Clarifications for the queries of Tender document for River Surface Cleaning Works under Namami Gange Programme

S. No	RFP Ref No	RFP Description	Clarification Sought	Reply
1.	Clause 2 Scope of work, Page 1 of 7	 Collection of all kinds of floating matter in the river by employing motorized machine/equipment and disposal of the same to a specified location on the shoreline. Deployment of 10 manpower for operation & maintenance of machines and also for collection of floating waste manually where mechanized equipment are not maneuverable and on banks of river. Coordination & Liaisoning with ULBs/State authorities for identification of suitable location along the shoreline for disposal of collected waste. Further disposal of collected waste from shoreline to municipal dumping grounds shall be carried out by ULBs/State authorities. All operation and maintenance activities required for collection and disposal of floating waste collected from river surface. Deployment of Trash Booms for arresting the floating matter, without arresting the movement of the boats. 	Question 1: While the above has been mentioned, there is no mention of how many trash booms have to be deployed per city/stretch. Should that mean 1 trash boom at the beginning of the stretch or 1 trash boom at the end of the stretch? In case multiple trash booms are required, do let us know how many and at what point of the stretch. Question 2: Similarly how many trash skimmers have to be deployed per stretch is not mentioned and needs to be clarified to make a proposal. Question 3: Additionally the other issue is that in case a trash boom is deployed, it will arrest the movement of boats. The only way to allow movement of boats will be that there has to be gaps in the trash boom. However then from those gaps even trash will flow out. Please clarify what is required clearly.	The number of Trash Booms will depend on the length and width of the river. Bidders to visit sites in order to assess the requirement of the trash booms. Similarly trash skimmers will depend on the area of the river surface and the capacity of each skimmer. The bidders to estimate the requirements of the number of skimmers accordingly. Trash Boom should be located at the point where the river entering the city and the last point where the river existing the city. However, it may be ensured that the trash booms are positioned in a such a way not to obstruct the movements
2.	Clause 2 Scope of work, Page 1 of 7	Coordination & Liaisoning with ULBs/State authorities for identification of suitable location along the shoreline	Request to please confirm whether the Ministry has reached understanding in writing or signed any MOU to this effect	of the boats. Noted, but with ULB only.

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		for disposal of collected waste. Further disposal of collected waste from shoreline to municipal dumping grounds shall be carried out by ULBs/State authorities	with respective state government and ULB to extend support and carry out disposal without any cost implication To bidder like Tipping charges or dumping charges or any other cess such levied as per SWM RULES 2000 please share the MOU copy with bidders and confirm and clarify & Oblige.	
3.	Clause 2 Time Period, Page 1 of 7	36 (Thirty Six) Months from the date of deployment of Equipment. Equipment shall be deployed at respective location within 90 days from the date of issue of Letter of Acceptance (LOA) OR within 30 days from intimation of deployment location by NMCG/PMC, whichever is later	We draw your kind attention that this being ICB or Global tender and equipment and machines needs to be manufactured and brought thru shipping and standard lead time for such machines are 6 months hence request to please Modify the deployment period from 90 days to 180 Days Request to please confirm the acceptance as the OEM needs time to manufacture and ship the machine to INDIA and then to local destination from Indian Port after Custom clearance which generally takes one month to clear the shipment . Please confirm the acceptability & Oblige .	The package is converted into National Competitive Bid.
4.	Clause 3 Salient features Of bidding document Pre – Bid Meeting, Page 2 of 7	A Pre-Bid Meeting shall be held at 1030 Hrs (IST) on 13.05.2016. Bidder may submit their queries, if any, latest by 10.05.2016 addressed to Mr. Somnath Sen, (OSD) Procurement, at email: sensomdada@yahoo.co.in. The venue of the pre-bid meeting will be intimated later on by uploading on the NMCG website.	We request to please accept the Pre Bid queries at least up to two weeks after the pre Bid clarifications a the Bidders will form team only after pre bid meeting and thus manufacturers OEM queries will start coming only AFTER TEAMS ARE FORMED OR JOINT BIDDING agreement or consortium agreement is signed please accept the changes and confirm and oblige.	RFP clause prevails.

