

# **TENDER SPECIFICATION**

## **BHEL: PSSR: SCT: 2097**

**FOR**

Prebid Tie up for Main Plant Civil Package includes construction of all main plant civil structures at 2 x 700 MWe PHWR Kaiga Atomic Power Project Units # 5&6, Karwar Taluka, Uttara Kannada District, Karnataka State

### **VOLUME –I BOOK – I**



**TECHNOCOMMERCIAL BID - Consists of Book- I & Book- II**

**Book- I Consists of**

- Notice Inviting Tender
- Volume-IA: Technical Conditions of Contract

**Book-II consists of**

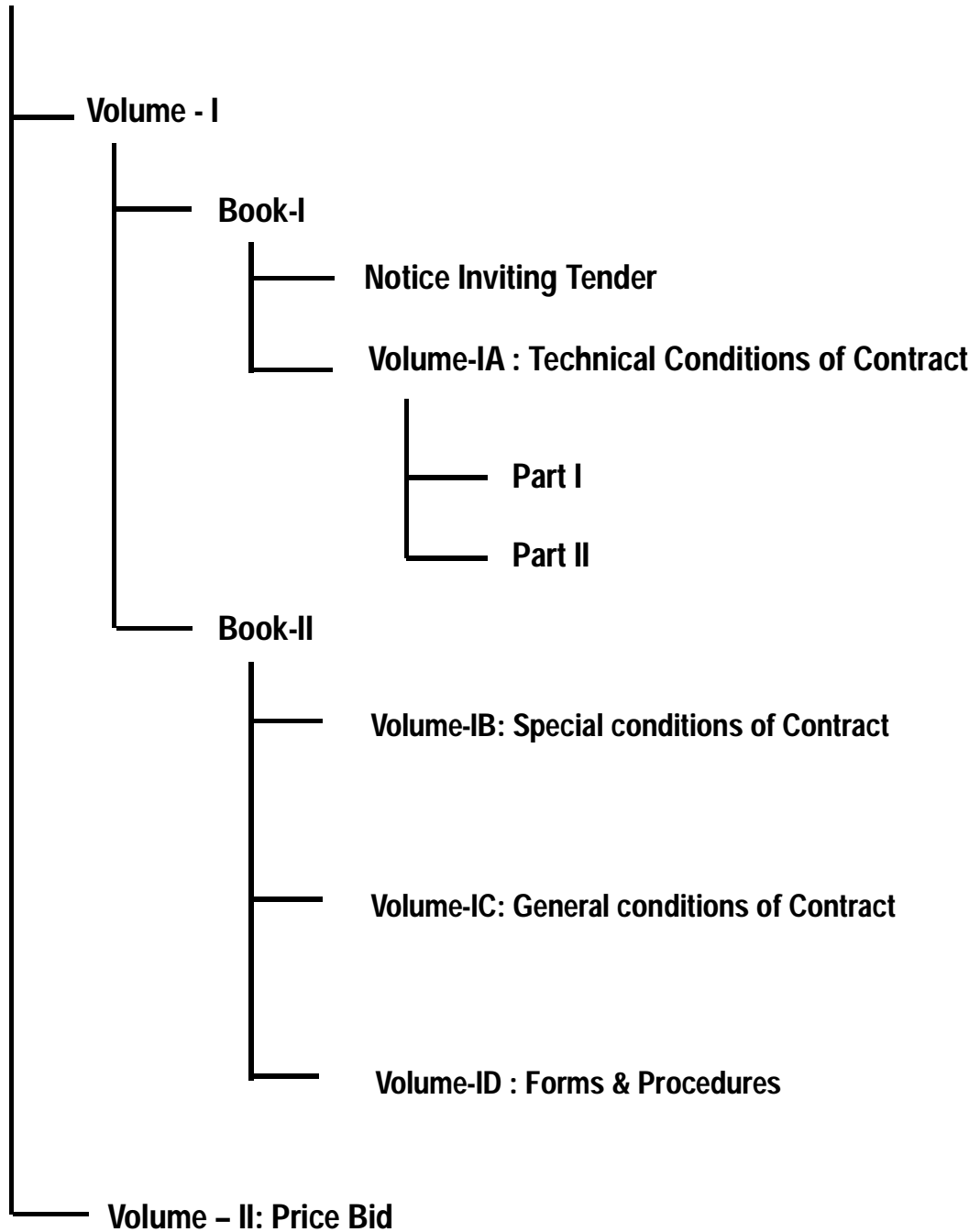
- Volume-IB: Special conditions of Contract,
- Volume-IC: General conditions of Contract
- Volume-ID: Forms & Procedures

**BHARAT HEAVY ELECTRICALS LIMITED**

(A Government of India Undertaking)  
Power Sector – Southern Region  
Integrated Office Complex, TNEB Road, Pallikaranai,  
Chennai, Tamilnadu 600100

# TENDER SPECIFICATION CONSISTS OF

## Tender Specification





# NOTICE INVITING TENDER

Bharat Heavy Electricals Limited



# NOTICE INVITING TENDER

Ref: BHEL: PSSR: SCT: 2097

Date: 17/08/2023

## **NOTICE INVITING TENDER (NIT)**

**Note: Bidder may download Tender Documents from websites**

To

Dear Sir/Madam

**Subject: NOTICE INVITING TENDER**

Sealed offers in two part bid system (National Competitive Bidding (NCB)) are invited from reputed & experienced bidders (on meeting Pre-Qualification Criterion as mentioned in Annexure-1) through E-Procurement Portal <https://eprocurebhel.co.in> only, for the subject job by the undersigned on the behalf of BHARAT HEAVY ELECTRICALS LIMITED as per the tender document.

**Bidder to note the following:**

### **Non-Disclosure Agreement (NDA):**

Format of Non- Disclosure Agreement (NDA) can be downloaded by the Prospective Bidders through the link provided in the NIT of this Tender published at website: <https://eprocurebhel.co.in>

- 1) The Tender document available/uploaded on the CPPP portal does not contain the Technical Details/Specifications/ Drawings. These technical details shall be shared only to those Bidders who have signed NDA and uploaded the copy of NDA and PoA at CPPP Portal. After acceptance of NDA at the CPPP Portal by the Purchaser, the bidder can obtain the Technical Details/Specifications/ Drawings from following authority :

**Mr. S Subburaj**  
**BHEL-PSSR, Integrated Office Complex, TNEB Road, Pallikaranai,**  
**Chennai, Tamilnadu 600100**  
**Tel: +91 9487762262**  
**Email: [ssubburaj@bhel.in](mailto:ssubburaj@bhel.in)**

- 2) Prospective Bidder who wishes to download the complete tender document is required to execute a Non- Disclosure Agreement (NDA) to get access to tender document. Submission of duly signed Non-Disclosure Agreement (NDA) by authorized signatory holding Power of Attorney sealed on each page strictly as per the format attached with this NIT, without any deviation, is mandatory, failing which Prospective Bidder will not be able to access the Tender Document.

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- 3) In addition to the Non-Disclosure Agreement (NDA), prospective bidder has to furnish Power of Attorney (PoA), in favour of the authorized signatory, clearly specifying that the personnel is authorized to sign the NDA and e-sign/physically sign bid documents on behalf of the Company/Firm.
- 4) Prospective Bidder has to upload the signed and stamped Non-Disclosure Agreement (NDA) online along with PoA in favour of authorized signatory only in <https://eprocurebhel.co.in>.
- 5) Only upon submission/uploading of the Non-Disclosure Agreement (NDA) and PoA, the Prospective Bidder shall be given access to view/download the Tender Document available on the CPPP website <https://eprocurebhel.co.in>. Bidder not signing the NDA or submitting the PoA in favour of authorized signatory shall not be given access to download the Tender document.
- 6) After obtaining the Technical details/Specifications/Drawings, Bidders are required to check and submit undertaking in their offer that they have received complete Technical details/Specifications/Drawings as per SI No. iii) of 1.0 Salient Features of NIT.

Following points relevant to the tender may please be noted and complied with.

### 1.0 Salient Features of NIT

Sl. No	ISSUE	DESCRIPTION
i)	<b>TENDER NUMBER</b>	<b>BHEL: PSSR: SCT: 2097</b>
ii)	<b>Broad Scope of job</b>	<b>Pre-bid Tie up for Main Plant Civil Package includes construction of all main plant civil structures at 2 x 700 MWe PHWR Kaiga Atomic Power Project Units # 5&amp;6, Karwar Taluka, Uttara Kannada District, Karnataka State</b>
iii)	<b>DETAILS OF TENDER DOCUMENT</b>	
A	Volume-IA	Technical Conditions of Contract (TCC) consisting of Scope of work, Technical Specification, Drawings, Procedures, Bill of Quantities, Terms of payment, etc
B	Volume-IB	Special conditions of Contract
C	Volume-IC	General conditions of Contract
D	Volume-ID	Forms & Procedures
E	Volume-II	Price Schedule (Absolute value).

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iv)	Issue of Tender Documents	<p><b>Prospective Bidder who wishes to download the complete tender document is required to execute a Non- Disclosure Agreement (NDA) to get access to tender document.</b></p> <p><b>Submission of duly signed Non-Disclosure Agreement (NDA) by authorized signatory holding Power of Attorney sealed on each page strictly as per the format attached with this NIT, without any deviation, is mandatory, failing which Prospective Bidder will not be able to access the Tender Document.</b></p> <p><b>Tender documents will be available for downloading from BHEL website <a href="http://www.bhel.com">http://www.bhel.com</a> or e-procurement portal <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a> as per schedule below:</b></p> <p><b>Start: 17/08/2023, Time: 15:00 Hrs</b></p> <p><b>Close: Same as Due date &amp; time of offer submission (Refer Sl. No. v below)</b></p> <p>Brief information of the tenders shall also be available at central public procurement portal. (<a href="https://eprocure.gov.in">https://eprocure.gov.in</a>)</p>	Applicable
iv a)	Bid / Offer Submission start time	<b>Start Date: 25/08/2023, Time: 10.00 Hrs</b>	
v)	a) Last date for submission of NDA	<b>Last date for submission of NDA: 31/08/2023, Time: 17:00 Hrs</b>	Applicable
	b) Due Date & Time of Offer Submission	<p><b>Due Date &amp; Time of Offer Submission:</b></p> <p><b>Date: 01/09/2023, Time: 10.00 Hrs</b></p> <p>The bidder should submit their offer online in e-Procurement portal at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>.</p> <p><b>Bidders are requested to upload their offer well in advance in order to avoid last minute congestion at this website.</b></p> <p><b>Hard copy bid or bids through E-mail / fax shall not be accepted.</b></p>	
vi)	Opening of Tender	<p><b>Date: 01/09/2023, Time: 17.00 Hrs</b></p> <p>Notes:</p> <p>(1) In case the due date of opening of tender becomes a non-working day, then the due date &amp; time of</p>	Applicable

## NOTICE INVITING TENDER

		offer submission and opening of tenders get extended to the next working day.	
vii)	EMD Amount	<p><b>- Rs. 10,00,00,000/- (Rupees Ten Crore Only)</b></p> <p>- Refer Volume-IC of General Conditions of Contract (Volume-I, Book-II) for mode of payment of Earnest Money Deposit (EMD) in Conjunction TCC Part -1 Chapter-3 Corrections / Revisions in General Conditions of Contract and Forms &amp; Procedures</p> <p>-Exemption of EMD for MSEs is not applicable for this tender.</p> <p>-One time EMD is not applicable for this tender.</p>	Applicable
viii)	Cost of Tender	Free	-
ix)	Last Date For Seeking Clarification	<p>Bidders may submit their queries on or before the scheduled date of pre bid discussion along with soft version also, addressing to undersigned &amp; to others as per contact address given below:</p> <ol style="list-style-type: none"> <li>1. Mr. <i>Mohammad Hussain</i> BHEL-PSSR, Integrated Office Complex, TNEB Road, Pallikaranai, Chennai, Tamilnadu 600100 Tel: +91 44 24589407 Email: <i>mdhussain@bhel.in</i></li> <li>2. Mr. <i>S Subburaj</i> BHEL-PSSR, Integrated Office Complex, TNEB Road, Pallikaranai, Chennai, Tamilnadu 600100 Tel: +91 9487762262 Email: <i>ssubburaj@bhel.in</i></li> </ol>	Applicable
x)	Schedule of Pre Bid Discussion (PBD)	<p>Date: <b>24/08/2023</b></p> <p>Based on request of bidder ,through Video Conference mode.</p>	
xi)	Integrity Pact & Details of Independent External Monitor (IEM)	<p>a. Integrity Pact (IP) is a tool to ensure that activities and transactions between the Company and its Bidders/ Contractors are handled in a fair, transparent and corruption free manner. Following Independent External Monitors (IEMs) on the present panel have been appointed by BHEL with</p>	Applicable

