

Pre-bid Clarifications No. 6 Dated 12-02-2024 to Pre-bid queries on stipulations of Bid Document against NIB No. 437 Dated 30-11-2023 for "Package-I: Civil & Hydro-Mechanical Works of Diversion Tunnels pertaining to Tato-II Hydro Electric Project (700 MW), Arunachal Pradesh"

(This Pre-bid Clarifications shall form part of the Bid Document and shall supersede the corresponding stipulations of the Bid Document, wherever these are at variance.)

Sl. No.	Ref. Clause No.	Tender Stipulations	Pre-Bid queries	NEEPCO's Clarifications									
1	Clause No. 2 (B) (a) of Part 3 (ITB) & Point No. 4 in FORM-L of Part 7 (Tender Forms & Data Sheets)	Disqualification/ Ineligibility of Bidders: 	<p>With reference to the subject tender documents and after going through the terms and conditions in the Bid Documents against NIB No. 437 dated 30.11.2023, we have noticed and have a concern related to one of the clause that we believe requires further revision and modification.</p> <p>In reference to Clause No. 2 (B) (a) of Part 3 (ITB) of the Tender Document and Point No. 4 in FORM-L of Part 7 (Tender Forms & Data Sheets), which pertains to the eligibility criteria for bidders, which states that the immediate removal of a bidder from consideration if they are charge-sheeted by any Investigating Agencies of the Central/State Government or if any criminal, fraud, corruption cases or charges are proceeding against them in a court of law as on the last date for submission of bids.</p> <p>Hence, we would like to propose a modification to this clause to ensure fairness and clarity for all prospective bidders. The proposed modification aims to provide a clearer approach by considering the nature and severity of the charges. Many of the Public Sector Undertakings like NTPC, NHPC, SJVN, etc. issues the Tender Documents having the same clause in relation to the Banning of Business Dealings as requested below and supporting documentation of the same is also enclosed herewith for your further consideration:</p> <table><tr><th>Sl. No.</th><th>Clause as per tender Conditions</th><th>Modification requested / Proposed</th></tr><tr><td>1</td><td><u>Clause No. 2 (B) (a) of Part 3 (ITB):</u> (a) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids.</td><td>(a) If the bidder/ director/owner of the Agency, proprietor or partner of the firm, is convicted by a Court of Law for offences involving moral turpitude in relation to its business dealings with the Government or any other public sector enterprises, during the last five years.</td></tr><tr><td>2</td><td><u>Point No. 4 in FORM-L of Part 7 (Tender Forms & Data Sheets):</u> 4. I/We undertake that it, either directly in its own name or indirectly in</td><td>4. If the bidder/director/owner of the Agency, proprietor or partner of the firm, is convicted by a Court of Law for offences involving moral turpitude in</td></tr></table>	Sl. No.	Clause as per tender Conditions	Modification requested / Proposed	1	<u>Clause No. 2 (B) (a) of Part 3 (ITB):</u> (a) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids.	(a) If the bidder/ director/owner of the Agency, proprietor or partner of the firm, is convicted by a Court of Law for offences involving moral turpitude in relation to its business dealings with the Government or any other public sector enterprises, during the last five years.	2	<u>Point No. 4 in FORM-L of Part 7 (Tender Forms & Data Sheets):</u> 4. I/We undertake that it, either directly in its own name or indirectly in	4. If the bidder/director/owner of the Agency, proprietor or partner of the firm, is convicted by a Court of Law for offences involving moral turpitude in	<p>The respective Clauses have been modified.</p> <p><u>Please refer Corrigendum No. 4 Dated 12-02-2024.</u></p>
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			<div></div> <div>any other name, In carrying out of its business, has not (i) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a Court of Law as on the latest date of Bid submission; (ii) been involved in the corrupt or fraudulent or collusive or coercive practices as defined in Clause 25(ii), Part-3 of Bid Document; (iii) made misleading or false representation(s) in the forms, statements and attachments submitted in proof of the qualification requirements.</div>	<div></div> <div>relation to Its business dealings with the Government or any other public sector enterprises, during the last five years; (i) been involved in the corrupt or fraudulent or collusive or coercive practices as defined in Clause 25(ii), Part-3 of Bid Document; (ii) made misleading or false representation(s) in the forms, statements and attachments submitted in proof of the qualification requirements.</div>							
Therefore, it is requested for your consideration to amend the clauses as proposed above.											
2	-Do-	-Do-	<div>This is with reference to your tender notice for the above mentioned Project. We wish to participate in the tender process however due to certain conditions given in the tender, we are not in a position to explore the possibilities for bidding. It may please be noted that as per clause no 2(B) (a) of Part (ITB) and SL. no. 4 in Form-L of Part-7 (Tender Forms & Data Sheets) certain data/undertaking are required to be submitted in relation to pending legal proceedings against the bidder. You may please appreciate that there are some cases filed against us while working at project sites on account of various reasons such as accidents, or for some other reasons. It will not be possible for us to submit such undertakings as required in the tender. It is therefore requested that following modifications may please be done so as to enable better participation of firms:</div> <table><tr><td>Sl. No.</td><td>Clause as per tender Conditions</td><td>Modification requested / Proposed</td></tr><tr><td>1</td><td><u>Clause No. 2 (B) (a) of Part 3 (ITB):</u> (a) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for</td><td>(a) been <u>convicted</u> by any Investigating Agencies of Central/State Government or if <u>convicted under</u> any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids.</td></tr></table>			Sl. No.	Clause as per tender Conditions	Modification requested / Proposed	1	<u>Clause No. 2 (B) (a) of Part 3 (ITB):</u> (a) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for	(a) been <u>convicted</u> by any Investigating Agencies of Central/State Government or if <u>convicted under</u> any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids.
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Sl. No.	Ref. Clause No.	Tender Stipulations	Pre-Bid queries	NEEPCO's Clarifications
			<p>submission of bids.</p> <p>2 Point No. 4 in FORM-L of Part 7 (Tender Forms & Data Sheets):</p> <p>4. I/We undertake that it, either directly in its own name or indirectly in any other name, in carrying out of its business, has not (i) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a Court of Law as on the latest date of Bid submission; (ii) been involved in the corrupt or fraudulent or collusive or coercive practices as defined in Clause 25(ii), Part-3 of Bid Document; (iii) made misleading or false representation(s) in the forms, statements and attachments submitted in proof of the qualification requirements.</p> <p>4. I/We undertake that it, either directly in its own name or indirectly in any other name, in carrying out of its business, has not (i) been <u>convicted</u> by any Investigating Agencies of Central/State Government or <u>convicted</u> in any criminal, fraud, corruption cases or charges that may be proceeding against them in a Court of Law as on the latest date of Bid submission; (ii) been involved in the corrupt or fraudulent or collusive or coercive practices as defined in Clause 25(ii), Part-3 of Bid Document; (iii) made misleading or false representation(s) in the forms, statements and attachments submitted in proof of the qualification requirements.</p> <p>You are therefore requested to kindly modify the conditions as suggested above in order to enable us to participate in the bid.</p>	
3.	-Do-	-Do-	<p>With reference to the bid documents downloaded from your website of the subject project, we have thoroughly reviewed the clauses and conditions laid down in the Bid Documents. We would like to clarify you that, we want some clarity in a specific clause no. 2 (B) (a) of Part 3 (Instruction to Bidders) of the Bid Documents and Sr. No. 4 in Form-L of Part-7 (Tender Forms & Data Sheets), needs to be modified as mentioned below in the table.</p> <p>In this specific clause, which is related to the eligibility criterion for bidders to qualify under this bid, which includes a provision of bidders requiring the disqualification of a bidder from the bidding competition, if the bidders are charge-sheeted by any Investigating Agencies of the Central/State Government or if any criminal, fraud, corruption cases or charges are proceeding against them in a court of law as on the last date for submission of bids.</p> <p>We hereby request you to kindly modify these clauses of the bid documents as per the table mentioned below to ensure fair competition among all the bidders who may take the part in this bidding process. Many of the Public Sector companies like NHPC, NTPC,</p>	-Do-

