

दिनांक 27/8/26 को सम्पन्न परिवाद समिति की बैठक की कार्यवाही।

पथ प्रमंडल, बिहारशरीफ के अन्तर्गत Long Term Output and Performance Based Road Assets Maintenance Works Under OPRMC-III Package No.-39B/Biharsharif 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-13.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की कार्यवाही, जो उपभागीय ज्ञापांक-2696 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-2840(अनु०) दिनांक-22.08.2026 के माध्यम से परिवाद पर दिनांक-22.08.2026 को आहूत तकनीकी बीड मूल्यांकन समिति की कार्यवाही एवं अनुशांसा 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.-39B/Biharsharif
- 2.2 योजना मद : 3054
- 2.3 निविदा आमंत्रित करने वाले प्रमंडल का नाम : पथ प्रमंडल, बिहारशरीफ।
- 2.4 प्रशासनिक स्वीकृति की राशि एवं प्रसंग : ₹15898.16 लाख।
विभागीय ज्ञापांक-3247(एस०) दिनांक-12.05.2026
- 2.5 तकनीकी स्वीकृति की राशि एवं प्रसंग : ₹17678.72 लाख।
मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना का पत्रांक-1716(अनु०) दिनांक-24.05.2026
- 2.6 ECV/परिमाण विपत्र की राशि : ₹15243.47724 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।

3. विषयांकित निविदा में निम्नलिखित 08 (आठ) संवेदकों द्वारा भाग लिया गया :-

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| (1) M/s Surendra Prasad & Co. | (2) Hari Construction & Associates Pvt. Ltd. |
| (3) Shristi Developers Pvt. Ltd. | (4) M/s S&P Infrastructure Developers Pvt. Ltd. |
| (5) M/s Niranjan Sharma | (6) M/s Dayanand Prasad Sinha & Company |
| (7) Shivalaya Construction Ltd. | (8) RCS & SPLC (JV) |

4. दिनांक-13.08.2026 को तकनीकी बीड मूल्यांकन समिति द्वारा निविदा में भाग लेने वाले 08 (आठ) निविदाकारों में से 06 (छः) निविदाकार यथा-(i) M/s Surendra Prasad & Co. को MBD Section-03 Clause 1.2.1 (b) के तहत (ii) Hari Construction & Associate Pvt. Ltd. को MBD Section -3 Clause 1.2.3, Section-4E. 10 एवं NIT की कंडिका-39 के तहत (iii) M/s S&P Infrastructure Developers Pvt. Ltd. को MBD Section 3 : Clause 1.2.3, Section 4E.10, NIT की कंडिका-39 एवं MBD Section-3 Clause 1.2.1 (b) के तहत (iv) M/S Niranjan Sharma को MBD Section 3: Clause 2.4.2 (b) के तहत (v) M/S Dayanand Prasad Sinha & Company को MBD Section 3: Clause 2.4.2 (b) के तहत एवं (vi) Shivalaya Construction को MBD Section 3 : Clause 2.3.3, Section 4E.8 & 4E.9 एवं MBD Section 3 : Clause 2.6, Section 4, D.3 के तहत तकनीकी बीड में असफल एवं तथा शेष 02 (दो) निविदाकार Shristi Developers Pvt. Ltd. एवं (ii) RCS & SPLC (JV) को तकनीकी बीड में सफल घोषित करने का निर्णय गया है।

