

Sub.: DFCCIL response to PQ Queries received from prospective bidders in response to PQ document for system contract Bhaupur – Khurja (Contract Package 104) ICB No. HQ/SYS/EC/D-B/Bhaupur – Khurja.

PQ for lot 104 was issued on 17.07.2012 and pre submission conference was held on 09.08.2012. Reply to queries raised by prospective bidders is as appended below:

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
1	<b>Eligibility and Qualification Criteria - Specific Construction &amp; Contract Management Experience {4.2 (a) (i)}</b>	(b)Above contract(s) should include:  (i) Signaling work on Railway/Metro/Suburb on rail transit system for a minimum value of US\$ 20 million in a single contract.	1.Reduce the values required for Signaling to 10 million in place of 20 million.  2.Kindly allow using the integrated projects (package including OHE, Signaling work, Track works, Substation work, etc.) in which the specific breakup of the cost of Signaling work is mentioned. <b>Justification by Applicant:</b>  1. Such large Signaling works have never been awarded by Indian railways and hence never executed by any contractor. 2. Such large bulk of order has been awarded in Delhi Metro Phase-I only and executed only by 1 or 2 contractors. 3. To keep moderate competition and allow Indian companies to bid on their own, it is requested to reduce the value required for Pre-qualification.	Qualification criteria for prequalifying prospective bidders as included in PQ document considered adequate for the subject International Competitive Bidding. Hence, requested change in qualification criteria is NOT AGREED.  Use of integrated projects is admissible as per PQ document.
2	<b>Eligibility and Qualification Criteria- Specific Construction &amp;</b>	(b)Above contract(s) should include:  (ii)Overhead Equipment (25 kV /	a. Reduce the values required for Overhead Equipment (25 kV / 2x25 kV) to 10	Please refer reply to query against item no. 1.

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	<b>Contract Management Experience {4.2 (a) (i)}</b>	2x25 kV) work on Railway/Metro/Suburb an rail transit system for a minimum value of US\$ 20 million in a single contract.	<p>million in place of 20 million.</p> <p>Or</p> <p>b. Allow to use the contract value (cost of electrification) along with the nominal cost of the supplies (cost of cables, catenaries, etc. which are generally supplied by Indian Railways)</p> <p>Or</p> <p>c. Include the work done in transmission lines and divide the percentage to 50% each for OHE and transmission line (OHE works being mandatory)</p> <p>Or</p> <p>d. Prescribe the requirement in terms of KM in-place of value (say 100Km in any one contract).</p> <p>1. Kindly allow to use credentials of the integrated projects (including OHE, Signaling work, Track works, Substation work, etc.) in which the specific breakup of the cost of OHE is mentioned.</p> <p><b>Justification by Applicant:</b></p> <p>1. In current scenario in all of the projects the supplies (including catenaries Contact wire, cable, transformers, etc.) are directly procured by Indian Railways &amp; issued as free issue material to</p>	

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			<p>contractor and only the Installation work is contracted.</p> <p>This leads to lower value of the projects even for larger sections of length of 100 to 200 Km. So it would be difficult to have a single contract of the order value of 20million.</p> <p>2. As the resources required in power transmission projects and OHE projects are similar in nature.</p> <p>3. The actual scale of projects and the resources required will largely depend upon the length of the section (in Km) to be electrified. The contractor who has executed the project including OHE for more than 100 Km in a single contract can easily handle projects of intended scale.</p> <p>4. RVNL &amp; CORE generally award contracts in integrated manner, which include OHE, Signaling work, Track works, Substation work, etc. as a single package.</p>	
3	-	-	<p>1. We are considering participation in this Bid as a Joint Venture with South Korea government-owned entity. Is it eligible if government-owned entity, who has initiated, supervised and executed so many similar projects as a "Project Employer", not as a "Contractor"</p>	<p>Section 1 Instruction to applicants Para 4 deals with eligible applicants. Provision of PQ document shall prevail.</p>

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			participates in the bid?	
4	-	-	2. If possible, how can the entity testify its track records? Are self-made certificates allowable?	Please refer the relevant Provision of PQ document.
5	Section 3, Eligibility and Qualification Criteria 4.2 (a)(i)	<p>Satisfactorily and substantially completed works as a prime contractor, joint venture members, management contractor or subcontractor between 1st January 2005 and application submission deadline:</p> <p>(a) Less than or equal to 5 contracts totalling to value equal to or more than US\$200 million for works similar to present scope of work as given in Section-VII</p> <p>(b) Above contract(s) should include:</p> <p>(i) Signalling work on Railway/Metro/Suburb an rail transit system for a minimum value of US\$ 20 million in a single contract.</p> <p>(ii) Overhead Equipment (25 kV / 2x25 kV) work on Railway/Metro/Suburb an rail transit system for a minimum value of US\$ 20 million in a single contract.</p> <p>(iii) Traction Substation / Grid Substation (110 kV or above) work for a minimum value of US\$</p>	<p>We request you to amend the clause as follows :</p> <p>Satisfactorily and substantially completed works as a prime contractor, joint venture members, management contractor or subcontractor between 1st January 2005 and application submission deadline:</p> <p>(a) Less than or equal to 5 contracts totalling to value equal to or more than US\$150 million for works similar to present scope of work as given in Section-VII</p> <p>OR</p> <p>Less than or equal to 6 contracts totaling to value equal to or more than US\$200 million for works similar to present scope of work as given in Section-VI'</p> <p>(b) Above contract(s) should include:</p> <p>(i) Signalling work on Railway/Metro/ Suburban rail transit system for a minimum value of US\$ 15 million in a single contract or multiple contracts of US\$ 20 million with atleast one work of US\$ 15 million.</p> <p>(ii) Overhead Equipment</p>	<p>Qualification criteria for prequalifying prospective bidders as included in PQ document considered adequate for the subject International Competitive Bidding. Hence, requested change in qualification criteria is NOT AGREED.</p>

