



COAL INDIA LIMITED  
CIVIL ENGINEERING DIVISION  
( Regd. Office: Coal Bhawan, Premises No.04-1111, AF-III  
Action Area 1A, New Town, Rajarhat, PIN-700 156.  
(Corporate Id No.- L23109WB1973GOI028844)  
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Ref. No. CIL/CIVIL/192/ 265

Date: 29.07.2016

To,  
General Manager(Civil)/ General Manager(CMC)  
BCCL Dhanbad, CCL Ranchi, CMPDI Ranchi, ECL Sanctoria, MCL Sambalpur, NCL Singrauli, SECL  
Bilaspur, WCL Nagpur, NEC, Margherita

Sub: **Amendments in Manual for Civil Engineering Works (MCEW), Contract Management Manual (CMM) and Guidelines for eprocurement & Reverse Auction for works and Services**

Dear Sir,

Due to some recent cases of quoting abnormally low prices by the bidders during reverse auction, FDs of CIL in their 155<sup>th</sup> meeting held on 20<sup>th</sup> July 2016, have agreed for following amendments in MCEW, CMM and Guidelines for eprocurement & Reverse Auction for works and Services.

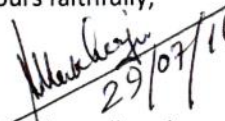
1. **Decrement value:** The reduction shall have to be made as per decrement value or in multiple there on. The maximum seal percentage in one go shall be fixed as 2% over and above existing normal decrement of 0.5% i.e. total 2.5% of start bid price/last quoted price during reverse auction, whichever is lower.
2. **Payment of EMD:** Payment of EMD shall be made through online mode in favour of CIL/Subsidiary companies account only. EMD for CMM tenders would be 1% of Estimated/Annualized value (whichever is less), subject to maximum of Rs. 50.00 lakhs. EMD for Civil tenders would also be 1% of Estimated value, subject to maximum of Rs. 50.00 lakhs.
3. **Penalty:** If the bidder defaults in satisfying Techno-commercial criteria, full EMD will be forfeited.
4. **Breakup of Price:** Bidders shall not be allowed to increase the initial quoted rate of any item while submitting the breakup of price after reverse auction.

The above amendments will be applicable for all the future tenders which are yet to be floated. It may further be noted that point no.1 above (Decrement value) will be applicable for those tenders also which have already been floated but whose reverse auction has not yet taken place.

Conti..2

The details of existing clause vs amended clause of MCEW, CMM and Guidelines for eprocurement & Reverse Auction for works and Services are attached in Annexure-I.

Yours faithfully,

  
29/07/16  
(S Mukhopadhyay)  
GM(Civil)/HOD  
GM / HOD (Civil)  
Civil Engg. Divn.  
COAL INDIA LTD.

Copy:

1. CVO, CIL
2. CGM/TS to Chairman, CIL
3. TS to D(T), CIL
4. TS to D(F), CIL
5. CGM(Env), CIL
6. GM(Fin.), CIL
7. GM(MM), CIL
8. GM(System), CIL
9. GM(S&M), CIL
10. GM(EED), CIL
11. HOD(Admin.), CIL
12. HOD (C&F), CIL

**Amendments in MCEW, CMM and e-procurement & Reverse Auction guidelines for works and services**

SI No.	Clause No.	Existing Provision	Proposed Modification
1	Clause 8 of General guidelines and process flow for tender-Cum-Auction (Page 9)	<p>The decrement value will be 0.5 % of the start bid price with minimum of Rs.1/-, as the system does not have a provision of taking amounts less than Rs.1/- as decrement value. The reduction shall have to be made as per decrement value or in multiple thereof.</p> <p>In order to have ease of submission of reverse auction bid by the bidders, it is suggested that decrement value may be rounded off to nearest value as under :</p> <p>(a) For decrement values up to Rs.10/-, rounding off may be made to nearest rupee.</p> <p>(b) For decrement values from Rs.11/- to Rs.100/-, rounding off may be made to nearest 10.</p> <p>(c) For decrement value from Rs.101/- to Rs.1,000/-, rounding off may be made to nearest 100.</p> <p>(d) For decrement value from Rs.1,001/- to Rs.10,000/-, rounding off may be made to nearest 1000.</p> <p align="center">and so on .....</p>	<p>The decrement value will be 0.5 % of the start bid price with minimum of Rs.1/-, as the system does not have a provision of taking amounts less than Rs.1/- as decrement value. The reduction shall have to be made as per decrement value or in multiple thereof.</p> <p><b><u>The maximum seal Percentage will be fixed as 2% of Start bid price / last quoted price during reverse auction, whichever is lower.</u></b></p> <p>In order to have ease of submission of reverse auction bid by the bidders, it is suggested that decrement value may be rounded off to nearest value as under :</p> <p>(a) For decrement values up to Rs.10/-, rounding off may be made to nearest rupee.</p> <p>(b) For decrement values from Rs.11/- to Rs.100/-, rounding off may be made to nearest 10.</p> <p>(c) For decrement value from Rs.101/- to Rs.1,000/-, rounding off may be made to nearest 100.</p> <p>(d) For decrement value from Rs.1,001/- to Rs.10,000/-, rounding off may be made to nearest 1000.</p> <p align="center">and so on .....</p>

		<p>For cases where the unit rate is low and quantum of item is huge, if the decrement value in terms of 0.5% works out to be in paise and rounding off to nearest rupee, would be much higher than 0.5% of start bid value, the unit of measurement may be adjusted in such a way so that decrement value may remain in the range of 0.5% or Rs.1/- whichever is higher.</p> <p>For example, Tender for any item, whose unit of measurement is in KG and having low unit rate may be invited in terms of 10 KG or 100 Kg, as may be considered appropriate, as unit of measurement.</p>	<p>For cases where the unit rate is low and quantum of item is huge, if the decrement value in terms of 0.5% works out to be in paise and rounding off to nearest rupee, would be much higher than 0.5% of start bid value, the unit of measurement may be adjusted in such a way so that decrement value may remain in the range of 0.5% or Rs.1/- whichever is higher.</p> <p>For example, Tender for any item, whose unit of measurement is in KG and having low unit rate may be invited in terms of 10 KG or 100 Kg, as may be considered appropriate, as unit of measurement.</p>
2 (a)	<p><b>Clause 4.4 of procurement guidelines of works and services (Page 23-24)</b></p>	<p>4.4 The bidder will have an option for submitting EMD through either <del>ONLINE or OFFLINE mode (Only through BG)</del>.</p> <p>In Online mode the bidder can make payment of EMD either through net-banking from designated Bank/s or through NEFT/RTGS from any scheduled Bank. In case of payment through net-banking the money will be immediately transferred to CIL/Subsidiary's designated Account. In case of payment through NEFT/RTGS the bidder will have to make payment as per the Challans generated by system on e-Procurement portal and will have to furnish online the UTR Numbers before submission of bid. Bidder will be allowed to submit his/her bid only when the EMD is successfully received in CIL/Subsidiary_account and the information flows from Bank to e-Procurement system.</p>	<p>4.4 The bidder will have to make the payment of EMD through <u>online mode only</u>.</p> <p>In Online mode the bidder can make payment of EMD either through net-banking from designated Bank/s or through NEFT/RTGS from any scheduled Bank. In case of payment through net-banking the money will be immediately transferred to CIL/Subsidiary's designated Account. In case of payment through NEFT/RTGS the bidder will have to make payment as per the Challans generated by system on e-Procurement portal and will have to furnish online the UTR Numbers before submission of bid. Bidder will be allowed to submit his/her bid only when the EMD is successfully received in CIL/Subsidiary_account and the information flows from Bank to e-Procurement system.</p> <p>In case of exemption of EMD the scanned copy of document (attested by notary public) in support of</p>

