

KHURJA – PILKHANI SECTION OF EASTERN DEDICATED FREIGHT CORRIDOR
PREQUALIFICATION OF CIVIL, STRUCUTRE AND TRACK WORKS: CONTRACT PACKAGE: 303
RESPONSES TO PRE-SUBMISSIONQUERIES OF THE APPLICANTS Dated 14.07.2015

S.N.	Reference to PQ Document	Clarification Sought by the Applicants	DFCC's Response	Remark, if any
(1)	(2)	(3)	(4)	(5)
1.	Sec. III/ Pg. No. 38, 39 of 82/ Cl. 4.2(b) (i) Earthwork information/cutting/blanketing 6,200,000(6.2 million) cubic meters in any one year (12 continuous months) during the period stated in 4.2 (b). Note: The Earth work in connection with dredging/reclamation and tunnelling shall not be considered.	We understand that Highway Contract having tunnels as part of scope and its Earthwork /Excavation quantities of that tunnel will be considered for evaluation. Please Confirm.	Highway contracts having tunnelling also as part of the scope of the work will be considered for similar works pursuant to Sub-Factor 4.2(a) however the quantity of earth work executed for the tunnel shall not be considered for the quantity of earthwork pursuant to Sub-Factor 4.2(b).	
2.	Sec. III/ Pg. No. 38, 39 of 82/ Cl. 4.2(b) (i) Earthwork in formation /cutting /blanketing 6,200,000(6.2 million) cubic meters in any one year (12 continuous months) during the period stated in 4.2 (b).	In case where month wise quantities are not available, Whether 12 months quantities calculated by division of the total quantity to total duration of activity/ Contract and then multiplying that quantity by 12 months will be considered for evaluation. Please Confirm	For the requirement of this paragraph, if year wise executed quantities are not stated in the Client's Certificate, the yearly average of quantity based on the entire contract period would be taken for the purpose of evaluation. Please refer the note below 4.2(b) in this regard.	
3.	Sec. III/ Pg. No. 38, 39 of 82/ Cl. 4.2(b) For the above and any other contracts completed andconstruction	Please confirm whether quantities of Tunnel contracts for Railway or Highway Transport will be considered for evaluation for key activities.	Please refer to response to query at S No.1	

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	<p>experience in the following key activities successfully completed</p> <p>Notes:</p> <p>(i) The work pertaining to Railway, Highway, Sea /Airport, Dams/ Hydroelectric Projects and Irrigation Canal Projects shall only be considered for each Key activity.</p>			
4.	<p>Sec. VII Scope of Work Pg. No. 79 of 82/ Cl. 1.12.2</p> <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) 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 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</p>	<p>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 bona fide 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>	<p>The issues raised by the Applicant regarding applicability of variation and price escalation shall be dealt in the Bid Document.</p>	

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	<p>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>			
5.	<p>Sec. VII Scope of Work Pg. No. 79 of 82/ Cl. 1.12.2</p> <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>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>Only after the pre-qualification process is over, relevant details / documents /reports etc. related to the subject Contract shall be provided to the qualified bidders at the time of invitation for bids.</p>	

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	Costs associated with any change in design or construction methodology later during execution on account of any change will be borne by the contractor.			
6.	Sec. II Bid Data Sheet Pg. No. 31 of 82/ Cl. 2.3 & 2.4 No consistent history of court/arbitral award decisions against the applicant since 1st Jan 2010	The term litigation in subject clause may please be elaborated.	The provisions in the PQ Document are amply clear. No further clarification is required.	
7.	Sec. I Instructions to Applicants Pg. No. 26 of 82/ ITA 17.1 The Deadline for application Submission : 06.07.2015	An extension of at least 30 days is requested.	Please refer Section II Prequalification Data Sheet ITA17.1 & ITA19.1 of PQ document.	
8.	Sec. VII Scope of Work Pg. No. 80 of 82/ Cl. 1.13 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	Kindly define Chartered utilities at this stage only.	The list of chartered utilities shall be made available in the Bid Document.	