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		20 million in a single contract.	<p>(25 kV / 2x25 kV) work on Railway/Metro/Suburban rail transit system for a minimum value of US\$ 15 million in a single contract or multiple contracts of US\$ 20 million with atleast one work of US\$ 15 million.</p> <p>(iii)Traction Substation / Grid Substation (110 kV or above) work for a minimum value of US\$ 15 million in a single contract or multiple contracts of US\$ 20 million with atleast one work of US\$ 15 million.</p>	
6	(b) (ii) of 4.2 (a) (i) under Section III, Qualification Criteria and requirements	Overhead Equipment (25 kV / 2x25 kV) work on Railway/Metro/Suburban rail transit system for a minimum value of US\$ 20 million in a single contract.	<p>Any OHE Tender floated by Indian Railways has a maximum contract value of INR 20 Crores to 30 Crores as all the main equipments like Traction Transformers, Isolators, Circuit Breakers, Interrupters, Isolators, Copper Catenary Wires, Copper Contact Wires, Steel Structures are supplied by Indian Railways. The contractor has to supply only the balance small items which does not cost much. As such it is very difficult to have a minimum single contract value of US\$ 20 million.</p> <p>As such you are requested to kindly include Transmission / Distribution Line work also as the same is included in many World Bank Aided Indian Railway (Rail Vikas Nigam Limited) Tenders. The experience may be amended as follows: Overhead Equipment (25 kV / 2x25 kV) work on</p>	Qualification criteria for prequalifying prospective bidders as included in PQ document considered adequate for the subject International Competitive Bidding. Hence, requested change in qualification criteria is NOT AGREED.

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			Railway/ Metro/Suburban rail transit system <b>or transmission/distribution line work of voltage equal to or more than 25 KV</b> for a minimum value of US \$ 20 million in a single contract.	
7	(b) (iii) of 4.2 (a) (i) under Section III, Qualification Criteria and requirements	Traction sub-station/Grid station (110 kV or above) work for a minimum value of US\$ 20 million in a single contract.	Any single 132 KV Sub-station Works has a maximum contract value of 25 to 30 Crores and any single 400 KV Sub-station Works of Power Grid has a maximum contract value of 70 to 80 Crores. We are attaching herewith a recently floated World Bank Aided Tender of HVPNL, Panchkula for construction of 220 KV and 132 KV Substation. In the pre-qualification requirement the least value of contract specified is INR 28.43 Crores (copy attached) <b><u>As such you are requested to kindly reduce the requirement of minimum value of USS 20 million to US\$ 5 million in a single contract.</u></b>	Qualification criteria for prequalifying prospective bidders as included in PQ document considered adequate for the subject International Competitive Bidding. Hence, requested change in qualification criteria is NOT AGREED.
8	ITA 17.1 of Prequalification Data Sheet, Section II	The deadline for application submission is: <b>Date:</b> 7th September 2012 <b>Time:</b> 15.00 Hours	All the Companies having the experience are Internationally based. We are in touch with few of them and exploring the possibility to form a JV / Consortium as per the tender requirement. These Companies need some more time before accepting our proposal. <b><u>As such we request you to kindly extend the Application Submission due date by at least 6 weeks from the date of</u></b>	<b>Please refer Addendum No. 5.</b>

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			<u>issuance of clarifications/ addendums by DFCC on the queries raised by the prospective bidders.</u>	
9	Section I: Instructions to Applicants] >[4, Eligible Applicants] > [4.2]	An Applicant may be a firm that is a private entity, a government-owned entity- subject to ITA 4.9 - or a combination of such entities in the for,™ of a joint venture CJV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent.	Can the proposed JV be an 'unincorporated JV'?	Please refer Section I Instruction to applicant Para 4 i.e. Eligible Applicants. Provision of PQ Document shall prevail.
10	Section I: Instructions to Applicants Sub Clause 25. - Evaluation of Applications Sub Clause 25.2	Applicants planning to subcontract more than 10% of total volume of work shall specify, in the Application Submission Form, the activity (ies) or parts of the works to be subcontracted along with complete details of the sub-contractors and their qualification and experience. The subcontractors proposed shall be fully qualified for their work proposed, and meet the specified criteria in Section III, failing which such sub-contractors will not be permitted to participate. The qualification and experience of sub-contractors proposed by the Applicant under ITA 24.3 will not be considered for evaluation of the Applicant. The Applicant on its own (without taking into	Not very clear.  Section: II; PDS, mentions that maximum percentage of sub-contracting permitted is 30 (thirty) % of the total value of the contract.  Will the credential (qualification & experience) of sub-contractors be valid for up to 30% of the total contract value?	As per ITA 24.3 of the PDS, maximum percentage of sub-contracting permitted is 30% of the total value of contract excluding the value of sub-contracting permitted by the Employer for specialized works (SCADA, TMS, Telecom, Design) under ITA 24.2 with qualifying criteria in Para 4.2 (a) (ii) Section III.  As per ITA 25.2 and ITA 25.4, qualification and experience of sub-contractors shall not be considered for evaluation of the applicant other than specialized sub-contractors permitted by the Employer who will be evaluated as per ITA 24.2, ITA 25.2 and Para 4.2 (a) (ii) Section III.  For further clarifications please refer <b>Addendum No. 5</b>

