National Highways & Infrastructure Development Corporation
(Technical Division)

Evaluation of Technical Bids for "Rehabilitation of section from Km 298.00 to Km 330.662 (Karala to Kalipur) of NH-04 to Intermediate lane with hard shoulder in the Union Territory of Andaman & Nicobar Islands (Total Length 32.36 km) on EPC Mode (Package-VIII)"-**Empowered Technical Bid Evaluation Committee (ETEC) held on 31.12.2018 at NHIDCL, HQ.**

The RFPs for the subject work were invited with Bid Due Date as **18.12.2018** till **15:00 hrs.** In all, four bids were received from the following bidders:

Name of Work	Name of Bidders
Rehabilitation of section from Km 298.00 to Km 330.662 (Karala to Kalipur) of NH-04 to Intermediate lane with hard shoulder in the Union Territory of Andaman & Nicobar Islands (Total Length 32.36 km) on EPC Mode (Package-VIII)	M/s Mohan Mutha Exports Pvt. Ltd.
	M/s Diamond Construction Company
	M/s RDS Projects Limited
	M/s S.S. Builders

2. During the first ETEC meeting held on 24.12.2018, it was decided to seek clarifications from the entire bidders on or before 28.12.2018 upto 1800 hrs.

3. Accordingly, letter seeking clarification was sent to all the bidders as per following details.

Sl. no	Name of bidder	Clarification Letter No.	Date
1	M/s Mohan Mutha Exports Pvt. Ltd.	NHIDCL/A&N/NH-4/Package-8/2018/353	24.12.2018
2	M/s Diamond Construction Company	NHIDCL/A&N/NH-4/Package-8/2018/352	24.12.2018
3	M/s RDS Projects Limited	NHIDCL/A&N/NH-4/Package-8/2018/354	24.12.2018
4	M/s S.S. Builders	NHIDCL/A&N/NH-4/Package-8/2018/355	24.12.2018

4. In response, all bidders have submitted their clarification within the stipulated time and the same were forwarded to the Financial Consultant **M/s. KRA & Co.** Financial Consultant vide their letter no. KRA/KK/Pkg 8/RFP/Clarification/02 date 31.12.2018, has submitted their recommendation corresponding to clarification sought from respective bidders which is detailed below in the tabular form:

A. M/s Mohan Mutha Exports Pvt. Ltd.				
SN	**Appendix/Clause refer**	**Observation**	**Reply**	**Recommendation of ETEC**
1.	**Annex I of Appendix IA (details of applicant)**	Point 6 and 7 is not submitted by the bidder as per the required format. **Kindly Clarify**	**Point 6:** We have already stated as none Against point 6 we are not involved in any penalty and any litigation **Point 7:** The new point 7 stated in the corrigendum V is enclosed Annex I	The required information has now been provided by the bidder which is satisfactory.
2.	**Appendix - III (POA for signing of**	As per Notes to Appendix - III, The mode of execution of the Power of Attorney should	The POA has been submitted in the format as per Appendix - III duly notarized	Board resolution has been submitted by the bidder. However, stamp duty

	application)	be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executants(s). The POA submitted by the bidder is on Rs. 20 stamp paper and not supported by any Board Resolution / General POA in favour of Executant. *Kindly Clarify*	as per clause 2.1.8. The board resolutions have been sent in the hard copy along with the technical bid however the board resolution for the same enclosed now for ready reference.	paid is Rs. 20 only and bidder has not replied on amount of stamp duty to be paid is as per law. The stamp duty to be paid as per Tamil Nadu State is Rs. 100. Therefore, bidder is required to pay the difference of stamp duty as per applicable law. Further, as the bidder is not qualified in terms of clause 2.2.2.2 (i) and (ii) of RFP, therefore, no further query is required to be sent to bidder.
3.	Annex-VIII (Details of ongoing work)	Duly filled Annex - VIII not submitted by bidder. Refer clause 2.1.14, 3rd para point (iii).	The annex viii is enclosed.	The required information has now been provided which is satisfactory.
4.	Annex II & Annex IV of Appendix IA (Technical capacity and details of eligible projects)	The Bidder has claimed project code a under category 3, it is not clear how the subject project cover under category 3 as per clause 2.2.2.5 (iii) of RFP i.e. whether the project includes construction of NH/ SH/ MDR funded with multilateral agency/ Expressway or the project covers under any scheme, etc. *Kindly clarify through some substantial proof.*	The eligible experience is under clause 2.2.2.6 sub clause II the road project was executed under JV 50-50 percentage ratio & the completion certificate is issued by HDC of Maldives Island has been already enclosed. The same is now enclosed.	The bidder was required to clarify about the nature of highway with substantial proof, however the bidder has replied that the project is a road project and no further substantial proof has been provided to claim it in Category 3 for Highways. *Therefore, the road project is considered under category 4.*
5.		Capital Cost of Project a shown as per CA Certificate is Rs. 253 cr. However, the bidder has 50% share in the Project. *Kindly clarify about the exact amount received by the bidders (i.e the share of bidder) for execution of the aforesaid works.*	The total cost of Road project is 38,108,238.50 USD (INR value 2,72,18,80,934.86). The CA Certificate is Rs. 253 crores , the value of work at the time of bidding is arrived as 2,72,18,80,934.86 crore taking the dollar exchange value 1 USD = 71.425 INR (Appendix IA - Annex II) for 28 days prior to the bid date.	The bidder has not clarified about the exact amount received by it for execution of the aforesaid works. *However, as the bidder has clarified about the total Cost and its share in the project is 50%, therefore the amount of share of bidder has been considered.*
6.	Clause 2.14.1.1 of RFP	POA holder as per Appendix-III is Mr. R Radhakrishnan, however the bid is digitally signed by DSC holder Praful Mutha. *Kindly clarify why the bid should not be considered as*	The POA Mr. Radhakrishanan has been authorized by the board resolution. Since the board has approved. It is committed for all the acts of POA. However the copy of board resolution and the copy of undertaking by the	As per clause 2.14.1.1 of RFP, *"DSC should be in the name of the authorized signatory as authorized in Appendix III of this RFP or person executing / delegating such Appendix III in*

