

Request for Qualification (RFQ)

Pre-Qualification of Contractor for “Construction of Trade Centre” at Haldia, (W.B.) Under ASIDE scheme



Haldia Development Authority

Haldia Unnayan Bhawan, City Centre
P.O. -Debhog, Haldia, Dist - Purba Medinipore
West Bengal - 721657
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September 2011

Project Advisor:

Haldia Integrated Development Agency Ltd

A JV of HDA,  IL&FS | Infrastructure
and other Local Industries

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RFQ No. 01/HDA/2011-12

Date : _____

“Construction of Trade Centre” at Haldia, West Bengal under ASIDE Scheme for following categories (‘Project’)

Name of work: Construction of Exhibition Hall, Amphitheater, Convention Centre Auditorium, Meeting Room, Allied Facilities like Club, Banquet Hall, Guest House, Food Kiosk, Service Block, Gate Complex, site related physical infrastructure works like Roads, Water Supply System, Sewerage System, Storm Water Drainage System and internal –external electrical, HVAC, Fire fighting etc.

Contents:

Section I	Instructions to Applicants (ITA)
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Name and address of the Applicant to whom issued:

.....

Date of issue:

(Signed & Stamped)
(Haldia Development Authority)

NOTICE INVITING APPLICATION**RFQ No. 01/HDA/2011-12**

Haldia Development Authority (HDA) invites Application from the eligible Contractor to prequalify for **“Construction of Trade Centre” at Haldia, West Bengal under ASIDE Scheme** for following categories:

Name of Work	Approx. Estimated Cost	Period of Completion
Construction of Exhibition Hall ,Amphitheater, Convention Centre auditorium, Meeting room, Allied Facilities like club, Banquet hall, Guest House, Food Kiosk, Service Block, Gate complex ,site related physical infrastructure works like Roads, Water Supply System, Sewerage System, Storm Water Drainage System and internal -external electrical, HVAC, Fire fighting etc.	Rs. 14.53 Cr.	15 Months

The Eligibility Criteria and other terms and conditions are given in RFQ document. The RFQ document may be obtained on all working days from Haldia Development office on payment of **Rs 3,000/-** (non refundable), through account payee Demand Draft from Nationalized Bank in favour of **“CEO, Haldia Development Authority”** payable at Haldia. The RFQ document may also be downloaded from the www.hdaindiacom and submitted along with the Demand Draft as mentioned above.

The last date for submission of Application is 1500 Hrs on 17th October 2011 at H.D.A office.

Eligible firms will be short listed after the evaluation of the application documents received by HDA in response to this RFQ. A Request for Proposal (RFP) document will be issued to short listed applicants by HDA at a later stage. HDA reserves the right to accept or reject any or all the Applications received without assigning any reason(s) thereof.

Yours faithfully,

Chief Executive Officer.
Haldia Development Authority (HDA)

Disclaimer

The information contained in this Request for Qualification document ("RFQ") or subsequently provided to Applicant(s), whether verbally or in documentary form or otherwise, by or on behalf of Haldia Development Authority (collectively referred to as the "**Authority**") or any of its employees or advisors, is provided to Applicant(s) on the terms and conditions set out in this RFQ and such other terms and conditions subject to which such information is provided.

This RFQ is not an agreement and is neither an offer nor invitation by the Authority to the prospective Applicants or any other person. The purpose of this RFQ is to provide interested parties with information to assist in the formulation of their application for qualification pursuant to this RFQ (the "Application"). This RFQ includes statements, which reflect various assumptions and assessments arrived at by the Authority in relation to the Project. Such assumptions and statements do not purport to contain all the information that each Applicant may require. This RFQ may not be appropriate for all persons, and it is not possible for the Authority, their employees or advisors to consider the investment objectives, financial situation and particular needs of each party who reads or uses this RFQ. The assumptions, assessments, statements and information contained in this RFQ may not be complete, accurate, adequate or correct and each Applicant should conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments and information contained in this RFQ and obtain independent advice from appropriate sources.

The Authority, its employees and advisors make no representation or warranty and shall have no liability to any person, including any Applicant or Bidder, under any law, statute, rules or regulations or tort, principles of restitution or unjust enrichment or otherwise for any loss, damages, cost or expense which may arise from or be incurred or suffered on account of anything contained in this RFQ or otherwise, including the accuracy, adequacy, correctness, reliability or completeness of the RFQ and any assessment, assumption or information contained therein or deemed to form part of this RFQ or arising in any way with pre-qualification of Applicants for participation in the Bidding Process.

The Authority may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in this RFQ.

The issue of this RFQ does not imply that the Authority is bound to select and shortlist pre-qualified Applications for Bid Stage or to appoint preferred bidder as the case may be, for the Project and reserves the right to reject all or any of the Applications or Bids without assigning any reasons whatsoever.

SECTION 1- INSTRUCTIONS TO APPLICANTS (ITA)

INSTRUCTIONS TO APPLICANTS

A. GENERAL

The Authority intends to pre-qualify and short-list suitable Applicants (the “**Bidders**”) who will be eligible for participation in the Bid Stage, for awarding the Project through an open competitive bidding process in accordance with the procedure set out herein.

