

TMS-WIM-SWB-SOUTH-WEST-Clarifications-22-Jan-2015

Sr. No	RFP Page	Clause	RFP Words	Queries	Clarifications
1	NA	NA		Please allow earlier technically qualified parties to submit only Financial Bids again	Previously technically qualified Bidder / JV / Consortiums may give an authorization letter for considering their technical bid submitted for the Tender Ref No-IHMCL/TMS-WIM/2014, provided there is no change in composition of the JV/ consortium.
2	NA	NA		Please extend the bid submission date owing to extended weekend (24 -25 -26th January, 2015)	Please Refer Corrigendum-2
3	NA	NA		The payment terms are not clear whether we will get the payment after all toll Plaza completion or payment based on Toll Plaza to Toll Plaza (pro-rata basis). Please clarify	Payment shall be made for each Toll Plaza on pro rata basis as and when commissioned.
4	NA	NA		<p>As we understand that Static Weigh Bridges (SWB) will need additional land and therefore at some locations, installations of SWB might get delays due to Land acquisition. Shall the period of 5 years for that particular SWB start from date of commissioning of that system?</p> <p>If not then we suggest the below options :-</p> <ol style="list-style-type: none"> 1. IHMCL gives a right to the vendor to accept or reject or increase of prices on mutual basis for the installation of that particular SWB 2. IHMCL pays for the Static Bridge material as the vendor will procure the material from day one. 	As Per RFP

5				Please elaborate the meaning of Minor civil work that will be in the scope of the vendor and major work that will be in the scope of IHMCL	Any civil work required to install and commission the system is in scope of Vendor, except Lane Surface, Canopy, Plaza Building, Island, Median.
6				Please share the Toll Plaza Locations as that is not provided in the tender document	Tentative List of sites shall be shared later.
7				It is highly recommended that IHMCL should go with their earlier idea of giving one zone to only one company to reduce risk of low performance / no performance. This will help the vendor also to provide good solution on their zone	As Per RFP
8				As we understand that the project start date will be the date of award and end date will be after 5 years (20 quarters). As this is a complete toll plaza job, no vendor will be able to complete the job before 3-4 months which further means that he will only get paid for 19 quarters. Is our understanding correct?	Yes
9				To be able to provide you a well qualified bid, we would request you an extension of 40-45 days from date of replies of our bids.	Please Refer Corrigendum-2

10				<p>We request IHMCL to understand that this is a service project and not outright purchase project where amounts are fixed for material and installation. This project demands a huge investment of purchasing all the material at once and the payment comes in 20 quarters. Therefore it is highly recommended to have clarity on the payment milestone and the options of delays due to the site readiness / land acquisition/ any type of delays from the customer end.</p> <p>This will help multiple players to enter into this prestigious project and to deliver quality services</p>	As Per RFP
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11				<p>We would like to share with you that your project is for 25 plazas and the costing for the same will definitely differ from other concessionaire projects as there would only be 2-3 plazas / different solution. Sharing our cost (that too the cost of L1) with the other concessionaire will lead to a difficulty to all the system integrators as well as to the industry where vendors will have to match your prices with the other BOT and OMT projects by forcefully supplying lower quality material and services. This will lead the industry to the opposite direction of the NHAI /Government Bodies.</p> <p>We are facing the same issues in some of the ETC project where our existing and new customers are asking from us to quote for their 1-2 plaza at the same rate as for 80 plaza L1 prices.</p> <p>Therefore it is highly recommended not to share the cost with the other BOT and OMT projects as every project is different and demands different / customized solution.</p>	As Per RFP
12	45	4.1		A minimum 10% Advance shall be given since there is high amount of capital equipment which constitutes of Heavy steel structurals.	As Per RFP
13	4	1.2		Bid security is very high. Kindly clarify?	As Per RFP

14	6	2.1.3	<p>Joint Venture (JV)/ Consortium subject to fullfinng following conditions: (i) Maximum number of partners in the JV or Consortium shall be Three</p>	<p>WIM & Weigbridges provided by the OEM & TMS provided by a System intrgator - 2 JV possible then why three is permitted ?? A wim can be provided by a system integrator to the client but purchased from a manufacturer how is it possible for the same projects boths qualification be considered. A system integrator expeerience of 100 lanes cannot be comepensated by a Wim supplier likewise a Wim is a specialised product which should not be compensated by a System integrator hence experience of weigh in Motion systems is specfic to a OEM this will prevent substandard systems and enable genuine mfrs to participate</p>	As Per RFP
15	7	2.2	<p>Technical Strength: The Bidder should be a company in the field of Tolling Systems for Highways and should have successfully supplied, installed, commissioned; and/ or carried out system integration & maintenance of tolling systems for one or more Projects comprising of at least: i. 5 ETC Lanes ii. 100Cash/ Mixed Toll Lanes; and ii. 10 Weigh-in-Motion Systems on Toll Plazas</p>	<p>If we dilute qualification criteria then it invites sub standards solutions typical elaboration 10 weigh in motion systems this could have been installed recently based upon NHAI directive of mandatory deployment in all lanes however the perfromance is vital hence minimum 20 Weigh- in-Motion Systems on Toll Plazas but more important a Min 2 /3 years satisfactory operation certificate from client and Weights & Measures Stamping.</p>	As Per RFP

