

CHENAB VALLEY POWER PROJECTS PRIVATE LIMITED
(A Joint Venture of NHPC Ltd. (A Govt. of India Enterprise) & JKSPDC (A Govt. of J & K Enterprise))
Chenab Jalshakti Bhawan, Opposite Saraswati Dham, Rail Head Complex, Jammu -180012
(J&K), India
CIN: U40105JK2011GOI003321; website: www.cvppindia.com

Notice Inviting Tender
(INTERNATIONAL COMPETITIVE BIDDING)

NIT No. CVPP/KWAR/E&M-PKG/2024

Date: 24.05.2024

1. Online electronic bids are invited for and on behalf of Chenab Valley Power Projects Private Limited, Jammu, India on International Competitive Bidding (ICB) basis for **“ELECTRO-MECHANICAL (E&M) WORKS PACKAGE (LOT-III) OF KWAR HE PROJECT 540 MW, KISHTWAR DISTRICT OF UNION TERRITORY OF J&K”** as briefly described hereunder:

1	NIT No	No. CVPP/KWAR/E&M-PKG/2024 Dated: 24.05.2024
2	Tender ID No.	CVPPPL/24-25/ET/1
3	Mode of tendering	Online: e-Procurement System Stage-I : Part I – Qualification requirement and Techno-Commercial Bid and Part II - Price Bid. Stage-II : Reverse Bidding through www.mstcecommerce.com/eprochome/cvpppl/
4	Time Allowed for Completion	40 Months
5.	Estimated Cost	INR 946.48 Cr or 113 Million US\$ including all taxes and Labour Cess @1% under BOCW
6.	Cost of Tender Document	i) INR 23,600/- only (INR Rupees Twenty Three Thousand Six Hundred Only) inclusive of Goods & Services Tax in favour of Chenab Valley Power Projects Private Limited, Jammu
7.	Earnest Money Deposit	INR 95 Million or US\$ 1.13 Million.

8.	Tender available for Download from	28.05.2024 (17:00 Hrs)
9.	Last date of Receipt of requests for clarifications on the Bid	10.06.2024 (17:00 Hrs)
10.	Date & Venue of Pre-bid Conference	12.06.2024 (11:00 Hrs) The Prospective bidders may attend the Pre-bid meeting at Conference Hall, Chenab Jal Shakti Dham, Opposite Saraswati Bhawan, Rail Head Complex Jammu-180012- J&K (India). OR Through Video Conferencing for which prospective bidders may request for VC ID and Password on email: cont.proc@cvppindia.com
11.	Date of Start of submission of online Techno-Commercial Bid and Price Bid i.e. Stage-I at www.mstcecommerce.com/eprochome/cvpppl/	27.06.2024 (17:00 Hrs)
12.	Deadline for submission of online Techno-Commercial Bid & Price Bid i.e. Stage-I.	15.07.2024 (17:00 Hrs)
13.	Deadline for submission of Hard Copies viz. Tender fee, EMD and other offline supporting documents at "General Manager (Contracts & Procurement), Chenab Valley Power Projects Private Limited, Chenab Jal Shakti Bhawan, Opposite Saraswati Dham, Rail Head Complex, Jammu - 180012 E-mail: cont.proc@cvppindia.com	19.07.2024 (1500 Hrs). The envelope(s) containing documents must be clearly marked "Hard Copy of documents for "ELECTRO-MECHANICAL (E&M) WORKS PACKAGE (LOT-III) OF KWAR HE PROJECT 540 MW, KISHTWAR DISTRICT OF UNION TERRITORY OF J&K" CVPPPL/24-25/ET/1
14.	Venue, Date & time of opening of the offline documents of Part-I of Stage-I	<u>Venue:</u> O/o General Manager (Contracts & Procurement), Chenab Valley Power Projects Private Limited, Chenab Jal Shakti Bhawan, Opposite Saraswati Dham, Rail Head Complex, Jammu – 180012. 19.07.2024 (1530 Hrs).
15.	Stage-I (Online opening):	19.07.2024 (15:30 Hrs).

	Part-I - Techno-Commercial Bid	
16.	Stage-I (Online opening): Part II - Price Bid Stage-II (Online opening): Reverse Bidding	Date and Time will be intimated later to the bidders whose Techno-commercial bids found responsive Date and Time for reverse bidding will be intimated later to the Techno-commercial responsive bidders. (Refer ITB Clause 36)
17.	Demo for e-Reverse Bidding	Online demo will be available to all bidders. Time and date will be intimated through e-portal only.

2. Complete tender can be viewed, downloaded and submitted through https://www.mstcecommerce.com/eprochome/cvpppl/buyer_login.jsp. Bidders if not already registered shall have to get registered themselves on the MSTC website to submit their bids. Prospective Bidders can also download the NIT/Tender Document/Corrigendum/Clarification even if not registered on MSTC portal under Download NIT/Corrigendum Link. For more details on NIT please visit www.mstcecommerce.com or contact:

General Manager (Contracts & Procurement),

Chenab Valley Power Projects Private Limited,
Chenab Jal Shakti Bhawan, Opposite Saraswati Dham,
Rail Head Complex, Jammu - 180012
E-mail: cont.proc@cvppindia.com

3. Registration Process and Preparation for E-Tender

Bidders are requested to read these instructions and terms & conditions before submitting their bids in online e-tender.

