**Clarificatory Questions**

**About the Market**

1. What is the market size of each of the 8 company in the EV market?

*Please refer to the proposition and limit the submissions to the issues at hand.*

1. Out of the 8 companies that bid, how much market concentration (portion of market share), each one of them has?

*Please refer to the proposition and limit the submissions to the issues at hand.*

1. What are the respective market shares of the 8 EV Manufacturers who bought Bid.AI?

*Please refer to the proposition and limit the submissions to the issues at hand.*

1. ⁠Does year 2055 hold any particular significance with respect to the market conditions in the given case?

*Please refer to information in the proposition*

1. Is there an industry body/trade union for EV manufacturers, in Baraq?

*There is a self-regulatory body for all automobile manufacturers in Baraq called Baraq Automobile Society (“****BAS****”)*

1. Out of the entire EV Market share, were the 5 (five) EV companies, namely FMI, Brookwood, Cromwell, Dillon, Maxwell, the ONLY ones to win the bid for BG .40 Grade Frinkonium, or were there other EV Companies as well outside of the 8 companies that won the bid, without access to Bid.AI?

*No.*

1. How many EV companies are there in the market?

*There are 12 EV companies in Baraq, as on the date of the bid.*

1. What are the 5 EV companies being talked about in Page 7 wherein in the interim, it is pleaded to “direct each of the five EV companies to up front disclose their bidding metrics to a monitoring agency appointed by the BCA”?

*Please refer to information in the proposition.*

1. Do these EV Manufacturers operate throughout Baraq or are their markets separated geographically within Baraq?

*They operate throughout Baraq, in varying degrees.*

**About the Manufacturers/Companies**

1. Which 5 EV companies are accused of bid-rigging?

*Please refer to information in the proposition. There are only 5 companies which have disclosed a bid quantity.*

1. Whether under the remedies sought by Power and Mason, the ‘bidding metrics’ that is required to be disclosed to the monitoring agency, is the one formulated by the EV manufacturing companies or the algorithm itself?

*The EV manufacturers need to disclose their metrics.*

1. Are the mentioned-EV manufacturers engaged in other business activities or involved in other relevant markets/market areas?

*Please refer to information in the proposition.*

1. Were any of the current 8 EV companies called upon by BCA for investigation into bid rigging or any other antitrust enforcement in the past?

*Please refer to information in the proposition.*

1. At the night before the bid, Did the CEOs of the 5 EV Companies discuss anything else about the bidding?

*Please refer to information in the proposition.*

1. Did the CEOS had any other discussions related to bidding before or after that night?

*Please refer to information in the proposition.*

1. Did the CEOs of the companies have any private or professional interest in each other or in the companies prior to this bidding?

*Please refer to information in the proposition.*

1. Was there any conversation between the 5 EV Companies that can indicate any form of agreement between them?

*Please refer to information in the proposition.*

1. Was the basis of suspicion in the minds of Austin Power and Professor Manson only the fact that there was some discussion of quantity between the 5 EV Companies and use of same algorithm, or was there any other factor that helped them realize there was collusion/bid ridding?

*Please refer to information in the proposition.*

1. Did the other 3 non-disclosing ev companies hear what the other 5 said

*Yes.*

1. What are the geographical locations of the 8 companies?

*Please refer to the response to Query 9, above.*

1. Have the CEOs of the 8 companies met at any occasion earlier to the bid except for the meet at the Grand Palazio Hotel in Baraq?

*Please refer to information in the proposition.*

1. Do these EV Manufacturers have the same target markets or demographics?

*Please refer to information in the proposition and responses to Queries 1 and 9.*

1. Do these EV manufacturers offer a similar range of products to consumers?

*Please refer to information in the proposition.*

**About the Bidding and Bidders**

1. “Licenses to Bid.AI are acquired at rapid pace, by various parties”, who were these other parties, how much did they bid for?

*Various companies including the 8 EV companies acquired the license. It was not a bidding process.*

1. Were there only 8 bidders for Battery grade 0.40 Frinkonium?

*The 8 EV companies were among multiple other bidders.*

1. Who are the other bidders for Frinkonium ore? How many bidders were there in total?

*Other bidders for Frinkonium include (but are not limited to) various battery companies, street light manufacturers, UPS manufacturers etc. More than 60 bids were received for Frinkonium.*

1. What was the total number of eligible bidders? Out of these, how many were interested in bidding for BG-40 Frinkonium?

