

EOI notification-2019/HQ/EN/PWC/HHRI/GC dated 22-06-2019 read with Amendment no-1 dated 17-07-2019 & TOR as uploaded on DFCCIL Website[Ref-serial no-3 of the Amendment no-1 dtd 17-07-2019 to EOI notification].

RFP no- 2019/HQ/EN/PWC/HHRI/GC dated 22-01-2020 read with Amendment no-1 dated 24-02-2020, Amendment no-2 dated 27-03-2020, Addendum no-3 dated 03-06-2020 and Addendum no-4 dated 29-06-2020

Name of Assignment- Consultancy Services for setting up and operationalizing HHRI under the aegis of DFCCIL (here after referred to as 'Consultancy Services').[Ref-ITC sub Clause no-2.2 Data sheet-Part-E-Section-2 of the RFP(at Page no-27)]

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Following is Client's clarification, in terms of ITC sub clause no-13.1, to the Short listed Consultant's additional Queries, with respect to Pre-Proposal conference held on 07-02-2020, Client Clarification to 116 Short listed consultants queries and Addendum no-3 dated 03-06-2020 to the referred RFP. The aforesaid Client's clarifications, as appended in a similarly titled Column of the below appended Table, are meant to be mere clarificatory , in nature & purpose and shall not be a part of Contract Agreement. The Client & Consultant's rights and obligations shall be subject to [to be executed by the Parties, subsequently, after successful Contract Negotiation, held, in terms of ITC sub Clause no-28 Data sheet, at Page no-23-24 & 31 of the RFP] the Contract Agreement. No Part of aforesaid Client's clarifications can be reproduced by the Short listed Consultants /successful Consultant to drive home a point or can be cited as a basis for any request related with change in Tendering process.

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause		Client Clarifications
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117	Section 2: Instructions to Consultants E. Data Sheet A. Submission, opening and evaluation	29	As mentioned previously, nature of scope of work, teaming requirement (collaborations with consortium members and sub-consultants) would require extensive coordination / discussions with various consortium members.	The proposals must be submitted no later than; Date : 28-02-2020 Time:1500 hrs	The proposals must be submitted no later than; Date : 6 clear weeks after issuance of the response to the final set of queries Time:1500 hrs	In this direction Consultant may refer Addendum no-4 dated 29-06-2020 wherein the proposal submission deadline has been extended up to 07-09-2020.

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			Further, given the impact of COVID-19 and the requirement to work from home further impacts the proposal preparation / finalization time. Accordingly, we request that the bidders be provided 6 clear weeks after issuance of the response to the final set of queries. This would enable the bidders to prepare responsive proposals.			
118	Section 3: Technical Proposal – Standard Forms Form Tech 2 B - Consultant's Experience (Point 1)	37	We request the Authority to note that only handful of such engagements are undertaken globally and hence all relevant experience should be considered. Accordingly, we request the Authority to relax the criteria of 7 years to 15 years in order to present a comprehensive list of	B - Consultant's Experience 1. List only previous similar assignments successfully completed in the last Seven years.	B - Consultant's Experience 1. List only previous similar assignments successfully completed in the last Fifteen (15) years.	Taking note of the Fact that most of Rail research institutes were set up prior to the earlier stipulated period of seven years, the period for 'similar assignments completed' is enhanced. Please refer item no-1.1. of the Addendum no-5.

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			relevant projects illustrating our holistic experience in such assignments.			
119	Section 3: Technical Proposal – Standard Forms Form Tech 2 B - Consultant's Experience (Point 3)	38	<p>In addition to the institute type mentioned here (viz. railway heavy haul, transportation, etc.), <u>assignments related to setting up of other institutes (having any discipline of study)</u> would also be relevant as the expertise/ skill sets gained will have remarkable alignment with the given task descriptions.</p> <p>Hence, it is requested to modify the given clause as suggested here.</p>	<p>3. Similar Assignment means Consultancy Services towards Technical Assistance / Project support in establishing Railway Heavy Haul or similar Research Institute or similar Transportation related Research activity. Components of assignments should be indicated as: Establishing Heavy Haul research program, Capacity building and technical assistance in Rail Research or similar research related with other Transportation infrastructure, Monitoring, reviewing or implementation of Technical Assistance of Technologies Research.</p>	<p>3. Similar Assignment means Consultancy Services towards Technical Assistance / Project support in</p> <ul style="list-style-type: none"> • establishing Railway Heavy Haul, or • similar Research Institute, or • similar Transportation related Research activity, or • <u>establishing an educational institute (any discipline)</u>. <p>Components of assignments should be indicated as:</p> <ul style="list-style-type: none"> • Establishing Heavy Haul research program, • Capacity building and technical assistance in Rail Research or similar research related with other Transportation infrastructure, • Monitoring, reviewing or implementation of Technical Assistance of Technologies 	In this direction, please refer item no-1 of Addendum no-5 .

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					<ul style="list-style-type: none"> Research <ul style="list-style-type: none"> <u>Establishing institute – capacity building, organization design, blueprint, future roadmap, establishing research program</u> 	
120	Section 7: Terms of Reference 1. Objectives of the Assignment	58	<p>It may be noted that the way currently the RFP is drafted, it could be interpreted that the scope of work for the consultant is taking over the complete operations / achieving objectives of HHRI.</p> <p>While based on discussions with DFCCIL during the pre-bid it is understood that the scope of work of consultant is only to support in operationalization of HHRI, however in the RFP the term suggests</p> <p>“To elaborate, the object of the services is to</p>	<p>1. Objectives of the Assignment</p> <p>a) The objectives of this Consultancy Contract is to engage a Consultant to obtain Consultancy Services for setting up and operationalizing ‘Heavy Haul Research Institute (HHRI) under the aegis of Dedicated Freight Corridor Corporation of India Ltd. (DFCCIL).</p> <p>b) Above Objective Assignment, as defined under ITC sub Clause 1.(x).Data</p>	<p>1. Objectives of the Assignment</p> <p>a) The objectives of this Consultancy Contract is to engage a Consultant to obtain Consultancy Services for setting up and operationalizing ‘Heavy Haul Research Institute (HHRI) under the aegis of Dedicated Freight Corridor Corporation of India Ltd. (DFCCIL).</p> <p>b) Above Objective Assignment, as defined under ITC sub Clause 1.(x).Data Sheet and under PC sub Clause 1.1.(t)[Services], have been</p>	<p>The Query is similar to the Query no-2, clarified by the client, earlier on 03-06-2020. However, to address the concerns of the Short listed consultant, following is Clarified;</p> <p>In this direction, please refer item no-2 of Addendum no-5 and regarding Consultant’s responsibility, New note below sub Clause 1.c.(xi)-TOR-Section-7 [Ref-Item no-1 of Addendum no-3 dated 03-06-2020]</p>

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			<p>provide Consultancy Services to the DFCCIL in establishing the said Heavy Haul Research Institute (HHRI) of Global standard and operationalizing the HHRI covering entire area of Heavy Haul operations.</p> <p>(i) To bring world's best practice in Heavy Haul Railway to the Indian railways</p> <p>(ii) To lead the transformational changes required in operations to achieve best heavy haul industry practice in rolling asset and network capacity utilization.</p> <p>(iii) ...”</p> <p>We would like to highlight that from the above it could be</p>	<p>Sheet and under PC sub Clause 1.1.(t)[Services], have been further encapsulated under following two ‘Key Objectives’ as under;</p> <p>Key Objective-1 Consultant shall be obliged to support the Client in all the tasks, as explicitly stipulated in this Section-7-TOR or implied therein and Tasks which are necessary (although not mentioned in this RFP/Contract) to set up the Heavy Haul Research Institute (HHRI) under the aegis of DFCCIL, in full functionality at Par with similar Global Heavy Haul Research Institute, with in a period of 18 months from the Commencement of</p>	<p>further encapsulated under following two ‘Key Objectives’ as under;</p> <p>Key Objective-1 Consultant shall be obliged to support the Client in all the tasks, as explicitly stipulated in this Section-7-TOR or implied therein and Tasks which are necessary (although not mentioned in this RFP/Contract) to set up the Heavy Haul Research Institute (HHRI) under the aegis of DFCCIL, in full functionality at Par with similar Global Heavy Haul Research Institute, with in a period of 18 months from the Commencement of Services.</p> <p>Key Objective-2 In addition, Consultant, after the aforesaid Complete setting up of HHRI under the aegis of DFCCIL, shall support the Client in operationalizing of HHRI for</p>	

