

एन एच पी सी लिमिटेड
NHPC LIMITED
(A Govt. of India Enterprise)

सुबनसिरि लोअर एच ई परियोजना
Subansiri Lower H E Project
Kolaptukar, Dollungmukh Circle
District :Kamle,
Arunachal Pradesh
e-mail: pnc_slp@nhpc.nic.in
CIN: L40101HR1975GOI032564

SECTION-0: NOTICE INVITING E-TENDER (NIT)

(Local Competitive Bidding Basis)

Online electronic bids (e-tenders) under two cover system are invited on behalf of NHPC Limited (A Public Sector Enterprise of the Government of India) from **bidders either Individuals, partnership firms, group of people - in the form of Cooperative societies/ Self Help Groups (SHGs)/ Company - having 100% beneficiaries in relation to land acquired for Subansiri Lower H.E. Project, NHPC Ltd.**

Description of work : Hiring of two (02) Toyota Innova Crysta with drivers for Subansiri Lower Project, Gerukamukh with empanelment of bidders for one year.

Tender Specification No. : NH/SLP/CONT/2023/C-31/NIT/574

Date : 24/07/2023

Tender document can be viewed and downloaded from NHPC Limited website www.nhpcindia.com and Central Public Procurement Portal (CPPP) at <https://eprocure.gov.in/eprocure/app>.

The bid is to be submitted online only on <https://eprocure.gov.in/eprocure/app> up to last date and time of submission of bids. Sale of hard copy of tender document is not applicable.

1.0 Brief Details & Critical Dates of Tender:

1.1 Brief Details of Tender:

S. No.	Item	Description
(i)	Name of work	Hiring of two (02) Toyota Innova Crysta with drivers for Subansiri Lower Project, Gerukamukh with empanelment of bidders for one year.
(ii)	Tender Specification No.	NH/SLP/CONT/2023/C-31/NIT/574 Date: 24/07/2023
(iii)	Mode of tendering	e-procurement system (Open Tender)

(iv)	Tender ID	2023_NHPC_763233_1
(v)	Cost of Bidding Document	Rs.590/- in the form of Demand Draft/Banker's Cheque drawn in favour of "NHPC Limited" Payable at SBI, NHPC Project Gerukamukh (04318).
(vi)	Estimated cost	Rs.22,87,176/- per Vehicle including GST.
(vii)	EMD (Bid Security)	Rs.46,000/- in the form of Demand Draft/Banker's Cheque drawn in favour of "NHPC Limited" Payable at SBI, NHPC Project Gerukamukh (04318). Notarized/ <u>Self attested</u> copy of valid relevant MSEs Certificate/ Notarized/ <u>Self attested</u> copy of the valid Certificate of Recognition issued by DIPP towards Bid Security / EMD
(viii)	Completion Period / Schedule	24 Months
(ix)	Required validity of Bid	120 days from the last date of online submission of Bids.
(x)	Independent External Monitor	Shri Vivek Kumar Johri, IPS (Retd.) and Dr. Vinod Aggarwal, IAS (Retd.)
(xi)	Tender Inviting Authority	<i>Group Senior Manager (P&C), P&C division, Subansiri Lower H.E. Project, Gerukamukh, Distt. Dhemaji, Assam – 787035.</i> <i>E-mail Id: pnc_slp@nhpc.nic.in,</i>

1.2 Critical Dates of Tender:

S. No.	Particulars	Date & Time
(i)	Publish date and time	25/07/2023, 10:00 Hrs.
(ii)	Sale/Document Download Start Date & Time	25/07/2023, 10:00 Hrs.
(iii)	Sale/Document Download End Date & Time	14/08/2023, 17:00 Hrs.
(iv)	Online Bid Submission Start Date & Time	25/07/2023, 10:00 Hrs.
(v)	Online Bid Submission End Date & Time	14/08/2023, 17:00 Hrs.
(vi)	Last date of submission of Cost of Bidding document, EMD/Bid-Securing Declaration as per format at Annexure-XIV and other offline supporting documents at: Group Senior Manager (P&C), P&C division, Subansiri Lower H.E. Project, Gerukamukh, Distt. Dhemaji, Assam – 787035. E-mail Id: pnc_slp@nhpc.nic.in	17/08/2023, 17:00 Hrs.

