

## MINUTES OF MEETING

**Subject:** Construction and Upgradation including specialized slope treatment and augment of existing road from Km. 379+100 to Km. 380+275 (approx. 1.175 km) on Gholteer Landslide of National Highway No. 07 (hereinafter called the "NH - 07") in the state of Uttarakhand - **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, seven bids were received from the following bidders:-

Sr. No.	Name of Bidders
1.	M/s Bharat Construction
2.	M/s Chaudhary Construction Company Pvt. Ltd.
3.	M/s Gawar Construction Limited
4.	M/s RCC Developers Limited
5.	M/s Nagyan Construction Pvt. Ltd.
6.	M/s KCC Buildcon Pvt. Ltd.
7.	M/s Maccaferri Environmental Solutions 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 Indraprastha Corridor Advisory Services (P) Ltd** for asserting the responsiveness of bid and carrying out the evaluation.

3. The financial consultant submitted the interim evaluation report vide letter dated 08.11.2018 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 are not found in the submitted bid
- iv. In the absence of client certificates, value of B is considered as the full value of work awarded (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. ( in worst scenario) which is less than the required Minimum Bid capacity required to be Technical Responsive i.e. 79.09 Crore, therefore Bidder is considered as technically Non- Responsive.

**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 full value of work awarded (worst scenario) for these three projects and accordingly Bid capacity of the Bidder works out to be (-)65.29 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.
- vi. In Annex III-Financial Capacity of the Bidder & Net-Worth Certificate from the Statutory Auditor of the Bidder, Bidder has claimed network of Rs. 4.79 Crore including Share application Money of Rs. 2.05 Crore, and the same has not been considered for computation of Net Worth, therefore Net Worth is assessed at Rs. 2.71 Crore, However, minimum required Net Worth (Financial Capacity is Rs. 3.95 Crore.

Based on above fact, Bidder is not meeting the Financial capacity criteria, therefore Bid submitted by the Bidder i.e. Nagyan Construction Pvt. Ltd., is considered as Non-Responsive.



**D. M/s Maccaferri Environmental Solutions Pvt. Ltd**

1. Annex V- Statement of Legal Capacity, submitted by the Bidder is addressed to Chief Engineer, Project Shivalik, IDPL Complex, Virbhadra, Rishikesh instead of GM (T), NHIDCL, PTI Building , 3rd Floor, 4, Parliament Street – New Delhi. Also the said Annex-V is not dated as submitted by the bidder.
2. In Appendix-IB Letter Comprising Financial Bid, submitted by the Bidder, the DSC details of the Authorized Signatory are not mentioned as required as per the format of RFP. Bidder is required to clarify.
3. The Bidder has submitted, Net Worth and Turnover Certificate for the FY 2017-18 from Bhuvnesh Kumar & Associates (CA), Turnover Certificate for FY 2012-13 to 2016-17 from Sukhveer & Co. (CA) and Technical Experience Certificate in support of Annex-IV from Dharkar & Co. (CA).As per the provisions of RFP all these documents are to be certified from the Statutory Auditor of the Company, however in present case the same is being certified by 3 different CA firms. Bidder is required to clarify.
4. Also the Bidder has not attached the full annual report of the company for all financial year, especially for FY 2017-18 the Bidder has not attached the Auditor's Report and full notes to accounts and Director report. Bidder is required to clarify and submit the same. Based on above the bidder is considered Technically Non Responsive.

**E. M/s RCC Developers Ltd:**

1. In Appendix-IA-Letter Comprising the Technical Bid submitted by the Bidder, Point number 15 to 27 is missing.
2. In the Annex VI submitted by the bidder, details of Value of B and its certificates are also not legible. As such, Bid capacity of the Bidder cannot be assessed. Based on above observations the bidder is considered as Technically Non-Responsive.

