

Manual for e-Tendering of Works for CIL and its subsidiaries

PART-I

- 1. Preface:** - This document containing broad guidelines for e-Tendering for Works is framed with an objective that it should help all concerned in adopting the proposed automated, web-based e-Tendering System with the objective of on-line evaluation and thereby reducing the human intervention in evaluation of tender and reduction of cycle time of tendering. However, any improvement/modification to these guidelines may be adopted by CIL with the approval of Chairman of CIL/CMD of subsidiary, CIL 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 etc.

- 2. Service Provider:-** A Service Provider will be engaged by CIL for CIL and all its subsidiary Companies. The e-Tendering systems and processes used by the Service provider shall have to be compliant to all the applicable Laws of India as also to the directives/instructions issued by competent agencies which, amongst others, may include CVC, Standardisation Testing and Quality Certification (STQC) Directorate of the Ministry of Communications & Information Technology, Tendering Policy Division of the Ministry of Finance and Ministry of Coal of GOI.

- 3. SCOPE :-** The e-Tendering system will cover the following :
 - A. All the open tenders having Estimated Contract Value (ECV) Rs. 5 lakhs and above. However CIL/subsidiary Company can reduce the threshold limit with approval of Chairman/CMD of subsidiary.

 - B. Limited tenders for ECV of Rs 5 lakhs and above can also be floated through e-Tendering 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. The same will be implemented in due course till registration is completed in CIL/subsidiary Companies.

 - 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 Creating and Hosting of NIT, Downloading and submission of bids, Opening of Tender and Evaluation of bids online on a dedicated e-Tendering 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 CIL/subsidiary companies.

D. The other terms and conditions of NIT, not covered under this document, will be as per Manual of Civil Engineering Works of CIL.

Note:-

1. The Manual of Civil Engineering Works of CIL is available on website www.coalindia.in
2. The Guidelines of e-Tendering for Works CIL will be available on www.coalindia.in

4. 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-Tendering system shall function at CIL/subsidiary. Responsibility of the e-Tendering cell at CIL/subsidiary Company will be:

- a. To co-ordinate and correspond with the service provider, Bidders , User Departments and other concerned authorities such as Banks, Auditors etc. for the effective and efficient implementation of e-Tendering.
- b. To facilitate periodical 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-Tendering mode.
- d. To coordinate for the Infrastructure development for the proper implementation of the e-Tendering 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 assist the user departments in finalizing the different, formats of documents etc. for the e-Tendering system.
- i. To Administer the e-Tendering Application and Online User Management.

5. THE PROCESS

- a. The e-Tendering portal shall be in compliance with IT Act 2000 and its subsequent amendments.
- b. Tender for the sanctioned and financially concurred estimates will be published on the e-Tendering portal by authorized executives of CIL/subsidiary with Digital Signature Certificate (DSC). The authorized executive for this purpose will normally be the HOD of the concerned 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 four and the minimum number will be two. It is advisable that "two out of Four" option for Bid Openers should be selected in general. In case of Tenders floated by any department at CIL HQ/Subsidiary HQ, the Bid Openers will be the executives posted at CIL HQ/Subsidiary HQ only and in case of Tenders floated by Area/Project authorities, the Bid Openers will be the executives posted at Area/Project office only. Any individual may have multiple roles in this system.
- c. The Digital Signature Certificates have to be obtained for CIL/ subsidiary users from certifying agency of service provider 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 traced upto the chain of trust to the root certificate of CCA.
- d. Tender will be created 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.

After creation of tender a unique Tender Id is automatically generated by the system.

The created tenders shall be published on this dedicated e-Tendering portal of CIL and the details will be mirrored in the Central Public Tendering Portal (<http://eprocure.gov.in>) of Govt. of India.

Instead of publishing the notices for individual tenders in the print media, a general notice may be given by PRO, CIL/subsidiary in the leading local, regional and national dailies and the Trade journal regarding availability of the tender notices for e-Tendering of all departments of CIL/subsidiary on the e-Tendering websites. This notice may be published once in every fortnight 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 common 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 in compliance with different manuals of CIL may take place, if required, after publication of Tender but in any case at least 1 day before the **start** date of Bid submission. If a Pre Bid meeting is held then the minutes of the Pre-Bid meeting shall be uploaded on the Portal which can be viewed by all interested bidders.

- 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 10(Ten) days in case of work costing below 10(Ten) lacs, 14 (fourteen) days in case of work costing between 10(Ten)lacs to 50(fifty)lacs and 21(twenty one) days in case of works costing more than 50(fifty)lacs. 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. 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-Tendering Portal of CIL/subsidiary :**

In order to submit the Bid, the bidders have to get themselves registered online on the e-Tendering portal of CIL with valid Digital Signature Certificate (DSC) issued from any agency authorized by Controller of

Certifying Authority (CCA), Govt. of India and which can be traced up to the chain of trust to the Root Certificate of CCA. The online Registration of the Bidders on the portal will be free of cost and one time activity only. The registration should be in the name of bidder, whereas DSC holder may be either bidder himself or his duly authorized person.

