

QUESTIONS & ANSWERS

INVITATION TO TENDER N° ENER/A3/2013-453-1 Introduction of new underground mining technology at North-East Coalfields in Assam, India contract notice in OJEU 2013/S 089-150442 Last update: 13/06/2013

Question 1. Could you please clarify the rules of participation (access to the market), also in view of the fact the tender specifications indicate that the maximum indicative budget is 130.000€? Can a company based in India participate to this tender?

Answer 1. The tender specifications under section 1.1. indicate that "*the participation in this tender procedure is open on equal terms to all natural and legal persons coming within the scope of the Treaties and to all natural and legal persons in a third country which has a special agreement with the Union in the field of public procurement on the conditions laid down in that agreement. Where the Multilateral Agreement on Government Procurement concluded within the WTO applies, the participation to the call for tender is also open to nationals of the countries that have ratified this Agreement, on the conditions it lays down*".

The tender specifications indicate that the "indicative maximum price: 130.000€". It is primarily to be understood as an indicative budget. The actual contract price could be slightly above 130.000€ Therefore, the market is open to the countries mentioned above.

A company based in India cannot participate to this tender as tenderer (including partner in a consortium) as India does not fall under the above framework. Tenderers are however free to choose their subcontractors from both eligible and non-eligible countries. Thus, in principle all economic operators can act as subcontractors of eligible tenderers.

Question 2. Annexure 4 as attached in the tender documents states that the template for the documents, is it to be followed for all the documents listed below or just the Cover Page ?

Answer 2. This template shall be followed only when drafting the study. Therefore it doesn't refer to the documents to be submitted for the tender offer.

Question 3. Annexure 4 is not in an editable format. Can cover page be provided in an editable format?

Answer 3. The editable word format document will be provided to the contractor.

Question 4. Is the “Service Contract” as given in the tender documents, to be filled and signed at the time of award or while submitting the bid documents?

Answer 4. No.

Question 5. The links given in the “Specification Document” regarding the “Financial Identification form” and the “Legal Entity” of the Tender are not accessible

Answer 5. Please try to copy paste these two links:

Legal entity

http://ec.europa.eu/budget/contracts_grants/info_contracts/legal_entities/legal_entities_en.cfm

Financial identification

http://ec.europa.eu/budget/contracts_grants/info_contracts/index_en.cfm

Alternatively you can download the documents in annex (Financial Identification form, Legal Entity Individual, Legal Entity Private Companies, Legal Entity Public Entities)

Question 6. With reference to the Tender Specifications, Section 3.2, Page 12, sub-sections (a) and (b) specifies tasks to identify and select rock and coal samples for material property testing as part of the geotechnical investigation.

It is not clear in the tender document if the costs of collecting these samples, shipping to an accredited laboratory and subsequent testing is included in the fixed budget or will these tasks and the costs incurred be the responsibility of North Eastern Coal Ltd?

Answer 6. The job of collecting rock and coal samples from the mine premises, shipping them to an accredited laboratory and their subsequent testing will be the responsibility of the successful tenderer and the cost incurred thereof has to be borne by the tenderer. North Eastern Coalfields Ltd. (NEC) will have no responsibility in this regard.

Question 7. Tipong mine is situated in the state of Assam which is classified as a medium to a high threat area for travel. The British Government's Foreign and Commonwealth Office (FCO) Indian travel advice website, updated on the 28 May, states that 'Although the overall security situation in the northeast has improved, parts of some north east states, especially Manipur and Assam, still experience sudden and random outbreaks of violence. Review your security arrangements carefully, seek advice from local authorities and avoid large crowds.'

The safety of employees is vital and company's security advisors have advised us that our engineers will require security while travelling within the state and secure accommodation throughout their stay in Assam.

Will North Eastern Coal Ltd., be providing security and ensure the safety of our engineers throughout their stay in Assam (transport and accommodation) or will these costs have to be

found from the fixed budget?

Answer 7. Safety & security will be provided by NEC in consultation with the state government.