

Selection of the Developer for Development of International Convention Centre at APIIC Ground, Harbour Park Land, Visakhapatnam, Andhra Pradesh under Public Private Partnership (PPP) mode

CORRIGENDUM

Notice No. INCAP/AP/CONVENTION CENTRE/VSPM/04/2017, date: 20.02.2017

Corrigendum No. INCAP/AP/Convention Centre/VSPM/04/2017/02, dated: 13.04.2017

S. No.	Reference RFP Volume	Article	Sub Article/ Clause	Description as per RFP – Original Sub Article/Clause	Amendments/Modification/Addendum
1	Volume 1: Instructions to Bidder (ITB) and Bid Data Sheet (BDS)	Bid Data Sheet (BDS)	B. Eligibility Criteria	<p>Note: An “Eligible Project” is one which meets all the following criteria:</p> <p>(1) Minimum project value should be Rs. 152 crore</p> <p>(2) The entity claiming experience should have held, in the company owning the Eligible Project, a minimum of 26% (twenty six per cent) equity during the entire year for which Eligible Experience is being claimed;</p> <p>(3) Should have been completed in the last 5 years preceding the Bid Due Date;</p> <p>(4) Should be from any of the following project types: 3-Star category and above Hotel/ Convention centre/ Exhibition Centre/ Commercial Complex</p> <p>The Eligible Projects of the Associates of the Bidder and Consortium Members would also be eligible hereunder.</p>	<p>Note: An “Eligible Project” is one which meets all the following criteria:</p> <p>(1) Minimum project value should be Rs. 152 crore</p> <p>(2) The entity claiming experience should have held, in the company owning the Eligible Project, a minimum of 26% (twenty six per cent) equity during the entire year for which Eligible Experience is being claimed;</p> <p>(3) Should have been completed in the last 10 years preceding the Bid Due Date;</p> <p>(4) Should be from any of the following project types: 3-Star category and above Hotel/ Convention centre/ Exhibition Centre/ Commercial Complex</p> <p>The Eligible Projects of the Associates of the Bidder and Consortium Members would also be eligible hereunder.</p>
2	Volume 2: Terms of Reference (ToR) and	1.6 Minimum Development	1.6.2 Project components & Minimum Development	The nature of the Project Assets (Minimum and Optional) that shall be allowed as part of the Project will form part of the Minimum Development Obligation.	The nature of the Project Assets that shall be allowed as part of the Project will form part of the Minimum Development Obligation.

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S. No.	Reference RFP Volume	Article	Sub Article/ Clause	Description as per RFP – Original Sub Article/Clause			Amendments/Modification/Addendum		
	Project Profile	Obligations	Obligations						
3	Volume 2: Terms of Reference (ToR) and Project Profile	1.9 Project milestones and timelines	-	S. No.	Milestone to be achieved	Details	S. No.	Milestone to be achieved	Details
				6	Lessee should achieve Commercial Date of Operations within	Within 24 months of signing of the Lease cum Development agreement	6	Lessee should achieve Commercial Date of Operations within	Within 36 months of signing of the Lease cum Development agreement
4	Volume 3: General Conditions of Lease cum Development Agreement (GCA) and Special Conditions of Lease cum Development Agreement (SCA)	Article G – Force Majeure	33. Termination	New clause added			33.3 There would not be any liability to pay compensation to the Lessee by the Lessor at the time of termination of the Lease on the expiry of term. However, if a termination occurs earlier than expiry of term of the Lease Deed and Lease cum Development Agreement during the Lease Period and is not due to reasons attributable to Developer/Lessee, the Authority shall pay compensation as may be decided by the Arbitrator.		
5	Volume 1: Instructions to Bidder (ITB) and Bid Data Sheet (BDS)	APPENDIX VII – Format for Technical Eligibility Criteria		Certificate from the Statutory Auditor/ Client regarding construction works			The revised format for the Certificate from the Statutory Auditor/Client regarding construction works is produced below:		
5	Volume 1: Instructions to Bidder (ITB) and Bid Data Sheet (BDS)	APPENDIX VII – Format for Technical Eligibility Criteria		Certificate from the Statutory Auditor regarding PPP projects			The revised format for the Certificate from the Statutory Auditor/Client regarding PPP projects is produced below:		