MSTC Website

Bidders are requested to note the address of the website for online bidding (e-Tender and e- reverse bidding) for this tender.

https://www.mstcecommerce.com/eprochome/cvpppl/buyer_login.jsp

Contact person (MSTC Ltd):

Sl No	Name of Contact Person	Email	Helpdesk No.
1	Helpdesk	helpdesk@mstcindia.co.in	07969066600

The Bidder may note that the following configurations will be required to be undertaken in their Microsoft Edge browser in Internet Explorer mode for smooth functioning of the website and the e-auction portal.

The system requirements are as follows:

- Operating System- Windows 7 or later versions
- Web Browser- Microsoft Edge browser in Internet Explorer mode.
- Active-X Controls Should be enabled as follows:

Tools =>Internet Options =>Security =>Internet=>Custom Level =>Disable POP up blocker and enable the access data source across the domain.

Tools =>Internet Options =>Security =>Trusted sites (Add <https://www.mstcecommerce.com>) =>Custom Level=>Enable all Active-X Controls except "Allow Active X filtering", Disable the "Use Pop-up Blocker" and enable the access data source across the domain.

- Java (JRE8 update 241 and above)
- To disable "Protected Mode" for DSC to appear in the signer box following settings may be applied.

Tools => Internet Options =>Security =>Internet=>Disable protected Mode If enabled- i.e, Remove the tick from the tick box mentioning "Enable Protected Mode".

- Other Settings:

Tools => Internet Options => General => Click on Settings under "browsing history/ Delete Browsing History" => Temporary Internet Files => Activate "Every time I Visit the Webpage".

Note: As Security enhancement on website <https://www.mstcecommerce.com>, you are requested to ensure that TLS 1.2 is enabled on your Internet Explorer browser to access the website. Please check through Tools => Internet Options => Advanced tab on Internet Explorer browser. For better browsing of the website, please use Internet Explorer version 10 or above.'

Registration

All intending bidders are required to register their firms/ companies as Vendors with the above mentioned website of MSTC if not already registered. For online registration, the bidder is required to click on the link

"Register as Vendor" provided on the above webpage. The bidder needs to fill up the online form with appropriate details and submit. The bidder should note that it is required to create its own user id and password during the process of filling up this form and no separate communication will be sent for user id and password. The bidder shall itself remain responsible for maintaining the secrecy of its user id and password.

Upon successful submission of the online registration form, the bidder shall receive an e-mail in its registered e-mail address confirming the registration. For domestic bidders, one-time registration fee of Rs 10,000/- along with GST at the rate of 18% (Total Rs

11,800/-) shall be payable in favor of MSTC Limited. The payment can be made through NEFT or e-payment to MSTC's following bank account.

For Indian Bidders:

BENFICIARY NAME:	MSTC LIMITED
ACCOUNT NO.:	2010 0100 4169
BRANCH NAME & ADDRESS:	INDUSIND BANK, KOLKATA
IFSC:	INDB0000015

Registration as Vendor with MSTC (For Foreign Bidders)

For Foreign bidders' one-time registration fee of US \$ 590 (= US \$ 500 plus GST) shall be payable in favour of MSTC Limited.

Bank Details for registration of Foreign Bidders:

BENFICIARY NAME:	MSTC LIMITED
ACCOUNT NO.:	4048 2021 000 0002
BRANCH NAME & ADDRESS:	BANK OF INDIA MID CORPORATE Br., KOLKATA-01
SWIFT:	BKIDINBBCSM

After remittance of the payment, the bidder needs to send the transaction details in the below mentioned format to ecom@mstcindia.co.in , sroychowdhury@mstcindia.co.in , kshikha@mstcindia.co.in, ecommfin1@mstcindia.in, pankajkumar@mstcindia.co.in, karora@mstcindia.co.in.

Note: All the fields are mandatory.

Name of Bidder	
Bidder's User Id	
e-Tender No.	
UTR No.	
Date of Transaction	
Amount	

The bidder can then login in the same website as mentioned above through the "Vendor Login" section.

A bidder needs to register only once with the above website. The same registration can be used for bidding in various tenders being processed in the above website. It may be noted that bidders can submit their online bids only after payment of the registration fee.

A Bidder shall be required to possess a valid Digital Signature Certificate (DSC) of signing type to be able to submit its Bid and to participate in the reverse auction on MSTC's website. For this purpose, Bidders shall be required to authorize its Authorized Signatory to procure a class II/III DSC of signing type from any Certifying Authority or their authorized agencies in India.

