Development of "PURVANCHAL EXPRESSWAY PROJECT" in the State of Uttar Pradesh on E.P.C. Basis

Replies / Clarifications to the Queries raised on RFQ Documents issued on January 8, 2018 (for Package I to Package VIII) of "PURVANCHAL EXPRESSWAY PROJECT"

S. No.	Clause No. Page No.	Clause description	Issues raised	Clarification / Reply as decided by BEC
1	2	3	4	5
1	2.2.2 (A) (ii), page 9 of 54	Technical Capacity: Similar Works as per RFQ – 50% of estimated cost.	We request you to consider our request of completion of one similar works on EPC basis of 25% of estimated cost as per latest NHAI/ MoRTH revised bid documents & please refer to Ministry (MoRTH) 20th December 2017 circular is enclosed herewith.	Not tenable
2	2.2.2 (A) (ii) page 9 of 54	Value required for one similar project is almost 50% of the Estimated Cost of Project.	We, request you to kindly consider value of one similar project to be at least 25% of the Estimated Cost of Project Reference Document RFP for EPC Project: MoRTH 16-Jan-2017, Clause 2.2.2.2 (ii) Technical Capacity (Attached for Reference)	Not tenable
3	3.2.1 (a) page 23 of 54	**Technical Capacity for purpose of Evaluation** Category 1 and Category 3: Eligible Projects in Highway Sector "highways sector would be deemed to include highways, expressways, bridges, tunnels and airfields;"	We request you to kindly include Metro Rails and Railways in highway sector for the purpose of evaluation of technical capacity Reference Document RFP for EPC Project: MoRTH 16-Jan-2017, Clause 2.2.2.5 (iii) (a) Categories and Factors for Evaluation of Technical Capacity	Not tenable
4	3.2.1 (b) page 23 of 54	**Technical Capacity for purpose of Evaluation** **Category 2 and Category 4: Eligible Projects in Core Sector** "core sector would be deemed to include ports, airports, railways, metro rail, industrial parks/estates, logistics parks, pipelines, irrigation, water supply, sewerage and real estate development"	We request you to **kindly include Power in Core Sector** for the purpose of evaluation of Technical Capacity Reference Document RFP for EPC Project: MoRTH 16-Jan-2017, Clause 2.2.2.5 (iii) (b) Categories and Factors for Evaluation of Technical Capacity (Attached for Reference)	Not tenable
5	2.2.2 (B) (iii) page 9 of 54	An Applicant including any Consortium Member shall, in the last three financial years i.e. 2014-15, 2015-16 and 2016-17 have neither been a loss making company nor been in the list of Corporate Debt Restructuring (CDR) and / or Strategic Debt Restructuring (SDR). The	It is pertinent to mention here that NHAI is the leading agency involved in Highway construction in India and as on date is involved in bidding process for Highway/Expressway construction of worth more than Rs. 2 Lakh crores on EPC basis. In NHAI bid documents there is no such provision in respect of Financial Capacity as has been laid down by UPEIDA in RFQ documents of Purvanchal Expressway. As per our understanding NHAI has not put any pre qualification criteria in respect of profitability or debt restructuring because in EPC contracts, it is Employer (NHAI) who has to arrange	Not tenable