		Non Responsive as per clause 2.14.1.1.	chairman of board are enclosed. Since the procedure has been followed the bid stands to be considered as responsive.	*favour of Authorized Signatory".* As per the reply, the DSC holder is not Authorized by POA and the bidder has also not confirmed that DSC holder has executed the POA. However, the clarification given by the bidder may be accepted subject to the submission of specific undertaking from the Board of Directors confirming powers to sign for digital signatory and POA holder. Further, as the bidder is not qualified in terms of clause 2.2.2.2 (i) and (ii) of RFP, therefore, no further query is required to be sent to bidder.
7.	Undertaking/Details	Undertaking required as per clause 2.11.1 (j) has not been submitted by the bidder. Further, Details / Undertakings as per clause 2.1.14, 3rd para, point (i) and (ii) has not been submitted by the bidder. *Kindly clarify*	The Undertaking by POA is furnished. (Enclosure) Annexure III	The undertaking as per clause 2.11.1 (j) has been provided by the bidder. ***However, the details / undertakings required as per clause 2.1.14, 3rd para, point (i) and (ii) has not been submitted by the bidder.*** Further, as the bidder is not qualified in terms of clause 2.2.2.2 (i) and (ii) of RFP, therefore, no further query is required to be sent to bidder.
8.	Clause 2.11.1 of RFP	Copy of MOA and AOA is not submitted by the bidder which is required as per clause 2.11.1 (l) of RFP. *Kindly clarify*	The MOA & AOA is now appended as per corrigendum V2.11.1 (J).	The required information has now been provided by the bidder which is satisfactory.
9.	Annex V to Appendix IA (statement of legal capacity) and clause 2.11.1(a) of RFP	Annex-V (Statement of Legal Capacity) is is not submitted by the bidder. *Kindly clarify*	The legal capacity is now enclosed. Appendix IA, Annex V	The required information has now been provided by the bidder which is satisfactory.
10.	Annexure VI to Appendix IA	Information, in the form of table, to calculate Value of B for Bid Capacity is not	The statement is already enclosed as per value of work executed during the	The required information has now been provided by the bidder which is

