

DIRECTORATE OF TOURISM GOVERNMENT OF UTTAR PRADESH

PARYTAN BHAWAN, C-13, VIPIN KHAND, GOMTI NAGAR, LUCKNOW- 226010
UTTAR PRADESH (INDIA)

Corrigendum I

The corrigendum for the Tender for “**EMPANELMENT OF CHARTERED ACCOUNTANCY (CA) FIRMS FOR PROVIDING ADVISORY SERVICES FOR PPP & NON-PPP PROJECTS**” dated 11-01-2023 E-Bid Reference: CA/2022/CALL-1 is issued.

Bidders may note that the last date for bid submission is extended to **31/01/2023, 14:00 Hrs.**

S. No.	Description	Date/ Details
1	Last date of submission of Bid (Bid Due Date)	31/01/2023, 14:00 Hrs
2	Bid Opening Date	31/01/2023, 16:00 Hrs



U.P. nahi dekha, toh India nahi dekha.

TENDER

FOR

**EMPANELMENT OF
CHARTERED ACCOUNTANCY (CA)
FIRMS FOR PROVIDING
ADVISORY SERVICES FOR PPP &
NON-PPP PROJECTS**

11th January 2023

E-BID REFERENCE: CA/2022/CALL-1

E-TENDER PORTAL: [HTTPS://ETENDER.UP.NIC.IN](https://etender.up.nic.in)

AUTHORITY:

**DEPARTMENT OF TOURISM,
GOVERNMENT OF UTTAR PRADESH**

PARYATAN BHAWAN, C-13, VIPIN KHAND, GOMTI NAGAR,
LUCKNOW – 226010, UTTAR PRADESH (INDIA)

TEL: (91) 522 – 2308017/2308993

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WWW.UPTOURISM.GOV.IN

1. TENDER SCHEDULE

The information contained in this tender or subsequently provided to the bidder, whether verbally or in documentary or in any other form by or on behalf of Department of Tourism, Government of Uttar Pradesh (herein after referred as DoT) or any of its employees, is provided to the bidder on the terms and conditions set out in this tender and such other terms and conditions subject to which such information is provided.

This tender is not an agreement or an offer by the DoT to the prospective bidder or any other person. The purpose of this tender is to provide bidders with information that may be useful to them in the formulation & submission of their bids pursuant to this tender.

This tender may not be appropriate for all persons, and it is not possible for the DoT and its employees to consider the objectives, technical expertise and particular needs of each party who reads or uses this tender. The assumptions, assessments, statements and information contained in this tender, may not be complete, accurate, adequate or correct. Each bidder should, therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments and information contained in this tender and obtain independent advice from appropriate sources. Information provided in this tender to the bidders may be on a wide range of matters, some of which may depend upon interpretation of law. The information given is not intended to be an exhaustive account of statutory requirements and should not be regarded as a complete or authoritative statement of law. The DoT accepts no responsibility for the accuracy or otherwise for any interpretation or opinion on the law expressed herein.

The DoT and its employees/advisors make no representation or warranty and shall have no liability to any person including any bidder under any law, statutory rules or regulations or tort, principles of restitution or unjust enrichment or otherwise for any loss, damages, cost or expense which may arise from or be incurred or suffered on account of anything contained in this tender or otherwise, including accuracy, adequacy, correctness, reliability or completeness of the tender and any assessment, assumption, statement or information contained therein or deemed to form part of this tender or arising in any way in this selection process.

The DoT also accepts no liability of any nature whether resulting from negligence or otherwise however caused arising from reliance of any bidder upon the statements contained in this tender. The DoT may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumption contained in this tender. The issue of this tender does not imply that the DoT is bound to select a bidder or appoint the selected bidder as the case may be, for the job and the DoT reserves the right to reject all or any of the applications/bids without assigning any reasons whatsoever.

1.1 INSTRUCTIONS FOR E-TENDERING

The bidding process for this tender will be completed online through e-tender portal. The tender document can be downloaded free of cost from the e-tender portal. The bidder has to register with his/her Digital Signature Certificate (DSC) in the e-tendering system and subsequently he/she will be allowed to carry out his/her e-bid submission activities. Registering the Digital Signature Certificate (DSC) is a one-time activity. Before proceeding to register his/her DSC, the bidder should first log on to the e-tendering system using the user login option on the home page with the login id and password with which he/she has registered.

For successful registration of DSC on e-procurement portal <http://etender.up.nic.in>, the bidder must ensure that he/she should possess class-2/class-3 DSC issued by any certifying authorities approved by the controller of certifying authorities, Government of India, as the e-procurement website <http://etender.up.nic.in> is presently accepting DSCs issued by these authorities only. The bidder can obtain user login id and perform DSC registration exercise even before e-bid submission date starts. The bidder shall be required to use own digital signature while uploading its bid. The bidder shall be required to upload the bid using its digital signature only. Failure to comply or usage of digital signature of other firm shall be liable for rejection of the bid.

