

## Replies to RFQ Queries

The replies to queries raised by the prospective applicants on the RFQ document are provided below. Prospective applicants are requested to refer to these replies and clarifications before submitting their applications.

Sl. No.	Query	Reply
1	How much F.A.R would be available for construction and how much of it would be available for commercial use (Shops and Showrooms)?	<p>Yashwant Place is a 'Community Centre' as per the Delhi Master Plan (MPD). The proposed development shall follow the MPD norms including all other applicable laws etc. The FAR as per the MPD is 125 for the entire Community Centre plot. The maximum permissible built up area of the subject sub-plot would be intimated in the Request for Proposal (RFP) document, to be issued to shortlisted bidders in the next stage.</p> <p>As noted in the advertisement, the developer would be required to compulsorily develop a multiplex of 1000 seats with minimum 3 screens in the available built up area. The remaining area could be utilised for development of permitted commercial activities.</p>
2	Technical Qualification Criteria: - It is mentioned in the RFQ document that "the Lead Member must have developed at least one Shopping Mall cum Multiplex." at the same time "Lead Member must have Financial Tangible Net-Worth of 27 crore". This criteria must be revised and should be such that any member holding 26% equity in the consortium having experience in developing Shopping Mall cum Multiplex will qualify for the project.	<p>No relaxation is proposed in the qualification criteria. Further, it is clarified that the Lead member in a consortium of companies is a member that meets all the following criteria:</p> <ol style="list-style-type: none"> <li>1. Has been nominated and authorized as the Lead member to act on behalf of the others as their representative for bidding and implementation of the project.</li> <li>2. Meets on a standalone basis the technical eligibility criteria, whereby, it must have developed at least one Shopping Mall cum Multiplex of minimum built-up area of 1,00,000 (one lakh) sq. ft. in the last 5 years in a single project.</li> <li>3. Singularly has tangible net-worth of Rs. 27.00 crore or more.</li> <li>4. Lead Member shall compulsorily hold at least 26% (twenty six percent) of the total paid-up equity share capital of the SPV at all times during the License/Concession period.</li> </ol>
3	It is further requested to relax from the minimum built-up area of 1 lakh sq.ft from a single project to having experience in design, developing, marketing & operation of atleast one project comprising of Shopping Mall with minimum 2 screens multiplex.	
4	Financial Qualification Criteria: - The Net-Worth of 86 crore is high and should be revised to 50 crore.	
5	Please provide a copy of the lay-out plan of the plot	
		Will be provided at the RFP Stage

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6	What is the FAR and height of the building to be constructed?	The MPD norms and Delhi Building Byelaws would govern all development controls on the site. Absolute details regarding FAR, building height and other development norms shall be specified in the RFP documents, which would be issued to the shortlisted bidders in the next stage.
7	What is the mandatory set back and parking of the building to be constructed?	
	Who is the Building Plan sanctioning authority?	NDMC
8	What is the mode of upfront money and license fees per month?	Modalities of payment would be provided at the RFP stage.
9	When will the License/Concession period of 30 years start?	The period would start from the date of handing over possession of the site by NDMC to the selected bidder, subsequent to the signing of the License/Concession Agreement. It is further expressly clarified, that wherever the word License is observed, it should read as License/Concession.
10	When the monthly rental be payable?	Details of the amount/ mode of payment/ schedule of all payments would be made available at the RFP stage in the documents issued to the shortlisted bidders
11	After 30 years of License/Concession period whether the building will be handed over in vacant position or occupied building, which will be rented out to different parties after construction?	At the end of the License/Concession period of 30 years, the building will have to be vacated and the entire assets created by the concessionaire shall revert to NDMC free of all encumbrances, at nil value. The details shall be provided in the next stage of the procurement process to the shortlisted applicants.
12	There is a condition that one project of one lakh sq ft must be constructed in the last five years. Please clarify whether the built up area includes the basement or not.	Built up area shall be calculated based on the MPD and Delhi Building Bye Laws. Only covered area of the building(s) that is considered in FAR calculations as per Delhi Building Bye Laws would be treated as Built Up area. Basement area if utilized for purposes of parking, utilities and services will not be included in the Built up area.
13	Whether a combination of 2-3 projects can be treated as one lakh sq ft. built up area?	No. A single project of 1 lakh sq ft. must have been completed.
14	We have developed a mall cum multiplex of more than 1 lac sft, 5 years and six months back. Please confirm whether we are eligible to bid.	Such confirmation cannot be given during the tender stage. The eligibility conditions are quite clear in the RFQ document.
15	We would like to invite your kind attention towards the fact that the same should be extended, at least for next 15 days, since due to winter vacation, most of the offices are either closed or the staff members are on leave, therefore request you to please consider our request in the interest of Public / corporate sector, as well as the interest of Government also so that genuine people can become a part of such a big project.	<b>Time and date for submission of proposal/ bid stands extended upto 4.00 pm on 21<sup>st</sup> January, 2008.</b>

