



C A G
Citizen consumer and civic Action Group

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To,
Deputy Commissioner (Health),
Greater Chennai Corporation

September 26, 2018

Dear Sir,

SUBJECT: Request for a meeting to discuss the tender SWMC No A7/3025/2017 (Package-I)

Citizen consumer and civic Action Group (CAG), founded in 1985, is a non-profit and non-political organisation. CAG has an established reputation for undertaking high-quality, independent, objective action-research on urban governance, consumer protection, and environmental protection environment and climate action change and, based on that, to provide recommendations that inform and improve policy and practice.

Solid Waste Management (SWM) is one of the key challenges facing Indian cities including Chennai, having important environmental, public health and labour implications. It also has a significant implication on the public exchequer given that the Greater Chennai Corporation (GCC) devotes a sizable proportion of its resources, time and labour to SWM.

CAG endeavours to support and strengthen the efforts of the GCC through credible and cutting-edge policy research on sustainable solutions for SWM. Keeping abreast with the local, national and international developments around SWM, we perused through the tender documents relating to the invitation of eligible bidders to take up collection and transportation of solid waste in zones that are currently being serviced by the GCC. We have identified certain inherent inconsistencies and deficiencies in many of the clauses that might have serious impacts on both the bidding process and the implementation, in line with the established principles of waste management. We wished to bring this to your kind attention and set ourselves to attend the pre-submission meeting held today, 26-09-2018 in Ripon Buildings. However, we were denied entry and participation without any explanation and the use of intimidation. I am confident that you would agree that this was unnecessary and in contradiction of established principles of participation and public oversight. We are, after all, a reputed civil society organisation, members of the public, and interested in the development of Chennai.

We write to you to request for an opportunity to meet with you at the earliest and present our findings and recommendations (attached) so the tender can achieve the objectives set out by the SWM Rules of 2016. It is our belief that this tender can be an opportunity to implement an effective waste management system that is decentralised and inclusive, and we would like to contribute to making it a success for GCC and all Chennai residents.

Yours sincerely,

Satyarupa Shekhar,
Director – Urban Governance

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To,
Deputy Commissioner (Health),
Greater Chennai Corporation, Ripon Buildings

October 9, 2018

Dear Sir,

Subject: Submission of comments on GCC's tenders for waste management

Solid Waste Management (SWM) is one of the most challenging problems for developing countries like India. The fourth largest metropolitan city in India, Chennai, has increased its waste generation from 600 to 4500 metric tons per day (tpd) in just over two decades. As per some studies, Chennai is also the highest per capita waste generator among cities in India at 700 gms per person. Chennai has the opportunity to establish a sustainable system to manage this waste in a decentralised manner that would yield significant benefits to the city's residents and the environment. This would include better public health, less environmental degradation, and save public money. It would also be effective in managing waste and would contribute to Chennai reducing its greenhouse gas emissions, thus mitigating climate change impacts.

GCC has taken some significant steps in this direction, by setting up compost yards and biomethanation units in various locations in the city. Unfortunately, the recent tenders issued by the Greater Chennai Corporation (GCC) do not build on these efforts either by scaling up these efforts, replicating other similar low cost and low technology examples, and strengthening the ecosystem of waste by linking with other formal and informal efforts that promote reuse and reduction of waste. The tenders and any other SWM efforts of the GCC should resonate with certain core principles that have been written in accordance with internationally accepted definitions of concepts and norms related to sustainable Solid Waste Management, as adopted by bodies such as the European Union.

- Environmental sustainability – Ensure that SWM is conducted in an environmentally sustainable manner.
- The Right to live in a healthy and pollution-free environment as enshrined in the Right to Life under Article 21 of the Constitution of India.
- Inter-generational equity – Pursue the implementation of a system of SWM that does not compromise the ability of future generations to live healthy and sustainable lives.
- Decentralised waste management – Implement, encourage and incentivize decentralised waste management in accordance with the Proximity Principle, which holds that waste should be disposed of or managed close to the point where it is generated.
- “Polluter Pays” principle – To be implemented where possible to ensure that the generator of waste is primarily liable for waste management and the costs associated with it.

Trustees

Mr. Sriram Panchu (*Senior Advocate*)
Dr. Arjun Rajagopalan (*Surgeon*)
Dr. R. Hema (*Associate Professor*)

Dr. Suchitra Ramkumar (*Doctor and Teacher*)
Dr. George Thomas (*Orthopaedic Surgeon*)
Dr. C. Rammanohar Reddy (*Economist and Editor*)
Mr. Keshav Desiraju (*IAS, retd.*)

Advisors

Ms. Tara Murali (*Architect*)
Mr. N.L. Rajah (*Senior Advocate*)



- Fair labour practices - Ensure that all individuals employed or otherwise engaged in the execution of SWM are treated in accordance with national and international labour norms, including the concept of 'decent work' used by the International Labour Organisation.
- Informal sector inclusion - Include, integrate, or accommodate wherever possible, economically vulnerable segments of society, such as waste pickers, who are, traditionally or otherwise, dependent on waste for their livelihoods. This will ensure their Right to Livelihood through either employment or access to waste.
- Waste hierarchy – The waste hierarchy ranks waste management options according to sustainability and what is best for the environment. Top priority is accorded to preventing and reducing waste production. If waste is not produced, then there is no question of disposal. When waste is produced, the hierarchy gives precedence to preparing it for reuse, followed by recycling, then recovery, and last of all, disposal.
- Target-oriented management – Ensure timely compliance with all rules and regulations.

