



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

National Highways Authority of India

(Ministry of Road Transport and Highways, Government of India)

जी-5 एवं 6, सेक्टर-10, द्वारका, नई दिल्ली - 110 075 • G-5 & 6, Sector-10, Dwarka, New Delhi-110075

दूरभाष/Phone : 91-11-25074100 / 25074200



NHA/Policy Guidelines/ Consultancy/2023

Policy Circular No.10.1.37/ 2023 dated 10th November, 2023

{Decision taken on E-Office File No. NHA/11013/AE&IE/RFPDocu./2017 (Comp. No. 4312)}

Sub: Clarification/Modification of Policy Circulars - reg.

- i. Policy Circular No. 10.1.33/2022 dated 25.04.2022 regarding technical Capacity provisions in RFP for maximum works to be permitted to one consultant.
- ii. Policy Circular No. 11.41/2022 dated 12.08.2022 regarding amendment to RFP documents for engagement of Consultant.

References regarding interpretation of the Clauses/Amendments issued vide above referred Policy Circulars have been received and in this respect, the following clarifications are hereby issued: -

I. Clarification for Policy Circular No. 10.1.33/ 2022 dated 25.04.2022:

- (a) There is provision at Sr. no. 01, Column 02 for consideration of Average Annual Turnover of firm in last 3 financial years (from the consultancy work). The Average Annual Turnover for last three years and the No. of Key personnel on full time rolls are the key parameters for deciding the no. of projects that can be awarded to the bidding firms. On that basis the Technical evaluation scores are decided.
- (b) The note below the table in the circular at para 3(v) specifies the following:-
For the purpose of calculation of maximum no. of projects, the works awarded on the date of opening of Financial Bid and in progress will be taken into consideration as utilized capacity. Projects of NHA (awarded/ in progress) shall be considered for maximum no. of projects in Sr. No. 3 & 4 of the table. The Consultant shall provide these details and they shall be solely responsible for accuracy of such details provided.

In respect of above it is hereby clarified that "The works awarded on the date of opening of financial Bid and in progress will be taken into consideration for ascertaining the balance capacity. The revised turnover/manpower will not be considered and would remain the same as per Bid due date".


II. Clarification of Policy Circular No. 11.41/2022 dated 12.08.2022:

In respect of above referred Policy Circular it is clarified that "The bidder cannot revise their share among Lead/JV partner after submission of bids".

Contd...2/-

2. Other provisions of above referred Policy Circulars shall remain unchanged.
3. This issues with the approval of Competent Authority.

Encl.: As stated above



10/11/23

(Sanjay Kumar Patel)
General Manager (Coord.)

To:

All Officers of NHAI HQ/ ROs/ PIUs/ CMUs/ Site Offices

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NHA/Policy Guidelines/ Consultancy/2022

Policy Circular No. 10.1.33/2022 dated 25th April, 2022

{Decision taken on E-Office File No. NHAI/11013/AE&IE/RFPDocu./2017-Part(2) (Computer No: 13491)}

Sub: Technical Capacity provisions in RFP/ Bidding of future consultancy assignments for maximum works to be permitted to one consultant-reg.

The following amendment to the Policy Guidelines No. 10.1.28/2021 dated 30.03.2021 on Technical Capacity provisions are hereby issued.

- (i) The maximum number of works to be permitted to one consultant is restricted as per the following ceilings: -

Sr. No.	Col (2)	Col (3)	Col (4)	Col (5)	Col (6)
1.	Average Annual Turnover of Firm in last 3 Financial Years (from Consultancy Works)	Upto Rs. 10 Crores	More than Rs. 10 to Rs. 30 Crores	More than Rs. 30 to Rs. 60 Crores	More than Rs. 60 Crores
2.	No. of key professionals on full time rolls (minimum for last one year)	10	25	40	60
3.	Max. no. of projects/ DPR assignments to be allotted to one particular consultant including ongoing projects at a time in NHAI	6	12	25	40
4(i)	Maximum no. of DPR Assignments out of those given at Sr.No.3 above	6	12	25	40
4(ii)	Maximum no. of IE/AE assignments (cap of 75%) out of those given at Sr. No. 3 above	4	9	18	30

Note: (1) Conditions in both Sr. No. 1 & Sr. No. 2 are to be fulfilled to claim maximum no. of projects given in Sr. No. 3 & 4.