		<p><del>In Offline mode the bidder can make payment of EMD in the form of Bank Guarantee (BG) (if applicable) from any scheduled bank. The bidder will furnish all the details online i.e. BG Number, date of issue, expiry date, name of issuing bank and amount etc. regarding EMD. The information provided and documents uploaded by L1 bidder will be evaluated as per relevant clauses. If L1 bidder qualifies all the criteria, he will be asked to submit original BG either in person or by post which must be received in the office of Tender Inviting Authority within 7(seven) working days. If the bidder fails to submit the original BG then bidder will be debarred for 1(year) from participating in future tender of CIL/Subsidiaries.</del></p> <p>The BG against EMD shall be taken for the tenders where EMD is amounting Rs 5 lakhs or more. In tenders with EMD less than Rs five lakh only online mode of payment shall be enabled.</p> <p>The date of validity of BG shall be mentioned in the NIT and it should counted as Original End date of Submission of Tender + Bid validity Period + 90 days.</p> <p>In case of exemption of EMD the scanned copy of document (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.</p>	<p>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.</p>
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		<del>In case of discrepancy between the online submitted information regarding the instruments for EMD and the original BG being submitted by the bidders, the later shall prevail if the instrument is found to be valid on the date of submission of the tender by the bidder and if it does not change the eligibility status of the bidder.</del>	
2(b)	<b>Clause 6.2 (F) of procurement guidelines of works and services (Page 27)</b>	<del>In case of submission of EMD in the form of BG, if L1 bidder fails to submit the original BG within 7(seven) days as per clause 4.4, his bid will be rejected and he shall be debarred for a period of 1(one) year for participating in the future tenders of CIL/Subsidiary.</del>	Deleted
3(a)	<b>Clause 4.6, part-I of MCEW (Page 33-34)</b>	<p><b>4.06 Earnest Money</b> According to practice in PSUs and Govt. department, Earnest Money is paid by each tenderer to enable the organization / department to ensure that a tenderer does not back out of its tender before its acceptance, or refuse to execute the work after it has been awarded to him. The earnest money is to be deposited in the acceptable form as mentioned hereafter.</p> <p>The Earnest money for tenders should be 1% (one percent) of estimated value of work subject to a maximum of Rs.100lakhs.</p> <p><del>Earnest money may be deposited in the form of irrevocable Bank Guarantee (from Scheduled Bank/) with validity up to ..... in the prescribed format, where Earnest Money amount exceeds Rs.2,00,000/-. The BG issued by outstation bank shall be operative at its local branch at..... Or branch at</del></p>	<p><b>4.06 Earnest Money</b> According to practice in PSUs and Govt. department, Earnest Money is paid by each tenderer to enable the organization / department to ensure that a tenderer does not back out of its tender before its acceptance, or refuse to execute the work after it has been awarded to him. The earnest money is to be deposited in the acceptable form as mentioned hereafter.</p> <p>The Earnest money for tenders should be 1% (one percent) of estimated value of work subject to a maximum of <u>Rs.50 lakhs. This shall be deposited in the manner as described in the procurement guidelines.</u></p> <p>Demand Drafts/Banker's cheque will be acceptable as Earnest Money/ Bid Security <u>for tenders having estimated value below Rs. 2 lakhs.</u></p> <p>The Earnest Money/ Bid Security shall bear no interest.</p>

		<p><del>.....Banker's Cheques and Demand Drafts will also be acceptable as Earnest Money/ Bid Security.</del></p> <p><del>However, for work valued up to Rs.5 lakhs the earnest money may be deposited in cash (subject to a maximum Rupees of five thousand) or in the aforesaid form. The Earnest Money/ Bid Security shall bear no interest.</del></p> <p><del>Earnest money received in the form of Banker's Cheques /Bank Draft shall be deposited to the associated Accounts Department. Earnest money to be refunded to the unsuccessful tenderers as per clause 4.06.4.</del></p> <p><del>On receipt of Bank Guarantee, an independent reference shall be made to the issuing Bank for confirming the issue of BG. Such confirmation shall be obtained by associate finance of GM for Area works or associate finance dealing with Civil department for Head Quarter works. Such associate finance shall monitor validity of the BG and its timely renewal/encashment. The BG shall be kept under the custody of Area Accounts Deptt. for works related to Area or associate finance dealing with Civil department for Head Quarter works. Finance department shall inform GM(Civil), HoD/SO(Civil) before any action related to renewal/encashment.</del></p> <p><del>In case where bid validity is mutually extended, earnest money deposited in the shape of</del></p>	<p>Earnest money received in the form of Banker's Cheques /Bank Draft shall be deposited to the associated Accounts Department. Earnest money to be refunded to the unsuccessful tenderers.</p>
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		<p><del>Bank Guarantee by the bidder shall be extended suitably to cover such extension. The responsibility for seeking such extension shall be with the dealing officer dealing such tender.</del></p> <p><del>Note:</del>  <b>Notice inviting tender shall specifically indicate requirement of BG validity i.e. date up to which BG submitted as Earnest Money shall remain valid.</b></p> <p><del>Minimum validity period of BG shall be fixed in the Notice as under</del></p> <p><del>If the last date of submission of bid, (first time) if any, is 31:03:2014, the validity of BG submitted shall be</del>  <del>for minimum 120+90 days i.e. at least up to 26:10:2014. The notice should clearly spell that validity of bid</del>  <del>shall be up to 26-10-2014.</del></p> <p><del>However if the last date of submission of bid is up to 31:03:2014 which has been revised/extended to 15-04:2014 due to reasons other than non-availability of three bids, only bids submitted with validity of</del>  <del>BG up to 10:11:2014 shall be considered as valid (considering 210 days from 15.04.2014). The notice shall</del>  <del>clearly state that validity of bid is required up to 15-04-2014.</del></p> <p><del>It is clarified that if, due to non-availability of three bids on</del></p>	
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		<p><del>31:03:2014, bid submission has been extended up to 02:04:2014 and then again up to 07:04:2014, all bids submitted with validity of BG up to 26:10:2014 shall be considered as valid irrespective of its date of submission which may be up to 07:04:2014.</del></p> <p><del>The above also explains the necessity for mentioning validity of BG in the Notice by the notice inviting authority. The above calculation is based on bid validity for e-tender.</del></p>	
3(b)	<b>Bid notice, chapter 6 of CMM, page 23</b>	( 1% of the annualized value of estimated cost/estimated cost whichever is less, rounded off to next hundred rupees subject to maximum of <del>Rs. 100 lakhs</del> )	( 1% of the annualized value of estimated cost/estimated cost whichever is less, rounded off to next hundred rupees subject to maximum of <u>Rs. 50 lakhs</u> ).
3(c)	<b>Page 16 of modifications in transport chapter of CMM</b>	<p><b>Earnest money</b>  <del>Rs..... (1% of the annualized estimated cost/estimated cost whichever is less, rounded of to nearest hundred rupees subject to maximum of Rs. 100 lakhs) as Earnest Money/ Bid Security. This is to be deposited in any of the following forms-</del></p> <p><del>Certified Cheques/ Demand Drafts drawn in favour of ..... Coalfields Ltd. On any scheduled Bank payable at its branch at .....</del></p> <p><del>Irrevocable Bank Guarantee (from Scheduled Bank/ Branch acceptable to the owner) with minimum validity up to..... in the format given in the Bid Document. Bank Guarantee issued by outstation bank shall be operative at the local branch at.....or at their</del></p>	<p><b>Earnest money</b>  Rs..... (1% of the annualized estimated cost/estimated cost whichever is less, rounded of to nearest hundred rupees subject to maximum of Rs. 50 lakhs) as Earnest Money/ Bid Security. <u>This shall be deposited in the manner as described in the procurement guidelines.</u></p> <p>The Earnest Money/ Bid Security of the unsuccessful bidder shall be refundable as promptly as possible and shall bear no interest.</p> <p>No Bid will be accepted unless accompanied by requisite Earnest Money Deposit as stated above.</p>

		<p><del>branch.....(provision of bank guarantee shall be applicable only when earnest money exceeds Rs. 5.0 lakhs)</del></p> <p>The Earnest Money/ Bid Security of the unsuccessful bidder shall be refundable as promptly as possible and shall bear no interest..</p> <p>No Bid will be accepted unless accompanied by requisite Earnest Money Deposit as stated above.</p> <p>Note: The minimum validity of BG shall be mentioned in the notice and shall be calculated in the manner as deliberated at para 14 of TENDER OPENING EVALUATION AND AWARD.</p>	
4(a)	Clause 6.2 (E) of procurement guidelines of works and services (Page 27)	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 <del>(for the first time)</del> , then his bid shall be rejected and <b>EMD or Rs. 1.00 lakh, whichever is lower, of L-1 bidder will be forfeited.</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, then his bid shall be rejected and <b>EMD of L-1 bidder will be forfeited.</b>
4(b)	Clause 6.2 (K) of procurement guidelines of works and services (page 27)	<del>The L-1 bidder/s( either L-1 or subsequently declared L-1) fails to submit the requisite documents online as per NIT or if any of the information/declaration furnished by L-1 bidder/s 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</del>	Deleted

