

# **NIT**

## **ITEM DESCRIPTION:**

VENTILATOR (CNC MACHINED) AS PER BHEL DRG NO. 24450205051 REV.01, VAR.00.

**QUANTITY: 128(+/-30%) NOS**

**PREFERRED DELIVERY REQUIRED: CUMULATIVE DELIVERY SHALL BE WITHIN 60 DAYS FOR 1ST LOT OF 50 NOS & THEREAFTER EACH SUBSEQUENT LOT OF 50 NOS WITHIN NEXT 60 DAYS FROM EARLIER LOT.**

**SUPPLIER TECHNICAL TERMS: SUPPLIER'S IDENTIFICATION MARK SHOULD BE ON EACH JOB WITH S.NO., P.O.NO., & MMY.**

NOTE: ALL THE TERMS OF SUBJECT TENDER SHALL BE IN ACCORDANCE WITH "GENERAL TERMS AND CONDITIONS TO ENQUIRY". REFER LINK- [\*\*https://bpl.bhel.com/mm/\*\*](https://bpl.bhel.com/mm/)

VENDOR MUST COMPLY TO AFORESAID ENQUIRY TERMS OF BHEL.

- 1) NO. OF BID PARTS- 2
  - 2) DELIVERY TERMS- F.O.R. DESTINATION
  - 3) DELIVERY AT- CRX, BHEL, BHOPAL- 462022
  - 4) VALIDITY OF OFFER REQUIRED- 90 DAYS FROM TECHNICAL BID OPENING DATE
  - 5) PRICE BASIS: FIRM
  - 6) BHEL STANDARD PAYMENT TERMS: AS PER GENERAL TERMS AND CONDITIONS OF ENQUIRY 'BP 200102A'.
- IT IS TO BE NOTED THAT MSE BENEFITS ARE NOT BEING EXTENDED TO MEDIUM ENTERPRISES UNDER 'UDYOG AADHAR MEMORANDUM' / 'UDYAM REGISTRATION CERTIFICATE' (UAM/URC).
- FURTHER IT IS TO BE NOTED THAT MSE BENEFITS ARE NOT BEING EXTENDED TO AGENT/DEALER/TRADER/DISTRIBUTOR (I.E. OTHER THAN MANUFACTURER), REFER TENDER DOCUMENT. SUPPLIER HAS TO ALSO PROVIDE SUPPORTING DOCUMENT(S) SUCH AS AGREEMENT BETWEEN OEM & BIDDER(S) ETC.
- 7) PENALTY/LD- **AS PER GENERAL TERMS AND CONDITIONS OF ENQUIRY 'BP 200102A'.**
  - 8) INSPECTION CONDITION- **BY BHEL AUTHORIZED TPIA AT VENDORS WORKS**

9) RATE CONTRACT TERMS- **APPLICABLE. THE VALIDITY PERIOD OF THE RATE CONTRACT SHALL BE FOR A PERIOD OF ONE YEAR FROM THE DATE OF FREEZING OF RATE CONTRACT.**

10) TECHNICAL CONDITION- **AS PER DRAWINGS AND SPECIFICATIONS (REFER ATTACHED)**

11) QAP APPLICABILITY- **APPLICABLE. (REFER ATTACHED QAP NO. QAP/QTm/VENDOR QAP/2023-24/cast steel ventilators (Cast by investment casting process)/IM3304Rev 00 DTD 08.04..2023 .**

12) TECHNICAL PQR-**APPLICABLE. (KINDLY REFER ATTACHED TECHNICAL PQR TME/PQR/IM3304/Ventilator rev00 dated 06.04.2023) .**

