

Amendment/Calrification Invitated vide (NIT No.): CPC- NIT/OPTCL/OPSEAP/ 31 /2013-14 Package- I Dated: 28.02.2014 for Engineering, Supply, Erection and Commissioning of 132/33 kV GIS Sub-Stations and 132kV Cabling (Package-I)

| Section | Clause | Original Provision | Amendment |
|--|---|--|--|
| Section 1 - Instructions to Bidders (ITB) | | | |
| Section 1 - Instructions to Bidders (ITB) | | | No amendment Proposed |
| Section 2 - Bid Data Sheet (BDS) | | | |
| Section 2 - Bid Data Sheet (BDS) | C. Preparation of Bids; ITB 11.2 (k) | | New Clause: One Sample piece (15 Mtr Length) Each of AAAC & XLPE Cables manufactured and to be supplied by them conforming to the guarnted Technical particulars duly Type Tested from the laboratories mentioned in Evaluation & Qualification Criteria in sction-3. Note: Applicable for both for bidders from Employer's country and for Foreign Bidders (From Countries of the ADB) |
| | Clause 4.1 (a): Joint Venture of Clause 4. Eligible Bidders | (a) all partners shall be jointly and severally liable, and | (a) all partners shall be severally liable. |
| | Clause 21.3 | The Bid security should be from a Scheduled commercial Bank as per the extant guidelines of Reserve Bank of India or for an equivalent amount in freely convertible international currency from a reputable bank having corresponding bank in India. | The Bid security should be from a Scheduled commercial Bank as per the extant guidelines of Reserve Bank of India or for an equivalent amount in freely convertible international currency from a reputable bank having correspondent arrangement with a Scheduled Commercial Bank in India and carrying the conformation of such bank. |
| Section 3 - Evaluation and Qualification Criteria (EQC) | | | |
| Section 3 - Evaluation and Qualification Criteria (EQC) | 1.1 Technical Evaluation: Clause-2 | Plant and equipment such as Transformers, GIS Switch Gears, Control Relay Panel , CT & PT, CVT, LA, VCB, UG XLPE Cables and EOT Crane to be supplied by the bidder or its Sub-Contractor/Manufacturer should have been type tested from an Internationally accredited laboratory (KEMA, Holland/ EDF, France/Hydra-Quebec, Canada/CESI, Italy/CPRI, Bangalore, India / IPH Germany/ KERI, Korea) within last 5 years reckoned from the due date of submission of bid and meet the minimum Guaranteed Technical Particulars prescribed by the Employer. | Plant and equipment such as Transformers, GIS Switch Gears, Control Relay Panel , CT & PT, CVT, LA, VCB, and UG XLPE Cables to be supplied by the bidder or its Sub-Contractor/Manufacturer should have been type tested in KEMA, Holland/ EDF, France/Hydra-Quebec, Canada/CESI, Italy/CPRI, Bangalore, India / IPH Germany/ KERI, Korea/ XAHARI, China / CRIEPI, Japan and in case of Countries against which names of laboratory not mentioned, from an internationally accredited laboratory Owned by the Government of those Countries of Origin, within last 5 years reckoned from the due date of submission of bid and meet the minimum Guaranteed Technical Particulars prescribed by the Employer. New Clause: Plant and equipment such as Transformers, GIS Switch Gears, Control Relay Panel , CT & PT, CVT, LA, VCB, and UG XLPE Cables to be supplied by the bidder or its Sub-Contractor/Manufacturer should have been. Installed and in sucessful operation for at least two years in India. |

