

No. NH-35014/25/2017-H (pt.II)  
Government of India  
Ministry of Road Transport & Highways  
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated: 28<sup>th</sup> October, 2020

Office Memorandum

**Subject: Relaxation in technical and financial qualification for bidders of National Highways Project under Hybrid Annuity Mode (HAM) and Build, Operate, Transfer mode (BOT) -reg.**

In supercession of this Ministry's Office Memorandum of even number dated 15.10.2020, changes in bidding documents in respect of financial and technical capacity for HAM and BOT Projects and general relaxation for Tunnel and Bridge projects are forwarded herewith, as per Annexure, for information and further necessary action.

Encl: As above



(Ramandeep Chowdhary)  
Deputy Secretary to the Government of India  
Telephone No.23718575

To

1. DG(RD) & SS, MoRTH
2. Chairman, NHAI
3. MD, NHIDCL

Copy to: NIC for uploading on the MoRTH Website

**ANNEXURE TO MORTH OM No. NH-35014/25/2017-H (pt.II) dated 15.10.2020**

**Modification in Bidding Documents:**

Sl. No.	Clause Reference	Existing Clause	Modified Clause
<b>A. HAM</b>			
<b>a. Financial Capacity</b>			
	Clause 2.2.2(B) of RFP of HAM	<p>The Bidder shall have a minimum Net Worth (the "Financial Capacity") of Rs. ****Crore (Rupees **** Only)* at the close of the preceding financial year\$.</p> <p>*The Bidder shall have a minimum Net Worth of 25% of EPC at the close of the preceding financial year and</p> <p>In case of a Consortium, the combined technical capability and net worth of those Members, who have and shall continue to have an equity share of at least 26% (twenty six per cent) each in the SPV, should satisfy the above conditions of eligibility; provided that each such Member shall, for a period of 2 (two) years from the date of commercial operation of the Project, hold equity share capital not less than: (i) 26% (twenty six per cent) of the subscribed and paid up equity of the SPV; and (ii) 5% (five per cent) of the Total Project Cost specified in the Concession Agreement£ .</p> <p>Provided further that each member of the Consortium shall have a minimum Net Worth of 12.5% of Estimated Project Cost in the immediately preceding financial year\$€.</p>	<p>The Bidder shall have a minimum Net Worth (the "Financial Capacity") of Rs. ****Crore (Rupees **** Only)* at the close of the preceding financial year\$.</p> <p>*The Bidder shall have a minimum Net Worth of 15% of EPC at the close of the preceding financial year and</p> <p>In case of a Consortium, the combined technical capability and net worth of those Members, who have and shall continue to have an equity share of at least 26% (twenty six per cent) each in the SPV, should satisfy the above conditions of eligibility; provided that each such Member shall, for a period of 2 (two) years from the date of commercial operation of the Project, hold equity share capital not less than: (i) 26% (twenty six per cent) of the subscribed and paid up equity of the SPV; and (ii) 5% (five per cent) of the Total Project Cost specified in the Concession Agreement£ .</p> <p>Provided further that each member of the Consortium shall have a minimum Net Worth of 7.5% of Estimated Project Cost in the immediately preceding financial year\$€.</p>
<b>b. Technical Capacity</b>			
(i)	Clause 3.4.1(b) of RFP	core sector would be deemed to include power, telecom, ports, airports, railways, metro rail, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, sewerage and real estate development.\$	core sector would be deemed to include civil construction cost of power sector, commercial setups (SEZs etc.), telecom, ports, airports, railways, metro rail, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, stadium, hospitals, hotel, smart city, warehouses/ Silos, oil and gas, sewerage and real estate development. \$



(ii)	Clause 3.4.3(c) of RFP foot note 9	the capital cost of the project should be more than 10% of the amount specified as Estimated Project Cost; and	the capital cost of the project should be more than 5% of the amount specified as Estimated Project Cost; and
(iii)	Clause 3.4.4 of RFP foot note 10	the payments/receipts of less than 10% of the amount specified as Estimated Project Cost; and	the payments/receipts of less than 5% of the amount specified as Estimated Project Cost; and

<b>B. BOT</b>			
<b>a. Technical Capacity</b>			
(i)	Clause 3.4.1(b) of RFP	core sector would be deemed to include power, telecom, ports, airports, railways, metro rail, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, sewerage and real estate development.	core sector would be deemed to include civil construction cost of power sector, commercial setups (SEZs etc.), telecom, ports, airports, railways, metro rail, industrial parks/ estates, logistic parks, pipelines, irrigation, water supply, stadium, hospitals, hotel, smart city, warehouses/ Silos, oil and gas, sewerage and real estate development.
(ii)	Clause 3.4.3(c) of RFP	(a) the capital cost of the project should be more than Rs. *****Crore(Rupees ***** only); and  <b>Remarks: Footnote is missing in the revised RFP.</b>	the capital cost of the project should be more than 5% of the amount specified as Estimated Project Cost #; and  # Footnote to be added in the revised RFP at appropriate place as under:  <b>The minimum size of the Eligible Project shall be 5% of the Estimate Project Cost</b>
(iii)	Clause 3.4.4 of RFP	For a project to qualify as an Eligible Project under Categories 3 and 4, the Bidder should have paid for execution of its construction works or received payments from its client(s) for construction works executed, fully or partially, during the 5 (five) financial years immediately preceding the Bid Due Date, and only the payments (gross) actually made or received, as the case may be, during such 5 (five) financial years shall qualify for purposes of computing the Experience Score. However, payments/ receipts of less than Rs. ***** Crore (Rupees ***** only); shall not be reckoned as payments/receipts for Eligible	For a project to qualify as an Eligible Project under Categories 3 and 4, the Bidder should have paid .....However, payments/ receipts of less than 5% of the amount specified as Estimated Project Cost@; .... the cost of land shall not be included hereunder.  @ Footnote to be added in the revised RFP at appropriate place as under:  <b>The minimum size of the Eligible Project shall be 5% of the Estimate Project Cost</b>



	<p>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 shall not be included hereunder</p> <p><b>Remarks: Footnote is missing in the revised RFP.</b></p>	
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<b>C</b>	<b>Tunnel projects</b>	
(i)	Tunnel up to 200m as part of normal project	No additional condition. No prior experience required.
(ii)	Tunnel is 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 in the last 5 (Five) financial years preceding the Bid Due Date i.e. shall have completed construction of at least one tunnel consisting of single or twin tubes (including tunnel(s) for road/ Railway/ Metro rail/ irrigation/ hydroelectric projects etc.) having at least 50% of the cross-sectional area and 25% length of the tunnel to be constructed in this project.	Tunnel is 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 in the last 5 (Five) financial years preceding the Bid Due Date i.e. shall have completed construction of at least one tunnel consisting of single or twin tubes (including tunnel(s) for road/ Railway/ Metro rail/ irrigation/ hydroelectric projects etc.) having at least 50% of the cross-sectional area or tunnel for two lane road whichever is lower and 25% length of the tunnel to be constructed in this project.
<b>D</b>	<b>Bridge</b>	
(i)	Bridge upto 60 mtr. length	No prior experience is required.
(ii)	If any Major Bridge/ ROB/ Flyover/ 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 in the last 5 (Five) financial years preceding the Bid Due Date i.e, shall have completed at least one similar Major Bridge/ROB/ Flyover having span equal to or greater than ** i.e., 50% of the longest span of the structure proposed in this project.	No changes. Can be considered on the basis of size and pre-bid queries.

