

MINUTES FOR EVALUATION OF TECHNICAL BIDS HELD ON 06 / 09 /2024

NAME OF WORK: - *One time improvement including construction of RCC covered Drain in the selected stretch from Ch. 339/000Km to Ch. 345/000Km (Total 6.00 Km) of NH-15 in Lakhimpur town under Annual Plan for 2023-24 under Nagaon NH Division, Nagaon, in the state of Assam under EPC Mode.(Job No 15/AS/2023-24/260)*

Tender ID: 2024_MoRTH_812200_1

(A) Reference of accordance of sanction to the project:

- i) Authority : - MoRTH, New Delhi.
- ii) Sanction letter : - RW/GHT/ANNUALPLAN/AS/2023-24/OTI/1 (C- No. 234861) Dated 05-03-2024
- iii) Sanctioned estimated amount : - Rs. 1079.79 Lakhs.

(B) Bid Process: -

- i) Bid Value: Rs. 8.57 Crs

Consequent upon receipt of the Administrative Approval, Technical approval and Financial Sanction received from the MoRTH's Officer, Guwahati vide letter no RW/GHT/ANNUALPLAN/AS/2023-24/OTI/1 (C- No. 234861) Dated 05-03-2024, IFB/RFP for the work was invited by the Chief Engineer PWD, (NH Works), Assam vide NIT No. 480102/2024/05 Dated 14/06/2024. The IFB and the Bidding documents were made available in the CPPP, MoRTH of <https://eprocure.gov.in> from 14.00 hr. of 18-06-2024 to 14.00 hr on 18-07-2024.

- ii) Pre-bid Meeting:

No bidders were present in the pre bid meeting slated to be held on 01-07-2024 from 12:00 hrs to 14:00 hrs.

- iii) Date stipulated for receiving the bid document:

The deadline for submission of online bid was up to 14.00 hours on 18-07-2024.

(C) Technical Bid opening: -

The on-line technical bids were opened on 19.07.2024 at 14.00 hrs in the office Chamber of Chief Engineer PWD, (NH Works), in presence of Bid Evaluation committee members, & representatives of bidders. 5(Five) nos bids from the following bidders were received through online mode in the portal of <https://eprocure.gov.in> till the deadline of time and date.

- I. M/s Y2 Enterprise, L.A Complex, A-Sector, Naharlagun, Papum pare-791110, Arunachal Pradesh
- II. Vargov Traffic Device Systems 198 Mitra Bora Lane, Jorhat, Assam
- III. Sri Kulen Hazarika, Vill :Batabari Dalgaon, Dist: Darrang Assam
- IV. M/s Khushi Constructions, Bajaj Complex, NT Road, Ward no 10, North Lakhimpur 787001
- V. M/s Tanor Engineering, P-Sector, Itanagar, Arunachal Pradesh-791111

The bidder viz, **M/s Y2 Enterprise, L.A Complex, A-Sector, Naharlagun, Papum Pare-791110, Arunachal Pradesh** has submitted the Bid Security in the form of Bank Guarantee having a validity period of 178 (One Hundred Seventy Eight) days from the BID Due Date which is less than the validity period as

stipulated in the RFP. Therefore, the bidder is not considered for further evaluation of technical bid as per Clause no 2.20.1 of the RFP.

(D) Evaluation of Technical Bids: -

The qualification information submitted online by the bidders have been examined on the basis of technical qualification criteria laid down in the bidding documents and compiled in the form of a statement – "TABLE FOR EVALUATION OF SUBSTANTIVE RESPONSIVENESS OF TECHNICAL BIDS" to be placed before the Bid Evaluation Committee.

The meeting of Technical Bid Evaluation Committee (BEC) was held on _____ at 14:00 Hrs at the office chamber of the Chief Engineer PWD, (NH Works) Assam, in presence of Chief Engineer PWD, (NH Works), as Chairman of Bid Evaluation Committee (BEC)

The Technical Bid Evaluation Committee checked the technical bids & all other relevant papers. The deliberation of the Bid evaluation committee is as follows: -

1. The bidder, **Vargov Traffic Device Systems 198 Mitra Bora Lane, Jorhat, Assam**, has not submitted similar work of 20% of Estimated Project Cost in Category 1 and/or Category 3 as per clause 2.2.2.2 (ii) of RFP. Hence the bidder is declared as Technically Non-responsive.

2. M/s Tanor Engineering:

a. As per clause 2.2.2.8 (ii) of the RFP *"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. 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."* However, it is found that the bidder has not submitted the undertaking duly certified by Statutory Auditor.

b. In support of Net Worth, bidder has submitted certificate produced by CA for participating in tender in respect of NHIDCL whereas, the same should have been indicated as Ministry of Road Transport and Highways through Chief Engineer PWD (NH Works), Assam, Chandmari, Ghy-03.

c. The bidder has not submitted the complete details as per clause no 2.1.4 and Annex-I, Appendix-IA of the RFP. They submitted the statement disclosing material non-performance or contractual non-compliance as on bid due date upto Sr No (xi) out of Sr no (xx). Whereas as per Cl 2.1.4, *"The BID shall be furnished in the format exactly as per Appendix-I i.e. Technical Bid as per Appendix IA and Financial Bid as per Appendix IB."* It may be mentioned that as per point No. 5 (d) of the same Annex-I, Appendix-IA, the criteria is mentioned as: *"Has the Bidder constituent of the Joint Venture been barred by the Ministry of Road Transport & Highways or its implementing agencies for the works of Expressways, National Highways, ISC and EI works, from participating in bidding."* The bidder has furnished as "No", whereas the bidder was debarred by State PWD Mizoram vide letter no. NH-12039/119/20/CE-HW/PWD/29 dated 28.07.2020 for the period of 3 years i.e. 28.07.2023. Therefore, the bidder misrepresented in their technical qualification document.

