Appointment of Tax Consultants to undertake work of tax consultancy for RailTel Corporation of India Limited.

Sub:- Clarification issued on E- Tender No. RailTel/Tender/OT/CO/Fin/2018-19/ dated 14/05/2019.

S No	Clause no of Tender	Clarification required by bidders	Clarifications	Reference
1	**Section 23 Para no A1. A2, A8, and A 9** Review/preparation and filing of reply before the AO including attending personal hearing in regard to assessment case. Review of AO's order to identify the issues requiring rectification or filing of appeal. Appeal before CIT(A) or revision by CIT u/s 263 or 264 of income tax act. Appeal before ITAT.	Detailed year wise status chart of assessment history, including list of matters pending before various Income-tax/ appellate authorities, brief note on issues involved in assessments, quantum of each addition, key positions taken by the company. Copy of past year(s) assessment orders, CIT(A) orders/ Higher Appellate level orders, on a sample basis. Copy of latest available TP Documentation. Copy of latest available Form 3CEB. Please provide the tax jurisdiction of the company.	Only new cases arising during the period of engagement will be handed over to consultants, if company feels that assistance of consultant is required. For Income Tax, Tax jurisdiction is Delhi and for TDS it's Delhi, Mumbai, Kolkata and Hyderabad.	E&Y
2	**Section 23 Para no A4** Getting income tax refund of the company.	Details of income-tax refund outstanding - viz Assessment Year, refund claimed in return, refund received, refund outstanding, whether return has been processed u/s 143(1) and refund determined therein, reason(s) for refund not issued till date, status of refund, reasons for mismatch of tax credit (TDS, advance tax, self-assessment tax), if any.	Only new cases arising during the period of engagement will be handed over to consultants, if company feels that assistance of consultant is required.	E&Y
3	**Section 23 Para no A5 and A6**	Copy of income- tax return and computation for Assessment Year	Data of the company cannot be shared, However consultant is only required to be	E&Y

3

	Filing of Income Tax Return of the company including hand on assistance in preparation of Form 3CD and other certificates to be filed by tax auditors of the company prior to filing of return as mentioned in para 5 of scope of work. Filing of revised income tax return of the company.	2018-19. Copy of Form 3CD for AY 2018-19. Copy of MAT certificate for AY 2018-19. Copy of Tax Holiday certificate for AY 2018-19.	file R for the FY 2018-19 or Revised returns of last year (If required). Normally returns are revised due to higher TDS credit or for covering prior period expenses. Financial data of the company may be verified from Annual accounts available on the website of the company.	
4	**Section 23 Para no A7** Opinion on Direct Tax issues	Brief note on issues faced by the entity	Only new cases arising during the period of engagement will be handed over to consultants, if company feels that assistance of consultant is required.	E&Y
5	**Annexure F** Financial Bid	The price is to be quoted on 'per case' basis. Pls define per case in case of tax opinions and litigation matters.	Per case means, Price of per case, if we require two opinion then you are required to quote price of per opinion. However supplementary queries arises out of consultant opinion shall be part of same opinion. Similarly on the same issue more then one query referred to consultant as a sub part is considered as one query.	E&Y
6	**E tender invitation Page 1 and Page 3** RailTel Corporation of India Ltd. (RailTel) invites E-tender through IREPS-Portal (Two Packet System), from reputed firms of CAs / Law firms for appointment of Tax consultants to undertake work of Tax Consultancy	In this regard, please note that we are a consultancy firm and would request you to please allow us to bid for tender as well.	The clause is self-explanatory.	E&Y
7	**Cost of tender document-** A tender cost fee of INR5900/- is required to be paid by the bidder	Please confirm the mode of payment for the said tender fee, i.e. online payment or through demand draft or cheque and state share details of the same.	The same is required to be paid online on IREPS portal	E&Y
8	**Cost of tender document-** The tender required the bidder to necessarily download the tender document from IREPS E Portal in order to be able to submit online bid	We request you to please confirm whether EY LLP I already a registered user, in case Yes, Please share the login credential.	Company doesn't maintain login credential of the users of IREPS. The same must be with you only, since you have made registration on IREPS portal.	E &Y

