Guidelines for e-Procurement for Works and Services in ECL

PART I

1. **Preface:** - This document containing broad guidelines for e-Procurement for Works & Services is framed with an objective that it should help all concerned in adopting the proposed automated, web-based e-Procurement System with the objective of on-line evaluation and thereby reducing the human intervention in evaluation of tender and reduction of cycle time of procurement. The proposed system has been conceived based on the facts and figures obtained from NIC and other internal sources. However, any improvement to these guidelines may be adopted by ECL with the approval of CMD, ECL for the purposes like:

   a. Improvement in the System functionality
   b. Enhanced convenience to the users of the System
   c. Technical limitation in implementation of any feature as proposed in this document.

2. **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 Contract Value (ECV) of more than ₹5.00 lakhs. This threshold limit may be reduced further by CMD, ECL, once the system of e-Procurement is stabilized.

   B. Limited tenders for ECV of ₹2.00 lakhs and above can also be floated through e-Procurement after implementing the vendor/contractor registration in different categories in compliance with CVC Office Order No. 43/7/04 dated 02.07.04 and its subsequent guidelines on this matter.

   C. All the steps involved starting from hosting of Tenders (based on approved and financially concurred estimate/indent) till decision of L-1 bidder is covered like Hosting of NIT, Downloading and submission of bids, Opening of Tender and Evaluation of bids online on a dedicated e-procurement portal of the company with validation of Tender Committee at nodal stages only. The Portal will also generate Reports required for the MIS/Decision Support System of ECL.

   D. The other terms and conditions of NIT, not covered under this document, will be as per the Contract Management Manual (for Mining department) and Manual of Civil Engineering Works (for Civil, E&M and other departments) of CIL.

   **Note :-**

3. **THE ORGANISATIONAL SETUP**

   A separate permanent Cell constituting of Executives of different departments headed by a designated **Project Manager** for implementation, development and maintenance of e-procurement system shall function at ECL HQ. Responsibility of the e-Procurement cell at ECL HQ will be:

   a. To co-ordinate and correspond with the Service Provider(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 finalize the different documents, formats etc. for the e-procurement system.

i. To Administer the e-Procurement Application and Online User Management.

4. THE PROCESS

A. The e-Procurement portal shall be in compliance with IT Act 2000 and its subsequent amendments.

B. Tender for the approved and financially concurred estimates will be published in the e-Procurement portal by authorized executives of ECL with Digital Signature Certificate (DSC). The authorized executive for this purpose will normally be the HOD of the concerned technical department. The tender may be created by the executive as authorized by the HOD, publishing the tender. While creating/publishing the tender the “Bid Openers” will be identified who will be essentially from the Tender Committee. The maximum number of bid opener will be three and the minimum number will be two. In case of Tenders floated by any department at ECL HQ., the Bid Openers will be the executives posted at ECL HQ. only and in case of Tenders floated by Area authorities, the Bid Openers will be the executives posted at Area office only. Any individual may have multiple roles in this system.

C. The Digital Signature Certificates have to be obtained for ECL users from certifying agency of NIC which is authorized by CCA (Controller of Certifying Authority) of Govt. of India. The bidders will have to obtain the Digital Signature Certificate from any certifying agency which is authorized by CCA (Controller of Certifying Authority) of Govt. of India.

D. Tender will be floated on-line by the concerned 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 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.*
After creation of tender a unique Tender Id is automatically generated by the system.

The tenders shall be floated on the dedicated e-Procurement portal of ECL and the information will also be hosted in a prescribed format on the Government tender website eprocure.gov.in/ tenders.gov.in which shall contain the Description of items, ECV, start date and end date of bid submission, date of opening of part-I tender, contact addresses, the Unique Resource Locator (URL) of ECL’s tender website for downloading and submission of bid etc.

Instead of publishing the notices for individual tenders in the print media, a general notice may be given by PRO, ECL 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 ECL on the e-Procurement websites. This notice may be published once in every 7 days on a regular basis.

Publication in print media for individual tenders may be dispensed with, since the tenders are being published on two tender websites including a dedicated website for government tenders.

In each tender having ECV above a threshold value, an Independent External Monitor (IEM) is to be nominated as per Integrity Pact. IEM’s name and address is to be given in the NIT and the Integrity Pact will be a part of the NIT document. (the present threshold limit for integrity pact is Rs.1.00 Crore, which may vary as per the existing policy of the Company)

Pre-bid meeting may take place, if required, after publication of Tender but in any case at least 1 day before the start date of Bid submission. The pre-bid meeting shall be held on the scheduled date and time, if specified in the NIT. The purpose of the pre-bid meeting is to clarify the issues and to answer the questions on any matter that may be raised at that stage. Non-attendance at the pre-bid meeting will not be a cause for disqualification of bidder and it shall be presumed that the bidder does not require any clarification.

E. The bid submission will start from the next day of e-publication of NIT, but if there is a pre-bid meeting, it will start on the next day of pre-bid meeting and shall continue for minimum 15 (fifteen) days for the tenders having ECV Rs.50 lakhs & above and 10 days for the tenders having ECV less than ₹ 50.00 Lakhs. The Technical bid may be opened after last date and time of submission of bid on the pre-scheduled date and time.

F. The Tender can be downloaded by any prospective bidder from the website free of cost and tender application fee is to be submitted at the time of bid submission. The download of tender may start immediately after e-Publication of NIT and shall continue till the last date and time of bid submission.