The Bidder may note that only one user id will be mapped with a given DSC for the Authorized Representative. DSC once mapped with a particular user id of a bidder will normally not be changed and therefore bidders are advised to carefully select the DSC. To change the mapped DSC, DSC update letter to be sent to ecom@mstcindia.co.in, inpankajkumar@mstcindia.co.in, karora@mstcindia.co.in from registered mail ID.

The Digital Signature Certificate will be used to digitally sign the Bids that the Bidder will submit online.

The details / information regarding tendering "Registration of MSTC portal, preparation of bid and submission of bid" are available in tender document as well as MSTC portal.

It will be the sole responsibility of the Bidder and its respective Authorized Representative to maintain the secrecy of the password for the Digital Signature Certificate. The Bidder and its contact person shall be solely responsible for any misuse of the DSC and no complaint / representation in this regard shall be entertained at any stage by MSTC Limited.

4. a) Hard Copies of Bids must be **delivered** to the office of General Manager (Contracts & Procurement), on or before deadline for submission of Bids i.e. **19.07.2024 up to 1500 hours**. If the office happens to be closed on the date of receipt of the bids as specified, the bids will be received on the next working day at the same time and venue.
- b) Bids received late shall not be entertained.

5. Brief Scope of Work

Design, Manufacture, Supply, Erection, Testing & Commissioning of Turbines, Generators, Associated Accessories and Auxiliaries, Auxiliary Electrical Equipment-Mechanical Equipment, 400 KV GIS, 400 KV Outdoor Pothead Yard Equipment and handing over to Employer all E&M equipment of 4 X 135 MW Kwar Hydroelectric Project in Kishtwar district of Union Territory of Jammu and Kashmir, conforming to

latest internationally accepted technologies and practices, with supply of necessary spares for five (5) years trouble free operation for above Equipment.

6. Bids from those bidders who have not paid the tender fee and submitted bid security or submitted supporting documents for exemption as per ITB clause 26.2 shall not be considered.
7. The bid for the work shall remain valid for acceptance for a period of 180 (one hundred eighty) days from the date of opening of techno-commercial bids or any amendment thereof. If any bidder withdraws his bid before the said period or makes any modifications in the terms and conditions of the bid, the bidder shall be debarred from bidding for a period as may be considered fit by the employer against any bid that might be invited by the employer in future. The employer will also be within its rights to circulate the information, at its discretion to other prospective purchasers about the bidder having withdrawn his offers within validity period.
8. Owner/Employer /CVPPPPL reserves the right to cancel the tendering process at any time before award of Work.

9. Eligible Bidders

Eligibility/Qualification Requirement for the Bidders is as under:

- 9.1 This Invitation for Bid is open to all International/Domestic Companies meeting the Eligibility criteria.
- 9.2 Bidders should not be under a declaration of ineligibility for corrupt or fraudulent practices or blacklisted on any other consideration by the Central Government, the State Government or any public undertaking, autonomous body, authority by whatever name called under the Central or the State Government anywhere in any country.

10 Qualification of the Bidder

- 10.1 All bidders shall provide the information for Qualification and description of the proposed work method and schedule, including drawings and charts, as necessary.
- 10.2 All bidders shall include the following information and documents with their bids 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;
 - b) Total monetary value of similar works performed for each of the last three years;
 - c) Experience in works of a similar nature and size in the last (20) twenty years, and details of works in progress or contractually committed with certificates from the concerned officer of the rank of minimum Executive Engineer or equivalent.
 - d) Details of the technical personnel proposed to be employed for the Contract.

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- e) Reports on the financial standing of the Bidder, such as Balance sheet, profit and loss statements and auditor's reports for the past three years;
- f) Information regarding any litigation or arbitration during the last (05) five years in which the Bidder is involved, the parties concerned, the disputed amount, and the matter;
- g) The proposed methodology and programme of Construction of E&M works, backed with equipment and material planning and deployment, 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.

10.2.1) Bid submitted by a Joint venture/ Consortium of not more than two firms/ companies, as a partners shall comply with the following requirements.

- a) MSTC portal permits only one person having Digital Signature Certificate (DSC) and registration etc. at the portal. In such a case, the lead partner shall register itself with the portal. The legally authorized signatory(ies)/ Representative(s), authorized by way of notarized Power of Attorney executed by all the partners of Joint Venture/ Consortium shall authorize Lead partner/ Representative of Lead Partner to carry out the Bidding process through portal.

An undertaking (signed by legally authorized signatories of JV partners) shall be submitted in hard copy in this concern envisaging/ mentioning therein that the partners are authorizing the Lead partner to carry the bidding process as per clause 9.7 of ITB. In case of a successful bid, the Agreement, shall be signed by all the partners so as to be legally binding on all partners;

- b) one of the partners authorized as the lead partner, who shall receive instructions and incur liabilities for and on behalf of the joint venture/consortium during pre-award and post-award (if awarded).
- c) all discussions, bid clarifications and negotiations, if any, during pre-award stages shall be done with the lead partner alongwith other partners;
- d) the payments against the Contract shall be made to the joint venture/ consortium or to the individual partners of the joint venture/ consortium as is proposed by the Bidder and accepted by CVPPPL before award of the Contract;
- e) Each partner of the Joint Venture/ Consortium shall be responsible for execution of that item of work for which they claims to have specific construction experience.

