

Revised Response to Questionnaire from Applicants for CTP Package 1 & 2 of Western Dedicated Freight Corridor

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
1		23	Clause ITA 14.1	Documents Establishing the Qualification of the Applicant	<p>Clause ITA 14.1 of PQ document vide page no.23 – Application Forms in case of the works / financial situations involving foreign currencies, the same shall be converted to USD by first converting it to Japanese Yen and then to USD by applying the Foreign exchange rate as specified in Section III: Qualification Criteria and Requirements.</p> <p>In the footnote of the formats in the PQ document the Foreign exchange rate shall be TTS rate of the Bank of Tokyo Mitsubishi UFJ (BTMU) at the 28 days prior to final submission date of application for Pre-qualification. The Applicant shall also submit the documentary evidence in respect of the same.</p> <p>Kindly clarify the dates in which the INR/USD exchange rates must be considered for:</p> <p>a) Financial Turnovers for different years b) Values of projects executed in India during different years.</p>	<p>The foreign exchange rate for conversion of any currency to US\$ shall be TTS rate of the Bank of Tokyo Mitsubishi UFJ (BTMU) as on 30th Nov. 2011 irrespective of the due date for submission of PQ Application.</p> <p>The TTS rates of the Bank of Tokyo Mitsubishi UFJ (BTMU) as on 30th Nov. 2011 were 1 USD = JPY 79.13 1 INR = JPY 1.67</p>	<p>The foreign exchange rate for conversion of any currency to US\$ shall be TTS rate of the Bank of Tokyo Mitsubishi UFJ (BTMU) as on 30th Nov. 2011 irrespective of the due date for submission of PQ Application.</p> <p>The TTS rates of the Bank of Tokyo Mitsubishi UFJ (BTMU) as on 30th Nov. 2011 were 1 USD = JPY 79.13 1 INR = JPY 1.67</p>
2	III	33	Sub-factor 4.2 (a)	Specific Construction Experience	Clause 4.2 (a) specific construction experience: last paragraph – in addition to the	The experience relating to earth fill, concreting for petrochemical complex	The experience relating to earth fill, concreting for petrochemical complex

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					above, the building works executed in Thermal Power Projects, Heavy Industries and Refineries shall also be considered. Kindly clarify whether an infrastructure development project having huge volume of earth fill, concrete and also includes various types of building works including electrical and mechanical works executed for a large petrochemical complex shall be considered under specific construction experience.	shall not be considered. However, the experience relating to building works for heavy industry and refineries shall be considered as specified in Sub-factor 4.2 (a) and 4.2 (b)	shall not be considered.. However, the experience relating to building works for heavy industry and refineries shall be considered as specified in Sub-factor 4.2 (a) and 4.2 (b)
3	I	11	Sub-Clause Cl. 4.3	An Applicant shall not have a conflict of interest. All Applicants found to have a conflict of interest shall be disqualified from participating in this prequalification process. An Applicant may be considered to have a conflict of interest with one or more parties in this prequalification process if:	As the Employer is in the best position to have information about the consulting firms who have conflict of interest, it is requested that the Employer provides the list of such firms as on date of this pre-bid meeting for information of the prospective bidders.	The list of entities that have/had an involvement in the Engineering Services for this Project as known to the Employer at the time of announcement of this PQ is attached. It is the responsibility of Applicants at the time of submission of their Applications to ensure that there is no conflict of interest and provide certification as per ITA Clause 4.3 of PDS in Section II. <i>ITA Sub-Clause 4.3 is suitably amended through Addendum No. -----.</i>	The list of entities that have/had an involvement with the Engineering Services Consulting Contract for this Project as known to the Employer at the time of announcement of this PQ is attached. <i>The list is not exhaustive.</i> It is the responsibility of Applicants at the time of submission of their Applications to ensure that there is no conflict of interest. As such, Applicant must provide certification as per ITA Clause 4.3 of PDS in Section II.
				(a) an Applicant has been engaged by the Employer			

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
				to provide consulting services for the preparation related to procurement for or implementation of the project;			
				(b) an Applicant is any of its associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or			
				(c) an Applicant lends, or temporarily seconds its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project, if the personnel would be involved in any capacity on the same project.			
4	II	23	ITA Sub-Clause 14.1 (PDS)	The following Para shall be added at the end of clause ITA 14.1			
				The Applicant shall also submit Documentary evidence / Client's Certificates in support of the Applicant's claim of the Experience (General and Specific) in respect of each contract as included in Section IV, Application Forms In			

