

Dated: 08 Sept 2023

Venue: NHAI, RO-Kolkata

Minutes of the Meeting of tender evaluation Committee for the work of "Emergent maintenance of NH-31 (balance work) from Dalkhola- Ghoshpukur Section (excluding Islampur Bypass) (Km 447.000 To 551.000) in the State of West Bengal"

[Contract Package No Balance Work/NH-31/Dal-Ghosh/2023- 24]

NIT No. 09/Balance Work/Dalkhola-Ghoshpukur/NH-31/2023-24 /2nd Call dated 11 Aug 2023

Introduction:-

An estimate amounting to Rs 10.90 Cr. including GST for balance stretch of NH-31 from Dalkhola – Ghoshpukur section in the state of West Bengal has been approved by RO-Kolkata vide –office Computer no 206193. Accordingly, PD-Jalpaiguri was requested to submit draft Bid Documents to RO-Kolkata for uploading the same on NHAI e-Portal.

In this regard, PD-Jalpaiguri has submitted draft Bid Documents for the work of "Emergent maintenance of NH-31 (balance work) from Dalkhola- Ghoshpukur Section (excluding Islampur Bypass) (Km 447.000 To 551.000) in the State of West Bengal.

Opening of Technical Bid (1st Call): -

Accordingly, NIT was published on the Government e-procurement System i.e. <https://etenders.gov.in> as well as on NHAI website i.e. www.nhai.org along with bid document on 05 July 2023.

For Uploading, opening & evaluation of Technical & Financial e-Bids, a committee was constituted by RO-Kolkata vide office order no NHAI/RO-KOL/001/2023/12/26/725/1 dated 03 July 2023 consisting of the following members:

- | | | | |
|----|---|---|-------------|
| 1. | Shri S K Sharma, Project Director, PIU-Jalpaiguri | - | Chairperson |
| 2. | Shri D Das, Dy. General Manager (T), RO-Kolkata | - | Member |
| 3. | Shri A Sharma, Dy. Manager (T), RO-Kolkata | - | Member |
| 4. | Shri U Minz, Asst. Manager, F&A Unit, RO-Kolkata | - | Member |

The last date of submission of e-bids was scheduled on 02 Aug 2023 upto 12.00 Hrs on the Government e-procurement System i.e. <https://etenders.gov.in>, and the opening of Technical e-Bids was scheduled on 03 Aug 2023 at 12.00 Hrs. However, due to poor internet connections, the same was not opened on that date. However, the Technical e-bids were opened on 04 Aug 2023.

After opening of e-bids through Government e-procurement System i.e. <https://etenders.gov.in>, the Committee observed that, total 02 (two) nos of bids of the following firms were uploaded in e-portal:

- | | |
|------|--------------------------------|
| (i) | M/s Alam Enterprise & Brothers |
| (ii) | M/s Kamae Engineers Pvt Ltd |

However, due to debarment period against M/s Kamac Engineers Pvt Ltd in JV with M/s Shiva Haritalka as well as PD vide letter 10 Aug 2023 has informed that the estimate floated in tender needs to be revised due to reduction in current prices of Bitumen, therefore, the Committee unanimously decided to cancel the 1st Call of the tender procedure and go for 2nd Call subject to approval of Competent Authority. Accordingly, RO-Kolkata vide Note dated 21 Aug 2023 had accorded approval to cancel the 1st Call of the tender procedure and go for 2nd Call on 07 days short notice for exigency of the work.

Accordingly, 2nd call of the Tender was invited vide NIT No 09/Balance Work/Dalkhola-Ghoshpukur/NH-31/2023-24 /2nd Call dated 11 Aug 2023 with Bid due date on 22 Aug 2023.

Opening & Evaluation of Technical Bid (2nd Call):-

Accordingly, the Technical e-bids were opened on 23 Aug 2023 at 14.00 Hrs in the office of the CGM (T) / RO-Kolkata by the Committee members. After opening of e-bids through Government e-procurement System i.e. <https://etenders.gov.in>, the Committee observed that, total 02 (two) nos of bids of the following firms were uploaded in e-portal:

- (i) M/s Alam Enterprise & Brothers.
- (ii) M/s DDS Construction Co.

Documents uploaded by both the above-mentioned bidders in the e-portal regarding "Bid Security", "Bid Document fees" etc were verified and tabulated in the Technical bid opening Statement which is attached herewith as Annexure-A. Amount deposited as bid document fees were verified from NHAI, RO-Kolkata's bank statement.

