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 2nd Meeting of Empowered Technical Bid Evaluation Committee (ETEC) held on 04.11.2019.**

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. Having opened the physical submission (made as part of the technical bids) in the presence of authorized representatives of the bidders on 16.10.2019, the Empowered Technical Bid Opening Committee (ETBC) handed over the hard/soft copies of the technical bids to the engaged Financial Consultant **M/s Darashaw & Company (P) Ltd.** for carrying out the evaluation.

3. The Financial Consultant in reference to RFP has considered the following Evaluation Criteria for estimated project cost of **Rs. 21.65 Crore.**

S. No	Name of the Applicant	Amount (Rs in Crores)
	Threshold Technical Capacity –Clause 2.2.2.2 (i)	21.65
	One Single Completed Work - 25% of Estimated Project Cost from Category 1 & 3 required (Rs. in Crore)- Clause 2.2.2.2 (ii)	5.41
	Financial Capacity- Clause 2.2.2.3 (i)	1.08
	Minimum Average Annual Turnover- Clause 2.2.2.3 (ii)	4.33
	major bridges/RoBs/Flyovers having minimum span equivalent to or greater than- Clause 2.2.2.2 (iii)	Nil
	Bid Capacity	21.65
	For requirement of 2.2.2.2 (ii), one similar work of 25% of Estimated Project Cost should have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5 individually by any of the JV members as a single work	
B	**In case of Lead Member**	**Amount (Rs in Crores)**
	60% Threshold Technical Capacity	Joint Venture is not allowed to bid for the project.
	60% Financial Capacity	
	60%Minimum Average Annual Turnover	
	Bid Capacity	
	In case of Other Member	**Amount (Rs in Crores)**

S. No	Name of the Applicant	Amount (Rs in Crores)
	20% Threshold Technical Capacity	Joint Venture is not allowed to bid for the project.
	20% Financial Capacity	
	20%Minimum Average Annual Turnover	
	Bid Capacity- Clause 2.2.2 (i)	

4. In the preliminary Evaluation Report dated 23.10.2019 **(Annexure-I)**, the Financial Consultant recommended two bidders **M/s Bharat Construction.** and **M/s KCC Buildcon Pvt. Ltd.** are eligible for next stage of bidding. Further, financial consultant recommended to seek clarification from six bidders viz. (i) **M/s Backbone Construction Private Limited., (ii) M/s Chaudhary Construction Company Pvt. Ltd., (iii) M/s HMBS Textiles Private Limited.,(iv) M/s Nagyan Construction Pvt. Ltd., (v) M/s R.G.Buildwell Engineers Limited. & (vi) M/s V.K.Aggarwal** to consolidate the evaluation. Accordingly, the queries were raised with the respective bidders; their replies have since been received and handed over to Financial Consultant. The Financial Consultant, **M/s Darashaw & Company (P) Ltd.** has submitted the Final Evaluation Report on 04.11.2019 (Annexure-II). **a.** In the Evaluation Report, the detail of Technical and Financial Capacity and the Bid Capacity of the all eight bidders as per the report including the final outcome is as under:

a. M/s Nagyan Construction Private Limited

S.No.	Appendix/Annex No.	Clarification Sought	Bidders Reply	Remarks of the Financial Consultant	Remarks by ETEC Committee
1.	**Appendix-III – (Power of Attorney for signing of bid**	During the evaluation it has been found that Executant and Acceptor (Attorney Holder) of Power of Attorney for signing of bid both are the same person i.e **Mr Anil Nagyan Director**. ***Please Clarify why the prescribed format of power of Attorney for signing of bid has not been followed.***	As **Mr Anil Nagyan** holds position of director in the company and is also is the major stake holder in Company (i.e 50%). So this has been decided to make him the Authorize person for signing this bid.	Bidder in its reply has not mentioned about deviation from the format of Power of Attorney for signing of bid. However, it is mentioned that Mr Anil Nagyan is the Director and holds 50% stake in the company. It may be accepted as the person has necessary power for signing of the documents on behalf of the Company which has been supported by the Board Resolution.	ETEC agreed with the recommendation of Financial Consultant.
2.	**Board Resolution**	*During the evaluation it has been found that*	The Letter for the Board Resolution is	Accepted as the necessary compliance has been	ETEC agreed with the recommendation of Financial Consultant.

