

  <p>(A Subsidiary of Coal India Limited) A Mini Ratna Company</p>	<p>ମହାନଦୀ କୋଲ୍ ଫିଲ୍ଡ୍ସ ଲିମିଟେଡ୍ महानदी कोलफील्ड्स लिमिटेड Mahanadi Coalfields Limited (A subsidiary of Coal India Limited)</p> <p>Tender Inviting Authority: Gobardhan Mohapatra Designation: G.M. (E&M) [+91- 9438494902] Office of The General Manager (E&M) P.O. – Jagruti Vihar, Dist – Sambalpur (ODISHA) Gram: Burla, Ph: 0663-2542973 Dealing Officer Name : Biradar Vijaykumar Annarao Phone No. +91-9438879722 E-mail: gm-enm.mcl@coalindia.in Web Site : www.mahanadicoal.in MCL e-Procurement Helpdesk Contact Details Tel: 0663-2542264, 2542695, 2542230 Email: hlp-eproc.mcl@coalindia.in</p>
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NIT No.: MCL/SBP/E&M/e-Tender/2021-22/276

Dated-27/01/2022

(Nature of Job: Works)

e-TENDER NOTICE

1. Tenders are invited on-line on the website <https://coalindiatenders.nic.in> from the eligible bidders having Digital Signature Certificate (DSC) issued from any agency authorized by Controller of Certifying Authority (CCA), Govt. of India and which can be traced up to the chain of trust to the Root Certificate of CCA, for the following work:

Description of work	Estimated Cost of Work (Including GST) (In Rs.)	Earnest Money (In Rs.)	Period of Completion (In Days)
"Supply and installation of 3 Nos of 500 KW _p inverters along with allied works for repair of 2 MW _p Ground Mounted Solar Power Plant, Anand Vihar, MCL HQ."	74,09,625	92,700	Work Period : 90days plus (+) Warrantee Period : 5 years

2. Time Schedule of Tender :

Sl. No.	Particulars	Date	Time
a.	Tender e-Publication date	27/01/2022	18:55hrs
b.	Document download start date	27/01/2022	18:55hrs
c.	Document download end date*	14/02/2022	17:00hrs
d.	Bid Submission start date	28/01/2022	10:00hrs
e.	Bid submission end date*	14/02/2022	17:00hrs
f.	Start date for seeking Clarification on-line	27/01/2022	18:55hrs
g.	Last date for seeking Clarification on-line	07/02/2022	17:00hrs
h.	Date of Pre-bid Meeting	NA	
i.	Technical Bid (Cover-I) Opening date*	16/02/2022	11:00hrs
j.	Price Bid (Cover-II) Opening date	To be notified	

- *Note:**(i) If number of bids received online is found to be less than three after the end date and time of bid submission then Last date of submission of Bid and Bid Opening date will be automatically extended for a period of four days ending at 17:00 hrs. The auto extension shall work on the basis of number of bids received only.
- (ii) This extension will be also applicable in case of receipt of zero bid.
- (iii) Bidders will have right to modify/withdraw their bids during extended period of submission of bids.
- (iv) After extension as stated above the tender shall be opened irrespective of available no. of bids on the extended date of opening of tender.
- (v) If any of the above extended dates falls on Holiday i.e. a non-working day as defined in the e-procurement portal then the same is to be rescheduled to the next working day.
- (vi) The validity period of the tender should be decided based on the final end date of submission of bids.

3. Deposit of EMD:

- 3.1 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 Bank/s or through NEFT/ RTGS from any scheduled Bank.

Net-banking: In case of payment through net-banking, the amount is transferred to designated account of MCL through an intermediary. The EMD Payment should be made well ahead of the Bid submission end date and time to ensure the EMD amount is transferred to MCL's account before Bid submission.

NEFT/ RTGS: In case of payment through NEFT/ RTGS the bidder will have to make payment as per the Challans generated by system on e-Procurement portal. The EMD payment through NEFT/ RTGS mode should be made well ahead of time to ensure that the EMD amount is transferred to MCL account before bid submission.

