

**Consultancy Services for Preparation of Detailed Project Report and providing Pre-Construction activities for the Construction of a Road Tunnel and its approaches Enabling All Weather Connectivity along the Mughal Road in the State of Jammu and Kashmir.**

**Reply to Queries of Bidders**

S. No.	Clause	Description	Suggestions/Query	Reply				
1	S No. 3.4/ 3B4 :Scope of Services on Page 34/41 of the RFP	<b>Scope of Services</b> Drawings shall prepared for "Good for Construction"	Please clarify the scope of work.	Please refer to Amendment no 4.				
2	S No.1(d) of 3A.3 Part I page no 38 of RFP	<b>Photo-geological and remote sensing studies</b> Approximate 282 sq km area for the tunnels.	Please clarify	Please refer to Amendment no 4.				
3	<b>Appendix-V, Clause 2.4.1, Page 149- 159 and ToR, Enclosure II, Page 102 - 110</b>	<b>Qualification of Key Staff</b> Qualification and Competence of the Key Staff for adequacy of the Assignment & Qualification and Experience Requirement of Key Personnel	There is a huge discrepancy in experience requirement between "Appendix V – Qualification and Competence of the Key Staff for adequacy of the Assignment" & Enclosure II, - Qualification and Experience Requirement of Key Personnel. The Consultants understand that Appendix EC - Evaluation Criteria for assessment of Key Staff for the Assignment" will be considered for evaluation. This may please be confirmed.	Please refer to Amendment no. 4. (Annexure-A & C)				
4	<b>Appendix-V, Clause 2.4.1, Page 149</b>	<b>Team Leader cum Senior Tunnel Engineer</b> (b) (ii) Experience in DPR Preparation of minimum 2.5 km Tunnel length <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;"><math>&lt;3</math> projects</td> <td style="width: 20%; text-align: center;">0</td> </tr> <tr> <td>3 or more projects</td> <td style="text-align: center;">5</td> </tr> </table>	$<3$ projects	0	3 or more projects	5	The Consultant would like to submit that Tunnel having aggregate length of 7.5 km in 3 projects should also be considered and shall score full marks. This may please be considered.	Please refer to Amendment no. 4. (Annexure-A & C)
$<3$ projects	0							
3 or more projects	5							

*(Signature)*  
12.05.2017

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5	<b>Appendix-V, Clause 2.4.1, Page 149</b>	<b>Team Leader cum Senior Tunnel Engineer (c) (i)</b> In Feasibility or DPR/IC/ Construction Supervision of major Tunnel (Road/Rail/ Metro) projects in Similar Capacity =2 projects 7 = 3 to 5 projects 8 > 5 or more 9	The Consultant would like to submit that Tunnel having aggregate length of 9 km in 6 projects should also be considered and shall score full marks. This may please be considered.	As per Amendment no. 4 (Annexure-A & C)
6	<b>Appendix-V, Clause 2.4.2, Page 151</b>	<b>Tunnel Design Expert (b) (ii)</b> Experience in DPR preparation and design of Tunnels of minimum 5 km length <4 projects 0 4 or more projects 5	The Consultant would like to submit that design of Tunnels having length of minimum 5 km is on very higher side. Hence, the Consultants request to kindly consider aggregate length of 6 km in 4 projects, as 1.5 km length of Tunnel is considered as Major Tunnel. This may please be considered.	As per Amendment no. 4 (Annexure-A & C)
7	<b>Appendix-V, Clause 2.4.1, Page 149- 150</b>	<b>Team Leader cum Senior Tunnel Engineer (c) (ii)</b> Cost of the major Tunnel Projects <Rs 10000 million 0 10000 to 15000 million 14 15000 to 20000 million 16.5 >20000 million 19	The Consultant would like to submit that evaluations on length wise of major Tunnels (1.5 km) is given as c) (i), Therefore, the Consultants request to the Client that evaluations as per c) (ii), should only be based on the Cost for tunnel projects rather than length of the Tunnel. The Consultants request to amend the criteria as: (c) (ii) Cost of the Tunnel Projects <Rs 10000 million 0 10000 to 15000 million 14 15000 to 20000 million 16.5 >20000 million 19	As per Amendment no. 4 (Annexure-A & C)

