



PUBLIC PRIVATE PARTNERSHIP (PPP) PROJECT

**2nd NYALI BRIDGE
Mombasa**

**DESIGN, FINANCING, CONSTRUCTION, OPERATION, MAINTENANCE AND
TRANSFER**

Tender Number: KURA/PPP/HQ/002/2017-2018

**REQUEST FOR QUALIFICATION (RFQ)
ADDENDUM / CLARIFICATION NO. 2**

19th October 2017

**The Director General
Kenya Urban Roads Authority
PO Box 41727 – 00100
NAIROBI**

19th October, 2017

Tender No: KURA/PPP/HQ/002/2017-2018

Project: Public Private Partnership (PPP) for the design, financing, construction, operation, maintenance and transfer of 2nd Nyali Bridge

To: All Prospective Bidders

Addendum/Clarification No: 2

In continuation to Addendum/ Clarification 1, Prospective Bidders are advised of the following questions and responses:

SR. No.	Section /Annex / Schedule /Appendix Number	Question or comment	Response
12.	<p>Definitions “Eligible Bridge Construction Project” and “Eligible Urban Road Construction Project”</p> <p>Clause 4.2.1 “Technical Qualification Requirements” (B) Construction Experience</p>	<p>1) According to 4.2.1 (B), the Prospective Bidder shall demonstrate its Construction Experience via the references of a particular Entity.</p> <p>As known, the use of references from an Affiliate of a Prospective Bidder is currently limited and is (unfortunately) not compatible with our “specific roles performed” business model;</p> <p>2) Within our Group, there is a legal entity largely entrusted with the development of (and investment in) various PPP/ concession projects. The larger infrastructure project efforts (for example, the cited bridgeworks) are usually executed by the respective operative/ constructive unit active in that particular country/ region, also drawing upon the expertize knowledge and skills of specialists within the Group. In furtherance of our group’s business model/ practice to maintain clear interfaces and responsibilities, such operative/ constructive units (in turn) are NOT in a position to be a member in a development consortium/ future Special Project Company (the same can be said about the non-involvement of our group parent company. Likewise, it would be inappropriate/ misleading for us to state that we intend to use an Affiliate working</p>	<p>The Contracting Authority requires to have the confidence that the entity undertaking the construction of the 2nd Nyali Bridge project has relevant construction experience. The experience of a group company that will not be participating in the project does not provide the required assurance.</p> <p>The Contracting Authority has reflected on the requirement in the RFQ 4.2.1 (B) that at least one of the Eligible Bridge Construction Projects must have been undertaken by either the Prospective Bidder itself or a Qualifying Shareholder and has decided to remove this requirement.</p> <p>The following wording shall be deleted from section 4.2.1 (B) iii of the RFQ: <i>‘At least one of the Eligible Bridge Construction Projects must have been undertaken by the Prospective Bidder</i></p>

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		<p>in (for example) Holland as a Construction Contractor in Kenya.</p> <p>3) As a potential Prospective Bidder, we respectfully request that the Authority remove any restriction in the RFQ with respect to a Prospective Bidder not being able to demonstrate the Construction Experience via the use of references by any Affiliate of such Prospective Bidder. For clarity, we can confirm that any such Affiliate will meet the turnover requirements per the RFQ.</p>	<p><i>itself or a Qualifying Shareholder if the Prospective Bidder is a Consortium.'</i></p> <p>The following words to be deleted from the row of Appendix 1 of the RFQ titled 'Bridge Over Waterways':</p> <p><i>'At least 1 bridge to have been constructed by a Prospective Bidder or a Qualifying Shareholder if the Prospective Bidder is a Consortium.'</i></p>
13.	<p>Definitions "Eligible O&M Project"</p> <p>Clause 4.2.1 "Technical Qualification Requirements" (C) Operation and Maintenance (O&M) Experience</p>	<p>As a company actively engaged in several performance-based road PPP/ concession projects, we respect (and agree with) the Authority's requirement to ensure that a Prospective Bidder is able to demonstrate proper O&M experience via the use of references of the Entities described in the RFQ. Likewise, we are keenly aware of the Authority's preference to ensure that such related experiences/ skills relate to the specifics of the 2nd Nyali Bridge;</p> <p>2) At the same time (however), having undertaken a thorough review, we reasonably deem the strict "urban environment", requirement as being excessive and constraining in the ability of a Prospective Bidder's to successfully pre-qualify (there is simply a very limited amount of such demonstrable projects).</p> <p>3) We hereby make the respectful request that the Authority remove the "urban environment" wording in the Definition of Eligible O&M Project (this would, in turn, allow a Prospective Bidder</p>	<p>The Contracting Authority wants bidders to demonstrate that they have experience of undertaking performance based O&M in an urban environment, as that is relevant to the 2nd Nyali Bridge Project. It is acceptable if these roads in an urban environment are part of a larger project which includes both urban and non-urban sections, but only the lane km in an urban environment will count.</p> <p>Similarly, construction of roads in an Urban Environment as part of a larger road construction project may also count towards the urban road construction requirement.</p> <p><i>To clarify this, the following changes will be made to the RFQ:</i></p>

