

**Manual
of
e-Procurement
in
MCL**

PREFACE

e-Procurement was started in MCL on 15th August 2009 and by now it has matured enough to be regarded as a proven system of procurement. The unique features of Auto evaluation of technical bids makes it different and more transparent system of public procurement. Initially the process documents were made and implemented with the approval of MCL Board with intimation to Coal India Limited. Since it was a new system of procurement, some improvements, modifications, corrections, revisions were made based on the inputs of different stakeholders after due approval of MCL Board. Now a consolidated version of the two basic Guidelines for e-Procurement for Works & Services and Materials approved by 108th and 117th MCL Board respectively along with all the amendments, revisions and additions duly approved of MCL Board till date has been prepared and named as “**Manual of e-Procurement in MCL**”. It will serve as a process document as well as a reference document for e-Procurement processes in MCL for all the users of the system.

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APPROVAL

(To be attached once approved)

INDEX

CHAPTER I : GENERAL GUIDELINES AND FORMATS

CHAPTER II : e-PROCUREMENT FOR WORKS AND SERVICES

CHAPTER III : e-PROCUREMENT FOR MATERIALS (GOODS)

CHAPTER-I

GENERAL GUIDELINES AND FORMATS

- 1. Preface :** This document containing broad guidelines for e-Procurement for Works, Services and Goods has been framed with an objective that it should help all concerned in adopting the proposed automated, web-based e-Procurement System with the objective of on-line evaluation and thereby reducing the human intervention in evaluation of tender and reduction of cycle time of procurement. The system is based on the facts and figures obtained from National Informatics Centre(NIC) and other internal sources. However, any improvement to these guidelines may be adopted by MCL with the approval of CMD, MCL for the purposes like:
 - a. Improvement in the System functionality
 - b. Enhanced convenience to the users of the System
 - c. Compliance of Govt. directives and policies related to e-Procurement.

- 2.** The e-Procurement portal shall be in compliance with IT Act 2000 and its subsequent amendments and it shall comply the relevant circulars of CVC and other statutory bodies.

- 3. SCOPE :-** The e-Procurement system will cover the following :
 - a. All the Open and Limited Open (Open tender for all the eligible bidders with intimation to some short listed vendors) tenders having Estimated/Indent Value of Rs. 2.00 lakhs and above. This threshold limit may be reduced further by CMD, MCL, once the system of e-Procurement is stabilized.
 - b. Limited tenders for Estimated/Indent value of Rs 2 lakhs and above can also be floated through e-Procurement after implementing the vendor/contractor registration in different categories in compliance with CVC Office Order No. 43/7/04 dated 02.07.04 and its subsequent guidelines on this matter, if any.

Note : Procurement of proprietary item through Single Enquiry will not be covered under e-Procurement.
 - c. All the steps starting from hosting of Tenders (based on approved and financially concurred estimate/indent) till decision of L-1 bidder is covered in the e-Procurement system. This includes Creating and Hosting of NIT, Downloading and submission of bids, Opening of Tender and Evaluation of bids including uploading of work order/supply order online on a dedicated e-Procurement portal of the company with validation of Tender Committee at nodal stages only. The e-Procurement Portal also generates Reports required for the MIS/Decision Support System of MCL.
 - d. The other Terms and Conditions of NIT, not covered under e-Procurement Manual of MCL, will be as per the following Manuals of Coal India Limited :
 - i). Contract Management Manual (for Mining tenders)
 - ii). Purchase Manual (for MM tenders)
 - ii). Manual of Civil Engineering Works (for Civil, E&M and other tenders)

(The above Manuals are available on CIL website www.coalindia.gov.in . The e-Procurement Manual of MCL will be made available on MCL website www.mcl.gov.in)

4. THE ORGANISATIONAL SETUP

An e-Procurement Cell will be set up at Company Headquarter under direct control of Director(Tech) to function as the nodal department for e-Procurement in MCL. The executives from various discipline will be posted in the e-Procurement Cell. Responsibility of the e-Procurement cell at MCL HQ. will be:

- a. To co-ordinate and correspond with NIC, Bidders, User Departments and other concerned authorities such as Banks, Auditors etc. for the effective and efficient implementation of e-Procurement.
- b. To facilitate customization of the Portal and to bring about continuous improvement in the system to suit the requirement of the Company.
- c. Arrangement of Training to Bidders and Departmental Users for adoption of automated web based e-Procurement mode.
- d. To coordinate for the infrastructure development for the proper implementation of the e-Procurement system.
- e. To create a helpdesk for online and offline support to different stakeholders of the system.
- f. To arrange and update the Digital Signature Certificate for departmental users.
- g. To arrange Publicity and facilitate change management for smooth migration from manual system of tendering to electronic mode.
- h. To guide the user departments for preparation of different formats or documents etc. for the e-Procurement system.
- i. To Administer the e-Procurement Application and Online User Management.

5. Registration/Enrollment of Bidder on e-procurement Portal of MCL :

In order to submit the Bid, the bidders have to get themselves registered online on the e-Procurement portal of MCL (<https://mcltenders.gov.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.

- 6.** The Digital Signature Certificates have to be obtained for MCL users from certifying agency of NIC (NICCA) which is authorized by CCA (Controller of Certifying Authority) of Govt. of India. The bidders will have to obtain the Digital Signature Certificate from any certifying agency which is authorized by CCA (Controller of Certifying Authority) of Govt. of India traced upto the chain of trust to the root certificate of CCA.

7. Format of eTender User Portal Agreement to be accepted online by Bidder as pre-requisite for Bid Submission

eTender User Portal Agreement

In order to create a user account and use the eTender portal you must read and accept this eTender portal User Agreement.

A. UNDERTAKINGS TO BE FURNISHED ONLINE BY THE BIDDER

I DO HEREBY UNDERTAKE

1. That all the information being submitted by me/us is genuine, authentic, true and valid on the date of submission of tender and if any information is found to be false at any stage of tendering or contract period I/We will be liable to the following penal actions apart from other penal actions prescribed elsewhere in the tender document

- a. Cancellation of my/our bid/ contract (as the case may be)
- b. Forfeiture of EMD
- c. Debarring for a period of one year from participating in all other future tenders in MCL.

2. That I/we accept all terms and condition of NIT, including General Terms and Condition and Special/Additional Terms and Condition as stated there in the tender document as available on the website.

3. That I/we accept the Integrity Pact as given in the tender document (if applicable).

4. That I/we am/are giving my/our consent for e-payment and submitting/shall submit the mandate form for e-payment in the format as prescribed in the document in case, the work is awarded to us.

5. That I/we do authorize MCL for seeking information/clarification from my Bankers having reference in this bid.

6. That I/we will produce the original /certified photo copies of all the documents as prescribed in the tender document in support of the information and data furnished by me/us online, on any working day within the specified period as per the tender document (after the date of opening of price-bid), if I/we become the L1 bidder.

7. That I/We accept all the undertakings as specified elsewhere in the tender document.
8. That this online agreement will be a part of my bid and if the work is awarded to me/us, this will be a part of our agreement with MCL.

B. TERMS AND CONDITIONS OF E-TENDER SERVICES AGREEMENT

COPYRIGHT NOTICE. *Copyright © 2008, Mahanadi Coalfields Limited, India. All rights reserved*

YOU MAY NOT MODIFY, COPY, REPRODUCE, REPUBLISH, UPLOAD, POST, TRANSMIT, OR DISTRIBUTE, IN ANY MANNER, THE MATERIAL ON THE SITE, INCLUDING TEXT, GRAPHICS, CODE AND/OR SOFTWARE.

You may print and download portions of material from the different areas of the website solely for your own non-commercial use provided that you agree that you shall not change or delete any copyright or proprietary materials from the site.

www.mcltenders.gov.in is an e-Procurement portal of Mahanadi Coalfields Limited.

THIS E-TENDER PORTAL AND RELATED SERVICES SUBJECT TO YOUR COMPLIANCE WITH THE USER'S TERMS AND CONDITIONS SET FORTH BELOW;

PLEASE READ THE FOLLOWING INFORMATION CAREFULLY. YOU MAY NOT COMPLETE YOUR REGISTRATION AND USE THE E-TENDER PORTAL WITHOUT AGREEING TO COMPLY WITH ALL OF THE TERMS AND CONDITIONS SET FORTH BELOW.

BY REGISTERING THE USER NAME AND PASSWORD, YOU AGREE TO ABIDE BY ALL THE TERMS AND CONDITIONS SET FORTH BELOW.

→ Bidder Registration, Password and Security

Upon successful completion of Registration online, User ID and Password will be registered. You can login, only by giving valid *User ID* and *Password* and then signing with your valid Digital Signature Certificate.

The Online registration/enrollment of bidder on the portal should be done in the name of the bidder.

The person whose DSC is attached to the Registered Bidder should be **either** the bidder himself **Or**, duly authorized by the Bidder

User ID and password are strictly personal to each Authorised User and non-transferable. The User shall ensure that its Authorised Users do not divulge or disclose their user ID or password to third parties. In the event that the Authorised User comes to know that the User ID/ Password has been/might have been divulged, disclosed or discovered by any third party, user or its authorized user shall immediately modify the password using **“Change password”** option. MCL will have no responsibility or obligation in this regard.

At the time of enrollment in the e-Procurement portal of Mahanadi Coalfields Limited, the Bidders should ensure that the status of DSC is active on this site. The activation of newly issued DSC may take 24 hrs or more. Hence Bidders who are obtaining new DSC should register at least 24 hrs before the submission of Bid.

By registering in this portal you forthwith assume the responsibility for maintaining the confidentiality of the Password and account, and for all activities that occur under your Password or Account. You also agree to (a) immediately notify by e-mail to **hod-eproc.mcl@nic.in**, of any unauthorized use of your Password or Account or any other breach of security, and (b) ensure that you log-out from your account at the end of each session. Mahanadi Coalfields Limited shall not be liable for any loss or damage caused to you due to your failure to comply with the foregoing.

Registered user can modify or update some of the information in their profile as and when required at their own discretion. However some information such as “User ID” are protected against changes by Bidder after enrollment and some other information such as “Bidder Name” etc are also protected against changes by Bidder after bid submission.

+ Modification of software

With consent of eProcurement Cell of MCL, Sambalpur, the Administrator of eTender portal, reserves the right to modify, add, delete and/or change the contents , classification and presentation of the information on the marketplace at any time as it may in its absolute discretion find to be expedient and without giving any notice. It is the user’s responsibility to refer to the terms and/or any change or addition to the same while accessing the site.

Mahanadi Coalfields Limited reserves right to interrupt/suspend the availability of the e-Tender

system without any notice to the users.

→ **System Requirements**

It is the users responsibility to comply with the system requirements: hardware, software, Internet connectivity at user premises to access the eTender portal as mentioned in the home page in the link 'resources required'.

Under any circumstances, MCL shall not be liable to the Users for any direct/indirect loss incurred by them or damages caused to them arising out of the following:

- (a) Incorrect use of the eTender System, or ;
- (b) Internet Connectivity failures in respect of the equipments used by the Users or by the Internet Service Providers, or ;
- (c) Inability of the Bidder to submit their bid due to any DSC related problems, hardware, software or any other factor which are personal/ special/ local to the Bidder.

→ **Contents of Tender Information**

Tenders shall be published by the authorized **Tender Inviting Authorities** of the respective Procurement entities of MCL. In case of any clarifications arising out of the tenders, the users have to contact the respective **Tender Inviting Authority**.

→ **Bid Submission Acknowledgement**

The User should complete all the processes and steps required for Bid submission. The successful Bid submission can be ascertained once **acknowledgement** is given by the system through **Bid Submission** number i.e. **Bid ID**, after completion of all the processes and steps. Mahanadi Coalfields Limited is not responsible for incomplete bid submission by users. Users may also note that the incomplete bids will not be saved by the system and so the same will not be available to the **Tender Inviting Authority** for processing.

The acknowledgment is the only confirmation of submission of bid, which the bidder can show as a proof of participating in the tender. Other than this acknowledgement, no proof will be considered as a confirmation to the submission of a bid. If the bidder fails to produce this acknowledgement required for verification in case of dispute, his claim for submission of bid may not be considered.

→ **Upload files**

The bidders have to ensure that the files being uploaded by them are free from all kinds of viruses and contains only the relevant information as stated by the Tender Inviting Authorities for the particular tender. It is not obligatory on the part of MCL to read each and every document uploaded by the Bidder. If any bidder / company has uploaded / attached irrelevant data, bogus or fabricated certificates towards his qualification requirements to the respective tender then their User account will be liable for termination permanently or temporarily by MCL without any prior notice.

+ User Conduct

You agree that all information, data, text, software, photographs, graphics, messages or other materials (“Content”), whether publicly posted or privately transmitted, are the sole responsibility of the person from which such Content is originated. This means that you are entirely responsible for all Content that you upload, post, email or otherwise transmit via the eTender portal.

MCL does not control the Content posted via the eTender portal and, as such, does not guarantee the accuracy, integrity or quality of such Content. Hence under no circumstances, MCL is liable in any manner for any Content, including, but not limited to, for any errors or omissions in any Content, or for any loss or damage of any kind incurred as a result of the use of any Content posted, e-mailed or otherwise transmitted via the Site.

+ Amendments to a tender published:

The MCL reserves the right to retender/cancel the tender Or to extend the date of submission/opening of tender with publishing the corrigendum on this site as necessary.

+ Special Admonitions For International Use:

Recognizing the global nature of the Internet, you agree to comply with all local rules regarding online content and acceptable Content. Specifically, you agree to comply with all applicable laws regarding the transmission of technical data to and from India or the country in which you reside.

+ Links

The Site may provide, links to other World Wide Web sites or resources. Because MCL has no control over such sites and resources, you acknowledge and agree that the Mahanadi Coalfields Limited is not responsible for the availability of such external sites or resources, and does not endorse and is not responsible or liable for any Content, advertising, products, or other materials on or available from

such sites or resources. You further acknowledge and agree that the MCL shall not be responsible or liable, directly or indirectly, for any damage or loss caused or alleged to be caused by or in connection with use of or reliance on any such Content, Goods or Services available on or through any such site or resources.

→ Miscellaneous

This Agreement shall all be governed and construed in accordance with the laws of India & applicable to agreements made and to be performed in India. The eTender portal's failure to insist upon or enforce strict performance of any provision of this Agreement shall not be construed as a waiver of any provision or right. Neither the course of conduct between the parties nor trade practice shall act to modify any provision of this Agreement. MCL may assign its rights and duties under this Agreement to any party at any time without notice to you. Any rights not expressly granted herein are reserved.

→ Governing Law

Terms shall be governed by, and construed in accordance with, Indian law. The parties irrevocably agree that the courts of Sambalpur shall (subject to the paragraph below) have exclusive jurisdiction to settle any dispute which may arise out of, under, or in connection with these Terms or the legal relationship established by them, and for those purposes irrevocably submit all disputes to the jurisdiction of the courts at Sambalpur, irrespective of whether Courts/Tribunals in other areas have concurrent or similar jurisdiction.

Mahanadi Coalfields Limited reserves the right to initiate any legal action against those bidders violating all or any of the above mentioned terms & conditions of eTender services agreement.

→ Modification of terms of Agreement

Mahanadi Coalfields Limited reserves the right to add to or change/modify the terms of this Agreement. Changes could be made by us after the first posting to the Site and you will be deemed to have accepted any change if you continue to access the Site after that time. MCL reserves the right to modify, suspend/cancel, or discontinue any or all services/ make modifications and alterations in any or all of the content, at any time without prior notice.

→ Policy and Security

General Policy

Mahanadi Coalfields Limited is committed to protecting the privacy of our eTender site visitors. MCL does not collect any personal or business information unless you provide it to us voluntarily when conducting an online enrolment , bid submission etc. or any other transaction on the Site.

Information Collected

When you choose to provide personal or business information to us to conduct an online transaction, we use it only for the purpose of conducting the specific online transaction that you requested. The information is also used for the purpose of vendor searches. For each online transaction, we require only a minimum amount of personal and business information required to process your transaction.

When you visit our portal to browse, read pages, or download information, we automatically collect and store only the following information:

- The Internet domain and IP address from which you access our portal;
- The date and time you access our portal;
- The pages you visit

This information would help us to make our site more useful to visitors and to learn about the number of visitors to our site and the types of technology our visitors use.

We do not give, share, sell or transfer any personal information to a third party unless required to do so by law. If you do not want any personal or business information to be collected, please do not submit it to us; however, without this required information we will be unable to process your online bid submission or any other on line transaction. Review, update and correction of any personal or business information can be done directly on the Site.

Use of Cookies

When you choose to enter into an online transaction, we use cookies to save the information that you input while progressing through the transaction. A cookie is a very small amount of data that is sent from our server to your computer's hard drive. By enabling this feature, the cookie will remember the data entered by you and next time when you visit this site , the data stored in the cookie will be available in future.

Security

The Site has security measures in place to protect against the loss, misuse and alteration of

information under our control.