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		<p>the approval of CVC to oversee implementation of IP in BHEL:</p> <ol style="list-style-type: none"> <li>1. <i>Shri Otem Dai, IAS (Retd.)</i> <i>Email- iem1@bhel.in</i></li> <li>2. <i>Shri Bishwamitra Pandey, IRAS (Retd.)</i> <i>Email- iem2@bhel.in</i></li> <li>3. <i>Shri Mukesh Mittal, IRS (Retd.)</i> <i>Email – iem3@bhel.in</i></li> </ol> <p>b. The IP as per format given in NIT of this tender is to be submitted (duly signed by the authorized signatory) along with Techno Commercial Bid (Part-1, in case of two/ three part bid). Only those bidders who have entered into such an IP with BHEL would be competent to participate in the bidding. In other words, entering into this pact would be a preliminary qualification.</p> <p>c. Please refer section- 8 of the IP (refer the format given in NIT) for Role and Responsibilities of IEMs. In case of any complaint arising out of the tendering process, the matter may be referred to any of the above IEMs. All correspondence with the IEMs shall be done through E-mail only.</p> <p><b>Note:</b> <i>No routine correspondence shall be addressed to the IEM (Phone / Post / E mail) regarding the clarifications, time extensions or any other administrative queries, etc. on the tender issued. All such clarification / issues shall be addressed directly to the tender issuing department's officials whose contact details are provided in clause 1 ix) above.</i></p>	
xii	Latest updates	<p>Latest updates on the important dates, Amendments, Correspondences, Corrigenda, Clarifications, Changes, Errata, Modifications, Revisions, etc to Tender Specifications will be hosted in BHEL webpage (<a href="http://www.bhel.com">www.bhel.com</a> → Tender Notifications → View Corrigendums), Central Public Procurement Portal (<a href="https://eprocure.gov.in">https://eprocure.gov.in</a>) &amp; e-tender portal (<a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>) and not in the newspapers. Bidders to keep themselves updated with all such information. This also form part of tender hence the same shall be enclosed with their offer.</p>	



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**2.0** The offer shall be submitted as per the instructions of tender document and as detailed in this NIT. Bidders to note specifically that all pages of tender document, including these NIT pages of this particular tender together with subsequent correspondences shall be submitted by them, duly signed digitally using Class III DSC & uploaded in E-Procurement Portal, as part of offer. Rates / Price including discounts / rebates, if any, mentioned anywhere / in any form in the techno-commercial offer other than the Price Bid, shall not be entertained.

### **3.0 Not Used.**

**4.0** Unless specifically stated otherwise, bidder shall deposit Earnest Money Deposit (EMD) as mentioned in clause 1.9 in General Conditions of Contract, Volume IC Book II and TCC Part -1 Chapter-3 Corrections / Revisions in General Conditions of Contract and Forms & Procedures

For Electronic Fund Transfer, the details are as below:-

**a) Name of the Beneficiary** :- Bharat Heavy Electricals Limited

**b) Bank Particulars**

- i) Bank Name :- State Bank of India
- ii) Bank Telephone No.(with STD code):- 044 – 2433 0583 / 2433 0407
- iii) Branch Address:- NO.80-A, CHEVALIER SIVAJI GANESAN SALAI, SOUTH BOAG ROAD, T.NAGAR, CHENNAI-600017
- iv) Branch Code :- 00912
- v) 9 Digit MICR Code of the Bank Branch :- 600002045
- vi) Bank Account Number :- 10610819499
- vii) Bank Account Type :- Cash Credit Account
- viii) 11 Digit IFSC Code of Beneficiary Branch:- SBIN0000912
- ix) Details for SFMS (Structured Financial Messaging System) transmission of BG

Bank and Branch	SBI TFCPC Branch
Branch Code	5056
IFSC Code	SBIN0005056

(Note :- In case of E-Tenders, proof of remittance of EMD should be uploaded in the E-Procurement Portal and originals, as applicable, shall be sent to the officer inviting tender within a reasonable time, failing which the offer is liable to be rejected.

**5.0 Procedure for Submission of Tenders**: This is an E-tender floated online through our E-Procurement site <https://eprocurebhel.co.in>. The bidder should respond by submitting their offer online only in our e-Procurement platform at <https://eprocurebhel.co.in>. Offers are invited in two-parts only.

### **Documents Comprising the e-Tender**

The tender shall be submitted online ONLY EXCEPT EMD (in physical form) as mentioned below:

**a. Technical Tender (UN priced Tender)**

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All Technical details (e.g. Eligibility Criteria requested (as mentioned below)) should be attached in e-tendering module, failing which the tender stands invalid & may be REJECTED. Bidders shall furnish the following information along with technical tender (preferably in pdf format):

- i). Earnest Money Deposit (EMD) furnished in accordance with NIT Clause 4.0.
- ii). Technical Bid (without indicating any prices).

**b. Price Bid:**

- i). Prices are to be quoted in the attached Price Bid format online on e-tender portal.
- ii). The price should be quoted for the accounting unit indicated in the e-tender document.
- iii). Note: It is the responsibility of tenderer to go through the Tender document to ensure furnishing all required documents in addition to above, if any. Any deviation would result in REJECTION of tender and would not be considered at a later stage at any cost by BHEL.
- iv). A person signing (manually or digitally) the tender form or any documents forming part of the contract on behalf of another shall be deemed to warrantee that he has authority to bind such other persons and if, on enquiry, it appears that the persons so signing had no authority to do so, the purchaser may, without prejudice to other civil and criminal remedies, cancel the contract and hold the signatory liable for all cost and damages.
- v). A tender, which does not fulfil any of the above requirements and/or gives evasive information/reply against any such requirement, shall be liable to be ignored and rejected.

**DO NOT'S**

Bidders are requested NOT to submit the hard copy of the Bid. In case offer is sent through hard copy/fax/telex/cable/electronically in place of e-tender, the same shall not be considered. **Also, uploading of the price bid in prequalification bid or technical bid may RESULT IN REJECTION of the tender.**

**Digital Signing of e-Tender**

Tenders shall be uploaded with all relevant PDF/zip format. The relevant tender documents should be uploaded by an authorized person having Class 3- SHA2-2048 BIT- SIGNING & ENCRYPTION digital signature certificate (DSC).

**The Requirement:**

- 1. A PC with Internet connectivity &
- 2. DSC (Digital Signature Certificate) (**Class 3- SHA2- 2048 BIT- SIGNING & ENCRYPTION**)

**BHEL has finalized the e-procurement service Provider:-**

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NIC PORTAL (<https://eprocurebhel.co.in>)

For E-PROCUREMENT ASSISTANCE & TRAINING, NIC PORTAL HELPDESK CONTACTS AS PER FOLLOWING: -

For any technical related queries please call at 24 x 7 Help Desk Number

0120-4001 002

0120-4200 462

0120-4001 005

0120-6277 787

1. Peter Raj, NIC, Ph: 9942069052 ; Email Support: [support-eproc@nic.in](mailto:support-eproc@nic.in)

The process of utilizing e-procurement necessitates usage of **DSC (Digital Signature Certificate) (Class 3- SHA2- 2048 BIT- SIGNING & ENCRYPTION)** and you are requested to procure the same immediately, if not presently available with you. Please note that only with DSC, you will be able to login the e-procurement secured site and take part in the tendering process.

The contact details of the DSC Certifying Authority as given below:

Sl. No	Name	Website Link
1	(n) Code solutions	<a href="https://www.ncodesolutions.com/">https://www.ncodesolutions.com/</a>
2	e-Mudhra	<a href="https://www.e-mudhra.com/">https://www.e-mudhra.com/</a>
3	Safescrypt	<a href="http://www.safescrypt.com">www.safescrypt.com</a>

Vendors are also requested to go through seller manual available on <https://eprocurebhel.co.in>.

**6.0** Documents to be uploaded & modality of uploading in e-procurement portal <https://eprocurebhel.co.in> shall be as detailed below (All pages to be signed and stamped):

Sl No	Description	Remarks
	<b>Techno-Commercial Bid CONTAINING THE FOLLOWING:-</b>	
i.	Covering letter / Offer forwarding letter of Tenderer.	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>
ii.	Duly filled-in 'No Deviation Certificate' as per prescribed format to be placed after document under sl no (i) above. <b>Note:</b> 1. In case of any deviation, the same should be submitted separately for technical & commercial parts, indicating respective clauses of tender against which deviation is taken by bidder. The list	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>

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	<p>of such deviation shall be attached along with document under sl no (i) above. It shall be specifically noted that deviation recorded elsewhere shall not be entertained.</p> <p>2. BHEL reserves the right to accept / reject the deviations without assigning any reasons, and BHEL decision is final and binding.</p> <p>(i) In case of acceptance of the deviations, appropriate loading shall be done by BHEL</p> <p>(ii) In case of unacceptable deviations, BHEL reserves the right to reject the tender.</p>	
iii.	<p>Supporting documents / annexure / schedules / drawing etc as required in line with Pre-Qualification criteria. (Technical &amp; Financial)</p> <p>As detailed in Clause No. 24 of NIT, It shall be specifically noted that all documents as per above shall be indexed properly and credential certificates issued by clients shall distinctly bear the name of organization, contact phone no, FAX no, E-mail ID, etc.</p>	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>
iv.	All Amendments / Correspondences / Corrigenda / Clarifications / Changes / Errata etc pertinent to this NIT.	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>
v.	Integrity Pact Agreement (Duly signed by the authorized signatory) (As applicable)	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>
vi.	Duly filled-in annexures, formats etc as required under this Tender Specification / NIT	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>
vii.	Notice inviting Tender (NIT)	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>
viii.	Volume-I A : Technical Conditions of Contract (TCC) consisting of Scope of work, Technical Specification, Drawings, Procedures, Bill of Quantities, Terms of payment, etc	
ix.	Volume – I B : Special Conditions of Contract (SCC)	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>
x.	Volume – I C : General Conditions of Contract (GCC)	
xi.	Volume – I D : Forms & Procedures	
xii.	Volume – II (UNPRICED – without disclosing rates/price, but mentioning only 'QUOTED' or 'UNQUOTED'.	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>
xiii.	Any other details preferred by bidder with proper indexing.	Refer "Bidder Manual for BHEL Bidders" available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>

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### Caution to Bidders: -

The duly signed & stamped copies of Volume – I Book I & Volume I Book II are to be attached as a part of your offer, under the form Techno-commercial Bid. Also for any further queries, please refer “Bidder Manual for BHEL Bidders” available at <https://eprocurebhel.co.in>

SI No	PRICE BID consisting of the following shall be provided as mentioned below	
i	<b>Price/ Total Amount corresponding to the total works as specified in “Part C Bill of Quantities” available in “Volume II – PRICE BID (latest Revision) shall be quoted in the format enclosed as a separate Excel file and uploaded under ‘Packet details -&gt; Tender covers -&gt; Finance’ (Cover Type Description – Price Bid). Bidders to note that total amount quoted by the bidder in this format shall be considered for evaluation of offer.</b>	Refer “Bidder Manual for BHEL Bidders” available at <a href="https://eprocurebhel.co.in">https://eprocurebhel.co.in</a>

**SPECIAL NOTE:** All documents/ annexures submitted with the offer shall be properly annexed and placed in respective places of the offer as per enclosure list mentioned in the covering letter. BHEL shall not be responsible for any missing documents.

