

REPLIES TO PRE-BID QUERIES IN CONNECTION WITH RFP OF FORMULATION OF POLICY GUIDELINES FOR ALTERNATE FINANCIAL AND REVENUE GENERATION MODEL FOR INDORE-MANMAD-MUMBAI/JNPT NEW RAILWAY LINE.

S. No.	Name of the Firm	Reference / Clause/Page/Section	Query	IPRCL's Comments
1	CRISIL	Firm Experience	<p>The type of experience sought For an eligible assignment can be demonstrated across various sectors under transport. To enable a wider participation, request the authority to consider: The lead bidder should have minimum 4 EAs as a sole consultant or as a lead bidder out of which 1 should be in the railway sector.</p>	No change in this clause.
2	CRISIL	Firm Experience	<p>To enable a wider participation, Request the authority to consider either of the following for an Eligible Assignment(EA): Consultancy assignments for providing financial & revenue modelling with following key components in single assignment</p> <p>Preparation of detailed financial model(s) to suit the specific requirement of the project with cash flow statements, Balance sheet, P&L, Tax Sheet and IRR.</p> <p>Advising on the revenue enhancement options</p> <p>Assessment of feasibility and advise to improve feasibility</p> <p>Sensitivity analysis, SWOT analysis and key risk factors /mitigation measures (OR) Experience in assignment related to financial analysis in the railway sector for a multilateral organisation like World bank and ADB.</p>	No change in this clause.
3	CRISIL	Firm Experience	Request the authority to specify an upper limit (say 10) as providing documentary evidence for too many assignments shall make the tender very cumbersome and evaluation shall also be lengthy	As per Serial No. 2 of Corrigendum and Addendum No.2
4	CRISIL	Proposed Team: Team Leader and Economist	<p>We request the authority to modify the requirements for the Team Leader to enable a wider participation from the consulting firms. Request the authority to modify the clause as below: The Team Leader should be:</p>	As per Serial No. 3 of Corrigendum and Addendum No.2

			<ul style="list-style-type: none"> • Be a graduate with atleast 20 years of experience in railways sector • If ex-employee of IR or it's PSUs, experience of at least 5 years in gazette cadre or experienced of 10 years in gazetted cadre. • Experience of working in market assessment, feasibility studies, policy guidelines, project structuring and appraisal in a railway sector. • Should have experience in working with large multilaterals (World Bank, ADB) <p style="text-align: center;">(OR)</p> <ul style="list-style-type: none"> • Be a post graduate (MBA) with atleast 15 years of experience in transport infrastructure. • Should be a regular employee of the applicant for at least 12 months • Should have experience of working in market assessment, feasibility studies, policy guidelines , project structuring and appraisal in railway sector • Should have experience in working with large multilaterals(World bank, ADB) 	
5	CRISIL	Proposed Team Railway Expert	<p>We request the authority to modify the requirements for the railway experts to enable a wider participation from the consulting firms. Requests the Authority to modify the clause as below: The Railway Expert should be:</p> <ul style="list-style-type: none"> • Be a graduate with atleast 15 years of experience in railways sector • If ex-employee of IR or in PSUs, experience of atleast 5 years in gazetted cadre or experience of 10 years in gazetted cadre • Experience of working in 3 PPP projects in the railways sector <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • Be a post graduate(MBA) with atleast 10 years of experience in transport infrastructure • Should be a regular employee of the applicant for atleast 12 months • Should have experience of working in 3 PPP projects in the transport sector 	As per Serial No. 4 of Corrigendum and Addendum No.2

