

35th NATIONAL GAMES 2010-11

REQUEST FOR pre-QUALIFICATION

PRE-QUALIFICATION OF AGENCIES
FOR
NEW SPORTS FACILITY PROJECTS
IN
KERALA

Issued By:

NATIONAL GAMES SECRETARIAT

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DISCLAIMER

The information contained in this Request for pre-Qualification (“**RFQ**”) document or subsequently provided to interested parties (the “**Applicant(s)**”), whether verbally or in documentary form by or on behalf of representatives of the National Games Secretariat (“**NGS**”) or by any of their employees or advisors or consultants (“**Information**”), is provided to Applicant(s) on the terms and conditions set out in this RFQ document and any other terms and conditions subject to which such Information is provided.

This RFQ document is not an agreement and is not an offer by NGS to any other party. The purpose of this RFQ document is to provide Applicants with information to assist the formulation of their Application for Qualification (the “**Application**”). This RFQ document does not purport to contain all the information each Applicant may require. This RFQ document may not be appropriate for all persons, and it is not possible for NGS, their employees or advisors to consider the investment objectives, financial situation and particular needs of each party who reads or uses this RFQ document. Certain Applicants may have a better knowledge of the proposed Project than others. Each Applicant should conduct its own investigations and analysis and should check the accuracy, reliability and completeness of the information in this RFQ document and obtain independent advice from appropriate sources. NGS, their employees, advisors and consultants make no representation or warranty and shall incur no liability under any law, statute, rules or regulations as to the accuracy, reliability or completeness of the RFQ document.

NGS may in their absolute discretion, but without being under any obligation to do so, update, amend or supplement the Information including the qualification process in this RFQ document at any time including during the release of the Request For Proposal (“**RFP**”) document at any time, including during the release of the RFP document.

NGS reserves the right to accept or reject any or all Applications and qualify or disqualify any or all applicants without giving any reasons.

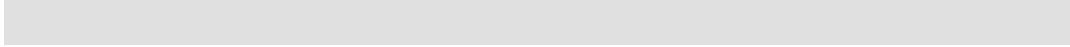
NGS will not entertain any claim for expenses in relation to the preparation of RFQ submissions.

ABBREVIATIONS

IOA	Indian Olympic Association
MoU	Memorandum of Understanding
NGS	National Games Secretariat
RFQ	Request for Qualification
RFP	Request for Proposal

DEFINITIONS	
Applicant	Refers to an Individual Applicant or a Consortium Applicant as the case may be.
Application	Application for qualification prepared in response to the RFQ document in the format given in Annexures 1, 2 and 3.
Bidder	Shall have the meaning as ascribed to such item in Clause 1.2.3 hereof.
Company	A Company registered under the Companies Act, 1956.
Consortium	A group of Organizations (as defined below) formed by a MoU to undertake the Project in connection with the Kerala National Games 2010-11.
Consortium Applicant	Shall have the meaning as ascribed to such term in Clause 2.1.1 hereof.
Agency	The successful Bidder selected by NGS for implementing the Project pursuant to the 2-stage bidding process.
Estimated Project Cost	Shall have the same meaning as ascribed to such term in Column 4 of the table specified in Clause 1.1.2, Section I hereof.
Financial Year	The 12-month period, in case of: a. Indian entity, commencing from the 1 st day of April of any year and ending on the 31 st day of March of the following calendar year. b. Foreign entity, its usual accounting period.
Individual Applicant	Shall have the meaning as ascribed to such term in Section 2.1.1 hereof.
Lead Member	Such member of the Consortium which has been designated so by the other members of the Consortium and also authorized by them to represent each one of them and enter into contracts for and on their behalf.
Net-worth	Paid-up share capital + Reserves and surpluses (Excluding Revaluation Reserves) – Preliminary and pre-operative expenditure and miscellaneous expenditure to the extent not written off, as per the annual report and as adjusted with any qualifications in the Auditors' Report.
Organization	A Company registered under the Companies Act, 1956, or with respect to a Company incorporated outside India a Company which if incorporated in India would be a Company as defined by the Companies Act, 1956.
Project	The 4 (four) Projects covered under the scope of this RFQ document shall have the meaning as ascribed to such term in Clause 1.1.2, Section I hereof.
Project Site	Shall have the same meaning as ascribed to such term in Column 3 of the table specified in Clause 1.1.2, Section I hereof.
Property Development	Activities of real estate development and/ or construction and/ or operation and/ or maintenance and/ or and/ or management and/ or administration in the areas of hotel space, office space, retail space, commercial space, industrial space and residential facility.

Sports Facility Development	Activities of construction and/ or development and/ or operation and/ or maintenance and/ or management and/ or administration of sports facilities, including building structures and allied amenities.
Turnover	The total amount of gross receipts, from activities in the normal course of business, as per the annual report and as adjusted with any qualifications in the Auditors' Report.



