

| Clause No. | INSTRUCTIONS TO BIDDERS (ITB) |
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| 16.3 | Employer may, at its discretion, extend this deadline for submission of bids by amending the bidding documents in accordance with ITB Clause 6.0 i.e. 'Amendment to Bidding Documents', in which case all rights and obligations of Employer and Bidders will thereafter be subject to the deadline as extended. |
| 17.0 | Deleted |
| 18.0 | Modification and Withdrawal of Bids |
| 18.1 | The bidder may withdraw or modify its bid after the bid submission as per provision available in the e-tender portal. However, no bid can be withdrawn or modified subsequent to the deadline prescribed for submission of bids. Bidder may modify and re-submit its bid prior to the deadline prescribed for submission of bids. However, if the bidder once withdraws its bids, it cannot be submitted again. |
| 18.2 | DELETED |
| 18.3 | DELETED |
| 18.4 | No bid may be withdrawn in the interval between the bid submission deadline and the expiration of the bid validity period specified in ITB Clause 13. Withdrawal of a bid during this interval may result in the Bidder's forfeiture of its bid security, pursuant to ITB Sub-Clause 12.8(a). |
| E. Bid Opening and Evaluation | |
| 19.0 | Opening of Bids |
| 19.1 | <u>Techno-Commercial Bid Opening</u> |
| 19.1.1 | The Employer will first open Techno-Commercial Bid online in the presence of bidders' representatives who choose to attend the opening at the time, on the date and at the place specified in the Bid Data Sheet (BDS). In the event of the specified date for the opening of bids being declared a holiday for Employer, the bids will be opened at the appointed time on the next working day. All important information and other such details as Employer, at its discretion, may consider appropriate, will be announced at the opening. |
| 19.1.2 | In case requisite bid security pursuant to ITB Clause 12 are not submitted before the stipulated bid submission closing date and time then Bid shall be rejected by Employer as being non-responsive and shall not be opened. |
| 19.2 | <u>Price Bid Opening</u> |
| 19.2.1 | <p>After the evaluation process of Techno-Commercial bid is completed, Employer will inform in writing the eligible Bidders regarding date, time and venue set for the opening of Price Bid.</p> <p>Bidders, whose Techno-Commercial Bid is not substantially responsive or does not meet the Qualification Requirements set forth in the bidding documents or who are debarred under Employer's Policy for Debarment from Business Dealings relating to some other</p> |
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| | tender/contract, shall also be informed in writing that their bid has been rejected and their bid security shall be returned, in accordance with ITB clause 12.6. |
| 19.2.2 | Price bids of those Bidders, who have been considered qualified and whose Techno-Commercial Bid found to be responsive, will be opened online in presence of the Bidder's authorised representatives who choose to attend. The Employer will open Price Bids at the time, on the date and at the place specified by the Employer. In the event of the specified date for the opening of bids being declared a holiday for the Employer, the bids will be opened at the appointed time on the next working day. All important information and other such details as the Employer, at its discretion, may consider appropriate, will be announced at the opening. |
| 19.2.3 | The participating bidders will be able to view the bid prices of all the bidders after online opening of Price Bids by Employer. |
| 19.2.4 | <p>Reverse Auction</p> <p>If so permitted in the Bid Data Sheet (BDS), Reverse Auction shall be carried out after the opening of Price Bids as per methodology defined in the BDS.</p> |
| 20.0 | <p>Clarification on Bids</p> <p>During bid evaluation, Employer may, at its discretion, ask the Bidder for a clarification of its bid including documentary evidence pertaining to the reference plants declared in the bid for the purpose of meeting Qualifying Requirement specified in Bid Data Sheet (BDS). The request for clarification and the response shall be in writing, and no change in the price or substance of the bid including substitution of reference plants in the bid by new/additional plant for conforming to Qualifying Requirement shall be sought, offered or permitted.</p> |
| 21.0 | PRELIMINARY EXAMINATION OF TECHNO-COMMERCIAL BIDS |
| 21.1 | Employer will examine the bids to determine whether they are complete, whether required securities have been furnished, whether the documents have been properly signed and whether the bids are generally in order. |
| 21.2 | Prior to the detailed evaluation, EMPLOYER will initially determine whether each Techno-Commercial bid is of acceptable quality, is generally complete and is substantially responsive to the bidding documents. For purposes of this determination, a substantially responsive bid is one that conforms to all the terms, conditions and specifications of the bidding documents without material deviations, objections, conditionalities or reservations. A material deviation, objection, conditionality or reservation is one (i) that affects in any substantial way the scope, quality or performance of the contract; (ii) that limits in any substantial way, inconsistent with the bidding documents, the Employer's rights or the successful Bidder's obligations under the contract; or (iii) whose rectification would unfairly affect the competitive position of other Bidders who are presenting substantially responsive bids. |
| 21.3 | No deviation, whatsoever, is permitted by Employer to any provision of Bidding Documents. The Bidders are advised that while making their Bid proposals and |
