

## Corrigendum - 1 dated 05/02/2026 to CPC Tender No. BHEL/CPC/TLB/C\_RWR/26/075

**Corrigendum - 1 to CPC Tender No. BHEL/CPC/TLB/C\_RWR/26/075** for the work of “Civil, Structural and Architectural works of Raw Water Reservoir & its associated works, Raw Water Pump House Rain Water Harvesting Pond, Rain water pump house & its associated works, Pipe pedestals, duct banks, pull pits, road crossings, any other civil work pertaining to raw water and rain water harvesting system at 3 x 800 MW NLC TALABIRA TPP (NTTPP), Jharsuguda, Odisha, INDIA”.

**A) Modification in NOTICE INVITING E-TENDER (NIT):** Clause No. 9 of NIT is revised as mentioned below;

Sl. No.	NIT Clause No.	Existing clause in Tender	Revised clause
1	9.0	<p><b><u>Assessment of Capacity of Bidders:</u></b></p> <p>Bidder's capacity for executing the job under tender shall be assessed based on its 'LOAD and PERFORMANCE' and '<b>AVERAGE ANNUAL TURNOVER</b>', as per the following:</p> <p>I. <b>LOAD:</b> Load takes into consideration <b>ALL</b> the contracts of the Bidder under execution with BHEL Regions, irrespective of whether they are similar to the tendered scope or not. The cut off month for reckoning 'Load' shall be the <b>3<sup>rd</sup></b> Month preceding the month corresponding to the 'latest date of bid submission', in the following manner -</p> <p>(<b>Note:</b> For example, if latest bid submission is in <b>Jan 2017</b>, then the 'load' shall be calculated up to and inclusive of <b>Oct 2016</b>)</p> <p>Total number of <b>Packages</b> in hand = Load (P)</p> <p>Where 'P' is the sum of all <b>unit wise identified packages (refer table-1)</b> under execution with BHEL Regions as on the cut off month defined above, <b>including packages yet to be commenced</b>, excepting <b>packages</b> which are on Long Hold.</p> <p>II. <b>PERFORMANCE:</b> Here 'Monthly Performance' of the bidder for all the packages (under execution/ executed during the 'Period of Assessment' in</p>	<p><b><u>Assessment of Capacity of Bidders:</u></b></p> <p>Bidder's capacity for executing the job under tender shall be assessed based on its 'LOAD and PERFORMANCE' and '<b>TURNOVER</b>', as per the following:</p> <p>I. <b>LOAD:</b> Load takes into consideration <b>ALL</b> the contracts of the Bidder under execution with BHEL Regions, irrespective of whether they are similar to the tendered scope or not. The cut off month for reckoning 'Load' shall be the <b>last</b> Month preceding the month corresponding to the 'latest date of bid submission', in the following manner -</p> <p>(<b>Note:</b> For example, if latest bid submission is in Jan <b>2026</b>, then the 'load' shall be calculated up to and inclusive of <b>Dec 2025</b>)</p> <p>Total number of <b>LOAs</b> in hand = Load (P)</p> <p>Where 'P' is the sum of all <b>LOAs</b> under execution with BHEL Regions as on the cut off month defined above, excepting <b>LOAs which are on Long Hold, or yet to start, or whose evaluation has been completed upto last month preceding the month corresponding to the 'latest date of bid submission'</b>.</p> <p>For example, if latest bid submission is in Jan 2026, then the</p> <p>i) <b>LOA with start date in Dec-2025 shall be considered in Load.</b></p> <p>ii) <b>LOA with finish date in Dec-2025 shall not be considered in Load.</b></p> <p>II. <b>PERFORMANCE:</b> Here 'Monthly Performance' of the bidder for all the packages (under execution/ executed during the 'Period of Assessment' in all Power Sector</p>

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		<p>all Power Sector Regions of BHEL) <b>SIMILAR</b> to the packages covered under the tendered scope, excepting packages not commenced shall be taken into consideration. The 'Period of Assessment' shall be 6 months preceding and including the cut off month. The cut off month for reckoning 'Period of Assessment' shall be the <b>3<sup>rd</sup></b> Month preceding the month corresponding to 'latest date of bid submission', in the following manner:</p> <p><b>(Note:</b> For example, if 'latest date of bid submission' is in <b>Jan 2017</b>, then the 'performance' shall be assessed for a 6 months' period up to and inclusive of <b>Oct 2016</b> (i.e. from <b>May 2016 to Oct 2016</b>), for all the unit wise identified packages (refer Table I))</p> <p>i). <u>Calculation of Overall 'Performance Rating' for 'Similar Package/Packages' for the tendered scope under execution at Power Sector Regions for the 'Period of Assessment':</u></p> <p>This shall be obtained by summing up the 'Monthly Performance Evaluation' scores obtained by the bidder in all Regions for all the similar Package/packages', divided by the total number of Package months for which evaluation should have been done, as per procedure below:</p> <p>a) <math>P_1, P_2, P_3, P_4, P_5, \dots P_N</math> etc. be the packages (under execution/ executed during the 'Period of Assessment' in all Regions of BHEL) <b>SIMILAR</b> to the packages covered under the tendered scope, excepting packages not commenced. Total number of similar packages for all Regions = <math>P_T</math> (i.e. <math>P_T = P_1 + P_2 + P_3 + P_4 + \dots P_N</math>)</p> <p>b) Number of Months '<math>T_1</math>' for which 'Monthly Performance Evaluation' as per relevant formats, should have been done in the 'Period of Assessment' for the corresponding similar package <math>P_1</math>. Similarly <math>T_2</math> for package <math>P_2, T_3</math> for package <math>P_3</math>, etc. for the tendered scope. Now calculate cumulative total months '<math>T_T</math>' for</p>	<p>Regions of BHEL) <b>SIMILAR</b> to the packages covered under the tendered scope, excepting packages not commenced shall be taken into consideration. The 'Period of Assessment' shall be 6 months preceding and including the cut off month. The cut off month for reckoning 'Period of Assessment' shall be the <b>2<sup>nd</sup></b> Month preceding the month corresponding to 'latest date of bid submission', in the following manner:</p> <p><b>(Note:</b> For example, if 'latest date of bid submission' is in Jan <b>2026</b>, then the 'performance' shall be assessed for a 6 months' period up to and inclusive of <b>Nov 2025</b> (i.e. from <b>June 2025 to Nov 2025</b>), for all the unit wise identified packages (refer Table I))</p> <p>i). <u>Calculation of Overall 'Performance Rating' for 'Similar Package/Packages' for the tendered scope under execution at Power Sector Regions for the 'Period of Assessment':</u></p> <p>This shall be obtained by summing up the 'Monthly Performance Evaluation' scores obtained by the bidder in all Regions for all the similar Package/packages', divided by the total number of Package months for which evaluation should have been done, as per procedure below:</p> <p>a) <math>P_1, P_2, P_3, P_4, P_5, \dots P_N</math> etc. be the packages (under execution/ executed during the 'Period of Assessment' in all Regions of BHEL) <b>SIMILAR</b> to the packages covered under the tendered scope, excepting packages not commenced. Total number of similar packages for all Regions = <math>P_T</math> (i.e. <math>P_T = P_1 + P_2 + P_3 + P_4 + \dots P_N</math>)</p> <p>b) Number of Months '<math>T_1</math>' for which 'Monthly Performance Evaluation' as per relevant formats, should have been done in the 'Period of Assessment' for the corresponding similar package <math>P_1</math>. Similarly <math>T_2</math> for package <math>P_2, T_3</math> for package <math>P_3</math>, etc. for the tendered scope. Now calculate cumulative total months '<math>T_T</math>' for total similar Packages '<math>P_T</math>' for all Regions (i.e. <math>T_T = T_1 + T_2 + T_3 + T_4 + \dots T_N</math>)</p>

