

MINUTES OF BIDDERS' MEET HELD ON 04.10.2018 AT 2.00 P.M. AT NIC CONFERENCE HALL, JALASAMPAD BHAWAN, SALT LAKE, KOLKATA-91

Sri S.K. Laha, Chief Engineer & Project Director, SPMU, WBMIFMP chaired the meeting and briefed the audience about the project in a nut-shell.

He intimated the bidders that proposed Timeline for Loan Appraisal by W.B. is Dec, 2018 and that for Loan Negotiation it is Feb, 2019. It is prerequisite for Loan Negotiation to make work packages of value 30% of the Loan Amount ready for issuing Notice to Proceed after due tendering. The widely scattered worksites, working season, irrigation period, environmental issues etc were also touched by him in his speech.

Sri Diganta Maiti, Dy Director, WBMIFMP, appraised the bidders present, the various aspects of the Project under WBMIFMP in a powerpoint presentation.

He also presented 3(three) nos the work packages to be taken up in the 1st phase in the flood sector.

After the presentation, Project Director urged Sri Dipak Maiti, Deputy Team Leader of F.S. Consultant (EPTISA) to elaborate about the packages to be executed in the 1st phase.

After the statement of the Dy T.L, EPTISA feedback from authorized personnel of intending Bidders was invited.

L&T officials said that L&T has the experience of conducting World Bank funded irrigation sector projects in Orissa, Madhya Pradesh and Gujarat. In Madhya Pradesh they have the credential of executing a 2800 Cr. Lift Irrigation project. They said that they will bid if the package value is preferably of Rs 400-500Cr but must not be less than Rs 350Cr. They also proposed for clubbing of areas in close vicinity so that value of package may reach to more than their lowest limit.

L&T officials confirmed that even widely scattered areas with riverine connectivity, it is not any issue with them.

Yooil official highlighted the Resettlement issue. Project Director assured that there is Resettlement Action Plan in the WBMIFMP which will be taken care of by IWD. But other site specific small issues may have to be taken care by the Bidders.

GPT Infra official proposed to allow to give EMD in the form of Bank Guarantee. He also enquired about the disclosure of qualification criteria when the Project Director stated that it will be disclosed at time of floating of Bids, as per specific requirement of various packages.

McNally Bharat official requested generally that qualification criteria should be such that it avoids monopoly of the contractors working in the sector, so that the number of bidders competing can be more. In this regard he specified that the credential in more or less similar nature of activities/items of works, not necessarily in Irrigation Sector or flood sector, should be entertained. He also proposed to allow consortium of sub contractors' credential to be entertained.

Here L&T opposed by saying that only Joint Venture is allowed in World Bank funded projects. Project Director urges to give proposal of McNally Bharat through E-Mail.

Project Director then appraised that as per World bank norms, Mobilisation Advance is interest free which all Bidders applauded. However he added that as 30% cost is borne by West Bengal Government, this issue needs concurrence from Government of West Bengal which is being processed.

Bridge & Roof official proposed for Mobilisation Advance to be interest free. He also proposed to submit EMD in Bank Guarantee form in place of the existing RTGS method of the Govt. of West Bengal. He also proposed that credential in

activities or items of work such as excavation, sheet piling in works even if it is in other than irrigation/flood sector should be entertained as requisite credential in bid.

Project Director said that for the Irrigation Component, bid will be invited only from bidders in that sector only as this Component is highly specialized & critically time bound as well.

Bridge & Roof official asked whether tendering process/bidding process will be done by IWD which Project Director answered in affirmative as DPIUs on behalf of SPMU will deal with that.

Project Director then asked the EE/Howrah Irrigation Divn for his suggestions to the bidders in regard to the envisaged challenges of the work, particularly in the flood sector.

EE/Howrah Irrigation Divn said that Upper RampurLeft and Hurhura Left embankments' top width varies from 4-4.5 m. He requested the bidders to physically visit sites to ascertain the appropriate logistics of work which can be accommodated in such sites spread over several kilometers of the embankment. Almost similar conditions prevail for Damodar Left and Damodar Right Dwarf Embankments. He also requested to consider the natural causes like flood and monsoon which may hamper the work speed. He requested to flag the locations of access roads to work sites, as they are very few in number in comparison to the extensive length of work sites.

