



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/ Road Safety/Tender/2023-24/4345

Date: 13.03.2024

To,
All the Participated Bidders,

Sub: Construction of VUP (Talkere Hand Post-KA-(02)-057), LVUP (Agrahara Junction- KA (02) - 273) and VUP (Tippasandra Hand Post- KA (02) - 015) of MORT&H Identified Black Spots on Devihalli-Hassan section of NH-75 to be executed on Engineering Procurement and Construction (EPC) mode - Hoisting of Technical evaluation(Stage-I) - Reg.

Ref:

1. Tender ID:2024_NHAI_187721_1
2. NIT No.33/NHAI/RO-BNG/Road safety/Hassan/2023-24 dated 22.02.2024.

The bids were received (online) for the subject work on 07.03.2024 till 1100 Hrs. Bids were opened on 09.03.2024 at Regional Office, Bengaluru. The outcome of Technical / Stage-I evaluation is enclosed as **Annexure-I**.

2. Bidders are requested to submit their objections, if any, within a day of receipt of this letter i.e. on or before 14.03.2024 at 13.00hrs. The date of opening of financial bids will be conveyed in due course of time.

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

Yours faithfully,


(Vutla Padmaja)
Dy. General Manager (T) 13/3/2024
RO - Bengaluru

4. CLARIFICATION SOUGHT, REPLY RECEIVED AND REMARKS GIVEN

1.		M/s Abdul Kalam Azad		
SN	Head/ Reference/Clause	Clarification Sought	Reply Received	Remarks
1	Financial Statements 2.11.1 (m)	The bidder is required to provide duly audited complete annual accounts as per clause 2.11.1 (m) of RFP. The bidder has submitted Financial Statements for last 5 Financial Years, however, the Audit Reports have not been submitted. Kindly Clarify.	The Audit Reports enclosed for last 5 financial years.	The bidder has now submitted the Audit Reports in continuation of submitted Financial Statements. The requirement of RFP has been complied.
2	Self-Certificate Clause 1.2.10	The bidder has submitted the self-certificate as required; however, a certificate from the Statutory Auditor or Cost Auditor of the Company or from a practicing Cost Accountant mentioning the percentage of local content has not been found which is required as per clause 1.2.10 and clause 2.11.1 (under heading Self-Certification) of RFP. Kindly clarify and provide the same.	Local Content is enclosed duly signed by the Chartered Accountant.	The required document / information has now been provided and the bidder is now considered as Class-I supplier.
3	Bid Capacity Table for Value of B	The bidder is required to submit Certificate of work done for ongoing projects, duly signed by Client or its Engineer-in-charge not below the rank of Executive Engineer or equivalent in respect of EPC Projects or Concessionaire / Authorized Signatory of SPV in respect of BOT Projects for ongoing	I am herewith attaching the agreement copy and share % for sl no. 1 and also bill copy of work.	The required document / information has now been provided and the bid capacity has been calculated accordingly.

	project claimed in Sr no. 1 as mentioned in Annex VI for Arriving at Value of B. Kindly note that the Value of work completed for ongoing projects should be match with the supporting certificates provided. Therefore, bidder is required to provide the details related to completed Value claimed in the submitted table with the corresponding supporting certificates highlighting the completed value as claimed in the table for ongoing project claimed in Sr no. 1 as mentioned in Annex VI for Arriving at Value of B. In case the supporting document is not signed or the designation of signing person is not clear or signed by the person below the rank of Executive Engineer or equivalent in respect of EPC Projects, the completed value of such ongoing project will not be considered and value of B will be calculated based on full value of such ongoing project. Further, in case of non-availability of supporting certificates as mentioned above, the Value of ongoing projects will be considered at full value with corresponding factor (without considering completed work) and Bid Capacity will be calculated accordingly.		
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2.		M/s HINDUSTAN CONSTRUCTION		
SN	Head/ Reference/Clause	Clarification Sought	Reply Received	Remarks
1	Technical Capacity Clause 2.2.2.6 (ii) Project Code a, b & g	As per clause 2.2.2.6 (ii) of RFP, <i>only the last 5 (five) financial years immediately preceding the Bid Due Date</i> are required to be considered for experience. Therefore, eligible years for considering the payments received for last 5 financial years will be from 2022-23 to 2018-19. The same has also been clarified at Instruction no. 6 of Annex – IV to Appendix – IA of RFP. The bidder has also considered the experience for payments received either before 2018-19 or after 2022-23 related to some projects claimed. The same shall not be considered while calculating the Technical Capacity. Please Clarify	Technical experience is submitted considering the eligible projects completed in last five years before the bid due date. Since the bid due date is at the end of financial year 2023-2024. The authority is requested to consider the projects completed before bid due date for technical experience.	The request made by the bidder is not as per the provisions of RFP therefore not considered and 2023-24 has not been considered for Technical capacity.
2	Technical Capacity Clause 2.2.2.5	The bidder has claimed some projects in category 3, however as per clause 2.2.2.5 (iii) (b) of RFP, the projects are covered under category 4 therefore such projects are considered in category 4 instead of category 3. Such projects are: ➤ Rural Road Project (at page 26 of pdf file TECH_DOC) ➤ service road and covered drain Project (at page 27 of pdf file TECH_DOC) ➤ City Road Project (at page 29 and 30 of pdf file	As per the clause 2.2.2.6 (ii) construction of highways on turn key and EPC mode to be considered in category 3 or 4. Therefore experience on construction of service Road on NH66 is submitted in category 3	The reply given by the bidder is not satisfactory and also not supported by any supporting document therefore the referred projects are considered in category 4.

