



DELHI JAL BOARD: GOVT. OF N.C.T. OF DELHI
OFFICE OF THE EXECUTIVE ENGINEER(C)Dr-II
ROOM NO. 308, VARUNALAYA PHASE- I,
JHANDEWALAN, NEW DELHI-110005
Tele fax. # 23554487, 9650894421

No DJB/EE(C)Dr-II/2012-13/_____

Dated : 14.8.2012

ADDENDUM

Subject:-_Pre-qualification of firms for "Construction of Water Treatment Plants (WTPs), Sewage Treatment Plants (STPs), UGRs, SPSs, Water Mains, Trunk sewers etc. and other related associated/ allied appurtenant works, rehabilitation works at Delhi".

In supersession to EOI dated 27.6.2012 and subsequent to Corrigendum dated 08.8.2012, the addendum formats are revised as follows :

Part-A : Addendum 1

Annexure - A (Amended).

Annexure - B (Deleted).

Annexure - C (Amended).

Annexure - D (Amended).

Part-B : Clarifications :

The parawise reply to the pre-bid queries dated 12.7.2012 attached herewith.

Executive Engineer (C)Dr.II

Name of contractor/ executing agency:

Works Executed during last 10 years
Technical/Financial Qualification(Works costing >3.00 Crores

Work category	CAP-EX		OP-EX (i/c Electricity, Manpower, Chemicals etc.)		Total Cost in crores	Please mention page no. of submitted documents
	Nos.	Cost in crores	Nos.	Cost in crores		
1	WTPs with Capacity					
2	STPs with Capacity					
3	UGR & BPS with capacity					
4	SPS with capacity					
5	Water/Sewer Main (Dia./Length)					
6	Trunk Sewer (Dia./Length)					
7	Rehabilitation work of trunk/peripheral (Dia./Length)					
8	SCADA works with capacity					
9	Water flow meters					
10	O & M works					
11	Consultancy works					
12	Any other work related to water & sewerage					
	For example WTPs with Capacity					
	a) 20 MGD	2	45+65=110	2	15+25=40	110+40=150
	b) 15 MGD	3	30+35+40=105	3	8+10+12=30	105+30=135

ANNEXURE – C

Project Data Sheet

Give list of all completed/ongoing projects in last 10 years

S No	Description	Details				
1	Name of Project, Location					
2	Description of work					
3	Contract Value (In Crores)	Civil Cost	E & M Cost	O & M Cost Including Electricity, Manpower, chemicals etc.	Business Model (EPC/DBO/PPP) (With Percentage financial contribution if any in CAPEX and OPEX separately)	Total Cost
	a) Awarded					
	b) Final Executed					
4	Name of Client, Postal Address, Phone/ Fax No./ E-mail					
5	Designed Capacity/ Length					
6	Treatment Process used, if applicable					
7	Technology Used if applicable					
8	Influent characteristics, if applicable					
9	Effluent characteristics, if applicable					
10	Applicable KPIs					
11	Year in which KPI achieved					
12	Other salient features, if any					

13	Completion Dates	Date of award	
		Scheduled Starting Date	
		Scheduled completion date	
		Actual completion date	
		Delay in months, if any	
		Reasons for delay, if any	
		Scheduled commissioning date	
		Actual commissioning date	
		Delay in months, if any	
		Reasons for Delay, if any	
		Defect Liability Period, Start date	
		Defect Liability Period, End date	
		Operation & Maintenance period, if applicable, Start date	
		Operation & Maintenance, End date	
14	*Scope of work executed by Bidder's organization		
15	Basis of Execution	• INDIVIDUAL	<input type="checkbox"/>
		• CONSORTIUM/ JOINT VENTURE	<input type="checkbox"/>
16	Details of lead member in case of JV		
17	Details of other members in case of JV		

*The actual scope of work done by the JV partner who is applying for empanelment.

Certificate not as per above format will not be considered for evaluation

(Signature & official stamp of the bidder)

Note: - Separate data sheet has to be filled for individual projects. Complete details at this stage would ensure that pre-qualified bidders would be saved from submitted same details repeatedly against specific projects.

