

National Highways Authority of India

(Ministry of Road Transport & Highways)

Government of India

REQUEST FOR PRE-QUALIFICATION OF BIDDERS

(RFQ 2023)

FOR

Works To Be Taken Up

On

**OUTPUT AND PERFORMANCE-BASED MAINTENANCE OF
ROADS**



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VOLUME-I

Section 1: Introduction

- The "Introduction" provides background, brief description & Schedule of RFQ.

Section 2: Instructions to Applicants (ITA) and Appendix to ITA

- This Section provides relevant information to help Applicants prepare their Applications. Information is also provided on the submission, opening, and evaluation of Applications and on the award of Contracts.

Section 3: Qualification Information

- This Section includes Qualification Information (related to 'instructions to Applicants') as well as Application Forms.

DISCLAIMER

The information contained in this Request for Pre-Qualification document (the “RFQ”) or subsequently provided to Applicant(s), whether verbally or in documentary or any other form, by or on behalf of the Authority or any of its employees or advisors, is provided to Applicant(s) on the terms and conditions set out in this RFQ and such other terms and conditions subject to which such information is provided.

This RFQ is not an agreement and is neither an offer nor invitation by the Authority to the prospective Applicants or any other person. The purpose of this RFQ is to provide interested parties with information that may be useful to them in the formulation of their application for qualification pursuant to this RFQ (the “Application”). This RFQ includes statements, which reflect various assumptions and assessments arrived at by the Authority in relation to the Project. Such assumptions, assessments and statements do not purport to contain all the information that each Applicant may require. This RFQ may not be appropriate for all persons, and it is not possible for the Authority, its employees or advisors to consider the objectives, financial situation and particular needs of each party who reads or uses this RFQ. The assumptions, assessments, statements and information contained in this RFQ may not be complete, accurate, adequate or correct. Each Applicant should therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments, statements and information contained in this RFQ and obtain independent advice from appropriate sources.

Information provided in this RFQ to the Applicant(s) is on a wide range of matters, some of which may depend upon interpretation of law. The information given is not intended to be an exhaustive account of statutory requirements and should not be regarded as a complete or authoritative statement of law. The Authority accepts no responsibility for the accuracy or otherwise for any interpretation or opinion on law expressed herein.

The Authority, its employees and advisors make no representation or warranty and shall have no liability to any person, including any Applicant or Applicant, under any law, statute, rules or regulations or tort, principles of restitution or unjust enrichment or otherwise for any loss, damages, cost or expense which may arise from or be incurred or suffered on account of anything contained in this RFQ or otherwise, including the accuracy, adequacy, correctness, completeness or reliability of the RFQ and any assessment, assumption, statement or information contained therein or deemed to form part of this RFQ or arising in any way with pre-qualification of Applicants for participation in the future Bidding Process.

The Authority also accepts no liability of any nature whether resulting from negligence or otherwise howsoever caused arising from reliance of any Applicant upon the statements contained in this RFQ.

The Authority may, in its absolute discretion but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in this RFQ.

The issue of this RFQ does not imply that the Authority is bound to select and short- list pre-qualified Applications for Bid Stage or to appoint the selected Applicant or Contractor, as the case may be, for the Project and the Authority reserves the right to reject all or any of the Applications or Bids without assigning any reasons whatsoever.

The Applicant shall bear all its costs associated with or relating to the preparation and submission of its Application including but not limited to preparation, copying, postage, delivery fees, expenses associated with any demonstrations or presentations which may be required by the Authority or any other costs incurred in connection with or relating to its Application. All such costs and expenses will remain with the Applicant and the Authority shall not be liable in any manner whatsoever for the same or for any other costs or other expenses incurred by an Applicant in preparation or submission of the Application, regardless of the conduct or outcome of the Bidding Process.

NOTICE INVITING RFQ

RFQ – 2023

Dated 08.02.2023.

Request for Pre-Qualification (RFQ) - 2023 for the works to be taken up on Output And Performance-Based Maintenance Of Roads

1. National Authority of India (the “**Authority**”) hereby invites applications from eligible contractors for RFQ – 2023 through NHA website <https://nhai.gov.in> from experienced firms/organizations for operation and maintenance works and activities for the sections of the National Highways (the “**Project**”) on Output And Performance-Based Maintenance Of Roads.
2. Applicants who wish to apply in response to this Pre-Qualification (the “**Applicant(s)**”) are invited to submit their Applications for pre-qualifying hereunder. The Eligibility of the applicant will be declared with its validity upto 31st March, 2024 or such date as may be decided by the Authority. The contractors to be qualified hereunder shall be eligible to submit the bid for works invited by the Authority on Output and Performance-Based Maintenance Of Roads.
3. The complete document containing details of Eligibility Criteria, Scope of Work and other terms & conditions can be downloaded from NHA website <https://nhai.gov.in>.
4. RFQ Application(s) shall be submitted by the Applicant(s) online through the portal of NHA (link of the portal is given below). The result will be declared only after physical submission of the complete documents forming part of the Application required as per this RFQ.

Link of the RFQ portal for submission of application: <https://nhai.gov.in>

5. Amendments/Corrigendum, if any, would be hosted on NHA website only.
6. NHA reserves the right to reject any/ all applications without assigning any reason and to take any measure as it may deem fit, including annulment of the RFQ, at any time without any liability or obligation for such rejection or annulment.
7. For any clarification, the office of the undersigned may be contacted.

Address for Communication:

Mr. AK Sharma
Chief General Manager
National Highways Authority of India
Plot No. G-5 & 6, Sector-10, Dwarka
New Delhi-110075
Tele : 011-25074100/200
E-mail : aksharma@nhai.org

8. To participate in the e-application submission, it is mandatory for the Applicants to get themselves registered with the NHAI Portal to have a user ID & Password. The detailed tender document can be viewed/downloaded/purchased from the website <https://nhai.gov.in> from 08.02.2023.
9. The Application should be submitted online in the prescribed format given on the website. No other mode of submission is acceptable.
10. The authorized signatory holding Power of Attorney shall only be the Digital Signatory. In case authorized signatory holding Power of Attorney and Digital Signatory are not the same, the application shall be considered as disqualified.
11. The period of validity of Application is 120 days from the submission of application.