G. Registration/Enrollment of Bidder on e-procurement Portal of ECL:

In order to submit the Bid, the bidders have to get themselves registered online on the e-Procurement portal of ECL (https://ecltenders.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. If the bidder is an individual person then he should register himself under “Individual” category and if the bidder is a proprietorship firm/partnership firm/Joint venture/ Company then registration should be under
“Corporate” category. The registration should be in the name of bidder, whereas DSC holder may be either bidder himself or his duly authorized person.

H. 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 and other conditions, if any, along with on-line undertaking in support of the authenticity of the declarations regarding the facts, figures, information and documents furnished by the Bidder on-line in order to become an eligible bidder. No conditional bid shall be allowed/accepted.

I. 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.

J. The bidder may seek clarification online within the specified period. His identity 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 next day of e-Publication of NIT. The last date for seeking clarification will be up to 4 (four) days before the last date of submission of bid and the last date of giving clarification online will be up to 2 (two) days before the last date of submission of bid.

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

K. Corrigendum should be issued only in exceptional cases with the due approval of competent authority. However, corrigendum to NIT will be possible on-line with respect to extension of date and address. However, the extension of date for an event will be possible only before the expiry of earlier specified date and time for that particular event. Pre-ponement of date for any event is not permitted. Any corrigendum other than extension of date and change of address is not allowed. The scanned copy of corrigendum notice is to be uploaded on the e-Procurement Portal and also on the portal where the original NIT has been published.

L. The bidder will submit their Technical Bid and Price bid on-line. No offline 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.

M. The bidder will have an option for submitting Application fee and EMD through either ONLINE or OFFLINE mode. Any Bidder will have an option for selecting mode of payment i.e. either offline or online. One bidder can select for one mode of payment for both, the EMD and Application Fee.

In Online mode the bidder can make payment of Application fee & EMD either through net banking from designated Bank or through NEFT/RTGS from any scheduled Bank. For payment through net banking at present only Axis Bank is integrated with the system, but efforts will be made to integrate more & more banks for ease of the bidders. In
case of payment through net banking the money will be immediately transferred to 
ECL’s designated Account. In case of payment through NEFT/RTGS the bidder will have 
to make payment as per the Challans (separate challans for Application Fee & EMD) 
generated by system on e-Procurement portal and will have to furnish online the UTR 
Numbers (for Application Fee & EMD separately) before submission of bid. The 
payment made through NEFT/RTGS must be received in ECL’s designated Account up to 
three working days after the last date of submission of bid.

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

In case of exemption of EMD the scanned copy of document in support of exemption 
will have to be uploaded by the bidder during bid submission.

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

Once the on-line system is fully stabilized, the offline mode will be discontinued with 
the approval of CMD, ECL.

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

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

Note:
i). In case of above, a letter will be issued to the bidder by Tender Inviting Authority 
with the approval of Tender Accepting Authority (in case Board is Tender Accepting 
Authority then with the approval of CMD), stating that the bidder is debarred for 
six months from participating in tenders in ECL. This letter will be circulated to all 
Areas and EC, HQ and the updated list will be maintained by all Tender Inviting 
Authority/Evaluators.

ii). In case of online payment of Application fee & EMD, if the payment is made by the 
bidder within the last date & time of bid submission but not received by ECL within 
the specified period due to reasons beyond the control of the bidder then there 
will be no penal action against the bidder, but the bid will not be accepted.

iii). Penal action will be enforced from the date of issue of such order.
O. For online bid submission the bidders will have to upload only one document i.e. “Letter of Bid” in Cover-I and only “Price-bid” in Cover-II.

i). **Letter of Bid:** The format of “Letter of Bid” (filled with tender title, NIT No. & Tender Id) will be uploaded during creation of tender in .pdf format as a NIT document. The format of Letter of Bid will be downloaded by the bidder and will be printed/typed on his letter head. This document will be signed by the bidder or his authorized representative or DSC holder bidding online with authorization from bidder and the scanned copy of the same in .pdf format 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.

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

P. **Shortfall document**

In case of any error/omission in scanning and uploading the cover-I document i.e. Letter of Bid, the bidder will be allowed to re-upload the same within the specified time period of 3 (three) days.

In case the Tender Committee finds that there is some error/omission in scanning & uploading the cover-I document i.e. Letter of Bid by a bidder, the same will be specified on-line under the link “Upload shortfall document” by Evaluator normally within 3 days of Technical-bid (Part-I) opening, indicating the start date and end date giving 3 days time for on-line submission by bidder. The bidders will get this information on their personalized dash board under “Upload shortfall document” link. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder’s responsibility to check the updated status/information on their personalized dash board at least once daily after opening of 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 re-upload the requested documents within the specified period and no additional time will be allowed for on-line submission of documents.

Q. **Modification and withdrawal of Bid:**

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

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

a. If the request of withdrawal is received before online notification for opening of price bid, the EMD will be forfeited and bidder will be debarred for 6 months from participating in tenders in ECL. The Price-bid of remaining bidders will be opened and the tender process shall go on.

b. If the request of withdrawal is received after online notification for opening of price bid, the EMD will be forfeited and the bidder will be debarred for 1 year from participating in tenders in ECL. The Price-bid of all eligible bidders including this bidder will be opened and action will follow as under:

- If the bidder withdrawing his bid is other than L1, the tender process shall go on.
- If the bidder withdrawing his bid is L1, then re-tender will be done.