8. STANDARD NIT FORMAT

There will be standard NIT format for each department which will be framed in compliance with the e-Procurement Manual and shall be uniformly followed across all the Areas & Headquarter of MCL. The standard NIT will be framed by HoD of the concerned tender inviting department at MCL-HQ. in consultation with e-Procurement Cell regarding conformity with e-procurement portal software. The standard NIT format shall be approved by CMD, MCL and will be circulated to all Areas of MCL by the concerned HoDs at MCL-HQ.

There will be standard GTE Templates available on the e-Procurement portal which will be uniformly followed across all the Areas & Headquarter of MCL. The standard GTE Templates will be framed by the tender inviting department at MCL-HQ. in consultation with e-Procurement Cell and shall be circulated to all Areas of MCL by the concerned HoDs at MCL-HQ.

9. PROFORMA for AFFIDAVIT to be submitted by L-1 Bidder (On a Non-Judicial Stamp Paper of Rs.10) for genuineness of the information furnished on-line and authenticity of the documents uploaded online in support of his Eligibility :

FORMAT OF AFFIDAVIT

I/We, -----, Partner/Legal Attorney/ Authorized Representative of Sri/Smt.M/s -----(Name of bidder), solemnly declare that :

1. I/We have submitted Tender for the Work ----- against NIT No./Tender ID----- dated -----
2. All information furnished by me/us on-line in respect of fulfillment of eligibility criteria and qualification information of this Tender is complete, correct and true.
3. All scanned copy of documents uploaded by me/us in support of the information furnished online by me/us towards eligibility, are valid and authentic.
4. If any information furnished by me/us on-line and scanned copy of documents uploaded in support of the information furnished online by me/us towards eligibility, is found to be false/incorrect at any time, the department may cancel my Tender and action as deemed fit may be taken against me/us, including termination of the contract, forfeiture of Earnest Money and banning/delisting of our firm and all partners of the firm for a minimum period of 01(one) year.
5. I/We have never been banned or delisted by any Govt. or Quasi Govt. Agency or any Public Sector Undertaking.

OR

I/We have been banned by the organization named "-----" for a period of ----- year/s, effective from ----- to -----

(The concerned department may specify any other specific undertaking to be taken from the L1 bidder while framing the NIT)

10. PROFORMA for Letter of Bid to be uploaded by Bidder during submission of bid online :

FORMAT OF "Letter of Bid" (for Works & Services Tenders)

LETTER HEAD OF BIDDER (As enrolled on the e-Procurement Portal of MCL)

To,
The Tender Committee
Mahanadi Coalfields Limited

Sub. : Letter of Bid for the work "-----" (to be filled by the department)

Ref. : 1. NIT No.: "-----" (to be filled by the department)

2. Tender Id No. : "-----" (to be filled by the department)

Dear Sir,

I/We offer to execute the work as per our offered bill of quantity in accordance with the conditions of the NIT document as available in the website.

This Bid and your subsequent Letter of Acceptance/ Work Order shall constitute a binding contract between us.

I/We hereby confirm our acceptance of all the terms and conditions of the NIT document unconditionally.

If any information furnished by **me/us** online towards eligibility in this tender is found to be incorrect at any time, penal action as deemed fit may be taken against **me/us** for which **I/we** shall have no claim against MCL.

(This document is digitally signed by the DSC holder authorised by the bidder and therefore no physical signature is required)

FORMAT OF "Letter of Bid" (for MM Tenders)

LETTER HEAD OF BIDDER (As enrolled on the e-Procurement Portal of MCL)

To,
The Tender Committee
Mahanadi Coalfields Limited

Sub. : Letter of Bid for Supply of "-----" (to be filled by the department)

Ref. : 1. NIT No.: "-----" (to be filled by the department)

2. Tender Id No. : "-----" (to be filled by the department)

Dear Sir,

I/We offer to supply the material as per our offered rate/price in accordance with the conditions of the NIT document as available in the website.

This Bid and your subsequent Supply/Purchase Order shall constitute a binding contract between us.

I/We hereby confirm our acceptance of all the terms and conditions of the NIT document unconditionally.

If any information furnished by **me/us** online towards eligibility in this tender is found to be incorrect at any time, penal action as deemed fit may be taken against **me/us** for which **I/we** shall have no claim against MCL.

(This document is digitally signed by the DSC holder authorised by the bidder and therefore no physical signature is required)

11. THE DUTIES AND RESPONSIBILITIES :

The following *Roles* have been identified for the departmental users, which are to be executed with valid Digital Signature Certificate :

- a. **CREATOR OF TENDER** : The role of CREATOR will be assigned to the tender dealing officer. The CREATOR will have the privilege of online creation of Tender on the e-Procurement portal of MCL, based on the approved and financially concurred Estimate/Indent. CREATOR will be responsible for timely and accurate creation of tender on the e-Procurement portal with his Digital Signature Certificate.
- b. **PUBLISHER OF TENDER** : The role of PUBLISHER will be assigned to the HoD (Head of the Department) of the tender inviting department. The PUBLISHER will have the privilege of online publication of the tenders created on the e-Procurement portal of MCL, based on the approved and financially concurred Estimate/Indent. PUBLISHER will be responsible for timely publish of tender after due scrutiny of created tenders on the e-Procurement portal with his Digital Signature Certificate.
- c. **OPENERS OF TENDER**: The role of OPENER will be assigned to the members of Tender Committee only. The tender will be decrypted and opened with the Digital Signatures Certificate of Bid Openers as identified during creation of the tender. OPENERS will be responsible for decryption and opening of tender on the pre-scheduled date & time, on the e-Procurement portal with his Digital Signature Certificate.
- d. **EVALUATOR OF TENDER** : The role of EVALUATOR will be assigned to the member of Tender Committee from the tender inviting department. The Evaluator will have the privilege to enter and upload the decision of the Tender Committee in the e-Procurement portal. EVALUATOR will be responsible for timely and accurate evaluation of tender on the e-Procurement portal in compliance with the decision of Tender Committee, with his Digital Signature Certificate.
- e. **AUDITOR OF TENDER** : The role of AUDITOR will be assigned to all the departmental users. The AUDITOR will have the privilege of online viewing of the entire tendering process after opening of bid till award of contract. AUDITOR can only view the tender information and documents but cannot do any editing.
- f. **SYSTEM ADMIN/ APPLICATION ADMIN/ NODAL OFFICER** : The role of SYSTEM ADMIN, APPLICATION ADMIN & NODAL OFFICER will be assigned to the executives of e-Procurement Cell for online User Management and Administration of e-Procurement Application.

Note :

- i. The departmental users will be responsible for timely renewal of their DSC from NIC.
- ii. For Tender management, one Individual may have multiple Roles (Creator/Publisher/Opener/Evaluator/Auditor).
- iii. For User management, one Individual will have single Role (System Admin/Application Admin/Nodal Officer)
- iv. Officials of e-Procurement Cell may be assigned with the role of Creator/Publisher/Opener/Evaluator/Auditor/Bidder for the limited purpose of testing and training to the departmental users and bidders.

12. Special situations :

- a. In case any officer holding any of the above roles is not available for performing his role, he may give off-line authorization to use his Digital Signature Certificate for a specific period and for the specific roles. However, this should be used only when it is absolutely essential and with the approval of next higher authority of the official giving authorization.
- b. In case of transfer within MCL the executive holding a role of Bid Opener in a live tender will have to perform this role from his new place of posting. After completing all such assignments his organizational place will be reallocated by e-Procurement Cell on a written request from the executive countersigned by the GM/CGM of the Area/Department.
- c. In case of inter company transfer the executive has to surrender his DSC with an offline authorization for performing the already assigned activity of Bid Opener. After that his DSC will be deregistered from the system.
- d. In case of transfer from MCL or superannuation, the executives having DSCs will have to obtain the clearance regarding handover of DSC at the time of release from MCL. The executives posted at MCL-HQ. should obtain clearance from e-Procurement cell and in case of the executives posted at Areas, the clearance may be obtained from the System department of the Area.
- e. In case the Digital Signature Certificate is lost or misplaced, FIR should be lodged by the concerned executive and e-Procurement cell should be informed immediately with a copy of FIR. Effort will be made to obtain another copy of DSC from the DSC provider and till such period the date of opening of Tenders in which he has already been assigned the role of Bid Opener will have to be extended. In case it is not possible to prepare a copy of the DSC due to any reason, the Tender, which are yet to be opened will be cancelled and re-tendered.
- f. For any change of role of departmental user, a written request by the HOD of the concerned department shall be sent to e-Procurement cell.

CHAPTER-II

E-PROCUREMENT FOR WORKS AND SERVICES

PART I

1. CREATION OF TENDER

- 1.1 Tender for the approved and financially concurred estimates will be created on-line by tender dealing officer (CREATOR) of the concerned tender inviting department indicating all the salient details such as description of work, estimated value, period of work, bid validity period, date of pre-bid meeting (if required), start date and last date & time of submission of bid, period for seeking clarifications online by the bidder, date and time of opening of Technical bid, etc. and by uploading Notice Inviting Tender (NIT) and Terms & Conditions of contract. The User Portal Agreement (Refer CI.No.7 of Chapter-I) shall be a part of NIT and will be uploaded under NIT document during online creation of tender. The format of "Letter of Bid (LoB)" will also be uploaded under NIT document during online creation of tender.
- 1.2 **GTE Templates** : There will be tender specific standard GTE Templates available on the e-Procurement portal. While creating a tender the latest and appropriate GTE template is to be selected.
- 1.3 **Bid Openers** : While creating the tender the "Bid Openers" will be identified who will be essentially from the Tender Committee. The maximum number of bid opener will be four and the minimum number will be two. It is advisable that "Two out of Three" or "Two out of Four" option for Bid Openers should be selected in general. In case of Tenders floated by any department at MCL HQ., the Bid Openers will be the executives posted at MCL HQ. only. In case of Tenders floated by Area, the Bid Openers will be the executives posted at Area office only and in case of Tenders floated by Project, the Bid Openers will be the executives posted at Project office only.
- 1.4 **Pre bid Meeting** : Pre-bid meeting in compliance with different manuals of CIL may take place, if required, after publication of Tender but in any case at least 1 (one) day before the start date of Bid submission. If a Pre Bid meeting is held then the minutes of the Pre-Bid meeting shall be uploaded on the Portal which can be viewed by all interested bidders.
- 1.5 **Independent External Monitor(IEM)** : In each tender having Estimated value above a threshold limit, an Independent External Monitor (IEM) is to be nominated as per Integrity Pact. IEM's name and address is to be given in the NIT and the Integrity Pact will be a part of the NIT document. (the threshold limit for integrity pact will be decided as per the existing policy of the Company)
- 1.6 **Start date & End date of Bid submission** : The bid submission will start from the next day of e-publication of NIT, but if there is a pre-bid meeting, bid submission will start on the next day of pre-bid meeting. For online submission of bid the bidders should get minimum 15 (fifteen) days time

(15x24 hours) for the tenders having Estimated value of Rs.50 lakhs & above and minimum 10 days time (10x24 hours) for the tenders having Estimated value of less than Rs.50 Lakhs.

1.7 **Bid Validity Period** : Bid Validity Period for “**Services**” tenders will be **75 days** from the end date of bid submission. Bid Validity Period for “**Works**” tenders will be **100 days** from the end date of bid submission.

1.8 **Seeking Clarification by bidder** : The bidder may seek clarification online within the specified period. 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. The clarifications given by department will be visible to all the bidders intending to participate in that tender. The clarifications may be asked from the day of e-Publication of NIT. The period for seeking clarification by bidder will be upto 7 (seven) days before the end date of bid submission. The replies to clarifications sought by bidders should be given by the department at least 2 (two) days before the end date of bid submission.

In exceptional cases where a large number of queries from bidders are expected, the period for seeking clarification may be kept maximum upto 15 (fifteen) days before the end date of bid submission, but the minimum period given to the bidders for seeking clarification should not be less than 10 (ten) days in such cases.

The Tender Inviting Authority will be responsible for replying/responding to the clarifications online within the prescribed time frame. However, if the Tender Inviting Authority feels that the query is of such a nature that advice of tender committee or any other authority is required to give clarification, he may do so to reply the queries within the prescribed time limit. The queries of bidders clarified on-line and also unanswered queries of bidders shall be referred in the TCR.

1.9 **Format of Letter of Bid**: There will be standard format of “Letter of Bid” in which the Name of work, NIT No. & Tender Id will be entered by Tender Creator and the same will be uploaded as a separate NIT document during online creation of tender.

1.10 **Format of Price bid**: Standard templates of “Price-bid/BoQ” for Item Rate and Percentage Rate tenders will be available on the e-Procurement portal. Here the bidder will have to quote for all the tendered items and L-1 will be decided on overall quoted value. The Price-bid will be framed in the standard latest BoQ template downloaded from e-Procurement portal and the same will be protected with Password and will be uploaded during online creation of tender.

1.11 **Downloading of Tender document** : The Tender document can be downloaded by any prospective bidder from the e-Procurement portal free of cost. The download of tender document may start immediately after e-Publication of NIT and shall continue till the last date and time of bid submission.

1.12 **Tender ID** : After creation of tender a unique Tender Id is automatically generated by the system. This Tender Id will be referred in all future correspondence or Reports of the tender. This Tender Id should be indicated in the format of “Letter of Bid” uploaded by the Creator.

2. PUBLICATION OF TENDER

- 2.1 Tender for the approved and financially concurred estimates will be published on the e-Procurement portal by authorized executives of MCL with Digital Signature Certificate (DSC). The authorized executive for this purpose will normally be the HoD of the concerned tender inviting department.
- 2.2 The created tenders shall be published on the dedicated e-Procurement portal of MCL and the details will be mirrored in the Central Public Procurement Portal (<http://eprocure.gov.in>) of Govt. of India.
- 2.3 Publication in print media for individual tenders may be dispensed with, since the tenders are being published on two tender websites including a dedicated common website for government tenders.

Instead of publishing the notices for individual tenders in the print media, a general notice may be given by PRO, MCL in the leading local, regional and national dailies and the Trade journal regarding availability of the tender notices for e-Procurement of all departments of MCL on the e-Procurement websites. This notice may be published once in every fortnight on a regular basis.

3. CORRIGENDUM TO NIT

Corrigendum should be issued only in exceptional cases. Corrigendum may be issued only for change of dates or correction of address. However, the extension of date for an event will be possible only before the expiry of earlier specified date and time for that particular event. Preponement of date for any event is not permitted.

Extension of the end date of bid submission can be done only in cases where there is no provision for acceptance of Bank Guarantee (BG) against EMD.

No corrigendum in respect of change in scope of work, quantity and estimated value of work or any other specific condition shall be issued. If any such change becomes essential then a fresh NIT should be issued notifying the cancellation of earlier NIT.

If date of submission of tender is to be extended, then the last date of submission of the tender should be suitably extended with reasonable extension of time and to be notified well in advance to allow the intending tenderers adequate/reasonable time period for submission of their tender offers within the notified extended time period.

Tender Inviting Authority (HoD of the tender inviting department) will be empowered to extend the end date of bid submission. This extension should be for a minimum period of 7 (seven) days and for a maximum period of 15 (fifteen) days. Extension of Bid Submission End date for a period more than 15 days and upto 30 days will require approval of concerned Director and extension more than 30 days will require approval of CMD, MCL.

The Corrigendum Notice must be given the same publicity as given to the original NIT

4. Submission of Bid :

- 4.1 The bidder will submit their Technical -bid and Price bid on-line. No off-line bid shall be accepted. However, in case of tenders having relaxation in eligibility criteria for co-operative societies formed by PAPs (Project Affected Persons), there will be provision for offline submission of bids by PAPs and online submission of bids by bidders other than PAPs in the same tender. The NIT should contain the appropriate clause for this provision like exemption of EMD and offline submission of bid by PAPs.
- 4.2 The bidders will have to accept unconditionally the online User Portal Agreement which contains the acceptance of all the Terms and Conditions of NIT including General and Special Terms & Conditions, Integrity Pact and other conditions, if any, along with on-line undertaking in support of the authenticity of the declarations regarding the facts, figures, information and documents furnished by the Bidder on-line in order to become an eligible bidder. No conditional bid shall be allowed/accepted. This User Portal Agreement (Refer Cl.No.7 of Chapter-I) will be a part of NIT/Contract Document.
- 4.3 In the undertaking given by bidder online, there will be provision for penal action, if any information/declaration furnished online by the bidder against eligibility criteria is found to be wrong at any stage which changes the eligibility status of the bidder.
- 4.4 The bidder will have an option for submitting Application fee and EMD through either ONLINE or OFFLINE mode. Any Bidder will have an option for selecting mode of payment i.e. either offline or online. One bidder can select for one mode of payment for both, the EMD and Application Fee.