- 7.0** Deviation with respect to tender clauses and additional clauses / suggestions / in Techno-commercial bid / Price bid shall NOT be considered by BHEL. Bidders are requested to positively comply with the same.
- 8.0** BHEL reserves the right to accept or reject any or all Offers without assigning any reasons thereof. BHEL also reserves the right to cancel the Tender wholly or partly without assigning any reason thereof. Also BHEL shall not entertain any correspondence from bidders in this matter (except for the refund of EMD).
- 9.0 Assessment of Capacity of Bidders:**

**Bidder’s capacity for executing the job under tender shall be assessed based on its ‘LOAD and PERFORMANCE’ and ‘AVERAGE ANNUAL TURNOVER’, as per the following:**

- I. **LOAD:** Load takes into consideration **ALL** the contracts of the Bidder under execution with BHEL Regions, irrespective of whether they are similar to the tendered scope or not. The cut off month for reckoning ‘Load’ shall be the 3<sup>rd</sup> Month preceding the month corresponding to the ‘latest date of bid submission’, in the following manner -  
(**Note:** For example, if latest bid submission is in Jan 2017, then the ‘load’ shall be calculated up to and inclusive of Oct 2016)

Total number of Packages in hand = Load (P)

Where ‘P’ is the sum of all unit wise identified packages (refer table-1) under execution with BHEL Regions as on the cut off month defined above,

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including packages yet to be commenced, excepting packages which are on Long Hold.

- I. **PERFORMANCE**: Here 'Monthly Performance' of the bidder for all the packages (under execution/ executed during the 'Period of Assessment' in all Power Sector Regions of BHEL) **SIMILAR** to the packages covered under the tendered scope, excepting packages not commenced shall be taken into consideration. The 'Period of Assessment' shall be 6 months preceding and including the cut off month. The cut off month for reckoning 'Period of Assessment' shall be the 3<sup>rd</sup> Month preceding the month corresponding to 'latest date of bid submission', in the following manner:

(**Note**: For example, if 'latest date of bid submission' is in Jan 2017, then the 'performance' shall be assessed for a 6 months' period up to and inclusive of Oct 2016 (i.e. from May 2016 to Oct 2016), for all the unit wise identified packages (refer Table I))

- i). Calculation of Overall 'Performance Rating' for 'Similar Package/Packages' for the tendered scope under execution at Power Sector Regions for the 'Period of Assessment':

This shall be obtained by summing up the 'Monthly Performance Evaluation' scores obtained by the bidder in all Regions for all the similar Package/packages', divided by the total number of Package months for which evaluation should have been done, as per procedure below:

- a)  $P_1, P_2, P_3, P_4, P_5, \dots, P_N$  etc. be the packages (under execution/ executed during the 'Period of Assessment' in all Regions of BHEL) **SIMILAR** to the packages covered under the tendered scope, excepting packages not commenced. Total number of similar packages for all Regions =  $P_T$  (i.e.  $P_T = P_1 + P_2 + P_3 + P_4 + \dots P_N$ )
- a) Number of Months ' $T_1$ ' for which 'Monthly Performance Evaluation' as per relevant formats, should have been done in the 'Period of Assessment' for the corresponding similar package  $P_1$ . Similarly  $T_2$  for package  $P_2, T_3$  for package  $P_3$ , etc. for the tendered scope. Now calculate cumulative total months ' $T_T$ ' for total similar Packages ' $P_T$ ' for all Regions (i.e.  $T_T = T_1 + T_2 + T_3 + T_4 + \dots T_N$ )
- b) Sum ' $S_1$ ' of 'Monthly Performance Evaluation' Scores ( $S_{1-1}, S_{1-2}, S_{1-3}, S_{1-4}, S_{1-5}, \dots S_{1-T_1}$ ) for similar package  $P_1$ , for the 'period of assessment' ' $T_1$ ' (i.e.  $S_1 = S_{1-1} + S_{1-2} + S_{1-3} + S_{1-4} + S_{1-5} + \dots S_{1-T_1}$ ). Similarly,  $S_2$  for package  $P_2$  for period  $T_2$ ,  $S_3$  for package  $P_3$  for period  $T_3$  etc. for the tendered

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scope for all Regions. Now calculate cumulative sum ' $S_T$ ' of 'Monthly Performance Evaluation' Scores for total similar Packages ' $P_T$ ' for all Regions (i.e. ' $S_T = S_1 + S_2 + S_3 + S_4 + S_5 + \dots S_N$ ').

- c) **Overall Performance Rating ' $R_{BHEL}$ ' for the Similar Package/Packages** (under execution/ executed during the 'Period of Assessment') in all the Power Sector Regions of BHEL

**Aggregate of Performance scores for all similar packages in all the Regions**

$$= \frac{\text{Aggregate of months for each of the similar packages for which performance should have been evaluated in all the Regions}}{S_T}$$

$$= \frac{T_T}{S_T}$$

- d) Bidders to note that the risk of non-evaluation or non-availability of the 'Monthly Performance Evaluation' reports as per relevant formats is to be borne by the Bidder.

- e) Table showing methodology for calculating 'a', 'b' and 'c' above

Sl. No.	Item Description	Details for all Regions							Total
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)	(x)
1	Similar Packages for all Regions → (under execution/ executed during period of assessment)	$P_1$	$P_2$	$P_3$	$P_4$	$P_5$	...	$P_N$	Total No. of similar packages for all Regions = $P_T$ i.e. Sum ( $\Sigma$ ) of columns (iii) to (ix)
2	Number of Months for which 'Monthly Performance Evaluation' as per relevant formats should have been done in the 'period of assessment' for corresponding	$T_1$	$T_2$	$T_3$	$T_4$	$T_5$	...	$T_N$	Sum ( $\Sigma$ ) of columns (iii) to (ix)  = $T_T$



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Sl. No.	Item Description	Details for all Regions							Total
(i)	(ii)	(iii)	(iv)	(v)	(vi)	(vii)	(viii)	(ix)	(x)
	Similar Packages (as in row 1)								
3	Monthly performance scores for the corresponding period (as in Row 2)	S <sub>1-1</sub> , S <sub>1-2</sub> , S <sub>1-3</sub> , S <sub>1-4</sub> , ... S <sub>1-T1</sub>	S <sub>2-1</sub> , S <sub>2-2</sub> , S <sub>2-3</sub> , S <sub>2-4</sub> , ... S <sub>2-T2</sub>	S <sub>3-1</sub> , S <sub>3-2</sub> , S <sub>3-3</sub> , S <sub>3-4</sub> , ... S <sub>3-T3</sub>	S <sub>4-1</sub> , S <sub>4-2</sub> , S <sub>4-3</sub> , S <sub>4-4</sub> , ... S <sub>4-T4</sub>	S <sub>5-1</sub> , S <sub>5-2</sub> , S <sub>5-3</sub> , S <sub>5-4</sub> , ... S <sub>5-T5</sub>	.. ... ... ... ... ...	S <sub>N-1</sub> , S <sub>N-2</sub> , S <sub>N-3</sub> , S <sub>N-4</sub> , ... S <sub>N-TN</sub>	-----
4	Sum of Monthly Performance scores of the corresponding Package for the corresponding period (as in row-3)	S <sub>1</sub>	S <sub>2</sub>	S <sub>3</sub>	S <sub>4</sub>	S <sub>5</sub>	...	S <sub>N</sub>	Sum ( $\Sigma$ ) of columns (iii) to (ix) = <b>S<sub>T</sub></b>

i). Calculation of Overall 'Performance Rating' (**R<sub>BHEL</sub>**) in case at least 6 evaluation scores for 'similar Package/Packages' for the tendered scope ARE NOT AVAILABLE, during the 'Period of Assessment':

This shall be obtained by summing up the 'Monthly Performance Evaluation' scores obtained by the bidder in all Regions for ALL the packages, divided by the total number of Package months for which evaluation should have been done. '**R<sub>BHEL</sub>**' shall be calculated subject to availability of 'performance scores' for at least 6 'package months' in the order of precedence below:

- a) 'Period of Assessment' i.e. 6 months preceding and including the cut-off month
- a) 12 months preceding and including the cut-off month
- b) 24 months preceding and including the cut-off month



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In case,  $R_{BHEL}$  cannot be calculated as above, then Bidder shall be treated as 'NEW VENDOR'. Further eligibility and qualification of this bidder shall be as per definition of 'NEW VENDOR' described in 'Explanatory Notes'.

- ii). Factor "L" assigned based on Overall Performance Rating ( $R_{BHEL}$ ) at Power Sector Regions:

Sl. no	Overall Performance Rating ( $R_{BHEL}$ )	Corresponding Value of 'L'
1	$\leq 60$	NA
2	$> 60$ and $\leq 65$	0.5
3	$> 65$ and $\leq 70$	0.45
4	$> 70$ and $\leq 75$	0.4
5	$> 75$ and $\leq 80$	0.375
6	$> 80$ and $< 90$	0.35
7	$\geq 90$	0.33

- iii). Performance Systems: The performance rating as mentioned in II (i) and (ii) above, shall be calculated as per Online Systems i.e. Contractor Performance Evaluation System (CPES) and Safety Performance Evaluation System (HSEPES). The scores assigned in HSEPES shall be scaled down to 10 and assigned in CPES against the category "HSE" (mentioned in Form F-15).

### II. i) 'Assessment of Capacity based on 'LOAD and PERFORMANCE':

- a) 'Assessment of Capacity of Bidder' is based on the Maximum number of packages for which a vendor is eligible, considering the performance scores of similar packages, as below:

Max number of packages  $P_{Max} = (R_{BHEL} - 60)$  divided by corresponding value of 'L', i.e.  $(R_{BHEL} - 60)/L$

Note:

- i). In case the value of  $P_{Max}$  results in a fraction, the value of  $P_{Max}$  is to be rounded off to next whole number  
ii). For  $R_{BHEL} = 60$ ,  $P_{Max} = '1'$

The Bidder shall be considered 'Qualified' on 'Performance basis' as per 'Assessment of Capacity of Bidder' for the subject Tender if  $P \leq P_{Max}$   
(Where P is calculated as per clause 'i' above)

- b) In addition to above, in case contractor fails to score 5 or more than 5 (five) marks in the scaled down scores of HSEPES for "3 or more than 3 months in a

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period of 6 months preceding and including the cut-off month in any single package", the contractor shall be considered disqualified for ongoing tender(s) of BHEL. Qualification of bidder for further tendering process shall be subject to qualifying this condition in addition to qualifying requirements mentioned in PQR. Bidders who did not qualify this condition shall not be considered under the provisions of clause 9 IV (iv) of NIT.

### **ii) Assessment of Capacity based on 'AVERAGE ANNUAL TURNOVER':**

If the 'value of contracts in hand' across all PS Regions by a contractor is less than the product of "annual average turnover of the Contractor and multiplying factor", then such bidder shall be considered qualified on 'Annual Average Turnover basis'. The 'value of contracts in hand' will be computed by summing up "50% of the annualized awarded value of each contract" unless performance evaluation is not closed in the online CPES.

