

**Expression of Interest for Construction of Balance Outer Harbour for Project Varsha - Eol No DGV/0113/OHmw/BOW/01
Response to Applicants' queries for Pre-Application Conference Held on 22 Aug 2022**

S.No	Eol Reference Section / Clause No.	Eol Page No.	Existing Provision in the Eol (reproduced as per Applicant's query)	Query or Clarification Sought	Employer's Response
1	Section 3/ Criteria No 1.8	21 of 85	<p>1.8 Corporate Debt Restructuring : No corporate debt restructuring or Insolvency and Bankruptcy proceeding is in process and/or no unresolved debt restructuring issues with the Banks/ Institutions as of 31 March 2022 in accordance with Clause 2.2.1(i)</p> <p>COMPLIANCE REQUIREMENTS : All Parties Combined : Must meet requirement Each Member : Must meet requirement</p>	<p>Request authority to delete this requirement for Each Member and modify clause as under -</p> <p>No corporate debt restructuring or Insolvency and Bankruptcy proceeding is in process and/or no unresolved debt restructuring issues with the Banks/ Institutions as on Bid Submission deadline in accordance with Clause 2.2.1(i)</p> <p>COMPLIANCE REQUIREMENTS : All Parties Combined : Must meet requirement Lead Member : Must meet requirement</p>	Provision(s) of Eol Document shall prevail
2	Section 3/ Criteria No 4.2	26 to 28 of 85	<p>4.2 Similar Work(s) Experience :</p> <p>A minimum number of similar works specified below that have been successfully completed as a prime contractor or joint venture member, or sub-contractor 15 between 01 August 2012 to 31 July 2022.</p> <p>“Similar Work(s)” means a project which contains one or more of the elements listed below.</p> <ul style="list-style-type: none"> • Dredging or dredging and reclamation • Construction of jetties or similar maritime structures used for ship berthing • Construction of breakwaters 	<p>You may appreciate the fact that Harbour works are of National Importance and such large developments have taken place in India in last 2 decade period and hence bidder's experience in executing similar projects from 01 Jan 2001 to 31 July 2022 please be allowed.</p> <p>Accordingly, we request authority to modify clause as under -</p> <p>A minimum number of similar works specified below that have been successfully completed / Taking over certificate issued as a prime contractor or joint venture member, or sub-contractor between 01 January 2001 to 31 July 2022.</p> <p>“Similar Work(s)” means a project which contains one or more of the elements listed below.</p> <ul style="list-style-type: none"> • Dredging or dredging and reclamation • Construction of jetties or similar maritime structures used for ship berthing • Construction of breakwaters • Construction of Dry Dock for DGNP 	<p>Provision(s) of Eol Document shall prevail</p> <p>It is clarified that Drydocks are considered under "similar marine structures".</p> <p>And, Taking Over Certificate issued by the client may also be considered as a proof of completion.</p>
3	Section 3/ Criteria No 4.3	28 to 30 of 85	<p>4.3 Construction Experience in Key Activities :</p> <p>For the above and / or any other contracts completed and /or under implementation as prime contractor, or joint venture /consortium member, or sub-contractor between 01 August 2012 to 31 July 2022, a minimum construction experience in the following key activities successfully completed:</p> <p>Key Construction Activity No. 1: Completed Construction of at least one breakwater of length not less than 1Km.</p> <p>Key Construction Activity No. 2: Completed Dredging or dredging and reclamation works of atleast 4 million Cum.</p> <p>Key Construction Activity No. 3: Completed construction of jetties or similar maritime structures used for ship berthing of cumulative length not less than 800m.</p> <p>COMPLIANCE REQUIREMENTS : Any One Member : Must meet requirement</p>	<p>Request authority to modify clause as under -</p> <p>For the above and / or any other contracts completed and /or under implementation as prime contractor, or joint venture /consortium member, or sub-contractor between 01 January 2001 to 31 July 2022, a minimum construction experience in the following key activities successfully completed:</p> <p>Key Construction Activity No. 1: Completed Construction of at least one breakwater of length not less than 1Km.</p> <p>Key Construction Activity No. 2: Completed Dredging or dredging and reclamation works of atleast 4 million Cum.</p> <p>Key Construction Activity No. 3: Completed construction of jetties or similar maritime structures used for ship berthing of cumulative length not less than 800m.</p> <p>COMPLIANCE REQUIREMENTS : Any One Member : Must meet requirement OR Can be meet be Meet by Specialist Sub Contract to be proposed by bidder along with bid.</p>	<p>Provision(s) of Eol Document shall prevail</p> <p>Refer Addendum 01 dated: 26.08.2022.</p> <p>FORM - 08, EXP 3 to be submitted in respect of sub-contractor as applicable.</p>

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4	Section 7/ Form-05(A) Form-05(B), Form-05(C), Form-06, Form-09: Fin-1, Form-10: Fin-2, Form-11: CCC, Form-12: DEBT	43, 46, 48, 49, 58, 60, 64, 66 of 85	FORM-05(A), (B) and '(C), FORM-06, FORM-09: FIN-1, FORM-10: FIN-2, FORM-11: CCC, & FORM-12: DEBT, should be duly certified by the Statutory Auditors of the Applicant or of the JV members, in case the Applicant is a JV	It is request to allow Bidders to submit All certificates duly certified by the Statutory Auditors or Chartered Accountant . We request to allow the bidders to submit the certificates either from Chartered Accountants or from Statutory Auditors as followed generally in other Government Tenders. Please consider and confirm.	Provision(s) of Eol Document shall prevail.