SECTION – 1

INTRODUCTION

1.1 Background

- 1.1.1 The National Highways Authority of India (the “**Authority/ Employer**”) is engaged in the maintenance, improvement & development of National Highways and as part of this Endeavour, the Authority has decided to undertake works for the sections of the National Highways (the “**Project**”) on Output And Performance-Based Maintenance Of Roads the Maintenance / improvement of the various section of National Highways (the “**Project**”) and has decided to carry out the bidding process for selection of an applicant to whom the Project may be awarded.
- (a) For this purpose, the Authority has decided to stream-line and ease the process of pre-qualification of Applicants for participating in the Bid Process of individual projects by qualifying the Applicants with respect to their eligibility limit under Prequalification process of RFQ. The contractors to be qualified hereunder shall be eligible to submit the bid for NH works invited by the Authority on Output And Performance-Based Maintenance Of Roads.
 - (b) Applicants who wish to apply in response to this Pre-Qualification (the “**Applicant(s)**”) are invited to submit their Applications for pre-qualification hereunder. The pre-qualification shall be open throughout (no last date) and the list of prequalified bidders announced/ updated from time to time by the Authority would be valid up to ^{31st} March, 2024 or such date as may be decided by the Authority. Thereafter, the Authority may invite fresh applications.
 - (c) This Pre-Qualification is aimed at evaluating the limit for Technical and Financial Capacity of Applicants as indicated by themselves and deciding their eligibility of qualification and participation for a specific Estimated Project Cost excluding GST.
 - (d) The Applicants pre-qualified at this RFQ stage need not submit detailed bid for project specific Qualification Stage. While applying the Applicant is required to indicate the Eligibility limit for Estimated Project Cost for which he wishes to get pre-qualified. At the end of RFQ process, the Authority intends to announce a list of pre-qualified Applicants for (“**Pre-qualified RFQ Applicant**”) in term of Eligible limit (Rs. In crores) so that the applicant can participate at RFP stage for those specific projects whose Estimated Project Cost excluding GST is well within their assessed eligibility limit.

- 1.1.2 The selected Bidder (the “**Contractor**”) shall be responsible for maintenance of the Project under and in accordance with the provisions of contract (the “**Contract**”) to be entered into between the Contractor and the Authority in the form provided by the Authority as part of the Bidding Documents pursuant hereto. The Contractor shall also be responsible for the maintenance of the project during the Defect Liability Period.
- 1.1.3 The Scope of Work shall include the Routine Maintenance includes incident management services of all the assets and facilities existing within Right of Way (ROW) on the mentioned section including maintenance of carriageway, shoulders, median, bridges, culverts, drains, footpaths, road signage, plantation, etc., and carrying out some other works relating to rehabilitation/initial rectification works, periodical maintenance works, improvement and emergency works as specified in the bid documents. The contractor is supposed to maintain the road to the specification as mentioned in the contract. The Project Road might not meet the performance standards as required in the contract. The estimate of work including the overly/periodical renewal required to be done to bring the road to the desired performance standards are being provided as part of these bid document. However, it may be noted that the estimated quantities provided here in respect of renewal/overlay are just for the guidance of the Contractor. The contract would need to provide overlay to the sections mentioned in the contract as a minimum and the Contractor should carry out its own due diligence and within the stipulated time mentioned in the contract, carry out the work required to bring the road to desired performance standards and maintain the road to these standards till handover of the road.
- 1.1.4 Indicative capital cost of the Project (the “**Estimated Project Cost**”) will be revised and specified in the Bidding process of the Project. The assessment of actual costs, however, will have to be made by the Applicants.
- 1.1.5 The Authority shall receive Applications pursuant to this RFQ in accordance with the terms set forth herein as modified, altered, amended and clarified from time to time by the Authority, and all Applications shall be prepared and submitted in accordance with such terms specified.

1.2 Brief description of RFQ

- 1.2.1 The Authority has decided to adopt a two stage process for selection of the Bidder for award of the work of Output And Performance-Based Maintenance Of Roads the Maintenance / improvement of the various section of National Highways. This Prequalification (RFQ-2023) is intended to determine eligibility limit of applicants (single entity) to enable them to participate in bidding process for National Highway (NH) works on Output And Performance-Based Maintenance Of Roads contracts. Pursuant to this RFQ – 2023. In either case, a perspective applicant who has been qualified under this RFQ – 2023 will have to submit the eligibility limit determined by Authority herein under along with other documents stated in the RFP/Bidding document for a particular project invited on Output And Performance-Based Maintenance Of Roads by the Authority. Prior to making an Application, the Applicant shall pay to the Authority a sum of

Rs. 10,000 (Rupees Ten thousand) as the cost of the RFQ document.

At the end of the pre-qualification stage, the Authority intends to announce a list of the Bidders pre-qualified, updated from time to time, along-with their Eligible limit. As the pre-qualification process is open throughout (no last date), the bidder(s) may get themselves pre-qualified and added in the list by submitting their applications in advance.

The Authority shall be entitled to disqualify an Applicant in accordance with the aforesaid guidelines at any stage of the Bidding Process. Applicants must satisfy themselves that they are qualified to application, and should give an undertaking to this effect in the form.

- 1.2.2 In the Pre-Qualification Stage, Applicants would be required to furnish all the information specified in this RFQ. Only those Applicants that are pre-qualified by the Authority shall be eligible to submit their Bids for the Projects invited by the Authority. The Authority is likely to provide a comparatively short time span for submission of the Bids for the Project. The Applicants are, therefore, advised to visit the site and familiarize themselves with the Project for which the Application have been submitted. The bidders appearing in the list announced/ updated by the Authority 7 days prior to due date for submission of the Bids for the Projects invited by the authority. For avoidance of doubt, it is clarified that if the date 7 days prior to bid due date happens to be a holiday, the next working day will be considered.
- 1.2.3 In the Bid Stage, the Applicants will be called upon to submit their financial offers (the “**Bid**”) in accordance with the RFP and other documents to be provided by the Authority (collectively the “**Bidding Document**”).
- 1.2.4 In terms of the RFP, an Applicant at the RFP stage will be required to deposit, along with its Bid, a bid security equivalent to 1% (one per cent) of the Estimated Project Cost (the “**Bid Security**”). The Bid shall be summarily rejected if it is not accompanied by the Bid Security.
- 1.2.5 Deleted
- 1.2.6 During the Bid Stage, Applicants have to visit the Project Site in detail, and to carry out, at their cost, such studies as may be required for submitting their respective Bids for award of the Contract including implementation of the Project.
- 1.2.7 As part of the Bidding Documents, the Authority will provide a draft Agreement prepared by the Authority/ its consultants and other information pertaining/ relevant to the Project available with it.

