

MASTER CONCESSION TO DESIGN, FIT-OUT, FINANCE, DEVELOP, MARKET, OPERATE, MAINTAIN AND MANAGE THE RETAIL OUTLETS at NTB, Raikot

Tender ID: 2024_AAI_186592_1

Comparative Statement After Shortfall.

Date: 02/07/2024

Sl No.	Description of documents to be submitted in Technical bid	To be furnished by	To be notarized (Yes/No)	M/s Sherisha Technologies	M/s VIP Services
1	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-1 (Undertaking by the bidder)	Bidder/Lead Member	No	Submitted (pg. 1-4)	Submitted (Pg. 25)
2	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-2 (Details of bidder)	Bidder/Lead Member	No	Submitted (Pg 5-9)	Submitted (Pg. 31)
2(a)	Staff strength of Bidder (a) Organizational Structure of the Company: (b) Number and grade of staff with breakdown into sales assistants, supervisors, cashiers, managers and etc. for the proposed Concessioned Premises at Airport. No. of Staff Designation/grade No. of staff per shift			Submitted (Annexure-2 pg 19)	Submitted
2(b)	Management Capability of Bidder (a) Information (including individual resume on the working experience, qualifications and achievements) on the Company's management team/Operation team (Operations/Outlet Manager for the Concessioned Premises, etc). (b) Information on how the Bidder will maximize sales for the Concessioned Premises at Airports			Submitted	Submitted
2(c)	List Of Affiliates (Certificate from Statutory Auditor/ Company secretary)			Submitted (pg 20)	Submitted (pg 45)
3	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-3 (Technical Capacity of Bidder)	Bidder/Lead Member	No	Submitted (pg 10)	Submitted (pg 43)

Seetha
02/07/2024
Sen (SEA)

3 (a)	The Bidder/ its constituent Consortium Members shall attach copies of the balance sheets, financial statements and Annual Reports for the preceding financial year (as per Clause 2.13.6.K of RFP) and for the years for which Financial Capacity under Clause 2.1.5 of RFP has been claimed. They will also attach certificate from statutory auditor wherever required in support of the technical and financial eligible criteria. The financial statements shall: (a) reflect the financial situation of the Bidder or Consortium Member; (b) be audited by a statutory auditor; (c) be complete, including all notes to the financial statements; and (d) correspond to accounting periods already completed and audited.				Statutory Auditor's report for the Lead Member for FY 2022-23 and FY 2021-22 (in Shortfall) has been submitted.	Submitted
3 (b)	The Bidder shall provide certified copies of the Certificate of Incorporation/Partnership deed. As per para 2.13.6 (i) of RFP, Documents of Incorporation is to be submitted (for all members in case of consortium), duly notarized					Submitted
4	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-4 (Technical capacity of bidder)	No	Bidder/ Separately by all Members of Consortium		Submitted (Pg 23 & Pg 25)	Submitted (Pg 46-48)
4(a)	Financial capacity of bidder (Certificate from SA)		Bidder/ Separately by all Members of Consortium		Submitted (Pg 21-22)	Submitted (Pg 46)
5	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-5 (Details of Brands of Retail items proposed) [Minimum 2 brands required]	No	Bidder/ Separately by all Members of Consortium		Submitted (pg 27,28,29)	Submitted Technical Form 5 for Brands - Beardo (Pg 49), EZE Perfume (50) and Care (51)
5a	Documentary evidence in support of the information regarding ownership, registration as trademark, etc. should be furnished for each Brand.				Submitted in shortfall	Submitted for Beardo (pg 54), EZE Perfume (Pg 56) and CARE (Pg 74)





 02/07/2024
 3:00 PM

5b	Documentary evidence (i.e. MOU with brand or Letter of Intent from the Brand) in support should be furnished. The MOU shall be to the effect that if such Bidder is selected for the grant of Concession, the parties to the MOU shall enter in to a binding agreement for operating the said branded outlet(s) at the Airport, which shall be co-terminus with the Concession Term. Self-declaration by the bidder for bringing proposed brands, which are not owned /registered with the bidder, shall not be considered.				Submitted (Pg. 37,38,39)	Submitted in Shortfall
5 (c)	CA Certificate i.r.o Brands				Not Applicable	Submitted in shortfall
6	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-6 (Proposal on Operations & Management Practices) Bidders have to invariably provide details regarding proposed brands as per Para (1) above (a separate sheet may be attached, if required) and fill the blanks in Para II (1), (2) & (3).	Bidder/Lead Member	No		Submitted (pg 30)	Submitted (pg 76)
7	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-7 (Proposal on Capital Expenditure Plan)	Bidder/Lead Member	No		Submitted (pg 33)	Submitted (pg 79)
7 (a)	Bidder shall furnish to Authority as part of its Bid, a list of equipment planned for the site including but not restricted to forklifts, trolleys etc, for the movement of equipment/goods.				Submitted (pg 33)	Submitted in Shortfall
7 (b)	The capital expenditure investment in Phase should not be less than 25000 and in Phase 2 should not be less than Rs.15,000 per square metre.				Submitted (pg 33)	Submitted (pg 79)
8	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-8 (Proposal on pricing policy) Bidders have to invariably fill the blanks in Para 1A, 1B & 2. (a separate sheet may be attached, if required)	Bidder/Lead Member	No		Submitted (pg 34)	Submitted (pg 81)