We submit our comments and recommendations on the tender documents (enclosed). CAG had also developed a practical proposal for decentralised/ ward-based waste management in partnership with Chennai Corporation in 2014. The proposal had the following objectives:

1. To create a clean, hygienic environment free of garbage
2. To minimise waste sent to the landfill
3. To utilise waste as a resource for the generation of wealth and to maximise recycling
4. To create a closed loop system, i.e. where organic waste becomes part of the local ecological cycle
5. To create 'green jobs': in door-to-door collection, at Resource Recovery Parks, and other such infrastructure
6. To educate and involve the community in the management of its waste

We request an opportunity to discuss this in further detail with you and SWM department officials, and offer our services to design an effective and efficient system.

Sincerely,

Satyarupa Shekhar

Director - Urban Governance

Tender Notice no.	Clause no.	CLAUSE	COMMENT	PROPOSAL
4	1.1	Daily Door to Door / Primary Collection & Transportation System of Solid Waste Door to Door/Primary collection of Solid Waste from Households and All Markets (Vegetable Market, Fruit Market, Daily Market, Fish Market, Street Vendors etc.), Hotels, Restaurants, Banquet Hall, Institution, Other Commercial Establishments and any other establishment as notified by the Authority	The SWM Rules of 2016 mandates every waste generator to segregate the waste at source. This being the case, the concessionaire should be expressly mandated to not collect unsegregated waste from the waste generator. By shifting the burden of segregating the waste from the waste generator to the concessionaire, the clause violates the fundamental premise of the SWM Rules of 2016.	Refer Table 1
4	[b]	The Concessionaire shall be responsible to collect pre-segregated and/or unsegregated waste (as per KPIs) from waste generators. The Concessionaire shall segregate the waste in three separate streams namely Bio-Degradable, Non-Biodegradable and Domestic Hazardous Waste and store separately in suitable bins (biodegradable waste in green colour bin, non-biodegradable waste in blue/white colour bin and domestic hazardous waste in jute bag). The Authority may provide a set of two waste containers for wet and dry waste and a jute bag for domestic hazardous waste to its citizens for practicing waste segregation at home.	The SWM Rules of 2016 mandates every waste generator to segregate the waste. Section 4[a] mandates the waste generators to segregate and store the waste generated by them in three separate streams namely bio-degradable, non biodegradable and domestic hazardous wastes in suitable bins and handover segregated wastes to authorised waste pickers or waste collectors as per the direction or notification by the local authorities from time to time; This being the case, the concessionaire should be expressly mandated to not collect unsegregated waste from the waste generator. By shifting the burden of segregating the waste from the waste generator to the concessionaire, the clause violates the fundamental premise of the SWM Rules of 2016.	The term "unsegregated" should be removed from the contract as it violates the SWM 2016 rules. A transition clause can be included with a timeline for phaseout of unsegregated waste.
4	[d]	E-Rickshaws/ Tricycles engaged in this service shall collect waste only from households/commercial establishments and not from any other source.	1- Generally these roads are narrow. In case of emergency it's very difficult to move the tricycle carrying 6 HDPE bins of 60 liters each. 2-Manually pulling this much load for one person is not viable on daily basis. 3-Manually driven such rickshaws are discouraged from Human welfare perspective also. 4-Also the climatic condition in Chennai is not in favour of tricycles of E-rickshaws without shade. 5-No signalling or lighting arrangement is there on Tricycles. 6-Also the condition of Roads is not always good to pull the manual tricycles easily.	The design of such manual collection vehicles has to be to the optimum ergonomic standards. The current designs are very poor and inefficient. The proponent should work with institutes like IIT to develop better designs. Refer to the PiBeam project at IIT Incubation cell
4	[e]	The Concessionaire shall be responsible for collecting segregated domestic hazardous waste from the households on bi-weekly basis and transport it to the Deposition Centre for its safe storage.	The design and maintenance of the deposition center should be as per the Hazardous Waste guidelines so as to ensure safety of environment. The contract should clarify who holds the responsibility for maintaining the center.	The design and maintenance of the deposition center should be as per the Hazardous Waste guidelines so as to ensure safety of environment. The contract should clarify who holds the responsibility for maintaining the center.
4	1.2	Collection & Transportation of Solid Waste from Canal/River Banks	Beach is part of tender as per Tender notice 2, cl. 1.3.1, but not mentioned here	Replace the word with "Collection & Transportation of Solid Waste from Canal/River Banks/Beaches in the awarded area"
4	[a]	The Concessionaire in consultation with the Authority and IE, shall identify the location of Hotspots along with the coordinates during the preparation of MIOP.	Hotspots should be mentioned in the tender. The tender should also include criteria for identifying hotspots and provide a list of pre identified hotspots. This will help bidder to make proper estimation of work and costs.	Tender should include a list of criteria of hotspots and a list of pre-identified hotspots.
4	[b]	The Concessionaire shall be responsible for the collection and transportation of solid waste lying at the banks of canals/rivers within the project area as per the frequency mentioned in KPIs mentioned in Schedule 17.	Beach has to be added	Replace the highlighted word with "banks of Canals/Rivers Bank and around Beaches including the sand area. In case of beaches the area near shoreline, sand (Entire exposed sand area), pavements around beaches in the awarded area"
4	[c]	The Concessionaire shall be responsible for setting-up online Centralized MIS and 24 X 7 Complaint Redressal System and shall indicate the space requirements for the same in MIOP. The Authority shall provide the required space to the Concessionaire. The Concessionaire shall be responsible to operate the Centralized MIS and Complaint Redressal System	The MIS and Complaint redressal system should be set up GCC to avoid conflict of interest. It should also be developed as part of a comprehensive system for all infrastructure and services provided or monitored by GCC in order to avoid fragmented responses and poor performance on the part of any service provider as a result.	The tender should specify what type of MIS system, approved vendor list for GCC, and also the technology etc. It should also specify the location, space requirement and specs of the centralised MIS system.

