



Bangladesh Inland Water Transport Authority (BIWTA)
Office of the Project Director
Bangladesh Regional Waterway Transport Project-1 (BRWTP 1)
BSC Tower (Level-21), 2-3 Rajuk Avenue, Motijheel C/A
Dhaka-1000, Bangladesh

Memo No.18.11.0000.181.14.159.20.048

Date: 21 September 2020

CLARIFICATION No. 04

Queries/observations/comments received from the Bidders on Bidding Documents of Contract No. BRWTP-W1A [Output and Performance-Based Contract (OPBC) for Works of Navigation Improvement with maintenance and Aids to Navigation with installation along inland waterway routes] and subsequent Responses (Q1 – Q6)

Reference: Requests for Clarifications submitted pursuant to ITB Clause 7.

| Q/ N ^o | Reference to Bidding Documents (Clause/Para /Page No.) | Specific Content | Bidder's Request for Clarifications / Inquiry | Response/Reply of BIWTA |
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| Q-1 | - | Addenda Nos. 1-7, Clarifications Nos. 1-2 | We have till today received seven Addendums, two clarifications, changes and rechanges of the QC, including hundreds of items of Amendments and Clarifications, revisions of Bills of Quantities etc. which have made the life of the Bidders difficult in consolidating and coordinating the amendments and identifying the latest status of the Tender Document. We request you to incorporate all the amendments and clarifications and prepare the Revised Bidding documents, which will be Bidder friendly act of you and save all concerned from misunderstanding. The present position of the Tender document, amendments and | Please be informed that Section I. Instructions to Bidders (ITB) envisions:(i) clarifications of the Bidding Documents pursuant to ITB Sub-Clause 7.1,(ii) Minutes of Pre-Bid Meetings pursuant to ITB Sub-Clause 7.6, and (iii)amendments of (addenda to) the Bidding Documents pursuant to ITB Clause 8. Such documents, along with the Bidding Documents themselves, serve different purposes and are mutually complementary, therefore may not be accommodated in one document. Re-issuance of the entire Bidding Documents is also not envisioned by the ITB/procurement procedure. Pursuant to ITB Sub-Clause 6.4 the Bidder is expected to examine all instructions, forms, terms, and specifications in the Bidding Documents. The same shall apply |

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| | | | clarifications may lead to lot of confusion in deciding the Winner Bidder. | to all Addenda to and Clarifications of the Bidding Documents. Failure to furnish all information or documentation required by the Bidding Documents (as amended pursuant to ITB Clause 8) may result in the rejection of the Bid. |
| Q-2 | Section I: Instructions to Bidders, ITB Clause 7: Clarification of Bidding Document, Site Visit, Pre-Bid Meeting, Page No. 11 | Site Visit | This is a specialized International Bid which cannot be competed by any local Bidder alone or as the lead Partner in the JV. It was required that we travel to your country and visit the site to quantify some of the undefined tasks of BOQ. During this Pandemic it was not possible for BIWT A to help in such visits of us specially in regards our Visa, International Ticket and avoiding Quarantine period in Bangladesh. Situations are improving and we would be able to come in mid-October, 2020 of our own. | As per ITB Sub-Clauses 7.2 & 7.3, the BIWTA shall grant permission to the Bidder and any of his personnel or agents to visit the Inland Waterways and surrounding lands for the purpose of bidding vis-à-vis the Contract Package No. BRWTP-W1A only upon the conditions mentioned in the aforesaid Sub-Clauses. However, the BIWTA may not assume responsibility for 'visa issues' of foreign personnel of potential bidders and does not commit assistance with issuing visas during the bidding stage. The possibility to visit the site was fully open for potential Bidders starting December 2019, when this procurement opportunity was announced and the Bidding Documents were made available to prospective Bidders, and until lockdown was imposed in Bangladesh in the end of March 2020. This is also to be informed that lockdown in Bangladesh has been lifted as of May 31, 2020. Site visit may be undertaken at least by local personnel starting from May 31, 2020 onwards. However, current COVID-19 pandemic and Bangladesh Government's response to that imposing unambiguous and/or conditional acquiescence upon international personnel movements necessitates to be considered as well. |
| Q-3 | - | Clarification No. 2, Supplementary Data | The hyper link that you have mentioned in your latest addendum has never worked which could provide data on water levels, Hydrographic Survey, Underwater obstacle-s, Bridge data etc. required for preparing the Bid Offer. Although you have mentioned that | There are no complaints from any other potential Bidder vis-à-vis opening the links to downloading the data on water levels, hydrographic survey, underwater obstacles and bridges & overhead/underwater cable lines, etc. Moreover, the links could be opened at the PIU office as well without any |

