

Terms & Conditions for supply of Copper Strips under 2 years Rate Contract Enquiry No. E0899004 on finished basis.

1. **General** : Sealed tenders are invited in Two-Part Bid system for purchase of Bare Copper as per Specifications and terms & conditions mentioned in the Annexures -"I to XIII" on finished basis. The supplies against this rate contract enquiry shall be subject to our General Terms and conditions of enquiry and PO. In addition, the terms and conditions given under this annexure shall specifically apply to this enquiry. If any difference between the General Terms and conditions of enquiry and PO and the conditions included in this annexure, the conditions included in this annexure shall prevail. The offer of the bidders who are in the banned list as also the offer of the bidders who engage the services of the banned firms shall be rejected. List of banned firms is available on BHEL website: www.bhel.com. Likewise, offers of those bidder(s) will not be considered who have been suspended (under hold / delisting) by BHEL, Jhansi during the given period. Lot wise quantity and delivery schedule indicated in the enquiry sheet is tentative. Actual procurement will be carried out progressively as per requirement of BHEL against the rate contract.

2. **Procedure for Bid submission** :- Offer shall be submitted by the bidders in two parts:-

Part – I Technical cum Commercial bid (Un-priced)

A- Part-I of the bid shall contain complete detail of the product offered, all techno commercial terms & conditions and acceptance to the following:-

- (i) Instruction to bidders containing Commercial Terms & Conditions applicable for tender enquiry of Copper Strips - **Annexure – I**.
- (ii) Techno – commercial format – **Annexure – II**
- (iii) **PQR Format - Annexure III.**
- (iv) Un-Price format - **Annexure IV to VII .**
- (v) Integrity Pact - **Annexure XII. (Page 1 to 5)**
- (vi) General 'Terms and conditions rev 02 of enquiry (JHS 2055A) for and BHEL PO Terms and Conditions as available on "Supplier Information Portal". - Annexure-XIII

B- In case it becomes necessary to deviate in any of the above, the deviations must be clearly brought out in bid Part-I of the offer. Copy of un-priced bid with status "**quoted (Q) & un - quoted (NQ)**" must accompany with bid part-I.

Part - II Price bid

Price bids shall be submitted in separate envelopes as per **Price Bid- Annexure-VIII to XI** and required with duly filled, signed & stamped by the authorized signatory of the vendor. Enquiry Number with item no, Due Date & "Price bid" must be super scribed on every envelopes.

NOTE: Part –I sealed envelope shall be duly super scribed as **Part - I 'Technical cum Commercial bid'**, Part –II, considering **separate sealed envelopes** shall be duly super scribed as **Price bid** enquiry number and due date.

3. **Bid Opening** :- The 'Techno-commercial' part of the bid i.e. Bid Part – I of the offers shall be opened on the due date of tender opening. Clarifications, wherever required on this part, shall be obtained from the bidders for their evaluation. The Price bid Part-II of such vendors alone shall be opened whose techno-commercial bids are found acceptable. The date of 'Price bid -Part II' opening shall be intimated later on. Before price bid opening / RA (reverse auction) all formalities for registration has to be completed by the bidders as per new supplier link at www.bhel.com.

Alternatively: "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.

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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 non consideration of their bids, in case BHEL decides 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 the tender 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).

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)."

4. **Pre Qualification Criteria**

Offers of those Bidders who meet the Pre-qualification criteria mentioned below will be accepted. Any deviation from these shall render offer submitted by bidder as rejected :

SL	REQUIREMENT	Bidder Response
1	Bidders should be the "Original Manufacturer" of Copper strips/Flats/Round Rods. For this, Bidders to provide Copy of DIC Registration Certificate / Certificate of incorporation / Factory license / GST Registration / Memorandum of Articles.	☐ Yes ☐ Submitted
2	Annual average financial turnover of last three financial years ending on 31 st March 2019 should be of Rs. 165 Lakhs minimum. As evidence of the above information, bidder to attach Profit & Loss Statement of last three financial years. In case the Balance Sheet of the last financial year is not yet audited, the un- audited balance sheet of the last financial year can be enclosed along with certificate of CA.	☐ Yes ☐ Submitted

