

Response to Written Queries of Bidders for the Request for Qualifications for Upgrading and Maintenance of State Highways under DBFOMT-Annuity Basis (Project No-GSHP II/ICB/01)-Points for Clarification: Mehsana-Himatnagar

Sr. No.	Clause No.	Gist of the Query	Response
1	1/1.1.1	Project Cost We would request the Authority to share with us, details of basis of estimation of the project cost.	This is a DBFOMT Project. Bidder has to make his own design and estimates. Details which have been shared is only indicative and GoG is not responsible for the same. The year of estimate is 2012. Further details, if any required, can be availed from the office of PIU with prior intimation.
2	3/1.2.3	Brief description of Bidding process No charges for RFQ process mentioned (even at time of submission), Kindly confirm.	No charge is levied for RFQ.
3	23 & 24/ 2.12.4	No details mentioned about the physical submission of hard copy of RFQ documents, kindly confirm whether the same has to be done or not and if yes, in what time limit of e-submission.	No physical submission required, Bidders are requested to take utmost care to ensure that they upload all the required information. RFQ process will go through electronic mode as per RFQ document only.
4	10/ 2.2.2	O & M Experience We would request the authority to change the criteria and instead include in its place submission of an undertaking by Bidder to bring an experienced O&M Contractor as per the practice prevalent in NHAI, MPRDC, RICK Ltd etc. <i>Usually mentioned in clause 2.2.3 of RFOs for O&M experience- “The Applicant shall engage an experienced O&M contractor or hire qualified and trained personnel for operation and maintenance of the project in conformity with the provisions of the concession agreement.”</i> We assure to abide by authority’s criteria in recruiting O&M Contractor	RFQ requirement stands. Request is not accepted.
5	56	APPENDIX IV, POA & JBA What is to be mentioned in RFQ date and RFQ Number column	Please refer Addendum, Sr. No. 4.
6	68	Are all clearances and permits in place or would the bidder be required to get any clearances. (The R&R activities to be undertaken by Concessionaire have been separately specified in Project Information Memorandum).	This is RFQ stage; RFP stage will provide specific details.

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7		<p>O & M Experience Operation and Maintenance (O&M) of at least one Project of minimum length as given in the Clause 3.1.8 for respective Package. The Applicant shall, in the case of a Joint Venture, include a Member who has equivalent O & M experience of its own or through its Subsidiary, provided it is part of the Applicant's Application, and such Member shall subscribe and continue to hold at least 10% (ten per cent) of the subscribed and paid up equity of the SPV till the end of Concession Period.</p> <p>The Applicant should furnish details of the O&M experience as per format at Annex-IIC of Appendix-I and evidence in support such as certificate from the client(s)/employer(s) establishing the O&M experience.</p> <p>We request you to modify this clause as per RFQ of NHAI MORTH as below</p> <p>“O&M Experience: The Applicant shall engage an experienced O&M contractor or hire qualified and trained personnel for operation and maintenance of the project in conformity with the provisions of the concession agreement”.</p> <p>As per Model concession agreement clause 17.1.1 following is stated “During the Operation Period, the Concessionaire shall operate and maintain the Project Highway in accordance with this Agreement either by itself, or through the O&M Contractor and if required, modify, repair or otherwise make improvements to the Project Highway to comply with the provisions of this Agreement, Applicable Laws and Applicable Permits, and conform to Specifications and Standards and Good Industry Practice”.</p> <p>Kindly allow similar arrangement for this contract also.</p> <p>Accordingly, kindly remove format Annex –IIC O&M experience.</p>	Please refer Sr. No. 4 herein.
8	2.2.2	In case of a Joint Venture, each Member shall, till the end of Concession Period, hold equity share capital not less than 26% (twenty six per cent) of the subscribed and paid up equity of the SPV and not less than 5% (five per cent) of the	Request not accepted. RFQ provisions stand.

