Annexure – B

MM/BOI/BHEL TRICHY
SPECIAL TERMS AND CONDITIONS

1. This tender is for the supply of **Sensor and Sonic Tube Assembly** as per specification and quantities mentioned in the attached enquiry.

2. The vendor shall have adequate experience in manufacturing and supply similar type of item.

3. The tender shall be floated through e-Procurement system. The tender is in two parts. One-part consisting of PQR and Techno-commercial details and the other with price details. Kindly login the web site **https://bhel.abcprocure.com/EPROC/** for more info.

A) Part – I: Pre-Qualification Requirement (PQR) & Techno-commercial bid:

i) Pre-Qualification Requirement (PQR)

The BIDDER has to compulsorily meet the following requirements to get qualified for considering the technical offer:

1. Vendor shall manufacture 1 set of sonic tube assembly & sensor assembly (prototype). Vendor shall offer stage inspection for the same.
2. After approval to above said, Vendor shall manufacture remaining quantity.
3. Vendor should have in-house facilities to manufacture and assemble the items of sonic tube assembly and sensor assembly. Also, the similar items should have been supplied to any of the Industry and reference list for the same shall be submitted in PQR bid.

Offers qualifying on the above requirement will only be considered for further processing.

ii) Technical Bid

Technical Specifications viz. Product Specification Sheets/Brochures, OEM Certificate etc. Bidders may name the files indicating the nature of content in pdf/zip format which would be required to be attached in e-tender.

All Technical details (eg. Eligibility Criteria requested (as mentioned below)) should be attached in e-tendering module, failing which the tender stands invalid & may be REJECTED. Bidders shall furnish the following information along with technical tender (preferably in pdf format):

(i) Technical Bid (without indicating any prices).

(ii) Tenderer/Agent who quotes for goods manufactured by other manufacturer shall furnish Manufacturer's Authorization Form. While giving authorization to agent, to quote on their behalf, manufacturer has to give the reasons for not quoting directly against this tender.

The techno-commercial bids will be opened on a suitable date with due intimation. Based on the acceptance of techno-commercial bid and vendor evaluation, the price bid of the qualified vendors will be opened on a suitable date with due intimation.

Offers found suitable on technical and commercial grounds only, will be considered for further processing.

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B) Part - II – Price Bid:

Prices to be quoted through e Procurement system only

Import Vendor shall submit offer on FOB/Nearest GATE WAY Airport basis and we will add further the inland freight charges over and above the FOB charges.

Indigenous Vendors shall submit offer on FOR/site basis.

The price should be quoted for the accounting unit indicated in the e-tender document.

Note: It is the responsibility of tenderer to go through the Tender document to ensure furnishing all required documents in addition to above, if any. Any deviation may result in REJECTION of offer.

4. The vendor who are not registered in BHEL PMD as permanent vendors shall be submitted SRF (supplier registration form) to register as permanent vendor in parallel to procurement activity

Vendor should submit the following documents along with offer:

i. Duly filled-in Supplier Registration Forms.

ii. Availability of minimum manufacturing, handling, testing and measuring facilities as detailed in the Supplier Registration Form.

iii. BHEL will have the right for spot assessment of the facilities for assessment.

iv. Qualifying to our techno commercial requirements of the Enquiry.

Supplier Registration Form (SRF) has to be duly filled up online and send one copy with all the documents as mentioned in SRF & if vendors have already submitted SRF & hard copy is sent to BHEL, can mention SRF Number (Application Number).

URL for online Registration form is as below

http://vis.bheltry.co.in/olsa/

For any help regarding filling of SRF, you may contact following

Mrs. Nalini Subramanian (Purchase Officer- Supplier Development Cell)
Ph:0431/2577301
Email ID: nalini@bhel.in

Mr. P. L. Pramila (DGM/MM/Services)
Ph:0431/2577448
Email ID: pramila@bhel.in

Systems / BHEL /TRICHY
Ph:System SDC:0431/2577121,ljp@bhel.in

Ph:System ERP:0431/2577522,erpsubcon@bhel.in

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For any queries regarding tender you may contact

Mrs. Vinatha Sudha.R
Sr. Engineer/MM/BOI
BHEL Trichy
0431-2577898
vinatha@bhel.in

5. BHEL reserves the right to increase or decrease the tendered quantity and split the tendered quantity among more than one tenderer and place orders accordingly in any proportion based on commitment, requirement and supplier's capability in terms of delivery and quality as assessed by BHEL.

