<p>Timelines (in weeks)</p> <ol style="list-style-type: none"> 1. Submission of Project Inception Report T + 2 2. Submission of GAP Analysis Report and Detailed Design Report T+10 3. Submission of Bill of Material and Cost Estimation Report T+11 4. RFP for Selection of SI RFP submission T+12 Finalization of bidder T +16 Signing of Agreement with bidder T+18 	<p>The timelines are too optimistic and Bidding timings in public procurement are not sure and totally depend on the participation of the Bidders and other dependencies of governance. Whereas there is provision of penalty of 1% of the total contract value on delay. Therefore our suggestion is to increase the timelines and also to rationalize the penalty to 0.2% of delay of work. It is assumed that the delay due to governance / departmental issues will be exempted in counting the delay of work</p>	<p>Yes Changed penalty @ 0.50% per week of delay in work. It will be done as per actual and delay due to governance / departmental issues will be exempted in counting the delay of work.</p>
6	Pg-10; Clause No. "2. Project Implementation Plan :-"	<ol style="list-style-type: none"> 5. Final Acceptance Testing As per the schedule for limited number of days 	<p>Kindly clarify the timelines of Final Acceptance and testing. As a general practice of such assignment the PMC is also required for the entire period of Data Centre operations and monitoring of the SLAs of the System Integrator (SI). Hence kindly define the total period of the engagement and also include the PMC / PMU for the entire period of the engagement of SI.</p>	<p>As per actual and the total period of the engagement will include the PMC / PMU for the entire period of the engagement of SI</p>

7	Pg- 46	<p>Note: a) Technical lead or any of the team member deployed on-site for the entire project period should have Experience in ISO-27001-certification process. b) Technical/team lead and minimum two team members would be deployed on site for the entire project period.</p>	<p>The costing of the project will depend on the clarification of the above point. Also clarify if there is any upper limit of the total period/ timelines of the engagement.</p>	<p>No upper limit is there, the agency will be engaged till the completion of entire project .</p>
8	General	NA	<p>We request for a online link for attending the Pre-Bid queries as it will enable our various team technical members to attend it remotely and like all other departments does nowadays when online hearings are also facilitated through video conferencing, physical presence should not be mandatory.</p>	No change
M/s. Conorg Project Consultancy				
1	EMD/Bid Security Amount Page no. 2	EMD amount Rs. 05.00 Lakhs .	<p>We request you to reduce the Bid security, as the amount gets blocked for any delay in the process by the authority.</p>	No Change

			Requesting it to kindly keep it Rs 1 lakhs.	
2	Page no. 11 - Eligibility Criteria:- Point no. 5	“The bidder must have successfully executed during the last five years (as on the date of bid submission), at least one consultancy project for establishment of Tier II/Tier III Data Centre of minimum 20 Server Rack Space or minimum 500 Sq. Ft. Server Farm Area.”	The bidder must have successfully executed during the last five years (as on the date of bid submission), at least one IT consultancy / E governance / Data Centre project. Because specific mention of Data Centre only projects would limit the participation and only limited bidders might bid.	No Change
3	Page no.17 - (ii). Tender Evaluation Point no. A Bidder's Experience	A.1 – Data Center Experience. A.2 – Experience of handling projects with ICT component procurement.	We request you to kindly amend as below : A.1 - IT consultancy / E governance / Data Centre. A.2 – Experience of development of RFP, PPP, Concessionaire agreement Because more than 50% of the work is related to RFP development and contract agreement – implementation, monitoring & testing	No Change
M/s. BDO India LLP				
1	Page no. 11	Point No.1 The Bidder must be a company registered under Indian Companies Act 1956 in India	Request you to change this clause:- The Bidder shall be a legally registered entity in India under Indian Companies Act, 1956 or LLP Act,	Yes accepted

		since last three years (as on the date of bid submission.)	2008. Documents Proof:- •Certificates of Incorporation / Registration • Memorandum of Association & Articles of Association.	
2	Page no. 11 and 42 - 2. Eligibility Criteria:- Annexure IV: Proposed Competence Requirement for the Project	Point No.2 The bidder should have required skill set to carry out this assignment. Proposed Competence Requirement for the Project is given in Annexure-IV.	Please clarify whether this criteria pertains to the bidder's experience or the experience of the resource to be deployed. Annexure-IV outlines the proposed competence requirements for the project, specifying the types of resources. Additionally, please provide clarification on the types of documents and proofs required.	As per the tender document. All the documents and details are to be submitted asked in the tender document and clarification.
3	Page no. 17 - ii. Tender Evaluation B. Domain Knowledge for Gap Analysis & Requirement Gathering	B. Domain Knowledge for Gap Analysis & Requirement Gathering- - Max 20 marks	Request to change this the clause:- Domain Knowledge for Gap Analysis & Requirement Gathering/RFP/Project Management Consultancy/Unit	No Change
4	Page no. 17 - ii. Tender Evaluation E. Quality of Technical Proposal	E. Quality of Technical Proposal	Could you please clarify the parameters to evaluate the quality of the proposal	Shall be finalized by the technical evaluation committee.
5			We kindly request the opportunity to attend the upcoming Prebid meeting, scheduled for 28/11/2023 at 11:30	No Change

			PM via video conferencing. Kindly provide the Pre-bid Meeting Link.	
M/s. Ernst & Young LLP				
1	Pg: 2 - Bid Data Sheet	Last date and time of online submission of proposal (mandatory)	Request to extend the bid submission date for two weeks from the corrigendum release date. The current Bid submission date is 18th December, 2023.	Yes accepted
2	Pg: 42, Pg: 21 - Annexure IV: Proposed Competence Requirement for the Project (Civil and Infrastructure Resource Requirement) Clause 5 :Part d	The bidder has no right to give, bargain, sell, assign or sublet or otherwise dispose of the Contract or any part thereof, as well as to give or to let a third party take benefit or advantage of the present Contract or any part thereof. However, in case of circumstances beyond the control of bidder, transfer/ sub-contracting may be permissible with the written concurrence of High Court of Madhya Pradesh.	Scope involves assessment of Non-IT components and Civil works (including architecture design, floor layout, HVAC) etc. Currently subcontracting is not allowed in the RFP. We request to allow the sub contracting for the Civil and Infrastructure. Justification - Sub contracting will allow to bring in experts from their fields and domain which will give precise operational advise.	No sub-contracting permitted in the bid.

