

## **TENDER DETAILS**

**ENQUIRY NO. - E5133013 DUE ON 05-05-2023.**

**Description:** RATE CONTRACT FOR SHORT CIRCUIT RING DE & NDE AS PER DRG NO.34454505051 REV.01, VAR.00

**TENDER QTY.: 256 NOS, +/- 30%**

**DELIVERY REQUIREMENT** - Rate Contract is proposed to be finalized on two sources. PREFERRED CUMULATIVE DELIVERY SHALL BE WITHIN 60 DAYS FOR 1ST LOT OF 64 NOS (CUMULATIVE REFERS TO QUANTITY FROM BOTH VENDORS I.E. 42 NOS AND 22 NOS FROM L-1 VENDOR AND VENDOR ACCEPTING L-1 PRICE RESPECTIVELY OR ENTIRE 64 NOS FROM SINGLE VENDOR AS PER RESPECTIVE PROPORTION OF QUANTITY ALLOTTED) FROM DATE OF PLACEMENT OF PO, THEREAFTER EACH SUBSEQUENT LOT OF 64 NOS (CUMULATIVE REFERS TO QUANTITY FROM BOTH VENDORS I.E. 42 NOS AND 22 NOS FROM L-1 VENDOR AND VENDOR ACCEPTING L-1 PRICE RESPECTIVELY OR ENTIRE 64 NOS FROM SINGLE VENDOR AS PER RESPECTIVE PROPORTION OF QUANTITY ALLOTTED) WITHIN NEXT 30 DAYS FROM EARLIER LOT.

**IT IS HEREBY MENTIONED THAT THIS IS E-TENDER SO OFFER SUBMITTED THROUGH E-PROCUREMENT PORTAL ([www.eprocurebhel.co.in](http://www.eprocurebhel.co.in)) SHALL ONLY BE CONSIDERED.**

**NOTE: ALL THE TERMS OF SUBJECT TENDER SHALL BE IN ACCORDANCE WITH "GENERAL TERMS AND CONDITIONS TO ENQUIRY BP 200102A". VENDORS ARE REQUIRED TO COMPLY AFORESAID ENQUIRY TERMS OF BHEL.**

- 1) RATE CONTRACT TERMS:** WE INTEND TO ENTER INTO RATE CONTRACT FOR ORDERING UPTO 12 MONTHS FROM RC FREEZING DATE.
- 2) NO. OF BID PARTS:** 2 (TWO)
- 3) DELIVERY TERMS:** F.O.R. DESTINATION
- 4) DELIVERY AT:** CRX, BHEL, BHOPAL- 462022
- 5) VALIDITY OF OFFER:** 90 DAYS FROM TECHNICAL BID OPENING DATE
- 6) PRICE BASIS:** PVC APPLICABLE AS PER PVC ANNEXURE (Bidder have to quote only firm basic fabrication rate in operated currency (INR) per Number (NO))
- 7) BHEL STANDARD PAYMENT TERMS:** 100% payment in 90 days of receipt (45 days for MSE including Udyog Aadhar / UDYAM registered suppliers as per relevant act in force), subject to acceptance of material and relevant documents at BHEL. Pl refer GTC BP200102A
- 8) PENALTY:** APPLICABLE, AS PER ATTACHED GTC BP 200102A.
- 9) INSPECTION CONDITION:** BY BHEL AUTHORISED TPIA AT VENDOR'S WORKS
- 10) SUPPLY CONDITION:** IDENTIFICATION MUST
- 11) TECHNICAL CONDITION:** AS PER DRAWING, SPECIFICATION, TECH. PQR & QAP ETC. ATTACHED
- 12) GUARANTEE CERTIFICATE:** YES
- 13) TEST CERTIFICATE:** YES
- 14) SAMPLE:** NO
- 15) TOOLS / GAUGES / FIXTURES CONDITION:** NOT APPLICABLE
- 16) EVALUATION CRITERIA:** ITEM WISE
- 17) SPLITTING OF ORDER:** YES

RATE CONTRACT TO BE FINALIZED ON TWO SOURCES WITH QUANTITY DISTRIBUTION RATIO OF 65% & 35% TO L-1 VENDOR 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. INCASE OF ONLY 2 QUALFIED BIDDERS, BHEL RESERVES THE RIGHT FOR DISTRIBUTION BETWEEN 2 BIDDERS. IN CASE OF ONLY ONE QUALFIFIED 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) TENDER FEE:** NOT APPLICABLE

**19) REVERSE AUCTION:** YES

It is declared upfront that Enquiry No. E5133013 shall be subjected 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 the techno- commercially qualified bidders.