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		account the qualification and experience of the Sub-contractor) should meet the prequalification criteria.		
11	Section I: Instructions to Applicants Sub Clause 25. - Evaluation of Applications Sub Clause 25.4	Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.2 (or participating as a subcontractor as per ITA 25.2) shall not be considered	Request that while computing the technical and financial capacity of the applicant, the technical and financial capacity of their associate should also be eligible. Definition of associate with respect to the applicant: some who directly/indirectly controls, or are controlled by, or are under common control.	Provision of Sub Clause 25.4 of ITA is amply clear on this issue. Provision of PQ document shall prevail.
12	Section III: Qualification Criteria and Requirements Item 3. Financial Situation and Performance Item 3.1 Financial Capabilities	(i) The Applicant shall demonstrate that It has access to (or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means {Independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as US\$ 30 (thirty) million for the subject contract net of the Applicants other commitments. All Parties combined: Must meet requirement. Each Member: Must meet 20% of the requirement. One Member: Must meet 40% of the requirement	One Member: 40% Each Member: 20% How Is this possible with a JV of 5 members?	As per Section II ITA 4.2 maximum number of partners in the JV shall be 5 (five). In section III Eligibility and Qualification criteria sub item 3.1 Compliance Requirement as indicated against each member/ one member are minimum requirement as per PQ document. Provision of PQ document shall prevail.



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13	Section III: Qualification Criteria and Requirements Item 3. Financial Situation and Performance sub item 3.2 Average Annual Construction Turnover	Minimum average annual construction turnover of US \$135 (one hundred thirty five) million, calculated as total certified payments received for contracts in progress and / or completed within the fast 5 (five) years, divided by five. All Parties combined: Must meet requirement. Each Member: Must meet 20% of the requirement. One Member: Must meet 40% of the requirement	One Member: 40% Each Member: 20% How is this possible with a JV of 5 members?	Please refer reply to query no. 12.
14	Section III - Qualification Criteria Requirements item 4. Experience sub item 4.2 (a) (i) Specific Construction & Contract Management Experience	Less than or equal to 5 contracts totalling to value equal to or more than US\$200 million for works similar to present scope of work as given in Section-VII (b) Above contract(s) should include: (i) Signalling work on Railway/Metro/Suburb an rail transit system for a minimum value of US\$ 20 million in a single contract.	All parties combined must meet the requirement.	Provision of Section III Qualification Criteria and Requirements as included in PQ document shall prevail.
15	Section III - Qualification Criteria Requirements item 4. Experience sub item 4.2 (b) (iii)	Supply, installation, testing, commissioning and system integration of indoor and outdoor signaling works with electronic interlocking, DAC/ AFTC based track vacancy detection, power supply arrangement electrical point operation and track side signals for	All parties combined (for a JV) must meet the requirement.	Provision of Section III Qualification Criteria and Requirements as included in PQ document shall prevail.

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		minimum of seven crossing stations on Railway / Metro Railway / suburban rail transit system.		
16	Section 1 : Instruction to Applicants ITA 4	Kindly refer to Clause 4.2 of Instruction to Applicants and footnote on Page 13.  Clause 4.2 talks about JV with jointly and severally liable for the execution of the contract which gives depiction of the open consortium. Moreover, footnote on Page 13 talks about <u>JV registered in the country of the Borrower.</u>	We understand, registered JV means <u>registration</u> of JV agreement/Contract/Deed (existing or intended) with the Sub-Registrar by paying appropriate stamp duty and not <u>incorporation</u> of the JV. Therefore, in the given scenario we assume nomenclature Joint Venture ("JV") referred in the document connote Un-incorporated JV i.e. open consortium (Consortium Agreement registered with the Sub-Registrar) between more than one party. Please clarify the same.	Footnote at Page 13 of PQ document deals with definition of 'Domestic Bidders' Regarding eligibility of applicants please refer to reply to query no. 9.
17	Section I : Instruction to Applicants ITA 25.3		Evaluation criteria as per ITA 25.3 is unclear and not consistent with technical eligibility criteria as per Section III, 4.2 (a).  Kindly explain the Applicability as per ITA 25.3 for present scope of works.  We understand that actual value of contracts satisfying the minimum value criteria will be totaled to assess the minimum aggregate of USD 200 Million for similar works.	Section I Instruction to Applicants para 25.3 a is applicable in this case i.e. pre qualification for one contract. Para 25.3b Pre qualification for Multiple Contracts is not applicable in this case.
18	Section III- Qualification Criteria &		Conventionally, OCC is\ Railway Electrification is designed for	Qualification criteria for prequalifying prospective bidders as included in PQ

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	Requirements; S. No 4.2 (a)(ii)		approximately 15 number RTU's in the corridor.  Please review the criteria for credentials of SCADA for traction application with minimum 15 RTU's on the corridor.	document considered adequate for the subject International Competitive Bidding. Hence, requested change in qualification criteria is NOT AGREED
19	-		In case the main JV partners themselves fulfilled the Eligibility criteria, can they select and decide on the Sub Contractors and Consultants after the award of contract?	Sub contracting after the award of the contract will be governed as per provision of the bidding document.
20	4.1, 4.4, 25.4 with Section III (Pg. No. 6, 16)	Refers to "Applicant" include all entities involved or intended to be involved with the proposed Works (including all partners and any of their affiliates that directly or indirectly control, or are controlled by or are under common control with the firm), specialized sub-contractors, consultants, manufacturers or suppliers (as mentioned in Form EL1-1.2 Applicant's Party Information Form), and the personnel of each, for any part of the contract including related services.	Kindly clarify whether the referred Articles read together would mean that an Indian Company which is a subsidiary/affiliate of a firm which satisfies the eligibility criteria can be a part of a Joint Venture to Bid and use credentials of parent to qualify, as both are part of same Joint Venture. In such case, Section III which provides for the criteria to be met by each member can be met and qualified by its parent/Affiliate/controlling company.	Provision of ITA 25.4 is amply clear, it specifies "only the qualification of the applicant shall be considered. In particular the qualification of a parent or other affiliated country that is not a party to the applicant under a JV in accordance with ITA 4.2 ( or participated as a sub contractor as per ITA 25.2) shall not be considered. "  Section III Qualification Criteria and Requirements indicate Compliance requirement for applicants for single entity/ joint ventures and provision of PQ document shall prevail.
21	4.2 read with Form ELI-1.1 (Pg. No. 6)	In the form of joint venture (JV) under an existing agreement or with an intent to enter into such an agreement supported by letter of intent.	Kindly clarify whether the Joint Venture would have to be incorporated or an unincorporated joint venture. Kindly clarify, is it possible to bid as a unincorporated consortium.  Kindly confirm whether the consortium/joint	Please refer reply to query no. 9.

