

	<p>वेस्टर्न कोलफील्ड्स लिमिटेड WESTERN COALFIELDS LIMITED (एक मिनिरातना कंपनी) (A Miniratna Company) (कोल इंडिया की अनुषंगी कंपनी) (A Subsidiary of Coal India Limited)</p> <p>RENEWABLE ENERGY DEPARTMENT, WCL HQ NAGPUR PHONE /FAX: 0712 - 2511136 email-shwetasharma@coalindia.in CIN - U10100MH1975GOI018626</p>		
पंजी. का.: सिविल लाइंस, नागपुर(महाराष्ट्र)-440001 / Regd. Off. : Coal Estate, Civil Lines, Nagpur(MS) - 440001			

NIT No.: WCL/HQ/RE/e-Tender/Rooftop_Solar/2025/01

Dated:08.03.2025

(Nature of Job - Works)
e-TENDER NOTICE

1. Tenders are invited on-line on the website <https://coalindiaticenders.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	Location	Estimated Cost of Work (Including GST & BOCW Welfare Cess (if applicable)) (In Rs.)	Earnest Money (@1.25% of Estimated cost of work) (In Rs.)	Period of Completion (In Days)
Design, Engineering, Supply, Storage, Civil Works, Erection, Testing, Commissioning, Ensuring Connectivity Permissions as per Maharashtra/ Madhya Pradesh State Govt. Policies, Net Metering, Insurance, Quality Control of total 1.343 MW (AC) aggregated capacity Grid Connected Solar Roof top Power Plants including Comprehensive Annual Maintenance Contract (CAMC) for a period of 05 (Five) Years after successful completion of one year warranty period at different residential/non-residential buildings of WCL.	Areas and units of WCL including WCL HQ	6,00,30,385.97/-	7,50,400.00/-	2370 days (180 days for project + 1825 days CAMC after 365 days Warranty Period)

Note:

- (i) For Site visit of location of work, the prospective bidder(s) may contact Smt. Shweta Soni Sharma, General Manager(E&M) - HoD(RE), WCL (Contact No. 8789441578)
- (ii) The bid documents will be available on the website (<https://www.coalindiatenders.nic.in>) and can be downloaded by the bidder up to the bid submission end date. The details of the tender will be mirrored on the Central Public Procurement Portal (CPP) of Govt. of India (<https://eprocure.gov.in>).
- (iii) Above Estimated Cost is inclusive of Goods & Services Tax (GST) and ITC is not available to WCL.
- (iv) Payable statutory payments like PF & ESI contributions, paid to the contract workers as applicable, shall be reimbursed, on quarterly basis, to the contractor on production of proof of payment on actual basis to the workmen engaged in the contract, limited to 16,116 mandays.
- (v) Applicability of Price Variation clause : Not Applicable
- (vi) Applicability of Joint Venture (JV) : Applicable

For further clarification, please contact:

Tender inviting authority	Tender Dealing Officer(s)
Smt. Shweta Soni Sharma, General Manager(E&M) - HoD(RE), Coal Estate, WCL HQ, Seminary Hills, Nagpur, 440001 Contact No. - 8789441578	Smt. R. Sushmitha Anjali, Deputy Manager (E&M) Mob: +91- 9704051995

2. Tine Schedule of Tender:

Sl. No.	Particulars	Date	Time
a.	Tender e-Publication date	10.03.2025	17:00 Hrs
b.	Document download start date	10.03.2025	17:00 Hrs
c.	Document download end date	10.04.2025	17:00 Hrs
d.	Bid Submission start date	20.03.2025	10:00 Hrs
e.	Bid submission end date	10.04.2025	17:00 Hrs
f.	Start date for seeking Clarification on-line	10.03.2025	17:00 Hrs
g.	Last date for seeking Clarification on-line	04.04.2025	17:00 Hrs
h.	Date of Pre-bid Meeting (if any)	18.03.2025	11:30 Hrs
i.	Technical Bid (Cover-I) Opening date	12.04.2025	11:00 Hrs
j.	Price Bid (Cover-II) Opening date	To be notified later on e-procurement portal	

Note: The auto extension of submission of the bid shall be applicable as per details mentioned in Clause No.14 of NIT.

