

<p>ईस्टर्नकोलफील्ड्सलिमिटेड अध्यक्ष-सह-प्रबंधनिदेशककार्यालय सांकतोड़िया, पत्रालय- डिसेरगढ़, जिला- बर्धमान, पश्चिमबंगाल-713333 सी.आइ.एन.- U10101WB1975GOI030295 वेबसाइट- www.easterncoal.nic.in</p>	 	<p>EASTERN COALFIELDS LIMITED Office of the Chairman-cum- Managing Director Sanctoria, P.O.: Dishergarh, Dist.-Burdwan, West Bengal-713333 CIN-U10101WB1975GOI030295 Website- www.easterncoal.nic.in</p>
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Ref No.: ECL/AGM/SBA/e- Tender/18-19/438

Date: 12/03/2019

**e – TENDER NOTICE
(For Loading & Transportation of Coal / Sand)
(Under Discount Bidding System)**

1. **Discount bid on SOR** are invited online on the website <https://coalindiaticenders.nic.in> from Registered Transport contractors of ECL having **Digital Signature Certificate(DSC)** issued from any agency authorized by Controller of Certifying Authority (CCA), Govt. of India and which can be traced up to the chain of trust to the Root Certificate of CCA, for the work of “Loading of coal into tippers at the Mine in Sector 2 A (Part –A), transportation of the same to Dalurbandh Siding at lead distance of 6-7 Km, stacking there and load it into wagons”.

2. Details of Work:

Particulars of Work		Lead Distance (in KM)	Approx. Quantity (Te)	Estimated Contract Value (ECV)*(₹)	EMD (in ₹)	Period of Completion (In Days)
From	To					
Loading and transportation of Coal / Sand						
Loading of coal into Tippers by excavator at the Mine in Sector - 2A (Part – A)		-	150000	1672500.00	Rs167600.00 (1.25% of the annualized estimated cost/estimated cost whichever is less, rounded of to next hundred rupees subject to maximum of Rs. 50 lakhs) as Earnest Money/ Bid Security..	60
Mine Face of S.B. OCP	Dalurbandh Rly. Siding at S.B. Project	6-7	150000	10309500.00		
Loading of coal into wagons by Pay Loaders			150000	1423500.00		
Total				13405500.00		

* As per SOR as on 08.02.2019 and at a diesel price of ₹67.36/ Ltr.

The above work has been proposed to be executed from or after 27.03.2019. As such, the work shall be awarded from 27.03.2019 or from the date of obtaining competent approval, *whichever is later*.

Note 1: Reverse Auction in Discount Bidding shall be applicable for the ECV in respect of work for ₹1.00 Crore & above.

Note 2: In case of Sand transportation:-

- (i) While indicating quantities of sand to be lifted on account of dry season, approx. / tentative quantity of sand to be lifted from different Ghats of Ajoy River, based on the average of last three years Ghat – wise sand receipt records for the respective collieries i.e. Sidha, Ramnagar & Pirthan Ghat, are to be mentioned along with separate financial involvement corresponding to their respective distances.
- (ii) In case of Damodar River, the quantities of sand to be lifted from different Ghats & Dumps of J K Ropeways are to be indicated along with separate financial involvement corresponding to their respective distances.

The above quantities are as per plan and projections. This may vary due to unavoidable circumstances beyond the control of management, for which no claim from the contractors will be admissible by the management

This bid shall be guided by ‘Terms & Conditions of applicable SOR’ and the ‘Manual for e-Procurement of “**Works and Services**” of CIL’ approved by the Board of Directors of CIL.

Note: The Manual for e-Procurement of Works & Services in CIL will be available on <http://www.easterncoal.nic.in>.

3. Time Schedule of Tender:

Sl. No.	Particulars	Date (DD:MM:YYYY)	Time (HH:MM)
a.	Tender e-Publication date	14.02.2019	11:00
b.	Document download start date	15.03.2019	11:00
c.	Document download end date	25.03.2019	11:00
d.	Bid Submission start date	15.03.2019	11:00
e.	Bid submission end date	25.03.2019	11:00
f.	Start date for seeking Clarification online	15.03.2019	11:00
g.	Last date for seeking Clarification online	19.03.2019	11:00
h.	Bid Opening date (Cover-I & Cover-II)	26.03.2019	11:00
i.	Reverse Auction Date (If Applicable)	On date of Opening of Price Bid	

4. Deposit of EMD:

The bidder will have an option for submitting EMD **ONLINE** from any scheduled Bank.