	TECH_DOC)		
	Kindly clarify how such projects are covered under category 3 as per provisions of RFP. The clarification, if any, should be submitted along-with relevant authenticated supporting document. The bidder has submitted the local content self-certificate however, the details of location of local value addition has not been mentioned in the certificate submitted at page 62 of pdf file TECH_DOC which is required as per clause 1.2.10 and clause 2.11.1 (under heading Self-Certification) of RFP. Further, only a heading as “Details of location at which local value addition will be made is as follows:” is mentioned in the certificate however the details of location have not been provided. Kindly clarify and provide the same.	Self-certified local content with area is submitted.	The required document / information has now been provided and the bidder is now considered as Class-I supplier.
3	Self-Certificate Clause 1.2.10		
4	Bid Capacity Value of A The bidder is not qualifying the Bid Capacity Criteria as per clause 2.2.2.1 of RFP. Please note the following: As per clause 2.2.2.1 of RFP, Value of A is Maximum value of civil engineering works, however the Value of A claimed by the bidder at page 32 of pdf file TECH_DOC seems to include the revenue related to sales of Petrol and Diesel (as mentioned at page 96, 123, 163 and 200 of pdf file TECH_DOC) also therefore such revenue shall not be considered for calculation of Bid Capacity and	The audited balance of the past five financial years submitted and accordingly value of A is derived fully certified by statutory Auditor.	The reply given by the bidder is not satisfactory. Therefore, the Value of A has been considered as per information available with the Financial statements.

	Value of A shall be considered from the available Financial Statements without considering such revenue. Kindly clarify how the claimed Value of A is as per provisions of RFP.		
Bid Capacity Table for Value of B	The bidder is not qualifying the Bid Capacity Criteria as per clause 2.2.2.1 of RFP. Please note the following: The bidder is required to submit Certificate of work done for ongoing projects, duly signed by Client or its Engineer-in-charge not below the rank of Executive Engineer or equivalent in respect of EPC Projects or Concessionaire / Authorized Signatory of SPV in respect of BOT Projects for ongoing project claimed in Sr no. 1 to 5 as mentioned in Annex VI for Arriving at Value of B. Kindly note that the Value of work completed for ongoing projects should be match with the supporting certificates provided. Therefore, bidder is required to provide the details related to completed Value claimed in the submitted table with the corresponding supporting certificates highlighting the completed value as claimed in the table for ongoing project claimed in Sr no. 1 to 5 as mentioned in Annex VI for Arriving at Value of B. In case the supporting document is not signed or the designation of signing person is not clear or signed by the person below the rank of Executive Engineer or equivalent in respect of EPC	The bid capacity is calculated with the highest value of civil engineering works done in one year during past 5 years. Bid capacity is re submitted for your reference.	The required document / information has not been provided by the bidder therefore Bid Capacity has been calculated based on full value of projects for Value of B.