- f) all partners of the joint venture/ consortium shall be liable jointly and severally for the execution of the contract in accordance with the contractual terms, and a statement to this effect shall be included in the bid and in the Agreement (in case of a successful bid);

10.3 To qualify for award of the Contract, each bidder should meet the following Technical and Financial Criteria

10.3.A Technical Qualification Criteria:

10.3.A.1. General Experience

Experience as principal contractor or as partner in a joint venture or Sub-contractor approved by employer of executing substantially completed large Electromechanical works in Last 20 Years of following value of completed work done.

- a) One Electro Mechanical work costing not less than INR 7571.84 million or US\$ 90.40 million or
- b) Two Electro Mechanical works each costing not less than INR 4732.4 million or US\$ 56.50 million or
- c) Three Electro Mechanical works each costing not less than INR 3785.92 million or US\$ 45.20 million.

For such works with payment received in other than INR shall be converted in INR by adopting the Exchange rate between that Currency and INR as prevailing on the completion date mentioned in the completion certificate and if month of completion is mentioned in the Completion Certificate, then the exchange rate of last working day of the Month shall be taken. The value of work in INR or converted into INR as above from the currency other than INR shall be enhanced by 7% simple rate per annum up to the date of Bid Opening.

10.3.A.2. Specific Experience

Successful experience of completed works, either by the bidder Company itself or by the proposed manufacturer (only in case of Main Inlet Valve) who have given authorization to the bidder in required format in Design, manufacturing, erection, testing and commissioning of the following electro-mechanical items and/or works in preceding twenty (20) years.

i) **Turbine**

Vertical shaft Francis Turbine having unit rated output of 67.5 MW or higher

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ii) Generator

Vertical shaft Synchronous Generator having unit rated output of 75 MVA or higher.

iii) Main Inlet Valve

Butterfly type of Diameter 2.3 m or more and Design Head of 83.67 m or higher

(The reference date for considering the applicable period of 20 years shall be reckoned from the last day of the month previous to the one in which Tender is invited).

Notes:

- (a) In support of above, the bidder should provide copy of Performance / successful operation certificate for at least 2 years from the date of commissioning issued by Purchaser/ Owner of the equipment.
- (b) Bidder should have executed one or more works of similar nature and magnitude covered under the tendered work package in a substantially completed / completed project during the preceding 12/20 years.
- (c) Substantial Completion is when the works are completed in a condition that it is capable of being occupied and used by Employer for the purpose for which it is intended. Substantial completion means when 80 (eighty) per cent (value wise) or more works completed under the contract. Substantial completion should not be defined in terms of percentage completion, rather it should be based on functional consideration. For contracts under which the bidder participated as a joint venture member or sub-contractor, only the bidder's share, by value, shall be considered to meet this requirement.

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

- (d) Experience of supervision of erection, testing and commissioning of bidder shall also be considered at par with own experience of erection, testing & commissioning of E&M equipment.
- (e) The evaluation of a bidder's specific construction experience for a work executed on JV basis shall be based on his role and scope of work in such joint ventures. To establish his role and scope of work in such Joint Venture contracts, the bidder shall provide 'documentary evidence to the extent of experience claimed by him. In case the quantum of work as per, experience certificate does not match with the scope of work as defined in the JV/consortium agreement, then the experience credentials shall be considered as per the experience certificate issued by the employer / client.

(f) In case scope of work of individual partners is not clearly defined in the JV/consortium agreement then credential of bidder being partner in a JV/consortium shall be decided in the following manner:-

- a. Where specific experience certificate in respect of individual JV partner is available, the same shall be considered to the extent of work executed by such JV partner.
- b. Where specific experience certificate is not available, or experience certificate is issued in the name of JV/consortium, the evaluation shall be done in the following manner: -
 - i) In case the participation/profit sharing percentage of bidder as per JV agreement is at least 35%, full credit of the work executed by the JV/consortium shall be given to such bidder.
 - ii) In case the participation/profit sharing percentage of bidder in JV agreement is less than 35%, no credit of work executed under such JV shall be given to such bidder.
 - iii) Notwithstanding (i) and (ii) above, in case of availability of specific experience certificate, (a) above shall apply.

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

- (g) For the portion of work executed through a sub-contractor, full experience for that portion of work can be claimed by the Contractor as well as sub-contractor for fulfilling criteria for evaluation of bidder's specific experience.
- (h) In support of claiming the qualification for General and Specific Experience criteria, the bidder should provide copy of certificate from Employer.

10.3.B Financial Capacity/Criteria:

a) Turnover

Minimum average annual turnover of the Applicant shall not be less than US\$ 42.37 million/ INR 3549.30 million or equivalent for the immediately preceding two (2) consecutive financial years.