Technical Evaluation of Bids:-

After detailed evaluation of the bids, the followings are observed by the Committee bidder wise:

M/s Alam Enterprise & Brothers :-

- (a) M/s Alam Enterprise & Brothers has submitted certificate from Chartered Accountant as a proof of turnover for the last three years. The average annual financial turnover of M/s Alam Enterprise & Brothers comes to Rs 1477 Lakh which is achieved the required average annual financial turnover of Rs 265 Lakh as mentioned in NIT.

- (b) M/s Alam Enterprise & Brothers has provided experience certificate of one single similar nature work namely, "Construction and upgradation of road and other structures (including high level bridges) from Fatehpur to Galgalia via pitola (L-79.50 km) in Kishanganj District. Under Indo - Nepal Border road project for the year 2012-13" whose Tender amount was Rs 22.77 Cr issued by the Executive Engineer, RCD, Road Division, Kishanganj. The said experience certificate was forwarded to Executive Engineer, RCD, Road Division, Kishanganj vide letter no 985 dated 01 Sept 2023 for necessary verification & confirmation of issuance of the same.

In reply, Executive Engineer, RCD, Road Division, Kishanganj vide e-mail dated 04 Sept 2023 had confirmed that, the said certificate issued in favour of M/s Alam Enterprise & Brothers is authentic and true in all respect.

(d) M/s DDSD Construction Co has provided details of key equipment's as per format along with documentary evidence in support of his owning/leasing of the equipment's as per Clause 4.2(d) & 1.5 of and signed CV of the Project Manager.

(c) M/s DDSD Construction Co has uploaded details of proposed Personnel as per format in compliance of Clause (4.4) (B) (b) (ii) of ITB alongwith copies of educational certificates of the proposed personnel mail dated 31 Aug 2023 has confirmed the issuance of the said FDR.

(b) M/s DDSD Construction Co has submitted Bid Security in the form of FDR vide no FDR No 841754 dated 19 Aug 2023 amounting to Rs 17,70,000.00 in favour of "National Highways Authority of India". The same was forwarded to Issuing Bank i.e. issued Union Bank of India, Deshbandhu para, Silliguri for necessary confirmation of the issuance of the said FDR. In reply, issued Union Bank of India, vide e-1554 Lakh which is achieved the required average annual financial turnover of Rs 265 Lakh as mentioned in NIT.

(a) M/s DDSD Construction Co has submitted certificate from Chartered Accountant as a proof of turnover for the last two years. The average annual financial turnover of DDSD Construction Co comes to Rs 1554 Lakh which is achieved the required average annual financial turnover of Rs 265 Lakh as mentioned in NIT.

(f) M/s Alam Enterprise & Brothers has uploaded other Qualification information as per Bid Documents.

In light of the above, the Committee opined to consider the equipment as provided by the Bidder and consider it as technical responsive for applying in the subject Bid.

Refer PD Jalpaiguri letter no. 762 dated 02.09.2023 vide which they have again requested for expediting this procurement as the condition of road has deteriorated significantly. Further, due the exigency of the work only 7 days were provided to the bidders for furnishing their bid submission. Also, bidders have uploaded an Undertaking as per Appendix-1.7 [Ref Clause 4.4B(b)(i)], wherein the Contractor has agreed to provide and will deploy required equipment as mentioned in the appendix to ITB.

In this regard, necessary clarification was sought from the bidder. In reply, M/s Alam Enterprise & Brothers vide letter dated 30 Aug 2023 has provided Lease Agreement for the equipment of Pneumatic Tyre Roller purchased on 27.04.2023.

M/s Alam Enterprise & Brothers has provided details of key equipment's as per format alongwith documentary evidence in support of his owning/leasing of the equipment's as per Clause 4.2(d) & 1.5 of Section-III to ITB. However, on scrutiny of the documentary evidences, the proof in respect of

(e) M/s Alam Enterprise & Brothers has provided details of key equipment's as per format alongwith and signed CV of the Project Manager.

(d) M/s Alam Enterprise & Brothers has uploaded details of proposed Personnel as per format in compliance of Clause (4.4) (B) (b) (ii) of ITB alongwith copies of educational certificates of the proposed personnel 2023 has confirmed the issuance of the said FDR.