S. No	RFP Ref No	RFP Description	Clarification Sought	Reply
5.	Clause 3 (iv) & 5.20 Last Date and time of submission of Bids, Page 2 of 7	1200 Hrs. (IST) on 07.06.2016 Through Courier/in Person	Request to please accept the Bids upto 6.00 PM and in Soft copy form as well as Hard copy thru courier being ICB & GLOBAL Bidding please confirm acceptance and oblige.	RFP clause prevails.
6.	Clause 3.1 EMD Exemption, Page 2 & 3 of 7	However, Micro or Small Enterprise registered with District Industries Centers or Khadi and Village Industries Commission or Khadi and Village Industries Board or Coir Board or National Small Industries Corporation or Directorate of Handicraft and Handloom or any other body specified by Ministry of Micro, Small and Medium Enterprises are exempted from submitting EMD subject to submission of valid certificate of MSE. Indian Central Public Sector Undertakings / Enterprises shall also be exempted from submitting EMD subject to submission of required declaration in this regard	Though the Exemption is well appreciated to SME & Small medium and cottage industries & startups but considering the ICB, & GLOBAL bid it is not in line with CCI (Competition commission of India) which gives fundamental right for competing with equal terms request to please either exempt the EMD to all including startups as per Government policies and or made it compulsory to all Please confirm and oblige.	RFP clause prevails.
7.	Clause 4.1 (i) Technical Criteria, Page 3 of 7	The Bidder shall have a Memorandum of Understanding (MoU) with Original Equipment Manufacturer (OEM) stating that OEM is capable of supplying offered machines/equipment's within a period of 3 months from the date of issue of Letter/Fax of Intent	Request to please consider and modify the period to 180 Days instead of 3 Months as order finalization placing order manufacturing shipping & errection commissioning and custom clearance and transporting upto spot rationally will require 6 Months for imported machineries to become operational at site.	RFP clause prevails.
8.	Clause 4.1 (ii) Technical Criteria, Page 3 of 7	The Bidder shall have a cumulative 4 months of Operation & Maintenance experience in the last 10 years in cleaning of water body using mechanised cleaning	Request as bidders are submitting & taking the letter of comfort and association with OEM the machines running anywhere in the world	Modified technical criteria as mentioned in the corrigendum prevails.

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		system.	successfully for more than 4 Months should be acceptable to you please confirm as this will decide the larger participation and competition in the project being ICB. & GLOBAL tender based on Equipment Technology the OEM will not come and participate & expectation is that the START UP, SME, cottage industry should participate in BID thus request to please accept the changes accordingly and confirm and oblige.	
9.	Clause 4.2.1, 4.2.2 & 4.2.3 Annual turnover, Net Worth, Working Capital, Page 4 of 7	The minimum Annual turnover of the bidder for various part as per the audited annual financial results, in at least one of the immediate preceding three financial years as on the Bid Due Date shall be as per the table below	Request to please note that the START UPS SME & Cottage industries are participating which does not fall or have such turn over as per the Government norms also they become automatically go out from SME, COTTAGE INDUSTRY tag once they achieve this turn over hence request to please accept the turnover of SME, COTTAGE industry as per government norms or accept the OEM turn over for qualifying as eligible bidder for the project.	RFP clause prevails.
10.	Clause 5.4 Consortium & JV, Page 5 of 7	Unincorporated Joint Venture/ Consortium Bids/Bids from Wholly Owned Subsidiary relying on Parent company's experience shall not be accepted	C S	The package is converted into National Competitive Bid. The bidders may associate with other firms to further enhance experience. [The "Association" may take in the form of a joint venture (with joint and several responsibilities and liabilities) or of a sub-consultancy]. The Number of members in a Joint Venture shall not exceed 3