- 1.2.8 Further and other details of the process to be followed at the Bid Stage and the terms thereof will be spelt out in the Bidding Documents.
- 1.2.9 Any queries or request for additional information concerning this RFQ shall be submitted in writing or e-mail to the officer designated.

1.3 Schedule of Bidding Process: Deleted

SECTION – 2

INSTRUCTIONS TO APPLICANTS (ITA)

SECTION – 2 INSTRUCTIONS TO APPLICANTS (ITA)

A. GENERAL

1. Scope of Application

- 1.1 The National Highways Authority of India “the **Authority/ Employer**” invites applications from eligible contractors for RFQ – 2023 through NHAI portal from experienced firms/organizations for operation and maintenance works and activities for the sections of the National Highways (the “**Project**”) on Output and Performance-Based Maintenance of Roads.
- 1.2 The Authority wishes to receive Applications for Pre-Qualification in order to qualify experienced and capable Applicants to participate in the Bid Stage.
- 1.3 Pre-qualified Applicants may be subsequently invited to submit the Bids for the Projects.

2. Eligible Applicants

- 2.1 This Invitation for application is open to all applicants meeting the qualification requirements prescribed in **Clause 3** of ITA.
- 2.2 Any entity which has been blacklisted or barred **or declared Non-Performer by the Ministry of Road Transport & Highways or its implementing agencies; NHAI/ NHIDCL/State PWDs**, from participating in any project, and the bar subsists as on the Application submission date shall not be eligible to submit the application.

3. Qualification of the Applicants

- 3.1 All applicants shall furnish the following information and documents with their Applications in **Section-3**, Qualification Information.
- a) Scanned copies of original documents defining the constitution or legal status, place of registration, and principal place of business; scanned copy of written power of attorney of the signatory of the Application to commit the Applicant; and original copy of Written Power of Attorney to be submitted in the envelope of physical form by the Applicant.
 - b) Scanned copy of total monetary value of civil engineering construction and maintenance works performed for each of the last three years;
 - c) Scanned copy of experience certificate in works of a similar nature and size for each of the last five years with certificates from the concerned officer of the rank of Executive Engineer or equivalent or higher;

- d) Undertaking for the availability (either owned or leased or rented) of items of construction and maintenance equipment named in Clause 1.3 (i) of Appendix to ITA.
- e) Undertaking for technical personnel proposed to be employed for the Contract having the qualifications defined in Clause 1.3 (ii) of Appendix to ITA.
- f) Scanned copy of Audited Annual Reports on the financial standing of the Applicant, and a certificate from Chartered Accountant as a proof of turnover for the last three years;
- g) Scanned copy of information regarding any litigation or arbitration during the last five years in which the Applicant is involved, the parties concerned, the disputed amount, and the present status;
- h) Undertaking that the applicant is not affiliated to the firm or entity that has been hired or employed by the Employer for preparation of application or to supervise the contract.
- i) Self-Assessment Eligibility Limit Sheet as clause 3.3 of ITA.

3.2 Applications from joint ventures/consortiums are not allowed.

3.3 A To pre- qualify at the Bid Stage, each applicant in its name should be evaluated on the following conditions of eligibility:-

- a) For evaluating the eligibility limit on average annual financial turnover (in all classes of civil engineering construction and maintenance works only) during last three years ending 31st March of the previous financial year duly certified by Chartered Accountant shall be considered as 100% of average annual financial turnover. *(Notwithstanding anything to the contrary contained herein, in the event that the application submission date falls within three months of the closing of the latest financial years, it shall ignore such financial year for the purpose of the application and furnish annual financial turnover w.r.t. 3 years preceding in last financial year).*
- b) For evaluating the eligibility limit for similar work should be satisfactorily completed (atleast Provisional Completion Recorded)), as a prime contractor or as a partner of JV for similar works during last five years ending last day of month previous to the one in which applications are invited, either of the following:
 - i. three similar completed works costing (eligibility limit shall be calculated as 400% of lowest of three similar work).
 - ii. two similar completed works costing (eligibility limit shall be calculated as 285% of lowest of two similar work).
 - iii. one similar completed work costing (eligibility limit shall be calculated as 200% of one similar work).
 - iv. (the similar work constitutes construction/ Maintenance of National/ State Highways)

The following escalation factors shall be used to bring the value of such completed works to the level of current financial year:

Year before	Multiplying Factor
One	1.1
Two	1.21
Three	1.33
Four	1.46
Five.....	1.61

The minimum of the eligibility limits determined on the basis of criteria under Clause 3.3A (a) and Clause 3.3A (b) shall be declared as the eligibility limit of the applicant. Further to pre-qualify under this RFQ, the applicant must have assessed eligibility limit of Rs. 25.00 Crore or above.

Other eligibility conditions shall include:

The available Bid capacity will be assessed at the time of Bid stage. It is not applicable for this RFQ process. The related documents for assessment of updated available Bid capacity may be provided at the Bid stage.

Applicant shall be required to submit the self-certification & Certification from Chartered Accountant for Local Content requirement may be provided at the Bid stage.

Applicant shall be required to submit undertaking regarding availability of minimum cash amounting to 25% of the value of work during implementation of the Contract towards working capital at the Bid Stage.

3.3 b Each applicant must upload the scanned copies of following documents along with the submission of online application:

- i) An affidavit on a Stamp Paper, duly attested from the Notary Public, that the information furnished with the application documents is correct in all respects; and
- ii) Such other certificates as defined in **Section-3**.

Failure to submit the certificates/documents as specified above shall make the application disqualified.

3.4 Even though the applicants meet the above qualifying criteria, they are subject to be disqualified if they have:

- 3.4.1 Made misleading or false representations in the forms, statements, affidavits and attachments submitted in proof of the qualification requirements; and/or
- 3.4.2 Record of poor performance such as abandoning the works, not properly completing the contract, inordinate delays in completion, litigation history, or

financial failures etc. or debarring from work etc.

4. One application per applicant

4.1 Each Applicant shall submit only one Application for the Works. An Applicant who submits more than one Application will cause such Applications to be disqualified.

5. Cost of application

5.1 The Applicant shall bear all costs associated with the preparation and submission of his Application, and the Employer will, in no case, be responsible or liable for those costs.

