

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

1. **Only Class-1 Local suppliers** are eligible to bid for subject GeM bid.
Minimum Local Content required for qualifying a bidder as "**Class 1 Local Supplier**" is **60%**.
2. **PAYMENT TERMS:**
 - (a) **Main Supply:**

Payments shall be made to the Seller within 90 days (45 days for seller qualified and registered as MICRO or SMALL as per MSMED Act and 60 days for MEDIUM ENTERPRISES as per UDYAM Certificate only) of issue of consignee receipt-cum-acceptance certificate (CRAC) and on-line submission of bills (This is in supersession of 10 days' time as provided in clause 12 of GeM GTC).

Supplier has to provide Original Tax invoice, Packing List, LR/RR, CRAC, Insurance intimation, Guarantee Certificate, E-way bill (as applicable) for payment.

Provision of offline payment in GeM shall be utilized.
3. **TERMS OF DELIVERY:**

Terms of delivery shall be F.O.R. dispatch station. All dispatches shall be through Road Carriers on Freight Pre-Paid basis. Road Permit/ E-way Bill if required will be arranged by Supplier. Transit insurance shall be in the scope of supplier as per GeM. However, unloading of items at delivery point shall be in the scope of BHEL and Bidder to quote prices accordingly.
4. **DELIVERY SCHEDULE:**

For sake of GeM bid, delivery period has been chosen as 999 days (maximum allowable delivery time) from PO date. This is Indicative only and this period shall not be considered for Delivery and Delay analysis purpose.

For Delivery and Delay Analysis (LD) purpose, Delivery Schedule shall be as per **Annexure-A**.
5. **QUANTITY VARIATION:**

For sake of GeM bid, increase of ordered quantity by up to 25% of the contracted quantity during the currency of the contract at the contracted rates has been chosen. This is Indicative only and for this tender overall (%) variation in contract values (due to changes in the scope) shall be limited to +10% only and Bidder to quote prices accordingly.
6. **PERFORMANCE BANK GUARANTEE:**

Performance Security amount i.e. CPBG @ 5% of the value of Contract shall be applicable.

Initial e-PBG validity: Initial ePBG validity shall be 26 months from PO date (considering 2 months in getting documents approval from customer/BHEL + delivery period of 4 months + 18 months guarantee period + 2 months claim period as mentioned in GTC Cl. No. 7. ii). However, BG will be released only after completion of all contractual liability or guarantee period whichever is later.

NOTES:

- a) BG for total PO (Ex-works) value shall be applicable and validity of BG shall be 18 months from the date of last supply of PO.
- b) BG value shall be proportionately reduced after completion of all contractual liability or guarantee period of each Lot.
- c) Further if relaxation from end customer is received for Patratu Project, same benefit shall be passed on to bidders as well.
- d) PBG Value given in ATC will supersede PBG value given elsewhere.

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7. LIQUIDATED DAMAGE:

Following LD clause shall be applicable:

- (a) Purchaser reserves the right to recover from the Seller / Contractor, as agreed liquidated damages and not by way of penalty, a sum equivalent to half (½) percent and applicable GST thereon, of the total main supply contract price excluding GST per week or part thereof, subject to a maximum of ten (10) percent of the total main supply contract price excluding GST, if the Seller / Contractor fails to deliver any part of the ordered goods / stores within the period stipulated in the Order / Contract.

Notes:

- i. LR/RR date for indigenous supplies (Bill of Lading/AWB for Foreign supplies) shall be treated as the date of dispatch for levying LD. However, if receipted LR date for indigenous supply is beyond 30 days for FTL/ 45 days for PTL from the date of LR (PTL to be clearly mentioned in LR), such excess period shall be considered for LD purpose irrespective of dispatch date. Import General Manifest (IGM)/Bill of entry date (whichever is earlier), for foreign supplies, is beyond 90 days from the date of Bill of Lading/AWB, such excess period shall be considered for LD purpose irrespective of dispatch date.
- ii. In case of any amendment/ revision, LD shall be linked to the amended/ revised contract value and delivery date(s).
- iii. If Order/ Contract involves two or more Units/ Sets/ Lots/ Stages, then Liquidated Damages shall be levied on order/ contract value excluding GST of the delayed Unit/ Set/ Lot/ Stage, provided delivery stipulated in the Order/ Contract is Unit/ Set/ Lot/Stage wise, however total LD amount shall be limited to 10% of total order/ amended order value excluding GST of delayed Unit/ Set/ Lot/Stage. Any subsequent lot released (not envisaged in original contract) due to increase in quantity within permissible quantity variation shall be treated as separate lot for the purpose of LD.
- iv. The sum specified above is not a penalty but a genuine pre-estimate of the loss/ damage which will be suffered by purchaser on account of delay on the part of the Contractor/Seller and the said amount will be deductible without proof of actual loss or damage caused by such delay.

Above LD clause shall prevail over the LD clause of GeM GTC.

8. GUARANTEE TERMS:

As per Cl. No. 10 of GTC on GeM for the bid. However, Guarantee & Warrantee time period shall be 18 months from the date of last supply of each Lot.