| | | | | | | | | | | |
|---|--|---|---|---------------------------------------|-------------------------------|---|-----------------------|---|---------------------------------------|-------------------------------|
| | | New Clause: For Technical Evaluation, One Sample piece (15 Mtr Length) each of AAAC & XLPE Cables submitted by the Bidder shall be type tested at CPRI of the Employer's Country at the cost of the Bidder. The Employer's determination of a Bid's Responsiveness shall be based on the result of the above Type Test . | | | | | | | | |
| 2.4.1 General Experience | Experience under contracts in the role of contractor or subcontractor, for at least last 05 years prior to the bid submission deadline covering following activities:- For Lot-1: Construction of 132/33 KV or higher Voltage GIS Substation. For Lot-2: 132 kV underground Cabling with Bay in respective GRID S/S. The above facility (Both for Lot-1 & Lot-2) should be in satisfactory operation for at least 01 (one) year from the date of commissioning. To substantiate this requirement the performance certificate from user is required to be furnished. | Single Entity | Joint Venture | | | (i) For Lot-1: Experience under contracts in the role of contractor or subcontractor, for at least last Five(05) years prior to the bid submission deadline covering following activities: Construction of 33 KV or higher Voltage GIS Substation. (ii) For Lot-2: Experience under contracts in the role of contractor or subcontractor, for at least last Five (05) years prior to the bid submission deadline covering following activities: 33kV or higher voltage underground Cabling with Bay in respective GRID S/S. Note: The above facility (Both for Lot-1 & Lot-2) should be in satisfactory operation for at least 01 (one) year from the date of commissioning. To substantiate this requirement the performance certificate from user is required to be furnished. | Single Entity | Joint Venture | | |
| | | must meet requirement | All Partners Combined not applicable | Each Partner must meet requirement | One Partner not applicable | | must meet requirement | All Partners Combined must meet requirement | Each Partner Not Applicable | One Partner not applicable |
| 2.4.2 Specific Experience: a) Contracts of Similar or higher Size and Nature | Both for Lot-1 & Lot- 2 : Experience as contractor, or subcontractor in similar or higher to the proposed plant and services at least one contract within the last five (05) financial years that have been successfully completed. The similarity shall be based on the physical size, complexity, methods, technology or other characteristics as described in Section 6 (Employer's Requirements). | must meet requirement | must meet requirement | not applicable | not applicable | (i) For Lot-1 Experience as contractor or subcontractor have successfully erected, tested and commissioned at least 01 no. of 110/33kV or higher voltage class GIS Substation (having Transformer Capacity of 20 MVA or above) on EPC Contract / Turnkey Contract basis for any Transmission Utility during Last ten (10) Financial Years preceding to the year of IFB. Note: The above facility should be in satisfactory operation for at least 01 (one) year from the date of commissioning. To substantiate this requirement the performance certificate from user is required to be furnished. (ii) For Lot-2 : The bidder must have successfully executed XLPE underground Cable laying work at least of 50KM (Cable Length) of 110 kV or higher voltage class for any Transmission Utility during Last ten (10) Financial Years preceding to the year of NIT. Note: The above facility should be in satisfactory operation for at least 01 (one) year from the date of commissioning. To substantiate this requirement the performance certificate from user is required to be furnished. | must meet requirement | must meet requirement | not applicable | must meet requirement |
| | | must meet requirement | must meet requirement | not applicable | not applicable | | must meet requirement | must meet requirement | Not Applicable | must meet requirement |
| (b) Experience in Key Activities (May be | For the above contracts executed during the period stipulated in 4.2(a) above, a minimum experience in the following key activities; Lot-1 & Lot-1 | must meet requirement | must meet requirement | not applicable | not applicable | Deleted | | | | |

| | | | | | | | | | |
|---|---|---|-----------------------|-----------------------|----------------|-----------------------|---------|--|--|
| | (may be complied by specialist subcontractors . Employer shall require evidence of subcontracting agreement from Bidder.) | (i) For Lot-1: Engineering, Supply, Erection and Commissioning of 132/33 kV GIS Sub-Stations | | | | | | | |
| | | The bidder must have successfully erected, tested and commissioned at least 01 nos. of 132/33 kV or higher voltage class Grid Sub-Stations (having Transformer Capacity of 20 MVA or above) on EPC Contract / Turnkey Contract basis for any Transmission Utility during Last Five Financial Years preceding to the year of NIT. | must meet requirement | must meet requirement | not applicable | not applicable | Deleted | | |
| | | (ii)Engineering, Supply, Erection and Commissioning of 132 kV underground Cabling with Bay in respective GRID S/S. | | | | | | | |
| | | The bidder must have successfully executed XLPE underground Cable laying work at least of 50KM (Route Length) of 132 kV or higher voltage class for any Transmission Utility during Last Five Financial Years preceding to the year of NIT. | must meet requirement | must meet requirement | not applicable | not applicable | Deleted | | |
| 2.6 Subcontractors/ manufacturers: | 1. Supply of all items as per BOQ. Major items (identified) should have been supplied at least 25% of the total BOQ quantity during last three financial years. | 1. Supply of all items as per BOQ. : Major items (identified) should have been supplied at least 50% of the total BOQ quantity during last five (05) financial years preceding to the year of NIT. However, for copper Cable the bidder must have supplied 50% of total BOQ quantity in terms of 110 kv or above rated and size copper cable during last five (05) financial years preceding to the year of NIT. Note: Clause-2.6 has been deleted from Section-3 and the same shall be form as part of the Employers requirement (Section-6). Note: Clause-2.6 has been deleted from Section-3 and the same shall be form as part of the Employers requirement (Section-6). | | | | | | | |
| | 2. Construction of XLPE Cable laying work Execution of 132 KV XLPE Cable laying work for at least of 10 Km.(Route Length) through HDD methodology. | 2. Construction of XLPE Cable laying work: Execution of 33KV or above XLPE Cable laying work for at least two (02) Km.(Cable Length) through HDD methodology or Authorization produced from HDD Contractor. Note: Clause-2.6 has been deleted from Section-3 and the same shall be form as part of the Employers requirement (Section-6). | | | | | | | |
| Section 4 - Bidding Forms (BDF) | | | | | | | | | |
| Section 4 - Bidding Forms (BDF) | | | | | | No amendment Proposed | | | |
| Section 5 - Eligible Countries (ELC) | | | | | | | | | |
| Section 5 - Eligible Countries (ELC) | | | | | | No amendment Proposed | | | |
| Section-6 Employer's Requirement | | | | | | | | | |