The bidders must upload all the required documents (which would form the technical proposal) electronically in the pdf format, except for the financial proposal (BoQ), which will be electronically uploaded on the prescribed .xls format only on the e-tender portal <https://etender.up.nic.in>. It is suggested that the pdf files should be made in grayscale using the minimum readable appropriate resolution so that the size of the files is minimized for fast uploading on the e-tender portal <https://etender.up.nic.in>. The required electronic documents for each document label of technical (project details, annexures, etc.) Schedules/packets can be clubbed together to make single label file. The size of single label file should not exceed 40 mb size. The demand draft (tender fee) should be drawn in favour of 'Director General Tourism, Government of Uttar Pradesh', and payable at 'Lucknow'. Paryatan Bhawan 4th floor, C-13, Vipin Khand, Gomti Nagar, Lucknow-226010, Uttar Pradesh, India.

1.2 NOTICE INVITING APPLICATIONS

The DoT invites sealed technical proposals for **“Empanelment of Chartered Accountancy Firms for Providing Advisory Services for PPP and Non-PPP Projects”**.

S.NO	DESCRIPTION	DATE/DETAILS
1.	Issue of the tender document on the e-Tender portal https://etender.up.nic.in	11/01/2023 at 10:00 Hrs
2.	Tender fee	INR 5,000 + 18% GST payable in the form of demand draft, in favour of 'Director General Tourism, Government of Uttar Pradesh', Payable at 'Lucknow'
3.	Pre bid date	17/01/2023 at 12:00 Hrs
4.	Bid submission closing date	23/01/2023 at 14:00 Hrs
5.	Opening of technical e-bid	23/01/2023 at 16:00 Hrs

The Demand Draft for the tender fee has to be submitted in original (hard copy) in a separate envelop on or before the last date & time of bid submission at the address given below. The Demand Draft should be drawn in favor of Director General Tourism, Government of Uttar Pradesh, and payable at Lucknow.

The place of opening e-bids:
Paryatan Bhawan
4th floor, C-13, Vipin Khand, Gomti Nagar,
Lucknow- 226010 Uttar Pradesh India

Any queries should be submitted at pmu.uptourism@gmail.com with subject: 'e-bid reference: **“Empanelment of Chartered Accountancy Firms for Providing Advisory Services for PPP and Non-PPP Projects”** queries' before the stipulated date. For any queries, please send mail on pmu.uptourism@gmail.com regarding the same.

The empaneled agencies will be invited for award of work on the basis of limited RFP

issued by the Department wherein the timeline for the deliverables will be fixed as per the requirements of the project. However, empanelment does not guarantee any assured work/assignment and any claim based on the empanelment will not be considered or entertained.

2. INSTRUCTIONS FOR SUBMISSION OF APPLICATION

2.1. Background

Department of Tourism, Government of Uttar Pradesh has decided to **“Empanelment of Chartered Accountancy Firms for Providing Advisory Services for PPP and Non-PPP Projects”**

- 21.1. Pursuant thereto, DoT invites for empanelment of the eligible consultants (the **“Applicant”**) fulfilling the eligibility criteria as specified in this Empanelment document for the Services.
- 21.2. The Empanelment document shall be the basis for drawing up a list of Empaneled Consultants based on the marks obtained by the Applicants after evaluation of Applicants’ experience, credential etc. in terms of Section 4 of this Document.
- 21.3. The scope of services to be provided by the Empaneled Consultants shall include and not limited to the services provided at **Schedule A** and shall also be governed by the provisions of the contract to be entered into between the selected empaneled Chartered Accountancy (CA)Firms and the DoT (the **“Contract”**) which sets forth the detailed terms and conditions for grant of the right to the selected Consultants (the **“Right”**).

2.2. Submission of Applications

- 22.1. All communications including the submission of Applications should be addressed to:

The Director General Tourism
Paryatan Bhawan
4th floor, C-13, Vipin Khand, Gomti Nagar,
Lucknow– 226010 Uttar Pradesh India
E-MAIL: ttd.upt@gmail.com

All communications, including the envelopes, should contain the required information, to be marked at the top in bold letters: **“Empanelment of Chartered Accountancy Firms for Providing Advisory Services for PPP and Non-PPP Projects”**

