

**MINUTES OF PREBID MEETING  
FOR CIVIL WORKS PACKAGE No. OSRP-Bal-P01A  
UNDER ODISHA STATE ROADS PROJECT HELD ON 1<sup>st</sup> March 2013**

Description of the Work : Widening of Strengthening of Existing Carriage way to 2 lane road from Bhawanipatna to Khariar ( 2/000 km to 27/200 km & 30/000 km to 70/000 of SH-16 ) (Balance Work)

Tender/Bid No. NCB : OSRP-Bal-P01-4376 Dt-05.02.2013

**Names of those Present:**

From Employer/Purchaser

- |    |                           |   |
|----|---------------------------|---|
| 1. | Er. Nalinikanta Pradhan   | Chief Engineer, World Bank Projects, Odisha |
| 2. | Er. Rashmi Ranjan Bohidar | Superintending Engineer i/c, PMU            |
| 3. | Er. Manoranjan Misra,     | Executive Engineer, PMU                     |
| 4. | Er. Digambar Biswal       | Executive Engineer, PMU                     |

From Prospective Bidders:

|    | <u>NAMES OF FIRM</u>                  | <u>REPRESENTED BY</u>                        |
|----|---------------------------------------|--|
| 1. | M/s Unity Infra Projects Ltd.         | Mr. Prakash Kumar Mohanty, Asst Manager      |
| 2. | M/s Engineering projects (India) Ltd. | Mr. Devidutta Dash, Manager Technical        |
| 3. | M/s GVR Infra projects Ltd.           | Mr. K. Rajeev Choudhury, Project Coordinator |

**Opening Remarks**

At the outset, the Chief Engineer, World Bank Projects, Odisha welcomed everybody attending the Pre-Bid meeting for the above civil work package. A brief status about the project was presented before the prospective bidders.

The members representing the bidders were asked to submit their queries so that the replies to the same could be provided by the Employer. Replies to the queries given then by the PMU have been provided in the Annexure. The Annexure also contains replies to the queries received through email from other prospective bidders.

The meeting ended with a vote of thanks to the chair.

  
**Chief Engineer**  
World Bank Projects, Odisha



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| Sl. No. | Clause No. of ITB/CC/SCC/ Forms                                | Gist of the Query   | Response   | Reference to Sl. No. of Corrigendum wherever applicable | Remarks |
|---------|--|---|--|---|---------|
| 1       | -  | Why the previous contractor closed the contract?  | The previous contract was terminated by the Employer due to slow progress of the work and poor participation by the lead partner in JV.  |   |         |
| 2       | -  | Reasons for excluding 2.8 km from the scope of the road work.   | This portion contains four bridges over river Tel. The bridge portions with approaches have been made a separate package in order to get expert agencies for bridge works.   |   |         |
| 3       | <b>Section 1.</b> Instruction to bidders: Cl. 4.5A(a) [Page 7] | Annual turn over 114 cr in continuous two year in any five year has been mentioned, where as the NIT amount for road is 86.00 cr. In most of the cases of ADB / World Bank project, turn over must be equal to tender amount. | The minimum annual financial turnover has been revised as Rs. 86 Cr.   | Please Refer Sl. No-4 of Corrigendum No-2               |         |
| 4       | <b>Section 4.</b> Contract Data : Sl. 10, [Page 59]            | Completion period of 18 months is inadequate considering effect of two monsoons and size of project   | The request has been considered. The completion period is extended to 24 months.   | Please Refer Sl. No-7 of Corrigendum No-2               |         |
| 5       | <b>Section 4.</b> Contract Data : Sl. 12 [Page 60]             | Status of land Acquisition, R&R Activities, Utility Shifting and Encroachment free stretch.<br><br>Whether any forest clearance is require or not.  | The sections provided in the Contract Data have been selected based upon the clearance schedule of these activities. Sections shall be handed over free from all encumbrances as per the time schedule mentioned thereof.<br><br>Forest clearance is not required. |   |         |