| | | | |
|---|---|---|---|
| Section-6 Employer's Requirement | Clause-2.2 Type Test | | New Clause: 2.2 TYPE TEST : Plant and equipment such as Transformers, GIS Switch Gears, Control Relay Panel , CT & PT, CVT, LA, VCB, and UG XLPE Cables to be supplied by the bidder or its Sub-Contractor/Manufacturer should have been type tested in KEMA, Holland/ EDF, France/Hydra-Quebec, Canada/CESI, Italy/CPRI, Bangalore, India / IPH Germany/ KERI, Korea/ XAHARI, China/ CRIEPI, Japan and in case of other Countries it shall be type tested from an internationally accredited laboratory Owned by the Government of those Countries of origin within last 5 years reckoned from the due date of submission of bid and meet the minimum Guaranteed Technical Particulars prescribed by the Employer. However , Employer at it's descretion and at it's own cost may conduct the Re Type Test/ Acceptance Test of Plant and Equipment mentioned above from the sucessful Bidder at CPRI in the Employer's Country. In case the Plant and Equipment fails to Pass the test as per specification, the entire lot shall be rejected and the testing charges along with other charges incurred for conduct the test at CPRI shall be recovered from the Contractor. |
| | New Clause: Subcontractors/ manufacturers: | As per section-3: 1. Supply of all items as per BOQ. Major items (identified) should have been supplied at least 25% of the total BOQ quantity during last three financial years. | New Clause under Section-6: 1. Supply of all items as per BOQ. : Major items (identified) should have been supplied at least 50% of the total BOQ quantity during last five (05) financial years preceding to the year of NIT. However, for copper Cable the bidder must have supplied 50% of total BOQ quantity in terms of 110 kv or above rated and size copper cable during last five (05) financial years preceding to the year of NIT. |
| | | As per section-3: 2. Construction of XLPE Cable laying work Execution of 132 KV XLPE Cable laying work for at least of 10 Km.(Route Length) through HDD methodology. | New Clause under Section-6: 2. Construction of XLPE Cable laying work: Execution of 33KV or above XLPE Cable laying work for at least two (02) Km.(Cable Length) through HDD methodology or Authorization produced from HDD Contractor. |
| Section 7 - General Conditions of Contract (GCC) | | | |
| Section 7 - General Conditions of Contract (GCC) | | | No amendment Proposed |
| Section 8 - Special Conditions of Contract (SCC) | | | |
| Section 8 - Special Conditions of Contract (SCC) | 10. Employer's Responsibility: | 10. Employer's Responsibility: 10.2 The Employer shall be responsible for acquiring and providing legal and physical possession of the Site and access thereto, and for providing possession of and access to all other areas reasonably required for the proper execution of the Contract, including all requisite rights of way, as specified in the Appendix (Scope of Works and Supply by the Employer) to the Contract Agreement. The Employer shall give full possession of and accord all rights of access thereto on or before the date(s) specified in that Appendix. 10.3- Employer will assist in securing the RoW getting clearances from Railway, NHAI, Forest, Water, and other statutory/Govt body. All statutory fees for getting clearance shall be to Employer's account. However, securing the RoW for getting clearance from Railway, NHAI, Forest, Water, and other statutory/Govt body shall be the responsibility of the Contractor. | Clause-10.2 & 3 The Acquisition of land for Sub station shall be the sole responsibility of the Employer. Whereas the Contractor shall be responsible for securing the RoW for transmission and distribution lines. However, the Employer shall assist the Contractor for getting clearances from Railway, NHAI, Forest, Water, and other Govt./Statutory bodies. All statutory fees for getting clearance shall be to Employer's account. The Contractor while securing RoW shall pay the compensation at his own cost to the eligible affected people as per the extant rules and regulation of the Government / ADB compensation guidelines. The Contractor is required to furnish the documentary evidence to the Employer in respect of compensation so paid. Note: The extension of the contract period due to delay in view of the court cases will be allowed. |

