



DIRECTOR GENERAL, PROJECT SEABIRD, IHQ-MOD, NEW DELHI

PREQUALIFICATION FOR DESIGN AND CONSTRUCTION OF RESIDENTIAL BUILDINGS/TOWERS AND TOWNSHIPS ALONG WITH RELATED COMMON FACILITIES, TRUNK INFRASTRUCTURE AND UTILITIES WITHIN SITE C1 & C2, INCLUDING OPERATION AND MAINTENANCE OF SELECTED FACILITIES DURING THE O&M PERIOD AND MAINTENANCE OF ELEVATORS DURING ELEVATORS' MAINTENANCE PERIOD (DB-04)

RFQ NO. DGSB/DB-04/03 OF 2020

RESPONSES TO PRE-APPLICATION QUERIES

Date: 18-11-2020

S. N.	RFQ Reference Section / Clause No.	As provided by the Applicant				Employer's Response																		
		Reference to RFQ Document		Existing Provision in the RFQ	Clarification Sought																			
		Clause No.	Page No.																					
(1)	(2)	(3)	(4)	(5)	(6)	(7)																		
1.	Section 3 Criteria No. 4.1 Page 28 of 89	4.1 of Section 3		<p>Experience in construction contracts in the role of prime contractor and / or joint venture member/consortium member and / or sub-contractor for at least 48 months in the period starting from 01 June 2015 till Application Due Date.</p> <table border="1"> <tr> <th colspan="2">JV (existing or intended)</th> </tr> <tr> <td>Each Member</td> <td>Any One Member</td> </tr> <tr> <td>NA</td> <td>Must meet requirement</td> </tr> </table> <table border="1"> <tr> <th colspan="2">JV (existing or intended)</th> </tr> <tr> <td>Each Member</td> <td>Any One Member</td> </tr> <tr> <td>Must meet requirement</td> <td>NA</td> </tr> </table>	JV (existing or intended)		Each Member	Any One Member	NA	Must meet requirement	JV (existing or intended)		Each Member	Any One Member	Must meet requirement	NA	<p>We request you to modify as under:</p> <table border="1"> <tr> <th colspan="2">JV (existing or intended)</th> </tr> <tr> <td>Each Member</td> <td>Any One Member</td> </tr> <tr> <td>NA</td> <td>Must meet requirement</td> </tr> </table>	JV (existing or intended)		Each Member	Any One Member	NA	Must meet requirement	Provision(s) of RFQ Document shall prevail.
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2.	Section 3 Criteria No. 4.2 Page 29 to 30 of 89	4.2 of Section 3		<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 between 01 June 2013 and Application Due Date.</p> <p>"Similar Work(s)" means works pertaining to construction of residential buildings or business buildings or office buildings or educational buildings or institutional buildings or assembly buildings or mercantile buildings as described in IS: 875 (Part 2) -1987 (reaffirmed 2003) or airports (excluding runways and taxiways) or townships.</p> <table border="1"> <tr> <th colspan="2">JV (existing or intended)</th> </tr> <tr> <td colspan="2">Each Member</td> </tr> </table>	JV (existing or intended)		Each Member		<p>We request you to modify as under:</p> <table border="1"> <tr> <th colspan="2">JV (existing or intended)</th> </tr> <tr> <td colspan="2">Each Member</td> </tr> <tr> <td colspan="2">NA</td> </tr> <tr> <td colspan="2">OR</td> </tr> <tr> <td colspan="2">NA</td> </tr> <tr> <td colspan="2">OR</td> </tr> <tr> <td colspan="2">NA</td> </tr> </table>	JV (existing or intended)		Each Member		NA		OR		NA		OR		NA		Provision(s) of RFQ Document shall prevail.
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(1)	(2)	(3)	(4)	(5)	(6)	(7)
				Must meet requirement of at least one (01) contract of minimum value of Rs. 330 Crore (INR Three Hundred Thirty Crore) OR Must meet requirement of at least one (01) contract of minimum value of Rs. 550 Crore (INR Five Hundred Fifty Crore) OR Must meet requirement of at least one (01) contract of minimum value of Rs. 440 Crore (INR Four Hundred Forty Crore)		
3.	Section 3 Criteria No. 4.2 (Foot Note 12) Page 29 of 89	4.2	29 of 89	¹² The Similar Work experience(s) of Group Companies, Parent Company or Sister Companies, Concessionaries and Developer shall not be considered for evaluation. The Applicants are advised to strictly adhere to this requirement and submit the similar work experience(s) from the client(s) of the Applicant only.	We request that the existing provision may please be substituted with the following which is taken from NBCC Tender documents: "Certificates of subsidiary/Parent/Group Company/Own Works: Any company/firm while submitting tender can use the experience of its subsidiary company. However, the companies/firms which intend to get qualified on the basis of experience of the parental companies/group company/Own work shall not be considered. Further the financial parameters of subsidiary or Parental Company cannot be used by the other one for qualification"	Provision(s) of RFQ Document Criteria No. 4.2 read with footnote 12 shall prevail. Notwithstanding the above, it is clarified that in case of a 100% subsidiary of the Applicant, the experience of such subsidiary shall be considered in the experience of the Applicant. It is further clarified that if the Applicant, as a separate legal entity, has executed work as a contractor for own Group Companies or Parent Companies or Sister Companies or for Concessionaires and/or Developers, the same shall be considered for evaluation provided the same has been substantiated by the Client's certificate which, at least, should contain the followings:





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						(a) Description of works; (b) Contract amount; (c) Date of award; (d) Start of work; (e) Completion of work; (f) Free issue materials issued by the client, if any; (g) Quantity and cost of such free issue materials; (h) Certification regarding successful completion of works. The certificate shall be issued by competent authority / in charge of the work of client or authorised Government official.
4.	Section 3 Criteria No. 4.3 (Foot Note 18) Page 31 of 89	4.3	31 of 89	¹⁸ The construction experience(s) of Group Companies, Parent Company or Sister Companies, Concessionaries and Developer shall not be considered for evaluation. The Applicants are advised to strictly adhere to this requirement and submit the construction experience(s) from the client(s) of the Applicant only.	We request that the existing provision may please be substituted with the following which is taken from NBCC Tender documents: "Certificates of subsidiary/Parent/Group Company/Own Works: Any company/firm while submitting tender can use the experience of its subsidiary company. However, the companies/firms which intend to get qualified on the basis of experience of the parental companies/group company/Own work shall not be considered. Further the financial parameters of subsidiary or Parental Company cannot be used by the other one for qualification	Provision(s) of RFQ Document Criteria No. 4.3 read with footnote 18 shall prevail. Notwithstanding the above, it is clarified that in case of a 100% subsidiary of the Applicant, the experience of such subsidiary shall be considered in the experience of the Applicant. It is further clarified that if the Applicant, as a separate legal entity, has executed construction work as a contractor for own Group Companies or Parent Companies or Sister Companies or for Concessionaires and/or Developers, such construction





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						<p>experience shall be considered for evaluation provided the same has been substantiated by the Client's certificate which, at least, should contain the followings:</p> <ul style="list-style-type: none"> (a) Description of works; (b) Contract amount; (c) Date of award; (d) Start of work; (e) Completion of work; (f) Certification regarding successful completion of works. <p>The certificate shall be issued by competent authority / in charge of the work of client or authorised Government official.</p>
5.	Section 3 Criteria No. 3 to Criteria No. 4.3 Page 25 to 31 of 89	3 3.1 3.2 3.3	25 of 89 26 of 89 27 of 89 27 of 89	<p><u>Compliance Requirement for Each Member in JV especially under the followings:</u></p> <p>FINANCIAL SITUATION AND PERFORMANCE</p> <p>Financial Capabilities: "The audited balance sheetsfinancial position".</p> <p>(i) The Applicant shallcommitment.</p> <p>(ii) The Applicantfinancial year.</p> <p>(iii) Applicant has not.....financial years.</p> <p>Average Annual Construction Turnover</p> <p>Minimum averagefive (5).</p> <p>Tendering Capacity</p>	<p>We request that the Indian entity of a JV should be exempted from Compliance Requirement in case:</p> <ol style="list-style-type: none"> 1. the JV is between the Indian entity and other member belonging to same Group of Companies and 2. any one member fulfills all the Compliance Requirements. 	<p>Provision(s) of RFQ Document shall prevail.</p>