9. ANY OTHER SPECIAL MAJOR CONDITION:

- (i) Bidders shall be required to submit applicable Freight % & GST % (included in their prices) in UNPRICED format **Annexure-I**.
- (ii) Bidder shall be required to provide detailed break-up of quoted price in Ex-works, Freight & Tax components.
- (iii) Bidders to comply with Packing Instructions provided in tender specification document and Packing List Guidelines (**Annexure-B**).
- (iv) Material shall be dispatched by vendor after issuance of MDCC by BHEL only.

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10. This is a conditional tender enquiry. Financial bid opening (Part-II) of a bidder shall be subjected to the following:
- i) Offered item should mandatorily conform to PP-MII order provisions
 - ii) Qualification of Technical PQR
 - iii) Approval of vendor by end customer. Vendor is required to submit the Credentials as per SUB-VENDOR QUESTIONNAIRE for vendor approval (**Annexure-C**).
 - iv) Techno-Commercial evaluation by BHEL

11. Bidders to,
- ensure compliance to Ministry of Power (MoP) Order No. 25-11/6/2018-PG dt. 02/07/2020 & Order No. 11/05/2018-Coord. dt. 23/07/2020, if applicable.
 - ensure compliance of Ministry of Finance (MoF) Order (Public Procurement No. 1 & 2) F. No. 6/18/2019/PPD dt. 23/07/2020.
 - to submit "Model Certificate for Tenders" as per Annex-III of Ministry of Finance (MoF) Order (Public Procurement No. 1 & 2) F. No. 6/18/2019/PPD dt. 23/07/2020. (Duly filled **Annexure-II** to be uploaded with offer)

Note: Subsequent orders/circulars to be checked and to be complied.

12. INTEGRITY PACT:

Not applicable for this tender.

13. For this procurement, the local content to categorize a supplier as a Class I Local Supplier and Purchase preference to Class I local supplier, is as defined in Public Procurement (Preference to Make in India), (PPP-MII) Order 2017 dt. 16/09/2020 issued by DPIIT. In case of subsequent orders issued by the nodal ministry, changing the definition of local content for the items of the NIT, the same shall be applicable even if issued after issue of this NIT, but before opening of Part-II bids against this NIT.

Regarding verification of local content, the local supplier at the time of tender, bidding or solicitation shall be required to provide certification as per para 9 of PP-MII order revision dated 16.09.2020 (Duly filled **Annexure-III** to be uploaded with offer)

14. PQR criteria has been uploaded with specification and shall prevail Value of Experience criteria and Past performance parameter mentioned in GeM bid.
15. Bidders to ensure that Third party / customer issued certificates being submitted as proof of PQR qualification should have verifiable details of document / certificate issuing authority such as name & designation of Issuing Authority and its organization contact number and email Id etc. In case the same found not available, Purchaser has right to reject such document from evaluation.

The bidder is required to upload, along with the bid, relevant certificate pertains to BIS license with valid CML Number (if applicable).

16. This item /package / system falls under the list of items defined in para 3 of ministry of finance guideline dt. 20.09.16 (Procurement of items related to Public safety, Health, Critical Security operations & Equipment etc.) & hence criteria of prior experience/Turnover shall be same for all the bidders including start-up/MSME.

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17. The Bidder declares that they will not enter into any illegal or undisclosed agreement or understanding, whether formal or informal with other Bidder(s). This applies in particular to prices, specifications, certifications, subsidiary contracts, submission or non-submission of bids or any other actions to restrict competitiveness or to introduce cartelization in the bidding process.
In case, the bidder is found having indulged in above activities, suitable action shall be taken by BHEL as per extant policies/guidelines.
18. **EVALUATION shall be on the basis of total all inclusive, landed price at consignee's destination (refer Cl. No. 6 of GTC of GeM).**
19. **REMOTE INSPECTION:**
For Remote Inspection please refer **Annexure-D**.
20. **RISK & COST:**
For Risk & Cost please refer **Annexure-E**.
21. All applicable enclosures (Annexures A to C) with Formats (Annexures I to V) for this Bid which need to be submitted Signed & Stamped on each page.
22. All other terms & conditions shall be as per GeM bid, selected Additional Terms & Conditions from GeM library and GTC on GeM version available on GeM Portal as on enquiry floating date.

ENCLOSURES:

Annexure-A: DELIVERY SCHEDULE

Annexure-B: SUB-VENDOR QUESTIONNAIRE

Annexure-C: PACKING LIST GUIDELINES

Annexure-D: REMOTE INSPECTION

Annexure-E: RISK & COST

FORMATS:

Annexure-I: UNPRICED format for Freight % & GST %

Annexure-II: LAND BORDER Certificate

Annexure-III: LCLC Certificate

Annexure-IV: COMMERCIAL Deviations

Annexure-V: TECHNICAL Deviations

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DELIVERY SCHEDULE

ANNEXURE-A

DELIVERY SCHEDULE -3X800 MW PVUNL PATRATU PROJECT-CABLE TERMINATION & JOINTING KITS PACKAGE								
Sl. No.	Package Code	Package name	DEPTT	BHEL Drawing No	Drawing Title	Primary/ Secondary	Drg Sch for Vendors	Standard Delivery Terms for Supply Portion
1	507-24000-A	CABLE TERMINATION & JOINTING KITS	ELECT	PE-V0-XXX-507-E904	QUALITY PLAN FOR CABLE TERMINATION & JOINTING KITS	Primary	R-0 within 14 days from PO & subsequent revisions within 10 days of comments received from BHEL. BHEL shall furnish comments / approval on each submission within 18 days from receipt.	For Lot-1: Within Four (04) months from date of CAT-1 approval of Primary drawing/documents OR BHEL manufacturing clearance whichever is later. subjected to drawing/document submission/re-submission schedule as stipulated, in case of any delay in submission/re-submission of Primary drawing/documents, then same shall be reduced from the given delivery period.
				PE-V0-XXX-507-E032	GA OF CABLE TERMINATION & JOINTING KITS	Primary		
				PE-V0-XXX-507-E031	TECHNICAL DATA SHEET OF CABLE TERMINATION & JOINTING KITS	Primary		
				PE-V0-XXX-507-E033	TYPE TEST REPORT / CERTIFICATES	Primary	R-0 within 03 months of approval of other primary drawing/documents & subsequent revisions within 10 days of comments received from BHEL. BHEL shall furnish comments / approval on each submission within 18 days from receipt.	

Bidders to comply the following terms for delivery :

- a. Vendor to start manufacturing activities only after obtaining specific manufacturing clearance from BHEL Purchase group.
- b. In case BHEL manufacturing clearance date is later than the date of Cat-1 approval of Primary drawing/documents, then the contractual delivery period will be calculated by setting off the time gap between Cat-1 approval date of Primary drawing/documents and the manufacturing clearance date, from any delay by vendor in submission/re-submission of Primary drawing/documents.
- c. The end period specified is for completion of the deliveries. Deliveries to start progressively so as to meet the completion schedule.
- d. The delivery conditions specified are for contractual LD purposes, however BHEL may ask for early deliveries without any compensation thereof.
- e. Non-applicable drawings shall be decided during bid evaluation.
- f. Wherever schedule of drawings/documents submission / re-submission is stipulated in the Technical Specification no.PE-TS-434-507-E009, REV. 00, same shall be superseded by delivery specified in NIT .

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Annexure-B

PACKING LIST GUIDELINES

For faster verification of bills, successful bidder to submit detailed Bill of Material (BOM) at the time of drawings/ documents submission after placement of PO. Each item of the BOM to be uniquely identified with item code no. or item Sl. No. Supplier to ensure that all items which will find separate mention in the packing list are covered in this detailed BOM.

Supplier to also give the following undertaking in the BOM:

“The BOM provided herewith completes the scope (in content and intent) of material supply under PO No. Dated Any additional material which may become necessary for the intended application of the supplied items/package will be supplied free of cost in most reasonable time.

Packing List must indicate:

- a) Packing size
- b) Gross weight and net weight of each package
- c) Contents of the package with cross reference to BOM item code no. / Sl. No.
- d) Quantity of each items separately.

The packing list must cover all the BOM items.

Supplier to give following undertaking in the packing list: The Packing list provided herewith is as per BOM approved under PO No. ----

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 CORPORATE QUALITY ASSURANCE/ कॉर्पोरेट गुणवत्ता आश्वासन		
SUB-VENDOR QUESTIONNAIRE/ सब-वेंडर प्रश्नावली		
i.	Item/Scope of Sub-contracting उप-संविदा(अनुबंध) का मद/ दायरा	
ii.	Address of the registered office पंजीकृत कार्यालय का पता	Details of Contact Person संपर्क व्यक्ति का विवरण (Name, Designation, Mobile, Email) (नाम, पदनाम, मोबाइल, ईमेल)
iii.	Name and Address of the proposed Sub-vendor's works where item is being manufactured प्रस्तावित उप-विक्रेता के कार्यों का नाम और पता, जहां मद का निर्माण किया जा रहा है	Details of Contact Person: संपर्क व्यक्ति का विवरण (Name, Designation, Mobile, Email) (नाम, पदनाम, मोबाइल, ईमेल)
iv.	Annual Production Capacity for proposed item/scope of sub-contracting उप-संविदा(अनुबंध) के प्रस्तावित मद / दायरे के लिए वार्षिक उत्पादन क्षमता	
v.	Annual production for last 3 years for proposed item/scope of sub-contracting उप-संविदा(अनुबंध) के प्रस्तावित मद / दायरे के लिए पिछले 3 वर्षों का वार्षिक उत्पादन	
vi.	Details of proposed works प्रस्तावित कार्यों का विवरण	
1.	Year of establishment of present works वर्तमान फैक्टरी की स्थापना का वर्ष	
2.	Year of commencement of manufacturing at above works उपरोक्त फैक्टरी में निर्माण कार्य शुरू होने का वर्ष	
3.	Details of change in Works address in past (if any) पूर्व में फैक्टरी स्थल में परिवर्तन का विवरण (यदि कोई हो)	
4.	Total Area कुल क्षेत्र	
	Covered Area शामिल क्षेत्र	
5.	Factory Registration Certificate फैक्टरी पंजीकरण प्रमाण पत्र	Details attached at Annexure – F2.1 विवरण अनुलग्नक- एफ 2.1 पर संलग्न है