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3	EXPERIENCE:- a) Bidders should have experience of supplying Copper strips/Flats/Round Rods to Railways/PSUs/State owned Generation & Distribution Companies, reputed Transformer Manufacturers BHEL / ABB / Siemens / Alstom / Crompton Greaves / Bharat Bijlee / TELK / EMCO / T & R / Voltamp Trfr, Schneider Electric, Control & Switchgears Co Ltd in the last three years. b) Bidders to provide minimum three orders but quantum of supply should not less than 40MT of Copper strips/Flats/Round Rods in the last three years, one month prior to date of issue of tender. As evidence of the above information, the bidder to attach the documentary proof as below : <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 25%;">Supplies made to</th> <th>Documentary Proof to be attached</th> </tr> </thead> <tbody> <tr> <td>BHEL, Unit(s)</td> <td>Purchase Order Copies to be submitted</td> </tr> <tr> <td>Other PSUs / Govt Undertakings</td> <td>Copy of Performance certificate/Tax Invoices, Purchase Order issued by Customer and test certificates of any one lot to be submitted.</td> </tr> <tr> <td>Private Sector</td> <td>Copy of Purchase Order, relevant Tax Invoice / TDS certificate and test certificates of any one lot to be submitted.</td> </tr> </tbody> </table> c) Self-undertaking that goods supplied by us have been found satisfactory and "NO" quality problem was reported by the customer(s).	Supplies made to	Documentary Proof to be attached	BHEL, Unit(s)	Purchase Order Copies to be submitted	Other PSUs / Govt Undertakings	Copy of Performance certificate/Tax Invoices, Purchase Order issued by Customer and test certificates of any one lot to be submitted.	Private Sector	Copy of Purchase Order, relevant Tax Invoice / TDS certificate and test certificates of any one lot to be submitted.	☐ Yes ☐ Submitted Pl tick ✓ as applicable ☐ BHEL Units ☐ Other PSUs / Govt Undertakings ☐ Private Sector ☐ Confirmed
Supplies made to	Documentary Proof to be attached									
BHEL, Unit(s)	Purchase Order Copies to be submitted									
Other PSUs / Govt Undertakings	Copy of Performance certificate/Tax Invoices, Purchase Order issued by Customer and test certificates of any one lot to be submitted.									
Private Sector	Copy of Purchase Order, relevant Tax Invoice / TDS certificate and test certificates of any one lot to be submitted.									
4	New vendors who are not registered with BHEL, Jhansi should submit duly filled "Supplier Registration Form (SRF)" along with the requested documents. The SRF is available on line on our website www.bhel.com.	☐ Document Submitted								

- We agree that our bid is liable to be rejected in case (a) the relevant information is not filled, (b) documentation is incomplete, (c) there are false declarations, and (d) if we do not meet the PQR.
- Criteria at Sl. No. 4 is desirable. Other are mandatory.
- Details as mentioned in **Annexure III** has been filled and supporting documents are submitted.

5. **Bid evaluation:** The bid shall be evaluated on total delivered cost to BHEL (landed cost net of input tax credit) taking into account all duties / taxes / Cess as per prevailing structure on date of tender enquiry (bid part-I) opening and based on the LME CSP & SBI TT Selling rate prevailing on the date of tender opening (bid part-I).

If LME CSP rate and SBI TT selling rate is not available on Part-I bid opening date due to holiday then LME CSP rate and SBI TT selling rate prior to Part-I bid opening date shall be considered.

Bidders may note that quoted rates shall be loaded for any deviation from the terms & conditions given in this enquiry, to arrive at landed cost and same shall be communicated to techno-commercially suitable bidders before price bid opening.

