

दिनांक 24/8/2026 को सम्पन्न परिवाद समिति की बैठक की कार्यवाही।

शाहाबाद पथ प्रमंडल, आरा के अन्तर्गत Long Term Output and Performance Based Road Assets Maintenance Works Under OPRMC-III Package No.-34A/Ara कार्य की निविदा के तकनीकी बीड में प्राप्त परिवाद पर विभागीय पत्रांक-2217(E) दिनांक-01.04.2026, पत्रांक-2360(E) दिनांक-09.04.2026 एवं पत्रांक-5625(E) दिनांक-17.08.2026 द्वारा गठित समिति की बैठक की कार्यवाही।

उपस्थिति:

- (i) श्री उमा कान्त रजक, अभियंता प्रमुख-सह-अपर आयुक्त-सह-विशेष सचिव (कार्य प्रबंधन), पथ निर्माण विभाग, बिहार, पटना।
- (ii) श्री अभिषेक पलासिया, संयुक्त सचिव, पथ निर्माण विभाग, बिहार, पटना।
- (iii) श्री राजेश कुमार गुप्ता, मुख्य अभियंता, संविदा प्रबंधन, नीतिगत मामले एवं लेखा परीक्षा, पथ निर्माण विभाग, बिहार, पटना।
- (iv) श्री राजकुमार, मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना।

2. दिनांक-14.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की कार्यवाही, जो उपभागीय ज्ञापांक-2724 दिनांक-14.08.2026 द्वारा संसूचित है, में लिये गये निर्णय के विरुद्ध प्राप्त परिवाद पर मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना के पत्रांक-2832(अनु०) दिनांक-22.08.2026 के माध्यम से परिवाद पर दिनांक-22.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की कार्यवाही एवं अनुशंसा के आधार पर विवरणी निम्नवत् है :-

- 2.1 कार्य का नाम एवं पैकेज संख्या : Long Term Output and Performance Based Road Assets Maintenance Works Under OPRMC-III Package No.-34A/Ara
- 2.2 योजना मद : 3054
- 2.3 निविदा आमंत्रित करने वाले प्रमंडल का नाम : शाहाबाद पथ प्रमंडल, आरा
- 2.4 प्रशासनिक स्वीकृति की राशि एवं प्रसंग : ₹24366.14 लाख।
विभागीय ज्ञापांक-3247(एस०) दिनांक-12.05.2026
- 2.5 तकनीकी स्वीकृति की राशि एवं प्रसंग : ₹27975.00 लाख।
मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना का पत्रांक-1800(अनु०) दिनांक-29.05.2026
- 2.6 ECV/परिमाण विपत्र की राशि : ₹24606.11958 लाख।
- 2.7 कार्य समाप्ति की अवधि : 84 (Eighty-four) Months.
- 2.8 निविदा की प्रक्रिया : ई-टेंडरिंग (MBD)
- 2.9 निविदा प्राप्ति की तिथि : 03.07.2026
- 2.10 प्राप्त निविदा क्या पुनर्निविदा है यदि हाँ तो कारण : पुनर्निविदा नहीं है।

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3. विषयांकित निविदा में निम्नलिखित 04 (चार) संवेदकों द्वारा भाग लिया गया :-

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|---|--|
| (1) M/s Sri Avantika Contractors(i) Limited | (2) M/s Bekem Infra Projects Private Limited |
| (3) M/s S & P Infrastructure Developers Pvt. Ltd. | (4) Siddarth Construction |

4. दिनांक-14.08.2026 को तकनीकी बीड मूल्यांकन समिति द्वारा 04 (चार) निविदाकारों में से 03 (तीन) निविदाकार यथा (1) M/s Bekem Infra Projects Private Limited. को MBD के Section-3 Clause-1.2.3 एवं NIT के क्रमांक-39 (2) M/s S&P Infrastructure Developers Pvt. Ltd. को MBD Section-3 Clause-1.2.1(b) "Record of poor performance such as abandoning the works, not properly completing the contract, inordinate delay incompletion, litigation history, financial failure etc. (3) Siddarth Construction को MBD के Section-3 Clause-1.2.3, Section-3 Clause 2.4.2(b) एवं NIT के क्रमांक-39 एवं 28 के तहत असफल घोषित किया गया था।

