

दिनांक 29.08.2026 को सम्पन्न परिवार 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.-34B/Ara कार्य की निविदा के तकनीकी बीड में प्राप्त परिवार 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-2725 दिनांक-14.08.2026 द्वारा संसूचित है, में लिये गये निर्णय के विरुद्ध प्राप्त परिवार पर मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना के पत्रांक-2850(अनु०) दिनांक-22.08.2026 के माध्यम से परिवार 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.-34B/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 : ₹23024.69 लाख।
विभागीय ज्ञापांक-3247(एस०) दिनांक-12.05.2026
- 2.5 तकनीकी स्वीकृति की राशि एवं प्रसंग : ₹26093.60 लाख।
मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना का पत्रांक-1720(अनु०) दिनांक-24.05.2026
- 2.6 ECV/परिमाण विपत्र की राशि : ₹22559.25141 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 06 (छः) संवेदकों द्वारा भाग लिया गया :-

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|---|--|
| (1) M/s S & P Infrastructure Developers Pvt. Ltd. | (2) M/s Mateshwari Construction |
| (3) M/s Mother India Construction pvt. Ltd. | (4) Hemant Kumar Singh |
| (5) M/s Sri Avantika Contractors (I) Limited | (6) M/s Bekem Infra Projects Pvt. Ltd. |

4. दिनांक-14.08.2026 को तकनीकी बीड मूल्यांकन समिति द्वारा निविदा में भाग लेने वाले 06 (छः) निविदाकारों में से 03 (तीन) निविदाकार यथा (1) 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. (2) M/s Mateshwari Construction को MBD के ITB CL-17 Section 4B (3) M/s Bekem Infra Projects Private Limited. को MBD के Section-3 Clause-1.2.3 एवं NIT के क्रमांक-39 के तहत तकनीकी बीड में असफल तथा शेष 03 (तीन) निविदाकार यथा (1) M/s Mother India Construction Pvt. Ltd. (2) Hemant Kumar Singh एवं (3) M/s Sri Avantika Contractors (I) Limited को तकनीकी बीड में सफल घोषित करने का निर्णय लिया गया था।

5. उपभागीय ज्ञापांक-2725 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-34B/2026-27/05 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 एवं निविदा के तकनीकी बीड में सफल निविदाकार यथा M/s Sri Avantika Contractors(I) Limited के पत्रांक-SACIL/Tenders/OPRMC-Bihar/2026-27/007 दिनांक-18.08.2026 द्वारा परिवाद/अभ्यावेदन/आपत्ति समर्पित किये जाने के परिप्रेक्ष्य में मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, बिहार, पटना के पत्रांक-2850(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 Private Limited का Ref.- BEKEM/RCD-34B/2026-27/03 दिनांक-17.08.2026 एवं Ref.- BEKEM/RCD-34B/2026-27/05 दिनांक-18.08.2026 (2) M/s S&P Infrastructure Developers (P) Ltd. का पत्रांक-S&P/Admin/2026-27/188 दिनांक-14.08.2026 एवं (iii) M/s Sri Avantika Contractors (I) Limited का पत्रांक-SACIL/Tenders/OPRMC-Bihar/2026-27/007 दिनांक-18.08.2026 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.	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 to "EPC AM-II (43C) - Improvement to Dhanora Shendurjana Fulumari Waigaul MDR-19, Km 0/00 to Km 40/500, Tq. Mangrulpur 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	(1) इनके द्वारा Upload किये गये Sl. No. 21 of Form FIN-4 — EPC AM-II (43C), MSIDC, Maharashtra (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, मैं 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	तकनीकी बीड मूल्यांकन समिति की अनुशंसा के क्रमांक-1 एवं 3 से सहमत। क्रमांक-2 पर अंकित कार्य Civil Construction work से संबंधित नहीं रहने के कारण परिवाद का यह बिन्दु अमान्य है।

