

RESPONSE OF DFCCIL TO QUERIES RAISED BY VARIOUS FIRMS DURING PRE-SUBMISSION CONFERENCE FOR PREQUALIFICATION OF BIDDERS FOR NKWD-DGO TRACK WORK HELD ON 12.12.2011.

Ref : IFP No: HQ/EN/EC/Track/NKWD-DGO DATE: 18.11.2011

SN	Clause No.	Issues	Amendment required in the PQ document	Response of DFCC
1	1.0 (General) (4)	Applicant while identifying the proposed specialist Sub-contractor shall suggest name of only one Sub-contractor instead of multiple sub contractor for similar activities	It is requested to relax this condition. This will help to bring open competition among the proposed sub contractors and shall in turn beneficial to the department.	Not Agreed.
2	(6)	All completions to be certified by the client and attested by Notary	Photostat of original certificate duly attested by Notary be accepted.	Agreed to.
3		Service Tax	Please clarify that this project is exempted from Service Tax.	Will be clarified at Bid Stage.
4	Section -V	Track related works	It is requested to give specific Scope under this item to have a fair idea of the works involved.	The required information has been furnished in the section –IV of PQ document. Further details will be elaborated in the Bid document.
5	4.1	Remodeling of level X-ing gates	Please give specific scope under this item, since Civil works in this area are being done by another agency	-do-
6	3	Project yards	Please clarify that DFCC shall provide ESP for the yard or contractor have to develop the ESP on basis of requirement given by the DFCC. Please also clarify that the ESP for Junction stations with existing IR system shall be given by DFCC duly approved from the concerned Railway.	DFCC will provide ESP.
7		Provision of packing Machines	Please clarify that whether CSM and Track Stabilizer required for the work shall be arranged by DFCC from Railways "free of cost".	It will be provided by DFCC.
8		Date of Submission	Kindly extend the date of submission by 2 weeks from the present date of submission.	Date of Submission/Opening of PQ postponed to 16.1.2012.
9	ITA 4.1	Joint Venture	Please clarify that Consortiums would be allowed in addition to the Joint Venture, being a International practice for execution of	Not agreed.

			big Infrastructure projects	
10	ITA 4.1 i)	Separate Identity /Name for JV	We understand that in case of joint venture, members are required to enter into joint venture agreement only and new independent entity is not required to be created. Please clarify.	Kindly refer and comply Section-II PDS Clause - ITA-4.1
11			We would suggest that this requirement, as such should be deleted, as the same clause is not there in the other PQ issued by DFCCIL for your Bhaupur-Khurja 343 Km section for Civil Track package and is normally not there in the Tenders issued by various undertakings under Ministry of Railways.	Not agreed.
12	ITA 4.1 iii) & iv)	Share of Interest in the JV Firm	Please clarify that at PQ stage, how this 51% minimum share would be calculated & also how it is required to be demonstrated by the applicant.	The applicant may work out their own calculation based on Part-II - Works' requirement in Section -V.
13	ITA 14.1	Certification	We understand that wherever available notarized clients certificate needs to be submitted or otherwise self-certification on Company's Letter Head would also be acceptable for submission. Please confirm our understanding.	Self declaration is not acceptable [Section- III Cl. 1.0 (6)]. However, Photostat of original certificate of client duly attested by Notary will be accepted.
14	Section III. Qualification Criteria and Requirements	2.1 Financial Eligibility Criteria Form FIN-2.1	We understand that wherever available notarized clients certificate needs to be submitted or otherwise self-certification on Company's Letter Head would also be acceptable for submission. Please confirm our understanding.	-do-
15	do	3.1 (a) General Construction Experience	We understand that this PQ is applicable for the Track Work package only & therefore experience of Civil work should not be asked for, instead the Track work or any other Infrastructure work done in Railways, Metro, and Thermal/Hydro/Gas Power Plants should be considered for this experience. Please confirm our understanding.	Clause 3.1 (a) is amended. Please see the corrigendum/amendment No.1 dated 23.12.2011.
16	IFP		Considering that the documentation involved is huge and time associated for identifying International Partners and being Christmas time in European & Western Countries, we request you to kindly extend the date of PQ submission till 15 ^h January 2012	Date of Submission/Opening of PQ postponed to 16.1.2012.
17	II 4.1 (vii) page 15 of 48	<u>Joint and several liability</u> ; JV members can be jointly and severally liable to the Employer for execution of the Project in	JV shall be jointly and severally liable to the employer and cannot be liable for consequential losses to the Employer. In this context request please consider to reframe the clause as below: <u>Joint and several liabilities</u> ; JV members can be jointly and severally liable to the employer for execution of the Project in accordance with the General & Special conditions of contract and the amendments thereof. In case of	Not Agreed.

