

PEX 1

[Paragraph B.7(i) of PEM]

Application to be submitted by contractors after award of overseas construction contracts

A. Instructions :

1. The application should be completed in six copies and submitted to an authorised dealer alongwith six copies of the contract, within fifteen days of entering into contract with the overseas buyer.
2. Banker's comments on the exporter may also be submitted as in Form PEX 2

B. Documentation :

3. Certified copies of the documents listed in item 23 of the application form

PART A - GENERAL

1. Details of the applicant (contractor) (a) Name and address of the firm/company (b) Exporter's Code No. (c) Name/s of the proprietor/partners/directors (d) Foreign collaboration (including foreign capital), if any, and terms of collaboration (e) Main lines of activity (varieties of civil engineering works) (f) Annual turnover (Mention main items of construction/civil engineering works executed in India and their value) (g) Broad particulars of construction contracts executed abroad during the last three years and their value, giving nature and value of goods exported, civil works executed (country-wise) (h) Brief descriptive account of the firm, covering the technical, financial and management aspects (i) Whether the applicant is on the approved list of OCCI (MOC) ? (j) Details of the overseas contracts with which the firm is associated (Country, nature of the contract, value, present position) (a) Contracts under execution (b) Contracts awarded and to be taken up (c) Contracts tendered for and not yet decided, indicating the prospects	
2. Name and address of the overseas buyer : (i) Nature of constitution indicating private, public sector or Government undertaking (ii) If there is any Indian participation in the capital structure, etc. of the overseas employer, broad details may be indicated (iii) Main lines of activity	
3. Status of exporter : State whether Prime Exporter or Consortium Member (a) If a Prime Exporter - (i) Name/s and address/es of major sub-supplier/s	

- (ii) Nature of goods/services relating to each sub-supplier/s and value thereof
 - (iii) Payment and other back-to-back arrangements with sub-supplier/s
 - (iv) Past experience of major sub-supplier/s
 - (v) Details of banking arrangements made by sub-suppliers for the contract
- (b) If a member of a consortium or joint bidder
- (i) Name and address/es of the bidder
 - (ii) Nature of goods/services relating to leader/each consortium member and value thereof
 - (iii) Payment and other back-to-back arrangements with leader/other consortium members
 - (iv) Past experience of leader/consortium member
 - (v) Details of banking arrangements made by leader/consortium members for the contract

4. Details of construction contract

- (a) Date of signing
- (b) Effective date
- (c) Brief description of the contract giving scope of work
- (d) Contract value:
 - (i) In foreign currency
 - (ii) Equivalent Indian Rupees
 - (iii) Exchange Rate
- (e) Break-up of contract value

(Rs. In lakhs)

	Goods	Services	Total
Indian			
Third country			
Local			
Total			

- (f) Brief description of goods
 - (i) Export from India
 - (ii) Supply from third country
 - (iii) Local supply
- (g) Brief description of service offered
- (h) Details of provision for escalation, if any, for goods and services
- (i) Provisions in the contract in respect of the following (attach a separate sheet, if necessary)
 - (i) Penalties/liquidated damages and ceiling, period of delay for which minimum penalty becomes applicable, may also

<ul style="list-style-type: none"> be indicated (ii) Price escalation (iii) Force majeure (iv) Arbitration (v) Law governing the contract 		
<p>5. Payment terms</p> <ul style="list-style-type: none"> (a) Advance Payment (state when receivable) (b) Down payment (c) Progress payment (d) Retention money (state when receivable) (e) Deferred payment (f) Terms of deferred payment <ul style="list-style-type: none"> (i) Period of credit (years) (ii) Number of instalments for repayment of principal (iii) Intervals at which instalments will be Receivable (iv) Date with reference to which the due dates of instalments will be fixed (v) Moratorium/Grace period, if any (vi) Rate of interest on deferred credit (vii) Period at which interest will be receivable 		
<p>6. Currency of payment</p> <ul style="list-style-type: none"> (i) In respect of supply of goods (ii) In respect of services portion (iii) If currency of payment is Indian Rupees, whether payments will be received under any bilateral trade and payments agreement (iv) If currency of payment is not Indian Rupees, will there be an exchange variation clause ? If not, how is exchange risk proposed to be covered ? 		
<p>7. Security</p> <p>Nature of security to be furnished by the buyer for:</p> <ul style="list-style-type: none"> (a) Down payment (b) Progress payment (c) Deferred receivable and interest 		
<p>8. Foreign Exchange Outgo</p> <ul style="list-style-type: none"> (a) Break-up <ul style="list-style-type: none"> (i) CIF cost of raw materials and components proposed to be imported into India for the execution of the order or value of import replenishment entitlement whichever is higher (ii) Freight on exports (iii) Third country imports (iv) Agency commission/fees (v) Interest on overseas borrowings/other charges (vi) Remittances of royalty payment, if any, and Exchange 	<p>Amount</p>	<p>Percentage of Contract Value</p>

