

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

Dated: 07th October, 2019

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. The Chairman, National Highways Authority of India (NHAI), G-5&6, Sector-IIt, Dwarka, New Delhi-110 075.
4. The Managing Director, National Highway Infrastructure Development Corporation Ltd., 3rd floor, PTI Building, Parliament Street, New Delhi- 110 001

Sub: Standard Request for Proposal (RFP) for National Highways and centrally sponsored road works proposed to be implemented on EPC Mode of Contract- Amendments-I to RFP regarding.

Ref: Ministry's letter no. RW/NH-37010/4/2010/PIC-EAP (Printing) dated 05.03.2019.

Sir,

This is in continuation to Ministry's circular referred above.

- 1.1 As per the provision of existing Standard RFP issued vide Ministry's circular dated 05.03.2019, the Technical and Financial bids shall be submitted on CPPP e-procurement portal. Earlier, Ministry's circular of even number dated 28.11.2018, the Technical Bids were proposed to be uploaded on BIMS portal and Financial bids on CPPP portal. However, due to some technical reasons, the uploading of Technical bids on the BIMS portal was suspended till further orders. Now, the requisite updation of BIMS portal has been made by NIC to capture the requisite data of bidders and evaluation of the bids automatically as per the standard RFP requirements.

- 1.2 From the past experience and to avoid any legal complications at a later date, it has been decided that the bids should be invited using BIMS portal as well as the existing system i.e. e-procurement procedure of CPPP portal. However, the evaluation of the bids will be carried out by using both mechanism i.e. (i) as per the existing mechanism and (ii) using BIMS portal. The final decision of the evaluation has to be taken based on the report finalized as per the existing mechanism of e-procurement and the evaluation carried out using BIMS portal will be considered only for comparison and validation purposes for further improvement of BIMS. The uploading of bids on the BIMS portal shall commence with immediate effect and this arrangement of evaluation of bids as per the existing mechanism and using BIMS portal only for comparison purpose shall be valid upto 31st December, 2019. From 1st January, 2020, all Technical bids shall be submitted and their evaluation shall be carried out through BIMS portal only.

2. **Bid Security** - As per clause 2.20 of RFP, the bidder has to furnish a Bank Guarantee against the Bid Security as per the provision of clause 1.2.4 of the Standard RFP. In this context, Ministry of Commerce and Industry vide their order no. P-25020/13/2019-EODB dated 11.09.2019 advised the following for rationalisation of system of Earnest Money Deposits:

"Rule 170 (iii) of GFR 2017: In place of Bid Security, the Ministries/Departments may require bidders to sign a Bid securing declaration accepting that if they withdraw or modify their bids during the period of validity or if they are awarded the contract and they fail to sign the contract or to submit a performance security before the deadline define in the request for bids documents, they will be suspended for the period of time specified in the request for bids document from being eligible to submit bids for contracts with the entity that invited the bids".

In view of the above, following clauses of RFP are hereby amended:

- (i) **Clause 1.2.4** shall be read as:

"A Bidder is required to submit, along with its BID, a BID Securing Declaration⁵. The Bidders shall also submit Demand Draft for Rs.—**⁶ issued from a scheduled Bank in India in favour of ["Pay & Accounts Officer, Ministry of Road Transport & Highways, New Delhi /National Highways Authority of India"] payable at [New Delhi]."

Footnote 5 shall be read as:

⁵"The Bid Securing Declaration shall be submitted as per Clause 2.20 of this RFP."

(ii) **Clause 2.20** shall be read as:

"The bidder has to sign a Bid securing declaration accepting that if the bidder withdraw or modify its bid during the period of validity i.e. not less than 180 (one hundred eighty) days from the bid due date or if the bidder is awarded the contract and fail to sign the contract or to submit a performance security before the deadline defined in the request for bid documents, the bidder will be suspended for participation in the tendering process for the works of MoRTH/NHAI/NHIDCL and works under other Centrally Sponsored Schemes, for a period of one year from the bid due date of this work. The bid securing declaration shall be submitted as per the format at Appendix-II (Format for Bid Securing Declaration)".

3. **Appendix-1B** - It has been observed that some bidders are uploading the financial bids on CPP portal in the format of Appendix-1B as scanned documents as well as filling the data separately in the prescribed format made for submission of financial bids on CPP portal. Sometimes, there is a mismatch in the financial figures in both the formats submitted by the bidder which may create legal complications at a later date and invite arbitration/court cases. In order to avoid such type of complications, it has been decided that **Appendix-1B** as part of RFP shall be treated for reference only and not to be filled by the bidder. The financial bid shall be evaluated considering financial figures filled-in in the prescribed format only available on CPP portal.
4. **Format of Letter of Acceptance (LOA) Appendix-VIII** - In addition to the existing format for issue of LOA as per Appendix-VIII, the following shall be added at the bottom left corner of the format:

"Accepted by

(Name of the Authorized person)

(Name of the sole bidder/lead partner of JV)

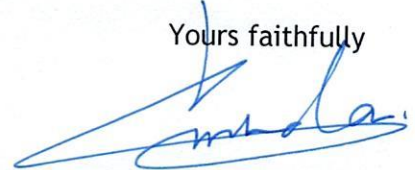
Seal of the bidder"



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5. Contents of this circular may be brought to the notice of all the concerned for immediate compliance.
 6. This circular shall be effective from the date of its issue.
 7. This issues with approval of Competent Authority.

Encl: As above

Yours faithfully



(Khushal Chand)
Chief 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 AS/JS(EAP), PS to ADG I/II.
2. NIC- with the request to upload in the Ministry's portal

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APPENDIX - II

Bid Securing Declaration
(Refer Clauses 2.20)

I hereby submit a declaration that the bid submitted by the undersigned, on behalf of the bidder, *[Name of the bidder]*, either sole or in JV, shall not be withdrawn or modified during the period of validity i.e. not less than 180 (one hundred eighty) days from the bid due date.

I, on behalf of the bidder, *[Name of the bidder]*, also accept the fact that in case the bid is withdrawn or modified during the period of its validity or if we fail to sign the contract in case the work is awarded to us or we fail to submit a performance security before the deadline defined in clause 7 of the Request for Proposal (RFP), then *[Name of the bidder]* will be suspended for participation in the tendering process for the works of MoRTH/NHAI/NHIDCL and works under other Centrally Sponsored Schemes, for a period of one year from the bid due date of this work.

(Signature of the Authorised Signatory)

(Official-Seal)