Online mode: The bidder can make payment of EMD either through net banking from designated Bank/s **or** through NEFT / RTGS from any scheduled Bank.

- i) In case of payment through **Net Banking** the money will be immediately transferred to ECL’s designated Account.
- ii) In case of payment through **NEFT/RTGS** the bidder will have to make payment as per the Challan generated by the system on e-Procurement portal before submission of bid by visiting bank. Bidder will be allowed to submit his/her bid only when the EMD is successfully received in ECL’s account and the information flows from Bank to e-Procurement system.

NOTE: After successful payment of EMD either through Net Banking or NEFT/RTGS, bidder is advised to log on to <https://coalindiatenders.nic.in> and click on “**Payment Verification Button**” to check the transaction status of EMD.

5. The bidders should submit MANDATE FORM for e-Payment (For refund of EMD) along with EMD, as per the format given in the bid document.
6. **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.
7. **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 up to **7 (Seven) days** before the end date of bid submission. The replies to clarifications sought by bidders shall be given by the department at least **2 (Two) days** before the end date of bid submission.
8. **Eligible Bidders:** The invitation for bid is open to all registered bidders of ECL under SOR including an individual, proprietorship firm, partnership firm, company having eligibility to participate as per the eligibility criteria stipulated below and having Digital Signature Certificate (DSC) issued from any agency authorized by Controller of Certifying Authority (CCA), Govt. of India and which can be traced up to the chain of trust to the Root Certificate of CCA.

9. Eligibility Criteria:

A. Work Experience:

For Loading & / or Transportation of Coal:

The bidder shall have executed similar **loading & / or transportation / removal work of (Sand / Coal / Ash / Overburden / Shale / Extraneous material etc.)** during any of the preceding 7 (Seven) years at least **25%** of the work value tendered in Govt. / Semi Govt. / Public Sector/ Joint Sector / Public Limited Cos. in Private Sector.

The definition of SIMILAR nature of work:

“Any work involving transportation & / or loading (as per the items of work specified in the proposed job) / removal of Sand / Coal / Ash / Overburden / Shale / extraneous materials etc. will be considered as similar nature of work”.

Note- (a) Bidder having work experience (proportionate to their share as a stake holder in joint venture / partnership firm) executed in Govt. / Semi Govt. / Public sector / Joint Sector / Public Limited Cos in Private Sector shall be agreeable.

For Sand Transportation:

The bidder shall have executed similar **transportation / removal work of (Sand / Coal / Ash / Overburden / Shale / Extraneous material etc.)** during any of the preceding 7 (Seven) years at least **25%** of the work value tendered in Govt. / Semi Govt. / Public Sector/ Joint Sector / Public Limited Cos. in Private Sector.

The definition of SIMILAR nature of work:

Any work involving transportation / removal of Sand / Coal / Ash / Overburden / Shale / extraneous materials etc. will be considered as similar nature of work

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

- (1) Start date of the year for which work experience of bidder is to be considered for eligibility.
- (2) Start date & end date of each qualifying experience (Similar Work).
- (3) Agreement Number / Work Order Number of each experience.
- (4) Name and address of employer / Work Order Issuing authority of each experience.
- (5) Percentage (%) share of each experience (100% in case of an individual / proprietary firm or a partner in a partnership firm and the actual % of share in case of a Joint Venture).
- (6) Executed Value of work against each experience.

B. Fleet Requirement: The bidder is required to give an undertaking in the form of an Affidavit (duly Notarised) in the prescribed format to deploy matching equipments / Tippers / Pay Loaders as per discount bid either owned or hired / partially both.

The matching equipment / tipping trucks for the proposed work under the instant discount bid are as follows:

Sl. No	Equipment	Requirement as per NIT		To be filled by Bidder			
		Total Nos.	Total Capacity (in Te / cum)	Capacity (in Te / cum)	Numbers		
					Owned	Hired	Total (in Te / cum)
1	Tipping Trucks / Trucks (as applicable) (i) Coal Transport – 10 wheeler / 15 Te carrying capacity. (ii) Sand Transport – 6 wheeler / 6.5 cum carrying capacity.	14	210				
2	Pay loader (3 cum)	02	06				
3	Excavator (1.5 cum)	03	4.5				
4	Mobile / Portable Crusher (400 / 500 TPH rated / designed capacity)						

C. Registration shall be required for **Transportation of Coal / Sand / Loading by Pay Loader / Loading by Excavator** as per the subject job requirement.