- 3.2 Bidder will be allowed to submit his/her bid only when the EMD is successfully received in MCL's designated account and the information flows from Bank to e-Procurement system.
- 3.3 In online payment of EMD, if the payment is made by the bidder within the last date & time of bid submission but not received by MCL within the specified period due to any reason then the bid will not be accepted. However, the EMD will be refunded back to the bidder.
- 3.4 Micro and Small Enterprises (MSEs) as defined in the MSE Procurement Policy issued by Department of Micro, Small and Medium Enterprises (MSME) will be exempted from the payment of earnest money (applicable only for service tenders).
- 3.5 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.

Note:

(i) This clause is applicable for service tenders.

(ii) 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.

4. **Pre-bid Meeting:** The pre-bid meeting shall be held in the office of the Tender Inviting Authority (TIA) on the scheduled date & time, if specified in the NIT. The purpose of the pre-bid meeting is to clarify the issues and to answer the questions on any matter that may be raised at that stage. Non-attendance at the pre-bid meeting will not be a cause for disqualification of bidder and it shall be presumed that the bidder does not require any clarification. If a Pre-Bid meeting is held then the minutes of the Pre-Bid meeting shall be uploaded on the portal which can be viewed by all interested bidders.
5. **Clarification of Bid:** The bidder may seek clarification on-line within the specified period. The identity of the Bidder will not be disclosed by the system. However, the management 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. The bidders have to accept the on-line user portal agreement which contains the acceptance of all the Terms and Conditions of NIT and tender document, undertakings and the e-Procurement system through <https://coalindiatenders.nic.in> in order to become an eligible bidder. This will be a part of the agreement.
7. **Eligible Bidders:** The invitation for bid is open to all bidders including an individual, proprietorship firm, partnership firm, company or a Joint Venture (Joint Venture to be enrolled as a separate entity) having eligibility to participate as per eligibility criteria stipulated in clause No.8 of NIT and having Digital Signature Certificate (DSC) issued from any agency authorized by Controller of Certifying Authority (CCA), Govt. of India and which can be traced up to the chain of trust to the Root Certificate of CCA

Joint Venture:

Joint venture (Joint Venture to be enrolled as a separate entity) shall be allowed for participation in the bid with estimated cost put to tender above Rs.2.00 (Two) crores. The proforma of Joint venture agreement is enclosed as Annexure-X.

Two or three companies/contractors may jointly undertake contract / contracts. Each entity will be jointly and severally responsible for completing the task as per the contract. The participating share of JV partners shall be as below:

- i) Lead Partner shall have at least 50% participating share in JV
- ii) Other partner(s) shall have at least 20% participating share in JV

Joint Ventures must comply the following requirements:

a) Following are the minimum qualification requirements for Joint Venture:

- i) The qualifying criteria parameter e.g. experience of the individual partners of the J.V will be as deliberated under clause 8(A) of e-tender Notice towards fulfillment of qualification criteria related to experience.

ii) The qualifying criteria parameter e.g. financial resources (Turnover) of the individual partners of the J.V. will be added together, for the relevant period, and the total criteria should not be less than as deliberated under clause 8(B) of e-tender Notice towards fulfillment of qualification criteria related to financial turnover.

b). The formation of Joint Venture or change in the Joint Venture character/partners after submission of the bid and any change in the bidding regarding Joint Venture will not be permitted.

c). The bid, and in case of a successful bid, the agreement, shall be signed so as to legally bind all partners jointly and severally and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liabilities with respect to the contract.

d).The pre-qualification of a joint venture does not necessarily pre-qualify any of its partners individually or as a partner in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may pre-qualify if they meet all the pre-qualification requirements, subject to written approval of the employer.

e).The bid submission must include documentary evidence to the relationship between joint venture partners in the form of JV agreement to legally bind all partners jointly and severally for the proposed agreement which should set out the principles for the constitution, operation, responsibilities regarding work and financial arrangements, participation (percentage share in the total) and liabilities (joint and several) in respect of each and all of the firms in the joint venture. Such JV agreement must evidence the commitment of the parties to bid for the facilities applied for(if pre-qualified) and to execute the contract for the facilities if his/her/their bid is successful.

f).One of the partners shall be nominated for being in-charge of the contract and shall be designated as Lead Partner. This authorization shall be evidenced by submitting with the bid a Power of Attorney signed by legally authorized signatories of all the partners.

