

MAHARASHTRA METRO RAIL CORPORATION LTD
(Pune Metro Rail Project)

Corrigendum-XVIII

Tender No. P1-Tr-01/2018, Dt. 26.02.2018

Name of Work: - Design, Supply, Installation, Testing & Commissioning Of Receiving Cum Auxiliary Main Cum Traction Sub Stations Including High Voltage Cabling From Grid Substation, 33KV Cable Network, ASS & SCADA System For Pune Metro Rail Project

Addendum No. 4

SN	Part No.	Section	Clause ref.	Existing description	Replaced with
1.	Part 1	Section II Bid Data Sheet	ITB 1.5	Pursuant to the policy of the Government of India for 'Make in India' and promoting manufacturing and production of goods and services in India, Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry has issued 'Public procurement (Preference to Make in India), Order 2017' vide No. P-45021/2/2017-B.E.-II dated 15 th June 2017 and Office Memorandum F.No.K-14011/09/2014/UTII/ MRTS/C O-ORD of Govt. of India, Ministry of Housing and Urban Affairs dated 14th Nov 2017, both shall be applicable in this Bid. Bidders may refer to this 'Make in India' Policy 2017, which is elaborated at '3. Domestic Preference' under Section III. Evaluation and Qualification Criteria'. Provisions of above mentioned Policy Order shall be complied regarding local value addition. However, the provision related to price preference will not be applicable in this Bid.	Deleted
2.	Part 3	Section IX. Particular Conditions	Part B - Specific Provisions (SN.66) - Additional Clause: Local Value Added	Pursuant to the policy of the Government of India for 'Make in India' and promoting manufacturing and production of goods and services in India, Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry has issued 'Public Procurement (Preference to Make in India), Order 2017' vide No. P-45021/2/2017-B.E.-II dated 15th June 2017 and thereafter Ministry of Housing and Urban Affairs has issued Office Memorandum vide F.No.K-14011/09/2014/UTII/MRTS/C O-ORD dated 14th Nov 2017.	Deleted


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				In terms of this Memorandum of Ministry of Housing and Urban Affairs, the minimum local content (value added in India) shall be 50% (Fifty percent). Compliance to the above mentioned DIPP Order and Memorandum of Ministry of Housing and Urban Affairs shall be mandatory.	
3.	Part-2,	Works Requirements - General Specification	3.5.3.8	For standard equipment which is serial or bulk manufactured, manufacturer's type test certificates (or equivalent) may, subject to review by the Engineer, be accepted. It is to be ensured that type test should not be more than 5 years old.	For standard equipment which is serial or bulk manufactured, manufacturer's type test certificates (or equivalent) may, subject to review by the Engineer, be accepted. It is to be ensured that type test should not be more than 5 years old. However, in exceptional cases type test report upto 10 year old may be acceptable when there is no change in design of the equipment.
4.	Corrigendum-IX-Annex-1.1st sheet SN. 64	Addendum		The 33 kV Cables shall conform to IEC 502-1 or IS 7098 Part 2 and shall be of 19/33(36) kV. The cables shall be of dry-insulated, radial-field cable, unearthed type based on proven technology. They shall be constituted by assembly of three single core cables in twisted or cloverleaf pattern. The current carrying capacity of metallic sheath shall be 14kA for 1 sec minimum.	The 33 kV Cables shall conform to IEC 502-1 or IS 7098 Part 2 and shall be of 19/33(36) kV. The cables shall be of dry-insulated, radial-field cable, unearthed type based on proven technology. They shall be constituted by assembly of three single core cables in twisted or cloverleaf pattern. The current carrying capacity of metallic sheath shall be 1 kA for 3 sec minimum.
5.	Corrigendum-IX-Annex-2. Reply of Pre-Bid queries Final SN 625			Tender conditions prevail	Tender conditions prevail. However all liabilities of any kind shall be limited to the contract price
6.	Corrigendum-IX-Annex-1.1st sheet SN 1	Addendum		Experience of 110kV and above cable laying ... Single Entity: Must meet requirement All Parties Combined: Must meet requirement Each Member: N/A One Member: Must meet requirement	Experience of 110kV and above cable laying ... Single Entity: Must meet requirement (Requirement can be met through a specialized sub-contractor) All Parties Combined: Must meet requirement (Requirement can be met through a specialized



