



Bid Number/बोली क्रमांक (बिड संख्या):  
GEM/2024/B/5083951  
Dated/दिनांक : 02-07-2024

### Bid Document/ बिड दस्तावेज़

| Bid Details/बिड विवरण  |  |
|--|--|
| Bid End Date/Time/बिड बंद होने की तारीख/समय  | 17-07-2024 21:00:00  |
| Bid Opening Date/Time/बिड खुलने की तारीख/समय   | 17-07-2024 21:30:00  |
| Bid Offer Validity (From End Date)/बिड पेशकश वैधता (बंद होने की तारीख से)  | 120 (Days)   |
| Ministry/State Name/मंत्रालय/राज्य का नाम  | Ministry Of Power  |
| Department Name/विभाग का नाम   | Na   |
| Organisation Name/संगठन का नाम   | Nhpc Limited   |
| Office Name/कार्यालय का नाम  | Dibang Multipurpose Project Roing  |
| Total Quantity/कुल मात्रा  | 10   |
| Item Category/मद केटेगरी   | STEEL PORTA CABIN WORKSTATION  |
| MSE Exemption for Years Of Experience/अनुभव के वर्षों से एमएसई छूट/ and Turnover/टर्नओवर के लिए एमएसई को छूट प्राप्त है              | Yes  |
| Startup Exemption for Years Of Experience/अनुभव के वर्षों से स्टार्टअप छूट/ and Turnover/ टर्नओवर के लिए स्टार्टअप को छूट प्राप्त है | Yes  |
| Document required from seller/विक्रेता से मांगे गए दस्तावेज़   | Certificate (Requested in ATC)<br>*In case any bidder is seeking exemption from Experience / Turnover Criteria, the supporting documents to prove his eligibility for exemption must be uploaded for evaluation by the buyer |
| Bid to RA enabled/बिड से रिवर्स नीलामी सक्रिय किया   | No   |
| Type of Bid/बिड का प्रकार  | Two Packet Bid   |
| Time allowed for Technical Clarifications during technical evaluation/तकनीकी मूल्यांकन के दौरान तकनीकी स्पष्टीकरण हेतु अनुमत समय     | 2 Days   |
| Inspection Required (By Empanelled Inspection Authority / Agencies pre-registered with GeM)  | No   |
| Estimated Bid Value/अनुमानित बिड मूल्य   | 12728495   |
| Evaluation Method/मूल्यांकन पद्धति   | Total value wise evaluation  |

**EMD Detail/ईएमडी विवरण**

|                             |                     |
|-----------------------------|---------------------|
| Advisory Bank/एडवाइजरी बैंक | State Bank of India |
| EMD Amount/ईएमडी राशि       | 255000              |

**ePBG Detail/ईपीबीजी विवरण**

|  |                     |
|--|---------------------|
| Advisory Bank/एडवाइजरी बैंक  | State Bank of India |
| ePBG Percentage(%) / ईपीबीजी प्रतिशत (%)                               | 5.00                |
| Duration of ePBG required (Months) / ईपीबीजी की अपेक्षित अवधि (महीने). | 15                  |

(a). EMD EXEMPTION: The bidder seeking EMD exemption, must submit the valid supporting document for the relevant category as per GeM GTC with the bid. Under MSE category, only manufacturers for goods and Service Providers for Services are eligible for exemption from EMD. Traders are excluded from the purview of this Policy./जेम की शर्तों के अनुसार ईएमडी छूट के इच्छुक बिडर को संबंधित केटेगरी के लिए बिड के साथ वैध समर्थित दस्तावेज प्रस्तुत करने हैं। एमएसई केटेगरी के अंतर्गत केवल वस्तुओं के लिए विनिर्माता तथा सेवाओं के लिए सेवा प्रदाता ईएमडी से छूट के पात्र हैं। व्यापारियों को इस नीति के दायरे से बाहर रखा गया है।

(b). EMD & Performance security should be in favour of Beneficiary, wherever it is applicable./ईएमडी और संपादन जमानत राशि, जहां यह लागू होती है, लाभार्थी के पक्ष में होनी चाहिए।

**Beneficiary/लाभार्थी :**

NHPC Limited  
NHPC Office Complex, Sector-33, Faridabad, Haryana-121003  
(Nhpc Limited)

**Splitting/विभाजन**

Bid splitting not applied/बोली विभाजन लागू नहीं किया गया.

**Reserved for Make In India products**

|                                     |     |
|-------------------------------------|-----|
| Reserved for Make In India products | Yes |
|-------------------------------------|-----|

**MSE Purchase Preference/एमएसई खरीद वरीयता**

|   |     |
|---|-----|
| MSE Purchase Preference/एमएसई खरीद वरीयता | Yes |
|---|-----|

1. If the bidder is a Micro or Small Enterprise as per latest definitions under MSME rules, the bidder shall be exempted from the requirement of "Bidder Turnover" criteria and "Experience Criteria" subject to meeting of quality and technical specifications. If the bidder is OEM of the offered products, it would be exempted from the "OEM Average Turnover" criteria also subject to meeting of quality and technical specifications. In case any bidder is seeking exemption from Turnover / Experience Criteria, the supporting documents to prove his eligibility

for exemption must be uploaded for evaluation by the buyer.

