



CIN: L40101HR1975GOI032564

NOTICE INVITING E-TENDER

International Competitive Bidding

1. Online electronic bids are invited for and on behalf of NHPC Limited, Faridabad 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 Civil Works Package-I : Construction of Civil works of Diversion tunnels, HM works of Diversion tunnels, Road Tunnel, Temporary and Permanent Roads, 2 no. Temporary Bridges, upstream and downstream Cofferdams, Dam & Spillway, Plunge pool, Main & Auxiliary Intakes, Pressure tunnels/Shafts (Main & Auxiliary), Underground Power House, Busducts/tunnels, Underground Transformer Cavern, Draft tube tunnels, Cable tunnel, Ventilation tunnel, Downstream Surge Chamber, Pothead Yard, Tail race tunnels for Main & Auxiliary plant & other associated adits/structures for 500MW Dugar Hydro Electric Project Located at Luj village in Chamba district of Himachal Pradesh India., as briefly described hereunder:

i)	Tender Specification No.	NH/CCW/CC-V/CO270/PR16223/22
ii)	Tender ID	2023_NHPC_775644_1
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 https://eprocure.gov.in/eprocure/app
iv)	Time for Completion	63 months
v)	Estimated Cost	2003.11 Crores
vi)	i) Earnest Money Deposit/ Bid Security ii) Tender Document Fees (non-refundable) by way of DD.	i) US\$1.20 Million. Or INR 10.00 Crores (INR Ten Crores only) ii) Rs. 40,000/- (INR Rupees Forty Thousand Only) in favour of NHPC Limited, Faridabad
vii)	NIT Issue date & Tender View Date and time	06.11.2023 (11:30 Hrs)

viii)	Last date of Receipt of clarification of Bid	17.11.2023 (17:00 Hrs)
ix)	Date & Venue of Pre bid Conference	22.11.2023 (11:00 Hrs) i) 1 st FLOOR, JYOTI SADAN, NHPC OFFICE COMPLEX, SECTOR-33, FARIDABAD, HARYANA, INDIA-121003 ii) through Video Conference Meeting ID and password to be shared to the prospective bidder.
x)	Date of Starting of submission of e-Tender for online Techno-Commercial Bid and price Bid at https://eprocure.gov.in/eprocure/app	05.12.2023 (15:00 Hrs)
xi)	Deadline for submission of online Techno-Commercial Bid & Price Bid.	19.12.2023 (14.:30 Hrs)
xii)	Deadline for submission of Hard Copy Techno-Commercial Bid to Tender Inviting Authority	21.12.2023 (17:00 Hrs)
xiii)	Venue, Date & time of opening of online and offline bids: a) Part-I - Techno-Commercial Bid b) Part II - Price Bid	<u>Venue:</u> Group General Manager (CC-V), Contracts-Civil Division, 2nd Floor, Jyoti Sadan, NHPC Office Complex, Sector-33, Faridabad-121003 (Haryana) a) 22.12.2023 (15:00 Hrs) b) Date and Time to be intimated later to the bidders whose Techno-commercial bids will be found responsive
xiv)	Tender Inviting Authority	Group General Manager (CC-V), Contract-Civil Division, 2nd Floor, Jyoti Sadan, NHPC Office Complex, Sector-33, Faridabad-121003 (Haryana), India Tele# +91 129-2256065 E-mail: contcivil5-co@nhpc.nic.in

2. Complete tender can be viewed and submitted through Central Public Procurement Portal <https://eprocure.gov.in/eprocure/app> (link to reach at site is also available at tender corner as 'eProcurement' at www.nhpcindia.com). Bids shall be submitted online at CPPP website only at <https://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.

3. SPECIAL INSTRUCTIONS TO BIDDERS FOR E-TENDERING

3.1 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.

3.2 SEARCHING FOR TENDER DOCUMENTS:

- a) 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.
- b) 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.
- c) 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.

3.3 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.

3.4 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 2 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.

3.5 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 0120-4200462, 0120-4001002, 0120-4001005, 0120-6277787 (International Bidders are requested to prefix 91 as country code) E-mail: support-eproc[at]nic[dot]in

3.6 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.