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			procuring machines and equipment import Please confirm the acceptability of changes and oblige.	(three).
11.	Clause 5.5 Experience, Page 5 of 7	Experience of only the bidding entity shall be considered. A job executed by a bidder for its own plant/projects shall not be considered as experience for the purpose of meeting requirement of experience criteria of the Bidding Document. However, jobs executed for Subsidiary / Fellow Subsidiary / Holding company will be considered as experience for the purpose of meeting experience criteria subject to submission of tax paid invoice(s) Duly certified by Statutory auditor of the bidder towards payments of statutory tax in support of the job executed for Subsidiary / Fellow Subsidiary / Holding company. Such bidders shall submit these documents in addition to the documents specified in the Bidding Documents to meet 'Experience Criteria'.	We suggest that the experience as modified should be met jointly together by all bidders or consortium member including the OEM partner should be acceptable to Ministry please confirm and oblige	Modified technical criteria as mentioned in the corrigendum prevails.
12.	Clause 5.22 Experience, Page 7 of 7	NMCG reserves the right to allow Micro & Small enterprises as well as MSEs owned by SC/ST entrepreneur, price preference as admissible under the prevailing procurement policy for MSEs and award the work on MSE bidder within the price range of L1 bidder's evaluated price + 15%, subject to MSE Bidder matching L1 bidder's price	The Price preference to Startups, SME, & Cottage industries are welcome but this being ICB or Global Tender the internationally MSE or SC / ST owned entrepreneur , or Central government owned public sector undertaking PSU is not relevent and valid as the same comes world laws falls under Racism and worldwide various community like Cristian , Muslims , Buddhism are found	The price preference for Micro or Small Enterprises is withdrawn.

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			thus request considering the ICB & GLOBAL bid such desperity & does not meet the CCI requirements for equal or level playing field to all bidders should be removed please request to accept the changes and confirm and oblige.	
13.	Clause 16.2 Taxes & Duties, Page 12 of 20	The quoted price shall be inclusive of all applicable taxes, duties, octroi, levies, cess (including labour cess), personal tax, corporate tax, Central Sales Tax, Value Added Tax (VAT), VAT on Works Contract etc except Service Tax and Swatch Bharat Cess as per provisions of Clause 11 of Terms and Conditions of Contract.	Request that the custom duty & import duty is main component of equipment to be imported request to please organize essentiality certificate and arrange exemption of duty with zero duty for equipment considering project of national importance and environmental or agriculture equipment such as weed harvester or floating trash cleaner to reduce the project cost and cost of funding for buying and importing equipment please confirm after consulting the Ministries concern & issue us the certificate of exemption of import duty from concern ministry fo commerce & industries, ministry of finance & NITI AYOG oblige.	RFP clause prevails.
14.	Clause 20 Governing Law and Jurisdiction & Dispute resolution, Page 26 & 27	The Contract shall be governed by and construed in accordance with the laws of India and the courts at Delhi shall have exclusive jurisdiction over all Disputes arising under or in Terms & Conditions of Contract connection with the Contract.	This being ICB & GLOBAL TENDER request to please consider the governing laws as per FIDDIC CONDITIONS and international court of law of Singapore should be jurisdiction please confirm the acceptability and oblige.	The package is converted into National Competitive Bid.
15.	Annexure I, Terms of Payment Page 2 of 2	Progressive payments shall be released to the Contractor against monthly running account bills duly certified by Engineer- in-charge after affecting the necessary	Request to please note that this being Technology driven imported equipment needs huge investment and Startups, SME & Cottage industries are encouraged to	Modified payment terms as mentioned in the corrigendum prevails.

S. No	RFP Ref No	RFP Description	Clarification Sought	Reply
		deductions / recovery, if any. The basis for payments for the subject work shall be as follows: • 95% on completion of services/work as certified in monthly progress bill. • 5% on completion of all services/work in all respects including demobilisation and issuance of completion certificate	Participate in BID Request to please modify the payment terms A, 30 % of contract value should be given as Mobilization advance for equipment procurement . B, The 95% of item rate should be completion of service and the Mobilization advance should be adjusted or deducted on prorate basis Request to please confirm the acceptance of of payment terms and modify accordingly & oblige	
16.		Payments shall be made after necessary deductions on account of income tax and other deductions as per the provisions of the Contract and as required under the law.	This being ICB & GLOBAL TENDER Request to please clarify the INCOME TAX DEDUCTION PROVISION after consulting with Ministry of Finance & Income Tax Department as foreign entities does not pay Income tax from Foreign contracts and rate of 30-40% INCOME TAX is not the practice globally.	The package is converted into National Competitive Bid.
17.	Volume II of II, Clause 5, Time Schedule Page 7 of 7	Time schedule for river surface cleaning is 36 months reckoned from date of award of work. However it shall be different for each machine depending upon the mobilization	ce cleaning Request considering the equipment life m date of cycle cost based on international t shall be depreciation & financing options	
18.	General Obseravations	Qualification Criteria	Though the eligibility criteria is the perogative of client based on consultants recommendations but the same looks not in line with CVC guideline and CCI norms and act govern in INDIA nor the same	Modified technical criteria as mentioned in the corrigendum prevails. The package is converted into National Competitive Bid.

