

Minutes of Meeting on dated: 15-02-24 held to review representation received regarding Evaluation of Technical Bids for the Work "Rehabilitation and Upgradation to 2 lane with paved shoulders of Patto Jawahar Singh Wala to Dina Village Kangar road section of NH-254 Design Ch. From Km 38.00 to 51.200 in the state of Punjab. (Package-III) (Length 13.200 Km).
(Job No: NH-254-PB-2022-23/566 dated 29/03/2023)

Sanctioned Cost: Rs 94,63,06,554 (94.63 Cr)
Amount put to tender : Rs : 72,92,23,694 (Excluding GST) (72.92 Cr)

Meeting of the Technical Evaluation Committee held on dated: 15/02/24 under the Chairmanship of the Chief Engineer (NH), Punjab, PWD, B&R Branch, Patiala to deliberately discuss the representation/query received from the Bidder M/s Universal Infra Projects which were held Non-Responsive by Technical Evaluation Committee in their meeting dated: 31.01.24. The following members were present:-

1.	Er. J.S.Tung, Chief Engineer(NH), Punjab, PWD, B&R Br, Patiala	Chairman
2.	Er. Kulbir Singh Sandhu, Superintending Engineer, National Highway Circle, Ferozepur.	Member
3.	Sh Krishan Kumar Handa, Deputy Controller, Finance & Accounts, Internal Audit, Ferozepur.	Member
4.	Er. Ankit Kumar, EE, Office of R.O.-cum-C.E. MoRT&H Chandigarh	Member
5.	Er. Ajay Garg, Executive Engineer, National Highway Division No.2, PWD B&R Branch, Bathinda.	Member Secretary.

2. At the onset, the Chief Engineer (NH), Patiala welcomed the participants. Executive Engineer, National Highway Division No.2, PWD B&R Branch, Bathinda apprised that the Minutes of meeting held on dated: 31.01.2024 was uploaded on E-tender Portal <http://eprocure.gov.in/eprocure/app> on dated: 31.01.2024 and it was decided by the Committee to open the Financial Bid of 06 (Six) technically Responsive Bidders namely (1) M/s Rajinder Kumar & Co. (2) M/s ASC Builders Pvt. Ltd., Bathinda (3) M/s Gurbachan Singh Contractor, Bathinda (4) M/s Shivam Construction Co. (5) M/s Bhullar Constructions. (6) M/s MYC Infra Pvt Ltd. on dated: 07.02.2024 at 03:00 PM and remaining 02 (Two) bidders namely (1) M/s Universal Infra Projects (2) M/s Mukesh Trading Corporation were declared Non-Responsive by the Committee.

3. Further, Member Secretary apprised the Committee that a representation by the bidder M/s Universal Infra Projects, Rohtak has been received through Superintending Engineer, National Highway Circle, PWD B&R, Ferozepur w.r.t his office Endst No: A-2/2389/EE dated: 07.02.2024 and no other representation is received from other non-responsive bidder. The representation received by bidder and decision taken by Committee along with decision taken by committee earlier in meeting dated: 31.01.2024 is as under:-

As per conditions stipulated in the approved RFP, following criteria/ documents are required to be fulfilled/submitted by the all the bidders:-

