

PROCEDURE UNDER E-TENDERING

INSTRUCTIONS TO BIDDER FOR e-TENDERING

(Note: RFP stands modified to the extent required as per these instructions)

Name of Work: Construction of VUP and widening of MNB structure including widening of Culverts and other works in Borkhedi-Wadner-Kelapur Project from km 36+600 to 175+000 section on NH-44 in the State of Maharashtra

Definitions:

- a. **National Informatics Centre (NIC):** A service provider to develop and customize the software and facilitate the process of e-tendering on application service provider model.
- b. **National Highways InvIT Project Managers Private Limited (NHIPMPL):** inviting the subject tender on behalf of NHIPPL through e-tender portal of NHAI.
- c. **<http://etenders.gov.in>:** An e-tendering portal of National Highways authority of India (“NHAI”) introduced for the process of e-tendering which can be accessed on <http://etenders.gov.in>.
- d. Words in capital and not defined in this document shall have the same meaning as in the Request for Proposal (“RFP”).

1. Accessing/ Purchasing of BID documents

- (i) It is mandatory for all the Bidders to have class-III Digital Signature Certificate (DSC) (in the name of Authorized Signatory / Firm or Organization / Owner of the Firm or Organization) from any of the licensed Certifying Agency (Bidders can see the list of licensed CAs from the link www.cca.gov.in) to participate in e-tendering of NHIPMPL through e-tendering portal of NHAI.

DSC should be in the name of the authorized signatory as authorized in Appendix III of this RFP or person executing/delegating such Appendix III in favour of Authorized Signatory. It should be in corporate capacity (that is in Bidder capacity / in case of JV in the Lead Member capacity, as applicable). The Bidder shall submit document in support of the class III DSC. In other cases, the bid shall be considered Non-responsive.

- (ii) The Authorized Signatory holding Power of Attorney (POA) or the person executing/delegating such POA shall only be the Digital Signatory. In other cases, the Bid shall be considered non-responsive.
- (iii) To participate in the bidding, it is mandatory for the bidders to get registered their firm / Joint Venture with e-tendering portal of NHAI <http://etenders.gov.in> to have user ID & password which has to be obtained free of cost.

Following may kindly be noted:

- (a) Registration should be valid at least up to the date of submission of BID.
 - (b) BIDs can be submitted only during the validity of their registration with the <http://etenders.gov.in>.
 - (c) The amendments / clarifications to the BID document, if any, will be hosted by NHIPMPL on the NHAI website (www.nhipmpl.in)/ NHAI e-tendering portal <http://etenders.gov.in>
 - (d) If the firm / Joint Venture is already registered with e-tendering portal of NHAI, Government of India and validity of registration is not expired the firm / Joint Venture is not required a fresh registration.
- (iv) The complete BID document can be viewed / downloaded from e-tender portal of NHAI www.nhipmpl.in or <http://etenders.gov.in> from 31.07.2024 to 21 August 2024; 12:00 PM
- (v) To participate in bidding, bidders have to pay a sum of Rs. 10,000/- plus 18% GST (i.e. Rs. 11,800/-) (Rupees Eleven thousand and eight hundred only) as a cost of the RFP process (non-refundable) transmitted online to NHIPMPL.

2. Preparation & Submission of BIDs:

- (i) Detailed tender documents for RFP may be downloaded from e-tender portal of <http://etenders.gov.in> 31.07.2024 to 21 August 2024; 12:00 PM and tender may be submitted online following the instruction appearing on the slaeen. A buyer manual containing the detailed guidelines for e-tendering is also available on e-tender portal of www.nhipmpl.in

Bid must be submitted online only through e-procurement portal of NHAI (<http://etenders.gov.in>) using the digital signature of authorized representative of the Bidder on or before 21.08.2024, 12 PM

- (ii) The following documents shall be prepared and scanned in different files (in PDF or RAR format such that file size is not more than 30 MB) and uploaded during the on-line submission of BID.