2. If the bidder is a Startup, the bidder shall be exempted from the requirement of "Bidder Turnover" criteria and "Experience Criteria" subject to their meeting of quality and technical specifications. If the bidder is OEM of the offered products, it would be exempted from the "OEM Average Turnover" criteria also subject to meeting of quality and technical specifications. In case any bidder is seeking exemption from Turnover / Experience Criteria, the supporting documents to prove his eligibility for exemption must be uploaded for evaluation by the buyer.

3. Bid reserved for Make In India products: : Procurement under this bid is reserved for purchase from Class 1 local supplier as defined in public procurement (Preference to Make in India), Order 2017 as amended from time to time and its subsequent Orders/Notifications issued by concerned Nodal Ministry for specific Goods/Products. However, eligible micro and small enterprises will be allowed to participate. The minimum local content to qualify as a class 1 local supplier is denoted in the bid document. All bidders must upload a certificate from the OEM regarding the percentage of the local content and the details of locations at which the local value addition is made along with their bid, failing which the bid is liable to be rejected. In case the bid value is more than Rs 10 Crore, the declaration relating to percentage of local content shall be certified by the statutory auditor or cost auditor, if the OEM is a company and by a practicing cost accountant or a chartered accountant for OEMs other than companies as per the Public Procurement (preference to Make-in -India) order 2017 dated 04.06.2020 . In case Buyer has selected Purchase preference to Micro and Small Enterprises clause in the bid, the same will get precedence over this clause.

4. Purchase preference will be given to MSEs having valid Udyam Registration and whose credentials are validated online through Udyam Registration portal as defined in Public Procurement Policy for Micro and Small Enterprises (MSEs) Order, 2012 dated 23.03.2012 issued by Ministry of Micro, Small and Medium Enterprises and its subsequent Orders/Notifications issued by concerned Ministry. If the bidder wants to avail themselves of the Purchase preference, the bidder must be the manufacturer / OEM of the offered product on GeM. Traders are excluded from the purview of Public Procurement Policy for Micro and Small Enterprises and hence resellers offering products manufactured by some other OEM are not eligible for any purchase preference. In respect of bid for Services, the bidder must be the Service provider of the offered Service. Relevant documentary evidence in this regard shall be uploaded along with the bid in respect of the offered product or service and Buyer will decide eligibility for purchase preference based on documentary evidence submitted, while evaluating the bid. If L-1 is not an MSE and MSE Seller (s) has / have quoted price within L-1+ 15% (Selected by Buyer) of margin of purchase preference /price band defined in relevant policy, such MSE Seller shall be given opportunity to match L-1 price and contract will be awarded for 25% (selected by Buyer) percentage of total quantity. The buyers are advised to refer the OM No. F.1/4/2021-PPD dated 18.05.2023 [OM No.1 4 2021 PPD dated 18.05.2023](#) for compliance of Concurrent application of Public Procurement Policy for Micro and Small Enterprises Order, 2012 and Public Procurement (Preference to Make in India) Order, 2017. Benefits of MSE will be allowed only if seller is validated on-line in GeM profile as well as validated and approved by Buyer after evaluation of documents submitted.

5. Estimated Bid Value indicated above is being declared solely for the purpose of guidance on EMD amount and for determining the Eligibility Criteria related to Turn Over, Past Performance and Project / Past Experience etc. This has no relevance or bearing on the price to be quoted by the bidders and is also not going to have any impact on bid participation. Also this is not going to be used as a criteria in determining reasonableness of quoted prices which would be determined by the buyer based on its own assessment of reasonableness and based on competitive prices received in Bid / RA process.

## **STEEL PORTA CABIN WORKSTATION ( 10 pieces )**

**(Minimum 50% Local Content required for qualifying as Class 1 Local Supplier)**

### **Technical Specifications/तकनीकी विशिष्टियाँ**

|  |                          |
|--|--------------------------|
| Buyer Specification Document/क्रेता विशिष्टि दस्तावेज़ | <a href="#">Download</a> |
|--|--------------------------|

### **Additional Specification Documents/अतिरिक्त विशिष्टि दस्तावेज़**

|                  |                      |
|------------------|----------------------|
| DrawingDocument1 | <a href="#">View</a> |
|------------------|----------------------|

**Consignees/Reporting Officer/परेषिती/रिपोर्टिंग अधिकारी and/ तथा Quantity/मात्रा**

| S.No./क्र. सं. | Consignee Reporting/Officer/ परेषिती/रिपोर्टिंग अधिकारी | Address/पता  | Quantity/मात्रा | Delivery Days/डिलीवरी के दिन |
|----------------|---|--|-----------------|------------------------------|
| 1              | Niranjan Singh  | 792110,Mayu, Roing, Dibang Multi Purpose Project, NHPC Limited | 10              | 45                           |

**Buyer Added Bid Specific Terms and Conditions/क्रेता द्वारा जोड़ी गई बिड की विशेष शर्तें**

**1. Forms of EMD and PBG**

Bidders can also submit the EMD with Account Payee Demand Draft in favour of

NHPC LIMITED  
payable at  
SBI, Roing, (Branch Code 05821)

Bidder has to upload scanned copy / proof of the DD along with bid and has to ensure delivery of hardcopy to the Buyer within 5 days of Bid End date / Bid Opening date.

