

3.4 Micro and Small Enterprises (MSEs) as defined in the MSE Procurement Policy issued by Department of Micro, Small and Medium Enterprises (MSME) will be exempted from the payment of earnest money (applicable only for service tenders).

3.5 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.

Note:

(i) This clause is applicable for service tenders.

(ii) The MSEs are required to submit copy of documentary evidence, issued by their registering authority whether they are small enterprise or micro enterprise as per provisions of Public Procurement Policy for Micro and Small Enterprise (MSEs) Order, 2012 with latest guidelines/clarifications provided by MoMSME.

4. **Pre-bid Meeting:** The pre-bid meeting shall be held in the office of the Tender Inviting Authority (TIA) on the scheduled date & 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. 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.

5. **Clarification of Bid:** The bidder may seek clarification on-line within the specified period. The identity of the Bidder will not be disclosed by the system. However, the management 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.

6. The bidders have to accept the on-line user portal agreement which contains the acceptance of all the Terms and Conditions of NIT and tender document, undertakings and the e-Procurement system through <https://coalindiatenders.nic.in> in order to become an eligible bidder. This will be a part of the agreement.

7. **Eligible Bidders:** The invitation for bid is open to all bidders including an individual, proprietorship firm, partnership firm, company or a Joint Venture (Joint Venture to be enrolled as a separate entity) having eligibility to participate as per eligibility criteria stipulated in clause No.8 of NIT and having 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

Joint Venture:

Joint venture (Joint Venture to be enrolled as a separate entity) shall be allowed for participation in the bid with estimated cost put to tender above Rs.2.00 (Two) crores. The proforma of Joint venture agreement is enclosed as Annexure-X.

Two or three companies/contractors may jointly undertake contract / contracts. Each entity will be jointly and severally responsible for completing the task as per the contract. The participating share of JV partners shall be as below:

- i) Lead Partner shall have at least 50% participating share in JV
- ii) Other partner(s) shall have at least 20% participating share in JV

Joint Ventures must comply the following requirements:

a) Following are the minimum qualification requirements for Joint Venture:

i) The qualifying criteria parameter e.g. experience of the individual partners of the J.V will be as deliberated under clause 8(A) of e-tender Notice towards fulfillment of qualification criteria related to experience.

ii) The qualifying criteria parameter e.g. financial resources (Turnover) of the individual partners of the J.V. will be added together, for the relevant period, and the total criteria should not be less than as deliberated under clause 8(B) of e-tender Notice towards fulfillment of qualification criteria related to financial turnover.

b). The formation of Joint Venture or change in the Joint Venture character/partners after submission of the bid and any change in the bidding regarding Joint Venture will not be permitted.

c). The bid, and in case of a successful bid, the agreement, shall be signed so as to legally bind all partners jointly and severally and any bid shall be submitted with a copy of the joint venture agreement providing the joint and several liabilities with respect to the contract.

d).The pre-qualification of a joint venture does not necessarily pre-qualify any of its partners individually or as a partner in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may pre-qualify if they meet all the pre-qualification requirements, subject to written approval of the employer.

e).The bid submission must include documentary evidence to the relationship between joint venture partners in the form of JV agreement to legally bind all partners jointly and severally for the proposed agreement which should set out the principles for the constitution, operation, responsibilities regarding work and financial arrangements, participation (percentage share in the total) and liabilities (joint and several) in respect of each and all of the firms in the joint venture. Such JV agreement must evidence the commitment of the parties to bid for the facilities applied for (if pre-qualified) and to execute the contract for the facilities if his/her/their bid is successful.

f).One of the partners shall be nominated for being in-charge of the contract and shall be designated as Lead Partner. This authorization shall be evidenced by submitting with the bid a Power of Attorney signed by legally authorized signatories of all the partners.

g).The JV Agreement must provide that the Lead Partner shall be authorized to incur liabilities and receive instructions for and on behalf of any and all partners of the Joint Venture and the entire execution of the contract shall be done with active participation of the Lead Partner.

h).The contract agreement should be signed jointly by each Joint Venture Partners. Subsequent declarations / letters / documents shall be signed by Lead Partner authorized to sign on behalf of joint venture or authorized signatory on behalf of JV.

i).The bid should be digitally signed by a person authorized by all the partners of the Joint Venture.

j).An entity can be a partner in only one Joint Venture. Bid submitted by Joint Ventures including the same entity as partner will be rejected.

k).The J.V. agreement may specify the share of each individual partner for the purpose of execution of this contract. This is required to fulfill eligibility and also for the purpose of apportioning the value of the contract to that extent to individual partner for subsequent submission in other bids if he intends to do so for the purpose of the qualification in that bid.

l).The JV agreement must specifically state that it is valid for the project for which bidding is done. If the JV breaks up mid-way before award of work and during bid validity period, bid will be rejected.

If JV breaks up mid-way before award of work and during bid validity / after award of work/ during pendency of contract, in addition to normal penalties as per provision of bid document, all the partners of the JV shall be debarred from participating in future bids for a minimum period of 12(twelve) months.

m). JV agreement shall be registered in accordance with Registration Act so as to be legally valid and binding on the members before making any payment.

Note: If the work is awarded to Joint Venture firm, they will register the JV agreement in accordance with Registration Act.

n). JV shall open a Bank Account in the name of JV and all payments due to the JV shall be credited by employer to that account only. To facilitate statutory deductions, all statutory documents like PAN, GSTIN, etc. in the name of the Joint Venture shall be submitted by JV before making any payment.

Note: If a Bidder participates as a Joint Venture (JV), the benefits as per Public Procurement Policy for MSE Order-2012 shall not be applicable for them.

8. Eligibility Criteria:

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

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

Or

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

Or

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

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

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