

Pre-Qualification Queries of IFP No:- MM3-CBS-STPT

QUERIES & RESPONSES DATE : 9th September 2016

Prequalification of Bidders for Design, Manufacture, Supply, Installation, Testing and Commissioning of Signalling & Train Control, Platform Screen Doors and Telecommunication systems.

Sl.No	Section / Clause/ Page No.	PQ Clause Description	Applicant's Query	Response
1	Part 1 Section 1 ITA 4 (4.2) Eligible Applicants	An Applicant may be a firm that is a single entity or any combination of such entities in the form of joint venture (JV) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent	We would request you to extend the definition of this clause to include the group companies under common control to act as Affiliates ,which is a common practice in international & Indian railways tenders and request to amend as follows : "A Bidder may be a firm that is a single entity (including affiliates that directly or indirectly control, or are controlled by or under common control with this entity) or any combination of such entities in the form of a joint venture (JV) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. "	PQ conditions prevail.
2	Part 1 Section 1 ITA 4 (4.2) Eligible Applicants	The JV shall nominate an authorised representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, Bidding (in the event the JV submits a Bid) and during contract execution (in the event the JV is awarded the Contract).	While maintaining and ensuring the requirement of joint and several liabilities amongst the parties, we request to confirm that each party of the consortium shall be able to invoice directly in the respective currencies, for their respective scope of work and shall accordingly be paid directly for their respective account.	Invoicing is a matter that would be addressed in the Bid document. Direct payment to individual members of the Consortium / JV under signatures from the Authorised Representative can be allowed.
3	Part 1 Section II PDS-3 ITA 13.2 Preparation of Applications	For Construction turnover or financial data required for each year--- Exchange rate prevailing on the last day of the respective calendar year for the countries where the financial year ending on 31st December and for the countries where the financial year ending on 31st March, the Exchange rate prevailing on the 31st December of the preceding year	Since Siemens Financial year ends on 30th September, please confirm on the exchange rate that should be used.	Exchange rate prevailing on the last day of the respective calendar year shall be used.
4	Part 1 Section III QCR 5 (3,1) Financial Performance	The audited balance sheets or, if not required by the laws of the Applicant's country, other financial statements acceptable to the Employer, for the last 5 years ending 31st March 2015(i) for the countries where the financial year ending on 31st March(i) , or for the last 5 years ending 31st December 2015 for the countries where the financial year ending on 31st December shall be submitted and must demonstrate the current soundness of the Applicant's financial position and indicate its prospective long-term profitability.	Siemens Financial year ends on 30th September, so would the last 5 years end on 30th September 2015	Yes Agreed.
5	Part 1 Section III QCR-6 Note (ii)	Note: (ii) To bring at par, turnover values will be calculated by assuming 5% inflation per annum for Indian Rupees and 2% escalation per annum for Foreign Currency for first four years of turnover values.	Does this apply for both the forms FIN 3.1 and FIN 3.2. Should also PBT and PAT be affected by these inflation rates	PQ conditions prevail.
6	Part 1 Section IV Form FIN 3.3	Form on Page AF-13 and AF-14	If AF-14 (Banker's Credit) can satisfy the credit requirements for the project then can AF-13 be dispensed with ?	PQ conditions prevail.
7	Part 1 Section VI SOW .3 (2.1.2)Description of Works (2.1) - Outline Description of the Signalling & Train Control Systems)	The CBTC system shall comply with GOA4 requirements, however the operations shall start with GOA2.	1) We request you to revise as "System should comply with GOA2 and shall be upgradeable to GOA3". The reason for the same is that once you comply with GOA4 system, entire MRT System like Signalling, Telecom, Civil etc. , has to be designed for GOA4 right at the beginning thus will have huge impact on the cost.	PQ conditions prevail.

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			2) We would request you to set up a 2 nd Pre-Bid meeting around 4 weeks from now because the stipulated timeframe for the clarifications seems to be insufficient. Also it requires intensive and detailed techno-commercial discussions within the company and with the consortium members.	PQ conditions prevail.
			3) Requires lot of discussions and interactions with the proposed consortium members and sub contractors to evaluate and access their capacity and capabilities. Also it will take time to get the customer certified payments In view of this, we request you to extend the PQ Application submission date by 8 weeks (upto 7 th October, 2016).	Please refer Addendum No 1
8	ITA 4.2	An Applicant may be a firm that is a single entity or any combination of such entities in the form of joint venture (JV) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The JV shall nominate an authorised representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, Bidding (in the event the JV submits a Bid) and during contract execution (in the event the JV is awarded the Contract).	Is there any limit in number of Consortium Members as Bidder (Applicant)?	ICB for PQ document does not restrict the number of members in a JV/ Consortium.
9	ITA 4.2	An Applicant may be a firm that is a single entity or any combination of such entities in the form of joint venture (JV) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The JV shall nominate an authorised representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, Bidding (in the event the JV submits a Bid) and during contract execution (in the event the JV is awarded the Contract).	Is there any minimal mandatory percentage participation threshold required to be associated with a member in a Consortium? Is there any minimum mandatory percentage participation required to be undertaken by the Leading Applicant in a Consortium?	PQ conditions prevail.
10	1) Application Submission Form	We, including subcontractor, have no conflict of interest in accordance with ITA 4	ITA 4 is applicable to Applicant only and not to subcontractor?	PQ conditions prevail.
	2) ITA 4.5	A firm and any of its affiliates (that directly or indirectly control, are controlled by or are under common control with that firm) may submit their applications for prequalification either individually, as joint venture or as a subcontractor among them for the same contract. However, if prequalified, based on the "One Bid Per Bidder" principle, which is to ensure fair competition, only one prequalified applicant will be allowed to Bid for the same contract. All Bids submitted in violation of this procedure will be rejected. A firm (including its affiliate), if acting in the capacity of a subcontractor in one Bid, may participate in other Bids, only in that capacity.	a. Whether one Company can be a member in more than one Applicant JV/Consortium? b. Whether one Company can submit application individually or as a JV/Consortium member and also be a specialized sub-contractors to other Applicants at the same time? c. Whether there is a limit on number of Applicants, where a specialized sub-contractor can be associated with?	a) A company can be a specialized subcontractor in more than one Applicant JV/Consortium, provided it has not applied itself in any Applicant JV /Consortium. b) Once a company chooses to be an Applicant, it can neither apply in other JV/Consortium nor can it apply as a specialist subcontractor.

