

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(a) Eligibility</b>							
3.2(a) (i)	Nationality	Nationality in accordance with ITB 4.3	Must meet requirement	N/A	Must meet requirement	N/A	Forms ELI-1 and ELI-2 with attachments
3.2(a) (ii)	Conflict of Interest	No conflicts of interest as described in ITB 4.2	Must meet requirement	N/A	Must meet requirement	N/A	Letter of Technical Bid
3.2(a) (iii)	JICA Ineligibility	Not having been declared ineligible by JICA, as described in ITB 4.4	Must meet requirement	N/A	Must meet requirement	N/A	Letter of Technical Bid Form ACK

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No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(b) Contract Non-Performance and Litigation</b>							
<b>Contract Non-Performance</b>							
3.2(b) (i)	History of Non-Performing Contracts	Non-performance of a contract <sup>(i)</sup> did not occur as a result of Contractor's default since 1 <sup>st</sup> January 2021 up to 28 days prior to the Bid submission deadline.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON
<b>Litigation</b>							
3.2(b) (ii)	Pending Litigation	All pending litigation against the Bidder, as on 28 days prior to the Bid submission deadline, shall in total not represent more than hundred percent (100%) of the Bidder's net worth and shall be treated as resolved against the Bidder.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON

3.2(b) (iii)	Litigation History	No consistent history of court/arbitral award decisions against the Bidder <sup>(iii)</sup> since 1 <sup>st</sup> January 2018 up to 28 days prior to the Bid Submission deadline.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON
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**Notes for the Bidder**

- (i) Non-performance, which is basically termination of the Contract as decided by the Employer, shall include all Contracts:
- (a) where non-performance was not challenged by the Contractor, including through referral to the dispute resolution mechanism under the respective Contract or by written representation/appeal to the Employer, and
  - (b) that were so challenged but fully settled against the Contractor.
- Non-performance shall not include Contracts where the Employer's decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation (i.e., disputes or litigation that have been resolved in accordance with the dispute resolution mechanism under the respective Contract and where all appeal instances available to the Bidder have been exhausted).
- (ii) This requirement also applies to Contracts executed by the Bidder as a JV/Consortium member.
- (iii) The Bidder shall provide accurate information on the related Bidding Form about any litigation or arbitration that are fully settled against the Bidder or any member of a JV/Consortium resulting from Contracts completed or ongoing under its execution since 1st January 2018 up to 28 days prior to the Bid Submission deadline. A consistent history of awards against the Bidder or any member of a JV/Consortium may result in rejection of the Bid.

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No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(c) Financial Situation</b>							
3.2(c) (i)	Financial Performance	Details in Form FIN-1 shall be provided in reference to the audited balance sheets or, if not required by the laws of the Bidder's country, other financial statements for the last three (3) years and must demonstrate the current soundness of the Bidder's financial position and indicate its prospective long-term profitability.  As the minimum requirement, a Bidder's net worth calculated as the difference between total assets and total liabilities should be positive in the last year and for	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN –1

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		at least two (2) years during the last three (3) years.					
3.2(c) (ii)	Average Annual Turnover	Minimum average annual turnover of USD 32 Million calculated as total certified payments received for contracts in progress and/or completed within the last three (3) years and divided by three (3).	Must meet requirement	Must meet requirement	Must meet twenty five percent (25%) of the requirement	Must meet forty percent (40%) of the requirement	Form FIN – 2
3.2(c) (iii)	Bankruptcy/ Insolvency and Debt Restructuring	The Bidder shall not have suffered bankruptcy/insolvency during the last three (3) years from the date of deadline of submission of this Bid,  and  1. The Bidder shall have neither obtained debt restructuring in the	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN–3