**2. Forms of EMD and PBG**

Bidders can also submit the EMD with Banker's Cheque in favour of

NHPC LIMITED  
payable at  
SBI, Roing, (Branch Code 05821)

Bidder has to upload scanned copy / proof of the BC along with bid and has to ensure delivery of hardcopy to the Buyer within 5 days of Bid End date / Bid Opening date.

**3. Forms of EMD and PBG**

Successful Bidder can submit the Performance Security in the form of Account Payee Demand Draft also (besides PBG which is allowed as per GeM GTC). DD should be made in favour of

NHPC LIMITED  
payable at  
SBI, Roing, (Branch Code 05821)

. After award of contract, Successful Bidder can upload scanned copy of the DD in place of PBG and has to ensure delivery of hard copy to the original DD to the Buyer within 15 days of award of contract.

**4. Buyer Added Bid Specific ATC**

Buyer Added text based ATC clauses

**1.0 Qualifying Criteria: The bidders must fulfill the following minimum Qualifying Criteria:**

- i) The bidder should be **manufacturer/ Authorized dealer/distributor/fabricator of steel porta cabin or prefabricated structure.**

Authorized dealer of a manufacturer of the equipment/system, to quote on behalf of their manufacturer in case manufacturer does not quote directly. In such a case, the authorized dealer shall have to submit relevant 'Authorized Dealership' certificate from the manufacturer.

Manufacturer, without reference to any specific tender and having validity of such authorization for considerable duration shall be determining the eligibility of the particular tender.

Authorization issued with reference to specific tender in favour of particular tender/bidder will not be entertained.

- ii) A valid ISO certification of manufacturer for manufacturing the specified equipment/system should be submitted with the bid.
- iii) In case a dealer is participating in a tender on behalf of one manufacturer, he is not allowed to participate/quote on behalf of another manufacturer in this tender or in a parallel tender for the same item. All such bids with same make/manufacturer will be rejected.
- iv) Bidder should have supplied at least **two similar equipment/ system** of same capacity or higher in previous **seven years**. The bidder must submit proof of completion of supply of the equipment.

(similar equipment/ system is defined as "**steel porta cabin or prefabricated structure**").

*Note:*

*The bidder should submit authenticated copies of supply orders for similar equipment/system issued by various clients.*

- v) The system supplied should have performed satisfactorily for one year from the date of commissioning.

*Note: The bidder should furnish the performance report from the client in support of clause 1.0 (V).*

- vi) The reference date for considering the period for eligibility/qualification requirements above shall be the last day of the month previous to the one in which tenders are invited.

- vii) **Financial Criteria:**

**a) Bidder Turn Over Criteria:**

The minimum average annual financial turnover of the bidder during the last three years, ending on 31st March of the previous financial year i.e, 31st Mar'2024, should be at least equal to the 50% of the estimated cost (i.e., **Rs. 63,64,247.00**).

**b) Working Capital:**

The working capital (current assets minus current liabilities) shall be equal to estimated cost ( i.e., **Rs. 1,27,28,495.00**)

**c) Net Worth:**

The net worth of the bidder firm (manufacturer or principal of authorised representative) (i) should not be negative on 31<sup>st</sup> March 2024 and also (ii) if it is less than paid up equity share capital then it should not have been eroded by more than 30% (thirty percent) in the last three years, ending on 31<sup>st</sup> March 2024.

Documentary evidence in the form of certified Audited Balance Sheets of relevant periods or a certificate from the Chartered Accountant / Cost Accountant indicating the turnover details for the relevant period shall be uploaded with the bid. In case the date of constitution / incorporation of the bidder is less than 3-year-old, the average turnover in respect of the completed financial years after the date of constitution shall be taken into account for this criteria.

- viii) The Bidder should not have been banned / de-listed / black listed / debarred from business or declared ineligible on the grounds mentioned in para 6 of Guidelines on Banning of Business Dealings (Annexure-A) to Integrity Pact. Self-declaration in this regard is to be submitted as per enclosed proforma **ANNEXURE-III** under Section-III.
- ix) To improve transparency and fairness in tendering process and/or during execution of work under taken, the Purchaser is implementing Integrity Pact. The bidder must submit the Integrity Pact as per Proforma (Annexure-II) duly signed.

The Pre-contract Integrity Pact, signed by all the prospective Bidders and the Purchaser 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 Purchaser shall be eligible to participate in the bidding process. Entering into Integrity Pact as per Proforma (enclosed in ANNEXURE-II of Section III) provided in the tender is a basic qualifying requirement.

To oversee the compliance of obligation under the Integrity Pact, Dr. Vinod Aggarwal, IAS (Retd.) and Sh. Prabhash Singh have been appointed as Independent External Monitor (IEM) by the Employer. The Contact address of IEM are as under:

I. Dr. Vinod Aggarwal

B-103, Sarvodaya Enclave, 2nd Floor, New Delhi - 110017

E-mail : arsv50@gmail.com

II. Sh. Prabhash Singh

E7 M702, Housing Board Colony,

Arera Colony, Bhopal,

Madhya Pradesh, 462016

E-mail : srgmhrbpl@gmail.com

- x) In terms of Rule 144 (xi) regarding Restrictions on procurement from a bidder of a country which shares a land border with India, any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority. While participating in tender, Bidder has to undertake compliance of this **per ANNEXURE-VI of Section-III** and any false declaration and non-compliance of this would be a ground for immediate termination of the contract and further legal action in accordance with the laws. Bidder must apprise themselves of the latest version of this order.