- 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, integrity Pact etc. 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. This user portal agreement (refer Cl 11 of Part II) will be a part of NIT/Contract Document.
- 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 all 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 upto 4 (four) days before the last date of submission of bid and the last date of giving clarification by the user department online will be upto 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 to NIT:** Corrigendum should be issued only in exceptional cases with due approval of Tender Approving Authority. In case of tenders where Board of Directors of CIL/Subsidiary is the Tender Approving Authority, in such cases the approval of Chairman/CMD will be required.
Corrigendum may be issued only for change of dates or correction of 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.

No corrigendum in respect of change in scope of work, quantity and estimated value of work or any other specific condition shall be issued. If any such change becomes essential then a fresh NIT should be issued notifying the cancellation of earlier NIT.

If date of submission of tender is to be extended, then the last date of submission of the tender should be suitably extended with reasonable extension of time and to be notified well in advance to allow the intending bidders adequate/reasonable time period for submission of their tender offers within the notified extended time period.

The Corrigendum Notice must be given the same publicity as given to the original NIT.

- I. **Revocation of Tender Process:** The online evaluation of tender must be performed by the Evaluator with utmost care and diligence. The Evaluator of tender must ensure that the decision of Tender Committee is correctly uploaded on the e-Tendering portal.

However, there may be situation when the decision of Tender Committee may have to be changed subsequently on account of a Court's verdict. Also, there may be circumstances when online evaluation of tender is not done correctly due to mistake by the Evaluator or due to technical error in the system, which may lead to cancellation of tender.

In order to avoid the cancellation of tender in such cases, the tender process needs be reverted back to appropriate stage (Technical-bid Opening or Price-bid Opening stage) to comply with the Court's verdict or to rectify the error committed by the Evaluator. This provision in the e-Tendering system has been introduced with an objective to abide by the Court's verdict or to ensure that the tender process should not suffer due to any mistake committed by an individual or due to any technical error in the system.

Revocation of Tender process back to Technical-bid opening stage or Price-bid opening stage from an advanced stage shall be done under the following circumstances:

1. To comply with the directives of Hon'ble Court of Law.
2. If the Evaluator makes a mistake in online evaluation of tender, which is not in line with the Tender Committee decision.
3. If there is a error in the online evaluation of tender due to technical error in the system.

Revocation of Tender process will be done with the specific approval of the concerned Director.

In all such cases the Tender Revocation Notice must contain the details of the circumstances leading to revocation of tender process.

The Revocation of Tender on the e-Tendering portal can be done by way of creation and publication of corrigendum. However, since Revocation of Tender, in true sense, is not a Corrigendum to NIT, the Tender Revocation Notice will be uploaded only on the e-Tendering portal.

- m. **Cancellation of Tender:** Any tender published on the e-Tendering portal must be concluded to its logical end i.e. either "Award of Contract" or "Cancellation of Tender" or "Retender".

It will be the responsibility of the Publisher of tender to conclude the published tenders to its logical end within the original bid validity period.

Tenders should be cancelled only under exceptional cases with due approval of Tender Approving Authority. In case of tenders where Board of Directors of CIL is the Tender Approving Authority, in such cases the approval of Chairman, CIL will be required. However, for cancellation of Tender due to non-receipt of any bid, no approval will be required.

In all such cases the Tender Cancellation Notice must contain the details of the circumstances leading to cancellation of tender.

The Cancellation of Tender on the e-Tendering portal can be done by way of creation and publication of corrigendum. However, since Cancellation of Tender, in true sense, is not a Corrigendum to NIT, the Tender Cancellation Notice will be uploaded only on the e-Tendering portal.

- n. The bidder will have an option for submitting EMD through either ONLINE or OFFLINE mode.

In Online mode the bidder can make payment of EMD either through net-banking from designated Bank/s or through NEFT/RTGS from any scheduled Bank. 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 CIL/Subsidiary designated Account. In case of payment through NEFT/RTGS the bidder will have to make payment as per the Challan (challan for EMD) generated by system on e-Tendering portal and will have to furnish online the UTR Number (for EMD) before submission of bid. The payment made through NEFT/RTGS must be received in CIL/Subsidiary designated Account on or before the date and time of bid opening.

Efforts will be made to integrate other modes of online payment like IPG and any other new secured method in future.