SECTION I INTRODUCTION

1.1 Project Background

1.1.1 Kerala, India is host to the 35th edition of Indian National Games. The National Games Secretariat (the “**NGS**”), registered as a society under Travancore – Cochin Literary Scientific and Charitable Societies Act – 1955, has been assigned the responsibility of developing sporting as well as Games Village infrastructure.

1.1.2 This Request for pre-Qualification (“**RFQ**”) document is in regard to the development of 4 Greenfield Stadium works detailed below:

Project	Project Details	Project Site	Estimated Cost
I	Outdoor Stadium	Near Technopark, Thiruvananthapuram, Kerala, India	Rs.65,00,00,000/- (Rupees Sixty Five Crores Only)
II	Outdoor Stadium	Central Stadium, Thiruvananthapuram, Kerala, India	Rs.70,00,00,000/- (Rupees Seventy Crores Only)
III	Indoor Stadium	Central Polytechnic College, Vattiyoorkavu, Thiruvananthapuram, Kerala, India	Rs.50,00,00,000/- (Rupees Fifty Crores Only)
IV	Indoor Stadium	Leprosy Hospital Compound, Calicut, Kerala, India	Rs.25,00,00,000/- (Rupees Twenty Five Crores Only)

1.1.3 These sports facilities may be used for Kerala National Games 2010-11. Therefore, NGS is issuing the RFQ document, to seek Application in the format given in Annexures 1, 2 and 3 from interested parties for pre-Qualification, based on which the Applicants would be pre-Qualified for further participation in the bidding process.

1.1.4 NGS is in the process of finalizing the scope of work, which may include any or all of design, build, finance, operate, maintain and transfer, for the projects. In this regard, interested parties may submit suggestions along with the Application.

1.2 Brief outline of the RFQ Process

The proposed process for selecting the Agency for undertaking the Project, including a brief description of the RFQ process, is set out below:

- 1.2.1 NGS intends to follow a 2-stage process for selection of the Agency (among the Bidders) for the Project. The first stage of the process involves pre-Qualification of the Applicants. The pre-Qualified parties would be eligible to further participate in the bidding process and permitted to bid for the Project.
- 1.2.2 This RFQ deals with the first stage (the “**pre-Qualification Stage**”). During this pre-Qualification Stage, the Applicants are invited to furnish the information specified in this RFQ document and upon the completion of the pre-Qualification Stage NGS shall announce a list of pre-Qualified parties for the next stage (the “**Proposal Stage**”) who would then be invited to submit detailed proposals (the “**Proposal**”) for the Project in accordance with the Request For Proposal (the “**RFP**”) document.
- 1.2.3 An open-house will be held at the NGS premises on the date and time mentioned in the 'Schedule for the RFQ process'. The primary agenda for the meeting shall be obtaining the inputs and comments of the interested agencies on issues in the RFQ, on the possible development models like Design, Build & Transfer / Design, Build, Operate & Transfer / Design, Build, Transfer & Operate and on a suitable financial model. In the meeting, NGS shall make a presentation on the same and in addition to inviting Agencies to submit their views in their pre-Qualification Application, the Agencies may also be asked to submit feed back forms during the open-house.
- 1.2.4 The Applicants may note that during the Proposal Stage, only the short-listed Applicants (the “**pre-Qualified Parties**”) shall have the option to bid (the “**Bidder**”) for the Project.
- 1.2.5 The Bidders will be required to provide a bid security in the range of 1-2% of the final Estimated Project Cost at the time submitting final proposal as per the RFP (the final bid security amount and other details will be specified in the RFP document) with their Proposal.
- 1.2.6 The pre-Qualified Parties in the Proposal Stage shall be evaluated on the basis of technical and other submissions relating to the Project and the financial bids, details of which would be provided in the RFP document.
- 1.2.7 During the Proposal Stage, the pre-Qualified Parties would be expected to examine the Project in further detail, and to carry out such studies as may be required to submit Proposals for the implementation of the Project.
- 1.2.8 As part of the RFP document, NGS shall provide detailed instructions for pre-Qualified Parties and draft Project Contract and other information pertaining/ relevant to the Project as deemed fit by the NGS.
- 1.2.9 The successful Bidder will be responsible for topographic survey, geotechnical survey, design, design verification, financing, procurement, construction and

commissioning of the Project facilities at its own risk. The Agency shall also obtain necessary clearances and permits from appropriate authorities as might be required for the successful completion of the Project in accordance with the laws of India.

1.2.10 Further details of the process to be followed at the Proposal Stage would be provided in the RFP document, which will be provided only to the pre-Qualified Parties.