Name of Bidder	M/s Universal Infra Projects
Representation received from the Bidder	1. We are in receipt of the above referred MOM dated 31.01.2024, wherein you have stated M/s UNIVERSAL INFRA PROJECTS to be 'Non-Responsive' due to non compliance the criteria of Similar work as required under clause 2.2.2.2 (II) of the RFP in respect of the above mentioned work.
	2. At the outset, we state that M/s UNIVERSAL INFRA PROJECTS clearly complies/meets the Clause 2.2.2.2. (II) of the RFP and the statement of M/s UNIVERSAL INFRA PROJECTS being 'Non- Responsive', as mentioned in the above referred MOM is completely incorrect and bad. M/s UNIVERSAL INFRA PROJECTS meets all the requirements as set out in the RFP Clause 2.2.2.2. (II) and is a duly qualified bidder, satisfying all the perquisites set out in the RFP.
	3. While a detailed explanation with regard to the qualification of M/s UNIVERSAL INFRA PROJECTS, in terms of Clause 2.2.2.2(ii) of the RFP, is being given herein below, we would like to point out that as per prevalent practice and even the procedure followed by your good office, as seen in various tender evaluation, normally clarifications are being sought from the bidders in case of any ambiguity w.r.t. the technical qualifications of the bidder. However, by way of the above referred MOM, the statement to the effect that M/s UNIVERSAL INFRA PROJECTS being 'Non-Responsive', without seeking prior clarification, is contrary to the said practice and procedure. Needless to state, the said statement being made in the absence of giving M/s UNIVERSAL INFRA PROJECTS an opportunity to provide clarification or being heard, even runs contrary to the principles of natural justice. As such, it is evident that the issuance of the above referred MOM by your good office is nothing but a show of its arbitrary and whimsical approach, which smacks of malafide. In fact, this also goes on to reflect the obscure/opaque manner of working of your good office, which is indicative of your high-handed approach.
	4. The Condition of RFP clause 2.2.2.2 (II) is given below:- "Provided that at least one similar work of 20% of Estimated Project Cost Rs.14.58 Crore (Rs. Fourteen Crore Fifty Eight Lakhs only) shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the estimated project cost."
	5. In view of the above clause of your RFP, it is not written anywhere that the value of similar work should be 90% completed upto 31.03.2023 of the total value of work. Therefore, our work namely One time treatment by providing Strengthening of NH-709 (Extn.) from Km.114.320 to Km. 116.570 & Km. 121.720 to 127.00 and Reconstruction of existing 4-Lane road with paved shoulder by providing C.C. Pavement from Km. 116.570 to Km. 118.300 & Km. 118.900 to Km. 121.00 in Bhiwani town of NH-709 (Extn.) under NH Division Rohtak is completed 91% and its value of Rs. 24.58 Cr. which is more than the required.
	6. In view of the aforementioned, it is evident that M/s UNIVERSAL INFRA PROJECTS has the requisite experience to qualify as a bidder for the captioned subject matter and also meets all the other

	requirements/qualifications as set out in the RFP. However, in case of any further ambiguity w.r.t. to the qualification of the M/s UNIVERSAL INFRA PROJECTS for the captioned subject matter, we request your good office to provide us a personal hearing to give the necessary clarifications/submissions in this regard, while adhering to the principles of natural justice.
Decision taken in Meeting dated: 31.01.2024	The bidder has submitted all the requisite documents and fulfils all the criteria stipulated in the RFP as per above table except criteria of completion of one Similar Work Project in the last 05 financial years preceding the bid due date (Year-1 taken as 2018-19 as mentioned in clause 2.2.2.2(iv) in accordance with clause 2.1.13) having value of 20% of estimated project cost i.e. 14.58 Cr and such project shall be 90% Financially completed. Member Secretary has mentioned that bidder has attached certificate of project named "One time treatment by providing strengthening on NH-709 (Extn) from Km 114.320 to Km 116.570 & Km 121.720 to Km 127.00 and Reconstruction of existing 4-lane road with paved shoulder by providing C.C. Pavement from Km 116.570 to Km 118.300 & Km 118.900 to Hence the 121.00 in Bhiwani town of NH-709 (extn) under NH Division Rohtak in the State of Haryana on EPC Mode". Further, Member Secretary has also mentioned that bidder has attached certificate issued by EE(NH), Haryana PWD B&R, Rohtak in which it is mentioned that financial progress as on 06.10.2023 is 91%. It was discussed in the meeting whether to consider this project or not at Clause 2.2.2.2(ii) of RFP says that at least one Similar Work of 20% of Estimate Project Cost shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5. For his purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the estimated project cost. However, CE(NH), Punjab, State PWD, Chairman of the committee and others mentioned that as mentioned in Clause 2.2.2.2, progress as on 31.03.2023 should be considered and financial progress of project was less than 90% as on 31.03.2023. Hence, works should not be considered. Hence, the agency is found Non Responsive.
Final Decision taken by the Committee	The bidder fulfil the Criteria for Net Worth, Annual Average Turnover, Technical Capacity and Bid Capacity but does not fulfils the criteria for one similar work as per clause 2.2.2.2 (ii) Hence for the bidder to qualify in technical evaluation all criteria need to be fulfilled stipulated in the RFP. Further, As per clause 2.1.13 of RFP "Notwithstanding anything to the contrary contained herein, in the event that the Bid Due Date falls within three months of the closing of the latest financial year of a Bidder, it shall ignore such financial year for the purposes of its Bid and furnish all its information and certification with reference to the 5 (five) years or 1 (one) year, as the case may be, preceding its latest financial year. For the avoidance of doubt financial year shall, for the purposes of a Bid hereunder, mean the accounting year followed by the Bidder in the course of its normal business" The bid due date of the current project was 12.10.2023 which falls in the financial year 2023-24. Moreover, It is pertinent to mention that as per clause 2.2.2.1 & 2.2.2.2 (iv) and as per appendix 1A the years and updation factors to be considered are clearly mentioned in the RFP as below:-

