

CONDITIONS OF TENDER**1. ACCEPTANCE / REJECTION OF QUOTATIONS :**

FACT reserves the right to accept or reject any quotation in whole or in part without assigning any reason. Incomplete and late quotations are liable to be rejected.

2. VALIDITY :

All quotations must be valid for a period of SIX MONTHS from the date of opening of the quotation, unless otherwise specified in the NIT.

3. EARNEST MONEY DEPOSIT (EMD) :

The Earnest Money Deposit accompanying the tender shall be kept valid up to a period of **ONE MONTH** beyond the validity of tender itself. On receipt of notice of acceptance of tender, the successful tenderer shall keep the EMD valid up to the date of entering into a formal contract with FACT and establishing the Performance Bond.

4. TIME SCHEDULE :

The time allowed for carrying out the work is **as mentioned in NIT**. Any request for revision in time schedule or any other terms of tender after tender opening will not be allowed.

5. COLLECTION OF DATA :

The Tenderer shall visit the job site and acquaint himself fully of the site conditions. The Tenderer shall also satisfy himself about the availability of labour, likely labour demands, problems of weather conditions, infrastructural facilities, availability of construction materials etc. No claims whatsoever will be entertained on the plea of ignorance or difficulties involved in the execution of work or carriage of materials on account of the site conditions.

6. LETTER OF INTENT (LOI):


In the event of FACT issuing to tenderer a Letter Of Intent conveying FACT's decision to accept the tender along with all Schedules, subsequent correspondences, minutes of meetings of discussions and the said Telex and / or Letter Of Intent shall constitute a contract till such time a detailed contract is entered into and the tenderer shall commence execution of work in full earnest.

7. SIGNING OF THE CONTRACT :

The successful tenderer shall execute a contract in the Proforma Contract available with the Tender Document within 15 days of intimation regarding acceptance of the tender by FACT. In the event of failure on the part of the successful tenderer to sign the agreement within the above stipulated period and to provide the Performance Bond as required in Article 2 of the Proforma Contract without prejudice to other rights of FACT, the acceptance of the tender shall be considered cancelled and the EMD will be forfeited.

8. CHANGE IN CONSTITUTION :

Any Change in constitution of Contractor's firm must be done only with prior information to FACT.


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INSTRUCTIONS TO BIDDERS

- 1.1 The bidder shall study carefully the NIT, Schedule of work, Price bid format(BOQ), Pre-Qualification criteria, Conditions of tender & Instructions to Bidders, Drawings & specifications if any, Special requirement of work, General conditions for contract along with the tender documents. All conditions set out there in shall be binding on the bidders unless conflicting with any conditions expressly stated by FACT while accepting any bid in the event of such acceptance. Copy of the Tender document shall be digitally signed by the bidders signifying their acceptance of the same.
- 1.2 Before submitting the bid, the bidder shall familiarise himself, about the details of the work, operating conditions etc., collect all necessary data regarding the facilities available at FACT and satisfy himself on all aspects relating to this work which he has to execute. Claiming lack of knowledge shall not be a reason for exoneration of the bidder of his contractual obligations or demand for increase in rate, in case a contract is awarded to him.
- 1.3 Offers against this NIT shall be submitted online **on e-Tendering portal <https://eprocure.gov.in>**, with valid digital signature certificate. Offers submitted on any other platform or in any other mode or including e-mails, physical offers etc., SHALL NOT be accepted.
- 1.4 All bidders are requested to register themselves on the above website with their valid digital signature certificate. It is mandatory for bidder to have valid digital signature certificate issued by any of the Certifying Authority approved by Govt. of India for participating in the tender. The cost of digital signature certificate shall be borne by the bidder. Bidders may refer "Bidders Manual Kit" available on the above website for detailed information and instructions for registration, bid submission etc.
- 1.5 The bidder shall be prepared to commence the work from date of issue of LOI / Work Order.
- 1.6 In case of award of work, the Contractor shall obtain required license from the Labour Department for employing his labourers, before commencement of the work. The Contractor shall also ensure coverage of his labourers under the PF and ESI Acts as applicable.
- 2.0 **Scope of Work:** The Scope of work is attached separately.
- 3.0 **Rates:**
- 3.1 Bidder shall quote his rates for the work only as per the Price Bid Format (BOQ) attached. Bidder shall quote for all items of work as per the Price Bid format. Bids not complying with the above are liable to be rejected.
- 3.2 The rate quoted for each item of work shall be inclusive of all costs towards statutory levies and payments, all establishment costs, labour registration, wages paid to the labourers, PF, ESI or other remittances on behalf of the labourers, accommodation and transportation of their officers etc., but excluding GST. GST shall be extra, as applicable as per GST Act.
- 4.0 **Submission of bids:** The bid shall be submitted in Two parts -.Part- A Bid (Prequalification cum Techno-commercial bid) and Part- B Price Bid (Price Bid in BOQ).
- Part- A Bid** (Pre-qualification cum Techno-Commercial bid): This bid shall contain the Following documents duly filled wherever applicable and digitally signed on all pages:
- NIT & Annexure No. 1 to NIT
 - Conditions of tender & Instructions to bidders