Note:

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

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

R. The Techno Commercial bid will be opened on the next working day after the end date of submission of off-line Application fee and EMD. On the pre-scheduled date and time of tender opening, the Technical bids (Cover-I) will be decrypted on-line and will be opened by the “Bid Openers” with their Digital Signatures Certificates. The Bidders may view the price bid opening remotely on their personalized dashboard under the link “Bid Opening (Live)” and can see the price-bid/BOQ submitted by all participating bidders.

i. Tender will be opened on the pre-scheduled date irrespective of the number of Bids received. Even in case of receipt of single bid, there will be no extension of bid submission date and single bid is to be opened for evaluation.

ii. The extension of pre-scheduled date and time of any tender event is technically not possible after the expiry of date and time of that event.

iii. The e-Procurement System bids automatically with least human intervention. For this purpose all the required parameters will be obtained from the Bidders in an objective and structured manner. Bidders will not be required to upload scanned copy of any document or to submit hard copy of any document for the evaluation process except the scanned copy of Letter of Bid and document in support of exemption of EMD (if applicable).
iv. 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.

v. Submission of Documents by L-1 Bidder (Confirmatory Documents):

After opening of Price-bid, the list of documents required to be submitted by L-1 bidder as enlisted in the NIT will be specified online by Evaluator indicating the start date and end date giving 7 days time for on-line submission by bidder. The L-1 bidder will get this information on their personalized dash board under “Upload confirmatory document” link. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder’s responsibility to check the updated status/information on their personalized dash board at least once daily after opening of Price-bid. No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of documents within prescribed time. The bidder will upload the scanned copy of self certified and attested by notary public of all the specified documents in support of the information/declarations furnished by them online within the specified period of 7 days and simultaneously will submit the original Affidavit (on a non-judicial stamp paper of ₹10, in the prescribed format as given in the NIT, regarding genuineness of the information furnished by him online) either in person or by post to the Tender Inviting Authority within 10 days of last date of online submission of documents.

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

In case the Tender Committee finds that there is some deficiency in uploaded documents or documents have not been uploaded by L1 bidder within the stipulated period then the same will be specified online by Evaluator clearly indicating the omissions/shortcomings in the uploaded documents and indicating start date and end date giving 7 days 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 e-mail and SMS, but it will be the bidder’s responsibility to check the updated status/information on their personalized dash board at least once daily after opening of Price-bid. No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of documents within prescribed time. The bidder will upload the scanned copy of self certified and attested by notary public of those specified documents within the specified period of 7 days and in case of Affidavit, will simultaneously submit the original Affidavit (on a non-judicial stamp paper of ₹10, in the prescribed format as given in the NIT, regarding genuineness of the information furnished by him online) either in person or by post to the Tender Inviting Authority within 10 days of last date of online submission of documents. No
additional time will be allowed to the bidder for on-line submission of documents.

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

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

a. In case the L-1 bidder submits requisite documents online as per NIT, then the bidder will be considered eligible for award of Contract.

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

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

Note:

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

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

iii). Penal action against clause (b) & (c) above will be enforced from the date of issue of such order. Such orders must be issued before calling the retenders.
vi. The participating bidders may view the bid opening, remotely on their personalized dash board under the link “Bid Opening (Live)” and can see the documents submitted by all participating bidders.

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

viii. The Technical evaluation of Tenders for Works & Services will be done as per respective Eligibility Criteria as per the specific information sought from the bidders as specified in the tender document.

S. After opening the technical bid the acceptance of Application fee and EMD by Tender Committee will be entered online by the Bid Opener of tender publishing department (Evaluator of tender).

Evaluation sheets generated by the system on-line shall be downloaded during opening of Part-I (Technical-bid) and shall be placed before the Tender Committee for validation. The Tender Committee will validate the on-line evaluation of Technical bid based on the information furnished by bidder on-line. The system generated evaluation sheets shall be authenticated by Tender Committee and shall be kept in the TCR file. The brief Tender Committee Recommendation based on the on-line evaluation will be made for opening of Price bid of eligible bidders. The Part-I TCR will not require any approval of the accepting authority of the tender. The summary of technical evaluation (Part-I TCR) with the names of eligible bidders and the brief reasons for disqualification of unsuccessful bidders (if any) along with the date of Price-bid opening will be uploaded by the Evaluator of Tender. Date of Price-bid opening shall be kept one day after the date of uploading of the summary of technical evaluation. All the bidders will get this information on their personalized dash-board. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder’s responsibility to check the updated status/information on their personalized dash board at least once daily after opening of bid. The Part-I TCR will be a part of the final TCR to be processed for approval of the competent authority.

T. After acceptance and authentication of evaluation of Part-I (Technical-bid) all the bidders will get the information regarding their eligibility on their personalized dash-board on-line and also by system generated e-mail and SMS. The summary of evaluation result with the names of eligible bidders and the brief reasons for disqualification of unsuccessful bidders will be displayed on the Portal. The brief reasons for disqualification will be uploaded by Tender Publishing authority based on the TC recommendation.

U The EMD of unsuccessful bidders will be refunded through e-Payment, immediately after the bidder is declared unsuccessful. The provision should be kept in the NIT that “the bidders should submit MANDATE FORM for e-Payment along with EMD, if not submitted earlier, as per the format given in the bid document”.

V. The Price bid of the successful bidders (qualified in technical-bid) will be decrypted and opened on the scheduled date and after the pre-scheduled time by the Bid Openers with their Digital Signature Certificate. The Bidders may view the price bid opening remotely on their personalized dash board under the link “Bid Opening (Live)” and can see the Price-bid/BOQ submitted by all participating bidders. –The Price bids and system generated Comparative Statement will be downloaded and will be signed by the Tender Committee. This will be kept in the TCR file.
W. After opening of Price bid the Comparative Statement of Prices indicating the rates quoted by all the bidders and rank of bidders will be generated by the system which will be visible to all the participating bidders online.