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					sub-contractor) Each Member: N/A One Member: N/A
7.	Part 1	Section III	Eligibility and Qualification Criteria, 4.2 (c) Note	<i>Note: In case the Bidder or a member of the JV/Consortium does not have experience of Supply, Erection, Supervision, Testing and Commissioning of Gas Insulated Substations (GIS), it will be required by the Bidder to engage suitable experienced subcontractor / OEMs having experience in supply, erection, supervision, testing and Commissioning of 66kV or above GIS substations of at least 10 nos. with at least two such substations being outside the country of origin of OEM or in India. The credentials, work experience of the proposed GIS subcontractor / OEM and their MOU with Bidder to participate in this Bid should be submitted with this prequalification package, failing which the prequalification application may be rejected.</i>	<i>Note: In case the Bidder or a member of the JV/Consortium does not have experience of Supply, Erection, Supervision, Testing and Commissioning of Gas Insulated Substations (GIS), it will be required by the Bidder to engage suitable experienced subcontractor / OEMs having experience in supply, erection, supervision, testing and Commissioning of 66kV or above GIS substations of at least 10 nos. with at least two such substations being outside the country of origin of OEM or in India. The credentials, work experience of the proposed GIS subcontractor / OEM and their MOU with Bidder/contractor may be submitted during vendor/subcontractor approval process after award of the bid. Finalization shall be done as per applicable vendor approval process.</i>
8.	Part 1	Section IV – Bidding Forms	Appendix 4.4 (b) Schedule of Subcontractors	Requirements for Subcontractors whose experience is being considered for evaluation: 1. A Memorandum of Understanding duly notarised and signed between Subcontractor and the Bidder.	Requirements for Subcontractors whose experience is being considered for evaluation: 1. A Memorandum of Understanding duly notarised and signed between Subcontractor and the Bidder. The MOU may be submitted during Vendor/sub-contractor approval process after award of bid.
9.	Part 1	Section II Bid Data Sheet	ITB 11.4.1.7(1) 2 nd Para	The Technical Proposal shall provide adequate details to clearly demonstrate compliance with the local value addition requirement as per 'Make in India' Policy 2017 elaborated at '3. Domestic Preference' under Section III. Evaluation and Qualification Criteria'.	Deleted
10.	Part 1	Section II Bid Data Sheet	ITB 33.1	Refer to '3. Domestic Preference' under Section III. Evaluation and Qualification Criteria	Deleted
11.	Part 1	Section III Qualification Criteria and	3. Domestic Preference	Provision under "Make In India Policy-2017" Pursuant to the policy of the Government of India for 'Make in India' and promoting manufacturing and production of goods and services in India, Department of Industrial Policy and Promotion	Deleted


