

National Highways & Infrastructure Development Corporation Ltd.
(Technical division)

Minutes of 2nd Meeting of Empowered Technical Bid Evaluation Committee (ETEC) for Evaluation of Technical Bids for "Restoration/Reconstruction of Churachandpur-Tipaimukh road from km 185.00 (Bukpi) to Km 262.00 (Tipaimukh) in the state of Manipur on EPC mode", at NHIDCL, New Delhi, on 08.06.2018-Technical Bid Evaluation- Reg.

- 1) The RFPs for the subject work were invited with bid due date as **02.05.2018** till **1500 hrs.**
- 2) In all 03 (three) proposals were received from the firms M/s Bhartia Infra Projects Pvt. Ltd., M/s Garg Sons Estate Promoters Pvt. Ltd. and M/s Nidhi Creative Infrastructure Pvt. Ltd. The bids were opened by Empowered Technical Bid Opening Committee (ETBC) on 02.05.2018 in the presence of bidders' representatives who chose to attend.
- 3) The ETBC recommended that the bids of the aforesaid 03 (three) bidders be technically evaluated to adjudge the technical responsiveness of bids from the financial consultant M/s Raj Har Gopal & Co. Accordingly, the bids were handed over to the financial consultant M/s Raj Har Gopal & Co. for evaluation and the financial consultant submitted the report vide letter dated 04/05/2018.
- 4) The Committee perused the report of financial consultant vide which the financial consultant recommended to seek clarifications from the aforesaid bidders. The committee decided to seek the clarifications from the respective bidders as recommended by financial consultant vide Minutes of Meeting dated 08.05.2018. Accordingly the clarifications were sought from respective bidders vide letter dated 10.05.2018.
- 5) Based on the reply of the bidders, the financial consultant submitted its report vide letter dated 21.05.2018. The committee deliberated the report of financial consultant and the comments of financial consultant vis-a-vis ETEC are tabulated below:



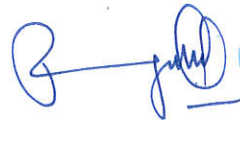

a) M/s Bhartia Infra Projects Pvt. Ltd.

SN.	Clarification Sought	Reply Received	Comments of financial consultant	Comments of ETEC
1	As per RFP, updation factors are required to be used for calculation of both value A & value B. However Bidder has not applied factors for calculation of Value of B. Please clarify.	We are submitting the following documents/statements taking up-dation factor as below: 1. Bid Capacity taking updated price. 2. Annex-VI- A & B taking escalation factors. 3. Statement of Existing commitment and on-going works.	Bidder has submitted the revised Bid Capacity details as per RFP and Bid Capacity of the Bidder is calculated accordingly as per RFP.	Agreed

b) M/s Garg Sons Estate Promoters Pvt. Ltd.

SN.	Clarification Sought	Reply Received	Comments of financial consultant	Comments of ETEC
1	As per Board Resolution dated 24.04.2018 submitted, the Authorised Signatory is appointed as Mr. Rahul Garg and the POA for the same will be executed by Mr. Ashok Kumar Garg. However in the POA submitted in the Bid, Mr. Rahul Garg has signed (executed) the POA on behalf of the Company and the same is accepted by Mr. Ashok Kumar Garg. Please clarify.	It was an inadvertent error. However, to rectify this Mr. Ashok Kumar Garg has also signed as executor with the company stamp and his designation is also mentioned in the already submitted POA with the Bid Documents. Please consider signature of Mr.	Bidder in its reply has stated that it was an inadvertent error and has also submitted the confirmation for the same from both Mr. Rahul Garg and Mr. Ashok Kumar Garg,	Agreed

