

National Highways & Infrastructure Development Corporation Ltd.

Subject: Construction and Upgradation including specialized slope treatment of existing road to 2-lane with paved shoulder from existing km. 458.900 to km. 459.475 (design ch 456.200 to ch 456.800) of Patalganga landslide of nh-07 under Chardham Pariyojna on EPC basis in the state of Uttarakhand. (design length = 0.600 km) -Minutes of 2nd Meeting of Empowered Technical Bid Evaluation Committee (ETEC) held on 29.11.2018.

The RFPs for the subject work were invited with Bid Due Date as 30.10.2018 till 1500 hrs.

2. Having opened the Technical Bids on 31.10.2018 received from the following four applicants in the presence of representatives of applicants, who choose to attend the RFPs opening, Hard copies of the original documents along with the soft copy (as received from CPP portal) were handed over to the concerned Financial Consultant, M/s Raj Har Gopal & Co.. for carrying out the evaluation of the Technical Bids:

Name of Bidder's	Name of Financial Consultant
Backbone Construction Pvt. Ltd.	
Bharat Construction	
KCC Buildcon Pvt. Ltd.	M/s Raj Har Gopal & Co.
Nagyan Constructions Pvt. Ltd.	

3. The Financial Consultant in reference to RFP has considered the following Evaluation Criteria for estimated project cost of Rs. 41.83 Crore.

S. No.	Particulars	Amount in Rs. Cr.
1.	Estimated Project Cost	41.83
2.	Minimum Threshold Technical Capacity required (For Category 1, 2, 3 & 4) as per clause 2.2.2.2 (i)	41.83
3.	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)	10.46
4.	Minimum Net Worth required as per Clause 2.2.2.3 (i)	2.09
5	Minimum Average Annual Turnover required as per clause 2.2.2.3 (ii)	8.36
6	Minimum Required Bid Capacity (For each Bidder) as per clause 2.2.2.1	41.83
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) e)	4.18
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 receipts payments of the project should be more than (as per Clause 2.2.2.6 (ii))	4.18

4. In the preliminary Evaluation Report dated 06.11.2018 (Annexure-I), the Financial Consultant recommended to seek clarifications from all four bidders viz. M/s Bharat Construction., M/s KCC Buildcon Pvt. Ltd., M/s Backbone Construction Pvt. Ltd. and M/s Nagyan Construction Pvt. Ltd. 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 Raj Har Gopal & Co. has submitted the Final Evaluation Report on 27.11.2018 (Annexure-II), in the Evaluation Report, the detail of Technical and Financial Capacity and the Bid Capacity of the all four bidders as per the report including the final outcome is as under:

		calculating the same, however we are submitting herewith the Bid Capacity Calculation as required.	acceptable .	
3.	<p>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 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. In the absence of client certificates, value of B is considered as the value of award (worst scenario). Further, in last four projects i.e. from point 8 to 11, bidder stated that appointed date is yet to be decided. Bidder has applied factor of 1.05 for these four projects. Therefore the project has been assumed to be started in the FY 2016-17 (worst scenario) and value of B is considered accordingly for these four projects.</p> <p>Based on the above facts Bid capacity of the Bidder works out to be Rs 58.80 cr. (worst scenario) which is more than the required Bid capacity, therefore Bidder is considered as technically responsive subject to compliance of point 1 above.</p>	<p>In response to point No.1(c) of the referred letter, it is to inform you that, we have not submitted the ongoing work certificates from the concerned authorities for authentication of work done of ongoing works because due to unavoidable reasons beyond our control such as non-availability of the concerned authorities due to their other engagements/meetings, non-processing of submitted work done bills due to which not getting actual work done certificate at the time of submission of bid etc. but we have shown the actual amount of work executed in each project which can be verified from the concerned authorities if required. However, in the meantime we again follow up with the concerned authorities to get the said certificates and only two certificates of Sl. No. 1 & Sl. No. 2 works are received by us and are submitting herewith for your kind information and necessary action. We have not received 'ongoing work certificates' of Sl. No. 6 and Sl. No. 7 till date facing the same complication as mentioned above i.e. non-availability of concerned authority and therefore submitting the copy of work done bill of the said works as a proof for your consideration.</p> <p>In response to point No.1(d) of the referred letter, it is to inform you that we are submitting the obtained ongoing work certificates/copy of work done bills and request you to kindly re-calculate our Bid Capacity which fulfils the requirement.</p> <p>In response to point No.1(e) of the referred letter, it is to inform you that we are submitting the 'Calculation of Bid Capacity' and hope it fulfills the required criteria.</p> <p>The work at Sl. No. 8, 9, 10 & 11 whose appointed date have not been given by the concerned authorities due to non-availability of requisite clearances hence it is submitted that the value of these works may please be executed while computing the Bid Capacity.</p>	<p>Bidder has submitted few client certificates. Certificates submitted as per RFP are considered and Bid capacity of the Bidder is calculated accordingly as per RFP. Further w.r.t. projects mentioned in Sl. No. 8, 9, 10 & 11, Bidder has considered the same for Bid capacity calculation; therefore we have also considered the above said projects for calculation of value of B.</p> <p>Based on above facts, Bid capacity of the bidder is calculated and bidder is meeting the criteria of Bid Capacity.</p>	ETEC agreed with the recommendation of Financial Consultant.

