

Queries received for AERA Pre-Bid Conference and their Clarifications

Bidder &	RFP Section				
Query No	No.	Name	Text requiring clarification	Bidder's query	AERA's Clarifications
Nathan-1	7.1	Bid Security	The Applicant shall submit, along with their bids a Bid Security of Rupees Ten Lakhs only in the form of a Demand Draft issued by a Nationalised Bank in India in favour of the "PAO, Secretariat, Ministry of Civil Aviation" payable at New Delhi	Does "Nationalized Bank" mean a 'state bank', as opposed to a 'commercial bank'?	Nationalised Bank means a State owned Bank. However, as clarified subsequently, Bid Security can be submitted in the form of a Demand Draft or Bankers Cheque of any Scheduled Commercial Bank, in favour of PAO, Secretariat, Ministry of Civil Aviation, payable at New Delhi.
Nathan-2	7.4 (a)	Bid Security	(a) If an Applicant submits a non-responsive Proposal;	What is the definition of "non-responsive"?	Clause 19.3 of the RFP states that prior to evaluation of the proposals, AERA shall determine whether each proposal is responsive to the requirements of the RFP. If the proposal does not satisfy any of the requirements laid down vide clause 19.3 (a) to (h) of the RFP then the proposal shall be treated as 'non-responsive'.
Nathan-3	11.2.4	Preparation and Submission of the Proposal	A copy of the Power of Attorney certified under the hands of a partner or director of the Applicant and notarised by a notary public in the form specified in Appendix-I (Form-4) shall accompany the Proposal.	Is the notary public required to be Indian or can it be a public notary in the U.S.?	As elucidated in the last para of Form-4 to Appendix –I of the RFP document, for a Power of Attorney executed and issued overseas, the document will also have to be legalised by the Indian Embassy and notarised in the jurisdiction where the Power of Attorney is being issued. However, Applicants from countries that have signed the Hague Legislation Convention 1961 need not get their Power of Attorney legalised by the Indian Embassy if it carries a conforming Apostille certificate.

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Query No	No.	Name	Text requiring clarification	Bidder's query	AERA's Clarifications
Nathan-4	12.1.1	Technical Proposal	h) the CVs shall contain an undertaking from the respective Key Personnel about his/ her availability for the duration specified in the RFP; j) Key Personnel would be available for the entire period of the assignment including the Hand holding period.	Does the Government of India require that the non-local personnel of the Consultant (lead member of the Consortium) be present in India throughout the implementation of the project? Would it be acceptable that the Consultant delivers support through a well-defined schedule; in addition to the permanent presence of the local partner in India (including the handholding support period)?	As can be seen from the Delivery Schedule (Clause 3 of the RFP) the project implementation period is 16 months. AERA would require the support of the entire team during the implementation of the project. The deployment of the Key Experts during the assignment should be managed by the Applicant in such a manner that they are available , as and when required, and the work of AERA should not be delayed / adversely impacted due to their non-availability.
Nathan-5	19.5	Evaluation Process	The technical evaluation of the proposals shall be done on 3rd November' 2009 after the presentation to be made by the Applicant(s) on the Approach and Methodology. The presentation shall be held in the Board Room, IIIrd floor, 'A' Wing, Rajiv Gandhi Bhawan, Safdarjung, New Delhi 110 003, on 3rd November	Is the presentation on Approach and Methodology to be made by all Applicants or only by the finalists?	The presentation is to be made by all Applicants. A total of 20 marks has been specifically allotted for Approach, Methodology and Presentation (Clause 19.6.4). However, AERA may, in its discretion, choose not to take presentations from such applicants whose proposals have been found to be non-responsive.

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			2009 from 0930 hours onwards.		
Nathan-6	N/A	N/A	N/A	Following our initial submission, our proposal was set as non-responsive due to some issues regarding original signatures and 'Power of Attorney' document. Upon resolving these problems, would it be correct to assume that otherwise our proposal would have been responsive?	The query does not pertain to the instant RFP. The Applicant while submitting the bid shall ensure that the Bid is responsive in line with Clause 19.3 of the RFP-No.2/2009-10.
MAZ Aviation Consulting -1	3	Delivery schedule	"within a period of two months from the date of acceptance of the RFP"	Some of the activities within 2 (i), 2 (ii), and 2 (iii) are likely to be sequential rather than parallel. Is the time limit set for the completion of each of these activities separately or for the completion of the last of these activities?	The Selected Applicant shall be first required to submit a draft of recommendations on paras 2(i) and 2 (ii) within a period of two months from the date of acceptance of RFP. After receipt of draft recommendations, the stakeholder consultations and consequential modifications, if any, are expected to take one month. Thereafter, the Selected Applicant shall be required to formulate the final draft of necessary rules and regulations within a further period of one month. Upon submission of the final draft of the rules and regulations, the Selected Applicant shall be bound to extend the hand holding support for a period of one year.

