

MUGHALSARAI-NEW BHAUPUR SECTION OF EASTERN DEDICATED FREIGHT CORRIDOR
PREQUALIFICATION OF CIVIL, STRUCTURE AND TRACK WORKS: CONTRACT PACKAGES: 301 & 302
RESPONSES TO PRE-SUBMISSION QUERIES OF THE APPLICANTS

S.N.	Reference to PQ Document	Clarification Sought by the Applicants	DFCC's Response
(1)	(2)	(3)	(4)
1.	<p>Section III. Qualification Criteria and Requirements, Cl 4.3 (a) General Design Experience (i) In any single financial year in the last five years between 1st January 2009 and application submission deadline, successful completion of at least one design consultancy project pertaining to Railway/ Highway/ Port/ Airport/ Dams of a magnitude of: For Contract Package No. 301: US\$ 1 million (One million) For Contract Package No. 302: US\$ 0.5 million (Half of a million)</p>	<p>Our interpretation of the clause is: The bidder/ Design Sub-consultant to have completed one or more design consultancy project(s) in a single financial year between 1st January 2009 and application submission deadline, irrespective of the start date, with total contract value of each project of at least US\$ 1 million to qualify for Package 301 or US\$ 0.5 million to qualify for Package 302. Kindly confirm that this interpretation is correct.</p>	<p>The Applicant (in case of sole Applicant) / one member of the Joint Venture/ specialised Subcontractor for design work, should have successfully completed (irrespective of the start date) at least one design consultancy project pertaining to Railway/ Highway/ Port/ Airport/ Dams, of a magnitude stated in paragraph 4.3(a), in the last five years between 1st January 2009 and application submission deadline. Please refer to serial no 5 of Addendum No. 3 dated 16.06.2014</p>
2.		<p>Note on page 36 of 89 , Clause 4.2(a) indicates the works pertaining to Railways , Highways , Sea / Air port , Dams , HEP and Irrigation Canal projects shall only be considered for each contract package. Are we right in our understanding that Railways work includes "MRT projects"?</p>	<p>The works pertaining to MRT (Metro Rail Transit) projects shall also be considered for the subject contract(s).</p>
3.		<p>Note on page 44 of 89 and 45 of 89 , Clause 4.2(b) (iv) indicates for the fulfilment of the above criteria completion of 350 m length of</p>	<p>At least one bridge executed by the Contractor on a perennial river should have a minimum length of 350 m. The bridge referred to in the query does</p>

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		bridge on a perennial river / sea / canal as a part of a single longer bridge is also permissible. Is the Client also open to accepting bridges over perennial rivers where 2 parallel carriage ways of length 300 rmt (each carriage way on different foundations have been executed) under the same contract ?	not fulfil the requirements of the qualification criteria.
4.		Clause 4.3(a) (i) : Is the intent of Client to consider the Design consultancy project of 1 million USD that has been started and completed in any one year of the stated period OR is that the Design Consultancy of 1 million USD has started and finished in last five financial years between 1st January 2009 and application submission deadline. Please clarify.	Please refer to response to query no. 1.
5.		Clause 4.3(b) reads "For the above or other contracts executed between 1st January 2009 and application submission". Is "contracts executed" mean started and completed between the time frame indicated OR completed between 1 st Jan 2009 and application submission deadline irrespective of the date of award of award of contract ? Pl clarify.	The requirement is that the project should have been completed between 1 st January 2009 and application submission date. However for the projects which have started earlier than 1 st January 2009 and completed after 1 st January 2009, the benefit for the activity will be given on a prorata basis for the period falling between 1st January 2009 and application submission date unless otherwise stated in the Client's Certificate.

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6.		Is this PQ common for both the 2 Packages i.e. 301 and 302 OR the Applicants can submit separate PQ's (with separate JV partner) for Package 301 and 302 ? Client is requested to review and permit applicants to submit the PQ separately for the project i.e. 301 and 302 as the nature of works involved are different.	A single submission for both the Contract packages has been envisaged in the PQ Document; however separate PQ Applications can also be submitted for Contract package 301 and 302.
7.		It is requested that Client permit the nomination of more than 1 specialist sub contractor (Designer , Mechanized Track layer and Bridge Contractor) to be submitted along with the PQ. Clients are permitting the Specialist sub con for association with more than 1 Applicant.	Only one specialised sub-contractor is permitted per key activity as defined in PQ document. In case of more than one specialised sub-contractor is proposed for a key activity, by an Applicant only the first proposed sub-contractor will be evaluated. A firm may participate as a sub-contractor in more than one bid, but only in that capacity pursuant to ITA 4.3.
8.		The query is based on the "note" for clause 4.2 (b), page 45 of 91. The same is illustrated as an example. The question is attached along with the illustration.	A single 12 month continuous period shall be considered for the executed quantities for any particular key activity in case of a sole Applicant or an individual member of the JV. However; for a single key activity, period of 12 continuous months for different members of a Joint Venture need not necessarily be concurrent.
9.		Can the Applicant take into account the Granular Sub base (GSB) quantities executed in the road projects under the head of Earthwork under the head of Formation / cutting / blanketing (clause 4.2 (b) (i) , page 38 of 91 of the Clients	Granular sub base quantities executed in a project will not be considered against earth work pursuant to para 4.2(b) (i) of Section III - Qualification Criteria and Requirements.

