



भारत सरकार
Government of India
जल शक्ति मंत्रालय
Ministry of Jal Shakti
जल संसाधन, नदी विकास और गंगा संरक्षण विभाग
Department of WR, RD&GR
केन बेतवा लिंक परियोजना प्राधिकरण
Ken Betwa Link Project Authority



वसुधैव कुटुम्बकम्
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No: KBLPA/2023/ACO(HW)/581-93

Date: 04.08.2023

Sub :- **Minutes of 2nd meeting of Tender Evaluation Committee (TEC) for EPC Tender of Daudhan Dam for KBLPA held on 28th -29th July, 2023 at Bhopal.**

2nd meeting of Tender Evaluation Committee (TEC) for the EPC Tender of Daudhan Dam for KBLPA was held on 28th and 29th July, 2023 at KBLPA Head Office, 2nd floor, Visvesvarya Bhavan, Kolar Tiraha, Bhopal.

Minutes of meeting duly approved by the Chief Executive Officer, KBLPA are enclosed for kind perusal and further necessary action.

Encl : As above.

R.K. Mishra
04/08/23

(R.K. Mishra)
ACEO (HW), KBLPA

Copy to :-

1. The Chief Executive Officer, KBLPA, New Delhi.
2. The Engineer-in-Chief/HOD, I&WRD, Govt. of U.P., Lucknow.
3. The Engineer-in-Chief, WRD, Govt. of M.P., Bhopal.
4. The Chief Engineer, PAO, CWC, New Delhi.
5. The Joint Secretary & Financial Advisor, DoWR, RD&GR, Ministry of Jal Shakti, Govt. of India, New Delhi.

Special Invitee:

1. The Chief Engineer, BODHI, WRD, Govt. of M.P., Bhopal.
2. The Additional Chief Executive Officer (HQ&P), KBLPA, Lucknow.
3. Shri P.K. Saxena, Consultant, KBLPA, Bhopal.
4. The Executive Engineer, KBLPA, Bhopal.

Copy for kind information to:-

1. The Additional Chief Secretary, WRD, Govt. of Madhya Pradesh, Bhopal.
2. The Member (WP&P), CWC, New Delhi.
3. The Principal Secretary, I&WRD, Govt. of Uttar Pradesh, Bapu Bhawan, Lucknow.
4. The Senior Joint Commissioner (BM), DoWR, RD&GR, New Delhi.

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MINUTES OF THE SECOND MEETING
OF THE TENDER EVALUATION COMMITTEE

The second meeting of the tender Evaluation Committee was held on 28-29 July 2023 at KBLPA Headquarters, Bhopal. The list of participants is annexed.

At the outset, the CEO, KBLPA welcomed the participants and apprised the Committee the development in planning and layout of the Daudhan dam since 1st meeting of TEC. In a meeting taken by the Secretary DoWR, RD&GR with Central water Commission on 30.6.2023, it has been decided to adopt a central spillway in place of left bank spillway, for speedy construction, better flood diversion and silt management. Subsequently, two such options with central spillway proposed by CWC were discussed by TAG in its fourth meeting held on 19.07.2023 and it was decided to adopt left flanking structure as concrete NoF blocks and right flanking structure as earthen dam in the upcoming EPC tender for Daudhan Dam. Further, in the meeting of the stakeholders, held in Bhopal on 22 July 2023, a number of queries have been received for consideration. After considering the recommendations of the TEC in its first meeting held on 6th July, 2023 and the suggestions received during the second stakeholders meeting, the TAG, in its fifth meeting, decided to make some modifications in the Tender documents. The same were incorporated and placed for the approval of the TEC in the present meeting.

1. Compliance of the recommendations of the TEC in its first meeting

The ACEO(HW) presented the salient changes brought in the Tender document. It was brought out point by point that the tender has been fine-tuned as the recommendations of the TEC given in its first meeting. The tender has also been checked with the guidelines of the Deptt of Expenditure in this regard.