	Control approval therefor (vii) Others (specify) Total		
	(b) Nature of raw materials and components to be imported into India		
9.	Third country imports :	Amount	(Rs. In lakhs)
	(i) Value of items to be procured from third country sources -	(a) Material	
		(b) Machinery	
		(c) Equipment	
	(ii) Terms of payment for third country imports	Total	
	(iii) Details of financing arrangements, if any, required abroad by the exporters		
10.	Construction equipment required for execution of the contract		
	(a) to be exported from India		
	(i) List of equipment and values		
	(ii) Name/s of the supplier/s		
	(iii) Terms of payment		
	(b) to be imported from third country		
	(i) List of equipment and values		
	(ii) Name/s of the supplier/s		
	(iii) Terms of payment		
	(c) to be transferred from other projects		
	(i) List of equipment & values		
	(ii) Name of the project & country		
	(d) Total value of machinery and equipment [(a) + (b) + (c)]		
	(e) Estimated value of the above equipment etc. on reimport/sales after completion of contract (<i>i.e.</i> after depreciation)		
11.	Arrangement for procurement Please furnish information regarding tie-ups for sub-contracting and services as in Annexure II		
12.	Time schedule (in months)		
	(a) Commencement (approx. date)		
	(b) Completion		
	(c) Maintenance period, if any		
13.	Plan for execution of contract		
	(a) Mobilization plan for men and materials		
	(b) Proposed programme of work with time schedule, PERT and Bar Chart		
14.	Manpower requirements	Personnel Indian	Local Total

<p>(a) Number of experts and skilled and unskilled workers required and the manner in which they would be employed in the importing country giving the number of persons required to be sent abroad from India</p> <p>(b) (i) Total salaries and wages etc. provided for in the contract</p> <p>(ii) How salaries and wages etc. will be paid in foreign currency in case of deferred payment contract?</p> <p>(c) Are there any minimum wages and other labour laws prevailing in the importing country? If so, particulars thereof may be given</p> <p>(d) Are there any restrictions on the employment of outside labour in the importing country ?</p> <p>(e) What is the position of availability of required skilled and unskilled labour in the importing country ?</p> <p>(f) What are the general living conditions regarding accommodation, water and power in the area where the contract is to be executed?</p> <p>(g) Brief account on Taxation provisions affecting repatriation of salary and profits</p>	<p>Managerial _____</p> <p>Supervisory _____</p> <p>Skilled _____</p> <p>Unskilled _____</p> <p>_____</p> <p>Total _____</p> <p>Foreign currency _____</p> <p>Local Currency _____</p> <p>Rupees _____</p> <p>_____</p> <p>Total _____</p> <p>_____</p>
<p>15. Overseas organization proposed to execute the contract</p> <p>(a) Place/s where site/liaison office/s will be required</p> <p>(b) Staff and organization at the site/liaison office</p> <p>(c) Estimated expenditure on the site/liaison offices</p> <p>(d) Who will be the leader of the overseas work? What is his background?</p> <p>(e) What are the special arrangements proposed by the Head Office to co-ordinate and monitor the progress?</p>	
<p>16. Overseas expenditure</p> <p>Amount and nature of overseas expenditure involved</p> <p>[Please attach currency-wise cash-flow statement (monthly or quarterly) for Indian, third country and local portion (separately) covering the contract period including maintenance]</p>	
<p>17. Agency commission</p> <p>(a) Name and address of overseas agent</p> <p>(b) Nature of services to be rendered by agent</p> <p>(c) Percentage and amount of commission payable</p>	

<p>18. Details of foreign currency/local borrowings, if any required for execution of the contract</p> <ul style="list-style-type: none"> (i) Amount of foreign currency/local borrowing at the peak level (submit a detailed cash-flow chart) (ii) Name and address of the bank from whom borrowing is proposed to be raised (iii) Projection of interest liability (submit a detailed cash-flow chart) (iv) By which period (state month and year) borrowings will be liquidated 	
<p>19. Estimated foreign exchange repatriation to India</p>	<p>(Rs. in lakhs)</p> <p>Amount _____</p> <p>(a) Supply from India (goods & services) _____</p> <p>(b) Overheads _____</p> <p>(c) Profits _____</p> <p>(d) Others _____</p> <p>_____</p> <p>Total</p> <p>_____</p>
<p>20. Profitability estimated (Amount and percentage) (Please furnish detailed cost and profitability as per Appendix II)</p>	
<p>21. Other details</p> <ul style="list-style-type: none"> (a) Whether the project is being financed by World Bank/Asian Development Bank etc. and whether covered by budget allocation (b) If the contract forms part of a large project, brief details of the overall project (c) Details regarding project consultants (d) Procedure for certification of bills and time span at each stage for passing the bills and receiving payments (e) (i) Procedure for provisional and final take over of the project (ii) Safeguards provided in the contract in case the employer does not take over the project within the reasonable time 	
<p>22. Any other relevant information pertaining to the contract</p>	
<p>23. Documents to be attached with the application (Attach certified true copies)</p> <ul style="list-style-type: none"> (a) Balance Sheets and statements of Profit and Loss Account of the exporter for the last 3 years (b) Export contract with amendments, if any (6 copies) (c) Letter of Credit or Letter of guarantee received by the exporter (d) Agreements with sub-suppliers/other members of consortium (e) Letter, if any, from the exporter's bankers communicating the terms of sanction of guarantee and/or credit facilities for the contract 	

