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Bharat Heavy Electricals Limited, Bhopal

**(Material Management Division: Transportation Group)**

Terms and Conditions: Annexure-A to Enquiry # E5103003R1

The enquiry is subject to the General Terms & Conditions of indigenous enquiry form no. BP 200102 as well as general Terms & conditions of purchase order form no.MM5527 Rev 03 appearing at [**www.bhelbpl.co.in**](http://www.bhelbpl.co.in) ***.*If any deviation, please mention the same in “Summary of Offer” in Annexure ‘A’** **as well as in your detailed quotation otherwise it will be presumed that all the terms and conditions are accepted by the vendors .** The enquiry shall also be subjected to the following conditions.

**1.0 Submission of bid:** Kindly note the following instructions very carefully for their strict compliance. The quotation is to be submitted in two bid system as under.

**PART I**: For Techno–Commercial bid i.e, technical offer and commercial terms and conditions of the offer. This part should **NOT** contain the material price.

**PART II:** For Price bid only.

Part I of the offer shall be opened on the due date for tender opening. The “technical offer” and the “terms and conditions” shall be evaluated. In case of any clarifications needed by BHEL it will be obtained from the respective vendors individually.

**2.0** \*Rates to be quoted on **unit value** for example `X/no. , `X/Kg., `X/Litre (Not total value) on **FIRM PRICE basis** as per enquiry. \*Rates quoted should be on F.O.R Destination (CRX Divn,BHEL,Bhopal) basis.

**3.0** The quotations must be submitted **only through E-PROCUREMENT SITE**

<https://bhel.abcprocure.com/EPROC/>

**LATE** tenders shall **not** be entertained.

In case you do not wish to quote, please submit a regret letter well in advance (without fail) before the due date as a token of receipt of this enquiry.

**4.0** Supplier to offer the best / earliest possible delivery in no. of days in their quotation. It should be less than or equal to the days specified in our enquiry.

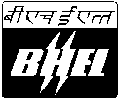
**5.0** BHEL reserves the right to go for Reverse Auction (RA) (Guidelines as available on www.bhel.com) instead of opening the sealed envelope price bid, submitted by the bidder. This will be decided after techno-commercial evaluation. Bidders to give their acceptance with the offer for participation in RA. Non-acceptance to participate in RA may result in nonconsideration of their bids, in case BHELdecides to go for RA. Those bidders who have given their acceptance to participate in Reverse Auction will have to necessarily submit ‘Process compliance form’ (to the designated service provider) as well as ‘Online sealed bid’ in the Reverse Auction. Non-submission of ‘Process compliance form’ or ‘Online sealed bid’ by the agreed bidder(s) will be considered as tampering of thetender process and will invite action by BHEL as per extant guidelines for suspension of business dealings with suppliers/ contractors (as available on [www.bhel.com](http://www.bhel.com)). The bidders have to necessarily submit online sealed bid less than or equal to their envelope sealed price bid already submitted to BHEL along with the offer. **The envelope sealed price bid of successful L1 bidder in RA, if conducted, shall also be opened after RA and the order will be placed on lower of the two bids (RA closing price & envelope sealed price) thus obtained. The bidder having submitted this offer specifically agrees to this condition and undertakes to execute the contract on thus awarded rates.** If it is found that L1 bidder has quoted higher in online sealed bid in comparison to envelope sealed bid for any item(s), the bidder will be issued a warning letter to this effect. However, if the same bidder again defaults on this count in any subsequent tender in the unit, it will be considered as fraud and will invite action by BHEL as per extant guidelines for suspension of business dealings with suppliers/ contractors (as available on [www.bhel.com)](http://www.bhel.com)).”

**6.0** “MSE suppliers can avail the intended benefits only if they submit along with offer, attested copies of either EM II certificate having deemed validity (two years from the date of issue of acknowledgement in EM-II) or valid NSIC certificate or EM-II certificate along with CA certificate (Format enclosed as per Annexure-II) applicable for the year, certifying quantum of investment in plant and machinery within the permissible limit as per the act for relevant status(Micro or Small) where the deemed validity will be the last date of technical bid submission. Non submission of such documents will lead to technical bid submission. Non submission of such documents will lead to consideration of their bids at par with other bidders and MSE status of such suppliers shall be shifted to Non MSE supplier till the supplier submits these documents”.