Format 1**Information on Average Annual Construction Turnover¹**

{To be printed on the authorised Letterhead of the Applicant or the Lead Consortium Member, including full postal address, telephone, faxes and e-mail address}

Individual bidder or lead member of a JV must fill in this form

Annual Turnover Data for the Last 4 Years (Construction only)	
Year	Amount (in INR)
2011-12	
2010-11	
2009-10	
2008-09	
Average Annual Construction Turnover	

{This format should be certified by the Statutory Auditor of the Bidder / lead member, in case of consortium}

¹ The construction turnover will include turnover achieved from construction and operation & maintenance activities

Format 2

Information on Net-worth

{To be printed on the authorised Letterhead of the Applicant or the Lead Consortium Member, including full postal address, telephone, faxes and e-mail address}

	Financial Information (in INR)	FY 2011-12
1	Subscribed and Paid-up equity capital	
2	Reserves	
3	Revaluation Reserves	
4	Miscellaneous Expenditure not written off	
5	Reserves not available for distribution to equity shareholder	
	Net worth (1+2) – (3+4+5)	

Net Worth of the bidder as on

	Net Worth (Amount in INR)
31st March 2012	
31st March 2011	
31st March 2010	
31st March 2009	
31st March 2008	
31st March 2007	

{ This format should be certified by the Statutory Auditor of the Bidder / lead member, in case of consortium }

Format 3

Information on Profitability

{To be printed on the authorised Letterhead of the Applicant or the Lead Consortium Member, including full postal address, telephone, faxes and e-mail address}

Individual bidder or lead member of a JV must fill in this form

Profit Before Tax Data for the Last 5 Years	
Year	Amount (in INR)
31st March 2012	
31st March 2011	
31st March 2010	
31st March 2009	
31st March 2008	
31st March 2007	

{ This format should be certified by the Statutory Auditor of the Bidder / lead member, in case of consortium }

Format 4

Information on Working Capital

{To be printed on the authorised Letterhead of the Applicant or the Lead Consortium Member, including full postal address, telephone, faxes and e-mail address}

Working Capital Available with the bidder as on

Year	Amount (in INR)
2011-12	
2010-11	
2009-10	
2008-09	
2007-08	
2006-07	

{This format should be certified by the Statutory Auditor of the Bidder / lead member, in case of consortium}

Format 5

Information on Litigation

{To be printed on the authorised Letterhead of the Applicant or the Lead Consortium Member, including full postal address, telephone, faxes and e-mail address}

{To be provided for each firm/consortium member}

S. No.	Name of applicant / consortium member	Name of agency with which litigation and brief subject	Estimated financial liability	Present Status

Affidavit to be submitted

I _____ S/o Sh. _____ resident of _____
do solemnly affirm that:-

1. All the documents submitted by me are correct to the best of my knowledge.
2. I have not hide any fact.
3. I have never been black listed or debarred from any organisation in India and abroad during last 10 years.
4. If anything is found false against me or my documents submitted by me, my empanelment may be treated as cancelled.

Subject:- Pre-qualification of firms for “Construction of Water Treatment Plants (WTPs), Sewage Treatment Plants (STPs), UGRs, SPSs, Water Mains, Trunk sewers etc. and other related associated/ allied appurtenant works, rehabilitation works at Delhi”

Reply/Comments on Pre-Bid queries raised by different agencies.

S.No.	Agency	Reference	Query	Reply/Comments
1.	SPML	Format -1 to 5	As per formats, the details are to be provided by the Applicant or Lead Consortium Member, Whereas the EOI invited based on individual company basis. We request you to kindly confirm whether JV participation is allowed in the EOI.	Yes. JV participation is allowed.
2.		Format 1 to 4	As per these formats, details are to be certified by Statutory Auditor by the Bidder. We request you to kindly confirm whether similar certificate already issued by Statutory Auditor certifying the financial data can be considered.	Confirmed so long as certificates/ information exist in the formats sought by Delhi Jal Board and bidder self-attests the same.
3.		Format -5 : Information on Litigation	We request you to kindly consider self certification in lieu of Certification by Statutory Auditor.	No.
4.		Annexure -C : Project Data Sheet	As per the format in Sl.no.3, it is mentioned Cost incurred or to be incurred on the basis of commitment / performance in 30 years . Whereas the details of Projects completed / ongoing in the last 10 years . We would request you to kindly confirm.	Amended for 10 years.
5.		Annexure -C : Project Data Sheet	As per the format in Sl.no.5, it is mentioned Details of certificate issuing authority asked for. As confirmed in the meeting, Performance	Only the details of the client would be required. Annexure-C is required on

