Subject: Pre-Bid Conference held on 03.09.2024 - Queries and Response

Ref.: RFP (No: N-38014/2/2024-FM dated 20.08.2024) for selection of agency for conducting e-auction of Private FM channels in FM Radio (Phase-III)

Agency 1

Query	RFP Clause No.	Clause Details	Query/Suggestions for change	Response
1	1.5 Scope of Work As per Point No. (k)	To develop and test the Electronic Auction System (EAS) as per MIB requirements, and offer the same to STQC for certification, within 30 days of communication of requirements by MIB. Further, the selected agency would have to comply with all observations of STQC within 20 days of communication of the issues/audit observations of STQC	STQC Certification is not the control of Service Provider as this is dependent on the STQC Directorate and they may take their own time for allocating the timeline for auditing and clarifying and submission of reports and then issue the certificate from their end. <u>Request</u> : Hence, with this query, we request that you please relax this requirement and also consider bidders who are offering a solution that is already STQC certified and have a valid certificate in this respect from the STQC.	Request not accepted
2	 2. Scope for Work of the Auctioneer As per Point No. 2 Scope for work of the Auctioneer 	To conduct e-auction of FM radio channels in various cities in India as determined by Ministry of Information and Broadcasting (MIB), and as per detailed policy guidelines issued by the MIB on 25.07.2011 for FM radio Phase III, as amended from time to time. The selected agency will also conduct auction other than those specified above, as may be decided by MIB	Request MIB to please share the total number of events that will be conducted for radio channels during the contract period, along with city-wise details.	Refer to para 1.12.3 of the RFP. Refer to the list of Cities and corresponding channels annexed.
3	1.9.2 Selection criteria 10 As per point No. (6) of 1.9.2	Last 7 years would be 84 months counted back from the date of issue of RFP.	As the clause is specific to limited bidders, we request you to amend the clause as under Last 10 years would be 120 months counted back from the date of issue of RFP.	No change
4	ANNEXURE-VA As per Point No. C	Total value of Spectrum e-Auctions in the last seven (7) years	Request MIB to clarify whether any bidder who has conducted an e-auction event related to the e-auctions of MPEG-2 and MPEG-4 slots on the DD Free Dish Platform would be considered under this category. In case the Spectrum e-Auction is considered only, this will limit the qualifying company to score less in the evaluation. We request you to kindly reconsider the same for the better interest of the fair competition as such clause will favour only selected few.	Parameter 'C' includes e-auctions of MPEG-2 and MPEG-4 slots on the DD Free Dish. <u>Note:</u> Under Point 12 at page 19 of the RFP- Replace word 'broadcasting' by 'Spectrum'

Date: 10.09.2024

Points to be noted for	multiple item are simultaneously or sequentially put for sale/right to use, it will be considered as a single auction	As per our understanding, if multiple items are put up for sale through a single advertisement/event, even though the nature of the items is different, MIB is considering this as a single auction. Request MIB to clarify.	No change
---------------------------	---	---	-----------

Agency 2

Query	RFP Clause No.	Clause Details	Query/Suggestions for change	Response
6	1.3 Eligibility Criteria for the Company to act as selection agency for conducting e- auction (pg. 3) 1.5 Scope of Work	 1.3.8 Bidder who has conducted simultaneous, controlled ascending e-auctions of any commodity or resource would be given preference. (This is to be read in conjunction with Para 1.9.2 and Annexure-VA). 1.5.2 (a) To design, structure and implement the overall process of e-auction on a simultaneous, controlled, ascending basis including the e-aspects with the approval of Government of India (GOI), so that the following objectives are met:- 	Please confirm, the Auction variant "simultaneous, controlled ascending e-Auction" And "Simultaneous Multiple Round Ascending Auction" are same.	The offered auction design solution should meet the requirement and objectives given in para 1.5.2 (a) of the RFP
7	1.5 Scope of Work	 1.5.2 (k) To develop and test the Electronic Auction System (EAS) as per MIB requirements, and offer the same to STQC for certification, within 30 days of communication of requirements by MIB. Further, the selected agency would have to comply with all observations of STQC within 20 days of communication of the issues / audit observations of STQC. 	Please confirm the e-auction Software development timelines Moreover, as per our observation, STQCs share their observations periodically during audits and certifications and not all at once. Hence the selected agency should be responsible according to comply the issues-problem- observations raised by the STQC. In this case the regulation of the period is in the hands of STQC. Please note this and it should be acceptable.	No change
8	1.9 Selection Criteria (pg 10)	1.9.2 C. Total value of spectrum related e-auctions in the last seven (7)years	As Spectrum e-auction is a specialized auction and is used for sale of high value commodity; And it has only been used for a few instances in India, it is requested to consider	Same as Query 3 above
9	ANNEXURE-VA (pg 35)	C. Total value of Spectrum e- Auctions in the last seven (7) years	the bidders' lifetime experience related to spectrum auctions in the past and amend the clauses to; "Total value of spectrum related e-auctions Conducted"	