1.3 Schedule for the RFQ Process

The indicative schedule for the RFQ process is as follows:

Activity	Date and Time
Start of release of Request For pre-Qualification Document (Available for download on NGS website, http://www.35thnationalgames.in)	November 2, 2009 at 1100 hours
Open house Venue: National Games Secretariat	November 11, 2009 at 1500 hours
Deadline for receipt of any request for clarification with regards to the RFQ	November 14, 2009 by 1600 hours
Deadline for submission of Request For pre-Qualification Application	November 27, 2009 by 1600 hours
Opening of Applications received under this RFQ process Venue: National Games Secretariat	November 27, 2009 at 1630 hours
Declaration of pre-Qualified Parties	November 30, 2009

SECTION II INSTRUCTIONS TO APPLICANT

A. General Rules

2.1 Eligible Applicants

- 2.1.1 The Applicant may be a single entity (“**Individual Applicant**”) or a group of entities (“**Consortium Applicant**”). The term Applicant used hereinafter would therefore apply to both an Individual Applicant and a Consortium Applicant. The RFQ document should have been purchased in the Applicant’s name. In case of an unincorporated Consortium, any Consortium member may have purchased the RFQ document in its name. The Applicant should submit a Power of Attorney as per the format enclosed at Annexures 1 and 2, authorizing the signatory of the Application to commit the Applicant.
- 2.1.2 Application submitted by a Consortium should comply with the following additional requirements:
- a. Number of members in a Consortium would be limited to four (4);
 - b. The Application should contain the information required for each member of the Consortium;
 - c. The Application should include a description of the roles and responsibilities of individual Consortium members;
 - d. Members of the Consortium shall nominate one member as the Lead Member. The nomination shall be supported by a Power of Attorney as per the format enclosed in Annexure 2 signed by all the members. The Consortium itself and also the members of the Consortium including the Lead Member shall be required to meet the applicable evaluation criteria as prescribed in Section III of this RFQ document.
 - e. Unless the Consortium Applicant is a corporate entity constituted under the Companies Act, 1956, as on the date of Application, members of the Consortium shall enter into a Memorandum of Understanding (the “**MoU**”) for the purpose of making the Application. The MoU shall, inter-alia, also convey the intent of formation of a Company, as per the Companies Act, 1956, with shareholding commitment(s) in terms of the RFQ document as specified in Section III of this RFQ document. Further such Company should be incorporated and formed prior to the signing of the Project Contract in case the Consortium is selected as the Agency. The MoU shall also clearly outline the proposed roles and responsibilities of each member at each stage in the lifecycle of the Project.
 - f. A copy of the MoU or the existing Shareholders’ agreement (providing the details as required from the MoU) as the case may be shall be submitted along with the Application. The MoU entered-into among the members of the Consortium should contain the above requirements failing which the Application shall be rejected as non-responsive. The MoU, or the Shareholders’ Agreement as the case may be, shall be governed by the

laws, rules and regulations of India and would be subject to jurisdiction of Indian Courts only.

- 2.1.3 A member of a particular Consortium can be member of other Consortium(s) applying for the Project provided the aforementioned member is not the Lead Member of any of the Consortium(s). Any entity, if it is the Lead Member of any Consortium and submits or participates in more than one Application will lead to disqualification of the Consortium(s) of which it is a Lead Member/ member.
- 2.1.4 Any entity which has been barred by NGS/ any Government Authority from participating in NGS/ Government projects and the same subsists as on the Application Due Date, would not be eligible to submit an Application, either as an Individual Applicant or as a member of a Consortium(s) Applicant. In the event such an entity is a part of a Consortium Applicant, the entire Consortium Applicant would be disqualified from the process.
- 2.1.5 The Applicant(s) may take note of 'Press Note 2 (2005)' issued by Ministry of Commerce & Industry, Government of India, as amended from time to time regarding the 100% Foreign Direct Investment through the automatic route in the Construction/ Development sector. However, the Applicant(s) is advised to check the latest guidelines regarding the same at the time of submitting the Application.

2.2 Change in Name/ Management/ Shareholding/ Consortium composition

- 2.2.1 From the Application Due Date till the date of declaration of pre-Qualified Parties and subsequent to the Proposal Due Date, no change in the name/ management/ shareholding/ composition of a Consortium will be permitted without the prior written approval of NGS.
- 2.2.2 From the date of declaration of pre-Qualified Parties till the Proposal Due Date, no change resulting into the following will be permitted without the approval of NGS:
- a. No member of the Consortium on the date of declaration of pre-Qualified Parties is a member of the Consortium on the Proposal Due Date;
 - b. Shareholding to the extent of more than 74% has changed from the date of declaration of pre-Qualified Parties till the Proposal Due Date;
 - c. Lead member at any time does not meet the pre-Qualification criteria.

2.3 Application Preparation Cost

The Applicant shall be responsible for all of the costs associated with the preparation of its Application and its participation in the pre-Qualification Stage. NGS will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the pre-Qualification Stage.

2.4 Project Inspection and Site Visit

- 2.4.1 It is desirable that each Applicant submits its Application after visiting the Project Site(s) and ascertaining for itself the location, surroundings, or any other matter considered relevant by it for the purpose of preparing the Application. The cost of visiting the Project Site(s) shall be borne by the Applicant. NGS shall not be liable for such costs, regardless of the outcome of the selection process.
- 2.4.2 It would be deemed that by submitting the Application, Applicant has:
- a. Made a complete and careful examination of the RFQ document;
 - b. Independently verified all information received from NGS with respect to the Project;
 - c. Given due consideration to all aspects of the Project;
 - d. Visited the Project Site(s) as per 2.4.1 above.
- NGS shall not be liable for any mistake or error on the part of the Applicant in respect of the above.

