राष्ट्रीय राजमार्ग एवं अवसंरचना विकास निगम लिमिटेड
सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार
तीसरी मंजिल, पीटीआई बिल्डिंग, 4–संसद मार्ग, नई दिल्ली–110 001
National Highways & Infrastructure Development Corporation Limited
Ministry of Road Transport & Highways, Govt. of India
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BUILDING INFRASTRUCTURE - BUILDING THE NATION
CIN: U45400DL2014GOI269062
सार्वजनिक क्षेत्र का उपक्रम
A PUBLIC SECTOR UNDERTAKING

NHIDCL/Civil work/Joram Koloriang (138-158)/Ar.Pr./2016 **Date: 03/03/2017**

To,

M/s RMN – KMV (JV)	M/s Sushee Infra & Mining Limited
M/s TK engineering consortium Pvt. Ltd	M/s Progressive Construction Limited

Subject: Construction of two-Lane with paved shoulders of Joram – Koloriang Road (NH-713) on EPC basis from existing Km 138.00 to Km 158.00 [Design Km. 122.353 to Km. 138.389] (Design Length - 16.036 Km) in the state of Arunachal Pradesh under SARDP-NE- Opening of Financial Bids regarding

Sir,

Please refer to your bid dated 20.02.2017 submitted towards subject cited project. The following is the list of technically responsive/ non responsive Bidders whose financial bids shall be opened on **10.03.2017 at 1245 hrs** in NHIDCL HQ, 3rd Floor PTI Building, 4-Parliament Street, New Delhi-110001.

SI.No	Name of the Bidder / JV	Status of eligibility
1	M/s Sushee Infra & Mining Limited	Eligible
2	M/s TK engineering consortium Pvt. Ltd.	Eligible
3	M/s RMN – KMV (JV)	Eligible
4	M/s Progressive Construction Limited	Not Eligible

2. **In case of any Representation, the same may be made latest by 08.03.2017 (1700 hrs)**

3. All the Authorized Representatives are requested to attend the opening of Financial Bids at the Scheduled date and Time.

03/03

A.K JHA
DGM (Tech)

Enclosure: Copy of ETEC dated 02-03-2017

National Highways & Infrastructure Development Corporation

Minutes of Meetings of Empowered Technical Bid Evaluation Committee (ETEC) received for "Construction of two-Lane with paved shoulders of Joram – Koloriang Road (NH-713) on EPC basis from existing Km 138.00 to Km 158.00 [Design Km. 122.353 to Km. 138.389] (Design Length - 16.036 Km) in the state of Arunachal Pradesh under SARDP-NE" held at NHIDCL, New Delhi on 02.03.2017

1. The RFPs for the subject work were invited with bid due date as 20.02.2017 till 1100 hrs.

2. Having opened the Technical Bids on 21.02.2017 received from the following applicants in the presence of applicant's representatives who chose to attend the RFP opening, the hard copy of the original documents along with the soft copy (as received from CPP portal) were handed over to the concerned Financial Consultants for carrying out the evaluation of the Technical Bids.

Name Of Work	Name Of bidders	Name of Financial Consultant
Construction of two-Lane with paved shoulders of Joram – Koloriang Road (NH-713) on EPC basis from existing Km 138.00 to Km 158.00 [Design Km. 122.353 to Km. 138.389] (Design Length - 16.036 Km) in the state of Arunachal Pradesh under SARDP-NE	M/s Sushee Infra & Mining Limited	M/s Raj Har Gopal & Co., Chartered Accountant
	M/s Progressive Construction Limited	
	M/s RMN – KMV (JV)	
	M/s TK engineering consortium Pvt. Ltd	

3. The Financial Consultant in reference to RFP has considered the following Evaluation Criteria for estimated project cost of **Rs. 176.41 Crore.**