10	ANNEXURE-VA	D. i) Undertaking to comply with applicable GIGW guidelines issued in February 2018 & STQC guidelines issued on 31-08-2011, and from time to time. (Annexure XIII) GIGW: Guidelines for Indian Government Websites	Complying GIGW guidelines is for related website designing which is suggestive for Government domain only. Private domain/websites are not responsible to follow it. Moreover, it is just an advise, and by following/not following it will not affect to conduct online FM auctions. Hence we request you to ask GIGW complying as non- mandatory.	Request not accepted. Bidder will have to furnish Undertaking to comply with applicable extant GIGW guidelines and extant STQC guidelines.
11	General Query	General Query	How many channels are planned to be put to auction?	Refer response to Query 2 above
12	General Query	General Query	Sir/Madam as per our understanding, any e-Procurement System (e-Tendering, e-Reverse Auction, e-Forward Auction) has to be tested and audited by STQC and has to be compliant with all the applicable requirements relating to security and transparency of the following guidelines. The conformity certificate of the following guidelines, extant CVC guidelines, GFR Rules and ISO 27001 (Information Security Management) Process Audit pertaining to e-Procurement application / system can be issued only by STQC department based at New Delhi. Guidelines for compliance to quality requirement of e- Procurement Systems dated 31st August 2011 of Department of Electronics and Information Technology (DeiTy), Ministry of Communications & Information Technology of the Government of India [DeiTy Guidelines] which Includes 1. CVC Guidelines of e-Procurement application software as covered by the relevant provisions of Annexure-II of DeiTy Guidelines 2. GFR 2017 as covered by Annexure III of DeiTy Guidelines 3. IT Act 2000 (and its amendment 2008) as covered by Annexure IV of DeiTy Guidelines. We further bring to your kind notice that in recent times many e-Procurement service providers misguides concern government departments by submitting non-admissible certificates issued by Private / CERT-IN Test Labs or STQC empanelled test laboratories which is not valid.	Pl. refer to clause 1.5.2 subclause (k) of the RFP. This will be primary responsibility of the bidder.

We request you to confirm that final certificate issued by STQC New Delhi will only be considered as valid STQC Certificate and not from any other empanelled or third party agencies like EQDC, Suma soft etc.
Ministry of Information & Broadcasting (MIB) should not compromise with application infrastructure and data security, hence only those bidders who has experience of providing e-Auction services on STQC audited and certified e-Auction application should be allowed. Requesting to add such clause as mandatory qualification criteria.

Agency 3

Query	RFP Clause No.	Clause Details	Query/Suggestions for change	Response
13	Cl. 1.3.8	Bidder who has conducted simultaneous, controlled ascending e-auctions of any commodity or resource would be given preference	As per the tender document this clause has to be read in conjunction with clause 1.9.2 and Annexure VA. Please confirm if the time period requirement of experience is applicable on this criteria too. Should Annexure VA (CI. A and B) capture only SMRA auctions above 100 crores value or any auction above 100 crores?	Clause 1.9.2 and Annexure V A is self- explanatory. The bidder has to submit details of each e- auction in the format prescribed in Annexure XI & XII in respect of parameters A, B and C.
14	Cl. 1.5.1	To conduct e-auction of FM radio channels in various cities in India as determined by Ministry of Information and Broadcasting (MIB), and as per detailed policy guidelines issued by the MIB on 25.07.2011 for FM radio Phase III, as amended from time to time. The selected agency will also conduct auction other than those specified above, as may be decided by MIB.	 Request MIB to clarify what other categories or material are expected to be auctioned, scope of work. Please provide estimated number of events. Please clarify how will the payment towards these additionally categories be made as we are quoting "Fee per FM radio channel successfully auctioned" We suggest that Bidders be asked to quote on Rs. per auction item 	Refer para 2.4 on page 51 of RFP.
15	Cl. 1.5.2 Point e	to create appropriate market interest and excitement in India.	Request MIB to clarify what activities are expected to be conducted. The exact list of activities may please be listed to estimate cost.	The selected e- auctioneer is required to perform all such functions