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| | <p>quoting prices, all conditions may appropriately be taken into consideration. Bidders shall certify their compliance to the complete Bidding Documents by accepting the following General Technical Evaluation (GTE) of the Tender at e-Tender Portal:</p> <p>“Do you certify full compliance to all provisions of Bid Documents?”</p> <p>Acceptance of above condition shall be considered as Bidder's confirmation that any deviation to the any provision found anywhere in their Bid Proposal, implicit or explicit, shall stand unconditionally withdrawn, without any cost implication whatsoever to the Employer, failing which the bid shall be rejected and bid security shall be forfeited.</p> <p>21.3.1 The Employer may waive any minor informality, nonconformity or irregularity in a bid that does not constitute a material deviation.</p> <p>21.4 Employer's determination of a bid's responsiveness is to be based on the contents of the bid itself without recourse to extrinsic evidence. If a bid is not substantially responsive, it will be rejected by Employer, and may not subsequently be made responsive by the Bidder by correction of the nonconformity.</p> <p>22.0 QUALIFICATION</p> <p>22.1 Bidders shall certify their compliance on "Qualifying Requirements" of Employer by accepting the following General Technical Evaluation (GTE) of the Tender at e-Tender Portal:</p> <p>“Do you certify full compliance to all provisions of Bid Documents?”</p> <p>Acceptance of above GTE shall be considered as bidder's confirmation to the following conditions:</p> <ul style="list-style-type: none"> (a) The number of reference Plants/Orders quoted by Bidder in Attachment-3A of the bid, for establishing compliance to the specified Qualifying Requirement (QR), are in accordance with the provision specified in Bid Data Sheet (BDS). (b) The reference Plants/ Orders declared, shall only be considered for evaluation/ establishing compliance to Qualifying Requirement (QR). Any reference Plants/ Orders declared more than as specified in Bid Data Sheet (BDS) shall not be considered for evaluation/establishing compliance to Qualifying requirements. (c) No change or substitution in respect of reference Plants / Orders for meeting the specified Qualifying Requirement (QR) shall be offered by the bidder. <p>Bidders are required to furnish the details of the past experiences based on which selection is to be made as per format enclosed in the bidding documents for the same and enclose relevant documents like copies of authentic work order, completion certificate, agreements etc. supporting the details/data provided in the format. No claims without supporting documents shall be accepted in this regard. However, if any of the reference work pertains to the Contract(s)/Works executed by Bidder for EMPLOYER in the past then in respect of</p> | | |
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| | such Contract(s)/ Works Bidder shall not be required to enclose Client Certificate (s) along with its bid. | | |
| 22.2 | <p>Employer, by the examination of Techno-Commercial Bid, will determine to its satisfaction whether the participating bidders are qualified to satisfactorily perform the contract in terms of the qualifying requirements stipulated in the Bid Data Sheet (BDS). The determination will take into account the bidder's financial and technical capabilities, in particular its contracts, works in hand, future commitments and current litigation. It will be based upon an examination of documentary evidence of bidder's qualification submitted by the bidder, pursuant to ITB Clause 8.1.2(a) as well as such other information as Employer deems necessary and appropriate.</p> <p>Notwithstanding anything stated anywhere else in the bidding documents, Employer reserves the right to seek in writing information relating to qualifying requirements in addition to details contained in the bid. The bidder shall furnish required information promptly to the Employer.</p> | | |
| 22.3 | <p>A negative determination will result in rejection of the Bidder's Techno-Commercial Bid in which event Employer will not open the Price Bid of the concerned bidder and his bid security shall be returned in accordance with ITB clause 12.6.</p> | | |
| 22.4 | <p>The capabilities of the vendors and subcontractors, proposed in relevant attachment, will also be evaluated for acceptability. Should a vendor or sub-contractor be determined to be unacceptable, the bid will not be rejected, but the Bidder will be required to substitute an acceptable vendor or sub-contractor without any change in the bid price quoted in Price Proposal, prior to award.</p> | | |
| 23.0 | EVALUATION OF TECHNO-COMMERCIAL BIDS | | |
| 23.1 | <p>EMPLOYER will carry out a detailed evaluation of the Techno-Commercial bids in order to determine whether the technical aspects are in accordance with the requirements set forth in the bidding documents. In order to reach such a determination, Employer will examine and compare the technical aspects of the bids on the basis of the information supplied by the bidders, taking into account the following factors:</p> <p>(a) overall completeness and compliance with the Technical Specifications and Drawings; suitability of the facilities offered in relation to the environmental and climatic conditions prevailing at the site; and quality, function and operation of any process control concept included in the bid. The bid that does not meet minimum acceptable standards of completeness, consistency and detail will be rejected for non-responsiveness.</p> <p>(b) Any other relevant factors listed in the Bid Data Sheet (BDS), General Conditions of Contract, Special Conditions of Contract and Instruction to Bidders, or that EMPLOYER deems necessary or prudent to take into consideration.</p> <p>(c) Functional Guarantees</p> <p>Bidders shall state the functional guarantees (e.g. performance, efficiency, power consumption) of the proposed facilities in response to the Technical Specifications. In case a minimum (or a maximum, as the case may be) level of functional</p> | | |
