

 Government of Nepal
 Ministry of Physical Infrastructure and Transport
 Department of Roads
 Development Cooperation Implementation Division
NAGDHUNGA TUNNEL CONSTRUCTION PROJECT (NTCP)
AMENDMENT OF BIDDING DOCUMENTS
AMENDMENT No.-1

Procurement of Works, Nagdhunga Tunnel Construction Project (IFB No.: NTCP/01/075-76)
 Contract Identification No. **DOR-NTCP-W-ICB-01**

As per the provision of Instruction to Bidders ITB 8 (and Bid Data Sheet BDS) Amendment of Bidding Document, Amendment No.-1 has been issued as per following:

1. The provision in Part 1, Section-IV Bidding Forms Schedule of Adjustment Data as

Table A. Local Currency

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Index code	Index description	Source of index	Base value and date	Bidder's related currency amount *1	Bidder's proposed weighting	Employer's weighting for reference
A	Nonadjustable	-	-		A: 0.15	A: 0.15
B	Labour (Construction Labourer)	National Salary and Wage Rate Index published by Nepal Rastra Bank	Twenty-eight (28) days prior to the latest date for submission of Bids		B: _____	B: 0.05-0.15
C	Equipment	Wholesale price index published by Nepal Rastra Bank			C: _____	C: 0.05-0.20
D	Fuel	Wholesale price published by Nepal Oil Corporation			D: _____	D: 0.05-0.15
E	Material	Wholesale price index published by Nepal Rastra Bank			E: _____	E: 0.30-0.40
F	Cement				F: _____	F: 0.05-0.15
G	Tunnel Facility				G: _____	G: 0.05-0.20
Total					1.00	1.00

Note:

*1 - The Bidder shall fill in column (e) and (f). Ranges of column (g) are given by the Employer as per reference.

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Table B1. Foreign Currency (FC)

Currency: Japanese Yen (¥Yen) [if the Bidder doesn't wish to quote in this foreign currency then this table should not apply].

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
Index code	Index description	Source of index	Base value and date	Bidder's related source currency in type/amount	Equivalent in FC for payment	Bidder's proposed weighting	Employer's weighting for reference
A	Nonadjustable	—	—	—		A: 0.15	A: 0.15
B	Labour					B: _____	E: 0.05-0.15
C	Equipment					C: _____	C: 0.25-0.35
D	Fuel					D: _____	D: 0.0-0.10
E	Material					E: _____	F: 0.70-0.30
F	Cement					F: _____	F: 0.00-0.10
G	Tunnel Facility					G: _____	G: 0.20-0.30
						Total	

The Bidder shall indicate the type of currency and columns (c), (d), (e) and (f), and its proposed weighing in column (g). Ranges of column (h) are given by the Employer as per reference.

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Table B2. Foreign Currency (FC)

Currency: American Dollar (US\$) [if the Bidder doesn't wish to quote in this foreign currency then this table should not apply].

(a) Index code	(b) Index description	(c) Source of index	(d) Base value and date	(e) Bidder's related source currency in type/amount	(f) Equivalent in FC for payment	(g) Bidder's proposed weighting	(h) Employer's weighting for reference
A	Nonadjustable	—	—	—		A: 0.15	A: 0.15
B	Labour					B: _____	B: 0.05-0.15
C	Equipment					C: _____	C: 0.25-0.35
D	Fuel					D: _____	D: 0.0-0.10
E	Material					E: _____	E: 0.20-0.30
F	Cement					F: _____	F: 0.00-0.10
G	Tunnel Facility					G: _____	G: 0.20-0.30
				Total		1.00	1.00

The Bidder shall indicate the type of currency and columns (c), (d), (e) and (f), and its proposed weighting in column (g). Ranges of column (h) are given by the Employer as per reference.

have been amended as

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Schedule of Adjustment Data

Table A. Local Currency

(a)	(b)	(c)	(d)	(e)	(f)	(g)
Index code	Index description	Source of index	Base value and date*	Bidder's related currency amount **	Bidder's proposed weighting	Employer's weighting for reference
A	Nonadjustable	-	-		A: 0.15	A: 0.15
B	Labour	National Salary and Wage Rate Index published by Nepal Rastra Bank (Construction Labourer)			B: _____	B: 0.05-0.15
C	Equipment	National Wholesale price Index published by Nepal Rastra Bank (Transport Vehicle and Machinery Goods)			C: _____	C: 0.05-0.30
D	Fuel	National Wholesale price Index published by Nepal Rastra Bank (Petroleum Products and Coal)			D: _____	D: 0.05-0.15
E	Material	National Wholesale price Index published by Nepal Rastra Bank (Construction Materials)			E: _____	E: 0.30-0.50
Total					1.00	

Note:

* Date: Twenty-eight (28) days prior to the latest date for submission of Bids

** The Bidder shall fill in column (e) and (f). Ranges of column (g) are given by the Employer for reference.

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Table B1. Foreign Currency (FC)

Currency: Japanese Yen (JYen) [if the Bidder doesn't wish to quote in this foreign currency then this table should not apply].

