

heads as well as the seven parameters have been specified in the RFP but no marks have been specified for individual factors under each parameter. However, the Consultants have chosen to divide the marks for each parameter equally among the factors, but an exception has been made for the two factors relating to HR Approach where marks have been split in the ratio of 3:1 instead of 1:1. This deviation is material because it has enabled Bidder E to qualify.

15. It may be noted that factor 3.1.1 inevitably involves a subjective evaluation while factor 3.1.2 enables an objective assessment based on quantitative responses. Moving the weightage significantly away from an objective parameter, which has been emphasised in the key features, is open to question.

16. The manner in which Bidder E has been given 8.44 marks (90%) out of 9.4 through a subjective determination under parameter 3.1.1, coupled with the shifting of weightage from parameter 3.1.2 to parameter 3.1.1, suggests that the approach adopted by the consultants is not just and fair, particularly because it does not conform to the RFP which assigns a significant weightage to absorption of AAI employees by the JVC.

17. Even if it were assumed that the percentage of marks awarded by the consultants remained the same, an equal distribution of marks between factors 3.1.1 and 3.1.2 (i.e. 6.25 marks for each factor) would have reduced the total marks given to Bidder E from 80.2 to 79.6, which would disqualify Bidder E.

18. Moreover, the impact of reduced marks for factor 3.1.2 has been further accentuated by awarding 50% marks for meeting the minimum prescribed criteria of absorbing 40% of the AAI employees. Logically, no marks should be given for meeting the minimum prescribed requirement since the alternative is disqualification. However, every bidder who has fulfilled the prescribed minimum has secured 1.55 marks out of 3.1. The balance left is only 1.55 marks and this is the total weightage that a bidder would get if he were to absorb 100% of the AAI employees. Thus the sole bidding criterion highlighted in the key features and having a material effect on employee welfare as well as AAI finances has been reduced to 1.55 marks out of 100, which seems contrary to the intent of AAI/ GoI, as reflected in the RFP document. This would also seem anomalous considering that a bidder who meets the mandatory requirement of