3	Pg:18 - Clause 4: Instruction to Bidders, Part c: Bid Evaluation	The project should be awarded to L1 bidder from among the technical qualified bidders.	<p>We request to change the evaluation method to Quality and Cost Based Selection (QCBS) from Least Cost Based selection (L1) considering the severity and Quality delivery for this engagement.</p> <p>QCBS Method: The evaluation of the tender maybe based on QCBS (Quality and Cost Based Selection). The Combined Final Score contains 70% weightage for technical evaluation and 30% weightage for financial evaluation.</p> <p>Therefore, final evaluation will be done on the following basis: Proposals will finally be ranked according to their Combined overall score (Techno Commercial) (S) based on the below mentioned formula: $S = St*0.7 + Sf*0.3$ (where St =Technical score and Sf = Commercial score) Bidders will be ranked basis their Final Combined Overall Score (Techno Commercial) (S) as H1, H2, H3.....and so on, H1 being the bidder with highest Combined Overall Score. Justification</p>	Yes accepted. 70:30 - 70% = Technical weightage and 30% = financial weightage. The bill will be finalized on the basis of QCBS pattern.
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			<p>- Since this project involves state of the art setup of data center alongwith other Civil and Non-It work, it is advisable to have such potential bidders who have done quality work over the years.</p>	
4	<p>Pg: 10 - Clause 2: Project Implementatio n Plan</p>	<p>Final Acceptance Testing</p>	<p>We request to change the payment milestone as per given below table* - Justification - Since the project involves civil works and infrastructure works, they will consume time and 40% payment after that will not be suitable for potential bidders as it will be highly dependent on scope of work and performance of SI. Hence we request to amend the payment milestones as per the table given below.</p>	<p>No Change</p>

5	Pg:11 - 3. Eligibility Criteria:-	3. The Bidder must be a company registered under Indian Companies Act 1956 in India since last three years (as on the date of bid submission.)	Kindly Amend it to: The Bidder must be a company registered under Indian Companies Act 1956/ Companies Act 2013 in India since last Five years (as on the date of bid submission.) Justification - As in point 5. of eligibility criteria the experience is sought of last five years.	Yes Changed to 05 years.
6	Pg:17 - c. Bid Evaluation	ii. Tender Evaluation	*Kindly Amend the table A Bidder's Experience 30 A.1 Data Center Experience For each project - 3 marks (Max. 15 marks) A.2 Experience of handling projects with ICT component procurement For each project - 3 marks (Max. 15 marks) B. Domain Knowledge for Gap Analysis & Requirement Gathering -10 C. Technical Presentation 20 D. Experience of Project Team 20 E. Quality of Technical Proposal 20 TOTAL 100 Justification - Evaluation process for this criteria (B) not clear in the RFP. It is better to increase the	No Change

			weightage of project related experience.	
7	Pg: 42 - Annexure IV: Proposed Competence Requirement for the Project	Bid Process Management /Project Management Prescribed Qualification: B.E/B.Tech/MCA + MBA	We request you to change MBA from mandatory to optional along with B.E/ B.Tech/MCA. Justification - Mandatory B.E/ B.Tech/MCA and MBA limits the choices of efficient resources. As already PMP and 5 Years experience is asked, MBA may not be required.	No Change
8	Pg: 46 - Annexure IV: Proposed Competence Requirement for the Project	Technical lead or any of the team member deployed onsite for the entire project period should have Experience in ISO-27001-certification process.	We request to delete this clause and relax the requirement of ISO 27001 - Justification - Resource with ISO 27001 certification is difficult to find in the industry.	No Change

9	Pg: 46 - Annexure IV: Proposed Competence Requirement for the Project	Technical/team lead and minimum two team members would be deployed on site for the entire project period.	We request to amend the clause as: Technical Lead would be deployed on site for the entire project period and two team members as and when required.	Yes changed.
M/s. MIPL (IT & Security Consultants)				
1			As per email dt. 29.11.23 requested to clarify on the total project duration by the bidder.	As per actual on real time basis.

Note:-

1. The above clarifications / addendum are for all the prospective bidders' for their tender reference and necessary action.
2. In case of any further clarifications , the vendor may visit the IT wing of the High Court of Madhya Pradesh, Jabalpur.
3. All future correspondence/ clarifications/ addendum/ corrigendum shall be available on the website of the High Court of Madhya Pradesh i.e. www.mphc.gov.in and Government e-procurement portal www.mptenders.gov.in.
4. All the pages of the bids and Annexure's are to be sealed and signed by the authorized officers of the company / vendor.
5. All prospective bidders are requested to submit the bid with all relevant documents in sequenced manner, without fail.
6. The decision of the High Court of Madhya Pradesh in selection/ finalization of Firm/Vendor shall be final and no objection in this regard shall be entertained.

7. The date for online tender submission is extended to 2nd January, 2024 by 6:00 PM, hard copy submission by 3rd January, 2024 by 5:00 PM and technical bid opening on 04th January, 2024 at 11:30 AM.

Sd/-
REGISTRAR GENERAL