



Government of Nepal
Ministry of Physical Infrastructure and Transport
Department of Roads

Road Improvement and Development Project Directorate
 Ram Mandir Marga, Battisputali, Kathmandu

Addendum/Corrigendum No. 03 on IFP No: 01/RIDPD/2077/78

Date of Publication: September 11, 2020

- 1 Following addenda/corrigenda have been made on the “Invitation for Prequalification Application, IFP No: 01/RIDPD/2077/78” as per clause 8 of ITA.

SN	References	Existing Provision	Shall be replaced with
a.	Invitation for Prequalification Applications; Part III: Data Sheet (DS) to ITA, Clause ITA 4.3	<p>The share of the Indian partner(s) of the JV [in case with Nepal's entity] shall not be less than 51%. In case of JV the Indian entity shall be the lead partner. In case the JV comprises more than one Indian partner, the lead partner shall be the one with the highest share which shall not be less than 34%. The maximum number of other members in the JV shall be such that each of the other members should have at least 25% share. The JV can be either an incorporated JV company or an unincorporated consortium/ association (JVCA) based on a memorandum of understanding. In case of unincorporated JVCA, the share shall be determined based on the share in the proceeds of the contract (in terms of percentage) being bid for. In other words, if prequalified and invited to bid, the share of JV members in the contract in terms of value shall be in the proportion as stated above.</p> <p>The Letter of Intent to enter into a JV or JV agreement should contain, inter alia, the following:</p> <ul style="list-style-type: none"> - Names of the Lead Partner and each of the other members 	<p>The share of the Indian partner(s) of the JV [in case with Nepal's entity] shall not be less than 51%. In case of JV the Indian entity shall be the lead partner. In case the JV comprises more than one Indian partner, the lead partner shall be the one with the highest share which shall not be less than 34%. The maximum number of other members in the JV shall be such that each of the other members should have at least 25% share. The JV can be either an incorporated JV company or an unincorporated consortium/ association (JVCA) based on a memorandum of understanding. In case of unincorporated JVCA, the share shall be determined based on the share in the proceeds of the contract (in terms of percentage) being bid for. In other words, if prequalified and invited to bid, the share of JV members in the contract in terms of value shall be in the proportion as stated above.</p> <p>The Letter of Intent to enter into a JV or JV agreement should contain, inter alia, the following:</p> <ul style="list-style-type: none"> - Names of the Lead Partner and each of the other members - Percentage share of each JV member

SN	References	Existing Provision	Shall be replaced with
		<p>- Percentage share of each JV member</p> <p>- Confirmation of Joint and Several Liability of all members of the JV</p> <p>The JV is permissible at PQ Stage only. The JV which is prequalified will be sustained for the entire bidding process. JV among prequalified entity and non-prequalified entity or any other entity or change in % of share in JV is not allowed subsequent to prequalification stage. A member of JV shall not be permitted to participate either in individual capacity or as a member of another JV in the same prequalification process.</p> <p>The JVCA shall nominate a Lead Partner who shall have the authority to conduct all business for and on behalf of any and all the partners of the JVCA during the prequalification process, tendering process and, in the event the JVCA is awarded the Contract, during contract execution. Notwithstanding the above, the liabilities of all members of JVCA shall be joint and several.</p> <p>In the event of award of final contract to any JVCA, all the payments to the JVCA shall be made to the bank account of the JVCA and not to the account of individual member(s).</p> <p>The Joint Venture Agreement shall in all respect be governed by and interpreted in accordance with Laws where JV is registered/ incorporated and for unincorporated JVs the Indian laws may be applicable. However, the contract will be governed by the laws specified by Employer in tender document.</p>	<p>- Confirmation of Joint and Several Liability of all members of the JV</p> <p>The JV is permissible at PQ Stage only. The JV which is prequalified will be sustained for the entire bidding process. JV among prequalified entity and non-prequalified entity or any other entity or change in % of share in JV is not allowed subsequent to prequalification stage. A member of JV shall not be permitted to participate either in individual capacity or as a member of another JV in the same prequalification process.</p> <p>In the event of award of final contract to any JVCA, all the payments to the JVCA shall be made to the bank account of the JVCA and not to the account of individual member(s).</p> <p>The Joint Venture Agreement shall in all respect be governed by and interpreted in accordance with Laws where JV is registered/ incorporated and for unincorporated JVs the Indian laws may be applicable. However, the contract will be governed by the laws specified by Employer in tender document.</p>
b.	Invitation for Prequalification Applications; Paragraph 5 (As	A complete set of prequalification documents may be purchased within office hours on or before September 13, 2020 from the office of the Road Improvement and Development Project Directorate, Ram Mandir Marga,	A complete set of prequalification documents may be purchased within office hours on or before September 20, 2020 from the office of the Road Improvement and Development Project Directorate, Ram Mandir Marga,

SN	References	Existing Provision	Shall be replaced with
	<i>per Addendum/Corrigendum No.02)</i>	Battisputali, Kathmandu by eligible Applicants upon submission of a written application along with the company/firm registration certificate, and up on payment of a non-refundable fee of as mentioned in above table.	Battisputali, Kathmandu by eligible Applicants upon submission of a written application along with the company/firm registration certificate, and up on payment of a non-refundable fee of as mentioned in above table.
c.	Invitation for Prequalification Applications; Paragraph 9 (As <i>per</i> <i>per</i> <i>Addendum/Corrigendum No.02)</i>	One “original” and two “copies” of applications for prequalification should be submitted in sealed envelopes, delivered to the address below by 12:00 hours, September 14, 2020 , and be clearly marked “Application to Prequalify for [name of project and the contract name(s) and number(s)].”	One “original” and two “copies” of applications for prequalification should be submitted in sealed envelopes, delivered to the address below by 12:00 hours, September 21, 2020 , and be clearly marked “Application to Prequalify for [name of project and the contract name(s) and number(s)].”
d.	Invitation for Prequalification Applications; Paragraph 10 (As <i>per</i> <i>per</i> <i>Addendum/Corrigendum No.02)</i>	Applications will be opened in presence of authorized representatives at 14:00 hours, September 6, 2020 , in Road Improvement and Development Project Directorate.	Applications will be opened in presence of authorized representatives at 14:00 hours, September 21, 2020 , in Road Improvement and Development Project Directorate.

- 2 *Additional pages (if any) appear in the e-portal/website, after this amendment, other than the pages under Addendum/Corrigendum No. 03 (3 pages) then such additional pages shall not be taken into consideration.*