(2) In case of JV bidding for the current assignment, the technical capacity of JV will be determined with respect to the weighted average of turnover, key professionals & ongoing assignments on the basis of share of consultancy fee in the ongoing assignments and proposed share in the current bid. Refer the illustration at Annex B.

(3) In case any partner of the joint venture has its individual remaining bid capacity less than 0.5 thus making him ineligible for the current bid but, on formation of joint venture, the remaining bid capacity becomes more than 0.5, then during the technical evaluation of the bids, the bids of such JVs will be declared as non-responsive and they will not be allowed to participate in the current assignment.

Contd....2/-

-2-

- (ii) The consulting firms should be encouraged to carry out a max. of DPR and Supervision Assignments like IE/AE. Out of maximum number of projects given at Sr. No. 3 above, the ceiling for IE/AE assignments is 75%. For example, the Consulting Firm at Col. No. 3 can get total 4 number of IE/AE assignments only from NHAI whereas they can get 6 DPR assignments. The Financial Proposal of the Consulting Firm crossing the upper ceiling of assignments as at Sr. No. 3 & 4 above shall not be opened.
- (iii) The following assignments would not be counted for the purposes of maximum number of projects given at Sr. No. 3 to 4 of above Table.
- (a) IE/AE assignments where original assignment period + one year is lapsed or provisional completion of civil work is issued, whichever is earlier;
- (b) DPR assignments where either (i) the bids for civil works have been received; or (ii) original assignment period + one year has lapsed;
- (c) Assignments having less than 6 months contract period.
- (d) The operation and maintenance contract (O&M)
- (iv) The above guidelines will not be applicable in case of Special Projects such as standalone projects of tunnel, bridge, emergency landing facility, flyovers and ROB/RUB/Underpass only
- (v) For the purpose of calculation of maximum no. of projects, the works awarded on the date of opening of Financial Bid and in progress will be taken into consideration as utilized capacity. Projects of NHAI (awarded/ in progress) only shall be considered for maximum no. of projects in Sr. No. 3 & 4 purpose. The Consultant shall provide these details and they shall be solely responsible for accuracy of such details provided.
- (vi) The Consulting Firms shall submit Form-26 AS in order to certify their permanent key personnel (as given in Sr. No. 2 of above table) along with the proposed candidates.
- (vii) The bidders shall submit the requisite details in the prescribed formats of technical proposal along with the RFP documents for evaluation of bids accordingly. The modified format for determination of Technical Capacity (Form T-11) is enclosed at Annex-B.
2. The requisite amendments to RFPs floated should be immediately undertaken by the concerned officers of NHAI, by postponing the bid receiving date, if required and giving minimum 7 days' time for submission of bid after hosting of amendments to RFP.
3. This issues with the approval of Competent Authority.

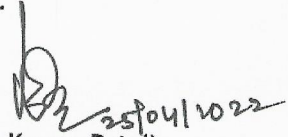
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All Officers of NHAI HQ/ ROs/ PIUs/ CMUs/ Site Offices

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(Sanjay Kumar Patel)
General Manager (Coord.)

Annex-B

Format for Technical Capacity of Bidding Firms

(TO BE FILLED BY THE SOLE CONSULTANT & IN CASE OF JV, SEPARATELY BY JV PARTNERS BIDDING FOR THE ASSIGNMENT)

(i) No. of Key Professionals on full time roll:

Sl. No.	Name of the Key Professional	Designation	Continuous Employment from (Date)	Nos. of Years with the firm

Note: Attach copy of Form-26AS to certify permanent key professional.

