



**EPCM Consultancy Services for setting up of HPG-2, Butene-1 and
PSA units at BCPL, Lepetkata**

TENDER DOCUMENT

(Document No : B348-TENDER_DOC-B348-000-81-41-CC-T-8002)



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ब्रह्मपुत्र क्रेकर और पॉलीमर लिमिटेड
(भारत सरकार का उपक्रम)
Brahmaputra Cracker and Polymer Ltd.
(A Government of India Enterprise)



ब्रह्मपुत्र क्रेकर और पॉलीमर लिमिटेड

BRAHMAPUTRA CRACKER AND POLYMER LIMITED

(भारत सरकार का उपक्रम)/ (A Government of India Enterprise)

प्रशासनिक भवन, पो.ओ. लेपेटकटा / ADMINISTRATIVE BUILDING, PO: LEPETKATA

जिला: डिब्रूगढ़, असम/ DISTT.: DIBRUGARH, ASSAM

पिनकोड – 786006 / PIN CODE: 786006

दूरभाष: 0373 2914636 / PHONE NO. 0373 2914636

e -TENDER NO: 2020_EIL_ 603892 _1

(Tender to be submitted in e-mode only)

**निविदा दस्तावेज़ /TENDER DOCUMENT
FOR
[SITE ENABLING WORKS]**

Prepared & Issued by:

इंजीनियर्स
इंडिया लिमिटेड
(भारत सरकार का उपक्रम)



ENGINEERS
INDIA LIMITED
(A Govt of India Undertaking)

MASTER INDEX

(BIDDING DOCUMENT NO.: SG/B348-000-81-41-CC-T-8002/1004)

E-TENDER NO: 2020_EIL_ 603892 _1

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INVITATION FOR BID (IFB)

SECTION-I

"INVITATION FOR BID (IFB)"

Ref No: SG/B348-000-81-41-CC-T-8002/1004

Date: 18.12.2020

To,

PROSPECTIVE BIDDERS

SUB: TENDER DOCUMENT FOR SITE ENABLING WORKS ON OPEN DOMESTIC COMPETITIVE BIDDING BASIS.

Dear Sir/Madam,

1.0 **Brahmaputra Cracker and Polymer Ltd. (BCPL), Lepetkata (A Government of India Enterprise)** having registered office at 1st Floor, House No 6, Bhuban Road, Uzanbazar, Guwahati Assam, Pin-781001 & project office at Administrative Building, BCPL, Lepetkata, Dibrugarh, Assam, PIN - 786006, is in the process of setting up HPG-2, Butene-1 & PSA Units at Lepetkatta, Assam (India). BCPL has appointed Engineers India Limited (EIL) as consultant for this project.

EIL on behalf of Brahmaputra **Cracker and Polymer Ltd (BCPL)** invites bids from bidders for the subject job/works, in complete accordance with the following details and enclosed Tender Documents.

