

MUMBAI METRO RAIL CORPORATION LIMITED Mumbai Metro Line-3 Project						16th March 2017
Response to Applicant's Queries for IFP No. MM3-CBS-LIF : Package -16B						
Design, Manufacture, , Supply, Installation, Testing and Commissioning of Heavy Duty Elevators (Lifts) (Package:16B)						
Sl.No	Section & Clause No.	Page No.	Item	PQ Document Condition	Applicant's Query	MMRC Response
1	Section II: Prequalification Data Sheet - ITA 23.3	18	Evaluation of Applications and Prequalification of Applicants	F. Evaluation of Applications and Prequalification of Applicants: Last para of Clause reads as : A Bidder "award capacity will be determined during Bid evaluation when additional info such as (i) current contract commitments, (ii) cash flow capacity, (iii) equipment to be allocated, and (iv) personnel to be fielded will be assessed".	Please clarify if these are going to be additional evaluation criteria to be submitted separately and if any format is available for the same.	These will be sought from prequalified bidders at bidding stage.
2	Section VI: Scope of works 1.14	54	Optional items	Optional Items : Following optional items may be included in the scope of works at RFP stage a. Comprehensive Maintenance contract for Lifts of 10 years	Pl consider : Since scope of works includes Comprehensive Maintenance for 10 years, Prequalification criteria 4.2 shall also include Specific experience requirement in maintenance of Lifts & Escalators in Metros/ Railways/ Airports.	Prequalification document conditions prevail.
3	Section III: Qualification Criteria and Requirements 3.1- QCR 5	23	Financial Performance 3.1	Section III: Qualification Criteria and Requirements: 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 2016 for the countries where the financial year ending on 31st March, 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.	Regarding the current soundness of the Applicant's financial position, bidder understand that the individual net worth of the Applicant's is to be positive for last financial year. Since except lead partner, the other member of consortium, is a manufacturing unit, their networth can be negative in 1 or 2 years due to major investment in manufacturing plant. Hence combined networth of consortium, as a whole, should be evaluated or define the value of required networth combined of all 5 Years irrespective of negative or positive like few metro tender does or Networth should be evaluated only of the lead partner.	Prequalification document conditions prevail.
4	Section III: Qualification Criteria and Requirements 4.2 (a) - QCR 7	25, 27	Specific Experience	Section III: Qualification Criteria and Requirements: A minimum number of two similar(ii) contracts that have been satisfactorily and substantially(iii) completed as a prime contractor (single entity or JV member)(iv) between 1st January 2006 and Application submission deadline. (iii) Substantial completion shall be based on 80% or more of the works completed under the contract.	Contractor request to exclude the word " Substantially" from this requirement.	Prequalification document conditions prevail.
5	Section III: Qualification Criteria and Requirements 4.2 (b) - QCR 9	27	Notes for applicants: [Must meet requirement(v)]	Notes for applicants: (v) 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.	As per clause combined all Parties meet the requirement. Kindly Clarify	Prequalification document conditions prevail.
6 (a)	General				Already submit the original copy. Please allow to submit the same photo copy with sign & Stam for qualification	Not permitted, as this is a fresh PQ process..
6 (b)	General				For the initial PQ submission (that has been terminated now), we had submitted some documents/forms which were certified by auditors and/or apostilled in foreign countries. For the present submission, many of these documents may be reused as it is. Since getting these documents from overseas agencies takes a lot of time, we request that the original documents/forms submitted by us in the previous PQ submission should be returned to us so that we can use them as it is in new submission. This will help us in timely submission of our application. Kindly consider.	
7	Section I: Instruction to Applicants ITA clause 4.2	7	Eligible Applicants	4. 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. 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).	Bidder confirms that it is, at the discretion of bidder, they may form a Joint venture or a Consortium. Since no specific format is provided then it is understood by Bidder that they can submit the format with pre requisite provision for Joint and Several liability along with nomination of 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/Consortium.	Prequalification document conditions prevail. Confirmed.

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8	Section I: Instruction to Applicants ITA clause 4.5	8	Eligible Applicants	4. Eligible Applicants: 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.	Bidder clarifies that two Company can sign a Letter of Intent to bid for this Project as Consortium partners and declare a subcontractor for major items or supplies to ensure clarity on the scope of work.	Prequalification document conditions prevail.
