

**Government of Nepal**  
**Madan Bhandari University of Science and Technology Development Board**  
**Setopati, Lalitpur Metropolitan City Ward 18, Nepal**  
Date: December 2, 2021 (Mangsir 16, 2078)

**Clarification No. 1**

This is to notify all concerned that Madan Bhandari University of Science and Technology Development Board, Setopati, Lalitpur, Nepal has made following clarifications on the queries of the bidders regarding the bidding Document for the Construction of 500kWp Grid Connected Solar PV with Energy Storage System at Chitlang, Thaha Municipality Ward 9, Makwanpur District Consulting IFB No. MBUSTDB/W/ICB-01/2021/22 , published in the Kantipur national daily newspaper and [www.bolpatra.gov.np/egp](http://www.bolpatra.gov.np/egp) on November 12, 2021, Friday.

Sl. No.	Reference of Biding Document	Queries from the potential Bidders	Response from the Purchaser
1	Bid Document (BD): Section III, Clause 44, 2.4.2 (a)	<p>Regarding Qualification Criteria 2.4.2.a. Contract of Similar Size and Nature: This criteria states that the eligible bidder must have an experience in at least one similar contract of 1 million USD excluding VAT however referring to the Bid Capacity of this bid which is the engineers estimate without VAT for this project is only 1 million USD. As per the standard guideline set by Public Procurement Monitoring Office (PPMO), the contract value in this criteria shall not exceed 80% of the total estimated amount. Hence we would like to request you to reduce the value of a single contract to ensure competition inline to the prevailing rules and regulations.</p> <p>Regarding Qualification Criteria 2.4.2.a. Contract of Similar Size and Nature: This criteria states that the eligible bidder must have an experience in at least one similar contract of 1 million USD excluding VAT however referring to the Bid Capacity of this bid which is the engineers estimate without VAT for this project is only 1 million USD. As per the standard guideline set by</p>	Please refer to the Addendum Notice No. 2.

		<p>Public Procurement Monitoring Office (PPMO), the contract value in this criteria shall not exceed 80% of the total estimated amount.</p> <p>Hence we would like to request you to reduce the value of a single contract to ensure competition inline to the prevailing rules and regulations. The copies of Public Procurement Act under discussion and the standard format for setting evaluation criteria published by PPMO are attached with this letter.</p>	
2	Section III, Qualification, 2.4.2 (b ) Construction Experience in Key Activities	<p>In the tender which you had first published on June 1, 2021, the eligibility criteria were</p> <ul style="list-style-type: none"> <li>a) At least one grid Connected Solar PV Project with capacity of at least 150KWp completed in last ten years and</li> <li>b) A cumulative capacity of at least 500 kWp Grid Connected Solar PV Project(s) completed in last 10 years</li> </ul> <p>But now the tender which was published on November 12, 2021 has eligibility criteria as a) Contract for Grid Connected Solar PV with Energy Storage System Project within the last ten (10) years with a value of at least USD one million or equivalent that has been successfully completed and that are similar to the proposed works and b) At least one Grid Connected Solar PV with Energy Storage System Project with capacity of at least 400 kWp successfully completed within the period of 7.5 months as the Prime contractor, management contractor, or subcontractor within last ten (10) years.</p> <p>Because most of the company have not done a single project of capacity of at least 400kWp, and there would be one or two competitors who are</p>	<p>The comparison between the criteria of the cancelled bid and the current bid is not relevant as the scope of work has changed. Please refer to the "Addendum Notice No. 2" published on Kantipur on December 2, 2021.</p>

