

MAHARASHTRA METRO RAIL CORPORATION LIMITED

Pune Metro Rail Project

Date: 06 June 2019

CORRIGENDUM – IX

Tender No.: P1/UGC03/2019

Name of Work: - DESIGN VERIFICATION, SUPPLY, INSTALLATION, TESTING AND COMMISSIONING & COMPREHENSIVE ANNUAL MAINTENANCE CONTRACT (CAMC) FOR 5 YEARS OF TUNNEL VENTILATION SYSTEM (TVS), TVS-SCADA, ENVIRONMENTAL CONTROL SYSTEM (ECS), ECS AND E&M-SCADA, LV POWER SYSTEM IN ASS FOR UNDERGROUND SECTION (SHIVAJI NAGAR, CIVIL COURT, BUDHWAR PETH, MANDAI AND SWARGATE) OF PUNE METRO RAIL PROJECT

Ref: Further to **Tender Document** dated 08 Jan 2019, **Corrigendum I** dated 21 Jan 2019, **Corrigendum II** dated 12 Mar 2019, **Corrigendum III** dated 22 Apr 2019, **Corrigendum IV** dated 24 Apr 2019, **Corrigendum V** dated 11 May 2019, **Corrigendum VI** dated 23 May 2019, **Corrigendum VII** dated 01 Jun 2019, **Corrigendum VIII** dated 01 Jun 2019.

The following document shall be part of Corrigendum IX:

- 1) Corrigendum – IX: Response to Pre – Bid Queries - **03 pages**



06/06/19

GM (Procurement)
Maha-Metro, PMRP

NAME OF WORK: DESIGN VERIFICATION, SUPPLY, INSTALLATION, TESTING AND COMMISSIONING & COMPREHENSIVE ANNUAL MAINTENANCE CONTRACT (CAMC) FOR 5 YEARS OF TUNNEL VENTILATION SYSTEM (TVS), TVS-SCADA, ENVIRONMENTAL CONTROL SYSTEM (ECS), ECS AND E&M-SCADA, LV POWER SYSTEM IN ASS FOR UNDERGROUND SECTION (SHIVAJI NAGAR, CIVIL COURT, BUDHWAR PETH, MANDAI AND SWARGATE) OF PUNE METRO RAIL PROJECT.

Item No.	Volume No	Clause No/Page No	Bid Condition/ Tender BOQ / Spec - Description	Bidder's Queries	Reply to Bidder's Queries
1.	Part III – Conditions of Contract & Contract Forms Section X – Particular Conditions of Contract	20.8 Procedure for appointment of arbitrators	<p>The arbitrators shall be appointed as per following procedure:</p> <p>a. In case of sole Arbitrator; Within 60 days from the day when a written and valid demand for arbitration is received by MD/Maha Metro, the Employer will forward a panel of three names to the Contractor. The Contractor shall have to choose one Arbitrator from the panel of three, to be appointed as sole Arbitrator within 30 days of dispatch of the request of the purchaser. If the Contractor fails to choose one Arbitrator within 30 days of the dispatch of the request of the Employer then MD/Maha-Metro shall appoint anyone Arbitrator from the panel of three arbitrators as sole arbitrator.</p> <p>b. In case of three Arbitrators; Within 60 days from the day when a written and valid demand for arbitration is received by MD/Maha Metro, the Employer will forward a panel of five names to the Contractor. The Contractor will then give his consent for any one name out of the panel to be appointed as one of the Arbitrators within 30 days of dispatch of the request by the Employer.</p> <p>.....</p>	<p>Clause 20.6.2 (i.e both 20.6.2.(a) and 20.6.2.b from page 77 to 78) of the Particular Conditions of Contract (Part 3 – Section X) aims to establish a contractual procedure of nomination of the arbitrators by the parties. Through this particular provision, the contractor shall choose its arbitrator on a panel of five (5) names selected by the client. This clause is not in accordance with the arbitration procedure of the Arbitration and Conciliation ACT of 1996 which allows the parties to freely choose the arbitrator of their choice. This clause is furthermore not in line with the principles of impartiality of the arbitrators and of fair settlement of disputes.</p> <p>Henceforth, we request you to delete clause 20.6.2 from the Particular Conditions of Contract so that the procedure of</p>	Tender condition prevails.

NAME OF WORK: DESIGN VERIFICATION, SUPPLY, INSTALLATION, TESTING AND COMMISSIONING & COMPREHENSIVE ANNUAL MAINTENANCE CONTRACT (CAMC) FOR 5 YEARS OF TUNNEL VENTILATION SYSTEM (TVS), TVS-SCADA, ENVIRONMENTAL CONTROL SYSTEM (ECS), ECS AND E&M-SCADA, LV POWER SYSTEM IN ASS FOR UNDERGROUND SECTION (SHIVAJI NAGAR, CIVIL COURT, BUDHWAR PETH, MANDAI AND SWARGATE) OF PUNE METRO RAIL PROJECT.

Item No.	Volume No	Clause No/Page No	Bid Condition/ Tender BOQ / Spec - Description	Bidder's Queries	Reply to Bidder's Queries
		Qualification and Experience of the Arbitrators to be appointed as per above sub clause shall have minimum qualification and experience as under:	nomination of the arbitrators shall be governed again by the Chapter III, Section 11.(3) of the Arbitration and Conciliation Act 1996.	
2.	Part III – Conditions of Contract & Contract Forms Section XI – Contract Forms	Parent Company Undertaking and Parent Company Guarantee		The issuance of a Parent Company Guarantee (PCG) by a French company in favor of its subsidiary (<i>such as Axima Concept as the mother company of Engie Axima India</i>) is subject to abiding by all the following mandatory French laws: <ul style="list-style-type: none"> The amount of the PCG shall be limited to the amount of the price borne by the said subsidiary. The said amount shall be clearly indicated or referred to (for example with a reference to the BOQ) in the PCG. 	The format for Parent Company Undertaking & Parent Company Guarantee in the Tender document stands valid without any warranted changes. The bidder's queries are also answered in the format itself. The bidder is not allowed to make any modification in the format.

NAME OF WORK: DESIGN VERIFICATION, SUPPLY, INSTALLATION, TESTING AND COMMISSIONING & COMPREHENSIVE ANNUAL MAINTENANCE CONTRACT (CAMC) FOR 5 YEARS OF TUNNEL VENTILATION SYSTEM (TVS), TVS-SCADA, ENVIRONMENTAL CONTROL SYSTEM (ECS), ECS AND E&M-SCADA, LV POWER SYSTEM IN ASS FOR UNDERGROUND SECTION (SHIVAJI NAGAR, CIVIL COURT, BUDHWAR PETH, MANDAI AND SWARGATE) OF PUNE METRO RAIL PROJECT.

Item No.	Volume No	Clause No/Page No	Bid Condition/ Tender BOQ / Spec - Description	Bidder's Queries	Reply to Bidder's Queries
				<ul style="list-style-type: none"> • The duration of the PCG shall be limited in time, with a calendar date at the latest. • The PCG should only cover the subsidiary and not the contractor as a whole if the contractor is a consortium. <p>The Parent Company Guarantee model provided in the tender P1/UGC03/2019 (Part 3 – Section XI – Contract Forms, page 14) does not clearly offers the possibility to include all those mandatory aspects.</p> <ul style="list-style-type: none"> ○ We request you to confirm the validity of such qualifications to the PCG model ○ Please find attached at this letter the draft of Axima's Parent & undertaking Company Guarantee for your validation. 	