

1440845/2020/Highways Section

No. NH-35014/35/2020-H

130.184

Government of India

Ministry of Road Transport & Highways

(Highway Division)

Transport Bhawan, 1, Parliament Street, New Delhi - 110001

Date: ~~October~~, 202002nd Nov,

To

1. The Chairman, National Highways Authority of India, G-5 7 6, Sector-10, Dwarka, New Delhi-110075
2. Director General (RD) & Special Secretary, Ministry of Road Transport & Highways
3. The Managing Director, NHIDCL, PTI Building, New Delhi-110001
4. Principal Secretaries/Secretaries of all States/UTs Public Works Department/ Road Construction Department/ Highways Department (dealing with National Highways and other centrally sponsored schemes)
5. All Engineers-in-Chief and Chief Engineers of Public Works Department/ Road Construction Department/ Highways Department (dealing with National Highways and other centrally sponsored schemes)
6. The Director General Border Roads, Seema Sadak Bhawan, Ring Road, New Delhi-110010
7. All CE-ROs, ROs and ELOs of the Ministry of Road Transport & Highways

Subject: Changes in Bidder Eligibility Criteria for EPC Projects - reg.

Sir,

A Committee was constituted under the chairmanship of Additional Secretary & Financial Adviser, MoRTH, vide Order No. CD-14040/15/2020-Coord./185715 dated 22.6.2020, to review the RFP documents of EPC, BOT, HAM & ToT Projects to check whether the eligibility conditions of these documents result in unreasonable exclusion of the domestic contractors/ concessionaires in the bidding process in light of the Department for Promotion of Industry & Internal Trade (DPIIT) Make in India (Preference to Make in India) Order dated 04.06.2020.

2. On the basis of the recommendations/report of the Committee, the changes in the bidder eligibility criteria for EPC Projects have been considered and approved by the competent authority, as per the statement attached (**Annexure**).
3. Relevant provisions of the standard RFP of EPC Projects stand modified to this effect. All the executing agencies of MoRTH are directed to implement the aforesaid changes with immediate effect.

Yours faithfully,

Encl: As above

(Ramandeep Chowdhary)

Deputy Secretary to the Govt. of India

Copy to:

1. Sr. PPS to Secretary (RT&H)
2. AS&FA, MoRTH
3. All Joint Secretaries in the MoRTH
4. All ADGs/CEs in the MoRTH
5. Director (NIC), MoRTH for uploading on the website