*3/2/20*

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			This may please be confirmed.	
8	<b>Appendix-V, Clause 2.4.1 to 2.4.4, Page 149-154</b>	<b>Developed Countries</b> Developed Countries experience is required for the following positions- Team Leader Cum Senior Tunnel Engineer Tunnel Design Expert Senior Geologist Senior E&M Expert	The Consultant understands that Countries mentioned as "Annexure A", (Attached with this quires) will be considered for the same.	Please refer to enclosed Annexure -D
9	<b>Clause 6.3 (d) of GCC, Page 184</b>	<b>Payment Schedule</b> It is stated that the Client shall Cause the payment of the Consultants in Para 6.4(b) as given in schedule of payment.	Since the referred Clause 6.4(b) does not exist, it is felt that the stated Clause no. Clause 6.4(b) should be read as 6.3(b). The Client is requested to modify this Clause.	As per Amendment no 4
10	<b>Clause 2.3 of SCC, Page 190</b>	<b>Commencement of Services</b> It is stated that the Consultant shall commence the services within 15 days from the Effective date of the Contract.	Time period of 15 days to commence the services from the date of effective date of the Contract is inadequate for mobilization of staff on the project, as the Consultants need more time to mobilize their staff. The Client may kindly provide at least 3 weeks to the Consultant to commence their services from the date of signing the Contract.	As per RFP.
11	<b>Clause No. 6.3(a) of SCC, Page 192</b>	<b>Advance Payment</b> As per Clause 6.3 (a) of SCC, no advance payment shall be made to the Consultant.	In this regard, Consultant needs funds to mobilize their staff and maintain cash flow. Hence, Client is requested to kindly provide interest free advance payment @ 10% of the Contract amount and the same can be set off by the Client in equal portions against the payment schedule.	As per RFP.

*Er. A. S. Bhatia*

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12	<b>Clause No. 9.2.4 of SCC, Page 193</b>	<b>Qualifications of Arbitrators</b> In the Clause No. 9.2.4 of SCC, there is a reference of Clause 8.2.1 (a) through (c).	Since the referred Clause 8.2.1 (a) through (c) does not exist, it is felt that the stated Clause no. Clause 8,2.1 (a) through (c) should be read as 9.2.1 (a) through (c). The Client is requested to modify this Clause.	As per Amendment no.4
13	<b>Clause No.6.6 of LOI, Page 17 and Clause 4.5.2 of GCC, Page 179</b>	<b>Removal and / or Replacement of Personnel</b> It is stated that the replacement of key personnel shall be considered only in unavoidable circumstances. Any normal replacement by the Consultant (i) upto 33%, the remuneration shall be reduced by 5% (ii) upto between 33% to 50%, the remuneration shall be reduced by 10% and (iii) upto between 50% to 66%, the remuneration shall be reduced by 15% (iv) for total replacements beyond 66% the Client may initiate action for debarment of such Consultant for future projects of NHIDCL for a period of 6 months to 24 months. If for any reason beyond the reasonable control of the Consultants, it becomes necessary to replace any of the personnel, the Consultants shall forthwith provide as a replacement a person of equivalent or better qualification and experience.	The Consultants would like to mention that in most of the projects funded by Multilateral agencies such as ADB, World Bank, etc. there is no penalty for replacement of Key Personnel. The Consultants shall have to provide a Suitable replacement, a person of Equivalent or better qualification and Experience at the same rate of remuneration. Since a large number of Consulting assignments are ongoing and being proposed in the country, individuals tend to shift jobs frequently and resign. This is beyond the control of the consulting firm & thus any penalty to be imposed on the firm for replacement of staff, in such cases, which is beyond their control, is unfair. Instead, the Client may consider debarring the concerned nominated member of the team for certain period who has given the consent and does not complete his input on the assignment. Hence, it is requested that these paras may please be deleted and Consultant be allowed to propose alternate equivalent or better candidate in case a replacement is required at the same rate of	As per RFP.