D. Permanent Account Number(PAN):The bidder should possess Permanent Account Number(PAN)issued by Income Tax Department, Govt. of India.

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

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

E. Goods and Services Tax (Not Applicable for Exempted Goods/Services)

The bidder should be either

GST Registered Bidder (but not under Composition Scheme)

OR

GST unregistered Bidder

In respect of the above eligibility criteria the bidder is required to furnish the following information online:

(i). Confirmation in the form of Yes/No regarding possessing of required document as enlisted in NIT with respect to GST status of the bidder

Note: (i) In case the work/service is awarded to a Joint Venture participating in the tender they have to submit PAN, GST registration (as applicable in the tender and for the bidder status) etc. in the name of the Joint Venture after Award of Work/Service at the time of execution of agreement/ before the payment of first running on account bill

(ii) If turnover of bidder exceeds exemption limit, the bidder must have GST registration as per GST Act and rules.

10. INSTRUCTIONS TO BIDDERS:

- i) Submission of Bid:** In order to submit the Bid, the bidders have to get themselves registered online on the Procurement portal of ECL i.e. at <https://coalindiatenders.nic.in> with valid Digital Signature Certificate (DSC) issued from any agency authorized by Controller of Certifying Authority (CCA), Govt. of India and which can be traced up to the chain of trust to the Root Certificate of CCA. The online registration of the bidders on the portal will be free of cost and onetime activity only. The prospective bidders should register for availing the services through the option “**Online Bidder Enrollment**” on the homepage of <https://coalindiatenders.nic.in>. The registration should be in the name of bidder, whereas DSC holder may be either bidder himself or his duly authorized person.
- ii.** It is the bidder’s responsibility to comply with the system requirement i.e. hardware, software and internet connectivity at bidder’s premises to access the e – tender website. Under any circumstances, ECL shall not be liable to the bidders for any direct / indirect loss or damages incurred by the arising out of incorrect use of the e-tender system or internet connectivity failures.
- iii.** The bidders will have to accept unconditionally the online User Portal Agreement available at <https://coalindiatenders.nic.in> 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 online undertaking in support of the authenticity of the declarations regarding the facts, figures, information and documents furnished by the Bidder online in order to become an eligible bidder. No conditional bid shall be allowed / accepted. This User Portal Agreement will be a part of NIT and the agreement.
- iv.** 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.
- v.** For online submission of tender, the bidders will have to upload “Letter of Bid”. All the confirmatory documents as prescribed in the NIT 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 in cover I.
- vi. LETTER OF BID (LOB):** The format of Letter of Bid (as given in the Discount Bid) 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.

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.

vii. CONFIRMATORY DOCUMENTS: All the confirmatory documents as enlisted in the **CHECK LIST** of NIT in support of online information submitted by the bidder are to be uploaded in **cover-I** by the bidder while submitting his/her bid.

viii. 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 their discount 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 **Discount Bid BOQ** Format and the bidder will have to quote discount on overall tendered value. The L-1 will be decided on overall value (i.e. Cost to company) after allowing discount. Discount offered by bidder shall be considered only up to 02 (Two) digits after the decimal.

The system will compute the amount of GST and GST Compensation Cess (if applicable), as per predefined logic in the BOQ sheet.

The Price bid file will be digitally signed and uploaded by the bidder in Part-II/Cover-II.

DECISION OF L1: The L-1 will be decided based on “COST TO COMPANY” in the following manner:

(i). If Input Tax Credit is Available:

COST TO COMPANY = Quoted Price of Bidder excluding GST + GST Compensation Cess (as applicable)

(ii). If Input Tax Credit is Not Available:

COST TO COMPANY = Quoted Price of Bidder excluding GST (+) Amount of GST + GST Compensation Cess (as applicable)

Payment/deposit of GST is the responsibility of the Contractor (Supplier).

Payment of GST and GST Compensation Cess (if applicable) would be made to the Contractor only on submission of Bill/Invoice in accordance with the provision of relevant GST Act & Rules and after filing of return online on the GST Portal. Input Tax Credit is to be availed by ECL as per rule.

ix. 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.

x. Tender Status: It will be the bidder’s responsibility to check the status of their Bid online regularly, after the opening of bid till award of contract. Additionally, information shall also be sent by system generated email and SMS at nodal points (Date of bid opening, Requisition for Clarification on 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.

