

- (a). The EGOM, in its meeting dated 5th December 2005, desired that the IMG should undertake an independent review of the evaluation conducted by the Consultants and also directed that no change should be made in the evaluation criteria as stipulated in the RFP documents. The consultants were asked to adhere to the RFP documents and award marks again. This exercise was carried out and the IMG found that even after adhering to the letter of the RFP documents, the deviation in the overall marking was insignificant and did not alter the ranking of the bidders.
- (b). DEA has obtained legal opinion and this indicates that there is no apparent conflict of interest between the evaluators and Government. Also in the case of the Reliance Consortium, the client of M/s ABN Amro is Reliance Industries Ltd. (Controlled by Shri Mukesh Ambani) and not ADA Enterprises (Controlled by Shri Anil Ambani) the bidder.
- (c). The detailed evaluation indicates that none of the bidders, evaluated as below the cut-off level, could be re-evaluated so that he crosses the qualifying mark. Doing so would stretch the limits of credibility.
- (d). The bid of the GMR consortium had been evaluated and it was unlikely that they would be disqualified in the event of a re-evaluation.
- (e). Thus only in the case of the Reliance consortium was there a measure of doubt. However, even in this case, the Consultant/Evaluator had given credible reasons for his assessment. Lowering their ranking was as much a subjective assessment as the original assessment by the Evaluators.
- (f). While it was always possible to differ with the Evaluator's assessment, this does not indicate any injustice or bias on the Evaluator's part. More so, since the bid of the Reliance Consortium still appears to be the second best.
- (g). The Evaluator had given a clear and unambiguous explanation for every assessment. He had also brought out, suo moto, every deviation from the RFP. This did not indicate any malafide on his part.
- (h). The GRC had been constituted to oversee the work done by the consultant and had found no evidence of bias or lack of equity in the assessment.
- (i). There is no certainty that re-evaluation by another group would bring about a different result. All indications were that at best a re-evaluation would eliminate one of the qualifying bidders and this would not improve matters.
- (j). It was not possible to ask the bidders to re-bid. It would violate the sanctity of the bidding process and would be open to challenge. At best the Govt. could scrap the entire tender and re-tender with fresh documentation.

Based on the above reasoning there were three courses open to the IMG:

- (a). The IMG could endorse the finding of the Evaluation Committee
- (b). The IMG could recommend the case of GMR only. This would mean that one airport would be without a bid as the same consortium cannot be given both airports;