	Projects, the completed value of such ongoing project will not be considered and value of B will be calculated based on full value of such ongoing project. Further, in case of non-availability of supporting certificates as mentioned above, the Value of ongoing projects will be considered at full value with corresponding factor (without considering completed work) and Bid Capacity will be calculated accordingly.		
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3. M/s JSR Constructions Pvt Ltd			
SN	Head/ Reference/Clause	Clarification Sought	Reply Received
1	Power of Attorney Appendix-III	As per 2nd Note to Appendix-III of RFP, "the Bidder should submit for verification the extract of the charter documents and documents such as a board or shareholders' resolution/ power of attorney in favour of the person executing this Power of Attorney for the delegation of power hereunder on behalf of the Bidder." The executor of POA is J Haritha Reddy . However, no board or shareholders' resolution/ power of attorney in favour of the person executing	Board Resolution copy is enclosed as annexure-I. The required document / information has now been provided and the same has been considered.

	the POA is found. Kindly Clarify.		
Bid Capacity Value of A	As per clause 2.2.2.1 of RFP, Value of A is Maximum value of civil engineering works, however the Value of A claimed by the bidder at page 145 of pdf file TechFinal includes other operating revenue also therefore such revenue shall not be considered for calculation of Bid Capacity and Value of A shall be considered from the available Financial Statements without considering such revenue. Kindly clarify how the claimed Value of A is as per provisions of RFP.	The maximum value of civil engineering works considered for Bid Capacity Calculation was excluding by the operating revenue as certified by the Chartered Accountant. The amount considered as A was Rs. 149.45 Crs (Refer column 3 of page No.211 of Techfinal folder of bid documents). Hence the value A is considered as per the provisions of RFP.	As per the revenue certified by Chartered Accountant, it also includes other operating revenues which is other than civil engineering works therefore revenue from only construction contracts has been considered as per submitted Financial Statements.
Bid Capacity Table for Value of B	The bidder is not qualifying the Bid Capacity Criteria as per clause 2.2.2.1 of RFP. Please note the following: The bidder is required to submit Certificate of work done for ongoing projects, duly signed by Client or its Engineer-in-charge not below the rank of Executive Engineer or equivalent in respect of EPC Projects or Concessionaire / Authorised Signatory of SPV in respect of BOT Projects for ongoing project claimed in Sr no. 4 to 6 as mentioned in Annex VI for Arriving at Value of B. Kindly note that the Value of work completed for ongoing projects should be match with the supporting certificates provided. Therefore, bidder	With respect to project no. 4 the work was completed on 27.08.2023, but the final bill is yet to be submitted, the completion certificate is also to be received. Now the authority has given concurrence to issue the completion certificate to our client M/S EPIL. COPY of the letter dated 27.02.2024 is enclosed as annexure II for your reference. In view of pending completion certificate to us, we have shown this project under works on hand, otherwise this project was completed on 27.08.2023. With Respect to project no 5 and 6, the certified bill copies were	The required document / information has now been provided and the bid capacity has been calculated accordingly.

	is required to provide the details related to completed Value claimed in the submitted table with the corresponding supporting certificates highlighting the completed value as claimed in the table for ongoing project claimed in Sr no. 4 to 6 as mentioned in Annex VI for Arriving at Value of B. In case the supporting document is not signed or the designation of signing person is not clear or signed by the person below the rank of Executive Engineer or equivalent in respect of EPC Projects, the completed value of such ongoing project will not be considered and value of B will be calculated based on full value of such ongoing project. Further, in case of non-availability of supporting certificates as mentioned above, the Value of ongoing projects will be considered at full value with corresponding factor (without considering completed work) and Bid Capacity will be calculated accordingly.	submitted at Page no.186 to 189 of Pdf file TechFinal, which was signed by Dy Project head (Equivalent to Executive Engineer rank). However, we are enclosing herewith the copies of same bills with signature of project head also for your information as annexure III & IV.	
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4. M/s B B Verma			
SN	Head/ Reference/Clause	Clarification Sought	Reply Received
1	Self-Certificate Clause 1.2.10 & 2.11.1	- The bidder has submitted the local content self-certificate however, the details of location of local value addition has not been mentioned in the certificate submitted at page 52 of pdf file 4TECHNICALDEOC which is required as per clause 1.2.10 and clause 2.11.1 (under heading Self-Certification) of RFP. - Further, a certificate from the Statutory Auditor or Cost Auditor of the Company or from a practicing Cost Accountant mentioning the percentage of local content has not been found which is required as per clause 1.2.10 and clause 2.11.1 (under heading Self-Certification) of RFP.	Certificate of Local supplier issued by a Chartered Accountant Mr Gopal Kumar Agrawal proprietor of Gopal Kumar Agrawal & Associates is attached
2	Bid Capacity Value of Annex-VI Clause 2.2.2.1	Kindly clarify and provide the same. The bidder has claimed a bonus of Rs. 45 lakhs related to Financial Year 2022-23 for calculation of Value of C, however such amount of bonus is not countersigned by the Client or its Engineer-in-charge not below the rank of Executive Engineer or equivalent which is required as per Note 2 to clause 2.2.2.1 of RFP. Kindly Clarify.	A copy of the payment memorandum of bonus bill by the Executive Engineer, PWD, National Highway, Ambikapur is attached
3	Bid	The bidder has provided information related to a	A copy of the order dated 18.10.2023
			Noted.

