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| Title | : | Pre Bid Clarifications -II |
| Employer | : | REC Transmission Projects Company Limited |
| Project | : | Construction of 220 kV S/C Transmission Line on D/C Tower (WZ-VI, ACSR DEER Conductor, 25 mm Radial Ice loading) on Turnkey Basis associated with Strengthening of Transmission System of JKPDD under PMDP Scheme-15 for 220 kV Transmission Line |
| Tender Ref No. | : | RECTPCL/PIA/JKPDD/TL-01, TL-02, TL-03, TL-04, TL-05 |
| Tender Event No | : | RECTPCL/19-20/TL/01 to 05 |

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| 1. | POA Format | It is expressly understood that this Power of Attorney shall remain valid binding and irrevocable till completion of the Defect Liability Period in terms Contract. | The format has requirement of issuing irrevocable POA till completion of the Defect Liability Period. Please allow the issue Power of Attorney till the signing of the contract. Further the Format demand for issuance of irrevocable basis. During the process of contract finalization and period upto defect Liability Person, the designated person may not be available for this project or with organization and organization decide to depute another person for this project. The Bidder/Contractor shall be allowed to issue new POA in case of any change in designated person. Please allow issuance of revocable POA as being allowed by Power Grid Corporation of India other utilities and delete this requirement. | Bid condition shall prevail |
| 2 | | | As per CEA, monthly report the process of funding has been mentioned wherein it is indicated that 10% approved project cost has to be provided by utility. Further 60% of eligible grant component shall be released only after receipt of 100% of utility contribution. Please clarify as per understanding during the meeting 100% funding is being done by REC/GOI which is contradicting the CEA monthly report. Further in case 10% is to be funded by utility please inform the status of receipt | It is to clarify that the project is being funded by Government of India under PMDP-15. |

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| | | | of utility contribution, as no fund from GOI will be received till utility contribution. | |
| 3 | | | On referring the CEA monthly report on Progress, the project estimated cost has increased significantly and approval is to be taken from CEA/JKPDD and GOI. Please inform whether the necessary approvals and grant consent has been received for these projects. | The approval is under consideration with the concerned authority. |
| 4 | | | Phyang to Diskit Transmission Line is passing through Karakoram Wildlife Sanctuary. (From AP 48/0 to Diskit SS), as per our understanding wild life approval process will generally take 12-15 months from the date of document submission, completion period of the line is 18 months which for executing agency is not possible to complete in this short duration of time frame. Please clarify whether wild life clearance will be required as the survey report do not give any details of WLS and status of clearances. | Final route of Transmission line will be decided after completion of detailed route survey by Successful Bidder and with consent of Employer/Owner. Further, it is to clarify that in case of requirement of wild life sanctuary clearance, the same shall be dealt in accordance to the provisions issued vide Amendment No. 3, Dated 05.12.2019. |
| 5 | Sample Forms and Procedure | f. It is expressly understood that this Power of Attorney shall | Please appreciate in any organization employee are transferable and changes organization. There is | Bid condition shall prevail |

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| | 12.A Power of Attorney | remain valid binding and irrevocable till completion of the Defect Liability Period in terms of the Contract. | requirement of issuing irrevocable POA till DLP which can be for more than 4 years for such difficult project. We are already providing necessary commercial assurance and can ensure issuance of new POA holder person before any change in person for all contractual purpose. Please allow issuance of revocable POA as being followed by Power Grid Corporation of India. | |
| 6 | Integrity Pact | We have gone through the format and request modification in following clause in line with other utility practices. | <p>a) Words ‘any employee’ is too wide a term for both bidder and buyer and difficult to establish in companies employing thousands of manpower.</p> <p>b) Words “any relative of an officer of the buyer has financial interest / stake in bidder’s firm” cannot be made applicable, it being too wide a Term and would also involve holding equity shares in buyer’s firm and firms being public listed companies, it is not possible to know the same.</p> <p>c) Fall Breach Clause provision – As prices is derived specific to the project and cannot be applied uniformly to different projects considering the project overheads.</p> | Bidders are requested to refer Amendment no. 7 in this regards |
| 7 | Wild Life | No declaration | Understand TL01 and TL02 has wild life clearance, | Final route of Transmission |