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 money will be immediately transferred to WCL's designated Account.

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

3.1.1 The Bidder will be allowed to submit his/her bid only when the EMD is successfully received in WCL's designated account and the information flows from Bank to e-Procurement system.

3.1.2 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 WCL 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.

3.1.3 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**).

~~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.~~

4. **Pre-bid Meeting:**

The pre-bid meeting shall be held from 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. The management shall circulate proceedings of the pre-bid meeting if held.

The proposed Pre- Bid meeting shall be conducted through Video Conferencing (VC). The required Web Link for VC platform for conducting Pre-Bid meeting shall be provided 07 days and onwards before the date of Pre-Bid meeting, for which the interested bidder may visit the CORRIGENDUM field/link in the e-Procurement portal of Coal India Limited (<https://coalindiatenders.nic.in>) OR request for Web Link for VC through email in advance at the e-mail address: shwetasharma@coalindia.in.

5. **Clarification of Bid:**

The bidder may seek clarification online within the specified period in the e- Procurement portal of CIL only. The identity of the Bidder will not be disclosed by the system. The department will clarify as far as possible the relevant queries of bidders. No offline communication shall be entertained. The clarifications given by department will be visible to all the bidders intending to participate in that tender.

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:**

The invitation for bid is open to all bidders including an individual, proprietorship firm, partnership firm, company, Joint Venture, any legal 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.

Note: Joint Venture shall not be allowed for participation in the bid with estimated cost of work put to tender up to Rs. 2.00 (two) crores.

8. **Eligibility Criteria:**

A. Work Experience: The Intending bidder must have in its name or proportionate share as a member of Joint Venture/Partnership firm experience of having successfully **completed similar** work 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 any 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 and/ or operation 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. Completion of works means completion of works by undertaking entire responsibility from Supply to Commissioning. The value of the executed work against Operation and Maintenance of the Plant shall not be considered for the evaluation of the Work Experience criteria of the Bidder.

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 date of completion of work should be during last 7(seven) years ending last day of month previous to the one in which bid applications are invited.

Cost of previous completed works shall be given a simple weightage of 5% per year to bring them at current price level, while evaluating the qualification requirement of the bidder. Such weightage shall be considered after end date of completion. Updating will be considered for full or part of the year (total no. of days / 365) i.e. considering 365 days in a year, till the last day of month previous to one in which bid has been invited.

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

The above qualification criteria shall be fulfilled by JV in the following manner:

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 / JV itself 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) Anyone 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.

The above qualification criteria shall be met collectively by JV partners or JV itself.

The definition of Similar work shall be as follows:

“Supply, installation and commissioning of Solar Photovoltaic (SPV) Grid connected power plants. The SPV plant shall be any or all of the following installations:

- a) Ground mounted SPV
- b) Roof-top SPV
- c) Floating SPV”

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

- i) Description of qualifying experience (similar nature)
- 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) Start date & end date of each qualifying experience (similar work)

Technical evaluation by the System:

- i. The system shall calculate the period of 7 years backwards starting from the last day of month previous to the e-Publication date of NIT.
- ii. The system shall check the End date of each experience (The system shall not allow more than 3 entries for experience) and accept it as a qualifying experience if the end date of experience falls within the 7 years computed by the system.
- iii. The system shall calculate the value of each qualifying experience by multiplying the value with the % share of experience and adding 5% for each completed year (total No. of days/365) after the end date of experience of work till the last date of month previous to one in which the NIT has been published on e-Procurement portal.
- iv. The system shall check the experience with highest value whether it exceeds 80% of ECV. In case it does not, it shall check the top 2 experiences whether each of them is greater than 50% of ECV. In case, it still does not, the system shall check all 3 qualifying experiences whether each of them exceeds 40% of ECV. The system shall regard the Bidder as 'Eligible' if it meets any of the aforementioned criteria or else it shall consider the Bidder as 'Ineligible'.
- v. The weightage of 5% every year will be on simple rate and will not be compounded on yearly basis for the purpose of calculating the value of each qualifying experience.
- vi. The work experience of the Bidder for those works only shall be considered for evaluation purposes, which are completed before the last date of month previous to one in which NIT has been published on e-Procurement portal. Hence, the works which are incomplete/ongoing, as on the last date of month previous to one in which NIT has been published on e-Procurement portal, shall not be considered against eligibility.
- vii. In case the work is started prior to the eligibility period of 7 years (counted backwards starting from the last day of month previous to the e-Publication date of NIT) and completed within the said eligibility period of 7 years, then the full value of work shall be considered against eligibility.
- viii. In case the experience has been earned by the Bidder as an individual or proprietor of a proprietorship firm, then 100% value of the experience will be considered against eligibility. But if the experience has been earned by the Bidder as a partner in a Joint Venture/ Partnership firm then the proportionate value of experience in proportion to the actual share of Bidder in that Joint Venture/ Partnership firm will be considered against eligibility.