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		PQ document)	
10.		Refer form CCC, page 61/91 of the PQ documents. The column 9 expects Applicants to indicate for each of the ongoing works the "Estimated Average Billing for 4 months working capital requirements" (in USD Million). As was the case for the APL 2 Tender, the client in the same format has sought the average billing (6 months duration) done for each of the projects indicated in the said form. What is the exact information the Client is requesting here ?	The provision(s) of the PQ document shall prevail.
11.		The notes at the end of Form CCC expects the Applicants to furnish the copy of the JV agreement for each contract. Also copy of letter of award of each contract be submitted. Is the Applicant to furnish the JV agreement despite Clients certifying the JV share (in case of the projects being undertaken by the Applicant) ? If the Clients certificate clearly captures the project value , start date , end date , executed value till date , JV share etc etc would the copy of letter of award for each contract still be needed to be furnished by the Applicant ?	If in the Client's Certificate, the member's share in the JV, Contract Amount and Date of Award of Work are clearly stated, submission of copies of JV Agreement as well as copy of Letter of Award is not required.
12.		Clause 4.3 (a) : does "Successful completion" in the said clause means that the designer should have been associated with a work valued at more than 1 million USD either in its individual capacity or as a partner in the JV?	In case the experience of the designer for the design job in question has been obtained as one members of the JV, the benefit will be given in proportion to his share in the said JV.

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13.	Section III 3. Financial Situation and Performance : Audited Balance sheets, profit & loss accounts etc for the last 5 financial years shall be submitted.	Kindly confirm that the latest Financial year to be considered will be 2013-14, i.e Financial figures up to 31 st March 2014, will be considered for evaluation. If yes, then please confirm that the Latest Balance sheets may not be available in Audited formats. Therefore Provisional Reports and Figures of FY 2013-14, signed by Statutory Auditors may please be accepted in evaluation.	In case the audited financial statements for Financial Year 2013-14 are not ready by the time of PQ document submission, latest financial statements for Financial Year 2012-13 can be submitted. Notwithstanding the above, the Employer reserves the right to ask for copies of audited financial statements for Financial Year 2013-14 at a later date, if required. Provisional Balance Sheet(s) will not be accepted.
14.	Section III 4.2 a Specific Construction Experience and 4.2 b	Kindly confirm that Contracts executed as EPC contractor to some PPP concessionaire will also be considered in this qualification. Please also confirm, that certificates given by Concessionaire (private SPVs) certifying the Work done, and quantities executed on project to their EPC contractors will be considered as eligible experience in clause 4.2 a and 4.2 b.	Contracts executed as an EPC Contractor to a Concessionaire will also be considered and certificate(s) given by the concessionaire will also be accepted
15.	4.3 (b) Specific Design Experience (Must meet requirements or can be a specialist sub-contractor)	Please clarify that the Specialist sub-contractor can be a sole firm or a Joint venture between two independent firms who have this experience jointly.	Specialised Subcontractor can be either a sole firm or a Joint Venture entity. However in case of a JV of the Subcontractors, requirements should be fully met by at least one of the member of the JV of the Subcontractors.
16.	Section IV : Application Submission Form -Page 52 of 91 (h) We are seeking pre-qualification for € Contract Package 301	Please include a fourth option of : € Contract package 301 or Contract Package 302 , Both individually and not collectively This is suggested, that if we qualify individually	Please refer to response to query no. 6.

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	€ Contract Package 302 € Both Contract packages 301 & 302	for both the packages, then we should be allowed to make one single submission, seeking qualification for both contracts individually. Kindly, clarify that single bid submission is allowed for both the contracts.	
17.	Prequalification Document Fee	Please clarify the amount and form of PQ document fee to be submitted along with the PQ Application. Please also confirm whether separate fee and separate applications will be submitted for both the packages or a single Fee and application to be submitted.	A complete set of prequalification documents may be purchased by interested Applicants on the submission of a written application to DFCCIL and upon payment of a non-refundable fee of INR10000/- or USD 200. There is no separate contract-wise fee for the PQ Document. An Applicant who has purchased a complete set of prequalification documents can submit its PQ Application for both the Contract Packages in a single submission or separate submission for each Contract Package.
18.	Application due date being 16 th May and pre-bid meeting is on 28 th April 2014.	We request you to kindly confirm that at least one month time will be provided between Application submission and issue of pre-bid meeting minutes.	Please refer to ITA 7.3 and 8.3 of the PQ Document.
19.	Cl. 4.2 : Eligibility and qualification criteria Section III	For undertaking a Highway Project on Build, Operate and Transfer basis under PPP mode an entity has to be incorporated as a Special Purpose Company (SPC) specifically for executing the said project, which is known as Concessionaire.	Please refer to response to query no. 14.

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(1)	(2)	(3)	(4)
		Please confirm whether the Work executed as an EPC Contractor for the Concessionaire, (who performs as Client for execution of the project) will qualify the requirements and the certificate issued by the Concessionaire will be considered for prequalification.	
20.	17. Deadline for Submission of PQ Application	Please extend the PQ bid submission date by Two (2) months.	Please refer ITA 17.1 and 19.1 as modified through Addendum No. 3 dated 16.06.2014.
21.	Clause 4.2(a), Section III, QCR, Page 36 of 91 of PQ document	<p>Description of the Clause Note: The works pertaining to Railway, Highway, Sea/Air Port, Dams/Hydroelectric Projects and Irrigation Canal Projects shall only be considered for each contract package</p> <p>Query We understand that lift irrigation projects would qualify as a 'Irrigation Project'. Please Confirm.</p>	Lift Irrigation project shall only be considered for the purpose of Qualification Criteria No. 4.2(a), if these involve the construction of canal also; however in such cases the benefit shall be restricted to value of the canal construction works executed in the Contract.
22.	Clause 4.3(a), Section III, QCR, Page 45 of 91 of PQ document	<p>Description of the Clause In any single financial year in the last five financial years between 1st January 2009 and application submission deadline, successful completion of at least one design consultancy project pertaining to Railway/Highway/Port/Airport / Dams of a magnitude of.....</p> <p>Query</p>	Please refer to response to query no. 1.