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		<p>Total Project Cost specified in the Concession Agreement. However, any Member, except the Lead Member, may, reduce its shareholding to not less than 26 % (twenty six per cent) of the subscribed and paid up equity share capital of the SPV and/ and not less than 5 % (five per cent) of the Total Project Cost, after a period of 2 (two) years from the date of commercial operation of the Project, However, the Member who will provide the O&M experience according to the Application shall subscribe and continue to hold at least 10% (ten per cent) of the subscribed and paid up equity of the SPV till the end of Concession Period.</p> <p>We request you to modify this clause as per RFQ of NHAI MORTH as below technical capability and net worth of those Members, who have and shall continue to have an equity share of at least 26% (twenty six per cent) each in the SPV, should satisfy the above conditions of eligibility; provided that each such Member shall, for a period of 2 (two) years from the date of commercial operation of the Project, hold equity share capital not less than: (i) 26% (twenty six per cent) of the subscribed and paid up equity of the SPV; and (ii) 5% (five per cent) of the Total Project Cost specified in the Concession Agreement.</p>	
9	2.5.2	<p>Regarding Customer / Excise Duty Exemption for Materials / Construction Equipment Bought for the works. Kindly define the purpose of this is undertaking. This can be given only at RFP stage by the bidder; we request you delete this requirement.</p>	Not applicable at this stage.
10		<p>Amount Details As per (n) Procure Tender Management System Bid Document Fee is not applicable. Please clarify.</p>	Please refer Sr. No. 2 herein.
11		<p>Consortium / Joint Venture As per RFQ document, Joint venture / Consortium is mentioned; however, as per (n)Procure Tender Management System Consortium / Joint Venture is mentioned as “not applicable”. Please clarify.</p>	It will be sorted out immediately. Please confirm through nprocure website.
12	RFQ, clause no.2.2.2 , page no.10	<p>The sum of “total experience” of all the eligible projects (i.e. Technical capacity) shall be equal or more than twice the amount of the Estimated Project Cost for the project listed in Clause 1.1.1 (the “Threshold Technical Capacity”).</p> <p>Our request is to consider the sum of “total experience” of all the eligible projects (i.e. Technical capacity) shall be equal to at least one half of of the Estimated</p>	Total experience of all eligible projects should be twice the amount of estimated project cost or more.

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		Project Cost for the project listed in Clause 1.1.1 instead of equal or more than twice the amount of the Estimated Project . (As per recently invited RFQ by NHAI an amount equal to at least one half of the project cost of eligible projects as per page no.23 attached)	
13	RFQ, clause no.3.1.3(iii) , page no.22	The capital cost of the project should be more than 20 % of the Estimated Project Cost specified in Clause 1.1.1. Our request is to consider the capital cost of the project should be more than 10 % instead of more than 20 % of the Estimated Project Cost specified in Clause 1.1.1 (As per recently invited RFQ by NHAI page no.23 attached)	RFQ stipulation shall prevail.
14	RFQ, clause no.3.1.8(iii) , page no.23	The Applicant's experience towards O & M for the respective projects shall be Single Road Project (Four-Lane) of minimum 50 Kms. Length. In R & BD only few agency like L & T have an experience of O & M of Four Lane. In BOT and SHDP on Annuity base in R & BD all projects are of 10 M wide road for maintenance only as Toll is not to be collected by concessionary. Therefore our request is to consider "experience towards Maintenance for One/two, respective EPC projects shall be Road Projects of NH four lane & SH not less than 10 M wide of minimum =7,00,000 Sq.mt. (14m x 50000m)" OR Experience towards Maintenance for the respective projects shall be Single EPC Road Project of SH(Width not less than 10m wide) of minimum 5,00,000 Sq.mt. (Experience of maintenance of 4-lane OR 10m wide SH does not make any difference.) OR "experience towards maintenance for One/two, respective EPC projects of NH & SH width not less than 10m for equivalent or more than 200km. single lane" (i.e. equivalent to 50km X 4 lane =200km single lane.)	Please refer addendum, Sr. No. 5.
15	GOG, R&BD, Resolution No.SSR/10 97/32/C dated.15-06-2011 of prequalifica	Escalation Factor: Enhancement factors will be applied to annual turnover and completion cost of works to bring them to the base year. The current financial year in which bid is invited shall be considered as the base year.	Please refer addendum, Sr. No. 6.