**Restriction under Rule 144 (xi) of the General Financial Rules (GFRs), 2017:**

- a) Any Bidder from a country which shares a land border with India will be eligible to bid in this tender only if bidder is registered with the Competent Authority {i.e Registration Committee constituted by the Department of Promotion of Industry and Internal Trade(DPIIT), Govt. of India}. However, the said requirement of registration will not apply to bidders/sub-contractors from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects. Bidders may apprise themselves of the updated lists of such countries available in the website of the Ministry of External Affairs (23.07.2020, order (PP no.2).
- b) Such registration should be valid for the entire period of bid validity or any extension thereof. However, in case the validity period of registration is less than bid validity period, the Bidder shall be required to submit the extension of the validity period of registration before the opening of price bids. (point 13,23.07.2020, Order(PP no.1)
- c) Further the successful bidder shall not be allowed to sub-contract works to any "Subcontractor" from a country which shares a land border with India unless such Sub contractor is registered with the competent Authority {Registration Committee constituted by the Dept of Promotion of Industry and Internal Trade(DPIIT), Govt. of India}. (point 11, 23.07.2020, Order(PP no.1)
- d) A bidder is permitted to procure raw material, components, sub-assemblies, etc. from the vendors of countries sharing a land border with India without getting registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT, as it is not regarded as "sub contracting" (circular 12.03.2021)
- e) However, in case a bidder proposes to supply finished goods procured directly/indirectly from the vendors of the countries sharing land border with India, such vendors will be required to get registered with the Competent Authority i.e Registration Committee constituted by DPIIT(circular 12.03.2021).
- f) Bidders have to submit certificate in accordance with Application Form 12 (as per applicability). If such certificate given by a bidder whose bid is accepted is found to be false, this would be a ground for termination and further legal action in accordance with law.
- g) "Bidder" for the purpose of above referred order (including the term 'tenderer', 'consultant', 'vendor' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated herein before, including any agency, branch or office controlled by such person, participating in a procurement process.
- h) Bidders from a country which shares a land border with India" mentioned in para above means; (point 8, 23.07.2020, Order (PP no.1)
  - a. An entity incorporated, established or registered in such a country; or
  - b. A subsidiary of an entity incorporated, established or registered in such a country; or
  - c. An entity substantially controlled through entities incorporated, esta

blished or registered in such a country; or

- d. An entity whose beneficial owner is situated in such a country; or
- e. An Indian (or other) agent of such an entity; or
- f. A natural person who is a citizen of such a country; or
- g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above.

xi) **Insolvency**

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

In case, bidder in respect of whom any application for initiating corporate insolvency resolution process was not admitted at the time of submission of bid but subsequently during the period of evaluation of bids or any time before the work is awarded, any such application is admitted by the Adjudicating Authority under the IBC 2016, the bidder shall be considered as ineligible and his bid shall be rejected.

An undertaking that “no insolvency proceedings is admitted by the Adjudicating Authority against bidder under the IBC 2016” shall be submitted on letter head duly signed by the authorized representative of bidder (**ANNEXURE-V**).

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

- xii) Bids of only those Bidders who are meeting the Eligibility Criteria specified above will be considered for evaluation and award of the contract. Bidders will submit requisite supporting documents as per Qualification Criteria and testimonials with their Bids to prove their credentials and claim of meeting the Eligibility Criteria.

**2.0 Performance Security deposit**

- a. Within 28 days of receipt of Supply Order, the Supplier shall furnish to the Engineer-in-Charge a Performance Guarantee in the form of Demand Draft/ Bank Guarantee from an Indian Nationalized Bank or any Scheduled Bank in India as per the format appended as **Annexure-VIII** here with for an amount equal to (5) Five percent of the contract price by way of guarantee valid till three months beyond the warrantee period as mentioned in the Supply Order for the due and faithful performance of the contract along with the other terms and conditions agreed to.

The Performance Guarantee shall be released after successful completion of the warrantee period. The Performance Guarantee amount will not earn any interest for the whatsoever period detained by NHPC.

If the contractor does not submit the performance security within the stipulated period due to any valid reason, Tender inviting Authority may grant time extension for submission of performance security based on

the request of contractor.

In case, the contractor does not submit performance security without a valid reason, the employer shall impose simple interest @12% per annum on the full amount of applicable performance security (along with applicable taxes, if any) for the period of delay in submission of performance security. The interest on delayed period shall be calculated on pro rata basis for number of delayed days.

The interest accrued shall be payable by the Contractor within 14 days from the date of intimation by Tender Inviting Authority in form of Bank Demand Draft/ Banker Cheque in favour of "NHPC Ltd", otherwise the same shall be recovered from any payment due or become due against bills /any other amount lying with NHPC.

