

DADRI-KHURJA SECTION OF EASTERN DEDICATED FREIGHT CORRIDOR
PRE-QUALIFICATION OF SYSTEMS WORKS CONTRACT: CONTRACT PACKAGE: 105
RESPONSES TO PRE-SUBMISSION QUERIES OF THE APPLICANTS

S. N.	Reference to PQ Document	Clarification Sought by the Applicant	DFCC's Response
(1)	(3)	(4)	(5)
21.	<p>Section I : Instruction to Applicants Sub clause 25.- Evaluation of applicants Sub clause 25.4 Response to pre submission queries</p> <p>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 sub-contractor as per ITA 25.2) shall not be considered.</p>	<p>We have noted your reply, However recently , Ministry of Railways (MoR) have awarded Contract for 800 Electric Locomotives to Alstom ,where at the prequalification stage it was allowed to use the Technical & Financial references of the group company. Clause given below for your reference –</p> <p>2.2.9 In computing the Technical Capacity and Net Worth of the Applicant / Consortium Members under Clauses 2.2.2, 2.2.4 and 3.2, the Technical Capacity and the Net Worth of their respective Associates would also be eligible hereunder.</p> <p>For purposes of this RFQ, Associate means, in relation to the Applicant/Consortium Member, a person who controls, is controlled by, or is under the common control with such Applicant/ Consortium Member (the "Associate"). As used in this definition, the expression "control" means, with respect to a person which is a company or corporation, the power to direct the management and policies of such person by operation of law.</p> <p>As DFCCIL is a 100% subsidiary of MoR , Once again request you to include this clause at the prequalification stage. This is also in line with the MAKE IN INDIA initiative of the Government</p>	<p>Request not accepted. The provisions of the PQ Document shall prevail.</p>
22.	<p>ITA 4.2 Eligible Applicants Response to pre submission queries</p> <p>An Applicant may be a firm that is a private</p>	<p>We have noted your reply to not allow 100% subsidiary to be formed by single applicant at award stage, However we would like to again submit that the execution of contract is the prime responsibility of the applicant,</p>	<p>Request not accepted. The provisions of the PQ Document shall prevail.</p>

	<p>entity, a government-owned entity—subject to ITA 4.9 - or a combination of such entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. ----- ----- ----- behalf of any and all the members of the JV during the Prequalification process, bidding (in the event the JV submits a bid) and during contract execution (in the event the JV is awarded the Contract).Unless specified in the PDS, there is no limit on the number of members in a JV.</p>	<p>therefore post award contractual structure for Project execution /delivery should be left to the applicant.</p> <p>Therefore this should be allowed as it is already allowed for JV/Consortium with 2 or more members to incorporate a new company ,which then will sign the contract with DFCCIL</p> <p>This is perfectly in line with Indian Laws and regulations applicable.</p>	
23.	<p>ITA 4.2 Eligible Applicants Response to pre submission queries</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 entities in the form of a joint venture (“JV”) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. ----- ----- ----- behalf of any and all the members of the JV during the prequalification process, bidding (in the vent the JV submits a bid) and during contract execution (in the event the JV is awarded the Contract).Unless</p>	<p>Since through response to pre-submission queries you are not allowing a single Applicant/private entity, with an intent to incorporate a new company as 100% subsidiary of the applicant after the receipt of Letter of Acceptance from DFCCIL at award stage “</p> <p>Please confirm that In the case of single entity as an Applicant, Applicant will be permitted to assign or novate the contract to an entity within its group company which qualifies the capability of executing the contract. ?</p> <p>It is very important to get this confirmation at this stage itself before going in for a JV/Consortium or any other contractual structure.</p>	<p>It is clarified that the Applicant will not be permitted to assign or novate the contract to any other entity within its group or otherwise.</p>

	specified in the PDS, there is no limit on the number of members in a JV.		
24.	<p>ITA 4.2 PDS</p> <p>Maximum number of Partners in the JV shall be 4 (Four), (each member should have at least 15% of share with total for all members as 100%)</p>	<p>Since you are insisting on a minimum share of 15% to each partner, please clarify and confirm that each partner would receive the payments in his quoted currency separately.</p> <p>This is very important to know at this stage itself before going in for a JV/Consortium or any other contractual structure.</p>	Exact modalities of payment shall be detailed in the Bid Document.
25.	<p>3.1 Financial Capabilities (iii) Remark 8</p> <p>The audited balance sheets, profit and loss account and cash flow statement of Group Companies, Parent Companies or Sister Companies and its affiliates shall not be considered for evaluation unless they are part of JV. The Applicants are advised to strictly adhere to this requirement and submit the financial statements of the Applicant and / or its JV /consortium members only in accordance with the laws of the Applicant's Country.</p>	<p>In line with the clause 2.2.9 as allowed in the Indian Railways Madhepura Electric Locomotives project, now signed the contract with Alstom.</p> <p>We would request the following amendment in this clause:</p> <p>"The audited balance sheets, profit and loss account and cash flow statement, Technical capacity of Group Companies, Parent Companies or Sister Companies and its affiliates shall not be considered for evaluation unless they are part of JV. The Applicants are advised to strictly adhere to this requirement and submit the financial statements of the Applicant and / or its JV /consortium members or affiliates/Group companies only in accordance with the laws of the Applicant's Country.</p>	Request not accepted. Provision(s) of PQ documents shall prevail