			certificate issued by client is not required to be submitted along with EOI and only Self Certification is sufficient. We would request you to kindly confirm.	the format duly self attested.
6.		Annexure -A: Technical Qualification (Works >3.00 Cr)	Format seems to be total summary of components to be mentioned and not each project details. Kindly confirm.	Yes. Individual project details need to come in Annexure C.
7.		Annexure -A: Financial Qualification (Works > 3.00 Cr)	Please clarify whether the Project details of CAP-EX and OP-EX to be mentioned separately or combined since some of the projects are linked with execution cum operation & maintenance.	CAP-EX and OP-EX are to be given separately, as mentioned in the format.
8.		Experience of parent /subsidiary company / Group company	For meeting the technical experience criteria, we request you to please confirm whether the experience in respect of parent company/ Group company/ subsidiary company also be considered.	Yes, experience of parent company/group company/subsidiary company will be considered.
9.		JV/ consortium	In case of JV/ consortium, whether DJB will consider the experience of the main agency or will take into account the experience of JV/ consortium partner also at this stage.	Experience of JV partners will be considered in proportion of their share in JV. In case of lead partner, 100% experience shall be considered. Refer General Eligibility Criteria on Delhi Jal Board website. Also annexed here for ready reference.
10.	Degremonts		After submitting the Documents asked in this EOI Document, will there be Project specific Eligibility Criteria also in the respective	Yes. The bidders would need to register in each category of works undertaken by Delhi Jal

		upcoming tenders, based on the project size and special requirements.	Board separately depending upon their experience and interest. They may indicate their preference for category for which they seek registration without supplying duplicate documents. Only one bid would suffice unless bidders seek registration as a JV with different JV partners. One bid would be required per JV.
11.		Pl. Confirm whether we need to submit the documents by e- tendering or hard copies of the documents needs to be submitted. In case of Hard copies Pl. Clarify the number of sets to be submitted.	The agency has to submit his proposal in hard copy (2 sets) separately for each category of works.
12.		Pl. confirm whether a foreign firm can also apply for this Empanelment /Pre qualifications.	Foreign firm can apply for pre-qualification. However, for actual participation in a bid, it will have to form a JV with Indian firm wherein Indian firm will be lead partner.
13.		Please confirm whether a JV Consortium can also apply for this Empanelment /Pre-qualifications.	Yes.
14.		Pl. confirm whether this empanelment is for all the projects of DJB/Projects funded by JICA, ADB etc.	Yes. For one year only.

15.			Please confirm whether the tender will be quoted by the empanelled firms only after the empanelment; and any other firm which is not empanelled, will not be allowed to quote.	Empanelled firms alone will be allowed to participate in bid or in JV with another pre-qualified bidder. Any pre-qualified bidder would, however, be allowed to form JV with another foreign firm who is not pre-qualified.
16.		Annexure A	Please confirm that for how many Years data, is to be submitted.	For 10 Years.
17.		Annexure C	Pl. note that the "Reason for delay if any" is subjective and should not be a part of the requirement and hence may please be deleted.	The reason for delay is to be filled. Delhi Jal Board can always verify facts, if required.
18.	A2Z Group		We are the EPC company having Civil, mechanical, electrical experience with good bidding capacity and already ventured into water and waste water business (currently some water and waste water projects are under execution) are keen to participate with Delhi Jal Board in future bidding. We, as perspective bidder may be allowed to participate and register with Delhi Jal Board. Please clarify whether our participation can be considered alone or in joint venture?	This EOI is for all type of projects EPC/DBO/PPP etc. The firm can apply individually or in JV in appropriate category depending upon their financial capability and technical experience.
19.			Please clarify, can we apply in multiple sectors i.e. water and waste water with different firms (having specific experience in water and waste water) in joint venture?	Yes. The agency has to submit his proposal separately for each category of works. For different category of works it can form JV with different partners and accordingly submit

