

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)
NEW DELHI**

Amendment Notice No.4

No.2008/LMB/22/25/RFQ/NDLS

Dated: 22.01.2009

Sub: Request for Qualification for selection of Bidders for Redevelopment of New Delhi Railway Station –(*Railway Board's* Global RFQ Notice No: even dated 27.10.2008)

Ref: RFQ document dated 04.11.2008 and Amendment No.3 dated 16.01.2009

Subsequent to the Pre-Application conference held on 20.11.2008 and PPPAC approval granted on January 19, 2009, certain Clauses of the RFQ has been amended as per the attached list along with matching and editorial changes elsewhere in the RFQ document. The Amended RFQ document dated 22.01.2009 incorporating all such changes has also been uploaded on the Official Website of MOR. This also includes Amendment no.3 dated 16.01.2009

All interested parties are advised to refer the Amended RFQ document dated 22.01.2009 for preparation of their Applications and all future correspondences. They are also advised to remain in regular touch with the Official Website www.indianrailways.gov.in and see the Land and Amenities Directorate's tender web page for any future amendments or other notices till February 7, 2009.

Sd/-

(P. K. Aggarwal)

Executive Director-II/Land & Amenities

**GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)
NEW DELHI**

No.2008/LMB/22/25/RFQ/NDLS

Dated: 22.01.2009

**Reg: Redevelopment of New Delhi Railway Station – RFQ Notice No.
2008/LMB/22/25/RFQ/NDLS Dated 27.10.2008**

Amendment-4 to the RFQ document dated 04.1.2008

S N	Clause No.	Existing Provision		Amended Provision to be read as	
1	1.1.1	“....The indicative present day capital cost of the Project is <u>Rs. 12,000 cr. (Rupees twelve thousand crore)</u> , which includes mandatory capital expenditure, the real estate development for commercial purposes and interest during construction....”		“....The indicative present day capital cost of the Project is <u>Rs. 9,000 cr. (Rupees nine thousand crore)</u> , which includes mandatory capital expenditure, the real estate development for commercial purposes and interest during construction....”	
2	1.2.1	Contents regarding Technical Proposal deleted		Contents regarding Technical Proposal placed at a new Clause 2.2.1 (f)	
3	1.2.2	Contents regarding Earnest Money deleted		Contents regarding Earnest Money placed at a new Clause 2.2.1 (g)	
4	1.4	2. Last date for receiving queries	November 30	2. Last date for receiving queries	<u>January 30, 2009</u>
		3. Pre-Application Conference	November 20, 2008	3. Pre-Application Conference	N.A.
		4. Authority response to queries latest by	November 24, 2008	4. Authority response to queries latest by	<u>February 6, 2009</u>
		5. Uploading of RTP document	December 5, 2008	5. Uploading of <u>Draft</u> RTP document	<u>February 10, 2009</u>
		6. Application Due	December 10,	6. Application Due Date or	

		Date or “ADD” 7. Announcement of short-list 8. Technical Proposal Due Date 9. Issue of Normalized Technical Proposal Bid Stage 1. Sale of Bid Documents 2. Last date for receiving queries 3. Pre-Bid meeting-1 4. Authority response to queries latest by 5. Bid Due Date	2008 December 29, 2008 January 23,2009 February 25,2009 February 2, 2009 February 17,2009 February 20,2009 February 26,2009 March 3, 2009	“ADD” 7. Announcement of short-list 8. Technical Proposal Due Date 9. Issue of Normalized Technical Parameter Bid Stage 1. Sale of Bid Documents 2. Last date for receiving queries 3. Pre-Bid meeting-1 4. Authority response to queries latest by 5. Bid Due Date	<u>February 12, 2009</u> <u>March 17, 2009</u> <u>April 28, 2009</u> <u>June 15, 2009</u> <u>May 4, 2009</u> <u>May 18, 2009</u> <u>May 25, 2009</u> <u>June 01, 2009</u> <u>June 30, 2009</u>
5	2.2.1 (c) (i)	“the <u>Applicant</u> or its <u>Member</u> and any other Applicant or its Member have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply in cases where the direct or indirect	<u>Member</u> and any other Applicant or its Member have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply in cases where the direct or indirect	“the <u>Applicant, its Member or Associate</u> and any other Applicant, its Member or Associate have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply in cases where the direct or indirect shareholding of an	