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		<p>immediately preceding three (3) years from the date of deadline of submission of this Bid nor have applied for it (as on the date of deadline of submission of this Bid) and shall not be currently in the process of corporate debt restructuring.</p> <p>Or if</p> <p>2. The Bidder has obtained debt restructuring in the immediately preceding three (3) years from the date of deadline of submission of this Bid or has applied for it or are currently in the process of corporate debt restructuring (as on the date of</p>					

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		deadline of submission of this Bid), the Bidder shall open a dedicated "Trust & Retention account" (T & R account) in consultation with the Employer. The Contractor shall submit a certified list of vendors/suppliers/sub-contractors/consultants, associated and engaged for the execution of the contract work. Bank will make payments on instruction of the Contractors to pre-certified vendors/suppliers/sub-contractors/consultants only. The funds will be paid in the designated currency to Trust and					



Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		Retention account only. The Contractor shall not divert the funds for the purpose(s) other than the intended purpose(s).					



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No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(d) Experience</b>							
3.2(d) (i)	General Manufacturing/ Supply Experience	Experience in contracts for manufacturing and/or supplying of rolling stock cars; or Inspection and Maintenance Cars/Machinery <sup>(vii)</sup> used for the inspection/repair works of track/bridges/tunnels/OHE; or machinery for depots, for railway/metro rail, in the role of prime contractor (single entity or JV/Consortium member), or subcontractor, or management contractor <sup>(i)</sup> from 1 <sup>st</sup> January 2018 up to 28 days prior to the Bid submission deadline.	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 1
3.2(d) (ii)	Specific Experience	Similar <sup>(ii)</sup> contract that has been satisfactorily completed as a prime	Must meet requirement	Must meet requirement	N/A	N/A	Form EXP–2(a)

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		contractor (single entity or JV/Consortium member) <sup>(v)</sup> , or management contractor, or subcontractor <sup>(v)</sup> between 1 <sup>st</sup> January 2013 and 28 days prior to the Bid submission deadline.					
3.2(d) (iii)	Specific Experience in Key Activities	For the above or other contracts completed and under implementation as prime contractor (single entity or JV/Consortium member) or management contractor or subcontractor <sup>(v)</sup> between 1 <sup>st</sup> January 2013 and 28 days prior to Bid submission deadline, a minimum experience in the following key activities should be successfully completed:	Must meet requirement (can be specialist subcontractor <sup>(vi)</sup> )	Must meet requirement (can be specialist subcontractor <sup>(vi)</sup> )	N/A	N/A	Form EXP-2(b)

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		<p>Key Activities:</p> <p>(1) Designing of Inspection and Maintenance Car(s)<sup>(vii)</sup> for the inspection/maintenance of track/bridges/tunnels/OHE for Shinkansen railways in Japan. Simple wagons meant only for the transportation of materials, such as an equipment carriage wagon/rail carriage wagon or the like, shall not be considered to meet this criterion.</p> <p>(2) Manufacture and supply, testing &amp; commissioning of Inspection and Maintenance Car(s)<sup>(vii)</sup> for the inspection/maintenance of</p>					



Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		track/bridges/tunnels/OHE for Shinkansen railways in Japan. Simple wagons meant only for the transportation of materials, such as an equipment carriage wagon/rail carriage wagon or the like, shall not be considered to meet this criterion.					