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		Applicant has to give a certificate as per the format given at Appendix-I, Annex-VII.	funds for payment to contractor on monthly basis through Running Account Bill during execution of works based on the value of work executed by the Contractor. So profitability of the Contractor in the last three years or debt restructuring status has no material impact on the performance of the Contractor. These criteria in respect of profit in last three financial years and debt restructuring, as laid down by UPEIDA in its RFQ document for Purvanchal Expressway, would have become relevant if the work was to be awarded to BOOT/Annuity/Hybrid Annuity basis. In that case the contractor would have to arrange funds from financial institutions / banks for construction works which he would find difficult due to its financial condition. In the instant case Pre Qualification application has been sought on EPC basis for all the eight packages of Purvanchal Expressway. Hence, as explained in preceding paras, pre qualification criteria in respect of profitability and debt of the bidder would have no material bearing on the performance of the contractor in completion of the awarded works. Moreover, such stringent pre condition would restrict the participation of bidders in the bidding process thus the limiting healthy competition. It is therefore requested that in order to facilitate wider participation and to get a rational bid, the Pre-Qualification criteria may kindly be kept in line with NHAI provisions.	
6	2.2.1 (e) page 8 of 54	The Statement showing the value of all existing commitments and ongoing works as well as the stipulated period of completion remaining for each of the works listed should be countersigned by the Client or its Engineer-in-charge not below the rank of Executive Engineer or equivalent in respect of EPC Projects or Concessionaire / Authorised Signatory of SPV in respect of BOT Projects and verified by Statutory Auditor.	**Format for calculation of Value B** Being a listed company, we will be able to produce the Auditor certified data for calculation of B Value on quarterly basis, since this RFQ submission is due on 12.02.18 we will be submitting the certificate of B value latest updated as on 31.12.17 Hence we kindly request you to acknowledge our future submission of certificate.	Clause 2.2.1 (e) is self explanatory.
7	2.16.1.1 page 18 of 54	It is mandatory for all the Applicants to have class-III Digital Signature Certificate (DSC) (in the name of Authorized	We already have the Digital Signature Certificate (DSC) of Class - III from provider named e-mudhra, which we use to submit other tender from different Authorities.	Addendum is being issued.

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		Signatory / Firm or Organisation / Owner of the Firm or Organisation) from UP Electronics Corporation Limited to participate in e-tendering of UPEIDA as per Government Order No. 1067/78-2-2017-42 IT/2017 dated May 12, 2017 to participate in the e-tendering process.	We request you to enable the system for submission of RFQ Application online with available DSC with us. Bidders are asked to get the DSC from UP Electronics Corporation Limited but same agency has confirmed to us that they provide only Class II DSC. We request you to provide the clarity on this matter.	
8	2.2.2 (B) (iii) page 9 of 54	An Applicant including any Consortium Member shall, in the last three financial years i.e. 2014-15, 2015-16 and 2016-17 have neither been a loss making company nor been in the list of Corporate Debt Restructuring (CDR) and / or Strategic Debt Restructuring (SDR). The Applicant has to give a certificate as per the format given at Appendix-I, Annex-VII.	We understand from RFQ document that, an entity will designated to be in the list of CDR / SDR (or) undergone CDR / SDR procedure, if they have applied and awaiting approvals for CDR / SDR package from their Lenders, CDR cell, Reserve Bank of India and it does not applies to entities whose CDR / SDR package has already been approved and their accounts with the bank are 'standard account'. Please confirm that as per RFQ our understanding is correct.	Not tenable
9	Annex – VII page 43 of 54	We hereby confirm that we/ any members in the JV (constitution of which has been described in the application) have not undergone CDR / SDR during the last three years preceding the Application Due Date and have not been a loss making company in the last three years preceding the Application Due Date. We also confirm that we / any member in the JV is not undertaking CDR / SDR as on Application Due Date.	We understand from RFQ document that, an entity will designated to be in the list of CDR / SDR (or) undergone CDR / SDR procedure, if they have applied and awaiting approvals for CDR / SDR package from their Lenders, CDR cell, Reserve Bank of India and it does not applies to entities whose CDR / SDR package has already been approved and their accounts with the bank are 'standard account'. Please confirm that as per RFQ our understanding is correct.	Not tenable
10	3.2.1 (b) page 23 of 54	Core sector would be deemed to include ports, airports, railways, metro rail, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, sewerage and real estate	We understand that the subject projects pre-qualification documents are prepared on the basis of Ministry of Road Transport and Highways (MoRTH) model EPC documents. Whereas, in recent amendment issued to model EPC documents, MoRTH had included power sector under core category for assessing the Eligibility score of applicant.	Not tenable