6	CRISIL	Proposed Team Financial Modelling Expert	<p>We request the authority to modify the requirements for the Financial Modelling Experts to enable a wider participation from the consulting firms.</p> <p>Requests the Authority to modify the clause as below:</p> <ul style="list-style-type: none"> • Be a post graduate(MBA) with atleast 10 years of experience in transport infrastructure • Should be a regular employee of the applicant for atleast 12 months • Should have experience of working in financial modelling of atleast 10 PPP projects in the transport sector 	As per Serial No. 5 of Corrigendum and Addendum No.2
7	CRISIL	Penalty in case of absence from attending scheduled meetings	<p>Request the authority to consider the following: The consulting firm will ensure that the Team Leader will attend all scheduled meetings as mentioned in the RFP. In case the Team Leader is not able to attend any key meeting, the same will be informed to the client at least 3 days(three) prior to the meeting.</p>	As per Serial No. 7 of Corrigendum and Addendum No.2
8	CRISIL	Scope of Work	<p>Request the authority to consider the following: Financial Modelling Expert should be available for all meetings at IPRCL/Mumbai office, subject to prior intimation from IPRCL office atleast 3 days prior to the meeting.</p>	As per Serial No.9 of Corrigendum and Addendum No.2
9	CRISIL	Financial performance of the bidder	<p>Since audited financial accounts for FY' 15-16 is not available, request the authority to consider the annual turnover up to FY'14-15.</p>	As per Serial No. 10 of Corrigendum and Addendum No.2
10	EY	General Page no.2	<p>We understand that bidder can get the access of the feasibility report prepared by RITES. Please clarify.</p>	It will be provided by IPRCL.
11	EY	General	<p>We have been closely working for various railway projects as well as actively participating in bids of similar nature. However, on the basis of terms and condition of this tender document specifically related to qualification criteria and experience required for the proposed key personnel (such as more than 10 years in traffic/finance department of Indian Railways, min year of association with firm restriction etc.). Such conditions may limit the availability of suitable expert. It is suggested that such requirements may be widened to include professionals with relevant experience. This would bring forth a larger pool of professionals for selection by IPRCL.</p>	As per Serial No.3,4,5 of Corrigendum and Addendum No. 2
12	EY	Clause 3 C Proposed Team of Professional experts Page no.5	<p>Request you to change the penalty clause regarding change in key personnel.</p>	No change in this clause.

13	EY	Clause 3 C Proposed Team of Professional experts: Team Leader and Economist Page no.5	<p>Given the scope of work under this assignment vis-à-vis required qualification criteria and length of experience may restrict the competition for this project. We request Authority to modify the qualification criteria as per the following: The Team leader:</p> <ul style="list-style-type: none"> • Should have more than 15 years of experience, should be permanent employee of the bidder. • Should have Master degree in Management or Planning or Economics • Should have lead the team for at least 5 railways projects in India <p>Should have substantial experience of working with multi-lateral funding agencies for a minimum 2 years or 3 engagements</p>	As per Serial No. 3 of Corrigendum and Addendum No.2
14	EY	Clause 3 C Proposed Team of Professional experts: Railway Expert Page no. 5	<p>Given the scope of work under this assignment vis-à-vis required qualification criteria and min years with bidding firm may restrict the competition for this project. We request Authority to modify the qualification criteria as per the following: The Railway Expert:</p> <ul style="list-style-type: none"> • Should have more than 10 years of experience • Should have Master degree in Management/ Planning/ Engineering • More than 10 years of relevant experience in railways sector • Experience of working for min 10 relevant advisory projects out of which 3 should be international advisory projects 	As per Serial No. 4 of Corrigendum and Addendum No.2
15	EY	Stage 2 - Detailed evaluation Page no.6	On the basis of evaluation marks for financial turnover criteria, we understand that if any firm with turnover from consultancy services of more than Rs. 200 Crores would get 10 marks. Please clarify.	As per Serial No. 6 of Corrigendum and Addendum No.2
16	EY	Clause 3 C Proposed Team of Professional experts: Financial Modelling Expert Page no.5	<p>Given the scope of work under this assignment vis-à-vis required qualification criteria and min years with bidding firm may restrict the competition for this project. We request Authority to modify the qualification criteria as per the following: Financial Modelling Expert :</p> <ul style="list-style-type: none"> • Should have more than 10 years of experience, should be permanent employee of the bidder. 	As per Serial No. 5 of Corrigendum and Addendum No.2

			<ul style="list-style-type: none"> • MBA in Finance or equivalent <p>Experience of working for min five financial models in infrastructure sector with min project cost of Rs. 500 Cr. out of which 1 should be in Indian Railways or its affiliates</p>	
17	EY	Penalty Clauses related a) delay of submission of the report b) absence from attending scheduled meetings Page no.9	Given penalty clauses are quite stringent and we request you to relax the same to the extent possible.	As per Serial No. 7 and Serial No.8 of Corrigendum and Addendum No.2
18	EY	Tech-3 "Relevant Experience of Bidder" Page no.18	Standard format of Planning Commission also contains all the desired information mentioned in Tech-4. Kindly allow to use the same format as part of Tech-4 submission. Reference format is attached as annex-1 for your kind perusal	No change in these Forms.
19	EY	Tech-4 "Financial performance of the bidder in the last 3 years" Page no.19	Under Tech-4 "Financial performance of the bidder in the last 3 years", revenue from the consultancy assignments has been sought for last 3 years, whereas table mentioned in the same form are for four years. Kindly Clarify. Apart from it, "Power of Attorney" has also been mentioned as Tech-4. Kindly clarify.	As per Serial No. 10 of Corrigendum and Addendum No.2
20	EY	Bid Due date	As per the schedule, within 15 days after receipt of response to pre-bid queries, all the bid preparatory work and related statutory documents need to be arranged. As festive holidays' falls during this period, we request to extend the bid submission due date up to 23rd January 2017 .	As per Serial No. 1 of Corrigendum and Addendum No.2
21	EY	Request for a New Clause	The Consultant shall continue to retain all pre-existing intellectual property rights in all software, designs, utilities, tools, models, systems and other methodologies and know-how that the Consultant already owns or licenses ("Consultant Materials"), including improvements to such Consultant Materials or knowledge developed while performing the Services.	As per Serial No. 13 of Corrigendum and Addendum No.2
22	EY	Request for a New Clause	The IPRCL shall not recover from the Consultant, in contract or tort, under statute or otherwise, any amount with respect to loss of profit, data or goodwill, or any other consequential, incidental, indirect, punitive, or special damages in connection with claims arising out of this Contract or otherwise relating to the services under the Contract, whether or not the likelihood of such loss or damage was contemplated. The IPRCL shall not recover from the Consultant, in contract or tort, under statute or otherwise, aggregate	As per Serial No. 12 of Corrigendum and Addendum No.2