g).The JV Agreement must provide that the Lead Partner shall be authorized to incur liabilities and receive instructions for and on behalf of any and all partners of the Joint Venture and the entire execution of the contract shall be done with active participation of the Lead Partner.

h).The contract agreement should be signed jointly by each Joint Venture Partners. Subsequent declarations / letters / documents shall be signed by Lead Partner authorized to sign on behalf of joint venture or authorized signatory on behalf of JV.

i).The bid should be digitally signed by a person authorized by all the partners of the Joint Venture.

j).An entity can be a partner in only one Joint Venture. Bid submitted by Joint Ventures including the same entity as partner will be rejected.

k).The J.V. agreement may specify the share of each individual partner for the purpose of execution of this contract. This is required to fulfill eligibility and also for the purpose of apportioning the value of the contract to that extent to individual partner for subsequent submission in other bids if he intends to do so for the purpose of the qualification in that bid.

l).The JV agreement must specifically state that it is valid for the project for which bidding is done. If the JV breaks up mid-way before award of work and during bid validity period, bid will be rejected.

If JV breaks up mid-way before award of work and during bid validity / after award of work/ during pendency of contract, in addition to normal penalties as per provision of bid document, all the

partners of the JV shall be debarred from participating in future bids for a minimum period of 12 (twelve) months.

m). JV agreement shall be registered in accordance with Registration Act so as to be legally valid and binding on the members before making any payment.

Note: If the work is awarded to Joint Venture firm, they will register the JV agreement in accordance with Registration Act.

n). JV shall open a Bank Account in the name of JV and all payments due to the JV shall be credited by employer to that account only. To facilitate statutory deductions, all statutory documents like PAN, GSTIN, etc. in the name of the Joint Venture shall be submitted by JV before making any payment.

Note: If a Bidder participates as a Joint Venture (JV), the benefits as per Public Procurement Policy for MSE Order-2012 shall not be applicable for them.

8. Eligibility Criteria:

A. Work Experience: The intending tenderer must have in its name or proportionate share as a member of Joint Venture/ Partnership Firm experience of having successfully completed similar works as a prime contractor, during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be either of the following:-

Three similar completed works each costing not less than the amount equal to 40% of the estimated cost put to tender.

Or

Two similar completed works each costing not less than the amount equal to 50% of the estimated cost put to tender.

Or

One similar completed work costing not less than the amount equal to 80% of the estimated cost put to tender.

Experience for those works only shall be considered for evaluation purposes, which match eligibility requirement stipulated above, on or before the last day of month previous to one in which e-Tender has been invited (i.e. e-Publication date of NIT). The experience of incomplete/ongoing works as on the last date of eligibility period will not be considered for evaluation. If the referred work includes construction as well as maintenance after construction, the experience of such work may be considered as 'acceptable' if the construction part is completed as on the last date of 'eligibility period', even if maintenance work is ongoing, and the certificate issued clearly stipulates the same.

In all the above cases, while considering the value of completed works, the full value of completed works will be considered whether or not the date of commencement is within the said 7 (seven) years period.

The cost of completed works shall be given a simple weightage to bring them at current price level by adding 5% for each completed year (total number of days/365) after the end date of experience (date of completion of work) till the last day of month previous to one in which e-Tender has been invited.

(In case the bidder is not a prime contractor but a sub-contractor, the bidder's experience as sub-contractor will be taken into account, against suitable document that the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contract in the

original contract awarded to prime contractor. The document may be issued by owner/Govt. department on behalf of the owner.)

Joint Venture shall be allowed for participation in the bid with estimated cost above Rs 2.00 Crores.

The qualifying criteria parameter e.g. experience of the individual partners of the J.V will be as deliberated hereinafter towards fulfillment of qualification criteria related to experience.

- a. In case of completion of single work of similar nature costing, not less than the amount equal to 80% of the estimated cost put to tender:-

Any of the JV partner shall have the experience of having completed successfully a single work of similar nature equal to 80% of the estimated cost put to tender.

Or

- b. In case of completion of two works of similar nature each costing not less than the amount equal to 50% of the estimated cost put to tender :-

i) Any one partner can match the above requirement.

Or

ii) At least two partners should each have completed at least one work of similar nature each costing not less than the amount equal to 50% of the estimated cost put to tender.

Or

- c. In case of completion of three works of similar nature, each costing not less than the amount equal 40% of the estimated cost put to tender:-

i) Any one partner can match the above requirement.

