

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

3rd Floor, PTI Building, 4-Parliament Street, New Delhi-110001, +91 11 2346 1600, www.nhidcl.com



सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016./455

Date: 30.11.2017


Office Memorandum

Sub: Debarring/Blacklisting of M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers , M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Engineers from short-listing; participating or bidding for projects of/or to be undertaken by NHIDCL.

NHIDCL Invited bids for the work of "Consultancy Services for carrying out Feasibility Study, Preparation of Detailed Project Report (DPR) and providing pre-construction services in respect of (i) **2 Laning of Maran-Peren-Dimapur of NH-129A** section in the state of Manipur and Nagaland. (ii) **2 Laning of Parallel Chandel Section of NH- 102C** in the state of Manipur. (iii) **2 Laning of Sanshak-Nampisha on NH-102 A** in the state of Manipur. M/s Wadia Techno Engineering Services Limited in association with Zoma Consulting Services Pvt. Ltd. (hereinafter referred to as the "Consultant") submitted the bids and was declared as the preferred bidder after opening of the financial bids and was called for negotiations vide letter dated 07.10.2016. During negotiation it was found that the CV of Shri Umesh Chand Srivastava submitted on Infracon was fake and he had not given the consent to any firm to participate in bidding process under user ID ucshrivastava2519@gmail.com.

A show cause was asked from the bidder firms and the reply was duly considered. The reply to the show cause was found unsatisfactory and accordingly, by Order dated 20.11.2017, National Highways & Infrastructure Development Corporation Limited (NHIDCL) debarred **M/s Wadia Techno Engineering Services Limited in association with M/s Zoma Engineers , M/s Wadia Techno Engineering Services Limited & M/s Zoma Consulting Engineers** for a period of 3 years under clause 3.2.4 (i) of letter of invitation of RFP for failing to exercise due diligence and complicity in the preparation of fake ID.(Copy of NHIDCL letter is enclosed herewith)

It is requested to host the content of circular on MoRTH website for wide publicity


Col. Rajeev Sood (Retd)
General Manager (Tech)

Encl: a/a

Copy to:

- 1) Secretary, MoRTH
- 2) Chairman, NHAI
- 3) General Manager- Infracon, NHIDCL.
- 4) MoRTH Website through NIC as per MoRTH Circular No. 37010/2/2016/2016/PIC-EAP dated 11.08.20016

Government of India
Ministry of Road Transport & Highways
(EAP Zone)

40
Annexure-5

Transport Bhawan
1, Parliament Street
New Delhi-110 001

Dated the 11th August, 2016

No. RW/NH-37010/2/2016/PLC-EAP

To,

1. The Principal Secretaries/Secretaries of all States/UTs Public Works Department dealing with National Highways, other Centrally Sponsored Schemes & State Schemes.
2. The Engineers-in-Chief and Chief Engineers of all States/UTs Public Works Department dealing with National Highways, other Centrally Sponsored Schemes & State Schemes.
3. Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110010
4. The Chairman, National Highways Authority of India (NHAI), G-5&6, Sector-10, Dwarka, New Delhi-110 075.
5. The Managing Director, National Highway Infrastructure Development Corporation Ltd., 3rd floor, PTI Building, Parliament Street, New Delhi-110 001

Subject: Uploading the list of blacklisted agency/contractors/ concessionaires on MoRTH's website.

Sir,

It is requested that the list of blacklisted agency/contractors/ concessionaires shall be uploaded on MoRTH's website through NIC immediately. It is further requested that in future the name of blacklisted agency/contractors/ concessionaires must be uploaded on MoRTH's website within a week from the date of blacklisting.

1. This issues with the approval of competent authority.
2. The contents of this circular may be brought to the notice of all concerned for its compliance.
3. Yours faithfully,

MD on Tour
DIR (A&F)

de

AM/HR1

(Khushal Chand)
Superintending Engineer (EAP)

OA
Pph
10/9

- Copy to:
1. All Technical Officers at the Headquarters
 2. Secretary General, Indian Roads Congress
 3. Director, IAHE, Noida
 4. Joint Secretary (Highways)

Copy for information to:

1. PS to Minister (RTH)/OSD to Hon'ble Minister/PS to Hon'ble MOS
2. PPS to Secretary (RT&H), PPS to DG(RD) & SS, PS to AS&FA, PS to ADG/III, PS to Coordinator I/II/III
3. Shri Sanjay Aggarwal, Director (PPD), Department of Expenditure, Ministry of Finance Public Procurement Cell, North Block, New Delhi
4. NIC with the request to upload in the Ministry's portal

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सार्वजनिक क्षेत्र का उपक्रम

A PUBLIC SECTOR UNDERTAKING

Without Prejudice

No. NHIDCL/DPR/SN-DMP-PC/Manipur/2016./434

Dated: 20.11.2017

To

M/s Wadia Techno Engineering Services Limited
in association with M/s Zoma Engineers
Wing A Raheja Point 1, Pt. Jawaharlal Nehru Road,
Vakala, Santacruz (E), Mumbai- 400055.