A. Only Electronic Form (to be uploaded on the <https://etenders.gov.in> (Refer to Clause 2.11.1 of the RFP)

I. Technical Bid

- (a) Appendix IA (Letter comprising the Technical Bid) including Annexure-I to VI 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. 86.39 Lakh (Rupees Eighty-Six lakh Thirty Nine Thousand only) in the form of Insurance Surety Bond (in the format at Appendix- X issued by the Insurance Company authorized by Insurance Regulatory and Development Authority of India), Account Payee Demand Draft, Fixed Deposit, Banker's Cheque or e-Bank Guarantee in the format at Appendix-II from a Scheduled bank.;
- (g) Proof of online payment towards the cost of Bid document of Rs. 10,000/- plus 18% GST (i.e. Rs. 11,800/-) (Rupees Eleven thousand and eight hundred only) transmitted online to NHIPMPL;
- (h) Deleted;
- (i) Bidder shall comply with the provisions of NHA/Policy Guidelines/Vigilance/2020 Policy Circular No.: 5.8 dated 29th December 2020, issued by NHA (Appendix-VI) regarding adoption of revised 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 NHIPMPL and amendments uploaded, if any;
- (k) Annexure-VIII of Appendix – IA showing details of all ongoing project works (Ref Clause 10.3 (iv) of Draft EPC Agreement);
- (l) Copy of Memorandum and Articles of Association of the Bidder or of each Member (in case of Joint Venture), if the Bidder is a body corporate, and if a partnership then a copy of its partnership deed;
- (m) Copies of duly audited complete annual accounts of the Bidder or of each member (in case of Joint Venture) for preceding 5 years; and
- (n) Copy of originals of experience certificates apostile at foreign origin, if any
- (o) Certificate regarding Compliance with Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs) as per format given in Appendix-IX shall be submitted by the Bidder with the RFP Bid duly signed by Authorised signatory & shall be part of the Contract Agreement.
- (p) Copy of Registration from the Competent Authority as defined in Public Procurement Order No. F. No. 6/18/2019-PPD dated 23rd July 2020, if applicable (to be submitted by the “Bidder from a country which shares a land border with India”).

FINANCIAL BID

(q) Appendix-IB (Letter comprising the Financial Bid) shall be submitted online through e-procurement portal <http://etenders.gov.in> on or before 21 August 2024; 12:00 PM

Self-Certification

Self- certification by the Bidder that its Bid meets the Local Content requirement for ‘Class - I Local supplier’/ ‘Class - II Local supplier’, as the case may be. The Self-certification shall also have details of the location(s) at which the local value addition is made. In case, bidder do not submit the aforesaid Certification, the bidder will be summarily treated as ‘Non Local Supplier’.

In case of procurement for a value in excess of Rs. 10 crores, the ‘Class - I Local supplier’/ ‘Class - II Local supplier’ shall have to provide a Certificate from the Statutory Auditor or Cost Auditor of the Company (in case of Companies) or from a practicing Cost Accountant or practicing Chartered Accountant (in respect of Suppliers other than Companies) giving the percentage of Local Content upon Construction of the Project.

B. Original (in Envelope) by the Lowest Bidder before issuance of Letter of Acceptance (LOA) by the Authority (Refer to Clause 2.11.2 of the RFP)

