

राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड

सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार

तीसरी मंजिल, पीटीआई बिल्डिंग, 4-संसद मार्ग, नई दिल्ली-110001

National Highways & Infrastructure Development Corporation Limited

Ministry of Road Transport & Highways, Govt. of India

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BHARATMALA
ROAD TO PROSPERITY



CIN: U45400DL2014GOI269062

सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

NHIDCL/AE/Sikkim/2019-20

01.11.2019

To

All Applicants


Sub: Consultancy Service for Authority's Engineer for (i) Construction/upgradation of existing road to 2-lane with paved shoulder including geometric improvement from Ranipool to Pakyong from Km. 0.000 to Km. 16.167 of NH-717-A on EPC basis under SARDP-NE Phase 'A' (ii) Construction of Two Lane "Chisopani Traffic Tunnel" of Length 250 m including approaches from Km 67+080 to Km 67+500 on NH-10 in East District of Sikkim State on EPC mode and (iii) Construction of 48m Bridge over Chuba Khola from km 75+300 to km 75+800 on NH-10 on EPC Basis in the state of Sikkim.-Pre-Bid Meeting- reg.

Sir,

Please find enclosed herewith reply to the Pre-Bid queries during the meeting held on 23.10.2019 along with Corrigendum no.-1.

Encl. As above

Yours sincerely,


(Shashank Kumar)
General Manager (Tech.)

Reply to Pre Bid Queries

Name of work: Consultancy Service for Authority's Engineer for (i) Construction/upgradation of existing road to 2-lane with paved shoulder including geometric improvement from Ranipool to Pakyong from Km. 0.000 to Km. 16.167 of NH-717-A on EPC basis under SARDP-NE Phase 'Á' (ii) Construction of Two Lane "Chisopani Traffic Tunnel" of Length 250 m including approaches from Km 67+080 to Km 67+500 on NH-10 in East District of Sikkim State on EPC mode and (iii) Construction of 48m Bridge over Chuba Khola from km 75+300 to km 75+800 on NH-10 on EPC Basis in the state of Sikkim.

Tender I'D- 2019_NHIDC_510351_1

Pre Bid Meeting held on - 23.10.2019 @ 15.00 hrs

SR. NO.	CLAUSE NO.	CONTEXT	QUERY	REPLY TO QUERY
1	Clause 3.6 & Appendix C-3	Section 2: letter of invitation to consultants Part 2: Financial Proposal & Appendix C-3: breakdown of local currency costs II. Support Staff (Note)	<p>As per the RFP document page no. 14 on Part 2: Financial Proposal point no. 3.6 it is mentioned that "Consultants shall be paid billing rates for services as per financial proposal submitted by them basis. Beginning 13th months from the last date of submission of bid, billing rates shall be increased to cover all items of the contract i.e. remuneration, vehicle hire, office rent, consumables, furniture etc. @ 5% every 12 months."</p> <p>Whereas in page no. 65 as a Note is it mentioned that "Billing rates as indicated above shall be increased in accordance of clause 6.2 (a) Special Conditions of Contract for the personnel of all categories namely (i) Key Personnel; (ii) Sub-Professional Personnel and (iii) Support Staff. The increase as above shall be payable only on the remuneration part of Key Personnel, Sub-Professional Personnel and support staff."</p>	As per RFP

88

			As it a very important point which is related to financial we request to kindly clarify that the increase amount of 5% after 12 months will be applicable on which components.	
2	Datasheet para 6	NHIDCL shall reimburse only Goods and service tax. Authority's Engineer has to assess all other taxes and should inbuilt them in their financial proposal. These taxes (other than Goods and service tax) should not be provided separately. Consultants are requested to consult Tax Consultants for details.	<p>As per the BOQ sheet for the RFP in Price schedule it is mentioned that "Basic rate in Figures to be entered by the bidder" and "then on next row Total amount without Taxes"</p> <p>Whereas in Data Sheet page no. 20 point no. 6 it is mentioned that - NHIDCL shall reimburse only Goods and service tax. Authority's Engineer has to assess all other taxes and should inbuilt them in their financial proposal. These taxes (other than Goods and service tax) should not be provided separately. Consultants are requested to consult Tax consultancy details.</p> <p>As both the statements are confusing, so we suggest to kindly clarify the point with the amendment in BOQ sheet mentioning that "Basic rate with tax in Figures to be entered by the bidder" instead of "Basic rate in Figures to be entered by the bidder" and "then on next row Total amount with Taxes" instead of "then on next row Total amount without Taxes". Kindly clarify</p>	Please refer Corrigendum -1
3	NA	NA	We would like to request to let us know the presence of contractor and availability of the fund, so that actual commencement of work can be assessed.	Appointed date declared and civil work is in progress.
4	NIT	BDD: 13.11.2019	We would like to request to kindly extend the bid submission date for another one week from the publish date of pre-bid meeting.	As per RFP