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		<p>We understand that the project should have been completed within the period mentioned i.e. between 1st Jan 2009 and Application submission deadline irrespective of the start and end date. However, The language seems to suggest that the project should be started and completed within one financial year i.e duration of the project should be less than one year. Please clarify.</p>	
23.	Clause 4.3(a), Section III, QCR, Page 45 of 91 of PQ document	<p>Description of the Clause In any single financial year in the last five financial years between 1st January 2009 and application submission deadline, successful completion of at least one design consultancy project pertaining to Railway/Highway/Port/Airport / Dams of a magnitude of.....</p> <p>Query We understand that we can propose more than one subcontractor/designer for the purpose of Pre-Qualification and later choose from pool of Pre-qualified designers/subcontractors at the time of Technical and Financial Submission. Please confirm.</p>	<p>Only one specialist Subcontractor can be proposed for each activity. Bidder may be allowed to replace any specialist sub-contractor(s), already approved by the Employer through Pre-qualification process in terms of ITA 30.1 and during bidding stage as per provision of bidding documents.</p>
24.	Clause 14.2 ,ITA, Page 14 of 91 of the PQ Document	<p>Description of the Clause Wherever an Application Form requires an Applicant to state a monetary amount,</p>	<p>Request not accepted. The provision(s) of the PQ Document shall prevail.</p>

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		<p>Applicants should indicate the USD equivalent using the rate of exchange determined as follows:</p> <p>For construction turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective Financial year (in which the amounts for that year is to be converted) was originally established.</p> <p>Value of single contract - Exchange rate prevailing on the date of the contract.</p> <p>Query</p> <p>As a general practice, various reputed clients like DMRC consider "28 days before the Application due date" or "Last day of the Month prior to the month in which application is due" for determining the conversion value to be taken, So that all the Applicant's are at par as far as currency fluctuations are concerned. However, if the exchange rate is taken on the date of contract, the date of contract for the project would be different for projects proposed by each Applicant and The resulting USD Value will depend a lot in the currency fluctuations. For Example, a project of Contract Value INR 100 Crores will Come out to be USD 24 Million if the contract date is April 2008 and USD 19 Million if the contract date is April 2012. Therefore, we request the</p>	

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		client to kindly freeze the date on which exchange rate to be considered for Single Contract.	
25.	General	<p>Query For Projects Completd before the year of date of submission of PQ, we request you to provide the updation factor to equate the project costs to current dates / submission dates.</p>	There is no provision for updation of cost to current date / submission date.
26.	General	<p>Query Since there is a time of only around 2 weeks between Pre-Application Conference and Application Submission Deadline., we request the client to kindly extend the date by atleast 4 weeks.</p>	Please refer to response to query no. 20.
27.	Cl. No. 1.12.2 Pg. 86 of 89 VII Scope of Work	<p>Tender Provisions As a part of bid documents, the pre-qualified bidders will be provided with employers requirement, concept design, performance specification and other available indicated field data e.g. (1) Alignments Survey (2) Geotechnical (3) Hydrological Calculations for discharge/HFL of bridges.</p> <p>The field data provided as a part of the bid documents by the employer is based on the investigations carried out by the employer and is for reference purposes only the bidder will</p>	The issues raised by the Applicant will be dealt in the Bid Document.

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		<p>have to satisfy him selves with the field data furnished and make his own investigations, if required, for submitting his offer. The bidder shall be deemed to have obtained all necessary information as to risks, contingencies and all other circumstances which may influence or affect his bid.</p> <p>Costs associated with any change in design or construction methodology later during execution on account of any change will be borne by the contractor.</p> <p>Clarifications As an applicant, we presume that the Topographical, Geotechnical, Hydrological Data and Performance Specifications provided in the Bid Document is correct to a larger extent. The Applicant, after proper site investigations, surveys etc. shall re-verify the Engineering Data and will include reasonable changes. It is requested from the Employer that bonafide request of the Applicant for Variation Orders and Price Escalation, arising out of cosmic/unexpectedly huge inconsistency in Topographical and Geotechnical data during the contract execution be considered for. Kindly confirm.</p>	
28.	Cl. No. 1.12.2	Tender Provisions	Only after the qualification process is over, details

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(1)	(2)	(3)	(4)
	Pg. No. 86 of 89 VII Scope of Work	<p>As a part of bid documents, the pre-qualified bidders will be provided with employers requirement, concept design, performance specification and other available indicated field data e.g. (1) Alignment Survey (2) Geotechnical (3) Hydrological Calculations for discharge/HFL of bridges.</p> <p>The field data provided as a part of the bid documents by the employer is based on the investigations carried out by the employer and is for reference purposes only the bidder will have to satisfy himself with the field data furnished and make his own investigations, if required, for submitting his offer. The bidder shall be deemed to have obtained all necessary information as to risks, contingencies and all other circumstances which may influence or affect his bid.</p> <p>Costs associated with any change in design or construction methodology later during execution on account of any change will be borne by the contractor.</p> <p>Query 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</p>	/ documents /reports etc. related to the subject Contract(s) will be provided to the qualified bidders at the time of invitation for bids.