5. उपभागीय ज्ञापांक-2724 दिनांक-14.08.2026 द्वारा संसूचित दिनांक-14.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की निर्णय के विरुद्ध विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा (1) M/s Bekem Infra Projects Pvt. Ltd. के पत्रांक-BEKEM/RCD-34A/2026-27/04 दिनांक-18.08.2026 (2) M/s S&P Infrastructure Developers (P) Ltd. के पत्रांक-S&P/Admin/2026-27/187 दिनांक-14.08.2026 के द्वारा परिवाद/अभ्यावेदन/आपत्ति समर्पित किये जाने के परिप्रेक्ष्य में मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना के पत्रांक-2832(अनु०) दिनांक-22.08.2026 द्वारा परिवाद पर दिनांक-22.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की बैठक की कार्यवाही एवं अनुशंसा समर्पित की गई है।

6. उपरोक्त तकनीकी बीड में असफल निविदाकार यथा (1) M/s Bekem Infra Projects Pvt. Ltd. का Ref-BEKEM/RCD-34A/2026-27/04 दिनांक-18.08.2026 एवं (2) M/s S&P Infrastructure Developers (P) Ltd. का पत्रांक-S&P/Admin/2026-27/187 दिनांक-14.08.2026 द्वारा विषयांकित कार्य के तकनीकी बीड मूल्यांकन पर परिवाद प्राप्त हुआ है, जो निम्नवत् है :-

परिवाद/आपत्ति की समीक्षा :-

क्र० सं०	परिवादी निविदाकार का नाम	परिवाद/आपत्ति	तकनीकी बीड मूल्यांकन समिति द्वारा परिवाद की समीक्षा एवं निर्णय/अनुशंसा	परिवाद समिति की अनुशंसा
1	M/s BEKEM Infra Projects Pvt. Ltd.	1.Regarding Sl. No. 21 of Form FIN-4 — EPC AM-II (43C), MSIDC, Maharashtra (ICC-BEKEM JV) The work at Sl. No. 21 pertains	(1) इनके द्वारा Upload किये गये Sl. No. 21 of Form FIN-4 — EPC AM-II (43C), MSIDC, Maharashtra	तकनीकी बीड मूल्यांकन समिति की अनुशंसा के क्रमांक-1 एवं क्रमांक-3 पर

	to "EPC AM-II (43C) - Improvement to Dhanora Shendurjana Fulumari Waigaul MDR-19, Km 0/00 to Km 40/500, Tq. Mangrulpir and Manora, Part MSH-161E, Dist. Washim" awarded by the Maharashtra State Infrastructure Development Corporation (MSIDC). The complete work details along with documentary evidence are available in FORM FIN 4 attachment at Page No. 235 of our uploaded bid, which contains the Interim Payment Certificate (IPC No. 07 / Schedule-O Payment Statement) of the said work. This payment certificate is duly verified and signed by the Authority's Engineer (M/s Lion Engineering Consultants Pvt. Ltd.) and countersigned by the Executive Engineer, (Amravati Division), MSIDC, Nagpur, who is the Engineer-in-Charge of the work. The document therefore authentically establishes the awarded value, the work executed and the balance commitment, and the requirement of certification by the Engineer-in-Charge stands substantially fulfilled through this officially issued and signed payment certificate.	(ICC-BEKEM JV) कार्य के विरुद्ध संलग्न किये गये LOA dated 09.10.2024 में एकरारनामा की राशि नहीं दर्शायी गयी है। जबकि दूसरे LOA dated 11.09.2024 जिसमें एकरारनामा की राशि Rs. 191,55,55,555/- है, में कार्य का नाम का मिलान नहीं हो रहा है। (2) Sl. No. 34 of Form FIN-4 — 826 kW Grid-Connected Rooftop Solar Plants, NREDCAP, Andhra Pradesh (RESCO Mode) कार्य के विरुद्ध Upload किये गये LOA dated 06.05.2026 में एकरारनामा की राशि अंकित नहीं है, जिस कारण इनके द्वारा FIN-4 में दर्शाये गये Outstanding राशि 300.00 लाख को सत्यापित नहीं किया जा सका। (3) Sl. No. 36 of Form FIN-4 — Various Other Miscellaneous Works कार्य के विरुद्ध Engineer-in-Charge से	अंकित अनुशंसा से सहमत। परिवाद के ये बिन्दु अमान्य है। क्रमांक-2 का कार्य Civil Construction work से संबंधित नहीं है। क्रमांक-2 के संदर्भ में परिवाद मान्य है।
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	2.Regarding Sl. No. 34 of Form FIN-4 — 826 kW Grid-Connected Rooftop Solar Plants, NREDCAP, Andhra Pradesh (RESCO Mode) The work at Sl. No. 34 pertains to "Selection of Solar Power Developer for implementation of 826 kW Grid-Connected Rooftop Solar Plants for Government Schools and Hostels under RESCO Mode in Chittoor District of Andhra Pradesh", awarded by the New & Renewable Energy Development Corporation of Andhra Pradesh Ltd. (NREDCAP). The Letter of Award (LOA Ref: NREDCAP/GCRT/RESCO-1/2025-26 dated 06.05.2026) is available in FORM FIN 4 attachment at Page No. 316-318 of our uploaded bid. It is respectfully clarified that this project is under the RESCO (Renewable Energy Service Company) model, wherein the entire capital expenditure is made by the developer out of its own investment, and the developer recovers its investment through sale of the power generated over the concession period of 25 years. Being an own- investment / CAPEX-mode work, no contract or agreement value is mentioned in the LOA itself, as	निर्गत प्रमाण पत्र/LOA की प्रति संलग्न नहीं की गई। अतः परिवाद में उल्लेखित आरोप अमान्य किया जाता है।
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	RESOCO-model awards. There is, therefore, no question of suppression of the agreement value; the value simply does not form part of the LOA by the very nature of the contract. Nevertheless, in the spirit of full disclosure, we have conservatively declared our estimated outstanding commitment of Rs.300.00 Lakh against this work in Form FIN-4. 3.Regarding Sl. No. 36 of Form FIN-4 — Various Other Miscellaneous Works The entry at Sl. No. 36 does not pertain to any single tendered contract. It represents various miscellaneous / additional items etc. of work which the respective departments have directed us to execute in addition to the regular scope, after completion of the main projects, and for which certificates / finalisation of additional items / information from the departments are still pending. Since these are departmental instructions supplemental to already-completed contracts, no separate Letter of Award exists or can exist for them, and consequently no LOA or Engineer-in-Charge-countersigned document could be produced. This entry was made purely voluntarily and out of	
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abundant caution, so that no commitment of the company, howsoever small, remains undisclosed to the evaluation committee. We respectfully submit that a bidder who transparently discloses even non-award-based residual commitments ought not to be penalised for the very act of honest disclosure.