d. Certificates issued by Statutory Auditor

- Annex-III is certified by CA Sunil Murmuria

- Payment received for project code (A) under Annex IV is certified by CA HIROK JYOTI

- Payment received for project code (B & C) under Annex IV is certified by CA PRACHI LATH

It may be noted that the bidder has not produced any undertaking about transfer of account from one CA to another CA. Hence, the authenticity of the certificates produced by CA is not considered valid.

e. In connection to M/s Tanor Engineering, it was noted that previously the bidder participated in the bidding process of the work "Construction of 2 lane Barpeta Bypass from km 77+900 (Baradi) to km 86+150 (Deurikuchi) (Length=8.25 Km) on NH-427 in the State of Assam under EPC Mode. (Job No. 427/AS/2022-23/245)" under Assam PWD (NH Works). In the qualification information submitted by the bidder it has been seen that only one similar nature of work has been submitted which is of sub-contract in nature. Clarification regarding the approval of the sub-contract for the said work was sought from the Chief Engineer (HW zone) PWD, Arunachal Pradesh vide this office's letter Date 27/09.2023. But, as per the clarification received from the Chief Engineer (HW zone) PWD, Arunachal Pradesh vide their letter No. CEAP(HW)/W-9/PP/Pgk-

5/2022-2023/2817-18 dated 04.10.2023, sub-contract for the said work neither approved by the Authority nor the work under sub-contract is being done, which was considered as a fraudulent practice. Accordingly, the bidder was disqualified as per Clause 2.6.2 & 2.20.5 of the Request for Proposal (RFP). The same was presumably agreed upon by the bidder as no disagreement letter was received from the bidder.

The same bidder again participated in the bidding process of the work "Performance Based Maintenance Contract (PBMC) from Ch.264.100 km to Km 305.000 km and from Km 330.000km to Km 345.000 km (Total length 55.90 km) of NH-15 under contract Maintenance of NH for 2023-24 under Nagaon NH Division, Nagaon in the state of Assam. Job No. PBMC/15/AS/2023-24/250" of which NIT was invited on 12-03-2024 (First Call). In the qualification information submitted by the bidder it was again found that the bidder has submitted the same sub-contract work mentioned above along with an approval of subcontract from the Authority on 23.11.2023. As per clause no. 4.2 (ii) under Article-4 of the contract agreement approval is to be granted within 15 days from the receiving of the proposal for sub-contract. But no correspondence was made with the contractor within 15 days from the receiving of the proposal for sub-contract by the Authority until 23.11.2024. Whereas the subcontract was completed by the sub-contractor on 30.04.2023 as per the certificate submitted by the concerned Executive Engineer and payment was also received as per the certificate submitted from CA. Accordingly, legal opinion was sought from Standing Counsel of PW (B&NH) Dept and it was opined that the tendering authority may take action against the bidder as per provisions of the tender document in view of submission of contradictory documents. The Authority is at liberty to take their decision considering the documents available in their records as submitted by the bidder along with the bid document including the relevant documents which are available in their records although submitted in connection with an earlier tender process while considering their credential / qualification criteria. The Authority is not precluded from considering the documents submitted by the same bidder referring to same subcontract with substantial variations, which has a serious implication on their credibility and qualification.

In view of above BEC decided to declare the bidder as non-responsive as per para no. a, b, c & d, above. BEC also decided that for point no (e), consideration of the sub-contract work as similar work is subject to the outcome of the writ petition vide case no. WP(C)/4089/2024.

The recommended names of the technically responsive/non-Responsive bidders are stated below: -

A) Technically Responsive: -

- i) Sri Kulen Hazarika, Vill :Batabari Dalgaoon, Dist: Darrang Assam
- ii) Khushi Constructions, Bajaj Complex, NT Road, Ward no 10, North Lakhimpur 787001

B) Technically Non-Responsive Bidders: -

- i) Vargov Traffic Device Systems 198 Mitra Bora Lane, Jorhat, Assam.
- ii) M/s Tanor Engineering, P-Sector, Itanagar, Arunachal Pradesh-791111

In view of above, the BEC has recommended to open the financial bids of technically responsive bidder as per Clause 2.19, 7(Seven) days after submitting the technical evaluation minutes at <http://eprocure.gov.in>.

Encls: - Table for Evaluation of Substantive Responsiveness of Technical Bids.


Executive Engineer, PWD
Nagaon NH Division, Nagaon
Member Secretary, BEC


Financial Adviser, PWD
Assam, Chandmari, Guwahati-3
Member, BEC


AEE, MoR&H
Representative of the Regional Officer, MoRT&H
Assam, Chandmari, Guwahati-3
Member, BEC


Superintending Engineer, PWD
Guwahati NH Circle, Guwahati
Member, BEC


Chief Engineer, PWD (NH Works) Assam,
Chandmari, Guwahati
Member, BEC

Signature Not Verified

Digitally signed by DEEPAK KUMAR DAS
Date: 2024.09.19 19:06:08 IST
Location: eProcure-EPROC