



Bharat Heavy Electricals Limited
(A Govt. Of India Undertaking)
PROJECT ENGINEERING MANAGEMENT
NOTICE INVITING TENDER (NIT)

Enquiry No-PE/PG/STF/E-7265/2023

Date-24.05.2023

BHEL invites offers from reputed bidders as per following terms and conditions –

1. Project	2X500 MW NTPC SIPAT TPS, STAGE-II-FGD	
2. Package	Gypsum Dewatering Equipments (Sub-Asbly of FGD)	
3. End Customer	NTPC	
4. Executing Agency	BHEL-PSWR	
5. Mode of Enquiry	E - PROCUREMENT	
6. Nature of Package (Divisible/Non-Divisible)	Non-Divisible	
7. Due Date & Time	03 June 2023	For Offer Submission 11 :00 : AM IST
8. Opening of Part I bid	03 June 2023	04.00PM
9. Earnest Money Deposit (EMD)	NIL	
10. Tender Cost	NIL	
11. Numbers of Part bid	2-Part bid (Techno-commercial and price bid)	
12. Technical Scope	As per Technical specification No: PE-TS-491-571-A901	
13. Last Date for Seeking Clarification	05 days before due date of tender opening	
14. Schedule of Pre-Bid Discussion	Based on Bidder's request, Pre-Bid meeting shall be arranged.	
15. Prequalification Requirement	Financial PQR- YES	Technical PQR- YES
16. Delivery terms	FOR Despatch Station	
17. Delivery Schedule:		
For Supply (along with commissioning spares)	13 months from PO date. Drawing/ documents submission shall be as per SECTION-I of SUB-SECTION-D of Annexure-V of technical specification PE-TS-491-571-A901	
Mandatory Spares	To be delivered along with the last consignment of main supply within the contractual delivery period.	
Supervision of E&C	Personnel for Supervision of E&C shall be deputed within 10 days of intimation	
Notes:		
a. The end period specified is for completion of the deliveries and vendor may be asked to supply the material before delivery schedule to meet the project requirement.		
b. Wherever schedule of drawings/documents submission / re-submission is stipulated in the Technical Specifications, same shall be superseded by delivery specified in NIT.		
18. PVC is not applicable. Prices shall be firm.		
19. CIF Content	Not Available	CIF Value: Not Applicable
20. Integrity Pact Applicability -	YES	
21. Over all (%) quantity variation: The variation on overall package value due to changes in the scope shall be limited to +/-10%		
22. Following Independent External Monitors (IEMs) have been appointed by BHEL. Shri Otem Dai, IAS (Retd.) (iem1@bhel.in) Shri Bishwamitra Pandey, IRAS (Retd.) (iem2@bhel.in) Shri Mukesh Mittal, IRS (Retd.) (iem3@bhel.in)		
23. Tender Evaluation - Evaluation will be done on overall L1 (Total Cost to BHEL excluding GST) basis with necessary loading as applicable.		
In RA, the loading (technical/commercial), if any, shall be added by bidder while submitting the bid in reverse auction portal. Ordering shall be done after de-loading the commercial/ technical loading from bidder's final price.		
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		



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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. BHEL's decision in such situations shall be final & binding.

24. Terms & Conditions: - The terms & conditions shall be as per enclosed special conditions of the contract (copy enclosed), **General Conditions of Contract GCC REV-07 + Corrigendum 01 to GCC Rev-07** which is available on www.pem.bhel.com and other Terms and Conditions included in this Enquiry Letter.

25. Contract Performance Bank Guarantee (CPBG) shall be 3% for bidders instead of 5% as mentioned in GCC Rev-07

26. Bidders who fulfil Technical & Financial Pre-Qualification Requirement Criteria are eligible to participate in this tender. Bids of only those bidders shall be evaluated who meet the Technical as well as Financial Pre-Qualifying requirements.

27. BHEL shall be resorting to Reverse Auction (RA) (Guidelines as available on www.bhel.com) for this tender. RA shall be conducted among all the techno-commercially qualified bidders.
Price bids of all techno-commercially qualified bidders shall be opened and same shall be considered as initial bids of bidders in 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.
In case of single qualified bid, price bid of single qualified bidder shall be opened.