				separate bids.
20.			Please clarify can we use the technical experience (related water and waste water works) of international firms, who has accomplished working MOU with us for the said registration?	MOU will not be considered for sharing of experience. However as per proportion of JV, the experience shall be counted. In case of lead partner, 100% experience shall be considered.
21.	Triveni Engineering & Ind. Ltd.		Please specify this qualification will be applicable to all the upcoming projects in Delhi Jal Board for the period of 1 year.	Yes.
22.			This pre-qualification will be applicable only to all Delhi Jal Board projects including funding from others agencies.	Yes.
23.			Please specify the capacities / size of the plant to meet this qualification.	This EOI is for empanelment for all future projects of Delhi Jal Board costing \geq ₹ 3.00 crores initially for a period of one year. The agency has to submit his proposal in the appropriate category as per its experience.
24.		Annexure-D Format-1 Format-2 Format-3 Format-4	Please specify the minimum and maximum values of the project to meet the financial parameters like turnover, solvency, net worth, bidding capacity, etc.	The agency has to submit the details of all executed/ ongoing works \geq ₹ 3.00 crores and their financial details during the period mentioned in the formats for its empanelment for all future projects.
25.		Annexure-D	Is Joint Venture allowed, if yes, what will be the	Yes. Detailed qualification

			criteria for qualification	criteria would be tender specific and based on technicalities in a project. However each JV partner would need atleast 26% equity. Share holding in a SPV for its experience to be counted for that project. Maximum number of members in a JV shall be three.
26.			The pre-qualified parties need to submit only the financial proposal.	The pre-qualified agency would be asked to submit essentially financial bid. However, they will need to confirm no change in technical/financial eligibility. Update, if any, would be submitted. JV, if any would be clarified.
27.		Annexure-D	Is this pre-qualification only for construction or including Operation & Maintenance?	For both works.
28.			What will be the criteria for technology selection?	It will vary from case to case. Delhi Jal Board may, in certain cases, even go for open technology.
29.		Page-2	PRO-kindly publish in the newspapers Similar to the other works costing more than 100 crores. What this can you explain?	It is only for giving wide publicity to EOI.
30.		ANNEXURE-C	Cost incurred or to be incurred on the basis of commitment/performance in 30 years. What this can you explain?	If, say a concession/contract agreement exists for 30 years, please provide

				figures(contracts have a business model for project period based on which financial bids are submitted)
31.		ANNEXURE-A	Can you explain the calculation for Electricity?	It is applicable only in the projects where consumption of electricity is involved.
32.		ANNEXURE-A	What this CAP-EX and OP-EX.	CAP-EX means capital expenditure and OP-EX means operational and maintenance expenditure.
33.	Ramky		For technical experience private company are acceptable, pl. confirm.	Yes. If related to water and waste water sectors.
34.			Proposed projects are DBO , pl confirm	This EOI is for all projects EPC/DBO/PPP.
35.			During submission of proposals, experience certificate are not required, please confirm	No, only self attestation of format will suffice. However, contents can be verified at any point of time. During specific tenders pre-qualified bidders would, however, be requested to submit up dates, if any and client certificates, if they choose not to submit them with this bid
36.	Pratibha		We understand that at this stage, the Bidder need to submit the details as per the Annexures provided in the EOI document. Since at this stage, the Bidder does not know what are going	No. The pre-qualified firms would be allowed to form JV with each other or even with foreign firms who are

			to be the Qualification Requirements for upcoming projects, we understand that Joint Venture with a suitable firm would be permitted at a later stage. Please confirm if our understanding is correct.	not pre-qualified.
37.			Further to above, please note that International firms normally do not come and participate till the time tender is floated by the Client. Also, it is very difficult to select a suitable Joint Venture partner at this stage as the specific qualification requirements are unknown in different categories. Therefore, we suggest that international firms, who might not have applied to the current EOI, should also be given a chance and be permitted to participate in the joint venture with companies, already empanelled/non empanelled for each category i.e. STPs, UGRs, SPSs, Water Mains, and Trunk Sewers etc with Delhi Jal Board. Please confirm	No. As per clarification in S.No.36.
38.	Unity	EOI First Para “only the pre-qualified bidders in each category of work would be asked by DJB to submit bids for future project”	Please provide the details of the categories in which the prequalification will be done.	It has already been mentioned in Annexure-A.
39.			Further, please provide the qualification criteria for each of the categories	The agency has to submit his proposal indicating choice of appropriate categories on the basis of its technical experience and financial capability for each