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| | <p>guarantee is specified in the Technical Specifications for the bids to be considered responsive, bids offering plant and equipment with such functional guarantees less (or more) than the minimum (or maximum) specified may be rejected.</p> <p>Bidder may note that deviations, variations and additional conditions etc. found anywhere in the bid, shall not be given effect to in evaluation and it will be assumed that the Bidder complies with all the conditions of Bidding Documents. In case the Bidder refuses to withdraw deviations, implicit or explicit, found anywhere in the bid, without any financial implication whatsoever to the Employer, the bid shall be rejected and bid security shall be forfeited.</p> <p>24.0 PRELIMINARY EXAMINATION OF PRICE BID</p> <p>24.1 After opening of Price bids, The Employer will examine the Price bids to determine whether they are complete, whether any computational errors have been made, and whether the bids are generally in order.</p> <p>24.2 Arithmetical Correction</p> <p>Arithmetical errors will be rectified on the following basis.</p> <p>The Bidder shall complete the Attachments to Price envelope and the appropriate BOQ (excel sheet) along with Price Schedules (if provided) furnished in the bidding documents as indicated therein, following the requirements of ITB Clauses 10 and 11. The quoted prices as per the BOQ sheet (excel sheet) shall be used for the purpose of evaluation & award. However, if there is discrepancy between the BOQ (Excel sheet) and 'Price break-up in Price Schedule', the Price quoted in BOQ (excel sheet) shall prevail. The detailed price break-up of the BOQ in price schedule shall be corrected, if required, by the bidder to match the prices as per the BOQ sheet.</p> <p>If the Bidder does not accept such correction of errors, its bid will be rejected, and the bid security will be forfeited in accordance with ITB Sub-Clause 12.8.</p> <p>25.0 EVALUATION OF PRICE BID</p> <p>25.1 The comparison shall be of the EXW Price of Plant and Equipment including Type Test Charges and Mandatory Spares offered from within the Employer's country, such price to include all costs as well as duties and taxes paid or payable on components and raw materials incorporated or to be incorporated in the Plant and Equipment including Mandatory Spares, plus the cost of Local Transportation, Insurance Covers, all Installation Services and civil/ structural works and O&M services (as applicable) required under the Contract, plus the Goods and Services Tax (GST) specified by the Bidder in its Bid (applicable on goods and services quoted in Schedules -2, 3 & 4).</p> <p>The Employer's comparison will also include the costs resulting from application of the evaluation procedures described in ITB Sub Clauses 25.3. However, the Price of recommended spare parts quoted in Price Schedule No. 6 shall not be considered for evaluation of Bids.</p> <p>25.2 The Employer's evaluation of a bid will take into account the following:</p> | | |
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| | <div><div><div>(i)</div><div>The bid prices indicated in Price Schedules Nos. 2 through 4;</div></div><div><div>(ii)</div><div>Price Schedule No. 7;</div></div><div><div>(iii)</div><div>The corrections pursuant to ITB sub-clause 24.2;</div></div><div><div>(iv)</div><div>The costs and factors on account of offered functional guarantees of the facilities, that will be added to each Bidder's bid price in the evaluation using pricing information available to the Employer, in the manner and to the extent indicated in ITB Sub Clause 25.3 and in the Technical Specifications.</div></div></div> | | |
| 25.3 | <div><div>Pursuant to ITB Sub Clause 25.2, for the purposes of evaluation, the adjustment (if any) specified in the Bid Data Sheets (BDS) will be added to the bid price for each drop (or excess) in the responsive functional guarantees offered by the Bidder, below (or above) either a norm of 100 or the value committed in the responsive bid with the most performing functional guarantees, as specified in the Bid Data Sheets (BDS).</div><div>The adjustment factors shall be converted to such currencies as specified in Bid Data Sheets (BDS).</div></div> | | |
| 25.3.1 | <div><div>Specific Additional Criteria: The relevant evaluation method, if any, shall be detailed in the Bid Data Sheets (BDS).</div></div> | | |
| 25.4 | <div><div>Any adjustments in price that result from the procedures indicated in ITB Sub Clause 25.3 shall be added, for purposes of comparative evaluation only, to arrive at an "Evaluated Bid Price." Bid prices quoted by Bidders shall remain unaltered.</div></div> | | |
| 25.5 | <div><div>The method of evaluation is illustrated below:</div><div><div><div><div><div>Illustrative Method of Evaluation</div><div><div><div>Any Bidder</div><div>----- (Equivalent INR) -----</div></div></div><div><div>1. Quoted Bid Price</div><div>(after considering arithmetical corrections)</div><div><div><div>(i)</div><div>Ex-works price including type test charges for equipment and mandatory spares (Schedule 2)</div><div>N1</div></div><div><div>(ii)</div><div>Price for inland trans- portation including inland transit insurance for equipment and mandatory spares (Schedule 3)</div><div>N2</div></div><div><div>(iii)</div><div>Price for Installation Services (Schedule 4 price)</div><div>N3</div></div></div></div></div></div></div></div></div> | | |
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