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		to properly submit/ utilize additional project references).	<p><i>Definition of Eligible O&M Project: delete the words 'in an urban environment'</i></p> <p><i>The RFQ Section 1.1 shall include an additional definition: 'Urban Environment means within the limits of a city, town or municipal authority'</i></p> <p><i>References to Urban Environment throughout the RFQ shall be capitalised.</i></p> <p><i>4.2.1 C i to be amended to read: 'The Prospective Bidder shall demonstrate Eligible O&M Project experience such that the aggregate Lane-kms of roads within an Urban Environment of Eligible O&M Projects under operation, maintenance and management of the Prospective Bidder in the ten (10) years preceding the RFQ Submission Date shall be not less than 150 Lane-km.'</i></p> <p><i>5 g (ii) to be amended to read: 'Annex QD-6 shall specify the name and location of the Eligible O&M Project including, Lane-km in an Urban Environment being operated and maintained, length of road in an Urban Environment, number of Lanes, client name and contact details.'</i></p> <p><i>Annex QD-5, in the List of Eligible Urban Road Construction Projects</i></p>

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			<p><i>(under 4.2.1 (B) (i) (b) of RQ), the final column shall be amended to read: 'Lane-km of road in an Urban Environment'</i></p> <p><i>Appendix 1</i></p> <ul style="list-style-type: none"> - <i>Construction Experience 1st column shall be amended to read 'Lane-km of road project construction in an Urban Environment'</i> - <i>Construction Experience last column shall be amended to read 'Aggregate of 100 Lane-km in an Urban Environment'</i> - <i>O&M Experience last column shall be amended to read 'Aggregate of 150 Lane-km in an Urban Environment'</i>
14.	Definition "Eligible Bridge Construction Project"	<p>1) We have undertaken an initial assessment (based on the Authority's own estimate that the total CapEx costs of the Project will amount to ca. USD 200 million) and have concluded that the costs of the 2nd Nyali bridge itself are most likely going to be below the currently-required USD 150 million threshold.</p> <p>2) In order for Prospective Bidders to have a proper opportunity to provide references which are more in line with the specific project-related aspects, we hereby make the respectful request that the Authority slightly relax the aforementioned capital value of the construction project from the current USD 150 million by ca. 20% (i.e. to USD 120 million).</p>	<p>In order to ensure comparability of projects from different parts of the world and across different construction dates, the Contracting Authority has decided to rely only on the technical requirements of an Eligible Bridge Construction Project, and to remove the minimum capital value.</p> <p><i>The RFQ shall be amended as follows:</i></p> <p><i>The Definition of Eligible Bridge Construction</i></p>

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			<p><i>Project shall be amended to read:</i></p> <p>Eligible Bridge Construction Project means an Eligible Project carried out by the Prospective Bidder or a Qualifying Shareholder or a Construction Contractor, in each case as the main or principal contractor, in which construction has been completed in the ten (10) years preceding the RFQ Submission Date, and which includes a bridge over a waterway where (i) the bridge's total length, measured from abutment to abutment, is at least 400 metres; and (ii) the bridge's longest span is greater than or equal to 200 metres.</p> <p><i>Annex QD-5 in the List of Eligible Bridge Construction Projects (under 4.2.1(B)(i)(a) of RFQ), the last column re Project Capital Value USD shall be deleted.</i></p> <p><i>Annex QD-5, in the table on 'Description of each Eligible Bridge Construction Project (under 4.2.1(B)(i)(a) of RFQ)': delete the rows on 'Capital Value (USD)' and 'For any Project not originally denominated in USD, details of the exchange rate, reference date and source of the exchange rate used.'</i></p>