				category separately as per annexures available in EOI.
40.		Annexure D : Information on average annual construction turnover "Individual bidder or lead member of a JV must fill in this form"	It is presumed that JV/Consortium is permitted. Please provide the format for Joint bidding Agreement/MOU.	JV format is available on Delhi Jal Board website and is also attached.
41.	UEM	PQ Data	As per the format provided by Delhi Jal Board for Pre-Qualification Information required of various bidders, kindly clarify the basis of forming Pre-Qualification criterion for the upcoming tenders. Kindly clarify if the CPWD guidelines manual would be the reference for setting up the criterion or would some other norms prevail. Further kindly specify the mode of evaluating the Pre-Qualification to shortlist bidders.	The Delhi Jal Board eligibility criteria and GCC for EPC and DBO works will be the guidelines for qualification against a specific tender. These guidelines are available on Delhi Jal Board website. Delhi Jal Board's endeavor would be to allow more competition in tender documents. Pre-qualification for each category would depend on technical and financial experience of a firm.
42.		JV	As per the format it seems like only those parties would be invited to participate in the Delhi Jal Board tenders who have been empanelled beforehand. In case if any of the empanelled party wants to form a JV then is it possible for them to form a JV with a party who is not empanelled and vice-versa.	Yes. JV with non empanelled agency would be allowed only if, it is a foreign firm.
43.	JITF Aqua	EOI - On the basis	Does a bidder have to submit multiple EOIs for	Yes. The bidder has to

	Source	of technical and financial capability, only the pre qualified bidders in each category (WTPs, STPs, UGRs, SPSs, Water Mains, Trunk Sewers, Rehabilitation works) of work would be asked by DJB to submit bids for future project.	participating in each category?	submit his proposal separately for each category as per annexures available in EOI. But these multiple annexures may form part of one bid. Separate bids would be required when bidder intends to form JV with different partner for various categories of Delhi Jal Board work.
44.			If only a single EOI is to be submitted then whether a bidder if selected (empanelled), shall be eligible to submit bids for all the categories in future?	For being eligible for all categories, bidder would need to state so and accordingly submit technical and financial experience.
45.			Will the enlisted bidder under a particular category be eligible for all values of work? If not, can it form a JV with a company that is not enlisted but has a higher financial capability that meets the criteria?	The eligibility criteria of the work will vary from work to work depending upon quantum/capacity of work. JV would however be permitted later even with a non-qualified foreign firm.
46.			When a new Tender shall be announced in future: <ul style="list-style-type: none"> • Will only the pre qualified bidders in that category only shall be eligible to bid. OR <ul style="list-style-type: none"> • An open tender shall be published and apart from enlisted pre-qualified bidders, 	As already clarified.

			other companies who can form a JV and meet the criteria shall also be eligible to participate?	
47.		Financial Criteria	If the bidder is a subsidiary then whether it can use its parent company's Financial figures?	The bidder should meet the eligibility criteria of the work which will vary work to work depending upon quantum/capacity of work. Yes, if the parent company also comes in as a JV partner.
48.		Work Experience	Whether experience of work done with PSU, Autonomous Body, Power Plants, and Private Organizations of repute shall be considered?	Yes, if it is related to water and waste water sector.
49.		JV participation at a later stage	If bidder A of Indian origin having financial capability but not enlisted through this EOI and bidder B of foreign origin meeting technical eligibility with experience of work outside India (also not enlisted through this EOI), shall be eligible to bid in JV, for projects announced by DJB for which the empanelled bidders would bid?	No. However, if Indian entity pre-qualified, JV can be formed with foreign non-qualified firm.
50.	Jainco Buildcon	During pre-bid meeting. No written queries received.	Whether the Delhi Jal Board registered contractors in Class-I with tendering limit upto 15 crores will be eligible for future projects or not.	Yes. The Delhi Jal Board registered contractors in Class-I category will also be eligible alongwith the empanelled firms depending upon their experience and financial capabilities. But even Delhi Jal Board registered

				contractors would need to submit bid here to be pre-qualified for Delhi Jal Board projects costing ≥ ₹ 3.00 Crore. Delhi Jal Board shall be inviting open bids for all projects costing ≥ ₹ 3.00 Crore.
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Additional Points.