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		development.	Therefore, we request the employer to include Power Sector under Core category in the provisions of captioned projects pre-qualification documents.	
11	1.2.1 page 4 of 54	Prior to making an Application, the Applicant shall pay to the Authority a sum of Rs. 2,00,000 (Rupees Two Lakh)2 only through Demand Draft drawn in favour of Uttar Pradesh Expressways Industrial Development Authority payable at Lucknow, as the cost of the RFQ Document/Process.	We request the Authority to allow the submission of Application along with the other Tender document as required as per Clause 2.13.2 of the RFQ. Please Clarify the procedure applicable for submission of DD i.e. along with other document inside the Envelope or in separate envelope containing DD.	As provided in the Clause, the DD shall be submitted in a separate envelope and to be submitted prior to the submission of the Application at the office of UPEIDA.
12	Foot note no 4. of Clause 2.2.2 (A) (ii) Page – 9 of 54	For one similar EPC Work, Foot note no 4: *'For avoidance of doubt, the certificate shall also clearly mention that this particular work has been carried out as an Engineering Procurement and Construction Work in which the design also has been carried out by the Applicant. Refer Appendix I, Annex VIII.'*	We request the Authority to consider the Project in which the Applicant had experience of construction of work as EPC Contractor. The requirement mentioned vide footnote 4 i.e. :- 4 For avoidance of doubt, the certificate shall also clearly mention that this particular work has been carried out as an Engineering Procurement and Construction Work in which the design also has been carried out by the Applicant. Refer Appendix I, Annex VIII. The above requirement should be withdrawn as the same is not required in the entire Project issued by NHAI & MORTH for various project across the country.	Not tenable.
13	2.13.2 (e) page 17 of 54	Original DD for Rs. 2,00,000 (Rupees Two Lakh)[8] only in favour of Uttar Pradesh Expressways Industrial Development Authority payable at Lucknow towards cost of RFQ document prior to submission of Application.	The Authority in this Clause is asking for submission of DD prior to application as well as with tender document which is contradictory itself. We request the Authority to allow the submission of DD along with the Application. Please Clarify the procedure applicable for submission of DD i.e. along with other document inside the Envelope or in separate envelope containing DD.	As provided in the Clause, the DD shall be submitted in a separate envelope and to be submitted prior to the submission of the Application at the office of UPEIDA.
14	2.16.1.1 page 18 of 54	It is mandatory for all the Applicants to have class-III Digital Signature Certificate (DSC) (in the name of Authorized Signatory / Firm or Organisation / Owner of the Firm or Organisation) from UP Electronics	We request the Authority to allow the DSC for mapping/registration issued by any agency across the India. The requirement of DSC issued by UP Electronics Corporation Limited to participate should be withdrawn. Please Consider.	Addendum is being issued.

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		Corporation Limited to participate in e-tendering of UPEIDA as per Government Order No. 1067/78-2-2017-42 IT/2017 dated May 12, 2017 to participate in the e-tendering process.		
15	Annex – II page 34 of 54	*$$ For conversion of US Dollars to Rupees, the rate of conversion shall be Rupees ** (**) 15to a US Dollar.* 15 The conversion rate of USD into Rupees shall be the daily representative exchange rates published by the Reserve Bank of India for the relevant date. Where relevant date should be as on the date 28 (twenty eight) days prior to the Application Due Date.	The Conversion rate applicable for Balance Sheet, Financial Figure, Completion Certificate & LOA should be relevant date of that period like 31st December 2015 for Balance Sheet the rate will be prevalent by RBI on 31st December 2015 and not 28 days prior to submission of Application and similarly for other matter as mentioned above. The date 28 (twenty eight) days prior to the Application Due Date conversion rate can be applicable for balance ongoing value of work. Please Clarify and Confirm as Applicable.	The Clause is self explanatory
16	2.2.2 (A) (ii) page 9 of 54	Clarification for applicability of Clause 2.2.2 A (ii)	The value of the Project completed on 31.03.2013 is 950 Crores, but the receipt of the projects is Rs 550 Crores only in last 5 years rest is received in earlier period. Please clarify what value of the above project will be considered for qualification as per this Clause. Please Clarify and Confirm.	Clause 2.2.2 A (ii) shall be read in conjunction with Clause 2.2.2. A (i). Clause is self explanatory
17	1.3 page 6 of 54	Schedule of Bidding Process	Authority response to queries latest by 27-01-2018 With reference to the Schedule of Bidding, it is to inform you that we are keenly interested to participate in the above project. The project is on ICB pattern and the time period given for preparation and submission of Application is very less. If a bidder from other country participate as alone or in JV with Indian Partner at least 30 days are required for getting the document legalized by Indian Embassy and then to submit it in JV with Indian Partner from zero date apart from searching partner for JV in other countries. Therefore we request the Authority to grant at least 4 weeks times for submission of Application from the date of Pre Application reply received from your end.	Not tenable.
18	General	General	Since the Project is on ICB pattern please clarify and confirm that no specific registration is required for	Applicant shall comply with the

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<tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr>
<tr><td></td><td></td><td></td><td>bidder bidding from Indian or Abroad with any Department of U.P.

