

INFRASTRUCTURE CONSULTANTS ASSOCIATION OF INDIA



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Date: 04/10/2021

Ref. No. ICAI/Hon'ble Shri Nitin Gadkari ji/North/202122/827

To,
Hon'ble Shri Nitin Gadkari ji,
Ministry of Road Transport & Highways,
Transport Bhawan, 1 Sansad Marg,
New Delhi - 110001
Email: nitin.gadkari@nic.in

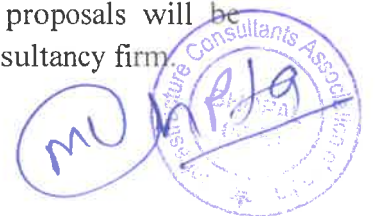
Subject: Meeting of Hon'ble Minister, Road Transport & Highways with AI/IE/DPR Consultants. **Reg: Suggestions/Comments on Agenda Points.**

Hon'ble Sir,

We "Infrastructure Consultants Welfare Committee" registered with Government having registration No.01/01/01/24554/12 dated 07.01.2012 are association of consultants having 80+ members on its roll and our aim is to work for welfare, growth and protection of interest and resolving various upcoming problems of the consultants. We also organize Trainings/Seminars/Workshop/ Refresher courses for Consulting Engineers & Architects of the country.

We sincerely thanks your goodself and other heads of various project executing organizations of the Ministry of Road Transport & Highways who are constantly pondering upon to improve quality of construction works in various ongoing/upcoming projects of national importance. Our association is also persistently trying to sensitize the members in this matter through regular deliberations. After series of discussions, our association would like to propose the following submissions which are based on the agenda points discussed during the interaction with Independent Engineers, Authority Engineers and DPR consultants on 31.08.2020 with your kind self for kind perusal and consideration.

1. Abnormally low priced Financial Proposals: We propose to follow (+) / (-) 20% & QCBS 90:10. For example, if in a consultancy tender 3 or more financial proposals are opened, average of all the opened financial proposals against the bid shall be determined. A financial proposal for a particular bid shall be considered "Reasonable" if its variation from the average is within (+) / (-) 20% of the average. Only bidders with a "Reasonable Financial Proposal" shall be considered for determining the "Most Preferred Bidder (H-1 Bidder)" based on QCBS (90% weightage on Technical Proposal and 10% on weightage on Financial Proposal). If this criteria is adopted the problem of receiving abnormally low financial proposals will be eliminated and the work will be awarded only to technically competent consultancy firm.



2. Curriculum Vitae: We are taking CVs of Key Personnel from Infracon portal and therefore only Key Personnel are responsible for the authenticity of the CVs. Nevertheless the Infracon authorities are getting verification of CVs uploaded on the portal through KPMG and other human resource consulting firms. After completion of verification of all the CVs uploaded on Infracon portal, fake and fabricated CVs will be automatically segregated and the problem of fake CVs will in turn be solved.

3. Unavailability of Key Experts in the Projects: The tendency of frequent change in jobs have been observed in most of the Key Personnel. They tend to leave the projects when they get better offer in other projects and the consultants have to search alternate candidates again for replacement. In order to provide relief to consultants, it is proposed to give full relaxation in the limit of replacement i.e no bar on the number of replacements. Further the Key Personnel who are frequently change their assignments should be debarred/blacklisted.

4. Laxity in Survey & Investigation in DPR Consultancy Services: Certainly if the consultant is at fault, the action may be initiated against the consultant. However, it has been observed many times that alignments are changed multiple times at PD, RO and LAC level due to various reasons not attributed to the consultant. Firstly the consultant should be compensated for the expenses incurred in carrying out multiple surveys and office works. Therefore if any laxity is observed in the execution of DPR consultancy, the consultant along with the PD and Concerned RO should be held responsible jointly because they propose a lot of revisions that create confusion.

5. Poor Quality of Construction Supervision (AE/IE): Our suggestion is as follows:

- ❖ Key Personnel is selected by NHAI. We suggest that relaxation in selection process of Key Personnel should be given to consultant. Similarly the limit of replacement should be abolished and the consultant should be empowered to make replacements upto any limit.
- ❖ Further the client should ensure that AE/IE discharge their duties in free and impartial manner without any undue influence from the authority of client.
- ❖ If the quality of work has been observed below specifications, the Key Personnel concerned should be debarred/blacklisted after proper inquiry.
- ❖ If the concessionaire/ contractor is not heeding to the instruction of AE/IE regarding quality in spite of issue of NCR, the action of penalty and debarment of concessionaire/contractor.
- ❖ In no case the consultant should be solely held guilty of poor quality instead it is the collective responsibility of the contractor, consultant and the representative of the client.