16				<p>some of the paras are contradictory wherein at one end its is stated that wims should work as standalone system while the other mentions it is to be integrated with Toll collection ssytem . It is suggestive that WIM should be working as a standalone system to prevent manipulation by software</p>	<p>WIM has to be integrated with Toll system in such as way that it provides weight information of each vehicle to the TMS in order to generate Overweight Penalty receipts, at the same time WIM shall store the weight data independently of the TMS.</p>
17	44	3.8	<p>Damages For Delay / SLA: In case of delay in providing required services at any toll plaza site, liquidated damages @0.05% of the cost of assignment for that site for each day of delay, subject to a maximum of 25% of the cost of assignment for that site, shall be levied from the Service Provider. However, in case the delay is due to reasons beyond the control of the Service Provider, based on request of the Service Provider, suitable extension of time for commencement of Services may be granted by IHMCL on case to case basis without imposing liquidated damages.</p>	<p>a) The LD of 25% is high, when project is on Service Model, Should be maximum 10% of the assignment.</p>	<p>As Per RFP</p>

18	45	4.8	Payment will be subject to deductions against downtime as prescribed under Service Level Requirements.	Wim and weighbridge supplier and TMS supplier if have a JV will suffer for each others equipments not in line and to assess the Uptime Wim and tms should generate their own results and maintained in the Database seperately this will also ensure that both systems are equally Accountable	As Per RFP
19	47	5.3.1 (f)	The Service Provider may be asked to provide the service for WIM systems at designated BOT based Toll Projects at same quoted prices with same scope of work as mentioned is this RFP, provided such order is placed on Service Provider within 6 Months of issue of LOA to Service provider.	every BOT/ OMT Operator would ask for equipment on rent. This would lead to gross missuse & literally decimate the OEM - Prices , USD and demographic segmentation cannot allow any price to be fixed over a period of time hence this price may be specific to the tender only as 6 months is long duration and raw materials prices fluctuate significantly.	As Per RFP
20	7	2.4	Those bidders who offer to provide services on select few toll systems/ sub-systems only, shall be technically disqualified and shall not be shortlisted for opening of financial bids	The clause is in contradiction with stand alone operations. As stated in claus 7.1. Kindly clarify	As Per RFP
21	50	5.3.3	The service provider is supposed to undertake all civil / electrical works, at his own cost, required for provision of the said services except PQC and Canopy of Toll Lane Area.	The existing scope for deployment of WImS as per nhai states 25 + meters form Toll booth wherein the existing island lengths are shorter hence the islands extensions construction of such island extension costs is IHMCL scope or SUPplier ?? Curing after civil constructions requires minimum 30 -35 days to ensure a good foundation.	Refer Sr. No. 5

22	NA	NA		North & East Zone Contract - Since the same has been awarded would the base price ceiling be fixed ?? or the participants are at discretion to submit lower / higher bids - with due consideration by IHMCL pls clarify	As Per RFP
23	NA	NA		MEDIUM SPEED WIM FOR ETC LANE - Please specify what technology to be deployed and desired accuracy levels ??	As Per RFP
24	NA	NA		Civil Work at Toll Plaza towards - PQC for plaza area, extension of median to 22/25mtrs (are these been completed or are still in construction)	Under various stages of completion.
25	NA	NA		Request for extension of Bid Due date in view of Long Weekend	Please Refer Corrigendum-2
26	NA	NA		Request for extension of Bid Due date in view of Long Weekend & Bank Strike	Please Refer Corrigendum-2
27	NA	NA		Standard JV agreement shall be provided by IHMCL	As Per RFP
28	NA	NA		List of Toll Plaza sites to shall be provided	Refer Sr. No. 6
29	NA	NA		Request for extension of Bid Due date by 2 weeks, in view of Long Weekend	Please Refer Corrigendum-2
30			IHMCL reserves the right to reject the Bid of Lowest bidder and adopt any other method to select another bidder for that particular zone. In this case, the EMD of such rejected bidder shall be forfeited.	4.9 If IHMCL is not satisfied with the justification, IHMCL can simply reject the BID of the lowest bidder. How can IHMCL can forfeit the EMD ? It is the matter of clarification only and not any illegal activities. IHMCL may not be satisfied with some lowest bids, so that is their own way of understanding. Please remove the clause of forfeit of EMD.	As Per RFP

