

Response to the Pre-Bid Queries Submitted as on 30.07.2021

SI No.	Query relates to RFP Document	Pre Proposal Querries	Response
1	Last Date for submission of Proposal: Page-5	<p>Considering the ongoing pandemic induced restrictions and delays, we request you to kindly extend the last date by at least another 14 days to enable us to obtain necessary internal approvals and submit a comprehensive proposal.</p> <p>In order to put together a comprehensive and robust proposal we request for an extension of the last date of submission of proposals by 10 days.</p> <p>In order to prepare a high quality proposal, and a tailor made approach for the State of Odisha to fast track achievement of SDGs and to handpick an excellent team of professionals, we request you to provide a timeline extension of at least two (02) weeks from the current date of submission.</p> <p>Request an extension of the deadline for submission to 3rd September given that it is a hard copy submission and documents such as Power of Attorney, Signed CVs, Bid Processing Fees etc. also need to be submitted.</p>	<p>Last Date for submission of Proposal: August 25, 2021- 5.00 PM</p>

2	Letter of Invitation: Page-8	Request you to allow submission of Proposal by hand and courier also, in addition to Speed Post/ Registered Post, considering the potential delays/ uncertainty in postal system due to lockdown/shutdowns in various parts of the country (including Bhubaneswar).	As mentioned in RFP
3	Pre Qualification Criteria-Page No- 10 Point No. 2-Turn over	We request you to kindly consider the turnover from implementation of SDG projects and not just consulting / advisory services for this criteria. Firms implementing projects towards SDG should not be unfairly eliminated, as they may be having more direct experience.	This is clarified that the Bidder should have an average consulting turnover of minimum INR 50 crore during last three financial years (FY 2017-18, FY 2018-19, FY 2019-20)
		Further, while the term 'Turnover' is open-ended in Pre-Qualification Criteria (Pg 10) and Technical Evaluation Criteria (Pg 15), it is limited to Consulting only in Tech – 3 (Pg 29). Request you to kindly replace the term 'Turnover' with 'Consulting Turnover' across the RFP document.	
		We also request you to kindly reduce the pre-qualification criteria to INR 10 Crores and above instead of current INR Rs 50 Crores (from consulting services) in order to provide a level playing field to all the firms.	No change on this clause in RFP

		<p>Request you to kindly increase Applicant's turnover to at least INR 100 Cr in order to ensure that only experienced, competent and reputed agencies participate in the bid to run/manage the SDG PMU.</p>	
		<p>Government of Odisha has a strong mandate to promote the Startups registered under Startup Odisha and is committed to protect their interest by announcing relaxation in the eligibility criteria and waivment of bid amount etc. which is appreciated as a strategy to nurture the budding startups in the state. But, the same is not reflected in the recent RFP (No:1/PC-SDG-MISC-0022-2020/Dtd:23-07-2021) floated by the Planning and Coordination Department due to unknown reasons which may impact demoralizing effects on the aspiring startups.</p>	

		<p>the criteria of 50 crore turnover in last 3 years and experience etc as mentioned in the RFP as prerequisite is something which cannot be achieved by any Startup recently registered unless some space is provided to these emerging Startups as assured by Government of Odisha. When it comes to the capacity of the startups, it may be judged by various other parameters as the Department thinks appropriate in this regard. a firm that has 50 Crore turnover in the last 3 years may need such a project to take up in addition to its other projects but the emerging startups badly need these projects more than those well off firms and supporting gestures from Government of Odisha in this regard may prove to be highly beneficial for the startup ecosystem.</p>	
4	Pre Qualification Criteria-Page No- 10 (consortium/ Joint venture)	<p>We request you to kindly relax this criterion and allow consortium or other form of association / tie-up with other firms (preferably technical firms in the SDG areas) considering the strategic and far-reaching nature of the assignment.</p> <p>We request you to please allow the Consortium/JV in this tender</p> <p>Please allow consortium/ Joint Venture with other firms as this is a niche consultancy and collaboration will help to ensure expertise and proficiency.</p>	Original RFP conditions stands