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		Requirements		<p>(DIPP), Ministry of Commerce and Industry has issued 'Public Procurement (Preference to Make in India), Order 2017' vide No. P-45021/2/2017-B.E.-II dated 15th June 2017 and Office Memorandum F.No.K-14011/09/2014/UT-II/MRTS/C O-ORD of Govt. of India, Ministry of Housing and Urban Affairs dated 14th Nov 2017, both shall be applicable in this tender.</p> <p>1. Make in India Policy: 'Local Content' (Applicable to this Bid) The salient features of the said policy are highlighted below:</p> <p>(i) Local Content: 'Local Content' means the amount of value added in India which shall, unless otherwise prescribed by the Nodal Ministry, be the total value of the item procured (excluding net domestic indirect taxes) minus the value of imported content in the item (including all customs duties) as a proportion of the total value, in percent.</p> <p>(ii) Local Supplier: 'Local Supplier' means a supplier or service provider whose product or service offered for procurement meets the minimum 'Local Content' as prescribed under this Order or by the competent Ministries / Departments in pursuance of this order.</p> <p>The minimum 'Local Content' for the work shall be 50% for Bidder to be termed as Local Supplier, which should be certified as below:</p> <p>a. The 'Local Supplier' at the time of tender, bidding or solicitation shall be required to provide self-certification that the item offered meets the minimum 'Local Content' and shall give details of the location(s) at which the local value addition is made.</p> <p>b. The 'Local Supplier' shall be required to provide a certificate from the statutory auditor or cost auditor of the company (In case of companies) or from a practicing cost accountant or a practicing Chartered Accountant (in respect of suppliers other than companies) giving the percentage of 'Local Content', wherever the value of procurement exceeds Rs 10 Crores</p> <p>c. A committee with internal and external experts for independent verification of self-declarations and auditor's/accountants certificates may be constituted on random basis and in case of complaints.</p> <p>d. False declarations will be in breach of the Code of Integrity under Rule 175(1)(i)(h) of the General Financial Rules for which a Bidder or its successors can be debarred for up to two years as</p>	

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				<p>per Rule 151 (iii) of the General Financial Rules along with such other actions as may be permissible under law.</p> <p>(iii) The Bidder shall be termed as 'Local Supplier', if the local content of the product for which the bid is submitted with supporting certification as mentioned above is more than 50%.</p> <p>2. Purchase Preference: (Not applicable to this Bid)</p> <p>Notes:</p> <p>1. Bidder should note that all required document as stipulated in this section are duly filled and signed by concerned statutory auditor or cost auditor or from a practicing cost accountant or a practicing Chartered Accountant, as case may be, along with selfcertification that the item offered meets the minimum 'Local Content' and shall give details of the location(s) at which the local value addition is made duly signed by POA for said Bid duly scanned and uploaded in the Pricing Document i.e. Section IV A Part 1 of the E-tender portal of MAHA-METRO.</p> <p>2. In case Bidder fails to upload the details required as stipulated in Note 1 above then his Bid shall not be evaluated.</p>	
12.	Part 1	Section IV Bidding forms	4.4 Bidder's Technical Submissions Clause.(K)	<p>Local Content</p> <p>The Bidder shall provide adequate details and demonstrate his proposed arrangement of compliance with the Make in India Policy 2017 i.e. minimum local value content of 50%. Bidders are encouraged to consider higher items in the value chain for local value addition.</p> <p>The details shall cover the item / subsystem / system to be proposed for local design / manufacture, the proposed vendor (or in-house), location of design / manufacturing facilities (available or proposed) in India, % cost / price of such item in the overall Bid Total etc. in the Appendix 4.4-I.</p>	Deleted
13.	Part 1	Section IV Bidding forms	Appendix 4.4-I:	Appendix 4.4-I: Proposal for compliance with Make In India Policy	Deleted
14.	Corrigendum-IX-Annex-1.1st Addendum sheet		SN. 95	(1) Pursuant to the policy of the Government of India, Department of Industrial Policy and Promotion (DIPP) and Ministry of Housing and Urban Affairs (MoHUA) have issued 'Public Procurement (Preference to Make in India), Order 2017' vide No. P-45021/2/2017-B.E.-II dated 15th June 2017 and office Memorandum no. F.No. K-14011/09/2014/UT-II/MRTS-Coord dated 14th November 2017. With respect to the above policy the	Deleted

