

BHEL wishes to enter into Rate Contract / Framework Agreement for supply of "12KV/7.2KV/4.5KV Surge Arrester". Rate Contract Agreement will be valid for a period of **18 months** for ordering and 24 months for supply 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: (Please mention HSN code & GST rate)	
3	Delivery Schedule Desired delivery of Surge Arrester shall be as follows:- For Item#1&2: 150 nos. (Lot-1) within 6 weeks from issue of PO to vendor. Delivery for further lots shall be 45 nos. monthly, For Item#3: 175 nos. (Lot-1) within 6 weeks from issue of PO to vendor. Delivery for further lots shall be 90 nos. monthly, OR as per firm project requirement against RC, whichever is later.	Confirmed
4	Validity of offer: 120 days from the date of tender opening.	Confirmed
5	Quantity indicated in enquiry is tentative & PO will be placed item wise after receipt of customer PO.	Confirmed
6	PVC is applicable as per Annexure-III.	Noted
7	Payment Term:- 100% payment within 90 days of receipt (45 days for MSE, 60 days for Medium, UDYAM required) upon supply, subject to acceptance of material at BHEL on direct presentation of the documents.	Confirmed
8	For vendor covered under MSE If yes, for MSE suppliers (manufacturers only), a copy UDYAM certificate is required)	Confirmed
9	Evaluation of tender: Item wise L1 basis	Confirmed
10	Penalty Clause: Please accept BHEL's standard penalty clause "An unconditional penalty of half percent (0.5%) of the undelivered portion per week of delay or part there of subject to a maximum of 10% of the undelivered order value" owing to delayed delivery". Total undelivered order value above shall be item wise order value of PO.	Confirmed
11	MII declaration : With Reference to Government of India Guidelines of Preference to Make in India Order Dated 19 July, 2024, Please Inform Your Status as Class (either as Class I or Class II) of Supplier for This Item. [Class I- Local Supplier has Local Content requirement is minimum 50 % & Class II-Local Supplier has Local Content requirement is minimum 20 %].	
12	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 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. However, H-1 will be allowed to participate in RA in the following cases: a) If number of techno-commercially qualified bidders are only 2 or 3. b) In case Primary product of only one OEM is left in contention for participation in RA on elimination of H-1. 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. 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.	Noted
13	Packing Instruction: 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.	Confirmed
14	Basis for deciding lowest (L1) offer: • Only offers meeting the terms and conditions of the enquiry will be considered.	Confirmed

	<ul style="list-style-type: none"> 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. 	
15	Guarantee/Warranty requirements : 24 months from date of receipt at BHEL Bhopal or 18 months from the date of commissioning whichever is earlier.	Confirmed
16	Contact person & Contact number (Mobile & Landline)	
17	Email ID of contact person	
18	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
19	PO No. & Material code may be mentioned on packing box else material may be rejected by store.	Confirmed
20	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
21	PO may be processed with two parties in the ratio 65:35 for item#1 to 3. Splitting of quantity will be in a ratio of 65:35 with L1 rate (RC will be split between two parties in the ratio of 65:35 provided more than two acceptable offers are there for each item). Sequentially L2, L3 --- bidders will be counter offered for price match with rate of L1 bidder, if rejected then next rank bidder will be counter offered subsequently, for splitting of order. In case none of the vendors from L2 to H1, accepts the counter offer rate(s), then the entire quantity shall be contracted with the L1 bidder.	Confirmed
22	Please confirm whether the bidder is OEM or Dealer of the tendered item.	
23	Any deviations to above T&C will not be accepted, if so your offer will be suitably loaded before evaluation.	Confirmed
24	Above conditions supersede any T&C quoted by vendor against subject enquiry.	Confirmed
25	Suppliers are advised to register their invoices exclusively through the SUVIDHA Portal (https://suvidha.bhel.in/suvidha/) along with the required documents before dispatch after placement of PO.	Noted
26	Following Documents are required for evaluation along with offer:- <ol style="list-style-type: none"> Compliance to technical specification Annexure Documents mentioned in PQC Catalogues of items quoted, if any Compliance of Commercial T&C ; Annexure-II Compliance of GTC BP200102C Make in India Declaration (as per format attached) MSE (UDYAM) Certificate, if applicable 	

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

Manager (MM-SCR)

Bidder's seal & Sign

DECLARATION

(to be given by Bidder)

In pursuant to the Public Procurement Policy for MSEs Order, 2012, I/We declare(s) that My/Our firm is(are) falling under the following **MSE** category and I/we shall submit documentary evidence/ Govt. Certificate etc. (UDYAM certificate) in support of the same along with the techno-commercial offer.

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

(√ Tick whichever is applicable)

Note: If the bidder does not furnish the above in the tender, offer shall be processed construing that the bidder is not falling under MSE category.

Signature of Authorized Signatory

Name:

Designation:

Stamp / Seal of Firm

DECLARATION

(to be given by Bidder)

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:

- 1) 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.
- 2) The bidder (or his allied firm) provided services for the need assessment/ procurement planning of the Tender process in which it is participating.
- 3) 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.
- 4) 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.

I/We declares that I/We have read and understood the above aspects, and confirms that such conflict of interest does not exist and undertakes that I/We 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, I am /We are, 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.

Signature of Authorized Signatory

Name:

Designation:

Stamp / Seal of 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 be provided on the Letter Head of the Entity/Firm)

To,

Shri S.K Dash, Manager (MM-SCR);
Bharat Heavy Electricals Limited,
Piplani, Bhopal, MP-462022

Ref : 1) BHEL NIT/Tender Specification No:.....,

2) Name of items :

3) All other pertinent issues till date

We 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 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:

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.