5. उपभागीय ज्ञापांक-2695 दिनांक-14.08.2026 द्वारा संसूचित दिनांक-13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति की निर्णय के विरुद्ध विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा (1) Shivalaya Construction द्वारा E-mail के माध्यम से दिनांक-17.08.2026 (2) M/s S&P Infrastructure Developers Pvt. Ltd. द्वारा E-mail के माध्यम से दिनांक-14.08.2026 एवं (3) Surendra Prasad & Co. के पत्रांक-शून्य दिनांक-16.08.2026 एवं दिनांक-17.08.2026 के द्वारा परिवाद/अभ्यावेदन/आपत्ति समर्पित किये जाने के परिप्रेक्ष्य में मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना के पत्रांक-2840(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 06 (छः) निविदाकारों में तीन निविदाकार यथा-(i) Shivalaya Construction के Ref.- E-mail दिनांक-18.08.2026, (ii) M/s S&P Infrastructure Developers Pvt. Ltd. के Ref.- E-mail दिनांक-14.08.2026, एवं (iii) Surendra Prasad & Co. के Ref.-शून्य दिनांक-16.08.2026 एवं दिनांक-17.08.2026 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.	Shivalaya Construction Private Ltd..	As per Clause no. 2.3.3 of the Model Bidding Document (MBD) "The Bidder must demonstrate access to or availability of financial resources such as liquid assets, unencumbered real assets, lines of credit, and other financial means, other than any contractual advance payments to meet: Credit Lines/ Letter of Credit/Solvency Certificates from Banks etc. shall be not less than 10% of the total Estimated Cost Value i.e. 15,24,34,772.00" As per Clause no. 2.3.3 of the Model Bidding Document (MBD) clearly states that only one of the following is required: a line of credit, a letter of credit, or a solvency certificate from banks, etc. However, we had submitted two certificates from banks (Details provided below and re-attached for your records and reference): 1. Credit Facility certificate from HDFC Bank: 25.00 Crore 2. Credit Limit certificate from Bank's: 975.00 Crore We possess a credit limit certificate from the bank for ₹975 crore, which significantly exceeds the minimum requirement of 15.24 crore. Therefore, the requirement of Clause 2.3.3 is fully met. We request you to kindly consider the same. Due to a typographical error, we wrote "Leased" instead of "Owned" equipment. We request you to read this as "Owned:".	निविदाकार <i>Shivalaya Construction Limited</i> द्वारा निविदा के साथ uploaded Financial Resources के Form FIN-3(a) में OPRMC-III/ Package No-44B, under Road Division-01, Aurangabad का नाम अंकित किया गया है, जबकि उक्त कार्य पथ प्रमंडल बिहारशरीफ OPRMC-III/ Package No-39B, से संबंधित है। उक्त के संबंध में MBD Section 3: Clause 2.3.3, Section 4E.8 & 4E.9 का उलंघन है। अतः परिवाद को अमान्य किया जाता है। क्रमांक 2 अन्तर्गत वर्णित परिवाद को मान्य किया जाता है।	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

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		We have submitted the invoice with the Technical Bid was clearly indicates "Consignee (Ship To): M/s Shivalaya Construction Co. Pvt. Ltd.", thereby establishing the availability of the equipment for execution of the subject work. Therefore, the requirement under Form EQU has been fully met. We request you to kindly consider the same. We respectfully request you to kindly consider the above clarifications along with the enclosed revised documents and take the same on record for further evaluation of our Technical Bid.		
2.	M/s S&P Infrastructure Developers Pvt. Ltd.	We, M/s S&P Infrastructure Developers Private Limited (the "Bidder"), submitted our Bid for the above work by the extended deadline of 03.07.2026. By the technical evaluation proceedings dated 14.08.2026, the Bid has been declared non-responsive on two grounds: (i) an alleged declaration of the Bidder as a 'Non-Performer' in relation to the work of strengthening Km 0.00 to Km 21.00 of Ara (NH-30) to Chapra (NH-19) via Babura-Doriganj Road for 2022-23; and (ii) alleged non-submission of Engineer-in-Charge certificate for existing commitment. The Bidder respectfully seeks an immediate, reasoned reconsideration before the Financial Bids are opened or any irreversible step is taken. 1. Alleged declaration as		तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

	Non-Performer 2. 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. 3. 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. 4. 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 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. 5. The Ara-Chapra via Babura-Doriganj Road	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 निर्देशित 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 चैनैज 8 से 9 कि०मी० में कराये गये PQC कार्य Specification 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)	
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		work has already been completed. After completion, the Executive Engineer issued a letter dated 08.06.2026 for some rectification work. 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. 6. 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. 7. 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 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	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 document EIC द्वारा निर्गत पत्र Upload किया जाना आवश्यक है। अतः परिवाद में उल्लेखित बिन्दु को अमान्य किया जाता है।	
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Clauses 1.2.1(b) and 2.2.2 for dis-qualification is beyond the terms of the tender.

2. Certificate for ongoing works

8. 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.

9. 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.

