

Annexure "A"

to the Petition for approval of Request for Qualification issued by Sangam Power Generation Company Limited for 2X660 MW Sangam Thermal Power Project proposed to be located at Karchhana , District Allahabad, Uttar Pradesh

LIST OF DEVIATIONS FROM RFQ EARLIER APPROVED BY HONOURABLE COMMISSION VIDE ORDER NO. UPERC/D(G)/SECY/Bara Karchhana/2007–165 DATED 31/7/2007

Sr. No.	Ref	SPGCL Documents (Revised RfQ)	Old RfQ	Rationale
1.		Authorised Representative is Sangam Power Generation Company Limited (SPGCL).	Authorised Representative was Uttar Pradesh Power Corporation Company Limited.	As per the Standard Bidding Document (SBD), the Authorised Representative needs to be Special Purpose Vehicle and since the SPV is incorporated as SPGCL, the same is included in RfQ.
2.	Global Notification (Point No 2 and consequent change in 2.2.1)	The power produced from the project will be essentially committed to Uttar Pradesh. However, the bidders will be <i>allowed to sell the power outside the state to the extent of 10% of Installed capacity</i> to avail the benefits of Mega Power under Mega Power Policy issued by Ministry of Power. <i>The Authorised Representative will facilitate the process of obtaining the Mega Power Status for the project on "best effort" basis.</i>	The power produced from the project will be essentially committed to Uttar Pradesh. However, GoUP may allow some power to other buyers in order to enable the promoter to get Mega Power Status for the Project.	The quantum of Power to be sold to avail the Mega Power Benefit was not defined at RFQ stage; Now specified.
3.	Global Notification (Point No 4 and	In order to ensure that power is available for the State of UP, at most competitive tariff, the Government of UP has decided to permit the selected developer to establish additional	Clause Not Existed	Since Power Procurement under Case II bidding is a long term commitment of Power tie-up, it is very essential that

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	consequent change in clause 2.2.2)	generation unit at the selected plant location. To expedite the process, the Government of UP shall facilitate only the Land Acquisition and Water allocation for such additional unit. It is also proposed that the developers would be allowed to sell 80% / 70% of the installed capacity of such additional unit as per provision under Thermal Generation Development Policy 2008 of Uttar Pradesh State		the competitive tariffs are obtained, the Government of UP has decided to allow the prospective bidder to establish additional unit and allow the bidder sell 80% / 70% of the power based on provision under Thermal Power Generation Development Policy 2008 of Uttar Pradesh.
4.	Global Notification (Point No 5 and consequent change in 1.3.5)	The detailed updated status relating to various project related activities inserted.	Detailed information not provided	For providing more information to prospective bidders, the same is inserted.
5.	Pre-qualification criteria of bidders and consequent change in 2.1.3)	The Bidder must fulfill the following technical requirements: (a) The Bidder must have experience of developing projects (not necessarily in the power sector) in the last 10 years whose aggregate capital costs must not be less than Rs.990 Crores or equivalent US\$. Out of these projects, the capital cost of at least one project should be equivalent to or more than Rs.400 Crores or equivalent US\$. For this purpose, capital expenditure on projects that have been	The Bidder must fulfill following minimum technical requirements: <i>(a) The Bidder must own or operate power plant(s) of minimum aggregate gross capacity not less than 500 MW. For this purpose the power plants which have been commissioned at least 7 (seven) days before the RFQ submission date shall be considered.</i> OR (b) The Bidder must have experience of developing projects (not necessarily in the power	Changes are inline with Revised Standard bidding Documents issued by MoP.

