

MILITARY ENGINEER SERVICES**APPENDIX 'A' TO NOTICE INVITING TENDER (NIT)**

1.	Name of Work	AUGMENTATION OF SOLAR POWER GENERATION SYSTEM BY PROVIDING ADDITIONAL SOLAR POWER PLANT AT AVADI
2.	Estimated Cost	Rs. 475.00 lakh (At par market)
3.	Period of completion	365 Days
4.	Cost of tender documents	Rs. 3,000/- (Rupees Three thousand only) in the shape of DD/ Bankers cheque from any Schedule Bank in favour of ' Garrison Engineer Avadi, Chennai ' payable at Chennai . (<u>Note</u> : In case of retendering, the contractor who had quoted in the previous call is not required to submit the cost of tender.)
5.	Website / Portal address	www.defproc.gov.in and www.mes.gov.in
6.	Type of contract	The tender shall be based on drawings and specifications, IAFW-2159 (Revised) & General Condition of Contracts IAFW-2249 with Schedule 'A' (list of items of works) to be priced by Contractor/ pre-priced by MES.
7.	Timeline Details : (a) Bid submission start date (b) Bid submission end date (c) Date of Bid opening	Refer critical dates as per web portal
8.	Eligibility Criteria	
	(a) For MES enlisted contractors	(i) All contractors enlisted with MES in Class 'A' and above subject to satisfactory remarks wrt performance in respect of works in hand reflected in Work Load Return (WLR) or any other report circulated by competent engineer authority. (Refer Note below) (ii) The contractor should have MoU with Solar Power firms rating 1A/1B/1C/2A/2B/2C given by CRISIL/ CARE/ FITCH/ ICRA/ SMERA/ Brick Work Ratings India Pvt Ltd and having experience as given at (c) (i) below. (iii) Enlisted contractors who are either having above mentioned solar rating themselves fulfilling the criteria laid down here-in-below or meeting or meeting the criteria laid down for unenlisted contractors shall also be considered eligible.

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	(b) For contractors not enlisted with MES	<p>(i) The contractor not enlisted with MES should meet the enlistment criteria of class 'A' contractor with regard to satisfactory completion of requisite value of similar works with Central/ State Government/ Central/ State PSUs/ AWHO/ ASNHB/ CGEWHO/ DGMAP, Annual turnover, Financial Criteria (Bank Solvency & Working Capital) and other requirements as per details given in Para 1.4 & 1.5 of Section 1 of MES Manual on Contracts 2020 as available in all MES formations as well as MES website (www.mes.gov.in)</p> <p>(ii) The contractor should have MoU with Solar Power firms rating 1A/1B/1C/2A/2B/2C given by CRISIL/ CARE/ FITCH/ ICRA/ SMERA/ Brick Work Ratings India Pvt Ltd and having experience as given at (c) (i) below. However, requirement of MoU is exempted for contractors who themselves are having requisite rating by rating agency mentioned here-in-before.</p> <p>(iii) Not carrying adverse remarks in Work Load Report (WLR) or any other similar report circulated by any competent authority, if already working in MES</p> <p>(iv) Not suspended/ debarred/ blacklisted (either permanently or temporarily) from participating in any bid or for business dealings by any Central/ State Government Department or any Central/ State Government PSU or any Autonomous Body under Central/ State Government or any Local Body as on the bid submission end date.</p>
8.	(C) For all Contractors	<p>(i) The contractor should have experience of having successfully completed & commissioned Solar Power Plants in Gov't Departments/ PSU during last seven years ending last day of month previous to the month of Bid submission start date, should be either of the following</p> <p>(aa) One work of capacity not less than 0.38 MW capacity Solar Plant)</p> <p style="text-align: center;">(or)</p> <p>(ab) Two works of capacity not less than 0.24 MW capacity Solar Plant</p> <p style="text-align: center;">(or)</p> <p>(ac) Three works of capacity not less than 0.19 MW capacity Solar Plant)</p> <p>(ii) The contractor will not be allowed to execute the work by subletting or through power of attorney holder on his behalf to a third party/ another firm except sons/ daughters/ spouse of proprietor/ partner/ Director and firm's own employees, Director, Project Manager.</p>

9.	Tender issuing and Accepting Officer	Chief Engineer Chennai Zone, Chennai Island Grounds, Chennai – 600 009 Phone : 044- 29550132 E mail Id : cezchn2-mes@nic.in
10.	Executing Agency	Garrison Engineer Avadi, Chennai
11.	Earnest Money	Rs. 5,50,000/- in favour of 'Garrison Engineer Avadi, Chennai' payable at Chennai in the form of Deposit at call receipt. FDR is not acceptable. Note : All bidders shall be exempted from submission of EMD in all tenders except those who are ineligible from such exemption are to deposit EMD.