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			venture can be registered in any country or is it necessary to register in India?	Please refer ITA 4.5.
22	ITA 24.2 and 25.2 (Pg. No. 13)	Evaluation of experience	Clause 24.2 provides that when sub-contracting is permitted by the Employer, the specialized subcontractors experience shall be considered for evaluation whereas Clause 25.2 provides that the qualification and experience of sub-contractors proposed by the Applicant under ITA 24.3 will not be considered for evaluation of the Applicant. These clauses appear to be in contradiction. Kindly clarify whether the experience of the sub-contractors will be considered for evaluation of the Applicant.	Please refer reply to query no. 10.
23	Section IV, (Page 4) Form ELI 1.1	Copies of Beneficial Ownership to be attached	<p>Please confirm that beneficial ownership is referred to the immediate shareholders of the company and further beneficial ownership breakup need not be provided.</p> <p>Please also confirm that beneficial ownership, in case of a Joint Stock Company listed on the Stock Exchange Market, shall refer to the immediate shareholders as resulting at the moments of the relevant declaration.</p>	<p>Beneficial ownership details that need to be attached with Form ELI 1.1 should include immediate ownership as well as further ownership.</p> <p>In case of a Joint Stock company listed on the Stock Exchange Market, beneficial ownership details that need to be attached with Form ELI 1.1 should include both immediate ownership as well as further ownership.</p>
24	ITA 4.4 (Page 6)	If pre-qualified only one pre-qualified applicant will be allowed to bid for the same contract. All bids	If an Applicant for the PQ is a JV to be established among a firm and one (or more) of its affiliates and other firms (not belonging	Only those firms belonging to the same group can be part of an applicant who are part of the JV and thus are jointly and

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		submitted in violation of this procedure will be rejected.	to the group) within the limit of 5 firms, Kindly confirm that, if pre-qualified, all the firms belonging to the same group can bid for the same contract in the pre-qualified JV.	severally liable for the contract.
25	Section 1 ITA 4.4		Please confirm our understanding of ITA 4.4 that an Indian Affiliate as a JV partner or subcontractor can produce credentials of its parent, associate, sister companies to fulfill the financial, and technical requirements as mentioned in SECTION-III.	Please refer reply to query no. 20.
26	ITA 4.3		There are very few companies which would possess stipulated experience in both OHE and Signalling and hence individual participation as per ITA 4.3 would be rare . Therefore, for the purposes of pre-qualification, can a company apply individually for prequalification as a signalling partner and form JV with a OHE partner after qualification phase? This will ensure that the all eligible signalling companies are included in the bidding process who might otherwise get eliminated due to deficiencies of the JV partner.	Not agreed. Provision of PQ document shall prevail.
27	Section III, (Page 8) 4.2(a) ii	Must meet requirement for one contract (Requirement can be met through a specialized sub-contractor)	Please confirm our understanding that there is no criteria of minimum contract value for selection of specialized subcontractors.	Provisions of the prequalification document shall prevail. Specialized Sub-contractors permitted by Employer as per ITA 24.2, shall meet Qualification criteria and requirements as per Para 4.2 (a) (ii) of section III of PQ document..

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			It is our considered view that dual detection (Axle counters and Track circuits) should be considered for this prestigious project. As is well known, AFTC has the added benefit of broken rail detection which could be relevant in this heavy haul line.	There is no criteria on minimum contract value for the selection of specialized subcontractors.  The Scope of work mentioned in this PQ document is only for the purpose of Prequalifying the applicants and detailed information regarding scope of work will be provided in the bidding document.
28	Section VII (Page 12)		Please confirm provision of Electronic Interlocking for all block sections.	Please refer para 9.3.3.(iii).
29			Please confirm if more than one eligible subcontractors can be proposed for each discipline	No, only one sub-contractor can be proposed for each specialized works to meet the criteria as per Para 4.2 (a)(ii) of Section III.
30	Section VII, (Page 10)		Dual detection (Axle counters and Track circuits) should be considered for this prestigious project due to well known, added benefit of AFTC on broken rail detection which could be relevant in this heavy haul line.	Please refer reply to query no. 27.
31	Section III, Clause - 4.2b	A minimum construction experience in any one year in the following key activities successfully completed	Does it mean one Calendar year	It means one Calendar Year as per Para 4.2 (b). <b>Please refer Addendum no.5</b>
32	Form 3.1, Clause 2	Specify sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments.	Is strictly necessary to get a bank declaration or if an auto declaration from applicant could be enough.	Self declaration of Source of finance in Form FIN – 3.1 (2) is sufficient.
33	ITA 17.1, 19.1 Section II, 2	Deadline for submission is : 07th	In view of holidays in Europe, we kindly request	<b>Please refer Addendum No. 5.</b>