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		<p>total similar Packages '<math>P_T</math>' for all Regions (i.e. <math>T_T = T_1 + T_2 + T_3 + T_4 + \dots T_N</math>)</p> <p>c) Sum '<math>S_1</math>' of 'Monthly Performance Evaluation' Scores (<math>S_{1-1}, S_{1-2}, S_{1-3}, S_{1-4}, S_{1-5}, \dots S_{1-T1}</math>) for similar package <math>P_1</math>, for the 'period of assessment' '<math>T_1</math>' (i.e. <math>S_1 = S_{1-1} + S_{1-2} + S_{1-3} + S_{1-4} + S_{1-5} + \dots S_{1-T1}</math>). Similarly, <math>S_2</math> for package <math>P_2</math> for period <math>T_2</math>, <math>S_3</math> for package <math>P_3</math> for period <math>T_3</math> etc. for the tendered scope for all Regions. Now calculate cumulative sum '<math>S_T</math>' of 'Monthly Performance Evaluation' Scores for total similar Packages '<math>P_T</math>' for all Regions (i.e. '<math>S_T</math>' = <math>S_1 + S_2 + S_3 + S_4 + S_5 + \dots S_N</math>.)</p> <p>d) <b>Overall Performance Rating '<math>R_{BHEL}</math>' for the Similar Package/Packages</b> (under execution/ executed during the 'Period of Assessment') in all the Power Sector Regions of BHEL</p> <p style="padding-left: 40px;">Aggregate of Performance scores for all similar packages in all the Regions</p> <p style="padding-left: 40px;">= -----</p> <p style="padding-left: 40px;">Aggregate of months for each of the similar packages for which performance should have been evaluated in all the Regions</p> <p style="padding-left: 40px;"><math>S_T</math></p> <p style="padding-left: 40px;">= -----</p> <p style="padding-left: 40px;"><math>T_T</math></p> <p>e) Bidders to note that the risk of non-evaluation or non-availability of the 'Monthly Performance Evaluation' reports as per relevant formats is to be borne by the Bidder.</p> <p>f) Table showing methodology for calculating 'a', 'b' and 'c' above</p>	<p>c) Sum '<math>S_1</math>' of 'Monthly Performance Evaluation' Scores (<math>S_{1-1}, S_{1-2}, S_{1-3}, S_{1-4}, S_{1-5}, \dots S_{1-T1}</math>) for similar package <math>P_1</math>, for the 'period of assessment' '<math>T_1</math>' (i.e. <math>S_1 = S_{1-1} + S_{1-2} + S_{1-3} + S_{1-4} + S_{1-5} + \dots S_{1-T1}</math>). Similarly, <math>S_2</math> for package <math>P_2</math> for period <math>T_2</math>, <math>S_3</math> for package <math>P_3</math> for period <math>T_3</math> etc. for the tendered scope for all Regions. Now calculate cumulative sum '<math>S_T</math>' of 'Monthly Performance Evaluation' Scores for total similar Packages '<math>P_T</math>' for all Regions (i.e. '<math>S_T</math>' = <math>S_1 + S_2 + S_3 + S_4 + S_5 + \dots S_N</math>.)</p> <p>d) <b>Overall Performance Rating '<math>R_{BHEL}</math>' for the Similar Package/Packages</b> (under execution/ executed during the 'Period of Assessment') in all the Power Sector Regions of BHEL</p> <p style="padding-left: 40px;"><b>Aggregate of Performance scores for all similar packages in all the Regions</b></p> <p style="padding-left: 40px;">= -----</p> <p style="padding-left: 40px;"><b>Aggregate of months for each of the similar packages for which performance should have been evaluated in all the Regions</b></p> <p style="padding-left: 40px;"><math>S_T</math></p> <p style="padding-left: 40px;">= -----</p> <p style="padding-left: 40px;"><math>T_T</math></p> <p>e) Bidders to note that the risk of non-evaluation or non-availability of the 'Monthly Performance Evaluation' reports as per relevant formats is to be borne by the Bidder.</p> <p>f) Table showing methodology for calculating 'a', 'b' and 'c' above</p>

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2	Number of Months for which 'Monthly Performance Evaluation' as per relevant formats should have been done in the 'period of assessment' for corresponding Similar Packages (as in row 1)	T <sub>1</sub>	T <sub>2</sub>	T <sub>3</sub>	T <sub>4</sub>	T <sub>5</sub>	...	T <sub>N</sub>	Sum (Σ) of columns (iii) to (ix)  = T <sub>T</sub>																																																																																														
3	Monthly performance scores for the corresponding period (as in Row 2)	S <sub>1-1</sub> , S <sub>1-2</sub> , S <sub>1-3</sub> , S <sub>1-4</sub> , ... S <sub>1-T1</sub>	S <sub>2-1</sub> , S <sub>2-2</sub> , S <sub>2-3</sub> , S <sub>2-4</sub> , ... S <sub>2-T2</sub>	S <sub>3-1</sub> , S <sub>3-2</sub> , S <sub>3-3</sub> , S <sub>3-4</sub> , ... S <sub>3-T3</sub>	S <sub>4-1</sub> , S <sub>4-2</sub> , S <sub>4-3</sub> , S <sub>4-4</sub> , ... S <sub>4-T4</sub>	S <sub>5-1</sub> , S <sub>5-2</sub> , S <sub>5-3</sub> , S <sub>5-4</sub> , ... S <sub>5-T5</sub>	.. .. .. .. S <sub>5-T5</sub>	S <sub>N-1</sub> , S <sub>N-2</sub> , S <sub>N-3</sub> , S <sub>N-4</sub> , ... S <sub>N-TN</sub>	-----																																																																																														