9	Section I: Instruction to Applicants ITA clause 4.8	8	Eligible Applicants	Applicants shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.	Need clarity on continued eligibility satisfactory to the Employer this is subject to various interpretations.	Prequalification document conditions prevail.
10	Section I: Instruction to Applicants ITA 7 clause 13.2	10	Documents Establishing the Qualification of the Applicant	For construction turnover or financial data required for each year - Exchange rate prevailing on the last day of the respective calendar year.	Need clarity on the definition of Construction turnover.	Prequalification document conditions prevail.
11	Section I: Instruction to Applicants ITA 10 clause 22.1	13	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.	Request SPECIFIC clarification as to what are the corresponding qualification requirements specified in Section III with respect to Subcontractor. For eg : In case, Subcontractor will be supplying some material then only such subcontractor to have relevant experience for specific scope of work. Kindly confirm.	Prequalification document conditions prevail. (Please refer ITA 22.2 for clarification)
12	Section I: Instruction to Applicants ITA 10 clause 23.1	13	Evaluation of Applicants	The Employer shall use the factors, methods, criteria, and requirements defined in Section III, Qualification Criteria and Requirements to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The Employer reserves the right to waive minor deviations in the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the contract.	Bidder request to waive off the requirement of positive Net worth and substitute with some other requirement or being Employer - Please waive off as minor deviations or reduce it to last 3 years in the qualification criteria as this do not materially affect the technical capability and financial resources of an Applicant to perform the contract.	Prequalification document conditions prevail.
13	Section III: Financial Performace QCR 5, 3.1	23	Financial Situation 3.1	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 2016 for the countries where the financial year ending on 31st March, 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.	Bidder request clarification on current soundness of the Applicant's financial position and indicate its prospective long-term profitability. Please let us know any and all alternative to satisfy this condition. We request you to accept the audited balance sheet for last 3 years ending 31st March 2016 for the countries where the financial year ending on 31st March, or for the last 3 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.	Prequalification document conditions prevail.
14	Section III: Financial Performace QCR 5, 3.1	23	QCR5/3.1		Please confirm bidder understanding that this requirement is for last 3 years.	Prequalification document conditions prevail.
15	Section III: QCR 9, (i)	27	Notes for the Applicants	(i) A management contractor is a firm which takes on the role of contract management as a "general" contractor of sort could do. It does not normally perform directly the construction work(s) associated with the contract. Rather, it manages the work of other (sub) contractors while bearing full responsibility and risk for price, quality, and timely performance of the work contract.	Please confirm that a Management Contractor can be a Prime Contractor who may be responsible for Installation, testing and commissioning followed by DLP.	Prequalification document conditions prevail.
16	Section IV: Application Forms	40	AF13	Banking Reference	Bidder understanding is in case of Negative Liquidity, Banking Reference will be considered.	Prequalification document conditions prevail.
17	Section IV: Application Forms	46	AF19	Acknowledgement of Compliance with Guidelines for Procurement under Japanese ODA Loans.	Bidder request to provide the guidelines for Procurement under Japanese ODA Loans.	Please refer the JICA website as mentioned in PQ document.
18	Section VI: Scope of works SOW 4, 1.12	53	Description of the works	The contractor will have to ensure transfer of technology for design, indigenous, system assembly, installation, maintenance and software customization/ modification with in a defined time frame. For that purpose, the Applicants may set up suitable facilities in India.	Need elaborate meaning of this provision with respect to Transfer of Technology. To clarify, all intellectual property rights in the equipment's including the control software which enables routine operation, maintenance and repair of the equipment ("Control Software") remain the property of bidder. The Customer is entitled to a non-exclusive right to use the Control Software and to operate the Equipment for its own purposes, but the Customer shall have no other right or interest in the Control Software, especially as regards to the right to reproduce, reverse engineer or deal in the Control Software.	