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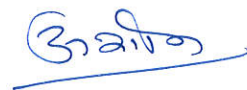
			remuneration.	
14	<b>Clause 7 of LO1 - Performance Security, Page 17-18 Clause 7.2 of GCC - Retention Money, Page 185 Clause 7.3 of GCC — Penalty, Page 185 Clause 7.4 of GCC – Action for Deficiency In Services, Page 186</b>	<b>Penalty</b> The Client has asked the Consultants to provide all the above instruments with the sole purpose to guard the Client's interest against deficiency / non performance of services,	In this case, it is submitted that, in most of the cases, the firms are reputed and are sincere in their desire to carry out their part of the work as knowledge partners with the Client. The demand for all the above instruments vitiates this atmosphere as it tends to introduce an element of total distrust and adds considerable cost to the Consultants, but indirectly to the project. It is, therefore, suggested that the Client may consider modifying the RFP to seek from Consultants only one instrument which should fully guard the interest of the Client.	As per RFP.
15	<b>IX (B) of Financial Format, Page 141</b>	<b>Sub-soil Investigation (Boring)</b> Boring in all type of soils (other than hard rock — Qty. 300m Boring in Hard Rock — Qty. 2000m	Kindly confirm that Boring quantity given in Sr. No. IX (B) against Soils and Hard Rock is correct.	As per Amendment no 4
16	<b>Additional Point</b>	<b>Extension of date</b>	It is requested that the date of submission of the proposal may please be extended and a period of at least 3 weeks may please be granted for preparation of the proposal from the date of issue of clarifications so that our	As per Amendment no 4



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			experts can prepare a comprehensive proposal addressing all issues of the RFP document / ToR.	
17	<b>3.4/scope of services /TOR &amp; 3B.4 Highways</b>	All ready to implement 'good for construction' drawings shall be prepared.	You will agree that project scope involves DPR and pre construction activities, while GFC 'good of construction' drawings are generally part of Construction stage where consultant get drawing approved from authority and provide to contractor for construction. So we would request you to delete this clause from scope of work.	Please refer to Amendment no 4.
18	<b>Enclosure-II/Qualification and Experience Requirement of Key personnel</b>	Team leader cum Senior Tunnel Expert 15 (Fifteen) years in planning project preparation and design of Tunnel (Road/Rail/Metro) projects. He should have led the DPR preparation teams for atleast three projects for atleast 2.5 km or more length of which one eligible project should be in developed country.	Please define "developed country"	Please refer to enclosed Annexure-D
19	<b>6.6/Negotiation/LOI</b>	The Client will not consider substitutions during contract negotiations except In cases of Incapacity of key personnel for reasons of health. Similarly, after award of contract the Client expects all of the proposed key personnel to be available	It is normal practice of NHAI/Ministry of Road to allow atleast 2 replacement at the time of Negotiations, so would request to relax these criteria and allow atleast 2 replacement during contract negotiations.	As per RFP



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		during implementation of the contract The client will not consider substitutions during contract negotiations/ contract Implementation except under exceptional circumstances. For the reason other than death/ extreme medical ground, where replacement is proposed by the consultant due to non availability of the originally proposed key personnel or in cases where replacement has become necessary as a key personnel proposed by the consultant has been found to be unsuitable for the project by NHIDCL during contract negotiation/ contract implementations.		
20	<b>34.2 The Scope of service Involves: Part 2</b>	Drilling four (04) vertical holes (core drilling) one at each portal sites & at approximately one third and two third distances between portal measured along the proposed tunnel alignment from any portal end down to the tunnel.....	<p>Core drilling to be done as per the IS codes or REP. 400m deep drill holes may not be required at the portals. The depth and spacing of drill holes 'shook' depend on the rock types and contacts encountered along the alignment and the height of overburden based on (longitudinal section).</p> <p>Larger than NX size bit might be required in case recovery is not good due to weak ground conditions.</p> <p>Will there be any other type of geophysical log than those mentioned in RFP (electrical logging, geothermal logging and geohydrological log).</p>	As per Amendment no 4

