

**Amendment - 10**

**Name of the Work:** Fairway Maintenance on performance-based dredging in Katwa - Tribeni (152 km) Stretch of National Waterway -1 (River Ganga)

**Contract Package No:** IN-IWAI-332926-CW-RFB

It is clarified that bids from consortium are acceptable and shall be treated the same way as that of JV mentioned in the bidding document.

The Qualification, Section III is amended as below:

**2. Qualification**

**A Nature of Bidder**

<b>Nature of Bidder</b>	Bidder to indicate whether they are presenting a Single Entity bid Or Joint Venture Bid	In the event of Subcontracting, the details of the Sub-contractor likely to be deployed be identified in the proposal (max 25% work). Details & Profile of Sub-contracting firms to be submitted
Formats provided in Section-IV		

Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture where permitted			Submission Requirements
				All Parties Combined	Each Member	One Member	

2.1.1	<b>Nationality</b>	Nationality in accordance with ITB Sub-Clause 4.3.	Must meet requirement	Existing or intended JV must meet requirement	Must meet requirement	N / A	Forms ELI –1.1 and ELI-1.2 With attachments
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2.1.2	<b>Conflict of Interest</b>	No conflicts of interest in ITB Sub-Clause 4.2.	Must meet requirement	Existing or intended JV must meet requirement	Must meet requirement	N / A	Letter of Bid
2.1.3	<b>Bank eligibility</b>	Not having been declared ineligible by the Bank, as described in ITB Sub-Clause 4.4. & 4.7.	Must meet requirement	Existing JV must meet requirement	Must meet requirement	N / A	Letter of Bid
2.1.4	<b>Government Owned Entity</b>	Bidder to meet conditions of ITB Sub-Clause 4.5. The entity should not be a dependent agency of the borrower or sub-borrower or Employer.	Must meet requirement	Must meet requirement	Must meet requirement	N / A	Forms ELI -1.1 and 1.2 with attachments
2.1.5	<b>United Nations resolution or Borrower's country law</b>	Not having been excluded as a result of prohibition in the Borrower's country laws or official regulations against commercial relations with the Bidder's country, or by an act of compliance with UN Security Council resolution, both in accordance with ITB 4.7 and Section V.	Must meet requirement	Must meet requirement	Must meet requirement	N / A	Forms ELI -1.1 and 1.2 with attachments

## 2.2 Historical Contract Non-Performance

2.2.1	<b>History of Non-Performing Contracts</b>	Non-performance of a contract <sup>1</sup> did not occur as a result of contractor default since 1 <sup>st</sup> January 2016.	Must meet requirement by itself or as member to past or existing JV	Must meet the requirement	Must meet requirement by itself or as member to past or existing JV	N / A	Form CON – 2
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<sup>1</sup> Non-performance, as decided by the Employer, shall include all contracts where (a) non-performance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the contractor. Non-performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism. Non-performance must be based on all

2.2.2	<b>Suspension based on Execution of Bid Securing Declaration by the Employer or withdrawal of the Bid within Bid validity</b>	Not under suspension based on execution of a Bid Securing Declaration pursuant to ITB 4.6 or withdrawal of the Bid pursuant ITB 19.9.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Letter of Bid
2.2.3	<b>Pending Litigation</b>	Bidder's financial position and prospective long-term profitability sound according to criteria established in 2.3.1 below and assuming that all pending litigation will be resolved against the Bidder	Must meet requirement	Must meet requirement	Must meet requirement by itself or as member to past or existing JV	N / A	Form CON - 2
2.2.4	<b>Litigation History</b>	No consistent history of court/arbitral award decisions against the Bidder <sup>2</sup> since 1 <sup>st</sup> January 2016	Must meet requirement	Must meet requirement	Must meet requirement by itself or as member to past or existing JV	N/A	Form CON - 2
2.2.5	<b>Declaration: Environmental and Social (ES) past performance</b>	Declare any civil work contracts that have been suspended or terminated and/or performance security called by an employer for reasons related to the non-compliance of any environmental, or social	Must make the declaration. Where there are Specialized Sub-contractor/s, the Specialized Sub-	N/A	Each must make the declaration. Where there are Specialized Sub-contractor/s,	N/A	Form CON-3 ES Performance Declaration

information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.

<sup>2</sup> The Bidder shall provide accurate information on the letter of Bid about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five years. A consistent history of court/arbitral awards against the Bidder or any member of a joint venture / consortium may result in disqualifying the Bidder.

		(including Sexual Exploitation and Assault) contractual obligations in the past five years <sup>3</sup> (ending 2021 – 22).	contractor/s must also make the declaration.		the Specialized Sub-contractor/s must also make the declaration.		
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Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture where permitted			Submission Requirements
				All Parties Combined	Each Member	One Member	

### 2.3 Financial Situation and Performance

2.3.1	<b>Financial Capabilities</b>	(a) The Bidder shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit <sup>4</sup> , and other financial means (independent of any contractual advance payment) sufficient to meet the 6 months construction cash flow requirements estimated as <b>Rs. 13.96 Crore</b>	(a) Must meet requirement	(a) Must meet 100% requirement	(a) Must meet at least 15% of the requirement as a minimum	(a) Must meet at least 50% of the requirement as a minimum	Form FIN - 3.1 with attachments
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<sup>3</sup> The Employer may use this information to seek further information or clarifications in carrying out its due diligence.