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Query No	No.	Name	Text requiring clarification	Bidder's query	AERA's Clarifications
MAZ Aviation Consulting - 2	4.2 sub-clause (iv)	Define Systems, processes and procedures for enabling AERA to carry out its Regulatory Functions	“systems and formats for analyzing the data”	In order to operationalise this activity, one of the possible requirements would be the design and installation of suitable software systems. Is this part of the scope? If not, who shall take responsibility for this?	The objective of the assignment is to obtain workable recommendations inter-alia regarding tariff fixation and not merely a conceptual approach. The Selected Applicant would, therefore, have to provide a composite solution, including software solution. In case the software solution needs development of customized software, the Selected Applicant shall be responsible for providing the same at no extra cost to AERA. If the requisite software could be procured off the shelf, AERA would procure the same. It is also understood that pursuant to the experience of the handholding period/first tariff cycle, AERA may like to go for a long term software solution. The development of such a long term software solution is not intended to be a part of the scope of work of this assignment.
MAZ Aviation Consulting - 3	4.2 sub-clause (x)	“evolve methodology for assessing the timely investments and underlying financing decisions of the service providers or the stakeholders”		Does stakeholders or service providers mean third parties such as (and including) airlines, ground handlers, etc? This is a much larger task and would require a separate set of experts.	Stakeholder includes a licensee of an airport, airlines operating thereat, a person who provides aeronautical services and any association of individuals, which in the opinion of the AERA, represents the passenger or cargo facility user. However, it is clarified that AERA expects a detailed work in respect of the airport operators and other persons providing aeronautical services. The Key Experts proposed in the RFP, based on their expertise, shall be in a position to evolve such a methodology for assessing the timely investments and underlying financing decisions of the service providers or the stakeholders.
MAZ Aviation Consulting – 4	4.2 sub-clause (xii)	“evolve appropriate systems for identifying revenue from regulated services...”		Does this also include the provision of appropriate enabling software?	May refer to clarification to MAZ Aviation Consulting – Query No.2.

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MAZ Aviation Consulting - 5	4.2 sub-clause (xiii)		“evolve suitable benchmarks for factoring of revenue received from services other than aeronautical services towards determination of tariff for aeronautical services”	This will likely call for a cross-subsidization effort. Does this not contrary to the objectives of creating a transparent tariff mechanism, including the creation of a level playing field?	AERA has been established under the AERA Act, 2008 and is bound to function as per the legal provisions therein. The captioned requirement has been prescribed in line with the provisions of Sec 13 (1) (a) of the Act.
MAZ Aviation Consulting - 6	4.3	Assistance in Stakeholder consultations		Who has responsibility to ensure the timely availability of stakeholders for consultations?	AERA will coordinate stakeholders consultation and the Selected Applicant would be closely involved in the consultation process.
MAZ Aviation Consulting - 7	4.5	Hand holding support	“...capacity building and training...”	Who has responsibility for ensuring that the appropriate persons are on board? What if the required personnel are not hired within the stipulated period of time?	AERA shall be responsible for ensuring that the requisite staffing is done in time.
MAZ Aviation Consulting - 8			“...capacity building and training...”	Is training to be provided by the Consultant? If so, is this included in the overall scope of work? Or, is this outsourced to a vendor?	Training shall be imparted by the Selected Applicant in the manner best suited to AERA's requirement (Clause 4.5)
MAZ Aviation Consulting - 9	10.1	Conditions of Eligibility	“In order to be eligible to submit the RFP, an Applicant should have participated as a Consultant in any of the following...”	Is there any specification as to a) which of the members of the consortium should have participated, and b) Should the member necessarily have participated as a part of the current organization?	a) A member who has participated as a Consultant in any of the projects/assignments specified in 10.1.1 is eligible. b) No.
MAZ Aviation	10.1.3	Conditions of Eligibility	“during each of the last three financial	Since the current year is not yet completed, can a part	The revenue received in respect of the last three completed financial years may be furnished.

Bidder & Query No	RFP Section			Bidder's query	AERA's Clarifications
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Consulting - 10			years..."	year be considered? If so, will the same condition of Rs.30 crores apply, or will it be proportionate to the number of months of the year?	
MAZ Aviation Consulting - 11	10.1.3		"a minimum income of Rs.30 crores per annum..."	If the consortium lead is not an Indian company, what is the acceptable currency conversion basis to be used?	In such a case a certificate indicating the income in US\$ terms may be submitted. It will be converted as per exchange rate (as notified by the Reserve Bank of India) on the closing date of relevant Financial Year.
MAZ Aviation Consulting - 12	10.1.4		Availability of Key Personnel	Should the Key Personnel require to work out of AERA's premises? Is this a full time requirement for the key personnel to be on site?	AERA would require the support of the entire team during the implementation of the project. The deployment of the Key Experts during the assignment should be managed by the Applicant in such a manner that they are available , as and when required, and the work of AERA should not be delayed / adversely impacted due to their non-availability.
MAZ Aviation Consulting - 13	10.1.5	Eligibility criteria for key personnel	Airport expert and Institutional expert	Is it necessary that they should have the relevant expertise in India only? Can international expertise be considered as a substitute if the Consultant is not an Indian company?	International expertise could be considered. However, considering the Indian aviation & airport scenario, its nature and complexity involved and the Regulatory set up required in India, due consideration will be given to Indian Experience.
MAZ Aviation Consulting - 14	11.23	Format and signing of Proposal	"the proposal must be signed by the authorized representative..."	Who should take this role in the case of a consortium approach?	Refer to Clause 11.2.3 of the RFP document.

