भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)
National Highways Authority of India
(Ministry of Road Transport & Highways, Govt. of India)
क्षेत्रीय कार्यालय : ४थी मंजिल, एमटीएनएल टी.ई. बिल्डिंग, प्लॉट न. २२, सेक्टर - ११, सीबीडी बेलापुर (ई) नवी मुंबई - 400 614
Regional Office : 4th Floor, MTNL T. E. Building, Plot No. 22, Sector-11, CBD Belapur (E) Navi Mumbai- 400 614
Tel. : 022-27564100 / 4300 / 8200. E-mail : romumbai@nhai.org / website : http://www.nhai.gov.in
भारतमाला
BHARATMALA
प्रगति के पथ पर अग्रसर
ROAD TO PROSPERITY

NHAI/RO/MUM/SLP/Temb./2LVUPs/OTI/Final Outcome/2021/E-3231 Date:.12.10.2021

To,
All participated Bidders.

Sub.: Construction of LVUPs at km 153.600 at Adhegaon Junction and at km 217.565 at Mohol Junction on NH-65 and Four laning of Tembhurni town portion from Old Chainage km.153+050 to Km 159+280 (Not a part of NH-65) with Design Length = 6.230 Km in Pune - Solapur section of NH-09 (New NH 65) in the state of Maharashtra on EPC mode - **Hosting of final outcome of Technical Evaluation of bids & Disposal of objections** - Reg.

Sir,

The bids were received (online) for the subject work on 16.08.2021 till 11.00 Hrs. Bids were opened on 17.08.2021 at Regional Office, Mumbai. The replies were sought from the non-responsive bidders by giving 7 days of time period to respond in case of any objection. The objections submitted by the bidders have been examined by the Evaluation Committee and final outcome is as detailed below;

Bid No.	Name of Bidder	Final outcome	Remarks
1/23	**M/s Shri Swami Samarth Engineers Limited**	**Technically Responsive**	-
2/23	**M/s Krishnae Infrastructure Pvt. Ltd.**	**Technically Responsive**	-
3/23	**M/s Shri S.M. Autade Pvt. Ltd.**	**Technically Responsive**	-
4/23	**M/s Swastik Infra-Logic (India) Pvt. Ltd.**	**Technically Responsive**	-
5/23	**M/s Nikhil Construction**	**Technically Responsive**	-
6/23	M/s Interbuild Infrastructure Pvt. Ltd.	Technically Non-Responsive	Refer Note 1 beneath this table
7/23	**M/s Raj Infrastructure Development (India) Pvt. Ltd.**	**Technically Responsive**	-
8/23	**M/s T and T Infra Limited**	**Technically Responsive**	-
9/23	**M/s Deshmukh And Company**	**Technically Responsive**	-
10/23	M/s Kalyan Toll Infrastructure Ltd.	Technically Non-Responsive	Refer Note 2 beneath this table
11/23	M/s Everest Infrastructure And Developers	Technically Non-Responsive	Refer Note 3 beneath this table
12/23	**M/s AK Shivhare Infrastructure Pvt. Ltd.**	**Technically Responsive**	-
13/23	**M/s RMK Infrastructure Pvt. Ltd.**	**Technically Responsive**	-
14/23	**M/s Sonai Infrastructure Private Limited**	**Technically Responsive**	-
15/23	M/s Sharda Construction And Corporation Pvt. Ltd.	Technically Non-Responsive	Refer Note 4 beneath this table
16/23	**M/s R K Chavan Infrastructure Pvt. Ltd.**	**Technically Responsive**	-
17/23	**M/s Manisha Construction Co.**	**Technically Responsive**	-
18/23	M/s Sanjeev Brothers	Technically Non-Responsive	Refer Note 5 beneath this table
19/23	**M/s Rockeira Engineering LLP**	**Technically Responsive**	-
20/23	M/s Apex Structure Pvt. Ltd.	Technically Non-Responsive	Refer Note 6 beneath this table
21/23	M/s Jijau Constructions Road Builder Pvt. Ltd.	Technically Non-Responsive	Refer Note 7 beneath this table
22/23	M/s Hari Construction and Associates Pvt. Ltd.	Technically Non-Responsive	Refer Note 8 beneath this table
23/23	M/s Valecha Engineering Limited	Technically Non-Responsive	Refer Note 9 beneath this table

Notes:

Note-1: Interbuild Infrastructure Pvt. Ltd.: The Bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.3 (i) of RFP:

- The net worth claimed by the Bidder and as assessed from the Audited Financial Statements for the FY 2019-20 is Rs. 2.66 Crore which is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP.