5	4.2	26,27 & 28 OF 85	<p>Similar Work(s) Experience</p> <p>A minimum number of similar works specified below that have been successfully completed¹⁴ as a prime contractor or joint venture member¹⁵, or sub-contractor¹⁵ between 01 August 2012 to 31 July 2022.</p> <p>“Similar Work(s)” means a project which contains one or more of the elements listed below.</p> <ul style="list-style-type: none"> • Dredging or dredging and reclamation, • Construction of jetties or similar maritime structures used for ship berthing, • Construction of breakwaters <p>Single Entity: Must meet requirement of at least one (01) contract of minimum value of Rs. 3040 Crore (INR Three Thousand Forty Crore).</p> <p>OR</p> <p>Must meet requirement of at least two (02) contracts each of minimum value Rs. 1900 Crore (INR One Thousand Nine Hundred Crore).</p> <p>OR</p> <p>Must meet requirement of at least three (03) contracts each of minimum value Rs. 1520 Crore (INR One Thousand Five Hundred and Twenty Crore)</p>	<p>The note under number 15 on page no. 27 of 85 saying as “For contracts under which the Applicant participated as a member of a joint venture / consortium; or as a sub-contractor, only the Applicant’s share, by value, shall be considered to meet this requirement”, to be deleted from Expression of Interest (EOI) document</p> <p>OR</p> <p>Must meet requirement of at least two (02) contracts each of minimum value Rs. 1,000 Crore (INR One Thousand Crore).</p> <p>OR</p> <p>Must meet requirement of at least three (03) contracts each of minimum value Rs. 900 Crore (INR Nine Hundred Crore).</p>	Provision(s) of Eol Document shall prevail.
6	Section 3/ Criteria No 4.3	28 &29 of 85	<p>4.3 Construction Experience in Key Activities :</p> <p>For the above and / or any other contracts completed and /or under implementation as prime contractor, or joint venture /consortium member, or sub-contractor between 01 August 2012 to 31 July 2022, a minimum construction experience in the following key activities successfully completed:</p> <p>Key Construction Activity No. 1: Completed Construction of at least one breakwater of length not less than 1Km.</p> <p>Key Construction Activity No. 2: Completed Dredging or dredging and reclamation works of atleast 4 million Cum.</p> <p>Key Construction Activity No. 3: Completed construction of jetties or similar maritime structures used for ship berthing of cumulative length not less than 800m.</p>	<p>4.3 Construction Experience¹⁶ in Key Activities:</p> <p>For the above and / or any other contracts completed and /or under implementation as prime contractor, or joint venture /consortium member, or sub-contractor¹⁵ between 01 August 2007 to 31 July 2022, a minimum construction experience in the following key activities successfully completed¹⁷:</p> <p>Key Construction Activity No. 1: Completed Construction of at least one breakwater of length not less than 1Km.</p> <p>Key Construction Activity No. 2: Completed Dredging or dredging and reclamation works of at least 4 million Cum.</p> <p>Key Construction Activity No. 3: Completed construction of jetties or similar maritime structures used for ship berthing of cumulative length not less than 800m.</p>	Provision(s) of Eol Document shall prevail.