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- iii. Form of bid
 - iv. Information relating the tenderer
 - v. Details regarding Input tax
 - vi. Proforma contract
 - vii. Schedule A to F.F1,F2, G H,J,L,P,P1,Q,Q1
 - viii. Special conditions & Special requirements of contact.
 - ix. Compliance statement
 - x. Vendor data form with Master data for Electronic Media Payment Format (For new vendors)
 - xi. Checklist
 - xii. Copy of Tender fee payment details as mentioned in NIT
 - xiii. GST registration certificate
 - xiv. Copy of Earnest Money Deposit (EMD) payment mentioned in NIT.
- i. Scanned copy of the details of EMD amount paid as per NIT and document fee paid shall be uploaded along with other documents in the portal which shall be paid in the form of a Demand Draft drawn in favour of FACT Ltd., payable at Udyogamandal - Ernakulam or through NEFT/RTGS or directly remit at the State bank of India, Udyogamandal as detailed in the clause 10 below. For NEFT/RTGS, please furnish UTR No., Payment receipt No./Challan and the Originals receipts shall reach to 'DGM(Mat)-RM2 /SM(Mat)-C, Corporate Materials, FACT PD admin building, Udyogamandal-683501' on or before the due date of the Bid opening, failing which shall NOT be considered for Techno commercial bid evaluation.
- ii. Bidder should have experience in similar job as detailed in the Pre-Qualification criteria and the copies scanned from originals to prove the qualification as detailed in the pre-qualification criteria, shall be uploaded. The BIDDER SHALL PRODUCE THE ORIGINALS OF THE DOCUMENTS FURNISHED ALONG WITH THE TENDER, AT ANY TIME, IF ASKED FOR, DURING THE EVALUATION OF BID.
- 5.0 **PART B:** The BOQ in the part B of the tender document shall be filled with quoted rate, GST Provisional Number and the SAC Code, which will be opened only after the Technical evaluation, is completed
- 6.0 FACT reserves the right to extend without giving any reason the last date for submission and opening of bid. HOWEVER ANY CHANGE IN THIS TENDER LIKE EXTENTION, CANCELATION, ETC WILL BE EFFECTED ONLY IN THE CPP PORTAL
- 7.0 FACT reserves the right to reject any or all bids without assigning any reason whatsoever. FACT's decision in this regard shall be final and binding on the bidders.
- 8.0 FACT reserves the right to call tenders from other parties in addition to parties found suitable by way of press advertisement under certain situation such as cartelisation or number of such parties are less, price bids received are less, or quoted rates are high or under any such circumstances which are detrimental to the interest of FACT, at its sole discretion. Further, FACT reserves the right to add any number of parties and at any time, to the suitable parties so considered by the company. The opinion of FACT in this behalf will be final and binding on the bidders/contractors.
- 9.0 **Evaluation of bids:** Bidders shall quote for all items of work in the Price Bid in excel Format. Bids not complying with the above will not be considered. Evaluation of bids and determination of the L1 bidder shall be based on the combined total value of all items of work

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quoted by the bidder in the Price Bid Format. The combined total value as above shall be computed based on the rates quoted by the Bidder against each item and the corresponding quantities indicated.

8.1 The following conditions shall be considered in the evaluation of quotations:

- a) Agreement with terms and conditions and schedules of Tender document;
- b) Pre-qualification criteria
- c) Price.

8.2 For bid evaluation, FACT shall make appropriate loadings to the quoted prices of Tenderer towards deviations in Commercial conditions.

8.3 In case more than one bidder becomes L1, the contract will be finalised based on revised lowest tendered amount which will be obtained from the L1 bidders. However, bidders will not be allowed to increase any of the original rates quoted by them in the revised bid submitted by them as above.

8.4 FACT reserves the right to reject any or all tenders without assigning any reason whatsoever. FACT also reserves the right to negotiate with the lowest bidder.

9.0 **GST:** The rate quoted by the Bidder for all the works as per this tender shall be exclusive of applicable GST. GST, if applicable for the work as per any statutory notification, shall be extra. If the GST is to be paid by the Contractor as per the relevant notification, he shall arrange to remit the same to the concerned authority and FACT shall reimburse the same to the Contractor based on documentary evidence. If the same is to be paid by FACT, the above shall be done by FACT directly.

9.1 Please also arrange to submit the following

9.2 The GST registration Number and details. In the case of Provisional ID, GST Registration Number shall be provided on receipt of the same.

