

## **Techno-commercial Terms and conditions for Enquiry no. E1823007**

### **General Information**

1. *Enquiry is floated in Two-part bid system. Part-I shall consist Technical Bid & PQR and Part-II shall consist Price bid. Price bid must not be submitted in Technical bid else, offer may be rejected.*
2. *Furnish all information as asked in tender during submission of offer to avoid post tender clarifications as per below*
  - a. *Commercial terms shall be as per Annexure-A and GTC. Duly filled Annexure-A must be submitted alongwith offer.*
  - b. *Duly filled technical checklist enclosed with enquiry*
  - c. *Duly Signed GTC*
  - d. *Duly filled Annexure for sister unit declaration*
  - e. *Technical documents as per Enquiry, PQR and Technical checklist.*
  - f. *Inspection shall be carried out by BHEL appointed TPIA in line with QAP No QA/HT/2062 Rev00 enclosed with enquiry.*
  - g. *MSE certificate if claimed.*
3. *Prices must be quoted FOR BHEL Bhopal inclusive of Freight & Insurance.*
4. *Price bid of all techno-commercially & PQR qualified bidders shall be opened. Reverse Auction is not applicable for this particular tender.*
5. *Evaluation of tender shall be itemwise.*

## Annexure-A

SL. NO.	DESCRIPTION	Response from vendor
1	Quotation reference and Date	
2	GSTIN no.	
3	E- mail ids	
4	Contact person with contact detail	
5	Prices shall be FIRM till execution of order	
6	Terms of delivery shall be for destination basis	
7	Despatch mode	
8	Minimum <b>delivery</b> period to be quoted in no. of weeks from the date of receipt of Purchase Order . <b>NOTE : BHEL delivery requirement is 120 days</b>	
9	Freight charges shall in supplier scope	
10	Insurance scope shall in supplier scope	
11	Packing & forwarding charges shall be inclusive	
12	GST TYPE (IGST/ SGST+CGST) and percentage	
13	HSN Code	
13	Other charges attracting GST (note: in case of others, your bid shall be suitably loaded)	
14	1. Are you registered under MSMED act-2006	(YES/NO)
	2. Vendor registered in BHEL as a Trader/Agent/Trading in said tender shall not be benefitted for any under public procurement policy. Trader/Agent must have their valid Authorization on Tender due date and must be submitted along with offer.	
	3. MSE Bidders are requested to register your self on UDYAM Portal as per Govt. Gazette Notification no. S.O. 2119 (E) dt 26.06.2020 and Submit their UDYAM number	
15	<b>Payment Term:</b> 100% payment within 90 days from the date of receipt & acceptance of material  In case of deviations in payment terms, offer shall be loaded as per loading criteria mentioned in GTC  <b>A.</b> 45 days in case of MSE vendor only. Agents and trading enterprises are not covered under the definition of MSES and should not be allowed any benefits under public procurement policy. Public procurement policy is meant for procurement of goods produced and services rendered by MSE and not meant for trading activity by them. For availing MSE benefit; udyog memorandum alongwith EM-II and valid ca certificate to be uploaded	
16	LD penalty acceptable @0.5% per week or part thereof subject to maximum of 10% of order value. In Line With GTC BP 200102A Clause 9. Note: On Selection Of Any Value Other Than 10%, Your Bid Shall Be Suitably Loaded	
17	The offer must be valid for 90 days from the date of technical bid opening	
18	i. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority.	Only Yes

	<p>ii. "Bidder" (including the term 'tenderer', 'consultant' or 'service provider' in certain contexts) means any person or firm or company , including any member of a consortium or joint venture (that is an association of several persons, or firms or companies) . every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in a procurement process</p> <p>iii. "Bidder from a country which shares a land border with India" for the purpose of this Order means. –</p> <ol style="list-style-type: none"> <li>An entity incorporated , established or registered in such a country : or</li> <li>A subsidiary of an entity Incorporated , established or registered in such a country ; or An entity substantially controlled through entities incorporated, established or registered in such a country; or</li> <li>An entity whose beneficial owner is Situated in such a country. or</li> <li>An Indian (or other) agent of such an entity :or A natural person who is a citizen of such a country ; or g.</li> <li>A consortium or joint venture where any member of the consortium or joint venture falls under any of the above IV.</li> </ol> <p>iv. The beneficial owner for the purpose of (iii) above will be as under</p> <ol style="list-style-type: none"> <li>In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who. whether acting alone or together , or through one or more juridical person, has a controlling ownership interest or who exercises control through other means Explanation- "Controlling ownership interest" means ownership of or entitlement to more than twenty-five per cent. of shares or capital or profits of the company , "Control" shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;</li> <li>In case or a partnership firm . the beneficial owner is the natural person(s) who, whether acting alone or together. or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership ,</li> </ol>	
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	<p>3. In case of an unincorporated association or body of individuals , the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person , has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals ;</p> <p>4. Where no natural person is Identified under (i) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;</p> <p>5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.</p> <p>v. An Agent is a person employed to do any act for another or to represent another in dealings with third person</p>	
20	Implementation of TDS Provision of GST Law w.e.f 01st Oct 2018: Central Board for Indirect Taxation and Customs, vide notification no. 50 Central Tax dated 13th Sep 2018 has notified implementation of Sec 51 of CGST ACT with effect from 01st Oct 2018. Therefore:-(i) TDS shall be liable to be deducted @2% IGST in case of Inter-state supplies, 1% CGST+1% SGST in case of Intra State supplies where contract value is more than Rs 2.5 lakhs.(ii) TDS return shall be filed and TDS certificates shall be issued by BHEL as per applicable provisions(iii) 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	Only Yes
21	Please upload duly seal signed Annexure for sister unit declaration and Certificate provided below	
22	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.	
23	Other terms & conditions shall be as per general terms and conditions to enquiry (indigenous) (available at b2b site of bhel)	
24	Deviation, if any	

**DECLARATION BY VENDOR**

We declare that the following family firms or sister concern affiliates / subsidiary firms are participating in the tender No. E.....

1.0 .....

2.0 .....

3.0 .....

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I ....., hereby declare on behalf of M/s ..... And the family firms or sister concern affiliates / subsidiary firms listed above that we are not indulging in cartel formation for Enquiry no E.....

(.....)

For M/s .....

(Seal & Sign)

**Certificate**

**Declaration for Restrictions under Rule 144 {xi}**

**Of the General Financial Rules {GFRs}, 2017 - Dept. of Expenditure**

**OM No.6/18/2019- PPD dated 23.07.2020**

***I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I hereby certify that M/s .....is not from such a country and is eligible to be considered.***

***(Company Seal & Sign)***