		<p>tender inviting authority, within a span of one year (to be counted with respect to date of e-publication of NIT), then his bid shall be rejected and the <del>EMD of L-1 bidder will be forfeited.</del></p>	
4(c)	<p>Clause 9 of annexure-I: A. Revised e-Procurement Process (Page 47-48)</p>	<p>The following penalties shall be imposed on the defaulting bidders:</p> <p>I. L-1 bidder is a defaulter: 100% of EMD <del>or Rs.1.00 lakh, whichever is lower,</del> is forfeited.</p> <p>II. <del>Failure to submit offline EMD in the form of BG: In case of failure to submit original BG (offline submission of EMD) within 7 days bidder will be debarred for 1(one) year.</del></p> <p>III. <del>L-1 bidder happens to be a defaulter in 2 tenders issued by the same TIA within a span of 1 one year: If bidder defaults in 2 tenders under same TIA in a span of one year, 100% of EMD is forfeited.</del></p>	<p>The following penalties shall be imposed on the defaulting bidders:</p> <p>I. L-1 bidder is a defaulter: <u>100% of EMD is forfeited.</u></p>
4(a)	<p>B (7), Annexure-I of e-procurement guidelines for works and services Page 48</p>	<p>The <del>L1 bidder</del> after the reverse auction has to upload the Breakup of cost to company Prices in the confirmatory documents. The detailed Break-up 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 <del>L1 bidder</del> 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</p>	<p>The <u>bidder(s)</u> who have participated in the reverse auction has to upload the Breakup of cost to company Prices in the confirmatory documents. The detailed Break-up 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 <u>bidder(s)</u> 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. <u>The bidder will not be allowed to increase the rate of any item while submitting the break up.</u> While giving the break up, the</p>

		<p>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. <del>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. In case of item rate composite works tenders, the reverse auction will be conducted on the composite cost to company price. The successful bidder has to proportionately reduce the item rates while submitting the break-up of composite price.</del></p>	<p>bidder will have to consider same rate of taxes and duties as quoted while submitting the e price bid. <u>In case the bidder(s) fail(s) to submit the break-up of cost to company price within stipulated period or the break up given by bidder does not match with total offered price,</u> the Company will be at liberty to place order by proportionately reducing item rates on 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. In case of works and services tenders, the reverse auction will be conducted on the composite cost to company price.</p>
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**MANUAL**  
**FOR**  
**e-PROCUREMENT**  
**OF**  
**WORKS AND SERVICES**

**UPDATED TILL DATE**

# **INDEX**

**CHAPTER I : GENERAL GUIDELINES AND FORMATS**

**CHAPTER II : e-PROCUREMENT FOR WORKS AND SERVICES**

# CHAPTER-I

# GENERAL GUIDELINES AND FORMATS

1. **PREFACE:** This document containing broad guidelines for e-Procurement for Works and Services 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 online 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 CIL with the approval of Chairman, CIL 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.
  - d. Changes in Manuals of CIL
2. The e-Procurement portal shall be in compliance with IT Act 2000 and its subsequent amendments and it shall comply with 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 Value of Rs. 2.00 lakhs and above. This threshold limit may be reduced further by Chairman, CIL, as per requirement.
  - b. **All Limited tenders for Estimated value of Rs 2 lakhs and above.**  
It shall require the implementation of 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.
  - 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 CIL/Subsidiary.
  - d. The other Terms and Conditions of NIT and any other offline process(including evaluation of bids, if any) not covered under e-Procurement Manual of CIL, will be as per the following Manuals of Coal India Limited :
    - i). Contract Management Manual (for Mining tenders and Turnkey Tenders)

iii). Manual of Civil Engineering Works (for Civil, E&M works Other than Turnkey Tenders and other tenders pertaining to any department other than MM)

The above Manuals are available on CIL website [www.coalindia.in](http://www.coalindia.in).

#### **4. THE ORGANISATIONAL SETUP**

An e-Procurement Cell will be at Company Headquarter under direct control of Director (Tech) to function as the nodal department for e-Procurement in CIL/Subsidiary. The executives from various disciplines will be posted in the e-Procurement Cell. Responsibility of the e-Procurement cell at CIL/Subsidiary 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 CIL:**

In order to submit the Bid, the bidders have to get themselves registered online on the e-Procurement portal of CIL (<https://coalindiatenders.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 CIL/Subsidiary users from any agency authorized by CCA (Controller of Certifying Authority), 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 which can be traced up to the chain of trust to the root certificate of CCA.

## **7. UNDERTAKINGS TO BE furnished ON-LINE BY THE BIDDER**

### **USER PORTAL AGREEMENT**

#### **e-Tender Portal User Agreement**

In order to create a user account and use the e-Tender portal you must read and accept this e-Tender 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. Punitive action as per tender document
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 CIL/subsidiary for seeking information/clarification from my Bankers having reference in this bid.
6. That I/we will upload original/certified photo/scanned of all the relevant documents as prescribed in the tender document in support of the information and data furnished by me/us online.
7. I/We confirm that I/We have not been banned or de-listed by any Govt. or Quasi Govt. agencies or PSUs. In case We are banned or delisted this information shall be specifically informed to the tender issuing authority.
8. That I/We accept all the undertakings as specified elsewhere in the tender document.

9. 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 CIL/subsidiary Company.

## **B. TERMS AND CONDITIONS OF E-TENDER SERVICES AGREEMENT**

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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.coalindiatenders.gov.in](http://www.coalindiatenders.gov.in) is an e-procurement portal of Coal India Limited/it's Subsidiary.

**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. CIL/subsidiary will have no responsibility or obligation in this regard.

At the time of enrollment in the e-Tendering portal of CIL/its Subsidiaries, 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 **Application Administrator/Nodal officer**, 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. CIL/its Subsidiaries 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 protected against changes by Bidder after bid submission.

#### + **Modification of software**

With consent of **Project Advisory Committee**, e-procurement of CIL, the Administrator of e-Tender 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 users responsibility to refer to the terms and/or any change or addition to the same while accessing the site.

Coal India 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 e-Tender portal as mentioned in the home page in the link ‘resources required’.

Under any circumstances, CIL 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 e-Tender 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 Tendering entities of CIL/subsidiary. 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. Coal India Limited/Subsidiary 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 contain only the relevant information as stated by the Tender Inviting Authorities for the particular tender. It is not obligatory on the part of CIL/subsidiary 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 CIL/subsidiary 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 e-Tender portal.

CIL/subsidiary does not control the Content posted via the e-Tender portal and, as such, does not guarantee the accuracy, integrity or quality of such Content. Hence under no circumstances, CIL/subsidiary 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:**

You agree that the CIL/ Subsidiary companies reserves the right to re-tender / cancel a tender or extend the closing date or amend the details of tender at any time by publishing corrigendum as applicable.

#### → **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 CIL/subsidiary has no control over such sites and resources, you acknowledge and agree that the CIL/Subsidiary 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 CIL/subsidiary 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 e-Tender 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. CIL/subsidiary 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 agree that the principal civil court of the place where the registered office of Coal India/Subsidiary company is situated shall have **non-exclusive** jurisdiction to entertain any dispute with Coal India/Subsidiary company. In case of dispute being with a regional Institute of CMPDIL, the principle Civil Court where the said regional Institute is situated shall be place of suing.

CIL/subsidiary reserves the right to initiate any legal action against those bidders violating all or any of the above mentioned terms & conditions of e-Tender services agreement.

#### ➔**Modification of terms of Agreement**

CIL/its Subsidiaries 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. CIL/its Subsidiaries 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**

CIL/its Subsidiaries is committed to protecting the privacy of our e-Tender site visitors. CIL/subsidiary 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. PREPARTION AND APPROVAL OF NIT**

**8.1 Standard NIT:** 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 CIL/Subsidiary. The standard NIT will be framed by HoD of the concerned tender inviting department at CIL/Subsidiary HQ in consultation with e-Procurement Cell regarding conformity with e-procurement portal software. The standard NIT format shall be approved by D(T), CIL/D(T) I/c of CIL/Subsidiary companies and will be circulated to all Areas of CIL/Subsidiary by the concerned HoDs at CIL/Subsidiary HQ.

**8.2** In case standard NIT is prepared and circulated by CIL, it should be followed uniformly throughout all the subsidiary companies. The minor changes as per the requirement of subsidiary companies may be made with approval of D(T), CIL/D(T) I/c of Subsidiary companies.

**8.3** The works for which standard NIT is not applicable, a fresh NIT will be framed by HoD of the concerned tender inviting department at CIL/Subsidiary in consultation with e-Procurement Cell regarding conformity with e-procurement portal software. Such NIT will be approved D(T), CIL/D(T) I/c of CIL/Subsidiary companies.

**8.4** The Turnkey Tenders shall be dealt as per “Works” tenders with two part system and customized NITs shall be made by user department as per need. If required Technical Parameter sheets (TPS) can be used additionally for these tenders. TPS can also be used in any other works or service tender as per specific requirement of the tender with the approval of competent authority as per this clause as explained above.