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		4	28 of 89	The Applicant shouldCAPACITY.		
		4.1	28 of 89	Experience Experience inDue Date.		
		4.2	28 of 89	Similar Work(s) Experience A minimumtownships.		
		4.3	30 of 89	Construction Experience in Key Activities. For the above.....completed.		
			31 of 89	Key Construction Activity No. 1 Construction.....both.		
6.	Section 3 Criteria No. 4.3 Page 30 to 32 of 89	4.3	30 of 89 and 31 of 89	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 1 June 2013 to and Application due date, a minimum Construction in the following key activities successfully completed KEY CONSTRUCTION ACTIVITY No.1: Construction of Multistoried (Ground/Stilt+5 or More) buildings with a minimum height of not less than 16.5 m, total floor area not less than 44000 sqm using either of the following: Monolithic Reinforced concrete Construction with Sheer walls using Aluminium System Formwork (ALF) or other equivalent/similar engineer formwork	KEY CONSTRUCTION ACTIVITY No.1: Construction of Multistoried (Ground/Stilt+5 or More) buildings with a minimum height of not less than 16.5 m, total floor area not less than 44000 sqm using either of the following: Monolithic Reinforced concrete Construction using Aluminium System Formwork (ALF) or other equivalent/similar engineer formwork Since it is an EPC Contract we understand that the Design of sheer wall is being made by the Engineering Division - Architect and the GFC Drawings are being submitted for approval to Project Sea bird. Hence the scope of Construction Team is very minimal in this regard. Hence request to delete "SHEER WALLS".	Provision(s) of RFQ Document shall prevail.





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7.	Section 7 FORM-11: CCC Page 68 to 71 of 89	FORM-11: CCC	Page No. 68 to 71 of 89 (Page No. 71 Note No. 3)	The working capital requirements for 3 months shall be calculated on the basis of period of completion of work (i.e. dividing the value of work by period (in months) of completion to execute the work and multiplying by three)	WE UNDERSTAND THAT The working capital requirements for 3 months shall be calculated on the basis of period of completion of work (i.e. dividing the BALANCE value of the work by TOTAL CONTRACTUAL period (in month) of completion to execute the work BY ADDING SIX MOTNHS EXTENSION FOR ALL PROJECTS HELD UP ANNOUNCED BY GOI DUE TO PANDAMIC - COVID 19 and multiplying by three)	Provision(s) of RFQ Document read with subsequent addenda shall prevail. Notwithstanding the above, it is clarified that the working capital requirements for 3 months of all current contracts which have been started or to be started after the closing of the latest submitted Audited Balance Sheet till 30 Sep 2020 (as date amended through S. No. 13, 14 & 15 of Addendum No. 02 dated 21-08-2020), shall be calculated on the basis of period of completion of work (i.e. dividing the value of work by period (in months) of completion to execute the work and multiplying by three). However, it is further clarified that if the above cut-off date of 30 Sep 2020 be amended through subsequent addendum, then such amended cut-off date shall be considered for evaluation.
8.	Section 3 Criteria No. 4.2 Page 29 to 30 of 89	4.2	29	Similar Work means works pertaining to construction of residential Buildings or business Buildings or office Buildings or educational Buildings or institutional Buildings or assembly Buildings or mercantile ~ Buildings as described in IS:875(Part2): (Reaffirmed 2003) or airports (excluding) runways and taxiways or townships.	Amendment Sought: Similar Work means works pertaining to construction of residential Buildings or business Buildings or office Buildings or educational Buildings or institutional Buildings or assembly Buildings or mercantile Buildings as described in IS:875(Part2): (Reaffirmed 2003) or airports (excluding) runways and taxiways or townships or Buildings with ail services including HVAC, firefighting and alarm, HT works, MEP and area development.	Provision(s) of RFQ Document shall prevail. Notwithstanding the above, it is clarified that cost of services including HVAC, firefighting and alarm, HT works, MEP and area development associated with defined Similar Works, if any, which also executed by the Applicant with the Similar Works as defined, will be considered collectively as value of Similar Works, provided such value satisfies minimum threshold amount for the Similar Works.