2. M/s Wadia Techno Engineering Services Limited,
Wing A Reheja Point 1, Pt. Jawaharlal Nehru Road,
Vakala, Santacruz (E), Mumbai- 400055

3. M/s Zoma Consulting Engineers
73 C 4th Floor, Prem Complex, Taimoor Nargar
Near New Friends Colony
New Delhi- 110025

Sub: "Consultancy Services for carrying out Feasibility Study, Preparation of Detailed Project Report (DPR) and providing pre-construction services in respect of (i) 2 Laning of Maran-Peren-Dimapur of NH-129A section in the state of Manipur and Nagaland. (ii) 2 Laning of Pallel-Chandel Section of NH- 102C in the state of Manipur. (iii) 2 Laning of Sanshak-Nampisha on NH-102 A in the state of Manipur. Letter of debarment under clause 3.2.4(i) of letter of invitation of RFP.

Sir,

WHEREAS, M/s Wadia Techno Engineering Services Limited in association with Zoma Consulting Services Pvt. Ltd. (hereinafter referred to as the "Consultant") was declared as the preferred bidder after opening of the financial bids and was called for negotiations vide letter dated 07.10.2016 after approval of the competent authority.

AND WHEREAS, in the meantime, an affidavit from Shri Umesh Chand Srivastava was received wherein he had stated that the INFRACON User ID ucshrivastava2519@gmail.com was not created by him and he had not given the

consent to any firm to participate in bidding process under this User ID. He has also stated that he had gone through the CV and it does not relate to his actual profile. Even the personal information e.g. Mother's name, Aadhar Card have not been provided by him to any individual or company as required for creation of User ID ucshrivastava2519@gmail.com. The affidavit further states that his actual User ID is ucs_73@yahoo.co and he owns full responsibility for the information contained in the CV under this User ID only which was uploaded on INFRACON.

AND WHEREAS, it is observed that Mr. Umesh Chand Srivastava, the complainant, is one of the key personnel i.e. Traffic-cum-Safety Expert proposed by the consultant using the User ID ucshrivastava2519@gmail.com which has been disowned by Shri Umesh Chand Srivastava. The consultant was declared the preferred bidder based on the score obtained by this key personnel using the User ID ucshrivastava2519@gmail.com. It is also observed that the experience of key personnel for Traffic-cum-Safety Expert has been created in the User ID, as in actual CV there is no such experience mentioned by the key personnel.

AND WHEREAS, the said Mr. Umesh Chand Srivastava had thereafter issued an email dated 26.12.2016 thereby indicating that he may be prepared to work with the consultant, in a complete volte face from the earlier stand.

AND WHEREAS, in the interest of the project and the e-mail dated 26.12.2016, it was suggested by NHIDCL that a Joint affidavit shall have to be executed between the said Mr. Umesh Chand Srivastava and the consultant to evince their firm intention to commence the project and in furtherance of the e-mail dated 26.12.2016.

AND WHEREAS vide letter dated 25.01.2017 you were asked to submit a joint affidavit executed between the authorized signatory of the consultant and Mr. Umesh Chand Srivastava thereby agreeing to work on the project. However, you failed to submit the joint affidavit which implies that the affidavit earlier submitted by the key personnel Mr. Umesh Chand Srivastava is genuine and you have misrepresented the information to qualify for the subject work and moreover further delayed the project after giving fake assurances.

AND WHEREAS on account of fraudulent practice adopted by the firm the security deposit submitted by the firm was encashed pursuant to Clause 6.8 of RFP, after observing all formalities of show cause by letter dated 30.05.2017.

AND WHEREAS, the relevant provision of the LOI of the RFP regarding debarment is as under:-

3.2.4 (i) *"The CV of the Key Personnel would have to be submitted through INFRACON. It may please be ensured that information is correct. If at*

any stage information is found incorrect action including termination and debarment of the personnel and the Firm from future NHIDCL/Ministry projects up to 3 years may be taken by NHIDCL. Such submissions would also make the concerned key personnel liable for criminal action, as deemed fit”.

AND WHEREAS, as per clause 1.8.2 (v) of the RFP and clause 5 of the MOU dated 19.07.2016, both the firms consisting of the Association are jointly and severally liable, morefully as under:

Clause 1.8.2 (v) of RFP:

“An undertaking that the JV firms are jointly and severally liable to the Employer for the performance of the services.”


Clause 5 of MOU:

“Joint and Several Liability: The Parties do hereby undertake to be jointly and severally responsible for all obligations and liabilities relating to the Consultancy and in accordance with the terms of the RFP and the Contract, for the performance of the Contract.”

