

Ref: BHE/PW/PUR/NTPRT-BAL-CVL-CHIMNEY-U-02/2294/Corg-08

Date: 20/10/2020

To,

ALL BIDDERS,

Sub: Corrigendum-08: Issuance of additional Clause and Offer submission due date Extension

Job Description: BALANCE CIVIL AND STRUCTURAL WORKS OF 275M RCC SINGLE FLUE CHIMNEY OF UNIT#02 AT **3X800 MW PVUNL PATRATU SUPER THERMAL POWER STATION, JHARKHAND.**

References:

1. **E-Tender Spec No:** BHE/PW/PUR/NTPRT-BAL-CVL-CHIMNEY-U-02/2294
2. Corrigendum-01 dated 24/07/2020 for Tender Due Date of Extension from 27/07/2020 to 03/08/2020
3. Corrigendum-02 dated 01/08/2020 for Tender Due Date of Extension from 03/08/2020 to 17/08/2020
4. Corrigendum-03 dated 14/08/2020 for Tender Due Date of Extension from 17/08/2020 to 31/08/2020
5. Corrigendum-04 dated 26/08/2020 for Reduction in EMD amount & tender Due Date of Extension from 31/08/2020 to 07/09/2020
6. Corrigendum-05 dated 07/09/2020 for tender Due Date of Extension from 07/09/2020 to 21/09/2020.
7. Corrigendum-06 dated 21/09/2020 for tender Due Date of Extension from 21/09/2020 to 06/10/2020.
8. Corrigendum-07 dated 06/10/2020 for tender Due Date of Extension from 06/10/2020 to 20/10/2020.

Bidders to kindly take note of the following:

AA) Following additional clause no. 23 in Annexure-4 'Important Information' and Annexure-8 are inserted in subject NIT and shall form part of the subject tender.

Clause No 23: "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 (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:

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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.
- 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 Vol-IC GCC shall also be applicable.

BB) Extension of Last Date for Offer Submission in BHEL e-Portal:

The last date for submission of offer has been re-scheduled to 26/10/2020, 15.00 hrs.

Technical Bids shall be opened on 26/10/2020 at 16.00 hrs.

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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.

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

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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:

- 1) 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.

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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)