

## Section 3: Evaluation and Qualification Criteria

### - Without Prequalification -

This Section contains all the criteria that the Employer shall use to evaluate bids and qualify Bidders. In accordance with ITB 32 and ITB 36, no other methods, criteria and factors shall be used. The Bidder shall provide all the information requested in the forms included in Section 4 (Bidding Forms).

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## 1. Evaluation

In addition to the criteria listed in ITB 37.2 (a)–(f), other relevant factors are as follows:

### 1.1 Adequacy of Technical Proposal

Evaluation of the Bidder's Technical Proposal will include an assessment of the Bidder's technical capacity to mobilize key equipment and personnel for the contract consistent with its proposal regarding work methods, scheduling, and material sourcing in sufficient detail and fully in accordance with the requirements stipulated in Section 6 (Employer's Requirements).

### 1.2 Completion Time

An alternative Completion Time **is not permitted**.

### 1.3 Technical Alternatives

Technical alternatives **are not permitted**.

### 1.4 Specialist Subcontractors

Specialist Subcontractors **are not permitted**.

### 1.5 Quantifiable Nonconformities and Omissions

Subject to ITB 14.2 and ITB 37.2, the evaluated cost of quantifiable nonconformities including omissions, is determined as follows:

Pursuant to ITB 31.3, the cost of all quantifiable nonmaterial nonconformities shall be evaluated, including omissions in Daywork where competitively priced but excluding omission of prices in the Bill of Quantities. The Employer will make its own assessment of the cost of any nonmaterial nonconformities and omissions for the purpose of ensuring fair comparison of Bids.

### 1.6 Domestic Preference

Domestic preference shall **not apply**.

### 1.7 Other Criteria

The Employer will take into account the quality of the Health and Safety COVID -19 Plan ('the Plan') attached to the Technical Proposal in its evaluation of the Adequacy of the Technical Proposal.

- The bidder should demonstrate in the Plan the health and safety measures they will put in place on site in relation to COVID-19 prevention and controls, including but not limited to, PPE requirements, site set up, training, induction and mobilization of new personnel, equipment and plants cleaning and other hazard management measures while undertaking site work activities, site visitors health and safety protocols, as well as the approach to the monitoring and reporting of the Plan. The Plan should be fit for purpose for the particular construction works of this contract and be aligned with guidelines on COVID-19 prevention and controls, as well as workplace safety requirements, in accordance with World Health Organization. 2020. Considerations for public health and social measures in the workplace in the context of COVID-19. Geneva. Available here: <https://www.who.int/publications-detail/considerations-for-public-health-and-social-measures-in-the-workplace-in-the-context-of-covid-19>. Also refer to ADB SDCC's advisory in relation to COVID-19 health and safety and international good practices.†

- Note: The Employer shall evaluate the adequacy of technical responsiveness of the COVID-19 Health and Safety Management Plan in accordance with international good practices (**World Health Organization. 2020**) that are listed as the basis of evaluation in the bidding document.

### 1.8 Multiple Contracts

**Bid invitation for another Civil Works Contract packages, i.e. Package-1 - (BSHP III(Phase-2)/ Pkg-1/SH-98), is issued simultaneously, with the same date and time for the deadline for bid submission as that of Civil Works Contract Package No. 8 (BSHP-III (Phase-2)/Pkg-8/SH-101) and pursuant to ITB 37.4, the Employer shall evaluate and compare Bids on the basis of a contract, or a combination of contracts, or as a total**

of contracts in order to arrive at the least-cost combination for the Employer by taking into account discounts offered by Bidders in case of award of multiple contracts.

If a Bidder as defined in ITB 4.1 submits several successful (lowest evaluated substantially responsive) bids, the evaluation will also include an assessment of the Bidder's capacity to meet the following aggregated requirements as presented in the bid:

- **Average annual construction turnover,**
- **Financial resources,**
- **Equipment to be allocated, and**
- **Personnel to be fielded.**

In case, Bidder submits Bids for multiple Contract packages, then evaluation will be done on the aggregated requirements as mentioned above.

