

NHPC LIMITED

(A GOVT. OF INDIA ENTERPRISE)



CONDITIONS OF CONTRACT FOR DOMESTIC COMPETITIVE BIDDING

NHPC LIMITED

(A GOVT. OF INDIA ENTERPRISE)



TENDER DOCUMENT

FOR

“Repairing, painting and development of recreation center and its surrounding areas of Rangit Power Station”

Tender Specification No: NH-RPS-CTS011(11)/1/2023-CIVIL TS/138 Date: 12.08.2023

Tender ID – 2023_NHPC_766808_1

**Procurement & Contract Division,
NHPC Limited,
Rangit Power Station,
Rangit Nagar, South Sikkim-737111
Sikkim**

SECTION-I

NOTICE INVITING E-TENDERS

NHPC LIMITED**(A GOVT. OF INDIA ENTERPRISE)**

Regd. Office: NHPC Office Complex, Sector-33, Faridabad-121003 (Haryana)

Domestic Competitive Bidding**(E-tendering-Web Notice)****Tender Reference No.: NH-RPS-CTS011(11)/1/2023-CIVIL TS/138****Date: 12.08.2023**

1. Online “~~Item Rate/Percentage Rate~~” (to strike out which is not applicable) bids are invited through **Domestic Competitive Bidding in Single Stage -Two Part Bidding** Basis {i.e. Part-I (Cover-I): Technical-Bid and Part-II (Cover-II): Financial Bid} for and on behalf of NHPC Ltd. (A Govt. of India Enterprise) from eligible domestic bidders registered in appropriate category in States/ Central Govt. Agencies or having requisite work experience in PSU/Govt. agencies/other reputed organization for the work of “**Repairing, painting and development of recreation center and its surrounding areas of Rangit Power Station**” Complete Bid Documents/Tender Document can be viewed and downloaded from Central Public Procurement (CPP) Portal <http://eprocure.gov.in/eprocure/app>. The site can also be viewed through e-procurement corner of NHPC website www.nhpcindia.com and **CPP Portal**. Any Bidder who wishes to quote for this Tender can download the Tender Document from aforesaid portal after online Bidder registration for e-tendering.

The brief details of the tender are as under:

Sl. No.	Item	Description
i)	Mode of tendering	e-Procurement System Cover-I: Online Techno-Commercial Bid Cover-II: Price Bid
ii)	Tender ID No.	2023_NHPC_766808_1
iii)	Tender reference No.	NH-RPS-CTS011(11)/1/2023-CIVIL TS/138
iv)	Estimated Cost	Rs. 49,63,072/-
v)	Cost of bid document	Rs. 590/-
vi)	Bid Security (EMD)	Rs. 99,000/-
vii)	Period of Bid Validity	120 days from the deadline of online bid submission
viii)	Completion Period	150 Days
ix)	Tender inviting Authority	Sr. Manager (Contracts), NHPC Limited, Rangit Power Station, Rangit Nagar, South Sikkim-737111, Sikkim.

The critical dates of tender are as under:

Sl. No.	Particulars	Date & Time
i)	Publishing Date & Time	12/08/2023 : 17.00 Hrs.
ii)	Document Download Start Date & Time	12/08/2023 : 17.00 Hrs.
iii)	Pre bid meeting Date & Time	N.A.
iv)	Bid Submission Start Date & Time	12/08/2023 : 17.00 Hrs.
v)	Online Bid Submission Closing Date & Time	02/09/2023 : 17.00 Hrs.
vi)	Offline submission closing (Address, Date & Time)	Address 1 : Sr. Manager (Contracts), NHPC Limited, Rangit Power Station, Rangit Nagar, South Sikkim-737111, Sikkim. or Date : 07/09/2023 Time : 17.00 Hrs.
vii)	Online Bid Opening of Technical Bid (Cover-I)	Venue: Sr. Manager (Contracts), NHPC Limited, Rangit Power Station, Rangit Nagar, South Sikkim-737111, Sikkim. Date : 08/09/2023 Time : 17.00 Hrs
viii)	Price bid Opening (Cover-II)	Venue: Sr. Manager (Contracts), NHPC Limited, Rangit Power Station, Rangit Nagar, South Sikkim-737111, Sikkim. Date & Time to be intimated later to the bidders whose Techno commercial Bids will be found responsive

2. Eligible Bidders

2.1 This Invitation for Bid is open to:

- a) The bidders who are incorporated legal entity and are legally and financially autonomous and operate under commercial law of their respective jurisdiction.
- b) All bidders meeting the Qualification criteria as defined in clause 3.

