
	<b>MUNICIPAL CORPORATION OF DELHI</b> <b>(Toll Tax Department)</b> 14 <sup>th</sup> Floor, Dr. SPM Civic Centre Minto Road, JLN Marg, New Delhi-110002 E-mail ID: <a href="mailto:adc.tolntax@mcd.nic.in">adc.tolntax@mcd.nic.in</a> (PH- 011-23226422)	
---	--	---

No: ADC/TT/HQ/2024/D- 988

Dated 27/02/2024

**Sub:- Engagement of a Contractor by MCD for Toll & ECC collection at border points from specified commercial vehicles entering Delhi.**  
**Ref.: NIT No.ADC/TT/HQ/MCD/2024/D-894 dated 07.02.2024**

A pre-bid meeting was held on 16.02.2024 and following are the queries raised by prospective bidders during Pre-Bid Meeting and subsequent queries received upto 23.02.2024 till 4.00 PM in Toll Tax Department:-

Sl.No.	Queries	Replies/Amended Clause
1.	<p>As per the Clause 1.1.2 of technical eligibility criteria the Applicant must have "experience of operating minimum 50% of 244 Toll lanes <b>under a single Contract</b> in any of the three years during last five financial years" which is very specific condition and is likely to be fulfilled by only a few Applicants.</p> <p>Please modify this specific condition to "applicant having total experience of operating minimum 50% of 244 Toll lanes <b>under multiple Contracts</b> during last five financial years" for healthy and competitive Bidding</p>	No change. As per NIT/RFP documents.
2.	<p>This clause implies that the Applicant must have an experience of operating minimum 122 lanes in any three financial years under and single contract.</p> <p>We would like to point out that in India, apart from this contract there is no. SINGLE CONTRACT which has 122 Lanes toll plaza which is operational for 3 years since 2018. ONLY the current contractor would qualify this requirement as he has been operating this contract from past 3 years.</p> <p>So, it is evident that this clause has been tailor made to stop the qualification of any</p>	No change. As per NIT/RFP documents.

Page 1 of 8

  
 Additional Deputy Commissioner  
 Toll Tax Department  
 Municipal Corporation of Delhi

	<p>other Applicant for this NIT other than the existing toll operator. This would cause an unfair and monopolistic bidding which will only cause revenue loss to the Government. This is completely against the law and defeats the purpose of a fair bidding Process.</p> <p>So, we urge you to kindly delete this clause.</p>	
3.	<p>The Applicant must have done total toll collection worth Rs. 888 crores total in three financial years.</p> <p>This clause again looks to have been tailor-made for the current contractor keeping his credentials in mind. The clause would again filter out many eligible Applicants which would result in unfair and monopolistic bidding.</p> <p>So, we urge you to kindly delete this clause.</p>	No change. As per NIT/RFP documents.
4.	<p>In India NHAI has maximum 25 to 30 lanes and four expressways excluding Delhi Bombay expressway (not started) only 120 lanes approx.. only MCD Toll had 154 toll plazas containing 244 lanes. Request you to change this point</p>	No change. As per NIT/RFP documents.
5.	<p>Include at least 4 JV/Consortium also divide the minimum shareholding percentage subsequently.</p>	<p><b><u>The Clause-B sub-clause 1.3 (a&amp;c) under Section-2 of RFP documents Vol.-I titled "General Instructions and Work Description" be read as under:-</u></b></p> <p>(a) Number of members in a Proprietor/Partnership /Pvt. Ltd. /Ltd. and JV shall not exceed 3 (three);</p> <p>(c) Members of the Firm/Entity in the form of Proprietor/Partnership /Pvt. Ltd. /Ltd. and JV shall nominate one member as the "Lead Member", who shall have at least 51% share holding and other partner/partners should have not less than 20% shareholding each shall be allowed to bid. The nomination(s) shall be supported by a Power of Attorney, as per the format referred under clause D (2.1.2) of this volume of RFP document, signed by all the other members of the Proprietor/Partnership /Pvt. Ltd. /Ltd. and JV.</p>