6. Dispute Resolution (AE/IE): As soon as COS/COD proposal is received, a joint meeting of Contractor's representative, TL, PD, RO and the Officer concerned at Head office of the client should be held to take final decision at the earliest. There should be some time limit for taking decision on such matters. If this procedure of taking joint decision on matters involving financial implications is adopted, the number of cases of disputes will be automatically reduced. The dispute usually happen when the matter is unnecessarily dragged due to file movement system prevailing in NHAI.



7. Capacity Building of Consultants: In this connection, we propose that a team consisting 7-8 officers of NHAI/NHIDCL/MoRTH should be formed separately for imparting training to every Key Personnel who are selected for deployment in a project. Training of all Key Personnel should be made mandatory. The cost of training should be borne by the client, however, cost of boarding & lodging to be borne by the Key Personnel. The duration of training should be kept for a month or so. Those Key Personnel who do not undergo the mandatory training should be debarred/blacklisted for taking future assignments. Similarly the Key Personnel whose performance are found unsatisfactory at site even after mandatory training should be blacklisted.

The client should issue a circular that the Key Personnel can be named in the bid without training but undergoing training is mandatory for all Key Personnel selected for a particular assignment. Those Key Personnel who refuses to undergo training before deployment may be blacklisted.

Further to the above, it is submitted that the Technical Capacity provisions in NHAI RFP for maximum works to the permitted to one consultant has been restricted to 40 assignments for consultancy firm having more than 60 Crore turnover and 60 Key Professionals. The firm employing more than 1500 Key Personnel/Sub Professionals are not eligible to get further work in NHAI even after March 2021 due to Technical Capacity provisions even if the turnover is beyond 100 Crore. Hence the matter of review of existing Technical Capacity provisions needs to be taken up with the NHAI Authorities. We are of the view that there is no need to incorporate Technical Capacity provisions in RFP when there are Suspension, Termination, Debarment and additional BG provisions for low bids exist in the RFP besides introduction of a new provision as Non-Performer. When all such provisions exist in RFP for regulating performance of the consultant there is no need to introduce Technical Capacity provision. We feel that introduction of QCBS 90:10 and (+) / (-) 20% will automatically alienate the poor performing consultant.

In our opinion, the number of projects may be increased for Indian firms in the following proportion and therefore maximum capacity of allotment may be fixed as per the below mentioned details:

| S.No. | Average Annual Turnover of Firm in last 3 Financial Years (from consultancy works) | Max. no. of projects to be allotted to one particular consultant including ongoing projects in a year |
|-------------------------------------|--|---|
| 1. | Upto Rs. 10 Crore | 02 |
| 2. | More than Rs. 10 Crore to Rs. 30 Crore | 05 |
| 3. | More than Rs. 30 Crore to Rs. 60 Crore | 10 |
| 1. | More than Rs.60 Crore to Rs.100 Crore | 20 |
| 2. | More than Rs.100 Crore to Rs.150 Crore | 30 |
| 3. | More than Rs.150 Crore to Rs.200 Crore | Unlimited |
| Including Joint Venture/Association | | |



In addition to revising Technical Capacity provisions, we also propose to invite tenders on QCBS 90:10 and (+) / (-) 20% as suggested in point no. 1 (above) which will automatically lead to enhancement of quality in the consultancy assignments. We suggest to take the matter of capacity enhancement along with invitation of tender on QCBS 90:10 and (+) / (-) 20% with NHAI Authorities for implementation.

Prayer

We therefore pray to Hon'ble Sir to kindly peruse our suggestions from aforesaid Para (1) to Para (7) and kindly consider for qualitative improvement and betterment of the consultancy assignments.

Thanking You

Yours sincerely,
For Infrastructure Consultants Association of India



(M.L. Gupta)
Secretary

Copy to the:

- 1) Secretary, Ministry of Road Transport & Highways, Transport Bhawan, 1 Parliament Street, New Delhi- 110001 (Email: secv-road@nic.in) for kind information.
- 2) Chairman, National Highway Authority of India, G – 5 & 6, Sector – 10, Dwarka, New Delhi – 110075 (Email:- chairman@nhai.org) for kind information & needful please.
- 3) Director General (RD) &SS, Ministry of Road Transport & Highways, Transport Bhawan, 1 Parliament Street, New Delhi-110001 (Email: dgrdss-rth@nic.in) for kind information & needful please.
- 4) Managing Director, National Highways & Infrastructure Development Corporation Ltd., PTI Building, 3rd Floor, 4 Parliament Street, New Delhi-110001 (Email: md@nhidcl.com) for kind information & needful please.