		accordance with the General and Special conditions of Contract. The JV members shall also be liable jointly and severally for the loss, damages caused or due to non execution of the contract or part thereof.	any default attributable to the JV alone, the JV shall be liable for the genuine estimated damages as agreed to by the Parties in the Contract.	
18.		<u>General</u>	Eastern 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.	No concessions are available at the moment.
19	III pg.24 of 48 - 3.1 (a)	<u>General Construction Experience</u>	Request to consider to include experience of Civil Works of Thermal Power Projects and Steel Plant construction Projects. Refineries and infrastructure projects.	Clause 3.1 (a) is amended. Please see the corrigendum/amendment No.1 dated 23.12.2011.
20	III pg.25 of 48 3.2	<u>General Design Experience</u>	Can we consider RITES Ltd. as our General Design Consultant. Please Confirm.	Yes.
21	The Para 3.1 (b)	<u>Specific Construction Experience</u>	<p>Reads as below:- "The applicant / JV firm or Lead Member of JV firm or Specialized Sub-contractor must have satisfactorily completed a minimum construction experience in Aggregate Track Laying or Relaying : 50 Km track length (no single work should be less than 15 Kms each} in the last three previous financial years and the current financial year upto the date of submission of application".</p> <p>Kindly clarify whether a Specialized Sub-contractor who has completed the laying of 50 Km track length satisfactorily out of the total assigned work by the Client more than 50 Km length will be acceptable?</p>	A portion of completed work will not be considered as satisfactorily completed work.
22	Para 4.2.3	In context to Mechanized Laying of P-Way of Chapter "Project Information and Scope of Work in Brief"	<p>Kindly clarify whether the Client will allow the existing Railway Track for transporting the long welded rail panels of 130m/260m to site from the applicant's depot on rail car.</p> <p>If not, will the Client allow to transport to site the long welded</p>	<p>Not agreed because of constraint of OHE Mast.</p> <p>No.</p>

			panels of 130m/260m on rollers driven by tractors?	
23	Section III Qualification Criteria and Requirements	Page 24 of 48. General Construction Experience 3.1(a)	<p>The Applicant requests the Employer to suitably amend the qualification clause as "The applicant / JV firm or Lead Member ... satisfactorily completed / substantially completed in the last five previous financial years For a minimum value of Rs. 36 Cr." The phrase "substantial completion" means where the employer has certified that the project has been completed substantially and the balance / remaining work is progressing satisfactorily and the same should be supported by employer's certificate.</p> <p>Please confirm the same.</p>	Not agreed.
24	Section III - Qualification Criteria and Requirements	Page 24 of 48. General Construction Experience 3.1(b)	<p>The Applicant requests the Employer to suitably amend the qualification clause as "The applicant / JV firm or Lead Member satisfactorily completed / substantially completed..... in Aggregate Track Laying or Relaying : 50 Km in the last five previous financial years.....upto the date of submission of application." The phrase "substantial completion" means where the employer has certified that the project has been completed substantially and the balance / remaining work is progressing satisfactorily and the same should be supported by employer's certificate.</p> <p>Please confirm the same.</p>	Not agreed.
25	Section 1- Prequalification Data Sheet	Page 20 of 48 . Prequalification Data Sheet. Clause ITA 17.1	<p>Given the magnitude of the work, the applicant requests the Employer to extend the deadline for submission of prequalification of the subject project at least 15 days from 06.01.2012 i.e upto 21.01.2012.</p> <p>Please confirm the same.</p>	Date of Submission/Opening of PQ postponed to 16.1.2012.
26	Section V- Project Information and Scope of Works	Page 44 of 48 Clause No. 5.1.1	<p>Given the magnitude of work, complexity involved particularly considering the probable special requirement in view of the nature of this project, preparation of design drawing and subsequent approval from the employer, all required construction work including major, minor structure with intervening monsoon in between, the applicant requests the Employer to amend the completion time period as follows :</p> <ul style="list-style-type: none"> I) Design and Approval process - 15 months II) Construction period - 30 months <p>However considering parallel activity, total completion period (including design) may be amended as total 36 months.</p> <p>Please confirm the same.</p>	Not agreed.