- 22.2. The issue of this document does not imply that the Authority is bound to select applicants for **“Empanelment of Chartered Accountancy Firms for Providing Advisory Services for PPP and Non-PPP Projects”** and the Authority reserves the right to reject all or any of the applications without assigning any reasons whatsoever.
- 22.3. The Applicant shall submit each of the following documents in the specified format as provided in the document, on or before the Application Due Date. The bidder shall provide all the information as per this tender document. The DoT will evaluate only those proposals that are received in the required format and are complete in all respects. The bidder shall prepare the electronic copy for the e-bids (in pdf format) and upload the e-bids on e-tender portal <https://etender.up.nic.in> through the bidder’s digital signature certificate (DSC). The documents accompanying the Application submission shall include the following:
 - a. Cover Letter-cum-Undertaking in the prescribed format at **Appendix – A**
 - b. Details of Applicant in the prescribed format highlighting the category they wish to be empaneled at **Appendix – B** along with supporting documentary proofs

- c. Similar experience of the Applicant in the prescribed format at **Appendix – C**, along with supporting documentary proofs
- d. Power of Attorney (on stamp paper and duly notarized) for signing of Applications on behalf of the Applicant in the prescribed format at **Appendix –D**.
224. The Applicant should submit a Power of Attorney as per the format enclosed as **Appendix- D**, authorizing the signatory of the Application to commit the Applicant. The Application must be properly signed by the authorized representative (the “**Authorized Representative**”) as detailed below:
- (a) In case the sole proprietor himself is signing the Proposals, the Power of Attorney is not required to be submitted. However, if the Proposals are signed by any other person other than the sole proprietor, the Power of Attorney is required to be submitted in the format at **Appendix- D**.
- (b) by a partner or a duly authorized person holding the Power of Attorney, in case of a partnership firm or a limited liability partnership firm; or
225. Applications submitted by fax, telex, telegram or e-mail shall not be entertained and shall be rejected. All bids are to be submitted online via <https://etender.up.nic.in>.
226. The DoT reserves the right to seek original documents for verification of any of the documents or any other additional documents upon opening of the Applications.
227. The Application and all related correspondence and documents shall be written in English language. Supporting documents and printed literature furnished by the Applicants along with the Applications may be in any other language provided that they are accompanied by an appropriate translation in English language. Supporting materials that are not translated into English may not be considered. For the purpose of interpretation and evaluation of the application, the English language translation shall prevail.

2.3. Schedule of Empanelment Process

DoT endeavors to adhere to the following schedule

SI. No	Event Description	Date
1.	Last date for receiving queries/clarifications from the Applicants	17/01/2023 till 11:00 Hrs
2.	Details of Pre-Application Conference	Date: 17/01/2023 Time: 12:00 Hrs Place: Paryatan Bhawan, 4th floor, C-13, Vipin Khand, Gomti Nagar, Lucknow– 226010 Uttar Pradesh India
3.	Application Due Date	23/01/2023 at 14:00 Hrs
4.	Opening of Applications	23/01/2023, 16:00 Hrs Paryatan Bhawan, 4th floor, C-13, Vipin Khand, Gomti Nagar, Lucknow– 226010 Uttar Pradesh India
5.	Tender Fee	INR 5,000 + 18% GST payable in the form of demand draft, in favour of ‘Director General Tourism,

		Government of Uttar Pradesh', Payable at 'Lucknow'
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2.4. Pre-Application Conference

241. To clarify and discuss issues with respect to the Empanelment Document, the Authority may hold Pre-Application Conference on the date and time indicated in Clause 2.3, the Schedule of Empanelment Process.
242. Prior to the Pre-Application Conference, the Applicants may submit a list of queries if any. Applicants must formulate their queries and forward the same to the Authority by the last date of receiving queries mentioned in Clause 2.3, Schedule of Empanelment Process in writing or by e-mail to the officer designated in Clause 2.4.6 below. The envelopes/ communication shall clearly bear the following identification/ title:
- “Queries/Request for Additional Information: “Empanelment Chartered Accountant Firms for Providing Advisory Services, Audit of Financial Statements and Handholding Support for Development of PPP Projects”**
243. The responses to queries raised by the Applicants during the Pre-Application Conference will be uploaded on the Department of Tourism Website by the Authority without identifying the sources. The Authority may, in its sole discretion or based on inputs provided by Applicants that it considers acceptable, amend the Empanelment Document.
244. The Applicants may note that the Authority will not entertain any deviations to the Empanelment Document at the time of submission of the Applications or thereafter.
245. Attendance in the Pre-Application Conference is not mandatory for submitting the Application. However, subsequent to the conference, the Authority may not respond to queries from any consultants which has not participated in the Pre-Application Conference.
246. All correspondence / enquiries should be submitted to the following in writing by Email:
- ATTN. OF:**
The Director General Tourism
Paryatan Bhawan
4th floor, C-13, Vipin Khand, Gomti Nagar,
Lucknow– 226010 Uttar Pradesh India
E-mail: ttd.upt@gmail.com