		there is no Board Resolution in favor of Authorised Signatory who issues the Power of Attorney for signing of the bid. As per the requirement of format of Power of Attorney for signing of bid, a copy of Board Resolution has to be submitted **Please Clarify**	attached.	made..	

b. M/s Backbone Construction Private Limited					
S.No.	**Appendix/Annex No.**	**Clarification Sought**	**Bidders Reply**	**Remarks of the Financial Consultant**	**Remarks by ETEC Committee**
1.	**Project –a and f**	**Project a**- During the review, it is found that for project A, in annexure IV, payment received in 2012-13 and 2013-14 is shown, however as per RFP these years does not fall within the last five financial year (2014-15 to 2018-19), so in our evaluation payments received in these years have not been considered. More, so this project does not fall under category 3 of experience in highway sector as claimed by the Bidder instead this project is for irrigation which comes under category -4 of core sector. **Please Clarify.**	**For Eligible Experience:** **According to RFP clause No** **2.2.2.2 (ii)-** one similar work of 25% of Estimated Project Cost Rs. 5.41 crore (Rupees Five crore & forty one lakh) shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5. **2.2.2.5(i)-** eligible experience (the "Eligible Experience") in relation to eligible projects as stipulated in Clauses 2.2.2.6 (i). **2.2.2.6 (i) (d)-** the entity claiming experience shall, during the last 5 (five) financial years preceding the Bid Due Date **In view of the above RFP Clause we had**	Bidder in its reply has made references of RFP clauses in support of its claim and we have revisited those clauses of RFP. Claim of the bidder that the project is completed in 2014-15 and mentioned that payment of Rs 2.42 crore received in this regard which is supported by certificate of RANAVAYA & Co chartered accountant. The submission of the bidder is accepted and considered in the evaluation. However, claim	ETEC agreed with the recommendation of Financial Consultant.

		Project f- Project is related to restoration work in NH-7. Please clarify how this project fall under category 3 within the provisions of RFP.	**submitted Bridge Work certificate as eligible project category-3 and work completed in the FY 2014-15 which is fulfill RFP Clause 2.2.2.6 (i) (d).** The Year-wise amount bifurcation based on 26AS certificate and execution Authority (Executive Engineer) certificate for showing the work is Bridge Work attached with page no 1to 3 . There is not mentioned in RFP as eligible experience project as 25% of estimated cost i.e 5.41 crore amount is received in any one year during last five financial year so our submitted work is completed in last 5 years i.e 2014-15 and it is Bridge Work so fall under category -3 which is fulfill all requirement as per RFP clause to qualify in Eligible Experience Project. **According to RFP clause No** **2.2.2.5 (IV) (i)-**Widening / reconstruction / up-gradation works on NH / SH or on any category of road taken up under CRF, ISC/ EI, SARDP, LWE. We had submitted experience certificate of NHAI which is restoration	of the bidder that this project falls under category -3 is not acceptable. As per clause **2.2.2.5 (IV) of RFP -** **Project in Highway sector shall constitute the following for the purpose of consideration under category I or 3 as applicable, if:** **(iv) Construction of stand- alone bridges, ROBs, tunnels w.r.t roads.** **It is clearly mentioned that construction of bridges w.r.t roads shall constitute the project in Highway Sector and will be considered under category 1 or 3 as applicable.** **In view of the above this project is considered under category 4 of construction experience in core sector instead of category 3 of construction experience in Highway sector as claimed by the Bidder.** For project (f) claim of the	