B. APPLICATION DOCUMENTS

6. Content of Application Documents

6.1 The set of application comprises the documents listed below and addenda (if any) issued in accordance with **Clause 8:**

Section 1: Introduction

Section 2: Instructions to applicants (ITA)

Section3: Qualification Information

6.2 The applicant is expected to examine carefully all instructions, conditions of contract, contract data, forms, scope, road maintenance Standards and Specifications, bill of quantities, etc. in the Application Documents. Failure to comply with the requirements of Application Documents shall be at the applicant's own risk.

7. Clarifications on RFQ

7.1 A prospective applicant requiring any clarification on the RFQ may notify the Employer in writing or through NHAI portal at the Employer's address indicated in the notice inviting RFQ. The Employer will respond to any such request for clarification received. Copies of the Employer's response will be hosted on website including a description of the queries but without identifying its source.

7.2 Pre-Application Meeting

7.2.1 Deleted.

7.2.2 Deleted.

7.2.3 Deleted.

7.2.4 Deleted.

8. Amendment of RFQ

8.1 At any time, the Employer may modify the RFQ by issuing addenda. It is binding on the applicants/ pre-qualified bidders to provide requisite information as per the Addendum and within the time prescribed, otherwise, the application shall be rejected and/ or the bidder shall be removed from the list of prequalified bidders.

8.2 Any addendum thus issued shall be part of the RFQ and shall be hosted on NHAI website. Applicants are advised to keep themselves updated of all the addenda issued on e-tendering portal by daily checking the e-tendering portal and the Employer does not assume any responsibility in case the applicant fails to do so and does not take any action, if required, with respect to any relevant addendum.

C. PREPARATION OF APPLICATIONS

9. Language of application

9.1 All documents relating to the Application shall be in English.

10. Documents comprising the application

10.1 The application submitted by the applicant shall be in Part-I only. Part-I shall be named Technical Application.

10.2 Original Documents to be submitted in physical form must be submitted by the applicants within time prescribed after intimation by the Authority.

Though, the scanned copies of following documents is required to be uploaded during submission of application on the NHAI website, however, following original documents in physical form shall be submitted by the applicants within time prescribed after intimation by the Authority at the address indicated in **Clause 15**, duly superscribed “RFQ for works to be executed on Output and Performance-Based Maintenance of Roads”. Name and address of the applicant should also be indicated on the envelope.

- i) Copy of Acknowledgement for Application Submission
- ii) Written Power of Attorney of the signatory (whose digital signature certificate is used during application submission) of the applicant to commit the Application.
- iii) Affidavit duly notarized (as per the format provided in **Section-3**)

11. Application Validity

11.1 Applications shall remain valid for a period of 120 days from the date of submission of Application. Application valid for a shorter period shall be rejected by the Employer as disqualified.

11.2 In exceptional circumstances, prior to expiry of the original time limit, the Employer may request that the Applicants may extend the period of validity for a specified additional period. The request and the Applicants' responses shall be made in writing. An Applicant may refuse the request. An Applicant agreeing to the request will not be required or permitted to modify his application.

12. Alternative Proposals by Applicants

12.1 Applicants shall submit offers that fully comply with the requirement of the RFQ. Conditional offer or alternate offer will not be considered further in the process of evaluation and such an application will be declared as disqualified.

13. Format and signing of application

13.1 The Applicant shall submit e-application comprising the documents as described in this RFQ.

13.2 The Original documents as uploaded on the NHAI Portal are required to be submitted within the prescribed time in the Physical Form **by the applicants after intimation by the Authority**. All the pages of the documents as mentioned here shall be signed by the person/persons signing the Application. Documents as mentioned here shall contain no overwriting, alterations or additions, except those to comply with instructions, issued by the Employer or as necessary to correct errors made by the Applicant, in which case such corrections shall be made by scoring out the cancelled portion, writing the correction and signing and dating it along with the stamp by the person or persons signing the Application.

13.3 It is mandatory for all the Applicants to have Class-III Digital Signature Certificate from any of the Licensed Certifying Agency in the name of a person (authorized representative as per POA) who is signing the application. The Applicants can see the list of Licensed Certifying Agencies from the link www.cca.gov.in. The same person shall be permitted to submit financial bids and other documents as per Bidding process. In case the pre-qualified bidder intends to change the authorized representative through a fresh POA, during the validity period of prequalification, the same shall be on submission of a new POA to the Authority and getting acknowledgement of the same from the Authority before submission of financial bid and other documents as per Bidding process.

D. SUBMISSION OF APPLICATION

14. Marking of applications

- 14.1** The documents to be submitted in physical form **by the applicant** as per **Clause 10.2** of ITA shall be submitted in a sealed Envelope super scribed as “Documents in Physical Form” at the top left corner.

15. Submission of applications

- 15.1** The Applicant shall ensure that the complete e-application is uploaded on the NHAI portal on or after publish of***** NIT. **Physical submission of the application is not required.** However, the Envelope containing “Original Documents in Physical Form” by the applicants when called for must be received by the Employer at the address National Highways Authority of India, G 5 & 6, Sector 10, Dwarka, New Delhi – 110075 not later than the date indicated.
- 15.2** The Employer assumes no responsibility for inability of an applicant to submit applications through the Employer’s portal on account of delay in submission at applicant’s end. The Employer shall not be responsible if applicant is not able to submit the application on account of failure in network/internet connection or any other reason whatsoever.
- 15.3** All Orders of Ministry of Finance/DPIIT/any other Government agencies, as applicable and prevalent on the date of LOA, shall be applicable.
- 15.4** Entities of countries which have been identified by Ministry of Road Transport & Highways as not allowing Indian companies to participate in their Government procurement for any item related to Ministry of Road Transport & Highways shall not be allowed to participate in Government procurement in India for all items related to Ministry of Road Transport & Highways, except for the list of items published by the Ministry of Road Transport & Highways permitting their participation.
- 15.5** For determining the eligibility of Applicant from a country which shares a land border with India the following shall apply:
- (i) Any Applicant from a country which shares a land border with India will be eligible to bid, only if the Applicant is registered with the Competent Authority, specified in Annexure I of Order (Public Procurement No. 1) issued by Ministry of Finance, Department of Expenditure Public Procurement Division vide F. No. 6/18/2019-PPD, dated 23rd July 2020, which shall form an

integral part of RFP and DCA (Copy enclosed).