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			<p>construed that the consultants scope is to support in establishing the HHRI and run HHRI operations for three years (support period) - including achieving the key objectives of HHRI.</p> <p>Given the intention of DFCCIL, we request the same be amended as suggested here.</p>	<p>Services.</p> <p>Key Objective-2 In addition, Consultant, after the aforesaid Complete setting up of HHRI under the aegis of DFCCIL, shall support the Client in operationalizing of HHRI for a further three Years period (36 months) beyond the aforesaid 18 months period for the Key Objective-1 i.e. 54 months from the Commencement of Services.</p> <p>c) To elaborate, the object of the services is to provide Consultancy Services to the DFCCIL in establishing the said Heavy Haul Research Institute (HHRI) of Global standard and operationalizing the HHRI covering entire</p>	<p>a further three Years period (36 months) beyond the aforesaid 18 months period for the Key Objective-1 i.e. 54 months from the Commencement of Services.</p> <p>c) To elaborate, the object of the services is to provide Consultancy Services to the DFCCIL in establishing the said Heavy Haul Research Institute (HHRI) of Global standard and <u>provide advisory support</u> to HHRI in specific areas of heavy haul operations as highlighted in the detailed Tasks. <u>Further, it may be noted that the Consultant would not be responsible for any operations of HHRI and management decision making</u>”</p>	

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				<p>area of Heavy Haul operations.</p> <p>(i) To bring world's best practice in Heavy Haul Railway to the Indian railways</p> <p>(ii) To lead the transformational changes required in operations to achieve best heavy haul industry practice in rolling asset and network capacity utilization.</p> <p>(iii)</p>		
121	Section 7: Terms of Reference 2. Relevant information	60	The current clause suggests that consultant shall provide all required inputs (explicit or implied) for the achievement of Key	Consultant shall provide all the required (explicit or implied) inputs for the specific achievement of the 'Key Objectives of the Assignment' [Key Objective-1 & Key	Suggested to be deleted. Scope of work should be clearly outlined to avoid any scope creep.	The Query is similar to the Query no-3, clarified by the client, earlier on 03-06-2020. However, to address the concerns of the Short listed consultant, following is

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	regarding the Assignment (Point d)		<p>Objectives of the Assignment.</p> <p>We would like to highlight that such an open-ended clause puts consultants at a very high risk as the scope items, which are not currently envisaged/ detailed in the Terms of Reference, could later be made to be part of the scope of work. We request DFCCIL to remove this clause and detail out the scope of work in the RFP upfront to ensure there is no scope creep in the future.</p> <p>Further, currently the scope of work doesn't include tasks around following aspects which may be required for operationalization</p> <p>1) Legal aspects – Any organization set-up needs a lot of legal and regulatory</p>	objective-2] as defined above		<p>Clarified;</p> <p>In this direction, please refer item no-3, 3.1 & 3.2 of Addendum no-5.</p> <p>Regarding operationalising part, Please refer sub Para-11(Reporting requirement) of Para-II (Description of the Tasks assigned to the Consultant) at Page no-62 of the RFP wherein The consultant, within a period of 30 days from the commencement date, shall prepare and submit a detailed “Inception report” bringing out the Major & minor stages of the Contract implementation along with detailed Method of achieving those stages, called Work Plan and a detailed Programme of Consultancy services bringing out the order in which the Consultant intends to carry</p>

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			<p>clearances and approvals for operationalization. Further, organization may need its internal legal constitution, legal team etc. Currently the scope of work doesn't include any items related to legal</p> <p>2) Tax aspects – Scope doesn't specifically include providing any inputs on tax aspects including tax registrations, assessment of taxation regime / tax implication etc.</p> <p>3) Civil works – it is understood that DFCCIL has already awarded the contract for civil works and current scope doesn't include any monitoring of the contracts awarded by DFCCIL for civil works</p>			<p>out the each stage of consultancy services, as brought out in Inception Report, and the anticipated timing for the aforesaid Stages, for the Client's approval.</p> <p>Please also refer item no-5 of Addendum no-5.</p>

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			<p>As can be seen, there are number of aspects linked to operationalization of any organization, which are currently not covered in the scope of work.</p> <p>Such a clause stating that any implicit task relating to operationalization of HHRI accordingly puts high risks of scope creep for the consultant. In case DFCCIL wishes to have such and other aspects also included, same should be outlined in the scope of work. In case DFCCIL does not wish to include such items in the scope of work then the clause should be modified to only suggest that all implicit tasks related to undertaking the scope of work mentioned in the terms of reference are included and not all implicit tasks for the</p>			

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			operationalization of the institute.			
122	Section 7: Terms of Reference 2. Relevant information regarding the Assignment (Point e & f)	60	While we appreciate DFCCIL trying to provide relevant information about HHRI to give more information to bidders on HHRI, as highlighted during the pre-bid, the way information is provided and various clauses are drafted, we see high risks of lack of distinction of role of HHRI and role of consultant. We wish to highlight that Section II of the Terms of Reference "II-Description of the Tasks assigned to the Consultant" clearly indicate the scope of work and accordingly request that Points e and f of the Relevant information be deleted from the RFP.	e) "Towards Contract implementation, the Consultant shall , inter alia & in general, be responsible for:....." f) The implementation of the HHRI shall be oriented to develop system parameters for heavy-haul freight systems which, while catering to India specific site conditions, would be comparable with Global Heavy Haul systems. In this direction, the related Plan and Program shall provide comprehensive performance specific specifications for key asset components (e.g. infrastructure, motive power, wagons and maintenance equipment) related Technologies, in areas which may, also, include:....."	Suggested to be deleted	The Query is similar to the Query no-4, clarified by the client, earlier on 03-06-2020. However, to address the concerns of the Short listed consultant, following is Clarified; In this direction, please refer item no-4 of Addendum no-5.
123	Section 7: Terms of	64	As highlighted earlier, the role of consultancy	Task B: Establish a Research	Task B: Identification of areas Research: This shall include:	The Query is similar to the