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			<p><i>Appendix 1, the section on Construction Experience – Bridge over waterways, the paragraph that reads: 'Project Capital Value of USD 150 million' shall be deleted.</i></p>
15.	Section 1.1 - Eligible Bridge Construction Project Definition	<p>Under the definition of Eligible Bridge Construction Project, reference has been made to the Prospective Bidder or a Qualifying Shareholder or a Construction Contractor, in each case as the main or principal contractor. Can the client please clarify what constitutes a 'Main or Principal Contractor'</p>	<p>The Contracting Authority needs to have confidence that the Prospective Bidder's entity that is claiming the experience of having undertaken an Eligible Bridge Construction Project has had a major role in the project, not a sub-contract role for a minor part of the bridge.</p> <p>A Main or Principal Contractor is equivalent to a General or Prime Contractor that may be defined as: "One who contracts for the completion of an entire project, including purchasing all materials, hiring and paying subcontractors and coordinating all the work."</p> <p><i>The RFQ Section 1.1 shall include an additional definition: 'Main or Principal Contractor shall be one who contracts for the completion of an entire project, including directly or indirectly purchasing all materials, hiring and paying subcontractors and coordinating all the work'.</i></p> <p><i>References to main or principal contractor</i></p>

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			<i>throughout the RFQ shall be capitalised.</i>
16.	Section 4.2.1 (B) (ii) - Construction Experience	(ii) Prospective Bidders may demonstrate Construction Experience proposed by any of the following Entities, strictly acting as main or principal contractor: <ul style="list-style-type: none"> ● The Prospective Bidder itself; ● A Qualifying Shareholder if the Prospective Bidder is a Consortium; or <ul style="list-style-type: none"> ● The Construction Contractor(s), provided that the number of Construction Contractors shall not exceed two (2). Can the client please clarify what constitutes as 'main or principal contractor' 	Please see the response to Question 15.
17.	Section 1.1 - Eligible Bridge Construction Project Definition	Under the definition of Eligible Bridge Construction Project, reference has been made to a bridge over a waterway where (i) the bridge's total length, measured from abutment to abutment, is at least 400 metres; and (ii) the bridge's longest span is greater than or equal to 200 metres; and (iii) the capital value of the construction project is greater than or equal to USD 150 million. Does this mean each project being put forward must comply to all of these requirements? i.e Project XYZ must meet all requirements (i), (ii) & (iii)	As set out in the response to Question 14, the Contracting Authority has decided to remove the minimum capital value requirement. The remaining technical requirements (total length of at least 400 metres and longest span of at least 200 metres) must both be satisfied for a project to count as an Eligible Bridge Construction Project. <i>There is no further change to the RFQ wording beyond the amendments listed in response to Question 14.</i>
18.	Section 4.2.1 (A) - PPP Experience	Reference made to Prospective Bidder to demonstrate Eligible PPP Projects in accordance with the <i>environmental and social sustainability laws / policies applicable to the project, being either the national laws/policies of the implementing authority of the project or the Equator Principles, the International Finance Corporation (IFC) Performance Standards on</i>	The Contracting Authority confirms that a completion certificate will suffice as supporting documentation. Information regarding compliance with the relevant environmental and social sustainability laws/ policies, and a certificate from the