McNally Bharat official again proposed that keeping in view of the very tight timeline, as well as Liquidated Damage Clause, to extend the timeline of 18 months for 1st phase to 20-24 months as work may be hampered or slowed down for natural causes. He said that a package size of 70-85 Cr will be comfortable for them in which L&T commented that small package size will increase numbers of bidders manifold which may not be acceptable to World Bank.

The TATA Projects Ltd officials expressed that they are comfortable with packages of around Rs 200 crores or even less.

The Bridge & Roof official expressed that they have no issue with the splitting of large sized packages in small reaches and small value bids.

Project Director said that any view of the bidders may be sent by E-Mail and they can contact further with Sri S.Chattopadhyay with their queries.

The meeting ended with vote of thanks to and from the Chair.

(S.K. Laha)
C. E & P. D
Irrigation & Waterways Directorate
Government of West Bengal

ATTENDANCE SUMMARY OF BIDDERS' CONFERENCE IN CONNECTION WITH WBMIFMP
HELD ON 4/10/2018 AT JALALASAMPAD BHAVAN, SALT LAKE

| Sl No. | NAME OF COMPANY / AGENCY | NAME OF PARTICIPANTS |
|---------------|---------------------------------------|--|
| 1. | SIMPLEX INFRASTRUCTURE LTD | MR. GOPAL BERA |
| 2. | G.P.T. INFRAPROJECTS LTD. | MR. BIKASH SAHA |
| 3. | BRIDGE & ROOF CO. (I) LTD. | MR. P.K. CHAUDHURI |
| | | MR. ASHOK KR. CHAKRABORTY |
| | | MR. BISWANATH GHOSH |
| 4. | YOOIL INFRA | MR. SOURISH SINGHA |
| 5. | L&T | MR. ALOKE DAS GHOSH MR. SIVA PRASAD RANTALA |
| 6. | MCNALLY BHARAT ENGG.CO.LTD | MR. S.GOSWAMI |
| 7. | TATA PROJECTS LIMITED | MR.SANTANU BANERJEE |
| 8. | JMC PROJECT (I) LTD | MR. SUPRIYO GHOSH |
| 9. | T.S.M. CONSTRUCTION | MR. TARUN DAWN MR. SOMNATH ROY |

Records of discussions held in the 2nd Bidders' Conference on the tender packages of civil works to be undertaken in the 1st Phase (within 18 months) of WBMIFMP, held at Ground Floor Jalasampad Bhavan on 19th November 2018.

Project Director, WBMIFMP took the chair. Apart from the project officials and Consultants, 31 bidders participated in the Conference. List is at Annex.

2. The prospective bidders were given a brief introductory note through a Power Point Presentation, by the Joint Secretary (Works), IWD highlighting the background of the project, its components, locations, phasing of implementation, institutional arrangement and also procurement regulations of the World Bank to be followed for the project.

3. It was pointed out to the bidders that although the project profile already shared with the bidders captured all the major activities relating to civil works to be taken up under the project over a period of five years, IWD is more concerned for the time being on the activities to be taken up during the first 18 months' period under Phase-I, as these are to be tendered, preferably by November 2018. It has been stated that all these activities would be in flood management sector and the works in irrigation sector would be taken up in Phase II. The total estimated cost for Phase I works has been assessed as around Rs.950 Crore by the IWD. Out of these works, three relatively big size packages having aggregate estimated cost of around Rs.627 Crore (individual package cost varying from Rs.190 Crore to Rs.236 Crore) have already been finalized by the IWD after the 1st round of bidders' conference on 4th October 2018 at Jalasampad Bhavan, where 8 big construction companies participated from all over the country. Remaining works of aggregate value of Rs.323 Crore envisage desiltation of two drainage channels, i.e. Mundeswari River and Madaria Khal. Joint Secretary (Works), IWD, accordingly pointed out the focal issue of discussion in this Bidders' Conference would be on these desiltation works. The salient features of the bidding procedure and procurement regulations narrated by him for appraisal of the bidders, have been stated below: -