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			tender which is ICB & GLOBAL Bidding is based On FIDDIC conditions which is general practice in world over for all ICB Request to please make it Rational and sustainable in case of some agency takes the shelter of court of law in case of dispute to avoid the derailment of project and delay of Project which is dream project of free India and of NATIONAL IMPORTANCE please confirm & clarify and oblige after consulting and verifying from CVC, CCI & NITI AYOG & Ministry of Law & Justice & Oblige.	
19.	General Obseravations	Bid Submission Date	We request you to please considering the Technology Driven and ICB & GLOBAL tenders needs due diligence e and legal drafting of Joint bidding agreement thus require more time Request to please considering the ICB & GLOBAL tender please allow at least 45 Days from the date of clarifications issued to all participating bidders and uploading on website as Date of Submission & consider E TENDERING and you can ask all the hard copy of document one day in advance to be reached at clients office .Please confirm the acceptance and clarify and oblige.	The package is converted into National Competitive Bid. RFP clause prevails.
20.	Clause 19.1 Termination for Convenience, Page 23	CONSULTANT/OWNER shall, in addition to any other right enabling it to terminate the Contract, have the right to terminate the Contract at any time by giving prior written notice of at least 14 (fourteen)	Significant investments in machinery are to be made by Contractor to execute this job. How can NMCG terminate the contract if there has been no default thereby rendering the Contractor unable	RFP clause prevails.

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		days to the Contractor. Such termination shall be without prejudice to the rights of the Parties that have accrued on or before the date of termination of the Contract.	to generate expected return on investment?	
21.	Clause 28.5 Page 32	Work shall be carried out on all days including Sundays and Holidays as per the requirements. The contractor shall attend complaints received in connection with the services immediately	Sundays and public holidays should be excluded as these days are required for preventive maintenance of machines	RFP clause prevails.
22.	Form SP-2	Service Tax Ceiling to be filled in Form SP-2	Please clarify what this is and whether service tax will be reimbursed or paid directly to authorities by Owner. If paid directly what documents will be provided to Contractor for purpose of Service Tax return filing?	Refer Note 3 (i) of Form SP-2
23.	Volume II of II, Clause 5, Time Schedule Page 3 of 7	Deployment of Trash Booms for arresting the floating matter without arresting the movement of boats	At what locations are the Trash Booms to be installed and what is the desired length for each?	Refer reply no.1

Corrigendum to Tender document for River Surface Cleaning Works under Namami Gange Programme

S. No	RFP Ref No	Existing RFP Clause	RFP Clause to be read as
1.	-	Global Notice for Invitation for Bids (IFB) for River Surface Cleaning Works	Notice inviting bids under National Competitive Bidding for River Surface Cleaning Works
2.	Clause 3.0 (iv) & (v)	iv) Last Date and time of submission of Bids 1200 Hrs. (IST) on 07.06.2016v) Opening of Techno- Commercial (Unpriced) Bid 1400 Hrs. (IST) on 07.06.2016	iv) Last Date and time of submission of Bids 1200 Hrs. (IST) on 13.06.2016v) Opening of Techno- Commercial (Unpriced) Bid 1400 Hrs. (IST) on 13.06.2016
3.	Clause 3.1	Bids must be accompanied with the Bid Security / Earnest Money Deposit (EMD) as mentioned above. EMD shall be submitted in the form of crossed Demand Draft / Pay Order or Bank Guarantee (BG) in favour of "National Mission for Clean Ganga" payable at New Delhi. BG shall be valid for a period of 6 (Six) months from the due date of opening of Techno-commercial Bids and shall be submitted from any Indian Scheduled bank or from any Indian Branch of an International Bank in the format included in Bidding Document. Bids without the requisite EMD as mentioned above shall be rejected. However, Micro or Small Enterprise registered with District Industries Centers or Khadi and Village Industries Commission or Khadi and Village Industries Board or Coir Board or National Small Industries Corporation or Directorate of Handicraft and Handloom or any other body specified by Ministry of Micro, Small and Medium Enterprises are exempted from submitting EMD subject to submission of valid certificate of MSE. Indian Central Public Sector Undertakings / Enterprises shall also be exempted from submitting EMD subject to submission of required declaration in this regard.	Bids must be accompanied with the Bid Security / Earnest Money Deposit (EMD) as mentioned above. EMD shall be submitted in the form of crossed Demand Draft / Pay Order or Bank Guarantee (BG) in favour of "National Mission for Clean Ganga" payable at New Delhi. BG shall be valid for a period of 6 (Six) months from the due date of opening of Techno-commercial Bids and shall be submitted from any Indian Scheduled bank in the format included in Bidding Document. Bids without the requisite EMD as mentioned above shall be rejected. However, Micro or Small Enterprise registered with District Industries Centers or Khadi and Village Industries Commission or Khadi and Village Industries Board or Coir Board or National Small Industries Corporation or Directorate of Handicraft and Handloom or any other body specified by Ministry of Micro, Small and Medium Enterprises are exempted from submitting EMD subject to submission of valid certificate of MSE. Indian Central Public Sector Undertakings / Enterprises shall also be exempted from submitting EMD subject to submission of required declaration in this regard. If the MSE bidder does not provide the appropriate

