



INFRASTRUCTURE CONSULTANTS ASSOCIATION OF INDIA

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Ref. No. ICAI/Secretary/MORTH/2023-24/740

Date 31.10.2023

To,
The Secretary,
Road Transport & Highways,
Ministry of Road Transport & Highways,
Transport Bhawan, 1 Parliament Street,
New Delhi- 110001
Email: secy-road@nic.in

Sub: Regarding Deliberation on "Proposed amendments to RFP for DPR Consultants" to be held on 01.11.2023 at 4.00 PM through Hybrid Mode.

Ref: Shri Bidur Kant Jha, Director (NT), Ministry of Road Transport & Highways, New Delhi O.M. File No.RW/NH-33044/29/2023-S&R(P&B) dated 27.10.2023.

Respected Sir,

We thankfully acknowledge receipt of O.M. dated 27.10.2023 from the Director (NT), MoRTH regarding a meeting to be held on 01.11.2023 at 4 PM through Hybrid Mode relating to proposed amendments to RFP for DPR Consultants dated 15.02.2019 issued by the Ministry.

Sir, after going through the proposed amendments uploaded by Ministry on official website on 19.10.2023 for obtaining suggestions/comments from all the Stakeholders we have observed that many amendments have been proposed to be incorporated which shall definitely smoothen the functioning of services by consulting organizations in providing services to the Ministry and all its implementing agencies on DPR projects. We would like to point out that many other issues for redressal of long pending demand of our member consulting firms do not find place in the proposed amendments to RFP document dated 15.02.2019 for DPR Consultants.

Sir, in past we have brought out all these issues before the various authorities of Ministry and its implementing agencies through our various letters for smooth discharge of services by our member consultancy organizations and we request your consideration on these issues also for incorporating in the RFP documents.

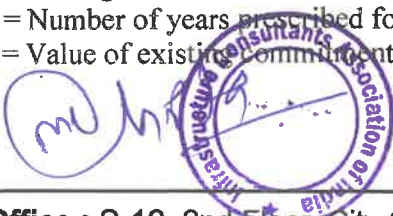
Sir, earlier through our letter No.ICAI/Secretary/PMC/2022-23/757 dated 09.12.2022, we had requested that the provision related to available bid capacity i.e. at least equal to the estimated PMC cost of bidder incorporated in the Model RFP document published by Ministry for selection of Project Management Consultant under Para 1.3.2 Letter of Invitation may kindly be incorporated in the RFP document for appointment of IE/AE/SQC/DPR projects also. As per provision under this Para the available bid capacity of the bidder shall be calculated as below:

Available Bid Capacity = $(A * N * 2.5) - B$ where

A = Average Turnover.

N = Number of years prescribed for completion of consultancy in the bid.

B = Value of existing commitments (only allotted works) on the date of submission of bid.

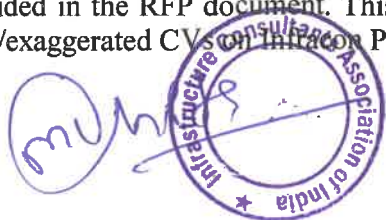


Sir, through our letter No.ICAI/Secretary/MoRTH/2022-23/875 dated 14.01.2023 we had submitted that NHAI vide Policy Circular No.10.1.33/2022 dated 25.04.2022 had applied restriction on maximum works to be allotted to any one consulting firm on the basis of Annual Turnover. According to this circular the maximum number of works to be permitted with one consultant have been restricted to 40 only whose Average Annual Turnover in last 03 years is more than Rs.60.00 Crore. There is no any limit of turnover beyond Rs.60.00 Crore for allotment of maximum number of works to any one consultant. It was brought out that many consulting firms having richer qualifications and experience are having their annual turnover beyond Rs.60.00 Crore and upto an average of Rs.200.00 Crore and above. Such consulting firms are having much more qualification, experience, professional and other staff and other establishment enabling them to carry out projects beyond the limit of 40. It was therefore requested to further extend the limit of maximum number of works to be permitted with one consultant on the basis of their Average Annual Turnover during last 03 years as tabled below:

S.No.	Average Annual Turnover during last 03 Financial years (from consultancy work)	Maximum number of projects to be permitted to one particular consultant including ongoing projects at a time
1.	More than Rs.60.00 Crore to Rs.100.00 Crore	60
2.	More than Rs.100.00 Crore to Rs.150.00 Crore	80
3.	More than Rs.150.00 Crore to Rs.200.00 Crore	100
	(Including Joint Venture/Association)	