S.No.	Particulars	Amount in Rs. Cr.
1	Estimated Project Cost	176.41
2	Minimum Threshold Technical Capacity required (For Category 1, 2, 3 & 4) as per clause 2.2.2.2 (i)	264.62
3	Minimum Threshold Technical Capacity required (For Category 1, 2, 3 & 4) for Lead Member to fulfill as per clause 2.2.2.4 (i)	158.772
4	Minimum Threshold Technical Capacity required (For Category 1, 2, 3 & 4) for Other Member to fulfill as per clause 2.2.2.4 (i)	52.924
5	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)	44.10
6	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) (c))	17.64
7	Minimum required amount of self constructed project by the Bidder for a project to qualify	one half of the Project

	as a Eligible Project under Category 1&2 (as per clause 2.2.2.6 (i) (d))	Cost of eligible projects as defined in clause 2.2.2.6 (i) (d).
8	For a project to qualify as a Eligible Project under Category 3&4 , the receipt / payments of the project should be more than (as per clause 2.2.2.6 (ii))	17.64
9	Minimum Financial capacity required as per clause 2.2.2.3	8.82
10	Minimum Financial Capacity required for Lead Member to fulfill as per clause 2.2.2.4 (i)	5.292
11	Minimum Financial Capacity required for Other Member to fulfill as per clause 2.2.2.4 (i)	1.764
12	Minimum Average Annual Turnover required as per clause 2.2.2.3 (ii)	35.28
13	Minimum Average Annual Turnover required (For Lead Member) as per clause 2.2.2.4 (i)	21.168
14	Minimum Average Annual Turnover required (For Other Member) as per clause 2.2.2.4 (i)	7.056
15	Minimum Required Bid Capacity (For each Bidder) as per clause 2.2.2.1	176.41
16	Minimum Required Bid Capacity (For Lead Member) as per clause 2.2.2.4 (i)	105.846
17	Minimum Required Bid Capacity (For Other Member) as per clause 2.2.2.4 (i)	35.282

4. In the preliminary evaluation, there were certain information/clarification were required by the financial consultant to consolidate the evaluation. Accordingly, the queries were raised with the respective bidders; their reply has since been received and handed over to financial consultant. The financial consultant, M/s Raj Har Gopal & Co. has submitted the Evaluation report. In the Evaluation report, the detail of Technical and Financial Capacity and the Bid Capacity of the four bidders as per the report including the final outcome is as under.

1. M/s RMN-KMV Joint Venture

SN.	Clarification Sought	Reply Received	Remarks
1.	The Statutory Auditor certificates have been submitted by the bidder for projects claimed under category 3 or Category 4. However, such certificates are not exactly as per the required format of para 14 of Annex-IV to Appendix-1A as the words *"It is certified that Bidder received payments from its Clients for Construction Works executed by them or work executed* ***and certified***	In the Format of para 14, the words are "It is certified that Bidder received payments from its Clients for Construction Works executed by them (or) work executed and certified by the Engineer-In-Charge/Independent Engineer/Authority's Engineer". Hence the certificates taken earlier ignoring the words on the right side of "OR"	Bidder has submitted the required certificates, the same has been considered and Technical Capacity of the Bidder is calculated accordingly.

	by the Engineer-in-charge/Independent Engineer/Authority's Engineer" are not as per required format. ***Kindly provide the Certificates by Statutory Auditor which should be as verbatim with the format of para 14 of Annex-IV to Appendix-1A along with the certificates issued by the "Engineer-in-charge/Independent Engineer/Authority's Engineer".***	were used for this tender. However, the certificates as per required format are attached herewith.	
2.	Appendix III submitted by the Bidder, name of the Project is wrongly mentioned. **Please Clarify.**	Work description as given in the first RFP was used and description in revised RFP was overlooked and this is the reason for typo occurred in the submitted Power of Attorney. The error may please be ignored as existing chainage was mentioned correctly.	Reply submitted by the Bidder may be accepted.
3.	Project has claimed the project code 1d under category 3. **Please clarify through supporting documents (Statutory Auditor/ client certificates) how the subject project covers under category 3 as per clause 2.2.2.5 IV of RFP and whether the construction includes construction of SH/NH/MDR/city road/district road etc. along with the copy of MOU regarding entire work has been executed by the Bidder is required.**	Please find attached extract of contract agreement Page No. 179, which defines the project Kandi-Shadnagar Road as a cluster of MDR & ODR (Cl 1.3.1). Hope this meets the requirement to qualify the project under category 3. Copy of Supplementary Agreement to the MOU is attached through which Meenakshi Infrastructures Private Limited., has agreed to pass on their share of 51% to RMN Infrastructures Limited on back-to-back basis.	Bidder has provided the requisite details and Technical Capacity of the Bidder is calculated as per RFP.
4.	The Statutory Auditor certificate has been submitted by the bidder for project code **"1p"** claimed under category 4. However there are few differences in the in the Statutory Auditor certificate & the ANNEX-IV which are as follows: 1. In certificate name of the Authority is	Copy of LOA is attached for your information. The Client is Irrigation & CAD Department, represented by The Superintending Engineer, RBLISP Circle, Pebbair.	Bidder has provided the requisite details and Technical Capacity of the Bidder is calculated accordingly