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
				case of the works / financial situations involving foreign currencies, the same shall be converted to USD by first converting it to Japanese Yen and then to USD by applying the foreign exchange rate as specified in Section III : Qualification Criteria and Requirements.			
4.1				The experience certificate issued by the Engineer acting on behalf of the Client shall also be considered provided the documentary evidence, establishing the appointment of the said Engineer by the Client is also submitted along with the experience certificate issued by the said Engineer.	Since, the experience certificate of past ten years is considered towards eligibility criteria, it would be very difficult to get the documentary evidence establishing the appointment of the said Engineer by the client for the certificates issued by the said Engineer at this stage. In some cases, the said Engineer may be a Joint Venture which no longer exists now. Similarly, it is likely that the office of such client has closed or shifted. In such circumstances, obtaining such documentary evidence is extremely difficult and may not be possible. Considering this difficulty, it is requested that the certificates issued by the Engineer is considered without such documentary evidence of appointment of the Engineer by the Client.	ITA Sub-Clause 14.1 (PDS), Para 2 is proposed to be modified as under: The experience certificate issued by the Engineer acting on behalf of the Client shall also be considered provided the documentary evidence, establishing the appointment of the said Engineer by the Client is also submitted along with the experience certificate issued by the said Engineer. <i>Alternatively the self certification by the Applicant with respect to establishing that the said Engineer was appointed by the Client duly attested by the Notary Public shall also be acceptable. However,</i>	ITA Sub-Clause 14.1 (PDS), Para 2 is proposed to be modified as under: The experience certificate issued by the Engineer acting on behalf of the Client shall also be considered provided the documentary evidence, establishing the appointment of the said Engineer by the Client is also submitted along with the experience certificate issued by the said Engineer. <i>Alternatively the self certification by the Applicant with respect to establishing that the said Engineer was appointed by the Client duly attested by the Notary Public shall also be acceptable</i>

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
						<i>this shall be subject to verification by the Employer at any stage during the PQ or the Bidding Process or during contract execution, in case the contract is awarded to the Applicant. In case of the incorrect certification, the applicant shall be disqualified and action taken as per the provisions of the bid documents/ contract agreement; as the case may be.</i>	
4.2				In case of PPP projects, the Concessionaire can give experience certificate in respect of the EPC/ Construction Contractor. However such certificate will need to be countersigned by the concerned Public Authority who has granted the concession clearly indicating the name, designation and official address of the signing authority	Since, the experience certificates of past ten years are considered towards eligibility criteria, it would be very difficult to get the countersignature of the concerned Public Authority who has granted the concession at this stage. It is likely that the office of such client has shifted or the records are kept in safe custody. Considering this difficulty, it is requested that the certificate issued by the Concessionaire should be accepted.	ITA Sub-Clause 14.1 (PDS), Para 3 is proposed to be modified as under: In case of PPP projects, the Concessionaire can give experience certificate in respect of the Construction Contractor. However such certificate will need to be countersigned by : a) The concerned Public Authority who has granted the concession clearly indicating the name, designation and official address of the signing authority OR b) The Independent Engineer appointed by	In case of PPP projects, the Concessionaire can give experience certificate in respect of the Construction Contractor. However such certificate will need to be countersigned by : c) The concerned Public Authority who has granted the concession clearly indicating the name, designation and official address of the signing authority OR d) The Independent Engineer appointed by the concerned Public Authority who has granted the concession clearly

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
						<p>the concerned Public Authority who has granted the concession clearly indicating the name, designation and official address of the signing authority. The document(s) establishing the appointment of the said Independent Engineer shall also be required as defined in Response to Q. No. 4.1.</p> <p style="text-align: center;">OR</p> <p>The Applicant shall submit the self certification in addition to the certification by the Concessionaire and legally attested by the Notary Public duly supported by the copy of the:</p> <p>a) Work Order / Contract Agreement with the Concessionaire, and b) Final Bill / Last Running Account Bill duly certified by the Chartered Accountant for the payment received for the same and legally attested by the Notary Public</p> <p>In such a case, the quantities executed by the Applicant during a calendar</p>	<p>indicating the name, designation and official address of the signing authority. The document(s) establishing the appointment of the said Independent Engineer shall also be required as defined in Response to Q. No. 4.1.</p> <p style="text-align: center;">OR</p> <p>The Applicant shall submit the self certification in addition to the certification by the Concessionaire and legally attested by the Notary Public duly supported by the copy of the:</p> <p>c) Work Order / Contract Agreement with the Concessionaire, and d) Final Bill / Last Running Account Bill duly certified by the Chartered Accountant for the payment received for the same and legally attested by the Notary Public</p> <p>In such a case, the quantities executed by the Applicant during a calendar year / financial year shall be assessed on</p>

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
						year / financial year shall be assessed on pro-rata basis for the period from commencement of the project to the date of the Bill.	pro-rata basis for the period from commencement of the project to the date of the Bill.
5	III	35	Sub-factor 4.3 (a)	General Design Experience			
				Experience exclusively in the role of prime contractor, subcontractor, design consultant or sub-design consultant, in at least two (2) design contracts of US\$ 650,000 each within the last ten (10) years, that have been Substantially Completed or have received Taking-over Certificate for whole of the Works as the result of successfully and substantially completed and that are similar to the proposed Works. The project shall be considered to have been Substantially Completed if the Applicant has received payment against the work done to the extent of 90% or more of the contract value.			
				The similarity shall be	The work of consultancy services	In case the work of a	Not acceptable. The

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
				<p>based on the physical size, complexity, methods/technology or other characteristics as described in Section VI, Scope of Works. The Works pertaining to Railways, Highways, Sea/Air Ports, Dams/Hydroelectric Power Projects (HPP), and Irrigation Projects shall only be considered. In addition to the above, the Building Works executed in Thermal Power Projects, Heavy Industries and Refineries shall also be considered.</p>	<p>for detailed engineering along with feasibility study should also be considered towards eligibility for design experience.</p>	<p>Consultancy Services for Detailed Engineering which includes the work of Detailed Engineering Design and other activities such as a Feasibility Study in the Scope of Work, the Applicant may include only the Detailed Engineering Design portion of that Work as relevant experience for eligibility for this for this pre-qualification. It shall be the responsibility of the Applicant to demonstrate, establish and authenticate the respective value of the work applicable as Detailed Engineering Design in that particular Work.</p>	<p>Contract strategy of captioned Project is DB Lumpsum. (DBLS) The RFQ seeks the specific design experience. As such, design experience requirement of requisite value needs to be met as given in the section III of PQ document. However, if in a Consultancy service, 'good for construction' detailed Engineering design has been included and project has been executed based on these designs then same shall be considered.</p>