SN.	Clarification Sought	Reply Received	Comments of financial consultant	Comments of ETEC
		Rahul Garg as acceptance of the said POA. We are hereby enclosing confirmation regarding execution and acceptance of the POA which has already been submitted by us.	therefore the same may be considered acceptable and responsive.	
1.	Supporting certificates for experience submitted by the Bidder for all the projects are not as per the required format mentioned in RFP. Also one line i.e. "It is certified that Applicant received payments from its Clients for Construction Works executed by them, in the aforesaid construction works" is missing. Please Clarify.	The Supporting certificates from Statutory Auditor already obtained on the basis of new RFP documents issued by Ministry in January 2017. However, revised supporting certificates for this project as per the requirement of RFP are enclosed herewith.	Bidder has submitted the certificates as per RFP and Technical capacity of the Bidder is calculated accordingly as per RFP.	Agreed
2.	Project code e claimed by the Bidder seems to be the work related to Metalling & Tarring. Please clarify through some substantial proof that how the subject project is cover under any category as per RFP. Project code d claimed by the Bidder seems to be the construction of district road. Please clarify through some substantial proof that how the subject project is cover under category 3 as per RFP.	a. The said project includes Construction of Road. Hence the same is considered under highway project. b. The said project is of Construction of MDR, hence, the same is considered under highway project.	Bidder has submitted the requisite details but the same is not substantiated by any suitable proof, therefore these projects are considered under category 4.	Agreed
3.	As per RFP, certificates for experience are required to be submitted by the Statutory Auditor of the company and as per the latest Annual Report submitted, the Statutory Auditor of the Co. is P.C. Goyal & Co. However certificates attached are submitted by Vinod Amrit & Co. Please clarify in what capacity did Vinod Amrit & Co. has issued the certificates through some substantial proof.	M/s Vinod Amrit & Co., Chartered Accountants, is the Joint Statutory Auditor with M/s P.C. Goyal & Co., Chartered Accountants, for the Financial year 2017-18. Proof for the same has already been submitted in the technical bid (page 17-22 of Pdf). We again enclosed the same for your kind reference.	Reply submitted by the Bidder fulfils the requirement of clarification sought, therefore same may be considered.	Agreed
4.	As per RFP, Net worth and Net Cash Accrual details are required to be submitted by the Statutory Auditor of the company and as per the latest Annual Report submitted the Statutory Auditor of the Co. is P.C. Goyal & Co. However certificates attached are submitted by Vinod Amrit & Co. Please clarify in what capacity did Vinod Amrit & Co. has issued the certificates through some substantial proof.	M/s Vinod Amrit & Co., Chartered Accountants, is the Joint Statutory Auditor with M/s P.C. Goyal & Co., Chartered Accountants, for the Financial year 2017-18. Proof for the same has already been submitted in the technical bid (page 17-22 of Pdf). We again enclosed the same for your kind reference.	Reply submitted by the Bidder fulfils the requirement of clarification sought, therefore same may be considered.	Agreed
5.	Bidder is required to submit Audited Annual Reports for the 2017-18, however the same is not found. Further as per clause 2.2.2.8 (ii) "In case the annual accounts for the latest financial year are not audited and therefore the Bidder cannot make it available, the Bidder shall give an undertaking to this effect and the statutory auditor shall certify the same. In such a case, the Bidder shall provide the Audited Annual Reports for 5 (five) years preceding the year for which the Audited Annual Report is not being provided". Please provide the location in the submitted bid from where the said Audited Annual Report or the said undertaking can be found.	Clause 2.1.17 of RFP which stipulates As the Bid Due Date for this project is 01.05.2018 which is within three months of the closing of the latest financial year, therefore, last 5 financial year are 2012-13 to 2016-17. Hence, Financial Reports for the year 2017-18 is not required as per clause 2.1.17 mentioned above. However, undertaking for not audited Annual Reports for the year 2017-18 from Statutory Auditor are enclosed herewith.	Reply submitted by the Bidder fulfils the requirement of clarification sought, therefore same may be considered.	Agreed
6.	Bidder is required to submit the Audited Annual reports for the last five years. However, in the Annual Reports submitted by the Bidder for both Garg Sons Estate	The Complete Audited Annual reports for the last five years are submitted in hard copy with the physical	Reply submitted by the Bidder fulfils the requirement of	Agreed