4. Accordingly ETEC examined and agreed to the recommendations of the Financial Consultant **M/s Indraprastha Corridor Advisory Services (P) Ltd.**

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.	Name of the Applicant	Assessed Technical Score		Financial Capacity		Bid Capacity Required =Rs. 79.09 Cr.	Responsive/ Non-Responsive
		Technical Capacity Assessed (in cr.) (Required –Rs. 79.09 cr.)	Complete Project for 1 & 3> Rs. 19.77 cr.	Net Worth Required= Rs. 3.95 Cr	Average Annual Turnover Required= Rs.15.81 Cr.		
1	M/s Bharat Construction	258.92	Project Code "m" EPC=56.50 Cr	40.38	87.42	58.80**	Technically Non-Responsive
2.	M/s Chaudhary Construction Company Pvt. Ltd.	85.35	Project Code "d" EPC=25.75 Cr	9.15	31.27	88.25	Technically Responsive/ Eligible
3.	M/s Gawar Construction Limited	2228.22	Project Code "d" EPC=170.28 Cr	651.86	1702.88	1705.29	Technically Responsive/ Eligible



4.	M/s RCC Developers Limited	424.65	Project Code "a" EPC=169.77 Cr	84.07	341.12	Cannot be assessed as Documents are not legible	Technically Non Responsive
5.	M/s Nagyan Construction Pvt. Ltd.*	94.79	Project Code "a" EPC=105.31 Cr	2.71**	18.93	198.69	Technically Non Responsive
6.	M/s KCC Buildcon Pvt. Ltd.	1903.33	Project Code "a" EPC=401.50 Cr	241.40	617.45	(-) 65.28**	Technically Non Responsive
7.	M/s Maccaferri Environmental Solutions Pvt. Ltd.	158.61	Project Code "a" EPC=40.00 Cr	122.80	250.61	163.90	Technically Non-Responsive

*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

NHIDCL/2018-19/Tech Evaluation/4554

Dated: 08.11.2018

**Shri Y.C. Srivastava**
**General Manager (T)**
**National Highways & Infrastructure Development Corporation Limited**
**NHIDCL, 3rd Floor, Press Trust of India Building,**
**4 Parliament Street, New Delhi-110001**

**Sub:** Construction and Upgradation including specialized slope treatment and augment of existing road from Km. 379+100 to Km. 380+275 (approx. 1.175 km) on Gholteer Landslide of National Highway No. 07 (hereinafter called the "NH -07") in the state of Uttarakhand- **Submission of Technical Evaluation Report-reg.**

Dear Sir,

This is in reference to letter no. **NHIDCL/Financial Consultant/Bid Evaluation/2018/3076 dated 30.10.2018** vide which we were appointed as Financial Consultant for carrying out the evaluation in respect of captioned project. The RFP for the project was invited with bid due date as 30.11.2018. Total 7 nos. bids were received on e-tendering portal by NHIDCL, the details of which are as under.

S. No.	Name of the Applicant	Type of Applicant (Single Entity/Consortium)
1	M/s Bharat Construction	Sole
2	M/s Chaudhary Construction Company Pvt. Ltd.	Sole
3	M/s Gawar Construction Limited	Sole
4	M/s RCC Developers Limited	Sole
5	M/s Nagyan Construction Pvt. Ltd.	Sole
6	M/s KCC Buildcon Pvt. Ltd.	Sole
7.	M/s Maccaferri Environmental Solutions Pvt. Ltd.	Sole

**Indraprastha Corridor Advisory Services (P) Ltd.**

Regd Office: 93, Qutab View Appt. Qutab Inst. Area, SJS Marg, N. Delhi-16, Tel: 011-26512200,

Email: indraprasthacorridor@gmail.co, ipcorridor@gmail.com

In this regard we have carried out the evaluation in light of provisions of RFP Document and accordingly enclosing our detailed evaluation report for your kind perusal

Thanking you and assuring our best professional services always.