Based on the performance rating of the Contractor, the above mentioned multiplying factor shall be as below:

Sl. no.	Overall Performance Rating ( $R_{BHEL}$ )	(Multiplying factor to Average Annual Turnover)
1	$\geq 60$ and $\leq 70$	1
2	$> 70$ and $\leq 80$	2
3	$> 80$	3

### **'Assessment of Capacity of Bidder':**

**The bidder will be considered qualified for the tender if it qualifies on 'Load and Performance basis' as well as on 'Average Annual Turnover basis'.**

**However, 'New Vendor'/ 'Consortium Partner' shall be considered qualified based on only 'Load and Performance' (they will be regarded pre-qualified on 'Average Annual Turnover' criteria).**

### **III. Explanatory note:**

- i). Similar package means Boiler or ESP or Piping or Turbine or Civil or Structure or Electrical or C&I etc. at the individual level irrespective of rating of Plant and irrespective of whether the subject tender is a single package or as part of combined/composite packages. Normally Boiler, ESP, Piping, Turbine, Electrical, C&I, Civil, Structure etc. is considered individual level of package. For example, in case the tendered scope is a Boiler Vertical Package comprising of Boiler, ESP and Power Cycle Piping (i.e. the 'identified packages as per Table-1 below), the 'PERFORMANCE' part against sl.no. II above, needs to be evaluated considering all the identified packages (i.e. Boiler, ESP and Power Cycle Piping) and finally the Bidder's capacity to execute the

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tendered scope is assessed in line with III above.

## i). Identified Packages (Unit wise)

**Table-1**

Civil	Electrical and C&I	Mechanical
i). Enabling works i). Pile and Pile Caps ii). Civil Works including foundations iii). Structural Steel Fabrication & Erection iv). Chimney v). Cooling Tower vi). Others (Civil)	i). Electrical i). C&I ii). Others (Elect. and C&I) iii). Electrical Enabling Works	i). Boiler & Aux (All types including CW Piping if applicable) i). Power Cycle Piping/Critical Piping ii). ESP iii). LP Piping iv). Steam Turbine Generator set & Aux v). Gas Turbine Generator set & Aux vi). Hydro Turbine Generator set & Aux vii). Turbo Blower (including Steam Turbine) viii). Material Management ix). FGD x). ACC xi). Others (Mechanical)

ii). Bidders who have not been evaluated for at least six package months in the last 24 months preceding and including the Cut-off month in the online BHEL system for contractor performance evaluation in BHEL PS Regions, shall be considered "NEW VENDOR".

A 'NEW VENDOR' shall be considered qualified subject to satisfying all other tender conditions.

A 'NEW VENDOR' if awarded a job (of package/packages identified under this clause) shall be tagged as "FIRST TIMER" on the date of first LOI from BHEL.

The "FIRST TIMER" tag shall remain till completion of all the contracts against which vendor has been tagged as First Timer or availability of 6 evaluation scores within last 24 months preceding and including the Cut-off month in the

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online BHEL system for contractor performance evaluation in BHEL PS Regions.

A Bidder shall not be eligible for the next job as long as the Bidder is tagged as "FIRST TIMER" excepting for the Tenders which have been opened on or before the date of the bidder being tagged as 'FIRST TIMER'.

After removal of 'FIRST TIMER' tag, the Bidder shall be considered 'QUALIFIED' for the future tenders subject to satisfying all other tender conditions including 'Assessment of Capacity of Bidders'.

iii). Consequent upon applying the criteria of 'Assessment of Capacity of Bidders' detailed above on all the bidders qualified against Technical and Financial Qualification criteria, if the number of qualified bidders reduces to less than four, then for further processing of the Tender, BHEL at its discretion reserves the right to also consider the bidders who are "not qualified" as per criteria of 'Assessment of Capacity of Bidders' and for this, procedure described in following three options shall be followed:

- a) All the bidders having Overall Performance Rating ( $R_{BHEL}$ )  $\geq 60$  shall be considered qualified against criteria of 'Assessment of Capacity of Bidders'.
- b) If even after using option "a", the number of qualified bidders remains less than four, then in addition to bidders considered as per option "a", "First timer" bidders having average of available performance scores  $\geq 60$  upto and including the Cut Off month shall also be considered qualified against criteria of 'Assessment of Capacity of Bidders'.
- c) If even after using option "a" and "b", the number of qualified bidders remains less than four, then in addition to bidders considered as per option "a" and "b", "First timer" bidders for whom no performance score is available in the system upto and including the Cut Off month, shall also be considered qualified against criteria of 'Assessment of Capacity of Bidders'.

**Note:-** In case, the number of bidders qualified against Technical and Financial Qualification criteria itself is less than four, then all bidders (a)- having Overall Performance Rating ( $R_{BHEL}$ )  $\geq 60$ , (b)- First timer" bidders having average of available performance scores  $\geq 60$  upto and including the Cut Off month, (c)- "First timer" bidders for whom no performance score is available in the system upto and including the Cut Off month, shall be considered qualified against criteria of 'Assessment of Capacity of Bidders' for further processing of tender.

iv). 'Under execution' shall mean works in progress as per the following:

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- a. Up to execution of 90% of anticipated Contract Value in case of Civil, MM, Structural and Turbo Blower Packages
- a. Up to Steam Blowing in case of Boiler/ESP/Piping Packages
- b. Up to Synchronization in all Balance Packages

Note: BHEL at its discretion can extend (or reduce in exceptional cases in line with Contract conditions) the period defined against (a), (b) and (c) above, depending upon the balance scope of work to be completed.

- v). Contractor shall provide the latest contact details i.e. mail-ID and Correspondence Address to SCT Department, so that same can be entered in the Contractor Performance Evaluation System, and in case of any change/discrepancy same shall be informed immediately. Login Details for viewing scores in Contractor Performance Evaluation System shall be provided to the Contractor by SCT Department.
- vi). Performance Evaluation for Activity Month shall be completed in Evaluation Month (i.e. month next to Activity Month) or in rare cases in Post Evaluation Month (i.e. month next to Evaluation Month) after approval from Competent Authority. In case scores are not acceptable, Contractor can submit Review Request to GM Site/ GM Project latest by 27<sup>th</sup> of Evaluation Month or 5 days after approval of score, whichever is later. However, acceptance/rejection of 'Review Request' solely depends on the discretion of GM Site/GM Project. After acceptance of Review Request, evaluation score shall be reviewed at site and the score after completion of review process shall be acceptable and binding on the contractor.
- vii). Project on Hold due to reasons not attributable to bidder -
  - a. **Short hold:** Evaluation shall not be applicable for this period, however, Loading will be considered.
  - a. **Long hold:** Short hold for continuous six months and beyond or hold on account of Force Majeure shall be considered as Long Hold. Evaluation as well as Loading shall not be considered for this period.

Performance evaluation as specified above in this clause is applicable to Prime bidder and Consortium partner (or Technical tie up partner) for their respective scope of work.

- 10.0** Since the job shall be executed at site, bidders must visit site/ work area and study the job content, facilities available, availability of materials, prevailing site conditions including law & order situation, applicable wage structure, wage rules, etc. before quoting for this tender. They may also consult this office before

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submitting their offers, for any clarifications regarding scope of work, facilities available at sites or on terms and conditions.

- 11.0** For any clarification on the tender document, the bidder may seek the same in writing or through e-mail and/ or through e-procurement portal <https://eprocurebhel.co.in>, as per specified format, within the scheduled date for seeking clarification, from the office of the undersigned. BHEL shall not be responsible for receipt of queries after due date of seeking clarification due to postal delay or any other delays. Any clarification / query received after last date for seeking clarification may not be normally entertained by BHEL and no time extension will be given.
- 12.0** BHEL may decide holding pre-bid discussion (PBD) with all intending bidders as per date indicated in the NIT. The bidder shall ensure participation for the same at the appointed time, date and place as may be decided by BHEL. Bidders shall plan their visit accordingly. The outcome of pre-bid discussion (PBD) shall also form part of tender.
- 13.0** In the event of any conflict between requirement of any clause of this specification / documents / drawings / data sheets etc or requirements of different codes / standards specified, the same to be brought to the knowledge of BHEL in writing for clarification before due date of seeking clarification (whichever is applicable), otherwise, interpretation by BHEL shall prevail. Any typing error/missing pages / other clerical errors in the tender documents, noticed must be pointed out before pre-bid meeting / submission of offer, else BHEL's interpretation shall prevail.
- 14.0** Unless specifically mentioned otherwise, bidder's quoted price shall deem to be in compliance with tender including PBD.
- 15.0** Bidders shall submit Integrity Pact Agreement (Duly signed by authorized signatory who signs in the offer), **if applicable**, along with techno-commercial bid. This pact shall be considered as a preliminary qualification for further participation. The Integrity Pact is to be submitted by Prime Bidder & Consortium/ Technical Tie up partner jointly in case Consortium bidding is permitted, otherwise by the sole bidder. **The names and other details of Independent External Monitor (IEM) for the subject tender is as given at point (1) above.**
- 16.0** The Bidder has to satisfy the Pre-Qualifying Requirements stipulated for this Tender in order to be qualified. The Price Bids of only those bidders will be opened who will be qualified for the subject job on the basis of satisfying the Pre-Qualification Criteria specified in this NIT as per Annexure-1(as applicable) past performance etc. and date of opening of price bids shall be intimated to only such bidders. BHEL reserves the right NOT to consider offers of parties under HOLD.
- 17.0** In case BHEL decides on a 'Public Opening', the date & time of opening of the sealed PRICE BID shall be intimated to the qualified bidders and in such a case, bidder may depute one authorized representative to witness the price bid opening.

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BHEL reserves the right to open 'in-camera' the 'PRICE BID' of any or all Unsuccessful / Disqualified bidders under intimation to the respective bidders.

- 18.0** Bids shall be kept valid for acceptance for a period of 60 (sixty) days from the date of placement of LOI on BHEL by NPCIL in the event of BHEL securing the order..
- 19.0 Reverse Auction (RA):** Not Applicable.
- 20.0** On submission of offer, further consideration will be subject to compliance to tender & qualifying requirement and customer's acceptance, as applicable.
- 21.0** In case the bidder is an "Indian Agent of Foreign Principals", 'Agency agreement has to be submitted along with Bid, detailing the role of the agent along with the terms of payment for agency commission in INR, along with supporting documents.
- 22.0** The bidders shall not enter into any undisclosed M.O.U. or any understanding amongst themselves with respect to tender.
- 23.0** Consortium Bidding is not applicable for this Tender.
- 24.0** The bidder shall submit documents in support of possession of 'Qualifying Requirements' duly self-certified and stamped by the authorized signatory, indexed and properly linked in the format for PQR. In case BHEL requires any other documents/ proofs, these shall be submitted immediately.
- 25.0** The bidder may have to produce original document for verification if so decided by BHEL.
- 26.0** The consultant / firm (and any of its affiliates) shall not be eligible to participate in tender(s) for the related works or services for the same project, if they were engaged for the consultancy services.
- 27.0** Guidelines/rules in respect of Suspension of Business dealings, Vendor evaluation format, Quality, Safety & HSE guidelines, Experience Certificate, etc. may undergo change from time to time and the latest one shall be followed. The abridged version of extant 'Guidelines for suspension of business dealings with suppliers/ contractors' is available on [www.bhel.com](http://www.bhel.com) on "supplier registration page".
- 28.0** The offers of the bidders who are on the banned/ hold list and also the offer of the bidders, who engage the services of the banned/ hold firms, shall be rejected. The list of banned/ hold firms is available on BHEL web site [www.bhel.com](http://www.bhel.com).
- 28.1** Integrity commitment, performance of the contract and punitive action thereof:
- 28.1.1 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



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process treat all Bidder(s) in a transparent and fair manner, and with equity.

### 28.1.2 **Commitment by Bidder/ Supplier/ Contractor:**

- (i) 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.
- (ii) 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.
- (iii) 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 mal-practices, cheating, bribery, fraud or and other misconduct or formation of cartel so as to influence the bidding process or influence the prices 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 extent guidelines of the company available on [www.bhel.com](http://www.bhel.com) and / or under applicable legal provisions.

### 29.0 **MICRO AND SMALL ENTERPRISES (MSE) – Not Applicable**

- 30.0** The Bidder along with its associate/ collaborators/ sub-contractors/ sub-vendors/ consultants/ service providers shall strictly adhere to BHEL Fraud Prevention Policy displayed on BHEL website <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.