- (a) Original Power of Attorney for signing the Bid as per the format at Appendix-III;
- (b) If applicable, Original Power of Attorney for Lead Member of Joint Venture as per the format at Appendix-IV;
- (c) If applicable, Original Joint Bidding Agreement for Joint Venture as per the format at Appendix-V;
- (d) Bid Security of Rs. 86.39 Lakh (Rupees Eighty-Six lakh Thirty Nine Thousand only) in the form of Insurance Surety Bond (in the format at Appendix- X issued by the Insurance Company authorized by Insurance Regulatory and Development Authority of India), Account Payee Demand Draft, Fixed Deposit, Banker’s Cheque or e-Bank Guarantee in the format at Appendix-II from a Scheduled bank. However, while submitting Bid Security via Account Payee demand draft or Banker’s Cheque, it is to be ensured by the bidder that Account Payee demand draft or Banker’s Cheque are submitted physically latest within 5 working days of the Bid Due Date (upto 11:00 hours).
- (e) Deleted
- (f) Deleted
- (g) Bidders shall comply with the provisions of NHAI/Policy

Guidelines/Vigilance/2020 Policy Circular No.: 5.8 dated 29th December 2020, issued by NHAI (Appendix-VI) regarding adoption of revised 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.

- (h) An undertaking from the person having PoA referred to in Sub. Clause-(a) above that they agree and abide by the Bid documents uploaded by NHIPMPL and amendments uploaded, if any.
- (i) Copy of experience certificates apostille at foreign origin, if any
- (j) Certificate regarding Compliance with Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs) as per format given in Appendix-IX shall be submitted by the Bidder with the RFP Bid duly signed by Authorised signatory & shall be part of the Contract Agreement.
- (k) Copy of Registration from the Competent Authority as defined in Public Procurement Order No. F. No. 6/18/2019-PPD dated 23rd July 2020, if applicable (to be submitted by the “Bidder from a country which shares a land border with India”).
- (iii) The documents listed at clause 2.11.2 of RFP and specified above in point no. 2 (ii) (B) together with their respective enclosures shall be placed in an envelope, which shall be sealed. The envelope shall clearly bear the identification “**BID for the “Construction of VUP and widening of MNB structure including widening of Culverts and other works in Borkhedi-Wadner-Kelapur Project from km 36+600 to 175+000 section on NH-44 in the State of Maharashtra”**” and shall clearly indicate the name and address of the Bidder. The envelope shall be addressed to the following officer and shall be submitted at the respective address:

ATTN. OF : Mr. Rajiv Nayanam
DESIGNATION : Head-Toll Operation
ADDRESS : National Highways InvIT Project Managers Private Limited
G – 5 & 6, Sector – 10, Dwarka,
New Delhi - 110075
PHONE NO. : 011-25074100/200 (Ext. 1805)
E-MAILADDRESS : rajiv.nhipmpl@nhai.org

The Bidder shall upload scanned copies of the documents as specified in point nos. 2(ii)(A)&(B) above on the <http://etenders.gov.in> before 1100 hours Indian Standard Time, on the Bid Due Date. In the event of any discrepancy between the original and the copy (in electronic form), the original shall prevail.

- (iv) It may be noted that scan copies can be prepared in different file format i.e. PDF or RAR only. The Bidders can upload a single file of size of 30MB only but can upload multiple files.

3. AMENDMENT OF RFP:

Any Addendum to the RFP shall be uploaded only on the <http://etenders.gov.in>. **(Refer Clause 2.9.2 of the RFP)**

4. MODIFICATION/SUBSTITUTION/WITHDRAWAL OF BIDS (Refer Clause 2.14.3 of the RFP):

- (i) The Bidder may modify, substitute or withdraw its e- BID after submission prior to the BID Due Date. No BID can be modified, substituted or withdrawn by the Bidder on or after the BID Due Date & Time.
- (ii) 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.

5. OPENING AND EVALUATION OF BIDS (Refer to Clause 3.1 of the RFP):

- (i) The **NHJMPL** shall open documents of the Bid received in electronic form as mentioned in point nos. 2(ii)(A) & (B) after 1100 hours Indian Standard Time on 19.08.2024, online, in the presence of the Bidders who choose to attend. The **NHJMPL** will subsequently examine and evaluate the Bids in accordance with the provisions set out in the RFP.

DISCLAIMER

The Bidder must read all the instructions in the RFP and submit the same accordingly.