28. Regarding verification of PQR documents-
Bidders to ensure that Third party/customer issued certificates being submitted as proof of PQR qualification should have verifiable details of document/certificate issuing authority such as name & designation of Issuing Authority and its organization contact number and e-mail Id etc. In case the same found not available, Purchaser has right to reject such document from evaluation.

29. Bidder to note that this is an Open Tender enquiry & RA shall be subject to following condition:
a) Qualifying Technical & Financial Pre-Qualification Requirement.
b) Techno-commercial acceptance of offer by BHEL-PEM.
c) Approval of bidder by End Customer: - Same shall be taken up with end customer based on the latest credentials/reference list furnished by bidder. Accordingly, bidders are requested to submit credential as per the format enclosed herewith along with their technical bid.

The bidders who are not registered with BHEL-PEM may apply for registration in BHEL-PEM through Registration Portal available at www.pem.bhel.com-->vendor section-->online supplier registration. All credentials and/or documents duly signed & stamped related to registration has to be uploaded on the website & submit the application for registration. One set of hard copy filled-up SRF downloaded from Online Registration Portal duly signed & stamped has to be submitted.

30. All corrigenda, addenda, amendments, time extensions, clarifications, etc. to the tender will be hosted on BHEL website (www.bhel.com) & BHEL-PEM website (www.pem.bhel.com). Bidders should regularly visit websites to keep themselves updated.

31. Bidder shall quote for the entire scope. Partial scope is not acceptable. If bidder mentions Not Applicable / Not required / Not Quoted in BHEL price format, the same to be substantiated by the bidder. If such item is required to be supplied for system completion in future, same will be supplied free of cost.

32. GeM Seller ID shall be mandatory before placement of order/award of contract to the successful bidder.

33. Bidder to quote non-zero freight charges in percentage (%) of their quoted Total Ex-Works prices of supply.

34. Construction Power & Construction water :Scope of construction power and water shall be as per provision mentioned in annexure enclosed with NIT for Construction Power & Construction Water.

35. All other correspondence thereof shall be addressed to the undersigned by name & designation and sent at the following address:

Sanjeev Kumar/ Dy Engineer- BOP
M/s Bharat Heavy Electricals Ltd.,
Project Engineering Management,
Power Project Engineering Institute,
HRD & ESI Complex,
Plot No 25, Sector-16 A, Noida-201301
E-MAIL: sanjeev_k@bhel.in
Ph. No.-0120-4368590

Sumeet Sahay/Manager-BOP
M/s Bharat Heavy Electricals Ltd.,
Project Engineering Management,
Power Project Engineering Institute,
HRD & ESI Complex,
Plot No 25, Sector-16 A, Noida-201301
E-MAIL: sumeetsahay@bhel.in
Ph. No. 09999498202



