

TENDER SPECIFICATION BHEL: PSSR: SCT: 2023 FOR

Hiring of expert consultancy services for preparation of Detailed Project Report (DPR) on implementation of new environmental norms for SO_x, NO_x, SPM, and Mercury (Hg) in stack emission and reduction of specific water consumption for each unit of Kothagudem thermal Power Station-V (2x250MW) and VI (1x500MW) and Kakatiya Thermal Power Plant (1x500MW and 1x600MW) of TSGENCO to comply with new norms of MoEF&CC, notification issued by Government of India on 07th December 2015 and subsequent amendments there on

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

VOLUME –I BOOK – I

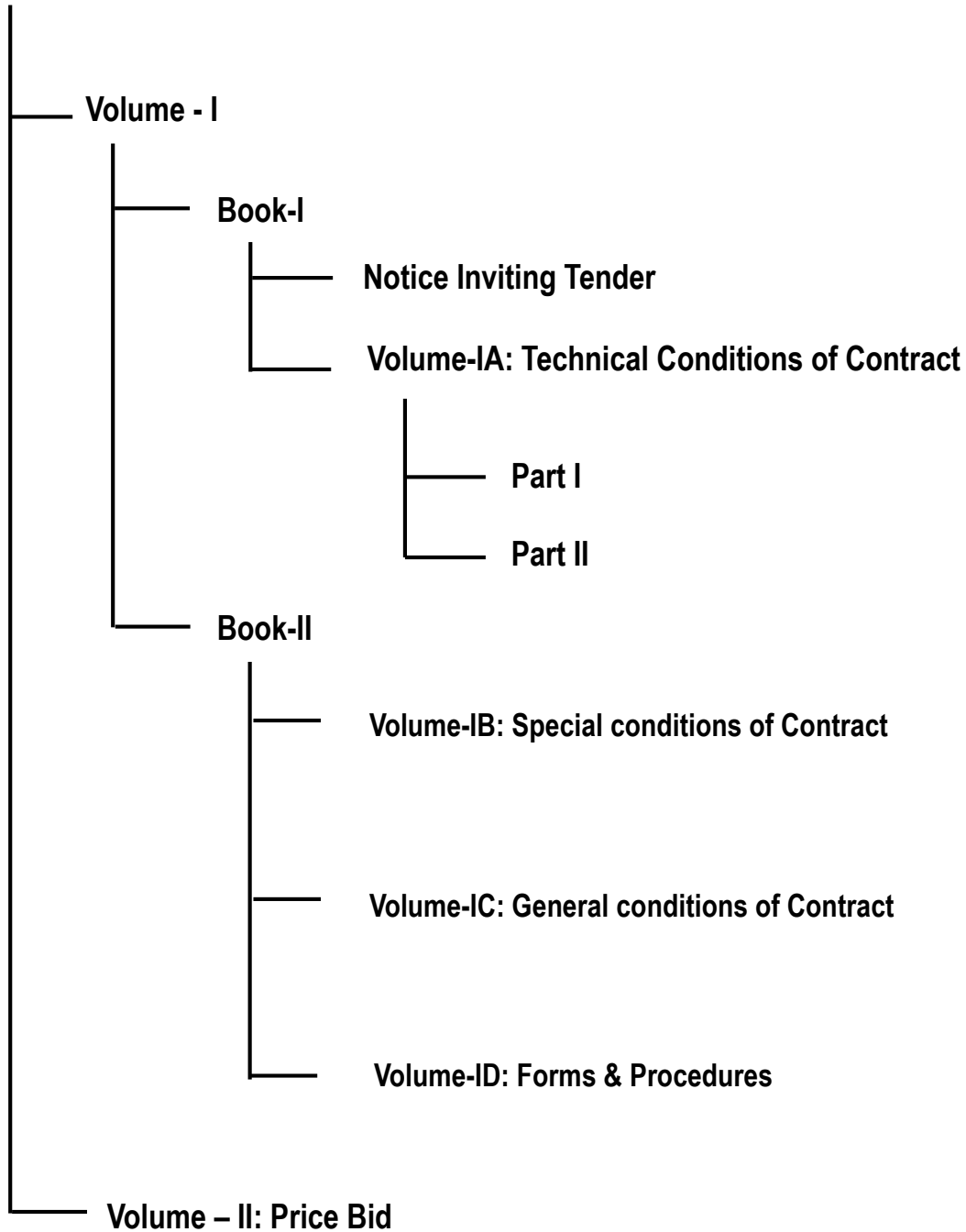


BHARAT HEAVY ELECTRICALS LIMITED
(A Government of India Undertaking)
Power Sector – Southern Region
Tek Towers, No.11, Old Mahabalipuram Road,
Okkiyam Thoraipakkam, Chennai - 600097.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