ANNEXURE

MODIFICATION IN THE CLAUSES OF RFP OF EPC PROJECTS

Sl. No.	Clause No.	Existing Provision	Modified Provision																								
Threshold Technical Capacity																											
1.	2.2.2.2 (i) of RFP	For demonstrating technical capacity and experience (the “Technical Capacity”), the Bidder shall, over the past [5 (five)] financial years preceding the Bid Due Date, have received payments for construction of Eligible Project(s), or has undertaken construction works by itself in a PPP project, such that the sum total thereof, as further adjusted in accordance with clause 2.2.2.5 (i) & (ii), is more than [Rs.***crore (Rs. ****)] (the “Threshold Technical Capacity”)¹. 1. This amount should be as follows: <table><tr><th>Sl. No</th><th>Estimated Project Cost (EPC) of the Project being invited</th><th>Threshold Technical Capacity</th></tr><tr><td>1</td><td>Estimated Project Cost< = 100 Crore of normal highway project</td><td>1.0 time of EPC</td></tr><tr><td>2</td><td>Estimated Project Cost> 100 Crore -&< = 500 Crore of normal highway project</td><td>1.5 times of EPC</td></tr><tr><td>3</td><td>Estimated Project Cost> 500 Crore of normal highway project</td><td>2 times of EPC</td></tr></table>	Sl. No	Estimated Project Cost (EPC) of the Project being invited	Threshold Technical Capacity	1	Estimated Project Cost< = 100 Crore of normal highway project	1.0 time of EPC	2	Estimated Project Cost> 100 Crore -&< = 500 Crore of normal highway project	1.5 times of EPC	3	Estimated Project Cost> 500 Crore of normal highway project	2 times of EPC	For demonstrating technical capacity and experience (the “Technical Capacity”), the Bidder shall, over the past [5 (five)]¹ financial years preceding the Bid Due Date, have received payments for construction of Eligible Project(s), or has undertaken construction works by itself in a PPP project, such that the sum total thereof, as further adjusted in accordance with clause 2.2.2.5 (i) & (ii), is more than [Rs.***crore (Rs. ****)] (the “Threshold Technical Capacity”)². 1. 5 years in case of normal highway projects and 10 years in case of Standalone specialized projects. 2. This amount should be as follows: (A) For Normal highway project: <table><tr><th>Sl. No</th><th>Estimated Project Cost (EPC) of the Project being invited</th><th>Threshold Technical Capacity</th></tr><tr><td>1</td><td>Estimated Project Cost< = 100 Crore</td><td>0.75 time of EPC</td></tr><tr><td>2</td><td>Estimated Project Cost> 100 Crore &< = 500 Crore</td><td>1.0 time of EPC</td></tr><tr><td>3</td><td>Estimated Project Cost> 500 Crore</td><td>1.0 time of EPC</td></tr></table>	Sl. No	Estimated Project Cost (EPC) of the Project being invited	Threshold Technical Capacity	1	Estimated Project Cost< = 100 Crore	0.75 time of EPC	2	Estimated Project Cost> 100 Crore &< = 500 Crore	1.0 time of EPC	3	Estimated Project Cost> 500 Crore	1.0 time of EPC
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Sl. No.	Clause No.	Existing Provision		Modified Provision
Threshold Technical Capacity				
		4	Estimated Project Cost<= 1000 Crore of Stand-alone specialized projects	As in the case of normal highway projects
		5	Estimated Project Cost> 1000 Crore of Stand-alone specialized projects	Greater than or equal to Rs.2000 Crores
(B) For Stand-alone specialized projects:				
Sl. No	Estimated Project Cost (EPC) of the Project being invited		Threshold Technical Capacity	
1	Estimated Project Cost< = 100 Crore		0.75 time of EPC	
2	Estimated Project Cost> 100 Crore &< = 500 Crore		1.0 time of EPC	
3	Estimated Project Cost> 500 Crore &< = 1000 Crore		1.0 time of EPC	
4	Estimated Project Cost > 1000 Crore		1.0 time of the estimate Project cost or Rs. 1000 crore, whichever is less	
5	Estimated Project Cost> 1000 Crore of Stand-alone specialized projects		1.0 time of the estimate Project cost or Rs. 1000 crore, whichever is less	



Sl. No.	Clause No.	Existing Provision	Modified Provision
Threshold Technical Capacity			
2.	2.2.2.2 (ii) of RFP	For normal Highway projects (including Major Bridges/ROB/Flyovers/Tunnels): Provided that at least one similar work of 25% of Estimated Project Cost [Rs. ***crore (Rs.****)] shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 25% of the estimated project cost. If any Major Bridge/ROB/Flyover/Tunnel is (are) part of the project, then the sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall necessarily demonstrate additional experience in construction of Major Bridge/ROBs/Flyovers/Tunnel in the last 5 (Five) financial years preceding the Bid Due Date i.e. shall have completed atleast one similar Major Bridge/ROB/Flyover having span equal to or greater than 50% of the longest span of the structure proposed in this project and in case of tunnel, if any, shall have completed construction of atleast one tunnel consisting of single or twin tubes (including tunnel(s) for roads/Railway/Metro rail/irrigation/hydro-electric projects etc.) having atleast 50% of the cross-sectional area and 25% length of the tunnel to be constructed in this project.	For normal Highway projects (including Major Bridges/ROB/Flyovers/Tunnels): Provided that at least one similar work of 20% of Estimated Project Cost [Rs. ***crore (Rs.****)] shall have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the estimated project cost. If any Major Bridge/ROB/Flyover/Tunnel is (are) part of the project, then the sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall necessarily demonstrate additional experience in construction of Major Bridge/ROBs/Flyovers/Tunnel in the last 10 (Ten) financial years preceding the Bid Due Date i.e. shall have completed atleast one similar Major Bridge/ROB/Flyover having span equal to or greater than: (a) In case, longest span of Bridge/ROB/flyover is less than or equal to 60m, no additional qualification is required. (b) when longest span is more than 60 m : 50% of the longest span or 100 m, whichever is less, of the structure proposed in this project and in case of tunnel, if any, shall have completed construction of atleast one tunnel consisting of single or twin tubes (including tunnel(s) for roads/Railway/Metro