4 Eligible Bidders

To be eligible to participate in the bidding, the prospective bidder should meet the minimum qualification criteria set forth hereunder:

4.1 Technical Criteria

4.1.1 GENERAL EXPERIENCE

The Bidder should have General Construction Experience as Prime Contractor or Partner of JV or Sub-contractor approved by the employer, of executing a Major Civil Structure in a Water Resources/Hydro Power Development Project for a period of at least two (02) years in preceding seven (07) years. In case of tunnelling works the experience of tunnelling of Highway Tunnel/ Railway Tunnel/Metro Tunnel shall also be considered. The reference date for considering the period of preceding Seven (07) years for general construction experience shall be the last day of the month previous to the one in which Bid is invited.

Major Civil Structure shall mean Dam/Barrage, Tunnel, Powerhouse, Surge shaft/Pressure shaft.

4.1.2 TECHNICAL CRITERIA (SPECIFIC CONSTRUCTION EXPERIENCE-I)

The Bidders should have successful experience as Sole Contractor or Partner of the JV or Sub-contractor approved by the employer for executing relevant Major Civil works for one or more works of similar nature and/or magnitude in an ongoing/ completed project during preceding 25 years (the start and completion date for specific construction 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) for the following:

- i) **Dam**
 - a) Completion of at least one Concrete Gravity Dam of minimum height **64m**,

OR

Completion of total surface excavation of **3,02,000 cum** and total concreting of **4,62,000 cum** in one major component of Water Resources

Project. Excavation and Concreting may be from the same or different Water Resources Projects.

ii) Power House:

- a) Completion of an Underground / Sub-surface / Surface Power House in Hydroelectric Projects/Atomic Power House,

AND

- b) Completion of at least one cavern of minimum **11 m width** and minimum **24 m height** or any underground structure of minimum **11 m width** and minimum **24 m height** executed underground without disturbing/removing the in -situ natural ground above it.

Note : underground structure executed through cut & cover shall not be considered

iii) Tunnels:

Experience of tunneling with Drill and blast method (DBM)/ Tunnel Boring Machine (TBM)/ Road Header.

- a) Completion of excavation of at least one tunnel of minimum **6 m** excavated diameter with minimum length of **one (1) km.**

AND

- b) Completion of minimum **3.0Km** length of concrete lined tunnels of minimum **3 m** finished diameter from one Project.

Note: In case of tunnelling Works, the experience of tunnelling of Highway tunnel, /Railway tunnels and Metro tunnel shall also be considered.

iv) Pressure Shaft/Surge Shaft:

Completion of civil works (Excavation and Concreting) of at least one underground steel/concrete lined, vertical/inclined shaft with minimum height of **43 m.**

Note: In case of inclined shaft, the height shall be considered as perpendicular distance between the center lines of upper horizontal limb and lower horizontal limb of the shaft.

v) **HM Works**

a) **GENERAL EXPERIENCE:**

Experience as prime contractor or as partner in a JV or Sub-contractor approved by the employer of executing at least one Hydro-mechanical work of contract value in **Rs.13.75 Crore or US\$ 1.65 Million or equivalent** in the last 20 years. The reference date for considering the period of preceding Twenty (20) years for general construction experience shall be the last day of the month previous to the one in which Bid is invited. *For such works with payment received in other than INR shall be converted in INR by adopting the Exchange rate between that Currency and INR as prevailing on the completion date mentioned in the completion certificate and if month of completion is mentioned in the Completion Certificate, then the exchange rate of last working day of the Month shall be taken. The value of work in INR or converted into INR as above from the currency other than INR shall be enhanced by 7% simple rate per annum up to the date of Bid Opening.*

b) **SPECIFIC EXPERIENCE:**

Successful experience, either by the Applicant Company itself or by the proposed manufacturer(s) who have given authorization to the Applicant/bidder in required format in design, manufacturing, installation, testing and commissioning of Fixed Wheel type Vertical Lift Gate operated by hydraulic hoist or rope drum hoist with **AxH = 1630** or more in preceding 25 years (the start and completion date for specific construction experience should fall within the preceding Twenty five (25) years reckoned from the last day of the month previous to the one, in which the Bid is invited).

Where:

“A” denotes an area (Clear width by clear height) for one gate in m².

‘Clear Width’ denotes distance between inner faces of two opposite piers in meter.

‘Clear Height’ of the gate is the difference between inner level of sill beam of the gate and level of the bottom of top beam of the gate in meter.

“H” (for gates) denotes the normal design head at the bottom of the gate in meter.