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		<p><i>Environmental and Social Sustainability or the World Bank Group Environmental, Health and Safety Guidelines, where these have been accepted by the implementing authority. Can the client please clarify what type of document can serve this purpose? Will a completion certificate suffice?</i></p>	<p>authorised representative confirming that the information is true and correct, shall be provided in accordance with Form Q-D4.</p> <p><i>There is no change to the RFQ wording.</i></p>
19.	Section 4.2.1 (A) - PPP Experience	<p>Reference made to Prospective Bidder to the Prospective Bidder confirming that there has not been any fine, out of court settlement or conviction in relation to environmental and social issues arising from the Eligible PPP Projects with respect to the obligations of the developer / project proponent. Will a statement of declaration from the Authorized Representative of each consortium member suffice?</p>	<p>A statement of declaration from the Authorised Representative of each consortium member that there has not been any fine, out of court settlement or conviction in relation to environmental and social issue arising from the Eligible PPP Projects shall suffice.</p> <p><i>There is no change to the RFQ wording.</i></p>
20.	<p>Appendix - 1: summary of minimum qualification requirements - Construction Experience / Annex QD-5 (CONSTRUCTION EXPERIENCE)</p>	<p>It is our understanding that the minimal construction requirements, comprise a high level of specificity considering all the parameters have to be combined to achieve eligibility. Even though this project's dimension and complexity are inferior than for example, the Nairobi-Nakuru Mau Summit Highway, these requirements are by far superior and in our opinion could reduce the competitiveness of the bids to come at a further stage, by thoroughly restricting the number of companies that would surpass the RFQ stage, even though the companies would possess the actual experience, capacity and means to build such an infrastructure. We hereby kindly request to review and possibly adjust the RFQ parameters in a way that:</p> <ul style="list-style-type: none"> • Threshold to achieve <ul style="list-style-type: none"> o 2 Bridges, of which at least 1 must be in a marine 	<p>The criteria for construction experience set out in the RFQ were designed to give the Contracting Authority assurance that Prospective Bidders have the experience of undertaking construction projects of the scale and in environments similar to the 2nd Nyali Bridge.</p> <p>As set out in the response to Question 14, the Contracting Authority has decided to remove the minimum capital value requirement and rely on the technical criteria only. The remaining technical requirements (total length of at least 400 metres and longest span of at least 200 metres) must both be satisfied for a</p>

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		<p>environment, only needs to achieve a minimum of 2 out of the 3 requirements under the <i>Minimal Threshold for Eligible Project</i>, considering that the Prospective bidder / Qualifying shareholder / Contractor proves to have experience in such work environments both in Quantity, Quality and Value. This Adjustment would indeed benefit the Client & the Government of Kenya, by boosting competitiveness and possible solutions for the Project between the several Prospective Bidders.</p>	<p>project to count as an Eligible Bridge Construction Project, and one of the bridges must be in a marine environment.</p> <p><i>There is no further change to the RFQ wording beyond the amendments listed in response to Question 14.</i></p>
21.	Annex QD-9A	<p>Our support Relevant Bank and Financial Institution would like to add some into the template (QD-9A) to maintain non-binding nature (i.e. subject to satisfactory due diligence, agreement on terms and conditions etc), to insert a expiry date/governing law and to use standard customary wording. We believe those markups are international market standard for submitting this kind of support letters, but just in case, we would appreciate if you could confirm it.</p>	<p>We confirm that letters of support are indicative and the Relevant Bank and Financial Institutions can include qualification statements to maintain the non-binding nature. Any expiry date must be no earlier than the validity period of the Qualification Documents as set out in section 6.3.5 of the RFQ (one hundred and twenty days) and subject to any requests for extension by the Contracting Authority.</p>
22.	Annex ID-1	<p>There is a column for mentioning "Designers and technical advisors". Does the Prospective Bidder have to mention Designers and technical advisors at the submission of RFQ?</p>	<p>The Prospective Bidder need only mention designers and technical advisors at the submission of RFQ if they have already made arrangements with them. If no such arrangements have been made there is no disclosure requirement. Names and experience of designers and technical advisors will not be evaluated.</p> <p><i>There is no change to the wording of the RFQ.</i></p>

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23.	3 I (ii)	If the documents which prepared in the other languages other than English are translated by Prospective Bidder, is it necessary for those documents to be certified by public notary with mentioning those translations are true and correct from the original document?	<p>The translator should confirm that the translations are true and correct from the original document. It is not necessary for the documents also to be certified by a public notary.</p> <p><i>There is no change to the wording of the RFQ</i></p>
24.	4.2.1 (B) iii)	If a Qualifying Shareholder's subsidiary appointed as Construction Contractor (which meet the turnover requirements specified under the Financial Qualification Requirements) has a experience of Eligible Bridge Construction Project, is such Qualifying Shareholder (parent company) also regarded as having a experience of Eligible Bridge Construction Project?	<p>As set out in the response to Question 12, the Contracting Authority has decided to delete the requirement in Section 4.2.1 b of the RFQ for one of the Eligible Bridge Construction Projects to have been undertaken by the Prospective Bidder or a Qualifying Shareholder.</p> <p><i>There is no further change to the wording of the RFQ beyond the changes set out in the response to Question 12.</i></p>
25.	3.i.ii Annex QD-1B	<p>If the authorized representative, such as representative director (or CEO), of Lead Member of the Consortium has authority to appoint representative of the Lead Member without board resolution, please clarify whether document with following contents fulfill requirement as equivalent to Annex QD-1B:</p> <ul style="list-style-type: none"> -Lead Member Entity Name, address -Name of the authorised representative, nationality, address -Approval to participate in the Pre-Qualification -Name of appointed representative and designation -Signature of the authorised representative, name, designation, date 	<p>The proposed document would not suffice because we would require a copy of the document authorizing/empowering the representative director or CEO of the Lead Member to appoint the representative of the Lead Member without a board resolution, in such an instance. For purposes of fairness, all Prospective Bidders shall be required to submit Annex QD-1B in the form provided</p> <p><i>There is no change to the wording of the RFQ</i></p>

