

NAME OF WORK: DEVELOPMENT OF OIL JETTY NUMBER 9 TO HANDLE ALL KINDS OF LIQUID CARGO AT OLD KANDLA ON BUILD, OPERATE AND TRANSFER (BOT) BASIS.

DPA RESPONSE TO PREBID QUERIES

Date of Issue:18.01.2022

Sr. No.	RFQ Reference	Applicant's Request for Clarification	Authority's Response to Queries
1.	Clause 3.2.3 under CRITERIA FOR EVALUATION	<ul style="list-style-type: none"> • Clause clearly states that any project to qualify project under categories 1 & 2 should have been undertaken as a PPP Project on BOT, BOLT, BOO, BOOT or other similar basis for providing its output or service to public sector entity. HMPL Query – Though HMPL itself is a PPP based company, but we have not executed any project on BOT, BOLT, BOO, BOOT basis with any government entity – HPCL – Mittal Pipelines Limited is a wholly owned subsidiary of HPCL-Mittal Energy Limited. The Company (HMEL) is a Joint Venture between Hindustan Petroleum Corporation Limited – a Government of India Enterprise engaged in the business of oil refining and marketing and Mittal Energy Investments Pvt. Ltd.- a Lakshmi N Mittal Group Company and a 100% subsidiary of Mittal investments S.a.r.l, Luxembourg • Clause further says that a project which constitutes a natural monopoly such as an airport or port normally be included in this category. HMPL Query – we would like to mention that HMPL has undertaken various projects pertaining to port sector in past, which are as mentioned below- <ol style="list-style-type: none"> 1. Construction of HPCL Mittal SPM, COT Mundra & associated facilities at total cost of INR 1350crores approx. in year 2010. 2. Recently in year 2020 Three numbers of New crude oil tanks and associated facilities were constructed at COT Mundra at total cost of INR 150 crores approx. Referring to aforesaid mentioned details kindly clarify if additional tankages project executed with approx. cost of INR 150 crores qualifies for category 1 & 2 project or not. 	<p>The clause 3.2.3 of RFQ holds good.</p> <p>Qualification with regard to specific project cannot be provided at this stage. Evaluation is carried out based on number of other factors/criteria as provided in RFQ document.</p>
2.	<p>1.1.1 Rationale of the Project (Page no 9)</p> <p>Deendayal Port is handling liquid cargo at its 6 Oil Jetties. These jetties collectively have a capacity of 12.00 MMTPA.</p>	<p>Kindly provide last 5 years liquid cargo traffic data at Deendayal Port –</p> <ul style="list-style-type: none"> • commodity wise, • berth wise, • user wise, • evacuation mode wise. 	<p>The relevant details is available in the bidding documents which consist of Feasibility Report, RFP and DCA. The documents will be uploaded in DPT website within couple of days and can be downloaded from DPT website. The</p>

