



REQUEST FOR PROPOSALS FOR CONDUCTING EIA AND LARP STUDIES FOR I) GHOTKI KANDHKOT BRIDGE, II) M9-N5 LINK ROAD, AND III) MALIR EXPRESSWAY PROJECTS UNDER PPP MODE

RESPONSES TO QUERIES DOCUMENT

IMPORTANT NOTICE / DISCLAIMER

This Response To Queries Document (this **Response Document**) is further to the Request For Proposal (consisting of the Request For Proposal and Draft Consultancy Agreement) issued on 11th March 2020 (the **RFP Documents**) in respect of the bidding process relating to hiring a consultancy firm / consortium for conducting Environmental Impact Assessment (EIA) and Land Acquisition and Resettlement Plan (LARP) Studies for i) Ghotki Kandhkot Bridge Project; ii) M9-N5 Link Road Project; and iii) Malir Expressway Project under PPP mode as per Asian Development Bank (ADB) standards / requirements (the **Assignment**).

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RESPONSES TO QUERIES

Following are the answers / clarifications to the questions / queries raised by the interested / potential bidders during the pre-bid meeting held on Tuesday, 17th March 2020, and subsequently through email(s), in respect of the Request of Proposals issued by the Finance Department, Government of Sindh in relation to the captioned project.

S#	QUESTION / QUERY	ANSWER / CLARIFICATION
1.	<p>Section 2.18 Basic Eligibility Criteria From the above section, item no. 5 states:</p> <p>“In case of Consortium, the Consortium Agreement shall be submitted pursuant to clause 2.27. Sub-consultant’s credentials & experience is not eligible for scoring. Furthermore, global experience of parent company or associated firm(s) abroad is also not eligible for scoring..”</p> <p>The above raised point raises many difficulties in terms of hiring very specialised services solicited in the RFP, which are only available with foreign firms and not available within the country. This includes for instance, the Modelling of Underwater Noise Survey, which is a critical component of the Ghotki Kandhkot Bridge EIA. As you may be aware, and also raised by respected ADB representative in the 1st pre-bid meeting, this expertise is not available within Pakistan, nevertheless the representative stressed that it has to be sourced from abroad through reputable firms. These services will understandably be procured by bidders by bringing on-board these foreign expertise as sub-consultants for a very specialized niche service (underwater noise survey is included in only 1 EIA out of 3, and not part of the 3 LARPs). However simultaneously the RFP states (see above) that Sub-Consultants’ credentials & experience will not be eligible for scoring. The RFP also states that the global experience of that specialized service provider (in this case the underwater noise survey) will not be counted.</p> <p>In this case it would not be reasonably possible to bring on-board specialized expertise for this crucial task, WITHOUT it being considered as Sub-Consultants AND their credentials deemed eligible for evaluation.</p>	<p><u>Sub-consultant’s credentials & experience is not eligible for scoring.</u> For this purpose, it is important to understand as to who will be treated as a sub-consultant(s). If any local firm (lead advisor) is making a Consortium with any international/local firm(s) for the modelling of Underwater Noise Survey or any other task under the Assignment, and subsequently enters into Consortium Agreement with that local/international firm(s), then the staff/employees/consultants of both the local firm (lead advisor) and local/international firm will all together be treated as consultants of the consortium and will be eligible for scoring. This restriction only applies to sub-consultant(s) whom the lead bidder/advisor or consortium member hires as an outsider consultant, and he/she is neither staff/employees/consultants of the lead bidder/advisor nor any of the consortium members. So, this requirement shall be intact as it is.</p> <p><u>Global experience of parent company or associated firm(s) abroad is also not eligible for scoring.</u> For the sake of clarity, the experience of the lead bidder/advisor and any of its consortium members (local or international), with whom a Consortium Agreement has been executed, will be eligible and counted for scoring. This requirement just excludes the experience of any parent or associated firm/company of the lead bidder/advisor and any of its consortium members, and makes it ineligible for scoring. Therefore, this requirement shall be intact as it is.</p>

