

Schedule No 5 - Clarifications for queries raised by the Bidders - IFB No: MTDI/GOSL/IS/ICB/2016/15 - Volume 01 & Volume 03 (as at 17.06.2016)

Q#	Volume & Page No	Question	Response
1	1	<p>We need to clarify whether the minimum annual turnover mentioned here should be relevant only to:</p> <ul style="list-style-type: none"> I. Specific experience (biometric based, digital identity issuance solution, personalization of smart cards and electronically transmitting the benefits to the resident), IT and IT related infrastructure nature of the work required in the tender documents; <p>OR</p> <ul style="list-style-type: none"> II. Generic experience: Whether it could be any other business activity, ie. could be generic in nature. 	<p>For I & II. Please refer 3.2.3.2 under Qualification of the Bidder (3.2) of Volume 1</p>

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2	1	<div>Clarification on 3.2.3.2:</div> <table><tr><th colspan="5">3.2.3.2 Average Annual Turnover</th></tr><tr><td>Minimum average annual turnover of LKR 5,000 Million or equivalent, calculated as total certified payments received for Contracts in progress or completed, within the last 3 years</td><td>Must meet requirement</td><td>Lead Bidder must meet requirement</td><td>Must meet 25% of the requirement</td><td>Form 2.3.2</td></tr></table> <div>With the reference to the tender of the GDSS Volume 1 of page 63, under the heading 3.2 <i>Qualification of the Bidder</i>, sub-heading 3.2.4.1 general experience (Page 67).</div> <div>We request you to clarify <i>the experience under Information Technology Contracts in the role of Prime Contractor or Prime System Integrator for at least the last five (05) years prior to the Bid submission deadline, and with activity in at least six (6) months in each year.</i></div>	3.2.3.2 Average Annual Turnover					Minimum average annual turnover of LKR 5,000 Million or equivalent, calculated as total certified payments received for Contracts in progress or completed, within the last 3 years	Must meet requirement	Lead Bidder must meet requirement	Must meet 25% of the requirement	Form 2.3.2	<div>These are two qualifications criteria required of a bidder.</div>
3.2.3.2 Average Annual Turnover													
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3	1	<div>03. Clarification on 3.2.4.1:</div> <table><tr><th colspan="5">3.2.4.1 General Experience</th></tr><tr><td>Experience under Information Technology Contracts in the role of Prime Contractor or Prime System Integrator for at least the last five (05) years prior to the Bid submission deadline, and with activity in at least six (6) months in each year.</td><td>Must meet requirement</td><td>N / A</td><td>Must meet requirement</td><td>Form 2.4.1</td></tr></table>	3.2.4.1 General Experience					Experience under Information Technology Contracts in the role of Prime Contractor or Prime System Integrator for at least the last five (05) years prior to the Bid submission deadline, and with activity in at least six (6) months in each year.	Must meet requirement	N / A	Must meet requirement	Form 2.4.1	
3.2.4.1 General Experience													
Experience under Information Technology Contracts in the role of Prime Contractor or Prime System Integrator for at least the last five (05) years prior to the Bid submission deadline, and with activity in at least six (6) months in each year.	Must meet requirement	N / A	Must meet requirement	Form 2.4.1									

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		<p>CLARIFICATION REQUIRED</p> <ol style="list-style-type: none"> 1. The compliance requirement states that each partner needs to meet the requirement of having experience under Information Technology contracts. 2. Why is there a requirement for all parties in the joint venture or consortium to meet this requirement? For example, if a card manufacturer is part of the joint venture or consortium, why is it necessary for the card manufacturer to have Information Technology contract experience? 3. Consequently, we request you to allow that the compliance requirement for general experience should be met by any member of a joint venture / consortium partners. 	<ol style="list-style-type: none"> 1. Yes 2. Each partner must meet the requirement .Bidding document does not specify that a card manufacturer must be a partner. 3. No
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4	1	Clarification on 3.2.4.2 section (1) AND (2):					
		3.2.4.2 Specific Experience					
		(1) Specific experience: During the last five (05) years bidder must have successfully completed at least one (01) Contract of similar nature, with a value of LKR 5,000 Million or equivalent. The similarity shall be based on the physical size, complexity, methods/technology and other characteristics as	Must meet requirement	Lead Bidder must meet requirements for one or more characteristics	N / A	Form 2.4.2	