Sl. No.	Query	Reply
16	<p>Kindly refer the technical experience criteria for the multiplex development at Yashwant Place community center, New Delhi. In this it has been mentioned</p> <p><b>"A member of consortium is allowed to rely upon for technical experience only and submit the qualification of :- (a) its majority (largest) shareholder ....."</b></p> <p>Now the query is as follows ;-</p> <p>Suppose  &gt; A Ltd. is largest shareholder of B Ltd as on 31-03-2007.  &gt; B Ltd have developed the required size multiplex.  &gt; A Ltd's networth is 75 Cr as on 31-03-2007.  &gt; B Ltd's networth is 11 Cr as on 31-03-2007.</p> <p>Kindly confirm that whether in this circumstances consortium of A Ltd.(As Lead member) and B Ltd.(As Member) will qualify the eligibility criteria.</p>	<p>Such confirmation cannot be given during the tender stage. The eligibility conditions are quite clear in the RFQ document. The bidder has to submit necessary documents as per the RFQ requirements, which would have to be examined.</p>
17	<p>Kindly describe the definition of built-up area for the multiplex development at yashwant place community center, New Delhi. Do you also include basement parking area in built up area or not?</p>	<p>Refer point 1 and point 12.</p>

**Other clarifications:**

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For the purposes of clarity, the eligibility criteria stand amended as hereunder:

## ELIGIBILITY CRITERIA FOR RFQ EVALUATION

The applicant bidders/ companies should meet all the following eligibility criteria:

A. The bidder must be a Company incorporated and registered in India under Companies Act, 1956 or a consortium of companies, each of which is a company incorporated and registered in India under Companies Act, 1956. An international Company, if interested, can participate through its subsidiary incorporated and registered in India under the Companies Act, 1956.

**B. Technical Experience Criteria**

1. The applicant Company, in case the bidder is a single company, OR the Lead Member, in case the bidder is a Consortium of Companies, must have developed<sup>1</sup> at least one Shopping Mall cum Multiplex of minimum built-up area of 1,00,000 (one lakh) sq. ft. in the last 5 years in one single project. Last Five years shall be calculated backwards from the date of issue of the RFQ i.e. 19<sup>th</sup> December 2007. However,

the applicant Company, in case the bidder is a single company, OR the Lead Member, in case the bidder is a Consortium of Companies, is allowed to rely upon the technical experience of the following:

- (a) its largest shareholder company (as on the date of issue of the RFQ i.e 19/12/2007) and/or
- (b) holding companies and/or subsidiaries (as defined in the Companies Act, 1956) and/or
- (c) companies with which it has a common promoter

(Promoter is an entity which has been identified as a 'Promoter' in the prospectus of the Company or one who controls the Board of the Company. The Company Secretary should provide a certificate identifying the Promoter(s) and their shareholding pattern.

Provided that in such circumstances:

- (i) the Bidder has to clearly indicate, with supporting documentation including shareholding structure, shareholder's agreement, Articles of Association (AoA), the relationship between the applicant company/lead member and the relevant entity whose technical experience it is seeking to rely upon. The above documents should be certified and stamped by Company Secretary of the applicant.