Please Confirm.</td><td>provision of RFQ Clauses such as 2.2.11, 2.16.1, Appendix II, III and IV, etc. which are self explanatory.</td></tr>
<tr><td>19</td><td>General</td><td>General</td><td>Please clarify in case of foreign bidders is it necessary that the copy of certificates and translations of documents to English Language from foreign language are to be legalized by Indian Embassy in the Country of Applicant.

Also clarify whether the copies of certificates from Indian and Foreign Companies are to be certified as true copy from Notary or self certification by Power of Attorney holder is sufficient.</td><td>Please refer Clause no. 2.11 on page 16 of 54 and notes to Appendix II, III and IV of the RFQ document, which are self explanatory.</td></tr>
<tr><td>21</td><td>General</td><td>General</td><td>Further it is requested to extend the Due Date of submission of this RFQ by 15 days from the date of Reply to the Pre Application queries.</td><td>Not tenable.</td></tr>
<tr><td>22</td><td>2.2.2 (A)

Page 9 of 54</td><td>To be eligible for pre-qualification, an Applicant, shall fulfil the following conditions of eligibility:
(A) Technical Capacity:
(i) For demonstrating technical capacity and experience (the “Technical Capacity”), the Applicant shall, over the past 5 (five) financial years preceding the Application Due Date, have received payments for construction of Eligible Project(s), or has undertaken construction works by itself in a PPP project, such that the sum total thereof is more than Rs. 2212,00,00,000 (Rupees Two Thousand Two Hundred Twelve Crores) only (the “Threshold Technical Capacity”).
(ii) Provided that at least one similar EPC work of Rs. 553,00,00,000 (Rupees Five Hundred</td><td>Please consider updation factor to update the price of eligible project for the year indicated below:

<table><tr><td>Year</td><td>Updation Factor</td></tr><tr><td>Year – 1</td><td>1.00</td></tr><tr><td>Year – 2</td><td>1.05</td></tr><tr><td>Year – 3</td><td>1.10</td></tr><tr><td>Year – 4</td><td>1.15</td></tr><tr><td>Year – 5</td><td>1.20</td></tr></table></td><td>Not tenable.</td></tr>
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		Fifty Three Crores) only shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 3.2.1.		
23	2.16 page 18 of 54	It is mandatory for all the Applicants to have class-III Digital Signature Certificate (DSC) (in the name of Authorized Signatory / Firm or Organisation / Owner of the Firm or Organisation) from UP Electronics Corporation Limited to participate in e-tendering of UPEIDA as per Government Order No. 1067/78-2-2017-42 IT/2017 dated May 12, 2017 to participate in the e-tendering process. DSC should be in the name of the Authorized Signatory as authorized in Appendix III of this RFQ. It should be in corporate capacity (i.e. in Bidder capacity / in case of JV in the Lead Member capacity, as applicable).	Please clarify whether the DSC should be in the name of Authorised Signatory as Authorised in the Power of Attorney (individual) or it should be in the name of the Authorised Signatory on behalf of the Company / Lead Member	Addendum is being issued.
24	2.2.5 page 10 of 54	Appendix II Power of Attorney for Signing of Application	1. Please clarify whether foreign bidder is allowed to participate in RFQ. 2. If foreign bidder is allowed to participate in the RFQ, we request you to clarify that Power of Attorney for signing of the Application will be required as per format provided in Appendix II duly legalized by the Indian Embassy and notarized in the jurisdictions where the Power of Attorney is being issued. 3. In case of foreign bidder, please consider single Power of Attorney for all the Projects.	1. Refer Clause 2.2.11 2. Refer to Notes to Appendix II, III and IV which are self explanatory 3. Power of Attorney shall be Package specific.