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(1)	(2)	(3)	(4)
		as time available after issue of RFP is generally so limited that a contractor cannot complete entire pre-bid exercise.	
29.	Cl. No. 2.4 Pg. No. 30 of 89 III PDS Qualification Criteria	<p>Tender Provisions No consistent history of court/arbitral award decisions against the applicant since 1st Jan 2009</p> <p>Query The term litigation in subject clause may please be elaborated.</p>	The provision of Bid Document is amply clear. No further clarification can be provided.
30.	Cl. No. ITA 17.1 Pg. No. 24 of 89 I Instructions to Applicants	<p>Tender Provisions The Deadline for application Submission : 16.05.2014</p> <p>Query An extension of at least 30 days is requested.</p>	Please refer to response to query no. 20.
31.	Cl. No. 1.13 Pg. No. 87 of 89 VII Scope Of Work	<p>Tender Provisions The utilities have generally been identified as a part of the field data collected by the employer. However, there is always a possibility of some of the unidentified utilities being detected by the contractor during the course of data collection or during the construction. chartered utilities will be detailed in the bid document, the diversion of which shall be the responsibility of the contractor. However, the contractor shall be responsible</p>	Utilities which will be included in the Bid Document are referred as chartered utilities.

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		<p>to remove all the chartered and unchartered utilities. Removal of unchartered utilities will be treated as a variation.</p> <p>Query Kindly define Chartered utilities at this stage only.</p>	
32.	Pg. No. 61 of 89 IV Application Form CCC	<p>Tender Provisions Details of Current Works Contracts To Be Implemented And/ Or Completed in Future</p> <p>Query Please advise if List of Completed Projects is required along with, if yes, then period/timeline of such projects</p>	<p>Completed projects are not to be included in Form CCC.</p> <p>In Form CCC, the Applicant is required to provide information in respect of (i) Construction Contracts already awarded to the Applicant but not started up to 28 days before Application Submission Deadline; and (ii) Construction Contracts started after date of drawing of latest balance sheet submitted by the Applicant</p> <p>Please also refer to Addendum No. 3 dated 16.06.2014 (Sr. No. 7) for the revised FORM CCC which is to be used for submitting the information.</p>
33.	Pg. No. 62 of 89 IV Application Form OC	<p>Tender Provisions Other Commitments Other than Construction Commitments (For Future Works/Projects/Activities to be undertaken)</p> <p>Query Please advise what shall be construed by term other commitments apart construction commitments?</p>	<p>Requirement of Form OC has been deleted. Please refer Addendum No. 3 dated 16.06.2014 (Sr. No. 8)</p>

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		Work/Project/Activity of what nature/scope shall be considered in Column No. 4?	
34.	Cl. No. ITA 14.1 Pg. No. 23 of 89 I Instructions to Applicants	<p>Tender Provisions The applicant shall submit certificates from the client for each contract included in section IV : Form EXP- 4.1,4.2(a),4.2(b),4.3(a) and 4.3(b). These certificates should-attested by the applicant.</p> <p>Query From the clause it appears that there is no necessity to get certificate notarized and in case of certificates of a foreign J.V partner are also acceptable without Embassy verification/attestation. Please clarify.</p>	There is no requirement of notarisation/embassy attestation. Self-attested documents shall be accepted.
35.	Cl. No. 4.2 Pg. No. 8 of 89 I Instructions to Applicants	<p>Tender Provisions An Applicant may be a firm that is a private entity, a government-owned entity subject to ITA 4.9 - or a combination of such entities in the form of a joint venture ("JV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent.</p> <p>Query Whether any standard format of JV is made available from DFCC or the Applicant may use their standard format of JV agreement? Please clarify.</p>	<p>The Applicant can devise its own form of JV Agreement; however the minimum requirement is that the 'JV agreement / memorandum' or 'letter of intent' forming a JV should at least contain the following:</p> <ol style="list-style-type: none"> 1. The name of the Lead partner; 2. The percentage share of the members; 3. Should have a clause stating the joint and severally liability of the members of the JV in terms of ITA 4.2; and 4. Should contain the name of the Authorised Representative of the JV pursuant to ITA 4.2. <p>Information on the JV requirement will be provided in the bidding document.</p>

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36.	Cl. No. 30.1 Pg. 20 of 89 I Instructions to Applicants	<p>Tender Provisions Any change in the structure or formation of an Applicant after being prequalified in accordance with ITA 27 and invited to bid (including, in the case of a JV, any change in the structure or formation of any member thereto) shall be subject to the written approval of the Employer prior to the deadline for submission of bids</p> <p>Query We understand that the change of structure is also applicable for the Designated Subcontractor (Subject to the proposed new specialist subcontractor satisfying the minimum qualification criteria). Kindly Confirm.</p>	The change of structure pursuant to ITA 30.1 is applicable to specialist Subcontractor(s) also. However it may be noted that the proposed new Subcontractor(s) should still meet the Qualification Criteria and Requirements stipulated in the PQ Document.
37.	Cl. No. 3.1 & 3.2 Pg. No. 31 & 33 of 89 III Qualification Criteria	<p>Tender Provisions Audited Annual Reports(Balance sheets and other financial statements) for the Financial year 2012-13</p> <p>Query The annual reports for the financial year 2012-13 is not ready and will be ready by September/October 2013. Hence the provisional turnover certificate issued by the Chartered Accountant may Please be considered.</p>	The query raised by the Applicant appears to be incorrect as September / October 2013 had already passed.
38.		Tender Provisions	The mechanised track laying or relaying shall be