Tender Notice no.	Clause no.	CLAUSE	COMMENT	PROPOSAL
	[d]	The Concessionaire shall be responsible for preparation of IEC Plan for creating awareness related to solid waste management. The IE and Authority shall approve the Plan. The Concessionaire shall conduct the IEC Programmes as per the Plan throughout the Concession Period.	There should be more clarity on how this integrates with other sanitation plans and schemes. For example, there are animators provided under the Swachh Bharat Mission. How will this be integrated with the concessionaire's plans and costs?	
4	1.3	Collection and Transportation of waste from Bulk Generators	and sports complexes having an average waste generation rate exceeding 100kg per day. The proposal is unclear about what kind of waste will be collected, how will it be collected, where will it be deposited, and what processing will be undertaken by the	Refer Table 1
4	[a]	The Concessionaire shall be responsible for the collection and transportation of waste generated from Bulk generators separately.		
4	1.4	Collection & Transportation of Horticulture and Garden Waste from public places	Transport to where is not specified. Suggestion to include a clause for in-situ or closest site composting of horticultural waste to the extent possible.	
4	[a]	The Concessionaire shall be responsible for the collection and transportation of horticulture/garden waste generated from public places using specialized equipment.	Specialised equipment should be clarified with specs and also cl. 4[d] of SWM which specifies the duties of a waste generator with respect to the horticultural waste, (store horticulture waste and garden waste generated from his premises separately in his own premises and dispose of as per the directions of the local body from time to time) should be addressed.	Refer Note for Table 1
4	1.5	Street Sweeping, Collection and Transportation of Solid Waste	The term street should be defined well. Several settlements with unpaved roads within the CMA will fall out of this definition.	The term street should be clearly defined. The tender should clearly mention that street sweeping covers all slums and informal settlements also.
4	[d]	The Concessionaire shall transfer the 'Street Sweeping Waste' into specified 1.1/0.66cu m covered RC bins (Black Colour) to be provided at Secondary Collection Points (SCP).	The tender should clearly define SCP, and provide an operation plan for bio and nonbio waste.	SCP should be in possession & control of bidder. Location and number of SCPs should be mentioned in the tender.
4	[f]	The Concessionaire shall ensure that the Street Sweeping Waste shall not be mixed with any other type of waste from collection till disposal.	Street sweeping waste should ideally be composed of leaves, soil, sand or some small plastic packets but then also the segregation is required.	Segregation of street sweeping waste at SCP, and then transporting is to the disposal places as notified by Authority for the type of waste to be disposed where.
4	1.7	Secondary Storage of Solid Waste	Also CPHEEO manual (Page 50/604) "gives option of "No secondary storage (direct transportation of waste)". Clarification in this aspect against SWM 2016, Cl. 15 [O] needs to be taken	No secondary storage or bins placement of this size. Small hole size bins should be provided only at few spots for pedestrian waste throw only.
4	1.9	Other Conditions		
4	[c]	The Concessionaire shall provide services as per Project Scope for 365 days in a year irrespective of any National Holidays, weekly holidays, Festivals and Political Force Majeure		

