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the process would have to be owned and driven by AAI under the overall guidance of MoCA. For these reasons, the evaluation process is unlikely to be perceived as a fair and transparent exercise. The serious gaps noted above could invite legitimate criticism, and judicial intervention could also expose the entire process to risk. To prevent the process from being jeopardized and with a view to containing any possible damage, it may be prudent to set aside the evaluation report of the Consultants. Further, in terms of Rule 152 of the GF&AR, technical evaluation is required to be undertaken by the competent authority, which is AAI in this case. There seems no reason for overlooking this Rule, and that too without prior concurrence of the Department of Expenditure. AAI should, therefore, undertake this evaluation and submit its recommendations to the IMG. For this purpose, it may obtain such expert assistance as may be necessary.

41. Before concluding, it may be clarified that this note is primarily a comment on the bid evaluation process and should not be construed as a comment on the merits of any bid. In particular, the illustrations given above should not be viewed as an independent evaluation of any bidder. Nor is it being suggested that any particular bidder should be qualified or disqualified on the basis of above observations. The limited objective of these illustrations is to point out that the bid evaluation by consultants seems flawed on several counts and, therefore, deserves to be set aside. That would provide a clean slate for fresh evaluation of the bids without in any way pre-judging the outcome of such an evaluation.