Or

ii) Any two partners shall match the above requirement through completion of at least two work by one partner and one work by other partner of similar nature each costing not less than the amount equal 40% of the estimated cost put to tender:-

Or

iii) All the three partners shall match the above requirement through completion of at least one work of similar nature each costing not less than the amount equal 40% of the estimated cost put to tender.

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

The definition of Similar work shall be as follows:

“SUPPLY, INSTALLATION AND COMMISSION OF GRID CONNECTED SOLAR PV POWER SYSTEMS OF MINIMUM 100 KWp WITH OR WITHOUT CAMC (Comprehensive annual maintenance contract) /O&M (Operation & Maintenance).”

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

- i). Start date & end date of each qualifying experience (similar work)
- ii). Agreement Number/Work Order Number of each experience
- iii). Name and address of the employer/ Work Order Issuing authority of each experience

- iv). Percentage (%) share of each experience (in case the experience has been earned by the bidder as a partner in a joint venture firm/partnership firm then the proportionate value of experience in proportion to actual share of bidder in that joint venture firm/partnership firm will be considered against eligibility else it shall be taken as 100%).
- v). Executed Value of work against each experience
- vi). Confirmation in the form of Yes/No regarding submission of similar work experience as defined in the NIT.

Note:

- a. *In case the bidder is a Joint Venture, work experience as above may be furnished as the work experience of the bidder.*
- b. *Confirmation in the form of Yes/No regarding submission of similar work experience as defined in the NIT.*

B. Financial Turnover: Average annual financial turnover during the last 3 (three) years ending 31st March of the previous financial year should be at least 30% of the estimated cost.

(The "Previous Financial Year" shall be computed with respect to the e-Publication date of NIT).

If any bidder does not furnish the turnover value for any financial year out of the last 3 financial years, the turnover for that financial year shall be taken as 'Zero' and the average annual financial turnover shall be calculated accordingly.

Financial turnover shall be given a simple weightage to bring them at current price level by adding 5 % for each completed year (total number of days/365) after the end of respective Financial year (i.e. 31st March) till the last day of month previous to one in which e-tender has been invited.

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

- i). Annual financial turnover of each of the last 3 years ending 31st March of the previous financial year.
- ii). Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate
- iii). Membership Number of the Chartered Accountant
- iv). Date of issue of financial turnover certificate by Chartered Accountant

Note:

- a. *In case the bidder is a Joint Venture, the turnover of the individual partners of the JV will be added together for each financial year and is to be furnished as the turnover of the bidder for that particular financial year. However, the information against Sl. No.(ii), (iii) & (iv) above will be given w.r.t. the lead partner of JV only.*

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

- b. *In case of JV, if financial turnover of all the partners is not submitted; the JV will not be disqualified and instead the required turnover will be calculated assuming zero value for partner/partners who has/have not submitted the financial turnover certificate.*

- C. Permanent Account Number (PAN):** The bidder should possess Permanent Account Number (PAN) issued by Income Tax department, Govt. of India.

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

- i) Confirmation regarding possessing of Permanent Account Number(PAN) issued by Income Tax department, Govt. of India in the form of Yes / No.

Note:

In case of JV, PAN card for each Indian partner of JV and Verifiable Tax Residency Certificate of respective country for each foreign partner or JV itself.

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

- D. Goods and Services Tax(Not Applicable for Exempted Services):**

The bidder should be either GST Registered Bidder under Regular Scheme

OR

GST Registered Bidder under Composition Scheme

OR

GST Unregistered Bidder

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

- 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.

Note:

- i). *In case of JV a Certificate with UDIN from a practicing Chartered Accountant having membership number with Institute of Chartered Accountants of India confirming the status of JV w.r.to GST in compliance with relevant GST rules or GST Registration Certificate of JV.*

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

- ii). *In case the work/service is awarded to a Joint Venture participating in the tender they have to submit PAN, GST registration (as applicable in the tender and for the bidder status) etc. in the name of the Joint Venture after Award of Work/Service before the payment of first running on account bill.*

- iii). *If turnover of bidder exceeds exemption/threshold limit, the bidder must have GST Registration as per GST Act and Rules.*

- iv). *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 actual, whichever is lower.*

