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evaluation and award from AAI, but such an extraordinary step is not being contemplated.

5. It is also relevant to note here that the Terms of Reference (ToR) and Scope of Work of the legal consultants and the technical consultants (as approved by IMG/ EGOM) do not include evaluation. The ToR of the Financial Consultant does include evaluation but this can only mean provision of advisory/ consulting assistance to AAI, as distinct from the role of an evaluator. As the very nature of its assignment suggests, ABN Amro is meant to be *consulted* in its capacity as consultant; it is not a decision-maker and the role or responsibility of the government/ AAI cannot be delegated to it.

6. In view of the above, it is evident that (a) the responsibility and mandate for evaluation rests squarely with AAI; (b) there are no precedents in the government where bid evaluation has been withdrawn from the concerned CPSU/ statutory authority; and (c) there are no precedents in the government where bid evaluation has been outsourced to consultants. As such, bid evaluation in the present case should be undertaken by AAI, as specified in the RFP.

Conflict of Interest

7. An advertisement issued recently by ABN Amro indicated that it had six large clients in India. Two of them happen to be bidders for Delhi and Mumbai airports, and they have also turned out to be the only bidders selected by ABN Amro, the consultant. One of the bidders has lodged a formal complaint alleging that the successful bidders are clients of M/s. ABN Amro and M/s. Amarchand Mangaldas (Legal Consultant). Based on the above, a note on conflict of interest was circulated for consideration of the IMG (copy enclosed at Annex-I).

8. Given the aforesaid conflict of interest, some aspects of bid evaluation were examined with a view to assessing whether an element of bias existed. In particular, the offer of Bidder E was selected for closer scrutiny as it had crossed the threshold only by a few decimal points. Some of the findings are briefly noted below:

Evaluation for absorption of AAI employees

9. Key features of the Transaction are stated at pages 2-4 of the RFP document. It highlights only one element that would qualify for additional weightage in evaluation, viz. absorption of more than 40% of AAI employees in