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4	[e]	In consultation with the Authority and in line with SBM Guidelines/SWM Rules 2016, the Concessionaire shall establish a system for integration of the informal waste collectors to facilitate their participation in formal solid waste management activities.	SWM Rules, 2016 as well as CPHEEO manual talks at lengths about the integration of informal waste collectors/ pickers (IWPs). As per SWM Rules 2016, Informal waste collectors : includes individuals, associations or waste traders who are involved in sorting, sale and purchase of recyclable materials. Section15 [c] recommends establishing a system to recognise organisations of waste pickers or informal waste collectors and promote and establish a system for integration of these authorised waste-pickers and waste collectors to facilitate their participation in solid waste management including door to door collection of waste; (d) facilitate formation of Self Help Groups, provide identity cards and thereafter encourage integration in solid waste management including door to door collection of waste; GCC must provide a detailed plan to integrate IWPs into the formal waste system. The plan should include registration of IWPs, undertake organising and mobilising IWPs for the registration camps, and issue identity cards. The GCC must also amend the relevant legislations to decriminalise waste picking by IWPs. This cannot be left to the concessionaire. It is pertinent to note here that the GCC is yet to fulfill its commitment on the issuance of ID Cards to the IWPs.	Since SWM as well as CPHEEO manual talks at lengths about the integration of informal waste collectors/ pickers (IWPs). GCC must provide a detailed plan to integrate IWPs into the formal waste system. The plan should include registration of IWPs, undertake organising and mobilising IWPs for the registration camps, and issue identity cards. The GCC must also amend the relevant legislations to decriminalise waste picking by IWPs. This cannot be left to the concessionaire. It is pertinent to note here that the GCC is yet to fulfill its commitment on the issuance of ID Cards to the IWPs.
4	[i]	The Concessionaire in consultation with the Authority and IE, shall identify the location of Hotspots along with the coordinates during the preparation of MIOP.	Hotspots should be mentioned in the tender. The tender should also include criteria for identifying hotspots and provide a list of pre identified hotspots. This will help bidder to make proper estimation of work and costs.	Refe. Cl. 1.2.[a]
4	3.1	Technical specs of Tricycle		The design of such manual collection vehicles has to be to the optimum ergonomic standards. The current designs are very poor and inefficient. The proponent should work with institutes like IIT to develop better designs. Refer to the PiBeam project at IIT Incubation cell
4	[y]	HDPE Containers	HDPE should be avoided. This will result in heavy usage of HDPE containers and also replacements. Hence adding to plastic waste.	Light metal or aluminium containers can be explored. In case of HDPE containers, It should be ensured that these are sent to recycling plant when discarded.
4	3.3	Wheel barrow for street sweeping		Justify need for vehicles, type of waste to be collected and number of vehicles.
4	3.4-3.7	Refuse compactors	Approved vendor list / make not provided	Justify need for vehicles, type of waste to be collected and number of vehicles.
4	3.8	Tipper truck specs	Approved vendor list / make not provided	Justify need for vehicles, type of waste to be collected and number of vehicles.
4	3.9	Technical Specifications for Truck Mounted Road Sweeping Machine (Big Mechanical Sweepers)	Approved vendor list / make not provided	Justify need for vehicles, type of waste to be collected and number of vehicles.
4	3.10'	Technical Specifications for LMV Mechanical Sweepers	Approved vendor list / make not provided	Justify need for vehicles, type of waste to be collected and number of vehicles.

