

Design, construction, supply installation, testing and commissioning of 10 nos. Concrete Jetties in New National Waterways in J&K					
TENDER No: IWAI/Tech/NNWs/NorthernIndia/2024 - Pre-bid Queies					
Sr.No	Section No. Clause, Sub Clause No and Page No. of Tender	Tender clause description	Description	Queries	Reply to queries
1	Page No 75	Section VI, Part I, Clause 3 (a)"	The Contract duration shall be 5 (Five) months from the date of signing the agreement to this effect.	Obtaining approval from IIT Madras or IACS class authorities requires considerable time, and the current timeline of 5 months is not convincing. We kindly request extending this timeline to 9 months .	Tender condition shall prevail
2	Page No 69	Section V, SI.NO. 2 of BOQ,	Form Fin -2 : Summary of Cost -Is CAMC cost applicable when deciding L1 bidder for each location	Is the CAMC (Comprehensive Annual Maintenance Contract) cost considered when determining the L1 bidder for each location.	Yes
3	Page 15	Section II, Clause 3,Sub-clause 3.8	Bidder should have, during the last three years, neither failed to perform on any agreement, nor been expelled from any project or agreement nor have had any agreement terminated for breach by such Bidder.	Kindly confirm if a bidder will be disqualified due to equity holding by a related company (parent, sister, OEM, or common directors) if such entities have a history of non-performance, litigation, or contract termination for floating concrete pontoons in India. Specifically, clarify in light of the ongoing Kochi Metro Rail Ltd vs. Marinetek OY case, involving related directors and companies, for which relevant documents are publicly available.	This is a legal aspect that will be decided at the time of bid evaluation.
4	Page No 32	Section II, Clause 16.1.1	Qualification for works : The Bidder should have successfully completed "Similar Works" in previous 7 years before the last date of the Bid submission as per the criteria specified below: a) 3 similar works each costing not less than the amount equal to 40% of the estimated cost of this work i.e 14.25 Cr. b) 2 similar works each costing not less than the amount equal to 50% of the estimated cost of this work i.e 17.81 Cr. c) 1 similar work costing not less than the amount equal to 80% of the estimated cost of this work i.e 28.50 Cr.	The current qualification criteria set an extremely high benchmark, making it unlikely for any Indian firm to qualify, as no Indian company has executed floating concrete projects of this scale. To encourage participation, we request a relaxation in criteria related to project cost to enable Indian firms to compete.	Tender condition shall prevail.
5	Page No 32	Section II, Clause 16.1.1, (a)	For this purpose, the "Similar Works means design, construction, supply, installation,testing and commissioning of floating concrete Jetties duly certified by IR Class or any IACS body. In case, the work has been completed abroad, an Apostille certificate to this effect must be submitted.	Certification and approval for various projects are typically based on the buyer's preference. In India, most tenders to date have been executed with IIT Madras approval, rather than exclusively requiring IR Class or IACS Class approval.Therefore, for qualification purposes, we request that certification and design vetting approval from either IIT Madras, IR Class, or any IACS Class be considered acceptable. Additionally, an undertaking can be requested at the time of bid submission, stating that the bidder will obtain approval or certification from IR Class or an IACS body for this specific project.	Yes, but the certification of earlier contracts from any IACS body or IIT-Madras be submitted along the bids.
6			General Query	Please update the last seven years' range in FORM 4B: Eligible Projects, as the current period (2015-16 to 2021-22) is incorrect.	Last seven years may be read as (2017-18 to 2023-24)
7	Page no. 20 Page No 18 & 19	Section II, Clause 6, Sub Clause 6.9.1, Clause 6.8 and 6.9.1,	Bidder Eligibility Criteria	Clause 6.9.1 states that Joint Ventures (JV) or Consortium bids are not allowed. Kindly clarify if this means that only bids submitted by a single entity bidder, without any JV or Consortium arrangement or licence agreement, will be considered eligible? Additionally, we would like to seek clarification on the following points: 1. Can a foreign company participate in this tender directly? 2. Can an Indian firm submit the bid on behalf of its parent company, which is based outside India? It is noted in Clause 3.6 that the similar work experience of the parent company, subsidiary, sister company, or any associated firm of the bidder shall not be considered. Could you please confirm if this applies to the case where an Indian firm is submitting the bid on behalf of its foreign parent company?	Only single entity is allowed to bid. Single entity can also be a JV / Consortium with the condition that company should be registered with RoC as on date of closing of bid duly having a valid GST No. / PAN card. (i) No. (ii) The firm can bid through its Indian subsidiary and can utilise the parent firms credentials subject to condition that the certificates should be apostilled. Further, the firm has to submit the cashflows for the project which has been claimed for pre-qualification alongwith completion certificate on clients letter head (duly apostilled).

