

No.RW/NH-37010/4/2010-PIC-Printing/Vol.-V
Government of India
Ministry of Road Transport & Highways
(EAP Zone)
Transport Bhawan, 1, Parliament Street, New Delhi - 110001

Dated the 08th August, 2018

To

1. The Principal Secretaries/Secretaries of all States/UTs Public Works Department dealing with National Highways, other Centrally Sponsored Schemes & State Schemes.
2. The Engineers-in-Chief and Chief Engineers of all States/UTs Public Works Department dealing with National Highways, other Centrally Sponsored Schemes & State Schemes.
3. Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110010
4. The Chairman, National Highways Authority of India (NHAI), G-5&6, Sector-10, Dwarka, New Delhi-110 075.
5. The Managing Director, National Highway Infrastructure Development Corporation Ltd., 3rd floor, PTI Building, Parliament Street, New Delhi-110 001

Subject: Request for Proposal (RFP-Single stage two part bidding) for National Highways and centrally sponsored Road & Bridge Works to be implemented on Engineering, Procurement & Construction (EPC) mode- Amendment in RFP.

- Ref:**
- (i) Request for Proposal' (RFP-Single stage two part bidding) issued vide circular dated 16.01.17.
 - (ii) Circular No. RW/NH-37010/4/2010/PIC-EAP(Printing) dated 07.06.2018.
 - (iii) Circular No. RW/NH-37010/4/2010/PIC-EAP(Printing) dated 20.12.2017.
 - (iv) Circular No. RW/NH-37010/4/2010/PIC-EAP(Printing) dated 27.06.2017.

Sir,

As per the provision of existing RFP document, technical as well as financial proposals are to be submitted by the bidder in a single stage but in two envelope system. Practically, technical and financial bids/proposals are being submitted separately. The financial bids are being opened only for technically qualified bidders as per the eligibility criteria mentioned in the RFP. In this existing system, the bidders are required to submit their technical proposal including their credentials, turnover, balance sheets etc. every time at the time of submission of the bid/RFP. Most of the details in the technical proposal remains same except for new updations on account of completion/awards of works. By this process, most of the repetitive/existing data is being uploaded on the web portal at the time of submission of RFP/bid creating overburden on the web servers. At the same time, it has been observed in the past that slightly different credentials are being uploaded by the same bidder in respect of different projects which invites complaints and legal litigations at a later stage.

2. In order to avoid discrepancy as well as repetition of data as stated in para 1 above and also for expeditious evaluation process of technical proposals submitted by the bidders, a software named Bidder Information Management System (BIMS) has been developed by the Ministry wherein technical proposal/bids shall be submitted by the bidders on <https://bims.gov.in> and the financial proposals/bids on <http://morth.eproc.in>.

3. Upon implementation of BIMS vide Ministry's circular No. RW/NH-35014/34/2017-H (part-II) dated 19.06.2018, the following clauses of the RFP have been amended and shall be read as:

"Clause 2.2.2.7 - Submission in support of Technical Capacity

- (i) The bidder shall update details of Experience (ongoing and completed projects) on the Bidder Information Management System (BIMS) [www.bims.gov.in] on a regular basis. The details of Eligible Experience for the last 5 financial years, necessary information relating to Technical Capacity and Project Specific Information shall be taken from the information uploaded on BIMS."

"Clause 2.2.2.8 - Submission in support of Financial capacity

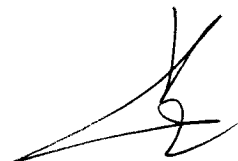
- (i) The bidder shall upload financial details along with supporting financial documents (E.g., Audited Annual Reports) on BIMS on a regular basis.
- (ii) In case the annual accounts for the latest financial year are not audited and therefore the Bidder cannot make it available, the Bidder shall upload on BIMS 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.
- (iii) The Bidder must establish the minimum Net Worth specified in Clause 2.2.2.3, and upload the relevant details on BIMS."