The delayed submission of Performance Security by the Contractor shall be recorded in the substantial completion and final completion certificates. Further, no claim for extension of time for completion period or any other type of claim on account of delayed submission of performance security shall be entertained.

- b. If contractor fails to submit the Performance Security within 45 days (for the contracts having time for completion-upto 12 months) or 60 days (for the contracts having time for completion-more than 12 months) from the date of issue of Letter of Award (LOA), then following actions shall be taken against such Contractor :
  - i). Award shall summarily be terminated.
  - ii). EMD/bid security shall be forfeited.
  - iii). The bidder shall be debarred/banned to participate in the business dealings with NHPC for a period of one year.
  - iv). The name of the contractor shall be hosted on the NHPC website etc. as per existing norms of NHPC/Govt. of India.
  - v). Such defaulted Contractor shall not be eligible to participate in the bidding process of re-tender of this work.
- c. Bidders shall communicate the following bank details of **NHPC Limited** to the issuing Bank for online confirmation of Bank Guarantee to be submitted in terms of this clause:  
**Name of the Beneficiary: NHPC Limited.**  
**NHPC Office Complex, Sector-33, Faridabad, Haryana-121003**  
**Collection Account No.: 11362151275.**  
**IFSC Code: SBIN0005821**

Bidder is required to submit the SFMS receipt issued by the bank along with its bid for BG Confirmation.

**3.0 During evaluation and comparison of bids, the purchaser at his discretion, ask the bidder for clarification/submission of documents/ correction of Format as per bid requirement, without unfairly affecting the competitive position of any other bidder/bidders presenting substantially responsive bids. The documents submitted by the bidder during clarification shall so be the integral part of the Contract. However, the submitted documents during clarification affecting in any substantial way the scope/ quality/ performance of the service/ contracting original document or any material fact, would not be considered.**

#### 5. Buyer Added Bid Specific ATC

Buyer uploaded ATC document [Click here to view the file.](#)

### **Disclaimer/अस्वीकरण**

The additional terms and conditions have been incorporated by the Buyer after approval of the Competent Authority in Buyer Organization, whereby Buyer organization is solely responsible for the impact of these clauses on the bidding process, its outcome, and consequences thereof including any eccentricity / restriction arising in the bidding process due to these ATCs and due to modification of technical specifications and / or terms and conditions governing the bid. If any clause(s) is / are incorporated by the Buyer regarding following, the bid and resultant contracts shall be treated as null and void and such bids may be cancelled by GeM at any stage of bidding process without any notice:-

1. Definition of Class I and Class II suppliers in the bid not in line with the extant Order / Office Memorandum issued by DPIIT in this regard.
2. Seeking EMD submission from bidder(s), including via Additional Terms & Conditions, in contravention to exemption provided to such sellers under GeM GTC.
3. Publishing Custom / BOQ bids for items for which regular GeM categories are available without any Category item bunched with it.
4. Creating BoQ bid for single item.
5. Mentioning specific Brand or Make or Model or Manufacturer or Dealer name.
6. Mandating submission of documents in physical form as a pre-requisite to qualify bidders.
7. Floating / creation of work contracts as Custom Bids in Services.
8. Seeking sample with bid or approval of samples during bid evaluation process. (However, in bids for [attached categories](#), trials are allowed as per approved procurement policy of the buyer nodal Ministries)
9. Mandating foreign / international certifications even in case of existence of Indian Standards without specifying equivalent Indian Certification / standards.
10. Seeking experience from specific organization / department / institute only or from foreign / export experience.
11. Creating bid for items from irrelevant categories.
12. Incorporating any clause against the MSME policy and Preference to Make in India Policy.
13. Reference of conditions published on any external site or reference to external documents/clauses.
14. Asking for any Tender fee / Bid Participation fee / Auction fee in case of Bids / Forward Auction, as the case may be.

Further, if any seller has any objection/grievance against these additional clauses or otherwise on any aspect of this bid, they can raise their representation against the same by using the Representation window provided in the bid details field in Seller dashboard after logging in as a seller within 4 days of bid publication on GeM. Buyer is duty bound to reply to all such representations and would not be allowed to open bids if he fails to reply to such representations.

[This Bid is also governed by the General Terms and Conditions/ यह बिड सामान्य शर्तों के अंतर्गत भी शासित है](#)

In terms of GeM GTC clause 26 regarding Restrictions on procurement from a bidder of a country which shares a land border with India, any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority. While participating in bid, Bidder has to undertake compliance of this and any false declaration and non-compliance of this would be a ground for immediate termination of the contract and further legal action in accordance with the laws./जेम की सामान्य शर्तों के खंड 26 के संदर्भ में भारत के साथ भूमि सीमा साझा करने वाले देश के बिडर से खरीद पर प्रतिबंध के संबंध में भारत के साथ भूमि सीमा साझा करने वाले देश का कोई भी बिडर इस निविदा में बिड देने के लिए तभी पात्र होगा जब वह बिड देने वाला सक्षम प्राधिकारी के पास पंजीकृत हो। बिड में भाग लेते समय बिडर को इसका अनुपालन करना होगा और कोई भी गलत घोषणा किए जाने व इसका अनुपालन न करने पर अनुबंध को तत्काल समाप्त करने और कानून के अनुसार आगे की कानूनी कार्यवाई का आधार होगा।