			of NHAI work. The work comes in abovementioned category hence we consider this work under category -3.	bidder is not accepted as it is mentioned in clause 2.2.2.5 (iii)(II) of RFP that these type of works are not to be considered as eligible project for evaluation. So, in our evaluation this project is not considered.	
2.	**Project –a to i**	There are no sign and stamp of Chartered Accountant on certificates submitted in support of Technical capacity of the Bidder. Further, it has also been found that there are no break-up of receipts and payments in client certificates submitted by the Bidder. **Please clarify.**	We are submitting the Chartered Accountant sign and stamp Technical Capacity certificate at page no-4. Every government department not issuing completion certificate with year wise bifurcation of payment received against work done. Hence we are submitting year wise payment receive form client based on 26 AS certificate (TDS Certificate). Herewith this letter attached 26AS certificate for eligible Project. Submitted with Page No - 5 – 60.	Accepted.	ETEC agreed with the recommendation of Financial Consultant.

c. M/s R.G.Buildwell Engineers Limited

S.No.	Appendix/Annex No.	Clarification Sought	Bidders Reply	Remarks of the Financial Consultant	Remarks by ETEC Committee
1.	**Appendix-III – (Power of Attorney for signing of bid)**	During the evaluation it has been found that Executant and Acceptor (Attorney Holder) of	We would like to clarify that Appendix-III Power of Attorney for signing of bid was signed by Mr. Ajay Chauhan,	Bidder in its reply has not mentioned about deviation from the format of	ETEC agreed with the recommendation of Financial Consultant.

		Power of Attorney for signing of bid both are the same person i.e **Mr Ajay Chauhan -Director.** ***Please Clarify why the prescribed format of power of Attorney for signing of bid has not been followed.***	Director and authorized signatory as per the board resolution no. RGBEL/BRS/2019-20/205 dated 09-10-2019 and consequent General Power of Attorney no. RGBEL/POA/2019-20/206 dated 09-10-2019 which is authorized by all the Directors of M/s. R.G Buildwell Engineers Limited. in favour of Mr. Ajay Chauhan. We further clarify that in General P.O.A and B.R.S all the Directors already authorized only Mr. Ajay Chauhan, Director to act on their behalf. Therefore Appendix-III Power of Attorney for signing of bid for above mentioned work is signed by same person ie. Mr. Ajay Chauhan (Director) as executant and also acceptor (as per company BRS and General POA) of M/s. R.G Buildwell Engineers Limited.	Power of Attorney for signing of bid. However, it may be accepted as the person has necessary power for signing of the documents on behalf of the Company which has been supported by the Board Resolution.	

d. M/s Chaudhary Construction Company Private Limited

S.No.	Appendix/Annex No.	Clarification Sought	Bidders Reply	Remarks of the Financial Consultant	Remarks by ETEC Committee
1.	**Statement of Legal capacity-Annexure-V.**	During the evaluation it has been found that there is no date mentioned in Statement of Legal Capacity submitted by the Bidder.	Date in Annex-V Statement of Legal Capacity is mentioned and enclosed herewith.	Accepted as the necessary compliance is made in its reply to the Authority.	ETEC agreed with the recommendation of Financial Consultant.