13) GUARANTEE/WARRANTY CERTIFICATE REQUIRED- **AS PER GENERAL TERMS AND CONDITIONS OF ENQUIRY 'BP 200102A'**

14) TEST CERTIFICATE REQUIRED- **YES**

15) SAMPLE REQUIRED- **NO**

16) EVALUATION CRITERIA-**Individual Item wise L1 Basis**

17) QUANTITY DISTRIBUTION RATIO/SPLITTING OF ORDER: **APPLICABLE.**

RATE CONTRACT TO BE FINALIZED ON TWO SOURCES WITH QUANTITY DISTRIBUTION RATIO OF 65% & 35% TO L-1 AND THE OTHER BIDDER ACCEPTING L-1 RATES RESPECTIVELY, SUBJECT TO MINIMUM 3 QUALIFIED BIDDERS. FOR ASCERTAINING BIDDER FOR 35% QUANTITY, HESG EQUIVALENT RATES OF L-1 BIDDER WILL BE SEQUENTIALLY COUNTER-OFFERED TO L-2, L-3 AND SO ON BIDDER UNTILL ANY BIDDER ACCEPTS THE SAME. IN CASE OF ONLY 2 QUALIFIED BIDDERS, BHEL RESERVES THE RIGHT FOR DISTRIBUTION BETWEEN 2 BIDDERS. IN CASE OF ONLY ONE QUALIFIED BIDDER OR IN CASE NO BIDDER AGREES TO ACCEPT THE COUNTEROFFERED HESG EQUIVALENT RATES OF L-1, BHEL MAY DECIDE TO AWARD ENTIRE 100% QUANTITY TO L-1 BIDDER. DISTRIBUTION IN COMPLIANCE WITH LATEST GUIDELINES FOR MSE AND MII WILL ALSO BE FOLLOWED FURTHER.

18) QTY. VARIATION- **APPLICABLE**

19) TOOLS/GAUGES/FIXTURES CONDITION- **NOT APPLICABLE.**

20) FRAUD PREVENTION POLICY- THE BIDDER ALONG WITH ITS ASSOCIATE/COLLABORATORS/SUB-CONTRACTORS/SUB VENDORS/CONSULTANTS/SERVICE PROVIDERS SHALL STRICTLY ADHERE TO BHEL FRAUD PREVENTION POLICY DISPLAYED ON BHEL WEBSITE [HTTP://WWW.BHEL.COM](http://www.bhel.com) AND SHALL IMMEDIATELY BRING TO THE NOTICE OF BHEL MANAGEMENT ABOUT ANY FRAUD OR SUSPECTED FRAUD AS SOON AS IT COMES TO THEIR NOTICE.

21) PUBLIC PROCUREMENT CLAUSE:

A) FOR TENDERS VALUE MORE THAN RS. 5 LAKHS & BELOW RS. 10 CRORES, SUPPLIERS SHALL NECESSARILY SELF-CERTIFY MINIMUM LOCAL CONTENT MORE THAN 50%: YES/ NO & SHALL SPELL OUT DETAILS OF LOCATION OF VALUE ADDITION.

B) IN CASE OF TENDERS WORTH MORE THAN RS. 10 CRORES, SUPPLIERS SHALL NECESSARILY SUBMIT CERTIFICATE FROM STATUTORY AUDITOR OR COST AUDITOR OR COST ACCOUNTANT OR CA FOR GIVING % OF LOCAL CONTENT CERTIFICATE TO CERTIFY THAT MINIMUM LOCAL CONTENT MORE THAN 50%: YES/ NO & SHALL SPELL OUT DETAILS OF LOCATION OF VALUE ADDITION.

C) ALL THE PROVISIONS OF GOVT. OF INDIA ORDER NO. P-45021/2/2017-BE-II DTD 15.06.17 ARE TO BE COMPLIED IN TOTALITY.

D) FOR THIS PROCUREMENT, 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 AND SUBSEQUENT ORDERS ISSUED BY THE RESPECTIVE NODAL MINISTRY SHALL BE APPLICABLE EVEN IF ISSUED AFTER ISSUE OF THIS NIT BUT BEFORE FINALIZATION OF CONTRACT/ PO/ WO AGAINST THIS NIT. IN THE EVENT OF ANY NODAL MINISTRY PRESCRIBING HIGHER OR LOWER PERCENTAGE OF PURCHASE PREFERENCE AND/ OR LOCAL CONTENT IN RESPECT OF THIS PROCUREMENT, SAME SHALL BE APPLICABLE.

FOR THIS PROCUREMENT, THE LOCAL CONTENT TO CATEGORIZE A SUPPLIER AS A CLASS I LOCAL SUPPLIER/ CLASS II LOCAL SUPPLIER/ NON-LOCAL SUPPLIER AND PURCHASE PREFERENCE TO CLASS I LOCAL SUPPLIER, IS AS DEFINED IN PUBLIC PROCUREMENT (PREFERENCE TO MAKE IN INDIA), ORDER 2017 DATED 04.06.2020 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.