2.2 Bidders shall not have been banned/ de-listed/ black listed/ debarred from business by any PSU/ Govt. Department during last 03 (three) years on the ground 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 the enclosed proforma. (Forms-6-, Section-III)

2.3 The Bidders whose contract(s) have been terminated due to poor performance by employer, shall not be allowed to participate in the bidding process for next 5 years w.e.f the date of notification of termination.

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

~~The Integrity Pact, signed by all the prospective Bidders and the Employer, shall commit the persons/officials of both the parties, not to exercise any corrupt/ fraudulent/collusive/coercive practices in the Tendering process and also during implementation of the Contract. Only those Bidders who have entered into Integrity Pact with the Employer shall be eligible to participate in the bidding process.~~

~~All Applicants shall enter into an Integrity Pact (to be executed on plain paper) with the Employer at the time of submission of their Bids. The Integrity Pact digitally signed on behalf of the Employer is provided as Form 7 Section III. The Integrity Pact shall be downloaded, printed and signed by the Applicant and the hard copy shall be submitted. The scanned copy shall be submitted online and hard copy off line.~~

~~Successful bidder shall submit duly executed Integrity pact on Non Judicial Stamp paper of appropriate value prior to signing of Contract Agreement.~~

~~To oversee the compliance of obligation under the Integrity Pact, **Sh. Vivek Kumar johri, IPS(Retd.) and Dr. Vinod Aggrawal, IAS(Retd.)** has been appointed as Independent External Monitor (IEM) by the Employer.~~

3. Qualification of the Bidder

3.1 All bidders 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 Form-1 General Information, Section-III shall be provided.

b) Work experience to demonstrate meeting the criteria stipulated in clause 3.2A shall be provided in Form -3 work experiences record, Section-III. The work experience shown shall be supported with certificate(s) from the Engineer-in-charge/Project head of the concerned work.

c) Information on financial criteria stipulated in clause 3.2A (a) shall be furnished in Form -4, Annual construction turnover, Section-III. Copy of affidavit/Certificate of CA mentioning Financial Turnover of last 3 (three) years or Balance sheets, profit and loss statements of last 3 (three) years as the case may be shall be submitted to ascertain bidder's meeting the financial criteria.

~~d) The proposed methodology (Schedule G in separate sheets) and programme of construction (in Schedule E), backed with equipment planning and deployment (in Schedule F), duly supported with broad calculations, justifying their capability of execution and completion of the work as per technical specifications and within the stipulated period of completion.~~

3.2 A To qualify for award of the Contract, each bidder should have:

Financial Criteria:

1. The bidder should have average annual financial turnover in last three year ending FY 2021-22 should be equal to the 30% of the estimated cost of the work for which bid has been invited.

Chartered Accountant certified Balance Sheet, Profit- Loss Account Statement and Net Worth statement of last 03 Financial Years i.e. 2019-20, 2020-21 & 2021-22 is required to be submitted.

Technical Criteria:

Bidder should have Satisfactorily completed, in last seven year ending last day of month previous to the one in which applications are invited:

- a. One similar work of value of 80% of the estimated cost of work or more.
- b. Two similar works, each with value of 50% of the estimated cost of work or more.
- c. Three similar works, each with value of 40% of the estimated cost of work or more.

Similar works means: “Any Civil Work”

Note: Copies of letter of Award along with completion certificate by EIC/project authority needs to be submitted by the bidder along with techno-commercial document.

In case of experience Certificate produced by the contractors for having executed works for private Organizations, TDS Certificates shall also be produced along with experience certificate.