2.0 The Brief Details of the Tender are:-

(A)	NAME OF WORK / BRIEF SCOPE OF WORK/JOB	SITE ENABLING WORKS : Brief Scope of Work includes but not limited to the following; Providing barricading structures with water curtain and HC detectors including Panels etc., Providing bore well, Site Development for Fabrication/open Storage area, Removal and Re-routing of existing fire water lines, Modification for firewall in tankage area and reconstruction of dyke wall, Cut-out making for Instrumentation and electrical cable entry for Substation and SRR/CR, Cable trench and T-support structures for Electrical and instrumentation, Earthwork in excavation including dewatering(if required). PCC works, RCC works, Structural steel works, Fabrication & placing/ erection of miscellaneous steel items like Anchor Bolts, Metal Insert Plates, Pipe Sleeves, Anchor Fasteners, Rungs, Hand railing. Dismantling of PCC/ RCC/pavement/ Masonry etc. The electrical scope includes complete electrical works pertaining to construction power system and associated miscellaneous works including lighting, earthing & cabling.
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		Any other works, not specifically mentioned herein, but required for the satisfactory and successful completion of the project as per scope of works enclosed in the tender document.				
(B)	TENDER NO. & DATE	SG/B348-000-81-41-CC-T-8002/1004, Dated 18.12.2020.				
(C)	TYPE OF BIDDING SYSTEM	<table><tr><td>SINGLE BID SYSTEM</td><td>×</td></tr><tr><td>TWO BID SYSTEM</td><td>✓</td></tr></table>	SINGLE BID SYSTEM	×	TWO BID SYSTEM	✓
SINGLE BID SYSTEM	×					
TWO BID SYSTEM	✓					
(D)	TYPE OF TENDER	<table><tr><td>E-TENDER</td><td>✓</td></tr><tr><td>MANUAL</td><td>×</td></tr></table> E-TENDER NO:2020_EIL_603892_1	E-TENDER	✓	MANUAL	×
E-TENDER	✓					
MANUAL	×					
(E)	COMPLETION/CONTRACT PERIOD	Within 06 (Six) Months from the date of Fax of Acceptance (FOA).				
(F)	BID SECURITY / EARNEST MONEY DEPOSIT (EMD)	<table><tr><td>APPLICABLE</td><td>×</td></tr><tr><td>NOT APPLICABLE</td><td>✓</td></tr></table> All Bidder except those who are eligible for EMD exemption shall submit Declaration for Bid Security in bid as per pro-forma at Annexure-1 to Section-I in unpriced Bid. EMD exemption is available to participating MSE bidders\Government Departments/PSUs and Startups in this tenders. However, The purchase preference is not to be extended to MSE Bidder under The Public Procurement Policy for Micro and Small Enterprises (MSEs) Order-2012.Accordingly submission of Declaration for Bid Security in bid as per proforma at Annexure1to Section –I is also not applicable for these bidders. (Refer clause No.16 of ITB)	APPLICABLE	×	NOT APPLICABLE	✓
APPLICABLE	×					
NOT APPLICABLE	✓					
(G)	AVAILABILITY OF TENDER DOCUMENT ON WEBSITE(S)	From 18.12.2020 (15:00.Hrs, IST) to 18.01.2021 (12.00.Hrs, IST) on following websites: (i) https://gailtenders.in/ (ii) http://www.bcplonline.co.in (iii) Govt. Website: https://etenders.gov.in (iv) PMC : https://tenders.eil.co.in				
(H)	DATE, TIME & VENUE OF PRE-BID MEETING*	Date : 29.12.2020 Time : 10.30 HRS (IST) Venue: Pre bid meeting shall be conducted through video conferencing on following Link :				

		Join from the meeting link https://eil1.webex.com/eil1/j.php?MTID=m9a5c6c6af70e3260ac92e515d4fa0c74 Join by meeting number : Meeting number (access code): <u>165 650 0204</u> Meeting password: aMsEGpvp699
(I)	DUE DATE & TIME OF BID-SUBMISSION	Date : 18.01.2021 Time : Upto 1200 HRS (IST)
(J)	DATE AND TIME OF UN-PRICED BID OPENING*	Date : 19.01.2021 Time : At 1400 HRS (IST) Bid opening shall be conducted through Online at https://etenders.gov.in Bidder can be witness the opening from their place without physical presence.
(K)	CONTACT DETAILS OF TENDER DEALING OFFICER	Name : Sangitta Ghuliani Designation:GM (SCM) Phone No. & Extn :0124-289-1391 / /1418/1434 e-mail: sangitta.ghuliani@eil.co.in / anil.biswas@eil.co.in / rahul.ingle@eil.co.in

* In case of the days specified above happens to be a holiday in EIL, the next working day shall be implied.