Dipendra

मुख्य कार्यालय : जी.5 एवं 6, सेक्टर 10, द्वारका, नई दिल्ली - 110 075, Tel. : 011-25074100 / 25074200 Fax : 011-25093507 / 514.
Corporate Office : G. 5 & 6, Sector - 10, Dwarka, New Delhi - 110 075. Tel. : 011-25074100 / 25074200 Fax : 011-25093507 / 514.

- Please note that the Audited Financial Statements for the FY 2019-20 are audited on 09-09-2021 i.e. after the Bid Due Date and if we consider the net worth as on 31-03-2019 based on the audited financial statement for the FY 2018-19 even then the net worth of the Bidder is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP.

- **In addition to above, there are other infirmities/discrepancies observed in the replies submitted. For details refer Appendix-I.**

Note – 2: Kalyan Toll Infrastructure Ltd.:

- Bidder has not submitted a certificate w.r.t. Value of B of Annexure-VI duly certified by the Statutory Auditor **certifying the Value of B as on Bid Due Date i.e. 16.08.2021**. The Statutory Auditor is required to ensure that the UDIN is generated on the same.

- Bidder has not submitted an Undertaking from its Authorized Signatory and duly certified by the Statutory Auditor **certifying the fact that the audit of the FY 2020-21 is still under audit upto Bid Due Date i.e. 16th August 2021.** The Statutory Auditor is required to ensure that

Note-3: Everest Infrastructure & Developers: Please refer **Appendix – II** for information.

Note-4: Sharda Construction and Corporation Pvt. Ltd.:

Bidder has not submitted any response to the clarification sought. Accordingly, in view of non-submission of replies, the Bid submitted by the Bidder is declared as non-responsive in accordance with Clause 3.1.5 of RFP, the relevant extract of which are furnished below-

If a Bidder does not provide clarifications sought under Clause 3.1.4 above within the prescribed time, its Bid may be liable to be rejected. In case the Bid is not rejected, the Authority may proceed to evaluate the Bid by construing the particulars requiring clarification to the best of its understanding, and the Bidder shall be barred from subsequently questioning such interpretation of the Authority.

Therefore, in view of the above and as per Clause 3.1.5, the said Bidder is declared as ineligible for opening of Financial Bid.

Note 5: Sanjeev Brothers: Not eligible for opening of Financial Bid, as the Bidder is not meeting the following minimum eligibility criteria:

- On the basis of available documents as submitted by the Bidder in its Technical Bid and replies submitted by the Bidder, none of the Project claimed by the Bidder are falling under Category-3, since, all the projects comprise of Construction of subway, FOBs, Platform, etc. for Railways, i.e. not covered under construction of highway sector, as a result of which the Bidder is not meeting the eligibility criteria as specified in Clause 2.2.2.2 (ii) of RFP, i.e. one similar work of 20% of Estimated Project Cost shall have been completed or substantially completed (i.e. where more than 90% value of work have been completed) over the last 5 Financial Years i.e. up to 31-03-2021 from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.2 (ii) of RFP.

- Further, after considering all the projects under Cateogry-4, the Aggregate technical score assessed is coming out less than minimum technical capacity of Rs. 62.12 Crore as per clause 2.2.2.2(i) of RFP. Therefore, the bidder is not meeting the minimum eligibility criteria required as per clause 2.2.2.2(i) of RFP.