			damages in excess of the fees actually paid in connection with claims arising out of this Contract or otherwise relating to the services under the Contract. However, this limitation shall not apply to losses or damages caused by the Consultant's fraud or wilful misconduct or to the extent prohibited by applicable law or professional obligations.	
23	JLL	Firm Experience	Please clarify whether Metro and/ or similar mass transport system shall be considered as Railway Sector Project.	Metro and/ or similar mass transport system shall be considered as Railway Sector Project.
24	JLL	Team Leader and Economist:	We submit the request for following changes: <ul style="list-style-type: none"> • Should have more than 15 years of experience, should be permanent employee of the bidder • Should have Master degree in Economics/ MBA/ CA/ Planner • Should have worked in the Indian Railways and/ or its affiliates for more than 10 years • Should have substantial experience in leading eligible assignment for minimum 2 years or 3 engagements 	As per Serial No. 3 of Corrigendum and Addendum No.2
25	JLL	Indian Railway Expert	We submit the request for following changes: <ol style="list-style-type: none"> 1) Deletion of word "Indian" from the phrase as "Indian Railway Expert" 2) Please allow International Advisory as preferred credential and consider it in marking system 	As per Serial No. 4 of Corrigendum and Addendum No.2
26	JLL	Financial Modelling Expert	We submit the request for following changes : <ol style="list-style-type: none"> 1) Consider Chartered Accountant as Qualification of Financial Expert 2) Consider as "minimum 10 financial models in infrastructure sector with minimum project cost of INR 1000 Crore. One of these projects should be in Indian Railways or its affiliates" 	As per Serial No. 5 of Corrigendum and Addendum No.2
27	JLL	Timelines and Deliverables	Please clarify the location/ venue of these meetings	The location of these meetings would be Mumbai or Delhi
28	JLL	Extension of Date	Request you to allow at least 4 weeks time to structure the proposal from the date of publication of the reply to Pre-bid Queries.	As per Serial No. 1 of Corrigendum and Addendum No.2
29	KPMG	Payments Schedule Clause No. 8 Page No. 9 Category CR	25% payment is linked to the submission of draft report and acceptance. Generally the acceptance is linked to the final report, request if you can link the acceptance to the final report.	No change in this clause.

30	KPMG	Note Clause No. 8 Page No. 9 Category CR	The penalty fee is mentioned as 5% for every week delay on the milestones. Please clarify if the delays which are not in control of consultants will be excluded for computing the submission time. Further request you to kindly reduce the penalty from 5% to 1% of the milestone fee.	No change in this clause. May please see Serial No.8 of Corrigendum and Addendum No.2
31	PWC	“Team Leader and Economist”: Section-3 Sub-section- (c) Condition- i Page no.5 of RFP	We would like to bring to your kind notice that the eligibility condition for the team leader i.e. "permanent employment" as well as experience of working in dept. of IR for more than 10 years, together, is very stringent as in general industry practice most of the Ex-IR experts work as advisors to the consulting firms and are not on permanent role of the firms. We believe that the required eligibility condition of the team leader is quite restricted and would constrain prospective bidders in proposing best profiles for the position. In view of the above we request you to kindly remove the condition of "permanent employment" from the minimum eligibility condition of the team leader.	As per Serial No. 3 of Corrigendum and Addendum No.2
32	PWC	“Railway Expert “ Section-3 Sub-section- (c) Condition- ii Page no.5	Similarly to Team Leader, we would like to bring to your kind notice that the eligibility condition for the Railway Expert i.e. "2 years employed by bidder " as well as experience of working in dept. of IR for more than 10 years, together, is very stringent as in general industry practice most of the Ex-IR experts work as advisors to the consulting firms and do not work as employees of any consulting firm. We believe that the required eligibility condition of the team leader is quite restricted and would constrain prospective bidders in proposing best profiles for the position. In view of the above we request you to kindly remove the condition of "2 years employed with the bidder" or “10 years of relevant experience in Railway Sector” from the minimum eligibility condition of the team leader.	As per Serial No. 4 of Corrigendum and Addendum No.2
33	PWC	Analyze / Benchmark International / National Projects Secion 9 Sub section- (a)	The scope requires to Categorize the projects into various categories depending on the nature of the key parameters In view of the given timelines, please specify the key parameters on which a project needs to be categorized.	No change in this clause.