22) GST TDS CLAUSE: VIDE NOTIFICATION NO. 50/2018 DATED 13.09.18, SECTION 51 CGST HAS BEEN IMPLEMENTED BY CBIC WHICH PROVIDES FOR GST TDS @ 2% (IGST 2% OR CGST 1% + SGST 1%) & SHALL BE APPLICABLE WHERE CONTRACT VALUE IS MORE THAN RS. 2.5 LAKHS & SUPPLIER IS REGISTERED UNDER GST. TDS RETURN SHALL BE FILED AND TDS CERTIFICATES SHALL BE ISSUED BY BHEL AS PER APPLICABLE PROVISIONS. AS PER SEC 51 OF CGST ACT READ WITH NOTIFICATION 50 OF CENTRAL TAX DATED 13TH SEP 2018, TDS SO DEDUCTED SHALL BE REFLECTED ON THE GST PORTAL OF THE VENDOR/CONTRACTOR.

23) THE BIDDER/SUPPLIER/CONTRACTOR WILL, WHEN PRESENTING HIS BID, DECLARE WHETHER OTHER FAMILY FIRMS OR SISTER CONCERN AFFILIATES/SUBSIDIARY FIRMS ARE PARTICIPATING IN THE SAME TENDER, SO AS TO ELIMINATE THE POSSIBILITY OF CARTEL FORMATION. FORMAT FOR DECLARATION ATTACHED.

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 POLICIES/GUIDELINES.

24) EVALUATION IN CASE OF MORE THAN ONE L-1 BIDDER: IN THE COURSE OF EVALUATION, IF MORE THAN ONE BIDDER HAPPENS TO OCCUPY L-1 STATUS, EFFECTIVE L-1 WILL BE DECIDED BY SOLICITING DISCOUNTS FROM THE RESPECTIVE L-1 BIDDERS. IN CASE MORE THAN ONE BIDDER HAPPENS TO OCCUPY THE L-1 STATUS EVEN AFTER SOLICITING DISCOUNTS, THE L-1 BIDDER SHALL BE DECIDED BY A TOSS/DRAW OF LOTS, IN THE PRESENCE OF THE RESPECTIVE L-1 BIDDER(S) OR THEIR REPRESENTATIVE(S). RANKING WILL BE DONE ACCORDINGLY. BHEL'S DECISION IN SUCH SITUATIONS SHALL BE FINAL AND BINDING.

25) REVERSE AUCTION CLAUSE- **APPLICABLE.**

It is declared upfront that the enquiry shall be subject to Reverse Auction (RA). Bidders may kindly note the Reverse Auction (RA) field as mentioned and asked for in enquiry template & ensure to proceed with choosing "YES" against same when asked during submission of their offer to give their acceptance for participation in RA.

BHEL shall be resorting to Reverse Auction (RA) (Guidelines as available on [www.bhel.com](http://www.bhel.com)) for this tender. RA shall be conducted among all the techno-commercially qualified bidders.

Price bid of all techno-commercially qualified bidders shall be opened for purpose of RA and same shall be considered as initial bids of bidders in RA. In case any bidder(s) do(es) not participate in Reverse Auction, their sealed envelope price bid along with applicable loading, if any, shall be considered for ranking.

## 26) Conflict of Interest among Bidders/ Agents

*"A bidder shall not have conflict of interest with other bidders. Such conflict of interest can lead to anti-competitive practices to the detriment of Procuring Entity's interests. **The bidder, found to have a conflict of interest shall be disqualified.** A bidder may be considered to have a conflict of interest with one or more parties in this bidding process, if:*

- a) they have controlling partner (s) in common; · **or***
- b) they receive **or** have received any direct or indirect subsidy/ financial stake from any of them; **or***
- c) they have the same legal representative/agent for purposes of this bid; **or***
- d) they have relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the bid of another Bidder; · **or***
- e) Bidder participates in more than one bid in this bidding process. Participation by a Bidder in more than one Bid will result in the disqualification of all bids in which the parties are involved.*

*However,*

*this does not limit the inclusion of the components/ sub-assembly/ Assemblies from one bidding manufacturer in more than one bid; **or***

- f) In cases of agents quoting in offshore procurements, on behalf of their principal manufacturers, one agent cannot represent two manufacturers or quote on their behalf in a particular tender enquiry. One manufacturer can also authorise only one agent/dealer. There can be only one bid from*

*the following:*

- 1. The principal manufacturer directly or through one Indian agent on his behalf; and*
- 2. Indian/foreign agent on behalf of only one principal, ·*

**or**

- g) A Bidder or any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the contract that is the subject of the Bid; · **or***

*h) In case of a holding company having more **than** one independently manufacturing units, or more than one unit having common business ownership/management, only one unit should quote. Similar restrictions would apply to closely related sister companies. Bidders must proactively declare such sister/ common business/ management units in same/ similar line of business. "*