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6.	<p>Design/ Research & development set-up डिजाइन / अनुसंधान और विकास सेटअप (No. of manpower, their qualification, machines & tools employed etc.) (श्रमिकों की संख्या, उनकी योग्यता, मशीन और उपलब्ध उपकरण आदि)</p>	<p><i>Applicable / Not applicable if manufacturing is as per Main Contractor/purchaser design</i> <i>Details attached at Annexure – F2.2 (if applicable)</i> लागू / लागू नहीं, अगर विनिर्माण मुख्य संविदाकार / खरीददार के डिजाइन के अनुसार है। विवरण अनुलग्नक –एफ 2.2 पर संलग्न है। (यदि लागू हो)</p>
7.	<p>Overall organization Chart with Manpower Details (Design/Manufacturing/Quality etc) मैनपावर विवरण के साथ समग्र संगठन का चार्ट(डिजाइन / विनिर्माण / गुणवत्ता आदि)</p>	<p><i>Details attached at Annexure – F2.3</i> विवरण अनुलग्नक – F2.3 में संलग्न है।</p>
8.	<p>After sales service set up in India, in case of foreign sub-vendor (Location, Contact Person, Contact details etc.) भारत में बिक्री सेवा की स्थापना के बाद, विदेशी उप-विक्रेता के मामले में(स्थल , संपर्क व्यक्ति, संपर्क विवरण आदि)</p>	<p><i>Applicable / Not applicable</i> लागू / लागू नहीं <i>Details attached at Annexure – F2.4</i> विवरण अनुलग्नक -2.4 पर संलग्न है।</p>
9.	<p>Manufacturing process execution plan with flow chart indicating various stages of manufacturing from raw material to finished product including outsourced process, if any फ्लोचार्ट सहित विनिर्माण प्रक्रिया निष्पादन योजना , जिसमें आउटसोर्स प्रक्रिया, यदि कोई हो, सहित कच्चे माल से तैयार उत्पाद तक विनिर्माण के विभिन्न चरणों को दर्शाया गया हो,</p>	<p><i>Details attached at Annexure – F2.5</i> विवरण अनुलग्नक - F2.5में संलग्न है।</p>
10.	<p>Sources of Raw Material/Major Bought Out Item कच्चे माल के स्रोत / खरीदे हुए मुख्य मद</p>	<p><i>Details attached at Annexure – F2.6</i> विवरण अनुलग्नक - F2.6में संलग्न है।</p>
11.	<p>Quality Control exercised during receipt of raw material/BOI, in-process , Final Testing, packing कच्चे माल / खरीदे हुए मद, प्रक्रियाबद्ध, अंतिम परीक्षण, पैकिंग करते समय गुणवत्ता नियंत्रण</p>	<p><i>Details attached at Annexure – F2.7</i> विवरण अनुलग्नक - F2.7 पर संलग्न है</p>
12.	<p>Manufacturing facilities (List of machines, special process facilities, material handling etc.) विनिर्माण सुविधा(मशीनों की सूची , विशेष प्रक्रिया सुविधाएं, सामग्री रख-रखाव आदि)</p>	<p><i>Details attached at Annexure – F2.8</i> विवरण अनुलग्नक - F2.8में संलग्न है।</p>
13.	<p>Testing facilities (List of testing equipment) परीक्षण सुविधाएं(परीक्षण उपकरण की सूची)</p>	<p><i>Details attached at Annexure – F2.9</i> विवरण अनुलग्नक – F2. 9 में संलग्न है।</p>
14.	<p>If manufacturing process involves fabrication then- यदि निर्माण प्रक्रिया में फेब्रिकेशन की गई है तो-</p>	<p><i>Applicable / Not applicable</i> लागू / लागू नहीं</p>
	<p>List of qualified Welders पात्र वेल्डर की सूची List of qualified NDT personnel with area of specialization विशेषज्ञता के क्षेत्र सहित पात्र एनडीटी कार्मिकों की सूची</p>	<p><i>Details attached at Annexure – F2.10</i> विवरण अनुलग्नक - F2.10में संलग्न है। <i>(if applicable)</i> लागू / लागू नहीं</p>
15.	<p>List of out-sourced manufacturing processes with Sub-Vendors' names & addresses</p>	<p><i>Applicable / Not applicable</i> लागू / लागू नहीं</p>