X. It will be the bidder's responsibility to check the status of their Bid on-line at least once daily, after the opening of Technical bid till award of work. Additionally, information shall also be sent by system generated e-mail and SMS at nodal points (Requisition for shortfall document, Technical evaluation, date of price-bid opening, financial evaluation, Requisition for Confirmatory document from L-1 bidder, award of work etc.). No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of shortfall documents or Confirmatory documents within prescribed time. This will be specifically mentioned in the NIT.

Y. 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.

Z. The Bid validity period in all cases will be 75 (Seventy Five) days from the last date of submission of bid.

Z1. The Tender Committee will recommend for award of work to the successful bidder after evaluating their technical eligibility based on the computer generated evaluation sheets followed by evaluation of the scanned documents uploaded by L-1 bidder in support of the information furnished by them on line and after evaluation of the reasonableness of L-1 rates. The reasonableness of rates will be evaluated as per the provisions of Manual of CIL and other guidelines issued from time to time.

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

Z2. 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 the original copy will be sent to the bidder through registered/speed post.

Z3. Any tender hosted on the e-Procurement site must be logically concluded i.e. either Award of work is issued or the tender is cancelled.

Z4. 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.

5. THE DUTIES AND RESPONSIBILITIES:

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

• **THE CREATER OF TENDER**:- He will have the privilege of creating the Tender based on the approved and financially concurred Estimate. Normally the executive of Tender Cell will be assigned this role by HOD of the tender publishing department.
• **THE PUBLISHER OF TENDER:** - He will be normally the HOD of the tender publishing department and will be responsible for timely and accurately hosting of tender on the e-Procurement portal with his Digital Signature Certificate.

• **THE OPENERS OF TENDER:** - The tender will be decrypted and opened with the Digital Signature Certificate of each Bid Opener as identified during creation of the tender. Each bid opener will have to access the portal one by one for decryption and bid opening of bid. The Tender committee members will be normally the openers of tender.

• **THE EVALUATOR OF TENDER:** - The Evaluator is the person who will enter and upload the decision of the Tender Committee in the e-Procurement portal and he will be the member of tender committee from the tender publishing department.

• The Tender committee will accept and validate the receipt of EMD and Application fee and on-line evaluation of Technical Bid. The reason of disqualification of bidder, if any, by the system will be recorded in Part-I TCR and will be uploaded by the Evaluator. Similarly the financial evaluation will be done by Tender Committee and the outcome will be uploaded by the Evaluator.

• **Auditor:** He will be given privileged access to audit tendering process.

. **E-Procurement Cell:** Online User Management and Administration of e-Procurement Application

Note: One individual may have multiple roles as identified above. However e-Procurement cell cannot be assigned with the roles of Creator/Publisher/Opener/Evaluator/Tender Committee/Auditor.

6. Special situations :

   a. In case any officer holding any of the above roles is not available for performing his role, he may give off-line authorization to use his digital signature certificate for a specific period and for the specific roles. However this should be used only when it is absolutely essential and with the approval of next higher authority of the person giving authorization.

   b. In case of transfer within ECL the executive holding a role of Bid Opener in a live tender will have to perform this role from his new place of posting. After completing all such assignments his organizational place will be reallocated by e-Procurement Cell on a written request from the executive countersigned by the GM/CGM of the Area/Department.

   c. In case of inter company transfer the executive has to surrender his DSC with an offline authorization for performing the already assigned activity of Bid Opener. After that his DSC will be deregistered from the system.

   d. In case of transfer from ECL or superannuation, the executives having DSCs will have to obtain the clearance regarding handover of DSC at the time of release from ECL. The executives posted at ECL, HQ should obtain clearance from e-Procurement cell and in case of the executives posted at Areas, the clearance may be obtained from the System department of the Area.
e. In case the Digital Signature Certificate is lost or misplaced, FIR should be lodged by the concerned executive and e-Procurement cell should be informed immediately with a copy of FIR. Effort will be made to obtain another copy of DSC from the DSC provider and till such period the date of opening of Tenders in which he has already been assigned the role of Bid Opener will have to be extended. In case it is not possible to prepare a copy of the DSC due to any reason, the Tender, which are yet to be opened will be cancelled and re-tendered.

7. 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.
PART II

8. Data capture Strategies

The data will be captured from ECL/Bidders in different stages as indicated below:

a) **Fixed Data to be provided by ECL**
   These are the data which will be provided by ECL once for all and may be updated as per requirement. The data will include information like: Name of the Company, Address of the Company, Telephone No, e-mail Address, FAX,

b) **Tender specific data to be provided by ECL for each Tender :** These data are to be provided for each tender and it may include information like: Tender Ref No, Tender Date, Name of Tender inviting Department, Designation of Tender Inviting Authority, Description of the work, Description of category of work, Type of Tender (Works/Services/Goods), Name of Area/Project/ Colliery, Estimated Contract Value (ECV), Period (P) in Days, EMD, Application Fee, Date of Publication of Tender, Pre-Bid Meeting Date, start & end date of submission of bid, Required Validity Period of the Offer, period for seeking clarification, date of opening of Part-I (technical bid).

   **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.

c) **Fixed Data to be furnished by Bidders during Registration/Enrollment process :** These information will be captured from the Bidder during the process of Registration/Enrollment. The data includes information like: Name of the Bidder, Name of the contact person, Legal status of the firm, Date of incorporation/registration of the firm, Place of Registration, Address and contact details of the Bidder, Telephone No, FAX, e-mail address of the Bidder, PAN.

d) **Tender specific data to be furnished by the Bidders:** These data are to be furnished by Bidders separately for each Tender. These data requirements have been elaborately indicated for different Eligibility Criteria under the section “Eligibility Criteria”.