11. INSTRUCTIONS TO BIDDERS w.r.t. REVERSE AUCTION (Applicable for ECV ₹1 Crore & above):

- a) Upon opening of the price bids, a reverse auction platform will be created, displaying only the L1 price received. No indication will be available in the portal to anybody regarding number of bids and names of the bidders.
- b) H1 bid will be eliminated during price bid opening, if more than three techno commercially acceptable bids are available as per the evaluation done by system and such bidder will not be allowed to participate in reverse auction. If two or three bidders have quoted same H1 land cost (i.e. Cost to company), the bidder(s) who submitted /frozen the bid later, shall be rejected and will not be allowed to participate in reverse auction.
- c) Reverse Auction Process (RAP) will be initiated after opening of price bids.
- d) There will be no participation fees for e-Reverse auction.
- e) Initial period of reverse auction will be **2 (Two) hours**. There will be auto extensions of time every time by 10 (Ten) minutes in case of any reduction recorded in the last ten minutes. The reverse auction will come to a close only when there is no further reduction recorded in the last ten minutes slot.
- f) The L1 price / Start Bid price is cost to the company price on which the auction will be initiated. The bidder(s) who have participated in the reverse auction has to upload the **Breakup** of cost to company Prices in the confirmatory documents. The detailed Breakup of offered cost to company price, uploaded by the bidder shall be considered and order, if placed, shall be with the same break-up of prices. The bidder(s) after reverse auction will be responsible to ensure that the cost to company rate as per the breakup of prices provided by him after the reverse auction and the cost to company rate offered by him in the reverse auction is exactly same. **The bidder will not be allowed to increase the rate of any item while submitting the breakup.** While giving the break up, the bidder will have to consider same rate of taxes and duties as quoted while submitting the e-price bid. In case the bidder(s) fail(s) to submit the break-up of cost to company price within stipulated period or the breakup given by the bidder does not match with total offered price, the Company will be at liberty to place order by proportionately reducing items rates on the basis of the breakup of the e-price bid submitted by the bidder along with the initial offer and the same will be binding on the bidder.
- g) **Start Bid Price:** *The Reverse Auction will be conducted on the composite 'Cost to Company' Price. The Start Bid Price for Reverse Auction will be decided as follows*
The Start Bid Price for Reverse Auction will be *L1 Price or approved Estimated Price + 10%+ applicable GST including GST Compensation Cess, if any, taking into consideration Input tax credit, if applicable whichever is lower.*
- Note:** *If the L-1 price is higher than the Start Bid Price (Estimated +10%+ applicable GST taking into consideration Input tax credit, if applicable) and the RAP is not triggered within the scheduled time, the cases will be retendered.*
- h) **Decremental Value:** The decrement value will be 0.5 % of the start bid price. The reduction by the bidder shall have to be made as per decrement value or in multiple thereof. **The maximum seal Percentage in one go will be fixed as 2 % over and above existing normal decrement value of 0.5 % i.e. total 2.5 % of Start Bid price/last quoted price during reverse auction, whichever is lower.**

In order to have ease of submission of reverse auction bid by the bidders, the decrement value shall be rounded off to nearest value as under:-

- I. For decrement value up to ₹ 10.00 rounding off may be made to nearest rupee.
- II. For decrement value from ₹ 11.00 to ₹ 100.00 rounding off may be made to nearest 10.
- III. For decrement value from ₹ 101.00 to ₹ 1,000.00 rounding off may be made to nearest 100.
- IV. For decrement value from ₹ 1,001.00 to ₹ 10,000.00 rounding off may be made to nearest 1000.

