

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

A PUBLIC SECTOR UNDERTAKING

सार्वजनिक क्षेत्र का उपक्रम

No. NHIDCL/AE/Hunli-Anini/Km 21.500-Km 92.500/2016

Date: 03/10/2016

To,

M/s EPTISA SERVICIOS DE INGENIERIA, S.L.	M/s L N MALVIYA INFRA PROJECTS PVT LTD	M/s WAPCOS LIMITED	M/s HIGHWAY ENGINEERING CONSULTANT
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Subject: "Consultancy Services for Authority's Engineer for PROJECT of (i) 2 Laning of existing Hunli-Anini road on EPC basis under SARDP-NE from Km 21.50 to Km 37.50 in the state of Arunachal Pradesh (ii) 2 Laning of existing Hunli-Anini road on EPC basis under SARDP-NE from Km 37.50 to Km 53.50 in the state of Arunachal Pradesh (iii) 2 Laning of existing Hunli-Anini road on EPC basis under SARDP-NE from Km 53.50 to Km 92.500 in the state of Arunachal Pradesh." **-Opening of Financial Bid regarding.**

Sir,

Please refer to your bid dated 27.06.2016 submitted towards subject cited project. The following is the final list of technically responsive Bidders. The financial bids of technically responsive bidders shall be opened on **14.10.2016 (1700 hrs)** in NHIDCL HQ, 3rd Floor PTI Building, 4-Parliament Street, New Delhi-110001.

S. No.	Name of Bidder	Technical Score	Status
1	M/s EPTISA SERVICIOS DE INGENIERIA, S.L.	92.71	Eligible for opening of financial bid
2	M/s L N MALVIYA INFRA PROJECTS PVT LTD	87.85	Eligible for opening of financial bid
3	M/s WAPCOS LIMITED	85.25	Eligible for opening of financial bid
4	M/s HIGHWAY ENGINEERING CONSULTANT	89.46	Eligible for opening of financial bid

- The copy of minutes of meeting of Empowered Technical Evaluation Committee (ETEC) dated 15.09.2016 is also enclosed.
- In case of any representation, the bidders may represent by **10.10.2016(1100 hrs)**.
- All the Authorized Representatives are requested to attend the opening of Financial Bids at the Scheduled date and time.


Y.C Srivastava
GM (T)

Subject-Minutes of Meeting of Empowered Technical Evaluation Committee(ETEC) for evaluating Technical Bids for "Consultancy Services for Authority's Engineer for PROJECT of (i) 2 Laning of existing Hunli-Anini road on EPC basis under SARDP-NE from Km 21.50 to Km 37.50 in the state of Arunachal Pradesh (ii) 2 Laning of existing Hunli-Anini road on EPC basis under SARDP-NE from Km 37.50 to Km 53.50 in the state of Arunachal Pradesh (iii) 2 Laning of existing Hunli-Anini road on EPC basis under SARDP-NE from Km 53.50 to Km 92.500 in the state of Arunachal Pradesh" held at NHIDCL, New Delhi on 15.09.2016 (3rd meeting)

1. The REP for the above subject work was invited with bid due date being 27.06.2016 upto 1700 hrs. In all, **four bids** were received from the following bidders.

Sno	Name of Applicant
1.	M/s EPTISA SERVICIOS DE INGENIERIA, S.L.
2.	M/s L N MALVIYA INFRA PROJECTS PVT LTD
3.	M/s WAPCOS LIMITED
4.	M/s HIGHWAY ENGINEERING CONSULTANT

2. Empowered Technical Evaluation Committee (ETEC) in its first meeting 01.08.2016 decided to seek legal opinion on the issue of debarment of M/s L N Malviya Infra Projects Pvt. Ltd by State PWD Madhya Pradesh. In the 2nd ETEC meeting dated 23.08.2016, ETEC considered bid of M/s L N MALVIYA INFRA PROJECTS PVT LTD as Non-responsive based on the legal opinion submitted by the legal consultant and recommended opening of financial bids of the following bidders with the approval of Competent Authority.

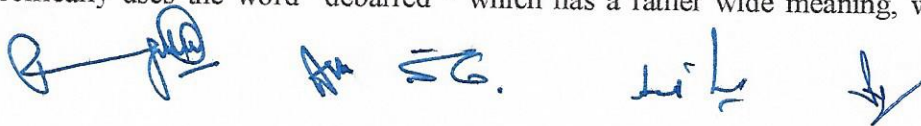
Sno	Name of Applicant
1	M/s HIGHWAY ENGINEERING CONSULTANT
2.	M/s WAPCOS LIMITED
3	M/s EPTISA SERVICIOS DE INGENIERIA, S.L.