In Offline mode the bidder can make payment of EMD in the form of Bank Guarantee (BG) (if applicable) from any scheduled bank. The bidder will furnish all the details online i.e. BG Number, date of issue, expiry date, name of issuing bank and amount etc(in case of ECV Rs 5 crores and above). regarding EMD. The original 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.

Only the on-line mode of EMD will be applicable in case of tenders below an ECV of Rupees 5 crore. In tenders valuing rupees 5 crore and above, both the mode of payment i.e on-line and off-line will be applicable.

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. However, this option is to be enabled only in those cases where the exemption of EMD to some bidders is allowed as per NIT.

In case of discrepancy between the online submitted information regarding the instruments for EMD and the original 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.

The EMD for Civil tenders will be as per Manual of Civil Engineering works of CIL.

- o. The qualification in Technical bid will be subject to the receipt and acceptance of EMD within schedule date and time as mentioned in the NIT. CIL/Subsidiary shall not be responsible for any delay in receipt of EMD. In case the EMD is not received within the aforesaid period, the bid will be out rightly rejected.

Note:

- In case of online payment of EMD, if the payment is made by the bidder within the last date & time of bid submission but not received by CIL within the specified period due to reasons beyond the control of the bidder then the bid will not be accepted.
- p. For online bid submission the bidder will be required to upload scanned copy of various relevant documents in the following links:
 - a. **Other Important Document:** In this link in .pdf format (all static documents like VAT, PAN, Legal Constitution etc.) are to be uploaded. This will be in Bidder's space and will be one time activity.

- b. **Cover I: In this link** in .pdf format (such as Experience, Turnover, Authorization, Letter of Bid, undertaking etc) as stipulated in NIT are to be uploaded. This will be tender specific.
 - 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 digitally signed by the 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. **Details of other documents under Cover I are given in PART II.**
- c. **Cover II:** In this link the Price-bid in .xls format is to be uploaded. The details are as follows:
 - i). **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.

q. **Withdrawal of Tenders by contractors.**

Once the tenders have been submitted, the tenderers will not have the option to withdraw offer within the validity period. If any tenderer withdraws his tender before expiry of validity period or makes any modification in the terms and condition of tender which are not acceptable to the company, then the company shall without prejudice to any other right or remedy, be at liberty to forfeit the earnest money and also suitable actions like banning, delisting etc. could be contemplated against each erring contractor by the Company.

r. The **Part I i.e. Technical bid** will be opened on a **prespecified date at least one working day after the end date of bid submission. This date shall be** the next working day after the end date of submission of off-line EMD, **if any**. After 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" along with their Digital Signatures Certificates. The Bidders may view the price bid opening online remotely on their personalized dash board under the link "Bid Opening (Live)" and can see **documents** /price-bid/BOQ submitted by all participating bidders **once the documents are admitted for evaluation by the department.**

- 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-Tendering System will evaluate the Technical bids automatically with least human intervention. For this purpose all the required parameters will be obtained from the Bidders in the form of both the credentials as well as in objective and structured manner. Bidders will be required to upload scanned copy of various confirmatory/supporting documents against their furnished information for the evaluation process as per provision of NIT. The bidders also required to upload the scanned copy document in support of exemption of EMD (if applicable).
- iv. If the information furnished by the bidder in objective manner is not confirmed by the uploaded documents then the bidder will be out rightly rejected for Price Bid opening. The documents related to the furnished online information based on which the auto evaluation takes place will only be considered. If the bidder uploads any other document, it will be given no cognizance.
- v. The Technical evaluation of Tenders for Works will be done based on auto evaluation of the system confirmed by uploaded relevant documents as per the list specified in the NIT. Any deviation from the system evaluation will require a reason to be given by the evaluator in Technical evaluation.
- vi. The Tender Committee will make its recommendations in part-I TCR based on the scanned copy of documents uploaded online by bidders. It will not require any approval from the tender accepting authority.

- vii. 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.
- s. After opening the technical bid the acceptance of 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 and the supporting documents uploaded by the bidder. 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 online 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. This will be available for public viewing also
- 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 (Technical evaluation, date of price-bid opening, financial evaluation, award of work etc.). No separate communication will be required in this regard.
- 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 validity of tenders shall be 120(one hundred twenty) days from the date of opening of price bid or revised price bid, if any. However, the part II (Price Bid) of a Tender should be opened within a stipulated time limit from date of opening of part I preferably within 30 days and this is to be mentioned in the NIT. For big value of works of estimated cost of over Rs. 5 crores, the above validity may be fixed 180(one eighty days).
- aa. The Tender Committee will recommend for award of work to the successful bidder 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.

- bb. 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-Tendering portal and the original copy will be sent to the bidder through registered/speed post.

