



## **NOTICE INVITING E-TENDER (NIT)**



**NHPC LIMITED**  
**(A Govt. of India Enterprise)**  
**CIN: L40101HR1975GOI032564**

**PRESS NOTICE INVITING E-TENDER**

**Tender ID:** 2023\_NHPC\_734424\_1

**Dated:** 11.01.2023

Online electronic bids are invited by NHPC Limited Faridabad, India hereinafter referred to as “the Owner” through International Competitive Bidding (ICB) in Single Stage-Two Part Bidding Basis(i.e. Part-I QR + Technical-Bid and Part-II: Financial Bid) with e-Reverse auction (e-RA) from eligible bidders for **Lot-5C Hydromechanical works Package for Pressure Shaft Steel Liners comprising of Design, Preparation of all Detailed Drawings, Procurement, Fabrication / Manufacturing, Inspection, Shop Assembly & Testing, Painting, Transportation, Site Storage And Site Erection, Testing and Commissioning of Pressure Shaft Steel Liners for Power House of Dibang Multipurpose Project , 2880 MW , located in Lower Dibang Valley District in the State of Arunachal Pradesh, India.**

Complete NIT and Tender Documents can be downloaded and submitted through the portal <https://eprocure.gov.in/eprocure/app>. The site can also be viewed through e-procurement corner of NHPC website [www.nhpcindia.com](http://www.nhpcindia.com) and CPP Portal. The last date of online submission of bids is 01.03.2023 (17:00 Hrs). The date and time for e-Reverse Auction shall be intimated separately by NHPC For further details, please visit <https://eprocure.gov.in/eprocure/app>. Bidders shall register themselves on the website to submit their bids. Subsequent amendments, if any, shall be posted only on the aforesaid websites, hence Bidders are advised to visit websites regularly.

**General Manager (CC-I)**  
Email: [contcivil1-co@nhpc.nic.in](mailto:contcivil1-co@nhpc.nic.in)

**NHPC LIMITED**  
**(A Govt. of India Enterprise)**  
**CIN: L40101HR1975GOI032564**

**NOTICE INVITING E-TENDER**  
**International Competitive Bidding**

1. Online Bids are invited by NHPC Limited hereinafter referred to as “the Owner” through **International Competitive Bidding in Single Stage -Two Part Bidding** Basis (i.e. Part-I: QR + Technical- Bid and Part-II: Financial Bid) with e-Reverse Auction (e-RA) from eligible bidders for **LOT-5C Hydro-mechanical Works Package for Pressure Shaft Steel Liners comprising of Design, Preparation of all Detailed Drawings, Procurement, Fabrication / Manufacturing, Inspection, Shop Assembly & Testing, Painting, Transportation, Site Storage And Site Erection, Testing And Commissioning of Pressure Shaft Steel Liners for Power House) of Dibang Multipurpose Project , 2880 MW , located in Lower Dibang Valley District in the State of Arunachal Pradesh, India.”** as briefly described hereunder:

i)	Tender Specification No.	NH/CC-I/CO-238/PR-12921/35
ii)	Tender ID	<b>2023_NHPC_734424_1</b>
iii)	Mode of tendering	e-Procurement System (online)  Cover- I - Qualification Particulars and Techno-Commercial Bid Cover- II - Price Bid through web portal of Central Public Procurement Portal <a href="http://eprocure.gov.in/eprocure/app">http://eprocure.gov.in/eprocure/app</a>
iv)	Scope of the Works	Design, Preparation of all Detailed Drawings, Procurement, Fabrication / Manufacturing, Inspection, Shop Assembly & Testing, Painting, Transportation, Site Storage And Site Erection, Testing And Commissioning of Pressure Shaft Steel Liners for Power House) of Dibang Multipurpose Project , 2880 MW , located in Lower Dibang Valley District in the State of Arunachal Pradesh, India
v)	Estimated Cost	<b>INR 668.91 Crores.</b>
vi)	Time for Completion	<b>40 months</b>
vii)	i) Earnest Money Deposit/Bid Security  ii) Tender Document Fees (non-refundable) by way of DD.	i) <b>US\$ 0.82 Million or INR 6.7 Crores</b> ii) Rs. 20000/- (INR Twenty Thousand Only) in favour of NHPC Limited, Faridabad
viii)	NIT Issue date & Tender View Date and time	11.01.2023 (18:00 Hrs)