Not to be used as a Bid Document, Only for Reference

## 2. Qualification

### 2.1 Eligibility

Criteria	Compliance Requirements			Documents
Requirement	Single Entity	Joint Venture		Submission Requirements
		All Partners Combined	Each Partner	

#### 2.1.1 Nationality

Nationality in accordance with ITB 4.2.	Must meet requirement	Must meet requirement	Must meet requirement	Not applicable	Forms ELI - 1; ELI - 2 with attachments
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#### 2.1.2 Conflict of Interest

No conflicts of interest in accordance with ITB 4.3.	Must meet requirement	Must meet requirement	Must meet requirement	Not applicable	Letter of Technical Bid
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#### 2.1.3 ADB Eligibility

Not having been declared ineligible by ADB, as described in ITB 4.4.	Must meet requirement	Must meet requirement	Must meet requirement	Not applicable	Letter of Technical Bid
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#### 2.1.4 Government-Owned Entity

Bidder required to meet conditions of ITB 4.5.	Must meet requirement	Must meet requirement	Must meet requirement	Not applicable	Forms ELI - 1; ELI - 2 with attachments
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#### 2.1.5 United Nations Eligibility

Not having been excluded by an act of compliance with a United Nations Security Council resolution in accordance with ITB 4.8.	Must meet requirement	Must meet requirement	Must meet requirement	Not applicable	Letter of Technical Bid
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## 2.2 Historical Contract Nonperformance

### 2.2.1 History of Nonperforming Contracts

Criteria	Compliance Requirements			Documents	
Requirement	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
Nonperformance of a contract <sup>a</sup> did not occur as a result of contractor default since 1 January 2016	Must meet requirement	Must meet requirement	Must meet requirement <sup>b</sup>	N/A	Form CON-1

<sup>a</sup> Nonperformance, as decided by the Employer, shall include all contracts where (i) nonperformance was not challenged by the contractor, including through referral to the dispute resolution mechanism under the respective contract; and (ii) contracts that were so challenged but fully settled against the contractor. Nonperformance shall not include contracts where the Employer's decision was overruled by the dispute resolution mechanism. Nonperformance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective contract and where all appeal instances available to the Bidder have been exhausted.

<sup>b</sup> This requirement also applies to contracts executed by the Bidder as Joint Venture member.

### 2.2.2 Suspension Based on Execution of Bid-Securing Declaration

Criteria	Compliance Requirements			Documents	
Requirement	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
Not under suspension based on execution of a Bid-Securing Declaration pursuant to ITB 4.6.	Must meet requirement	Must meet requirement	Must meet requirement	Not applicable	Letter of Technical Bid

### 2.2.3 Pending Litigation and Arbitration

Pending litigation and arbitration criterion shall not apply.

## 2.3 Financial Situation

### 2.3.1 Historical Financial Performance

Criteria	Compliance Requirements			Documents	
Requirement	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
Submission of audited financial statements or, if not required by the law of the Bidder's country, other financial statements acceptable to the Employer, for the last <b>three (3) completed financial years</b> to demonstrate the current soundness of the Bidder's financial position. As a minimum, the Bidder's net worth for the last year calculated as the difference between total assets and total liabilities should be positive.	Must meet requirement	Not applicable	Must meet requirement	Not applicable	Form FIN - 1 with attachments

### 2.3.2 Average Annual Construction Turnover

Criteria	Compliance Requirements			Documents	
Requirement	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
Minimum average annual construction turnover of <b>INR 1144.42 Million</b> calculated as total certified payments received for contracts in progress or completed, within <b>the last three(3) completed financial years</b> .	Must meet requirement	Must meet requirement	Must meet <b>25%</b> of the requirement	Must meet <b>40%</b> of the requirement	Form FIN - 2

## 2.3.3 Financial Resources

Criteria  Requirement	Compliance Requirements			Documents  Submission Requirements	
	Single Entity	Joint Venture			
		All Partners Combined	Each Partner	One Partner	
For Single Entities  The Bidder must demonstrate that its financial resources defined in FIN - 3, less its financial obligations for its current contract commitments defined in FIN - 4, meet or exceed the total requirement for the Subject Contract of <b>INR 143.05 Million</b>	Must meet requirement	Not applicable	Not applicable	Not applicable	Form FIN – 3 and Form FIN – 4
For Joint Ventures  (1) One partner must demonstrate that its financial resources defined in FIN - 3, less its financial obligations for its own current contract commitments defined in FIN - 4, meet or exceed its required share of <b>INR 57.22 Million</b> from the total requirement for the Subject Contract.  AND	Not applicable	Not applicable	Not applicable	Must meet requirement	Form FIN – 3 and Form FIN – 4
(2) Each partner must demonstrate that its financial resources defined in FIN - 3, less its financial obligations for its own current contract commitments defined in FIN - 4, meet or exceed its required share of <b>INR 35.76 Million</b> from the total requirement for the Subject Contract.  AND	Not applicable	Not applicable	Must meet requirement	Not applicable	Form FIN – 3 and Form FIN – 4
(3) The Joint Venture must demonstrate that the combined financial resources of all partners defined in FIN - 3, less all the partners' total financial obligations for the current contract commitments defined in FIN - 4, meet or exceed the total requirement for the Subject Contract of <b>INR 143.05 Million</b>	Not applicable	Must meet requirement	Not applicable	Not applicable	Form FIN – 3 and Form FIN – 4