Sl. No.	Clause No.	Existing Provision	Modified Provision
	Threshold Technical Capacity		
			rail/irrigation/hydro-electric projects etc.) having atleast (a) In case Tunnel is a part of project having length less than or equal to 200 m, then no additional qualification is required. (b) when length of tunnel more than 200 m : 50% of the cross sectional area of proposed tunnel or two lane highway tunnel cross-sectional area, whichever is less and 20% length of the tunnel to be constructed in this project or 2 km, whichever is less.
3.	2.2.2.2 (iii) (a) (a1) of RFP	For Stand-alone specialized projects: (a) Major Bridges/ROB/Flyovers projects: (a1) In case the cost of specialized project is less than or equal to Rs. 1,000 Cr: The sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall have completed atleast one similar Major Bridge/ROB/Flyover project in the last 5 (Five) financial years preceding the Bid Due Date, having span equal to or greater than 50% of the longest span of the structure proposed in this project and also the cost of such similar project shall be atleast 25% of the Estimated Project Cost. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 25% of the Estimated Project Cost.	For Stand-alone specialized projects: (a) Major Bridges/ROB/Flyovers projects: (a1) In case the cost of specialized project is less than or equal to Rs. 1,000 Cr: The sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall have completed atleast one similar Major Bridge/ROB/Flyover project in the last 10 (Ten) financial years preceding the Bid Due Date, having span equal to or greater than 50% of the longest span or 100 m, whichever is less of the structure proposed in this project and also the cost of such similar project shall be atleast 20% of the Estimated Project Cost. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the Estimated Project Cost.



Sl. No.	Clause No.	Existing Provision	Modified Provision
Threshold Technical Capacity			
4.	2.2.2.2 (iii) (a) (a2) of RFP	For Stand-alone specialized projects: (a) Major Bridges/ROB/Flyovers projects: (a2) In case the cost of specialized project is more than Rs. 1,000 Cr: The sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall have completed at least one similar Major Bridge/ ROB/ Flyover project in the last 07 (seven) financial years preceding the Bid Due Date, having span equal to or greater than 50% of the longest span of the structure proposed in this project or 100m, whichever is less, and also the cost of such similar project shall be atleast 25% of the Estimated Project Cost or Rs. 1000Cr. whichever is less. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 25% of the Estimated Project Cost or Rs. 1000 Cr., whichever is less.	For Stand-alone specialized projects: (a) Major Bridges/ROB/Flyovers projects: (a2) In case the cost of specialized project is more than Rs. 1,000 Cr: The sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall have completed at least one similar Major Bridge/ ROB/ Flyover project in the last 10 (ten) financial years preceding the Bid Due Date, having span equal to or greater than 50% of the longest span of the structure proposed in this project or 100m, whichever is less, and also the cost of such similar project shall be atleast 20% of the Estimated Project Cost or Rs. 1000Cr. whichever is less. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the Estimated Project Cost or Rs. 1000 Cr., whichever is less.
5.	2.2.2.2 (iii) (b) of RFP	For Stand-alone specialized projects: (b) Tunnel project: The sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall have completed atleast one tunnel project in the last 5 (Five) financial years preceding the Bid Due Date, consisting of single or twin tubes (including tunnel(s) for roads/Railway/Metro rail/ irrigation/ hydro-electric projects etc.) having atleast 50% of the cross-sectional	For Stand-alone specialized projects: (b) Tunnel project: The sole Bidder or in case the Bidder being a Joint Venture, any member of Joint Venture shall have completed atleast one tunnel project in the last 10 (Ten) financial years preceding the Bid Due Date, consisting of single or twin tubes (including tunnel(s) for roads/Railway/Metro rail/irrigation/hydro-electric projects etc.) having atleast 50% of the cross-sectional area of the