		shareholding of an <u>Applicant or its Member</u> (or any shareholder thereof having a shareholding of <u>more than ten percent</u> of the paid up and subscribed share capital of such <u>Applicant or its Member</u> , as the case may be) in the other Applicant or its Member is <u>less than ten per cent</u> of the paid up and subscribed share capital thereof;...”	<i>Applicant, its Member or Associate</i> (or any shareholder thereof having a shareholding of <i>more than five percent</i> of the paid up and subscribed share capital of such <i>Applicant, its Member or Associate</i> , as the case may be) in the other Applicant, its Member or Associate is <i>less than five per cent</i> of the paid up and subscribed share capital thereof;...”
6	2.2.1 (d)	An Applicant shall be liable for disqualification if any legal, financial or technical adviser of the Authority in relation to the Project is engaged by the Applicant in any manner for matters related to or incidental to the Project <u>within one month of the financial close.</u>	An Applicant shall be liable for disqualification if any legal, financial or technical adviser of the Authority in relation to the Project is engaged by the Applicant in any manner for matters related to or incidental to the Project.
7	2.2.1 (f)		<p>New Clause Added</p> <p>“ Request for Technical Proposal</p> <p>After the evaluation of Applications, the Authority would announce a list of short-listed Applicants. At the same time, the Authority would notify the other Applicants that they have not been short-listed. Those Applicants that are short-listed by the Authority shall be invited through Request for Technical Proposal (the “RTP”) to submit their technical proposals (the “Technical Proposals”) for Railway Yard and Relocation related works, which will be handed over back to the Authority on completion of construction as well as for specified components of Railway Station, Project Facilities and Real Estate in response to the RTP to be issued by the Authority. Further, modification/ suggestions to the Master Plan of the Station, if considered necessary by the Applicants, may also be</p>

		<p>submitted along with Technical Proposals. Technical Proposals will be evaluated for compliance to outline design, construction and performance requirements. The Authority shall inform the short-listed Applicants, whose Technical Proposals do not comply aforesaid requirements, and such Applicants shall have to rectify their Technical Proposals to the extent these are non-compliant with the Authority's requirements, failing which the Authority would disqualify them and their Earnest Money shall be forfeited. On completion of the evaluation process of the Technical Proposals, the Authority will issue normalized technical parameters on which Bids will be invited and will confirm the list of pre-qualified Applicants (the "Bidders") who will be eligible for participation in the Bid. Each Bidder shall be required to submit its Bid along with the Bid Security pursuant to the Bidding Documents issued by the Authority, failing which its Earnest Money shall be forfeited. The Authority will not entertain any query or clarification from Applicants who fail to qualify at any of the aforesaid stages."</p>
8	2.2.1 (g)	<p>New Clause Added</p> <p>" Applicants would be required to submit this RFQ along with an earnest money (the "Earnest Money") of Rs. 25,00,000 (Rupees twenty five lakh only) in the form of demand draft drawn on any Scheduled Bank in India in favour of FA & CAO, Northern Railway and payable at Delhi or Bank Guarantee in the format at Appendix V from any Scheduled Bank having a minimum net worth of Rupees one thousand crore. Only those</p>

			<p>short listed Applicants whose Technical Proposal meet the requirements of the Authority shall be pre-qualified for submission of Bids for the Project. Earnest Money of Applicants, who are not short listed on the basis of their Applications in terms of this RFQ, will be returned by the Authority within a month of announcement of such short listing. The Earnest Money of the Applicants who pre qualify for submission of Bids shall be adjusted against the Bid Security. The Earnest Money shall be forfeited by the Authority if a:</p> <ul style="list-style-type: none"> (i) short-listed Applicant invited by the Authority through RTP doesn't submit its Technical Proposal; or (ii) short-listed Applicant based on its Technical Proposal fails to pre qualify; or (iii) pre-qualified Applicant fails to submit its Bid; or (iv) the Bid of a pre-qualified Applicant is rejected for want of the required Bid Security."
9	2.2.1 (h)		<p>New Clause added</p> <p>"Applicants have to submit the Joint Bidding Agreement as per Format at Appendix IV which shall inter alia convey the existence or constitution of a Consortium and should be a legally binding document."</p>
10	2.2.1 (i)		<p>New Clause added</p> <p>"The Authority shall examine the Applications in the sequence specified hereunder. The Authority shall first examine the Applications for responsiveness in terms of Clause 2.19. Only the Applications found to be responsive will be</p>

