

Instructions (including Comml. T&C) to bidders for quoting against Enquiry E4963005

Annexure-II:

Enquiry E4963005

Commercial Terms & Conditions

BHEL wishes to enter into Rate Contract / Framework Agreement for supply of "MCB". Rate Contract Agreement will be valid for a period of **18 months** for ordering & 24 Months for delivery from the date of Rate Contract finalization. The total requirement for the period is as given in enquiry copy separately. Same need to be supplied against Purchase Orders issued to supplier(s) time to time during the rate contract period.

Instructions for supplier(s):

- 1) Quotations are invited in TWO PART BID only. Price bid(s) shall be opened only of PQC (Pre-Qualification Criteria) qualified and-Techno-Commercially acceptable bidders. Quotation received in SINGLE BID will normally be rejected and will be considered only if the bid is PQC qualified & techno-commercially acceptable without seeking any clarifications from the bidder.
- 2) BHEL prefer the information to be furnished exactly in this format which will help to minimize repetitive clarifications / confirmations.
- 3) Ensure to sign and affix seal on each page of this annexure and submit along with your Techno-commercial bid.
- 4) However, if any of the terms of clause is not covered in this Annexure, same may be indicated separately in your techno-commercial bid.
- 5) Acceptance of all the following terms & conditions is required in your offer. The same is to be signed by bidder(s) and submitted along with offer.

Commercial Terms & Conditions

Sr. No	BHEL's Parameter	Complied/ Not complied
1	Terms of delivery: FOR CRX, BHEL Bhopal i.e. Door delivery. Freight & insurance in supplier's A/c and inclusive in quoted rate.	Confirmed
2	GST Extra as applicable: (HSN codes are mandatory for each item quoted)	
3	GST % applicable for offered Item(s) presently / OR as applicable at time supply subject to statutory variations	18%
4	Packing & forwarding charges: To be quoted in % of Basic price / If not indicated then NIL.	Nil , if not mentioned
5	Desired Delivery Schedule: For all items: Lot1: 0-60 days. Monthly requirement may go Up to 20% of total quantity for each item. (Please indicate deviations if any)	
6	Inspection Terms: Final Inspection will be at BHEL Bhopal	Confirmed
7	Validity of offer: 120 days from the date of tender opening.	Confirmed
8	Quantity indicated in enquiry is tentative & PO will be placed item wise after receipt of customer PO. Enquiry item quantities/ package are divisible in nature; hence, purchase preference will be as per clause 3A of PPP-MII circular/MSE Circular.	Confirmed
9	PVC Not applicable: Prices once quoted shall remain firm within the validity or any extension thereof for placement of order, till complete execution of the orders against rate contract, without any escalation/increase for any reason.	Confirmed
10	Splitting of quantity : Not applicable	Confirmed
11	Payment Term:- 100% payment in 90 days of receipt against supply, subject to acceptance of material at BHEL, up on direct presentation of the relevant documents to BHEL (45 days for MSE manufacturers only, 60 days for Medium manufacturers only, UDYAM certificate is required for the same).	Confirmed
12	For vendor covered under MSE If yes, for MSE suppliers (manufacturers only), a copy of UDYAM certificate is required)	Confirmed
13	Evaluation of tender: Item wise L1 basis	Confirmed
14	Penalty Clause: Please accept BHEL's standard penalty clause "An unconditional Penalty for late delivery shall be 0.5% of the undelivered portion per week of delay or part thereof, subject to a maximum of 10% of the undelivered order value owing to delayed delivery. Total undelivered order value above shall be item wise, lot wise order value of PO."	Confirmed
15	MII Declaration: With Reference to DPIIT, Govt of India, Ministry of C&I, PPP-MII Order 2017 revision dtd. 19.07.2024 & its subsequent amendment orders, Please furnish Local Content Declaration <i>[Only Class-I and Class-II local suppliers as defined under the MII Order are eligible to bid. Bidders are required to submit a certificate regarding local content. Non-submission of the same shall render the bid ineligible for further consideration]</i> <i>[If the bidder wants to avail the Purchase preference, the bidder must upload a certificate from the OEM 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. In case the bid value is more than Rs 10 Crore, the declaration relating to percentage of local content shall be certified by the statutory auditor or cost auditor, if the OEM is a company and by a practicing cost accountant or a chartered accountant for OEMs other than companies as per the PPP-MII order 2017]</i>	
16	Reverse Auction: BHEL shall be resorting to Reverse Auction (as per RA Guidelines as available on www.bhel.com) for this tender. Reverse Auction will be conducted if two or more bidders are techno-commercially qualified. The techno-commercially qualified H-1 will not be allowed to participate in RA. In case more than one H-1 bidder quote the	Noted