Bidder &	RFP Section				
Query No	No.	Name	Text requiring clarification	Bidder's query	AERA's Clarifications
MAZ Aviation Consulting - 15	14	Conflict of Interest		Will performance of a similar engagement for any other airport authority at the same time be construed as a conflict of interest?	A similar engagement for any service provider or any other stakeholder shall be construed as a conflict of interest.
MAZ Aviation Consulting - 16	18	Clarifications	“such clarification shall be provided within the time specified by AERA for this purpose.”	What is the minimum duration of time expected to be? Can this be less than a period of three working days?	Reasonable time shall be given to the applicants to provide the clarifications.
MAZ Aviation Consulting - 17	19.3. g	Evaluation Process	“it does not contain any condition or qualification”	Does this also apply to scope exclusions?	Yes. This will also include scope exclusions.
MAZ Aviation Consulting - 18	19.5	Evaluation Process	“...3rd November 2009 after the presentation...”	What is the expected form of the presentation?	A Powerpoint presentation.
MAZ Aviation Consulting - 19	19.8.3	Technical Proposal Evaluation	“The selected consultant shall be paid professional fees for the services which shall be linked to milestone achievements as indicated below:”	What is the expected process for invoicing and payments? How many days is it expected to receive payments from the date of invoicing?	The Applicant shall invoice AERA upon achievement of the specific milestone. Upon satisfactory completion of the specific milestone, AERA would endeavour to make the payments within 15 days from the date of receipt of the invoice.

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MAZ Aviation Consulting - 20	21.1.1	Negotiations	“the negotiations could be for reducing the price of the Proposal...”	Would an Applicant's unwillingness to a price reduction be liable to be considered as non-responsiveness?	Only the bids, which are found to be responsive, would be evaluated.
MAZ Aviation Consulting - 21	21.3	Award of Consultancy	“After selection, a Letter of Award shall be issued...”	In what time duration from the date of evaluation is the LOA likely to be issued?	As per clause 23 of the RFP document, a proposal shall be valid for a period of 90 days from the proposal due date. AERA would endeavour to issue the LoA within 15 days from the date of identifying the Selected Applicant.
MAZ Aviation Consulting - 22	21.5	Commencement of Assignment	“the selected Applicant shall commence the Consultancy services with 7 days...”	It may be difficult to arrange for mobilization of the entire team within 7 days. Is any relaxation in this term considered possible?	No relaxation is envisaged. Position as stated in the RFP is reiterated.
PWC – 1	14	<p>Conflict of Interest - In July 2009, Airports Authority of India released a Request of Proposal for advising Ministry of Civil Aviation, Government of India on Determination of Development Fee (DF) & User Development Fee (UDF) at Chennai, Kolkata & User Development Fee at other selected Non-Metro Airports. As part of the scope of work, consultant is expected to:</p> <ol style="list-style-type: none"> 1. scrutinize the AAI proposal for 10 airports; 2. carry out due diligence and evaluation of AAI proposal in terms of AAI Act, ICAO principles, Aircraft Act, Aircraft Rules, international regulatory practices and guidelines, if any, formulated by Ministry of Civil Aviation/AERA and assist Ministry of Civil Aviation; and 			AERA cannot comment upon / opine on the specific assignments. It is the responsibility of the Consultant to ensure that they remain strictly within the RFP requirements. However, for the sake of clarity, it may be stated that a similar engagement for any service provider or any other stakeholder shall be construed as a conflict of interest. Whereas a similar engagement for any other regulator (viz Central Government in the case of airports other than major airports) may not be so construed.

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			<p>3. assist the Ministry of Civil Aviation/AERA in AAI deliberations/negotiations for determination of DF/UDF in successfully concluding the various assignments.</p> <p>PricewaterhouseCoopers are currently the preferred bidder for the above assignment. In view of the work being in the nature of assisting / working along with the Ministry / AERA, we are not treating this as conflict of interest. Please confirm this position.</p> <p>This is important as other potential bidders/consultants to AERA would also have similar issues as they are assisting AAI/MoCA for UDF proposals (Jaipur, for example).</p>		
PWC – 2	10		<p>Eligibility Criteria - The eligibility criteria for team leader position require, among others, the personnel to have 20 years of professional experience along with sound understanding and experience of the legal, economic and regulatory framework governing the airport and air navigation service sector in India and abroad.</p> <p>We would like to submit that, in view of economic regulation of airports being introduced in India for the first time, it might be difficult for any single individual to cover all the requirements mentioned in terms of experience in India and abroad. Further, the practical limitations of proposing an international expert in that position may include:</p> <ol style="list-style-type: none"> 1. Limited understanding of airport and air navigation service sector in India and of other infrastructure sectors in India with associated developments in economic regulation. 2. Higher consultancy cost and hence “Value for Money” issues. <p>In consideration of the above mentioned points, we request that bidders/consultants may be allowed to split the team leader position into 2 positions namely, Team Leader (having international airport sector experience) and Deputy Team Leader (having Indian</p>		<p>It is clarified that the Team Leader does not necessarily need to have both International and Indian experience. But preference shall be given to a person who possesses experience both in India and abroad. Further, the Team Leader is envisaged to be the focal point of contact between AERA and the Selected Applicant. The splitting of Team Leader position into Team Leader and Deputy Leader may, therefore, diffuse the accountability and is as such not likely to be conducive to successful implementation of the assignment. In any case, RFP provides flexibility to the Applicant to offer more than one expert in any given sector. This flexibility could be gainfully utilise to strengthen the team.</p>