ix)	Last date of Receipt of clarification of Bid	27.01.2023(17:00 Hrs)
x)	Date & Venue of Pre bid Conference	30.01.2023 (11:00 Hrs) NHPC OFFICE COMPLEX, SECTOR-33, FARIDABAD, HARYANA, INDIA-121003
xi)	Date of Starting of submission of e-Tender for online Techno-Commercial Bid and price Bid at <a href="http://eprocure.gov.in/eprocure/app">http://eprocure.gov.in/eprocure/app</a>	20.02.2023 (11:00Hrs)
xii)	Deadline for submission of online Techno-Commercial Bid & Price Bid.	01.03.2023 (17:00 Hrs)
xiii)	Deadline for submission of Hard Copy (Offline documents) to Tender Inviting Authority	13.03.2023(15:00 Hrs)
xiv)	Venue, Date & time of opening of online and offline bids:  a) Part-I - Techno-Commercial Bid  b) Part II - Price Bid	<u>Venue:</u> O/o General Manager(CC-I), Contracts-Civil Division, 2nd Floor, Jyoti Sadan, NHPC Office Complex, Sector-33, Faridabad-121003 (Haryana)  a) 13.03.2023 (15:30 Hrs)  b) Date and Time to be intimated later to the bidders whose Techno-commercial bids will be found responsive
xv)	Date & Time of Start of e-Reverse Auction	Shall be intimated separately by NHPC
xvi)	Tender Inviting Au O/o thority	<b>General Manager (CC-I),</b> Contracts-Civil Division, 2nd Floor, Jyoti Sadan, NHPC Office Complex, Sector-33, Faridabad-121003 (Haryana), E-mail: contcivil1-co@nhpc.nic.in

1.1 Complete tender can be viewed and submitted through Central Public Procurement Portal <http://eprocure.gov.in/eprocure/app> (link to reach at site is also available at tender corner as 'eProcurement' at [www.nhpcindia.com](http://www.nhpcindia.com)). Bids shall be submitted online at CPPP website only i.e. at <http://eprocure.gov.in/eprocure/app>. Bidders are advised to follow the instructions provided in the 'Instructions to the Bidders' for the e-submission of the bids online through the Central Public Procurement Portal.

## 2 Special Instructions to Bidders for E-tendering:

### 2.1 Registration:

- i) Bidders are required to enroll on the e-Procurement module of the Central Public Procurement Portal by using the "Online Bidder Enrollment" option available on the home page. **Enrolment on the CPP Portal is free of charge.**
- ii) During enrolment/ registration, the bidders should provide the correct/ true information including valid email-id & mobile no. All the correspondence shall be made directly with the contractors/ bidders through email-id provided.

- iii) As part of the enrolment process, the bidders will be required to choose a unique username and assign a password for their accounts.
- iv) For e-tendering possession of valid Digital Signature Certificate (Class II or Class III Certificates with signing key usage) is mandatory which can be obtained from SIFY /nCode/eMudra or any Certifying Authority recognized by CCA India on eToken/ SmartCard.
- v) Upon enrolment on CPP Portal for e-tendering, the bidders shall register their valid Digital Signature Certificate with their profile.
- vi) Only one valid DSC should be registered by a bidder. Bidders are responsible to ensure that they do not lend their DSCs to others which may lead to misuse and should ensure safety of the same.
- vii) Bidders can then log into the site through the secured login by entering their user ID/ password and the password of the DSC/ eToken.

## 2.2 Searching for Tender Documents:

- i) There are various search options built in the CPP Portal, to facilitate bidders to search active tenders by several parameters. These parameters could include Tender ID, Organization Name, Location, Date, Value, etc. There is also an option of advanced search for tenders, wherein the bidders may combine a number of search parameters such as Organization Name, Form of Contract, Location, Date, other keywords etc. to search for a tender published on the CPP Portal.
- ii) Once the bidders have selected the tenders they are interested in, they may download the required documents/ tender schedules. **These tenders can be moved to the respective 'My Tenders' folder.** This would enable the CPP Portal to intimate the bidders through SMS/ e-mail in case there is any corrigendum issued to the tender document.
- iii) The bidder should make a note of the unique Tender ID assigned to each tender, in case they want to obtain any clarification/ help from the Helpdesk.

## 2.3 Preparation for submission of Bid:

The Techno-Commercial Bid and Price Bid to be submitted on-line at <https://eprocure.gov.in/eprocure/app>.

- i) For preparation of bid Bidders shall search the tender from published tender list available on site and download the complete tender document and should take into account corrigendum if any published before submitting their bids.