		described in the Bidding Document. The Bidder shall have completed national scale, biometric based, digital identity issuance solution involving personalization of smart cards.					
		<p>(2) For the above Contracts executed during the period stipulated in 3.2.4. 2 above, a minimum experience in the following key activities:</p> <p>(i) Design & implementation of Information systems for similar scope and size</p>					

		<p>(ii) Implementation of a system handling data capturing, electronic storage and management of citizen's data.</p> <p>(iii) Provision of operational support and maintenance of IT systems and IT infrastructure related to electronic storage and management of citizens' data.</p>					
		<p>With the reference to the tender of the GDSS Volume 1 of page 63, under the heading 3.2 <i>Qualification of the Bidder</i>, sub-heading 3.2.4.2 specific experience (Page 67).</p> <p>We request you to clarify <i>specific experience</i>.</p> <p>CLARIFICATION REQUIRED</p> <p>With reference to both sections (1) and (2):</p> <p>Clarification requested on the following:</p>					

		<p>1. Why are you restricting under the compliance requirement that the specific experience will only be restricted to the lead bidder. Since you are allowing joint venture or consortium applications, where the intention of joint venture or consortium formation is for different entities to comply individually as well as jointly to the specific experience of the tender requirements.</p> <p>2. As you have mentioned, this is a project of complex methodology, technology and characteristics, as described in the Bidding Documents, having a national scale biometric based, digital identity issuance solution involving personalization of smart cards AND creating the infrastructure for transferring household benefit management system.</p> <p>Therefore, it is hard to believe that:</p> <ul style="list-style-type: none"> a. a single entity; OR b. a lead bidder / prime bidder of a joint venture / consortium, will meet ALL of these requirements, as stipulated under section (1) and (2). <p>3. Consequently, we request you to allow that the compliance requirement for specific experience should be met by any member of a joint venture / consortium partners.</p>	<p>Lead Bidder must meet requirement for item (1) of specific experience requirement. Partners combined must meet specific experience for all sub items (i), (ii) and (iii) requirements specified in item (2).</p> <p>Accordingly, the words “Lead Bidder must meet requirements for one or more characteristics” of the column 3 of Table labeled “3.2.4.2 Specific Experience” is replaced with the words “Lead Bidder must meet requirements for item (1) of specific experience and all other Partners combined must meet specific experience for all sub items (i), (ii) and (iii) requirements specified in item (2).</p>
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5	V 1- P 37	<p>38. Eligibility and Qualification of the bidder</p> <p>Can a qualified foreign bidder enter into contract directly with ICTA and establish an office in Sri Lanka with adequate staff and resources prior to commencement of works for implementation, providing support for project management, maintaining warranty, providing technical support and maintenance of the system for a minimum period of five years? There will be a separate contract between the qualified foreign bidder and its office in Sri Lanka to carry out these tasks.</p>	No comments
6	V 1- P 49	<p>ITB 21.1 (b): The currency to be used for quoting prices of the Goods and Services components of the System offered from within the Purchaser's Country, as well as local currency expenditures for local technical support, training, maintenance, transportation, insurance, and other local services incidental to delivery, installation and operation of the System, is the currency of the employer's country</p> <p>If the contract is entered between ICTA and qualified foreign bidder, can ICTA make the payments corresponding to ITB 21.1 (b) directly to the local office/local supplier/local partner?</p>	Payment for the deliverables under the contract shall be made by the Employer only to the contractor under the contract.