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	सब-वेंडर द्वारा बाह्य स्रोतों (उनके नाम और पते सहित)से करवाएं गए निर्माण प्रक्रियाओं की सूची	<i>Details attached at Annexure. –F2.11</i> विवरण अनुलग्नक - F2.10में संलग्न है। <i>(if applicable)</i> (यदि लागू हो)			
16.	<i>Supply reference list including recent supplies</i> नवीनतम आपूर्ति सहित आपूर्ति संदर्भ सूची	<i>Details attached at Annexure – F2.12</i> विवरण अनुलग्नक - F2.12 में संलग्न है। <i>(as per format given below)</i> (नीचे दिए गए प्रारूप के अनुसार)			
<i>Project/ package</i> परियोजना /पैकेज	<i>Customer Name</i> ग्राहक का नाम	<i>Supplied Item (Type/Rating/Model /Capacity/Size etc)</i> आपूर्ति की गई वस्तु (प्रकार / रेटिंग / मॉडल / क्षमता / आकार आदि)	<i>PO ref no/date</i> पीओ संदर्भ सं. / तिथि	<i>Supplied Quantity आपूर्ति</i> की मात्रा	<i>Date of Supply</i> आपूर्ति की तारीख
17.	<i>Product satisfactory performance feedback letter/certificates/End User Feedback</i> उत्पाद के संतोषजनक प्रदर्शन संबंधी फीडबैक पत्र / प्रमाण पत्र / अंतिम उपयोगकर्ता फीडबैक	<i>Attached at annexure - F2.13</i> विवरण अनुलग्नक F2. 3पर संलग्न है			
18.	<i>Summary of Type Test Report (Type Test Details, Report No, Agency, Date of testing) for the proposed product (similar or higher rating)</i> प्रस्तावित उत्पाद (एक समान या उच्च रेटिंग वाले) के लिए टाइप टेस्ट रिपोर्ट (टाइप टेस्ट विवरण, रिपोर्ट संख्या, एजेंसी, जांच की तारीख) का सारांश नोट: - रिपोर्ट प्रस्तुत करने की आवश्यकता नहीं है <i>Note:- Reports need not to be submitted</i>	<i>Applicable / Not applicable</i> लागू / लागू नहीं <i>Details attached at Annexure – F2.14</i> विवरण अनुलग्नक - F2.14 में संलग्न है <i>(if applicable)</i> (यदि लागू हो)			
19.	<i>Statutory / mandatory certification for the proposed product</i> प्रस्तावित उत्पाद के लिए वैधानिक / अनिवार्य प्रमाणीकरण	<i>Applicable / Not applicable</i> लागू / लागू नहीं <i>Details attached at Annexure – F2.15</i> विवरण अनुलग्नक - F2.1 5 में संलग्न है <i>(if applicable)</i> (यदि लागू हो)			
20.	<i>Copy of ISO 9001 certificate</i> आईएसओ 9001 प्रमाण पत्र की प्रति <i>(if available)</i> (यदि उपलब्ध हो)	<i>Attached at Annexure – F2.16</i> विवरण अनुलग्नक में संलग्न - F2.1 6 है			
21.	<i>Product technical catalogues for proposed item (if available)</i> प्रस्तावित मद के लिए उत्पाद तकनीकी कैटलॉग (यदि उपलब्ध हो)	<i>Details attached at Annexure – F2.17</i> विवरण अनुलग्नक - F2.1 7 में संलग्न है			
Name: नाम:		Desig: पद:		Sign: हस्ताक्षर:	Date: तिथि:

Company's Seal/Stamp: - कंपनी की मुहर / मोहर: -

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

Annexure-D

REMOTE INSPECTION

Due to COVID-19 pandemic condition prevailing in the country, BHEL-PEM may go for Remote Inspection of Offered items, if required. Vendors are requested to be equipped with the facilities/gadgets as indicated in the guidelines to take up the inspection REMOTELY.

Link for Remote Inspection Guidelines :

<https://pem.bhel.com/Documents/VendorSection/Vendor/Guidelines.pdf>

Inspection call to be raised by bidder on BHEL CQIR portal (details shall be shared at the of execution of order) and Inspection agency shall attend at the inspection within seven (07) days of the date on which the material is notified as being ready. In case of delay in witnessing of inspection beyond stipulated time (i.e. 7 days from the date on which the material is notified as being ready), by BHEL arising due to reasons not attributable to vendor, BHEL will extend the delivery period for such delay in carrying out inspection. If BHEL is not able to witness inspection up to 15 days then in addition to delay beyond stipulated period, extension in delivery time of 07 days for arranging fresh inspection will be given.

When the tests have been satisfactorily completed at Seller/ Contractor's works, the Inspection Agency shall issue an inspection report that effect within seven (07) days after completion of the tests, but if the tests were not witnessed by the Inspection Agency or his representative, the material acceptance report would be issued within seven (07) days after receipt of the test certificates by the Purchaser.

Purchaser will issue MDCC to the Seller/ Contractor within 7 days based on inspection report/ test certificates/Certificate of Conformance as applicable. In case of delay in issuance of MDCC beyond 7 days stipulated time (i.e. from the date of successful inspection report), by BHEL arising due to reasons not attributable to vendor, BHEL will extend the delivery period for such delay in issuing MDCC. If BHEL is not able to issue MDCC up to 15 days then in addition to delay beyond stipulated period, 7 days' additional time shall be given to vendor to facilitate the vendor for arranging logistics arrangements.