After selecting the tender document same shall be moved to the 'My favourite' folder of bidders account from where bidder can view all the details of the tender document.

- ii) Bidder shall go through the tender document carefully to understand the documents required to be submitted as part of the bid. Bidders shall note the number of covers in which the bid documents have to be submitted, the number of documents – including the names and content of each of the document that need to be submitted. Any deviations from these may lead to rejection of the bid.
- iii) Any pre-bid clarifications if required, then same may be obtained online through the tender site, or through the contact details given in the tender document.
- iv) Bidders should get ready in advance the bid documents in the required format (PDF/xls/rar/dwf/jpg formats) to be submitted as indicated in the tender document/schedule. **Bid documents may be scanned with 100 dpi with black and white option which helps in reducing size of the scanned document.**

- v) Bidders can update well in advance, the documents such as experience certificates, annual report, PAN, EPF & other details etc., under “My Space/ Other Important Document” option, which can be submitted as per tender requirements. This will facilitate the bid submission process faster by reducing upload time of bids.

#### 2.4 Submission of Bids:

- i) Bidder should log into the site well in advance for bid submission so that he/ she upload the bid in time i.e. on or before the bid submission time.
- ii) Bidder should prepare the Tender Fee and EMD as per the instructions specified in the NIT/ tender document. The details of the DD/BC/BG/ others physically sent, should tally with the details available in the scanned copy and the data entered during bid submission time. Otherwise the uploaded bid will be rejected.
- iii) While submitting the bids online, the bidder shall read the terms & conditions (of CPP portal) and accepts the same in order to proceed further to submit their bid.
- iv) Bidders shall select the payment option as offline to pay the Tender Fee/ EMD and enter details of the DD/BC/BG/others.
- v) Bidder shall digitally sign and upload the required bid documents one by one as indicated in the tender document.
- vi) Bidders shall note that the very act of using DSC for downloading the tender document and uploading their offers is deemed to be a confirmation that they have read all sections and pages of the tender document without any exception and have understood the complete tender document and are clear about the requirements of the tender document.
- vii) Bid documents may be scanned with 100 dpi with black and white option which helps in reducing size of the scanned document. For the file size of less than 1 MB, the transaction uploading time will be very fast.
- viii) If price quotes are required in XLS format, utmost care shall be taken for uploading Schedule of quantities & Prices and any change/ modification of the price schedule shall render it unfit for bidding.

Bidders shall download the Bill of Quantities, in XLS format and save it without changing the name of the file. Bidder shall quote their rate in figures in the appropriate cells, thereafter save and upload the file in financial bid cover (Price bid) only. If the template of Bill of Quantities file is found to be modified/corrupted in the eventuality by the bidder, the bid will be rejected and further dealt as per provision of the tender document.

- ix) The bidders are cautioned that uploading of financial bid elsewhere i.e. other than in Cover-II will result in rejection of the tender.
- x) Bidders shall submit their bids through online e-tendering system to the Tender Inviting Authority (TIA) well before the bid submission end date & time (as per Server System Clock). **The TIA will not be held responsible for any sort of delay or the difficulties faced during the submission of bids online by the bidders at the eleventh hour.**
- xi) After the bid submission (i.e. after Clicking “Freeze Bid Submission” in the portal), the bidders shall **take print out of system generated acknowledgement** number, and keep it as a record of evidence for online submission of bid, which will also act as an entry pass to participate in the bid opening.
- xii) Bidders should follow the server time being displayed on bidder’s dashboard at the top of the tender site, which shall be considered valid for all actions of requesting, bid submission, bid opening etc., in the e-tender system.

- xiii) All the documents being submitted by the bidders would be encrypted using PKI (Public Key Infrastructure) encryption techniques to ensure the secrecy of the data. The data entered cannot be viewed by unauthorized persons until the time of bid opening. The confidentiality of the bids is maintained using the secured Socket Layer 128 bit encryption technology.
- xiv) After submission of the bid, the bidder can re-submit revised bid any number of times but before stipulated deadline for submission of bid. The bidders are advised not to withdraw their bids as once the bid is withdrawn, they cannot participate in same tender again.