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25	Financial Criteria	Financial Criteria	The RFQ renders entities / bidders, who have incurred losses and / or availed CDR / SDR during last three financial years, ineligible to participate in the procurement process for the above project. Notably, Departments of the Union Government of India, Public Sector Undertakings, MoRT&H, NHAI use the Model RFQ / RFP document of Niti Aayog and do not use CDR / SDR linked ineligibility. We would like to highlight that Govt. of India discourages State Government Agencies against using this criterion. These criteria would lead to elimination of several competent companies from the procurement process. We would like to point out that the companies who have been restructured under CDR and have a standard account with the lenders have continued availability of Credit Limits & such Fund and Non-Fund based facilities as Bank Guarantees, LCs, etc. These companies are thus financially stable and capable of resource mobilization, and project execution.	Same as serial no. 5 above.
26	Technical Capacity and Financial Capacity	Technical Capacity and Financial Capacity	Several other provisions of this RFQ deviate from the standard procurement practices used by MoRT&H, NHAI & other agencies in transportation sector and are also not in line with the Model Document of Niti Aayog for EPC projects. Stipulation of higher Net Worth (10%), higher value of single project (50%) are the examples of differences against the Model Document.	Same as serial no. 1 above.
27	General	General	It may be worth noting the same qualification criteria was used during the earlier procurement process for this project which culminated in only six bidders getting qualified for the eight packages having aggregate value of INR of 14162 crore.	No reply is required.
28	General	General	Current provisions of the RFQ will suppress competitiveness by restricting chance and allow only a few to benefit from the handsome opportunity offered by these 8 high value packages aggregating to Rs. 13158 Cr. We therefore, request you to kindly review and delete these restrictive criteria pertaining to CDR / SDR & Profitability in order to provide equitable opportunities to all competent contractors and promote.	Same as serial no. 5 above.
29	2.2.1 (a) page 7 of 54	Applicant for Pre-Qualification may be a single entity or a group of entities (the "joint venture") coming together to implement Project Expressway….. and other relating provisions.	Given the nature and size of the project packages, and required expertise limited to highway sector only, sizeable number of highway construction firms in the country are expected to meet the techno-financial qualification criteria set-forth in the RFQ Document on 'standard basis' i.e. as a 'single entity'. For successful and timely implementation of large infrastructure projects like the proposed expressway project, the EPC	Not tenable.

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			contractors should preferably be 'single entities' rather than a group of entities, particularly when the whole project is split into number of inter-connected bid package, it is also a fact that involvement of more than one entity in implementation is a risky proposition due to possible opinion differences, capability-mismatches, lack of harmony etc among the members that could result in prolonged delay in completion of the whole project. One weak link in form of any one package or contractor, could delay the whole project. It is therefore requested UPEIDA may consider disallowing "Joint Venture" for pre-qualification and participation in the bidding for the subject project expressway to ensure its successful and timely completion.	
30	2.2.1 (e) page 8 of 54	Bidders who meet the minimum qualification criteria will be qualified only if their available bid capacity is more than the **Tentative Estimated Project Cost (RFQ Stage Evaluation) and total bid value (RFP Stage Evaluation).** The available bid capacity will be calculated as under: **Assessed Available Bid capacity = (A*N*2 – B)** where A = Maximum value of civil engineering works in respect of EPC Projects executed in any one year during the last five years (updated to the price level of the year indicated as hereunder and appendix) taking into account the completed as well as works in progress. The EPC projects as mentioned includes turnkey projects/ item rate contract/ construction works N = 2.5 (Number of years prescribed for completion of the works for which bids are	We request the Authority to kindly modify the clause as under:- Bidders who meet the minimum qualification criteria will be qualified only if their available bid capacity is more than the Tentative Estimated Project Cost (RFQ stage Evaluation) and total bid value (RFP Stage Evaluation). Assessed Available Bid capacity = (A*N*2-B), where A= Minimum **turnover** value in any one Financial Year during the last five years (updated to the price level of the year indicated as hereunder and appendix). N= 2.5 (Number of years prescribed for completion of the works for which bids are invited). B= Value (updated to the price level of the year indicated in table below under note) of existing commitments, work for which LOA issued and ongoing works to be completed during the period of completion of the works or which BID is invited In case Joint Venture/Consortium, any one of the member of such joint venture/consortium can satisfy the above criteria i.e. the joint venture/ consortium shall cumulatively/collectively fulfill the 100% requirement.	Not tenable.