Capacity of Value Annex-VI Clause 2.2.2.1	project showed in Value of B Table at page 35 of pdf file 4TECHNICALDEOC for calculation of Bid Capacity. As per the information, the project is on Stay by Order of Honourable High Court Cuttack and therefore ZERO Value of ongoing commitment is considered for this project. Kindly provide the present status of such project.	of the Honorable High Court Cuttack is attached. Counter affidavit has been submitted by National Highway Odisha and us. The case is still pending yet.	
Turnover certificate and Value of B Annex-III, Annex-IV and Annex-VI to Appendix-1A	<i>The bidder is required to provide the Statutory Auditor Certificates (with UDIN) for Annex-IV, Annex-III, Annex-VI, Local Content percentage or any other document which requires Statutory Auditor authentication.</i> <i>The Certificates (with UDIN) submitted for Annex-VI and Annex-IV is by Gopal Kumar Agrawal & Associates with different dates i.e., on 05.10.2023, 03.03.2024 and on 24.09.2022</i> <i>Further, the turnover and net worth certificates are provided by A Daruka & Co. on 08.09.2023 and no certificate related to percentage of local content has been provided. The Statutory Auditor of the bidder as per latest Financial Statements is A Daruka & Co. Therefore, the requirement for submission of Statutory Auditor Certificates is not complied.</i> Kindly clarify and provide the same.	The statutory auditor of our firm is C.A. Gopal Kumar Agrawal Proprietor Of Gopal Kumar Agrawal & Associates. To Participate in the tender we urgently needed the financial statement for the year 2022-23, but C.A. Gopal Kumar Agrawal Proprietor Of Gopal Kumar Agrawal & Associates had gone out of the state due to personal reason and due to it taking time for him to return, on his advice we prepare financial statement 2022-23 from A. Daruka and Co. Proprietor C.A. Abhishek Daruka. We got the turnover certificate and net worth certificate made from the C.A. Abhishek Daruka Proprietor of A. Daruka and Co. The statutory auditor or our firm is C.A. Gopal Kumar Agrawal Proprietor Of Gopal Kumar Agrawal & Associates. All the previous financial statement and certificates submitted by us have been made by C.A. Gopal Kumar Agrawal	The reply provided by bidder is not satisfactory. As per the bidder's reply, Statutory Auditor for 2022-23 is Gopal Kumar Agrawal & Associates and Financial Statements for F.Y 2022-23 is signed by A Daruka and Co. as a Statutory Auditor either on behalf of or in absence of Gopal Kumar Agrawal & Associates. Further, it is observed that Since the Annex-IV certificates are signed on 03.03.2024, Gopal Kumar Agrawal & Associates was able to sign the turnover certificate and net worth

Annexure-I

		Proprietor Of Gopal Kumar Agrawal & Associates only. The certificate of local supplier is also being issued by C.A. Gopal Kumar agrawal Proprietor Of Gopal Kumar Agrawal & Associates and in future also our financial examiner will remain C.A. Gopal Kumar agrawal Proprietor Of Gopal Kumar Agrawal & Associates.	certificate also on that date. The bidder has also not provided any supporting document to establish the following: Gopal Kumar Agrawal & Associates is appointed as current Statutory Auditor for F.Y 2023-24. Any correspondence to establish the authorization of A. Daruka and Co. for signing of Financial Statements for F.Y 2022-23.
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List of Eligible / Not Eligible Bidders for next stage