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		<p>Track Laying</p> <p>Query Whether use of NTC for mechanized Track Laying is compulsory as in Bhaupur – Khurja section or any other mechanized methodology can be used to avoid manual handing of rails and sleepers. The question arises because there is very limited number of agencies who qualify DFC eligibility criteria.</p>	as per note on page 43 of the PQ Document.
39.		<p>Tender Provisions Certification of Project Certificates</p> <p>Query We understand from the PQ document that the Power of Attorneys those are executed overseas and experience certificates of foreign applicants / JV partners are not required to be legalized by the Indian Embassy in the country, where, the projects have been executed please confirm.</p>	Please refer to response to query no. 34.
40.		<p>Tender Provisions Land Acquisition & ROW</p> <p>Query Please advise the current status on Land Acquisition and availability of ROW. A detailed status on % LA achieved is required to ascertain Obstacles in Execution Front.</p>	Land acquisition is in an advance stage. Further details shall be provided in the Bid Document.

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41.	Pg. No. 62 of 89 IV Application Form OC	<p>Tender Provisions Other Commitments Other Than Construction Commitments (For Future Works/Projects/Activities to be undertaken) Column 6</p> <p>Query Please specify date on which USD rate conversion be taken?</p>	The requirement of FORM-OC has been deleted. Therefore, the Applicant is not required to submit the FORM-OC.
42.	Pg. No. 62 of 89 IV Application Form OC	<p>Tender Provisions Other Commitments Other Than Construction Commitments (For Future Works/Projects/Activities to be undertaken) Column 7</p> <p>Query What basis shall be taken for estimating working capital required (to be mentioned in column 7) kindly help through example. So that applicants shall use same logic.</p>	Please refer to response to query no. 41.
43.	Pg. No. 61 of 89 IV Application Form CCC	<p>Tender Provisions Current Work Contracts to be Implemented&/Or Completed in the Future</p> <p>Query What basis shall be taken for estimating working capital required (to be mentioned in column 9) kindly help through example. So that applicants shall use same logic.</p>	The provision of Bid Document is amply clear. No further clarification can be provided. Please also refer to response to query no. 32.

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44.	Clause 4.2 (a) Specific Construction Contract Management Experience	<p>Query Kindly clarify how the requirement of one contract of US\$ 280 million can be jointly met by JV.</p> <p>1. This requirement for a single entity may be allowed to be fulfilled in two or three projects. 2. Further its requested to provide the updation factor to update the value of completed project to present year price level.</p>	1. & 2. Request not accepted. The provision(s) of PQ Document shall prevail.
45.	General Submission of Two packages in JV	<p>Query Kindly refer to the PQ submission : If Company A intends to join hands with Company B for both packages with the arrangement that Company A becomes lead partner with Company B being other member for say package 301 and Company B becomes lead partner with Company A being other member for say package 302 In that case Kindly clarify is this arrangement acceptable to DFCC.</p> <p>If so does the JV submit separate PQ documents for both package 301 and 302. Kindly clarify</p>	There can be two different Joint Venture Agreements between the same or different firms, one for Contract Package 301 and the other for Contract package 302 and separate PQ Applications can be submitted for these Contract Packages. In such cases Applicant has to pay separate fee for the two documents.
46.	Section 1, ITA - Clause 4.3 – “A firm may apply for pre-qualification bothwill be rejected.”	<p>Kindly confirm that same Applicant can participate in two different Joint ventures for both packages separately. For eg: in 301 – Applicant is X+Y JV and in 302 Applicants are X+Z JV and Y as sole</p>	Please refer to response to query no. 45.

		applicant will this be permissible	
47.	Section IV – Form OC	Kindly Confirm that existing other business of applicant like “Supply of Ready mix concrete” and “mining operations” etc are not to be required to be added or shown in this form.	Please refer reply to query no. 33.
48.	Section IV – Form CCC	<p>Kindly confirm that any existing contracts that are awarded after the close of latest financial year details submitted to you, i.e which are accounted for in the last available audited annual report, will be required to be enumerated and detailed in this form.</p> <p>This is asked on pretext, that the Last Audited Financial statements available are till March 2013 , than the contracts awarded after March 2013 are ongoing and yet not accounted for WIP in audited statements submitted , so they should be identified in this format or not.</p>	<p>The Applicant should provide information in respect of (i) Contracts already awarded (i.e. contracts to be executed in future) to the Applicant but not started up to 28 days before Application Submission Deadline; and (ii) Construction Contracts started after date of drawing of latest balance sheet submitted by the Applicant.</p> <p>Please refer to revised Form CCC attached with the Addendum No 3 dated 16.06.2014 (Sl. no. 7).</p>
49.	ITA clause 14.2 : Value of single contract – exchange rate prevailing on the date of the contract	<p>Kindly clarify that any past experience contract for which date of contract is say 10th June 2009, the value will be assessed after conversion to USD as on 10th June 2009. But since 2009 and till date the value of USD has appreciated many times, so will there be any annual inflation factor allowed on Contract Values , like this is allowed in other contracts may be at 5% p.a .</p> <p>Kindly consider this inflation updation in contract values for experience determination purpose.</p>	Please refer to response to query no. 25.
50.	Application submission date ITA 17.1	As the latest financial results of FY 2013-14	Please refer to response to query no. 20.