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
6	III	31	Sub-factor 3.2	Financial Situation	<p>Relevant portion of clause reads as under:- “Minimum average annual construction turnover of US\$ 250 million, calculated as total certified payments received for contracts in progress or completed, within the last five (5) years. Note 2: for average annual construction turnover, the turnover related to all activities consisting of building/ assembling/ erection of physical assets, transportation infrastructure, manufacturing plants, pipe lines, power projects, transmission lines, steel structure, railway project, refineries etc.” One of our proposed JV Partner is having a manufacturing unit, manufacturing and exporting Auto components with an annual turnover of more than Rs. 400 Crore on an average over the last 5 years. Our interpretation is that its annual turnover will be counted for fulfillment of requirement of this item. Since Note 2: specified the words” the turnover related to all activities”, we feel our interpretation is correct.</p>	<p>The turnover in respect of manufacturing of auto components shall not be considered.</p> <p>The construction turnover in respect of the activities listed as per Sub-factor 3.2 of Qualification Criteria and Requirements shall only be considered.</p>	<p>The turnover in respect of manufacturing of auto components shall not be considered.</p> <p>The construction turnover in respect of the only those activities listed as per 3.2 of Qualification Criteria and Requirements shall be considered.</p>
7	I	14	ITA Sub-Clause15.1	Signing of application	<p>It would be more practical if the J.V. Partners are allowed to nominate a person from any one of the partners of J.V. instead of insisting on a person from Lead Partner only.</p>	<p>Nominee for Authorized Signatory may be from any partner of the JV.</p> <p>Refer to ITA 4.1 at page 20 of PDS</p>	<p>Nominee for Authorized Signatory may be from any partner of the JV.</p> <p>Refer to ITA 4.1 at page 20 of PDS</p>

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
8	III	32	Note under Sub-factor 3.2	Qualification Criteria and Requirements	<p>You are requested to refer the Note No. 3.2 at page no. 32, which says that the foreign exchange rate shall be TTS rate of Bank of Tokyo Mitsubishi UFJ (BTMU) at the 28 days prior to final date of submission of Application for pre-qualification. You have also mentioned elsewhere in the documents that initially the Indian Rupees to be converted into Japanese Yen and thereafter the value in US Dollar is to be arrived at before quantifying the financial parameters required to be submitted with the application. This seems to be a highly cumbersome exercise and may vary from Applicant to Applicant. Therefore, we suggest that why you can't as an Employer indicates the exchange rate as of 30th November, 2011, which is 28 days prior to deadline for submission of Applications. This would enable all the Applicants to follow the same base for quantifying their financial parameters into US Dollars. You are requested to consider that the exchange rates arrived at in respect of Turnover and the value of works executed in the preceding years should be as per those prevailing at the end of each financial year to which the financial parameters pertains to. It would not be fair to evaluate Turnover of the year 2006-07 by converting 10/21 the exchange rate prevailing on 30th November, 2011. In view of this we would request you to indicate the conversion rates for each of the financial year during the preceding</p>	<p>Refer to response to Question No. 1.</p> <p>Reference is also drawn to the provision of ITA Sub-Clause 14.1, Para 1 (PDS)</p>	<p>Refer to response to Question No. 1.</p> <p>Refer S. No-1 of Corrigendum no-2</p> <p>Reference is also drawn to the provision of ITA Sub-Clause 14.1, Para 1 (PDS)</p>

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
9	II	23	ITA Sub-Clause 14.1 (PDS)		<p>You are requested to refer ITA 14.1 page 23 which states that "In case of PPP Projects, the Concessionaire can give experience certificate in respect of EPC/ Construction Contractor. However, such certificate will need to be countersigned by the concerned Public Authority who has granted the concession clearly indicating the same, designation and official address of the signing authority". The EPC contract is an Agreement between the Concessionaire and the Contractor. The employer (Public authority) is not involved in this agreement. Therefore, the Employer refuses to authenticate the contents of the certificate. Now, most of the projects of large magnitude involving massive Earthwork and RCC works are executed under PPP mode by the Contractor for a Concessionaire under an EPC Contract Agreement between the two. Therefore, EPC Contractor can submit the Performance Certificate/ completion Certificate from the Concessionaire who is his Employer but, it would not be possible for him to secure the authentication from the employer i.e. The Public Authority. It is suggested; therefore, that authentication by a Statutory Auditor of the EPC Contractor/ Applicant should be considered as a final proof if the Statutory Auditor gives his name, registration, number, address and affixes his stamp with date. National Highways Authority of India also accepts the certificate of Statutory</p>	Refer to response to Q. N. 4.2.	Refer to response to Q.No 4.2