	officially issued and signed payment certificate. 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 is the standard practice for RESCO-model awards. There is, therefore, no question of suppression of the agreement value; the value simply does	LOA dt- 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 निर्गत प्रमाण पत्र/LOA की प्रति संलग्न नहीं की गई है, जो कि NIT की कंडिका-39 का उलंघन है। अतः परिवाद में प्राप्त उल्लेखित बिन्दुओं को अमान्य किया जाता है।	
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		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 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.	
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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 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. We, M/s. BEKEM Infra Projects Private Limited, respectfully submit this representation with reference to the proceedings of the Technical Bid Evaluation Committee dated 14.08.2026 for the above package, wherein our technical bid has been declared Non-Responsive on the ground that, in respect of the works indicated at Sl. Nos. 21, 34 and 36 of our Form FIN-4 (Existing		
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Commitments of Ongoing Works), supporting evidence issued/countersigned by the Engineer-in-Charge was not found uploaded, and that consequently the Existing Commitments and Bid Capacity could not be computed, rendering us unsuccessful under Section-3, Clause 1.2.3 of the MBD and Clause 39 of the NIT.

At the outset, we most humbly submit that we have disclosed all our existing commitments in Form FIN-4 fully, fairly and transparently, without concealing even minor and miscellaneous works, and the supporting documents for each entry were duly uploaded with the bid. The point-wise factual position in respect of the three entries in question is submitted below for your kind and sympathetic consideration.

20 O/W No. MSIDC/436/2024
11.09.2024

decision of the Technical Bid Evaluation Committee (meeting dated 14.08.2025) declared

Rs. 331,99,99,999/- Rs.
86,32,00,000/- 231 to 234

21 O/W No. MSIDC/438/2024
11.09.2024 Rs. 191,55,55,555/- Rs.
49,80,44,444/- 235 to 238

O/W No. MSIDC/431/2024

23 11.09.2024 Rs. 142,88,88,888/- Rs.
37,15,11,111/- 244 to 247

24 O/W No. MSIDC/435/2024

11.09.2024 Rs. 116,77,77,777/- Rs. 30,36.22.222/- 248 to 251

It is therefore evident from the above that the Office Orders/communications relating to all four works were issued on the same date, i.e. 11.09.2024

In the course of preparation/issuance of the said communications, a typographical/clerical error inadvertently occurred in the MSIDC office records, whereby the work corresponding to Sl. No. 24 was inadvertently mentioned twice.

However, the name/description of the concerned work is correctly mentioned in the MSIDC record under the "Regarding Appointed Date" section, which is available at Page No. 238 of the FORM FIN-4 attachment.

The correctness and authenticity of the aforesaid details may readily be verified directly from the original records of MSIDC, and the relevant supporting certificate/document issued by MSIDC is already enclosed with the FORM FIN-4 attachments submitted along with the bid.

Thus, the discrepancy is attributable solely to an inadvertent clerical/typographical error in the official MSIDC documentation and does not represent any alteration, suppression, concealment or misrepresentation by the bidder

2. Regarding Sl. No. 34 of Form FIN-

4 826 kW Grid-Connected Rooftop Solar Plants, NREDCAP, Andhra Pradesh (RESCO Mode)

The work at St. 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 is the standard practice for RESCO-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 K miscellaneous/additional/extra/etc, items of the work which the respective departments direct us, if aut are still pending. Since these are departmental instructions supplemental to already-completed contracts c to execute in addition to the regular scope, and for which certificates /finalisation from the department 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 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	
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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 St. Nos. 21, 34 and 36 is only about Rs.5190.40 Lakh, Le, 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 gap, 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 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 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.	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.	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	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

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.

The Ara-Chapra via Babura-Doriganj Road 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.

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

अनुरोध 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 कार्य Specification के अनुरूप नहीं है।

अतः अपने खर्च पर 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-39 के अनुसार Existing Commitment of ongoing work के सूची में सभी कार्य के Supporting document का

	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 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	Engineer In Charge द्वारा निर्गत पत्र Upload किया जाना आवश्यक है। अतः परिवाद में उल्लेखित बिन्दु को अमान्य किया जाता है।	
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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.