The Authority has adopted a two-stage process (collectively referred to as the “**Bidding Process**”) for selection of the bidder for award of the Project. The first stage (the “**Qualification Stage**”) of the process involves qualification of interested parties who make an Application in accordance with the provisions of this RFQ (the “**Applicant**”). Prior to making an Application, the Applicant shall pay to the Authority a sum of Rs. 3,000 (Rupees Three thousand) as the cost of the RFQ process. At the end of this stage, the Authority expects to announce a list of pre-qualified Applicants who shall be eligible for participation in the second stage of the Bidding Process (the “**Bid Stage**”) comprising Request for Proposals (the “**Request for Proposals**” or “**RFP**”).

The selected Bidder (the “**Contractor**”) shall be responsible for construction of the Project under and in accordance with the provisions of a contract agreement (the “**Contract Agreement**”) to be entered into between the Contractor and the Authority in the form provided by the Authority as part of the Bidding Documents pursuant hereto.

In the Bid Stage, the Bidders will be called upon to submit their financial offers (the “**Bids**”) in accordance with the RFP and other documents to be provided by the Authority (collectively the “**Bidding Documents**”). The Bidding Documents for the Project will be provided to every qualified Bidder on payment of Rs. 5000 (Rupees Five Thousand only). The Bid shall be valid for a period of not less than 120 days from the bid due date or as may be specified in the RFP Document.

In terms of the RFP, a Bidder will be required to deposit, along with its Bid, a bid security, as may be defined at Bid Stage (the “**Bid Security**”).

Generally, the lowest Bidder shall be the selected Bidder. The remaining Bidders shall be kept in reserve and may, in accordance with the process specified in the RFP, be invited to match the Bid submitted by the lowest Bidder in case such Highest Bidder withdraws or is not selected for any reason. In the event that none of the other Bidders match the Bid of the Highest Bidder, the Authority may, in its discretion, invite fresh Bids from the remaining Bidders or annul the Bidding Process, as the case may be.

During the Bid Stage, Bidders are invited to examine the Project in greater detail, and to carry out, at their cost, such studies as may be required for submitting their respective Bids for award of the contract including implementation of the Project.

Bids will be invited for the Project on the basis of the lowest cost.

Further and other details of the process to be followed at the Bid Stage and the terms thereof will be spelt out in the Bidding Documents.

1.1 Scope of Application

1.1.1 Haldia Development Authority (the "Authority") being a facilitator in the industrial growth of the region, is desirous of developing a Trade Centre in a total land area of 18 acres at Sanghati Maidan near Ranichak, Haldia, W.B. under ASIDE scheme ('Project').

1.1.2 The objective is to develop the integrated facilities wherein industry can:

- Organize Buyers & Sellers meet for international / national buyers.
- Display different Products for vision buyers.
- Cater to the domestic and international corporate industries for their meeting and conference needs.
- Organize exhibitions throughout the year in different product group.
- Organize Seminars, Conferences & Conventions on trade related subjects.
- Conduct other trade, commerce & industry related event.

1.1.3 The Project components shall include:

a) On Site Infrastructure Component:

- Approx 13.5 m wide peripheral road
- Water distribution system within the site
- Storm water drainage system
- On street parking for approx 250 car park
- Sewerage system with ST tank
- External electrification and street lighting works
- Development of Plaza and Landscape work
- Creation of Water body for Water harvesting process

b) Building Construction Component: (Approx built up area of 88000 sft.)

- Exhibition halls (one A.C. & two Non A.C. hall)
- Convention Centre (Auditorium, Meeting Room, Reception/Lobby/Services)
- Allied facilities (Club, swimming pool Banquet Hall, Guest House, Food Court)
- Amphitheatre
- Food Kiosk
- Others (Toilet, Service Block, Gate Complex, Plaza)

The detailed specifications and BOQ of the Project components shall be provided at the Bid stage.

1.1.4 The Authority wishes to receive Applications for Qualification from reputed and experienced Contractors to short-list for the Bid Stage.