AND WHEREAS, the letter of proposal submitted by the consultant along with bid and morefully in Para 2, says as follows:

“All information provided in the Proposal, INFRACON and Appendices is true and correct and all documents accompanying such Proposal and submitted on INFRACON (Digilocker) are true copies of their respective originals.”

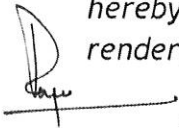
AND WHEREAS, in order to grant an opportunity to the Consultant and in compliance of the principles of natural justice, vide show cause Notice for debarment dated 30.05.2017 the consultant was called for personal hearing on 19.06.2017 as to why the consultant should not be debarred for taking part in future bidding process of NHIDCL for a period of three years as per the clause 3.2.4 (i) of the letter of invitation of RFP.


AND WHEREAS a pursuant to show cause notice dated 30.05.2017, a personal hearing was given on 19.06.2017 to the authorized representatives of the consultant which was presided by the Managing Director of NHIDCL. The Consultant vide letter dated 19.06.2017 submitted a written apology for misrepresentation made by their associate M/s Zoma Consulting Engineers. M/s Zoma Consulting Engineers Pvt. Ltd. vide letter dated 19.06.2017 has admitted that the entire responsibility of CV is with them and M/s Wadia Techno Engineering Services Limited is not at fault and requested to pardon them and relieve M/s Wadia Techno Engineering Services Limited without any penalty or action since they are not involved in the act. In fact by letter dated 19.06.2017, it has been admitted by M/s Zoma Consulting Engineers as follows:-

"The entire act of preparation of the said CV and related documents has been done by us on our own and the same was submitted to M/s. Wadia Techno Engineering Services Ltd (WTESL) to consider the same for the intermittent inputs of 3 months. They have submitted the same in good faith. Accordingly, they are not involved in this process and the entire responsibility in this regard is ours for which we request you to kindly pardon us.

The said key-person has not extended his consent for this project. When we were called upon for an explanation from M/s. WTESL, we accepted our indulgence and requested them to pardon us. As a damage control exercise, we also hereby convey our willingness to utilize the key personnel already proposed directly by M/s WTESL on their own with their own terms and conditions.

Accordingly M/s WTESL have directly negotiated with Mr. Umesh Chand Srivastava for taking him into their regular employment so as to have a better permanent arrangement for the availability of the said key person for the entire duration of the project. Further, we have no objection if our name is withdrawn and the assignment is awarded to M/s. WTESL without our association. We also hereby confirm that any support services required for this project will be rendered to M/s. WTESL if they wish.



We regret for the inconvenience caused to you and M/s. WTESL, more particularly the embarrassment caused to M/s. WTESL. Keeping in view of the fact that we are already successfully working in the most difficult terrain, where the insurgency level is also high, and we have also achieved good success in other projects in this region duly maintaining the required personnel, logistic arrangements for field works etc, we request you to kindly pardon us and relieve M/s Wadia Techno Engineering Services Ltd (WTESL) without any penalty or action since they are not involved in the said act."

AND WHEREAS, the competent Authority also considered the representation dated 19.06.2017 given pursuant to the personal hearing and after carefully considering the written and oral submissions of the firm, the Competent Authority was not satisfied as the creation of the fake ID was apparent and writ large on the face of record.

The Competent Authority of NHIDCL has considered all the facts and found the reply of the consultant M/s Wadia Techno Engineering Services Limited with M/s Zoma Consulting Engineers not satisfactory.


Therefore, in view of the above, the competent authority hereby passes the following orders:

1. The Association of M/s Zoma Consulting Engineers along with M/s Wadia Techno Engineering Services Limited is hereby debarred under clause 3.2.4 (i) of letter of invitation of RFP for a period of 3 years from participation in the future projects of NHIDCL.
2. M/s Zoma Consulting Engineers is hereby debarred under clause 3.2.4(i) of the letter of invitation of RFP for a period of 3 years for complicity in the preparation of fake ID and as admitted in their letter dated 19.06.2017. They are debarred for a period of 3 years from participation in the future projects of NHIDCL.
3. M/s Wadia Techno Engineering Services Limited is hereby debarred under clause 3.2.4 (i) of the letter of invitation of RFP for a period of 3 years for failing to exercise due diligence and complicity in the preparation of fake ID. They are debarred from participation in the future projects of NHIDCL for a period of 3 years.

In view of the clause 1.8.2 (v) of the RFP and clause 5 of the MOU dated 19.07.2016 both the firms i.e. M/s Zoma Consulting Engineers and M/s Wadia Techno Engineering Services Limited are jointly and severally liable and, therefore, debarred for a period of 3 years from participation in the future projects of NHIDCL as per clause 3.2.4 (i) of letter of invitation of RFP for the reasons stated hereinabove.

It may be noted that NHIDCL shall be at Liberty to take such other and further steps as per the Contract and applicable laws.

This is issued with the approval of Competent Authority.


(Col Rajeev Sood, Retd)
GM (Tech)