SN.	Clarification Sought	Reply Received	Comments of financial consultant	Comments of ETEC
	Promoters Private Limited and Garg Construction Co. for all the years, only Balance Sheet & P/L A/c is found. Auditors report, Cash Flow and Notes to accounts, etc are not found in the submitted Bid. Please provide the location in the submitted bid from where the same can be found.	submission. Please again find enclosed herewith Complete Audited Annual reports for the last five years for your kind reference.	clarification sought, therefore same may be considered.	
7.	In details of Value of B submitted, number of years for which the ongoing commitments are given is not mentioned which is required to be mentioned as per format given in RFP. Also list of ongoing commitments submitted by the Bidder, projects mentioned are from 1 to 5 and 9 to 13. Projects under point 6, 7 & 8 seems to be missing. Please Clarify.	Serial no. of projects mentioned was typographical error. Please find enclosed revised Annexure VI after incorporating the requisite changes.	Reply submitted by the Bidder fulfils the requirement of clarification sought, therefore same may be considered.	Agreed
8.	Value of B - Bidder has submitted the Statement showing value of all existing commitments and ongoing works verified by Statutory Auditor in respect of the Value of 'B', However there are few clarifications regarding supporting documents/Certificates required to be submitted by the Bidder for existing commitments and ongoing works countersigned by the Client or its Engineer-in-charge not below the rank of Executive Engineer or equivalent in respect of EPC Projects or Concessionaire/Authorised Signatory of SPV in respect of BOT Projects for amount of completed work . However Certificates for all the projects mentioned in table for value of B for amount of work completed duly signed by the Client or its Engineer-in-charge not below the rank of Executive Engineer is not found in the submitted bid. Please provide the location in the submitted bid from where the required documents can be found. Bidder is required to submit the certificates as desired under notes to Clause 2.2.2.1 of RFP, in absence of which the full contract value of ongoing projects will be considered for calculation of B and accordingly Bid Capacity of the Bidder will be calculated.	Please find enclosed certificates as required.	In its reply Bidder has submitted the LOAs of project, however certificates for value of work completed is not found, therefore for calculation of Bid capacity, value of B is calculated considering the full contract value of ongoing projects.	Agreed
9.	As per RFP, updation factors are required to be used for calculation of both value A & value B which are not applied in the bid submitted by the Bidder. Please clarify.	Please find enclosed Revised Annexure VI as required.	Bidder has updated the value of A, however value of B is not updated, therefore we have updated the Value of B and Bid capacity of the Bidder is calculated accordingly as per RFP.	Agreed
10.	As per RFP, Value of A & B details are required to be submitted by the Statutory Auditor of the company and as per the latest Annual Report submitted the Statutory Auditor of the Co. is P.C. Goyal & Co. However certificates attached are submitted by Vinod Amrit & Co. Please clarify in what capacity did Vinod Amrit & Co. has issued the certificates through some substantial proof.	M/s Vinod Amrit & Co., Chartered Accountants, is the Joint Statutory Auditor with M/s P.C. Goyal & Co., Chartered Accountants, for the Financial year 2017-18. Proof for the same has already been submitted in the technical bid (page 17-22 of Pdf). We again enclosed the same for your kind reference.	Reply submitted by the Bidder fulfils the requirement of clarification sought, therefore same may be considered.	Agreed







c) M/s Nidhi Creative Infrastructure Pvt. Ltd.