## 2.5 Assistance to Bidders:

- i) Any queries relating to the tender document and the terms and conditions contained therein should be addressed to the Tender Inviting Authority for a tender or the relevant contact person indicated in the tender.
- ii) Any queries relating to the process of online bid submission or queries relating to CPP Portal in general may be directed to the 24X7 CPP Portal Helpdesk Number 0120-4001002, 0120-4001005, 0120-6277787 (International Bidders are requested to prefix +91 as country code) E-mail: [support-eproc\[at\]nic\[dot\]in](mailto:support-eproc[at]nic[dot]in).

## 2.6 Four Key Instructions for Bidders:

The following ‘**Four Key Instructions for Bidders**’ must be assiduously adhered to:-

- i) Obtain individual Digital Signature Certificate (DSC or DC) well in advance of tender submission deadline.
- ii) Register your organization on CPPP well in advance of tender submission deadline.
- iii) Get your organization’s concerned executives trained on CPPP well in advance of tender submission deadline.
- iv) Submit your bids well in advance of tender submission deadline on portal (There could be last minute problems due to internet timeout, breakdown, etc.) While the first three instructions mentioned above are especially relevant to first-time users of portal, the fourth instruction is relevant at all times.

**Note: Electronic procurement system will not allow any bidder to place their bids after the expiry of scheduled date & time. NHPC/ NIC/ CPPP shall not be responsible for any delays / problems related to bandwidth, connectivity etc., which are beyond the control of the NHPC/ NIC/ CPPP.**

## 3. Eligible Bidders

**3.1.1** Bids from those bidders who have not paid the Tender fee shall not be considered.

**3.1.2** Bidders shall not be under declaration of ineligibility for banning/ de-listing/ black listing/ debarment from business on the ground mentioned in para 6 of Guidelines on Banning of Business dealings (Annexure-A) to Integrity Pact (Article.2.3 of ITB) at the time of submitting the bid and shall intimate immediately of any such banning/de-listing/black-listing /debarment after submission of bid till award of Tender. Self-Declaration in this regard is to be submitted as per the enclosed Proforma (Attachment-7, of Volume-5 : Forms & Procedures).

- 3.1.3 Bidder declared ineligible by the Owner for his unsatisfactory performance in the past contract (s) of similar nature with the Owner, will not be considered as eligible bidder, till completion of ineligibility period.
- 3.1.4 The bidder(s) shall include the following information and documents with their bids in, Qualification Information unless otherwise stated in the ITB:
- Copies of original documents defining the constitution or legal status, place of registration, and principal place of business; written power of attorney of the signatory of the Bid to commit the Bidder. Additional information as sought in the Eligibility Form-1 'General Information', ITB shall be provided;
  - Work experience to demonstrate meeting the criteria stipulated in ITB clause 2.2 shall be provided in Eligibility/ Qualification Form - 2, 2A, 2B, 3, 3A, 3A1, of ITB. The specific experience shown shall be supported with certificate(s) from the Owner/Employer/ Client of the concerned work.
  - Information on financial criteria stipulated in ITB clause 2 shall be furnished in Eligibility Form-6 of ITB. Documentary evidence in support of the financial criteria shall be submitted to ascertain bidder's meeting the financial criteria.
  - Other requisite information shall be furnished in Eligibility Form-5, 5A, 7 & 8 of ITB.
- 3.1.5 The Employer may impose certain restrictions on the foreign companies participating in any form and their employees in view of the National Security, in the Project situated in the sensitive region and border areas. The Employer shall obtain clearance of Govt. of India regarding security implications prior to qualification of such company. Bidders shall be required to provide Company information for Security Clearance as per format provided in Eligibility Form 1A. NHPC Ltd. would evaluate and determine the optimum number of foreign employees required to be deployed at the works site, being awarded or sub-contracted to foreign companies, keeping in view the requirements of works, location and technical necessities. The number of foreign employee would be kept to the minimum and shall be limited to only technical/supervisory staff. The foreign company shall provide the details of foreign nationals (passports details, job profile/expertise, location and duration of stay etc.) proposed to be engaged at Site.

## 3.2 QUALIFICATION CRITERIA

The qualification will be subject to Bidder's fulfilment of the Qualification Criteria set and stipulated hereunder, substantiated by authentic and relevant information and details. Additional information in support of their claims of achievements may be furnished in any form of their device and design. The Bidder(s) who wish to apply for Tender for the aforesaid work must satisfy the following qualifying criteria:

### 3.2.1 GENERAL EXPERIENCE:

Experience as prime contractor or as partner in a Joint Venture or Sub-Contractor approved by the Employer of executing at least one Hydro-mechanical work of contract value in **INR 334 Crore** (equivalent or more) or **US\$ 40 million** (equivalent or more) in last twenty five (25) years (the start and completion date for General experience should fall within the preceding twenty five(25) years reckoned from the last day of the month previous to the one in which Tender is invited).