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Sl. No.	NIT Clause No.	Existing clause in Tender										Revised clause									
										S <sub>N-TN</sub>											
		4	Sum of Monthly Performance scores of the corresponding Package for the corresponding period (as in row-3)	S <sub>1</sub>	S <sub>2</sub>	S <sub>3</sub>	S <sub>4</sub>	S <sub>5</sub>	...	S <sub>N</sub>	Sum (Σ) of columns (iii) to (ix) = S <sub>T</sub>	4	Sum of Monthly Performance scores of the corresponding Package for the corresponding period (as in row-3)	S <sub>1</sub>	S <sub>2</sub>	S <sub>3</sub>	S <sub>4</sub>	S <sub>5</sub>	...	S <sub>N</sub>	Sum (Σ) of columns (iii) to (ix) = S <sub>T</sub>
		<p>ii). <u>Calculation of Overall 'Performance Rating' (<math>R_{BHEL}</math>) in case at least 6 evaluation scores for 'similar Package/Packages' for the tendered scope ARE NOT AVAILABLE, during the 'Period of Assessment':</u></p> <p>This shall be obtained by summing up the 'Monthly Performance Evaluation' scores obtained by the bidder in all Regions for ALL the packages, divided by the total number of Package months for which evaluation should have been done. '<math>R_{BHEL}</math>' shall be calculated subject to availability of 'performance scores' for at least 6 'package months' in the order of precedence below:</p> <ol style="list-style-type: none"> <li>'Period of Assessment' i.e. 6 months preceding and including the cut-off month</li> <li>12 months preceding and including the cut-off month</li> <li>24 months preceding and including the cut-off month</li> </ol> <p>In case, <math>R_{BHEL}</math> cannot be calculated as above, then Bidder shall be treated as 'NEW VENDOR'. Further eligibility and qualification of this bidder shall be as per definition of 'NEW VENDOR' described in 'Explanatory Notes'.</p>																			
		<p>ii). <u>Calculation of Overall 'Performance Rating' (<math>R_{BHEL}</math>) in case at least 6 evaluation scores for 'similar Package/Packages' for the tendered scope ARE NOT AVAILABLE, during the 'Period of Assessment':</u></p> <p>This shall be obtained by summing up the 'Monthly Performance Evaluation' scores obtained by the bidder in all Regions for ALL the packages, divided by the total number of Package months for which evaluation should have been done. '<math>R_{BHEL}</math>' shall be calculated subject to availability of 'performance scores' for at least 6 'package months' in the order of precedence below:</p> <ol style="list-style-type: none"> <li>'Period of Assessment' i.e. 6 months preceding and including the cut-off month</li> <li>12 months preceding and including the cut-off month</li> <li>24 months preceding and including the cut-off month</li> </ol> <p>In case, <math>R_{BHEL}</math> cannot be calculated as above, then Bidder shall be treated as 'NEW VENDOR'. Further eligibility and qualification of this bidder shall be as per definition of 'NEW VENDOR' described in 'Explanatory Notes'.</p>																			

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Sl. No.	NIT Clause No.	Existing clause in Tender	Revised clause																																	
		<p>iii). <u>Factor “L” assigned based on Overall Performance Rating (R<sub>BHEL</sub>) at Power Sector Regions:</u></p> <table><tr><th>Sl. no.</th><th>Overall Performance Rating (R<sub>BHEL</sub>)</th><th>Corresponding Value of ‘L’</th></tr><tr><td>1</td><td>=60</td><td>NA</td></tr><tr><td>2</td><td>&gt; 60 and ≤ 65</td><td>0.5</td></tr><tr><td>3</td><td>&gt; 65 and ≤ 70</td><td>0.45</td></tr><tr><td>4</td><td>&gt; 70 and ≤ 75</td><td>0.4</td></tr><tr><td>5</td><td>&gt; 75 and ≤ 80</td><td>0.375</td></tr><tr><td>6</td><td>&gt; 80 and &lt; 90</td><td>0.35</td></tr><tr><td>7</td><td>≥90</td><td>0.33</td></tr></table> <p>iv). <u>Performance Systems:</u> The performance rating as mentioned in II (i) and (ii) above, shall be calculated as per Online Systems i.e. Contractor Performance Evaluation System (CPES) and Safety Performance Evaluation System (HSEPES). The scores assigned in HSEPES shall be scaled down to 10 and assigned in CPES against the category “HSE” (mentioned in Form F-15).</p> <p>III. <u>i) ‘Assessment of Capacity based on ‘LOAD and PERFORMANCE’:</u></p>	Sl. no.	Overall Performance Rating (R <sub>BHEL</sub> )	Corresponding Value of ‘L’	1	=60	NA	2	> 60 and ≤ 65	0.5	3	> 65 and ≤ 70	0.45	4	> 70 and ≤ 75	0.4	5	> 75 and ≤ 80	0.375	6	> 80 and < 90	0.35	7	≥90	0.33	<p>iii). <u>Factor “L” assigned based on Overall Performance Rating (R<sub>BHEL</sub>) at Power Sector Regions:</u></p> <table><tr><th>Sl. no.</th><th>Overall Performance Rating (R<sub>BHEL</sub>)</th><th>Corresponding Value of ‘L’</th></tr><tr><td>1</td><td>≥ 60 and &lt; 62</td><td>NA</td></tr><tr><td>2</td><td>≥ 62</td><td>0.45</td></tr></table> <p>iv). <u>Performance Systems:</u> The performance rating as mentioned in II (i) and (ii) above, shall be calculated as per Online Systems i.e. Contractor Performance Evaluation System (CPES) and Safety Performance Evaluation System (HSEPES). The scores assigned in HSEPES shall be scaled down to 10 and assigned in CPES against the category “HSE” (mentioned in Form F-15).</p> <p>III. <u>i) ‘Assessment of Capacity based on ‘LOAD and PERFORMANCE’:</u></p> <p>a) ‘Assessment of Capacity of Bidder’ is based on the Maximum number of <b>LOAs</b> for which a vendor is eligible, considering the performance scores of similar packages, as below:</p>	Sl. no.	Overall Performance Rating (R <sub>BHEL</sub> )	Corresponding Value of ‘L’	1	≥ 60 and < 62	NA	2	≥ 62	0.45
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Sl. No.	NIT Clause No.	Existing clause in Tender	Revised clause
		<p>a) 'Assessment of Capacity of Bidder' is based on the Maximum number of <b>packages</b> for which a vendor is eligible, considering the performance scores of similar packages, as below:</p> <p>Max number of <b>packages</b> <math>P_{Max} = (R_{BHEL} - 60)</math> divided by corresponding value of 'L', i.e. <math>(R_{BHEL} - 60)/L</math></p> <p><u>Note:</u></p> <p>i). In case the value of <math>P_{Max}</math> results in a fraction, the value of <math>P_{Max}</math> is to be rounded off to next whole number</p> <p>ii). For <math>R_{BHEL} = 60</math>, <math>P_{Max} = '1'</math></p> <p>The Bidder shall be considered 'Qualified' on 'Performance basis' as per 'Assessment of Capacity of Bidder' for the subject Tender if <math>P \leq P_{Max}</math> (Where P is calculated as per clause 'I' above)</p> <p>b) In addition to above, the contractor shall be considered disqualified for ongoing tender(s) of BHEL, in case contractor fails to obtain an overall average score of 6 or more than 6 (six) (in the scaled down scores of HSEPES) out of 10, in a period of '6 months preceding and including the cut-off month'. The period of '6 months preceding and including the cut-off month' can be extended to 12 months and further to 24 months, to account for 'performance scores' for at least 6 'package months'. Bidders who did not qualify this condition shall not be considered under the provisions of clause 9 IV (iv) of NIT.</p> <p><b><u>ii) Assessment of Capacity based on 'AVERAGE ANNUAL TURNOVER':</u></b></p> <p>If the 'value of contracts in hand' across all PS Regions by a contractor is less than the product of "annual average turnover of the Contractor and multiplying factor", then such bidder shall be considered qualified on 'Annual Average Turnover basis'. The</p>	<p>Max number of <b>LOA</b> <math>P_{Max} = (R_{BHEL} - 60)</math> divided by corresponding value of 'L', i.e. <math>(R_{BHEL} - 60)/L</math></p> <p><u>Note:</u></p> <p>i). In case the value of <math>P_{Max}</math> results in a fraction, the value of <math>P_{Max}</math> is to be rounded off to next whole number</p> <p>ii). For <math>R_{BHEL} \geq 60</math> and <math>&lt; 62</math>, <math>P_{Max} = '5'</math></p> <p>The Bidder shall be considered 'Qualified' on 'Performance basis' as per 'Assessment of Capacity of Bidder' for the subject Tender if <math>P \leq P_{Max}</math> (Where P is calculated as per clause 'I' above)</p> <p>b) In addition to above, the contractor shall be considered disqualified for ongoing tender(s) of BHEL, in case contractor fails to obtain an overall average score of 6 or more than 6 (six) (in the scaled down scores of HSEPES) out of 10 <b>considered for Performance Rating as per sl no II (ii)</b>, in a period of '6 months preceding and including the cut-off month'. The period of '6 months preceding and including the cut-off month' can be extended to 12 months and further to 24 months, to account for 'performance scores' for at least 6 'package months'. Bidders who did not qualify this condition shall not be considered under the provisions of clause 9 IV (iv) of NIT.</p> <p><b><u>ii) Assessment of Capacity based on ' TURNOVER':</u></b></p> <p>If the 'value of contracts in hand' across all PS Regions by a contractor is less than the product of "maximum of 'annual average turnover for last 3 years' or 'latest FY turnover' of the Contractor and multiplying factor", then such bidder shall be considered qualified on 'Annual Average Turnover basis'. The 'value of contracts in hand' will be computed by summing up "50% of the annualized awarded value of</p>