- E. Electrical Contractor's License (if applicable):** ~~The bidder should possess a valid Electrical Contractor's License issued by Electrical Licensing Board/Authority of any Indian State/Union Territory, in accordance with IE Rule-45.~~

Note: ~~The category of Electrical Contractor's License possess by the bidder:.....~~

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

- ~~i). Confirmation regarding possessing of Electrical Contractor's License issued by Electrical Licensing Board/Authority of any Indian State/Union Territory, in the form of Yes / No.~~

Note: ~~In case the bidder is a joint venture, the Electrical Contractor's License of Lead Partner or any of the Partners of Joint Venture will be furnished.~~

F. Purchase Preference under 'Make in India' Policy for "Local supplier."

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 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.

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%.

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 indicating percentage of local content as enlisted in NIT.

Note:-

- I. *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 in Undertaking format at Annexure-XIII*
- II. *If the estimated value of procurement is more than Rs. 10 crores, all the Bidders shall submit along with its bid a certificate (with UDIN) from the statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practicing chartered account (in respect of suppliers other than companies) giving the percentage of local content (with Annexure-XIII).*

9. Submission of Bid:

- a. In order to submit the Bid, the bidders have to get themselves registered online on the e-Procurement portal of CIL (<https://coalindiatenders.nic.in>) with valid Digital Signature Certificate (DSC) issued from any agency authorized by Controller of Certifying Authority (CCA), Govt. of India and which can be traced up to the chain of trust to the Root Certificate of CCA. The online Registration of the Bidders on the portal will be free of cost and one time activity only. The registration should be in the name of bidder, whereas DSC holder may be either bidder himself or his duly authorized person. The bidder is one whose name will appear as bidder in the e-Procurement Portal.
- b. The bidders have to accept unconditionally the online user portal agreement which contains the acceptance of all the Terms and Conditions of NIT including General and Special Terms & Conditions and other conditions, if any, along with on-line undertaking in support of the authenticity of the declarations regarding the facts, figures, information and documents furnished by the Bidder on-line in order to become an eligible bidder. No conditional bid shall be accepted.
- c. The bidders have to accept unconditionally in GTE (General Technical Evaluation) the Undertaking at Annexure-II 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 dated 16.09.2020 etc. and Annexure-I (Letter of Bid). **In case of non-compliance of GTE regarding the above, the bid will be rejected.** No recycling will be done for this document i.e. no further clarification will be sought from bidder.

Moreover, the following documents shall be considered from the Bidder's space/ My Document and no recycling will be done for these documents i.e. if the documents uploaded online are not as per NIT then the bid shall be rejected and no further clarification will be sought from bidder:

Sl. No.	Eligibility Criteria	Scanned copy of documents to be uploaded by bidders in Bidder's space/ My Document
1.	Permanent Account Number (Ref. Clause No.8(C) of NIT)	PAN card issued by Income Tax department, Govt. of India (In case of JV, PAN card for each Indian partner of JV and Verifiable Tax Residency Certificate of respective country for each foreign partner or JV itself. If a Bidder participates as a Joint Venture (JV), the benefits as per Public Procurement Policy for MSE Order-2012 shall not be applicable for them.)

2.	Goods and Services Tax (Not Applicable for Exempted Services) (Ref. Clause No.8(D) of NIT)	<p>The bidder should possess any one of the following documents depending upon the status w.r.t GST as declared by him in the BOQ sheet:</p> <p>i). Status: GST Registered Bidder under Regular Scheme</p> <p>Document: GST Registration Certificate(i.e. GST identification Number) issued by appropriate authority of India.</p> <p>ii). Status: GST Registered Bidder under Composition scheme</p> <p>Document: GST Registration Certificate(i.e. GST identification Number) issued by appropriate authority of India.</p> <p>ii).Status: GST Unregistered bidder</p> <p>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.</p> <p><i>[In case of JV a Certificate with UDIN from a practicing Chartered Accountant having membership number with Institute of Chartered Accountants of India confirming the status of JV w.r.to GST in compliance with relevant GST rules or GST Registration Certificate of JV. If a Bidder participates as a Joint Venture (JV), the benefits as per Public Procurement Policy for MSE Order-2012 shall not be applicable for them.]</i></p> <p>Note: If turnover of bidder exceeds exemption/threshold limit, the bidder must have GST registration as per GST Act and rules.</p>
3.	Legal Status of the bidder	<p><u>Any one of the following document :</u></p> <ol style="list-style-type: none"> 1.Affidavit or any other document to prove proprietorship/Individual status of the bidder 2.Partnership deed containing name of partners 3.Memorandum & Article of Association with certificate of incorporation containing name of bidder 4. In case of Joint Venture- <ol style="list-style-type: none"> (a) Joint Venture agreement as per the format in Annexure-X (b) Power of Attorney to the Lead Partner (c) The document(s) regarding legal status of all the individual partners of JV as mentioned in Sl. No.1 or 2 or 3 above, as applicable (d) Authorization to all the signatories of JV agreement by the respective partners of JV either in the form of Power of Attorney or any sort of legally acceptable document as applicable.