			<p>examined further for completeness and adequacy of all legal documents submitted as part of the Application. Only the Applications that pass this stage of examination will be examined further for Threshold Technical Capability and Financial Capacity. Thereafter other eligibility requirements such as Conflict of Interest etc shall be checked for compliance. Applications not qualifying at any of the stages specified hereabove shall be rejected at that stage itself. The Authority will subsequently evaluate the remaining Applications in accordance with the provisions set out in Section 3.”</p>
11	2.2.1 (j)		<p>New Clause Added</p> <p>“For purposes of computation of the Technical Capacity in terms of Clause 2.2.2 and Experience Score in terms of Clause 3.2, following additional conditions shall apply:</p> <p>(i) payments made as owner or payments received as contractor/sub-contractor shall only be considered in case of construction of Eligible Project(s) under Category 3 and/or Category 4 specified in Clause 3.2;</p> <p>(ii) payments made as project company/owner for development shall only be considered in case of Eligible Project(s) in Category 1 and/or Category 2 specified in Clause 3.2;</p> <p>(iii) collection and appropriation of revenues from Eligible Project(s) in Category 1 and/or Category 2 specified in Clause 3.2.1 shall be considered provided development of such Project was completed within the 15 (fifteen) financial years preceding the Application Due Date;</p> <p>(iv) the gross payments actually made or received as aforesaid shall qualify only after getting weighted by the percentage shares held by the entity claiming experience in such project</p>

			<p>company/entity or the consortium/ joint venture, as the case may be;</p> <p>(v) for the purposes of compliance of the Threshold Technical Capability, the sum total of the gross payments/receipts shall be reckoned without application of factors specified in Clause 3.2.6;</p> <p>(vi) projects that do not create new fixed assets or have construction periods more than 15 (fifteen) years or do not have a defined scope of work in terms of duration, cost and assets to be created shall not be considered as Eligible Project;</p> <p>(vii) clubbing together of different smaller works or a small work with an old project to meet with the minimum requirement of capital cost shall not be allowed;</p> <p>(viii) operation, maintenance, routine/special repairs, or procurement/purchase without creation of new fixed assets, shall not be considered as Eligible Project;</p> <p>(ix) for the purposes of classification under passenger terminal, railway sector or core sector no peripheral or miscellaneous work shall be considered; and</p> <p>(x) for the purposes of getting considered as Eligible Project, a project should have been completed/commissioned and/or being implemented successfully without the contract/concession having witnessed a pre-mature termination or a court case arising out of contractual dispute.</p>
12	2.2.1 (k)		<p>New Clause Added</p> <p>“For a project to qualify as an Eligible Project under Categories 1&2 in terms of Clause 3.2.3 following additional conditions shall apply:</p>

			<p>(i) the project should have been undertaken on any Public Private Partnership basis;</p> <p>(ii) the project must be in pursuance of a concession/contract from a public authority awarded not earlier than 15 (fifteen) years preceding the ADD;</p> <p>(iii) the revenues from non-discriminatory access of an existing infrastructure transferred to a project company pursuant to a contract/concession shall not be considered;</p> <p>(iv) the project should have gone past the financial close;</p> <p>(v) the entity claiming experience in respect of collection and appropriation of revenue must have held 26% of the equity of the project company for at least one year prior to commissioning date of the Eligible Project; and</p> <p>(vi) for avoidance of doubt, revenue from airport passenger/user fee, railway platform ticket, access charges paid by rail operators, fees paid by airlines shall be considered as revenue for above purposes.</p>
13	2.2.1 (I)		<p>New Clause Added</p> <p>“For a project to qualify as an Eligible Project under Categories 3&4 in terms of Clause 3.2.4 following additional conditions shall apply:</p> <p>(i) payment received as a contractor/sub-contractor for construction in respect of Eligible Projects under Category 1&2 shall be considered under Category 3&4;</p> <p>(ii) if the experience is being claimed as owner, the capital cost of the Eligible Project (excluding cost of land) should not be less than Rs. 450 (Rupees four hundred fifty) crore;</p> <p>(iii) if the experience is being claimed as a contractor/sub-contractor, the cost of such</p>