- cc. Any tender hosted on the e-Tendering site must be logically concluded i.e. either Award of work is issued or the tender is cancelled OR it is retendered online through corrigendum.
- dd. 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.

6. 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 the responsible person for timely and accurately hosting of tender on the e-Tendering portal with his Digital Signature Certificate.
- THE OPENERS OF TENDER:- The tender will be decrypted and opened with the Digital Signatures Certificate of Bid Opener as identified during creation of the tender. The bid opener will have to access the portal one by one for decryption and opening of bid. The Openers will be selected from the Tender Committee only.
- THE EVALUATOR OF TENDER:- The Evaluator is the person who will enter and upload the decision of the Tender Committee in the e-Tendering 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 on-line evaluation of Technical Bid. The reason of disqualification of bidder, if any, will be recorded in Part-I TCR and will be uploaded by the Evaluator online in the system. Similarly the financial evaluation will be done by Tender Committee and the outcome will be uploaded by the Evaluator online.

In case the TC changes the system evaluation the reasons have to be given by Evaluator online as recorded in the TCR.

- Auditor: He will be given privileged access to audit tendering process.
- **E-Tendering Cell:** Online User Management and Administration of e-Tendering Application

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

7. Special situations :

- a. In case of transfer within CIL 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-Tendering Cell on a written request from the executive countersigned by the GM/CGM of the Area/Department.
- b. In case of any transfer Or change of role it will be the responsibility of the user to intimate e-Tendering Cell regarding the change and e-Tendering Cell will change the role in the portal accordingly.
- c. In case of transfer of service from CIL or superannuation, the executives having DSCs will have to obtain the clearance regarding handover of DSC at the time of release from CIL. The executives posted at CIL-HQ should obtain clearance from e-Tendering cell and in case of the executives posted at Subsidiaries HQ/Areas, the clearance may be obtained from the e-Tendering Cell/System department of the Area.
- d. In case the Digital Signature Certificate is lost or misplaced, FIR should be lodged by the concerned executive and e-Tendering 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.

- e. For any change of role of departmental user, a written request by the HOD of the concerned department shall be sent to e-Tendering cell.
- f. All the DSCs of executives before they retire must be deposited to e-Tendering Cell.

PART II

8. Data capture Strategies

The data will be captured from CIL/Bidders in different stages under the following categories:

- a) Fixed Data to be provided by CIL
- b) Tender specific data to be provided by CIL for each Tender :
- c) Fixed Data to be furnished by Bidders during Registration/Enrollment process :
- d) Tender specific data to be furnished by the Bidders :

9. Eligibility Criteria

A. Works Tender (Civil Dept) -

1. **Financial Turnover** : Average annual financial turnover of Civil Works during the last 3 (three) years ending 31st March of the previous financial year should be at least 30% of the estimated cost.

Also in addition to this, a copy of the latest Audited Annual Accounts should be submitted. If the aggregate of Capital + Free Reserve \pm Accumulated losses show a negative net worth, the offer of the said tenderer (showing negative net worth) will be rejected.

Data to be furnished by Bidders :

1. Average annual financial turnover during 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 during last 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 bidders (CONFIRMATORY DOCUMENT):

- a. Turnover certificate issued by a Practicing Chartered Accountant (Balance Sheet) having a membership number with Institute of Chartered Accountants of India containing the information as furnished by bidder on- line.

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

The cost of executed works shall be given a weightage to bring them at current price level by adding 5% for each completed year 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 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 End date of each experience (The system shall NOT allow more than 3 entries for experience) and accept it as a qualifying experience if the end date of experience falls within the 7 years computed by the system.
- 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 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-Tendering 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-Tendering 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-Tendering 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 bidders (CONFIRMATORY DOCUMENT):

- a. 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 updated estimated cost. The available bid capacity will be calculated as under:

Assessed Available Bid capacity= $(A \times N \times 2 - B)$ where,

A = Maximum value of Civil Engineering works executed in any one year during the last five years(updated to present level @ 5% per year)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)

Data to be furnished by Bidder:

Appropriate data to be taken for auto evaluation as advised by the service provider.

Technical evaluation by the System:

As advised by the service provider.

Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by bidders (CONFIRMATORY DOCUMENT) :

Documentary evidence by the bidder for maximum executed value of civil engineering works for last five years as submitted by the bidder on-line.

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 bidders (CONFIRMATORY DOCUMENT):

PAN CARD Of the bidder

5. VAT/SALES TAX and SERVICE TAX REGISTRATION ON WORKS CONTRACT:-

The bidder should possess a VAT/ Sales Tax and Service Tax registration certificates on works contract issued by Concerned Departments of Indian State and Government of India respectively.