34	PWC	Financial & Revenue generation Modeling and Structure Section 9 Sub section (b), (i)	In view of this point, we understand that the consultant is expected to review the project cost and that IPCL would provide all the project cost including the construction cost, debt interest rates, and other applicable charges during the construction period, at the start of assignment.	The initial project cost shall be given by IPCL.
35	PWC	Financial & Revenue generation Modeling and Structure Section 9 Sub section (b), (iv)	In view of this point, please confirm if IPCL would provide the benchmark costs to calculate the O&M costs following the FDC and FCVC principle.	The initial project cost shall be given by IPCL.
36	PWC	Reference - Liability	The RFP document is silent on the limitation of liability. Please confirm that our overall liability shall not exceed the amount of fees paid to us. The consultant will not be liable for indirect/consequential losses.	The overall liability shall be limited to the amount of fee paid.
37	PWC	Section-8 Note: Penalty in delay of submission of the Report Note: Penalty in case of absence from attending scheduled meetings	There is a penalty obligation for delay in submission of report at each milestone at 5% of the mile stone fee for every week of delay. The penalty is capped at 80% of the mile stone fee. There is a further penalty obligation for absence in meetings at 0.5% of the contract value. Please confirm that the penalties shall be applicable only for delays solely attributable to us. Also we understand that unpredictable events like personal sickness can be a reason of absence and will be considered under the unavoidable circumstances. Such events would come under the ambit of unavoidable circumstances and will not need a prior notice of 7 days. As per the general practice in Government consulting assignments, please also confirm the overall amount of penalties shall not exceed 5% of the contract value.	As per Serial No. 7 & 8 of Corrigendum and Addendum No.2
38	PWC	Affidavit Point 1	Please confirm if the firm can use its standard format in place of the point 1 of the affidavit, as below- I (XXXX), Partner of (XXX) L, do hereby declare to the best of our knowledge and information available with us as on [date] that we have not come across any written directive by any Government department/Public Sector Undertaking in the last five years, blacklisting [XXX] against providing such professional services as mentioned in the tender	Format of Forms should be as specified in the RFP document of IPCL.
39	PWC	Affidavit Point 2 Power of Attorney	Please confirm if the firm can use its standard format in place of the point 2 of the affidavit, as below- It is to the best of our knowledge and information available with us as on date, that to the best of our	Format of Forms should be as specified in the RFP document of IPCL.

			<p>knowledge and information available with us, we certify that in the last three years [XXX] has neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Applicant, nor has [XXX] been expelled from any project or contract nor have had any contract terminated for breach on our part as evidenced by any court decree or arbitral award against [XXX] to such effect. However, we would like to clarify that given the large volume of work performed by [XXX], contracts with clients may on certain rare occasions be terminated, suspended or not renewed for a variety of reasons, the vast majority of which have only to do with normal business reasons or necessities.</p>	
40	PWC	Affidavit Point 3,4,5,6,7	<p>Since it is practically impossible to confirm that such penalties and list of poor performance have not been imposed on the firm-wide basis, we request the authority to let the firm replace points 3,4,5,6,7 of the Affidavit with the following - “It is to the best of our knowledge and information available with us as on date, that other than certain litigations/arbitration against [XXX] which are not material in nature, there are no other litigations pending against [XXX]. Further, there are no pending litigations/arbitration against [XXX] which if adversely determined, would impact the ability of [XXX] to provide services under the proposed tender.”</p>	As per Serial No. 14 of Corrigendum and Addendum No.2
41	PWC	Power of Attorney	<p>Please confirm if we can use the standard format of Power of Attorney of the firm in place of the one given in RFP.</p>	Format of Forms should be as specified in the RFP document of IPRCL.