Sub: Construction of 4-lane Elevated Corridor from near Madiaon to IIM Crossing (KM. 486.285 to km. 488.231) on Lucknow – Sitapur section of NH-24 on EPC Mode in the State of UP.- ***(Invited received through e-Tendering)***.- Tender Id.-85354. **Final Result of Technical Evaluation reg.**

Sl. No.	**Name of the Applicant**	**Technical Capacity in Category 1,2,3 & 4 (Rs. In crore) Clause 2.2.2.2(i)**	**Financial Capacity (Rs. In crore)- Clause 2.2.2.3(i)**	**One similar work completed in Category 1 and/ or 3 in last 5 years (Rs. In crore)- Clause 2.2.2.2(ii)**	**Average Annual Turnover (Rs. In crore) Clause 2.2.2.3(ii)**	**Assessed Available Bid Capacity (Rs. In crore)* Clause 2.2.2.1**	**Remarks**
RFP Requirement		**101.06**	**5.05**	**20.21**	**15.16**	**101.06**	
1.	M/s DSC Engineering Private Limited	The Bidder M/s DSC Engineering Pvt. Ltd. is considered as Technically Disqualified as per Clause 2.2.2.1 and 2.2.2.2(i) of RFP.					
2.	M/s Lall Construction Company	106.29	14.62	50.05	84.93	231.32	Qualified
3.	M/s Maan Builders	256.62	13.04	37.09	44.51	162.95	Qualified
4.	M/s R S Sharma Contractors Private Limited	130.55	11.05	21.23	32.81	170.54	Qualified
5.	M/s Vindhya Construction Company	102.86	8.66	26.38	21.28	101.64	Qualified
6.	M/s Sona Builders	305.65	21.99	33.04	114.08	106.70	Qualified
7.	M/s Spacechem Enterprise (A Business Vertical of Spacechem Engineering Pvt. Ltd.	The bidder M/s Spacechem Enterprise (A Business Vertical of Spacechem Engineering Pvt. Ltd is considered as Technically Disqualified as per clause 2.2.2.2 (i), 2.2.2.5 (i) & (ii) of RFP					
8.	M/s Bharat Spun Pipe & Construction Company	122.66	16.87	49.12	35.45	107.27	Qualified
9.	M/s Rana Engineering CO. (India) Pvt. Ltd.	The bidder M/s Rana Engineering CO. (India) Pvt. Ltd. is considered as Technically Disqualified as per clause 2.2.2.8 (ii), 2.2.2.9 (ii), 2.2.2.3 (i) of RFP					
10.	M/s ASC Infratech Pvt. Ltd.	237.35	26.22	62.51	71.32	204.57	Qualified
11.	M/s Brijesh Agrawal	The bidder M/s Brijesh Agrawal is considered as Technically Disqualified as per clause 2.2.2.2 (i), 2.2.2.5 (i) & (ii) of RFP					
12.	M/s Ashok Kumar	148.65	18.03	76.86	44.63	218.65	Qualified
13.	M/s Vidya Infrabuilt Private Limited	142.62	10.41	132.98	40.64	141.54	Qualified
14.	M/s Shree Manglam Buildcon (I) Pvt. Ltd JV with Girrajji Stone Crushers (P) Ltd.	LM 278.97 OM 96.52 Total 375.49	LM 27.99 OM 24.00 Total 51.99	88.46	LM 115.74 OM 73.50 Total 189.24	LM 211.54 OM 72.58 Total 284.12	Qualified

15.	M/s All Grace Developers Private Limited	152.08	17.78	36.21	42.85	130.27	Qualified
16.	M/s JCC Infraprojects Private Limited	245.74	17.25	34.03	64.04	152.77	Qualified
17.	M/s Vijai Construction (India) Private Limited	983.04	106.84	351.39	261.62	469.18	Qualified
18.	M/s Kaluwala Construction Private Limited	214.17	11.05	40.32	57.85	304.47	Qualified
19.	M/s PBC Infrastructure India Private Limited	217.33	15.54	47.18	43.15	375.02	Qualified
20.	M/s Ceigall India Limited	2048.85	304.77	257.36	489.81	1442.87	Qualified
21.	M/s PRL Projects & Infrastructure Limited JV with Paramount Tradecom Private Limited	LM 419.81 OM 46.56 Total 466.37	LM 57.59 OM 2.60 Total 60.19	87.98	LM 234.16 OM 10.85 Total 245.01	LM 72.02 OM 60.56 Total 132.58	Qualified
22.	M/s Shiva Buildtech Private Limited	232.02	29.75	149.88	92.65	341.41	Qualified

Sl. No. 1) **M/s DSC Engineering Private Limited:-** The bidder has claimed maximum value of Civil Engineering works for the FY 2020-2021 which is unaudited figure for calculation of value of A (Value of work completed). Further, after considering the FY 2019-2020 as Maximum value of Civil Engineering works the bidder is not meeting the required Bid Capacity.

