



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

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

1. Online Bids are invited by NHPC Limited hereinafter referred to as “the Employer” through **Domestic 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- 5B Package for Hydro-Mechanical Works for Intake and Draft Tube Gates & Hoists 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/CCW/CC-III/CO-310/PR-12923/177
ii)	Tender ID	<b>2024_NHPC_803559_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	<i>Design, procurement, fabrication/manufacturing, inspection, shop assembly, testing, painting, transportation, site storage &amp; site erection, testing and commissioning including supply of necessary spares for 05 years trouble free operation of HM components comprising of Power tunnel intake gates &amp; hydraulic hoists, Intake Trash Rack &amp; crane with grapppler arrangement, Intake bulkhead gates &amp; gantry crane, Draft tube gates and rope drum hoists for Power House, instrumentation etc.</i>
v)	Estimated Cost	<b>INR 167.39 Crores.</b>
vi)	Time for Completion	<b>46 months</b>
vii)	i) Earnest Money Deposit/Bid Security ii) Tender Document Fees (non-refundable) by way of DD.	i) <b>INR 2.51 Crores</b> ii) Rs. 10000/- (INR Ten Thousand Only) in favour of NHPC Limited, Faridabad
viii)	NIT Issue date & Tender View Date and time	10.04.2024 (18:00 Hrs)
ix)	Last date of Receipt of clarification of Bid	22.04.2024 (17:00 Hrs)
x)	Date & Venue of Pre bid Conference	25.04.2024 (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>	15.05.2024 (11:00Hrs)
xii)	Deadline for submission of online Techno-Commercial Bid & Price Bid.	22.05.2024 (17:00 Hrs)
xiii)	Deadline for submission of Hard Copy (Offline documents) to Tender Inviting Authority	27.05.2024 (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-III), Contracts-Civil Division, 2nd Floor, Jyoti Sadan, NHPC Office Complex, Sector-33, Faridabad-121003 (Haryana)  a) 27.05.2024 (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 Authority	<b>General Manager (CC-III),</b> Contracts-Civil Division, 2nd Floor, Jyoti Sadan, NHPC Office Complex, Sector-33, Faridabad-121003 (Haryana), E-mail: contcivil3-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 'e-Procurement' 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:

- 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.**
- 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.
- As part of the enrolment process, the bidders will be required to choose a unique username and assign a password for their accounts.
- 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/Insurance Surety Bond 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/Insurance Surety Bond.
- 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 (a) The bidders who are incorporated legal entity and are legally and financially autonomous and operate under commercial law of their respective jurisdiction in India.  
(b) 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 Employer 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:

- a) 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;
- b) 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, 3A2, 4A & 4B of ITB. The specific experience shown shall be supported with certificate(s) from the Owner/Employer/ Client of the concerned work.
- c) 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.
- d) 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 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..

## **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 principal contractor or as partner in a JV or Sub-contractor approved by the employer of executing substantially completed Hydro-mechanical work during last 20 Years of following value of completed work done:

1. One Hydro Mechanical work costing not less than 80% of the estimated cost i.e. INR 133.91 Crore or 16 Million USD.
2. Two Hydro Mechanical works each costing not less than 50% of the estimate cost i.e. INR 83.69 Crore or 10 Million USD.
3. Three Hydro Mechanical works each costing not less than 40% of the estimate cost i.e. INR 66.95 Crore or 8 Million USD.

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.



### 3.2.2 SPECIFIC EXPERIENCE:

Successful experience of completed works, either by the bidder Company itself or by the proposed manufacturer(s) who have given authorization to the bidder in required format for Designing, manufacturing, installation, testing & commissioning of the following Hydro Mechanical items having ratings as below in preceding 20 years.