**For Indraprastha Corridor Advisory Services (P) Ltd.**



**(RC Aggarwal)**  
**Chief Executive Officer**  
**Authorized Signatory**

**Enclosure: As above**

**National Highways & Infrastructure Development Corporation Limited  
Government of India**

**NHIDCL, 3<sup>rd</sup> Floor, PTI Building, 4, Parliament Street,  
New Delhi-110001**

**A Report on  
Evaluation of RFP &  
Test of responsiveness of Bidders**

**"Construction and Upgradation including specialized slope treatment and  
augment of existing road from Km. 379+100 to Km. 380+275 (approx. 1.175 km)  
on Gholteer Landslide of National Highway No. 07 (hereinafter called the "NH -  
07") in the state of Uttarakhand."**

**November, 2018**

**Presented by:**



**Indraprastha Corridor Advisory Services (P) Ltd;**

**OFFICE AT:**

**BO: 422, Shriniketan,  
Plot No. 1, Sector-7, Dwarka, N.Delhi-75.  
Email: [ipcorridor@gmail.com](mailto:ipcorridor@gmail.com)**

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## DISCLAIMER

This report has been prepared by Indraprastha Corridor Advisory Services (P) Ltd (**Indraprastha**), on behalf of NHIDCL and contains proprietary and confidential information regarding the "Construction and Upgradation including specialized slope treatment and augment of existing road from Km. 379+100 to Km. 380+275 (approx. 1.175 km) on Gholteer Landslide of National Highway No. 07 (hereinafter called the "NH -07") in the state of Uttarakhand."

This report has been prepared by Indraprastha with strict adherence to provisions of the RFP document and Bids submitted by the Bidders for the captioned Project. The work performed by **Indraprastha**, is purely analytical in nature and does not come under purview of audit/inspection. Due-diligence has been attributed to avoid any errors and omissions.

This report is furnished on strictly confidential basis and is for the sole use of the person /Organization to whom it is addressed. Therefore, in no event **Indraprastha**, shall be responsible for unauthorized use of the same or be liable for any loss or damage whatsoever that may be suffered by any party arising out of or in connection with the same. Neither this report, nor the information contained herein, may be reproduced or passed to any other person or used for any other purpose other than stated above.

This report should be read in conjunction with the RFP document and Bids submitted for the project for thorough understanding.

## 1. Introduction

The Ministry of Road Transport & Highways through National Highways & Infrastructure Development Corporation Limited is engaged in the development of National Highways and as part of this endeavor, the Authority has decided to undertake **Construction and Upgradation including specialized slope treatment of existing road to 2-lane with paved shoulder from Km. 379.100 to Km. 380.275 of Gholteer Landslide of NH-07 under Chardham Pariyojna on EPC basis in the state of Uttarakhand.( Design Length = 1.175 Km)** and has decided to carry out the bidding process for selection of a bidder to whom the Project may be awarded through an open competitive bidding process in accordance with the procedure set out in the RFP document. The brief details of the Project are as follows:

State	NH	Name of Work	Est. Cost in Cr.	Completion Period	Maintenance Period
Uttarakhand	NH-07	<b>Construction and Upgradation including specialized slope treatment of existing road to 2-lane with paved shoulder from Km. 379.100 to Km. 380.275 of Gholteer Landslide of NH-07 under Chardham Pariyojna on EPC basis in the state of Uttarakhand.( Design Length = 1.175 Km)</b>	79.09	365 Days/ 12 Months	60 Months/ 5 Years from the Actual Date of completion

In this regard, NHIDCL has appointed **Indraprastha Corridor Advisory Services (P) Ltd** as Financial Consultant and vide their letter no **“NHIDCL/Financial Consultant/Bid Evaluation/2018/3076 dated 30.10.2018”** for analyzing the bids received and assist NHIDCL in evaluation of technical/experience scores of the bidders and providing necessary financial consultancy services in this regard. The RFP for the project was invited with bid due date as 30.11.2018. Total 7 nos. bids were received on e-tendering portal by NHIDCL, the details of which are as under.

S. No.	Name of the Applicant	Type of Applicant (Single Entity/Consortium)
1	<b>M/s Bharat Construction</b>	<b>Sole</b>
2	<b>M/s Chaudhary Construction Company Pvt. Ltd.</b>	<b>Sole</b>
3	<b>M/s Gawar Construction Limited</b>	<b>Sole</b>
4	<b>M/s RCC Developers Limited</b>	<b>Sole</b>
5	<b>M/s Nagyan Construction Pvt. Ltd.</b>	<b>Sole</b>
6	<b>M/s KCC Buildcon Pvt. Ltd.</b>	<b>Sole</b>
7.	<b>M/s Maccaferri Environmental Solutions Pvt. Ltd.</b>	<b>Sole</b>

## 2. Eligibility Criteria

The bidder to qualify for the bid may be a single entity or a group of entities (the “Joint Venture”), coming together to implement the Project. However, no bidder applying individually or as a member of a Joint Venture, as the case may be, can be member of another bidder. The maximum number of members in a Joint Venture is limited to 3.