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	Reference II- Description of the Tasks assigned to the Consultant		should be to support DFCCIL / HHRI in establishing and operationalization of HHRI. Considering the same, the scope of consultant should be to support DFCCIL / HHRI in identification of key research areas – which would be important from heavy haul operations perspective, rather than being responsible for establishing the research agenda for HHRI. Accordingly, we request DFCCIL to amend the clause as suggested here.	<p>agenda: This shall include:</p> <p>Establish detailed research plan for HHRI to be undertaken, in the first 3 years after setting up. The consultant shall take into consideration the research areas proposed above as well as new areas which have emerged or appear to be emerging, as a result of the recent research and recommendations made in areas of Rail Infrastructure Maintenance philosophy, operations model, commercial and marketing model etc. of DFCCIL by various agencies and Global Trends available & prepare a detailed Program Report containing Research plan. Such research plan shall clearly include various research areas, objectives and expected outcomes which are aligned with priorities of DFCCIL as well as overall Heavy Haul ecosystem in</p>	<p>Supporting DFCCIL/HHRI in identification of key research areas for the first 3 years after setting up. The consultant shall consider research in areas of Rail Infrastructure Maintenance philosophy, operations model. Consultant shall also consider other trends globally. Consultant shall support DFCCIL/HHRI in preparation of research plan which shall clearly include various research areas, objectives and expected outcomes which are aligned with priorities of DFCCIL as well as overall Heavy Haul ecosystem in India.”</p>	<p>Query no-5, clarified by the client, earlier on 03-06-2020. However, to address the concerns of the Short listed consultant, following is Clarified;</p> <p>Please refer item no-1 of the Addendum no-3 dated 03-06-2020. The Aforesaid new note below sub Clause 1.c.(xi)-TOR-Section-7 [Item no-1 of Addendum no-3 dated 03-06-2020] clarifies unambiguously that Consultant implementation of the Consultancy assignment is limited to the Consultant's submissions [duly approved by the Client] ,in satisfaction of Key deliverables –Annexure-1 to TOR-Appendix-A at Page no- 107 of the RFP. Physical implementation part being effectuated by the Client , acting fairly on those</p>

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				India.		submissions.
124	Section 7: Terms of Reference II- Description of the Tasks assigned to the Consultant (Point v and vi)	65	<p>We understand that the consultant would act as program manager for DFCCIL for supporting in setting up and operationalizing the HHRI, however, we would like to highlight that this program management consulting engagement would be very different from other engagements.</p> <p>Issuance of commissioning certificate for a project is generally more relevant for engineering projects such as laying of a railway line, construction of bridge, tunnel, etc. Even in such cases, manufactured items such as rail, sleepers, bridge structure are separately inspected and do not form</p>	<p>Task-D-Assessment and subsequent Procurement of the required Equipment and Infrastructure for efficient setting up & operationalization of HHRI.</p> <p>v. Regular Monitoring to ensure successful implementation, of Contracts for the work(s) of Procurement of such equipment, infrastructure & Software along with relevant Maintenance support, within timelines stipulated therein the referred respective contracts. It shall include necessary Factory acceptance Checks If applicable, and necessary Checks / tests associated with installation, Testing & Commissioning</p>	<p>Task-D-Assessment and subsequent Procurement of the required Equipment and Infrastructure for efficient setting up & operationalization of HHRI.</p> <p>v. Regular Monitoring to ensure successful implementation, of Contracts for the work(s) of Procurement of such equipment, infrastructure & Software along with relevant Maintenance support, within timelines stipulated therein the referred respective contracts</p> <p>vi. Suggested to be deleted</p>	<p>The Query is similar to the Query no-6, clarified by the client, earlier on 03-06-2020.</p> <p>As conveyed earlier, item no-2 & 3 of the Addendum no-3 dated 03-06-2020 may be referred.</p> <p>Further , in this direction, item no-13 of Addendum no-5 may be referred.</p>

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			<p>part of the responsibility of the program manager.</p> <p>Given the scope of work, in case of HHRI, procurement will mostly be of manufactured machine, equipment, and plant with a number of manufactured parts/ components. Some of the equipment will be imported and inspection protocol will require visit to the manufacturing facility abroad, inspecting the facility, testing equipment/procedures, and compliance with quality assurance plan (QAP). Indian Railways (IR) has been using specialised agencies such as RDSO, RITES, Rail Adviser, Berlin, etc. for such inspections depending upon the safety and technology requirement of such equipment. It may be</p>	<p>vi. Submission of Validation report and necessary documentation to facilitate the Issuance of necessary completion Certificates/ Taking over Certificate, after ensuring above, to each of Contractor for the work(s) of Procurement of such equipment, infrastructure & Software along with relevant Maintenance support.</p>		

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			<p>noted that such testing / validation would need very specialized skills.</p> <p>Inspection, testing, and commissioning/ validation protocol of each equipment required for HHRI, including the name of Agency responsible for carrying it out, should be defined in the procurement documents taking into account the technology of the equipment, requirement of expertise, and other related aspects, in consultation with the client (HHRI/ DFCCIL). The testing agency should be directly reporting to DFCCIL to ensure its interests are protected. The program manager can assist DFCCIL in undertaking coordinating the work of such testing agency</p>			

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			<p>To entrust the role of validation to the Consultant will greatly enhance the cost of the consultancy for the client and enhance the risk for the consultant to such an extent that management consulting firms may not be able to bid for this consultancy.</p> <p>Accordingly, it is requested that commissioning of machine/ issuing of validation certificate should be deleted from the scope of work of the Consultant.</p>			
125	<p>Section 7: Terms of Reference</p> <p>II- Description of the Tasks assigned to the Consultant</p>	67	<p>We would like to highlight the following risks:</p> <p>a) As mentioned earlier, there are number of aspects related to operationalization of HHRI which have not been clearly outlined</p>	<p>Task H- Setting up and Operationalizing the HHRI</p> <p>a) Consultant shall support the Client in ensuring that all the requisite explicit or implicit tasks associated with the setting up of HHRI are carried out,</p>	<p>Task H- Setting up and Operationalizing the HHRI</p> <p>a) Suggested to be deleted. Scope of work should be clearly outlined to avoid any scope creep in future.</p>	<p>The Query is similar to the Query no-7, clarified by the client, earlier on 03-06-2020. However, to address the concerns of the Short listed consultant, following is Clarified;</p> <p>In this direction, please refer</p>

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			<p>in the scope of work of the consultant. Accordingly, such a clause puts significant risks on the consultant. We accordingly, request you to either remove this clause or clearly outline any additional aspects in the scope of work</p> <p>b) As mentioned earlier, testing and validation of specialized equipment/ systems is typically undertaken by a specialised agencies.</p> <p>Additionally, It is submitted that complete setting up of a function HHRI may depend on a number of factors beyond the control of consultant. (For example, issues in -construction of</p>	<p>optimally and HHRI is set up in full functionality.</p> <p>b) Based upon above, Consultant shall issue a Validation certificate for complete setting up of a Functional HHRI.</p> <p>c) Consultant, after complete setting up of the HHRI, shall support Client in operationalizing the HHRI i.e. in its (HHRI) operational phase for a period of three years from the date of aforesaid Validation Certificate.</p>	<p>b) Suggested to be deleted.</p> <p>c) Scope of work in the operational phase for the 3-year period should be clearly brought out in the ToR in order to facilitate the bidders/ consultant to estimate the efforts, staffing requirements, etc. Additionally, for the support period of 3 years, the payment should be based on actual time spent and rates quoted in the bids (to be indexed for inflation / other increase in consultants cost etc.).</p>	<p>item no-5 of the Addendum no-5.</p>

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			<p>HHRI premises, required approvals from various agencies, shortfall in required financing etc.) In this context, issuance of such validation certificate shall be beyond the remit of consultant. Such assessments can be best made by HHRI management/ client itself.</p> <p>Accordingly, issuance of validation certificate by Consultant should be deleted from the scope of work.</p> <p>c) Currently the Terms of Reference (ToR) mentions a 3 year support after issuance of validation certificate – without detailing the scope of support or a definitive</p>			

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			<p>timeline for this period. In absence of a detailed requirement for this period, the bidders have no ability to assess the effort involved / experts required etc. This puts a material risk on the bidders / consultants. We accordingly request DFCCIL to outline the scope of work clearly, so that appropriate effort estimate can be undertaken.</p> <p>Alternatively, for the support period of 3 years, the payment should be based on actual time spent and rates quoted in the bids (to be indexed for inflation / other increase in consultants cost etc.). For this, DFCCIL</p>			

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			could provide estimated man-months for the experts and request bidders to quote. During the operationalization period, in case efforts are more than the estimated man-months provided by DFCCIL, consultant should be paid at actuals.			
126	Section 7: Terms of Reference III- Qualification of key experts Team Leader	69	As per the ToR, the Team Leader is supposed to bring in experience of international heavy haul railway system along with project and programme management experience in railways sector. Additionally, the Team Leader is desired to have led multi-disciplinary teams as mentioned in the ToR. We understand that such	Team Leader Desired work profile: The expert must be proficient in Bank procurement rules and procedures	Team Leader Desired work profile: The expert must be proficient in Bank procurement rules and procedures (Suggested to be deleted)	The Query is similar to the Query no-34, clarified by the client, earlier on 03-06-2020. However, to address the concerns of the Short listed consultant, following is Clarified; In this direction, please refer item no-16.1 of the addendum no-3 dated 03-06-2020.