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

**20) EVALUATION CURRENCY:** SHALL BE INR.

**21) QTY. VARIATION:** QTY. IS TENTATIVE & MAY VARY UPTO +/-30%

**22) QAP:** APPLICABLE AS PER ATTACHED QA PLAN.

**23) ADDITIONAL TENDER REMARKS:**

ENQUIRY IS FOR RATE CONTRACT WHICH IS TO BE KEPT VALID FOR ORDERING UPTO 12 MONTHS FROM RC FREEZING DATE. ORDERING WILL BE DONE AGAINST FIRM REQUIEMENT AS & WHEN NEEDED AND RC MAY BE CLOSED AT ANY TIME WITHOUT ASSIGNING REASONS WHATSOEVER IT MAY BE.

SUBMIT YOUR TENDER IN TWO PART BID ON FIRM PRICE BASIS.

ANNEXURE-IX OF NIT TO BE DULY FILLED / SIGNED & SHOULD FORM PART OF TECHNO-COMMERCIAL OFFER.

SPECIAL / GENERAL TERMS & CONDIOTIONS OF ENQUIRY, RA TERMS AND CONDITIONS AS PER NEW GUIDELINES, PQR ETC. ARE ENCLOSED.

UNREGISTERED VENDORS ARE REQUESTED TO SUBMIT THE REQUISITE DOCUMENTS FOR REGISTRATION BY BHEL ONLINE REGISTRATION PORTAL (<https://supplier.bhel.in>).

**SPECIAL CONDITIONS OF NIT:**

**1. For this Open Tender, quotations shall be accepted only from Local Suppliers.** For Local Supplier, the circular P-45021/2/2017-PP(BE-II) Dtd. 04/06/2020 and 16/09/2020 attached as a part of NIT is to be followed and complied with.

**2. Technical Pre-Qualification Requirements (PQR) for procurement of Item:** "SHORT CIRCUIT RING DE & NDE AS PER DRG NO.34454505051 REV.01, VAR.00 – 256 Nos, +/- 30%." from "local Suppliers" is attached

as a part of NIT. The same is to be followed and complied with. Duly filled PQR shall be submitted along with the offer along with desired documents as per PQR.

**3. FINANCIAL PQR:** Not applicable

**4. DULY FILLED INTEGRITY PACT FORMAT:** Not applicable

**5. Offers of suppliers who are in 'Hold/Banned' status in BHEL Bhopal PMD** shall not be considered.

**6. Integrity pact (IP):** Not applicable

**7. ANY DEVIATION OF GTC BP200102A (GENERAL TERMS & CONDITIONS OF ENQUIRY ATTACHED) WHERE VENDOR RESPONSE IS NOT AFFIRMATIVE TO BE CLEARLY INDICATED, ELSE BHEL WILL CONSIDER THAT ALL THE TERMS & CONDITIONS OF GTCBP200102A ARE ACCEPTABLE TO VENDORS.**

**8. IDENTIFICATION MUST AS PER TENDER TECHNICAL (DRAWING, SPECIFICATION ETC.) TERMS. REJECTION CLAUSE APPLICABLE AS PER GTC BP 200102A.**

**9. 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. DECISION OF BHEL IN SUCH SITUATIONS SHALL BE FINAL AND BINDING.

**10. 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 EXISTANT POLICIES / GUIDELINES.

**11. No request for extension of tender due date will be entertained after due date and time of tender opening under any circumstances. Hence all vendors are requested to submit their bid well within due date and time only.**

**12. 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 is available in the NIT documents for this enquiry.**

**13. For this procurement, Public Procurement (Preference to Make in India) Order (PPP-MII Order), 2017 vide No. P-45021/2/2017-B.E.-II dated 15.06.2017, 28.05.2018, 29.05.2019 & 04.06.2020 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.