To be eligible for the proposal, a bidder shall fulfill the following conditions of eligibility:

### A. Technical Capacity:

- (i) For demonstrating technical capacity and experience (the “**Technical Capacity**”), the 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. 79.09 crore (Rupees Seventy Nine crore and Nine lakh only)** (the “**Threshold Technical Capacity**”).
- (ii) Provided that at least one **similar work of 25%** of Estimated Project Cost shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 25% of the estimated project cost. If any Major Bridge/ROB/Flyover/Tunnel is (are) part of the project, then the sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall necessarily demonstrate additional experience in construction of Major Bridges/RoBs/Flyovers/Tunnel in the last 5 (Five) financial years preceding the Bid Due date i.e. shall have completed atleast one similar Major Bridge/ROB/Flyover having span length equal to or greater than 50% of the longest span of the structure proposed in this project and in case of tunnel, if any, shall have completed construction of atleast one tunnel consisting of single or twins tubes (including tunnel(s) for roads/Railway/Metro rail/irrigation/hydro-electric projects etc.) having at/least 50% of the cross-sectional area and 25% length of the tunnel to be constructed in this project.

### B. Financial Capacity

- (i) The Bidder shall have a minimum Net Worth (the “**Financial Capacity**”) of **Rs. 3.95 Crore (Rupees Three crore ninety five lakh only)** at the close of the preceding financial year.
- (ii) The Bidder shall have a minimum **Average Annual Turnover** (updated to the price level of the year indicated in table below) of **Rs 15.81 crore (Rupees fifteen crore and eighty one lakh only)** for the last 5 (five) financial years.

Year	Year-1	Year-2	Year-3	Year-4	Year-5
Up-dation factor	1.00	1.05	1.10	1.15	1.20

**In case of a Joint Venture:**

- (i) The Bid Capacity, Technical Capacity and Financial Capacity of all the Members of Joint Venture would be taken into account for satisfying the above conditions of eligibility. Further, Lead Member shall meet at least 60% requirement of Bid Capacity, Technical and Financial Capacity individually as per Clause 2.2.2.1, 2.2.2.2(i) and 2.2.2.3 and each of other JV members shall meet at least 20% requirement of Bid Capacity, Technical and Financial capacity as per Clause 2.2.2.1, 2.2.2.2 (i) and 2.2.2.3. For avoidance of doubt it is further clarified that the Joint Venture must collectively and individually satisfy the above qualification criteria. i.e. JV shall cumulatively/collectively fulfill the 100% requirement.
- (ii) For requirement of 2.2.2.2 (ii), one similar work of 25% of Estimated Project Cost should have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5 individually by any of the JV members as a single work.

2.1 To be eligible in technical evaluation under first cover of RFP, an Applicant is required to fulfill the following conditions of eligibility in terms of provisions of RFP

S. No	Particulars	Amount Rs. /Cr.
1.	Estimated Project Cost	79.09
2.	Minimum Threshold Technical Capacity required (For Category 1,2,3&4) as per clause 2.2.2.2(i)	79.09
3.	Minimum required amount of at least one similar work completed from Eligible Projects in Category / and/ or Category 3 as per clause 2.2.2.2 (ii)	19.77
4.	Minimum Financial Capacity (Net Worth) required as per clause 2.2.2.3	3.95
5.	Minimum Financial Capacity (Average Annual Turnover) required as per clause 2.2.2.3	15.81
6.	Minimum required Bid Capacity ( for each applicant) as per clause 2.2.2.1	79.09
7.	The Capital cost of Project should be more than 10% of the EPC as per clause 2.2.2.6	7.91

**3. Submission Requirement**

The Bidder shall first upload all the project details, net worth details, turnover details, bridge and tunnel details and all other details required on the BIMS portal for technical qualification. The bidder shall ensure that all the details are updated as on the due date of submission of this bid.