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			<p>professionals have invested their career in heavy haul research/ industry or leading technical projects/ assignments. With respect to the current scope of work, the role of the Team Leader would be to provide / guide the team in undertaking the engagement and may not have expertise in all fields. Given the specialized nature of experience of the Team Leader, such experts may have limited experience of Bank procurement rules and procedures.</p> <p>As such, key experts like Contract expert can bring in the required expertise being sought here. Hence, it is suggested that the given ask should be deleted.</p>			
127	Section 7: Terms of	Add. # 3	As mentioned above, the given requirement of	In column no-5 [Experience], supplement the existing	In column no-5 [Experience], supplement the existing provision	Item no-16 of Addendum no-3 dated 03-06-2020 was

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				Existing sub Clause	Proposed Amended Clause	
	Reference III- Qualification of key experts Team Leader	(Sl #16)	including projects funded by International Funding Agencies (like World Bank, ADB & JICA) would restrict a number of quality professionals to participate in the bid. In this regard it is also important to note that similar engagements funded by such agencies may be limited, with such projects being directly funded by Government agencies etc. Accordingly, we request DFCCIL to modify the requirement as suggested here.	provision with the following; “ or Must have minimum 15 Years of experience in complete Project implementation of Railway infrastructure [preferably DB project involving Design, execution , testing and commissioning-Work experience, during implementation of such Railway Infrastructure DB Project as an expert /Professional of Consultant/Project Management Consultant i.e. Engineer would qualify] Project(s), funded by International Funding Agencies like World Bank, ADB & JICA.	with the following; “ or Must have minimum 15 Years of experience in complete Project implementation of Railway infrastructure [preferably DB project involving Design, execution , testing and commissioning-Work experience, during implementation of such Railway Infrastructure DB Project as an expert /Professional of Consultant/Project Management Consultant i.e. Engineer would qualify] Project(s), funded by International Funding Agencies like World Bank, ADB & JICA. (Suggested to delete selected parts of text as shown here)	as result of a short listed consultant Query [Query no-110 (on Page-71 of 75 of Client Clarification), clarified earlier by DFCCIL on 03-06-2020]. However, in this direction, Consultant may refer Item no-6 of addendum no-5.
128	Section 7: Terms of Reference III- Qualification of key	69 - 72	It is understood that, internationally, the qualification framework is slightly different and experts pursue BSc/ Diploma/ advanced diploma/ etc. (Different terminologies) and may	All experts (especially for positions where international experts are envisaged to be deployed viz. Heavy Haul Rolling Stock Expert, Heavy Haul Infrastructure expert, Heavy Haul Software	Supplement graduate qualification, wherever appearing, with BsC or Diploma Qualification “ Graduate qualification or BSc or Diploma in...”	In this direction, please refer item no-7 of Addendum no-5.

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause		Client Clarifications
				Existing sub Clause	Proposed Amended Clause	
	experts All experts (especially for positions where international experts are envisaged to be deployed viz. Heavy Haul Rolling Stock Expert, Heavy Haul Infrastructure expert, Heavy Haul Software Specialist)		be followed by a specialization. The BSc/ Diploma/ advance diploma is equivalent to a graduate qualification. Hence, it is requested to supplement the educational qualification requirement with BSc/ Diploma wherever graduate level qualification is appearing	Specialist) Qualification • “ Graduate qualification in... ”		
129	Section 7: Terms of Reference III- Qualification of key experts	71 & 72	Our understanding from the given ToR is that the Contract Expert will anchor the role of managing various procurements, drafting tender documents, bid process management and monitoring of contracts.	Contract Expert Desired work profile: • Ability to read specifications • Experience with tendering arrangements, documentations, Evaluation of Bids/Offers,	Contract Expert Desired work profile: • Ability to read specifications • Experience with tendering arrangements, documentations, Evaluation of Bids/Offers, Contracts and legal issues. • Experience with managing	In this direction, please refer item no-6.1 of Addendum no-5.

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause		Client Clarifications
				Existing sub Clause	Proposed Amended Clause	
	Contract Expert		<p>However, the points mentioned below digresses from the skill sets of a contract expert:</p> <ul style="list-style-type: none"> • “Experience at managing quality control and acceptance criteria • Experience with warranty procedures, imposing contract conditions with legal effect • Experience with procurement and commissioning procedures, fit for purpose testing” <p>The above-mentioned experience is typically brought in by a Quality & Assurance Expert with reference to the type of procurement being carried out. Given the ambit of the project, there would be varied types of procurement</p>	<p>Contracts and legal issues.</p> <ul style="list-style-type: none"> • Experience with managing suppliers as to their compliance with contract conditions, delivery timelines • Experience at managing quality control and acceptance criteria • Experience with warranty procedures, imposing contract conditions with legal effect • Experience with procurement and commissioning procedures, fit for purpose testing 	<p>suppliers as to their compliance with contract conditions, delivery timelines</p> <ul style="list-style-type: none"> • Experience at managing quality control and acceptance criteria • Experience with warranty procedures, imposing contract conditions with legal effect • Experience with procurement and commissioning procedures, fit for purpose testing • <u>Experience of managing public procurement including PPPs procurement</u> <p>(3 points suggested to be deleted & a new point to be inserted)</p>	

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause		Client Clarifications
				Existing sub Clause	Proposed Amended Clause	
			<p>including goods and services and no single expert would be able to bring in such expertise. Additionally, the role of Contract experts should be limited to drafting and designing contracts with developing mechanisms to monitor quality and acceptance related aspects. Hence, these three (3) points as mentioned above should be deleted.</p> <p>Additionally, PPPs have become the preferred mode of procurement in several cases as they can add significant value to the Contracting Authority. It would be desirable that the Contract expert has experience in managing PPP based procurements.</p>			
130	Section 7: Terms of	72 &	We understand that for the proposed position, in addition to the ones listed	Finance expert	Finance expert	With reference to Consultant Query no-12 & 83 , already

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause		Client Clarifications
				Existing sub Clause	Proposed Amended Clause	
	Reference III- Qualification of key experts Finance expert	Add. 3	<p>here, disciplines like engineering and MBA should be added. Some of the best finance professionals come from engineering background who would have additionally pursued MBA at post-graduate level. Further, there are number of finance professionals who take up finance at post-graduate level (through either MBA or Masters in Finance).</p> <p>Further, in line with other such procurements, engineers/ MBAs are typically sought for the position of finance expert.</p> <p>Hence, it is requested that the given requirement should be modified as suggested here.</p>	<p>Qualification</p> <p>Graduate level qualification in Finance, Which may include but not limited to; BA-Economics, BA-Taxation & Finance, BBA-Financial Analysis & Services, BSC (Hons.)-Economics, BSC (Hons.)-Economics & Finance.</p>	<p>Qualification</p> <p>Graduate level qualification in Finance*, Engineering (any discipline) or post graduate qualification – MBA/ Masters in Finance</p> <p><i>*Which may include but not limited to; BA-Economics, BA-Taxation & Finance, BBA-Financial Analysis & Services, BSC (Hons.)-Economics, BSC (Hons.)-Economics & Finance.</i></p>	<p>clarified by the client on 03-06-2020, The MBA degree was described as desirable qualification in case of Professional /Key Experts, listed at serial no-1,2,3,5,8 & 10 of Column no-2 of Para-III [Qualification of Experts]-TOR-Section-7.</p> <p>In this direction, regarding MBA/Post Graduate Qualification in management / business administration please refer item no-12 of Addendum no-5.</p> <p>Further, in this direction, please see item no-8 of the Addendum no-5.</p>
131	Addendum no. 3 dated	Page 3 of	Key experts being mentioned here are:	Add a new note below the Table listed under Para-III [at	Suggested to delete this note	Please refer the Clarification

