



Eligibility and Qualification Criteria			Compliance Requirements				Documentation
No.	Factor/ Sub-Factor	Requirement	Single Entity	JV/Consortium (existing or intended)			Submission Requirements
				All Parties Combined	Each Member	One Member	
<b>3.2(b) Contract Non-Performance and Litigation</b>							
<b>Contract Non-Performance</b>							
3.2(b) (i)	History of Non-Performing Contracts	Non-performance of a Contract <sup>(i)</sup> did not occur as a result of Contractor's default since 1 <sup>st</sup> January 2020 up to 28days prior to the Bid submission deadline.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON
<b>Litigation</b>							
3.2(b) (ii)	Pending Litigation	All pending litigation against the Bidder, as on 28days prior to the Bid submission deadline, shall in total not represent more than one hundred percent (100 %) of the Bidder's net worth and shall be treated as resolved against the Bidder.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON



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3.2(b) (iii)	Litigation History	No consistent history of court/arbitral award decisions against the Bidder <sup>(iii)</sup> since 1 <sup>st</sup> January 2017 up to 28days prior to the Bid submission deadline.	Must meet requirement <sup>(ii)</sup>	N/A	Must meet requirement <sup>(ii)</sup>	N/A	Form CON

**Notes for the Bidder:**

- (i) Non-performance, which is basically termination of the Contract as decided by the Employer, shall include all Contracts:
  - (a) where non-performance was not challenged by the Contractor, including through referral to the dispute resolution mechanism under the respective Contract or by written representation/appeal to the Employer, and
  - (b) that were so challenged but fully settled against the Contractor.

Non-performance shall not include Contracts where Employer’s decision was overruled by the dispute resolution mechanism. Non-performance must be based on all information on fully settled disputes or litigation, i.e. dispute or litigation that has been resolved in accordance with the dispute resolution mechanism under the respective Contract and where all appeal instances available to the Bidder have been exhausted.
- (ii) This requirement also applies to Contracts executed by the Bidder as a JV/Consortium member.
- (iii) The Bidder shall provide accurate information on the related Bidding Form about any litigation or arbitration against the Bidder resulting from Contracts completed or ongoing under its execution since 1<sup>st</sup> January 2017 up to 28days prior to the Bid submission Deadline. A consistent history of awards against the Bidder may result in rejection of the Bid.



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<b>3.2(c) Financial Situation</b>							
3.2(c) (i)	Financial Performance	<p>Details in Form FIN-1 shall be provided in reference to the audited balance sheets or, if not required by the laws of the Bidder's country, other financial statements for the last three (3) years and must demonstrate the current soundness of the Bidder's financial position and indicate its prospective long-term profitability.</p> <p>As the minimum requirement, a Bidder's net worth is calculated as the difference between total assets and total liabilities and should be positive in the last year and for at least two (2) years during the last three (3) years.</p>	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN-1



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3.2(c) (ii)	Average Annual Construction Turnover	Minimum average annual construction turnover of INR3,400Crores (INR34 Billion) calculated as total certified payments received for contracts in progress and/or completed within the last three (3) years and divided by three (3).	Must meet requirement	Must meet requirement	Must meet twenty-five percent (25%) of the requirement	Must meet fifty percent (50%) of the requirement	Form FIN-2
3.2(c) (iii)	Bankruptcy/ Insolvency and Debt Restructuring	The Bidder shall not have suffered bankruptcy/insolvency during the last three (3) years from the date of deadline of submission of this Bid, and  1. The Bidder shall have neither obtained debt restructuring in the immediately preceding three (3) years from the date of deadline of submission of this Bid nor have applied for it (as on the date of deadline of submission of this Bid) and shall not be currently in the process of corporate debt	Must meet requirement	N/A	Must meet requirement	N/A	Form FIN-3



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		restructuring, Or if 2. The Bidder has obtained debt restructuring in the immediately preceding three (3) years from the date of deadline of submission of this Bid or has applied for it or are currently in the process of corporate debt restructuring (as on the date of deadline of submission of this Bid), the Bidder shall open a dedicated "Trust & Retention account" (T & R account) in consultation with the Employer. Contractor shall submit a certified list of vendors/suppliers/sub-contractors/ consultants, associated and engaged for the execution of the contract work. Bank will make payments on instruction of the Contractors to pre-certified vendors/suppliers/sub-contractors/ consultants only. The funds will be					



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		paid in the designated currency to Trust and Retention account only. The Contractor shall not divert the funds for the purpose(s) other than the intended purpose(s).					