The bidder shall then apply for the REP on the BIMS portal [[www.bims.gov.in](http://www.bims.gov.in)] by

submitting the documents mentioned below along with the supporting documents which shall comprise of the Technical BID on the BIMS portal.

**A Technical Bid**

- a) Appendix-IA (Letter comprising the Technical Bid), including Annexure I, IV and V supporting certificates / documents.
- b) Power of Attorney for signing the BID as per the format at Appendix-III;
- c) if applicable, Power of Attorney for Lead Member of Joint Venture as per the format at Appendix-IV;
- d) if applicable, Joint Bidding Agreement for Joint Venture as per the format at Appendix-V
- e) Deleted
- f) BID Security of **Rs. 79.09 Lakh (Rupees Seventy nine Lakh and nine thousand only)** in the form of Bank Guarantee in the format at Appendix-II from a Scheduled Bank (to be submitted physically as well);
- g) Copy of online receipt towards payment of cost of Bid document of **Rs 10,000** (Rupees ten thousands) to in favour of “**Managing Director, National Highways and Infrastructure Development Corporation Limited, New Delhi**”, payable at **New Delhi**
- h) Bidder shall comply with the provisions of Office Memorandum No. RW/NH-37010/4/2010/PIC-EAP(Printing) dated 22.02.2016 and its subsequent amendments if any, issued by MoRT&H (Appendix-VI) regarding Integrity Pact (IP) and the Integrity Pact (IP) duly signed by Authorised signatory shall be submitted by the Bidder with the RFP Bid & shall be part of the Contract Agreement;
- i) An undertaking from the person having PoA referred to in Sub. Clause-(b) above that they agree and abide by the Bid documents uploaded by MoRT&H/NHIDCL and amendments uploaded, if any.

**B Financial Bid**

- (i) Appendix-1B (Letter comprising the Financial Bid) shall be submitted online through e-procurement portal [<http://eprocure.gov.in/eprocure/app/>]

**C** The Bidder shall submit the following documents physically along with all other documents which will be uploaded with the Technical bid)

- (a) Original Power of Attorney for signing the Bid as per the format at Appendix-III;
- (b) If applicable, Original Power of Attorney for Lead Member of Joint Venture as per the format at Appendix-IV;
- (c) If applicable, Original Joint Bidding Agreement for Joint Venture as per the format at Appendix-V;
- (d) BID Security of **Rs. 79.09 Lakh (Rupees Seventy nine Lakh and nine thousand only)** in the form of Bank Guarantee in the format at Appendix-II from a Scheduled Bank.
- (e) Copy of online receipt towards payment of cost of Bid document of **Rs. 10,000** (Rupees ten thousand) in favour of “**Managing Director, National Highways and Infrastructure Development Corporation Limited, New Delhi**”, payable at **New Delhi**” towards cost of Bid document.

- (f) Bidders shall comply with the provisions of office Memorandum No.RW/MH-37010/4/2010/PIC-EAP (Printing) dated 22.02.2016 and its subsequent amendments if any, issued by MoRTH (Appendix VI) regarding Integrity Pact (IP) and the Integrity Pact (IP) duly signed by Authorized signatory shall be submitted by the Bidder with the RFP Bid & shall be part of the Contract Agreement.
- (g) An undertaking from the person having POA referred to in Sub. Clause-(a) above that they agree and abide by the Bid documents uploaded by MoRTH/NHAI/NHIDCL and amendments uploaded, if any.
- (h) Original statement of Legal capacity as per Format at Annexure V to Appendix 1A
- (i) Details of Mandatory Experience as per clause 2.2.2.2.

#### 4. Bid Evaluation Process.

The Authority has adopted a single stage two part system (referred to as the "Bidding Process") for selection of the Bidder for award of the Project. Under this process, the bid shall be invited under two parts. Eligibility and qualification of the Bidder will be first examined based on the details submitted under first part (Technical Bid) with respect to eligibility and qualifications criteria prescribed in this RFP. (The "Bidder", which expression shall, unless repugnant to the context, include the members of the Joint Venture). The Financial Bid under the second part shall be opened of only those Bidders, who are technically responsive to eligibility and qualifications requirements of Technical Bid as per this RFP.