As per Clause 2.2.2.1 of RFP Bidder shall meet 100% requirement of Bid Capacity. However, the M/s DSC Engineering Private Limited (Assessed Bid Capacity is 82.68 Cr.) is not meeting the Required Bid Capacity (i.e. 101.06 Cr.)

Hence, the Bidder M/s DSC Engineering Pvt. Ltd. is considered as Technically Disqualified as per Clause 2.2.2.1 and 2.2.2.2(i) of RFP.

Sl. No. 7) **M/s Spacechem Enterprise (A Business Vertical of Spacechem Engineering Pvt. Ltd..:-** The bidder has Claimed in the Annex-IV in the submitted only project code A as an eligible project in category 3.

As per Clause 2.2.2.2 (i) For demonstrating technical capacity and experience (the “Technical Capacity”), the Bidder shall, over the past 5 (five) financial years preceding the Bid Due Date, have received payments for construction of Eligible Project(s), or has undertaken construction works by itself in a PPP project, such that the sum total thereof, as further adjusted in accordance with clause 2.2.2.5 (i) & (ii), is more than Rs. 101.06 Crore (Rupees One Hundred One Crore and Six Lakh Only) (the “Threshold Technical Capacity”) bidder has to meet 100% Threshold Technical Capacity. However, bidder Assessed Technical Capacity is 33.65 Cr. and required Total Technical Threshold Capacity (i.e. 101.06 Cr.).

Therefore, bidder M/s Spacechem Enterprise (A Business Vertical of Spacechem Engineering Pvt. Ltd is considered as Technically Disqualified.

Sl. No. 9) **M/s Rana Engineering CO. (India) Pvt. Ltd.:-**

Case I: Financial Capacity (Networth)

As per Clause 2.2.2.3 of the RFP, the bidder has to meet a minimum Net Worth of Rs. 5.05 crore (Rupees Five Crore and Five Lakhs) as on FY 2020-21 (31.03.2021). Further, as per clause 2.2.2.8.(ii) of RFP, *"In case the annual accounts for the latest financial year are not audited and therefore the bidder cannot make it available, the bidder shall give an undertaking to this effect and the statutory auditor shall certify same. In such a case, the Bidder shall provide the Audited Annual Reports for 5 (five) years preceding the year for which the Audited Annual Report is not being provided."*

However, as per submitted bid document, bidder has neither submitted any Undertaking as required in clause 2.2.2.8.(ii) of RFP nor Audited Financial statement for the FY 2020-21. *(In case of considering Audited FS for the FY 2019-20 if FS for the FY 2020-21 is not audited)*.

Subsequently, the bidder has not furnished Certificate(s) from its Statutory Auditors specifying the Net Worth of the bidder of Rs. 23.42 crore as on 31.03.2020 and bidder has also not given the methodology adopted for calculating Net Worth as per the provisions of Clause 2.2.2.9 (ii) of RFP.

However, as per the Audited Balance Sheet of the applicant for FY 2019-20, net worth of the bidder is Rs.2.73 crores as per following methodology:

S No	Description	Total Net Worth (in crore)
1	Paid up share capital	2.40
2	Add: Reserve & Surplus	0.33
	Total	2.73
3	Less: Deferred Expenditure and Miscellaneous Expenditure not written off	0.00
	Total Net Worth	2.73

Further, it may be noted that share application money pending allotment is neither free reserve nor paid up capital, the same cannot be included in the computation of net worth.

Furthermore, As per the documents submitted by the Bidder along with the Bid, the Net Worth of the Bidder as on 31st March, 2020 was calculated as Rs. 2.73 Cr. After declaration of Technical Evaluation Result, the Bidder has submitted representation in which the bidder has provided following documents:

1. Undertaking
2. Tax Audit Report & Filled Income Tax Computation

The information provided in the above documents are contradicting each other, since, in the Undertaking it is mentioned that "*It is hereby undedaken and submitted the annual accounts of the company RANA ENGINEERING CO. (lNDlA) PVT. LTD. For the latest financial year (F.Y. 2020-2021) are not audited and therefore the company con not make it available*". However, the Bidder has also attached the Audit Report & Statement of Accounts. It is noted that the Audit Report & Statement of Accounts submitted by Bidder is not audited as per the Company Act, 2013. Hence the same is not considered for evaluation.

Case-II Takeover – Queries Raised

Takeover of business of Rana Engineering Co. (a partnership firm) by Rana Engineering Co (India) Private Limited (a private limited company)

(xiv) any transfer of a capital asset or intangible asset by a firm to a company as a result of succession of the firm by a company in the business carried on by the firm, or any transfer of a capital asset to a company in the course of demutualisation or corporatisation of a recognised stock exchange in India as a result of which an association of persons or body of individuals is succeeded by such company Provided that—

(a) all the assets and liabilities of the firm or of the association of persons or body of individuals relating to the business immediately before the succession become the assets and liabilities of the company;

(b) all the partners of the firm immediately before the succession become the shareholders of the company in the same proportion in which their capital accounts stood in the books of the firm on the date of the succession; and

