

OPEN TENDER ENQUIRY FOR ESTABLISHING THE RATE CONTRACT

**Procurement of : MICA GLASS FABRIC TAPE, SIZE- 0.12X15 MM TO CLW SPEC NO- 4TMS.096.098 ALT 00
(30,00,000 MR, +/-30%)**

1. Pre- Qualification Requirement (PQR) :

Technical PQR (Specification cum compliance certificate): To qualify against this tender vendor has to comply the qualifying requirement as per PQR documents. (Attached). Necessary supporting document must be attached by tenderer asked in PQR along with Part-1 (Techno –Commercial) bid. In case of non-submission of above document, the offer may be rejected.

NOTE:

- a. Startups bidders that fall under** Agents/Trader/distributor/stockists etc. are not allowed to avail the grant of benefit available under public procurement policy as per **office memorandum F. No. 1(2)(1)/2016-MA dt. 09.02.2017, office of development commissioner (Micro, small & Medium Enterprises) (MA Division)**.
 - b. MSE benefits.** - For availing benefits of MSE, vendors need to attach UDYAM certificate along with their technical offer. Non-submission of such documents will lead to consideration of their offer at par with others and MSE status of such suppliers shall be shifted to non-MSE supplier until the supplier submits UDYAM. Agents and Trading enterprises are not covered under the definition of MSEs and should not be allowed any benefits under public procurement policy as per **office memorandum F. No. 1(2)(1)/2016-MA dt. 09.02.2017, office of development commissioner (Micro, small & Medium Enterprises) (MA Division)**.
 - c. Preference to Make In India:** Preference shall be given to Class 1 local supplier as defined in public procurement (Preference to Make in India), Order 2017 as amended from time to time and its subsequent Orders/Notifications issued by concerned Nodal Ministry for specific Goods/Products. The minimum local content to qualify as a Class 1 local supplier shall be 50%. To avail the Purchase preference against this tender, the bidder must upload a MII certificate regarding the percentage of the local content and the details of locations at which the local value addition is made along with their bid, failing which no purchase preference shall be granted. Only Class-I and Class-II Local suppliers (OEM) as per MII order dated 4.6.2020 will be eligible to bid. Non - Local suppliers as per MII order dated 04.06.2020 and traders/dealers are not eligible to participate.
 - d. Startups bidders:** Govt. of India guidelines for Startups bidder shall be applicable for this tender. Vendors should submit the requisite document as applicable along with techno-commercial offer (part-bid) in order to get benefits.
- 2. Un-registered/ New Vendor:** Tenderer who are participating in this enquiry and not registered with BHEL Bhopal, should apply online for registration from website (https://supplier.bhel.in/new_reg1.jsp).

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3. **General Terms & Conditions of the enquiry (BP-200102B)-** Vendor to furnish their acceptance on General Terms & Conditions of the enquiry (**BP-200102BB**) attached as annexure in NIT.
4. **Reverse Auction: Not applicable**

5. Quantity Splitting:

- (1) For establishment of RCs, the total quantity shall be distributed among 2 suppliers in the ratio of **65:35**. The process of %age distribution is given below: -

| No. of Techno-commercially qualified Vendors | L1 | L2 | Total | Remark |
|---|-----------|-----------|--------------|------------------------------------|
| 3 or more | 65 | 35 | 100 | |
| 2* | 65 | 35 | 100 | Refer condition at Sr. No. 3 below |
| 1 | 100 | | 100 | |

- (2) For establishment of Rate Contract with vendors other than L-1, counter offer equivalent to L-1 HESG rate (i.e. on total delivered cost to BHEL Stores on overall economy) as finalized shall be given to others bidders sequentially as per their tender ranking. In the case any bidder(s) do not accept the L-1 rate; the counter offer may be extended to others bidders i.e. L-3, L-4 etc.
- (3) *In the event of only two techno-commercially qualified vendors, BHEL reserves the sole right to (1) either establish the Rate Contract for 100% of tender qty with L1 bidder **or** (2) split the tender qty. for establishment of Rate Contract between L-1 & L-2 bidder in the ratio of **65:35**. BHEL's decision in this case shall be final and binding on the bidders.
- (4) In case of only one techno-commercially qualified vendor, there shall not be any qty splitting and BHEL shall go for establishment of RC for total tender quantity with L-1 vendor.

6. Inspection Terms: Final inspection for acceptance of materials shall be at BHEL, Bhopal. Test Certificate must be sent along with each consignment, failing which the material will be tested by us at your cost.

7. **Rate Contract Terms and Conditions: THIS ENQUIRY IS ISSUED FOR ESTABLISHING THE RC AS E-PROCUREMENT ENQUIRY IN TWO PART BID. RATE CONTRACT SHALL BE VALID FOR 12 MONTHS FOR ORDERING & 15 MONTHS FOR SUPPLY FROM DATE OF RC ESTABLISHMENT.**

The Rate Contracts will not entitle the bidders to dispatch of material without formal orders. Material should be dispatched against specific orders only. Qty. tolerance against individual PO is **+/-30%**, QTY TOLERANCE IN INDIVIDUAL PO SHALL BE **+/- 5%**. Separate purchase orders for Rate Contract quantity shall be placed on RC vendor during Rate Contract validity period (**i.e. 12 months**) as and when confirmed orders are received by BHEL from its customer. BHEL reserves the right to terminate this rate contract during its validity period for any unforeseen reasons.

8. **LD/Penalty for Late Delivery:** Subject to force majeure conditions, penalty shall be 0.5% of the total order value per week of delay or part thereof, subject a maximum of 10% of the total order value. Total order value above shall be item wise, lot wise order value.

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9. **Declaration against cartel formation:** 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/ guidelines.
10. **Conflict of Interest-**"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. "

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List of documents to be enclosed by vendors along with Techno-commercial (part-I) bid

| Documents to be enclosed | Yes/No |
|--|---------------|
| Technical PQR with duly sealed and signed along with requisite supporting documents. | |
| BHEL general terms and condition BP200102B with duly sealed and signed | |
| NIT E3243029 with duly sealed and signed | |
| Annexure-1 Integrity Pact | |
| Copy of Udyam Certificate only to be attached (if applicable) | |
| Catalogue submitted | |

Signature and seal of vendor