(ii) Details of all in-hand DPR projects or DPR projects awarded by NHAI for NH works:

Sl. No.	Project Description	Start Date	Scheduled Completion	Bids for Civil Works received or Original assignment period+ one year lapsed (Yes/ No)	In case of JV, share of Contract Fee (%)	Technical Capacity utilized after applying JV share as per Note 2
1	2	3	4	5	6	7

Format for undertaking by the firm for DPR Projects:

The undersigned on behalf of ----- (name of consulting firm) certify that the firm do not have any other in-hand/ awarded DPR project other than those listed above. For all other DPR projects undertaken by the firm, either the bids for civil works have been received by the client or original assignment period + one year is lapsed, whichever is earlier after the date of award of the DPR and the consulting firm/ JV was not at default on these project assignments.

Date: (dd/mm/yyyy)

[Signature of authorized representative of the Firm]

(iii) Details of all in-hand AE/ IE projects or AE/ IE projects awarded by NHAI for NH works:

Sl. No.	Project Description	Start Date	Scheduled Completion	Civil works Provisionally completed or Original assignment period+ one year lapsed (Yes/ No)	In case of JV, share of Contract Fee (%)	Technical Capacity utilized after applying JV share as per Note 2
1	2	3	4	5	6	7

Format for undertaking by the firm for in-hand AE/ IE Projects:

The undersigned on behalf of ----- (name of consulting firm) certify that the firm do not have any other in-hand/ awarded AE/ IE project other than those listed above. For all other such projects undertaken by the firm, where original assignment period + one year is lapsed or provisional completion of civil work is issued, whichever is earlier, the consulting firm/ JV was not at default on these project assignments.

Date: (dd/mm/yyyy)

[Signature of authorized representative of the Firm]

(iv) Self-Assessment by the consultancy firm (in case of JV, separately by the JV partners) on eligibility as per technical capacity provisions:

(1)	(2)	(3)			(4)			(5)		
Average Annual Turnover of firm in last 3 FY (from consultancy works)	No. of Key Professionals on full time rolls (minimum from last one year) with the consultancy firm	Max. no. of projects to be allotted to one particular consultant including ongoing projects at a time in NHAI			Total ongoing/ awarded Projects (nos.)			Remaining Capacity for new projects (nos.)		
		Total	DPR	IE/AE	Total	DPR	IE/AE	Total	DPR	IE/AE
		3A	3B	3C	4A	4B	4C	5A	5B	5C

For Col. 3, Sub col. A, B & C are to be considered as per circular

For Col. 4, Sub col. A, B & C are to be considered as per circular

Col. 5 to be derived on the basis of (Col. 3 - Col. 4)

(v) Self-Assessment by the JV (in case, bid is submitted by JV partners) on eligibility as per technical capacity provisions:

		(1)	(2)	(3)			(4)			(5)		
Consultancy fee share (%) for the JV partners		Weighted average turnover of JV in last 3 FY (from consultancy) *	Weighted average no. of Key Professionals on full time rolls (min. from last one year) with JV **	Max. no. of projects to be allotted to one particular consultant including ongoing projects at a time in NHAI			Total ongoing/ awarded Projects (nos.) #			Remaining Capacity for new projects (nos.)		
Firm-1	Firm-2			Total	DPR	IE/AE	Total	DPR	IE/AE	Total	DPR	IE/AE

* (Turnover-1 x Share-1 + Turnover-2 x Share-2)/100

** (Key Professionals-1 x Share-1 + Key Professionals-2 x Share-2)/100

(Ong. Proj.-1 x Share-1 + Ong. Proj.-2 x Share-2)/100

Col. 5 to be derived on the basis of (Col. 3 - Col. 4)

Note 1:

* The figures in Col 5 be rounded off to the nearest integer i.e.in case remaining bid-capacity comes to 0.5 or more then it will be considered as 1, in case less than 0.5 then it will be considered as 0 (Zero).

Clarification for technical capacity utilised in case of JV with other firm than proposed in current assignment.

In case Firm-1 proposes for new JV with other partner, then capacity utilisation will be calculated on the basis of JV share in existing assignments e.g.

