

**e-TENDER NOTICE No. 24/2023-24**

**Additional Terms and Conditions (BUYER ADDED ATC)**

**1. GTE (General Technical Evaluation) SHEET:** Bidder must upload the duly filled, signed GTE sheet in the format provided with this document while submitting the bid.

**1(a) Bid Confirmation Sheet:** Bidder must upload the duly filled & signed the sheet as provided with this document, while submitting the bid in **Bid Confirmation Sheet (For Technical Evaluation) window** of GeM portal.

**2. SCOPE OF WORK:**

Particulars of Job	Quantity (in Te )	Time of Completion	Approximate Value (Rs.) (excluding Good and Service Tax)
<p><b>1. Description of work:-</b> <b>Job No.(1):</b>Transportation of coal by hired tippers loaded under gravity from surface bunker of Vishnupuri UG Mine No-II of Pench Area to EDC Siding via by-pass road(Weighment of coal loaded tippers will be done at loading and unloading ends). <b>Lead: 13-14 Km (Avg. Lead: 13.90 K.M.)</b></p> <p><b>Minimum daily quantity to be handled: 555 Te.</b></p>	3,10,695 Te	560 days for whole work.	Rs. 3,95,73,222.15
<p><b>Job No.(2):</b> Loading of coal by hired Front End Loader/ Payloader for loading into trucks/tippers from coal stock yard of Vishnupuri UG mine No-II . <b>(Re-handling Quantity)</b> <b>Minimum quantity to be handled per day:- As and when required</b></p> <p><b>Lead Slab:28-29 Km.</b></p> <p><b>Minimum daily quantity to be handled: 2000 Te.</b></p>	20713 Te		Rs. 1,77,303.28
<p><b>Note:</b> (i) The rate to be quoted on <b>percentage rate basis</b> and percentage value should be upto <b>two decimal places</b> only. (ii) The rates for the job to be quoted exclusive of Goods and service tax &amp; GST Compensation cess, but inclusive of all applicable Taxes, duties &amp; levies. (iii) Job No. (1) is covered under GTA services and the onus of payment of Goods and service tax is on WCL. (iv) Job No.(2) is covered under Mining Services. (v) <b>The subject work can be Split and shall be dealt with</b></p>			

as per the clause 12 K (A) of NIT.		
<b>Total value of Job No.(1), Job No.(2) excluding Goods and service tax:</b>		<b>Rs. 3,97,50,525.43</b>
<b>Goods &amp; Services tax @5.0% of total value Job No.(1):</b>		<b>Rs. 19,78,661.10</b>
<b>Goods &amp; Services tax @18.0% of total value Job No.(2):</b>		<b>Rs.31,914.59</b>
<b>Total value of work including Goods &amp; Services tax @5.0% of total value of Job No.(1) &amp; Goods &amp; Services tax @18 % on total value of Job No.(2) :</b>		<b>Rs. 4,17,61,101.12</b>
<b>( Total value: Rupees Four Crore, Seventeen Lakh, Sixty One Thousand, One Hundred One &amp; Paise Twelve Only)</b>		

**Note:** The Bid document will be available on the following websites for downloading at free of cost.

1. <https://gem.gov.in/>

**Details of GST registration of WCL**

GSTIN of Western Coalfields Limited	MAHARASTRA	MADHYA PRADESH
	27AAACW1578L1ZW	23AAACW1578L1Z4

**NOTE:- TIME SCHEDULE OF TENDER:** For Time Schedule of Tender, Please follow GeM Tender Notice.

Estimate is based on the diesel price of Rs. 95.54 per litre.

**Note:** The base date shall be 22.07.2023 i.e. 10th day, prior to the last date on which the tenders were stipulated to be received (including the last date of submission of bid as mentioned in the NIT/ GeM portal prior to revision, if any) for working out price variation as per Clause no: 37.02 of Conditions of Contract/GTC.

**3. Deposit of EMD: Rs.3,40,300/- (Rupees Three Lakh, Forty Thousand, Three Hundred only** as Earnest Money/ Bid Security (1.25% of the annualized value of estimated cost / estimated cost whichever is less, rounded off to next hundred rupees subject to maximum of Rs. 50 lakhs).

The bidder will have to make the payment of EMD through ONLINE mode only.

In Online mode the bidder can make payment of EMD either through net-banking from designated Banks or through NEFT/RTGS from any scheduled Bank.

<b>Name of Beneficiary &amp; its details</b>	<b>Name</b>	Western Coalfields Limited
	<b>Area</b>	WCL HQ
	<b>Bank Account No.</b>	00000010205966091
	<b>Department</b>	Contract Management Cell
<b>Beneficiary Bank &amp; Address</b>	State Bank of India	
	COAL ESTATE BRANCH, NAGPUR(09060)	
<b>IFSC Code</b>	SBIN0009060	

**Note:-** After making online payment of EMD, bidder must submit the details of successful transaction (Transaction ID/ UTR No. etc) of such payment while submitting bid documents.

**No Bid will be accepted unless accompanied by requisite Earnest Money Deposit as stated above.**

The earnest Money / Bid security of the unsuccessful bidder shall be refundable as promptly as possible and shall bear no interest.

In case of exemption of EMD the scanned copy of document in support of exemption will have to be uploaded by the bidder during bid submission. However, this option is to be enabled only in those cases where the exemption of EMD to some bidders is allowed as per NIT.

- 3.1 Online EMD will be collected centrally at one account at CIL/WCL HQ viz. Pool Account.
- 3.2 Bidder will be allowed to submit his/her bid only after his/her EMD is received by CIL/WCL.
- 3.3 At appropriate stage of tender evaluation the EMD which is to be retained will be resettled to the respective Area Account.



- 3.4 Cash Book and other financial accounting will be done based on the system generated reports/ Reports from user department/ Bank statements.
- 3.5 In case the tender is cancelled then EMD of all the participating Bidders will be refunded unless it is forfeited by the department.
- 3.6 If the Bidder withdraws his/her bid online (i.e. before the end date of submission of tender) then his/her EMD will be refunded after the opening of tender.
- 3.7 The EMD of successful Bidder (on Award of Contract) will be retained by CIL/Subsidiary and will be adjusted to Performance Security Deposit at the option of the Bidder.
- 3.8 The earnest money / bids security bank guarantee can be submitted by the **Joint Venture** or one or more partners of the Joint Venture.
- 3.9 The EMD of rejected Bidders will be refunded at any stage directly to the account from where it had been received or to the account mentioned in Annexure – I (**Mandate Form For EFT/ Internet Banking Payment**) submitted by Bidder. (Except the cases where EMD is to be forfeited).
- 3.10 The earnest money / bids security bank guarantee can be submitted by the **Joint Venture** or one or more partners of the Joint Venture.
- 3.11 The EMD of rejected Bidders will be refunded at any stage directly to the account from where it had been received (except the cases where EMD is to be forfeited).

### 3.12 Exemption of EMD:

**Micro and Small Enterprises (MSEs) registered with District Industries Centers (DIC) / Khadi and Village Industries Commission (KVIC) / Khadi and Village Industries Board (KVIB) / Coir Board / National Small Industries Corporation (NSIC) / Directorate of Handicrafts and Handloom / any other body specified by Ministry of Micro Small and Medium Enterprises (MoMSME) are eligible for exemption of EMD, on submission of scan copy of valid document in support of their MSE status under the public procurement policy for Micro and small Enterprise (MSEs) order, 2012 of GOI.**

**4. Pre-bid Meeting:** Pre-bid meeting in compliance with different manuals of CIL may take place, if required, after publication of Tender but in any case at least 1 (one) day before the start date of Bid submission. If a Pre Bid meeting is held then the minutes of the Pre-Bid meeting shall be uploaded on the Portal, before start date of bid submission which can be viewed by all interested bidders.