(c) the partners of the firm do not receive any consideration or benefit, directly or indirectly, in any form or manner, other than by way of allotment of shares in the company

(d) the aggregate of the shareholding in the company of the partners of the firm is not less than fifty per cent of the total voting power in the company and their shareholding continues to be as such for a period of five years from the date of the succession;

Sl. No.	Conditions	Status of compliance
1.	<u>Section 47(xiii) (a) of the Income Tax Act</u>: all the assets and liabilities of the firm or of the association of persons or body of individuals relating to the business immediately before the succession become the assets and liabilities of the company;	A joint reading of the following: a) 'Agreement For Takeover of Firm between Partnership Firm Rana Engineering Co. and Rana Engineering Co (India) Private Limited' has been executed on 31st March, 2020 (the "Takeover Agreement"); b) board resolution of Rana Engineering Co (India) Private Limited held on March 31, 2020; indicates compliance. Confirmation Certificates required from its SA that Rana Engineering Co (India) Private Limited has taken over the business of Rana Engineering Co duly mentioning the date of business taken over.
2.	<u>Section 47(xiv) (b) of the Income Tax Act</u>: all the partners of the firm immediately before the succession become the shareholders of the company in the same proportion in which their capital accounts stood in the books of the firm on the date of the succession.	From a bare reading of the shareholding pattern set out in MoA and AoA, it appears that (1) Subodh Krishna Rana (2) Sanjib Kumar Rana (3) Goutam Rana (4) Sima Rana and (5) Arun Kumar Rana all holds 10000 nos. of equity shares in Company. Further, a bare reading of Takeover Agreement (refer clause 12), it appears that shareholders of the company are in the same proportion in which their capital accounts stood in the books of the firm on the date of the succession. *However, NHAI is advised to obtain confirmation from its SA that Shareholders are holding in same proportion of their capital.*
3.	<u>Section 47(xiv) (c) of the Income Tax Act</u>: the partners of the firm do not receive any consideration or benefit, directly or indirectly, in any form or manner, other than by way of allotment of shares in the company	From a bare reading of the Takeover Agreement (refer clause 10) and MoA/AoA, it appears that the only purchase price/ consideration for the takeover transaction as consideration. *However, NHAI is advised to obtain a confirmation (in the form of an affidavit) from partners to the effect that he has neither received nor is due to receive any consideration or benefit, directly or indirectly, in any form or manner, other than by way of allotment of shares in the company.*
4	the aggregate of the shareholding in the company of the partners of the firm is not less than fifty per cent of the total voting power in the company and their shareholding continues to be as such for a period of five years from the date of the succession	From a bare reading of the shareholding pattern set out in MoA and AoA, it appears that (1) Subodh Krishna Rana (2) Sanjib Kumar Rana (3) Goutam Rana (4) Sima Rana and (5) Arun Kumar Rana all holds 10000 nos. of equity shares in Rana Engineering Co (India) Private Limited (indicating holding 50% shareholding). However, NHAI is advised to obtain the following: a) confirmation of statutory auditors of Pvt. Ltd. that partners of the firm holding 50% shareholding in Pvt. Ltd company; b) confirmation cum undertaking (in the form of an affidavit) of the Partners to the effect that he shall continue to hold not less than 50% of total voting power for a period of 5 years from the date of the take-over.

Further, NHAI had raised above mentioned queries to the Bidder and requested for the reply on the same, however, the bidder has not provided any reply to the NHAI in this regard within stipulated period. Since, as per Clause 3.1.5 of RFP "*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."

In view of the above, Bidder is not meeting the requirement as per clause 2.2.2.3, 2.2.2.8(ii), 2.2.2.9(ii) of RFP

Therefore, bidder M/s Rana Engineering CO. (India) Pvt. Ltd is considered as Technically Disqualified.

Sl. No. 11) **M/s Brijesh Agrawal :-**
The Bidder has Claimed in the Annex-IV Payment received for the Financial Year 2015-16. However, as per the RFP last Financial Year Payment received Considered for FY i.e. 2016-17 to 2020-21.

As per Clause 2.2.2.2 (i) For demonstrating technical capacity and experience (the "Technical Capacity"), the Bidder shall, over the past 5 (five) financial years preceding the Bid Due Date, have received payments for construction of Eligible Project(s), or has undertaken construction works by itself in a PPP project, such that the sum total thereof, as further adjusted in accordance with clause 2.2.2.5 (i) & (ii), is more than Rs. 101.06 Crore (Rupees One Hundred One Crore and Six Lakh Only) (the "Threshold Technical Capacity") bidder has to meet 100% Threshold Technical Capacity. However, bidder Assessed Technical Capacity is 42.40 Cr. and required Total Technical Threshold Capacity (i.e. 101.06 Cr.).

Therefore, bidder M/s Brijesh Agrawal is considered as Technically Disqualified.

Signature Not Verified

Digitally signed by DEBASISH DAS
Date: 2022.01.14 12:09:38 IST
Location: eProcurement System for Central PSUs