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4	3.11	Technical Specifications of Horticultural Waste Removal Vehicle	Missed	Justify need for vehicles, type of waste to be collected and number of vehicles.
4		Schedule 7, [b]		
4	[b]	As per SWM Rules 2016, One DHW Depositing Centre shall be established for every 20 sq. km. of area. The Authority shall identify suitable location where the DHW depositing center can be established. Authority shall be responsible to provide fully developed DHW Deposition Centre to the Concessionaire.	Total 7 in Project area as per tender and SWM 2016. There is no information explaining how this is sufficient for the type and quantum of waste generated in the city. Also refer to comments above for hazardous waste.	Location, size, design, operation and other specs should be part of the bid. Not specifying this will leave enough scope for after bid financial dispute and interpretation.
4		Schedule 9 - EHS	Under this schedule, several clauses need more clarity. For instance, who is responsible for preparing and implementing the EHS policy throughout the activities area? Who shall inspect if the PPE is being used by the workers?	Although It is mentioned that PPE shall be provided . But the responsibility should be fixed that no employee on ground should be found doing the work without these. Gloves, mask and reflective jacket should be worn at every level while handling the waste (Collection / transportation / segregation / disposal / treatment etc.) Each worker should be provided with name badge and Identity cards to be worn at all times during the work at every level.
4		MIS		
4	[a]	The Concessionaire, IE and the Authority shall jointly set-up one control room for the Project Area. The space (RDC Office) for the Control Room shall be provided by the Authority. The space requirement shall be provided by the Concessionaire in MIOP. The Concessionaire shall be responsible for providing hardware and software system to enable real-time tracking of activities. The Authority, Concessionaire and IE shall deploy one representative respectively for MIS.	1-Space requirement is left to concessionaire will. 2- Hardware and software is not mentioned spec wise, approved vendor wise, internet or other requirements. These assumption from quoting vendors will impact the financial bid	Location / specs of system / design / drawings (Minimum specs) should be mentioned. Hardware and software (Authority will provide it but what about maintenance, training of concessionaire staff) requirements should be mentioned.
4	10.1	Reporting through MIS:		
4	[c]	The Concessionaire shall install GPS devices in all the Secondary Collection Vehicles and Mechanical Sweepers which shall enable real-time tracking of vehicles at the Control Room.	Effective technology if implemented properly. Even simple Android device can be used to track.	Although specification is given in cl. 10.4 , but Specify the GPS device and approved vendors and whether anything better can be incorporated for tracking ?
4	[d]	The Concessionaire shall install RFID Tags with unique codes on Primary Collection Vehicles, RC bins and wheel barrows and these unique codes shall be used in the MIS Reports.	While RFID technology has become inexpensive, its ubiquitous use in SWM must be properly deliberated. Can the infrastructure and equipment on which the RFID chips be placed guarantee their safety and proper maintenance?	cl.10.4 [d] is very strict and almost everything is listed to be equipped with RFID. Selective use and approved vendors should be mentioned.
4	[e]	The Radio Frequency Identification Device (RFID) tags in the RC vehicles shall be placed in such a way that the signal shall be transmitted to the Control Room only when the RC bin has been lifted and emptied by the RC vehicle.		
4	[f]	Infrared video cameras shall be installed at appropriate positions on all secondary transportation vehicles for ensuring transmission of live feed of secondary collection (to capture the status of solid waste lying around the bin) and transportation activities to the control room. At least each transportation vehicle should be fitted with one infrared video camera on the external side of the secondary transportation vehicles.	This will add unnecessary cost. Better is to develop the feedback system.	Delete
4	[g]	The Concessionaire shall provide geo-fenced cellular handsets to the supervising staff of primary collection and transportation as well as street sweeping which shall get activated/ deactivated once the personnel enters/ exits from her designated work periphery, which shall be detailed in the personnel wise beat plan in the Approved MIOP.	This will add unnecessary cost. Better is to develop the feedback system.	Delete

Tender Notice no.	Clause no.	CLAUSE	COMMENT	PROPOSAL
4	[h]	The Concessionaire shall also conduct manual supervision of activities, which cannot be tracked through automated system (Refer Schedule 17 on KPIs). The Concessionaire shall develop a mobile application to monitor the Project Operations on day to day basis.	Why not to use the existing of MIS system to be installed? There must be more clarity on process of monitoring, for example, random selection with minimum 10% coverage per day.	Delete
4	[k]	The Concessionaire shall submit Daily, Weekly, Fort-nightly, Monthly and for any specific duration MIS Reports to the IE in the formats approved by the Authority.	Sample formats missing	Sample formats should be provided.
4	10.2	Complaint Redressal System:		
4	[b]	The Concessionaire shall provide online platform for the logging and tracking the complaints. The Concessionaire shall also enable the system to register the complaint through SMS and provide the status through Automated SMS	Such app based CMS is only useful if they demonstrate a closed loop interface. The complainant has to be in the position to comment on the quality of the redressal post facto. Perhaps we could include a happy code (like the electrical equipment service systems).	All the numbers and other contacts should be widely publicised and every collection unit should have these details. Number of phone lines, operator, facility location, physical complaint filing, etc should be clarified in tender itself. It should be toll free.
4	[c]	The Concessionaire shall install dedicated phone lines and staff in the Control Room to receive complaint from Public. The waiting time shall not be more than 2 minutes for any call. While the customer is waiting, a recorded voice message indicating that complains can be logged by SMS or on web shall be played.		
4	10.3	Hardware & Other Components	Explicity specify	No. / qty / specs / where and what required should be specified.
4		The Concessionaire shall deploy the hardware and software system with due approval from Authority		Leaving it for the interpretation of bidder shall influence the financial bid and ambiguity of quote
4	10.4	Mobile Application for Reporting from site		
4	[e]	Mobile application should be able to send the information to control room about the ground situation along with "photo", "Geo tagging" & status update	Who will use this mobile application? Ref. 10.1 [h]. Who will take the photo? Who will Geo tag ? What would be the frequency?, What do you mean by Status update here ? The things mentioned in the cl. 10.4.e.iv are not pragmatic. However if required, It should be run on pilot basis by corporation and if successful then implement. This agency can be separate or sample data can be collected by GCC / IE on alternate days.	The tender should specify who will use the app. Geo tagging with photo can be one time activity with periodic review (May be in six months). This clarity of scope will reduce the cost of the bid without affectign quality.
4	[g]. [i].2	Biometric attendance for the staff who have missing finger prints (At times reported by few workers) alternate fool proof system shall be deployed.	What is this fool proof system? How will it be used and monitored? What is the protection for workers against misuse of the system?	The tender should provide clarity on such a fool-proof system.
4		Schedule 11		
4		Scope of work for Independent Engineer (IE)	Total staff of 87 nos. has been given to IE, Which will be appointed by IE (not the authority of concessionaire). Since 50/50 payment to be shared between authority and succesful bidder then where is the independence of the IE. Also IE will sit in furnished office provided by successful bidder. This definitely compromises the independence of IE	
4		Schedule 12		
4		Scope of IEC Activities	This is in line with Section 15(zg) which provides direction for creating public awareness through information, education and communi generators	

