

National Highways & Infrastructure Development Corporation
(Technical division)

Minutes of Meeting of Empowered Technical Evaluation Committee (ETEC) to evaluate bid for "Two/ Four laning of Imphal-Moreh Section of NH-39 from Km 330.00 to Km 395.680 in the State of Manipur" - Hiring of NGO reg. held at NHIDCL, New Delhi on 17.08.2017.

The RFP for the subject work were invited on 09.03.2017 with bid due date as **24.04.2017 till 1500 hrs.**

2. In all four (4) bids were received and vide Minutes of Meeting dated 25.04.2017 the Empowered Technical Bid Opening Committee (ETBC) opened the Technical proposals of the three (3) of Four (4) no. consultancy firms namely M/s Sai International Sansthan, M/s Janlok Kalyankari Samiti and M/s Manavadhikar Samajik Manch in the presence of the authorized representatives of the participated bidders who chose to attend. However online bid of M/s Organization for Tribals' Benefit programme has not been submitted on the portal, hence technical proposal was not opened. Further only three (3) bids of four (4) of consultancy firms namely **M/s Sai International Sansthan, M/s Janlok Kalyankari Samiti and M/s Manavadhikar Samajik Manch** was handed over to financial consultant M/s JPS Associate (P) Ltd for further evaluation.
3. The financial consultant submitted its report dated 11.07.2017 and recommended **M/s Sai International Sansthan , M/s Janlok Kalyankari Samiti and M/s Manavadhikar Samajik Manch** as technically responsive. The committee ETEC on 11.07.2017 examined the report in detail and recommended to open the financial bid of aforesaid responsive bidders with the approval of Competent Authority.
4. With the approval of Competent Authority, technical score was uploaded on e-portal and bidders were informed for financial opening on 26.07.2017 vide letter dated 19.07.2017 considering 7 days time for representation from bidders if any.
5. A representation from M/s Janlok Kalyankari Samiti has been received vide an email dated 22.07.2017 wherein the bidder has intimated that M/s Sai International Sansthan has been blacklisted by PWD, Govt of Assam in the year 2014 and also attached the Termination notice No. CE/NEC/ADB/140/12-13/pt-1/21 dated 28th August 2014. The same has been considered and issue was forwarded to in house legal consultant.
6. Legal Consultant has stated that there is clear suppression by the bidder reference to letter No. CE/NEC/ADB/140/12-13/61 dated 17.01.2014. The bidder has suppressed that the project was terminated and there is false declaration. Hence this is clear misrepresentation and the bidder is ineligible accordingly.
7. M/s Sai International Sansthan was asked vide letter dated 01.08.2017 to explain within 3 days i.e. by 04.08.2017 as to why their bid should not be considered non-responsive and as to why action be taken in accordance to RFP for misrepresentation of facts. M/s Sai International Sansthan vide letter dated 03.08.2017 submitted the explanation. The submission made by M/s Sai International Sansthan has not clarified the facts forwarded to them for explanation. The bidder has claimed that PWD Assam did not provide PROW List of full length, so work was delayed and meanwhile PWD issued termination of balance approx 30% work at the cost of NGO which-doesn't fall on the NGO. However in the termination letter dated 28.08.2017 no such detail is mentioned and the bidder has also not mentioned any information along with the submission of the project



experience reference letter No. CE/NEC/ADB/140/12-13/61 dated 17.01.2014 in the bid.

8. Further the advice of financial consultant was also sought in view of representation from M/s Janlok Kalyankari Samiti vide letter dated 22.07.2017 and reply of M/s Sai International Sansthan vide letter dated 01.08.2017. The financial consultant vide letter dated 08.08.2017 has stated that *“there is no such provisions in the RFP which states that the NGO has to provide the information that any of its project has been terminated or the NGO has been debarred from the project. Hence, the bidder M/s Sai International Sansthan did not provide any such information. Also in this RFP no where it is mentioned that the Bidder will not be eligible if it has been debarred or terminated by any other govt. agency. Hence as per provisions of RFP, M/s Sai International Sansthan may not be considered as Non- Responsive.”*
9. The Committee deliberated the issue in detail and considered the view of financial as well as legal consultant. In absence of any explicit provision in RFP regarding termination/debarment and also to provide such information in the bid as per report of financial consultant, committee agreed with the view of financial consultant that M/s Sai International Sansthan cannot be considered as Non-Responsive. Further as regards to firm’s work experience certificate the bidder has also submitted other work experience certificate in the bid and the same has been considered for evaluation. Hence the committee decided to take the view of legal consultant on the advice of DGM (Fin) member of the Committee.
10. Further the Legal Consultant has stated that *“Notwithstanding the above, the conditions of the RFP require experience only. The RFP does not impose a condition on the bidder to disclose projects which the bidder may chose not to disclose. It appears from the bid that the bidder has disclosed other such projects which they have completed successfully. Without condoning the error mentioned above, however in the interest of competition and considering the fact that the bidder has clarified its stand by letter dated 16.08.2017, we may give the bidder the benefit of doubt and permit him to participate in the bidding.”*
11. In view of above the committee recommends opening the financial bid of 3 (three) eligible bidders viz. M/s Sai International Sansthan ,M/s Janlok Kalyankari Samiti and M/s Manavadhikar Samajik Manch with the approval of Competent Authority.

Meeting ended with vote of thanks to chair.


Sanjeev Malik
ED-III
Convener


Col Rajeev Sood
(Retd)
GM (Tech)
Member Secretary


Adil Singh
GM (Tech)
Member


A K Jha
DGM (Tech)
Member


U Chatterjee
DGM (Fin.)
Member