#### 4.1 Methodology for Evaluation

The evaluation has been carried out in three stages:

- Tests of Responsiveness
- Observations with respect to the Bidders
- Computation of Technical & Financial Capability

For all Bidders, an evaluation for Test of Responsiveness was done.

The RFP evaluation has been broadly guided by the RFP document issued for the project, the Checklist of Compliance by the Bidder/Bidders for RFP Submission and the directives given by officials of NHIDCL during various meetings held with them from time to time at NHIDCL. Given below are the principles and guiding factors which have been followed during the RFP evaluation.

##### 4.1.1 Test of responsiveness

As per the RFP document Clause No: 3.1.6, and the Instructions given in the Checklist from Sr. No. (a) to (h) of RFP, an application is responsive only if:

- (a) Technical BID is received online as per the format at Appendix-IA including Annexure I, IV, V;
- (b) Documents listed at clause 2.11.2 are received physically or on BIMS or CPPP as mentioned;
- (c) Technical Bid is accompanied by the BID Security as specified in Clause 2.1.6 and 2.1.7;

- (d) Technical Bid is accompanied by the Power of Attorney as specified in Clauses 2.1.8;
- (e) Technical Bid is accompanied by Power of Attorney for Lead Member of Joint Venture and the Joint Bidding Agreement as specified in Clause 2.1.9, if so required;
- (f) Technical Bid contain all the information (complete in all respects);
- (g) Technical Bid does not contain any condition or qualification; and
- (h) Copy of online receipt towards payment of cost of Bid document of Rs 10000 (Rupees Ten Thousands only) in favour of ["Managing Director, NHIDCL New Delhi" payable at New Delhi] is received."

As per RFP, in the case of any discrepancy/deviation, the information in the Bid given in soft copy shall prevail over the Bid in the hard copy.

### **Guidelines for Evaluation**

1. In case of Category 3 and 4, if work is done in Joint Venture by an Bidder, the receipts and payments are restricted to the share of Bidder as per footnote to point 14 of Annex-IV to Appendix-1A and the also the **share of Total Project Cost** of the Project is considered as required for eligibility mentioned in clause 2.2.2.4(ii). However 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).
2. As per RFP, last five years considered for evaluation are 2017-18/2017, 2016-17/2016, 2015-16/2015, 2014-15/2014 and 2013-14/2013.
3. As per point 6 of Annex-II to Appendix-1, in no case shall the cost of maintenance and repair, operation of Highways and land be included while computing the Experience Score of an Eligible Project. Some Projects with nomenclature like PR, OR, FDR, SR, earthwork, site grading, road fencing/boarder fencing, micro/site grading works, permanent protection work, external pre stressing, surface renewal, repair of central hinge, temporary restoration etc. which appears to be related to include cost of maintenance and repair, operation of Highways are **not considered** as Eligible Projects.
4. If the project name reveals that the construction of roads NH/ SH under CRF under ISC/ IE, SARDP, LWE, stand alone ROB bridges, tunnels w.r.t roads may be considered under category -3. The projects with the title of PMGSY road, link road, city roads, rural road and other roads in which nature of highway is not clear may be considered under category -4
5. In case the estimated cost of project and revised cost of project is provided, the revised cost of project has been considered for evaluation.
6. In case the certificates submitted by the Bidders do not mention the word "Statutory Auditor", the Statutory Auditor has been identified from the annual reports submitted by the Bidder / Member. The certificate has been accepted in case the firm of Statutory Auditor mentioned in the latest annual report of the Bidder / Member is the same as the one who has signed the supporting certificates.
7. In case the statutory auditor/client certificates provided for category 1, 2, 3 & 4 as supporting documents are not strictly as per the format provided in the RFP (Annex IV (para-13 & 14) of Appendix 1A but provide all the information required, the same have been accepted for evaluation purpose and/or any requisite information is missing, clarifications were sought for the same.

