

ANNEXURE-II SPECIAL TERMS AND CONDITIONS

1. This is an E-Tender floated online through our e-Procurement site <https://bheleps.buyjunction.in>. The bidder should respond by submitting their offer online only in our e-Procurement platform at <https://bheleps.buyjunction.in>. Vendors should have **Class-3 Digital Signature Certificate (DSC)** for participating tenders.

The offer has to be submitted in TWO PART BID on or before due date. In case the due date will be a closed holiday then the tender will be opened on next working day.

Part-I Technical and Commercial (Un priced Bid) in a sealed cover

Part-II Price Bid in a separate sealed cover.

Both the above sealed covers should be put in a separate sealed cover. All the covers should be super scribed with Tender no, Due date & Description of item.

SPECIAL NOTE:

A) Sample of the above items & Matters to be printed in Booklet shall be seen at our office between 10.00 am to 5.00 pm at all our working days. Vendors are requested to verify the sample before quoting.

B) Offer & documents submitted with the offer shall be signed and stamped in each page by authorized representative of the bidder. No overwriting/correction in tender documents by bidders shall be allowed.

C) All documents / Annexures submitted with the offer shall be properly annexed and uploaded in respective places of the offer as per enclosure list mentioned in the covering letter. BHEL shall not be responsible for any missing documents.

2. BHEL reserves the right to accept or reject any or all offer without assigning any reasons thereof. BHEL also reserve the right to cancel the offer wholly or partly without assigning any reason thereof. BHEL also reserve the right to split the job. BHEL also reserve the right to reject the bidder with unsatisfactory past performance in the execution of a contract. BHEL's decision in this regard shall be final & binding.
3. BHEL reserves the right to split the order between L1 and other qualified bidders. (Incase price bids are opened through Reverse Auction method, H1 shall be eliminated.) The L1 price shall be offered to other bidders in the order of their price competitiveness, i.e., L2 to H1. Splitting shall be 60:40 basis after getting bidders acceptance of the counter offered L1 price in the manner specified..
4. BHEL may decide holding pre-bid conference [PBC] with bidders. On such communication from BHEL, the bidder shall ensure participation for the same at the appointed time, date and place as may be decided by BHEL.
5. In case of absence of any queries from bidder(s), their quoted price will be PRESUMED to be final and complete with reference to the tender documents (including TCNs, clarifications, corrigendum issued by BHEL, if any). Bidders are requested to study the tender documents in detail and prepare their queries/clarifications accordingly. All such queries / clarifications shall be cleared/replied by BHEL. Such clarification letters, corrigendum and/or Tender change notes (TCNs), if issued by BHEL, shall form part of tender document.
6. In the event of any conflict between requirement of any clause of this specification/ documents /drawings /data sheets etc or requirements of different codes/ standards specified/ contradictions between any two clauses of tender document, the same to be brought to the

knowledge of BHEL by bidders in writing for clarification before due date of seeking clarification, otherwise, more stringent requirement as may be interpreted by BHEL shall prevail and shall be binding on you. Any typing error/missing pages/ other clerical errors in the tender documents, noticed by you must be pointed out before submission of offer, or else, BHEL's interpretation shall prevail & binding on you.

7. For any clarification on the tender document, you may seek the same in writing within **08/09/2016**, from the office of the undersigned which will be clarified to all the bidders. BHEL shall not be responsible for receipt of queries after due date of seeking clarification due to postal delay, and receipt of any query after due date shall not be entertained.
8. BHEL reserves the right to go for REVERSE AUCTIONING (RA) instead of opening the online / sealed price bid, submitted by the bidder. This will be decided after techno-commercial evaluation. As bidders to give their acceptance 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.
In case BHEL decides to go for Reverse Auction, only those bidders who have given their acceptance to participate in RA will be allowed to participate in the Reverse Auction. Those bidders who have given their acceptance to participate in Reverse Auction will have to necessarily submit 'online sealed bid' in the Reverse Auction. Non-submission of 'online / sealed bid' by the bidder will be considered as tampering of the tender process and will invite action by BHEL as per extant guidelines in vogue. Information and General Terms and conditions of RA is as follows:

Reverse Auction Terms & Conditions

BHEL reserves the right to decide the successful bidder on the basis of Reverse Auction process. In such case all qualified bidders will be intimated regarding procedure/ modality for Reverse Auction process prior to Reverse Auction and price will be decided as per the rules for Reverse Auction.

However, if reverse auction process is unsuccessful as defined in the RA rules/procedures, or for whatsoever reason, then the sealed 'PRICE BIDS' will be opened for deciding the successful bidder. BHEL's decision in this regard will be final and binding on bidder.