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			infrastructure sector regulatory experience) and evaluate the combined expertise of these personnel against the criteria outline for the Team Leader position. Advantages of such an arrangement will include: 1. Split of time commitments between the Team Leader and Deputy Team Leader for better on-site, on ground presence 2. Improved knowledge base of the project team with experience from India and abroad. 3. Better value for money through most appropriate application of international expertise in the area of services to meet the assignment objectives.		
TERI 1.	12.1.1 (f) & 19.6.1	Technical Proposal and Team composition and experience of key professionals - No alternative proposal for any Key Personnel is being made and only one CV for each position has been furnished. Applicants, who offer to provide more than one expert for one or more sectors, shall clearly specify the sector expert who should be evaluated for the purpose of Technical Evaluation.		It is not clear if the applicant is allowed to submit more than one CV for sector experts or has to submit only one CV for each expert.	The Applicant may offer to provide more than one expert for one or more sectors. In such a case the Applicant shall clearly specify the sector expert who should be evaluated for the purpose of Technical Evaluation.(Clause 19.6.1 of the RFP may please be referred).
TERI 2.	13.5	Submission of proposal	The Technical Proposal and Financial Proposal shall be typed or written in indelible ink and signed by the Authorised Representative of the Applicant. All pages of the Technical Proposal (marked	Is it necessary for the applicant to get each copy of the technical proposal signed by Authorised representative or would it be sufficient to get the ORIGINAL technical proposal signed and provide copies of the same?	All pages of the Technical Proposal, marked as 'ORIGINAL' must be numbered and initialed by the person or persons signing the Proposal. It is sufficient to get the ORIGINAL technical proposal signed and provide copies of the same.

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			'ORIGINAL') and Financial Proposal must be numbered and initialed by the person or persons signing the Proposal.		
CRISIL 1.	7.4	Bid Security		Clause 7.2 mentions that proposal not accompanied by the bid security will be treated as non-responsive. However clause 7.4 mentions that bid security will be forfeited if the bid is non-responsive. There could be minor issues wherein additional information/clarifications etc. could be sought from the consultants during the technical evaluation. Therefore please specify as to under what specific circumstances the bid will be treated as non-responsive. Given that the bid security is substantial, we request that specific circumstances under which the same may be forfeited be detailed out.	The proposal shall be treated non-responsive if it does not satisfy any of the conditions laid down vide clause 19.3 (a) to (g) of the RFP.

Bidder &	RFP Section				
Query No	No.	Name	Text requiring clarification	Bidder's query	AERA's Clarifications
CRISIL 2.	9.1	Key personnel		What will be the scope of work of the MIS expert? Will an additional position for MIS expert be required as the same has not been specified elsewhere in the RFP?	The Institutional Expert is also expected to possess expertise in MIS.
	10.1.5	Key personnel		Will the financial expert be required to have experience specifically in the aviation sector also or will experience in other infrastructure sectors suffice?	The Financial Expert should have experience in the financial analysis of public, private and PPP projects in the airport infrastructure and /or air navigation service sector as well as across other infrastructure sectors. (Refer Clause 10.1.5)
CRISIL 3.	10.1.8	Eligibility criteria - An Applicant, in the last three years, must not have failed to perform on any agreement and/or contract by way of an imposition of a penalty/damages by an arbitral award or any other judicial pronouncement. The Applicant must not have either been expelled from any project or faced any termination of the agreement/ contract for being held responsible for its breach.		We wish to clarify that this would pertain only to failure of performing on assignments due to lapses at the consultants' end and not to assignments which have been delayed due to delays at the client's end.	The intention of the clause is to ensure that the Applicant has not been penalized for poor quality of work or breach of contract and has not failed to complete the work awarded to it by a public authority / entity in the last 3 years. However, the cases where the applicant has not been able to complete an assignment due to the reason entirely attributable to the assignor/principal are out of the purview of this bar.
CRISIL 4.	19.7	Technical Proposal Evaluation		This also does not refer to the MIS expert stated earlier. Pl clarify.	Clarification provided in response to CRISIL Query No.2 may be referred.
Deloitte 1.	7.1	Bid security		We understand that the underlying purpose of	The Bid Security has ben quantified taking into consideration all relevant factors and is considered to be

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				<p>AERA, in putting this clause, is to prevent bidding by frivolous bidders. However, Bid Security is usually taken from the winning bidder and for the purpose stated above AERA may put a requirement for EMD. Given the nature and scope of the project, the amount of Rs.10 lacs is rather high. Further, this amount has been requested in form of DD, on which neither the client gets any interest nor does the bidder. We request you to appropriately reduce the amount for EMD to Rs.1 lac only. Further, we request that the same may be allowed to be furnished in form of Fixed Deposit (FD).</p>	<p>reasonable. Position as stated in the RFP is, therefore, reiterated.</p>
Deloitte 2.	7.4 a	Bid Security		<p>It may please be noted that even when an applicant would have made all the efforts from its side to submit a responsive proposal, AERA possesses the sovereign right to declare the proposal as non-responsive. Such a condition seems to be inequitable and rather harsh on the Applicant. Hence,</p>	<p>The RFP document (Clause 19.3) explicitly lists out the conditions under which proposal would be treated as responsive / non responsive. The query , therefore, appears to arise out of misreading/ non comprehension of the document.</p>