S. No	RFP Ref No	Existing RFP Clause	RFP Clause to be read as
		If the MSE bidder does not provide the appropriate document or any evidence to substantiate the above, then it will be presumed that he does not qualify for any preference admissible in the Public Procurement Policy, 2012. Bidders are required to submit EMD/duly notarized MSME Certificate/Declaration by CPSU in original by the due date and time of bid submission, in sealed envelope.	document or any evidence to substantiate the above, then it will be presumed that he does not qualify for any preference admissible in the Public Procurement Policy, 2012. Bidders are required to submit EMD/duly notarized MSME Certificate/Declaration by CPSU in original by the due date and time of bid submission, in sealed envelope.
4.	Clause 4.0 & 4.1	BIDDER'S QUALIFICATION CRITERIA (BQC):	BIDDER's/JV's QUALIFICATION CRITERIA (BQC):
		Bidder shall fulfill the following Bidder's Qualification Criteria in order to qualify for subject work:	Bidder/JV shall fulfill the following Qualification Criteria in order to qualify for subject work:
		TECHNICAL CRITERIA: The Bidder shall meet the following qualification criteria for technical bid evaluation irrespective of Parts quoted by Bidder. i. The Bidder shall be an Owner of at least 1 number machine/equipment or shall have Supplied/Leased-out at least 1 number of machine/equipment. The equipment/machine shall be Floating Trash Collector or Floating Trash Skimmer, or machine having capacity to clean 6 ton trash per day. OR The Bidder shall have a Memorandum of Understanding (MoU) with Original Equipment Manufacturer (OEM) stating that OEM is capable of supplying offered machines/equipments within a period of 3 months from the date of issue of Letter/Fax of Intent.	TECHNICAL CRITERIA: The Bidder/JV shall meet the following qualification criteria for technical bid evaluation irrespective of Parts quoted by Bidder. i. The Bidder/any one member of JV shall be an Owner of at least 1 number machine/equipment or shall have Supplied/Leased-out at least 1 number of machine/equipment. The equipment/machine shall be Floating Trash Collector or Floating Trash Skimmer, or machine having capacity to clean 6 ton trash per day. OR The Bidder shall have a Memorandum of Understanding (MoU) with Original Equipment Manufacturer (OEM) stating that OEM is capable of supplying offered machines/equipments within a period of 3 months from the date of issue of Letter/Fax of Intent. Or any one member of the JV should be the Original Equipment Manufacturer (OEM).