		Given the chance, we would like to put comprehensive and competitive bid along with Grant Thornton International entity for show casing best practices adopted and therefore request to allow Consortium/ Joint Venture for this bid.	
5	Pre Qualification Criteria-Page No- 10 Point no.3	The Bidder should have experience of working on minimum five (5) PMU/PMC/Professional Consultancy services assignments of a minimum duration of 1 year with Central/ State Government/other subsidiaries governing/PSUs/Statutory Bodies /other autonomous agencies of government of India and state government.	No change on this clause in RFP
6	Pre Qualification Criteria-Page No- 10 Point no.4	<p>The Bidder should have experience of completing consulting assignments of minimum duration of 6 months with at least three (3) different State Government Departments/ Departmental agencies with any state government/UTs</p> <p>Experience of completing assignments of a minimum duration of 6 months with different State Government Departments/ Departmental agencies with any state government/UTs</p>	It is clarified that the Bidder should have experience of completing consulting assignments of minimum duration of 6 months with Government of India / three (3) different State Government Departments/ Departmental agencies

7	Pre Qualification Criteria-Page No- 10 Point no.4 & 5	Presently, all the Central and State Government Agencies in India are working towards localizing the 17 SDGs and 169 targets in some or the other form. In this context, we understand that this clause intends to bring out the expertise of the advisory firm within the defined SDGs and Targets. Thus, all advisory assignments from within these 17 SDGs would be considered for evaluation. Please confirm.	It is confirmed that experience of undertaking PMU assignments of a minimum duration of 2 years with Central/ State Government agencies in India in sectors concerning one or more of the 17 SDG Goals
		Request you to kindly remove the term 'completing' as many of our engagements with Government of Odisha are long-term and have been extended multiple times by the client, considering our performance. The bidder cannot be disadvantaged for receiving extensions from client due to satisfactory performance.	It is clarified that if the project is ongoing, the project should have completed one year for consideration.
		Request you to kindly remove the term 'completing' in SI.No. 4 & 5 as many of our engagements are long-term and have been extended multiple times by the client, considering our performance. The bidder cannot be disadvantaged for receiving extensions from client due to satisfactory performance.	No change on this clause in RFP

		<p>We request clarification on whether a project undertaken with a Govt. client, which has a component of SDG, will be considered for evaluation as part of this qualification. In many social sector projects, the outcome and impact are aligned to SDGs and hence such projects are SDG advisory related as well. Request your clarification on the definition of an 'SDG advisory' assignment.</p>	<p>It is clarified that 'SDG advisory' assignment as a whole and no indirect component shall be considered.</p>
		<p>You will appreciate that there are 17 SDG's and consultant works on various assignments concerning various SDG's. We therefore request you to allow the experience of Consulting firm of working on individual or various SDG's in India and abroad.</p>	<p>As mentioned in RFP</p>
		<p>We request you to please allow experience of working in the state of Orissa and remove the bar of 3 nos.</p>	<p>No change on this clause in RFP</p>
8	<p>Documents/Formats needs to be submitted along with Technical proposal :Page-11</p>	<p>We understand that the years mentioned here indicate the same last three years for which the average turnover is being submitted i.e. FY 2017-18, 2018-19, and 2019-20. Please confirm.</p>	<p>Copies of IT Return for the last three financial years(FY2017-18,2018-19 & 2019-20)</p>
		<p>Form Tech B-6 has not been provided in the RFP document. Please clarify.</p>	<p>Form Tech-6 provided in page no. 32 of the RFP document.</p>

9	Experience of the Bidder:Page No-13 & 14	<p>a. Will assignments which are contracted/funded by multi/bi-lateral funding agency where the Central/State Government a key stakeholder be accepted?</p> <p>B. Will experience of Millenium Development Goals(MDGs) advisory assignments also be counted under "Experience of SDG Advisory assignments for Central/State Government agencies in India"?</p>	<p>a) YES b) YES</p>
<p>We request clarification on sectors concerning SDGs as many private sector assignments as well focus on the sub components of the SDGs and eventually influence the goals.</p>		<p>It is clarified that the sector for engagements would be Social, Economic and Environmental sectors relating to one or more of the 17 SDG Goals</p>	
<p>Criteria of sectors concerning 17 SDG goals is ambiguous. Please provide the list of sectors for engagements.This will ensure more clarity, objectivity and transparency.</p>			
<p>Please confirm if ongoing projects will be considered, in case not, request to consider the same</p>		<p>It is clarified that if the project is ongoing, the project should have completed one year for consideration.</p>	
<p>Request you to amend minimum project duration requirement to 1 year and like other criteria in technical qualification please allot 2 marks each for relevant experience up to maximum 10 marks.</p>		<p>a. No change on this clause in RFP.</p>	