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Threshold Technical Capacity			
		area and 25% length of the tunnel to be constructed in this project and the cost of such project shall be atleast 25% of the Estimated Project Cost. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 25% of the Estimated Project Cost.	tunnel to be constructed or cross sectional area of 2 lane highway tunnel, whichever is less, and 20% length of the tunnel to be constructed in this project or 2 km, whichever is less and the cost of such project shall be atleast 20% of the Estimated Project Cost or Rs. 1000 Cr., whichever is less. For this purpose, a project shall be considered to be completed, if more than 90% of the value of work has been completed and such completed value of work is equal to or more than 20% of the Estimated Project Cost or Rs. 1000 Cr., whichever is less.
Threshold Financial Capacity			
6.	2.2.2.3 (ii) of RFP	The Bidder shall have a minimum Average Annual Turnover (updated to the price level of the year based on factors indicated in table below) of [Rs.***crore (Rs.***)] ¹ for the last 5 (five) financial years. ¹ This amount should be 20% (twenty percent) of the Estimated Project Cost of the Project for which bids are being invited.	The Bidder shall have a minimum Average Annual Turnover (updated to the price level of the year based on factors indicated in table below) of [Rs.***crore (Rs.***)] ¹ for the last 5 (five) financial years. ¹ This amount should be 15% (fifteen percent) of the Estimated Project Cost of the Project for which bids are being invited.
Threshold Technical Capacity			
7.	2.2.2.4(iii) of RFP	For requirement of 2.2.2.2 (ii), one similar work of 25% of Estimated Project Cost should have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5 individually by any of the JV members as a single work.	For requirement of 2.2.2.2 (ii), one similar work of 20% of Estimated Project Cost should have been completed from the Eligible Projects in Category 1 and/or Category 3 specified in Clause 2.2.2.5 individually by any of the JV members as a single work.



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8.	2.2.2.5 (i) of RFP	Subject to the provisions of Clause 2.2.2 the following categories of experience would qualify as Technical Capacity and eligible experience (the "Eligible Experience") in relation to eligible projects as stipulated in Clauses 2.2.2.6 (i) & (ii) (the "Eligible Projects"). In case the Bidder has experience across different categories, the experience for each category would be computed as per weight of following factors to arrive at its aggregated Eligible Experience: <table><tr><th>Categ ory</th><th>Project / Construction experience on Eligible Projects</th><th>Factors</th></tr><tr><td>1</td><td>Project in highways sector that qualify under Clause 2.2.2.6 (i)</td><td>1</td></tr><tr><td>2</td><td>Project in core sector that qualify under Clause 2.2.2.6 (i)</td><td>0.70</td></tr><tr><td>3</td><td>Construction in highways sector that qualify under Clause 2.2.2.6 (ii)</td><td>1</td></tr><tr><td>4</td><td>Construction in core sector that qualify under Clause 2.2.2.6 (ii)</td><td>0.70</td></tr></table>	Categ ory	Project / Construction experience on Eligible Projects	Factors	1	Project in highways sector that qualify under Clause 2.2.2.6 (i)	1	2	Project in core sector that qualify under Clause 2.2.2.6 (i)	0.70	3	Construction in highways sector that qualify under Clause 2.2.2.6 (ii)	1	4	Construction in core sector that qualify under Clause 2.2.2.6 (ii)	0.70	Subject to the provisions of Clause 2.2.2 the following categories of experience would qualify as Technical Capacity and eligible experience (the "Eligible Experience") in relation to eligible projects as stipulated in Clauses 2.2.2.6 (i) & (ii) (the "Eligible Projects"). In case the Bidder has experience across different categories, the experience for each category would be computed as per weight of following factors to arrive at its aggregated Eligible Experience: <table><tr><th>Categ ory</th><th>Project / Construction experience on Eligible Projects</th><th>Factors</th></tr><tr><td>1</td><td>Project in highways sector that qualify under Clause 2.2.2.6 (i)</td><td>1</td></tr><tr><td>2</td><td>Project in core sector that qualify under Clause 2.2.2.6 (i)</td><td>0.75</td></tr><tr><td>3</td><td>Construction in highways sector that qualify under Clause 2.2.2.6 (ii)</td><td>1</td></tr><tr><td>4</td><td>Construction in core sector that qualify under Clause 2.2.2.6 (ii)</td><td>0.75</td></tr></table>	Categ ory	Project / Construction experience on Eligible Projects	Factors	1	Project in highways sector that qualify under Clause 2.2.2.6 (i)	1	2	Project in core sector that qualify under Clause 2.2.2.6 (i)	0.75	3	Construction in highways sector that qualify under Clause 2.2.2.6 (ii)	1	4	Construction in core sector that qualify under Clause 2.2.2.6 (ii)	0.75
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4	Construction in core sector that qualify under Clause 2.2.2.6 (ii)	0.75																															
9.	2.2.2.5 (iii) (b) of RFP	(b) core sector would be deemed to include civil construction cost of power sector, commercial setups (SEZs etc.), airports, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, sewerage	(b) core sector would be deemed to include civil construction cost of power sector, commercial setups (SEZs etc.), airports, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, sewerage,																														