2.5. Application Due Date (ADD)

251. The bidders should submit their bids online only in the ‘Submission’ module of the e-tender portal <https://etender.up.nic.in>. The bids shall be submitted only from the bid submission start date till the bid submission end date and time given in the e-tender portal <https://etender.up.nic.in>. Therefore, bidders are advised to submit the e-bids well in time.
252. The proposal, all correspondence and documents shall be written in English. In case of accompanying literature or brochures, etc. Being in a language other than English, a certified translation should accompany the documents as part of the tender. All proposals

and accompanying documentation will become the property of the DoT and will not be returned. The bidders should submit their e-bid considering the server time displayed on the e-tender portal <https://etender.up.nic.in>. The server time is the time by which the e-bid submission activity will be allowed till the permissible time on the last/end date of submission of e-bids indicated in the e-tender schedule. Once the e-bid submission date and time is over, the bidders cannot submit their e-bid. The bidders shall only be held responsible for any delay and whatsoever reason in submission of e-bid. The procedure for submission of e-bids by the bidders on the e-tender portal <https://etender.up.nic.in> is already available on the portal and has also been explained in the tender document under 'instructions for e- tendering' section.

2.6. Amendments to Tender

261. At any time prior to the Application Due Date, Schedule of Empanelment Process, the Authority may, for any reason, whether at its own initiative or in response to clarifications requested by an Applicant, amend the Empanelment Document by the issuance of Addenda. Any Addenda issued would be published only in Department of Tourism Website and <https://etender.up.nic.in>; the same shall be binding on the Applicants.
262. In order to afford Applicants reasonable time to take the Addendum into account, or for any other reason, the Authority may, at its discretion, extend the Application Due Date. Information about extension of the Application Due Date will be published only in the Department of Tourism Website and <https://etender.up.nic.in>.

2.7. Late Applications

271. The server time indicated in the bid management window on the e-tender portal <https://etender.up.nic.in> will be the time by which the e-bids submission activity will be allowed till the permissible date and time scheduled in the e-tender. Once the e-bids submission date and time is over, the bidder cannot submit his/her bid. Bidder has to start the e-bid submission well in advance, so that the submission process passes off smoothly. The bidder only, will be held responsible if his/her e-bids are not submitted in time due to any reasons. It shall be deemed that prior to the submission of the proposal, the bidder has:
 - Made a complete and careful examination of terms and conditions/requirements, and other information as set forth in this tender document.
 - received all such relevant information as it has requested from the DoT, and
 - Made a complete and careful examination of the various aspects of the project.

The DoT shall not be liable for any mistake or error or neglect by the bidder in respect of the above.

2.8. Modifications/ Substitution/ Withdrawal of Applications

281. Withdrawal: At any point of time, a bidder can withdraw his/her e-bids submitted online before the e-bids submission end date and time. For withdrawing, the bidder should first log in using his/her login id and password and subsequently by his/her digital signature certificate on the e procurement portal <https://etender.up.nic.in>. The bidder should then select 'My Bids' option in the 'Bid Submission' menu. The page listing all the bids submitted by the bidder will be displayed. Click 'View' to see the details of the bid to be withdrawn. After selecting the 'Bid Withdrawal' option, the bidder has to click 'Yes' to

the message "Do you want to withdraw this bid?" displayed in the 'Bid Information' window for the selected bid. The bidder also has to enter the bid withdrawing reasons and upload the letter giving the reasons for withdrawing before clicking the 'Submit' button. The bidder has to confirm again by pressing 'OK' button before finally withdrawing his / her selected bid. Once the bidder has withdrawn his/her bid he/she cannot re-submit this bid again.

282. Resubmission: The bidder can resubmit his/her e-bids as and when required till the bid submission end date and time. The new bid will replace the e-bids submitted earlier. The payment made by the bidder earlier will be used for revised e-bids and the new bid submission summary generated after the successful submission of the revised e-bids will be considered for evaluation purposes. For resubmission, the bidder should first log in using his/her login id and password and subsequently by his/her digital signature certificate on the e-tender procurement portal <https://etender.up.nic.in>. The bidder should then select 'My Bids' option in the 'Bid Submission' menu. The page listing all the bids submitted by the bidder will be displayed. Click 'View' to see the details of the bid to be resubmitted. After selecting the 'Bid Resubmission' option, click 'Encrypt & Upload' to upload the revised e-bids documents by following the methodology provided in clause submission of e-bids above.
283. The bidders can submit their revised bids as many times as possible by uploading their e-bids documents within the scheduled date & time for submission of e-bids. No e-bids can be resubmitted subsequently after the deadline for submission of e-bids.
284. The DoT may, in exceptional circumstances, and at its sole discretion, extend the above proposal due date by issuing a corrigendum.

2.9. Cost of Application

The Applicants shall be responsible for all of the costs associated with the preparation of their Applications and their participation in the Empanelment Process including subsequent negotiation, visits to the Authority, etc. The Authority will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the Empanelment.