- With a view to ensure equal opportunity, competitiveness, and wider participation, it has been decided to invite bids in packages with one package at any particular date and each package comprising multiple slices (upto 3 under any package). It was clarified that any bidder can submit bids for any number of packages or in any or all slices under a particular package, subject to fulfillment of required financial and technical criteria which would be specified for individual slices and to be aggregated for such number of slices for which the bidder prefers to submit bids. Tentative indication on package cost including value of slices thereunder, prepared on the database of average annual construction turnover and experience of completing similar works, was disclosed to the bidders and specific suggestions were sought on such packaging/slicing.
- All procurement for works would be carried out using the Standard Bidding Document of the World Bank (sample of which has already been shared with the prospective bidders), in accordance with the Procurement Regulation for IPF Borrowers July 2016 revised November 2017 and August 2018.
- Single stage two envelope bidding using NIC's e-procurement platform would be adopted. Contracts would be of item rates type. The BOQ would only contain description and quantity of items and bidders would be required to quote rates against individual items. All bids for works would be evaluated by the Bid Evaluation Committee at the SPMU Level or by the Departmental Bid Evaluation Committee (depending on the variation of the bid price from the estimated cost). Technical proposals would be evaluated first, to be followed by the evaluation of the financial proposals of technically qualified and responsive bidders. The Project Director, SPMU would accept the bids as per recommendation of the Bid Evaluation Committees, subject to obtaining clearance of the World Bank at both the stages of technical and financial evaluation, in "prior review" cases, (i.e. in cases of contract value equaling or exceeding USD 10 Million, or Rs 70 Crore approx.), before acceptance of bids.

- Contract period would be 8 (eight) months for all desiltation packages, expectedly from November 2019 to June 2020.
- IWD would engage The Project Management Consultant (PMC) and the PMC headed by its Team leader would be in charge of the Construction Management including quantity control, supervision, progress monitoring etc. However, the measurements would be taken in presence of (a) the authorized representative of the Team Leader (Team Leader maybe referred as the Project Manager or the Engineer also, having same connotation / meaning / responsibility) (b) the authorized representative of the Deputy Project Director / Executive Engineer in charge of the concerned DPIU. (C) the authorized representative of the contractor with due acknowledgement & authentication.
- Considering excavation under dry condition, relevant items of works have been taken mostly from the latest Schedule of Rates of IWD/PWD (both updated upto 2018 price level). Disposal of the desilted materials would have to be made as per the broad-based disposal plan formulated by the IWD within a maximum distance of 10 km from the worksite on lands /as per modalities for disposal identified so far by the IWD, subject to site specific modifications. Some disposal may have to be made in private lands within a maximum distance of 5 km, for which land is to be arranged by the agency. Accordingly, rates for item of disposal have been separately analyzed by the IWD.
- The Contractors would be required to follow the Code of Conduct for Environmental, Social, Health & Safety during execution of works as mentioned in the Standard Bid Document. While the responsibility of vacating the structures of encroachers, squatters and occasionally legal title holders would lie with the IWD and the same would be done by implementing Resettlement Action Plan (RAP) for the Project Affected Families (PAFs), before commencement of field works, the contractors may be required to undertake nominal temporary resettlement , shifting of utilities, temporary occupation of land for storing of materials, movement of plant and machinery, cutting of trees and similar activities covered under Environmental Management Plan. These items would be paid to the contractors out of “Provisional Sum” of certain fixed amount as specified in the BOQ. No government land would be available for constructing labour camp or site office of the contractors
- Apart from insurance for workers, plants and machinery, the contractors would have to insure the work as a whole during the entire contract period as well as the defect liability period against natural calamities like floods. Cost of all insurances should be covered within the rates quoted by the contractors.
- Eligibility Criteria as per World Bank’s norms are: -
 - The requirement of the minimum “Average Annual Construction Turnover” (AACT) during last five financial years should be at least 100% of the estimated contract price.
 - “Specific Construction & Contract management Experience” requires at least one completed or substantially completed (80%) contract during last five financial years, having value not less than 80% of the estimated value of the slice or package for which bid would be submitted. Same credential for similar works can be considered for multiple slices under any particular package subject to fulfillment of the aggregate requirement of all such slices by that single work credential.
 - Also, the Minimum Construction Experience in the key items of works (having record of substantial completion in the last five financial years) should not normally be less than 80% of the quantity of the corresponding items in the BOQ of the Proposed Works Contract.
- For further clarity about similarity, the example of the activity “Earthwork in desiltation” was detailed. It was stated that the earthwork of all kinds e.g. excavation, de-siltation or dredging of river , channel/canal/reservoirs/ big ponds (having area >10 hectare), and earthwork in making or

