



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण NATIONAL HIGHWAYS AUTHORITY OF INDIA

(सड़क परिवहन एवं राजमार्ग मंत्रालय, भारत सरकार)

(MINISTRY OF ROAD TRANSPORT AND HIGHWAYS, GOVT OF INDIA)

क्षेत्रीय कार्यालय: नागसंद्रा मेट्रो स्टेशन के पीछे, बेंगलूरु-५६० ०७३.

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NHAI/RO-BNG/14016/Tender/2023-24/2486

Date: 02.11.2023

To,
All participated Bidders,

Sub: Six Laning and Strengthening of km 340+000 to km 403+400 of Hubli-Haveri section of NH-48 (Old NH-4) in the State of Karnataka to execute on EPC(Standalone) mode -(Construction of LVUP at Kursapur (Km.361+900), Service road at Varur (Km.391+760) and Structure of VOP at Chabbi (Km.392+600))-
Project - **Hosting of final outcome of Technical Evaluation of bids - reg.**

Ref: NIT No.9/NHAI/RO-BNG/22016/Tender/2023-24 dated 17.08.2023.

Sir,

The bids were received (online) for the subject work on 16.08.2023 till 1100. Bids were opened on 17.08.2023 at Regional Office, Bengaluru. The replies were sought from the non-responsive bidders by giving 03 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;

Sr. No.	Name of the bidders	Final Outcome	Remarks
1	M/s. N S Nayak and Sons	Responsive	-
2	M/s. M G Arun Kumar	Non-Responsive	Note-1 Attached as Annexure
3	M/s. Arjunvaishnavi Infrastructure and Developers Pvt Ltd	Non-Responsive	Note-2 Attached as Annexure
4	M/s. MD Infra India Private Limited	Responsive	-

2. In view of the above, financial bids of the 02 Nos. of Technically responsive bidders (as mentioned in Table above) will be opened on **03.11.2023** at 12:00 Hrs, if possible.

3. This issues with the approval of GM (Tech) / RO - Bengaluru.

Yours faithfully,


(Vutla Padmaja)
Dy. General Manager (T)
Regional Office - Bengaluru

Note-1 M/s MG Arunkumar

The point wise response to the representation submitted by the said bidders are furnished below:

Sr. No.	Clarifications Sought to the bidder	Response submitted by the Bidder	Remarks
1.	Bidder has claimed Net worth of Rs. 23.09 crore as on 21st June, 2022 against required Net worth of Rs. 1.24 Crore. Clause 2.2.2.8 (ii) of RFP stipulates that <u>“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 the same. The Bidder shall also upload on BIMS an undertaking to this effect on BIMS portal. 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.”</u> And para no. 4 of Instructions of Annex-III clearly mentioned that <u>“Year 1 will be the latest completed financial year, preceding the bidding. Year 2 shall be the year immediately preceding Year 1 and so on. In case the Bid Due Date falls within 3 (three) months of the close of the latest financial year, refer to Clause 2.1.13.”</u> In view of the above Clause and para no. 4 of	We acknowledge the receipt of your above letter reference dated 17.10.2023. We hereby submit our updated Bid clarifications and other documents of the RFP. This also covers the details ITR up to Assessment Year 2021-2022 and the ITR Return Filing for the year 2022-23 is under process which will be submitted once it is filed. Find attached the letter under taking letter for the same. Documents attached are: 1) Net worth Certificate 2) Letter to RO 3) Annex-III-Financial Capacity 4) Annex VI- Value A & C 5) Bid Capacity 6) Annex VIII- On Going works 7) Turn Over – MGA 8) Under Taking Financials 9) Value B 10) ITR-Assessment Year 2017 to 2022	The bidder had not submitted financial statements for the F.Y 2021-22 and 2022-23 at the time of submission of technical bid. Clarification was sought for the same and in reply to clarification bidder had mentioned that the financials for the F.Y 2022-23 are unaudited and again submitted the financial statements for 2020-21 instead of financials for F.Y 2021-22. Bidder had submitted the Net worth certificate dated 21.06.2022, wherein it was stated that <u>“This is to certify that the Net Worth of Mr. M.G Arun Kumar as at 21st June, 2022 as per latest audited balance sheet and other available document is Rs. 23,09,48,804/-”</u> The Net worth as of 31.03.2022 has not been certified anywhere. Also para no. 2 state that <u>“while arriving on the value of Capital Investment in Business we have relied on latest audited balance sheet (Financial year 2020-21) and made the approximations accordingly.”</u> of the notes to the certificate.