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause		Client Clarifications
				Existing sub Clause	Proposed Amended Clause	
	03.06.20 (Point no. 4 Para-III [Qualification of Experts]-TOR-Section-7)	7	<p>1. Team Leader 2. Organizational policy/ HR expert 3. Business process expert 5. Heavy haul infrastructure expert 8. Contract expert 10. Finance expert</p> <p>The key expert positions – 1. Team Leader and 5. Heavy haul infrastructure expert are technical in nature. Such experts typically pursue masters in engineering or a PhD and not an MBA. Adding MBA requirement to these experts would certainly bar some of the quality professionals to participate in the project.</p> <p>Further, for the other four positions, the specific requirements listed in the table are sufficient enough and such a clause would only bar quality professionals to</p>	<p>Page no-72], as under; Note-1 It would be desirable for the Key Experts, listed at serial no-1,2,3,5,8 & 10 of Column no-2, to have MBA degree in relevant, discipline over & above minimum qualification , appended in column no-4.</p>	<p>completely from Addendum – 3.</p>	<p>to query no-130, above. In this direction, please refer item no-12 of Addendum no-5.</p>

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause			Client Clarifications											
				Existing sub Clause		Proposed Amended Clause												
			<p>participate</p> <p>Hence, it is requested that the given requirement of MBA should be deleted for all these mentioned positions (except for the ones where MBA is specifically mentioned)</p>															
132	Part II Section 8 IV. Appendices Annexure-1 to Terms of Reference (TOR-Appendix-A)	108	As highlighted during the pre-bid, currently several payments are linked to milestones, which are beyond the realm of the scope of work and control of the consultant. For example, regarding milestone "On Boarding of CEO", the consultant's should not be responsible for on boarding of the CEO. Consultant can only be responsible for identification and acceptance of CEO candidate by DFCCIL. Subsequently, the appointment of the CEO may be delayed on account of various	<table border="1"> <tr> <td>K D s</td> <td>Deliverable s</td> <td>Installments of Payment to Consultant (% of Accepted Contract Amount /Contract Price, as the case may be)</td> </tr> <tr> <td>D-1</td> <td>Submission¹ of an Inception Report with Consultancy Work Plan and detailed Programme</td> <td>2%</td> </tr> </table>	K D s	Deliverable s	Installments of Payment to Consultant (% of Accepted Contract Amount /Contract Price, as the case may be)	D-1	Submission ¹ of an Inception Report with Consultancy Work Plan and detailed Programme	2%	<table border="1"> <tr> <td>K D s</td> <td>Deliverables</td> <td>Installments of Payment to Consultant (% of Accepted Contract Price, as the case may be)</td> </tr> <tr> <td>D-1</td> <td>Submission¹ of an Inception Report with Consultancy Work Plan and detailed Programme</td> <td>2.5%</td> </tr> </table>	K D s	Deliverables	Installments of Payment to Consultant (% of Accepted Contract Price, as the case may be)	D-1	Submission ¹ of an Inception Report with Consultancy Work Plan and detailed Programme	2.5%	<p>Query, as regards onboarding of CEO, is similar to Query no-10, clarified by the Client on 03-06-2020.</p> <p>As regards, the sought change in Payment instalments, Consultant may refer "Appendix-A-Terms of Reference with Annexure-1(Payment Schedule)" wherein there is a clear Provision as under;</p> <p>"Annexure-1 (Payment Schedule), although provided, shall be finalized after Negotiation with the Highest ranked Consultant".</p>
K D s	Deliverable s	Installments of Payment to Consultant (% of Accepted Contract Amount /Contract Price, as the case may be)																
D-1	Submission ¹ of an Inception Report with Consultancy Work Plan and detailed Programme	2%																
K D s	Deliverables	Installments of Payment to Consultant (% of Accepted Contract Price, as the case may be)																
D-1	Submission ¹ of an Inception Report with Consultancy Work Plan and detailed Programme	2.5%																

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause			Client Clarifications		
				Existing sub Clause		Proposed Amended Clause			
			<p>administrative requirements and for which consultant's payment cannot be delayed.</p> <p>Further, it is also noted that the payments are highly back-loaded, which would result in significant cash-flow issues to the consultant. We request that the payment terms be aligned to the efforts of the consultant.</p> <p>To address these, it is requested to modify the payment structure as suggested here.</p>		Report with Consultancy Work Plan and detailed Programme – Consultancy Programme				
				D-2	Submission ¹ of Report on organization design	2%	D-2	Consultancy Programme Submission ¹ of Report on organization design	5%
				D-2	On Boarding of CEO	2%	D-3	Submission of consultant's selection recommendation for CEO	2.5 %
				D-3	On Boarding of theme heads	2%	D-4	Submission of consultant's selection recommendation for theme heads	2.5 %
				D-4	Development of HR policies	5%	D-5	Development of HR policies	5%
				D-5	Development of Business	5%	D-6	Development of Business	5%

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause			Client Clarifications					
				Existing sub Clause		Proposed Amended Clause						
					policies							
				D-6	Submission ¹ of report on Safety Management system of DFCCIL	2%						
				D-7	Submission ¹ of report on Identification of Research Areas	5%						
				D-8	Preparation & submission ¹ of Tender document for Procurement of Heavy Haul Equipment and software	5%						
				D-8.1	Finalization of Tenders for Procurement of Heavy Haul Equipment	5%						
				D-8.1	Finalization of Tenders (Award and Contract Agreement)	5%						

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause			Client Clarifications				
				Existing sub Clause		Proposed Amended Clause					
					for Procurement of Heavy Haul Equipment and software				and software		
				D-8.2	Procurement of Heavy Haul Equipment and software	5%	D-8.2	Procurement of Heavy Haul Equipment and software	2.5%		
				D-8.2	Procurement of Heavy Haul Equipment and software	5%	D-9	Preparation & submission ¹ of Tender document for Procurement of IT Infrastructure	5%		
				D-8.3	Commissioning of Heavy Haul Equipment and Software	2%	D-9.1	Finalization of Tender document for Procurement of IT Infrastructure	5%		
				D-9	Preparation & submission ¹ of Tender document for Procurement of IT Infrastructure	2%	D-9.2	Procurement of IT Infrastructure-MMIS	2.5%		
				D	Finalization	2%					

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause			Client Clarifications	
				Existing sub Clause		Proposed Amended Clause		
				- 9.1 of Tenders (Award and Contract Agreement) for Procurement of IT Infrastructure e-MMIS		D-10 Submission ¹ of Final Report & Approval by Client	2.5%	
			D - 9.2 Procurement of IT Infrastructure e-MMIS	5%	D - 11 Support during Operational Phase	1.25% Every month for total of 36 months = 45 % for advisory support to DFCCIL for operationalization		
			D - 9.3 Commissioning of IT Infrastructure e-MMIS	5%				
			D - 10 Submission ¹ of Completion Report & Approval by Client	2%				
			D - 11 Support during Operational Phase	5% Every quarter total 09 Quarter = 45 % subject				