**5. Seeking Online Clarification by bidder:** The bidder may seek clarification online within the specified period. The identity of the Bidder will not be disclosed by the system. The department will clarify as far as possible the relevant queries of bidders. The clarifications given by department will be visible to all the bidders intending to participate in that tender.

### 6. Eligibility Criteria

- a. **Work Experience :** The bidder must have experience of works (includes completed / ongoing) of similar nature (such as Loading and / or Transportation of coal / Excavation and / or Transportation of coal / Overburden /Shale /Extraneous materials/ Sand / Ore / Minerals etc. by mechanized means.) valuing 50 % of the annualized estimated value of the work put to tender ( for period of completion over 1 year) / 50 % of the estimated value of the work (for completion period up to one year ) put to Tender in any year (consecutive 365 days) during last 7(seven) years ending last day of month previous to the one in which bid applications are invited.

Annualised value” of the work shall be calculated as the “Estimated value/Period of completion in Days x 365.

The value of executed works shall be given a **simple** weightage to bring them at current price level by adding 7% for each completed year (total number of days/365) after the end date of experience **till the last day of month** previous to one in which e-Tender has been invited.

**The above qualification criteria shall be met collectively by JV/ Consortium members or JV/ Consortium itself.**

**The qualifying criteria parameter e.g. experience of the individual members of the JV/ Consortium will be added together towards fulfillment of qualification criteria related to experience.**

**However, the participating share of JV members shall be as below:**

- 1) **Lead member shall have at least 50% participating share in JV/ Consortium.**

**2) Other member (s) shall have at least 20% participating share in JV/ Consortium.**

**Data to be furnished by Bidder on-line:**

- i. Start date of the year for which work experience of bidder is to be considered for eligibility.
- ii. Start date & end date of each qualifying experience (similar nature)
- iii. Work Order Number/Agreement Number of each experience
- iv. Name & address of Employer/Work Order Issuing authority of each experience
- v. Percentage (%) share of each experience (100% in case of an Individual/proprietorship firm or the actual % of share in case of a Joint Venture/Consortium/Partnership firm).
- vi. Executed Value of work against each experience
- vii. In case the bidder is a Joint Venture/ Consortium, the work experience of any one, two or three of the individual members of JV/ Consortium or the JV/ Consortium itself may be furnished as the work experience of the bidder.

**If a Bidder participates as a Joint Venture (JV)/ Consortium the benefits as per Public Procurement Policy for MSEs Order-2012 shall not be applicable for them.**

**Scanned copy of documents to be uploaded by bidders (CONFIRMATORY DOCUMENT) :**

For work experience, bidders are required to submit Work Experience Certificate (includes completed/ongoing) issued by the employer against the experience of similar work containing all the information as sought on-line.

**Work order, BOQ, TDS etc. may be sought during clarification or along with deficient documents, if felt necessary by the Tender Committee.**

**SAMPLE CHECKLIST OF WORK EXPERIENCE CERTIFICATE**

**THIS IS A SAMPLE CHECKLIST FOR WORK EXPERIENCE CERTIFICATE. (FOR REFERENCE PURPOSE ONLY).**

The Work Experience Certificate issued by Employer (Principal Employer as applicable) should contain the following important parameters in line with the information furnished by the bidder online:

1. Name of Work: (Should be as per the Similar Nature of Work and should be matching with the Name of work mentioned in Work Order or Agreement).
2. Work Experience Certificate Reference No.: (should contain Reference No. and issuing date.)
3. Work Order Ref Number: (Work Order Reference Number should be clearly mentioned).
4. Agreement Ref Number: (Agreement Reference Number should be clearly mentioned) (As applicable).
5. Name of Contractor: (In case of a JV/ Consortium, Share of each JV/ Consortium Partner).
6. Name & Address of Employer/Work Order Issuing authority of experience.
7. Start Date & End Date of Qualifying Experience: (Should be maximum consecutive 365 days and should be within the period [1 year (consecutive 365 days)] declared online for consideration of eligibility).
8. Executed Value of Work: (Should be for the period as declared online)



NOTE:

1. For eligibility Total Amount of Work Experience (adding all the Experience Value during the consecutive 365 days declared online) should be at least 50% of the Annualized value or estimated value whichever is less.

In case of JV/ Consortium, above documents of partner(s) shall be submitted and Work Experience shall be met collectively by all the partner/ members.

**b. Working Capital:** Evidence of possessing adequate working capital (at least 20% of the "Annualized value or Estimated value whichever is less" of this work) inclusive of access to lines of credit and availability of other financial resources to meet the requirement. The bidder should possess the working capital within three months prior to the date of opening of tender.

The participating share of JV/ Consortium members shall be as below:

- 1) Lead member shall have at least 50% participating share in JV/ Consortium.
- 2) Other member (s) shall have at least 20% participating share in JV/ Consortium.

In case of JV/ Consortium, the requirement of Working Capital under this clause shall be met as per the following proportion:

- a) The lead member shall have to possess at least 50% share in the required Working Capital in order to qualify in this tender.
- b) All other members shall have to possess at least 25% share in the required Working Capital, in order to qualify in this tender.

**Data to be furnished by Bidder on-line :**

- i. Amount of available working capital inclusive of lines of credit and availability of other financial resources
- ii. Date on which the bidder possesses the required working capital
- iii. Name of the Chartered Accountant (CA)
- iv. Membership Number of CA who certifies the bidder's working capital on a particular date.
- v. Date of Issue of Certificate
- vi. In case the bidder is a Joint Venture/ Consortium, the working capital of the individual members of the JV/ Consortium will be added together for each financial year and is to be furnished as the turnover of the bidder for that particular financial year.  
**If a Bidder participates as a Joint Venture (JV) / Consortium the benefits as per Public Procurement Policy for MSEs Order-2012 shall not be applicable for them.**

**Technical evaluation:**

- i. The evaluator shall check that the date on which the bidder possesses the required working capital as well as the date of issue of certificate is within 3 months of the date of opening of tender.
- ii. The value of working capital as certified by the CA is greater than or equal to the minimum requirement.

**Scanned copy of documents to be uploaded by bidders (CONFIRMATORY DOCUMENT) :**

Certificate with UDIN of Working Capital issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India containing the information as furnished by Bidder on-line.

**SAMPLE CHECKLIST OF WORKING CAPITAL CERTIFICATE**

**THIS IS A SAMPLE CHECKLIST FOR WORKING CAPITAL CERTIFICATE. (FOR REFERENCE PURPOSE ONLY).**

The Working Capital Certificate issued by CA should contain the following important parameters in line with the information furnished by the bidder online:

1. Name of Bidder:
2. Amount of Available Working Capital inclusive of lines of credit and availability of other financial resources:

SI No.	Particulars	Value in Rs.
(1)	(2)	(3)
1	Current Asset (CA)	
2	Current Liability (CL)	
3	Working Capital (1-2)	
4	Access to lines of credit and availability of other financial resources	
5	Working Capital inclusive of Access to lines of credit and availability of other financial resources (3+4)	

Note: For eligibility Amount should be at least 20% of the Annualized value or Estimated value whichever is less.

3. Date on which bidder possess working capital: (Should be within 3 months prior to the date of opening of tender).
4. Name of Chartered Accountant (CA) with Membership No.:
5. Date of issue of Certificate: (Should be within 3 months prior to the date of opening of tender).
6. Certificate should be issued by Practicing CA (having Membership No.) containing UDIN No.

**NOTE:**

1. Access to line of Credit and availability of other financial resources shall imply the **Net availability of Funds\*** towards Working Capital, as on the date on which bidder possesses working capital.  
\* The net availability of funds is the availability of unutilized fund.
2. In case of JV// Consortium Bidder needs to submit the Working Capital Certificate of individual Partners and the requirement of Working Capital shall be met as per following proportion:
  - i. The lead member shall have to possess at least 50% share in the required Working Capital in order to qualify in this tender.
  - ii. All other members shall have to possess at least 25% share in the required Working Capital, in order to qualify in this tender.