			<p>contract/sub-contract should not be less than Rs. 450 (Rupees four hundred fifty) crore;</p> <p>(iv) the entity claiming experience should have held, in the company/entity owning the Eligible Project or the consortium/ joint venture executing the Eligible Project under a contract from the project owner, a minimum of 26% shares during the period for which Eligible Experience is being claimed; and</p> <p>(v) payments made by a contractor to a sub-contractor shall not qualify as payments for the Eligible Project.</p>
14	2.2.2 (A)	<p>“Technical Capacity: For demonstrating technical capacity and experience (the “Technical Capacity”), the Applicant shall, over the past <u>15 (fifteen)</u> financial years preceding the Application Due Date, have:</p> <p>(i) <u>in case of Eligible Project(s) in Category 3 and/or Category 4 specified in Clause 3.2, paid as owner, or received payments—as contractor for construction ; and/ or</u></p> <p>(ii) <u>in case of Eligible Project(s) in Category 1 and/or Category 2 specified in Clause 3.2, paid as project company/owner for development with or without collection and appropriation of revenues thereof,</u></p> <p>such that the sum total of the above <u>payments/ receipts/ revenues during the past 5 (five) financial years preceding</u></p>	<p>Some provisions from the Clause has been shifted to Clause 2.2.1 (j) and remaining are as follows:</p> <p>“Technical Capacity: For demonstrating technical capacity and experience (the “Technical Capacity”), the Applicant shall, over the past <u>5 (five)</u> financial years preceding the Application Due Date, have:</p> <p>(i) <u>paid for, or received payments—for construction of Eligible Project(s); and/ or</u></p> <p>(ii) <u>paid for development of Eligible Project(s) in Category 1 and/or Category 2 specified in Clause 3.2.1; and/or</u></p> <p>(iii) <u>collected and appropriated revenues from Eligible Project(s) in Category 1 and/or Category 2 specified in Clause 3.2.1,</u></p> <p>such that the sum total of the above <u>is more than Rs. 4,500 (Rupees four thousand five hundred) crore (the “Threshold Technical Capability”</u>). Provided that at least one fourth of the Threshold Technical Capability shall be from the Eligible</p>

		<p>the Application Due Date without application of factors specified in Clause 3.2.6 is not less than Rs. 4,000 (Rupees four thousand) crore (the “Threshold Technical Capability”).</p> <p>Provided that at least one fourth of the Threshold Technical Capability shall be from the Eligible Projects in Category 1 and/ or Category 3 specified in Clause 3.2.1.”</p>	<p>Projects in Category 1 and/ or Category 3 specified in Clause 3.2.1.”</p>
15	2.2.2 (B)	<p>“Financial Capacity: The Applicant shall have a minimum Net Worth (the “Financial Capacity”) of <u>Rs. 1,000 (Rupees one thousand)</u> crore as at the close of the preceding financial year.</p> <p>In case of a Consortium, the combined technical capability and net worth of those Members, who have an equity share of at least 26% each in such Consortium, should satisfy the above conditions of eligibility.”</p>	<p>“Financial Capacity: The Applicant shall have a minimum Net Worth (the “Financial Capacity”) of <u>Rs. 1,350 (Rupees one thousand three hundred fifty)</u> crore as at the close of the preceding financial year.</p> <p>In case of a Consortium, the combined technical capability and net worth of those Members, who have an equity share of at least 26% each in such Consortium, should satisfy the above conditions of eligibility.”</p>
16	2.2.6 (f)	Contents regarding format for Joint Bidding Agreement deleted	Contents regarding format for Joint Bidding Agreement shifted to new Clause 2.2.1 (h)
17	2.2.6 (f) (i)	Deleted.	Sub Clauses (ii) to (v) renumbered as (i) to (iv)
18	2.2.9	<p>“.... As used in this definition, the expression “control” means, with respect to a person which is a company or corporation, the ownership, directly of more than 50% (fifty percent) or indirectly <u>of more than 26% (twenty six per cent)</u> of the voting shares of such person, and with respect to a person which is not a company or corporation, the power to direct the management and policies of such person, whether by</p>	<p>“.....As used in this definition, the expression “control” means, with respect to a person which is a company or corporation, the ownership, directly of more than 50% (fifty percent) or indirectly <u>through various layers with ownership at each layer consecutively more than 50% (fifty per cent)</u> of the voting shares of such person, and with respect to a person which is not a company or corporation, the power to direct the management and policies of such person,</p>