10. 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. 11. 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. 12. 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. 13. 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. 14. We therefore request the Evaluation Committee to tell us which certificate is considered missing and		
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		provide the bid-capacity calculation. We are ready to submit the required confirmation from the Authority Engineer/Engineer-in-Charge immediately. 15. 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.		
3.	M/S Surendra Prasad & Company	1. Present representation/ objection is being filed to reconsider the candidature of the M/s Surendra Prasad and Company for grant of work/Technical Bid, pursuant to NIT (Long Term Output & Performance Based Road Assets Maintenance Contract) (Under Package no.- 39B/OPRMC-III Under Road Division Bihar Sharif	औरंगाबाद जिला अन्तर्गत चिमली टोला से लंगुराही कार्य का निविदाकार द्वारा एकरारनामा 02RCPLWEA/2024-25 दिनांक- 10.01.2026 को किया गया। एकरारनामा के अनुसार कार्य प्रारम्भ की तिथि-10.01.2026 एवं कार्य 09 माह में पूर्ण किया जाना था, परन्तु आज तक भी कार्य	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

	for the year 2026-2033); as M/s Surendra prasad and Company is fulfilling all requisite criteria for grant of work and pursuant to decision taken by Technical Bid Evaluation committee, Office of Chief Engineer, South, Road construction Department, Patna, Bihar, as contained in memo no. 2696 dated 14.08.2026, which was uploaded on website on 14.08.2026, whereby and where under my candidature (Technical Bid) has been declared as nonresponsive/ I am declared disqualified, mentioning therein that "M/S Surendra Pd. & Co. is disqualified from the technical bid by the committee, as; under Road Division No.-1, Aurangabad for the work of Chimli Tola to Langurahi road under RCPLWEA, as per agreement 02 RCPLWEA/2024-25, the date of commencement of work was 10.01.2025 and the work was to be completed in 9 months, but even today the work is incomplete. Hence, under section-03 Clause-1.2.1(b) of M BD, they do not fulfill the requisite	अधुरा है। संवेदक द्वारा 20 सितम्बर 2026 तक कार्य पूर्ण करने का शपथ पत्र दिया गया है। कार्य को समय पर पूर्ण नहीं करने के लिए संवेदक जिम्मेवार है। अतः MBD Section-03 Clause 1.2.1 (b) के तहत Record of poor Performance such as inordinate delays in completion के कारण निविदाकार को असफल घोषित किया गया है। अतः परिवाद के बिन्दु को अमान्य की जाती है।	
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		eligibility for the tender due to record of poor performance such as inordinate delays in completion. 2. The brief facts for proper appreciation is that pursuant to the NIT published by the Department from the office of Executive Engineer Road Division, Bihar Sharif, Name of the work-(Long Term Output & Performance Based Road Assets Maintenance Contract) (Under Package no. 39B/OPRMC-III under road division Bihar Sharif for the year 2026-2033); and also for different works, M/s Surendra Prasad and Company being a registered class-1 contractor fulfilling requisite criteria had participated in the tender process and had applied for (Long Term Output & Performance Based Road Assets Maintenance Contract) (Under Package no.-39B/OPRMC-III for the year 2026-2033); and the tender documents were duly uploaded and the same was received in your office. The other bidders also participated in the tender	
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		process. 3. The Department Technical Bid Evaluation committee headed by Chief Engineer, South, Road construction Department, Patna, Bihar, and other two members one Secretary (Adm) to Chief Engineer South, Road Constriction Department, Patna, and other Superintending Engineer, Magadh Road Circle, Gayaji, in its meeting dated 14.08.2026 has declared my technical bid as Non-responsive/ disqualified taking in to consideration "section-03 Clause-1.2.1(b) of MBD, they do not fulfill the requisite eligibility for the tender due to record of poor performance such as inordinate delays incompletion of work Namely; under Road Division No.-1, Aurangabad for the work of Chimli Tola to Langurahi road under RCPLWEA, as per agreement 02 RCPLWEA/2024-25, the date of commencement of work was 10.01.2025 and the work was to be completed in 9 months, but even today the work is incomplete, Pursuant		
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		to some letter no. 846 (Anu) dated 10.07.2026 issued by the Superintending Engineer, Magadh Road Circle, Gayaji, without even noticing the M/s Surendra Prasad and Company, which is the basic requirement, pursuant to and in compliance to the Principles of Natural Justice. 4. That I was shocked and taken by surprise when I came to know about rejection and non consideration of my candidature, somehow I gathered myself and tried to verify section-03 Clause-1.2.1(b) of MBD. 5. That it is relevant to mention that Agreement no. 02 RCPLWEA/2024-25, under the Executive Engineer, Road Construction Department, Road Division-01, Aurangabad, was signed on 2nd of January 2025, Date of commencement of work was 10.01.2025 and the period of completion of work was 9 months. 6. That it is relevant to bring a relevant fact for kind consideration that the full form of RCPLWEA which is Road Connectivity Project	
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		for Left Wing Extremism Affected Areas, is self suggestive and self explanatory that It is a special separate vertical scheme under the Pradhan Mantri Gram Sadak Yojana (PMGSY) managed by India's Ministry of Rural Development, for badly extremist affected areas: Target Areas: Covers 44 of the worst Left Wing Extremism (LWE) affected and adjoining districts across 9 states (including Bihar, Chhattisgarh, Jharkhand, and others). Main Goal: Build all-weather roads and bridges. Two Main Purposes: - i). Help security forces move easily for anti-LWE operations. - ii). Bring better economic growth, schools, and health care to remote areas 7. That soon after allotment of work, I being a reputed company have diploid skilled workmen, Engineers, Laborers, Plant & Tools, machines, Equipments, for carrying out and completion of work, but unfortunately,		
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		on one pretext or the other the work was forcefully stopped by the Extremists every time and the fact was well informed to the Divisional as well as departmental authorities from time to time. Moreover, I vide request letter dated 14.07.2026 have furnished undertaking to the effect that he shall positively be completing the work bearing Agreement no. 02 RCPLWEA/2024-25, by 30th of September 2026 and an affidavit to that effect has also been filed, along with revised work program me. (Copy annexed). 8. That it is reiterated that Department has issued NIT from the office of Executive Engineer Road Division, Biharsharif, Name of the work-(Long Term Output & Performance Based Road Assets Maintenance Contract) (Under Package no.-39B/OPRMC-III for the year 2026-2033) for different works petitioner being a registered class-1 contractor fulfilling requisite criteria had participated in the tender process and had applied Package no.- 39B/OPRMC-	
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	III for the year 2026-2033 and the tender documents were duly uploaded and the same was received in office, and entire experience certificates and all other requirements are being fulfilled by the M/s Surendra Prasad and Company and the ground taken for rejection of the technical bid is not at all attributable for the, the delay in not inordinate, but, is beyond the control of, moreover, I am keen and sincere and taking all necessary steps for getting the work done and completing the same and have requested the authorities to cooperate and take sympathetic view of the matter. In any view of the matter from the fact and circumstances stated and most humbly and respectfully narrated in the aforementioned paragraphs, there is no any inordinate delay in completion of work bearing Agreement no. 02 RCPLWEA/2024-25, the delay is not at all attributable to me, rather I have taken all necessary, sincere efforts for carrying out and taking all necessary steps for		
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[Signature]