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19	Section VI: Scope of works SOW 4 , 1.12	53	Description of the works	The contractor will have to ensure transfer of technology for design, indigenous, system assembly, installation, maintenance and software customization/ modification with in a defined time frame. For that purpose, the Applicants may set up suitable facilities in India.	Need elaborate meaning of this provision with respect to Transfer of Technology. To clarify , all intellectual property rights in the equipment's including the control software which enables routine operation, maintenance and repair of the equipment ("Control Software") remain the property of bidder .The Customer is entitled to a non-exclusive right to use the Control Software and to operate the Equipment for its own purposes, but the Customer shall have no other right or interest in the Control Software, especially as regards to the right to reproduce, reverse engineer or deal in the Control Software.	Prequalification document conditions prevail. ('Transfer of Technology' pertains to Design, System assemblies, softwares used to help client during O&M stage)
20	Section VI: Scope of works SOW 5 , 1.15	54	Description of the works	Comprehensive Maintenance contract for Elevators (Lifts) for a period of 10 years.	It is submitted that AMC Prices to be mutually agreed or if quoted for a period of 5/10 years after DLP period are over then it should be excluding taxes.	Prequalification document conditions prevail.
21	Section II: Prequalification Data Sheet - ITA 23.3	18	Evaluation of Applications and Prequalification of Applicants	A Bidder "award capacity will be determined during Bid evaluation when additional information such as (i) current contract commitments,(ii) cash flow capacity, (iii) equipment to be allocated, and (iv)personnel to be fielded will be assessed."	It is mentioned " award capacity will be determined during bid evaluation when additional information such as i) current contract commitments ii) Cash Flow Capacity iii) equipment to be allocated and iv) personnel to be fielded". Backup date for Items at S.No i,iii & iv has not been asked for in the current PQ document. Will this assessment be done at RFP stage? Please confirm if we need to submit any details for these points at this stage.	These will be sought from prequalified bidders at bidding stage.
22	Section I: Instruction to Applicants ITA clause 23.4	13	Evaluation of Applications	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.	Please note that X and Y are forming a Joint venture / Consortium , where X is the Indian Venture and Y is its parent company, we propose to consider the work experience of Y through it subsidiaries as per the structure of the holding company and its subsidiaries.	Prequalification document conditions prevail.
23	Section VI: Scope of works 1.13	53	Description of the works	Scope of works	Kindly confirm the Defect Liability period duration for this period. It is mentioned that scope shall include maintenance of escalators till end of testing and commissioning of whole Mumbai Metro Line 3 project. We request that handover of escalators shall be done on station wise completion and not on whole Line 3 completion	Details will be provided at bidding stage.
24	Section III: Qualification Criteria and Requirements 4.1- QCR 7	25	General Experience	Experience under Elevators (Lifts) contracts in the role of prime contractor (single entity or JV member), subcontractor(I) or management contractor for at least the last 5 years, ending 31st December 2016.	Please clarify if members holding less than 26% stake in a participating Consortium/JV shall need to fulfil this clause. In similar tenders floated by Delhi Metro Rail Corporation, partners having less than 26% participation in Consortium/JV are termed as non-substantial partners and their work experience is not considered for evaluation.	Prequalification document conditions prevail.
25	Section III: Qualification Criteria and Requirements QCR 8, 4.2 (b)-2	26	Specific Experience	Experience of Design Manufacture, Supply, Installation, Testing and Commissioning of at least 40 Heavy Duty Elevators (Lifts) for the Mass rapid transit system (Airport, Metro, Sub-Urban Railways etc.) and successfully completed during last 10 years.	What does Major Commercial Complexes include?	Major Commercial Complexes include Hotels, Malls, IT Parks etc.
26	Section III: Qualification Criteria and Requirements QCR 8, 4.2 (b)-3	26	Specific Experience	3. If the bidder is from foreign country, it should have an international experience of supplying at least 30 similar heavy duty elevators (Lifts) to one country outside his country of origin.	Please clarify if only MRTS projects are to be considered for satisfying this clause, or non-MRTS projects can be considered for satisfying this clause. In another tender by a government metro company, even infrastructure projects are included for qualification purpose. Further if a company has supplied 30 such lifts in two countries (rather than one) that should also be considered. Please confirm.	Prequalification document conditions prevail.
27	Sec 1. Instruction to Applicants, Clause 22	13	22. Subcontractors	22. Subcontractors	We may depute different sub-contractors for execution/installation of elevators. Hence, request you to advise whether you will be needed details of sub-contractor employee information in Form ELI-1.2 Applicant's Party Information Form and EXP -4.2(b)	Prequalification document conditions prevail. (As of now no specialist subcontractor is permitted in this work. However different subcontractors for sub assembly work will be dealt at RFP stage)
28	Sec 1. Instruction to Applicants	14	28. Changes in Qualifications of Applicants	28. Changes in Qualifications of Applicants	Please clarify	Prequalification document conditions prevail.