*Er. Anil*

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			How many Hydro Fracturing test to be conducted. Do we have to do it in each hole or as per site conditions.	
21	<b>41 General</b>	41 In respect of road and Bridges/structures, General Scope of Services shall cover but be not limited to the following major tasks /additional requirements for Preparation of Detailed Project Report for Hill Roads and Major Bridges are given In Supplement I and!! respectively):	What would be the approximate length of road and the number and size of bridge?	As per RFP
	<b>Table-1: Minimum Eligibility requirements /Page 21 Note 2</b>	All eligibility requirements and the other partner shall fulfill at least 50% of all eligibility In case of JV, the Lead Partner should fulfill at least 75% of requirements In respect of "A" and any of the JV partner should satisfy the eligibility requirement under „B".	In order to support competitive bidding and allowing road specialized consultants to form JV with global tunnel consultants specialized in NATM technology, we would request you to allow lead partner of JV to meet 100% of criteria A and other partner to meet criteria B as stated in qualification.	As per RFP.

3/2/20

**Consultancy Services for Preparation of Detailed Project Report and providing Pre-Construction activities for the Construction of a Road Tunnel and its approaches Enabling All Weather Connectivity along the Mughal Road in the State of Jammu and Kashmir.**

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22	6.3b/Payment schedule/page 180	Payment schedule - schedule for payment of consultant stage wise	<p>Would request to accept following changes in payment:</p> <table border="1"> <thead> <tr> <th data-bbox="1025 438 1086 598">S N o</th> <th data-bbox="1086 438 1377 598">Item</th> <th data-bbox="1377 438 1500 598">Paymen t as % of contract value</th> </tr> </thead> <tbody> <tr> <td data-bbox="1025 598 1086 662">1</td> <td data-bbox="1086 598 1377 662">Submission of Inception Report</td> <td data-bbox="1377 598 1500 662">10%</td> </tr> <tr> <td data-bbox="1025 662 1086 766">2</td> <td data-bbox="1086 662 1377 766">Submission of final Land Acquisition Report</td> <td data-bbox="1377 662 1500 766">15%</td> </tr> <tr> <td data-bbox="1025 766 1086 837">3</td> <td data-bbox="1086 766 1377 837">Submission of clearance proposals</td> <td data-bbox="1377 766 1500 837">5%</td> </tr> <tr> <td data-bbox="1025 837 1086 901">4</td> <td data-bbox="1086 837 1377 901">Submission of Draft DPR</td> <td data-bbox="1377 837 1500 901">10</td> </tr> <tr> <td data-bbox="1025 901 1086 965">5</td> <td data-bbox="1086 901 1377 965">Approval of Final DPR</td> <td data-bbox="1377 901 1500 965">20%</td> </tr> <tr> <td data-bbox="1025 965 1086 1037">6</td> <td data-bbox="1086 965 1377 1037">Approval of technical Schedule</td> <td data-bbox="1377 965 1500 1037">15%</td> </tr> <tr> <td data-bbox="1025 1037 1086 1077">7</td> <td data-bbox="1086 1037 1377 1077">3D publication</td> <td data-bbox="1377 1037 1500 1077">10%</td> </tr> <tr> <td data-bbox="1025 1077 1086 1141">8</td> <td data-bbox="1086 1077 1377 1141">Clearance –Stage I approval</td> <td data-bbox="1377 1077 1500 1141">5%</td> </tr> <tr> <td data-bbox="1025 1141 1086 1204">9</td> <td data-bbox="1086 1141 1377 1204">Clearance-Stage II Final Approval</td> <td data-bbox="1377 1141 1500 1204">5%</td> </tr> <tr> <td data-bbox="1025 1204 1086 1276">10</td> <td data-bbox="1086 1204 1377 1276">Retention to be released after 3 years</td> <td data-bbox="1377 1204 1500 1276">5%</td> </tr> <tr> <td data-bbox="1025 1276 1086 1308"></td> <td data-bbox="1086 1276 1377 1308">Total</td> <td data-bbox="1377 1276 1500 1308">100%</td> </tr> <tr> <td data-bbox="1025 1308 1086 1404">11</td> <td data-bbox="1086 1308 1377 1404">Bonus on submission of draft 3A within 1 month of Inception</td> <td data-bbox="1377 1308 1500 1404">2.5% bonus</td> </tr> </tbody> </table>	S N o	Item	Paymen t as % of contract value	1	Submission of Inception Report	10%	2	Submission of final Land Acquisition Report	15%	3	Submission of clearance proposals	5%	4	Submission of Draft DPR	10	5	Approval of Final DPR	20%	6	Approval of technical Schedule	15%	7	3D publication	10%	8	Clearance –Stage I approval	5%	9	Clearance-Stage II Final Approval	5%	10	Retention to be released after 3 years	5%		Total	100%	11	Bonus on submission of draft 3A within 1 month of Inception	2.5% bonus	As per Amendment no 4 (Annexure-B)
S N o	Item	Paymen t as % of contract value																																									
1	Submission of Inception Report	10%																																									
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6	Approval of technical Schedule	15%																																									
7	3D publication	10%																																									
8	Clearance –Stage I approval	5%																																									
9	Clearance-Stage II Final Approval	5%																																									
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*3/10/20*