- (ii) "Applicant from a country which shares a land border with India" means:
- a) An entity incorporated, established or registered in such a country, or
 - b) A subsidiary of an entity incorporated, established or registered in such a country; or
 - c) An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - d) An entity whose beneficial owner is situated in such a country; or
 - e) An Indian (or other) agent of such an entity; or
 - f) A natural person who is a citizen of such a country; or
 - g) A Consortium or joint venture where any member of the consortium or joint venture falls under any of the above.

(iii) Beneficial owner for the purpose of (ii) above means:

1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more judicial person, has a controlling ownership interest or who exercises control through other means.

Explanation:

- a) "Controlling ownership interest" means ownership of or entitlement to more than twenty-five per cent of shares or capital or profits of the company.
- b) "Control" shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholding agreements or voting agreements;

2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or one or more juridical person: has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;

3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individual;

4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;

5. In case of a trust, the identification of beneficial owner(s) shall include

identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

- (i) An Agent is a person employed to do any act for another, or to represent another in dealings with third person.
- (ii) The Selected Applicant shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.

Certificate regarding Compliance:

A certificate on the letterhead of the Applicant shall be required to be submitted by the applicants certifying the following in the format prescribed at Appendix-IX:

"I/We have read the clause regarding restrictions on procurement from a applicant of a country which shares a land border with India and on sub-contracting to contractors from such countries;

I/We certify that this applicant is not from a country or, if from such a country, has been registered with the Competent Authority as defined in Public Procurement Order no. F.no.6/18/2019- PPD dated 23rd July 2020 and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority;

I/We hereby certify that this applicant fulfils all requirements in this regard and is eligible to be considered."

It may be noted that in case the above certification is found to be false, this would be a ground for immediate rejection of Bid/termination and further legal action in accordance with law.

Validity of Registration:

In respect of RFP, registration should be valid at the time of submission of bids and at the time of acceptance of bids. If the Applicant was validly registered at the time of acceptance, registration shall not be a relevant consideration during contract execution.

15.6 The Applicant should neither be a non-performing party on the date of opening of tender nor on the date of issue of Letter of Acceptance (LoA). The Applicant shall be deemed to be a non-performing party, if it attracts any or more of the following conditions in any of its ongoing or completed project:

- (i) Fails to set up institutional mechanism and procedure as per Contract.

- (ii) Fails to mobilize key construction equipment within a period of 4 months from the appointed date;
- (iii) Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length /ROW available even after lapse of 6 months from respective project milestone /Schedule Completion date, unless Extension of Time has been granted due to Authority's Default of Force Majeure;
- (iv) Fails to achieve progress commensurate with funds released from Escrow Account (Equity +Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days;
- (v) Fails to achieve target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default;
- (vi) Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority.
- (vii) Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance;
- (viii) Fails to fulfil its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regards;
- (ix) Damages/penalties recommended by Independent/ Authority's Engineer during O&M Period and remedial works are still not taken up;
- (x) Fails to complete Punch List items even after lapse of time for completion of such items excluding delays attributable to the Authority;
- (xi) Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being/ animals);
- (xii) Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being/ animals);
- (xiii) Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation etc. of the authority;
- (xiv) Fails to make premium payments excluding the current instalment in one

or more projects;

(xv) Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case);

(xvi) Fails to submit the Performance Security within the permissible time period in more than one project;

(xvii) Rated as an unsatisfactory performing entity/ non-performing entity by an independent third party agency and so notified on the website of the Authority.

(xviii) Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against the Applicant, including individual or any of its Joint Venture Member, as the case may be.

(xix) Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Applicant, including individual or any of its Joint Venture Member; Provided that any such decision of expulsion or termination of contract leading to debarring of the Applicant from further participation in bids for the prescribed period should have been ordered after affording an opportunity of hearing to such party.

(xx) Fails to start the works or causes delay in maintenance & repair/overlay of the project.

In case, any debarred/declared non performer firm submits, the application, the same will be ignored.

16. Submission of Documents in Physical Form:

16.1 Deleted.

17. Modification and Withdrawal of Applications

17.1 Deleted.

17.2 No application may be modified after the submission of applications.

17.3 Deleted

E. APPLICATION OPENING, CLARIFICATION OF APPLICATION AND EVALUATION

18. Application Opening, Clarification of Applications and Evaluation

18.1 Application of all the Applicants received shall be opened throughout (no last date).

18.2 Deleted.

18.3 As soon as possible, the Employer will finalize the list of pre-qualified applicants whose applications are eligible for consideration. However, to assist in the examination, evaluation of application, the Employer may at his discretion, ask any applicant for clarification of his application, however, no additional documents in support of clarification will be entertained. If any applicant does not provide clarifications sought within the prescribed time, its application shall be liable to be rejected. The decision of the Authority shall be final and binding.

18.4 The Employer shall inform the applicants about the result of application evaluation by uploading on the web portal giving 7 days' time for objections, if any, from the applicants. The Employer shall finalise the evaluation of application after due consideration of objections received and intimate the applicants, whose application are found responsive.

19. Process to be Confidential

19.1 Information relating to the examination, clarification, evaluation, and comparison of applications and recommendations for the pre-qualified for the Bid Stage shall not be disclosed to applicants or any other person not officially concerned with such process until the pre-qualification of the Applicants have been announced by the Employer. From the time of application opening to the time of result of application evaluation is declared, no applicant shall contact the Employer on any matter related to the application, except on request and prior written permission. Any attempt by an Applicant to influence the Employer's processing of applications or pre-qualification decisions may result in the rejection of his Application.

20. Contacting the Employer

20.1 Any effort by the Applicant to influence the Employer in the Employer's application evaluation, application comparison or pre-qualification decisions may result in the rejection of the Application.

21. Examination of applications and Determination of Responsiveness

21.1 During the detailed evaluation of Application, the Employer will determine whether each Application

(a) meets the eligibility criteria defined in **Clauses 2 and 3;**

- (b) contains the required documents in physical form and the documents uploaded by the applicant are in order; and
- (c) is substantially qualified to the requirements of the RFQ.

22. Pre-qualification of Applicants

- 22.1** The credentials of eligible Applicants shall be measured in terms of their Technical experience/capacity.
- 22.2** The Applicants meeting the pre-qualification criteria shall be eligible for participation in the Bid Stage.

23. Right of the Authority on the bidding process

Notwithstanding anything contained in this RFQ, the Authority reserves the right to annul or to keep in abeyance the process/ the list of pre-qualified bidders or to remove/ add any bidder from the list of pre-qualified bidders at any stage or to reject any/ all application(s) at any time, without any liability or obligation and without assigning any reasons thereof.