		Kindly also share the traffic study carried out by port to assess the future liquid cargo traffic demand at the port.	downloading of bidding documents should not be construed as qualified, for the project.
3.	1.1. 1 Rationale of the Project (Page no 9) The integrated CRZ clearance for OJ-8 to 11 has been obtained from GCZMA. Further, EC from MOEF & CC for OJ 9 to OJ 11 has been obtained on 20.11.20.	<ul style="list-style-type: none"> • kindly provide copy of Environment & CRZ clearance obtained for OJ 9. • Is Consent to Establish (CTE) from GPCB also available? If yes, kindly share the copy. 	<p>The details are available at DPT website</p> <p>DPT has already obtained Consent to Establish (CTE) for the subject project and same will be shared with successful bidder.</p>
4.	1.1.1 Rationale of the Project (Page no 9) The Oil Jetty No. 7 & 8, which are under construction, are designed to cater to the vessels up to 13 m draught.	kindly provide the project timelines, capacity details, future traffic projections and operational plans of the under-construction Oil jetties OJ 7 and OJ 08. This information is relevant to PPP Operator since OJ 09 will compete with these jetties.	<p>The Construction of OJ 7 & OJ 8 has already commenced and expected to be completed in July 2022 and February 2023 respectively.</p> <p>Please also refer to reply to query no 2.</p>
5.	1.1.1 Rationale of the Project (Page no 10) Deendayal Port Authority (DPA), have decided to Develop, Operate & Maintain three Oil Jetties i.e. No. 9, 10 and 11, berth-wise allotting a single berth to a single operator.	<p>Does it mean that any Bidder allotted with OJ-09 will not be allowed to participate for both OJ-10 and OJ-11 bids? Kindly clarify.</p> <p>In that case, kindly also provide planned capacities for OJ-10 & OJ-11 and tentative timelines for upcoming tenders for OJ-10 & OJ-11. In order to make PPP bids attractive, we recommend DPA to fix milestones of liquid cargo traffic levels for launching fresh tenders of upcoming oil jetties.</p>	<p>The successful bidder for OJ 9 shall not be able to bid for other projects, i.e. OJ-10 & OJ-11. Similarly, successful bidder for OJ 10 shall not be able to bid for OJ 11.</p> <p>The planned capacity for OJ 10 and OJ 11 is similar to the proposed OJ 09 project i.e 3.5 MMTPA</p> <p>Bid for OJ 10 will be floated only after pre-requisite conditions for OJ 09 are met.</p> <p>Bid for OJ 11 will be floated only after pre-requisite conditions for OJ10 are met.</p>
6.	1.1.1 Rationale of the Project (Page no 10) For Oil Jetty No. 9, DPT has taken measures to develop the liquid cargo handling facility for handling all types of liquid cargo like POL, LPG, Chemicals & other liquids, etc. adjoining to the upcoming oil jetty no. 8 at Old Kandla.	<p>kindly provide details of area availability for tank farms, plot details and distances from land fall points, existing lease details (if any), available fresh leasing options with rates, existing users and their pipeline details (if any), existing arrangements with OJ 1 to OJ 6, and planned tankage arrangements for OJ 7 & OJ 8.</p> <ul style="list-style-type: none"> • To make the project attractive to private players, we request the Authority to allocate the dedicated land parcel and /or give the first right of refusal to the PPP Operator for setting up of tank farms to cater the liquid cargo to be handled in the proposed OJ-09 facility. 	<p>Please refer reply to query no 2.</p> <p>The proposed OJ9 is envisaged without consideration of storage facility/tank farms dedicated to the jetty.</p>

7.	1.1.1 Brief details of the project envisaged (Page no 11) and Project Layout (Page no 82) The facilities envisaged to be developed by the BOT operator.... includes: Supply pipelines from the Oil Jetty to Land Fall Point and vice-versa....	Kindly provide: <ul style="list-style-type: none"> • length of pipelines to be laid up to land fall point (i.e. length of section D-E-F in the project layout in page no 82) • Number of slots to be allotted in the common user trestles for Concessionaire at OJ-09 and applicable way leave charges (if any). • What will be the future propositions once OJ-10 & OJ-11 also becomes operational? 	Please refer reply to query No. 2.
8.	1.1.1 Brief details of the project envisaged (Page no 11) A separate building to be proposed with an integrated command centre	Kindly confirm the location envisaged and area availability.	The preliminary data envisaged for structuring of the project has already been provided in the RFQ document along with its drawing. Please also refer reply to query no 2.
9.	1.1.1 Brief details of the project envisaged (Page no 11) Capital and Maintenance dredging alongside the berth and at its approach up to navigational channel is proposed to be undertaken by the BOT operator at its own cost.	Kindly quantify extent of dredging scope (approx. volume as well as distance) of the approach up to navigational channel. <ul style="list-style-type: none"> • Kindly confirm the depth and draft to be maintained by the Port in the channel. • Kindly clarify the Tariff sharing mechanism when the dredging responsibilities are being shared between Port and PPP Concessionaire. 	Please refer reply to query No 2.
10.	1.2.7 (Page no 14) As part of the Bidding Documents, the Authority will provide a draft Concession Agreement and feasibility report prepared by the Authority's consultants and other information pertaining/ relevant to the Project available with it.	In the benefit of the project, it is requested to kindly provide feasibility report / DPR at this stage only. This will enable the bidders to examine the project in detail and carry out its own detail assessment in parallel. This will save time during the RFP stage as the RFP Clause no. 1.2.2 also states that 'The Authority is likely to provide a comparatively short time span for submission of the Bids for the Project'.	The provision of RFQ clause 1.2.7 holds good and also refer reply to query No 2.
11.	1.2.9 (Page no 14) The Concessionaire shall fix the Tariff based on market conditions and on such other conditions, if any, as may be notified and made applicable by a competent authority, under the provisions of the MPA Act.	Kindly confirm the SOR heads under the tariff, which shall be fixed & recovered by Concessionaire. What will be the other heads under SOR tariff which will be continued to levy by the Port?	Please refer the notification issued by MoPSW, dated 21st December 2021 which is available in MoPSW website under subject "Tariff guidelines 2021 for the Future PPP concessionaire- Regarding"
12.	2.2.4 (i) (Page no 18)	We request Authority to also accept Chartered Accountant certificate based on the books and accounts of the company.	The para 2.2.4 (i) of RFQ hold good.