S. No	RFP Ref No	Existing RFP Clause	RFP Clause to be read as
		ii. The Bidder shall have a cumulative 4 months of Operation & Maintenance experience in the last 10 years in cleaning of water body using mechanized cleaning system.	ii. The Bidder/JV shall have a cumulative 4 months of Operation & Maintenance experience (for each part) in the last 10 years in cleaning of water body using mechanized cleaning system. or Shall have a 3 (three) years experience in solid waste management or Shall have a valid certificate provided by ULB/Govt. bodies for pilot run of machine in water bodies including Nallahs.
5.	Clause 4.1.1 (b)	Copy of MoU with OEM as mentioned in Clause 2.0, i above and letter from OEM for supply of equipments/machines to Bidder, within 3 months from the date of issue of Letter/Fax of Intent.	Copy of MoU with OEM as mentioned in Clause 4.1 (i) above and letter from OEM for supply of equipments/machines to Bidder, within 3 months from the date of issue of Letter/Fax of Intent.
6.	Clause 5.4	Unincorporated Joint Venture/Consortium Bids/Bids from Wholly Owned Subsidiary relying on Parent company's experience shall not be accepted	The bidders may associate with other firms to further enhance experience. [The "Association" may take in the form of a joint venture (with joint and several responsibilities and liabilities) or of a sub-consultancy]. The Number of members in a Joint Venture shall not exceed 3 (three).
7.	Clause 5.5	Experience of only the bidding entity shall be considered. A job executed by a bidder for its own plant/projects shall not be considered as experience for the purpose of meeting requirement of experience criteria of the Bidding Document. However, jobs executed for Subsidiary / Fellow Subsidiary / Holding company will be considered as experience for the purpose of meeting experience criteria subject to submission of tax paid invoice(s) Duly certified by Statutory auditor of the bidder towards payments of statutory tax in support of the job executed for Subsidiary / Fellow Subsidiary / Holding company. Such bidders shall submit these documents in addition to the documents specified in the Bidding Documents to meet 'Experience Criteria'.	Experience of only the bidding entity shall be considered. A job executed by a bidder for its own plant/projects shall not be considered as experience for the purpose of meeting requirement of experience criteria of the Bidding Document. However, the experience of parent/subsidiary company / partner in India will be considered as experience for the purpose of meeting experience criteria subject to submission of tax paid invoice(s) Duly certified by Statutory auditor of the bidder towards payments of statutory tax in support of the job executed for Subsidiary company/partner. Such bidders shall submit these documents in addition to the documents specified in the Bidding Documents to meet 'Experience Criteria'.

S. No	RFP Ref No	Existing RFP Clause	RFP Clause to be read as
8.	Clause 5.22	NMCG reserves the right to allow Micro & Small enterprises as well as MSEs owned by SC/ST entrepreneur, price preference as admissible under the prevailing procurement policy for MSEs and award the work on MSE bidder within the price range of L1 bidder's evaluated price + 15%, subject to MSE Bidder matching L1 bidder's price.	Deleted
9.	Terms of Payment [Annexure - I to Conditions of Contract]	Progressive payments shall be released to the Contractor against monthly running account bills duly certified by Engineer-in-charge after affecting the necessary deductions / recovery, if any. The basis for payments for the subject work shall be as follows:- • 95% on completion of services/work as certified in monthly progress bill. • 5% on completion of all services/work in all respects including demobilisation and issuance of completion certificate.	Payment terms as follows; a) 95% on completion of services/work as certified in monthly progress bill. Progressive payments shall be released to the Contractor against monthly running account bills duly certified by Engineer-in-charge after affecting the necessary deductions / recovery, if any. b) 5% on completion of all services/work in all respects including demobilisation and issuance of completion certificate. Note: Mobilization of advance of 10% of the contract value may be paid against submission of bank guarantee of equivalent amount which will be adjusted in the monthly progressive payments.
10.	Clause 15.3.2, Page 11 of 20	 In addition to above, MSE bidder shall also submit the following: a) Documentary evidence that the Bidder is a Micro or Small Enterprises registered with District Industries Centers or Khadi and Village Industries Commission or Khadi and Village Industries Board or Coir Board or National Small Industries Corporation or Directorate of Handicrafts and Handloom or any other body specified by Ministry of Micro, Small and Medium Enterprises. b) If the MSE is owned by SC/ST Entrepreneurs, the bidder shall furnish appropriate documentary evidence in this regard. If the MSE bidder does not provide the appropriate document or any evidence to substantiate the above, then 	Deleted

S. No	RFP Ref No	Existing RFP Clause	RFP Clause to be read as
		it will be presumed that he does not qualify for any preference admissible in the Public Procurement Policy, 2012.	
11.	Clause 2 of Volume II of II	Brief Scope of Work	a) Map of the river and number of Nallahs shall be uploaded on the website.b) Trash Boom should be located at the point where the river entering the city and the last point where the river existing the city.