"Clause 2.2.2.9

The Bidder shall upload on BIMS as per the format at Appendix-IA, complete with its Annexes, the following:

- (i) Certificate(s) from its statutory auditors⁵ or the concerned client(s) stating the payments received or in case of a PPP project, the construction carried out by itself, during the past 5 years, in respect of the Eligible Projects. In case a particular job/ contract has been jointly executed by the Bidder (as part of a Joint Venture), it should further support its claim for the payments received or construction carried out by itself in PPP Projects as applicable

⁵ In case duly certified audited annual financial statements containing explicitly the requisite details are provided, a separate certification by statutory auditors would not be necessary in respect of Clause 2.2.2.9 (i). In jurisdictions that do not have statutory auditors, the firm of auditors which audits the annual accounts of the Applicant may provide the certificates required under this RFP.



the share in work done for that particular job/ contract by producing a certificate from its statutory auditor or the client; and

- (ii) Certificate(s) from its statutory auditors specifying the net worth of the Bidder, as at the close of the preceding financial year, and also specifying that the methodology adopted for calculating such net worth conforms to the provisions of this Clause 2.2.2.9 (ii). For the purposes of this RFP, net worth (the “Net Worth”) shall mean the aggregate value of the paid-up share capital and all reserves created out of the profits and securities premium account, after deducting the aggregate value of the accumulated losses, deferred expenditure and miscellaneous expenditure not written off, as per the audited balance sheet, but does not include reserves created out of revaluation of assets, write-back of depreciation and amalgamation.”

“Clause 2.9.2

Any Addendum issued hereunder will be hosted on the [MoRTH’s website (www.morth.nic.in), MoRTH’s e-Tendering Portal (<https://morth.eproc.in>) and BIMS website (www.bims.gov.in)].”

“Clause 2.10.1

The Bidder shall provide all the information sought under this RFP. The Authority will evaluate only those BIDs that are received online in the required formats and have been applied to on BIMS and complete in all respects and Bid Security, Copy of online receipt towards payment of cost of Bid document, POA and Joint Bidding Agreement etc. are received in hard copies.”

“Clause 2.11.1 - Documents comprising Technical and Financial BID

2.11.1 The Bidder shall first upload all the project details, net worth details, turnover details, bridge and tunnel details and all other details required on the BIMS portal for technical qualification. The bidder shall ensure that all the details are updated as on the due date of submission of this bid.

The bidder shall then apply for the RFP on the BIMS portal [www.bims.gov.in] by submitting the documents mentioned below along with the supporting documents which shall comprise of the Technical BID on the BIMS portal:

Technical Bid

- (a) Appendix-IA (Letter comprising the Technical Bid) including Annexure I, IV and V and supporting certificates / documents.
- (b) Power of Attorney for signing the BID as per the format at Appendix-III;
- (c) if applicable, Power of Attorney for Lead Member of Joint Venture as per the format at Appendix-IV;
- (d) if applicable, Joint Bidding Agreement for Joint Venture as per the format at Appendix-V;
- (e) Deleted
- (f) BID Security of Rs. __ (** (**)) in the form of Bank Guarantee in the format at Appendix-II from a Scheduled Bank (to be submitted physically as well);



- (g) Copy of online receipt towards payment of cost of Bid document of Rs.*** (Rupees****) to[“Pay & Accounts Officer, Ministry of Road Transport and Highway New Delhi / National Highways Authority of India”]payable at [New Delhi] towards cost of Bid document.;
- (h) Proof of payment of tender processing fee of Rs. *** (Rupees ****);
- (i) Bidder shall comply with the provisions of Office Memorandum No. RW/NH-37010/4/2010/PIC-EAP(Printing) dated 22.02.2016 and its subsequent amendments if any, issued by MoRT&H (Appendix-VI) regarding Integrity Pact (IP) and the Integrity Pact (IP) duly signed by Authorised signatory shall be submitted by the Bidder with the RFP Bid & shall be part of the Contract Agreement;
- (j) An undertaking from the person having PoA referred to in Sub. Clause-(b) above that they agree and abide by the Bid documents uploaded by MoRT&H/NHAI and amendments uploaded, if any; and

Financial Bid

- (i) Appendix-IB (Letter comprising the Financial Bid) shall be submitted online through e-procurement portal [<http://www.morth.eproc.in> /<https://nhai.eproc.in>] on or before hrs IST on.....”

“Clause 2.12 - BID Due Date

Financial BID comprising of the documents listed at clause 2.11.1 of the RFP shall be submitted online through e-procurement portal [<http://www.morth.eproc.in> /<https://nhai.eproc.in>] on or before hrs IST on.....This will also necessitate updating all details in the BIMS portal and generating a certificate with the unique Team ID before the submission of the Technical & Financial BID. Documents listed at clause 2.11.2 of the RFP shall be physically submitted on or before hours IST on at the address provided in Clause 2.11.4 in the manner and form as detailed in this RFP. A receipt thereof should be obtained from the person specified at Clause 2.11.4. The technical details will be captured from the BIMS portal once the bidder has applied on it.”