### 31.0 **PREFERENCE TO MAKE IN INDIA:**

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 preferences to Class I local supplier, is as defined I 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



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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.

### 31.1 Compliance to Restrictions under Rule 144 (xi) of GFR 2017

- 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. The Competent Authority for the purpose of this Clause shall be the Registration Committee constituted by the Department for Promotion of Industry and Internal Trade (DPIIT).
- 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 from a country which shares a land border with India" for the purpose of this Clause 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

    - 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

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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 or 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 or entitlement to more than fifteen percent of the property or capital or profits of the 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. 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.

**Note:**

The bidder shall provide undertaking for their compliance to this Clause, in the Format provided in Annexure-11.

Registration of the bidder with Competent Authority should be valid at the time of submission as well as acceptance of the bids.

- 32.0** Bid should be free from correction, overwriting, using corrective fluid, etc. Any interlineation, cutting, erasure or overwriting shall be valid only if they are attested under full signature(s) of person(s) signing the bid else bid shall be liable for rejection
- 33.0** 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).

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Ranking will be done accordingly. BHEL's decision in such situations shall be final and binding.

- 34.0** 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.

- 34 A One Bid per Bidder:** A Bidder shall submit only one bid in a particular bidding process. In case of a holding company having more than one subsidiary having common business ownership / management, only one business entity amongst the holding company and its subsidiaries should quote for a particular tender. Similar restrictions shall apply to closely related sister companies. Bidder's sister/ Associated/ Allied concern(s) participating or applying against the same tender, shall lead to disqualification of Bidders. Sister/ Associated/ Allied concern means a company, society, partnership firm or proprietorship firm having one or more common persons as Director/ Partner/ Member/ Owner. A Bidder who submits more than one bid will cause all the proposals submitted in the particular bid to be disqualified.

In relation to the above, a person will include firm(s) of Proprietorship / Partnership Firm / Limited Liability Partnership / Private Limited / Limited company / Society registered under Society's Act / Statutory Bodies / any other legal entity, as the case maybe, & will be deemed to have submitted multiple bids in a particular bid if a person bids in any of the two formats given below:

- i. individual or proprietorship format and/or
- ii. a partnership or association of persons format and/or
- iii. a company format

Whereby,

- A company shall for this purpose include any artificial person whether constituted under the Indian laws or of any other country.
- A person shall be deemed to have bid in a partnership format or in association of persons format if he is a partner of the firm which has submitted the bid or is a member of any association of persons which has submitted a bid.
- A person shall be deemed to have bid in a company format if the person holds:

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- i. more than 10% (ten percent) of the voting share capital of the company which has submitted a bid, or
- ii. is a director and / or Key Managerial Personnel of the company which has submitted a bid, or

holds more than 10% (ten percent) of voting share capital in and/or is a director and / or Key Managerial Personnel of a holding company of that company which has submitted the bid.

By making a bid pursuant to the Tender Documents, the bidder / tenderer shall be deemed to have declared that the bidder / tenderer has not made any other bid or multiple bids as understood or deemed in terms of this clause.

All the bids of a bidder who has submitted multiple bids, as per the clause, shall be rejected. Bidder shall submit Declaration as per format provided in Annexure-9A.

### **34 B Conflict of interest**

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 authorize 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

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- 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.

## **35.0 Order of Precedence:**

In the event of any ambiguity or conflict between the Tender Documents, the order of precedence shall be in the order below:

- a. Amendments / Clarifications / Corrigenda / Errata etc. issued in respect of the tender documents by BHEL
- a. Notice Inviting Tender (NIT)
- b. Price Bid
- c. Technical Conditions of Contract (TCC)—Volume-1A
- d. Special Conditions of Contract (SCC) —Volume-1B
- e. General Conditions of Contract (GCC) —Volume-1C
- f. Forms and Procedures —Volume-1D

It may please be noted that guidelines/ circulars/ amendments/ govt. directives issued from time to time shall also be applicable.

For BHARAT HEAVY ELECTRICALS LTD

General Manager / SCT, Purchase & Commercial

## **Enclosure**

- (i) Annexure-1: Pre Qualifying criteria.
- (ii) Annexure-2: Check List.
- (iii) Annexure-3: Certificate by Chartered Accountant (Not applicable for this Tender)
- (iv) Annexure-4: Reverse Auction Process Compliance Form
- (v) Annexure-5: Authorization of representative who will participate in the online Reverse Auction Process
- (vi) Annexure-6: RA Price Confirmation and Breakup
- (vii) Annexure-7: Integrity Pact
- (viii) Annexure-8: Undertaking as per C4 of Annexure-1 i.e. PQR
- (ix) Annexure-9: Declaration regarding Details of related firms and their area of activities
- (x) Annexure-9A: Declaration One Bid per Bidder as per Clause no. 34A of NIT

## NOTICE INVITING TENDER

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- (xi) Annexure-10: Declaration regarding Minimum Local Content in Line with Revised Public Procurement (Preference to Make in India), Order 2017 Dated 04th June, 2020) And Subsequent Order(s)
- (xii) Annexure-11: Declaration Regarding Compliance to Restrictions Under Rule 144 (xi) of GFR 2017
- (xiii) Other Tender documents as per this NIT.

# NOTICE INVITING TENDER

## ANNEXURE - 1

### PRE QUALIFYING CRITERIA

<b>JOB</b>	Pre-bid Tie up for Main Plant Civil Package includes construction of all main plant civil structures at 2 x 700 MWe PHWR Kaiga Atomic Power Project Units # 5&6, Karwar Taluka, Uttara Kannada District, Karnataka State		
<b>Tender No.</b>	<b>BHEL: PSSR: SCT: 2097</b>		
<b>Sl. No.</b>	<b>PRE QUALIFICATION CRITERIA</b>	<b>Bidders claim in respect of fulfilling the PQR Criteria</b>	
		<b>Name and Description of qualifying criteria</b>	<b>Page no of supporting document. Bidder must fill up this column as per applicability</b>
<b>A</b>	<b>Submission of Integrity Pact duly signed (if applicable)</b> ( <u>Note:</u> To be submitted by Prime Bidder & Consortium / Technical Tie up partner jointly in case Consortium bidding is permitted, otherwise by the sole bidder)	Applicable	
<b>B</b>	<b><u>Technical</u></b>		
	Refer Annexure 1A	Applicable	
<b>C</b>	<b><u>FINANCIAL</u></b> Refer Annexure 1A Bidder	Applicable	
<b>D</b>	Assessment of Capacity of Bidder to execute the work as per Sl. No 9 of NIT (if applicable)	Applicable	By BHEL
<b>E</b>	<b>Approval of Customer (if applicable)</b> <u>Note:</u> Names of bidders (including consortium/Technical Tie up partners in case consortium bidding is permitted) who stand qualified after compliance of criteria A to D shall be forwarded to customer for their approval.	Applicable	BY BHEL
<b>F</b>	<b>Price Bid Opening</b> <u>Note:</u> Price Bids of only those bidders shall be opened who stand qualified after compliance of criteria A to F	Applicable	BY BHEL
<b>G</b>	<b>Consortium criteria (if applicable)</b>	Not Applicable	

## NOTICE INVITING TENDER

### **Explanatory Notes for the PQR (unless otherwise specified in the PQR):**

1. Bidder to submit Audited Balance Sheet and Profit and Loss Account for the respective years as indicated against C-1 above along with all annexures.
1. In case audited financial statements have not been submitted for all the three years as indicated against C-1 above, then the applicable audited statements submitted by the bidders against the requisite three years, will be averaged for three years i.e. total divided by three.
2. If Financial Statements are not required to be audited statutorily, then instead of audited financial statements, financial statements are required to be certified by Chartered Accountant.
3. C-2:-NETWORTH : Shall be calculated based on the latest Audited Accounts as furnished for 'C-1' above.  
Net worth = Paid up share capital + Reserves.  
(Net worth is required to be evaluated only in case of companies)
4. C-3:- PROFIT shall be PBT earned during any one year of the three financial years as in 'C-1' above.
5. For Evaluation of PQR, in case Bidder alone does not meet the pre-qualifying technical B1 above, bidder may utilize the experience of its Parent/Subsidiary Company along with its own experience, subject to the following:
  - a. The parent company shall have a controlling stake of  $\geq 50\%$  in the subsidiary company (as per Format-1).
  - a. The Parent Company/ Subsidiary Company of which experience is being utilized for bidding shall submit Security Deposit (SD) equivalent to 1% of the total contract value.
  - b. The parent /subsidiary company and bidder shall provide an undertaking that they are jointly or severally responsible for successful performance of the contract (as per Format-2).
  - c. Parent Company/Subsidiary Company of which experience is being used for bidding, cannot participate as a 'Standalone Bidder' or as a 'Consortium bidder'.
6. "Completion date for achievement of the technical criteria specified in the Technical' criteria of PQR (as in 'B' above) should be in the last seven years ending on the 'latest date of Bid Submission' of tender irrespective of date of the start of work. Completion date shall be reckoned from the "FY quarter of bid submission". (for e.g. - Work completed on 01.01.2014 shall be considered even if the latest date of bid submission is 20.03.2021)".
7. 'EXECUTED' means the bidder should have achieved the criteria specified in the Technical criteria of PQR (as in 'B' above) even if the Contract has not been completed or closed.



## NOTICE INVITING TENDER

	<p>8. Unless otherwise specified, for the purpose of 'Technical' criteria of PQR (as in 'B' above), the word 'EXECUTED' means:</p> <ul style="list-style-type: none"><li>i. "BOILER LIGHT UP" in respect of Boiler/CFBC/ ESP</li><li>i. "SYNCHRONISATION" in respect of STG/GTG.</li><li>ii. 'SPINNING' in respect of HTG</li><li>iii. "STEAM BLOWING" in respect of Power Cycle Piping</li><li>iv. "HYDRAULIC TEST"/ ANY OTHER EQUIVALENT TEST LIKE "100% RT/UT OF WELDED JOINTS"" of the system in respect of Pressure parts / LP Piping/ CW Piping.</li><li>v. "CHARGING" in respect of Power Transformers/ Bus Ducts/ "HT/LT switchgears"/ "HT/LT Cabling".</li><li>vi. "Achievement of physical Quantities" as per PQRs.</li><li>vii. "Readiness for Coal Filling" of at least one Bunker in respect of Mill Bunker Structure.</li><li>viii. "CHARGING OF ATLEAST ONE PASS" in respect of ESP(R&amp;M)</li><li>ix. "GAS IN" in respect of FGD</li><li>x. "GAS IN" in respect of HRSG.</li><li>xi. "FULL LOAD OPERATION OF THE UNIT" in respect of Insulation Work.</li><li>xii. For C&amp;I works: "SYNCHRONISATION" in case of power project (excluding Nuclear projects)/ "WORK EXECUTION of the value as defined in PQR" in case of industry &amp; Nuclear projects.</li></ul> <p>9. Boiler means HRSG or WHRB or any other types of Steam Generator.</p> <p>10. Critical/Power Cycle piping means Main Steam, Hot Reheat, Cold Reheat, HP Bypass.</p> <p>11. For the purpose of evaluation of the PQR, one MW shall be considered equivalent to 3.5 TPH where ever rating of HRSG/BOILER is mentioned in MW. Similarly, where ever rating of Gas Turbine is mentioned in terms of Frame size, ISO rating of the same in terms of MW shall be considered for evaluation.</p> <p>12. In case the Experience/PO/WO certificate enclosed by bidders do not have separate break up of prices for the E&amp;C portion for Electrical and C&amp;I works, (i.e. the certificates enclosed are for composite order for supply and erection of Electrical and C&amp;I and other works if any), then value of Erection &amp; Commissioning for the Electrical and C&amp;I portion shall be considered as 15% of the price for supply &amp; erection of Electrical and C&amp;I.</p> <p>13. Consortium is not permitted for this tender. However, after successful execution of one work with a consortium partner under direct orders of BHEL, the Prime Bidder shall be eligible for becoming a 'standalone' bidder for works similar to that for which consortium partner was engaged, for subsequent tenders.</p> <p>14. The evaluation currency for this tender shall be INR.</p>
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## NOTICE INVITING TENDER