In Online mode the bidder can make payment of Application fee & EMD either through net-banking from designated Bank/s or through NEFT/RTGS from any scheduled Bank. In case of payment through net-banking the money will be immediately transferred to MCL's designated Account. In case of payment through NEFT/RTGS the bidder will have to make payment as per the Challans (separate challans for Application Fee & EMD) generated by system on e-Procurement portal and will have to furnish online the UTR Numbers (for Application Fee & EMD separately) before submission of bid. The payment made through NEFT/RTGS must be received in MCL's designated Account on or before the date and time of bid opening.

In Offline mode the bidder can make payment of Application fee in the form of Demand Draft(DD)/Bankers Cheque (BC)/Banker's Pay Order(BPO) and EMD in the form of DD/BC/BPO/Bank Guarantee(BG) (if applicable) from any scheduled bank. The bidder will furnish all the details online i.e. DD/BC/BPO/BG Number, date of issue, expiry date, name of issuing bank and amount etc. regarding Application Fee and EMD. The original DD/BC/BPO/BG will be submitted by bidder either in person or by post which must be received in the office of Tender Inviting Authority on any working day after e-publication of NIT and upto three working days after

the last date of submission of bid. The BG against EMD will be taken as per the policy decided by MCL Board.

In case of exemption of EMD the scanned copy of document (self certified and attested by notary public) in support of exemption will have to be uploaded by the bidder during bid submission. However, this option is to be enabled only in those cases where the exemption of EMD to some bidders is allowed as per NIT.

In case of discrepancy between the online submitted information regarding the instruments for Application fee and EMD and the original instrument being submitted by the bidders, the later shall prevail if the instrument is valid on the date of submission of the tender by the bidder and if it does not change the eligibility status of the bidder.

4.5 Application fee for Works & Services tenders will be as follows :

Indent Value	Application Fee (Amount in Rs.)	
	Civil, E&M and Other Tenders	Mining Tenders of estimated value above Rs.50 lakh
Upto Rs.2 lakh	100	NA
Above Rs.2 lakh & upto Rs.10 lakh	250	
Above Rs.10 lakh & upto Rs.25 lakh	500	
Above Rs.25 lakh & upto Rs.50 lakh	1000	
Above Rs.50 lakh & upto Rs.1 Crore	2000	1000
Above Rs.1 Crore & upto Rs.2 Crore	5000	1500
Above Rs.2 Crore & upto Rs.5 Crore	7500	3000
Above Rs.5 Crore	10000	5000

The EMD for Mining tenders will be as per Contract Management Manual and EMD for Civil, E&M and other tenders will be as per Manual of Civil Engineering Works of CIL and the existing policy of MCL.

4.6 The qualification in Technical bid will be subject to the receipt and acceptance of Application fee and EMD within schedule date and time as mentioned in the NIT. MCL shall not be responsible for any postal delay in receipt of Application fee and EMD. In case the Application fee and EMD are not received within the aforesaid period, the bid will be outrightly rejected and the bidder will be debarred for 6 (six) months from participating in tenders in MCL.

Note :

- i). In case of above, a letter will be issued to the bidder by Tender Inviting Authority with the approval of Tender Accepting Authority (in case Board is Tender Accepting Authority then with the approval of CMD), stating that the bidder is debarred for six months from participating in tenders in MCL. This letter will be circulated to all Areas and MCL-HQ. and the updated list will be maintained by all Tender Inviting Authority/Evaluators.
- ii). In case of online payment of Application fee & EMD, if the payment is made by the bidder within the last date & time of bid submission but not received by MCL within the specified period due to reasons beyond the control of the bidder then there will be no penal action against the bidder, but the bid will not be accepted.
- iii). Penal action will be enforced from the date of issue of such order.

4.7 The information will be provided by the bidder by filling up relevant data through a form. The software will use the information provided by the bidders to evaluate the bid technically.

4.8 For online submission of tender the bidders will have to upload only one document i.e. "Letter of Bid" in Cover-I and only "Price-bid" in Cover-II. In case of EMD exemption one more document in support of the claim of EMD exemption will have to be uploaded by the bidder

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

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

- ii). **Price bid:** The Price bid containing the Bill of Quantity will be in .xls format (password protected) and will be uploaded during tender creation. This will be downloaded by the bidder and he will quote the rates for all items on this Excel file. Thereafter, the bidder will upload the same Excel file during bid submission in Cover-II. The Price-bid will be in Item Rate or Percentage Rate BOQ format and the bidder will have to quote for all the tendered items and the L-1 will be decided on overall quoted value. The Price-bids of the tenderers will have no condition. The Price Bid which is incomplete and not submitted as per instruction given above will be rejected.

- iii). However, in case of tenders having provision for exemption of EMD, the bidder claiming for exemption will have to upload the requisite document as specified in NIT in support of their claim for exemption of EMD.

4.9 If there is any change in the contents of Letter of Bid uploaded by bidder as compared to the format of Letter of Bid uploaded by the department with NIT document, then the bid will be rejected.

4.10 Modification and withdrawal of Bid : Modification of the submitted bid shall be allowed on-line only before the deadline of submission of tender and the bidder may modify and resubmit the bid on-line as many times as he may wish.

Bidders may withdraw their bids online within the end date of bid submission and their EMD will be refunded. However, if the bidder once withdraws his bid, he will not be able to resubmit the bid in that particular tender. For withdrawal of bid after the end date of bid submission, the bidder will have to make a request in writing to the Tender Inviting Authority. Withdrawal of bid may be allowed till issue of work order/LOA with the following provision of penal action:

- a. If the request of withdrawal is received before online notification for opening of price bid, the EMD will be forfeited and bidder will be debarred for 6 months from participating in tenders in MCL. The Price-bid of remaining bidders will be opened and the tender process shall go on.
- b. If the request of withdrawal is received after online notification for opening of price bid, the EMD will be forfeited and the bidder will be debarred for 1 year from participating in tenders in MCL. The Price-bid of all eligible bidders including this bidder will be opened and action will follow as under :
 - i). If the bidder withdrawing his bid is other than L 1, the tender process shall go on.
 - ii). If the bidder withdrawing his bid is L-1, then re-tender will be done.

Note :

- i). In case of clause (a) & (b) above, a letter will be issued to the bidder by Tender Inviting Authority with the approval of Tender Accepting Authority (in case Board is Tender Accepting Authority then with the approval of CMD), stating that the EMD of bidder is forfeited, and this bidder is debarred for six months (in case of clause-a) OR one year (in case of clause-b) from participating in tenders in MCL. This letter will be circulated to all Areas and MCL-HQ. and the updated list will be maintained by all Tender Inviting Authority/Evaluators.
 - ii). Penal action against clause (a) & (b) above will be enforced from the date of issue of such order.
- 4.11 Tender Status :** It will be the bidder's responsibility to check the status of their Bid on-line at least once daily, after the opening of Technical bid till award of contract. Additionally, information shall also be sent by system generated e-mail and SMS at nodal points (Technical evaluation, date of price-bid opening, financial evaluation, Requisition for Confirmatory document from L-1 bidder, award of work etc.). No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of Confirmatory documents within prescribed time. This will be specifically mentioned in the NIT. The Tender Status will be in public domain and anyone visiting the site can view it by identifying the tender.

5. Opening and Evaluation of Tender :

- 5.1 **Opening of Technical bid** : The Technical bid (Cover-I) will be opened on the next working day after the end date of submission of offline Application fee and EMD. Technical bid (Cover-I) will be decrypted and opened online by the "Bid Openers" with their Digital Signature Certificates on the prescheduled date & time of Tender Opening. After decryption and opening of Technical bid (Cover-I) the documents uploaded by bidder i.e. Letter of Bid & EMD exemption documents (if any) will be admitted by Bid Opener for further technical evaluation by Tender Committee and the Process-I should be concluded with giving the Summary of the bid opening on the same day. The bids for which the original instrument (DD/BC/BPO/BG) for Application fee & EMD is not received in case of offline mode of payment, will be rejected at this stage. In all other cases the rejection of any bid, if required shall be made under Technical Evaluation. The documents uploaded by bidder i.e. Letter of Bid & EMD exemption documents (if any) and the Evaluation sheets generated by the system online shall be downloaded during opening of Technical bid (Cover-I).
- 5.2 Tender will be opened on the pre-scheduled date irrespective of the number of Bids received. Even incase of receipt of single bid, there will be no extension of bid submission date and single bid is to be opened for evaluation.
- 5.3 The Technical evaluation of Tenders for Works & Services will be done as per respective Eligibility Criteria as per the specific information sought from the bidders as specified in the tender document.
- 5.4 The e-Procurement System will evaluate the Technical bids automatically with least human intervention. For this purpose all the required parameters will be obtained from the Bidders in an objective and structured manner. Bidders will not be required to upload scanned copy of any document or to submit hard copy of any document for the evaluation process except the scanned copy of Letter of Bid and document (self certified and attested by notary public) in support of exemption of EMD (if applicable).
- 5.5 Acceptance of Bidder in a general form of online declaration will be recognized and accepted as the certification regarding authenticity of all the information and documents furnished by them online and acceptance of all terms and conditions of the bid document, since such acceptance by Bidder with Digital Signature Certificate is legally tenable.
- 5.6 **Technical Evaluation** : The documents downloaded during opening of Technical bid (Cover-I) i.e. Letter of Bid & EMD exemption documents (if any) uploaded by bidder and the Evaluation sheets generated by the system online, shall be placed before the Tender Committee for validation. The Tender Committee will validate the online evaluation of Technical bid based on the information furnished by bidder online. The system generated evaluation sheets shall be authenticated by Tender Committee and shall be kept in the TCR file. The documents uploaded by bidder (Letter of Bid & EMD exemption documents) shall also be evaluated by Tender committee and confirmation of BG submitted against EMD (if any) will be obtained from the concerned bank. The brief Tender Committee Recommendation based on the on-line evaluation will be made for opening of Price bid of eligible bidders. The Part-I TCR will not require any approval of the accepting authority of the tender. The summary of technical evaluation (Part-I TCR) with the names of eligible bidders and the

brief reasons for disqualification of unsuccessful bidders (if any) alongwith the date of Price-bid opening will be uploaded by the Evaluator of Tender based on the TC recommendation. The rejection of bids, if any will have to be done at this stage. The reason for acceptance/rejection of the bidder must be written by the Evaluator in the Technical Evaluation page. Date of Price-bid opening shall be kept one day after the date of uploading of the summary of technical evaluation. The Part-I TCR will be a part of the final TCR to be processed for approval of the competent authority.

- 5.7 After evaluation of Technical bid (Cover-I) all the bidders will get the information regarding their eligibility on their personalized dash-board. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder's responsibility to check the updated status/information on their personalized dash board at least once daily after opening of bid. The summary of evaluation result with the names of eligible bidders and the brief reasons for disqualification of unsuccessful bidders will be displayed on the e-Procurement Portal.
- 5.8 The Price bid of the successful bidders (qualified in technical-bid) will be decrypted and opened online by the *Bid Openers* with their Digital Signature Certificate on the prescheduled date & time of Price-bid Opening and the process-II should be concluded with giving the Summary of Price-bid opening on the same day. The Price bids and system generated Comparative Statement will be downloaded and will be signed by the Tender Committee. This will be kept in the TCR file.
- 5.9 After opening of Price bid the Comparative Statement of Prices indicating the rates quoted by all the bidders and rank of bidders will be generated by the system which will be visible to all the participating bidders online. This information will be in public domain and can be viewed by any person on visiting the e-Procurement portal.
- 5.10 The Bidders may view the Technical-bid opening and Price-bid opening online remotely on their personalized dash board under the link "Bid Opening (Live)" and can see the Cover-I document/ Price-bid/BoQ submitted by all participating bidders once the documents are admitted for evaluation by the department.
- 5.11 **Submission of Documents by L-1 Bidder (Confirmatory Documents) :**

After opening of Price-bid, the list of documents required to be submitted by L-1 bidder as enlisted in the NIT will be specified on-line by Evaluator indicating the start date and end date allowing 7 days (7 x 24 hours) time for on-line submission by bidder. The L-1 bidder will get this information on their personalized dash board under "Upload confirmatory document" link. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder's responsibility to check the updated status/information on their personalized dash board at least once daily after opening of Price-bid. No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of documents within prescribed time. The bidder will upload the scanned copy of self certified and attested by notary public of all the specified documents in support of the information/ declarations furnished by them on-line within the specified period of 7 days. However, the affidavit may be scanned and uploaded as it is, without any additional self certification and attestation by Notary public.

The Tender Committee will examine the uploaded documents against information/declarations furnished by the L1 bidder online. If it confirms to all of the information/ declarations furnished by the bidder online and does not change the eligibility status of the bidder then the bidder will be considered eligible for award of Contract.

In case the Tender Committee finds that there is some deficiency in uploaded documents or documents have not been uploaded by L1 bidder within the stipulated period then the same will be specified online by Evaluator clearly indicating the omissions/shortcomings in the uploaded documents and indicating start date and end date allowing 7 days (7 x 24 hours) time for online re-submission by L1 bidder. The L-1 bidder will get this information on their personalized dash board under "Upload confirmatory document" link. Additionally, information shall also be sent by system generated email and SMS, but it will be the bidder's responsibility to check the updated status/information on their personalized dash board at least once daily after opening of Price-bid. No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of documents within prescribed time. The bidder will upload the scanned copy of self certified and attested by notary public of those specified documents within the specified period of 7 days.

No additional time will be allowed to the bidder for on-line submission of documents.

The tender will be evaluated only on the basis of documents uploaded by L-1 bidder online. The L-1 bidder is not required to submit hard copy of any document through offline mode. Any document submitted offline will not be given any cognizance in the evaluation of tender.

5.12 Penal action against L-1 bidder for non-submission of documents :

- a. In case the L-1 bidder submits requisite documents online as per NIT, then the bidder will be considered eligible for award of Contract.
- b. In case the L-1 bidder fails to submit requisite documents online as per NIT or if any of the information/declaration furnished by L-1 bidder online is found to be wrong by Tender Committee during evaluation of scanned documents uploaded by bidder, which changes the eligibility status of the bidder (for the first time), then the EMD of L-1 bidder will be forfeited and re-tender will be done. (with the same or different quantity, as per the instant requirement) In this retender, offer from this bidder will not be accepted.

The Penal action of debarring the bidder in Retender will be restricted to first Retender only. If the first Retender is not finalized and there is second time Retender, then this penal action will not be applicable.

- c. If the L-1 bidder fails to submit the requisite documents online as per NIT or if any of the information/declaration furnished by L-1 bidder online is found to be wrong by Tender Committee during evaluation of scanned documents uploaded by bidder, which changes the eligibility status of the bidder, in two tenders, floated by the same tender inviting authority, within a span of one year (to be counted with respect to date of e-publication of NIT), then the EMD of L-1 bidder will be forfeited and this bidder will be debarred for one year from participating in tenders in MCL and re-tender will be done.

d. It is responsibility of L-1 Bidder to upload legible/clearly readable scanned copy of all the required documents as mentioned above.

Note :

i). In case of clause (b) above, a letter will be issued to the bidder by Tender Inviting Authority with the approval of Tender Accepting Authority (in case Board is Tender Accepting Authority then with the approval of CMD), stating that the EMD of bidder is forfeited, the bidder is not allowed to participate in the next retender and if such act is repeated next time within a span of one year, this bidder will be debarred for one year from participating in tenders in MCL.

ii). In case of clause (c) above, a letter will be issued to the bidder by Tender Inviting Authority with the approval of Tender Accepting Authority (in case Board is Tender Accepting Authority then with the approval of CMD), stating that the EMD of bidder is forfeited and this Bidder is debarred for one year from participating in tenders in MCL. This letter will be circulated to all Areas and MCL-HQ. and the updated list will be maintained by all Tender Inviting Authority/Evaluators.

iii). Penal action against clause (b) & (c) above will be enforced from the date of issue of such order. Such orders must be issued before inviting the retender.

5.13 The Tender Committee will recommend for award of work to the successful bidder after evaluating their technical eligibility based on the computer generated evaluation sheets followed by evaluation of the scanned documents uploaded by L-1 bidder in support of the information furnished by them on line and after evaluation of the reasonableness of L-1 rates. The reasonableness of rates will be evaluated as per the provisions of Manual of CIL and other guidelines issued from time to time.

The approval for award of work to L-1 bidder will be accorded by the competent authority as per Delegation of Power based on the TC recommendation.

5.14 After competent approval and financial concurrence of TCR, the work order to the L-1 bidder will be issued and the scanned copy of the Work Order will be uploaded on the e-Procurement portal and simultaneously the original copy will be sent to the bidder through registered/speed post.

5.15 Any tender hosted on the e-Procurement site must be logically concluded i.e. either Award of work is issued at AOC page on e-Procurement portal in online mode or the tender is cancelled/retendered online through corrigendum.

5.16 The EMD of unsuccessful bidders will be refunded through e-Payment, immediately after the bidder is declared unsuccessful, either in Technical bid or after opening of Price-bid. The provision should be kept in the NIT that "the bidders should submit MANDATE FORM for e-Payment along with EMD, if not submitted earlier, as per the format given in the bid document". But non-submission of Mandate form will not be a criteria for rejection of bid. However, the BG will be returned by registered/speed post.