**Notes for the Bidder:**

- i) A management contractor is a firm that does not normally perform directly the work(s) associated with the contract. Rather, it manages the work of other (sub) contractors while bearing full responsibility and risk for price, quality, and timely performance of the contract.
- ii) Similar contract and its satisfactorily completion would mean contract(s) in which the following activities have been completed:  
Supply including taking over by the client of a minimum five (5) numbers of Inspection and Maintenance Cars<sup>(vii)</sup> for the inspection/maintenance of track/bridges/tunnels/OHE of railway/metro rail.  
Note: Works under various contracts can be added to meet the above criteria.  
Simple wagons meant only for the transportation of materials, such as an equipment carriage wagon/rail carriage wagon or the like, shall not be considered to meet this criterion.
- iii) *<Not in Use>*
- iv) *<Not in Use>*
- v) For contracts under which the Bidder participated as a JV/Consortium member or subcontractor, only the Bidder's share shall be counted to meet this requirement.
- vi) In case a specialist subcontractor is proposed by the Bidder for 3.2 (d)(iii), then:
  - a) the role of the specialist subcontractor in the contract shall have had been in the capacity of a Single Entity or JV/Consortium member or subcontractor and not as a management contractor, and
  - b) in addition to Form ELI-2 and EXP-2(b), an undertaking from the specialist subcontractor, indicating his willingness to associate with the Bidder, shall be submitted without which specialist subcontractor's experience shall not be considered.
- vii) **"Inspection and Maintenance Cars"** means rail cars having equipment mounted on them that are used for the inspection/maintenance works of track/bridges/tunnels/OHE of railway/metro rail. Rail cars that are meant for the transportation of rails and other materials to the maintenance work site, such as an equipment carriage wagon/rail carriage wagon or the like, are also included.  
**"Inspection and Maintenance Cars/Machinery"** means Inspection and Maintenance Cars and also the machinery used for the inspection/maintenance works of track/bridges/tunnels/OHE of railway/metro rail.

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No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(e) Financial Resources</b>							
3.2(e)	Financial Resources	(i) The Bidder shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as USD 7 Million for the subject contract(s) net of the Bidder's other commitments, as on 28 days prior to the Bid submission deadline.	Must meet requirement	Must meet requirement	Must meet twenty-five percent (25%) of the requirement	Must meet forty percent (40%) of the requirement	Form FIR – 1

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No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		(ii) The Bidder shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments as on 28 days prior to the Bid submission deadline.	Must meet requirement	Must meet requirement	N/A	N/A	Form FIR – 1 and Form FIR – 2 and Annexure to Form FIR – 2

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				All Parties Combined	Each Member	One Member	
<b>3.2(a) Eligibility</b>							
3.2(a) (i)	Nationality	Nationality in accordance with ITB 4.3	Must meet requirement	N/A	Must meet requirement	N/A	Forms ELI-1 and ELI-2 with attachments
3.2(a) (ii)	Conflict of Interest	No conflicts of interest as described in ITB 4.2	Must meet requirement	N/A	Must meet requirement	N/A	Letter of Technical Bid
3.2(a) (iii)	JICA Ineligibility	Not having been declared ineligible by JICA, as described in ITB 4.4	Must meet requirement	N/A	Must meet requirement	N/A	Letter of Technical Bid Form ACK



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No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(b) Contract Non-Performance and Litigation</b>							
<b>Contract Non-Performance</b>							
3.2(b) (i)	History of Non-Performing Contracts	Non-performance of a contract (i) did not occur as a result of Contractor's default since 1 <sup>st</sup> January 2021 up to 28 days prior to the Bid submission deadline.	Must meet requirement (ii)	N/A	Must meet requirement (ii)	N/A	Form CON
<b>Litigation</b>							
3.2(b) (ii)	Pending Litigation	All pending litigation against the Bidder, as on 28 days prior to the Bid submission deadline, shall in total not represent more than hundred percent (100%) of the Bidder's net worth and shall be treated as resolved against the Bidder.	Must meet requirement(ii)	N/A	Must meet requirement (ii)	N/A	Form CON

3.2(b) (iii)	Litigation History	No consistent history of court/arbitral award decisions against the Bidder <sup>(iii)</sup> since 1 <sup>st</sup> January 2018 up to 28 days prior to the Bid Submission deadline.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON
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**Notes for the Bidder**