Sir, earlier through our letter No.ICAI/Chairman/NHAI/2022-23/982 dated 16.02.2023 we have brought out many issues proposed to be incorporated in the RFP documents to the Chairman, National Highways Authority of India, New Delhi. The major issues addressed in the letter were:

1. Diploma holders in Civil Engineering may be provided an opportunity by considering a candidate with 05 years experience equivalent to a fresh graduate in Engineering for deployment on the project.
2. As above increasing the limit of maximum number of works to be permitted with one consultant, the consulting firms having Average Annual Turnover during last 03 financial years of more than Rs.60.00 Crore and upto Rs.200.00 Crore may please be permitted maximum number of projects.
3. It was brought out that delay in the projects of preparation of DPR are mainly attributable to non coordination from the concerned departments. Hence the project of preparation of DPR may please be bifurcated in 04 parts deleting the scope of Environment, Forest and Wild Life Clearance, Land Acquisition, Utility related works from the project.
4. To avoid delay in approval of CV of Key Personnel it was suggested that the powers be delegated to the concerned Regional Officers particularly in case of replacement of Team Leader.
5. The deployment of retired Senior Government Officers from Central/State Government and Autonomous bodies having qualification and their relevant experience of project preparation, planning, coordination and supervision etc. with the department may be considered for deployment on any project of NHAI and its implementing agencies irrespective of the minimum eligibility criteria provided in the RFP document. This shall help in non deployment of candidates who have uploaded false/exaggerated CVs on Intracon Portal of Ministry.



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6. To avoid placement of CVs of Key Personnel under Red category by Infracon Portal of Ministry for want of verification of uploaded qualification and experience documents, it was requested that the concerned Key Personnel can be called in person along for verification with the original documents. The verification of any qualification document may be carried out by physical verification with the concerned university. The concerned Key Personnel to be allowed to edit their CV every 06 months for updating credentials.
7. Payment upto Inception stage may be permitted by the Ministry on the projects of DPR of in principle NH declared roads. In addition many consulting firms have carried out many other activities like alignment survey, sub soil exploration, partial designing etc. on such roads. Accordingly it was requested to involve a procedure for compensating payments for such other activities.
8. To deal with abnormally low price financial proposal has been suggested that the evaluation of bids may please be done on 90:10 QCBS method and any bid 20% above or below of average bid value may please be considered Non-Responsive and the bid within the above value should only be considered as Reasonable Financial Proposal.
9. The delay in DPR projects can also be attributed to multiple changes in the alignment before finalization. It was proposed that a committee containing concerned Regional Officer, Project Director, Authorized Representative of NHAI Head Quarter and Team Leader of Consultant may please be constituted to finalize the alignment out of 03 alternative proposal to be submitted by DPR Consultant as per provision of Agreement.
10. The department ask for various CVs for the position of Team leader and others, which are not required as such instead of them there should be CV's only for the position of Project Manager, Highway Design Engineer, Bridge Engineer, Quantity Estimator and Survey Engineer.
11. For any poor quality of construction the Contractor and Project Representative of Authority should also be made responsible along with the concerned Key Personnel of Consultant.
12. For finalizing any COS/COD proposal it was proposed that joint meeting of concerned Regional Officer, Project Director, Contractor/Concessionaire Representative, Representative from NHAI Head Quarter and Team Leader of Consultant should be conducted on receipt of proposal who shall take the decision within one month of receipt of proposal.
13. In note 3(iii)(d) of below table Policy Circular No.10.1.33/2022 dated 25.04.2022 it is provided that Operation and Maintenance Contract (O&M) assignment would not be counted for the purpose of maximum number of projects to be allotted to any one particular consultant given at S.No.3 to 4 of the table. However it was brought out that many officers carrying out evaluation of technical proposals are considering O&M, OMT and routine maintenance projects in evaluation of available technical capacity of bidder. Hence it was requested that provision of submitting available bid capacity in the bids invited for Operation and Maintenance may please be deleted to avoid any confusion during technical evaluation. It was further suggested that in O&M projects the position of Team Leader may please be kept full time in place of intermitted input.
14. It was requested that in place of Form 26 AS of any Personnel, being a private document of Key Personnel, Form 16 issued by the DDO may kindly be considered as eligible document.
15. It was brought out that Road side plantation is a part of construction contract of new Highways. It has been observed that in most of the contract Contractor/Concessionaire do not maintain the planted sampling properly hence they do not survive. This is happening mainly because of non availability of experts with the Contractor/Concessionaire. Hence it was proposed that the plantation along the new



Highway may please be awarded to local self help groups and NGOs at the rates fixed by concerned authorities who shall actively plant and maintain the plantation.