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4	[g]	Baseline Survey/data collection Conduct baseline survey to assess the socio-economic status of target groups, willingness and affordability of resident to pay, , formal and informal traders involved in collection of plastic and other waste. This baseline information would help the Authorities to decide the user's fees as per economic status and category of users such as shops, hotels, dharamshalas, temples, vegetable mandi, marriage halls/gardens, hotels/restaurants, etc.	This authorises the agency to collect the data. What are the survey parameters? How will the data be used? Who will be the owner of the data and who can use it? This is all sensitive information and there must be a data protection plan in place before the survey is undertaken. There is also a conflict of interest if the Concessionaire collects this information.	Method of collection / storage of information / Timeline or period of collection, frequency and what parameters will be asked. Should be made part of the tender. On ground survey work adds to the cost of the tender.
4	[h]	Any intervention will affect stakeholders differently; some of the stakeholders can influence the decision-making process. It is important therefore to identify stakeholders who might have a negative impact (such as informal waste pickers) and those who can influence the decision-making process (such as business owners and neighbours of project area. Concessionaire need to consider the proposed list of stakeholders and related categories for doing the stakeholder analysis.	What is the objective of this clause? What is meant by "negative impact" and "influence decision making"? SWM Is a public service and all city residents must be included in the decision-making process. This is the role of GCC as the local government. Moreover, the Concessionaire cannot be expected to undertake this task without bias and with the objective of ensuring good participation and representative of the population.	The tender should specify the objective, target audience, frequency, and expected outcomes. This should not be assigned to the Concessionaire.
4	[i] . [iii]	The Concessionaire shall facilitate the initial ward cleaning with support from the Authority to develop confidence and faith amongst households that some good practices on SWM will start in their area. This can be an entry point activity in the ward for starting a door to door solid waste collection system.	What is the objective of the clause? How will this be monitored? Will this entail a higher cost by the public exchequer? If so, it should be avoided, especially since there is not clarity on the objective and outcomes.	Ward cleaning means ? What will be the scope of Authority and successful bidder ? What activities are suggested. "Shall means mandatory" . Hence this has to be done. What is the timeline (Initial means ??)
4	[j]. [ii]	The group formed at the zonal/unit/ward level as the case may be will be ultimately responsible to ensure door to door solid waste collection, source segregation, payment for the services, maintenance of the dustbins, etc.	So, the agency is authorized to collect the user fee ? If yes, then from when? How it will be tracked? Whether that will be part of his performance ? Mode of collection? GCC has made no such announcement or notification to the public, and so this clause should be deleted from the tender.	Delete till GCC provides public notice.
4	12.3.2.[a]	The Concessionaire should conduct door-to-door waste collection in all wards in a phased manner as per MIOP.	What is phased manner? Will the timeline be defined in the contract? best to see it here. This is a serious clause. Heart and soul of the tender. Costs shall be derived on the basis of this. Timeline should be clear for the phased implementation and coverage.	The tender should provide clarity on this and GCC should inform the public prior to the MIOP is finalised.
4	12.3.2.[b]	Facilitate developing working model for segregated storage of household waste in separate containers/bins only. This is essential to develop habits for disposing household waste at the appropriate place. It is important to collect waste in segregated form. But depending upon the situation of the city and mind set of residents, developing proper disposal habits and paying for the facility is more important.	What is the need for saying :but depending on the situation and mindset"? This clause is redundant and confusing. Moreover, it undermines ongoing segregation and composting efforts. The GCC should make a serious effort to amplify these and focus on creating an effective decentralised zero waste model.	Delete
4	12.3.2.[e]	The team of waste collector from private operator will be responsible for watering the plant regularly and its fencing.	Scope is not clear. Which plants, what fencing, who is the private operator (Successful bidder or somebody else). Private bidder definition is not available in tender.	Tender should specify the scope and performance monitoring.
4	12.3.2.[f]	Supervise a waste collection team with support from SWACHH Group. This waste collection team and supervisor of concessionaire will be expected to review whether waste is segregated at source or not with support from agency The supervisor needs to request HH to give waste in segregated form only as much as possible.	Redundant and confusing. What is SWACHH Group and their roles and responsibilities?	Delete
4	12.3.2.[g]	The waste collection team need to compile daily information on source segregation in a prescribed format. This will help to assess the trend whether waste is segregated at source or not.	A useless clause which will never be adhered to. The mechanism of monitoring and reporting has to be more robust than this and the burden of that should not fall upon the collectors.	Delete (Refer table 1)