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				<p>minimum local content in procurement value of the Electrical Power Supply Tender P1TR01/2018 shall be 50%. The Bidder shall be required to provide a self-certificate or a certificate from the statutory auditor or cost auditor giving the percentage only of minimum local content and this self-certificate or certificate from statutory auditor or cost auditor shall be enclosed with the bid uploaded in technical section of e-tender portal. Only percentage values shall be mentioned in these certificates and no financial values shall be mentioned.</p> <p>(2) In case only self-certificate as per para (1) above has been submitted, the Bidder shall also be required to provide a certificate from the statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of suppliers other than companies) giving the percentage of local content as specified in above MoHUA referred order after the Last Date stipulated for Bid Submission but within 15 days from the Last Date stipulated for Bid Submission (For example, if the Last Date stipulated for Bid Submission is 15.07.2018, the certificate has to be submitted on or before 30.07.2018 during office hours). In case the certificate is not received within the stipulated time and duly signed by the person as above, the offer will be considered non-responsive and rejected; and the financial bid of such bidders shall not be opened. This local content should be greater than or equal to the minimum local content specified in Para (1) above for the bid submission to be a valid offer. Only percentage values shall be mentioned in these certificates and no financial values shall be mentioned.</p> <p>This Certificate shall be submitted physically in hard copy in the office of AGM(Proc)/Pune duly marked "Not to be Opened by Anyone except AGM (Procurement)" at the following address: AGM(Procurement) MAHARASHTRA METRO RAIL CORPORATION LIMITED, 101, The Orion, Opposite Don Bosco Youth Centre, Koregaon Park, Pune 411001 (INDIA)</p> <p>(3) For the purpose of purchase preference to the Indian Bidders, this tender is classified as 'Non-Divisible'. Point no. 3 and 6 of the</p>	


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				<p>enclosed order of DIPP letter No. P-45021/2/2017-B.E.-II dated 15th June 2017 would not be applicable as the purchase preference is not applicable for this Bid. Remaining contents of the order are valid and fully enforceable at any stage of procurement and contract execution. Procedure for verification process, if needed and penalty for violation shall be applicable as per the above-referred Order dated 15th June 2017.</p> <p>(4) For sake of clarity to Bidders, provisions of order of MoHUA letter No. P-45021/2/2017-B.E.-II dated 15th June 2017 (except point 3 and point 6) shall be complied by the Bidder, in case of any clarification / dispute regarding local content and subsequent processing, the order shall be referred for necessary actions.</p> <p>(5) The technical offers of the Bidders who do not comply / submit the documentation as per above Para (1) and (2) with respect to order of DIPP letter No. P-45021/2/2017-B.E.-II dated 15th June 2017 shall be rejected and considered non-responsive and their financial offers shall not be opened.</p> <p>The minimum local content will further be certified for compliance of indigenous content by successful Bidder and reviewed during the design finalization stage.</p>	
15.	Corrigendum-IX-Annex-1.1st Addendum sheet		SN. 96	<p>Pursuant to the policy of the Government of India, Department of Industrial Policy and Promotion (DIPP) and Ministry of Housing and Urban Affairs (MoHUA) have issued 'Public Procurement (Preference to Make in India), Order 2017' vide No. P-45021/2/2017-B.E.-II dated 15th June 2017 and office Memorandum no. F. No. K-14011/09/2014/UT-II/MRTS-Coord dated 14th November 2017 (copy attached with PC Part B, Section IX for ready reference).</p> <p>In terms of this Memorandum of Ministry of Housing and Urban Affairs, the minimum local content (value added in India) shall be 50%. The Contractor's compliance to the above mentioned Order and Memorandum of Ministry of Housing and Urban Affairs shall be mandatory.</p> <p>Post award of Contract, the minimum local content will further be certified by statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of suppliers other</p>	