3.2 B Each bidder must also produce with their Bid:

- i) Copy of PAN Card, GST Registration No. and EPF Registration No., Current IT Challan/return.
- ii) A declaration that the information furnished with the bid documents is correct in all respects in form-5, form of declaration, Section-III.
- iii) Such other certificates if any as defined in the ITB.

(iv) GST has been implemented by the Government w.e.f. 01.07.2017. The Contractor, except for the supplies for the categories mentioned at Section 9(3) of GST Act, shall submit GSTIN and shall quote his prices in accordance with GST provisions after considering the benefit of Input Tax Credit etc. Undertaking in the prescribed format for passing on benefit of Input Tax Credit and compliance of Anti-profiteering clause under Section 171 of CGST Act / SGST Act. shall be submitted along with bid.

3.2 C To qualify for Contract for which bids are invited in the Notice Inviting Tender, the bidder must demonstrate having work experience, financial capability and resources sufficient to meet the aggregate of the qualifying criteria. Failure to produce the certificates and documents in clauses 3.1 and 3.2(A) & (B) shall make the bid non-responsive.

3.2 D JVs or any other arrangement other than sole bidder is not allowed. Experience and resources of proposed sub-contractor, if any shall not be taken into account in determining the bidder's compliance with the qualifying criteria/ However, experience of bidder as sub-contractor approved by Project developer shall be considered. Experience of bidders as member of Consortium/Joint Venture shall be considered as per distribution of work against the member of the Consortium/Joint Venture. In case where distribution of Consortium/JV members is not specified in Consortium/JV agreement then the experience credential shall be considered for all members of JV with minimum 35% participation share.

~~**3.2 E** All Startups (whether MSEs or otherwise), falling within the definition as per Gazette notification G.S.R.501(E) dt. 23.05.2017 or as amended from time to time are exempted from meeting the qualification criteria in respect of Prior Experience Prior Turnover as per para 3.2A subject to their meeting the quality and technical specification. However, the Employer reserves the right to deny such exemptions to startups (whether MSEs or otherwise) in case of circumstances like procurement of items related to public safety, health, critical security operations and equipments etc.~~

Exemptions for meeting the qualification criteria in respect of Prior Experience-Prior Turnover to Start-ups (whether MSEs or otherwise) shall not be granted as the work is of specialized nature related to Public Safety.

- 3.2F** (a) For procurement of Goods/Services/Works, irrespective of purchase value where there is sufficient local capacity and local competition, only Class-I local supplier (i.e. a supplier or service provider, whose Goods/ Services/ Works offered for procurement, meets the minimum local content) shall be eligible to bid.
- b) For procurement of Goods/Services/Works, not covered under a) above and having estimated value less than INR 200.00 Crore, Global tender enquiry shall not to be issued except with the approval of Competent Authority as designated by Department of Expenditure. Only Class-I and Class-II local suppliers (i.e. a supplier or service provider, whose Goods/ Services/ Works offered for procurement, meets the minimum local content but less than that prescribed for “Class-I local supplier”) shall be eligible to bid in procurements, except when Global tender enquiry has been issued. In Global tender enquiries, Non-local suppliers shall also be eligible to bid along with Class-I and Class-II local suppliers.

The above criteria shall be subject to compliance of following:

- (i) The bidder shall have to be an entity registered in India in accordance with law. Indian subsidiaries of foreign bidders are eligible to participate in the bidding process provided they meet the qualifying criteria in terms of capability, competency, financial position, past performance etc. Further, Foreign bidders shall compulsorily set up their manufacturing units on a long term basis in India.
- (ii) Foreign bidders can also participate in the bidding process provided they form Joint Venture with any bidder registered in India in accordance with law.
- (iii) Country of origin of the equipment/material shall be provided in the bid.
- (iv) The bids shall be in Indian National Rupees (INR) only in respect of local content.
- (v) The bidder shall follow Indian laws, regulations and standards.
- (vi) For supply of equipment / material from the country of origin other than India, the bidder shall submit performance certificate in support of satisfactory operation in India or a country other than the country of origin having climatic and operational conditions including ambient temperature similar to that of India for minimum one year.
- (vii) The manufacturer/ supplier shall list out the products and components producing Toxic E-waste and other waste. It shall have an Extended Producers Responsibility (EPR) so that after the completion of the lifecycle, the materials are safely recycled / disposed of by the Manufacturer/ Supplier and for this, the Manufacturer/Supplier along with procurer has to establish recycling / disposal unit or as may be specified.
- (viii) The bidder shall have to furnish a certificate regarding cyber security/safety of the equipment / process to be supplied/services to be rendered as safe to connect.
- (ix) Wherever required, the Foreign supplier shall establish fully functional service centers in India and shall keep spares/material locally for future needs of Utilities.
- (x) Arbitration proceedings shall be instituted in India only and all disputes shall be settled as per applicable Indian Laws.