- The Bidder has generated same UDIN for all the certificates issued in support of Financial Capacity, Technical Capacity, etc. Similarly, Bidder along with its reply has submitted the undertaking w.r.t. Financial Year 2020-21 is not yet audited duly bearing the UDIN. However, on verification of the UDIN from ICAI portal, it is observed that the said UDIN pertains to Average Annual Turnover and Value of B.

- Bidder in its replies has mentioned Complete Notes to accounts of the financial statements from the FY 2015-16 to 2019-20 are attached herewith, however, the same were not found in the replies. Hence, the same is not considered.

- The proof of payment submitted by the bidder is not reflected in the designated account number mentioned in the RFP document. Furthermore, the details of account of RO-Mumbai NHAI as reflected in the proof of payment submitted by the Bidder in its technical bid are not matching with the details of account of RO-Mumbai NHAI provided in the RFP document. Therefore, the Bid submitted by the Bidder is declared as Non-responsive on account of non-receipt of cost of RFP document as per clause 3.1.6.1 (h) of RFP.

Note 6: Apex Structure Pvt. Ltd.:

- The Bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.2 (ii) of RFP i.e. the Bidder is not having experience in construction of one similar work of 20% of EPC i.e. Rs. 16.57 Crore.

Note 7: Jijau Constructions Road Builder Pvt. Ltd.:

- The Bidder has submitted the document fee in the form of Demand Draft instead of making online payment which is required as per Clause 1.2.4 of the RFP, therefore, the Bid submitted by the bidder is declared as non – responsive as per clause 3.1.6.1 (h) of RFP on account of non- submission of copy of Online receipt towards payment of Cost of Bid Document.

- Bidder has not submitted any response to the clarification sought. Accordingly, in view of non-submission of replies, the Bid submitted by the Bidder is declared as non-responsive in accordance with Clause 3.1.5 of RFP, the relevant extract of which are furnished below-

  If a Bidder does not provide clarifications *sought under Clause 3.1.4 above within the prescribed time, its Bid may be liable to be rejected. In case the Bid is not rejected, the Authority may proceed to evaluate the Bid by construing the particulars requiring clarification to the best of its understanding, and the Bidder shall be barred from subsequently questioning such interpretation of the Authority.*

  Therefore, in view of the above and as per Clause 3.1.5, the said Bidder is declared as ineligible for opening of Financial Bid.

Note 8: Hari Construction and Associates Pvt. Ltd.:

- Bidder has not submitted the Certificates in support of value of all existing commitments works for which Appointed Date/Commencement Date has been declared and on-going works issued by the Client or its Engineer-in-charge not below the rank of Executive Engineer or equivalent, which is required as per Note to Clause 2.2.2.1 of RFP. As a result of which the Bidder fails to meet the minimum eligibility criteria of Assessed Available Bid Capacity, specified in Clause 2.2.2.1 of RFP.

Note 9: Valecha Engineering Limited:

- The statutory auditor has certified the Net Worth of the Bidder for an amount of Rs. 36.82 crores as on 31.03.2020. Also point no. 5 of Appendix-A of the statutory auditor's certificate states that the Net worth of Valecha Engineering Limited does not include "Other comprehensive income, in cases where financial statements are prepared based on Ind AS".

  Attention is sought to the statutory auditors' Qualified Opinion whereby the bidder has not evaluated impairment provisions for expected credit losses (ECL) as required under Ind AS 109. As per statutory Auditors' opinion, had such provision towards impairment of Investments, loans and advances and Corporate Guarantees made by the company, the retained earnings would have been reduced by Rs.595.80 crores as at March 31, 2020.

  Statutory auditors' Qualified Opinion, inter alia, also states that the bidder has not provided for regular interest payable to banks estimated at Rs. 87.07 Crores for the year ended 31st March, 2020 as it expects certain relief in view of the proposed One Time Settlement plan being pursued by the Management of the bidder. It is important to note that provisioning of bank interest is a requirement of Accounting standard and cannot be done away with on account of liquidity crises or non-availability of surplus profit.