		completion of the work in question. You are hereby requested to reconsider, take a sympathetic view of the matter, on the decision dated 14.08.2026 as contained in memo no. 2696, as there is no inordinate delay in completion of work, more so, I am not responsible for delay in completion of the work bearing Agreement no. 02 RCPLWEA/2024-25, there is no inordinate delay on my part, rather it is reiterated that I have already furnished undertaking to the effect that I shall positively be completing the work bearing Agreement no. 02 RCPLWEA/2024-25, by 30th of September 2026 and an affidavit to that effect has also been filed, along with revised work programme vide request letter dated 14.07.2026, to the authorities of the Department as well as to the Executive Engineer, Road Construction Department, Road Division-01, Aurangabad and the work after due negotiations from the extremists, is running in full swing and considerable work has also	
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		been completed and the entire work if no any further hind rancesoccur, the work will be completed well within time line provided as per undertaking. Moreover, the I possesses requisite criteria, (Long Term Output & Performance Based Road Assets Maintenance Contract) (Under Package no.- 39B/OPRMC-III for the year 2026-2033) required for grant of work for which I have applied and participated in the tender process and it is further requested to accept my technical bid and allow me to participate in further process of tender, open my financial bid along with other bidders and consider my case for grant the present work, as the same is source of livelihood for earning bread for the persons associated with my company for completion of work and for myself. And for that I shall be thankful and grateful to you		
4	M/S Surendra Prasad &	This Pariwad is in Reference to OPRMC Package no- 39B under R.C.D Road division	Shristi Developers Pvt. Ltd. के द्वारा MBD की Section: 4 D3 form EQU में Hot	MBD के Section 3, 2.6 के तहत Bidder को HMP (40-60 TPH