9. Eligibility Criteria

   A. **Services Tender (TC & CMC Dept.) -**

   1. **Work Experience:** The intending tenderer must have in its name as a prime contractor experience of having successfully executed works of similar nature valuing 65% of the “Annualized value or Estimated value whichever is less” of the work put to tender in any year (a ‘year’ in this context is a continuous period of 365 days starting at any date of the year) during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited.

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

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

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

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

**Data to be furnished by Bidder on-line:**

1. Start date of the year for which work experience of bidder is to be considered for eligibility.
2. Start date & end date of each qualifying experience (similar nature)
3. Work Order Number/Agreement Number of each experience
4. Name & address of Employer/Work Order Issuing authority of each experience
5. 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).
6. Executed Value of work against each experience

**Technical evaluation by the System:**

a) The system shall calculate the end date by adding 365 days to the start date of experience (provided by bidder). End date shall not be later than the last date (last day of month previous to the month in which NIT has been published on e-procurement portal).

b) 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’).

c) The system shall calculate the value of each qualifying experience by multiplying the value with the % share of experience and adding 5% for each completed year (total No. of days/365) after the end date of experience of work till one year before the last date of month previous to one in which the NIT has been published on e-Procurement portal.

d) 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 Annualized Value or estimated value whichever is less) or else as ‘Ineligible’.

e) 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).

f) 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.”
g) The work experience of the bidder may be an ongoing work and the executed value of work shall be considered for evaluation.

h) In case the experience has been earned by the bidder as an individual or proprietor of a proprietorship firm or partner of a partnership firm, then 100% value of the experience will be considered against eligibility. But if the experience has been earned by the bidder as a partner in a Joint Venture firm then the proportionate value of experience in proportion to the actual share of bidder in that Joint Venture will be considered against eligibility.

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

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

2. 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 posses the working capital within three months prior to the date of opening of tender.

Data to be furnished by Bidder on-line:

a) Amount of available working capital inclusive of lines of credit and availability of other financial resources

b) Date on which the bidder possesses the required working capital

c) Name of the Chartered Accountant (CA)

d) Membership Number of CA who certifies the bidder's working capital on a particular date.

e) Date of Issue of Certificate

Technical evaluation by the System:

a. 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.

b. The value of working capital as certified by the CA is greater than or equal to the minimum requirement.

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

a. 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. (A sample format will be given in the NIT)
3. **Fleet Requirement**

The Fleet Requirement Criteria has been amended by 251\textsuperscript{st} meeting of the Board of Directors of CIL held on 09/09/2009. The amended criteria is as under:

"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".

Therefore the Fleet requirement Criteria has been made optional in the e-Procurement portal w.e.f. 22.03.2010 and while creation of the tender online the Creator has to select the Fleet requirement as “Yes/No”. If the Creator selects the Fleet Requirement as “No” then system will not ask for any Fleet details from the bidder. However, in a specific case if the Creator selects Fleet Requirement as “Yes” then the eligibility criteria will be as under:

"Ownership of a fleet of minimum 1/5th of the tipping trucks and equipments required for the annualized work. The bidder should accept to deploy the balance equipment/fleet if the work is awarded to him. The bidder has to satisfy the Minimum requirement of Fleet/ equipment as specified in NIT in terms of Equivalent Capacity with minimum capacity of each equipment/ fleet (if specified)"

**Data to be furnished by Bidder on-line**:

1. Type of equipment (Tipper, Surface Miner, pay loader, etc.)
2. Actual Capacity of each equipment.
3. Registration Number / Invoice/ Sale deed or hire purchase agreement (whichever is applicable as per NIT) of each equipment

**Technical evaluation by the System**:

a. The system shall assess the capacity of each equipment submitted by the bidders based on the business logic for the corresponding equipment. The system shall not qualify equipment if the assessed capacity of the equipment is less than the minimum required capacity for that equipment.

b. The system shall be required to aggregate the capacity of each type of qualified equipment (as described above) and grade him as 'Eligible' if it meets the total minimum requirements for that type of equipment or else as 'Ineligible'.

c. In case, there are more than one type of equipment required in a tender, the system shall be required to assess the eligibility status of the bidder for each type of equipment and he shall be overall graded as 'Eligible' only if he is eligible in each type of equipment, else 'Ineligible'.

d. As on date, for the 8 different types of equipments in use by ECL, 3 categories of business logic are being applied to assess the capacity of equipments which is accepted if it is equal to or exceeds the minimum capacity for that equipment. The business logic for each equipment is given below.
<table>
<thead>
<tr>
<th>Category</th>
<th>Type of Equipment</th>
<th>Business Logic for Assessed Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Tipper</td>
<td>The carrying capacity i.e. Gross Wt. less Unladen Wt. (Tare Wt) is considered for evaluation.</td>
</tr>
<tr>
<td>2</td>
<td>Payloader, Drill, Dozer, Shovel, Motor Grader, Water Tanker</td>
<td>Capacity (in the same unit as specified in tender) entered by bidder is considered for evaluation.</td>
</tr>
<tr>
<td>3</td>
<td>Surface Miner</td>
<td>The cutting width in mm will be entered by the bidder. The capacity will be derived as per follows: a) &lt; 2000 mm, value considered is Nil, b) ≥ 2000 mm and &lt; 3000, value considered is 3000 Cum/day, c) ≥ 3000 mm, value considered is 6000 Cum/day</td>
</tr>
</tbody>
</table>

The system will include all types of equipments (from an Equipment master) and the corresponding business logic for each type to enable assessment of the capacity. Moreover, it should be flexible to add new type of equipment that may come into force and its applicable business logic into the system.