1. Against this enquiry for the subject item/ system with detailed scope of supply as per enquiry specifications, BHEL may resort to "REVERSE AUCTION PROCEDURE" i.e., ON LINE BIDDING (THROUGH A SERVICE PROVIDER). The philosophy followed for reverse auction shall be English Reverse (No ties).
2. BHEL reserves the right to go for Reverse Auction (RA) instead of opening the sealed envelope price bid, submitted by the bidder. This will be decided after techno-commercial evaluation. All bidders to give their acceptance 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 Reverse Auction, only those bidders who have given their acceptance to participate in RA will be allowed to participate in the Reverse Auction. Those bidders who have given their acceptance to participate in Reverse Auction will have to necessarily submit „online sealed bid" in the Reverse Auction. Non-submission of „online sealed bid" by the bidder will be considered as tampering of the tender process and will invite action by BHEL as per extant guidelines in vogue.
3. For the proposed reverse auction, technically and commercially acceptable bidders only shall be eligible to participate.
4. Those bidders who have given their acceptance for Reverse Auction (quoted against this tender enquiry) will have to necessarily submit 'online sealed bid' in the Reverse Auction. Non-submission of 'online sealed bid' by the bidder for any of the eligible items for which techno-commercially qualified, will be considered as tampering of the tender process and will invite action by BHEL as per extant guidelines in vogue.
5. BHEL will engage the services of a service provider who will provide all necessary training and assistance before commencement of on line bidding on internet.
6. In case of reverse auction, BHEL will inform the bidders the details of Service Provider to enable them to contact & get trained.
7. Business rules like event date, time, bid decrement, extension etc. also will be communicated through service provider for compliance.
8. Bidders have to fax the Compliance form (annexure IV) before start of Reverse auction. Without this, the bidder will not be eligible to participate in the event.
9. In line with the NIT terms, BHEL will provide the calculation sheet (e.g., EXCEL sheet) which will help to arrive at "Total Cost to BHEL" like Packing & forwarding charges, Taxes and Duties, Freight charges, Insurance, Service Tax for Services and loading factors (for noncompliance to BHEL standard Commercial terms & conditions) for each of the bidder to enable them to fill-in the price and keep it ready for keying in during the Auction.
10. Reverse auction will be conducted on scheduled date & time.
11. At the end of Reverse Auction event, the lowest bidder value will be known on auction portal.
12. The lowest bidder has to fax/e-mail the duly signed and filled-in prescribed format for price breakup including that of line items, if required, (Annexure VII) as provided on case-to-case basis to Service provider within two working days of Auction without fail.
13. In case BHEL decides not to go for Reverse Auction procedure for this tender enquiry, the Price bids and price impacts, if any, already submitted and available with BHEL shall be opened as per BHEL's standard practice.
14. Bidders shall be required to read the "Terms and Conditions" section of the auctions site of Service provider, using the Login IDs and passwords given to them by the service provider before reverse auction event. Bidders should acquaint themselves of the "Business Rules of Reverse Auction", which will be communicated before the Reverse Auction.
15. If the Bidder or any of his representatives are found to be involved in Price manipulation/ cartel formation of any kind, directly or indirectly by communicating with other bidders, action as per extant BHEL guidelines, shall be initiated by BHEL and the results of the RA scrapped/ aborted.
16. The Bidder shall not divulge either his Bids or any other exclusive details of BHEL to any other party.
17. In case BHEL decides to go for reverse auction, the H1 bidder (whose quote is highest in online sealed bid) may not be allowed to participate in further RA process

Reverse Auction is the type of auction typically conducted to buy goods / items over Internet in which the lowest price bidder wins. In case, the bidders are willing to know further details about the methodology, they may please contact MGR /PUR or AGM / SCT & PUR , BHEL Chennai 35.

However, if reverse auction process is not adopted or is unsuccessful as defined in the RA rules/procedures, or for whatsoever reason, then the Online / sealed 'PRICE BIDS' will be

opened for deciding the successful bidder. BHEL's decision in this regard will be final and binding on bidder.

Bidders are requested to note that the accepted / agreed tender terms (technical, commercial or on Reverse Auction) in their original offer cannot be altered / withdrawn by their own during the processing of tender

9. 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.
10. The offers of the bidders who are on the banned list as also the offer of the bidders, who engages the services of the banned firms, shall be rejected. The list of banned firms is available on BHEL web site www.bhel.com.
11. The bidder may have to produce original document for verification if so decided by BHEL.
12. MSE suppliers can avail the intended benefits only if they submit along with the offer, attested copies of either EM II certificate having deemed validity (five years from the date of issue of acknowledgement in EM II) or valid NSIC certificate or EM II certificate along with attested copy of a CA certificate (Format enclosed at Annexure - A where deemed validity of EM II certificate of five years has expired) applicable for the relevant financial year (latest audited). Date to be reckoned for determining the deemed validity will be the date of bid opening (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. No benefit shall be applicable for this enquiry if any deficiency in the above required documents are not submitted before price bid opening. If the tender is to be submitted through e-procurement portal, then the above required documents are to be uploaded on the portal. Documents should be notarized or attested by a Gazette officer."
Any Bidder falling under MSME category, shall furnish the following details & submit documentary evidence/Govt. Certificate etc. in support of the same along with their techno commercial offer

Type under MSME	SC/ST owned	Others
Micro		
Small		
Medium		

Note: If the bidder does not furnish the above, offer shall be processed construing that the bidder is not falling under MSME category.