S. No.	Section/ Clause Reference	RFP Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause		Client Clarifications
				Existing sub Clause	Proposed Amended Clause	
					to successful implementation of operational Phase certified by Client	
					100%	
133	General	NA	Given the recent outbreak of Covid-19, and the travel restrictions globally, the Authority should consider allowing experts to attend meetings / presentations remotely.	NA	The experts would be allowed to attend meetings through video conferencing / Online meetings such as Webex etc. during the course of the engagement.	In this direction, please refer Note-4 below the Table under Para-III [Qualification of experts]-TOR-Section-7 in the item no-7 of the Addendum no-5.

sn	Section/Clause Reference	Page no.	Consultant query with justification	In Case, Short listed consultant propose Amendment to RFP Clause		Client Clarification
				Existing sub Clause	Proposed Amended Clause	
134	Form Tech-1 and Fin-1	RFP Page number: 34-35 47-48	Since, multiple international partners are allowed and document movement or courier is restricted due to COVID-19, it is	Table format under Form Tech – 1 And Form Fin- 1	Add a line “Authorized signatory can provide with a scanned signature	In this direction, please refer item no-9 of the Addendum no-5.

			<p>requested that the scanned signature of Authorized Signatory should be allowed. Relaxation is already given in Data Sheet, Point 15.1.1 Pg no. 28</p> <p>“CVs should be signed by the respective Experts proposed for the assignment. Electronic Signature of the expert is permitted provided it has been used with the permission of concerned Expert and his Services are available for the assignment.”</p>			
135	Form Tech – 6	42	<p>Bidder had earlier raised the query: “Please specify minimum time effort an expert is expected to spend onsite and offsite to bring objectivity in evaluation of bids”</p> <p>To which DFFCIL clarification was as below</p> <p>“There is no minimum</p>	Form Tech-6	<p>We would once again want to highlight that DFFCIL either</p> <p>i) Specify minimum time expected in “Home” and “Field” to bring objectivity to the scenario. For e.g. for Heavy Haul Rolling stock Expert, 06 (Key Objective-1)+08 (Key Objective-2)=14 man-months of input is expected; out of the 14 month what should be min. man month at Field that is desired should be mentioned</p> <p>Or</p> <p>ii) Alter the Tech-6 table to remove the</p>	<p>The query [Query no-110] regarding Onsite or offsite Components was clarified by the client on 03-06-2020.</p> <p>In furtherance to the Client earlier clarification, following is further Clarified that</p> <p>(i). Form-TECH-6 provides for the Consultant to fill up the details as Consultant deems fit based upon their</p>

		<p>time effort, stipulated in the RFP, which, an Expert is expected to spend, onsite and offsite. If Consultant is referring to minimum Man Months for Key experts, please refer Column no- [3] of Table appended under Para-IV to TOR, section-7 [at Page no-72].The minimum Man months have not been, further , divided into onsite and off site components.”</p> <p>The bidder would like to highlight that the assertion “The minimum Man months have not been, further , divided into onsite and off site components” is not being well collaborated with the Tech-6 table given on Page 42. The table explicitly desires break-up as Home and Field, further defining Home and Field as below</p>		<p>column and sub-column pertaining to “Home” and “Field” time to make it consistent with the clarification in Addendum III</p>	<p>expert assessment of the Services [as defined under GCC sub Clause 1.1.(t)] i.e. Consultancy Assignment.</p>
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			<ul style="list-style-type: none"> • “Home” means work in the office in the expert’s country of residence. • “Field” work means work carried out in the Client’s country or any other country outside the expert’s country of residence. <p>We would once again want to highlight that DFFCIL either</p> <p>i) Specify minimum time expected in “Home” and “Field” to bring objectivity to the scenario. For e.g. for Heavy Haul Rolling stock Expert, 06 (Key Objective-1)+08 (Key Objective-2)=14 man-months of input is expected; out of the 14 month what</p>			
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			<p>should be min. man month at Field that is desired should be mentioned</p> <p>OR</p> <p>ii) Alter the Tech-6 table to remove the column and sub-column pertaining to "Home" and "Field" time to make it consistent with the clarification in Addendum III</p>			
136	Amendment no-3 dated 3 rd June 2020, Point 2, Sub Clause no-1.c.(xi)-Section-7-TOR	Amendment Page number 1 to 3	<p>Specialist sub-consultant for providing validation reports and a certificate thereof, raises a "Conflict of Interest" if this specialist consultant is appointed by the Consultant/Consortium.</p> <p>In Case of any Capacity constraint , being felt by Consultant, regarding Tasks , specified under Clause no-II</p>	NA	<p>It is suggested that for submission of validation reports and issue of validation certificate, DFCCIL appoints an independent "Third Party" to validate the works completed and issue a certificate post an independent evaluation of tasks and progress made. This will all together eliminate any concerns of Conflict of Interest</p>	<p>In this direction,</p> <p>Please refer item no-13 of addendum no-5.</p> <p>please refer item no-5 & 5.1 of the Addendum no-5.</p>

			<p>[Description of Tasks assigned to Consultant], sub Tasks, primarily connected with 'Regular monitoring to ensure successful implementation' and 'Submission of validation report'; as specified below;</p> <p>i) Sub Para-4 of Para-II- Task-D [Assessment and subsequent Procurement of the required Equipment and Infrastructure for efficient setting up & operationalization of HHRI.] -Sub Task -[v] & [vi], of TOR-Section-7 of the RFP [at Page no-65 of the RFP]</p> <p>ii) Sub Para-6 of Para-II- Task-F [Maintenance Management Information System (MMIS).] - Sub Task -[g] &</p>		
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			<p>[h], of TOR-Section-7 of the RFP [at Page no-66 of the RFP]</p> <p>iii) Sub Para-7 of Para-II- Task-G [Support in setting up HHRI Data centre]-Sub Task – [g] & [h], of TOR-Section-7 of the RFP [at Page no-66 of the RFP]</p> <p>iv) Sub Para-8 of Para-II- Task-H [Setting up and operationalizing HHRI]- Sub Task –[a] & [b], of TOR-Section-7 of the RFP [at Page no-67 of the RFP];</p> <p>The Consultant [Ref-1.1.(f)], after award of the in terms of SCC Clause 16.1, shall submit proposal to modify, without any liability on the Client, their Constituent Structure, by taking on Specialist Sub Consultant(s) for the</p>			
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		<p>above cited sub Tasks, subject to Client Specific approval , in writing. Consultant agrees and in their Proposal shall so warrant that in terms of GCC sub Clause 2, Consultant shall be in complete charge of Proposed Specialist Consultant and Consultant Shall be fully responsible for the services performed by the Specialist sub Consultant as if the aforesaid Services performed by Specialist Sub Consultant were performed by the Consultant. Consultant, in this direction, shall submit the Consultant's Proposal containing specific request for adding on one or more Specialist Sub</p>			
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		<p>Consultant(s), for one or more Sub Tasks, cited above along with following documents [with Each page of the Proposal & below mentioned submittals signed, on round stamp of Consultant, by the Authorised Representative, in token of formal submission by the Consultant after due scrutiny] [Ref-SCC sub Clause 9.1], in support.</p> <p>i) Proposed Specialist Sub Consultant(s) unqualified willingness to associate with the Consultant for the envisaged Tasks, their averment as to not being banned by World Bank or similar Funding Agencies and by MOR etc., their averment</p>			
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			<p>regarding there being no Conflict of interest [Ref- ITC sub Clause -3, at Page-1 of the RFP].</p> <p>ii) Proposed Specialist sub Consultant's Organisation & Experience [in terms of TECH-2 (for full Technical Proposal-FTP, at Page no-37 of the RFP], i.e. Qualification [Qualification & Experience, captured in detailed CVs [Each Page signed by concerned experts and Authorised Representative of the sub Consultant on the Specialist Sub Consultant round Stamp, in token of their formal submission , after due scrutiny by Specialist sub Consultant] , of their Experts</p>			
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			<p>proposed to be deployed for the above cited Sub Tasks] and Sub Consultant's experience [Each Page signed by Authorised Representative of the sub Consultant on the Specialist Sub Consultant round Stamp, in token of their formal submission , after due scrutiny by Specialist sub Consultant], of having performed specific Tasks , for the Last seven years [including the Year of Award].</p> <p>After approval of the Client as to the Proposed Specialist Sub Consultant, being Part of the Consultant, the Contract Agreement shall be suitably amended and after Client's aforesaid approval, the</p>			
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			<p>Consultant shall ensure submittal of ;</p> <p>i) Sub Consultant Warranty to the Client [Format to be conveyed/ agreed by the Client in advance] , also, containing Specialist Sub Consultant averment, indemnifying the Client against and from all types of Claims, Damages, losses and expenses [including Legal fees and expenses] for damages and or losses caused by /adjudged to be attributable to negligence, wilful act or Breach of Contract by the Specialist sub Consultant engaged by Consultant.</p>			
137	Amendment no-3 dated 3 rd June 2020, Point 16,	7	Most of the People with >=15 years of experience in the fields		It is suggested that: The project is focused upon setting up a Heavy Haul Research Institute that	In this direction, please refer item no-6 of the Addendum no-5 . No further change is