(vii)	Bid Opening Date & Time i. Technical bid along with offline documents ii. Price bid	<p style="text-align: center;">19/08/2023, 16:00 Hrs.</p> <p style="text-align: center;">To be intimated separately.</p>
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2.0 Eligibility Criteria for Bidders:

2.1 Bids of those Bidders who have not submitted the requisite Cost of bidding document and EMD (as per Instructions to Bidders (ITB) Clause 3.0 & 4.0) shall not be considered for evaluation, except in case of exemption as per Clause No. 3.2 & Clause No. 4.1 of ITB.

Further, those Bidders who fail to declare Udyog Aadhar Memorandum (UAM) number on Central Public Procurement Portal (CPPP) shall not be able to avail the benefits available to MSEs as contained in Public Procurement Policy for MSEs Order, 2012 issued by Ministry of Micro, Small & Medium Enterprises for tenders invited electronically through CPPP. Such bidders shall be treated as non-MSE bidders and bids of such Bidders shall be considered only if it is accompanied by Cost of bidding document (Tender Fee) and EMD.

Above declaration on CPP Portal can be done using following steps:

Login → **My Account** → **Privileges** → **MSME** → **Tick on MSME registered** → **Enter UAM & Mobile no.** → **Verify & Save**

2.2 The bidders must fulfill the following minimum Qualifying Criteria:-

2.2.1

- a) The bid of such bidder, who already have two (02) or more Live Letter of Award (LOA) / Work Order for the works/services (including Hiring of Vehicles) at Subansiri Lower HE Project upto the online bid submission end date, will not be considered.

(The bidder shall have to submit an undertaking in this regard in Annexure-XV format).

- b) The bid of such bidder shall not be considered, who is already having two (02) or more vehicles deployed at Subansiri Lower HE Project in Live Letter of Award (LOA)/ Work Order upto the online bid submission end date.

(The bidder shall have to submit an undertaking in this regard in Annexure-XVI format.)

- c) **The bidder shall submit an Affidavit, as per Annexure-XIII.**
- d) The bidders either **Individuals, partnership firms, group of people** - in the form of

Cooperative societies/ Self Help Groups (SHGs)/ Company - having 100% beneficiaries from the below mentioned categories in relation to land acquired for Subansiri Lower H.E. Project, NHPC Ltd. shall qualify from one of the following:

- (i) a family whose land or other immovable property has been acquired ;
- (ii) a family which does not own any land but a member or members of such family may be agricultural labourers, tenants including any form of tenancy or holding of usufruct right, share-croppers or artisans or who may be working in the affected area for three years prior to the acquisition of the land, whose primary source of livelihood stand affected by the acquisition of land;
- (iii) the Schedule Tribes and other traditional forest dwellers who have lost any of their forest rights recognized under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 due to acquisition of land;
- (iv) family whose primary source of livelihood for three years prior to the acquisition of the land is dependent on forests or water bodies and includes gatherers of forest produce, hunters, fisher folk and boatmen and such livelihood is affected due to acquisition of land;
- (v) a member of the family who has been assigned land by the State Government or the Central Government under any of its schemes and such land is under acquisition;
- (vi) a family residing on any land in the urban areas for preceding three years or more prior to the acquisition of the land or whose primary source of livelihood for three years prior to the acquisition of the land is affected by the acquisition of such land.

In support of the criteria under sl. no. (d) above, the bidder shall submit a certificate issued to him or his dependent/ legal heirs/ constituents of entity by the respective State Govt. Authority / District Authority/ Circle Officer/ Tehsildar/ any other Authority legally entitled to or entrusted by the State Government.