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b) Net worth:

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

'Net Worth' means the aggregate value of the paid-up share capital and all reserves created out of the profits, securities premium account and debit or credit balance of profit and loss account, after deducting the aggregate value of the accumulated losses, deferred expenditure and miscellaneous expenditure not written off, as per the audited balance sheet, but does not include reserves created out of revaluation of assets, write-back of depreciation and amalgamation.

For assessment, relevant pages of Annual Report containing Net Worth figure duly certified by Authorized representative of Bidders, otherwise, figure duly authenticated by the Statutory Auditors should be submitted.

c) Working Capital:

The working capital (current assets minus current liabilities) shall be at least US\$ 5.65 million or INR 473.24 million or equivalent.

For this purpose current assets and current liabilities will be considered as classified in the audited balance sheet / equivalent financial statements including profit and loss statement of the immediately preceding financial year. - If audited financial statement for the immediate preceding financial year is not available, then the bidder shall submit these statements certified by a Chartered Accountant. In case there is a shortfall in the Working Capital as per this, the unutilized Cash Credit Limits sanctioned to the applicant by the Banks/ Financial Institutions of international repute shall be considered to meet the shortfall.

The statement displaying Cash Credit limits should not be more than three months old as on the last date for submission of bids.

Note:

1. Other income shall not be considered for arriving at Annual Turnover.
2. The bidder's financial evaluation vis a vis the requirement as stipulated above shall be done on the basis of duly printed (offset) Annual Report / Equivalent Financial Statement for the immediately preceding three years submitted by the bidder along with the Bid. In case, bid submission date falls up to 30th September, the annual reports / equivalent financial statement up to previous year of immediate preceding Financial Year shall be considered and for the Tenders having Bid Submission date after September, the annual reports/equivalent financial statement up to immediate preceding Financial Year shall be

considered. Further, standalone audited Annual Financial Statement of bidder shall be forming part of the Annual Report/Equivalent Financial Statement.

In case, if bidder has not submitted the above Annual Report / Equivalent Financial Statement along with Bid, then a certificate from CEO/CFO of the bidder shall be submitted along with Bid mentioning that the requirement of Annual Report as per governing law of country is not mandatory in case of such bidders Equivalent Financial Statement shall be considered. In such cases duly notarized copies of Audited Printed Annual Financial Statement (Balance Sheet, Profit & Loss Statement, cash flow statement, Auditor's Report thereon including all relevant Schedules/ annexures etc.) for the immediately preceding (3) three years be submitted by the bidder along with the Bid. The Annual Financial Statement shall be considered for evaluation in same manner as defined in above Para for consideration of Annual Reports / Equivalent Financial Statement.

3. In case where Audited financial results for the immediately preceding year are not available, then a statement of account as on the closing date of the immediately preceding financial year depicting the Turnover and Net Worth (calculated as per laid down criteria) duly certified by their Statutory Auditor/ Certified Public Accountant carrying out the statutory audit shall be enclosed with the Bid along with copy of appointment letter of the statutory auditor. The Certificate should be issued with Unique Document Identification Number (UDIN) as per Gazette Notification No. 1- CA (7)/192/2019 dated 02.08.2019 or any other document identification number issued to Certified Public Accountants by their respective Institute, if applicable.
4. Wherever, the Annual Report/ duly notarized copies of Audited Printed Annual Financial Statement are in language other than English, then copy duly translated & printed in English language and certified by approved/ recognized English translator shall be submitted with the Bid.
5. The qualification given by Statutory Auditors on the Financial Statements which have impact on Net Worth, Turnover, Working Capital or any other Financial item shall be taken into account for calculating the above financial parameters of Qualifying Criteria.
6. For conversion to US\$ the exchange rate at the end of the respective accounting year shall be considered.
7. For evaluation of financial parameters, Financial Year 2020-21 will not to be considered, being an exceptional year due to outbreak of COVID-19.
8. For the purpose of compliance to the stipulated turnover criteria given at Financial. Criteria, the relevant turnover from Joint Ventures(s) as declared in the Joint Venture Agreement shall also be considered.
The proportionate JV Turnover shall be certified by their Chartered Accountant in the absence of not appearing the same in Audited Financial Statement.

10.3.3 Bid Capacity

The available Bid Capacity of the bidder at the time of submission of price Bid, calculated as under should not be less than **US\$ 113 Million or INR 9464.80 Million or equivalent**, which has been calculated as per formula:

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

Where:

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

N = Number of years prescribed for completion of the subject contract package.

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

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

The Bidder shall submit documentary evidence together with a certificate from its statutory auditors for establishing Bid capacity, which shall not be older than 3 months from the last date of submission of Bid.