### 3.2.2 SPECIFIC EXPERIENCE:

The Bidder should have successful experience as Sole Contractor or Partner of the JV or Sub-Contractor approved by the employer for executing relevant designing, manufacturing, installation, testing & commissioning of the following Hydro Mechanical work item in the preceding twenty five (25) years. The start and completion date for Specific experience should fall within the preceding twenty five (25) years reckoned from the last day of the month previous to the one in which Tender is invited.

#### (i) Steel Liner for Pressure Shaft

- (a) Designing, Fabrication / Manufacturing, erection, testing and commissioning of Steel Liner for Shaft with  $D \times H \geq 1327 \text{ m}^2$

“D” denotes maximum inside diameter in meter of a steel liner

“H” (for steel liner) denotes the max design head in meter.

Note:

1. The evaluation of bidder’s specific construction experience for a work executed on JV/Consortium basis shall be based on his role and scope of work in such Joint Ventures/Consortium. To establish his role and scope of work in such Joint Ventures/Consortium contracts, the bidder(s) shall provide documentary evidence such as JV Agreement / Contract Agreement for the work along with Work Completion Certificate issued by the employer/client against experience claimed by him. In case the quantum of work as per experience certificate does not match with the scope of work as defined in the JV/Consortium Agreement, then the experience credentials shall be considered as per the experience certificate issued by the employer/client.
2. For the work executed as a sub-contractor, full experience for same can be claimed by the sub-contractor for fulfilling criteria for evaluation of bidder’s specific experience. For establishing such experience the bidder shall provide documentary evidence such as Work Completion Certificate issued by the employer/client against experience claimed by him
3. Experience of Supervision of erection, testing and commissioning of bidder shall be considered at par with own erection, testing and commissioning.

### 3.2.3 FINANCIAL CAPACITY:

#### (i) Turnover:

The bidder should have minimum average annual construction turnover of **US\$ 36.16 million** or equivalent over the preceding three (03) years.

#### (ii) Net Worth:

The Net Worth of the Bidder on the closing day of any 03 (three) Financial years out of last 05 (five) years should be positive.

‘Net Worth’ means the aggregate value of the paid-up share capital and all reserves created out of the profits, securities premium account and debit or credit balance of profit and loss account, after deducting the aggregate value of the accumulated losses, deferred expenditure and miscellaneous expenditure not written off, as per the audited balance sheet, but does not

include reserves created out of revaluation of assets, write-back of depreciation and amalgamation.

For assessment, relevant pages of Annual Report containing Net Worth figure duly certified by Authorized representative of Bidders, otherwise, figure duly authenticated by the Statutory Auditors should be submitted.

**(iii) Working Capital:**

Bidders should have minimum working capital (current assets minus current liabilities) of **US\$ 4.02 million or equivalent.**

For this purpose current assets and current liabilities will be considered as classified in the audited balance sheet for the year immediately preceding the date of opening of Bids. In case current assets and/or current liabilities are not classified separately in audited Balance Sheet, a certificate from Statutory Auditor/CPA carrying out the Statutory Audit, from current Assets and/or current liabilities, as the case may be, clearly defining the items considered for the same, should be enclosed. However, trade payables shall be part of current liabilities. If the Working Capital calculated from the audited Balance Sheets is negative then such working capital shall be treated as zero. In case there is a shortfall in the Working Capital as per this, the unutilized Cash Credit Limits sanctioned to the Bidder by the Banks/Financial Institutions of international repute shall be considered to meet the shortfall.

The statement displaying Cash Credit limits should not be more than three months old as on the last date for submission of Bids.

Notes:

- (i) Other income shall not be considered for arriving at the Annual Construction Turnover.
- (ii) The Bidder's financial evaluation vis a vis the requirement as stipulated above shall be done on the basis of duly printed (offset) Annual Report for the immediately preceding 5 (five) years submitted by the Bidder along with the Bid. Further, standalone audited Annual Financial Statement of the Bidder shall be forming part of the Annual Report.