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.

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

For work experience Bidders required to submit Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information. as sought on-line. Work order, BOQ, TDS etc. may be sought during clarification or along with deficient documents, if felt necessary by the Tender Committee.

- 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 data 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
- v) 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
- vi) Confirmation regarding possessing of Financial Turnover issued by a Practicing Chartered Accountant in the form of Yes / No

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.
- 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.

Technical evaluation by the System:

- i) The system shall have to calculate the 30 % of the estimated value (ECV) as the required average turnover of the Bidder.
- ii) The system shall calculate the average of the financial turnover of 3 years furnished by the Bidder 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.
- iii) The average shall be compared with the minimum requirement to ascertain the eligibility status of the Bidder.

If any Bidder does not submit the Turnover value for any of the 3 years, the system will not disqualify him and instead shall consider all 3 years for computing the average by assuming a value of ‘zero’ for the year for which no information is given by Bidder.

Scanned copy of documents to be uploaded by bidders: Financial Turnover certificate having a Unique Document Identification Number (UDIN) issued by a Practicing Chartered Accountant with Institute of Chartered Accountants of India.

- C. **Permanent Account Number (PAN):** The bidder should possess valid 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.

Scanned copy of documents to be uploaded by bidders in Bidder space/ My Document: PAN CARD of the bidder

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.

Scanned copy of documents to be uploaded by bidder(s) in Bidder space/ My Document:

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

a) Status: GST registered Bidder (under Regular Scheme):

Document: GST Registration Certificate (i.e. GST identification Number) issued by appropriate authority of India. (Form Reg 06)

b) Status: GST registered Bidder (under Composition Scheme):

Document: GST Registration Certificate (i.e. GST identification Number) issued by appropriate authority of India. (Form Reg 06)

c) Status: GST unregistered bidder:

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

Note:

- i. In case of JV, Bidder should submit scanned copy of GST status of Lead Partner only or GST Registration Certificate of JV itself.
- 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 actuals, 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.

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.

~~Scanned copy of documents to be uploaded by bidder(s) in Cover-I: Copy of Valid Electrical Supervisor's license for voltage (440V and/or above).~~

~~However bidder shall upload a declaration to obtain and submit Electrical Contractor's License of Jharkhand State in the name of JV in case of award of work.~~

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) - Part(4) Vol.II dated 19.07.2024, issued by Govt. of India as amended from time to time shall be applicable.

Department for Promotion of Industry and Internal Trade, in partial modification (paras 2,3,5,10 & 31) of Order No.P-45021/2/2017-B.E.-II dated 15.06.2017 as per amended by Order No.P-45021/2/2017-B.E.II dated 28.05.2018, Order No.P-45021/2/2017-B.E.II dated 29.05.2019, Order No.P-45021/2/2017-B.E.II dated 04.06.2020, and Order No.P-45021/2/2017-B.E.II dated 16.09.2020 hereby issue the revised 'Public Procurement (preference to make in India), order 2017" dated 19.07.2024 effective with immediate effect.