TENDER SPECIFICATION CONSISTS OF

Tender Specification



Rev 02
17thSept
2020

NOTICE INVITING TENDER

Bharat Heavy Electricals Limited



TECHNICAL CONDITIONS OF CONTRACT (TCC)

Ref: BHEL: PSSR: SCT: 2023

Date: 06.05.2022

NOTICE INVITING TENDER (NIT)

NOTE: BIDDER MAY DOWNLOAD FROM WEB SITES

To

Dear Sir/Madam

Sub: NOTICE INVITING TENDER

Sealed offers in two part bid system (National competitive bidding (NCB)) are invited from reputed & experienced bidders (reputed engineering consultancy firms meeting PRE QUALIFICATION CRITERIA as mentioned in Annexure-I) **through E-Procurement Portal <https://eprocarebhel.co.in>** only, for the subject job by the undersigned on behalf of BHARAT HEAVY ELECTRICALS LIMITED as per the tender document. Following points relevant to the tender may please be noted and complied with.

1.0 Salient Features of NIT

Sl. No	ISSUE	DESCRIPTION	
i)	TENDER NUMBER	BHEL: PSSR: SCT: 2023	
ii)	Broad Scope of job	Preparation of Detailed Project Report(DPR) on implementation of new environmental norms for SOx, NOx, SPM, and Mercury(Hg) in stack emission and reduction of specific water consumption for each unit of Kothagudem Thermal Power Station-V (2x250MW) and VI (1x500MW) and Kakatiya Thermal Power Plant (1x500MW and 1x600MW) of TSGENCO to comply with new norms of MoEF&CC, notification issued by Government of India on 07th Dec 2015 and subsequent amendments there on	
iii)	DETAILS OF TENDER DOCUMENT		
A	Volume-IA	Technical Conditions of Contract (TCC) consisting of Scope of work, Technical Specification, Drawings, Procedures, Bill of Quantities, Terms of payment, etc.,	Applicable
B	Volume-IB	Special conditions of Contract,	Applicable
C	Volume-IC	General conditions of Contract	Applicable
D	Volume-ID	Forms & Procedures	Applicable
E	Volume-II	Price Schedule (Absolute value).	Applicable

TECHNICAL CONDITIONS OF CONTRACT (TCC)

iv)	Issue of Tender Documents	<p>Tender documents will be available for downloading from BHEL website (www.bhel.com) or e-procurement portal (https://eprocurebhel.co.in) as per schedule below</p> <p><u>Sale</u></p> <p>Start: 06.05.2022, Time: 13.00 Hrs</p> <p>Close: Same as Sl. No v) Due date & time of offer submission</p> <p><u>Brief information of the tenders shall also be available at central public procurement portal. (https://eprocure.gov.in/epublish/app)</u></p>	Applicable
iv)a)	Bid / Offer Submission start time	Start Date: 20.05.2022, Time: 10.00 Hrs	
v)	Due Date & Time of Offer Submission	<p>Date: 27.05.2022, Time :10.00 Hrs</p> <p>The bidder should submit their offer online in e-Procurement portal at https://eprocurebhel.co.in.</p> <p><u>Bidders are requested to upload their offer well in advance in order to avoid last minute congestion at this website.</u></p> <p>Hard copy bid or bids through E-mail / fax shall not be accepted.</p>	Applicable
vi)	Opening of Tender	<p>Date: 27.05.2022, Time :17.00 Hrs</p> <p>Notes:</p> <p>(1) In case the due date of opening of tender becomes a non-working day, then the due date & time of offer submission and opening of tenders get extended to the next working day.</p> <p>(2) Bidder may witness the opening of tender through e-Procurement portal only.</p>	Applicable
vii)	EMD Amount	Not Applicable for this tender.	Not Applicable
viii)	Cost of Tender	Free	-
ix)	Last Date For Seeking Clarification	<i>Bidders may submit their queries on or before the scheduled date of pre bid discussion along with soft version also, addressing to undersigned & to others as per contact address given below:</i>	Applicable