27	Section V- Project information and Scope of Works	Page 44 of 48 / Clause No. 4.2.3	<p>The Applicant requests the Employer to amend the heading of the clause as "Mechanized / Manual Laying of P-Way" instead of "Mechanized Laying of P-Way".</p> <p>Applicant also requests the Employer to incorporate additional para after 2nd para that " OR The Contractor has to do laying and linking of track by manual method as prevalent on Indian Railways."</p> <p>Please confirm the same.</p>	Not agreed.
28	Section II - Prequalification Data Sheet	Page 19 of 48 Clause ITA 11.1(d)	<p>The Applicant understands regarding key construction equipment required for the project: "Equipment: Fixed equipment as crawler crane of suitable capacity & Mobile equipment as Hydra, Loader. Backhoe, Tripper. Trailer. Compactor of suitable capacity for track laying work. Flash butt welding machines.</p> <p>Further you are requested to appreciate that entering into a lease agreement, if required, at this stage will not be possible as such agreement will be guided by the commercial & technical parameter of the main tender/ agreement with Railway's. However to demonstrate access to key equipment, design software, if required, we undertake to attach with our Prequalification Submission 'Letters of Association' or 'Letters of Agreement ' to supply the above. Kindly approved & amend the clause accordingly.</p>	Kindly refer and comply PDS ITA Clause 11.1 (d).
29	Section III - Qualification Criteria and Requirements	Page 25 of 48. General Design Experience 3.2	Applicant requests the Employer to consider any Design Consultant or Design Sub Consultant having requisite experience criteria, whether or not included in the list of Design Consultants published in website of DFCCIL.	Please refer and comply Section III – Clause 3.2 - qualification criteria & requirement.
30	Section 1- ITA F. Evaluation of Applications and Prequalificati on of Applicants	Page 14 of 48. Prequalification of Applicants / Clause 27.1	<p>As per clause - "All applicants whose applications have met or exceeded ("passed") the specified threshold requirements will, to the exclusion of all others, be pre-qualified by the Employer."</p> <p>Applicant understand that the "Threshold Criteria's" are only those mentioned vide page no 24 & 25 of 48. Please confirm.</p>	Yes.
31	Section V- Project Information and scope of	DFCCIL Intents to commission the aforesaid section.	Whether the formation is ready for the entire stretch?	Desired information has already been given in PQ document – Sec. V.

	work 2.1 (P.No.40)			
32	-do- 3 (P.No.40)	Salient features of the Project	There are 3 major bridges. What type and span of bridges are there? What type of sleepers are to be provided on these bridges?	The bridges are ballasted deck type so normal main line concrete sleepers of 25 Tonne for bridges will be required.
33			Kindly indicate the likely date of completion of Earthwork information, bridges & Ballasting, after which the work of tender under reference would be taken up.	Not relevant at this stage.
34			Under "NCB" title No. mention in various forms; what no. is to be give if the firm/bidder is Co. from India only.	The IFP no. HQ/EN/EC/Track/NKWD-DGO is the NCB No.
35	PQ Doc	10 Language of Application Page No. 11 of 48	Please clarify if sworn translation plus The Hague Apostille is valid or stamp of embassy of Origin is also required is also required on translation of documents.	Pl. refer & comply Sec.I - Para 10.1 (ITA).
36	II 20 of 48 Cl. 17.1	The deadline for application submission is : Date : 6.1.2012 (Friday) Time : 1500 Hrs.	We kind request you to reconsider extending application date to 15 th of Jan. as in our country there is public holidays all through Dec., and Jan., and we cannot get our sworn translations and legalization of documents carried out in time for request for proposals.	Date of Submission/Opening of PQ postponed to 16.1.2012.
37	1.0 General 23 of 48 (5)	In support of Form FIN 2.1 (Section IV) against eligibility criteria 2.1 the applicants must submit •	<ul style="list-style-type: none"> • Certificate from client showing the details of payment received in a particular financial year and/or • TDS certificate / the audited balance sheet clearly indicating the contractual amount received. <p>We want to confirm with DFCC if Audited Balance Sheet indicating contractual amount received will be sufficient as in Spain we do not have TDS certificate.</p>	Pl. refer and comply Section III clause 1.0 (5).
38	PQ Doc. 11 of 48 10. Language of Application		The PQ applications as well as all correspondence and documents relating to PQ by the applicant and the Employer, shall be written in English Supporting documents and printed literature that are part of the application may be in another language provided they are accompanied by an accurate translation of the relevant pages in English as certified by the Embassy/ High commission/ Consulate of Indian origin of the bidder or the Embassy/ High	Pl. refer and comply Para 10.1 Sec. I (ITA).