	<p>We therefore request that the above mentioned clause be rectified to allow the Subconsultants' credentials to be made eligible (as well as their global experience in similar projects to be considered, since being a niche service and with no local expertise available in the first place, there would not be any actual local experience available for this specialized service within the country).</p>	
<p>2.</p>	<p>Consortium Agreement and required documents In the above mentioned clause 2.18 and also in 2.27, the conditions and documents required for the Consortium are very elaborate and detailed for a bidding stage. We concur that a basic MOU between Consortium members can be provided along with respective Letter of Associations. However the remaining conditions such those mentioned in 2.27 (iii, iv and v) are much too elaborate (not to mention time-consuming) to prepare for a bidding stage, and are only formalized between the partners once a contract is actually awarded to a Consortium.</p> <p>Specifically, given the current circumstances of business due to the Corona virus pandemic, where businesses are operating remotely, it would not be feasible for all the required detailed documents to be procured from all consortium partners and submitted in time.</p> <p>We therefore request that the clauses of 2.18 and 2.27 be relaxed in this regard.</p>	<p>The requirements of a Consortium Agreement, as provided under section 2.27 of the RFP shall be complied with. However in case, where any international firm(s) is part of the Consortium it is understandable that it will not be possible for them to send an authorized signatory/representative here and sign the Consortium Agreement on the local non-judicial stamp paper. Therefore, in case of any international firm(s) being part of the Consortium, the Consortium Agreement printed on lead bidder/advisor's letter head or even plain white paper, complying with the requirements of section 2.27 of the RFP, duly signed by all the parties to the agreement (for example, the international firm may sign and scan the Agreement and email to lead advisor, and the lead advisor may countersign the Agreement), will be acceptable.</p> <p>Furthermore, for the sake of clarity, it is submitted that the Consortium Agreement thus provided by potential bidders, must encapsulate all the elements as mentioned in section 2.27. In other words, the form and style of the Consortium Agreement is the potential bidders prerogative, however the substance must encapsulate all the elements mentioned in section 2.27.</p>
<p>3.</p>	<p>Extension of Time of Bid Submission In light of the urgency of the above-two points which both relate to critical factors governing the evaluation of Bids, we understand the PPP unit will require time for discussing the options and then reformulating a response to the prospective bidders. Secondly, the bid preparation processes at the ends of both bid submitters as well as possibly the bid solicitor being compromised due to the stretched resources owing to the Coronavirus outbreak within the country. It is therefore humbly requested that the bid submission time may be increased at the behest of the concerned authority.</p>	<p>Regretfully it is informed that the Consultant Selection Committee has decided not to extend the bids submission deadline and keep it as it is.</p>

4.	<p>Typographical Error in Affidavit Template (Section 8 of RFP) In the AFFIDAVIT Format provided in ITEM 8 (page 62), point (d) states:- “..does not fall within any of the circumstances for ineligibility listed in Section 2.16 (Basic Eligibility Criteria) of the Invitation for Proposal..” We believe the above should be Section 2.18 not 2.16.</p>	<p>The typographical error is hereby acknowledged, and is hereby corrected. In the AFFIDAVIT Format provided in ITEM 8 (page 62), point (d) shall accordingly be read as follows: “..does not fall within any of the circumstances for ineligibility listed in Section 2.18 (Basic Eligibility Criteria) of the Invitation for Proposal..”</p>
5.	<p>Inconsistency in Affidavit Template (Section 8 of RFP) and Basic Eligibility Criteria (Section 2.18 of RFP) In the AFFIDAVIT Format provided, it states very clearly the Lead Firm will represent and submit on behalf of all members of the Consortium, and therefore separate Affidavits should not be required to be submitted by individual Consortium members. (This correction should be made in Point 2.18, sub-point 3, which states separate submittals).</p>	<p>It is hereby clarified that the Affidavit template prevails in this case, i.e. the Lead Firm will represent and submit on behalf of all members of the Consortium, and therefore separate Affidavits will not be required to be submitted by individual Consortium members. Therefore, <i>“in case of consortium, every consortium member firm should provide it separately”</i> mentioned in point (3) of section 2.18 (<i>Basic Eligibility Criteria</i>) shall be treated as deleted.</p>
6.	<p>Registration With Relevant Tax Authority ITEM 2.18 (1) of the RFP requires the ‘Registration with the relevant tax authority’ (for each consortium member). We understand this would not apply to foreign counterparts/members of the consortium. Please confirm.</p>	<p>The understanding is correct. Registration with the relevant tax authority is required to be submitted by each local / national consortium member and not required in case of any foreign / international consortium member.</p>