Company	Biharsharif. This is to say that in this Package 8 Bidder have Participated. out of any 8 Bidder only 2 Bidder have been declared successful. namely (1) RCS & SPL (JV) (2) M/s Shristi Developers Pvt. Ltd. I would like to draw your attention towards the paper uploaded by M/s Shristi Developers Pvt. Ltd. In this technical sheet regarding hot mix plant it is compulsory for the Bidder to have hot mix plant ownership in his name in this tender the Bidder has not been submitted any evidence of possession of hot mix plant in the name of firm M/s Shristi Developers Pvt. Ltd. The hot mix plant as shown in the tender uploaded by M/s Shristi Developers Pvt. Ltd. is in the name of M/s Vashistha Narayan Singh Construction Sheikhpura, GST No-10AAFCV0432M1ZM Invoice No-T1/2103067, Dated - 04/02/2021. He has also not submitted the work program and Bar chat for Major Activities to	Mix Plant DM-50 owned दिखाया गया है परंतु इसके साथ uploaded tax invoice Vashisth Narayan Singh Construction के नाम से है। अतः परिवाद को मान्य किया जाता है। एकरारनामा के पूर्व वित्तीय बीड में सफल न्यूनतम निविदाकार से work programme पुनः लेने का प्रावधान है। अतः निविदा में जिस रूप में work programme upload किया गया है, उसे मान्य किया गया है। अतः परिवादी का	Capacity) own करने से संबंधित supporting document निविदा में upload करना है। Shristi Developers Pvt. Ltd. द्वारा supporting document के रूप में Bihar State Pollution Control Board के पत्रांक-314 दिनांक-11.02.2022 द्वारा निर्गत HMP का NOC निविदा में संलग्न किया गया है, जो Shristi Developers Pvt. Ltd. के नाम से निर्गत है। साथ ही Shristi Developers Pvt. Ltd. द्वारा HMP का दिनांक-17.01.2022 का Calibration Certificate निविदा में upload किया गया है, जिससे स्पष्ट होता है कि HMP running condition में है। यह प्रमाण-पत्र भी Shristi Developers Pvt. Ltd. के नाम से निर्गत है। इस प्रकार Shristi Developers Pvt. Ltd. द्वारा MBD के Section- 3 Clause
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		be carried out for ordinary maintenance I. R Work, P.M Work and M.I Work, separately for improvement and strengthening He has also participated in the tender in OPRMC Phase III, Package no- 27A/Hajipur in this tender in the technical Bid M/s Shristi Developers Pvt. Ltd. has been made non responsive on the basis of not owing hot mix plant in the name of M/s Shristi Developers Pvt. Ltd.	आरोप अमान्य किया जाता है।	2.6 के आलोक में HMP को own करने से संबंधित Supporting document निविदा में संलग्न किया गया है। परिवाद का यह बिन्दु अमान्य है।
5.	M/S Surendra Prasad & Company	This Pariwad is in Reference to OPRMC Package no- 39B under R.C.D Road division Bihar Sharif letter no- 2696 dated 14.08.2026 this to say that in this tender 8 Bidder have participated in this only 2 Bidder namely (1) M/s Shristi Developers Pvt. Ltd. (2) RCS & SPLC (JV) have qualified. This is to say that in the paper of Surendra Prasad Prop Lahri Construction. BG is less than 180 days As per Sec-3 Clause 2.6, Sec-4, D.3 Form EQU for hot mix plant Invoice not attach In Paper of Ramji Singh Construction Pvt. Ltd. as per ITV Clause 17 SFMS advice along with	निविदाकार Surendra Prasad Prop Lahri Construction के द्वारा समर्पित BG की वैधता 15.03.2027 तक है। अतः परिवाद को अमान्य किया जाता है। निविदाकार RCS & SPLC (JV) को द्वारा अलग-अलग B.G. upload किया गया है। RCS के द्वारा upload किया गया B.G. के साथ SFMS advise upload नहीं किया गया है। अतः परिवादी का आरोप मान्य किया जाता है।	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

		BG is not Attach. This is integral part of BG also as per section 3, Clause 2.3.1 (A) Sec-4E.6 net profit is not certify by CA audited Balance Sheet of CA is also not Attach		
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7. परिवाद की समीक्षा एवं तकनीकी बीड मूल्यांकन समिति की अनुशंसा :-