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Sl. No.	NIT Clause No.	Existing clause in Tender	Revised clause																																										
		<p>'value of contracts in hand' will be computed by summing up "50% of the annualized awarded value of each contract" unless performance evaluation is not closed in the online CPES.</p> <p>Based on the performance rating of the Contractor, the above mentioned multiplying factor shall be as below:</p> <table><tr><th>Sl. no</th><th>Overall Performance Rating (R<sub>BHEL</sub>)</th><th>(Multiplying factor to Average Annual Turnover)</th></tr><tr><td>1</td><td>≥ 60 and ≤ 65</td><td>1</td></tr><tr><td>2</td><td>&gt; 65 and ≤ 70</td><td>1.5</td></tr><tr><td>3</td><td>&gt; 70 and ≤ 75</td><td>2</td></tr><tr><td>4</td><td>&gt; 75 and ≤ 80</td><td>2.5</td></tr><tr><td>5</td><td>&gt; 80</td><td>3</td></tr></table> <p><b><u>'Assessment of Capacity of Bidder':</u></b></p> <p>The bidder will be considered qualified for the tender if it qualifies on 'Load and Performance basis' as well as on 'Average Annual Turnover basis'.</p> <p>However, 'New Vendor'/ 'Consortium Partner' shall be considered qualified based on only 'Load and Performance' (they will be regarded pre-qualified on 'Average Annual Turnover' criteria).</p> <p>IV. <b><u>Explanatory note:</u></b></p> <p>i). Similar package means Boiler or ESP or Piping or Turbine or Civil or Structure or Electrical or C&amp;I etc. at the individual level irrespective of rating of Plant and irrespective of whether the subject tender is a single package or as part of combined/composite packages. Normally Boiler, ESP, Piping,</p>	Sl. no	Overall Performance Rating (R <sub>BHEL</sub> )	(Multiplying factor to Average Annual Turnover)	1	≥ 60 and ≤ 65	1	2	> 65 and ≤ 70	1.5	3	> 70 and ≤ 75	2	4	> 75 and ≤ 80	2.5	5	> 80	3	<p>each contract" unless performance evaluation is not closed in the online CPES.</p> <p>Based on the performance rating of the Contractor, the above mentioned multiplying factor shall be as below:</p> <table><tr><th>Sl. no.</th><th>Overall Performance Rating (R<sub>BHEL</sub>)</th><th>(Multiplying factor to Turnover)</th></tr><tr><td>1</td><td>&lt;60</td><td>0</td></tr><tr><td>2</td><td>≥ 60 and ≤ 62</td><td>1.0</td></tr><tr><td>3</td><td>&gt; 62 and ≤ 65</td><td>1.5</td></tr><tr><td>4</td><td>&gt; 65 and ≤ 70</td><td>2.0</td></tr><tr><td>5</td><td>&gt; 70 and ≤ 75</td><td>2.5</td></tr><tr><td>6</td><td>&gt; 75 and ≤ 80</td><td>3.0</td></tr><tr><td>7</td><td>&gt; 80</td><td>3.5</td></tr></table> <p><b><u>'Assessment of Capacity of Bidder':</u></b></p> <p>The bidder will be considered qualified for the tender if it qualifies on 'Load and Performance basis' as well as on 'Average Annual Turnover basis'.</p> <p>However, 'Consortium Partner' shall be considered qualified based on only 'Overall Performance Rating ≥60' (they will be regarded pre-qualified on other criteria).</p> <p>IV. <b><u>Explanatory note:</u></b></p> <p>i). Similar package means Boiler or ESP or Piping or Turbine or Civil or Structure or Electrical or C&amp;I etc. at the individual level irrespective of rating of Plant and irrespective of whether the subject tender is a single package or as part of combined/composite packages. Normally Boiler, ESP, Piping, Turbine, Electrical, C&amp;I,</p>	Sl. no.	Overall Performance Rating (R <sub>BHEL</sub> )	(Multiplying factor to Turnover)	1	<60	0	2	≥ 60 and ≤ 62	1.0	3	> 62 and ≤ 65	1.5	4	> 65 and ≤ 70	2.0	5	> 70 and ≤ 75	2.5	6	> 75 and ≤ 80	3.0	7	> 80	3.5
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		<p>Turbine, Electrical, C&amp;I, Civil, Structure etc. is considered individual level of package. For example, in case the tendered scope is a Boiler Vertical Package comprising of Boiler, ESP and Power Cycle Piping (i.e. the 'identified packages as per Table-1 below), the 'PERFORMANCE' part against sl.no. II above, needs to be evaluated considering all the identified packages (i.e. Boiler, ESP and Power Cycle Piping) and finally the Bidder's capacity to execute the tendered scope is assessed in line with III above.</p> <p>ii). Identified Packages (Unit wise)</p> <p style="text-align: center;"><b><u>Table-1</u></b></p> <table><tr><th>Civil</th><th>Electrical and C&amp;I</th><th>Mechanical</th></tr><tr><td>i). Enabling works</td><td>i). Electrical</td><td>i). Boiler &amp; Aux (All types including CW Piping if applicable)</td></tr><tr><td>ii). Pile and Pile Caps</td><td>ii). C&amp;I</td><td>ii). Power Cycle Piping/Critical Piping</td></tr><tr><td>iii). Civil Works including foundations</td><td>iii). Others (Elect. and C&amp;I)</td><td>iii). ESP</td></tr><tr><td>iv). Structural Steel Fabrication &amp; Erection</td><td>iv). Electrical Enabling Works</td><td>iv). LP Piping</td></tr><tr><td>v). Chimney</td><td></td><td>v). Steam Turbine Generator set &amp; Aux</td></tr><tr><td>vi). Cooling Tower</td><td></td><td>vi). Gas Turbine Generator set &amp; Aux</td></tr><tr><td>vii). Others (Civil)</td><td></td><td>vii). Hydro Turbine Generator set &amp; Aux</td></tr><tr><td></td><td></td><td>viii). Turbo Blower (including Steam Turbine)</td></tr><tr><td></td><td></td><td>ix). Material Management</td></tr><tr><td></td><td></td><td>x). FGD</td></tr><tr><td></td><td></td><td>xi). ACC</td></tr><tr><td></td><td></td><td>xii). Others (Mechanical)</td></tr></table> <p>iii). Bidders who have not been evaluated for at least six package months in the last 24 months preceding and including the Cut-off month in the</p>	Civil	Electrical and C&I	Mechanical	i). Enabling works	i). Electrical	i). Boiler & Aux (All types including CW Piping if applicable)	ii). Pile and Pile Caps	ii). C&I	ii). Power Cycle Piping/Critical Piping	iii). Civil Works including foundations	iii). Others (Elect. and C&I)	iii). ESP	iv). Structural Steel Fabrication & Erection	iv). Electrical Enabling Works	iv). LP Piping	v). Chimney		v). Steam Turbine Generator set & Aux	vi). Cooling Tower		vi). Gas Turbine Generator set & Aux	vii). Others (Civil)		vii). Hydro Turbine Generator set & Aux			viii). Turbo Blower (including Steam Turbine)			ix). Material Management			x). FGD			xi). ACC			xii). Others (Mechanical)	<p>Civil, Structure etc. is considered individual level of package. 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Bidders who have not been evaluated for at least six package months in the last 24 months preceding and including the Cut-off month in the online BHEL system for contractor performance evaluation in BHEL PS Regions, shall be considered "NEW VENDOR".</p>	Civil	Electrical and C&I	Mechanical	viii). Enabling works	v). Electrical	i). Boiler & Aux (All types including CW Piping if applicable)	ix). Pile and Pile Caps	vi). C&I	ii). Power Cycle Piping/Critical Piping	x). Civil Works including foundations	vii). Others (Elect. and C&I)	iii). ESP	xi). Structural Steel Fabrication & Erection	viii). Electrical Enabling Works	iv). LP Piping	xii). Chimney		v). Steam Turbine Generator set & Aux	xiii). Cooling Tower		vi). Gas Turbine Generator set & Aux	xiv). Others (Civil)		vii). Hydro Turbine Generator set & Aux			viii). Turbo Blower (including Steam Turbine)			ix). Material Management			x). FGD			xi). ACC			xii). Others (Mechanical)
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		<p>online BHEL system for contractor performance evaluation in BHEL PS Regions, shall be considered "NEW VENDOR".</p> <p>A 'NEW VENDOR' shall be considered qualified subject to satisfying all other tender conditions.</p> <p>A 'NEW VENDOR' if awarded a job (of package/packages identified under this clause) shall be tagged as "FIRST TIMER" on the date of first <b>LOI</b> from BHEL.</p> <p>The "FIRST TIMER" tag shall remain till completion of all the contracts against which vendor has been tagged as First Timer or availability of 6 evaluation scores within last 24 months preceding and including the Cut-off month in the online BHEL system for contractor performance evaluation in BHEL PS Regions.</p> <p>A Bidder shall not be eligible for the next job as long as the Bidder is tagged as "FIRST TIMER" excepting for the Tenders which have been opened on or before the date of the bidder being tagged as 'FIRST TIMER'.</p> <p>After removal of 'FIRST TIMER' tag, the Bidder shall be considered 'QUALIFIED' for the future tenders subject to satisfying all <b>other</b> tender conditions including 'Assessment of Capacity of Bidders'.</p> <p>iv). Consequent upon applying the criteria of 'Assessment of Capacity of Bidders' detailed above on all the bidders qualified against Technical and Financial Qualification criteria, if the number of qualified bidders reduces to less than four, then for further processing of the Tender, BHEL at its discretion</p>	<p>A 'NEW VENDOR' shall be considered qualified subject to satisfying all other tender conditions.</p> <p>A 'NEW VENDOR' if awarded a job (of package/ packages identified under this clause) shall be tagged as "FIRST TIMER" on the date of first <b>LOA</b> from BHEL.</p> <p>The "FIRST TIMER" tag shall remain till completion of all the contracts against which vendor has been tagged as First Timer or availability of 6 evaluation scores within last 24 months preceding and including the Cut-off month in the online BHEL system for contractor performance evaluation in BHEL PS Regions.</p> <p>A Bidder shall not be eligible for the next job as long as the Bidder is tagged as "FIRST TIMER" excepting for the Tenders which have been opened on or before the date of the bidder being tagged as 'FIRST TIMER'.</p> <p>After removal of 'FIRST TIMER' tag, the Bidder shall be considered 'QUALIFIED' for the future tenders subject to satisfying all tender conditions including 'Assessment of Capacity of Bidders'. <b>However, in case any evaluation scores are available in the last 24 months preceding and including the Cut-off month for a 'First Timer', the bidder shall be considered qualified only if the average of the available evaluation scores being <math>\geq 60</math> and qualified on other parameters i.e Load, HSE and Turnover.</b></p> <p>iv). Consequent upon applying the criteria of 'Assessment of Capacity of Bidders' detailed above on all the bidders qualified against Technical and Financial Qualification criteria, if the number of qualified bidders reduces to less than four, then for further processing of the Tender, BHEL at its discretion reserves the right to also consider the bidders who are "not qualified" as per criteria of 'Assessment of Capacity of Bidders', <b>excluding the bidders disqualified on basis of HSE (as per</b></p>

