

NTPC LIMITED
(A Govt. of India Enterprise)

CORPORATE CONTRACTS, NOIDA

INVITATION FOR BIDS (IFB)

FOR

Appointment of Legal Consultant for 100 MW Project in Mali

Bidding Document No.: CS-9900-710G-0

Date:30.12.2022

- 1.0** NTPC invites online bids on **Single stage composite compliant bid basis bidding procedure** for aforesaid Package, as per the Brief Scope of Work mentioned hereinafter.

Any 'Bidder from a country which shares a land border with India', as specified in the Bidding Documents, will be eligible to bid in this tender only if bidder is registered with the Competent Authority as mentioned in the Bidding Documents.

However, the said requirement of registration will not apply to bidders from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects.

Class-I local suppliers only are eligible to participate in this tender, as defined in the bidding documents/ Public Procurement (Preference to Make in India), Order 2017 and its subsequent amendments/ revisions issued by DPIIT. The bidders may apprise themselves of the relevant provisions of bidding documents in this regard before submission of their bids.

- 2.0** The Bidding Documents for the aforesaid package has been uploaded on GeM Portal <https://gem.gov.in> and may be downloaded through the same.

3.0 BRIEF SCOPE OF WORK

The brief scope of work is as below:

- Review, modify, amend, and finalize drafts of the following documents ("Project Agreements"), which shall be shared with prospective developers at different stages of the project as a part of the bid

process management and structuring, by NTPC as the PMC and as directed by the representative/ EIC:

- Power Purchase Agreement (PPA).
- Request for Quote (RFQ).
- Request for Proposal (RFP).

- Drafts of all major documents and agreements shall be provided by NTPC, which may require amendments from legal perspective. The legal consultants will not be required to carry out any fresh drafting of these documents. However; The legal firm has to bring out gaps in the legal framework of the country from the perspective of the Government as well as the developer.

- List of Legal and Tax Obligations need to be incorporated in the Project Agreements. The law firm has to present a summary of the applicable & relevant laws that may impact the development of the Solar Power project in Mali. As a part of the summary, the list of compliances and/or licenses and approvals etc. to be obtained by the developer are to be detailed.

- It is clarified that NTPC shall not incorporate any subsidiary in Mali and that the prospective developers shall be expected to be advised by their own set of consultants when they form their SPV.

- As a part of their scope of work, the legal consultant shall NOT be required to provide legal assistance to prospective project developers. However, in case of any queries raised by the developers to NTPC during the bid process and otherwise queries generated during the evaluation of bid proposals, NTPC's legal consultants will be expected to provide the legal support.

- The Legal Consultant is required to appoint a legal/tax firm having experience in Mali to help with all legal and tax-related issues pertaining to Bid Process management and evaluate the bids in Mali based on the stipulated Qualifying Requirements. The foreign law firm should have an experience of at least 1 (one) transaction in the power/ infrastructure/ renewable energy/ solar power sector in Mali.

Any activity, though not specifically covered in the bidding documents but required for achieving the ToR/ Key deliverables shall be deemed to be included in the Scope of Work.

The detailed scope of work shall be as per scope defined in the Bidding Document No. CS-9900-710G-0.

4.0 NTPC intends to finance the subject package through Own Resources.

5.0 Dates for Bid Submission and Opening shall be as displayed in the GeM Bid.

- 6.0** All bids must be accompanied by Bid Security for an amount of INR 58,500/- **(Rupees Fifty Eight Thousand Five Hundred only)** as per the provision of Instructions to Consultant (ITC). Bid security should be through Electronic Fund Transfer only.

"ANY BID NOT ACCOMPANIED BY AN ACCEPTABLE BID SECURITY SHALL BE REJECTED BY THE EMPLOYER AS BEING NON-RESPONSIVE AND SHALL NOT BE OPENED. BIDDER SHALL SUBMIT THE PROOF OF E-PAYMENT OF BID SECURITY EITHER IN SEPARATE SEALED ENVELOPE OR IN THE GeM PORTAL."

HOWEVER, MSEs* SHALL BE EXEMPTED FROM PAYING BID SECURITY.

**Micro and Small Enterprises (MSEs) registered with Udyam Registration Portal as per MSMED Act 2006 for goods produced and services shall be eligible for MSE benefits.*

Applicable relevant MSME Certificate should be submitted online/offline before schedule bid submission end date & time.

It is advised that all the Prospective Bidders shall register and obtain Udyam Registration Certificate. It may be noted that w.e.f. 1st April 2022, Udyam Registration Certificate shall be only valid Certificate to avail the benefits as per Public Procurement Policy.

MSEs seeking exemption and benefits should enclose an attested/self-certified copy of registration certificate as a part of his bid, giving details such as stores/services, validity (if applicable) etc. failing which they run the risk of their bid being passed over as ineligible for the benefits applicable to MSEs.

- 7.0** NTPC reserves the right to reject any or all bids or cancel/withdraw the Invitation for Bids without assigning any reason whatsoever and in such case no Bidder / intending Bidder shall have any claim arising out of such action.
- 8.0** This IFB is published on limited tender basis and is not an open invitation to quote. Participation in this tender is by invitation only and is limited to the shortlisted entities for this tender. Bids received from uninvited entities shall be treated as unsolicited and are liable to be rejected.
- 9.0** A complete set of Bidding Documents may be downloaded by any interested Bidder from the website <https://gem.gov.in> . The tender is invited under e-tendering process.
- 10.0** Issuance of Bidding Documents to any bidder shall not construe that such Bidder is considered to be qualified.
- 11.0 Address for communication:**
Kavish Minocha / Abhishek Kumar Jain
Sr. Manager (CS)/AGM (CS)

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