- 3.0 Bids must be submitted strictly in accordance with Clause No. 11 of ITB depending upon Type of Tender as mentioned at Clause no. 2.0 (D) of IFB. The IFB is an integral and inseparable part of the bidding document.
- 4.0 In case of e-tendering, the following documents in addition to uploading in the bid on Govt. e-tendering Website: <https://etenders.gov.in> shall also be submitted in Original (in physical form) within 7 (seven) days from the bid due date provided the scanned copies of the same have been uploaded in e-tender by the bidder along with e-bid within the due date and time to the address mentioned in Bid Data Sheet(BDS):-
- EMD/Bid Security/(if applicable)
 - Power of Attorney
 - Integrity Pact
 - Affidavit for DMI&S Policy/ Self-Certificate
- 5.0 Bidder(s) are advised to quote strictly as per terms and conditions of the tender documents and not to stipulate any deviations/exceptions.
- 6.0 Any bidder, who meets the Bid Evaluation Criteria (BEC) and wishes to quote against this Tender Document, may download the complete Tender Document along with its amendment(s) if any from websites as mentioned at 2.0 (G) of IFB and submit their Bid complete in all respect as per terms & conditions of Tender Document on or before the Due Date & Time of Bid Submission.
- 7.0 Bid(s) received from bidders to whom tender/information regarding this Tender Document has been issued as well as offers received from the bidder(s) by downloading Tender Document from above mentioned website(s) shall be taken into consideration for evaluation & award provided that the Bidder is found responsive subject to provisions contained in Clause No. 2 of ITB.

The Tender Document calls for offers on single point “Sole Bidder” responsibility basis (except where JV/Consortium bid is allowed pursuant to clause no. 3.0 of ITB and in total compliance of Scope of Works as specified in Tender Document.

- 8.0 Any revision, clarification, corrigendum, time extension, etc. to this Tender Document will be hosted on the above mentioned website(s) only. Bidders are requested to visit the website regularly to keep themselves updated.
- 9.0 All the bidders including those who are not willing to submit their bid are required to submit F-6 (Acknowledgement cum Consent letter) duly filled within 7 days from receipt of tender information.
- 10.0 BCPL reserves the right to reject any or all the bids received at its discretion without assigning any reason whatsoever.

This is not an Order.

For & on behalf of
Brahmaputra Cracker and Polymer Ltd.

(Authorized Signatory)

Name : Sangitta Ghuliani

Designation : GM (SCM)

E-mail ID :sangitta.ghuliani@eil.co.in

Contact No. : 0124-289-1391 /1418/1434

DO NOT OPEN - THIS IS A QUOTATION

Bid Document No. : SG/B348-000-81-41-CC-T-8002/1004

Description : SITE ENABLING WORKS

Due Date & Time : 18.01.2021; Upto 1200 HRS (IST)

From: ***To:***

.....	<i>Ms. Sangitta Ghuliani (GM-SCM) Second Floor, Engineers India Ltd, On NH-8, Sector-16,Gurgaon Haryana-122001</i>
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- i) (To be pasted on the envelope containing Physical documents likes, POA, Integrity Pact, Affidavit for DMI&S Policy/ Self-Certificate)

=====

DECLARATION FOR BID SECURITY

To,

M/s Brahmaputra Cracker and Polymer Ltd. (BCPL)

SUB:

TENDER NO:

Dear Sir

After examining / reviewing provisions of above referred tender documents (including all corrigendum/ Addenda), we M/s_____ **(Name of Bidder)** have submitted our offer/ bid no.

We, M/s_____ **(Name of Bidder)** hereby understand that, according to your conditions, we are submitting this Declaration for Bid Security.

We understand that we will be put on watch list/holiday/ banning list (as per policies of BCPL in this regard), if we are in breach of our obligation(s) as per following:

E-TENDER NO: 2020_EIL_ 603892 _1[SITE ENABLING WORKS]

- (a) have withdrawn/modified/amended, impairs or derogates from the tender, my/our Bid during the period of bid validity specified in the form of Bid; or
- (b) having been notified of the acceptance of our Bid by the BCPL during the period of bid validity:
 - (i) fail or refuse to execute the Contract, if required, or
 - (ii) fail or refuse to furnish the Contract Performance Security, in accordance provisions of tender document.
 - (iii) fail or refuse to accept 'arithmetical corrections' as per provision of tender document.
- (c) having indulged in corrupt/fraudulent /collusive/coercive practice as per procedure.