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	3) ITA 27	Promptly after the notification of the results of the prequalification, the Employer shall invite Bids from all the Applicants that have been prequalified.	What are expected timelines for Invitation of Bids?	Expected timeline for Invitation of Bids as of now is February 2017.
11	Section III QC 3.1 (Financial Performance) QCR-5	As the minimum requirement, an applicant's net worth calculated as the difference between total assets and total liabilities should be positive.	With respect to positive networth, please clarify whether average net worth for last five years or the yearly net worth for the last five years is required.	Yearly positive networth for the last five years is required.
12	Section III QC & Requirements 4.2 (a) & Notes for Applicant (III)QCR-7 & QCR-11	In Notes for Applicant III, it is stated that... substantial completion shall be based on 80% or more of the works completed under the contract".	Does this statement means that Specific Railways systems experience (4.2.(a)) could be achieved through uncommissioned, above 80% completion lines of similar work?	PQ conditions prevail.
13	Section III QC & Requirements 4 Experience & Notes for Applicant (v) QCR-11	In case of a JV, 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 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.	This Note mentions the requirement of minimum value of single contract completed, but no threshold is mentioned anywhere in the document. Could you please clarify whether a threshold for minimum value of single contract completed applied to the Specific Railways Systems experience (4.2.(a)) and/or to other requirements?	PQ conditions prevail.
14	Section III QC 3 Requirements 4.2 4.2(b)	Telecommunication: - 1) The Applicant should have Designed, Supplied, Installed, Integrated, Tested and Commissioned Telecommunication systems in Metro Rail Systems (including MRT, LRT, sub-urban rail or High Speed Railways). 2) The Applicant should have commissioned Telecommunication systems in Metro Rail Projects with One work of at least 20 stations or Two works of at least 16 stations each or Three works of at least 10 stations each. 3) The applicant should have commissioned Telecommunication systems at least at 10 stations in a country other than applicant's country of origin or in India. 4) At least 8 stations should have been commissioned in underground section and proven with continuous service for a minimum period of 2 years and still working satisfactorily.	In regards with Telecommunication Systems, does the specific experience needs to covers the full scope of work of Mumbai L3 scope of work? Is it possible to bring together contracts covering different scope (some telecom sub-systems only and not the whole of them) as long as the full scope is covered at the end?	PQ conditions prevail.
15	Section VI Scope of Work Cl.2.1 & 4.1 SOW-3 & SOW4	2.1 Outline Description of the Signalling & Train Control Systems 4.1 Outline Description of the Telecommunications Systems	1)Please clarify customer intent in regards with TETRA vs LTE for Coms; 2) could you please provide precise requirements and expectations in regards with PIS system. 3) and PSD type of motorization (brushless or brush based).	Being a Design Build Contract, Applicant at the bidding stage may choose from TETRA/LTE as its cost effective & technically preferred option, including cost of making available WPC spectrum for the same. Requirement will be specified in the RFP Requirement will be specified in the RFP