In case, if the Bidder has not submitted the above Annual Report along with the Bid, then a certificate from CEO/CFO of the Bidder shall be submitted along with Bid mentioning that the requirement of Annual Report as per governing law of country is not mandatory. In such cases duly notarized copies of Audited Printed Annual Financial Statement (Balance Sheet, Profit & Loss Statement, cash flow statement, Auditor's Report thereon including all relevant Schedules/ annexure etc.) for the immediately preceding 5 (five) years be submitted by the Bidder along with the Bid.

- (iii) In case where Audited financial results for the immediately preceding year are not available, then a statement of account as on the closing date of the immediately preceding financial year depicting the Turnover and Net Worth (calculated as per laid down criteria) duly certified by their Statutory Auditor/ Certified Public Accountant carrying out the statutory audit shall be enclosed with the Bid along with copy of appointment letter of the statutory auditor.
- (iv) Wherever, the Annual Report/ duly notarized copies of Audited Printed Annual Financial Statement are in language other than English, then copy duly translated

& printed in English language and certified by approved/ recognized English translator shall be submitted with the Bid.

- (v) In addition to above wherever audited printed Annual Financial Statement contain turnover pertaining to other activities besides relevant turnover of Bidder and breakup of relevant turnover is not directly available from such financial statements, then statement of account depicting the relevant turnover for that year duly certified by their Statutory Auditor/CPA carrying out the statutory audit shall also be enclosed with the Bid.
- (vi) The Statement of Account depicting the Turnover and Net Worth should be certified by their Statutory Auditor carrying out the statutory audit by generating Unique Document Identification Number (UDIN) as per Gazette Notification No.1-CA (7)/192/2019 dated 02.08.2019).
- (vii) The qualification given by Statutory Auditors on the Financial Statements which have impact on Net Worth, Turnover, Working Capital or any other financial item shall be taken into account for calculating the above financial parameters of Qualifying Criteria.
- (viii) For conversion to US\$ the exchange rate at the end of the respective accounting year shall be considered.
- (ix) For evaluation of the Financial Criteria, the annual reports up to Financial Year 2021-22 shall be considered. Wherever the annual reports are prepared for Calendar Year, then the reports up to 2021 shall be considered. For evaluation of financial parameters, Financial Year 2020-21 is not to be considered, being an exceptional year due to outbreak of COVID-19.

### 3.2.4 BID CAPACITY:

The available Bid Capacity of the bidder assessed at the time of submission of price bid, calculated as under should not be less than US\$ 80.35 Million.

Available Bid Capacity =  $(2.0 \times A \times N) - B$ ,

Where;

A = Maximum value of works executed in any one year during last 3 years.

N = Number of years prescribed for completion of the subject Contract Package (i.e., N= 40/12)

B = Value of existing commitments (as on last date of bid submission) and ongoing works to be completed in the next '40/12' years.

### 3.2.5 BIDS OF ANY INSOLVENT FIRM:

The Bidder against whom an application for initiating corporate insolvency resolution process has been admitted by the Adjudicating Authority under the Insolvency and Bankruptcy code 2016, or as amended from time to time shall not be eligible for bidding. The same shall also be applicable to the bidder company who has taken unconditional technical and/or financial support from their Parent/Holding Company, against whom an application for initiating corporate insolvency resolution process has been admitted by the Adjudicating Authority under the Insolvency and Bankruptcy Code 2016, or as amended from time to time (IBC 2016 hereafter).

In case, bidder in respect of whom any application for initiating corporate insolvency resolution process was not admitted at the time of submission of bid but subsequently

during the period of evaluation of bids or any time before the work is awarded, any such application is admitted by the Adjudicating Authority under the IBC 2016, the bidder shall be considered as ineligible and his bid shall be rejected.

An undertaking that “no insolvency proceeding is admitted by the Adjudicating Authority against bidder under the IBC 2016” shall be submitted on letter head duly signed by the authorized representative of bidder/.

Further, the bidder after submitting the bid till the time of award of work, shall inform NHPC regarding any admission of application for corporate insolvency resolution process by the Adjudicating Authority under the IBC 2016 against bidder and any suppression of such fact shall render the bidder liable for rejection of his bid and banning of business dealing as per terms and conditions of Guidelines of banning of business dealings under Integrity Pact.

### **3.2.6 APPLICATIONS/ BIDS BY MERGED/ ACQUIRED/ SUBSIDIARY COMPANIES:**

In case of Bidder Company, formed after merger and/ or acquisition of other companies, past experience and other antecedents of the merged/acquired companies will be considered for qualification of such Bidder Company provided such Bidder Company continues to own the requisite assets and resources of the merged/ acquired companies needed for execution and successful implementation of the work package put to tender.