2.5 Right to Accept or Reject any or all Applications

- 2.5.1 Notwithstanding anything contained in this RFQ document, NGS reserves the right to accept or reject any Application and to annul the pre-Qualification process and reject all Applications/ Proposals, at any time without any liability or any obligation for such acceptance, rejection or annulment, without assigning any reasons.
- 2.5.2 NGS reserves the right to reject any Application, if at any time a material misrepresentation is made or uncovered. This would lead to the disqualification of the Applicant. If the Applicant is a Consortium, then the entire Consortium would be disqualified/ rejected.
- 2.5.3 Giving, offering or promising to give any gift, bribe or inducement, directly or indirectly, or any attempt at any such act by, or on behalf of, the Applicant towards any officer/ employee of NGS or to any other person in a position to influence any officer/ employee of NGS for showing any favour in relation to this prequalification/ proposal process or award of the Project Development work or any other similar process/ contract, shall render the Applicant to such liability/ penalty as NGS may deem proper, including but not limited to disqualification of Application, rejection of proposal, termination of the Project Development Agreement, imposition of penal damages and forfeiture of the Bid Security/ Bank Guarantee(s).
- 2.5.4 If due to any reason NGS is unable to select the agency submitting the lowest financial bid, then NGS reserves the right, keeping in view the time sensitiveness of the Project, to either
- a. Invite the next higher Bidder for further negotiations; or

- b. Take any measure as may be deemed fit in the sole discretion of NGS including annulment of entire pre-Qualification/ Proposal stage and inviting fresh Applications/ Proposals.

B. Documents

2.6 Contents of RFQ

This RFQ document comprises the contents as listed below, and would additionally include any Addenda issued in accordance with the Clause below.

- Disclaimer
- Abbreviations
- Definitions
- Section I Introduction
- Section II Instructions to Applicants
- Section III Criteria for Evaluation
- **Annexure**
 - 1 Format for Power of Attorney for Signing of Application
 - 2 Format for Power of Attorney for Lead Member of Consortium Applicant
 - 3 Format for Application

2.7 Amendment of RFQ

At any time prior to the deadline for submission of Application, NGS may, for any reason, whether at its own initiative or in response to clarifications requested by an Applicant, modify the RFQ document by the issuance of addenda (the “**Addenda** or **Addendum**” as the case may be). Any Addendum thus issued will be put up on the NGS website. In order to afford the Applicants a reasonable time in which to take an Addendum into account, or for any other reason, NGS may, at its discretion, extend the due date for submitting the Application as provided below, in the Clause on Application Due Date in this document.

C. Preparation and Submission of Application

2.8 Language

The Application and all related correspondence and documents should be written in the English language.

2.9 Currency

The currency for the purpose of the Application shall be the Indian Rupee (INR). The conversion of any foreign currency to Indian Rupees shall be made at Reserve Bank of India exchange closing rate as on the 7th day prior to Application Due Date given in the Clause on 'Schedule for the RFQ process', Section I of this document. The date and the exchange rate used must be mentioned. In all such cases, the original figures in the relevant foreign currency and the INR equivalent thereof must be given.

2.10 Validity of Application

The Application shall be valid for a period of one (1) month from the Application Due Date (the "**Application Validity Period**"). NGS reserves the right to reject any or all Applications, which does not meet this requirement.

2.11 Extension of Validity of Application

In exceptional circumstances, prior to the expiry of the original Application Validity Period, NGS may request the Applicants to extend the Application Validity Period for a specified additional period.

2.12 Format and Signing of Application

2.12.1 The Applicant should provide all the information as per this RFQ. NGS would evaluate only those Applications that are received in the required format and are complete in all respects. The Applicant shall prepare one original of the documents (including all the documents under the format given in Annexures 1, 2 & 3 and Shareholders Agreement/ MoU, if applicable) comprising the Application and clearly marked "ORIGINAL". In addition, the Applicant shall make 1 (one) copy of the Application, clearly marked "COPY". In the event of any discrepancy between the original and the copy, the original shall prevail. The Application and its copy shall be typed or written in indelible ink and each page shall be initialled by the Applicant. In case the Annexures 1, 2 & 3 formats are type filled or typed and then filled by the Applicant and submitted, then the blank Annexures 1, 2 & 3 pages, as in the original RFQ document, shall be attached with the Application. All the alterations, omissions, additions, or any other amendments made to the Application shall be initialled by the person(s) signing the Application.

2.12.2 The person, in favour of whom the power of attorney has been assigned, should be competent to contract and a resolution or authorization by the Board of Directors in case of an Individual Applicant, and all Consortium members in case of a Consortium Applicant, would be required to be furnished in this regard.

