

## **Special terms & conditions for Enquiry no. E3833054**

**This item is to be procured only from Micro & Small enterprises (MSE), as defined in Public Procurement Policy 2012, issued by Ministry of Micro, Small and Medium Enterprises. Offer received from other than MSE supplier will not be considered.**

MSE suppliers can avail the intended benefit if they are Manufacturer of offered item (s) and submit valid MSE certificate (Udyam / NSIC etc.) along with the offer.

Please refer General terms and conditions of enquiry form no. BP 200102A. If any deviations, please mention in your quotation otherwise it shall be taken that all terms and conditions are accepted by you.

1. Please quote your best rate through your DSC (Digital Signature Certificate) in our E-Tender system through <https://eprocurebhel.co.in/nicgep/app> on or before due date. Paper bid to be not accepted in E-Tender.

2. **Delivery Terms: -**

Delivery Terms should be **F O R Destination** on Door delivery basis at CRX, BHEL Bhopal. The same is mentioned in Part – A (Techno-commercial bid) of your offer otherwise it shall be taken FOR destination. Offers on **F O R Destination** on Door delivery basis at CRX, BHEL Bhopal will only be accepted, **if you quote Ex-Works, freight by BHEL or Ex-Works, freight prepaid your quotation will be commercially rejected.**

3. **Bid Splitting: -**

Bid quantity will be split amongst 2 sellers in the ratio of 60% : 40%. L1 would be awarded Order for quantity as indicated in the bid splitting clause above. For the rest of the bid quantity, the L-1 rates / lowest accepted rate will be counter offered to the other higher quoting bidder(s) for price matching. On acceptance of the counter offer, the order will be placed on next higher quoting bidder(s) for the respective quantity as per splitting criteria. In case of non-acceptance of the counter offer by some of the next higher quoting bidder(s), left over quantity would be allocated to next higher quoting bidders. In case counter offered rates are not accepted by any of the subsequent bidders, the left over quantity will be given to L1 bidder.

If BHEL decides for placement of order for part quantity (60% or less) for any or all items, PO will be placed on L1 bidder only.

4. **Test Certificate (TC) :-**

Supplier to furnish Test Certificate (TC) at the time of each supply as mentioned in our enquiry and specification. In case non-receipt of TC with any supply, the supply is liable for rejection. Hence, any deviation for TC requirement be given in your quotation otherwise it is presumed that TC will be furnished with the supply as required.

5. **Reverse Auction: -**

BHEL shall be resorting to Reverse Auction (RA) (Guidelines as available on [www.bhel.com](http://www.bhel.com)) for this tender. RA shall be conducted among the techno-commercially qualified bidders.

Price bids of all techno-commercially qualified bidders shall be opened and same shall be considered for RA. In case any bidder(s) do(es) not participate in online Reverse Auction, their sealed envelope price bid along with applicable loading, if any, shall be considered for ranking.

6. **Quantity variation :-**

Quantity variation  $\pm$  5%.

7. Payment will be processed only after reflection of the invoice in GSTR 2A/2B.

8. Advance payment is not acceptable in any circumstances. Also, Overdue interest (ODI) is not acceptable to BHEL.

9. **Un-registered suppliers of BHEL, Bhopal :-**

Suppliers who are not yet registered with BHEL, Bhopal must submit following documents for temporary registration with BHEL, Bhopal along with Part – A (Techno-commercial bid) of your offer: -

- (1) Copy of PAN no.
- (2) Copy of GSTIN No.

RTGS/EFT details as per BHEL format must be submitted immediately after placement of order who have yet not submitted to BHEL, Bhopal. Format of RTSG / EFT detail can be obtained from us or downloaded from link <https://bpl.bhel.com/mm/>

10. For this procurement, Public Procurement (Preference to Make in India), Order 2017 dated 15.06.2017, 28.05.2018, 29.05.2019, 04.06.2020 & 16.09.2020 and subsequent Orders issued by the respective Nodal Ministry shall be applicable even if issued after of this NIT but before finalization of contract / PO / WO against this NIT.

In the event of any Nodal Ministry prescribing higher or lower percentage of purchase preference and / or local content in respect of this procurement, same shall be applicable.

11. 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.

12. 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.

13. **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 authorise 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**
  - (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”
14. **All the above points must be explicitly confirmed in your techno-commercial offer. If any point not confirm in “Part A” of your offer, it shall be taken that it is acceptable to you. In case of non-acceptance above points / fail to submit sample / documents as per our tender / specification requirement, your offer may be rejected.**

**Note: -** MSE suppliers can avail the MSE benefit only if they are manufacturer of quoted item (s) and submit valid MSE certificate (NSIC/Udyam etc.) along with the offer.

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