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36. Insurance Deductibles/Excess: For Marine Cover: 0.25% of consignment value subject to minimum INR 20,000 for each and every claim.
37. All Bidders to comply Govt. of India, Ministry of Power, order no-25-111612018-PG dtd 02/07/2020 regarding mandatory testing of all the imported items/equipment's/components.
38. GST shall be payable extra at actual as per the HSN code finalised for the items during detailed BBU.
39. Refer Annexure -A for Restrictions under Rule 144(xi) of the General Financial Rules (GFRs), 2017
40. Bidders are requested to refer clause no 26.0 (Make in India) of instructions to bidder of GCC Rev 07 "For this procurement, the local content to categorize a supplier as 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 India), Order 2017 dated 16.09.2020 issued by DPIT. In case of subsequent order issued by nodal ministry changing the definition of local content for item in NIT, the same shall be applicable even if issued after issue of this NIT but before opening of part-II bids against this NIT." This package is not divisible in nature and not covered in LCLC list. The margin of purchase preference shall be as per order dtd. 16.09.2020. For this tender, offers from Class I Local Supplier / Class II Local Supplier / Non-Local supplier shall be considered. Bidders are required to provide the following along with the part-1 bid if they want to claim purchase preference as per MII guidelines: (i) Provide a certificate (in line with attached draft) from statutory auditor or cost auditor of the company (in the case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of suppliers other than companies) giving the percentage of local content.
41. This item/Package falls under the list of items defined in Para 3 of Ministry guideline ref no.F.20/2/214-PPD(Pt.) dated 20-09-2016 (in respect of procurement of items related to public safety, health, critical security operations and equipment's, etc.) & hence no relaxation of PQR for start-up/MSME vendors is envisaged for the NIT items/Package.
42. Bidders may visit site/ work area and study the job content, facilities available, availability of materials, prevailing site conditions including law & order situation etc. before quoting for this tender. They may also consult this office before submitting their offers, for any clarifications regarding scope of work, facilities available at sites or on terms and conditions. No additional claim shall be entertained by BHEL in future, on account of non-acquaintance of above.
43. Purchase preference to MSE vendor shall be as follows: a) For Divisible Packages: Purchase preference will be given to MSEs as defined in Public Procurement Policy for Micro and Small Enterprises (MSEs) Order, 2012 dated 23.03.2012 issued by Ministry of Micro, Small and Medium Enterprises and its subsequent Orders/Notifications issued by concerned Ministry. If the bidder wants to avail the Purchase preference, the bidder must be the manufacturer of the offered product in case of bid for supply of goods. Traders are excluded from the purview of Public Procurement Policy for Micro and Small Enterprises. In respect of bid for Services, the bidder must be the Service provider of the offered Service. Relevant documentary evidence in this regard shall be uploaded along with the bid in respect of the offered product or service. If L-1 is not an MSE and MSE Seller (s) has/have quoted price within L 1 + 15% of margin of purchase preference /price band defined in relevant policy, such Seller shall be given opportunity to match L-1 price and contract will be awarded for 25% of total quantity. b) For Non Divisible Packages: No purchase preference would be applicable to MSEs bidders over Non-MSEs bidders.
44. Bidders to ensure that Third party/customer issued certificates being submitted as proof of PQR qualification should have verifiable details of document/certificate issuing authority such as name & designation of Issuing Authority and its organization contact number and e - mail Id etc. In case the same found not available, Purchaser has right to reject such document from evaluation."
45. It shall be the responsibility of the bidder to ensure that the tender is uploaded on or before the due date and time. Part-I bids shall be opened on due date through e-procurement Portal.
46. The evaluation currency for this tender shall be INR.
47. Payment terms: a. Payment terms for Main supply: - As per GCC Rev 07+Corrigendum 01 to GCC rev-07. b. Payment terms for Training: -100% payment shall be released after successful completion of the activity on pro rata basis, on Site certification/ certification by engineering as applicable.



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c. Payment terms for Supervision of E&C, Mandatory spares & PG test shall be as per GCC Rev 07.

48. Charges for Supervision of E&C: Supervision of E&C charges should not exceed 2% of the total contract value, failing which the quoted amount shall be restricted (2% of the total contract value) by BHEL at the time of evaluation and ordering.

49. Clause no 9.6 (excluding notes) of GCTC of GCC Rev. 07 shall be read as-

"Vendors shall submit billing documents for payment directly to BHEL. Payment will be released within days as mentioned below after submission of complete documents as per clause no 9.7.2 – 9.7.5:

a. 90 days for non MSME as per MSMED Act

b. 45 days for vendors qualified and registered as Micro and Small Enterprises MSEs as per MSMED Act

c. 60 days for vendors qualified as Medium Enterprises as per MSMED Act."

50. "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."

51. Self-declarations/ auditor's/ accountant's certificates submitted by the manufacturer/ supplier may be verified randomly by the committee constituted as per MoP Order 28-07-2020. In case of false documents/misrepresentation of the facts requisite action against such manufacturer/ supplier will be taken based on the recommendation of the Committee.