- (i) Non-performance, which is basically termination of the Contract as decided by the Employer, shall include all Contracts:
- (a) where non-performance was not challenged by the Contractor, including through referral to the dispute resolution mechanism under the respective Contract or by written representation/appeal to the Employer, and
  - (b) that were so challenged but fully settled against the Contractor.
- Non-performance shall not include Contracts where the Employer's decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation (i.e., dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective Contract and where all appeal instances available to the Bidder have been exhausted).
- (ii) This requirement also applies to Contracts executed by the Bidder as a JV/Consortium member.
- (iii) The Bidder shall provide accurate information on the related Bidding Form about any litigation or arbitration that are fully settled against the Bidder or any member of a JV/Consortium, resulting from Contracts completed or ongoing under its execution since 1st January 2018 up to 28 days prior to the Bid Submission deadline. A consistent history of awards against the Bidder or any member of a JV/Consortium may result in rejection of the Bid.

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No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(c) Financial Situation</b>							
3.2(c) (i)	Financial Performance	<p>Details in Form FIN-1 shall be provided in reference to the audited balance sheets or, if not required by the laws of the Bidder's country, other financial statements for the last three (3) years and must demonstrate the current soundness of the Bidder's financial position and indicate its prospective long-term profitability.</p> <p>As the minimum requirement, a Bidder's net worth calculated as the difference between total assets and total liabilities should be positive in the last year and for</p>	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN –1

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		at least two (2) years during the last three (3) years.					
3.2(c) (ii)	Average Annual Turnover	Minimum average annual turnover of USD 18 Million calculated as total certified payments received for contracts in progress and/ or completed within the last three (3) years and divided by three (3).	Must meet requirement	Must meet requirement	Must meet twenty five percent (25%) of the requirement	Must meet forty percent (40%) of the requirement	Form FIN – 2
3.2(c) (iii)	Bankruptcy/ Insolvency and Debt Restructuring	The Bidder shall not have suffered bankruptcy/insolvency during the last three (3) years from the date of deadline of submission of this Bid,  and  1. The Bidder shall have neither obtained debt restructuring in the	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN–3

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		<p>immediately preceding three (3) years from the date of deadline of submission of this Bid nor have applied for it (as on the date of deadline of submission of this Bid) and shall not be currently in the process of corporate debt restructuring.</p> <p>Or if</p> <p>2. The Bidder has obtained debt restructuring in the immediately preceding three (3) years from the date of deadline of submission of this Bid or has applied for it or are currently in the process of corporate debt restructuring (as on the date of</p>					

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No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		deadline of submission of this Bid), the Bidder shall open a dedicated "Trust & Retention account" (T & R account) in consultation with the Employer. The Contractor shall submit a certified list of vendors/suppliers/sub-contractors/consultants, associated and engaged for the execution of the contract work. Bank will make payments on instruction of the Contractors to pre-certified vendors/suppliers/sub-contractors/consultants only. The funds will be paid in the designated currency to Trust and					



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No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		Retention account only. The Contractor shall not divert the funds for the purpose(s) other than the intended purpose(s).					

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(d) Experience</b>							
3.2(d) (i)	General Manufacturing/Supply Experience	Experience in contracts for manufacturing and/or supplying of rolling stock cars; or Inspection and Maintenance Cars/Machinery <sup>(viii)</sup> used for the inspection/repair works of track/bridges/tunnels/OHE; or machinery for depots, for railway/metro rail, in the role of prime contractor (single entity or JV/Consortium member), or subcontractor, or management contractor <sup>(i)</sup> from 1 <sup>st</sup> January 2018 up to 28 days prior to the Bid submission deadline.	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP – 1
3.2(d)	Specific	Similar <sup>(ii)</sup> contract that has been	Must meet	Must meet	N/A	N/A	Form EXP – 2





Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
(ii)	Experience	satisfactorily completed as a prime contractor (single entity or JV/Consortium member) <sup>(v)</sup> , or management contractor, or subcontractor <sup>(v)</sup> between 1 <sup>st</sup> January 2008 and 28 days prior to the Bid submission deadline.	requirement	requirement			(a)
3.2(d) (iii)	Specific Experience in Key Activities	For the above or other contracts completed and under implementation as prime contractor (single entity or JV/Consortium member) or management contractor or subcontractor <sup>(v)</sup> between 1 <sup>st</sup> January 2008 and 28 days prior to Bid submission deadline, a minimum experience in the following key	Must meet requirement (can be specialist subcontractor <sup>(vi)</sup> )	Must meet requirement (can be specialist subcontractor <sup>(vi)</sup> )	N/A	N/A	Form EXP – 2 (b)

Eligibility and Qualification Criteria			Compliance Requirements			Documentation	
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		activities should be successfully completed: Key Activities: (1) Design, manufacture and supply of Inspection and Maintenance Car(s) <sup>(viii)</sup> for the inspection/maintenance of track/bridges/tunnels/OHE for railway/metro rail.  Simple wagons meant only for the transportation of materials, such as an equipment carriage wagon/rail carriage wagon or the like, shall not be considered to meet this criterion.					

Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		(2) Manufacture and supply of any type of Inspection and Maintenance Car <sup>(viii)</sup> for the inspection/maintenance of track/bridges/tunnels/OHE, for use on a Japanese railway/Japanese metro rail <sup>(vii)</sup> . Simple wagons meant only for the transportation of materials, such as an equipment carriage wagon/rail carriage wagon or the like, shall not be considered to meet this criterion.					

**Notes for the Bidder:**

- i) A management contractor is a firm that does not normally perform directly the work(s) associated with the contract. Rather, it manages the work of other (sub) contractors while bearing full responsibility and risk for price, quality, and timely performance of the contract.
- ii) Similar contract and its satisfactorily completion would mean contract(s) in which the following activities have been completed:  
Supply including taking over by the client of a minimum five (5) numbers of Inspection and Maintenance Cars<sup>(viii)</sup> for the inspection/maintenance of track/bridges/tunnels/OHE of railway/metro rail.  
Note: Works under various contracts can be added to meet the above criteria.  
Simple wagons meant only for the transportation of materials, such as an equipment carriage wagon/rail carriage wagon or the like, shall not be considered to meet this criterion.
- iii) <Not in Use>
- iv) <Not in Use>
- v) For contracts under which the Bidder participated as a JV/Consortium member or subcontractor, only the Bidder's share shall be counted to meet this requirement.
- vi) In case a specialist subcontractor is proposed by the Bidder for 3.2 (d)(iii), then:
  - a) the role of the specialist subcontractor in the contract shall have had been in the capacity of a Single Entity or JV/Consortium member or subcontractor and not as a management contractor, and
  - b) in addition to Form ELI-2 ad EXP-2(b), an undertaking from the specialist subcontractor, indicating his willingness to associate with the Bidder, shall be submitted without which specialist subcontractor's experience shall not be considered.
- vii) The company(ies) proposed by the Bidder for the manufacturing and supply of each of the six (6) types of Inspection and Maintenance Cars included under lot IM-1(Y) shall meet the requirements of Key Activity No. (2). The Bidder shall substantiate the details of the said experience of the respective manufacturing company(ies) for these six (6) types of Inspection and Maintenance Cars in Form EXP-2(b). In this regard, the Bidder may refer to **Case A** or **Case B** given below:

**Case A**

In case any of these six (6) types of Inspection and Maintenance Cars are proposed to be manufactured by a subsidiary company from any country and/or area of an overseas holding company, the credentials of the said overseas holding company can be considered for fulfilling the requirements

of Key Activity No. (2). For the purposes of this clause, “subsidiary company” shall mean a company that is controlled by a holding company in accordance with the prevailing governing laws of its country and/or area as stipulated above. In such a case, an undertaking shall be required from the overseas holding company and the subsidiary company stating as follows:

- a) That the overseas holding company fulfils the requirements of Key Activity No. (2) of EQC 3.2 d(iii) of the Bidding Documents for the subject Works;
- b) That the overseas holding company has “no objection” to its credentials being used in Form EXP-2(b) by the said subsidiary company, and to the said subsidiary company manufacturing the Inspection and Maintenance Cars under the Contract;
- c) That during the execution of the Contract, if awarded, the overseas holding company shall provide technical guidance to the subsidiary company in the design, manufacture, and quality control of the Inspection and Maintenance Cars covered under the Contract; and
- d) That the overseas holding company will continue to be the holding company of the subsidiary company, until the completion of the Contract for the Works, if awarded to the Bidder.

#### **Case B**

Alternatively, in case any of these six (6) types of Inspection and Maintenance Cars are proposed to be manufactured by a licensed company from any country and/or area (hereafter referred to as a “Licensee company”) of an overseas manufacturing company (hereafter referred to as a “Licensor company”) that fulfils the requirements of Key Activity No. (2), and the Licensor company has licensed the Licensee company, and the Licensee company comes under the technical guidance and quality control of the Licensor company as agreed in writing (hereafter referred to as the “License Agreement”) for the manufacture of Inspection and Maintenance Cars, exclusive of simple wagons meant only for the transportation of materials, such as an equipment carriage wagon/rail carriage wagon or the like, the credentials of the Licensor company can be considered for fulfilling the requirements of Key Activity No. (2). In such a case, an undertaking shall be required from the Licensor company and the Licensee company stating as follows:

- a) That the Licensor company fulfils the requirements of Key Activity No. (2) of EQC 3.2 d(iii) of the Bidding Documents for the subject Works
- b) That the Licensor company has “no objection” to its credentials being used in Form EXP-2(b) by the said Licensee company, and to the Licensee company manufacturing the Inspection and Maintenance Cars under the Contract,
- c) That during execution of the Contract, if awarded, the Licensor company shall provide technical guidance to the Licensee company in the

design, manufacture, and quality control of the Inspection and Maintenance Cars covered under the Contract.

- d) That the License Agreement between the Licensor company and the Licensee company is valid as on the date of Bid submission for subject Work, and shall remain valid and in force until the completion of the Contract,
- e) That the Licensor company and the Licensee company shall not rescind, cancel, revoke, or suspend the said License Agreement until the completion of the Contract, and
- f) That the Licensor company shall be obligated to provide training, technical support and engineering assistance to the Licensee company, if the Licensee company so requires to fulfil its obligations under the Contract.

Along with the above-mentioned undertakings, the Bidder shall submit concurrence of the same from the Board of Directors or the authorized representative of each of the companies; namely, the overseas holding company and the subsidiary for Case A by Form for Undertaking (Case A), or the Licensor company and the Licensee company for Case B by Form for Undertaking (Case B).

- viii) **“Inspection and Maintenance Cars”** means rail cars having equipment mounted on them that are used for the inspection/maintenance works of track/bridges/tunnels/OHE of railway/metro rail. Rail cars that are meant for the transportation of rails and other materials to the maintenance work site, such as an equipment carriage wagon/rail carriage wagon or the like, are also included.  
**“Inspection and Maintenance Cars/Machinery”** means Inspection and Maintenance Cars and also the machinery used for the inspection/maintenance works of track/bridges/tunnels/OHE of railway/metro rail.



**Form for Undertaking (Case A)**

*[Refer to Note vii) of EQC 3.2 (d) of the Bidding Documents - Part 1 Section III. Evaluation and Qualification Criteria IM-1(Y)]*

*[This Undertaking shall be backed by the Board resolutions of the holding company (defined below) and the subsidiary company (defined below). Alternatively, authorizations by the authorized representatives of these companies, duly supported with a power of attorney, can also be submitted.]*

Name of Works: Design, Manufacture, Supply and Testing & Commissioning on Design Build Lump Sum Price Basis of Inspection and Maintenance Car for Track, Tunnel, Bridges, OHE, other Machines and Associated Works in Two (2) Separate Lots IM-1(X) and IM-1(Y) for the Project for Construction of Mumbai-Ahmedabad High Speed Rail [Package No. MAHSR-IM-1(X) and IM-1(Y)] (hereinafter referred to as the “Works”).