6. BHEL reserves the right to negotiate the L1 rate.

7. BHEL reserves the right to re-float the tender opened, if L1 price is not the lowest acceptable price to BHEL inter-alia other reasons.

8. BHEL reserves the right to order on more than one vendor at the lowest acceptable price to BHEL.

9. Vendors have to confirm to the Commercial Terms and Special Terms & Conditions attached.

10. BHEL standard LD condition is **½% of the total order value per week or part thereof subject to maximum of 10% of the total order value**

11. Please indicate the exact location of WORKS / FACTORY.

12. The vendor who are not registered in BHEL PMD as permanent vendors shall be submitted SRF (supplier registration form) to register as permanent vendor in parallel to procurement activity.

~~13. Vendor who are approved category – DR with **customer** already, they shall get qualified into "cat-A" from "Cat-DR", based on the documents submitted by the vendor before price bid opening. If customer regrets to change the category of approval from "cat-DR" to "cat-A", the offer submitted by the vendor shall not be considered further for this tender and hence their offer is liable for rejection.~~

~~14. Vendor who are not approved by **customer** already, they shall get approved by customer before price bid opening. If customer regrets to approve before price bid opening of this tender, the offer submitted by the vendor shall not be considered further for this tender and hence their offer is liable for rejection.~~

~~15. If new vendor is responding to this open tender who is not approved by customer, should get approved by customer before price bid opening. If vendor is not fulfilling the above criteria, offer will be rejected. Also vendor shall submit the filled in "Supplier Registration Forms" (available in www.bhel.com) along with their offer as mentioned in point No 04 this annexure – C~~.

16. Point wise confirmation to enquiry conditions are to be submitted with technical offer.

17. Inspection by BHEL or BHEL nominated agency shall be carried out at vendor's works prior to despatch. **(For Indian suppliers only).**

Inspection notice period: Vendor shall raise inspection call to Third Party Inspection Agency / BHEL at least three working days, prior to the proposed date of inspection. (for indigenous vendor only).

18. Implementation of GST

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For supplies after implementation of New GST Return System i.e. from 01/10/2019, the following conditions will apply and supplier shall fully comply to the below points:

Indigenous suppliers:

1. Response to Tenders for Indigenous supplier will be entertained only if the vendor has a valid GST registration No (GSTIN) which should be clearly mentioned in the offer. If the dealer is exempted from GST registration, a declaration with due supporting documents need to be furnished for considering the offer. Dealers under composition scheme should declare that he is a composition dealer supported by the screen shot taken from GST portal. The dealer has to submit necessary documents if there is any change in status under GST.
2. Supplier shall mention their GSTIN in all their invoices (incl. credit Notes, Debit Notes) and invoices shall be in the format as specified/prescribed under GST laws. Invoices shall necessarily contain Invoice number (in case of multiple numbering system is being followed for billing like SAP invoice no, commercial invoice no etc., then the Invoice No. which is linked/uploaded in GSTN network shall be clearly indicated), Billed to party (with GSTIN) & Shipped to party details, item description as per PO, Quantity, Rate, Value, applicable taxes with nomenclature (like IGST, SGST, CGST & UTGST) separately, HSN/ SAC Code, Place of Supply etc.
3. All invoices shall bear the HSN Code for each item separately (Harmonized System of Nomenclature)/ SAC code (Services Accounting Code).
4. Invoices will be processed only upon completion of statutory requirement and further subject to following:
    a. Vendor declaring such invoice in Form GST ANX-1
    b. Receipt of Goods or Services and Tax invoice by BHEL
5. As the continuous uploading of tax invoices in GSTN portal (in GST ANX-1) is available for all (i.e. both Small & Large) tax payers under proposed new GST Return System, all invoices raised on BHEL may be uploaded immediately in GST portal on despatch of material /rendering of services. The supplier shall ensure availability of Invoice in GST portal before submission of invoice to BHEL.Invoices will be admitted by BHEL only if the invoices are available in GSTN portal (in BHEL's GST ANX-2).
6. In case of discrepancy in the data uploaded by the supplier in the GSTN portal or in case of any shortages or rejection in the supply, then BHEL will not be able to avail the tax credit and will notify the supplier of the same. Supplier has to rectify the data discrepancy in the GSTN portal or issue credit note or debit note (details also to be uploaded in GSTN portal) for the shortages or rejections in the supplies or additional claims, within the calendar month informed by BHEL.
7. In cases where invoice details have been uploaded by the vendor but failed to remit the GST amount to GST Department (Form PMT-08 or Form GST RET-01 to be submitted) within stipulated time, then GST paid on the invoices pertaining to the month for which GST return not filed by the vendor will be recovered from the vendor along with the applicable interest(currently 24% p.a) and all subsequent bills of the vendor will not be processed till filing of the GST return by the vendor
8. In case GST credit is denied to BHEL due to non-receipt or 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 claimed in the invoice shall be disallowed to the vendor.
9. Where any GST liability arising on BHEL under Reverse Charge (RCM), the vendor has to submit the invoices to BHEL well within the timeline prescribed in GST Law, to enable BHEL to discharge the GST liability. If there is a delay in submission of invoice by the vendor resulting in delayed payment of GST by BHEL along with Interest, then such Interest payable or paid shall be recovered from the vendor.
10. Under GST regime, BHEL has to discharge GST liability on LD recovered from suppliers/contracts. Hence applicable GST shall also be recoverable from suppliers/contractors on LD amount. For this Tax Invoice will be issued by BHEL indicating the respective supply invoice number.