Seema

K

[Signature]

9	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-9 (Proposal on customer Service) Bidders have to invariably provide details regarding Customer Service Policy and Staff Training as per Para 1 and 2 above (a separate sheet may be attached, if required).	Bidder/Lead Member	No		Submitted (pg 35)	Submitted (pg 84)
10	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-10 (Details of Commercial licenses held/operated at Airports units)	Bidder/ Separately by all Members of Consortium	No		Submitted for Pune (in Gestation Period) and Srinagar Airport (Not operational yet)	Submitted (pg 87)
11	Bid in the prescribed format along with all annexures and supporting documents including those as per Technical Form-11 (Outstanding dues certificate)	Bidder/ Separately by all Members of Consortium	No		Submitted for Pune Airport	Submitted (pg 89-104)
12	Statement of Legal Capacity as per Technical Form-12 of Appendix-I	Bidder/ Separately by all Members of Consortium	Yes		Submitted (pg 40, 41 for both members)	Submitted (pg 105)
13	Power of Attorney for signing the Bid as per Technical Form-13 of Appendix-I	Bidder/ Separately by all Members of Consortium	Yes		Submitted (pg. 42 & 45).	Submitted (pg 106)
14	If applicable, the Power of Attorney for Lead Member of Consortium as per Technical Form-14 of Appendix-I	Jointly by all Members of Consortium	Yes		Submitted (pg. 53)	Not Applicable
15	Copy of the Joint Bidding Agreement, in case of Consortium, substantially as per Technical Form-15 of Appendix-I	Jointly by all Members of Consortium	Yes		Submitted (pg. 48)	Not Applicable
16	Self-certification / self-declaration as per Technical Form-16 of Appendix-I	Bidder/Lead Member	No		Submitted (pg. 56)	Submitted (pg 108)
17	Integrity Pact as per Technical Form-17 of Appendix-I	Bidder/ Separately by all Members of Consortium	Yes		Submitted (Pg 59 & 68)	Submitted (pg 112)
18	Documents of Incorporation (in case of consortium, for all members), duly notarized	Bidder/All members of Consortium	Yes		Submitted (Pg 76-79)	Submitted Partnership Deed (pg. 8-11) and Registration Certificate (pg. 12)
19	Copy of PAN Card	Bidder/All members of Consortium	No		Submitted (Pg 80 & 123)	Submitted (pg 07)
20	Copy of GST Registration Certificate	Bidder/All members of Consortium	No		Submitted (Pg 81 & 124)	Submitted (pg 02)
21	Copy of Memorandum and Articles of Association, if the Bidder is a body corporate, and if a partnership/LLP, then a copy of its partnership deed (In case of consortium for all members)	Bidder/Jointly by all Members of Consortium	No		Submitted (MOA on Pg 87 & 127 and AOA on pg 95 & 137))	Submitted

22	Copies of Bidder's duly audited balance sheet and profit and loss account for the preceding financial year and for the years for which experience under Clause 2.1.4 of this RFP has been claimed.	Bidder/Lead Member	No	Statutory Auditor's report for the Lead Member for FY 2022-23 and FY 2021-22 (in Shortfall) has been submitted.	Submitted
23	All pages of the Technical Bid shall be typed or written in indelible ink and signed by the Authorized Signatory (as per clause 2.13.8)	Bidder/Lead Member	No	Submitted in Shortfall	Submitted
24	Proof of EMD (6,00,000)	Bidder/Lead Member	No	Submitted (pg 237)	Submitted (pg 01)
25	Proof of Tender Fee (25,000)	Bidder/Lead Member	No	Submitted (pg 237)	Submitted (pg 01)
26	Checklist of submissions as per Technical Form-18 of Appendix-I	Bidder/Lead Member	No	Submitted (pg 238)	Submitted (pg 121)

Observations:

1. Sherisha Technologies Pvt. Ltd.:

A complain was received via email regarding material misrepresentation/ Fraud against M/S. Sherisha Technologies Pvt. Ltd. (STPL) A letter regarding debarment of M/S. Cura Healthcare Pvt. Ltd. By AIIMS New Delhi for a period of 3 years from 28.06.2021. The same letter has been verified and available at AIIMS New Delhi website aiims.edu. M/S. Sherisha Technologies Pvt. Ltd. has declared that M/S. Cura Healthcare Pvt. Ltd. is its affiliate and hold 100% stake in list of Affiliates. M/S. Sherisha Technologies Pvt. Ltd. has not submitted any information regarding debarment of its affiliate M/S. Cura Healthcare Pvt. Ltd.