<p>Serial no-1- Team Leader of Para- III[Qualification of experts]- TOR-Section-7</p>		<p>mentioned below would be either retired or currently in job. In either case the person will not be able to commit his or her time for a project duration. [Person in job are not qualified to also act as Project Leader on this project while continuing in job and a Retired person will not be willing to commit such a long time, hence it is suggested to relax the requirement. In column no-5 [Experience], supplement the existing provision with the following; or Must have minimum 15 Years of experience in complete Project implementation of Railway infrastructure [preferably DB project involving Design, execution , testing and commissioning-Work experience, during implementation of</p>		<p>brings academic research to on ground implementation. Hence the project leader should have an in depth experience of setting up or operationalizing or providing advisory support to educational institutes, universities or Centre of excellence for academic studies and research. This would help to establish synergies between research conducted in HHRI and their implementation in Heavy Haul railways</p> <p>It is requested to modify the amendment as follows: Must have minimum 15 Years of experience in higher education sector involving setting up, operationalizing and providing advisory support to educational institutes, universities or Centre of excellence in areas of establishing research agenda, education quality improvement, improving industry-academia partnerships, Internationalization and tie ups with institutes of global repute in India or abroad.</p>	<p>envisaged.</p>
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			such Railway Infrastructure DB Project as an expert /Professional of Consultant/Project Management Consultant i.e. Engineer would qualify] Project(s), funded by International Funding Agencies like World Bank, ADB & JICA.		
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#	Reference	Current Clause	Information/Change Suggested	Client Clarification
138.	Terms of Reference, Pg 72, Indicative requirements of Key Experts for the consultancy services,	“Regarding Non-Key Experts, Consultant shall submit a detailed list of Non-Key Experts to be finalized during the Contract negotiation”	<p>In order to estimate the overall project cost for the consultant, it is important to understand the number of non-key experts who will also be supporting during the Phase 2 ie 36-month period.</p> <p>It is requested that DFCCIL indicates the number of non-key experts explicitly.</p> <p>This will also help DFCCIL to make “an apples to apples comparison” while evaluating the financial bids submitted by bidders and build objectivity in the bids.</p>	<p>As already clarified, in response to Query no-110 (on 03-06-2020) & query no-135 (above) by the client The requirement of indicative Man month, as appended under Para-IV of the TOR (at Page no-72) is minimum and nowhere captures the total requirement of Experts for the complete & successful Implementation of the services [as defined under GCC sub Clause 1.1(t)].</p> <p>While preparing their lump sum Proposal for the services, Consultants are required to make their own assessment and be guided by it.</p>
139	Appendix A, Payment	5% every quarter total 9	It is requested to make equal monthly	No Change is envisaged.

	Schedule, Key Objective 2, Point D-11, Instalment of payment to consultant, Pg 108	Quarters=45% subject to successful implementation of operational phase certified by client	payments instead of quarterly	
140	<p>As per Amendment no-3 dated 3rd June 2020, Point 15, ITC Sub Clause 14.1.1(Preparation of Proposal-Specific consideration,)-Data sheet , It is also requested that since a minimum notice of 28 days is to be given to DFFCIL for adding a sub-consultant it is requested and an approval for the same would be granted up to 10 days of proposal submission it is requested that at-least 42 day (6 Weeks) period notice is given for the final submission of the proposal from the date of final addendum to the queries.</p> <p>Since most of EY office and the consortium partner office are closed even to date, with some of key members under significant stress & trauma, it is requested that</p>			<p>In this direction, please Client clarification to Query no-117, above wherein, it is conveyed, in terms of Addendum no-4 dated 29-06-2020, that the proposal submission deadline has been extended up to 07-09-2020.</p> <p>No further change is envisaged.</p>

	such time window would be greatly appreciated in the current times.			
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Sr. No.	RFP Page No.	Original Clause	Requested Modification / Clarification	Client clarification
141	Page 68	Team Leader	We would like to request that the educational qualifications may please be modified as: “Graduation and Post-Graduation in any discipline” since international experts may have substantial professional experience in Heavy Haul but may not have graduation and post-graduation in the specific required discipline as mentioned in the RFP.	In this direction, please refer Client Clarification to query no-126, 131 & 137, above and also item no-4 of Addendum no-3 dated 03-06-2020 and item no-6 of the Addendum no-5. No further Changes are envisaged.
142	Page 69	Business Process Expert	We would like to request that the following may be excluded from the requirement since Business Process Expertise in overall infrastructure sector is required. “Familiarity and /or experience in accounting and auditing process.” Additionally, for the educational qualification, the following may please be considered: “Graduate level qualification in any discipline followed by MBA / PGDBM”	Regarding the exclusion of a requirement from the desired Work profile, no change is envisaged. As regards, inclusion of “MBA/ Post Graduate Qualification in management / business administration” being a desirable qualification, please refer item no-12 of Addendum no-5 .
143	Page 69	Heavy Haul Rolling Stock Expert	For the educational qualification, we would like to request the following modification: “Graduate Qualification in Mechanical, Mechatronic or Electrical Engg. OR Graduation in any discipline along with min. 15 years of operational experience in	No Change is envisaged.

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			Railways traffic management”.	
144	Page 70	Heavy Haul Infrastructure Expert	We would like to request if the minimum years of experience could kindly be reduced to 10 years from the 15 years mentioned in the RFP	No change is envisaged.
145	Page 70	Rail Research Specialist	We would like to request if the minimum years of experience could kindly be reduced to 10 years from the 15 years mentioned in the RFP	No change is envisaged.
146	Page 71	Contract Expert	<p>We would like to request clarification from DFCCIL on which entity would be responsible for vetting and approving the legal documentation. Kindly clarify whether this would be responsibility of the consultant or whether it would be done by an independent agency appointed by DFCCIL or in-house by DFCCIL.</p> <p>Accordingly, the requirements for the Contract Expert may be modified (in case the legal vetting is required to be done by the Consultant) and an LLB Degree may be stipulated.</p>	<p>In this direction , please refer the client Clarification to Query no-138, above, wherein it is conveyed that The requirement of indicative Man month, as appended under Para-IV of the TOR (at Page no-72) is minimum and nowhere captures the total requirement of Experts for the complete & successful Implementation of the services [as defined under GCC sub Clause 1.1(t)].</p> <p>Therefore, in the expert wisdom of the consultants, whatever expertise is required for the implementation of the Services [Ref-GCC sub Clause 1.1(t)], Consultant can incorporate in their organisation while preparing their lump sum Proposal.</p> <p>No change is envisaged.</p>
147	Page 72	Finance Expert	We would like to request the following modification in qualifications for the Finance Expert: “Graduate in any discipline followed by MBA / PGDBM”	In this direction, please refer Client clarification to query no-130 with item no-8 of Addendum no-5.