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		September 2012	you to extend the bid submission by Six (06) Weeks.	
34			If a JV get disqualified due to deficiencies of one of the JV partners, can the other partner if meeting the qualification criteria can form JV/become specialized contractor to other successful JVs?	Provisions of prequalification document shall prevail. Change in constitution of a qualified JV is subject to ITA 30 of Section I.
35			Being a world bank project, does this project qualify for any tax benefits? If yes, kindly furnish details.	DFCC project being funded by the World Bank, qualifies for exemption from payment of custom duty and Excise duty on goods supplied/intended to be supplied to the project in terms of Government of India's Notification no. 84/97 – customs Dated 11.11.1997 and Central Excise Notification no . 108/95-C.E Dated 28.08.1995 (read along with all subsequent amendments including the amendment dt.01-03-2008) respectively.  However, the tax benefits will be clarified in the Bid Document to be issued to prequalified applicants.
36		JV/ Consortium participation	Please clarify, 1. If Indian Subsidiary of the foreign company can participate as one of the Consortium partner or Not???  2. Will it be necessary if The Indian Subsidiary should also meet all the Technical and Financial requirement as consortium member?  3. Indian subsidiary of a foreign company can use the credentials of the Parent foreign Company	Please refer reply to query no. 20.

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			<p>to participate as individual identity for this PQ bid ?</p> <p>We propose:</p> <p>4. As for implementation of 2*25 kV system project foreign countries technology is to be adopted , its therefore prudent to allow foreign company to be the lead partner with at least 51% Share in JV and consortium.</p> <p>5. The partner in a JV/ Consortium Maximum be 4, with minimum 15% share</p>	<p>4) and 5): Provision of PQ document shall prevail.</p>
37	4.2.a(i) Specific Construction & Contract Management Experience	<p><b>Qualification criteria for OHE works</b> Overhead Equipment (25 kV / 2x25 kV) work on Railway/Metro/Suburb an rail transit system for a minimum value of US\$ 20 million in a single contract.</p>	<p>We observe Minimum value of US\$ 20 million in a single contract is Too high</p> <p>We propose</p> <p>1. 20M\$ may be replaced by "20M\$ or Equivalent 125 TKM of 2*25 KV OHE works Experience Or 2. It may be relaxed to 15 M\$ in a single contract Or 3. It may be relaxed to 10 M\$ in Two contract.</p>	<p>Please refer reply to query no. 1.</p>
38		<p><b>Qualification criteria for OHE works</b> Overhead Equipment (25 kV / 2x25 kV) work on Railway/Metro/Suburb an rail transit system for a minimum value of US\$ 20 million in a single contract</p>	<p>We observe :</p> <p>1. Metro system is for axle load up to 19-20 tonne 2. DFCCIL will be designed at axle load up to 25 tonne 3. Metro is designed to stops at each 2 KM Apart, there is no Scope to attend even 60KMPH speed, 4. Metro system are not designed for haulage of 22</p>	<p>Provision of Section III Qualification Criteria and Requirements as included in PQ document shall prevail.</p>



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			<p>Passenger Coaches or Goods Train like Railways</p> <p>5. Allowing Metro Experience also is not compatible to Freight Corridor's requirement</p> <p>We propose: The Word "Metro" should be replaced by Inter City High speed Railway. Which will be more appropriate. Please Confirm.</p>	
39		<p><b>Qualification criteria for OHE works be 20M\$</b> Foot Note No.8 For Contracts under which the Applicant participated as a joint venture member or sub contractor, only the Applicant's share, by value, shall be considered to meet this requirement</p>	<p><b>We observe:</b> In a JV of more than one companies, The rolls and responsibility of partners are different and irrespective of their %age share in JV/consortium. Viz if one of the company's responsibility was to carry out particular activity more than its % share of participation, then restricting the credit to the %age participation for that company is not Justified.</p> <p><b>We propose:</b> 1. The work executed as a JV/ consortium Partner in JV should not be restricted to %age participation only. 2. It should be considered both in terms of actual Value &amp; Quantum of physical execution of particular activity by the JV partner company</p>	Provisions of Section III Qualification Criteria and Requirements as included in PQ document shall prevail.
40		<b>Signalling &amp; Telecommunication</b>	<p><b>We Observe :</b> 1. No Indian companies have credential of 20M\$. 2. There are only Two – Three foreign companies operating in India other</p>	Provisions of Section III Qualification Criteria and Requirements as included in PQ document shall prevail.

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			<p>than Siemens and Alstom, who possess this big Financial credential requirement.</p> <p><b>We propose:</b></p> <p>1. DFCCIL should allow the S&amp;T contractors be a Spl. Subcontractor of foreign origin along with their Indian S&amp;T nominated partner.</p> <p>2. Bidders may be allowed to select Two separate Spl. Subcontractor for Signalling &amp; Telecommunication, instead of one S&amp;T company.</p>	
41		<b>Financial credential parity</b>	<p><b>We observe:</b></p> <p>The credential to Match 20M\$, bidders will submit credentials spanning last 7 year w.e.f 2005.</p> <p><b>We propose:</b></p> <p>To bring the contract values at par as on 17.07.2012, the Contract Value as on 17.07.2012, shall be calculate by assuming 5% inflation for Indian Rupees and 2% for foreign currency portion every year.</p>	Provisions of Section III Qualification Criteria and Requirements as included in PQ document shall prevail.
42		<b>ITA 24.3 Maximum percentage of subcontracting permitted is 30(thirty) % of the total value of the contract.</b>	<p><b>PL. clarify</b></p> <p>1. Is it Max 30% for Each Activity?</p> <p>2. Is it applicable as 30% of share of each JV partner</p> <p>3. Will the bidders will be allowed to engage more than one sub contractor for 30% of the contract</p>	<p>1) and 2): As per ITA 24.3 of the PDS, maximum percentage of sub-contracting permitted is 30% of the total value of contract excluding the value of sub-contracting permitted by the Employer for specialized works (SCADA, TMS, Telecom, Design) under ITA 24.2 with qualifying criteria in Para 4.2 (a) (ii) Section III.</p> <p>3) The specified limit of 30% applies only to the total contract value and not to each activity under the contract (this</p>

