

CLARIFICATIONS/ REPLIES TO QUERIES

Subject: Development, up-gradation and construction of 4(Four) roads on DBFOT mode in the State of Punjab:

- (i) Batala – Mehta Beas Road**
- (ii) Kotkapura – Muktsar Road**
- (iii) Kapurthala – Nakodar – Phillaur Road**
- (iv) Morinda – Kurali – Siswan to Himachal Pradesh Border Road**

Sr. No	Clause	Queries	Reply/Clarification
1.	Clause 1.2.1 of RFQ	It is mentioned in Clause 1.2.1 in the RFQ document that 'At the end of the RFQ Stage, the Govt. expected to announced a short list of up to 7 (seven) suitable pre-qualified applicant who shall be eligible for participation in the second stage of the bidding process comprising Request for Proposal' it would be appreciable if the detailed evaluation sheet will be provided.	The Evaluation procedure and parameters thereof have been detailed in Clause 3 of RFQ document.
2.	Clause 2.2.2 of RFQ document.	It is observed from the RFQ document that for above mentioned project, (clause 2.2.2) in the eligibility criteria the Threshold Technical Capacity required is double the project cost. We would like to bring your kind notice to some model prequalification documents by National Highway Authority of India (NHAI) where in that the Threshold Technical Capacity required is equal to the project cost. Kindly clarify for the same.	All the documents adopted for each Road Project have been approved by Department of Economic Affairs, Ministry of Finance, Govt. of India as per their guidelines.
3.		It is learnt from the RFQ documents that Highest Premium/ Lowest Grant would be the bid parameter for award of the project. Kindly claiify if there is an upper cap to the grant to be sought by the bidders for such project.	The in-principle approval for VGF has been granted by Department of Economic Affairs, Ministry of Finance, Gol as per the Guidelines for 'Financial Support to Public Private Partnerships in Infrastructure'. The details regarding the upper cap of the grant would be considered during the RFP stage.
4.	Clause 1.2.8 of RFQ document.	In the RFQ document clause 1.2.8, it has been noticed that the concession period is predetermined, and will be indicated in the Concession agreement forming part of the Bidding Document. It would be nice if the concession period is shared with the bidders for the project.	Concession period shall be provided in the RFP stage.

5.	Clause 2.2.8 of RFQ	<p>An Applicant including any Consortium Member or Associate should, in the last 3 (three) years, have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Applicants, consortium Member or Associate, as the case may be, nor has been expelled from any project contract by any public entity nor have had any contract terminated by any public entity for breach by such Applicant, Consortium Member or Associate.</p> <p>It would be worthwhile to mention that the provision as contained in the above reproduced Clause is not existing in the Tender Documents in respect of the various roads & bridges projects being bided out by Punjab PWD (B&R) on EPC basis. Thus, it is most humbly submitted that the inclusion of such a Clause in the present case, even if based on any model RFQ Document, is discriminatory in the context of the State of Punjab vis-à-vis the other projects being bided out by Punjab PWD (B&R) on EPC basis as well as various PIDB initiated PPP Projects in which no such provision or Clause has been included.</p> <p>Moreover, there could be instances of consortium members or associates of previous bidders, whose contracts would have been terminated or who would have been expelled from any project, but pursuant to completion of the corresponding debarring period, they have actively been participating in the construction of various development projects of Punjab PWD (B&R). It might not be fair or justifiable to take a contradictory stand in respect of such bidders in the case of the present projects simply because the projects are being bided out on DBFOT basis.</p> <p>In view of the above facts and in the interest of larger competition in the bidding process, it is requested that either clause 2.2.8 may be delete in entirety or in alternative the following second leg of the said clause may kindly be deleted: "nor has been expelled from ay project or contract by any public entity nor have had any contract terminated by any public entity for breach by such Applicant, Consortium Member or Associate."</p>	No change in Clause 2.2.8 of the RFQ document which has been approved by Department of Economic Affairs, Ministry of Finance, Govt. of India as per their guidelines.
6.	Clause No. 1.2.1 of Invitation of Qualification	Moreover in Clause No. 1.2.1 of Invitation of Qualification it is mentioned that the government expects to announce a shortlist of up to 7 suitable re-qualified applicants who shall be eligible for participation in the second stage of the Bidding Process. We request you to please clarify regarding the limitation of 7 prequalified applicants, whether there will be only 7 parties who shall be called for the second stage and if so what shall be the basis of the same.	As detailed in Clause 3.5.2 Government expects to short-list 7 (seven) applicants for participation in the Bid Stage as per evaluation procedure detailed in Clause 3 of RFQ document.

Note: The last date for receipt of Applications is now **25th October 2011**