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		completed at least 7 (seven) days before the RFQ submission date shall be considered.	sector) in the last 10 years whose aggregate capital costs must not be less than Rs.990 Crores or equivalent US\$. Out of these projects, the capital cost of at least one project should be equivalent to or more than Rs.400 Crores or equivalent US\$. For this purpose, capital expenditure on projects that have been completed at least 7 (seven) days before the RFQ submission date shall be considered.	
6.	Clause 1.2	New definition on Affiliation and Consortium has been added in SBD	Definitions Not Existed	Changes are inline with Revised Standard bidding documents issued by MoP.
7.	Clause 1.3.1	The objective of this Bidding process is to identify the Successful Bidders to finance, develop, construct, commission, own, operate and maintain the 2 x 660 MW Sangam Thermal Power Project based on Supercritical Technology and supply of power for a period of 25 years. The successful Bidder shall enter into a Power Purchase Agreement (PPA)....	The objective of this Bidding process is to identify Bidders to finance, develop, construct, commission, own, operate and maintain the 2 x 660 MW (<i>plus/minus 10% on Unit Size</i>) Karchana Thermal Power Project based on Supercritical Technology and supply of power for a period of 25 years. The successful Bidder shall enter into a Power Purchase Agreement (PPA).....	Draft EIA report prepared for 2X660 MW capacity has been submitted for clearance to MoEF.
8.	Clause 2.1.4	For the purposes of technical and financial criteria only unconsolidated audited annual accounts shall be used. <i>However, audited consolidated annual accounts of the Bidder may be used for the purpose of financial criteria provided the Bidder has at least 26% equity in each company whose accounts are merged in the audited consolidated accounts and provided</i>	For the purposes of technical and financial criteria only unconsolidated audited annual accounts shall be used. Bidders shall furnish documentary evidence duly certified by qualified auditors in support of their financial capability and technical experience as defined in Section 2.1.2 and 2.1.3 respectively.	Insertion is inline with Revised Standard bidding Documents issued by MoP.

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		<p><i>further that the financial capability of such companies (of which accounts are being merged in the consolidated accounts) shall not be considered again for the purpose of evaluation of the Bid. Bidders shall furnish documentary evidence duly certified by Managing Director/ Chief Executive Officer, being a full time director on the Board of the Company and the Statutory Auditor in support of their financial capability and technical experience as defined in clauses 2.1.2 and 2.1.3 respectively.</i></p>		
9.	<p>Clause 2.2 Purchase of Power by the Procurers</p>	<p>2.2.1 The Procurers plan to essentially procure the power produced from the project at least to the extent of 90% of Installed Capacity. The Successful Bidder may sell the balance 10% power to any person in order to avail the benefits of Mega Power Project Policy. The power shall be delivered at the generator switchyard bus-bar.</p> <p>2.2.2 Further in view of ensuring that power is available for the State of UP, at most competitive tariff, as decided by the Government of UP the selected developer will be allowed to establish additional generation unit at the selected plant location of which power to the extent of 80% / 70% of the</p>	<p>2.2.1 The Procurers plan to essentially procure the power produced from the project at least to the extent of 90% of Installed Capacity. The Successful Bidder may sell the balance 10% power to any person in order to avail the benefits of Mega Power Project Policy. The power shall be delivered at the generator switchyard bus-bar. The Normative Availability required to be met by the Bidder, over and above which incentives shall be paid, shall be 80%.</p>	<p>Please refer sr. no. 2 and 3 above. (This is as per Thermal Power Generation Development Policy 2008 of Uttar Pradesh)</p>

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		<p>installed capacity of such additional unit will be allowed to be sold as per provision under Thermal Generation Development Policy 2008 of Uttar Pradesh State</p> <p>2.2.3 The Normative Availability required to be met by the Bidder, for recovery of Fixed Costs shall be 80% and incentives shall be paid, as per the terms of the PPA above the availability of 85%.</p>		
10.	Clause 2.4.3	<p>a). If the Bidder/Member in a Bidding Consortium conceals any material information or makes a wrong statement or misrepresents facts or makes a misleading statement in the Bid, in any manner whatsoever, If the Bidder deliberately gives wrong information in its response to RFQ in order to create circumstances for the acceptance of its Bid, the Authorized Representative/Procurers reserves the right to reject such Bid and/ or cancel the award Letter of Intent, if made issued. Further, in case Letter of Intent is cancelled, consequences as per provisions of the RFP shall follow.</p>	<p>a). If the Bidder deliberately gives wrong information in its response to RFQ in order to create circumstances for the acceptance of its Bid, the Authorized Representative/Procurers reserves the right to reject such Bid and/ or cancel the award, if made</p>	<p>Insertion is in line with Revised Standard bidding Documents issued by MoP.</p>
11.	Clause 2.5 Submission of Bid by the Bidder	<p>Entire clause including the sub clauses of clause 2.5 are being redrafted in accordance with the Revised Standard Bidding Documents issued by MoP.</p>		<p>Change is incorporated to keep the RFQ document in line with the Revised Standard bidding Documents issued by MoP.</p>