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
			Value for each activity under this PQ.	amounts to vertical split which is not permitted). Applicant can propose only one sub contractor as per qualifying criteria in sub clause 4.2(a) (ii) section III. However, applicants may engage more than one subcontractor for non-specialized works under ITA 24.3, if so rationally required and need to specify the complete details of the subcontractors in the Applicant Submission Form if they are planning to subcontract more than 10% of total volume of work up to a limit of 30% as per ITA 24.3.
43		<b>Construction Equipments</b>	Please Clarify , if The Bidders has to Mobilize construction equipment of the own/ Then please specify, what are the construction Equipment required to be mobilized	Requirement for construction equipment will be provided in the Bidding Document.
44		<b>Time Extension</b>	As our European partners are on Holidays, we are finding it difficult to complete the documentation. We therefore request DFCCIL to consider \$46 weeks extension of Submission date and oblige.	<b>Please refer Addendum No.5.</b>
45			We kindly ask DFC to change the role of Signaling experience (design, supply, installation, testing and commissioning) in the Eligibility and Qualification Criteria. Currently all parties combined in the JV	Provisions of Section III Qualification Criteria and Requirements as included in PQ document shall prevail.

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
			must meet the different requirements given for this scope of work. Please, consider if those requirements could be meet by a specialized sub-contractors.	
46			Should applicants submit audited consolidated financial statements? The GROUP has several subsidiaries that are directly own and control. There are not sister or parents companies in our consolidated financial statements, only majority control owned companies	Section I ITA 4 deals with eligible applicants. Provision of PQ document shall prevail.
47			Could we submit just a normal copy (photocopy, Xerox) of the Clients' certificates which show our experience in the different key activities?	Client certificates need to be self attested by the Applicant.
48		Extension of Prequalification submission date for System Works Contract Package 104	<p>The submission date coincides with the holiday season in Europe. Since the critical resources and people required for the preparation of our response are not available during this period. Moreover, several tenders from DMRC and other metro authorities have also been issued simultaneously, due to which we have been hard-pressed to mobilise our already scarce resources for this Prequalification.</p> <p>It would therefore be in the interest of DFCCIL to maximise participation by extending the Prequalification submission deadline by at-</p>	<b>Please refer Addendum No. 5.</b>

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
			<p>least four weeks. This would also provide the bidders adequate time to prepare their Prequalification applications. We hope DFCCIL would appreciate our concerns and respond favourably to our request.</p>	
49		<p>Extend the PQ submission date by at least <b>six (6) weeks</b> from the current submission date of September 07, 2012.</p>	<p>With reference to ICB No. HQ/SYS/DB/Bhaupur-Khurja, we understand that an applicant can be a Joint Venture of up to five (5) firms. I am sure you agree that establishing a JV (or an intent to form one) takes time as we have to carefully evaluate the historical performance of our potential partners, assess their financial strength and perform the necessary due diligence from an organizational point of view to ensure that we provide optimal value to the Customer (i.e. DFCC).</p> <p>We request you to extend the PQ submission date by at least six (6) weeks from the current submission date of September 07, 2012. This will give us enough time to get the necessary internal clearances for formation of a JV, and thereby bid for this opportunity.</p>	<p><b>Please refer Addendum No. 5.</b></p>
50	<p>[Section I: Instructions to Applicants] &gt; [4. Eligible Applicants] &gt; [4.2]</p>	<p>An Applicant may be a firm that is a private entity, a government-owned entity- subject to ITA 4.9 - or a combination of such</p>	<p>Can the proposed JV be an 'unincorporated JV'?</p>	<p>Please refer reply to query no. 9.</p>

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
		entities in the form of a joint venture pV") under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent.		
51	Section I: Instructions to Applicants item 25. Evaluation of Applications sub item 25.2	Applicants planning to subcontract more than 10% of total volume of work shall specify, in the Application Submission Form, the activity (ies) or parts of the works to be subcontracted along with complete details of the subcontractors and their qualification and experience. The sub-contractors proposed shall be fully qualified for their work proposed, and meet the specified criteria in Section III, failing which such sub-contractors will not be permitted to participate. The qualification and experience of sub-contractors proposed by the Applicant under ITA 24.3 will not be considered for evaluation of the Applicant. The Applicant on its own ("without taking into account the qualification and experience of the sub-contractor) should meet the prequalification criteria.	<p>This clause is not very clear.</p> <p>Section II: PDS, mentions that maximum percentage of sub-contracting permitted is 30(thirty) % of the total value of the contract.</p> <p>Will the credential (qualification &amp; experience) of sub-contractors be valid for up to 30% of the total contract value?</p>	<p>As per ITA 24.3 of the PDS, maximum percentage of sub-contracting permitted is 30% of the total value of contract excluding the value of sub-contracting permitted by the Employer for specialized works (SCADA, TMS, Telecom, Design) under ITA 24.2 with qualifying criteria in Para 4.2 (a) (ii) Section III.</p> <p>As per ITA 25.2 and ITA 25.4, qualification and experience of sub-contractors shall not be considered for evaluation of the applicant other than specialized sub-contractors permitted by the Employer who will be evaluated as per ITA 24.2, ITA 25.2 and Para 4.2 (a) (ii) Section III.</p>
52	Section I: Instructions to Applicants item 25. Evaluation of	Only the qualifications of the Applicant shall be considered. In particular, the	Request you to modify the clause such that an Indian firm which is an "associate" of a foreign	Please refer reply to query no. 11.