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16	Section VI Scope of Work Cl.4.1.10 SOW-5	TETRA / LTE Radio System for underground section / Onboard & Depot	1) For the Radio System, whether the actual requirement during RFP stage would be LTE or TETRA? In other words which system should get the applicant prequalified in case of Radio System. It is important to have a clarity for selection of consortium member.	Being a Design Build Contract, Applicant at the bidding stage may choose from TETRA/LTE as its cost effective & technically preferred option, including cost of making available WPC spectrum for the same.
			2) Are all the sub-systems under Coms scope of work required to be supported with references by an Applicant?	All the sub-systems under Coms scope of work are required to be supported with references by an Applicant.
			3) Can we have details about a frequency & bandwidth of Tetra / LTE	Being a Design Build Contract, Frequency & bandwidth including technology of Tetra / LTE will be dealt with at design stage, depending on availability of frequency from WPC and reliability for underground metro operations on LCX.
			4) If LTE technology is to be considered for the project What will be the LTE technology used – FDD or TDD and also the Revision number of LTE. What is the throughput expected to be reached at the edge of the cells?	Being a Design Build Contract, Frequency & Bandwidth including technology of Tetra / LTE will be dealt with at design stage, depending on availability of frequency from WPC and reliability for underground metro operations on LCX.
17	Section VI QC - Scope of Works 2.1.2	The CBTC system shall comply with GOA4 requirements, however the operations shall start with GOA2	Kindly precise the phasing in terms of upgrade of the operation? Does this mean that train shall be equipped with manual driving capabilities?	Signalling and Train Control system shall be designed and implemented as UTO (GOA4) but initially operated in STO (GOA2) mode, by providing removable partition for Driver's cab.
18	Section VI QC - Scope of Works 2.1.12	Equipment to be designed, manufactured and supplied, shall be as per International standards or IRS (Indian Railway Specifications) standards (where mentioned specifically by the Employer) with the condition that these must have been used in at least 2 metros or the Indian Railway (as the case may be) with satisfactory reports	Does any condition of timeframe (number of years) of operation apply in this clause? Does Sub-urban, LRT and High Speed Rail environment/ project is also accepted?	No condition of timeframe applies in this clause (Section VI - Scope of Works 2.1.12), however, PQ Clause 4.2(b) prevails.
19	Clause 4.2(b) C.3 of Section iii (QC&R)	<u>Platform Screen Doors :-</u> 3. The applicant should have commissioned PSD/PED system at least at 5 stations in a country other than country of manufacture or in India.	The platform screen doors concept for Indian Metro Projects is been adopted in recent years and there is only single instance where the Platform Screen Doors are operational in India Viz. Delhi Metro Express. In all other metros where the PSD has been inducted into the system, the work is in progress. In view of the above fact, We would request you to waive the overseas/ Indian project experience clause i.e. 4.2(b) C.3 of Section iii (QC&R) of PQ document in order to give a level playing field to all the potential suppliers of platform screen doors for participation in this project.	Please Refer Addendum No. 2

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20	Clause 4.2(b) Section iii QCR -10	B. Telecommunication :- 1. The Applicant should have Designed, Supplied, Installed, Integrated, Tested and commissioned Telecommunication systems in Metro Rail systems (including MRT, LRT, sub-urban rail or High Speed Railways). 2. The Applicant should have commissioned telecommunication systems in Metro Rail Projects as follows: One work of at least 20 stations Or Two works of at least 16 stations each. Or Three works of at least 10 stations each.	We understand the definition of "Metro Rail projects" in Clause 2 includes MRT, LRT,sub-urban rail or high speed railways projects, as with definition of metro rail systems in clause. 1) Please confirm if our understanding is correct.	Metro Rail systems include MRT, LRT, sub-urban rail or High Speed Railways.
21	Clause 3.3 Sec -iii QCR & Sec iv AF-13	Liquidity Position :- The total amount, US\$ 24 Million, of liquid assets and lines of credit during the construction period. Form FIN - 3.3 (Form) The company is enjoying total Working Capital limits i.e. Cash Credit limit of {INR/USD/EURO/YEN i.e. XXX million} and the Guarantee / Letters of Credit limit of {INR/USD/EURO/YEN i.e. XXX million} from Banking System under the system arrangement.	Is this sentence referred to the total limit with all banks or its referred only to the limit with the only bank that will produce the letter? Because in the first case it will be very complicated that a bank can confirm the total of limits (with all other banks)	PQ conditions prevail.
22	Prequalification Data Sheet	"JV" means Consortium or Joint Venture.	Please Confirm how many members are allowed in a Consortium ?	ICB for PQ document does not restrict the number of members in a JV/ Consortium.
23	Subcontractors	Applicants planning to subcontract any of the key activities indicated in Section III, Qualification Criteria and Requirements, shall specify the activity (ies) or parts of the Works to be subcontracted in the Application Submission Form. Applicants shall clearly identify the proposed specialist subcontractor(s) in Forms ELI-1.2 and EXP -4.2(b) in Section IV, Application Forms. Such proposed specialist subcontractor(s) shall meet the corresponding qualification requirements specified in Section III, Qualification Criteria and Requirements.	Can Telecommunication company be a specialist Sub- Contractor ? Please Confirm	PQ conditions prevail.

