

ADDENDUM– I

Design Supply Installation Commissioning and Operation and Maintenance of 200TPD LMO Oxygen Generation Plant

S.No.	Clause	Original Clause in RFP	Addendum
1.	Volume-II: Development Controls and Technical Specifications, Clause 2, Pages 7	2. Development Controls	The following sub-clause is added x. the selected bidder shall pay the Property Tax, as per the prevailing norms for the Pashamailaram IDA.
2.	Volume IV: Draft Concession Agreement, Section 3.4 (b), Page 20	Non-fulfillment of Conditions Precedent:	The following sub-clause is added to the clause: (f) In the event this Agreement is terminated due to non-fulfillment of the Concessioneing Authority's Conditions Precedent, the Concessioner shall be entitled to access the Project Location to dismantle and remove all its equipment, tools and materials, provided there is no amount Due and the Selected Bidder has to Provide the necessary No Objection Certificate (NOC) from the Concerned Departments/ Authorities.
3.	Volume IV: Draft Concession Agreement,	Section 6.3 - Project Completion	Following additional clause is added: (e) In case of delay in project

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	Section 6.3, Page 34		completion, except for Force Majeure cases, the Concessionaire shall pay to the Authority for every 4 weeks of delay penalty amounting to 2% of the total value of the VGF quoted by the Concessionaire.
4.	Volume IV: Draft Concession Agreement, Section 17, Pages 78	Miscellaneous provisions:	<p>following clause is added:</p> <p>17.18 Arbitration</p> <p>If the disputes cannot be amicably resolved by the Parties through good faith negotiations, then the dispute shall be referred to arbitration in accordance with the provision of the Arbitration and Conciliation Act, 1996, or any statutory modification or re-enactment thereof for the time being in force, by a sole arbitrator, to be mutually appointed by the Parties. In the event that the Parties are unable to agree upon a sole arbitrator, the dispute shall be referred to a panel of three (3) arbitrators, of whom one (1) each shall be appointed by the respective Parties. The two (2) arbitrators so appointed shall within thirty (30) days of the appointment of the second arbitrator appoint the third arbitrator. If the two (2) arbitrators are unable to agree upon the appointment of the third arbitrator within the aforesaid period, then the third arbitrator shall be appointed as per Arbitration and Conciliation Act, 1996.</p> <p>The arbitration shall be conducted</p>

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			at Hyderabad and any decision or resolution of the dispute shall be based on Indian law. The proceedings shall be conducted in English and held at such times as the arbitrators shall direct.