instructions it is clearly asked in clarification to the bidder to provide revised Annex-III as per the format given in RFP with updation factor (for year refer para 4 of instruction under the table given in Annex- III) either for the FY 2018-19 to 2022-23 (if financials for the FY 2022-23 are audited) or for the FY 2017-18 to 2021-22 (if financials for the FY 2022-23 are unaudited). In the clarification submitted by the bidder, bidder has still claimed turnover from F.Y 2016-17 to 2020-21 instead of 2017-18 to 2021-22 (as bidder's current financials are unaudited i.e. FY 2022-23) and Net worth claimed as on 21.06.2022 (as certified by Statutory Auditor Net worth certificate) instead of certifying net worth on 31.03.2022. Further, bidder has not yet provided complete audited financials for the F.Y 2021-22. Accordingly, assessed Net worth of the bidder comes out to Rs. Nil (2021-22) against the requirement of Rs. 1.24 crore. In view of the above, bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.3 (i) of RFP. Hence, bidder stands Non- Responsive.	Clause 3.1.5 of RFP stipulates that <u>"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."</u> In the absence of financial statements of F.Y 2021-22 and in ambiguity of net worth certificate submitted by the bidder, we were unable to assess the financial capacity of the bidder, hence we declared the bidder technically non-responsive. Now, in the representation, the audited financial statements for the F.Y 2021-22 is submitted by the bidder, which was not provided at the time of submission of technical bid and even after the clarification were sought for the same, Therefore the documents submitted by the bidder in the representation are not considered. Hence not accepted. The Bidder still stands technically non – responsive.
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Note 2: M/s Arjunvaishnavi Infrastructure & Developers Pvt. Ltd.

The point wise response to the representation submitted by the said bidders are furnished below:

Sr. No.	Clarifications Sought to the bidder	Response submitted by the Bidder	Remarks
1.	Bidder has claimed Technical Capacity of Rs. 80.98 Crore against required Technical capacity i.e. Rs. 18.63 crore. Bidder has claimed 6 projects in Annex- II (Technical Capacity of the bidder) with Project code "2a", "2b", "2b", "2b", "2b", "2b" and claimed only 5 projects in Annex-IV (Details of Eligible Project). Clause 2.2.2.5 (V) of RFP stipulates that <u>"Maintenance works are not considered as eligible project for evaluation as per Instruction No.6 to Annex-IV. As such works with nomenclature like PR, OR, FDR,SR, site/micro grading, surface renewal, resurfacing work, Tarring, B.T. surface work, temporary restoration, urgent works, periodic maintenance, repair & rehabilitation, one time maintenance, permanent protection work of bank, external pre stressing, repair of central hinge, short term OMT contract of NHAI, any type of work related to border fencing, work of earthwork alone, construction of buildings/ hostels, etc, or not specified, shall not be considered. However, such maintenance works</u>	CLAUSE 2.2.2.5 (V) OF RFP- However, such maintenance works shall be considered as eligible projects in case of Maintenance works to be taken up on EPC mode. Therefore the below mentioned project executed is on EPC mode so such works are eligible as per the CLAUSE 2.2.2.3 (V) which is self-explanatory. Project with project code "2b" i.e., "Periodic Renewal by resurfacing and other safety devices of Development towards Adequate Port Road Connectivity to New Mangalore Port for length 25.472Km of stretches at Km.375.300 on NH-66 and Km.328.000 to Km.338.000 on LHS and Km.345.000 to Km. 346.000on Bypass (From Padil Junction towards Maroli), Km.0.000 to Km.2.172 on Bypass (From Nanthoor Junction towards Padil) of Development of Adequate Port Road Connectivity to New Mangalore Port in the State of Karnataka" on EPC mode Project proposed or being developed by the National Highways Authority of India" in category 3.	The Bidder has claimed the project with project code "2b" i.e., "Periodic Renewal by resurfacing and other safety devices of Development of adequate road connectivity to New Mangalore Port for length 25.472 Km of stretches at Km.358.000 to Km.375.300 on NH-66 and Km. 328.000 to Km.338.000 on LHS and Km.345.000 to Km. 346.000on Bypass (From Padil Junction towards Maroli), Km.0.000 to Km.2.172 on Bypass (From Nanthoor Junction towards Padil) of Development of Adequate Port Road Connectivity to New Mangalore Port in the State of Karnataka" on EPC mode Project proposed or being developed by the National Highways Authority of India" in category 3. As per Clause 2.2.2.5 (V) of RFP clearly state that resurfacing work shall not be considered hence not accepted.