d. For online submission of tender, the bidders will have to upload all the confirmatory documents as prescribed in the NIT in Cover-I and only "Price-bid" in Cover-II.

(i) **Letter of Bid:** The Letter of Bid is given at Annexure-I of NIT. 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 online acceptance during bidding through GTE shall be construed as submission of LOB by bidder.

(ii). List of Confirmatory Documents: All the confirmatory documents as enlisted below in support of online information submitted by the bidder are to be uploaded in Cover-I by the bidder while submitting his/her bid.

Sl. No	Eligibility Criteria	Scanned copy of documents to be uploaded by bidder(s) in support of Information/ declaration furnished online by the bidder against Eligibility Criteria as Confirmatory Documents
1.	Work Experience (Ref. Clause No.8(A) of NIT)	Satisfactory Work Completion Certificate issued by the employer against the experience of similar work containing all the information furnished by bidder on-line. In case of Sub-contractor, suitable document as per provision of eligibility, if applicable. Work order, BOQ, TDS etc. may be sought during clarification or along with deficient documents. (In case of JV, Satisfactory Work Completion Certificate against individual partner(s) of JV applicable as per details mentioned in clause no.8).
2.	Financial Turnover (Ref. Clause No.8(B) of NIT)	Financial Turnover certificate having a Unique Identification Number (UDIN) with Institute of Chartered Accountants of India for last 3 (three) financial years issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India. (In case of JV, turnover certificate for each individual partner of JV. If a Bidder participates as a Joint Venture (JV), the benefits as per Public Procurement Policy for MSE Order-2012 shall not be applicable for them.)
3.	Electrical Contractor's License (if applicable) (Ref. Clause No.8(E) of NIT)	Valid Electrical Contractor's License issued by Electrical Licensing Board/ Authority of any Indian state/UT. Note: The category of Electrical Contractor's License possess by the bidder:..... (In case of JV, valid Electrical Contractor's License of Lead Partner or any of the Partners of Joint Venture)
4.	Digital Signature Certificate (DSC)	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
5	Undertaking by the bidder on his Letter Head as per Annexure-XIII.	Undertaking regarding relatives as employees of the company, Arbitration clause (in case of partnership firm/JV), Local supplier status of the Bidder as per clause 8(F) of NIT, restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries etc. Note: If the estimated value of procurement is more than Rs. 10 crores, all the Bidders shall submit along with its bid a certificate (with UDIN) from the statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practicing chartered account (in respect of suppliers other than companies) giving the percentage of local content.
Note: Only one file in .pdf format can be uploaded against each eligibility criteria. Any additional/ other relevant document(s) 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.		

e. **Price bid:** The Price bid containing the Bill of Quantity will be in Excel format and will be downloaded by the bidder and he will quote the rates for all items on this Excel file. Prior to quoting the rates in the BOQ file, the bidder will select the appropriate status from the following list given in the BOQ:-

- I). GST Registered Bidder under Regular Scheme
- II). GST Registered Bidder under Composition Scheme
- III). GST Unregistered bidder

The rates quoted by the bidder will be excluding GST& GST Compensation Cess (if applicable) only and GST& GST Compensation Cess (if applicable) (to be paid by MCL or by the bidder) will appear as a separate entity. The GST& GST Compensation Cess (if applicable) will be taken by the system based on the status of bidder selected by the bidder during bid submission and with the predefined business logic given in the BOQ file by the department. This file will be digitally signed and uploaded by the bidder.