Sr. No.	Clause No.	Gist of the Query			Response																																								
	tion criteria	<table border="1"> <thead> <tr> <th>Year</th> <th>Financial year</th> <th>Enhance ment Factor</th> </tr> </thead> <tbody> <tr> <td>-1</td> <td>2014-15</td> <td>1.0</td> </tr> <tr> <td>-2</td> <td>2013-14</td> <td>1.1</td> </tr> <tr> <td>-3</td> <td>2012-13</td> <td>1.21</td> </tr> <tr> <td>-4</td> <td>2011-12</td> <td>1.33</td> </tr> <tr> <td>-5</td> <td>2010-11</td> <td>1.46</td> </tr> <tr> <td>-6</td> <td>2009-10</td> <td>1.61</td> </tr> </tbody> </table> <p>Enhancement factors are necessary to bring annual turnover and completion cost of works to the base year. Our request is to consider for provision of Escalation Factor as per GOG, R&BD, Resolution dated 15-06-2011.</p> <table border="1"> <thead> <tr> <th>Year</th> <th>Financial year</th> <th>Enhance ment Factor</th> </tr> </thead> <tbody> <tr> <td>-1</td> <td>2014-15</td> <td>1.0</td> </tr> <tr> <td>-2</td> <td>2013-14</td> <td>1.1</td> </tr> <tr> <td>-3</td> <td>2012-13</td> <td>1.21</td> </tr> <tr> <td>-4</td> <td>2011-12</td> <td>1.33</td> </tr> <tr> <td>-5</td> <td>2010-11</td> <td>1.46</td> </tr> <tr> <td>-6</td> <td>2009-10</td> <td>1.61</td> </tr> </tbody> </table>	Year	Financial year	Enhance ment Factor	-1	2014-15	1.0	-2	2013-14	1.1	-3	2012-13	1.21	-4	2011-12	1.33	-5	2010-11	1.46	-6	2009-10	1.61	Year	Financial year	Enhance ment Factor	-1	2014-15	1.0	-2	2013-14	1.1	-3	2012-13	1.21	-4	2011-12	1.33	-5	2010-11	1.46	-6	2009-10	1.61	
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16	RFQ Clause 1.1.1	<p>Estimated Project cost - 3342.8 Million Kindly specify the year when Estimated Project cost was arrived at. Kindly provide the breakup of estimated construction cost, escalation, financing cost, physical and price contingencies.</p>			Please refer addendum, Sr. No. 1.																																								
17	RFQ clause 2.2.2 (B)	<p>The Applicant shall have positive net cash accruals during any three years out of the last 5 financial years preceding the application due date. Authority is aware that the infrastructure industry is going in rough phase from past 5 years and also GDP and Economic growth is lower than expected, hence we request for Financial capacity to consider and validate Net Worth only and request to remove the requirement of positive net cash accruals during any three years out of the last 5 Financial years.</p>			RFQ stipulation prevails.																																								

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18	RFQ clause 2.2.7	<p>The Technical capacity and Net worth of single Applicants or joint venture under clauses 2.2.2, 2.2.4 and 3.1 may include the Technical capacity and Net worth of their respective subsidiaries. Request to kindly define the term Subsidiaries to be used for this RFQ.</p> <p>Please confirm if the experience of parent company which is having control of more than 50% can be included. We would like to mention you that as per RFQ published by planning commissions Experience of both parent and other associates can be considered.</p>	Clause 2.2.2 is self-explanatory. Also the clause on Conflict of Interest may be referred to this respect.
19	Annex-IIC:	<p>O&M Experience of the Applicant. Columns specifying the Supporting documents.</p> <p>The applicant will be producing the Statutory Auditor certificate and 5 years Annual report as the supporting documents for the Experience. Request you to kindly clarify if any other documents are required to be produced.</p>	Though RFQ is clear, it is to state that all Technical Certification must be from concern Employer/Client Agency, while wherever financial certification is beyond such client's purview, the same may be provided through Statutory Auditors.
20	Annex – IV:	<p>Details of Eligible projects. Column no:4 specifying the supporting documents. The applicant will be producing the Statutory Auditor certificate and 5 years Annual report as the supporting documents for the Experience.</p> <p>Request you to kindly clarify if any other documents are required to be produced</p>	The supporting documents are required to be produced as mentioned in RFQ Annex – IV. A bidder can produce other supporting documents, if he feels to submit the same.
21	General	<p>Kindly Clarify on the Status of Land Acquisition for the said project stretch.</p> <p>Please confirm if utility shifting along the ROW will be done by Authority and then the land would be handed over to concessionaire.</p>	Current status has been briefed, more details shall be provided at the RFP stage.
22	General	Request you to include in the RFP stage As a security to the payment of Annuity amount, the Authority to provide concessionaire an irrevocable, revolving letter of credit from a schedule Bank throughout the operations period.	Not Agreed.
23	2.2.2	To be eligible for Qualification, in addition to meeting the Test of Responsiveness as per Clause 2.17, an Applicant shall fulfil the following conditions of eligibility on its own or through a Subsidiary, provided it is part of the Applicant's Application:	The criteria provided for O&M experience is thoughtfully kept for specific Concession Period. The RFQ requirement stands as the same.