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		invited). B = Value (updated to the price level of the year indicated in Appendix) of existing commitments and on-going works to be completed during the next 2 years and 6 months (period of completion of the works for which bids are invited).		
31	2.2.2 (A) page 9 of 54	**(i)** For demonstrating technical capacity and experience (the **"Technical Capacity"**), the Applicant shall, over the past 5 (five) financial years preceding the Application Due Date, have received payments for construction of Eligible Project(s), or has undertaken construction works by itself in a PPP project, such that the sum total thereof is more than **Rs. XXX Crore** (the **"Threshold Technical Capacity"**). **(ii).** Provided that at least one similar EPC work of 25% of Threshold Technical Capacity shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 3.2.1. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 25% of Threshold Technical Capacity.	We request the Authority to kindly modify the clause as under:- **<u>Technical Capacity</u>** I. For demonstrating technical capacity and experience (the "Technical Capacity"), the bidder shall ,over the past 5 (five) financial years preceding the Bid Due Date, have paid/received payments for development/construction/operation & Maintenance Contractors, Dense Bituminous Concrete Overlay, Bituminous Concrete Overlay, of Eligible project (s) or has under taken construction work by itself in a PPP project, such that the sum total thereof is, equivalent to or more than Rs. XXX Crore. (the "Threshold Technical Capacity". II. Provided that at least one similar EPC work of 25% of Tentative Estimated Project Cost shall have been completed from the Eligible projects in Category 1 and /or category 3 specified in Clause 3.2.1 In case Joint Venture/Consortium, any one of the member of such joint venture/consortium can satisfy the above criteria i.e. the joint venture/ consortium shall cumulatively/collectively fulfill the 100% requirement.	Not tenable.
32	2.2.3 Page 9 of 54	In case of a Joint Venture: The Threshold Technical Capacity and Financial Capacity of all the Members of Joint Venture would be taken into	We request the Authority to kindly modify the clause as under:- In case of a Joint Venture:- I. The Threshold Technical Capacity and Financial Capacity of all the Members of Joint Venture would be taken into account for satisfying the	Not tenable.

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		account for satisfying the above conditions of eligibility. Further, Lead Member shall meet at least 60% requirement of Assessed Bid Capacity, Technical and Financial Capacity required as per Clause 2.2.1(e), 2.2.2 (A) (i) and 2.2.2 (B) and each of other JV members shall meet at least 20% requirement of Assessed Bid Capacity, Technical and Financial capacity as per Clause 2.2.1(e), 2.2.2 (A) (i) and 2.2.2 (B). For avoidance of doubt it is further clarified that the Joint Venture must collectively and individually satisfy the above qualification criteria i.e. JV shall cumulatively / collectively fulfill the 100% requirement. For requirement of 2.2.2 (A) (ii), one similar EPC work of **Rs. XXX (25% of Threshold Technical Capacity** only should have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 3.2.1 individually by any of the JV members as a single work.	above condition of eligible. Further, any one of the Member shall meet at least 60% requirement of Assessed Bid Capacity. Technical and Financial Capacity required as per Clauses 2.2.2 (e) 2.2.2 (A) (i) and 2.2.2 (B) and each of other JV members shall meet at least 20% requirement of Technical and Financial capacity as per Clause 2.2.2 (A) (i) and 2.2.2 (B). For avoidance of doubt it is further clarified that the Joint Venture must collectively satisfy the above qualification criteria i.e. JV shall cumulatively/collectively fulfill the 100% requirement. II. For requirement of 2.2.2 (A) (ii), one similar EPC work of Rs. XXX (25% of Estimated Project Cost) only should have been completed from the Eligible Project in Category 1 and /or Category 3 Specified in Clause 3.2.1 individually/collectively by any of the JV members. For avoidance of doubt, the Combined Techncial Capacity and Financial Capacity of Joint Venture / Consortium members shall be considered for qualification purpose.	
33	2.2.12 page 12 of 54	Notwithstanding anything to the contrary contained herein, in the event that the Application Due Date falls within three months of the closing of the latest financial year of an Applicant, it shall ignore such financial year for the purposes of its Application and furnish all its information and certification with reference to the 5 (five) years or 1 (one) year, as the case may be,	We request the Authority to kindly modify the clause as under:- "Notwithstanding anything to the contrary contained herein, in the event that the Application Due Date fall within three months of the closing of the latest financial year of a Bidder, the bidder may submit information and certification with respect to the latest financial year for the purposes of its Application for the last 5 (five) years. However, the aforesaid information and certification should be duly audited by its statutory Auditor. For the avoidance of doubt financial year shall, for the purposes of an Application hereunder, mean the accounting year followed by the Applicant in the course of its normal business.	Not tenable.