Notes:

- 1. For conversion to US\$, the exchange rate (s) prevailing on the last date of bid submission shall be considered.*
- 2. The Eligibility Form-4A & 4B be duly filled up and certified by CA/CMA/Public Certified Accountant in this regard.*

10.3.4 Insolvency

The bidder or Partner of JV or Manufacturer against whom an application for initiating corporate insolvency resolution process has been admitted by the Adjudicating Authority under the insolvency and Bankruptcy code 2016, or as amended from time to time shall not be eligible for bidding. The same shall also be applicable to the bidder company who has taken unconditional technical and/or financial support from their Parent/Holding Company in respect of whom any application for initiating corporate insolvency resolution process was not admitted at the time of submission of bid but subsequently during the period of evaluation of bids or any time before the work is awarded, any such application is admitted by the Adjudicating Authority under the IBC 2016, or as amended from time to time.(IBC 2016 hereafter).

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

Further, the bidder while submitting the bid or during the period of evaluation of bids or any time before the award of work, shall inform CVPPPL regarding any admission of application for corporate insolvency resolution process by the Adjudicating Authority under the IBC 2016 against bidder or partner of JV or manufacturer or Parent/Holding Company and any suppression of such fact shall render the bidder liable for rejection of his bid and banning of business dealing as per terms and conditions of Bid document. Bidder has to submit an undertaking to this effect.

10.4 Nature of Bidders:

Bidder should either be a single entity or a Joint Venture formed for participation in the tendering for this package. Bids from subsidiary Company may also be considered.

10.4.1 Joint Venture Bidders with Sub-contractor/ Manufacturer:

Joint Venture / Consortium (JV, if desires, may associate a sub-contractor/manufacturer for Main Inlet Valve (MIV)) bids shall comply with the following minimum qualifying requirements:

- (i) The number of partners in the Joint Venture not to exceed two (02) with one of the partners designated as Lead Partner.
- (ii) The Lead Partner to fully meet the following:
 - General experience criteria as specified in para 10.3.A.1,
 - Average annual turnover not less than 50% of the criteria specified in para 10.3.B a),
 - Working capital criteria as specified in Para 10.3.B c),
 - Specific Experience Criteria for the Critical Component works as specified in para 10.3.A.2 (i) and/or 10.3.A.2 (ii) and/or 10.3.A.2 (iii).
- (iii) The other partner to individually meet the following requirements:
 - Average annual turnover not less than 20% of the criteria specified in para 10.3.B a),
 - Specific experience Criteria for the Component as specified in para 10.3.A.2 (i) or 10.3.A.2 (ii) and/or 10.3.A.2 (iii), other than that met by the Lead Partner.

- (iv) JV shall be allowed to engage only one sub-contractor/ manufacturer to meet the Specific Experience Criteria for the Component as specified in para 10.3.A.2 (iii).
- (v) The Specific Experience of each component to be met individually by the Lead Partner and/or other Partner and/ or sub-contractor/ manufacturer as the case may be, and not collectively.
- (vi) All the partners of the Joint Venture to individually fulfil the Net Worth criteria specified under Financial Capacity.
- (vii) The Joint Venture to collectively satisfy, as a whole, the Financial as well as Technical requirements specified.
- (viii) The Bid Capacity requirement should be satisfied by individual partner of Joint Venture in proportion to their participation share of works in Joint Venture.
- (ix) The parties shall be required to form the JV before applying for qualification which shall be evinced by submitting a copy of the JV agreement already entered into for the purpose. The JV agreement should contain the role and responsibility of each constituent, the proposed participation shares of each partner along with the items of work to be executed by each partner/member. It shall also be brought out in the JV agreement that in case the Contract is awarded to the JV, each partner of the JV shall be responsible for execution of that item of work for which he claims to have specific construction experience.
- (x) Lead Partner of the Joint venture should have more than 50% share.
- (xi) The Bidder and his proposed sub-contractor/ manufacturer should submit separate undertakings that the Bidder/ sub-contractor/manufacturer shall be responsible for execution of that item of work i.e. for which they claim to have Specific Experience.
- (xii) Sub-contractor/ manufacturer shall submit Performance Bank Gurantee equivalent to 5% of corresponding value of the work in addition to the Performance Bank Gurantee for whole contract submitted by the JV/Contractor on award of work.

10.4.2 Sole Bidder / Bidder with Sub-contractor/Manufacturer:

In case Bidder does not have requisite Specific Experience for Main Inlet Valve and also does not wish to enter into a Joint Venture, Bidder are allowed to participate by associating the sub-contractor/manufacturer for specific experience requirement through proposed manufacturer and the criteria to be met by such Bidder company shall be follows:

- (i) The bidder himself to fully meet the following:
- General experience criteria specified in para 10.3.A.1,
 - All criteria mentioned under Financial Capacity,
 - Specific Experience criteria for the critical component works specified in para 10.3.A.2 (i) and 10.3.A.2 (ii) and/or 10.3.A.2 (iii).
- (ii) The Bidder can propose only one (1) sub-contractor/manufacturer meeting the specific experience criteria for Main Inlet Valve (MIV) as specified in para 10.3.A.2 (iii).
- (iii) The Bidder and his proposed sub-contractor/ manufacturer should submit separate undertakings that the Bidder/ sub-contractor/manufacturer shall be responsible for execution of that item of work i.e. for which they claim to have Specific Experience.
- (iv) The bidder and his proposed sub-contractor/manufacturer should collectively satisfy as a whole all the specified experience requirements.
- (v) The associate sub-contractor/manufacturer shall submit Performance Bank Guarantee equivalent to 5% of corresponding value of Work in addition to the Performance Bank Guarantee for whole contract submitted by the bidder on award of Work (as per Form-17 of Vol.5, Form & Procedures).