8. For calculation of value of B, where the certificate submitted in support of value of B are not signed by the Competent Authority/Person or if the value of balance work cannot be determined from such certificates then value of work completed is considered as zero and full value of work has been considered for calculating value of B. In view of foregoing, if the Bidder is not qualifying the criteria of Bid Capacity; then certificates submitted by the Bidders are considered and clarifications are sought accordingly.
9. For qualification under 2.2.2.2 (ii), road protection works/ excavation works done for NH/ SH/ Tunnel are also considered as completed projects. The same was discussed with the Authority.
10. As per the RFP, For a project to qualify as an Eligible Project under Categories 1 and 2, It should have been undertaken as a PPP project on BOT, BOLT, BOO, BOOT or other similar basis for providing its output or services to a public sector entity or for providing non-discriminatory access to users in pursuance of its charter, concession or contract, as the case may be. If the submitted Project Experience certificate and other supporting documents do not specifically establish the same, however the Statutory Auditor has provided the certificate as per the Format required for PPP Projects (BOT, BOLT, BOO, BOOT or other similar projects) and the nature of the project is mentioned in Annex-IV, the experience score related to those projects has been considered under these categories as the RFP does not specifically provide for mentioning the nature of the project in the supporting certificate as per Annex IV (para-13) of Appendix 1A.

#### **Circulation of this Report**

The report is strictly confidential and just being issued to NHIDCL for their use. In case this report is copied, disclosed or circulated, or referred to in correspondence or discussion with any person other than to NHIDCL, Raj Har Gopal & Co. shall assume no responsibility or liability to such other person. This report contains selected information on a confidential basis.

#### 4.1.2 Evaluation of Bidders:

**Following observations are noted with respect to various Bidders which require compliance from the Bidders before opening of Financial Bid:**

##### **I. Bharat Construction**

1. 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.
2. Bid capacity calculation as per RFP is not found in the submitted bid.
3. 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 are not found in the submitted bid
4. In the absence of client certificates, value of B is considered as the full value of work awarded (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.
5. **Based on the above facts Bid capacity of the Bidder works out to be Rs 58.80 cr. ( in worst scenario) which is less than the required Minimum Bid capacity required to be Technical Responsive i.e. 79.09 Crore, therefore Bidder is considered as technically Non- Responsive.**

##### **II. KCC Buildcon Pvt. Ltd.**

1. 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.
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'. 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.
3. In the absence of client certificates, value of B for these three projects are considered as the full value of work awarded (worst scenario) for these three projects and accordingly Bid capacity of the Bidder works out to be (-)65.29 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.

##### **III. Nagyan Constructions Pvt. Ltd.**

1. 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.

1. MOA & AOA of the Bidder is not found in the Bid. Bidder is required to provide the same.
2. 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.
3. 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.
2. 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.
4. **In Annex III–Financial Capacity of the Bidder & Net-Worth Certificate from the Statutory Auditor of the Bidder, Bidder has claimed networth of Rs. 4.79 Crore including Share application Money of Rs. 2.05 Crore, and the same has not been considered for computation of Net Worth, therefore Net Worth is assessed at Rs. 2.71 Crore, However, minimum required Net Worth (Financial Capacity is Rs. 3.95 Crore. Based on above fact, Bidder is not meeting the Financial capacity criteria, therefore Bid submitted by the Bidder i.e. Nagyan Construction Pvt. Ltd., is considered as Non-Responsive.**

#### IV. Maccaferri Environmental Solutions Pvt. Ltd

1. Annex V- Statement of Legal Capacity, submitted by the Bidder is addressed to Chief Engineer, Project Shivalik, IDPL Complex, Virbhadra, Rishikesh instead of GM (T), NHIDCL, PTI Building , 3<sup>rd</sup> Floor, 4, Parliament Street – New Delhi. Also the said Annex-V is not dated as submitted by the bidder.
2. In Appendix-IB Letter Comprising Financial Bid, submitted by the Bidder, the DSC details of the Authorized Signatory are not mentioned as required as per the format of RFP. Bidder is required to clarify.
3. The Bidder has submitted, Net Worth and Turnover Certificate for the FY 2017-18 from Bhuvnesh Kumar & Associates (CA), Turnover Certificate for FY 2012-13 to 2016-17 from Sukhveer & Co. (CA) and Technical Experience Certificate in support of Annex-IV from Dharkar & Co. (CA).As per the provisions of RFP all these documents are to be certified from the Statutory Auditor of the Company, however in present case the same is being certified by 3 different CA firms. Bidder is required to clarify.
4. Also the Bidder has not attached the full annual report of the company for all financial year, especially for FY 2017-18 the Bidder has not attached the Auditor's Report and full notes to accounts and Director report. Bidder is required to clarify and submit the same. **Based on above the bidder is considered Technically Non Responsive.**