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		preceding its latest financial year. For the avoidance of doubt, financial year shall, for the purposes of an Application hereunder, mean the accounting year followed by the Applicant in the course of its normal business.		
34	3.2.1 page 23 of 54	For the purpose of this RFQ: (a) highways sector would be deemed to include highways, expressways, bridges, tunnels and airfields; and (b) core sector would be deemed to include ports, airports, railways, metro rail, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, sewerage and real estate development. 2. Real estate development shall not include residential flats unless they form part of a real estate complex or township which has been built by the Applicant.	We request the Authority to kindly modify the clause as under:- **Technical Capacity for purpose of evaluation** For the purpose of this RFQ: (a) highways sector would be deemed to include highways, expressway, bridges, tunnels and airfields; and (b) Core sector would be deemed to include **power**, ports, airports, railways, metro rail, industrial parks/estates, logistic parks, pipelines, irrigation, water supply, sewerage and real estate development.	Same as serial no. 4 above.
35	2.2.9 page 9 of 54	The Technical Capacity and Net Worth of the Applicant/ Members in case of Joint Venture shall be computed under Clauses 2.2.2, 2.2.4 and 3.2.	We request the Authority to kindly modify the clause as under:- The Technical Capacity and Net worth of the Applicant/Members in case of joint Venture shall be computed under Clauses 2.2.2, 2.2.4 and 3.2. The Technical Capacity and Net Worth of their respective Associates would also be eligible hereunder. For purposes of this RFQ, Associate means, in relation to the applicant/Consortium Member, a person who controls, is controlled by, or is under the common control with such Applicant/Consortium Member (the "Associate"). As used in this definition, the expression "control" means, with respect to a person which is a company or corporation, the ownership, directly or indirectly, of more than 50% (Fifty percent) of the voting shares of such person, and with respect to a person which is not a company or corporation, the power to direct the management and policies of such person by operation of law.	Not tenable.

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1	2	3	4	5
36	General	Participation by Chinese foreign national companies as Joint Venture partner with India Entity	Please clarify if the Chinese foreign national companies can participate as Joint Venture with Indian entity for the Project.	Same as serial no. 24 above.
37	General	Land Acquisition Details	Please provide the status on land acquisition done by the Authority for the Project.	The details of land acquisition is available on the official website of UPEIDA i.e. www.upeida.org; Applicants may visit the website regularly for updated status of Land Acquisition.
38	2.2.1 (e) page 8 of 54	Assessed Available Bid capacity = (A*N*2 – B)	The formula for the Assessed Bid Capacity of prospective bidders is given as (A * N * 2- b) in the RFQ document. Whereas in the Modified Model Document for Request for Proposal (RFP) for National Highway Projects proposed to be implemented under EPC mode of contract issued by Ministry of Road Transport & Highways, Government of India vide notification No. RW/NH-37010/4/2010/PIC/EAP (Printing) dated 16th January 2017 the Assessed Available Bid Capacity (vide clause 2.2.2.1 – copy attached) shall be calculated as under (A*N*2.5-B). It can be noted that the earlier multiplying factor of 2 has been modified as 2.5 for assessment of available bid capacity. It is therefore requested that the Assessed Bid Capacity formula for the proposed project may be modified / amended in line with MoRTH, GoI Model Document by revising the multiplying factor from 2 to 2.5 for wider participation and increased competition.	Not tenable.
39	General	General	Kindly provide us the DPR or Feasibility Report for all packages	Project Report is under revision and shall be provided as per part of Bid Documents at RFP Stage. The Applicants may visit UPEIDA office in case if any specific information with respect to Project Details.