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				<p>than companies) for compliance of indigenous content by the Contractor and reviewed during the Design finalization stage. The Contractor has to compulsorily ensure the minimum local content as mentioned above in supplied items and services under this Contract.</p> <p>The provisions of enclosed order of DIPP letter No. P-45021/2/2017-B.E.-II dated 15th June 2017 (except point 3 and point 6) shall be complied by the Contractor, in case of any clarification / dispute regarding local content and subsequent processing, the order shall be referred for necessary actions. Failing to adhere with the minimum local content during the design and execution stage of this Contract the course of action shall be as per the provisions of above policy.</p>	
16.	2.	Corrig-IX-Annex-2. Reply of Pre-Bid queries Final	SN. 510	Neither Party shall be liable to the other Party for loss of use of any Works, loss of profit, loss of any contract or for any indirect or consequential loss or damage which may be suffered by the other Party in connection with the Contract, other than as specifically provided in Sub-Clause 8.7 [Delay Damages]; Sub-Clause 11.2 [Cost of Remedying Defects]; Sub-Clause 15.4 [Payment after Termination]; Sub-Clause 16.4 [Payment on Termination]; Sub-Clause 17.1 Indemnities]; Sub-Clause 17.4(b) [Consequences of Employer's Risks] and Sub-Clause 17.5 [Intellectual and Industrial Property Rights].	Tender conditions prevail
17.	2.	Corrig-IX-Annex-2. Reply of Pre-Bid queries Final	SN. 511	The total liability of the Contractor to the Employer, under or in connection with the Contract other than under Sub-Clause 4.19 [Electricity, Water and Gas], Sub-Clause 4.20 [Employer's Equipment and Free-Issue Materials], Sub-Clause 17.1 [Indemnities] and Sub-Clause 17.5 [Intellectual and Industrial Property Rights], shall not exceed the sum resulting from the application of a multiplier (less or greater than one) to the Accepted Contract Amount, as stated in the Contract Data, or (if such multiplier or other sum is not so stated) the Accepted Contract Amount.	Tender conditions prevail.
18.	2.	Corrig-IX-Annex-2. Reply of Pre-Bid queries Final	SN. 528	Bidders may refer to this 'Make in India' Policy 2017, which is elaborated at '3. Domestic Preference' under Section III. Evaluation and Qualification Criteria'. Provisions of above mentioned Policy Order shall be complied regarding local value addition. However, the provision related to price preference will not be applicable in this Bid.	The clause stands deleted.

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19.	2.	Corrig-IX-Annex-2. Reply of Pre-Bid queries Final	SN.534	(4) Note: Minimum 50% of the above key personnel shall have been regular employees of the Bidder for at least 2 years. Chief Project Manager and Interface Manager shall necessarily meet this condition.	Minimum 50% of the referred key personnel shall have been regular employees of the bidder or of a relevant entity under the same parent company, for at least 2 years. Chief project manager & interface manager shall necessarily meet this condition.
20.	2.	Corrig-IX-Annex-2. Reply of Pre-Bid queries Final	SN. 552	During all the warranty period, should one or several RAM requirements not being achieved for reasons under the responsibility of the Contractor, the Contractor shall improve the System by modifications of software, material, or procedures until the System met all the requirements. In this case, extension of warranties shall be implemented at no additional cost for the Employer.	Tender conditions prevail
21.	2.	Corrig-IX-Annex-2. Reply of Pre-Bid queries Final	SN. 615	Pursuant to the policy of the Government of India for 'Make in India' and promoting manufacturing and production of goods and services in India, Department of Industrial Policy and Promotion (DIPP), Ministry of Commerce and Industry has issued 'Public Procurement (Preference to Make in India), Order 2017' vide No. P-45021/2/2017-B.E.-II dated 15th June 2017 and Office Memorandum F.No.K-14011 / 09 /2014 /UTII/MRTS/C O-ORD of Govt. of India, Ministry of Housing and Urban Affairs dated 14th Nov 2017, both shall be applicable in this Bid.	The clause stands deleted.
22.	2.	Corrig-IX-Annex-2. Reply of Pre-Bid queries Final	SN. 656	Safety	Tender conditions prevail. As indicated in ITB that Contractor shall assess the site themselves including physically inspecting the site (which is facilitated by Maha-Metro). By this requirement, Contractor to assess the situation and take actions accordingly.
23.	2.	Corrig-IX-Annex-2. Reply of Pre-Bid queries Final	SN. 657	Intellectual Property Rights (IPR)	Tender conditions prevail. The Intellectual property being provided by the Contractor in the form written documents firmware, software, license or any other form will be used for the this project exclusively and neither be shared with any third party nor be used by Maha-Metro for any other purpose.

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