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				we request you to remove this condition.	
Deloitte 3.	19.6.2	Evaluation Process		We understand that during the hand-holding support period, the team of experts is not required to be deployed continuously on full time basis. Therefore, we request to modify this clause to give an effect that the consultant shall make available the proposed experts at 5 days' notice, during the hand-holding support period. Also to make comparisons of different proposals possible the advertiser may indicate the man time estimate for the hand holding period.	AERA would require the support of the entire team during the implementation of the project. The deployment of the Key Experts during the assignment should be managed by the Applicant in such a manner that they are available , as and when required, and the work of AERA should not be delayed / adversely impacted due to their non-availability.
Deloitte 4.	19.6.4	Evaluation Process		As the language of text implies, we understand that the Presentation can be made by the Authorized Signatory and one of the sector expert. Please confirm.	As per clause 19.6.4 of the RFP, the presentation shall be made by the Authorized Signatory and / or the Team Leader when at least one of the sector experts would be required to be available. Therefore, the presentation may be made by the Authorized Signatory and one of the sector expert.

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SITA 1.	App.-I (Form-5)	Financial Capacity of the Applicant		SITA group has multiple companies – can SITA provide information required under “Financial Capacity of Applicant” from among one of the SITA group companies and bid from another SITA entity (which is a sister concern within the SITA group)?	No. The Company, which will be submitting the proposal should give their Financial capacity. No other group company is allowed.
SITA 2.		General query		Since SITA SC is a society cooperative and as per RBI regulations, all SITA SC customers need to become member of SITA SC which has well established benefits. Would AERA be willing to become a SITA SC member which SITA can confirm will entail no commercial liability on AERA.	Query is not related to RFP.
Foxmandal Little-1	4.1	Capacity Building	Designing AERA's organizational structure and staff responsibilities including Capacity building	Whether the selected Bidder should only be responsible for the functions mentioned in 4.1 (i-v)? Does AERA going to provide any guidelines for those functions?	AERA would, wherever necessary, provide assistance/ guidance to the selected Consultant for designing the structure.
Foxmandal Little -2	9	Composition of Team - Experience of Sector Experts		For the experience of sector experts is it mandatory to have experience within the jurisdiction of India or the experience with the	International expertise could be considered. However, considering the Indian aviation & airport scenario, its nature and complexity involved and the Regulatory set up required in India, due consideration would be given to a person with Indian experience.

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				government authorities within different jurisdiction will also be taken into account?	
Ernst & Young-1	10.1.4	Conditions of Eligibility - Availability of Key Personnel: The proposed Team Leader and Sector Experts must be the employees of the Applicant or any of the Consortium members (in case the Application is made by a Lead Member on behalf of a Consortium). It shall offer the services of only those Key Personnel who fulfil the eligibility requirements specified in the table given at clause 10.1.5		Can the Team leader and Sector experts be a sub-contractor of the applicant or the Consortium Member instead of being an employee?	The concept of a sub-contractor has not been envisaged in the RFP. The Team Leader and the Sector Experts should be the employees of the Applicant or any of the Consortium Members on the proposal due date. The Sector Experts, could also, in their individual capacities, act as a member of the Consortium.
Ernst & Young-2 & 3	7.1	Bid Security - The Applicant shall submit, along with their bids a Bid Security of Rupees Ten Lakhs only in the form of a Demand Draft issued by a Nationalised Bank in India in favour of the "PAO, Secretariat, Ministry of Civil Aviation" payable at New Delhi. Bid Security in any other form shall not be entertained.		Request you to please keep a requirement of a Bank Guarantee instead of a Demand Draft.	Position stated in the RFP document is reiterated.
Ernst & Young- 3	7.1	Bid Security -		Request you to keep requirement of a Scheduled Bank instead of a Nationalised bank incase query above is not acceptable.	Accepted.

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Ernst & Young- 4	15	Proposal due date		Request to extend the due of submission by a couple of weeks to 16 th November 2009	Position stated in the RFP document is reiterated.
KPMG -1	10.1.6	Eligibility Criteria - The Applicant shall enclose with the Technical proposal, a certificate issued by its Statutory Auditors stating its year wise income against the professional fee during the past three years in the format prescribed at Form 5, Appendix I.		Would it satisfy AERA if the Statutory Auditors would issue a certificate stating that KPMG's year wise income against the professional fee during the past three years was greater than INR 60 crores.	The certificate should be submitted in the prescribed format at Form 5, Appendix I to the RFP document. However, in exceptional cases, AERA may in its sole discretion accept a certificate if it does not substantially deviate from the RFP requirement and the evaluation criteria.
KPMG -2	19.7. 1	Technical Proposal Evaluation	Criteria for Evaluation	Will the scoring of the firm and experts, be done on a pro rate basis, i.e. number of qualified projects done by each consultant under the evaluation criteria.	The scoring would not only be linked to the number of successful assignments completed but shall also take in to consideration the scope of such assignment, the extent of the Applicants/ experts participation/ involvement / contribution in each of the assignment.
KPMG -3	Para 9	Appendix 1, Form 1 - I/We declare that we/any member of the consortium, are/is not a Member of a/any other Consortium applying for selection as a Consultant.		Can the legal expert be part of two different consortia? Rationale: There are not too many legal firms that have the requisite knowledge and experience. Further, the Planning Commission and MoF have approved multiple bids by legal firms in recent tenders	Position stated in the RFP document is reiterated.
KPMG-4		General Query raised during the Pre-bid meeting.		In case of the Applicant being a Consortium, would a copy of Memorandum of Understanding between the Consortium Members be sufficient to establish the	A Memorandum of Understanding duly signed by all members of the Consortium may be sufficient to establish the identity of the Consortium for RFP purposes.

