



In malviya <infraconsultantindia@gmail.com>

Technical Capacity Provisions in RFP/Bidding of future consultancy assignments for maximum works to be permitted to one consultant.

1 message

In malviya <infraconsultantindia@gmail.com>

Thu, Mar 3, 2022 at 8:11 PM

To: chairman@nhai.org

Cc: nitin.gadkari@nic.in, secy-road@nic.in, dgrdss-rth@nic.in, sanjay.nirmal@nic.in, info@g-eng.in, bd.pioneer2011@gmail.com, associatesvarija@gmail.com, manglamassociates111@gmail.com, info@casta.co.in, info@nokang.in, bharchaturvedi7@gmail.com, info@meinhardtindia.com, Ltelford.consultant@gmail.com, mukeshkr.solanki@gmail.com, swanandpatodkar@yahoo.co.in, creationengineersabad@gmail.com, globalinfrasolutions@gmail.com, dnc.dash@gmail.com, mandeepsingh4227@gmail.com, nuinfra.engineer@gmail.com, info <info@ktcpl.org>, hec_bhupal@rediffmail.com, intratechconsultant2000@gmail.com, Inmalviya <Inmalviya@rediffmail.com>, services@civilmantra.com, info@sainfra.com, abhishekbhaskar@prabhavi.in, cadsoftengineers@gmail.com, innovativecadd1@gmail.com, newerainfraservices@gmail.com, ajaypop71@yahoo.com, nlshivhareconsultants@gmail.com, jayantmishra1973@gmail.com, cometsengineeringssolution@gmail.com, group.aryavarta@gmail.com, spinfrasolution@gmail.com, sbcspl@hotmail.com, cosmotekconsulting@gmail.com, variousinfra.research@gmail.com, agnitiodelhi@gmail.com, theme@themeengineering.com, pntdesign.hr@gmail.com, geovisioninfocom@gmail.com, info@habog.in, nityanayracivilsolutions@gmail.com, cividesignconsultant@gmail.com, account@inficivil.com, Info@zeichenburo.com, info.hexaco@gmail.com, bhoomilalwani1996@gmail.com, ashutosh.satna@gmail.com, tokapilverma@yohoo.co.in, info@kaiusconsulting.com, suryainfraconsultant@gmail.com, aaryaninfraindia@gmail.com, sahil.mspark@gmail.com, tender.stcpl@gmail.com, realstrengthinfra@gmail.com, dbcc.sanawad@gmail.com, email@i-sach.com, Raazmalik27@gmail.com, pradeepatidar79@gmail.com, kansara.ankit@gmail.com, aamir90.cs@gmail.com, avysengg@gmail.com, sswmlaccts@tatvaglobal.com, Inm_bhupal@rediffmail.com, thoughts.jaipur@gmail.com, ashu_s999@rediffmail.com

Respected Mam,

Please find attached scanned copy of the letter in reference to the above subject.

Thanks and regards,
Infrastructure Consultant Association of India

 ICAI_NHAI_1561_03.03.2022_.pdf
734K



INFRASTRUCTURE CONSULTANTS ASSOCIATION OF INDIA

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Ref. No. ICAI/NHAI/CHAIRPERSON/2021-22/1561

Date 03/03/2022

To,
The Chairperson,
National Highways Authority of India
G-5 & 6, Sec.-10, Dwarka
New Delhi - 110075
Email: chairman@nhai.org

Sub: Technical Capacity Provisions in RFP/Bidding of future consultancy assignments for maximum works to be permitted to one consultant.

Ref: NHAI Policy Guidelines NHAI/Policy Guidelines/Consultants/2021 Policy Circular No.10.1.28/2021 dated 30th March, 2021

Respected Madam,

We respectfully submit that aggrieved by the implementation of policy circular No.10.1.28/2021 dated 30th March, 2021 restricting allotment of total number of projects and number of projects to be allotted to any one consulting firm during any one financial year, **our association has approached the Hon'ble High Court of Delhi by filing WP No.W.P.(C) 11848/2021 for seeking relief.**

The Double Bench of the Hon'ble High Court during order passed on 21.02.2022 on our CM.APPL.No.9209/2022 has provided us an opportunity to file a representation before your honour for seeking appropriate relief.