6.	MCD/NDMC/SDMC/EDMC not clear dues: Which dues Collection / Remittance / Manpower Services/Security Services/Mutual Disputes / Parking / NOC Dues. Request you to delete this point.	No change. As per NIT/RFP documents.
7.	MCD should also allow as one of the option to the Bidder/Participant to submit the Performance Guarantee through Insurance Guarantee through Insurance Security Bond as has been allowed by National Highways Authority of India (NHAI), we enclose the NHAI Policy Circular No.18.88/2023 dated 13 <sup>th</sup> June 2023.	No change. As per NIT/RFP documents.
8.	The authorities to consider the experience of operating 244 lanes in multiple contracts having contract period of at least 1 year	No change. As per NIT/RFP documents.
9.	The tender is not clear whether the bids below the reserve price will be considered for award or not. Considering the frequent events that affects the traffic movement entering Delhi, we would like to request you to accept the bids below the reserve price.	No change. As per NIT/RFP documents.
10.	<p>As per the clause "The applicant/bidder firm shall provide a comfort letter from nationalized bank signed by the competent authority of bank, indicating the financial capability of the applicant / bidding firm and bank's willingness to finance the Bidder for minimum amount of Rs.100 Crore"</p> <p>We hereby request you to amend the said clause "The applicant/bidder firm shall provide a comfort letters or sanction letters from nationalized bank signed by the competent authority / authorized person of bank, indicating the financial capability / Sanction of finance facilities of the applicant/bidding firm and bank's willingness to finance the Bidder for minimum amount of Rs.100 Crore".</p>	<p><b><u>The Clause-D sub-clause 2.1.4 under section-2 of RFP document Vol.-I be read as under:-</u></b></p> <p>"The applicant/bidder firm shall provide a comfort letter <b>or sanction letter</b> from nationalized bank signed by the competent authority / authorized person of bank, indicating the financial capability / <b>Sanction</b> of finance facilities of the applicant/bidding firm and bank's willingness to finance the Bidder for minimum amount of Rs.100 Crore".....</p>
11.	<p>In case of delay in remittances of weekly installment, the penalty towards interest charged @0.1% per day for first week and thereafter the default amount shall be recovered from BG.</p> <p>We feel this is very harsh on the part of the contractor, considering that the toll tax</p>	No change. As per NIT/RFP documents.


  
 Additional Deputy Commissioner  
 Toll Tax Department  
 Municipal Corporation of Delhi

	<p>revenue collected throughout the year is based on peak season and lean season. Further there are numerous other events that affects the toll collection.</p> <p>Hence, we request you to kindly provide some additional time to clear the default/delayed amount as well as reduce the interest charged to 24% per annum.</p>	
12.	<p>We hereby request to kindly added the below mentioned clause as Force Majeure Event</p> <p>“Any other political or social event, strike by any association / registered union having material adverse impact on the performance of obligations of the parties thereof:</p>	No change. As per NIT/RFP documents.
13.	<p>Mechanism for relief under Force Majeure Event:-</p> <p>The said clause is not crystal clear as to how the relief shall be calculated by MCD.</p> <p>Hence we request you to amend the said clause as below:-</p> <p>The relief under force Majeure will be calculated on the basis of the difference in, collection per day during force majeure and agreed remittance per day, multiplied by number of days of force majeure event will be payable to the contractor.</p> <p>Further this being a big project having 244 lanes, it requires huge manpower as well as the operating expenses is also very high.</p> <p>Hence MCD shall also consider the reimbursement to operating and administrative expenses to the contractor, during the period of Force Majeure event.</p>	No change. As per NIT/RFP documents.
14.	<p>With regards to the Clause of Dispute Resolution the RFP is silent on Arbitration. We suggest that in case of any dispute the bidder shall be given reasonable opportunity to represent his/their case. Also in case of dispute the matters arising between the parties should be settled by Arbitration under and in accordance with the provisions of Arbitration and Conciliation Act, 1996.</p>	No change. As per NIT/RFP documents.