AND

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<sup>1</sup> *Integrated responsibility of conceptualisation to designing, financing, building, marketing and sale/lease/license, operating and management. The said project must have been fully completed and currently in operation.*

(ii) the relevant entity whose technical experience the Bidder is seeking to rely upon, must also submit a Letter of Commitment in the format specified in Exhibit II a.

**C. Financial Strength Criteria**

1. The applicant Company or the members within the Consortium of Companies taken together must have an aggregate, tangible Net-Worth of at least Indian Rupees Eighty Six crores as per the audited annual accounts of the last completed financial year. Net worth shall be calculated as per the following formula: [Paid Up Share Capital + Reserves and Surplus – (Revaluation Reserves, goodwill, miscellaneous expenses not written off and other intangible assets)], and must be certified by an independent, practising, chartered accountant / firm of Chartered accountants registered with the Institute of Chartered Accountants of India (ICAI).
2. In case applicant is a consortium of companies, the Lead member of the Consortium, singularly, must have tangible net-worth as Indian Rupees Twenty Seven Crores or more.
3. In case of a consortium of companies, it is clarified that Net worth shall be aggregated only of the members in the proposed Consortium, who have submitted documentation that are in accordance with the RFQ. Each of the consortium members must submit duly filled Exhibit III of this RFQ.

**Exhibit II a: LETTER OF COMMITMENT**

*(The entity/ consortium member whose experience is being relied upon has to submit a Letter of Commitment)-*

Date:

Place:

To  
Director (Projects),  
New Delhi Municipal Council (NDMC)

Palika Kendra, Connaught Place,  
New Delhi-110001  
Ph: +91 11 23364699

Dear Sir,

**Sub: RFQ for selection of a Bidder to implement the Multiplex Development at Yashwant Place Community Centre at Chanakyapuri, New Delhi.**

This has reference to the RFQ application being submitted by \_\_\_\_\_ (*mention the name of Applicant Company/Lead member in case of a Consortium of Companies*) in respect of the captioned project in response to the Request for Qualification ("RFQ") issued by the NDMC dated 19<sup>th</sup> December, 2007.

We hereby confirm the following:

1. We \_\_\_\_\_ (*name of the relevant company/ all consortium members*), have examined in detail and have understood and satisfied ourselves regarding the contents mainly in respect of the following:
  - The Request for Qualification Document issued by NDMC;
  - All subsequent communications (including those posted on the NDMC website) between NDMC and the Bidder, represented by \_\_\_\_\_ (*name of the Applicant Company or of the Lead Member in case of a Consortium of Companies*)
  - (*applicable only for a Consortium of Companies*) The MoU has been signed between/among \_\_\_\_\_ (*name(s) of Members*) and
  - The application being submitted by \_\_\_\_\_ (*name of the Applicant Company or of the Lead Member in case of a Consortium of Companies*) in response to the RFQ.
  
2. The nature of our legal relationship with \_\_\_\_\_ (*name of the Applicant Company or of the Lead Member in case of a Consortium of Companies*), which is the Applicant Company / Lead Member of the Consortium of Companies, as per the requirements stated in the RFQ Document, is \_\_\_\_\_ (*Please insert the details of the relationship*) . We have understood the nature of work/project being undertaken by the Bidder and the reason for which our technical experience is being sought to be relied upon by it.

3. We undertake and hereby commit to support \_\_\_\_\_ (*name of the Applicant Company / Consortium Member, for which the Letter of Commitment is being furnished*) in respect of the roles \_\_\_\_\_ (*briefly define the roles of the Applicant Company / Lead Member in case of Consortium of Companies*) as detailed in the RFQ application being submitted by \_\_\_\_\_ (*name of the Applicant company or of the Lead Member in case of a Consortium of Companies*).
  
4. We therefore request NDMC to consider our strengths, our experience, and our track record (*as applicable*) as specified in our application pursuant to the conditions specified in the RFQ, for the purposes of evaluation of the Minimum Eligibility Criteria.

For and on behalf of

Signature  
(Authorised Representative and Signatory)

Name of the Person :  
Designation :