  Therefore, the net worth of the bidder works out to be as negative against the requirement of Rs. 4.14 Cr. by taking into consideration the Impairment provisions for expected credit losses of Rs. 595.80 crores and/ or bank interest of Rs. 87.07 crores.

  In view of the above, the Bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.3 (i) of RFP.

2. In view of the above, financial bids of the 14 Nos. of Technically responsive bidders (as mentioned in Table above) will be opened on 13.10.2021 at 15:00 Hrs, if possible.

3. This issues with the approval of CGM(Tech) / RO - Mumbai.

Thanking you,

Yours faithfully,

Dipendr
12/10/21

(D. S. Rathore)
Dy. Manager (Tech)
Regional Office - Mumbai.

Interbuild Infrastructure Pvt. Ltd.

Not eligible for opening of Financial Bid, as the Bidder is not meeting the following minimum eligibility criteria specified in RFP:

- **The net worth claimed by the Bidder and as assessed from the Audited Financial Statements for the FY 2019-20 is Rs. 2.66 Crore which is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP. Hence, the Bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.3 (i) of RFP.**

S. No.	Appendix/ Annex No.	Project Code (if any)	Description of clarification sought	Replies submitted by the Bidder	Remarks of Financial Consultant
1.	**Integrity Pact**	**NA**	The Integrity Pact submitted by the Bidder is not as per the format prescribed at RFP. Please Clarify.	Changes made accordingly, enclosed page no 01	Bidder along with its replies has submitted the copy of Integrity Pact duly signed by Authorized Signatory, which fulfils the requirement of clarification sought. Hence, the same is considered.
2.	**Annex-III (Financial Capacity of the Bidder)**	**NA**	1. In Year 5 of Net Cash Accruals and Annual Turnover, the Bidder has mentioned 'NA' instead of mentioning the figure. Please Clarify. 2. In Annex-III, the Bidder has claimed the Net Worth for FY 2018-19 instead of FY 2020-21. Please Clarify. Further, the Bidder has submitted the Statutory Auditor's certificate certifying the Net Worth for FY 2018-19 instead of submitting the certificate certifying the Net Worth as on 31.03.2021, which is required as per clause 2.2.2.9(ii) of RFP. Please Clarify. In case the Financial Statements of FY 2020-21 are not audited then the Bidder was required to claim Net Worth for FY 2019-20 submit the Statutory Auditor's certificate for the same.	Changes made accordingly, enclosed page no 2	1. Bidder along with its reply has submitted the Annex-III. Hence the same is considered. 2. Bidder along with its replies has submitted an Undertaking from its Statutory Auditor duly certifying that the Audit of Financial Statements of FY 2020-21 is still under Audit. Accordingly, the Bidder has submitted the corrected Annex-III and Statutory Auditor's certificate duly certifying the Net Worth as on 31.03.2020 as Rs. 2.66 Crore. **Since, the net worth claimed by the Bidder and as assessed from the Audited Financial Statements for the FY 2019-20 is Rs. 2.66 Crore which is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP.** **Please note that the Audited Financial Statements for the FY 2019-20 are audited on 09-09-2021 i.e. after the Bid Due Date and if we consider the net worth as on 31-03-2019 based on the audited financial statement for the FY 2018-19 even then the net worth of the Bidder is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP. Hence, the Bidder fails to meet the minimum eligibility criteria**

Interbuild Infrastructure Pvt. Ltd.

Not eligible for opening of Financial Bid, as the Bidder is not meeting the following minimum eligibility criteria specified in RFP:

- **The net worth claimed by the Bidder and as assessed from the Audited Financial Statements for the FY 2019-20 is Rs. 2.66 Crore which is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP. Hence, the Bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.3 (i) of RFP.**

