

Amendment in Pre –bid Query – 28-Sep-18

Clause	CMS Suggestion	BOB finance response	CMS Request
Limitation of liability	<p>Limitation of Liability to be added as under: Notwithstanding the other provisions of this Agreement In no event shall the CMS IT be liable to the Tenderer/Company or any third party for a monetary amount greater than the total amounts for the immediately preceding six months received by the CMS IT for the Services under a particular SOW under which the liability principally arises. Neither party shall be liable to the other party for any loss of profit, production, anticipated savings, goodwill or business opportunities or any type of indirect, economic or consequential loss even if that loss or damage was reasonably foreseeable or that party was aware of the possibility of that loss or damage arising. The limitations set forth in this section shall apply even if any other remedies fail of their essential purpose.</p>	<p><b>Suggested modification not acceptable.</b></p> <p><b>The RFP terms clearly mentions;</b></p> <ol style="list-style-type: none"> <li><b>1. No liability in an event indirect, economic or consequential loss even if that loss or damage was reasonably foreseeable or that party was aware of the possibility of that loss or damage arising.</b></li> <li><b>2. For direct liability is capped to actual loss/actuals caused to BFSL Maximum to contract value.</b></li> <li><b>3. We can qualify the actual loss/actuals with supporting documents.</b></li> </ol> <p><b>No further deviation acceptable.</b></p>	<p><b>We would like to request you kindly add the point in the RFP ...Limitation of Liability should always be capped..</b></p> <p><b>1) Limitation of Liability is standard RFP Term &amp; Condition</b></p> <p><b>2) It can be capped for 6 month/ 1 year of contract value . depend on the type of contract.</b></p> <p><b>Requesting you kindly modify the clause as per BOB financial term and condition</b></p>