9	**Scope of work- Indirect Tax & GST** Appearance(s) as & when required and review/preparation & filing of written submission before the Service Tax Authorities/ GST Authorities/Customs Authorities.	Please confirm, whether this clause includes appearances before VAT and CST authorities as well.	The same may be required, if any new notice received from VAT/CST department during the period of engagement.	E&Y
10	**Scope of work- Indirect Tax & GST** Attendance in office at the time of audit by department.	Please confirm, whether the said clause includes attendance in office during VAT/CST audit of GST audit or service tax audit.	Yes please, if the need is felt by company.	E&Y
11	**Scope of work- Indirect Tax & GST** Providing opinion on matters covered under GST Law & all other indirect taxes not covered under GST law.	It is assumed that an indirect tax includes GST, Service tax, custom duty, Excise duty, VAT/CST, Entry tax and Entertainment Tax.	Yes please	E&Y
12	**Scope of work- Indirect Tax & GST** Handling show cause/re-assessment/penalty proceeding/stay and other notices before Service Tax Authorities/GST Authorities / Custom Authorities and attending hearing(s) thereof.	Please confirm, whether the said clause includes handling show cause notice/re-assessment/penalty proceeding/stay before VAT/CST authorities as well	Yes please	E&Y
13	**Scope of work- Indirect Tax & GST** Drafting & filing of appeal & attending hearings before – Comm (ST) / GST Authority CESTAT / GST Authority	Please confirm, whether the said clause includes handling show cause notice/re-assessment/penalty proceeding/stay before VAT/CST authorities as well	Any proceedings relating to particular appeal, till judgement is received and appeal effect is given to the company.	E&Y
14	**Scope of work- Indirect Tax & GST** Additional Query	Please confirm whether Railtel was centrally registered or decentrally registered during service tax regime. In case of centralized registration, please confirm the jurisdiction wherein it was centrally registered.	Railtel was registered in Delhi, Mumbai, Kolkata, Hyderabad and Gurgaon under service tax regime.	E&Y
15	Section 3.1.B	Please share the status/details of current	Only new cases arising during the period of	E&Y

	Scope of work Page no 8	ongoing indirect taxes litigation and refund of RailTel.	engagement will be handed over to consultants, if company feels that assistance of consultant is required.	
16	TA/DA Restriction	As per note to clause 3.1 TA/DA is restricted to 20% of the fee, however as per note to clause no 23 TA/DA is restricted to 15% of the fee , Please confirm the actual % of the TA/DA restriction.	Kindly see revised corrigendum attached on IREPS website.	E&Y
17	Credential Bid/technical bid (s) Clause read as "The person signing the bid should have a valid power of attorney and proof for the same shall be attached with the bid	Please confirm the nature of proof required to be submitted to prove the POA is enclosed in the bid	The clause is self explanatory	E&Y
18	Eligibility Condition In this regard, the clause required to submit the PO of the any Telecom Sector company to whom, we are providing tax consultancy services.	In this regards, please note that as per the confidentiality agreement signed between the client and EY, we will not be able to provide the said details. However, we shall provide you a certificate from the client stating that EY has been providing indirect tax consultancy services to them (thereby mentioning the year from which services are provided as well as mentioning the turnover of the client).	Certificate (Signed by client) stating that EY has been providing indirect tax consultancy services to them (thereby mentioning the year from which services are provided as well as mentioning the turnover of the client) may be submitted in lieu of PO. However Railtel reserves the right to verify this certificate directly from client.	E&Y
19	Annexure A Credential Bid form The clause requires us to submit the PO, P&L of the companies using Oracle ERP/ having turnover more than 340 Crore/Telecom PSU to whom we are providing tax consultancy services.			
20	Additional clarification	Request you for a pre bid clarification meeting before the submission of the bid to clarify certain doubt and gain a better understanding of the project in order to enable us to submit a comprehensive bid	All the queries have been replied.	E&Y
21	Additional clarification	Request you to extend the due date for submission of the bid by 15 days in order to enable us to submit a comprehensive bid, which meet the expectation of Railtel	Kindly see revised corrigendum attached on IREPS website.	E&Y
22	Section 4 Eligibility Criteria- Para 2	Request to include Cost	Kindly see revised corrigendum attached	The Institute of