Year	2022-23	2021-22	2020-21	2019-20	2018-19
Updation Factors	1.00	1.05	1.10	1.15	1.20

As per this table the year 1 has been taken as 2022-23, therefore the progress of the works in the year of 2023-24 has to be ignored.

Further in addition to this, as per clause 2.2.2.2 (ii) "For normal Highway projects (including Major ridges/ROB/ Flyovers/ Tunnels): Provided that at least one similar work of 20% of Estimated Project Cost Rs. 14.58 Crore shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the estimated project cost.

As per the attached certificate of the CA, the financial progress of the work till 31-03-2023 was 4.32 Cr only against required Rs. 14.58 Cr.

Therefore, the bidder is not qualifying with respect to 20% of estimated project cost and also the work is not 90% completed by the end of FY: 2022-23. Therefore, the same does not qualify as the similar work as per clause 2.2.2.2(ii). Hence, the agency is found technically Non-Responsive

4. It is again decided by the committee to open the Financial Bids of Six (06) technically responsive bidders namely (1) M/s Rajinder Kumar & Co. (2) M/s ASC Builders Pvt. Ltd., Bathinda (3) M/s Gurbachan Singh Contractor, Bathinda (4) M/s Shivam Construction Co. (5) M/s Bhullar Constructions. (6) M/s MYC Infra Pvt Ltd. on dated: 20/02/24 at 03.00 PM. Further as per clause 2.2.2.1 Point 4 of RFP, all the responsive bidders are directed to furnish the certified updated value of B as on dated: 19/02/24 (duly considering even the works for which bidder has emerged as the winner of the bids, but LOA has not been issued), as per the format stipulated in RFP, positively upto date 20/02/24 by 01.00 P.M through email " xencw2@gmail.com. If any bidder fails to do the same for whatsoever reason, such bidder would be treated as Non-Responsive and its financial bid would not be considered for opening.

The meeting ended with vote of thanks to the chair.

(Er. Ajay Garg),
Executive Engineer,
National Highway Division No.2,
PWD, B&R Br, Bathinda

(Krishan Kumar Handa),
Deputy Controller,
Finance & Accounts,
Internal Audit, Ferozepur

(Er. Ankit Kumar)
Executive Engineer,
Office of R.O.-cum-C.E.,
MoRT&H, Chandigarh

(Er. Kulbir Singh Sandhu),
Superintending Engineer,
National Highway Circle,
PWD, B&R Br, Ferozepur

(Er. J.S. Tung),
Chief Engineer(NH),
Pb.PWD, B&R Br, Patiala