

EOI-1 Clarifications dated 23.02.2024; on the Queries received, in c/w Pre EOI Application submission conference held on 16.02.2024 and in terms of Sub Para 2.3 of EOI Document, from Prospective Consultants

EOI Notification no- HQ/EN/WC/EDAM(EOI)/1/2022/15 dated- 07.02.2024 [EOI-1]- Empanelment of eligible consultants / Firms for undertaking consultancy services for Detailed Project Report (DPR) / Detailed Design Consultancy (DDC) including ROB for the Projects of Indian Railways

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Consultants' Query							
Sl. No.	Reference Section/Clause	EOI Page No.	Consultant Query With Justification	Existing Clause	Proposed amendment-Amended Clause	Date of Receiving	DFCCIL Clarification
1	2	3	4	5	6	7	8
1	Clause No. “3.0 Invitation for EOIs”	Pg No. 4	To allow foreign companies to form Joint venture with their Indian Subsidiary without having registered in Indian Company's Act 1956 / The Companies Act 2013.	3.1. The Ministry of Railways (Railway Board), now, invites eligible Consultancy firms including single entities, Companies, Partnership Firms/LLPs/JVs/Subsidiary Units of foreign Based Consultancy Firms or Foreign Based Consultancy Firms, all registered in India ("Consultant") under the relevant Indian Laws such as the Indian Company's Act 1956 / The Companies Act 2013 or Limited Liability Partnership Act 2008 etc., to express their interest, in being	We request you to modify the clause as below: 3.1. The Ministry of Railways (Railway Board), now, invites eligible Consultancy firms including single entities, Companies, Partnership Firms/LLPs/JVs/Subsidiary Units of foreign Based Consultancy Firms or Foreign Based Consultancy Firms, <u>of Parent/sister/subsidiary any one should be</u>	12.02.2024	The referred EOI-1 Clause 3.1 was incorporated and been retained in the document during various rounds. No Change is envisaged.

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			As foreign companies are operating in India through their Indian-registered subsidiaries.	empaneled for the aforesaid 'Consultancy Services'	registered in India ("Consultant") under the relevant Indian Laws such as the Indian Company's Act 1956 / The Companies Act 2013 or Limited Liability Partnership Act 2008 etc., to express their interest, in being empaneled for the aforesaid 'Consultancy Services' Hence, we request you to allow foreign companies who are operating in India		

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					through their Indian-registered subsidiaries.		
2	Clause No. “2.4 Key personnel on the Permanent payroll of the Consultant”	Pg No.24	To allow Key personnel on contract basis given the numerous tenders, both ongoing and upcoming, from Railways with a similar condition, it becomes challenging for consultants to	1) Weightage / Marks for the above Key Personnel will be given only if he/she is employed (on permanent roll having EPF A/c) with the Applicant Firms for more than 01 Year from the date of EOI.	We request you to modify the clause as below: 1) Weightage / Marks for the above Key Personnel will be given only if he/she is employed on permanent/ Contract Basis. roll having EPF A/c) with the Applicant Firms for more than 01 Year from the date of EOI.	12.02.2024	Personnel retentivity is essential requirement as such, Key personnel on permanent payroll would be considered. No Change is envisaged in Note-1 under Para 2.4 [Key personnel on the Permanent payroll of the Consultant]-Section-2 Evaluation Methodology).

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			maintain a large number of Key Personnel's meeting such criteria on their permanent rolls.		Given the numerous tenders, both ongoing and upcoming, from Railways with a similar condition, it becomes challenging for consultants to maintain a large number of Key Personnel's meeting such criteria on their rolls. Therefore, we kindly request the client to permit the hiring of Key personnel on the payroll/contract basis at the time of Letter of Acceptance (LOA) and allow us to propose the		

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					team with his written consent for the availability during the entire project in case of work awarded.		
3.	1.6 EOI Fourth (4th) Round-1.6.3	3 of 44	From the said clause we understand that the Consultants who were already empaneled as A JV/ consortium through any of the round of empanelment	Those Consultants, who were empaneled during the Empanelment process linked with EOI-1 Notification dated 04-03-2022 (Round-1), dated 10-08-2022 (Round-2) and dated 09-05-2023 (Round-3) but now, are desirous of improving their Eligibility limit of Participation in the IR Tenders for	NA		Not exactly, in terms of para 1.6.3. [EOI-4 th Round] there is no bar against earlier empaneled Consultant-A in a JV-B submitting application again, in the same JV-B, for enhanced eligibility for subsequent IR Consultancy Contract. But that Consultant-A would not be eligible to submit application again

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			(round 1, 2 and 3) mentioned in the said clause , will also be eligible to participate in this EOI process for round 4 as a different JV/ consortium and may get empaneled again in round 4 with different JV/ consortium partner with the	Consultancy, shall, also, be eligible to participate in this EOI process.			for Empanelment in different JV (Say JV-C) Formation subject to their earlier empanelment being annulled because the captioned empanelment is for IR Consultancy projects and a consultant-A, once empaneled in a JV-B, would be eligible, from the date of empanelment, for IR Consultancy contracts of certain value and having been awarded, as JV-B, that IR Consultancy Contract, it would be very difficult for DFCCIL to declare that empanelment as JV-B annulled in the event of the Consultant-A submitting application again, in a different JV-C, for empanelment. It

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			previous rounds empanelment getting annulled. -Kindly confirm				would lead to contractual complications, hence, the proposal cannot be confirmed.
4.	Invitation for EOI, clause 3	4 of 44	We understand that Parent Company (Foreign company), registered in India under Indian Company's Act 1956 and have project offices in	The Parent Company's subsidiary/sister company, which is, also, required to be registered in India, participates in JV with the participating Consultant (Parent Company) or Parent Company, which is also, required to be registered in India, participates in JV with the Participating Consultant	NA		Attention is invited to EOI-1 Document sub-Para 3.1.2.(iv) which allows, for the purpose of accreditation of Work experience, the JV Formation, between a Parent Company (registered in India) with their wholly owned subsidiary (registered in India), to meet the objective of submitting EOI Application, seeking employment for IR Consultancy projects.

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			India is eligible to participate in IV/ Consortium with their wholly owned subsidiary.	(Subsidiary/Sister Company), as the case may be.”			
5.	2.6-Minimum Key-personnel on the Permanent payroll of the Consultant	15 of 44	In the field of Engineering Consultancy services specialised positions like Lidar experts/... generally work as Freelance experts /	The Consultant seeking empanelment shall show that they have Minimum Key personnel on the Permanent payroll of the Consultant. Marks for the above Key Personnel will be given only if he/she is employed	The Consultant seeking empanelment shall show that they have Minimum Key personnel on the Permanent payroll of the Consultant /directly engaged with the consultant for more than 01 Year from the date of EOI		The referred EOI-1 Clause 2.6 was incorporated and been retained in the document during various rounds. The Empanelment is for subsequent IR Consultancy project, the idea is to discourage the frequent shuffling of professionals amongst various firms which impacts upon the quality &

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			consultants , however their engagement period with the Firm often crosses the One year period, In lights of the above we request the client to consider also such experts who are working with any Consultancy firm for over 1 year as their	with the Applicant Consultant seeking empanelment for more than 01 Year from the date of EOI			timeliness of the consultancy Services to be rendered to IR. No Change is envisaged.

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			employee / associate. -Kindly consider				
6	General		Would request to extend the due date by 2weeks from current due date.	4th March 2024, due date for submission of EOI			Please refer serial no-1 of Addendum no-1 dated 23-02-2024 vide which , the submission deadline has been extended from erstwhile 04-03-2024 to 18-03-2024