Tender Notice no.	Clause no.	CLAUSE	COMMENT	PROPOSAL
4	12.3.2.[h]	Concessionaire will be expected to make provision for giving award to HHs, hotel and market associations etc. for giving segregated waste and payment of user's charges on a regular basis.	the law also provides for levying penalties for violations. this has to be part of the contract. if the operator cannot impose fines legally then he should be given the right to refuse mixed waste.	Delete (Refer table 1)
4	12.3.2.[i]	Create a help-line and a mechanism for receiving public complaints and addressing them quickly.	Redundant and confusing	Already covered in complaint redressal cl. No.1.2 [c]
4	page 88			
4	CL. 8	Reporting System		
4		Reports and Returns for IEC activities	Fomats should be provided. Redundancy should be excused. Report submission is paper based of digital ?	Fomats should be provided. Redundancy should be excused. Report submission is paper based of digital ? No clarity
4	13.9	Working hours	only morning shift is mentioned specifically. Why not others when 50% of work is going to be done at night. Overtime should be adequately compensated as per law. Ramky is already violating all labour laws and CoC just looks the other way.	Should be more elaborate of should write as per labour laws. In that case morning thing should also be removed
4	13.20'	13.20 Employment Records of Workers	worker benefits as per the laws should be made available.	All the workers should be paid by account transfer. No cheque or cash payment at any level should be practiced.
4		Schedule 14 & 15		
4		Minimum infrastructure requirements		Tricycle to replaced with E-rickshaws
4	page 101	Note : The Concessionaire needs to deploy a minimum of 70% of the above mentioned infrastructure without any default all the time	70% in perfectly working condition on ground.	70% in perfectly working condition on ground.
4		he Concessionaire shall perform the beach cleaning of Zone 14 and 15 beach area with the help of beach cleaning machine provided by the Authority	Is it covered in this tender ? No where mentioned ?	Delete
4		Schedule 17	to be modified on the basis of above tender terms & Conditions change	to be modified on the basis of above tender terms & Conditions change
4	page 132	Indicative norms	Maximum of the number arrived using this calculation or minimum requirement given in schedule 14 & 15 should be implemmented.	Maximum of the number arrived using this calculation or minimum requirement given in schedule 14 & 15 should be implemmented.
4	page 135	Schedule 24	It confuses with other clauses, where IE will sit. Tender notice 3, page 41, cl. 5.4.i.e	
3	Article 3			
3	3.1 [a]	The Authority hereby undertakes to handover to the Concessionaire, whenever the Concessionaire is ready to take over the Project Area for project implementation as per the terms and conditions of this RFP subject to a minimum of achievement of Financial Closure, procurement of minimum required infrastructure, manpower and approval of MIOP. The Concessionaire shall take over the whole of the Project Area for the operations within a maximum period of 105 (one hundred five) days from the Commencement Date.		Strike down the first sentence "The Authority hereby undertakes to handover to the Concessionaire, whenever the Concessionaire is ready to take over the Project Area for project implementation as per the terms and conditions of this RFP subject to a minimum of achievement of Financial Closure, procurement of minimum required infrastructure, manpower and approval of MIOP. Handing over shall be completed within 105 days of the LOA.
3	4.2 [a]	The cost of service of IE shall be discovered through a transparent bidding process to be conducted either by the Authority/ any Agency Authorized by the Authority/ PSU/ Board or the body corporate as the Authority deems fit.	Cost of IE covers the cost of the 87 staff provided to him and other facilities. This might also include the utilities & others like stationery etc.	Maximum cost should be mentioned. Else how the bidder will make assumption for 87 staff holding IE ?. This will impact the financial bid to great extent. Moreover this person is going to be appointed after the award of the contract, so it is further necessary to give the maximum value or should be removed at all and 100% payment should be made by the GCC.
3	4.2 [b]	The payment made to the Independent Engineer shall be shared equally between the Authority and the Concessionaire.		