2.10. Right to reject any or all Applications

2101. Notwithstanding anything contained in this Document, the Authority reserves the right to accept or reject any Application and to annul the Empanelment Process and reject all Applications, at any time without any liability or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereof.
2102. The Authority reserves the right to verify all statements, information and documents submitted by the Applicant in response to the Tender. Failure of the Authority to undertake such verification shall not relieve the Applicant of its obligations or liabilities hereunder nor will it affect any rights of the Authority thereunder.

2.11. Short-listing and notification of empanelment

- 211.1. After the evaluation of proposals in terms of this EOI document, the Applicants scoring

the technical score would be ranked in the descending order and the Authority would announce a list of short-listed Applicants who have received 70 or more than 70 marks. The Authority will not entertain any query or clarification from Applicants who fail to be empaneled.

2.12. Validity of Applications

2.12.1. The applications shall be valid for a period of not less than 240 (Two hundred Forty) days from the Application Due Date (“**Application Validity Period**”). The validity of application may be extended by mutual consent of the respective applicant and the Authority.

3. ELIGIBILITY CRITERIA

3.1. Conditions of Eligibility

- 3.1.1. The Applicants must read carefully the minimum conditions of eligibility (the “Conditions of Eligibility”) provided herein. Applications of only those Applicants who satisfy the following Conditions of Eligibility will be considered for evaluation.
- 3.1.2. The Applicant should be a single business entity (the “Single Business Entity”). A Single Business Entity shall mean a firm duly registered with Institute of Chartered Accountants of India (ICAI).
- 3.1.3. The Applicant in the last 3 (three) years should have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Applicant, nor been expelled from any project/provision of service or contract nor have had any contract terminated for breach by such Applicant. If during the empanelment tenure the selected consultants is blacklisted / terminated / debarred by any state or central government or their consultants, the empanelment of the selected CA Firms shall stand cancelled

3.2. Pre-Qualification Criteria

Technical Capacity

- The firm shall have a standing of at least ten years (10) in the profession and should be empanelled with CAG. C.A. firm should be an Indian firm having independent legal existence, registered under the applicable Act.

Supporting Document: Attach ICAI certificate for constitution of firm as on 31.12.2022 and letter of empanelment with CAG

- The Chartered Accountancy firm shall have at least 5 Partners.

Supporting Document: Certificate/ Other Supporting documents to substantiate the experience shall be submitted by the firm.

- Proven experience of working with Indian Govt. Department/ Semi Govt.

Supporting Document: Attached relevant experience certificate.

Note:

- Details of experience of the Applicant in the format prescribed at Appendix C.
- Copy of Work Order /supporting documents from the respective Clients

Financial Capacity

- C.A. firm should have an average annual turnover of Rs 50 lacs in the last three financial years (FY 19-20, 20-21 & 21-).

Tender for Empanelment of Chartered Accountancy Firms

Supporting Document: Attach ICAI certificate for constitution of firm as on 31.12.2022 and letter of empanelment with CAG

4. EVALUATION OF APPLICATIONS

4.1. Opening and Evaluation of Applications

- 4.1.1. The Authority shall open the Applications on the date specified in Clause 2.3, Schedule of Empanelment Process will be in the presence of the Applicants who choose to attend.
- 4.1.2. The Authority will examine and evaluate the Applications in accordance with the provisions set out in this **Section 4**.
- 4.1.3. To facilitate evaluation of Applications, the Authority may, at its sole discretion, seek clarifications in writing from any Applicants regarding its Applications.
- 4.1.4. Any information contained in the Application shall not in any way be construed as binding on the Authority, its agents, successors or assigns, but shall be binding on the Applicant, if the Applicant is subsequently empaneled on the basis of such information.

4.2. Tests of Responsiveness

- 4.2.1. Prior to evaluation of Applications, the Authority will determine whether each Application is responsive to the requirements of the Empanelment Document. An Application shall be considered responsive only if:
- a) it is received by the Application Due Date including any extension thereof.
 - b) it contains the information and documents as requested in the Empanelment Document.
 - c) it contains information in the form and formats specified in the Empanelment Document.
 - d) it provides the information in reasonable detail. (“**Reasonable Detail**”) means that, but for minor deviations, the information can be reviewed and evaluated by the Authority without communication with the Applicant). The Authority reserves the right to determine whether the information has been provided in reasonable detail;
 - e) it does not contain any condition or qualification; and
 - f) it is not non-responsive in terms hereof.
- 4.2.2. The Authority reserves the right to reject any Application which is non-responsive and no request for alteration, modification, substitution, or withdrawal shall be entertained by the Authority in respect of such Application.
- 4.2.3. Applications which are found to be non-responsive shall be rejected.