Similarly, if the Bidder Company is a subsidiary company and applies for qualification on the unconditional technical and financial strength of the Parent/ Holding company, the same shall be considered provided the Parent/ Holding company commits to sign a Separate Agreement with NHPC in the prescribed Format confirming full support for the technical and financial requirements of the Subsidiary Company and commits to take up the work itself in case of non-performance by the Subsidiary Company in the event of award of the work to the Bidder Subsidiary Company. An undertaking by the Parent/Holding Company to this effect shall be submitted alongwith the bid (in the Prescribed Format). A subsidiary company intending to tender/pre-qualify on the strength of Parent / Holding Company shall not be allowed to participate as a ‘Sub-Contractor’.

For the purpose stated herein above in this Para, ‘Parent Company’ shall mean the ‘Holding Company’ owning majority (more than 50%) shares of such Bidder (Subsidiary) Company. Similarly by extensions of this interpretation, if “A” is owned by a ‘ Holding Company’ “B” which in turn is owned by another Holding Company “C” then “C” is construed as the ‘Parent Company’ of “A” as well as and so on. An apex ‘Parent Company’ may own number of independent Subsidiary / Group Companies and if any of these Subsidiary/Group Company commits assured support and unhindered access to its assets and resources to another Subsidiary/Group Company (Bidder in this case) under the same apex ‘Parent Company’ then experience and other credentials of such Subsidiary/Group Company shall also be considered for qualification of the Bidder Subsidiary Company provided such commitment is evidenced /authorised and guaranteed by the apex ‘Parent Company’.

In case Bidder Company (Subsidiary Company) gets qualified and awarded the work package, the Parent company/Holding Company will be required to furnish an additional performance bank guarantee of value equivalent to (3%) three percent of the Contract Price, in addition to normal Performance Bank Guarantee to be submitted by the Bidder Company

to the Employer besides entering into a separate Agreement (in the requisite Format). The experience of the subsidiary companies of the Parent/ Holding Company will be considered experience of the Parent/ Holding Company.

However, for fulfilment of financial criteria, financial evaluation vis-à-vis the requirement as stipulated above shall be done on the basis of consolidated printed Annual Report for the immediately preceding 5 (five) years of the Parent Company/Apex Parent Company submitted by the Bidder along with the Bid.

### 3.3 Signing of Integrity Pact:

To improve transparency and fairness in the tendering process NHPC is implementing Integrity Pact and same shall be applicable to this tender.

The Integrity Pact, signed by all the prospective Bidders and NHPC Ltd., shall commit the persons/ officials of both the parties, not to exercise any corrupt/ fraudulent/ collusive/ coercive practices in the Tendering process. On award of the tender, the Integrity Pact shall be signed by the successful bidder and the Owner and commit the persons/ officials of both the parties, not to exercise any corrupt/ fraudulent/ collusive/ coercive practices during implementation of the Contract. Only those Bidders who have entered into Integrity Pact with NHPC Ltd. shall be eligible to participate in the bidding process. Entering into Integrity Pact as per Performa provided in Tender Document is a basic qualifying requirement.

To oversee the compliance of obligations under the Integrity Pact, Sh. Sutanu Behuria and Sh. Rakesh Kumar Agarwal have been appointed as Independent External Monitor(s) (IEMs) by NHPC Ltd.

<i>Sh. Sutanu Behuria, IAS (Retd.) 602-A, Beverly Park-1, MG Road, DLF Phase-2, Gurugram, Haryana-122009 E-mail: iem.nhpc@gmail.com</i>	<i>Sh. Rakesh Kumar Agrawal, CES (Retd.) A-15, Ground Floor, South Extension Part-II, New Delhi-110049 E-mail: iem.nhpc@gmail.com</i>
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Integrity pact is to be executed on plain paper at the time of submission of bid, irrespective of whether it is from Foreign/ Indian Bidder. The successful bidder (contractor) shall submit duly executed Integrity Pact on Non-judicial Stamp Paper of appropriate value as per stamp act applicable in the state of Haryana, India prior to signing of Contract Agreement.

