

2.3 The GETE again met on 4<sup>th</sup> January, 2006 when ABN-AMRO's letter dt 3<sup>rd</sup> January, 2006 in reply to the queries raised was handed over to the GETE (Annexure-B). From this letter it appears inter-se weightage and marks to the sub-factors were finalized prior to assigning scores on the offers, but there was no categorical assertion that this was finalized before the exercise was started and kept sealed. We are only pointing out that since these inter-se weightages were not approved by the Government and kept sealed, the possibility of these being changed during the course of evaluation cannot be ruled out.

2.4 With all the papers made available to the GETE, the need for seeking further clarifications from the E.C. was not felt. Therefore, they were not invited for any further clarifications by the GETE.

### 3. Scrutiny of the evaluation procedure adopted by E.C.:

3.1.1 We (GETE) did not call for the technical bid papers nor perused the same. We also did not make any attempt for a fresh technical evaluation of the bids by assigning marks to the sub-criteria and sub-factors. Our attempt was to assess whether the E.C. had assigned weightages and marks in a logical and transparent manner to the sub-factors and whether there has been any bias in favour of or against any of the bidders while assigning marks. For this we relied upon the RFP and the mark sheets attached to the Note prepared for the Committee of Secretaries.

3.1.2 While examining the assignment of marks to the various bidders we kept in mind the issues raised by the members of the Inter Ministerial Group but we were not solely guided by their views. We also examined in a dispassionate way whether there was any flaw or bias in the exercise of subjectiveness while assigning marks to the different consortiums. Our observations in this matter are briefly given as under:-

3.1.3 The Global Consultants prepared ITREOI in January, 2004 which was approved by IMG in February, 2004 but the appointment of the Global Consultants was approved by