



भारत हेवी इलेक्ट्रिकल्स लिमिटेड

(भारत सरकार का उपक्रम)

BHARAT HEAVY ELECTRICALS LIMITED

(A Govt. of India Undertaking)

TCN - 09

Ref: PSER:SCT:NBN-C2059:TCN-09

Date: 12-09-2020

Sub	Tender Change Notice (TCN) - 09.	
Job	Civil & architectural works including breaking of pile head, pile cap, foundation of various systems of FGD system (except piling & testing of piles) as per drawing furnished during execution stage, relevant portion of technical specifications and as per directions of engineer in charge including all associated works, complete as per specification at 3 x 660 MW, NPGCL Nabinagar Super Thermal Power Project, FGD Package.	
Ref	1.0	Tender no PSER:SCT:NBN-C2059:20.
	2.0	BHEL's NIT, vide reference no PSER:SCT:NBN-C2059:8036 Date: 08-07-2020.
	3.0	BHEL's TCN-01, vide reference no PSER:SCT:NBN-C2059:TCN-01 Date: 29-07-2020.
	4.0	BHEL's TCN-02, vide reference no PSER:SCT:NBN-C2059:TCN-02 Date: 04-08-2020.
	5.0	BHEL's TCN-03, vide reference no PSER:SCT:NBN-C2059:TCN-03 Date: 10-08-2020.
	6.0	BHEL's TCN-04, vide reference no PSER:SCT:NBN-C2059:TCN-04 Date: 12-08-2020.
	7.0	BHEL's TCN-05, vide reference no PSER:SCT:NBN-C2059:TCN-05 Date: 19-08-2020.
	8.0	BHEL's TCN-06, vide reference no PSER:SCT:NBN-C2059:TCN-06 Date: 28-08-2020.
	9.0	BHEL's TCN-07, vide reference no PSER:SCT:NBN-C2059:TCN-07 Date: 03-09-2020.
	10.0	BHEL's TCN-08, vide reference no PSER:SCT:NBN-C2059:TCN-08 Date: 04-09-2020.
	11.0	All other pertinent issues till date.

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

1. Introduction of Clause No 40.0 in NIT as per attached **Annexure-A to this TCN-09**.
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

Dy. Mgr (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

Cl.No.40.0 of NIT is as follows:

Clause No.40.0: Bidder shall submit duly filled & signed Form-3 along with their techno-commercial offer towards compliance of Department of Expenditure's (DoE) Public Procurement Division Order vide ref. F.No.6/18/2019-PPD dated 23.07.2020 & 24.7.2020. In this connection, following may be noted:

- 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.
- 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 order means: -
 - a. An entity incorporated, established or registered in such a country; or
 - b. A subsidiary of an entity incorporated, established or registered in such a country; or
 - c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - d. An entity whose beneficial owner is situated in such a country; or
 - e. An Indian (or other) agent of such an entity; or
 - f. A natural person who is a citizen of such a country; or
 - g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above
- IV. The beneficial owner for the purpose of (iii) above will be as under:
 1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

Explanation-

 - 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 the majority of the directors or to control the management of policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
 2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
 4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who hold 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. However, in this regard, provision of Clause no 1.15.9 of GCC shall also be applicable.

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 : 23211691/ 23398000

FORM – 3**(To be submitted in the bidder's letter head)****In-line with Department of Expenditure's (DoE) Public Procurement Division Order vide ref. F.No.6/18/2019-PPD dated 23.07.2020 & 24.7.2020**

Tender no.

Job:

"I/ we have read the clauses pertaining to Department of Expenditure's (DoE) Public Procurement Division Order (Public procurement no 1, 2 & 3 vide ref. F.No.6/18/2019-PPD dated 23.07.2020 & 24.7.2020) regarding restrictions on procurement from a bidder of a country which shares a land border with India. I/We hereby certify that I/ we the bidder < name of the bidder...> is / are not from such a country and eligible to be considered for this tender.

For and behalf of _____ (Name of the bidder)

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

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 : 23211691/ 23398000

**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	Civil & architectural works including breaking of pile head, pile cap, foundation of various systems of FGD system (except piling & testing of piles) as per drawing furnished during execution stage, relevant portion of technical specifications and as per directions of engineer in charge including all associated works, complete as per specification at 3 x 660 MW, NPGCL Nabinagar Super Thermal Power Project, FGD Package.	
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	11.0	BHEL's TCN-09, vide reference no PSER:SCT:NBN-C2059:TCN-09 Date: 12-09-2020.
	12.0	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/uploaded offer/documents in accordance with tender instructions with acceptance of the terms & conditions of the tender by us and as per aforesaid references.

Thanking you,

Yours faithfully,

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