	<p>15. Wherever the credential submitted for satisfying the Technical PQR is from direct order of BHEL, bidders to ensure that relevant certificate issued by respective contracting department of BHEL is provided as part of the offer. Certificates can be obtained from BHEL by submitting request through online portal i.e. <a href="https://siddhi.bhel.in">https://siddhi.bhel.in</a></p> <p>16. In case, where BHEL has awarded a particular work to Main Vendor and the Main Vendor in turn has awarded, the work awarded by BHEL in part / full to a sub vendor (known as bidder); and the bidder has now quoted to BHEL for the said tender floated by BHEL, citing the above work as a pre-qualification experience.</p> <p>In such situation as above, the following documents shall be scrutinized by BHEL before qualifying the bidder.</p> <ul style="list-style-type: none"><li>i) Work Order from BHEL's main vendor in the name of bidder, indicating scope of work, Order value &amp; Completion period.</li><li>ii) Completion certificate issued by BHEL's main vendor, indicating the Scope, Duration of work &amp; Quantum of work completed.</li><li>iii) Copy of BHEL letter according permission by BHEL to sublet the work from BHEL's Main vendor to bidder.</li><li>iv) TDS certificate and any one of the documents in the name of bidder for the plant, like Labour license / BOCW registration / Workmen compensation insurance / Gate Pass for material or for T&amp;P and Gate Pass for labour / any other relevant documentary evidence.</li></ul> <p>The bidder shall be disqualified if any one of the above points (i to iv) are not satisfied.</p>
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Note:

- ii) BIDDER SHALL SUBMIT PRE-QUALIFICATION CRITERIA FORMAT DULY FILLED-IN, SPECIFYING RESPECTIVE ANNEXURE NUMBER AGAINST EACH CRITERIA AND FURNISH RELEVANT DOCUMENT INCLUSIVE OF WORK ORDER AND WORK COMPLETION CERTIFICATE ETC. IN THE RESPECTIVE ANNEXURES IN THEIR OFFER.
- iii) Credentials submitted by the Bidder against 'PRE-QUALIFYING CRITERIA' shall be verified for its authenticity. In case, any credential(s) is/are found to be unauthentic, offer of the bidder is liable for rejection. BHEL reserves the Right to Initiate any further action as per extant guidelines for Suspension of Business Dealings.

# NOTICE INVITING TENDER

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## Annexure 1A

### **PRE QUALIFICATION CRITERIA/REQUIREMENT – Technical**

#### **PART I – B. TECHNICAL PREQUALIFICATION REQUIREMENTS**

##### **1. B1. TECHNICAL REQUIREMENTS**

The execution agency must have successfully completed similar works during last 10 years ending 30.04.2023 should be either of the following:

B1.1. Three similar completed works, each costing not less than Rs 1280 Crore including taxes and duties.

**Or**

B1.2. Two similar completed works, each costing not less than Rs 1710 Crore including taxes and duties.

**Or**

B1.3. One similar completed work costing not less than Rs 2990 Crore including taxes and duties.

**Definition of Similar Work for this contract is “Execution of civil construction contracts related to Nuclear Power Plants or other Nuclear Establishments or Heavy Industries or Thermal Power Plants or Hydro Electric Power Plants”.**

#### **Notes:**

- 1) In respect of the works carried out overseas, the supporting documents shall be attested/ endorsed by the Indian Embassy/ Mission/ Consulate in the respective country. Value of executed works in foreign currency shall be determined by converting the same in the Indian Rupee based on the exchange rate as prevailing on 30.04.2023.
- 2) In case final bill is submitted but not settled but completion certificate is issued by the client, then the value of the work shall be based on the last certified bill/or amount mentioned in the completion certificate.
- 3) In case of EPC contracts where the BOQ is not available, the qualification requirements shall be verified on the basis of work order with payment schedule, completion certificate showing the final amount or final/last bill and other relevant contract documents/ drawings, etc., showing the similar nature of work, all certified by the client.
- 4) The cost of completed work shall mean gross value of the completed work including all the taxes and levies, cost of material supplied by the client on chargeable basis,

## NOTICE INVITING TENDER

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but excluding those supplied free of cost. The cost of chargeable material shall be the fixed value at which the client had supplied the material.

- 5) The work experience of the execution agency for those works only shall be considered for evaluation purposes, which are completed before 30.04.2023. Hence, the works which are incomplete/ ongoing, as on 30.04.2023, shall not be considered against eligibility.
- 6) In case the work is started prior to the eligibility period of 10 years counted backwards starting from 30.04.2023 and completed within the said eligibility period of 10 years, then the full value of work shall be considered against eligibility.
- 7) In case the experience has been earned by the execution agency as an individual or proprietorship firm or partner of a partnership firm, then 100% value of experience will be considered against eligibility.
- 8) The execution agency shall submit details of work executed by them for the works to be considered for qualification of work experience criteria. Documentary proof such as work order/purchase order/agreement, completion certificate from client clearly indicating the name of work, actual completion cost and actual date of completion for such work should be submitted. The offers submitted without the documentary proof shall not be evaluated. The work done for all companies except Government/Government bodies/public sector units, which has been completed after extension, will not be accepted without documentary proof of extension.
  - a) Work order with bill of quantities and rates.
  - b) Extension letter, if the work has been completed beyond stipulated completion date in work order/agreement. Completion certificate issued by client with final / last bill mentioning the gross value of work done. The completion certificate shall be for individual work order. The completion certificate clubbing two or more work orders shall be rejected.
  - c) Stamped and signed certificate by chartered accountant giving details of bill wise payment received, TDS amount & TDS certificate number for works executed for all companies except government / government bodies / public sector units.
- 9) The value of work done meeting qualification criteria shall be brought to current costing level by enhancing the actual value of work at simple rate of 7% per annum, calculated from the date of completion to 30.04.2023. Both the date of completion and 30.04.2023 shall be excluded for the purpose of calculating escalation. The execution agency if required may be asked to produce original and photocopy of all the documents attested by notary submitted for qualification purpose for verification at any stage at corporation's discretion.

**AND**

# NOTICE INVITING TENDER

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## **B2. ADDITIONAL TECHNICAL REQUIREMENTS**

The execution agency shall meet any 5 of the following 6 qualifying requirements (as specified below) during last 10 years through their completed works which may or may not form part of works submitted against requirement of "similar works" as defined in S.no B1. The above credentials shall be duly certified by the client.

B2.1. Reinforced concrete quantity - 2 lakhs Cu.m. or more.

B2.2. Formwork erection – 5.0 lakhs Sq.m. or more

B2.3. Fabrication and placement of Reinforcement steel - 30,000 MT or more.

B2.4. Fabrication and erection of Structural steel items: -

a. Fabrication – 2500 MT

b. Erection – 5000 MT

B2.5. Experience of pre-stressing works (post tensioning system) with jacking force not less than 200MT.

B2.6. Construction of Cement Concrete Road Works having minimum 25,000 Cu.m.

### **Note for B2**

1. The attributes listed above may be met through different works. But individual attributes should be met by one single work i.e. quantity executed under different works cannot be clubbed for meeting requirement of the individual attribute for qualification purpose.
2. The fulfilment of all the above requirements shall be verified on the basis of certificate issued by the client regarding the accomplishment of the above, copy of work order, BOQ (if available, or drawings with payment schedule or in case bifurcation is not available, any other related contract document), completion certificate, etc., attested by the client.

## **PART II – C. FINANCIAL PREQUALIFICATION REQUIREMENTS**

**C-1.** Bidders must have achieved an average annual financial turnover (Audited) of **Rs. 1085 Crore** or more over last three Financial Years (FYs).

Note: Evaluation of Turnover criteria for the tenders received from bidders shall be calculated from the Audited Balance Sheet and Profit & Loss Account for the three Financial Years (FY) in the following manner:

- 1) The bidder should have average annual turnover of Rs. 1085 Crore for last three financial years i.e. FY 2022-23, 2021-22 and 2020-21. Audited Annual accounts (Balance Sheet and Profit & Loss Account) is to be submitted by the bidder in the support of above qualifying criteria. If the audited annual accounts for the FY 22-23 is not available then the three preceding audited annual accounts (FY 2021-22, 2020-21 & 2019-20) will be considered for evaluation.

## NOTICE INVITING TENDER

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- 2) In case audited Financial statements have not been submitted for all the three years as indicated against (i) above, then the applicable audited statements submitted by the bidders against the requisite three years, will be averaged for three years.
- 3) If financial statements are not required to be audited statutorily, then instead of audited financial statements, financial statements are required to be certified by Chartered Accountant.

**C-2. Net Worth (Only in case of companies) of the bidder should be positive.**

Note: Net worth shall be calculated based on the latest Audited Accounts as furnished for 'C-1' above. Net worth = Paid up share capital + Reserves

**C-3. Bidder must have earned profit in anyone of the three financial years as applicable in the last three financial years as furnished for 'C-1' above.**

Note: PROFIT shall be PBT earned during anyone year of last three financial years as in 'C-1' above.

**C-4.** Bidder must not be under Bankruptcy Code Proceedings (IBC) by NCLT or under Liquidation/ IBIFR, which will render him ineligible for participation in this tender, and shall submit undertaking to this effect.

Line of Credit facility or Solvency Certificate: Bidder shall meet anyone of the following requirements regarding Line of Credit Facility or Solvency Certificate:

- i. Bidder shall submit documentary evidence from a Nationalized or any scheduled bank, stating that in the event of the contract being awarded to the Bidder, they will provide, if need arises, line of credit to the Bidder for an amount of not less than Rs 365 Crore.

or

- ii. Bidder shall submit Solvency Certificate as per the attached format (Format No. 5) issued by a Nationalized or any scheduled bank in favour of the Bidder shall be for a value not less than Rs 365 Crore.

Document to be submitted by the Bidder against qualifying requirements mentioned regarding C-4 Line of credit/ solvency certificate shall be submitted by bidders.

Note: The line of credit/solvency certificate shall have been issued within 6 months from original last date of the submission of the BHEL's bid to NPCIL.

**D. Consortium bidding is not allowed in this tender.**

# NOTICE INVITING TENDER

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Format-1

Certificate for relationship between Parent Company / Subsidiary Company and the bidder

To,

.....

.....

Dear Sir,

Sub: Bid for NIT No .....dated..... for "....." (name of the tender).

We hereby certify that M/s..... is Parent Company/ Subsidiary Company of M/s .....(the bidder) and details of equity holding of the Parent Company in Subsidiary Company as on .....(not earlier than seven days prior to the Bid Submission Date) are given as below:

Name of Parent Company	Name of Subsidiary Company	Percentage of Equity Holding of Parent Company in Subsidiary Company

(Insert Name and Signature of Statutory Auditor or practicing Company Secretary of the Bidder)



# NOTICE INVITING TENDER

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Format-2

Undertaking from the Parent Company/ Subsidiary Company of the bidder  
(On the Letter Head of Parent Company/ Subsidiary Company, as applicable)

From,

Name:

Full Address:

Telephone No.:

E-mail address:

Fax/No.:

To,

.....

.....

Dear Sir,

We refer to the NIT No     dated..... for "....." (name of the Tender).

"We have carefully read and examined in detail the NIT/Tender Terms and Conditions, including in particular, Clause .... of the NIT/Tender, regarding submission of an Undertaking, as per the prescribed Format 1 of the NIT/ Tender.

We confirm that M/s..... (the Bidder) has been authorized by us to use our Technical capability for meeting the Technical Criteria as specified in Clause.....of the PQR of the NIT/Tender referred above.

We agree to submit the Security Deposit equivalent to 1% of the total contract value in addition to Security Deposit to be submitted by Bidder as per Clause.....of the NIT/Tender for fulfilment of all obligations in terms of provisions of the contract, in the event of .....(the Bidder) being selected as the Successful Bidder.

