

National Highways & Infrastructure Development Corporation Ltd.

Subject: Construction of valley side slope stabilization treatment including drainage, cross drainage work and pavement in Dharasu- Gangotri road from km. 123.080 to km 123.970 of NH-34 and stabilization of dumping zone in the state of Uttarakhand- **-Minutes of 3rd Meeting of Empowered Technical Bid Evaluation Committee (ETEC) held on 15.11.2019.**

The bids for subject work were invited having Bid Due Date as on 15.10.2019. In all, eight bids were received from the following bidders:-

- (i) M/s Bharat Construction.
- (ii) M/s Backbone Construction Private Limited.
- (iii) M/s Chaudhary Construction Company Pvt. Ltd.
- (iv) M/s HMBS Textiles Private Limited.
- (v) M/s KCC Buildcon Pvt. Ltd.
- (vi) M/s Nagyan Construction Pvt. Ltd.
- (vii) M/s R.G.Buildwell Engineers Limited.
- (viii) M/s V.K.Aggarwal.

2. During the last ETEC meeting held on 04.11.2019, Empowered Technical Evaluation Committee (ETEC) declared the technical evaluation result of all the eligible bidders after considering their representation/claims and recommended to open financial proposal on 15.11.2019 at 1130 hours. The five bidders as Technically Responsive and eligible for next stage of bidding i.e. opening of Financial Bids and three bidders as technically non-responsive for not meeting technical requirement communicated vide ETEC minutes dated 04.11.2018 is tabulated below:

S. No.	Name of the Applicant	Remarks
1	M/s Nagyan Construction Private Limited	Technically -Responsive
2	M/s Backbone Construction Private Limited	Applicant does not meet the criteria of one similar work of Rs 5.41 cr from eligible projects in category 1 &/or 3 specified in clause 2.2.2.5 of RFP. Hence not eligible for the project. Technically –Non Responsive
3	M/s KCC Buildcon Private Limited	Technically -Responsive
4	M/s Bharat Construction	Technically -Responsive
5	M/s R.G.Buildwell Engineers Limited	Technically -Responsive
6	M/s Chaudhary Construction Company Private Limited	Technically -Responsive
7	M/s V.K.Aggarwal	Applicant does not meet the criteria of Technical Capacity of RFP. Evaluated/Assessed Technical Capacity of the applicant comes to 15.52 Cr against the requirement of 21.65 Cr. Hence not eligible for the project Technically –Non Responsive
8	M/s HMBS Textiles Private Limited	Applicant does not meet the criteria of Technical Capacity of RFP. Evaluated/Assessed Technical Capacity of the applicant comes to 0.00 Cr against the requirement of 21.65 Cr. More so Applicant does not meet the criteria of one similar work of Rs 5.41 cr from eligible projects in category 1 &/or 3 specified in clause 2.2.2.5 of RFP. Hence not eligible for the project Technically –Non Responsive



3. Meanwhile, **M/s HMBS Textiles Private Limited** vide their letter dated 11.11.2019, has submitted their 2nd representation.

4. Committee decided to re-examine the representation received from aforesaid bidder. The representation has been handed over to Financial Consultant. Financial consultant vide letter dated 14.11.2019 has submitted the final outcome are as under:

Bidders Claims	Recommendation of Financial Consultant.
<p>i. Claimed projects fell under category 3 of the RFP , being the Highway Projects, duly clarified vide letter dated 30-10-2019 to the Authority.</p> <p>ii. In support of the Highways Projects enclosed the cover pages of Concession Agreement for the claimed projects.</p> <p>iii. Wrongfully treated the bid as Technically Non-Responsive,</p> <p>iv. It appears that Technical Consultant has wrongly evaluated the technical pre-requisites as envisaged in clause 2.2.2.5 of RFP and has evidently ignored that both the projects were in fact highway projects and duly qualified to be included in category 3 of RFP,</p> <p>v. Re-evaluate our technical Bid in a fair and transparent manner,</p> <p>vi. Even otherwise, it is submitted that the Work Description provides for "Construction of valley side slope stabilization treatment including drainage, cross drainage work and pavement in Dharasu-Gangotri road from km. 123.080 to km 123.970 of NH-34 and stabilization of dumping zone in the state of Uttarakhand". More so the Schedule to work description provides for 77.01% allocation of the Total work to Landslide Treatment Valley side alone. It becomes abundantly clearly that our company's credential exactly pertains to the required work.</p> <p>vii. Our Technical eligibility be revaluated in a fair and transparent manner. We hereby submit our final evaluation report concurred by our Technical and Legal Member also after considering the clarifications submitted by the bidder for your kind consideration.</p>	<p>Reply of the bidder has been taken into consideration and Technical Eligibility is revaluated as per the provisions of RFP. We strongly reiterated that evaluation of the bid has been done in fair and transparent manner within the provisions of RFP. Mere submission of cover pages of the Concession Agreement which was signed between the Concessionaire and Authority does not make this as experience in highways sector for the Bidder. Experience will be considered only when the bidder has carried out the construction of Road as mentioned in RFP.</p> <p>We found that there is no merit in the reply of the bidder and hence not accepted. We again state that Applicant does not meet the criteria of Technical Capacity of RFP. Evaluated/Assessed Technical Capacity of the applicant comes to 0.00 Cr against the requirement of 21.65 Cr. More so Applicant does not meet the criteria of one similar work of Rs 5.41 cr from eligible projects in category 1 &/or 3 specified in clause 2.2.2.5 of RFP. Hence not eligible for the project.</p> <p>Further we would like to mention here that as per clause 3.1.9 of RFP it is mentioned that "The Authority will not entertain any query or clarification from Applicants who fail to qualify". Now it's up to Authority to accept or not to accept the submission of the Bidder as per the provisions of RFP.</p> <p>In view of the above we hereby again conclude that the Applicant does not meet the criteria of Technical Capacity of RFP and hence not eligible for the project. However, Authority may take an appropriate view on the eligibility of the bidder</p>