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	<p>same rate, the Price Offer received last, as per the time log of the Portal, shall be removed first, on the principle of last in, first out by the system.</p> <p>However, H-1 will be allowed to participate in RA in the following cases:</p> <p>a) If number of techno-commercially qualified bidders are only 2 or 3.</p> <p>b) In case Primary product of only one OEM is left in contention for participation in RA on elimination of H-1 .</p> <p>c) For cases where there are more than 3 techno-commercially qualified bidders, if lowest bidder in sealed price bid is non-MSE and H-1 is eligible MSE and H-1 price is coming within price band of 15% of Non-MSE lowest bidder.</p> <p>d) For cases where there are more than 3 techno-commercially qualified bidders, if lowest bidder in sealed price bid is non-MII and H-1 is eligible MII and H-1 price is coming within price band of 20% of Non-MII lowest bidder.</p>	
17	<p>Packing Instruction:</p> <p>Utmost care must be exercised in packing and transporting the finished material, PO NO / Gross weight / Net weight should be mentioned in bold letters, on each case / Box. Packing list shall be furnished along with each consignment.</p>	Confirmed
18	<p>Basis for deciding lowest (L1) offer:</p> <ul style="list-style-type: none"> Only offers meeting the terms and conditions of the enquiry will be considered. All the offers shall be compared for total cost to BHEL stores. 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 sealed envelope and will be open in tender room. 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 presence of the respective L-1 bidders or their representatives. Ranking will be done accordingly. BHELs decision in such situations shall be final and binding. Offers having deviations to the terms and conditions will be suitably loaded or liable to be rejected. 	Confirmed
19	Guarantee/Warranty requirements: As per GTC BP200102C	Confirmed
20	Contact person & Contact number (Mobile & Landline)	
21	Email ID of contact person	
22	It is not necessary that PO will be placed for all the items. PO will be placed for items only for which customer requirement exists.	Confirmed
23	PO No. & Material code may be mentioned on packing box else material may be rejected by store.	Confirmed
24	In addition to above, BHEL Bhopal's General terms & conditions BP200102C from a part of tender. A copy of same can be downloaded / seen from https://bpl.bhel.com/mm/asc_docs/BP_200102C.pdf	Confirmed
25	Any deviations to above T&C will not be accepted, if so your offer will be suitably loaded before evaluation.	Confirmed
26	Above conditions supersede any T&C quoted by vendor against subject enquiry.	Confirmed
27	<p>Following Documents are required for evaluation along with offer: -</p> <ul style="list-style-type: none"> i. Compliance to technical specification ii. Catalogues of items quoted, if any iii. Compliance of Commercial T&C ; Annexure-II, III, IV iv. Compliance of GTC BP200102C v. Make in India Declaration (as per format attached) vi. MSE (UDYAM) Certificate, if applicable 	

Please submit offer in line with above terms and conditions otherwise offer may be rejected

Engineer (MM-SCR)