4.No Material Effect on Bid Capacity

Without prejudice to the above, it is respectfully brought to your kind notice that the three entries in question have no material bearing whatsoever on our qualification. As per our Form FIN-4 and Bid Capacity computation submitted with the bid, our total existing commitments (B) amount to Rs.506934.22 Lakh, and the Assessed Available Bid Capacity works out to Rs.432079.03 Lakh against the requirement of only Rs.22559.25141 Lakh stipulated under Section-3, Clause 1.2.3. The combined outstanding value of Sl. Nos. 21, 34 and 36 is only about Rs.5190.40 Lakh, i.e., barely 1% of our total declared commitments. Even if the said three works are considered in the most conservative manner — or, alternatively, even if their values

		are enhanced or fully retained in the commitments — our available bid capacity remains several hundred times higher than the requirement. The observed gaps, therefore, is at best a curable, non-material procedural aspect which does not affect the substance of our qualification in any manner. In view of the facts stated above, we most humbly pray that your good office may kindly: (a) reconsider the decision declaring our bid Non-Responsive in the Technical Bid Evaluation Committee proceedings dated 14.08.2026. (b) take on record the explanations and documentary evidence in FORM FIN 4 attachment at Page Nos.235 and 316-318 of our uploaded bid in respect of Sl. Nos.21 and 34, and the factual position regarding Sl. No. 36. (c) In the event that the Hon'ble Department/Committee considers any further clarification or any document duly countersigned by the Engineer-in-Charge to be necessary, we may kindly be afforded a reasonable opportunity to furnish such clarification/document, as contemplated under MBD		
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		Section 1, Clause 4.4 and Clause 22.1. (d) re-evaluate our technical bid in a fair, transparent and non-discriminatory manner and declare our bid responsive, so that our financial bid may be considered along with the other qualified bidder in the interest of competition and of the public exchequer.		
2.	M/s S&P Infrastructure Developers(P) Ltd.	Alleged declaration as Non-Performer Clause 2.2.2 of Section 3, read with Form CON-1, says that contract non-performance during the last five years can be considered only when the dispute has been fully settled. It also explains that a dispute is fully settled only after it has been decided under the contract and all available appeals have been completed. In our case, there is no such final decision. A rectification notice, departmental letter, internal remark, or pending dispute cannot by itself prove that a contractor is a Non-Performer under Clause 2.2.2. We have never received any show-cause notice or final order declaring us a Non-Performer for the Ara-Chapra via Babura-Doriganj Road work. The technical evaluation also does not	कार्यपालक अभियंता, शाहाबाद पथ प्रमंडल, आरा का पत्रांक-3528 दिनांक-31.12.2025 पत्रांक-1167 दिनांक-30.03.2026, पत्रांक-1682 दिनांक-25.05.2026 एवं अधीक्षण अभियंता का पत्रांक-1234 (अनु०), दिनांक-18.06.2026 जो कि परिवाद में संलग्न है, से स्पष्ट है कि क्षेत्रीय अभियंताओं द्वारा कार्य करने हेतु निदेशित किया गया है, परन्तु संवेदक द्वारा कार्य नहीं किया गया है। कार्यपालक अभियंता द्वारा स्पष्ट लिखा गया है कि TTRI के जाँच प्रतिवेदन से स्पष्ट होता है कि आपके द्वारा आरा-छपरा भाया बबुरा पथ के चैनेज 8 से 9 कि०मी० में कराये गये	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