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

**9. PROFORMA FOR UNDERTAKING TO BE SUBMITTED BY BIDDER/S (ON BIDDER'S LETTER HEAD) FOR GENUINENESS OF THE INFORMATION FURNISHED ONLINE AND AUTHENTICITY OF THE DOCUMENTS UPLOADED ONLINE IN SUPPORT OF HIS ELIGIBILITY :**

**FORMAT OF UNDERTAKING**

I / We, ....., Proprietor/Partner/Legal Attorney/Director/  
Accredited Representative of M/S. ...., solemnly declare that:

1. I/We am/are submitting Bid for the work.....against NIT No/Tender ID..... Dated..... and I/we offer to execute the work in accordance with all the terms, conditions and provisions of the bid.
2. Myself/Our Partners/Directors don't has/have any relative as employee of..... (Name of the Company).
3. All information furnished by us in respect of fulfillment of eligibility criteria and qualification information of this Bid is complete, correct and true.
4. All copy of documents, credentials and documents submitted along with this Bid are genuine, authentic, true and valid.
5. I/ We hereby authorize department to seek references / clarifications from our Bankers.
6. \*I/We have submitted particulars of existing Sales Tax / VAT registration, if applicable. We also undertake that Certificate of Registration with appropriate Sales Tax / VAT Authority where the work will be executed shall be arranged before any payment is made to us.
7. We hereby undertake that we shall register and obtain license from the competent authority under the contract labour (Regulation & Abolition Act) as relevant, if applicable.
8. \*I/We hereby confirm that we have registration with CMPF / EPF Authorities. We shall make necessary payments as required under law.

Or

\*I/We hereby undertake that we shall take appropriate steps for registration as relevant under CMPF / EPF authorities, if applicable. We shall make necessary payments as required under law.

9. \*I/We have not been banned or delisted by any Govt., or Quasi Govt. Agencies or PSUs(In case of JV, all partners are covered).

Or

\*I / We .....have been banned by the organization named “\_\_\_\_\_” for a period of..... year/s, effective from ..... to.....(in case of JV, name(s) of the JV Partner(s)).

10. If any information and document submitted is found to be false/ incorrect at any time, department may cancel my/our Bid and action as deemed fit may be taken against me/us, including termination of the contract, forfeiture of all dues including Earnest Money and banning/ delisting of our firm and all partners of the firm etc.

\* Delete whichever is not applicable.

**(The concerned department may specify any other specific undertaking to be taken from the bidder/s 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 CIL)**

To,  
The Tender Committee  
.....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,

This has reference to above referred bid. I/we have read and examined the conditions of contract, Scope of Work, technical specifications, BOQ and other documents carefully.

I /We am/are pleased to submit our bid for the above work. I/We hereby unconditionally accept the bid conditions and bid documents in its entirety for the above work and agree to abide by and fulfill all terms and conditions and specifications as contained in the bid document.

I/we here by submit all the documents as required to meet the eligibility criteria as per provision of the bid notice/document.

I/We hereby confirm that this bid complies with the Bid validity, Bid security and other documents as required by the Bidding documents.

If any information furnished by me/us towards eligibility criteria of this bid 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 CIL/Subsidiary.

Until a formal agreement is prepared and executed, this bid and your subsequent Letter of Acceptance/Work Order shall constitute a binding contract between us and .....Coalfields Ltd.

Should this bid be accepted, we agree to furnish Performance Security within 28 days of issue of letter of acceptance and commence the work within 10 days of issue of letter of acceptance. In case of our failure to abide by the said provision .....Coalfields Ltd. shall, without prejudice to any other right or remedy, be at liberty to cancel the letter of acceptance/ award and to forfeit the Earnest Money and also debar us from participating in future tenders for a minimum period 12 months.

*(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 CIL, 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 CIL, 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.
- g. **SUPPORT ADMIN:** This new role of “Support Admin” will be granted to the executives of Finance Dept who will be responsible for maintaining the accounts related to refund of EMD. He will operate the Central Pool account of CIL/Subsidiary. This role will have the following roles and privileges:
  - i. Access to Reports relating to transactions of Pool account
  - ii. Access to Reports relating to the refund transactions initiated from Pool account .
  - iii. Access to Reports relating to the EMD transfers from Pool account to Dept Account
  - iv. Access to Reports relating to the status of refund transactions made through Axis Bank.

- v. Access to Reports relating to the EMD transactions received from Bidders after online rejection of the bidder
- vi. Privilege to transfer EMD amount from Pool Account to Department Account.
- vii. Privilege to authorize refund of the transactions which could not be processed automatically at the time of rejection.

**Note:**

- i. The departmental users will be responsible for timely renewal of their DSC.
- 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. **User on Leave/Tour:** If an executive is on Leave/Tour, his/her DSC will not be used by any other person. It is advisable that “Two out of Three” or “Two out of Four” option for Bid Openers should be selected in general, so that the bid opening process does not get suffered due to temporary absence of any Bid Opener. However, the concerned executive, on his/her discretion may use his/her DSC for decryption and opening of bid from the place of stay during such period of his/her leave/tour.
- b. **Transfer of User:** If an executive is transferred to a new place, he will carry his/her DSC to the new place of posting and his/her organizational place will be reallocated by e-Procurement Cell on a written request from the executive concerned. It will be the responsibility of the executive concerned to inform the e-Procurement Cell, immediately after his/her joining at the new place of posting, for mapping of his/her profile to new location. However, if the executive is having some pending job of Bid opening for any tender floated from his/her previous place of posting, he/she will be responsible to open such tenders at scheduled date from his/her new place of posting.
- d. **Superannuation of User:** If an executive is superannuated, he/she will carry his/her DSC with him. However, if the executive is having some pending role of bid Opener for any tender in CIL/Subsidiary, he/she will be responsible to open such tenders at scheduled date from his/her place of residence. After opening of all such tenders, the profile of User will be blocked in the e-procurement portal of CIL.
- e. **Loss of DSC:** 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/she has already been assigned the role of Bid Opener will have to be extended, if required. In case it is not possible to prepare a copy of the DSC due to any reason, then the Tender, which are yet to be opened may have to be cancelled and re-tendered, if other bid openers also fail to open the bid.
- f. **Change of Role:** 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/Nodal officer.

### **13. SYSTEM OF ONLINE COLLECTION AND AUTO RESETTLEMENT/ REFUND OF EMD :**

1. EMD will be collected centrally at one account at CIL/Subsidiary HQ viz. Pool Account.
2. Bidder will be allowed to submit his/her bid only after his/her EMD is received by CIL/Subsidiary.
3. EMD of rejected bidders will be refunded at any stage directly to the account from where it had been received (except the bidders whose EMD is to be forfeited). Refund will be made by an automatic process triggered by the online rejection of bids by the system/evaluator. The bidders should be given enough precaution in the NIT that bidder should make payment from their own account and any claim for non-receipt of the refund in any account other than the one from which payment of EMD is made, will not be entertained.
4. 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 e-payment as per the prevalent manual system.
5. At appropriate stage of tender evaluation the EMD which is to be retained will be resettled to the respective Area Account by the system automatically.
6. EMD will be received through online modes only excepting for high value Tenders where EMD may be received through BG also.
7. In case of online payment the Evaluator will not have option to override the evaluation done by the system w.r.t. EMD receipt.
8. Cash Book and other financial accounting will be done based on the system generated reports/ Reports from user department/ Bank statements.
9. Suitable modifications in the standard NITs will be required to accommodate these changes.

### **14. Standard Operative Procedure (SOP) for managing the cases of Withdrawal of Bids in e-Procurement System of CIL/Subsidiary**

#### **I. The Mode of Withdrawal:**

##### **A. Online Withdrawal of Bids:**

- a. The system of online withdrawal is available on the portal up to end date of bid submission, where any bidder can withdraw his/her bid which will attract no penal action from department side.
- b. The system of online withdrawal beyond end date of bid submission and till award of contract is also available but not fully functional and under development stage. Once it is developed and implemented only online withdrawal shall be considered except for some exceptional cases as mentioned in clause below.

##### **B. Offline Withdrawal of Bids :**

- a. A partner of bidder(in case of JV and partnership firms) whose DSC is registered on the e-Procurement portal can access the portal for online withdrawal but when there is a split in the business relationship, the partners whose DSC is not registered on the portal do not have the

option of online withdrawal of bid. Hence such partners may opt to use offline method of withdrawal of his/her offer (or express his disassociation from the bidder organization).

- b. Till a fully functional system of online withdrawal of bid (beyond end date of bid submission and till award of contract) is not developed and implemented, offline withdrawal shall also be considered.