Whereas it is the policy of government of India to encourage 'Make in India' and promote the manufacturing and production of Goods and services in India with the view to enhancing income and employment, and

Whereas procurement by Government is substantial in amount and can contribute to words this policy objective, and

Whereas local content can be increased through partnership, cooperation with local companies, establishing productions units in India or Joint ventures (JV) with Indian suppliers, increasing the participation of local employees in service and training them,

Now therefore the following orders are issued:

1. This order is issued pursuant to Rule 153 (iii) of the General financial rule 2017.

2.Definitions: For the purpose of this order:

'Local content' means the amount of value added in India which shall, unless otherwise prescribed by the Nodal Ministry, be the total value of item procured (including net domestic indirect taxes) minus the value of imported content in the item (including all custom duties) as a promotion of total value, in percent.

Explanatory notes for calculation of local content given above

- a. Imported item sourced locally from resellers/distributors shall be excluded from calculation from local content.

b. The license fees/royalties paid/ technical charges paid out of india shall be excluded from local content calculation.

c. Procurement/Supply of repackaged/refurbished/rebranded imported products as understood commonly shall be treated as reselling of imported products and shall be excluded from calculation of local content. The definition of repackaged/refurbished/rebranded imported products is as follows;

'Refurbishing' means repair or reconditioning of an imported product does not amount to manufacture because no new goods come into existence.

'Repackaging' means repacking of imported goods from bulk pack to smaller packs would not ordinarily amount to manufacture of a new item.

'Rebranding' means relabeling or renaming or change in symbol or logo/makes or corporate image of a company/organization/ firm for an imported product would amount to rebranding.

d. To ensure that imported items sourced locally from resellers/distributors are excluded from calculation of local content, procuring entities to obtain from bidders, the cost of such locally-sourced imported items (Inclusive of taxes) along with break-up on license/royalties paid/technical expertise cost etc. sourced from outside India. For items sold by bidder as reseller, OEM certificate for country of origin to be submitted.

e. For contracts involving supply of multiple items, weighted average of all items to be taken while calculating the local content.

'Class-I local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, meets the minimum local content as prescribed for 'Class-I local supplier' under this Order.

'Class-II local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, meets the minimum local content as prescribed for 'Class-II local supplier' but less than that prescribed for 'Class-I local supplier' under this Order.

'Non - Local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content less than that prescribed for 'Class-II local supplier' under this Order.

'L1' means the lowest tender or lowest bid or the lowest quotation received in a tender, bidding process or other procurement solicitation as adjudged in the evaluation process as per the tender or other procurement solicitation.

'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.

'Nodal Ministry' means the Ministry or Department identified pursuant to this order in respect of a particular item of goods or services or works.

'Procuring entity' means a Ministry or department or attached or subordinate office of, or autonomous body controlled by, the Government of India and includes Government companies as defined in the Companies Act.

'Works' means all works as per Rule 130 of GFR- 2017, and will also include 'turnkey works'.

2A. Special treatment for items covered under PLI Scheme

The manufacturers manufacturing an item under PLI scheme shall be treated as deemed Class II local supplier for that item unless they have minimum local content equal to or higher than that notified for Class-I local supplier for that item, provided the manufacturer has received incentive from the concerned PLI Ministry for the item. The above shall be applicable for the specific time period only, as notified by concerned PLI Ministry.

3. Eligibility of 'Class-I local supplier'/ 'Class-II local supplier'/ 'Non-local suppliers' for different types of procurement

(a) In procurement of all goods, services or works in respect of which the Nodal Ministry / Department has communicated that there is sufficient local capacity and local competition, only 'Class-I local supplier', as defined under the Order, shall be eligible to bid irrespective of purchase value.

(b) Only 'Class-I local supplier' and 'Class-II local supplier', as defined under the Order, shall be eligible to bid in procurement undertaken by procuring entities, except when Global tender enquiry has been issued. In global tender enquiries, 'Non-local suppliers' shall also be eligible to bid along with 'Class-I local suppliers' and 'Class-II local suppliers'. In procurement of all goods, services or works, not covered by sub-para 3(a) above, and with estimated value of purchases less than Rs. 200 Crore, in accordance with Rule 161(iv) of GFR, 2017, Global tender enquiry shall not be issued except with the approval of competent authority as designated by Department of Expenditure.

