

- 7.3 Joint Venture (JV)/ Consortium: 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.

JV/Consortium details:

Name of all Members of a JV/CONSORTIUM (not more than 3):

- i. Lead Member (minimum participation share – 50%)
- ii. Member (minimum participation share – 20%)
- iii. Member (minimum participation share – 20%)

7.4 JV/Consortium must comply the following requirements:

- i. The qualifying criteria parameter e.g. experience, financial resources (of the relevant period) and the equipment/fleet strength of the individual member of the JV/CONSORTIUM will be added together and the total criteria should not be less than as spelt out in qualifying/eligibility criteria as specified in e-tender Notice. However, the required Working Capital shall be met by individual members of JV/CONSORTIUM as spelt out in the relevant Clause.
- ii. The formation of JV/CONSORTIUM or change in the JV/CONSORTIUM character/ members after submission of the bid and any change in the bidding regarding JV/CONSORTIUM will not be permitted.
- iii. The bid, and in case of a successful bid - the agreement, shall be signed so as to legally bind all members jointly and severally and any bid shall be submitted with a copy of the JV/CONSORTIUM Agreement providing the joint and several liabilities with respect to the contract.
- iv. The pre-qualification of a JV/CONSORTIUM does not necessarily pre-qualify any of its member individually or as a member in any other JV/CONSORTIUM. In case of dissolution of a JV/CONSORTIUM, each one of the constituent firms may pre-qualify if they meet all the pre-qualification requirements, subject to written approval of the employer.
- v. The bid submission must include documentary evidence to the relationship between JV/CONSORTIUM members in the form of JV/CONSORTIUM 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 JV/CONSORTIUM. Such JV/CONSORTIUM 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 their bid is successful.
- vi. One of the members shall be nominated as ‘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 members.
- vii. The JV/CONSORTIUM must provide that the Lead Member shall be authorized to incur liabilities and receive instructions for and on behalf of any and all members of the JV/CONSORTIUM and the entire execution of the contract shall be done with active participation of the Lead Member.
- viii. The contract agreement should be signed by each JV/CONSORTIUM members. Subsequent declarations/letters/documents shall be signed by lead member authorized to sign on behalf of the JV/CONSORTIUM or authorized signatory on behalf of JV/CONSORTIUM.
- ix. The bid should be signed/digitally signed by the DSC holder submitting the Bid.
- x. An entity can be a member in only one JV/CONSORTIUM. Bid submitted by JV/CONSORTIUM including the same entity as member will be rejected.

- xi. The JV/CONSORTIUM agreement may specify the share of each individual member for the purpose of execution of this contract. This is required only for the sole purpose of apportioning the value of the contract to that extent to individual member for subsequent submission in other bids if he intends to do so for the purpose of the qualification in that Bid.
- xii. The JV/CONSORTIUM agreement must specifically state that it is valid for the project for which bidding is done. If JV/CONSORTIUM breaks up midway before award of work and during bid validity period bid will be rejected.
- xiii. If JV/CONSORTIUM breaks up midway 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 members of the JV/CONSORTIUM shall be debarred from participating in future bids for a minimum period of 12 months.
- xiii. JV/CONSORTIUM agreement shall be registered in accordance with law so as to be legally valid and binding on the members before making any payment.

Note: If the work is awarded to a JV/CONSORTIUM firm, they will register the JV/CONSORTIUM agreement under Registration Act in accordance with law.

- xiv. JV/CONSORTIUM shall open a bank account in the name of JV/CONSORTIUM and all payments due to the JV/CONSORTIUM shall be credited by employer to that account only. To facilitate statutory deductions all statutory documents like PAN, GST registration etc. shall be submitted by JV/CONSORTIUM before making any payment.
 - xv. The JV/CONSORTIUM must enroll in the e-Procurement portal with the name of the firm as appearing in the JV/CONSORTIUM agreement.
- 7.5 Preference to Make in India (as applicable) vide Order No. P-45021/2/2017-PP (BE-II) issued by Govt. of India as amended from time to time shall be applicable. The Company reserves its right to allow Public Enterprises purchase preference facility as admissible under prevailing policy.
- 7.6 No sub-letting of the work as a whole by the contractor is permissible. Prior permission is required to be taken from the principle employer for engagement of sub-contractors.

8. ELIGIBILITY CRITERIA: Eligibility Criteria to qualify for the award of contract and data/supporting documents to be uploaded online.

8.1. Eligibility criteria to qualify for award of the contract –

A. WORK EXPERIENCE: The intending tenderer must have in its name 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. e-publication date on procurement portal should be any of the following.

i) Three similar completed works each costing not less than the amount equal to 20% of the estimated cost put to tender.

Or

ii) Two similar completed works each costing not less than the amount equal to 25% of the estimated cost put to tender.

Or

iii) One similar completed work costing not less than the amount equal to 40% of the estimated cost put to tender.