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24	Financial Performance	The audited balance sheets or, if not required by the laws of the Applicant's country, other financial statements acceptable to the Employer, for the last 5 years ending 31st March 2015(i) for the countries where the financial year ending on 31st March(i) , or for the last 5 years ending 31st December 2015 for the countries where the financial year ending on 31st December shall be submitted and must demonstrate the current soundness of the Applicant's financial position and indicate its prospective long-term profitability. As the minimum requirement, an Applicant's net worth calculated as the difference between total assets and total liabilities should be positive.	If the bidder is an 100% Indian subsidiary of a foreign company, can the Indian Company (bidder) submit the financial statement of its foreign parent company to meet the financial requirements ?	Not permitted as per clause ITA 23.4.
25	Notes for the Applicant	Substantial completion shall be based on 80% or more of the works completed under the contract.	How this 80% value will be calculated	80% quantity of the work should have been commissioned under the contract.
26			Please confirm whether the User Experience certificates in english language need to be further Apostilled/certified by Embassy of the country of the bidder or not ? Further for the time being can we submit the colored photo copy of User Report, Original we will submit latter as and when required. Please Clarify ? As We understand that the documents which are in foreign language the translation of the same are need to be duly notarized by the notary public of country of origin and should be either stamped by Embassy/High Commission . The Documents / User Reports in Original which are already in English need not to be Apostil.	All the documentary evidence / work completion certificates (in the language other than English and its corresponding original translated English language version) shall be notarized and apostilled in original, shall be submitted.
27	Submission of Applications	Submission of applications for pre-qualification must be received in sealed envelopes, either delivered by hand, courier or by registered mail. The deadline for Application submission is: Date: 12-08-2016 Time: 3:00 p.m.	Since, Original User reports need to be submitted it will take some time for us to arrange the originals, hence we request you to kindly extend the due date of Bid Submission by 15 days	Please refer Addendum No 1
28	Part 1 sec III QCR-7 4.2(b)	Must meet requirement (Can be a specialist contractor only for PSD)	Bidder 'X' qualifies with the PSD subcontractor 'A' & Second Bidder 'Y' qualifies with the PSD subcontractor 'B'. If both the bidder 'X' & 'Y' qualifies for the PQ. Can bidder 'X' choose subcontractor 'B'(Qualified PSD subcontractor of bidder 'Y') during the bidding stage?	Agreed, subject to compliance of ITA 28.1.
29	Qualifying criteria	There is a requirement of bidder having executed similar projects in countries outside there own	In our Opinion, this condition is unnecessary, unreasonable and unfair as the ability to provide the most cost effective technically suitable proposal is in no way dependent on projects executed in other countries. In view of foregoing, we request you to kindly reconsider the presently laid down qualifying criteria and remove the requirement of the bidder having executed similar nature of works outside their country	Please refer Addendum No 2
30	Section IV Form FIN 3.1	"Self certified and certified by certified auditors/Chartered accountants (shall be filled by Applicant and for each member of a JV")	Are audited Financial statements(Annual Report)Sufficient or shall the Form FIN 3.1 itself need to be certified by a certified accountant?	PQ conditions prevail. Since audited financial statements (Annual Report) across the countries are not in uniform format, hence Form FIN 3.1 needs to be certified by a certified Auditors / Chartered Accountants.

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31	ITA 28	Any change in structure or formation of an Applicant after being Prequalified in accordance with ITA 25 and invited to bid(Including, in the case of JV, any change in structure or formation of any member thereto) shall be subject to written approval of employer prior to deadline for submission of Bids. Such approval shall be denied, if;(i) such change has not taken place by the free choice of the firms involved; (ii) as a consequence of the change, the applicant no longer substantially meets the qualification criteria set forth in section III, Qualification criteria and requirements; or (iii) in the opinion of the employer, the change may result in substantial reduction in competition. Any such changes should be submitted to the Employer not later than fourteen(14) days after the date of the invitation bids.	Is it possible to pre-qualify with multiple PSD Specified Subcontractors that are all meeting the qualification criteria	Yes, subject to compliance of ITA 28.1.
32	Section III. Qualification Criteria and Requirements 2.2 Pending Litigation (pg. QCR-3)	All pending litigation shall in total not represent more than 50 % of the Applicant's net worth and shall be treated as resolved against the Applicant.	What does the following "shall be treated as resolved against the Applicant" mean?	PQ conditions prevail.
33	Section IV. Application Forms Form FIN-3.1 & Form FIN-3.2 (pg. AF-10 & AF-12)	Form FIN - 3.1 Financial Situation & Form FIN - 3.2 Average Annual Turnover	We request that for Form FIN-3.1 & FIN-3.2 be also allowed to be certified by company CFO/Fin Authority, as the source of stated figures in Form FIN-3.1 & FIN-3.2 correspond to the figures of the published Annual Reports of the company which are duly certified anyway by Independent Statutory Auditors.	PQ conditions prevail. For Form FIN 3.1 Refer response at Sl. No 30. Form FIN 3.2 require certification of payments received, whereas audited financial statements (Annual Report) reflects payments recoverable. Hence certification needed in FIN 3.2 is not a duplication of certification process.
34	Section IV , Scope of Work, 1 Description of the Works, 1.1.6	There may be a comprehensive annual maintenance contract for Signalling & Train control System/ Platform Screen Doors/ Telecommunications Systems, during the Defect Liability Period and beyond.	Does MMRCL intends to float separate tender for maintenance? Or Maintenance scope will become part of this tender only at Bid stage?	Information will be provided at Bidding (RFP) stage.
35	Section III. Qualification Criteria and Requirements: 4.1 General Railway Experience	Experience under Railway systems contracts in the role of prime contractor (single entity or JV member), subcontractor, or management contractor (i) for at least last Ten (10) years, starting 1st January 2006.	We would request, the technical qualifications should be considered at the applicant/consortium level (instead of each member), only in those instances where the Applicant comprises of a consortium of companies from the same group or are under common control.	PQ conditions prevail.
36	Section III. Qualification Requirements: 4.2 Specific Railway Systems Experience C Platform Screen Doors	The Applicant or the sub-contractor, if any, should have Designed, Manufactured, Supplied, Installed, Integrated, Tested & Commissioned Platform Screen Doors (PSD) / Platform Edge Doors (PED) in Metro Rail Systems (including MRT, LRT, sub-urban rail or High Speed Railways).	Generally Signalling Companies have experience of Supply Integration testing and commissioning of Platform Screen Doors. Therefore we request you to modify this requirement as following : The Applicant or the sub-contractor, if any, should have Designed, Manufactured, Supplied, Installed, Integrated, Tested & Commissioned Platform Screen Doors (PSD) / Platform Edge Doors (PED) in Metro Rail Systems (including MRT, LRT, sub-urban rail or High Speed Railways)	Please Refer Addendum No. 2
37	Section II. PDS: ITA 22.2	At this time the Employer does not intend to execute certain specific parts of the Works by subcontractors selected in advance (Nominated Subcontractors).	In support of the "Make in India" initiative of the Indian Government and also to facilitate ease in maintenance and easy availability of spares, work and equipment should be manufactured in India. We therefore request that the works/contract should be allowed to be assigned/Novation and/or Subcontract to a local Indian company which is an affiliate that is directly or indirectly controlled, or is controlled by or are under common control with the applicant.	PQ conditions prevail.