(subject to repatriation to India/retransfer) within _____ months).

(vi) Any other facilities (please specify)

4. Risks Cover

(i) Type of cover from ECGC (Political/Comprehensive/Specific Services Contracts Policy etc.)

(ii) Counter guarantees

We hereby apply for post-award approval for the above overseas civil construction contract as per details furnished above. We certify that the particulars given above are true to the best of our knowledge and belief.

Place :

STAMP

(Signature of Authorised Official)

Date : .

Name :

Designation :

ANNEXURE I TO FORM PEX 1

[Note under 3(a) and 3(b) of PEX 1]

**Details of Foreign Contractor
(where applicable)**

To be completed where the Indian exporter is a sub-supplier to/joint bidder with a foreign prime contractor. (Please furnish the details on the foreign prime contractor, joint bidder/s or consortium members as applicable).

- (a) Name and address
- (b) Nature of goods and services relating to each member
- (c) Approximate value of offer by each member
- (d) Whether payment terms are on back-to-back basis (Yes/No)
- (e) Mode of receipt of payment
- (f) Details of banking arrangement made for the offer
- (g) Past experience of foreign prime contractor/members/joint bidders
- (h) Whether banker's report furnished on each member (Yes/No)
- (i) Details of past dealings of exporter with each member/joint bidder
- (j) Details of inter se arrangement among consortium members

ANNEXURE II TO FORM PEX 1

[Item No 11 of PEX 1]

Details of Main Sub-contractors for Services

<i>Brief Description Specification of Services</i>	<i>Contractor's Name</i>	<i>Approx. Value of Sub-contract</i>	<i>Firm Offer (Yes/No)</i>	<i>Date till which valid</i>	<i>Details of Warranty/Bank Guarantee (if any)</i>
A. Indian Sub-Total (A)					

B. Local Sub-Total (B)					
C. Third Country Sub-Total (C)					

APPENDIX I TO FORM PEX 1

[Item No. 23(f)(I) of PEX 1]

**Total value of machinery, construction equipment and materials
required for the execution of the contract**

(Amounts in lakhs of rupees)

	<i>Value of items to be exported from India</i>	<i>Value of items to be purchased in the country where the contract is to be executed</i>	<i>Value of items to be purchased from third countries</i>	<i>Value of items to be transferred from other projects</i>	<i>Total Value</i>
1. Machinery required to be installed as part of the project@					
2. Construction equipment					
3. Materials required for construction					

Description of the machinery

Value (in lakhs of rupees)

APPENDIX II TO FORM PEX 1

[Item No.23(f)(ii) of PEX 1]

Estimates of cost of construction and profitability

(Amounts in lakhs of rupees)

	<i>Domestic costs</i>	<i>Foreign exchange costs</i>	<i>Local currency costs</i>	<i>Total</i>
1. Cost of goods				
(i) Raw materials and components (excluding duties) indigenous				
Imported: (a) into India				
(b) direct into importing country				
(ii) Machinery and equipment other than that required for use in contract (i.e. supplied for installation)				
2. Direct labour				
3. Depreciation on equipment used (purchase price <i>minus</i> estimated realisable value on completion)				
4. Royalty on export sales				
5. Overseas agent's commission				
6. Other commission and service				

charges/Interest on borrowings abroad				
7. Interest at the pre-shipment stage				
Interest at Post-shipment stage				
8. ECGC cover				
9. Packing charges				
10. Other administrative and selling expenses				
11. Taxes and duties— (i) Excise duties				
(ii) Import duties				
(iii) Taxes (specify)				
12. Overheads not covered by the above				
13. Contingencies				
14. miscellaneous				
Sub Total				

Less cash incentives from Government

(i) Duty draw-back _____

(ii) Others (specify) _____

Add net profit/minus net loss _____

Sale price