DEFINITION OF SIMILAR WORK:

The definition of similar works shall be work related to design, supply, installation, testing & commissioning of Solar Photo Voltaic (SPV) grid connected power plant(s). The SPV plant shall be any or all of the following installations:

- a. Ground Mounted SPV**
- b. Roof-top SPV**
- c. Floating SPV**

Scanned copy of documents to be uploaded by Bidders (CONFIRMATORY DOCUMENT):

The intending tenderer must submit documentary evidence in support of above in the form of (i) certified copy of work order, (ii) completion certificate indicating value and period of work, the TDS certificate be submitted during clarification, if any.

Note:

- 1). The experience towards overseas jobs, if submitted, should be vetted/endorsed by the relevant* embassy/high commission concerned, towards authenticity of document in English or translated in English language.
(*Relevant embassy/High Commission means the embassy/High Commission in India of the country where the bidder has executed the said work or country of origin of the bidder OR the Indian embassy in the country where bidder has executed the work or country of origin of the bidder.)

(Note :- The date of exchange rate of foreign currency in Indian Rupees in respect of overseas work experience shall be considered of the last day of month previous to the one in which bid applications are invited i.e. e-publication date on procurement portal but the weightage 5% or 7% as per configuration in the portal shall not be applicable.)

- 2) JV/Consortium, shall be allowed for participation in the bid with estimated cost Above Rs. 5.0 Crores.

The above qualification criteria shall be fulfilled by JV/CONSORTIUM in the following manner.

The qualifying criteria parameter e.g. experience of the individual partners of the JV/CONSORTIUM will be added together as deliberated hereinafter towards fulfillment of qualification criteria related to experience.

- a) In case of completion of single work of similar nature costing, not less than the amount equal to 40% of the estimated cost put to tender: -
Any of the JV/CONSORTIUM partner shall have the experience of having completed successfully a single work of similar nature equal to 40% of the estimated cost put to tender.

OR

- b) In case of completion of two works of similar nature each costing not less than the amount equal to 25% of the estimated cost put to tender: -

- i) Any one partner can match the above requirement.

OR

- ii) At least two partners should each have completed at least one work of similar nature each costing not less than the amount equal to 25% of the estimated cost put to tender.

OR

- c) In case of completion of three works of similar nature, each costing not less than the amount equal 20% of the estimated cost put to tender: -

- i) Any one partner can match the above requirement.

OR

- ii) Any two partners shall match the above requirement through completion of at least two work by one partner and one work by other partner of similar nature each costing not less than the amount equal 20% of the estimated cost put to tender: -

OR

- iii) All the three partners shall match the above requirement through completion of at least one work of similar nature each costing not less than the amount equal 20% 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 tender has been invited (publication date of NIT). The experience of incomplete/ongoing works as on last date of eligibility period will not be considered for evaluation. If the referred work includes construction, operation 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 operation/maintenance work is ongoing, and the certificate issued clearly stipulates the same.

Completion of works means completion of works by undertaking entire responsibility from design, Supply, Installation, Construction and Commissioning.

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 seven years' period.

Cost of previous completed work(s) shall be given a simple weightage of 7% per year to bring them at current price level, while evaluating the qualification requirement of the bidder. Such weightage shall be considered after end date of completion. The year can be considered as suitable consecutive 365 days till the last day of month previous to one in which bid has been invited. Updating will be considered for full or part of the year (total no. of days / 365) i.e. considering 365 days in a year, till the last day of month previous to one in which bid has been invited.

Data to be furnished by the Bidders:

- i. Start date & end date of each qualifying experience (similar nature)
- ii. Work order Number /Agreement Number of each experience
- iii. Name & address of Employer/Work Order Issuing authority of each experience
- iv. Percentage (%) share of each experience (In case the experience has been earned by the bidder as a partner in a JV/Consortium firm/partnership firm then the proportionate value of experience in proportion to actual share of bidder in that JV/Consortium firm/ partnership firm will be considered against eligibility else it shall be taken as 100%).
- v. Executed Value of work against each experience
- vi. In case the bidder is a JV/Consortium, work experience as above may be furnished as the work experience of the bidder.

Note:

Till the time of changes in the e-procurement portal regarding weightage from 5% to 7% is configured in the portal, the 5% weightage shall be considered for work experience for floating of tender on NIC portal.

B. FINANCIAL TURNOVER:

Average annual financial turnover during the last 3(three) years, ending 31st March of 2024 financial year should be at least 30% of the estimated cost put to tender.

The intending bidders must submit the Financial Turnover certificate (with UDIN No.) 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.

The foreign partner(s) should submit Financial Turnover certificate based on IFRS (International Financial Reporting Standards) accounting standard certified by a local practicing public accountant/audit firm duly vetted/endorsed by the relevant *Embassy/High Commission concerned, towards authenticity of document.

(*Relevant embassy/High Commission means the embassy/High Commission in India of the country where the bidder has obtained Turnover certificate or country of origin of the bidder OR the Indian embassy in the country where the bidder has obtained Turnover certificate or country of origin of the bidder.)