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38	Section I. ITA 23.4	Only the qualifications of the Applicant shall be considered. In particular, the qualifications of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.2 shall not be considered	We request you that with reference to ITA 4.5, while computing the technical and financial capacity of the applicant, the technical and financial capacity of their partners and any of their affiliates that are directly or indirectly controlled, or are controlled by or are under common control with the firm should also be considered for the purpose of eligibility. Hence, we propose the following amendment in this clause: "Generally, only the qualifications of the Applicant shall be considered. However, in particular, the qualifications i.e. general experience and financial resources of a parent or other affiliated company that is not party to the Applicant under a JV in accordance with ITA 4.2 shall not be considered., with the provision of Parent Company Undertaking to be described in the RFP."	PQ conditions prevail.
39	Section IV. Application Forms Form FIN-3.1: 2. Financial Documents, (a) (pg. AF-11)	(a) reflect the financial situation of the Applicant or incase of a JV, of each member, and not of an affiliated entity (such as parent company or group member).	We request that clause be amended as follow: "reflect the financial situation of the Applicant or in case of a JV, of each member, and not /or of an affiliated entity (such as parent company or group member)."	PQ conditions prevail.
40	4.2 (b) Specific Railway Systems Experience B. Telecommunication: -4	B. Telecommunication : -4 At least 8 Stations should have been Commissioned in underground section and proven with continuous service for a minimum period of 2 years and still working satisfactorily.	We request you to modify the qualification requirement specific to Underground section as following. At least 8 Stations should have been Commissioned in underground section and proven with continuous service for a minimum period of 2 years and still working satisfactorily.	Please refer Addendum No 3
41	Invitation for Qualification Point No. 7 & Section II. PDS: ITA 16.1	Applications for prequalification should be submitted in sealed envelopes, delivered to the address above by 12th August, 2016	You will appreciate that for a green field project, significant time and effort is required for coordination, preparation and finalization of the proposals. This Pre-qualification involves Signalling Telecommunication and PSD all in one package. Therefore we need to mobilize resources and teams in different areas of expertise; the time provided is not adequate for such kind of projects. Hence we request that the submission deadline be please extended by at least 4-6 weeks.	Please refer Addendum No 1

