

Technical Evaluation of Bids for O&M of 10 I&C Centres
MoRTH's Tender No. RT-25038/05/2022-RS dated 27th October, 2023

Ministry of Road Transport & Highways has invited bids electronically through CPP Portal for selection of an Operator for Operation and Maintenance of 10 I&C Centres sanctioned under Ministry's scheme to 10 States at Raipur (Chhattisgarh), Jammu (Jammu & Kashmir), Kochi (Kerala), Aizwal (Mizoram), Dimapur (Nagaland), Kapurthala (Punjab), Puducherry (Puducherry), Ranipool (Sikkim), Malkapur (Telangana) and Kolkata (West Bengal). These I&C Centres have been sanctioned under MoRTH Scheme. The last date of bid submission was 28th August, 2023 at 1730 hrs and Technical Bid opening date was 3rd September, 2024.

2. As per Tender Document, the 10 I&C Centres have been divided into two Groups. Group-1 includes I&C Centres at Raipur (Chhattisgarh), Aizwal (Mizoram), Dimapur (Nagaland), Ranipool (Sikkim) and Kolkata (West Bengal) and Group-2 includes Jammu (Jammu & Kashmir), Kochi (Kerala), Kapurthala (Punjab), Puducherry (Pudicherry) and Malkapur (Telangana). Successful bidder will be decided Group-wise.

3. A Committee for evaluation of the Bids under the Tender was constituted by Ministry comprising the following members vide Office Memorandum No. RT-25038/05/2022-RS(234994) dated 19th August, 2024 .

- (i) Deputy Secretary (RS), MoRTH _Chairman
- (ii) Representatives of ARAI-Member
- (iii) Representative of CIRT-Member
- (iv) Representative of iCAT-Member
- (v) Representative of Transport Department, Punjab
- (vi) Representative of Transport, Department of Transport, Nagaland
- (vii) Under Secretary (RS), Member Convener

In compliance of the Office Memorandum, concerned Organizations nominated their representative as detailed below:

- (i) Shri Arebo Peter, Assistant Transport Commissioner, Motor Vehicle Department, Govt. of Nagaland, Kohima
- (ii) Shri Simran Sra, Assistant Transport Commissioner, Department of Transport, Govt. of Punjab, Chandigarh
- (iii) Shri Jayant Bhale Rao, Senior Manager, Automotive Research Association of India (ARAI)
- (iv) Shri Sunil Bakshi, Manager (Inspection & Certification), international Centre for Automotive Technology (iCAT), Manesar (Haryana)

- (v) Shri U. K. Suryawanshi, Head-Research & Consultancy, Central Institute of Road Transport, Pune (Maharashtra)

4. The Committee opened the Technical Bids received on CPP Portal in its meeting held on 3rd September, 2024 at Transport Bhawan, New Delhi. The Committee noted that total three bids were received on the CPP Portal. The details of the three Bids received under the tender are as under:

- (i) M/s. Matsya Fitness Centre, Alwar (Rajasthan) in Consortium with Soluciones Mecanicas Globales-Solumek SA, Kolombia
- (ii) Rosmerta Technologies Limited, Gurugram (Haryana)
- (iii) M/s Shiv Kumar, Jaipur (Rajasthan) in consortium with M/s. Likhmi Ram Bhambu, Nagaur (Rajasthan) and M/s. Shyam Industries, Jaipur

5. Road Safety Cell informed the Committee that Tender Fee and EMD in original have been received from all the three Bidders. The bidders were also allowed to present during the technical bids opening. Thereafter, the Committee decided to evaluate the bids in details as per the tender provisions and call subsequent meetings to finalize the Technical Bids. A representation received through email dated 28th August, 2024 at 1706 hrs was also discussed in the Committee meeting. The Second Meeting of the Committee was organized virtually on 18th September, 2024 at 2.00 P.M. to discuss another representation dated 9th September, 2024. 3rd meeting of the Committee was conducted through VC on 28th October, 2024 to discuss another representation dated 8th October, 2024. The 4th meeting of the Committee was held on 19th November, 2024 through VC to prepare and finalise the Minutes. The observations raised in the said representations have been taken care off while evaluating the Bids and observation-wise response of the Committee on the three representations have been given at **Annexure** of these Minutes.