Note:

i) Financial turnover shall be given a simple weightage of 7% per year to bring them at current price level, while evaluating the qualification requirement of the bidder. Such weightage shall be considered from the end date of financial year. Updating will be considered for full or part of the year (total no. of days / 365) i.e. considering 365 days in a year, till the last day of month previous to one in which bid has been invited.

JV/Consortium shall meet the above eligibility requirement, in the following manner:

The qualifying criteria parameter e.g. financial resources of the individual partners of the JV/CONSORTIUM will be added together, for the relevant financial year, and the total should not be less than as spelt out above.

Note:

Till the time of changes in the e-procurement portal regarding weightage from 5% to 7% is configured in the portal, the 5% weightage shall be considered for Financial Turnover for floating of tender on NIC portal.

In respect of the above eligibility criteria the bidders are required to furnish the following information on-line:

- i) Annual turnover of each of the last 3 (three) years ending 31st March of the previous financial year.
- ii) Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate.
- iii) Membership Number of the Chartered Accountant.
- iv) Date of certificate issued by Chartered Accountant.

Note:

- a. In case the bidder is a JV/Consortium, the turnover of the individual partners of the JV/CONSORTIUM will be added together for each financial year and is to be furnished as the turnover of the bidder for that particular financial year. However, the information against Sl. No. (ii) & (iii) above will be given w.r.t. the lead partner of JV/CONSORTIUM only.
- b. In case of JV/CONSORTIUM, if financial turnover of all the partners is not submitted; the JV/CONSORTIUM will not be disqualified and instead the required turnover will be calculated assuming zero value for partner/partners who has/have not submitted the financial turn over certificate.

(ii) Special Note:

Confirmation regarding possessing of Financial Turnover issued by Practicing Chartered Accountant in the form of Yes / No.

(iii)

Scanned copy of documents to be uploaded by Bidders (CONFIRMATORY DOCUMENT): Financial Turnover certificate having a Unique Document Identification Number (UDIN) with Institute of Chartered Accountants of India.

C. WORKING CAPITAL:

The Bidder must submit the Certificate 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, issued by a Practicing Chartered Accountant having a Membership Number with Institute of Chartered Accountants of India. Such Certificate should contain the Unique Document Identification Number (UDIN). The bidder should possess the Working Capital issued within three months prior to the date of opening of tender.

In case, access to lines of credit constitutes the availability of Working Capital, Banker’s Certificate (Scheduled Commercial Bank) shall also be submitted regarding availability of access to credit (issued within three months prior to the date of opening of tender) to meet the above eligibility criteria.

For foreign Partner(s), Banker’s Certificate regarding availability of access to credit (issued within three months prior to the date of opening of tender) should be duly vetted/endorsed by the relevant Embassy/High Commission concerned, towards authenticity of document. Relevant Embassy/High Commission means the Embassy/High Commission in India of the Country where the bidder has obtained Banker’s Certificate or

Country of origin of the bidder).

Note: In case of tender of more than one-year period of construction of plant including trial run and performance guarantee test, the annualized value to be worked out as under:

$$\text{(iv) Annualized value} = \frac{\text{Estimated cost of the work (including GST) put to tender.}}{\text{Period of construction of plant including trial run and performance guarantee test in days.}} \times 365 \text{ days}$$

(vi) **In case of JV/CONSORTIUM, the requirement of Working Capital under this clause shall be met as per following proportion:**

- a. The lead member shall have to possess at least 50% share in the required Working Capital in order to qualify in this tender.
- b. All other members shall have to possess at least 25% share in the required Working Capital, in order to qualify in this tender.

Scanned copy of documents to be uploaded by Bidders (CONFIRMATORY DOCUMENT): 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 with UDIN.

Note: A sample checklist for working capital certificate has been enclosed below.

**SAMPLE CHECKLIST OF WORKING CAPITAL CERTIFICATE
THIS IS A SAMPLE CHECKLIST FOR WORKING CAPITAL CERTIFICATE. (FOR REFERENCE
PURPOSE ONLY).**

The Working Capital Certificate issued by CA should contain the following important parameters in line with the information furnished by the bidder online:

1. Name of Bidder:
2. Amount of Available Working Capital inclusive of lines of credit and availability of other financial resources:

SI No	Particulars	Value in Rs.
(1)	(2)	(3)
1	Current Asset (CA)	
2	Current Liability (CL)	
3	Working Capital (1-2)	
4	Access to lines of credit and availability of other financial resources	
5	Working Capital inclusive of Access to lines of credit and availability of other financial resources (3+4)	

Note: For eligibility Amount should be at least 20% of the Annualized value or estimated value whichever is less.

3. **Date on which bidder possess working capital: (Should be within 3 months prior to the date of opening of tender).**
4. Name of Chartered Accountant (CA) with Membership No.:
5. **Date of issue of Certificate: (Should be within 3 months prior to the date of opening of tender).**
6. **Certificate should be issued by Practicing CA (having Membership No.) containing UDIN No.**

Note:

1. Access to line of Credit and availability of other financial resources shall imply the Net availability of Funds* towards Working Capital, as on the date on which bidder possesses working capital.

*** The net availability of funds is the availability of unutilized fund.**