

Response of DFCCIL to queries raised by various firms during Pre-submission Conference for prequalification of bidders for Sone Bridge PQ held on 09.10.2012.

Ref: PQ (IFP) No. HQ/EN/EC/Sone Bridge dated 07.09.2012

SN.	Section/Clause	QUERY	Clarification
1		<p>In case of joint venture between a foreign companies having its registered office under Companies Act., 1956 in India can be as a lead member?</p> <p>If yes, then whether this Indian Company, a wholly owned subsidiary of its parent company registered in foreign country, can use the qualifications of its parent company.</p>	<p>Refer ITA 4.1 (iv) Section- II pg. 15 of PQ Document which clearly stipulates that</p> <p>“In case of JV firm with foreign member(s), the lead member has to be an Indian firm with a minimum share of 51%”</p> <p>No. Credentials of only JV partner as per provision mentioned in PQ document will be considered.</p>
2		<p>In case of Joint venture with foreign companies having its registered office under Company Act., 1956 in India (a wholly owned subsidiary of its parent company registered in foreign country) as other member can use the qualification of its parent company.</p>	<p>No. Credentials of only JV partner as per provision mentioned in PQ document will be considered.</p>
3		<p>The length of one bridge/viaduct/flyover/elevated Metro viaduct- 1000 metre or more (excluding the length of approach embankment”.</p> <p>We note that the number of track/lanes is not specified in the above criteria and generally it is for a single track (Railway Bridge) or two lanes (Road Bridge).</p> <p>We wish to submit that for similar Bridge works of Deptt. like RVNL credit for multiple tracks/multilane is always given. The credit of one span length is given for every two lanes. We enclose the copy of the Qualification criteria of RVNL for your ready reference.</p> <p>We request you to kindly consider giving credit for multilane for calculating the length of the bridge, as is being followed and allowed by many Govt. Deptt. and Railways.</p>	<p>Proposed modification not agreed to.</p> <p><i>(Expl. Giving credit to multi-lane for arriving at the length of bridge work may complicate technical evaluation as some times no. of lanes etc. may not be clearly mentioned in the description of work. In any case the credit of doing multilane will be reflected indirectly in the cost of work).</i></p>
4.		<p>Clause 2 Section III - Sub clause 2.1 – Financial Eligibility criteria -            “The contractual payments/(Construction only)/received by the applicant/JV firm or the arithmetic sum of contractual payments (construction only) received by all the member of the JV firm in the previous three financial year up to the date of</p>	<p>It is clear from the clause that sum specified i.e. Rs. 775 crores is arithmetical sum of all the contractual payment</p>

		<p>submission of application shall be at least Rs. 775 crores.”</p> <p><b>Query :</b> Please clarify whether Rs. 775 crores is the sum of all payment received by a single Applicant in last 3 years or is it the payment received by a single applicant in each year of last 3 years.</p>	<p>(construction only) received by all the member of the JV firm in the previous three financial year and current financial year upto the date of submission of application.</p>
5.		<p>Clause 3.1 (a) PQ criteria is single work having value Rs. 180 crores or more excluding cost of approaches. But as per NIT of Tender work consist of approaches also. It is, therefore, requested that the PQ criteria may please be modified as single bridge work having value Rs.180 crores or more including cost of approaches.</p>	<p>Not agreed.</p> <p><i>(Expl. As the approach cost is very small as compared to the overall Bridge cost hence approaches not included in the eligibility criteria)</i></p>
6.		<p>Para 3.1 (ii) States : If any member of JV firm meet with the requirement in one or more components of the work and resultantly all members of the JV collectively, then meet the prescribed Technical eligibility criteria required as stated in (ii) above the JV shall stands technically qualified.</p> <p><b>Query :</b> As per the note even if the work components given in 3.1(ii) are executed by a member other than the lead member. The JV stands qualified. Kindly confirm.</p>	<p>Para 3.1(ii) NOTE, clearly states that all members of JV collectively can meet the “prescribed technical eligibility criteria” stated in 3.1 (ii)</p> <p>The “prescribed technical eligibility criteria” in Para 3.1(ii) again makes it mandatory that :</p> <p>“The member satisfying technical eligibility criteria for the work mentioned in (a) below shall be the Lead Member and shall have a majority (atleast 51%) share of interest in a JV firm.”</p> <p>So lead member must meet the requirement as stated in 3.1 (ii)(a).</p>
7.	ITA 25.1	<p>The financial performance and Experience of Associates, parent companies or sister companies shall not be considered unless they are part of JV.</p> <p><b>QUERY :</b> Can we form JV without 100% Indian Subsidiary company (Sanjose India Infrastructure &amp; Construction Pvt Ltd. ) then JV can use the credential of</p>	<p>The provisions of the clause are clear.</p> <p>Provision of PQ document shall prevail.</p>