JV in one project with 30% share: - One project X 0.3 = 0.3

JV in one project with 70% share: - One project X 0.7 = 0.7

JV in one project with 50% share: - One project X 0.5 = 0.5

JV in two project with 80% share: - Two projects X 0.8 = 1.6

The weighted utilisation of the capacity of Firm-1 = **3.1**

Note 3:

The Consultant shall re-submit the bid capacity details as per above format at the time of opening of Financial Bid.





Illustration for Determination of Technical Capacity (Sole)

(1)	(2)	(3)			(4)			(5)		
Average Annual Turnover of firm in last 3 FY (from consultancy works)	No. of Key Professionals on full time rolls (minimum from last one year) with the consultancy firm	Max. no. of projects to be allotted to one particular consultant including ongoing projects at a time in NHAI			Total ongoing/ awarded Projects (nos.)			Remaining Capacity for new projects (nos.) ^s		
		Total	DPR	IE/AE	Total	DPR	IE/AE	Total	DPR	IE/AE
		3A	3B	3C	4A	4B	4C	5A	5B	5C
10	10	6	6	4	7	4	3	0	0	0

For Col. 3, Sub col. A, B & C are to be considered as per circular

For Col. 4, Sub col. A, B & C are to be considered as per circular

Col 5 to be derived on the basis of (Col. 3 – Col. 4)

Note: ^s The figures in Col 5 be rounded off to the nearest integer i.e. in case remaining bid-capacity comes to 0.5 or more then it will be considered as 1, in case less than 0.5 then it will be considered as 0 (Zero).

Illustration for Determination of Technical Capacity in case of JV Consultancy

Technical Capacity of Firm-1 individually

(1)	(2)	(3)			(4)			(5)		
Average Annual Turnover of firm in last 3 FY (from consultancy works)	No. of Key Professionals on full time rolls (minimum from last one year) with the consultancy firm	Max. no. of projects to be allotted to one particular consultant including ongoing projects at a time in NHAI			Total ongoing/ awarded Projects (nos.)			Remaining Capacity for new projects (nos.)		
		Total	DPR	IE/AE	Total	DPR	IE/AE	Total	DPR	IE/AE
		3A	3B	3C	4A	4B	4C	5A	5B	5C
10	10	6	6	4	7	4	3	0	0	0




Technical Capacity of Firm-2 individually

(1)	(2)	(3)			(4)			(5)		
Average Annual Turnover of firm in last 3 FY (from consultancy works)	No. of Key Professionals on full time rolls (minimum from last one year) with the consultancy firm	Max. no. of projects to be allotted to one particular consultant including ongoing projects at a time in NHAI			Total ongoing/ awarded Projects (nos.)			Remaining Capacity for new projects (nos.) ^s		
		Total	DPR	IE/AE	Total	DPR	IE/AE	Total	DPR	IE/AE
		3A	3B	3C	5A	5B	5C	7A	7B	7C
80	75	40	40	30	38	10	28	2	2	2

Technical Capacity of Joint Venture of Firm-1 & Firm-2 (for different combinations of consultancy fee share)

		(1)	(2)	(3)			(4)			(5)		
Consultancy fee share (%) for the JV partners		Weighted average turnover of JV in last 3 FY (from consultancy) *	Weighted average no. of Key Professionals on full time rolls (min. from last one year) with JV **	Max. no. of projects to be allotted to one particular consultant including ongoing projects at a time in NHAI			Total ongoing/ awarded Projects (nos.) #			Remaining Capacity for new projects (nos.) ^s		
Firm-1	Firm-2			Total	DPR	IE/AE	Total	DPR	IE/AE	Total	DPR	IE/AE
60	40	38	36	12	12	9	19.4	6.4	13	0	0	0
75	25	27.5	26.25	12	12	9	14.75	5.5	9.25	0	0	0
50	50	45	42.5	25	25	18	22.5	7	15.5	2.5 [^]	2.5 [^]	2.5 [^]
70	30	31	29.5	12	12	9	16.3	5.8	10.5	0	0	0

* (Turnover-1 x Share-1 + Turnover-2 x Share-2)/100

** (Key Professionals-1 x Share-1 + Key Professionals-2 x Share-2)/100

(Ong. Proj.-1 x Share-1 + Ong. Proj.-2 x Share-2)/100

Col. 5 to be derived on the basis of (Col. 3 – Col. 4)

Note: ^s The figures in Col 5 be rounded off to the nearest integer i.e.in case remaining bid-capacity comes to 0.5 or more then it will be considered as 1, in case less than 0.5 then it will be considered as 0 (Zero).