2. KCC Buildcon Pvt. Ltd.

S. No.	Observations	Reply Received	Remarks of the Financial Consultant	Remarks by ETEC Committee
1.	In an undertaking (for details of Arbitration/Litigation.....) submitted by the Bidder, in para 2nd, last line,	This is to again clarify that there is No Debarring or any such process going	Reply submitted by the Bidder fulfils the requirement of	ETEC agreed with the recommendation

Handwritten signatures of the parties involved in the bid process, including the Bidder, Financial Consultant, and ETEC Committee members.

3. Nagyan Constructions Pvt. Ltd.	S. No.	Observations	Remarks by ETEC Committee
1.	Bank Guarantee is required to be signed by two authorized representatives of Bank; however the Bank representative of Bank is not signed by the ETEC agreed with the consultant.	Replies Received	Financial Consultant
2.	MOA & AOA of the Bidder is not signed in the MOA & AOA is required to provide the same. The reply given by the Bidder is found in the MOA & AOA is required to be clarified.	Copy of MOA & AOA	MOA & AOA of the Bidder is not signed by one representative of Bank.
3.	In Annex I submitted, Point 5 is missing (point 5d is required to be submitted by sole bidder also), therefore the same is required to be clarified.	Annex I. Point 5 is submitted in attachment.	In Annex I submitted, Point 5 is submitted by sole bidder is same satisfactory and the same can be considered acceptable.
4.	In details of Value of Bid Letter Comprising Bid Capacity is submitted in attachment.	Letter Comprising Bid Capacity is submitted in attachment.	which is required to be given is not mentioned are giving the ongoing commitments submitted, number of years for which is required to be clarified.

2.	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".	Pl ease find enclosed certificates/statement showing value of work required client has submitted the statement showing value of all existing commitments and ongoing works verified by Statutory Auditor in respect of the Value of "B".	ETEC agreed with the consultant of financial recommendation.

	mentioned as per format given in RFP. Bid capacity calculation as per RFP is not found in the submitted bid.			
5.	Bidder has claimed single project in Annex II & IV. Start and completion dates mentioned in Annex IV & statutory auditor certificate attached are August 2017 (for both) while as per client certificate attached there is different start and completion dates. We have considered the start and completion dates mentioned in the client certificate. Considering all above assumptions, Bidder is considered as technically eligible subject to compliance of points 1, 2 & 3 above.	Experience certificate with corrected date from auditor id submitted in attachment.	Start and completion dates mentioned in statutory auditor certificate attached are still same i.e. August 2016 (for both) while as per client certificate attached there is different start and completion dates. We have considered the start and completion dates mentioned in the client certificate. Considering all above assumptions, Bidder is considered as technically responsive.	ETEC agreed with the recommendation of Financial Consultant.