*Please see response to 31 above.*

1. Was the bidding process for the BG 0.40 Frinkonium different from other grades of Frinkonium?

*Please refer to the moot proposition.*

1. Could you break down the concept of "bid rigging" for me and explain, in simpler terms, how the actions of the EV companies were considered bid rigging in this particular scenario?

*NA*

1. Out of the entire EV Market share, were the 5 (five) EV companies, namely FMI, Brookwood, Cromwell, Dillon, Maxwell, the ONLY ones to win the bid for BG .40 Grade Frinkonium, or were there other EV Companies as well outside of the 8 companies that won the bid, without access to Bid.AI?

*These were the only EV companies to have succeeded in their bid.*

1. Certain clarifications regarding the auction process/ bid mechanism:

a.     Was the govt, prior to the auction, aware of the quantities that the bidders were to bid for?

 *No*

b.     Who set the base price during the auction? Was it the government? or was it decided on a real time basis by the bidders?

 *Real-time bidding*

c.     Were the bidders deciding upon both the quantity to bid and the bid price on a real time basis?

 *Please refer to the proposition*

d.     Which auction/bidding mechanism was adopted? was it on a first-price basis or on a second price basis? Or some other mechanism was used?

 *Please refer to the moot proposition.*

e.     How was the winner decided upon in the auction?

 *Please refer to the proposition*

f.      Could the bidders have contacted each other during the auction?

 *Please refer to the proposition*

1. According to the proposition, there is an urgency to expedite the bid process to prevent the prolonged existence of Frinkonium in its ore form, thus averting degradation. After the conclusion of the initial auction, were the 5 successful bidders (EV Companies) granted possession of Frinkonium in its ore state?

*Yes.*

1. What is the underlying justification for the decision to extend the remedial measures to cover all upcoming bids and auctions of Frinkonium for a duration of 3 years, as outlined on page 7?

*Please refer to the proposition*

1. Apart from Bid.AI, did any of the other bidders employ any other forms of machine-based/algorithmic bidding mechanisms? What was the nature/type of such mechanisms, if any were used? Who were its users?

*Please refer to the proposition.*

1. What was the timeline (that is, the timestamp) of submitting bids for each of the 8 EV manufacturers during the 2 hours?

*Please refer to the proposition.*

1. During the meeting of CEOs from various eligible bidders at the Grand Palazio Hotel, were the CEOs that did not disclose the quantity aware of the quantities disclosed by the other CEOs?

*Please refer to the proposition.*

1. What are the various real-time variables in the bidding apart from its weight, purity of the ore, its fitness for use in EV batteries, which are to be considered in determining the price?

*Please refer to the proposition.*

1. Are winners of the bid chosen solely on the basis of price or is quantity or any other factors considered? What is the exact criteria for choosing the winning bids?

*Please refer to the proposition and other clarifications.*

About Bid.Ai

1. What are the main components for bid.ai to determine the bid price?

*Please refer to the proposition and other clarifications.*

1. What is the other alternative to Bid.Ai? what are the other softwares used by the other bidders ?

*Please refer to the proposition.*

1. What are the differences betweeen Bid.Ai and other available softwares?

*Please refer to the proposition.*

1. Is there/ was there any standard practice/ software followed prior Bid.Ai?

*Please refer to the proposition and other clarifications.*

1. Clarifications about the AI mechanism:
2. How did Bid.AI help the bidders decide upon the prices?

*Please refer to the proposition and other clarifications.*

1. Was it able to monitor the behaviour of other bidders and decide accordingly?

 *Please refer to the proposition.*

1. Was it feasible for a user to collect/analyse & act upon the data from other users of the same AI?

*Please refer to the proposition.*

1. Could the bidders have contacted each other during the auction using Bid.AI?

*Please refer to the proposition.*

1. Why was Bid.AI particularly in demand among EV manufacturers?

*Please refer to the proposition.*

1. What inputs does Bid.AI require from a bidder? What are the details of the output that Bid.AI produces? Does the Bid.AI output thus produced have to be further worked upon by the user/bidder to formulate its final bid, or does Bid.AI produce the final bid for the bidder in the first instance on its own?

*Please refer to the proposition and other clarifications.*

1. Is “Desired Quantity” the only variable input for the bidders who make use of Bid.AI? That is to say, by implication, are the other factors/characteristics for the present lot of ore (those that will be discovered upon completion of extraction like quality, fitness for use in EVs, weight, purity, etc.) constant for all bidders?