Bidder's seal & Sign

<p align="center"><u>Treatment of cases regarding conflict of interest:</u></p> <p>The bidder notes that a conflict of interest would said to have occurred in the tender process and execution of the resultant contract, in case of any of the following situations:</p> <p>i) If its personnel have a close personal, financial, or business relationship with any personnel of BHEL who are directly or indirectly related to the procurement or execution process of the contract, which can affect the decision of BHEL directly or indirectly;</p> <p>ii) The bidder (or his allied firm) provided services for the need assessment/ procurement planning of the Tender process in which it is participating;</p> <p>iii) Procurement of goods directly from the manufacturers/ suppliers shall be preferred. However, if the OEM/ Principal insists on engaging the services of an agent, such agent shall not be allowed to represent more than one manufacturer/ supplier in the same tender. Moreover, either the agent could bid on behalf of the manufacturer/ supplier or the manufacturer/ supplier could bid directly but not both. In case bids are received from both the manufacturer/ supplier and the agent, bid received from the agent shall be ignored. However, this shall not debar more than one Authorised distributor (with/ or without the OEM) from quoting equipment manufactured by an Original Equipment Manufacturer (OEM) in procurements under a Proprietary Article Certificate.</p> <p>iv) A bidder participates in more than one bid in this tender process. Participation in any capacity by a Bidder (including the participation of a Bidder as a partner/ JV member or sub-contractor in another bid or vice-versa) in more than one bid shall result in the disqualification of all bids in which he is a party. However, this does not limit the participation of an entity as a sub-contractor in more than one bid if he is not bidding independently in his own name or as a member of a JV.</p> <p>The Bidder declares that they have read and understood the above aspects, and the bidder confirms that such conflict of interest does not exist and undertakes that they will not enter into any illegal or undisclosed agreement or understanding, whether formal or informal with other Bidder(s), in this regard. 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, the same will be considered as a violation of the tender conditions, and suitable action shall be taken by BHEL as per extant policies/ guidelines.</p>	<p align="center">Confirm</p>
<p align="center">Instructions for document submission for payments</p> <p>For supply orders placed on Indian Suppliers: Irrespective of the value of the invoice amount, the bidder / vendor should necessarily upload the despatch & invoice details on BHEL SUVIDHA portal at https://suvidha.bhel.in/suvidha/, prior to despatch. All documents as per PO checklist, along with additional documents (if any), must be uploaded on the portal. It is mandatory that tax invoices with a net amount (including taxes) exceeding Rs five lakhs uploaded on the portal are digitally signed using a Class 3 Digital Signature Certificate (DSC) issued by a licensed Certifying Authority.</p> <p>Submission of invoice document in hard copy is allowed for invoices with a net amount (including taxes) equal to and up to Rs five lakhs, in case they were not digitally signed and uploaded on the portal.</p> <p>The material will not be accepted inside BHEL in absence of the above.</p>	<p align="center">Confirm</p>

Declaration (to be submitted by Bidder)

GeM Bid No.:

Item Desc.:

With reference to above GeM bid, we M/s (Bidder's Name) confirm/declare the following:-

1. Quoted Make/Brand :-
2. We are OEM or Reseller :-
3. Valid OEM Authorization certificate & OEM's Contact Details are attached (In case of reseller)
:- Yes / NA

4. Our MSE category :- OR NA

Any Bidder falling under MSE category shall furnish the following details & submit documentary evidence/ Govt. Certificate etc. in support of the same along with their techno-commercial offer.

Type under MSE	SC/ST Owned	Women Owned	Others (excluding SC/ST & Women Owned)
Micro			
Small			

(If the bidder does not furnish the above details in the tender, offer shall be processed construing that the bidder is not falling under MSE category)

5. We confirm Nil Commercial Deviation.
6. We accept delivery as per NIT.

Note:

1. The Bid must include OEM details such as name, designation, address, e-mail id and Phone No.
2. Any Commercial deviation / deviation in delivery shown separately or found hidden in the offer, will not be taken in cognizance of.

.....

(Vendor's Seal & Sign)

.....

Contact person Name , email ID &**Contact number (Mobile & Landline)**

(To be provided on the Letter Head of the Entity/Firm)

CERTIFICATION REGARDING MINIMUM LOCAL CONTENT IN LINE WITH REVISED PUBLIC PROCUREMENT (PREFERENCE TO MAKE IN INDIA), ORDER 2017 DATED 19.7.24 AND SUBSEQUENT ORDER(S)

To,
Bharat Heavy Electricals Limited
Piplani, Bhopal-462022

Subject: - Certification regarding Local Content

Reference: 1) BHEL Tender Enquiry No**2**..... (GePNIC Bid no.**2**.....)