Certificate from the Statutory Auditor/ Client regarding construction works^Φ

Based on its books of accounts and other published information authenticated by it, {this is to certify that _____ (name of the Bidder/Member) was engaged by _____ (title of the project company) to execute _____ (name of project) for _____ (nature of project)}^Ψ. The construction of the project commenced on _____ (date) and the construction was completed on _____ (date). The project operations commissioned on _____ (date, if any).

It is certified that _____ (name of the Bidder/ Member) received/ paid Rs. _____ cr. (Rupees _____ crore) by way of payment for the aforesaid construction works.

We further certify that the total estimated capital cost of the project is Rs. _____ cr. (Rupees _____ crore), of which the Bidder/Member received/ paid Rs. _____ cr. (Rupees _____ crore), during the past ten financial years as per year-wise details noted below:

{It is further certified that the payments/ receipts indicated above are restricted to the share of the Bidder who undertook these works as a partner or a member of joint venture/ consortium.}[▲]

Name of the audit firm:

Seal of the audit firm:

(Signature, name and designation of the

Date:

authorised signatory).

^Φ Provide Certificate as per this format only. Attach explanatory notes to the Certificate, if necessary. In jurisdictions that do not have statutory auditors, either the firm of auditors which audits the annual accounts of the Bidder or its Associate or a firm of auditors who is authorized to audit annual accounts of companies/firms may provide the certificates required under this RFQ. The Authority reserves the right to perform independent checks on the veracity of such claims.

^Ψ In case the Bidder owned the Eligible Project and engaged a contractor for undertaking the construction works, this language may be modified to read: "this is to certify that (name of Bidder/ Member/ Associate) held 26% or more of the paid up and subscribed share capital in the..... (name of Project company) when it undertook construction of the (name of Project) through (name of the contractor).

[▲] This certification should only be provided in case of jobs/ contracts, which are executed as part of a partnership/ joint venture/ consortium. The payments indicated in the certificate should be restricted to the share of Bidder in such partnership/ joint venture/ consortium. This portion may be omitted if the contract did not involve a partnership/ joint venture/ consortium. In case where work is not executed by partnership/ joint venture/ consortium, this paragraph may be deleted.

Certificate from the Statutory Auditor regarding PPP projects¹

Based on its books of accounts and other published information authenticated by it, this is to certify that _____ (*name of the Bidder/Member*) is/ was an equity shareholder in _____ (*title of the project company*) and holds/ held Rs. _____ cr. (Rupees _____ crore) of equity (which constitutes _____%[€] of the total paid up and subscribed equity capital) of the project company from _____ (*date*) to _____ (*date*)[¥]. The project construction was completed on _____ (*date of completion of construction of project*). The project operations were commissioned on _____ (*date of commissioning of the project*).

We further certify that the total estimated capital cost of the project is Rs. _____ cr. (Rupees _____ crore), of which Rs. _____ cr. (Rupees _____ crore) of capital expenditure was incurred during the past ten financial years as per year-wise details noted below:

Name of the audit firm:

Seal of the audit firm:

(Signature, name and designation of the

Date:

authorised signatory).

¹ Provide Certificate as per this format only. Attach explanatory notes to the Certificate, if necessary. In jurisdictions that do not have statutory auditors, either the firm of auditors which audits the annual accounts of the Bidder or its Associate or a firm of auditors who is authorized to audit annual accounts of companies/firms may provide the certificates required under this RFQ. The Authority reserves the right to perform independent checks on the veracity of such claims.

[€] The equity shareholding of the Bidder, in the company owning the Eligible Project, held continuously during the period for which eligible experience is claimed, needs to be given.

[¥] In case the project is owned by the Bidder company, this language may be suitably modified to read: "It is certified that (name of Bidder) constructed and/ or owned the (name of project) from (date) to (date)."