Place: [Signature of Authorized Signatory of Bidder]

Date: Name:

Designation:

Seal:

SECTION-II

BID EVALUATION CRITERIA **& EVALUATION** **METHODOLOGY**

SECTION-II

BID EVALUATION CRITERIA & EVALUATION METHODOLOGY

A. Technical Criteria:

- 1.1** *The Bidder should have completed in last 07 (Seven) years to be reckoned from the bid due date, at least one „Similar Work " (as defined below) of value not less than Rs. 7.57 Crore (Rupees Seven Crore Fifty Seven Lakh only).*

Definition of Similar Work:

“Civil & Structural Works including RCC and Structural Steel works in refinery/petrochemical/fertilizer/natural gas processing plant”

Note:

(i) A Job executed by a Bidder for its own plant/ project cannot be considered as experience for the purpose of meeting BEC of this Tender Document. However, jobs executed for Subsidiary/Fellow subsidiary / Holding company will be considered as experience for the purpose of meeting BEC subject to submission of tax paid invoice (s) duly certified by Statutory Auditor of the Bidder towards payments of statutory tax in support of the job executed for Subsidiary/Fellow subsidiary/ Holding company. Such Bidders to submit these documents in addition to the documents specified to meet BEC.

(ii) While evaluating the Bids, Bidder's past experience as a leader or member of a Consortium/JV shall be considered acceptable, provided his scope in that Consortium/JV meets the requirement stipulated in the subject BEC above. In case, the PTR of Consortium/JV experience submitted by the Bidder meets the similar work without indicating the division of scope of work in terms of specific activities and associated value of work between the Consortium/JV members, but only the division of scope in terms of percentage share is indicated, in such case the completed value shall be arrived at after considering percentage share of each member, for the purpose of BEC evaluation.

(iii) Experience of bidder acquired as a sub-contractor can be accepted against submission of certificate from end user by such bidder along with other specified documents.

- 1.2** *Eligibility criteria in case bid is submitted on the basis of technical experience of Foreign based another company (Supporting Company) which holds more than fifty percent of the paid up share capital of the bidder company or vice versa:*

Offers of those bidders (not under consortium arrangement) who themselves do not meet the technical experience criteria as stipulated in the BEC and are quoting based on the experience of Foreign based another company (Supporting Company) can also be considered. In such case the supporting company should hold more than fifty percent of the paid up share capital of the bidding company or vice versa.

However, the supporting company should on its own meet the technical experience as stipulated in the BEC and should not rely on any other company or through any other arrangement like Technical collaboration agreement.

In that case as the bidding company is dependent upon the technical experience of another company with a view to ensure commitment and involvement of the companies involved for successful execution of the

contract, the participating bidder should enclose the following Agreements/ Guarantees/ Undertakings along with the techno-commercial bid:

- (i) *An Agreement (as per format enclosed at Appendix- A1) between the bidder and the supporting company.*
- (ii) *Guarantee (as per format enclosed at Appendix- A2) by the supporting company to BCPL for fulfilling the obligation under the Agreement.*
- (iii) *Undertaking by Supporting Company to provide a Performance Bank Guarantee (as per format and instructions enclosed at Appendix- A3), equivalent to 50% of the value of the PBG which is to be submitted by the bidding company, in case of being the successful bidder. In cases where foreign based supporting company does not have Permanent Establishment in India as per Indian Income Tax Act, the bidding company can furnish Performance Bank Guarantee for an amount which is sum of PBG amount to be submitted by the bidder and additional PBG amount required to be submitted by the supporting company subject to the condition that supporting company have 100% paid up equity share capital of the bidder either directly or through intermediate subsidiaries or vice versa. In such case bidding company shall furnish an undertaking that their foreign based supporting company is not having any Permanent Establishment in India in terms of Income Tax Act of India.*
- (iv) *Undertaking from the supporting company to the effect that in addition to invoking the PBG submitted by the bidding company, the PBG provided by supporting company shall be invoked by BCPL due to non-performance of the bidding company.*

In case Supporting Company fails to submit Bank Guarantee as per (iii) above, EMD/SD submitted by the bidder shall be forfeited.

