

Ref: BHE/PW/PUR/BHFGD-CHIMNEY-PKG-A-U-1/2408/PKG-B-U-2/2409/Corg-04

Date: 06/05/2021

To,

ALL BIDDERS,

Sub: Corrigendum-04: Issuance of Clarifications and Extension of offer submission due date.

SCOPE OF WORK: Construction of 02 Nos 150 M height each RCC single flue chimney for Package-A (Unit#1) and Package-B (Unit#2) at 2x250MW NSPCL Bhilai FGD Project

References: -

1. E-Tender Specification Nos: BHE/PW/PUR/BHFGD-CHIMNEY-PKG-A-U-1/2408/PKG-B-U-2/2409

Bidders kindly to take note of the following:

AA) Issuance of Clarifications:

Sr. No.	Documents Reference	Subject	Tender Terms & Condition	Bidders' Deviation/ Query	BHEL REPLY'S
1	NIT & GCC	Reverse Auction (RA)	Reverse Auction (RA) - Applicable	Reverse Auction (RA) should not be applicable	Tender Condition shall prevail
2	NIT	11. Delay in 1st submission of SDBG/ PBBG:	However, if requested by the vendor, cash recovery equivalent to SDBG/ PBG value to be made from the running bills submitted by the vendor. In such case, recovery of interest calculated @SBI PLR +2% on amount equivalent to SDBG/ PBG value to be made for the gap period (difference between date of start of work and date of submission of BG/ cash recovery).	Please delete this clause as due to banking regulations & other formalities, submission of Bank Guarantee may be delayed unintentionally.	Tender Condition shall prevail

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3	NIT	6. Following clause of Volume-I-C-General Conditions of Contract clause shall not be applicable for this contract: a) Clause No 2.12: Over Run Compensation	Not Applicable	ORC Should be Applicable. In case of delay in finish-to-start & start to start items / activities or hard logic items / activities that are to be provided by BHEL, in such cases the shortfall due to subsequent item / activity should be absolved from delay on part of BIL and credit provided to BIL for the same. Also, Credit should be given to BIL on account of the free float available between any milestones / stages.	Tender Condition shall prevail
4	TECHNICAL CONDITIONS OF CONTRACT	6.0 Time Schedule and Mobilization	14 (Fourteen) months in a manner required by BHEL to match with the project schedule.	Time Period is very less as per scope of work, it should be revised to that the entire work under this scope shall be successfully completed within (18) Eighteen months from the date of Start of work. All the intermediate milestones & activities should be changed accordingly.	Tender Condition shall prevail
5	TECHNICAL CONDITIONS OF CONTRACT	7.0 Terms of Payment: Retention	Retention; The 5% thus remaining shall be treated as retention amount ----- -----	As per announcement of finance minister on 12/11/2020. The maximum amount of performance security should be 3% including retention & As such no retention should be deducted for performance of contract	Tender Condition shall prevail

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6	TECHNICAL CONDITIONS OF CONTRACT	7.0 Terms of Payment:	Release of payment	Please confirm that BHEL will implement TReDS system for releasing payment	Tender Condition shall prevail
7	TECHNICAL CONDITIONS OF CONTRACT	4.2 COMPUTER INFRASTRUCTURE	This facility has to be provided from 1st month from LOI date till completion of site works or as decided by BHEL	This facility has to be provided from 1st month from DOS (Date of Start) of job and after hand over of work front free from all encumbrances till completion of site works	Tender condition shall prevail
8	General Conditions of Contract (GCC)	1.10 SECURITY DEPOSITThe total amount of Security Deposit will be 5 % of the Contract Value. EMD of the successful tenderer shall be converted and adjusted towards the required amount of Security Deposit.....	It should be Maximum 3% as per announcement of finance minister on 12/11/2020. Security BG will have initial validity of 1 year and same will be extended before expiry	Tender Condition shall prevail
9	GENERAL CONDITIONS OF CONTRACT (GCC)	2.21 ARBITRATION & CONCILIATION 2.21.1 ARBITRATION:	Except as provided elsewhere in this Contract, in case Parties are unable to reach amicable settlement (whether by Conciliation to be conducted as provided in Clause 2.21.2 herein below or otherwise) in respect of any dispute or difference; arising out of the formation, breach, termination, validity or execution of the Contract; or, the respective rights and liabilities of the Parties; or, in relation to interpretation of any provision of the Contract; or. in any manner touching upon the Contract (hereinafter referred to as the 'Dispute'), then, either Party may, commence arbitration in respect of such	As per the latest honorable Supreme Court Judgement QUOTE: "A Party interested in the outcome of the award loses the right to appoint the Arbitrator" In view of the above it is suggested that we may select a neutral Arbitrator	Tender Condition shall prevail