SN.	Clarification Sought	Reply Received	Comments of financial consultant	Comments of ETEC
1.	In Bank Guarantee submitted in point 14, amount in words is mentioned as Rupees Thirty Five Lakh Eight only instead of Rupees Thirty Five Lakh Eighty thousand only , Bidder is required to submit the amendment for the same.	Amendment to Bank Guarantee is Enclosed.	Bidder has submitted the required undertaking, the same may be considered.	Agreed
2.	POA submitted by the Bidder is executed by Mr. Vimal Kumar Godha. However some charter document substantiating the power of Mr. Vimal Kumar Godha for executing the POA or delegation of its power to other person is not found in the submitted Bid. Please provide the location in the submitted bid from where the same can be found.	Power of Attorney of Mr. Vimal Kumar Godha is enclosed herewith.	Bidder has submitted the required document (GPOA), therefore the same may be considered.	Agreed
3.	At the end of the document, Bidder has submitted a letter (Pg. 280) stating "CHANGE IN NAME/STYLE/ADDRESS OF COMPANY" . Below that it is mentioned that For – M/s Bhartia Infra Projects Limited, Read – Nidhi Creative Infrastructure (P) Limited. Please clarify and provide the ref. letter mentioned i.e. Dte letter No 24149/DGBRyNidhi/05/E8 dated 23 Mar, 2012 and other details if any.	Letter no. 24149/DGBR/Nidhi/05/E8 dated 23 May, 2012 is enclosed herewith. The above letter was mistakenly submitted as the DGBR Registration was renewed, vide Letter No. 24149/DGBR/Nidhi/190/E8, Dated 04 July, 2017 enclosed at Page no. 276 to 280.	Reply submitted by the Bidder fulfils the requirement of clarification sought, therefore same may be considered.	Agreed
4.	Projects claimed by the Bidder for experience are related to the following: a. Short Term Improvement & Routine Maintenance b. IRQP c. Periodic Renewal d. Resurfacing work e. Periodic Repair f. Supply work g. Supply work h. Supply work i. Manufacturing & Supply j. Manufacturing & Supply k. Manufacturing & Supply l. Nature of work not clear m. Manufacturing & Supply n. Manufacturing & Supply o. Manufacturing & Supply p. Miscellaneous Work q. Manufacturing & Supply As per RFP clause 2.2.2.5 (II), Maintenance works are not considered as eligible project for evaluation as per Instruction no.6 to Annex-IV. As such works with nomenclature like PR, OR, FDR, SR, site/micro grading, surface renewal, resurfacing work, Tarring, B.T. surface work, temporary restoration, urgent works, periodic maintenance, repair and rehabilitation , one time maintenance, permanent protection work of bank, external pre stressing, repair of central hinge, short term OMT contract of NHAI, any type of work related to border fencing, work of earthwork alone, construction of buildings/ hostels/hospitals, etc, or not specified, shall not be considered.	The Projects claimed by us are covered in category 3 & 4 as per clause 2.2.2.5 (i) of the RFP. Further the clause 2.2.2.5 (III) states that, The work such as Riding Quality work (IRQP/IRP), riding quality shall be Considered for threshold Technical capacity [2.2.2.2(i)]. Regarding eligibility as per Clause 2.2.2.2 (ii), Single completed work of 25%, claimed by us, the work namely "Short-Term Improvement and Routine maintenance of Imphal-Jiribam Road NH-37 from Km. 75.00 to Km. 145.00 (length 70.00 Km) in the state of Manipur on Item Rate Basis (Package-II)" . The nature of work executed is <u>Reconstruction, Rehabilitation and Up gradation</u> work of National Highway 37, which is highly Traffic Intensive and Important. The value of work Completed is Rs. 37.18 Crores. The Scope of the Work executed are: GSB, WBM, Prime Coat, Dense Bituminous Macadam, Track Coat, Bituminous Concrete, Metal Beam Crash Barrier, Surface drain Construction, and Construction of Boulder Sausage wall. The above Scope of work	In its reply Bidder has claimed that project code a, i.e. "Short term Improvement & Routine Maintenance of Imphal-Jiribam Road from Km 75.00 to Km 145.00 (Length=70 Km) of NH-53 (New NH-37) (Package – II) in the state of Manipur" for qualifying the criteria of 2.2.2.2(ii). Further Bidder in its reply has stated that the nature of said wok includes Reconstruction, Rehabilitation and upgradation work of National Highway, however the same was not substantiated by any documentary proof. Certificate submitted by the Bidder is attached with Annexure C for your reference. It is to bring to your kind notice that the client for subject project is NHIDCL. i.e. the project has been awarded to the Bidder by NHIDCL only, therefore the nature and scope is required to be confirmed i.e. the subject project can only be	The said project "Short term Improvement & Routine Maintenance of Imphal-Jiribam Road from Km 75.00 to Km 145.00 (Length=70 Km) of NH-53 (New NH-37) (Package – II) in the state of Manipur" has not been considered as per Clause 2.2.2.5 (ii) and 2.2.2.5 (iii) of the RFP.

Ajay Singh *Suresh Singh* *Rajendra Singh* *Om Singh*

SN.	Clarification Sought	Reply Received	Comments of financial consultant	Comments of ETEC
	<p>Further as per clause 2.2.2.5 (III), The works such as Improvement in Riding Quality work (IRQP/IRQ), riding quality shall be considered for threshold technical capacity [2.2.2.2(i)] but not for single completed works ([2.2.2.2(ii)])</p> <p>Also as per notes to Annex II, Construction shall not include supply of goods or equipment except when such goods or equipment form part of a turn-key construction contract/ EPC contract for the project. In no case shall the cost of maintenance and repair, operation of Highways and land be included while computing the Experience Score of an Eligible Project.</p> <p>Based on the above facts, Please clarify through some substantial proof that how the subject projects are cover under any category as per RFP. Also how the Bidder is qualifying the criteria as per clause 2.2.2.2 (i) i.e. Technical threshold Capacity and 2.2.2.2 (ii) – Single completed work of 25%.</p>	executed is more than the scope of work for which the RFP is submitted.	<p>considered if it includes up- gradation works on NH / SH.</p> <p>It is pertinent to mention here that Bidder is qualifying the criteria of Threshold Technical Capacity only after considering this project. Therefore we have calculated the score of the Bidder considering this project for your reference only.</p> <p>Based on the above facts, Authority may take a view.</p>	
5.	<p>Bidder is required to submit Audited Annual Reports for the 2017-18, however the same is not found. Further as per clause 2.2.2.8 (ii) <i>"In case the annual accounts for the latest financial year are not audited and therefore the Bidder cannot make it available, the Bidder shall give an undertaking to this effect and the statutory auditor shall certify the same. In such a case, the Bidder shall provide the Audited Annual Reports for 5 (five) years preceding the year for which the Audited Annual Report is not being provided"</i>.</p> <p>Please provide the location in the submitted bid from where the said Audited Annual Report or the said undertaking can be found.</p>	<p>Certificate from Chartered Accountant regarding Turnover of 2017-18 is enclosed at Page 21.</p> <p>Undertaking for non-availability of Audited Annual Reports for the year 2017-18 is enclosed.</p>	Bidder has submitted the required document, therefore the same may be considered.	Agreed
6.	<p>In details of Value of A submitted, Bidder has claimed the maximum value for the year 2017-18, however audited figures for the same is not found.</p> <p>Please Clarify.</p>	<p>Certificate from Chartered Accountant stating Turnover of 2017-18 is enclosed.</p> <p>OR</p> <p>The Bid Capacity is re-calculated excluding the 2017-18 Financial Turnover. (Enclosed)</p>	Bid Capacity of the Bidder is calculated as per RFP.	Agreed.