TECHNICAL CONDITIONS OF CONTRACT (TCC)

		<p>For all clarifications /issues related to the tender, please contact:</p> <p>1. Mr. R Siva, Manager / SCT BHEL-PSSR Tek Towers, No.11, Old Mahabalipuram Road, Okkiyam Thoraipakkam, Chennai - 600097 sivamesh@bhel.in 044-24589458 / 9884184574</p> <p>2. Mr Sumit Dhar, SDGM/ SCT BHEL-PSSR Tek Towers, No.11, Old Mahabalipuram Road, Okkiyam Thoraipakkam, Chennai - 600097. sdhar@bhel.in 044-24589443 / 9229374210</p>	
x)	Schedule of Pre Bid Discussion (PBD)	<p>Date:13.05.2022 Time 11.00AM At BHEL: PSSR: Tek Towers, No.11, Old Mahabalipuram Road, Okkiyam Thoraipakkam, Chennai - 600097.</p>	Applicable
xi)	Integrity Pact & Details of Independent External Monitor (IEM)	Not applicable for this tender	Not Applicable
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 (www.bhel.com → Tender Notifications → View Corrigendums), Central Public Procurement portal (https://eprocure.gov.in/epublish/app) & on e-tender portal https://eprocurebhel.co.in and not in the newspapers. Bidders to keep themselves updated with all such information.</p>	

TECHNICAL CONDITIONS OF CONTRACT (TCC)

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 Not Applicable.

Unless specifically stated otherwise, bidder shall deposit **Earnest Money Deposit (EMD) as mentioned in GCC.**

For Electronic Fund Transfer the details are as below:-

- i. **Name of the Beneficiary** :- Bharat Heavy Electricals Limited

- ii. **Bank Particulars**
 - a. Bank Name :- State Bank Of India
 - b. Bank Telephone No.(with STD code):- 044 – 2433 0583 / 2433 0407
 - c. Branch Address:- SBI Saidapet Branch 00912, No.80-A, Chevalier Sivaji Ganesan Salai, South Boag Road, T.Nagar, Chennai-17
 - d. Branch Code :- 00912
 - e. 9 Digit MICR Code of the Bank Branch :- 600002045
 - f. Bank Account Number :- 10610819499
 - g. Bank Account Type :- CASH CREDIT ACCOUNT
 - h. 11 Digit IFSC Code of Beneficiary Branch:- SBIN0000912
 - i. Details for SFMS (Structured Financial Messaging System) transmission of BG

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

Copy of the Transaction details (UTR no./ bank's debit advice intimated by bidder's bank) to be uploaded along with tender documents.

(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 portal <https://eprocurebhel.co.in>. The bidder should respond by submitting their offer online only in our e-Procurement portal at <https://eprocurebhel.co.in>. Offers are invited in two-parts only.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

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)

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 &

TECHNICAL CONDITIONS OF CONTRACT (TCC)

2. DSC (Digital Signature Certificate) (Class 3- SHA2- 2048 BIT- SIGNING & ENCRYPTION)

BHEL has finalized the e-procurement service Provider:-

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

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	https://www.ncodesolutions.com/
2	e-Mudhra	https://www.e-mudhra.com/
3	Safescrypt	www.safescrypt.com

Vendors are also requested to go through bidder 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

SI No	Description	Remarks
	Techno-Commercial Bid CONTAINING THE FOLLOWING:-	

TECHNICAL CONDITIONS OF CONTRACT (TCC)