	Certificate(s) from its statutory auditors\$ or the concerned client(s) stating the payments made/ received or works commissioned, as the case may be, during the past 5 years in respect of the projects specified.....		
13.	2.2.4 (ii) (Page no 19) certificate(s) from its statutory auditors specifying the net worth of the Applicant, as at the close of the preceding financial year, and also specifying that the methodology adopted for calculating such net worth.....	We request Authority to also accept Chartered Accountant certificate based on the submitted audited financial statements and companies' books and accounts.	The para 2.2.4 (ii) of RFQ hold good.
14.	2.12 Format and signing of Application (Page no 27) 2.12.2... ...The Applicant shall also provide 2 (two) soft copies on Compact Disc (CD).....	We request Authority to accept the soft copies in USB flash drives as well.	Clause 2.12.2 stands good. However, applicant can also submit soft copy in USB flash drive.
15.	3.2 Technical Capacity for purpose of evaluation (Page no 35) For the purpose of this RFQ: (i). Port sector would be deemed to include Marine structures, On-shore and Offshore Terminals, Berths, Jetties, Quays, Cargo Handling System, Bulk/Liquid Material Handling System, Port based Terminal Facilities, CFS/ICDs, Storage Tanks/Tank Farms, Conveyors, Pipelines, Warehousing, etc. and	Kindly confirm that existing as well as under-development Container Terminals and multi-purpose clean cargo terminals under PPP mode will also be eligible.	Clause 3.2 of the RFQ clearly provides the required details.
16.	3.2.3 Technical Capacity for purpose of evaluation (Page no 36) Eligible Project under Categories 1 and 2	Kindly clarify, the under development or expansion projects, wherein the specified threshold amount has been already spent, will also qualify under Category 1 and 2.	Please refer clause 3.2.3(d) of the RFQ