2. Working Hours at site in the Tender

The issue of clarity in the working hours at site in the tender document in light of the relevant conditions of PTR was discussed. It was brought out that under para 25 of the GCC provision has been stipulated that *“The Contractor is authorized to work from 6 AM to 6 PM, seven days a week, subject to Indian laws and regulations and guidelines of the Panna Tiger Reserve MoEF&CC, without any additional cost to the KBLPA”*. It was also informed that the PTR has been approached to allow some of the non-interfering activities 24 x 7. After deliberations, it was

decided that a para may be added to this clause that **“The KBLPA has approached the PTR authorities to permit some of the “non-interfering, minimal noise construction activities” on the project area on 24 x 7 basis. However, any decision on this request is at sole discretion of the PTR and the KBLPA shall remain under no obligation to obtain such approval nor be liable for any claim whatsoever, if the request for allowing non interfering activities is not granted by the PTR authorities”**”.

3. Reduction in Bid Security from Rs. 50 crores to 10 crores.

It was brought out that this is a unanimous demand from the bidders on the ground that in an EPC contract, the bidder invests significantly to ascertain the risk and costs and usually only serious bidders submit their bid. It was brought out that Govt of MP as well as NHPC are presently following the practice of limiting the bid security of EPC tenders to 10 crores, which itself is not an insignificant amount. In light of these facts, the TEC agreed to keep a bid security of 10 crore for this work.

4. Reduction in Bank Guarantee from 5% to 3%

It was brought out that DoE, vide OM dated 03.04.2023 has modified the rule 171(i) of GFR 2017 to bring down performance security from 5-10% to 3-10%. Considering the high value contract and the fact that the QR have been made to ensure that only financially sound companies, the TEC decided to agree to the suggestions of the stakeholders to reduce the PBG from 5% to 3% which itself shall be to the tune of 120 crore. Additional PBG of 1% for the sub-contractors proposed to remain unchanged

5. Insurance to be reduced from 125% to 100% of the value

During the second stakeholders meeting there was a demand for such reduction because of the fact that insurance companies are not ready to accept insurance beyond the value of the works. Upon deliberations, it has been brought out that such a clause is at the sole discretion of the owner with no guidelines available from DoE in this regard. The TEC considered this demand to reduce the insurance from 125% to 100% as genuine and accepted the same.

6. Payment For Variation with GBR in the absence of Contingencies

The TEC was informed that there has been a unanimous demand from the bidders that in view of no provision for contingencies, the geological data provided with bidding document should be made as "Geological Baseline Report" (GBR) for designing the structures at bidding stage and any variation to this during detailed engineering and execution stage shall be suitably compensated since bidder is in no position to carry out their own investigations during bidding stage.

The matter was deliberated by TAG during its 5th meeting held on 25th July, 2023. It was brought out that the variations in the geology of the tunnel, being smaller in length, shall not be significant with respect to the baseline geology. It is only the dam foundation, which may require this consideration. It was also brought out that in the excavation of dam foundation of this magnitude, about 3% variation should be considered as normal as discussed in 5th meeting of the TAG. After detailed deliberations, TEC, as recommended by TAG, found it appropriate to include such provision ONLY for the concrete dam portion and insert a para as below:

“The competent rock line of the foundation of concrete dam portion as depicted in the plate No 1.8 of Volume 1 – Profile is based on the investigation carried out in the DPR stage and shall be treated as a geological baseline of the concrete dam portion. During execution, the foundation level of each block shall be fixed and approved by the KBLPA in consultation with the representative of Geological Survey of India or any other expert appointed by KBLPA. Some variation in the foundation level of various blocks with respect to the geological baseline of the concrete dam foundation cannot be ruled out.