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9.	Section 3 Criteria No. 4.3 Page 31 to 32 of 89	4.3	31	Construction of Multistoreyed (Ground/stilt + 5 or more) building with minimum height of not less than 16.5 m. Total Floor area not less than 44000sqm using either of the following:-	Amendment Sought: Construction of Multistoreyed (Ground/stilt + 5 or more) building with minimum height of not less than 15.5 m. Total Floor area not less than 44000sqm (In case RCC structure of more than 50 M height then minimum floor area not less than 11000sqm)using either of the following:-	Provision(s) of RFQ Document shall prevail.
10.	Section 3 Criteria No. 3.1 & 3.3 and Section 7 FORM-11: CCC Column (10) and Column (11) Page 68 to 70 of 89	3.1 & 3.3	68	Form-11 : CCC (Current Contract Commitments) – Value of Work Done & Value of Work outstanding as on 31st March 2020	We request you to kindly consider the same as on 31st March 2019 as our Financial Audit for the year ending 31st March 2020 is still in progress and we are expecting it to be completed by November/ December 2020. We will also furnish an Audit in progress certificate issued by our statutory auditor to support our case.	Provision(s) of RFQ Document read with subsequent addenda shall prevail.
11.	Section 3 Criteria No. 3.1 & 3.3 and Section 7 FORM-11: CCC Column (15) Page 68 to 70 of 89	3.1 & 3.3	68	Form-11 : CCC (Current Contract Commitments) – Fund based line of credit sanctioned for these contracts	Based on our previous experience with Seabird RFQs - We request you to kindly confirm whether this point means - a) The sanctioned amounts of Fund based Limits. OR b) The unutilized portion of Fund Based Limits.	Provision(s) of RFQ Document shall prevail. Notwithstanding the above, it is clarified that line of credit shall be fund based only. In case of consolidated fund based line of credit, unutilised portion of consolidated fund based line of credit (duly certified by the Statutory Auditors of the Applicant) as on date of latest Audited Balance Sheet submitted by the Applicant shall be considered for source of fund. It is further clarified that the new fund based line of credit issued to the Applicant after the date of latest Audited Balance Sheet submitted by the Applicant, if any, will be considered also as source





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						of funds. However, non-fund based line of credit will not be considered. Also, please refer to Employer's Response at S.N. 17 to 19 below.
12.	Section 3 Criteria No. 4.2 Page 29 to 30 of 89	4.2 of Eligibility and Qualification Criteria	29 of 89	"Similar Work(s) means works pertaining to construction of residential buildings or business buildings or office buildings or educational buildings or institutional buildings or assembly buildings or mercantile buildings as described in IS: 875 (Part 2) - 987 (reaffirmed 2003) or airports (excluding runways and taxiways) or townships.	"Similar Work(s) means works pertaining to construction of residential buildings or business buildings or office buildings or educational buildings or institutional buildings or assembly buildings or mercantile buildings as described in IS: 875 (Part 2) - 987 (reaffirmed 2003) or airports (excluding runways and taxiways) or townships or any infrastructure work.	Provision(s) of RFQ Document shall prevail.
13.	Section 3 Criteria No. 4.2 Page 29 to 30 of 89	4.2 of Eligibility and Qualification Criteria	29	"Similar Work(s) means works pertaining to construction of residential buildings or business buildings or office buildings or educational buildings or institutional buildings or assembly buildings or mercantile buildings as described in IS: 875 (Part 2) - 987 (reaffirmed 2003) or airports (excluding runways and taxiways) or townships.	Kindly confirm if Building constructed outside of India by foreign JV member satisfying their countries standard codes will be acceptable or not.	Similar Works as defined in RFQ, executed outside of India will be considered and value of such Similar Works shall be considered based on their JV participation for that project/works.
14.	General	2.2 Eligibility of Applicants	11	Eligibility of Applicants	Kindly confirm that Foreign/Global Applicants is eligible for participating in this RFQ as a prime member in JV?	Provision(s) of RFQ Document shall prevail. Notwithstanding the above, it is clarified that the Applicant or any member of the JV may be foreign entity, provided that such foreign Applicant or any foreign member shall be subject to Employer's security clearance and screening.