**---Thank You/धन्यवाद---**

## Bid Corrigendum

GEM/2024/B/5083951-C1

Following terms and conditions supersede all existing "Buyer added Bid Specific Terms and conditions" given in the bid document or any previous corrigendum. Prospective bidders are advised to bid as per following Terms and Conditions:

### Buyer Added Bid Specific Additional Terms and Conditions

1. Bidders can also submit the EMD with Account Payee Demand Draft in favour of  
NHPC LIMITED  
payable at  
SBI, Roing, (Branch Code 05821)

. Bidder has to upload scanned copy / proof of the DD along with bid and has to ensure delivery of hardcopy to the Buyer within 5 days of Bid End date / Bid Opening date.

2. Bidders can also submit the EMD with Banker's Cheque in favour of  
NHPC LIMITED  
payable at  
SBI, Roing, (Branch Code 05821)

. Bidder has to upload scanned copy / proof of the BC along with bid and has to ensure delivery of hardcopy to the Buyer within 5 days of Bid End date / Bid Opening date.

3. Successful Bidder can submit the Performance Security in the form of Account Payee Demand Draft also (besides PBG which is allowed as per GeM GTC), DD should be made in favour of  
NHPC LIMITED  
payable at  
SBI, Roing, (Branch Code 05821)

. After award of contract, Successful Bidder can upload scanned copy of the DD in place of PBG and has to ensure delivery of hard copy to the original DD to the Buyer within 15 days of award of contract.

4. Buyer Added text based ATC clauses

#### **1.0 Qualifying Criteria: The bidders must fulfill the following minimum Qualifying Criteria: -**

- i) The bidder should be **manufacturer/ Authorized dealer/distributor/fabricator of steel porta cabin or prefabricated structure.**

Authorized dealer of a manufacturer of the equipment/system, to quote on behalf of their manufacturer in case manufacturer does not quote directly. In such a case, the authorized dealer shall have to submit relevant 'Authorized Dealership' certificate from the manufacturer.

Manufacturer, without reference to any specific tender and having validity of such authorization for considerable duration shall be determining the eligibility of the particular tender.

Authorization issued with reference to specific tender in favour of particular tender/bidder will not be entertained.

- ii) A valid ISO certification of manufacturer for manufacturing the specified equipment/system should be submitted with the bid.
- iii) In case a dealer is participating in a tender on behalf of one manufacturer, he is not allowed to participate/quote on behalf of another manufacturer in this tender or in a parallel tender for the same item. All such bids with same make/manufacturer will be rejected.
- iv) Bidder should have supplied at least **two similar equipment/ system** of same capacity or higher in previous **seven years**. The bidder must submit proof of completion of supply of the equipment.

(similar equipment/ system is defined as “**steel porta cabin or prefabricated structure**”).

*Note:*

*The bidder should submit authenticated copies of supply orders for similar equipment/system issued by various clients.*

- v) The system supplied should have performed satisfactorily for one year from the date of commissioning.

*Note: The bidder should furnish the performance report from the client in support of clause 1.0 (V)*

- vi) The reference date for considering the period for eligibility/qualification requirements above shall be the last day of the month previous to the one in which tenders are invited.

vii) **Financial Criteria:**

**a) Bidder Turn Over Criteria:**

The minimum average annual financial turnover of the bidder during the last three years, ending on 31st March of the previous financial year i.e, 31st Mar'2024, should be at least equal to the 50% of the estimated cost (i.e., **Rs. 63,64,247.00**).

**b) Working Capital:**

The working capital (current assets minus current liabilities) shall be equal to estimated cost ( i.e., **Rs. 1,27,28,495.00**)

**c) Net Worth:**

The net worth of the bidder firm (manufacturer or principal of authorised representative) (i) should not be negative on 31<sup>st</sup> March 2024 and also (ii) if it is less than paid up equity share capital then it should not have been eroded by more than 30% (thirty percent) in the last three years, ending on 31<sup>st</sup> March 2024.

Documentary evidence in the form of certified Audited Balance Sheets of relevant periods or a certificate from the Chartered Accountant / Cost Accountant indicating the turnover details for the relevant period shall be uploaded with the bid. In case the date of constitution / incorporation of the bidder is less than 3-year-old, the average turnover in respect of the completed financial years after the date of constitution shall be taken into account for this criteria.

- viii) The Bidder should not have been banned / de-listed / black listed / debarred from business or declared ineligible on the grounds mentioned in para 6 of Guidelines on Banning of Business Dealings (Annexure-A) to Integrity Pact. Self-declaration in this regard is to be submitted as per enclosed proforma **ANNEXURE-III** under Section-III.
- ix) To improve transparency and fairness in tendering process and/or during execution of work undertaken, the Purchaser is implementing Integrity Pact. The bidder must submit the Integrity Pact as per Proforma (Annexure-II) duly signed.

The Pre-contract Integrity Pact, signed by all the prospective Bidders and the Purchaser 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 Purchaser shall be eligible to participate in the bidding process. Entering into Integrity Pact as per Proforma (enclosed in ANNEXURE-II of Section III) provided in the tender is a basic qualifying requirement.