6. Revocation of Tender Process: The online evaluation of tender must be performed by the Evaluator with utmost care and diligence. The Evaluator of tender must ensure that the decision of Tender Committee is correctly uploaded on the e-Procurement portal.

However, there may be situation when the decision of Tender Committee may have to be changed subsequently on account of a Court's verdict. Also, there may be circumstances when online evaluation of tender is not done correctly due to mistake by the Evaluator or due to technical error in the system, which may lead to cancellation of tender.

In order to avoid the cancellation of tender in such cases, the tender process needs be reverted back to appropriate stage (Technical-bid Opening or Price-bid Opening stage) to comply with the Court's verdict or to rectify the error committed by the Evaluator. This provision in the e-Procurement system has been introduced with an objective to abide by the Court's verdict or to ensure that the tender process should not suffer due to any mistake committed by an individual or due to any technical error in the system.

Revocation of Tender process back to Technical-bid opening stage or Price-bid opening stage from an advanced stage shall be done under the following circumstances :

- a. To comply with the directives of Hon'ble Court of Law.
- b. If the Evaluator makes a mistake in online evaluation of tender, which is not in line with the Tender Committee decision.
- c. If there is a error in the online evaluation of tender due to technical error in the system.

Revocation of Tender process will be done with the specific approval of the concerned Director. In all such cases the Tender Revocation Notice must contain the details of the circumstances leading to revocation of tender process.

The Revocation of Tender on the e-Procurement portal can be done by way of creation and publication of corrigendum. However, since Revocation of Tender, in true sense, is not a Corrigendum to NIT, the Tender Revocation Notice will be uploaded only on the e-Procurement portal.

- 7. Cancellation of Tender :** Any tender published on the e-Procurement portal must be concluded to its logical end i.e. either "Award of Contract" or "Cancellation of Tender" or "Retender".

It will be the responsibility of the Publisher of tender to conclude the published tenders to its logical end within the original bid validity period.

Tenders should be cancelled only under exceptional cases with due approval of Tender Approving Authority. In case of tenders where Board of Directors of MCL is the Tender Approving Authority, in such cases the approval of CMD, MCL will be required. However, for cancellation of Tender due to non-receipt of any bid, no approval will be required.

In all such cases the Tender Cancellation Notice must contain the details of the circumstances leading to cancellation of tender.

The Cancellation of Tender on the e-Procurement portal can be done by way of creation and publication of corrigendum. However, since Cancellation of Tender, in true sense, is not a Corrigendum to NIT, the Tender Cancellation Notice will be uploaded only on the e-Procurement portal.

8. All the details of technical bid and price bid will be kept preserved in the archives for auditing purposes and the same can be accessed with special authorization. The IP address of all the bidders who has participated in the bid along with timing and date will also be kept preserved in the system.
9. The processes for entering into the agreement with the successful bidder will be done offline as per the prevailing manual system. However, the documents required to be submitted by contractor for executing the agreement will be specified in the Tender document.

PART II

A. Eligibility Criteria

1. Services Tender (TC & CMC Department) :

- a. **Work Experience** : The intending tenderer must have in its name as a prime contractor experience of having successfully executed works of similar nature valuing 65% of the “Annualized value or Estimated value whichever is less” of the work put to tender in any year (a ‘year’ in this context is a continuous period of 365 days starting at any date of the year) during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited.
(Work experience in any Government/Semi-Government/Public Sector Undertakings (Central/ State) will be considered for eligibility. Work Experience in a Private firm shall be considered for eligibility only if the Private firm is a Company registered under Indian Companies Act’1956)

(In case the bidder is not a prime contractor but a sub-contractor, the bidder’s experience as sub-contractor will be taken into account if the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contract in the original contract awarded to prime contractor).

“Annualised value” of the work shall be calculated as the “Estimated Cost/Period of completion in Days x 365”.

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

Note : The definition of Similar Work to be given in the NIT should be broader, unambiguous, explicit and it should contain the predominant nature of tendered work. There should not be any scope for different interpretation by bidder and the department w.r.to “similar nature of work” defined in the NIT.

Data to be furnished by Bidder on-line :

- i. Start date of the year for which work experience of bidder is to be considered for eligibility.
- ii. Start date & end date of each qualifying experience (similar nature)
- iii. Work Order Number/Agreement Number of each experience
- v. Name & address of Employer/Work Order Issuing authority of each experience

- vi. Percentage (%) share of each experience (100% in case of an Individual/proprietorship firm or a partner in a partnership firm and the actual % of share in case of a Joint Venture/Consortium).
- vii. Executed Value of work against each experience

Technical evaluation by the System :

- i. The system shall calculate the end date by adding 365 days to the start date of experience (provided by bidder). End date shall not be later than the last date (last day of month previous to the month in which NIT has been published on e-procurement portal).
- ii. The system shall check the Start & End date of each experience and accept it as a qualifying experience if it falls within the year selected by the bidder (as calculated by adding 365 days to the start date restricted to the 'last date')
- 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 one year before the last date of month previous to one in which the NIT has been published on e-Procurement portal.
- iv. The system shall calculate the value of all qualifying experiences taken together for each bidder and grade him as 'Eligible' if it meets the minimum requirements (65% of Annualised Value or estimated value whichever is less) or else as 'Ineligible'.
- v. In case any of the experiences does not fall in the selected period of 365 days (continuous), such experiences will be excluded from evaluation. Hence the bidder shall have to furnish the value of work executed only during the selected period of 365 days (continuous).
- vi. The weightage of 5% every year will be on simple rate and will ~~should~~ not be compounded on yearly basis for the purpose of calculating the value of each qualifying experience."
- viii. The work experience of the bidder may be an ongoing work and the executed value of work shall be considered for evaluation.
- ix. In case the experience has been earned by the bidder as an individual or proprietor of a proprietorship firm or partner of a partnership 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 firm then the proportionate value of experience in proportion to the actual share of bidder in that Joint Venture will be considered against eligibility.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

Satisfactory Work Experience Certificate issued by the employer against the Experience of similar work containing all the information as sought on-line. (A sample format will be given in the NIT)

- b. **Working Capital** : Evidence of possessing adequate working capital (at least 20% of the “Annualized value or Estimated value whichever is less” of this work) inclusive of access to lines of credit and availability of other financial resources to meet the requirement. The bidder should possess the working capital within three months prior to the date of opening of tender.

Data to be furnished by Bidder on-line :

- i. Amount of available working capital inclusive of lines of credit and availability of other financial resources
- ii. Date on which the bidder possesses the required working capital
- iii. Name of the Chartered Accountant (CA)
- iv. Membership Number of CA who certifies the bidder's working capital on a particular date.
- v. Date of Issue of Certificate

Technical evaluation by the System :

- i. The system shall check that the date on which the bidder possesses the required working capital as well as the date of issue of certificate is within 3 months of the date of opening of tender.
- ii. The value of working capital as certified by the CA is greater than or equal to the minimum requirement.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

Certificate of Working Capital issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India containing the information as furnished by bidder on-line.

- c. **Fleet Requirement** : The bidder is required to give an undertaking in the form of an Affidavit in the prescribed format to deploy matching equipments/tippers/pay loaders as per NIT either owned or hired.

(Note : The Fleet Requirement Criteria, as above has been amended by 251st meeting of the Board of Directors of CIL held on 09/09/2009 and as communicated to MCL vide letter No.CIL/Civil/31/Pt.IB/49-64 dated 20/21-10-2009).

Data to be furnished by Bidder on-line :

Confirmation in the form of YES/NO regarding acceptance to deploy matching equipments/tippers/pay loaders as per NIT either owned or hired

Technical evaluation by the System :

The system will evaluate “Yes” as eligible and “No” as not eligible.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

An affidavit confirming acceptance to deploy matching equipments/tippers/pay loaders as per NIT either owned or hired

- d. **Permanent Account Number** : The bidder should possess a Permanent Account Number (PAN) issued by Income tax Department.

Data to be furnished by Bidder on-line :

Confirmation in the form of YES/NO regarding possessing of PAN

Technical evaluation by the System :

The system will evaluate “Yes” as eligible and “No” as not eligible.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

PAN CARD of the bidder

2. Works Tender (Civil and E&M Department) :

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

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

Or

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

Or

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

(Work experience in any Government/Semi-Government/Public Sector Undertakings (Central/ State) will be considered for eligibility. Work Experience in a Private firm shall be considered for eligibility only if the Private firm is a Company registered under Indian Companies Act'1956)

(In case the bidder is not a prime contractor but a sub-contractor, the bidder's experience as sub-contractor will be taken into account if the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contract in the original contract awarded to prime contractor.)

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

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

Note : The definition of Similar Work to be given in the NIT should be broader, unambiguous, explicit and it should contain the predominant nature of tendered work. There should not be any scope for different interpretation by bidder and the department w.r.to "similar nature of work" defined in the NIT.

Data to be furnished by the Bidders :

- i. Start date & end date of each qualifying experience (similar nature)
- ii. Work order Number /Agreement Number of each experience

- iii. Name & address of Employer/Work Order Issuing authority of each experience
- iv. Percentage (%) share of each experience (100% in case of an Individual/ proprietorship firm or a partner in a partnership firm and the actual % of share in case of a Joint Venture/Consortium).
- v. Executed Value of work against each experience

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 one year before 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 or partner of a partnership 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 firm then the proportionate value of experience in proportion to the actual share of bidder in that Joint Venture will be considered against eligibility.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as furnished by bidder on-line.

- 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).

Data to be furnished by Bidders :

- i. Annual 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 CA

Technical evaluation by the System :

- i. The system shall have to calculate the 30 % of the estimated vale (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 with updation of 5% for the second year and 10% for the third year on simple rate. No updation will be made for the first year.
- iii. The average shall be compared with the minimum requirement to ascertain the eligibility status of the bidder.
- iv. 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 (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

Turnover certificate issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India containing the information as furnished by bidder on- line.

- c. BID CAPACITY** :- The system of determination of bid assessment capacity as given below will be used only in case of works of estimated value of Rs.1.00 Crore and above .

Bidders who meet the minimum qualifications criteria will be qualified only if their available bid capacity is more than the Tendered Value of the work. The available bid capacity will be calculated as under:

Assessed Available Bid capacity= $(A \times N \times 2 - B)$ where,

A = Maximum Financial Turnover in any one financial year during the last five financial years ending 31st march of the previous financial year (updated to present level @ 5% per year on simple rate) w.r.to the e-Publication date of NIT

N = Number of years prescribed for completion of the works for which bids are invited (Completion period in days/365).

B = Value at present price level, of existing commitments and ongoing works to be completed during the nextmonths (period of completion of works for which bids are invited)

Data to be furnished by Bidder :

- i. Maximum financial turnover in any one financial year during the last five financial years w.r.to e-Publication date of NIT i.e. "A"
- ii. Value at present price level, of existing commitments and ongoing works to be completed during the nextmonths (period of completion of works for which bids are invited) i.e. "B"

Technical evaluation by the System :

- i. The system shall validate the financial year given by the bidder that it lies within previous five financial years prior to one in which the NIT has been published on e-Procurement portal.
- ii. The financial turnover value will be updated on simple rate @ 5 % for 2nd year, 10% for 3rd year, 15% for 4th year and 20% for 5th year.. No updation will be made for the first year.
- iii. The bid capacity will be assessed as per formula : Available Bid capacity = $2 \times A \times N - B$
- iv. The system shall match the assessed bid capacity as submitted by the bidder with the minimum requirements to ascertain the eligibility status.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

- i. Turnover certificate issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India containing the information as furnished by bidder on- line.
 - ii. Self declaration certificate for the value of "B" in the prescribed format to be given in the NIT.
- d. **Permanent Account Number:-** The bidder should possess a permanent account number issued by Income tax Department.

Data to be furnished by Bidder on-line :

Confirmation in the form of YES/NO regarding possessing of PAN

Technical evaluation by the System :

The system will evaluate "Yes" as eligible and "No" as not eligible.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

PAN CARD Of the bidder

- e. **VAT/SALES TAX REGISTRATION ON WORKS CONTRACT:-** The bidder should possess a VAT/ Sales Tax registration on works contract issued by Sales tax Department of any Indian State.

Data to be furnished by Bidder on-line :

Confirmation in the form of YES/NO regarding possessing of VAT/Sales Tax Registration on Works Contract

Technical evaluation by the System :

The system will evaluate "Yes" as eligible and "No" as not eligible.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

VAT/ Sales Tax Registration Certificate

B. General Essential Requirements for both Services and Works :

In order to qualify in the tender the bidders have to accept the following conditions:

- i. All the Terms and Condition of the NIT and Tender Document Unconditionally on line in the form of User Portal Agreement.
- ii. Expected values of each of the General Technical Evaluation(GTE) items
- iii. To upload online the scanned copy of documents (self certified and attested by Notary Public), as specified in the NIT for evaluation by Tender Committee as per the checklist given in the NIT if he becomes L-1 bidder

Data to be furnished by Bidder on-line :

- i. Confirmation in the form of **Agree/Disagree** for accepting user portal agreement
- ii. Confirmation in the form of **Yes/No** for each GTE item
- iii. To upload confirmatory documents after the bidder becomes L1 and the TIA seeks the document in online mode.

Technical evaluation by the System :

System will capture data in the **Agree/Disagree** OR **YES/NO** format from the bidder and will decide the eligibility for (i) & (ii) above.

For (iii), the confirmatory documents will be downloaded and evaluated by Tender Committee as explained in Part I. The outcome is to be uploaded on line in Confirmatory Document page by Evaluator

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

To be taken as per Checklist

C. CHECK LIST OF DOCUMENTS TO BE UPLOADED BY THE L-1 BIDDER

(1). FOR SERVICES TENDERS (Coal extraction, transportation, loading & OB removal contracts):

Sl No.	Eligibility Criteria	Information to be furnished by bidder on line	Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder in support of information/ declaration furnished online by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENT)
1	<p>THE WORK EXPERIENCE :</p> <p>The intending tenderer must have in its name as a prime contractor experience of having successfully executed works of similar nature valuing 65% of the “Annualized value or Estimated value whichever is less” of the work put to tender in any year (a ‘year’ in this context is a continuous period of 365 days starting at any date of the year) during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited. (Work experience in any Government/Semi-Government/Public Sector Undertakings (Central/ State) will be considered for eligibility. Work Experience in a Private firm shall be considered for eligibility only if the Private firm is a Company registered under Indian Companies Act’1956)</p> <p>(In case the bidder is not a prime contractor but a sub-contractor, the bidder’s experience as sub-contractor will be taken into account if the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contract in the original contract awarded to prime contractor).</p>	<ol style="list-style-type: none"> 1. Start date of the year for which work experience of bidder is to be considered for eligibility. 2. Start & end date of each qualifying experience (similar nature) 3. Work Order/Agreement Number of each experience 4. Work Order Issuing authority of each experience 5. % share of experience (100% in case proprietor or a partner in a partnership firm or the actual % of share in case of a Joint Venture/Consortium). 6. Executed Value of work against each experience 	Satisfactory Work Experience Certificate issued by the employer against the Experience of similar work containing all the information as sought on-line.
2	<p>THE AVAILABILITY OF WORKING CAPITAL:</p> <p>Evidence of possessing adequate</p>	<ol style="list-style-type: none"> 1. Amount of available working capital inclusive of lines of credit and availability of other 	Certificate of Working Capital issued by a Practicing Chartered Accountant having a membership number with

	working capital (at least 20% of the “Annualized value or Estimated value whichever is less” of this work) inclusive of access to lines of credit and availability of other financial resources to meet the requirement. The bidder should possess the working capital within three months prior to the date of opening of tender.	<p>financial resources</p> <ol style="list-style-type: none"> 2. Date on which the bidder possesses the required working capital 3. Date of issue of W.C. Certificate by CA 4. Name of the Chartered Accountant (CA) 5. Membership Number of CA who certifies the bidder's working capital 	Institute of Chartered Accountants of India containing the information as furnished by bidder on-line.
3	FLEET REQUIREMENT: The bidder is required to give an undertaking in the form of an Affidavit in the prescribed format to deploy matching equipments/tippers/pay loaders as per NIT either owned or hired	Confirmation in the form of Yes/NO.	An affidavit confirming acceptance to deploy matching equipments/tippers/pay loaders as per NIT either owned or hired
4	Legal Status of the bidder	Confirmation in the form of Yes/NO for possessing the supporting documents	<p><u>Any one of the following document :</u></p> <ol style="list-style-type: none"> 1. Affidavit or any other document to prove proprietorship/Individual status of the bidder. 2. Partnership deed containing name of partners 3. Memorandum & Article of Association with certificate of incorporation containing name of bidder 4. Joint Venture agreement containing name of partners and lead partner, Power of Attorney to the Lead Partner and share of each partner.
5	Valid Permanent Account Number (PAN)	Confirmation in the form of Yes/NO for possessing the supporting documents	<p>PAN card issued by Income Tax department, Govt. of India</p> <p><i>(In case of JV, PAN card for each individual partner of JV)</i></p>
6	Valid Digital Signature Certificate	Confirmation in the form of Yes/NO for possessing the supporting documents	<p>If the bidder himself is the DSC holder bidding on-line then no document is required .</p> <p>However, if the DSC holder is</p>

			bidding online on behalf of the bidder then the Power of Attorney or any sort of legally acceptable document for the authority to bid on behalf of the bidder
7	An Affidavit on a non-judicial stamp paper of minimum value of Rs.10 regarding genuineness of the information furnished by him on-line and authenticity of the scanned copy of documents uploaded by him on-line in support of his eligibility, as per the format given in Chapter I		
8	Any other document to support the qualification information as submitted by bidder on-line.		
Note: Only one file in .pdf format can be uploaded against each eligibility criteria. Any additional/ other relevant documents to support the information/declaration furnished by bidder online against eligibility criteria may also be attached by the bidder in the same file to be uploaded against respective eligibility criteria.			