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
10	IFP	6	Para 4	<p>Prequalification will be conducted through prequalification procedure specified in the guidelines for Procurement under Japanese ODA Loans, March 2009. Further, Eligible nationality of an Applicant and all partners constituting the Applicant shall be the following:-</p> <p>a) Japan in the case of the prime contractor; and b) All countries and areas in the case of sub-contractor(s).</p> <p>Further, with regard to the above, in case where the prime contractor is a joint venture, such joint venture will be eligible provided that the nationality of the lead partner is Japan, that the nationality of the other partners is Japan and/ or India and that the total share of work of Japanese partners in the joint venture is more than fifty percent(50%) of the contract amount</p>	<p>Most of the Scope relates to civil construction works.</p> <p>During meetings with several Japanese Companies it transpired that the Japanese Civil Contractors are not comfortable to participate in a Design build Lump sum contract for such a long length railway construction. Some have specified that their Organization would prefer to take up reasonable track length in the range of 50 to 100 KMs of such works and whereas the requirement under the Project to guarantee 900 KMs length of construction appears to be rather unjustified on a single bidder for such kind of project.</p> <p>In view of the above and to encourage competitive bidding, the following changes are proposed:</p> <p>a) The prime contractor may be a Japanese firm or any other nationality having proven experience of similar work</p> <p>In view of taking Japanese Organizations on board in line with the PQ documents, we propose to the following in addition to the above proposal; The type contract may be converted from Design build Lump</p>	<p>The applications for PQ have been invited for execution of the works under Japanese ODA Loan, which governs the conditions of the Loan Agreement.</p> <p>No change in the stipulated Contracting philosophy can be considered at this stage.</p>	<p>The applications for PQ have been invited for execution of the works under Japanese ODA Loan, which governs the conditions of the Loan Agreement.</p> <p>No change in the stipulated Contracting philosophy can be considered at this stage.</p>

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					sum to two separate packages like First package may be for Design and Engineering and the Second Package may be a Lump sum Construction Contract or an item rate Contract under each section (envisaged under the PQ documents)		
11	IFP	6	Para 7	Instruction of Applicants for prequalification should be submitted in sealed envelopes, delivered to the address below by 28 th December 2011 at 15:00 hours (Indian Standard Time), and be clearly marked "Application to Prequalify for DEDICATED FREIGHT CORRIDOR PROJECT (WESTERN CORRIDOR PART PHASE-1), Civil, building and Track Works (insert contract package number(s) viz. CTP-1 or CTP-2 or Both)"	Considering that the documentation involved is huge and time associated for identifying International Partners and being Christmas time in European & Western Countries and some parts of Japan, we request you to kindly extend the date of PQ submission till 15 th January 2012	It is suggested to extend the date of submission by 4 weeks # to enable the Applicants to prepare and submit a thorough and complete response. #The Applicants have requested for an extension of the date of submission of PQ Applications from 18 days to one month (Q. No. 11, 38 and 41). We understand that some of the major Japanese contracting firms are trying to identify suitable local partners for participation in the pre-qualification process for these two packages. It is therefore recommended that the date of submission of applications be extended by 4 weeks to encourage better response	The date of submission of PQ applications is extended up to 11-01-2012

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
12	II	20	ITA 4.1(a)	Prequalification Data Sheet : A-General The Individuals or firms in a joint venture or association shall be jointly and severally liable and the Lead Partner should have maximum financial stake amongst the other JV Partner/s or association Partner/s in the JV Agreement for the Project	Request you to clarify if association shall also mean a Consortium	Yes. The Joint Venture /Association/ Consortium is acceptable subject to their compliance with ITA 4.1 (PDS, Page 20) and provide requisite information as required in terms of ELI -1.1 and ELI-1.1-A (Pages 43 and 44)	Yes. The Joint Venture /Association/ Consortium is acceptable subject to their compliance with ITA 4.1 (PDS, Page 20) and provide requisite information as required in terms of ELI -1.1 and ELI-1.1-A (Pages 43 and 44)
13	II	25	ITA 24.1	Prequalification Data Sheet : F-Evaluation of Applications and Prequalification of Applicants The Credentials of Associates, Parent companies or sister companies shall not be considered unless they are part of JV	Request to change the clause as under: The Credentials of Associates, Parent Companies or sister companies should be considered.	No change in ITA Sub-Clause 24.1 (PDS).	No change in ITA Sub-Clause 24.1 (PDS).
14	III	31	Sub-factor 3.2	Qualification Criteria and Requirements : Financial Situation Minimum average annual construction turnover of US\$ 250 million, calculated as total certified payments received for contracts in progress or completed, within the last five (5) years. Note 1 : to be prequalified	Request to consider minimum average annual construction turnover of USD 100 million of package 1 and USD 150 million for package -2 and to qualify for both the packages the same would be at USD 250 million.	No Change in Sub-factor 3.2 of Qualification Criteria, Section III.	No Change in 3.2 of Qualification Criteria, Section III.