repairing riverine/coastal/ channel/canal/ dam/ barrage/ road/rail embankments. may be considered as the similar work to the “Earth Work in de-siltation” excepting the earthwork in foundation of structures..

- The concept of the available “Bid Capacity” with its formula for assessment in the Standard Bidding Document was also informed to the audience.
- Tender documents could be downloaded on payment of the specified cost to be transferred through RTGS/NEFT.
- Bid Security @ 2% of the estimated cost of BOQ is to be normally provided by the bidders in the form of unconditional Bank Guarantee(BG)/ Letter of Credit/Demand Draft/Banker’s Cheque. This can also be paid through RTGS/NEFT. However, the World Bank prefers that the modality of such submission should be unique without any alternative option i.e. either RTGS or BG. Performance Security @10% of the contract price is also to be deposited by the contractor through BG, within the stipulated period from the date of contract agreement signing. The BG should remain valid till 28 days after issue of completion certificate.
- In addition to the Performance security stated above, retention money @6% from progressive bills, subject to a maximum of 5% of the contract price would be withheld till completion of the whole work, half of which may be returned after issue of completion certificate and the balance amount after expiry of the defect liability period.
- Mobilization advance (interest free) @5% of the contract prices may also be allowed against BG.
- There would be no price adjustment during the contract period.

4. During the course of the brief appraisal session participants took note of the salient points and put their queries at the instant time. The Joint Secretary (Works) has satisfactorily responded to their queries with adequate clarifications.

5. Once the presentation followed by the doubt clearing session was over, bidders, one after another, posed several requests, mainly relating to relaxation of credential criteria so as to enable them to participate and become responsive in the procurement process. Quite often, same or similar requests/ suggestions were put forward by a number of bidders. These are summarily jotted down below:

- On number of packages and estimated value of slices in any package
(Raised by 18 out of 31 bidders, vide Sl.No. 4,5,6,7,8,9,11,12,14,15,16,17,19,20,22,23,24,25 &26 at Annex)

Desiltation works in channels in general over a large stretch and associated disposal in particular require a strong managerial set up with experienced personnel adept in handling the technical, logistics and various local issues. Transportation of earth by trucks using the existing local road infrastructure is not an easy task due to narrow width of roads and congestion of all sorts of traffic as well as presence of buildings, hutments, shops, marketplaces along road side, often encroaching the ROW of such roads. Extensive interaction with stakeholders including affected persons and peoples’ representatives at the grassroot level is to be carried out to sort out day to day problems where even Client’s interventions fall short of the required measures. This can be best done by the agencies who have successfully completed works of similar nature under similar site conditions. Considering the limited timeframe, it would be rather difficult for the bigger agencies outside the State to first get familiarized with the local dynamics and then to complete the work. This has been proved in case of big package contracts for reconstruction of Sundarbans Embankments in 2011-12, when not a single big value contract could be completed by the big agencies on the plea of land related disputes. Ultimately, the local agencies had to be engaged by the IWD by splitting the original packages (Rs 100 crore or more) to smaller size packages (upto Rs 25Crore), who had subsequently completed the works. On the other hand, Big size agencies, in view of the need of deployment of a huge number of machinery and setting up of a number of site establishments to start and continue the works simultaneously along the entire stretch, would tend to sublet the works to the local agencies by keeping their own profit margin. Feelers in this regard have already been sent to the local agencies. Such subletting may lead to higher cost to the government and at the same time may affect the quality of works. Obviously, the small bidders are at an advantageous position, towards timely execution of the project at competitive costs and IWD should rely on them in