3.3 Even though the bidders meet the above qualifying criteria, they are subject to be disqualified if they have:

- (i). made misleading or false representations in the forms, statements, declarations and attachments submitted in proof of the qualification requirements; and/or

- (ii). participated in the previous bidding for the same work and had quoted abnormally high or low bid prices and could not furnish rational justification for it to the Employer.

4.0 Time for Completion

The successful bidder shall complete the entire work within the time specified at SI no. -1, to be reckoned from the date of issue of Letter of Acceptance.

5.0 Tenders must be accompanied by the earnest money of the amount specified for the work in the table.

~~**6.0** As per Govt. Guidelines, for Bidder(s) registered as Micro and Small Enterprises, the cost of tender document and Earnest Money deposit will not be applicable. However, the proof for the same shall be submitted for eligibility.~~

~~**7.0 Pre Bid Meeting**~~

~~a) A Pre Bid meeting open to all the prospective Bidder(s) will be held at venue, date and time as per SI. No. 1 wherein they shall be given an opportunity to obtain clarifications, if any, regarding the work and Bid conditions.~~

~~b) Prospective Bidder(s) may submit their queries, if any, by email / courier / fax at address stated at Para -8 at least 03 days before the pre Bid meeting so that the same can be replied during the meeting.~~

8.0 Bid submission

i) Online Bid Submission – Technical Bid (Cover-I) (Refer Section-II i.e. ITB) and Price Bid (Cover-II) electronic format) complete in all respect must be uploaded at the aforesaid portal date & time as per SI. No. 1.

ii) Offline Bid Submission (Refer Section-II i.e. ITB) complete in all respect must be delivered in sealed envelopes to the address, date & time as per SI. No. 1, which may be after opening of Technical bid).

In the event of the specified date or amendment if any for the submission of bids being declared a holiday for the Employer, the hard copy of the documents will be received up to the specified time on the next working day. Similarly, in the event of the specified date or amendment if any for the opening of bids being declared a holiday for the Employer, the opening shall be carried out at the specified time on the next working day. However, the date and time for online submission of the Bids shall continue to be the date and time specified or amendment if any.

9.0 The currency for the Bid shall be Indian Rupee only.

10.0 Bids shall be valid for a period as mentioned in SI no. 1 after the deadline for Bid submission. If any Bidder withdraws his Bid before the said period or makes any modification in his Bid, the Earnest Money deposit of the Bidder shall be forfeited.

11.0 The Techno-commercial Bid shall be opened online at venue date & time as per Si. No.-1. the time and date of opening of Financial Bid of bidders qualified the technical bid shall be communicated to them at later date after evaluations of technical bids. The Employer/Tender inviting Authority at his discretion may open Technical and Financial Bid simultaneously and evaluate the Bid completely.

12.0 E-tendering: Instruction for online bid submission

The Techno-commercial Bid and Price Bid to be submitted on-line at Central Public Procurement e-Portal <http://eprocure.gov.in/eprocure/app>. The bidders are required to submit soft copies of their bids electronically on the Central Public Procurement (CPP) Portal, using valid Digital Signature Certificates. The instructions given below are meant to assist the bidders in registering on the CPP Portal, prepare their bids in accordance with the requirements and submitting their bids online on the CPP Portal.

