



## CLARIFICATION # 1

FOR

### Request For Offers for “Recycling Pilot Works Contract – Dhan Khola Lamahi 40km Road Section Ref No: (MCA-N/RM/CB/008)

(ISSUED ON 28 NOVEMBER 2024)

SN	Reference to the Request for Offers	Questions from Offers	Response of Millennium Challenge Account Nepal (MCA-Nepal)
1.		<p>In the qualification and evaluation criteria, the need of experience certificate for road project with asphalt pavement has been stated.</p> <p>We are concerned if the certificate of premix pavement will be eligible instead of asphalt pavement or not.</p>	<p>Experience with open graded premix alone will not be satisfactory in this case. Contractors should have experience with pavements constructed with Asphalt Concrete mixtures. The thickness requirements and traffic levels for application of open graded mixtures are different. Furthermore, there are differences in the types of bituminous binders required for the open graded mix. Contractors with experience with Asphalt Concrete/Bituminous Concrete are acceptable.</p>
2.	Section III: Qualification and Evaluation Criteria, Sub-Factor 13. Similar Experience	<p>The clause mentions that each member of a joint venture must have one contract within the last ten (10) years, with a value of at least US\$ 5.27 Million or equivalent, that has been successfully or substantially completed and that is similar (any road project with asphalt pavement experience) to the proposed works. I would appreciate if you could clarify whether this requirement applies to:</p>	<p>As per the requirements of the section III, Qualification and Evaluation criteria, the Lead Member (in case of Joint Venture) or the Consultant who submit an Offer (in case of a Single Entity) must meet the requirement which is “<i>Participation as contractor, management contractor, or subcontractor, in at least One</i></p>

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		<p>Each individual bidder as part of the joint venture (meaning all members must meet the requirement separately), or  The single entity or joint venture as a whole (where the requirement can be met collectively by the joint venture members).  We want to ensure that we interpret the criteria accurately to comply with the tender requirements.</p>	<p><i>contract within the last ten (10) years, with a value of at least US\$ 15.80 Million or equivalent, that has been successfully or substantially completed and that is similar to the proposed Works. The similarity shall be based on physical size, complexity, methods/technology (any road project with asphalt pavement experience) or other characteristics as described in Section V. Employer's Requirements."</i></p> <p>And in the case of a Joint Venture, <b>each</b> member (other than Lead Member who must meet the above-mentioned requirements) must have <b>"One contract within the last ten (10) years, with a value of at least US\$ 5.27 Million or equivalent, that has been successfully or substantially completed and that are similar (any road project with asphalt pavement experience) to the proposed Works."</b></p>
3.		<p>Kindly help me with the clause specifying/stating: "International bidders are allowed as single entity for bidding or International bidders are allowed to bid without any kind of JV with local partner".</p>	<p>There are no restrictions for Offerors whether to submit an Offer as a single entity or in joint venture. This is applicable to all international and local firms.</p> <p>Also, this should be interpreted as there is no obligation for an international bidder to enter into a Joint Venture with local firms.</p>
4.		<p>Upon review, we noted that the Bill of Quantities (BOQ) file, labelled as "241029_BOQ.xlsx" in the Tender Documents, was not included in the documents received.</p>	<p>The Bill of Quantities (BOQ) can be found in the Bidding Document Volume I, Section IV Submission Forms, PDF page number from pages 54 to 83.</p>