| | | |
|--|---|--|
| <p>Clause-14: Taxes & Duties</p> | <p>The taxes and duties treatment shall be discussed and finalized in the pre-bid meeting.</p> | <p>As per the Pre-Bid Meeting, the treatment to Taxes and Duties is as follows;</p> <p>A. For the plant supplied from India:</p> <p>i. Excise Duty : For ADB aided Project, Plant specified in the price schedule no.2 are exempted from Excise Duty vide Notification No. 108/95-CE dated 28.08.1995 of Govt. Of India . In this regard Employer shall issue necessary certificate (Project Authority Certificate(PAC)/ Essentiality Certificate) for availing such exemption.</p> <p>ii. Central Sales tax/ Value Added Tax: Central Sales Tax/ Value Added Tax as applicable shall be payable by the Employer. However, Concessional Sales Tax declaration forms, as admissible, would be issued to the contractor, on their request, by Employer for all items (for the Plant specified in the price schedule no-2 of the bid) to be supplied directly by the contractor and also in case of sourcing from Vendor through transit sales as may be permissible.</p> <p>iii. Entry Tax: In the event the Employer is required to issue Way bill & pay Entry Tax, the amount of Entry Tax paid by the Employer shall not be released further in favour of the contractor.</p> <hr/> <p>B. For the plant supplied from abroad:</p> <p>i. For ADB aided Project, Plant specified in the price schedule no.1 are exempted from Custom & Import Duty vide Notification No. 84/97-Cus dated 11.11.1997 of Govt. Of India. In this regard Employer shall issue necessary certificate (Project Authority Certificate(PAC)/ Essentiality Certificate) for availing such exemption.</p> <p>ii. Central Sales tax/ Value Added Tax: Central Sales Tax/ Value Added Tax as applicable shall be payable by the Employer. However, Concessional Sales Tax declaration forms, as admissible, would be issued to the contractor, on their request, by Employer for all items (for the Plant specified in the price schedule no-1 of the bid) to be supplied directly by the contractor and also in case of sourcing from Vendor through transit sales as may be permissible.</p> <p>iii. Entry Tax: In the event the Employer is required to issue Way bill & pay Entry Tax, the amount of Entry Tax paid by the Employer shall not be released further in favour of the contractor.</p> <hr/> <p>Note:</p> <p>i. The Contractor shall ascertain the availability of Deemed Export Benefits. The Contractor is solely responsible for obtaining such benefits which it had considered in its bid. The Employer shall only furnish the documents and/or certificate/declaration as may be required to the Contractor and as permitted under the law of the country. The Contractor shall quote price after considering the above taxes and duties treatment.</p> <p>ii. In case any contractor submits any conditional bid regarding making available compensation to the bidder by the Employer towards deemed export benefit due to change in policy, variation in rates etc., all such bids shall be treated as non-responsive and will be rejected.</p> |
| <p>Clause-27.10 of clause 27. Defect Liability</p> | <p>27. Defect Liability 27.10 The critical components covered under the extended defect liability are Transformers, Switch gears, Relays, VCBs, CT & PT, AAA Conductor, XLPE Cables etc , and the period shall be a time span of five hundred and forty (540) days from the date of Completion of the Facilities (or any part thereof). The defect liability for other component of plant and services shall be one year from the date of Operational Acceptance of the Facilities.</p> | <p>27. Defect Liability 27.10 The Defect Liability Period shall be three (03) years from the date of Operational Acceptance of the Facilities . Accordingly, Defect Liability Period in Appendix-4 Time Schedule is three (03) years from the date of Operational Acceptance of the Facilities.</p> |

| | | | |
|---|---------------------------------------|--|---|
| | Clause-39.1.5 (Variation in Quantity) | New Caluse 39.1.5 of SCC: At any time during the execution of the contract, OPTCL reserve the right to increase the quantity of any item with reference to the BOQ to an extent of (+/-) 25%. However, overall variation in the contract price will be limited to 15% of the contract price. | New Caluse 39.1.5 of SCC: At any time during the execution of the contract, OPTCL reserve the right to increase the quantity of any item with reference to the BOQ to any extent within the limit of 25% of the contract price at the same unit rate and terms conditions contained in the LOA. However, any increase in the quantity resulting in increase in the contract price beyond 25% shall be at a discount of 5% of the unit price. The increase in quantity w.r.t BOQ, however, shall always be subject to the prior approval of the competent authority. |
| Section 9 - Contract Forms (COF) | | | |
| Section 1 - Instructions to Bidders (ITB) | | | No amendment Proposed |
| Clarification: | | | |
| Section-I (ITB) | Clause-4: Eligible Bidders of | We understand that subject clause doesnt limit the participation of a bidder as a subcontractor in another bid or of a firm as a subcontractor in more than one bid.Please confirm that our understanding is correct | A bidder can not participate as a Sub-Contractor in another bid nor a sub-contractor associated with a bidder can participate in another bid as a bidder, as it attracts conflict of interest as per clause 4.3 of ITB. However, a sub-contractor may be associated as sub-contractor with any no. of bidders who are participating in this tender. |