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			<p>Also, we would like to request that the minimum years of experience may kindly be reduced to 10 years from the 15 years mentioned in the RFP. (this is similar to the requirement of some other experts mentioned in the RFP)</p> <p>We would also request if the following can be removed: "Should be conversant with matters related with latest Taxation regime like GST"</p>	No Further change is envisaged.
148	Page 37, FORM TECH – 2	List only previous similar assignments successfully completed in the last 7 years.	<p>We would like to request that this clause may be modified to the following: "List only previous similar assignments completed / ongoing in the last 10 years".</p> <p>This is because (like this current opportunity with DFCCIL) some assignments are multi-year duration assignments and hence can be on-going.</p>	No change is envisaged.
149	Page 89, Clause 23	Liability of the Consultant	<p>We would like to request that the overall liability under this consulting assignment be limited to ONE time the fee paid to the selected consultant. We would also request that indemnity to the client for any purposes should also be limited to one time fees being received by the consultant.</p>	In this direction, please refer SCC sub Clause no-23.1[Liability of the consultant at Page-99-100 of the RFP.]
150	Form TECH – I, Technical proposal submission form; page 34 Page 19,	<p>Submission, Sealing, and Marking of Proposals</p> <p>17.2.1 A Proposal submitted by a Joint Venture shall be signed</p>	<p>Since this proposal submission is expected to involve external consortium / JV members, obtaining signatures from all members on the proposal submission documents can prove to be a very tedious task. In view of this, the bidders may kindly be allowed to submit 'Letters of Intent / Letters of</p>	In this direction, please refer Client clarification to Query no-134 and item no-9 of the Addendum no-5.

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	Clause 17	by all members so as to be legally binding on all members, or by an authorized representative who has a written power of attorney signed by each member's authorized representative.	Association' form the various Consortium / JV members in favour of the Lead Consortium/JV member stating their intent to form the Consortium / JV for this engagement. In case, at a later stage, after finalization of the preferred bidder, the selected bidder may be required to submit a Power of Attorney jointly signed by all members.	
151	Page 61 and page 64	Staffing for HHRI- Provide support in identification and appointment of CEO, Theme Heads and other relevant Key Research Professionals	We would like to request the expected inputs from the consultant in selection and appointment of CEO, Heads and other key professionals. As a consultant, it may not be permissible for the firm to participate in the selection process / interview process and other activities that would entail management function responsibility on behalf of the Client.	In his direction please refer the client Clarification to query no-132 with Client clarification to Query no-10 [clarified earlier on 03-06-2020 with item no-1 of Addendum no-3 dated 03-06-2020].
152	Task D (v) Task F (g)	It shall include necessary Factory acceptance Checks If applicable, and necessary Checks / tests associated with installation, Testing & Commissioning.	It may not be possible for the consultant to undertake factory acceptance checks and tests associated with installation and commissioning. The same should be undertaken by the Authority.	In this direction, please refer item no-2 of the Addendum no-3 dated 03-06-2020 .
153	--	Procurement and contacting activities under the engagement	We would like to request clarification regarding whether the Consultant shall be required to provide legally sustainable draft tender documents or would the Client take up legal review and vetting of the procurement and tender documents for various procurement activities envisaged under this	In this direction, please refer TOR-Section-7 sub Para –II-(4)[Task-D-Assessment an subsequent procurement of the required equipment and infrastructure for efficient setting up & operationalisation of HHRI; at Page 64-65 of the RFP].

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			assignment.	
154	Page 66	Submission of Validation report and necessary documentation to facilitate the Issuance of necessary completion Certificates/ Taking over Certificate, after ensuring above, to each of Contractor for the work(s) of Procurement of such MMIS System.	We would like to highlight that it may not be possible / permissible for the selected consultant to submit a validation report and issue Certificates. We would like to emphasize that this would be the duty of the vendor and the client.	In this direction, Regarding sub task –(D) & Task-G, Please refer item no-2&3 of Addendum no-3 dated 03-06-2020 . Regarding Task-H, please refer client clarification to Query no-136 and item no-5 & 5.1 of the Addendum no-5. Please , also, refer item no-13 of addendum no-5 .
155	Page 66	Submission of Validation report and necessary documentation to facilitate the Issuance of necessary completion Certificates/ Taking over Certificate, after ensuring above, to each of Contractor for the work(s) of Procurement of such equipment and Software including Maintenance support for setting up of HHRI Data Centre.	We would like to highlight that it may not be possible / permissible for the selected consultant to submit a validation report and issue Certificates. We would like to emphasize that this would be the duty of the vendor and the client.	Please refer the Client Clarification to query no-154, above. Repetitive query.
156	Page 67, Task	Based upon above, Consultant shall issue a	We would like to highlight that it may not be	Please refer Client Clarification to Query no-

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	– H	Validation certificate for complete setting up of a Functional HHRI.	possible / permissible for the selected consultant to submit a validation report and issue Validation Certificates. We would like to emphasize that this would be the duty of the vendor and the client.	136 & 154 above
157	Page 67, Task – L	Support in establishing twinning arrangements with global institutes of repute	We would like to request whether the selected consultant shall be required to undertake international travel for discussions with potential institutes. If yes, we request to kindly provide details (number, duration etc.) of such travel so that the same can be budgeted appropriately.	It is a lum sum Tender. In terms of Sub Para-2.(d) [Relevant information regarding the assignment, at page-60]-TOR-Section-7, as revised vide item no-3 of Addendum no-5 , Consultant is required to make the required inputs for complete & successful implement the Services [GCC sub Clause . 1.1(t)]
158	Page 72	Indicative requirements of Key Experts for the Consultancy Services are as under	While indicative requirements for the various modules of the study have been provided in the RFP, we would like to request an indicative split between 'Home' and 'Field' time for the various experts. This shall help all bidders allot same time for the experts and shall ensure uniformity in price proposals as well for DFCCIL.	In this direction, please refer Client's clarification to Query no-138 & 146, above.
159	Page 90 Replacement of Key Experts	...In such case, the Consultant shall forthwith provide as a replacement, a person of equivalent or better qualifications and experience, and at the same rate of remuneration.	Since the scope of work is very specific, we request if some time period of approximately 1 month is provided to the consultant for finding a replacement of the Key experts.	No Change is envisaged.
160	Page 107, Payment schedule	The payment schedules are linked to the onboarding of CEO, Theme head etc.	Onboarding of a CEO will not be under any control of the consultant and hence linking a payment milestone to the same may not be correct. The payment milestone may be linked to any kind of	Please refer the client's clarification to Query no-132, Query o-10 [earlier clarified by the client on 03-06-2020] and Client Clarification to query no-151, above.

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			submission from our end since the same would be under direct control of the consultant.	
161	--	--	Since this is a very critical assignment of national significance, and multiple firms have submitted queries, as well as response to queries by DFCCIL and tie-up with international partners by the consultants is expected to take time, we would like to request that the submission timeline may kindly be extended by at least an additional 10 weeks from date of release of clarifications to pre-bid queries. This shall help all bidders to submit good quality and competitive proposals.	In this direction Consultant may refer Client Clarification to Query no-117 and Addendum no-4 dated 29-06-2020 wherein the proposal submission deadline has been extended up to 07-09-2020.