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

Annexure-E

RISK & COST

1. In case of delays (beyond the maximum late delivery period as per LD clause) in supplies, or if there be defective supplies or non-fulfilment of any other terms and conditions of the Contract as enumerated subsequently in this clause, then, without prejudice to its right to recover any expenses, losses or damages to which the Buyer may be put to incur or sustain by reason of the Seller/Contractor's default or breach of Order/Contract or to suspend business dealings with the Seller/Contractor in terms of the Buyers' Guidelines for Suspension of Business Dealings as applicable from time to time, the Buyer shall also be entitled to cancel the Order/ Contract either in whole or portion thereof without compensation to Seller. On the occurrence of any of the acts/omissions mentioned below, the Buyer may if it so desires, procure upon such terms and in such manner as deemed appropriate, plant/equipment/ stores not so delivered or others of similar description where plant/ equipment/ stores exactly complying with particulars are not, in the opinion of the Buyer (which shall be final), readily procurable, at the risk and cost of the Seller,

The Seller shall be liable to the Buyer for any excess costs incurred thereof and the Seller shall continue the performance of the Order/Contract to the extent not cancelled under the provisions of this clause. The Seller shall on no account be entitled to any gain on such repurchases. If the Bidder does not agree to this Risk Purchase clause, BHEL reserves the right to reject the bid/offer of the Bidder. The order/contract may be cancelled in whole or part thereof and Risk & Cost Clause in line with terms and conditions of PO/Contract may be invoked by the Buyer in any of the following cases:

- i. If the Seller/Contractor fails to deliver the goods or materials or any instalment thereof within the period(s) fixed for such delivery or the Seller's poor progress of the supply/services vis-à-vis delivery/execution timeline as stipulated in the contract, backlog attributable to the Seller including unexecuted portion of supply does not appear to be executable within balance period available;
- ii, delivers goods or materials not of the contracted quality and failing to adhere to the contract specifications/execution methodology;
- iii, withdrawal from or repudiation/abandonment of the supply/services by the Seller before completion as per contract or if the Seller refuses or is unable to supply goods or materials covered by the order/Contract either in whole or in part or otherwise fails to perform the Order/Contract.
- iv, Non supply by the Seller within scheduled completion/delivery period as per contract or as extended from time to time for reasons attributable to the Seller;
- v, Termination of Contract on account of any other reason(s) attributable to the Seller,
- vi, Assignment, transfer, sub-letting of Contract without BHEL's written permission resulting in termination of Contract or part thereof by BHEL,
- vii, If the Seller be an individual or a Sole Proprietorship, in the event of death or insanity of the Seller,
- viii, If the Seller/Contractor being an individual or if a partnership firm thereof, shall at any time be adjudged insolvent or shall have a receiving order for administration of his estate made against him or shall take any proceeding for composition under any Insolvency Act for the time being in force or make any assignment of the order/Contract or enter into any arrangement or composition with his creditors or suspend payment or if the firm dissolved under the Partnership Act;
- ix, If the Seller/Contractor being a Company is wound up voluntarily or by order of a Court or a Receiver, Liquidator or Manager on behalf of the debenture holders and creditors is appointed or circumstances have arisen which entitles the Court of debenture holder and creditors to appoint a receiver, liquidator or manager
- x, Non- Compliance to any contractual condition or any other default attributable to the Seller,

Such defaulting vendor/Seller shall not be eligible to participate in re-tendering conducted on account of risk purchase made due to fault of such vendor/Seller.

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

2. BHEL's right to go for Risk and Cost, Calculation of Risk and Cost amount & L D, recovery options to BHEL are given as under: -

2.1 BHEL reserves the right to terminate the contract or withdraw portion of work and get it done through other agency, at the risk and cost of the contractor *after due notice of a period of 14 days' by BHEL* in any of the following cases:

- i) If the Seller/Contractor fails to deliver the goods or materials or any installment thereof within the period(s) fixed for such delivery or the Seller's poor progress of the supply/ services ~~is-a-vis~~ delivery/execution timeline as stipulated in the Contract, backlog attributable to seller including unexecuted portion of supply does not appear to be executable within balance available period;
- ii) Delivering goods or materials not of the contracted quality and failing to adhere to the contract specifications;
- iii) Withdrawal from or repudiation/ abandonment of the supply/ services by Seller before completion as per contract or if the Seller refuses or is unable to supply goods or materials covered by the Order/Contract either in whole or in part or otherwise fails to perform the Order/Contract;
- iv) Non-supply by the Seller within scheduled completion/delivery period as per Contract or as extended from time to time, for the reasons attributable to the Seller;
- v) Termination of Contract on account of any other reason (s) attributable to Seller.
- vi) Assignment, transfer, subletting of Contract without BHEL's written permission resulting in termination of Contract or part thereof by BHEL.
- vii) If the Seller be an individual or a sole proprietorship Firm, in the event of the death or insanity of the Seller;
- viii) If the Seller/Contractor being an individual or if a firm on a partnership thereof, shall at any time, be adjudged insolvent or shall have a receiving order for administration of his estate made against him or shall take any proceeding for composition under any Insolvency Act for the time being in force or make any assignment of the Order/Contract or enter into any arrangement or composition with his creditors or suspend payment or if the firm dissolved under the Partnership Act;
- ix) If the Seller/Contractor being a company is wound up voluntarily or by order of a Court or a Receiver, Liquidator or Manager on behalf of the debenture holders and creditors is appointed or circumstances shall have arisen which entitles the Court of debenture holder and creditors to appoint a receiver, liquidator or manager;
- x) Non-compliance to any contractual condition or any other default attributable to Seller.