16	Cl. 1.5.2 Point i	To conduct 1-2 days of training / orientation session once a year for officials of MIB.	Will this training be conducted online or in person.	which will meet the objectives as set out in clause 1.5.2(a) on page 5 of RFP. The purpose is to meet the official requirements of the ish officiantly
17	Cl. 1.5.2 Point j	to provide all the incidental services till the completion of the process and selection of the successful bidder(s). Incidental services would mean services incidental to the conduct of successful e-auction.	Request MIB to specify the scope for optimum commercial offer as otherwise unnecessary buffer may be provisioned to cover any potential incidental services. It would be best if this clause can be removed as the incidental services may not fall under an auctioneer core competencies.	job efficiently. Incidental services means inter twined activities for meeting the objective of a transparent, fair and smooth auction like conduct of training session of eligible bidders with their DSC mapping & configuration, conduct of mock auction, providing Bidder helpline during auction, presentation before Inter-Ministerial Committee etc.
18	Cl. 1.5.2 Point k	To develop and test the Electronic Auction System (EAS) as per MIB requirements, and offer the same to STQC for certification, within 30 days of communication of requirements by MIB. Further, the selected agency would have to comply with all observations of STQC within 20 days of communication of the issues / audit observations of STQC.	The timelines provided for development, testing and STQC certification are too stringent. Request MIB to allow atleast 90 days from requirement finalization, to develop and test the system, and present to STQC for audit. This is potentially an anti-competition clause and appears targeted to reduce participation, and favour the incumbent.	Request not accepted.
19	Cl. 1.6.2	The bidder and all its substantial equity holders, consortium and all its members would be jointly and severally responsible for conducting e- auction as per scope of the signed contract.	Kindly remove the term "and all its substantial equity holders". Request MIB to remove the highlighted clause, as the SP is a separate legal entity from the equity holders. In all cases apart from criminal and fraud cases, the company is respected as a distinct and separate legal person from its owners/ equity holders. Further, the	No change

			company or its authorized signatory, cannot, by their statement, signature or affidavit, hold their substantial owners liable. Accordingly, pls advise whose signature is needed to bind the equity shareholder to responsibility for conducting auction. Equity owners, being corporates themselves, may require to obtain board approval for creating such liability. It may further be noted that a PSU holds substantial shareholding in our company. It may require a ministry level approval for them to accept responsibility for holding auction.	
20	Cl. 1.7.16 (c)	Stage III Financial Evaluation – Bidder to upload scanned copies in PDF format of Financial bid as per Annexure III of this RFP	We understand that the Price Bid BOQ has to be submitted in the excel format as published by MIB. Please clarify where and how is the PDF to be submitted.	Provision exists under Cover 3 of the tender for the same.
21	Cl. 1.9.2 A, B, C	Total value of spectrum related e-auctions in the last seven (7)years	The last FM radio auctions, were conducted more than 7 years ago. Will the MIB not consider their own events' experience? This is potentially an anti-competition clause and appears targeted to reduce participation. This period criteria only favours a specific bidder with an extra 20 points over any other capable SP, as only they have such an experience in last 7 years. Request MIB to modify clauses A,B,C to consider similar experience from last 10 years, to allow competitive and fair bidding.	No change
22	Cl. 1.11.2	Drop dead fee: A lumpsum drop dead fee of Rs. 10 lakh will be paid to the successful bidder (Auctioneer) in case the Government abandons entire e-auction at any stage after award of the contract to the auctioneer in all cities. The word abandon means calling off of the auction process, for no fault of the auctioneer, after the agreement with the e-auctioneer is signed and before actual conduct of the auction	The drop dead fee needs to be revised in view of current cost levels for ex: STQC charges around 20 lacs for full cycle application audit; PKI component cost is 10 lacs. We suggest that the 10 Lacs may be revised to 50 Lacs.	No change
23	Cl. 1.12.3	where auction of a channel fails to achieve success i.e., to realize the revenues as per the reserved price of such channel, the auctioneer shall be bound to make as many auction attempts for the channel as decided by the MIB. The payment of operating fee, in all such cases, shall be deferred to the next round of auction until it is decided by the MIB not to have any	 i) If the channel is auctioned successfully, then will the SP get both operation fee and success fee? ii) Please clarify the point of invoicing for operating fee and success fee. 	i) Yes ii) Refer to 1.12.3, 1.12.4 on page 12 of RFP