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26.	3.i.ii Annex QD-1A Annex QD-1B	Please clarify whether 2 or 3 authorized representatives which are appointed in the Form QD 1B and QD-1C are acceptable or not.	<p>The Contracting Authority wishes that there should be single points of contact with each relevant entity. Thus there should only be one authorised representative shown on QD 1B and each QD-1C</p> <p><i>There is no change to the wording of the RFQ.</i></p>
27.	Annex QD-1A Annex QD-1B Annex QD-1C	Is it possible to change authorized representative in the RFP Stage?	<p>It is possible to change the authorised representative at the RFP stage.</p> <p><i>There is no change to the wording of the RFQ.</i></p>
28.	6.1.5 6.2.1	According to Addendum No.1, RFQ submission date has changed from 26th October to 9th November. We understand that the wording of outer and inner envelopes shall be changed from "DO NOT OPEN UNTIL 26 October 2017" to "DO NOT OPEN UNTIL 9 November 2017". Is the above understanding correct?	<p>Your understanding is correct:</p> <p><i>The RFQ sections 6.1.5 and 6.2.1 shall both be amended to read: "DO NOT OPEN UNTIL 9th November 2017".</i></p>
29.	4-2-1-B Construction Experience	It is mentioned that "At least one of the Eligible Bridge Construction Project must have been undertaken by the Prospective bidder itself or a Qualifying Shareholder if the Prospective Bidder is a Consortium". Can you please clarify such requirement, which was not part of the RfQ process of Nairobi - Nakuru - Mau Summit project, and which may prevent bidders from relying fully on the construction reference brought by the construction contractors?	Please see the response to Questions 12 and 24. This requirement has been deleted.
30.	3.j.ii.	KBA Code is necessary to make online transfer for participation fee. Please kindly tell us Authority's KBA code.	The Contracting Authority's bankers have advised that the bank details set out in Section 3 j ii of the RFQ, particularly the branch code, SWIFT code and

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			Contracting Authority's account name and number, should be sufficient for an online transfer.
31.	4.2.1 B	<p>The Qualification criteria for construction appear to be very stringent, especially since most of them are combined on the same projects and can't be met by separate references (that is the case for experience in bridge construction: Bridge length of 400 meters; and Bridge's longest span of 200 meters; and project Capital Value of USD 150 million; <u>and</u> Construction completed within 10 years prior to RFQ Submission Date).</p> <p>We understand that the main objective is to limit the number of selected contractors, but the way the criteria are written excludes candidates with experience which could be relevant to the project.</p> <p>The second impact is that most of the companies interested in the project are obliged to associate in a JV or a consortium scheme to meet those requirements. This situation could be detrimental in term of value for money and would potentially induce less competitiveness of the bid.</p> <p>We appreciate the project's need for selecting competent and motivated candidates. We understand the subsequent need for setting stringent qualification criteria.</p> <p>However we believe that relaxing the following two criteria in line with practical considerations would not decrease the capacity of selected candidates, while making competition richer and more active:</p> <p><u>Bridge Construction over waterway</u> 'At least one of the bridge references must be in a marine environment'</p> <p>We request to be allowed to provide references of works in marine</p>	<p>Please refer to the responses to Questions 14 and 20.</p> <p>The Contracting Authority has removed the minimum capital value requirement and is relying on the technical criteria. It does not intend to remove the requirement in relation to one of the bridges being in a marine environment.</p> <p>The Contracting Authority requires that projects have been undertaken within a reasonably recent period, and will not extend the allowable period of projects to 15 years.</p> <p><i>There is no further change to the wording of the RFQ.</i></p>