[^] In term of Note (3) Table 1.1, as the Balance bid capacity of Firm-1 is nil. So in spite of remaining capacity 2.5 the JV not to be considered as responsive.



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NHAI/Policy Guidelines/ Standard Documents/2022

Policy Circular No.11.41/2022 dated 12th August, 2022

{Decision taken on E-Office File No. NHAI/11013/AE&IE/RFPDocu./2017 (Comp.No.4312)}

Annexure - 2



Sub: Amendment to RFP documents for engagement of Authority Engineer/ Independent Engineer/ DPR Consultant - reg.

Ref: *The standard RFP documents for engagement of Authority Engineer, Independent Engineer & DPR Consultants for NH works vide MoRTH letter dated 15.02.2019.*

The issue of amendment/modification of the share of JVs after the award of contract have been noticed. In order to have common approach within NHAI for Evaluation of Technical Bids in Consultancy Assignments, the following addendum to the RFP documents for Consultancy Assignments are hereby issued: -

(a) Add another Para after Para 13 at Page No. 3 of Information to Consultants of IE/AE RFP documents: -

"The bidder cannot revise their share among Lead/JV partner/Associate partner, which was declared at the time of bidding/award of respective consultancy assignments. Further, maximum limit of share of associates shall be limited to their actual assignments w.r.t provision of standard RFP subject to a maximum of 25% of contract amount."

(b) Add Clause 1.8.6 at Page No. 5 of Letter of Invitation (LOI) of DPR RFP documents:-

"The bidder cannot revise their share among Lead/JV partner/Associate partner, which was declared at the time of bidding/award of respective consultancy assignments. Further, maximum limit of share of associates shall be limited to their actual assignments w.r.t provision of standard RFP subject to a maximum of 25% of contract amount."

2. The amended format for Memorandum of Understanding (MOU) as Appendix-M (AE/IE documents) is attached herewith.

3. All concerned Technical Divisions shall make appropriate amendments to the RFP documents of Consultancy Assignments while inviting bids.

4. This issues with the approval of Competent Authority.

Encl: As above.

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(Sanjay Kumar Patel)
General Manager (Coord.)

APPENDIX-M

Memorandum of Understanding

between

And

Whereas the <Agency>/ Ministry of Road Transport & Highways (MoRT&H)/..... State PWD (the 'Employer') has invited proposal for appointment of Authority's Engineer for _____ (Name of project) hereinafter called the Project.

And Whereas _____ (Lead Partner) and _____ JV partner/s have agreed to form a Joint Venture to provide the said services to the Employer as Authority's Engineer; and

Now, therefore, it is hereby agreed by and on behalf of the partners as follows: -

- i. _____ will be the lead partner and _____ will be the other JV partner/s and percentage share* will be as under: -

Lead Partner - _____ % (in words)

Other JV Partner - _____ % (in words)

- ii. _____ (lead partner) shall be the in-charge of overall administration of contract and shall be authorised representative of all JV partners for conducting all business for and on behalf of the JV during the bidding process and subsequently, represent the joint venture for and on behalf of the JV for all contractual matters for dealing with the Employer/EPC Contractor if Consultancy work is awarded to JV.
- iii. All JV partners do hereby undertake to be jointly and severely responsible for all the obligation and liabilities relating to the consultancy work and in accordance with the Terms of Reference of the Request for Proposal for the Consultancy Services.

For _____ (Name of Lead partner)

Managing Director/Head of the Firm
Address

For _____ (Name of JV partner/s)

Managing Director/Head of the Firm
Address

Note: * The bidder cannot revise their share among Lead/JV partner which was declared at the time of bidding of respective consultancy assignments.

DISCLAIMER

The Applicant must read all the instructions in the RFP and submit the same accordingly.