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15.	General	4. Experience	28-29	Experience	Kindly confirm that for Qualification Experience, work done for Private client shall be consider or not.	Works in Private sector also will be considered, provided that such experience substantiated with client's certificate under the hands of competent authority / in charge of the work of client or authorised Government official. However, additional documents if required, shall be asked for from the Applicants pursuant to Clause 2.4 of RFQ Document.
16.	General	Forms		Forms required to be certified by Statutory Auditor.	Kindly confirm that digitally signed certified Form by Statutory Auditor is acceptable or not.	Digitally signed Forms and certificates containing all the information as stated in the Form/ Certificate may be accepted.
17.	Section 7 FORM-11: CCC Column (15) Page 68 of 70	FORM-11: CCC, Column -15	68 to 71 of 89	(B) List of all current contracts in progress which have been started or to be started after the closing of the latest submitted Audited Balance Sheet till 31 March 2020 Column -15 Fund based line of credit sanctioned for these contracts) (in INR Crores)	Project specific credit facilities are not availed by the Company. Instead the Company has been sanctioned fund-based credit facilities on cumulative basis which is utilised for meeting the fund requirements of all the on-going contract commitments. In view of this, we request you to consider the Unutilised Amount of the overall fund-based credit facilities after the closing of the latest submitted audited Balance Sheet/Financial Statement against Column-15, FORM-04A: CCC.	The provision(s) of the RFQ Document shall prevail. Notwithstanding the above, the following is also clarified: In case the Applicant has consolidated line of credit instead of project specific line of credit:
18.	Section 7 FORM-11: CCC Note-4 Page 71 of 89	FORM-11: CCC, Note-4.	71 of 89	The Documentary evidence of the amount and source of funds indicated in column 15 shall be submitted by the Applicant. In the absence of the supporting documentary evidence, the amount of funds indicated in column 15 against respective works shall not be considered.	Accordingly, the Applicants may be permitted to submit supporting documentary evidence in the form of certificate from the Banks or Statutory Auditor regarding Utilised/ Unutilised fund-based credit facilities available in lieu of specific contract wise line of credit.	(i) the unutilised portion of consolidated fund based line of credit (duly certified by the Statutory Auditors of the Applicant) as on date of latest Audited Balance Sheet submitted by the Applicant, will be considered;
19.	Section 7 FORM-09: FIN-1 Sr. No. K. Table under Point 1. Page 64 of 89	FORM-09: FIN-1 Sr. No. K.	64 of 89	K. Sources of Finance for current contract commitments (Total of column 15 of Form-11: CCC)		(ii) the new fund based line of credit issued to the Applicant after the date of latest Audited Balance





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					This was accepted during the RFQ process for Project Seabird-DB-03.	Sheet submitted by the Applicant shall be considered as source of funds; and (iii) non-fund based line of credit shall not be considered.
20.	Section 7 FORM-05(A) Notes Page 49 of 89	Notes, Form-5 (A)	49 of 89	Notes: (i) Non-performance, as decided by the..... (v) * Refer Annexure-1 for source of exchange rate.	We presume that the notes below the formats are given for reference and guidance of the applicant / Statutory Auditor & hence as per standard practice such notes are not required to be included in the Forms / certificates submitted by the Applicant. Kindly confirm	Applicant's understanding is confirmed affirmatively. Notwithstanding the above, it is clarified that the Applicant shall prepare their Application taking into cognisance of various Notes in the RFQ Document and evaluation shall also be carried out based on such Notes, as applicable.
21.	Section 7 FORM-05(B) Notes Page 51 to 52 of 89	Notes, Form-5 (B)	51 to 52 of 89	Notes: (i) The Applicant shall provide accurate (v) * Refer Annexure-1 for source of exchange rate.		
22.	Section 7 FORM-05(B) Notes Page 54 to 55 of 89	Notes, Form-5 (C)	54 to 55 of 89	Notes: (i) * Refer Annexure-1 for source of exchange rate..... (iv) FORM-05(C) should be duly the Applicant is a JV.		
23.	Section 7 FORM-09 Notes Page 65 of 89	Notes, Form-9: FIN-1	63 to 65 of 89	Notes: 1. Year 1 will be the latest completed financial year..... 2. If the most recent set provided for the same.		
24.	Section 7 FORM-11 Notes Page 71 of 89	Notes, FORM-11: CCC	68 to 71 of 89	Notes: 1. Applicants should provide information on 5. The financial data in accordance with local legislation.		