Data to be furnished by Bidder on-line:

Confirmation in the form of YES/NO regarding possessing of VAT/Sales Tax and Service 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 bidders (CONFIRMATORY DOCUMENT):

VAT/ Sales Tax and Service Tax Registration Certificates

B. General Essential Requirements for Works :

a) The bidders have to :

- i. Accept all the Terms and Condition of the NIT and Tender Document Unconditionally on line.
 - ii. Give all the undertakings online as applicable for the tender specified in the NIT.
 - iii. The bidders 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 this manual.
- 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”
3. Confirmation in the form of **Yes/No** that whether he possess the required document to prove his legal status

Technical evaluation by the System:

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 Notary Public) to be uploaded by the bidders (CONFIRMATORY DOCUMENT):

A. One of the following document for legal status :

1. Any 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.

B. For authorization of DSC holder:

- a. **If the bidder himself is the DSC holder bidding online:** No Document.
 - b. **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.

10. CHECK LIST OF DOCUMENTS TO BE UPLOADED BY THE BIDDERS

FOR WORKS (Civil Contracts):

SI No.	Eligibility Criteria	Information to be furnished by bidder on line	Scanned copy of documents (self certified and attested by Notary Public) to be uploaded by the bidders in support of information/ declaration furnished online by the bidder against Eligibility Criteria (SUPPORTING DOCUMENT)
1	<p>THE 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 should be either of the following:-</p> <p>Three similar completed works each costing not less than the amount equal to 40% of the estimated cost.</p> <p>Or</p> <p>Two similar completed</p>	<p>1. Start & end date of each qualifying experience (similar nature)</p> <p>2. Work order/ Agreement Number of each experience</p> <p>3. Work Order Issuing authority of each experience</p> <p>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).</p>	<p>Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as sought online.</p>

	<p>works each costing not less than the amount equal to 50% of the estimated cost.</p> <p style="text-align: center;">Or</p> <p>One similar completed work costing not less than the amount equal to 80% of the estimated cost.</p> <p>In all the above cases, while considering the value of completed works, the full value of completed work be considered whether or not the date of commencement is within the said 7 (seven) years period</p>	5. Executed Value of work against each experience	
2	<p>FINANCIAL TURNOVER:</p> <p>Average annual financial turnover of Civil Works during the last 3 (three) years ending 31st March of the previous financial year should be at least 30% of the estimated cost.</p>	<p>1. Annual turnover for each of the last 3 years ending 31st March of the previous financial year.</p> <p>2. Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate.</p> <p>3. Membership Number of the CA</p>	<p>Financial Turnover certificate for last 3 (three) financial years issued by a Practicing Chartered Accountant (Balance Sheet) having a membership number with Institute of Chartered Accountants of India.</p> <p>Also in addition to this, a copy of the latest Audited Accounts should be obtained. If the aggregate of capital + free reserve ± accumulated losses show a negative net worth, the offer of the said tenderer (showing negative net worth) should be rejected.</p>

<p>3</p>	<p>BID CAPACITY:</p> <p>Bidders who meet the minimum qualifications criteria will be qualified only if their available bid capacity is more than the updated estimated cost. The available bid capacity will be calculated as under:</p> <p>Assessed Available Bid capacity= (A x N x 2 - B), where,</p> <p>A= Maximum value of Civil Engineering works executed in any one year during the last five years(updated to present level @ 5% per year)taking into account the completed as well as works in progress.</p> <p>N= Number of years prescribed for completion of the works for which bids are invited.</p> <p>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)</p> <p>The system of determination of bid assessment capacity will be used only in case of works of</p>	<p>Appropriate data to be taken for auto evaluation as advised by the service provider.</p>	<p>Documentary evidence by the bidder for maximum executed value of civil engineering works for last five years as submitted by the bidder on-line.</p>
-----------------	---	---	---

	estimated value of over Rs. 1 crore.)		
4	Legal Status of the bidder	<ol style="list-style-type: none"> 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 	<p><u>Any one of the following document :</u></p> <ol style="list-style-type: none"> 1. Any other document to prove proprietorship/Individual status of the bidder. 2.Partnership deed containing name of partners 3.Memorandum & Article of Association with certificate of incorporation containing name of bidder 4.Joint Venture agreement containing name of partners and lead partner, Power of Attorney to the Lead Partner and share of each partner.
5	Valid Permanent Account Number (PAN)	Permanent Account Number	<p>PAN card issued by Income Tax department, Govt.of India</p> <p><i>(In case of JV, PAN card for each individual partner of JV)</i></p>
6	Valid digital signature certificate	Digital signature certificate	If the bidder himself is the DSC holder bidding on-line then no document is