4.3. Evaluation of Experience of the Applicant

431. All the Applicants whose Applications are found to be responsive as per Clause 4.2.1 and have fulfilled the Conditions of Eligibility specified in Section 3 (Clause 3.2) shall be ranked on the basis of the marks obtained in accordance with the parameters set out in the table below:

Technical Evaluation Criteria

S. No.	Parameter	Max. Marks
1	Proven 10 years of relevant experience in similar Assignment	10
2	Detailed Approach, methodology and work plan in responding to the Terms of Reference: a. Proposed methodology - [25 marks] b. Work plan - [10 marks]	35
3	Team relevant composition, qualifications and experience: Position K-1: Team Leader/Qualified Chartered Accountant-1 [25 marks] Position K-2: Qualified Chartered Accountant-1 [15 marks] Position K-3: Qualified Chartered Accountant-1 [15 marks] The number of points to be assigned to each of the above position shall be determined considering the following four sub criteria and relevant percentage weights: • General qualifications (General education): [10%] • Adequacy for the Assignment (relevant experience in similar assignments): [80%] • Relevant international experience in similar projects, especially in regional countries [10%]	55
	TOTAL	100

432. Applicants who score minimum 70 marks out of 100 marks shall be qualified for empanelment.

433. The Authority shall then rank the Applicants in descending order of their scores and announce a list Qualified Applicants who would be empaneled with the Authority. The Empaneled Consultants would be eligible for participation in the next stage comprising quotation for the Services.

5. FORMATS FOR SUBMISSION OF APPLICATION

5.1. APPENDIX A: FORMAT FOR COVERING LETTER-CUM PROJECT UNDERTAKING

(On the Letterhead of the Applicant)

To

The Director General Tourism

Paryatan Bhawan

4th floor, C-13, Vipin Khand, Gomti Nagar,

Lucknow– 226010 Uttar Pradesh India

E-mail: ttd.upt@gmail.com

Dear Sir:

Ref: **“Empanelment of Chartered Accountancy Firms for Providing Advisory Services for PPP and Non-PPP Projects”**

1. Being duly authorized to represent and act on behalf of.....
(Hereinafter referred to as **“the Applicant”**) and having reviewed and fully understood all of the information provided in the Empanelment document provided to us by the Authority in respect of the captioned Empanelment, the undersigned hereby submits the Applications in response to the Empanelment Document.
2. I/We have studied the Empanelment Document carefully and understand that we shall have no claim, right or title arising out of any documents or information provided to us by the Authority or in respect of any matter arising out of or concerning or relating to the Empanelment Process including the Empanelment.
3. This statement is made for the express purpose of qualifying as an Applicant for the aforesaid Empanelment.
4. I/We shall make available to the Authority any additional information it may find necessary or require supplementing or authenticate the qualification statement.
5. I/We certify that in the last three years, we have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award, nor been expelled from any project or contract by any public authority nor have had any contract terminated by any public authority for breach on our part.
6. I/We understand that you may cancel the Empanelment Process at any time and that you are neither bound to accept any application that you may receive nor to invite the Applicants, without incurring any liability to the Applicants.

7. My/Our Application is consistent with all requirements of submission as stated in the Empanelment Document or in any of the subsequent communication issued by the Authority. I/We would be solely responsible for any errors or omissions in our application.
8. I/We understand that any omission, commission or misstatement in facts provided by us will make our application invalid at any time during the Empanelment Process and also after the empanelment; the Authority reserves the right to take appropriate action accordingly.
9. I/We understand that the Authority reserves the right to accept or reject any or all the Applications and reserves the right to withhold and/or cancel the Empanelment Process without assigning any reason or otherwise.
10. I/We hereby irrevocably waive any right which we may have at any stage at law or howsoever otherwise arising to challenge or question any decision taken by the Authority in connection with the empanelment of consultants, or in connection with the Empanelment Process itself, in respect of the above-mentioned activities and the terms and implementation thereof.
11. I/We agree and undertake to abide by all the terms and conditions of the Empanelment Document.
12. Notwithstanding any qualifications or conditions, whether implied or otherwise, contained in my/our Application, I/we hereby represent and confirm that my/our Application is unqualified and unconditional in all respects.
.....
Signature of the Authorized Person
.....
Name of the Authorized

Person Date

5.2. APPENDIX B: FORMAT FOR DETAILS OF THE APPLICANT

(On the Letterhead of the Applicant)

SI No	Particulars	Details	Supporting Documents required to be submitted along with this Form
1.	Name of the Applicant	---	
2.	Status of the Applicant		
3.	Address of the Applicant:	Address: Name & Designation of the Contact Person: Phone No: Fax No: Mobile No. Email Id:	Attach a copy of the latest telephone bill, ownership deed, lease/ rental agreement, or any other documentary proof evidencing the claim.
4.	Applicant Income Tax PAN No.		Attach copy of PAN
5.	Applicant GST		Attach copy of Registration Certificate (if applicable) GST registration certificate
6.	Details of any lawsuits pending in any of the courts in India or abroad.		
7.	Can you provide a dedicated team to service DoT? Yes/ No		