## 2.4 Construction Experience

### 2.4.1 Contracts of Similar Size and Nature

Criteria	Compliance Requirements				Documents
Requirement	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
<p>Participation in at least one contract that has been successfully or substantially* completed within the <b>last five (5) years (reckoned from 28 days before the last date of bid submission)</b> and that is similar to the proposed works, where the value of the Bidder's participation exceeds <b>INR 1029.98 Million</b>.</p> <p>The similarity of the Bidder's participation shall be based on:</p> <ol style="list-style-type: none"> <li>Construction of at least 26 km of road having minimum of 2 lanes; or 13 Km of Road having minimum of 4-lanes</li> </ol>	must meet requirement	must meet requirement	must meet 25% of the requirement	must meet 50% of the requirement	Form EXP - 1

**Or**

Criteria	Compliance Requirements				Documents
Requirement	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
<p>Participation in at least two contracts that have been successfully or substantially* completed within the <b>last five (5) years (reckoned from 28 days before the last date of bid submission)</b> and that are similar to the proposed works, where the value of the Bidder's participation in each contract exceeds <b>INR 643.73 Million</b>.</p> <p>The similarity of the Bidder's participation in each contract shall be based on:</p> <ol style="list-style-type: none"> <li>Construction of at least 16 km of road having minimum of 2 lanes; or 8 Km of Road having minimum of 4-lanes</li> </ol>	must meet requirement	must meet requirement	must meet 25% of the requirement	must meet 50% of the requirement	Form EXP - 1

- \* *substantially Completed means 90% and above financial achievement and fulfilment of the intended purpose of the project and uninterrupted Traffic movement plying on the alignment.*
- In case of specific Construction Experience, if the work had been done in JV, the experience will be calculated in proportion of the stake of the firm in that particular JV (JV agreement of the particular project to be enclosed clearly mention the stake).*
- The value of single work executed in a particular year shall be revised considering a price updation factor@5% per year preceding 28 days from Bid due date. The value indicated in Section 2.4.1 above shall be compared with these revised values. This shall be only for the evaluation purpose. The Bidder shall mention the actual value of completed works with the year of completion.*



### 2.4.2 Construction Experience in Key Activities

Criteria  Requirement	Compliance Requirements		Documents
	Single Entity or Its Specialist Subcontractors	Joint Venture or Its Specialist Subcontractors	Submission Requirements
For the above or other contracts executed during the period stipulated in 2.4.1, a minimum construction experience is required in the following key activities:	Must meet requirement	Must meet requirement	Form EXP – 2
<b>1. Earthwork / Sub-grade - 1,96,476CUM</b>			
<b>2. Sub-base / Base course (Granular Sub Base/ Wet Mix Macadam) -57,865 CUM</b>			
<b>3. Concrete work in structure - 6,090 CUM</b>			
<b>4. Bituminous Work (Dense Bituminous Macadam/Bituminous Concrete )- 12,712CUM</b>			

<sup>a</sup> *In the case of a joint venture bidder, at least all partners combined must have the experience in the key activity if the bidder itself (not its subcontractor) will carry out the relevant activity.*

Note:

1. *Please indicate 'Key activities only'. In the absence of not meeting any or all of the above activities shall be lead to rejection of bids.*
2. *In support of the above, the bidder has to submit the copy of Certificate issued by the Principal Employer. Such certificate shall be considered when issued from the Central Government / State Government/ PSU of Central Government /PSU of State Government or any Government Agency. In case of PPP Project only, certificate issued by independent Engineer and countersigned by Employer will only be considered.*
3. *Specialist Subcontractors shall not be allowed.*