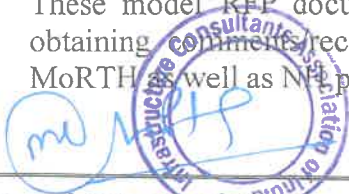
As per directions of Hon'ble Court we are representing our case before your honour along with the below stated facts and figures.

The NHAI/Policy Guidelines/Consultants/2021 issued vide Policy Circular No.10.1.28/2021 dated 30th March, 2021 has been effected on all RFPs to be received on or after 01.04.2021 with the remark that work awarded and in progress on the date of opening of financial bid will be taken into consideration as utilized capacity in calculating maximum number of projects.

During formulation of aforesaid policy guidelines, none of the members of our Association was provided an opportunity to present their views and suggestions regarding cap proposed to be applied by NHAI on total number of projects to be allotted and also number of projects to be allotted during particular financial year to any one consulting firm.

Ministry of Road Transport & Highways, the parent ministry also while issuing Model RFP documents by letter no.RW/NH-24024/02/2019-S&R (P&B) dated 06.01.2021 and letter no. RW/NH-24024/02/2019-S&R(P&B) dated 9th April, 2021 has not proposed any cap on allotment of projects to any one consulting firm. Copy of above documents was forwarded to your organization for information and also for bringing Contents of the circulars to the notice of all the concerned for immediate compliance.

These model RFP documents have been finalized only after lot of discussions, elaborations and obtaining comments/recommendations from the affected parties, are applicable to the projects of MoRTH as well as NHAI projects of implementing agencies.



We respectfully wish to bring to your kind knowledge that due to implementation of aforesaid policy guidelines dated 30.03.2021 many highly qualified and experienced consulting firms have already been deprived of their rights to participate in the bids invited by NHAI and have been disqualified from participation on the basis of technical capacity provisions.

We would like to further submit that restrictions applied on allotment of total number of projects and number of projects during any one financial year to any one consulting firm on the basis of average annual turnover and number of employees on roll is jeopardizing the future prospects of highly qualified and experienced consulting firms working with your organization. You shall appreciate that such restrictions applied by NHAI shall not only impact the financial resources of the firm but shall badly affect the livelihood of the technical and administrative staff currently employed by the consulting firms.

As per above elaborations we humbly request that members of our Association may kindly be invited for personal presentation of their views and suggestions before your honour on the policy and Policy guidelines NHAI/Policy Guidelines/Consultants/2021 issued under policy circular No.10.1.28/2021 dated 30th March, 2021 may kindly be abrogated from its effective date.

Amended policy guidelines may please be issued after giving due consideration to views and suggestions of members of our Association and model RFP documents published by MoRTH by Letter No.RW/NH-24024/02/2019-S&R (P&B) dated 06.01.2021 and letter no. RW/NH-24024/02/2019-S&R (P&B) dated 9th April, 2021.

We shall be highly obliged if in interest of projects of NHAI and larger interest of consultant's community our prayer is suitably considered and policy guidelines issued by policy circular No.10.1.28/2021 dated 30th March, 2021 is abrogated from its effective date. We undertake to withdraw our writ petition no.W.P.(C) 11848/2021 filed before the Hon'ble High Court of Delhi if our prayer is suitably considered by your goodself.

With Warm Regards,

Thanking you,

Yours sincerely,

For Infrastructure Consultants Association of India

(M.L. Gupta)
Secretary



Copy to:

1. The Hon'ble Minister Shri Nitin Gadkari, Ministry of Road Transport & Highways, Transport Bhawan, 1 Parliament Street, New Delhi- 110001 Email: nitin.gadkari@nic.in
2. The Secretary, Ministry of Road Transport & Highways, Transport Bhawan, 1 Parliament Street, New Delhi- 110001 Email: Secy-road@nic.in
3. The Director General (RD), Ministry of Road Transport & Highways, Transport Bhawan, 1 Parliament Street, New Delhi- 110001 Email: dgrdss-rth@nic.in
4. Our Members/Consultants working with NHAI.