S. No.	Appendix/ Annex No.	Project Code (if any)	Description of clarification sought	Replies submitted by the Bidder	Remarks of Financial Consultant
					specified in Clause 2.2.2.3 (i) of RFP and not eligible for opening of financial Bid.
3.	**Annex-IV (Details of Eligible Project)**	**NA**	1. In Para 1 of Statutory Auditor's certificate submitted in support of Annex-IV, the words "and the project was/ is likely to be commissioned on.............. (date, if any)" have been omitted. Please Clarify. 2. The Statutory Auditor's certificates submitted in support of Annex-IV are signed on 21.01.2021. However, at the end of certificates it is mentioned that 'this certificate is issued on basis of Non Audited Financial for FY 2019-20 provided by the director of the Company'. Therefore, the Bidder is required to clarify through Statutory Auditor's certificate that why the Financial Statements of FY 2019-20 are still un-audited as on date of signing of certificate i.e. 21.01.2021. 3. In case of Project code (b), the name of the project mentioned in Annex-IV and Statutory Auditor's certificate is different. Please Clarify. 4. Bidder has claimed all the projects in Category 3, however, from the Statutory Auditor's certificate and Client's certificate, the date of completion of the projects is not clear, therefore, it is not clear whether the Bidder is meeting the eligibility criteria as specified	Changes made accordingly, enclosed page no 3	1., 2., 3. and 4. Bidder along with its replies has submitted the Annex-IV containing all the details duly certified by the Statutory Auditors. Hence, the same is considered.

Interbuild Infrastructure Pvt. Ltd.

Not eligible for opening of Financial Bid, as the Bidder is not meeting the following minimum eligibility criteria specified in RFP:

- **The net worth claimed by the Bidder and as assessed from the Audited Financial Statements for the FY 2019-20 is Rs. 2.66 Crore which is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP. Hence, the Bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.3 (i) of RFP.**

S. No.	Appendix/ Annex No.	Project Code (if any)	Description of clarification sought	Replies submitted by the Bidder	Remarks of Financial Consultant
			in Clause 2.2.2.2 (ii) of RFP, i.e. one similar work of 20% of Estimated Project Cost shall have been completed or substantially completed (i.e. where more than 90% value of work have been completed) over the last 5 Financial Years i.e. up to 31-03-2021 from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.2 (ii) of RFP. Please Clarify the same through some supporting documents such as Client's certificate/ Statutory Auditor's certificate duly reflecting all the details of the project.		
4.	Annex- VI (Information required to evaluate the Bid Capacity)	NA	1. In Statutory Auditor's certificate submitted w.r.t. Value of A and C, the date and place of signing of certificate has not been mentioned which of required as per the format of Annex-VI prescribed at RFP. Please Clarify. 2. The date and place of signing of Value of B has not mentioned which is required as per format of Annex-VI prescribed at RFP. Please Clarify. Further, it is not clear whether the Value of B is same as on Bid Due Date of the project i.e. 16.08.2021 or not. Please Clarify. 3. In the heading of certificate showing the Value of B, the words **"the next 1.5 years"** has been replaced with the words 'the next ** years'. Please Clarify.	Changes made accordingly, enclosed page no 4	1. Bidder along with its replies has submitted the corrected certificate of Annexure-VI w.r.t. Value of A and C duly mentioning the date and place of signing, which fulfils the requirement of clarification sought. Hence, the same is considered. 2 & 3. Bidder along with its replies has submitted the corrected certificate of Annexure-VI w.r.t. Value of B duly signed on 09.08.2021, which fulfils the requirement of clarification sought. Hence, the same is considered.

Interbuild Infrastructure Pvt. Ltd.

Not eligible for opening of Financial Bid, as the Bidder is not meeting the following minimum eligibility criteria specified in RFP:

- **The net worth claimed by the Bidder and as assessed from the Audited Financial Statements for the FY 2019-20 is Rs. 2.66 Crore which is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP. Hence, the Bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.3 (i) of RFP.**

