

National Highways & Infrastructure Development Corporation Limited

26.02.2021

**Sub:** Construction & Upgradation to 2 lane with paved shoulder from Design Km. 51.700 (Prem Nagar) to Km 66.535 (New Thathri) of 14.84 Km length on Khellani - Kishtwar - Chattroo section of NH-244 in the Union Territory of Jammu & Kashmir on EPC mode (Pkg -II) - reg.

**Contract Package No.:** NHIDCL/J&K/NH-244/K-K/Pkg-II/2020

**Tender Id:** 2020\_NHIDC\_602729\_1


Amendment no. V

Sr.No.	Reference Section/ Clause no.	Existing Provision	Modified Provision (To be read As)
1	RFP	Estimated Cost exclusive of GST (Rs. In Crore): 284.10 Cr.	Estimated Project Cost exclusive of GST (Rs. In Cr.) may be read as Rs.250.37 Cr.
2	Section7 Para:2 of RFP	Cost of BID/RFP document (Refer Clauses No. 1.2.4) : Rs. 23600 (Incl. of 18% GST)	Cost of BID/RFP document (Refer Clauses No. 1.2.4) : Rs. 35400/- (Incl. of 18% GST)
3	Section7 Para:4 of RFP	Threshold Technical Capacity (Refer Clause 2.2.2.2(i)) : Rs. 284.10 Cr.	Threshold Technical Capacity (Refer Clause 2.2.2.2(i)) : Rs. 250.37 Cr.
4	Para (xiv) Clause 2.1.14 of RFP	New	Stand debarred from the Authority as a natural consequence of termination of any project / contract of the Authority.
5	Para (xiv) Clause 2.1.14 of RFP	New	Has been placed in the Negative List of firms by the Authority for any reason including failure to deliver contract in time bound manner, abandoning the project without permission of the Authority, poor performance, penalties, missing targets or milestones, missing interim targets, clumsy execution of works, unethical practices, failure to abide by Integrity Pact or failure to follow any lawful directions given by the Authority. The Authority reserves the right to reject an otherwise eligible Bidder on the basis of the information provided under this clause 2.1.14. The decision of the Authority in



			this case shall be final.
6	Clause 2.1.15 of RFP	New	<p>The bidder including individual or any of its a JV members or its Related Parties, who are already having two on-going EPC projects in NHIDCL or on-going projects worth Rs. 500 cr. (awarded cost) or more in NHIDCL, as on the date of financial bid opening, shall not be eligible to bid for this project.</p> <p>Explanation:</p> <p>(i) An LOA issued for any project shall be counted as an on-going project.</p> <p>(ii) Project having EPC cost of Rs. 25 Crores or less shall not be counted for this purpose.</p> <p>(iii) In case of a company, the Related Parties means Related Parties as defined in the Companies Act' 2013, and in case of a bidder other than a company, the Related Parties means bodies in which the bidder or its partners are partner, trustees or directors in other bodies whether incorporated or not.</p> <p>To substantiate this, the bidder shall provide an undertaking giving list of all such related parties and projects being executed by the Related Parties in NHIDCL.</p> <p>A certificate in this regard from the Statutory Auditor (with UDIN) shall also be provided by the bidder.</p>
7	Cl. 23.1(vi) of DCA		<p>The Authority may, at its discretion, without terminating the contract and allowing the contractor to continue with the existing contract(s), place the contractor(s) in the 'Negative List' for any of the following reasons :</p> <p>a) Failure to achieve milestones proportionate to the encumbrance free ROW handed over.</p> <p>(b) Failure to achieve targets / interim targets duly communicated by the Authority or its officers;</p> <p>(c ) Failure to mobilize machinery / manpower as per the discretion of the Authority or its officers;</p> <p>(d) Inefficient and unsafe execution of work showing total disregard to public safety in construction zone and public</p>

		New	<p>convenience.</p> <p>(e) Showing total disregard to environmental laws, local laws and State / local administration concerns;</p> <p>(f) Showing total lack of ability (whether managerial / technical) to execute projects of such size;</p> <p>(g) Failure to abide by any lawful direction of the Authority or its officers.</p> <p>(h) Failure of contractor to extend/ replenish the Performance Security as per Contract Agreement.</p> <p>(i) Failure of contractor to maintain the project highway during construction and/or after completion of work, during the maintenance period.</p> <p>(j) Failure of contractor to rectify defects/ unsafe work within the time period as directed by Authority Engineer.</p> <p>(k) Subcontracting part or whole of the work without approval of the Authority.</p> <p>(l) Failure of contractor to fulfill its obligations as per Article 3 of contract of agreement.</p> <p>Provided that, the Authority shall issue a notice giving 15 days time to the contractor before placing him in the 'Negative List' and upon evaluation of reply, if any, shall take a final decision. Such a notice shall not be issued without the approval of an officer below the rank of Executive Director.</p> <p>Provided, upon satisfactory action on the matter for which the contractor has been placed in the list, the Competent Authority may allow the contractor to be deleted from the 'Negative List'.</p>
8	Cl. 23.1 (vii) of DCA	New	<p>Consequence of placement in the Negative List :-</p> <p>"The contractor to include all the JV partners and their related parties shall not be eligible to bid in any of the Authority's contracts / projects for a period of 2 years from the date of being placed in the negative list or till the completion of the ongoing contract or removal of the Contractor from the negative list, whichever is earlier."</p>
9	Technical Schedule		Technical Schedule has been uploaded on CPP portal & NHIDCL website.
10	DPR		DPR uploaded on NHIDCL website.

  
**B. Shivprasad**  
 General Manager (T)