(c) For the purpose of this Order, works includes Engineering, Procurement and Construction (EPC) contracts and services include System Integrator (SI) contracts.

3.1 Mandatory sourcing of items, with sufficient local capacity from Class-I local suppliers in and competition, SI/EPC/Turnkey Contracts/Service Tenders

a. The items, notified as having sufficient local capacity and competition, shall mandatory be sourced from Class-I local suppliers in SI/EPC/Turnkey Contracts/ Services tenders. This provision will be applicable only for those items which have been notified by the Nodal Ministry as Class I i.e. having sufficient local capacity and competition, with specific HSN codes."

b. Notwithstanding above, if in any project, it is considered that it is not practically feasible to source such items from Class I local suppliers, it may take relaxation from such stipulation with the approval of Secretary of the administrative Ministry/ Department concerned or with the approval of the Competent Authority specified by the Administrative Ministry/Department, on case-specific basis.

3A. Purchase Preference

(a) Subject to the provisions of this Order and to any specific instructions issued by the Nodal Ministry or in pursuance of this Order, purchase preference shall be given to 'Class-I local supplier' in procurement undertaken by procuring entities in the manner specified here under.

(b) In the procurement of goods or works, which are covered by para 3(b) above and which are divisible in nature, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non-local supplier', as per following procedure:

i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is 'Class-I local supplier', the contract for full quantity will be awarded to L1.

ii. If L1 bid is not a 'Class-I local supplier', 50% of the order quantity shall be awarded to L1. Thereafter, the lowest bidder among the 'Class-I local supplier' will be invited to match the L1 price for the remaining 50% quantity subject to the Class-I local supplier's quoted price falling within the margin of purchase preference, and contract for that quantity shall be awarded to such Class-I local supplier' subject to matching the L1 price. In case such lowest eligible 'Class-I local

supplier' fails to match the L1 price or accepts less than the offered quantity, the next higher 'Class-I local supplier' within the margin of purchase preference shall be invited to match the L1 price for remaining quantity and so on, and contract shall be awarded accordingly. In case some quantity is still left uncovered on Class-I local suppliers, then such balance quantity may also be ordered on the L1 bidder.

(c) In the procurement of goods or works, which are covered by para 3(b) above and which are not divisible in nature, and in procurement of services where the bid is evaluated on price alone, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non-local supplier', as per following procedure:

i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is Class -I local supplier', the contract will be awarded to L1.

ii. If L1 is not 'Class-1 local supplier', the lowest bidder among the 'Class-I local supplier', will be invited to match the L1 price subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such 'Class-I local supplier' subject to matching the L1 price.

iii. In case such lowest eligible 'Class-I local supplier' fails to match the L1 price, the 'Class-I local supplier' with the next higher bid within the margin of purchase preference shall be invited to match the L1 price and so on and contract shall be awarded accordingly. In case none of the 'Class-1 local supplier' within the margin of purchase preference matches the L1 price, the contract may be awarded to the L1 bidder.

(d) "Class-II local supplier" will not get purchase preference in any procurement, undertaken by procuring entities.

3B. Applicability in tenders where contract is to be awarded to multiple bidders- In tenders where contract is awarded to multiple bidders subject to matching of L1 rates or otherwise, the 'Class-I local supplier' shall get purchase preference over 'Class-II local supplier' as well as 'Non-local supplier', as per following procedure:

a. In case there is sufficient local capacity and competition for the item to be procured, as notified by the nodal Ministry, only Class I local suppliers shall be eligible to bid. As such, the multiple suppliers, who would be awarded the contract, should be all and only 'Class I Local suppliers'.

b. In other cases, 'Class II local suppliers' and 'Non-local suppliers' may also participate in the bidding process along with 'Class I Local suppliers' as per provisions of this Order.

c. If 'Class I Local suppliers' qualify for award of contract for at least 50% of the tendered quantity in any tender, the contract may be awarded to all the qualified bidders as per award criteria stipulated in the bid documents. However, in case 'Class I Local suppliers' do not qualify for award of contract for at least 50% of the tendered quantity, purchase preference should be given to the 'Class I local supplier' over 'Class II local suppliers'/ 'Non local suppliers' provided that their quoted

rate falls within 20% margin of purchase preference of the highest quoted bidder considered for award of contract so as to ensure that the 'Class I Local suppliers' taken in totality are considered for award of contract for at least 50% of the tendered quantity.

