

Annexure A

Special Terms & conditions for Enquiry

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

1. Please quote your best rate (with 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. **Tender fees** – Applicable In case of Open Tender only, and if it is mentioned explicitly in the main inquiry sheet:

Suppliers must submit tender document fees of ` 200/- (Two hundred only) through online only. The procedure of depositing EMD/SD/Tender Fee is reiterated below:-

(i) For depositing amount online, depositor has to open SB-Collect through Online EPayment option available on Internet (<https://bpl.bhel.com/qcins/iccs.htm>).

(ii) After reading the instruction for depositing the amount; EMD & Tender Fee amount shall be deposited. EMD and Tender Fee may please be deposit together under EMD module where the EMD & Tender Fee both is applicable.

(iii) After the successful payment DU No shall be generated from the banking system.

(iv) After depositing the amount, Depositor has to fill Deposit slip available on Internet (www.bhelbpl.co.in under caption new link) by selecting required Enquiry number. Tender Fee and EMD may please be enter separately.

(v) As and when credit received in BHEL account, automatic mail sent to the depositor

Note: - After submitting the Deposit Slip a control number will be generated through system which can be used for getting print out from the system.

“EMD/SD/Tender Fee will be accepted only in electronic Mode, which can be deposited on line through following link as mentioned below : <https://bpl.bhel.com/qcins/iccs.htm>

E-receipt must be submitted along with offer.

Without tender fees offer shall be rejected. MSE suppliers are exempted from tender fees.

3. **PQC**: Technical PQC as per attachment (if mentioned in main enquiry sheet & Notice). Note: PQC is applicable (if mentioned in main enquiry sheet & Notice).

Test Certificate (TC) / Guarantee Certificate (GC) :-

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

4. **Startups and Micro & Small Enterprises** are exempted for above PQC clause for submission of PO and proof of supply of prior experience. Startup means an entity, incorporated or registered in India not prior to five years, with annual turnover not exceeding INR 25 crore in any preceding financial year, working towards innovation, development, deployment or commercialization of new products, processes or services driven by technology or intellectual property.

Provided that such entity is not formed by splitting up, or reconstruction, of a business already in existence.

Provided also that an entity shall cease to be a Startup if its turnover for the previous financial years has exceeded INR 25 crore or it has completed 5 years from the date of incorporation/ registration.

Bidders who have quoted as startups has to submit (1) Copy of incorporation / registration of their firm and (2) Audited (if audit is required as per norms) profit and loss account / Balance sheet etc. (Which shows annual turnover) of all financial year from date of incorporation / registration to 31st March 2020.

BHEL reserves the rights to reject the offer of suppliers who does not submit documents as per above.

5. **Payment term:-**

Full payment will be made within 90 days after receipt and acceptance of material in BHEL. For MSE suppliers, payment can be released within 45 days after receipt and acceptance of material in BHEL.

Note:- MSE suppliers can avail the intended benefit only if they submit Udyog Aadhaar Memorandum along with the offer (traders and agents cannot avail the benefits of MSE)

6. **Terms of Delivery:-**

Terms of delivery should be F O R Destination on Door delivery basis at CRX, BHEL Bhopal to be preferable. If there are any deviation please mentioned in Part – A (Technocommercial bid) of your offer otherwise it shall be taken FOR destination.

if you quote Ex-Works, freight by BHEL or Ex-Works, your quotation will be commercially rejected.

7. **Delivery Period:-**

Please mention your best delivery period in your quotation for the lot wise qty shown in enquiry. If delivery period not mentioned in your quotation it shall be taken as per NIT condition from the date purchase order/ LOI.

BHEL reserves the rights to reject the offer of suppliers who does not accept delivery schedule as per tender requirement.

8. **Validity of offer:**

Validity of offer must be clearly mentioned in your quotation. If not mentioned, it shall be as taken 90 days from the date of opening of tender.

9. **Liquidated Damages / Penalty Clause:-**

Subject to force majeure conditions, LD shall be 0.5% of the total order value per week of delay or part thereof, subject a maximum of 10% of the total order value. In case of staggered delivery

schedule, LD shall be 0.5% of the undelivered portion per week or part thereof subject to a maximum of 10% of the total order value.

Any loading on LD clause shall be to the extent to which it is not agreed to by the bidder (at offered value).

10. Test Certificate (TC):-

Supplier to furnish Test Certificate (TC) at the time of each supply. 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.

11. Item type and HSN Code:-

Kindly mentioned item type i.e. (1) Supply or (2) Trading and HSN code in your offer.

12. Availing Input Tax Credit (ITC) by BHEL :-

ITC can be availed only when BHEL is in possession of GST tax invoice and after receipt of goods. So, goods should be supplied and Tax invoice should be submitted timely.

Further ITC can be availed only when vendor has declared such invoice in his outward supply Return GSTR-1 and after GST thereon has been paid by him at the time of filling of monthly Return.

GST portion of invoice shall be released only upon:-

(1) Vendor declaring such invoice in his GSTR-1,

(2) Receipt of good and Tax invoice by BHEL,

(3) Confirmation of payment of GST thereon by vendor on GSTN portal,

(4) Alternatively, BG of appropriate value shall be submitted by vendor which shall be valid atleast one month after the confirmation of date of payment of GST by vendor on GSTN portal and receipt of tax invoice and receipt of goods, whichever is later.

(5) Above is subject to receipt of goods/service and tax invoice thereof along with vendor declaring invoice in his return and paying GST within timeline prescribed for availing ITC by BHEL. 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 such 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 along with interest levied / leviable on BHEL.

Payment covering GST portion including interest thereon gets released to vendor only upon completion of above requirement.

13. Inspection:-

Inspection will be carried out at BHEL, Bhopal only. However, BHEL will inspect at supplier's works if required.

14. The evaluation currency for this tender shall be INR.

15. Un-registered suppliers of BHEL, Bhopal :-

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

(1) Copy of PAN no.

(2) Copy of GSTIN, if applicable.

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://www.bhelbpl.co.in/mm/>

16. "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."

17. Make In India: For this procurement, Public Procurement (Preference to Make in India), Order 2017 dated 15.06.2017 & 28.05.2018 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.

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.

18. Refer to clause 29-B of General Terms and Conditions of Enquiry (BP200102). Following changes have taken place:-

(1) Reserved quantity for MSEs quoting within L1+15% price band to be increased to 25% from existing 20%.

(2) Minimum of 3% reservation for women owned MSEs within the above mentioned 25% reservation.

(3) Increase in procurement target from MSEs owned by SC/STS from the existing 4% to 6.25%.

(4) 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.

19. 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.

20. Self-Certification and Compliance of Rule 144 (xi) in the General Financial Rules (GFRs), 2017 and 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 .

21. 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.

22. Refer GTC BP_200102 (latest revision available at following link - <https://bpl.bhel.com/mm/>)

All the above points must be explicitly confirmed in the “Part A” of offer. If any point not confirmed 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 tender item (s) and submit valid MSE certificate (Udyam / NSIC etc.) along with the offer.