

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

No. NHIDCL/AE/Hunli-Anini/Km 92.500-Km 131.920 /2016

Date: 03/10/2016

To,

M/s L N MALVIYA INFRA PROJECTS PVT LTD	M/s WAPCOS LIMITED	M/s LION ENGINEERING CONSULTANTS	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 92.50 to Km 106.20 in the state of Arunachal Pradesh (ii) 2 Laning of existing Hunli-Anini road on EPC basis under SARDPNE from Km 106.20 to Km 120.00 in the state of Arunachal Pradesh (iii) 2 Laning of existing Hunli Anini road on EPC basis under SARDP-NE from Km 120.00 to Km 131.920 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 (1730 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 L N MALVIYA INFRA PROJECTS PVT LTD	93.06	Eligible for opening of financial bid
2	M/s WAPCOS LIMITED	82.02	Eligible for opening of financial bid
3	M/s LION ENGINEERING CONSULTANTS	91.71	Eligible for opening of financial bid
4	M/s HIGHWAY ENGINEERING CONSULTANT	95.02	Eligible for opening of financial bid

2. The copy of minutes of meeting of Empowered Technical Evaluation Committee (ETEC) dated 15.09.2016 is also enclosed.

3. In case of any representation, the bidders may represent by **10.10.2016(1100 hrs)**.

4. 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 92.50 to Km 106.20 in the state of Arunachal Pradesh (ii) 2 Laning of existing Hunli-Anini road on EPC basis under SARDPNE from Km 106.20 to Km 120.00 in the state of Arunachal Pradesh (iii) 2 Laning of existing Hunli Anini road on EPC basis under SARDP-NE from Km 120.00 to Km 131.920 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.

S.No.	Name of Applicant
1.	M/s L N MALVIYA INFRA PROJECTS PVT LTD
2.	M/s WAPCOS LIMITED
3.	M/s LION ENGINEERING CONSULTANTS
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.

S.No.	Name of Applicant
1.	M/s HIGHWAY ENGINEERING CONSULTANT
2.	M/s WAPCOS LIMITED
3.	M/s LION ENGINEERING CONSULTANTS

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"

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



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. Further, complaint against M/s Lion Engineering Consultants from Mr. R.K Pandey regarding the debarment of M/s Lion Engineering Consultants was also received. M/s Lion Engineering Consultants was asked to submit the explanation for the same vide letter dated 30.08.2016. In response, M/s Lion Engineering Consultants vide their letter dated 31.08.2016 has submitted that the order was revoked by CE, PWD Gwalior. As regards, placing M/s Lion Engineering Consultants in the negative list by APD, PIU, Gwalior, the same order has been stayed by the Hon'ble High Court, Gwalior by order dated 05.04.2016 & 04.05.2016. This matter was also put up to Competent Authority wherein it was decided to discuss this matter also in the Executive Committee.

6. Competent Authority has directed to refer all the matters regarding debarment of firms to the Executive Committee of NHIDCL. The matter has been discussed in the 10th meeting of Executive Committee held on 07.09.2016 (**Annexure-C**) 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.

(iii) The bid submitted by M/s Lion Engineering Consultants is to be treated as responsive subject to the final outcome of Hon'ble High Court of Gwalior.

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 and M/S LION ENGINEERING CONSULTANTS as responsive and accordingly recommends that technical scores with remarks as tabulated below may be communicated to the bidders.

S.No.	Name of Bidder	Technical Score	Status
1	M/s HIGHWAY ENGINEERING CONSULTANT	95.02	Eligible for opening of financial bid
2	M/s L N MALVIYA INFRA PROJECTS PVT LTD .	93.06	Eligible for opening of financial bid, as decided in the Executive Committee of NHIDCL meeting dated 07.09.2016
3	M/s WAPCOS LIMITED	82.02	Eligible for opening of financial bid as the suspension order was revoked by the Competent Authority before submission of the bid.

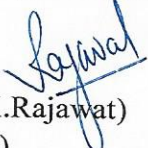




4	M/s LION ENGINEERING CONSULTANTS	91.71	Eligible for opening of financial bid subject to final outcome of Hon'ble High Court of Gwalior
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8. Committee noted that the Senior Quantity Surveyor of M/s WAPCOS Limited does not score the minimum qualifying marks i.e. 75% of the marks and is required to be replaced by the firm if it becomes the preferred bidder at the time of negotiation.

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

S. no	Name of Applicant
1.	M/s L N MALVIYA INFRA PROJECTS PVT LTD .
2.	M/s WAPCOS LIMITED
3.	M/s LION ENGINEERING CONSULTANTS
4.	M/s HIGHWAY ENGINEERING CONSULTANT

Meeting ended with vote of thanks to chair.

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