**Expression of Interest for Construction of Balance Outer Harbour for Project Varsha - Eoi No DGV/0113/OHmw/BOW/01
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S.No	Eoi Reference Section / Clause No.	Eoi Page No.	Existing Provision in the Eoi (reproduced as per Applicant's query)	Query or Clarification Sought	Employer's Response
7	Section 2/Clause No 2.2.1 (m)	10 of 85	In case of an Applicant (a single firm or any member of the Consortium) which is a subsidiary of a body corporate incorporated under the applicable laws of its origin, a certificate will be required from the parent company to confirm that his subsidiary has access to resources of the parent company and the subsidiary can utilise the same for execution, if successful, of the work of the project as a part of the Eoi	The Applicant, on the basis of its own credentials and financial capabilities is Independently qualifying for the participation for the Tender for the said Project. As the Applicant is not drawing any qualification from Parent Company nor dependent for financial qualification on the Parent Company and therefore we request that the said certificate required should not be sought for from the Applicant. We request you to kindly delete the said clause from Expression of Interest (EOI) document.	Provision(s) of Eoi Document shall prevail. It is further clarified that this clause is applicable only in the case where the Indian Registered company opt to use the credentials of parent company for technical and financial qualification as per Eoi. Also Refer to notes 12, 16, 22, 23, 24 and 2 (a) of FORM-09 as specified in the Eoi.
8	Section 2/Clause No 2.2.1 (n)	10 of 85	In addition to the certificate, a performance and financial Parent Company Guarantee will be required at the Tender Stage, if successful in the Eoi Stage.	Citing the clarification for clause no. 2.2.1 (m), the bidder requests to deviate from confirming to the clause no. 2.2.1 (n). We request you to kindly delete the said clause from Expression of Interest (EOI) document	
9	Section 2/Clause No 2.2.2 (d)	11 of 85	Consortium Applicants: Both members shall be jointly and severally liable for the execution of the Contract, if awarded, in accordance with the Contract terms.	We request you to kindly delete the said clause from Expression of Interest (EOI) document.	Provision(s) of Eoi Document shall prevail.
	Section 7/ Form-16 : Point No. 05	74 of 85	Joint and Several Liabilities The Parties do hereby undertake to be jointly and severally responsible for all obligations and liabilities relating to the Works and in accordance with the terms of the Eoi, Tendering Document and the Contract Agreement		
10	General			Is it possible to provide us with the timeline when the tender is to be issued further to the EOI and the expected award / period of work. Kindly confirm what kind of balance work left over in terms of dredging. This means how much Capital dredging and how much maintenance dredging is left over Kindly confirm the likely date of award of work. Request you to provide the expected timeline for bidding process & Award of Contract	Further details will be provided at RFP stage to Applicants shortlisted in Eoi Stage.
11	General		Eligibility and qualification criteria	The understanding of the applicant is that if in compliance to clause 2.2.1 (m) & (n) then for Experience, expertise and financial situation and performance, the credentials of the parent company can be utilised by the applicant for all qualification requirements in the EOI. Kindly confirm.	Confirmed. Refer to notes 12, 16, 22, 23, 24 and 2 (a) of FORM-09 as specified in the Eoi.
12	General			Can word format of the forms to be submitted be provided.	Word format can not be provided.
13	Section 2/2.2 Sub clause 2.2.1 a Eligibility of applicants	9	The Applicant for Eoi may be a single entity or a group of entities in the form of a Consortium (hereinafter called Consortium"),	Kindly allow unincorporated joint ventures also	Provision(s) of Eoi Document shall prevail.
14	Section 2/2.2.2 Sub Clause 2.2.2 d Consortium Applicants	11	Both members shall be jointly and severally liable for the execution of the Contract, if awarded, in accordance with the Contract terms	We request each member should be responsible for his own work. Request delete the word Jointly.	Provision(s) of Eoi Document shall prevail.
15			General	The EOI document looks like an RFQ. Request clarify once the bidder qualifies then only RFP will be asked.	RFP will be issued only to those Applicants who are shortlisted in this Eoi Stage.

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16	Section-3, Criteria No.4.3	Page 28 of 85	Construction Experience in Key Activities For the above and / or any other contracts completed and /or under implementation as prime contractor, or joint venture /consortium member, or sub-contractor between 01 August 2012 to 31 July 2022, a minimum construction experience in the following key activities successfully completed:	This is in connection with the consideration of Specialised Sub-Contractor Experience for Key Construction Activities under Criteria 4.3 (1), (2) & (3). In this connection, it is please be highlighted the following aspects: (1)EoI allows for Two Member Consortium with minimum stake of 25% for a Member (2)Referring to the nature of very specialized marine work of high value tender, permitting only Indian Entities to be Bidder or Consortium Member, the normal tendency would be some Indian Marine Construction Contractor will tie-up with the Indian Subsidiary of some International Dredging Company. (3)Considering the low quantum of Dredging Activity and small duration of dredging work phase in the Contract, this will not fetch the interest level of international partners to form Consortium and operate the same until the end of DLP (4)Also operation of Consortium will require extra cost and statutory formalities to be handled till end of Contract Closure (5)Operational level issue in Consortium will affect the performance of the Contract To overcome the above complications, it is requested that any one member or Specialised Sub-Contractor can meet the requirements required as per Criteria 4.3. The similar provision has already been accepted in many of Govt. tenders in India including the recent Project Seabird Phase-2A RFQ invited by DGsb of Indian Navy, MoD	Refer Addendum 01 dated: 26.08.2022. FORM - 08, EXP 3 to be submitted in respect of sub-contractor as applicable.