		<p>Please confirm if projects funded by multilateral/bilateral agencies such as UN, ADB, World Bank, etc. with state governments will be considered, in case not, request you to consider the same</p>	<p>It is confirmed that direct association of the bidder with state/central govt irrespective of funding agency will be considered.</p>
		<p>Please clarify the meaning of “relevant” – whether projects must be PMU, SDG related or both in Odisha?</p> <p>Please confirm if extension projects can be considered as separate projects, in case not, request you to consider the same</p>	<p>As explained in RFP</p>
		<p>Request you to kindly assign at least 05 marks for each SDG advisory assignment experience considering the fact that only few government agencies across the country have engaged Consultants for SDG assignments so far</p>	<p>No change on this clause in RFP</p>
		<p>SDG advisory is the core of the present engagement – each SDG advisory experience should be assigned more weightage compared to other (generic) assignments with Central/ State Government agencies</p>	<p>No change on this clause in RFP</p>
		<p>SDG is the fundamental and utmost important component for all the vision documents at the national / state / sectoral level. Hence it is suggested that the criteria should be modified to "Experience of SDG / Vision advisory assignments for Central/ State Government agencies in India</p>	

		<p>Please confirm that the SDG Advisory assignment for central and state government agencies in India funded by bilateral/multilateral agencies will also be considered.</p>	<p>It can be considered if it is undertaken for Government of India /State Govt where the Central/State Government is a key stakeholder</p>
<p>Kindly include experience of SDG Advisory assignments for government agencies in countries in South Asia as eligible assignments also.</p>	<p>It is clarified that 'SDG advisory' assignment as a whole and no indirect component shall be considered.</p>		
<p>We request clarification on whether a project undertaken with a Govt. client, which has a component of SDG, will be considered for evaluation as part of this qualification. In many social and private sector projects, the outcome and impact are aligned to SDGs and hence such projects are SDG advisory related as well. Request your clarification on the definition of an 'SDG advisory' assignment.</p>		<p>No change on this clause in RFP</p>	
<p>Request you to kindly indicate a minimum duration of 6 months for each relevant SDG assignment. This will ensure more clarity, objectivity and transparency</p>	<p>a. SDG assignments for UNDP (or other International Organizations) will be considered if it is undertaken for Government of India or State Govt. B. Same as Above.</p>		
<p>Request you to kindly clarify whether: a) SDG assignments for UNDP (or other International Organizations) will be considered b) SDG assignments with other countries will be considered</p>			

10	Relevant experience of the key professional staff proposed for the Assignment: Page No. 14 & 15	<p>Acceptable qualifications:</p> <p>a. For the position of Team Leader, will qualifications such as Post Graduate diploma in Rural Management from xavier Institute of management (Bhubaneswar) or Post Graduate Diploma in Management from Institute of Rural Management (Anand) be acceptable?</p> <p>b. For the position of Sector Lead-Environment, will M.Sc. in Tropical Forestry be accepted.</p> <p>c. Will a Master's degree in Development Studies or Master's Degree in Public Policy/Administration be suitable for the position of Sector Lead-Social?</p>	As in the RFP.
		Request you to provide relaxation on additional scoring criteria and remove requirement for master's degree from a top 10 NIRF / International (2020) ranked institution. NIRF came into existence in 2015 while Team Lead is to have minimum 10 years experience (before launch of NIRF)	.It is clarified that in place of NIRF ranking, Masters degree in Public Policy/ Administration or Post graduate in Social Sciences/Environment/Economics from a reputed National/International Institution/ University like IIT, IIM etc will be considered for extra marking.
		Request for clarification on what constitutes as a "reputed National/International Institution/ University"	

		<p>Kindly clarify which international ranking will be applicable for the educational qualifications of team members who have studied internationally.</p>	
		<p>Request you to kindly list out the names of the reputed institutes/universities clearly in order to avoid any ambiguity, considering that NIRF rankings are not specifically available for courses such as Public Policy, Public Administration, Social Sciences, Economics, etc.</p>	
		<p>Kindly modify the qualification criteria to Master's Degree in Economics/ Statistics/MBA from reputed National/International Institution/ University, with minimum 7 years of experience in economic development for Central/ State Government.</p>	<p>Original RFP conditions stands</p>
		<p>Kindly relax the eligibility to Master's degree from reputed National/International Institution/ University, with minimum 2-4 years of experience, working in the development sector.</p>	