  
 Additional Deputy Commissioner  
 Toll Tax Department  
 Municipal Corporation of Delhi



15.	<p>As mentioned in the clause, the authority is considering relevant experience till ending March 2023 whereas this tender is invited for the next 3 years from the ending of current contract period in April 2024. So we request you to consider the relevant experience of Applicant / Bidder till the bid due date of this tender i.e. 29 Feb. 2024</p>	<p><b><u>The Clause-D sub-clause 1.0 under Section-1.1.2 of RFP documents Vol.-I titled "ELIGIBILITY CRITERIA AND STATEMENT OF QUALIFICATION":-</u></b></p> <p>1.1.2 Applicant/bidding firm must have prior relevant experience of Toll/Entry Tax and operation of toll plazas through manual and semi automated/electronic toll collection technologies in any three years of the last five financial years ending March 2023 and current financial year till 31/01/2024 (from 01/04/2018 to 31/01/2024). The proposed contract involve handling of 154 toll plazas containing 244 lanes; therefore the Applicant/bidding firm must have experience of operating minimum 50% of total Toll Lanes mentioned above under a single contract in any of the three years during last five financial years ending March 2023 and current financial year till 31/01/2024 (from 01/04/2018 to 31/01/2024). This condition is necessary to ensure the capability of the Applicant/bidding firm for handling such big number of lanes....</p>
16.	<p>As per Vol-I, B, clause 1.3(a), only 2 members are allowed to form Joint venture/Consortium. In previous tenders, 4 members were allowed to form Joint Venture / Consortium, hence if the authority increase the members to 4 members it will give many bidders the opportunity to participate, which will make a healthy competition.</p>	<p><b><u>The Clause-B sub-clause 1.3 (a&amp;c) under Section-2 of RFP documents Vol.-I titled "General Instructions and Work Description" be read as under:-</u></b></p> <p>(a) Number of members in a Proprietor/Partnership /Pvt. Ltd. /Ltd. and JV shall not exceed 3 (three);</p> <p>(c) Members of the Firm/Entity in the form of</p>

  
Additional Deputy Commissioner  
Toll Tax Department  
Municipal Corporation of Delhi

		Proprietor/Partnership /Pvt. Ltd. /Ltd. and JV shall nominate one member as the "Lead Member", who shall have at least 51% share holding and other partner/partners should have not less than 20% shareholding each shall be allowed to bid. The nomination(s) shall be supported by a Power of Attorney, as per the format referred under clause D (2.1.2) of this volume of RFP document, signed by all the other members of the Proprietor/Partnership /Pvt. Ltd. /Ltd. and JV.
17.	<p>As per D 1.0 Technical Eligibility Criteria, clause 1.1.1, the aggregate net worth required is Rs.296.00 crores, which feel is very high considering the reserve price of amount Rs.847.00 crore annually.</p> <p>We would like to refer the tenders invited by NHAI where the minimum required net worth required is 10% of annual reserve prices.</p> <p>Accordingly, as per the reserve price of amount Rs.847.00 crore annually, the net worth required will be Rs.85.00 crores.</p> <p>Hence, we request you to reduce the aggregate net worth to 10% of the annual reserve price.</p>	<p><b><u>The Clause-D sub-clause 1.0 under Section-1.1.1 of RFP documents Vol-I titled "ELIGIBILITY CRITERIA AND STATEMENT OF QUALIFICATION":-</u></b></p> <p>1.1.1 Applicant's /Bidding Firm's taken together must have an aggregate tangible net-worth as per the previous year's available annual audited results of at least Indian Rupees 212.00 crores (Rupees Two Hundred and Twelve Crores Only), excluding revaluation reserve, goodwill and other intangible assets, as certified by a Chartered Accountant. In case of JV, the arithmetic sum of individual net worth of all members shall be taken as JV's net worth. The net worth of lead member of JV shall not less than 51% of the net worth criteria as mentioned above.</p>
18.	<p>The Technical and financial eligibility Criteria, has been considered as during last five financial years ending March 2023.</p> <p>To create healthy competition, we request you to consider the Technical and Financial experience till the date of Notice Inviting the Tender.</p>	<p><b><u>The Clause-D sub-clause 1.0 under Section-1.1.2 of RFP documents Vol-I titled "ELIGIBILITY CRITERIA AND STATEMENT OF QUALIFICATION":-</u></b></p> <p>1.1.2 Applicant/bidding firm must have prior relevant</p>

  
 Additional Deputy Commissioner  
 Toll Tax Department  
 Municipal Corporation of Delhi