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
	Application sub item 25.4	qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.2 (or participating as a subcontractor as per ITA 25.2) shall not be considered	firm can qualify using the technical and financial capacity of the foreign associate. Definition of associate with respect to the applicant (Indian firm) can be: someone who directly/indirectly controls, or are controlled by, or are under common control.	
53	[Section III: Qualification Criteria and Requirements] > [3. Financial Situation and Performance] > [3.1 Financial Capabilities]	(i) The Applicant shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as US \$ 30 (thirty) million for the subject contract net of the Applicants other commitments. All Parties combined: Must meet requirement. Each Member: Must meet 20% of the requirement. One Member: Must meet 40% of the requirement	One Member: 40% Each Member: 20% If this is the minimum threshold, it may not be possible for a JV of 5 members. Please clarify.	Please refer reply to query no. 12.
54	[Section III: Qualification Criteria and Requirements] > [3. Financial Situation and Performance] > [3.2 Average Annual Construction Turnover]	Minimum average annual construction turnover of US \$135 (one hundred thirty five) million, calculated as total certified payments received for contracts in progress and / or completed within the last 5 (five) years, divided by five. All Parties combined:	One Member: 40% Each Member: 20% If this is the minimum threshold, it may not be possible for a JV of 5 members. Please clarify.	Please refer reply to query no. 12.

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
		Must meet requirement. Each Member: Must meet 20% of the requirement. One Member: Must meet 40% of the requirement		
55	[Section III: Qualification Criteria and Requirements] > [4. Experience] > [4.2(b)]	For the above and any other contracts completed and under implementation as prime contractor, joint venture member, management contractor or sub-contractor between 1st Jan 2005 and application submission deadline, a minimum construction experience in any one year in the following key activities successfully completed <sup>10</sup> :	Considering the size and magnitude of this project, we request you to increase the timeline to at least ten (10) years. This is a generally followed international practice too. Specifically, we request you to change 1st Jan 2005 to 1st Jan 2002.	Provisions of Section III Qualification Criteria and Requirements as included in PQ document shall prevail.
56.	4. Experience	Qualification credentials of applicant	Please confirm that the experience and qualification credentials of subsidiary companies will be considered valid for its parent company, in the event of the parent company participating as one of the applicants individually or jointly in the above PQ	Please refer to ITA 25.4 which is self explanatory. If Parent company wants to use credentials of a subsidiary company, the subsidiary company needs to be part of the JV.
57.	4.2(b) (i) page No 11	<sup>10</sup> Volume, number or rate of production of any key activity can be demonstrated in one or more contracts For the rate of production, the average of any one year during the period should be specified.	Please confirm that the rate of production will be derived only for the years relevant to construction of Overhead Equipment in any Turnkey Project ( Including Civil & Track works)	Kindly refer Form EXP – 4.2 (b) which is self explanatory.
58.	11.2.1 Electrical Page 13	SCADA Protocol for Communication	Please confirm that the SCADA shall be compliant with TCP / IP based or other globally prevalent	Please refer para 11.2.1 c)..



Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
			standard protocol for communication between server and MMI's.	
59.			<p>The subject tender is due for submission and to open on 07.09.2012. We are eligible applicant and we have purchased the tender documents.</p> <p>Due to unavoidable circumstances i.e. three weeks of declared holidays in Spain and gazetted and other holidays in India, the documents required for submission of bid could not be prepared.</p> <p>Due to these reasons, we are not in a position to complete the documents required for submission along with the bid before the scheduled date for submission of the bid i.e. 07.09.2012.</p> <p>We are very keen to participate in this bid. Hence we humbly request you to kindly extend the date of submission and opening of the bid by about four weeks, this will enable us to participate in the bid.</p>	<b>Please refer Amendment no. 5.</b>
60.			<p>We are in the process of preparing our pre-qualification documents for the subject project. We are still discussing the bid formation and we find that the time available is very short and is insufficient to prepare a comprehensive and competitive bid, We need at least 8 weeks time for preparation.</p> <p>In line with the same, we request you to kindly grant</p>	<b>Please refer Amendment no. 5.</b>

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
			extension of time for submission of offer till 31/10/2012 to enable us to prepare the most comprehensive and compliant offer	
61.			<p>With reference to the pre-qualification, we wish to express our interest in participating in the same and submitting our pre-qualifications documents for your kind consideration. In this regard, we are proposing on entering into a Joint Venture / Consortium Agreement with some of the internationally reputed companies having vast experience in the field of Rly electrification, Signaling and telecommunication and Civil Engineering field,</p> <p>In order to enable us get a better understanding on the scope of work, we have also attended the Pre- application meeting held at your office on 09.08.2012, and This meeting also gave us an insight into the project.</p> <p>Considering the quantum of works involved and in order to enable us submit a detailed and comprehensive pre-qualification document which will be in line with your requirement, we request you to kindly extend the deadline for submission by four weeks.</p>	<b>Please refer Amendment no. 5.</b>
62.	Form CON 2	The Form CON-2 is divided into 3 sections.	We understand that in the first section the occurrence (or not) of contract non performance since 2007	<b>Please refer Addendum no. 5.</b>