		<p>We assume that the minimum number of years of experience of professional staff mentioned in the RFP means the total work experience of the candidate and not just post Masters' experience. Request you to kindly confirm the same. Further, we request you to kindly provide certain weightage/marks to relevance of experience to this assignment viz-a-viz total number of years of experience of proposed candidates.</p> <p>Request that experience of monitoring & evaluation and/or SDG advisory experience be considered for Team Lead, being an important component of any SDG Advisory assignment.</p>	
11	Presentation on Approach, methodology and workplan for the assignment: Page-15	Request you to kindly provide detailed break up and criteria of marking of the presentation on Approach, Methodology and Work Plan for the assignment.	No change on this clause in RFP
12	Firm turnover: Page No-15 &16	The current markings scheme is skewed towards firms with turnover more than R.1000 Crore, We thus request you to align the marking scheme to enable firm with turnover between 50 Cr. -100 Cr. Or 100 Cr. - 500 Cr. to score marks in this evaluation criteria.	No change on this clause in RFP

		<p>Typically, infrastructure projects require firms with such high firm turnover requirements, specified in the RfP. Large scale professional services firms with extensive experience in advisory, risk management and business consulting service areas do not have turnover values more than 1000 cr.</p> <p>We suggest the following approach for marking: INR 50 cr. – INR 100 cr. – 5 points INR 100 cr. – INR 500 cr. – 7 points Greater than INR 500 cr.– 10 points</p>	
		<p>Request re-consideration of scoring criteria for Firm Turnover. 10 marks for firms having INR 1000 crore and above turnover puts India based development agencies at a significant disadvantage even with them having the credentials and financial means to fulfil the requirements of the RFP.</p>	
		<p>We would request to limit the maximum Firm Turnover to INR 300 Cr.</p>	<p>No change on this clause in RFP</p>
13	Page no. 16; para-2	<p>We understand that all team members will be in payroll or direct contract of the Bidder</p>	<p>Yes</p>

14	Page no. 19-Confidentiality	<p>Except as otherwise permitted by this Agreement, neither of the parties may disclose to third parties the contents of this Agreement or any information provided by or on behalf of the other that ought reasonably to be treated as confidential and/or proprietary. Parties may, however, disclose such confidential information to the extent that it: (a) is or becomes public other than through a breach of this Agreement, (b) is subsequently received by the receiving party from a third party who, to the receiving party's knowledge, owes no obligation of confidentiality to the disclosing party with respect to that information, (c) was known to the receiving party at the time of disclosure or is thereafter created independently, (d) is disclosed as necessary to enforce the receiving party's rights under this Agreement, or (e) must be disclosed under applicable law, legal process or professional regulations. These obligations shall be valid for a period of 3 years from the date of termination of this Agreement.</p>	As mentioned in RFP
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15	Intellectual Property Rights	EY may use data, software, designs, utilities, tools, models, systems and other methodologies and know-how ("Materials") that EY own in performing the Services. Notwithstanding the delivery of any Reports, EY retain all intellectual property rights in the Materials (including any improvements or knowledge developed while performing the Services), and in any working papers that EY compile and retain in connection with the Services (but not Client Information reflected in them). Upon payment for the Services, Client may use any Materials included in the Reports, as well as the Reports themselves as permitted by this Agreement.	As mentioned in RFP
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16	Replacement of Key Personnel: Page-19	We humbly request you to change the timeline from 7 days to 15 days.	<p>The key professionals to be deployed under this contract are expected to be dedicated for the entire contract period. However the change will be allowed under following circumstances only after due approval :-</p> <ol style="list-style-type: none">1. In case of non-satisfactory performance of any of the assigned personnel, the client reserves the right to request for a replacement. Once a request is raised, the consultant must provide the CV and other qualification and details of the replacement personnel so as to permit evaluation within 14 days. On receipt of such CVs, the client must process the same within 7 days and communicate its approval / rejection. In case of failure to provide replacement personnel within 14 days of communication of the request for a change to the satisfaction of the client, the client reserves the right to not make payment for the resource and the resource may be treated as withdrawn after communication of
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		<p>Request you to kindly increase time period: a) to 14 days – to provide CVs of appropriate candidates to replace deployed personnel who are not performing satisfactorily b) to 30 days – to replace deployed personnel with candidate approved by client This is considering the fact that adequate notice period needs to be provided to other client(s) where the candidate(s) might be deployed.</p>	<p>such rejection.</p> <p>2. Under unavoidable circumstances of one or more key personnel becoming unavailable / leave the project for any reason thereof, the consultant must notify the client atleast 14 days in advance, explaining the circumstances necessitating the proposed replacement and submit justification and qualification of replacement personnel in sufficient detail to permit evaluation of the impact on the engagement. On being duly satisfied, the request for change may be approved / rejected by the client</p> <p>within 7 days of receipt of the same. Once the proposal for replacement is accepted, the consultant must replace the professional within 7 days of the communication of such approval. Client reserves the right to invoke the right to claim liquidated damages in case of failure of the Consultant to provide replacement personnel to the satisfaction of the Client after 2 such attempts.</p> <p>Further, acceptance of such replacement by the client shall not relieve the consultant from responsibility for failure to meet the requirements of the contract. Any change in key professionals without</p>
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			due approval by the Authority will lead to implication of liquidated damages of 10% of the contract value.
17	Termination	EY may terminate this Agreement, or any particular Services, immediately upon written notice to Client if EY reasonably determine that EY can no longer provide the Services in accordance with applicable law or professional obligations	As mentioned in RFP.
18	Scope of the Assignment:Page No-22	In order to prepare comprehensive annual baseline report across all indicators for the State, will the PMU be responsible for data collection activities? If so, we request that sub-contracting be allowed for such data collection activities.	Annual Baseline Report across all indicators for the State requires use of secondary data source.
		Kindly confirm that PMU is expected to prepare the baseline report through secondary data collation	
		For activities such as SDG Budgeting and development of the SDG Communication Strategy, can short-term consultants be proposed?	Sub -contracting in any form will not be allowed.