10.4.3 Application by Merged/Acquired/Subsidiary Companies:

In case of an Applicant Company, formed after merger and/ or acquisition of other companies, past experience and other antecedents of the merged / acquired companies will be considered for qualification of such Applicant Company provided such Applicant Company continues to own the requisite assets and resources of the merged / acquired companies needed for execution and successful implementation of the work package put to tender.

Similarly, if the Applicant Company is a Subsidiary Company and applies for qualification on the unconditional technical and financial strength of the Parent / Holding Company, the same shall be considered provided the Parent / Holding Company commits to sign a Separate Agreement with CVPPPL (in requisite format) confirming full support for the technical and financial requirements of the Subsidiary Company and commits to take up the work itself in case of non-performance by the Subsidiary Company in the event of award of the work to the Applicant Subsidiary Company. An undertaking by the Parent/Holding Company to this effect shall be submitted along with the Qualification

Application (as per Application Form). A Subsidiary Company intending to qualify on the strength of Parent/Holding Company shall not be allowed to participate as a 'Sub-Contractor / Manufacturer'.

For the purpose stated herein above in this clause, 'Parent Company' shall mean the 'Holding Company' owning majority (more than 50%) shares of such Applicant (Subsidiary) Company. Similarly by extensions of this interpretation, if 'A' is owned by a 'Holding Company' 'B' which in turn is owned by another 'Holding Company' 'C', then 'C' is construed as the 'Parent Company' of 'A' as well as and so on. An apex 'Parent Company' may own number of independent Subsidiary/Group Companies and if any of these Subsidiary/Group Company commits assured support and unhindered access to its assets and resources to another Subsidiary / Group Company (Applicant in this case) under the same apex 'Parent Company' then experience and other credentials of such Subsidiary Company provided such commitment is evidenced / authorized and guaranteed by the apex 'Parent Company'.

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

However, for fulfillment of financial criteria, financial evaluation vis a vis the requirement as stipulated above shall be done on the basis of consolidated printed Annual Report for the immediately preceding 5 (five) years of the Parent Company/ Apex Parent Company submitted by the Bidder along with the Bid.

- 10.4.4** The evaluation of Bidder's Specific Experience for a work executed on the JV basis shall be based on his role and scope in such Joint Ventures. To establish his role and scope of work in such joint Ventures contracts, the Bidder shall adduce documentary evidence such as JV agreement/contract of the work of his claimed experience.

The experience of Bidder who has executed the work as a member of Joint Venture shall be considered in fulfillment of Qualifying Requirements provided:

- a) The allocation of scope of work between the partners of the Joint Venture is clearly defined in the executed JV agreement/contract and bidder/each partner of JV's scope of work executed by him as individual contribution in Joint Venture meets the Qualifying Requirement.

- b) In case there is no specific allocation of work for any work component between the partners of the integrated Joint Venture as per the executed JV agreement/Contract, then the work experience of the integrated Joint Venture can be claimed by bidder/each partner of JV, provided each partner of JV's share in the afore said Joint Venture was at least 35%.

10.4.5 For the Component of work executed through a sub-contractor, experience for that component of work can be claimed by the contractor in fulfillment of Bidder's specific experience, only if Design and Engineering was exercised by the contractor himself over the work.

11. (a) Each bidder must produce:

- i. The current income-tax challan, PAN No. GSTIN and EPF Registration No.;
- ii. A declaration that the information furnished with the bid documents is correct in all respects; and
- iii. Such other certificates as defined in the ITB. Failure to produce the certificates shall make the bid non-responsive.

(b) Each Bidder must demonstrate availability of technical personnel for execution of work.

12. Even if the bidders meet the above qualifying criteria, they will be 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) record of poor performance such as abandoning the works, not properly completing the contract, inordinate delays in completion, litigation history, or financial failures etc.

13. The Employer may impose certain restrictions on the foreign companies participating in any form and their employees in view of the national security, because of the Project situated in the sensitive region and border area(s). The Employer shall obtain clearance of Govt. Of India regarding security implications prior to qualification of such companies. The Employer would evaluate and determine the optimum number of foreign employees required to be deployed at the works site, in the case of work being awarded or sub-contracted to a foreign company(ies), keeping in view the requirements of work(s), location and technical necessities. The number of foreign employee(s) would be kept to a minimum and shall be limited to only technical/supervisory staff. The foreign company shall provide the details of foreign nationals (passports details, job profile/expertise, location and duration of stay etc.) proposed to be engaged at Site.