1.1.5 Short-listed Applicants would be subsequently invited to submit the Bids for the Project.

1.2 Pre Qualification Criteria

- 1.2.1 Applicants must read carefully the pre-qualification criteria provided herein. Application of only those Applicants who satisfy the pre-qualification criteria will be considered for further evaluation.
- 1.2.2 An Applicant shall not have a conflict of interest. All Applicants found to have a conflict of interest shall be disqualified. An Applicant shall be deemed to have a Conflict of Interest affecting the Bidding Process, if:
- (i) the Applicant, its Associate (or any constituent thereof) and any other Applicant or any Associate thereof, have common controlling shareholders or other ownership interest; provided that this disqualification shall not apply in cases where the direct or indirect shareholding of an Applicant, or an Associate thereof (or any shareholder thereof having a shareholding of more than 5% (five per cent) of the paid up and subscribed share capital of such Applicant or Associate, as the case may be) in the other Applicant, its Associate is less than 5% (five per cent) of the subscribed and paid up equity share capital thereof; provided further that this disqualification shall not apply to any ownership by a bank, insurance company, pension fund or a public financial institution referred to in section 4A of the Companies Act, 1956. For the purposes of this Clause 1.2.2, indirect shareholding held through one or more intermediate persons shall be computed as follows: (aa) where any intermediary is controlled by a person through management control or otherwise, the entire shareholding held by such controlled intermediary in any other person (the "**Subject Person**") shall be taken into account for computing the shareholding of such controlling person in the Subject Person; and (bb) subject always to sub-clause (aa) above, where a person does not exercise control over an intermediary, which has shareholding in the Subject Person, the computation of indirect shareholding of such person in the Subject Person shall be undertaken on a proportionate basis; provided, however, that no such shareholding shall be reckoned under this sub-clause (bb) if the shareholding of such person in the intermediary is less than 26% (twenty six per cent) of the subscribed and paid up equity shareholding of such intermediary; or
 - (iii) such Applicant, or any Associate thereof receives or has received any direct or indirect subsidy, grant, concessional loan or subordinated debt from any other Applicant, or any Associate thereof or has provided any such subsidy, grant, concessional loan or subordinated debt to any other Applicant or any Associate thereof; or
 - (iv) such Applicant has the same legal representative for purposes of this Application as any other Applicant; or
 - (v) such Applicant, or any Associate thereof has a relationship with another Applicant, or any Associate thereof, directly or through common third party/ parties, that puts either or both of them in a position to have access to each others' information about, or to influence the Application of either or each other; or
 - (vi) such Applicant, or any Associate thereof has participated as a consultant to the Authority in the preparation of any documents, design or technical specifications of the Project.

- 1.2.3 An Applicant shall be liable for disqualification if any legal, financial or technical adviser of the Authority in relation to the Project is engaged by the Applicant or any Associate thereof, as the case may be, in any manner for matters related to or incidental to the Project. For the avoidance of doubt, this disqualification shall not apply where such adviser was engaged by the Applicant, or its Associate in the past but its assignment expired or was terminated 6 (six) months prior to the date of issue of this RFQ. Nor will this disqualification apply where such adviser is engaged after a period of 3 (three) years from the date of execution of the Contract Agreement.
- 1.2.4 To be eligible for pre-qualification and short-listing, an Applicant shall fulfill the following conditions of eligibility:

(A) Technical Capacity:

1. The Applicant must be in existence as a contracting firm at least for last 5 years.
2. Experience should be in the name of the Applicant Firm only.
3. All technical experience must have in the form of Client Certificate / Statutory Auditor's certificate.
4. Experience of having successfully completed integrated Multi component infrastructure during the last 5 years, ending last day of the month previous to the one in which applications are invited from Government or semi Government/Undertaking organization.

Three Similar Works, each costing not less than the amount equal to 4.5 Crores

Or

Two Similar Works, each costing not less than the amount equal to 6 Crores.

Or

One Similar Work costing not less than the amount equal to 9 Crores.

The bidder should submit proof of technical capability of design and implementing Pre-engineering/ Large Span MS Steel Structure.

In respect of the works completed in India, the value of executed works shall be brought to current costing level by enhancing the actual value of work to bring to a common base. The enhancement factor for the year 2010-11 will be 1.0.

Year before	Multiplying factor
One (2009-2010)	1.10
Two (2008-2009)	1.21
Three (2007-2008)	1.33
Four (2006-2007)	1.46

In case the completed works have been executed in a foreign country, the above enhancement factors will not be applied. In such a case, the relevant foreign currency will be converted into equivalent Indian Rupees (INR), at the State Bank of India BC selling rate as on 28 days prior to Application Due Date.

5. **“Similar Works”** for the purposes of this RFQ shall mean integrated infrastructure project (inter alia including Trade Centre/Exhibition complex / Craft Complex/ Mela Ground/Auditorium or Convention centre/ Industrial complex etc.) of an area not less than 3 acre including Civil construction work, preferably construction of large span structure, including Landscape work, electrical work, interior works, public health engineering, HVAC work, Fire fighting arrangement.

(B) Financial Capacity:

1. **Turnover:** The Applicant should have a minimum average Annual Construction Turnover of Rs. 15 crores over the last 3 financial years (FY 2008-09 to 2010-11). Copy of audited financial statements for last 5 years to be enclosed (FY 2006-07 to 2010-11).
2. **Net Worth:** The Applicant should have a minimum Net Worth of Rs 5 Crores as on 31st March 2011.
3. The Applicant should not have incurred any loss (Profit after Tax) in more than 2 years in last 5 financial years ending FY 2010-11, duly certified by a Chartered Account.
4. **Solvency:** The Applicant should have a solvency of at least Rs. 6 Crores at the end of last financial year (FY 2010-11). Solvency certificate from the bankers to be enclosed.

1.3 Number of Applications

Each Applicant shall submit only 1 (one) Application in response to this RFQ. Any Applicant, who submits or participates in more than one Application, will be disqualified.