S. No.	Appendix/ Annex No.	Project Code (if any)	Description of clarification sought	Replies submitted by the Bidder	Remarks of Financial Consultant
5.	Appendix-II (Bid Securing Declaration)	NA	1. In 2nd line of Para 1, Bidder has mentioned the name as 'Bakhtyaar Khan' instead of mentioning the name of the Bidder i.e. "Interbuild Infrastructure Pvt. Ltd.". Please Clarify. 2. In 2nd line of Para 1, the words "180 (one hundred eighty)" has been replaced with the word '120'. Please Clarify. 3. In 1st and 4th line of Para 2, Bidder has mentioned the name of 'Bakhtyaar Khan' instead of mentioning its own name i.e. "Interbuild Infrastructure Pvt. Ltd.". Please Clarify. 4. In 3rd line of Para 2, the words "Clause 1.3" has been replaced with the words 'Clause 7'. Please Clarify. The Bidder has got the Bid Securing Declaration notarized. However, the notarization has been done on 14.08.2021 i.e. before the date of signing of Appendix-II which is not possible. Please Clarify.	Changes made accordingly, enclosed page no 5	Bidder along with its replies has submitted the corrected Appendix-II, which fulfils the requirement of clarification sought. Hence, the same is considered.
6.	Appendix-III (POA for signing of Bid)	NA	1. In 8th line of Para 1, the name of the project has been omitted between the words 'for the' and 'Project proposed'. Please Clarify.	Changes made accordingly, enclosed page no 6	Bidder along with its replies has submitted the fresh POA executed on 08.09.2021, which has not been taken into consideration by us. However, with the submission of fresh POA the Bidder has agreed with the contents. However, the POA now submitted also not properly executed.

Interbuild Infrastructure Pvt. Ltd.

Not eligible for opening of Financial Bid, as the Bidder is not meeting the following minimum eligibility criteria specified in RFP:

- **The net worth claimed by the Bidder and as assessed from the Audited Financial Statements for the FY 2019-20 is Rs. 2.66 Crore which is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP. Hence, the Bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.3 (i) of RFP.**

S. No.	Appendix/ Annex No.	Project Code (if any)	Description of clarification sought	Replies submitted by the Bidder	Remarks of Financial Consultant
			2. Appendix-III submitted by the Bidder is not properly executed rather the same is only signed by the Authorized Signatory himself i.e. the POA was to be executed by a Person duly authorized by Board Resolution/ Charter documents in f/o Mr. Bakhtyaar Khan. Please Clarify. 3. Appendix-III submitted by the Bidder is executed on 16.08.2021. However, the date of notarization of POA is 14.08.2021 i.e. before execution of POA, which is neither possible nor desirable. Please Clarify. 4. The POA is not properly executed, therefore, Bidder is required to submit a Board Resolution in favor of person who will execute the Appendix-III which is required as notes to format of Appendix-III prescribed at RFP. Please clarify.		The Attorney got the power to sign the Bid Documents directly through Board Resolution. Since, the bidder is not eligible as the Bidder fails to meet the minimum eligibility criteria required as per clause 2.2.2.3(i) of RFP. Therefore, comment upon acceptance or rejection of the Bidder on account of POA is irrelevant.
7.	**Audited Annual Reports**	**NA**	1. Bidder has not submitted the Audited Financial Statements of FY 2019-20 and FY 2020-21 which is required as per the provisions of RFP. Please Clarify. 2. In case the Financial Statements for FY 2020-21 have not been audited then Bidder is required to submit an Undertaking duly certified by the Statutory Auditor stating that the annual accounts for the latest financial year i.e. 2020-21 are not yet audited and	Changes made accordingly, enclosed page no 7	Bidder along with its replies has submitted the Audited Financial Statements of FY 2019-20 on 09-09-2021, which is after the Bid Due Date. Since, the bidder is not eligible as the Bidder fails to meet the minimum eligibility criteria required as per clause 2.2.2.3(i) of RFP. Therefore, comment upon acceptance or rejection of the Bidder on account of Financial Statement is irrelevant.

Interbuild Infrastructure Pvt. Ltd.