	The firm must have strength of minimum five full time partners and additional ten full time qualified CAs /Advocates (or its Partners).	Accountants/Cost Accountants firms in the eligibility condition of the tender for providing tax consultancy services.	on PS website.	Cost Accountants of India. Letter no CMA/DEL/PD/2019-20 dated 13/05/2019
23	Point No 2 Annexure A The firm must have strength of minimum five full time partners and additional ten full time qualified CA (or Partner), qualified lawyers (or Partners).	Our organization, Ernst and Young LLP ('E&Y LLP') is a renowned consulting LLP firm comprising of various CAs/ professionals. In regard to this requirement, request you to kindly clarify that which type of supporting document would be sufficient to prove the strength of our firm e.g. number of partners, employees etc.	Firm card as generated from website of ICAI or constitution certificate of the organization may be submitted 9i.e Partnership Deed, Data generated from MCA, Partnership Deed etc)	**E&Y** Kindly submit ICAI constitution certificate as generated online from ICAI website.
24	Point no 3 of Annexure A The firm must have knowledge of Oracle based ERP/Accounts in any of the company having turnover of Rs 340 Crore or more. Note: Along with each PO, please provide name, email Id, contact number of PO issuing Authority.	Can we submit relevant email / letter of award for Appointment of our firm as consultant for Oracle based ERP/Accounts in any of the company having turnover of INR 340 Crore or more. Would it be possible to relax the requirement to share contact details of the PO issuing Authority as because in the big organizations, no dedicated person is assigned or known to us who is responsible to issue the PO. Further, the same would be confidential in nature. In case such requirement can be relaxed, we can provide you any other relevant document/details.	Certificate (Signed by client) stating that EY has been providing indirect tax consultancy services to them (thereby mentioning the year from which services are provided as well as mentioning the turnover of the client) may be submitted in lieu of PO. However Railtel reserves the right to verify this certificate directly from client.	**E&Y**
25	Point no 4 Annexure A The firm should be Tax consultant of any of the companies having turnover of more	Can we submit relevant email / letter of award for Appointment of our firm as consultant in case there is no standard	Certificate (Signed by client) stating that EY has been providing indirect tax consultancy services to them (thereby mentioning the	**E&Y**

7

	than 340 Crore p.a. or more (excludi[illegible] Banks and cooperative society) in any one of last five years.	procedure of PO issuance by the concerned client.	ye[illegible] from which services are provided as well as mentioning the turnover of the client) may be submitted in lieu of PO. However Railtel reserves the right to verify this certificate directly from client.	
26	Point no 5 Annexure A The firm should have experience of Consultancy Engagement (Direct Tax or Indirect Tax & GST as the case may be) with one Telecom sector Company having turnover of Rs 340 Crore or more (Any Telecom operator having UASL, NLD, ISP, IP, UL License) Or Central PSU having turnover of Rs 340 Crore or more in any two of last five financial years.	Can we submit relevant email / letter of award for Appointment of our firm as consultant in case there is no standard procedure of PO issuance by the concerned client.	Certificate (Signed by client) stating that EY has been providing indirect tax consultancy services to them (thereby mentioning the year from which services are provided as well as mentioning the turnover of the client) may be submitted in lieu of PO. However Railtel reserves the right to verify this certificate directly from client.	**E&Y**
27	Point no 6 Annexure A Firm should have minimum turnover of Rs. 2.5 Crore during FY 2017-18.	Would it be sufficient to submit only the Audited financials instead of also submitting the Income tax return, for proving the turnover being more than the threshold mentioned	The clause is self explanatory	**E&Y**
28	Additional Clause	We have already Empanelled as Tax Consultant for your esteemed organization, During the process of Empanelment, we have process earlier, we have jointly applied with two other firm as consortium partner	~~Kindly see revised corrigendum attached on IREPS website.~~ Consortium is not allowed	M/s SPMR & Associates
29	Annexure A The firm has not provided any internal audit service to RailTel during preceding two financial year (i.e 17-18 and 18-19)	It is understand that the tender is floated for the FY 2019-20 and the preceding two year for 2019-20 is FY 2018019 and 2017-18, whereas in the tender FY 2017-18 and 2016-17 has been mentioned as preceding two financial year. In view of the above, it is requested to provide clarifications on the clause 8 as mentioned above	Kindly see revised corrigendum attached on IREPS website.	M/s UCC and associates
30	Note: Other Instructions (Page no.8) under Section 3: Scope of Work	Should we share the details of the proposed team along with the technical		M/s T R Chadha & Co.