2.13 Sealing and Marking of Application

- 2.3.6.1 The Application shall be sealed and should clearly bear the identification - **“Application for pre-Qualification: Sports Facility Project - Kerala National Games 2010-11”** with covering letter stating clearly the validity of the Application as per the format enclosed at Annexure 3;
- 2.13.1 The envelope shall be addressed to the contact details provided on the cover page of this document.
- 2.13.2 If the envelope is not sealed and marked as instructed above, NGS assumes no responsibility for the misplacement or premature opening of the contents of the Application submitted.
- 2.13.3 Further every Application must be submitted in a hard bound form (loose form, spiral bound etc. will not be accepted) with all pages numbered serially, along with an index of submissions. Applicants are required to submit all details as per the formats given in the RFQ document only. In the event, any of the instructions mentioned herein have not been adhered to, NGS will reject the Application.

2.14 Application Due Date

- 2.14.1 The Application should be submitted by the stipulated date and time as specified under the Clause on ‘Schedule for the RFQ Process’, Section I, at the address mentioned on the cover page, in the manner and form as detailed in this RFQ document. Applications submitted by e-mail, facsimile transmission or telex would not be accepted. Applications submitted after the time stated above will be rejected.
- 2.14.2 NGS may, in exceptional circumstances, and at its sole discretion, extend the Application Due Date by issuing an Addendum in accordance with the Clause on ‘Amendment of RFQ’.

2.15 Late Application

NGS will not accept any Application received after the Application Due Date and stipulated time mentioned in the previous Clause.

2.16 Modifications/ Substitution/ Withdrawal of Application

- 2.16.1 The Applicant may modify, substitute, or withdraw its Application after submission, provided that written notice of the modification, substitution, or withdrawal is received by NGS by the Application Due Date. No Application shall be modified, substituted, or withdrawn by the Applicant in any manner whatsoever after the Application Due Date.

2.16.2 The modification, substitution, or withdrawal notice shall be prepared, sealed, marked, and delivered in accordance with the Clauses on 'Format and Signing of Application' and 'Sealing and Marking of Application', with the envelopes being additionally marked "MODIFICATION", "SUBSTITUTION" or "WITHDRAWAL", as appropriate.

D. Evaluation of Application

2.17 NGS would open the Applications on the date, time and venue given in the Clause on 'Schedule for the RFQ Process', Section I for the purpose of examination. The Applicants present at the time and venue mentioned will be provided with the information of list of applicants for the pre-Qualification process.

2.18 Applications for which an acceptable notice of withdrawal has been submitted in accordance with the Clause on 'Modifications/ Substitution/ Withdrawal of Application' shall not be opened.

2.19 NGS would subsequently examine and evaluate Applications in accordance with the criteria set out in Section III.

2.20 NGS reserves the right to reject any Application if:

- a. At any time/ stage, a material misrepresentation is made or uncovered; or
- b. The Applicant does not respond promptly and thoroughly to requests for supplemental information required for the evaluation of the Application
- c. If any doubt arises regarding interpretation of any clause of this RFQ document, the decision of the Chief Executive Officer/ Secretary, NGS will be final.

2.21 Tests of responsiveness

Prior to evaluation of Applications, NGS will determine whether each Application is responsive to the requirements of the RFQ document. An Application shall be considered responsive if the Application:

- a. Is received by the Application Due Date including any extension thereof pursuant to the Clauses on 'Amendment of RFQ' and 'Application Due Date';
- b. Is signed, sealed and marked as stipulated in the Clauses on 'Format and Signing of Application' and 'Sealing and Marking of Application';
- c. Is accompanied by the Power(s) of Attorney as specified in the Clause on 'Eligible Applicants';
- d. Contains all the information as requested in this RFQ document;
- e. Contains information in formats same as those specified in this RFQ document;

- f. Mentions the validity period as set-out in the Clauses on 'Validity of Application' and 'Extension of Validity of Application';
- g. For Consortium Applicants, is accompanied by the MoU or the Shareholders' agreement as the case maybe as stipulated in the Clause on 'Eligible Applicants';
- h. Is accompanied by non-refundable RFQ document fee.

NGS reserves the right to reject any Application which is considered by NGS to be non-responsive and no request for alteration, modification, substitution or withdrawal shall be entertained by NGS in respect of such Applications.

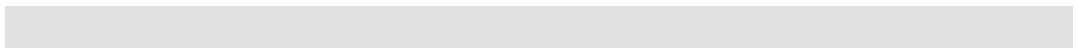
2.22 Clarifications

To facilitate evaluation of Applications, NGS may, at its sole discretion, seek clarifications in writing from any Applicant regarding its Application. In the event response to such request for clarification is not received from the Applicant within five (5) working days of such request having been sent by NGS, the judgement of NGS as to interpretation of the Application would prevail.

E. Short listing and Notification

2.23 After the evaluation of Applications, NGS would announce a list of Applicants who have been pre-Qualified for participating further in the process. The list of the pre-Qualified Parties will be displayed in the website of NGS.