5.3. APPENDIX C: FORMAT FOR EXPERIENCE OF THE APPLICANT

(On the Letterhead of the Applicant)

• Name of the Client	
• Address of the Client and contact • Details	
• Details of work undertaken	
• Date of commencement	
• Date of completion	

Instructions:

- i. Experience of parent/subsidiary/associate Company (ies) of the Applicant would not be considered for evaluation.
- ii. Separate **Appendix – C** is required to be submitted by the Applicant with respect to each assignment for which the Applicant is claiming its experience.
- iii. The experience claimed by the Applicant with respect to each such assignment should be substantiated with
 - a. a copy of work order and completion certificate issued by the respective client for each assignment or satisfactory certificate along with other documents including photographs to substantiate the claim.
 - b. Certificate of an Independent/ Statutory Auditor as per format at Appendix below:
- iv. The evidence submitted in (iii) above shall be considered collectively for purposes of evaluation.

5.4. APPENDIX F: FORMAT FOR POWER OF ATTORNEY

(On the applicable value of Stamp Paper)

Power of Attorney

Know all men by these presents, we, (Name of Applicant and address of the registered office) do hereby constitute, nominate, appoint and authorize Mr./Ms.....son/daughter/wife and presently residing at, **who** is presently employed/ Partner with us and holding the position of..... as our true and lawful attorney (hereinafter referred to as the “**Authorized Representative**”) to do in our name and on our behalf, all such acts, deeds and things as are necessary or required in connection with or incidental to submission of our Application for “**Empanelment of Chartered Accountancy Firms for Providing Advisory Services for PPP and Non-PPP Projects**” (the “**Authority**”) including but not limited to signing and submission of all applications, proposals and other documents and writings, participating in pre-application conference and other conferences and providing information/ responses to the Authority, representing us in all matters before the Authority, signing and execution of all contracts and undertakings consequent to acceptance of our Application and generally dealing with the Authority in all matters in connection with or relating to or arising out of our Application for the said Empanelment and/or upon award thereof to us till the entering into of the Contract with the Authority.

AND, we do hereby agree to ratify and confirm all acts, deeds and things lawfully done or caused to be done by our said Authorized Representative pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Authorized Representative in exercise of the powers hereby conferred shall and shall always be deemed to have been done by us.

IN WITNESS WHEREOF WE, THE ABOVE-NAMED PRINCIPAL HAVE EXECUTED THIS POWER OF ATTORNEY ON THIS DAY OF, 20**

For
(Signature, name, designation and address)

Witnesses:

- 1.
- 2.

Notarised

Accepted

.....
(Signature, name, designation and address of the Attorney)

Notes:

The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executant(s) and when it is so required the same should be under common seal affixed in accordance with the required procedure. The Power of Attorney should be executed on a non-judicial stamp paper of Rs. 100 (Hundred) and duly notarised by a notary public.

Wherever required, the Applicant should submit for verification the extract of the charter documents and other documents such as a resolution/power of attorney in favour of the person executing this Power of Attorney for the delegation of power hereunder on behalf of the Applicant.

6. OTHER TERMS AND CONDITIONS

6.1. Terms of Empanelment

- 6.1.1. The empanelment shall be valid initially for a **period of 5 (five) years**. DoT reserves the right to extend the same on yearly basis up to 2 (two) additional years on the same or mutually agreed terms & conditions subject to Periodical review of their performance.
- 6.1.2. DoT will reject the Application of an Applicant, if it determines that the Applicant has, directly or through an agent, engaged in corrupt, fraudulent, unfair trade, coercive or collusive practices.
- 6.1.3. DoT also reserves the right to empanel any other Consultants or employ any Consultants outside the list of Empaneled Consultants, if required after carrying out a competitive bidding process.
- 6.1.4. DoT reserves the right to drop any Applicant from the empaneled list without assigning any reason whatsoever. DoT also reserves the right to modify the terms and conditions of empanelment.
- 6.1.5. All decisions taken by DoT regarding empanelment shall be final and binding on all Empaneled Consultants.
- 6.1.6. Post technical evaluation, the Technical Evaluation Committee shall provide a technical score based on the merit of their credentials. Consultants scoring above the minimum score of 70 shall be declared as qualified consultants (the “**Empanelled CA Firms**”) and subsequently financial quote for a particular
- 6.1.7. To the Selected Consultants and DoT shall issue **Letter of Empanelment**

6.2. Relationship

Nothing mentioned herein shall be construed as relationship of master and servant or of principal and agent as between the “DoT” and the “Applicant”. No partnership shall be constituted between DoT and the Applicant by virtue of this Empanelment nor shall either party have powers to make, vary or release contractual obligations on behalf of the other party or represent that by virtue of this or any other Empanelment a partnership has been constituted, or that it has any such power. The Applicants shall be fully responsible for the services performed by them or on their behalf.