and so on

- i) System protects bid and bidder information till auction gets over and displays current L1 price to the bidder in auction dashboard. System provides bidder details along with bid documents at the end of reverse auction process only.
- j) The log details of the entire reverse auction process will be generated by the system once the process of reverse auction is completed.
- k) If a bidder does not submit his bid in the Reverse Auction, the price quoted by him in the price bid shall be considered as the valid price of that bidder. The status of the bidder (L1, L2, etc.) will be evaluated considering either the bid price submitted in Reverse auction or the Price quoted in the price bid, whichever is lower.
- l) Server time shall be the basis of Start time & Closing time for bidding and shall be binding for all. This would be visible to all concerned.
- m) On expiry of the closing of the auction, the bid history showing all the last valid bids offered along with name of the bidders shall be published. All bidders shall have the facility to see and get a print of the same for their record.
- n) The bid history shall reflect only the landed price. The landed price shall also not be same for two bidders even if any bidder makes such an attempt.
- o) All electronic bids submitted during the reverse auction process shall be legally binding on the bidder. The chronologically last bid submitted by the bidder till the end of the auction will be considered as the valid price bid offered by that bidder and acceptance of the same by ECL will form a binding contract between ECL and the bidder for entering into a contract. Any bid submitted earlier by the bidder prior to submission of his last bid will not be considered as the valid price bid.
- p) Conditional discounts shall not be considered. If a bidder offers a discount unilaterally after submission of bid, the discount will not be considered for evaluation of offers but will be availed if order is placed on such tenderer.
- q) *The L1 bidder after reverse auction will be responsible to ensure that the cost to company rate as per the breakup of prices provided by him after the reverse auction and the L1 cost to company rate offered by him in the reverse auction is exactly same, otherwise it may be treated as defaulter and will attract penal action. While giving the break up, the bidder will have to consider same rate of taxes and duties as quoted while submitting the e-Price Bid. In case the L1 bidder fails to submit the break-up of cost to company price within stipulated period, the Company will be at liberty to place order on the basis of the breakup of the e-Price Bid submitted by the bidder along with the initial offer and the same will be binding on the bidder.*
- r) If the lowest price received during reverse auction is unreasonable or it is unacceptable on ground of being too high or too low compared with estimated price, the management reserves right to seek justification of the price from lowest bidder. If the price is not considered reasonable, management may not accept such

bid and go for another tender process.

- s) In case of disruption of service at the service provider's end while the RAP is online, due to any technical snag or otherwise attributable to the system failure at the server end, the RAP process will start all over again. In such a situation, the last recorded lowest price of prematurely ended RAP, will be the 'Start Bid' price for the restarted RAP. The prices quoted in the prematurely ended RAP will be binding on all the bidders for consideration, if the restarted RAP does not trigger within the stipulated time.
- t) Disruption and restarting of RAP shall be intimated to all the bidders through system / SMS / e- mail through e procurement portal. All the time stipulations of normal RAP will be applicable to the restarted RAP.
- u) Since, reverse auction is a sequel to e-Tender; the process of finalizing the tender upon completion of reverse auction will be same as the tender process without reverse auction.

12. OPENING BID: Tender (Cover-I and Cover-II) will be decrypted and opened online by the “Bid Openers” with their Digital Signature Certificates on the pre-scheduled date & time of Tender Opening. After opening of bid, comparative statement showing the status of bidders will be generated.

13. Evaluation by SYSTEM: The e-Procurement System will evaluate the Technical bids automatically on the basis of relevant data provided by bidder through a form in an objective and structured manner while submitting bid. If the parameter given by bidder in objective and structured manner does not confirm to required eligibility criteria as specified in the tender document then the bid will be automatically rejected by the system. The system will automatically upload the technical opening summary and technical evaluation summary.

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.

14. Evaluation by EVALUATOR:

- A. After opening of Price-bid, the documents submitted by L-1 bidder in cover I as enlisted in the NIT will be downloaded by the Evaluator and shall be put up to the Tender Committee. 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 do not change the eligibility status of the bidder then the bidder will be considered eligible for award of Contract.
- B. In case the Tender Committee finds that there is some deficiency in uploaded documents by L1 bidder 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 **7days** (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 regularly after opening of 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 all those specified documents in support of the information / declarations furnished by them online within the specified period of 7 days. If the L1 bidder fails to submit the specified document/s in 7 (Ten) days, **5 more days** (5 x 24 hours) of time may be given by Evaluator clearly indicating the omissions / shortcomings in the uploaded documents and indicating start date and end date for submission of such document/s.

- C. The tender will be evaluated 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.
- D. In case the L-1 bidder submits requisite documents online as per Discount Bid, then the bidder will be considered eligible for award of Contract.
- E. In case the L-1 bidder fails to submit requisite documents online as per Discount Bid 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, then his **bid shall be rejected and EMD of L-1 bidder will be forfeited**.
- F. In case the L1 bidder is rejected due to noncompliance of confirmatory documents then the L-2 bidder will become L-1 bidder and confirmatory documents of this bidder shall be evaluated by TC and the process shall be followed as mentioned in clause no. A to F above.
- G. The process as mentioned at **Cl. 14 F** would be repeated till the work is either awarded or all the eligible bidders are exhausted.
- H. It is responsibility of Bidders to upload legible / clearly readable scanned copy of all the required documents as mentioned above.
- I. 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 online and after evaluation of the reasonableness of L-1 rates.
- J. 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.