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			<p>Please find attached the BoQ in excel file.</p> <p>Please note that, in case of any discrepancy between the PDF version and the excel sheet provided, the PDF version included with the Bidding Document shall prevail.</p> <p>Further, please note that in case of the issuance of an addendum to the Bidding Document modifying the Bill of Quantities, it is the Offerors responsibility to incorporate in their offers the changes made to the Bills of Quantity.</p>
5.	ITO Sub-clause 5.6, Government owned-Enterprise	<p>Referring to Data Sheet, ITO Definitions S1. No. (w); ITO Sub-clause 5.6 and Form ELI-3, we understand that Government-owned-Enterprises, which are not eligible to compete for MCC-funded contracts for goods and works, are those Enterprises established for a commercial or business purpose that is owned and/or controlled by the Government of the Accountable Entity's country i.e. the Government of Nepal.</p> <p>Please confirm.</p>	Government-Owned Enterprises (“GOEs”) are not eligible to compete for MCC-funded contracts for goods (which includes contracts for the supply and installation of information systems) or works. Please note that the GoE provision is applicable to enterprises owned by any Government, not only by the Government of Nepal.
6.	Section III: Qualification and Evaluation Criteria, Sub-Factor 13. Similar Experience	<p>Under Section III Qualification and Evaluation Criteria under 13. Similar Experience, the criteria for offeror, each member of a joint venture must have one contract within the last ten (10) years, with a value of at least US\$ 5.27 Million or equivalent, that has been successfully or substantially completed and there are similar (any road project with asphalt pavement experience) to the proposed works.</p> <p>In nepal the alternate works very similar to the Asphalt Concrete is the Open Graded Premix Carpet which differs in the thickness of the pavement with respect to the Asphalt Concrete and we understand that it may be considered under the Asphalt Pavement being very similar to it. Thus we would be grateful if</p>	Experience with open graded premix alone will not be satisfactory in this case. Contractors should have experience with pavements constructed with Asphalt Concrete mixtures. The thickness requirements and traffic levels for the application of open graded mixtures are different. Furthermore, there are differences in the types of bituminous binders required for the open graded mix. Contractors with experience with Asphalt Concrete/Bituminous Concrete are acceptable.

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		you kindly provide us your opinion in this matter at the earliest possible.	
7.	Section III: Qualification and Evaluation Criteria, Sub-Factor 14. Specific Experience in Key Activities	As per your bid document section III – Qualification & Evaluation Criteria, Factor 14 – “Specific Experience in Key Activities”, mentions that “The lead partner must meet “the cited requirement. But also in Sub- Factor right below in “Specific Experience in key Activities “states that “May be Met by the proposed specialized sub – contractor(s):. So you are requested to verify whether the special experience can be fulfilled by a specialized sub- contractor or must be fulfilled by the Lead Partner ?	<p>For the Experience stated in Sub-Factor 14 “Specific Experience in Key Activities”, the Consultant who submits an Offer (in case of a Single Entity) or Lead Member (in case of a Joint venture) must meet the requirement.</p> <p>Please note that the Offeror can satisfy the requirement either through a lead partner or through a sub-contractor, which is the current provision/requirement, until and unless there is any amendment to this requirement.</p>
8.		If we can apply escalation (price index) in the certificates or not?	<p>Question is not clear about which certification the question is referring to.</p> <p>If you are referring to the contract amount of your construction experience to be escalated to today, please take note that this is not allowed. However, you can convert the Contract Price to USD by using the exchange rate published by an independent authority (example Nepal Rastra Bank) at the date of Contract signing.</p> <p>However, if you are referring to the price adjustments to be carried out for the interim payment certificates, please note that ITO 15.5 states “The prices shall be either fixed or adjustable as specified in the DS.” And the Data</p>

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			<p>Sheet (DS) states “The prices quoted by the Offeror <b>shall</b> be subject to adjustment.” The methodology for applying the price adjustment is described in Section IV Submission Forms 3. Appendix to Offer 13.8. For details, please refer to Appendix to Offer 13.8.</p> <p>If you are referring to the adjustment in price due to the extension of Bid Validity. Please note that as per ITO clause 19.3 (a) If the award is delayed by a period exceeding eighty-four (84 days) beyond the expiry of the initial Offer validity, “Rates quoted by Offerors in their priced Activity Schedule, Bill of Quantities or Schedule of Prices shall be adjusted by the factor specified in the DS.” <b>This adjustment is not applicable.</b></p>
9.		Regarding joint venture bids, which one of the following is validated, Bidder's participation or certification.	<p>The question is not clear.</p> <p>Please refer to the Bidding Document related to the requirement that the Joint Venture needs to satisfy.</p>
10.	Factor 13 , Similar Experience : One Contract within the last Ten (10) years ,with a value of at least US\$ 15.80 Million or equivalent	Does Joint Venture Certificate with the total value (not calculating the Percentage of the JV share for the value of Contract) meet requirements.	<p>The Offeror must demonstrate only the individual experience that they possess, not the total experience of the Joint Venture. The evidence in support of the experience can be submitted as a value or percentage.</p> <p>As per the requirements of the section III, Qualification and Evaluation criteria, <b>the Lead Member (in case of Joint Venture)</b> or the Offeror who submit an Offer (in case of a Single</p>