2.2.2 All Startups (whether MSEs or otherwise), falling within the definition as per Gazette notification- G.S.R. 501(E) dt. 23.05.2017 or as amended from time to time are exempted from meeting the qualification criteria in respect of Prior Experience-Prior Turnover subject to their meeting the quality and technical specifications for which necessary documents shall be submitted by such bidders. However, the Employer reserves the right to deny such exemptions to Startups (whether MSEs or otherwise) in case of circumstances like procurement of items related to public safety, health, critical security operations and equipments etc. Declaration in this regard is to be submitted by the Bidder as per Annexure-VIII.

2.2.3 All Micro and Small Enterprises (MSEs) are exempted from meeting the qualification criteria in respect of Prior Experience-Prior Turnover in public procurement subject to meeting of quality and technical specifications for which necessary documents shall be submitted by such bidders.

NOTE: Only those Micro & Small Enterprises (MSEs)/ Startups will be given benefit, which has valid certificate for the services covered under this tender.

The existing enterprises registered prior to 30.06.2020, shall continue to be valid only for a period up to 31.12.2021. Hence, till 31.12.2021, the registered bidders, who wish to submit valid MSE registration documents, **other than Udyam Registration Certificate, as**

proof of being a MSE, shall submit a certificate by a Chartered Accountant, for audited turnover as per MSME Notification S.O.2119(E) dt.26.06.2020.

On line generation of Udyam Registration Certificate, by entrepreneur, is available from 01.07.2020. **As per MSME Notification S.O.2347(E) dt.16.06.2021, from 01.01.2022, Udyam Registration shall be the ONLY valid MSME Registration Document.**

- 2.2.4 The reference date for considering the period for eligibility / qualification requirements above shall be the last day of the month previous to the one in which tenders are invited.
- 2.2.5 Each bidder must also produce with their Bid – PAN, Goods & Services Tax Identification No. (GSTIN).
- 2.2.6 The 'Class-I local supplier'/ 'Class-II local supplier' at the time of tender, bidding or solicitation shall be required to indicate percentage of local content and provide self-certification that the item offered meets the local content requirement for 'Class- I local supplier'/ 'Class-II local supplier', as the case may be. They shall also give details of the location(s) at which the local value addition is made.
- 2.3 The Bidder should not have been banned / de-listed / black listed / debarred from business or declared ineligible on the grounds mentioned in para 6 of Guidelines on Banning of Business Dealings (Annexure-A) to Integrity Pact *[if applicable]*, ITB Clause 9.0. Self-declaration in this regard is to be submitted as per enclosed Annexure-III.
- 2.4 To improve transparency and fairness in tendering process and/or during execution of work undertaken, the Employer is implementing Integrity Pact as per Clause No. 9.0 of the ITB. The bidder must submit the Integrity Pact as per Proforma (Annexure-II) duly signed *[if applicable]* as per Clause 9.0 of ITB.

Pre-contract Integrity Pact *[if applicable]* is to be executed on plain paper with NHPC Ltd. at the time of submission of Bids. The successful bidder (Contractor) shall submit duly executed Integrity Pact on Non-Judicial Stamp Paper of appropriate value prior to signing of Contract Agreement.

To oversee the compliance under the Integrity Pact, **Shri Vivek Kumar Johri, IPS (Retd.) and Dr. Vinod Aggarwal, IAS (Retd.)** have been appointed as an Independent External Monitor (IEM) by the owner. The Contact Address of IEM is as under:-

Shri Vivek Kumar Johri, IPS (Retd.), 106, Malviya Nagar Bhopal, Madhya Pradesh - 462003 E-mail : iem.nhpc@gmail.com	Dr. Vinod Aggarwal, IAS (Retd.), B-103, Sarvodaya Enclave, 2 nd Floor, New Delhi – 110017 E-mail : iem.nhpc@gmail.com
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- 2.5 The Bidder, against whom proceedings for insolvency under the Insolvency and

Bankruptcy code 2016, or as amended from time to time, have started, shall not be eligible for bidding. Self-declaration in this regard is to be submitted as per enclosed Proforma (Annexure-X of Section-I).