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| 6       |   | <p>Have the locations for Bus bays and Bus shelters not finalized?</p> <p>Is land available in such modified locations?</p>   | <p>The locations for Bus bays and Bus shelters have been finalized and the details provided at Sl No-113 of Volume-IV of Bidding Document (Drawing No-OSRP/CEG/BB/02).</p> <p>Land is available for Bus Bays.</p>  |   |         |
| 7       | Section 1. Instruction to bidders: Cl. 4.4 [Page 7] | Considering the value of the work, JV participation may be permitted.   | JV participation is not allowed for the package.   |   |         |
| 8       |   | Why the FIDIC conditions of contract have not been adopted as in the case of terminated contract?   | The Bidding Document has been prepared as per the SBD of World Bank for National Competitive Bidding.  |   |         |
| 9       | Section 1. Instruction to bidders: Cl. 3.1 [Page 6] | The bidder from eligible countries as defined under the IBRD Guidelines for procurement. But, the bid is invited under National Competitive Bidding. Please clarify this. | Although bids are invited under National Competitive Bidding, bids received from any foreign bidder will be considered for evaluation.   |   |         |
| 10      | Section 4. Contract Data: Sl. 6 [Page 58]           | The name of the adjudicator declared by the employer is unilateral.   | The name of the adjudicator declared by the Employer is not unilateral. It is the proposal on the part of the Employer. Under Clause Cl. 36.1 of Instruction to bidders, If the Bidder disagrees with this proposal, the Bidder should so state in the Bid. If in the Letter of Acceptance, the Employer has not agreed on the appointment of the Adjudicator, |   |         |

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|         |   |   | the Adjudicator shall be appointed by Secretary General, Indian Roads Congress, New Delhi at the request of either party  |   |         |
| 11      | <b>Section 1.</b> Instruction to bidders: Cl. 4.3(i) [Page 7]     | Arbitration is not a litigation and should be excluded from the information sought.   | The Clause is self explanatory. Hence, no change is envisaged.  |   |         |
| 12      | <b>Section 3.</b> Clause 7.1 of Conditions of Contract [ Page 37] | Proposal to engage Sub-contractor up to 20% of the work if any may be considered after the award of the contract and not the time of submission of tender.  | Clause 7.1 of Conditions of Contract and Sl. No-3 of Special Conditions of Contract are self explanatory. Hence, no change is envisaged.  |   |         |
| 13      | -   | Whether the location of structure and their designs are finalized?<br><br>Whether the approved drawings are available for structures and land available physically at site without encroachment and not involving any land acquisition? | The index of structural drawings provided in Volume-IV of Bidding Document may please be referred for the purpose.<br><br>Land shall be made available for the works in phased manner as mentioned at Sl-12 of Contract Data. Within two weeks of handing over of each stretch, contractor needs to examine and provide acceptance of receiving encumbrance free land or inform the employer otherwise with any deficiencies. |   |         |
| 14      | -   | Whether there is any demand from general public for additional structures/ alternation of location of structures than what is already indicated in the bidding document?  | There is no demand from the general public for additional structures yet. The facilities included in the drawings have been discussed in the District   |   |         |

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| 15      | -  | Whether alignment of the road has been finalized fully. If there is any deviation from the existing road the chainage of such deviation may please be intimated. If there is deviation, please categorically confirm that land acquisition, R&R activities, removal of utilities and forest clearance in such deviated alignment has been completed.   | Level meetings during the planning phase of the project. Even during execution of the work during the previous contract, no such demand has been made.  |   |         |
| 16      | <b>Section 1.</b> Instruction to bidders: Cl. 4.5A(b) [Page 8] | The clause 4.5 A (b) regarding eligibility criteria may be modified as follows:<br>"4.5 (A) (b) participated and satisfactorily completed or substantially completed as a prime contractor (or as subcontractor duly certified by the employer/main contractor) at least one similar work of value not less than Rs.34.40crores or two similar works of value not less than Rs. 21.5 crores each." | The road alignment has been finalized fully. The drawings provided in the Volume IV of the Bid document may please be referred to see the realignment portions. These stretches shall be included in their respective Sections as mentioned at Sl. 12 of the Contract Data and shall be handed over encumbrance free. | Please Refer Sl. No-4 of Corrigendum No-2               |         |
| 17      | <b>Section 1.</b> Instruction to bidders: Cl. 4.5A(a) [Page 7] | For completing the financial turnover of cost of completed weightage @ 10% per year may be given instead of 5% as indicated in the note below of item 4.5 (A) (c) of ITB.  | Suggestions for modification of eligible criteria is not acceptable. Hence, no change is envisaged.   |   |         |