31			<p>The term of this Agreement shall be for a period of 5 (five) years commencing from the date of signing of this Agreement (the "Agreement Period") including the time required for installation & commissioning of all the services being provided under this Agreement.</p>	<p>After Notice of site readiness service provider has to finish the work in 30 days. So still as the period of agreement of 5 years will start from the signing of the agreement and the first quarterly payment will be given from the first quarter of agreement signing. Please confirm.</p>	<p>The Agreement period will start from Date of Signing of Agreement and the payments will start from Commissioning of First Toll Plaza, on Pro Rata Basis for the number of Plazas completed.</p>
32			<p>Applicable statutory deductions such as TDS, Cess etc shall be deducted from all the Payments.</p>	<p>Typical TDS in NHAI is considered as Income Tax, Labour Cess, VAT TDS. But Labour Cess, VAT TDS is applicable in each state with different percent % rates. Whether it will be applicable and if yes then how we can consider different rates for VAT TDS & Labour TDS in the bidding ? Pl clarify</p>	<p>As Per RFP</p>
33			<p>A Joint Venture (JV)/ Consortium subject to fulfilling following Conditions:</p>	<p>Can we form SPV if the contract is awarded for this tender ? No clarifications is given any where in the tender regarding SPV formation. It is important to raise the funds to form the SPV rather than only Joint Venture.</p>	<p>The bidders may form SPV.</p>
34			<p>The Service Provider may be asked to provide the service for WIM systems at designated BOT based Toll Projects at same quoted prices with same scope of work as mentioned in this RFP.</p>	<p>We want to know that if concessionaire demands the same, then who will be responsible for the recovery of money and monitoring of the system. Since IHMCL is demanding this point, then IHMCL should repay the money in such cases to the service providers since there may be a dispute between concessionaire and service providers and service provider money may get stuck because of any issue. Please confirm if IHMCL is ready to pay the quarterly amount to the service providers.</p>	<p>Payment shall be made by the entity issuing the work order.</p>

35			Lane Downtime If Transactions from lane are having more than 30 Minutes between 2 transactions	This can happen because of low traffic as well. So how it can be considered as fault of service provider ? There has to be some concrete way to measure the downtime rather than gap between 2 transactions. Please clarify proper measure or request to delete this Point.	As Per RFP
36	5.4.3		System Downtime Calculations	SLA are too stringent - Quarterly charges includes depreciation cost & O&M cost as well. So downtime of 100 hours will have an effect of total quarterly payment for the plaza or for that lane. Please note that the quarterly payment consist of the DEPRECIATION COST of equipments of all CAPEX invested + O&M cost. In previous tenders, the SLAs were applicable on O&M cost but in this tender it is considered on both costs. So request you either make it applicable on O&M cost or only some percentage of quarterly payemnts so that it will be easy to raise the funds from the banker.	As Per RFP
37			OBLIGATIONS OF IHMCL	Timely quarterly & yearly payment is not in obligation of IHMCL. It should come under obligation of IHMCL	As Per RFP
38			PRICES AND PAYMENTS	How to raise invoice etc for quarterly and yearly payments is not mentioned any where in the RFP and clarifications. Kindly provide more details about the same.	As Per RFP
39			Extension of submission of bids	Kindly extend the date of submission by 4 weeks from the current due date.	Please Refer Corrigendum-2
40	6.1		Damages for delays	Since there may be issues related to land acquisition (in case of static weighbridges) and hence payments should be released by IHMCL against the delivery of Material	As Per RFP

41	5.3.3. and 5.3.11	Electrical work (along with its civil work if any)	Electrical work should also be under IHMCL's scope	As Per RFP
42			Kindly provide the list of toll plaza locations along with the related details	Refer Sr. No. 6
43	5.3.1 (f)	Non disclosure of prices Quoted	IHMCL should not disclose the prices to other concessionaires because the architecture of all the toll plazas are different and the requirement of the different clients are not same. The same prices to be quoted for IHMCL (as the requirement is huge and no. Of toll plazas are more) can not be matched with the requirement from other clients (where the requirement is for less no. of toll plazas)	As Per RFP
44		Bidders for participating for South and West Zones	Only 1 project / zone should be awarded to only 1 bidder	As Per RFP