Hence, it is observed that M/S. Sherisha Technologies Pvt. Ltd. has made false declaration as per Para 5 of Technical form 1 and Para 2 and 4 of technical from 16 of RFP.

Para 5 of Technical form 1 read as: "We certify that in the last three years, we/ any of the Consortium Members2 or our/ their Affiliates have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award, nor been expelled from any project or contract by any public authority nor have had any contract terminated by any public authority for breach on our part."

Para 2 of Technical form 16 read as: "We acknowledge that the Authority will be relying on the information provided in the Bid and the documents accompanying such Bid for selection of the Bidders for the aforesaid Concession, and we certify that all information provided in the Bid and in Annexure is true and correct; and nothing has been omitted which renders such information misleading; and all documents accompanying such Bid are true copies of their respective originals."

A clarification regarding this complain was sought from M/S. Sherisha Technologies Pvt. Ltd. as per Commercial Circular No. 53/2022 dated 25.08.2022. As per this circular second time clarification may be sought on the already submitted documents on CPP portal. M/S. Sherisha Technologies Pvt. Ltd.

STPL submitted NCLT order regarding resolution plan and also stated that STPL cannot be held responsible/ liable for CURA being debarred from participating in tenders by AIIMS during the period when CURA was not related to STPL.

The above complain was forwarded to Law department, RHQ for legal advise on the issue. The Law department, RHQ provided following comment on the issue:

"CURA was debarred by AIIMS, Delhi vide their letter dated 28-06-2021 for non-maintenance of X Ray Digitizer and also forfeited the EMD amount. It is pertinent to note here that Application for initiating Corporate Insolvency Resolution Process (CIRP) vide order of NCLT dated 09-12-2019 was admitted. As per Section 13 & 14 of the IBC, once an application for initiating CIRP is admitted by NCLT, instant moratorium is imposed on the Corporate Debtor. Therefore, the debarment can be said to be done during the moratorium period, meaning thereby when STPL was not having the management control.

Also, STPL in Technical form 2 has declared CURA to be one of the affiliates. However, STPL failed to declare regarding the debarment of CURA in the relevant technical forms. It is not clear why STPL has not informed about debarment in the form, though they might have knowledge of debarment while acquiring from NCLT. STPL ought to have informed about the debarment of CURA which appears to be in contravene the condition of RFP, by submitting wrong declaration whether the same is malafide or not is difficult to judge at this stage.

However, it may not be out of place to mention that debarment of the non performing agency during its insolvency period should not hamper the future contracts of its acquirer as it may defeat the spirit and purpose of resolution under IBC. "

2. VIP Services:

M/S. VIP Services has submitted all shortfall documents asked on CPP portal. Hence, M/S. VIP Services is technically qualified and eligible for Financial Bid opening.

Committee Recommendations (Considering Law department opinion):

1. As per para 5 of Technical form-1, STPL has made false declaration.
2. STPL has not informed about debarment in the form, though they might have knowledge of debarment while acquiring from NCLT.
3. The RFP clause 2.8.4 states that, "In case it is found during the evaluation or at any time before signing of the Concession Agreement or after its execution and during the period of subsistence thereof, that one or more of the eligibility conditions have not been met by the Bidder, or the Bidder has made material misrepresentation or has given any materially incorrect or false information, the Bidder shall be disqualified forthwith if not yet appointed as the Concessionaire either by issue of the LOIA or entering into of the Concession Agreement".
4. The **M/S. Sherisha Technologies Pvt. Ltd. shall be disqualified** for this tender as per RFP clause 2.8.4 for not providing information regarding debarment of its affiliate M/S. CURA Healthcare Pvt. Ltd. in the RFP.


Amit Kumar
AM(Ops)/CSO


Kanhaiya Lal Chaudhary
Mgr(CNS)/ Commercial Nodal Officer


(Airport Director)
Rajkot International Airport


J. S. Deshmukh
SM(E-E)/ Terminal In-charge

Signature Not Verified

Digitally signed by SATYA DEO
Date: 2024.07.04 15:48:39 IST
Location: eProcurement System for Central PSUs