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.		
3.	Avantika Contractors (I) Ltd	References: Proceedings of the Technical Bid Evaluation Committee held on 14.08.2026 in respect of Long Term Output & Performance Based Road Assets Maintenance Contract (OPRMC), Package No. 34B/OPRMC-III, 2026-33, Shahabad Road Division, Ara, issued vide Memo No. 2725 dated 14.08.2026, wherein the Existing Commitments of Ongoing Works of M/s Mother India Construction Pvt. Ltd. have been shown as 31,555.25 Lakh. 2. Proceedings of the Technical Bid Evaluation Committee held on 13.08.2026 in respect of Long Term Output & Performance Based Road Assets Maintenance Contract (OPRMC), Package No. 31A/OPRMC-III, 2026-33, Lakhisarai Road Division, issued vide Memo No. 2693 dated 13.08.2026, wherein the Existing Commitments of Ongoing Works of	Existing Commitment of Ongoing work एवं Annual Turnover में Base Year के सापेक्ष में Factor लगाकर गणना की जाती है, जिसमें Decimal के बाद Double Digit एवं Triple Digit अलग-अलग लेने के कारण विभिन्न Packages में Bid Capacity की गणना अलग-अलग आयी है। Work Award के समय अंतिम रूप से Bid Capacity गणना कर ली जायेगी। अतः परिवाद में उल्लेखित बिन्दु को	तकनीकी बीड मूल्यांकन समिति की अनुशंसा से सहमत।

	M/s Mother India Construction Pvt. Ltd. have been shown as 31,715.97551 Lakh. 3. Proceedings of the Technical Bid Evaluation Committee held on 14.08.2026 in respect of Long Term Output & Performance Based Road Assets Maintenance Contract (OPRMC), Package No. 33A/OPRMC-III, 2026-33, Sheikhpura Road Division, issued vide Memo No. 2694 dated 14.08.2026, wherein the Existing Commitments of Ongoing Works of M/s Mother India Construction Pvt. Ltd. have been shown as 31,903.62957 Lakh, 4. Proceedings of the Technical Bid Evaluation Committee held on 13.08.2026 in respect of Long Term Output & Performance Based Road Assets Maintenance Contract (OPRMC), Package No. 43A/OPRMC-III, 2026-33, Patna Western Road Division, Patna, issued vide Memo No. 2681 dated 13.08.2026, wherein the Existing Commitments of Ongoing Works of M/s Mother India Construction Pvt. Ltd. have been shown as ₹31,715.85 Lakh. 5. Proceedings of the Technical Bid Evaluation Committee held on 13.08.2026 in respect of Long Term Output & Performance Based Road Assets Maintenance Contract (OPRMC), Package No. 43B/OPRMC-III, 2026-33, Patna Western Road	अमान्य किया जाता है।	
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	Division, Patna, issued vide Memo No. 2679 dated 13.08.2026, wherein the Existing Commitments of Ongoing Works of M/s Mother India Construction Pvt. Ltd. have been shown as 31,715.85 Lakh. 6. Proceedings of the Technical Bid Evaluation Committee held on 13.08.2026 in respect of Long Term Output & Performance Based Road Assets Maintenance Contract (OPRMC), Package No. 46A/OPRMC-III, 2026-33, Road Division No. 1, Jehanabad, issued vide Memo No. 2687 dated 13.08.2026, wherein the Existing Commitments of Ongoing Works of M/s Mother India Construction Pvt. Ltd. have been shown as 31,911.60 Lakh. 7. Proceedings of the Technical Bid Evaluation Committee held on 13.08.2026 in respect of Long Term Output & Performance Based Road Assets Maintenance Contract (OPRMC), Package No. 46B/OPRMC-III, 2026-33, Road Division No. 1, Jehanabad, issued vide Memo No. 2688 dated 13.08.2026, wherein the Existing Commitments of Ongoing Works of M/s Mother India Construction Pvt. Ltd. have been shown as 31,911.60 Lakh. 8. Proceedings of the Technical Bid Evaluation Committee held on 13.08.2026 in respect of Long Term Output & Performance Based Road		
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Assets Maintenance Contract (OPRMC), Package No. 41A/OPRMC-III, 2026-33, New Capital Road Division, Patna, issued vide Memo No. 2677 dated 13.08.2026, wherein the Existing Commitments of Ongoing Works of M/s Mother India Construction Pvt. Ltd. have been shown as 31,765.96 Lakh,

9. Proceedings of the Technical Bid Evaluation Committee held on 14.08.2026 in respect of Long Term Output & Performance Based Road Assets Maintenance Contract (OPRMC), Package No. 47A/OPRMC-III, 2026-33, Arwal Road Division, issued vide Memo No. 2727 dated 14.08.2026, wherein the Existing Commitments of Ongoing Works of M/s Mother India Construction Pvt. Ltd. have been shown as ₹31,953.417 Lakh,

Respected Sir,

With due respect, we, M/s Sri Avantika Contractors (1) Limited, hereby submit this representation and objection against the decision of the Technical Bid Evaluation Committee declaring M/s Mother India Construction Pvt. Ltd. qualified in Package No. 34B/OPRMC-III, 2026-33, Shahabad Road Division, Ara.