17	Section-3, Criteria No.4.3	Page 29 of 85	Eligibility and qualification criteria	Eligibility of Applicants	We would like to bring to your notice that since the project is of strategic in nature and hence foreign companies shall not be permitted to participate. For this purpose, any company not registered in India and having ownership less than 51% by Indian Nationals, shall be treated as foreign company.
18	Section 2 / 2.2	9 of 85	Eligibility of Applicants	Request you to confirm the number of Copies & Soft copies to be submitted.	Provision(s) of EoI Document shall prevail.
19	Section 2 / 2.9 & Section 7 – Form 19	13 of 85 & 80 of 85	Format & Signing of Application: It's mentioned that "The Applicant shall prepare 1 (one) original set of the Application (together with the documents required to be submitted pursuant to this EoI) and clearly marked as "ORIGINAL". In addition, the Applicant shall submit 02 (two) copies of such Application and documents, which shall be marked as "COPY 1" and "COPY 2". The Applicant shall also provide scanned soft copy in PDF format thereof on a Compact Disc (1 Nos.)," whereas in Form 19 – it's mentioned as 3 Copies & 2 nos of Soft Copies	Request you to confirm if the mentioned value of works is exclusive of the Labour cess, Tax & Duties	The Applicant is required to submit the following: Hard copies: Original - 1 (one) number Copies - 2 (Two) numbers Soft copy: 1 (one) number on a CD
20	Section 1 – 1.2.1	6 of 85	Indicative cost of works (in INR Crore) – 3,800	Request you to confirm if the mentioned value of works is exclusive of the Labour cess, Tax & Duties	Further details will be provided at RFP stage to Applicants shortlisted in EoI Stage.

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21	Section 6 /6.2	33 of 85	Scope of Work	<p>Bidder requests to clarify the following:</p> <ol style="list-style-type: none"> 1.Whether there is any construction of Breakwater has taken place already, if so, the exact status of the breakwaters like the length of the portion already completed, the levels at which the work got stopped. 2.Whether, the crown wall is completed for partial completed breakwater 3.Latest Bathymetry chart providing the current depths available at Outer Harbour 4.Whether the balance scope of work in Outer harbour involves any rock dredging? If so, the details of soil information. 5. Are there any marine structures already constructed fully or partially? If so, please confirm whether any dredging is required to be executed underneath or behind such structures. 6. Were there any difficulties faced previously in construction of Outer harbour works? If so, we may request to enumerate the same for our better understanding of the balance scope of works to be executed. 7.The maximum size of rock expected to be removed and whether the removed rock should be cleared from site or can be reuse for rock works 8. Request you to provide the varying sizes of pile diameters expected. 	Further details will be provided at RFP stage to Applicants shortlisted in Eol Stage.
22	Section 7	77 of 85	Undertaking for Key personnel	<p>Kindly clarify.</p> <p>Bidder will not be in a position to allot the specific Personnel at this stage as the personnel may not be available during execution stage for any reasons whatsoever.</p> <p>However, personnel with equivalent qualification and experience will be deployed after prior approval of the Employer.</p>	The Applicant is required to provide an undertaking at this stage to confirm that the minimum required personnel and equipment mentioned in Eol are available. The Applicant would be required to provide details of personnel and equipment at the RFP stage.
23	Section 6 /6.2	33 of 85	Dredging – 5 to 10 Million Cum.	As the range specified for dredging is quite high, request you to provide the approximate quantity to be dredged.	Further details will be provided at RFP stage to Applicants shortlisted in Eol Stage.
24	Section 2 / 2.2.2	10	Consortium Applicants – Share of other members in consortium – not less than 25%	<p>Basing on the experience in Key Construction Activities, the JV shall consist of experience members in Marine Construction and dredging and reclamation works. At the same time, the number of members in JV are limited to two only. The Scope of work of dredging and reclamation as envisaged under the tender does not have a financial/contract value of above 25% and at the same time, it is necessary to have a member with experience in dredging and reclamation in the proposed Joint Venture member. Hence it is proposed to consider the share of another Member in the JV as Not less than 15% in place of 25%.</p>	Provision(s) of Eol Document shall prevail.