**2). In case of MSE bidder, the bidder shall submit the turnover along with investment in Plant & Machinery as per the last income tax return filled duly certified by Chartered Accountant.**

**c. Equipment Requirement:**

Details of trucks/ tipping trucks/ pay loaders and other equipment to be used for the work.

Type of Equipments	Minimum capacity of equipment to be deployed	Total requirement
Pay loader	2.25 cum as bucket capacity	01 Nos. (Total 2.25 cum bucket capacity or more)
Tippers	16 Te as carrying capacity	04 Nos. (Total 64 Te Carrying capacity or more.)

**“The bidder is required to give an undertaking on the letter head of the bidder in the prescribed format to deploy matching equipment as per NIT either Owned or hired”.**

In respect of the above eligibility criteria the bidders are required to furnish the following information on-line:

Confirmation in the form of YES / NO in GTE regarding acceptance to deploy matching equipment as per NIT either owned or hired.

Scanned copy of an undertaking on the letter head of the bidder in the prescribed format to deploy matching equipment as per NIT either Owned or hired.



The bidder is required to give an undertaking on the letter head of the bidder in the prescribed format "Annexure – B" to deploy matching equipments as per NIT, either Owned or hired. (Annexure –B)

**Data to be furnished by Bidder:**

Confirmation in the form of YES/NO in GTE regarding acceptance to deploy matching equipments as per NIT, either owned or hired.

**Technical evaluation:**

The evaluator will evaluate "Yes" as eligible and "No" as not eligible.

**Scanned copy of documents to be uploaded by bidders (CONFIRMATORY DOCUMENT) :**

An undertaking on the letter head of the bidder in the prescribed format confirming acceptance to deploy matching equipments as per NIT either owned or hired.

**d. Permanent Account Number:** The bidder should possess a Permanent Account Number (PAN) issued by Income tax Department Govt. of India (In case of JV/CONSORTIUM, PAN card for each Indian partner of JV/CONSORTIUM and Verifiable Tax Residency Certificate of respective country for each foreign partner or JV/CONSORTIUM itself).

**Data to be furnished by Bidder on-line:**

Confirmation in the form of YES/NO regarding possessing of PAN in GTE.

**Technical evaluation:**

The evaluator will evaluate "Yes" as eligible and "No" as not eligible.

**Scanned copy of documents to be uploaded by bidders (CONFIRMATORY DOCUMENT):**

PAN Card of the bidder.

**e. Goods and Services Tax (Not Applicable for Exempted Services)**

The bidder should be either:

a) GST Registered Bidder under Regular Scheme.

OR

b) GST Registered Bidder under composition Scheme.

OR

c) GST unregistered Bidder during bid submission as per above.

**In respect of the above eligibility criteria the bidder is required to furnish the following information online:**

i). Confirmation in the form of Yes/No regarding possessing of required document as enlisted in NIT with respect to GST status of the bidder.

**Scanned copy of documents to be uploaded by bidders in support of information/ declaration furnished online by the bidder against Eligibility Criteria as Confirmatory Document**

The following documents depending upon the status w.r.to GST as declared by Bidder in the BOQ sheet:

a. Status: GST registered Bidder under Regular Scheme:

Document: GST Registration Certificate (i.e. GST identification Number) issued by appropriate authority of India.

b. Status: GST registered Bidder under composition Scheme:

Document: GST Registration Certificate (i.e. GST identification Number) issued by appropriate authority of India.

c. Status: GST unregistered bidder:

Document:

A Certificate with UDIN from a practicing Chartered Accountant having membership number with Institute of Chartered Accountants of India certifying that the Bidder is GST unregistered Bidder in compliance with the relevant GST rules of India.

In case of JV/Consortium, Bidder should submit scanned copy of GST status of Lead Partner only.

**Note:**

1. *In case the work/service is awarded to a Joint Venture/Consortium participating in the tender, they have to submit PAN, GST registration (as applicable in the tender and for Bidder status) etc. in the name of the Joint Venture/Consortium at the time of execution of Agreement.*

2. If turnover of bidder exceeds exemption limit / threshold limit, the bidder must have GST registration as per GST Act and rules.

**If a Bidder participates as a Joint Venture (JV) / Consortium the benefits as per Public Procurement Policy for MSEs Order-2012 shall not be applicable for them.**

**f. Legal Status of the Bidder:** The Bidder should be Individual/ Proprietorship firm/ Partnership firm/ Company registered under Companies Act/Joint Venture/ Consortium.

**Supporting Documents to be uploaded online:**

1. The following documents in respect of Legal Status of a JV/ Consortium Bidder shall be uploaded in Bidder's Space by the JV/CONSORTIUM Bidder:

i. Scanned copy of JV/CONSORTIUM Agreement containing name of partners and lead partner, Power of Attorney to the lead partner and share of each partner.

ii. Power of attorney of the respective partners from the Board of Directors of the concerned Company, or from the partners of the entity, or from the proprietor, authorizing the signatory of JV/CONSORTIUM agreement on behalf of them.

iii. The document(s) (any of them as applicable) regarding legal status of all the individual partners of JV/CONSORTIUM as mentioned below:

a) Affidavit or any other document to prove Proprietorship/Individual status of the Bidder.

OR

b) Partnership deed containing name of partners.

OR

c) Memorandum & Article of Association with certificate of incorporation containing name of Bidder.

2. The document(s) (any of them as applicable) regarding legal status of eligible Bidders other than JV/Consortium as mentioned below:

a) Affidavit or any other document to prove Proprietorship/Individual status of the Bidder.

OR

b) Partnership deed containing name of partners.

OR

c) Memorandum & Article of Association with certificate of incorporation containing name of Bidder

**g. Authorization:** The Bidders have to get themselves registered online on the GeM portal.

The registration should be in the name of Bidder, whereas bid may be submitted may be either Bidder himself or his duly authorized person.

**The bidder must upload the Power of Attorney or any sort of legally acceptable document for the authority to bid on behalf of the Bidder.**

**h. Written Consent regarding Arbitration:**

It shall be taken as an undertaking by the Bidder during submission of bid in case the Bidder is a Partnership Firm/Joint Venture. For this a general form of undertaking has been specified in e-Procurement guideline of Works and Services containing this Clause. For other category of Bidders acceptance of terms and condition through User Portal Agreement / LOB complies this requirement.



**i. Letter of Bid:** The Letter of Bid addressed to the Tender Inviting Authority (TIA) will be given in Tender document containing name of the work, NIT No., Tender ID. This will be the covering letter of the Bidder for his submitted bid. The Bidders have to accept unconditionally the Letter of Bid in GTE (General Technical Evaluation) at the time of bid submission. This acceptance during bidding through GTE shall be construed as submission of LOB by bidder.

**j. Restrictions on Public Procurement from certain countries:**

The Undertaking of the Bidder regarding compliance to order No.F.7/10/2021- PPD dt 23/02/2023 as amended from time to time of Ministry of Finance, Dept of Expenditure, Public Procurement Division with respect to restrictions on procurement of goods, services or works from a Bidder of a country which shares a land border with India and on sub-contracting to Contractors from such countries will be given in the tender document. The Bidders have to accept unconditionally this condition in GTE (General Technical Evaluation) at the time of bid submission. This online acceptance during bidding through GTE shall be construed as acceptance of the Bidder for fulfilment of the requirements towards eligibility under this provision.

**k. Undertaking:** An undertaking is to be given on Bidder's letter head online as per the format given in the bid document.

**l.** The MSEs are required to submit copy of documentary evidence, issued by their registering authority whether they are small enterprise or micro enterprise as per provisions of Public Procurement Policy for Micro and Small Enterprise (MSEs) Order, 2012 with latest guidelines/clarifications provided by MoMSME

**m.** Documents as required to comply with the Order No. P-45021/2/2017-PP (BE-II) for preference to Make in India (as applicable) issued by Govt. of India as amended from time to time shall be submitted.