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
Index code	Index description	Source of index	Base value and date*	Bidder's related source currency in type / amount	Equivalent in FC for payment	Bidder's proposed weighting	Employer's weighting for reference
A	Nonadjustable	—	—	—		A: 0.15	A: 0.15
Total						1.00	

Notes:

The Bidder shall indicate the type of currency and columns (c), (d), (e) and (f), and its proposed weighting in column (g). Ranges of column (h) are given by the Employer as per reference.

The Bidder shall fill the table and propose the item, its source of indices and the Bidder's proposed weighting. The sum of proposed weighting shall be 1.00.

* Date: Twenty-eight (28) days prior to the latest date for submission of Bids

And

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Table B2. Foreign Currency (FC)

Currency: American Dollar (US\$) *[if the Bidder doesn't wish to quote in this foreign currency then this table should not apply.]*

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
Index code	Index description	Source of index	Base value and date*	Bidder's related source currency in type / amount	Equivalent in FC for payment	Bidder's proposed weighting	Employer's weighting for reference
A	Nonadjustable	—	—	—		A: 0.15	A: 0.15
				Total		1.00	

Notes:

The Bidder shall indicate the type of currency and columns (c), (d), (e) and (f), and its proposed weighting in column (g). Ranges of column (h) are given by the Employer as per reference.

The Bidder shall fill the table and propose the item, its source of indices and the Bidder's proposed weighting. The sum of proposed weighting shall be 1.00.

* Date: Twenty-eight (28) days prior to the latest date for submission of Bids

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2. The provision in Part 3, Section-VIII, Particular Conditions (PC) Part-B Specific Provision Sub Clause 1.5, Priority of Documents as

Replace the sequence with the following:

- (a) the Contract Agreement (if any),
- (b) the Letter of Acceptance,
- (c) the Memorandum of Understanding (MOU) (if any)
- (d) the Letter of Tender,
- (e) the Particular Conditions – Part A,
- (f) the Particular Conditions – Part B,
- (g) these General Conditions,
- (h) the Specification,
- (i) the Drawings, and
- (j) the Schedules and any other documents forming part of the Contract.

has been amended as

Replace the sequence with the following:

- (a) the Contract Agreement
- (b) the Letter of Acceptance; the Memorandum of Understanding (MOU) (if any)
- (c) the Letter of Technical Bid;
- (d) the Letter of Price Bid
- (e) the addenda Nos. [insert addenda numbers, if any] (if any);
- (f) the Particular Conditions – Part A;
- (g) the Particular Conditions – Part B;
- (h) these General Conditions;
- (i) Specifications;
- (j) the Drawings;
- (k) the Supplementary Information (if any);
- (l) the Schedules; and
- (m) the Acknowledgement of Compliance with Guidelines for Procurement under Japanese ODA Loans.

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3. The provision in Part 3, Section-VIII, Particular Conditions (PC) Part-B Specific Provision Sub Clause 6.2, Rates of Wages and Conditions of Labor as

Insert the following text as the third paragraph:

“Japanese employees engaged in the implementation of the Project from all fiscal levies and taxes imposed in Nepal on their personal income derived from Japanese companies operating as suppliers, contractors and/or consultants for the implementation of the Project.”

has been amended as

Insert the following text as the third paragraph:

“All the Japanese employees engaged in the implementation of the Project shall be exempted from all fiscal levies and taxes imposed in Nepal on their personal income derived from Japanese companies operating as suppliers, contractors (including their subcontractors) and/or consultants from the implementation of the Projects.”