2) Name of items :**3**.....

3) All other pertinent issues till date

Dear Sir/Madam,

We hereby certify that the items/works/services offered by...M/s.....**4**..... (specify the name of the organization here) has a local content of ____**5**____ % .

The local content % certified above is in line with definition of Local content given in point no 2 of Public Procurement (Preference to Make in India), Order 2017 Revision dated 19.7.2024 issued by DPIIT and subsequent order(s) to qualify as (Class-I/ CLASS-II/ Non-Local supplier-fill in one which is applicable) local supplier.

The details of the location(s) at which the local value addition is made are as follows: _____**6**_____

We confirm that the following has not been considered for calculation of local content:

- Imported items sourced locally from resellers/distributors.
- The license fees/ royalties paid/ technical charges paid out of India
- Refurbishment/Repackaging/ Rebranding of imported products
- services such as transportation, insurance, installation, commissioning, training and after sales service support like AMC/CMC etc.

****We confirm that since contract involves supply of multiple items, weighted average of all items has been taken while calculating the local content.**

I hereby declare that the details furnished above are true and correct to the best of my knowledge and belief. In case any of the above information is found to be false or untrue or misleading or misrepresenting, I am aware that I may be held liable for it.

(Signature,
Name, Designation,
Date,
Place &
Seal of Authorized Signatory of the Bidder)

**** - Strike out whichever is not applicable**

Note: For evaluation of qualification of bidder:

1. Bidder has to submit the above format, duly filled & signed by authorized signatory.
2. For items sold by bidder as reseller, OEM certificate for country of origin to be submitted.

Format - Auditor Certificate for MII

CERTIFICATION REGARDING MINIMUM LOCAL CONTENT IN LINE WITH REVISED PUBLIC PROCUREMENT (PREFERENCE TO MAKE IN INDIA), ORDER 2017 DATED 19.7.24 AND SUBSEQUENT ORDER(S)

(To be provided on the Letter head of Auditor/PCA)

To,

_____ (Write Name and Address of the bidder);

Ref : 1) BHEL NIT/Tender Specification No: _____, 2) Name of items :
3) All other pertinent issues till date

We statutory auditor of the company / cost auditor of the company / practicing cost accountant / practicing chartered accountant
** hereby certify that the items/works/services offered by..... (specify the name of the organization here)
has a local content of _____ %

The local content % certified above is in line with the definition of Local content given in point no 2 of Public Procurement (Preference to Make in India), Order 2017 Revision dated 19.7.2024 issued by DPIIT and subsequent order(s) to qualify as (Class-I/ CLASS-I I/ Non-Local supplier-fill in one which is applicable) local supplier. The details of the location(s) at which the local value addition is made are as follows: _____

We confirm that the following has not been considered for calculation of local content:

- Imported items sourced locally from resellers/distributors.
- The license fees/ royalties paid/ technical charges paid out of India
- Refurbishment/Repackaging/ Rebranding of imported products
- services such as transportation, insurance, installation, commissioning, training and after sales service support like AMC/CMC etc.

**We confirm that since contract involves supply of multiple items, weighted average of all items has been taken while calculating the local content.

I hereby declare that the details furnished above are true and correct to the best of my knowledge and belief. In case any of the above information is found to be false or untrue or misleading or misrepresenting, I am aware that I may be held liable for it.

Auditor Details

For(Firm Name)

Name of Auditor:

**Partner/Proprietor:

Membership No. **(ICAI/ICMAI): Firm Registration No. (FRN):

Signature & Seal of Auditor UDIN:

Date:

Place:

** - Strike out whichever is not applicable.

Note: For evaluation of qualification of bidder:

1. For items sold by bidder as reseller, OEM certificate for country of origin to be submitted.
2. Certificate is required from Statutory Auditor or Cost Auditor (if the bidder is a company) or from a practicing Chartered Accountant or practicing Cost Accountant (if the bidder is other than a company) giving the percentage of local content.