15. CHECKLIST of Documents (To be uploaded by all the Bidders):

Sl. No.	Eligibility Criteria	Scanned copy of documents (SELF ATTESTED), to be uploaded by bidders in support of information/ declaration furnished online by the bidder against Eligibility Criteria as Confirmatory Document .
1.	WORK EXPERIENCE (Ref. Clause No.9(A) of NIT)	For work experience bidders required to submit Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as sought online. Work order, BOQ and/or TDS may be sought during clarification
2.	FLEET REQUIREMENT (Ref. Clause No.9(B) of NIT)	The bidder is required to give an undertaking in the form of an Affidavit duly notarized by Notary Public as per the prescribed format to deploy matching equipments / tipping trucks / Pay Loaders / Excavators etc. as per discount bid either owned or hired / partially both.

Sl. No.	Eligibility Criteria	Scanned copy of documents (SELF ATTESTED), to be uploaded by bidders in support of information/ declaration furnished online by the bidder against Eligibility Criteria as Confirmatory Document.
3.	LEGAL STATUS OF THE BIDDER	<u>Any one of the following document (As Applicable):</u> 1. Valid Trade License to prove proprietorship / Individual status of the bidder. 2. Valid Registered Partnership deed containing name of partners. 3. Memorandum & Article of Association with certificate of incorporation containing name of bidder. * If the bidder is submitting the tender on behalf of the owner / partner/s of the Firm / Company, then Power of Attorney authorizing the bidder should be submitted along with the above, as the case may be.
4	PROOF OF REGISTRATION IN ECL (Ref. Clause No.9(C) Of NIT)	Letter / certificate issued by the competent authority of ECL indicating the validity of registration in desired category on the date of opening of bid.
5.	VALID PERMANENT ACCOUNT NUMBER (PAN) (Ref. Clause No.9(D) of NIT)	PAN Card issued in the name of bidder by Income Tax Department, Govt. of India.
6.	VALID GST IDENTIFICATION NUMBER (GSTIN) {Ref. Clause No.9 (E) of NIT}	The following documents depending upon the status w.r.to GST as declared by Bidder in the BOQ sheet: Status: GST registered Bidder (but not under Composition Scheme): Document: GST Registration Certificate (i.e. GST identification Number) issued by appropriate authority of India. Status: GST unregistered bidder: Document: A Certificate from a practicing Chartered Accountant having membership number with Institute of Chartered Accountants of India certifying that the bidder is GST unregistered bidder in compliance with the relevant GST rules of. India.
7.	VALID DIGITAL SIGNATURE CERTIFICATE (DSC)	If the bidder himself is the DSC holder bidding online then 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
8.	INTEGRITY PACT	As specified in the Bid Document.
9	LETTER OF BID (LOB)	Letter of Bid on the bidder's letter head, in the prescribed format.
10.	An undertaking regarding genuineness of the information furnished by him on-line and authenticity of the scanned documents uploaded by him online in support his eligibility, as per the format given in	
11.	Any other document to support the qualification information as submitted by bidder online.	
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.		

Note: The Tender Committee will make its recommendations based on the scanned copy of documents uploaded online by L-1 bidder and the TCR will go through all stages of processing but before approval of Tender Accepting Authority the receipt of **original Affidavit** shall be ensured.

16. One Bid per Bidder: Each Bidder shall submit only one Bid, either individually, or as a partner in a partnership firm or a public limited firm/Company.

17. Refund of EMD: The Earnest Money will be retained in the case of successful tenderer and refunded to the unsuccessful tenderer in due course and will not carry any interest. The unsuccessful bidder for this purpose means the bidders who have not qualified for opening of Price-bid and those who have not emerged as L-1 tenderer after opening of Price-bid. The Earnest Money deposited by the L-1 bidder in the form of NEFT / RTGS shall be adjusted against Performance Security Deposit (PSD).