4.1.3 TECHNICAL CRITERIA (SPECIFIC CONSTRUCTION EXPERIENCE-II)

Experience of all of the following:

- (a) Experience of executing (including completed or ongoing project) at least one civil work involving more than 4,43,195 m³ of excavation/earth work

quantities in a single contract (value not less than Rs. 250 crores) in last 20 years.

- (b) Experience of achieving a total progress of at least 3,43,000 m³ excavation/earth work over any continuous period of 12 months (in a completed/ongoing project) in a single contract in last 20 years.
- (c) Experience of executing (including completed or ongoing project) at least one civil work wherein concreting (including shotcreting) work of more than 2,80,242 m³ of the concrete (including shotcreting) quantities has been completed in a single contract (value not less than Rs. 250 crores) in last 20 years.
- (d) Experience of achieving a total progress of at least 1,46,000 m³ concreting (including shotcreting) work over any continuous period of 12 months (in a completed/ongoing project) in a single contract in last 20 years.

Note:

- (i) Experience under 4.1.3 (a), 4.1.3 (b), 4.1.3 (c), 4.1.3 (d) need not be from the same project.
- (ii) Concrete quantity shall include shotcrete quantity also.
- (iii) Twenty (20) years reckoned from the last day of the month previous to the one, in which the Bid is invited

4.2 Financial Criteria:

4.2.1 Turnover

The bidder should have minimum average annual construction turnover of **INR 572 Crores** or **US\$ 69 million** or equivalent over the preceding three (03) years.

4.2.2 Other Financial parameters

(a) Net worth

The net worth of the bidder on the closing day of any 03 (three) Financial year out of last 05 (five) years should be positive (excluding Covid period F.Y. 2020-21).

‘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 Authorised representative of bidders, otherwise, figure duly authenticated by the statutory Auditors should be submitted.

(b) Working Capital

The working capital (current assets minus current liabilities) shall be at least 2 (two) times the monthly cash flow requirement. The minimum working capital shall not be less than **INR 64 Crores or US\$ 7.63 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. 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.

For working out Turnover and working capital criteria, the present day estimated cost has been converted to US\$ by adopting the exchange rate on 12.09.2023 i.e. **1 US\$ = INR 83.4** at the time of fixing the criteria.

Note:

- (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. In case, bid submission date falls upto 30th September, the annual reports up to previous year of the immediate preceding Financial Year shall be considered and for the Tenders having bid Submission date after September, the annual reports up to immediate preceding Financial Year shall be considered. Further, standalone audited Annual Financial Statement of the Bidder forming part of the Annual Report shall only be considered for this purpose.

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. The Annual Financial Statement shall be considered for evaluation in same manner as defined in above Para for consideration for the Annual Reports.

- (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) For the purpose of compliance to the stipulated turnover criteria given at Financial Criteria, the relevant turnover from Joint Ventures(s) as declared in the Joint Venture Agreement shall also be considered.

The proportionate JV Turnover shall be certified by their statutory Auditor in the absence of not appearing the same in Audited Financial Statement.

- (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 the Qualifying Criteria.
- (viii) For conversion to US\$ the exchange rate at the end of the respective accounting year shall be considered.
- (ix) The statement of account depicting the Turnover and Net worth should be certified by their Statutory Auditor carrying out the statutory by generating Unique Document Identification Number (UDIN)

4.2.3 Bids of any insolvent firm

The Bidder or partner of JV 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 or partner of JV 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 proceedings is admitted by the Adjudicating Authority against bidder or partner of JV under the IBC 2016” shall be submitted on letter head duly signed by the authorized representative of bidder or partner of JV.

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 or partner of JV 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.

4.3 Bid Capacity

The available Bid capacity of the Bidder at the time of submission of Price bid, calculated as under should not be less than **INR 2003.11 Crores or US\$ 240.18 million or equivalent.**

$$\text{Available Bid capacity} = 2.0 \times A \times N - B$$

Where;

A= Maximum value of Works executed in any one year during last 3 (three) years

N = Number of years prescribed for completion of the subject contract package **i.e. 63/12= 5.25 years.**

B = Value of existing commitments (as on bid submission date) and on-going works to be completed in next "N" years.

The Bidder shall submit documentary evidence together with a certificate from its statutory auditors in support of establishing ‘A’ and ‘B’ above, along with their Bid.

The provision that bid capacity shall also be qualification criteria, shall be kept at the time of qualification, but the bid capacity shall be assessed at the time of submission of the Price Bid.