Evaluation of tender shall be done on item wise L1 basis.

6. **Technical Parameters and Tendered Quantity:-** Bare Copper shall conform to the latest revision of the purchase specifications. Tentative quantity break up is mentioned below;

Enquiry Item	MATERIAL DESCRIPTION	Qty (in Kg)	Specifications
1	COPPER STRIP 5 TK TO 10 TK AND WIDTH 20 TO 125 MM IN LENGTH OF 3.5 TO 4.5 METER AS PER CPS AA12003 REV 04	100000	AA12003Rev 04
2	COPPER STRIP 12 TK TO 20 TK AND WIDTH 60 TO 150 MM IN LENGTH OF 3.5 TO 4.5 METER AS PER CPS AA12026 REV 07.	45000	AA12026 Rev 07
3	COPPER ROUND BAR 6 O/D TO 50 O/D IN LENGTH 3 TO 4 METER AND 100 DIA IN 1 TO 2 METER AS PER CPS AA12023 REV 08.	9000	AA12023Rev 08
4	RECTANGULAR COPPER STRIPS TO CPS AA 12026 REV 07 SIZE- 12TK X 200 WIDE IN STREIGHT LENGTH OF 3.5 MR TO 4.5 MR.	53776	AA12026 Rev 07

➤ Above quantity may vary to +/- 30% of total quantity.

7. **Pricing Terms** :- Material will be supplied on finished basis as per pricing terms given below:-

A) **LME CSP for Copper & Exchange rate for US \$**:- LME CSP & Exchange rate will be corresponding to 3rd LME working day from the date of letter of intent (LOI) / instruction for copper booking (excluding date of LOI). Exchange rate shall be FBIL USD rate+ 0.05. In case of RBI holiday on the 3rd LME working day, then exchange rate of next working day shall be considered. Exchange rate (rounding off upto two decimal places) available on FBIL website shall be considered.

B) **Premium (USD / MT)**:- To be quoted by the bidders in price bid formats.

C) **Multiplication factor (MF)** :- To be quoted by the bidders in price bid formats.

This will be equivalent to effective customs duty (net of ITC) on CC Rods at the time of copper booking and subject to change in case customs duty structure on CC rods changes. Present it is 1.055 maximum. **Change in MF (without change in customs duty) by indigenous CC rods producers will not be entertained.**

D) **Copper Rate (Rs/Kg)**:- ((LME + Premium) X (Exchange rate) X MF) /1000.

E) **Fabrication Rate (in Rs/kg)**:- Bidders to quote in price bid formats.

F) **PO Rate**:- Sum of D + E

Premium & fabrication rate shall be firm throughout the validity of the contract. The fabrication rate shall be inclusive of all tooling cost, packing, freight, insurance and forwarding charges etc. and no extra charges shall be payable on whatsoever account.

While quoting the rates, bidders must take into account the following factors in addition to whatever they deem fit:

- No extra charges shall be paid for packing, forwarding etc.
- Bidders shall quote their most competitive rates, which shall be valid regardless of the quantity that may be awarded to them and also regardless of whether Reverse Auction is conducted or not.

8. **PVC (Price variation Clause) Applicable**: Yes as per clause 7.

9. **Transit Insurance**: - By the bidder.

10. **Number of Suppliers:-** We need 3 suppliers for execution of this contract and the tentative distribution of quantities among L1, L2 & L3 would be in the ratio of 50:30:20. Number of minimum suppliers required to execute this contract may change depending upon committed capacity and also acceptance to counter offer, if any, made by BHEL. Number of bidders for quantity distribution shall be (n-1), limited to 3 bidders where n is number of techno – commercially qualified bidders and shall be as shown below.

n	L1	L2	L3	Total
1	100	-	-	100
2	70	30	-	100
3	50	30	20	100

11. **Supply Tolerance : +/- 2 %**

12. **Inspection of material :-**

Final inspection for acceptance of quality and quantity shall be done at BHEL's works after receipt of material. Test Certificates as per Annexure, purchase specifications, QA plan etc. must accompany each lot.