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25.	Section 7 FORM-12 Notes Page 73 of 89	Notes, FORM-12	72 to 73 of 89	Notes: 1. The information in above prescribed formatlegislation. 2. In case, the Applicant or the JV purpose of this form.		
26.	Section 7 FORM-14 Notes Page 76 of 89	Notes, FORM-14: POA-1	75 to 76 of 89	Notes: 1. The mode of execution of the Power of Attorney..... 3. For a Power of Attorney executed a conforming Apostille certificate.		
27.	Section 3 Criteria No. 4.3 Page 30 to 31 of 89	4.3	30 of 89	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 1 st February 2013 and Application Due Date, a minimum construction experience in the following key activities successfully completed	As per CVC guidelines an ongoing project "under implementation" or incomplete project cannot be considered to meet the eligibility requirement of construction experience in key activities. The relevant Floor Area / Built up area of the works certified by the client as completed in all respect as per the scope of the contract including all the services & finishes should only be considered to meet this eligibility criteria. We therefore request you to delete " <u>and under implementation</u> " in this clause.	Provision(s) of the RFQ Document shall prevail.
28.	Section 3 Criteria No. 3.2 Page 27 of 89	2.10.2 j) 3.2	17 of 89 27 of 89	Average Annual Construction Turnover in Last 5 Financial Year Certified by Statutory Auditor	Considering the scope envisaged in the proposed project, we request you to consider only the construction turnover from building works since Construction Turnover can also include turnover from works executed in various sectors like irrigation (Dams, canals), transportation (Highways, bridges, tunnels, railways, airport, ports) Power sector etc. which may not be pertinent in the present context.	Provision(s) of the RFQ Document shall prevail.
29.	Section 7 FORM-10 Page 66 to 67 of 89	FORM-10: FIN-2	66 to 67 of 89			





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					Please confirm				
30.	Section 3 Clause 6.8.1 Page 38 of 89	6.8.1	38 of 89	Construction Period The allowed construction period for the Works to be performed, completed and ready for use by the Employer, shall be 42 months from the date of commencement of Works	The clause no. 6.8.1 on page 38 of 89 states, the construction period for the work is 42 months whereas the column no. 3 on page no. 74 of 89 states the Completion of the work is 3 years.	It is clarified that the relevant clause has been amended to state 3.5 years in place of 3 years. Please refer S. No. 1 of Addendum No. 04 dated 18-11-2020.			
31.	Section 7 FORM-13 Page 74 of 89	column no. 3	74 of 89	FORM-13: CAPACITY <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>No. of years prescribed for Completion of the works for which tenders are invited</td> </tr> <tr> <td style="text-align: center;">N</td> </tr> <tr> <td style="text-align: center;">3</td> </tr> </table>	No. of years prescribed for Completion of the works for which tenders are invited		N	3	We presume that the Tender capacity to be calculated considering the completion period of work as 3.5 years (i.e. 42 months) instead of 3 years. Kindly confirm.
No. of years prescribed for Completion of the works for which tenders are invited									
N									
3									
32.	Section 3 Criteria No. 3.1 & 3.3 and Section 7 FORM-11: CCC Column (10) and Column (11) Page 68 to 70 of 89 Read with Addendum No. 02 dated 21 Aug 2020	3.1 & 3.3	68	Form – 11 : CCC (Current Contract Commitments) – Value of Work Done & Value of Work outstanding as on 30th September 2020	We request you to kindly consider the same as on 31st March 2019 as our Financial Audit for the year ending 31st March 2020 is still in progress and we are expecting it to be completed by November/ December 2020. We will also furnish an Audit in progress certificate issued by our statutory auditor to support our case.				
33.	Section 3 Criteria No. 3.1 & 3.3 and Section 7 FORM-11: CCC Column (15) Page 68 to 70 of 89 Read with Addendum No. 02 dated 21 Aug 2020	3.1 & 3.3	68	Form – 11 : CCC (Current Contract Commitments) – Fund based line of credit sanctioned for these contracts	Based on our previous experience with Seabird RFQs - We request you to kindly confirm whether this point means – a) The sanctioned amounts of Fund based Limits. OR b) The unutilized portion of Fund Based Limits.				





