



**Nepal Electricity Authority**  
(A Government of Nepal Undertaking)  
**Finance Directorate**  
**INSTITUTIONAL STRENGTHENING PROJECT**

Ref. No: 2078/79/ - ७५

Date: Tuesday, 26 April 2022

To:

All prospective bidders,

**Subject: Issuance of Clarification-5**

**OCB No. and Title:** ICB/FD/EGMPAF/RMS-078/79-02 Procurement of Information Technology Products and Services "Supply and Installation of Revenue Management System (RMS)"

**Project Title:** Electricity Grid Modernization Project - Additional Financing

Dear Sir/Madam,

With reference to the bid published on 18 February 2022, we would like to inform all our prospective bidders about the issuance of Clarification-5 according to the ITB clause 7.1 of the bidding document.

Kindly acknowledge the receipt of the same at the project office.

Best regards,

*Chandha Neupane*

Chandha Neupane,  
(Project Director)

**OCB No. and Title:**

ICB/FD/EGMPAF/RMS-078/79-02 Procurement of Information Technology Products and Services "Supply and Installation of Revenue Management System (RMS)"

**Project Title:**

Electricity Grid Modernization Project - Additional Financing

**Clarification -5**

S/N	Volume/SectionNo	Page No	Reference Clause	Existing Clause of bid document	Clarification Required	NEA Response
1	Additional Clause	N/A	Notarial Certificate authentication from Nepal based Embassy of the bidder's country	The Bidder shall submit with its Technical Bid the following additional documents: Business Registration Certificate issued by the government of the country where the bidder or each Joint Venture or Consortium partner is registered. Bidders shall notarize all the documents and in the case of Foreign Bidder: The foreign bidders shall submit all notarized documents notarized from bidder's home country and shall be in English. The notarial certificate shall be authenticated by the Nepal based Embassy of the bidder's country. The authentication of the documents must be done between the published date of bid and the submission date of bid. Failure to authenticate the notarial certificate from the concerned Embassy within the stipulated time frame would lead to disqualification of the bidder.	As per our understanding, only historical data forming part of Qualification requirement, i.e. Client Certificates, Financial Statements, company legal documents like Registration certificate only. Kindly confirm our understanding.  Please note that in case the complete bid document has to be notarized, it will have a significant costing impact based on our discussion with Indian Embassy in Nepal.	The historical documentary evidences to substantiate Section:3 Eligibility and Qualification Criteria, the financial statements including tax clearance certificates, and legal documents like company registration certificates, etc. are to be notarized. We confirm that your understanding is correct. Notarization of the complete bid document is not required.
2	Additional Clause	N/A	Notarial Certificate authentication from Nepal based Embassy of the bidder's country	The Bidder shall submit with its Technical Bid the following additional documents: Business Registration Certificate issued by the government of the country where the bidder or each Joint Venture or Consortium partner is registered. Bidders shall notarize all the documents and in the case of Foreign Bidder: The foreign bidders shall submit all notarized documents notarized from bidder's home country and shall be in English. The notarial certificate shall be authenticated by the Nepal based Embassy of the bidder's country. The authentication of the documents must be done between the published date of bid and the submission date of bid. Failure to authenticate the notarial certificate from the concerned Embassy within the stipulated time frame would lead to disqualification of the bidder.	We confirm with China Embassy in Nepal that indicate we need to go through the process in China and get the authenticate from Nepal Embassy in China. The process is first certified by notary agency and sending the original notarized documents to Department of Consular Affairs of the Chinese Ministry of Foreign Affairs do consular authentication, after that, the original certified documents arrive in Nepal Embassy in China to get the final authentication. Could you pls accept the notarial certificate be authenticated by Nepal Embassy in China? As for Chinese Embassy Policy, this certificate authenticated by the Nepal based Embassy of China is not available. As Chinese company we can only get certificate from Nepal Embassy in China. For the policy issue you can reference official website of China Foreign Policy: <a href="http://cs.mfa.gov.cn/wgrlh/lsrc/lsrczjjs/">http://cs.mfa.gov.cn/wgrlh/lsrc/lsrczjjs/</a> to check this with Policy. We want to know if we follow the policy in China government and get certificate from Nepal Embassy is accept or not?	The authentication of the notarial certificate by the Department of Consular Affairs of the Ministry of Foreign Affairs of China or authorized Foreign Affairs Offices of local governments, and then the legalization by the embassy or consulate of Nepal as per the regulation of the government of the People's Republic of China is acceptable to NEA.
3	Additional Clause	N/A	Notarial Certificate authentication from Nepal based Embassy of the bidder's country	The Bidder shall submit with its Technical Bid the following additional documents: Business Registration Certificate issued by the government of the country where the bidder or each Joint Venture or Consortium partner is registered. Bidders shall notarize all the documents and in the case of Foreign Bidder: The foreign bidders shall submit all notarized documents notarized from bidder's home country and shall be in English. The notarial certificate shall be authenticated by the Nepal based Embassy of the bidder's country. The authentication of the documents must be done between the published date of bid and the submission date of bid. Failure to authenticate the notarial certificate from the concerned Embassy within the stipulated time frame would lead to disqualification of the bidder.	The complete process for getting the notarial certificate be authenticated by Nepal Embassy in China will cost at least four weeks and even we start the process in the last week of April, also due to RMS project bidding deadline is May 9, we cannot finish it before the bid closing date. So, we apply for that we will submit the Authenticated letter from Nepal Embassy in China before June 15 will be also qualified to the bid requirements. Could you pls confirm it?	<ul style="list-style-type: none"> <li>All the prospective bidders are required to submit their bids within the stipulated date and time as per clause ITB 24.1</li> <li>The bidders are required to submit all the notarized documents in English within this stipulated date and time.</li> <li>In case, the bidder has applied for the authentication of the notarial certificate from the concerned embassy but is unable to submit the same within this stipulated date and time, must mandatorily submit an undertaking letter duly signed and stamped by the authorized signatory along with the technical bid confirming the submission of this authentication at the project office on or before 31 May 2022 within office hours. Failure to submit the authentication as required would lead to the disqualification of the bidder.</li> </ul>
4	General	page 7-13	Limitation of Liability	30.1 Except in cases of gross negligence or willful misconduct, (a) neither party shall be liable to the other party for any indirect or consequential loss or damage, loss of use, loss of production, or loss of profits or interest costs, provided that this exclusion shall not apply to any obligation of the Supplier to pay liquidated damages to the Purchaser; and (b) the aggregate liability of the Supplier to the Purchaser, whether under the Contract, in tort, or otherwise, shall not exceed the amount specified in the SCC, provided that this limitation shall not apply to the cost of repairing or replacing defective equipment, or to any obligation of the Supplier to indemnify the Purchaser with respect to patent infringement. Please confirm that limitation of liability is limited only to 100% of contract	Please confirm that limitation of liability is limited only to 100% of contract value.	Please refer to clause GCC 30.1 b of the bid document.

**The amendments/clarifications/Addendum issued in this document shall be treated as a part of Bidding Document from here and after and shall be read with the original Bidding Document.**

For further details, please contact:

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Institutional Strengthening Project (NEA)

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