

**Dedicated Freight Corridor Corporation of India Limited (Phase II)**

(A Government of India Enterprise)

**DESIGN AND CONSTRUCTION OF CIVIL, BUILDING AND TRACK WORKS FOR DOUBLE LINE RAILWAY INVOLVING FORMATION IN EMBANKMENTS/CUTTINGS, BRIDGES, STRUCTURES (EXCLUDING CIVIL WORKS FOR BRIDGES OVER RAILWAYS AND WATER MAIN, AND ACROSS CREEK AND ULHAS RIVER AND FORMATIONS IN EMBANKMENT / CUTTING AND STRUCTURES IN THEIR APPROACHES ON BOTH SIDES), BUILDINGS, BALLAST ON FORMATION, TRACK WORKS (INCLUDING TRACK WORKS ON BRIDGES OVER RAILWAYS AND WATER MAIN, AND ACROSS CREEK AND ULHAS RIVER AND FORMATIONS IN EMBANKMENT / CUTTING AND STRUCTURES IN THEIR APPROACHES ON BOTH SIDES) INCLUDING TESTING AND COMMISSIONING ON DESIGN-BUILD LUMP SUM PRICE BASIS FOR JNPT - VAITARANA SECTION OF WESTERN DEDICATED FREIGHT CORRIDOR (PHASE-2)**

**Civil, Building and Track Works Contract Package 11 (Ref.: ICB No. CT P-11)**

**Responses to Queries to PQ Document from Applicants**

SI No.	Vol. No.	Section No.	Page No.	Clause No. & Item	Title / Description	Questions	Response by NKC	DFCCIL Response
1.		IFP : 4 / Section III		1.1		<p>1. The clause lays restriction of eligibility nationality of contractor as Japan. Due to lukewarm intent of Japanese contractors in participating in Indian contracts particularly of civil works based on lump sum basis, we are hardly able to get Japanese contractors to work as JV/ Consortium partners. It is learnt that some such contractors have backed out even after pre-qualification. It is not only depriving mega construction companies in India from participating in the bids but even significantly reducing competition which may lead to un-competitive bidding. In similar JICA tender for Metro</p>	<p>1. The Application for PQ has been invited for execution of the works under Japanese ODA STEP loan which governs the conditions of the Loan Agreement procedures for DFC Project.</p> <p>Accordingly, no change in this condition as the stipulated contracting philosophy can be considered at this stage.</p>	<p>The Application for PQ has been invited for execution of the works under Japanese ODA STEP loan which governs the conditions of the Loan Agreement procedures for DFC Project.</p> <p>Accordingly, no change in this condition as the stipulated contracting philosophy can be considered at this stage</p>

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						<p>Line-3 in Mumbai, this clause does not exist. Similar provision is requested in this bid also.</p> <p>2. Obligatory provision of head hardened rails for the entire Stretch though not needed as per track geometry may be given a re-thought as it would un-necessarily enhance bid price</p>	<p>2. As per the STEP Loan conditions for DFC Project specified in Section V of PQ document, it is mandatory to procure Head Hardened Rails from Japan for entire stretch of Main Line and Points and Crossings.</p> <p>No change is envisaged in the existing provision.</p>	<p>2. As per the STEP Loan conditions for DFC Project specified in Section V of PQ document, it is mandatory to procure Head Hardened Rails from Japan for entire stretch of Main Line and Points and Crossings.</p> <p>No change is envisaged in the existing provision.</p>
2.		IFP : 5				<p>All details / documents /reports proposed to be available with RFP may be up-loaded on DFCCIL web now itself for proper advance assessment of work and conducting survey etc as time available after issue of RFP is generally so limited that a contractor cannot complete entire pre-bid exercise.</p>	<p>RFP documents along with all the details/documents/reports etc. shall be issued /made available to the prequalified bidders only. Also sufficient time of about 4 months shall be given for submission of the bids as specified in para 3 of IFP.</p>	<p>RFP documents along with all the details/documents/reports etc. shall be issued /made available to the prequalified bidders only. Also sufficient time of about 4 months shall be given for submission of the bids as specified in para 3 of IFP</p>
3.		ITA : 7				<p>Response on the clarifications sought may be forwarded not only to those applicants who have acquired PQ document directly from the Employer but all those who have raised queries as prospective applicants who have downloaded the documents, as admissible, may also subsequently submit the application along with</p>	<p>As specified in ITA 7.1 (PDS), response by DFCCIL to queries of applicants will be issued to all the applicants who have purchased the PQ document.</p>	<p>As specified in ITA 7.1 (PDS), response by DFCCIL to queries of applicants will be issued to all the applicants who have purchased the PQ document.</p>