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
				for both Packages, the applicants must comply the minimum average annual construction turnover 500 million USD.			
15	III	33	Sub-factor 4.2(a)	Qualification Criteria and Requirements : Specific construction Experience	Request you to include power projects, steel projects, and refineries, manufacturing plants and Infrastructures projects.	No Change in Sub-factor 4.2(a) of the Qualification Criteria, Section III.	No Change in 4.2(a) of the Qualification Criteria, Section III.
16	III	34	Sub-factor 4.2(b)	Qualification Criteria and Requirements (1) 4 x 10 ⁶ Cu. M of earth fill in any one year (calendar or financial year) (2) 100,000 cum concrete of bridges/flyover/culverts in any one year (calendar or financial year) (3) Building having total floor area of 12,000 sq.m in any one year (calendar or financial year) (4) Minimum 110Km of mechanized track laying in any one year (calendar or financial year)	Request you to include power projects, steel projects, and refineries, manufacturing plants and infrastructure projects. Kindly consider “any two years” instead of “any one year” for specific construction experience or alternately consider reducing the quantities by half the value required for e.g: 2x10 ⁶ cu.m earth fill in any one year	No Change in Sub-factor 4.2(b) of the Qualification Criteria, Section III.	No Change in 4.2(b) of the Qualification Criteria, Section III.
17	III	34	Sub-factor 4.2b (1), (2), (3) & (4)	Qualification Criteria and Requirements	We understand that the above specific experience is to assess the bidder’s capability and to evaluate among various bidders. Can the bidder be eligible against submission of substantial completion of works certificate if	No consideration shall be given to physical progress. Reference is drawn to Sub-factor 4.2 (a), Page 33.	No change in 4.2 (a), Page 33. The project shall be considered to have been substantially completed if the applicant has received payment against the work done to the extent of 90%

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					issued by the employer of an ongoing project where the physical progress achieved is 90%. Kindly confirm		or more of the Contract value.
18	III	34	Sub-factor 4.2b (1), (2), (3) & (4)	Experience in Key activities i.e., in 4.2b (1), (2), (3) & (4)	Works executed certificate / R. A. Bill from ongoing projects showing quantity executed is acceptable. Kindly confirm.	No. Reference is drawn to ITA Sub-Clause 14.1 (PDS).	No. Refer 4.2(a) of section III.
19				General	Western corridor project being a project of national interest, would like to request if any concessions or exemptions are available under taxes, duties and levies etc.	Not appropriate to answer at this stage.	No concessions are envisaged at this stage.
20	I	7	11	Pre-PQ Conference	"FREQUENTLY ASKED QUESTIONS AND CLIENT'S CLARIFICATIONS (For General Reference of the Applicants)(Ref. Para no 11 of Invitation for Pre-qualification)" are attached at Page 90 however in Para 11 page 7 it is clarified that "These do not form part of the PQ document and are for the purpose of general understanding only.". Kindly clarify that the clarifications issued are valid for this PQ process?	To avoid confusion, the FAQ's issued in the PQ documents is replaced with the full list of Q&A concluded in the previous PQ. In case of any conflict, the provisions of the current PQ Document and the Employer's response to the queries of prospective applicants received under this PQ Process shall supersede the provisions of the Q&A in the previous PQ. Applicants may seek clarification on any issues they may have. The answers to questions formally received on or before 7 th December 2011 and responded to in writing by the Employer during this	FAQs attached with this PQ document do not form part of PQ. The FAQs are attached for information of the Applicants. The Provisions of the current PQ document and Employer's response to queries of the prospective applicants received under this PQ only shall prevail.

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
						PQ process shall apply.	
21	I	11	4.3	Eligible Applicants	DFCCIL may kindly provide the names of all the consultants engagements, which shall constitute conflict of interest in terms of Para 4.3	Refer to response to Q. No. 3.	Refer to response to Q. No. 3.
22	II	20	4.1	Preparation Applications of	In response to the request for Board Resolution upon the issuance of the Power of Attorney, since our Representative Director is given with full power and authority to issue the Officer's Certificate and the Power of Attorney under the Japanese laws and the Article of Incorporation of the company, the Power of Attorney issued by the Representative Director who duly represents the company in accordance with the laws of Japan is legally effective and valid. In this sense, we believe the additional Board Resolution is unnecessary. Please confirm.	It is confirmed that an additional Board Resolution (B/R) is not mandatory. A valid Power of Attorney (P/A) to act on behalf of the company duly supported by the authenticated evidence establishing the authority of the person issuing the said P/A is acceptable. A B/R is one way of validating such authenticity. Other valid documentation would also be acceptable, such as credentials of a Director granting the P/A.	It is confirmed that an additional Board Resolution (B/R) is not mandatory. A valid Power of Attorney (P/A) to act on behalf of the company duly supported by the authenticated evidence establishing the authority of the person issuing the said P/A is acceptable. A B/R is one way of validating such authenticity. Other valid & authentic documentation confirming the authority of the person issuing the Power of Attorney. would also be acceptable. Item No 4 of Corrigendum No 2.
23	II	22	11.1(d)	Documents Comprising the Application	Question 67, FAQ of the PQ Document (page 100) in the previous PQ, has clarified that "The detailed percentage of financial stakes of the Partners is not a mandatory requirement at PQ Stage". In case that the Applicant intends to participate (in) the bid NOT in	Refer to ITA Sub-Clause 4.1 (a) of Section II. Prequalification Data Sheet (PDS), ITA Sub-Clause 11.1 (PDS) and Para 2 of Section V, the detailed percentage of financial stakes of the partners is not a mandatory requirement at PQ Stage but a	Refer to ITA Sub-Clause 4.1 (a) of Section II. Prequalification Data Sheet (PDS), ITA Sub-Clause 11.1 (PDS) and Para 2 of Section V, the detailed percentage of financial stakes of the partners is not a mandatory requirement at