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		Clause No.	Page No.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
34.	Section 1 Clause 1.5.1 Page 8 of 89	Section 1 Clause 1.5.1	8	1.5.1 The Employer has adopted a two-stage tendering process (collectively referred to as the "Tendering Process") for selection of the Tenderer for award of the Contract. The first stage (the "Qualification Stage") of the process involves qualification (the "Qualification") of interested parties/ consortia/JV who make an Application in accordance with the provisions of this RFQ (the "Applicant", which expression shall, unless repugnant to the context, include the Members of the JV). At the end of this stage, the Employer shall announce a list of all prequalified Applicants (the "Tenderers") who shall be eligible for participation in the second stage of the Tendering Process (the "Tender Stage") comprising of Request for Proposals (the "Request for Proposals" or "RFP")	We understand that Bidders can form "Consortium" to participate together in this tender. Request your kind confirmation please. Also, we request you to provide the Consortium agreement format if any and also Power of Attorney form for consortium members in line with the forms provided for "Joint venture"	Provision(s) of the RFQ Document shall prevail. Notwithstanding the above, it is clarified that the Applicant for pre-qualification may be a single entity or a group of entities in the form of a Joint venture.
35.	Section 1 Clause 1.9 Page 10 of 89	Section 1 Clause 1.9	10	1.9 Pre-Application Conference: A Pre-Application conference will be held to clarify the issues related to this RFQ. The date, time and venue of the Pre-Application Conference shall be: Date and Time: As per S. No. (b) of Clause 1.8 above Venue: AECOM Office, 3rd Floor, Tower-A, Building No. 8, DLF Cyber City, DLF Phase II, Gurugram - 122002, Haryana, India	Considering Corona Pandemic, request to organise Pre-Application conference through Video Conference / Digital platform	Applicant may join Pre-Application Conference through video conference.
36.	General	Addendum 2	2-6	Read "30 September 2020" instead of "31 March 2020"	As per addendum 2, data required for Financials and other statutory auditor certification is upto 30 September 2020. Since the quarter end audit will take upto one month to close and our JV partner need to arrange the documents from foreign country, we request you to provide time extension by 4 weeks from current due date.	Please refer S. No. 01 of Addendum No. 03 dated 01-10-2020.





S. N.	RFQ Reference Section / Clause No.	As provided by the Applicant			Employer's Response	
		Reference to RFQ Document		Existing Provision in the RFQ		Clarification Sought
		Clause No.	Page No.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
	Page 29 to 30 of 89				in respect of Joint Ventures. For instance, on page no. 29 of the RFQ, criteria no. 4.2, in case of joint venture, requirement for each member should be amended to "at least one contract of minimum 20% of estimated value i.e. Rs. 220.00 Crores" & requirement for any one member should be amended to "at least one contract of minimum 60% of estimated value i.e. Rs. 660.00 Crores" respectively.	
39.	Section 2, Clause 2.2 Page 11 to 12 of 89	2.2 Eligibility of Applicants	11	Not mentioned	Please clarify the list of eligible countries from where bidders can participate in this Tender.	Provision(s) of RFQ Document shall prevail. Notwithstanding the above, it is clarified that the Applicant or any member of the JV may be foreign entity, provided that such foreign Applicant or any foreign member shall be subject to Employer's security clearance and screening.
40.	Section 3 Criteria No. 4.2 Page 29 to 30 of 89				<ol style="list-style-type: none"> Further to our letter no. VCL/IT/1628 dated 07.10.2020 and online meeting held through Video conference on 06.11.2020 @ 10.00 AM. During the video conference it was informed that our request for amendment to eligibility criteria for Joint Venture, vide our letter dated 07.10.2020, is not understood by the Deptt and more clarity was sought from our side. Accordingly, it is clarified that various Govt. departments / PSUs in the country follow CVC guidelines and in their NITs keep criteria for the Joint Venture as minimum 60% for the lead member and minimum 20% for the other member and collectively 	Provision(s) of RFQ Document shall prevail. Notwithstanding the above, it is further clarified that each member shall have minimum eligibility and qualifications as stipulated in the RFQ Document. It is further clarified that the Applicant or any member of the JV may be foreign entity, provided that such foreign Applicant or any foreign member shall be subject to Employer's security clearance and screening.