d. First purchase preference has to be given to the lowest quoting 'Class-I local supplier', whose quoted rates fall within 20% margin of purchase preference, subject to its meeting the prescribed criteria for award of contract as also the constraint of maximum quantity that can be sourced from any single supplier. If the lowest quoting 'Class-I local supplier', does not qualify for purchase preference because of aforesaid constraints or does not accept the offered quantity, an opportunity may be given to next higher 'Class-I local supplier', falling within 20% margin of purchase preference, and so on.

e. To avoid any ambiguity during bid evaluation process, the procuring entities may stipulate its own tender specific criteria for award of contract amongst different bidders including the procedure for purchase preference to 'Class-I local supplier' within the broad policy guidelines stipulated in sub- paras above.

4. Exemption of small purchases: Notwithstanding anything contained in paragraph 3, procurement where the estimated value to be procured is less than Rs. 5 lakhs shall be exempt from this Order. However, it shall be ensured by procuring entities that procurement is not split for the purpose of avoiding the provisions of this Order.

4A. Exemption in sourcing of spares and consumables of closed systems: Procurement of spare parts, consumables for closed systems and Maintenance/ Service contracts with Original Equipment Manufacturer/Original Equipment Supplier/Original Part Manufacturer shall be exempted from this Order.

5. Minimum local content: The 'local content' requirement to categorize a supplier as 'Class-I local supplier' is minimum 50%. For 'Class-II local supplier', the 'local content' requirement is minimum 20%. Nodal Ministry/ Department may prescribe only a higher percentage of minimum local content requirement to categorize a supplier as 'Class-I local supplier'/ 'Class- I local supplier'. For the items, for which Nodal Ministry/ Department has not prescribed higher minimum local content notification under the Order, it shall be 50% and 20% for 'Class-1 local supplier'/ 'Class-II local supplier' respectively.

6. Margin of Purchase Preference: The margin of purchase preference shall be 20%.

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

8. Government E-marketplace: In respect of procurement through the Government E-marketplace (GEM) shall, as far as possible, specifically mark the items which meet the minimum local content while registering the item for display, and shall, wherever feasible, make provision for automated comparison with purchase preference and without purchase preference and for obtaining consent of the local supplier in those cases where purchase preference is to be exercised.

9. Verification of local content:

a. The 'Class-I local supplier'/ 'Class-II local supplier' at the time of tender, bidding or solicitation shall be required to indicate percentage of local content and provide self-certification that the item offered meets the local content requirement for 'Class-I local supplier'/ 'Class-II local supplier', as the case may be. They shall also give details of the location(s) at which the local value addition is made.

b. In cases of procurement for a value in excess of Rs. 10 crores, the 'Class-I local supplier' / 'Class-II local supplier' shall be required to provide a certificate from the statutory auditor or cost auditor of the company (in the case of companies) or from a practicing cost accountant or practicing chartered accountant (In respect of suppliers other than companies) giving the percentage of local content.

The bidder shall give self-certification for local content in the quoted item (goods/works/services) at the time of tendering. However, at the time of execution of the project, for all contracts above INR 10 Crore, the contractor/ supplier shall be required to give local content certification duly certified by cost/ chartered accountant in practice. For cases where it is not possible to provide certification by Cost/Chartered Accountant at the time of execution of project, the supplier shall be permitted to provide the certificate for local content from Cost/ Chartered Accountant after completion of the contract, within time limit acceptable to the procuring entity. In case the contractor/ supplier does not meet the stipulated local content requirement and the category of the supplier changes from Class-I to Class-II/ Non-local or from Class-II to Non-local, a penalty upto 10% of the contract value may be imposed. However, contract once awarded shall not be terminated on this account.

Decisions on complaints relating to implementation of this Order shall be taken by the competent authority which is empowered to look into procurement-related complaints relating to the procuring entity.