19	Technical assistance and advisory support for aligning the systems and process of concerned Departments & Districts to the related SDG goals-Page-23	<p>ToR requirement -PMU will assist in developing a standardized data management system at State, District and Panchayat levels We understand that consultant would facilitate the design the standardized data management system. The development of the data management system and any IT tools would not be covered as part of the assignment scope. Is our understanding correct?</p>	As mentioned in RFP.
		<p>In the ToR, we can see that this activity ("Orientation and technical support to the districts and Gram Panchayats") is open ended. We would request that number of such orientation workshops be specified (for instance 1 workshop per quarter).</p>	
20	Deliverables and Payment Schedule: Page-24	<p>ToR requirement - State SDG index covering all indicators We understand that development of State SDG index is subject to the availability of the data on the indicators. Thus, only those indicators provided in the Odisha State Indicator Framework may be considered for the index development on which data is available at some disaggregated level (for instance district level).</p>	<p>Odisha State Indicator framework(OSIF) is an evolving document and State SDG Index to be developed with some/all OSIF indicators along with other indicators as decided by the state Govt. from time to time as done in the case of SDG India Index.</p>

		<p>"The project has two distinct modules - strategy development and implementation of the strategy. As per our understanding and experience of carrying similar projects, the skill requirement for both the modules is different. Strategy development will require in-depth technical understanding of the relevant sectors (e.g. Energy, Infrastructure, Agriculture, Education, Skills, Rural Development, Health, Transport etc.). Whereas the implementation module will require the manpower as suggested in the RFP. May we request you to allow us to deploy a team suitable for vision / strategy development and deploy the PMU members once the vision / strategy has been agreed and finalised. Team Leader position may be common in both teams. We believe this will improve the overall quality of the work.</p> <p>You may allow us to quote a lump sum for the vision / strategy development module and follow the monthly rate format for the implementation module."</p>	<p>No change on this clause in RFP</p>
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		<p>We can see in the section on Deliverables and Milestones (p.24) that the second deliverable, "Vision Document, Submission of Baseline SDG Report and State SDG index covering all indicators" has to be submitted within "T+3" months. Considering the amount of effort needed for the three pieces of work and the consensus building needed for the same, we would like to request that deliverables should be split with specific timelines for each.</p> <p>Specifically, 'Submission of Baseline SDG Report' may be kept at T+3 months. The rest may be staggered to T+9 months.</p>	<p>It is clarified that the submission of SDG Baseline Report is T+3 months and rest two(SDG Vision Document & State SDG index covering all indicators) is for T+6 months.</p>
		<p>Request you to kindly increase timeline against Milestone No. 2 – submission of Vision Document, Baseline SDG Report and State SDG Index to T+6 months. This is considering: a) possible challenges in the availability of adequate/verified data at right granularity b) based on our experience of preparing similar SDG reports/documents for other State Governments.</p>	