Not eligible for opening of Financial Bid, as the Bidder is not meeting the following minimum eligibility criteria specified in RFP:

- **The net worth claimed by the Bidder and as assessed from the Audited Financial Statements for the FY 2019-20 is Rs. 2.66 Crore which is less than Rs. 4.14 Crore required as per clause 2.2.2.3(i) of RFP. Hence, the Bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.3 (i) of RFP.**

S. No.	Appendix/ Annex No.	Project Code (if any)	Description of clarification sought	Replies submitted by the Bidder	Remarks of Financial Consultant
			therefore, the Bidder cannot make it available which is required as per clause 2.2.2.8 (ii) of RFP. Please clarify. Further, the Statutory Auditor of the Bidder is required to ensure to generate the UDIN for the said certificate.		2. Bidder along with its replies has submitted the undertaking from Statutory Auditor duly certifying that the Financial Statements of FY 2020-21 is still not Audited, which fulfils the requirement of clarification sought. Hence, the same is considered.
8.	**Appendix-IX** **(Certificate regarding Compliance with Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs)**	**NA**	Bidder has not submitted Appendix-IX i.e. Certificate regarding Compliance with Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs) which is required as per format prescribed at RFP. Please Clarify.	Changes made accordingly, enclosed page no 8	Bidder along with its replies has submitted Appendix-IX, which fulfils the requirement of clarification sought. Hence, the same is considered.

Appendix-II

Everest Infrastructure & Developers

Sr. No.	Clarifications sought by Authority	Clarifications submitted by Bidder	Remarks
1	Project codes 'd', 'f' and 'h' are major maintenance work/ periodic renewal/ special renewal work, therefore, the same are not allowed to be considered under any Category as per Clause 2.2.2.5(iii)(II). Hence, not considered under any Category while evaluating the Technical Capacity of the Bidder. Further, the project mentioned at project code 'j', namely, "Improvement to Lawangi Karkal Auj Kurghot road MDR 152 at km 0/000 to 15/000 Tal. South Solapur, Dist. Solapur", is a Major District road, however, it is not clear whether the same is with loan with loan assistance from multilateral agencies. Therefore, the same has been considered under Category-4, as a result of which the aggregate technical score of the Bidder is coming out less than minimum technical capacity of Rs. 62.12 Crore as per clause 2.2.2.2(i) of RFP. Therefore, the Bidder fails to meet minimum eligibility criteria of technical capacity of Rs. 62.12 Crore as per clause 2.2.2.2(i) of RFP.	1). As per cl. No. 2.2.2.5 (iii) (II) such maintenance works shall be considered as eligible projects in case of Maintenance works to be taken up on EPC mode. (Project code (d) and (f): The project are on EPC mode.) **For Proj. Code 'h': as per Circular N.H. C E office above Rs. 5Cr. Considered on EPC mode.** **Attached Highlighted clause. Pdf** 2). Project Code 'j': This project Authorized by PWD Executive Engg. Div. no. 1, Solapur. Therefore, this project considers under Category-3. Our Technical Score is now **106.20 Cr. Attached (Annex-II) Therefore its score is maximum as per cl. 2.2.2.2(i).** **Attached Highlighted Clause. Pdf**	It is again reiterated that Clause 2.2.2.5(iii)(II) explicitly states that "***Maintenance works are not considered as eligible project for evaluation as per Instruction No.6 to Annex-IV***". Therefore, by virtue of the aforesaid clause, the maintenance works have not been considered under evaluation. The contention of the Bidder is not tenable, since, the maintenance works are to be considered as eligible projects **only and only in case of Maintenance works which are to be taken up on EPC mode**, i.e. to say when the project under consideration is of maintenance nature and is taken up on EPC Mode, then only these projects are to be considered. However the subject project for which the Bids have been invited i.e. "*Construction of LVUPs at km 153.600 at Adhegaon Junction and at km 217.565 at Mohol Junction on NH-65 and Four laning of Tembhumi town portion from Old Chainage km.153+050 to Km 159+280 (Not a part of NH-65) with Design Length = 6.230 Km in Pune - Solapur section of NH-09 (New NH 65) in the state of Maharashtra on EPC mode*" **is a Construction work and not a Maintenance work and accordingly, the projects of Maintenance work may not be considered as an eligible projects. Hence, the same may not considered.** Further, the response submitted by the Bidder for project code (j) is not justified. Please read the relevant extract of Clause 2.2.2.5 (iii) (IV) of RFP produced below: *"(ii) Widening/ re-construction/up-gradation works on MDRs with loan assistance from multilateral agencies or on BOT basis,"* As per our report dated 23rd September 2021, the said project was already considered in Category 4 as it was not clear whether the project was with loan assistance from multilateral agencies or not which is required as per above referred clause. **Since, the Bidder has still not submitted any documentary evidence duly reflecting that the project was with loan with loan assistance from multilateral agencies. Therefore, the project code 'j' cannot be considered under Category 3.** **Hence, there is no change in technical capacity of the Bidder and the Bidder still remains to be ineligible for opening of Financial Bids.**