**7. Scanned copy of documents to be uploaded by bidders (CONFIRMATORY DOCUMENT):**

**FOR SERVICES TENDERS:**

SI No.	Eligibility Criteria	Information to be furnished by bidder on line	Scanned copy of documents, to be uploaded by in support of information/ declaration furnished online by the bidder against Eligibility Criteria as Confirmatory Document
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**THE WORK EXPERIENCE :**

The bidder must have experience of works (includes completed / ongoing) of similar nature (such as Loading and / or Transportation of coal / Excavation and / or Transportation of coal / Overburden /Shale /Extraneous materials/ Sand / Ore / Minerals etc. by mechanized means.) valuing 50 % of the annualized estimated value of the work put to tender ( for period of completion over 1 year) / 50 % of the estimated value of the work (for completion period up to one year ) put to Tender in any year (consecutive 365 days) during last 7(seven) years ending last day of month previous to the one in which bid applications are invited.

1. Start date of the year for which work experience of bidder is to be considered for eligibility.
2. Start date & end date of each qualifying experience (similar nature)
3. Work Order Number /Agreement Number of each experience
4. Name & address of Employer / Work Order Issuing authority of each experience
5. Percentage (%) share of each experience (100% in case of an Individual /proprietorship firm or the actual % of share in case of a Joint Venture/ Consortium / Partnership firm).
6. Executed Value of work against each experience.
7. In case the bidder is a Joint Venture/ Consortium, the work experience of any one, two or three of the individual members of JV/ Consortium or the JV/ Consortium itself may be furnished as the work experience of the bidder.

**If a Bidder participates as a Joint Venture (JV) / Consortium the benefits as per Public Procurement Policy for MSEs Order- 2012 shall not be applicable for them.**

For work experience, bidders are required to submit Work Experience Certificate issued by the employer against the experience of similar work containing all the information as sought on-line.

**Work order, BOQ, TDS etc. may be sought during clarification or along with deficient documents, if felt necessary by the Tender Committee.**



2	<p><b>THE AVAILABILITY OF WORKING CAPITAL:</b> Evidence of possessing adequate working capital (at least 20% of the "Annualized value or Estimated value whichever is less" of this work) inclusive of access to lines of credit and availability of other financial resources to meet the requirement. The bidder should possess the working capital within three months prior to the date of opening of tender.</p>	<ol style="list-style-type: none"> <li>1. Amount of available working capital inclusive of access to lines of credit and availability of other financial resources</li> <li>2. Date on which the bidder possesses the required working capital</li> <li>3. Date of issue of W.C. Certificate by CA</li> <li>4. Name of the Chartered Accountant (CA)</li> <li>5. Membership Number of CA who certifies the bidder's working capital.</li> <li>6. <b>If a Bidder participates as a Joint Venture (JV) / Consortium the benefits as per Public Procurement Policy for MSEs Order-2012 shall not be applicable for them.</b></li> </ol>	<p>1. Certificate with UDIN of Working Capital issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India containing the information as furnished by Bidder on-line.</p> <p><b>2. In case of MSE bidder, the bidder shall submit the turnover along with investment in Plant &amp; Machinery as per the last income tax return filled duly certified by Chartered Accountant.</b></p>
3	<p><b>Legal Status of the bidder</b></p>	<p>Confirmation in the form of Yes/NO for possessing the supporting documents</p>	<p>Any one of the following document :</p> <ol style="list-style-type: none"> <li>1. Affidavit or any other document to prove proprietorship/Individual status of the bidder.</li> <li>2. Partnership deed containing name of partners</li> <li>3. Memorandum &amp; Article of Association with certificate of incorporation containing name of bidder</li> <li>4. Joint Venture/ Consortium agreement containing name of members and lead member, share of each member.</li> <li>5. Power of Attorney of the respective partners from the Board of Directors of the concerned company, or from the partners of the entity, or from the proprietor, authorizing the signatory of JV/ Consortium agreement on behalf of them.</li> </ol> <p><b>To be uploaded by Bidder</b></p>
4	<p><b>Valid Permanent Account Number (PAN)</b></p>	<p>Confirmation in the form of Yes/NO for possessing the supporting documents</p>	<p>PAN card issued by Income Tax department, Govt. of India (In case of JV/Consortium,, PAN card for each Indian member/ partner of JV / Consortium and verifiable</p>

			<p><i>Tax Residency Certificate of respective country for each foreign member/partner or JV / Consortium itself ) If a Bidder participates as a Joint Venture (JV) / Consortium the benefits as per Public Procurement Policy for MSEs Order-2012 shall not be applicable for them.</i></p> <p><b>To be uploaded by Bidder</b></p>
5	<p><b>Valid Digital Signature Certificate OR as per the provisions of GeM Portal.</b></p>	<p>Confirmation in the form of Yes/NO for possessing the supporting documents</p>	<p>If the bidder himself is the DSC holder bidding on-line then no document is required. However, if the DSC holder is bidding online on behalf of the bidder then the Power of Attorney or any sort of legally acceptable document for the authority to bid on behalf of the bidder.</p> <p><b>OR</b></p> <p><b>as per the provisions of GeM Portal.</b></p>
6	<p><b><u>Goods and Services Tax (Not Applicable for Exempted Services)</u></b> The bidder should be either</p> <ol style="list-style-type: none"> <li>1. GST registered Bidder under Regular Scheme.</li> </ol> <p><b>OR</b></p> <ol style="list-style-type: none"> <li>2. GST registered Bidder under Composition Scheme.</li> </ol> <p><b>OR</b></p> <ol style="list-style-type: none"> <li>3. GST unregistered bidder.</li> </ol>	<ol style="list-style-type: none"> <li>1. Confirmation in the form of Yes / No regarding possessing of required document as enlisted in NIT with respect to GST status of the bidder.</li> <li>2. Status of the bidder in BOQ excel sheet being uploaded by the bidder during bid submission.</li> </ol>	<p>The bidder should be either:</p> <ol style="list-style-type: none"> <li><b>b) GST Registered Bidder under Regular Scheme.</b></li> </ol> <p><b>OR</b></p> <ol style="list-style-type: none"> <li><b>b) GST Registered Bidder under composition Scheme.</b></li> </ol> <p><b>OR</b></p> <ol style="list-style-type: none"> <li><b>c) GST unregistered Bidder</b></li> </ol> <p><b><u>In respect of the above eligibility criteria the bidder is required to furnish the following information online:</u></b></p> <ol style="list-style-type: none"> <li>i). Confirmation in the form of Yes/No regarding possessing of required document as enlisted in NIT with respect to GST status of the bidder.</li> </ol> <p><b><u>Scanned copy of</u></b></p>



**documents to be uploaded by bidders in support of information/ declaration furnished online by the bidder against Eligibility Criteria as Confirmatory Document**

The following documents depending upon the status w.r.to GST as declared by Bidder in the BOQ sheet:

d. Status: GST registered Bidder under Regular Scheme:  
**Document: GST Registration Certificate (i.e. GST identification Number) issued by appropriate authority of India.**

e. Status: GST registered Bidder under composition Scheme:  
**Document: GST Registration Certificate (i.e. GST identification Number) issued by appropriate authority of India.**

f. Status: GST unregistered bidder:  
**Document: A Certificate with UDIN from a practicing Chartered Accountant having membership number with Institute of Chartered Accountants of India certifying that the Bidder is GST unregistered Bidder in compliance with the relevant GST rules of India.**