5	Data sheet para 10 (i)	Sub criteria for Relevant Experience of the firm for the assignment	As per the RFP document page No. 21 i. Sub criteria for Relevant Experience of the firm for the assignment <i>In hand DPRs for Authority (Ministry/NHAI/NHIDCL-As applicable) Projects (presently under progress)</i> - under this criteria Ministry/NHAI projects is consider or not kindly clarify please.	All projects under MoRTH, NHAI & NHIDCL shall be considered under this criteria.
6.	Section 1, para 15	A) Eligibility criteria for sole applicant firm. B) Eligibility Criteria for partners in case of JV (not more than 1 JV partners shall be allowed) shall be as under:	With reference to subjected RFP, it is mentioned in the eligibility criteria of JV that only Lead partner should meet the criteria 1 (b) of table given in Para A (Eligibility criteria for Sole Applicant). We understand that there is no requirement to be fulfilled by JV partner (other than Lead Partner) given in 1 (b) [i.e. experience of Project Supervision having Bridge and Tunnel]. Kindly Confirm.	Criteria under 1 (b) to be fulfilled by Lead partner of the JV only.
7.	Section 1, para 15	B) Eligibility Criteria for partners in case of JV (not more than 1 JV partners shall be allowed) shall be as under: The lead partner must fulfill atleast 50% of requirements at 1(a) of table in para (A) above and other JV partner should fulfill atleast 30% of eligibility criteria as indicated at 1(a) of table in para (A) above. Also the lead partner and JV partner jointly should meet the eligibility criteria as mentioned at 1(a) of table in para (A) above. Lead partner should meet the criteria 1 (b) of table in para (A) above.	We request to modify this clause as; "The lead partner must fulfill atleast 50% of requirements at 1(a) of table in para (A) above and other JV partner should fulfill atleast 30% of eligibility criteria as indicated at 1(a) of table in para (A) above. Also the lead partner and JV partner jointly should meet the eligibility criteria as mentioned at 1(a) of table in para (A) above. Either of JV/Lead partner should meet the criteria 1 (b) of table in para (A) above."	As per RFP
8.	Datasheet, clause 10 and Appendix EC, clause 3 (a)	Sub criteria for Relevant Experience of the firm for the assignment: Experience as Independent Engineer/Authority Engineer/Construction Supervision in Number of Highway Projects of length equal to 40% of project length of similar category for which RFP invited of 2/ 4/6**-laning or more in last 7 years* - 2.5 marks Clause 3 (a):	The marks for similar criteria are contradictory in Datasheet & Appendix EC. Please clarify.	Please refer Corrigendum-1.

		Experience as Independent Engineer/Authority Engineer/Construction Supervision in Number of Highway Projects of length equal to 40% of project length of similar category for which RFP invited of 2/ 4/6**-laning or more in last 7 years* - 5 marks		
9.	Clause 9 of GCC and Clause 3.4 (x) (g) of Section 2 : Letter of invitation to Consultants	<p>Clause 9 of GCC: In case CV of a person is turned out to be fake/incorrect/inflated during the assignment, the consultancy firms will have to refund the salary and perks draw including interest @12% per annum in respect of the person apart from other consequences.</p> <p>Clause 3.4 (x) (g) of Section 2: In case CV of a person is turned out to be fake/incorrect/inflated during the assignment, the consultancy firms shall have to refund the salary and perks drawn including interest @12% per annum in respect of the person apart from other consequences. In addition to above, 10% of the salary and perks to be refunded shall be recovered from the Firm as penalty. In the event the penalty is not paid by the Consultancy Firm, the same shall be recovered from encashment of performance security of the firm</p>	The Consultant would be penalized by so many means viz. refunding the salary and perks, interest of 12%, imposition of penalty @ 10% of salary and perks, other consequences and reduced person month rate etc. While we fully appreciate the objective, certain practical aspect need to be considered and valued. Further, with the introduction of INFRACON, the Consultant does not have any direct/indirect control on CV as this is uploaded directly by individual professional with complete protection. In addition to above, the Consultants do not have any such tool/mechanism to verify the authenticity of the qualification and experience of any candidate: they can only rely on the documents provided by a candidate. As a Consultant, we can take full responsibility of our permanent employee's experience for their employment period in organization. In view of this practical perspective, the risk, responsibilities and financial implications imposed on the Consultants through these clauses are extremely stringent and unrealistic. We seek your judicious consideration and rational modification on this matter. Please consider and confirm.	As per RFP
10	Evaluation Criteria for assessment of	<p>Employment with the Firm < 1 year -0 1 year –3 marks Add 0.5 marks for each subsequent year subject to maximum 2 marks</p>	We request you to kindly consider our recommendation for this clause for all key professionals:- Employment with the Firm	As per RFP