9.3 Place of supply/Service.

9.4 GST rates applicable for each item.

9.5 HSN / SAC codes of each of the goods / services quoted In case of unregistered supplier, a declaration to that effect with reason should be furnished.

9.6 FACT's GST registration number in the state of Kerala is 32AAACT6204C1Z2.

9.7 The supplier/contractor shall confirm the following:

- a) Submit GST compliant tax invoice to FACT with FACT's GSTIN as 32AAACT6204C1Z2.
- b) Shall ensure uploading the above invoice as per statute & File monthly returns in time enabling FACT to claim the input tax credit.

9.8 GST charged by the supplier/contractor shall be released separately to the supplier/contractor only after filing of the outward supply details & the monthly return on GSTN portal by the supplier/contractor and (ii) on matching the input tax credit to such invoice with the corresponding details of outward supply of the supplier/contractor.

9.9 In case FACT incurs any liability (like interest, penalty etc.,) due to denial/reversal of such input tax credit in respect of the invoice submitted by the supplier/contractor, for the reasons attributable to the supplier/ contractor, the same shall be recovered from the supplier/contractor

9.10 Further in case FACT is deprived of the input tax credit due to any reason attributable to the supplier/contractor, the same shall not be paid or recovered if already paid to the

supplier/contractor.

10.0 Earnest Money Deposit:

10.1 The bids shall be accompanied by a scanned copy of the Demand Draft for the amount mentioned in the NIT from a Nationalised / Scheduled Bank drawn in favour of FACT payable at Udyogamandal - Ernakulam or the receipt of the payment through NEFT/RTGS. For NEFT/RTGS, please furnish UTR No, Payment receipt/Challan in original for the amount indicated below along with Part A bid, towards Earnest Money Deposit (EMD). Bids without EMD shall be rejected. No interest shall be paid on EMD.

10.2 If any bidder retracts from or revises his bid during its validity period or fails to submit Security Deposit and execute the required Agreement if the contract is awarded or fails to commence execution of the work on the stipulated date, the EMD furnished shall be liable to be forfeited without prejudice to FACT's right to claim damages.

10.3 EMD of the unsuccessful bidders will be refunded soon after the contract is finalised.

10.4 EMD may be remitted through RTGS / NEFT also. In such cases UTR No. / scanned copy of the payment receipt may be submitted along with the Part-A of the bid. Details of Bank A/c for remittance of EMD are given below:

Account Type : Cash Credit
Account No : 57017844467
IFS CODE : SBIN0070158
Name of Bank : State Bank of India

Branch : Udyogamandal
District : Ernakulam
State : Kerala.


10.5 Bids without EMD and Tender document fee shall be rejected. EMD and Tender document fee will be exempted for Govt. Depts. / firms / public sector units / MSME units / firms registered under NSIC / Khadi Board / Registered Labour Contract Co-operative Society etc. as per applicable govt. directions, on submission of valid documents. Any other claims shall not be entertained.

10.6 PURCHASE PREFERENCE:

This tender shall be based on MSME order dtd. 23rd March 2012, and as amended from time to time, pertaining to public procurement policy in respect of procurement of goods & services, produced and provided by micro and small enterprises, including special benefit of MSE firms owned by SC/ST and women entrepreneurs, on furnishing relevant documents as proof. Declaration of UAM no on CPPP is mandatory; failing which bidders will not be able to enjoy the benefits as per PP policy. Bidders will get the benefit of PP policy only if they are MSE bidders at the time of submission of their offers.

In divisible tenders, participating MSEs quoting price within price band of L1+15% shall also be allowed to supply a portion of requirement by bringing down their price to L1 price in a situation where L1 price is from someone other than an MSE. Such MSEs shall be allowed to supply at least 25 % (or as applicable) of the total tendered value. In case of more than one such MSE, the supply will be shared proportionately (to tendered quantity). Special provisions extended to certain categories of MSEs as per the order shall also be applicable.

In case of non-divisible tenders, an MSE quoting in the price band of L1+15% may be awarded full/complete work of tendered value, considering the spirit of policy for enhancing

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the government procurement from MSEs subject to bringing down of price to L1 by the MSE concerned.

This tender is non-divisible.