52. All bidders to declare 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.



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53. All the above terms and conditions, post-bid agreements/MoMs (during Techno- Commercial evaluation) shall automatically become a part of the Order/Contract after its finalisation.
54. **Bidders to note that offers shall be submitted strictly in accordance with the requirements of tender documents. Bidders shall upload their complete offer meeting the requirements of the tender documents on e-procurement portal <https://eprocurebhel.co.in/nicgep/app>.**
Following documents need to be uploaded:
- Offer forwarding/ covering letter
 - Local content certificate in line with Make in India circular.
 - Land Border Certificate as per Annexure-A to this NIT for Restrictions under Rule 144(xi) of the General Financial Rules (GFRs), 2017.
 - Credentials as per format.
 - Documents required for meeting Technical & Financial PQRs
 - Un-price bid, annexure-II of GCC Rev 07 (Cost of Withdrawal of Deviation) and Price bid in e-procurement portal.
55. All other terms & condition shall be as per NIT, SCC Rev-00 of the Project & GCC Rev-07+Corrigendum 01 to GCC rev-07
56. It shall be the responsibility of the bidder to ensure that the tender complete in all respects is uploaded on or before the due date and time. Incomplete/late offers shall not be considered. 'Part-I bids shall be opened at 04:00 PM on due date through e-procurement Portal.
- Note - In case you are not making an offer against this enquiry, you are requested to send a regret letter so as to reach us on or before the due date

Thanking You.
For and on behalf of BHEL

Sumeet Sahay
Manager/ BOP/ PEM Noida

Enclosures: - (1) Price Schedule (2) Cost of Withdrawal (3) Integrity Pact (4) Draft format for Make in India certificate (5) Format for land/ border declaration (6) Sub Vendor Questionnaire (7) Annexure for Construction Water and Construction Power (8) Technical PQR (9) Financial PQR (10) SCC of the Project (11) Technical Specifications

Annexure-A

Restrictions under Rule 144(xi) of the General Financial Rules (GFRs), 2017

I. Any bidder from a country which shares a land border with India will be eligible to bid in any procurement whether of goods, services (including consultancy services and non-consultancy services) or works (including turnkey projects) only if the bidder is registered with the Competent Authority. *Further, any bidder (including bidder from India) having specified Transfer of Technology (ToT) arrangement with an entity from a country which shares a land border with India, shall also require to be registered with the same competent authority.*

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.

III. "Bidder (or entity) from a country which shares a land border with India" for the purpose of this Order means: -

(a) An entity incorporated, established or registered in such a country; or

(b) A subsidiary of an entity incorporated, established or registered in such a country; or

(c) An entity substantially controlled through entities incorporated, established or registered in such a country; or

(d) An entity whose beneficial owner is situated in such a country; or

(e) An Indian (or other) agent of such an entity; or

(f) A natural person who is a citizen of such a country; or

(g) A consortium or joint venture where any member of the consortium or joint venture falls under any of the above

IV. The beneficial owner for the purpose of (iii) above will be as under:

1. 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—

Restrictions under Rule 144(xi) of the General Financial Rules (GFRs), 2017

a. "Controlling ownership interest" means ownership of or entitlement to more than twenty-five per cent. of shares or capital or profits of the company;

b. "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;

2. In case of 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;

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;

4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;

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.

V. An Agent is a person employed to do any act for another, or to represent another in dealings with third person.

VI. [To be inserted in tenders for Works contracts, including Turnkey contracts] The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.

VII. The registration shall be valid at the time of submission of bid and at the time of acceptance of bid.

VIII. If the bidder was validly registered at the time of acceptance / placement of order, registration shall not be a relevant consideration during contract execution

Model Certificate for Tenders:

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this bidder is not from such a country or, if from such a country, has been registered with the Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

Model Certificate for Tenders for Works involving possibility of sub-contracting:

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries; I certify that this bidder is not from such a country or, if from such a country, has been registered with the Competent Authority and will not sub-contract any

Restrictions under Rule 144(xi) of the General Financial Rules (GFRs), 2017

work to a contractor from such countries unless such contractor is registered with the Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"

Model additional certificate by Bidders in the cases of specified ToT:

"I have read the clause regarding restrictions on procurement from a bidder having Transfer of Technology (ToT) arrangement. I certify that this bidder does not have any ToT arrangement requiring registration with the competent authority."

OR

"I have read the clause regarding restrictions on procurement from a bidder having Transfer of Technology (ToT) arrangement. I certify that this bidder has valid registration to participate in this procurement."

B. Model Certificate for GeM (to be taken by the GeM from seller during registration on GeM. GeM should also obtain this certificate from all existing bidders as soon as possible):

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this vendor/ bidder is not from such a country and does not have any specified Transfer of Technology (ToT) from such a country or, if from such a country or if having specified ToT from such a country has been registered with the Competent Authority. I hereby certify that this vendor/ bidder fulfills all requirements in this regard and is eligible to be considered for procurement on GeM. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]"