



भारत हेवी इलेक्ट्रिकल्स लिमिटेड

(भारत सरकार का उपक्रम)

**BHARAT HEAVY ELECTRICALS LIMITED**

(A Govt. of India Undertaking)

**TCN - 12**

Ref: PSER:SCT:KLN-C1801:TCN-12

Date: 04-07-2017

Sub	<b>Tender Change Notice (TCN) - 12.</b>	
Job	Engineering, Procurement, Supply and Construction of jetty, retaining wall including construction of onshore/offshore civil, structural and architectural works for 2x660 MW Maitree STPP, Rampal, Bangladesh.	
Ref	1.0	Tender no PSER:SCT:KLN-C1801:17.
	2.0	BHEL's NIT, vide reference no PSER:SCT:KLN-C1801:5590, Dated 24-03-2017.
	3.0	BHEL's TCN-01, vide reference no PSER:SCT:KLN-C1801:TCN-01, Dated 31-03-2017.
	4.0	BHEL's TCN-02, vide reference no PSER:SCT:KLN-C1801:TCN-02, Dated 28-04-2017.
	5.0	BHEL's TCN-03, vide reference no PSER:SCT:KLN-C1801:TCN-03, Dated 05-05-2017.
	6.0	BHEL's TCN-04, vide reference no PSER:SCT:KLN-C1801:TCN-04, Dated 19-05-2017.
	7.0	BHEL's TCN-05, vide reference no PSER:SCT:KLN-C1801:TCN-05, Dated 23-05-2017.
	8.0	BHEL's TCN-06, vide reference no PSER:SCT:KLN-C1801:TCN-06, Dated 25-05-2017.
	9.0	BHEL's TCN-07, vide reference no PSER:SCT:KLN-C1801:TCN-07, Dated 08-06-2017.
	10.0	BHEL's TCN-08, vide reference no PSER:SCT:KLN-C1801:TCN-08, Dated 09-06-2017.
	11.0	BHEL's TCN-09, vide reference no PSER:SCT:KLN-C1801:TCN-09, Dated 23-06-2017.
	12.0	BHEL's TCN-10, vide reference no PSER:SCT:KLN-C1801:TCN-10, Dated 28-06-2017.
	13.0	BHEL's TCN-11, vide reference no PSER:SCT:KLN-C1801:TCN-11, Dated 03-07-2017.
	14.0	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) Clarification to bidder's query is attached vide **Annexure-A** to TCN-12.
- 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.

Bidders are requested to go through all the tender documents before submitting their offer.