- a. The EMD of rejected bidders will be refunded at any stage directly to the account from where it had been received (except the cases where EMD is to be forfeited).
- a. No claim from the bidders will be entertained for non-receipt of the refund in any account other than the one from where the money is received.
- b. If the refund of EMD is not received by the bidder in the account from which the EMD has been made due to any technical reason then it will be paid through conventional system of e-payment. For this purpose, if required, Tender Inviting Authority will obtain the Mandate Form from the Bidder.
- c. In case the tender is cancelled then EMD of all the participating bidders will be refunded unless it is forfeited by the department.
- d. If the bidder withdraws his/her bid online (i.e. before the end date of submission of tender) then his/her EMD will be refunded automatically after the opening of tender.
- e. The EMD of successful bidder (on Award of Contract) will be retained by ECL and will be adjusted to Performance Security Deposit.

18. Site Visit: The Bidder, at the Bidder's own responsibility, cost and risk, is encouraged to visit and examine the Site of works and its surroundings and obtain all information that may be necessary for preparing the Bid and entering into a contract for execution of the works. The cost of visiting the Site shall be at the Bidder's own expense

It shall be deemed that the tenderer has visited the site/area and got fully acquainted with the working conditions and other prevalent conditions and fluctuations thereto whether they actually visited the site/area or not and have taken all the above factors into account while quoting his rates.

19. Cost of Bidding: The bidder shall bear all costs associated with the preparation and submission of his bid and the Employer will in no case be responsible and liable for those costs.

20. Canvassing in connection with the tenders in any shape or form is strictly prohibited and tenders submitted by such tenderer who resort to canvassing shall be liable for rejection.

21. Bid Validity: The validity period of the tenders shall be **120 (One Hundred and Twenty)** days from the end date of bid submission.

In exceptional circumstances, prior to expiry of the original time limit, the Employer may request the bidders to extend the period of validity for a specified additional period. The employer's request and the bidder's responses shall be made in writing. A bidder may refuse the request without forfeiting his bid security. A bidder agreeing to the request will not be required or permitted to modify his bid but will be required to extend the validity of his bid security/EMD (if submitted in the form of BG) for a period of 28 days beyond the extended validity of the bid.

The Tenderer shall not, during the said period or within the period extended by mutual consent, revoke or cancel his tender or alter the tender or any terms/conditions thereof without consent in writing of the company. In case the tenderer violates to abide by this, the Company will be entitled to take action as per **Clause No. 22** (Modification and Withdrawal of Bid) of NIT.

22. Modification and Withdrawal of Bid:

Modification of the submitted bid shall be allowed online only before the deadline of submission of tender and the bidder may modify and resubmit the bid online 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 bidding 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:

- i. The EMD will be forfeited.
- ii. The bidder will be debarred for **1 Year** from participating in tenders in ECL.

The Price-bid of all eligible bidders including this bidder will be opened and action will follow as under:

- If the bidder withdrawing his bid is other than L 1, the tender process shall go on.
- If the bidder withdrawing his bid is L-1, then re-tender will be done.

Note:

- i. In case of clause 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 1 (One) year from participating in tenders in ECL.

This letter will be circulated to all Areas, ECL, HQ and CIL and the updated list will be maintained by all Tender Inviting Authority/Evaluators.

Penal action against above will be enforced from the date of issue of such order.

23. Bid Prices: The Bidders shall offer for the whole work based on the priced Bill of Quantities submitted by the bidder. However, the employer reserves the right to allot part of the work at the ir discretion and no claims, whatsoever, shall be entertained in this regard.

The Bidder shall fill in overall discount for all items of the work described in the Bill of Quantities. The rate of discount quoted by the Bidder shall be fixed for the duration of the contract and shall not be subject to variations on any account except to the extent variations allowed as per the conditions of the contract of the bidding document. The base diesel price will be specified in the BOQ by the company.

24. All duties, taxes, incidental, overheads, etc. (Excluding GST and GST Compensation Cess (if applicable) and other levies payable by the Contractor under the Contract or for any other cause as applicable on the last date of submission of tender, shall be included in the rates submitted by the Bidder.

However, such duties, taxes, levies etc. which is notified after the last date of submission of Bid and/or

any increase over the rate existing on the last date of submission of Bid shall be reimbursed by the company on production of documentary evidence in support of payment actually made to the concerned authorities.

