

**3.1.6** In online payment of EMD, if the payment is made by the bidder within the last date and time of bid submission but not received by CIL/ Subsidiary within the specified period due to any reason(s) whatsoever then the bid will not be accepted. However, the EMD will be refunded back to the bidder.

**Note: If any information and document submitted by the bidder is found to be false/ incorrect at any time, department may cancel their Bid and action as deemed fit may be taken against them, including termination of the contract, forfeiture of all dues including Earnest Money and banning of the firm and all partners of the firm.**

**3.1.7 EMD Exemption:**

Micro and Small Enterprises (MSEs) as defined in MSE Procurement Policy issued by Department of Micro, Small and Medium Enterprises (MSME) will be exempted from the payment of earnest money (**Applicable for Service Nature of Job**).

In case of exemption of EMD, the scanned copy of document (attested by notary public) 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.

**4. Pre-bid Meeting:**

The pre-bid meeting shall be held physically in CIL HQ, Kolkata as per the scheduled date & time, as specified in the e-Procurement portal. 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. However, the management will clarify as far as possible to the relevant queries.

The identity of the Bidder will not be disclosed by the system. The clarifications given by department will be visible to all the bidders intending to participate in that tender. The clarifications may be asked from the day of e-Publication of NIT. The period for seeking clarification by bidder will be up to 7 (Seven) days before the end date of bid submission. The replies to clarifications sought by bidders should be given by the department at least 2 (Two) days before the end date of bid submission.

**6. User Portal Agreement:**

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:**

Only the empaneled EPC contractors are eligible to participate in this tender. They will have to use the same registration carried out on CIL's e-Tender Portal (<https://coalindiatenders.nic.in>) during the empanelment process vide EOI.

**(Empanelment notifications vide: (i) CIL/ Empanelment/EPC/Solar/2022/50, dated: 26.05.2022. (ii) CIL/Empanelment/EPC/Solar/2023/28, dated: 17.02.2023)**

**8. Eligibility Criteria:**

- A. Working Capital:** The Bidder must submit the Certificate of possessing Minimum Working Capital of **Rs. 29.15 Crores** inclusive of access to lines of credit and availability of other financial resources to meet the requirement, issued by a Practicing Chartered Accountant having a Membership Number with Institute of Chartered Accountants of India. Such Certificate should contain the Unique Document Identification Number (UDIN). The bidder should possess the Working Capital issued within three months prior to the date of opening of tender.

In case, access to lines of credit constitutes the availability of Working Capital, Banker's Certificate (Scheduled Commercial Bank) shall also be submitted regarding availability of access to credit (issued within three months prior to the date of opening of tender) to meet the above eligibility criteria.

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

**I. For CA Certificate:**

- i. Amount of available working capital inclusive of access to lines of credit and availability of other financial resources.
- ii. Date on which the bidder possesses the required working capital.
- iii. Date of issue of Working Capital Certificate by CA.
- iv. Name of the Chartered Accountant (CA).
- v. Membership Number of CA who certifies the bidder's working capital.
- vi. UDIN no. of Working Capital Certificate issued by CA.

In case, access to lines of credit constitutes the availability of Working Capital, the bidders are also required to furnish the following information pertaining to Banker's Certificate (Scheduled Commercial Bank) regarding availability of access to credit (issued within three months prior to the date of opening of tender) .

**II. For Banker's Certificate:**

- i. Date of issue of certificate by bank.
- ii. Name of bank.
- iii. Address of the bank.
- iv. Value of access to credit issued by bank in the name of the bidder.

**B. 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:

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

**C. 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

**Note:** If turnover of bidder exceeds exemption/threshold limit, the bidder must have GST Registration as per

GST Act and Rules.

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 Document.

**9. Submission of Bid:**

- a. The bidders will 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, Integrity Pact 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 allowed/accepted.
- b. **Confirmatory Documents:** All the confirmatory documents as enlisted in the NIT in support of online/under annexures information submitted by the bidder are to be uploaded in Cover-I by the bidder while submitting his/her/their bid.