Out of 4 bids received as on Bid Due date, 2 bidders are considered as Not Eligible and rest 2 bidders are considered as Eligible. The details are as follows:

S. No.	Name of Bidders	Local Supplier/ Non-Local Supplier	Eligible for Opening of Financial Bids
1.	Ms. Abdul Kalam Azad,	Class-I local Supplier	Eligible
2.	M/s Hindustan Construction,	Class-I local Supplier	No (Note 1)
3.	M/s JSR Constructions Pvt Ltd	Class-I local Supplier	No (Note 2)
4.	M/s B B Verma,	Class-I local Supplier	Eligible

Note:**1. M/s Hindustan Construction**

The bidder is considered as Not Eligible as per clause 2.2.2.2 (i) and clause 2.2.2.1 of RFP. The details are as follows:

- Bidder has considered experience related FY 2023-24 for calculation of Technical Capacity instead of considering only 5 financial years from 2018-19 to 2022-23 as per provisions of RFP and further some projects have been claimed in category 3 instead of category 4 as per provisions of RFP. A clarification has been asked from the bidder related to the same however the bidder has not provided the satisfactory reply for considering F.Y 2023-24 in Technical Capacity and for considering projects in category 3. Therefore, assessed Technical Capacity of Bidder (after considering only 5 financial years from 2018-19 to 2022-23 and the referred projects in category 4) is Rs. 52.57 cr. which is less than required Technical Capacity of Rs. 74.35 cr. and the bidder is considered as Not Eligible as per clause 2.2.2.2 (i) of RFP. **(Please see page no. 03 to 05 for further details).**
- Bidder has considered revenue from sales and diesel also in the claimed civil turnover for Value of A instead of considering only civil construction turnover as per provisions of RFP and further some supporting certificate for completion status of ongoing projects in Value of B has not been provided by the bidder which is required as per provisions of RFP. Therefore, Bid Capacity has been calculated considering only civil construction turnover and considering full value of ongoing projects, for which completion status not been provided, for Value of B. Therefore, assessed Bid Capacity of Bidder arrived is Rs. 64.61 cr. which is less than required Bid Capacity of Rs. 99.13 cr. and the bidder is considered as Not Eligible as per clause 2.2.2.1 of RFP. **(Please see page no. 03 to 05 for further details).**

2. M/s B B Verma

The bidder is considered as Not Eligible as per clause 2.2.2.9 (ii) of RFP for non-submission of Statutory Auditor Certificate. The details are as follows:

The bidder has submitted certificates for Annex-VI and Annex-IV by Gopal Kumar Agrawal & Associates with different dates i.e., on 05.10.2023, 03.03.2024 and on 24.09.2022 and for Annex-III by A Daruka & Co. on 08.09.2023 instead of providing all the certificates by Statutory Auditor. The latest Financial Statements of the bidder is signed by A Daruka & Co. in the capacity of Statutory Auditor. A clarification has been asked from the bidder for the same and bidder has replied that its Statutory Auditor is Gopal Kumar Agrawal & Associates and because of urgency the Financial Statements have been prepared by A Daruka & Co. and Net Worth and Turnover certificates are also provided by A Daruka & Co. **Therefore, as per bidders reply, Gopal Kumar Agrawal & Associates as**

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Statutory Auditor however no supporting document to establish the same has been provided.

However, it is seen that Net Worth and Turnover Certificates were signed by A. Daruka & Co. on 08.09.2023 and Annex-IV certificates are signed by Gopal Kumar Agrawal & Associates on 03.03.2024. Based on the bidder's reply, the Statutory Auditor Gopal Kumar Agrawal & Associates was available on 03.03.2024 to sign the Net Worth and Turnover Certificate also which were not provided. **Even after seeking the clarification, a document for local content has been provided by Gopal Kumar Agrawal & Associates on 12.03.2024 and no net worth and turnover certificate by Gopal Kumar Agrawal & Associates has been submitted.**

(Please see page no. 09 to 11 for further details).

Therefore, based on the above facts, the bidder is considered as Not Eligible for opening of Financial Bid for non-compliance as per clause 2.2.2.9 (ii) of RFP.

V. Nidhi
13/3/2024

DGM (Tech)
R.V. Bagulane.