(2). FOR WORKS TENDERS (Civil, E&M and Other Tenders) :

Sl No.	Eligibility Criteria	Information to be furnished by bidder on line	Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder in support of information/ declaration furnished online by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENT)
1	<p>THE WORK EXPERIENCE :</p> <p>The intending tenderer must have in its name as a prime contractor experience of having successfully completed similar works during last 7 (seven) years ending last day of month previous to the one in which—bid applications are invited (i.e. eligibility period) should be either of the following:-</p> <p>a) Three similar completed works each costing not less than the amount equal to 40% of the estimated cost.</p> <p>b) Two similar completed works each costing not less than the amount equal to 50% of the estimated cost.</p> <p>c) One similar completed work costing not less than the amount equal to 80% of the</p>	<p>1. Start & end date of each qualifying experience (similar nature)</p> <p>2. Work order/Agreement Number of each experience</p> <p>3. Work Order Issuing authority of each experience</p> <p>4. % share of experience (100% in case proprietor or a partner in a partnership firm or the actual % of share in case of a Joint Venture/Consortium).</p> <p>5. Executed Value of work against each experience</p>	<p>Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as sought online. (A sample format will be given in the NIT)</p>

	<p>estimated cost.</p> <p>(Work experience in any Government/Semi-Government/Public Sector Undertakings (Central/ State) will be considered for eligibility. Work Experience in a Private firm shall be considered for eligibility only if the Private firm is a Company registered under Indian Companies Act'1956)</p> <p>(In case the bidder is not a prime contractor but a sub-contractor, the bidder's experience as sub-contractor will be taken into account if the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contract in the original contract awarded to prime contractor.)</p>		
2	<p>FINANCIAL TURNOVER:</p> <p>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).</p>	<p>1. Annual turnover of the last 3 financial years ending 31st March of the previous financial year.</p> <p>2. Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate.</p> <p>3.Membership Number of the CA</p>	<p>Financial Turnover certificate for last 3 (three) financial years issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India.</p> <p><i>(In case of JV, turnover certificate for each individual partner of JV)</i></p>
3	<p>BID CAPACITY:</p> <p>The system of determination of bid assessment capacity as given below will be used only in case of works of estimated value of Rs.1.00 Crore and above .</p> <p>Bidders who meet the minimum qualifications criteria will be qualified only if their available bid capacity is more than the Tendered Value of the work. The available bid capacity will be calculated as under:</p> <p>Assessed Available Bid capacity= (A x</p>	<p>2. Annual turnover of the last 5 financial years ending 31st March of the previous financial year.</p> <p>3. Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate.</p> <p>4. Membership Number of the CA</p> <p>5. Value at present price level, of existing</p>	<p>1. Turnover certificate issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India containing the information as sought on-line for five years.</p> <p>2.Self declaration certificate for the existing commitments at present price level and ongoing works to be completed during the next months (period of completion of works for which bids are invited) i.e. 'B"</p>

	<p>$N \times 2 - B$ where,</p> <p>A = Maximum Financial Turnover in any one financial year during the last five financial years ending 31st march of the previous financial year (updated to present level @ 5% per year on simple rate) w.r.to the e-Publication date of NIT</p> <p>N = Number of years prescribed for completion of the works for which bids are invited (Completion period in days/365).</p> <p>B = Value at present price level, of existing commitments and ongoing works to be completed during the nextmonths (period of completion of works for which bids are invited)</p>	<p>commitments and ongoing works to be completed during the next months (period of completion of works for which bids are invited) i.e. 'B'</p>	
4	Legal Status of the bidder	Confirmation in the form of Yes/NO for possessing the supporting documents	<p><u>Any one of the following document :</u></p> <p>1.Affidavit or any other document to prove proprietorship/Individual status of the bidder.</p> <p>2.Partnership deed containing name of partners</p> <p>3.Memorandum & Article of Association with certificate of incorporation containing name of bidder</p> <p>4.Joint Venture agreement containing name of partners and lead partner, Power of Attorney to the Lead Partner and share of each partner.</p>
5	Valid Permanent Account Number (PAN)	Confirmation in the form of Yes/NO for possessing the supporting documents	<p>PAN card issued by Income Tax department, Govt.of India</p> <p><i>(In case of JV, PAN card for each individual partner of JV)</i></p>
6	Valid Digital Signature Certificate	Confirmation in the form of	If the bidder himself is the DSC

		Yes/NO for possessing the supporting documents	holder bidding on-line then no document is required . However, if the DSC holder is bidding online on behalf of the bidder then the Power of Attorney or any sort of legally acceptable document for the authority to bid on behalf of the bidder
7	Valid VAT / Sales Tax registration on Works Contract	Confirmation in the form of Yes/NO for possessing the supporting documents	VAT/Sales Tax Registration Certificate on works contract from any Indian State <i>(In case of JV, VAT/S.T. Registration certificate for each individual partner of JV)</i>
8	Valid Electrical License (For Electrical works only)	Confirmation in the form of Yes/NO for possessing the supporting documents	Electrical License issued from E.L.B.O, Orissa as applicable for E&M Tenders.
9	An Affidavit on a non-judicial stamp paper of minimum value of Rs.10 regarding genuineness of the information furnished by him on-line and authenticity of the scanned copy of documents uploaded by him on-line in support of his eligibility, as per the format given in the bid document at Annexure VI..		
10	Any other document to support the qualification information as submitted by bidder on-line.		
	Note: Only one file in .pdf format can be uploaded against each eligibility criteria. Any additional/ other relevant documents to support the information/declaration furnished by bidder online against eligibility criteria may also be attached by the bidder in the same file to be uploaded against respective eligibility criteria.		

CHAPTER-III

E-PROCUREMENT FOR MATERIALS (GOODS)

PART I

1. CREATION OF TENDER

- 1.1 Tender for the approved and financially concurred Indents/Material Budget will be created on-line by tender dealing officer (CREATOR) of the MM department indicating all the salient details such as description of items, indent value, delivery period, bid validity period, date of pre-bid meeting (if required), start date and last date & time of submission of bid, period for seeking clarifications online by the bidder, date and time of opening of Techno-commercial bid, etc. and by uploading Notice Inviting Tender (NIT) and Terms & Conditions of supply contract. The User Portal Agreement (Refer Cl.No.7 of Chapter-I) shall be a part of NIT and will be uploaded under NIT document during online creation of tender. The format of "Letter of Bid (LoB)" will also be uploaded under NIT document during online creation of tender
- 1.2 All the **Commercial** terms and conditions of contract like Delivery Schedule, Payment Terms, Price Fall Clause, Liquidated Damage Clause, Basis of Pricing (FOR/FOB Terms), Risk Purchase Clause, Guarantee/Warranty Conditions, Performance Guarantee Clause; Inspection Clause etc. will be specifically mentioned in the NIT. The bidder has to accept those terms and conditions unconditionally in order to participate in the tender.
- 1.3 The Indenting Technical department will furnish the details of Delivery Schedule, Guarantee/Warranty Conditions, Applicability of Performance Guarantee Clause and Inspection Clause. The other Clauses like Payment Terms, Price Fall Clause, Liquidated Damage Clause, Basis of Pricing (FOR/FOB Terms), Risk Purchase Clause etc. will be mentioned in the NIT as per the provisions of Purchase Manual of CIL. The rate of Entry Tax applicable for the tendered items is to be mentioned in the NIT. The applicability of CST (full or concessional) for the tendered items is also to be mentioned in the NIT. The General Terms and Condition will be as per Purchase Manual of CIL and shall form part of the NIT.
- 1.4 **Technical Parameters Sheet (TPS):** The Indenting Technical department will furnish the technical specification for each specification parameter of each item to be procured, in an objective format with the required evaluation criteria to the MM/Purchase department with the approved and financially concurred Indent/MB. The format will contain the specification parameters of the items in a very specific and objective manner which will facilitate automatic Technical evaluation of the Bids. The format to be given by Indenting Technical department will be as follows:

Item Sl. No.	Item Description	Technical Specification Parameters	Unit of Measure	Evaluation Criteria (Any of the following criteria)	Bidder's Required Value	Type of Confirmatory document to be uploaded by L-1 bidder in support of Technical Specification Parameter (If required)
				Agreed/ Disagreed		
				Yes/No		
				More than		
				Less Than		
				Equal to		
				Equal or more than		
				Equal or less than		
				In Between		
				Not between		

Standard templates of “Technical Parameter Sheet (TPS)” with “Make & Model” and without “Make & Model” will be available on the e-Procurement portal. “TPS with Make & Model” may be used for the tenders related to procurement of Equipments, where bidders are required to declare the make & model of their offered Equipment.

Based on the above information received from the technical department, the Technical Parameter Sheet (TPS) will be prepared by the tender dealing officer of MM/Purchase department (CREATOR) in the standard latest TPS template downloaded from e-Procurement portal and the same will be protected with Password and will be uploaded during online creation of tender

The bidders will download this Technical Parameter Sheet and will furnish their values against each specification parameter and will upload the same Excel file during submission of bid. Based on the evaluation criteria indicated in the Technical Parameter Excel Sheet, the technical evaluation of the bid will be done by the system without human intervention and the compliance report will be displayed to the bidders on-line.

Any item may have any number of specification parameters and any indent may have any number of items but the technical specification parameters have to be brought out essentially in the above format.

The technical specification parameters to be mentioned in the Technical Parameter Sheet shall contain only those specification parameters, compliance of which are mandatory in nature for the purpose of procurement and non compliance of which are not acceptable. Non compliance of any one specification parameter of any item will disqualify the bidder in that item.

If any item has got BIS reference and ISI marking, the compliance of relevant BIS code and ISI marking will be the mandatory criteria to be mentioned in the technical specification parameter. In this case the compliance of “Relevant BIS code with ISI marking” will be the mandatory technical

specification parameter and there is no need of going into details of each and every technical parameter. However, any important technical parameter, if it is essential, may be mentioned but it should not be contradictory to the relevant BIS specifications.

For safety items where use of DGMS approved products is essential, the DGMS approval will be the mandatory criteria to be mentioned in the technical specification parameter. In this case the compliance of "DGMS approval" will be the mandatory technical specification parameter and there is no need of going into details of each and every technical parameter. However, any important technical parameter, if it is essential, may be mentioned but it should not be contradictory to the relevant DGMS stipulations.

The Technical evaluation of Tenders will be done on-line by the software as per respective Evaluation Criteria specified in the Technical Parameter Sheet specially designed for obtaining specific information from the bidders and evaluating the same in a transparent manner so that Bidders will be able to know, whether they comply to the Technical specification parameters of the NIT.

- 1.5 **GTE Templates** : There will be tender specific standard GTE Templates available on the e-Procurement portal. While creating a tender the latest and appropriate GTE template is to be selected.
- 1.6 **Bid Openers** : While creating the tender the "Bid Openers" will be identified who will be essentially from the Tender Committee. The maximum number of bid opener will be four and the minimum number will be two. It is advisable that "Two out of Three" or "Two out of Four" option for Bid Openers should be selected in general. In case of Tenders floated by any department at MCL HQ., the Bid Openers will be the executives posted at MCL HQ. only and in case of Tenders floated by Area, the Bid Openers will be the executives posted at Area office only.
- 1.7 **Pre bid Meeting** : Pre-bid meeting in compliance with different manuals of CIL may take place, if required, after publication of Tender but in any case at least 1 (one) day before the start date of Bid submission. If a Pre Bid meeting is held then the minutes of the Pre-Bid meeting shall be uploaded on the Portal which can be viewed by all interested bidders.
- 1.8 **Independent External Monitor (IEM)** : In each tender having Indent value above a threshold limit and for all Global Tenders,, an Independent External Monitor (IEM) is to be nominated as per Integrity Pact. IEM's name and address is to be given in the NIT and the Integrity Pact will be a part of the NIT document. (the threshold limit for integrity pact will be decided as per the existing policy of the Company)
- 1.9 **Start date & End date of Bid submission** : The bid submission will start from the next day of e-publication of NIT, but if there is a pre-bid meeting, bid submission will start on the next day of pre-bid meeting. For online submission of bid the bidders should get minimum 15 (fifteen) days time (15x24 hours) for the tenders having Indent value of Rs.50 lakhs & above and minimum 10 days time (10x24 hours) for the tenders having Indent value of less than Rs.50 Lakhs. For the Global tenders this period will be minimum 30 days (30x24 hours).

1.10 **Bid Validity Period** : Bid Validity Period for “Goods” tenders (domestic/Global) will be **120 days** from the end date of bid submission.

1.11 **Seeking Clarification by bidder** : The bidder may seek clarification online within the specified period. 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. The clarifications given by department will be visible to all the bidders intending to participate in that tender. The clarifications may be asked from the day of e-Publication of NIT. The period for seeking clarification by bidder will be upto 7 (seven) days before the end date of bid submission. The replies to clarifications sought by bidders should be given by the department at least 2 (two) days before the end date of bid submission.

In exceptional cases where a large number of queries from bidders are expected, the period for seeking clarification may be kept maximum upto 15 (fifteen) days before the end date of bid submission, but the minimum period given to the bidders for seeking clarification should not be less than 10 (ten) days in such cases.

The Tender Inviting Authority will be responsible for replying/responding to the clarifications online within the prescribed time frame. However, if the Tender Inviting Authority feels that the query is of such a nature that advice of tender committee or any other authority is required to give clarification, he may do so to reply the queries within the prescribed time limit. The queries of bidders clarified on-line and also unanswered queries of bidders shall be referred in the TCR.

1.12 **Format of Letter of Bid**: There will be standard format of “Letter of Bid” in which the Name of work, NIT No. & Tender Id will be entered by Tender Creator and the same will be uploaded as a separate NIT document during online creation of tender.

1.13 **Format of Price bid**: Standard templates of “Price-bid/BoQ” for Item-wise Rate tenders will be available on the e-Procurement portal. Here the bidder may quote for any or all the tendered items and L-1 will be decided for each item separately. The Price-bid will be framed in the standard latest BoQ template downloaded from e-Procurement portal and the same will be protected with Password and will be uploaded during online creation of tender.

In case of domestic tenders, the bidders will be asked to quote their unit rate on FOR destination basis in a specified format containing the breakup of applicable taxes and duties, freight, insurance, Entry Tax and other components of the price in absolute value, along with the basic price of each item. The L1 bidder will be decided by the system on the basis of landed price inclusive of all taxes and duties as applicable for each item. It will be calculated automatically by the system based on the price quoted by the bidders, by summing up the basic rate with other price elements, as given by the bidders on-line. Non submission of any price component by bidder will be taken as ‘zero’ by the system, the evaluation will be done accordingly and that price element will be assumed to be included in the basic price.

The rates applicable for Entry Tax (ET) for the items covered in the Tender will be mentioned explicitly in the NIT and the bidder will have to quote accordingly on-line. In respect of supplies from the states other than Orissa, Entry Tax will be paid by MCL but for the supplies from within the state of Orissa the Entry Tax will be paid by the bidder. In case the bidders from outside Orissa indicate

the Entry Tax amount less than the rate indicated in the NIT, it will be presumed that the balance Entry Tax amount is also included in their price and the Entry Tax amount paid by MCL at the rate indicated in the NIT will be adjusted in the Purchase order value placed on them.

For Global Tenders the foreign manufacturers or their authorized foreign selling agents/dealers/distributors shall quote their rates on FOB delivery port/airport basis. The FOB price shall be converted to FOR destination price (landed price) in INR in compliance with the Purchase Manual of CIL for the purpose of price bid evaluation. This system of conversion will be specifically mentioned in the NIT. The indigenous manufacturer or their authorised selling agents/dealers/distributors and the authorised Indian selling agents/dealers/distributors of Foreign Manufacturer will quote their rates on FOR destination basis as prescribed for domestic tenders.

Special Price-bid/BoQ Formats may be framed by the user department in consultation with e-Procurement Cell to cater to any special requirement. However, necessary instruction to bidders for submission of Price-bid should be clearly indicated in the NIT.