	mentioned as "Irrigation & CAD Department, A.P" while in the ANNEX-IV it is mentioned as "Superintending Engineer, RBILSP, Pebbair" **Please Clarify.**		
5.	The Statutory Auditor certificate has been submitted by the bidder for project code **"1r"** claimed under category 4. However there are few differences in the in the Statutory Auditor certificate & the ANNEX-IV which are as follows: 1. In certificate name of the authority is mentioned as "Water Resource Department" while in the ANNEX-IV it is mentioned as "Superintending Engineer, HNSS Circle No. 2 A.P" **Please Clarify.**	Copy of LOA is attached for your information. The Client is Water Resources Department, Government of Andhra Pradesh represented by The Superintending Engineer, HNSS Circle No.2, HLC Colony, Ananthapuramu.	Bidder has provided the requisite details and Technical Capacity of the Bidder is calculated accordingly
6.	Details submitted by the Bidder for Value of B, it is mentioned that value of existing commitments are for next 2 years, however the same is required for next three years as per RFP. **Please Clarify.** *The Statement given by Statutory Auditor of bidder for certifying Value of B submitted do not certify the words* ***"anticipated value of work to be completed in the period of construction of the project for which bid is invited"*** which are required as per Format of Annex-VI to Appendix-1A. ***Kindly provide the correct certificate***	Annexure A-2, the statement regarding calculation of the value of 'B': Please refer to Col.8- Balance value of work/(s) to be completed are calculated taking into account the total outstanding work/(s) and not for next 2 years. In view of above, the bid capacity does not change even for 3 years duration in case of RMN. KMV- The Statement is corrected and please find attached revised statement duly signed.	Bidder has stated in its reply that Balance value of work/(s) to be completed are calculated taking into account the total outstanding work/(s) and not for next 2 years, therefore, the same may be considered.

	duly incorporating the required statement by Statutory Auditor.		

2. **M/s. T. K. Engineering Consortium Pvt. Ltd. – Brand Eagles**

SN.	Clarification Sought	Reply Received	Remarks
1.	The Statutory Auditor certificates have been submitted by the bidder for projects claimed under category 3 or Category 4. However, such certificates are not exactly as per the required format of para 14 of Annex-IV to Appendix-1A as the words *"It is certified that Bidder received payments from its Clients for Construction Works executed by them or work executed* ***and certified by the Engineer-in-charge/Independent Engineer/Authority's Engineer"*** are not as per required format. ***Kindly provide the Certificates by Statutory Auditor which should be as verbatim with the format of para 14 of Annex-IV to Appendix-1A along with the certificates issued by the "Engineer-in-charge/ Independent Engineer/ Authority's Engineer".***	We have submitted same format of Statutory Auditor Certificates for projects claimed under category 3.	Reply submitted by the bidder may be accepted as words implying that work is executed by Bidder only.
2.	As per the details mentioned in Annex IV and Statutory Auditor Certificate, project code a to d are either allotted to SRK alone or SRK & T,K. Engineering JV however further it is mentioned that the entire work is executed by T.K. Engineering. **Please clarify through supporting documents that the work has actually been executed by TK Engineering only.**	In **project code a to d** are either allotted to SRK alone or SRK & TK Engineering JV, however entire 100% work is executed by TK Engineering and Statutory Auditor certified that entire amount has received by TK Engineering. For evaluation of Technical Capacity, please go through the RPF document Clause *2.2.2.5 (iii)(a)(I) In case of projects executed by applicant under category 3 and 4 as a member of Joint Venture, the project cost should be restricted to the share of the applicant in the joint venture for determining eligibility as per provision under clause*	Reply submitted by the bidder fulfills the requirement of clarification sought; therefore, the same may be accepted.