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			report	
			12 Bonus on submission of draft clearance proposals within 1 month of Inception report	2.5% bonus
23	<b>Page 22 Point 3 of Data Sheet</b>	Period of Completion: 7 months for Detailed Design	The RFP is silent on the situation, if there is delay in the design period (including Design and Tender preparation), for reasons not Attributed to Consultant, then how will the consultant be compensated for its manpower involved in design and other preconstruction activities. At times there is delay on part of owner (i) in clearing inception report (ii) Conclude tendering process	As per RFP
24	<b>Page 15 Cl. 5.3.1 Page 22 Clause 7 (i) of Data Sheet</b>	For financial evaluation, total cost of financial proposal excluding Service Tax shall be considered. Service Tax shall be payable extra. The consultants and their personnel shall pay all taxes (including services tax), customs duties, fees, levied under the	The two requirements are contradictory. The consultants and their personnel shall pay all taxes excluding service tax) custom duties fees leve is under the laws prevailing seven days before the last date of submission of the bids.  Service tax is normally paid by the Owner	As per RFP

*G. S. Grewal*

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**Reply to Queries of Bidders**

		laws prevailing seven days before the last date of submission of the bids.		
25	<b>Page 13, CI 3.3.3 and Page 413 Data Sheet, Currency</b>	Costs shall be expressed in Indian Rupees in case of domestic as well as for foreign Consultant.	The currency shall be INR + One Internationally stable currency (USD or Euro or CHF). The expat rates and activities related to foreign countries can be quoted in foreign currency. The international companies when deploy their manpower and other resources are not willing to bear risks of currency Fluctuation and also cost conversion charges in repatriation of money to home country.	As per RFP
26	<b>Page 17 Clause 1.6</b>	1) for total replacement upto 33% of key personnel, remuneration shall be reduced by 5% (ii) for total replacement between 33% to 50%, remuneration shall be reduced by 10% (iii) for total replacement beyond 50% and 66% remuneration shall be reduced by 15% (iv) for total replacement beyond 66% of the total key personnel, the Client may initiate action for debarment of such consultant for future projects of NHIDCL for a period of 6 months to 24 months.	If the key personnel are replaced by the consultant after initial deployment for the reasons other than permanent long term disability or death then, only after due approval of NHIDCL Consultant shall have to provide another personnel with similar or more qualification and Experience. This replacement clause at times puts the consultant company in a very difficult situation. At times the concerned staffs try to take undue monetary advantage from Consultant Company owing to this replacement clause.	As per RFP
27	<b>Page 18 Cl. 7 Performance Security</b>	The Bank Guarantee will be released by NHIDCL upon expiry of 3 years beyond the date of completion of services, or end	The Bank Guarantee will be released by NHIDCL upon expiry of 6 months beyond the date of completion of services, or end of civil	As per RFP