Nodal Ministries may constitute committees with internal and external experts for independent verification of self-declarations and auditor's/accountant's certificates on random basis and in the case of complaints.

Nodal Ministries and procuring entities may prescribe fees for such complaints.

False declarations will be in breach of the Code of Integrity under Rule 175(1)(i)(h) of the General Financial Rules for which a bidder or its successors can be debarred for up to two years as per Rule 151 (iii) of the General Financial Rules along with such other actions as may be permissible under law.

A supplier who has been debarred by any procuring entity for violation of this Order shall not be eligible for preference under this Order for procurement by any other procuring entity for the duration of the debarment. The debarment for such other procuring entities shall take effect prospectively from the date on which it comes to the notice of other procurement entities, in the manner prescribed under paragraph I below.

I. The Department of Expenditure shall issue suitable instructions for the effective and smooth operation of this process, so that:

i. The fact and duration of debarment for violation of this Order by any procuring entity are promptly brought to the notice of the Member- Convenor of the Standing Committee and the Department of Expenditure through the concerned Ministry /Department or in some other manner;

ii. On a periodical basis such cases are consolidated and a centralized list or decentralized lists of such suppliers with the period of debarment is maintained and displayed on website(s);

In respect of procuring entities other than the one which has carried out the debarment, the debarment takes effect prospectively from the date of uploading on the website(s) in the such a manner that ongoing procurement are not disrupted.

10. Specifications in Tenders and other procurement solicitations:

a. Every procuring entity shall ensure that the eligibility conditions in respect of previous experience fixed in any tender or solicitation do not require proof of supply in other countries or

proof of exports.

b. Procuring entities shall endeavour to see that eligibility conditions, including on matters like turnover, production capability and financial strength do not result in unreasonable exclusion of 'Class-I local supplier'/'Class-II local supplier' who would otherwise be eligible, beyond what is essential for ensuring quality or creditworthiness of the supplier.

c. Procuring entities shall, within 2 months of the issue of this Order review all existing eligibility norms and conditions with reference to sub- paragraphs 'a' and 'b' above.

d. Reciprocity Clause

i. When a Nodal Ministry/Department identifies that Indian suppliers of an item are not allowed to participate and/ or compete in procurement by any foreign government, due to restrictive tender conditions which have direct or indirect effect of barring Indian companies such as registration in the procuring country, execution of projects of specific value in the procuring country etc., it shall provide such details to all its procuring entities including CMDs/CEOs of PSES/PSUs, State Governments and other procurement agencies under their administrative control and GeM for appropriate reciprocal action.

ii. Entities of countries which have been identified by the nodal Ministry/Department as not allowing Indian companies to participate in their Government procurement for any item related to that nodal Ministry shall not be allowed to participate in Government procurement in India for all items related to that nodal Ministry/ Department, except for the list of items published by the Ministry/ Department permitting their participation.

iii. The stipulation in (ii) above shall be part of all tenders invited by the Central Government procuring entities stated in (1) above. All purchases on GeM shall also necessarily have the above provisions for items identified by nodal Ministry/ Department.

iv. State Governments should be encouraged to incorporate similar provisions in their respective tenders.

v. The term 'entity' of a country shall have the same meaning as under the FDI Policy of DPIIT as amended from time to time.

e. Specifying foreign certifications/ unreasonable technical specifications/brands/ models in the bid document is restrictive and discriminatory practice against local suppliers. If foreign certification is required to be stipulated because of non-availability of Indian Standards and/or for any other reason, the same shall be done only after written approval of Secretary of the Department concerned or any other Authority having been designated such power by the Secretary of the Department concerned.

f. "All administrative Ministries/Departments whose procurement exceeds Rs. 1000 Crore per annum shall notify/update their procurement projections every year, including those of the PSES/PSUs, for the next 5 years on their respective website."

10A. Action for non-compliance of the Provisions of the Order: In case restrictive or discriminatory conditions against domestic suppliers are included in bid documents, an inquiry shall be conducted by the Administrative Department undertaking the procurement (including procurement by any entity under its administrative control) to fix responsibility for the same. Thereafter, appropriate action, administrative or otherwise, shall be taken against erring officials of procurement entities under relevant provisions. Intimation on all such actions shall be sent to the Standing Committee.