- i. Designing, Manufacturing, installation, testing and commissioning of Fixed Wheel/ Sliding type Vertical Lift gate operated by hydraulic hoist or rope drum hoist with  $A \times H = 2350.8 \text{ m}^3$   
A i.e. area (clear width by clear height) for one gate in  $\text{m}^2$ .  
H i.e. normal design head at bottom of the gate in meter
- ii. Designing, manufacturing, installation, testing & commissioning of Crane with Hydraulic Grappler/TRCM with Hydraulic Grappler
  - a) Integrated Hydraulic Grappler/Gripper with lifting capacity= 1000 Kg
  - b) Integrated Hydraulic Grappler/Gripper outreach= 6.25 meter
  - c) Operating depth of Hydraulic Grappler = 27.5 meter

Note:

1. Bidder should have executed one or more works of similar nature and magnitude covered under the tendered work package in a substantially completed /completed project during the preceding 20 years.
2. The reference date for considering the period of 20 years shall be reckoned from the last day of month previous to the one in which Tender is invited.
3. The work experience for Designing of Fixed Wheel/ Sliding type Vertical Lift gate and work experience for Manufacturing, erection, testing and commissioning of Fixed Wheel/ Sliding type Vertical Lift gate may be from different projects.
4. Substantial Completion is when the works are completed in a condition that it is capable of being occupied and used by Employer for the purpose for which it is intended. Substantial completion shall be based on 80 (eighty) per cent (value wise) or more works completed under the contract. Substantial completion should not be defined in terms of percentage completion, rather it should be based on functional consideration. For contracts under which the bidder participated as a joint venture member or sub-contractor, only the bidder's share, by value, shall be considered to meet this requirement.

Certificate for 'substantial completion' of project/work/asset should contain two parts. Part -I shall contain 'financial value of work done' and part-II shall contain 'certificate of functional completion of project/work/asset'.

5. The evaluation of a 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 bidder shall provide documentary evidence 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.

6. For the portion of work executed through a sub-contractor, full experience for that portion of work can be claimed by the Contractor as well as sub-contractor for fulfilling criteria for evaluation of bidder's specific experience.
7. Experience of Supervision of erection testing and commission of bidder shall also be considered at par with own erection, testing & commissioning of HM equipment.
8. In support of above at 3.2.2(i) & 3.2.2(ii), the bidder should provide copy of Performance / successful operation certificate for at least 2 years from the date of commissioning issued by Purchaser/ Owner of the equipment.

### 3.2.3 FINANCIAL CAPACITY:

#### (i) Turnover:

The bidder should have Minimum Average Annual Turnover of INR 54.58 Crore or equivalent **6.54 USD million** for the immediately preceding two (2) consecutive financial years.

#### (ii) Net Worth:

The bidder should have positive "Net Worth" in at least 02 financial years out of the last 03 financial years, with the condition of positive Net Worth in immediately preceding financial year.

'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:

The working capital (current assets minus current liabilities) shall be at least 2 (two) times the monthly cash flow requirement. The minimum working capital of the bidder shall not be less than INR 7.27 Crore or **equivalent.0.87 million USD**.

For this purpose current assets and current liabilities will be considered as classified in the audited balance sheet / equivalent financial statements including profit and loss statement of the immediately preceding financial year. If audited financial statement for the immediate preceding financial year is not available, then the bidder shall submit these statements certified by a Chartered Accountant.



Notes:

- i) Other income shall not be considered for arriving at the Annual 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 / Equivalent Financial Statement for the immediately preceding three years submitted by the bidder along with the Bid. In case, bid submission date falls up to 30th September, the annual reports / equivalent financial statement up to previous year of immediate preceding Financial Year shall be considered and for the Tenders having Bid Submission date after September, the annual reports / equivalent financial statement up to immediate preceding Financial Year shall be considered. Further, standalone audited Annual Financial Statement of bidder shall be forming part of the Annual Report / Equivalent Financial Statement.  
  
In case, if bidder has not submitted the above Annual Report / Equivalent Financial Statement along with 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 case of such bidders Equivalent Financial Statement shall be considered. 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/ annexures etc.) for the immediately preceding (3) three 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 of Annual Reports / Equivalent Financial Statement.
- 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. The Certificate should be issued with Unique Document Identification Number (UDIN) as per Gazette Notification No.1-CA (7)/192/2019 dated 02.08.2019 or any other document identification number issued to Certified Public Accountants by their respective Institute, if applicable.
- 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) 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.
- vi) For conversion to US\$ the exchange rate at the end of the respective accounting year shall be considered.
- vii) For evaluation of financial parameters, Financial Year 2020-21 is not to be considered, being an exceptional year due to outbreak of COVID-19.
- viii) 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 Chartered Accountant in the absence of not appearing the same in Audited Financial Statement.