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| 18      | <b>Section 1.</b> Instruction to bidders:<br>Cl. 4.5B(a) [Page 8] | In 4.5 (B) (a) the requirement of concrete pump may be deleted as no major concrete work is involved as seen from scope of the tender.  | The Technical Specifications provided at Annexure I of the Bid Document specify pumping of concrete prepared in a batching and mixing plant. Suggestions for modification of this criterion is not acceptable. |   |         |
| 19      | <b>Section 1.</b> Instruction to bidders:<br>Cl. 4.5A(a) [Page 7] | (a) Present contract requires 7 qualified technical persons in different sections instead of 12 technical staff in previous contract. These reasons for reduction in technical staff may please be clarified.   | These are minimum requirements and would be monitored strictly during the contract implementation. However, the bidders are free to field more qualified personnel to enhance their performance.               |   |         |
| 20      |   | (b) The contract is funded by World Bank and very high quality work is required. For such a work well qualified technical people are required. But the qualification is reduced (from Degree to Diploma) from the previous contract. The previous contract demanded for minimum 15 years of experience for project manager whereas the present contract requires for project manager with 10 years of experience. This reduction in experience may please be clarified.<br><br>For execution of such huge project, the role of land surveyor is very vital but present contract does not require any land surveyor. So add minimum one land surveyor in manpower availability list with minimum 10 years of experience. | These are minimum requirements and would be monitored strictly during the contract implementation. However, the bidders are free to field more qualified personnel to enhance their performance.               |   |         |

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| 21      | <b>Section 1.</b> Instruction to bidders:<br>Cl. 4.6 [Page 10]  | Clausee 4.6 of ITB 2 <sup>nd</sup> line reads that except to the extent stated in 4.5 A (b,d,e). As such please furnish the details of clause 4.A (d) and 4.A(e).  | Noted for compliance in corrigendum.   | Please Refer Sl. No-3 of Corrigendum No. 1              |         |
| 22      | <b>Section 1.</b> Instruction to bidders:<br>Cl. 4.7 [Page 10]  | ITB 4.7 Weightage of 10% per year may be given instead of 5% as indicated in tender document.  | Suggestions for modification of eligible criteria is not acceptable. Hence, no change is envisaged.  |   |         |
| 23      | <b>Section 1.</b> Instruction to bidders:<br>Cl. 13.3 [Page 12] | ITB clause 13.3 note: Instead of bidders ascertaining the excise duty, custom duty exemption under World Bank loans/grant, the Deptt may please clarify such available of exemption benefit, as the deptt. has been handling the WB assisted projects in the last 4 years. | The exemption of Excise Duty of materials required for utilization in this work is guided by Notification No-108/95-CE Dt-28.08.2005 with subsequent amendment vide Notification No-13/ 2008 of Central Excise Department of Government of India and subsequent amendment by the Government of India thereon.<br><br>Similarly, exemption of Custom Duty for good impoted into India for execution of this work shall be guided by Notification No-84/97- Customs of Government of India and subsequent amendments thereon.<br><br>As per condition of bidding document, the bidders are required to assess accordingly. |   |         |



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| 24      | <b>Section 1.</b> Instruction to bidders:<br>Cl. 15 [Page 13]   | Clause 15 of ITB requires bid validity of 120 days with likelihood extension of bid validity as seen from clause 15.2 of ITB. We request that the tender may be finalized within a period of not exceeding 120 days.   | Suggestion noted. All efforts shall be made by the Employer to finalize the contract award within bid validity period. |   |         |
| 25      | <b>Section 1.</b> Instruction to bidders:<br>Cl. 15.3 [Page 13] | Relevance of clause 15.3 of ITB may please be clarified.   | Noted for compliance in corrigendum.   | Please Refer Sl. No. 9 of Corrigendum no. 2.            |         |
| 26      |   | Clause 15.9 (a) add the following<br>(i) If the employer delays delivering all possession of site beyond days indicated in the contract data<br>(ii) If there is delay in issuing approved drawing submitted by the contractor to the Engineer beyond 7 days.<br>(iii) If Engineer delays approval of RFI beyond 24 hours from the time of submission of RFI. If no response is received from the Engineer within 48 hours such RFI will be deemed to have been approved by the Engineer and no further request of such RFI's is required.<br>(iv) The Engineer has to accept RFI on calendar days irrespective of whether it is public holiday, festival days excluding three national holidays, namely Jan'26, Aug'15 and Oct'02 | Clause 15.9 does not exist in the bidding document.  |   |         |

