



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

PREQUALIFICATION FOR DESIGN AND CONSTRUCTION OF RESIDENTIAL BUILDINGS/TOWERS, TOWNSHIPS, HOSPITAL AUGMENTATION AND ENVIRONMENTAL PARK ALONG WITH RELATED COMMON FACILITIES, TRUNK INFRASTRUCTURE AND UTILITIES INCLUDING OPERATION AND MAINTENANCE OF SELECTED FACILITIES DURING THE O&M PERIOD AND MAINTENANCE OF ELEVATORS DURING ELEVATORS' MAINTENANCE PERIOD THROUGH DESIGN-BUILD WORKS CONTRACT (DB-02)

RFQ NO. DGSB/DB-02/01 OF 2019

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Date: 13-08-2019

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		Query No.	Reference to RFQ Document		Existing Provision in the RFQ		Clarification Sought
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(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	2.1	1	2.1	22	Non-performance of a contract did not occur as a result of contractor's default between 1st July 2014 to 30th June 2019.	Request you to consider the same between 1st July 2014 to 31st March 2019.	Provision(s) of RFQ shall prevail.
2	2.3	2	2.3	23	No consistent history of court/arbitral award decisions against the Applicant between 1st July 2014 to 30th June 2019.	Request you to consider the same between 1st July 2014 to 31st March 2019.	Provision(s) of RFQ shall prevail.
3	3.1 & 3.3	3	3.1 & 3.3	24 & 26	Form-11: Current Contract Commitments - Work Done up to 30th June 2019 & Value of Work outstanding as on 30th June 2019	Request you to consider the same up to/as on 31st March 2019.	Provision(s) of RFQ shall prevail.
4	'Note 3 of "Form-15- Power of Attorney- POA-2-POA for Lead member of JV"	1	'Note 3 of "Form-15- Power of Attorney- POA-2-POA for Lead member of JV"	'79 of 90	'For a Power of Attorney executed and issued overseas, the document will also have to be legalised by the Indian Embassy and notarised in the jurisdiction where the Power of Attorney is being issued. However, the Power of Attorney provided by Applicants from countries that have signed the Hague Legislation Convention 1961 are not required to be legalised by the Indian Embassy if it carries a conforming Apostille certificate.	'We understand that if the lead partner is from India and other partner of JV is from Foreign country, " Form 15 -POA for Lead Member of JV." can be executed and notarised in India only. Request your confirmation please.	Provision(s) of RFQ shall prevail. It is also clarified that if the Power of Attorney in favour of the Authorised Representative of any party issued overseas, the document shall have to be legalised by the Indian Embassy and notarised in the jurisdiction where the Power of Attorney is being issued. However, the Power of Attorney provided by any party from countries that have signed the Hague Legislation Convention 1961 are not required to be legalised by the Indian Embassy if it carries a conforming Apostille certificate.



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5	'Note 3 of "FORM-16: JV-JTA - JOINT TENDERING AGREEMENT FOR JOINT VENTURE "	2	'Note 3 of "FORM-16: JV-JTA - JOINT TENDERING AGREEMENT FOR JOINT VENTURE "	'83 of 90	'For a Joint Tendering Agreement executed and issued overseas, the document shall be legalised by the Indian Embassy and notarized in the jurisdiction where the Power of Attorney has been executed. However, the Power of Attorney provided by Applicants from countries that have signed the Hague Legislation Convention 1961 are not required to be legalised by the Indian Embassy if it carries a conforming Apostille certificate.	"We understand that if the lead partner is from India and other partner of JV is from Foreign country, "FORM-16: JV-JTA - JOINT TENDERING AGREEMENT FOR JOINT VENTURE" can be executed and notarised in India only. Request your confirmation please	Provision(s) of RFQ shall prevail. It is also clarified that if the Authorised Representative of overseas party have power to execute Joint Tendering Agreement for overseas projects at overseas through Power of Attorney subject to fulfil the requirement(s) of the RFQ and clarified in SN. 4 above, then Joint Tendering can be executed and notarised in India.
6	'Schedule of Pre-Qualification (PQ) Process	3	'Schedule of Pre-Qualification (PQ) Process	'9 of 90	'Application Due Date 28-08-2019 1500 hrs IST	'Considering the certificate to be issued by foreign customers and its notarisation procedures, we request you to provide time extension by three weeks from current due date i.e., upto 18-09-2019	Provision(s) of RFQ shall prevail.
7	1.7	4	1.7	'22 of 90	'FORM-12: DEBT CERTIFICATE FOR CORPORATE DEBT RESTRUCTURING		
8	1.7	5	1.7	'22 of 90	'No corporate debt Restructuring or Insolvency and Bankruptcy proceeding is in process and/or no unresolved debt	'Since these conditions are not applicable for Foreign parties, request you to waive off this	The provision(s) of the RFQ Document shall prevail. However, FROM-12: DEBT has been