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7	V 3- P 104	Appendix 7: No. (d) Successful UAT sign-off Kindly confirm the payment milestone for both Item 1 and Item 4. Can it be invoiced as and when rollout happens at NDF centres (after launch)?	Please refer Appendix 7 – Terms and Procedure for Payment of Volume 3
8	V 3- P 104, 105	Appendix 7: No. (c) and (e) Project Component 5 Only cards are included here. Please confirm that 80% of the total price inclusive of Personalization System will be paid after successful UAT sign-off i.e., No. (c)	Yes
9	V 3- P 105	Appendix 7: No. (e) Successful acceptance of DTC (Phase 2) cards Kindly specify when the remaining 40% will be paid	Please refer Appendix 7 – Terms and Procedure for Payment of Volume 3
10	-	Would it be possible to include in the payment terms that the prices quoted in Rupee for our bid will fluctuate and be subject to the exchange rate of the Rupee from the Sri Lanka Government for each respective payment?	No
11	-	What is the estimated budget for the bid phase by phase?	No comments
12		Could we submit a Letter of Credit or Bond for the Bid Security?	No, Bid security must be in the form of a Bank Guarantee as specified in the Bidding Document.

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13	-	We understand we're free to share information about bidding with our suppliers of substrates? We need to start collecting offers for hardware etc. and suppliers require info as: country, quantity, schedule of supply and technical specification.	No comments
14	V 1	<p>In volume 1, Section 4.1 "Eligible Bidders", there is a mention of Joint Venture (JV) as "any combination of such entities with the intent to enter into an agreement supported by a letter of intent or under an existing agreement in the form of a joint venture, consortium or association ". The section 3.2 "Qualification of bidder" has only used Joint Venture as common term.</p> <p>We assume:</p> <ul style="list-style-type: none"> a) Joint Venture in Section 3.2 can also include a consortium or association b) This Joint venture can also be an un-incorporated business similar to that of a partnership, where the operations are jointly controlled by constituting parties. <ul style="list-style-type: none"> a. A contractual agreement (MoU etc.) between two parties (co-primes) determines the level of control and activities/responsibilities of each party. b. Each of the parties uses its own resources to deliver their corresponding activities c. One of the parties is designated the lead, but the parties undertake/sign the bid-bond d. The two co-primes in this Joint venture, may have different sub-contractors with contractual agreements with them <p>Please confirm on this assumption.</p>	<ul style="list-style-type: none"> (a) Yes (b) No comments. Please refer Bidding Document (c) No comments (d) Please refer Bidding Document (e) Please refer Bidding Document (f) No comments. Please refer Bidding Document <p>Any assumptions cannot be confirmed.</p>
15	-	<p>Question on Eligible Bidders;</p> <p>If a company is bidding as the prime, would it still be considered a "joint venture" for purposes of meeting the eligibility requirements if it had a prime sub relationship with its partners. I.e. if it were</p>	Refer Bidding Document

		the only party signing with GOSL, and had back to back relationships with its subs in subcontracts, could it consider its subs capabilities with respect to eligibility requirements. In this example, the lead is still jointly and severally liable and GOSL can bring claim against it if due to its subs work.	
16	V1 - P82	<p>2.3.4 (Credit Facilities)</p> <p>Evidence of Access to or availability of credit facilities</p> <p>What should be the amount that needs to provided to meet the working capital requirements for executing to the above contract during the contract period. - Is it LKR 70 million or LKR 3500 million, Please clarify?</p>	Refer Bidding Document
17	V1- P 65	<p>3.2.3.1 Please respond</p> <p>“In the event that the audit of last financial year is not completed, can the bidder provide certificate of auditors?”</p>	No comments
18	V1- P 46	Has any supervisory authority been established to overlook all the affairs of the bid and to ensure implementation of the bid and documents mentioned therein and smoothly carryout the entire procedure?	No comments
19	V1- P 65	<p>ITB 4.2</p> <p>What if any registration limitation arises in employer country’s law during the bid or after awarding the bid?</p>	No comments