	mention the number, date, issuing authority, or validity of the alleged order. We therefore request you to provide us a copy of the order relied upon. Until such a final order is shown, this reason should not be used to reject our Bid. The Ara-Chapra via Babura-Doriganj Road work has already been completed. After completion, the Executive Engineer issued a letter dated 08.06.2026 <u>for some rectification work.</u> We responded and arranged the required manpower and machinery. The work took some time because resources had to be arranged again and permission was required from the District Administration for traffic management. These facts were explained in our letters dated 13.07.2026 and 01.08.2026. This is only a rectification matter after completion of the work. It has not been finally decided against us under the contract. Therefore, it should not be treated as poor performance or as a ground for rejecting our Bid under Clauses 1.2.1(b) and 2.2.2. Declaring a contractor as a Non-Performer has serious effects on its business. Before taking such action, the contractor must be issued the Show Cause Notice of	PQC कार्य के अनुरूप नहीं है। अतः अपने खर्च पर उक्त कार्य को Dismantle कर पुनः Specification के अनुरूप PQC कार्य कराना सुनिश्चित करें। निविदाकार का उक्त कार्य MBD Section-3 की कंडिका 1.2.1 (b) poor performance की श्रेणी में आता है। अतः परिवाद का आरोप मान्य नहीं है। NIT की कंडिका-28 के अनुसार Existing Commitment of ongoing work के सूची में सभी कार्य के Supporting EIC द्वारा निर्गत पत्र Upload किया जाना आवश्यक है। अतः परिवाद में उल्लेखित बिन्दु को अमान्य किया जाता है।	
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the proposed action and given a proper chance to explain its case. We were not given any such notice or opportunity and even also not been issued a formal letter declaring us a Non-Performer. Therefore, application of Clauses 1.2.1(b) and 2.2.2 for dis-qualification is beyond the terms of the tender.

Certificate for ongoing works

The second reason says that the Engineer-in-Charge certificate for one ongoing work was not uploaded as required under Clause 1.2.3 of Section 3, Section 4E.10/Form FIN-4, and Serial No. 39 of the NIT. However, the evaluation does not mention which work or certificate is missing. It also does not show the amount taken for that work or the calculation of our bid capacity.

We had disclosed all our ongoing works in the Bid and submitted the certificates available with us. Copies of the certificates are again enclosed for easy reference. We had given the name of each project, the employer, contract amount, completion period, and balance commitment. We did not hide any work or liability.