**II. Acceptance of withdrawal by Tender Committee:**

- A. Every case of withdrawal under Clause I-(A)(b) and Clause I-(B) shall be put up to Tender Committee for deliberation and further course of action.
- B. The Tender Committee shall apply its due diligence to decide:
  - a. Whether the request for withdrawal of offer has been received from right source and authentic. For this purpose a letter is to be sent by registered post/speed post to the bidder on the address as given by him in the enrollment page of e-Procurement portal, allowing 10 days time to confirm the withdrawal. If the bidder does not confirm the withdrawal within the stipulated period then it should be construed that there is no withdrawal of bid. In case the withdrawal/disassociation from the firm ( Joint Venture or Partnership firm) has been submitted by any other partner then also the confirmation has to be sought from the bidder and if bidder wants to deny the withdrawal/disassociation from the JV or the partnership firm then the bidder shall be required to furnish a legally acceptable document signed by all the partners of the firm to substantiate his claim.
  - b. Whether the withdrawal is due to the reason other than to support any mala fide intention of any participating bidder such as participating or supporting a cartel formation etc.
  - c. If the mala fide intentions in the withdrawal are apprehended then the tender should be cancelled apart from other penal action as per e-Procurement Manual for works and services of CIL and other guidelines/manuals of CIL.
  - d. If no mala fide intentions in the withdrawal are apprehended then the penal action in line with the prescriptions of the e-Procurement Manual for works and services of CIL will be applicable.
  - e. The Tender Committee may also obtain the opinion of legal department in order to ascertain the legal course of action in case of Clause II-(B)(b) and II-(B)(c) above.

- III. The SOP shall be a part of e-Procurement Manual for works and services and the NIT documents shall be framed in line with the SOP

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# CHAPTER-II

# e-PROCUREMENT FOR WORKS AND SERVICES

## PART I

### 1. CREATION OF TENDER

- 1.1 **Tender or Tender cum auction** for the approved and financially concurred estimates will be created online by tender dealing officer (CREATOR)(**Form of Contract**) 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 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 **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 CIL/Subsidiary HQ., the Bid Openers will be the executives posted at CIL/Subsidiary 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, before start date of bid submission 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 as well as in the online creation of tender 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 Estimate value of Rs.50 lakhs & above and minimum 10 days time (10x24 hours) for the tenders having Estimate value of less than Rs.50 Lakhs. For the Global tenders this period will be minimum 30 days (30x24 hours). For the Single Tender Enquiries this period will be minimum of 7 days (7 X 24 Hours).”.

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 two days ending at 17.00 hrs and if the number of bids still remains less than three then for another five days ending at 17.00 hrs:

- Last date of submission of Bid
- Last date of receipt of EMD

- Date of opening of Tender

If any of the above extended Dates falls on Holiday i.e. a non-working day as defined in the e-Procurement Portal then the same is to be rescheduled to the next working day.

This extension will be also applicable in case of receipt of zero bid.

The NIT stipulations regarding the validity of the Bank Guarantee towards EMD should be enough to cover such period of extension.

**Notes:**

1. The validity period of tender should be decided based on the final end date of submission of bids.
2. The auto extension shall work on the basis of number of bids received only. (It may so happen that any of these bids may be eventually rejected during Tender Opening, Technical evaluation or further process of evaluation resulting the total number of valid bids becoming less than three.)
3. After two extensions, the tender shall be opened irrespective of available number of bids on the extended date of opening of tender.

**1.7 Bid Validity Period:** Bid Validity Period for “Works and Services” tenders will be 120 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 up to 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 online 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 CIL/Subsidiary 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 CIL 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, CIL/Subsidiary 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 CIL/Subsidiary 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. Pre-ponement of date for any event is not permitted.

Issue of Corrigendum shall be guided by circular of CVO CIL vide reference CIL/VIG/2015/33011/01/526 Dated 11.06.2015(available at CIL website under circulars).

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.

In case of extension of Bid Submission, the minimum period of extension shall be of ten days.

The maximum extension of period shall be limited as follows:

With the approval of	Maximum Extension w.e.f original end date of bid submission
Tender Inviting Authority	10 to 15 days
Concerned Director	Up to 30 days

However, in exceptional situations in case of any disruption of service in eProcurement portal infrastructure or EMD payment infrastructure, for a considerable period, an extension of end date of Bid submission for a period of 1-3 working days may be done after normal resumption of services. Bid opening date will correspondingly be extended. This extension shall be effected by Application Administrator or by the Portal Service Provider for all the tenders which are affected or likely to be affected due to such disruption of services/infrastructure

**The Corrigendum Notice will be published in e-procurement portal only and NIT shall include provision in this respect.**

#### **4. SUBMISSION OF BID:**

- 4.1 The bidder will submit their bid online. 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 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 (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 EMD through either ONLINE or OFFLINE mode (Only through BG).

In Online mode the bidder can make payment of EMD either through net-banking from designated Bank/s or through NEFT/RTGS from any scheduled Bank. In case of payment through net-banking the money will be immediately transferred to CIL/Subsidiary's designated Account. In case of payment through NEFT/RTGS the bidder will have to make payment as per the Challans generated by system on e-Procurement portal and will have to furnish online the UTR Numbers before submission of bid. Bidder will be allowed to submit his/her bid only when the EMD is successfully received in CIL/Subsidiary account and the information flows from Bank to e-Procurement system.

In Offline mode the bidder can make payment of EMD in the form of Bank Guarantee(BG) (if applicable) from any scheduled bank. The bidder will furnish all the details online i.e. BG Number, date of issue, expiry date, name of issuing bank and amount etc. regarding EMD. The information provided and documents uploaded by L1 bidder will be evaluated as per relevant clauses. If L1 bidder qualifies all the criteria, he will be asked to submit original BG either in person or by post which must be received in the office of Tender Inviting Authority within 7(seven) working days. If the bidder fails to submit the original BG then bidder will be debarred for 1(year) from participating in future tender of CIL/Subsidiaries.

The BG against EMD shall be taken for the tenders where EMD is amounting Rs 5 lakhs or more. In tenders with EMD less than Rs five lakh only online mode of payment shall be enabled.

The date of validity of BG shall be mentioned in the NIT and it should counted as Original End date of Submission of Tender + Bid validity Period + 90 days.

In case of exemption of EMD the scanned copy of document (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 EMD and the original BG being submitted by the bidders, the later shall prevail if the instrument is found to be 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 Mining tenders and Turnkey 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 CIL.
- 4.6 The qualification in bid will also be subject to the receipt and acceptance of EMD within schedule date and time as mentioned in the NIT. CIL/Subsidiary shall not be responsible for any postal delay in receipt of EMD.
- 4.7 The information will be provided by the bidder by filling up relevant data through a form in an objective and structured manner. The software will use the information provided by the bidders to evaluate the technical bid automatically.
- 4.8 For online submission of tender the bidders will have to upload "Letter of Bid", all the confirmatory documents as prescribed in the NIT and TPS( if applicable) 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.
- 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). **Technical Parameter Sheet(TPS) (If applicable as per standard NIT):** The Technical Parameter Sheet containing the technical specification parameters for the tendered work/service 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). **Confirmatory Documents:** All the confirmatory documents as enlisted in the 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.
- iv). **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(i.e. Cost to company). 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.
- v). 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. However inclusion of any additional redundant information by the Bidder in the submitted Letter of Bid(LOB), which does not contradict the content and spirit of original format of LOB uploaded by department will not be a cause of rejection of his/her bid.

4.10 **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 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:

1. the EMD will be forfeited and
2. the bidder will be debarred for *1(One)* year from participating in tenders in CIL/Subsidiary.

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:

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 EMD of bidder is forfeited, and this bidder is debarred for one year from participating in tenders in CIL/Subsidiary. This letter will be circulated to all Areas and CIL/Subsidiary HQ. and the updated list will be maintained by all Tender Inviting Authority/Evaluators.

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

- iii) The standard operating procedure to handle withdrawal of bid after end date of submission is shall be as Clause no 14 of Chapter I

4.11 **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 e-mail 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.

## 5. **Automatic Evaluation(Technical):**

5.1 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.

5.2 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.

## **6. OPENING AND EVALUATION OF TENDER:**

**6.1 Opening of bid:** Tender (Cover-I and Cover-II) will be decrypted and opened online by the “Bid Openers” with their Digital Signature Certificates on the prescheduled date & time of Tender Opening. From now on there will be two cases, one is tender-cum-auction and other is tender.

**Tenders:** In case of tenders, after opening of bid, comparative statement showing the status of bidders will be generated.

**Tender-cum-auction:** In this case after the opening of bid, the system will show lowest rate quoted by bidder(L1). The auction(reverse) will have to be created for tender, with estimated cost as circulated by CIL, after opening of bid.

The Guidelines on Revised e-Procurement Process & e-Reverse auction are detailed separately in Annexure-I.