“Clause 2.13 - Late BIDs

E-procurement portal [<http://www.morth.eproc.in> / <https://nhai.eproc.in>] and BIMS [www.bims.gov.in] shall not allow submission of any Bid after the prescribed date and time at clause 2.12. Physical receipt of documents listed at clause 2.11.2 of the RFP after the prescribed date and time at clause 2.12 shall not be considered and the bid shall be summarily rejected.”

“Clause 2.14.1.2

To participate in the bidding, it is mandatory for the Bidders to get registered their firm / Joint Venture with e-procurement portal of MoRT&H / NHAI [<http://www.morth.eproc.in> / <https://nhai.eproc.in>] to have user ID & password which has to be obtained by submitting an annual registration charges of INR *** (Rupees ***) (Inclusive of all taxes) to the e-tendering service provider through their e-payment gateway. Validity of online registration is 1 (one) year. Following may kindly be noted:



(a) Registration with e-procurement portal of MoRTH/ NHAH should be valid at least up to the date of submission of BID.

(b) BIDs can be submitted only during the validity of registration.

It is also mandatory for the Bidders to get their firms registered on BIMS portal at www.bims.gov.in. The bidders shall update their project and other details on the portal on a regular basis and apply to the tenders via the portal.”

“Clause 2.14.1.4

The complete BID document can be viewed / downloaded by the Bidder from e-procurement portal of MoRT&H / NHAH [<http://www.morth.eproc.in> / <https://nhai.eproc.in>] or from the BIMS portal or official portal of MoRTH / NHAH i.e. <http://www.morth.nic.in> / nhai.org from ____** to ____** (uptoHrs. IST).”

“Clause 2.14.2.1

The Bidder may be submitted his Bid online following the instruction appearing on the screen. A buyer manual containing the detailed guidelines for e-procurement is also available on e-procurement portal of MoRT&H/NHAH. Similarly, a bidder manual containing the detailed guidelines for registering, updating data and applying for bids is available on the BIMS portal.”

“Clause 2.14.2.3

Bid must be submitted online only through e-procurement portal of MoRT&H / NHAH [<http://www.morth.eproc.in> / <https://nhai.eproc.in>] using the digital signature of authorised representative of the Bidder and the bidder must apply on the BIMS portal [www.bims.gov.in] on or before (upto hours IST).”

“Clause 2.14.3.2

For modification of e-BID, Bidder has to detach its old BID from e-procurement portal and upload / resubmit digitally signed modified BID. For withdrawal of BID, bidder has to click on withdrawal icon at e-procurement portal and can withdraw its e-BID. Before withdrawal of a BID, it may specifically be noted that after withdrawal of a BID for any reason, Bidder cannot re-submit e-BID again. For modification of the application mode (sole / JV), Bidder has to switch the mode according to the guidelines provided in the aforementioned Bidder Manual available on the BIMS portal. For withdrawal of bid, the bidder can click on ‘Delete Participation’ as mentioned in the guidelines in the Bidder Manual.”

“Clause 2.15.2

The Ministry/ NHAH shall on-line open Technical BIDs onat hours IST, in the presence of the authorized representatives of the Bidders, who choose to attend. Technical BID of only those bidders shall be online opened whose documents listed at clause 2.11.2 of the RFP have been physically received and the details have been uploaded on BIMS along with application to the tender on BIMS. The



MoRT&H / NHAI will subsequently examine and evaluate the BIDs in accordance with the provisions of Section 3 of RFP.

Further, any falsification of any data uploaded on BIMS shall attract penalties including complete rejection of the bid by the Authority.”

“Clause 2.20.1

The Bidder shall furnish as part of its BID, a BID Security referred to in Clauses 2.1.6 and 2.1.7 hereinabove in the form of a bank guarantee issued by nationalised bank, or a Scheduled Bank in India having a net worth of at least Rs. 1,000 crore (Rs. one thousand crore), in favour of the Authority in the format at Appendix-II (the “Bank Guarantee”) and having a validity period of not less than 180 (one hundred eighty) days from the BID Due Date, inclusive of a claim period of 60 (sixty) days, and may be extended as may be mutually agreed between the Authority and the Bidder from time to time. In case the Bank Guarantee is issued by a foreign bank outside India, confirmation of the same by any nationalised bank in India is required. For the avoidance of doubt, Scheduled Bank shall mean a bank as defined under Section 2(e) of the Reserve Bank of India Act, 1934. A scanned copy of the Bank Guarantee shall be uploaded on BIMS while applying to the tender.”