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			<p>Entity) must meet the requirement which is <i>“Participation as the contractor, management contractor, or subcontractor, in at least One contract within the last ten (10) years, with a value of at least US\$ 15.80 Million or equivalent, that has been successfully or substantially completed and that is similar to the proposed Works. The similarity shall be based on physical size, complexity, methods/technology (any road project with asphalt pavement experience) or other characteristics as described in Section V. Employer’s Requirements.”</i></p> <p>And in the case of a Joint Venture each member (other than the Lead Member who must meet the above-mentioned requirements) must have <i>“One contract within the last ten (10) years, with a value of at least US\$ 5.27 Million or equivalent, that has been successfully or substantially completed and that are similar (any road project with asphalt pavement experience) to the proposed Works.”</i></p>
11.		or equivalent, which date of conversion do we use to get the equivalent and does National wholesale Price index apply for calculating the present value as per the PPMO guidelines.	The exchange rate at the date of signing of Contract as published by the Nepal Rastra Bank (or Reserve Bank of the Country) can be used to convert the contract price from NPR into USD. National wholesale Price index does not apply for calculating the present value.
12.		If the similar experience certificate is shared fifty fifty in joint venture then the amount is added fifty or hundred? And Nepal Rastra Bank wholesale Price Index latest is add or not add in similar experience certificate ?	The question is not clear. However, in case the Offeror has worked in the past on a contract in Joint Venture with 50:50 partnership and if the total contract price was

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			NPR100 million. In that case, the Offeror has experience of NPR50 million only. Further, to convert the amount NPR50 million into USD. You need to use the exchange rate of USD and NPR at the date of signing of the contract and do not escalate further.
13.	<b>Section III: Qualification and Evaluation Criteria, 13 Similar Experience:</b> For each member of (JV) required One contract within the last ten (10) years, with a value of at least US\$ 5.27 Million or equivalent, that has been successfully or substantially completed and that are similar (any road project with asphalt pavement experience) to the proposed Works.	In Nepal, we are practice asphalt work last 5/6 years only so we kindly request you to correction "Any Bitumen Road Project" instate of above in bid document please.	Considering this is not a regular full project but a pilot project of implementation of new technologies such as FDR and Superpave, we have carefully considered this requirement and hence, MCA-Nepal will not be able to amend the Bidding Document as requested.
14.	<b>Section III. Qualification and Evaluation Criteria, 13 Similar Experience.</b>	In that column the document clearly shows that each member from the Joint Venture must have the experience in road project with asphalt pavement within the last ten (10) years, with a value of at least US\$ 5.27 Million. In this case we have the same experience of around US\$ 5.52 Million value with the 3 nos. of joint venture in which we have 30% of share value in it. Hence, my queries is that to participate in the above mentioned project the mentioned certificate will be qualified or not? Since the bid document did not clearly written of "For contracts under which the Bidder participated as a Joint Venture partner or Subcontractor, only the Bidder's share, by value, shall be considered to meet this requirement".	The Offeror shall submit the experience which they have. Thus, in the Contract where the Offeror has carried out work as partner of a Joint Venture, the Offeror will be accounted for the experience equivalent to the percentage/value of work done by them as per their JV agreement, which shall be presented in the offer's submission.