	III. One Qualified Tax Expert (having experience of at least 7 year) & already working on 3 Consultancy assignments of any PSUs/Telecom Sector Company, having minimum turnover of Rs. 340 Crore. Firm will share the profile of the persons to be deployed for handing the assignment.	bid?	The clause is self explanatory	
31	**Note: Other Instructions (Page no.8) under Section 3: Scope of Work** VII. TA/DA for visiting the regional offices shall be paid at actuals restricted to 20% of fee of the case concerned. No TA/DA for local travel shall be allowed. **And at page no 21 under Section 23** The agencies may provide service all over India. No TA/DA is admissible to the deployed Resources. However, if a resource has to undertake a tour in the interest of the Company with the prior approval of the RailTel, the TA/DA as per RailTel rates will be applicable. TA/DA for Senior partner (as applicable to the General Manager), for other partner (Deputy General Manager), for Chartered Accountant employee (Senior Manager) and for other staff (Manager) in RailTel respectively will be reimbursed on production of original documents. Each work order will be considered a separate work. **TA/DA shouldn't exceed 15% of the fee of the case concerned.**	Please confirm the % for TA/DA.	Kindly see revised corrigendum attached on IREPS website.	M/s T R Chadha & Co.
32	Point No. 3 under Eligibility Criteria The firm must have knowledge of Oracle based ERP/Accounts in any of the company having turnover of Rs 340 Crore or more.	Under this criterion should we mentioned the tax clients only or we can include the audit clients also?	The clause is self explanatory	M/s T R Chadha & Co.
33	Point no 3 of Annexure A on page no. 25 The firm must have knowledge of Oracle based ERP/Accounts in any of the company	Confirmation over e-mail for the company using ORACLE based ERP will be sufficient or we can submit the	Certificate (Signed by client) stating that bidder has been providing indirect tax consultancy services to them (thereby	M/s T R Chadha & Co.

8

	having turnover of Rs 340 Crore or more. Attach copy of PO received from any such company along with audited P&L account and confirmation of the Company that they are using ORACLE based ERP.	undertaking regarding the same.	mentioning the year from which services are provided as well as mentioning the turnover of the client) may be submitted in lieu of PO. However Railtel reserves the right to verify this certificate directly from client.	
34	Point no 4 & 5 of Annexure A on page no. 25 The firm should be Tax consultant of any of the companies having **turnover of more than 340 Crore p.a.** or more (excluding Banks and cooperative society) in any one of last five years. Attach copy of PO received from any such company along with audited P&L account of that company.	Turnover for the respective assignment year should be more than Rs. 340 Cr or in any one of the last five years will also fulfil the requirement.	The clause is self explanatory	M/s T R Chadha & Co.
35	**Point No. 5 under Eligibility criteria** The firm should have experience of tax consultancy engagement (Direct Tax or Indirect Tax as the case may be) with one Telecom sector Company (Any Telecom operator having UASL, NLD, ISP, IP, UL License) having turnover of Rs 340 Crore or more or **Central PSU having turnover of Rs 340 Crore** or more in any two of last five financial years. Please submit PO issued in favour of your firm.	Here Central PSU refer to any PSU or PSU comes under the Telecom Sector only?	The clause is self explanatory	M/s T R Chadha & Co.
36	Statement under **Credential Bid/ Technical Bid(s) of Section 6: E-Bid(s) Composition** **"Credential Bid/Technical Bid – "RailTel Tender for appointment of Direct Tax Consultant- (SOR-A)" and/or "RailTel Tender for appointment of Indirect Tax & GST Consultant-(SOR-B)" as the case may be separately.**	Do we need to submit the separate Technical bid for SOR-A and SOR-B or One bid with mentioning the DT and IDT exposure Separately will sufficient?	The clause is self explanatory	M/s T R Chadha & Co.
37	Point No. a under Section-9: Last date for E-bid(s) submission	There is no list of documents mentioned under the section 5 and 18. Please clarify	Kindly refer annexure A to F	M/s T R Chadha & Co.