2.1.1 Risk & Cost Amount against Balance Work:

Risk & Cost amount against balance work shall be calculated as follows:

$$\text{Risk \& Cost Amount} = [(A-B) + (A \times H/100)]$$

Where,

A= Value of Balance scope of Work (*) as per rates of new contract

B= Value of Balance scope of Work (*) as per rates of old contract being paid to the contractor at the time of termination of contract i.e. inclusive of PVC & ORC, if any.

H = Overhead Factor to be taken as 5

In case (A-B) is less than 0 (zero), value of (A-B) shall be taken as 0 (zero).

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

2.1.2 Balance scope of work (in case of termination of contract):

Difference of Contract Quantities and Executed Quantities as on the date of issue of Letter for 'Termination of Contract', shall be taken as balance scope of Work for calculating risk & cost amount.

Contract quantities are the quantities as per original contract. If, Contract has been amended, quantities as per amended Contract shall be considered as Contract Quantities.

Items for which total quantities to be executed have exceeded the Contract Quantities based on drawings issued to contractor from time to time till issue of Termination letter, then for these items total Quantities as per issued drawings would be deemed to be contract quantities.

Substitute/ extra items whose rates have already been approved would form part of contract quantities for this purpose.

Substitute/ extra items which have been executed but rates have not been approved, would also form part of contract quantities for this purpose and rates of such items shall be determined in line with contractual provisions.

However, increase in quantities on account of additional scope in new tender shall not be considered for this purpose.

NOTE: In case portion of work is being withdrawn at risk & cost of contractor instead of termination of contract, contract quantities pertaining to portion of work withdrawn shall be considered as 'Balance scope of work' for calculating Risk & Cost amount.

2.1.3 LD against delay in executed work in case of Termination of Contract:

LD against delay in executed work shall be calculated in line NIT terms & conditions, for the delay attributable to contractor. For limiting the maximum value of LD, contract value shall be taken as Executed Value of work till termination of contract.

Method for calculation of LD against delay in executed work in case of termination of contract" is given below:

- i. Let the time period from scheduled date of start of work till termination of contract excluding the period of Hold (if any) not attributable to contractor = T1
- ii. Let the value of executed work till the time of termination of contract = X
- iii. Let the Total Executable Value of work for which inputs/fronts were made available to contractor and were planned for execution till termination of contract = Y
- iv. Delay in executed work attributable to contractor i.e. T2 = $[1-(X/Y)] \times T1$
- v. LD shall be calculated in line with LD clause (clause 16) of the Contract for the delay attributable to contractor taking "X" as Contract Value and "T2" as period of delay attributable to contractor.

2.2 Recoveries arising out of Risk & Cost and LD or any other recoveries due from Contractor:

Without prejudice to the other means of recovery of such dues from the Seller recoveries from the Seller on whom risk & cost has been invoked shall be made from the following:

- a) Dues available in the form of Bills payable to seller, SD, BGs against the same contract.
- b) Dues payable to seller against other contracts in the same Region/Unit/ Division of BHEL.
- c) Dues payable to seller against other contracts in the different Region/Unit/ division of BHEL.

In-case recoveries are not possible with any of the above available options, Legal action shall be initiated for recovery against contractor.

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

Annexure-I

BOQ CUM UNPRICED SCHEDULE

Item Number	Item Description	Item Quantity	Unit of Measure	Delivery Period (Indicative only) Actual Delivery as per Annex-A	Unit Price (Inclusive of all taxes) Only Fill "Quoted/Un Quoted" DO NOT QUOTE/MENTIONED PRICE IN THIS SHEET	FREIGHT % IN TERMS OF EX-WORKS Bidder to quote freight % of Ex-Works (Inclusive/Nil is not acceptable)	GST % (Included in Unit Price)	HSN Code
1	A-For Unit-I /Lot-I TERM. KIT, 3.3KV 3C X 150 SQ. MM XLPE-AL (UA)FRLS, CU LUG	58	NOS	999				
2	B-For Unit-I /Lot-I JOINT KIT, 3.3KV 3C X 150 SQ. MM XLPE-AL (UA)FRLS	3	NOS	999				
3	C-For Unit-I /Lot-I TERM. KIT, 3.3KV 1C X 150 SQ. MM XLPE-AL (UA)FRLS CU LUG	20	NOS	999				
4	D-For Unit-I /Lot-I TERM. KIT, 11KV 1C X 400 SQ. MM XLPE-AL (UA) FRLS CU LUG	24	NOS	999				
5	E-For Unit-I /Lot-I TERM. KIT, 11KV 1C X 240 SQ. MM XLPE-AL (UA) FRLS CU LUG	60	NOS	999				
6	F-For Unit-I /Lot-I TERM. KIT, 11KV 3C X 185 SQ. MM XLPE-AL (UA) FRLS CU LUG	55	NOS	999				
7	G-For Unit-I /Lot-I JOINT KIT, 11KV 3C X 185 SQ. MM XLPE-AL (UA) FRLS	2	NOS	999				
8	H-For Unit-II /Lot-II TERM. KIT, 3.3KV 3C X 150 SQ. MM XLPE-AL (UA)FRLS, CU LUG	58	NOS	999				
9	I-For Unit-II /Lot-II JOINT KIT, 3.3KV 3C X 150 SQ. MM XLPE-AL (UA)FRLS	3	NOS	999				
10	J-For Unit-II /Lot-II TERM. KIT, 3.3KV 1C X 150 SQ. MM XLPE-AL (UA)FRLS CU LUG	20	NOS	999				
11	K-For Unit-II /Lot-II TERM. KIT, 11KV 1C X 400 SQ. MM XLPE-AL (UA) FRLS CU LUG	24	NOS	999				
12	L-For Unit-II /Lot-II TERM. KIT, 11KV 1C X 240 SQ. MM XLPE-AL (UA) FRLS CU LUG	60	NOS	999				
13	M-For Unit-II /Lot-II TERM. KIT, 11KV 3C X 185 SQ. MM XLPE-AL (UA) FRLS CU LUG	55	NOS	999				
14	N-For Unit-II /Lot-II JOINT KIT, 11KV 3C X 185 SQ. MM XLPE-AL (UA) FRLS	2	NOS	999				