i.	Covering letter / Offer forwarding letter of Tenderer.	Refer "Bidder Manual for BHEL Bidders" available at https://eprocarebhel.co.in
ii.	<p>Duly filled-in 'No Deviation Certificate' as per prescribed format to be placed after document under sl no (i) above.</p> <p>Note:</p> <ol style="list-style-type: none"> 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 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. 2. BHEL reserves the right to accept / reject the deviations without assigning any reasons, and BHEL decision is final and binding. <ol style="list-style-type: none"> (i) In case of acceptance of the deviations, appropriate loading shall be done by BHEL (ii) In case of unacceptable deviations, BHEL reserves the right to reject the tender. 	Refer "Bidder Manual for BHEL Bidders" available at https://eprocarebhel.co.in
iii.	<p>Supporting documents / annexure / schedules / drawing etc as required in line with Pre-Qualification criteria. (Technical & Financial)</p> <p>As detailed in Clause No. 25 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 https://eprocarebhel.co.in
iv.	All Amendments / Correspondences / Corrigenda / Clarifications / Changes / Errata etc pertinent to this NIT.	Refer "Bidder Manual for BHEL Bidders" available at https://eprocarebhel.co.in
v.	Integrity Pact Agreement (Duly signed by the authorized signatory) (as applicable)	Refer "Bidder Manual for BHEL Bidders" available at https://eprocarebhel.co.in

TECHNICAL CONDITIONS OF CONTRACT (TCC)

vi.	Duly filled-in annexures, formats etc as required under this Tender Specification / NIT	Refer "Bidder Manual for BHEL Bidders" available at https://eprocurebhel.co.in
vii.	Notice inviting Tender (NIT)	Refer "Bidder Manual for BHEL Bidders" available at https://eprocurebhel.co.in
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 https://eprocurebhel.co.in
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' against each item	Refer "Bidder Manual for BHEL Bidders" available at https://eprocurebhel.co.in
xiii.	Any other details preferred by bidder with proper indexing.	Refer "Bidder Manual for BHEL Bidders" available at https://eprocurebhel.co.in

Caution to Bidders: -

The duly signed & stamped copies of Volume – 1 Book I & Volume 1 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>

	PRICE BID consisting of the following shall be provided as mentioned below	
I	Price/ Total Amount corresponding to the total scope of works as specified in "Volume-IA Part – I Chapter – II of TCC" shall be quoted in the format named 'Format to quote Total Amount' available in e-Procurement portal and uploaded under 'Packet details -> Tender covers -> 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.	Refer "Bidder Manual for BHEL Bidders" available at https://eprocurebhel.co.in

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.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

- 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** Reverse Auction is not applicable for this tender.
- 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 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 of 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 deemed 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 names and other

TECHNICAL CONDITIONS OF CONTRACT (TCC)

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-I (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. 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** Validity of the offer shall be for **six months** from the latest due date of offer submission (including extension, if any) unless specified otherwise.
- 19.0** Void.
- 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** The bidders shall not enter into any undisclosed M.O.U. or any understanding amongst themselves with respect to tender.
- 22.0** 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.
- 23.0** The bidder may have to produce original document for verification if so decided by BHEL.
- 24.0** 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.
- 25.0** 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 on "supplier registration page".
- 26.0** 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.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

28.1 Integrity commitment, performance of the contract and punitive action thereof:

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

26.1.2 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 price 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 extant guidelines of the company available on www.bhel.com and / or under applicable legal provisions.

27.0 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.

28.0 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 preference to Class I local supplier, is as defined in Public Procurement (Preference to Make in India), Order 2017 dated 04.06.2020 issued by DPIT. In case of subsequent Orders issued by the Nodal Ministry, changing the definition of local content for the items 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.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

Only Class-I and Class-II Local suppliers as per aforesaid PPP-MII order will be eligible to bid for this tender. Non-Local suppliers as per PPP-MII order are not eligible to participate.

Bidder shall submit the format provided in Annexure-6, Duly filled & signed by authorized signatory as per aforesaid order, along with the techno-commercial offer.

In the event of false declaration, actions as per the above order and as per BHEL guidelines shall be initiated against the bidder.

29.0 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

TECHNICAL CONDITIONS OF CONTRACT (TCC)

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 virtue of their shareholding or management rights or shareholders agreements or voting agreements.
2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership.
 3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person has ownership of or entitlement to more than fifteen percent of the property or capital or profits of 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:

TECHNICAL CONDITIONS OF CONTRACT (TCC)

- (i) The bidder shall provide undertaking for their compliance to this Clause, in the Format provided in Annexure-11.
- (ii) Registration of the bidder with Competent Authority should be valid at the time of submission as well as acceptance of the bids.

30.0 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. All overwriting/cutting, etc., will be numbered by bid opening officials and announced during bid opening.

31.0 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).

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

32.0 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.