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| | Involvement | | which is not declared in Report. Please confirm. | line will be decided after completion of detailed route survey by Successful Bidder and with consent of Employer/Owner. Further, it is to clarify that in case of requirement of wild life sanctuary clearance, the same shall be dealt in accordance to the provisions issued vide Amendment No. 3, Dated 05.12.2019. |
| 8 | Annexure A to Amendment No.3, Cl No' 1.2, Page no' (1 of 10) | it is mentioned as,' The Ex-Works Price Components for tower accessories such as danger plate, phase plate, pole plates, number plate, anti-climbing device' span marker, bird guards, pipe & counterpoise earthing, Hardware Fittings' earth wire' Conductor accessories, earth wire accessories, HTLS Conductor' OPGW and composite Long rod | But the price variation formula for Earth wire' Hardware Fittings, Conductor and Earth wire Accessories, ACSR Conductor are given. | Bidders are requested to refer Amendment no. 7 in this regard. |

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| | | Insulator etc. and all other items not specifically mentioned below shall remain firm and no price adjustment shall be applicable for the price components of these items". | | |
| 9 | | General | We understand that labour cess shall be deducted only on Erection prices. Kindly confirm | To be dealt as per the provision of taxes and duties |
| 10 | Cl No. ITB, Cl 9, (I), (iv), | As per Cl No. ITB, Cl 9, (I), (iv), Power of Attorney is to be submitted in the prescribed form No-12A of Section-IX, Vol-I as per Clause 9.3 (b). However, as per the format has Requirement of issuing irrevocable POA which should be valid up to defect liability period. | <p>We would like to bring to your kind notice that as per the standard practice in all the utilities, the specific Power of Attorney of the Bid signing authority is kept valid till the time of signing of contract. Which is a visible timeframe of 2-3 months. This practice has been acceptable to all the central and state utilities for long time.</p> <p>Further the contract execution and defect liability is a long gestation period and Attorney holder, who is acting on behalf of contractor/bidder, may itself not remain associated with contractor until that time. While this in no case dilutes contractors responsibility for the defect liability period which is supported with an irrevocable performance guarantee.</p> | Bid condition shall prevail |

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| | | | Hence, this clause may please be suitably modified. | |
| 11 | Clause 3.12 Integrity Pact | <p>The BIDDER/SELLER or any employee of the BIDDER/SELLER or any person acting on behalf of the BIDDER/SELLER, either directly or indirectly, is a relative of any of the officers of the BUYER, or alternatively, if any relative of an officer of the BUYER has financial interest/stake in the BIDDER/SELLER's firm, the same shall be disclosed by the BIDDER/SELLER at the time of filing of tender.</p> <p>The term 'relative' for this purpose would be as defined in Section 6 of the Companies Act 1956.</p> | <p>Integrity Pact Format: - This has reference to the format of Integrity Pact to be submitted along with the bid, we have gone through the format and find that certain clauses need modifications to be practical and to be in line with prevailing business practices.</p> <p>a) As per Cl 3.12 it is mentioned that "The Bidder/ Seller or any employee of the Bidder/ Seller or any person acting on behalf of the Bidder/ Seller, either directly or indirectly, is a relative of any of the officers of the Buyer, or alternatively if any relative of officer of the Buyer has financial interest/ stake in the Bidder/ Seller's firm/ the same shall be disclosed by the Bidder/Seller at the time of filing of tender.</p> <p>In the view of the above, we would like to bring to your kind, notice that Words 'any employee' is too wide a term for both bidder and buyer and difficult to establish in companies employing thousands of manpower. In case of PGCIL, they include a declaration in the bid to mention names of Ex-employees of PGCIL engaged by a bidder at General Manager and above level. If desired, such</p> | Bidders are requested to refer Amendment no. 7 in this regard. |