### **6.2. Tender/Tender cum auction evaluation:**

**A.** After opening of Price-bid(after finishing reverse auction in case of tender cum auction), 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 does 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 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 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(seven) days, 7 more days (7 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 NIT, 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 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 his bid shall be rejected and **EMD or Rs. 1.00 lakh, whichever is lower, of L-1 bidder will be forfeited.**
- F.** In case of submission of EMD in the form of BG, if L1 bidder fails to submit the original BG within 7(seven) days as per clause 4.4, his bid will be rejected and he shall be debarred for a period of 1(one) year for participating in the future tenders of CIL/Subsidiary.
- G.** In case the L1 bidder is technically eligible but rejection is due to high rate quoted by him/her then the tender shall be cancelled and retendered.
- H.** In case the L1 bidder is rejected due to noncompliance of confirmatory documents(including non-submission of original BG) 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.
- I.** The process as mentioned at Cl. H shall be repeated till the work is either awarded or all the eligible bidders are exhausted.
- J.** In case none of the bidder complies the technical requirement, then re-tender will be done (with the same or different quantity, as per the instant requirement).
- K.** The L-1 bidder/s( either L-1 or subsequently declared L-1) fails to submit the requisite documents online as per NIT or if any of the information/declaration furnished by L-1 bidder/s 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 his bid shall be rejected and the **EMD of L-1 bidder will be forfeited.**
- L.** It is responsibility of Bidders to upload legible/clearly readable scanned copy of all the required documents as mentioned above.

**Note:**

- i). In case of clause (F) 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 a period of one year for participating in future tenders of CIL/Subsidiary. This letter will be circulated to all the areas of CIL/Subsidiary.*

6.3 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. 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.

6.4 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.

6.5 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.

**6.6 EMD Refund:**

- a. If EMD is paid by the bidder in online mode (Direct Debit/NEFT/RTGS) then 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).
- b. 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.
- c. 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.
- d. In case the tender is cancelled then EMD of all the participating bidders will be refunded unless it is forfeited by the department.
- e. 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.
- f. The EMD of successful bidder (on Award of Contract) will be retained by CIL/Subsidiary and will be adjusted to Performance Security Deposit. However, EMD deposited by the L-1 bidder in the form of BG will be discharged when the bidder furnishes the required Performance Security Deposit (PSD) and sign the agreement.

**7. 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 (i.e. bid Opening stage etc.) 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.

In case of revocation of Tender at any stage the auto-refund of EMD may not work properly and in such case it may be required that Tender Inviting Authority to arrange refund of EMD through conventional system of refund of EMD.

**8. 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 CIL/Subsidiary is the Tender Approving Authority, in such cases the approval of Chairman/CMD, CIL/Subsidiary 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.

**9.** 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.

**10.** 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.

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## PART II

### A. ELIGIBILITY CRITERIA

#### 1. SERVICES TENDER (TC & CMC DEPARTEMENT) :

- a. **Work Experience** : The bidder must have in its name or proportionate share as a member of JV/Consortium, experience of having successfully executed ( includes completed / ongoing) works of similar nature (Excavation and transportation of soil/overburden/shale/minerals etc. by mechanized means or Extraction of coal by mechanized means) *valuing 65% of the annualized estimated cost of the work put to tender ( for period of completion over 1 year) / 65% of the estimated cost of the work ( for completion period up to one year ) put to Tender in any year ( consecutive 365 days) during last 7(seven) years ending last day of month previous to the one in which bid applications are invited.*

For transportation works, similar nature of works shall mean: Transportation/Removal of Coal/Overburden/Shale/Extraneous materials/ Sand etc.

Works of similar nature may be suitably defined by respective subsidiaries based on its own necessity.

“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 **simple** 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 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
- viii. In case the bidder is a Joint Venture, the work experience of any one, two or three of the individual partners of JV or the JV itself may be furnished as the work experience of the bidder.

**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 of 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 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 not be compounded on yearly basis for the purpose of calculating the value of each qualifying experience."
- ix. The work experience of the bidder may be an ongoing work and the executed value of work shall be considered for evaluation.
- x. 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 to be uploaded by bidders (CONFIRMATORY DOCUMENT) :**

For work experience bidders required to submit Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as sought on-line. **Work order , BOQ and/or TDS may be sought during clarification or along with deficient documents as per clause 5.11(D).**

- 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
- vi. In case the bidder is a Joint Venture, the working capital of the individual partners of the JV will be added together for each financial year and is to be furnished as the turnover of the bidder for that particular financial year

**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 to be uploaded by bidders (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.

**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 to be uploaded by bidders (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 to be uploaded by bidders (CONFIRMATORY DOCUMENT) :**

PAN CARD of the bidder

**Note:** In case the work/service is awarded to a Joint Venture participating in the tender they have to submit VAT, PAN and Service Tax registration ( as applicable in the tender and for the bidder status) on 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

**2. WORKS TENDER (CIVIL AND E&M DEPARTMENT) :**

**Work Experience** : The Intending bidder must have in its name or proportionate share as a member of Joint Venture experience of having successfully **completed similar** works, as a prime contractor, during last 7(seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be any of the following :-

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

Or

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

Or

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

Similar nature of work shall include .....

Experience for those works only shall be considered for evaluation purposes, which match eligibility requirement stipulated above, on or before the last day of month previous to one in which tender has been invited(publication date of NIT). The experience of incomplete/ongoing works as on last date of eligibility period will not be considered for evaluation. If the referred work includes construction as well as maintenance after construction, the experience of such work may be considered as ‘acceptable’ if the construction part is completed as on the last date of ‘eligibility period’, even if maintenance work is ongoing, and the certificate issued clearly stipulates the same .

In all the above cases, while considering the value of completed works, the full value of completed work be considered whether or not the date of commencement is within the said 7(seven) years period.

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

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, against suitable document that the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contracts in the original contract awarded to prime contractor. The document may be issued by owner/Govt. department on behalf of the owner.

Joint Venture shall be allowed for participation in the bid with estimated cost above Rs. 2.0 Crores.

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

The qualifying criteria parameter e.g. experience of the individual partners of the J.V will be as deliberated hereinafter towards fulfillment of qualification criteria related to experience.

a) In case of completion of single work of similar nature costing, not less than the amount equal to 80% of the estimated cost put to tender:-

Any of the JV partner shall have the experience of having completed successfully a single work of similar nature equal to 80% of the estimated cost put to tender.

Or

b) In case of completion of two works of similar nature each costing not less than the amount equal to 50% of the estimated cost put to tender :-

i) Any one partner can match the above requirement.

Or

ii) At least two partners should each have completed at least one work of similar nature each costing not less than the amount equal to 50% of the estimated cost put to tender.

Or

c) In case of completion of three works of similar nature, each costing not less than the amount equal 40% of the estimated cost put to tender:-

i) Any one partner can match the above requirement.

Or

ii) Any two partners shall match the above requirement through completion of at least one work of similar nature each costing not less than the amount equal 40% of the estimated cost put to tender:-

Or

iii) All the three partners shall match the above requirement through completion of at least one work of similar nature each costing not less than the amount equal 40% of the estimated cost put to tender.

However, during fulfillment of any of the above criteria one of the partners, who is the lead partner shall have :-

i) More than 50 (fifty)% share in J.V.

and

ii) Experience of having completed successfully a single work of similar nature equal to at least 40% of estimated cost put to tender

Works of similar nature may be suitably defined by respective subsidiaries based on its own necessity.

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.

a. **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
- vi. In case the bidder is a Joint Venture, work experience as above may be furnished as the work experience of the bidder.

**Technical evaluation by the System :**

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

For work experience bidders required to submit Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as sought on-line. In case of Sub-contractor suitable document as per provision of eligibility, if applicable.

Work order , BOQ and/or TDS may be sought during clarification or along with deficient documents as per clause 5.11(D).

- 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
- iv. In case the bidder is a Joint Venture, the turnover of the individual partners of the JV will be added together for each financial year and is to be furnished as the turnover of the bidder for that particular financial year

**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 by adding 5% for each completed year (total number of days/365) after the end of respective Financial Year ( i.e. 31<sup>st</sup> March) till the last day of month previous to one in which e-Tender has been invited.
- iii. The average shall be compared with the minimum requirement to ascertain the eligibility status of the bidder.
- 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 to be uploaded by bidders (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. **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 to be uploaded by bidders (CONFIRMATORY DOCUMENT) :**

PAN CARD Of the bidder

- d. **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.