1.4 Application and other costs

The Applicant shall be responsible for all of the costs associated with the preparation of its Application and its participation in either the Qualification Stage or the Bid Stage. The Authority will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the Bidding Process.

1.5 Project inspection and site visit

- 1.5.1 Applicants are encouraged to submit their respective Applications after visiting the Project site and ascertaining for themselves the location, surroundings, climate, availability of power, water and other utilities for construction, access to site, handling and storage of materials, weather data, applicable laws and regulations or any other matter considered relevant by them.
- 1.5.2 It shall be deemed that by submitting the Application, the Applicant has made a complete and careful examination of the RFQ and received all relevant information requested from the Authority.

- 1.5.3 The Authority shall not be liable for any omission, mistake or error on the part of the Applicant in respect of any of the above or on account of any matter or thing arising out of or concerning or relating to RFQ or the Bidding Process, including any error or mistake therein or in any information or data given by the Authority.

1.6 Right to accept or reject any or all Applications

- 1.6.1 Notwithstanding anything contained in this RFQ, the Authority reserves the right to accept or reject any Application and to annul the bidding process and reject all Applications, at any time without any liability whatsoever or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereof.

- 1.6.2 The Authority reserves the right to reject any Application if:

- a) at any time, a material misrepresentation is made or uncovered, **or**
- b) the Applicant does not provide, within the time specified by the Authority, the supplemental information sought by the Authority for evaluation of the Application.
- c) Such misrepresentation/improper response would lead to the disqualification of the Applicant.

B. DOCUMENTS

1.7 Contents of the RFQ

This RFQ comprises the contents as listed below, and would additionally include any Addenda issued in accordance with Clause 1.10.

Section I: Instructions to Applicants (ITA)

Section II: Pre Qualification Formats

1. Form 1: Letter of Application (Form1)
2. Form 2:Details of Applicant
3. Form 3:Power of Attorney for signing of Application
4. Form 4: Details of Similar Works Undertaken
5. Form 5: Litigation/ Arbitration History
6. Form 6: Financial Capability of Applicant

1.8 Pre-Application Conference

A pre-Application conference will be held on 10th October 2011 at H.D.A office for the interested parties. Meeting time shall be convened later. Only those persons who have purchased the RFQ document shall be allowed to participate in the Bidding Process. Applicants who have downloaded the RFQ document from the Authority's website should submit a Demand Draft of Rs. 3,000 (Rs. Three thousand only) from Nationalized Bank in favour of "**CEO, Haldia Development Authority**" payable at Haldia towards the cost of the RFQ document, through their representative attending the conference. A maximum of two representatives of each Applicant shall be allowed to participate on production of authority letter from the Applicant.

1.9 Clarifications

- 1.9.1 A prospective Applicant requiring any clarification on the RFQ may notify the Authority in writing or by fax at the address given in clause 1.13.3. The Applicants should send in their queries at least seven days before the application due date. The Authority would endeavour to respond to the queries within the specified period. The responses will be sent by fax or e-mail. The Authority will forward all the queries and its responses thereto, to all purchasers of the RFQ without identifying the source of queries.
- 1.9.2 The Authority reserves the right not to respond to questions raised or provide clarifications sought, in its sole discretion. Nothing in this clause shall be taken or read as compelling or requiring the Authority to respond to any question or to provide any clarification.

1.10 Amendment of RFQ

- 1.10.1 At any time prior to the deadline for submission of Application, the Authority may, for any reason, whether at its own initiative or in response to clarifications requested by an Applicant, modify the RFQ by the issuance of Addenda.
- 1.10.2 Any Addendum thus issued will be sent in writing to all those who have purchased the RFQ.
- 1.10.3 In order to afford the Applicants a reasonable time in which to take an Addendum into account, or for any other reason, the Authority may, at its own discretion, extend the Application Due Date.

C. PREPARATION AND SUBMISSION OF APPLICATION

1.11 Language

The Application and all related correspondence and documents should be written in the English language. Supporting documents and printed literature furnished by the Applicant with the Application may be in any other language provided that they are accompanied by appropriate translations of the pertinent passages in the English language. Supporting materials, which are not translated into English, may not be considered. For the purpose of interpretation and evaluation of the Application, the English language translation shall prevail.

1.12 Format and signing of Application

- 1.12.1 The Applicant shall provide all the information sought under this RFQ. The Authority would evaluate only those Applications that are received in the required format and complete in all respects. Incomplete and / or conditional Applications shall be liable to rejection.
- 1.12.2 The Applicant shall prepare one original set of the documents comprising the Application (together with originals/copies of documents required to be submitted along therewith pursuant to this RFQ) and clearly marked "ORIGINAL". In addition,

the Applicant shall submit 1 (one) copy of the Application, marked "COPY". In the event of any discrepancy between the original and the copies, the original shall prevail.

- 1.12.3 Each page of the Application and its copy shall be typed or written in indelible ink, stamped and the Applicant shall initial each page. All the alterations, omissions, additions or any other amendments made to the Application shall be initialled by the person(s) signing the Application. The Application shall contain page numbers and shall be hard bound.