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			Dispute by issuance of a notice in terms of section 21 of the Arbitration & Conciliation Act, 1996 (hereinafter referred to as the 'Notice'). The Notice shall contain the particulars of all claims to be referred to arbitration in sufficient detail and shall also indicate the monetary amount of such claim. <u>The arbitration shall be conducted by a sole arbitrator to be appointed by the Head of the BHEL Power Sector Region issuing the Contract within 60 days of receipt of the complete Notice.</u> The language of arbitration shall be English.	though IITArb (Indian Institute of Technical Arbitrators) or ICA (Indian Council of Arbitration) or through court.	
10	GENERAL CONDITIONS OF CONTRACT (GCC)	INTEREST BEARING RECOVERABLE MOBILISATION ADVANCES	Normally no advance is payable to the contractor. However, Mobilization advance payment in exceptional circumstances shall be interest bearing and secured through a Bank Guarantee and shall be limited to a maximum of 5% of contract value.....	To avoid the negative cash flow, please provide Interest Free Advance of 10% as follows: - 1. 5% advance (Interest Free) excluding of GST with LOI/LOA & against submission of Advance Bank Guarantee for equivalent amount 2. 5% advance (Interest Free) excluding GST against mobilisation of following: 2.1. Setting of site office, store. 2.2 Labour camp for initial work. 2.3 Mobilisation of workers and staff for initial work. 2.4 Completion of formalities for Labour Licence.	Tender Condition shall prevail

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11	GENERAL CONDITIONS OF CONTRACT (GCC)	2.7.9 LIQUIDATED DAMAGES/PENALTY	If the contractor fails to maintain the required progress of work which results in delay in the completion of the work as per the contractual completion period, BHEL shall have the right to impose Liquidated Damage/Penalty at the rate of 0. 5% of the contract value, per week of delay or part thereof subject to a maximum of 10% of the contract value----- -----	Limit of 10% LD is very high. We request to modify as follow:- 1.1 An amount equal to 0.5% of contract value per week with maximum limit of 5% of contract value will be imposed as liquidated damages if delay is attributable to Bidder. 1.2 The maximum amount of liability of Bidder for LD & other penalties will be maximum of 5% of contract value. 1.3 Grace Period of 2 months will be allowed for imposition of LD. 1.4. LD will not be imposed back dated. BHEL will give prior notice to BIL in this regard.	Tender Condition shall prevail
12	Part-C of Vol-II Price Bid BOQ - Section C:-Flue Works	Sr. No. C4001	Components made of titanium (Grade 2 as per ASME B265). (BHEL will provide Titanium plate free of cost)	Please confirm that Filler rod for titanium will be provided free of charge by BHEL	Tender Condition shall prevail. Please refer item description.
13	BOQ - Section C:-Flue Works	Sr. No. C4005; Transportation from store, installation of borosilicate glass block lining system----- -----	Transportation from store, installation of borosilicate glass block lining system----- -----	Please also clarify that Electrical operated Mixing machine should be provide free of cost by BHEL or not	Please refer scope of work. Only Borosilicate glass supply shall be in BHEL scope
14		Opening at Chimney	Opening at Chimney	Please confirm that opening at chimney base will be sufficient to carry flue can segments normally as per standard practice. 90 degree Rotation of Flue Can will not be required and no special arrangement has to be made	Technical specifications shall be referred.

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				by BIL.	
15	Forms & Procedures		Formats of BG's i.e. SDBG, PBG etc.	Format will be duly vetted by our bankers & thereafter BG, SDBG / PBG will be submitted. We will submit Bank Guarantees from Societe Generale /Barclays Bank.	Tender Condition shall prevail
16			Bank Guarantees	BHEL will give advance notice of 60 days to BIL for any action to be taken by BHEL on Bank Guarantees.	Tender Condition shall prevail
17		Time Extension (EOT)	Time Extension (EOT)	EOT/time extension shall be decided by BHEL within 1 month of the receipt of EOT application submitted by BIL.	Tender Condition shall prevail
18	NIT	MSME/MSE	MSME/MSE is not applicable	MSME should be applicable; Please note that BIL is covered under MSME and our MSME registration number is UDYAM-MH-19-0001067.	Tender Condition shall prevail
19		Fabricated Structure Steel	Fabricated Structure Steel	We request you to allow fabrication of structural steel in fabrication yard at site	Tender condition shall prevail
20	Drawing	GA Drawing of Chimneys	Missing	Please provide the GA drawing for chimneys	Drawings shall be provided to successful bidder after award of work
21	—	Contractor All risk (CAR) Policy	Contractor All risk (CAR) Policy	CAR Policy will be taken by BHEL	Tender Condition shall prevail

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22	Clause-13 Notice Inviting Tender	13. Acceptance of Bank Guarantee (BG) Revision in Acceptance of Bank Guarantee (BG) Clause no. 1.10.3 (iii) of Vol I C GCC:	Bank Guarantee issued by BHEL Consortium Bank.	BIL will issue Bank Guarantee from Societe Generale / Barclays Bank PLC.	Tender Condition shall prevail

BB) Extension of Last Date for Offer Submission:

The last date for submission of Offer has been re-scheduled to 13/05/2021, 12.00 hrs.

Technical Bids (Part-1) shall be opened on 13/05/2021 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.eprocurebhel.co.in

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)