

Corrigendum/Addendum/Clarifications - 2:

**Request for proposal (RFP) for Procurement and Implementation of Microsoft Office 365
Cloud Service & Support**

RFP Reference no:- NHB/ITD/RFP-O365 / OUT4496 /2020

1. CORRIGENDUM

Last Date of Bid submission is extended to: 14th Sept 2020

2. CLARIFICATION:

Pg No	Clause no.	Clause/wordings	Clarification sought	NHB Response
40	8.2 Minimum Eligibility Criteria	Bidder should have NOC services in India	Pl clarify on NOC service and its requirement for subject RFP	Having NOC services in India is clarified as under: Bidder should have a centralised managed support operation centre to provide remote support for urgent attendance, for implemented solution as per requirement. It is further clarified that Bidders are neither expected nor allowed to monitor Bank's network/devices through their NOC/Support Centres.

3. ADDENDUM

The following conditions/clauses are deemed to be incorporated in the RFP	
1	<p>Any Bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority i.e. the Registration Committee constituted by the Department for Promotion of Industry and Internal Trade (DPIIT).</p> <p>However, such registration is not required for being eligible under this RFP in case the Bidders are from countries (even if sharing land border with India) to which Government of India has extended lines of credit or in which the Government of India is engaged in development projects, as per the updated list of such countries given on website of Ministry of External Affairs.</p>
2.	<p>Definitions: For the purpose of this clause:</p> <p>i. “Bidder “(including the term ‘tender’, ‘consultant’ or ‘service provider’ in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in a procurement process.</p> <p>ii. “Bidder from a country which shares a land border with India” for the purpose of this Order means:-</p> <ol style="list-style-type: none"> a. An entity incorporated, established or registered in such a country; or b. A subsidiary or an entity incorporated, established or registered in such a country; or c. An entity substantially controlled through entities incorporated, established or registered in such a country; or d. An entity whose beneficial owner is situated in such a country; or e. An Indian (or other) agent of such an entity; or f. A natural person who is a citizen of such a country; or g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above. <p>iii. The beneficial owner for the purpose of (ii) above will be as under.</p> <ol style="list-style-type: none"> 1. In case of company or Limited Liability Partnership, the beneficial owner is the natural person (s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means. <ol style="list-style-type: none"> a. “Controlling ownership interest” means ownership of or entitlement to more than twenty-five per cent. Of shares or capital or profits of the company; b. “Control” shall include the right to appoint majority of the directors or to control the management or policy decision including by virtue of their shareholding or management rights or shareholders agreement or voting agreement; 2. In case of partnership firm, the beneficial owner is the natural person (s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;

	<p>3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person (s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;</p> <p>4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;</p> <p>5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control ownership.</p> <p>iv. An Agent is a person employed to do any act for another, or to preset another in dealings with third person.</p>
3	<p>The Bidder should give the following Undertaking/certificate on its letterhead :</p> <p>“I have read the clause regarding restriction on procurement from a bidder of a country which shares a land border with India; I certify that << name of the firm>> is not from such a country or, if from such a country, has been registered with the Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Evidence of valid registration by the Competent Authority shall be attached.]”</p> <p>It may be noted that if such certificate given by the successful Bidder is found to be false, this would be a ground for immediate termination of the contract and for further legal action in accordance with law.</p>
4	<p>The successful bidder shall not be allowed to sub-contract works (if any) to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.</p>