Our company had participated in the aforesaid tender, in which a total of six bidders participated. In the proceedings of the Technical Bid Evaluation Committee held on 14.08.2026, three

bidders were declared technically qualified for Package No. 34A, namely our company, M/s Hemant Kumar Singh, and M/s Mother India Construction Pvt. Ltd.

Upon examining the proceedings of the Technical Bid Evaluation Committee available on the Departmental portal, we have noticed a significant inconsistency concerning the Existing Commitments of Ongoing Works / Current Contract Commitments declared/considered in respect of M/s Mother India Construction Pvt. Ltd.

The last date for submission of bids for the aforesaid tenders was 03.07.2026, and the contract period of the respective OPRMC works is 84 months. Despite the same bidder having submitted bids for various packages around the same period, the Existing Commitments of Ongoing Works attributed to the said bidder have been reflected at materially different financial values in the respective Technical Bid Evaluation Committee proceedings dated 13.08.2026 and 14.08.2026. The figures reflected in the respective Committee proceedings are summarized below:

Sl. No.	Memo of Existing Commitments (Lakh)	Date	Package No. of Ongoing Works
1	2725	14.08.2026	34B
	31,555.25		
2	2693	13.08.2026	31A

		31,715.97551		
	3	2694	14.08.2026	33A
		31,903.62957		
	4	2681	13.08.2026	43A
		31,715.85		
	5	2679	13.08.2026	43B
		31,715.85		
	6	2687	13.08.2026	46A
		31,911.60		
	7	2688	13.08.2026	46B
		31,911.60		
	8	2677	13.08.2026	41A
		31,765.96		
	9	2727	14.08.2026	47A
		31,953.417		
	The above figures demonstrate that the Existing Commitments of the same bidder have been reflected differently in different tender evaluations conducted. We respectfully submit that the Current Contract Commitments / Existing Commitments are required to be based upon the bidder's actual ongoing contractual obligations and the supporting documents submitted with the respective bid. Therefore, such substantial variations in the financial value of Existing Commitments require proper verification and an explanation regarding the basis, date and supporting documents on the basis of which the respective figures were determined.			

7. परिवाद की समीक्षा एवं तकनीकी बीड मूल्यांकन समिति की अनुशंसा :-

समिति द्वारा सम्यक् विचारोपरान्त तकनीकी बीड मूल्यांकन में निविदाकार Hemant Kumar Singh को MBD Section 3 Clause 2.3.1, Section 4E.6, Form FIN-1, Section 3 Clause 1.2.3, Section

4E.10, FIN-4 के तहत तकनीकी बीड में असफल घोषित किया जाता है। दिनांक-14.08.2026 को सम्पन्न तकनीकी बीड मूल्यांकन समिति द्वारा लिए गए निर्णय को इस हद तक संशोधित समझा जाय।

8. मुख्य अभियंता, दक्षिण द्वारा Package संख्या-38B की निविदा में प्रतिवेदित किया गया है कि समिति के संज्ञान में आया कि निविदाकार Hemant Kumar Singh द्वारा MBD Section 4 कंडिका-6 Form FIN-1 Historical Performance के वित्तीय वर्ष 2021-22 में Current Assets ₹4784.04 लाख दिखाया गया है जबकि वित्तीय वर्ष As on 31 मार्च, 2022 के Consolidated balance sheet में ₹1934.83 लाख अंकित है तथा निविदाकार Hemant Kumar Singh द्वारा MBD, Section-4 कंडिका-6 from FIN-1 historical performance में वित्तीय वर्ष 2021-22 में current assets 4784.04 lakh दिखाया गया है, जबकि वित्तीय वर्ष as on 31 March 2022 के consolidated balance sheet में Rs.1934.83 lakh अंकित है तथा पथ प्रमंडल बक्सर, पथ निर्माण विभाग अंतर्गत बड़ी मस्जिद से सेंट्रल जेल कार्य Hemant Kumar Singh द्वारा किया जा रहा है। कार्यपालक अभियंता, उड़नदस्ता प्रमंडल सं0-01, पथ निर्माण विभाग द्वारा विषयांकित योजना का जाँच दिनांक-22.01.2026 एवं 24.01.2026 को किया गया है एवं जाँच प्रतिवेदन समर्पित किया गया है। जाँच प्रतिवेदन के कंडिका-11 "पथ में प्रावधानित नाला के Cover slab को core cutter मशीन द्वारा लिए गए 03 Nos. cylindrical core के compressive strength की जाँच की गई जिसका औसत मान 7.60N/mm^2 पाया गया, जबकि MORTH की कंडिका-903.5.2. 2 Clause के तहत core strength की स्वीकार्य सीमा 9.52N/mm^2 का है।"