3. The Competent Authority directed that a notice of 7 days may be given to the non-responsive firm i.e. M/s L N Malviya Infra Projects Pvt. Ltd. to make any representations, if any. Accordingly, a notice to M/s L N MALVIYA INFRA PROJECTS PVT LTD was issued vide letter dated 26.08.2016 wherein the firm has been asked to make representation, if any within 7 days. M/s L N MALVIYA INFRA PROJECTS PVT LTD submitted their explanation vide letter dated 29.08.2016, which was referred to legal consultant for opinion along with their earlier opinion dated 22.08.2016(**Annexure-A**) wherein he has opined that the consultant is barred by clause 13 of Section 1 of RFP and same is contravened by the fact that the suspension order dated 21.01.2016 imposed on the bidder was in force when the proposal in accordance with the RFP. Thus, the said bidder's proposal with respect RFP seeking Consultancy Services should be deemed to have been **non-responsive** and **non-eligible** in such terms.

4. Legal consultant B.Shanker& Associates vide their letter dated 05.09.2016 (**Annexure-B**) has opined that 'M/s L N Malviya Infra Projects Pvt Ltd stood suspended by the MPPWD, Jabalpur vide suspension order dated 21.01.2016 on the date of submission of bid due date to which issue has arisen, as the same can be conflict section 1 clause 13 of RFP, which reads as follows:

"13 Consultants (sole firm or lead firm and any of the JV partners) who have been debarred by NHAI or any other Central/State government organization and the debarment is in force as on the last date of submission of proposal, need not apply as their RFP proposal will not be entertained"

aforesaid clause specifically uses the word "debarred " which has a rather wide meaning, when

 The block contains several handwritten signatures and initials in blue ink. From left to right, there is a signature that appears to be 'R. Jha', followed by the initials 'A. S.G.', then 'L.H.', and finally a checkmark-like symbol.

compared to the word "suspended" which has been used against the consultant in the case in hand. Debarment is permanent in nature as against suspension being temporary or limited. Therefore, in view of subsequent reversal of the aforesaid suspension order dated 21.01.2016 by the Appellate Authority, the NHIDCL could take a liberal view and treat the subject bid as technically responsive, in terms of the RFP by exercising the discretion vested in it. The matter was put up to the competent Authority. It has been directed to discuss the matter in Executive Committee.

5. In the meantime, Complaint against M/s WAPCOS Limited was also received from Mr. R. K Pandey regarding debarment of M/s WAPCOS Limited. M/s WAPCOS Limited was asked to submit the explanation for the same. In response, M/s WAPCOS limited submitted their explanation regarding their debarment issued by EPCO dated 09.08.2012. This matter was also put up to Competent Authority wherein it was decided to discuss this matter in the Executive Committee.

6. All the matters regarding debarment has been discussed in the 10th meeting of Executive Committee held on 07.09.2016 and the committee recommended the following.

(i) The bid submitted by M/s L N MALVIYA INFRA PROJECTS PVT LTD for the Authority Engineer on 27.06.2016 should be treated as responsive in view of opinion of legal consultant dated 05.09.2016. The Committee also decided that the score obtained by the consultant may be communicated to all the concerned by giving 7 days' time

(ii) The bid submitted by M/s WAPCOS is to be treated as responsive as the suspension order was revoked by the Competent Authority who issued the suspension order before submission of the bid.

7. The Committee has taken cognizance of the views of Executive Committee of NHIDCL and considered the bid of M/s L N MALVIYA INFRA PROJECTS PVT LTD & M/s WAPCOS LIMITED as responsive and accordingly recommends that technical scores with remarks as tabulated below may be communicated to the bidders.

Sno	Name of Bidder	Technical Score	Status
1	M/s HIGHWAY ENGINEERING CONSULTANT	89.46	Eligible for opening of financial bid
2	M/s L N MALVIYA INFRA PROJECTS PVT LTD	87.85	Eligible for opening of financial bid, as decided in the Executive Committee of NHIDCL meeting dated 07.09.2016
3	M/s WAPCOS LIMITED	85.25	Eligible for opening of financial bid as the suspension order was revoked by the Competent Authority before submission of the bid.
4	M/s EPTISA SERVICIOS DE INGENIERIA, S.L.	92.71	Eligible for opening of financial bid

8. Committee also noted that the Senior Contract Specialist of M/s WAPCOS Limited and Bridge/Structural Engineer of M/s **L N MALVIYA INFRA PROJECTS PVT LTD** do not score the minimum qualifying marks i.e 75% marks. The Key Personnel's are to be replaced by the firms if

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it becomes the preferred bidder.

9. The committee therefore recommends opening of financial bids of following bidders after 7 days of communication of scores and status as mentioned in para 6 above to the bidders:

Sno	Name of Applicant
1.	M/s <u>EPTISA SERVICIOS DE INGENIERIA, S.L.</u>
2.	M/s <u>L N MALVIYA INFRA PROJECTS PVT LTD</u>
3.	M/s <u>WAPCOS LIMITED</u>
4.	M/s <u>HIGHWAY ENGINEERING CONSULTANT</u>

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