Notwithstanding anything contained in this RFQ, in case any Applicant is debarred from pre-qualification or the name of the Bidder is removed from the list of pre-qualification for any reason whatsoever, the decision in this regard shall also be applicable to the constituent partner(s)/ director(s) of the said Applicant and the decision of the Authority shall be conclusive and binding on the Applicant or its constituent partner(s)/ director(s) (if any).

24. Verification and Disqualification:

(i) The Authority reserves the right to verify all statements, information and documents submitted by the Applicant in response to the RFQ and the Applicant shall, when so required by the Authority, make available all such information, evidence and documents as may be necessary for such verification. Any such verification or lack of such verification, by the Authority shall not relieve the Applicant of its obligation or liabilities hereunder nor will it affect any rights of the Authority.

(ii) The Authority reserves the right to remove the bidder from the list of prequalified bidders, reject any Financial Bid and other documents if:

- (a) at any time, a material misrepresentation is made or uncovered, or
- (b) the Bidder does not provide, within the time specified by the Authority, the supplemental information sought by the Authority for evaluation of the Application/ Financial Bid.

(iii) In case, it is found during the evaluation or at any time during the period of pre-qualification, that one or more of the qualification conditions have not been met by the Bidder or the Bidder has made material misrepresentation or has given any materially incorrect or false information, the Bidder shall be disqualified and removed from the list of prequalified bidders forthwith. If the Bidder has already been issued the LOA(s) or has entered into the contract(s) for any project, the same shall, notwithstanding anything to the contrary contained therein or in this RFP, be liable to be terminated, by a communication in writing by the Authority to the Bidder, without the Authority being liable in any manner whatsoever to the Bidder. In such event, the Authority shall be entitled to forfeit and appropriate the Bid Security or Performance Security of the project, as the case may be, as Damages, without prejudice to any other right or remedy that may be available to the Authority under the Bidding Documents and/ or Contract Agreement, or otherwise, including debarment for a period as deemed fit and proper by NHAI, including debarment for a period as deemed fit and proper by NHAI.

25. Mode of Communication

The official mode of communication will be through the email provided by the applicant along with their RFQ application.

F. CORRUPT OR FRAUDULENT PRACTICES

26. Corrupt or Fraudulent Practices

- 26.1** The applicants and their respective officers, employees, agents and advisers shall observe the highest standard of ethics during the RFQ process. Notwithstanding anything to the contrary contained herein, the Employer may reject any application without being liable in any manner whatsoever to the applicant if it determines that the applicant has, directly or indirectly or through an agent, engaged in corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice in the RFQ process.
- 26.2** Without prejudice to the rights of the Employer under **Clause 26.1** hereinabove, if any applicant is found by the Employer to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice during the bidding process, such applicant shall not be eligible to participate in any tender issued by the Employer during a period of 2 (two) years from the date such applicant is found by the Employer to have directly or indirectly or through an agent, engaged or indulged in any corrupt practice, fraudulent practice, coercive practice, undesirable practice or restrictive practice, as the case may be.
- 26.3** For the purposes of this **Clause 26**, the following terms shall have the meaning hereinafter respectively assigned to them:
- a) “corrupt practice” means the offering, giving, receiving, or soliciting, directly or indirectly, of anything of value to influence the actions of any person connected with the bidding process (for avoidance of doubt, offering of employment to, or employing, or engaging in any manner whatsoever, directly or indirectly, any official of the Employer who is or has been associated in any manner, directly or indirectly, with the bidding process or has dealt with matters concerning the Contract or arising therefrom, before or after the execution thereof, at any time prior to the expiry of one year from the date such official resigns or retires from or otherwise ceases to be in the service of the Employer, shall be deemed to constitute influencing the actions of a person connected with the bidding process); engaging in any manner whatsoever, whether during the RFQ process or after the award or after the execution of the Contract, as the case may be, any person in respect of any matter relating to the Works, who at any time has been or is a legal, financial or technical adviser of the Employer in relation to any matter concerning the Works;
 - b) “fraudulent practice” means a misrepresentation or omission of facts or suppression of facts or disclosure of incomplete facts, in order to influence the bidding process;

- c) “coercive practice” means impairing or harming or threatening to impair or harm, directly or indirectly, any person or property to influence any person’s participation or action in the RFQ process;
- d) “undesirable practice” means establishing contact with any person connected with or employed or engaged by the Employer with the objective of canvassing, lobbying or in any manner influencing or attempting to influence the RFQ process; and
- e) “restrictive practice” means forming a cartel or arriving at any understanding or arrangement among applicants with the objective of restricting or manipulating a full and fair competition in the RFQ process.

The Employer requires the Applicant/Contractor to strictly observe the laws against fraud and corruption enforced in India, namely Prevention of Corruption Act, 1988.

Appendix to Invitation to RFQ

- 1.1) The Employer is National Highways Authority of India.
- 1.2) The Works and Services under the Output and Performance-Based Maintenance of Roads Contract will cover the following:
- a) Routine Maintenance Services or “Services” consisting of all interventions on the Roads which are to be carried out by the contractor in order to achieve and keep the Road performance standards defined by the Service Level included in Specifications for Works and Services of bidding document, and all activities related to the management and evaluation of the road network under contract;
 - b) Rehabilitation Works/Initial Rectification works, when requested in the Bidding documents for the sections of the Road(s), consisting of specific types of civil works described in the Specifications;
 - c) Periodic Maintenance works when requested in the Bidding documents for the sections of the Road(s), consisting of specific types of civil works described in the Specifications;
 - d) Emergency Works consisting of activities needed to reinstate the Roads and reconstruct their structure or their right of way which has been damaged as a result of natural phenomena with imponderable consequences, such as strong storms, flooding, and earthquakes
- 1.3. (i). The key equipment to be deployed on contract work shall be as per requirement of the work as decided by the Engineer & incorporated in the Maintenance Program

Name of the Equipment

Quantity

(a) For bituminous pavement and earthwork:

1. Mobile Maintenance Unit with necessary equipment –

S. No.	Project Length for maintenance	No. of Mobile units*
1	Up to 50 km	1
2	More than 50 km and up to 150 km	2
3	More than 150 km and up to 300 km	3

(*)- Project length specified in Table above is indicative. The Employer while inviting bids may review for making appropriate provision about number of mobile units required.