5. Committee agrees with the recommendation of Financial Consultant and does not consider **M/s HMBS Textiles Private Limited** for opening of the financial bid.

6. **Recommendations of the ETEC:** The Committee recommends following five bidders as Technically Responsive and eligible for next stage of bidding i.e. opening of Financial Bids on 15.11.2019.

S. No.	Name of Bidder's	Status of Eligibility
1.	M/s Bharat Construction	Technically Responsive
2.	M/s KCC Buildcon Pvt. Ltd.	Technically Responsive
3.	M/s R.G.Buildwell Engineers Limited	Technically Responsive
4.	M/s Chaudhary Construction Company Pvt. Ltd.	Technically Responsive
5.	M/s Nagyan Construction Private Limited	Technically Responsive

The Meeting ended with a Vote of Thanks to the Chair.



(V.K.Singh)
(ED-IV)
Chairman



(Y C Srivastava)
(GM-Tech) Member
Secretary



(Shashank Kumar)
(GM-Tech)
Member



(Mahesh Gupta)
(DGM-Fin.)
Member

Date: 14-11- 2019

To,
Shri Yogesh Chandra Srivastava
General Manager (Tech)
National Highways Infrastructure Development Corporation Ltd.,
3rd Floor, PTI Building, 4 Parliament Street
New Delhi - 110001

Sub: Construction of valley side slope stabilization treatment including drainage, cross drainage work and pavement in Dharasu- Gangotri road from km. 123.080 to km 123.970 of NH-34 and stabilization of dumping zone in the state of Uttarakhand-**Review of submission from HMBS Textiles Private Limited reg.**

Dear Sir,

This is in reference to your letter bearing no NHIDCL/Financial Consultant/Bid Evaluation/2018/2613 dated 10th October 2019, wherein we have been assigned the evaluation of bids received for the subject project.

This is in continuation to our earlier submission to the Authority vide dated 04-11-2019 wherein we had submitted our final evaluation and recommended Authority to publish a list of Technically Responsive Bidders whose financial bids shall be opened in compliance of clause 3.1.9 of RFP.

After publication of list of Technical Responsive bidders, HMBS Textiles Private Limited vide its letter dated 11-11-2019 has made its submission to the Authority for consideration of its application for the project and the same has been handed over to us for further review.

We have reviewed the submission of the bidders and find the followings in its submission;

1. Claimed projects fell under category 3 of the RFP , being the Highway Projects, duly clarified vide letter dated 30-10-2019 to the Authority.
2. In support of the Highways Projects enclosed the cover pages of Concession Agreement for the claimed projects.
3. Wrongfully treated the bid as Technically Non-Responsive,
4. It appears that Technical Consultant has wrongly evaluated the technical pre-requisites as envisaged in clause 2.2.2.5 of RFP and has evidently ignored that both the projects were in fact highway projects and duly qualified to be included in category 3 of RFP,
5. Re-evaluate our technical Bid in a fair and transparent manner,
6. Even otherwise, it is submitted that the Work Description provides for "Construction of valley side slope stabilization treatment including drainage, cross drainage work and pavement in Dharasu- Gangotri road from km. 123.080 to km 123.970 of NH-34 and stabilization of dumping zone in the state of Uttarakhand". More so the Schedule to work description provides for 77.01% allocation of the Total work to Landslide Treatment Valley side alone. It becomes abundantly clear that our company's credential exactly pertains to the required work.