20	V1- P 46	<p>ITB 4.2</p> <p>If the answer is yes of above sr # 19, then what will be the possible measure for the successful bidder to get register its company/business in employer's country?</p>	No comments
21	V1- P 53	<p>ITB 40.1</p> <p>Can bidder provide bid security in any other currency? If yes, what currency rate will be charged?</p>	Refer Bidding Document
22	V1- P 75	<p>11</p> <p>What will be the minimum time for issuing the addenda (if any) before deadline?</p>	No comments
23	V1- P 75	<p>1.1 (e)</p> <p>The Adjudicator will be from bidder's side or from employer?</p>	Refer Bidding Document
24	V1- P 77	<p>In case of Joint Venture (JV) is there any requirement for the disclosure of shares of each entity?</p>	No comments. Refer Bidding Document
25	V1- P 77	<p>What will be the minimum registration period of JV entity?</p>	No comments
26	V1- P 81	<p>Source of financing i.e Credit line can be used from Foreign Bank of Bidders home country or Employers country?</p>	No comments. Refer Bidding Document
27	V1- P 82	<p>What will be the minimum credit facility (p.a) can be obtained from bank?</p>	No comments. Refer Bidding Document

28	V1- P 86	Can alternate candidate be more than one?	No comments
29	V1- P 87	What will be the minimum overall working experience of the Prime and alternate candidate?	No comments. Refer Bidding Document
30	V1- P 87	Bidder's key personnel should be Regular or contractual employee of the bidder?	No comments
31	V1- P 92	Is there any special criteria for technical capabilities required from bidders?	No comments. Refer Bidding Document
32	V1- P 40	42.2 - Please clarify the amount charged as "Performance"?	No comments. Refer Bidding Document
33	V1- P 23	20.8 - Quoting of "Fixed price" of items by bidders means, the prices are inclusive of taxes?	Refer bidding document.
34	V1- P 23	13.1 – What will be the maximum size of supporting document?	No comments
35	V1- P 17	Is there any timeline for "Correction of Arithmetical Errors" by employer ?	No comments
36		It is proposed to seek 3-4 weeks time extension in the deadline?	Deadline for submission of bids shall not be extended.
37	V1- P 82	2.3.4 - (Credit Facilities) - Evidence of Access to or availability of credit facilities What should be the amount that needs to be provided to meet the working capital requirements for executing the above contract during the contract period. - Is it LKR 70 million or LKR 3500 million, Please clarify.	Refer bidding document.
38	V3 - P 18	9.6 – Legal questions (Volume 3 of documentation): 1. Point 9.6 (p.18): is it already specified how the inspection will be held? What will be the scope and conditions of inspection?	Please study conditions stipulated in the Bidding document.

39		Bid security validity: bid security will be valid for 203 days from the date of deadline of submission of bids inclusive of the deadline for submission of bids.	Yes
40		According to our finance dept. the bank guarantee should be compliant with Uniform Demand Guarantees Rules 758, the one attached is compliant with URDG 458. Could you advise on this?	Banks will usually do the inclusion of ICC Publication Number at the time of issuing Guarantees
41		Also bank guarantee mentioned in Volume 3 page 116 is compliant to old regulation URDG 458 & should be compliant to the newer version URDG 758- could you advise on this?	Banks will usually do the inclusion of ICC Publication Number at the time of issuing Guarantees
42		Is it possible to add second currency to the contract: for example USD?	No comments. Please refer the Bidding document
43		Can the successful bidder add new points into conditions of contract (volume 3)?	No
44	V3 P 39	Point 24.1, p.39 (volume 3): IT products and/or Services: who will examine if the prices are not too high, is there any fee in case of noncompliance? Could you explain this point?	No comments. Please refer Bidding Document
45	V3- P 40	Point 25.8, p.40 (volume 3): What does it mean “reasonable period of time”?	Bidder should understand this terminology