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	shall be considered as eligible projects in case of Maintenance works to be taken up on EPC mode.” Project with project code “2b” i.e., “Periodic Renewal by resurfacing and other safety devices of Development of adequate road connectivity to New Mangalore Port for length 25.472Km of stretches at Km.358.000 to Km.375.300 on NH-66 and Km.328.000 to Km.338.000 on LHS and Km.345.000 to Km.346.000 on Bypass (From Padil Junction towards Maroli), Km.0.000 to Km.2.172- on Bypass (From Nanthoor Junction towards Padil) of Development of Adequate Port Road Connectivity to New Mangalore Port in the State of Karnataka” on EPC mode Project proposed or being developed by the National Highways Authority of India” is not considered being a resurfacing work as per Clause 2.2.2.5 (V) of RFP. Project with project code “2b” i.e., “Routine Maintenance including Incident Management for Operation and Maintenance of Hyderabad – Bangalore section from Km 211.000 to Km 462.164 of NH 44 (Total length 251.164 Km)” is not considered being a maintenance work as per Clause 2.2.2.5 (V) of RFP. Project with project code “2b” i.e., “Operation & Routine Maintenance work for the year FY 2017-18 of stretches at KM 358.000 to KM 365.025 and KM 375.025 to KM 375.300 on NH-66 and KM 328.000	Connectivity to New Mangalore Port in the State of Karnataka” on EPC mode Project proposed or being developed by the National Highways Authority of India”, such work are CONSIDERED BEING RESURFACING WORK on EPC mode AS PER CLAUSE 2.2.2.5 (V) OF RFP Annexure –IV in technical 2 page No 2 (copy enclosed for your reference) Project value 23.02 CR.	
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	considered as this is a new/additional project submission.	4) in the state of Karnataka - Pkg - B" This is not new/additional Project as it is mentioned in 1)Annexure –VI (for calculating bid capacity) page no 20 in Tec-2 2) Annexure –VIII Ongoing work Clause.103(iv) page no 22 in Tec-2 3)CA certificate value 26.01 CR 4)Annexure –IV in technical-2 page No 7 5) Employer Certificate enclosed Page No 57 (All above copies enclosed for your reference) Project value 26.01 CR Therefore the above project is of 6 laning balance work of NHAI NH 4A section where scope is VUP/LVUP work, main carriageway, service road, Repanels, Box culvert and Pipe Culvert. Certificate enclosed. Which is self explanatory This work is in same section of NH- 4A.	In reply to clarification bidder has submitted Annex-IV wherein receipts/work executed mentioned of Rs. 26.01 crore in F.Y 2022-23. How it is possible to execute the work Rs. 26.01 crore in F.Y 2022-23 before issuance of LOA (LoA dated 29.04.2023) however as per the submitted client certificate (i.e., IRCON International Limited) the executed work has fall in the year 2023-24 i.e., in the current year which is also not considered as per clause 2.2.2.6 (ii). Clause 2.2.2.6 (ii) stipulates that <u>"For a project to qualify as an Eligible Project under Categories 3 and 4, the Bidder should have received payments from its client(s) for construction works executed, fully or partially, or work executed and certified by the Engineer-in-charge/Independent Engineer/Authority's Engineer during the 5 (five) financial years immediately preceding the Bid Due Date,</u> and only the amounts (gross) actually received/ work executed, during such 5 (five) financial years shall qualify for purposes of computing the Experience Score. However, receipts of or work executed amount less than Rs. 1.24 crore
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	to KM 338.000, KM 344.200 to KM 346.000-on Bypass (From Padil Junction towards Maroli), KM.0.000 to KMKM 2.172-on Bypass (From Nanthoor Junction Towards Padil) Development of adequate road connectivity to New Mangalore Port in the State of Karnataka" is not considered being a maintenance work as per Clause 2.2.2.5 (V) of RFP. Project with project code "2b" i.e., "Operation and Maintenance of Bhiwandi Kalyan shilphata Highway from Ch. 0.00 to 21.500 in the state of Maharashtra" is not considered being a maintenance work as per Clause 2.2.2.5 (V) of RFP. Project with project code "2b" i.e., "Routine Maintenance work for pimpalgaon IBJ Gonde Section from Km. 380.00 to 440.00 of NH -3 in the state of Maharashtra" is not considered being a maintenance work as per Clause 2.2.2.5 (V) of RFP.		
2.	Further bidder has claimed project with project code "2b" i.e., "Execution of balance civil works at identified locations from Km. 259+800 (New Km. 262+000) to Km. 279+250 (New Km. 281+450) of NH - 48 (Old NH - 4) in the state of Karnataka - Pkg- A and "Execution of balance civil works at identified locations from Km. 279+250 (New Km. 281+450) to Km. 338+923 (New Km. 341+123) of NH - 48 (Old NH - 4) in the state of Karnataka - Pkg - B" in the clarification reply. The same is not	Execution of balance civil works at identified locations from Km. 259+800 (New Km. 262+000) to Km. 279+250 (New Km. 281+450) of NH - 48 (Old NH - 4) in the state of Karnataka - Pkg- A and "Execution of balance civil works at identified locations from Km. 279+250 (New Km. 281+450) to Km. 338+923 (New Km. 341+123) of NH - 48 (Old NH - 4) in the state of Karnataka - Pkg - B" in the clarification reply. The same is not	Bidder has not submitted Annex-IV for the captioned project at the time of submission of technical bid. So this project is treated as additional project and not considered for evaluation. Further, for the said project, LOA was issued on 29.04.2023 (i.e., F.Y 2023-24).