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	be responsible to remove all the chartered and unchartered utilities. Removal of unchartered utilities will be treated as a variation.			
9.	<p>Sec. I Instructions to Applicants Pg. No. 25of82/ ITA. 14.1</p> <p>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) and4.3(b). These certificates should-attested by the applicant.</p>	<p>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.</p> <p>Please clarify.</p>	<p>There is no requirement of notarisation/embassy attestation. Self attested documents shall be accepted. In case of Certificates of Foreign Partner(s) in other than English language, English Translation will be required to be notarised/ Embassy attested.</p>	
10.	<p>Sec. I Instructions to Applicants Pg. No. 10 of82/ ITA. 4.2</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.</p>	<p>Whether any standard format of JV is made available from DFCC or the Applicant may use their standard format of JV agreement?</p> <p>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 Bid Document.</p>	

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11.	<p>Sec. I Instructions to Applicants Pg. No. 22 of 82/ ITA. 30.1</p> <p>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 dead line for submission of bids</p>	<p>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>	<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.</p>	
12.	<p>Sec. III Qualification Criteria Pg. No. 32 & 35 of 82/ Cl. 3.1 & 3.2</p> <p>Audited Annual Reports (Balance sheets and other financial statements) for the Financial year 2014-15</p>	<p>The annual reports for the financial year 2014-15 is not ready and will be ready by September/October 2015. Hence the provisional turnover certificate issued by the Chartered Accountant may Please be considered.</p>	<p>Provisional Certificate will not be considered and the evaluation will be done on the basis of latest audited Financial Statement.</p>	
13.	<p>General</p> <p>Track Laying</p>	<p>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 handling of rails and sleepers. The question arises because there is very limited number of agencies who qualify DFC eligibility criteria.</p>	<p>Please refer to the note under 4.2(b) (iii) on page 42-43 of the PQ Document.</p>	
14.	<p>General</p> <p>Certification of Project Certificates</p>	<p>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>	<p>The Power of Attorney executed overseas and experience certificates of foreign applicants / JV partners are required to be translated in the English which will be notarised/ Embassy attested.</p>	

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15.	General Land Acquisition & ROW	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.	Land acquisition is in an advance stage. Further details shall be provided in the Bid Document.	
16.	Sec. III Qualification Criteria Pg. No. 37 of 82/ Cl. 4.2(a) Notes : (2) The Works of Dredging/ Reclamation and tunnelling shall not be considered.	We assume any tunnel work in relation to development of MRTS/Rail Corridor does not form a part of mentioned clause as thus shall be considered for quantity calculation in Clause 4.2 (b).	Highway, Railway and Metro contracts having tunnelling also as part of the scope of the work will be considered for similar works pursuant to Sub-Factor 4.2(a) however the quantity of earth work executed for the tunnel(s) shall not be considered for the quantity of earthwork pursuant to Sub-clause 4.2(b).	
17.	Sec. III Qualification Criteria Pg. No.39,40 of 82/ Cl. 4.2(b) Notes : (1) The works pertaining to Railway, Highway, Sea/Air Port, Dams/Hydroelectric Projects and Irrigation Canal Projects shall only be considered.	You are requested to kindly expand the criteria and include the water work pertaining construction of Pumping Stations and Building Construction	Provisions of the PQ Document shall prevail.	
18.	Sec. IV Application Form CCC Pg. No.58 of 82 Current Work Contracts to be Implemented&/Or Completed in the Future	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.	The estimated average billing for 4 months is to be taken as working capital requirements. Example for calculation of working Capital: The total value of Contract = US\$ 100 million Total period for completion of Contract	

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			= 40 months Working Capital required = 100X4/40 = 10 million US \$	
19.	General	Do all the documents of the Company / Bidder of the Overseas Co including Board Resolution, Power of Attorney, Registration Certificate, Financial Results, Client Certificates after Translation and Notarization has to be attested by the Embassy of India in their respective Country? Or only Translation & Notarization will be acceptable?	Translation & Notarization will be acceptable	
20.	General	After the Pre-Qualification, what are the additional documents to be submitted by the Bidder / Nominated Sub Contractor related to Mechanized Track Laying?	Only after the qualification process is over, such details related to the subject Contract shall be provided to the qualified Bidders at the time of invitation for bids.	
21.	General	As being an Overseas Co, we have to prepare lot of documents in English which require more time, therefore we request you to extend the submission date for another 45 days.	Please refer to Response to S No.7	
22	Form ELI - 1.1 - Application Information Form, Page No. 48 of 82 The Form ELI -1.1 Applicant Information Form, on page 48, Point No.2. "Included are the organizational chart, a list of Board of Directors, and the beneficial	The bidder seeks to understand the term "Beneficial ownership" and kind of documents/certificate shall the bidder prepare as a certificate/evidence? Kindly confirm.	Beneficial ownership means the ownership of equity shares of the company. The Applicant should provide the list of equity shareholders holding more than 2% of the paid up share capital. The list of such shareholders should be certified by the Company	