		operation of law or by contract (<u>for avoidance of doubt the indirect shareholding shall be reckoned by multiplying the percentage shareholding in each successive layer</u>).”	whether by operation of law or by contract.”
19	2.2.10 (iv)	in case the Applicant is a Consortium, each member of the Consortium should satisfy the <u>pre-qualification requirements</u> to the extent specified herein.	in case the Applicant is a Consortium, each member of the Consortium should satisfy the <u>RFQ requirements</u> to the extent specified herein.
20	2.12.3	“The Application and its copies shall be typed or written in indelible ink and signed by the authorised signatory of the Applicant who shall also initial each page in blue ink.....”	“The Application and its copies shall be typed or written in indelible ink and signed by the authorised signatory of the Applicant who shall also initial each page <u>in ink, other than black and red.</u> ”
21	2.13.3	<u>Fax no. +91-11-23382345</u>	<u>Fax no. +91-11-23383245</u>
22	2.14.1	Applications should be submitted before <u>1100 hours IST</u> on the Application Due Date, at the address provided in Clause 2.13.3 in the manner and form as detailed in this RFQ. A receipt thereof should be obtained from the person specified in Clause 2.13.3.	Applications should be submitted before <u>1500 hours IST</u> on the Application Due Date, at the address provided in Clause 2.13.3 in the manner and form as detailed in this RFQ. A receipt thereof should be obtained from the person specified in Clause 2.13.3.
23	2.17.1	The Authority shall open the Applications <u>at 1130 hours IST</u> on the Application Due Date, at the place specified in Clause 2.13.3 and in the presence of the Applicants who choose to attend.	The Authority shall open the Applications <u>at 1530 hours IST</u> on the Application Due Date, at the place specified in Clause 2.13.3 and in the presence of the Applicants who choose to attend.
24	2.17.3	<u>“The Authority shall examine the Applications in the sequence specified hereunder. The Authority shall first examine the Applications for responsiveness in terms of Clause 2.19.</u>	Provisions regarding sequence of examination of Applications has been shifted to a new Clause 2.2.1 (i) and this Clause has been redrafted as below: <u>“The Authority will subsequently examine and</u>

		<p><u>Only the Applications found to be responsive will be examined further for completeness and adequacy of all legal documents submitted as part of the Application. Only the Applications that pass this stage of examination will be examined further for Threshold Technical Capability and Financial Capacity. Thereafter other eligibility requirements such as Conflict of Interest etc shall be checked for compliance. Applications not qualifying at any of the stages specified hereabove shall be rejected at that stage itself. The Authority will subsequently evaluate the remaining Applications in accordance with the provisions set out in Section 3.”</u></p>	<p><i>evaluate Applications in accordance with the provisions set out in Section 3.”</i></p>
25	2.21	<p><u>“ After the evaluation of Applications, the Authority would announce a list of short-listed Applicants. Short-listed Applicants shall be required to submit their Technical Proposals for Railway Yard and Relocation related works, which will be handed over back to the Authority on completion of construction as well as for specified components of Railway Station in response to the RTP to be issued by the Authority. Further, modification/ suggestions to the Master Plan of the Station, if considered necessary by the Applicants, may also be submitted along with Technical Proposals. Technical Proposals will be evaluated</u></p>	<p>Content regarding Technical Proposal has been shifted to a new Clause 2.2.1 (f) and this Clause has been redrafted as below:</p> <p><i>“After the evaluation of Applications, the Authority would announce a list of short-listed pre-qualified Applicants (the “Bidders”) who will be eligible for participation in the Bid Stage. At the same time, the Authority would notify the other Applicants that they have not been short-listed. The Authority will not entertain any query or clarification from Applicants who fail to qualify.”</i></p>