		provided by the bidder. *Kindly clarify*	financial year and same is enclosed for your reference.	satisfactory.
11.	Clause 2.11.1 Financial bid (a)	As per the said clause, Appendix-1B (Letter comprising the Financial Bid) is required to be submitted by the bidder online, however the financial quote has been submitted by the bidder with Technical Bid. *Kindly Clarify*	Letter comprising financial bid has been uploaded on 17.12.18 through online. Please note that, in the web portal there is a provision for price bid cover (BOQ in Excel format) it is not accepting any other format hence to comply with the bid requirement Appendix IB comprising financial bid has been necessitated to be submitted along with technical bid. This technical snag in the tender wizard issue is requested to be addressed early.	The required information has now been provided by the bidder which is satisfactory.
12.	Appendix II (Bank Guarantee for bid security)	The confirmation through SFMS Gateway as required under point 15 of Appendix - III of RFP has not been submitted by the bidder. *Kindly clarify*	The National Banks are on strike on 26.12.18. we will be applying for the same and will reach you shortly once the bank strike is over.	**Bank Guarantee amendment has not been submitted by the bidder.** Further, as the bidder is not qualified in terms of clause 2.2.2.2 (i) and (ii) of RFP, therefore, no further query / amendment is required.
		As per point 14 of Bank Guarantee submitted by the bidder, the Branch written as NHIDCL instead of mentioning the operatable branch of the bank in New Delhi. *Kindly clarify and provide an amendment for the same.*		
13.	Appendix IA (Letter comprising the technical bid)	Point 9, 10, 11, and 12 of Appendix 1A submitted by the bidder is not as per the format provided in RFP. These points have been deleted; however the bidder was required to delete only the relevant words in case the bidder has not applied in JV. *Kindly clarify*	The Appendix 1A in the new format is submitted.	The required information has now been provided by the bidder which is satisfactory.
		Point 7 (b) of Appendix 1A submitted by the bidder is not as per the format provided in RFP. 2.2.1 (d) is written instead of 2.6.4. *Kindly clarify*	The Appendix 1A in the new format is submitted.	The required information has now been provided by the bidder which is satisfactory.
		Point 18 of Appendix 1A submitted by the bidder is not as per the format provided in RFP.	The revised Appendix 1A letter of technical bid with point 18 in full is resubmitted.	The required information has now been provided by the bidder which is satisfactory.

		The words "*We agree not to seek any changes in the aforesaid draft and agree to abide by the same.*" has been deleted. ***Kindly clarify***		
B. M/s Diamond Construction Company				
S. No.	Appendix / Clause reference	Observation	Reply	Recommendation of ETEC
1.	Annex II and Annex IV of Appendix - IA (Technical Capacity and Details of Eligible Projects)	The Bidder has claimed project code a and b under category 3, it is not clear how the subject project cover under category 3 as per clause 2.2.2.5 (iii) of RFP i.e. whether the project includes construction of NH/ SH/ MDR funded with multilateral agency/ Expressway or the project covers under any scheme, etc. ***Kindly clarify through some substantial proof.***	**Code (a):-** This project is related to MDRs funded with multilateral agency i.e. New Development Bank as is evident from letter No. 2000/MPRDC/Procu/NDB/CW/ Lot(1)/305/2017 dated 04-05-2017 vide which a copy of agreement of this project has been sent by the authority to main contractor, M/s Gawar Construction Ltd. with a copy to New Development Bank, 333, Lujiazui Ring Road, Shanghai. Therefore the project falls under category-3and may kindly be considered as such. **Code (b):-** This project is related to Rural Roads and erroneously mentioned under category-3 instead of category-4 and the same may kindly be considered in category-4 and obliged.	As per the information provided by the bidder, Project Code 'a' is considered under Category 3 and Project Code 'b' is considered under Category 4.
2.	Annex I of Appendix - IA ("Details of Applicant)	Point 6 and 7 is not submitted by the bidder as per the required format. Kindly Clarify	Point 6 & 7 of details of applicant have been left inadvertently and the revised Annex I Appendix-IA is enclosed, Please.	The required information has now been provided by the bidder which is satisfactory.
3.	Appendix - II (Bank Guarantee for Bid Security	The confirmation through SFMS Gateway as required under point 15 of Appendix - III of RFP has not been submitted by the bidder. *Kindly clarify*	Necessary confirmation through SFMS Gateway as per point 15 of appendix-III has already been done as clarified by the bank vide its letter dated 27.12.2018 (Copy Enclosed)	The required information has now been provided by the bidder which is satisfactory.
		As per point 14 of Bank Guarantee submitted by the bidder, the Branch written as NHIDCL instead of mentioning the operatable branch of the bank in New Delhi. ***Kindly clarify and provide an amendment for the same.***	It has been clarified by the bank that there is bank branch at Parliament Street, New Delhi of their bank and hence no amendment is required.	As per the bank letter, the operatable branch at New Delhi will be considered as their Parliament Street branch