14. CONSIGNEE ADDRESS:

HR/HQ, BHEL PSSR, 690-ANNA SALAI, NANDANAM, CHENNAI-600035,

15. The offer validity should be **90 days** from the date of opening of Tender. Offer shall be addressed to
MANAGER / P & S, BHEL, PSSR, 690 - ANNA SALAI, NANDANAM, CHENNAI- 600035.

16. Order of Precedence: In the event of any ambiguity or conflict between the Tender Documents, the order of precedence shall be in the order below:

- i) Amendments/Clarifications/Corrigenda/Errata etc. issued in respect of the tender documents by BHEL.
- ii) Notice Inviting Tender (NIT)
- iii) Special Conditions of Contract (SCC) – (ANNEXURE II)
- iv) Price SCHEDULE – (ANNEXURE III)
- v) General Conditions of Contract (GCC) — (Volume 1C)

All the bidders are requested to note that all the errata / technical clarifications / corrigendum / extension etc. shall be published in website www.bhel.com & <http://eprocure.gov.in>. As such, all the bidders are requested to be in continuous touch with these websites.

Agency	Contact Details	
BHEL - PSSR, Chennai	Address	6TH Floor, Periyar EVR building, Anna salai, Nandanam, Chennai – 600 035
	Name & Ph. no	T.E.BOOPATHI RAJAN (Asst. Engr. / Purchase) 044-28286874 SRITHARABOOPATHY (Manager/purchase) 044-24342458 / 28286874 / 28286875 SANDIPAN BISWAS (AGM/SCT & Purchase) 08602001217 / 044 28286757
	E-mail	ebraja@bhelpssr.co.in boopathy@bhelpssr.co.in,
MJUNCTION for Training & e-procurement assistance		For e-procurement assistance & training, bidders may contact M/s MJUNCTION Chennai Helpdesk phone no. 044-64624733/34/35 / Mobile : 098407 04941 Harish.Ramu@mjunction.in and +91 – 9163348286 / arijit.das@mjunction.in; papiya.banerjee@mjunction.in or M/s MJUNCTION Kolkata- 033-66011717 Mobile: 9163348283, 84, 85, 86 and 8584008205. Bidder can also download the Tender Documents from BHEL web site http://www.bhel.com and Central Public Portal http://eprocure.gov.in MJUNCTION Kolkata helpdesk phone no. 033-66011717 , between 9:30 am till 5:30 pm. Also refer to contact nos. mentioned in their website.

For BHARAT HEAVY ELECTRICALS LIMITED

ANNEXURE- A

Certificate by Chartered Accountant on letter head

This is to Certify that M/S

.....,
(here in after referred to as 'company') having its registered office at
..... is registered under MSMED Act 2006, (Entrepreneur
Memorandum No (Part-II)
dtd:..... , Category: (Micro /Small)). (Copy enclosed).

Further verified from the Books of Accounts that the investment of the company as per the
latest audited financial year as per MSMED Act 2006 is as follows:

1. For Manufacturing Enterprises: Investment in plant and machinery (i.e. original cost
excluding land and building and the items specified by the Ministry of Small Scale Industries
vide its notification No.S.O.1722€ dated October 5, 2006 :

Rs..... Lacs

2. For Service Enterprises: Investment in equipment (original cost excluding land and building
and furniture, fittings and other items not directly related to the service rendered or as may
be notified under the MSMED Act, 2006:

Rs..... Lacs

(Strike off whichever is not applicable)

The above investment of Rs Lacs is within permissible limit of Rs.....
.....Lacs for..... Micro / Small (Strike off which is not applicable) Category
under MSMED Act 2006.

Or

The company has been graduated from its original category (Micro/ Small) (Strike off which
is not applicable) and the date of graduation of such enterprise from its original category is
..... (dd/mm/yyyy) which is within the period of 3 years from the date of graduation of
such enterprise from its original category as notified vide S.O. No. 3322€ dated 01.11.2013
published in the gazette notification dated 04.11.2013 by Ministry of MSME.

Date:

(Signature)

Name-

Membership number –

Seal of Chartered Accountant