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| | | | <p>requirement could only be added in the format. Moreover, words "any relative of an officer of the buyer has financial interest / stake in bidder's firm" cannot be made applicable, it being too wide a term and would involve scrutiny of complete equity holding of the bidder. For the companies listed and traded on BSE/NSE it's difficult to get the equity holding status on a daily basis. And even if this is done it cannot be ascertained by bidder as to which of its shareholders are related to the buyer or its any employee in any manner</p> <p>Further, Definition of Relative would not be as per section 6 of Companies Act 1956, as mentioned in the clause, but as per Section 2 (77) and Rule 4 of the Companies (Specification of Definition details) Rules, 2014.</p> | |
| 12 | Cl.7.- Fall Clause Integrity Pact | <p>Fall Clause</p> <p>a) The Bidder undertakes that during the previous one year, the Bidder has not supplied I is not supplying and/or has not agreed to supply similar product systems or subsystems at a price lower than that offered in the present</p> | <p>b) Cl.7.- Fall Clause, as per the clause it is mentioned as below:</p> <p>Fall Clause</p> <p>a) The Bidder undertakes that during the previous one year, the Bidder has not supplied I is not supplying and/or has not agreed to supply similar product systems or subsystems at a price lower than that offered in the present bid in respect of</p> | <p>Bidders are requested to refer Amendment no. 7 in this regard.</p> |

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| | | <p>bid in respect of same location as mentioned in the present bid to any other Ministry/Department of the Government of India or PSU.</p> <p>b) Further the Bidder unconditionally agrees and confirms that in case it is found at any stage that during the financial year in which bid was submitted by the bidder, the bidder had supplied/agreed to supply similar product systems or subsystems in respect of same location to any other Ministry/Department of the Government of India or a PSU at a price lower than that mentioned in the present bid ("Lower Price"),then the Buyer by providing a written notice to the Bidder shall be at liberty to apply Lower Price to the contract and accordingly reduce the contract value. The Bidder further undertakes to refund to the Buyer the difference between payment</p> | <p>same location as mentioned in the present bid to any other Ministry/Department of the Government of India or PSU.</p> <p>b) Further the Bidder unconditionally agrees and confirms that in case it is found at any stage that during the financial year in which bid was submitted by the bidder, the bidder had supplied/agreed to supply similar product systems or subsystems in respect of same location to any other Ministry/Department of the Government of India or a PSU at a price lower than that mentioned in the present bid ("Lower Price"),then the Buyer by providing a written notice to the Bidder shall be at liberty to apply Lower Price to the contract and accordingly reduce the contract value. The Bidder further undertakes to refund to the Buyer the difference between payment received under the contract and the Lower Price ("Price Difference") within 15 days of receipt of the said written notice.</p> <p>c) In case the Price Difference is not received by the Buyer from the Bidder within the period stipulated under clause 7 (b), then the Buyer shall be free to recover the Price difference from any amount due and payable to the Bidder under any contract or transaction undertaken with the Buyer.</p> | |

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| | | received under the contract and the Lower Price (" Price Difference ") within 15 days of receipt of the said written notice. c) In case the Price Difference is not received by the Buyer from the Bidder within the period stipulated under clause 7 (b), then the Buyer shall be free to recover the Price difference from any amount due and payable to the Bidder under any contract or transaction undertaken with the Buyer. | In view of the above clause, you will kindly appreciate that the prices offered in the bid vary from bid to bid, depending on the nature, complexity, magnitude, geography, specification, commercial terms viz - terms of payment, PV clauses, taxation, funding, validities etc., as well as market conditions. In view of this, above clause cannot be applicable and hence, need to be deleted. | |
| 13 | Cl. 12.1 Integrity Pact | 12.1 The validity of this Integrity Pact shall be from date of its signing and extend up to 5 years or the complete execution of the contract to the satisfaction of both the BUYER and the BIDDER/SELLER, including warranty period, whichever is later. In case BIDDER is unsuccessful, this Integrity Pact | As per 12.1, it is mentioned that "The validity of this Integrity Pact shall be from date of its signing and extend up to 5 years or the complete execution of the contract to the satisfaction of both the BUYER and the BIDDER/SELLER, including warranty period, whichever is later. In case BIDDER is unsuccessful, this Integrity Pact shall expire after six months from the date of the Signing of the contract". We request you to kindly modify the clause to read | Bid Provision shall prevail. |

