

RESPONSE DOCUMENT No. II



**KARACHI WATER AND SEWERAGE BOARD
LOCAL GOVERNMENT & HOUSING TOWN PLANNING DEPARTMENT
GOVERNMENT OF SINDH**

TP1 WASTEWATER RECYCLING PROJECT

**DATED
29TH APRIL 2022**

IMPORTANT NOTICE/DISCLAIMER

This Response to Questions Document (the 'Response Document') is further to the Prequalification Document and the various queries received from the Prospective Bidders in respect of the prequalification process relating to the TP1 Wastewater Recycling Project (the 'Project').

This Response Document is being circulated by the Authority, solely for use by the recipients in preparing and submitting their Prequalification Applications for participation in the prequalification process in relation to the Project.

Unless expressly specified otherwise, all capitalized terms used herein shall bear the meaning ascribed thereto in the Prequalification Document.

This Response Document is not an agreement; its sole purpose is to provide interested parties with information that may be useful to them in preparing their Prequalification Applications in respect to the RFQ. The RFQ and this Response Document includes statements which reflect various assumptions and assessments arrived at by the Authority in relation to the Project. Such assumptions, assessments and statements do not purport to contain all the information that each Prospective Bidder may require. This Response Document may not be appropriate for all persons, and it is not possible for the Authority (including its employees, personnel, agents, consultants, advisors and/ or contractors etc.) to consider the investment objectives, financial situation and particular needs of each party, that relies on, reads or uses this Response Document.

Neither the Authority nor its employees, personnel, agents, consultants, advisors and contractors etc., make any representation (express or implied) as to the accuracy or completeness of the information contained herein, or in any other document made available to any person in connection with the prequalification process for the Project and the same shall have no liability for this Response Document or for any other written or oral communication transmitted to the recipient in the course of the recipient's evaluation of the Project. Neither the Authority, nor their employees, personnel, agents, consultants, advisors and contractors etc., will be liable in any manner whatsoever to reimburse or compensate the recipient for any costs, fees, damages or expenses incurred by the recipient in evaluating or acting upon this Response Document or otherwise in connection with the Project.

The Authority or any of its advisors has no liability for any statements, opinions or information provided in the RFQ. Each Prospective Bidder should, therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments, statements and information contained in the RFQ. The Prospective Bidders are required to undertake their independent assessment and to seek independent professional advice on any or all aspects of the RFQ. No decision should be based solely on the basis of the information provided in the RFQ and this Response Document.

The Authority expressly disavows any obligation or duty (whether in contract, tort or otherwise) to any Prospective Bidder. No Prospective Bidder is entitled to rely on the Authority's involvement in the preparation of this Response Document or in the prequalification process as a basis for preparing the Prequalification Application.

RESPONSES TO PROSPECTIVE BIDDERS' QUERIES

SR.	SECTION	PROSPECTIVE BIDDER'S QUERY	AUTHORITY'S RESPONSE
1.		<p>The authorization in the Power of Attorney includes "<i>execution of relevant Project documents with Authority as mandated by the Prequalification Document</i>".</p> <p>We understand the "<i>Project Documents as mandated by the Prequalification Documents</i>" means the documents related to only Prequalification process such as Affidavit (Annexure H), Non-Disclosure Agreement (Annexure I) and other related submission documents. Any agreement for execution of the Project which will be executed after awarded such as the Concession Agreement are not included by means of "<i>Project Documents as mandated by the Prequalification Documents</i>".</p> <p>Kindly confirm whether the above understanding is correct.</p>	<p>Please note that pursuant to Annexure – D (<i>Power of Attorney</i>) of the Pre-qualification Document, the Attorney is authorized "<i>generally to represent us in all its dealings with the Authority, any other Government entity or any person, in connection with the Project and thereafter for the execution of relevant Project documents with the Authority as mandated by the Prequalification Document</i>".</p> <p>Based on a review of the language (as reproduced herein above), the phrase 'Project documents' includes such documents as are to be executed after the award of the Project, such as the concession agreement.</p>
2.		<p>We would like you to extend the submission due date at least by six weeks.</p>	<p>Prequalification Application Submission Deadline has been extended to 15th June 2022 till 14:00 Hrs. by issuing a corrigendum in terms of Rule-21(2) of SPP Rules.</p> <p>The Authority has made available the corrigendum, including all the relevant information for the RFQ Stage of the bidding process, on the Virtual Data Room that is publicly accessible via web link https://urlzs.com/XdGh8 in terms of the Prequalification Document¹.</p>
3.		<p>As per the clause no 4.3.2 Financial Criteria-Submission of Evidence from Financial Nominee of the subject Prequalification Document. You are requested to please clarify being an independent bidder how can we submit Annexure G (Financial Nominee Letter of Comfort). Can It be on our letter head signed by our company accountant?</p>	<p>Please note that pursuant to Section 4.3.2 of the Pre-qualification Document, a Prospective Bidder, or if the Prospective Bidder is a Consortium, the Lead Member "<i>may choose to present financial statement from a Financial Nominee on the basis that the Financial Nominee shall satisfy Financial Criterion 1 in place of the Prospective Bidder / Lead Member.</i>" Further, "In</p>

¹ The additional information, including the Responses to Questions Document(s), if required for dissemination during the RFQ Stage, shall also be made available on the Virtual Data Room for ease of the Prospective Bidders in accessing all the relevant information in terms of the Prequalification Document.

			<p><i>addition, the Financial Nominee shall guarantee to the Authority certain of the Prospective Bidder's / Lead Member's obligations in the form set out in the Financial Nominee Letter of Comfort in Annexure – G. The Financial Nominee shall provide an executed letter of support in the form attached in Annexure - G”.</i></p> <p>Based on a review of the language reproduced herein above, please note that should the Prospective Bidder / Lead Member opt to have its ‘Financial Nominee’ satisfy Financial Criterion 1, the Financial Nominee shall provide the ‘Letter of Comfort’ in the form attached with the Pre-qualification Document as Annexure – G. Please note that such letter may be on the letterhead of the Financial Nominee. In the event, the Prospective Bidder does not opt to rely on a Financial Nominee, no such requirement may arise.</p>
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