B. Financial Criteria of BEC:

- i. *Annual Turnover: The minimum annual turnover of the bidder as per the audited annual financial statement in any one of the three preceding financial years shall be Rs. 7.57 Crore (Rupees Seven Crore Fifty Seven Lakh only).*
- ii. *Net worth: Net worth of the bidder should be positive as per the audited annual financial statement of last financial year. Net worth shall be calculated as per format (F-10) given in tender.*
- iii. *Working Capital: The minimum working capital of the bidder as per the audited annual financial statement of last financial year shall be Rs.1.51 Crore (Rupees One Crore Fifty One Lakh only).*

Notes:

- (i) *If the bidder's working capital is negative or inadequate, the bidder shall submit a letter from their bank having net worth not less than Rs.100 Crore, confirming the availability of line of credit for working capital amount mentioned herein above. The line of credit letter from bank to be submitted strictly as per format at F-9 of Tender.*
- (ii) *Annual Turnover: In case the tenders having the due date for submission of bid up to 31st December of the relevant financial year, and audited financial results of the immediate 3 preceding financial years are not available, the bidder has an option to submit the audited financial results of the 3 years immediately prior to that. Wherever the closing date of the bid is after 31st December of the relevant financial year, bidder has to compulsorily submit the audited financial results for the immediate 3 preceding financial years. However, in case bidder*

is meeting the Annual Turnover criteria of BEC based on Audited Financial Statement of any one of the preceding 3 financial years, the same shall suffice and bidder may submit format F-10 accordingly.

- (iii) *Net Worth/Working Capital: In case the tenders having the due date for submission of bid up to 31st December of the relevant financial year, and audited financial results of the immediate preceding financial year is not available, in such case the audited financial results of the year immediately prior to that year will be considered as last financial year for Net worth/ Working Capital calculation. Wherever the closing date of the bid is after 31st December of the relevant financial year, Bidder has to compulsorily submit the audited financial results for the immediate preceding financial year.*

- C. *Only documents (Work Order, Completion certificate, Execution Certificate etc.) which have been referred/ specified in the bid shall be considered in reply to queries during evaluation of Bids. Experience of bidder acquired as a subcontractor can be accepted against submission of certificate from end user/ Consultant by such bidder along with other specified documents.*

The bidders must submit the completion certificate issued by end user / owner (or their consultant who has been duly authorized by them to issue such certificate) only after completion of work / supply in all aspect. However, in case of tenders for annual rate contracts/ maintenance contracts, where the bidder is executing a rate / maintenance contract which is still running and the contract value /quantity executed till one day prior to due date of submission is equal to or more than the minimum prescribed value/ quantity mentioned in the BEC, such experience will also be taken into consideration provided that the bidder has submitted satisfactory work / supply execution certificate issued by the end user / owner / authorized consultant.

Further against a BCPL's tender for works, the execution certificate (issued by the end user/owner/authorized consultant) submitted by a bidder against work contracts can also be considered in place of completion certificate for meeting the stipulated experience criteria provided that the asset for which the said execution Certificate has been issued is ready for commercial use.