		<p>eligible and there is less chance of competition in this tender. This may seem a bit unfair to company's who have done the project having cumulative experience of more than 500KWp.</p> <p>Can you please provide us clarification on why you had changed the criteria from cumulative capacity of at least 500 kWp Grid Connected Solar PV Project(s) to at least one Grid Connected Solar PV with Energy Storage System Project with capacity of at least 400 kWp?</p> <p>Regarding Qualification Criteria 2.4.2.b Construction Experience in Key Activities.</p> <p>This criteria states that in order to be eligible to bid this tender, the bidder shall have successfully completed at least one Grid Connected Solar PV with energy storage system of 400kWp completed within a period of 7.5 months.</p> <p>As per the standard format issued by the Public Procurement Monitoring Office (PPMO), the construction experience is not connected with the project completion time as this is a bidding for</p> <p>Works not Supply of goods. There is no such practice neither in Nepal nor outside Nepal to state the timeframe of completion of specific project under qualification criteria. This will limit the bidder with an experience of Large Power Plants since Larger the System greater will be the required completion time. Hence we would like to request to exclude the time frame of project completion to make the criteria in-line with the standard bidding document.</p>	
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3	Technical Specifications (TS), 1.1, 19	<p>In Technical Specification of</p> <ol style="list-style-type: none"> <li>1. Grid Connected Solar PV with Energy Storage System             <ol style="list-style-type: none"> <li>1.1 Solar Photovoltaic (PV) Module</li> </ol> <p>There is one table for “The PV modules shall comply with following standard and technical specifications” in S.N. 19 it is required that Local Certification required: RETS Certificate (PIT Certificate must be submitted with Bid and RST Certificate must be submitted before the installation)</p> <ol style="list-style-type: none"> <li>1. Kindly clarify us about PIT Certificate, is it to conduct test before bid submission or only submit required technical specification and standard of product to the local certification authority?</li> <li>2. Kindly describe in detail about the PIT certificate, procedure to obtain PIT for foreign Bidder/manufacturer</li> </ol> </li> </ol>	<p>Please refer to Bidding Document and website of Renewable Energy Test Station (RETS) at <a href="http://www.retsnepal.org">www.retsnepal.org</a> for the detail requirements</p>
4	ICB	<p>Regarding International Competitive Bidding Procedure:          The public procurement act 2063, Clause 15 clearly states the following four sub-clauses to publish international competitive bid (ICB):          Clause 15(a): This sub-clause states that ICB can be published if none of the Nepalese bidder can supply the intended goods or works. However, in this case, there are many Nepalese companies who have successfully completed this sort of work in past. We, have itself completed several such projects here in Nepal including 680kW Solar Grid Tie System at Kirtipur, 515kWp Solar Grid Tie System with Battery Storage at Commission for Investigation of abuse of Authority (CIAA) Tangal, 315kWp Solar Grid Tie System with Battery Storage at Tribhuwan University Teaching Hospital, Maharajgunj and so on. There are several other companies who have also completed similar or</p>	<p>This bid has been processed under International Competitive Bidding Procedure based on Clause 15 (d) of Public Procurement Act.</p>

		<p>larger projects in Nepal.</p> <p>Clause 15 (b): This sub-clause states that ICB can be published if and only if no bid has been received while the bid is published in National Competitive Bidding (NCB). In this case, the bid published previously was prematurely cancelled before the deadline.</p> <p>Clause 15 (c): This sub-clause states that ICB can be published if the project is completely aided by the donor with an agreement with foreign aid to purchase the goods or works from abroad. Since this is a government funded project this clause does not comply.</p> <p>Clause 15 (d): This sub clause states that ICB can be published if and only if the nature of the work is very special and complicated proven by the public entity that the goods or works shall be procured from ICB. In this case, already explained above in clause 15 (a), numerous such projects have already been completed by the Nepalese bidders ranging megawatts of similar projects. Hence this clause also does not comply the reason in this bid.</p> <p>In addition to this, the public procurement Rule 2064, Clause no. 31 (e) clearly states that any bid with value not exceeding 1 Arba Nepalese Rupees, the bid shall be issued under National Competitive Bidding within Nepal.</p> <p>Hence, we would like to request for this bid to be processed under National Competitive Bidding Procedure as per the public procurement act and prevailing law.</p>	
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5	Section II: Bid Data Sheet – ITB 4.1 (a)	<p>We understand from your tender invitation that this is the ICB tender where foreign bidders are solely allowed to participate the bid. However, in the said clause it is mentioned that in case of foreign bidder, Joint Venture with Nepalese Bidder is Mandatory.</p> <p>Following the Public Procurement Act 2063 (2007), clause no. 14(11), it has only mentioned that the preference will be given to those bidders who does the JV with the Nepalese company. However, it has not defined that the Foreign bidder must do the JV with the local company. We have enclosed herewith few examples of the recent tenders of “Works” which has not mentioned this as a mandatory requirement. Hence, we request you to please amend it so more and more international bidders would be interested to participate.</p> <p>Further, based on our practices in Nepal Telecom (a government organization) which follows the PPMO guideline as well, we have not observed this as a mandatory requirement for their ICB tenders related to turnkey solar projects.</p>	Please refer to Addendum notice no. 2
6	Section II: Bid Data Sheet – ITB 4.9	<p>Request you to please amend this as based on the ICB tenders under “Works” only Resident Foreign Bidders are required to submit PAN and VAT Registration Certificate, Examples of recent tenders are attached for your reference.</p> <p>Further, based on our practices in Nepal Telecom, Nepal Electricity Authority and other government organizations which follows the PPMO guideline as well, we have not observed this as a mandatory requirement for their ICB tenders.</p> <p>We assume that this requirement will limit the interest and participation of the foreign bidders, hence, we request you to please amend it.</p>	Please refer to Addendum notice no. 2