1.13 Sealing and marking of Applications

- 1.13.1 The Applicant shall seal the original and copy of the Application, together with their respective enclosures, in separate envelopes duly marking the envelopes as "ORIGINAL" and "COPY". The envelopes shall then be sealed in an outer envelope.

- 1.13.2 Each envelope shall contain Application in the prescribed formats (**Form 1 to Form 6**) along with supporting documents and a receipt for payment of cost of RFQ Document

The envelopes shall clearly bear the following identification:

"Application for Qualification: Construction of Trade Centre" at Haldia, W.B. under ASIDE Scheme

- 1.13.3 The envelope shall be addressed to:

**The Chief Executive Officer.
Haldia Development Authority
Haldia Unnayan Bhawan, City Centre,
P.O.-Debhog, Haldia, Dist - Purba Medinipore
West Bengal - 721657**

- 1.13.4 If the envelope is not sealed and marked as instructed above, the Authority assumes no responsibility for the misplacement or premature opening of the contents of the Application submitted.

1.14 Application Due Date

- 1.14.1 Applications should reach the Authority before **1500 hours on 17th October 2011** (the "**Application Due Date**"), at the address provided in Clause 1.13.3 in the manner and form as detailed in this RFQ. Applications submitted by either facsimile transmission or telex will not be acceptable.

- 1.14.2 The Authority may, in exceptional circumstances and at its sole discretion, extend the Application Due Date by issuing an Addendum in accordance with Clause 1.10 uniformly for all Applicants.

1.15 Late Applications

Applications received by the Authority after the Application Due Date shall not be eligible for consideration and shall be summarily rejected.

1.16 Modifications/ substitution/ withdrawal of Applications

- 1.16.1 The Applicant may modify, substitute or withdraw its Application after submission, provided that written notice of the modification, substitution or withdrawal is received by the Authority prior to the Application Due Date. No Application shall be modified, substituted or withdrawn by the Applicant on or after the Application Due Date.
- 1.16.2 The modification, substitution or withdrawal notice shall be prepared, sealed, marked, and delivered in accordance with Clause 1.13, with the envelopes being additionally marked "MODIFICATION", "SUBSTITUTION" or "WITHDRAWAL", as appropriate.
- 1.16.3 Any alteration/ modification in the Application or additional information supplied subsequent to the Application Due Date, unless the same has been expressly sought for by the Authority, shall be disregarded.

D. EVALUATION PROCESS**1.16 Evaluation of Applications**

- 1.16.1 The Authority would open the Applications on the Application Due Date, or on any working day thereafter, for the purposes of evaluation in the presence of the representatives of the Applicants who chose to attend. Applications for which a notice of withdrawal has been submitted in accordance with Clause 1.16 shall not be opened.
- 1.16.2 The Authority would subsequently examine and evaluate Applications in accordance with the prequalification criteria specified in Clause 1.2.
- 1.16.3 Prior to evaluation of Applications, the Authority will determine whether each Application is responsive to the requirements of the RFQ. An Application shall be considered responsive if the Application:
- a) is received by the Application Due Date including any extension thereof pursuant to Clause 1.14.2;
 - b) is signed, sealed and marked as stipulated in Clause 1.13;
 - c) is accompanied by the Power of Attorney and Board Resolution as specified in Form 3;
 - d) contains all the information (complete in all respects) as requested in the RFQ;
 - e) contains information in formats same as those specified in this RFQ; and
 - f) it contains an attested copy of the receipt for payment of Rs. 3000/- (three thousand) to the Authority towards the cost of the RFQ document.
- 1.16.4 The evaluation of Applicants shall be carried out in terms of Pass/Fail for both Technical and Financial Capacity specified in Clause 1.2. Only those Applicants who meet the prequalification criteria specified in Clause 1.2 above shall qualify for Bid stage. Applications of firms who do not meet the prequalification criteria shall be rejected.

- 1.16.5 Applicants are advised that pre-qualification of Applicants will be entirely at the discretion of the Authority. Applicants will be deemed to have understood and agreed that no explanation or justification on any aspect of the Bidding Process or selection will be given.
- 1.16.6 Any information contained in the Application shall not in anyway be construed as binding on the Authority, its agents, successors or assigns, but shall be binding against the Applicant if any Project is subsequently awarded to it under the Bidding Process on the basis of such information.
- 1.16.7 The Authority reserves the right not to proceed with the Bidding Process at any time without notice or liability and to reject any Application without assigning any reasons.
- 1.16.8 If any information furnished by the Applicant is found to be incomplete, or contained in formats other than those specified herein, the Authority may, in its sole discretion, exclude the relevant project/ work from consideration for evaluation of the Applications.
- 1.16.9 In the event that an Applicant claims credit for a Similar Work, and such claim is determined by the Authority as incorrect or erroneous, the Authority shall reject such claim and exclude the same from consideration for the purposes of evaluation. Where any information is found to be patently false or amounting to a material misrepresentation, the Authority reserves the right to reject the Application and/ or Bid in accordance with the provisions of Clauses 1.6.2 and 1.6.3

1.17 Confidentiality

Information relating to the examination, clarification, evaluation, and recommendation for the short-listed pre-qualified Applicants shall not be disclosed to any person who is not officially concerned with the process or is not a retained professional advisor advising the Authority in relation to, or matters arising out of, or concerning the Bidding Process. The Authority will treat all information, submitted as part of Application, in confidence and would require all those who have access to such material to treat the same in confidence. The Authority will not divulge any such information unless it is directed to do so by any statutory entity that has the power under law to require its disclosure or is to enforce or assert any right or privilege of the statutory entity and/or the Authority.