				<p>Alternatively, looking at the minor component of contract value for the dredging & reclamation scope of works, it is requested to consider allowing an experienced dredging & reclamation Contractor as nominated Subcontractor by the qualifying main firm instead of forming a Joint Venture. With this arrangement, the Main Contractor shall have the access to the dredging & reclamation equipment/resources and expertise by having the prior nominated Subcontractor for the purpose of qualification as well as for execution if successful in the bid.</p>	<p>Refer Addendum 01 dated: 26.08.2022.</p> <p>FORM - 08, EXP 3 to be submitted in respect of sub-contractor as applicable.</p>

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25	2.2.2	10 of 85	Consortium Applicants	<p>Kindly Clarify: The Scope of work under the EOI is basically consists of Marine Construction works and dredging and reclamation works. However, the scope of dredging and reclamation works is very limited and it may not exceed 10 to 15% of the total contract value. At the same time, dredging and reclamation is a very specialized works and requires experience from a specialist reputed Company. Moreover, as per the experience requirement in Key construction activities, experience in dredging and reclamation works of a minimum of 4.1 million cum would be necessary to be qualified for the bid. Keeping the above in to consideration, it is proposed that for Key Construction Activity of dredging and reclamation, experience of a nominated Subcontractor meeting the qualification requirement of dredging and reclamation be considered instead of a JV member.</p>	<p>Refer Addendum 01 dated: 26.08.2022. FORM - 08, EXP 3 to be submitted in respect of sub-contractor as applicable.</p>
				<p>Further the experience, finances and equipment of the Parent Company of the nominated Subcontractor be accepted for qualification purposes subject to Parent company of the nominated Subcontractor provides a Parent Company Guarantee at the time of bid submission.</p>	<p>Provision(s) of Eoi Document shall prevail.</p>
26	Section 7 / Form 18	78 of 85	Undertaking for Key Equipment	<p>It is requested to confirm that the equipment of Parent company and /or group companies would be considered for qualification based on the Irrevocable letter to be issued by these companies confirming that the proposed equipment would be made available to its subsidiary in case of award of works. Also, kindly confirm, the equipment from JV partner can also be considered for undertaking.</p>	<p>In case of group of firms, the Applicant will be working as one entity (Consortium) for the project. The Consortium members may use their equipment to meet the project requirement as per Eoi</p>
27	Section 3 / 3.1	23 of 85	The Applicant shall demonstrate that it has access to, or has available, liquid assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements of Rs 272 Crore (INR Two Hundred and Seventy Two Crore) for the subject contract after meeting its cash flow requirements for current contract commitments	<p>It is requested to confirm that Parent company financials can be considered for qualification based on the Parent company Guarantee to be issued by PC to support financially and experience wise</p>	<p>Confirmed. Refer to notes 12, 16, 22, 23, 24 and 2 (a) of FORM-09 as specified in the Eoi.</p>

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28	Section 3/ Criteria No 4.3	28 to 30 of 85	<p>4.3 Construction Experience in Key Activities :</p> <p>For the above and / or any other contracts completed and /or under implementation as prime contractor, or joint venture /consortium member, or sub-contractor between 01 August 2012 to 31 July 2022, a minimum construction experience in the following key activities successfully completed:</p> <p>Key Construction Activity No. 1: Completed Construction of at least one breakwater of length not less than 1Km.</p> <p>Key Construction Activity No. 2: Completed Dredging or dredging and reclamation works of atleast 4 million Cum.</p> <p>Key Construction Activity No. 3: Completed construction of jetties or similar maritime structures used for ship berthing of cumulative length not less than 800m.</p> <p>Note: 17 Quantity of key activity can be demonstrated in one or more contracts.</p>	<p>In this connection, the following aspects are requested to be clarified:</p> <p>We kindly refer to the Qualification Requirements, Key Activity No.2 (Dredging and Reclamation) and key Activity No.3 (Construction of Jetties), wherein the quantities are considered from the evaluation for multiple projects, without any minimum Quantity of each projects.</p> <p>Accordingly, the Breakwater, Key Activity No.1 also to be considered from the combination of Multiple projects.</p> <p>Please Confirm.</p>	<p>Refer Addendum 01 dated: 26.08.2022.</p> <p>FORM - 08, EXP 3 to be submitted in respect of sub-contractor as applicable.</p>