Name of Employer: National High Speed Rail Corporation Limited

IFB No. : MAHSR-IM-1(X) and IM-1(Y) dated 28.04.2023

Whereas, we, \_\_\_\_\_ (*insert the name and country of the holding company, hereinafter referred to as the “Holding company”*), are the Holding company of -----  
-- (*insert the name of the subsidiary company of the aforementioned holding company hereafter referred to as the “Subsidiary company”*), by virtue of controlling the Subsidiary company in accordance with the prevailing governing laws of its country and/or area.

Whereas, the aforementioned Subsidiary company has been proposed by ----- (*insert the name and country of the Bidder for the subject Works, hereinafter referred as the “Bidder”*) in their Bid dated ---- (*insert date of the Bid*) submitted in response to IFB No. -- --, to manufacture the following Inspection and Maintenance Car(s) under the Contract for the subject Works, if awarded to the Bidder: ----- (*insert the name(s) of the Inspection and Maintenance Car(s), hereinafter referred to as “IM Car(s)”*).

Whereas, in this regard, we, the Holding company, do hereby undertake as follows:

1. That we, the Holding company, fulfil the requirements of Key Activity No. (2) of EQC 3.2 d(iii) of the Bidding Documents for the subject Works.
  2. That we, the Holding company, have “no objection” to our credentials being used in Form EXP-2(b) in compliance with the requirements of Key Activity No. (2) of EQC 3.2 d(iii), and to our aforementioned Subsidiary company manufacturing the IM Car(s).
  3. That during execution of the Contract for the Works, if awarded to the Bidder, we, the Holding Company, shall provide technical guidance to our aforementioned Subsidiary company in the design, manufacture, and quality control of the IM Car(s).
-



- 4. That we, the Holding company, shall continue to be the holding company of our aforementioned Subsidiary company, until the completion of the Contract for the Works, if awarded to the Bidder.

Whereas, we, the Holding company and the Subsidiary company, by appending our signatures below, convey our unequivocal acceptance of the above.

Authorized signatory of the Holding company:	Authorized signatory of the Subsidiary company:
Signature: .....	Signature: .....
Name: .....	Name: .....
Position: .....	Position: .....
Date: .....	Date: .....
Company: .....	Company: .....
Address:.....	Address:.....
Company stamp: .....	Company stamp: .....

Bidder's Representative:

Signature: .....

Name: .....

Position: .....

Date: .....

Company: .....

Address:.....

Company stamp: .....





**Form for Undertaking (Case B)**

*[Refer Note vii) of EQC 3.2 (d) of the Bidding Documents - Part 1 Section III. Evaluation and Qualification Criteria IM-1(Y)]*

*[This Undertaking shall be backed by the Board resolutions of the Licensor company and the Licensee company. Alternatively, authorizations by the authorized representatives of these companies, duly supported with a power of attorney, can also be submitted]*

Name of Works : Design, Manufacture, Supply and Testing & Commissioning on Design Build Lump Sum Price Basis of Inspection and Maintenance Car for Track, Tunnel, Bridges, OHE, other Machines and Associated Works in Two (2) Separate Lots IM-1(X) and IM-1(Y) for the Project for Construction of Mumbai-Ahmedabad High Speed Rail [Package No. MAHSR-IM-1(X) and IM-1(Y)] (hereinafter referred to as the “Works”).