- 2.6 Public procurement (Preference to Make in India) order for Goods/Services/Works as directive issued by “Department for Promotion of Industry and Internal Trade (DPIIT), Ministry of Commerce and Industry vide Order no. P-45021/2/2017-PP(BE-II) dated 16th September, 2020:-

For orders regarding any revision/amendment/clarification in Public Procurement (Preference to Make in India) Order, 2017, approved product category and associated Ministry, items having sufficient local capacity and local competition and any change in minimum local content, the website of DPIIT, i.e. www.dipp.gov.in/public-procurements or the website of the concerned Ministry to which the product belongs, shall be referred.

The directives under Public Procurement (Preference to Make in India) Order, 2017 include the following:

A) Definitions

Local content: means the amount of value added in India which shall, unless otherwise prescribed by the Nodal Ministry, be the total value of the item procured (excluding net domestic indirect taxes) minus the value of imported content in the item (including all custom duties) as a proportion of the total value, in percent.

Class-I local supplier: means a supplier or service provider, whose Goods/ Services/ Works offered for procurement, meets the minimum local content as prescribed for “Class-I local supplier” under this order.

Class-II local supplier: means a supplier or service provider, whose Goods/ Services/ Works offered for procurement, meets the minimum local content as prescribed for “Class-II local supplier” but less than that prescribed for “Class-I local supplier” under this order.

Non-local supplier: means a supplier or service provider, whose Goods/ Services/ Works offered for procurement has local content less than that prescribed for “Class-II local supplier” under this order.

Minimum local content: Nodal ministry/ department may prescribe only a higher percentage of minimum local content requirement to categorize a supplier as Class-I local supplier / Class-II local supplier / Non local supplier. For the items, for which Nodal ministry/ department has not prescribed higher

minimum local content notification under the order, it shall be 50% and 20% for Class-I local supplier / Class-II local supplier respectively.

Margin of purchase preference: means the maximum extent to which the price quoted by a Class-I local supplier may be above the L-1 for availing purchase preference. The margin of purchase preference shall be 20%.

Works: means all works as per Rule 130 of GFR-2017, and shall also include Turnkey works, Engineering, Procurement & Construction (EPC) Contracts and Services include System Integrator (SI) contracts.

B) Eligibility Criteria for Class I /II and Non Local Suppliers

- a) For procurement of Goods/Services/Works, irrespective of purchase value where there is sufficient local capacity and local competition, only Class-I local supplier shall be eligible to bid.
- b) For procurement of Goods/Services/Works, not covered under a) above and having estimated value less than INR 200.00 Crore, Global tender enquiry shall not to be issued except with the approval of Competent Authority as designated by Department of Expenditure. Only Class-I and Class-II local suppliers shall be eligible to bid in procurements, except when Global tender enquiry has been issued. In Global tender enquiries, Non-local suppliers shall also be eligible to bid alongwith Class-I and Class-II local suppliers.

The above criteria shall be subject to compliance of following:

- i) The bidder shall have to be an entity registered in India in accordance with law. Indian subsidiaries of foreign bidders are eligible to participate in the bidding process provided they meet the qualifying criteria in terms of capability, competency, financial position, past performance etc. Further, Foreign bidders shall compulsorily set up their manufacturing units on a long term basis in India.
- ii) Foreign bidders can also participate in the bidding process provided they form Joint Venture with any bidder registered in India in accordance with law.
- iii) Country of origin of the equipment/material shall be provided in the bid.
- iv) The bids shall be in Indian National Rupees (INR) only in respect of local content.
- v) The bidder shall follow Indian laws, regulations and standards.
- vi) For supply of equipment / material from the country of origin other

than India, the bidder shall submit performance certificate in support of satisfactory operation in India or a country other than the country of origin having climatic and operational conditions including ambient temperature similar to that of India for minimum one year.

- vii) The manufacturer/ supplier shall list out the products and components producing Toxic E-waste and other waste. It shall have an Extended Producers Responsibility (EPR) so that after the completion of the lifecycle, the materials are safely recycled / disposed of by the Manufacturer/ Supplier and for this, the Manufacturer/Supplier along with procurer has to establish recycling / disposal unit or as may be specified.
- viii) The bidder shall have to furnish a certificate regarding cyber security/safety of the equipment / process to be supplied/services to be rendered as safe to connect.
- ix) Wherever required, the Foreign supplier shall establish fully functional service centers in India and shall keep spares/material locally for future needs of Utilities.
- x) Arbitration proceedings shall be instituted in India only and all disputes shall be settled as per applicable Indian Laws.