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				identity of the Consortium?	
NERA -1	Clause 7.4 (a)	Bid Security - <i>“ The Applicant by submitting its proposal pursuant to this RFP, shall be deemed to have acknowledged that without prejudice to AERA’s any other right or remedy hereunder or in law or otherwise, the Bid Security shall be forfeited and appropriated by AERA as the mutually agreed pre-estimated compensation and damage payable to AERA for, inter alia, the time, cost and effort of AERA in regard to the RFP including the consideration and evaluation of the Proposal un the following condition:</i> <i>(a) If an Applicant submits a non-responsive Proposal;”</i>	We believe this clause is an entry barrier and does not allow qualified foreign consultants to submit a proposal. Foreign consultants will perceive that there is a high risk that their proposal will be considered not responsive by AERA as consequence of minor formal mistakes as a form not properly filled. We request that this clause is cancelled. In the event that this is not accepted we request that the amount to be forfeited is equivalent to 1% of the bid security, which is a reasonable estimate of administration costs.	The conditions under which a proposal shall be considered as non-responsive are explicitly laid down in Clause 19.3 of the RFP document. Submission of bid security and its forfeiture in case the proposal is considered as non responsive is a usual commercial practice. The Bid Security amount has been prescribed keeping in view all relevant factors. Hence, the position stated in the RFP document is reiterated.	
NERA -2	Clause 7.1	Bid Security - <i>“The Applicant shall submit, along with their bids a Bid Security of Rupees Ten Lakhs only in the form of a Demand Draft...”</i>	Our banks do not provide the service of issuing Demand Drafts through a nationalized bank in India. Only a bank guarantee can be provided. We request the Bid Security not to be asked, in case it is asked for a small amount corresponding to effective administrative costs, we ask	A Banker's Cheque from any Scheduled Commercial Bank in India, in favour of PAO, Secretariat, Ministry of Civil Aviation, payable at New Delhi could also be submitted.	

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				the form of payment of the Bid Security to be modified such to allow a Bank Guarantee.	
NERA -3	Clause 8 and Clause 19.8.2	Selection Process/ Financial Proposal - <i>"In the first stage, a technical evaluation shall be carried out as specified in Clause 19.7. Based on this technical evaluation, a list of short-listed applicants shall be prepared whose financial bids shall be opened for final selection of the Applicant."</i> and <i>"The shortlisted Applicant whose financial bid is found to be the lowest shall be selected as Consultant."</i>	<p>The two stage approach envisaged by the RFP implies that the winner will be the consultant asking for the lowest fees, without considering the quality of such consultant with respect to the others shortlisted.</p> <p>We do believe that the tasks of the project require high technical expertise, which might substantiate in relatively higher fees.</p> <p>In order to take into account both quality and costs, we recommend that the selection process is based on a weighted average of the scores given to the technical bid and the financial bid. We propose that the weights are 70% for the technical bid and 30% of the financial bid. This process will ensure the quality of the service.</p>	The Financial Bids of the 1 st three ranked bidders, who will be indentified on the basis of Technical evaluation shall be opened. Hence, the quality / technical expertise is being given sufficient weightage. Position stated in the RFP document is, accordingly, reiterated.	
NERA-4	Appen dix-I Form 4	Power of Attorney - <i>"Notes:... The Power of Attorney should be executed"</i>	Our Power of Attorney is notarized by an Italian public notary on Italian	A specific Power of Attorney for the purpose of all such acts, deeds and things as are necessary or required in connection with or incidental to the submission of your	

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			<i>on a non-judicial stamp paper of Rs. 50 and duly notarized by a notary public."</i>	<p>judicial paper and is apostilled according to the Hague Convention.</p> <p>It is not executed on a non-judicial stamp paper of Rs. 50 since it is compliant to the Italian Law and according to the Italian law this is not possible. Please confirm if this is fine.</p>	<p>Proposal for selection as the Consultant for Structuring and Operationalising of AERA shall be required in this case as against a General Power of Attorney.</p> <p>This specific Power of Attorney, as prescribed in Form-4, of Appendix-I, shall be required in the instant case which should be notarized by an Italian public notary on Italian judicial paper and is apostilled according to the Hague Convention. The Power of Attorney executed and issued overseas, will also have to be legalised by the Indian Embassy. However, the Applicant from the countries that have signed the Hague Legislation Convention, 1961 need not get their Power of Attorney legalized by the Indian Embassy if it carries a Apostille certificate.</p>
NERA-5	Clause 10.1.4	Eligibility Criteria - <i>The proposed Team Leader and sector Experts must be the employees of the Applicant or any of the Consortium members"</i>		<p>Two of our key experts (namely, the Airport Expert and the Legal Expert) are not NERA employees, but they are sub-consultants. Please clarify whether the fact of having sub-consultants identify us as a Consortium.</p> <p>In case we are allowed to have sub-consultants without being a Consortium, please clarify whether we have to provide specific declarations/documents concerning this collaboration with external parties. No specific reference to sub-consultants is made in the RFP.</p> <p>In case we need to</p>	<p>The concept of sub-consultants has not been envisaged in the RFP. However, NERA can co-opt the Airport Expert and Legal Expert as individual members to form a Consortium. In such a case filling up the details of the Sector experts in the Appendices to the RFP shall be sufficient.</p>