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SI.No	Section / Clause/ Page No.	PQ Clause Description	Applicant's Query	Response
42	PART - I, Sec -III Page No. QCR-7, Clause No. 4.2 (a) Specific Railway Systems Experience	Minimum number of two similar (ii) contracts that have been satisfactorily and substantially (iii) completed as a prime contractor (single entity or a JV member) (iv), management contractor or subcontractor between 1st January 2006 and application submission deadline. <u>Foot Note:</u> (ii) The similarity shall be based on the physical size, complexity, methods/technology and /or other characteristics described in Section VI, Scope of Works.	As per the Note (ii), the scope of work described in section VI includes Signalling & Train Control (CBTC System), Telecommunication systems and Platform Screen Door Systems. We understand that experience of at least one CBTC project and one Telecom system project shall fulfill the two similar contracts requirement. Kindly confirm our understanding.	PQ conditions prevail. According to Clause 4.2 (a) minimum number of two similar contracts shall match with the scope of work defined in PQ document (Section VI - Scope of Work). It means "Single Entity" or "JV (All parties combined)" shall have satisfactorily and substantially completed Two works of "Signalling and Train Control systems", Two works of "Platform Screen Doors" and Two works of "Telecommunication Systems". However for the purpose of compliance of clause 4.2(a) only, two project certificates from a PSD supplier (provided Applicant had procured PSD from the supplier concerned) for standalone PSD projects meeting the stipulated project criteria of 4.2(a) shall be accepted if PSD supplier is not envisaged to be a part of JV/Consortium.
43	PART - I, Sec -III Page No. QCR-9, Clause 4.2 (b), B. Telecommunication - 1	The Applicant should have Designed, Supplied, Installed, Integrated, Tested and commissioned Telecommunication systems in Metro Rail systems (Including MRT, LRT, sub-urban rail or High Speed Railways).	<u>Justification:</u> Generally Metros in India including DMRC for the Telecommunication Systems project is divided into three to four subsystems (Fiber Optic transmission system / TETRA Radio Systems etc.) and are awarded individually. Also allows the Telecommunication systems experience in other domain as well for the pre-qualification. Thus the experience of Telecommunication systems including all the subsystems in Metro Rail projects is very restrictive to Indian telecom system integrator companies. <u>Suggestion:</u> "The Applicant should have Designed, Supplied, Installed, Integrated, Tested and commissioned <u>Telecommunication systems*</u> in Metro Rail systems (including MRT, LRT, sub-urban rail or High Speed Railways) *Note: 1. Telecommunication systems integration experience in other transportation infrastructure project (Airports etc.) involving all the subsystems shall also be considered. 2. At least one telecom subsystem work viz. Fiber Optic Transmission System / Radio Systems (TETRA) should have been executed in Metro Rail project involving interface and system integration with other Metro Rail systems.	PQ conditions prevail
44	PART - I, Sec -III Page No. QCR-9, Clause 4.2 (b), B. Telecommunication - 2	The Applicant should have commissioned telecommunication systems in Metro Rail Projects as follows: - One work of at least 20 stations Or - Two works of at least 16 stations each. Or - Three works of at least 10 stations each.	<u>Justification:</u> The experience of Telecommunication systems including all the subsystems in Metro Rail projects is very restrictive to Indian telecom system integrator companies. <u>Suggestion:</u> To broad base the competition, we request you to consider our suggestion as below. "The Applicant should have commissioned <u>Telecommunication systems*</u> in Metro Rail projects as follows: - One work of at least 20 stations - Two works of at least 16 stations each - Three works of at least 10 stations each *Note: At least one telecom subsystem work viz. Fiber Optic Transmission System / Radio Systems (TETRA) should have been executed in Metro Rail project involving interface and system integration with other Metro Rail systems.	PQ conditions prevail
45	PART - I, Sec -III Page No. QCR-9, Clause 4.2 (b), B. Telecommunication - 3	The applicant should have commissioned Telecommunication systems at least at 10 stations in a country other than applicant's country of origin or in India.	The applicant should have commissioned Telecommunication systems* at least at 10 stations in a country other than applicant's country of origin or in India. *Note: At least one telecom subsystem work viz. Fiber Optic Transmission System / Radio Systems (TETRA) should have been executed in Metro Rail project involving interface and system integration with other Metro Rail systems.	PQ conditions prevail
46	PART - I, Sec -III Page No. QCR-10, Clause 4.2 (b), B. Telecommunication - 4	At least 8 Stations should have been Commissioned in underground section and proven with continuous service for a minimum period of 2 years and still working satisfactorily.	<u>Justification:</u> The underground experience is very limited for Indian Telecom system integrator companies. We understand the criticality of the experience in underground section, but based on limited experience available in India we request to reduce the No. of stations from 8 to 3 and proveness with continuous service period from 2 years to 1 year. <u>Suggestion:</u> 'At least <u>3 Stations</u> should have been Commissioned in underground section and proven with continuous service for a minimum period of <u>1 year</u> '	Please refer Addendum No 3

Pre-Qualification Queries of IFP No:- MM3-CBS-STPT

QUERIES & RESPONSES DATE : 9th September 2016

Prequalification of Bidders for Design, Manufacture, Supply, Installation, Testing and Commissioning of Signalling & Train Control, Platform Screen Doors and Telecommunication systems.