**Technical evaluation by the System :**

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

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

VAT/ Sales Tax Registration Certificate

- e. **Service Tax (Not Applicable for Exempted Services)**

The bidder should be either a Small Service Provider and exempted for service tax registration and/or exempted from payment of service tax but a Body Corporate

**OR**

Small Service Provider and exempted for service tax registration and/or exempted from payment of service tax but not a Body Corporate

**OR**

A Body Corporate

**OR**

Other than above three categories

**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 Service Tax status of the bidder.

**Scanned copy of documents to be uploaded by bidders in support of information/ declaration furnished online by the bidder against Eligibility Criteria as Confirmatory Document**

Any one of the following documents depending upon the status w.r.to Service Tax as declared by Bidder in the BOQ sheet:

- a). Status : Small Service Provider and exempted from Service Tax Registration and/or exempted from payment of Service Tax but a Body Corporate :

Document: 1. A Certificate from a practicing Chartered Accountant having a membership number that the bidder is a Small Service Provider and exempted for Service Tax Registration and/or exempted from payment of Service Tax and

2. The Certificate of Incorporation

- b) Status: Small Service Provider and exempted from Service Tax Registration and/or exempted from payment of Service Tax but not a Body Corporate:

Document: A Certificate from a practicing Chartered Accountant having membership number that the bidder is a Small Service Provider and exempted for Service Tax Registration and/or exempted from payment of Service Tax.

- c) Status: A Body Corporate:

Document: Service Tax Registration Certificate issued by Central Excise and Custom Department, Govt. of India.

- d). Status: Other than above three categories:

Document: Service Tax Registration Certificate issued by Central Excise and Custom Department, Govt. of India.

*[In case of JV a Certificate from a practicing Chartered Accountant having membership number confirming the status of JV w.r.to Service Tax]*

**Note:** In case the work/service is awarded to a Joint Venture participating in the tender they have to submit VAT, PAN and Service Tax registration ( as applicable in the tender and for the bidder status) etc. on 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

**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, as specified in the NIT for evaluation by Tender Committee as per the checklist given in the NIT

**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

**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 to be uploaded by bidders (CONFIRMATORY DOCUMENT) :**

To be taken as per Checklist

**C. CHECK LIST OF DOCUMENTS TO BE UPLOADED BY THE BIDDERS(For Services)**

Sl No.	Eligibility Criteria	Information to be furnished by bidder on line	Scanned copy of documents, to be uploaded by in support of information/ declaration furnished online by the bidder against Eligibility Criteria as Confirmatory Document
1	<p><b>THE WORK EXPERIENCE :</b></p> <p>The bidder must have in its name or proportionate share as a member of JV/Consortium, experience of having successfully executed ( includes completed / ongoing) works of similar nature (Excavation and transportation of soil/overburden/shale/minerals etc. by mechanized means or Extraction of coal by mechanized means) <i>valuing 65%</i> of the annualized <i>estimated</i> cost of the work put to tender ( for period of completion over 1 year) / 65% of the estimated cost of the work ( for completion period up to one year ) put to Tender in any year ( consecutive 365 days) during last 7(seven) years ending last day of month previous to the one in which bid applications are invited.</p>	<ol style="list-style-type: none"> <li>1. Start date of the year for which work experience of bidder is to be considered for eligibility.</li> <li>2. Start &amp; end date of each qualifying experience (similar nature)</li> <li>3. Work Order/Agreement Number of each experience</li> <li>4. Work Order Issuing authority of each experience</li> <li>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)</li> <li>6. Executed Value of work against each experience</li> </ol>	<p>For work experience bidders required to submit Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as sought on-line.</p> <p>Work order , BOQ and/or TDS may be sought during clarification or along with deficient documents as per clause 5.11(D).</p>
2	<p><b>THE AVAILABILITY OF WORKING CAPITAL:</b></p> <p>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</p>	<ol style="list-style-type: none"> <li>1. Amount of available working capital inclusive of lines of credit and availability of other financial resources</li> <li>2. Date on which the bidder possesses the</li> </ol>	<p>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.</p>

	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>required working capital</p> <p>3. Date of issue of W.C. Certificate by CA</p> <p>4. Name of the Chartered Accountant (CA)</p> <p>5. Membership Number of CA who certifies the bidder's working capital</p>	
3	<p><b>FLEET REQUIREMENT:</b></p> <p>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</p>	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	<b>Legal Status of the bidder</b>	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/<b>Individual status of the bidder.</b></p> <p>2. Partnership deed containing name of partners</p> <p>3. Memorandum &amp; 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	<b>Valid Permanent Account Number (PAN)</b>	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	<b>Valid Digital Signature Certificate</b>	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	<b>An undertaking 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</b>		
8	<b>Any other document to support the qualification information as submitted by bidder on-line.</b>		
	<b>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</b>		

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

**(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, to be uploaded by bidders in support of information/ declaration furnished online by the bidder against Eligibility Criteria as Confirmatory Document
1	<p><b>THE WORK EXPERIENCE :</b></p> <p>The Intending bidder must have in its name or proportionate share as a member of Joint Venture experience of having successfully <b>completed similar</b> works, as a prime contractor, during last 7(seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be any of the following :-</p> <p>Three similar <b>completed works</b> each costing not less than the amount equal to 40% of the estimated cost put to tender.</p> <p>Or</p> <p>Two similar <b>completed works</b> each costing not less than the amount equal to 50% of the estimated cost put to tender.</p> <p>Or</p> <p>One similar <b>completed work</b> costing not less than the amount equal to 80% of the estimated cost put to tender.</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, against suitable document that the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contracts in the</p>	<ol style="list-style-type: none"><li>1. Start &amp; end date of each qualifying experience (similar nature)</li><li>2. Work order/Agreement Number of each experience</li><li>3. Work Order Issuing authority of each experience</li><li>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).</li><li>5. Executed Value of work against each experience</li></ol>	<p>For work experience bidders required to submit Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as sought on-line. In case of Sub-contractor suitable document as per provision of eligibility, if applicable.</p> <p>Work order , BOQ and/or TDS may be sought during clarification or along with deficient documents as per clause 5.11(D).</p> <p>.</p>

	<p>original contract awarded to prime contractor. The document may be issued by owner/Govt. department on behalf of the owner.</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, against suitable document that the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contracts in the original contract awarded to prime contractor. The document may be issued by owner/Govt. department on behalf of the owner.</p>		
2	<p><b>FINANCIAL TURNOVER:</b></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.</p> <p>(The "Previous Financial Year" shall be computed with respect to the e-Publication date of NIT).</p>	<ol style="list-style-type: none"> <li>1. Annual turnover of the last 3 financial years ending 31st March of the previous financial year.</li> <li>2. Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate.</li> <li>3. Membership Number of the CA</li> </ol>	<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><b>SERVICE TAX</b> (Not Applicable for Exempted Services)</p> <p>The bidder should be either a Small Service Provider and exempted for service tax registration and/or exempted from payment of service tax but a Body Corporate</p> <p style="text-align: center;"><b>OR</b></p> <p>Small Service Provider and exempted for service tax registration and/or exempted from payment of service tax but not a Body Corporate</p> <p style="text-align: center;"><b>OR</b></p>	<ol style="list-style-type: none"> <li>1. Confirmation in the form of Yes/No regarding possessing of required document as enlisted in NIT with respect to Service Tax status of the bidder</li> <li>2. Status of the bidder in the BoQ excel sheet being uploaded by the bidder during bid submission as per previous column.</li> </ol>	<p>Any one of the following documents depending upon the status w.r.to Service Tax as declared by Bidder in the BOQ sheet:</p> <p>a). Status : Small Service Provider and exempted from Service Tax Registration and/or exempted from payment of Service Tax but a Body Corporate :</p> <p>Document: 1. A Certificate from a practicing Chartered Accountant having a membership number that the bidder is a Small Service Provider and exempted for Service Tax Registration and/or</p>
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	<p>A Body Corporate</p> <p style="text-align: center;"><b>OR</b></p> <p>Other than above three categories</p>		<p>exempted from payment of Service Tax and</p> <p style="text-align: center;">2.The Certificate of Incorporation</p> <p>b). Status: Small Service Provider and exempted from Service Tax Registration and/or exempted from payment of Service Tax but not a Body Corporate:</p> <p>Document: A Certificate from a practicing Chartered Accountant having membership number that the bidder is a Small Service Provider and exempted for Service Tax Registration and/or exempted from payment of Service Tax.</p> <p>c) Status: A Body Corporate:</p> <p>Document: Service Tax Registration Certificate issued by Central Excise and Custom Department, Govt. of India.</p> <p>d) Status: Other than above three categories:</p> <p>Document: Service Tax Registration Certificate issued by Central Excise and Custom Department, Govt. of India.</p> <p><i>[In case of JV a Certificate from practicing Chartered Accountant having membership number confirming the status of JV w.r. Service Tax]</i></p>
4	<b>LEGAL STATUS OF THE BIDDER</b>	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/<b>Individual status of the bidder.</b></p> <p>2.Partnership deed containing name of partners</p> <p>3.Memorandum &amp; Article of Association with certificate of incorporation containing name of</p>
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			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	<b>VALID PERMANENT ACCOUNT NUMBER (PAN)</b>	Confirmation in the form of Yes/NO for possessing the supporting documents	PAN card issued by Income Tax department, Govt. of India <i>(In case of JV, PAN card for each individual partner of JV)</i>
6	<b>VALID DIGITAL SIGNATURE CERTIFICATE</b>	Confirmation in the form of Yes/NO for possessing the supporting documents	If the bidder himself is the DSC 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	<b>VALID VAT / SALES TAX REGISTRATION ON WORKS CONTRACT</b> ( Applicable for 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/UT <i>(In case of JV, VAT/S.T. Registration certificate for each individual partner of JV)</i>
8	<b>VALID ELECTRICAL LICENSE</b> ( For Electrical works only)	Confirmation in the form of Yes/NO for possessing the supporting documents	Valid Electrical Contractor's License issued by Electrical Licensing Board/Authority of any Indian State/UT, in accordance with IE Rule-45.  (In case the bidder is a Joint Venture, atleast one partner of JV should possess the valid Electrical Contractor's License issued by Electrical Licensing Board/Authority of any Indian state, in accordance with IE Rule-45.)