view of their past credential of successful completion of similar works in more adverse conditions. Accordingly, the packaging and slices should be made in such a way that adequate number of bidders can compete with big players with equal opportunity. Value of slices ranging from Rs 5 Crore to 20 Crore would be quite comfortable for the small bidders, subject to relaxation of a few criteria.

- On relaxation of stipulated criteria

- Average Annual Construction Turnover(AACT).

(Raised by 13 bidders, vide Sl.no. 4, 8, 11, 14, 15, 16, 17, 18, 19, 22, 24 & 25)

In view of the fact that most of these agencies have credential of completion of work of value even higher than the average annual turnover and further considering that the cash flow for these works spanning in two financial years should not be a major problem as IWD payment system is quite consistent and there has not been any problem on delayed payment since last couple of years, fixing the AACT as 100% of the estimated contract value would be a deterrent for wider participation and it should be brought down to 60%.

- Completion value of similar works

(Raised by 10 bidders, vide Sl.no. 4, 8, 11, 15, 17, 18, 19, 22, 24 & 25)

Considering that prescribed requirement of having the value of completed works as 80% of the estimated contract value is too restrictive, it should be brought down to 60% to ensure wider participation.

- Requirement of quantity of relevant items to ascertain similarity of works

(Raised by 13 bidders, vide Sl.no. 4, 6, 11, 12, 14, 15, 18, 19, 20, 22, 23, 26 & 29)

Usual quantity requirement of relevant items of works shown as specific experience as 80% of the corresponding items in the BOQ would deprive almost all these agencies. The request/ proposal was to keep it restricted within 50%.

- Requirement of bid capacity

(Raised by 12 bidders, vide Sl.no. 4, 8, 11, 12, 15, 17, 19, 20, 22, 23, 24 & 29)

Usual requirement of bid capacity using World Bank's formula shown in the Standard Bidding Document would deprive nearly 40% of the bidders from competing in the range they would have otherwise qualified and getting requisite number of bidders for packages in the range between Rs 8 crore to Rs 20 Crore may be difficult, not to speak of the higher range. Again considering the fact that the agencies are likely to be entitled to monthly payments in the instant cases, which is supported by excellent payment records on the past occasion by the IWD, assessed bid capacity as per World Bank's formula should further be multiplied by a factor of at least 1.25.

- Other issues suggested individually and collectively

- The requirement of having prescribed percentages of completion value and quantity of relevant items through 1 work credential may be allowed to be met through 2 separate works, each having at least 50% of the total required values/ quantities so that the total requirement can be met on aggregation of these two works.

- Bid security may be allowed to be submitted in either BG or RTGS/NEFT mode and both the provision should be kept in the RFB. While the bigger firms, e.g. Simplex Projects Ltd preferred BG mode, many other bidders advocated for RTGS/NEFT.

- Considering that the desiltation works are scheduled to be completed just before the monsoon season, fresh silt may be deposited in the channels during the freshet flow, even after desilting as per designed section of the channels. As such, the duration of defect liability period should be ascertained carefully to avoid disputes between the Client and the Contractor and it should not exceed six months.

6. After threadbare discussion on the procurement norms of the World Bank, it was opined by the Chairman that certain criteria of eligibility cannot perhaps be negotiated. However, he assured to take

up the issues with the World Bank by documenting these in the Project Procurement Strategy for Development (PPSD)&inform the bidders about the decisions of the Bank which would be final and binding on all.

7.The Jt. Secretary (Works) also encouraged the participants to send any further queries to the email address: - ce.pd.wbmifmp@gmail.com

8.The meeting ended with thanks to & from the Chair.