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15.	<b>Section III. Qualification and Evaluation Criteria, 13 Similar Experience.</b>	As specified in Clause 13. "Similar Experience" under Section III: Qualification and Evaluation Criteria, we request you to clarify whether the amount stated there under both "Indicative Requirement" and "Each Member" shall be the amount with VAT or without VAT.	If the Contract Price is excluding VAT. The amount excluding VAT will be considered.
16.		We would request you to clarify whether the NRB index complies to calculate the adjusted amount of any of our Project to current timeline to meet the requirement under Clause 13. Similar Experience.	The exchange rate published by the Nepal Rastra Bank on the date of contract signing shall be considered for converting the contract price from NPR to USD. The NRB index to adjust the contract amount to the current timeline is not applicable for procurements under MCC rules. Consequently, there shall not be further escalation for the years elapsed.
17.		Please specify the maximum number of companies permitted to participate in the JV.	In the bidding document, there is no limit on the maximum number of companies/partners in a JV arrangement.
18.		In reference to the instructions for bid submission, a link has been provided. Could you please confirm if we are required to complete additional registration or login to access the bid submission portal? Additionally, could you clarify whether we are permitted to modify/Withdrawal our bid offer after submission, provided it is done within the submission deadline?	There is no registration required for uploading the files/folders using the provided Link.  You can upload your modification/withdrawal using the link provided and as per the provisions of the Bidding document (please refer ITO 25).
19.		Pursuant to Section III: Qualification and Evaluation Criteria 13 similar experience & 14, "Specific Experience in Key Activities," if work executed in JV, then the experience will be evaluated with JV share or full experience will count.	The past experience carried out as a JV partner shall be equivalent to the share (% or amount) of the experience obtained as JV. The JV partner does not have the total experience of the Joint Venture itself.
20.		Pursuant to Section III: Qualification and Evaluation Criteria 14, "Specific Experience in Key Activities," could you please clarify whether this experience requirement refers to a single contract or a combination of all relevant experience within the past 10 years?	This refers to the combination of all relevant experience in the last 10 years counted from the date of submission of the Bid.



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21.		To ensure adequate cash flow and the mobilization of optimal resources to meet the project completion deadline, we respectfully request that the advance payment provision be adjusted from 10% to 15%.	We noted your request and regret to inform you that MCA-Nepal will not be able to amend the Bidding Document on this regard. Thus, the advance payment will remain 10% of the accepted contract amount.
22.		Due to the current economic conditions and manufacturers not utilizing their optimum plant capacity for the production of construction materials, there is uncertainty regarding the availability of materials. As a result, it is challenging to maintain the inventory cycle for major material resources. We respectfully request that you facilitate advance payment for the major materials upon their delivery to the site.	We noted your request and regret to inform you that MCA-Nepal will not be able to amend the Bidding Document on this regard.
23.		Domestic contractors possess a better understanding of the local regulatory environment and construction norms, which can significantly reduce compliance issues and delays. Supporting domestic bidders also stimulates the local economy, creates jobs, and strengthens key industry sectors critical to national development. We firmly believe that providing domestic preference aligns with the broader objectives of promoting national economic growth while ensuring the successful and timely completion of the project. Therefore, we kindly request that domestic preference be facilitated in this bidding process.	We noted your request; however, MCC Procurement Guidelines does not allow domestic preferences.
24.		Is authentication or notarization of the submitted bid documents mandatory? If required, please specify which documents need to be notarized or authenticated. For documents such as Nepal's Vehicle and Equipment Ownership papers, which are in the Nepali language, is translation into English required?	<p>There is no requirement of notarization of the submitted Offer's documents. However, please go through the Bidding Document and comply with other requirements stated in the Bidding Document.</p> <p>Please note the provision stated under ITO 11.1, which states "Supporting documents and printed literature that are part of the Offer may be in another language provided they are</p>

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			<p>accompanied by an accurate translation of the relevant passages into the language specified in the DS, in which case, for purposes of interpretation of the Offer, such translation shall govern.” The DS states the “The Offer shall be submitted in <b>English</b>”.</p>