C) Procedure for Purchase Preference

- (a) Subject to the provisions of this Order and to any specific instructions issued by the Nodal Ministry or in pursuance of this Order, purchase preference shall be given to “Class-I local supplier” only in procurement undertaken by procuring entities in the manner specified here under.
- (b) In the case of procurement of **goods/ works**, covered under para B(b) and **divisible in nature**, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non-local supplier', as per following procedure:
 - i) Among all qualified bids, the lowest bid will be termed as L1. If L1 is 'Class-I local supplier', the contract for full quantity will be awarded to L1.
 - ii) If L1 bid is not a 'Class-I local supplier', 50% of the order quantity shall be awarded to L1. Thereafter, the lowest bidder among the 'Class-I local supplier' will be invited to match the L1 price for the remaining 50% quantity subject to the Class-I local supplier's quoted price falling within the margin of purchase preference, and contract for that quantity shall be awarded to such 'Class-I local supplier' subject to matching the L1 price. In case such lowest eligible 'Class-I local supplier' fails to match the L1 price

or accepts less than the offered quantity, the next higher 'Class-I local supplier' within the margin of purchase preference shall be invited to match the L1 price for remaining quantity and so on, and contract shall be awarded accordingly. In case some quantity is still left uncovered by Class-I local suppliers, then such balance quantity shall be ordered to the L1 bidder.

(c) For procurement of **goods/ works**, which are covered by para B(b) and **not divisible in nature**, and in **procurement of services where the bid is evaluated on price alone**, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non-local supplier', as per following procedure:

- i) Among all qualified bids, the lowest bid will be termed as L1. If L1 is 'Class-I local supplier', the contract will be awarded to L1.
- ii) If L1 is not 'Class-I local supplier', the lowest bidder among the 'Class-I local supplier', will be invited to match the L1 price subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such 'Class-I local supplier' subject to matching the L1 price.
- iii) In case such lowest eligible 'Class-I local supplier' fails to match the L1 price, the 'Class-I local supplier' with the next higher bid within the margin of purchase preference shall be invited to match the L1 price and so on and contract shall be awarded accordingly. In case, none of the 'Class-I local supplier' within the margin of purchase preference matches the L1 price, the contract may be awarded to the L1 bidder.

(d) "Class-II local supplier" and "Non-local supplier" will not get purchase preference in any procurement, undertaken by procuring entities.

Applicability in tenders where contract is to be awarded to multiple bidders-

In tenders where contract is awarded to multiple bidders subject to matching of L-1 rates or otherwise, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non local supplier', as per following procedure:

In case there is sufficient local capacity and competition for the item to be procured, as notified by the Nodal Ministry, only Class-I local suppliers shall be eligible to bid. As such, the multiple suppliers, who would be awarded the contract, should be all and only 'Class-I local supplier'.

In other cases, 'Class-II local suppliers' and 'Non local suppliers' may also participate in the bidding process along with 'Class-I local suppliers' as per provisions of this Order.

If 'Class-I local suppliers' qualify for award of contract for at least 50% of the tendered quantity in any tender, the contract may be awarded to all the qualified bidders as per award criteria stipulated in the bid documents. However, in case 'Class-I local suppliers' do not qualify for award of contract for at least 50% of the tendered quantity, purchase preference should be given to 'Class-I local supplier' over 'Class-II local suppliers'/ 'Non local suppliers' provided that their quoted rate fall within 20% margin of purchase preference of the highest quoted bidder considered for award of contract so as to ensure that the 'Class-I local suppliers' taken in totality are considered for award of contract for at least 50% of the tendered quantity.

