Minutes of Meeting of Empowered Technical Bid Evaluation Committee (ETEC)

Date: 19.03.2018 at NHIDCL (HQ).

Name of work: Widening and upgradation to 2 lane with paved shoulder configuration and geometric improvement from km 0.000 to km 16.990 on Chenani - Sudhmahadev section of NH-244 in the State of Jammu & Kashmir.

It was noted by the Committee (ETEC) that earlier, after the submission of evaluation report of the consultant, the clarifications dated 09.03.2018 were sought from the following five bidders:

(i) M/s TRG Industries Pvt. Ltd.
(ii) M/s Sri Avantika Contractors (I) Ltd.
(iii) M/s IL&FS Engg - BCCPL (JV)
(iv) M/s Ravi Infrastructure Projects Pvt. Ltd.
(v) M/s ECI- SRM Projects

2. The Committee was apprised that one of the bidders, in the meantime, vide his letter dated 13.03.2018 **(Annexure-I)** who was present during the technical bid opening, objected to the acceptance of the bid of M/s TRG Industries Pvt. Ltd. on the ground that the DSC of other person instead of POA holder has been used while uploading the bid and as such the bid should be treated as non-responsive according to the provisions of the RFP. The Committee was appraised that the above mentioned letter of M/s ECI Engineering and Construction Co limited -SRM Contractors Pvt. Ltd. (JV) was forwarded to the financial consultant with the request that a legal opinion in this regard may also be furnished alongwith the final report.

3. Subsequent to the receipt of the replies to the clarification from the above mentioned bidders, the financial consultant, M/s KRA & Co. submitted their final evaluation report on 19.03.2018 alongwith the legal opinion dated 17.03.2018 obtained from a law firm CKM Partners which is signed by Attorney -at-Law, Mr. Tariq Muneer. While analyzing and giving his opinion, the attorney has considered the issue such as (i) essential requirements for obtaining DSC, (ii) requirements under the given RFP, (iii) analysis of the bid by TRG Industries Pvt. Ltd. and (iv)whether the bid is un-responsive and liable to be rejected **(Annexure-II).**

3.1 The Attorney has concluded as under, declaring the bid to be treated as un-responsive:

"The eligibility criteria given under Clause 2.14.1.1 of the RFP grants an option to the Bidder to either file a DSC in its name and a Power of Attorney in favour of a

person so authorised to obtain a DSC on behalf of the company or in case it intends to authorise a different person by way of Power of Attorney, then use the DSC of such person for submitting the Bid. Such requirement of a Power of Attorney being an essential condition as specified in clause 3.1.6 of the RFP.
It emerges on a close analysis of the RFP clauses in question and the bid submitted by TRG Industries Private Limited, it becomes abundantly clear that the bid submitted by TRG Industries does not have a Power of Attorney in the name of the Authorised Signatory as essentially required in the RFP, specifically clause 2.14.1.1.
As a result of the same, the Bid may be termed as Un-responsive since it does not qualify the test enumerated at sub-clause 3.1.6.1(d) being not accompanied by the physical Power of Attorney in favour of the declared Authorised Signatory in Annexure 1 to Appendix-1A of the Bid submitted by the Bidder."

3.2 The bids have been evaluated against the following evaluation criteria as per RFP:

S.No.	Particulars	Amount in Rs. Cr.
1	Estimated Project Cost	174.34
2	Minimum Threshold Technical Capacity required (For Category 1, 2, 3 & 4) as per clause 2.2.2.2 (i)	261.51
3	Minimum Threshold Technical Capacity required (For Category 1, 2, 3 & 4) for Lead Member to fulfill as per clause 2.2.2.4 (i)	156.91
4	Minimum Threshold Technical Capacity required (For Category 1, 2, 3 & 4) for Other Member to fulfill as per clause 2.2.2.4 (i)	52.30
5	Minimum required amount of COMPLETED Eligible Projects in Category 1 and/or Category 3 from at least one similar work as per clause 2.2.2.2 (ii)	43.58
6	Minimum requirement of one Major Similar Bridge having span length equal to or greater than 50% of the longest span of the structure proposed in the project	42 meter
7	For a project to qualify as a Eligible Project under Category 1&2 , the Capital Cost of the project should be more than (as per clause 2.2.2.6 (i) (c))	17.34
8	Minimum required amount of self constructed project by the Bidder for a project to qualify as a Eligible Project under Category 1&2 (as per clause 2.2.2.6 (i) (d))	one half of the Project Cost of eligible projects as defined in clause 2.2.2.6 (i) (d).
9	For a project to qualify as a Eligible Project under Category 3&4 , the receipt / payments of the project should be more than (as per clause 2.2.2.6 (ii))	17.34
10	Minimum Financial capacity required as per clause 2.2.2.3	8.71
11	Minimum Financial Capacity required for Lead Member to fulfill as per clause 2.2.2.4 (i)	5.22

12	Minimum Financial Capacity required for Other Member to fulfill as per clause 2.2.2.4 (i)	1.74
13	Minimum Average Annual Turnover required as per clause 2.2.2.3 (ii)	34.87
14	Minimum Average Annual Turnover required (For Lead Member) as per clause 2.2.2.4 (i)	20.92
15	Minimum Average Annual Turnover required (For Other Member) as per clause 2.2.2.4 (i)	6.97
16	Minimum Required Bid Capacity (For each Bidder) as per clause 2.2.2.1	174.34
17	Minimum Required Bid Capacity (For Lead Member) as per clause 2.2.2.4 (i)	104.60
18	Minimum Required Bid Capacity (For Other Member) as per clause 2.2.2.4 (i)	34.87

3.3 It was noted by the Committee that the bid of M/s TRG Industries Pvt. Ltd. is non-responsive in terms of the conditions of RFP which has also been endorsed by the legal opinion furnished by the financial consultant.

