

Assignment Title: RFQ for 'Operation, maintenance & transfer of Varanasi multi-modal terminal'
RFP No.: IWA/NW-1/OMDA/RFQ/01

Corrigendum 4

This corrigendum forms an integral part of the RFQ Document issued on 11th July, 2018.

Consequent to release of RFQ the following modifications are done in the original RFQ Document for 'Operation, maintenance & transfer of Varanasi multi-modal terminal':

S No	Bid document Section, Clause	As per Bidding Documents	After Corrigendum 4
1.	3.1.2 (b)	The entity claiming construction experience should have paid for execution of its construction works or received payments from its clients for construction works executed, fully or partially, during the 5 (five) financial years immediately preceding the Application Due Date. For the avoidance of doubt, construction works shall not include supply of goods or equipment except when such goods or equipment form part of a turnkey construction contract/ EPC contract for the project. Further, the cost of land shall not be included here under	The entity claiming construction/development experience should have (i) paid for development of the project; or (ii) paid for execution of its construction works or received payments from its clients for construction works executed, fully or partially, during the 5 (five) financial years immediately preceding the Application Due Date. For the avoidance of doubt, construction works shall not include supply of goods or equipment except when such goods or equipment form part of a turnkey construction contract/ EPC contract for the project. Further, the cost of land shall also not be included.
2	Annexure V Certification of eligible projects		Revised Annexure V is enclosed.

Annexure V (Revised): Certification of Eligible Projects

(Refer to Clauses 2.2.2(a), 3.1 of the RFQ)

1. Experience for any activity relating to an Eligible Project shall not be claimed by two or more Members of the Consortium. In other words, no double counting by a consortium in respect of the same experience shall be permitted in any manner whatsoever.
2. Certificate from the Applicant's statutory auditor[§] or its respective clients must be furnished as per formats below for each Eligible Project. In jurisdictions that do not have statutory auditors, the auditors who audit the annual accounts of the Applicant/Member/Associate may provide the requisite certification.
3. If the Applicant is claiming Technical capacity for O&M Projects[£], it should provide a certificate from its statutory auditor in the format below:

Certificate from the Statutory Auditor regarding O&M projects^Φ

Based on its books of accounts and other published information authenticated by it, this is to certify that *(name of the Applicant/Member/Associate)* for *(name of project)* has eligible annual revenues collected and appropriated in terms of Clause 3.1.2 of the RFQ were INR. cr. from *(date)* to *(date)*

Name of the audit firm:

Seal of the audit firm:
of the authorised signatory)

(Signature, name and designation

Date:

[§] In case duly certified audited annual financial statements containing the requisite details are provided, a separate certification by statutory auditors would not be necessary.

[£] Refer Clause 2.2.2 of the RFQ.

^Φ Provide Certificate as per this format only. Attach Explanatory Notes to the Certificate, if necessary. Statutory auditor means the entity that audits and certifies the annual accounts of the company.

4. If the Applicant is claiming Technical capacity for Construction based Projects♣, it should provide a certificate from its statutory auditor in the format below:

Certificate from the Statutory Auditor/ Client regarding construction works Φ	
Based on its books of accounts and other published information authenticated by it, this is to certify that <i>(name of the Applicant/Member/Associate)</i> was engaged by <i>(title of the project company)</i> to execute <i>(name of project)</i> for <i>(nature of project)</i> . The construction of the project commenced on <i>(date)</i> and the project was/ is likely to be commissioned on <i>(date, if any)</i> . It is certified that <i>(name of the Applicant/ Member/ Associate)</i> received/paid INR. cr. (INR crore) by way of payment/receipt for the aforesaid construction works from <i>(date)</i> to <i>(date)</i> . <i>{It is further certified that the payments receipts indicated above are restricted to the share of the Applicant who undertook these works as a partner or a member of joint venture/ consortium.}♠</i>	
Name of the audit firm:	(Signature, name and designation of the authorised signatory).
Seal of the audit firm:	
Date:	

♣ Refer Clauses 2.2.2 (i) and (ii) of the RFQ.