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4.		PDS/IT A : 14.1				<p>In case of certificate from a concessionaire, counter signature by the Public authority /documentary evidence establishing their authority has been asked for in PPP projects. Similarly in case of certificate from an independent Engineer, documentary evidence of their appointment is needed.</p> <p>At PQ stage, it may not be insisted upon.</p>	<p>ITA 14.1 (PDS) provides for three different alternatives for submission of the certificates in respect of the claimed experience in PPP projects.</p> <p>No further change is considered necessary in this regard.</p>	<p>ITA 14.1 (PDS) provides for three different alternatives for submission of the certificates in respect of the claimed experience in PPP projects.</p> <p>No further change is considered necessary in this regard.</p>
5.		PDS/IT A : 29				<p>In case due to un-avoidable circumstance, a JV/Consortium partner has to withdraw after being qualified, then their substitution may not be dis-allowed on the ground of substantial reduction in competition. Even other wise, the JV/Consortium will not be able to participate leading to lesser competition. In case, it is not acceptable, then the minimum number of contractors which would make the bid competitive may be specified.</p> <p>Provisions of Sub Clause (b) need to be elaborated by the Client.</p>	<p>As specified in ITA 29 (PDS), any change in the structure or formation of an applicant after being prequalified is permissible. The request for change, if any, has to be submitted not later than 21 days prior to submission of bids.</p> <p>Any change in structure/formation of an applicant at the bidding stage which leads to reduction in the no. of prequalified bidders, shall not be allowed.</p>	<p>As specified in ITA 29 (PDS), any change in the structure or formation of an applicant after being prequalified is permissible. The request for change, if any, has to be submitted not later than 21 days prior to submission of bids.</p> <p>Any change in structure/formation of an applicant at the bidding stage which leads to reduction in the no. of prequalified bidders, shall not be allowed.</p>

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6.		Section III		4.2(a)		<p>1. The reference date for currency conversion has not been specified here. It has however, been referred in Section IV, Form EXP-4.2(a) at the bottom as the date 28 days prior to final submission of PQ application. It does not appear to be correct, as it does not allow level playing field for firms who have executed work in India, as there has been substantial increase in exchange rate of INR with respect to USD. In fact, conversion factor on the date of contract should be allowed. Reference may be made to Clause ITA 14.2 of APL-II PQ bid document of Eastern Corridor.</p> <p>2. Since the work experience time frame is 10 years, enhancement of the contract values of old contracts @ 10% per annum be permitted.</p> <p>3. Substantially completed work has been defined as the work where payment to the extent of 90% of the contract value or more must have been received by the applicant. In many cases, such a stage comes much later</p>	<p>1. The suggested provision is not considered necessary. However, the conversion from different currencies to US \$ shall be as specified in ITA 14.1(1) (PDS). For the purpose, the exchange rate shall be as announced by Bank of Tokyo Mitsubishi UFJ (BTMU) as on <b>16<sup>th</sup> January 2014</b>. Please refer item no. 1 of Addendum No. 1 to PQ document.</p> <p>2. The suggested provision is not considered necessary.</p> <p>3. No change in the existing provision is considered necessary.</p>	<p>1.The suggested provision is not considered necessary. However, the conversion from different currencies to US \$ shall be as specified in ITA 14.1(1) (PDS). For the purpose, the exchange rate shall be as announced by Bank of Tokyo Mitsubishi UFJ (BTMU) as on <b>16<sup>th</sup> January 2014</b>. Please refer item no. 1 of Addendum No. 1 to PQ document.</p> <p>2.The suggested provision is not considered necessary.</p> <p>3. No change in the existing provision is considered necessary.</p>

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						<p>than even physical completion of work. Thus, either substantial completion certificate from the competent authority or receipt of 80% payment received in lieu of 90% may be agreed to. In fact, the condition should be same as that of APL-II, which lays down that “substantial completion shall be based on 80% or more works completed under the contract.”</p> <p>4. Instead of experience of Building Work in thermal projects, heavy industries and refineries, experience in these projects may be allowed as hardly there would be projects with building works having cost in the range of 100 cr /150 cr.</p>	<p>4. It is clarified that for evaluation under clause 4.2(a), experience in Railways, Highways, Sea/Airports, Dams/HPP and Irrigation Projects shall be considered.</p> <p>Accordingly, please refer item no. 2 and 3 of Addendum No. 1 to PQ document.</p>	<p>4.It is clarified that for evaluation under clause 4.2(a), experience in Railways, Highways, Sea/Airports, Dams/HPP and Irrigation Projects shall be considered.</p> <p>Accordingly, please refer item no. 2 and 3 of Addendum No. 1 to PQ document.</p>
7.		4.2 ( b ) ( 1 )				<p>Required quantity may not be restricted to earth fill only, but earthwork in general be permitted.</p>	<p>The specified Qualification Criteria is based on the estimated quantity of <u>Earthfill</u> for this package.</p> <p>Accordingly, no change in clause 4.2 (b) (1) is envisaged.</p>	<p>The specified Qualification Criteria is based on the estimated quantity of <u>Earthfill</u> for this package.</p> <p>Accordingly, no change in clause 4.2 (b) (1) is envisaged.</p>
8.		4.2 ( b ) ( 2 )				<p>Requirement of ‘hard rock’ be replaced by ‘rock’ or ‘any type of rock ’as in many of the old Certificates, only rock is mentioned and at this stage it is not possible to get the certificated</p>	<p>Mention of ‘Rock’ in place of ‘Hard Rock’ in the experience certificates shall be acceptable.</p>	<p>Mention of ‘Rock’ in place of ‘Hard Rock’ in the experience certificates shall be acceptable.</p>

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						modified.		
9.						Two or Three Indian Firms can form a Joint Venture without any Japanese Partner towards bidding the said PQ.	No. As specified in Invitation for Prequalification (IFP) Clause 4, Joint Venture will be eligible provided that the nationality of the lead partner is Japan, that the nationality of the other partners is Japan and /or India and that the total share of work of Japanese Partners in the Joint Venture is more than fifty percent (50%) of the contract amount.	No. As specified in Invitation for Prequalification (IFP) Clause 4, Joint Venture will be eligible provided that the nationality of the lead partner is Japan, that the nationality of the other partners is Japan and /or India and that the total share of work of Japanese Partners in the Joint Venture is more than fifty percent (50%) of the contract amount.