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11. GST TDS will be deducted as per Section 51 of CGST Act 2017 and in line with Notification 50/2018 – Central Tax dated 13.09.2018. GST TDS certificate which will be generated in GST portal subsequent to vendor accepting the TDS deduction in the GST portal, will be issued to the vendor.

19. GENERAL CONDITION:
Kindly submit the 'no deviation format' with clear indication of data sheet no / specification ref, drawing, Quality plan and Packing procedure.

20. Reverse Auction is not applicable for this tender.

21. DOCUMENT SUBMISSION
In case of PO, documents (drawings, data sheets and quality plan in triplicate) shall be submitted within 14 days from the date of receipt of PO and the revised documents shall be submitted within 1 week from the date of receipt of engineering / quality comments

22. BHEL reserves the right to increase or decrease the tendered quantity

23. BHEL will consider the ranking after the loading is applied as referred above wherever deviations are observed.

24.MSE VENDOR <u>(For Indian suppliers only)</u>:

<u>BENEFITS TO MSE VENDOR</u>

<u>a) For Non-Splitable items (Package basis):</u>

i. If L1 vendor is an MSE vendor entire project package will be ordered on L1 vendor.

ii. If a Non MSE vendor is coming as L1, then L1 prices will be counteroffered on MSE vendor who is quoting price within the price band L1+15% and if they are agreeing purchase order will be awarded for full/complete supply of total tendered value to MSE.

iii. If more than one MSE vendors are available in the L1+15% price band then lowest of the MSE vendor will be selected for counteroffering. If lowest MSE vendor is not accepting it will be counteroffered to the next MSE vendor in the price band and so on.

iv. Finally if none of the MSE vendor in the price band is not accepting it will be ordered on L1 non MSE vendor. These condition will be incorporated in the enquiry terms and condition.

<u>b) For Splitable items (Item wise evaluation):</u>

i. If a Non MSE vendor is coming as L1, then L1 prices will be counteroffered on MSE vendor who is quoting price within the price band L1+15% and if they are agreeing, purchase order will be awarded for 25% of the tendered quantity.
ii. If more than one MSE vendors are available in the L1+15% price band then lowest of the MSE vendor will be selected for counteroffering. If lowest MSE vendor is not accepting it will be counteroffered to the next MSE vendor in the price band and so on.

- ***3% reservation for women owned MSEs, within the above mentioned 25% reservation.***

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- ***6.25% reservation from MSE owned by SC / ST entrepreneurs, within the above mentioned 25% reservation.***

In case of more than one such MSE, the supply shall be shared proportionately.

MSE suppliers can avail the intended benefits only if they submit along with the offer, attested/notarized copies of either

1. EM II certificate having deemed validity (five years from the date of issue of acknowledgement in EM II) **or**
2. Valid NSIC certificate or EM II certificate along with original of CA certificate (Format enclosed) applicable for the year, certifying quantum of investment in plant and machinery within the permissible limits as per the act for relevant status (MICRO or SMALL) where the deemed validity of EM II is over.