11. Assessment of supply base by Nodal Ministries: The Nodal Ministry shall keep in view the domestic manufacturing / supply base and assess the available capacity and the extent of local competition while identifying items and prescribing the higher minimum local content or the manner of its calculation, with a view to avoiding cost increase from the operation of this Order.

12. Increase in minimum local content: The Nodal Ministry may annually review the local content requirements with a view to increasing them, subject to availability of sufficient local competition with adequate quality.

13. Manufacture under license/ technology collaboration agreements with phased indigenization: While notifying the minimum local content, Nodal Ministries may make special provisions for exempting suppliers from meeting the stipulated local content if the product is being manufactured in India under a license from a foreign manufacturer who holds intellectual property rights and where there is a technology collaboration agreement / transfer of technology agreement for indigenous manufacture of a product developed abroad with clear phasing of increase in local content.

13A. In procurement of all goods, services or works in respect of which there is substantial quantity of public procurement and for which the nodal ministry has not notified that there is sufficient local capacity and local competition, the concerned nodal ministry shall notify an upper threshold value of procurement beyond which foreign companies shall enter into a joint venture with an Indian company to participate in the tender. Procuring entities, while procuring such items beyond the notified threshold value, shall prescribe in their respective tenders that foreign companies may enter into a joint venture with an Indian company to participate in the tender. The procuring Ministries/Departments shall also make special provisions for exempting such joint ventures from meeting the stipulated minimum local content requirement, which shall be increased in a phased manner.

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.

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

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

~~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.~~

~~If L-1 is not a Class-I local supplier, 50% of the order quantity shall be awarded to L-1. Thereafter, the lowest Bidder among the Class-I local suppliers will be invited to match the L-1 price for the remaining 50% quantity subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract for that quantity shall be awarded to such local supplier subject to his matching the L-1 price. In case such lowest eligible Class-I supplier fails to match the L-1 price or accept less than the offer quantity, the next higher Class-I local supplier within the margin of purchase preference shall be invited to match the L-1 price for remaining quantity and so on, and contract shall be awarded accordingly. In case some quantity is still left uncovered on Class-I local supplier, then such balance quantity may also be ordered on L-1 Bidder.~~

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

Among all qualified bids, the lowest bid will be termed as L-1. If L-1 is from a Class-I local supplier,

the contract will be awarded to L-1.

If L-1 is not from a Class-I local supplier, the lowest Bidder among the Class-I local suppliers, will be invited to match the L-1 price subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such Class-I local supplier subject to matching the L-1 price.

In case such lowest eligible Class-I local supplier fails to match the L-1 price, the Class-I local supplier with the next higher bid within the margin of purchase preference shall be invited to match the L-1 price and so on and contract shall be awarded accordingly. In case none of the Class-I local suppliers within the margin of purchase preference matches the L-1 price, then the contract may be awarded to the L-1 Bidder.

9. Submission of Bid:

a.(i) 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.

(ii) 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 allowed/ accepted.

(iii) 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 etc. and Annexure- I (Letter of Bid). 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. no further clarification will be sought from bidder:

Sl. No.	Eligibility Criteria	Information to be furnished by Bidder on line in GTE	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)	Confirmation in the form of Yes/NO for possessing the supporting documents	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.)

2.	Goods and Services Tax(<u>Not Applicable for Exempted Services</u>) (Ref. <i>Clause No.8(D) of NIT</i>)	<p>1. Confirmation in the form of Yes/No regarding possessing of required document as enlisted in NIT with respect to GST status of the Bidder</p> <p>2. Status of the Bidder in the BoQ excel sheet being uploaded by the Bidder during bid submission as per previous column.</p>	<p>The bidder should submit 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 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 Document: GST Registration Certificate(i.e. GST identification Number) issued by appropriate authority of India.</p> <p>ii).Status: GST Unregistered bidder Document: A Certificate with UDIN from a practicing Chartered Accountant having membership number with Institute of</p>
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