6. The Committee observed that the tender was floated on 27th October, 2023 with a provisions to seek clarification till 5th November, 2023 and a pre-bid meeting was also arranged on 6th November, 2023. The suggestions received during the pre-bid meeting were examined by the Ministry in consultation with the technical agencies, and were considered to the extent possible and necessary modifications were made in the qualification criteria such as relaxation in the Lane year experience criteria, turnover criteria, allowing some more legal entities etc. to make the bids more competitive. The committee has also observed that the tender was satisfactorily advertised on CPP Portal and on the website of Ministry and sufficient time was given for submission of bids as the bid was floated on 28th October, 2023 with initially bid submission date as 28.11.2023. The Bid submission time was expended from time to time and the last date of bid submission was 28th August, 2024.

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7. The Committee observed that the Memorandum of Understanding (MoU) for Consortium dated 13th August, 2024 of Matsya Fitness Centre, Alwar (Rajasthan) with Soluciones Mecanicas Globales-Solumek SA, Kolombia is without signature of any witness and non-notarised. Further, the Committee also observed that there are contradictory in the documents submitted by Matsya Fitness Centre, Alwar (Rajasthan) as the Power of Attorney by Soluciones Mecanicas Globales-Solumek SA, Kolombia to Matsya Fitness Centre, Alwar dated 1st August, 2024 authorizing as Lead Bidder for the tender does not co-relate with the MoU dated 13th August, 2024 because the PoA has been signed before the signing of MoU on 13th August, 2024. Moreover, the Power of Attorney by Mr. Daniel Enrique Duran on behalf of M/s. Soluciones Mecanicas Globales-Solumek SA, Kolombia to Matsya Fitness Centre, Alwar has been given before PoA dated 8th August, 2024 by M/s. Soluciones Mecanicas Globales-Solumek SA, Kolombia to Mr. Daniel Enrique Duran for the tender purpose. Therefore, the Committee observed the Bid of Matsya Fitness Centre, Alwar (Rajasthan) in Consortium with Soluciones Mecanicas Globales-Solumek SA, Kolombia as nonresponsive and need not to further evaluate the Bid on other parameters.

8. The Committee observed that Memorandum of Understanding (MoU) and Power of Attorney of Consortium of M/s Shiv Kumar, Jaipur (Rajasthan) with M/s. Likhmi Ram Bhambu, Nagaur (Rajasthan) and M/s. Shyam Industries, Jaipur has been signed on 7th August, 2024. As per the Power of Attorney (PoA) of the Consortium Members, Mr. Shiv Kumar has been authorized to do all acts on behalf of the Consortium Members for the Tender. Out of the two EMDs in the form of BGs bearing No. 6692IPEBG240041 dated 6th August, 2024 for Group-1 and bearing No. 6692IPEBG240042 dated 7th August, 2024 for Group-2 issued by India Bank has been submitted by the bidder in respect of the two Groups with the bid. The Committee observed that the EMD in the form of BG bearing No. 6692IPEBG240041 dated 6th August, 2024 submitted on behalf of the Consortium can not be treated as EMD on behalf of the Consortium as it has been issued before the signing of MoU and Power of Attorney by the consortium Members to M/s. Shiv Kumar. Therefore, the Committee observed the Bid of consortium of M/s Shiv Kumar, Jaipur (Rajasthan) in consortium with M/s. Likhmi Ram Bhambu, Nagaur (Rajasthan) and M/s. Shyam Industries, Jaipur is nonresponsive for Group-1. The Bid of M/s Shiv Kumar, Jaipur (Rajasthan) in consortium with M/s. Likhmi Ram Bhambu, Nagaur (Rajasthan) and M/s. Shyam Industries, Jaipur is responsive for Group-2 only.