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

Annexure-II

On Letter head of Company

Ref _____

Date _____

To,
Bharat Heavy Electricals Limited
PS-PEM, PPEI Building,
Plot No. 25, Sector -16A,
Noida (U.P.) - 201301

SUBJECT: Certification regarding LAND BOARDER

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Name of Package: CABLE TERMINATION & JOINTING KITS

REFERENCE: Tender Enquiry No.-: GEM/2022/B/2434770 DATED:12-08-2022

We have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries as per the guidelines dated 23.07.2020 issued by Department of Expenditure (DoE), Ministry of Finance;

We hereby certify that we are not from such a country and we are eligible to be considered.

We further certify that we will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority.

We hereby certify that we shall fulfil all requirements in this regard.

Name of Bidding Company/Firm:

Name of Authorised Signatory:

Designation of Authorised Signatory:

Official Seal of the Bidding Company/Firm:

Notes:

1. Please note that **Owner/ Partner/ CMD/ Director/ Authorized Signatory with proof** that he/she is authorized to sign on owner's behalf.
2. Wherever applicable, evidence of valid registration by the competent authority shall be attached.

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

Annexure-III

On Letter head of Company

Ref _____

Date _____

To,
Bharat Heavy Electricals Limited
PS-PEM, PPEI Building,
Plot No. 25, Sector -16A,
Noida (U.P.) - 201301

SUBJECT: Certification regarding LOCAL CONTENT

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Name of Package: CABLE TERMINATION & JOINTING KITS

REFERENCE: Tender Enquiry No.: GEM/2022/B/2434770 DATED:12-08-2022

We hereby certify that, items offered by us in the subject tender meets the requirement of minimum local content in line with NIT and the Public Procurement (Preference to Make in India), Order 2017 dated- 15.06.2017, 28.05.2018 & 29.05.2019, 04.06.2020 & 16.09.2020.

Local Content: _____ %

We further confirm that details of location at which the local value addition is made will be our registered works at (**address of the works**) _____

(authorized signatory of company)

(firm name)

Company's Seal/stamp

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

Annexure-IV

On Letter head of Company

Ref _____

Date_____

To,
Bharat Heavy Electricals Limited
PS-PEM, PPEI Building,
Plot No. 25, Sector -16A,
Noida (U.P.) - 201301

SUBJECT: COMMERCIAL DEVIATIONS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Name of Package: CABLE TERMINATION & JOINTING KITS

REFERENCE: Tender Enquiry No.: GEM/2022/B/2434770 DATED:12-08-2022

NO COMMERCIAL DEVIATION AND UNCONDITIONAL ACCEPTANCE.

(authorized signatory of company)

(firm name)

Company's Seal/stamp

BUYER SPECIFIC ATC

GeM BID NUMBER: GEM/2022/B/2434770 DATED:12-08-2022

PACKAGE: CABLE TERMINATION & JOINTING KITS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Note: - Technical Specification and BOQ are uploaded against the above GeM Bid Number. Bidders are requested to visit GeM portal for this tender enquiry and go through the tender documents to submit their offer.

Annexure-V

On Letter head of Company

Ref _____

Date _____

To,
Bharat Heavy Electricals Limited
PS-PEM, PPEI Building,
Plot No. 25, Sector -16A,
Noida (U.P.) - 201301

SUBJECT: TECHNICAL DEVIATIONS

PROJECT: 3x800 MW PVUNL PATRATU TPP PHASE-I

Name of Package: CABLE TERMINATION & JOINTING KITS

REFERENCE: Tender Enquiry No.: GEM/2022/B/2434770 DATED:12-08-2022

NO TECHNICAL DEVIATION

(authorized signatory of company)

(firm name)

Company's Seal/stamp