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		<p>O & M Experience: In case the Applicant is a single entity, it shall either by itself or through its Subsidiary, provided it is to be part of the Applicant's Application, experience of one year or more, not including the Defect Liability Period continuously operation & Maintenance (O&M) of at least one Project of minimum length as given in the Clause 3.1.8 for respective package. The Applicant shall, in the case of a Joint Venture, include a Member who has equivalent O & M experience of its own or through its Subsidiary, provided it is part of the Applicant's Application and such Member shall subscribe and continue to hold at least 10% (ten per cent) of the subscribed and paid up equity of the SPY till the end of Concession Period. The Applicant shall furnish details of the O&M Experience as per format at Annex-IIC of Appendix and evidence in support such as certificate from the client(s)/employer(s) establishing the O&M experience.</p> <p>3.1.8 – The applicant's experience towards O&M for the respective projects shall be as follows: Project: Single Road Project (Four Lane) of minimum length (Kms) - GSHP II A1- 50 Kms. In this RFQ the Authority made an O & M Experience as a compulsory requirement for qualifying this project. Since this project is an BOT Annuity Project, we request the authority to keep the qualification criteria in line with NHAI - RFQ documents for BOT Annuity Projects as per clause 2.2.3 which is as follows;</p> <p><i>"O & M Experience: The applicant shall engage an experience O&M Contractor or hire qualified and trained personnel for operation and maintenance of the project in conformity with the provisions of the Concession Agreement.</i></p> <p>Hence once again it is requested to keep the O& M Experience in line with NHAI qualification criteria for the qualification of this project.</p>	<p>With respect to minimum length refer to Addendum Sr. No. 5.</p>

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24	1.2.1	Online submission shown as per website http://rnb.nprocure.com on this Website this tender not shown. Please give us on line Tender ID.	Please visit the website http://rnb.nprocure.com with tender ID as 144535.
25	3.1.3(iii)	The capital cost of the project should be more than 20% of the Estimated Project Cost specified in Clause 1.1.1 Other department like NHA and MORTH's criteria is 10% of Estimated capital cost, Please consider it.	Not agreed.
26	<u>Clause 2.5.2</u> (Availability of excise/custom duty exemption benefits.)	Applicants may like to ascertain availability of excise/custom duty exemption benefits available in India to the contracts financed under World Bank loan/credits. They are solely responsible for obtaining such benefits which they have considered in their bid and in case of failure to receive such benefits for reasons whatsoever; the Government will not compensate the applicant. Please clarify that above mentioned clause is require at the stage of RFQ.	Not applicable at this stage.
27	Point 9. (Page 31)	I/ We declare that the following commissions, gratuities or fees have been paid or are to be paid with respect to the RFQ process, the expected RFP process or the execution of the Concession agreement: Name of Recipient Address Reason Amount [If none has been paid or is to be paid, please indicate "none".] Clarification - We understand that there is no cost of purchase of RFQ documents as well as no processing charges, Please provide the details to be entered for the expected RFP process or the execution of the Concession agreement.	No cost for purchase of RFQ document and no processing fees as well. Rest is the standard form and is self-explanatory.
28	Annexure VII- Declaration (Ref: Clause 2.5.2) (Page 49)	Regarding Customs/Excise Duty Exemption for Materials/Construction Equipment Bought for the Works Clarification – Kindly confirm that whether declaration as per Annexure VII has to be provided at RFQ stage.	Not applicable at this stage.