DOCUMENTS TO BE SUBMITTED FOR COMPLIANCE TO BEC

(i) Technical Criteria of BEC:

<i>BEC Clause No.</i>	<i>Description</i>	<i>Documents required for qualification</i>
<i>A</i>	<i>Documents Required-Technical Criteria</i>	
<i>A.1.1</i>	<i>Experience</i>	<i>a. Detailed work order/ Detailed Letter of Acceptance along with schedule of rates. b. Completion certificate issued by end user/ Owner (or their consultant who has been duly authorized by owner to issue such certificate) OR Execution certificate (issued by the end</i>

		user/ owner/ authorized consultant) in place of completion certificate for meeting the stipulated experience criteria provided that the asset for which the said execution certificate has been issued is ready for commercial use. Note: The completion certificates/ execution certificate shall have details like work order no./ date, brief scope of work, completion date, Executed Value and date of start and completion etc.
Notes to A.1.1	Experience criteria in case of single bidder, having experience of a consortium member	a. Same documents as mentioned in A.1.1 above. b. Consortium Agreement/ MOU clearly defining the scope and responsibility. Note: The completion certificates/ execution certificate shall have details like work order no./ date, brief scope of work, completion date, Executed Value and date of start and completion etc.
Notes to A.1.1	Jobs Executed for subsidiary/ Fellow Subsidiary/ Holding Company	Tax paid invoice(s) duly certified by statutory auditor of the bidder towards payments of statutory tax in support of the job executed for subsidiary/ Fellow subsidiary/ Holding company.

(ii) Financial Criteria of BEC:

BEC Clause No.	Description	Documents required for qualification
B		Documents Required-Financial Criteria
B.(i)	Annual Turn-over	Bidder(s) shall submit copy of Audited Annual Financial Statement [including Auditor's Report, Balance Sheets, Profit and Loss Accounts statements, Notes & schedules etc.] of three (3) immediate preceding Financial Year(s) along with un-priced bid. However, in case bidder is meeting the Annual Turnover criteria of BEC based on Audited Financial Statement of any one of the preceding 3 financial years, the same shall suffice.

B (ii)	Net Worth	Bidder(s) shall submit copy of Audited Annual Financial Statement [including Auditor " s Report, Balance Sheets, Profit and Loss Accounts statements, Notes & schedules etc.] of immediate preceding Financial Year along with un-priced bid.
B (iii)	Working Capital	Bidder(s) shall submit copy of Audited Annual Financial Statement [including Auditor " s Report, Balance Sheets, Profit and Loss Accounts statements, Notes & schedules etc.] for the immediate preceding Financial Year along with un-priced bid. If the bidder " s working capital is negative or inadequate, the bidder shall submit a letter from the bidder " s bank having net worth not less than Rs.100 Crores, confirming the availability of line of credit for working capital amount mentioned in Sr. No. B. iii. above. The line of credit letter from bank to be submitted strictly as per format at F-9.

E. Relaxation of Prior Turnover and Prior Experience for Startups (As Defined In Gazette Notification No. D.L-33004/99 Dated 18.02.2016 And 23.05.2017 Of Ministry Of Commerce And Industry), As Amended Time To Time- Not Applicable.

F. AUTHENTICATION OF DOCUMENTS TO BE SUBMITTED IN SUPPORT OF BEC

(i) Technical Criteria of BEC:

All documents in support of Technical Criteria of BEC (Bid Evaluation Criteria) to be furnished by the Bidder shall necessarily be duly certified/ attested by Chartered Engineer and Notary Public with legible stamp.

(ii) Financial Criteria of BEC:

Bidder shall submit "Details of financial capability of Bidder" in prescribed format (F-10) duly signed and stamped by a chartered accountant/ Certified Public Accountant (CPA).

Further, copy of audited annual financial statements submitted in bid shall be duly certified/ attested by Notary Public with legible stamp.

The failure to meet the above qualifying criteria(s) will render the bid to be summarily rejected. Therefore, the bidder shall in his own interest furnish complete documentary evidence including certificates(s) from the client(s) of the work executed to justify the qualifying criteria.

G Bidder should have minimum prescribed domestic value addition requirement in line with the Domestically Manufactured Iron & Steel Policy (DMI&SP) for the Iron & Steel products involved in execution of the contract. Bidder shall submit affidavit from the domestic manufacturers of such Iron & Steel products as per the Form -1 enclosed with the policy document (Refer Annexure-XV of SCC).