- 11.0 The bids shall be valid for a period of a period of number of days mentioned in the NIT from the date of opening of bids
- 12.0 The bid shall be digitally signed by the bidder. Incomplete bids are liable to be rejected.
- 13.0 Enquiry documents are not transferable. Bidders shall meet all expenses in connection with submission of his bid, attending the bid opening, meetings if required.
- 14.0 Bidder shall clearly indicate the time (number of days) required for mobilisation /commencement of work from the date of Letter of Intent (LOI) / Work Order.
- 15.0 Work order shall be issued by Deputy General Manager, (Mat)RM2 / SM(Mat)-C, Materials department, FACT, Udyogamandal. The work shall be administered and executed by the AGMC UC
- 16.0 * Any further information on site familiarization/ nature of work, if required by the bidders, can be had from SM(Mat)-C, FACT (0484-2568123).
* For any clarification on this enquiry, the Assistant Manager (M)C-Desig, Phone No: 0484-2568613, Corporate Materials, FACT-PD Administration Building, Udyogamandal, Cochin, may be contacted.
* For any clarification on e-tender submission, Mr Ajino Anandh, Tel: 0484 2568374 may be contacted.
- 17.0 The bidders are advised to get themselves informed of all the details they require before submitting their bids.
- 18.0 FACT has introduced a new ERP system, wherein, the activities related to evaluation of bids, certification of bills, payments etc. are being simplified.
- 19.0 For any disparity with the conditions, the special terms and conditions will prevail.

ALL DOCUMENTS SHOULD BE SIGNED DIGITALLY

THE ORIGINALS OF DEMAND DRAFT / ANY OTHER MODE OF PAYMENT TOWARDS DOCUMENT FEE AND EMD SHALL REACH THE ADDRESS BELOW BEFORE THE DUE DATE OF THE TECHNICAL BID OPENING. (The envelop should be super scribed with Tender Number and name of work).

**Senior Manager (Mat)-C
Corporate Materials – Contracts,
Petro Chemical Administrative Building,
FACT, Udyogamandal Complex
Udyogamandal, PIN 683501**

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Senior Manager (Mat)-C

Sub: Supply, application and dry out of plastic chrome base refractory to KHI Boiler in FACT UC Petro”.

Ref: Tender No.

Sir,

Having examined the tender documents for the above named works including Conditions of Tender, Instructions to Bidders and Proforma Contract along with Schedules, we the undersigned offer to carry out the above named works in accordance with the terms and conditions set forth in this tender comprising the following documents:

1. Conditions of Tender and Instructions to Bidders, TPS.
2. Data furnished as per Attachment - II – A to C
3. Proforma Contract along with Schedules A to F, F1,F2 H,J,L, P, Q and Q1
4. Selected deviations if any (Compliance Statement), Vendor Data Form and Master Data.
5. Documents as per Check list including, Earnest Money Deposit.

Until such time a contract is executed, this tender together with any later or amended tender as may be requested by you, correspondence in writing between the parties and any minutes of discussions shall constitute a binding contract between us.

Signature of Tenderer :

Name & Position :

Name & address of Contractor :
.....
.....

Place & Date :

WITNESS:

Name :

Position :

Address :
.....

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NAME OF WORK: Supply, application and dry out of plastic chrome base refractory to KHI Boiler in FACT UC Petro”.

1. Following certificates to be uploaded online in original/ by Notary attested:

- i. Completion Certificate** for satisfying PQ Criteria from customer shall be as per format mentioned in Instructions to Bidders.
 - ii. Audited Balance Sheet for the last three years ending 31 st March 2019** including Profit & Loss account, Schedules, Notes on accounts, Auditors report, Directors report etc.
 - iii. Tenderer shall upload copies of Registration Certificate, PAN card.**
2. Attach copies of Work **Order with Schedule of Items of work** as proof for similar Items.
 3. Tenderer shall give **INFORMATION OF SIMILAR WORKS** done during the past seven years for satisfying **PQ Criteria** with name of work, brief scope of work, initial & final contract value Completion period.
 4. Tenderer shall give details of his **PRESENT COMMITMENTS** with details of work, initial contract value, period of completion, name of client, expected date of completion, percentage progress etc.
 5. Tenderer shall submit the details of **CONSTRUCTION PLANT AND EQUIPMENT** available with him for using in this work.
 6. Tenderer shall attach his proposed **SITE ORGANIZATION CHART** in **“FAMILY TREE”** form, showing the number and grades of field supervisory, administrative and craft personnel to be employed in the works.
 7. Tenderer shall attach resumes of all proposed **KEY PERSONNEL** of his organization to be associated with the work, detailing their qualifications and experience over the past 10 years.
 8. Detailed programme of work in **PERT or BAR CHART form or a Statement** form with respect to **FACT’S requirement** high-lighting all important milestones to accomplish satisfactory completion of WORK within the stipulated completion period.

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NAME OF WORK: Supply, application and dry out of plastic chrome base refractory to KHI Boiler in FACT UC Petro”.

DETAILS REGARDING INPUT TAX

1. Whether GST is applicable for this work – Yes/No
2. If Yes, bidder is requested to quote the GST extra as applicable.
3. If No, GST exemption certificate for a declaration that service is outside the preview of GST is attached - Yes/No

Note:

1. Strike off whichever is not applicable
2. GST % provided in BOQ to be entered in respective field in **BOQ**.

NAME & SIGNATURE OF CONTRACTOR