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					the form of Joint-Venture BUT Consortium, our understanding is the Applicant doesn't need to fill out the Form ELI-1.1A's "% Participation" column on the LOI. Please confirm our understanding is correct.	mandatory requirement at Bidding Stage. <i>Accordingly, the form ELI 1.1A will require an amendment such that item 5 no longer includes the word "percentage" and the last column of the table of participants shall be deleted.</i>	PQ Stage but a mandatory requirement at Bidding Stage. Therefore, filling of column ""% Participation" of the table under item no-5 of ELI-1.1A is not mandatory
24	III	32	Notes of Sub-factor 3.2	Foreign exchange rate	Foreign exchange rate to be used for all conversions may be fixed as the exchange rate published on 30 th November 2011 (28 days prior to the submission date of RFQ) by BTMU. The applicants would be required to obtain various certifications from Auditors, and it would be difficult to obtain again, in case of any extension of submission date.	Refer to response to Q. No. 1	Refer to response to Q. No. 1 Please refer to Item No 1 Corrigendum No 2.
25	III	34	Sub-factor 4.2(b)	Specific Construction Experience (Per Package)	While specifying requirements for "construction experience in key activities" it is mentioned as follows:- " For the above or other contracts executed during the period stipulated in 4.2 (a) above, ..." . Please clarify that in this sentence the word "other contracts executed" shall include the contracts in progress (not substantially completed) or not?	Contracts not substantially completed shall not be considered. Applicants are required to nominate any of the two (2) projects under the Criteria 4.2(a). The Criteria 4.2(b) requires the Applicant to nominate experience from two (2) projects specified under Criteria 4.2(a) or any other projects which have either been completed or substantially completed.	Contracts not substantially completed shall not be considered. Refer. 4.2(a) of Section-III.
26	III	34	Sub-factor 4.2(b)	Specific Construction Experience (Per	While accounting for " construction experience in key	Each Partner of the Applicant may choose to	Yes.

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
				Package)	activities " for a JV, It is already clarified that the word 1 year could be different for different partners In this regard a further clarification is sought:- Is it permitted to use quantities of one partner in "Financial Year" terms while for other partner in "Calendar Year" ?	apply fiscal year or calendar year for the specific experience claimed depending on the accounting structure applicable to execution of the contract.	
27	III	34	Sub-factor 4.2(b)	Specific Construction Experience (Per Package)	It is seen that in the revised PQ document the quantity of works against bridges (all categories) has reduced, but in the qualifying criteria 4.2(b) (2) the quantity of concreting required for qualification of one package has been increased from 70,000 cum to 100,000 cum? This appears inconsistent and we therefore request the figure of 70,000cum be maintained.	The 100,000 cum specified qualifying criteria in 4.2(b) (2) is replaced by 70,000 cum ## . <i>An Amendment will be issued accordingly.</i> ## It is clarified that, the Qualification Criteria for Concrete for Bridges was taken as 70,000 cum in the previous PQ Document. This quantity was computed based on the quantity of concrete involved in the bridges which included Composite Bridges also. Subsequently the Composite Bridges were replaced with PSC bridges resulting in increase in the total quantity of concrete thus increasing the Qualifying Criteria for Bridge Concrete from 70,000 cum to 100,000 cum. As the design of the structures/bridges is still	The quantity of 70,000 cum of Concreting in Bridge work may be considered instead of 4.2(b).2 of Section-III. Refer Item no-5 of Corrigendum no-2

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
						under finalization and the quantities are not firm, it is recommended that for the purposes of Pre-qualification, the Qualification Criteria for Concrete for Bridges may be retained as 70,000 cum	
28	III	34	Sub-factor 4.2(b)	Specific Construction Experience (Per Package)	We understand that during the execution of project, concreting will be required for building works as well. However qualifying criteria 4.2(b) (2) allows concreting work experience for bridges, flyovers and culverts only. It is requested to include the concreting experience for building works also, as has been done in the DFCC - Eastern corridor for similar work experience.	No change in Sub-factor 4.2(b) of Qualification Criteria, Section III.	No change in 4.2(b) of Qualification Criteria, Section III.
29	III	34	Sub-factor 4.2(b)	Specific Construction Experience (Per Package)	Again a clarification is sought that if for a particular partner a few of the project certificates show quantities in Financial Year terms and other few in Calendar Year terms, kindly explain the way to club the quantities of both kind of projects. Appreciate the fact that these certificates are for completed projects and change of certificates may not be feasible.	Each Partner of a JV may have a mix of calendar year (CY) or fiscal year (FY) computed Projects in their experience claimed. Furthermore, the JV as a whole is given the latitude to choose to express aggregated experience as either FY or CY. Therefore the experience claimed by the JV through its Partners should be apportioned accordingly. It shall be the Applicant's responsibility to	Each Partner of a JV may have a mix of calendar year (CY) or fiscal year (FY) computed Projects in their experience claimed. Furthermore, the JV as a whole is given the latitude to choose to express aggregated experience as either FY or CY. Therefore the experience claimed by the JV through its Partners should be apportioned accordingly. It shall be the Applicant's responsibility to