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2	The EPC of all the projects claimed by the Bidder i.e. Project code 'a' to 'j' is less than 16.57 Crore except for Project code 'f', namely, "Major maintenance of providing and laying dense Bituminious Macadam & Bituminious Concrete work on Pune Solapur road NH-65 from km 190/050 to 251/300", however, the said work is a maintenance work, which is not allowed as per Clause 2.2.2.5(iii)(II) of RFP. Hence, the same may not be considered. In view of the above, the Bidder also fails to meet eligibility criteria as specified in Clause 2.2.2.2 (ii) of RFP, i.e. one similar work of 20% of Estimated Project Cost shall have been completed or substantially completed (i.e. where more than 90% value of work have been completed) over the last 5 Financial Years i.e. up to 31-03-2021 from the Eligible Projects in Category 1 and/or Category 3.	As per cl. No. **2.2.2.5(iii)(II)** such maintenance works shall be considered as eligible projects in case of Maintenance works to be taken up on EPC mode. **(Project code (f): This project is on EPC mode.)** Therefore one similar work of 20% of Estimated Project Cost is **Rs. 30.77 Cr.** already completed and attached document, so we are eligible as per Clause 2.2.2.2(ii). **Attached Highlighted clause. Pdf**	It is again reiterated that Clause 2.2.2.5(iii)(II) explicitly states that "***Maintenance works are not considered as eligible project for evaluation as per Instruction No.6 to Annex-IV***". Therefore, by virtue of the aforesaid clause, the maintenance works have not been considered under evaluation. The contention of the Bidder is not tenable, since, the maintenance works are to be considered as eligible projects **only and only in case of Maintenance works which are to be taken up on EPC mode**, i.e. to say when the project under consideration is of maintenance nature and is taken up on EPC Mode, then only these projects are to be considered. However the subject project for which the Bids have been invited i.e. "*Construction of LVUPs at km 153.600 at Adhegaon Junction and at km 217.565 at Mohol Junction on NH-65 and Four laning of Tembhumi town portion from Old Chainage km.153+050 to Km 159+280 (Not a part of NH-65) with Design Length = 6.230 Km in Pune - Solapur section of NH-09 (New NH 65) in the state of Maharashtra on EPC mode*" **is a Construction work and not a Maintenance work and accordingly, the projects of Maintenance work may not be considered as an eligible projects. Hence, the same may not considered.** **Therefore, there is no change in the eligibility of the Bidder and it still remains to be ineligible for opening of financial bids.** **In view of the foregoing discussions and on the basis of our report dated 23rd September 2021, Bidder fails to meet minimum eligibility criteria of technical capacity of Rs. 62.12 Crore as per clause 2.2.2.2(i) of RFP.** **Further, the Bidder also fails to meet the minimum eligibility criteria as specified in Clause 2.2.2.2 (ii) of RFP, i.e. one similar work of 20% of Estimated Project Cost shall have been completed or substantially completed (i.e. where more than 90% value of work have been completed) over the last 5 Financial Years i.e. up to 31-03-2021 from the Eligible Projects in Category 1 and/or Category 3 and the result as declared in our report dated 23rd September 2021 still stands the same.**

Signature Not Verified
Digitally signed by MADHUKAR KONDBARAO WATHORE
Date: 2021.10.12 16:22:45 IST
Location: eProcurement System for Central PSUs