		<p><u>for compliance to outline design, construction and performance requirements. The Authority shall inform the short-listed Applicants, whose Technical Proposals do not comply aforesaid requirements, and such Applicants shall have to rectify their Technical Proposals to the extent these are non-compliant with the Authority's requirements, failing which the Authority would disqualify them and their Earnest Money shall be forfeited. On completion of the evaluation process of the Technical Proposals, the Authority will confirm the list of pre-qualified Applicants (the "Bidders") who will be eligible for participation in the Bid Stage. Each Bidder shall be required to submit its Bid along with the Bid Security pursuant to the Bidding Documents issued by the Authority, failing which its Earnest Money shall be forfeited. The Authority will not entertain any query or clarification from Applicants who fail to qualify at any of the aforesaid stages."</u></p>	
26	3.2.1	<p>"Subject to the provisions of Clause 2.2, the following categories of experience would qualify as Technical Capacity and eligible experience (the "Eligible Experience") in relation to projects stipulated in Clauses 3.2.3 and 3.2.4 <u>creating new fixed assets having construction periods not more than 15</u></p>	<p>Some provisions from the Clause has been shifted to Clause 2.2.1 (j) remaining are as follows:</p> <p>"Subject to the provisions of Clause 2.2, the following categories of experience would qualify as Technical Capacity and eligible experience (the "Eligible Experience") in relation to <i>eligible</i> projects <i>as</i> stipulated in Clauses 3.2.3</p>

	<p><u>(fifteen) years with a defined scope of work in terms of duration, cost and assets to be created</u> (the "Eligible Projects"):</p> <p>Category 1: Project experience on Eligible Projects in passenger terminals or railway sector that qualify under Clause 3.2.3</p> <p>Category 2: Project experience on Eligible Projects in core sector that qualify under Clause 3.2.3</p> <p>Category 3: Construction experience on Eligible Projects in passenger terminals or railways sector that qualify under Clause 3.2.4</p> <p>Category 4: Construction experience on Eligible Projects in core sector that qualify under Clause 3.2.4</p> <p><u>For avoidance of doubt, clubbing together of different smaller works or a small work with an old project to meet with the minimum requirement of capital cost shall not be allowed. For avoidance of doubt, any of operation, maintenance, routine or special repairs, procurement and purchase or combination thereof, without creation of new fixed assets, shall not be considered as Eligible</u></p>	<p>and 3.2.4 (the "Eligible Projects"):</p> <p>Category 1: Project experience on Eligible Projects in passenger terminals or railway sector that qualify under Clause 3.2.3</p> <p>Category 2: Project experience on Eligible Projects in core sector that qualify under Clause 3.2.3</p> <p>Category 3: Construction experience on Eligible Projects in passenger terminals or railways sector that qualify under Clause 3.2.4</p> <p>Category 4: Construction experience on Eligible Projects in core sector that qualify under Clause 3.2.4</p> <p>For the purpose of this RFQ:</p> <p>(i) passenger terminals shall mean railway stations, metro stations, airport terminals (with or without related airport infrastructure works) and bus terminals; and</p> <p>(ii) railways sector shall mean railways, metro, high speed railway including Maglev and other rail related projects including tracks, bridges, tunnels, signalling and overhead equipment; and</p> <p>(iii) core sector shall mean highways, power, telecom, ports, airports excluding passenger terminals, industrial parks, petroleum and natural gas, pipelines, irrigation, water supply, sewerage and real estate development.”</p>
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		<p><u>Project.</u></p> <p>For the purpose of this RFQ:</p> <ul style="list-style-type: none"> (i) passenger terminals shall mean railway stations, metro stations, airport terminals (with or without related airport infrastructure works) and bus terminals; and (ii) railways sector shall mean railways, metro, high speed railway including Maglev and other rail related projects including tracks, bridges, tunnels, signalling and overhead equipment; and (iii) core sector shall mean highways, power, telecom, ports, airports excluding passenger terminals, industrial parks, petroleum and natural gas, pipelines, irrigation, water supply, sewerage and real estate development. <p><u>For avoidance of doubt, peripheral or miscellaneous work shall not be considered as Eligible Project on their own if such work is not part of the mainstream infrastructural work specified under passenger terminals, railway sector and core sector.”</u></p>	
27	3.2.2	<p>“Eligible Experience in respect of each category shall be measured only for</p>	<p>Some provisions from the Clause has been shifted to Clause 2.2.1 (j) (x) and remaining are</p>

