

Amendment - 11

Name of the Work: Fairway Maintenance of Access Channel of MMT Haldia on National Waterway-1 and disposal of the dredged material downstream at designated location

Contract Package No: IN-IWAI-332925-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

| | | |
|-------------------------|--|---|
| Nature of Bidder | 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 | Nationality | 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 |
|-------|--------------------|--|-----------------------|---|-----------------------|-------|--|

| | | | | | | | |
|-------|--|---|-----------------------|---|-----------------------|-------|---|
| 2.1.2 | Conflict of Interest | 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 | Bank eligibility | 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 | Government Owned Entity | 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 | United Nations resolution or Borrower's country law | 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 | History of Non-Performing Contracts | Non-performance of a contract ¹ did not occur as a result of contractor default since 1 st 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 |
|-------|--|--|---|---------------------------|---|-------|--------------|

¹ 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 | Suspension based on Execution of Bid Securing Declaration by the Employer or withdrawal of the Bid within Bid validity | 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 | Pending Litigation | 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 | Litigation History | No consistent history of court/arbitral award decisions against the Bidder ² since 1 st 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 | Declaration: Environmental and Social (ES) past performance | 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.

² 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 ³ (ending 2021 – 22). | contractor/s must also make the declaration. | | the Specialized Sub-contractor/s must also make the declaration. | | |
|--|--|---|--|--|--|--|--|

| 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 | Financial Capabilities | (a) The Bidder shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit ⁴ , and other financial means (independent of any contractual advance payment) sufficient to meet the 6 months construction cash flow requirements estimated as Rs. 21.98 Crore | (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 |
|-------|-------------------------------|--|---------------------------|--------------------------------|--|--|---------------------------------|

³ The Employer may use this information to seek further information or clarifications in carrying out its due diligence.

⁴ 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 | |
| 2.3.2 | Average Annual Construction Turnover | Minimum average annual construction turnover of Rs.39.54 Crore [Rupees Thirty-nine Crore Fifty Four Lakh] , 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% requirement | 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 | <p>General Dredging Experience in Ports / River, Management of Vessel, Manning of Vessel or Vessel related Marine Works</p> | <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"> River Dredging and management of dredging materials. Dredged material used in reclamation of port / harbour will also be considered. <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 |
|-------|--|---|-----------------------|-----------------------|-----------------------|-----|----------------|

| 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) | Specific Dredging and Contract Management Experience | <p>Bidder should have successfully completed as a prime contractor, JV / Consortium member⁵, management contractor or sub-contractor, minimum</p> <p>Three similar works each costing not less than INR 29.10 Crs / 3.816 Lakh cum of dredging quantity</p> <p>Or</p> <p>Two similar works each costing not less than INR 36.36 Crs / 4.77 Lakh cum of dredging quantity</p> <p>Or</p> <p>One similar works costing not less than</p> | Must meet requirement | Must meet requirement | Not Applicable | Must meet requirement for one contract of 50% | 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. |

⁵ 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 | |
| | | <p>INR 58.18 Crs / 7.632 Lakh cum of dredging quantity</p> <p>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> | | | | | |

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

| | | | | | | | |
|--------------|---|--|-----------|-----------|-----------|-----------|--------------------|
| 2.4.2 (b) | <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> | | | | | | |
| 2.4.2 (c) | Specific Experience in managing ES aspects | 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 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</i> | Desirable | Desirable | Desirable | Desirable | Form EXP – 4.2 (c) |

| | | | | | | | |
|--|--|----------------------------|--|--|--|--|--|
| | | <i>manage ES aspects.]</i> | | | | | |
|--|--|----------------------------|--|--|--|--|--|

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 M³ of rock placed in rock fill dams in one year; X tons of asphalt concrete per month placed in road paving; Y M³ 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.*

2.4.2 (d) 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:

Assessed Available bid capacity = $(A*N*1.15-B)$

Where,

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).

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).

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.

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 | |
|------------------------|---------|-------------|-------------------------|-------------------------------|-------------|---------------|-------------------------|
| No. | Subject | Requirement | Single Entity | Joint Venture where permitted | | | Submission Requirements |
| | | | | All Parties Combined | Each Member | One Member | |

2.5 Quality Requirements

| | | | | | | | |
|--------------|--|---|-----------------------|-----------------------|-----|-----------------------|---|
| 2.5.1 | ISO 9001-2008 / 2015 Quality Management System requirements | Quality management certificate issued by an international standards organization | Must meet requirement | Must meet requirement | N/A | Must meet requirement | Valid ISO 9001 Certification |
| 2.5.2 | OHSAS 18001 - Occupational Health and Safety Assessment Series or Equivalent | Relevant OHSAS certificate and Experience in occupational health and safety management over the last 2 years (FY 2020 – 21 to FY 2021 - 22) | Must meet requirement | Must meet requirement | N/A | Must meet requirement | Valid OHSAS Certificate or Equivalent |
| 2.5.3 | ISO 14001-2004 / 2015 Environmental Management Systems requirements | Recent Environmental management certificate and experience with environmental management systems over the last 2 years (FY 2020 – 21 to FY 2021 - 22) | Must meet requirement | Must meet requirement | N/A | Must meet requirement | Valid ISO 14001 – 2004 / 2015 certificate |