6.3. Allocation of Work

- 6.3.1. Mere empanelment with DoT does not guarantee allocation of work. A separate work order will be issued to the Selected Consultants for each assignment. The Selected Consultants shall not assign its responsibilities to any other consultants, in whole or in part, to perform its obligation under the Contract.

6.4. Performance Security

The Selected Consultants shall for due performance and fulfillment of the terms of the LOA/Contract furnish to DoT, an unconditional and irrevocable Bank Guarantee as Performance Security equal to 3% of the total Contract Price quoted by the Selected Consultants. The Bank Guarantee against Performance Security should be drawn from a nationalized bank in favor of Director General Tourism, Government of Uttar Pradesh, payable at Lucknow. The Performance Security should be payable on demand and be valid for a period of 90 (Ninety) days from the date of signing the LOA with the Authority.

6.5 Termination

6.5.1 Without prejudice to any other right or remedy it may have, either party may terminate the empanelment at any time by giving one-month advance notice in writing

6.5.2 DoT reserves the right to withdraw/ terminate empanelment in any of following circumstances:

- (a) Applicant becomes insolvent, bankrupt, resolution is passed for winding up of the Applicant's organization
- (b) Information provided to DoT is found to be incorrect
- (c) Empanelment conditions are not met within the specified time period
- (d) Misleading claims about the empanelment status are made
- (e) if the Selected Consultants is found to be engaged in corrupt, fraudulent, unfair trade practices, coercive or collusive. These terms are defined as follows:
 - i. "**Corrupt practice**" means the offering, giving, receiving or soliciting of anything of value to influence the action of DoT or any personnel in agreement executions.
 - ii. "**Fraudulent practice**" means a misrepresentation of facts, in order to influence a procurement process or the execution of a Contract, to DoT, and includes collusive practice among applicants designed to establish proposal prices at artificially high or non-competitive levels and to deprive DoT of the benefits of free and open competition.
 - iii. "**Unfair trade practices**" means supply of services different from what is ordered on, or change in the Scope of Work which was agreed to.
 - iv. "**Coercive practices**" means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the execution of Contract.
 - v. "**Collusive practices**" means a scheme or arrangement between two or more applicants with or without the knowledge of the DoT, designed to establish prices at artificial, non-competitive levels;

6.6 Indemnification

6.6.1 The Selected Consultants will indemnify DoT against any misuse of brand name, logo and promotional activities. For any misuse of brand name, logo and promotional activities, the Selected Consultants themselves will be held responsible. DoT will take necessary legal actions for such cases.

6.6.2 DoT will not be responsible for any miscommunication or harm caused to any party because of any misrepresentation of its name and logo by the Selected Consultants.

6.7 Applicable Laws and Jurisdiction

- 6.7.1 Applicable Law would mean the laws and any other instruments having the force of law in India as they may be issued and in force from time to time.
- 6.7.2 All legal disputes between the parties shall be subject to the jurisdiction of the Courts situated in Lucknow only.

SCHEDULE A: TERMS OF REFERENCE

The scope of services to be provided by the empanelled Chartered Accountancy Firms as described below is general but is not exhaustive i.e. does not mention the entire incidental services required to be carried out. The services shall be provided all in accordance with true intent and meaning, regardless of whether the same may or may not be particularly described, provided that the same can be reasonably inferred there from. The scope of services shall also be governed by the provisions of the contract (the “**Contract/LOA**”) to be entered into between the Consultants and DoT which sets forth the detailed terms and conditions for grant of the right to the Consultants (the “**Right**”). There may be several incidental services & assignments, which are not mentioned herein but will be necessary to complete the work in all respects.

Scope of Services

DOT desires to empanel Chartered Accountancy Firms for providing advisory services related to PPP and Non-PPP Assignments, during entire project cycle, including

- Providing advisory services for project development to execution phase including but not limited to providing services for preparation of financial statements, audit of project financial statements, preparation of different kinds of agreements/contracts/ as per requirement of DOT for various projects.
- Providing advisory services to DOT for development and structuring of PPP Projects including drafting of specialized agreements as per need of the PPP projects including concession agreement, escrow agreement, development agreement, project specific agreements etc
- Audit and certification of accounts of the concessionaire
- Providing any other financial, accounting or management or MIS related information as be considered reasonable by DOT or lenders to the project
- Specific audit of any particular aspect may also be entrusted by DOT to Internal Auditor. The audit will be carried out in accordance with the Standards of Auditing promulgated by the Institute of Chartered Accountants of India (ICAI)
- Any other work, that DOT may instruct time to time related to PPP and Non-PPP projects, where the services of Chartered Accountancy Firms would be desired

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