2.	** Sensor Paver	1
3.	* *Vibratory Roller (8/10 T)	1
4.	Static Roller (8/10 T)	1
5.	Small Roller/Compactor	1
6.	Bitumen/emulsion sprayer	1
7.	Mechanical Broom (1250 sqm per hour)	1
8.	Air compressor	2
9.	Grader/Backhoe loader	1
10.	Water Tanker	2
11.	Dewatering Pumps	2
12.	Tipper/dumper Truck	10
13.	Mini hot mix plant (6/10 T/Hr capacity) with indirect heating arrangements	1
14.	* *Hot Batch Mix Plant 120 TPH capacity	1
15.	**String line set	1

Note: (**) - Equipment to be included if periodic renewal is also included in the contract.

(b) For Concrete pavement:

Equipment to be deployed as per the Requirement of the Work items

(c) For culverts, bridges and structures:

Equipment to be deployed as per the Requirement of the Work items

(d) Other equipment:

As per Requirement of the Works

Note: The applicant must upload scanned copy of the documentary evidence in support of his owning/ leased/rented of the above equipment **at time of bid for which tender is invited**. In case the bidder proposes to hire or take the above equipment on lease, he should, along with the lease/rent agreement, attach the proof of ownership of this equipment with the company/entity from whom the equipment are proposed to be hired on lease/rent. Any conditional evidence of deployment of above equipment or inadequate proof as required for any of the equipment shall make the bid non-responsive and financial bid shall not be opened. **However, the applicant is required to submit an undertaking along with application for the availability (either owned or leased or rented) of above items of construction and maintenance equipment for which tender will be invited.**

1.3 (ii) The Number of Technical Personnel, Qualifications and Experience will be as follows:

S. No.	Personnel	Qualification	Particular Experience (minimum requirement)	No. of Persons
1	Project Manager	Degree in Civil Engineering	8 years as Project Manager/ Team Leader of Consultancy Contract on Highway, Bridge construction/Maintenance works	1
2	Site Engineer-cum-Surveyor Engineer cum Material Engineer	Degree in Civil Engineering	4 years on Highway Construction/Maintenance works	2
3	Incident cum Road Property Manager cum Route Operation Manager	Graduate from a recognized University	3 years on Highway Property Management and Maintenance	1
4	Road Safety Auditor	Road Safety Audit Certificate from appropriate approved Govt. agency	5 years' experience	3 days in every 3 months

Note: The signed CVs must be uploaded **at time of bid** for which tender is invited, however, the applicant must **submit an undertaking along with Application** that the technical personnel proposed to be employed for the Contract having the above mentioned qualifications.

SECTION – 3 QUALIFICATION INFORMATION

The information to be filled in by the Applicant in this section and documents submitted in physical form by the Applicants will be used for the purposes of pre- qualification as provided for in **Clause 3** of the Instructions to Applicants.

SELF ASSESSEMENT ELIGIBILITY QUALIFICATION INFORMATION

1. For Applicants

1.1 a) Year of Constitution

a) Legal status of Applicant (Proprietorship/Partnership or Pvt. Ltd. firm)

[Upload scanned copy of original along with MOA/AOA]

b) Place of registration: _____

c) Principal place of business: _____

d) Country of incorporation: _____

e) Date of incorporation and/ or commencement of business

1.2 Brief description of the Applicant including details of its main lines of business

1.3 Details of individual(s) who will serve as the point of contact/ communication for the Authority

(a) Name

(b) Designation

(c) Company

(d) Address

(e) Telephone Number

(f) E-mail:

1.4 Particulars of the Authorised Signatory of the Applicant:

(a) Name:

(b) Designation

(c) Address

(d) Phone Number

(e) Class III Digital Signature Certificate ID Number:

1.5 Power of Attorney of signatory of Application *[Upload scanned copy and also supply Original copy in envelope of physical form by the applicant]*

1.6 Total value of Civil Engineering construction and/or maintenance works performed in the last three years (in Rs. Crore).

(Upload scanned copies of certificate from Chartered Accountant and also supply

original certificate from Chartered Accountant)

Year Total value of work performed (Rs. Crore)

1.7 (a) Work performed as prime contractor/JV partner provided further that all other qualification criteria are satisfied (in the same name) of a similar nature during the last five years as per ITA **Clause 3.3A(b)**.

Project Name	Name of the Employer*	Description of work	Value of Contract (Rs. in Lac)	Date of issue of work order	Stipulated period of completion	Actual date of completion*	Remarks explaining reasons for delay in work Completed

** Upload certificate(s) from the Employer (to be given by an officer not below the rank of Executive Engineer or equivalent or higher and also supply original or certified copy in physical form envelope form by the Applicant)*

Note: In case of sub-contractor—a certificate from the Executive Engineer or equivalent of the Prime Employer should be obtained from whom an approval for subcontractor has been obtained.

1.4 Information on litigation history in which the Applicant is involved.

Other Party	Employer	Cause of Dispute	Amount involved (Rs lakh)	Remarks showing Present Status

1.8 (a) I/ We certify that in the last two years, we/ any of the JV partners have neither failed to perform for the works of Expressways, National Highways, ISC & EI works, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against us, nor been expelled or terminated by Ministry of Road Transport & Highways or its implementing agencies for breach on our part.

(b) I/ We certify that we/ any of the JV partners do not fall in any of the categories of being a Non-Performing entity given at Clause 15.7 of Instructions to Applicants in the projects of Expressways, National Highways, ISC and EI works of Ministry of Road Transport & Highways or its implementing agencies and furnished the complete details.

1.9 (a) I/ We further certify that no investigation by a regulatory authority is pending either against us/any member of Joint Venture or our sister concern or against our CEO or any of our directors/managers/employees.

(b) I/ We further certify that no investigation by any investigating agency in India or outside is pending either against us/ any member of Joint Venture or our sister concern or against our CEO or any of our directors/managers/employees.