Sl. No.	Eligibility Criteria	Scanned copy of documents to be uploaded by bidder(s) in support of information/declaration furnished online/under annexures by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENTS)
1	2	3
1.	Availability of Working Capital (Ref. Clause No.8(A) of NIT)	<p>Certificate of possessing adequate Working Capital (with UDIN No.) issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India to meet the eligibility criteria as per details mentioned in clause no. 8(A) and containing the information as furnished by bidder.</p> <p>In case, access to lines of credit constitutes the availability of Working Capital, Banker's Certificate (Scheduled Commercial Bank) shall also be submitted regarding availability of access to credit (issued within three months prior to the date of opening of tender) to meet the eligibility criteria as per details mentioned in clause no. 8(A) and containing the information as furnished by bidder.</p> <p>For foreign Partner(s), Banker's Certificate regarding availability of access to credit (issued within three months prior to the date of opening of tender) duly vetted/endorsed by the relevant Embassy/High Commission concerned, towards authenticity of document to meet the requirement of Working capital as per details mentioned in clause no. 8(A).</p>
2.	Permanent Account Number (Ref. Clause No.8(B) of NIT)	PAN card issued by Income Tax department, Govt. of India

3.	<b>Goods and Services Tax (GST) Status of Bidder</b>  (Not Applicable for Exempted Services) (Ref. Clause No.8(C) of NIT and BOQ)	The following documents depending upon the status w.r.to GST as declared by Bidder in the BOQ sheet: <b>a)</b> Status: GST Registered Bidder under regular scheme Document: GST Registration Certificate (i.e. GST identification Number) issued by appropriate authority of India. <b>b)</b> Status: GST Registered Bidder under Composition Scheme Document: GST Registration Certificate (i.e. GST identification Number) issued by appropriate authority of India. <b>c)</b> Status: GST unregistered bidder Document: A Certificate 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.  <b>Note:</b> If turnover of bidder exceeds exemption/threshold limit, the bidder must have GST Registration as per GST Act and Rules.
4.	Legal Status of the bidder	<u>Document(s) covered under any one of the following sub-head(s):</u> <b>1.</b> Affidavit or any other document to prove proprietorship/Individual status of the bidder. <b>2.</b> Partnership deed containing name of partners. <b>3.</b> Memorandum & Article of Association with certificate of incorporation containing name of bidder
5.	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.
6.	Undertaking by Bidder/s on his Letter Head regarding genuineness of the information furnished by him on-line and authenticity of the scanned copy of documents uploaded by him on-line in support of his eligibility, and Bid Security Declaration as per the format given in the bid document at Appendix-14.	
7.	<b>Written Consent regarding Arbitration Clause</b> on his/her/their Letter Head as per Appendix-13. <u>Note:</u>	
	<ol style="list-style-type: none"> <li><b>1.</b> In case of Proprietorship firm or Limited Company, this document is digitally signed by the DSC holder authorized by the bidder in case of Proprietorship or Director(s)/Managing Director of Limited Company in case of Limited Company. Hence, no physical signature is required.</li> <li><b>2.</b> In case of Partnership firm, this document is to be signed by all the Partners of the Partnership Firm.</li> <li><b>3.</b> In case of Project Affected Person(s) (PAPs) firms, this document is to be signed by all the partners of the PAPs who have formed Partnership firm and if the PAPs have formed co-operative society, this document is to be signed by any legally acceptable authorized signatory of the co-operative society, approved through the Resolution of the co-operative society.</li> </ol>	
8.	Letter of Bid by Bidder/s on his/her/their Letter Head as per Appendix-1.	

9.	Provision of Public Procurement (Preference to Make in India), Order 2017-Revision, dt. 16.09.2020	Declaration in compliance with the provisions of Public Procurement (Preference to Make in India), Order 2017-Revision vide order no. P-45021/2/2017/PP(BE-II)dtd 16.09.2020 of Ministry of Commerce and Industry, Government of India and amendments thereof: <ol style="list-style-type: none"> <li>I. If the estimated value of Procurement is less than Rs. 10 crores, all the Bidders at the time of bidding shall submit either self-certification indicating the percentage of local content in the offered items.</li> <li>II. If the estimated value of procurement is more than Rs. 10 crores, all the Bidders shall submit along with its bid a certificate 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.</li> </ol>
10.	Any other document to support the qualification information as submitted by bidder on-line.	

**Note:** Only one file in .pdf format can be uploaded against each eligibility criteria. Any additional/ other relevant documents to support the information/declaration furnished by bidder online against eligibility criteria may also be attached by the bidder in the same file to be uploaded against respective eligibility criteria.

c. **Letter of Bid (LoB):** The format of Letter of Bid (as given in the NIT) will be downloaded by the bidder and will be printed on Bidder's letter head and the scanned copy of the same will be uploaded during bid submission in cover-I. This will be the covering letter of the bidder for his submitted bid. The content of the "Letter of Bid" uploaded by the bidder must be the same as per the format downloaded from website and it should not contain any other information, which contradicts the content and spirit of the original format of LoB.