“Clause 3.1.1

The Authority shall open the BIDs received physically & online at**hours IST on**, at the place specified in Clause 2.11.4 (i); and in the presence of the Bidders who choose to attend. Technical BID of only those bidders shall be online opened whose documents listed at clause 2.11.2 of the RFP have been received physically and the details have been uploaded on BIMS along with application to the tender on BIMS. The Authority shall prepare minutes of the BID opening, including information disclosed to those present at the time of BID opening.”

“Clause 3.1.4

To facilitate evaluation of Technical BIDs, the Authority may, at its sole discretion, seek clarifications in writing from any Bidder regarding its Technical BID. Such clarification(s) shall be provided within the time specified by the Authority for this purpose. Any request for clarification(s) and all clarification(s) in response thereto shall be in writing. The bids will be examined and evaluated on the BIMS portal in accordance with the provisions set out in this Section 3. The Authority will subsequently flag issues, if any with the data updated by the bidders.”

“Clause 3.1.6.1

As a first step towards evaluation of Technical BIDs, the Authority shall determine whether each Technical BID is responsive to the requirements of this RFP. A Technical BID shall be considered responsive only if:

- (a) Technical BID is received online as per the format at Appendix-IA including Annexure I, IV, V;



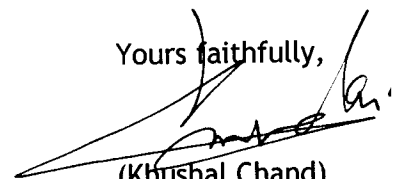
- (b) Documents listed at clause 2.11.2 are received physically or on BIMS or CPPP as mentioned;
- (c) Technical Bid is accompanied by the BID Security as specified in Clause 2.1.6 and 2.1.7;
- (d) The Power of Attorney is uploaded on BIMS as specified in Clauses 2.1.8;
- (e) Technical Bid is accompanied by Power of Attorney for Lead Member of Joint Venture and the Joint Bidding Agreement as specified in Clause 2.1.9, if so required;
- (f) Technical Bid contains all the information (complete in all respects);
- (g) Technical Bid does not contain any condition or qualification; and
- (h) Copy of online receipt towards payment of cost of Bid document of Rs ___** (Rupees ***only) in favour of [“Pay & Accounts Officer, Ministry of Road Transport and Highways New Delhi/ National Highways Authority of India” payable at New Delhi] is received.”

“Clause 3.1.9

The bidders will be automatically evaluated on BIMS by the Authority. After evaluation of Technical Bids, the Authority will publish a list of Technically Responsive Bidders whose financial bids shall be opened. The Authority shall notify other bidders that they have not been technically responsive. The Authority will not entertain any query or clarification from Applicants who fail to qualify. The Authority shall publish/upload the list of technically eligible bidders on the BIMS portal and provide seven days for receipt of comments from bidders. Once the technical evaluation has been finalized, the Authority shall use the CPP portal for opening the financial bids of the technically qualified bidders, and for determination of the L1 bidder.”

- 3. Upon introduction of BIMS, following Appendixes and Annexures stands deleted from the RFP: Appendix IA [Annex-II]; Appendix IA [Annex-III] and Appendix IA [Annex-VIA].
- 4. Contents of this circular may be brought to the notice of all the concerned for immediate compliance.
- 5. This issues with approval of Competent Authority.

Yours faithfully,



(Khushal Chand)
Superintending Engineer (EAP)

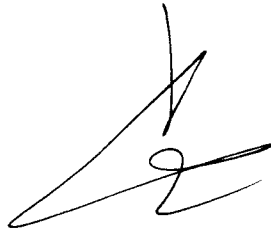
Copy To:

- 1. All Technical Officers at the Headquarters
- 2. Secretary General, Indian Roads Congress

3. Director, IAHE, NOIDA
4. All ROs and ELOs of MoRT&H

Copy for information to:

1. PPS to Secretary (RT&H), PPS to DG(RD) & SS, PS to AS&FA, PS to Coordinators - I/II/III/IV/V.
2. NIC- with the request to upload in the Ministry's portal

A handwritten signature in black ink, consisting of a large, stylized 'A' shape with a vertical line extending upwards from its center, and a horizontal line extending to the right from its base, with a small loop at the end.