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Threshold Technical Capacity			
		and real estate development.	irrigation, water supply, stadium, hospitals, hotel, smart city, warehouses/Silos, oil and gas and real estate development.
10.	2.2.2.5 (iii) (b) (ii) of RFP	Maintenance works are not considered as eligible project for evaluation as per Instruction No.6 to Annex-IV. As such works with nomenclature like PR, OR, FDR,SR, site/micro grading, surface renewal, resurfacing work, Tarring, B.T. surface work, temporary restoration, urgent works, periodic maintenance, repair & rehabilitation, one time maintenance, permanent protection work of bank, external pre stressing, repair of central hinge, short term OMT contract of NHAI, any type of work related to border fencing, work of earthwork alone, construction of buildings/ hostels/hospitals, etc, or not specified, shall not be considered. However, such maintenance works shall be considered as eligible projects in case of Maintenance works to be taken up on EPC mode.	Maintenance works are not considered as eligible project for evaluation as per Instruction No.6 to Annex-IV. As such works with nomenclature like PR, OR, FDR,SR, site/micro grading, surface renewal, resurfacing work, Tarring, B.T. surface work, temporary restoration, urgent works, periodic maintenance, repair & rehabilitation, one time maintenance, permanent protection work of bank, external pre stressing, repair of central hinge, short term OMT contract of NHAI, any type of work related to border fencing, work of earthwork alone, construction of buildings/ hostels, etc, or not specified, shall not be considered. However, such maintenance works shall be considered as eligible projects in case of Maintenance works to be taken up on EPC mode.
11.	2.2.2.6 (i) (c) of RFP	the capital cost of the project should be more than 10% of the amount specified as the Estimated Project Cost; and	the capital cost of the project should be more than 5% of the amount specified as the Estimated Project Cost; and
12.	2.2.2.6 (ii) of RFP	For a project to qualify as an Eligible Project under Categories 3 and 4, the Bidder should have received payments from its client(s) for construction works executed, fully or partially, or work executed and certified by the Engineer-in-charge/Independent Engineer/Authority's Engineer during the 5 (five) financial years immediately preceding the Bid Due Date, and only the amounts (gross) actually received/ work executed, during such 5 (five) financial years shall qualify for purposes of computing the Experience Score. However,	For a project to qualify as an Eligible Project under Categories 3 and 4, the Bidder should have received payments from its client(s) for construction works executed, fully or partially, or work executed and certified by the Engineer-in-charge/Independent Engineer/Authority's Engineer during the 5 (five) financial years immediately preceding the Bid Due Date, and only the amounts (gross) actually received/ work executed, during such 5 (five) financial years shall qualify for purposes of computing the Experience Score. However, receipts of or

Sl. No.	Clause No.	Existing Provision	Modified Provision
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		receipts of or work executed amount less than [Rs. ** crore (Rs.**** crore)]¹ shall not be reckoned as receipts for Eligible Projects. For the avoidance of doubt, construction works shall not include supply of goods or equipment except when such goods or equipment form part of a turn-key construction contract / EPC contract for the project. Further, the cost of land and also cost towards pre-construction activities (like shifting of utilities etc.) shall not be included hereunder. ¹ This amount should not be less than 10% of the Estimated Project Cost	work executed amount less than [Rs. ** crore (Rs.**** crore)]¹ shall not be reckoned as receipts for Eligible Projects. For the avoidance of doubt, construction works shall not include supply of goods or equipment except when such goods or equipment form part of a turn-key construction contract / EPC contract for the project. Further, the cost of land and also cost towards pre-construction activities (like shifting of utilities etc.) shall not be included hereunder. ¹ This amount should not be less than 5% of the Estimated Project Cost

