



भारत हेवी इलेक्ट्रिकल्स लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT HEAVY ELECTRICALS LIMITED

(A Govt. of India Undertaking)

TCN - 03

Ref: PSER:SCT: KLN-C1795:TCN-03

Date: 18-04-2017

Sub	Tender Change Notice (TCN) - 03.	
Job	Construction of living accommodation & customer office with associated electrical, IT & communication works as per specification including supply of all materials etc. at 2x660 MW Maitree Super Thermal Power Project, Rampal, Bangladesh.	
Ref	1.0	Tender no PSER:SCT:KLN-C1795:16.
	2.0	BHEL's NIT, vide reference no PSER:SCT: KLN-C1795:5589 Date: 24-03-2017.
	3.0	BHEL's TCN-01, vide reference no PSER:SCT:KLN-C1795:TCN-01 Date: 10-04-2017
	4.0	BHEL's TCN-02, vide reference no PSER:SCT:KLN-C1795:TCN-02 Date: 12-04-2017
	5.0	Other References, if any.

With reference to above, following points/documents, relevant to tender, may please be noted and complied with while submitting the offer.

1. Clarifications of bidder's queries attached vide Annexure-A to TCN-03.
2. Revised 'No deviation certificate' is attached. Bidder to submit 'No deviation certificate' as per attached format only.
3. All other terms & conditions shall remain unchanged.

Thanking you,

Yours faithfully,
for BHARAT HEAVY ELECTRICALS LTD

Sr.Engineer (SCT)

Encl: As Above.

पावर सेक्टर पूर्वी क्षेत्र (मुख्यालय)

POWER SECTOR EASTERN REGION, DJ-9/1, SALT LAKE CITY, KOLKATA - 700 091

फैक्स/Fax : (033) 23211960

फोन/Phone : बोर्ड/EPABX : (033) 2339 8000

ANNEXURE-A TO TCN-03

JOB:CONSTRUCTION OF LIVING ACCOMMODATION & CUSTOMER OFFICE WITH ASSOCIATED ELECTRICAL, IT & COMMUNICATION WORKS AS PER SPECIFICATION INCLUDING SUPPLY OF ALL MATERIALS ETC. AT 2X660 MW MAITREE SUPER THERMAL POWER PROJECT, RAMPAL, BANGLADESH.

TENDER NO: PSER:SCT:KLN-C1795:16.

CLARIFICATIONS

SL NO	REFERENCE CLAUSE OF TENDER	EXISTING PROVISION	BIDDER' S QUERY	BHEL's CLARIFICATION
1	NIT	EMD	EMD amount in INR is Rs. 3927000. Whether equivalent BDT is acceptable?	EMD amount can be submitted by Foreign Bidders(other than Indian bidders) by DD/Pay order in the equivalent amount of BDT . Tender cost in the equivalent amount of BDT can also be deposited directly by Foreign Bidders to the followings Bharat Heavy Electricals Limited bank account in Bangladesh- 1. SBI (Branch Address:-24-25, DILKUSHA C/A, DHAKA-1000, Branch Code 4984), A/C No. 05160293520001, BDT Account.
2	NIT	Compliant's Form (In case of Reverse Auction)	How to fill the form/How to get the form?	Process compliance form shall be provided to qualified bidders before Reverse Auction (in case it is finalised through Reverse Auction) and same to be submitted by the qualified bidders before start of Reverse Auction.
3	NIT	Varification & Form No. 10F.	Is it necessary to fill this forms as we are new vendor	Form No 10F & verification is required from the successful bidder (in case of foreign bidder) at the time of awarding of contract.
4	NIT	PAN (Permanent Account Number) :	Which number you are referring as a Permanent Account Number.	For details refer attached Annexure-A1.
5	NIT	Form No. 10F	We fail to understand Form No. 10F SL. No. (v & vi).	For details refer attached Annexure-A1.
6	NIT	PQR	In Similar Nature of Work/Specific Experience for this Tender. Are Annexure - 1 Clause 2.2.1 & 2.2.2 requirements have to be concluded in One Specific Work Order. Or we can provide One Work Completion Certificate for 2.1, And Two Different Bill of Quantity & Notification of Award to support the Specific Documents	Shall be as per tender provision. Bidders are requested to submit credentials as per requirement of the tender.

³⁴[**Certificate for claiming relief under an agreement referred to in sections 90 and 90A.**

21AB. ^{34a}[(1) Subject to the provisions of sub-rule (2), for the purposes of sub-section (5) of section 90 and sub-section (5) of section 90A, the following information shall be provided by an assessee in Form No. 10F, namely:—

- (i) Status (individual, company, firm etc.) of the assessee;
- (ii) Nationality (in case of an individual) or country or specified territory of incorporation or registration (in case of others);
- (iii) Assessee's tax identification number in the country or specified territory of residence and in case there is no such number, then, a unique number on the basis of which the person is identified by the Government of the country or the specified territory of which the assessee claims to be a resident;
- (iv) Period for which the residential status, as mentioned in the certificate referred to in sub-section (4) of section 90 or sub-section (4) of section 90A, is applicable; and
- (v) Address of the assessee in the country or specified territory outside India, during the period for which the certificate, as mentioned in (iv) above, is applicable.

(2) The assessee may not be required to provide the information or any part thereof referred to in sub-rule (1) if the information or the part thereof, as the case may be, is contained in the certificate referred to in sub-section (4) of section 90 or sub-section (4) of section 90A.

(2A) The assessee shall keep and maintain such documents as are necessary to substantiate the information provided under sub-rule (1) and an income-tax authority may require the assessee to provide the said documents in relation to a claim by the said assessee of any relief under an agreement referred to in sub-section (1) of section 90 or sub-section (1) of section 90A, as the case may be.]