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		<p>environment by bridges which are very restrictive to our point of view</p> <p><u>Construction completed within 10 years prior to RFQ Submission Date</u> Because of the combined criteria, we kindly request the 10 years period to be extended to a period of 15 years prior to RFQ Submission Date.</p>	
32.		<p>According to the content of Addendum/Clarification No.1 that issued on 13th September, 2017, we would kindly ask KURA to reconsider the requirement for conflict of interests about state-owned companies and remove this restriction. Based on the China's national conditions, although one company is state-owned, for each company it is independent and assumes sole responsibility for its own profits or losses. So the requirement in RFQ is not quite suitable and fair for Chinese companies.</p>	<p>One of the purposes of the conflict of interest provisions is that all of the bidders should be independent, and be seen to be independent, of each other. The provisions apply equally to all entities from whichever country. The Contracting Authority does not propose to amend the provisions.</p> <p><i>There is no change to the wording of the RFQ.</i></p>
33.	4.2.1	<p>According to the requirements for construction experience of bridges, the capital value of the project shall be greater than or equal to USD150 million. But in our experience, the value is too huge even for a 900m-long high class bridge.</p> <p>And for the O&M experience which requires in the RFQ that the road has been (or continues to be) operated and maintained by that Entity in the ten (10) years preceding the RFQ Submission Date and that the period for which that Entity has to operate and maintain the Eligible O&M Project road is not less than five (5) years</p> <p>And also for the PPP experience which requires in the RFQ that the projects shall be completed in 10 years.</p> <p>But most Chinese contractors are located in the emerging market, so most of the O&M projects' operation period is less than 5 years and most of the PPP projects are still under construction.</p>	<p>As set out in the response to Question 14, the Contracting Authority has removed the minimum capital value requirement, and is relying on the technical criteria.</p> <p>The 5 year period for O&M relates to the contracted period of O&M. It is not specified that the relevant project has completed 5 years of O&M.</p> <p>As set out through the definition in the RFQ of 'Eligible PPP Project', the time period element of the requirement for PPP Experience is not that the PPP project must have been completed in the last 10 years, but that it must have been in operations for not less</p>

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		<p>So we will appreciate it if you can lower the requirements of both value for bridge construction experience and the operation period of O&M experience, and for PPP construction experience, the on-going projects can be accepted.</p>	<p>than 1 year prior to the RFQ Submission Date, and within the last 5 years.</p> <p>The Contracting Authority will not allow projects under construction to count towards PPP Experience nor towards Construction Experience as such projects do not demonstrate that the Prospective Bidder has the required technical experience.</p> <p><i>There is no further change to the wording of the RFQ.</i></p>
34.	Appendix – 1, Page 70 Financial capability	<p>Regarding the financial capability found in Appendix 1 – Page 70 please advise whether our understanding is correct: That the minimum equity contribution in the Project Company to be created will not be less than USD 50 million among all the members of a Consortium and not by every single member of the Consortium. That the threshold of USD 300 million refers to the aggregate Net Worth among all the members of the Consortium. This should be demonstrated by presenting each member’s latest audited Financial Statement as to prove that among all the members they get to the mentioned figure of USD 300 m.</p>	<p>The Contracting Authority confirms that the minimum equity commitment is a combined amount, not an amount to be met by each member of the Consortium.</p> <p>Similarly the aggregate Net Worth threshold of USD 300 million is a combined figure</p> <p><i>There is no change to the wording of the RFQ.</i></p>
35.	Section 4.2.1 Technical Qualification Requirements (A) PPP Experience, page 22	<p>According to the paragraph “experience of undertaking a minimum of four (4) Eligible PPP Projects in accordance with the environmental and social sustainability laws / policies applicable to the project, being either the national laws/policies of the implementing authority of the project or the Equator Principles, the International Finance Corporation (IFC) Performance Standards on Environmental and Social Sustainability or the World Bank Group Environmental, Health and Safety Guidelines, where these have been accepted by the implementing authority” ,</p>	<p>As set out in the Response to Question 18, a completion certificate will suffice as supporting documentation.</p> <p>Information regarding compliance with the relevant environmental and social sustainability laws/ policies, and a certificate from the authorised representative confirming that the</p>