S. No.	Clause No. Page No.	Clause description	Issues raised	Clarification / Reply as decided by BEC
1	2	3	4	5
40	General	General	What is the current status of Land/ROW position for all projects? Please provide details	Same as serial no. 37 above.
41	General	General	Kindly provide us the bore log details to facilitate the Bid Pricing	Same as serial no. 39 above.
42	General	General	Please provide us the details of encroachment and Utilities details existing on this project, if any	Same as serial no. 39 above.
43	General	General	Being such a large project, which required huge investment of > 14000 Crore. What is the source of funding? Is the funding tied up for the entire project.	Various banks evinced interest in providing loan to UPEIDA for the project.
44	General	General	Kindly provide us the sources of minor minerals (Mines) in UP as most of the Mines in UP have already been banned.	Refer Clause 1.1.1
45	General	General	Please let us know that the financial incentive such as custom duty exemption are available on specific purchase of equipment for the construction of road, if not then authority is requested for inclusion of above in the bidding condition	Custom Duty Exemption for specific purchase of equipment for the construction of road is not under the purview of the Authority. The contractors may approach the Government of India in this regard.

Development of "PURVANCHAL EXPRESSWAY PROJECT" in the State of Uttar Pradesh on E.P.C. Basis

ADDENDUM to Request for Qualification (RFQ) Documents dated 8th January 2018 (for Package I to Package VIII) of "Purvanchal Expressway Project"

S. No.	Clause No.	Existing Clause	Revised Clause
1	2.2.9 page 12 of 54	The Technical Capacity and **Net Worth** of the Applicant/ Members in case of Joint Venture shall be computed under Clauses 2.2.2, 2.2.4 and 3.2.	The Technical Capacity and **Financial Capacity** of the Applicant/ Members in case of Joint Venture shall be computed under Clauses 2.2.2, 2.2.4 and 3.2.
2	2.16.1.1 page 18 of 54	It is mandatory for all the Applicants to have **class-III** Digital Signature Certificate (DSC) (in the name of Authorized Signatory / Firm or Organisation / Owner of the Firm or Organisation) from UP Electronics Corporation Limited to participate in e-tendering of UPEIDA as per Government Order No. 1067/78-2-2017-42 IT/2017 dated May 12, 2017 to participate in the e-tendering process. DSC should be in the name of the Authorized Signatory as authorized in **Appendix III** of this RFQ. It should be in corporate capacity (i.e. in Bidder capacity / in case of JV in the Lead Member capacity, as applicable). The Applicant shall submit document in support of the class III DSC.	It is mandatory for all the Applicants to have **class-II** Digital Signature Certificate (DSC) (in the name of Authorized Signatory / Firm or Organisation / Owner of the Firm or Organisation) from UP Electronics Corporation Limited to participate in e-tendering of UPEIDA as per Government Order No. 1067/78-2-2017-42 IT/2017 dated May 12, 2017 to participate in the e-tendering process. DSC should be in the name of the Authorized Signatory as authorized in **Appendix II** of this RFQ. It should be in corporate capacity (i.e. in Bidder capacity / in case of JV in the Lead Member capacity, as applicable). The Applicant shall submit document in support of the **class II DSC**.
3	3.4.3 page 25 of 54	The Applicant must establish the **minimum Net Worth** specified in Clause 2.2.2 (B), and provide details as per format at Annex-III of Appendix-I.	The Applicant must establish the **Financial Capacity** specified in Clause 2.2.2 (B), and provide details as per format at Annex-III of Appendix-I.
4	Point 9 of Appendix-I page 30 of 54	We believe that we/ our Joint Venture/ proposed Joint Venture satisfy (ies) the **Net Worth** criteria and meet(s) all the requirements as specified in the RFQ document and are qualified to submit a Bid.	We believe that we/ our Joint Venture/ proposed Joint Venture satisfy(ies) the **Financial Capacity** criteria and meet(s) all the requirements as specified in the RFQ document and are qualified to submit a Bid.
The effect of the modification of the above mentioned clauses shall be applicable mutatis mutandis in the entire RFQ document.			