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	ownership”		Secretary or by the Director/Managing Director of the Company. The above would also apply in case of Joint Stock Company listed on a Stock Exchange.	
23	Form FIN - 3.1 - Financial Situation & Performance , Page no. 54 of 82 Financial Situation and Performance on page 54 which needs the last 5 years financial audit report.	The bidders seek to clarify that In case 2014 year financial audit report has not yet been issued. Can we use reports from year 2013 to year 2009 as for the last 5 years? With a statement that our 2014 report not yet issued. Kindly confirm if the same would be in order.	The PQ document may be referred which is clear.	
24	Form FIN - 3.1 - Financial Situation & Performance , Page no. 54 of 82 Form FIN - 3.1 - Financial Situation & Performance , Page no. 54 of 82	The bidder understand that what Sources of Finance is referred to is Applicant must show availability of Financial Situation & Performance of 31 Million USD net of current commitments for the project as per Criteria clause 3.1 page 32 of 82 and to fill the same in Form Fin 3.1 & CCC pg 58 of 82 to conform to this requirement. Kindly confirm that our understanding is correct or otherwise.	The PQ document may be referred which is clear. The understanding of the bidder is not correct and the requirement is 1. Applicant must show availability of Financial Situation & Performance of 31 Million USD for the project as per Criteria specified in clause 3.1(i) at page No. 32 of 82 and filled from the figure shown at row “I” of Form Fin 3.1. The Form Fin 3.1 shall be filled on the basis of actual audited financial statement of the applicant and proposed specific line of credit agreed by commercial Bank and/ or any other source of finance for the subject contract(s). 2 Applicant must show availability of Financial Situation & Performance of 31	

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			<p>Million USD net of current commitments for the project as per Criteria clause 3.1(ii) at page No. 33 of 82 and filled from the figure shown at row "L" of Form Fin 3.1. The Form Fin 3.1 shall be filled on the basis of actual audited financial statement of the applicant and proposed specific line of credit agreed by commercial Bank and/ or any other source of finance for the subject contract(s).</p> <p>3. The Applicant shall fill the relevant information in Form CCC (at page 58 of 82) the amount of source of finance available in respect of (i) Construction 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>	
25	<p>Form CCC - Current work contracts to be implemented and / or completed in the future* Page No. 58 of 82</p> <p>Current work contracts to be implemented and / or completed in</p>	<p>Bidders seeks clarification as to include all or only the major current work contracts information. Regarding source of fund we do not have individual fund based line of credit limit for each project, however we have overall company wide consolidated line of credit, which we can</p>	<p>The applicant has to report all the work contracts in respect of (i) Construction 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</p>	

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	future*	submit. Kindly confirm the same shall be in order.	(ii) Construction Contracts started after date of drawing of latest balance sheet.” In form CCC, only project specific line of credit available with the applicant will be considered. The unutilised portion of total Fund Based line of credit of the applicant, duly certified by the statutory auditor of the applicant, as on the date of last audited balance sheet submitted by the applicant will also be considered for Form CCC only.	
26	Form EXP - 4.2(a) (cont.) Specific Construction and Contract Management Experience(cont.) Page No. 61 of 82 Item 6. Other Characteristics	The bidder seeks to clarify that does Item No. 6 means other characteristics of construction in other aspects besides the above 5 items? Is there any specific requirement of any kind of content to be filled up? Kindly confirm	In response to this requirement, the bidder is expected to mention the other important particulars, if any, of the project.	
27	Form EXP - 4.2(b) Construction Experience in Key Activities. Page No. 62 of 82 Construction Experience in Key Activities	Bidder seeks clarification that Each year's executed quantity and total quantity in the contract should be given, however, should it be required to be substantiated with Client certificate. Kindly confirm.	Yes, this has to be certified by the Client.	
28	Summary of the above information derived from Forms submitted. Page 63 of 82 Description of the key activities in	Bidder seeks clarification, while in filling up this form regarding yearly exact volume of earth work, maximum concreting, maximum mechanized track laying, shall be provided, does it required also to be substantiated with Client	All Claims of experience should be accompanied by client certificates. However, if the client certificate does not give the year wise details of the quantities of the respective items, these	