			<p>required.</p> <p>However, if the DSC holder is bidding online on behalf of the bidder then the Power of Attorney or any sort of legally acceptable document for the authority to bid on behalf of the bidder</p>
7	Vat/Sales Tax and Service Tax Registrations on Works Contract	TIN Number and Service Tax registration number	<p>VAT/ Sales Tax registration and Service Tax registration on works contract issued by Concerned Departments of Indian State and Government of India respectively.</p> <p><i>(In case of JV, VAT/S.T and Service Tax Registration certificates for each individual partner of JV)</i></p>
8	Valid Electrical License (For Electrical works only)	License Number	Electrical License issued from competent authority as applicable for E&M Works.
9	In case of submission of EMD in the form of BG, The entire Scanned copy of BG document has to be uploaded.		
10	An undertaking regarding genuineness of the information furnished by him on-line and authenticity of the scanned copy of documents uploaded by him on-line in support of his eligibility, as per the format given in the bid document at Annexure I.		

	<p>Note: Only one file in .pdf format can be uploaded against each eligibility criteria. Any additional/ other relevant documents to support the information/declaration furnished by bidder online against eligibility criteria may also be attached by the bidder in the same file to be uploaded against respective eligibility criteria.</p>
--	---

11. UNDERTAKINGS TO BE furnished ON-LINE BY THE BIDDER

USER PORTAL AGREEMENT

eTender Portal User Agreement

In order to create a user account and use the eTender portal you must read and accept this eTender portal User Agreement.

A. UNDERTAKINGS TO BE FURNISHED ONLINE BY THE BIDDER

I DO HEREBY UNDERTAKE

1. That all the information being submitted by me/us is genuine, authentic, true and valid on the date of submission of tender and if any information is found to be false at any stage of tendering or contract period I/We will be liable to the penal actions as prescribed in the Civil engineering manual.

2. That I/we accept all terms and condition of NIT, including General Terms and Condition and Special/Additional Terms and Condition as stated there in the tender document as available on the website.

3. That I/we accept the Integrity Pact as given in the tender document (if applicable).

4. That I/we am/are giving my/our consent for e-payment and submitting/shall submit the mandate form for e-payment in the format as prescribed in the document in case, the work is awarded to us.

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

6. That I/we will upload photo copies of all relevant documents as prescribed in the tender document in support of the information and data furnished by me/us online.

7. That I/We accept all the undertakings as specified elsewhere in the tender document.

8. That this online agreement will be a part of my bid and if the work is awarded to me/us, this will be a part of our agreement with CIL/subsidiary Company.

B. TERMS AND CONDITIONS OF E-TENDER SERVICES AGREEMENT

YOU MAY NOT MODIFY, COPY, REPRODUCE, REPUBLISH, UPLOAD, POST, TRANSMIT, OR DISTRIBUTE, IN ANY MANNER, THE MATERIAL ON THE SITE, INCLUDING TEXT, GRAPHICS, CODE AND/OR SOFTWARE.

You may print and download portions of material from the different areas of the website solely for your own non-commercial use provided that you agree that you shall not change or delete any copyright or proprietary materials from the site.

THIS E-TENDER PORTAL AND RELATED SERVICES SUBJECT TO YOUR COMPLIANCE WITH THE USER'S TERMS AND CONDITIONS SET FORTH BELOW;

PLEASE READ THE FOLLOWING INFORMATION CAREFULLY. YOU MAY NOT COMPLETE YOUR REGISTRATION AND USE THE E-TENDER PORTAL WITHOUT AGREEING TO COMPLY WITH ALL OF THE TERMS AND CONDITIONS SET FORTH BELOW.

BY REGISTERING THE USER NAME AND PASSWORD, YOU AGREE TO ABIDE BY ALL THE TERMS AND CONDITIONS SET FORTH BELOW.

–Bidder Registration, Password and Security

Upon successful completion of Registration online, User ID and Password will be registered. You can login, only by giving valid *User ID* and *Password* and then signing with your valid Digital Signature Certificate.

The Online registration/enrollment of bidder on the portal should be done in the name of the bidder.

The person whose DSC is attached to the Registered Bidder should be **either** the bidder himself **Or**, duly authorized by the Bidder.

User ID and password are strictly personal to each Authorised User and non-

transferable. The User shall ensure that its Authorised Users do not divulge or disclose their user ID or password to third parties. In the event that the Authorised User comes to know that the User ID/ Password has been/might have been divulged, disclosed or discovered by any third party, user or its authorized user shall immediately modify the password using "**Change password**" option. CIL/subsidiary will have no responsibility or obligation in this regard.

At the time of enrollment in the e-Tendering portal of Coal India Limited, the Bidders should ensure that the status of DSC is active on this site. The activation of newly issued DSC may take 24 hrs or more. Hence Bidders who are obtaining new DSC should register at least 24 hrs before the submission of Bid.