Name of Employer: National High-Speed Rail Corporation Limited

IFB No. : MAHSR-IM-1(X) and IM-1(Y) dated 28.04.2023

Whereas, we, \_\_\_\_\_ (*insert the name and country of the licensor company hereinafter referred to as the “Licensor company”*), have entered into a License Agreement (hereinafter referred to as such), for ---- (*insert the purpose and main terms of the License Agreement*) with the licensee company ----- (*insert the name and address of the licensee company hereinafter referred to as the “Licensee company”*).

Whereas, as per the terms of the Licence Agreement, the Licensor company has licensed the aforementioned Licensee company, and the Licensee company comes under the technical guidance and quality control of the Licensor company for the manufacture of Inspection and Maintenance Cars, exclusive of simple wagons meant only for the transportation of materials, such as an equipment carriage wagon or rail carriage wagon or the like.

Whereas, the Licensee company has been proposed by ----- (*insert the name- of the Bidder for the subject Works*, hereinafter referred to as the “Bidder”) in their Bid submitted in response to IFB No. \_\_\_\_ dated \_\_\_\_, to manufacture the following Inspection and Maintenance Car(s) under the Contract for the subject Works, if awarded to the Bidder: ----  
----- (*insert the name(s) of the Inspection and Maintenance Car(s)*, hereinafter referred to as “IM Car(s)”).

Whereas, in this regard, we, the Licensor company, do hereby undertake as follows:

1. That we, the Licensor company, fulfil the requirements of Key Activity No. (2) of EQC 3.2 d(iii) of the Bidding Documents for the subject Works.
-



2. That we, the Licensor company, have “no objection” to our credentials being used in Form EXP-2(b) in compliance to the requirements of Key Activity No. (2) of EQC 3.2 d(iii), and to our aforementioned Licensee company manufacturing the IM Car(s).
3. That the attached License Agreement is valid, in force, and applicable to the IM Car(s).
4. That we, Licensor company, shall provide training, technical support and engineering assistance to our aforementioned Licensee company, if the Licensee company so requires.
5. That during execution of the Contract, if awarded, we, the Licensor company shall provide technical guidance to the Licensee company in the design, manufacture, and quality control of the Inspection and Maintenance Cars covered under the Contract.

That the Licence Agreement is valid and in force as on the date of Bid submission for the subject Work, and that neither the Licensor company nor the Licensee company shall rescind, cancel, revoke, or suspend the said License Agreement, until the completion of the Contract for the Works, if awarded to the Bidder.

A copy of License Agreement forms the part of this Undertaking as Annexure-A, clearly mentioning the scope, names of the applicable Inspection and Maintenance Cars, validity of the License Agreement (*commercial criteria are not required to be submitted*)

Whereas, we, the Licensor company and the Licensee company, by appending our signatures below, convey our unequivocal acceptance of the above.

Authorized signatory of the Licensor company:                      Authorized signatory of the Licensee company:

Signature: .....

Signature: .....

Name: .....

Name: .....

Position: .....

Position: .....

Date: .....

Date: .....

Company: .....

Company: .....

Address:.....

Address:.....

Company stamp: .....

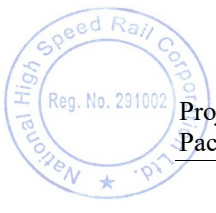
Company stamp: .....

Bidder’s Representative:

Signature: .....

Name: .....

Position: .....



Date: .....

Company: .....

Address:.....

Company stamp: .....



Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(e) Financial Resources</b>							
3.2(e)	Financial Resources	(i) The Bidder shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as USD 4 Million for the subject contract(s) net of the Bidder's other commitments, as on 28 days prior to the Bid submission deadline.	Must meet requirement	Must meet requirement	Must meet twenty-five percent (25%) of the requirement	Must meet forty percent (40%) of the requirement	Form FIR – 1



Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
		(ii) The Bidder shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future contract commitments as on 28 days prior to the Bid submission deadline.	Must meet requirement	Must meet requirement	N/A	N/A	Form FIR – 1 and Form FIR – 2 and Annexure to Form FIR – 2