

Ref: BHE/PW/PUR/NTPRT-BLR PCP ESP FDG - U3/2314/Corg-01

Date: 12/10/2020

Page 1 of 5

To,

ALL BIDDERS,

Sub: Corrigendum-01: EMD Clarification and Amendment

Job: 1. Erection, Testing and assistance for commissioning & Trial Operation including handling of materials at BHEL / Client's Stores / Storage Yard and transportation to site of; Boiler, ESP and its auxiliaries, Boiler integral piping, Critical Piping (P91, HP/LP piping), Structure for bunker (BHEL Mfg units Supplied items), Non Pressure Parts, Duct dampers and its support structure, Rotating Equipment's, Air Pre Heaters, ID/FD/PA fans, SCR and its auxiliaries, FGD and its auxiliaries, Lining and Insulation, Supply and application of touchup painting, (As and wherever required) package OF UNIT#3 at 3X800 MW PVUNL PROJECT Patratu.

And

2. Erection of Bunker & allied works, including supply & installation of items as per BOQ of UNIT#3 at 3X800 MW PVUNL Project Patratu.

E- TENDER SPECIFICATION NUMBER: BHE/PW/PUR/NTPRT-BLR PCP ESP FDG - U3/2314

Bidders to kindly take note of the following:

AA) Amendment:

SI No	Reference clause of Tender Document	Existing Clause	Amended as
1	S.No. Vii) of NIT Clause 01 Table (Pg no. 06/266)	<p>EMD AMOUNT: Rs. 1,60,00,000/- (Rupees One Crore Sixty Lakhs only)</p> <p>[To be submitted as described in the NIT below]</p> <p><i>Important Note: Bidders kindly to take note that EMD (Earnest Money Deposit) shall be furnished by MSE bidders as well, as per the amount and procedure indicated in the NIT/GCC.</i></p>	<p>EMD AMOUNT: Rs. 5,00,000/- (Rupees Five Lakhs Only)</p> <p>[To be submitted as described in the NIT below]</p> <p><i>Important Note: Bidders kindly to take note that EMD (Earnest Money Deposit) shall be furnished by MSE bidders as well, as per the amount and procedure indicated in the NIT/GCC.</i></p>

Ref: BHE/PW/PUR/NTPRT-BLR PCP ESP FDG - U3/2314/Corg-01

Date: 12/10/2020

Page 2 of 5

BB) Clarification:

S N	Reference clause of Tender Document	Existing Provision	BHEL Clarifications (Continuation: to existing provision)
1	S.No. x) of NIT Clause 01 Table (Pg no. 06/266)	<p>SCHEDULE OF Pre Bid Discussion (PBD): On 15/10/2020, 14:00 Hrs.</p> <p>Considering the present outbreak of COVID-19 pandemic, the pre-bid meeting shall be arranged through video conference and the date & link shall be notified through the corrigendum.</p>	<p>Meeting number (access code): 170 757 3889 Meeting password: 15102020 Thursday, October 15, 2020 2:00 pm</p> <p>The link is as below: https://secure-web.cisco.com/1Fjvzt6kOF9a_bwDmBvQ3IJgozrP3tZ 60JkZ3PldvYG6FHJAN_fIQU8BgcdQ0gUEdfhLHRWL6P6ptIcQZgd7A7 IRWRn9RXzDo1vRmq_YpzNOQJ8BNZQyW4pLxoLZNxgPgOttE0l5bxY-zn 4G1bro39icD2tRLRXNbjpPqTrYX7xj2vTtCPTtxQ07hQ_2p0AGogOnJdM LJuydR2BQVOxhiXCRC8w-FZozTIjqqjA1Jc3gtHxLg4nfRQVnWvLfq7 Q/https%3A%2F%2Fbhel.webex.com%2Fbhel%2Fj.php%3 FMTID%3Dma056f4575aa03db4fa74b525aa390c58</p> <p>Join from a video system or application Dial 1707573889@bhel.webex.com You can also dial 210.4.202.4 and enter your meeting number.</p>

CC) The following clause no. 21 and Annexure-8 is inserted in ANNEXURE-4 IMPORTANT INFORMATION in subject NIT and shall form part of the subject tender.