By registering in this portal you forthwith assume the responsibility for maintaining the confidentiality of the Password and account, and for all activities that occur under your Password or Account. You also agree to (a) immediately notify by e-mail to Competent Authority, of any unauthorized use of your Password or Account or any other breach of security, and (b) ensure that you log-out from your account at the end of each session. Coal India Limited shall not be liable for any loss or damage caused to you due to your failure to comply with the foregoing.

Registered user can modify or update some of the information in their profile as and when required at their own discretion. However some information such as "User ID" are protected against changes by Bidder after enrollment and some other information such as "Bidder Name" etc are protected against changes by Bidder after bid submission.

→Modification of software

With consent of e-Tendering Cell of CIL, Kolkata, the Administrator of e-Tender portal, reserves the right to modify, add, delete and/or change the contents , classification and presentation of the information on the marketplace at any time as it may in its absolute discretion find to be expedient and without giving any notice. It is the users responsibility to refer to the terms and/or any change or addition to the same while accessing the site.

Coal India Limited reserves right to interrupt/suspend the availability of the e-Tender system without any notice to the users.

→System Requirements

It is the users responsibility to comply with the system requirements: hardware, software, Internet connectivity at user premises to access the eTender portal as mentioned in the home page in the link 'resources required'.

Under any circumstances, CIL shall not be liable to the Users for any direct/indirect loss incurred by them or damages caused to them arising out of the following:

- (a) Incorrect use of the e-Tender System, or ;
- (b) Internet Connectivity failures in respect of the equipments used by the Users or by the Internet Service Providers, or ;
- (c) Inability of the Bidder to submit their bid due to any DSC related problems, hardware, software or any other factor which are personal/ special/ local to the Bidder.

→**Contents of Tender Information**

Tenders shall be published by the authorized ***Tender Inviting Authorities*** of the respective Tendering entities of CIL/subsidiary. In case of any clarifications arising out of the tenders, the users have to contact the respective ***Tender Inviting Authority***.

→**Bid Submission Acknowledgement**

The User should complete all the processes and steps required for Bid submission. The successful Bid submission can be ascertained once **acknowledgement** is given by the system through **Bid Submission** number i.e. **Bid ID**, after completion of all the processes and steps. Coal India Limited is not responsible for incomplete bid submission by users. Users may also note that the incomplete bids will not be saved by the system and so the same will not be available to the ***Tender Inviting Authority*** for processing.

The acknowledgment is the only confirmation of submission of bid, which the bidder can show as a proof of participating in the tender. Other than this acknowledgement, no proof will be considered as a confirmation to the submission of a bid. If the bidder fails to produce this acknowledgement required for verification in case of dispute, his claim for submission of bid may not be considered.

→**Upload files**

The bidders have to ensure that the files being uploaded by them are free from all kinds of viruses and contains only the relevant information as stated by the Tender Inviting Authorities for the particular tender. It is not obligatory on the part of CIL/subsidiary to read each and every document uploaded by the Bidder. If any bidder / company has uploaded / attached irrelevant data, bogus or fabricated certificates towards his qualification requirements to the respective tender then their User account will be liable for termination permanently or

temporarily by CIL/subsidiary without any prior notice.

☛User Conduct

You agree that all information, data, text, software, photographs, graphics, messages or other materials ("Content"), whether publicly posted or privately transmitted, are the sole responsibility of the person from which such Content is originated. This means that you are entirely responsible for all Content that you upload, post, email or otherwise transmit via the eTender portal.

CIL/subsidiary does not control the Content posted via the e-Tender portal and, as such, does not guarantee the accuracy, integrity or quality of such Content. Hence under no circumstances, CIL/subsidiary is liable in any manner for any Content, including, but not limited to, for any errors or omissions in any Content, or for any loss or damage of any kind incurred as a result of the use of any Content posted, e-mailed or otherwise transmitted via the Site.

☛ Amendments to a tender published:

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

☛Special Admonitions For International Use:

Recognizing the global nature of the Internet, you agree to comply with all local rules regarding online content and acceptable Content. Specifically, you agree to comply with all applicable laws regarding the transmission of technical data to and from India or the country in which you reside.

☛Links

The Site may provide, links to other World Wide Web sites or resources. Because CIL/subsidiary has no control over such sites and resources, you acknowledge and agree that the Coal India Limited is not responsible for the availability of such external sites or resources, and does not endorse and is not responsible or liable for any Content, advertising, products, or other materials on or available from such sites or resources. You further acknowledge and agree that the CIL/subsidiary shall not be responsible or liable, directly or indirectly, for any damage or loss caused or alleged to be caused by or in connection with use of or reliance on any such Content, Goods or Services available on or through any such site or resources.