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

1. For Vehicle covered under Motor Vehicle Act:
   a. RC Book of vehicle issued by RTO in the name of bidder.

2. For Vehicle not covered under Motor Vehicle Act:
   a. Invoice containing name of the bidder as “owner” and the desired capacity of fleet/equipment in the specified “unit” as furnished by bidder online; OR
   b. Sale deed between the seller and the bidder with the copy of invoice containing the name of seller as “owner” and the capacity of fleet/equipment in the specified unit as furnished by bidder online.
   c. In case of Surface Miners the equipment under hire purchase agreement on in the name of the bidders will also be considered as owned by the bidder.

3. Any other legal document to prove the ownership of bidder over the fleet.

4. **Permanent Account Number:** The bidder should possess a permanent account number issued by Income tax Department.

Data to be furnished by Bidder on-line:

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

Technical evaluation by the System:

The system will evaluate “Yes” as eligible and “No” as not eligible.
Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT):

PAN CARD of the bidder

B. Works Tender (Civil and E&M Dept) -

1. 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:

1. Annual turnover of each of the last 3 years ending 31st March of the previous financial year.

2. Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate.

3. Membership Number of the CA

Technical evaluation by the System:

a. The system shall have to calculate the 30% of the estimated value (ECV) as the required average turnover of the bidder.

b. The system shall calculate the average of the financial turnover of 3 years furnished by the bidder with updation of 5% for the second year and 10% for the third year on simple rate. No updation will be made for the first year.

c. The average shall be compared with the minimum requirement to ascertain the eligibility status of the bidder.

d. If any bidder does not submit the Turnover value for any of the 3 years, the system will not disqualify him and instead shall consider all 3 years for computing the average by assuming a value of ‘zero’ for the year for which no information is given by bidder.

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

a. 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 online.

(A sample format will be given in the NIT)

2. Work Experience: The intending tenderer must have in its name as a prime contractor experience of having successfully completed similar works during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be either of the following:-
Three similar completed works each costing not less than the amount equal to 40% of the estimated cost.

Or

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

Or

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

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

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

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

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

Data to be furnished by the Bidders:

1. Start date & end date of each qualifying experience (similar nature)
2. Work order Number /Agreement Number of each experience
3. Name & address of Employer/Work Order Issuing authority of each experience
4. Percentage (%) share of each experience (100% in case of an Individual/ proprietorship firm or a partner in a partnership firm or and the actual % of share in case of a Joint Venture/Consortium).
5. Executed Value of work against each experience

Technical evaluation by the System:

a. 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.

b. The system shall check the Start & End date of each experience (The system shall NOT allow more than 3 entries for experience) and accept it as a qualifying experience if it falls within the 7 years computed by the system.

c. The system shall calculate the value of each qualifying experience by multiplying the value with the %share of experience and adding 5% for each completed year (total No of days/365) after the end date of experience of work till one year before the last date of month previous to one in which the NIT has been invited published on e-Procurement portal.
d. 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'.

e. 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.

f. 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.

g. 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.

h. In case the experience has been earned by the bidder as an individual or proprietor of a proprietorship firm or partner of a partnership firm, then 100% value of the experience will be considered against eligibility. But if the experience has been earned by the bidder as a partner in a Joint Venture firm then the proportionate value of experience in proportion to the actual share of bidder in that Joint Venture will be considered against eligibility.

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

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

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

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

\[
\text{Assessed Available Bid capacity} = (A \times N \times 2 - B)
\]

where,

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

- \( N \) = Number of years prescribed for completion of the works for which bids are invited (Completion period in days/365).
B = Value at present price level, of existing commitments and on going works to be completed during the next …..months (period of completion of works for which bids are invited)

Data to be furnished by Bidder:

1. Maximum financial turnover in any one financial year during the last five financial years w.r.to e-Publication date of NIT i.e. “A”

2. Value at present price level, of existing commitments and ongoing works to be completed during the next …..months (period of completion of works for which bids are invited) i.e. “B”

Technical evaluation by the System:

a. The system shall validate the financial year given by the bidder that it lies within previous five financial years prior to one in which the NIT has been published on e-Procurement portal.

b. The financial turnover value will be updated on simple rate @ 5% for 2\text{nd} year, 10% for 3\text{rd} year, 15% for 4\text{th} year and 20% for 5\text{th} year. No updation will be made for the first year.

c. The bid capacity will be assessed as per formula: Available Bid capacity = 2 \times A \times N - B

d. The system shall match the assessed bid capacity as submitted by the bidder with the minimum requirements to ascertain the eligibility status.

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

a. 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.

   (A sample format will be given in the NIT)

b. Self declaration certificate for the value of “B” in the prescribed format to be given in the NIT.

4. **Permanent Account Number:** The bidder should possess a permanent account number issued by Income tax Department.