4.4 Nature of Bidders

Bidder should either be a single entity or a JV/ consortium formed for participating in the tendering for this Project. The committee also recommends that bidder can be allowed to associate sub-contractor(s) for certain components in which he does not have the requisite experience.

For evaluation of specific construction experience of various Bidders, following criteria shall be considered: -

- i) The evaluation of Bidder's specific construction experience for a work executed on JV basis shall be based on his role and scope of work in such joint ventures. To establish his role and scope of work in such Joint Venture contracts, the Bidders shall provide documentary evidence such as JV Agreement/Contract of the Work to the extent of 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.
- ii) In case scope of work of individual partners is not clearly defined in the JV/consortium agreement then credential of Bidders being partner in a JV/consortium shall be decided in the following manner: -
 - a) Where specific experience certificate in respect of individual JV partners is available, the same shall be considered to the extent of work executed by such JV partner.
 - b) Where specific experience certificate is not available, or experience certificate is issued in the name of JV/consortium, the evaluation shall be done in the following manner: -
 - i) In case the participation / profit sharing percentage of Bidders as per JV agreement is at least 35%, proportionate/suitable credit of the work executed by the JV/consortium shall be given to such Bidders.
 - ii) In case the participation / profit sharing percentage of Bidder in JV agreement is less than 35%, no credit of work executed under such JV shall be given to such Bidder.
 - iii) Notwithstanding (i) and (ii) above, in case of availability of specific experience certificate, (a) above shall apply.

In case both participation share and profit sharing ratio are available in the JV Agreement, participation share shall prevail.

- iii) For the portion of work executed through a sub-contractor, full experience for that portion of work can be claimed by the sub-contractor for fulfilling criteria for evaluation of Bidder's specific experience. Further in case planning and management control of execution of work was exercised by the Contractor, full experience for that portion of work can be claimed by the Contractor for fulfilling criteria for evaluation of Bidder's specific experience.

4.5 Joint Venture/Consortium Bidders:

4.5.1 In case Lead Partner claims to have Specific Construction Experience-I in para 4.1.2 (i) and/or (ii).

Joint Venture or Consortium bidder shall comply with the following minimum qualifying requirements:

- (i) The number of partners in the Joint Venture not to exceed three (3) with one of the Partners designated as Lead Partner.

The number of partners in the Joint Venture/ Consortium including the Lead Partner shall not exceed three (3).

- (ii) The Lead Partner to fully meet the following:
 - General construction experience criteria specified in para 4.1.1.
 - Specific Experience for "Dam and/or Powerhouse" as specified in para 4.1.2 (i) and/or (ii).
 - Average annual construction turnover not less than 50% of criteria specified under Financial Criteria in para 4.2.1.
 - Working Capital Criteria specified under Financial Criteria in para 4.2.2(b).
- (iii) The other partner(s) to individually meet the following requirements:
 - Average annual construction turnover not less than 20% of criteria specified under Financial Criteria in para 4.2.1
 - One or more of the Specific Experience specified in para 4.1.2 for the components listed in the document other than that met by the lead partner.
- (iv) The Specific Construction Experience-I in para 4.1.2 of each component structure to be met individually by the Lead partner and / or other Partner as the case may be.
- (v) All the partners of the Joint Venture to individually fulfill the Net Worth and Insolvency criteria specified under Financial Capacity.
- (vi) The Joint Venture to collectively satisfy, as a whole, the specified financial as well as technical requirements.
- (vii) The Bid Capacity requirement shall be satisfied by individual partner of Joint Venture in proportion to their participation share of work in Joint Venture.

- (viii) The parties shall be required to form the Joint Venture/Consortium before applying for the tender which shall be evinced by submitting a copy of the Joint Venture/Consortium agreement already entered into for the purpose. The Joint Venture agreement should contain the roles and responsibilities of each constituent, the proposed participation share of each partner along with the items of work to be executed by each partner. It shall also be brought out in the Joint Venture/Consortium agreement that in case the Contract is awarded to the Joint Venture, each partner of the Joint Venture/Consortium shall be responsible for execution of that item of work for which he claims to have specific construction experience.
- (ix) Lead partner of the Joint Venture should have at least 50% share. The other partner of Joint Venture should have at least 20% share.