e. M/s V.K.Aggarwal					
S.No.	**Appendix/Annex No.**	**Clarification Sought**	**Bidders Reply**	**Remarks of the Financial Consultant**	**Remarks by ETEC Committee**
1.	**Project –a,c,and e**	During the review it has been found that project code a,c,and e which are related to ***Surface repair work and Periodic Renewal*** and the applicant has claimed these projects under category-3. As per Clause 2.2.2.5 (iii)(II) of RFP these type of works are not to be considered as eligible project for evaluation. **Please clarify how this project fall under category 3 within the provisions of RFP.**	It is PR Work Kindly consider it if possible.	Claim of the bidder is not accepted as PR works are not be considered as per clause 2.2.2.5 (iii)(II) of RFP.	ETEC agreed with the recommendation of Financial Consultant.
2.	**Project -b**	During the review it has been found that the project is related to ***Re-construction and Renewal Work by SDBC in BAADWALA Juddo Motor Road in Vikas Nagar Vidhansabha in Distt Dehradun and Applicant has claimed this project under category 3.*** From the submitted certificate it is not established as per clause *2.2.2.5 (iii)(IV) of RFP* that the project is NH/SH/, or under CRF,ISC/EI,SARDP,LWE, or MDR which has been executed with Loan Assistance form Multilateral Agency or on BOT Basis or in Municipal Corporations Limits. **Please clarify how this project falls under category 3**	The project shall be consider under clause 2.2.2.5 (iv) - (ii)&(iii) (ii)- Widening/ re-construction/up-gradation works on MDRs with loan assistance from multilateral agencies or on BOT basis, (iii)- Widening/ reconstruction / up-gradation work of roads in Municipal corporation limits, construction of Bypasses	Bidder in its reply to the Authority has claimed the project under clause 2.2.2.5(iv)(ii) as **re-construction work on MDRs**. In support of the claim a certificate from Executive Engineer-PWD Dehradun which state that the project has been proposed as MDR for widening has also been enclosed. Claim of the bidder is not accepted. From the submission, it is found that	ETEC agreed with the recommendation of Financial Consultant.

		of RFP within the provisions of RFP with necessary supporting documents.		the project has been proposed as MDR and till now it is not a MDR. Further, it is also found that in the submission it is not established that the project is on BOT basis or been funded by multilateral agencies which is the requirement of clause 2.2.2.5 (iv) -(ii)&(iii) of RFP. So, in view of the above we have not considered this project in our evaluation. So, in view of the above we have not considered this project in our evaluation.	
3.	**Project -d**	In Annexure-IV of details of eligible project Date of completion of the project is mentioned as 17-09-2017 whereas in SA certificate completion date is mention as 08-07-2019. **Please Clarify.**	Date of completion of the project is 17-09-2017 and 08-07-2019 is experience letter issue date.	Accepted.	ETEC agreed with the recommendation of Financial Consultant.
4.	**Audited Annual Accounts 2018-19-Undertaking**	Bidder has neither submitted the Audited Accounts for the Year 2018-19 nor submitted an undertaking in this regard. **Please Clarify.**	The Audited Accounts for the Year 2018-19 are under process and we are submitted the affidavit and ca Clarify Letter.	Accepted.	ETEC agreed with the recommendation of Financial Consultant.
5.	**Appendix-II - Bank Guarantee for Bid security**	In point no 14 of Bank Guarantee, it is required that bank Guarantee shall also be	We are submitted the Bank Certificate to Bank Guarantee shall	Accepted as the necessary compliance has	ETEC agreed with the recommendation of Financial

		operatable at Delhi branch also, however issuer bank of the bidder has mentioned here the branch of Dehradun . **Please clarify.**	also be operatable at Delhi branch also.	been made.	Consultant.

e. M/s HMBS Textiles Private Limited.