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	accordance with Sub-Factor 4.2(b) of Section III	certificate, kindly confirm.	will be calculated in lines with the stipulates of Note below item no. 4.2(b) of Section III at Page No. 43.	
29	Form ELI - 1.1 - Beneficial Ownership. Page No. 48 of 82 Included are the organizational chart, a list of Board of Directors, and the beneficial ownership.	The bidder understand that Beneficial ownership is same as share holding pattern of the company. Kindly confirm.	Please refer to response to query at S. No. 22	
30	General Purchase of PQ document	The bidder seeks to clarify whether either of the partner in the Joint Venture can purchase PQ document and submit subsequently.	Yes, either of the partners of a JV can purchase the document.	
31	Preparation of Application. ITA 10.1 Page 25 of 82	The bidder seeks to clarify that all English documents need to self attested and documents produced in languages other than English need to be translated and notarized ad per Hague's convention or attestation from Embassy is also acceptable.	Yes, Notarized as per Hague's convention or attestation from Embassy is acceptable.	
32	Eligible Applicants - ITA 4 in Section 1 under Instructions to Applicants.	The bidder seeks clarification on Common control term. Whether two applicants under the common control either directly or indirectly of the same principal or a parent company shall be allowed to bid or not. Kindly confirm.	Applicants attention is drawn to ITA 4.4.	
33	Form EXP-4.3(a), Description of the similarity in accordance with Sub-Factor 4.3(a) of Section III. Page 65 of 82 Description of the similarity in accordance with Sub-Factor 4.3(a) of	The bidder seeks to clarify in this requirement, that how to judge and evaluate the description of the design capacity of the embankment.	In response to this requirement, the Applicant is expected to mention the particulars of the project for which the embankment was designed.	

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	Section III			
34	Form EXP-4.3(b), 1. Design capability for design of Embankment of Railway or Highway Description of design work carried out. Page 67 of 82 Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III	The bidder seeks to clarify in this requirement, that how to judge and evaluate the description of the design capacity of the embankment.	Please refer to response to query at S. No. 33	
35	Form EXP-4.3(b), 2. Description of design work for design of Railway/Highway alignment-software availability. Page 67 of 82 Description of the key activities in accordance with Sub-Factor 4.2(b) of Section III	The bidder seeks to clarify that software from any country is acceptable & is there any requirement to route line design software. Kindly confirm.	There is no requirement for any specific software.	
36	EXP-4.3(a) and (b) General / Specific Design Experience	The bidder seeks to clarify that If a project satisfy the requirements of both EXP-4.3(a) and (b), then is it ok if the bidder fill up the same project into both 4.3(a) and (b) at the same time? But submit separately. Kindly confirm.	Yes. This is acceptable.	
37	General Land acquisition Position	The bidder seeks to clarification regarding the current situation with respect to land acquisition, EIA, MoEF, Forest clearances etc.	Please refer to response to query at S. No. 15	
38	Exp-4.2(b)(i) - Earthwork in formation / cutting / Blanketing at page no 39 of 82	Bidder understands that earthwork in excavation shall suffice this requirement, kindly confirm.	For fulfilment of this criterion, the quantity of earthwork in Formation and / or cutting and / or blanketing shall be considered.	

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39	Exp-4.2(b)(i) - Earthwork in formation / cutting / Blanketing at page no 39 of 82 Note: Earthwork in connection with Dredging / Reclamation and Tunnelling shall not be considered.	Bidder request to consider excavation of Metro railway excavation in stations including the excavation by the Tunnel boring machines in this criteria. Kindly confirm.	Please refer to response to query at S. No. 16	
40.	Sec. III Qualification Criteria and Requirements /Section 3.1/ Pg. No. 32 (i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirement estimated below for the subject contract(s). US\$ 31 million (Thirty One Million)	Please clarify the formula used to compute US\$ 31 million (Thirty One Million)	This is Employer's requirement. Details provided in this regard are considered sufficient for applicant.	
41.	Sec. IV Application Forms/Pg. No. 59-67 Form EXP – 4.1, Form EXP – 4.2(a), Form EXP 4.2(b), Form EXP 4.3(a), Form EXP 4.2(b) Form EXP- 4.1, General Construction Experience Form EXP - 4.2 (a), Specific Construction and Contract Management Experience Form EXP – 4.2 (b), Construction Experience in Key Activities Form EXP – 4.3(a), General Design Experience	Please clarify, whether the applicant shall submit along with the Forms, any documentary evidence for General Construction Experience, Specific Construction and Contract Management Experience, Construction Experience in Key Activities, General Design Experience, Specific Design Experience	Please refer to ITA 14.1 of Section-I. Instructions to Applicants read with corresponding ITA of Section II. Prequalification Data Sheet.	

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	Form EXP – 4.2(b), Specific Design Experience			
42.	General Requesting Sub-Contractors at the Proposal Stage	Please clarify, whether the applicants can replace their sub-contractors at the Proposal Stage.	Please refer to response to query at S No.11	