- Bidder would be given 15 days to clarify shortcomings, if any detected in submitted bids.
- Bidders empanelled at this stage need not submit detailed application for project specific qualification stage.
- Authority reserves the right not to proceed with empanelment process at any time without notice or liability and to reject any or all bids without assigning any reason.
- If bidder is/was suspended/blacklisted, indicate when the period for the same would be over.
- Pre-qualification shall be valid upto one year from the date of notifying the list or such other date as may be notified by the authority. The authority may thereafter review the pre-qualification and extend the same or seek fresh application at its discretion.
- In case the applicant seeks pre-qualifications as a JV, the JV agreement should be irrevocable and for complete period of pre-qualification.
- In case of any breach in JV, the firm can be allowed to bid in a specific tender if it has sought empanelment in individual capacity also, and not otherwise.

General Eligibility Criteria

Eligible Applicants:

The tenders for this contract will be considered only from those bidders (proprietorship firms, partnerships firms, companies, corporations, consortia or joint ventures) who meet requisite eligibility criteria prescribed as under:

JV (Joint venture) conditions and conflict of interest

- (i) In the case of a JV or Consortium, all members of the group shall be jointly and severally liable for the performance of whole contract.
- (ii) A technically qualified non-Indian firm is permitted to bid only in a consortium arrangement or Joint Venture, with its wholly owned² Indian subsidiary or any other Indian firm, registered in India under The Companies Act, 1956. However, in both the cases, Indian Firm/ Indian subsidiary shall be the lead member³ and shall solely meet the financial eligibility criteria
- (iii) Bidders shall not have a conflict of interest that affects the Bidding Process. Any Bidder found to have a conflict of interest will be disqualified from the bid process. Bidders shall be considered to have conflict of interest that affects the Bidding Process, if:
 - a) such Bidder (or any constituent thereof) and any other Bidder (or any constituent thereof) have common controlling shareholders. Control is defined by The Institute of Chartered Accountants of India Accounting under Standard (AS)21⁴, Consolidated Financial Statements as:
 - (i) the ownership, directly or indirectly through subsidiary(ies), of more than one-half of the voting power of an enterprise; or
 - (ii) control of the composition of the board of directors in the case of a company or of the composition of the corresponding governing body in case of any other enterprise so as to obtain economic benefits from its activities.
 - b) Bidder shall be liable for disqualification if any legal, financial or technical adviser, including but not limited to a consultant, of the Employer (DJB) in relation to the Project is engaged by the Bidder in any manner for matters related to or incidental to the Project and which will affect the bidding process thereof; Employer shall itself publish the list of its legal, financial or technical adviser engaged by it for the said projects; or

² Wholly owned subsidiary defined as a company whose common stock is 100% owned by another company (parent company)

³ Lead member is a member of consortium nominated by the other members to lead the project in terms of responsibilities as well as to act as primary interface between the Employer and the consortium. It shall be noted that being a lead member does not signify a participation interest in the project of more than 50% and any member with a participation interest in the project of more than 26% can be a lead member.

⁴ AS 21 can be accessed at http://220.227.161.86/265accounting_standards_as21new.pdf