9. The Committee has observed Bid of M/s. Rosmerta Technologies Limited, Gurugram (Haryana) responsive for both the Groups.

10. The Committee recommends that Bid of M/s. Rosmerta Technologies Limited, Gurugram (Haryana) may be treated as responsive for both the Groups i.e. Group-1 and Group-2 and Bid of M/s Shiv Kumar, Jaipur (Rajasthan) on behalf of consortium of M/s. Likhmi Ram Bhambu, Nagaur (Rajasthan) and M/s. Shyam Industries, Jaipur may be treated as responsive for Group-2 only. Financial Bids may be opened accordingly.

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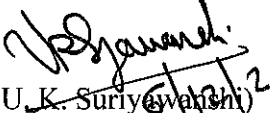
11. GFR Rule 173(xxi) provides that when a limited or open tender results in only one effective offer, it shall be treated as a single tender contract. Further, GFR Rule 173(xix) provides that Lack of competition in rule 173(xix) shall not be determined solely on the basis of the number of Bidders. Even when only one Bid is submitted, the process may be considered valid provided following conditions are satisfied:

- a. *the procurement was satisfactorily advertised and sufficient time was given for submission of bids.*
- b. *the qualification criteria were not unduly restrictive; and*
- c. *prices are reasonable in comparison to market values*

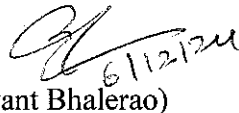
12. In view of the above para, the Committee observed that the bid of M/s. Rosmerta Technologies Limited, Gurugram (Haryana) for Group-1 I&C Centres results in only one effective offer i.e. "Single Bid" which may be considered in light of provisions under Rule 173(xix) of the GFR as detailed in para 11 above. The Committee observed that the provisions of (a) and (b) of the Rule 173(xix) are satisfied in the Tender process. To comply with the provision under part (c) of Rule 173 (xix), the committee made the following recommendations:

As the number of lane per centre and number of centres in each group are same in both the Groups, therefore the cost of operations for both the groups should be more or less similar. Therefore, to insure that prices of Group-1 are reasonable in comparison to prices of Group-2, the Prices of Group-1 can be compared with the prices of Group-2. In case there is wide variation in the rates of Group-1 in comparison to Group-2, Ministry may proceed for negotiation in respect of the Group-1 with the concerned bidder to make it compatible with the rate quoted by the successful bidder for the Group-2. In such negotiation, if required, the rates of electricity, water, State's Labour rates, location of the centre, availability of consumables in the locality of the I&C Centres, local taxes of the State Governments etc. may be well taken care off by Ministry.

The meeting ended with vote of thanks to and fro the Chair.

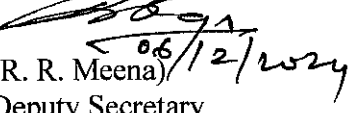

(U.K. Suriyavanshi)
Head(Research & Consultancy)
CIRT, Pune

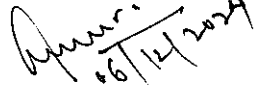

(Sumit Bakshi)
Manager (I&C)
iCAT, Manesar


(Jayant Bhalerao)
IMPC
ARAI, Pune


(Arenbo Peter)
Asst. Transport Commissioner
Motor Vehicles Dept.
Govt. of Nagaland


(Simran Sra)
Asstt. Transport Officer
Transport Department
Govt. of Punjab


(R. R. Meena)
Deputy Secretary
MoRT&H
GoI


(ANURAG KUMAR)
US(RS), M.R.T.H
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Annexure to Minutes of the Meeting of Technical Evaluation Committee to