If, because of the variation in actual competent rock levels fixed by the geologist with respect to the geological baseline of the concrete dam foundation, the total quantities for excavation and concreting in the concrete dam foundation are found to vary beyond $\pm 3\%$ with the estimated quantity, the amount payable to the contractor shall be for the actual quantities executed at the rates stipulated in the Bill of Quantities (BoQ) incorporated in the Contract. However, no extra payment or deduction shall be made if such variation falls within $\pm 3\%$ of the estimated quantities.

7. The criteria for Blacklisting / debarment

It was brought out that some of the bidders have demanded that the provision of disqualification of the bidders because of been banned/ de-listed/ black listed/ debarred from business by any PSU/any Government Department during last 05 (five) years on the ground of corrupt or fraudulent or collusive or coercive practices should not be made applicable if the above said action were not in force on the last day of submission of the bid.

The TEC decided to adopt the provisions of the Model Tender Document for Procurement of Goods, published by Department of Expenditure, Ministry of Finance in this regard.

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8. Reduction in Bid Validity Period

It was brought out that there is a unanimous demand to reduce the Bid Validity Period from 270 days to 180 days with validity of Bid Security reduced to 60 days instead of 180 days. TAG recommended to retain 270 days and reduce validity period of bid security to 90 days (A total of about 1 year). After deliberations, the TEC endorsed the recommendation of the TAG.

9. Joint Venture

The TEC decided that for the purpose of the qualification requirement, it should be clearly mentioned that the quantity of earthwork or concreting which the bidder participated as a joint venture member or sub-contractor, only the bidder's share, by value, shall be considered to meet this requirement in pursuance to para 3.3.6 of the Manual of Procurement of Works, June 2022

10. Appending Risk Matrix in the document

The TEC decided to suitably append the risk matrix as recommended in para 3.2.5 (EPC contracts) of the Manual of Procurement of Works, June 2022

11. Force Majeure

The TEC decide to amend the para 24.2 (vi)(d) of the GCC (Force Majeure) to the extent that "Terrorist action within the state of MP and the districts of Uttar Pradesh adjoining the Bundelkhand area which may be affecting the Works at Site or any component thereof". As one of the Force Majeure

12. Interest Rate on Advance

The TEC decided that the interest rate on advances to the contractor shall be "*Long term (three years) MCLR of SBI*" instead of "*Long term (three years) MCLR of SBI +150 basis points*", as applicable on the Base Date, charged on monthly rest basis. Para 31.1 of the GCC shall be revised accordingly

13. Additional items in the scope of the contractor

The TEC, after deliberations decided that following items may be included in the scope of works

- a. Instrumentation of the dam as per CWC manual on Instrumentation
- b. The spillway gates shall be SCADA operated
- c. The three high mast security towers around the dam complex.

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14. Weightage for the past work

The TEC decided that in line with the model tender document, the value of works done by the contractor shall be given weightage of 7% per year instead of 6% per year, to bring the same to the current price level.

15. Removal of Form CW-2

The TEC decided that in view of the compartmentalization of the price bid, the Form CW-2 is not necessary and shall be removed.

16. Modification In Qualifying Requirement

The TEC was informed that because of the change in type of dam from Embankment to concrete, the quantities for earthwork have been substantially reduced while that of concreting has been increased. In view of changes in quantities, following is the revised QR proposed in Para 3.1.2 – Specific Experience of ITB which was accepted by the TAG

- 1) Gross combined excavation reduced from 6 lakh cum to 4 lakh cum
 - 2) Gross combined earth filling reduced from 40 lakh cum to 20 lakh cum
 - 3) Gross combined concreting increased from 6 lakh cum to 9 lakh cum. However, as recommended by TAG, a minimum of 3 lakh cum of concreting should have been carried out in any the year.
17. As suggested by TAG in its 5th Meeting, TEC also decided to retain idle charges compensation at the level of 10 percent of average turnover during last 3 months.

The TEC recommended that with the above modifications, the tender document is found to be in order and may be floated

The meeting ended with the vote of thanks to the chair.

B/lu