Φ Provide Certificate as per this format only. Attach explanatory notes to the Certificate, if necessary. In jurisdictions that do not have statutory auditors, the firm of auditors which audits the annual accounts of the Applicant or its Associate may provide the certificates required under this RFQ.

♠ This certification should only be provided in case of jobs/ contracts, which are executed as part of a partnership/ joint venture/ consortium. The payments indicated in the certificate should be restricted to the share of Applicant in such partnership/ joint venture/ consortium. This portion may be omitted if the contract did not involve a partnership/ joint venture/ consortium. In case where work is not executed by partnership/ joint venture/ consortium, this paragraph may be deleted.

5. If the Applicant is claiming Technical capacity for development based projects*, it should provide a statutory auditor certificate in the format below:

Certificate from the Statutory Auditor regarding development projects^Φ

Based on its books of accounts and other published information authenticated by it, this is to certify that (*name of the Applicant/Member/Associate*) is/ was an equity shareholder in (*title of the project company*) and holds/ held INR. cr. (INR crore) of equity (which constitutes% of the total paid up and subscribed equity capital) of the project company from (*date*) to (*date*)[‡]. The project was/is likely to be commissioned on (*date of commissioning of the project*).

We further certify that the total estimated capital cost of the project is INR. cr. (INRcrore), of which INR. cr. (INR crore) of capital expenditure was incurred during the past 5 (five) financial years as per year-wise details noted below:

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.....

Name of the audit firm:
Seal of the audit firm:

(Signature, name and designation
of the authorised signatory)

Date:

* Refer Clauses 2.2.2 (i) and (ii) of the RFQ

Φ Provide Certificate as per this format only. Attach Explanatory Notes to the Certificate, if necessary. Statutory auditor means the entity that audits and certifies the annual accounts of the company.

‡ In case the project is owned by the Applicant company, this language may be suitably modified to read: "It is certified that (name of Applicant) constructed and/ or owned the (name of project) from (date) to (date)."

6. In the event that credit is being taken for the Eligible Project of an Associate, as defined in Clause 2.2.8, the Applicant should also provide a certificate in the format below:

Certificate from Statutory Auditor/ Company Secretary regarding Associate^{\$}

Based on the authenticated record of the company, this is to certify that more than 50% (fifty per cent) of the subscribed and paid up voting equity of
(*name of the Applicant/ Consortium Member/ Associate*) is held, directly or indirectly[£], by (*name of Associate/ Applicant/ Consortium Member*). By virtue of the aforesaid share-holding, the latter exercises control over the former, who is an Associate in terms of Clause 2.2.8 of the RFQ.

Name of the audit firm: (Signature, name and designation of
Seal of the audit firm: the authorised signatory)
Date:

^{\$} In the event that the Applicant/ Consortium Member exercises control over an Associate by operation of law, this certificate may be suitably modified and copies of the relevant law may be enclosed and referred to.

[£] In the case of indirect share-holding, the intervening companies in the chain of ownership should also be Associates i.e., the share-holding in each such company should be more than 50% in order to establish that the chain of “control” is not broken.

7. If the Applicant is claiming Technical capacity for Volume requirements[£], it should provide a statutory auditor certificate in the format below:

Certificate from statutory auditor regarding volume requirements[£]	
Based on the authenticated record of the company, this is to certify that (<i>name of the Applicant/ Consortium Member/ Associate</i>) has handled (MT of cargo and/or TEUs) for (name of project) from (<i>date</i>) to (<i>date</i>) as per Clause 2.2.2 (a) (iv) of this RFQ.	
Name of the audit firm:	(Signature, name and designation of the authorised signatory)
Seal of the firm:	
Date:	

[£] Refer Clause 2.2.2 (iv) of the RFQ.

Φ Provide Certificate as per this format only. Attach Explanatory Notes to the Certificate, if necessary.

It may be noted that in the absence of any detail in the above certificates, the information would be considered inadequate and could lead to exclusion of the relevant project in computation requirements of the Technical Capacity¹.

¹ Refer Clause 2.2.2 of the RFQ