21	Scope of the Assignment:Page No-24	<p>The following activities under the scope of work requires expertise in the area of Public Financial Management (PFM): a) Support in short/medium/long term action plan and preparation of budgets required to achieve the goals based on timeline</p> <p>b) Linking the Department’s request for grants as well as the annual outcome budgets to the SDG process and SDG budgeting, which will then be consolidated into SDG outcome budget for the State Considering this, we request you to kindly include 1-2 PFM resources additionally in the team.</p>	No change on this clause in RFP
22	Bidder Organization (Financial Details)- Page-29	<p>As per the pre-qualification criteria, the bidders are required to submit the statutory auditor/ audited financial statements for the three financial years (FY 2017-18, FY 2018-19, FY 2019-20). However, as per the Tech 3 format, the bidders are required to submit the Audited certified financial statements for the last three FYs (FY2018 -19, FY2019 -20, FY2020-21). Thus, there is discrepancy in the Pre-Qualification Criteria and Tech 3 requirement.</p>	<p>The audited certified fianncial statement for the last 3 financial years under Tech-3 format to be read as (FY 2017-18, FY 2018-19, FY 2019-20).</p>

		<p>We would also like to highlight that the audit for the FY 2020-21 is underway in most of the firms, thus audited certified financial statements may not be available for FY 2020-21. In view of this, we request you to kindly consider the Audited certified financial statements of FY 2017-18, 2018 -19, FY2019 -20 as part of the Consulting Turnover requirements.</p>	
		<p>Request you to kindly clarify whether the Turnover details/supporting documents are to be provided for FY 2018-19, 19-20 & 20-21 (as in Pg 29) or FY 2017-18, 18-19 & 19-20 (as in Pg 10, 11 & 13).</p>	
23	Summery of Financial Proposal: Page-42	<p>Request you to kindly clarify whether bills/vouchers have to be separately submitted for claiming/reimbursing amount mentioned under Overhead Expenses or will they be a part of the monthly invoicing.</p> <p>Further, we assume that any work-related travel of team deployed will be arranged by client and need not be budgeted by the bidder.</p>	<p>a. As mentioned in RFP.</p> <p>B. Expenses if done after prior approval of the same from the client for traveling outside Bhubaneswar shall be considered</p>
24	General	<p>As per standard contracts, we request you to allow an Escalation of 8% per annum post 18 months project period.</p>	<p>As mentioned in RFP</p>

		<p>Kindly allow us to showcase completed project experience from other countries other than India on supporting in achieving SDG and SDG Advisory</p>	
		<p>There is nothing mentioned in the RFP document about the limitation of Consultant's liability. We therefore request you to please consider the limitation of Consultant Liability, for any breach , gross negligence or wilful misconduct, limited to the Contract value</p>	

		<p>To the extent that the provision of the Services is impacted by a pandemic (including COVID-19) and any reasonable concerns or measures taken to protect the health and safety interests of either Party's personnel, the Parties will work together to amend the Agreement to provide for the Services to be delivered in an appropriate manner, including any resulting modifications with respect to the timelines, location, or manner of the delivery of Services.</p> <p>Where EY Personnel are required to be present at Client's premises, EY will use reasonable efforts to provide the Services on-site at [Client] offices, provided that, in light of a pandemic the parties agree to cooperate to allow for remote working and/or an extended timeframe to the extent (i) any government or similar entity implements restrictions that may interfere with provision of onsite Services; (ii) either party implements voluntary limitations on travel or meetings that could interfere with provision of onsite Services, or (iii) an EY resource determines that he or she is unable or unwilling to travel in light of a pandemic-related risk.</p>	
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25	Limitation of Liability	The Client shall not recover from the Consultant, in contract or tort, under statute or otherwise, any amount with respect to loss of profit, data or goodwill, or any other consequential, incidental, indirect, punitive or special damages in connection with claims arising out of this Agreement or otherwise relating to the Services, whether or not the likelihood of such loss or damage was contemplated. The Client shall not recover from the Consultant, in contract or tort, under statute or otherwise, aggregate damages in excess of the fees actually paid for the Services that directly caused the loss in connection with claims arising out of this Agreement or otherwise relating to the Services.	As mentioned in RFP.