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		<p>we understand that a completion certificate is issued when the project complies with all the above. Please confirm that Kura is fine with presenting documentary evidence for each Eligible PPP Project that the construction of such Eligible PPP Project has been completed and accepted by the project owner and specifying the date of completion and acceptance of such Eligible PPP Project (e.g. completion certificate).</p>	<p>information is true and correct, shall be provided in accordance with Form Q-D4.</p> <p><i>There is no change to the wording of the RFQ.</i></p>
36.	Appendix – 1, Page 68 PPP Experience / Highway sector PPP Project	<p>On the satisfying party column it is mentioned that “ PPP Experience of Affiliates (being other than Subsidiaries) does not exceed 1 of the projects counting towards the total PPP Experience” . Our understanding of this sentence is that you can use only one of your affiliates to provide only 1 PPP project as credential of your PPP experience and the remainder 3 are to be provided by the Qualifying Shareholder, Prospective bidder or subsidiaries.</p> <p>Please confirm that our understanding is correct</p>	<p>Your understanding is correct if one of the projects counting towards the PPP Experience has been undertaken by an Affiliate (other than a Subsidiary). In that instance, the other three projects must have been undertaken by the Qualifying Shareholders, Prospective Bidders or their respective Subsidiaries.</p> <p>Otherwise all four projects must have been undertaken by the Qualifying Shareholders, Prospective Bidders or their respective Subsidiaries.</p> <p><i>There is no change to the wording of the RFQ.</i></p>
37.	Section 6.1 Format of submission of qualification documents	<p>We would kindly ask Kura to please allow for the submission of the RFQ electronically (pdf). This is becoming an international standard in the submission of bids easing the review for the Client and the submission mechanism for the tenderers. The digital submission can be accompanied by a certificate signed by the Lead Member or signed by all the members of the Consortium certifying the content of the digital submission.</p>	<p>On the RFQ Submission Date, there will be a formal opening of RFQ Submissions, which will include a completeness check of documents. The Contracting Authority wishes to have hard copy documents.</p> <p><i>There is no change to the wording of the RFQ.</i></p>

SR. No.	Section /Annex / Schedule /Appendix Number	Question or comment	Response
38.	Section 1 Definitions	We understand that motorways or highways are also accepted in order to provide PPP, O&M and Construction expertise and therefore would comply with RFQ requirements. Can you please confirm that our understanding is correct?	<p>The Contracting Authority confirms that motorways and highways shall be accepted as providing PPP Experience, O&M and Construction experience. The O&M and urban road Construction experience shall be restricted to motorways and highways in an Urban Environment.</p> <p><i>There is no change to the wording of the RFQ.</i></p>
39.	Section 1 Definitions / Section 4. Minimum qualification requirements /Annex QD-1A	We refer to the requirement of the Lead Member holding a 26% shareholding in the Project Company until the expiry date of the applicable Lock-in Period. This requirement it is mentioned in several sections however it is not clear what the Lock-In Period means contractually in regards to obligations acquired with the Authority during this period and the length of it.	<p>The Lock-in periods for the Lead Member and Qualifying Shareholders will be made available to Pre-Qualified Bidders in the draft Project Agreement and be the subject of discussion during the Bid Stage. The current intentions are:</p> <ul style="list-style-type: none"> • For the Lead Member: 5 years after completion of construction and commissioning of the project bridge and roads; and • For Qualifying Shareholders: completion of construction and commissioning of the project bridge and roads. <p><i>There is no change to the wording of the RFQ.</i></p>
40.	Minimum % of a Qualifying Shareholder	In the documents it is mentioned that in order to be considered as a Qualifying Shareholder you must have a minimum of 10%. Our understanding is that this is so any credentials provided by a QS with a minimum of 10% are counted towards accrediting any experience or financial solvency for the Consortium and	<p>The Contracting Authority confirms that your understanding is correct.</p> <p><i>There is no change to the wording of the RFQ.</i></p>

SR. No.	Section /Annex / Schedule /Appendix Number	Question or comment	Response
		therefore also an Entity could form part of the Consortium with less than 10% although its credentials would not be considered for accrediting technical or financial solvency. We would kindly ask the Authority to confirm that our understanding is correct.	

This Addendum/Clarification No. 2 (Two) shall be deemed to be part of the RFQ. All Prospective Bidders shall take note of the same and shall submit their queries and requests for clarifications accordingly. All other conditions in the RFQ remain the same.

Procurement Manager

For: Director General