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
						substantiate their breakdown and how the aggregated values are determined to allow evaluation of the eligibility of experience claimed.	substantiate their breakdown and how the aggregated values are determined.
30	IV	49, 51	Form FIN 3.1 & 3.2	Financial Situation , Average Annual Construction Turnover	Application Forms, Form FIN 3.1 & 3.2: in the Note it is written that the form shall be certified by the Independent Public or Chartered Accountant. Kindly clarify if the form itself has to be certified or a separate certificate along with the forms will be sufficient?	The Form shall be certified as stated in Note 2 of Form FIN-3.1 which may be done in accordance with the legal practice in the country where the company is registered.	The Form shall be certified as stated in Note 2 of Form FIN-3.1 which may be done in accordance with the legal practice in the country where the company is registered.
31	IV	49, 51	Form FIN 3.1 & 3.2	Financial Situation , Average Annual Construction Turnover	Please also clarify if the certificate will be permitted in Indian Rupee figures, and the conversion rate can be applied on those Indian Rupee figures and then entered in form 3.1 & 3.2. It will be very helpful as it will avoid repetition of exercise of obtaining certification in case there is any extension in date of submission of PQ and the exchange rate gets changed which results in change in values in US\$.	No. Indian Rupees shall not be acceptable. Refer to response to Q. No. 1.	No, Certificate in INR shall not be acceptable. It should be converted first in to JPY and then in to USD. For conversion, refer reply to Q no-1.& item No-1 of Corrigendum No-2.
32	IV	40-41		Check List	In Sl. No. 20 to 24 of Check List in Section IV, it requires construction or design experience supported by "Client / Engineer's certificate." Please confirm it requires Client's certificate OR Engineer's certificate, and NOT both Client and Engineer's certificate.	Either Client's certificate OR Engineer's certificate is acceptable,	Either Client's certificate OR Engineer's certificate is acceptable,
33	IFP	4	Para 2	Invitation for Prequalification	Whether the land has been acquired by DFCCIL for the entire	DFCCIL to respond	More than 90% of the Land has been acquired by

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					stretch particularly for the detour alignment near Phulera?		DFCCIL. Land near Phulera has already been acquired.
34	IFP	4	Para 2	Invitation for Prequalification	Since the quantity of earthwork in cutting is far less when compared to quantity involved in embankment, whether the shortfall will have to be made good from borrow pits in railway land or outside? In case it is taken from the borrow pits in railway land, whether any royalty be payable and if so, at what rates?	No borrow pits are permitted within the ROW. The borrow pits for quantity of earth required for embankment shall have to be arranged by the Contractor.	No borrow pits are permitted within the ROW. The borrow pits for quantity of earth required for embankment shall have to be arranged by the Contractor.
35	Section I	14	14.1	Documents Establishing the qualification of the application	Documentary proof of the rate of exchange as on 28 days prior to opening date has to be provided. Considering 28-Dec-2011 as date of opening specified in IFP, it may be confirmed that the rate applicable as on 30-Nov-2011 would be applicable.	Refer to response to Q. No. 1.	Refer to response to Q. No. 1 & item no-1 of corrigendum no-2
36	Section II	20	ITA Sub-Clause 4.1	Nomination of Representative Authority &	We understand that consortium /Joint Venture / Association has to authorize / Nominate a person (individual) to sign and submit all the documents, correspondences to client, if JVA is pre-qualified, during the bidding process and in the event the JVA is awarded the contract, during contract execution. Joint Venture company can give such authorization/ Nomination to any person of the Joint Venture partner and such authorization through the POA (Power Of Attorney) duly signed by all the	Refer to response to Q. No 7 Refer to response to Q. No. 22	Refer to response to Q. No 7 Refer to response to Q. No. 22

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					Joint Venture partner. Kindly Confirm.		
37	Section – III.	32	Eligibility Notes : 3.2	Bank Exchange Rate	The exchange rate has been asked 28 days prior to submission date of Application which shall be the TTS Rate of the Bank of Tokyo Mitsubishi UFJ. Please confirm if the exchange rate has to be taken as on 30 th Nov, 2011 or 1 st December, 2011. Also, what would be accepted as a documentary proof for the same	Refer to response to Q. No 1	Refer to response to Q. No 1 & item no-1 of corrigendum no-2
38	Section II,	25	ITA Sub-Clause 17.1	Date extension of submission	We request you to extend the application submission date by at least 4 (Four) weeks.	Refer to response to Q. No. 11	Refer to response to Q. No. 11 & item no-3 of corrigendum no-2
39	Section – I,	11	4.3(a)	Conflict of Interest	Please confirm regarding the conflict of Interest for Appointing a Consultants. “4.3 (a) Applicant has been..... Of the Project” . Please confirm that the “Project” means these two packages (CTP-1 and CTP-2) only and not any other DFCC Projects.	The Project is: Dedicated Freight Corridor Project (Western Corridor Phase 1 and Phase 2). The Contract is: Civil, Building and Track Works Package 1 and Package 2 in Phase 1 of the Project. Reference may also be made to response to Q. No. 3.	The Project is: Dedicated Freight Corridor Project (Western Corridor Phase 1 and Phase 2). The Contract is: Civil, Building and Track Works Package 1 and Package 2 in Phase 1 of the Project. Reference may also be made to response to Q. No. 3.
40	III	33	Sub-factor 4.2 (a)		This is in reference with the clause 4.2(a) for Specific Contraction Experience, where the applicants are need to demonstrate their experience of either two contract of 150 Million US\$ or three contracts of 100 Million US\$ completed or substantially completed (90%) pertaining to	Refer to response to Q. No. 4.2	Refer to response to Q. No. 4.2 & item no-2 of corrigendum no-2