(c) M/s Alam Enterprise & Brothers has submitted Bid Security in the form of FDR vide no FDR No 20149887 dated 21 Aug 2023 amounting to Rs 17,62,000.00 in favour of "National Highways Authority of India". The same was forwarded to Issuing Bank i.e. ICICI Bank, Patna – Boring Road Branch for necessary confirmation of the issuance of the said FDR. In reply, Bank of India vide e-mail dated 30 Aug

Section-III to ITB. However, on scrutiny of the documentary evidences, most of the machineries seems to be older than 05 years.

(e) M/s DDSD Construction Co has provided experience certificate of one single similar nature work namely, "Improvement of Rongtong Maldiram Road via Shivakhola from Ch 0.00 km to Ch 17.10 km at Kurseong, under Darjeeling Division, PWD" whose Tender amount was Rs 23,53,55,336/- issued by the Executive Engineer, PWD, Darjeeling Division. The said experience certificate was forwarded to Executive Engineer, PWD, Darjeeling Division vide letter no 967 dated 30 Aug 2023 for necessary verification & confirmation of issuance of the same.

Executive Engineer, PWD, Darjeeling Division vide e-mail dated 02 Sept 2023 had confirmed the certificate to PIU-Jalpaiguri (which was forwarded to this office) that the said certificate issued in favour of M/s DDSD Construction Co is authentic and true in all respect. However, in the certificate no lane configuration or type of road was mentioned also in the confirmation letter no detailed of the same was furnished by the executive Engineers office. Further clarification vide e-mail dated 07 Sept 2023 was requested to the bidder in this regard and vide email dated 08 Sept 2023 they have submitted that "the road is MDR with avg width of 5.5m. with certain stretches being of width between 7m-9m the project was completed and funded with the help of central fund assistance."

Please refer Clause 4.4 of RFP regarding technical qualification of the bidder where in similar work experience is define as under :

The similar work constitutes experience in operation and maintenance / construction of 2/4/6 laned highway.)

Since this work is neither highway nor two lane throughout thus it cannot be considered. No other experience certificate submitted by bidder qualifies as per condition of RFP and therefore the Committee opined to consider M/s DDSD Construction is technically non-responsive.

The Committee Further comprehended the Department of Expenditure Circular no F.1/1/2021-PPD dated 29 Oct 2021 which is attached with NHAI Policy Circular no 18.78/2022 dated 18 Feb 2022 wherein in para 11.8 it is stated that, "It has become a practice among some procuring entities to routinely assume that open tenders which result in single bids are not acceptable and to go for re-tender as a 'safe' course of action. This is not correct. Re-bidding has costs; firstly the actual costs of re-tendering; Secondly the delay in execution of work with consequent delay in the attainment of the purpose for which the procurement is being done; and thirdly, the possibility that the re-bid may result in a higher bid. Lack of competition shall not be determined solely on the basis of number of bidders. Even when only one bid is submitted, the process should be considered....."

Being a Committee Member, Shri S K Sharma, Project Director, PIU-Jalpaiguri has also submitted that, the quantities of the ongoing emergent O&M work have been exhausted and the road is in poor condition. In view of the above and considering exigency of the work, The Committee finally submitted the case before Competent Authority for taking decision regarding acceptance of single technically responsive Bid of M/s Alam Enterprise & Brothers in light of Department of Expenditure Circular dated 29 Oct 2021 mentioned in para above.

The Technical Bid of the participated bidders have been evaluated as per eligibility criteria as defined in the bid documents by the Committee Members. Detailed Evaluation of Technical Bids is enclosed as Annexure-B. The Committee checked the names of the participated bidders in DATA Lake Portal whether the above bidders have been blacklisted / declared non-performer or any adverse action is taken / pending against them. However, it is found that, no such information is available in DATA Lake Portal against the participated bidders.

Recommendation of Committee:-

In view of the above, the Committee unanimously declared the bid of M/s Alam Enterprise & Brothers as Technically Responsive (Single technically responsive bidder)

Considering the above and as the stretch is a poor condition during ongoing monsoon. Therefore, early mobilization of new O&M agency has to be deployed as soon as possible to maintain the traffic worthy conditions of the road. In view of the above, necessary directions of the Competent Authority may please be given for acceptance of the single technically responsive bid for the subject tender work, so that, the Committee shall proceed further with opening of financial bids.

(A Sharma)
Dy Manager (Tech)
RO-Kolkata
Member

(U Minz)
Asst. Manager (F&A)
FARO-Kolkata
Member

(D Das)
DGM (Tech)
RO-Kolkata
Member

(S K Sharma)
Project Director
PTU-Jalpaiguri
Chairperson

~~CGM (Tech) RO-Kolkata:~~

As above Attached

8/9/23
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