- 1.14 **Downloading of Tender document** : The Tender document can be downloaded by any prospective bidder from the e-Procurement portal free of cost. The download of tender document may start immediately after e-Publication of NIT and shall continue till the last date and time of bid submission.
- 1.15 **Tender ID** : After creation of tender a unique Tender Id is automatically generated by the system. This Tender Id will be referred in all future correspondence or Reports of the tender. This Tender Id should be indicated in the format of "Letter of Bid" uploaded by the Creator.

2. PUBLICATION OF TENDER

- 1.1 Tender for the approved and financially concurred Indents/Material Budget will be published on the e-Procurement portal by authorized executives of MCL with Digital Signature Certificate (DSC). The authorized executive for this purpose will normally be the HoD of the Material Management/Purchase department.
- 2.2 The created tenders shall be published on the dedicated e-Procurement portal of MCL and the details will be mirrored in the Central Public Procurement Portal (<http://eprocure.gov.in>) of Govt. of India.
- 2.3 Publication in print media for individual tenders may be dispensed with, since the tenders are being published on two tender websites including a dedicated common website for government tenders.

Instead of publishing the notices for individual tenders in the print media, a general notice may be given by PRO, MCL in the leading local, regional and national dailies and the Trade journal regarding availability of the tender notices for e-Procurement of all departments of MCL on the e-Procurement websites. This notice may be published once in every fortnight on a regular basis.

2. CORRIGENDUM TO NIT

Corrigendum should be issued only in exceptional cases. Corrigendum may be issued only for change of dates or correction of address. However, the extension of date for an event will be

possible only before the expiry of earlier specified date and time for that particular event. Pre-ponement of date for any event is not permitted.

Extension of the end date of bid submission can be done only in cases where there is no provision for acceptance of Bank Guarantee (BG) against EMD.

No corrigendum in respect of change in scope of work, quantity and estimated value of work or any other specific condition shall be issued. If any such change becomes essential then a fresh NIT should be issued notifying the cancellation of earlier NIT.

If date of submission of tender is to be extended, then the last date of submission of the tender should be suitably extended with reasonable extension of time and to be notified well in advance to allow the intending tenderers adequate/reasonable time period for submission of their tender offers within the notified extended time period.

Tender Inviting Authority (HoD of the tender inviting department) will be empowered to extend the end date of bid submission. This extension should be for a minimum period of 7 (seven) days and for a maximum period of 15 (fifteen) days. Extension of Bid Submission End date for a period more than 15 days and upto 30 days will require approval of concerned Director and extension more than 30 days will require approval of CMD, MCL.

The Corrigendum Notice must be given the same publicity as given to the original NIT

3. SUBMISSION OF BID :

- 4.1 The bidder will submit their Techno-commercial Bid and Price bid on-line. No off-line bid shall be accepted.
- 4.2 The bidders will have to accept unconditionally the online User Portal Agreement which contains the acceptance of all the Terms and Conditions of NIT including Commercial and General Terms & Conditions, Integrity Pact and other conditions, if any, along with on-line undertaking in support of the authenticity of the declarations regarding the facts, figures, information and documents furnished by the Bidder on-line in order to become an eligible bidder. No conditional bid shall be allowed/accepted. This User Portal Agreement (Refer Cl.No.7 of Chapter-I) will be a part of NIT/Contract Document.
- 4.3 In the undertaking given by bidder online, there will be provision for penal action, if any information/declaration furnished online by the bidder against eligibility criteria is found to be wrong at any stage which changes the eligibility status of the bidder.
- 4.4 The bidder will have an option for submitting Application fee and EMD through either ONLINE or OFFLINE mode. Any Bidder will have an option for selecting mode of payment i.e. either offline or online. One bidder can select for one mode of payment for both, the EMD and Application Fee.

In Online mode the bidder can make payment of Application fee & EMD either through net-banking from designated Bank/s or through NEFT/RTGS from any scheduled Bank. In case of payment through net-banking the money will be immediately transferred to MCL's designated Account. In case of payment through NEFT/RTGS the bidder will have to make payment as per the Challans (separate challans for Application Fee & EMD) generated by system on e-Procurement portal and will have to furnish online the UTR Numbers (for Application Fee & EMD separately) before submission of bid. The payment made through NEFT/RTGS must be received in MCL's designated Account on or before the date and time of bid opening.

In Offline mode the bidder can make payment of Application fee and EMD in the form of Demand Draft(DD)/Bankers Cheque (BC)/Banker's Pay Order(BPO) from any scheduled bank. The bidder will furnish all the details online i.e. DD/BC/BPO Number, date of issue, expiry date, name of issuing bank and amount etc. regarding Application Fee and EMD. The original DD/BC/BPO will be submitted by bidder either in person or by post which must be received in the office of Tender Inviting Authority on any working day after e-publication of NIT and upto three working days after the last date of submission of bid.

In case of exemption of Application Fee/EMD the scanned copy of document (self certified and attested by notary public) in support of exemption will have to be uploaded by the bidder during bid submission.

In case of discrepancy between the online submitted information regarding the instruments for Application fee and EMD and the original instrument being submitted by the bidders, the later shall prevail if the instrument is valid on the date of submission of the tender by the bidder and if it does not change the eligibility status of the bidder.

- 4.5 The EMD for MM tenders will be as per the Purchase Manual of CIL and the Application fee for MM tenders will be as follows :

Indent Value	Application Fee (Amount in Rs.)
Upto Rs.2 lakh	100
Above Rs.2 lakh & upto Rs.10 lakh	250
Above Rs.10 lakh & upto Rs.25 lakh	500
Above Rs.25 lakh & upto Rs.50 lakh	1000
Above Rs.50 lakh & upto Rs.1 Crore	2000
Above Rs.1 Crore & upto Rs.2 Crore	5000
Above Rs.2 Crore & upto Rs.5 Crore	7500
Above Rs.5 Crore	10000

4.6 The qualification in Techno-commercial bid will be subject to the receipt and acceptance of Application fee and EMD within schedule date and time as mentioned in the NIT. MCL shall not be responsible for any postal delay in receipt of Application fee and EMD. In case the Application fee and EMD are not received within the aforesaid period, the bid will be outrightly rejected.

4.7 For online submission of tender the bidders will have to upload only one document i.e. "Letter of Bid" in Cover-I, Technical Parameter Sheet (TPS) under GTE and only "Price-bid" in Cover-II. In case of EMD exemption one more document in support of the claim of EMD exemption will have to be uploaded by the bidder

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

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

ii). **Price bid:** The Price bid containing the Bill of Quantity will be in .xls format (password protected) and will be uploaded during tender creation. This will be downloaded by the bidder and he will quote the rates, taxes & duties etc. for his offered items on this Excel file. Thereafter, the bidder will upload the same Excel file during bid submission in Cover-II. **The Price-bid will be in Item-wise Rate BOQ format and the bidder may quote for any or all the tendered items and the L-1 will be decided for each item separately.** The Price-bids of the tenderers will have no condition. The Price Bid which is incomplete and not submitted as per instruction given above will be rejected.

iii). **Technical Parameter Sheet(TPS):** The Technical Parameter Sheet containing the technical specification parameters for each tendered item will be in Excel format (password protected) and will be uploaded during tender creation. This will be downloaded by the bidder and he will furnish all the required information on this Excel file. Thereafter, the bidder will upload the same Excel file during bid submission in General Technical Evaluation (GTE). The Technical Parameter Sheet which is incomplete and not submitted as per instruction given above will be rejected.

iii). However, the bidder claiming for exemption of Application fee/EMD will have to upload the requisite document as specified in NIT in support of their claim for exemption of Application fee/EMD.

4.8 If there is any change in the contents of Letter of Bid uploaded by bidder as compared to the format of Letter of Bid uploaded by the department with NIT document, then the bid will be rejected.

4.9 Modification and withdrawal of Bid :

Modification of the submitted bid shall be allowed on-line only before the deadline of submission of tender and the bidder may modify and resubmit the bid on-line as many times as he may wish.

Bidders may withdraw their bids online within the end date of bid submission and their EMD will be refunded. However, if the bidder once withdraws his bid, he will not be able to resubmit the bid in that particular tender. For withdrawal of bid after the end date of bid submission, the bidder will have to make a request in writing to the Tender Inviting Authority. Withdrawal of bid may be allowed till issue of supply order with the following provision of penal action:

- a. If the request of withdrawal is received before online notification for opening of price bid, the EMD will be forfeited and bidder will be debarred for 6 months from participating in tenders in MCL. The Price-bid of remaining bidders will be opened and the tender process shall go on.
- b. If the request of withdrawal is received after online notification for opening of price bid, the EMD will be forfeited and the bidder will be debarred for 1 year from participating in tenders in MCL. The Price-bid of all eligible bidders including this bidder will be opened and action will follow as under :
 - i). If the bidder withdrawing his bid is other than L1, the tender process shall go on.
 - ii). If the bidder withdrawing his bid is L-1, then re-tender will be done for the items in which this bidder was L1.

Note :

i). In case of clause (a) & (b) above, a letter will be issued to the bidder by Tender Inviting Authority with the approval of Tender Accepting Authority (in case Board is Tender Accepting Authority then with the approval of CMD), stating that the EMD of bidder is forfeited and this Bidder is debarred **for six months (in case of Clause-a) OR one year (in case of Clause-b)** from participating in tenders in MCL. This letter will be circulated to all Areas and MCL-HQ. and the updated list will be maintained by all Tender Inviting Authority/Evaluators.

ii). Penal action against clause (a) & (b) above will be enforced from the date of issue of such order.

- 4.10 Tender Status : It will be the bidder's responsibility to check the status of their Bid on-line at least once daily, after the opening of Techno-commercial bid till award of contract. Additionally, information shall also be sent by system generated e-mail and SMS at nodal points (Technical evaluation, date of price-bid opening, financial evaluation, Requisition for Confirmatory document from L-1 bidder, award of contract etc.). No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of Confirmatory documents within prescribed time. This will be specifically mentioned in the NIT. The Tender Status will be in public domain and anyone visiting the site can view it by identifying the tender.

5. Opening and Evaluation of Tender :

- 5.1 Opening of Techno-commercial bid : The Techno Commercial bid (Cover-I) will be opened on the next working day after the end date of submission of off-line Application fee and EMD. Techno-commercial bid (Cover-I) will be decrypted and opened online by the "Bid Openers" with their Digital Signature Certificates on the prescheduled date & time of Tender Opening. After decryption and opening of Techno-commercial bid (Cover-I) the documents uploaded by bidder i.e. Letter of Bid & EMD exemption documents (if any) will be admitted by Bid Opener for further technical evaluation by Tender Committee and the Process-I should be concluded with giving the Summary of the bid opening on the same day. The bids for which the original instrument (DD/BC/BPO) for Application fee & EMD is not received in case of offline mode of payment, will be rejected at this stage. In all other cases the rejection of any bid, if required shall be made under Technical Evaluation. The documents uploaded by bidder i.e. Letter of Bid, EMD exemption documents (if any) & Technical Parameter Sheet (TPS) and the Evaluation sheets generated by the system online shall be downloaded during opening of Techno-commercial bid (Cover-I).
- 5.2 Tender will be opened on the pre-scheduled date irrespective of the number of Bids received. Even incase of receipt of single bid, there will be no extension of bid submission date and single bid is to be opened for evaluation.
- 5.3 The Technical evaluation of Tenders for Goods will be done as per respective Eligibility Criteria as per the specific information sought from the bidders as specified in the tender document.
- 5.4 The e-Procurement System will evaluate the Techno-commercial bids automatically with least human intervention. For this purpose all the required parameters will be obtained from the Bidders in an objective and structured manner. Bidders will not be required to upload scanned copy of any document or to submit hard copy of any document for the evaluation process except the scanned copy of Letter of Bid and document (self certified and attested by notary public) in support of exemption of Application fee/EMD (if applicable) and an Excel sheet (TPS) for technical evaluation..
- 5.5 Acceptance of Bidder in a general form of online declaration will be recognized and accepted as the certification regarding authenticity of all the information and documents furnished by them online and acceptance of all terms and conditions of the bid document, since such acceptance by Bidder with Digital Signature Certificate is legally tenable.
- 5.6 Technical Evaluation : The documents downloaded during opening of Techno-commercial bid (Cover-I) i.e. Letter of Bid, EMD exemption documents (if any) & Technical Parameter Sheet (TPS) uploaded by bidder and the Evaluation sheets generated by the system online, shall be placed before the Tender Committee for validation. The Tender Committee will validate the online evaluation of Techno-commercial bid based on the information furnished by bidder online. The system generated evaluation sheets shall be authenticated by Tender Committee and shall be kept in the TCR file. The documents uploaded by bidder (Letter of Bid & EMD exemption documents) shall also be evaluated by Tender committee. The brief Tender Committee Recommendation based

on the on-line evaluation will be made for opening of Price bid of eligible bidders. The Part-I TCR will not require any approval of the accepting authority of the tender. The summary of technical evaluation (Part-I TCR) with the names of eligible bidders and the brief reasons for disqualification of unsuccessful bidders (if any) alongwith the date of Price-bid opening will be uploaded by the Evaluator of Tender based on the TC recommendation. The rejection of bids, if any will have to be done at this stage. The reason for acceptance/rejection of the bidder must be written by the Evaluator in the Technical Evaluation page. Date of Price-bid opening shall be kept one day after the date of uploading of the summary of technical evaluation. The Part-I TCR will be a part of the final TCR to be processed for approval of the competent authority.

- 5.7 After evaluation of Techno-commercial bid (Cover-I) all the bidders will get the information regarding their eligibility on their personalized dash-board. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder's responsibility to check the updated status/information on their personalized dash board at least once daily after opening of bid. The summary of evaluation result with the names of eligible bidders and the brief reasons for disqualification of unsuccessful bidders will be displayed on the e-Procurement Portal.
- 5.8 The Price bid of the successful bidders (qualified in Techno-commercial bid) will be decrypted and opened online by the *Bid Openers* with their Digital Signature Certificate on the prescheduled date & time of Price-bid Opening and the process-II should be concluded with giving the Summary of Price-bid opening on the same day. The Price bids and system generated Comparative Statement will be downloaded and will be signed by the Tender Committee. This will be kept in the TCR file.
- 5.9 After opening of Price bid the Comparative Statement of Prices indicating the rates quoted by all the bidders and item-wise rank of bidders will be generated by the system which will be visible to all the participating bidders online. This information will be in public domain and can be viewed by any person on visiting the e-Procurement portal.
- 5.10 The Bidders may view the Techno-commercial bid opening and Price-bid opening online remotely on their personalized dash board under the link "Bid Opening (Live)" and can see the Cover-I document/ Price-bid/BoQ submitted by all participating bidders once the documents are admitted for evaluation by the department.
- 5.11 Submission of Documents by L-1 Bidder (Confirmatory Documents) :**

After opening of Price-bid, the list of documents required to be submitted by L-1 bidder as enlisted in the NIT will be specified on-line by Evaluator indicating the start date and end date giving 7 days (7x24 hours) time for on-line submission by bidder. The L-1 bidder will get this information on their personalized dash board under "Upload confirmatory document" link. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder's responsibility to check the updated status/information on their personalized dash board at least once daily after opening of Price-bid. No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of documents within prescribed time. The bidder will upload the scanned copy of self certified and attested by notary public of all the specified documents in support of the information/ declarations furnished by them on-line within the specified

period of 7 days. However, the affidavit may be scanned and uploaded as it is, without any additional self certification and attestation by Notary public.

The Tender Committee will examine the uploaded documents against information/declarations furnished by the L1 bidder online. If it confirms to all of the information/declarations furnished by the bidder online and does not change the eligibility status of the bidder then the bidder will be considered eligible for award of Contract.

In case the Tender Committee finds that there is some deficiency in uploaded documents or documents have not been uploaded by L-1 bidder within the stipulated period then the same will be specified online by Evaluator clearly indicating the omissions/shortcomings in the uploaded documents and indicating start date and end date giving 7 days (7 x 24 hours) time for online re-submission by L-1 bidder. The L-1 bidder will get this information on their personalized dash board under "Upload Confirmatory Document" link. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder's responsibility to check the updated status/information on their personalized dash board at least once daily after opening of Price-bid. No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of documents within prescribed time. The bidder will upload the scanned copy of self certified and attested by notary public of those specified documents within the specified period of 7 days.

No additional time will be allowed to the bidder for on-line submission of documents.

The tender will be evaluated only on the basis of documents uploaded by L-1 bidder online. The L-1 bidder is not required to submit hard copy of any document through offline mode. Any document submitted offline will not be given any cognizance in the evaluation of tender.

5.12 Penal action against L-1 bidder for non-submission of documents :

- a. In case the L-1 bidder submits requisite documents online as per NIT for all his quoted items (for which he was L-1) then the bidder will be considered eligible for all the quoted items (for which he was L-1).
- b. In case the L-1 bidder submits requisite documents online as per NIT for some of his quoted items (for which he was L-1) but for rest of his quoted items (for which bidder was L-1), either fails to submit requisite documents or any of the information/declaration furnished by L-1 bidder online is found to be wrong by Tender Committee during evaluation of scanned documents uploaded by bidder, which changes the eligibility status of the bidder (for the first time), then the bidder will be considered eligible for those items for which the valid requisite documents have been submitted. For the balance items, re-tender will be done (with the same or different quantity, as per the instant requirement) in which the offer from this bidder will not be accepted and 50% of EMD deposited by this L-1 bidder or Rs.1.00 lakh, whichever is lower will be forfeited.