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					<p>Railways, Highways, Sea/Air Ports, Dams/ Hydroelectric Power Projects (HPP), and Irrigation Projects and your subsequent clarification to the same during 2nd December 2011 PQ Conference at DFCC office, where-in, you have mentioned that the applicants are required to get their experience certificates of the projects, which they have executed for a private developer/concessionaire, are required to be counter signed by the concerned Public Authority. We would like to apprise you that the EPC contract execution for any PPP project is solely the responsibility of the concessionaire and any EPC contract, in this regard, is only signed between concessionaire and the EPC contractor and the Public Authority does not have any obligations in the same. Therefore, it is difficult to convince the Public Authority to counter sign the certificate issued by the concessionaire as they are not contractually related to the particular EPC contract. In some cases, the respective Project Offices of the authority may choose to counter sign the same based on their own discretion. We also wish to apprise you that these days when most of the projects across the country are only being</p>		

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					executed on PPP model, this will be a big setback for EPC contractors those have executed / are executing these projects. Even, the other major clients, for instance DMRC, are also accepting projects certificates for such PPP projects, which you may also validate. Therefore, we humbly request you to kindly allow us to produce the experience certificates provided by the respective concessionaire on order to reflect our actual technical capability to take up this huge project.		
41	II	23	ITA Sub-Clause 17.1		We also wish to apprise you that we are in discussion with few Japanese firms for joint venture those have shown interest for the project, however, they have raised their concerns on the time available for the PQ. Therefore, we would request you to kindly provide us an extension of at least 1 month time in the deadline for the PQ submission, which will also help in getting more participation from the Japanese firms for this PQ.	Refer to response to Q. No. 11	Refer to response to Q. No. 11 & item no-3 of corrigendum no-2
42	II	20	Sub-Clause 4.1		In (c) of this clause, the Board Resolution is required as the supporting document to Authorized Signatory. Please kindly consider waiving this requirement and accepting the same manner as previous pre-qualification. In the last time,	Refer to response to Q. No.22. The power of attorney issued for the previous PQ Process was specific to invitation to PQ No. 2010/WC/Ph.I/PQ. Since the invitation for current PQ	Refer to response to Q. No.22. The power of attorney issued for the previous PQ Process was specific to invitation to PQ No. 2010/WC/Ph.I/PQ. Since the invitation for current

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					our Chairman of Board issued its power of attorney to Authorized Signatory and the signature of our Chairman was notarized by public agency, i.e. Tokyo Legal Affairs Bureau.	has changed to 2011/WC/Ph.I/PQ, the previously issued power of attorney is not valid for the current PQ.	PQ has changed to 2011/WC/Ph.I/PQ, the previously issued power of attorney is not valid for the current PQ.
43	II	23	ITA Sub-Clause 14.1	Preparation of Applications	In Third paragraph it is mentioned that "In case of PPPAuthority" However NHA I does not generally counter sign the certificates issued by the Concessionaire as per above requirement. We therefore request DFCCIL to consider, in case of NHA I projects, acceptance of certificate from Concessionaire on standalone basis.	Refer to response to Q. No. 4.2	Refer to response to Q. No. 4.2 & item no-2 of corrigendum no-2
44	III	34	Sub-factor 4.2(b)	Specific Construction Experience (Per Package)	It is seen that in the revised PQ document the quantity of earth works has reduced, but in the qualifying criteria 4.2(b) (1) the quantity of earth-fill required for qualification of one package has not been suitably reduced. This appears inconsistent and we therefore request the figure of 4 million cum be suitably reduced.	In the revised PQ Document, the quantities of earth fill have not varied significantly from the previous PQ Document and therefore do not affect the qualifying criteria for earth fill. Accordingly no change in the Sub-factor 4.2(b) of Qualification Criteria, Section III.	In the revised PQ Document, the quantities of earth fill have not varied significantly from the previous PQ Document and therefore do not affect the qualifying criteria for earth fill. Accordingly no change in 4.2(b) of Qualification Criteria, Section III.
45	III	34	4.2(b)	Specific Construction Experience (Per Package)	We understand that during the execution of project, earthwork will be required in cutting as well. However qualifying criteria 4.2(b) (1) allows earth work experience for earth fill only. It is requested to include the earthwork experience for cutting also, as has been done	The quantities of the earthwork in cutting are envisaged to be utilized in the earth fill. In view of this, a separate criterion for earthwork in cutting has not been envisaged.	The quantities of the earthwork in cutting are envisaged to be utilized in the earth fill. In view of this, a separate criterion for earthwork in cutting has not been envisaged.

Q No.	Section	Page	Reference	Title	Questions	Revised Response by NKC as discussed with DFCCIL	DFCCIL response
					in the DFCC - Eastern corridor for similar work experience and since cutting is an integral part of earthwork.	Accordingly no change in the Sub-factor 4.2(b) of Qualification Criteria, Section III.	Accordingly no change in 4.2(b) of Qualification Criteria, Section III.
46			General		We will put some documents with signature, such as Power of Attorney, which are the same contents as the last PQ. Since we submitted original documents in the last PQ, is it acceptable to submit photocopies of those documents of last PQ? Or are we supposed to obtain new signature again and submit the new original documents?	Since the last PQ Applications have been discharged and fresh PQ Applications have been invited, all the documents as required should be submitted afresh in compliance with the requirement of the PQ Document.	Since the last PQ Applications have been discharged and fresh PQ Applications have been invited, all the documents as required should be submitted afresh in compliance with the requirement of the PQ Document.