We confirm that we along with M/s.....(the bidder), are jointly or severally responsible for successful performance of the contract.

We confirm that our company shall not participate in the above tender as a 'Standalone Bidder' or as a 'Consortium bidder' and also shall not authorize any other bidder to use our Technical capability for the above tender.

All the terms used herein but not defined, shall have the meaning as ascribed to the said terms under the referred NIT/Tender.

Signature of Managing Director/Authorized signatory of Parent/ Subsidiary Company



# NOTICE INVITING TENDER

## Annexure - 2

### CHECK LIST

**NOTE : - Tenderers are required to fill in the following details and no column should be left blank. No column should be left blank.**

1	Name and Address of the Tenderer		
2	Details about type of the Firm/Company		
3.a	Details of Contact person for this Tender Name : Mr/Ms Designation: Telephone No: Mobile No: Email ID: Fax No:		
3.b	Details of alternate Contact person for this Tender Name : Mr/Ms Designation: Telephone No: Mobile No: Email ID: Fax No:		
4	EMD DETAILS <i>(Remittance of EMD should be in line with Mode of Deposit as detailed in Vol 1A, Part-2, Chapter-1)</i> a) Cash portion of EMD – online payment/ DD/ Cheque b) Balance portion of EMD	a. Mode of Remittance: Ref No: Date: Amount: b. Mode of Remittance: Ref No: Date: Amount:	
5	Validity of Offer	Bids shall be kept valid for acceptance for a period of 60 (sixty) days from the date of placement of LOI on BHEL by NPCIL in the event of BHEL securing the order.	
		<b>Applicability (By BHEL)</b>	<b>Bidder's reply</b>
6	Whether the format for compliance with <b>PRE QUALIFICATION CRITERIA</b> (ANNEXURE-I) is understood and filled with proper supporting documents referenced in the specified format	Applicable	Yes / No
7	Submission of Audited Balance sheet and profit and Loss Account for the last three years	Applicable	Yes / No
8	Submission of Copy of PAN Card	Applicable	Yes / No
9	Whether all pages of the Tender documents including annexures, appendices etc., are read understood and signed	Applicable	Yes / No
10	Whether all pages of the offer documents are signed by the person authorized to sign this offer	Applicable	Yes / No
11	Submission of Integrity Pact	Applicable	Yes / No
12	Submission of Offer Forwarding Letter	Applicable	Yes / No

## NOTICE INVITING TENDER

13	Submission of Declaration by Authorized Signatory	Applicable	Yes / No
14	Submission of No Deviation Certificate	Applicable	Yes / No
15	Submission of Declaration confirming knowledge about Site Conditions	Applicable	Yes / No
16	Submission of Declaration for relation in BHEL	Applicable	Yes / No
17	Submission of Non-Disclosure Certificate	Applicable	Yes / No
18	Submission of Bank Account Details for E-Payment	Applicable	Yes / No
19	Submission of Capacity Evaluation of Bidder for current Tender	Applicable	Yes / No
20	Submission of Tie Ups / Consortium Agreement are submitted as per format	Not Applicable	Yes / No
21	Submission of Power of Attorney for Submission of Tender / Signing Contract Agreement	Applicable	Yes / No
22	Submission of Analysis of Unit rates	Applicable	Yes / No
23	Submission of unquoted Price Bid (Volume-II Price Bid) without disclosing rates / price	Applicable	Yes / No
24	Submission of Copy of Organization Chart	Applicable	Yes / No
25	Submission of Copy of Registration/ Incorporation certificate, Partnership Deed (Certified by Notary Public) as applicable for firm	Applicable	Yes / No
26	Submission of Undertaking as per clause C4 of Annexure-1 to NIT i.e. PQR (as per Annexure-8 to NIT)	Applicable	Yes / No
27	Submission of Declaration regarding One Bid per Bidder w.r.t. Clause No. 34A of NIT	Applicable	Yes / No
28	Submission of Declaration regarding Details of related firms and their area of activities (as per Annexure-9 to NIT)	Applicable	Yes / No
29	Submission of Declaration regarding Minimum Local Content In Line With Revised Public Procurement (Preference To Make In India), Order 2017 Dated 04th June, 2020) And Subsequent Order(s) (as per Annexure-10 to NIT)	Applicable	Yes / No
30	Submission of Declaration Regarding Compliance to Restrictions Under Rule 144 (xi) of GFR 2017 (as per Annexure-11 to NIT)	Applicable	Yes / No
31	Format No.5 Solvency certificate as per Forms and Procedure	Applicable	Yes / No
32	Format No.6 Undertaking by bidder as per Forms and Procedure	Applicable	Yes / No
33	All documents as per Annexure V to SCC	Applicable	Yes / No

**NOTE:**

1. STRIKE OFF 'YES' OR 'NO', AS APPLICABLE.
2. For Sl. No.11 to 21 above, the formats are available in "Volume ID of Volume I Book-II – Forms and Procedures" of this tender specification.
3. TENDER NOT ACCOMPANIED BY THE PRESCRIBED **ABOVE APPLICABLE DOCUMENTS** ARE LIABLE TO BE SUMMARILY REJECTED.

**DATE:**

**AUTHORISED SIGNATORY**  
**(With Name, Designation and Company seal)**

# NOTICE INVITING TENDER

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## **Annexure-3**

### **Certificate by Chartered Accountant on letter head**

(applicable upto 31<sup>st</sup> March'2021 in line with MSME notification no. S.O. 2119 (E), dated 26<sup>th</sup> June'2020)

**Not Applicable for this tender.**

# NOTICE INVITING TENDER

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**Annexure - 4**

**Reverse Auction Process Compliance Form**

**(The bidders are required to print this on their company's letterhead and sign,  
stamp before RA)**

**Not Applicable for this tender.**

# NOTICE INVITING TENDER

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**Annexure – 5**  
**Not Applicable for this tender.**

# NOTICE INVITING TENDER

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**Annexure – 6**  
**Not Applicable for this tender.**

# NOTICE INVITING TENDER

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**Annexure – 7**

## **INTEGRITY PACT**

### **Between**

Bharat Heavy Electricals Ltd. (BHEL), a company registered under the Companies Act 1956 and having its registered office at "BHEL House", Siri Fort, New Delhi - 110049 (India) hereinafter referred to as "The Principal", which expression unless repugnant to the context or meaning hereof shall include its successors or assigns of the ONE PART

### **and**

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(description of the party along with address), hereinafter referred to as "The Bidder/ Contractor" which expression unless repugnant to the context or meaning hereof shall include its successors or assigns of the OTHER PART

### **Preamble**

The Principal intends to award, under laid-down organizational procedures, contract/s for BHEL: PSSR: SCT: 2097 Pre-bid Tie up for Main Plant Civil Package includes construction of all main plant civil structures at 2 x 700 MWe PHWR Kaiga Atomic Power Project Units # 5&6, Karwar Taluka, Uttara Kannada District, Karnataka State

The Principal values full compliance with all relevant laws of the land, rules and regulations, and the principles of economic use of resources, and of fairness and transparency in its relations with its Bidder(s)/ Contractor(s).

In order to achieve these goals, the Principal will appoint Independent External Monitor(s), who will monitor the tender process and the execution of the contract for compliance with the principles mentioned above.

### **Section 1 - Commitments of the Principal**

1.1 The Principal commits itself to take all measures necessary to prevent corruption and to observe the following principles:-

- 1.1.1 No employee of the Principal, personally or through family members, will in connection with the tender for, or the execution of a contract, demand, take a promise for or accept, for self or third person, any material or immaterial benefit which the person is not legally entitled to.
- 1.1.2 The Principal will, during the tender process treat all Bidder(s) with equity and reason. The Principal will in particular, before and during the tender process, provide to all Bidder(s) the same information and will not provide to any Bidder(s)

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confidential/ additional information through which the Bidder(s) could obtain an advantage in relation to the tender process or the contract execution.

- 1.1.3 The Principal will exclude from the process all known prejudiced persons.
- 1.2 If the Principal obtains information on the conduct of any of its employees which is a penal offence under the Indian Penal Code 1860 and Prevention of Corruption Act 1988 or any other statutory penal enactment, or if there be a substantive suspicion in this regard, the Principal will inform its Vigilance Office and in addition can initiate disciplinary actions.

### **Section 2 - Commitments of the Bidder(s)/ Contractor(s)**

- 2.1 The Bidder(s)/ Contractor(s) commit himself to take all measures necessary to prevent corruption. He commits himself to observe the following principles during his participation in the tender process and during the contract execution.
- 2.1.1 The Bidder(s)/ Contractor(s) will not, directly or through any other person or firm, offer, promise or give to the Principal or to any of the Principal's employees involved in the tender process or the execution of the contract or to any third person any material, immaterial or any other benefit which he/ she is not legally entitled to, in order to obtain in exchange any advantage of any kind whatsoever during the tender process or during the execution of the contract.
- 2.1.2 The Bidder(s)/ Contractor(s) will not enter with other Bidder(s) into any illegal or undisclosed agreement or understanding, whether formal or informal. 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.
- 2.1.3 The Bidder(s)/ Contractor(s) will not commit any penal offence under the relevant Indian Penal Code (IPC) and Prevention of Corruption Act; further the Bidder(s)/ Contractor(s) will not use improperly, for purposes of competition or personal gain, or pass on to others, any information or document provided by the Principal as part of the business relationship, regarding plans, technical proposals and business details, including information contained or transmitted electronically.
- 2.1.4 Foreign Bidder(s)/ Contractor(s) shall disclose the name and address of agents and representatives in India and Indian Bidder(s)/ Contractor(s) to disclose their foreign principals or associates. The Bidder(s)/ Contractor(s) 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.
- 2.2 The Bidder(s)/ Contractor(s) will not instigate third persons to commit offences outlined above or be an accessory to such offences.





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2.3 The Bidder(s)/ Contractor(s) shall not approach the Courts while representing the matters to IEMs and will await their decision in the matter.

### **Section 3 - Disqualification from tender process and exclusion from future contracts**

If the Bidder(s)/ Contractor(s), before award or during execution has committed a transgression through a violation of Section 2 above, or acts in any other manner such as to put his reliability or credibility in question, the Principal is entitled to disqualify the Bidder(s)/ Contractor(s) from the tender process or take action as per the separate "Guidelines on Banning of Business dealings with Suppliers/ Contractors", framed by the Principal.

### **Section 4 - Compensation for Damages**

- 4.1 If the Principal has disqualified the Bidder from the tender process prior to the award according to Section 3, the Principal is entitled to demand and recover the damages equivalent Earnest Money Deposit/ Bid Security.
- 4.2 If the Principal has terminated the contract according to Section 3, or if the Principal is entitled to terminate the contract according to section 3, the Principal shall be entitled to demand and recover from the Contractor liquidated damages equivalent to 5% of the contract value or the amount equivalent to Security Deposit/ Performance Bank Guarantee, whichever is higher.

### **Section 5 - Previous Transgression**

- 5.1 The Bidder declares that no previous transgressions occurred in the last 3 years with any other company in any country conforming to the anti-corruption approach or with any other Public Sector Enterprise in India that could justify his exclusion from the tender process.
- 5.2 If the Bidder makes incorrect statement on this subject, he can be disqualified from the tender process or the contract, if already awarded, can be terminated for such reason.

### **Section 6 - Equal treatment of all Bidders/ Contractors / Sub-contractors**

- 6.1 The Principal will enter into agreements with identical conditions as this one with all Bidders and Contractors. In case of sub-contracting, the Principal contractor shall be responsible for the adoption of IP by his sub-contractors and shall continue to remain responsible for any default by his sub-contractors.

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6.2 The Principal will disqualify from the tender process all bidders who do not sign this pact or violate its provisions.