4. Backbone Construction Pvt. Ltd.

S. No.	Observations	Reply Received	Remarks of the Financial Consultant	Remarks by ETEC Committee
1.	Board Resolution or any other charter document in favour of the person executing the Power of Attorney for the delegation of power hereunder on behalf of the Bidder is not found in the submitted bid which is required to be submitted as per notes to Appendix III.	Board resolution Submitted	Bidder has submitted a Board resolution giving power directly to the Authorised Signatory for signing the Bid. Also POA submitted is signed by the Directors of the company. Based on the above facts, Bidder can be considered as responsive.	ETEC agreed with the recommendation of Financial Consultant.
2.	In Annex I submitted in point 6, no information is provided which needs to be clarified.	Annex Submitted	Bidder has submitted the required details which fulfil the requirement of clarification sought, The reply given by the bidder is satisfactory and the same may be acceptable to Authority	ETEC agreed with the recommendation of Financial Consultant.
3.	As per note 7 of Annex III i.e. ' <i>The Bidder shall provide an Auditor's Certificate specifying the net worth of the Bidder and also specifying the methodology adopted for calculating such net worth in accordance with Clause 2.2.2.9 (ii) of the RFP document</i> ', Bidder is required to submit Auditors certificate which is not found in the submitted bid.	Net worth certificate Submitted	Bidder has submitted the required certificate which fulfils the requirement of clarification sought, therefore, the same can be considered acceptable. However as the Annual report for the FY 2017-18 was not available as on the date of submission of the Bid, net worth of the Bidder is calculated based on the FY 2016-17.	ETEC agreed with the recommendation of Financial Consultant.

[Handwritten signatures and initials follow, including 'an', 'Value', 'b', 'Rajesh', and 'Chile' in blue ink]

4.	Pursuant to Clause 2.2.8 of RFP, in the Annual Reports submitted by the Bidder, Bidder has submitted the required documents which fulfill the requirement of clarification sought, therefore, the same can be considered acceptable as it does not have any material impact on the Bid submitted by the Bidder.	Audit report for last 5 years Submitted. We are also submitting auditied balance sheet for FY 2017-18 instead of provisional sheet for FY 2017-18 innoted in the audit report for the year 2012-13 is not found in the submitted bid. Also undertraking from Auditor for 2017-18 is statutoray auditor for 2017-18 is mentioned which is not mentioned as per format given in RFP.
5.	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.	Bidder has submitted the required documents which fulfill the requirement of clarification sought, The reply given by the bidder is satisfactory and the same can be considered acceptable.
6.	ETEC agreed with the Financial consultant of Recommandation of Bidder has submitted the certificate for amount of work completed, the same has been considered and accordingly Bid capacity of the Bidder is revised to Rs. 76.02 cr. which is more than the required Bid capacity.	Due to shortage of time we have not submitted certificates from clients. If Value of B considered as the value of B award then the bidding capacity is also more than the bidding capacity of B. However Statutory Auditor in respect of ongoing works verified by existing commitments and statement showing value of all EEC agreed with the Financial consultant.
7.	ETEC agreed with the Financial consultant of Recommandation of Bidder has submitted the required documents which fulfill the requirement of clarification sought, The reply given by the bidder is satisfactory and the same can be considered acceptable.	In Annexure-VI format submitted by the bidder, in last line following words are submitted by the bidder is satisfactory and the same can be considered acceptable.