<sup>4</sup> In case the bidder submits a letter of intent from a commercial bank with the bid, firm commitment from the bank to provide line of credit shall be required before contract signing.

Qualification Criteria			Compliance Requirements				Documentation
No.	Subject	Requirement	Single Entity	Joint Venture where permitted			Submission Requirements
				All Parties Combined	Each Member	One Member	
		<p>for the subject contract(s) net of the Bidders other commitments            (b) The Bidders shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments</p> <p>(c) The audited balance sheets or, if not required by the laws of the Bidder's country, other financial statements acceptable to the Employer, for the last <i>five</i> years shall be submitted and must demonstrate the current soundness of the Bidder's financial position and indicate its prospective long-term profitability.</p>	<p>(b) Must meet requirement</p> <p>(c) Must meet requirement by existing JV / consortium</p>	<p>(b) Must meet requirement</p> <p>N/A</p>	<p>N/A</p> <p>(c) Must meet requirement</p>	<p>(b) Must meet requirement</p> <p>(c) Must meet requirement</p>	
<p><b>NOTE:</b> <i>The construction cash flow requirement should be for a number of months determined as the total time needed to pay contractor invoice by the Employer. The cash flow should not normally exceed 3 months peak contract requirements and availability should be certified by Bank (Nationalized or Scheduled Bank in India) in form Fin 3.1 A</i></p>							

Qualification Criteria			Compliance Requirements				Documentation
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2.3.2	<b>Average Annual Construction Turnover</b>	Minimum average annual construction turnover of <b>Rs.25.14 Crore [Rupees Twenty-five Crore Fourteen Lakh]</b> , calculated as total certified payments received for contracts in progress and/or completed within the last five financial years, divided by five years.	Must meet requirement	Must meet 100% jointly	Must meet at least 15%	Must meet fifty percent (50%) as a minimum	Form FIN - 3.2

*Note-The amount stated should normally not be less than twice the estimated annual turnover or cash flow in the proposed Works contract (based on a straight-line projection of the Employer's estimated cost, over the contract duration).*

Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture where permitted			Submission Requirements
				All Parties Combined	Each Member	One Member	

## 2.4 Experience

2.4.1	<b>General Dredging Experience in Ports / River, Management of Vessel, Manning of Vessel or Vessel related Marine Works</b>	<p>Experience under construction contracts for similar works such as those pertaining to General Dredging Experience in Ports / River / Lakes/ Canals / Water Bodies, including Management of Vessel and Manning of Vessel or Vessel related Marine Works or Wet excavation in Dams</p> <ul style="list-style-type: none"> <li>River Dredging and management of dredging materials.</li> <li>Dredged material used in reclamation of port / harbour will also be considered.</li> </ul> <p>in the role of contractor, JV / Consortium member, sub-contractor, or management contractor during at least the last seven [7] years (FY 2015 – 16 to FY 2021- 22) prior to the bid submission deadline.</p>	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Form EXP – 4.1
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Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture / Consortium where permitted			Submission Requirements
				All Parties Combined	Each Member	One Member	
2.4.2 (a)	<b>Specific Dredging and Contract Management Experience</b>	<p>Bidder should have successfully completed as a prime contractor, JV / Consortium member<sup>5</sup>, management contractor or sub-contractor, minimum</p> <p><b>Three similar works each costing not less than INR 11.17 Crs / 2.1984 Lakh cum of dredging quantity</b></p> <p>Or</p> <p><b>Two similar works each costing not less than INR 13.96 Crs / 2.748 Lakh cum of dredging quantity</b></p> <p>Or</p> <p><b>One similar works costing not less than</b></p>	Must meet requirement	Must meet requirement	<p><del>Must meet requirement for one contract of 25% value</del></p> <p>Not Applicable</p>	Must meet requirement for one contract of 50% in value	Form EXP 4.2(a). The contractor should have borne responsibility for execution of works to the extent he claims experience. A contractor should not claim experience for the works he has never executed.

<sup>5</sup> For contracts under which the Bidder participated as a joint venture / consortium member or sub-contractor, only the Bidder's share, by value, shall be considered to meet this requirement.