Sl.No	Section / Clause/ Page No.	PQ Clause Description	Applicant's Query	Response
47	Section IV Application forms - AF - 14	The company is enjoying total working capital limits i.e. Cash Credit Limit of {INR/USD/EURO/YEN i.e. XXX million} and the guarantee / Letter of Credit limit of {INS/USD/EURO/YEN i.e. XXX Million} from banking system under the system arrangement	Please confirm our understanding that "the limit referred in the letter is within bank that will produce the letter and not the overall limit of the company held with all other bank" If it is overall limit, then it will be very complicated for a particular bank to confirm the total limits of a company with all other banks Slight modification has been sought by the bank to the bank reference letter provided in the pre-qualification document. The modification is attached herewith.	PQ conditions prevail. Changes made by Applicant in para 4 below the table is not acceptable as it is expected that bank who issues the letter should know the total credit facilities enjoyed by the Applicant from the banking system. Since Applicant name is "Ansaldo STS SpA" the bank should have mentioned "Ansaldo STS SpA" in the sentence "We release this declaration on request of Ansaldo STS without any responsibility and guarantee on our part", rather than "Ansaldo STS". As such, the request of Applicant cannot be accepted as the proposed modifications changes the basic essence of the format (in terms of desired information).
48	Section III - 4.2(b)/QCR-7	C. Platform Screen Doors : 1. The Applicant or the subcontractor , if any, should have designed, manufactured, supplied, installed, integrated, tested & commissioned Platform screen doors (PSD)/ Platform edge doors (PED) in metro rail systems (including MRT , LRT ,Sub-urban or High Speed Railways)	We request to remove the term manufacturer considering the below explanations; The applicant or sub-contractor, if any, should have designed, manufactured, supplied, installed, integrated, tested & commissioned Platform Screen Doors(PSD)/Platform Edge Doors (PED) in metro rail systems (including MRT , LRT ,Sub-urban or High Speed Railways) In global turnkey projects where multiple packages are clubbed into one package as in case of Mumbai L3, the prime contractor (system integrator or management contractor) of such turnkey contract, sub-contracts the subpackages like PSD package to a PSD manufacturer. The turnkey system contractor cannot be a PSD manufacturer, although it is commissioning the PSD as part of an overall turnkey contract. The Case is similar in Mumbai L3, whereby PSD package has been clubbed with S&T package. The turnkey contractors who meet the eligibility of commissioned the PSD system can qualify on their own without the need for necessarily bringing a subcontractor to meet the manufacturing criteria. The Manufacturing clause forces the turnkey contractor to necessarily use credentials of PSD subcontractor that bounds them with a particular PSD subcontractor whose eligibility is used. This will result in higher prices for PSD package. However if turnkey contractor is allowed to qualify based on their own experience of commissioned PSD contracts, they will have flexibility of using most competitive PSD subcontractor and thus the overall solution will price competitive	PQ conditions prevail.
49	ITA 16.1 - Section II - PSD-4	Submission of applications for pre-qualification must be received in sealed envelopes, either delivered by hand, courier or by registered mail. The deadline for Application submission is: Date: 12-08-2016 Time: 3:00 p.m.	We hereby request you to postpone the submission of applications for pre-qualification to mid of September, 2016 We are seeking an extension due to pre-commitments in other tenders with Indian Railways & Metro Projects and upcoming vacations in Europe	Please refer Addendum No 1
50	Clause 4.2 page ITA 4	The JV shall nominate an authorized representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, Bidding (in the event the JV submits a Bid) and during contract execution (in the event the JV is awarded the Contract	With respect to the requirement of clause 4.2 of the instructions to applicants(Page ITA-4) requiring an authorised representatives, and owing to the problem faced by other potential partners due to international compliance constraints, we intend for all consortium members to sign on all submissions, instead of designing an authorised representative for the purpose. In connection with this, we therefore request for the removal of the requirement for a power of attorney for an authorised representative to sign on behalf of all members (Application Submission Form (Page AF-4)).We would highly appreciate it if you could kindly understand our situation.	PQ conditions prevail.
51			Since we shall review our PQ proposal after receiving your published clarification, we would like to request you to extend another three weeks period(i.e. by 2nd September 2016) for PQ submission date. We would highly appreciate it if you could kindly understand our situation and grant us the extension for tender submission date	Please refer Addendum No 1
52	Qualifying criteria		we request you to kindly reconsider the presently laid down qualifying criteria and remove the requirement of the bidder having executed similar nature of works outside their country	Please refer Addendum No. 2

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Sl.No	Section / Clause/ Page No.	PQ Clause Description	Applicant's Query	Response
53	4.2 (a) and 4.2(b)	<p>Specific Railway Systems Experience A minimum number of two similar (ii) contracts that have been satisfactorily and substantially (iii) completed as a prime contractor (single entity or a JV member) (iv), management contractor or subcontractor between 1st January 2006 and application submission deadline.</p> <p>For the above or other contracts completed and under implementation as a prime contractor (single entity or JV member), management contractor or subcontractor(vi) between 1st January 2006 and application submission deadline, a minimum construction experience in the following key activities successfully completed(vii).</p>	In 4.2 (b) it is said that PSD can be from a specialist subcontractor however in 4.2 (a) the qualification from PSD is sought from the consortium/JV. Please appreciate the fact that these 2 conditions are not aligned if the PSD supplier is not envisaged to be part of the consortium. Therefore we understand that to qualify against 4.2 (a),any 2 project certificates from a PSD supplier for a stand alone PSD projects meeting the stipulated project criteria of 4.2(a) shall also be accepted. Please clarify our understanding.	Understanding of the applicant is agreed for compliance of clause 4.2 (a) only, provided Applicant had earlier procured PSD from the supplier concerned. For Clause 4.2(b), Please refer Addendum No. 2
54	ITA 16.1		The PQ application requires submitting the no. of documents, Legal documents and also to arrange similar documents from our foreign partner for Signalling and Train control and Platform Screen Door Systems. The deadline for the submission of PQ application on 12th August 2016 is a constrains and not enough time to prepare and submit the fully complain PQ application as per the list of PQ requirements. We further need at least four weeks' time to arrange all the required documents from our overseas partners and sub-contractors. Thus we request you, kindly extend the PQ application submission date from 12th August 2016 to 9th September 2016.	Please refer Addendum No 1
55		ITA 4 Clause 4.2	1. This provision requires us to nominate an authorised representative. Our internal Compliance constrains (being part of a publicly listed company) require that each consortium member signs on all submission, instead of designating an authorised representative for the purpose. We therefore would like to request for the waiver of the requirement for an authorised representative and, in tandem with this, the power of attorney for the purpose (Application Submission Form (page AF-4)	PQ condition prevails. As per ITA 4.2, The JV shall nominate an authorised representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the prequalification process, Bidding (in the event the JV submits a Bid) and during contract execution (in the event the JV is awarded the Contract).
			2. In order for us to prepare a more thorough pre-qualification submission, we respectfully request for an extension to the closing date by 4 weeks	Please refer Addendum No 1
56			With respect to the Tender security in case of Consortium/Joint Venture please confirm the followings: i. In case of the joint venture/consortium, the bank guarantee for the tender security can be in the name of individual members of JV/ Consortium of their respective share totalling to 100% in favor of Mumbai Metro Rail Corporation OR ii. In case of Joint venture/consortium, the bank guarantee for tender security can be in the name of the single member of JV/Consortium in favor of Mumbai Metro Rail Corporation.	Information will be provided at Bidding (RFP) stage.
57	<u>Section III</u> Qualification criteria & Requirements <u>4.1 General Railway System Experience</u>	Experience under Railway systems contracts in the role of prime contractor (single entity or JV member), subcontractor, or management contractor (i) for at least last Ten (10) years, starting 1st January 2006.	Please clarify if this requirement means: a) That the experience is required to be continuous from 2006 to 2016; the bidding parties therefore required to justify the experience in railway system for each of the 10 years from 2006 to 2016 b) That the experience is required to be a certain quantity of projects delivered/undertaken from 2006 to 2016; if so, please clarify how many projects c) That the experience is required to be at least one (1) Project to justify experience in railway system during 2006 to 2016	Project activity at least nine(9) months in each year.
58	<u>Section III - QCR 3,2.2</u>	All pending litigation shall in total not represent more than 50 % of the Applicant's net worth and shall be treated as resolved against the Applicant.	Large Companies may have many ongoing litigations. Some of them may be due to claim of money due to variations or extension of the time for execution of contract which even if resolved against of the company will not impact the network. We therefore request the criteria to be relaxed as "All pending litigation shall in total not represent more than 75% of the applicants net worth and shall be treated as resolved against the applicant"	PQ condition prevails.