	awarded to M/s.....individually / and other member M/s and M/s, as on bid due date of this RFP".			
8.	<p>Above all, In Annex II & IV submitted, Bidder has claimed only single project of Rs. 17.59 cr., however as per RFP, Bidder shall, over the past 5 (five) financial years preceding the Bid Due Date, have received payments for construction of Eligible Project(s), or has undertaken construction works by itself in a PPP project, such that the sum total thereof is more than Rs. 41.83 crore (Rupees forty one crore eighty three lakh only) (the "Threshold Technical Capacity"). (Also in formats submitted for Annex II & IV "refer clause 2.2.2.2, 2.2.2.5 & 2.2.2.7 of RFP" is mentioned)</p> <p>Based on above fact, as the Bidder is not meeting the Technical capacity criteria as per clause 2.2.2.2 of RFP, therefore Bid submitted by the Bidder i.e. Backbone Construction Private Limited, is considered as technically non responsive for next stage i.e. opening of Financial Bid.</p>	<p>Annexure II & IV submitted As per annexure II & IV we has meeting the technical capacity criteria as per clause 2.2.2.2 of RFP and here I am submitted also proof of meeting technical capacity criteria.</p>	<p>Initially Bidder has claimed only one project in Annex II & IV and has submitted a list of six projects along with its client certificates apart from Annex II & IV (which includes that single project mentioned in Annex II). Based on the details mentioned in Annex II & IV submitted by the Bidder in the Bid, Bidder was not qualifying the criteria of Technical Capacity.</p> <p>In the clarification, Bidder has submitted fresh Annex II & IV which includes list of nine projects against six projects referred above.</p> <p>Nine projects submitted now include 5 previous projects and 4 new projects (details of the projects are mentioned in table below).</p> <p>The additional four projects submitted after submission of Bid cannot be considered being additional in nature and has direct/ material impact on the Bid submitted by the Bidder at the time of Bid submission.</p> <p>Previously submitted list of five out of six projects whose Annex II & IV available now are checked to find if the Bidder is qualifying the criteria on the basis of original submission. It has been observed that none of the projects claimed are meeting the criteria of 2.2.2.2 (ii) i.e. "Provided that at least one similar work of 25% of Estimated Project Cost (10.46 cr.) shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5".</p> <p>Above all, new projects submitted now are also not meeting the criteria as per clause 2.2.2.2 (ii) of RFP.</p> <p>Based on the above facts, Bidder is not qualifying the criteria of Threshold Technical Capacity as per clause 2.2.2.2 (i) and 2.2.2.2 (ii). Therefore Bidder is considered as Non - Responsive.</p>	Agreed by the Committee.