*Please refer to the proposition.*

1. What are the features of Bid.Ai?

*Please refer to the proposition and other clarifications.*

1. Does bid.ai use subjective formulas to calculate the price?

*Please refer to the proposition and other clarifications.*

1. How does the algorithm Bid.ai work? Additionally, what are the inputs that are to be entered manually and what are the inputs that are to be collected by the algorithm itself?

*Please refer to the proposition and other clarifications.*

1. Does Bid.AI collect, store and use the data entered into it by a user/bidder in real time? Does Bid.AI make use of this stored data in improving its algorithm/output in real time?

*Bid.AI only stores the data for the purposes of improving its AI’s functionality. However, the storage of data is not in question before the BCA.*

1. Does AI utilize the information provided in a prompt from one enterprise when generating output for a prompt given by another enterprise?

*No.*

1. What are the specific functionalities of Bid.AI and how does it help in the bid process? Why did the manufacturers choose an AI instead of a simpler mathematical model or other software?

*Please refer to the proposition.*

**About Frinkonium**

1. If the time before the Frinkonium starts getting deterioted, after getting extracted from the earth, is less than 2 hours (the time participants of the auction got) then how can the plaintiff argue to re-conduct the auctions (supposing the case involves few days to get any decision). We need to know the approximate time the government has to auction the Frinkonium before it starts getting deteriorated because 2 hours seems very arbitrary considering in the prop it said that it gets deteriorated quickly (which is abstract). So, Kindly specify the time before which it gets deteriorated.

*Please test/ defend the merits of the argument as part of the memo submission.*

1. What is the total amount (in tonnes) of BG- 40 Frinkonium that was extracted and put for bidding?

*2800 tonnes*

1. What are other uses of Frinkonium, apart from use in EV batteries?

*Frinkonium is used in various industries including medical instruments, portable electronics, toys etc.*

1. Remedy No. 3 states, "Direct the first auction for Frinkonium to be reconducted." Additionally, it is mentioned that Frinkonium cannot be stored for an extended period. So what is the current state of Frinkonium?

*Please test/ defend the merits of the argument as part of the memo submission.*

**About the Moot**

1. Can a single issue be divided and presented by two speakers during the oral rounds?

*Yes*

**Others:**

1. ⁠Whether the cases of European Union and the United States of America hold a persuasive value?

*Yes*

1. I'm a bit puzzled about why using the same bid-assist algorithm is seen as tacit collusion in this case. Can you help me understand why employing a similar methodology or technology is viewed as potentially anti-competitive? It would be great if you could tie this explanation to the facts of the case.

*NA*

1. Also, I'm struggling to see the connection between the suggested remedies - appointing a monitoring agency and requiring upfront disclosure of bidding metrics - and how they specifically address the alleged anti-competitive behavior in this case. Can you provide a straightforward explanation of how these remedies directly tackle the issues at hand?

*NA*

1. When evaluating if a remedy falls within the scope of the Competition Act, what principles should be taken into account? Can you provide a framework or examples that illustrate the criteria for assessing remedies as either within or outside the Act's scope?

*NA*

1. By which legislation does the Government of Baraq has exclusive rights to mine the ores?

*The same has been granted by way of an executive order of the legislative assembly.*

1. What value does the decisions of foreign jurisdictions have before BCA?

*All precedents (including Indian) hold persuasive value.*

1. By whom the meeting was conducted?

*Please refer to the proposition.*

1. Is Americar a part of the Cartel as contemplated by the Informant?

*Please refer to the proposition.*

1. Is FMI a part of the Cartel as contemplated by the Informant?

*Please refer to the proposition.*

1. Paragraph 1 of Page 3 says that the Baraq government is set to complete its first lot of ore extraction weighing 12,000 metric tonnes. However, the total quantity bid is 2,550 tonnes of which only 1,190 tonnes have been allotted. What happened to the rest of the ore, since the ore degrades in a short time period?

*There are other companies also that bid for Frinkonium; these are quantities taken up by EV companies.*

1. Is there evidence supporting Austin Powers' claim that the EV Manufacturers discussed their bid quantities, or does the Baraq Competition Authority (BCA) assert that these discussions occurred (even if the quantities were misrepresented)?

*Please refer to the proposition.*

1. Does the BCA have information indicating whether the CEOs intended to mislead each other during discussions regarding their respective bid quantities?

*Austin Powers has submitted on affidavit that he heard them discuss higher quantities than they bid for. Please refer to the proposition.*