

**SAHNEWAL-PILKHANI SECTION OF EASTERN DEDICATED FREIGHT CORRIDOR**  
**PRE-QUALIFICATION OF SYSTEMS WORKS CONTRACT: CONTRACT PACKAGE: 304**  
**RESPONSES TO PRE-SUBMISSION QUERIES OF THE APPLICANTS**

S.N.	Reference to PQ Document	Clarification Sought by the Applicants	DFCC's Response
1.	<p>FORM CCC Section IV Application Forms</p> <p>Notes :- (i) Copy of Joint Venture for each contract should be submitted. (ii) Copy of letter of award (LOA) for each contract should be submitted.</p>	<p>In case of many contracts/customer both the information sought by you are confidential so we will not be able to provide documents Regarding this. However we can provide self - Attested information about JV and Customer. In our view that information will be sufficient for PQ submission Please confirms.</p>	<p>In case it is not possible to submit the copy of JV agreement and / or copy of Letter of Award, then in addition to providing the self-attested information about JV and customer, the Applicant should submit a certificate from the Client stating the member's share in the JV, Contract Amount and Date of Award of Work.</p>
2.	<p>Section I: Instruction to Applicants Sub Clause 25. Evaluation of applicants Sub clause 25.4</p> <p>Only the qualifications of the Applicant shall be considered. In particular, the Qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.2 (or participating as a sub-contractor as per ITA 25.2) shall not be considered.</p>	<p>Request you that while computing the technical and financial capacity of the applicant, the Technical and financial capacity of their associate should also be eligible. Definition of associate with respect to the applicant: is one who directly/indirectly controls, or are controlled by, or are under common control.</p>	<p>Request not accepted. Provision(s) of PQ Document shall prevail.</p>
3.	<p>ITA 17.1 / PDS</p>	<p>Request you to extend the submission deadline by 3 months at least. Proposed</p>	<p>The deadline for submission of PQ application is revised. Refer Addendum</p>

S.N.	Reference to PQ Document	Clarification Sought by the Applicants	DFCC's Response
	<p>For application submission purposes only, the Employer's address is the same as stated in ITA 7.1 above.</p> <p>The deadline for application submission is: Date: 10.03.2016 Time: 15:00 hrs.</p>	<p>deadline for application submission : Date: 10.05.2016 Time: 15:00 hrs</p>	<p>No.2 dated 18.03.2016. For further update please visit DFCCIL website dfcc.gov.in.</p>
4.	<p>Clause 5.1,Section VII Scope of Works</p> <p>The Utilities have generally been identified as part of the field data collection by the Employer and all these will be removed by DFCC either through the existing CST contract or other means. However there is always a possibility of some of the unidentified utilities being detected by the system works contractor during the course of the work. These utilities shall be relocated by the contractor as per the provisions of the Bid document. Removal of Unchartered utilities will be treated as a variation.</p>	<p>Please provide the details about unidentified utilities.</p>	<p>These items shall be dealt with in the Bidding Document.</p>
5.	<p>Clause 1.9.8,Section VII Scope of Works</p> <p>In addition, the contractor shall undertake the rectification of</p>	<p>Please confirm role and responsibilities during DLP which contractor will have to perform.</p>	<p>These items shall be dealt with in the Bidding Document.</p>

S.N.	Reference to PQ Document	Clarification Sought by the Applicants	DFCC's Response
	<p>defects and deficiencies for all permanent works falling under the preview of this contract during the Defect Notification period extending to a period of 24 months after the date of commissioning and operational acceptance of the complete section by the Employer.</p>		
6.	<p>ITA 4.2 Eligible Applicants</p> <p>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. ---- ----- ----- behalf of any and all the members of the JV during the prequalification process, bidding (in the event the JV submits a bid) and during contract execution (in the event the JV awarded the Contract). Unless specified in the PDS, there is no limit on the number of members in a JV.</p>	<p>In case of single Applicant/private entity, with in intent to incorporate a new company as 100% subsidiary of the applicant after the receipt of Letter of Acceptance from DFCCIL at award stage, please confirm that this new company would be permitted to sign the contract with DFCCIL.</p>	<p>Such subsidiary company shall not be permitted.</p>