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Sl. No.	NIT Clause No.	Existing clause in Tender	Revised clause
		<p>reserves the right to also consider the bidders who are “not qualified” as per criteria of ‘Assessment of Capacity of Bidders’ and for this, procedure described in following <b>three</b> options shall be followed:</p> <p>a) All the bidders having Overall Performance Rating (<math>R_{BHEL}</math>) <math>\geq 60</math> shall be considered qualified against criteria of ‘Assessment of Capacity of Bidders’.</p> <p>b) If even after using option “a”, the number of qualified bidders remains less than four, then in addition to bidders considered as per option “a”, “First timer” bidders having average of available performance scores <math>\geq 60</math> upto and including the Cut Off month shall also be considered qualified against criteria of ‘Assessment of Capacity of Bidders’.</p> <p>c) If even after using option “a” and “b”, the number of qualified bidders remains less than four, then in addition to bidders considered as per option “a” and “b”, “First timer” bidders for whom no performance score is available in the system upto and including the Cut Off month, shall also be considered qualified against criteria of ‘Assessment of Capacity of Bidders’.</p> <p>d) If even after using option “a”, “b” and “c” the number of qualified bidders remains less than four, remaining bidders shall be “listed” as per their descending order of Overall Performance Rating (<math>R_{BHEL}</math>) or average of available performance scores for “First timer” bidders upto and including the Cut Off month. Bidders as per option “a”, “b”, “c” and additional top bidders as “listed” above shall be considered qualified against criteria of ‘Assessment of Capacity of Bidders’ to make the total numbers of qualified bidders as four.</p>	<p>Sl. No. III (b)), and for this, procedure described in following <b>four</b> options shall be followed:</p> <p>a) All the bidders having Overall Performance Rating (<math>R_{BHEL}</math>) <math>\geq 60</math> shall be considered qualified against criteria of ‘Assessment of Capacity of Bidders’.</p> <p>b) If even after using option “a”, the number of qualified bidders remains less than four, then in addition to bidders considered as per option “a”, “First timer” bidders having average of available performance scores <math>\geq 60</math> upto and including the Cut Off month shall also be considered qualified against criteria of ‘Assessment of Capacity of Bidders’.</p> <p>c) If even after using option “a” and “b”, the number of qualified bidders remains less than four, then in addition to bidders considered as per option “a” and “b”, “First timer” bidders for whom no performance score is available in the system upto and including the Cut Off month, shall also be considered qualified against criteria of ‘Assessment of Capacity of Bidders’.</p> <p>d) If even after using option “a”, “b” and “c” the number of qualified bidders remains less than four, remaining bidders shall be “listed” as per their descending order of Overall Performance Rating (<math>R_{BHEL}</math>) or average of available performance scores for “First timer” bidders upto and including the Cut Off month. Bidders as per option “a”, “b”, “c” and additional top bidders as “listed” above shall be considered qualified against criteria of ‘Assessment of Capacity of Bidders’ to make the total numbers of qualified bidders as four.</p> <p>In case, from the “listed” bidders, more than 1 “listed” bidder are having the same average performance score, then all such bidders shall be considered.</p>