Qualification Criteria			Compliance Requirements			Documentation	
No.	Subject	Requirement	Single Entity	Joint Venture / Consortium where permitted			Submission Requirements
				All Parties Combined	Each Member	One Member	
		<b>INR 22.34 Crs / 4.3968 Lakh cum of dredging quantity</b>  within the last seven (7) years (FY 2015-16 to FY 2021-22), which is similar to the proposed works. The similarity shall be based on the physical size, complexity, methods/technology or other characteristics as described in Section VII, Employer's requirements.					
<p><i>The value of the similar work where 80% of contract value is paid is considered for evaluation purposes as completed.</i></p> <p><i>In the case of JV / Consortium, the value of contracts completed by its members shall not be aggregated to determine whether the requirement of the minimum value of a single contract has been met. Instead, each contract performed by each member shall satisfy the minimum value of a single contract as required for single entity. In determining whether the JV / Consortium meets the requirement of total number of contracts, only the number of contracts completed by all members each of value equal or more than the minimum value required shall be aggregated</i></p>							

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2.4.2 (b)	<b>Specific Experience</b>	<p>b) For the above or other contracts executed during the period stipulated in 2.4.2(a) above, at least in one year a minimum construction experience in any of the following key activities:</p> <p>a. Dredging Experience in Ports / River / Canal / Water bodies / <b>Wet excavation in Dams</b> Or</p> <p>b. Manning of Vessel / Vessel related Marine works Or</p> <p>c. Management of Vessel in River / Sea</p>	Must meet requirements	Must meet requirement	Should meet the criteria in full, at least for one of key activities listed in column 3.	<p>Must meet requirement for all the key activities listed below</p> <p>Any one of the activities listed under requirement of 2.4.2 (b)</p>	Form EXP-4.2(b)
2.4.2 (c)	<b>Specific Experience in managing ES aspects</b>	For the contracts in 2.4.2 (a) above and/or any other contracts [substantially completed and under implementation] as prime contractor, joint venture / consortium member, or	Desirable	Desirable	Desirable	Desirable	Form EXP – 4.2 (c)

		Subcontractor between 1st January 2016 and Application submission deadline, experience in managing ES risks and impacts in the following aspects: <i>[Based on the ES assessment, specify, as appropriate, specific experience requirements to manage ES aspects.]</i>					
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*NOTE: List the monthly or annual production rate for the key construction activity (or activities) in the proposed contract or works, e.g., “one million M<sup>3</sup> of rock placed in rock fill dams in one year; X tons of asphalt concrete per month placed in road paving; Y M<sup>3</sup> of concrete placed in ... etc.” The rates should be a percentage (say about 80 percent) of the estimated production rate of the key activity (or activities) in the contract or Works as needed to meet the expected construction schedule with due allowance for adverse climatic conditions.*

*\* Borrower should fill this after careful review of the requirements for the work. Where the elements of work are specialized, and it is proposed to accept employment of specialist sub-contractors, this could be specified for that activity and bidders may be requested to name the sub-contractors and furnish their qualification and experience.*

<b>2.4.2 (d)</b>	<p>Bidders who meet the minimum qualification criteria will be qualified only if their available bid capacity for construction work is equal to or more than the total bid value of the work. The available bid capacity will be calculated as under:</p> <p>Assessed Available bid capacity = <math>(A*N*1.15-B)</math></p> <p>Where,</p> <p>A = Maximum value of civil engineering works executed in any one year during the last five years (updated to the price level of the financial year ..... at the rate of 5% per year), taking into account the completed as well as works in progress).</p> <p>N = Number of years prescribed for completion of the works for which bids are invited (period up to 6 months to be taken as half-year and more than 6 months as one year).</p> <p>B = Value, at the current price level, of existing commitments on on-going works to be completed during the period of completion of the works for which bids are invited.</p>
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Note: the statements in Section IV showing the value of existing commitments of on-going works as well as the stipulated period of completion remaining for each of the works listed should be countersigned by the Engineer in charge, not below the rank of an Executive Engineer or equivalent.

*Note: [For Multiple lots (contracts) specify financial and experience criteria for each lot under 2.3.1, 2.3.2, 2.4.2(a) and 2.4.2(b)]*

Note: In case bids are being invited simultaneously for multiple packages (under separate IFB and Bidding Documents), the Employer reserves the right to assess cumulative qualification of the bidders participating in multiple package

Qualification Criteria			Compliance Requirements			Documentation	
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## 2.5 Quality Requirements

2.5.1	<b>ISO 9001-2008 / 2015</b>  <b>Quality Management</b>	Quality management certificate issued by an international standards organization	Must meet requirement	Must meet requirement	N/A	Must meet requirement	Valid ISO 9001 Certification
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	<b>System requirements</b>						
<b>2.5.2</b>	<b>OHSAS 18001 - Occupational Health and Safety Assessment Series or Equivalent</b>	Relevant OHSAS certificate and Experience in occupational health and safety management over the last 2 years	Must meet requirement	Must meet requirement	N/A	Must meet requirement	Valid OHSAS Certificate or Equivalent
<b>2.5.3</b>	<b>ISO 14001-2004 / 2015 Environmental Management Systems requirements</b>	Recent Environmental management certificate and experience with environmental management systems over the last 2 years	Must meet requirement	Must meet requirement	N/A	Must meet requirement	Valid ISO 14001 – 2004 / 2015 certificate