4.5.2 In case Lead Partner claims to have specific Construction Experience-II in para 4.1.3

Joint Venture or Consortium bidder shall comply with the following minimum qualifying requirements:

- (i) The number of partners in the Joint Venture not to exceed three (3) with one of the Partners designated as Lead Partner.
- The Lead Partner to fully meet the following:
 - General construction experience criteria specified in para 4.1.1.
 - Specific Construction Experience under the para 4.1.3 (Specific Construction Experience-II)
 - Average annual construction turnover not less than 50% of criteria specified under Financial Criteria in para 4.2.1.
 - Working Capital Criteria specified under Financial Criteria in para 4.2.2(b).
- (ii) The other partner(s) to individually meet the following requirements:
- Average annual construction turnover not less than 20% of criteria specified under Financial Criteria in para 4.2.1
 - One or more of the Specific Construction Experience -I specified in para 4.1.2 for the components listed in the document other than that met by the lead partner.
- (iii) The Specific Construction Experience-I & II of each component structure to be met individually by the Lead partner and / or other Partner as the case may be.
- (iv) All the partners of the Joint Venture to individually fulfill the Net Worth and Insolvency criteria specified under Financial Capacity.
- (v) The Joint Venture to collectively satisfy, as a whole, the specified financial as well as technical requirements.

- (vi) The Bid Capacity requirement shall be satisfied by individual partner of Joint Venture in proportion to their participation share of work in Joint Venture.
- (vii) The parties shall be required to form the Joint Venture before applying for the tender which shall be evinced by submitting a copy of the Joint Venture agreement already entered into for the purpose. The Joint Venture agreement should contain the roles and responsibilities of each constituent, the proposed participation share of each partner along with the items of work to be executed by each partner. It shall also be brought out in the Joint Venture agreement that in case the Contract is awarded to the Joint Venture, each partner of the Joint Venture shall be responsible for execution of that item of work for which he claims to have specific construction experience.
- (viii) Lead partner of the Joint Venture should have at least 50% share. The other partner of Joint Venture should have at least 20% share.

4.6 Bidders with Sub-Contractors:

In case the Bidders does not have all requisite specific experience and also does not wish to enter into a Joint Venture or wants to restrict the joint venture partnership, he can associate sub-contractor(s) for specified activities as brought out below in para (iii) in which he does not have the relevant experience. The criteria to be met by such Bidders shall be as follows:

4.6.1 In case the Sole Bidder claims to have specific Construction Experience-I in para 4.1.2 (i) and/or (ii).

- (i) The Bidders himself to fully meet the following:
 - General construction experience criteria specified in para 4.1.1.
 - Specific experience criteria for “Dam” mentioned in para 4.1.2(i) and/or “Powerhouse” mentioned in para 4.1.2 (ii).
 - All criteria mentioned under Financial capacity in para 4.2
 - Bid Capacity as mentioned in Para 4.3
- (ii) The number of sub-contractors not to exceed three (3) category (Dam / PH, Pressure Shaft ,Tunnel, HM works) for meeting the specific experience criteria and HM woks Criteria for each category, the bidder may propose maximum 3 (three) Sub – Contractor. Prior to issue of LOA to the successful bidder, Bidder has to indicate only one Sub-Contractor for each category.
- (iii) The Bidders can propose the subcontractor(s) either for Dam {Para 4.1.2(i)} or Powerhouse {Para 4.1.2(ii)} if not met by bidder itself, and/or Tunnels {Para 4.1.2(iii)} and/or pressure Shaft {Para 4.1.2(iv)}and/or HM works {Para4.1.2 v) (a) &(b)}
- (iv) The proposed sub-contractor(s) shall individually meet at least one or more of the

Specified criteria of Specific Construction Experience-I for components listed in para 4.1.2 (i) or para 4.1.2 (ii) and/or 4.1.2(iii) and/or 4.1.2(iv) and/or HM works {Para 4.1.2 v) (a) &(b)}.

- (v) The Bidders and his proposed sub-contractor(s) should collectively satisfy, as a whole all the specified construction experience-I requirements.
- (vi) The Bidders and his sub-contractor(s) should submit separate undertakings that the Bidders/sub-contractors shall be responsible for execution of that item of work for which they claim to have specific construction experience.
- (vii) Sub-contractor(s) shall submit Performance Bank Guarantee equivalent to 5% of value of Work sublet in addition to the Performance Bank Guarantee for whole contract submitted by the Bidders on award of Work.
- (viii) All the Proposed sub-contractor(s) to individually fulfil the Insolvency criteria specified under Para 4.2.3.