**BHEL, Bhopal**  **(Himanshu Kanaskar)**

**Manager (Purchase)**

**MM-TPTN (MNX)/BHEL/Bhopal**

**Summary of Offer** **(Enquiry E5103003R1)**

**TERMS AND CONDITIONS APPLICABLE FOR CONTRACTS Annexure – A**

**(Page 1 of 2)**

Please fill up all the columns of the following table as Yes/No/Deviations/Not Applicable/Relevant Data and enclose the same with your offer. **It is mandatory to fill up the following table along with the detailed offer submitted by vendors to evaluate all the participants on the same platform. In case no data is filled it will be presumed that submitted offer is as per requirement of BHEL.**

|  |  |  |  |
| --- | --- | --- | --- |
| **SN** | **Attributes** | **Requirement of BHEL** | **\*Vendor remarks**  **(Yes/No/Deviations/Not Applicable /Relevant Data)** |
| #1 | Single point Contact details of the Contract executive of the vendor | Must be mentioned in the offer including Phone (Mobile & Landline ) ,Fax and email ID full Address (with PIN code) , & Company web address (if any) | Name :  Mobile:  Email: |
| **Technical offer** | | | |
| 2 | **Technical offer** (with Description / Drawing. No /Spec. no. etc.) | Must be identical as per our enquiry & material offered must meet all relevant clauses of our purchase specifications. |  |
| 3. | **Rate Contract** | **RATE CONTRACT IS TO BE KEPT VALID FOR ORDERING UPTO 12 MONTHS FROM RATE CONTRACT FREEZE DATE. ORDERING WILL BE DONE AGAINST FIRM REQUIREMENT AS & WHEN NEEDED. RATE CONTRACT TO BE FINALIZED ON TWO SOURCES WITH QUANTITY DISTRIBUTION RATIO OF 65% & 35% TO L-1 AND OTHER BIDDER ACCEPTING L-1 RATES RESPECTIVLEY, SUBJECT TO MINIMUM 3 QUALIFIED BIDDERS. FOR ASCERTAINING BIDDER FOR 35% QUANTITY, HESG EQUIVALENT RATES OF L-1 BIDDER WILL BE SEQUENTIALLY COUNTER-OFFERED TO L-2, L-3 AND SO ON SEQUENTIALLY UNTILL ANY BIDDER ACCEPTS THE SAME. INCASE OF ONLY 2 QUALFIED BIDDERS, BHEL RESERVES THE RIGHT FOR DISTRIBUTION AMONG 2 BIDDERS. IN CASE OF ONLY ONE QUALFIFIED BIDDER OR IN CASE NO BIDDER AGREES TO ACCEPT THE COUNTEROFFERED HESG EQUIVALENT RATES OF L-1, BHEL MAY DECIED TO AWARD ENTIRE 100% QUANTITY TO L-1 BIDDER FOR THAT SPECIFIC ITEM. REFER ANNEXURE FOR DISTRIBUTION AS ATTACHED WITH NIT DOCUMENTS. RATE CONTRACT CAN BE SHORT CLOSED AT ANY TIME WITHOUT ASSINGING REASONS WHATSOEVER IT MAY BE. RATE CONTRACT QUANTITY IS TENTATIVE & MAY VARY BY +/-25% OR SO.** |  |
| **Commercial Offer** | | | |
| 4 | Variation in price (PVC) | PVC Not applicable; **Only Firm price is accepted**. (**Please do not write anything here)** |  |
| **#5** | **Delivery Period** | **Delivery shall be as per enquiry (NIT).**  Delivery Period shall be mentioned in formal order as per BHEL enquiry or as agreed b/w BHEL & vendor before price bid opening irrespective of quantity awarded (partial or 100%). | |  |  | | --- | --- | | YES |  |  |  |  | | --- | --- | | NO |  |   (in case of deviation from enquiry please mention full delivery schedule in below space) |
|  |
| 6 | Terms of Delivery (FOR/FOB/FOA) | FOR Destination (CRX Divn, BHEL, Bhopal) |  |
| 7 | Inspection Authority | **BY TPIA AT VENDORS WORKS** |  |
| 8 | Test Certificate / Guarantee Certificate (24 months from the date of dispatch or acceptance after inspection whichever is later) [whichever applicable] | Must be sent along with material in duplicate copies. One for consignee (CRX) and another for Purchaser (MNX).**Otherwise the material will not be accepted by consignee.** |  |
| 9 | Penalty Clause (Liquidated Damage) | Applicable as per BHEL policy. |  |
| #10 | Payment terms | **a)**100% **within 90 days from receipt of material subject to acceptance to BHEL**  **b)** 100% **within 45 days from receipt of material subject to acceptance to BHEL** **(CA certificate required)** | **a)**  (please tick which is applicable)  **b)** |
| 11 | Mode of payment | As per BHEL Norms |  |