(S.K. Laha)
C. E & P. D
Irrigation & Waterways Directorate
Government of West Bengal

**ATTENDANCE SUMMARY OF 2ND BIDDERS' CONFERENCE IN CONNECTION WITH
WBMIFMP HELD ON 19/11/2018 AT JALALASAMPAD BHAVAN, SALT LAKE**

| Sl No. | NAME OF COMPANY / AGENCY | NAME OF PARTICIPANTS |
|---------------|--------------------------------------|-----------------------------------|
| 1. | N.N.T. DEVELOPERS PVT. LTD. | MR. ASHOK KUMAR |
| 2 | T.S.M. CONSTRUCTION | MR. TARUN DAWN MR. SOMNATH ROY |
| 3. | SIMPLEX PROJECT LTD. | MR. AMARNATH SINGH |
| | | MR. SANTONU CHAUDHURY |
| | | MR. MANISH DAGA |
| 4. | K.G.N. ENTERPRISE | MR. BUDEV KR. KOR |
| 5. | KUSHAL POLYSACKS PVT. LTD. | MR. ALOK PODDAR |
| 6. | G.P.T. INFRAPROJECTS LTD. | MR. BIKASH SAHA |
| 7. | CHAKRABORTY CONSTRUCTION | MR. AMIT CHAKRABORTY |
| 8. | M/S ASHIS DHAWA | MR. ASHISH DHAWA |
| | | MR. DILIP LAYA |
| 9. | DREDGING & DESILTATION CO. PVT. LTD. | MR. S.S. SARAOGI |
| 10. | BRIDGE & ROOF CO. (I) LTD. | MR. P.K. CHAUDHURI |
| | | MR. ASHOK KR. CHAKRABORTY |
| 11. | M/S KAYAL CONSTRUCTION | MR. BALAI CHANDRA KAYAL |
| 12. | M.S.A. CONSTRUCTION PVT. LTD. | MR. NIKHILESH KR. MISHRA |
| 13. | REACH DREDGING LTD. | MR. APURBA KR. SARMA |
| 14. | M/S SUBRATA GHOSH & CO. | MR. RAJA MITRA |
| 15. | ROAD & ROOF PROJECTS | MR. BARUN KR. GUHA |
| | | MR. AMLAN GUHA |
| | | MR. ABHISHEK GUHA |

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| 16. | SOHOM SHIPPING | MR. SUBRATA HAZRA |
| 17. | TUMPA ASSOCIATES | MR. AMIYA KANTI MAKAL |
| 18. | G.S. CONSTRUCTIONS CO. | MR. ABHIJIT CHATTOPADHYAY |
| | | MR. BISWANATH GHOSH |
| 19. | M/S SUJOY KRISHNA JANA | MR. SUJOY KRISHNA JANA |
| | | MR. ASHIM SAMANTA |
| 20. | M/S D.K. MONDAL | MR. JAGADISH CHANDRA MAITI |
| 21. | YOOIL INFRA | MR. SOURISH SINGHA |
| 22. | RUDRA & CO. | MR. SUBHENDU BHATTACHARJEE |
| | | MR. TRIDIP KR. RUDRA |
| 23. | M/S MAITY & CO. | MR. RABINDRANATH MONDAL |
| 24. | M/S NIYATI CONSTRUCTION | MR. ASHIM KUMAR DAS |
| 25. | A.K.L. INFRACON PVT. LTD. | MR. ARUP SOM |
| 26. | M/S S. GHOSH ASSOCIATES PVT. LTD. | MR. UTTAM GHOSH |
| 27. | BIL INFRA TECH LTD. (BINANI GROUP) | MR. S. BISWAS |
| | | MR. P. CHAKRABORTY |
| 28 | M/S HILSA ENTERPRISE | MR. AKASH SAW |
| 29 | M/S S. DASCON ENTERPRISE | MR. ANUPAM SAHA |
| 30 | M/S SISL INFOTECH PVT. LTD. | MR. SAIKAT GHOSH |
| 31 | M/S EMI INFOTECH | MR. PARIKSHIT DAS |