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
			shall be indicated. Kindly confirm.	
63.	Form CON 2	Section 2 requires disclosure as to year of dispute, amount, data of the contract and total contract amount.	Kindly clarify which kind of litigation shall be inserted in Section 2: pending litigation or closed?  The section refers to sub-factor 2.2. The reference should have been to sub factor 2.3. Kindly confirm.	<b>Please refer Amendment no. 5.</b>
64.	Form CON 2	Section 3 requires a disclosure of year of award, outcome as percentage of net worth, data of the contract and total contract amount.	Kindly clarify which kind of litigation shall be inserted in this section: pending or closed?  The section refers to sub-factor 2.2. The reference should have been to sub factor 2.4. Kindly confirm	<b>Please refer Amendment no.5.</b>
65	Section III, Clause 4.2 (a) (ii), Page No. 9	Design, Supply, Installation, Testing & Commissioning of Optical Fibre backbone System consisting of drop/insert SDH nodes along with network management system on railway/metro railway/suburban railway transit system	Considering the nature of the requirements in Telecom scope which include other systems, we request that should be " sub contractor should have experience of having implemented a turnkey telecom projects for Railways/Metro including OFC SDH, Digital Telephone exchanges, Master Clock System, OCC, Radio Communication etc	Provisions of Section III Qualification Criteria and Requirements as included in PQ document shall prevail.
66	Section III, Clause 4.2 (a) (i), Page No. 7	Specific Construction & Contract Management Experience	We understand for telecom scope of works, there is no minimum value of contract works required to meet the eligibility and it is only required for Signalling, OHE and Traction works. Please confirm if our understanding is correct	Yes, it is agreed.
67	Section III, Clause 4.2 (b) (iv), Page No. 12	Design, Supply, Installation, Testing & Commisisoning of	Considering the nature of the requirements in Telecom scope which	Provisions of PQ document shall prevail.

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
		Optical Fibre backbone System consisting of minimum of 26 drop/insert SDH nodes along with NMS on railway/metro railway/suburban railway transit system	include other systems, we request that should be " sub contractor should have experience of having implemented a turnkey telecom projects for Railways/Metro including OFC SDH, Digital Telephone exchanges, Master Clock System, OCC, Radio Communication etc	
68	Section VII, Clause 11.2, Page No. 13	The Employers requirements to be included as part of the bidding document in this work will generally conform to the IRS/RDSO specifications	The products offered by us are world proven and implemented in more than 80 Railway projects across the globe. We have global certifications in support of the same. Thus, we would request you to not restrict us to RDSO specification compliance instead ITU-T compliance for resoectiev sub systems should be asked. additionally since the no of nodes will be small no; OEM company would go for RDSO approval.	Provisions of PQ document shall prevail. Also, please refer para 11.4 (as amended vide <b>Addendum no. 5</b> )
69	Section VII, Clause 11.4, Page No. 14	RDSO maintains the approved list of suppliers/vendors for various equipment/items/com ponents to be used on Railway Systems in India. Bidders shall be free to obtain equipments / items from the suppliers / vendors on approved list of RDSO or any other sources, provided the equipment / item meets the technical requirements /acceptance criteria of RDSO which will be indicated in the Bidding document. For	This clause shall restrict the no of equipment providers and keep it limited to only RDSO suppliers. In addition, for technical alternatives also RDSO acceptance is required. Thus, would request you to remove this clause and allow product suppliers who can comply to technical specifications of your requirements without compliance to RDSO.	<b>Please refer Addendum no. 5</b>

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
		alternative equipment / item from sources other than RDSO, cross acceptance shall be required by RDSO or any other agency deemed fit by DFCC.		
70	-	-	Would like to confirm with you if an additional form is provided to show Design Experience (in previous tenders as Specific Form Exp-4.3 is provided) since EXP-4.2A is more suited to construction experience.	<b>Please refer Addendum no.5.</b>
71	ITA 1.1 Section II	ICB No: HQ/SYS/EC/D-B/ Bhaupur-Khurja	<p>With reference to the subject pre-qualification, have reviewed the pre-qualification documents and find that the ICB No. has been written differently at three locations namely;</p> <p>a) Specific Procurement Notice – ICB NO. HQ/EN/DNB/Bhaupur-Khurja</p> <p>b) Invitation for Pre-qualification – ICB No.HQ/SYS/DB/Bhaupur-Khurja</p> <p>c) Section II – Prequalification Data Sheet(PDS)- ICBNo.HQ/SYS/EC/D-B/Bhaupur-Khurja</p> <p>We request you to kindly inform us which of the three should be followed by us while submitting our documents for pre-qualification purpose.</p>	ICB No. will be as per ITA 1.1 Section II – Pre-qualification Data Sheet.
72	Section I: Instruction to Applicants ITA 25.2	Evaluation of Applications	In Japanese market, usually, railway operators itself integrate the total signalling system,	

Query No.	Clause ref no.	Description	Clarification Sought by the Applicant	DFCCIL Response
	Section III: Eligibility & qualification criteria	Clause No.4.2(a)(i), (ii) 4.2.(b)(iii)	<p>therefore, they hardly put order for design, supply, installation, testing and commissioning in one contract to sole contractor.</p> <p>Therefore, our company do not have installation experience so much.</p> <p>Under above circumstances, we consider only manufacturers who have user certificate for design, supply, installation, testing and commissioning in one contract, mainly from European countries, can be qualified. This will harm the healthy competition of this tender.</p> <p>In order to promote the competition, we request DFCCIL to modify the corresponding clauses (ITA I 25.2, ITA III 4.2(a)(I &amp; (ii) and 4.2 (b) (iii) of PQ document so as to qualify JV member, who has experience for “design, supply, test and commissioning”, accompanied with special sub contractor, who has experience for ‘Installation’ as combination.</p>	Provisions of section III: Qualification Criteria and Requirements as included in PQ document shall prevail.