		Eligible Projects, <u>which have been completed/commissioned and/or running successfully without the contract/concession having witnessed a pre-mature termination or a court case arising out of contractual dispute.</u>	as follows: “Eligible Experience in respect of each category shall be measured only for Eligible Projects.”
28	3.2.3	<p>“For a project to qualify as an Eligible Project under Categories 1 and 2:</p> <p>(a) the project should have been undertaken on BOT, BOLT, BOO, BOOT or other similar Public Private Partnership basis for providing- its output/services to a public sector entity or non-discriminatory access to users over the infrastructure so created; in pursuance of a concession/contract from a public authority during the last fifteen years. For avoidance of doubt it is clarified that if a project had commenced earlier than 15 years from Application Due Date, or its existing assets were transferred to another entity for provision of non-discriminatory access, it shall not qualify as Eligible Project;</p> <p>(b) the entity claiming experience should have held, in the company/entity owning the Eligible Project, a minimum of 26% shares during the period for which Eligible Experience is being claimed;</p>	<p>Some provisions from the Clause has been shifted to Clause 2.2.1 (j) and (k) and remaining are as follows:</p> <p>“For a project to qualify as an Eligible Project under Categories 1 and 2:</p> <p>(a) It should have been undertaken on BOT, BOLT, BOO, BOOT or other similar basis for providing its output or services to a public sector entity or for providing non-discriminatory access to users in pursuance of its charter, concession or contract, as the case may be;</p> <p>(b) the entity claiming experience should have held, in the company/entity owning the Eligible Project, a minimum of 26% equity during the period for which Eligible Experience is being claimed;</p> <p>(c) the capital cost of the project (excluding cost of land) should be more than <u>Rs. 450 (four hundred fifty)</u> crore; and</p> <p>(d) <u>the entity claiming experience shall, during the past 5 (five) financial years preceding the Application Due Date, have (i) paid for development of the project (excluding the cost of land), and/ or (ii) collected and appropriated the revenues from users</u> availing of non-discriminatory access to or use of fixed project assets, such as revenues from highways, airports, ports and railway infrastructure, but shall not include revenues from sale or provision of goods or</p>

		<p>(c) the capital cost of the project (excluding cost of land) should not be less than <u>Rs. 300 crore (Rupees three hundred crore only)</u> and the project should have gone past the stage of financial close; and</p> <p>(d) <u>the project company shall, during the past 15 (fifteen) financial years preceding the Application Due Date, have paid for development of the project (excluding the cost of land), with or without collection and appropriation of revenues from users availing of non-discriminatory access to or use of fixed project assets, such as revenues from highways, airports, ports and railway infrastructure, but shall not include revenues from sale or provision of goods or services such as electricity, gas, telecommunications or passenger fare/ freight revenues and other incomes of the company owning the Project. Further, the entity claiming experience in respect of collection and appropriation of revenue must have held 26% of the equity of the project company for at least one year prior to commissioning date of the Eligible Project.</u></p> <p><u>For purposes of computation of the Technical Capacity and Experience</u></p>	<p>services such as electricity, gas, telecommunications or passenger fare/freight revenues and other incomes of the company owning the Project.”</p>
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		<p><u>Score, only the gross payments actually made and/or revenues collected and appropriated for Eligible Projects, as the case may be, weighted by the percentage shares held by the entity claiming experience in the project company/entity during the past 5 (five) financial years preceding the ADD shall qualify subject further to the condition that the total amount being claimed under revenues shall be limited to 50% of the capital cost of the relevant Eligible Project. For avoidance of doubt, revenue from airport passenger/user fee, railway platform ticket, access charges paid by rail operators, fees paid by airlines shall be considered as revenue for above purposes.”</u></p>	
29	3.2.4	<p>“For a project to qualify as an Eligible Project under Categories 3 and 4:</p> <p>(a) <u>the entity claiming experience should have paid as owner or received payments as contractor/sub-contractor against contracts (including contracts in respect of Eligible Projects under Category 1 and 2) from its client for construction works executed, fully or partially, during the 5 (five) financial years immediately preceding the Application Due Date;</u></p> <p>(b) <u>if the experience is being claimed</u></p>	<p>Some provisions from the Clause has been shifted to Clause 2.2.1 (j) and (l) and remaining are as follows:</p> <p><i><u>“For a project to qualify as an Eligible Project under Categories 3 and 4, the Applicant should have paid for execution of its construction works or received payments from its client(s) for construction works executed, fully or partially, during the 5 (five) financial years immediately preceding the Application Due Date, and only the payments (gross) actually made or received, as the case may be, during such 5 (five) financial years shall qualify for purposes of computing the Experience Score. However, payments/receipts of less than Rs. 450 (four hundred fifty) crore</u></i></p>