33.0 If the contractor fails to maintain the required progress of work which results in delays solely attributable to the Contractor in the completion of the work as per the contractual completion period, BHEL shall have the right to impose Liquidated Damage/Penalty at the rate of 0.5% of the contract value, per week of delay or part thereof subject to a maximum of 10% of the contract value. For this purpose, the period of delay shall be the delay solely attributable to the Contractor for the completion of Final report and acceptance by the approving authority of end customer of the final report as per contract. In case the meeting with TSGENCO/ TSERC or any other regulatory /non-regulatory authorities for presentation/discussions is delayed due to non-availability of time slot, beyond contract completion period, contract price will remain firm without any levy of LD on consultant or any claim by consultant on BHEL on account of this delay for those period."

34.0 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:

TECHNICAL CONDITIONS OF CONTRACT (TCC)

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

General Manager / SCT, Purchase, Debtor & Commercial

Enclosure:

1. Annexure-1: Pre Qualifying Requirements.
2. Annexure-2: Check List.
3. Annexure-3: Integrity Pact (Not Applicable)
4. Annexure-4: Undertaking as per C4 of Annexure-1 i.e. PQR
5. Annexure-5: *Declaration reg. Related Firms & their areas of Activities*
6. Annexure-6: Declaration Regarding Minimum Local Content in Line with Revised Public Procurement
7. Annexure-7: Declaration Regarding Compliance to Restrictions Under Rule 144 (Xi) of GFR 2017
8. Other Tender documents as per this NIT.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

ANNEXURE - 1 PRE QUALIFYING CRITERIA

JOB	Preparation of Detailed Project Report(DPR) on implementation of new environmental norms for SOx, NOx, SPM, and Mercury(Hg) in stack emission and reduction of specific water consumption for each unit of Kothagudem Thermal Power Station-V (2x250MW) and VI (1x500MW) and Kakatiya Thermal Power Plant (1x500MW and 1x600MW) of TSGENCO to comply with new norms of MoEF&CC, notification issued by Government of India on 07th Dec 2015 and subsequent amendments there on		
Tender No.	BHEL: PSSR: SCT: 2023		
Sl. No.	PRE QUALIFICATION CRITERIA	Bidders claim in respect of fulfilling the PQR Criteria	
		Name and Description of qualifying criteria	Page no of supporting document. Bidder must fill up this column as per applicability
A	Submission of Integrity Pact duly signed (if applicable) (Note: To be submitted by Prime Bidder & Consortium / Technical Tie up partner jointly in case Consortium bidding is permitted, otherwise by the sole bidder)	Not Applicable	
B	<u>Technical</u>		
	Refer Annexure 1A below	Applicable	To be filled in Annexure-B
C C-1	<u>FINANCIAL</u> Turnover Bidders must have achieved an average annual financial turnover (Audited) of Rs 31,20,000/- (Rs Thirty-One Lakh Twenty thousand only) or more over last three consecutive FY from immediate three previous FYs shall be reckoned. (2019-20, 2020-21 and 2021-2022 (In case final audited result of year 2021-22 are not available, audited results of year 2018-19 may be submitted). In case, the bidder is following calendar year as their accounting	Applicable	To be filled in Annexure-B

TECHNICAL CONDITIONS OF CONTRACT (TCC)

	year, the equivalent period for considering annual turnover is 2019, 2020 & 2021.		
C-2	Net worth (only in case of Companies) Net worth of the Bidder based on the latest Audited Accounts as furnished for 'C-1' above should be positive	Applicable	To be filled in Annexure-B
C-3	Profit Bidder must have earned profit in any one of the three Financial Years as applicable in the last three Financial Years as furnished for 'C-1' above.	Applicable	To be filled in Annexure-B
C-4	Bidder must not be under Bankruptcy Code Proceedings (IBC) by NCLT or under Liquidation / BIFR, which will render him ineligible for participation in this tender, and shall submit undertaking to this effect. (Format as provided in NIT)	Applicable	
D	Assessment of Capacity of Bidder to execute the work as per Sl. No 9 of NIT (if applicable)	Not Applicable	By BHEL
E	Approval of Customer (if applicable) Note: Names of bidders who stand qualified after compliance of criteria A to D shall be forwarded to customer for their approval.	Not Applicable	By BHEL
F	Price Bid Opening Note: Price Bids of only those bidders shall be opened who stand qualified after compliance of criteria A to E	Applicable	BY BHEL
G	Consortium criteria (if applicable)	Not Applicable	
<p><u>Explanatory Notes for the PQR (unless otherwise specified in the PQR):</u></p> <ol style="list-style-type: none"> 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. 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. 			