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				constitute a Consortium, please clarify whether it is sufficient to fill clause 1.4 and 1.5 of Form 2 and Form 3, or whether additional documentations are required. Such additional documentation is not mentioned in the RFP.	
NERA-6	Clause 19.6.4	Team Composition and Experience of Key professionals /Experts - <i>"The presentation shall be made by the Authorized Signatory and / or the Team Leader, when at least one of the Sector Experts would be required to be available."</i>		In our proposal the Authorized signatory is also the Team Leader and, because of previous commitments, he is not available to travel to be in New Delhi on November 3rd. Please clarify whether: - the Authorised signatory/Team Leader can do the presentation via videoconference; - in case the videoconference modality is not accepted, a Sector Expert can deliver the presentation on behalf of the Authorised signatory /the Team Leader (note that our Authorised signatory and Team Leader are the same person).	The reason for an Authorised Signatory/Team Leader being required to make the presentation is to ensure that the Applicant gets the opportunity to provide a holistic view. As an exceptional case, AERA may allow any of the Sector Expert to make the presentation. However, this would not be a preferred situation and is likely to impact the assessment / evaluation adversely.
Darrp 32 Partners - 1	9	Composition of the Team - The Applicant shall be required to offer a team of key personnel to carry out the assignment.		Should the applicant look at staffing the project from a scope of work perspective or only the specific experts	A team comprising of the Team Leader and the Sector experts is a minimum requirement. The selected consultant may engage suitable support staff so that the assignment could be successfully completed within the

Bidder & Query No	RFP Section			Bidder's query	AERA's Clarifications
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				as mentioned in the RFP?	time period specified.
Darrp 32 Partners - 2	10	Eligibility Criteria - In order to be eligible to submit the RFP, an Applicant should have participated as a Consultant in any one of the following projects/assignments:		In the case of a consortium, do these criteria apply to the lead member or is it sufficient if any one of the members satisfy the criteria?	It is sufficient if any one of the Member satisfies the eligibility criteria. However, for the purpose of the financial capacity of the Applicant, the financials of the Lead Member would only be considered for evaluation.
Darrp 32 Partners - 3	10	Eligibility Criteria - The Applicant should have received a minimum income of Rs. 30 crores per annum under the head of professional fees during each of the last three financial years.		In the case of a consortium, do these criteria apply to the lead member or is it sufficient if any one of the members satisfy the criteria?	As clarified earlier, the financials of the Lead Member would be considered for the purpose of evaluation.
Darrp 32 Partners - 4	10	Eligibility Criteria - Each of the Key Personnel must fulfill the eligibility criteria specified here in below		Would the "length of professional experience" be considered across the total experience of the individual or only across the 'eligible assignments' as defined in the RFP?	The experience of the Key Personnel across eligible assignments as specified in the RFP would be considered for evaluation
Darrp 32 Partners - 5	10	Eligibility Criteria - Each of the Key Personnel must fulfill the eligibility criteria specified here in below		As long as the team leader satisfies the overall criteria for having a sound understanding of the required area of specialization, is the specific requirement for assisting or advising at least two regulatory authorities on capacity building mandatory?	The RFP clearly stipulates that the Team Leader should have participated in the process of assisting or advising at least two regulatory authorities on capacity building; or preparing multiyear tariff regulations; or tariff reviews; or tariff fixation; or evaluation of multiyear tariff petitions /submissions. Hence specific requirement of having assisted / advising a Regulatory Authority on Capacity Building is not mandatory for the Team Leader.
Darrp 32 Partners - 6	10	Eligibility Criteria - Each of the Key Personnel must fulfill the eligibility criteria specified		Across the eligibility criteria, the primary focus on having regulatory	A higher wightage has been proposed in the RFP for the Applicant and Team Leader who have participated in projects/ assignments specifically relating to the airport

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		here in below		related experience, should there not be more weightage allotted for having airport specific experience?	infrastructure or air navigation service sector. A similar higher weightage shall be given in case of the Sector Experts as well.
Darrp 32 Partners - 7	11	Preparation and Submission of the Proposal - No supporting document or printed literature shall be submitted with the Proposal unless specifically asked for;		Can the applicant include additional documents in the form of an appendix which supports/further explains the documents submitted as part of the proposal?	The position as stated in the RFP is reiterated. Additional information / clarification, if required by AERA shall be sought under Clause 18 of the RFP. However, the Consultant may, if considered essential, include such additional information/ supporting during the course of their presentation.
Darrp 32 Partners - 8	12	Technical Proposal - Key Personnel would be available for the entire period of the assignment including the Hand holding period.		As long as the key personnel are available for all the requirements of this assignment, can they continue to work on other assignments during this time?	AERA would require the support of the entire team during the implementation of the project. The deployment of the Key Experts during the assignment should be managed by the Applicant in such a manner that they are available , as and when required, and the work of AERA should not be delayed / adversely impacted due to their non-availability. In case the Experts have to continue to work on other assignments, it must be ensured that the interest of AERA is kept paramount and that a “Conflict of Interest” situation does not arise in such cases.
Darrp 32 Partners - 9 & 10	14	Conflict of Interest -AERA requires the Consultant to provide professional, objective and impartial advice and at all times hold AERA's interests paramount and avoid conflict of interest with any other assignment.		What are the specific assignments which would be construed as a conflict of interest? E.g. Would having advised an Indian private airport operator on regulation be construed as conflict of interest? If the consultant has sufficient internal processes to ensure no data/knowledge transfer from one of its assignments to another, does this	It is not possible to clarify in hypothetical situations.