**Cont………….Page 02**

**Summary of Offer** **(Enquiry # E5103003R1)**

**TERMS AND CONDITIONS APPLICABLE FOR CONTRACTS Annexure – A**

**(Page 2 of 2)**

|  |  |  |  |
| --- | --- | --- | --- |
| 12 | Validity of offer | 90 days from tender opening date. |  |
| **13** | Quantity Distribution Clause | **RATE CONTRACT TO BE FINALIZED ON TWO SOURCES WITH QUANTITY DISTRIBUTION RATIO OF 65% & 35% TO L-1 AND OTHER BIDDER ACCEPTING L-1 RATES RESPECTIVLEY, SUBJECT TO MINIMUM 3 QUALIFIED BIDDERS. FOR ASCERTAINING BIDDER FOR 35% QUANTITY, HESG EQUIVALENT RATES OF L-1 BIDDER WILL BE SEQUENTIALLY COUNTER-OFFERED TO L-2, L-3 AND SO ON SEQUENTIALLY UNTILL ANY BIDDER ACCEPTS THE SAME. INCASE OF ONLY 2 QUALFIED BIDDERS, BHEL RESERVES THE RIGHT FOR DISTRIBUTION AMONG 2 BIDDERS. IN CASE OF ONLY ONE QUALFIFIED BIDDER OR IN CASE NO BIDDER AGREES TO ACCEPT THE COUNTEROFFERED HESG EQUIVALENT RATES OF L-1, BHEL MAY DECIED TO AWARD ENTIRE 100% QUANTITY TO L-1 BIDDER FOR THAT SPECIFIC ITEM. REFER ANNEXURE FOR DISTRIBUTION AS ATTACHED WITH NIT DOCUMENTS.** |  |
| 14 | QAP | **AS PER ATTACHED QA PLAN NO. QTM/TXM/VENDOR/QAP/2016-17/TM4303/BRUSH GEAR LEAD DT 12.08.2016 REV 01. REFERENCE DRG. NO. 34393080005.** |  |
| 15 | Jurisdiction | In Bhopal Courts only |  |
| 16 | HSN No. | Kindly mention in next column |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **SN** | **Attributes** | **Requirement of BHEL** | **\*Vendor remarks**  **(Yes/No/Deviations/ Not Applicable/Relevant Data)** |
|  | **For Calculation of total cost to BHEL** | **For Calculation of total cost to BHEL** | **For Calculation of total cost to BHEL** |
| **17** | GST (Goods & Service Tax) | As applicable |  |
| GST portion of invoice shall be released only upon when vendor declares such invoice in his GSTR-I, receipt of goods and Tax Invoice by BHEL and confirmation of payment of GST thereon by vendor on GSTN portal . | |  |
| In case GST credit is delayed/denied to BHEL due to non/delayed receipt of goods and/or tax invoice or expiry of timeline prescribed in GST law for availing such ITC, or any other reasons not attributable to BHEL, GST amount shall be recoverable from vendor along with interest levied/leviable on BHEL. | |  |
| In case vendor delays declaring any invoice in his return and GST credit availed by BHEL is denied or reversed subsequently as per GST law, GST amount paid by BHEL towards such ITC reversal as per GST law shall be recoverable from vendor/contractor along with interest levied/leviable on BHEL. | |  |
| 18 | Reverse Auction Applicability / Acceptance | **It is declared upfront that Enquiry No. E5103003R1 shall not be subject to Reverse Auction (RA). Bidders may kindly ignore the Reverse Auction (RA) field if mentioned and asked for in enquiry template or else may proceed with choosing “NO” against same when asked to give their acceptance with the offer for participation in RA.** |  |
| 19 | Supply condition | Identification is compulsory (PO, SL, Drg No., Suppl. Code, month & year of production on each job. |  |
| 20 | Detailed Terms & Condition | **Any deviation or special conditions** please refer BHEL website: [**www.bhelbpl.co.in**](http://www.bhelbpl.co.in) |  |
| **21** | Fraud Prevention | 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. |  |

**Special Note** :

1) In case the offered rates by more than one vendor on HESG basis are found equal, process as described in Cl. (xviii) of Annexure B – STC, annexed as NIT documents to this enquiry, shall be considered for determining L1 vendor.

2) Suitable **loading** will be done for arriving at the HESG price for any deviation from the standard Terms & Conditions of the Enquiry.

3) In case, supplier want payment under MSME act, shall furnish the valid MSME certificate with the offer, otherwise the claim for early payment shall be considered void and suitable payment loading shall be done on early payment.

Seal & Signature of the Vendor executive