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Sl. No.	NIT Clause No.	Existing clause in Tender	Revised clause
		<p>In case, from the “listed” bidders, more than 1 “listed” bidder are having the same average performance score, then all such bidders shall be considered.</p> <p><b>Example-</b></p> <p>If 3 bidders are considered from “a”, “b” and “c”. From remaining “listed” bidders, 3 top bidders have same average performance scores. Then all 3 “listed” bidders shall be considered.</p> <p><b>Note:-</b> In case, the number of bidders qualified against Technical and Financial Qualification criteria itself is less than four, then all bidders shall be considered qualified against criteria of ‘Assessment of Capacity of Bidders’ for further processing of tender.</p> <p>v). ‘Under execution’ shall mean works in progress as per the following:</p> <ol style="list-style-type: none"> <li>Up to execution of 90% of anticipated Contract Value in case of Civil, MM, Structural and Turbo Blower Packages</li> <li>Up to Steam Blowing in case of Boiler/ESP/Piping Packages</li> <li>Up to Synchronization in all Balance Packages</li> </ol> <p><b>Note:</b> BHEL at its discretion can extend (or reduce in exceptional cases in line with Contract conditions) the period defined against (a), (b) and (c) above, depending upon the balance scope of work to be completed.</p> <p>vi). Contractor shall provide the latest contact details i.e. mail-ID and Correspondence Address to SCT Department, so that same can be entered in the Contractor Performance Evaluation</p>	<p><b>Example-</b></p> <p>If 3 bidders are considered from “a”, “b” and “c”. From remaining “listed” bidders, 3 top bidders have same average performance scores. Then all 3 “listed” bidders shall be considered.</p> <p><b>Note:-</b> In case, the number of bidders qualified against Technical and Financial Qualification criteria itself is less than four, then all bidders shall be considered qualified against criteria of ‘Assessment of Capacity of Bidders’ for further processing of tender.</p> <p>v). ‘Under execution’ shall mean works in progress as per the following:</p> <ol style="list-style-type: none"> <li>Up to execution of 90% of anticipated Contract Value in case of Civil/ MM/ Structural/ Turbo Blower Packages</li> <li>Up to Steam Blowing in case of Boiler/ ESP/ Piping Packages</li> <li>Up to Synchronization in all Balance Packages</li> </ol> <p>vi). Contractor shall provide the latest contact details i.e. mail-ID and Correspondence Address to SCT Department, so that same can be entered in the Contractor Performance Evaluation System, and in case of any change/discrepancy same shall be informed immediately. Login Details for viewing scores in Contractor Performance Evaluation System shall be provided to the Contractor by SCT Department.</p>

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Sl. No.	NIT Clause No.	Existing clause in Tender	Revised clause
		<p>System, and in case of any change/discrepancy same shall be informed immediately. Login Details for viewing scores in Contractor Performance Evaluation System shall be provided to the Contractor by SCT Department.</p> <p>vii). Performance Evaluation for Activity Month shall be completed in Evaluation Month (i.e. month next to Activity Month) or in rare cases in Post Evaluation Month (i.e. month next to Evaluation Month) after approval from Competent Authority. In case scores are not acceptable, Contractor can submit Review Request to GM Site/ GM Project latest by 27<sup>th</sup> of Evaluation Month or 5 days after approval of score, whichever is later. However, acceptance/rejection of 'Review Request' solely depends on the discretion of GM Site/GM Project. After acceptance of Review Request, evaluation score shall be reviewed at site and the score after completion of review process shall be acceptable and binding on the contractor.</p> <p>viii). Project on Hold due to reasons not attributable to bidder -</p> <ol style="list-style-type: none"> <li>a. <b>Short hold:</b> Evaluation shall not be applicable for this period, however, Loading will be considered.</li> <li>b. <b>Long hold:</b> Short hold for continuous six months and beyond or hold on account of Force Majeure shall be considered as Long Hold. Evaluation as well as Loading shall not be considered for this period.</li> </ol> <p>Performance evaluation as specified above in this clause is applicable to Prime bidder and Consortium partner (or Technical tie up partner) for their respective scope of work</p>	<p>vii). Performance Evaluation for Activity Month shall be completed in Evaluation Month (i.e. month next to Activity Month) or in rare cases in Post Evaluation Month (i.e. month next to Evaluation Month) after approval from Competent Authority. In case scores are not acceptable, Contractor can submit Review Request to GM Site/ GM Project latest by 27<sup>th</sup> of Evaluation Month or 5 days after approval of score, whichever is later. However, acceptance/rejection of 'Review Request' solely depends on the discretion of GM Site/GM Project. After acceptance of Review Request, evaluation score shall be reviewed at site and the score after completion of review process shall be acceptable and binding on the contractor.</p> <p>viii). Project on Hold due to reasons not attributable to bidder -</p> <ol style="list-style-type: none"> <li>c. <b>Short hold:</b> Evaluation shall not be applicable for this period, however, Loading will be considered.</li> <li>d. <b>Long hold:</b> Short hold for continuous six months and beyond or hold on account of Force Majeure shall be considered as Long Hold. Evaluation as well as Loading shall not be considered for this period.</li> </ol> <p>Performance evaluation as specified above in this clause is applicable to Prime bidder and Consortium partner (or Technical tie up partner) for their respective scope of work</p>