		<p><u>as owner, the capital cost of the Eligible Project (excluding cost of land) should not be less than Rs. 100 crore (Rupees one hundred crore only);</u></p> <p><u>(c) if the experience is being claimed as a contractor/sub-contractor, the cost of such contract/sub-contract should not be less than Rs. 100 crore; and</u></p> <p><u>(d) the entity claiming experience should have held, in the company/entity owning the Eligible Project or the consortium/ joint venture executing the Eligible Project under a contract from the project owner, a minimum of 26% shares during the period for which Eligible Experience is being claimed.</u></p> <p><u>For purposes of computation of the Technical Capacity and Experience Score, only the gross payments actually made by the project owner or received by the contractor/sub-contractor for the Eligible Project, as the case may be, weighted by the percentage shares held by the entity claiming experience in such project company/entity or the consortium/ joint venture during the past 5 (five) financial years preceding the ADD shall qualify. For the avoidance of doubt, payments made by</u></p>	<p><u>shall not be reckoned as payments/receipts for Eligible Projects.</u> For the avoidance of doubt, construction works shall not include supply of goods or equipment except when such goods or equipment form part of a turn-key construction contract/ EPC contract for the project. <u>Further, the cost of land shall not be included in works.”</u></p>
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30	3.2.6	<p>“Applicant’s experience shall be measured and stated in terms of a score (the "Experience Score"). The Experience Score for a given category would be the eligible payments and/or receipts in Indian Rupees specified hereabove, divided by one crore and then multiplied by the applicable factor in Table 3.2.6 below. In case the Applicant has experience across different categories, the score for each category would be computed as above and then aggregated to arrive at his Experience Score. <u>Further, for projects executed in a country other than India, the respective payments/receipts shall be first converted into Indian Rupees with the exchange rate specified in Annex II of Appendix I and then reduced by a factor 0.67 to account for disparity in purchasing power of currencies vis a vis Indian Rupees...</u>”</p>	<p>“Applicant’s experience shall be measured and stated in terms of a score (the "Experience Score"). The Experience Score for a given category would be the eligible payments and/or receipts in Indian Rupees specified hereabove, divided by one crore and then multiplied by the applicable factor in Table 3.2.6 below. In case the Applicant has experience across different categories, the score for each category would be computed as above and then aggregated to arrive at his Experience Score....”</p>
31	Foot Note \$\$ at Annex II of Appendi	<p>For conversion of other currencies to Rupees, the rate of conversion shall be Rupees 45 (forty five) to a US Dollar. In case of any other currency, the same shall first be converted to US\$ as on the</p>	

	x I	date 60 (sixty) days prior to the Application Due Date, and the amount so derived in US Dollars shall be converted into Rupees at the aforesaid rate. The conversion rate of such currencies shall be the average of buying and selling rates prevailing in New York on the relevant date.	
32	Annex IV of Appendix I		Certifying phrase for ‘the project/contract being implemented successfully without any court cases etc.’ has been shifted from Statutory Auditor’s Certificate to the Details of Eligible Project
33	Clause 7	Deleted	‘Check List for Application’ placed at Appendix VI
34	Check List for Application		New item added “ Whether the cost of the RFQ document was paid by the Applicant or any of the Members of the Consortium to the Authority ”
35	Appendix VI		‘Guidelines of the Department of Disinvestment’ shifted to Appendix VII