	on 16.05.2014	are still not available in audited reports form, we request you to please extend the application submission date to 15th July, as by this time, all the companies will be able to produce FY13014 results and all will be on same platform for qualification assessment purpose.	
51.	Section III Page No.45&47 Cl 4.3 (a)&(b) Design Experience	<p>Please refer to Clauses 4.3 (a) & 4.3 (b), General Design Experience & Specific Design Experience, of Qualification Criteria & Requirements.</p> <p>Specifically, please refer to the Compliance Requirements.</p> <p>To fulfil the criteria of Design Experience, a the credentials of a specialist Sub-contractor can be used.</p> <p>Considering the large volume of work involved and to reduce over-dependancy on a single Design specialist Sub-contractor, and to ensure timely completion of the works and a faster bidding process, you are requested to modify the Compliance Requirements so as to allow up to 3 specialist Sub-contractors' credentials to be used for Design Experience.</p>	Please refer to response to query no. 7.

52.	Section III & IV Page No. 45 & 69 Cl. No. 4.3 (a) General Design Experience	Please refer to Clause 4.3 (a), General Design Experience, of Qualification Criteria & Requirements, and Form EXP - 4.3 (a) The name of Form EXP - 4.3 (a) should be changed from "Similar Design Experience" to " General Design Experience" to mirror the name provided in Clause 4.3 (a) of Section III. Kindly confirm.	Request accepted. The heading of Form EXP- 4.3(a) is hereby amended to General Design Experience. Please refer to Sr. No. 9. of Addendum No. 3 dt. 16.06.2014
53.	Section IV Pg. No. 46-47 Form CCC & Form OC	i) Please refer to Form CCC & Form OC, required as attachments to Form FIN - 3.1. Kindly clarify if the following interpretation of the above clause is relevant: Form CCC is to be filled with details of construction projects currently which have been awarded but work is yet to start, and Form OC is to be filled with details of projects or works or services other than construction contracts, such as Manufacturing, Supply, Design, Services etc., which have been awarded but work is yet to start, or are in the pipeline. ii) Please refer to Form CCC & Form OC, required as attachments to Form FIN - 3.1. Specifically, please refer to the top right of pages 46 & 47. Form OC is correctly headed under Section IV: Application Forms, but Form CCC is headed	i) The Applicant should provide information in respect of (a) Contracts already awarded (i.e. contracts to be executed in future) to the Applicant but not started up to 28 days before Application Submission Deadline; and (b) Construction Contracts started after date of drawing of latest balance sheet submitted by the Applicant. Requirement of Form OC has been deleted from the scope. Please refer to response to query no. 33 also. ii) The header of Form CCC has been corrected. Requirement of Form OC has been deleted from the scope.

		under Section III: Qualification Criteria and Requirements. Kindly correct the same.	
54.	Section IV Application Form (Form FIN 3.1) & Form CCC Page No.58 of 89 & 61 of 89	Tender Provisions Financial Situation & Performance Form Fin 3.1 Row K- Working Capital requirements for future contract commitments (total of Col 9 from Form CCC) Clarification Please advise if a project awarded in Jan 2013 & commencing in May 2014 shall find its place/entry in stipulated column in Year 5 as mentioned in NIT.	Please refer to response to query No. 48.
55.	Section IV Application Form (Form FIN 3.1) & Form CCC Page No. 58 of 89 & 61 of 89	Tender Provisions Financial Situation & Performance Form Fin 3.1 Row K- Working Capital requirements for future contract commitments (total of Col 9 from Form CCC) Clarification Please advise if a project awarded in Feb/Mar 2014 & commencing in June 2014 shall find its place/entry in stipulated column in Year 5 as mentioned in NIT.	Please refer to response to query No. 48.
56.	Section IV Application Form (Form FIN 3.1) Page No.58 of 89	Tender Provisions Financial Situation & Performance Form Fin 3.1 Clarification Please advise if any additional column as year 6,	There is no need to insert any additional column as Year-6 because the information referred by the Applicant is to be submitted in Form CCC. Please also refer to response to query no. 53 i).

		if needed be created to show working capital details of the project received in Feb/Mar 2014 ?	
57.	Section III Qualification Criteria and Requirements Cl.4.2(a) Specific Construction and Contract Management Experience	A minimum number of similar ⁷ contracts specified below that have been satisfactorily and substantially ⁸ completed as a prime contractor, joint venture member ⁹ , management contractor or sub-contractor ⁹ between 1st January 2009 and application submission deadline: Clarification We understand that specific construction & Contract Management Experience completed in the last five (5) years, starting 1st January 2009. Please clarify.	Yes. The Applicant can submit contracts substantially completed within the period between 1st January 2009 and application submission deadline.
58.	Section III Qualification Criteria and Requirements Cl.4.2(b) Specific Construction and Contract Management Experience	(iii) Mechanized Track Laying Or Mechanized Track relaying and (iv) Construction of Important bridge over perennial river/ sea/ canal during the period stated in 4.2 (b) Clarification Bidders / JV can propose more than one subcontractor for the same work? Please clarify.	Please refer to response to query No. 6.
59.	Section III Qualification Criteria and Requirements Cl.4.3(a)&(b) General Design Experience and	i.)In any single financial year in the last five financial years between 1st January 2009 and application submission deadline, successful completion of at least one design consultancy project pertaining to Railway/Highway/ Port/Airport	a) Please refer to response to query No. 1. b) Please refer to response to query No. 15.