6) In addition the consultant vide letter dated 22.05.2018 has recommended following:

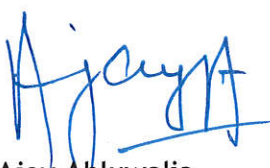
S No.	Applicant/ Bidder Name	Technical Capacity Claimed (in cr.)	Technical Capacity Assessed (in cr.) (Required – 35.80 cr.)	Complete Project for 1 & 3> 8.95 cr.	Net worth assessed (in cr.) (Required – 1.79 cr.)	Average Turnover Assessed (in cr.) (Required – 7.16 cr.)	Bid Capacity (in cr.) (Required – 35.80 cr.)	Eligible/ InEligible
1.	M/s Garg Sons Estate Promoters P Ltd.	46.81	41.66	Yes	3.99	31.26	723.08	Eligible
2.	M/s Bhartia Infra Projects Ltd	859.56	189.49	Yes	139.23	458.90	91.22	Eligible
3.	M/s Nidhi Creative Infrastructure (P) Ltd	179.58	43.08	Yes	10.84	32.41	257.54	Authority may take a view

Ajay Singh *Singh* *Agarwal* *Agarwal* *Agarwal*

- 7) Committed deliberated on the report of the financial consultant and as regards to technical eligibility of M/s Nidhi Creative Infrastructure Pvt. Ltd., the committee has not considered the project “*Short term Improvement & Routine Maintenance of Imphal-Jiribam Road from Km 75.00 to Km 145.00 (Length=70 Km) of NH-53 (New NH-37) (Package - II) in the state of Manipur*” as per Clause 2.2.2.5 (ii) of the RFP wherein it is mentioned that “works with nomenclature like PR, OR, FDR, SR, site/micro grading, surface renewal, resurfacing work, Tarring, B.T. surface work, temporary restoration, urgent works, periodic maintenance, repair and rehabilitation, one time maintenance, permanent protection work of bank, external pre stressing, repair of central hinge, short term OMT contract of NHAI, any type of work related to border fencing, work of earthwork alone, construction of buildings/ hostels/hospitals, etc, or not specified, shall not be considered” and as per Clause 2.2.2.5 (iii) of RFP “works such as Improvement in Riding Quality work (IRQP/IRQ), riding quality shall be considered for threshold technical capacity [2.2.2.2(i)] but not for single completed works ([2.2.2.2(ii)])”. Hence committee is of the view that M/s Nidhi Creative Infrastructure Pvt. Ltd. is technically non-responsive for next stage.
- 8) Keeping in view recommendation of financial consultant in Para 6 above and references to RFP in Para 7 above, the committee recommends for opening of financial bid of technically responsive bidders with the approval of Competent Authority.

S No.	Applicant/ Bidder Name	Technical responsiveness
1.	M/s Garg Sons Estate Promoters P Ltd.	Responsive
2.	M/s Bhartia Infra Projects Ltd	Responsive
3.	M/s Nidhi Creative Infrastructure (P) Ltd	Non- Responsive

Meeting ended with vote of thanks to chair.


Col Ajay Ahluwalia
(Retd)
(ED-I)
Chairman


Sandeep Gupta
(GM-Tech)
Member Secretary


Y C Srivastava
(GM-Tech)
Member


AK Jha
DGM (Tech)
Member


U Chhaterjee
DGM (Finance):
Member