

MINUTES OF MEETING

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 Meeting of Empowered Technical Bid Evaluation Committee (ETEC) held on 15.11.2018.**

RFPs for the subject work were invited with Bid Due Date as 30.10.2017 till 1500 hrs. In all, four bids were received from the following bidders:-

S.No.	Name of Bidders
1.	M/s Backbone Construction Pvt. Ltd.
2.	M/s Bharat Construction
3.	M/s KCC Buildcon Pvt. Ltd.
4.	M/s Nagyan Construction Pvt. Ltd.

2. Having opened the physical submission (made as part of the technical bids) in the presence of authorized representatives of the bidders on 31.10.2018, the Empowered Technical Bid Opening Committee (ETBC) handed over the hard/soft copies of the technical bids to the engaged Financial Consultant **M/s Raj Har Gopal & Co.** for asserting the responsiveness of bid and carrying out the evaluation.

3. The financial consultant submitted the interim evaluation report vide letter dated 06.11.2018 as enclosed at **Annexure-I**. The Financial Consultant has observed the following in respect of each bidder for the responsiveness of their bid and preliminary assessment of the bids are as under:

A. M/s Bharat Construction

- i. Appendix III submitted by the Bidder is executed on 26.10.2018, however Appendix IA & IB is signed on 25.10.2018 i.e. before getting power. Bidder is required to clarify that in what capacity did Mr. Rajeev Garg has signed the documents on 25.10.2018 or provide any charter document through which Mr. Rajeev Garg is getting power on 25.10.2018.
- ii. Bid capacity calculation as per RFP is not found in the submitted bid.
- iii. 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.
- iv. 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.
- v. 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.

B. M/s KCC Buildcon Pvt. Ltd.

- i. In an undertaking (for details of Arbitration/Litigation.....) submitted by the Bidder, in para 2nd, last line, Bidder has mentioned that "the bar subsists as on the date of Applicant". (pg. 128). However initially it is mentioned that no bar subsists which is contradictory and therefore need to be clarified.
- ii. 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'. Certificates for the projects mentioned at serial no. 1, 2 & 5 for amount of work completed/ balance work, is enclosed but the same are signed by Team Leader/ Resident Engineer and not by the Client or its Engineer-in-charge not below the rank of Executive Engineer.
- iii. In the absence of client certificates, value of B for these three projects are considered as the value of award (worst scenario) for these three projects and accordingly Bid capacity of the Bidder works out to be (-)65.28 i.e. less than the required. As Bidder is not meeting the criteria of Bid capacity, therefore Bid submitted by the bidder is considered as technically non responsive for next stage i.e. opening of Financial Bid.

C. M/s Nagyan Constructions Pvt. Ltd.

- i. Bank Guarantee is required to be signed by two authorized representative of Bank; however the Bank Guarantee submitted by the Bidder in the Bid is signed by one representative of Bank.
- ii. MOA & AOA of the Bidder is not found in the Bid. Bidder is required to provide the same.
- iii. 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.
- iv. 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. Bid capacity calculation as per RFP is not found in the submitted bid.
- v. 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.

D. M/s Backbone Construction Pvt. Ltd.

- i. 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.
- ii. In Annex I submitted in point 6, no information is provided which needs to be clarified.
- iii. As per note 7 of Annex III i.e. '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', Bidder is required to submit Auditors certificate which is not found in the submitted bid.
- iv. Pursuant to clause 2.2.2.8 of RFP, In the Annual Reports submitted by the Bidder, Bidder has submitted audited annual reports for the years 2013-14 to 2016-17 only which implies 4 years. Further, Auditors report, Director Report, Cash Flow Statement and Notes to Accounts are not found in the audited annual reports submitted. Audited Annual report for the year 2017-18 or 2012-13 is not found in the submitted bid. Also undertaking from the statutory auditor for 2017-18 is not found in the submitted bid.
 - v. 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.
 - vi. Value of B (Bid Capacity) - 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. Bidder is required to provide the location in the submitted bid from where the required documents can be found. In the absence of client certificates, value of B is considered as the value of award (worst scenario) and bid capacity of the bidder is calculated accordingly which works out be more than the required Bid capacity.
 - vii. In Annexure-VI format submitted by the bidder, in last line following words are missing i.e. "or Concessionaire / Authorised Signatory of SPV in respect of BOT Projects. No awarded / ongoing works has been left in the aforesaid statement which has been awarded to M/s.....individually / and other member M/s and M/s as on bid due date of this RFP".

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)

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.


4. Accordingly, ETEC examined and agreed to the recommendations of the Financial Consultant **M/s Raj Har Gopal & Co.**



5. In view of above, Committee recommended uploading of ETEC results as tabulated below giving 7 days time for submitting required documents and representation vis-a-vis Para 3 above if any.

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.	17.59*	Project code a	13.31	35.41	48.87	Technically Non Responsive
2.	Bharat Construction	258.92	Project code m	40.38	87.42	58.80	Technically Responsive/ Eligible (Subject to submission of above mentioned observations)
3.	KCC Buildcon Pvt. Ltd.	899.56	Project code a	241.40	617.45	(-)65.28**	Technically Non Responsive
4.	Nagyan Constructions Pvt. Ltd.	94.79	Project code a	2.71	18.93	198.69	Technically Responsive/ Eligible (Subject to submission of above mentioned observations)

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


V.K. Singh
(ED): Chairman


Y C Srivastava
GM(Tech),
Member Secretary


Pradeep Sharma
GM(Tech), Member


Kavita Vivek
Manager (Tech): Member


Sunil Gupta
Manager (Fin): Member