Notes : (a) The eligible solar power firms can either bid as direct participant/ bidder or under MoU with MES enlisted/ unenlisted contractors, but can not bid simultaneously for the same tender as direct participant/ bidder as also under MoU with MES enlisted/ unenlisted contractors.

- (a) MoU will be permitted between one solar power firm and one MES enlisted/ unenlisted contractor, bidding for the same tender.
- (b) In case any violation of condition at (a) and (b) above is noticed, all such bids shall be treated as invalid.

GENERAL NOTES :

1. After opening of Cover-1, if the number of MES enlisted contractors of eligible class as well as un-enlisted contractors, if any, fulfilling the other eligibility criteria given in NIT are less than 07 (Seven), applications in respect of contractors two class below the eligible class (being Avadi remote and difficult area) shall also be considered subject to fulfillment of other eligibility criteria given in the NIT. Therefore MES Contractors two class below may also bid for this tender. However, contractors of one/ two classes below the eligible class shall not be considered in case their present residual work in hand is more than five times of their present tendering limit. Such bidders shall upload in their Cover-1 bid details of works in hand showing name of work, names of Accepting Officers, Contract amounts, dates of commencement and completion (stipulated) and progress as on bid submission date. These details shall be verified by the Tender Issuing Authority from concerned formations in case bids of such contractors are considered for evaluation.

2. In case after opening of Cover-1, the number of MES enlisted contractors of eligible class as well as un-enlisted contractors, if any, fulfilling the other eligibility criteria given in NIT, are 7 (Seven) or more, applications of only those one/ two class below the eligible class bidders shall be considered, who have previously completed similar works satisfactorily and are meeting the criteria of upgradation in respect of past experience of completed works (individual work experience and/or average annual turnover as applicable) and financial soundness (solvency/ financial soundness and working capital) as per details given in Manual on Contracts. Therefore, such contractors of one/ two class below the eligible class may upload the requisite information/ documents in the Cover -1.

3. Unenlisted contractor shall be considered provided he meets the criteria. Foreign firms shall not be eligible for this tender. However Indian Firms having foreign national/ Indian nationals staying abroad / Indian national having taken foreign citizenship, as director(s) shall be considered subject to security clearance from the concerned authorities.

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4. Contractors enlisted with MES will upload following documents in Cover 1 for checking eligibility:-
- (a) Application for tender on Firm's letterhead
 - (b) Enlistment letter issued by the Registering Authority duly renewed for the cycle period in vogue
 - (c) Scanned copy of DD/ Bankers Cheque toward cost of tender and EMD instrument in case SSD bond is not signed at the time of registration.
 - (d) Scanned copy of GST Registration Number
 - (e) Integrity pact duly signed by the contractor
 - (f) Bid security declaration
 - (g) Any other document required as described in this Appendix.
5. Contractors not enlisted with MES will be required to upload following documents in Cover 1 for checking eligibility.
- (a) Application for tender on Firm's letterhead.
 - (b) Scanned copy of DD/ Bankers Cheque toward cost of tender and Earnest Money Deposit (EMD) instrument.
 - (c) Copy of Police verification report from the police authority of the area where the registered office of the firm is located/notarized copy of valid passport of Proprietor/each Partner/each Director.
 - (d) All documents required for enlistment in MES for the class mentioned above and as per Para 1.5 of Section 1 of MES Manual on Contracts 2007 (Reprint 2012).
 - (e) Details of works being executed in MES, if any.
 - (f) Scanned copy of GST Registration Number
 - (g) Integrity pact duly signed by the contractor
 - (h) Bid security declaration
 - (j) Any other document required as described in this Appendix.
6. Tenders not accompanied by scanned copies of requisite DD/Bankers Cheque towards cost of tender and earnest money (as applicable) in Cover 1 shall not be considered for validation of 'T' bid and their Financial Bids will not be opened.

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7. Contractors should ensure that their original physical DDs and Earnest Money Deposit (EMD) or Bid Security Declaration (as applicable) reach the office of Accepting Officer within 07 (Seven) days of bid submission end date failing which following action shall be taken.

(a) In case of tenders from an enlisted contractor of MES, where scanned copies of requisite DD/ Bankers Cheque towards cost of tender have been uploaded in Cover 1 but physical copies are not received within the stipulated period, their financial bids (Cover 2) will be opened. However non-submission of physical copies of cost of tender shall be considered as willful negligence of the tenderer with ulterior motives and such tenderer shall be banned from bidding for a period of six months commencing from the date of opening of Financial Bid (Cover 2).