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| 27      | <b>Section 4.</b> Contract Data: Sl.24 [Page 64]                              | As per Bid qualification requirement a number of equipments of extremely high cost is required. During execution of work most of the works are being done mechanically as manual method cannot achieve the required specification. So, in price adjustment formula, the labour component should be 5% instead of 15% POL component and plant and machinery component should be increase to 20% and 15% respectively. | The percentages have been revised as follows:<br>1.<br>2.<br>3.<br>4.<br>5.<br>6. Plant & Machinery Spares - PP 15 %<br>7. | Please Refer Sl. No-12 of Corrigendum No. 2             |         |
| 28      | <b>Section 3.</b> Conditions of Contract Cl. No 26 [Page 40]                  | Clause 26 of condition of contract may be modified as follows 2 <sup>nd</sup> line-in case of disagreement between the employer and the contractor Adjudicator shall be designated by the Indian Road Congress.  | Noted for compliance in corrigendum.   | Please Refer Sl. No-4 of Corrigendum No. 1              |         |
| 29      | <b>Section 1.</b> Instruction to bidders: Qualification Information [Page 24] | Inviting a reference to the note below clause 1.3.2 (page-24) it is difficult to attach certificate from the Engineer (s)/ Engineer-in charge in respect of works under execution or completed recently. As such reasonable time may be provided to produce.   | Suggestions for modification of this criteria is not acceptable.   |   |         |

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| 30      | <b>Section 1.</b> Instruction to bidders:<br>Cl. 7.1 [Page 10]    | Whether any quarry has been approved for the materials to be used for road may be intimated as this is a tender for balance work. This will facilitate easy identification of sources of materials so that time is not lost in locating and ascertaining the suitability of materials etc. This information is required as completion period of 18 months only. For any materials to identify minimum period of 3 months is required for identification, ascertaining acceptability / suitability of the materials etc. | No quarry has been approved for materials to be used for the project. The bidder is free to choose locations suitable to him for the materials, confirming to the requirements of the contract. |   |         |
| 31      | <b>Section 3.</b> Conditions of Contract<br>Cl. No 44.2 [Page 45] | In clause 44.2 of conditions of contract delete "or"  | The Clause is self explanatory.   |   |         |
| 32      | <b>Section 3.</b> Conditions of Contract<br>Cl. No 49 [Page 46]   | Add the following under clause 49. (3).<br>The employer will give compensation to the contractor at the following rates for each day of delay in handing over of site. For Milestone-1 1,18,000 per day/ Milestone-2 1,76,000 per day / and Milestone-3 ..... Per day.<br><br>The maximum amount of compensation payable for such delay in handing over of possession of site shall be 10% of contract price.   | The compensation shall be made as per the provisions of Cl 44.2, 44.3 & 44.4 of Conditions of Contract.   |   |         |
| 33      | <b>Section 3.</b> Conditions of Contract<br>Cl. No 61.1 [Page 49] | Clause 61.1 may be deleted as it is an unjustified clause.  | Suggestions for deletion of the clause is not acceptable.   |   |         |