25. **Similarly if there is any decrease in such duties, taxes and levies the same shall become recoverable from the contractor. The details of such duties, taxes and other levies along with rates shall be declared by the bidder in the Price bid.**
26. The work should be completed within the stipulated period which shall be reckoned from the 10th day of issue of Letter of Acceptance / work order or from the actual date of handing over the site or handing over reasonable number of working drawings (if applicable) to the contractor, whichever is later.
27. The Tenderer(s) will deploy sufficient number and size of equipments / machineries / vehicles and the technical / supervisory personnel required for execution of the work.
28. **Change in Constitution of the Contracting Agency:** Prior approval in writing of the company shall be obtained before any change is made in the constitution of the contracting agency, otherwise it will be treated as a breach of Contract.
29. The Bidder, who's Bid has been accepted, will be notified of the award online and also by registered post by the employer prior to expiration of the bid validity period. The L-1 bidder will get the information regarding award of work on their personalized dash-board online. On receipt of Letter of Acceptance (LOA) / Work Order of the tender issued by the Company, the successful tenderer shall execute contract agreement in the company's prescribed form for the due fulfillment of the contract. Failure to enter into the required contract within the specified period in the work order shall entail cancellation of LOA / work order and forfeiture of the Earnest Money. The written contract to be entered into between the contractor and the company, shall be the foundation of the rights of both the parties and the contract shall not be deemed to be executed until the contract is signed by both the parties i.e. Contractor and the Company.
30. **Bid Extension:** If number of bids received online is found to be less than **three** on end date of bid submission then the following critical dates of the Tender will be automatically extended initially for a period of **2 (Two)** days ending at 17.00 hrs and if the number of bids still remains less than three then for another **5 (Five)** days ending at 17.00 hrs:
 - i) Last date of submission of Bid
 - ii) Last date of receipt of EMD
 - iii) Date of opening of Tender
31. The Company reserves the right to postpone the date of receipt and opening of tenders or to cancel the tenders without assigning any reason whatsoever.
32. This Tender Notice shall be deemed to be part of the Contract Agreement. (Format of agreement enclosed as annexure – V in bid document)
33. The Tenderer shall have to ensure implementation of CMPF / EPF, in respect of the workers deployed by him as detailed in the tender document.
34. The other terms and conditions of NIT **not covered** under this document will be as per the Contract Management Manual (CMM) of CIL and its amendments and applicable Manual for e-Procurement for works and services in CIL, which may be seen on www.coalindia.in and www.easterncoal.nic.in. Further future instruction / advise as will be issued by company / statutory / Govt agencies shall also be applicable
35. Payment of wages including **CMPF/EPF, ESI** etc. to workmen as per **Minimum Wages Act** (Relevant/Applicable) has to be made through Nationalized Bank only. The **GST** will be applicable as per extent rule.
36. The Company does not bind itself to accept the lowest tender and reserves the right to reject any or all the tenders without assigning any reasons whatsoever and to split up the work between two or more tenderers or accept the

tender in part and not in its entirety.

37. Other details may be obtained from the General Terms and Conditions and additional Terms and Conditions, which also Uploaded along with NIT.
38. Matters relating to any dispute or difference arising out of this tender and subsequent contract awarded based on this tender shall be subject to the jurisdiction of District Court, where the subject work is to be executed.
39. **Cancellation of LOA / Work order:** - The contractor shall have to start the work within 10 days from the date of issue of Letter of Acceptance / Work order as applicable and also maintain desired progress failing which the LOA / work order may be cancelled.
40. The contractor will upload the details in respect of contractors' labour employed by him in Contract Labour Payment Management Portal of CIL for the contract issued for the said work within 15 days of starting of work and will update the same as and when required.
41. **Biometric Attendance System:**
The contractor's whose average daily deployment of manpower exceeds 50 (Fifty), shall get the attendance of the employees booked in their own installed **biometric attendance system** within 1 (One) month from the commencement of work on award for ensuring transparency and accountability. However, till such system is installed, the biometric attendance system available with the principal employer can be utilized which shall have to be dispensed with within a reasonable period of time as will be permitted by the respective GMs / officer – in – charge of the work
42. **Signing of Integrity Pact: Integrity Pact** (As applicable): The bidders are required to express their willingness to sign the integrity pact as per the format given in Terms & Conditions in the form of YES or NO while bidding online. The bidder will have to sign, scan and upload the integrity pact as per the format given in Terms & Conditions Document during the submission of confirmatory documents on being L-1 bidder. (Format of Integrity Pact is enclosed in the bid document)

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