		2.2.2.2 (ii). ***In case Statutory Auditor certifies that, the work of other member(s) is also executed by the applicant, then the total share executed by applicant can be considered for determining eligibility as per provision under clause 2.2.2.2 (ii).***	
3.	The Value of A considered by the bidder is based on other operating revenues as shown under the Head "Revenue from Operations" in the balance sheet related to the respective previous five years. However, as per clause 2.2.2.1 of RFP Value of A should be from civil engineering works in respect of EPC projects (turnkey projects / item rate contract / construction works). ***Kindly provide the bifurcation of Revenue from operations for determining the correct value of A.***	All revenue from operations are only Civil Engineering Works undertaken by us in the balance sheet related the respective previous five years. Moreover, Statutory Auditor certified the total values of Civil Engineering Works undertaken w.r.t. EPC Projects in the last five years for determining the value of A ***(please check the page 269)***.	Bidder has provided the requisite details and Bid Capacity of the Bidder is calculated accordingly
4.	*The Statement given by Statutory Auditor of bidder for certifying Value of B submitted do not certify the words* ***"anticipated value of work to be completed in the period of construction of the project for which bid is invited"*** which are required as per Format of Annex-VI to Appendix-1A. ***Kindly provide the correct certificate duly incorporating the required statement by Statutory Auditor.***	We have submitted same format of Statutory Auditor Certificates for determining the value of B.	The exact format has not been submitted, however, as the Statutory Auditor has certified that No awarded / ongoing works has been left in the aforesaid statement which has been awarded to M/s. TK Engineering Consortium Private Limited, therefore the the same has been considered and bid capacity has been calculated accordingly.

3. M/s. Progressive Constructions Limited

	Clarification Sought	Reply Received	Remarks

SN.			
1.	The bidder has informed on page no. 32 of the submitted bid that the work pertaining to NH-31C in Assam under Phase-II programme of NHDP Package EW-11 (AS-12) was terminated by NHAI on 14.03.2016. ***Kindly provide the termination order passed by NHAI and other related correspondence for the same.***	Submitting the Termination order of NHAI. Note: NHIDCL principally accepted our reply related to termination of Package AS-12 and thereby qualified us for BID of "Rehabilitation and up-gradation of Doimukh-Harmuti road from Harmuti Junction (0/00 km) to Khula camp (14/370 km) and Doimukh (0/000 km) to Bagh Tinali (3/100 km) two lane carriageway in the State of Assam and Arunachal Pradesh on EPC basis" Project.	As per the submitted termination order passed by NHAI, the contract of NHDP Package EW-11 (AS-12) was terminated by NHAI on 14.03.3016 for breach by the bidder and therefore the condition as specified under clause 2.1.19 has not been fulfilled. Therefore, the bid of the bidder should be rejected. However, as per clause 2.1.19.3 of RFP, The Authority reserves the right to reject an otherwise eligible bidder on the basis of the information provided under clause 2.1.19. The decision of the Authority in this case shall be final. Therefore, the Authority may take a view for acceptance or rejection of bid on this ground.
2.	In Appendix IA submitted by the Bidder, pt 6 & 19 are not as per the required format of RFP. **Please Clarify.**	Resubmitting the revised Appendix IA	Bidder has submitted revised Appendix IA with corrected details. However being a new document, Authority may take a view to consider it.
3.	Name of the project is wrongly mentioned in Appendix IA, Appendix II & Appendix III submitted in the Bid. **Please Clarify.**	We are correctly mentioned name of the project in Appendix IA, II & III Again we are resubmitting the Appendix-IA, II & III	In its reply Bidder has submitted same Appendix IA, II & III without correcting the same. Authority may take a view to consider it.
4.	*The Statement given by Statutory Auditor of bidder for certifying Value of B submitted do not certify the words* ***"anticipated value of***	*In certifying value of B submitted "anticipated value of work to be*	As the Statutory Auditor has also certified that *"value of all existing commitments and*