Tender Notice no.	Clause no.	CLAUSE	COMMENT	PROPOSAL
3	5.4 [i]	The Concessionaire is required to commence Construction Works for the Project Facilities as detailed in the Schedule 4. The Project Facilities shall include a) Data Control Room, b) Call Centre (IVRS) c) Workshops d) Parking Sheds e) Office furnishing for the IE	Appropriateness of IE's office furnishing to be taken care by successful bidder should be established. Further the drawings, specs and other things about the facilities are not mentioned in the tender. Also the timeline of construction is missing. These are very very high value items. there should not be any ambiguity in their interpretation. Facilities within these establishments would be in whose scope ? what all facilities will be there ?	The tender should clarify to avoid unnecessary costs to the public exchequer.
3	5.4.[iv].[b]	The Concessionaire shall, before commencement of construction works ; provide a furnished office accommodation for the Independent Engineer, whereas the space shall be provided by the Authority		
3	[d]	the Independent Engineer shall issue Completion Certificate as per the Completion Schedule as agreed in the approved MIOP;	Conflict of interest with clause 5.4 [i] / 5.4.[iv].[b]&[e] /	Resolve conflict of interest.
3	5.5 [a]. [iii]	The Concessionaire shall ensure more than 50 (fifty) percent of the project operations as Night Conservancy (refer definition of Night Conservancy) work as per MIOP;	Atleast broad level activities to be performed during night time should be tabled	relevant labour practices and laws to be adhered to.
3	5.8.[x].[2]	on monthly basis, the Concessionaire shall submit to the Authority – Provident Fund and ESI deposited, Employee Health Insurance etc.	This is good.. there should be some reference to the obligations towards contract/temp staff too. Companies are known to hire a considerable temp staff to save on all these expense.	
3	6.2	General Obligation		
3	[b]	the Authorit shall :b) provide space within 75 (seventy-five) days from the Commencement Date for the following: i) space for Centralized Call Centre; ii) DHW Centers as specified in the approved MIOP; iii) one Data Control Room at GCC HQ; iv) office space for IE; v) convenient locations for installation of biometric attendance systems in beat offices or any other location at the ward level.	Refer. Comments against. 5.4. [I]. The complete specs and location should be given before hand in this tender. These are high value items (i/ii/iii/iv).	The tender should clarify to avoid unnecessary costs to the public exchequer.
3	8.1 [a]	Progress reports	Formats and schedule to be fixed.	
3	8.2 [b]	the IE shall prepare and submit a daily consolidated report of KPI targets achievement related to services;	ok. Should be mentioned in digital or hard copy form. Also the sample format should be attached.	
3	8.3 [e]	50% (fifty percent) of MQ shall be Fixed Payment (FP) and remaining 50% (Fifty percent) of MQ shall be Performance based Payment (PP).	Since this is high value tender. So It's ok to fix the 50% upfront payment (That does not mean fixed). To provide the working capital to SPV. However, performance based should be 60-70% and rest should only fixed.	
3	8.5 [b].[iv]	it is further clarified that any change in the component which entails lowering of the MQ shall be not applicable;	Lowering of interest /inflation/WPI and other components will impact the operational costs of the successful bidder in either way. Then why lowering is not allowed ?	
3	8.7	Surcharge on Penalty	Clause should be inserted which should cover the fixed part also incase the breach reaches 100% of variable part.	
ITB				
2	2.1 [f]	The Bidder shall be making profits in the preceding five financial years in which the annual turnover is calculated (Copy of statement of Profit and Loss Account certified by Chartered Accountant for each of the five financial years to be enclosed).	Threshold to be mentioned. Since the learning from the projects across India in different cities is that the SPVs set up for the SWM projects couldn't deliver and go into financial troubles. So, sound financial stability and pedigree to be ascertained.	As per CVC guidelines, Thresh hold in each case should be mentioed as far as possible and ambiguity to be avoided. http://www.cvc.nic.in/sites/default/files/3%20Tender%20Stage.pdf

Tender Notice no.	Clause no.	CLAUSE	COMMENT	PROPOSAL
2	3.3.2	The Authority shall examine and evaluate the Bids in accordance with the provisions set out hereunder:		
		It may be noted that Financial Bid shall be opened and reviewed only for such Bidders who score 70 (seventy) marks or above.	Financial criterial should not be the part of the marks. It should be the mandatory criteria. Not scoring in that should lead to rejection. No matter how well the project scope or other things are done (or even perfect score in other cases). First stage should be financial criteria - If fulfilled completely then ONLY proceed for other marks (there minimum can be mentioned). ref. comments in 2.1 [f] also	
2	3.11	Financial bid		
	[2]	The Financial Bids of all the short- listed Bidders would be evaluated on the basis of the financial bid (the "Financial Bid Parameter") as specified in sub-Article 3.10 and the accompanying supporting information regarding assumptions underlying the Financial Bid as per the format in Appendix IX.	Asking assumptions for financial bid will lead to ambiguity. How apple to apple comparison will be done at this stage ? (somebody can assume some cheap things and quote something while other will assume quality things and quote higher, while at this stage this evaluation can not be done, hence should be tackled at technical bid stage). These assumptions can be asked with Technical bid only. Further, while comparing the bids the assumptions of each bidder has to be discounted to have apple to apple comparison.	
		Exhibit 2		
		Step 4 Should have sub clauses as outlined in 3.3.2 comments		