			<p>Commission/ Consulate of the country of origin of the applicant in India. For the purpose of interpretation and evaluation of the bid, translation certified by Embassy/ High commission/ consulate shall prevail.</p> <p>Please clarify if sworn translation plus. The Hague apostille is valid or stamp of Embassy of Origin is also required on translation of documents.</p>	
39	Section-3 General Clause 5 (P. No.23 of 46)	Requires that in support of FIN 2.1, the applicant shall submit certificate from client and/or TDS certificate or audited Balance sheet.	<p>It is submitted that the audited Balance Sheet would not be available for current year at this stage. Even TDS certificate are not received in all cases. It is also difficult to obtain certificates from a large number of clients for part completed works.</p> <p>The current year, the certification requirement should be waived or relaxed. The details of the previous three completed years of course, shall be furnished as required.</p>	Pl. refer and comply Section III, Clause 1.0 (5).
40		Clause No.3.1(a) (P.No.24)	Kindly clarify whether the civil work of Metro Projects shall also be considered in the eligibility criteria apart from Railways, highways, Expressway, Seaport, Airports for a minimum value of 36 Crs.	Pl. refer Amendment/ Corrigendum No. 1 dated 23.12.2011.
41		<p>Joint Venture Company bidding for the work shall have to be registered with the Registrar of Companies – which would imply formation of a new company altogether. It was also stated that, in this respect, Railway Board’s instruction will be followed :</p> <p>It is seen from the recent instruction by</p>	<p>“On issue of LOA (Letter of Acceptance), an agreement among the members of the JV firm (to whom the work has been awarded) shall be executed and got registered before the Registrar of the Companies under Companies Act or before the Registrar/Sub-registrar under the registrar Act, 1908. This JV agreement shall be submitted by the JV firm to the Railways before signing the contract agreement for the work. In case the tenderer fails to observe/comply with this stipulation, the full Earnest Money Deposit (EMD) shall be forfeited and other penal actions due shall be taken against partners of the JV and the JV. This joint venture agreement shall have, inter-alia, following clause :</p> <p>This would mean that Joint Venture Company bidding for the work may either be registered before the ROC or Agreement between the members of the JV firm could be registered before the Registrar/Sub-registrar under the Registration Act, 1908. This</p>	Kindly refer and comply Section –II PDS Clause ITA-4.1

		Railway Board under letter No. 2002/ CE-3/CT/37 dated 7.9.2011 that the clause 65.12 of the revised GCC would read as follows :	was not clear during he pre-bid meeting discussion.	
42	Cl. No. 3.1(a) Pg. 24		<p>The applicant/JV firm or Lead Member of the JV firm must have satisfactorily completed in the last three previous financial years and the current financial year up to the date of submission of application one single civil work of Railways, Highways, expressway, sea port, air-ports for a minimum value of Rs. 36 cr.</p> <p>Kindly clarify whether the civil work of Metro Projects shall also be considered in the eligibility criteria apart from Railways, Highway, Expressway, Seaport, Airports for a minimum value of 36 Crs.</p>	Pl. refer Amendment/ Corrigendum No. 1 dated 23.12.2011.
43	3.1 (a)	General Construction Experience	<p>We suggest the modification in the clause 3.1 a for your kind consideration as :</p> <p>The Applicant/JV firm or Lead/ any Member of the JV Firm must have satisfactorily completed physically executed, in the last three previous financial years and the current financial year upto the date of submission of application one single civil work of Power, Railway Highway, expressway, seaport, airports, for a minimum value of Rs. 36cr.</p> <p>Also the clause 3.1(a) should be met by either party to the JV and not specifically the Lead Member as per the annexed guidelines of the Railway Board vide its letter No. 2002/CE-1/CT/37 of 2.9.2008 (Ann. 4)</p>	Not Agreed .

Note : All prospective applicants are advised to see the DFCC website www.dfcc.in & www.dfccil.org before submitting their PQ application to check for any amendments/corrigendum issued in regard to the aforesaid Prequalification.