Further, bidders from countries which share land border with India shall comply with the provisions of "Restrictions under Rule 144(xi) of the General financial Rules (GFRs) 2017" dated 23.07.2020 and subsequent clarifications, as indicated below:

13.1 Any Bidder from a country which shares a land border with India will be eligible to bid in this tender only if bidder is registered with the Competent Authority {i.e Registration

Committee constituted by the Dept of Promotion of Industry and Internal Trade(DPIIT), Govt. of India} . However, the said requirement of registration will not apply to bidders/sub- contractors from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects. Bidders may apprise themselves of the updated lists of such countries available in the website of the Ministry of External Affairs.

Such registration should be valid for the entire period of bid validity or any extension thereof. However, in case the validity period of registration is less than bid validity period, the Bidder shall be required to submit the extension of the validity period of registration before the opening of price bids.

Further the successful bidder shall not be allowed to sub-contract supplies/ services/ works to any "Subcontractor" from a country which shares a land border with India (except to which the Government of India has extended line of credit or in which the Government of India is engaged in development projects as mentioned in Order Public Procurement No. 2 dt. 23.07.2020 or its subsequent revisions/amendments) unless such Sub-contractor is registered with the competent Authority {Registration Committee constituted by the Dept of Promotion of Industry and Internal Trade(DPIIT), Govt. of India }.

Bidders have to submit certificate in accordance with Form Attachment-18A, Attachment-18B of Vol.-5 Forms & Procedures. As per said order, if such certificate(s) given by a bidder whose bid is accepted is found to be false, this would be a ground for termination and further legal action in accordance with law.

A bidder is permitted to procure raw material, components, sub- assemblies, etc. from the vendors of countries sharing a land border with India without getting registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT, as it is not regarded as "sub-contracting". However, in case a bidder proposes to supply finished goods procured directly/indirectly from the vendors of the countries sharing land border with India, such vendors will be required to get registered with the Competent Authority, i.e. Registration Committee constituted by DPIIT.

- 13.2 "Bidder" for the purpose of above referred order (including the term 'tenderer', 'consultant' , 'vendor' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies) , every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency, branch or office controlled by such person, participating in a procurement process.
- 13.3 "Bidders from a country which shares a land border with India" mentioned in para above means;
- An entity incorporated, established or registered in such a country; or
 - A subsidiary of an entity incorporated, established or registered in such a country; or
 - An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - An entity whose beneficial owner is situated in such a country; or

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

13.4 The beneficial owner for the purpose of clause 13.3 above will be as under:

- a) In case of company of Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

Explanation:

“Controlling ownership interest” means ownership of or entitlement to more than twenty-five per cent of shares or capital or profits of the company;

“Control” shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholdings or management rights or shareholders agreements or voting agreements;

- b) In case of a partnership firms, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more judicial person, has ownership of entitlement to more than fifteen
- c) In case of an unincorporated associations or body of individuals, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
- d) Where no natural person is identified under (a) or (b) or (c) above, the beneficial owner is the relevant natural person who holds the position of senior managing officials;
- e) In case of a trust, the identifications of beneficial owner(s) shall include identification of the author of trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

13.5 An Agent is a person employed to do any act for another, or to represent another in dealings with third person.

14. Any corrigendum/modification to Bid documents shall be available on website only and the Bidders are advised to visit the site regularly before deadline for submission of Bids.

15. Employer reserves the right to reject the bid at any time during tendering process without assigning any reasons thereof.

16. To improve transparency and fairness in tendering process the Purchase/ Employer is implementing integrity Pact as per Clause 38 of ITB. The bidder must submit the integrity Pact as per proforma [(Attachment- -21 of Vol-5, Forms and Procedure)] duly signed as per Clause 38 of ITB.

Pre-contract Integrity Pact is to be executed on plain paper with CVPPPL at the time of submission of Bids. The successful bidder (Contractor) shall submit duly executed Integrity Pact on Non-Judicial Stamp Paper of appropriate value prior to signing of Contract Agreement.

To oversee the compliance under the Integrity pact, Sh. Pramod Kumar Sangewar and Shri Ramesh Pratap Singh have been appointed as Independent External Monitor (IEM) by the Employer. The Contact Address of IEM is as under:-

Sh. Pramod Kumar Sangewar, IRSS (Retd.), H No.12-5-65/1 Flat no. 1109, Sri Harsha Sethuram Unique, Vijayapuri Colony, South Lalaguda, Secundrabad- 500017, Telangana State, email: sangewarer@gmail.com,

&

Sh. Rajesh Pratap Singh, IPS (Retd.) C/o Satyendra Jain, C.A, Defence Colony Block-1, Second Floor, Street-1 South Delhi, New Delhi, Email: rps0085@gmail.com.

Note: Mere downloading of Bid document by prospective Bidder shall not be construed that such a bidder automatically fulfills the prescribed eligibility criteria. Whether the bidder meets the specific eligibility criteria or not, shall be checked or ascertained, on opening their bids by scrutinizing documentary evidences furnished by them along with their bid.

For and on behalf of CVPP [P] Ltd.

aged of
24/05/24

General Manager (Contracts & Procurement)

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