		Constructora Sanjose (As Sanjose India has no credentials)., please confirm.	
8.	Section –III Clause 2.0 Sub Clause 2.1	<p>Financial Criteria :</p> <p>The contractual payments (construction only) received by the applicant/JV firm or the arithmetic sum of contractual payments (construction only) received by all the members of the JV firm in the previous three financial years and the current financial year up to the date of submission of application shall be at least Rs. 775 cr. (Rs. Seven hundred and Seventy five crores)</p> <p><b>Query :</b> Please confirm whether the combine score of JV will be considered (one member can give 100 % and other member 0%).</p>	<p>The provisions of the clause are clear.</p> <p>Provision of PQ document shall prevail.</p>
9.	Section –III Clause 2.0 Sub Clause 3.1	<p>Technical Eligibility criteria :</p> <p>The applicant JV firm or lead member of JV firm must have satisfactorily completed at least one single work of construction of one bridge/viaduct/flyover/elevated metro via duct with PSC super-structure, sub-structure and with pile/well foundation in last five previous financial years and the current financial year upto the date of submission of application, of</p> <p>a) Value Rs.180 crore (Rs. One hundred eighty crores) or more (excluding cost of approach embankment), or</p> <p>b) Length of 1000 metre or more (excluding length of approach embankment).</p> <p><b>Query :</b> Please confirm whether the combined score of JV will be considered (One member can give 100% and other member 0%).</p>	<p>The provisions of the clause are clear.</p> <p>Provision of PQ document shall prevail.</p>
10.	Section –III Clause 2.0 Sub Clause 3.2	<p>The applicant /JV firm or any Member of JV firm or specialised sub-contractor must have satisfactorily completed design of -</p> <p>i) a) Well foundation of Dia not less than 6 metre, <b>or</b> b) Pile foundation of Dia not less than 1 metre for cumulative length of 500 metre or more for bridges/ Via-Duct/ flyover/ elevated metro via- duct of not less than 18 metre span <b>and</b></p> <p>ii) Should have designed PSC super structure for cumulative length of 500 metre or more for Bridges/ Via-duct/ flyover/ elevated metro via duct, of not less than 18 metre span.</p> <p>In last 5 (five) previous financial years and the current financial year upto the date of submission of application.</p> <p><b>Query :</b> We have completed the Highway/Bridge works involving Pile foundations and PSC super structure on EPC basis by engaging consultants for design of Super Structure, Please confirm whether we will qualify under this clause on our own or</p>	<p>The firm must have completed the design of their own, or the Designer can be a sub-contractor satisfying the eligibility criteria mentioned in Clause 2.0 of Section –III.</p>

		we are required to propose specialist sub-contractor for the design purpose.	
11.		<p>Completion certificate from Govt. Organization/PSUs/Public Limited Company(s) only will be accepted. The certificate from Private individual/Private Company for whom such works are executed shall not be accepted. In case, the work is executed for Public Limited Company, copy of work order, Bill of Quantity, TDS certificate for all payments received and copy of final/last bill paid by client shall be submitted.</p> <p><b>Query :</b> In BOT Projects awarded by NHAI and other Govt. Authorities, the works will be executed by EPC contractor under the “SPV” incorporated specifically for the project. In that scenario the project details will be certified by NHAI and the payment details will be certified by Auditor for the BOT Experience and SPV for EPC Contractor.</p> <p>We request you to consider the certificate issued by the above individual authorities.</p>	Provision of PQ document shall prevail.
12		<p>As per clause 1.0 General (2) section III : Qualification Criteria and Requirement it is stated that an applicant can tie up with only one specialist sub contractor for a similar activity, however, the Clause 4.5 at page no. 8 stated that a sub contractor can participate in one or more application but only in that capacity. We further understand from these clauses:</p> <p>That applicant can tie up with only one specialist sub-contractor, however, the specialist sub contractor is free to tie up with more than one applicant. In case of design consultants, as we all know, there are very less number of consultants than the number of applicants meeting the given qualifying criteria. This will lead to a scenario, where, there will be one design consultant over more than one prequalified applicant. This will give an upper edge to the consultant to choose the applicant as per its choice at the time of bid stage, which would eventually be based upon the financial terms. This again leads to a scenario, where, the applicant may not have a control over the cost and which in-turn will affect the cost competitiveness of the project.</p>	Pl. refer addendum 1.

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