DARASHAW & COMPANY PVT. LTD.

Registered Office: 3, Rajesh Mansion, Dinsha Vaccha Road, Mumbai 400 020
Office: 6th Floor, Express Building, 14th "E" Road, Near Government Law College, Churchgate (W), Mumbai 400 020
Tel no: +91 22 4302 2372 Fax no: +91 22 4302 2399

DARASHAW

1926
ALL ABOUT TRUST

7. Our Technical eligibility be revaluated in a fair and transparent manner. We hereby submit our final evaluation report concurred by our Technical and Legal Member also after considering the clarifications submitted by the bidder for your kind consideration.

Final View

Reply of the bidder has been taken into consideration and Technical Eligibility is revaluated as per the provisions of RFP. We strongly reiterated that evaluation of the bid has been done in fair and transparent manner within the provisions of RFP. Mere submission of cover pages of the Concession Agreement which was signed between the Concessionaire and Authority does not make this as experience in highways sector for the Bidder. Experience will be considered only when the bidder has carried out the construction of Road as mentioned in RFP.

We found that there is no merit in the reply of the bidder and hence not accepted. We again state that Applicant does not meet the criteria of Technical Capacity of RFP. Evaluated/Assessed Technical Capacity of the applicant comes to 0.00 Cr against the requirement of 21.65 Cr. More so Applicant does not meet the criteria of one similar work of Rs 5.41 cr from eligible projects in category 1 &/or 3 specified in clause 2.2.2.5 of RFP. Hence not eligible for the project.

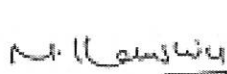
Further we would like to mention here that as per clause 3.1.9 of RFP it is mentioned that **"The Authority will not entertain any query or clarification from Applicants who fail to qualify"**. Now it's up to Authority to accept or not to accept the submission of the Bidder as per the provisions of RFP.

In view of the above we hereby again conclude that the Applicant does not meet the criteria of Technical Capacity of RFP and hence not eligible for the project. However, Authority may take an appropriate view on the eligibility of the bidder

Assured you for the best services at all time from us.

Thanking you,

Yours Faithfully,



Narender Kumar

Asst. Vice President

Consultancy Division,

Darashaw and Company Private Limited

E-mail: narender-kumar@darashaw.com

(M) 91-9911135896

DARASHAW & COMPANY PVT. LTD.

Registered Office: 3, Rajesh Mansion, Dinsha Vaccha Road, Mumbai 400 020

Office: 6th Floor, Express Building, 14th "E" Road, Near Government Law College, Churchgate (W), Mumbai 400 020

Tel no: +91 22 4302 2372 Fax no: +91 22 4302 2399



Tel: 011-23987570, 64701622
Mob. 9999938849

H.M.B.S Textiles Pvt. Ltd.

Corporate and Regd. Office: 1105 D Mall, Netaji Subhash Place, Pritampura, New Delhi-110034
CIN U18101DL 200BPTC174991

Factory : Plot No. 484, Barhi Industrial Estate,
Phase-II, Barhi (Distt. Sonapat) Haryana
Website : www.hmbstextiles.com

E-mail : account@hmbstextiles.com
info@hmbstextiles.com

Dated: 11.11.2019

To
General Manager (Technical),
National Highway and Infrastructure,
Development Corporation Ltd.
PTI Building, 3rd Floor,
4, Parliament Street,
New Delhi-110001.
Email ID: yogesh.chandra15@gov.in
Phone: 011-23461617

(KIND ATTENTION: Mr. Y C Srivastava – General Manager (Technical))

Work Description: Construction of Valley Side Slope Stabilization treatment including drainage, cross drainage work and pavement in Dharasu- Gangotri from km 120.080 to km 123.970 of NH-34 and stabilization of dumping zone in the state of Uttarakhand.

Ref: 1. Your Letter No. NHIDCL/NalupaniAdditional/NH-34/2019 dated 08.11.2019 (Technical Evaluation- Result-reg).
2. Darshaw Evaluation Report dated 04.11.2019
3. HMBS reply dated 30.10.2019.
4. Your Letter No. NHIDCL/NalupaniAdditional/NH-34/2019 dated 24.10.2019

Respected Sir,

Our Company, HMBS Textiles Private Limited had duly placed its bid in the above-captioned Tender.