.

24	Annexure VA – A, B, C	further attempt for auctioning of that channel. The auctioneer shall be entitled to claim his operating fee for that particular channel(s) only at the end of the last attempt. Certificate from Statutory Auditor clearly stating the value of each e-auction Note: In any single e-Auction event, even if multiple items are simultaneously or sequentially put for sale/right to use, it will be considered as a single auction (Pg. 37)	Request you to please change the certification requirement from a statutory auditor to a Chartered Accountant. As an auditor certificate (in our case it is one of the big 4 consultancies) can be very time taking and expensive. Are these experience related to auctions of any category and type?	 Annexure V A, supporting documents required are Copies of Work Orders and Completion Certificates Or Certificate from Statutory Auditor clearly stating the value of each e- auction PI. see response to Query at S.No. 13 above.
25	Annexure VA – F	Technical evaluation parameter	There seems to be some data content erroneously deleted regarding digitally signed bids. Please elaborate	Read parameter as Digitally signed bids (non-repudiation by bidders)
26	Annexure VA – F	Technical evaluation parameter Various types of bidding options- service area, quantity Feature to encourage/ensure high bidding activity	Kindly elaborate the tech facility	Refer to the list of Cities and corresponding channels annexed.

Agency 4

Que ry	RFP Clause No.	Clause Details	Query/Suggestions for change	Response
27	1.12.1 (pg 1)	Payment and Weightage Table : There are 5 categories of cities, namely A+, A, B, C, D. We would like to have the breakup of the cities under each category	This shall help us to work out most suitable and competitive commercials.	Refer response to Query 26 above
28	1.3.11 (pg 4)	CMMI certificate : This may kindly be enhanced to level V instead	Higher level of expertise	No change

		of level 3		
29	1.9.2 A (pg 10)	Total value of e-auction conducted in the last seven (7) years : Period may kindly be enhanced to 10 years instead of 7	7 year period seems too specific and 10 year is more general and allows for wider participation	Refer response to Query 3 above
30	1.9.2 B (pg 10)	Total number of e-auctions conducted in the last seven (7) years : Period may kindly be enhanced to 10 years instead of 7	7 year period seems too specific and 10 year is more general and allows for wider participation	Refer response to Query 3 above
31	1.9.2 C (pg 10)	Total value of spectrum related e-auctions in the last seven (7) years : Period may kindly be enhanced to 10 years instead of 7	7 year period seems too specific and 10 year is more general and allows for wider participation	Refer response to Query 3 above
32	1.11.2 (pg 11)	Drop dead fee : This fee may kindly be enhanced to 50 lacs instead of current 10 lacs. The PBG asked is also for 50 lacs INR	In case the portal is made ready with complete development and STQC etc, the expenses incurred by vendors will be very high and hence they need to be compensated accordingly.	No change
33	Annex. V (pg 33)	Calendar of events. Date of submission : The date of submission may kindly be extended to 20th September instead of 17th Sep.	This is a complex bid and documentation and pricing approvals take time.	No change
34	AnnexureV-A (A,B,C) (pg 34)	Criteria for marks in respect of Technical bids for selection of e-auction. Value of each e- Auction should be at least 100 Cr : The value may kindly be bought down to 10 Cr instead of 100 Cr	100 Cr per auction is not common and some vendors may not be able to comply. Total value of Auctions is ok and by conducting higher number of auctions the system actually is more versatile & efficient.	No change.
35	Annexure VIII, Point 2.2(k) (pg 50)	Develop and test the Auction system and offer for STQC within 30 days : The period may kindly be extended to 45 days.	While we understand the essence of time, 30 days is too short a period. For a fully compliant solution more time may be required	Refer response to Query No. 1.
36	Annexure VIII Point5.2 (pg 52)	Payment to the Auctioneer : Whichever is later may kindly be replaced with whichever is earlier	The payments to vendors are of prime importance as most of the investments by us are upfront. Hence the delay needs to be minimized	No change
37	Payment 1.12.3 (pg 12)	Payment of Operating Fee : The payment of operating fee for deferred auctions should have definite time frame.	The operating fee for deferred auctions does not get paid as department may keep on delaying the decision of not having any further attempt for auctioning.	No change