17.	Pre-Application Conference 13/01/2022 at 16.00 hrs. either: in Board room at A.O. building, Deendayal Port Authority, Gandhidham – 370 201, Kutch Gujarat OR through Video Conference, at same date & time.	At the outset of ongoing pandemic situation, we request to conduct the Pre-Application conference through Video Conference and share the joining link.	The Applicant can attend the meeting physically in Board room at A.O building OR through Video Conference. Accordingly, the link will be provided to applicant/s who wish to join through video conferencing in line with clause 5.1 of RFQ.
18.	Page No 11: Brief Details of the Proposed Project	We refer that the development of tank farms doesn't form as a part of the proposed project. We suggest that the development of the tank farms also should be included as a part of the proposed project. We would like to refer our EoI submitted in October 2019 wherein we had suggested that the tank farm should be part of Project scope. Further, during the meeting held with Chairman with reference to submitted EOI, on 18th January 2020 also, we had requested for coming out with standard project structure for liquid terminal which comprises of Jetty, marine facilities and storage tank farm with pipeline connectivity with jetty along with all allied facilities. In fact, in the EOI document issued by DPT, it was also referred that DPT has 554 Acres of area for allocating to the proposed Oil Jetties No. 9, 10 and 11. Hence, there should not be any issue with respect to land availability for this. The development of oil jetty without liquid storage tank farm would not remain a viable proposal in view of sub-optimal project size, low margins / realizations, sub-optimal customer offering. Hence, for the better project structuring which may enable more participation from the industry, we request the Authority to add the tank farm as part of the Project scope.	The project structure suggested by the querist has been envisaged in the upcoming separate project, Oil Jetty 11.
19.	Page No 11 : Brief Details of the Proposed Project	It is mentioned that "Capital and Maintenance dredging alongside the berth is proposed to be undertaken by the BOT operator at its own cost". We would request the Authority to take the responsibility of capital and maintenance dredging in view of the fact that Authority would, anyway, have to take care of dredging for all of their berths and channel of the Port. Hence, under the scope of Authority's tender for the same, this work can be undertaken. We are fine to bear the proportionate cost for the volume for proposed project. We are suggesting this considering the nominal quantity and the huge mobilization/ demobilization cost involved for small quantity of dredging. Hence, we suggest to modify the above provision in the manner that capital and maintenance dredging alongside the berth shall be carried out by the Authority for which the expense will be borne by the BOT Operator.	Capital and Maintenance dredging alongside the berth is the obligation of the Concessionaire.

20.	Cl. No. 2.19.1: Tests of Responsiveness (h)	<p>Clause no 2.19.1 (h) states that “An Application shall be considered responsive only if it contains an attested copy of the receipt for payment of Rs. 23,600 (Rupees Twenty thousand only) to Authority towards the cost of the RFQ document”.</p> <p>In view of the spiralling Covid cases and deteriorating scenario on that front and also since the payment is to be made through online bank transfer, We request to allow to put the details of UTR Number of the online transaction as the payment details as part of the RFQ Application instead of the attested copy of the receipt of the aforesaid payment as required under Clause 2.19.1 of RFQ.</p>	The Applicant has to submit attested copy of online transaction along with details of UTR number if the payment is made through online mode.
21.	Cl No : 2.2.4 (ii)	<p>It is mentioned that “The Applicants shall enclose with its application the certificate(s) from its statutory auditors specifying the net worth of the Applicant, as at the close of the preceding financial year, and also specifying that the methodology adopted for calculating such net worth</p> <p>We understand that for demonstrating the financial capacity, the Applicant is required to submit the statutory auditor’s certificate only for the net worth of the Applicant. Further, the Applicant can provide the Net Cash Accrual details by itself as required in ‘Annex- III - Financial Capacity of the Applicant’ which does not require statutory auditor’s certificate. Please confirm whether our understanding is correct.</p>	The applicant is required to submit the Statutory auditors certificate for the Net worth and Net Cash accruals for the last five years as per Annex –III – Financial capacity.
22.	Page No 09: Rationale of the Project	In order to assess the traffic potential of the proposed oil jetty no 10, we would like to understand the status of the proposed oil jetty no 07 and 08 (which are at advanced stages of development) and Oil Jetty No. 11 (whether Authority will be going ahead with this project or not). We request the Authority to provide us with the expected commissioning date of oil jetty no 07, 08 and the plans of Authority about Oil Jetty No. 11.	<p>Please refer to query no 4</p> <p>Bid for OJ 11 will be floated only after prerequisite conditions for OJ 10 are met.</p>
23.	General	We request Authority to provide us the present status of the Environmental Clearance of the project.	Environmental clearance already obtained by DPT on 20.11.2020
24.	General	<p>We request the Authority to provide the following details.</p> <p>a. What would be the distance between the oil jetty 9 and the Land Fall Point? Provide us the co-ordinates of the Land Fall Point.</p> <p>b. What would be the width of the pipeline corridor?</p> <p>c. What is the present depth at proposed location of jetty no. 9, 10 & 11 as planned and shown in the drawing enclosed in the RFQ</p>	Please refer reply to query No 2.
25.	Cl no 4.3	We request you to extend the last date of bid submission at least by another one month from the existing date of 29.1.2022 to 28.2.2022, considering the spiralling Covid 19 cases across and state and the country.	The schedule of Bidding process in the RFQ document, holds good.