TECHNICAL CONDITIONS OF CONTRACT (TCC)

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.
4. 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.
5. C-3:- PROFIT : PROFIT shall be PBT earned during any one year of last three financial years as in 'C-1' above.
6. For Evaluation of PQR, the credential of the Bidder alone, and not that of the Group Company shall be considered.
7. Time period for achievement of the 'Technical' criteria of PQR (as in 'B' above) will be the last 7 years last seven years preceding the date of opening of techno commercial bid.

Note:

- (i) BIDDER SHALL SUBMIT ABOVE 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.
- (ii) Credentials submitted by the bidder against "PRE QUALIFYING CRITERIAS" shall be verified for its authenticity. In case, any credential (s) is/are found unauthentic, offer of the bidder is liable to the rejection. BHEL reserves the right to initiate any further action as per extant guidelines for Suspension of Business Dealings with Suppliers/Contractors" (Published on http://www.bhel.com/vender_registration/vender.php) and "Fraud Prevention Policy" (Published in <http://www.bhel.com/home.php>), as applicable.
- (iii) The evaluation currency for this tender shall be INR.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

Annexure-1A

B Technical Pre-Qualification Criteria

B.1. Technical Qualification Criteria

The Bidder should have experience of preparation of Detailed Project Report (DPR) for implementation of new environmental norms for SO_x, NO_x, SPM, and Mercury (Hg) in stack emission and reduction of specific water consumption to comply with “new norms of MoEF&CC, notification issued by Government of India on 07th December 2015 and subsequent amendments there on” for coal based Thermal Power Generating Stations of Unit Rating not less than 190 MW capacity.

The above Detailed Project Report should have been executed by bidder and should be supported with the acceptance by the customer, in the last seven years preceding the date of opening of techno commercial bid.

Note:

1. Whenever the term ‘coal fired’ is appearing, ‘Coal’ shall be deemed to also include Bituminous coal/ Brown coal/ Anthracite coal/ Lignite.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

ANNEXURE-B

Additional Format to be submitted by Bidders in an additional separate cover superscribed "Annexure to Pre-Qualification Criteria".

Name of the Bidder: M/s _____

Sl No	PQR Ref	PQR (Reproduced from Annexure – 1)	Qualifying Experience	Work order Ref with page no in Offer for supporting documents	Completion certificate ref for the referred Work with page no in Offer for supporting documents	Details of work with Project, Unit, Quantity / rating & Period	Remarks
1.	Technical B:						
2.	C FINANCIAL C-1	Bidders must have achieved an average annual financial turnover (Audited) of Rs 31,20,000/- (Rs Thirty One Lakh Twenty Thousand only) or more over last three consecutive FY from immediate three previous FYs shall be reckoned. (2019-20, 2020-21 and 2021-2022 (In case final audited result of year 2021-22 are not available, audited results of year 2018-19 may be submitted). In case, the bidder is following calendar year as					

TECHNICAL CONDITIONS OF CONTRACT (TCC)

		their accounting year, the equivalent period for considering annual turnover is 2019, 2020 & 2021.					
3.	FINANCIAL C-2	Net worth (only in case of Companies) Net worth of the Bidder based on the latest Audited Accounts as furnished for 'C-1' above should be positive					
4.	FINANCIAL C-3	Profit: Bidder must have earned profit in any one of the three Financial Years as applicable in the last three Financial Years as furnished for 'C-1' above.					
5.	FINANCIAL C-4	Bidder must not be under Bankruptcy Code Proceedings (IBC) by NCLT or under Liquidation / BIFR, which will render him ineligible for participation in this tender, and shall submit undertaking to					

TECHNICAL CONDITIONS OF CONTRACT (TCC)

		this effect. (Format as provided in NIT)					
--	--	--	--	--	--	--	--

Note:

(i) BIDDER SHALL SUBMIT PRE-QUALIFICATION CRITERIA FORMAT (Refer Annexure-B), 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.