	work to be completed in the period of construction of the project for which bid is invited" which are required as per Format of Annex-VI to Appendix-1A. ***Kindly provide the correct certificate duly incorporating the required statement by Statutory Auditor.***	*completed in the period of construction of the project for which bid is invited". However as per ICI guidelines statutory Auditors are not suppose to certify "anticipated values or Projected Figures of works. But the statement submitted clearly states and is certified by statutory auditors that the value of all existing commitments and ongoing works is verified by books of accounts, certified account bills, duly countersigned by the client.* *The above cited reasons regarding incorporation of "anticipated value of work to be completed in the period of construction of the project for which bid is invited" is not incorporated in our submitted Statutory Auditor Certificate of value of B.*	*ongoing works is verified by books of accounts, certified account bills, duly countersigned by the client",* therefore the same has been considered and Bid Capacity has been calculated accordingly
5.	*The bidder has claimed project code A under category 1, however the equity shareholding certified by the Statutory Auditor for the eligible project is only up to commissioning of the project.* ***Kindly provide the details of equity shareholding for the period for which experience has been claimed i.e, for the period from 01.04.2011 to 31.03.2016 and such details should be certified by the Statutory Auditor of the bidder.***	*Submitting corrected Statutory Auditor certificate of Annex-IV to Appendix-1A*	As the equity shareholding for the required period has been provided by the statutory Auditor of the bidder, therefore, the project has been considered and evaluation has been done accordingly.
6.	The Statutory Auditor certificates has been	Submitting corrected	The Statutory Auditor

	submitted by the bidder for projects claimed under category 3 or Category 4 related to Project Codes B to K. However, such certificates are not exactly as per the required format of para 14 of Annex-IV to Appendix-1A as the words ***"It is certified that Bidder received payments from its Clients for Construction Works executed by them or work executed and certified by the Engineer-in-charge/Independent Engineer/Authority's Engineer"*** are missing. Further, in most of the certificates. The word "***achieve turnover***" has been used which is not mentioned in the required format. ***Kindly provide the Certificates by Statutory Auditor which should be as verbatim with the format of para 14 of Annex-IV to Appendix-1A.***	Statutory Auditor certificate of Annex-IV to Appendix-1A	Certificate in the required format has now been provided; therefore technical Capacity of the Bidder is calculated accordingly.
7.	The bidder claims for Project code b that the work has been substantially completed, however, no supporting documents has been submitted which established that more than 90% of the Value of work has been completed. ***Kindly provide the supporting documents / certificates which establish that more than 90% of value of work has been completed for project code b.***	Submitting the Certified Running Account Bill which is indicate that more than 90% value of work was completed	The supporting document as provided by the bidder establish that the more than 90% value of work has been completed, therefore, the same has been considered for eligibility as per clause 2.2.2.2 (ii) of RFP
8.	The bidder has submitted the Annex-III, financial Capacity of the bidder but not as per Format provided in the RFP. **Please Clarify.**	Resubmitting the revised Annex-III	The required point no.14 and 15 has not been incorporated in the Bank Guarantee. Therefore the Authority may take a view to accept the bid on this ground.
9.	In the Bank Guarantee submitted by the bidder, name of the project is wrongly mentioned and point no. 14 and 15 as per format given under Appendix – II (Bank	Submitting the Undertaking for Bank Guarantee amendments	Bidder has submitted same Appendix II without making any corrections.

	Guarantee for Bid Security) are not mentioned. ***Kindly clarify and provide the amendment while including the aforesaid missing clause.***	We are correctly mentioned name of the project in Appendix II Again we are resubmitting the Appendix-II	Authority may take a view to consider it.