In EPC contracts, the officer

		performing the role of Engineer-in-Charge is generally called the Authority's Engineer or Authority Engineer under Article 18 of the EPC Agreement. Therefore, a certificate issued by the competent Authority Engineer should be accepted even though the designation is different. We are not asking for any change in our Bid or for adding any new experience or qualification. We are only asking for confirmation of the information already submitted with the Bid. Under ITB Clauses 22 and 25, the Authority may ask the bidder for clarification or supporting documents, provided that the Bid price and its main contents are not changed. The required confirmation would only verify the details already given in Form FIN-4 and would not change our Bid in any manner. The issue relates to only one work out of around 30 works disclosed by us. If there was any doubt, the Authority could have asked us for clarification. It could also have taken the full balance value of that work while calculating our bid capacity and checked whether we still met the requirement.	
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	We therefore request the Evaluation Committee to tell us which certificate is considered missing and provide the bid-capacity calculation. We are ready to submit the required confirmation from the Authority Engineer/Engineer-in-Charge immediately. In view of the above, the Bidder respectfully requests that the competent authority to declare our bid responsive/ qualified in accordance with tender documents and open our Financial bid. This representation is made bona fide and without prejudice to all contractual, statutory, and constitutional rights and remedies available to the Bidder. The Bidder requests a speaking decision before the Financial Bids are opened and communicated to it at the earliest.		
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7. परिवाद की समीक्षा एवं तकनीकी बीड मूल्यांकन समिति की अनुशंसा :-

समिति द्वारा सम्यक् विचारोपरान्त दिनांक-14.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति के निर्णय को यथावत् रखने की अनुशंसा की जाती है।

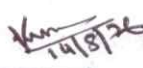




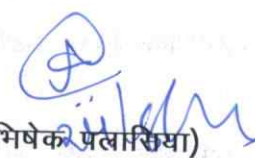
8. परिवाद समिति का निर्णय :-

- (i) विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा (1) M/s Bekem Infra Projects के पत्रांक-BEKEM/RCD-34A/2026-27/04 दिनांक-18.08.2026 (2) M/s S&P Infrastructure Developers (P) Ltd. के पत्रांक-S&P/Admin/2026-27/187 दिनांक-14.08.2026 के द्वारा दिए गए परिवाद/आपत्ति को अमान्य करने का निर्णय लिया जाता है।
- (ii) 03 (तीन) निविदाकार यथा (1) M/s Bekem Infra Projects Private Limited. को MBD के Section-3 Clause-1.2.3 एवं NIT के क्रमांक-39 (2) M/s S&P Infrastructure Developers Pvt. Ltd. को MBD Section-3 Clause-1.2.1(b) "Record of poor performance such as abandoning the works, not properly completing the contract, inordinate delay in completion, litigation history, financial failure etc. (3) Siddarth Construction को MBD के Section-3 Clause-1.2.3, Section-3 Clause 2.4.2(b) एवं NIT के क्रमांक-39 एवं 28 के तहत असफल घोषित करने का निर्णय लिया जाता है।
- (iii) शेष एक निविदाकार यथा M/s Sri Avantika Constructions(i) Limited द्वारा निविदा की वांछित अर्हता पूर्ण करने के कारण तकनीकी बीड में सफल घोषित करने का निर्णय लिया जाता है। साथ ही विषयांकित कार्य की निविदा के तकनीकी बीड में एकल निविदाकार के सफल होने के फलस्वरूप निविदा को रद्द कर पुनर्निविदा आमंत्रित करने का निदेश मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना को दिया जाता है।
- (iv) उपभागीय ज्ञापांक-2724 दिनांक-14.08.2026 द्वारा संसूचित दिनांक-14.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति के निर्णय को यथावत् रखने का निर्णय लिया गया।
- (v) मुख्य अभियंता, दक्षिण संबंधित परिवादी बीडर को समिति के निर्णय से अवगत कराना सुनिश्चित करेंगे।

8.1 परिवाद समिति की इस कार्यवाही को विभागीय वेबसाइट पर भी डाली जाय।


(राजकुमार)
मुख्य अभियंता,
दक्षिण, पथ निर्माण
विभाग, बिहार, पटना।


(राजेश कुमार गुप्ता)
मुख्य अभियंता, संविदा
प्रबंधन, नीतिगत मामले
एवं लेखा परीक्षा,
पथ निर्माण विभाग,
बिहार, पटना।

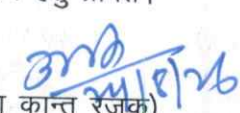

(अभिषेक प्रताप) (अभिषेक प्रताप)
संयुक्त सचिव,
पथ निर्माण विभाग,
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ज्ञापांक: प्र0-7/निविदा-03-80/2026 5860 (F)

पटना, दिनांक 24/8/2026

प्रतिलिपि:- मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना/मुख्य अभियंता(अनुश्रवण), पथ निर्माण विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित/आईटी0 मैनेजर, पथ निर्माण विभाग, बिहार, पटना को विभागीय वेबसाइट पर अपलोड करने हेतु प्रेषित।


(उमा कान्त रजक)
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पथ निर्माण विभाग, बिहार पटना।