2.24 The pre-Qualified Parties will be requested to submit a detailed Proposal in the form and manner to be set out in the RFP document.



SECTION III CRITERIA FOR EVALUATION

3.1 Evaluation Parameters

The Applicant would be required to meet the evaluation criteria as detailed in this Section III. Applicant(s) meeting **all** the criteria will, subject to provisions of this RFQ document, be qualified to submit its Proposal in response to the RFP document.

3.2 pre-Qualification Criteria

3.2.1 All criteria mentioned below need to be complied by the Applicants to be selected for participation in the Proposal Stage

A. Individual Applicant	
<i>Criteria</i>	<i>Documentary Evidence</i>
A1. The Applicant must be an existing Company, for at least the last 3 (three) years, as defined under the Companies Act, 1956.	a. Certificate of Incorporation b. Certificate of Commencement of Business c. Memorandum and Articles of Association
A2. The Applicant should have experience in Sports Facility Development or Property Development for assignments costing not less than 50% and 100% of the Estimated Project Cost, respectively.	Client testimonial/ copy of contract/ Client citation/ engagement letter or any other documentary proof. Details should be provided in the format specified in Annexure-3, pre-Qualification response sheet no.3.
A3. The Applicant must have a minimum average annual Turnover of not less than 30% of the Estimated Project Cost.	Audited financial statements (reflecting overall Turnover specific to Property Development and/ or Sports Facility Development) for the last 3 (three) Financial Years. In case the audited financial statements do not reflect the above, an auditor's certificate on the actual relevant figures should be obtained.
A4. The Applicant must have a minimum Net-worth of, as on the last date of the latest Financial Year, 10% of the Estimated Project Cost.	a. Audited financial statement (reflecting Net-worth of business) for the latest Financial Year b. Auditors' certificate on the Net-worth as mentioned by the applicant

B. Consortium Applicant	
<p>B1. The Consortium Applicant must be an existing legal company, as defined under the Companies Act, 1956 OR, The Consortium should be formed with intent to form a duly incorporated company, as defined under the Companies Act, 1956 in case of an unincorporated Consortium.</p>	<p>a. Certificate of Incorporation b. Certificate of Commencement of Business c. Memorandum and Articles of Association d. Shareholders' Agreement OR, MoU as specified in the Clause on 'Eligible Applicants', Section 2</p>
<p>B2. The members would nominate a Lead Member as specified in the Clause on 'Eligible Applicants', Section 2. This Lead Member should have a minimum 26% of both equity shareholding and voting rights in the Consortium.</p>	<p>a. Power of Attorney as specified in in the Clause on 'Eligible Applicants', Section 2 b. Shareholders' Agreement/ MoU as specified in the Clause on 'Eligible Applicants', Section 2</p>
<p>B3. The Lead Member should have experience in Sports Facility Development or Property Development for assignments costing not less than 50% and 100% of the Estimated Project Cost, respectively.</p>	<p>Client testimonial/ copy of contract/ Client citation/ engagement letter or any other documentary proof. Details should be provided in the format specified in Annexure-3, pre-Qualification response sheet no.3.</p>
<p>B4. The Lead Member should have a minimum average annual Turnover of not less than 30% of the Estimated Project Cost.</p>	<p>a. Audited financial statements (reflecting overall Turnover specific to Property Development/ Sports Facility Development) for the past 3 (three) Financial Years. In case the audited financial statements do not reflect the above, an auditor's certificate on the actual relevant figures should be obtained. b. MoU as specified in the Clause on 'Eligible Applicants', Section 2</p>
<p>B6. All Consortium members holding more than or equal to 26% of equity shareholding or voting rights (both or either) must have a minimum Net-worth of 10% of the Estimated Project Cost as on the last date of the latest Financial Year.</p>	<p>a. Audited financial statements (reflecting overall Net-worth of business) for the latest Financial Year. b. Auditors certificate on the Net-worth as mentioned by the applicant.</p>

3.2.2 Estimated Project Cost in all the above cases shall be the total of the Estimated Project Cost of the all Projects the Applicant has submitted pre-Qualification application for.

3.2.3 The Applicant shall state the details of the litigations in a court of law it is involved in with respect to any dispute arising out of construction/ development contracts undertaken by it in the past with the land allocating/allotment agencies, governmental agencies and public-sector-undertakings. In case of the Consortium, the above mentioned details shall be furnished for each member of the Consortium. A certificate, from the Chairman/ Managing Director/ Company Secretary of the Company, confirming inclusion of all such legal disputes shall be duly submitted. The following details shall be provided under prequalification response sheet no.3:

- Organizations in dispute
- Court of law
- Reason of litigation
- Current status of litigation

NGS at its sole discretion may disqualify an Applicant in case the Applicant is involved in excessive litigation as per the evaluation done by NGS.