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Sl.No	Section / Clause/ Page No.	PQ Clause Description	Applicant's Query	Response
59	para 4.2	An applicant may be a firm that is a single entity or any combination of such entities in the form of Joint Venture (JV) under an existing agreement or with an intent to enter into such an agreement supported by a Letter of Intent. ITA 1.2, that 'JV' means Consortium or Joint Venture.	1) Since (as per para 4.2 of the Prequalification Document) an applicant can be any combination of entities, it would appear that a member of the bidding consortium can itself be a consortium (of say two individual companies). This may kindly be confirmed especially in the context of the entity taking on the responsibility of the PSD portion of the work. in other words, we request you to kindly confirm our understanding that an entity which itself is consortium of two members can become a member of the bidding consortium by joining other eligible entities. In such a situation, the two-member consortium joining the bidding consortium, say for the PSD portion of the work, will be treated as a single member of the bidding consortium and their credentials, both financial and technical, will be clubbed together to judge the eligibility as a member of the bidding consortium for PSD portion of the work.	PQ condition prevails. According to ITA 4.2, Consortium within Consortium is not permitted while forming JV/ Consortium of an Applicant.
			In order to further clarify the matter we are giving below an illustration of such an arrangement: Bidding Consortium consists of 'A', 'B' and 'C' where: 'A' is a company satisfying eligibility of Financial Performance, Average Annual Turnover, Liquidity, General Railway Experience and Specific Railway Experience for Signal & Train Control. 'B' is a company satisfying eligibility of Financial Performance, Average Annual Turnover, Liquidity, General Railway Experience and Specific Railway Experience for Telecommunication. 'C' is itself a consortium of company 'P' and Company 'Q'. 'C' meets eligibility of Financial Performance, Average Annual Turnover, Liquidity, General Railway Experience and Specific Railway Experience for PSD. by adding together the credentials of 'P' and 'Q' in respect of each financial and technical parameter to establish eligibility of consortium 'C' to join the bidding Consortium with company 'A' and company 'B'. Kindly confirm that such an arrangement is acceptable to MMRC.	PQ condition prevails. Only the qualifications of the Applicant (a single entity or any combination of such entities in the form of JV) shall be considered. In particular, the qualifications of a company that is not party to the Applicant under a JV in accordance with ITA 4.2 shall not be considered
60	Section VI. Scope of works 2.1.6	Digital Axle Counters (DAC) of required types (with no need of drilling holes in the rail for their fitment) shall be provided as a fallback arrangement to detect track occupation by the trains in Station sections and Block sections, including Points and Crossings.	We seek your kind attention to the fact that all axle counters used so far in the industry require drilling holes on the rails and this particular requirement is for a particular type of axle counter restricting to a particular supplier. We request you to allow all proven axle counters irrespective of the sensor fitment type. We feel such clauses will restrict the competition. Hence we request you to kindly delete the text "(with no need of drilling holes in the rail for their fitment)" from the existing requirement to ensure fair competition	Please refer Addendum No 4
61	Section III Qualification Criteria and Requirements, 4.2 (b) page no. QCR-9 B Telecommunication	At least 8 Stations should have been commissioned in underground section and proven with continuous service for a minimum period of 2 years and still working satisfactorily."	We request you to change this requirement to "At least 5 stations", considering the fact that very few stations have been commissioned by a single party in India which are in the underground section and include telecommunication scope. We feel if this clause is not changed, it will restrict fair competition.	Please refer Addendum No 3