Cl 21. "Towards compliance of Department of Expenditure's (DoE) Public Procurement Division Order vide ref. F.No.6/18/2019-PPD dated 23.07.2020 & 24.7.2020 - Bidder shall submit duly filled & signed Annexure-8 along with their techno-commercial offer. In this connection, following may be noted:

- I. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority.
- II. "Bidder" (including the term 'tenderer', 'consultant' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture

Ref: BHE/PW/PUR/NTPRT-BLR PCP ESP FDG - U3/2314/Corg-01

Date: 12/10/2020

Page 3 of 5

(that is an association of several persons, or firms, or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in a procurement process.

III. "Bidder from a country which shares a land border with India" for the purpose of this order means: -

- a. An entity incorporated, established or registered in such a country; or
- b. A subsidiary of an entity incorporated, established or registered in such a country; or
- c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
- d. An entity whose beneficial owner is situated in such a country; or
- e. An Indian (or other) agent of such an entity; or
- f. A natural person who is a citizen of such a country; or
- g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above

IV. The beneficial owner for the purpose of (iii) above will be as under:

1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

Explanation-

- a. "Controlling ownership interest" means ownership of or entitlement to more than twenty-five per cent. of shares or capital or profits of the company;
- b. "Control" shall include the right to appoint the majority of the directors or to control the management of policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who hold the position of senior managing official;
5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

Ref: BHE/PW/PUR/NTPRT-BLR PCP ESP FDG - U3/2314/Corg-01

Date: 12/10/2020

Page 4 of 5

V. An agent is a person employed to do any act for another, or to represent another in dealings with third person.

VI. The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.

However, in this regard, provision of Clause no 1.15.9 of GCC shall also be applicable.

=====

All other Terms and conditions of the Tender Specification shall remain unaltered unless expressly amended by BHEL in writing. Bidders are requested to submit as a part of their offer, a copy of this corrigendum duly Digitally countersigned by the authorized signatory as a token of Bidder's unqualified acceptance of this corrigendum.

This letter is hosted as file titled "Corrigendum-01 EMD Clarification and Amendment" against NIT-2314 on e-Procurement Portal of BHEL i.e. <https://bhel.abcprocure.com>.

BIDDERS MAY PLEASE NOTE THAT SUBJECT TENDER IS E-TENDER AND THE OFFER IS TO BE SUBMITTED ONLY IN E-PROCUREMENT PORTAL→ www.bhel.abcprocure.com

BIDDERS WHO HAVE ALREADY SUBMITTED THEIR OFFERS PRIOR TO ISSUANCE OF THIS CORRIGENDUM IN E-TENDER PORTAL ARE REQUIRED TO RE-SUBMIT THEIR OFFER AFTER TAKING COGNIZANCE OF THIS CORRIGENDUM.

Thanking you,
Yours faithfully,

AGM (Purchase)

Enclosure: Annexure-8: Format- In-line with Department of Expenditure's (DoE) Public Procurement Division Order vide ref. F.No.6/18/2019-PPD dated 23.07.2020 & 24.7.2020

Ref: BHE/PW/PUR/NTPRT-BLR PCP ESP FDG - U3/2314/Corg-01

Date: 12/10/2020

Page 5 of 5

Annexure-8

(To be submitted in the bidder's letter head)

In-line with Department of Expenditure's (DoE) Public Procurement Division Order vide ref.

F.No.6/18/2019-PPD dated 23.07.2020 & 24.7.2020

Tender no.

Job:

"I/ we have read the clauses pertaining to Department of Expenditure's (DoE) Public Procurement Division Order (Public procurement no 1, 2 & 3 vide ref. F.No.6/18/2019-PPD dated 23.07.2020 & 24.7.2020) regarding restrictions on procurement from a bidder of a country which shares a land border with India. I/We hereby certify that I/ we the bidder < name of the

bidder.....

> is / are

a) Not from such a country and eligible to be considered for this tender.

OR

b) From such country, has been registered with the competent authority and eligible to be considered for this tender. (Evidence of valid registration by the competent authority shall be attached)

For and behalf of _____ (Name of the bidder)

(Signature, date & seal of authorized representative of the bidder)