3.3 Disqualification

Even if an Applicant meets the above criteria, NGS may order disqualification of the Applicant if

- a. The Applicant or, in case of a Consortium Applicant, any member(s) of the Consortium has:
 - i. Made misleading or false representations in the forms, statements and attachments submitted; or
 - ii. Records of poor performance, as evaluated by NGS, during the last three (3) years, as on the date of Application such as abandoning work, rescinding of contract with the land allocating/allotment agencies, other governmental agencies, public sector und etc., inordinate delays in completion, consistent history of litigation/ arbitration awarded against the Applicant or any of its constituents or financial failure due to bankruptcy, etc. or
 - iii. Been barred by NGS/ any Government Agency; or
- b. Any of its, members' in case of a Consortium Applicant, directors/promoters
 - i. Is debarred by NGS/ any Government Agency; or
 - ii. Has a criminal history or has been convicted by any court of law for any of the offences under any governing laws, relating to criminal omission or conviction in property construction/ development/ operation activities or regarding which a case has been registered against him/ her by a public authority.

**ANNEXURE 1 FORMAT FOR POWER OF ATTORNEY FOR SIGNING OF
APPLICATION**

Know all men by these presents, we.....(name and address of the registered office) do hereby constitute, appoint and authorise Mr / Ms.....(name and residential address) who is presently employed with us and holding the position of as our attorney, to do in our name and on our behalf, all such acts, deeds and things necessary in connection with or incidental to our Application/ proposal for the Project envisaging development of sports facilities for the Kerala National Games 2010-11, *including signing and submission of all documents and providing information/ responses to NGS, representing us in all matters before NGS, and generally dealing with NGS in all matters in connection with our Application/ proposal for the said Project.*

We hereby agree to ratify all acts, deeds and things lawfully done by our said attorney pursuant to this Power of Attorney and that all acts, deeds and things done by our aforesaid attorney shall, and shall always, be deemed to have been done by us.

For _____

Accepted

.....(signature)

(Name, Title and Address)
of the Attorney

Note:

- ◆ *To be executed by all the members in case of a Consortium applicant.*
- ◆ *The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executants and when it is so required the same should be under common seal affixed in accordance with the required procedure.*
- ◆ *At the RFQ stage, this Power of Attorney may be provided on plain paper/ stamp paper.*
- ◆ *The Power of Attorney should be supported by a resolution of the Board of Directors to the same effect.*

**ANNEXURE 2 FORMAT FOR POWER OF ATTORNEY FOR LEAD MEMBER
OF CONSORTIUM APPLICANT**

Whereas NGS has invited Applications from interested parties for the development of sports facilities for the Kerala National Games 2010-11,

Whereas, the members of the Consortium applicant are interested in bidding for the Project and implementing the Project in accordance with the terms and conditions of the Request for Qualification (RFQ) document, Request for Proposal (RFP) document and other connected documents in respect of the Project, and

Whereas, it is necessary under the RFQ document for the members of the Consortium Applicant to designate one of them as the Lead Member with all necessary power and authority to do for and on behalf of the Consortium applicant, all acts, deeds and things as may be necessary in connection with the Consortium applicant's Application/ proposal for the Sports Facility Development Project, Kerala National Games, 2010-11.

NOW THIS POWER OF ATTORNEY WITNESSETH THAT;

We, M/s. _____, M/s _____ M/s. _____and M/s..... (the respective names and addresses of the registered office) do hereby designate M/s..... _____ being one of the members of the Consortium, as the Lead Member of the Consortium, to do on behalf of the Consortium, all or any of the acts, deeds or things necessary or incidental to the Consortium's Application/ proposal for the Project, including submission of Application/ proposal, participating in conferences, responding to queries, submission of information/ documents and generally to represent the Consortium in all its dealings with NGS, any other Government Agency or any person, in connection with the Project until culmination of the process of bidding and thereafter till the Project Contract is entered into with NGS.

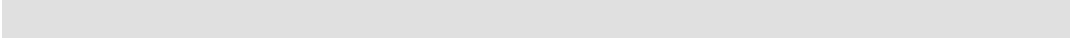
We hereby agree to ratify all acts, deeds and things lawfully done by Lead Member, pursuant to this Power of Attorney and that all acts deeds and things done by our aforesaid attorney shall and shall always be deemed to have been done by us/ Consortium.

Dated this theDay of2009

.....
(Executants)

(To be executed by all the members of the Consortium Applicant)

Note:

- ◆ *The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executant(s) and when it is so required the same should be under common seal affixed in accordance with the required procedure.*
 - ◆ *This Power of Attorney may be provided on plain paper/ stamp paper.*
- 

ANNEXURE 3 FORMAT FOR APPLICATION

A. Covering letter format

[Date]

Chief Executive Officer & Secretary
National Games Secretariat
Chandrasekharan Nair Stadium
Palayam, Thiruvananthapuram-695033,
Kerala, India

Dear Madam,

Sub: Letter of Application, Sports Facility Development Project (Kerala National Games 2010-11) pre-Qualification