(ii) Authenticity of Credentials submitted by the Bidder against “Pre-Qualification Criteria” shall be verified from the Issuing Authority, by BHEL. In case, any credential(s) is/are found to be unauthentic, offer of the bidder is liable to be rejected. BHEL reserves the Right to Initiate any further action as per the “Guidelines for Suspension of Business Dealings with Suppliers/Contractors” (Published in http://www.bhel.com/vender_registration/vender.php) and “Fraud Prevention Policy” (Published in <http://www.bhel.com/home.php>) as applicable.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

ANNEXURE 2 CHECK LIST

1	Name and address of the Tenderer		
2	Details about type of the Firm / Company		
3a	Details of Contact person for this Tender: Name : Mr. / Ms. Designation: Telephone No/ Mobile No: E-mail ID:		
3b	Details of alternate Contact person for this Tender: Name: Mr. / Ms. Designation: Telephone No/ Mobile No: E-mail ID:		
4	EMD DETAILS (Not Applicable) (Remittance of EMD should be in line with Mode of Deposit as detailed in clause 1.9.1 of General Conditions of Contract (Volume-IC Book-II) a. Cash portion of EMD (Minimum Rs. 2 Lakhs) b. Balance portion of EMD	NA	
5	Validity of Offer	To be valid for six months from due date	
		Applicability (By BHEL)	Bidder Reply
6	Whether the format for compliance with PRE QUALIFICATION CRITERIA (ANNEXURE-I) is understood and filled with proper supporting documents referenced in the specified format	Applicable	Yes/ No
7	Audited Balance sheet and profit and Loss Account for the last three years	Applicable	Yes/ No
8	Copy of PAN Card	Applicable	Yes/ No

TECHNICAL CONDITIONS OF CONTRACT (TCC)

9	Whether all pages of the Tender documents including annexures, appendices etc are read understood and signed	Applicable	Yes/ No
10	GST Registration Certificate	Applicable	Yes / No
11	Offer Forwarding Letter	Applicable	Yes/ No
12	Declaration by Authorized Signatory	Applicable	Yes/ No
13	No Deviation Certificate	Applicable	Yes/ No
14	Declaration confirming knowledge about Site Conditions	Applicable	Yes/ No
15	Declaration for relation in BHEL	Applicable	Yes/ No
16	Non-Disclosure Certificate	Applicable	Yes/ No
17	Bank Account Details for E-Payment	Applicable	Yes/ No
18	Capacity Evaluation of Bidder for current Tender	Applicable	Yes/ No
19	Tie Ups/Consortium Agreement are submitted as per format	Not Applicable	
20	Power of Attorney for Submission of Tender/Signing Contract Agreement	Applicable	Yes/ No
21	Analysis of Unit rates	Applicable	Yes/ No
22	Copy of Registration/ Incorporation certificate, Partnership Deed (Certified by Notary Public) as applicable for firm	Applicable	Yes/ No
23	Undertaking as per C4 of Annexure-1 i.e. PQR as per Annexure 4 of NIT	Applicable	Yes/ No
24	Declaration regarding Details of related firms and their area of activities as per Annexure 5 of NIT	Applicable	Yes/ No
25	Declaration regarding Minimum Local Content as per Annexure 6 of NIT	Applicable	Yes/ No
26	Declaration Regarding Compliance to Restrictions Under Rule 144 (xi) of GFR 2017 as per Annexure 7 of NIT	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. NOTE: - Tenderers are required to either fill in or submit separately the following details. No column should be left blank.

DATE:

AUTHORISED SIGNATORY
(With Name, Designation and Company seal)

TECHNICAL CONDITIONS OF CONTRACT (TCC)

Annexure-3

INTEGRITY PACT

Not Applicable for this tender.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

ANNEXURE – 4

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:

TECHNICAL CONDITIONS OF CONTRACT (TCC)

ANNEXURE – 5

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 ("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) 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	
...		

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: _____

TECHNICAL CONDITIONS OF CONTRACT (TCC)

Annexure-6

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)

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

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 04th June, 2020 and subsequent order(s).

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

We hereby certify that the items/works/services offered by.....
(specify the name of the organization here) has a local content of _____ % 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.

TECHNICAL CONDITIONS OF CONTRACT (TCC)

Annexure-7

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)

-----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: Bidders to note that in case 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 for taking further action in accordance with law and as per BHEL guidelines.