S.No.	Appendix/Annex No.	Clarification Sought	Bidders Reply	Remarks of the Financial Consultant	Remarks by ETEC Committee
1.	**Project –a and b**	The bidder has claimed two projects under category 3 wherein the scope of work are ***"Reinforced Cut Slope Structure/Wall Work with Shotcrete Fascia"*** and " **Supply and installation of *Reinforced soil slope structure"*** are mentioned. There is no mention about the construction/ rehabilitation/ strengthening/Improvement of Road in the claimed project. As per clause 2.2.2.5 (iii)(a)(II,III,IV,V, and VI)of RFP, relevant experience and nature of work in Highway are mentioned and there is no mention about the consideration of Slope Structure work as Highway Construction Experience. **Please Clarify** how this project fall under category 3 within the provisions of RFP	This is certified that project was to design and execution of Reinforced Cut Slope Structure/Wall Work with Shotcrete Fascia work which for new work of 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 on EPC . (We are enclosing cover page of Concession Agreement) This is certified that project was to design and execution of RSSS wall for Widening and Improvement of existing Four Laning of Kirathpur to Ner Chowk section of NH-21 from km 73.000 to km 188.500 in the State of Punjab and	Claim of the Bidder is not accepted. As per clause 2.2.2.5 (iii) (II) of RFP, "**permanent protection work of bank**, external pre stressing, work of earthwork alone shall not be considered" Relevant experience and nature of work in Highway are mentioned and there is no mention about the consideration of Slope Structure work as Highway Construction Experience. We have not considered these projects as eligible project for determination	ETEC agreed with the recommendation of Financial Consultant.

			Himachal Pradesh executed as BOT (Toll) on DBFO Pattern under Phase –III. The project works also includes supply , installation and execution of Reinforced Soil Slope Structure. (We are enclosing cover page of Concession Agreement.	of Technical Capacity of the Bidder.	
2.	**Appendix-III – (Power of Attorney for signing of bid)**	POA for signing of bid is not in the format as prescribed in RFP. Executor of PoA who is authorized by Board Resolution is not mentioned. **Please clarify.**	We are submitting the documents in respect of Technical Eligibility.	Not Accepted as the bidder has submitted a fresh Power of Attorney for signing of application executed vide dated 30-10-2019 wherein Executor –Mrs Anjana Jain (Director) is mentioned.	ETEC agreed with the recommendation of Financial Consultant.
3.	**MOA And AOA**	Copy of Modified MOA and AoA with altered main object clause is not submitted **Please clarify.**	We are submitting the documents in respect of Technical Eligibility.	Accepted.	ETEC agreed with the recommendation of Financial Consultant.
4.	**Undertaking**	An undertaking from the person having PoA that they agree and abide by the Bid documents uploaded by MoRT&H/NHAI and amendments uploaded, if any not submitted. **Please Clarify**.	We are submitting the documents in respect of Technical Eligibility.	Accepted.	ETEC agreed with the recommendation of Financial Consultant.

b. The detail of Technical and Financial Capacity and the Bid Capacity of the seven bidders as per the report are as under:

Sl. No.	Name of the Applicant	Threshold Technical Capacity (Rs. In crore)* (category,1,2,3&4)	Financial Capacity (Net Worth) (Rs. In crore)	Single Completed Work (Rs. In crore) (Category 1 or 3)	Average Annual Turnover (Rs. In crore)	Assessed Available Bid Capacity (Rs. In crore)**
RFP Requirement		**21.65**	**1.08**	**5.41 C**	**4.33**	**21.65**
1	M/s Nagyan Construction Private Limited	99.13	4.61	86.79 (Project A)	19.85	74.96
2	M/s Backbone Construction Private Limited	36.54	14.12	No	28.17	44.80
3	M/s KCC Buildcon Private Limited	988.70	327.58	401.50 (Project A)	811.76	81.00
4	M/s Bharat Construction	210.04	47.67	89.11 (Project C)	124.53	27.85
5	M/s R.G.Buildwell Engineers Limited	166.60	71.94	87.48 (Project C)	296.92	154.43
6	M/s Chaudhary Construction Company Private Limited	34.24	9.15	15.61 (Project –A)	33.82	31.24
7	M/s V.K.Aggarwal	15.52	2.90	8.79	20.07	28.65
8	M/s HMBS Textiles Private Limited	0.00	4.83	No	20.02	22.46

6. Recommendations of the Financial Consultant: The Financial Consultant recommends following 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.

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**

S. No.	Name of the Applicant	Remarks
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**

7. 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.

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

4/11/2019.
(Mahesh Gupta)
(DGM-Fin.)
Member