

Draft Tentative Response to the Pre-bid Queries

Tender for RFP for Empanelment of CERT-In Empaneled Security Auditor for Security Audit of all GoG websites, Web Applications, Mobile Applications hosted in GSDC & NIC.

(Tender No. SWT231221212 dated 23.12.2021)

Sr. No.	Tender Reference		Query / Clarification / Suggestions from the Vendors	Responses to Vendors
	Page No./Section No./ Clause No.	Tender Description		
1	Background Page number 2 Point Number 4 & 5	The Payment for Bid Processing Fee i.e. INR 1770/- (One Thousand Seven Hundred seventy only) (Nonrefundable) and Earnest Money Deposit of Rs 1,00,000/- (Rupees One Lakh only)	We are MSME and NSIC Registered company. As per the guidelines of MSME & NSIC we are exempted from the Submission of Tender Fee and EMD. We request you to relax us from the submission of Tender Fee and EMD	The request for exemption of EMD and tender fee will be considered, subject to proof of MSME and NSIC registration have to be submitted at time of document verification process.
2	SECTION III: TENDER PROCESSING AND EVALUATION Page Number 16 Evaluation Criteria Table 1: Marking Pattern for Turnover: Maximum Marks: 50	Annual Turnover more than INR 250 Cr. Annual Turnover more than INR 150 Cr. Annual Turnover more than INR 100 Cr. Annual Turnover more than INR 50 Cr. Annual Turnover more than INR 10 Cr. Annual Turnover less than INR 10 Cr.	Since the scope of work includes only auditing of websites and application, turnover of more than 250 cr is not relevant. Normally such types of Tender ask turnover b/w 10 cr to 20 cr. 50 Marks for turnover of more than 250 Cr shall restrict many agencies for participation and qualify for the RFP because of QCBS Criteria. You are requested to please modify turnover slab as per the estimate of this RFP	Refer Corrigendum 01
3	SECTION III: TENDER PROCESSING AND EVALUATION Page Number 16 Evaluation Criteria Table 2: Marking Pattern for Executed Work Per Year: Maximum Marks: 50	Experience as a sub-contractor shall not be considered for technical evaluation. As a proof the bidder shall attach copy of the work completion certificate, work order, bill raised and other relevant documents with tender documents.	For the completion certificate in the Private Clients, can we submit Invoices in place of completion certificate	The bidder may submit the invoice with work order/contract order.
4	Regarding the Technical Details the following documents need to be	3. Details of Proposed manpower to be deployed	As per RFP we need to share Details of Proposed manpower to be deployed, but you have not mentioned: -	1. & 2: As per RFP only, Refer: - Sr no 31 of SECTION IV: SCOPE OF WORK. The empaneled agencies have to submit CV of resource proposed by the bidder.

	submitted on procurement Portal:		1. Number of resources required 2. Minimum qualification criteria for the resources	
5	Table 2: Marking Pattern for Executed Work Per Year:	Similar work executed for more than & equal to 8 Government and 8 Private clients	Can you please confirm for getting 50 marks we must have more than 8 Government and 8 Private clients? i.e., total more than 16 Clients from 8+ Government and 8+ Private clients?	The bidder should provide at least 16 works executed where 8 similar work executed for Govt Client and 8 similar work executed from Private client to obtain full marks as per table 2.
6	Clause No. - 7.3 Page No. - 10	Bid Evaluation Process: d. The basis of price bid evaluation shall be "Quality and Cost Based Selection (QCBS)"	Request you to kindly clarify the ratio of Technical and Commercial percentage in case of a "Quality and Cost Based Selection (QCBS)" selection	Refer Corrigendum 01
7	Clause No. - 7.3 Page No. - 10	Bid Evaluation Process: d. The basis of price bid evaluation shall be "Quality and Cost Based Selection (QCBS)" e. Tenderer may negotiate the lowest Service charge rate offered with L1	Request you to please clarify the Selection method for the Bidder (QCBS or L1) as Point No. (d) and Point No. (e) seems contradictory.	Refer Corrigendum 01
8	Clause No. - Section III (Table-2) Page No. - 16	Table 2: Marking Pattern for Executed Work Per Year Evaluation Criteria 1. Similar work executed for more than & equal to 8 Government and 8 Private clients	Request you to please clarify/define the meaning of "Similar Work"	Similar Work here refers to security audit of website, web application and mobile application
9	Clause No. - Section III (Table-2) Page No. - 16	Table 2: Marking Pattern for Executed Work Per Year Evaluation Criteria 1. Similar work executed for more than & equal to 8 Government and 8 Private clients	Request you to kindly consider amend the clause as under: Similar work executed for more than or equal to 8 Government Departments/PSUs/Banks/Financial Institutions and 8 Private/Enterprise clients	No change. As per the RFP.
10	Clause No. - Section III (Table-2) Page No. - 16	Table 2: Marking Pattern for Executed Work Per Year Experience as a sub-contractor shall not be considered for technical evaluation. As a proof the bidder shall attach copy of the work completion certificate, work order, bill raised and other relevant documents with tender documents.	Request you to kindly consider amend the clause as under: Experience as a sub-contractor shall not be considered for technical evaluation. As a proof, the bidder shall attach copy of the Work Completion Certificate/Completion Email/ Phase Completion Communication/Client Satisfactory Certificate/Client Satisfactory email, Work order/Purchase orders/contract agreement / bill raised and other	No change. As per the RFP.