4. *M/s. Sushee Infra & Mining Limited*

SN.	Clarification Sought	Reply Received	Remarks
1.	The Statutory Auditor certificates have been submitted by the bidder for projects claimed under category 3 or Category 4. However, such certificates are not exactly as per the required format of para 14 of Annex-IV to Appendix-1A as the words *"It is certified that Bidder received payments from its Clients for Construction Works executed by them or work executed* ***and certified by the Engineer-in-charge/Independent Engineer/Authority's Engineer"*** are not as per required format. ***Kindly provide the Certificates by Statutory Auditor which should be as verbatim with the format of para 14 of Annex-IV to Appendix-1A along with the certificates issued by the "Engineer-in-charge/Independent Engineer/Authority's Engineer".***	With reference to the above, we are providing the certificates by Statutory Auditors as per the format of para 14 of Annex –IV to Appendix-1A.	Bidder has submitted the required certificates, the same has been considered and Technical Capacity of the Bidder is calculated accordingly.

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

	Bidder Name	Threshold Technical Capacity	25% of completed project (in cr.)	Net worth assessed (in cr.)	Turnover Details in cr.	Bid Capacity in cr.

		Assessed (in cr.)				
1.	M/s RMN-KMV Joint Venture	570.66	145.00	249.32	811.77	5998.161
2.	M/s. T. K. Engineering Consortium Pvt. Ltd	1460.17	122.22	129.39	402.49	4209.70
3.	M/s. Progressive Constructions Limited*	642.79	466.70	50.76	427.98	884.25
4.	M/s. Sushee Infra & Mining Limited	1291.77	88	271.28	641.83	5221.90

*The bidder has not fulfilled the condition as mentioned under clause 2.1.19 of RFP document, therefore, the bidder is considered as conditionally eligible subject to acceptance of the bid by the Authority as per clause 2.1.19 of RFP.

6. The Financial Consultant has considered M/s Progressive Constructions Limited as conditionally eligible subject to Authority discretion for the following issues.

(i) Point no. 14 and 15 of Bank Guarantee Format for Bid Security has also not been incorporated in the Bank Guarantee submitted by the bidder.

(ii) The bidder has not fulfilled the condition as mentioned under clause 2.1.19 of RFP document.

7. The Committee in reference to para 8 (i), is of the view that in accordance with the Ministry circular dated 16.1.2017 and 17.01.2017 ,it does not have any materialistic effect on the bid. Further, in reference to para 8(ii) i.e regarding termination order by NHAI, the committee has taken a considered view that the contractors bid in accordance with the clause 2.1.19 of RFP ***"The Bidder including individual or any of its Joint Venture Member should, in the last 2 (two) years, have neither failed to perform for the works of Expressways, National Highways, ISC &EI works, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Bidder including individual or any of its Joint Venture Member, as the case may be. nor has been expelled or terminated by Ministry of Road Transport & Highways or its implementing agencies for breach by such Bidder including individual or any of its Joint Venture Member."*** **is non-responsive as** ***the project i.e*** **"Rehabilitation and up-gradation of Doimukh-Harmuti road from Harmuti Junction (0/00 km) to Khula camp (14/370 km) and Doimukh (0/000 km) to Bagh Tinali (3/100 km) two lane carriageway in the State of Assam and Arunachal Pradesh on EPC basis"** ***has been terminated on 14.03.2016 by the NHAI on account of breach of the contract, which is within the period of 2 years as mentioned in clause 2.1.19 of the RFP.. Therefore, the bid of M/s Progressive Constructions is considered non responsive.***

8. Recommendation of the Empowered Technical bid Evaluation Committee (ETEC): The committee is of the view that out of the four bidders only three bidders are fulfilling the eligibility criteria prescribed in the RFP, therefore the financial bids of the following three bidders be opened with the approval of the Competent Authority.

1	M/s. Sushee Infra & Mining Limited
2	M/s RMN – KMV (JV)
3	M/s TK engineering consortium Pvt. Ltd

Meeting ended with vote of thanks to chair.

(V.K.Rajawat) **(ED-I)** **Chairman**	**(Y.C.Srivastava)** **(GM-Tech)** **Member** **Secretary**	**Adil Singh** **(GM-Tech)** **Member**	**A.K Jha** **DGM (Tech)** **Member**	**Sunil Gupta** **(Manager-Fin.)** **Member**