C. M/sRDS Projects Limited				
SN	Appendix / Clause reference	Observation	Reply	Recommendation of ETEC
1	Annex 1 of ppendix- IA (Details of Applicant)	Point 6 and 7 is not submitted by the bidder as per the required format. **Kindly Clarify**	Fresh Annex 1 of Appendix-1A is attached herewith	The required information has now been provided by the bidder which is satisfactory.
2	Clause 2.1.14	Details / Undertakings as per clause 2.1.14, 3rd para, point (i) and (ii) has not been submitted by the bidder. ***Kindly clarify***	Undertaking regarding clause 2.1.14 Is attached herewith	The required information has now been provided by the bidder which is satisfactory.
3	Annex-VIII (Details of ongoing works)	Duly filled Annex - VIII is not submitted by the bidder. Please refer clause 2.1.14, 3rd para point (iii). ***Kindly clarify.***	Annex-VIII is attached herewith	The required information has now been provided by the bidder which is satisfactory.
4	Appendix-II (Bank Guarantee for Bid Security)	In Ist para 7th line from last, the words "unconditionally and without reservation guarantee the due and faithful and compliance of the terms" are written in the submitted documents instead of the words "unconditionally and without reservation guarantee the due and faithful **fulfillment** and compliance of the terms" which is required as per Format of Appendix - II. ***Kindly clarify***	This is a typographical error amendment of Bank Guarantee is attached herewith	The required amendment has now been provided by the bidder which is satisfactory.
5	Appendix 1A (Letter Comprising the Technical Bid)	Point 7 (b) of Appendix 1A submitted by the bidder is not as per the format provided in RFP. 2.2.1 (d) is written instead of 2.6.4. ***Kindly clarify***	This is a typographical error fresh Appendix 1A (Letter comprising the Technical Bid) is attached herewith	Since the bidder has submitted correct Appendix 1A which is in continuation of submitted Appendix 1A, therefore the same is considered satisfactory.

D. M/s S.S. Builders				
S. No.	Appendix / Clause reference	Observation	Reply	Recommendation of ETEC
1	Annex I of Appendix - IA (Details of Applicant)	Point 6 and 7 is not submitted by the bidder as per the required format.	It was an inadvertent error. Please find attached Annexure-I including point 6 & 7 as per the required format.	The required information has now been provided by the bidder which is satisfactory.
2	Annex - VIII (Details of	Duly filled Annex - VIII is not submitted by the	Please find attached Annex -	The required information has now been provided by

	ongoing works)	bidder. Please refer clause 2.1.14, 3rd para point (iii). Kindly clarify.	VIII of Annexure -I.	the bidder which is satisfactory.
3	Annex II and Annex IV of Appendix - IA (Technical Capacity and Details of Eligible Projects)	The Bidder has claimed project code e, h and I under category 3, it is not clear how the subject project cover under category 3 as per clause 2.2.2.5 (iii) of RFP i.e. whether the project includes construction of NH/SH/ MDR funded with multilateral agency/Expressway or the project covers under any scheme, etc. Kindly clarify through some substantial proof.	Project "e", "h" & "I" are claimed in category "3" as the construction of these projects is under Municipal corporation limit.	The Project 'e' has been done in Karnal district which is not covered under Municipal Corporation Limit therefore it has been considered under category 4. The Project 'h' and 'I' have been done in Mohali which is covered under Municipal Corporation Limit therefore Project 'h' and 'I' has been considered under category 3.
4.	Annex II and Annex IV of Appendix - IA (Technical Capacity and Details of Eligible Projects)	As per clause 2.2.2.5 (iii) (b) (II), Maintenance/ Special Repairs Works are not considered as Eligible Project for evaluation. However, maintenance/Repair works as per Technical capacity and Project b, e, and f are claimed under category 3. Kindly clarify through some substantial proof.	**Project- "b", "e" and "f"** The projects mentioned above are construction works and the said works do not fall under works like PR, OR, FDR, SR, site/micro grading, surface renewal, resurfacing work, Tarring, B.T. surface work, temporary restoration, urgent works, periodic maintenance, permanent protection work of bank, external prestressing, repair of central hinge, short term OMT contract of NHAI, any type of work related to border fencing. Details of the work/Proof for the same attached herewith.	Project Code 'b' has not been considered as the same related to Special Repairs which is not required to be considered as per clause 2.2.2.5 (iii) (b) (II) of RFP. Project Code 'e' and 'f' have been considered as Eligible based on supporting documents submitted by the bidder.

5. Further, after due deliberation & upon report of financial consultant, Committee observed that the bidder M/s Mohan Mutha Exports Pvt. Ltd. is not fulfilling the RFP criteria of responsiveness and hence declared **technically non responsive**. Hence, ETEC recommended for opening financial bid of all the remaining 3 (three) responsive bidders after seeking approval of the Competent Authority.

Sr. No.	Name of Bidder/JV	Responsiveness status for Financial Opening
1.	M/s Mohan Mutha Exports Pvt. Ltd.	No
2.	M/s Diamond Construction Company	Yes
3.	M/s RDS Projects Limited	Yes
4.	M/s S.S. Builders	Yes

5. Meeting ended with Vote of thanks to Chair.

V K Singh	Y. C. Srivastava	A. K. Gupta	V. Jaiswal	Uttam Chatterjee
(ED-IV)	(GM-Tech)	(GM-Tech)	DGM (Tech)	DGM (Finance)
Chairman	Member Secretary	Member	Member	Member