### B) Revised Integrity Pact – Annexure-6 of NIT is attached with this corrigendum

**INTEGRITY PACT**

**Between**

Bharat Heavy Electricals Ltd. (BHEL), a company registered under the Companies Act 1956 and having its registered office at "BHEL House", Siri Fort, New Delhi - 110049 (India) hereinafter referred to as "The Principal", which expression unless repugnant to the context or meaning hereof shall include its successors or assigns of the ONE PART

**and**

\_\_\_\_\_, (description of the party along with address), hereinafter referred to as "The Bidder/ Contractor" which expression unless repugnant to the context or meaning hereof shall include its successors or assigns of the OTHER PART

**Preamble**

The Principal intends to award, under laid-down organizational procedures, contract/s for BHEL tender ref no.: *BHEL/CPC/TLB/C\_RWR/26/075* for the work of "Civil, Structural and Architectural works of Raw Water Reservoir & its associated works, Raw Water Pump House Rain Water Harvesting Pond, Rain water pump house & its associated works, Pipe pedestals, duct banks, pull pits, road crossings, any other civil work pertaining to raw water and rain water harvesting system at 3 x 800 MW NLC TALABIRA TPP (NTTPP), Jharsuguda, Odisha, INDIA" (hereinafter referred to as "Contract"). The Principal values full compliance with all relevant laws of the land, rules and regulations, and the principles of economic use of resources, and of fairness and transparency in its relations with its Bidder(s)/ Contractor(s).

In order to achieve these goals, the Principal will appoint panel of Independent External Monitor(s) (IEMs), who will monitor the tender process and the execution of the contract for compliance with the principles mentioned above.

**Section 1- Commitments of the Principal**

- 1.1 The Principal commits itself to take all measures necessary to prevent corruption and to observe the following principles: -
  - 1.1.1 No employee of the Principal, personally or through family members, will in connection with the tender for, or the execution of a contract, demand, take a promise for or accept, for self or third person, any material or immaterial benefit which the person is not legally entitled to.
  - 1.1.2 The Principal will, during the tender process treat all Bidder(s) with equity and reason. The Principal will in particular, before and during the tender process, provide to all Bidder(s) the same information and will not provide to any Bidder(s) confidential/ additional information through which the Bidder(s) could obtain an advantage in relation to the tender process or the contract execution.
  - 1.1.3 The Principal will exclude from the process all known prejudiced persons.
- 1.2 If the Principal obtains information on the conduct of any of its employees which is a penal offence under the Bharatiya Nyaya Sanhita (BNS) 2023 and Prevention of Corruption Act 1988 or any other statutory penal enactment, or if there be a substantive suspicion in this regard, the Principal will inform its Vigilance Office and in addition can initiate disciplinary actions.

**Section 2 - Commitments of the Bidder(s)/ Contractor(s)**

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- 2.1 The Bidder(s)/ Contractor(s) commit himself to take all measures necessary to prevent corruption.–The Bidder(s)/ Contractor(s) commits himself to observe the following principles during participation in the tender process and during the contract execution.
  - 2.1.1 The Bidder(s)/ Contractor(s) will not, directly or through any other person or firm, offer, promise or give to the Principal or to any of the Principal's employees involved in the tender process or the execution of the contract or to any third person any material, immaterial or any other benefit which he/ she is not legally entitled to, in order to obtain in exchange any advantage of any kind whatsoever during the tender process or during the execution of the contract.
  - 2.1.2 The Bidder(s)/ Contractor(s) will not enter with other Bidder(s) into any illegal or undisclosed agreement or understanding, whether formal or informal. 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.
  - 2.1.3 The Bidder(s)/ Contractor(s) will not commit any penal offence under the relevant Bharatiya Nyaya Sanhita (BNS) and Prevention of Corruption Act; further the Bidder(s)/ Contractor(s) will not use improperly, for purposes of competition or personal gain, or pass on to others, any information or document provided by the Principal as part of the business relationship, regarding plans, technical proposals and business details, including information contained or transmitted electronically.
  - 2.1.4 Foreign Bidder(s)/ Contractor(s) shall disclose the name and address of agents and representatives in India and Indian Bidder(s)/ Contractor(s) to disclose their foreign principals or associates. The Bidder(s)/ Contractor(s) will, when presenting his bid, disclose any and all payments he has made, and is committed to or intends to make to agents, brokers or any other intermediaries in connection with the award of the contract.
- 2.2 The Bidder(s)/ Contractor(s) will not instigate third persons to commit offences outlined above or be an accessory to such offences.
- 2.3 The Bidder(s)/ Contractor(s) shall not approach the Courts while representing the matters to IEMs and shall await their decision in the matter.

### **Section 3 - Disqualification from tender process and exclusion from future contracts**

If the Bidder(s)/ Contractor(s), before award or during execution has committed a transgression through a violation of Section 2 above, or acts in any other manner such as to put his reliability or credibility in question, the Principal is entitled to disqualify the Bidder(s)/ Contractor(s) from the tender process , terminate the contract, if already awarded, exclude from future business dealings and/ or take action as per the separate "Guidelines on Banning of Business dealings with Suppliers/ Contractors", framed by the Principal.

### **Section 4 - Compensation for Damages**

- 4.1 If the Principal has disqualified the Bidder (s) from the tender process before award / order acceptance according to Section 3, the Principal is entitled to demand and recover the damages equivalent to Earnest Money Deposit/ Bid Security.

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- 4.2 If the Principal is entitled to terminate the Contract according to Section 3, or terminates the Contract in application of Section 3 above, the Bidder(s)/ Contractor (s) transgression through a violation of Section 2 above shall be construed breach of contract and the Principal shall be-entitled to demand and recover from the Contractor an amount equal to 5% of the contract value or the amount equivalent to Security Deposit/ Performance Bank Guarantee, whichever is higher, as damages, in addition to and without prejudice to its right to demand and recover compensation for any other loss or damages specified elsewhere in the contract

### **Section 5 - Previous Transgression**

- 5.1 The Bidder declares that no previous transgressions occurred in the last 3 (three) years (to be reckoned from date of bid submission) with any other company in any country conforming to the anti-corruption approach in India that could justify his exclusion from the tender process. The date of such transgression, for the purpose of disclosure by the bidders in this regard, would be the date on which cognizance of the said transgression was taken by the competent authority. The transgression(s), for which cognizance was taken even before the said period of three years, but are pending conclusion, shall also be reported by the bidders.
- 5.2 If the Bidder makes incorrect statement on this subject, he can be disqualified from the tender process or the contract, if already awarded, can be terminated for such reason or action can be taken as per the separate "Guidelines on Banning of Business dealings with Suppliers/ Contractors", framed by the Principal.