Tender No. RT-25038/05/2022-RS dated 27th October, 2023

During the evaluation of the Technical Bids three representations about the Tender were brought to the Notice of the Committee. The Committee examined the same and brief details of the representations and comments of the Committee on the same are as under:

- (i) **email dated 28th August, 2024 at 1706 hrs:** In the representation it has been requested to cancel the tender process. The representation was discussed in the meeting of the Committee held on 3.9.2024. The Committee has observed that the tender was floated on 27th October, 2023 and extended from time to time and the last date of bid submission in 28th August, 2024. The Agency has made the representation at the last hour of bid submission. The representor neither participated in the pre-bid meeting nor give any suggestions on the tender document during the process of tender. Point-wise Comments of the Committee are as under:

S.N.	Observations	Comments of the Committee
1.	The pre-qualification talks about having 20+ lane years' experience whereas the scrapping/ATS policy was implemented only in 2021 and the only company which has been awarded a contract by MoRTH previously for operating and managing Model I&C's previously has this kind of experience.	The provision of Automated Testing facilities was since inception vide sub-section (2) of Section 56 of the Motor Vehicles Act, 1988. Scheme for setting up of I&C Centre in States has been implemented since 2007 by the Ministry. However, detailed rules for recognition, regulation and control of Automated Testing Stations have been notified by Ministry after enactment of the Motor Vehicles (Amendment) Act, 2019. A total three bids have been received under the Tender.
2.	The pre-qualification is not competitive and is in clear violation of various rules and guidelines.	The pre-qualification criteria were revised from 50 Lane Years to 20 Lane Years based on feedbacks received during the pre-bid meeting. The representor neither participated in

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		the pre-bid meeting nor give suggestion during the processes of the tender.
3.	Moreover, the confusing pre-bid replies brings us to a conclusion that even a consortium of a foreign operator would not make us eligible to bid for this project.	It was not a Global Tender enquiry. It was a local tender and PAN, GST etc. of the bidder were required to participant in the Tender process.
4.	With further clarification published through corrigendum 17 dated 8 th August, 2024 it become very clear that the lead bidder only needs to have operational experience which convinces us that this entire tender exercise has been conducted to favour only one company	Corrigendum-17 dated 8 th August, 2024 of the Tender was just a clarification without changing any eligibility criteria.

- (ii) **2nd representation letter dated 09th September, 2024:** The representation was discussed in the meeting of the Committee held on 18th September, 2024. The Committee observed that the representation exclusively relates to bid of Matsya Fitness Centre, Alwar (Rajasthan) in Consortium with Soluciones Mecanicas Globales-Solumek SA, Kolombia and the bid has been observed as nonresponsive by the Committee. Therefore, there is no need to further examine the representation.
- (iii) **3rd representation letter dated 8th October, 2024:** The representation exclusively relates to Bid of M/s Shiv Kumar, Jaipur (Rajasthan) in consortium with M/s. Likhmi Ram Bhambu, Nagaur (Rajasthan) and M/s. Shyam Industries, Jaipur. The same was discussed by the Committee in its VC meeting held on 28th October, 2024. The response of the Committee on the representation are as under:

S. N.	Brief of observations	Comments of the Committee
1.	Bid submission date of the said tender was 19.08.2024. EMD was required as Bank Guarantee(BG) having validity for 6 months from the date of Submission of the Bid i.e. Validity was required till i.e. 18.02.2025.	The BG bearing No. 6692IPEBG240042 dated 7th August, 2024 for Group-2 is valid for 6 months with claim period upto 6/2/2026. Hence, the BG for Group-2 is observed as per the tender requirement.
2.	Only one technical bid is submitted. Not mentioned for Group 1 or Group 2. Separate Bids should have been submitted for Group-1 and Group-2	The bid for Group-2 of the Bidder has been observed as per provisions under the Tender.