**In case of JV/Consortium, Bidder should submit scanned copy of GST status of Lead Partner only.**

**Note:**

**1. In case the work/service**

		<p><i>is awarded to a Joint Venture/Consortium participating in the tender, they have to submit PAN, GST registration (as applicable in the tender and for Bidder status) etc. in the name of the Joint Venture/Consortium at the time of execution of Agreement.</i></p> <p>2.If turnover of bidder exceeds exemption limit / threshold limit, the bidder must have GST registration as per GST Act and rules.</p> <p><b>If a Bidder participates as a Joint Venture (JV) / Consortium the benefits as per Public Procurement Policy for MSEsOrder-2012 shall not be applicable for them.</b></p> <p><b>To be uploaded by Bidder</b></p>
7	Contractor's Bid and Acceptance of Bid Conditions.	Confirmation in form of Yes/No <b><u>Not to be Uploaded by bidder online as it is a Part of Tender Document</u></b>
8	<b>ANNEXURES</b>	
8.a	<b>FLEET REQUIREMENT:</b> The bidder is required to give an undertaking on letter head of bidder in the prescribed format to deploy matching equipment as per NIT, either owned or hired	Confirmation in the form of Yes/NO.  An <b>acceptance</b> to deploy matching equipments as per NIT owned or hired on <b>letter head of bidder.</b> <b>(Annexure-B)</b>
8.b	<b>An undertaking regarding genuineness of the information furnished by him on-line and authenticity of the scanned copy of documents uploaded by him on-line in support of his eligibility, as per the format given in Annexure-C.</b>	
8.c	<b>Integrity Pact</b>	Confirmation in form of Yes/No  <b><u>Annexure-D (Not to be Uploaded by bidder online as it is a Part of Tender Document)</u></b>
8.d	<b>Settlement of dispute through Arbitration clause 13A of condition of contract. (Annexure M) as per NIT.</b>	Confirmation in form of Yes/No  <b>Annexure – M, In case the Bidder is a Partnership Firm/ Joint Venture/ Consortium. For other category of Bidders acceptance of terms and condition through User Portal Agreement / LOB/GTE complies this requirement.</b>
8.e	<b>Anti Profiteering of GST (Annexure -N) as per NIT.</b>	Confirmation in form of Yes/No



8.f Proforma for declaration towards code of integrity for public procurement to be accepted unconditionally by bidder's.	Confirmation in the form of YES/NO regarding submission of information	Annexure-P format given in NIT to be filled and uploaded.
<p><b>Note: Only one file in. pdf format can be uploaded against each eligibility criteria. Any additional/ other relevant documents to support the information/declaration furnished by bidder online against eligibility criteria may also be attached by the bidder in the same file to be uploaded against respective eligibility criteria.</b></p>		

## 8. Submission of Bid:

a. All the bids are to be submitted online and on the website <https://gem.gov.in/> No bid shall be accepted offline. The bidder should strictly comply with following instructions :

- i. The bidders are requested to submit offers online giving reference to this tender notice number and date containing offers in two parts in the links cover-I, OID and cover-II.
- ii. Two parts of the bid should contain the details as follows:

### **Part-I/covers-I and OID :**

Letter of bid

Bid Security / Details of Earnest Money

Information on Eligibility / Qualifying criteria as detailed at Clause No.6 & 7 including necessary scanned documents as elaborated there.

**Part II/covers-II:** Price only in the Excel format as indicated in the Bid document and will quote a **percentage in excess or less from the estimated value (i.e. above, equal or below the estimate).**

b. In order to submit the Bid, the bidders (even if JV/ Consortium bidder) have to get themselves registered online on the GeM portal.

[ **Note:** In case of JV/Consortium if they are not themselves registered on GeM Portal then following shall be applicable:-

**All the partners of a JV/Consortium may together authorize the Lead Partner to submit the bid on behalf of the JV/Consortium, along with an undertaking that in case of a successful bid, the work shall be executed by the JV/Consortium as per contract terms of the bid document. ]**

**Note: This authorization must be a part of the JV/consortium agreement if the Bid is submitted by the lead partner on behalf of the JV/Consortium.**

- c. The bidders have to accept the user portal agreement which contains the acceptance of all the Terms and Conditions of NIT and Bid document, undertakings and the e-Tendering system through e-Procurement Portal of CIL (GeM) in order to become an eligible bidder. This will be a part of the agreement.
- d. The Bidders will have to accept unconditionally in GTE (General Technical Evaluation) sheet the Undertaking regarding Genuineness of the information furnished by him on-line & authenticity of the scanned copy of documents uploaded by him on-line in support of his eligibility criteria, declaration w.r.t Make in India order and compliance w.r.t procurement from Bidder of a country which shares a land border with India etc. and Letter of Bid. All such undertakings requiring unconditional acceptance and where no input from Bidder is required in the undertaking shall be included in the GTE Template and shall be accepted by the Bidder during Bid submission.

In the undertaking given by Bidder online through acceptance in GTE, there will be provision for penal action, if any information/declaration furnished online by the Bidder against eligibility criteria is found to be wrong at any stage which changes the eligibility status of the Bidder.

e. **Letter of Bid:** It is a part of Tender Document.

### **f. Confirmatory Documents :**

All the confirmatory documents as enlisted in the NIT in support of online information furnished by the bidder are to be uploaded in Cover-I & OID by the bidder while submitting the bid online.



**g. Price Bid (Cover-II):**

The Price bid containing the Bill of Quantity will be in .xls format (password protected) and will be uploaded during tender creation. This will be downloaded by the bidder and he will quote a **percentage in excess or less from the estimated value (i.e. above, equal or below the estimate)** on this Excel file. Thereafter, the bidder will upload the same Excel file during bid submission in Cover-II. The Price-bid will be in **percentage rate** BOQ format and the bidder will have to quote for all the tendered items and the L-1 will be decided on overall quoted value. The Price-bids of the tenderers will have no condition. The Price Bid which is incomplete and not submitted as per instruction given above will be rejected. Any alteration/modification in the Excel format may lead to rejection of bid.

**NOTE: 1. To quote amount equal to estimate amount please refer the note given in BOQ. 2. Enter percentage value upto two decimal places only.**

**The rates quoted by bidder shall be inclusive of all Taxes, duties and levies but excluding Goods and Service Tax and GST Compensation Cess, if applicable.**

The Price bid file will be signed and uploaded by the bidder in Part-II/Cover-II.

The **percentage rate** quoted by bidder shall be inclusive of all taxes, duties & levies but excluding GST & GST Compensation Cess, if applicable. The payment of GST and GST Compensation Cess by service availer (i.e. CIL/Subsidiary) to bidder/contractor (if GST payable by bidder/contractor) would be made only on the latter submitting a Bill / invoice in accordance with the provision of relevant GST Act and the rules made thereunder and after online filing of valid return on GST portal. Payment of GST & GST Compensation Cess is responsibility of bidder/contractor.

**However, in case contractor is GST unregistered bidder/dealer or GST registered under composition scheme in compliance with GST rules, the bidder/dealer shall not charge any GST and/or GST Compensation Cess on bill / invoice. In case of unregistered dealer / bidder, GST, if applicable will be deposited by CIL/Subsidiary directly to concerned authorities in terms with GST provisions..**

Input tax credit is to be availed by CIL/ subsidiary as per rule.

If CIL/Subsidiary fails to claim Input Tax Credit(ITC) on eligible Inputs, input services and Capital Goods or the ITC claimed is disallowed due to failure on the part of supplier/vendor of goods and services in incorporating the tax invoice issued to CIL/Subsidiary in its relevant returns under GST, payment of CGST & SGST or IGST, GST (Compensation to State ) Cess shown in tax invoice to the tax authorities, issue of proper tax invoice or any other reason whatsoever, the applicable taxes & cess paid based on such Tax invoice shall be recovered from the current bills or any other dues of the supplier / vendor along with interest, if any.

**Note: During the execution of the contract if the GST status of the bidder changes, then the payment of GST, if any, to the contractor will be made as per the GST status declared by the bidder during tender stage based on which cost to company has been ascertained or at actuals, whichever is lower.**

**Note: Bidder shall submit an undertaking that extra benefit of input tax credit will also be passed on to the WCL.**

Bidder has to give Confirmation in form of Yes/No in GTE (General Technical Evaluation) as per annexure " N" that extra benefit of input tax credit will be passed on to WCL under Anti profiteering provision of GST in respect of the work.