To oversee the compliance of obligation under the Integrity Pact, Dr. Vinod Aggarwal, IAS (Retd.) and Sh. Prabhash Singh have been appointed as Independent External Monitor (IEM) by the Employer. The Contact address of IEM are as under:

I. Dr. Vinod Aggarwal

B-103, Sarvodaya Enclave, 2nd Floor, New Delhi – 110017

E-mail : arsv50@gmail.com

II. Sh. Prabhash Singh

E7 M702, Housing Board Colony,

Arera Colony, Bhopal,

Madhya Pradesh, 462016

E-mail : srgmhrbpl@gmail.com

- x) In terms of Rule 144 (xi) regarding Restrictions on procurement from a bidder of a country which shares a land border with India, any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority. While participating in tender, Bidder has to undertake compliance of this **per ANNEXURE-VI of Section-III** and any false declaration and non-compliance of this would be a ground for immediate termination of the contract and further legal action in accordance with the laws. Bidder must apprise themselves of the latest version of this order.

**Restriction under Rule 144 (xi) of the General Financial Rules (GFRs), 2017:**

- a) Any Bidder from a country which shares a land border with India will be eligible to bid in this tender only if bidder is registered with the Competent Authority {i.e Registration Committee constituted by the Department of Promotion of Industry and Internal Trade (DPIIT), Govt. of India}. However, the said requirement of registration will not apply to bidders/sub-contractors from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects. Bidders may apprise themselves of the updated lists of such countries available in the website of the Ministry of External Affairs (23.07.2020, order (PP no.2)).

- b) Such registration should be valid for the entire period of bid validity or any extension thereof. However, in case the validity period of registration is less than bid validity period, the Bidder shall be required to submit the extension of the validity period of registration before the opening of price bids. (point 13, 23.07.2020, Order (PP no.1))
- c) Further the successful bidder shall not be allowed to sub-contract works to any "Subcontractor" from a country which shares a land border with India unless such Sub contractor is registered with the competent Authority {Registration Committee constituted by the Dept of Promotion of Industry and Internal Trade (DPIIT), Govt. of India}. (point 11, 23.07.2020, Order (PP no.1))
- d) A bidder is permitted to procure raw material, components, sub-assemblies, etc. from the vendors of countries sharing a land border with India without getting registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT, as it is not regarded as "sub contracting" (circular 12.03.2021)
- e) However, in case a bidder proposes to supply finished goods procured directly/indirectly from the vendors of the countries sharing land border with India, such vendors will be required to get registered with the Competent Authority i.e. Registration Committee constituted by DPIIT (circular 12.03.2021).
- f) Bidders have to submit certificate in accordance with Application Form 12 (as per applicability). If such certificate given by a bidder whose bid is accepted is found to be false, this would be a ground for termination and further legal action in accordance with law.
- g) "Bidder" for the purpose of above referred order (including the term 'tenderer', 'consultant', 'vendor' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency, branch or office controlled by such person, participating in a procurement process.
- h) Bidders from a country which shares a land border with India" mentioned in para above means; (point 8, 23.07.2020, Order (PP no.1))
  - a. An entity incorporated, established or registered in such a country; or
  - b. A subsidiary of an entity incorporated, established or registered in such a country; or
  - c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
  - d. An entity whose beneficial owner is situated in such a country; or
  - e. An Indian (or other) agent of such an entity; or
  - f. A natural person who is a citizen of such a country; or
  - g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above.

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

In case, bidder in respect of whom any application for initiating corporate insolvency resolution process was not admitted at the time of submission of bid but subsequently during the period of evaluation of bids or any time before the work is awarded, any such application is admitted by the Adjudicating Authority under the IBC 2016, the bidder shall be considered as ineligible and his bid shall be rejected.

An undertaking that “no insolvency proceedings is admitted by the Adjudicating Authority against bidder under the IBC 2016” shall be submitted on letter head duly signed by the authorized representative of bidder (**ANNEXURE-V**).

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

- xii) Bids of only those Bidders who are meeting the Eligibility Criteria specified above will be considered for evaluation and award of the contract. Bidders will submit requisite supporting documents as per Qualification Criteria and testimonials with their Bids to prove their credentials and claim of meeting the Eligibility Criteria.

## **2.0 Performance Security deposit**

- a. Within 28 days of receipt of Supply Order, the Supplier shall furnish to the Engineer-in-Charge a Performance Guarantee in the form of Demand Draft/ Bank Guarantee from an Indian Nationalized Bank or any Scheduled Bank in India as per the format appended as **Annexure-VIII** here with for an amount equal to (5) Five percent of the contract price by way of guarantee valid till three months beyond the warranty period as mentioned in the Supply Order for the due and faithful performance of the contract along with the other terms and conditions agreed to.

The Performance Guarantee shall be released after successful completion of the warranty period. The Performance Guarantee amount will not earn any interest for the whatsoever period detained by NHPC.

If the contractor does not submit the performance security within the stipulated period due to any valid reason, Tender inviting Authority may grant time extension for submission of performance security based on the request of contractor.