अतः समिति द्वारा सम्यक् विचारोपरान्त तकनीकी बीड मूल्यांकन में निविदाकार Hemant Kumar Singh को Section 4E.6, Form FIN-1, Section 3 Clause 1.2.3, Section 4E.10 एवं MBD Section 3 के Clause 1.2.3 के तहत तकनीकी बीड में असफल घोषित किया जाता है।

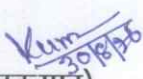
9. Package संख्या-45A में Bhardwaj Construction द्वारा Mother India Construction Pvt. Ltd. के विरुद्ध परिवाद दिया गया है कि इन्होंने वाद संख्या CWJC No2824/2025 को Pending Litigation में नहीं दर्शाया गया है। जाँचोपरान्त पाया गया कि Mother India Construction Pvt. Ltd. द्वारा इस निविदा में भी उक्त वाद को Pending Litigation नहीं दर्शाया गया है।



10. परिवाद समिति का निर्णय :-

- (i) विषयांकित कार्य की निविदा के तकनीकी बीड में असफल निविदाकार यथा (1) M/s Bekem Infra Projects Pvt. Ltd. के पत्रांक-BEKEM/RCD-34B/2026-27/05 दिनांक-18.08.2026 (2) M/s S&P Infrastructure Developers (P) Ltd. के पत्रांक-शून्य एवं निविदा की तकनीकी बीड में सफल निविदाकार यथा M/s Sri Avantika Contractors(I) Limited के पत्रांक-SACIL/Tenders/OPRMC-Bihar/2026-27/007 दिनांक-18.08.2026 के द्वारा दिए गए परिवाद/आपत्ति को अमान्य करने का निर्णय लिया जाता है।
- (ii) 05 (चार) निविदाकार यथा (1) M/s S&P Infrastructure Developers Pvt. Ltd. को MBD Section-3 Clause-1.2.1(b) (2) M/s Mateshwari Construction को MBD के ITB CL-17 Section 4B (3) M/s Bekem Infra Projects Private Limited. को MBD के Section-3 Clause-1.2.3 एवं NIT के क्रमांक-39 एवं (4) Hemant Kumar Singh को MBD Section 3 Clause 2.3.1, Section 4E.6, Form FIN-1, Section 3 Clause 1.2.1(b) एवं (5) M/s Mother India Construction Pvt. Ltd. को MBD Section-3 Clause 2.2.1 के तहत निविदा के तकनीकी बीड में असफल घोषित करने का निर्णय लिया जाता है।
- (iii) 01 (एक) निविदाकार यथा (1) M/s Sri Avantika Contractors (I) Limited को तकनीकी बीड में सफल घोषित करने का निर्णय लिया जाता है।
- (iv) विषयांकित कार्य की निविदा के तकनीकी बीड में एक निविदाकार के सफल होने के फलस्वरूप निविदा को रद्द कर पुनर्निविदा आमंत्रित करने का निदेश मुख्य अभियंता, दक्षिण, पथ निर्माण विभाग, पटना को दिया जाता है।
- (v) उपभागीय ज्ञापांक-2677 दिनांक-13.08.2026 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।

10.1 परिवाद समिति की इस कार्यवाही को विभागीय वेबसाईट पर भी डाली जाय।


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


(राजेश कुमार गुप्ता)
मुख्य अभियंता, निविदा,
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
(कार्य प्रबंधन),
पथ निर्माण विभाग,
बिहार, पटना।

ज्ञापांक: प्र0-7/निविदा-03-103/2026 6007(E)

पटना, दिनांक 29.08.2026

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 वेबसाईट पर अपलोड करने हेतु प्रेषित।


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