A statement by the Applicant and each of the Members of its Joint Venture (where applicable) disclosing material non-performance or contractual non-compliance in current projects, as on application submission date is given below (attach extra sheets, if necessary) w.r.t. para 15.7

Name of the Applicant -----

Sr. No.	Categories of Non-Performer	Name of the Projects (s)
(i)	Fails to set up institutional mechanism and procedure as per Contract.	
(ii)	Fails to mobilize key construction equipment within a period of 4 months from the appointed date	
(iii)	Fails to complete or has missed any milestone and progress not commensurate with contiguous unencumbered project length	

	/ROW available even after lapse of 6 months from respective project milestone /Schedule Completion date, unless Extension of Time has been granted due to Authority's Default of Force Majeure;	
(iv)	Fails to achieve progress commensurate with funds released from Escrow Account (Equity +Debt + Grant) in BOT or HAM project and variation is more than 25% in the last 365 days;	
(v)	Fails to achieve target progress or complete the project as per schedule agreed at the time of sanctioning of funds under One Time Funds Infusion (OTFI) or relaxations to contract conditions to improve cash flow solely on account of Concessionaire's/contractor's failure/default;	
(vi)	Fails to complete rectification (excluding minor rectifications) as per time given in non-conformity reports (NCR) in design/completed works/maintenance or reported in Inspection Reports issued by Quality Inspectors deployed by the Authority or Officers of the Authority.	
(vii)	Fails to complete minor rectifications exceeding 3 instances in a project as per time given in non-conformity reports (NCR) in design/completed works/maintenance;	
(viii)	Fails to fulfil its obligations to maintain a highway in a satisfactory condition in spite of two rectification notices issued in this regards;	
(ix)	Damages/penalties recommended by Independent/ Authority's Engineer during O&M Period and remedial works are still not taken up;	
(x)	Fails to complete Punch List items even after lapse of time for completion of such items excluding delays attributable to the Authority;	
(xi)	Occurrence of minor failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being/ animals);	
(xii)	Occurrence of major failure of structures/highway due to construction defect wherein no casualties are reported (casualties include injuries to human being/ animals);	
(xiii)	Occurrence of major failure of structures/highway due to construction defect leading to loss of human lives besides loss of reputation etc. of the authority;	
(xiv)	Fails to make premium payments excluding the current instalment in one or more projects;	
(xv)	Fails to achieve financial closure in two or more projects within the given or extended period (which shall not be more than six months in any case);	
(xvi)	Fails to submit the Performance Security within the permissible time period in more than one project;	

(xvii)	Rated as an unsatisfactory performing entity/ non-performing entity by an independent third party agency and so notified on the website of the Authority.	
(xviii)	Failed to perform for the works of Expressways, National Highways, ISC & EI works in the last 2(two) years, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitral award against the Applicant, including individual or any of its Joint Venture Member, as the case may be.	
(xix)	Expelled from the contract or the contract terminated by the Ministry of Road Transport & Highways or its implementing agencies for breach by such Applicant, including individual or any of its Joint Venture Member; Provided that any such decision of expulsion or termination of contract leading to debarring of the Applicant from further participation in bids for the prescribed period should have been ordered after affording an opportunity of hearing to such party.	
(xx)	Fails to start the works or causes delay in maintenance & repair/overlay of the project.	

2. Applicants should upload the scanned copy of the following affidavits/undertakings as per formats enclosed hereinafter and also send original copy of Affidavit/Undertakings: -

- i) Affidavit (it should be on stamp paper attested by Notary Public)
- ii) Undertaking that the Application s shall remain valid for the period specified in **RFQ**.

AFFIDAVIT

1. I, the undersigned, do hereby certify that all the statements made in the enclosed attachments are true and correct.
2. The undersigned also hereby certifies that neither our firm M/s _____ have abandoned any work in India nor any contract awarded to us for such works have been rescinded, during last five years prior to the date of this application.
3. The undersigned hereby Authorise(s) and request(s) any bank, person, firm or corporation to furnish pertinent information deemed necessary and requested by the Employer to verify this statement or regarding our competence and general reputation.
4. The undersigned understands and agrees that further qualifying information may be requested, and agrees to furnish any such information at the request of the Employer and within the prescribed time.

(Signed by an Authorised Representative of the Firm)

Name of the Representative

Name of Firm

Date

UNDERTAKING

I, the undersigned do hereby undertake that our firm M/s _____
_____ agree to abide by this application for a period of _____ days after the date
fixed for receiving the same and it shall be binding on us and may be accepted at any time
before the expiration of that period.

(Signed by an Authorised Representative of the Firm)

Name of the Representative

Name of Firm

Date

FORMAT FOR POWER OF ATTORNEY OF THE APPLICANT TO COMMIT THE APPLICATION/BID

Know all men by these presents, We(name of the firm and address of the registered office) do hereby irrevocably constitute, nominate, appoint and authorize Mr./ Ms. (name),..... son/daughter/wife of and presently residing at....., who is presently employed with us as our true and lawful attorney (hereinafter referred to as the “Attorney”) to do in our name and on our behalf, all such acts, deeds and things as are necessary or required in connection with or incidental to submission of our application/bid for the _____(name of Works) (hereinafter referred to as “the contract”) proposed or being developed/maintained by the National Highways Authority of India, (herein after referred to as “Authority”) including but not limited to signing and submission of all applications, bids and other documents and writings, participate in Pre-application and other conferences and providing information/ responses to the Authority, representing us in all matters before the Authority, signing and execution of all contracts and undertakings consequent to acceptance of our bid, and generally dealing with the Authority in all matters in connection with or relating to or arising out of our application for the said application.

AND we hereby agree to ratify and confirm and do hereby ratify and confirm all acts, deeds and things done or caused to be done by our said Attorney pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Attorney in exercise of the powers hereby conferred shall and shall always be deemed to have been done by us.

IN WITNESS WHEREOF WE,....., THE ABOVE NAMED PRINCIPAL HAVE EXECUTED THIS POWER OF ATTORNEY ON THIS DAY OF 2022.

For

(Signature, name, designation and address of firm)

Witnesses:

- 1.
- 2.

Accepted

(Signature)

.....

(Name, Title and Address of the Attorney)

Notes:

- *The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executant(s) and when it is so required, the same should be under common seal affixed in accordance with the required procedure.*
- *Wherever required, the Applicant should submit for verification the extract of the charter documents and documents such as a board or shareholders' resolution/ power of attorney in favour of the person executing this Power of Attorney for the delegation of power hereunder on behalf of the Applicant.*
- *For a Power of Attorney executed and issued overseas, the document will also have to be legalised by the Indian Embassy and notarised in the jurisdiction where the Power of Attorney is being issued. However, the Power of Attorney provided by Applicants from countries that have signed the Hague Legislation Convention 1961 are not required to be legalised by the Indian Embassy if it carries a conforming Apostille certificate.*

(To be notarized by Notary)