**Goods and service tax @ 5% & 18% for total value of work will be added to L-1 price . (as applicable)**

**The percentage rate quoted shall be exclusive of Goods and service tax.**

9. It is the bidder's responsibility to comply with the system requirement i.e. hardware, software and internet connectivity at bidder's premises to access the e-tender portal. Under no circumstances, CIL/Subsidiary shall be liable to the bidders for any direct/indirect loss or damage incurred by them arising out of incorrect use of the e-tender system or internet connectivity failures.

10. **Extension of Time Schedule of tender: If the number of bids received online is found to be less than three on the end date of bid submission then the bid submission end date and bid opening date will be extended for a period of four days.**



**11. Opening of Technical Bid:** As per the provision of GeM portal.

**12. Technical Evaluation of Tender:**

- A.** After opening of Technical bid, the documents submitted by Bidder(s) in Cover I as enlisted in the NIT will be downloaded by the Evaluator and shall be put up to the Tender Committee. The Tender Committee will examine the uploaded documents against information/declarations furnished by the Bidder(s) online. If it confirms to all of the information/declarations furnished by the Bidder online and does not change the eligibility status of the Bidder then the Bidder will be considered eligible for opening of price bid.
- B.** In case the Tender Committee finds that there is some deficiency in uploaded documents corresponding to the information furnished online or in case corresponding document have not been uploaded by bidder(s) then the same will be specified online by Evaluator clearly indicating the omissions/shortcomings in the uploaded documents and indicating start date and end date allowing 7 days (7 x 24 hours) time for online re-submission by bidder(s). The bidder(s) will upload the scanned copy of all those specified documents in support of the information/ declarations furnished by them online within the specified period of 7 days. No further clarification shall be sought from Bidder.
- C.** It is responsibility of Bidders to upload legible/clearly readable scanned copy of all the required documents as mentioned above.
- D.** The tender will be evaluated on the basis of documents uploaded by bidder(s) online. The bidder(s) is/are not required to submit hard copy of any document through offline mode. Any document submitted offline will not be given any cognizance in the evaluation of tender.
- E.** In case the bidder(s) submit(s) requisite documents online as per NIT, then the bidder(s) will be considered eligible for opening of Price Bid.
- F.** Seeking clarification shall be restricted to confirmation of submitted document/online information only and it should be only for one time for a period of up to 7 days. The clarification shall be taken in online mode in the portal only.
- G.** The verification of Document from source shall be done only in case of complaints received or on suspicion. This should be done either through speed post or through electronic communication. No anonymous/pseudonymous complaints shall be entertained.
- H.** In case bidder(s) fails to confirm the online submitted information(s)/ declaration(s) by the submitted documents as (B) above, their/his bid shall be rejected; however, if the confirmatory documents do not change eligibility status of the bidder in connection his submitted online information(s)/declaration(s), then his/their bid will be accepted for opening of Price Bid.
- I.** After Technical evaluation of tender, "Technical Evaluation Summary" will be uploaded by the Evaluator and price bid shall be opened on preschedule date and time mentioned in the NIT online in the e-Procurement portal of CIL. However, in case there is any extension of date and time of price bid opening, it shall be notified online and price bid shall be opened online on e-Procurement portal of CIL at rescheduled date and time.
- In case of Gem portal after Technical evaluation of tender, "Technical Evaluation Summary" will be uploaded by the evaluator and price bid shall be opened on online in the portal as per GeM portal .
- J.** In case none of the bidder(s) complies the technical eligibility criteria as per NIT, then bidder(s) will be rejected online and re-tender (if required) will be done (with the same or different quantity, as per the instant requirement)
- K. (A)** Procurement from Micro and Small Enterprises (MSEs) shall be applicable for service tenders in accordance to notification of Govt. of India and including the amendments as notified by GOI from time to time.
- i) Subject to meeting terms and conditions stated in the tender document including but not limiting to prequalification criteria, 25% of the work will be awarded to MSE as defined in MSE Procurement Policy issued by Department of Micro, Small and Medium Enterprises (MSME) for the tendered work/item, where the tendered work can be split, MSE quoting a price within a price band of L1 + 15% shall be awarded at least 25% of total tendered work provided they match L1 price, in a situation where L-1 price is from someone other than a Micro and Small Enterprise. In case the tendered work cannot be



split, MSE shall be awarded full work provided their quoted price is within a price band of L1 + 15% and they match the L1 price.

ii) In case of more than one such MSEs are in the price band of L1 + 15% and matches the L1 price, the work may be shared proportionately if the job can be split. If the job cannot be split, then the opportunity to match the L-1 rate of the tender shall be given first to MSE who has quoted lowest rate among the MSEs and the total job shall be awarded to them after matching the L-1 price of the tender. If the MSE who have quoted lowest rate among the MSEs in the price band of L1 + 15% do not agree to match the rate of L1 of the tender, then the MSE with next higher quoted rate in the price band of L1 + 15% shall be given chance to match the rate of L1 for award of the complete job. This process to be repeated in till work is awarded to MSE or MSE bidders are exhausted.

iii) Out of the 25% target of annual procurement from micro and small enterprises 3(three) percent shall be earmarked for procurement from micro and small enterprises owned by women. In the event of failure of such MSEs to participate in the tender process or meet the tender requirements and L1 price, 3(three) percent sub-target so earmarked shall be met from other MSEs.

iv) Out of the 25% target of annual procurement from micro and small enterprises 4(four) percent shall be earmarked for procurement from micro and small enterprises owned by Scheduled Caste & Scheduled Tribe entrepreneurs. In the event of failure of such MSEs to participate in the tender process or meet the tender requirements and L1 price, four percent sub-target so earmarked shall be met from other MSEs.

v) To qualify for entitlement as SC/ST owned MSE, the SC/ST certificate issued by District Authority must be submitted by the bidder in addition to certificate of registration with anyone of the agencies mentioned in paragraph (i) above. The bidder shall be responsible to furnish necessary documentary evidence for enabling CIL to ascertain that the MSE is owned by SC/ST. MSE owned by SC/ST is defined as:

- In case of proprietary MSE, proprietor(s) shall be SC /ST
- In case of partnership MSE, the SC/ST partners shall be holding at least 51% shares in the enterprise.
- In case of Private Limited Companies, at least 51% share shall be held by SC/ST promoters.

vi) Classification of Micro and Small Enterprise are as under:

As per provision of Public Procurement Policy for Micro and Small Enterprise (MSEs) order, 2012 with latest guidelines/clarifications provided by MoMSME, Government Of India.

vii) The MSEs should be registered with District Industries Centers (DICs)/ Khadi & Village Industries Commission (KVIC)/ Khadi & Village Industries Board (KVIB)/ Coir Board/ NSIC/ Directorate of Handicrafts and Handloom or any other body specified by Ministry of Micro, Small & Medium Enterprises (MoMSME) are eligible for availing benefits under the Public Procurement Policy for Micro and Small Enterprise (MSEs) Order, 2012.

viii) The MSEs are required to submit copy of documentary evidence, issued by their registering authority whether they are small enterprise or micro enterprise as per provisions of Public Procurement Policy for Micro and Small Enterprise (MSEs) Order, 2012 with latest guidelines/clarifications provided by MoMSME.

ix) Allocation of works to MSE bidders shall be done in compliance with Guidelines issued by Govt. of India including its amendments from time to time.

#### **(B) Procurement Preference to Make in India**

Preference to Make in India (as applicable) vide Order No. P-45021/2/2017-PP (BE-II) dated 16.09.2020, issued by Govt. of India as amended from time to time shall be applicable. In terms of the above said policy, purchase preference shall be given to Class-I local supplier. In terms with the above said policy, Class-I local suppliers and Class-II local suppliers shall be eligible to bid.