The Penal action of debarring the bidder in Retender will be restricted to first Retender only. If the first Retender is not finalized and there is second Retender, then this penal action will not be applicable.

- c. In case the L-1 bidder fails to submit requisite documents online as per NIT for all of his quoted items (for which he was L-1) or if any of the information/declaration furnished by L-1 bidder online is found to be wrong by Tender Committee during evaluation of scanned documents uploaded by bidder, which changes the eligibility status of the bidder for all of the items quoted by this bidder for which the Bidder was L-1 (for the first time), then 100% of EMD deposited by this L-1 bidder or Rs.1.00 lakh, whichever is lower will be forfeited and re-tender (with the same or different quantity, as per the instant requirement) will be done for the items in which this bidder was L1. In this retender, offer from this bidder will not be accepted.

The Penal action of debaring the bidder in Retender will be restricted to first Retender only. If the first Retender is not finalized and there is second Retender, then this penal action will not be applicable.

- d. If the L-1 bidder fails to submit the requisite documents online as per NIT for any of his quoted items (for which he was L-1) in two tenders, floated by the same tender inviting authority, within a span of one year (to be counted with respect to date of e-publication of NIT), or if any of the information/declaration furnished by L-1 bidder online is found to be wrong by Tender Committee during evaluation of scanned documents uploaded by bidder, which changes the eligibility status of the bidder, for any of his quoted items (for which the bidder was L-1) in two tenders, floated by the same tender inviting authority, within a span of one year (to be counted with respect to date of e-publication of NIT), then 100% of EMD deposited by this L-1 bidder will be forfeited and this bidder will be debarred for one year from participating in tenders in MCL and re-tender will be done for the items in which this bidder was L1.
- e. It is responsibility of L-1 Bidder to upload legible/clearly readable scanned copy of all the required documents as mentioned above.

Note :

- i). In case of clause (b) & (c) above, a letter will be issued to the bidder by Tender Inviting Authority with the approval of Tender Accepting Authority (in case Board is Tender Accepting Authority then with the approval of CMD), stating that the bidder is not allowed to participate in the next retender and if such act is repeated next time within a span of one year, this bidder will be debarred for one year from participating in tenders in MCL. The amount of EMD which is forfeited due to failure on the part of bidder to submit requisite documents within stipulated time is also to be indicated in this letter.*
- ii). In case of clause (d) above, a letter will be issued to the bidder by Tender Inviting Authority with the approval of Tender Accepting Authority (in case Board is Tender Accepting Authority then with the approval of CMD), stating that the EMD of bidder is forfeited and this Bidder is debarred for one year from participating in tenders in MCL. This letter will be circulated to all Areas and MCL-HQ. and the updated list will be maintained by all Tender Inviting Authority/ Evaluators.*
- iii). Penal action against clause (b), (c) & (d) above will be enforced from the date of issue of such order. Such orders must be issued before inviting the retender.*

5.13 The Tender Committee will recommend for issue of Purchase Order to the successful bidder/s after evaluating their technical eligibility based on the computer generated evaluation sheets followed by evaluation of the scanned documents uploaded by L-1 bidder/s in support of the information furnished by them online and after evaluation of the reasonableness of L-1 rates. The reasonableness of rates will be evaluated as per the provisions of Purchase Manual of CIL and other guidelines issued from time to time.

The approval for issue of Purchase Order to L-1 bidder/s will be accorded by the competent authority as per Delegation of Power based on the TC recommendation.

5.14 After competent approval and financial concurrence of TCR, the Purchase order to the successful bidder/s will be issued and the scanned copy of the Purchase Order will be uploaded on the e-Procurement portal and simultaneously the original copy will be sent to the bidder/s through registered/speed post.

5.15 Any tender hosted on the e-Procurement site must be logically concluded i.e. either Award of contract is issued at AOC page on e-Procurement portal in online mode or the tender is cancelled/retendered online through corrigendum.

5.16 The EMD of unsuccessful bidders will be refunded through e-Payment, immediately after the bidder is declared unsuccessful, either in Techno-commercial bid or after opening of Price-bid. The provision should be kept in the NIT that "the bidders should submit MANDATE FORM for e-Payment along with EMD, if not submitted earlier, as per the format given in the bid document". However, non-submission of Mandate form will not be a criteria for rejection of bid.

6. Revocation of Tender Process: The online evaluation of tender must be performed by the Evaluator with utmost care and diligence. The Evaluator of tender must ensure that the decision of Tender Committee is correctly uploaded on the e-Procurement portal.

However, there may be situation when the decision of Tender Committee may have to be changed subsequently on account of a Court's verdict. Also, there may be circumstances when online evaluation of tender is not done correctly due to mistake by the Evaluator or due to technical error in the system, which may lead to cancellation of tender.

In order to avoid the cancellation of tender in such cases, the tender process needs be reverted back to appropriate stage (Technical-bid Opening or Price-bid Opening stage) to comply with the Court's verdict or to rectify the error committed by the Evaluator. This provision in the e-Procurement system has been introduced with an objective to abide by the Court's verdict or to ensure that the tender process should not suffer due to any mistake committed by an individual or due to any technical error in the system.

Revocation of Tender process back to Technical-bid opening stage or Price-bid opening stage from an advanced stage shall be done under the following circumstances :

- a. To comply with the directives of Hon'ble Court of Law.

- b. If the Evaluator makes a mistake in online evaluation of tender, which is not in line with the Tender Committee decision.
- c. If there is a error in the online evaluation of tender due to technical error in the system.

Revocation of Tender process will be done with the specific approval of the concerned Director. In all such cases the Tender Revocation Notice must contain the details of the circumstances leading to revocation of tender process.

The Revocation of Tender on the e-Procurement portal can be done by way of creation and publication of corrigendum. However, since Revocation of Tender, in true sense, is not a Corrigendum to NIT, the Tender Revocation Notice will be uploaded only on the e-Procurement portal.

- 7. **Cancellation of Tender** : Any tender published on the e-Procurement portal must be concluded to its logical end i.e. either "Award of Contract" or "Cancellation of Tender" or "Retender".

It will be the responsibility of the Publisher of tender to conclude the published tenders to its logical end within the original bid validity period.

Tenders should be cancelled only under exceptional cases with due approval of Tender Approving Authority. In case of tenders where Board of Directors of MCL is the Tender Approving Authority, in such cases the approval of CMD, MCL will be required. However, for cancellation of Tender due to non-receipt of any bid, no approval will be required.

In all such cases the Tender Cancellation Notice must contain the details of the circumstances leading to cancellation of tender.

The Cancellation of Tender on the e-Procurement portal can be done by way of creation and publication of corrigendum. However, since Cancellation of Tender, in true sense, is not a Corrigendum to NIT, the Tender Cancellation Notice will be uploaded only on the e-Procurement portal.

- 8. All the details of Techno-commercial bid and Price bid will be kept preserved in the archives for auditing purposes and the same can be accessed with special authorization. The IP address of all the bidders who has participated in the bid along with timing and date will also be kept preserved in the system.

PART II

A. Eligibility Criteria

1. BASIC ELIGIBILITY:

i. FOR EQUIPMENT/CONSUMABLES/MEDICINES

Domestic Tenders :

The bidder should be any of the followings:

- a. Indian Manufacturer of the tendered items,
OR
- b. Indian Selling Agent/Dealer/Distributor authorized by the Indian Manufacturer of the tendered items, if the manufacturer does not quote directly as a matter of policy,
OR
- c. Indian Selling Agent/Dealer/Distributor authorized by the Foreign Manufacturer of the tendered items.

Global Tenders :

The bidder should be any of the followings:

- a. Indian Manufacturer of the tendered items,
OR
- b. Indian Selling Agent/Dealer/Distributor authorized by the Indian Manufacturer of the tendered items, if the manufacturer does not quote directly as a matter of policy,
OR
- c. Foreign Manufacturer of the tendered items,
OR
- d. Foreign Selling Agent/Dealer/Distributor authorized by the Foreign Manufacturer of the tendered items, if the manufacturer does not quote directly as a matter of policy,
OR
- e. Indian Selling Agent/Dealer/Distributor authorized by the Foreign Manufacturer of the tendered items, if the manufacturer does not quote directly as a matter of policy.

Note :

- i. *One Manufacturer can authorize only one Selling Agent/Dealer/Distributor against the same item in one tender.*
- ii. *One Selling Agent/Dealer/Distributor can quote for the products of only one Manufacturer against the same item in one tender.*

Data to be furnished by Bidder on-line :

Confirmation in the form of **Yes/No**, regarding possessing documentary evidence for being either a manufacturer of the tendered item/items(*being quoted by the bidder*) or possessing specific authorization from their principal manufacturer to quote against the specific tender as their authorized Selling Agent/ Dealer/Distributor.

ii. FOR SPARES (ASSEMBLIES/SUB-ASSEMBLIES/COMPONENTS)

Domestic Tenders :

The bidder should be any of the followings :

- b. Indian Manufacturer of the tendered items,
OR
- c. Indian Selling Agent/Dealer/Distributor authorized by the Indian Manufacturer of the tendered items, if the manufacturer does not quote directly as a matter of policy,
OR
- d. Indian Selling Agent/Dealer/Distributor authorized by the Foreign Manufacturer of the tendered items.
OR
- e. Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/sub-assemblies/ components) are to be fitted
OR
- f. Original Equipment Supplier (OES) i.e. the firms who are authorized supplier of Original Equipment Manufacturer for supply of the equipment in which the tendered Spares (assemblies/sub-assemblies/components) are to be fitted.
OR
- g. Indian Selling Agent/Dealer/Distributor authorized by the Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/sub-assemblies/components) are to be fitted.

Global Tenders :

The bidder should be any either of the followings:

- a. Indian Manufacturer of the tendered items,
OR
- b. Indian Selling Agent/Dealer/Distributor authorized by the Indian Manufacturer of the tendered items, if the manufacturer does not quote directly as a matter of policy,
OR
- c. Foreign Manufacturer of the tendered items,
OR
- d. Foreign Selling Agent/Dealer/Distributor authorized by the Foreign Manufacturer of the tendered items, if the manufacturer does not quote directly as a matter of policy,
OR
- e. Indian Selling Agent/Dealer/Distributor authorized by the Foreign Manufacturer of the tendered items, if the manufacturer does not quote directly as a matter of policy.
OR
- f. Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/sub-assemblies/ components) are to be fitted
OR
- g. Original Equipment Supplier (OES) i.e. the firms who are authorized supplier of Original Equipment Manufacturer for supply of the equipment in which the tendered Spares (assemblies/sub-assemblies/components) are to be fitted.
OR
- h. Indian/Foreign Selling Agent/Dealer/Distributor authorized by the Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/sub-assemblies/components) are to be fitted.

Note :

- i. One Manufacturer can authorize only one Selling Agent/Dealer/Distributor against the same item in one tender.*
- ii. One Selling Agent/Dealer/Distributor can quote for the products of only one Manufacturer against the same item in one tender.*

Data to be furnished by Bidder on-line :

Confirmation in the form of **Yes/No**, regarding possessing documentary evidence for being either OEM or OES or selling agent/dealer/distributor authorized by OEM of the original equipment in which the spares are to be fitted or manufacturer of the tendered items (*being quoted by the bidder*) or possessing specific authorization from their principal manufacturer to quote against the specific tender as their authorized Selling Agent/ Dealer/Distributor.

Technical evaluation by the System :

System will capture data in the **YES/NO** format from the bidder and will decide the eligibility.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

Sl. No.	Category of Bidder	Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder in support of information/ declaration furnished online by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENT)
1	Indian Manufacturers	Any one of the following documents : a. Factory license/Manufacturing license b. NSIC registration certificate. c. DGS&D registration certificate d. SSI/DIC registration certificate e. Valid ISO Certificate. f. Valid BIS license/certificate g. Valid DGMS approval
2	Indian selling agents/dealers/distributors authorized by Indian manufacturer	1. Specific authorization from their principal manufacturer to quote against this tender 2. Any one of the following documents of the principal manufacturer : a. Factory license/Manufacturing license b. NSIC registration certificate. c. DGS&D registration certificate d. SSI/DIC registration certificate e. Valid ISO Certificate. f. Valid BIS license/certificate g. Valid DGMS approval
3	Foreign manufacturer	Any one of the following documents : a. Manufacturing License/certificate b. Valid ISO Certificate c. Any statutory document confirming the “Manufacturer” status of the Bidder

4	Foreign selling agents/dealers/distributors authorized by Foreign manufacturer	<ol style="list-style-type: none"> 1. Specific authorization from their principal manufacturer to quote against this tender 2. Any one of the following documents of the principal manufacturer : <ol style="list-style-type: none"> a. Manufacturing License/Certificate b. Valid ISO Certificate c. Any statutory document confirming the “Manufacturer” status of the Principal Manufacturer
5	Indian selling agents/dealers/distributors authorized by Foreign manufacturer	<ol style="list-style-type: none"> 1. Specific authorization from their principal manufacturer to quote against this tender 2. Any one of the following documents of the principal manufacturer : <ol style="list-style-type: none"> a. Manufacturing License/Certificate b. Valid ISO Certificate c. Any statutory document confirming the “Manufacturer” status of the Principal Manufacturer
6	Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/sub-assemblies/ components) are to be fitted	No Document
7	Original Equipment Supplier (OES) i.e. the firms who are authorized supplier of Original Equipment Manufacturer for supply of the equipment in which the tendered Spares (assemblies/sub-assemblies/ components) are to be fitted)	Authorization of OEM
8	Indian/Foreign Selling Agent/ Dealer/Distributor authorized by the Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/ sub-assemblies/components) are to be fitted	Authorisation from OEM
<p>Note: In case of procurement of medicine the “Drug Manufacturing License” of the principal manufacturer will be the mandatory document</p>		

2. **Provenness criteria**

i. **FOR PURCHASE OF EQUIPMENT**

The type & model of the equipment to be offered by the bidder must have been supplied in the past to any Government/Public Sector Undertakings (Indigenous or Global) or any Private Industry (Indigenous or Global) and performed satisfactorily for a period not less than one year from the date of commissioning.

Note: In case of procurement of Dumpers of 120Te & above, Shovels of 10 Cum. & above and Dragline, the period of satisfactory performance will be as per the Purchase Manual of CIL.

Data to be furnished by the Bidders on line.

Confirmation in the form of **Yes/No** regarding possessing the satisfactory performance certificate along with supply orders for the type and model of the offered equipment supplied to any Government/Public Sector Undertakings(Indigenous or Global) or any Private Industry (Indigenous or Global) for a period of not less than one year from the date of commissioning

Technical evaluation by the System :

System will capture data in the **YES/NO** format from the bidder and will decide the eligibility.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

SI No.	Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder in support of information/ declaration furnished online by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENT)	Content of the Document
1	A complete set of supply order for the type and model of the offered equipment supplied to any Government/Public Sector Undertakings(Indigenous or Global) or any Private Industry (Indigenous or Global)	The Supply order must contain the following information: <ol style="list-style-type: none">1. Name of the organization issuing the supply order2. Reference of Supply order Number with date of issue3. Type and model of equipment

2	The satisfactory performance certificate issued by the same organization for the same equipment (w.r.to supply order submitted as above) for at least one year from the date of commissioning .	The performance certificate must contain the following information: 1. Reference of Supply order 2. Date of Commissioning 3. Satisfactory performance for at least one year from the date of commissioning.
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ii. FOR PURCHASE OF SPARES (ASSEMBLIES /SUB-ASSEMBLIES /COMPONENTS)

Any one of the following conditions should be satisfied for provenness :

- (i) The tendered item or items of higher specification consisting not less than 33% (cumulative) of tendered quantity against two different FIRM orders, must have been supplied in the past to any Government/Public Sector Undertakings (Indigenous or Global) or any Private Industry (Indigenous or Global)

AND

EITHER, having satisfactory performance report from the user for a period of not less than 6 (six) months **OR** The bidder will be required to furnish a self-certificate to the following extent:

"The items covered in the supply order/s submitted against this Tender have been fully executed without any complaint on account of performance of the products supplied. No warranty claim as regards to such supplies is/are pending as on the last date of submission of Bid"

OR

- (ii) The bidder should be the Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/sub-assemblies/ components) are to be fitted.

OR

- (iii) The bidder should be the Original Equipment Supplier (OES) i.e. the firms who are authorized supplier of Original Equipment Manufacturer for supply of the equipment in which the tendered Spares (assemblies/sub-assemblies/components) are to be fitted).

OR

- (iv) The bidder should be the Original Parts Manufacturer (OPM) i.e. the firms who are the original manufacturer of the tendered Spares (assemblies/sub-assemblies/components) of the original equipment in which the Spares are to be fitted.