	Specific Design Experience	<p>/ Dams of a magnitude of</p> <p>ii) In any single financial year in the last five financial years between 1st January 2009 and application submission deadline, have collected at least the following amount of fees from the design activities for the projects pertaining to Railway/Highway/ Port/Airport</p> <p>Clarification</p> <p>a) We understand that Design & Consultancy Experience from projects completed in the last five (5) years, starting 1st January 2009, meet the criteria.</p> <p>b) Design Subcontractor can be a JV formed by two or more designer? If yes how each partners of this JV has to contribute to the qualification criteria? Please clarify.</p>	
60.	General	<p>Time extension</p> <p>Clarification</p> <p>We request you to give at least 6 (Six) week time extension for Submission of Prequalification Document from the date of reply of clarification .</p>	Please refer to response to query No. 20.
61.	Section I	<p>Deadline for submission of Application: Applications for prequalification should be submitted in sealed envelopes, delivered to the address below by 16-05-2014 at 15:00 hours (India Standard Time)</p> <p>Clarification</p> <p>Request you to kindly extend the due date of submission at least by 1 month i.e. till 16th June 2014, as joint ventures for these Pre Qualification</p>	Please refer to response to query no. 20.

		/ tenders takes extra time.	
62.	Section II ITA 4.1 (a)	The individuals or firms in a joint venture or association shall be jointly and severally liable and the Lead Partner should have maximum financial stake amongst the other JV Partner/s or association Partner/s in the JV Agreement for the Project. Clarification Request you to clarify if association shall also mean a Consortium.	Association among firms that meet the requirements for JV agreement defined in the PQ document are acceptable.
63.	Sec III 4.2 a	Specific Construction Experience Clarification Request you to include power projects, steel projects and refineries, manufacturing plants and infrastructure projects	The provision(s) of the PQ document shall prevail.
64.	Sec III 4.2 b	Specific Construction Experience in Key Activities in Earthwork and Concrete Clarification Request you to include power projects, steel projects and refineries, manufacturing plants and infrastructure projects. Our understanding is that 12 continues months within the last ten years can be different for the JV/ Consortium partners / Associate.	Please refer to the response to a query no. 8.
65.		Kindly provide us the detailed feasibility report / DPR of Project	This issue shall be dealt at Stage-1 (Technical Proposal) bid submission.
66.		Kindly provide the status of land acquisition / approvals /clearances/ environmental clearance etc.	Please refer to the response to a query no.65.

67.		Please provide us the list of Utilities lying on project site	Please refer to the response to a query no. 65.
68.		As Mines in UP are restricted so that authority are requested to please provide the quarry sources for aggregate and sand.	Please refer to the response to a query no. 65.
69.		Kindly provide the structures details of this project. Also arrange to provide the bore log details.	Please refer to the response to a query no. 65.
70.		As total Estimated cost of all packages are more than 3000 Crore and in this regard we will purchase Big Machineries from out of country. You please clarify that contractor will get custom / Excise duty Exemption.	Please refer to the response to a query no. 65.
71.		Please extend the submission of RFQ date by 15 days.	Please refer to the response to a query no. 20.
72.	4.2 (b); Pre-qualification document Section-III , Qualification Criteria and Requirements; Page 38 & Page-68	(i) Earthwork in Formation /Cutting /Blanketing Maximum Value of earthwork in formation in cubic meter in any one year from 1 st Jan, 2009 to application submission deadline Clarification May please confirm, if the earthwork quantity is cumulative of earthwork in formation, cutting and blanketing	The earthwork quantity is cumulative of earthwork in formation, cutting and blanketing.
73.	4.2 (b)	for the above and any other contracts completed and under implementation as prime contractor, Joint Venture member, management contract or Sub-Contractor between 1st January 2009 and application submission date Clarification Request you to consider the Construction experience in Key Activities between 1st Jan,	Request not accepted. Provision(s) of the PQ Document shall prevail.

		2007 i.e in last seven year from the application submission date	
74.	Clause -25.4;	<p>This clause states that only the qualifications of the applicant shall be considered.</p> <p>Clarification For undertaking a Highway Project on Build, Operate and Transfer basis under PPP mode on entity has to Incorporate a special purpose vehicle (SPV) specifically for executing the said project, which is known as concessionaire. You are requested to clarify if the applicant has 100 % participation in the form of equity in such SPV, then can the applicant take full credit of the work executed by such SPV. After completion of completion of a BOT project the name of the entity would be different than the name of the Applicant. Therefore, the certificate issued by the Client would be in the name of the particular Special Purpose Company and it would not be in the name of the Applicant even if it has 100% equity participation.</p>	<p>If the Concessionaire has completed a BOT project through a Special Purpose Vehicle (SPV), only Applicants' share based on its equity participation in the SPV, by value, shall be considered to meet the requirement.</p> <p>An Applicant desirous of availing the experience for works executed in a SPV is required to submit the documents proving the equity participation and experience of the Applicant in the SPV.</p>
75.	Clause 4.2 (a) of Section III, Page 35	<p>Clarification When a work has been executed under Build, Operate and Transfer model by an EPC Contractor who has executed the work, the EPC Contractor would take the credit of the execution of the contract and the Employer / Authority would give the credit to the company who has executed the EPC Contract to that extent only. On the other hand, when the project is commissioned the Total project</p>	Value of the construction works carried out by the applicant as a member of the SPV shall be considered.