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8	Page No 15	Section II, Clause 3, Sub Clause 3.8,	Bidders failure to Perform in Last 3 years	Kindly confirm that if a bidder has equity holding by parent company / sister company / OEM company or company having common directors and if any such company having common directors submits the bid where in either the equity holding company in the bidder's company or if any of their common directors have failed to perform the contractual obligations in work related to Floating Concrete Pontoons in India and are involved in litigation / court cases for failure to perform or have had awarded work agreement terminated due to breach will not be allowed to bid for this tender and if they do they will be disqualified, this submission is specifically made by us keeping the ongoing court case between Kochi Metro Rail Limited and Marinetek OY (Includes Directors of Marinetek India Services Pvt Ltd, REL Marinetek Infra Pvt Ltd, Marinesolutions Distribution and Services Pvt Ltd) – we seek clarification on this because the matter between Kochi Metro and Marinetek pertain to nonperformance on deliverables by Marinetek. The necessary documents in this regards are available in public domain and we can submit the same to your office on request.	Refer reply at Sl. No. 3 above.
9	Page No 34	Section II, Clause 16.1.1	The Bidder should have successfully completed "Similar Works" in previous 7 years before the last date of the Bid submission as per the criteria specified below: a) 3 similar works each costing not less than the amount equal to 40% of the estimated cost of this work i.e 14.25 Cr. or b) 2 similar works each costing not less than the amount equal to 50% of the estimated cost of this work i.e 17.81 Cr. or c) 1 similar work costing not less than the amount equal to 80% of the estimated cost of this work i.e 28.50 Cr	The value of similar works required in this tender is exceptionally high. As per the criteria specified, no Indian firm has completed floating concrete projects of such a large scale in India, and only 01 or 02 tenders has been floated in India for floating concrete pontoon work exceeding 17.5 crores, and it is unlikely that any Indian firm will qualify for this tender based on the current requirements. In order to promote and encourage the participation of capable Indian firms in executing this type of work, we request that the qualification criteria for the estimated cost of the work be relaxed. This will provide an opportunity for Indian firms to compete and participate in the tender process. We kindly request that the qualification criteria for similar work experience be reviewed and adjusted accordingly.	Tender condition shall prevail
10	Page No. 34	Section II, Clause 16.1.1 (a),	Qualification for Work : means design, construction, supply, installation, testing and commissioning of floating concrete Jetties duly certified by IR Class or any IACS body	The certification and approval for various project is buyer's preference and not all buyers in India are buying with IR Class / IACS Class Approval, most tenders so far in India have been done with IIT Madras approval, thus for qualification purpose we request that as long as certification and design vetting approval is accorded by either IIT Madras / IR Class or any IACS class shall be acceptable for qualification, additional undertaking can be asked at the time of bid submission that bidder will obtain approval / certification from IR Class / IACS body for this project	Refer reply at Sl. No. 5 above
11	Page No 69	Section V, Sl.NO. 2 of BOQ,	Form Fin -2 : Summary of Cost	Is CAMC cost applicable when deciding L1 bidder for each location	Yes
12		Section VI, Part I, Clause 3 (a)	Time lines	Considerable time is consumed in obtaining approval from IIT Madras / IACS class authorities. 5 months is not a realistic timeline. kindly make this timeline 7 to 8 months, considering the location and logistic challenges in J&K	Tender condition shall prevail
13		Section VI, Part I, Clause 5.5	Stages of Payment	It is requested that to provide better cash flow against work completion milestones, payment milestones may kindly be included as stated below:- 10% mobilisation after issue of work order against same amount BG 10% against design and drawing approval 20% against material readiness for construction with all necessary material test report including EPS test report 30% against 100% completion of pontoon manufacturing 20% against supply and installation of pontoons at earmarked sites 10% on Final approval by IIT Madras / IACS class for commissioned pontoons CAMC payment kindly be made on quarterly basis and not half yearly	Tender condition shall prevail
14		SECTION-II: INSTRUCTIONS TO BIDDERS (ITB), Clause 6.1 and 6.2	Cost of EMD and Tender Documents	We are a Small Enterprise Company having Udyam Registration Certificate issued by Ministry of Micro, Small and Medium Enterprises. As per your tender clause, Micro, Small and Medium Enterprises of Govt. of India, MSEs registered with Udyam are exempted from payment of Earnest Money Deposit (EMD) & tender fees. We will participate in the tender as a manufacturer of the quoted items. Attached is our Udyam Registration certificate. Kindly confirm that as per your tender clause, we will be eligible for EMD and tender fee exemption against Udyam registration certificate	The valid MSME / Udyam certificate may be submitted along the bid and its genuineness will be examined during bid evaluation.
15	Page 114 of 213	SECTION - VII: GENERAL CONDITIONS OF CONTRACT Clause 4.4.2	Security Deposit	A sum @ 10% of the net amount of the bill shall be deducted from each running bill of the contractor till the sum along with the sum already deposited in cash/RTGS as the earnest money, will amount to security deposit of 5% of the contract value of work. The contractor is already required to provide a performance guarantee amounting to 5% of the contract value, which is a standard industry practice to ensure performance, we request clarification that no further security deposit, beyond the amounts already covered by the earnest money and performance guarantee, shall be required. The additional security deposit mentioned in the clause should not be applicable, as the total security measures (earnest money and performance guarantee) already ensure adequate financial security for the contract.	Tender condition shall prevail
16			General Query	It is noted in tender that the last seven years is not correctly mentioned and at few places including FORM 4B: Eligible Projects last seven years are read 2015-16 to 2021-22 from the Last Date of Bid Submission. Please correct the last seven years range for eligible projects to be considered.	Last seven years may be read as (2017-18 to 2023-24)

(Col. Harshvardhan)
Secretary

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