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				condition still apply?	
Darrp 32 Partners - 11	19	Evaluation Process - AERA would evaluate each member proposed to be deployed based on their qualifications, experience etc, and assign score for every applicant based on its evaluation as under:		The same requirements for the applicants and key personnel is mentioned under both "eligibility" and "evaluation criteria". Are these requirements the minimum needed to be eligible OR are these simply evaluation criteria which would form part of the overall score?	These are minimum requirements needed to be eligible for the subject assignment.
Seabury Aviation & Aerospace - 1	7.1	Bid Security - "...in the form of a Demand Draft issued by a Nationalised Bank in India..."		Our bank advises that it cannot supply a Demand Draft from its branch in India, so we could only make a priority payment from our UK account to you. Is this acceptable?	A Banker's Cheque from any Scheduled Commercial Bank in India, drawn in favour of PAO, Secretariat, Ministry of Civil Aviation, and payable at New Delhi could also be submitted.
Seabury Aviation & Aerospace - 2	7.1	Bid Security - "...in favour of the 'PAO, Secretariat, Ministry of Civil Aviation'..."		What Does 'PAO' stand for, and is 'PAO' a natural person?	PAO stands for the "Pay and Accounts Officer". He is an officer of the Central Government.
Seabury Aviation & Aerospace - 3	7.4	Bid Security	Clause (c)	There is no Clause (c). Can you either confirm that this is the case or kindly provide Clause (c)	This is a typographical error. There is no Clause 7.4 (c) in the RFP. The error is regretted.
Seabury Aviation & Aerospace - 4	8	Selection Process	"...The first ranked Applicant shall be selected for negotiation..."	Is this the first ranked technically? If not, then how are the technical and financial proposals	The shortlisted Applicant whose financial bid is found to be the lowest shall be selected as the Consultant (Clause 19.8.2).

Bidder & Query No	RFP Section			Bidder's query	AERA's Clarifications
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				combined to give a new ranking?	
Seabury Aviation & Aerospace - 5	11.2.4	Format and Signing of Proposal	"... the Power of Attorney certified ... and notarised by a notary public..."	Can you confirm that the notary public does not need to be an Indian notary public?	As stated in the Note to Form4, Appendix-I of the RFP document, for a Power of Attorney executed and issued overseas, the document will also have to be legalised by the Indian Embassy and notarised in the jurisdiction where the Power of Attorney is being issued. However, Applicants from countries that have signed the Hague Legislation Convention, 1961 need not get their Power of Attorney legalised by the Indian Embassy if it carries a conforming Apostille certificate.
Seabury Aviation & Aerospace - 6	19.6.4	Team Composition	Presentation on 3 November	Please confirm that all parties that submit proposals would be invited to present on 3 November. When will the timing of the presentation be notified to bidders?	All Applicants submitting the proposal pursuant to the RFP shall have to make the presentation before the Technical Bid Evaluation Committee on 3 rd Nov'2009, from 0930 hrs (IST), at the Seminar Hall, IIIrd Floor, 'A' Wing, Rajiv Gandhi Bhawan, Safdarjung, New Delhi – 110 003 (Clause 19.6.4 of the RFP document). However, AERA may, in its discretion, choose not to take presentations from such applicants whose proposals have been found to be non-responsive.
Seabury Aviation & Aerospace - 7	19.7	Technical Proposal Evaluation	Financial Strength	As currently drafted, the maximum points that may be scored in this criteria is 2, since Points 2 and 3 and mutually exclusive, and points may only be scored from one of them.	It may be observed that a firm that has received Rs.60 crores as professional fees in each of the last three financial years would have necessarily received more than Rs.30 crores in each of the last three financial years. Hence, a firm that has received more than Rs.60 crores as professional fees in each of the last three financial years will be eligible to get a full score of 3 marks allotted for financial strength.
Seabury Aviation & Aerospace - 8	19.7.2	Technical Proposal Evaluation	"...The maximum achievable ... score ... would be 100 marks..."	As noted, above, please confirm that the maximum score is 99	In view of the clarification furnished above, the maximum score shall be 100.

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Seabury Aviation & Aerospace - 9	19.8.2	Financial Proposal	"The shortlisted Applicant whose financial bid is found to be the lowest shall be selected as Consultant"	Is this the basis of the ranking noted in Query 4 above?	The shortlisted Applicant whose financial bid is found to be the lowest shall be selected as the Consultant (Clause 19.8.2).
Seabury Aviation & Aerospace - 10	21.2.2	Substitution of Key Personnel	"AERA will not consider substitution of Key Personnel except..."	The duration of the contract (16 months from commencement and longer from submission of proposals) is quite longer. Over such a period, most organizations would expect some turn-over in staff. How will AERA respond to any instances of Key Personnel not being available?	Position as stated in the RFP is reiterated.