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| | | | these data could be downloaded it was never possible. | intricacy. |
| Q-4 | Section I: Instructions to Bidders, ITB Clause 30: Evaluation of Technical Parts, Page No. 23 | Evaluation of Bids - Technical Parts | <p>Technical Proposal which is required to be passed by the Bidder is a key element of this Tender unlike routine Tender for Works. But there is no quantifiable Pass-Fail criteria for this in the tender document. Some qualitative criteria have been mentioned for Key personnel. All of the above are confusing and go against the Bidding Rules of World Bank. If some Bidder prepares a three pages Proposal or 300 Pages Proposal, how will he be determined whether he will pass or not? Will the matter be kept with the Evaluation Committee to decide without any tangible basis?</p> <p>This amounts to lack of transparency because the matter of satisfaction and dissatisfaction about the Technical Proposal is kept with the discretion of the Evaluation Committee. Although this is a tender for Works, it includes also tender for Consultancy Services and so the evaluation of Technical Proposal should have been based on definite Qualification Criteria.</p> | <p>Complexity of this Contract Package, which is bid on OPBC (Output and Performance Based Contract) basis, is duly understood by the Employer. The Employer looks forward to the equally clear understanding of this contract concept by the Bidders. To facilitate such understanding the Bidding Documents incorporate the 'Important Notice to Bidders' explaining the concept of OPBC. One of the key aspect is that the Bidder / Contractor is entitled to independently define (i) what to do, (ii) where to do, (iii) how to do, and (iv) when to provide interventions aimed at ensuring the required Service Levels. For this reason, it is neither practicable nor feasible to develop pre-defined simple (rudimentary) requirements common to all Bidders, each of them to be evaluated on pass / fail basis.</p> <p>The Bidder, through statement of work methods, equipment, personnel, schedule, work breakdown structure and other information as stipulated in Section IV, is expected to demonstrate the adequacy of the Bidders' proposal to meet the requirements of Section VI, Specifications. Inter-alia, the Bidders are advised to follow the guidance notes provided in brackets [] in the standard Forms comprising Appendix A to Technical Part: Technical Proposal.</p> <p>There is no requirement for volume (minimum number of pages) of the Technical Proposal, except there is requirement that information shall be provided "in sufficient detail" to enable evaluation by the Employer.</p> <p>In evaluation of Bids -Technical Parts pursuant to ITB Clause 30 the Employer shall apply the criteria and methodologies listed in ITB and Section III: Evaluation and Qualification Criteria. Evaluation will be done by the Employer's Evaluation Committee, which includes the technical experts with relevant backgrounds, and will be subject to</p> |

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| | | | | <p>review by the World Bank as well.</p> <p>Also, attention of Bidders is drawn to the fact that the Bidding Documents do not incorporate requirement to submit proposal for Consultancy Services, which would require different evaluation methodology.</p> |
| Q-5 | <p>Section I: Instructions to Bidders, ITB Clause 32: Qualification of the Bidder, ITB Clause 33: Subcontractors</p> <p>Page No. 24</p> | Evaluation of Bidder's Qualification | <p>It has been mentioned in the Tender that Qualification of specialized Sub Contractor like Aids to Navigation Company and Survey Services Company would be added to the Qualification Criteria of the Bidder. But there is no direction how will it happen and there is no quantifiable Qualification Criteria for that. Will a Survey Company/Aids to Navigation Company who has worked for 1 year in the required field be compliant? How many years old they are to be or how much work they must have in their reference? Moreover, it is required to be clarified that as Qualification Criteria of the specialized Sub Contractors will be added to the Bidder, whether one specialized Sub Contractor can work with more than one bidder, which will be a case of conflict of interest. There should be clear mention of those in the Tender document.</p> | <p>Please refer to Instructions to Bidders (ITB) Sub-Clause 33.3 indicating that "Subcontractors proposed by the Bidder shall be fully qualified for their parts of the Works." Please further refer to Bid Data Sheet (BDS) for ITB Sub-Clause 33.3 indicating the volume/part/item of activities that may be subcontracted and requirement to provide information about all planned subcontracts for more than 10% of volume of all works, along with requirement to provide complete details of the subcontractors and their qualification and experience in Appendix F to Technical Part: Subcontractors.</p> <p>This requirement shall be understood that proposed Specialized Subcontractor shall have completed works (services) of similar nature, comparable size, and complexity previously.</p> <p>Please also refer to provisions of Instructions to Bidders (ITB) Clauses 3, 4, 5.</p> <p>However, the minimal requirements for the General Construction Experience specified in Section III (please refer to Addendum 6. Annex I: Revised Table 1.4: Eligibility and Qualification Criteria) shall not apply to proposed Subcontractors.</p> <p>Pursuant to Sub-Clause 1.7(b) of the governing Guidelines "Procurement of Goods, Works and Non-Consulting Services under IBRD Loans and IDA Credits & Grants by World Bank Borrowers" there is no limit for inclusion of a firm as a sub-contractor in more than one Bid. Also, ITB Sub-Clause 4.3 does not refer to proposed Subcontractors or Specialized Subcontractors.</p> |
| Q-6 | Section II: Bid Data Sheet, | Deadline for submission of | ... we earnestly request you to ... extend the deadline by only one | In view of the global pandemic situation, the deadline for Bid submission has been |

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| ITB Sub- Clause22.1: Bid Submission, Page No. 35 | Bids | month more i.e. up to 30 October, 2020... | <p>finally extended until 30 September 2020 through several rounds of extension thereby.</p> <p>It is to be highlighted that initial deadline was established as 13 February 2020, i.e. cumulative extensions already exceed 7 (seven) months.</p> <p>Thus, no further extension shall be made in this regard.</p> |
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21/09/2020

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3. Office Copy