### 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 **20.07 Million USD**.

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

Where;

A = Indexed value of Maximum value of works executed (in an ongoing or completed project) in any one year during last 5 years, keeping index of inflation as 6% (compounded annually) for calculating 'A' at present Price Level..

N = Number of years prescribed for completion of the subject contract package (i.e. 46/12 years).

B= Value of existing commitments (as on last date of bid submission) and ongoing works to be completed in the next 'N' years (i.e. 46/12 years).

The bid capacity shall be assessed at the time of submission of the Bid and should not be less than the estimated cost of the work.

### 3.2.5 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 proceeding 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.

### 3.2.6 JOINT VENTURE/CONSORTIUM:

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

- i) The Lead Partner to fully meet the following :
  - General Experience criteria for hydro-mechanical work specified under Para 3.2.1
  - Specific Experience Criteria for Hydro-mechanical works specified under Para 3.2.2(i)
  - Average annual turnover not less than 50% of the criteria specified under financial capacity.
  - Working Capital criteria
- ii) The other partner to individually meet the following:
  - Specific Experience Criteria for Hydro-mechanical works specified under Para 3.2.2(ii).
  - Average annual turnover not less than 20% of the criteria specified under financial capacity
- iii) The specific construction experience 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 fulfil the Net Worth criteria specified in the document.
- v) The Joint Venture to collectively satisfy, as a whole, the financial as well as the technical requirements specified.
- vi) The 'Bid Capacity' requirement should 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 JV before applying for pre-qualification which shall be evinced by submitting a copy of the JV agreement already entered into for the purpose. The JV agreement should contain the role and responsibility 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 JV agreement that in case the Contract is awarded to the JV, each partner of the JV 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.

### 3.2.7 BIDDERS WITH MANUFACTURERS:

Bidders can associate manufacturer(s) for the specified activities in which he does not have relevant experience. The criteria to be met by such Bidder shall be as follows:-

- (i) The bidder himself to fully meet the following:
  - General Experience criteria for hydro-mechanical work specified under Para 3.2.1

- Specific Experience Criteria for Hydro-mechanical works specified under Para 3.2.2(i).
  - All criteria mentioned under Para 3.2.3,
- (ii) The Bidder can propose Manufacturer for Specific Experience Criteria for Hydro-mechanical works specified under Para 3.2.2(ii)
- (iii) The bidder and his sub-contractor(s)/ manufacturer(s) should submit separate undertakings that the bidder / sub-contractors/ manufacturers shall be responsible for execution of that item of work for which they claim to have specific construction experience.
- (iv) The bidder and his proposed sub-contractor(s)/ manufacturer(s) should collectively satisfy as a whole all the specified experience requirements.
- (v) Sub-contractor/Manufacturer shall submit Performance Security in the form of Bank Guarantee/Insurance Surety Bond equivalent to 5% of value of Work sublet in addition to the Performance Bank Guarantee/ Insurance Surety Bond for whole contract submitted by the bidder on award of Work.

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

In case of a 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 pre-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 (as per Format contained in Form-13) 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 along with the Pre-qualification Application (as per Application Form-13). A Subsidiary Company intending to pre-qualify on the strength of Parent/Holding Company shall not be allowed to participate as a 'Sub-Contractor/Manufacturer'.

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 be considered for Pre-qualification of the bidder Subsidiary Company provided such commitment is evidenced/authorized and guaranteed by the apex 'Parent Company'.

In case bidder Company (Subsidiary Company) gets qualified and awarded the work package, the Parent/ Holding Company will be required to furnish an additional performance bank guarantee/insurance surety bond of value equivalent to (5%) five percent of the Contract Price or portion of work (where the Subsidiary Company is Joint Venture Partner) as the case may be, in addition to normal Performance Bank Guarantee/ insurance surety bond to be submitted by the bidder Company to the Employer besides entering into a separate Agreement as per Form. The experience of the subsidiary companies of the Parent/Holding Company will be considered as experience of the Parent / Holding Company.

### 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, Dr. Vinod Aggarwal and Sh. Prabhash Singh have been appointed as Independent External Monitor(s) (IEMs) by NHPC Ltd.

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Integrity pact is to be executed on plain paper at the time of submission of bid. 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. Deleted.

**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 practicing cost accountant or practicing 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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