**Consultancy Services for Preparation of Detailed Project Report and providing Pre-Construction activities for the Construction of a Road Tunnel and its approaches Enabling All Weather Connectivity along the Mughal Road in the State of Jammu and Kashmir.**

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		of civil works contract, whichever earlier, provided rectification of errors if any, found during implementation of the contract for civil work and satisfactory report by NHIDCL in this regard is issued.	works contract, which ever earlier, provided rectification of errors if any, found during implementation of the contract for civil work and satisfactory report by NHIDCL in this regard is issued 10% of contract amount is substantial amount for Consultant and to withhold it for three years levy heavy burden on consultant.	
28	<b>Page 34, Cl. 3.6</b>	Consultant will also obtain final approval from Ministry of Environment and Forest for all applicable clearances. Consultant will also obtain approval for estimates for shifting of utilities of all types from the concerned authorities and competent authority within MoRTH and its implementation agencies, as applicable. Consultant is also required to prepare all Land Acquisition papers (i.e. all necessary schedule and draft 3a, 3A, and 3D, 3G notification as per L.A. act) for acquisition of land either under NH Act or State Act.	The Consultant shall assist in getting approval from agencies and in preparation of land acquisition papers. Only the technical support from consultant should be solicited and getting approvals should not be in scope of consultant	As per RFP. However, it is clarified that the consultant shall assist NHIDCL in obtaining the statutory clearance, by drafting the proposals for the same including utility shifting estimates in liaison with concerned authority till the requisite clearance are obtained.  The consultant are required to prepare the L.A paper based on the approved final alignment and submit Draft 3a,3A and 3D, 3G notification or equivalent as per relevant LA Act i.e. under NH Act or State Act.



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**Reply to Queries of Bidders**

29	<b>Page 39 Points 10 and 11</b>	Vertical and inclined drill holes	Time period for investigations is too low. It needs to be increased. It is virtually not possible to have so much of drilling (2000 m in hard rock and 300 m in all type of soil in heavily snowed and highly rugged terrain of proposed site in limited time span of 7 months.	As per Amendment no. 4
30	<b>General</b>	Bid Due Date	Kindly extend the Bid Due Date by 2 weeks after clarification to the pre-bid. This will give sufficient time to bidders to prepare their offers.	As per Amendment no. 4

*Bhatnagar*  
12.05.2017

**Annexure-D of Pre-Bid Reply**

**List of Developed countries**

S. No.	Name of Country	S. No.	Name of Country
1.	Norway	27.	Spain
2.	Australia	28.	Czech Republic
3.	Switzerland	29.	Greece
4.	Germany	30.	Brunei
5.	Denmark	31.	Estonia
6.	Singapore	32.	Andorra
7.	Netherlands	33.	Cyprus
8.	Ireland	34.	Malta
9.	Iceland	35.	Qatar
10.	Canada	36.	Poland
11.	United States	37.	Lithuania
12.	Hong Kong	38.	Chile
13.	New Zealand	39.	Saudi Arabia
14.	Sweden	40.	Slovakia
15.	Liechtenstein	41.	Portugal
16.	United Kingdom	42.	United Arab Emirates
17.	Japan	43.	Hungary
18.	South Korea	44.	Latvia
19.	Israel	45.	Argentina
20.	Luxembourg	46.	Croatia
21.	France	47.	Bahrain
22.	Belgium	48.	Montenegro
23.	Finland	49.	Russia
24.	Austria	50.	Romania
25.	Slovenia	51.	Kuwait
26.	Italy		

31/05/2017  
12.05.2017