S. N.	RFQ Reference Section / Clause No.	As provided by the Applicant			Employer's Response	
		Reference to RFQ Document		Existing Provision in the RFQ		Clarification Sought
		Clause No.	Page No.			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
					<p>the Joint Venture is required to fulfill 100% criteria for the particular tender. The purpose of allowing N is to allow pooling of resources of more than one firm, who may not qualify individually, but collectively fulfil 100% eligibility criteria for the tender. If the eligibility criteria for individual firms and JV are kept the same, the whole purpose of allowing JV is defeated. In its present form, though NIT allows JV's but effectively it is not serving any purpose to enhance level of competition.</p> <p>4. Therefore, we earnestly request you to modify the qualification criteria for JV in line with the CVC guidelines and as being followed by other Govt. departments / PSUs. Accordingly, we suggest following criteria for JV – [*see Table-1 below]</p> <p>5. In support of our above request for amendment to JV eligibility criteria, we are enclosing NIT's of following departments:- [*see Table-2 below]</p> <p>6. Violation of CVC guidelines may restrict the competition for the tender resulting in higher rates, which may be seen with suspicion by audit & vigilance angle at a later date.</p> <p>7. RFQ is silent regarding inclusion of foreign entity in the JV. This aspect may also be clarified through amendment to the NIT.</p> <p>8. Submitted for your information and suitable decision please.</p>	





[* Table-1 (for point 4. for Query S. N. 40)]

Criteria No.	Subject	Requirement	Single Entity	JV (existing or intended) (Criteria as proposed by VCL)		
				All Partners Combined	Each Member	Any one member (Lead member)
4.2	Similar Works Experience	A minimum number of similar works specified below that have been successfully completed as a prime contractor or joint venture member or sub-contractor between 01 Oct 2013 and Application due date.	Must meet the requirement of at least one contract of Minimum value of Rs. 880.00 Crores	Must meet requirement	Must meet the requirement of at least one contract of Minimum value of Rs. 220.00 Crores	Must meet the requirement of at least one contract of Minimum value of Rs. 660.00 Crores
			OR	OR	OR	OR
			Must meet the requirement of at least two contracts of Minimum value of Rs. 550.00 Crores	NA	NA	NA
			OR	OR	OR	OR
			Must meet the requirement of at least three contracts of Minimum value of Rs. 440.00 Crores	NA	NA	NA

[* Table-2 (for point 5. for Query S. N. 40)]

Sr. No.	Department	Name of work	NIT date
1.	Ministry of Road Transport & Highways	Balance Works of Rehabilitation and Upgradation of Nakrekal to Nagarjunasagar section of NH-565 to 2L+PS/4L from Km 1.000 to Km 86.057 under NH(O) for the year 2020-21 in the State of Telangana on EPC Mode.	03rd Nov 2020
2.	National Highways Authority of India	Construction of 6-Lane access controlled Greenfield highway from km 67+000 to km 99+000 of Rajasthan/Gujarat Border to Santalpur section of NH-754K as a part of Amritsar-Jamnagar Economic Corridor in the State of Gujarat on EPC mode under Bharatmala Pariyojana (Phase-I) (AJ/RGBS- Package-3)	11th Sept 2020