S.N.	Reference to PQ Document	Clarification Sought by the Applicants	DFCC's Response
7.	<p>Evaluation of Applications ITA 25.2</p> <p>Applicants planning to subcontract more than 10% of total volume of work shall specify, in the Application Submission Form, the activity (ies) or parts of the works to be subcontracted along with complete details of the sub-contractors and their qualification and experience ----- ----- The Applicant on its own (without taking into account the qualification and experience of the sub-contractor) should meet the prequalification criteria.</p>	<p>At this stage we cannot substantiate whether Key activity or activities which we are planning to Sub-Contract will amount to more than 10% of total volume of work. Please suggest which Key Activity we should indicate in Application Form Clause g.</p>	<p>It is up to the Applicant to decide about the key activities and percentage of total volume of work which he wants to sub contract. However the Maximum percentage of subcontracting permitted is 30% of the total value of the contract. Please also refer to S.No. 01 of the Addendum No. 03 dated 26/04/2016 Notwithstanding the above and the provisions of ITA 25.2, the Bidders shall also be provided an opportunity to propose sub- contractor(s) at the submission of First Stage Technical Proposals.</p>
8.	<p>ITA 4.2 PDS</p> <p>Maximum number of Partners in the JV shall be 4 (Four), (each member should have at least 15% of share with total for all members as 100%).</p>	<p>As per fair industry practices for localization and government initiative as 'MAKE IN INDIA' , we would request DFCCIL to change the % participation requirement to a reasonable value i.e. at least 5 % share for each member.</p>	<p>Request not accepted. The provisions of the PQ Document shall prevail.</p>
9.	<p>3.1 Financial Capabilities (iii) Remark 8</p> <p>The audited balance sheets, profit and loss account and cash flow statement of Group</p>	<p>We request you that while computing the technical and financial capacity of the applicant, the technical and financial capacity of their affiliates that are directly or indirectly controlled, or are controlled by or are under common</p>	<p>The words 'and its affiliates' are not mentioned in the PQ Document. However, Request not accepted. The provisions of the PQ Document shall prevail.</p>

S.N.	Reference to PQ Document	Clarification Sought by the Applicants	DFCC's Response
	<p>Companies, Parent Companies or Sister Companies and its affiliates shall not be considered for evaluation unless they are part of JV.</p> <p>The Applicants are advised to strictly adhere to this requirement and submit the financial statements of the Applicant and / or its JV /consortium members only in accordance with the laws of the Applicant's Country.</p>	<p>control with the applicant should also be considered for the purpose of eligibility.</p> <p>Hence, we propose the following amendment in this clause:</p> <p>“The audited balance sheets, profit and loss account and cash flow statement, Technical capacity of Group Companies, Parent Companies or Sister Companies and its affiliates shall <b>not</b> be considered for evaluation <b>unless they are part of JV</b>.</p> <p>The Applicants are advised to strictly adhere to this requirement and submit the financial statements of the Applicant and / or its JV /consortium members or affiliates/Group companies only in accordance with the laws of the Applicant's Country.</p>	
10.	<p>ITA 24.1 PDS Sub- Contractors</p> <p>At this time the Employer does not intend to execute any part of the Works by sub-contractors selected in advance.</p>	<p>This clause seems to be contradiction to Section III. Qualification Criteria and Requirements: 4.2(b) Specific Experience, where Telecom works of OFC and 25 kV or 2 *25 kV OHE works proposed can be subcontracted.</p> <p><b>Please clarify</b></p>	<p>ITA 24.1 is not in contradiction to ITA 4.2(b) because ITA 24.1 is with regard to the intention of the Employer for executing some part of the Works by sub-contractor(s) selected in advance by the Employer.</p>
11.	<p>Clause No. 4.2(b) (ii)</p> <p>Section III Qualification Criteria and Requirements.</p>	<p>We would like to bring your kind attention to the Train Management System/ Centralized Traffic Control System.</p>	<p>Request not accepted. Provision(s) of PQ Document shall prevail.</p>

S.N.	Reference to PQ Document	Clarification Sought by the Applicants	DFCC's Response
		<p>As per current market scenario; there are only 2-3 active players who are eligible for TMS/CTC System as per DFCCIL requirement; thus they are playing monopoly in the market for Bid submission by submitting in Joint Venture with other parties and also limiting the competition of the Bid.</p> <p>The DFCCIL'S condition under Clause 4.3 of section I instruction to applicants; avoiding them to bid both as a JV partner and Sub-Contractor as if they got pre-qualified; they will be rejected if they submit bid as a part of Joint Venture or as a subcontractor.</p> <p>We hereby request you to look into matter and kindly delete Clause 4.3 or amend it enabling TMS/CTC System players to participate both as JV partner and as Sub-Contractor as well with other JVs so that it will also help other competitive players in the market to submit best competitive bid for the above referred work.</p>	
12.	<p>Application Submission Form, Page 49</p> <p>h) We declare that the following commissions, gratuities, or fees have been paid or are to be paid with respect to the prequalification process, the corresponding bidding process or execution of the Contract:</p>	<p>We suggest to modify the statement as under</p> <p>“No commissions, gratuities or fees have been or are to be paid by us to agents or any third party relating to this Application”</p>	<p>Request not accepted. Provision(s) of PQ Document shall prevail.</p>

S.N.	Reference to PQ Document	Clarification Sought by the Applicants	DFCC's Response
	[If no payments are made or promised, add the following statement: "No commissions or gratuities have been or are to be paid by us to agents or any third party relating to this Application"].		
13.	<p>FORM CCC Section IV Application Forms</p> <p>Notes :- (i) Copy of Joint Venture for each contract should be submitted. (ii) Copy of letter of award (LOA) for each contract should be submitted.</p>	<p>As both these information are confidential, hence we will not be able to provide documents regarding this. However we can provide self-attested information about JV and Customer. Further, the same clause got amended during pre-bid queries of CP-203.</p>	<p>In case it is not possible to submit the copy of JV agreement and / or copy of Letter of Award, then in addition to providing the self-attested information about JV and customer, the Applicant should submit a certificate from the Client stating the member's share in the JV, Contract Amount and Date of Award of Work.</p>

-----XX-----