### **Section 6 - Equal treatment of all Bidder (s)/ Contractor (s) / Sub-contractor (s)**

- 6.1 The Principal will enter into Integrity Pacts with identical conditions as this Integrity Pact with all Bidders and Contractors.
- 6.2 In case of a joint venture, all the partners of the joint venture should sign the Integrity Pact. In case of Sub-contracting, the Principal Contractor shall be solely responsible for the adherence to the provisions of IP by the sub-contractor(s).
- 6.3 The Principal will disqualify from the tender process all Bidders who do not sign this Integrity Pact or violate its provisions.

### **Section 7 - Criminal Charges against violating Bidders/ Contractors /Subcontractors**

If the Principal obtains knowledge of conduct of a Bidder, Contractor or Subcontractor, or of an employee or a representative or an associate of a Bidder, Contractor or Subcontractor which constitutes corruption, or if the Principal has substantive suspicion in this regard, the Principal will inform the Vigilance Office.

### **Section 8 -Independent External Monitor(s)**

- 8.1 The Principal appoints competent and credible panel of Independent External Monitor (s) (IEMs) for this Integrity Pact. The task of the IEMs is to review independently and objectively, whether and to what extent the parties comply with the obligations under this Integrity Pact on receipt of any complaint by them from the bidder(s).
- 8.2 The IEMs are not subject to instructions by the representatives of the parties and performs his functions neutrally and independently. He reports to the CMD, BHEL.
- 8.3 The IEMs shall be provided access to all documents/ records pertaining to the Contract, for which a complaint or issue is raised before them as and when warranted. However, the documents/records/information having National Security implications and those documents which have been classified as /Top Secret are not to be disclosed.



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- 8.4 The Principal will provide to the IEMs sufficient information about all meetings among the parties related to the Contract provided such meetings could have an impact on the contractual relations between the Principal and the Contractor. The parties offer to the IEMs the option to participate in such meetings.
- 8.5 The role of IEM is advisory and the advice of IEM is non-binding on the Organization. However, as IEMs are invariably persons with rich experience who have retired as senior functionaries of the government, their advice would help in proper implementation of the IP.
- 8.6 For ensuring the desired transparency and objectivity in dealing with the complaints arising out of the tendering process, the matter should be examined by the full panel of IEMs jointly, who would look into the records, conduct an examination, and submit their joint recommendations to the Management. In case the full panel is not available due to some unavoidable reasons, the available IEM(s) will conduct examination of the complaints. Consent of the IEM(s), who may not be available, shall be taken on record.
- 8.7 The IEMs shall examine all the representations/grievances/ complaints received by them from the bidders or their authorized representative related to any discrimination on account of lack of fair play in modes of procurement and bidding systems, tendering method, eligibility conditions, bid evaluation criteria, commercial terms & conditions, choice of technology/ specifications etc.
- 8.8 The CMD, BHEL shall decide the compensation to be paid to the IEMs and its terms and conditions.
- 8.9 IEMs should examine the process integrity, they are not expected to concern themselves with fixing of responsibility of officers. Complaints alleging mala fide on the part of any officer of the Principal should be looked into by the CVO of the Principal.
- 8.10 If the IEMs have reported to the CMD, BHEL, a substantiated suspicion of an offence under relevant Bharatiya Nyaya Sanhita (BNS)/ Prevention of Corruption Act, and the CMD, BHEL has not, within reasonable time, taken visible action to proceed against such offence or reported it to the Vigilance Office, the IEMs may also transmit this information directly to the Central Vigilance Commissioner, Government of India.
- 8.11 After award of work, the IEMs shall look into any issue relating to execution of Contract, if specifically raised before them. As an illustrative example, if a Contractor who has been awarded the Contract, during the execution of Contract, raises issue of delayed payment etc. before the IEMs, the same shall be examined by the panel of IEMs.
- 8.12 However, the IEMs may suggest systemic improvements to the management of the Principal, if considered necessary, to bring about transparency, equity and fairness in the system of procurement.
- 8.13 The word 'Monitor' would include both singular and plural.

### **Section 9 - Pact Duration**

- 9.1 This Integrity Pact shall be operative from the date this Integrity Pact is signed by both the parties. Any violation of the same would entail disqualification of the bidders and exclusion from future business dealings.
- 9.2 If any claim is made/ lodged during currency of this Integrity Pact, the same shall be binding and continue to be valid despite the lapse of this Pact as specified above, unless it is discharged/ determined by the CMD, BHEL.

### **Section 10 - Other Provisions**

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- 10.1 This Integrity Pact is subject to Indian Laws and exclusive jurisdiction shall be of the competent Courts as indicated in the Tender or Contract, as the case may be.
- 10.2 Changes and supplements as well as termination notices need to be made in writing.
- 10.3 If the Bidder(s)/ Contractor(s ) is a partnership or a consortium or a joint venture, this Integrity Pact shall be signed by all partners of the partnership or joint venture or all consortium members.
- 10.4 Should one or several provisions of this Integrity Pact turn out to be invalid, the remainder of this Integrity Pact remains valid. In this case, the parties will strive to come to an agreement to their original intentions.
- 10.5 Only those bidders / contractors who have entered into this Integrity Pact with the Principal would be competent to participate in the bidding. In other words, entering into this Integrity Pact would be a preliminary qualification.
- 10.6 In the event of any dispute between the Principal and Bidder(s)/ Contractor(s) relating to the Contract, in case, both the parties are agreeable, they may try to settle dispute through Mediation before the panel of IEMs in a time bound manner. If required, the Principal may adopt any mediation rules for this purpose. However, not more than five meetings shall be held for a particular dispute resolution. The fees/expenses on dispute resolution shall be equally shared by both the parties. In case, the dispute remains unresolved even after mediation by the panel of IEMs, either party may take further action as the terms & conditions of the Contract.

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For & On behalf of the Principal  
(Office Seal)

Place \_\_\_\_\_

Date \_\_\_\_\_

Witness: \_\_\_\_\_

(Name & Address) \_\_\_\_\_

\_\_\_\_\_

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For & On behalf of the Bidder/ Contractor  
(Office Seal)

Witness: \_\_\_\_\_

(Name & Address) \_\_\_\_\_

\_\_\_\_\_

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- 1) All other terms and conditions against this NIT shall remain unchanged.
- 2) This corrigendum is to be submitted duly signed and stamped along with the Techno-commercial bid (Part- I).

**for BHARAT HEAVY ELECTRICALS LTD**

**Manager/ SCT**