First purchase preference has to be given to the lowest quoting 'Class-I local supplier', whose quoting rates fall within 20% margin of purchase preference, subject to its meeting the prescribed criteria for award of contract as also the constraint of maximum quantity that can be sourced from any single supplier. If the lowest quoting 'Class-I local supplier', does not qualify for purchase preference because of aforesaid constraints or does not accept the offered quantity, an opportunity may be given to next higher 'Class-I local supplier' fall within 20% margin of purchase preference, and so on.

To avoid any ambiguity during bid evaluation process, the procuring entities may stipulate its own tender specific criteria for award of contract amongst different bidders including the procedure for purchase preference to 'Class-I local supplier' within the broad policy guidelines stipulated in sub-paras above.

D) Verification of local content

- a) The 'Class-I local supplier'/ 'Class-II local supplier' at the time of tender, bidding or solicitation shall be required to indicate percentage of local content and provide self-certification that the item offered meets the local content requirement for 'Class- I local supplier'/ 'Class-II local supplier', as the case may be. They shall also give details of the location(s) at which the local value addition is made.
- b) In cases of procurement for a value in excess of INR 10.00 Crores, the 'Class-I local supplier'/ 'Class-II local supplier' shall be required to provide a certificate from the statutory auditor or cost auditor of the company (in the case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of suppliers other than companies) giving the percentage of local content.

- c) False declarations will be in breach of the Code of Integrity under Rule 175(1)(i)(h) of the General Financial Rules for which a bidder or its successors can be debarred for up to two years as per Rule 151(iii) of the General Financial Rules along with such other actions as may be permissible under law. A supplier who has been debarred by any procuring entity for violation of this Order shall not be eligible for preference under this Order for procurement by any other procuring entity for the duration of the debarment. The debarment for such other procuring entities shall take effect prospectively from the date on which it comes to the notice of other procurement entities.

2.7 Provisions of Rule 144(xi) of the General Financial Rules (GFRs) 2017:

This is in reference to Department for Expenditure, Ministry of Finance vide OMs dt.08.02.21 and 02.03.21 regarding restrictions under Rule 144(xi) of GFR 2017.

- a) Any bidder from a country which shares a 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 dt.23.07.2020 or its subsequent revisions/ amendments) will be eligible to bid only if the bidder is registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT.
- b) The successful bidder shall not be allowed to sub contract works to any contractor from a country which shares a 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 dt.23.07.2020 or its subsequent revisions/ amendments) unless such contractor is registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT.
- c) A bidder is permitted to procure raw material, components, sub assemblies, etc. from the vendors of countries sharing a land border with India without getting registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT, as it is not regarded as 'sub contracting'.
- d) However, in case a bidder proposes to supply finished goods procured directly/ indirectly from the vendors of the countries sharing a land border with India, such vendors will be required to get registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT.
- e) Procurement of spare parts and other essential service support like Annual Maintenance Contract (AMC)/ Comprehensive Maintenance Contract (CMC), including consumables for closed systems, from Original Equipment Manufacturers (OEMs) or their authorized agents, shall be exempted from the requirement of registration as mandated under Rule 144(xi) of GFRs 2017.

- 2.8 Bids of only those Bidders who are meeting the Eligibility Criteria specified above will be considered for evaluation and award of the Contract. Bidders will submit duly ~~Notarized~~/Self attested requisite supporting documents and testimonials with their Bids to prove their credentials and claim of meeting the Eligibility Criteria.

- 2.9 Technically qualified Bidders after empanelment as per the ITB Cl. 12.7 shall be given the opportunity to deploy vehicle in the order of their financial bid ranking in case of requirement of additional vehicle. The requirement of additional vehicle shall be over and above the scope of tender package arising within the period of one year. The period one year shall be construed from the date of empanelment.
- 3.0 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 and as well as on CPP Portal under “Bidders Manual Kit”.
- 4.0 NHPC reserves the right to reject any or all tenders and shall not be bound to assign any reason for such rejection.

For & on behalf of NHPC Ltd.

Sd/-
Group Senior Manager (P&C),
Subansiri Lower H.E. Project,
Gerukamukh, Distt. Dhemaji, Assam –
787035.
E-mail Id: pnc_slp@nhpc.nic.in