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<b>3.2(d) Experience</b>							
3.2(d) (i)	General Construction Experience	Experience under construction contracts in the role of prime Contractor (single entity or JV/Consortium member), or Subcontractor, or Management Contractor <sup>(i)</sup> since 1 <sup>st</sup> January 2017 up to 28days prior to Bid submission deadline.	Must meet requirement	N/A	Must meet requirement	N/A	Form EXP-1
3.2(d) (ii)	Specific Construction Experience	A minimum similar work <sup>(ii)</sup> -that has been satisfactorily and substantially <sup>(iii)</sup> completed as a prime Contractor (single entity or JV/Consortium member) <sup>(v)</sup> between 1 <sup>st</sup> January 2012 and 28days prior to the Bid submission deadline.	Must meet requirement	N/A	N/A	Lead Member must meet requirement	Form EXP-2 (a)



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3.2(d) (iii)	Construction Experience in Key Activities	<p>For the above or other contracts completed and under implementation as prime Contractor (single entity or JV/Consortium member), or management contractor or subcontractor<sup>(vi)</sup> between 1<sup>st</sup> January 2012 and 28 days prior to Bid submission deadline, a minimum experience in the following key activities should be successfully completed.</p> <p><b>Key Activities:</b></p> <p>(a) Construction of tunnel by NATM and/or Drill and Blast method for rail/metro rail/road - minimum 2000m length having finished cross-sectional area of 40sqm or more.</p>	<p>Must meet requirement (can be a specialist sub-contractor<sup>(vii)</sup>)</p>	<p>Must meet requirement (can be a specialist subcontractor<sup>vii)</sup>)</p>	N/A	N/A	Form EXP-2 (b)





**Notes for the Bidder**

- (i) A management contractor is a firm that does not normally perform directly the construction work associated with the contract. Rather, it manages the work of other (sub) contractors while bearing full responsibility and risk for price, quality and timely performance of the work contract.
- (ii) Similar work would mean the following activity:
  - a. Construction of tunnel by TBM for rail/metro rail/road of minimum 5000m length in a single contract having finished internal diameter of 5.5m or more.  
OR
  - b. Construction of tunnel by TBM for rail/metro rail/road of minimum cumulative length of 7700m in two contracts having finished internal diameter of 5.5m or more.  
OR
  - c. Construction of tunnel by TBM for rail/metro rail/road of minimum cumulative length of 9000m in three contracts having finished internal diameter of 5.5m or more.
- (iii) Substantial completion shall be based on 80% or more payment received under the contract.
- (iv) *[Not Used]*
- (v) For contracts under which the Bidder participated as a JV/Consortium member, only the Bidder's share shall be counted to meet this requirement
- (vi) For contracts under which the Bidder participated as a JV/Consortium member or Subcontractor, only the Bidder's share shall be counted to meet this requirement.
- (vii) In case the construction experience in key activity 3.2(d)(iii) is being met by a specialist subcontractor, then in addition to Form ELI-2 and EXP-2(b), the undertaking from specialist subcontractor, for willingness to associate with the bidder, shall be submitted without which specialist subcontractor's experience shall not be considered.



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<b>3.2(e) Financial Resources</b>							
3.2(e)	Financial Resources	(i) The Bidder shall demonstrate that it has access to, or has available, liquid assets, unencumbered real assets, lines of credit, and other financial means (independent of any contractual advance payment) sufficient to meet the construction cash flow requirements estimated as INR2900 Million for the subject contract(s) net of the Bidders other commitments, as on 28days prior to the Bid submission deadline.	Must meet requirement	Must meet requirement	Must meet 25% of the requirement	Must meet 40% of the requirement	Form FIR-1
		(ii) The Bidder shall also demonstrate, to the satisfaction of the Employer, that it has adequate sources of finance to meet the cash flow requirements on works currently in progress and for future	Must meet requirement	Must meet requirement	N/A	N/A	Form FIR-1, FIR-2 and Annexure to Form FIR-2



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		contract commitments, as on 28days prior to the Bid submission deadline.					

### 3.3. Result of Evaluation

All Bids that have passed this stage of the evaluation will proceed to the next stage.