In case, the contractor does not submit performance security without a valid reason, the employer shall impose simple interest @12% per annum on the full amount of applicable performance security (along with applicable taxes, if any) for the period of delay in submission of performance security. The interest on delayed period shall be calculated on pro rata basis for number of delayed days.

The interest accrued shall be payable by the Contractor within 14 days from the date of intimation by Tender Inviting Authority in form of Bank Demand Draft/ Banker Cheque in favour of “NHPC Ltd”, otherwise the same shall be recovered from any payment due or become due against bills /any other amount lying with NHPC.

The delayed submission of Performance Security by the Contractor shall be recorded in the substantial completion and final completion certificates. Further, no claim for extension of time for completion period or any other type of claim on account of delayed submission of performance security shall be entertained.

- b. If contractor fails to submit the Performance Security within 45 days (for the contracts ha

ving time for completion-upto 12 months) or 60 days (for the contracts having time for completion-more than 12 months) from the date of issue of Letter of Award (LOA),then following actions shall be taken against such Contractor :

- i). Award shall summarily be terminated.
  - ii). EMD/bid security shall be forfeited.
  - iii). The bidder shall be debarred/banned to participate in the business dealings with NHPC for a period of one year.
  - iv). The name of the contractor shall be hosted on the NHPC website etc. as per existing norms of NHPC/Govt. of India.
  - v). Such defaulted Contractor shall not be eligible to participate in the bidding process of re-tender of this work.
- c. Bidders shall communicate the following bank details of **NHPC Limited** to the issuing Bank for online confirmation of Bank Guarantee to be submitted in terms of this clause:  
**Name of the Beneficiary: NHPC Limited.**  
**NHPC Office Complex, Sector-33, Faridabad, Haryana-121003**  
**Collection Account No.: 11362151275.**  
**IFSC Code: SBIN0005821**

Bidder is required to submit the SFMS receipt issued by the bank along with its bid for BG Confirmation.

**3.0 During evaluation and comparison of bids, the purchaser at his discretion, ask the bidder for clarification/submission of documents/ correction of Format as per bid requirement, without unfairly affecting the competitive position of any other bidder/bidders presenting substantially responsive bids. The documents submitted by the bidder during clarification shall also be the integral part of the Contract. However, the submitted documents during clarification affecting in any substantial way the scope/ quality/ performance of the service/ conducting original document or any material fact, would not be considered.**

4.0 Since NHPC has a specific format regarding Pre-Contract Integrity Pact, the format of the same is being provided in bid document.

Each bidder is supposed to duly fill, sign (at the date prior to bid submission) & attach the pdf copy of the NHPC specific format of Pre-Contract Integrity Pact.

During Technical Evaluation, if it is found that same has not been attached by any bidder, in such scenario, respective bidder will be given only one opportunity to furnish duly filled, signed (at the date prior to bid submission) pdf copy of the NHPC specific format of Pre-Contract Integrity Pact.

5. Buyer uploaded ATC document [Click here to view the file.](#)

## Disclaimer

The additional terms and conditions have been incorporated by the Buyer after approval of the Competent Authority in Buyer Organization, whereby Buyer organization is solely responsible for the impact of these clauses on the bidding process, its outcome, and consequences thereof including any eccentricity / restriction arising in the bidding process due to these ATCs and due to modification of technical specifications and / or terms and conditions governing the bid. If any clause(s) is / are incorporated by the Buyer regarding following, the bid and resultant contracts shall be treated as null and void and such bids may be cancelled by GeM at any stage of bidding process without any notice:-

1. Definition of Class I and Class II suppliers in the bid not in line with the extant Order / Office Memorandum issued by DPIIT in this regard.
2. Seeking EMD submission from bidder(s), including via Additional Terms & Conditions, in contravention to exemption provided to such sellers under GeM GTC.
3. Publishing Custom / BOQ bids for items for which regular GeM categories are available without any Category item bunched with it.
4. Creating BoQ bid for single item.

5. Mentioning specific Brand or Make or Model or Manufacturer or Dealer name.
6. Mandating submission of documents in physical form as a pre-requisite to qualify bidders.
7. Floating / creation of work contracts as Custom Bids in Services.
8. Seeking sample with bid or approval of samples during bid evaluation process. (However, in bids for attached categories, trials are allowed as per approved procurement policy of the buyer nodal Ministries)
9. Mandating foreign / international certifications even in case of existence of Indian Standards without specifying equivalent Indian Certification / standards.
10. Seeking experience from specific organization / department / institute only or from foreign / export experience.
11. Creating bid for items from irrelevant categories.
12. Incorporating any clause against the MSME policy and Preference to Make in India Policy.
13. Reference of conditions published on any external site or reference to external documents/clauses.
14. Asking for any Tender fee / Bid Participation fee / Auction fee in case of Bids / Forward Auction, as the case may be.

Further, if any seller has any objection/grievance against these additional clauses or otherwise on any aspect of this bid, they can raise their representation against the same by using the Representation window provided in the bid details field in Seller dashboard after logging in as a seller within 4 days of bid publication on GeM. Buyer is duty bound to reply to all such representations and would not be allowed to open bids if he fails to reply to such representations.

\*This document shall overwrite all previous versions of Bid Specific Additional Terms and Conditions.

This Bid is also governed by the General Terms and Conditions