The definitions of Class-I Local Supplier, Class-II local supplier, Non-Local supplier, Local Content and Margin of Purchase Preference as per above mentioned Order are as follows: -



A. 'Class-I local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content equal to or more than 50%, as defined under said order.

B. 'Class-II local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content equal to or more than 20% but less than 50%, as defined under said order.

C. 'Non-Local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content less than 20% as defined under said order.

D. 'Local Content' means the amount of value added in India which shall be the total value of the item procured (excluding net domestic indirect taxes) minus the value of imported content in the item (including all customs duties) as a proportion of the total value, in percent.

E. 'Margin of Purchase Preference' means the maximum extent to which the price quoted by a Class-I local supplier may be above the L1 for the purpose of purchase preference. The margin of purchase preference is 20%.

**Preference to Make in India (as applicable) vide Order No. P-45021/2/2017-PP (BE-II) dated 16.09.2020, issued by Govt. of India as amended from time to time shall be applicable. (NOT APPLICABLE WHERE ESTIMATED COST PUT TO TENDER IS LESS THAN 5 LAKHS.)**

**In terms with the above said policy, Class-I local suppliers and Class-II local suppliers shall be eligible to bid. Non-local supplier is not eligible to bid. The purchase preference shall be given to Class-I local supplier only.**

In terms of the above said policy, purchase preference shall be given to Class-I local suppliers in the following manner:

**I. In the procurement of works which are divisible in nature, the following procedure shall be followed :-**

- i) Among all qualified bids, the lowest bid will be termed as L-1. If L-1 is from a Class-I local supplier, the contract for full quantity will be awarded to L-1 at L-1 price by the Purchaser.
- ii) If L-1 is not a Class-I local supplier, 50% of the order quantity shall be awarded to L-1. Thereafter, the lowest bidder among the Class-I local suppliers will be invited to match the L-1 price for the remaining 50% quantity subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract for that quantity shall be awarded to such local supplier subject to his matching the L-1 price. In case such lowest eligible Class-I supplier fails to match the L-1 price or accept less than the offer quantity, the next higher Class-I local supplier within the margin of purchase preference shall be invited to match the L-1 price for remaining quantity and so on, and contract shall be awarded accordingly. In case some quantity is still left uncovered on Class-I local supplier, then such balance quantity may also be ordered on L-1 bidder.

**II. In the procurement of works which are not divisible, and in procurement of services where the bid is evaluated on price alone, the following procedure shall be followed:-**

- i) Among all qualified bids, the lowest bid will be termed as L-1. If L-1 is from a Class-I local supplier, the contract will be awarded to L-1.
- ii) If L-1 is not from a Class-I local supplier, the lowest bidder among the Class-I local suppliers, will be invited to match the L-1 price subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such Class-I local supplier subject to matching the L-1 price.
- iii) In case such lowest eligible Class-I local supplier fails to match the L-1 price, the Class-I local supplier with the next higher bid within the margin of purchase preference shall be invited to match the L-1 price and so on and contract shall be awarded accordingly. In case none of the Class-I local suppliers within the margin of purchase preference matches the L-1 price, then the contract may be awarded to the L-1 bidder.

Note: The confirmation from the bidder regarding matching of L1 price may be taken in confirmatory document link of e-Procurement portal by recycling 'Any other document' link.



### III. Applicability in tenders where contract is to be awarded to multiple bidders

In tenders where contract is awarded to multiple bidders subject to matching of L1 rates or otherwise, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non-local supplier', as per following procedure:

- a) In case there is sufficient local capacity and competition for the item to be procured, as notified by the nodal Ministry, only Class I local suppliers shall be eligible to bid. As such, the multiple suppliers, who would be awarded the contract, should be all and only 'Class I Local suppliers'.
- b) In other cases, 'Class II local suppliers' and 'Non local suppliers' may also participate in the bidding process along with 'Class I Local suppliers' as per provisions of the Order.
- c) If 'Class I Local suppliers' qualify for award of contract for at least 50 (fifty) percent of the tendered quantity in any tender, the contract may be awarded to all the qualified bidders as per award criteria stipulated in the bid documents. However, in case 'Class I Local suppliers' do not qualify for award of contract for at least 50 (fifty) percent of the tendered quantity, purchase preference should be given to the 'Class I local supplier' over 'Class II local suppliers'/'Non local suppliers' provided that their quoted rate falls within margin of purchase preference of the L1 bidder considered for award of contract so as to ensure that the 'Class I Local suppliers' taken in totality are considered for award of contract for at least 50 (fifty) percent of the tendered quantity.
- d) First purchase preference has to be given to the lowest quoting 'Class-I local supplier', whose quoted rates fall within margin of purchase preference, subject to its meeting the prescribed criteria for award of contract as also the constraint of maximum quantity that can be sourced from any single supplier. If the lowest quoting 'Class-I local supplier', does not qualify for purchase preference because of aforesaid constraints or does not accept the offered quantity, an opportunity may be given to next higher 'Class-I local supplier', falling within margin of purchase preference, and so on.
- e) To avoid any ambiguity during bid evaluation process, the procuring entities may stipulate its own tender specific criteria for award of contract amongst different bidders including the procedure for purchase preference to 'Class-I local supplier' within the broad policy guidelines stipulated in sub-paras above.

**IV. Requirement for specification in advance:** The minimum local content, the margin of purchase preference and the procedure for preference to Make in India shall be specified in the notice inviting tenders or other form of procurement solicitation and shall not be varied during a particular procurement transaction.

### V. Verification of local content:

- a) If the estimated value of Procurement is less than Rs. 10 crores, all the Bidders at the time of bidding shall submit self-certification indicating the percentage of local content in the offered items. They shall also give details of the location(s) at which the local value addition is made, if applicable.
- b) In cases of procurement for a value in excess of Rs. 10 crores, the 'Class-I local supplier'/'Class-II local supplier' shall be required to provide a certificate with UDIN from the statutory auditor or cost auditor of the company (in the case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of suppliers other than companies) giving the percentage of local content.
- c) Decisions on complaints relating to implementation of this Order, 2020 (amended from time to time) shall be taken by TAA limited to the CMD of CIL/Subsidiaries to the procuring entity.
- d) CIL/Subsidiary may constitute committees with internal and external experts for independent verification of self-declarations and auditor's/ accountant's certificates on random basis and in the case of complaints.
- e) False declarations will attract debarment of the bidder or its successors for a period up to two years as per Guidelines on debarment of firms from bidding along with such other action as may be permissible under law.
- f) A supplier who has been debarred by any procuring entity for violation of the Order shall not be eligible for preference under the Order for procurement by any other procuring entity for the duration of the debarment. The debarment for such other procuring entities shall take effect prospectively from the date on which it comes to the notice of other procurement entities, in the manner prescribed below.
- g) The Department of Expenditure shall issue suitable instructions for the effective and smooth operation of this process, so that:

1. The fact and duration of debarment for violation of the Order by any procuring entity are promptly



brought to the notice of the Member-Convenor of the Standing Committee and the Department of Expenditure through the concerned Ministry /Department or in some other manner;

2. on a periodical basis such cases are consolidated and a centralized list or decentralized lists of such suppliers with the period of debarment is maintained and displayed on website(s);
3. in respect of procuring entities other than the one which has carried out the debarment, the debarment takes effect prospectively from the date of uploading on the website(s) in the such a manner that ongoing procurements are not disrupted.