समीक्षोपरांत RCS & SPLC (JV) द्वारा uploaded B.G MBD की ITB की कंडिका 17 Section 4B के अनुसार नहीं होने के कारण न्यूनतम अहर्ता पूर्ण नहीं करते है। Shristi Developers Pvt. Ltd. को Own Hot Mix Plant का कागजात नहीं रहने के कारण MBD Section-3 Clause 2.6, Section-4, D.3 के तहत न्यूनतम अहर्ता पूर्ण नहीं करते है। अतः सम्यक् विचारोपरान्त समिति द्वारा RCS & SPLC (JV) एवं Shristi Developers Pvt. Ltd को असफल घोषित किया जाता है। चूँकि निविदा में एक भी निविदाकार सफल नहीं रह जाते है, तदनुसार पुनर्निविदा हेतु अनुशंसा की जाती है।



8. परिवाद समिति का निर्णय :-

(i) विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा (1) Shivalaya Construction द्वारा एवं (2) M/s S&P Infrastructure Developers Pvt. Ltd. द्वारा दिए गए परिवाद/आपत्ति को अमान्य तथा (3) Surendra Prasad & Co. के द्वारा RCS & SPLC (JV) के विरुद्ध परिवाद को मान्य तथा Shristi Developers Pvt. Ltd. के विरुद्ध परिवाद को अमान्य करने का निर्णय लिया गया।

(ii) 07 (सात) (1) M/s Surendra Prasad & Co. को MBD Section-03 Clause 1.2.1 (b) के तहत (2) Hari Construction & Associate Pvt. Ltd. को MBD Section -3 Clause 1.2.3, Section-4E. 10 एवं NIT की कंडिका-39 के तहत (3) M/s S&P Infrastructure Developers Pvt. Ltd. को MBD Section 3 : Clause 1.2.3, Section 4E.10, NIT की कंडिका-39 एवं MBD Section-3 Clause 1.2.1 (b) के तहत (4) M/S Niranjan Sharma को MBD Section 3: Clause 2.4.2 (b) के तहत (5) M/S Dayanand Prasad Sinha & Company को MBD Section 3: Clause 2.4.2 (b) के तहत एवं (6) Shivalaya Construction को MBD Section 3 : Clause 2.3.3, Section 4E.8 & 4E.9 एवं MBD Section 3 : Clause 2.6, Section 4, D.3 के तहत एवं (7) RCS & SPLC (JV) को MBD की ITB के क्रमांक-17 Section 4B के तहत निविदा के वांछित अर्हता नहीं होने के कारण निविदा के तकनीकी बीड में असफल घोषित करने का निर्णय लिया गया।

(iii) Shristi Developers Pvt. Ltd. को तकनीकी बीड में सफल घोषित करने का निर्णय लिया गया।

(iv) विषयांकित कार्य की निविदा के तकनीकी बीड में एकल निविदाकार के सफल होने के फलस्वरूप निविदा को रद्द कर पुनर्निविदा आमंत्रित करने निदेश मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना को दिया गया।

(v) उपभागीय ज्ञापांक-2696 दिनांक-14.08.2026 द्वारा संसूचित दिनांक-13.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति के निर्णय को इस हद तक संशोधित समझा जाय।

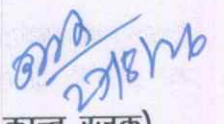
(vi) मुख्य अभियंता, दक्षिण संबंधित परिवादी बीडर को समिति के निर्णय से अवगत कराना सुनिश्चित करेंगे।

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।

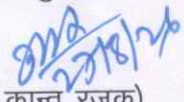

(अभिषेक पलासिया)
संयुक्त सचिव,
पथ निर्माण विभाग,
बिहार, पटना।


(उमा कान्त रजक)
अभियंता प्रमुख-सह-अपर
आयुक्त-सह-विशेष सचिव
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पथ निर्माण विभाग,
बिहार, पटना।

ज्ञापांक: प्र0-7/निविदा-03-114/2026 5943(E)

पटना, दिनांक 27/8/2026

प्रतिलिपि:- मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना/मुख्य अभियंता(अनुश्रवण),
पथ निर्माण विभाग, बिहार, पटना को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित/आई0टी0 मैनेजर, पथ
निर्माण विभाग, बिहार, पटना को विभागीय वेबसाइट पर अपलोड करने हेतु प्रेषित।


(उमा कान्त रजक)

अभियंता प्रमुख-सह-अपर आयुक्त-सह-विशेष सचिव(कार्य प्रबंधन),
पथ निर्माण विभाग, बिहार पटना।