		<p>experience of Toll/Entry Tax and operation of toll plazas through manual and semi automated/electronic toll collection technologies in any three years of the last five financial years ending March 2023 and current financial year till 31/01/2024 (from 01/04/2018 to 31/01/2024). The proposed contract involve handling of 154 toll plazas containing 244 lanes; therefore the Applicant/bidding firm must have experience of operating minimum 50% of total Toll Lanes mentioned above under a single contract in any of the three years during last five financial years ending March 2023 and current financial year till 31/01/2024 (from 01/04/2018 to 31/01/2024). This condition is necessary to ensure the capability of the Applicant/bidding firm for handling such big number of lanes....</p>
19.	<p>As per agreement clause 8.5,</p> <p>(a) "The Entry Tax is being collected by deploying marshals on the main carriageway, which is beyond the jurisdiction of MCD".</p> <p>(b) Deployment of marshals for collecting Entry Tax on main carriageway is susceptible of causing accident.</p> <p>(c) Acts of omission and commission is leading to long traffic jam at the Rajokari Toll Plaza.</p> <p>(d) There is no right in favour of MCD in perpetuity to continue using the infrastructure of the NHAI/concessionaire and to engage contractor to collect tax at the National Highway.</p> <p>Kindly suggest us how can we collect the toll tax if the vehicles pass through free</p>	<p>No change. As per NIT/RFP documents.</p>

  
 Additional Deputy Commissioner  
 Toll Tax Department  
 Municipal Corporation of Delhi



	carriageway. If the vehicles passes through free carriage way it will be loss to the contractor. Kindly suggest the alternate policy for collecting the toll from such vehicles.													
20.	The toll collection is done through electronic toll collection RFID system, kindly clarify if there are any charges that has to be paid by the successful contractor towards the Electronic toll collection or does the contractor has to pay any charges for using the software and hardware for toll collection.	No change. As per NIT/RFP documents.												
21.	The details of stamp duty is not mentioned in the tender documents. Hence kindly inform us whether the stamp duty is applicable or not. If applicable, what is the percentage of stamp duty.	No change. As per NIT/RFP documents.												
22.	During the course of discussion in pre-bid meeting a number of Prospective Bidders raised the issue of road closure due to on-going farmers protest & urged for deferring the date of submission of bids for a further period of at least one month so as to enable them to conduct survey of Toll Plazas which in turn may help them in preparation of their bids.	<div>The HLC after detailed deliberation, recommended the following revised bidding schedule:-<table><tr><th>Sl. No.</th><th>Event Description</th><th>Existing bidding schedule</th><th>Revised bidding schedule</th></tr><tr><td>1.</td><td>Last date of online submission of proposal on or before 3.00 PM</td><td>29.02.2024 (Thursday)</td><td><b>12.03.2024 (Tuesday)</b></td></tr><tr><td>2.</td><td>Opening of Technical Proposals at 03.30 P.M.</td><td>01.03.2024 (Friday)</td><td><b>13.03.2024 (Wednesday)</b></td></tr></table></div>	Sl. No.	Event Description	Existing bidding schedule	Revised bidding schedule	1.	Last date of online submission of proposal on or before 3.00 PM	29.02.2024 (Thursday)	<b>12.03.2024 (Tuesday)</b>	2.	Opening of Technical Proposals at 03.30 P.M.	01.03.2024 (Friday)	<b>13.03.2024 (Wednesday)</b>
Sl. No.	Event Description	Existing bidding schedule	Revised bidding schedule											
1.	Last date of online submission of proposal on or before 3.00 PM	29.02.2024 (Thursday)	<b>12.03.2024 (Tuesday)</b>											
2.	Opening of Technical Proposals at 03.30 P.M.	01.03.2024 (Friday)	<b>13.03.2024 (Wednesday)</b>											

The above amendments shall supersede the earlier conditions mentioned under all other related and relevant Clauses in RFP documents. All intending bidders are requested to take cognizance of the above amendments and submit their bids accordingly.

  
**(Sumit Kumar, IOFS)**  
 Additional Dy. Commissioner (Toll Tax)  
 Municipal Corporation of Delhi  
 Additional Deputy Commissioner  
 Toll Tax Department  
 Municipal Corporation of Delhi