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| | | shall expire after six months from the date of the Signing of the contract. | as 5 years from signing date or duration of contract including warranty period, whichever is earlier (instead of later, as mentioned). | |
| 14 | Cl. 1.2, Appendix-2, 4.2 Price Adjustment | The Ex-Works Price Components for tower accessories such as danger plate, phase plate, pole plates, number plate, anti-climbing device, span marker, bird guards, pipe & counterpoise earthing, Hardware Fittings, earthwire, Conductor accessories, HTLS Conductor, OPGW and Composite Long rod Insulator etc. and all other items not specifically mentioned below shall remain firm and no price adjustment shall be applicable for the price components of these items. | The Ex-Works Price Components for tower accessories such as danger plate, phase plate, pole plates, number plate, anti-climbing device, span marker, bird guards, pipe & counterpoise earthing and OPGW etc. and all other items not specifically mentioned below shall remain firm and no price adjustment shall be applicable for the price components of these items. <u>Remark</u> To remove (i) Hardware Fittings, Earth wire, Conductor accessories, earth wire accessories as they are variable (ii) HTLS Conductor and Composite Long rod insulator as they are not in the scope of the work. | Bidders are requested to refer Amendment – 7 in this regard. |
| | | | <u>PV Formula Price Index Change</u> Revision of Price Index Number for `Ferrous Metals' to Price Index Number for `Manufacture of Basic Metals' | Bidders are requested to refer Amendment – 7 in this regard. |

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| | | | <u>First Envelope – Bid Forms and Attachment</u> Attachment-3(QR) mentions to refer the Schedule QR of this Volume – Kindly provide the Schedule QR which is not available | Bidders are requested to Refer Vol-I, Section III, Qualification Requirement and Vol-III, Attachment – 3 (QR) in this regard. |
| | | | While going through the First Envelope, Attachment-12, after S. No. 3 (0) Suspension Clamp for Earthwire, price variation mentioned, but item is not specified. We presume it is Tension Clamp Assembly for Earthwire. Moreover after S. No. 3(c), 3(d),3(g) is missing. Last item is 3(m). please clarify | Bidders are requested to refer Amendment – 7 in this regard. |
| | Cl. 1.2, Appendix-2, 4.2 Price Adjustment | The Ex-Works Price Components for tower accessories such as danger plate, phase plate, pole plates, number plate, anti-climbing device, span marker, bird guards, pipe & counterpoise earthing, Hardware Fittings, earthwire, Conductor accessories, HTLS Conductor, OPGW | The Ex-Works Price Components for tower accessories such as danger plate, phase plate, pole plates, number plate, anti-climbing device, span marker, bird guards, pipe & counterpoise earthing and OPGW etc. and all other items not specifically mentioned below shall remain firm and no price adjustment shall be applicable for the price components of these items. Remarks: To remove (i) Hardware Fittings, Earth wire, Conductor | Bidders are requested to refer Amendment – 7 in this regard. |

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| | | and Composite Long rod Insulator etc. and all other items not specifically mentioned below shall remain firm and no price adjustment shall be applicable for the price components of these items. | accessories, earth wire accessories as they are variable (ii) HTLS Conductor and Composite Long rod insulator as they are not in the scope of the work. | |