Thereafter, the bidder will upload the same Excel file during bid submission in cover-II. The Price-bid (excluding GST& GST Compensation Cess (if applicable)) will be in Item Rate BOQ format and the bidder will have to quote for all the tendered items.

System for Decision of L-1 Bidder & Contract Value Calculation:

The L-1 bidder will be decided based on the cost to the Company.

****Case-1: For Supply for which INPUT TAX CREDIT(ITC) is Available to the Company:**

~~For calculation of overall Bid value, the GST and GST Compensation Cess (if applicable) required to be paid by the Bidder or by MCL, taken by the system will be ignored to decide the L1 i.e the ranking of the Bidders will be decided based on rates quoted by the bidders excluding GST and GST Compensation Cess (if applicable). This value of the bidder will be "the cost to Company".~~

~~**Cost to Company – Quoted Price of the Bidder excluding GST and GST Compensation Cess (if applicable)**~~

~~Then GST and GST Compensation Cess (if applicable) required to be deposited by the Bidder will be added to the overall Bid value to arrive at the Contract 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.~~

****Case-2: For Supply for which INPUT TAX CREDIT (ITC) is Not Available to the Company:**

For calculation of overall Bid value, the GST and GST Compensation Cess (if applicable) required to be paid by the Bidder or by MCL, taken by the system will be added to the rates quoted by the bidder to decide the L1 i.e the ranking of the Bidders will be decided based on rates quoted by the bidders plus GST and GST Compensation Cess (if applicable). This value of the bidder will be "the Cost to the Company".

Cost to Company = Quoted Price of the Bidder excluding GST and GST Compensation Cess (if applicable) + Amount of GST and GST Compensation Cess (if applicable)

Then GST and GST Compensation Cess (if applicable) to be deposited by MCL will be deducted from the overall Bid value to arrive at the Contract 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.

Note: The bidder should select their GST category as per clause no. 8.D of NIT.

10. All bids are to be submitted on-line on the website (<https://coalindiatenders.nic.in>). No bid shall be accepted off-line.
11. 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 website. Under any circumstances, MCL shall not be liable to the bidders for any direct/indirect loss or damages incurred by them arising out of incorrect use of the e-tender system or internet connectivity failures.
12. The e-procurement system will evaluate the Technical bids automatically on the basis of relevant data provided by bidder through a form in an objective and structured manner while submitting bid. If the parameter given by bidder in objective and structured manner does not confirm to required eligibility criteria as specified in the tender document, then the bid will be evaluated by the system as "Non-complied".
13. Technical Bid (Cover-I) will be decrypted and opened online by the "Bid Openers" with their Digital Signature Certificate(DSC) on the prescheduled date and time. All the documents uploaded by bidder(s) including EMD exemption documents (if any) and the Evaluation sheets generated by the system online shall be downloaded after opening of technical bid i.e. Cover-I. After decryption and opening of Technical bid (Cover-I) the "technical bid opening summary" will be uploaded on the same day.

14. Technical Evaluation of Tender:

- (A) After opening of Technical bid, the documents submitted by bidder(s) 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 (i.e. w.r.t confirmatory 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 get this information on their personalized dashboard under "Upload confirmatory document" link. Additionally, information shall also be sent by system generated email and SMS, but it will be the bidder's responsibility to check the updated status/information on their personalized dash board regularly after opening of bid. No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of documents within prescribed time. 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) 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.

- (D) 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.
- (E) 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 upto 7 days. The clarification shall be taken in online mode in the e-Procurement portal of CIL only.
- (F) 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.
- (G) 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.
- (H) 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)
- (I) After opening of Price Bid, the successful bidder will be considered for award of work after evaluation of the reasonableness of L-1 rates.
- (J) It is responsibility of Bidders to upload legible/clearly readable scanned copy of all the required documents.
- (K) If L1 bidder backs out (i.e. Techno commercially established L1 bidder), the EMD will be forfeited and the bidder will be debarred for minimum one (1) year from participating in tenders in MCL.
***Note:** If the defaulter L1 bidder is a Joint Venture(JV)/ partnership firm, penal action against the JV/ partnership firm will also be applicable to all the partners of JV/ partnership firm.*
- (L) **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 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 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.