A bidder who is not manufacturer of Iron & Steel products and is unable to submit the affidavit from domestic manufacturers at bidding stage, such bidder can submit the affidavit issued by domestic manufacturers after placement of order. In this case bidder along with his bid shall submit an undertaking as per attached Form F-17 in Forms and Format.

If a bidder does not submit above affidavit/ undertaking as per format mentioned above, the offer of bidder shall be rejected.

H. PROCUREMENT FROM A BIDDER WHICH SHARES A LAND BORDER WITH INDIA

1. Order (Public Procurement No. 1) dated 23.07.2020, Order (Public Procurement No. 2) dated 23.07.2020 and Order (Public Procurement No. 3) dated 24.07.2020, Department of Expenditure, Ministry of Finance, Govt. of India refers. The same are available at website <https://doe.gov.in/procurement-policy-divisions>.
2. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority. For details of competent authority refer to Annexure I of Order (Public Procurement No. 1) dated 23.07.2020.
Further the above will not apply to bidders from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects. Updated lists of countries to which lines of credit have been extended or in which development projects are undertaken are given in the website of the Ministry of External Affairs, Govt. of India.
3. **"Bidder"** (including the term 'tenderer', 'consultant' 'vendor' or 'service provider' in certain contexts) **for purpose of this provision** means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency, branch or office controlled by such person, participating in a procurement process.
4. **"Bidder from a country which shares a land border with India"** for the purpose of this:
 - a. An entity incorporated, established or registered in such a country; or
 - b. A subsidiary of an entity incorporated, established or registered in such a country; or
 - c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - d. An entity whose beneficial owner is situated in such a country; or
 - e. An Indian (or other) agent of such an entity; or
 - f. A natural person who is a citizen of such a country; or
 - g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above
5. **"Beneficial owner"** for the purpose of above (4) will be as under
 - i) In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person(s), has a controlling ownership interest or who exercises control through other means.

Explanation—

- a) "Controlling ownership interest" means ownership of, or entitlement to, more than twenty-five per cent of shares or capital or profits of the company;
 - b) "Control" shall include the right to appoint the majority of the directors or to control the management or policy decisions, including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
 - ii) In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 - iii) In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
 - iv) Where no natural person is identified under (i) or (ii) or (iii) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
 - v) In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.
6. **"Agent"** for the purpose of this Order is a person employed to do any act for another, or to represent another in dealings with third persons.

7. SUBMISSION OF CERTIFICATE IN BIDS:

Bidder shall submit a certificate in this regard as Form-I to Section-II.

If such certificate given by a bidder whose bid is accepted is found to be false, this would be a ground for immediate rejection of the bid/termination and further action as per "Procedure for Action in case of Corrupt/Fraudulent/ Collusive / Coercive Practices" of tender document.

8. *The registration, wherever applicable, should be valid at the time of submission of bids and at the time of acceptance of bids. In respect of supply otherwise than by tender, registration should be valid at the time of placement of order. If the bidder was validly registered at the time of acceptance / placement of order, registration shall not be a relevant consideration during contract execution.*

9. PROVISION FOR WORKS CONTRACTS, INCLUDING TURNKEY CONTRACTS:

The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority. The definition of "contractor from a country which shares a land border with India" shall be as in Para 4 herein above. A Certificate to this regard is to be submitted by bidder is placed at Form-I to Section-II.

I EVALUATION METHODOLOGY:

- 1) *The quoted percentage increase / decrease as per "Schedule of Price (SP-0)" shall be taken up for evaluation.*
- 2) *The price quoted by the bidder inclusive of all taxes & duties except GST shall be checked for*

arithmetic correction, if any, based on Percentage increase or decrease filled by the bidder in the standard "Schedule of Prices (SP-0)" format.

- 3) BCPL can avail 100% Input Tax Credit for Electrical & Instrumentation Works, hence the same shall not be considered for Price evaluation & BCPL is not entitled to avail/take the full input tax credit of GST (CGST & SGST/UTGST or IGST) for Civil-Structural and Architectural Works, and the same shall be loaded/Considered for Price evaluation. Accordingly the evaluation methodology shall be as mentioned below:

3.1 BCPL/ EIL will evaluate and compare the Price bids of the techno-commercially qualified bidders whose bids are previously determined to be substantially responsive pursuant to "ITB: Clause-29".