#### V. RCC Developers Ltd:

1. In Appendix-IA- Letter Comprising the Technical Bid submitted by the Bidder, Point number 15 to 27 are missing.
2. In the Annex VI submitted by the bidder, details of Value of B and its certificates are also not legible. As such, Bid capacity of the Bidder cannot be assessed.  
**Based on above observations the bidder is considered as Technically Non-Responsive.**

#### 4.1.3 Assessment of Technical and Financial Capacity:

**Technical and Financial capacity requirement as per Clause 2.2.2.2 and 2.2.2.3:**

- Minimum threshold technical capacity for category 1, 2, 3 & 4 projects – Rs. 79.09 Crore
- Minimum threshold technical capacity for category 1 & 3 projects (Single and Completed) – Rs. 19.77 Crore
- Net Worth - Rs. 3.95 Crore
- Minimum Average Annual Turnover – Rs. 15.81 Cr.
- Total Project Cost – Rs. 79.09Cr.

#### 4.1.3.1 Results with respect to Technical Bid Stage

The Technical Scores assessed and Financial Capacities of all bidders are as under:-

(Rs. in Crore)

S. No	Name of the Applicant	Assessed Technical Score		Financial Capacity		Bid Capacity Required =Rs. 79.09 Cr.	Responsive/ Non-Responsive
		Technical Capacity Assessed (in cr.) (Required –Rs. 79.09 cr.)	Complete Project for 1 & 3> Rs. 19.77 cr.	Net Worth Required= Rs. 3.95 Cr	Average Annual Turnover Required = Rs.15.81 Cr.		
1	M/s Bharat Construction	258.92	Project Code "m" EPC=56.50 Cr	40.38	87.42	58.80**	Technically Non-Responsive/ Not Eligible
2.	M/s Chaudhary Construction Company Pvt. Ltd.	85.35	Project Code "d" EPC=25.75 Cr	9.15	31.27	88.25	Technically Responsive/ Eligible
3.	M/s Gawar Construction Limited	2228.22	Project Code "d" EPC=170.28 Cr	651.86	1702.88	1705.29	Technically Responsive/ Eligible
4.	M/s RCC Developers Limited	424.65	Project Code "a" EPC=169.77 Cr	84.07	341.12	Cannot be assessed as Documents are not legible	Technically Non Responsive***
5.	M/s Nagyan Construction Pvt. Ltd.*	94.79	Project Code "a" EPC=105.31 Cr	2.71**	18.93	198.69	Technically Non Responsive/ Not Eligible
6.	M/s KCC Buildcon Pvt. Ltd.	1903.33	Project Code "a" EPC=401.50 Cr	241.40	617.45	(-) 65.28**	Technically Non Responsive/ Not Eligible
7.	M/s Maccaferri Environmental Solutions Pvt. Ltd.	158.61	Project Code "a" EPC=40.00 Cr	122.80	250.61	163.90	Technically Non Responsive***

**\*\*less than minimum required, please refer pg. 11 & 12**

**\*\*\*subject to fulfilment of compliances mentioned on pg. 11 & 12**

**5 Conclusion:**

<b>SL. NO</b>	<b>STATUS</b>	<b>NUMBER OF BIDDERS</b>	<b>REMARKS</b>
1.	Bids received by NHIDCL	7	Please refer page no. 4
2.	Responsive and Eligible	2	Refer Table Above
3.	Non-Responsive Bidders	3	Please refer page no. 10, 11, 12
4.	Technically Responsive Bidders subject to certain compliances	2	Please refer page no. 10, 11, 12

Thanking you and assuring best professional Services at all times.

**For Indraprastha Corridor Advisory Services (P) Ltd.**

**(RC Aggarwal)**  
**Chief Executive Officer**  
**Authorized Signatory**

**Enclosure: As above**