.

List of 234 New Cities having 730 Channels under FM Phase-III		
S.No.	Name of City	Channels Available
Categor	y "B"	
Jharkha	nd	
1	Dhanbad	4
Punjab		
2	Ludhiana	4
Uttar Pra	adesh	
3	Moradabad	4
Categor	у "С"	
Andhra I	Pradesh	
1	Kakinada	4
2	Kurnool	4
Bihar		
3	Bhagalpur	4
4	Gaya	4
5	Purnia	4
Karnatal	ka	
6	Belgaum	4
7	Bellary	4
8	Bijapur	4
9	Davangere	4
10	Shimoga	4
Madhya	Pradesh	
11	Sagar	4
Maharas	shtra	
12	Chandrapur	4
13	Latur	4
14	Malegaon	4
Manipur		

15	Imphal	4
Odisha		
16	Berhampur	4
Rajasth		
17	Alwar	4
18	Bhilwara	4
Telanga	ana	
19	Nizamabad	4
Uttar Pr	adesh	
20	Muzaffarnagar	4
21	Saharanpur	4
22	Shahjahanpur	4
West B	engal	
23	Baharampur	4
24	Barddhaman	4
25	English Bazar	
25	(Maldah)	4
Catego	ry "D"	
Andama	an & Nicobar	
1	Port Blair	3
Andhra	Pradesh	
2	Adoni	3
3	Anantapuram	3
4	Bheemavaram	3
5	Chilakaluripet	3
6	Chirala	3
7	Chittoor	3
8	Cuddapah	3
9	Dharmavaram	3
10	Eluru	3
11	Guntakal	3
12	Hindupur	3

13	Machilipatnam	3
14	Madanapalle	3
15	Nandyal	3
16	Narasaraopet	3
17	Ongole	3
18	Proddatur	3
19	Srikakulam	3
20	Tadpatri	3
21	Vizianagaram	3
Assam		
22	Dibrugarh	3
23	Jorhat	3
24	Nagaon(Nowgang)	3
25	Silchar	3
26	Tezpur	3
27	Tinsukia	3
Bihar	-	
28	Arrah	3
29	Aurangabad	3
30	Bagaha	3
31	Begusarai	3
32	Bettiah	3
33	Bihar Sharif	3
34	Chhapra	3
35	Darbhanga	3
36	Kishanganj	3
37	Motihari	3
38	Munger	3
39	Saharsa	3
40	Sasaram	3
41	Sitamarhi	3
42	Siwan	3

Chhattis		
43	Ambikapur	3
44	Jagdalpur	3
45	Korba	3
Daman		
46	Daman	3
Gujarat		
47	Amreli	3
48	Bhuj	3
49	Botad	3
50	Dahod	3
51	Gandhidham	3
52	Jetpur Navagadh	3
53	Patan	3
	Surendranagar	
54	Dudhrej	3
Haryana	a	
55	Ambala	3
56	Bhiwani	3
57	Jind	3
58	Kaithal	3
59	Panipat	3
60	Rewari	3
61	Rohtak	3
62	Sirsa	3
63	Thanesar	3
Jammu	& Kashmir	
64	Anantnag	3
Jharkha		
65	Bokaro Steel City	3
66	Deoghar	3
67	Giridih	3