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12.	Clause 2.6.2	Important deadlines of Bidding Process reduced to total period of 84 days as detailed in the RFQ submitted herewith.		SPGCL believes that since the process is of rebid, bidders will require less time for preparation. Thus for speedy implementation of process, 84 days seems to be sufficient.
13.	Clause 2.10 (Right of the Procurer to reject a bid)	Procurer/ Authorised Representative reserves the right to reject all or any of the Bids or cancel the RfQ without assigning any reasons whatsoever and without any liability.	Clause Not existed	Insertion is made to keep the RFQ document in line with the Revised Standard bidding Documents issued by MoP.
14.	Clause 2.11	Non submission and/or submission of incomplete data/ information required under the provisions of RfQ shall not be construed as waiver on the part of Procurer/ Authorised Representative of the obligation of the Bidder to furnish the said data/information unless the waiver is in writing.	Clause Not existed	Insertion is made to keep the RFQ document in line with the Revised Standard bidding Documents issued by MoP.
15.	Clause 3.1.1 (Responsive check)	Following bullet points are inserted; <ul style="list-style-type: none"> • Bids having Conflict of Interest • The Bidder has not submitted by a disclosure as per Annexure 10 • Any request for change in composition of a Consortium or change from Bidding Company to Bidding Consortium or Change in Ownership has not been permitted by Procurer / Authorised Representative. 	Clause Not existed	Insertion is made to keep the RFQ document in line with the Revised Standard bidding Documents issued by MoP.
16.	Clause 3.2.5	Clause Deleted	Any company will be required to have at least 26% equity either directly or indirectly in the	As the same now defined in the definition of Affiliate and

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			Bidding Company or the Member in the Bidding Consortium to be considered as its parent company. Further, Affiliate means a company that either directly or indirectly controls or is controlled by or is under common control of a Bidding Company (in the case of a single entity) or a Member (in the case of a Consortium) and control means ownership by one company of at least 26% (twenty six percent) of the voting rights of the other company.	Parent in the revised Bidding documents, it is deleted from the proposed RFQ document.
17.	Clause 4.1.1 and 4.1.2	Clause Deleted	4.1.1 Various Definitions and 4.1.2 The formats required by the Bidder under Bidder information is attached as Annexure 8 to this document	Deletion is in line with the revised standard bidding document as all these definitions are shifted to the starting portion of the revised RFQ document.
18.	Clause 4.2 (Bidder Information)	Entire clause is redrafted from the pervious one based on revised bidding document.	The provisions for Bidder Information are provided under clause 4.1.	Redrafting is made to keep the RFQ document in line with the Revised Standard bidding Documents issued by MoP.
19.	4.3 Check list for Bidders (The clause is 4.2 in earlier RFQ document approved)	vii. Last five years Annual Reports containing unconsolidated/ consolidated audited accounts (in accordance with Clause 2.1.4), directors' report, etc. of Bidding Company or each of the Member in case of a Bidding Consortium and/or Parent/Affiliates if their technical and/or financial credentials have been taken into consideration for meeting	<ul style="list-style-type: none"> • Previous three (3) years Annual Accounts of Bidding Company or each of the Member in case of a Bidding Consortium • Previous three (3) years Annual Accounts of Bidding Company or each of the Member in case of a Bidding Consortium and of their affiliates if any. • Documentary evidence to prove the 	Redrafting is made to keep the RFQ document in line with the Revised Standard bidding Documents issued by MoP.

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		<p>qualification requirements</p> <p>viii. Formats relating to financial and technical requirements (Annexure 8).</p> <p>ix. Disclosure regarding participation of any related company in this bid process (Annexure 10)</p> <p>x. Any other necessary information and documents as required under the RfQ.</p>	relation of being an affiliate if any.	
20.	Annexure 2	Annexure Deleted	Project Information Memorandum	Not provided in revised RfQ as the same is not part of revised standard bidding documents.
21.	Annexure 8: Format For Financial And Technical Requirement	Redrafting of the annexure done to seek better and clear information from the bidders.		Redrafting is made to keep the RfQ document in line with the Revised Standard bidding Documents issued by MoP.
22.	Annexure 9: Illustration Of Affiliates	New insertion based on revised standard bidding documents.	Annexure not existed	New insertion based on revised standard bidding documents.
23.	ANNEXURE 10: Format Of Disclosure	New insertion based on revised standard bidding documents.	Annexure not existed	New insertion based on revised standard bidding documents.