Sl. No.	Ref. Clause No.	Tender Stipulations	Pre-Bid queries	NEEPCO's Clarifications									
			<p>SJVN, UJVN, etc. have earlier issued the Bid Documents with the same clause which is directly related to the Banning of Business Dealings as per the below table:</p> <table><tr><th>Sl. No.</th><th>Clause as per tender Conditions</th><th>Amendment requested</th></tr><tr><td>1</td><td><p><u>Clause No. 2 (B) (a) of Part 3 (ITB):</u></p><p>(a) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids.</p></td><td><p>(a) If the Managing director/director/owner of the Agency is convicted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids.</p></td></tr><tr><td>2</td><td><p><u>Point No. 4 in FORM-L of Part 7 (Tender Forms & Data Sheets):</u></p><p>4. I/We undertake that it, either directly in its own name or indirectly in any other name, in carrying out of its business, has not (i) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a Court of Law as on the latest date of Bid submission; (ii) been involved in the corrupt or fraudulent or collusive or coercive practices as defined in Clause 25(ii), Part-3 of Bid Document; (iii) made misleading or false representation(s) in the forms, statements and attachments submitted in proof of the qualification requirements.</p></td><td><p>4. If the Managing director/director/owner of the Agency is convicted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids; (i) been involved in the corrupt or fraudulent or collusive or coercive practices as defined in Clause 25(ii), Part-3 of Bid Document; (ii) made misleading or false representation(s) in the forms, statements and attachments submitted in proof of the qualification requirements.</p></td></tr></table>	Sl. No.	Clause as per tender Conditions	Amendment requested	1	<p><u>Clause No. 2 (B) (a) of Part 3 (ITB):</u></p> <p>(a) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids.</p>	<p>(a) If the Managing director/director/owner of the Agency is convicted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids.</p>	2	<p><u>Point No. 4 in FORM-L of Part 7 (Tender Forms & Data Sheets):</u></p> <p>4. I/We undertake that it, either directly in its own name or indirectly in any other name, in carrying out of its business, has not (i) been charge sheeted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a Court of Law as on the latest date of Bid submission; (ii) been involved in the corrupt or fraudulent or collusive or coercive practices as defined in Clause 25(ii), Part-3 of Bid Document; (iii) made misleading or false representation(s) in the forms, statements and attachments submitted in proof of the qualification requirements.</p>	<p>4. If the Managing director/director/owner of the Agency is convicted by any Investigating Agencies of Central/State Government or if any criminal, fraud, corruption cases or charges that may be proceeding against them in a court of law as on the last date for submission of bids; (i) been involved in the corrupt or fraudulent or collusive or coercive practices as defined in Clause 25(ii), Part-3 of Bid Document; (ii) made misleading or false representation(s) in the forms, statements and attachments submitted in proof of the qualification requirements.</p>	
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			Request you to kindly modify the clauses & accept our request favorably.										