### **Section 7 - Criminal Charges against violating Bidders/ Contractors /Subcontractors**

If the Principal obtains knowledge of conduct of a Bidder, Contractor or Subcontractor, or of an employee or a representative or an associate of a Bidder, Contractor or Subcontractor which constitutes corruption, or if the Principal has substantive suspicion in this regard, the Principal will inform the Vigilance Office.

### **Section 8 - Independent External Monitor(s)**

- 8.1 The Principal appoints competent and credible Independent External Monitor for this Pact. The task of the Monitor is to review independently and objectively, whether and to what extent the parties comply with the obligations under this agreement.
- 8.2 The Monitor is not subject to instructions by the representatives of the parties and performs his functions neutrally and independently. He reports to the CMD, BHEL.
- 8.3 The Bidder(s)/ Contractor(s) accepts that the Monitor has the right to access without restriction to all contract documentation of the Principal including that provided by the Bidder(s)/ Contractor(s). The Bidder(s)/ Contractor(s) will grant the monitor, upon his request and demonstration of a valid interest, unrestricted and unconditional access to his contract documentation. The same is applicable to Sub-contractor(s). The Monitor is under contractual obligation to treat the information and documents of the Bidder(s)/ Contractor(s) / Sub-contractor(s) with confidentiality in line with Non-disclosure agreement.
- 8.4 The Principal will provide to the Monitor sufficient information about all meetings among the parties related to the contract provided such meetings could have an impact on the contractual relations between the Principal and the Contractor. The parties offer to the Monitor the option to participate in such meetings.
- 8.5 The role of IEMs is advisory, would not be legally binding and it is restricted to resolving issues raised by an intending bidder regarding any aspect of the tender which allegedly restricts competition or bias towards some bidders. At the same time, it must be understood that IEMs are not consultants to the Management. Their role is independent in nature and the advice once tendered would not be subject to review at the request of the organization.
- 8.6 For ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process, the matter should be examined by the full panel of IEMs jointly as far as possible, who would look into the records, conduct an investigation, and submit their joint recommendations to the Management.





## NOTICE INVITING TENDER

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- 8.7 The IEMs would examine all complaints received by them and give their recommendations/ views to CMD, BHEL, at the earliest. They may also send their report directly to the CVO and the Commission, in case of suspicion of serious irregularities requiring legal/ administrative action. IEMs will tender their advice on the complaints within 10 days as far as possible.
- 8.8 The CMD, BHEL shall decide the compensation to be paid to the Monitor and its terms and conditions.
- 8.9 IEM should examine the process integrity; they are not expected to concern themselves with fixing of responsibility of officers. Complaints alleging mala fide on the part of any officer of the organization should be looked into by the CVO of the concerned organisation.
- 8.10 If the Monitor has reported to the CMD, BHEL, a substantiated suspicion of an offence under relevant Indian Penal Code/ Prevention of Corruption Act, and the CMD, BHEL has not, within reasonable time, taken visible action to proceed against such offence or reported it to the Vigilance Office, the Monitor may also transmit this information directly to the Central Vigilance Commissioner, Government of India.
- 8.11 The number of Independent External Monitor(s) shall be decided by the CMD, BHEL.
- 8.12 The word 'Monitor' would include both singular and plural.

### Section 9 - Pact Duration

- 9.1 This Pact shall be operative from the date IP is signed by both the parties till the final completion of contract for successful bidder and for all other bidders 6 months after the contract has been awarded. Issues like warranty / guarantee etc. should be outside the purview of IEMs.
- 9.2 If any claim is made/ lodged during currency of IP, the same shall be binding and continue to be valid despite the lapse of this pact as specified above, unless it is discharged/ determined by the CMD, BHEL.

### Section 10 - Other Provisions

- 10.1 This agreement is subject to Indian Laws and jurisdiction shall be registered office of the Principal, i.e. New Delhi.
- 10.2 Changes and supplements as well as termination notices need to be made in writing. Side agreements have not been made.
- 10.3 If the Contractor is a partnership or a consortium, this agreement must be signed by all partners or consortium members.



## NOTICE INVITING TENDER

- 10.4 Should one or several provisions of this agreement turn out to be invalid, the remainder of this agreement remains valid. In this case, the parties will strive to come to an agreement to their original intentions.
- 10.5 Only those bidders / contractors who have entered into this agreement with the Principal would be competent to participate in the bidding. In other words, entering into this agreement would be a preliminary qualification.

  
-----  
For & On behalf of the Principal  
**S. SUBBURAJ**  
उप महाप्रबंधक - उप कंत्राट / Dy. General Manager - Sub Contracts  
(Office Seal)  
बी.एच.ई.एल. - पी.एस.एस.आर. / BHEL - PSSR  
बी.एच.ई.एल. एकीकृत कार्यालय परिसर, पल्लिकरनै, चेन्नै - 600 100  
BHEL Integrated Office Complex, Pallikaralai, Chennai - 600100

-----  
For & On behalf of the Bidder/ Contractor  
(Office Seal)

Place-----

Place-----

Date-----16/08/2023-----

Date-----

Witness: -----

Witness:-----

(Name & Address) Mohammed/Humain  
BHEL - PSSR

(Name & Address)-----

# NOTICE INVITING TENDER

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**Annexure – 8**

## **UNDERTAKING**

(To be typed and submitted in the Letter Head of the Company/Firm of Bidder)

To,  
(Write Name & Address of Officer of BHEL inviting the Tender)

Dear Sir/Madam,

**Sub: DECLARATION REGARDING INSOLVENCY/ LIQUIDATION/ BANKRUPTCY PROCEEDINGS**

**Ref:** NIT/Tender Specification No:

I/We,

\_\_\_\_\_ declare that, I/We am/are not under insolvency resolution process or liquidation or Bankruptcy Code Proceedings (IBC) as on date, by NCLT or any adjudicating authority/ authorities, which will render us ineligible for participation in this tender.

**Sign. of the AUTHORISED SIGNATORY  
(With Name, Designation and Company seal)**

Place:

Date:

# NOTICE INVITING TENDER

ANNEXURE – 9

## DECLARATION

Date: \_\_\_\_\_

To: \_\_\_\_\_

Address: BHEL, \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

email: \_\_\_\_\_

Sub: **Details of related firms and their area of activities**

Dear Sir/ Madam,

Please find below details of firms owned by our family members that are doing business/ registered for same item with BHEL, \_\_\_\_\_ (NA, if not applicable)

1	Material Category/ Work Description	
	Name of Firm	
	Address of Firm	
	Nature of Business	
	Name of Family Member	
	Relationship	
2	Material Category/ Work Description	
	Name of Firm	
	Address of Firm	
	Nature of Business	
	Name of Family Member	
	Relationship	
...		

The term "Family" shall mean:

- a. parent
- b. husband/wife
- c. sons/daughters (including adopted children) and their spouse
- d. full blood siblings (brothers & sisters from common parents) and their spouse

**Note: I certify that the above information is true and I agree for penal action from BHEL in case any of the above information furnished is found to be false.**

Regards,

(\_\_\_\_\_)

From: M/s \_\_\_\_\_

Supplier Code: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# NOTICE INVITING TENDER

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## **ANNEXURE – 9A**

### DECLARATION

(To be typed and submitted in the Letter Head of the Company/Firm of Bidder)

To,

(Write Name & Address of Officer of BHEL inviting the Tender)

Dear Sir/Madam,

Sub: One Bid per Bidder w.r.t. Clause No. 34A of NIT – reg.

Ref: NIT/Tender Specification No: .....

I/ We, M/s ..... (Name of the bidder) ..... certify the following with reference to the subject Tender.

1) I/ We have not submitted multiple bids, in any of the two formats given below:

- a) individual or proprietorship format and/or
- b) a partnership or association of persons format and/or
- c) a company format

wherein,

- A company shall for this purpose include any artificial person whether constituted under the Indian laws or of any other country.
- A person shall be deemed to have bid in a partnership format or in association of persons format if he is a partner of the firm which has submitted the bid or is a member of any association of persons which has submitted a bid.
- A person shall be deemed to have bid in a company format if the person holds:
  - i. more than 10% (ten percent) of the voting share capital of the company which has submitted a bid, or
  - ii. is a Director and / or Key Managerial Personnel of the company which has submitted a bid, or
  - iii. holds more than 10% (ten percent) of voting share capital in and/or is a director and/or Key Managerial Personnel of a holding company of that company which has submitted the bid.

2) None of our Sister/ Associated/ Allied concerns (i.e., a company, society, partnership firm or proprietorship firm having one or more common persons as Director/ Partner/ Member/ Owner) have submitted any other bid for this Tender.

I/We understand that all the bids of a bidder who has submitted multiple bids, in terms of Clause No. 34A of NIT, shall be rejected.

Signature of the AUTHORISED SIGNATORY  
(With Name, Designation and Company seal)

Place:

Date:



# NOTICE INVITING TENDER

## Annexure 10

### **DECLARATION REGARDING MINIMUM LOCAL CONTENT IN LINE WITH REVISED PUBLIC PROCUREMENT (PREFERENCE TO MAKE IN INDIA), ORDER 2017 DATED 04<sup>TH</sup> JUNE, 2020) AND SUBSEQUENT ORDER(S)**

*(To be typed and submitted in the Letter Head of the Entity/Firm providing certificate as applicable)*

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To,  
(Write Name & Address of Officer of BHEL inviting the Tender)

Dear Sir,

**Sub:** Declaration reg. minimum local content in line with Public Procurement (Preference to Make in India), Order 2017-Revision, dated 04<sup>th</sup> June, 2020 and subsequent Orders)

**Ref :** 1) NIT/Tender Specification No: .....  
2) All other pertinent issues till date

We hereby certify that the items/works/services offered by **(SPECIFY ORGANIZATION NAME HERE)** has a local content of \_\_\_\_\_ % and this meets the local content requirement for 'Class-I local supplier' / 'Class II local supplier' \*\* as defined in Public Procurement (Preference to Make in India), Order 2017-Revision dated 04.06.2020 issued by DPIIT and subsequent order(s).

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

- |          |          |
|----------|----------|
| 1. _____ | 2. _____ |
| 3. _____ | 4. _____ |
| ...      |          |
| ...      |          |

Thanking you,  
Yours faithfully,

**(Signature, Date & Seal of  
Authorized Signatory of the Bidder)**

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

#### **Note:**

1. Bidders to note that above format Duly filled & signed by authorized signatory, shall be submitted along with the techno-commercial offer.
2. **In case the bidder's quoted value is in excess of Rs. 10 crores, the authorized signatory for this declaration shall necessarily be the statutory auditor or cost auditor of the company (in the case of companies) or a practising cost accountant or practicing chartered accountant (in respect of suppliers other than companies).**
3. In the event of false declaration, actions as per the above order and as per BHEL Guidelines shall be initiated against the bidder.



# NOTICE INVITING TENDER

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**Annexure 11**

**DECLARATION REGARDING COMPLIANCE TO  
RESTRICTIONS UNDER RULE 144 (xi) OF GFR 2017**

*(To be typed and submitted in the Letter Head of the Entity/Firm providing certificate as applicable)*

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To,  
(Write Name & Address of Officer of BHEL inviting the Tender)

Dear Sir,

**Sub:** Declaration regarding compliance to Restrictions under Rule 144 (xi) of GFR 2017

**Ref :** 1) NIT/Tender Specification No: .....  
2) All other pertinent issues till date

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 \_\_\_\_\_ (**specify the name of the organization here**), is not from such a country / has been registered with the Competent Authority (attach valid registration by the Competent Authority, i.e., the Registration Committee constituted by the Dept. for Promotion of Industry and Internal Trade (DPIIT)); and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority. (attach relevant valid registration, if applicable)

I hereby certify that we fulfil all requirements in this regard and is eligible to be considered.

Thanking you,  
Yours faithfully,

**(Signature, Date & Seal of  
Authorized Signatory of the Bidder)**

**Note:**

1. Bidders to note that if the above certification given by a bidder, whose bid is accepted, is found to be false, then this would be a ground for immediate termination and further action in accordance with law and as per BHEL guidelines