S No.	Name of the Project	Name of Client	Remarks
1	Balancce Earhwark in bank/ cutting for foundation, Project work is related to earth work, side yards, Trolley refugees at bridge approaches etc. and construction /extension of minor Bridges, Rubs, Side drains, Toe walls, Retaining walls, protection works does not includes any construction work of railway, line, therefore considered in category 4.	Western Railways, Parapanaagar	New BG line Between Chhotauddepur-Dhar from km 0/0 to 20/0 in connection with Construction of railways, Retaining walls, protection works of minor Bridges, Rubs of railways and drains, Toe walls, Retaining walls, protection works does not includes any construction work of railway line, therefore considered in category 4.
2	Construction Protection Wall of UCR Massonery and Gabion Pitching at LHS Bank of River in D/S of Wanakbari Weir Between Ch. 400 M to Ch. 1250 M Near Village: Nathujina Muwada of Dist. Panchmahals for EPC, therefore the project is not considered for evaluation	Nadiyad Irrigation Division	Gabion Pitching at LHS Bank of River in D/S of Wanakbari Weir Between Ch. 400 M to Ch. 1250 M Near Village: Nathujina Muwada of Dist. Panchmahals for EPC, therefore the project is not considered for evaluation
3	Restoration and Protection work of Lakroda Recharge scheme	Sujalam Sulflam Division	This project was not included in the list of projects submitted by the Bidder in the list of NEW PROJECT. Apart from Lakroda Recharge project was not included in the list of projects submitted by the Bidder in the list of NEW PROJECT.
4	Restoration of Thebi Irrigation Scheme: Dismantaling Spillway Bridge and Provisioning Piers, End Piers, U/S of Body wall and Wing walls in Existing masony	Amreli Irrigation Department	This project was not included in the list of projects submitted by the Bidder along with clarification, therefore the subject project is not considered for evaluation
5	Constructing a Protection wall against Sea erosion of coast at Village; Danidi-Samapore, Ta Jalalpore, Dist. Navsari	Drainage Division	This project was not included in the list of projects submitted by the Bidder in the list of NEW PROJECT. Apart from Lakroda Recharge project was not included in the list of projects submitted by the Bidder in the list of NEW PROJECT.
6	Anti sea Erosion Scheme @ Sai temple @ Village Titthal Ta & Dist. Valsad (CH. 785 to 1450 Mt.)	Damananganga Canal Inv. Dn.	This project was not included in the list of projects submitted by the Bidder along with clarification, therefore the subject project is not considered for evaluation
7	Construction of Earthen bund at village Umarsadi-mangewad, ta, Pardi, Dist. Valsad between Ch. 0 to 1550m.	Damananganga Canal Inv. Dn.	This project was not included in the list of projects submitted by the Bidder in the list of NEW PROJECT. Apart from Lakroda Recharge project was not included in the list of projects submitted by the Bidder along with clarification, therefore the subject project is not considered for evaluation
8	Restoration work in NH-7 passing through Reserve Forest area between Km. 631.000 to Km. 635.000 of Seoni MP3 Project in the State of Madhya Pradesh. 2nd call	Regional office MP NHA	This project was not included in the list of projects submitted by the Bidder in the list of NEW PROJECT. Apart from Lakroda Recharge project was not included in the list of projects submitted by the Bidder along with clarification, therefore the subject project is not considered for evaluation
9	Gauge Conversion Works between Quilon-Tenkasi-Tirunelveli-Trichendue and Tenkasi-Virudhunagar: Trinukkai-Punalur Section: Proposed stabilisation/ protection of side slopes of deep cuttings/ formation III, Madurai	Office of the Deputy Chief Engineer, Construction of railways, not includes any construction work, Project related to railways, however it does therefore consider in category 4.	Bhagavatipuram and Kalkhurni Stations mat for erosion control and protective works between with providing Gabion wall, woven wire mesh with coil slopes of deep cuttings/ formation III, Madurai

*Details of list of projects submitted by the Bidder in Annex II & IV along with its reply/clarification.

5. The detail of Technical and Financial Capacity and the Bid Capacity of the three bidders as per the report is as under:

S No.	Applicant/ Bidder Name	Technical Capacity Assessed (in cr.) (Required - 41.83 cr.)	Complete Project for 1 & 3 > 10.46 cr.	Net worth assessed (in cr.) (Required - 2.09 cr.)	Average Turnover Assessed (in cr.) (Required - 8.36 cr.)	Bid Capacity (in cr.) (Required - 41.83 cr.)	Responsive/ Non-Responsive
1.	Backbone Construction Pvt. Ltd.	Not Eligible	No such Project	13.31	35.41	76.02**	Technically Non Responsive
2.	Bharat Construction	258.92	Project code m	40.38	87.42	267.93**	Technically Responsive/ Eligible
3.	KCC Buildcon Pvt. Ltd.	899.56	Project code a	241.40	617.45	159.95**	Technically Responsive/ Eligible
4.	Nagyan Constructions Pvt. Ltd.	94.79	Project code a	2.71	18.93	198.69	Technically Responsive/ Eligible

6. The Financial Consultant has mentioned that one bidder namely "M/s Backbone Construction Pvt. Ltd". is not qualified as the bidder is not meeting the required Technical Capacity as above. Therefore bidder is considered as technically non-responsive.

7. **Recommendations of the ETEC:** The Committee recommends following three 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 Nagyan Constructions Pvt. Ltd.	Technically Responsive

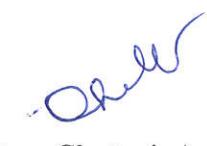
The Meeting ended with a Vote of Thanks to the Chair.


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


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


(Pradeep Sharma)
(GM-Tech)
Member


(Kavita Vivek)
Manager (Tech)
Member


(Uttam Chatterjee)
(DGM-Fin.)
Member