Data to be furnished by Bidder on-line:

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

Technical evaluation by the System:

The system will evaluate “Yes” as eligible and “No” as not eligible.
Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by L-1 bidder (CONFIRMATORY DOCUMENT):

PAN CARD Of the bidder

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

Data to be furnished by Bidder on-line:

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

Technical evaluation by the System:

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

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

VAT/ Sales Tax Registration Certificate

C. General Essential Requirements for both Services and Works:

a) The bidders have to:

i. Accept all the Terms and Condition of the NIT and Tender Document Unconditionally online.

ii. Give all the undertakings online as applicable for the tender specified in the NIT.

iii. L-1 bidder has to upload online the scanned copy of documents (self certified and attested by Notary Public), as specified in the NIT for evaluation by Tender Committee as per the checklist given in the NIT including an undertaking in the form of affidavit in original on a non judicial stamp paper of Rs.10, in the prescribed format regarding authenticity of information furnished by him online against eligibility criteria.

b). If the bidder himself is not the DSC holder bidding in this tender then the power of attorney or any legally acceptable authority to bid on behalf of the bidder.

Data to be furnished by Bidder on-line:

1. Confirmation in the form of Agree/Disagree for accepting user portal agreement
2. Confirmation in the form of Yes/No regarding “either the bidder himself is the DSC holder bidding in the tender or is in possession of any legally acceptable document to bid on behalf of the bidder”

**Technical evaluation by the System:**

System will capture the legal status of the bidder.

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

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

**One of the following document:**

1. Affidavit or any other document to prove proprietorship
2. Partnership deed containing name of partners and details of assets, if required.
3. Memorandum & Article of Association with certificate of incorporation
4. Joint Venture agreement containing name of Partners and lead partner, POA to the Lead Partner and share of each partner.
5. **If the bidder himself is the DSC holder bidding online:** No Document
6. **If the DSC holder is bidding online on behalf of the bidder:** Power of Attorney or any other legally acceptable document authorizing DSC holder to bid on behalf of the bidder.

c) The bidder has to furnish Digital signature certificate along with power of attorney or any sort of legally acceptable authority to bid on behalf of the bidder.
CHECK LIST OF DOCUMENTS TO BE SUBMITTED BY THE L-1 BIDDER

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

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Eligibility Criteria</th>
<th>Information to be furnished by bidder on line</th>
<th>Supporting Document (in Original) to be produced by L1 bidder for verification by TC</th>
</tr>
</thead>
</table>
| 1       | THE WORK EXPERIENCE : The intending tenderer must have in its name as a prime contractor experience of having successfully executed works of similar nature (such as Transportation/ loading (Wagon & Tipper)/Removal of Coal/Overburden/ Shale/ Extraneous materials/Sand etc.) valuing 65% of the annualized value of the work put to tender in any year (a 'year' in this context is a continuous period of 365 days starting at any date of the year) during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited. ( In case the bidder is not a prime contractor but a sub-contractor, the bidder’s experience as sub-contractor will be taken into account if the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contract in the original contract awarded to prime contractor.) | 1. Start date of the year for which work experience of bidder is to be considered for eligibility.  
2. Start & end date of each qualifying experience (similar nature)  
3. Work Order/Agreement Number of each experience  
4. Work Order Issuing authority of each experience  
5. % share of experience (100% in case proprietor or a partner in a partnership firm or the actual % of share in case of a Joint Venture/Consortium).  
6. Executed Value of work against each experience | Satisfactory Work Experience Certificate issued by the employer against the Experience of similar work containing all the information as sought on-line. (A sample format will be given in the NIT) |
2. **THE AVAILABILITY OF WORKING CAPITAL:**
   Evidence of possessing adequate working capital (at least 20% of the annualized value 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.

   - 1. Amount of available working capital inclusive of lines of credit and availability of other financial resources
   - 2. Date on which the bidder possesses the required working capital
   - 3. Date of issue of W.C. Certificate by CA
   - 4. Name of the Chartered Accountant (CA)
   - 5. Membership Number of CA who certifies the bidder's working capital

   Certificate of Working Capital issued by a Registered Chartered Accountant containing the information as furnished by bidder on-line. (A sample format will be given in the NIT)

3. **FLEET REQUIREMENT:**
   Ownership of a fleet of minimum 1/5th of the tipping trucks and Equipments required for the annualized work. The bidder should accept to deploy the balance equipment/fleet if the work is awarded to him. The bidder has to satisfy the Minimum requirement of Fleet/equipment as specified in NIT in terms of Equivalent Capacity with minimum capacity of each equipment/fleet (if specified)

   - 1. Type of equipment (Tipper, Surface Miner, pay loader, etc.)
   - 2. Actual Capacity of each equipment
   - 3. Registration number / Invoice / Sale deed or hire purchase agreement (whichever is applicable as per NIT) of each equipment

   - 1. **For Vehicle covered under Motor Vehicle Act:**
     - a. RC Book of vehicle issued by RTO
   - 2. **For Vehicle not covered under Motor Vehicle Act:**
     - b. Invoice containing name of owner and the desired capacity in desired unit as sought in NIT; OR
     - c. Sale deed with the copy of invoice in the name of seller containing name of owner and the desired capacity in desired unit as sought in NIT; OR
     - d. Sale deed with the copy of invoice in the name of owner and the desired capacity in desired unit as sought in NIT; OR
     - e. In case of Surface Miners the equipment under hire purchase agreement on the name of the bidders will also be considered as owned

   3. Any other legal document to prove the ownership of bidder over the fleet.

4. **Legal Status of the bidder**

   - 1. Legal status of bidder i.e. Proprietorship/partnership/Limited Company/Joint Venture
   - 2. Name of Proprietor(existing partners/existing directors)
   - 3. Assets of the partnership firm, if required

   One of the following document:

   - 1. Affidavit or any other document to prove proprietorship
   - 2. Partnership deed containing name of partners and details of assets, if required.
<table>
<thead>
<tr>
<th>Sl No.</th>
<th>Eligibility Criteria</th>
<th>Information to be furnished by bidder on line</th>
<th>Supporting Document (in Original) to be produced by L1 bidder for verification by TC</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>THE WORK EXPERIENCE:</td>
<td></td>
<td>Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as sought online. (A sample format will be given in the NIT)</td>
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<td></td>
<td>The intending tenderer must have in its name as a prime contractor experience of having successfully completed similar works during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be either of the following:-</td>
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<td></td>
<td>a) Three similar completed works each costing not less than the amount equal to 40% of the estimated cost.</td>
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<td></td>
<td>b) Two similar completed works each costing not less than the amount equal to 50% of the estimated cost.</td>
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<td></td>
<td>c) One similar completed work costing not less than the amount equal to 80% of the estimated cost.</td>
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<td>(In case the bidder is not a prime contractor but a sub-contractor, the bidder’s experience as sub-contractor will be taken into account if the contract in support of</td>
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<td>1. Start &amp; end date of each qualifying experience (similar nature)</td>
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<td></td>
<td>2. Work order/Agreement Number of each experience</td>
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<td>3. Work Order Issuing authority of each experience</td>
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<td></td>
<td>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).</td>
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<td></td>
<td>5. Executed Value of work against each experience</td>
<td></td>
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</tr>
<tr>
<td>Section</td>
<td>Description</td>
<td>Details</td>
<td></td>
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<td>2</td>
<td><strong>FINANCIAL TURNOVER:</strong></td>
<td>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 date of NIT/e-publishing date).</td>
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<tr>
<td></td>
<td>1. Annual turnover of each of the last 3 years ending 31st March of the previous financial year.</td>
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<td></td>
<td>2. Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate.</td>
<td>Turnover certificate issued by a Registered Chartered Accountant containing the information as sought on-line for three years. (A sample format will be given in the NIT)</td>
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<td></td>
<td>3. Membership Number of the CA</td>
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<td>3</td>
<td><strong>BID CAPACITY:</strong></td>
<td>Bidders who meet the minimum qualifications criteria will be qualified only if their available bid capacity is more than the tendered value of the work. The available bid capacity will be calculated as under: Assessed Available Bid capacity= ((A \times N \times 2 - B)), where, (A) = Maximum financial turnover in any one financial year during the last five financial years ending 31st March of the previous financial year (updated to present level @ 5% per year) w.r.t the date of NIT/e-publishing date, taking into account the completed as well as works in progress. (N) = Number of years prescribed for completion of the works for which bids are invited. (B) = Value at present price level, of existing commitments and on going works to be completed during the next …..months (period of completion of works for which bids are invited) The system of determination of bid assessment capacity will be used only in case of works of estimated value of over Rs. 1 crore.)</td>
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<tr>
<td></td>
<td>1. Maximum financial turnover in any one financial year during the last five financial years w.r.t date of NIT i.e. ‘A’</td>
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<td></td>
<td>2. Value at present price level, of existing commitments and on going works to be completed during the next …..months (period of completion of works for which bids are invited) i.e. ‘B’</td>
<td>1. Turnover certificate issued by a Registered Chartered Accountant containing the information as sought on-line for five years. (A sample format will be given in the NIT) 2. Self declaration certificate for the value of “B”</td>
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<tr>
<td>4</td>
<td><strong>Legal Status of the bidder</strong></td>
<td>1. Legal status of bidder i.e. Proprietorship/partnership / Limited Company/Joint Venture 2. Name of Proprietor/existing partners/existing directors</td>
<td>One of the following document: 1. Affidavit or any other document to prove proprietorship 2. Partnership deed</td>
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<td>3.</td>
<td>Assets of the partnership firm, if required containing name of partners and details of assets, if required. 3. Memorandum &amp; Article of Association with certificate of incorporation containing name of bidders. 4. Joint Venture agreement containing name of Partners and lead partner, POA to the Lead Partner and share of each partner.</td>
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<td>5</td>
<td>Valid Permanent Account Number (PAN)</td>
<td>Permanent Account Number PAN card issued by Income tax authority.</td>
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<tr>
<td>6</td>
<td>Valid digital certificate</td>
<td>Digital signature Digital signature certificate along with power of attorney or any sort of legally acceptable authority to bid on behalf of the bidder.</td>
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<tr>
<td>7</td>
<td>Valid VAT / Sales Tax registration on Works Contract TIN Number VAT/Sales Tax Registration Certificate</td>
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</tr>
<tr>
<td>8</td>
<td>Valid Electrical License (For Electrical works only) License Number Electrical License issued from E.L.B.O, Orissa as applicable for E&amp;M Tenders.</td>
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<tr>
<td>9</td>
<td>An affidavit on a non judicial Stamp Paper of ₹ 10.00 regarding genuineness of the documents / information sworn in before a Magistrate / Notary in the prescribed format.</td>
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<tr>
<td>10</td>
<td>Any Other document to support the Qualification information as submitted on-line.</td>
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</tbody>
</table>
10. **UNDERTAKINGS TO BE furnished ON-LINE BY THE BIDDER**

I DO 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 for the following penal actions apart from the 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. Banning of business for a period of one year from all other future tenders in ECL and it may be communicated to CIL also for further action.

2. That I/we accept all terms and condition of NIT, Instruction to bidders, General Terms and Condition and Special/Additional Terms and Condition as given in 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 the mandate form for e-payment in the format as prescribed in the document.

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

6. That I/we will produce the original copy along with one set of self certified photocopy of the documents in support of the information and data furnished by me/us on line, on any working day within seven days after the date of opening of price-bid, if I/we become the L-1 bidder.

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