4.6.2 In case the Sole Bidder claims to have Specific Construction Experience-II in para 4.1.3.

- (i) The Bidders himself to fully meet the following:
 - General construction experience criteria specified in para 4.1.1.
 - Specific Construction Experience under the para 4.1.3 (Specific Construction Experience-II)
 - All criteria mentioned under Financial capacity in para 4.2
 - Bid Capacity as mentioned in Para 4.3
- (ii) The number of sub-contractors not to exceed three (3) category (Dam , PH, Pressure Shaft ,Tunnel, HM works) for meeting the specific experience criteria and HM woks Criteria for each category, the bidder may propose maximum 3 (three) Sub –Contractor. Prior to issue of LOA to the successful bidder, Bidder has to indicate only one Sub-Contractor for each category.
- (iii) The Bidders can propose the subcontractor(s) either for Dam {Para 4.1.2(i)} and/or Powerhouse {Para 4.1.2(ii)} if not met by bidder itself, and/or Tunnels {Para 4.1.2(iii)} and/or pressure Shaft {Para 4.1.2(iv)}and/or HM works {Para 4.1.2 v) (a) &(b)}.
- (iv) The proposed sub-contractor(s) shall individually meet at least one or more of the Specified criteria of Specific Construction Experience for components listed in para 4.1.2 (i) and/or para 4.1.2 (ii) and/or 4.1.2(iii) and/or 4.1.2(iv) and/or HM works {Para 4.1.2 v) (a) &(b)}.
- (v) The Bidders and his proposed sub-contractor(s) should collectively satisfy, as a whole all the specified construction experience I &II requirements.

- (vi) The Bidders and his sub-contractor(s) should submit separate undertakings that the Bidders/sub-contractors shall be responsible for execution of that item of work for which they claim to have specific construction experience.
- (vii) Sub-contractor(s) shall submit Performance Bank Guarantee equivalent to 5% of value of Work sublet in addition to the Performance Bank Guarantee for whole contract submitted by the Bidders on award of Work.
- (viii) All the Proposed sub-contractor(s) to individually fulfil the Insolvency criteria specified under Para 4.2.3.

4.7 Sole Bidder

In case the Bidder is participating as a sole bidder, the bidder have to fully meet the technical experience criteria as specified in para 4.1.1 & 4.1.2 and financial criteria as specified in para 4.2 & 4.3.

4.8 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 clause, '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 (5%) five percent of the Contract Price or portion of work (where subsidiary Company is Joint Venture Partner) as the case may be, 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.

5.0 Signing of Integrity Pact

To improve transparency and fairness in the tendering process the Employer is implementing Integrity Pact.

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

To oversee the compliance of obligations under the Integrity Pact, Shri Prabhash Singh and Dr.Vinod Aggarwal have been appointed as Independent External Monitors (IEMs) by the Employer.

The Contact address of IEM is as under:

Shri Prabhash Singh E7 M702 Hosing Board Colony, Area Colony, Bhopal, Madhya Pradesh-462016. Email- iem.nhpc@gmail.com	Dr. Vinod Aggarwal, B-103, 2 nd Floor, Sarvodaya Enclave, New Delhi -110017. Email- iem.nhpc@gmail.com
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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 prior to signing of Contract Agreement.

6. 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. The Employer will, check and ascertain whether the bidder fulfils the Qualifying Criteria specified. In case, the qualifying criteria is not found meeting 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.

7. 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 companies. The Employer would evaluate and determine the optimum number of foreign employees required to be deployed at the works site, being awarded or sub-contracted to a 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 (passports details, job profile/expertise, location and duration of stay etc.) and Company information for security clearance as per Application Form-1A for foreign nationals proposed to be engaged at Site.
8. The Employer reserves the right to accept or reject any bids, or cancel/ withdraw invitation to bid for any reason including national defence 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 Employer 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.

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.

9. Purchase Preference to Make in India suppliers:

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

10. In the event of the specified date for the submission of bids being declared a holiday for the Client, the hard copies of the documents will be received up to the specified time on the next working day. However, the date and time for online submission of the bids shall continue to be the date and time specified above or any amendment for the same.
11. 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 Employer 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.
- 12 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.
- 13 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.
- 14 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.
- 15 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.
- 16 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.
- 17 In case of any difference between wordings of English and Hindi version of 'Notice Inviting Tender', English version shall prevail.

Note: Mere issuance/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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