

Clarification dated 20.08.2010 (Against Additional Guidelines for Bid Evaluation dated 09/12/2009 and 26/05/2010)

It has generally been observed that Bids are declared non-responsive by many states/utilities against minor issues in technical proposal of the Bidders. The additional guidelines for Bid Evaluation dated 9/12/2009 and 26/05/2010 had been issued by MOP/PFC to ensure that the competition are not throttled and utilities will get better price without affecting the quality, quantity and price of the offered product. However, it seems that the objective of the guideline could not be properly understood by the utilities and not followed in its true letter and spirit.

In view of above, PFC further clarifies that -

01) "A material deviation, reservation or omission is one that affects in any substantial way, the scope, quality and performance of the contract or whose rectification would unfairly effect the competitive position of other bidders who are presenting substantially responsive bids."

02) The cases of non availability of self certification or change in the language of certification or non availability of hard copy where soft copy is available with the bid, should not be considered as material deviation (Appendix-A of RfP Appendices) till such time the bidder has failed to submit those documents in prescribed format of RFP within the reasonable time against the specific request of Utility. Since, the Self certification (specific or general) & documentary proof mentioned in the bid at any stage doesn't involve additional inputs thus could be sought by the purchaser as clarifications from the bidders. This should not be considered as alteration of bid. However, while giving clarification the bidder must not be allowed to change the product and its price. As bidders are not eligible for any additional technical score for these clauses, there is no change in competitive position of the bidders.

03) No bids shall be rejected due to minor omissions or missing items in the scope of supply, services, etc. However the cost of such missing items if not available in the bidders offer, the highest cost of other bidders may be added to the bid price to allow for bid comparison on an equal basis. However, if price of same item is available in the bid, the bidder's quoted price shall be considered for financial loading.

04) A minor deficiency in technical compliance, for items, not impacting in any way to over all solution, performance and quality should not be a cause for rejection of the bid. Some deviation,

which will not have any effect on price or quality of the goods and services offered, can be accepted for evaluation purposes without a price adjustment. Other minor deviations, which may affect the cost, should be expressed in monetary terms and the cost of making good any deficiency, including replacing ineligible items with eligible ones, should be loaded to the bid price of the concerned bidder for the purpose of evaluation.

05) State/Utilities, where evaluation of technical proposal of the bidders is in progress, should also follow the above suggestions/clarifications in respect of Bid evaluation in addition to additional guidelines for Bid Evaluation dated 9/12/2009 and 26/05/2010 and give all bidders a fair opportunity to submit required document/clarification/self certification/justification with a view to increase competition.

The above guidelines are required to be adhered to by all utilities so as to enhance competition and get fair price.