(b) In case of tenders from un-enlisted contractor, where scanned copies of requisite DD/Bankers Cheque towards cost of tender have been uploaded in Cover-1 but physical copies are not received within the stipulated period, their financial bids (Cover 2), will not be opened. Name of such contractors along with complete address shall be circulated for not opening of their bids for a period of six months commencing from the date of opening of Financial bid (Cover 2).

(c) In case of tenders from enlisted and un-enlisted contractors, where scanned copies of instruments for Earnest Money Deposit (as applicable) have been uploaded in Cover 1 but the same are not received in physical form within stipulated period, such tenders shall not qualify for opening of financial bid (Cover 2).

8. Contractor will not be allowed to execute the work by subletting or through power of attorney to a third party/another firm on his behalf. However a contractor can execute the work through power of attorney to sons/daughters/spouse of proprietor/partner/ director and firm's own employees, director, project manager **provided they are not having a separate enlisted firm in MES in their name as Proprietor/ Partner/ Director.**

9. After opening of Cover 1 and during its technical evaluation, in case any deficiency is noticed in the documents required to be uploaded by the tenderers as per NIT, a communication in the form of e-mail/SMS/Speed Post, etc., shall be sent to the contractor to rectify the deficiency within a period of seven days from date of communication failing which their financial bid (Cover 2) shall not be opened and contractor shall not have any claim on the same.

10. Invitation for e-tender does not constitute any guarantee for validation of Technical bid and subsequent opening of financial bid of any applicant/bidder merely by virtue of enclosing DD. Accepting Officer reserves the right to reject the Technical bid and not to open the financial bid of any applicant/bidder. Technical bid validation shall be decided by the Accepting Officer based on eligibility of the firm as per criteria given in this Appendix. Tenderer/bidder will be informed regarding non-validation of his Technical bid assigning reasons therefore through tender evaluation report which shall be uploaded on the website. Such tenderer if desires, may appeal to the NHEA - HQ ADG (Projects) Chennai on E-mail: adgpchn-mes@nic.in with copy to the Accepting Officer on email cezchn2-mes@nic.in before the scheduled date of opening of Cover 2. NHEA shall decide the matter within a period of seven working days from the date of receipt of appeal. The decision of the NHEA shall be final and binding. The tenderer/bidder shall not be entitled for any compensation whatsoever for rejection of his bid.

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11. In case an unenlisted contractor is already executing works in MES, he shall not be considered eligible for the subject tender if the total value of such works is more than twice the tendering limit of the MES Class of contractor for which it is eligible. For this purpose, details of the works being executed by such a contractor shall be uploaded in the Cover-1 of the bid and shall be checked /verified by the Accepting Officer.

12. In case the BOQ is revised through the corrigendum and the bidder has failed to quote on revised BOQ (ie he has quoted on pre revised BOQ), such bid shall be treated as willful negligence by the bidder and his quotation shall be considered non-bonafide. In such cases the lowest tender shall be determined amongst the valid/ bonafide bids only. Accepting Officer may decide whether to re-tender or consider the lowest bonafide tender for acceptance.

13. Revoking the offer or revising the rates upward and offering voluntary reduction by the lowest tenderer, after opening of Cover 1 shall be considered as a willful default. For this default a penalty of an amount equal to Earnest Money shall be levied. In case of an un-enlisted tenderer, Earnest Money deposited by him shall be forfeited. In case of MES enlisted tenderer having deposited the Standing Security Bond, an amount equal to the earnest money stipulated in the NIT, shall be notified to the tenderer for depositing through MRO and consideration of such tenderer in tender evaluation for future works shall remain suspended till the aforementioned amount is deposited in the Government Treasury. No other disciplinary/administrative action shall be taken against such tenderers. In such a situation, the next lowest offer shall not be considered for acceptance. Instead, retendering shall be resorted to in a transparent and fair manner and the defaulting tenderer and his related firm if any, shall not be eligible for this tender in second call or subsequent calls.

14. Tender to related firms shall not be issued simultaneously. Firms shall be treated as related if Proprietor/one or more Partners/Directors are common. Decision of Accepting Officer on issue/deny the tender to any one of the related firms shall be final and binding.

15. The contractor, before releasing the work order after finalization/ acceptance of the tender, it shall be ensured that the contractor shall submit the provident fund code Number to GE and shall also to be ensure the compliance of the EPF & MP Act by the sub-contractors/ nominated agency if any engaged by the contractors for the said work.