**14. Vendors to also inform:**

- a. Self-certification of Minimum Local content if more than 50% : Yes / No.
- b. Spell out details of location of value addition.

Bidders or successors can be debarred for false declarations for up to 2 years. Debarred suppliers not eligible for preference in any other procuring entity.

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. IT SHALL BE AS PER STANDARD ATTACHED FORMAT ONLY.

**15.** Margin of purchase preference to make in India is 20% as per Govt. of India Order No. P-45021/2/2017-BE-II DTD 15.06.17, 28.05.2018, 29.05.2019 & 04.06.2020 and subsequent Orders issued by the respective Nodal Ministry. Suppliers to comply & take a note of the same.

**16.** 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.

**17. FRAUD PREVENTION POLICY:** THE BIDDER ALONG WITH ITS ASSOCIATE / COLLABORATORS / SUB-CONTRACTORS / SUBVENDORS / 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. BHEL CONCILIATION SCHEME SHALL BE APPLICABLE.

**18. 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. IT SHALL BE AS PER PREVAILING GOVERNMENT NORMS AS APPLICABLE.

**19.** As you are kindly aware that Government e-Marketplace (GeM) is a one stop portal to facilitate online procurement of Goods & Services required by various Government Departments/ Organizations/ PSUs. GeM aims to enhance transparency, efficiency and speed in public procurement. Detailed Instructions/ Guides/ Videos/ FAQs for registration and processes are available on the portal (<https://gem.gov.in>).

BHEL being a PSU, would like that its suppliers / contractors also have visibility on this portal so that GeM can be used for procurement by BHEL.

Hence, you are requested to get yourselves registered on GeM.

**20.** "The offers of the bidders who are under suspension as also the offers of the bidders, who engage the services of the firms debarred across BHEL, shall be rejected. The list of firms debarred across BHEL is available on BHEL web site [www.bhel.com](http://www.bhel.com).

**1.0 Integrity commitment, performance of the contract and punitive action thereof:**

**1.1. Commitment by BHEL:**

BHEL commits to take all measures necessary to prevent corruption in connection with the tender process and execution of the contract. BHEL will during the tender process treat all Bidder(s) in a transparent and fair manner, and with equity.

**1.2. Commitment by Bidder/ Supplier/ Contractor:**

1.2.1. The bidder/ supplier/ contractor commit to take all measures to prevent corruption and will not directly or indirectly influence any decision or benefit which he is not legally entitled to nor will act or omit in any manner which tantamount to an offence punishable under any provision of the Indian Penal Code, 1860 or any other law in force in India.

1.2.2. The bidder/ supplier/ contractor 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 and shall adhere to relevant guidelines issued from time to time by Govt. of India/ BHEL.

1.2.3. The bidder/ supplier/ contractor will perform/ execute the contract as per the contract terms & conditions and will not default without any reasonable cause, which causes loss of business/ money/ reputation, to BHEL.

If any bidder/ supplier/ contractor during pre-tendering/ tendering/ post tendering/ award/ execution/ post-execution stage indulges in malpractices, cheating, bribery, fraud or and other misconduct or formation of cartel so as to influence the bidding process or influence the price or acts or omits in any manner which tantamount to an offence punishable under any provision of the Indian Penal Code, 1860 or any other law in force in India, then, action may be taken against such bidder/ supplier/ contractor as per extant guidelines of the company available on [www. bhel.com](http://www.bhel.com) and/or under applicable legal provisions”.

**21.** "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. "

**GENERAL & SPECIAL TERMS AND CONDITIONS OF ENQUIRY AND INDIGENOUS P.O., BHEL SPECIFICATION, DRAWINGS, DECLARATION AGAINST CARTEL FORMATION ARE ENCLSOED. PLEASE FILL UP TECHNO-COMMERCIAL ANNEXURE AND DECLARATION AGAINST CARTEL FORMATION DULY SEALD AND SIGNED PROPERLY AND SEND IT ALONG WITH YOUR OFFER.**

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