		<p>Cost includes the cost of EPC component, the interest on lending and other factors which arrives at the Total Project Cost which is always higher than the EPC Cost. As pointed out in the query raised under the afore mentioned Clause the certificate against the Total Project Cost would be given by the Client in favour of the Concessionaire which is he Special Purpose Company and would not indicate the name of the Applicant who has been the EPC Contractor.</p> <p>Therefore, the clarification we need is whether the certificate is issued by the Employer / Authority in favour of the Concessionaire / Special purpose Company would be made applicable to the Applicant and the value of Total Project Cost could be considered as a Contract Slice stipulated</p>	
76.	General	<p>Clarification Please clarify, whether an applicant may submit the Pre-qualification application for both the packages individually</p>	Please refer to response to query no. 6.
77.	Section IV (Application Forms) Page 61 of 89 Form CCC	<p>CURRENT WORKS CONTRACTS TO BE IMPLEMENTED AND / OR COMPLETED IN THE FUTURE</p> <p>Clarification Please refer to Form CCC & Form OC, required as attachments to Form FIN -3.1.</p>	Form CCC have been revised. Please refer to Sr. No. 7 of Addendum no. 3 dated 16.06.2014 and revised form CCC attached with the Addendum.

		<p>In the Form CCC, the foot note states that: “Future Contract Commitment means, the Contract which are awarded but the work execution is yet to start.” As the work execution starts within the month of award of the contract, the Future Contract Commitment for which the execution is yet to start would be NIL.</p> <p>Kindly Clarify.</p> <p>As the details required in Form CCC is not clear as it refers both current and future works, we would request to modify the above form with requirement as:</p> <ol style="list-style-type: none"> 1. Construction Works Awarded to Contractor which are in Progress as on date of submission of our pre-qualification for above package. 2. Value of Construction Work to be completed in next 3 years from pre-qualification submission date. This will enable DFFCIL to know the future commitments of contractor in construction works. 	
78.	Section IV (Application Forms) Page 62 of 89 Form OC	<p>OTHER COMMITMENTS – OTHER THAN CONSTRUCTION CONTRACTS</p> <p>(FOR FUTURE WORKS/ PROJECTS/ ACTIVITIES TO BE UNDERTAKEN)</p> <p>Clarification In the form OC (Other commitments), the form shall have detail of works other than construction</p>	Form OC has been deleted.

		<p>contracts.</p> <p>We feel that form OC has been requested by DFCCIL to evaluate the capability of the bidder in areas other than Construction Works such as Manufacture, Supply, Engineering Services, IT services, etc. which are not relevant with this project, also, the details of work in hand and future commitments have already been requested in above modification (Sl.no.1).</p> <p>The other financial capabilities of the bidder have already been provided through FIN 3.1, thus we would request you to kindly delete Form OC.</p>	
79.	Section III Qualification Criteria & Requirements	<p>Nomination of specialized sub-contractor</p> <p>Clarification</p> <p>We request you to allow us to have more than one specialized sub contractor per key activity, wherever applicable, so as to enable the timely completion of the works, with a comparative price.</p>	Please refer to response to query no. 7.
80	Clause 4.2(a), Section III, QCR, Page 36 of 91 of PQ document	<p>Description:</p> <p>For Both Contract Packages (301 & 302): One Contract whose value is equal to or more than US\$ 280 million (US\$ Two Hundred Eighty Million).</p> <p>Query:</p> <p>ABC Company was awarded a project for construction of dam in 2005 for 100 Million USD. The project is under construction as of date and has been substantially completed ~ 85%. Thus meets the substantial completion criteria (More than 80%) proposed under Clause 4.2(a) of Section-III.</p> <p>However, as per current price levels (considering escalations and price</p>	The value of variations (other than variations due to price adjustments) in a Contract shall be considered for evaluation purposes.

		variations),the total payment received by the Company is 500 Million USD. Since price variations and escalations are part of the contract, We understand that the value of Contract to be considered for evaluation would be 500 Millions USD. Please confirm if our understanding is correct.	
81	Clause 4.2 of Section I: ITA	Whether a Consortium is eligible for the tendering?	Please refer to response to query no. 62

Attachment of query on S. No. 8

Project	2008	2009	2010	2011	2012	2013	(August 2011-July 2012) : Best 12 continuous months	Total Quantity in 12 continuous months to be considered for evaluation	Remarks
A	-	-	10	10	10	10	14	14	Aug 2011-July 2012 (12 Continuous Months)
B	100					-	-	20	Average of Total Quantity executed in contract i.e 100/5 = 20
C	60			-	-	-	-	20	Average of Total Quantity executed in contract i.e 60/3 = 20

Kindly refer the illustration, which includes the following three project Categories:

Project A: Month wise Quantities duly certified by client available for the project. Project starts in 2010 and completes In year 2013 i.e 4 years . Best quantity executed in 12 continuous months can be worked out from the certificates and is For the period between Aug 2011 and July 2012.

Project B: Month wise quantities not available, Client has certified year-wise and total e/work quantity. The Project Starts in 2008 and ends in 2012 i.e 5 years. The project is under execution concurrently during the period for which best 12 continuous months is considered in Category A above.

Project C: Monthwise Quantities are not available. The Client has certified Yearly and Total e/work Quantity for the project. The project started in 2008 and is completed in 2010 i.e 3 years

Would client permit clubbing best 12 months progress from project A with annual averages derived from Project B and Project C to arrive at the best 12 months progress as illustrated above??