OR

- (v) The bidder should be Original Parts Supplier (OPS) i.e. the firms who supply tendered Spares (assemblies/sub-assemblies/components) to the Original Equipment Manufacturer of the equipment in which the Spares are to be fitted.

OR

- (vi) The bidder should currently hold Depot Agreement/Rate Contract for supply of the tendered Spares (assemblies/sub-assemblies/components) with CIL or its Subsidiaries.
OR
- (vii) The bidder should currently hold Rate Contract for supply of the tendered Spares (assemblies/sub-assemblies/components) with DGS&D.
OR
- (viii) The bidder should have valid DGMS approval for the tendered Spares (assemblies/sub-assemblies/components)
OR
- (ix) The bidder should be the Proven Ancillary unit of MCL for the tendered Spares (assemblies/sub-assemblies/components)
OR
- (x) The bidder should be authorized Selling Agent/Dealer/Distributor of the Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/sub-assemblies/ components) are to be fitted.
OR
- (xi) The bidder should be authorized Selling agent/Dealer/Distributor of the Original Parts Manufacturer (OPM) i.e. the firms who are the original manufacturer of the tendered Spares (assemblies/sub-assemblies/ components) of the original equipment in which the Spares are to be fitted.

Note :

- a. The definition of “Items of higher specification” will be given in the NIT and it should be unambiguous, explicit so that there is no scope for different interpretation by bidder and the department w.r.to “items of higher specification” defined in the NIT.
- b. The name of Original Equipment Manufacturer (OEM)/Original Equipment Supplier (OES) for the equipment in which the tendered Spares (assemblies/sub-assemblies/components) are to be fitted, should be mentioned in the NIT.

Data to be furnished by the Bidders on line.

Confirmation in the form of Yes/**No** regarding compliance to any one of the criteria mentioned at Sl.No. (i) to (xi) above and possessing the corresponding supporting document as given in the NIT.

Technical evaluation by the System :

System will capture data in the **YES/NO** format from the bidder and will decide the eligibility.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

SI No.	Alternative Provenness Criteria	Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder in support of information/ declaration furnished online by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENT)
1	<p>The tendered item or items of higher specification, consisting not less than 33% (cumulative) of tendered quantity against two different FIRM orders must have been supplied in the past to any Government/Public Sector Undertakings (Indigenous or Global) or any Private Industry (Indigenous or Global)</p> <p style="text-align: center;">AND</p> <p>EITHER, Having satisfactory performance report from the user for a period of not less than 6 (six) months.</p> <p>OR, The bidder will be required to furnish a self-certificate to the following extent : <i>"The items covered in the supply order/s submitted against this Tender have been fully executed without any complaint on account of performance of the products supplied. No warranty claim as regards to such supplies is/are pending as on the last date of submission of Bid"</i></p>	<p>a. Complete set of 2 (two) different supply order copies for the tendered item or items of higher specification, consisting not less than 33% (cumulative) of tendered quantity against FIRM orders.</p> <p style="text-align: center;">AND</p> <p>b. EITHER, Satisfactory performance report from the user for a period of not less than 6 (six) months.</p> <p>OR, The bidder will be required to furnish a self-certificate to the following extent : <i>"The items covered in the supply order/s submitted against this Tender have been fully executed without any complaint on account of performance of the products supplied. No warranty claim as regards to such supplies is/are pending as on the last date of submission of Bid"</i></p>
2	The bidder should be the Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/sub-assemblies/ components) are to be fitted.	No Document
3	The bidder should be the Original Equipment Supplier (OES) i.e. the firms who are authorized supplier of Original Equipment Manufacturer for supply of the equipment in which the tendered Spares (assemblies/sub-assemblies/components) are to be fitted).	No Document
4	The bidder should be the Original Parts Manufacturer (OPM) i.e. the firms who are the original manufacturer of the tendered Spares (assemblies/sub-assemblies/ components) of the original equipment in which the Spares are to be fitted.	At least one supply order for the offered item placed on them by Original Equipment Manufacturer (OEM) OR Contract/MoU with OEM or Certificate from OEM or any other document to establish OPM status of the bidder.

5	The bidder should be Original Parts Supplier (OPS) i.e. the firms who supply tendered Spares (assemblies/sub-assemblies/ components) to the Original Equipment Manufacturer of the equipment in which the Spares are to be fitted.	At least one supply order for the offered item placed on them by Original Equipment Manufacturer (OEM) OR Contract/MoU with OEM or Certificate from OEM or any other document to establish OPS status of the bidder.
6.	The bidder should currently hold Depot Agreement/Rate Contract for supply of the tendered Spares (assemblies/sub-assemblies/ components) with CIL or its Subsidiaries.	Valid Depot Agreement/Rate Contract as issued by CIL or its any Subsidiary
7	The bidder should currently hold Rate Contract for supply of the tendered Spares (assemblies/sub-assemblies/ components) with DGS&D.	Valid Rate Contract as issued by DGS&D
8	The bidder should have valid DGMS approval for the tendered Spares (assemblies/sub-assemblies/ components)	Valid DGMS Approval for the quoted items
9	The bidder should be the Proven Ancillary unit of MCL for the tendered Spares (assemblies/sub-assemblies/components)	Valid Proven ancillary Certificate issued by MCL for the quoted items
10	The bidder should be authorized Selling Agent/Dealer/Distributor of the Original Equipment Manufacturer (OEM) for the equipment in which the tendered Spares (assemblies/sub-assemblies/ components) are to be fitted.	Authorisation from OEM
11	The bidder should be authorized Selling agent/Dealer/Distributor of the Original Parts Manufacturer (OPM) i.e. the firms who are the original manufacturer of the tendered Spares (assemblies/sub-assemblies/ components) of the original equipment in which the Spares are to be fitted.	i). Authorisation from OPM AND ii). At least one supply order for the offered item placed on OPM by Original Equipment Manufacturer (OEM) OR Contract/MoU between OEM & OPM or Certificate from OEM or any other document to establish OPM status of the principal manufacturer.

iii. FOR CONSUMABLES AND OTHERS

Any one of the following conditions should be satisfied for provenness :

- i. The tendered item or items of higher specification, consisting not less than 33% (cumulative) of tendered quantity against two different FIRM orders must have been supplied in the past to any Government/Public Sector Undertakings (Indigenous or Global) or any Private Industry (Indigenous or Global)

AND

EITHER, Having satisfactory performance report from the user for a period of not less than 6 (six) months.

OR, The bidder will be required to furnish a self-certificate to the following extent :

"The items covered in the supply order/s submitted against this Tender have been fully executed without any complaint on account of performance of the products supplied. No warranty claim as regards to such supplies is/are pending as on the last date of submission of Bid"

OR

- ii. The tendered items to be offered by the bidder should be ISI marked

OR

- iii. The bidder should currently hold Rate Contract with CIL or its Subsidiaries for supply of the tendered items to be offered by the bidder.

OR

- iv. The bidder should currently hold Rate Contract with DGS&D for supply of the tendered items to be offered by the bidder.

OR

- v. The bidder should have valid DGMS approval for the tendered items to be offered by the bidder.

OR

- vi. The bidder should be the Proven Ancillary unit of MCL for the tendered items to be offered by the bidder.

Note : The definition of "Items of higher specification" will be given in the NIT and it should be unambiguous, explicit so that there is no scope for different interpretation by bidder and the department w.r.to "items of higher specification" defined in the NIT.

Data to be furnished by the Bidders on line.

Confirmation in **Yes/No** regarding compliance to any one of the criteria mentioned at Sl. No. (i) to (vi) above and possessing the corresponding supporting document as given in the NIT.

Technical evaluation by the System :

System will capture data in the **YES/NO** format from the bidder and will decide the eligibility.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

Sl No.	Alternative Provenness Criteria	Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder in support of information/ declaration furnished online by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENT)
1	<p>The tendered item or items of higher specification, consisting not less than 33% (cumulative) of tendered quantity against two different FIRM orders must have been supplied in the past to any Government/Public Sector Undertakings (Indigenous or Global) or any Private Industry (Indigenous or Global)</p> <p style="text-align: center;">AND</p> <p>EITHER, Having satisfactory performance report from the user for a period of not less than 6 (six) months.</p> <p>OR, The bidder will be required to furnish a self-certificate to the following extent : <i>“The items covered in the supply order/s submitted against this Tender have been fully executed without any complaint on account of performance of the products supplied. No warranty claim as regards to such supplies is/are pending as on the last date of submission of Bid”</i></p>	<p>a. Complete set of 2 (two) different supply order copies for the tendered item or items of higher specification, consisting not less than 33% (cumulative) of tendered quantity against FIRM orders.</p> <p style="text-align: center;">AND</p> <p>b. EITHER, Satisfactory performance report from the user for a period of not less than 6 (six) months OR The bidder will be required to furnish a self-certificate to the following extent :</p> <p><i>“The items covered in the supply order/s submitted against this Tender have been fully executed without any complaint on account of performance of the products supplied. No warranty claim as regards to such supplies is/are pending as on the last date of submission of Bid”</i></p>
2	The tendered items to be offered by the bidder should be ISI marked	BIS Marking License/Certificate of the manufacturer for the quoted items.
3	The bidder should currently hold Rate Contract with CIL or its Subsidiaries for supply of the tendered items to be offered by the bidder.	Valid Rate Contract as issued by CIL/any other subsidiary of CIL for the quoted items
4	The bidder should currently hold Rate Contract with DGS&D for supply of the tendered items to be offered by the bidder.	Valid Rate Contract as issued by DGS&D for the quoted items
5	The bidder should have valid DGMS approval for the tendered items to be offered by the bidder.	Valid DGMS Approval for the quoted items
6	The bidder should be the Proven Ancillary unit of MCL for the tendered items to be offered by the bidder.	Proven ancillary Certificate issued by MCL for the quoted items

iv. FOR THE PURCHASE OF MEDICINES

Any one of the following conditions should be satisfied for Provenness:

- i. The bidder should have valid WHO GMP certificate/CoPP for individual product. The certificate must include either the name of drugs or the category of drugs for which the WHO GMP certificate/CoPP is issued to the manufacturer. (In case the bidder is authorized selling agent/dealer/ distributor, their principal manufacturer should have valid WHO GMP certificate/CoPP for the tendered medicine)

OR

- ii. The manufacturer of the tendered medicine should be amongst the ORG Top 100 pharmaceutical companies as per the latest ORG Marketing Survey.

OR

- iii. The bidder should currently hold Rate Contract for supply of the tendered medicines with CIL or its Subsidiaries or DGS&D.

Data to be furnished by the Bidders on line.

Confirmation in **Yes/No** regarding compliance to any one of the criteria mentioned at Sl.No. (i) to (iii) above and possessing the corresponding supporting document as given in the NIT.

Technical evaluation by the System :

System will capture data in the **YES/NO** format from the bidder and will decide the eligibility.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

Sl No.	Alternative Provenness Criteria	Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder in support of information/ declaration furnished online by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENT)
1	The bidder should have valid WHO GMP certificate/CoPP for individual product. The certificate must include either the name of drugs or the category of drugs for which the WHO GMP certificate/CoPP is issued to the manufacturer. (In case the bidder is authorized selling agent/ dealer/ distributor, their principal manufacturer should have valid WHO GMP certificate/ CoPP for the tendered medicine.)	WHO GMP Certificate /CoPP issued by competent authority for the quoted medicines
2	The manufacturer of the tendered medicine should be amongst the ORG Top 100 pharmaceutical companies as per the latest ORG Marketing Survey.	ORG Marketing Survey Ranking of manufacturer valid on the end date of Submission of bid

3	The bidder should currently hold Rate Contract for supply of the tendered medicines with CIL or its Subsidiaries or DGS&D.	Valid Rate Contract as issued by CIL or its any subsidiary or DGS&D for the quoted medicines
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3. **VAT/SALES TAX REGISTRATION:-** The bidder should possess a VAT/ Sales Tax registration issued by Sales Tax Department of any Indian State/UT.

Data to be furnished by Bidder on-line :

Confirmation in the form of **Yes/No** regarding possessing of VAT/Sales Tax Registration certificate issued by Sales Tax Department of any Indian State/UT

Technical evaluation by the System :

System will capture data in the **YES/NO** format from the bidder and will decide the eligibility.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

VAT/ Sales Tax Registration Certificate

4. **Permanent Account Number:-** The bidder should possess a Permanent Account Number issued by Income Tax Department, Govt. of India.

Data to be furnished by Bidder on-line :

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

Technical evaluation by the System :

System will capture data in the **YES/NO** format from the bidder and will decide the eligibility.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

PAN CARD of the bidder

Note: Clause No. 3 & 4 will not be applicable for (i) Foreign manufacturer and (ii) Foreign selling agents/dealers/distributors authorized by foreign manufacturer.

B. General Essential Requirements for both Services and Works :

In order to qualify in the tender the bidders have to accept the following conditions:

- i. All the Terms and Condition of the NIT and Tender Document Unconditionally on line in the form of User Portal Agreement.
- ii. Expected values of each of the General Technical Evaluation(GTE) items
- iii. To upload online the scanned copy of documents (self certified and attested by Notary Public), as specified in the NIT for evaluation by Tender Committee as per the checklist given in the NIT if he becomes L-1 bidder

Data to be furnished by Bidder on-line :

- i. Confirmation in the form of **Agree/Disagree** for accepting user portal agreement
- ii. Confirmation in the form of **Yes/No** for each GTE item
- iii. To upload confirmatory documents after the bidder becomes L1 and the TIA seeks the document in online mode.

Technical evaluation by the System :

System will capture data in the **Agree/Disagree** OR **YES/NO** format from the bidder and will decide the eligibility for (i) & (ii) above.

For (iii), the confirmatory documents will be downloaded and evaluated by Tender Committee as explained in Part I. The outcome is to be uploaded on line in Confirmatory Document page by Evaluator

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

To be taken as per checklist

C. ITEM WISE TECHNICAL EVALUATION

CRITERIA

The quoted items should conform to all the technical parameters as given in the NIT in the following format:

Item Sl. No.	Item Description	Technical Specification Parameters	Unit of Measure	Evaluation Criteria (Any of the following criteria)	Required values	Bidder's Value (to be selected from drop down box or to enter the values)
	TO BE GIVEN BY DEPARTMENT IN THE NIT					TO BE FURNISHED BY THE BIDDER
				Agreed/ Disagreed		
				Yes/No		
				More than		
				Less Than		
				Equal to		
				Equal or more than		
				Equal or less than		
				Between		
				Not between		

Data to be furnished by the Bidders on line.

The bidder will have to download the Excel Sheet containing the required specifications and will furnish all the information w.r.to each specification parameter in the bidder's value column for the items, the bidder intends to offer.

Technical evaluation by the System :

The system will make **Item wise Evaluation**. If a bidder satisfies all the required parameters of a particular item then he is eligible for that item otherwise the bidder will be technically rejected in that item and the price bid of that item will not be opened. The bidders will get the information online while submitting the bid regarding their eligibility w.r.to each item.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT) :

It will be decided by the Technical department at the time of finalizing the Technical specifications that what documents are to be taken from the bidder against the on line submission of technical parameters and this will be mentioned in the NIT.

D. CHECK LIST OF DOCUMENTS TO BE UPLOADED BY THE L-1 BIDDER

Sl No.	Eligibility Criteria	Information to be furnished by bidder on line	Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder in support of information/ declaration furnished online by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENT)
1	Basic Eligibility	Confirmation in the form of Yes/NO for possessing the supporting documents	As per Clause No. A(1)
2	Provenness	Confirmation in the form of Yes/NO for possessing the supporting documents	As per Clause No. A(2)
3	Valid Permanent Account Number (PAN)	Confirmation in the form of Yes/NO for possessing the supporting documents	PAN card issued by Income Tax department, Govt.of India
4	Valid Digital Signature Certificate	Confirmation in the form of Yes/NO for possessing the	If the bidder himself is the DSC holder bidding on-line then no

		supporting documents	document is required . However, if the DSC holder is bidding online on behalf of the bidder then the Power of Attorney or any sort of legally acceptable document for the authority to bid on behalf of the bidder
5	Valid VAT / Sales Tax Registration	Confirmation in the form of Yes/NO for possessing the supporting documents	VAT/Sales Tax Registration Certificate from any Indian State
6	For Item Wise Evaluation	Confirmation in TPS by selecting from drop down box or to enter the values as specified.	As per Clause No. C
9	An Affidavit on a non-judicial stamp paper of minimum value of Rs.10 regarding genuineness of the information furnished by him on-line and authenticity of the scanned copy of documents uploaded by him on-line in support of his eligibility, as per the format given in the bid document at Annexure VI..		
10	Any other document to support the qualification information as submitted by bidder on-line.		
<p>Note: Only one file in .pdf format can be uploaded against each eligibility criteria. Any additional/ other relevant documents to support the information/declaration furnished by bidder online against eligibility criteria may also be attached by the bidder in the same file to be uploaded against respective eligibility criteria.</p>			