3.2 In order to arrive at the Overall Lowest-Evaluated (L1) Bid / Offer, the evaluation of all Techno-Commercially-Acceptable bids/offers shall be carried out as under:

3.2.1 BCPL cannot avail/take the full input tax credit of GST (CGST & SGST/UTGST or IGST): The bids will be evaluated based on total price including applicable GST (CGST & SGST/ UTGST or IGST). However bidder note that BCPL can avail 100% Input Tax Credit for Electrical & Instrumentation Works, hence the same shall not be considered for Price evaluation & BCPL is not entitled to avail/take the full input tax credit of GST (CGST & SGST/UTGST or IGST) for Civil-Structural and Architectural Works , and the same shall be loaded/Considered for Price evaluation.

BCPL will reimburse GST (CGST & SGST/UTGST or IGST) to the Supplier of Goods / Services (Service Provider) at actuals against submission of E-invoices/ Invoices as per format specified in rules/ regulation of GST subject to the ceiling amount of GST (CGST & SGST/UTGST or IGST) as quoted by the bidder, subject to any statutory variations, except variations arising due to change in turnover. In case of any variation in the executed quantities (If directed and/or certified by the Engineer-In-Charge) the ceiling amount on which GST (CGST & SGST/UTGST or IGST) is applicable will be modified on pro-rata basis

3.2.2 In case any unregistered bidder is submitting their bid, their prices will be loaded with applicable GST (CGST & SGST/UTGST or IGST), if applicable as per Govt. guidelines, during evaluation of bid. Where BCPL is entitled for input credit of GST (CGST & SGST/UTGST or IGST), the same will be considered during evaluation as per evaluation methodology of tender document.

3.2.3 In case any cess on GST is applicable same shall also be considered in evaluation.

3.2.4 GST, as quoted by the bidder, shall be deemed as final and binding for the purpose of bid evaluation (applicable for tenders where bidder quotes the GST rates). In case a bidder enters "zero/blank" GST or an erroneous GST, the bid evaluation for finalizing the L1 bidder will be done considering the quoted GST rate. No request for change in GST will be entertained after submission of bids.

4) In cases where the successful bidder quotes a wrong GST rate, for releasing the order, the following methodology shall be as mentioned below:

4.1 In case the actual GST rate applicable is lower than the quoted GST rate, the actual GST rate will be added to the quoted basic prices. The final cash outflow will be based on actual GST rate.

4.2 *In case the actual GST rate applicable is more than the quoted GST rate, the basic prices quoted will be reduced proportionately, keeping the final cash outflow the same as the overall quoted amount.*

5) *Based on the Total Cash Outflow calculated as above, BCPL shall place orders.*

6) *In case, it is observed that any of the bidder(s) has/have offered suo-moto Discount/Rebate after opening of unpriced bid but before opening of price bids such discount /rebate(s) shall not be considered for evaluation. However, in the event of the bidder emerging as the lowest evaluated bidder without considering the discount/rebate(s), then such discount/rebate(s) offered by the bidder shall be considered for Award of Work and the same will be conclusive and binding on the bidder.*

7) *In case of a tie at the lowest bid (L1) position between two or more bidders, the order/LoA will be placed on the bidder who has higher/ highest turnover in last audited financial year.*

Bidder to submit latest Complete Audited Annual Report/ Financial Statements- Balance sheets and Profit and Loss Accounts statements including its all Schedules of the last audited financial year along with the Bid .

8) *Preferences:*

i) *Purchase preference under PPLC- Applicable*

ii) *Purchase preference for Micro and Small Enterprises (MSEs) Order, 2012-Not Applicable.*

iii) *Purchase Preference to CPSEs shall not be applicable.*