16. **Jurisdiction of Court upto Acceptance** : “ Court of the place from where tender has been issued shall alone have jurisdiction to decide any dispute out of or in respect of this tender. After acceptance of tender Condition – 72 of jurisdiction of courts of IAFW-2249 shall be applicable”.

17. Scanned copy of Integrity Pact (IP) (as given in Appx. 'B' of NIT) duly signed on each page by the bidder(s) shall be uploaded as a part of Tech Bid (Cover 1) and original IP duly signed on each page shall be forwarded by post alongwith the demand draft.

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18.1 Two firms are permitted to bid for the tender based on Joint Venture agreement between them. Joint Venture (JV) shall not comprise more than two firms (called parties of JV). The format of agreement is at **Annexure II to Appendix 'A'**. The JV shall be considered as unenlisted contractor. The JV shall submit Earnest Money Deposit and Performance Security Deposit as per instructions and as applicable, if contract is awarded.

18.2 No JV shall be allowed to participate if either or both the parties are banned/ adversely remarked in Work Load Return of MES or debarred from tendering by any authority.

- (a) Foreign Companies shall not be permitted to participate in JV.
- (b) Indian Companies having Director(s) of foreign origin and Indian Companies having Director(s) of Indian origin but residing abroad/ having foreign citizenship shall be permitted to participate in JV However security clearance in such cases shall be processed as brought out in Para 1.1(g) here in before.
- (c) Case for security clearance shall be processed to E-in-C's Branch on PRIORITY after opening 'T' bid (Cover-1).

18.3 A valid agreement shall exist between the parties of JV defining clearly the role, responsibility and scope of work of each party, percentage share of each party alongwith nomination of leader (Lead Party) for the purpose of this work and a confirmation that the parties of the JV are jointly and severally responsible.

18.4 JV as a single unit or each party of the JV shall have Permanent Account Number (PAN) and GSTIN. However, if the contract is awarded to the JV, then PAN and GSTIN shall be obtained by the JV as a single unit.

18.5 The lead party of the JV shall meet minimum 60% or the percentage of share in the JV (whichever is higher) of the qualifying criteria pertaining to

- (a) Past experience of completed works,
- (b) Average Annual Turnover,
- (c) Bank Solvency/ Financially Sound for engagement and
- (d) Working Capital.

18.6 Both the parties combined shall meet minimum 120% of the above qualifying criteria. The party other than the lead party shall meet minimum 30% of the above qualifying criteria.

18.7 Both the parties of JV shall jointly possess the required T&P, machinery and engineering/ supervisory staff. T&P can be either on ownership basis or leasehold as stipulated in NIT/ tender documents and documentary proof of the same shall be submitted. (Other qualification criteria shall be met fully/ jointly by both the parties of JV or as a single unit of JV.)

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18.8 JV concluded up to the date of bid submission are permitted to apply. Copy of JV should be uploaded. The Department reserves the right to verify the particulars furnished by the applicant JV independently. If any information furnished by the applicant JV is found incorrect and/ or misleading and/ or false representation and/ or deliberately suppressed information, at a later stage, the JV and both the parties shall be liable to be debarred from tendering/ taking up of any work in MES. In case any partner of JV happens to be the enlisted contractor of MES, disciplinary action shall also be initiated against the partner as per instructions.

18.9 Party/ parties to the JV will not be allowed to bid for the same tender in their independent capacity as well as under JV. Also no party will be allowed to bid for the same tender under multiple JVs. In case of violation (party/parties bidding independently as well as under JV for the same tender, party/parties bidding for the same tender under multiple JVs), the bid of the party/parties concerned as well as the bid(s) of the related JV(s) shall not be opened (ie shall not be qualified in 'T' bid Cover '1').

18.10 The lead party shall attend all progress review meetings and shall be answerable to all issues relating to the project.

18.11 For any of the defaults as under of the JV, administrative action shall be taken against both the parties of JV :-

(a) In case of non-submission of physical original documents towards cost of tender, EMD - Barring from bidding for six months.

(b) Due to default in performance of contract etc Administrative actions as per existing instructions.

18.12 Any unrealised recovery from JV shall be recovered proportionately from the parties in proportion to their percentage share in the JV. If it is not possible to recover proportionate share (partly/ fully) from one party, it shall be recovered from other party.

Signature of Contractor

(Sophia Franklin)
AE (QS & C)
AAD (Contracts)
For Accepting Officer

82934/ 10 / E8

15 Sep 2021

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