9	<b>An undertaking 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</b>		
10	<b>Any other document to support the qualification information as submitted by bidder on-line.</b>		
	<b>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.</b>		

**Guidelines on Revised e-Procurement Process & e-Reverse auction of Works and Services through  
NIC portal of Coal India Limited**

**A. Revised e-Procurement Process**

1. The bidder shall upload their bids along with all the supporting documents in the e-procurement portal within the stipulated date of tender submission. EMDs are to be paid by the bidders in on line mode, available in the system. However offline mode of EMD payment will be allowed for those Subsidiaries, who are yet to provide their Bank accounts or mapping of the Axis Bank accounts are completed by NIC/Axis Bank. EMD exemption documents will be uploaded as provided in the system, to be verified along with bid documents.
2. Extension of tender submission date in case of number of bids received are less than three, initially by two days and thereafter by five days will be done automatically by the system.
3. Tendering Inviting Authority (TIA) will design General Technical Evaluation (GTE), Technical Parameter Sheet (TPS) as per the tender requirement and may request bidder to upload their bid documents as specified in the NIT.
4. On scheduled date & time of tender opening and upon opening of the tender by the bid opening team, System automatically evaluates particulars as contained in GTE, TPS and other Commercial Parameters (to be combined in TPS).
5. Upon opening of the bids, GTE, TPS, BOQ and all other documents uploaded by the eligible bidders get opened and comparative statement of prices is generated by the system.
6. Supportive documents of L-1 bidder only, shall be downloaded for evaluation by the TIA.
7. After evaluation of the uploaded documents, shortfall documents, if required, are sought from the L-1 bidder. For this purpose, maximum 2 chances, each of 7x24 hours duration shall be given.
8. If the techno-commercial acceptability of L-1 bidder is established upon verification of uploaded documents and short fall documents if any, the case shall be considered by the tender committee. If the L-1 bidder happens to be defaulter upon verification, the documents of the next lowest bidder shall be downloaded for evaluation and short fall documents obtained if required. This process continues sequentially till techno-commercially acceptable L-1 is established.
9. The following penalties shall be imposed on the defaulting bidders :

Sl.	Situation	Penal Provisions
(i)	L-1 bidder is a defaulter	100% of EMD or Rs.1.00 lakh, whichever is lower, is forfeited.

(ii)	Failure to submit offline EMD in the form of BG.	In case of failure to submit original BG(offline submission of EMD) within 7 days bidder will be debarred for 1(one) year.
(iii)	L-1 bidder happens to be a defaulter in 2 tenders issued by the same TIA within a span of 1 one year	If bidder defaults in 2 tenders under same TIA in a span of one year, 100% of EMD is forfeited.

Note :

\* The **zone of applicability** of penal provisions shall be **subsidiary specific**.

\*\* The penal provisions will be squarely applicable to all those firms whose documents are examined on account of treating them as L-1 successively.

### **B. General guidelines and Process Flow for Tender cum Auction:**

Tenders issued from CIL , Subsidiary Hqrs and NEC , having tender value of Rs.1.00 Cr and above shall follow reverse auction process as under;

1. The Reverse Auction Process (RAP) requires selection of "Tender cum Auction" in "Form of contract" in the e-procurement portal of CIL, at the time of creation of tenders of value Rs. 1 Crore and above, invited from CIL, Hqrs of Subsidiaries and NEC.
2. Reverse Auction will be initiated after opening of price bids , as detailed above in case of normal tenders.
3. There will be no participation fees for e-Reverse auction.
4. 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.
5. System displays L1 cost to company price automatically in auction creation form and allows TIA to edit the value as 'start bid' price. For the time being L1 Price or approved estimated price+10%, whichever is lower will be the start bid price for tenders for works and services. The estimated price should be based on SOR (Schedule of Rates) and market analysed rates in case of items/services for which SOR is not available. Wherever SOR is not available, preparation of SOR should be made in a scientific manner based on proper justification on priority. If the L-1 price is higher than the Start Bid Price (Estimated+10%) and the RAP is not triggered within the scheduled time, the cases will be retendered.
6. The L1 price / start bid price is cost to the company price on which the auction will be initiated. At the end of reverse auction, the L1 bidder has to submit break up of prices conforming to the lowest landed rate quoted by him in the reverse auction. A stipulation to this effect shall be made in the NITs.
7. The L1 bidder after the reverse auction has to upload the Break up of cost to company Prices in the confirmatory documents. The detailed Break-up 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 L1 bidder after reverse auction will be responsible to ensure that the cost to company rate as per the break up 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.

8. The decrement value will be 0.5 % of the start bid price with minimum of Rs.1/-, as the system does not have a provision of taking amounts less than Rs.1/- as decrement value. The reduction shall have to be made as per decrement value or in multiple thereof.

In order to have ease of submission of reverse auction bid by the bidders, it is suggested that decrement value may be rounded off to nearest value as under :

- (a) For decrement values up to Rs.10/-, rounding off may be made to nearest rupee.
- (b) For decrement values from Rs.11/- to Rs.100/-, rounding off may be made to nearest 10.
- (c) For decrement value from Rs.101/- to Rs.1,000/-, rounding off may be made to nearest 100.
- (d) For decrement value from Rs.1,001/- to Rs.10,000/-, rounding off may be made to nearest 1000.

and so on .....

For cases where the unit rate is low and quantum of item is huge, if the decrement value in terms of 0.5% works out to be in paise and rounding off to nearest rupee, would be much higher than 0.5% of start bid value, the unit of measurement may be adjusted in such a way so that decrement value may remain in the range of 0.5% or Rs.1/- whichever is higher.

For example, Tender for any item, whose unit of measurement is in KG and having low unit rate may be invited in terms of 10 KG or 100 Kg, as may be considered appropriate, as unit of measurement.

9. Initial period of reverse auction will be two hours. There will be auto extensions of time every time by 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.
10. System protects bid and bidder information till auction gets over and displays current L1 price to the bidder in auction hall.
11. System provides bidder details along with bid documents at the end of reverse auction process.
12. The log details of the entire reverse auction process will be generated by the system once the process of reverse auction is completed.
13. 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) shall be

evaluated considering either the bid price submitted in Reverse auction or the Price quoted in the price bid, whichever is lower.

14. 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.
15. Business rules like event date, time, methodology of start bid price and bid decrement value, extensions, etc. also shall be indicated in NIT for information of bidders.
16. CIL will provide the calculation sheet (e.g.: EXCEL sheet) which will help to arrive at “Total Cost to CIL” by the vendor, like Taxes and duties, Insurance, Service tax etc, to enable them to fill-in the price and keep it ready for keying in during the Reverse auction.
17. 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.
18. Only the chronologically last bid submitted by the bidder till the end of the auction shall be considered as the valid price bid of that bidder. Any bid submitted earlier by the bidder prior to submission of his last bid will not be considered as the valid price bid.
19. 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.
20. 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.
21. 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 CIL will form a binding contract between CIL and the bidder for entering into a contract.
22. Conditional discounts shall not be considered. If a bidder offers a discount unilaterally after submission of bid, the discount shall not be considered for evaluation of offers but shall be availed if order is placed on such tenderer.
23. 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.
24. 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. A provision to this effect should be made in the NIT.

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.

25. TIA will incorporate suitable stipulations in the NITs for all tenders in accordance with the above features and guidelines.

The above e-procurement process and guidelines shall be effective for the tenders floated w.e.f. 15<sup>th</sup> January, 2016. However, the ongoing tenders shall remain available in the CIL e tender portal for evaluation by the TIA in the existing method till their logical conclusion.

All those provisions of Manual for Civil Engineering Works(MCEW), Contract Management Manual(CMM) and e-procurement Manual, which are not replaced by the above provisions, will remain unaltered.