4. The provision in Part 3, Section-VIII, Particular Conditions (PC) Part-B Specific Provision Sub Clause 20.4, Obtaining Dispute Board's Decision as

Insert the following at the end of the fourth paragraph:

“If the decision of the DB requires a payment by one Party to the other Party, the DB may require the payee to provide an appropriate security in respect of such payment.”

has been amended as

Insert the following at the end of the fourth paragraph:

“Deleted”

5. The provision in Part 1, Section-IV Bill of Quantities, Item. No 4300-18 as

Item No.	Items	Unit	Quantity			
4300-18	Cross passage CI-VP (Full-face heading)	lin. m	409.00			

has been amended as

Item No.	Items	Unit	Quantity			
4300-18	Cross passage CI-VP (Full-face heading)	lin. m	409.00			

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6. The provision in Part 1, Section-IV Bill of Quantities, 80-10 Water Supply Works, 80-10, S. No. 64, 65 & 67 as

SN	Particular of Items	Quantity	Units			
64	Pipe Line Excavation and Refilling	7,711				
65	HDPE Pipe laying and Jointing	12,680				
66	GI Pipe laying and Jointing	1,600				

has been amended as

SN	Particular of Items	Quantity	Units			
64	Pipe Line Excavation and Refilling	7,711	m ³			
65	HDPE Pipe Laying and Jointing	12,680	m			
66	GI Pipe Laying and Jointing	1,600	m			

7. The provision in Part 3, Section-VIII, Particular Conditions (PC) Part-B Specific Provision Sub Clause 14.1-b (3 ii) as

(ii) The Final Payment Certificate and the Performance Certificate pursuant respectively to Sub-Clause 14.13 [Issue of Final Payment Certificate] and Sub-Clause 11.9 [Performance Certificate] of the General Conditions of Contract (GC), shall be issued only after submission by the Contractor to the Employer of an Income Tax Clearance Certificate issued by the Government of Nepal for the Contractor himself and any foreign Subcontractors employed for the Works.

has been amended as

(ii) 'deleted'

8. The provision in Form of Invitation For Bids (IFB No.: NTCP/01/075-76), first two sentences of Point No.5 as

A complete set of Bidding Documents may be purchased by interested Bidders on the submission of a written application to the address above and upon payment of a non-refundable fee of NPR 20,000 or equivalent. Bidding documents can be purchased up to October 9, 2018 office hours.



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has been amended as

The interested Bidders; either sole or joint venture (JV) or intended joint venture (JV), shall purchase a complete set of Bidding Documents in its name, or in the name of JV or in the name of intended JV on the submission of a written application to the address above and upon payment of a non-refundable fee of NPR 20,000 or equivalent. Bidding documents can be purchased up to October 24, 2018 office hours.

9. The provision in Form of Invitation For Bids (IFB No.: NTCP/01/075-76), Point No.7 as Bids must be delivered to the address above on or before 12:00 on October 10, 2018 and must be accompanied by a bid security of USD 2.0 million.

has been amended as

Bidders either sole or joint venture (JV) or intended joint venture (JV) must deliver Bids, after purchasing the complete set of Bidding Documents, to the address above on or before 12:00 on October 25, 2018 and must be accompanied by a bid security of USD 2.0 million.

10. The provision in Form of Invitation For Bids (IFB No.: NTCP/01/075-76), Point No.8 as Bids will be opened in the presence of Bidders' representatives who choose to attend at 2:00PM on October 10, 2018 at the offices of Nagdhunga Tunnel Construction Project, Development Cooperation Implementation Division, Department of Roads, Jwagal Lalitpur, Nepal

has been amended as

Bids will be opened in the presence of Bidders' representatives who choose to attend at 1:00PM on October 25, 2018 at the offices of Nagdhunga Tunnel Construction Project, Development Cooperation Implementation Division, Department of Roads, Jwagal Lalitpur, Nepal

11. The provision in Part 1, Section-III Evaluation and Qualification Criteria, EQC 2.4.2 (b)2 as
2. Excavation of tunnels (excavation cross section not less than 75 sq.m) locating 20 m below to an existing 2 lanes road by fore-poling (Using injectable long steel pipe) method using jumbo-drilling machines

has been amended as



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2. *Excavation of tunnels (excavation cross section not less than 75 sq. m) locating 20 m or less than 20m below to an existing 2 lanes road or more than 2 lane road by fore-poling (Using injectable long steel pipe) method using jumbo-drilling machines*

12. The provision in Part 1, Section-IV Bidding Forms, Grand Summary as

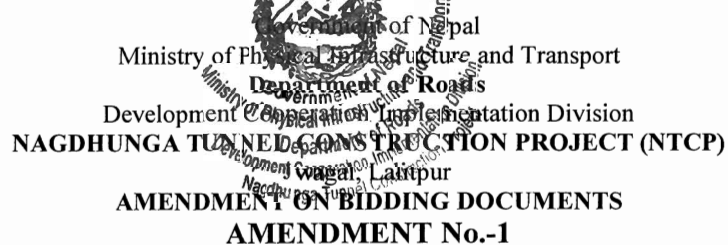
Grand Summary

Contract Name:

Contract No.:

Bill No.	General Summary	Page	Amount		
			NRS	US\$	INR
	Subtotal of Bills	(A)			
	Total for Day work (Provisional Sums)	(B)			
	Specified Provisional Sums	(C)	28,568,000		215,000,000
	Total of Bills plus Provisional Sums (A+B+C) (Carried forward to Form of Bid)	(D)			

has been amended as



Contract Name:

Contract No.:

[illegible]

13. The provision in Part 2, Section VI – Works Requirement, Section VI-F Equipment Requirement (ER) as

Requirement-3

The equipment shall be of the same type or better (newest model) than those used in projects which have operational experiences in other similar projects.

has been amended as

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Requirement-3

The equipment shall be of the same type or better (newest model) than those used in projects which have operational experiences in other similar projects.

The Standards of equipment shall be complied as stated or equivalent or higher specifications.

14. The provision in Part 2, Section-VI Works Requirement, D Drawing, Drawing No. RM-MS-010 as

Kerbstone Concrete Class-D

has been amended as

Kerb stone Concrete Class-C

15. The provision in Section II: Bid Data Sheet ITB 19.2, second paragraph as

The Bid Security shall be valid for twenty-eight (28) days beyond the original validity period of the Bid, i.e., 06 March 2019, or beyond any period of extension if requested under ITB 18.2.

has been amended as

The Bid Security shall be valid for twenty-eight (28) days beyond the original validity period of the Bid, i.e., 21 March 2019, or beyond any period of extension if requested under ITB 18.2.

16. The Provision in Section II: Bid Data Sheet ITB 22.1 as

For **Bid submission purposes** only, the Employer's address is:

Attention: Project Director, Nagdhunga Tunnel Construction Project, Development Cooperation Implementation Division, Department of Roads

City: Jwagal, Lalitpur

Country: Nepal

The deadline for Bid submission is:

Date: 10 October 2018

Time: 12:00 noon

has been amended as

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*For **Bid submission purposes** only, the Employer's address is:*

Attention: Project Director, Nagdhunga Tunnel Construction Project, Development

Cooperation Implementation Division, Department of Roads

City: Jwagal, Lalitpur

Country: Nepal

The deadline for Bid submission is:

Date: 25 October 2018

Time: 12:00 noon

17. The Provision in Section II: Bid Data Sheet ITB 25.1 as

The opening of the Technical Bid shall take place at: Office of Project Director, Nagdhunga Tunnel Construction Project, Development Cooperation Implementation Division, Department of Roads

Street Address: Jwagal, Lalitpur

City: Lalitpur

Country: Nepal

Date: 10 October 2018

Time: 2:00 PM

has been amended as

The opening of the Technical Bid shall take place at: Office of Project Director, Nagdhunga Tunnel Construction Project, Development Cooperation Implementation Division, Department of Roads

Street Address: Jwagal, Lalitpur

City: Lalitpur

Country: Nepal

Date: 25 October 2018

Time: 1:00 PM

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18. Replace the entire Sub-Clause 20.6 of General Conditions with the following:

**Sub-Clause 20.6
Arbitration**

Any dispute between the Parties arising out of or in connection with the Contract not settled amicably in accordance with Sub-Clause 20.5 above and in respect of which the DB's decision (if any) has not become final and binding shall be finally settled by arbitration. Arbitration shall be conducted as follows:

- (a) if the contract is with foreign contractors (or if the lead partner is a foreign contractor, in case of JV), international arbitration with proceedings administered by the International Chamber of Commerce (ICC) and conducted under the ICC Rules of Arbitration; by one or more arbitrators appointed in accordance with said arbitration rules.
- (b) if the Contract is with domestic contractors, arbitration with proceedings conducted in accordance with the laws of the Employer's country.

The place of arbitration shall be a neutral location determined in accordance with the applicable rules of arbitration; and the arbitration shall be conducted in the language for communications defined in Sub-Clause 1.4 [Law and Language].

The arbitrators shall have full power to open up, review and revise any certificate, determination, instruction, opinion or valuation of the Engineer, and any decision of the DB, relevant to the dispute. Nothing shall disqualify representatives of the Parties and the Engineer from being called as a witness and giving evidence before the arbitrators on any matter whatsoever relevant to the dispute.

Neither Party shall be limited in the proceedings before the arbitrators to the evidence or arguments previously put before the DB to obtain its decision, or to the reasons for dissatisfaction given in its Notice of Dissatisfaction. Any decision of the DB shall be admissible in evidence in the arbitration.

Arbitration may be commenced prior to or after completion of the Works. The obligations of the Parties, the Engineer and the DB shall not be altered by reason of any arbitration being conducted during the progress of the Works.