3.4 The bidder, Sri Avantika Contractors (I) Limited, Company, has failed to meet the minimum criteria of completed eligible projects in category (i) and / or (iii) from atleast one similar work as per clause 2.2.2.2 (ii) as mentioned against the serial no. 5 in the table under para 3.2. Further, the bidder has also failed to satisfy the minimum requirement of one major similar bridge having span length equal to or greater than 50% of the longest span of the structure proposed in the project. The Committee noted that as per the uploaded drawings, the longest span of the structure is 83.33 mtrs. whereas the bidder has maximum span length of 25 mtrs only. The bidder thus failed to meet the minimum eligibility requirements and is not eligible for opening of the financial bid as per the report of the financial consultant.

3.5 The JV of IL&FS Engineering and Construction Company Limited (LM)-Beigh Construction Company Private Limited (OM) have failed to satisfy the minimum requirement of one major similar bridge having span length equal to or greater than 50% of the longest span of the structure proposed in the project. The Committee noted as per RFP "Minimum requirement of one Major Similar Bridge having span length equal to or greater than 50% of the longest span of the structure proposed in the project" whereas the bidder has maximum span length of 40 mtrs only. The bidder thus failed to meet the minimum eligibility requirements and is not eligible for opening of the financial bid as per the report of the financial consultant.

3.6 The remaining three bidders satisfy the minimum eligibility requirement as per the report of the financial consultant and are qualified for financial bid opening **(Annexure-II).**

3.7 The following bidders have failed to qualify for their financial bid opening either due to the bid being non-responsive or failing to fulfill the minimum eligibility requirements:

(i) TRG Industries Pvt. Ltd., Company
(ii) Sri Avantika Contractors (I) Limited, Company
(iii) IL&FS Engineering and Construction Company Limited in Joint Venture with Beigh Construction Company Private Limited (JV of Companies)

3.8 ETEC observed that the following three bidders have the required technical, financial capacity and bid capacity besides meeting other eligibility requirements under the RFP as mentioned in the table under para 3.2 and are eligible for their financial bid opening:

(i) Dineshchandra R.Agrawal Infracon Pvt. Ltd, Company
(ii) Ravi Infrabuild Projects Private Limited, Company subject to clarification as mentioned in para 4 above.
(iii) ECI Engineering and Construction Co. Ltd. In Joint Venture with SRM Contractors Private Limited (JV of Companies)

4. ETEC was apprised that the confirmation of the Bank Guarantees submitted by the bidders have been transmitted through the SFMS gateway. However, in respect of Bank Guarantee issued by HDFC Bank on behalf of the bidder Ravi Infrabuild Projects Pvt. Ltd. has the stamp paper issued in the name of first party Jai Buildcon Pvt. Ltd. and further in the amendment thereto, the name of the company M/s Jai Buildcon Pvt. Ltd. has been struck out and M/s Ravi Infrabuild Projects Pvt. Ltd. has been hand written which has been counter signed by the officials of the branch and appears to be in order. However, the confirmation transmitted through SFMS gateway finds mention of the name of Jai Buildcon Pvt. Ltd. who is not the bidder in this case. Since, the BG has been issued on behalf of Ravi Infrabuild Projects Pvt. Ltd. and the amendment thereto is also seems to be in order, the Committee is of the view that a further verification of BG may got be done physically. The bidder may be qualified for financial bid opening subject to further clarification/confirmation of BG of Ravi Infrabuild Projects Pvt. Ltd.

5. ETEC agreed with the recommendations of the Financial Consultant in respect of the clarifications received, fulfillment/non-fulfillment of the minimum eligibility criteria by the each bidder (**Annexure-II**). The committee after due deliberations recommended the financial opening of the following firms after obtaining approval from the Competent Authority:

(i) Dineshchandra R.Agrawal Infracon Pvt. Ltd, Company

(ii) Ravi Infrabuild Projects Private Limited, Company subject to clarification as mentioned in para 4 above.

(iii) ECI Engineering and Construction Co. Ltd. In Joint Venture with SRM Contractors Private Limited (JV of Companies)

The meeting ended with vote of thanks to the chair.

Pradeep Sharma, GM (T)
(Member Secretary)

Uttam Chatterjee, DGM(Fin.)
(Member)

Adil Singh, GM (Tech.)
(Member)

Sanjeev Malik, ED-III
(Convenor)