Miscellaneous

This Agreement shall all be governed and construed in accordance with the laws of India & applicable to agreements made and to be performed in India. The e-Tender portal's failure to insist upon or enforce strict performance of any provision of this Agreement shall not be construed as a waiver of any provision or right. Neither the course of conduct between the parties nor trade practice shall act to modify any provision of this Agreement. CIL/subsidiary may assign its rights and duties under this Agreement to any party at any time without notice to you. Any rights not expressly granted herein are reserved.

☛Governing Law

Terms shall be governed by, and construed in accordance with, Indian law. The parties irrevocably agree that the courts of Kolkata shall (subject to the paragraph below) have exclusive jurisdiction to settle any dispute which may arise out of, under, or in connection with these Terms or the legal relationship established by them, and for those purposes irrevocably submit all disputes to the jurisdiction of the courts at Kolkata, irrespective of whether Courts/Tribunals in other areas have concurrent or similar jurisdiction.

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

☛Modification of terms of Agreement

Coal India Limited reserves the right to add to or change/modify the terms of this Agreement. Changes could be made by us after the first posting to the Site and you will be deemed to have accepted any change if you continue to access the Site after that time. CIL reserves the right to modify, suspend/cancel, or discontinue any or all services/ make modifications and alterations in any or all of the content, at any time without prior notice.

☛Policy and Security

General Policy

Coal India Limited is committed to protecting the privacy of our e-Tender site visitors. CIL/subsidiary does not collect any personal or business information unless you provide it to us voluntarily when conducting an online enrolment, bid submission etc. or any other transaction on the Site.

Information Collected

When you choose to provide personal or business information to us to conduct an online transaction, we use it only for the purpose of conducting the specific online transaction that you requested. The information is also used for the purpose of vendor searches. For each online transaction, we require only a minimum amount of personal and business information required to process your transaction.

When you visit our portal to browse, read pages, or download information, we automatically collect and store only the following information:

- The Internet domain and IP address from which you access our portal;
- The date and time you access our portal;
- The pages you visit

This information would help us to make our site more useful to visitors and to learn about the number of visitors to our site and the types of technology our visitors use.

We do not give, share, sell or transfer any personal information to a third party unless required to do so by law. If you do not want any personal or business information to be collected, please do not submit it to us; however, without this required information we will be unable to process your online bid submission or any other on line transaction. Review, update and correction of any personal or business information can be done directly on the Site

Use of Cookies

When you choose to enter into an online transaction, we use cookies to save the information that you input while progressing through the transaction. A cookie is a very small amount of data that is sent from our server to your computer's hard drive. By enabling this feature, the cookie will remember the data entered by you and next time when you visit this site, the data stored in the cookie will be available in future.

Security

The Site has security measures in place to protect against the loss, misuse and alteration of information under our control.

**12. PROFORMA FOR UNDERTAKING TO BE SUBMITTED BY THE BIDDER
(For genuineness of the information furnished on-line and authenticity
of the documents produced before Tender Committee for verification in
support of his eligibility)**

**I, -----, Partner/Legal
Attorney/ Accredited Representative of M/S -----
-----, solemnly declare that:**

- 1. We are submitting Tender for the Work -----

----- against Tender Notice No.-----
dt -----**
- 2. None of the Partners of our firm is relative of employee of -----
---(Name of the Company)**
- 3. All information furnished by us in respect of fulfillment of
eligibility criteria and qualification information of this Tender is
complete, correct and true.**
- 4. All documents/ credentials submitted along with this Tender are
genuine, authentic, true and valid.**
- 5. If any information and document submitted is found to be false/
incorrect any time, department may cancel my Tender and action
as deemed fit may be taken against us, including termination of
the contract, forfeiture of all dues including Earnest Money and
banning / delisting of our firm and all partners of the firm etc.**

Signature of the Tenderer

Dated-----

13. Format of Letter of Bid

LETTER HEAD OF BIDDER (AS ENROLLED ONLINE ON e-Tendering PORTAL OF CIL)

To

The Tender Committee
Civil ENGINEERING DIVISION
CIL, KOLKATA.

Sub: **Letter of Bid for the work** `.....
.....
.....

Ref : 1. **NIT No.**:.....**dated**.....
2. **Tender Id No.** :.....

Dear Sir,

We offer to execute the work as per our offered bill of quantity in accordance with the conditions of the NIT document as available in the website. The details of the EMD being submitted by us has been furnished on-line.

This Bid and your subsequent Letter of Acceptance/ Work Order shall constitute a binding contract between us.

We hereby confirm our acceptance of all the terms and conditions of the NIT document unconditionally.