Vide letter-dated 24.10.2019 (reference letter 4 above) clarification was sought from our Company as to the technical eligibility for the purposes of the subject tender. The clarification chiefly pertained to the fact as to whether the submitted projects, '*Reinforced Cut Slope Structure/Wall Work with Shotcrete Fascia*' and '*Supply and Installation of Reinforced soil slope rehabilitation/strengthening/improvement of road in the claimed*

project fall under **category 3** of the RFP. In seeking the clarification, reliance was placed on **Clause 2.2.2.5 (iii)(a)(II,III,IV,V and VI) of RFP** in contending that relevant experience and nature of work in Highways was required and Slope Structure work per se was not to be included as Highway Construction experience.

As the experience of our Company in the submitted projects, *'Reinforced Cut Slope Structure/Wall Work with Shotcrete Fascia'* and *'Supply and Installation of Reinforced soil slope rehabilitation/strengthening/improvement of road'* squarely fell under category 3 of the RFP, being Highway projects, our Company had vide its letter/reply dated 30.10.2019 (reference letter 3 above) duly clarified that both the projects were Highway projects as required in clause 2.2.2.5 of the RFP.

It was duly clarified that the first project pertained to the work for Four Laning of Mukkola Junction of Kerala/Tamil Nadu Border Project (km 26.500 to km 43.000) of **NH-47 (New NH -66)** under NHDP Phase III in the state of Kerala. As regards the second project, it was clarified that the same was for widening and improvement of existing four laning of kiratpur to Ner chowk section of **NH-21** from km 73.000 to km 188.500 in the State of Punjab and Himachal Pradesh and the project also included supply, installation and execution of reinforced soil slope structure. In support of the Highway projects, our Company had even enclosed the cover pages of the Concession Agreements for the aforesaid projects.

Despite having afforded the required clarification as sought evincing without doubt that the releid projects fell under Category 3 of the RFP and were Highway projects, vide letter dated 08.11.2019 (reference letter 1 above) you have wrongfully treated the bid of our Company as **Technically Non-Responsive**.

In arriving at the aforesaid conclusion, you have placed sole reliance on the comments of the financial consultant (reference letter 2 above) wherein the Technical Consultant has simply stated that 'permanent protection work of bank, external stressing, work of earthquake alone shall not be considered'. In not accepting our Company's bid, the

Technical Consultant has materially ignored that the projects were limited to slope protection but extended to rehabilitation/strengthening and improvement of NH 47 and pertained to the work for Four Laning of Mukkola Junction of Kerala/Tamil Nadu Border Project (km 26.500 to km 43.000). Concerning the second project, it has been not considered that the same was for kiratpur to Ner chowk section of **NH-21** from km 73.000 to km 188.500 in the State of Punjab and Himachal Pradesh and the project also included supply, installation and execution of reinforced soil slope structure. It seems that the Technical Consultant has conveniently not even perused the Concession Agreements annexed by our Company along with its reply dated 30.10.2019 (reference letter 3 above).

It appears that the Technical Consultant has wrongly evaluated the technical pre-requisites as envisaged in Clause 2.2.2.5 of RFP and has evidently ignored that both the projects were in fact highway projects and duly qualified to be included in cateogroy 3 of RFP.

In light of the above submitted true facts and circumstances, our Company most humbly requests your goodself to re-evaluate our technical bid in a fair and transparent manner. It cannot be lost sight of the fact that once '*The Technical Consultant has in its notes at Page 17 specifically expressed its doubts as to whether or not the relied projects by our Company would tantamount an experience in Highway or not*', it was incumbent upon your goodself to properly evaluate the technical bid rather than simply and mechanically accepting the Technical Consultant's observations, which in themselves expressed doubts and thus cannot be relied upon.

Even otherwise, it is submitted that the Work Description provides for *Construction of Valley Side Slope Stabilization treatment including drainage, cross drainage work and pavement in Dharasu- Gangotri from km 120.080 to km 123.970 of NH-34 and stabilization of dumping zone in the state of Uttarakhand*. More so, the Schedule to the Work Description provides for 77.01% allocation of the total work to Landslide Treatment Valley Side alone. The required work when seen in juxtaposition with the experience and completed works of our Company, it becomes abundantly clear that our Company's

credentials exactly pertain to the required work and as such treating the technical eligibility of our Company as non-responsive is completely arbitrary and warrants reconsideration.

It is thus in the interest of equity, good conscience and relevant CVC guidelines, that our technical eligibility be revaluated in a fair and transparent manner. Our Company is even willing to send in a representative to further clarify its technical bid qualifications, if so required.

Your due consideration is most appreciated.

Thanking you,

Yours faithfully

For  Himanshi Bhatia
13/11/2019

FOR H M B S Textiles Pvt Ltd,

Authorized Signatory