	score of Key Staff for adequacy of the Assignment Page no. 29 to 39		<1 year -0 1 year –3 marks Add 1 marks for each subsequent year subject to maximum 2 marks	
11	Clause 3.6 of Section– 2 (LOI) Page no. 14 and Clause 6.2 (a) (i) of SCC, Page no. 226	Your financial proposal must be strictly using the formats attachedsubmitted by them basis. Beginning 13 th months from the last date of submission of bid, billing rates shall be increased to cover all items of the contract i.e. remuneration, vehicle hire, office rent, consumables, furniture etc. @ 5% every 12 months. However, for evaluation and award of the Bid proposals, the quoted initial rate (as applicable for first 12 months from last date of submission of bid) shall be multiplied..... Made in Indian Rupees and shall be subjected to applicable Indian laws withholding taxes if any.	It is stated that billing rates shall be increased to cover all items of the contract i.e. remuneration, vehicle hire, office rent, consumables, furniture etc. @ 5% every 12 months. In our opinion proposed rate escalation of 5 % is very less and request you to please consider it and increase it up to 8-10% every 12 months.	As per RFP
12	General	Contract Negotiation Clause	In the model RFPs floated by NHAI/NHIDCL/ MoRTH, it is generally mentioned that replacement of key professionals is permitted during contract negotiation. Hence, it is requested that during contract negotiation replacement of key professionals may be allow not more than 3 replacement and the reduction in remuneration of such replacement shall be 5 % for 1 st and 2 nd replacement and 10% for 3 rd replacement within validity of proposal. Kindly consider.	As per RFP
13	General	RFP submission must be received not later than 1100 hrs on 31.10.2019.	Considering the holidays coming in this month of October viz. Diwali etc..., you would also agree that getting consent from competent key personnel and their acceptance on	As per RFP



			INFARCON is a time taking process as the key personnel might be travelling in extended weekend holidays. Hence, it is requested that the date of submission of the proposal may please be extended by atleast 2 weeks from the current submission date, so that consultants get more time to locate and finalise the competent personnel required in the project and prepare a comprehensive proposal addressing all points of the ToR.	
14	<p>Section 2: Letter of Invitation to consultants Point-7 Performance Security, page no.- 18</p> <p>SCC Clause 2.4 Page no. -225</p> <p>Appendix H: FORM OF PERFORMANCE SECURITY Page no. - 236</p>	<p>The successful consulting firm shall have to submit a Bank Guarantee (BG) for an amount of 10% of the Contract Value within 15 days of issue of LOA. The BG shall be valid for a period of 146 months i.e. upto 2 months beyond the expiry of the Contract period of 144 months.</p> <p>The time period shall be 78 months (30 month for construction period and 48 months for Maintenance period).</p> <p>This guarantee shall be valid for a period of 80 months i.e. upto 2 months beyond the expiry of contract of 78 months.</p>	<p>We request you to define the contract period for the consultant. As maximum Man-month defined for Tunnel Design Engineer is 144 Months. However the special conditions of contract defines the total time period for contract as 78 months.</p>	<p>Please refer corrigendum no. 1</p>

88

15		General	<p>After carefully assessing the RFP, man- month requirements and key experts requirements we are certain that consultancy budget for this project won't be within 3% of construction cost of the project (Project cost= INR 275.26 crores) as it happens in prevailing normal highway projects.</p> <p>Rather, we anticipate that this being QCBS selection project, consultancy fee will not depend upon project construction cost and so, highest bidders (H1) will be awarded the project and there will not be any constraint of limit of 3% of construction cost of the project on consultancy fee. Kindly confirm.</p> <p>Also, we will appreciate if you could share the budget of this project for providing Consultancy Service for Authority's Engineer.</p>	<p>QCBS system is related to evaluation purpose only.</p> <p>Budget of the project will be as per the guidelines issued by MoRTH.</p>
16			<p>Considering the project location and hilly regions, it may be difficult to retain the key professionals for the project duration, however we will put our best efforts to retain the key professionals. In this regard you are requested to kindly allow the replacement of those key professional who has been deployed for 50 % of his/ her total man-months without any reduction in remuneration. Also, such replacement shall not be counted under the total replaced Key Personnel. The same clause is also followed by other Govt. clients like MoRT&H.</p>	As per RFP



Shashank Kumar
General Manager (Tech.)