12.1 Registration:

- i) Bidders are required to enroll on the e-Procurement module of the Central Public Procurement Portal by using the “Online Bidder Enrollment” option available on the home page. Enrolment on the CPP Portal is free of charge.
- ii) As part of the enrolment process, the bidders will be required to choose a unique username and assign a password for their accounts.
- iii) 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 Consultants/ bidders through email-id provided.
- iv) For e-tendering possession of valid Digital Signature Certificate (Class II or Class III Certificates with signing key usage) is mandatory which can be obtained from SIFY/ TCS/ nCode/ eMudra or any Certifying Authority recognized by CCA India on eToken/ Smart Card.
- 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.

12.2 Searching for Tender documents:

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

12.3 Preparation of Bids:

- a) 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.
- b) Bidder shall go through the tender document carefully to understand the documents required to be submitted as part of the bid. Bidder 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.
- c) Any clarifications if required then same may be obtained online through the tender site, or through the contact details given in the tender document.
- d) Bidders should get ready in advance the bid documents to be submitted as indicated in the tender document/ schedule in PDF/ xls/ rar/ zip/ dwf formats. If there is more than one document, they can be clubbed together using zip format.
- e) To avoid the time and effort required in uploading the same set of standard documents which are required to be submitted as a part of every bid, a provision of uploading such standard documents (e.g. PAN card copy, Annual Reports, Auditor Certificates etc) has been provided to the bidders. Bidders can use "My Space" or "Other Important Documents" area available to them to upload such documents. These documents may be directly submitted from the "My Space" or "Other Important Documents" area as per tender requirements while submitting the bid, and need not be uploaded again and again. This will lead to reduction in the time required for bid submission process.

12.4 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, EMD and other required documents as per the instructions specified in the NIT/ tender document. The originals should be submitted to the Tender Inviting Authority or the place specified in para1, on or before the last date & time of offline bid submission. The details of the DD/BC/BG, 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) Bidder shall select the payment option as 'offline' to pay the Tender Fee/ EMD as applicable and enter details of the instrument.
- 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) Bidder shall note that each document to be uploaded for the tender should be less than 2 MB. If any document is more than 2MB, it can be reduced through zip/rar and the same can be uploaded. For the file size of less than 1 MB, the transaction uploading time will be very fast.
- viii) Utmost care shall be taken for uploading Schedule of Quantity & Price and any change/modification of the price schedule shall render it unfit for bidding. Bidders shall download the Schedule of Quantities & Prices in XLS format and save it without changing the name of the file. Bidder shall quote their rates in figures in white background cells, thereafter save and upload the file in financial bid cover (Price bid) only. If the Schedule of Quantity & Price file is found to be modified by the bidder, the bid will be rejected. The bidders are cautioned that uploading of financial bid elsewhere i.e. other than in cover 2 will result in rejection of the tender.
- ix) 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.
- x) 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.
- xi) Bidder 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.
- xii) 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.

Any queries relating to the process of online bid submission or queries relating to CPP Portal in general may be directed to 24x7 CPP Portal Helpdesk. Toll Free **Number 1800-3070-2232. Mobile Nos. 91-7878007972 and 91-7878007973**

13.0 Any corrigendum, subsequent amendments and / or extension of date, if any, for submission of Bids shall be posted on the portal <http://eprocure.gov.in/eprocure/app>. Bidder(s) are advised to visit the portal regularly before the deadline for submission of Bids.

14.0 The employer reserves the right to accept or reject any Bid and to cancel 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 or Bidder(s). However, the Bidder(s) who wish to seek reasons for such decision of cancellation/rejection shall be informed of the same by Employer unless its disclosure reasonably could be expected to affect the sovereignty and integrity of India, the security, strategic, scientific or economic interest of the state or lead to incitement of an offence.

15.0 In case of any difference between wordings of English and Hindi version of ‘Notice Inviting Tender, English version shall prevail.

(For & on behalf of NHPC Ltd.)

-----sd-----

Sr. Manager (Contract)

Rangit Power Station,

Rangit Nagar,

South Sikkim-737111,

Email: pnc-rangit@nhpc.nic.in