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3.	Mr. Likhma Ram Bhambu Proprietor of M/s. Marwar Fitness Centres is also proprietor of M/s Marwar Motors, which is dealer of M/s Mahindra and Mahindra Two Wheelers and have a Service Station, also. Being Proprietorship Company and having same GST no., they do not meet the required qualification criteria.	The I&C centres for which bids have been invited for operation and Maintenance do not cover two wheelers. Therefore, the committee observed that dealers/service stations of two wheelers can not be treated as conflict of interest under this tender.
4.	BG submitted by Mr. Shiv Kumar instead of M/s. Shiv Kumar which is Lead Bidder of the Consortium.	M/s. Shiv Kumar has participated in the bid process as Lead Bidder in consortium with M/s. Likhmi Ram Bhambu, Nagaur (Rajasthan) and M/s. Shyam Industries, Jaipur. The BG has been submitted by the Proprietor of the Lead Bidder.
5.	Eligibility experience has been submitted for M/s Alwar Fitness Centre and M/s Marwar Fitness Centre. But, M/s Alwar Fitness Centre and M/s Marwar Fitness Centre are not Consortium members.	As per the bid document, M/s. Alwar Fitness Centre and M/s. Marwar Fitness Centre are trade name of proprietorship firm M/s. Shiv Kumar and M/s. Likhmaram respectively. Proprietorship firm can use any fictitious name for their business unit but the legal owner of entity are M/s. Shiv Kumar and M/s. Likhmi Ram Bhambu Respectively.
6.	Form-L: Letter of Undertaking Confidentiality not submitted.	Undertaking of confidentiality is also covered under Form A. The bid has also uploaded duly signed copy of the Tender document including Form-L. Besides, undertaking for unconditional acceptance of the Teder conditions also well address provisions in Form -L.
7.	M/s Shiv Kumar and M/s. Shyam Industries did not submit the audited balance sheet certified by Chartered Accountant with UDIN No.	Audited statement of accounts by a Chartered Accountant with UDIN of last three FYs (2020-21, 2021-22 & 2022-23 of M/s. Shyam Industries is available in the Bid. As per Turnover Certificate from a

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		Chartered Accountant of M/s Shiv Kumar, it's annual income is less than Rs.100 crore. Therefore, as per Government Rules, separate audited balance sheet certified by CA is not mandatory.
8.	Education qualification in CV of a person is shown as ITI/ 12 Th pass which is not as per Tender requirement	The particular CV is for driver which is as per GSR 195(E) dated 14.3.2024. Moreover, the bidder has given the required undertaking for deployment of qualified manpower with sample CVs of some persons.
9.	No RTO Authorization Certificate enclosed in favor of M/s. Shiv Kumar and M/s Likhma Ram Bhambu. RTO Authorization certificates enclosed are in favor of M/s Marwar Fitness Centre and M/s Alwar Fitness Centre. Experience of M/s Marwar Fitness Centre and M/s. Alwar Fitness Centre is of around 3 years 10 months each as per tender requirement and as per submitted audit report. M/s Marwar Fitness Centre and M/s. Alwar Fitness Centre are not the consortium member. As per above, total Experience of all the consortium members is 6 Lane years. The bidder does not meet experience requirement as per eligibility Criteria.	As per the bid document, M/s. Alwar Fitness Centre and M/s. Marwar Fitness Centre are trade name of proprietorship firm M/s. Shiv Kumar and M/s. Likmaram respectively. Proprietorship firm can use any fictitious name for their business unit but the legal owner of entity are M/s. Shiv Kumar and M/s. Likhmi Ram Bhambu Respectively. As per RTO's Certificates, M/s. Alwar Fitness Centre has been operating Fitness centre since 21.10.2010 and M/s. Marwar Fitness Centre has been operating Fitness centre since 2/5/2007. The Rules for recognition, regulation and control of Automated Testing Stations have been notified after enactment of the Motor Vehicles (Amendment) Act, 2019, which mandates Audit of the facilities through an authorized agency. Therefore, as per the bid document, the consortium Members possess required experience of operation of Test lanes.