- c) such Bidder has worked as a consultant in the preparation of design or technical specifications or any other tender related activity for the works; or
 - d) such Bidder applies for bid both as an individual firm and as a part of JV or consortium; or
 - e) a constituent of one consortium is also a constituent of another consortium; or
 - f) Such Bidder submits more than one application in this bidding process
- (iv) In a tender, either the Indian agent on behalf of the Principal/ OEM or Principal/ OEM itself can bid but both cannot bid simultaneously.
- (v) If an Indian agent submits bid on behalf of Principal/ OEM, the same agent shall not submit a bid on behalf of another Principal/ OEM in the same tender.
- (vi) A firm, who has purchased the tender document, if applicable, in its name, can submit the bid either as individual firm or in joint venture/ consortium. However in joint venture/ consortium:
- a) the members shall jointly fulfil the general and particular experience criteria as mentioned above. However, part qualification of any individual technical criteria related to project capacity shall not be permitted (example: If the criteria is EPC experience of 10 MGD of water treatment plant, two members having EPC experience of 5MGD of water treatment plant each shall not be qualified). Further, each member shall atleast qualify one eligibility criteria (financial, general and particular).
 - b) the lead member shall fulfil the financial eligibility criteria solely.
 - c) members having less than 26 % participation shall be termed as non substantial members and shall not be considered for evaluation which means their financial capability and work experience will not be considered for evaluation of JV/ consortium.
 - d) a copy of the Joint Venture Agreement (JVA) entered into by the members shall be submitted along with the bid as per the format attached. The JVA shall include among other things, the joint venture's objectives, percentage participation of each member, the role of each member in the joint venture operation, the commitment of the members to joint and several liability for due performance, recourse/ sanctions with the joint venture in the event of default or withdrawal of any member(s).
 - e) in any case, number of JV/ consortium members shall not exceed 3 (three)
 - f) **For DBO/ PPP projects:** In case of JV/ consortium, change in constitution of percentage participation is allowed 2 years after commissioning/ commercial operation date. However, such a change shall be subject to written approval of Employer. Such approval shall be denied if (i) members withdraw from the joint venture and the remaining members do not meet the qualifying requirements; (ii) the new members to the joint venture are not qualified individually or as joint venture members. Change in constitution will be discouraged if it affects the continuity of Works.
For non DBO/PPP projects: In case of JV/ consortium, no change in constitution of percentage participation is allowed.

- (vii) Bidder (individual or any member in case of JV/ consortium) shall not have suffered bankruptcy/ insolvency during the last 3 financial years from the date of submission of bid.
- (viii) Any bidder which has been barred by the Central or State government, or any entity controlled by them (controlling stake) from participating in any project and the bar commence/ subsists as on the date of issue of NIT and/ or submission of bid and/ or any date before the of issue of work order, the bidder shall not be eligible to submit the bid, either individually or as a member of consortium and if the bids are already submitted the same shall be rendered invalid.
- (ix) If the firm claiming Technical Eligibility Criteria for the works has completed any of the works in joint venture with any other company then, along with the experience certificates, the firm shall submit the joint venture agreement for that particular work. Experience certificates not accompanied by joint venture agreement shall not be considered for evaluation. The credit for the firm which has completed a work in joint venture is allocated as follows:
 - a) If the firm has completed the work as a Lead member in the project then the firm can claim credit for the entire scope of work
 - b) If the firm has completed the work as a member in the project then the firm can claim credit for the entire scope of the work in proportion to the stake (e.g. if the capacity of the WWTP executed is 30 MGD and if the firm has executed the project as member with a 40% stake then the firm can claim credit for $(40\% \times 30 \text{MGD})$ 12 MGD works. A statutory auditor certificate specifying the payments received for the project should be submitted. In the event of percentage participation in the project calculated through the statutory auditor certificate differs from the percentage in the JVA, the percentage participation calculated through payments received shall be considered for evaluation purposes.

Observations:-

- (i) Bidders are normally not required to furnish along with the bid any memorandum of understanding with any supplier prior to award of the contract. However, if an MoU is felt necessary, say to ensure tie up with a technology vendor, the same has to be submitted with bid in which case, no withdrawal of the MoU shall be permitted later on and the vendor withdrawing the MoU will be blacklisted by Employer for a period of 2 years.
- (ii) The bid shall remain valid for a period of 180 (one hundred eighty) days after the latest date of submission of bid. In exceptional circumstances, prior to expiry of the original bid validity period, the Employer may request in writing that the bidders extend the period of validity for a specified additional period. At this stage, bidder may refuse to extend the validity of his bid without forfeiting his bid security. A bidder agreeing to the request will not be required or permitted to modify his bid, but will be required to extend the validity of its bid security for the period of the extension.
- (iii) The value of EMD (earnest money deposit) to be submitted along with the bid will be:

- a) For Works with ECV⁵ (estimated contract value) upto Rs. 10 (Ten) crores: 2% (two percent) of ECV
- b) For Works with ECV greater than Rs. 10 (Ten) crores: Rs. 20 lakhs plus 1% (one percent) of ECV in excess of Rs. 10 crores.