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					restructuring issues with the Banks/ Institutions as of 30th June 2019 in accordance with Clause 2.2.1 (h)	certification for Foreign member of JV.	modified. Please refer to serial number 1 of Addendum No. 01 dated 13-08-2019.
	FORM-12: DEBT CERTIFICATE FOR CORPORATE DEBT RESTRUCTURING		FORM-12: DEBT CERTIFICATE FOR CORPORATE DEBT RESTRUCTURING	'73 of 90	'This is to certify that [Applicant's legal name and address]: (i) is not under the process of Resolution Plan of Debt Restructuring, or (ii) is not under the process of 'The Insolvency and Bankruptcy Code 2016', or (iii) was under the process of Resolution Plan of Debt Restructuring and has resolved all debt restructuring issues with the Banks/Institutions, or (iv) is under the process of 'The Insolvency and Bankruptcy Code 2016', as on 30th June 2019.		
9	Sr. 15	1	Sr. 15	85 of 90	Certificate(s) from client of the Applicant for which Similar Works Experience are being claimed in FORM-07: EXP-2	We presume that such evidence shall mean	The certificate shall be issued by competent authority of the client /



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	Sr. 17		Sr. 17	85 of 90	Certificate(s) from client of the Applicant for which Construction Experience in Key Activities are being claimed in FORM-08: EXP-3	<ul style="list-style-type: none"> Certificates duly signed by Executive engineer / equivalent for Govt. Works. For Private works in addition to the client certificates applicants should submit occupation certificate from statutory bodies, TDS certificates along with VAT & Service Tax Returns. (These may also be tallied with RA Bills & LOA/LOI / Work orders) 	<p>in charge of the work for the client or authorised Government official.</p> <p>There is no requirement of submitting occupation certificate from statutory bodies, TDS certificates along with VAT & Service Tax Return etc. with the Application. However, additional documents if required, shall be asked for from the Applicants pursuant to Clause 2.4 of RFQ Document.</p>
10	FORM-11: CCC Column -15	2	FORM-11: CCC Column -15	69 to 72 of 90	Fund based line of credit sanctioned for these contracts) (in INR Crores)	The Company has been sanctioned fund-based credit facilities for all the on-going contracts. Project specific credit facilities are not availed. Therefore, Applicants may be permitted to submit Fund based line of credit sanctioned on cumulative basis (i.e. considering all on-going contract commitments & their working capital requirements as prescribed in this RFQ) since specific	<p>The provision(s) of the RFQ Document shall prevail.</p> <p>Notwithstanding the above, it is also clarified that:</p> <p>In case the applicant has consolidated line of credit instead of project specific line of credit:</p>



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						contract wise lines of credit are not available. This was accepted during the RFQ process for Project Seabird-DB-03.	(i) the unutilised portion of consolidated line of credit (duly certified by the Statutory Auditors of the Applicant) as on date of latest Audited Balance Sheet submitted by the Applicant; and (ii) the fresh line of credit issued to the Applicant after the date of latest Audited Balance Sheet submitted by the Applicant shall be considered as source of funds in the column 15 of Form-11.
11	FORM-10: FIN-2 Note-*	3	FORM-10: FIN-2 Note-*	68 of 90	Annual Construction Turnover should be substantiated through (i) Audited Balance Sheets of the relevant financial years, provided the figures, are stated in the Balance Sheet(s) or (ii) Specific certificate(s) issued by its Statutory Auditors or in case the accounts of the Applicant or of the members of JV are not required to be statutorily audited, certified in accordance with local legislation or	We presume that certificate issued by the Statutory Auditors only shall be considered as proof for Annual construction turnover. The Certificate(s) issued by the Clients shall not be considered unless it is supported by certificate from Statutory Auditors as a proof for Annual financial turnover	The provision(s) of the RFQ Document shall prevail. Notwithstanding the above, it is also clarified that: Annual Construction Turnover reported in FORM-10: FIN-2 should be substantiated through (i) Audited Balance Sheets of the relevant financial years, provided the figures, are stated in the Balance



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					(iii) Certificate(s) issued by the Clients		Sheet(s); or (ii) Specific certificate(s) issued by its Statutory Auditors or in case the accounts of the Applicant or of the members of JV are not required to be statutorily audited, certified in accordance with local legislation; or (iii) Certificate(s) issued by the Clients.
12	4.3	4	4.3	30 of 90	For the above and / or any FORM-08: EXP-3 other contracts completed and /or under <u>implementation</u> as prime contractor, or joint venture /consortium member, or sub-contractor ¹⁵ between 1st July 2012 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 cannot be considered to meet the eligibility requirement of construction experience in key activities. 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 RFQ Document shall prevail.
13	2.10.2 j)	5	2.10.2 j)	16 of 90	Average Annual Construction Turnover in	We request you to consider only	Provision(s) of RFQ Document



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	3.2 FORM-10: FIN-2		3.2 FORM-10: FIN-2	26 of 90 67 to 68 of 90	Last 5 Financial Year Certified by Statutory Auditor	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. Please confirm	shall prevail.
14	2.2.1 (a)	1	2.2.1 (a)	10 of 90	(a) The Applicant for pre-qualification may be a single entity or a group of entities in the form of a Joint venture (herein after called "JV"), coming together to construct the Works. However, no Applicant applying individually or as a member of a JV, as the case may be, can be member of another JV Applicant. The term Applicant used herein would apply to both single entity and JV.	We understand that International partner can also be a Member of Joint Venture. Kindly confirm.	Provision(s) of RFQ Document shall prevail. Notwithstanding the above, it is also clarified that: The Applicant or member(s) of joint venture can be a foreign entity subject to Employer's security clearance and screening.