Date to be reckoned for determining the deemed validity will be the last date of technical bid submission (Part 1 in case of two part bid).

Non submission of such documents will lead to consideration of their bid at par with other bidders and MSE status of such suppliers shall be shifted to NON MSE suppliers till the supplier submit this documents.

Documents should be notarized or attested by a Gazetted officer.

Payment for MSE indigenous vendors will be as per MSMED Act, 2006

Definitions of MSEs owned by SC/ST is under:

- ***In case of proprietorship firm, proprietor must be SC/ST.***
- ***In case of partnership firm, the SC/ST partners must be holding at least 51% shares in the unit.***
- ***In case of private limited companies, at least 51% share must be held by SC/ST promoters.***

Authorized Offices to Issue SC/ST certificate.

The caste/Tribe/Community certificate issued by the following authorities in the prescribed form for SCs/STs can be considered.

- District Magistrate / Additional District Magistrate / Collector / Deputy Commissioner / Additional Deputy Commissioner / Deputy Collector / 1st class stipendiary magistrate / Sub divisional Magistrate / Taulka Magistrate / Executive magistrate / Extra Assistant commissioner.
- Chief Presidency magistrate / Additional chief presidency magistrate/Presidency magistrate.
- Revenue Officer not below the rank of thasildar.
- Sub-Divisional officer of the area where the individual and / or his family normally resides.

To avail the benefits of MSE under SC/ST category, the related documents as stated above should be submitted along with tender documents.

~~25. Erection and Commissioning Support Charges **(For Indian suppliers)**:~~

~~Lump sum charges of Erection and Commissioning support with exact Man days for the system with applicable extra GST % in detail should be quoted separately. (Mandatory to quote the value in EPS~~

~~***Kindly Note: If the commissioning support charges is not available, then it will be considered as inclusive of your quoted basic prices and no further communication will be entertained regarding this.***~~

~~Applicable GST percentage against Erection and Commissioning Support Charges also to be quoted~~

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~~**26. Erection and Commissioning Support Charges (For Foreign suppliers):**~~

~~Lump sum charges of Erection and Commissioning support with exact Man days for the system with applicable extra Taxes and Duties etc. in detail, To & Fro charges, Boarding and Lodging should be quoted separately.~~
~~***Kindly Note: If the commissioning support charges is not available, then it will be considered as inclusive of your quoted basic prices and no more further communication will be entertained regarding this.***~~

27. **Document Submission after PO:** Complete set of valid Documents as per BHEL format viz., Datasheet, GA drawing and QAP /RQP / VQP are to be submitted within 14 days from the date of receipt of PO (e-mail copy). If there is a delay in submission of valid documents within 14 days, the delay will be accounted for the calculation of LD.

28. **Inspection notice period:** Vendor shall raise inspection call to Third Party Inspection Agency / BHEL at least three working days, prior to the proposed date of inspection. (for indigenous vendor only)

29. Vendor shall dispatch the consignment within 3-4 working days after getting dispatch clearance from BHEL, subsequent delay will be accounted for calculation of LD.

30. In the event of PO, the reference date for LD calculation will be date of final inspection Agency's signed Inspection report / Test certificates for Ex-Works & FOB contracts. The reference date for F.O.R contracts will be Invoice date / Lorry way bill date LR date/ Railway Receipt date, whichever is later.

31. Vendors have to submit the signed stamped third party non-disclosure agreement as attached.
32. Vendor should quote same unit prices & freight charges etc., in EPS/PRICED OFFER if applicable. If any difference of prices found, lowest price shall be taken into account. Also in such cases BHEL decision is final to consider such type of offer for further proceedings.

Also kindly note that Commercial terms and conditions as agreed in EPS by vendor is final. Commercial terms and conditions available in vendor's technical offer (if any) will not be considered.

33. **Cost evaluation for Import vendor**

COST EVALUATION

Evaluation shall be on the basis of delivered cost (i.e. "total cost to BHEL").

For evaluation, the exchange rate (TT selling rate of SBI) shall be taken as under:

Single part bids	Date of tender opening
Two/three part bids	Date of Part-I bid opening
Reverse Auction	Date of Part-I bid opening

If the relevant day happens to be a bank holiday, then the forex rate as on the previous bank (SBI) working day shall be taken.