(3) An assessee, being a resident in India, shall, for obtaining a certificate of residence for the purposes of an agreement referred to in section 90 and section 90A, make an application in Form No. 10FA to the Assessing Officer.

(4) The Assessing Officer on receipt of an application referred to in sub-rule (3) and being satisfied in this behalf, shall issue a certificate of residence in respect of the assessee in Form No. 10FB.]



Income Tax Department

Government of India

CHAPTER IX DOUBLE TAXATION RELIEF

Agreement with foreign countries or specified territories.

90. (1) The Central Government may enter into an agreement with the Government of any country outside India or specified territory outside India,—

(a) for the granting of relief in respect of—

- (i) income on which have been paid both income-tax under this Act and income-tax in that country or specified territory, as the case may be, or
- (ii) income-tax chargeable under this Act and under the corresponding law in force in that country or specified territory, as the case may be, to promote mutual economic relations, trade and investment, or

(b) for the avoidance of double taxation of income under this Act and under the corresponding law in force in that country or specified territory, as the case may be, or

(c) for exchange of information for the prevention of evasion or avoidance of income-tax chargeable under this Act or under the corresponding law in force in that country or specified territory, as the case may be, or investigation of cases of such evasion or avoidance, or

(d) for recovery of income-tax under this Act and under the corresponding law in force in that country or specified territory, as the case may be,

and may, by notification in the Official Gazette, make such provisions as may be necessary for implementing the agreement.

(2) Where the Central Government has entered into an agreement with the Government of any country outside India or specified territory outside India, as the case may be, under sub-section (1) for granting relief of tax, or as the case may be, avoidance of double taxation, then, in relation to the assessee to whom such agreement applies, the provisions of this Act shall apply to the extent they are more beneficial to that assessee.

(2A) Notwithstanding anything contained in sub-section (2), the provisions of Chapter X-A of the Act shall apply to the assessee even if such provisions are not beneficial to him.

(3) Any term used but not defined in this Act or in the agreement referred to in sub-section (1) shall, unless the context otherwise requires, and is not inconsistent with the provisions of this Act or the agreement, have the same meaning as assigned to it in the notification issued by the Central Government in the Official Gazette in this behalf.

(4) An assessee, not being a resident, to whom an agreement referred to in sub-section (1) applies, shall not be entitled to claim any relief under such agreement unless a certificate¹⁵ of his being a resident in any country outside India or specified territory outside India, as the case may be, is obtained by him from the Government of that country or specified territory.

(5) The assessee referred to in sub-section (4) shall also provide such other documents and information, as may be prescribed¹⁶.

Explanation 1.—For the removal of doubts, it is hereby declared that the charge of tax in respect of a foreign company at a rate higher than the rate at which a domestic company is chargeable, shall not be regarded as less favourable charge or levy of tax in respect of such foreign company.

Explanation 2.—For the purposes of this section, "specified territory" means any area outside India which may be notified as such by the Central Government.

Explanation 3.—For the removal of doubts, it is hereby declared that where any term is used in any agreement entered into under sub-section (1) and not defined under the said agreement or the Act, but is assigned a meaning to it in the notification issued under sub-section (3) and the notification issued thereunder being in force, then, the meaning assigned to such term shall be deemed to have effect from the date on which the said agreement came into force.

Following *Explanation 4* shall be inserted after *Explanation 3* to section 90 by the Finance Act, 2017, w.e.f. 1-4-2018 :

Explanation 4.—For the removal of doubts, it is hereby declared that where any term used in an agreement entered into under sub-section (1) is defined under the said agreement, the said term shall have the same meaning as assigned to it in the agreement; and where the term is not defined in the said agreement, but defined in the Act, it shall have the same meaning as assigned to it in the Act and explanation, if any, given to it by the Central Government.

FORMAT FOR NO DEVIATION CERTIFICATE
(To be submitted in the bidder's letter head)

BHARAT HEAVY ELECTRICALS LIMITED,
 Power Sector - Eastern Region,
 Plot no 9/1, DJ Block, Sector – II, Salt Lake City,
 Kolkata – 700 091

Sub	No Deviation Certificate.	
Job	Construction of living accommodation & customer office with associated electrical, IT & communication works as per specification including supply of all materials etc. at 2x660 MW Maitree Super Thermal Power Project, Rampal, Bangladesh.	
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	4.0	BHEL's TCN-02, vide reference no PSER:SCT:KLN-C1795:TCN-02 Date: 12-04-2017
	5.0	BHEL's TCN-03, vide reference no PSER:SCT:KLN-C1795:TCN-03 Date: 18-04-2017
	6.0	All other pertinent issues till date.

Dear Sirs,

With reference to above, this is to confirm that as per tender conditions, we have visited site before submission of our offer and noted the job content & site conditions etc. We also confirm that we have not changed/ modified the tender documents as appeared in the website/ issued by you and in case of such observance at any stage, it shall be treated as null and void.

We hereby confirm that we have not taken any deviation from tender clauses together with other references as enumerated in the above referred NIT. We hereby confirm our unqualified acceptance to all terms & conditions, unqualified compliance to technical specification, integrity pact (if applicable) and acceptance to reverse auctioning process.

In the event of observance of any deviation in any part of our offer at a later date whether implicit or explicit, the deviations shall stand null & void.

We confirm to have submitted offer in accordance with tender instructions and as per aforesaid references.

Thanking you,

Yours faithfully,

(Signature, date & seal of authorized
representative of the bidder)

पावर सेक्टर पूर्वी क्षेत्र (मुख्यालय)

POWER SECTOR EASTERN REGION DJ-9/1, SECTOR-II, SALT LAKE CITY, KOLKATA - 700 091

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