1.18 Short-listing and notification

After the evaluation of Applications, the Authority would announce a list of pre-qualified Applicants (Bidders) who will be eligible for participation in the Bid Stage. The Authority will not entertain any query or clarification from Applicants who fail to qualify.

1.19 Submission of Bids

The Bidders will be requested to submit a Bid in the form and manner to be set out in the Bidding Documents.

Only pre-qualified Applicants shall be invited by the Authority to submit their Bids for the Project. The Authority is likely to provide a comparatively short time span for submission of the Bids for the Project. The Applicants are therefore advised to visit the site and familiarise themselves with the Project by the time of submission of the Application. No extension of time is likely to be considered for submission of Bids pursuant to invitation that may be issued by the Authority.

1.20 Clarifications

- 1.20.1 To facilitate evaluation of Applications, the Authority may, at its sole discretion, seek clarifications from any Applicant regarding its Application. Such clarification(s) shall be provided within the time specified by the Authority for this purpose. Any request for clarification(s) and all clarification(s) shall be in writing.
- 1.20.2 If an Applicant does not provide clarifications sought above within the prescribed time, its Application shall be liable to be rejected. In case the Application is not rejected, the Authority may proceed to evaluate the Application by construing the particulars requiring clarification to the best of its understanding, and the Applicant shall be barred from subsequently questioning such interpretation of the Authority.

E. QUALIFICATION AND BIDDING

1.21 Proprietary Data

All documents and other information supplied by the Authority or submitted by an Applicant to the Authority shall remain or become the property of the Authority. Applicants are to treat all information as strictly confidential. The Authority will not return any Application or any information provided along therewith.

1.22 Fraud and Corrupt Practices

1.22.1 The Applicants and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the Bidding Process. The Authority shall reject an Application if it determines that the Applicant has, directly or indirectly or through an agent, engaged in corrupt, fraudulent, coercive, undesirable or restrictive practices in the Bidding Process.

1.22.2 For the purposes of this provision, the terms set forth are defined as follows:

- a) **“corrupt practice”** means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the action of a public official in the Bidding Process (for avoidance of doubt, offering of employment to, or employing, or engaging in any manner whatsoever, directly or indirectly, any official of the Authority who is or has been associated in any manner, directly or indirectly, with the Bidding Process or has dealt with matters concerning the Contract Agreement or arising therefrom, before or after the execution thereof, at any time prior to the expiry of one year from the date such official resigns or retires from or otherwise ceases to be in the service of the Authority, shall be deemed to constitute influencing the actions of a person connected with the Bidding Process); or (ii) save and except as permitted under Clause 1.2.4, engaging in any manner whatsoever, whether during the Bidding Process or after the issue of the LOA or after the execution of the Contract Agreement, as the case may be, any person in respect of any matter relating to the Project or the LOA or the Contract Agreement, who at any time has been or is a legal, financial or technical adviser of the Authority in relation to any matter concerning the Project;

- b) **“fraudulent practice”** means a misrepresentation or omission of facts in order to influence the Bidding Process ;
- c) **“coercive practice”** means harming or threatening to harm, directly or indirectly, persons or their property to influence their participation in the Bidding Process;
- d) **“undesirable practice”** means establishing contact with any person connected with or employed by the Authority with the objective of canvassing, lobbying or in any manner influencing or attempting to influence the Bidding Process; **and**
- e) **“restrictive practice”** means forming a cartel or arriving at any understanding or arrangement among Applicants with the objective of restricting or manipulating a full and fair competition in the Bidding Process.

1.22.3 Correspondence with the Applicant

Save and except as provided in this RFQ, the Authority shall not entertain any correspondence with any Applicant in relation to the acceptance or rejection of any Application.

1.23 Miscellaneous

1.23.1 The Bidding Process shall be governed by, and construed in accordance with, the laws of India and the Courts at Kolkata shall have jurisdiction over all disputes arising under, pursuant to and/ or in connection with the Bidding Process.

1.23.2 The Authority, in its sole discretion and without incurring any obligation or liability, reserves the right to:

- a) suspend and/or cancel the Bidding Process and/or amend and/or supplement the Bidding Process or modify the dates or other terms and conditions relating thereto;
- b) pre-qualify or not to pre-qualify any Applicant and/or to consult with any Applicant in order to receive clarification or further information;
- c) retain any information and/or evidence submitted to the Authority by, on behalf of, and/ or in relation to any Applicant; and/or
- d) independently verify, disqualify, reject and/ or accept any and all submissions or other information and/or evidence submitted by or on behalf of any Applicant.