The Letter of bid will be digitally signed by DSC holder submitting bid online and it does not require any physical signature. However, if the Letter of Bid (LoB) bears the physical signature in addition to the digital signature of DSC holder, it will be accepted without questioning the identity of person signing the Letter of Bid.

If there is any change in the contents of Letter of Bid uploaded by bidder as compared to the format of Letter of Bid uploaded by the department with NIT document, then the LoB shall be requested under the head Confirmatory documents and subsequently accepted or rejected as applicable.

d. **Price bid:** The Price bid containing the Bill of Quantity will be in Excel format and will be downloaded by the bidder and bidder 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 drop down list given in the BOQ:-**

1. GST Registered Bidder under regular scheme
2. GST Registered Bidder under Composition Scheme
3. GST unregistered Bidder

The rates quoted by the bidder will be including the GST as per the BOQ format. This file will be digitally signed and uploaded by the bidder after ascertaining the correctness of facts and figures.

Thereafter, the bidder will upload the same Excel file during bid submission in cover-II. The Price-bid will be in BOQ format and the bidder will have to mandatorily fill all the sections / sheets of the BOQ Excel. The Price Bid of the tenderers will have no condition. The price bid which is incomplete and not submitted as per instruction given in this document is liable for rejection.

**Net Electrical Energy Generation Guarantee (NEEGG)**

The Bidder shall be required to quote in the BOQ Excel file the year-wise Net Electrical Energy Generation Guarantee (NEEGG) for five (5) years period at the metering point. The Bidder shall give NEEGG per annum after considering proposed configuration and all local conditions, solar insolation, wind speed and direction, air temperature & relative humidity, barometric pressure, rainfall, sunshine duration, grid availability and grid related all other factors and losses due to near shading, incidence angle modifier, irradiance level, temperature loss, array loss, module quality loss, module array mismatch loss, soiling loss and various inverter losses etc.

Bidders are expected to undertake their own study of solar profile and other related parameters of the area and make sound commercial judgment about power output i.e. Net Electrical Energy Guaranteed Generation.

The Bids with NEEGG equivalent to less than **21.67 % CUF** at the Delivery Point for the first year shall be summarily rejected. The degradation in NEEGG quoted for any year shall not be more than 0.7% of that quoted for the previous year. If the Bidder anticipates any degradation of the modules during the first year, it shall be taken care of by the Bidder to provide additional capacity of solar PV modules to meet guaranteed generation at the end of first year to avoid liquidated damages/compensation on account of guaranteed generation.

In any Contract Year, if 'X' MWh of energy has been metered out at the Delivery Point for 'Y' MW Project capacity,  $CUF = (X \text{ MWh} / (Y \text{ MW} * 8760)) * 100\%$ ;

#### **System for decision of L1 bidder**

The L1 bidder will be decided based on Evaluated Bid Value (EBV). Illustrative computation of EBV is shown in Appendix-5.

#### **10. Bid Submission:**

All bids are to be submitted on-line on the website <https://coalindiatenders.nic.in>. No bid shall be accepted off-line unless otherwise specified.

#### **11. System Requirement:**

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, CNUL 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. Opening of Bid:**

1. Tenders [Cover-I & OID (Technical-bid) and Cover-II (Price-bid)] will be decrypted and opened online by the Bid Openers with their Digital Signature Certificate (DSC) on the pre-scheduled date & time of tender opening.
2. The e-Procurement system will evaluate the Technical bids automatically on the basis of relevant data provided by the bidder while submitting the bid online. If the parameters furnished by bidder online in an objective and structured manner does not confirm to the required eligibility criteria as specified in the NIT, the bid will be automatically rejected by the system and the Price-bid of such bidders shall not be opened by the system.
3. After decryption and opening of bids, BOQ and all other documents uploaded by the eligible bidders will be opened and comparative statement of prices is generated by the system.

#### **13. Evaluation of Tender:**

1. Supportive documents of L-1 bidder only shall be downloaded for evaluation by the Tender Inviting Authority (TIA).
2. After evaluation of the uploaded documents, in case the Tender Committee finds that there is some deficiency in uploaded documents corresponding to the information furnished online/under appendices 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