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29		Clarification - Please confirm whether the applicant can submit the copies of the documents for submission be either certified or attested copies. In case of certified copies the same can bear the certified true copy stamp along with proper signature and stamp of the authorized signatory, whereas the attested copies can be attested by a Notary Public.	Please refer Sr. No. 3 and 19 herein.						
30	Annexure-A- Brief description of bidding process (Page 28)	Bidders shall have to submit their qualification details electronically and in physical form as described below. Clarification- Please confirm whether the applicant has to submit the RFQ submittals in physical form as we understand from NIT that submission is to be done in electronic form only. In case of physical submission kindly confirm submittals as well as the sealing and marking of bid proposal.	Please refer Sr. No. 3 herein.						
31	A) AP PENDING II: Power of Attorney for Signing of Application (Page 51) B) APPENDIX I- Letter Comprising the Application for Qualification: (Page 30)	1. <i>[Mention Project No. and Project Name-Refer Clause 1.1.1]</i> <table border="1" data-bbox="488 774 1236 869"> <thead> <tr> <th>Sl.No.</th> <th>Project No.</th> <th>Project Name</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>GSEPI/A1</td> <td></td> </tr> </tbody> </table> Clarification – Clause 1.1.1 does not provide Project name hence kindly provide the same.	Sl.No.	Project No.	Project Name	1	GSEPI/A1		Project name is "Design, Build, Finance, Operate, Maintain and Transfer the Existing State Highway (SH55) from Mehsana Km 103.000 to Himatnagar Km 163.650 (DBFOMT) on Annuity Concession Basis in the State of Gujarat."
Sl.No.	Project No.	Project Name							
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32	Technical capacity (2.2.2)	<p>Eligible Experience: (3.1.1) para (iii) The Capital cost of the project should be more than 20% of the estimated Project Cost i.e. Rs.334.28 crore which is on higher side.</p> <p>We state the Project experience on Eligible Projects in highways sector for category 1 may please be considered for the projects more than 10% of the Estimated Project Cost.</p>	Not agreed.
33		Applicant's experience towards O&M for the Project GSHP-11/AI- Single Road Project (Four Lane) of minimum length 50 km. Annex-11 C (Appendix-1) The total length in KM Project Road Operated and Maintained shown. Hence O&M experience is to be for the total length of road and not single Road Project Four lane minimum length 50 Km.	Please refer Sr. No. 14 herein.
34		In case of a Joint Venture, the combined Technical capacity of all Members and Financial Capacity is to be satisfied. This may please be clarified.	In case of Joint Venture, the technical capacity and net worth of JV partners shall be aggregated. However, each partner shall meet requirement of positive net accrual in at least three out of last five years
35		In case of Joint Venture Technical capacity and Financial capacity required for Lead Member may please be clarified for the qualification criteria of RFQ.	RFQ provides the details. Please refer to Clause 2.2.2.
36		Clarification preceding financial year i.e. 2013-2014 or 2012-2013 may please clarified for RFQ.	Preceding financial year is 2013-14.
37	Clause 2.1.2 (A) Technical Capacity on Page 9 & 10:O&M Experience	As per the above clause, in case the applicant is a single entity, it shall have either by itself or through Its subsidiary, provided it is to be part of the Applicant's Application, experience of one year or more, not including the Defect liability Period, continuously in operation and maintenance of at least one Single Road project (Four lane) of minimum length of 50 km. Further it has also been mentioned in the clause that the Applicant should furnish details of the O&M experience as per format at Annex-IIC of Appendix-1 And evidence in support such as certificate from the client(s). I employer(s) establishing the	Please refer Sr. No. 14 herein.

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		<p>O&M experience.</p> <p>In this regard, we kindly request you to:</p> <ol style="list-style-type: none"> 1. Either delete the clause OR 2. Restrict the length of single road (Four lane) to 35 km. instead of 50 km. OR 3. To incorporate the revised clause like NHAI that the Applicant shall engage an experienced O&M contractor or hire qualified and trained personnel for operation and maintenance of the project in conformity with the provisions of the concession agreement. A page from NHAI's document is enclosed herewith for your information having such provision. 	
38	General	<p>Does the Technical and Financial Score of the Applicant shall be computed as a Weighted average of the Experience Score of a member and its proposed equity stake (%) in the Consortium? Kindly Confirm and Clarify the same?</p>	<p>RFQ is clear. Although as per standard practice evaluation/assessment will go as simple aggregation where required.</p>
39	Clause 2.2.2	<p>Each of above eligible experience shall be multiplied by the factors indicated in table of para 3.1.6 to arrive "total experience" of each eligible project. The sum of "total experience" of all the eligible projects (i.e. Technical capacity) shall be equal or more than twice the amount of the Estimated Project Cost for the project listed in Clause 1.1.1 (the "Threshold Technical Capacity"). However, at least one fourth of the Threshold Technical Capacity shall be from the Eligible Projects in Category 1 and/ or Category 3. Applicants may apply for qualification for one or several of the projects listed in Clause 1.1.1. Annex II of Appendix I provide the instructions and tables for the above calculations. Kindly clarify and confirm whether it is be equal or more than twice the amount of the Estimated Project Cost?</p>	<p>Please refer Sr. No. 12 herein.</p>
40	General	<p>Is JV allowed between three. Kindly confirm the same?</p>	<p>RFQ clause 2.2.2 stipulates all the details. The provided criteria's and its fulfilment please be seen in the context.</p>

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41	Clause 2.2.2	The applicant's experience towards O & M should be single road Four Lane project of minimum length to 50 Kms. Kindly amend the clause to Road Project of minimum length in lane -Km to 50 Kms The length of the road project having intermediate lane, 2- lane, 4-lane & 6-Jane shall be multiplied by the factors of 1.5, 2, 4 & 6 respectively to convert it into equivalent lane-km length). The same clause is in KRDCCL Annuity Road Projects World Bank Funded.	Please refer Sr. No. 14 herein.

Superintending Engineer
 Project Implementation Unit
 Gandhinagar