13. **Replacement of rejected Goods :-** Final inspection for acceptance of quality shall be at BHEL's works after receipt of material and results shall be binding on the suppliers. In case of rejection due to non compliance to agreed specification and for the reasons attributable to the vendor, the materials shall be replaced by vendor free of charge on "FOR BHEL works basis" including interlay cost elements such as total transportation, insurance and other taxes / levies etc as applicable. The rejected goods shall be subsequently returned to the vendor at his cost.

14. **Taxes & Duties:-** All taxes & duties as applicable at the time of dispatch within India only will be paid / reimbursed by BHEL and same will be loaded for price comparison on delivered cost to BHEL (i.e. landed cost net of input tax credit) .

15. **Payments Terms:-** 100% payment with in 90 days of receipt of material (45 days for MSE / NSIC registered suppliers as per relevant act in force), subject to acceptance of material at BHEL, on direct presentation of the documents.

Any deviation from the above payment terms, if accepted (by BHEL), shall be loaded @ SBI base rate (as on date of Part I bid opening) + 6%, for the purpose of bid evaluation.

16. **Terms of delivery:-** On FOR Bhel Jhansi basis as per clause-6 of GTC rev 02 of enquiry.

17. **Validity of Offer :-** Offer should be valid for a period of 120 days from the date of techno-commercial bid opening date (part-1) for finalization of the contract.

18. **Levy of Penalty for delayed performance:-** As per Clause no: 8 of GTC of enquiry rev 02.

19. Commercial Conditions quoted by the vendor in any place including as stated in bidder's 'General Terms and Conditions rev 02 of enquiry' if any, shall not be binding on the Purchaser and the conditions contained in this annexure, including General terms & Conditions rev 02 of enquiry, shall only prevail.

20. **Integrity Pact (IP) – Independent external monitor (IEM) :-**

IP is a tool to ensure that activities and transactions between the Company and its Bidders/ Contractors are handled in a fair, transparent and corruption free manner.

A panel of Independent External Monitors (IEMs) have been appointed to oversee implementation of IP in BHEL.

The IP as enclosed with the tender is to be submitted (duly signed by authorized signatory who signs in the offer) along with techno-commercial bid. Only those bidders who have entered into such an IP

with BHEL would be competent to participate in the bidding. In other words, entering into this Pact would be a preliminary qualification.

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Details of IEM for this tender is furnished below:

Name: Mrs. Pravin Tripathi , IAS (Retd.)

Address: D-243, Anupam Gardens,
Lane IB, Neb Sarai, Sainik Farms, New Delhi- 110 068

Email: pravin.tripathi@gmail.com

Ph : +91 11 29533206 /

29531715

(b) Please refer Section-8 of the IP for Role and Responsibilities of IEMs.

In case of any complaint arising out of the tendering process, the matter may be referred to the IEM mentioned in the tender.

Note:

No routine correspondence shall be addressed to the IEM (Phone/ post/ email) regarding the clarifications, time extensions or any other administrative queries, etc on the tender issued. All such clarification / issues shall be addressed directly to the tender issuing (procurement) department

For all clarifications/ issues related to the tender, Please contact:

Name: (1) Naveen Mahaseth (2) A.K.Verma

Deptt : Material Management

Address : PO khailar, BHEL Jhansi-284120

Phone : (Landline/ Mobile)

(1) 0510-241 2329/2460 (2) 8765956505 / 9425604688

Email: nkmahaseth@bhel.in, arunverma@bhel.in

Fax: 0510-2412120

Naveen
12/07/19
Prepared By
(Naveen Mahaseth)
Sr. PO (MM)

Arun
12/7/19
Checked By
Arun Verma
Sr. DGM (MM)

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