			relevant documents with tender documents	
11	Additional Terms & Conditions	Indemnity	<p>Request you to kindly add the Clause:</p> <p>The Client shall indemnify and hold harmless the Bidder for all Losses incurred in connection with any third-party Claim, except to the extent finally judicially determined to have resulted primarily from the fraud or bad faith of the Bidder.</p>	No change. As per the RFP.
12	Additional Terms & Conditions	Non-Solicitation	<p>Request you to kindly add the Clause as under:</p> <p>During the Restricted Period, neither party shall solicit for employment any Engagement Personnel of the other party. "Engagement Personnel" shall be defined as only those personnel of either party who a) are directly involved in the provision of Services under the applicable Statement of Work, or b) are the direct recipients of such Services. The "Restricted Period" shall be defined to include a) the Term of the applicable Statement of Work, b) a period of 12 months after the expiration of such Term, and c) for those Engagement Personnel whose involvement as a direct provider or recipient of Services ends prior to the expiration of the Term, for 12 months after such involvement ends. Provided, that this restriction shall not apply to (i) Engagement Personnel of a party who respond to general advertisements for positions with the other party, (ii) Engagement Personnel of either party who come to the other party on their own initiative without direct or indirect encouragement from the other party's Engagement Personnel, or (iii) generic recruiting activities by non-Engagement Personnel, including direct outreach by recruiters of either party who have sourced the individuals in the ordinary course of recruiting through the use of research, agencies, social media and/or other technology or tools</p>	No change. As per the RFP.
13	Additional Terms & Conditions	Retention of Copies	<p>Request you to kindly add the Clause as under:</p> <p>The Bidder shall be permitted to retain all information and documents as maybe required for legal or professional regulatory purposes, provided</p>	No change. As per the RFP.

			that such retained information remains subject to confidentiality obligations for the entire retention period.	
14	Additional Terms & Conditions	Non-Exclusivity	Request you to kindly add the Clause as under: It is agreed that the services are being rendered on a non-exclusive basis and the Bidder shall have the right to pursue business opportunities that it may in its sole discretion deem appropriate.	No change. As per the RFP.
15		EMD	Kindly mention the exemption regarding EMD and tender processing evaluation conditions, If the bidder is a Micro or Small Enterprise as per latest definitions under MSME rules, the bidder shall be exempted from the requirement of "Bidder Turnover" criteria mentioned in tender processing and evaluation.	The request for exemption of EMD and tender fee will be considered, subject to proof of MSME and NSIC registration have to submitted at time of document verification process.
16	page no. 16	Annual turn over	If bidder is CERT-In empanelled then why the unnecessary conditions of Annual turn over mentioned on page no. 16 . For security auditing in the India , CERT-In empanelment is enough. (Kindly Refer the Section 70B Indian IT Act) and guidelines regarding audit on CERT website. Turnover should not be a criteria for evaluation	Refer Corrigendum 01
17	Page no 25	Financial bid	How many number of fields are there per Mobile Application?	The number of fields may vary from one mobile app to another subject to the requirement of department.
18	Page no 25	Financial bid	How many number of fields are there per Website and per Web Application	The number of fields may vary from one Website & Web Application to another subject to the requirement of department.