Thanking you,

Yours faithfully,  
for BHARAT HEAVY ELECTRICALS LTD

Sr. Engr (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) 23398000

ANNEXURE-A TO TCN-12				
JOB: Engineering, Procurement, Supply and Construction of jetty, retaining wall including construction of onshore/offshore civil, structural and architectural works for 2x660 MW Maitree STPP, Rampal, Bangladesh.				
TENDER NO - PSER:SCT:KLN-C1801:17				
CLARIFICATION TO BIDDER'S QUERY				
Sl. No.	Reference clause of tender document	Existing Provision	Bidder's Query	BHEL's Clarification
1	BHEL's clarification against Sl. no. 1 of Annexure-A to TCN-07	-	<p>I Employer will appreciate that execution of such type of marine project will involve substantial import of materials and services from outside Bangladesh.</p> <p>I As per the Law a Contractor (successful bidder from India) shall have to open their Branch office at Bangladesh as per BIDA Rule to operate the project in Bangladesh.</p> <p>I Bangladesh Government has stringent rules/ regulations/ norms and Banks does not normally permit outward remittance by Branch Office to other country unless approval is received from various authorities which is uncertain.</p> <p>I Under the above circumstances, it is necessary to receive payment in India in USD to operate the contract through Branch Office at Bangladesh as a substantial amount is required to be paid out of Bangladesh.</p> <p>I The referred clarifications received from BHEL on this issue, spells out that payment option in India in USD will be made at the discretion of BHEL &amp; also subject to future regulatory compliance etc. However receiving payments in USD and in India is the operational need of the Indian Companies to effectively execute the project at Bangladesh through Branch Office there.</p> <p>I In view of that Bidder requests Employer to make the 100% payment in India in USD without any discretion / conditional clause.</p> <p>Please confirm.</p> <p>I As already explained, execution of such specialized marine project requires substantial import of materials and services from outside Bangladesh.</p> <p>I An Indian bidder shall have to open BO (Branch office) at Bangladesh as per BIDA Rule to operate this project in Bangladesh.</p> <p>I Bangladesh has stringent regulation and Banks does not normally permit outward remittance by Branch Office (BO) unless approval is received from various authorities which is uncertain.</p> <p>I Under the above regulation in Bangladesh it is necessary to receive payment in India in USD to operate the contract through Branch Office at Bangladesh as a substantial amount is required to be paid out of Bangladesh.</p> <p>I The last clarification of BHEL is not clarifying the requirement as payment option in India in USD is made at the discretion of BHEL &amp; also subject to future regulatory compliance etc. whereas receiving payments in USD in India is the operational need of Indian bidders to effectively execute the project at Bangladesh through Branch Office of Bidder.</p> <p>I On requirement of bidder, payment is to be made 100% in India in USD without any discretion / conditional clause.</p> <p>Please clarify.</p> <p>The clarification provide in the TCN 07 does not provide clarity, if the USD payment in India is acceptable.</p> <p>As mentioned in the queries, Bangladesh has very stringent regulations regarding outward remittance and hence payment to foreign/indian vendors will be delayed thereby affecting the progress of project.</p> <p>Further remittance of surplus funds after meeting project related expenses from Bangladesh is not permissible unless all clearance are obtained from tax authorities &amp; confirmation of no commercial liability from all project stakeholders.</p> <p>This is a time consuming process in Bangladesh &amp; the contractor will not be able to remit the funds back to his home country for atleast 7 - 10 years after project completion.</p> <p>Hence it is sincere request to make 100% payments in USD, directly credited in Contractor's Bank Account in India in order to avoid problems associated with repatriation of USD.</p>	<p>Payment shall be made in USD as per Tender term. Bidders shall obtain necessary approval / permission from regulatory authorities in India and / or Bangladesh.</p>
2	BHEL's clarification against Sl. no. 2 of Annexure-A to TCN-07	-	<p>As per the feedback we are having, new VAT Rule is going to be implemented in Bangladesh w.e.f. 1st July 2017.</p> <p>Your referred clarification does not clear whether the said new VAT Rule shall be considered under the "change in pattern of existing taxes".</p> <p>Please clarify the above issue without keeping any doubt.</p> <p>Please illuminate this without keeping any ambiguity in this statutory issue as both in India and Bangladesh, there will be a lot of changes in the indirect Taxation laws w.e.f. 1st July 2017.</p> <p>In Bangladesh new VAT Rule is about to implement w.e.f. 1st July 2017.</p> <p>Your clarification does not clear whether said new VAT Rule shall be considered as "change in pattern of existing taxes".</p> <p>Unless it is distinctly cleared the clarification is remain incomplete to us.</p> <p>Please clarify the same without keeping any ambiguity in statutory matter as both the countries, India and Bangladesh are about to face change in indirect taxes laws / rules w.e.f. 1st July 2017.</p>	<p>The New VAT Act which was supposed to be implemented w.e.f. 01-07-2017, has not been implemented. Hence, clarification cannot be produced at this juncture.</p>
Note: Query, if any (other than above) shall be as per tender provision.				

**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	Engineering, Procurement, Supply and Construction of jetty, retaining wall including construction of onshore/offshore civil, structural and architectural works for 2x660 MW Maitree STPP, Rampal, Bangladesh.	
Ref	1.0	Tender no PSER:SCT:KLN-C1801:17.
	2.0	BHEL's NIT, vide reference no PSER:SCT:KLN-C1801:5590, Dated 24-03-2017.
	3.0	BHEL's TCN-01, vide reference no PSER:SCT:KLN-C1801:TCN-01, Dated 31-03-2017.
	4.0	BHEL's TCN-02, vide reference no PSER:SCT:KLN-C1801:TCN-02, Dated 28-04-2017.
	5.0	BHEL's TCN-03, vide reference no PSER:SCT:KLN-C1801:TCN-03, Dated 05-05-2017.
	6.0	BHEL's TCN-04, vide reference no PSER:SCT:KLN-C1801:TCN-04, Dated 19-05-2017.
	7.0	BHEL's TCN-05, vide reference no PSER:SCT:KLN-C1801:TCN-05, Dated 23-05-2017.
	8.0	BHEL's TCN-06, vide reference no PSER:SCT:KLN-C1801:TCN-06, Dated 25-05-2017.
	9.0	BHEL's TCN-07, vide reference no PSER:SCT:KLN-C1801:TCN-07, Dated 08-06-2017.
	10.0	BHEL's TCN-08, vide reference no PSER:SCT:KLN-C1801:TCN-08, Dated 09-06-2017.
	11.0	BHEL's TCN-09, vide reference no PSER:SCT:KLN-C1801:TCN-09, Dated 23-06-2017.
	12.0	BHEL's TCN-10, vide reference no PSER:SCT:KLN-C1801:TCN-10, Dated 28-06-2017.
	13.0	BHEL's TCN-11, vide reference no PSER:SCT:KLN-C1801:TCN-11, Dated 03-07-2017.
	14.0	BHEL's TCN-12, vide reference no PSER:SCT:KLN-C1801:TCN-12, Dated 04-07-2017.
	15.0	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

फैक्स/Fax : (033) 23211960

फोन/Phone : बोर्ड/EPABX : (033) 23398000