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			(Rupees One Crore and Twenty Four Lakh Only) shall not be reckoned as receipts for Eligible Projects. For the avoidance of doubt, construction works shall not include supply of goods or equipment except when such goods or equipment form part of a turn-key construction contract / EPC contract for the project. Further, the cost of land and also cost towards pre-construction activities (like shifting of utilities etc.) shall not be included hereunder.”
3.	All the 5 (five) projects which have been claimed by the bidder in Annex-IV are related to resurfacing, routine maintenance, operation & maintenance works. Thus not considered.	Out of 5 Projects above two works are mentioned in Annex-IV are eligible projects Thus the above should be considered	No single work are eligible for consideration.
4.	Accordingly, assessed Technical capacity of the bidder comes out to Rs. Nil against the requirement of Rs. 18.63 Crore. In view of the above, bidder fails to meet the minimum eligibility criteria specified in Clause 2.2.2.2 of RFP. Hence, the bidder stands Non-Responsive.	Accordingly, assessed Technical capacity of the bidder comes out to above two projects comes out to Rs.49.03 CR (CR23.02+CR26.01) against the requirement of Rs. 18.63 Crore.	Accordingly assessed technical capacity is to be Nil against the requirement of Rs. 18.63 Crore. Hence the bidders still stands technically non-responsive.

Signature Not Verified

Digitally signed by PADMAJA VUTLA
Date: 2023.11.03 11:08:41 IST
Location: eProcurement System for
Central PSUs