Further, EMD amounts upto Rs. 20 lakhs will have to be transferred through RTGS to Employer's accounts as mentioned in tender. EMD amounts greater than 20 lakhs will have to be submitted in form of bank guarantee (BG). Bidders are required to scan the original BG and upload the same in the e tendering portal of Employer along with their bids. The original BG will have to be submitted within 24 Hrs. of last date & time of submission of bid, but not before. If the bidder doesn't submit the original BG as stipulated within 24 hrs. it shall run the risk of forfeiture of the already submitted amount of 20 lakhs as EMD. Employer, if desired, will get the bank guarantee submitted for EMD verified from the bank.

- (iv) Bidders are also required to submit along with the bids a list of all works, executed or under execution, during last 5 years whether in Individual capacity or in JV/ Consortium with another contractor or as a sub-contractor indicating brief scope of work, location, special features of project, awarded project cost, date of award, date of completion, client's contact details, technology used, etc. as per the format attached as Annexure 1. Bidders should also submit an affidavit on non-judicial stamp paper of Rs. 100/- in original confirming that the details of all such works either being executed in their name or being executed as joint venture within India or abroad (bidder's share) have been provided. In case of any concealment of information, the bidder's bid will be rejected. Please note that the affidavit as mentioned above should be duly notarized and submitted along with the bid. **No relaxation in these criteria is permitted**

⁵ For EPC and DBO type of contracts, ECV shall only include the estimated capital cost. However, for exclusive O&M contracts, the financial eligibility shall be linked to the estimated annual O&M cost.

Joint Venture Agreement for Consortium

(On Non – judicial stamp paper of Rs 100 duly attested by notary public)

This Joint Venture Agreement (Agreement) entered into this day of 201_ at _____

Among

_____ (hereinafter referred as" ----- ") and having office at _____ **Party of the First Part**

_____ (hereinafter referred as" ----- ") and having office at _____ **Party of the Second Part**

_____ (hereinafter referred as" ----- ") and having office at _____ **Party of the Third Part**

The parties are individually referred to as **Party** and collectively as **Parties**.

Whereas DELHI JAL BOARD (the "Employer") has invited Proposals from interested Firms and/or Consortiums for Appointment of Private operator for _____ **Project[s]**.

AND WHEREAS the Parties have had discussions for formation of a Consortium for bidding for the said Project and have reached an understanding on the following points with respect to the Parties rights and obligations towards each other and their working relationship.

IT IS HEREBY AS MUTUAL UNDERSTANDING OF THE PARTIES AGREED AND DECLARED AS FOLLOWS:

1. That M/s _____ who is the Lead Members of the Consortium commits to hold a minimum stake equal to __% of the Consortium at all times during the Contract Period.
2. That any dilution of participation interest by the Parties in the consortium shall be as per the provisions of the Contract.
3. That the Parties shall carry out all responsibilities as per terms of the Contract.
4. That the roles and the responsibilities of each Party at each stage of the Bidding shall be as follows:

Name of Consortium Member	Role (Lead Member or Member)	Percentage Share in Consortium	Responsibilities

No changes in the percentage share in consortium shall be allowed thereof, except in accordance with the provisions of the Contract document.

5. That the Parties affirm that they shall implement the Project in good faith and shall take all necessary steps to see the Project through expeditiously. They shall not negotiate with any other party for this Project.

6. That the parties shall be jointly and severally liable for execution of the project.

7. Incase of default of member(s) the following recourse shall be applicable:

8. That this Agreement shall be governed in accordance with the laws of India and courts in Delhi shall have exclusive jurisdiction to adjudicate disputes arising from the terms herein.

In witness whereof the Parties affirm that the information provided is accurate and true and have caused this Agreement to be duly executed on the date and year above mentioned.

Name, Designation and Signature of

Authorized signatory of Party of the first part:

Authorized signatory of Party of the second part:

Authorized signatory of Party of the third part:

Witness 1

Witness 2