26	General	What are the fire fighting facilities in terms of capacity and availability of fire water up to the Jetty Battery Limit. We understand the BOT operator has the limited scope of constructing the firefighting facilities at the Oil Jetty.	Installation of fire-fighting facilities for OJ 09 comes under the obligation of concessionaire and the concessionaire has liberty to install the fire-fighting system based on the requirements of OJ 09.
27	General	Is there any restrictions on making site visits in the prevailing covid period.	No restriction as of now. However, if any restrictions are imposed by Central/State Government, the same will be followed.
28	General	<p>As explained in the pre bid meeting, the BOT operator has to provide sufficient Pipeline slots to Operators of OJ10 and OJ11 and cannot charge ROW for the OJ10 and OJ11 Operators, as and when they use the Common Trestle Section.</p> <p>In this regards, we have following Queries</p> <p>(i) This will increase the Capital and Operating cost of this OJ9 BOT operator, when compared with other two BOT operators. Hence Competitiveness will impact and hence OJ9 Operator having spent on capital cost should be allowed to recover the pre fixed or Port decided ROW allotted to the other BOT operators, this condition can be mentioned in the other's concession Agreements.</p> <p>(ii) How many Pipeline Slots to be provided to the OJ10 and OJ 11 Operators by the BOT operator of OJ9? This will give an approximate cost of capital to be incurred, but no revenue, if (I) above is allowed.</p> <p>(iii) Similarly, is OJ9 operator can provide ROW to existing Tank foam operators, as he has no backup/ storage yard.</p>	<p>(i) The OJ 09 BOT operator has to construct common user trestle falling under the area of OJ 09 as shown in the drawing provided in the RFQ. The OJ 09 BOT operator has to provide space for accommodating pipelines originating from OJ 10 and OJ 11 in the common user trestle.</p> <p>(ii) Please refer reply to (i) above.</p> <p>(iii) The scope of OJ 09 operator is to lay pipeline from the jetty to the Land Fall Point (LFP) as shown in the drawing provided in the RFQ. The existing/upcoming tank farm owners can connect pipelines to their respective tank farms from the LFP</p>
29		<p>In the typical Drawings, it is shown that new Tank farm area, where Tank terminals will come up as and when decided by DPT. In pre bid it is mentioned that OJ9 BOT operator is not allowed to bid for this Tank Farm.</p> <p>(i) We request DPT to re-consider this, as this will work as end-to-end solution provide, otherwise the Operators performance depends on the Tank farm owners' and their capability to handle the whole cargo.</p> <p>(ii) At present Port is having a capacity OJ1 to OJ6 as 12Million. By adding OJ0, OJ7 and OJ8, it may go to 17Million (addition of 5Million) and with the addition of OJ9 to 11, the liquid cargo capacity (3.5 * 3) will become 28 Million. Does DPT existing Tank farm has the capacity to handle the such increment from 12 to 28.</p>	<p>(i) The successful bidder is required to form a Special Purpose Vehicle (SPV) to execute concession agreement and implement the project and therefore, the same SPV is not allowed to bid for tank farms.</p> <p>(ii) The existing tank farm capacity is utilized up to 30 to 40 % based on present liquid traffic handled at Kandla.</p>
30	Capital Dredging and Maintenance Dredging	It is mentioned that DPT will carry out complete access channel dredging both capital (from present to 13m) and Maintenance (at 13m) and the	The understanding is correct. Further, the Concessionaire shall pay the pro-rata cost of dredging to achieve 13 m draft to be

		Operator of OJ9 to carry out capital and maintenance of his own approach and berth pocket .PL. confirm our understanding.	carried out from Zero Panel to Oil Jetty Complex.
31	General	We request for present Port facilities (Tank farm operators) and Existing Ship Handling facilities, of related cargo and that may come up in next two years, i.e. by the time OJ9 commissioned., along with last five years' commodity wise traffic to understand the tank farm facility available and their adequacy, since operator's revenue depends on the Tank Farm facility, since no back up yard is attached.	Please refer reply to query no 2 above.