7	Section III: Evaluation and Qualification Criteria- 2.4.1 General Experience	Please clarify and confirm that as a contractor, subcontractor of any projects that includes supply, delivery, construction installation, testing and commissioning of any nature of project is acceptable.	Please refer to the Addendum Notice No. 2.
8	GCC Clause 44, Payments Certificates	In the said clause it is mentioned that the payment shall be certify on the basis of monthly statement and word executed however, it is not clear that how much percentage of work value shall be paid and timeline of payment. So, request you to clarify on the same.	Payments shall be made made based on the physical progress acceptable to the Employer..
9	Annex 1: Technical Specifications (TS), 1.3.6	Please confirm if all PV inverters of 40 kW could you proposed. This will be convenient considering the safe transportation and installation, and subsequent maintenance.	Please refer to the bidding document.
10	Annex 1: Technical Specifications (TS), 1.1.12	For PV modules of the cable connected to the module junction box must be of copper multistrand, PVC insulated and UV resistant and be provided with minimum cross section of 4mm <sup>2</sup> and length of at least 1-meter manufacturer, the standard PV cable with cross section of 4mm <sup>2</sup> , length of 500 mm (+) or 350 (-), Please clarify if it is acceptable. Based on our industry practice in various projects, the Tier 1 manufacturer could customize the length if the PV capacity exceeds 1 MW only.	Please refer to the Addendum Notice No. 2.
11	Annex 1: Technical Specifications (TS), 1.3.17	The protection level of PV inverter in the PV industry is IP65 if the capacity is less than 80 kW, and IP66 if the capacity is more than 110 kW. If a 40 kW PV inverter is selected, is the protection level IP65 will be acceptable, please clarify.	Please refer to the Addendum Notice No. 2.
12	Section-VII, clause-2(A), page no.81	Please clarify on terms of payment along with payment milestone.	Please refer to the bidding document.

13	Section-I, clause-19.2, page no. 16	Please clarify on issue of BG as per prevailing law of Bidders country or Nepal, also arrange List of Banks please for Bid Security	Bank Gurantee may be issued by the Commercial Bank or Financial Institution licensed by the Nepal Rastra Bank  Refer the link for the list of commercial banks: <a href="https://www.nrb.org.np/contents/uploads/2020/08/List-of-BFIs-Asar-2077-_-English.pdf">https://www.nrb.org.np/contents/uploads/2020/08/List-of-BFIs-Asar-2077-_-English.pdf</a>
14	Section-VIII, Clause-51 Page no.118, Liquidated damages	Please specify whether any Liquidated damages are applicable for plant Performance	Please refer to the bidding document.  Liquidated damages is charged in case the work could not completed within Intended Completion Date. Work completion includes the performance of the plant.
15	Section VI, (a)	Please specify the details of DC:AC ratio, & Generation guarantee if any to be submitted by Bidder	It is up to the bidder's design that meets the technical requirements specified in the bidding document, not exceeding DC:AC = 1.2.
16	Evacuation point	As per the drawings our understanding of power evacuation was near 630KVA transformer, please confirm on our understanding.	Please refer the BoQ, drawings and technical specifications
17	Drawings, Page 77	We are unable to download the drawings provided in the link from respective website., kindly advise and please	Refer <a href="https://mbustb.org/notice/">https://mbustb.org/notice/</a> to download the drawings. or contact the office at <a href="mailto:info@mbustb.edu.np">info@mbustb.edu.np</a> to request the soft copy
18	Section VII, BOQ	Kindly request to address in case of Quantity variation i.e decrease / increase with respect to given Bill of Material, as till detailed engineering we cannot finalize the exact quantities. Kindly look into this	Item 23 of BOQ amended. Please refer to Addendum Notice No. 2.  All quantities are in sets or Lumpsum. Hence there should not be changes in quantities
19	BD: Section VII	Since the preliminary design of the project has been carried out, could you please provide the detailed BoQ?	It's within the bidder's responsibility to calculate the detailed BoQ based on their design and as per the Bill of Quantities of Bidding Document.
20	Bid Currency	The Price Schedule is showing USD alone., Can we quote in INR.? Please confirm	Please refer to the Addendum Notice No. 2.

21	Statutory Approvals	All the Required Regulatory Approvals including electrical inspectorate shall be in owner scope and not in bidder scope	Should be as specified in the Bidding Document.
22	Vendor List	Kindly Request to arrange the Approved Vendor List or guide lines to procure material	It is within the scope of the bidder/contactor.
23	Change in LAW	Kindly request to address the Impact of Variation of Taxes and Duties during the due course of contract., Owner shall revise the contract price accordingly? Kindly confirm.	Please refer to the bidding document (GCC Clause 51)
24	BESS	Power rating of BESS. Kindly arrange the expected BESS discharging cycle (load details) expected to design the BESS system accordingly - including the output power rating and number of hours back up	The expected BESS discharging rate is 0.5C. The expected output power rating is 200kVA. The expected number of hours backup: 2 hrs
25	BD Annex 1: Technical Specifications (TS), 1.1.2-3	Two sets of solar PV systems would be installed on the roof. Please suggest the material and type of the roof.	Roof type: Flat RCC of 150mm thickness
26	Annex-1, Technical specification, 1.1: Solar PV Modules and Serial No. 7 Module Type: Only monofacial	In Nepal many contractor or developer started using Bifacial Modules which are of latest technology. As you know, Tier 1 manufacturer only continue manufacturing same model almost around 1 to 2 years. As per my communication with manufacturer the monofacial will last for only 1 year more and will discontinue thereafter. So, request you to consider both Monofacial and Bifacial. Apart from this, as more advanced technology modules are planned to offer for the project, request you to allow to submit both PIT and RETS certificate once the tender is awarded and before construction of project.	As per the Employer's requirement.

Chairperson  
Date: December 02, 2021