4. Bids of only those prospective Bidders who have downloaded the Bid Documents and are meeting the Eligibility Criteria specified above will only be considered for further evaluation and award of the Contract. Bidders will submit requisite supporting documents and testimonials with their Bids to prove their credentials and claim of meeting the Eligibility Criteria. NHPC Ltd. will, check and ascertain whether the bidder fulfils the Qualifying Criteria specified. In case, the qualifying criteria is not found met as per the requirement of tender document, the Bid of such bidder shall be considered as non-responsive and their Price Bid shall not be opened.
5. The Owner reserves the right to accept or reject any bids, or cancel/ withdraw invitation to bid for any reason including national defense and security considerations, and annul the bidding process and reject all Bids at any time prior to the award of Contract, without

thereby incurring any liability to the affected Bidder(s). However, the bidder(s), who wish to seek reason for such decision of cancellation/rejection, shall be informed of the same by Owner unless its disclosure reasonably could be expected to affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the state, relation with foreign State or lead to incitement of an offence.

6. Further, bidders from countries which share land border with India (except to which the Government of India has extended line of credit or in which the Government of India is engaged in development projects as mentioned in order Public Procurement No.2 dated 23.07.2020 or its subsequent revisions/amendments), shall comply with the provisions of “Restrictions under Rule 144(xi) of the General financial Rules (GFRs) 2017” dated 23.07.2020 and its subsequent amendments.

7. **Purchase Preference to Make in India suppliers: Order 2017:**

Provisions of Public Procurement (Preferences to Make in India) Order 2017 notified vide Order No: P-45021/2/2017-BE-II dated 15.06.2017 of DIPP as amended by order No. P-45021/2/2017-BE-II dated 28.05.2018, order No. P-45021/2/2017-BE-II dated 29.05.2019 order No. P-45021/2/2017-BE-II dated 04.06.2020 , order No. P-45021/2/2017-BE-II dated 16.09.2020 and any subsequent amendments shall be applicable in this tender.

Bidders seeking benefits under preference to Make In India (linked with Local Content) shall have to comply with the provisions specified under the Public Procurement (Preference to Make In India) Order 2017 and any subsequent amendments. Bidders shall provide self-certificate / certificate from the statutory auditor or cost auditor of the company (in the case of companies) or from a practising cost accountant or practising chartered accountant (in respect of suppliers other than companies), indicating whether they are class-I local supplier / class-II local supplier and the offered items meet the local content requirement of the same. They shall also indicate percentage of local content for the item and give details of the locations at which the local value addition is made. Public Procurement (Preferences to Make in India) Policy (including its latest modifications/amendments) as may be prevailing on the date of Price Bid Opening shall be applicable against this tender. Bidders are requested to go through the Public Procurement (Preferences to Make in India) policy.

8. Online submission of the Bids (incl. attachments) will not be permitted on the portal after expiry of submission time and the Bidders shall not be permitted to submit the same by any other mode. In such case, even if the bidder has submitted the specific documents in hard copy(ies) in original within the stipulated deadline, its bid shall be considered as late and shall not be considered at all any further. Offline documents, if received by the Owner after the deadline for submission of hardcopies, then it will be considered as late bid even if the bidder has uploaded the bid online with in the deadline. In such a case, the bid uploaded on the portal shall not be considered at all any further.
9. Bids will be opened as per the schedule at the aforesaid venue. In case the office happens to be closed on the date of opening of bid as specified, the same will be opened on the next working day at the same time and venue.
10. Tenderer who has downloaded the tender from the NHPC website nhpcindia.com or Central Public Procurement Portal (CPPP) website <https://eprocure.gov.in/eprocure/app>, shall not tamper/modify the tender document including downloaded price bid template in any manner. In case if the same is found to be tempered/modified in any manner, tender will be completely rejected and EMD would be forfeited and tenderer is liable to be banned from doing business with NHPC.

11. The bids, as well as all correspondence and documents relating to the qualification exchanged by the bidders and the Client, shall be in the English language.
12. The details/ information regarding online tendering i.e. Registration on CPP portal, Preparation of Bid and Submission of bid are available in the tender document.
13. Any corrigendum/modification to tender documents shall be published in NHPC/ CPP (e-Procurement service provider) website only and the bidders are advised to visit the site regularly before deadline for submission of bids.
14. In case of any difference between wordings of English and Hindi version of 'Notice Inviting Tender', English version shall prevail.

**Note: Mere downloading of Bid document to/by prospective Bidder shall not be construed that such a bidder automatically fulfills the prescribed eligibility criteria. Whether the bidder meets the specific eligibility criteria or not, shall be checked or ascertained, on opening their bids by scrutinizing documentary evidences furnished by them along with their bid.**

**For & on behalf of NHPC Ltd.**

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