1. We, the undersigned duly authorized to represent and act on behalf of [-----
-----] ("**the Applicant**"), and having reviewed and fully understood all information provided in the prequalification documents ("**RFQ**" document), hereby apply to be pre-Qualified as a pre-Qualified Party for the Sports Facility Development Project, Kerala National Games 2010-11.
2. We are hereby submitting our Application including the following:
 - a. Application in the prescribed format (Annexure 3, Format for Application);
 - b. Power of Attorney as per the prescribed format [Annexure 1 and Annexure 2];
 - c. Copy of the MoU [in case of a Consortium Applicant]
 - d. Other details and supporting documents in response to the requirements outlined in the RFQ document [indexed and cross referenced to Application formats and RFQ as required]
3. Our Application is valid till [--date in figures and words--]
4. The Lead Member of Consortium applicant is [-----]. [In case of a Consortium]
5. NGS and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents, and information submitted in connection with this Application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This Letter of Application will also serve as authorization to any individual or authorized representative of any entity referred to in the supporting information, to provide such information deemed necessary and requested by yourself to verify

statements and information provided in this Application, or with regard to the resources, experience, and competence of the Applicant.

6. We understand that;
 - a. All information submitted under this Application shall remain binding upon us at the time of bidding; and
 - b. NGS may in their absolute discretion reject or accept any Application, cancel the prequalification process, and reject all Applications.

7. We declare that all statements made by us and all the information pursuant to this Letter of Application are complete, true and accurate to the best our knowledge and beliefs.

For and on behalf of (name of Applicant or
Lead Member of a consortium applicant)

Signed

.....

Name

.....

B. pre-Qualification Response Sheet No. 1

Details of Applicant

1. (a) Name
(b) Country of incorporation
(a) Address of the corporate headquarters and its branch office(s), if any, in India
(b) Date of incorporation and/ or commencement of business
2. Brief description of the Company including details of its main lines of business and proposed role and responsibilities in the Project.
3. Details of individual (s) who will serve as the point of contact/ communication within the Company:
 - (a) Name :
 - (b) Designation :
 - (c) Company :
 - (d) Address :
 - (e) Telephone Number :
 - (f) E-Mail Address :
 - (g) Fax Number :
4. Name, Designation, Address and Phone Numbers of Authorised Signatory of the Applicant:
Name :
Designation :
Address :
Phone No. :
Fax No. :
E-mail :
5. In case of a Consortium Applicant:
 - 5.1 The information above (1-4) should be provided for all the members of the Consortium.
 - 5.2 Information regarding role of each member should be provided as per table below:

Sr. No.	Name of Member	Percentage Shareholding	Status in the Consortium*	Role in this Project	Past Business Experience**
1.					
2.					
3.					
4.					

*Specify whether Lead Member or Member.

** Mention specific field under 'Sports Facility Development' and/ or 'Property Development'.

C. pre-Qualification Response Sheet No. 2

Financial Capability of the Applicant

(Equivalent Rs. in Crores)

Applicant type	Net-worth	Turnover		
		Year 1	Year 2	Year 3
	As on the Last date of Year 1			
Individual Applicant/ Lead Member				
Consortium Member 1				
Consortium Member 2				
Consortium Member 3				

Note:

1. Individual Applicant should fill in details as per the row titled Individual Applicant and ignore the other rows mentioned below.
2. All figures quoted above shall be certified by the Applicant's statutory auditor and the audited annual reports shall be provided.
3. Auditors' Certificate for the Net-worth shall be provided.

D. pre-Qualification Response Sheet No. 3

Details of Sports Facility Development/ Property Development Assignments undertaken (Separate sheet for each assignment)

	<i>Applicant to fill up the details here</i>
Title & Nature of the Assignment	
Brief Description of Assignment including Design and Scope	
Client for which the Assignment was undertaken	
Location	
Assignment Cost/ Certified Billings (in Rs. Crores) with break-up into a. Civil b. Electrical c. HVAC d. Other components	
Assignment Land area (in sq.m.)	
Assignment Built-up Construction area (in sq.m.)	
Date of Commencement of Assignment/ Contract and of Completion/ Commissioning	
Period of delay in completion (if any) and reasons for such delay	
Name of Assignment Executing Entity	
Equity Shareholding in the Entity	
Name of Architect associated with the Assignment	
Detail of Litigation under this Assignment (if any), Parties involved, Reason of litigation, Amount involved, Current status of litigation	
Reference page number of enclosed Chartered Engineer/ Architect certificate	

Instructions for pre-Qualification response sheets:-

- a. The above details should be given only for the entity applying in case of an Individual Applicant, and members in case of a Consortium Applicant, and not for its/ their parent/ subsidiary/ related companies.

- b. The above details should be given only on the assignments fulfilling the pre-
Qualification criteria.

- c. In case of a Consortium Applicant, the above details should be given for the
Lead and all the other members separately.

- d. Year 1 will be the latest year for which audited financial statements are
available. Year 2 shall be the year immediately preceding Year 1 and Year 3
shall be the year immediately preceding Year 2.