16. Policy Circular No.10.1.33/2022 dated 25.04.2022 provides that IE/AE assignments where original assignment period plus one year is lapsed or Provisional Completion is issued would not be counted for the purpose of maximum number of projects to be awarded to any one consulting firm at S.No.3 to 4 of table. It is proposed that assignments where 75% civil works have been completed should not also be counted for the purpose of maximum number of projects to be awarded to any one consulting firm at S.No.3 to 4 of table.

17. As per provision in the current RFP document amount of GST is reimbursed to Consultant on production of payment challan. This process takes about 3 to 4 months affecting financial mobility of the Consultant. It was therefore requested that the amount of GST may please be paid along with IPC with the mandatory provision that Consultant shall submit copy of payment challan in the next IPC.

18. To avoid positive Change of Scope it has been requested that it should be incorporated in the construction contracts that minimum FRL given in the attached drawings shall be achieved by the Contractor/Concessionaire. It was also proposed that any change in HFL, Span arrangement, total length of bridge, height of bridge, depth of foundation etc. should be made incidental to the cost of structure and shall not be covered under the Change of Scope. It was also suggested to incorporate in the document that construction of embankment shall be as per typical cross section and L section provided in the document and no any positive Change of Scope shall be payable on this account.

19. As per provision in Construction Contract Right of Way of minimum 80% of total area of the project shall be provided to Concessionaire prior to appointed date. It is generally observed that procurement of remaining area is delayed due to lengthy procedures of land acquisition of Reserve Forest/Wild Life Sanctuary. Such delay entitles the Concessionaire to claim damages and apply extension of time. Accordingly it was proposed that the period of procurement and grant of remaining land may please be extended to minimum 240 days for which he can be granted extension of time without any financial claim.

Sir, we further vide our letter No.ICAI/ADG/MoRTH/2022-23/1108 dated 31.03.2023 have requested Shri D. Sarangi, Additional Director General, Ministry of Road Transport & Highways, New Delhi for incorporating provision related to available bid capacity i.e. at least equal to the estimated PMC cost of bidder incorporated in the Model RFP document published by Ministry for selection of Project Management Consultant under Para 1.3.2 Letter of Invitation as per formula below:

Available Bid Capacity = $(A * N * 2.5) - B$ where

A = Average Turnover.

N = Number of years prescribed for completion of consultancy in the bid.

B = Value of existing commitments (only allotted works) on the date of submission of bid.

It is further requested to enhance the maximum number of projects to be allotted to one particular consultant including ongoing projects at a time for the consulting firms having richer qualification, experiences and Annual Turnover beyond Rs.60.00 Crore to Rs.200.00 Crore from maximum 60 projects upto 100 projects.

Sir, in light of our previous above submissions we request that our above stated suggestions may kindly be incorporated in the proposed amendments to RFP document for DPR projects.

Sir, we and all the member of our organization shall be highly obliged for your consideration and amending the RFP document for DPR project accordingly.

The image shows a handwritten signature in blue ink over a circular stamp. The stamp is purple and contains the text "Infrastructure Consultants Association of India" around the perimeter, with a small star at the bottom. The signature is written in a cursive style.

With due regards,

Thanking you,

Yours sincerely,

For Infrastructure Consultants Association of India


(M.L. Gupta)
Secretary



Copy to the:

- 1) Chairman, National Highways Authority of India, G-5 & 6, Sec.-10, Dwarka, New Delhi-110075 (Email: chairman@nhai.org).
- 2) Director General (RD)&SS, Ministry of Road Transport & Highways, 1, Parliament Street, New Delhi-110001 (Email: dgrdss-rth@nic.in)
- 3) Shri D. Sarangi, Additional Director General, Ministry of Road Transport & Highways, C/o C.E. World Bank Project No.184, In front of CRPF Stadium, Baramunda, Bhubaneshwar (Email: d.sarangi@nic.in).

Encl. We are enclosing copy of all the letters for your kind perusal please.

- 1) Our letter No.ICAI/MORTH/Hon'ble Shri Nitin Gadkari/2021-22/385 dated 20.07.2021.
- 2) Our letter No.ICAI/Chairman/NHAI/2021-22/407 dated 23.07.2021.
- 3) Our letter No.ICAI/Secretary/PMC/2022-23/757 dated 09.12.2022.
- 4) Our letter No.ICAI/Secretary/MoRTH/2022-23/875 dated 14.01.2023.
- 5) Our letter No.ICAI/Chairman/NHAI/2022-23/982 dated 16.02.2023.
- 6) Our letter No.ICAI/ADG/MoRTH/2022-23/1108 dated 31.03.2023.