	Further **Offline documents as mentioned** **Section-5 and Section-18** shall be sent to RailTel as pe the date and time for closing of submission of E-Bid(s).	the same. Note: list of documents needs to submit offline are mentioned under point no 5 of Section 28.		
38	Point e: Security Deposit/Performance Bank Guarantee: under Section-7: Earnest Money Deposit (EMD) and TENDER Fee The successful tenderer shall submit security deposit in the form of Performance Bank Guarantee **@ 10% of issued PO/LOA value equivalent to Rs. 2,00,000/- (Two Lakhs only)** each for "Appointment as Tax Consultant (Direct Tax) , " Appointment as Tax Consultant (Indirect Tax & GST) separately as the case may be , in the form of DD/Pay Order or irrevocable Bank Guarantee with validity of 3 months beyond contract period , from any scheduled bank for due fulfilment of contract , within 15 days of issue of LOA .	Does that mean the estimated cost of each assignment "Appointment as Tax Consultant (Direct Tax), "Appointment as Tax Consultant (Indirect Tax & GST)" is Rs. 20,00,000/- (Rupees Twenty Lac)?	Kindly see revised corrigendum attached on IREPS website.	M/s T R Chadha & Co.
39	1. Review/preparation and filing of reply before the AO including attending personal hearing in regard to assessment case. 2. Review of AO's order to identify the issues requiring rectification or filing of appeal.	1. Is it related to post engagement assessment or it also includes pre engagement assessment? 2. In case pre engagement assessment are covered, then please share year wise case status with issues and grounds. (CIT/ITAT)	Only new cases arising during the period of engagement will be handed over to consultants, if company feels that assistance of consultant is required.	M/s T R Chadha & Co.
40	Handling show cause/rectification applications /penalty proceedings /stay and **other notices i.e.** All work upto AO' level. Maximum amount payable under this head shall be limited to three case per Assessment year even if nos. of applications/cases are more than three. However, consultant shall handle all such case within the said maximum amount.	1.Whether notices includes notice issued by TDS department? 2.Is it related to new notice or it also includes past year notices? 3.In case past year notices are covered, then please share year wise case status with issues and grounds.	Only new cases arising during the period of engagement will be handed over to consultants, if company feels that assistance of consultant is required.	M/s T R Chadha & Co.
41	Getting income tax refund of the company.	1. Please let us know the no. of years for	Only new cases arising during the period of	M/s T R Chadha

		which Income tax refund is pending. 2. Please let us know reason of non-receipt of refund, if identified by the Company.	engagement will be handed over to consultants, if company feels that assistance of consultant is required.	& Co.
42	Filing of Income Tax Return of the company including hand on assistance in preparation of Form 3CD **and other certificates** to be filed by tax auditors of the company prior to filing of return as mentioned in para 5 of scope of work	1. Please provide details of other certificate which were filed during AY 2018-19. 2. Whether working shall be prepared by Company for the purpose of preparation of form? 3. Whether scope involves verification of working sheet shared by the Company?	The clause is self explanatory	M/s T R Chadha & Co.
43	Opinion on Direct tax issues.	1. Please provide details of opinion obtained during the last year. 2. What is the expected no. of opinions to be obtained during the year?	Only new cases arising during the period of engagement will be handed over to consultants, if company feels that assistance of consultant is required.	M/s T R Chadha & Co.
44	Note: Other Instructions (Page no.8) under Section 3: Scope of Work IV. Scope of work also includes any clarifications to statutory auditors/Board in regard to tax matters. No professional fee will be paid for this. Here tax matters includes only matter covered under our scope.	These tax matters would cover only those on which we have worked upon under this PO.	The clause is self explanatory	M/s T R Chadha & Co.
45	Note: B, Indirect tax & GST (Page no.8) under Section 3: Scope of Work It does not include refund assignment under scope of work However, Note-B Indirect tax & GST (Page no. 21) under Section 23: payment terms and deliverable It includes Getting Service Tax Refund/ GST	1. Please confirm whether any refunds are expected to be filed under GST , alongwith the nature of refund expected to be filed. 2. If answer of above is yes, please specify the expected scope of services for pending refund applications.	Only new cases arising during the period of engagement will be handed over to consultants, if company feels that assistance of consultant is required.	M/s T R Chadha & Co.

ıl

	Refund from Tax authorities	3. Please also share the list of pending refund claims as on date, if any.		
46	Note: B, Indirect tax & GST (Page no.8) under Section 3: Scope of Work Opinion on Indirect tax issues.	What is the expected no. of opinions to be obtained during the year?	The same can't be commented as of now. The same is on the basis of need as and when arises.	M/s T R Chadha & Co.
47	Note: B, Indirect tax & GST (Page no.8) under Section 3: Scope of Work Handling show cause/reassessment/penalty proceedings /stay and other notices before Service tax authorities/GST authorities/Custom authorities and attending hearing thereof.	1. Is it related to new notice or it also includes past year notices? 2. In case past year notices are covered, please provide the state wise list of open matters along with issues and grounds.	Only new cases arising during the period of engagement will be handed over to consultants, if company feels that assistance of consultant is required.	M/s T R Chadha & Co.

Rahul 31/05/19

राहुल अग्रवाल / RAHUL AGARWAL
उप महाप्रबंधक (वित्त) / Dy. General Manager (Finance)
रेलटेल कॉर्पोरेशन ऑफ इंडिया लि. / RailTel Corporation of India Ltd.
(भारत सरकार का एक उपक्रम / A Govt. of India Undertaking)
143, संस्थानिक क्षेत्र, सेक्टर 44, गुड़गांव (एन.सी.आर.)
143, Institutional Area, Sector-44, Gurgaon (NCR)

13