1.23.3 It shall be deemed that by submitting the Application, the Applicant agrees and releases the Authority, its employees, agents and advisers, irrevocably, unconditionally, fully and finally from any and all liability for claims, losses, damages, costs, expenses or liabilities in any way related to or arising from the exercise of any rights and/or performance of any obligations hereunder, pursuant hereto and/or in connection herewith and waives any and all rights and/or claims it may have in this respect, whether actual or contingent, whether present or future.

SECTION II- PRE QUALIFICATION FORMATS

Form-1
Letter of Application

(On Applicant's letter head)

Dated:

To,
The Chief Executive Officer
Haldia Development Authority
Haldia Unnayan Bhawan, City Centre,
Po-Debhog, Haldia
Dist - Purba Medinipore,
West Bengal - 721657

Subject: Pre-Qualification of Contractor for "Construction of Trade Centre" at Haldia, (W.B.) Under ASIDE scheme

Name of Project: Construction of Exhibition Hall, Amphitheater, Convention Centre Auditorium, Meeting Room, Allied Facilities like Club, Banquet Hall, Guest House, Food Kiosk, Service Block, Gate Complex, site related physical infrastructure works like Roads, Water Supply System, Sewerage System, Storm Water Drainage System and internal -external electrical, HVAC, Fire fighting etc.

Dear Sir,

I/ We, _____ (Name of Applicant) having examined the RFQ document and understood its contents, hereby submit our Application for Qualifying as a Contractor in respect of the "Construction of Trade Centre" at Haldia, (W.B.) Under ASIDE scheme" and state that:

1. All information provided in the Application and in the Pre Qualification Formats is true and correct and all documents accompanying such Application are true copies of their respective originals.
2. I/ We shall make available to the Authority any additional information it may find necessary or require to supplement or authenticate the Application.
3. I/ We acknowledge the right of the Authority to reject our Application without assigning any reason or otherwise and hereby waive our right to challenge the same on any account whatsoever.
4. We certify that in the last three years, we have neither failed to perform on any contract, as evidenced by imposition of a penalty or a judicial pronouncement or arbitration award, nor been expelled from any project or contract nor have had any contract terminated for breach on our part.
5. I/We declare that:
 - a) I/we have examined and have no reservations to the RFQ Documents, including the Addendum(s) issued by the Authority.

- b) I/ we do not have any conflict of interest in accordance with Clauses 1.2.2 of the RFQ document; and
 - c) I/ we hereby certify that we have taken steps to ensure that no person acting for us or on our behalf will engage in any corrupt, fraudulent, coercive, undesirable or restrictive practices to influence the Bidding process.
6. I/We understand that you may cancel the Bidding Process at any time and that you are neither bound to accept any Application that you may receive nor to invite the Applicants to Bid for the Project, without incurring any liability to the Applicants, in accordance with Clause 1.16.7 of the RFQ document.
 7. I/ We certify that in regard to matters other than security and integrity of the country, we or any of our Associates have not been convicted by a Court of Law or indicted or adverse orders passed by a regulatory authority which could cast a doubt on our ability to undertake the Project or which relates to a grave offence that outrages the moral sense of the community.
 8. I/ We further certify that in regard to matters relating to security and integrity of the country, we or any of our/ their Associates have not been charge-sheeted by any agency of the Government or convicted by a Court of Law.
 9. I/ We further certify that no investigation by a regulatory authority is pending either against us or against our Associates or against our CEO or any of our directors/ managers/ employees.
 10. I/ We agree and undertake to abide by all the terms and conditions of the RFQ document.

Thanking you,

Yours faithfully,

(Signature of the Authorised Signatory)

(Name and designation of the Authorised Signatory)

(Seal of the Firm)

Form-2**DETAILS OF APPLICANT**

<p>1. Details of Applicant</p> <p>a) Name:</p> <p>b) Date of incorporation and/ or commencement of business:</p> <p>c) Country of incorporation:</p> <p>d) PAN No., VAT Reg. No. Sales Tax No., Service Tax No.</p> <p>e) Address of the Corporate and Registered office(s), if any, in India:</p>	
<p>2. Brief description of the Applicant including details of its main lines of business and proposed role and responsibilities in this Project:</p>	
<p>3. Details of individual(s) who will serve as the point of contact/ communication for the Authority:</p> <p>a) Name:</p> <p>b) Designation:</p> <p>c) Address:</p> <p>d) Telephone Number:</p> <p>e) E-Mail Address:</p> <p>f) Fax Number:</p>	
<p>4. Particulars of the Authorised Signatory of the Applicant:</p> <p>a) Name:</p> <p>b) Designation:</p> <p>c) Address:</p> <p>d) Phone Number:</p> <p>e) Fax Number:</p>	
<p>5. Has the Applicant been barred by the Central/ State Government, or any entity controlled by them, from participating in any project (Yes or No).</p> <p>If yes, kindly provide the necessary details.</p>	
<p>6. Manpower Details:</p>	

Notes:

1. Kindly Provide Applicant Profile ;
2. Kindly Provide certified copy of PAN No., VAT Reg. No. Sales Tax No., Service Tax No.
3. Kindly provide certified copy Certificate of Incorporation

Form-3
POWER OF ATTORNEY FOR SIGNING OF APPLICATION
(On the non-judicial stamp paper of Rs. 100)

Know all men by these presents, We..... (name and address of the registered office) do hereby constitute, nominate, appoint and authorise Mr/ Ms....., son/daughter/wife of and presently residing at, who is presently employed with us and holding the position of, as our true and lawful attorney (hereinafter referred to as the "Attorney") to do in our name and on our behalf, all such acts, deeds and things as are necessary or required in connection with or incidental to our pre-qualification and submission of our Application for "Construction of Trade Centre at Haldia, West Bengal Under ASIDE Scheme" including but not limited to signing and submission of all applications, bids and other documents and writings, participate in applicant /bidders and other conferences and providing information/ responses to the Authority, representing us in all matters before the Authority, signing and execution of all contracts and undertakings consequent to acceptance of our application, and generally dealing with the Authority in all matters in connection with or relating to or arising out of our application for the said Project and/ or upon award thereof to us till the entering into of the Contract Agreement with the Authority.

AND we hereby agree to ratify and confirm and do hereby ratify and confirm all acts, deeds and things lawfully done or caused to be done by our said Attorney pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Attorney in exercise of the powers hereby conferred shall and shall always be deemed to have been done by us.

IN WITNESS WHEREOF WE, THE ABOVE
 NAMED PRINCIPAL HAVE EXECUTED THIS POWER OF ATTORNEY ON THIS
 DAY OF, 20**

For

(Signature)
 (Name, Title and Address)

Witnesses:

1.

[Notarised]

2.

Accepted

.....

(Signature)

(Name, Title and Address of the Attorney)

Notes:

- *The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executant(s) and when*

it is so required, the same should be under common seal affixed in accordance with the required procedure.

- *The Applicant should submit for verification the extract of the charter documents and documents such as a board or shareholders' resolution/ power of attorney in favour of the person executing this Power of Attorney for the delegation of power hereunder on behalf of the Applicant.*
- *For a Power of Attorney executed and issued overseas, the document will also have to be legalised by the Indian Embassy and notarised in the jurisdiction where the Power of Attorney is being issued.*

Form-4
Details of Similar Works Undertaken

**Use Similar Format for each work/ project separately*

Name of Project :	
Client	
Land Use	<i>Auditorium cum Convention centre,/Exhibition Hall or Fairground</i>
Total Contract Value of project	
Area in Acres	
Details of Road Works	<i>Give details about length of road and cost of work</i>
Details of Water Supply Works	<i>Give details about length of water supply distribution lines with size of pipes, type of pipes, details of Overhead tanks, underground reservoirs, raw water storage tanks etc. and cost of each work</i>
Details of Sewerage System	<i>Give details about length of Sewerage Collection system with size of pipes, type of pipes, type of manholes, details of Pumping Stations etc. and cost of each work</i>
Details of Storm Water Drainage System	<i>Give details about length of Drainage System, type of drain, sump wells, pumping station etc. and cost of each work</i>
Details of Super structure /Building Construction works	<i>Give details about type of structure, use of structure, total built up area of structure, scope of work like electrical, plumbing, interior HVAC system etc</i>
Details of Landscape works	<i>Give details of landscape area</i>
Present Status of Project	
Project Duration	

Notes:

1. Use separate sheet for each Similar Projects
2. Kindly Provide the completion certificate issued by the Client (indicating inter alia the project cost and the payments received by the Applicant) for each of the Similar Works
3. The Applicant may attach separate sheets to provide brief particulars of other relevant experience of the Applicant.

Form-5

Litigation/Arbitration History

Year	Award FOR or AGAINST Applicant Firm	Name of client, cause of litigation/Arbitration and matter in dispute	Disputed amount (current value)	Actual Awarded Amount

Note:

1. Applicant should provide information on any history of litigation or arbitration resulting from contracts executed in the last five years ending FY 2010-11 or currently under execution.
2. In case of value in foreign currency, the figures are to be given in relevant currency and Figures in INR may be worked out as per SBI BC selling rates as per provisions of RFQ document.

Form-6
Financial Capability of Applicant

			In Rs. Crores
1.	Annual Construction Turnover (Last 5 Year)	FY 2010-11 FY 2009-10 FY 2008-09 FY 2007-08 FY 2006-07	
2.	Net Worth	FY 2010-11	
3.	Profit After Tax (PAT) (Last 5 Year)	FY 2010-11 FY 2009-10 FY 2008-09 FY 2007-08 FY 2006-07	
4.	Solvency	FY 2010-11	

Note:

1. Please submit audited Financial Statements of last five years (FY 2006-07 – FY 2010-11)
2. Please submit an Auditor's Certificate specifying the net worth of the Applicant and also specifying the methodology adopted for calculating such net worth is in accordance with sub clause 1.2.4 (B) 2. of the RFQ document.