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| 34      | <b>Section 4.</b> Contract Data: Sl.35 [Page 67] | At Sl. No 35 of contract data add the following:<br>(3) Employer does not given possession of site as mentioned in the contract data.<br>(4) The Engineer delays approval beyond 7 days of receipt of the drawings from the contractor. | Clause No. 44 of Conditions of Contract - "Compensation Events", provides for these events under which the Contractor shall be compensated by the Employer.  |   |         |
| 35      | <b>Section 4.</b> Contract Data: Sl.36 [Page 67] | The percentage may be 5% instead of 20%.  | Suggestions for modification of this criteria is not acceptable.   |   |         |
| 36      | <b>Section 4.</b> Contract Data: Sl.37 [Page 67] | The penalties indicated in sl.37 of the contract data are too high and unrealistic. All the penalties may be reduced to 10% of the amount indicated under the clause.   | Suggestions for modification of these criteria is not acceptable.  |   |         |
| 37      | -  | Whether the account for the terminated contract has been finalized may please be clarified. If not, when the account will be finalized may be intimated.  | No. The case is before the Arbitration Tribunal and the Dispute Board.   |   |         |
| 38      | -  | Whether there is any litigation between the terminated contractor and the employer, if so the details may be intimated.   | The contractor of terminated contract has approached the Dispute Board in respect of variation in GSB item, reimbursement of Labour Cess, against imposition of Delay Damage and claim on termination of the contract.<br><br>The claims of the contractor are under examination by the Dispute Board and will be settled as per outcome of the decision of the Dispute Board, Arbitral Tribunal |   |         |

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|         |                                 |   | <p>and by the appropriate court of law.<br/>It has got no bearing on the fresh bid.</p>   |   |         |
| 39      | -                               | <p>Whether there is any suit, civil suit or case pending in any court in India challenging the Termination of Contract of the earlier contractor. Of so the details may be furnished. It is learnt that termination of contract by the earlier decided against the employer in the court, what will be the fate of this tender may please be clarified.</p> | <p>In spite of several efforts on the part of the Engineer &amp; the Employer, the contractor of the terminated contract could not achieve substantial progress in the work resulting inordinate delay in completion of the work. Under relevant clauses of the agreement, the Government of Odisha has terminated the contract and as per the Evidence Act-1872, the contract has been terminated.</p> <p>The contractor has filed a petition before the District Court, Khurda at Bhubaneswar under Rule 9 of Arbitration &amp; Reconciliation Act, 1996, challenging the termination of the contract, which is under examination. Hon,ble Court in their interim order dated 14.03.2013 have allowed the Government of Odisha to go ahead with the bidding process for the balance work vide notice dated 05.02.2013.</p> <p>As the contract has been terminated and the claims arising out of termination of the contract</p> |   |         |

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| 40      | -   | The present law and order situation in the project may please be indicated in the area in left wing extremist belt as 20 out of 30 districts of Odisha are categorized as are left wing extremist districts.  | are also under examination by the Dispute Board, the same will be decided as per outcome of the decision of the Dispute Board, Arbitral Tribunal and appropriate court of law and that will be binding between the previous contractor and the client, and it will have no bearing on the new contract. |   |         |
| 41      | -   | For road length of 65 kms the quantities given under "item 9" Maintenance repair is the provisions made appear to be inadequate particularly in respect "restoration of rain cuts", maintenance of shoulder and filling up of pot holes. It is suggested that all these quantities may be doubled to avoid failure of maintenance during construction period. | No such law and order problem has been faced till now.  |   |         |
| 42      | <b>Section 3. Conditions of Contract:</b><br>Cl. 21 [Page 39] | What is the handing over arrangement of encumbrance free land?  | Suggestions for modification of this criteria is not acceptable, as the quantities are adequate in view of the present maintenance arrangement as mentioned in Contract Data Sl.no. 37(a).  |   |         |
| 43      | <b>Section 3. Conditions of Contract:</b><br>Cl. 51 [Page 47] | What are the advance payments available in the contract?  | Refer Sl-12 of Contract Data at Page-60<br><br>Refer Sl-28 of Contract Data at Page-65-66   |   |         |

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| 44      | <b>Section I. Instruction to Bidder</b><br>Cl. 9.2 [Page 11] | Extension of pre-bid meeting by 15 days.               | The pre-bid was held as per schedule. However, the bid submission and opening date & time has been extended. | Please Refer Sl. No- 1, 2 & 3 of Corrigendum No. 2      |         |
| 45      | -  | The Day work mentioned in BOQ may please be clarified. | The Daywork Schedule provided at P55 of the Section 7 (Annexure III) is self explanatory.                    |   |         |

  
 Chief Engineer,  
 World Bank Projects, Odisha