68	Hazaribag	3
	Medninagar	
69	(Daltonganj)	3
Karnata	ika	
70	Bagalkot	3
71	Bidar	3
72	Chikmagalur	3
73	Chitradurga	3
74	Gadag Betigeri	3
75	Hassan	3
76	Hospet	3
77	Kolar	3
78	Raichur	3
79	Tumkur	3
80	Udupi	3
Kerala		
	Kanhangad	
81	(Kasaragod)	3
82	Palakkad	3
Laksha	dweep	
83	Kavaratti	3
Madhya	a Pradesh	
84	Betul	3
85	Burhanpur	3
86	Chhatarpur	3
87	Chhindwara	3
88	Damoh	3
89	Guna	3
90	Itarsi	3
91	Khandwa	3
92	Khargone	3
93	Mandsaur	3

94	Murwara (Katni)	3
95	Neemuch	3
96	Ratlam	3
97	Rewa	3
98	Satna	3
99	Seoni	3
100	Shivpuri	3
101	Singrauli	3
102	Vidisha	3
Maharas	htra	
103	Achalpur	3
104	Barshi	3
105	Gondiya	3
106	Nandurbar	3
107	Osmanabad	3
108	Udgir	3
109	Wardha	3
110	Yavatmal	3
Nagalan	d	
111	Dimapur	3
112	Kohima	3
Odisha		
113	Baleshwar	3
114	Baripada	3
115	Bhadrak	3
116	Puri	3
117	Sambalpur	3
Punjab		
118	Abohar	3
119	Barnala	3
120	Bathinda	3
121	Firozpur	3

122	Hoshiarpur	3
123	Moga	3
124	Muktsar	3
125	Pathankot	3
Rajasth	an	
126	Banswara	3
127	Beawar	3
128	Bharatpur	3
129	Chittaurgarh	3
130	Churu	3
131	Dhaulpur	3
132	Ganganagar	3
133	Hanumangarh	3
134	Hindaun	3
135	Jhunjhunu	3
136	Makrana	3
137	Nagaur	3
138	Pali	3
139	Sawai Madhopur	3
140	Sikar	3
141	Sujangarh	3
142	Tonk	3
Tamil N	adu	
143	Coonoor	3
144	Dindigul	3
145	Karaikudi	3
146	Karur	3
	Nagarcoil/	
147	Kanyakumari	3
148	Neyveli	3
149	Pudukkottai	3
150	Rajapalayam	3

	3	
Tiruvannamalai	3	
Vaniyambadi	3	
Telangana		
Adilabad	3	
Karimnagar	3	
Khammam	3	
Kothagudem	3	
Mahbubnagar	3	
Mancherial	3	
Nalgonda	3	
Ramagundam	3	
Suryapet	3	
desh		
Akbarpur	3	
Azamgarh	3	
Badaun	3	
Bahraich	3	
Ballia	3	
Banda	3	
Basti	3	
Deoria	3	
Etah	3	
Etawah	3	
Faizabad/Ayodhya	3	
Farrukhabad cum		
Fatehgarh	3	
Fatehpur	3	
Ghazipur	3	
Gonda	3	
Hardoi	3	
Jaunpur	3	
	Adilabad Adilabad Karimnagar Khammam Kothagudem Mahbubnagar Mancherial Nalgonda Ramagundam Suryapet desh Akbarpur Azamgarh Badaun Bahraich Ballia Banda Basti Deoria Etah Etawah Faizabad/Ayodhya Farrukhabad cum Fatehgarh Fatehpur Ghazipur Gonda	

180	Lakhimpur	3
181	Lalitpur	3
182	Mainpuri	3
183	Mathura	3
184	Maunath Bhanjan	3
	(Distt. Mau)	3
185	Mirzapur cum Vindhyachal	3
186	Orai	3
187	Raebareli	3
188	Shikohabad	3
189	Sitapur	3
190	Sultanpur	3
Uttarak		
	Haldwani-cum	
191	Kathgodam	3
192	Haridwar	3
West Be	engal	
193	Alipurduar	3
194	Balurghat	3
195	Bangaon	3
196	Bankura	3
197	Darjiling	3
198	Dhulian	3
199	Kharagpur	3
200	Krishnanagar	3
201	Puruliya	3
202	Raiganj	3
Others		
Meghala	ауа	
1	Jowai	3
Mizoran	1	

234	Total	730
4	Belonia	3
ripura		
3	Mokukchung	3
lagalar	nd	
2	Lunglei	3