#### **VI. Reciprocity Clause**

1. When a Nodal Ministry/Department identifies that Indian suppliers of an item are not allowed to participate and/ or compete in procurement by any foreign government, due to restrictive tender conditions which have direct or indirect effect of barring Indian companies such as registration in the procuring country, execution of projects of specific value in the procuring country etc., it shall provide such details to all its procuring entities including CMDs/CEOs of PSEs/PSUs, State Governments and other procurement agencies under their administrative control and GEM for appropriate reciprocal action.
2. Entities of countries which have been identified by the nodal ministry/departments not allowing Indian companies to participate in their Government procurement for any item related to that nodal Ministry shall not be allowed to participate in Government procurement in India (including CIL and its Subsidiaries) for all items related to that nodal Ministry/ Department, except for the list of items published by the Ministry/ Department permitting their participation.
3. The stipulation in (2) above shall be part of all tenders invited by the Central Government procuring entities stated in (1) above. All purchases on GeM shall also necessarily have the above provisions for items identified by nodal Ministry/ Department.
4. The term 'entity' of a country shall have the same meaning as under the FDI Policy of DPIIT as amended from time to time.
  - a) Specifying foreign certifications/ unreasonable technical specifications/ brands/ models in the bid document is restrictive and discriminatory practice against local suppliers. If foreign certification is required to be stipulated because of non-availability of Indian Standards and/or for any other reason, the same shall be done only after written approval of CMD of CIL/Subsidiary.
  - b) CIL/Subsidiary *whose procurement exceeds Rs. 1000 Crore per annum* shall notify/ update their procurement projections every year, for the next 5 years on their respective website (**Note:** To be monitored by Project Monitoring Division).

#### **C. Procurement from Startups shall be applicable for Works/Service Tenders in accordance to the notification of Govt. of India and including its amendment(s) as notified by Gol from time to time.**

- i. Prior experience and prior turnover shall be relaxed for Startups Bidders as recognized by Department for Promotion of Industry and Internal Trade (DPIIT) for the category of Work/Services in which they are registered, subject to meeting of quality and technical specifications.
- ii. This shall be applicable in Works/Service tenders having innovation, development or improvement of products or processes of services. Such Works/Services need to be examined at Subsidiary level on case to case basis to decide for keeping the provision for Startups. The routine/pre-engineered works/Services shall be excluded from the Startups Clause.
- iii. To waive off the requirement of experience and turnover criteria for Startups, the details of work

Experience and Financial Turnover during bidding on the portal, a pre-defined input shall be prescribed in the NIT to be filled up by startups so that they comply the portal logic. A confirmatory document for being a Startups shall be prescribed in the NIT which shall be a certificate for being a Startups issued by DPIIT in the category of work and/or Service for which they are registered. This provision shall continue till e-Procurement portal is customized to take care of Bidder wise evaluation.

- iv. The existing working capital eligibility criteria shall be kept enabled for all the participating Bidders including Startups.

**12.1** The Tender Committee will recommend for award of work to the successful Bidder after evaluating their technical eligibility based on the evaluation sheets followed by evaluation of the scanned documents uploaded by Bidder in support of the information furnished by them online and after evaluation of the reasonableness of L-1 rates. The reasonableness of rates will be evaluated as per the provisions of Manual of CIL and other guidelines issued from time to time.

The approval for award of work to L-1 Bidder will be accorded by the Competent Authority as per Delegation of Power based on the TC recommendation.

**12.2** After competent approval and financial concurrence of TCR, the work order to the L-1 Bidder will be issued and the scanned copy of the LOA/Work Order will be uploaded on the portal and simultaneously the original copy may also be sent to the Bidder through registered/speed post.

**12.3 (A)** Logical End of online created Tender: Any tender hosted on the e-Procurement site must be logically concluded i.e. either Award of work is issued at AOC page on portal in online mode or the tender is cancelled/ retendered online through corrigendum.

**12.4 (B)** If L-1 Bidder backs out (i.e. Techno commercially established L-1 Bidder), the EMD will be forfeited and the Bidder will be debarred for minimum one (1) year from participating in tenders in CIL/Subsidiary.

**13. Bid Validity:** The Bid Validity Period will be 120 (one hundred twenty) days from the end date of bid submission. The validity period of tender shall be decided based on the final end date of submission of bids.

#### **14. Modification and Withdrawal of Bid:**

Modification of the submitted bid shall be allowed on-line only before the deadline of submission of tender and the bidder may modify and resubmit the bid on-line as many times as he may wish OR as per provisions of GeM.

Bidders may withdraw their bids online within the end date of bid submission and their EMD will be refunded. However, if the bidder once withdraws his bid, he will not be able to resubmit the bid in that particular tender. For withdrawal of bid after the end date of bid submission, the bidder will have to make a request in writing to the Tender Inviting Authority. Withdrawal of bid may be allowed till issue of work order/LOA with the following provision of penal action:

1. If the request of withdrawal is received before online notification for opening of price bid, the EMD will be forfeited and Bidder will be debarred for minimum one year from participating in tenders in CIL/Subsidiary. The Price-bid of remaining Bidders will be opened and the tender process shall go on.

2. If the request of withdrawal is received after online notification for opening of price bid, the EMD will be forfeited and the Bidder will be debarred for minimum 1 (one) year from participating in tenders in CIL/Subsidiary. The Price-bids of all eligible Bidders including this Bidder will be opened and action will follow as under:

- i). If the Bidder withdrawing his bid is other than L-1, the tender process shall go on.

- ii). If the Bidder withdrawing his bid is L-1, then re-tender will be done. Penal action against clause (1) & (2) above will be enforced from the date of issue of such order.

#### **Note:**

- a. In case the Accepting Authority of the work is Board or Empowered Committee or FDs or CMD of CIL/Subsidiary Company, then the Competent Authority for forfeiture of EMD and debarment shall be CMD of CIL/Subsidiary Company.



- b. In case the Accepting Authority of the work is up to the level of Director of CIL/Subsidiary Company, then the Competent Authority for forfeiture of EMD and debarment shall be Director of CIL/Subsidiary Company.
- i. In case of above penal actions, a letter will be issued to the Bidder. Guideline for Debarment of firms from Bidding shall be followed for taking above penal action.
- ii. Penal action against clauses above will be enforced from the date of issue of such order.
- iii. The standard operating procedure to handle withdrawal of bid after end date of submission shall be as per Guidelines for e-Procurement of Works and Services.
15. The Company reserves the right to postpone the date of receipt and opening of tenders or to cancel the tenders without assigning any reason whatsoever.
16. This Tender Notice shall be deemed to be part of the Contract Agreement.
17. The Company does not bind itself to accept the lowest bid and reserves the right to reject any or all the bid without assigning any reasons whatsoever and also to split up the work between two or more tenderers or accept the tender in part and not in its entirety, at its sole discretion.
18. Any addendum/corrigendum/date extension etc. in respect of this tender shall be issued on website <https://gem.gov.in> only. No separate notification shall be issued in the press. Bidders are therefore requested to visit our website regularly to keep themselves updated.
19. **Payment Schedule:** Contractor shall submit monthly running account bills supported with receipted challan for measurement of work/certified by the officials authorized by the company's purpose.  
Payment of running account bill will be released within one month of presentation of bill duly passed and accepted for payment by engineer-in-charge.  
Payment of final bill will be released within 3 months of present and accepted for payment by the engineer-in- charge.

**20. Pre-Contract Integrity Pact (2 crore and above) :**

The bidder is required to go through the integrity pact which is the part of bid document. The bidder, submitting the bid shall accept the Integrity Pact as given in the bid document.

Name, address and contact No. of the Independent External Monitor (IEM) nominated for this tender:

Name	Address	Contact No./email
1. Shri Anil Kaushal	A-1/245, GF, Janakpuri, New Delhi - 110058	kaushal.anil17@gmail.com
2. Shri Sudhir Kumar	8022, ATS – One Hamlet, Sector – 104, PO Maharshi Nagar, Noida - 201304	e-mail:sukuag@hotmail.com

  
General Manager (CMC)  
WCL (HQ), Nagpur.

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10. GM(System), WCL- for uploading on WCL Website.
11. Chief Cashier, WCL,.

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