

## **PART I**

**1. Preface :-** This document containing broad guidelines for e-Procurement, is framed with an objective that it should help all concerned in adopting the proposed highly complex, automated, web-based e-Procurement System smoothly without causing confusion and inconveniences. The proposed system described in this document has been conceived based on the facts and figures obtained from the Service Provider(NIC) and other sources. However any deviation to these guidelines may be adopted by MCL with the approval of CMD, MCL for reasons 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. SCOPE :-** The e-procurement system will cover :

- A. All the open and limited open tenders having Estimated Contract Value (ECV) Rs 10 lakhs and more. This limit may be reduced once the system of e-Procurement is stabilized.
- B. All the steps involved starting from hosting of Tenders(based on approved and financially concurred estimate/indent) till decision of L-1 bidder will be covered. The proposed e-Procurement Portal should have the functionality for the Tender jobs like Hosting of NIT , Downloading and submission of bids, Opening of Tender and Evaluation of bids on line on a dedicated e-procurement portal of the company with minimal human intervention. The Portal will also generate Reports required for the MIS/Decision Support System of MCL.

### **3. THE ORGANISATIONAL SETUP**

A separate permanent Cell constituting of Executives of different departments headed by a designated **Project Manager** for implementation, development and maintenance of e-procurement system should be constituted at MCL HQ . The cell will be responsible for :

- a. **To co-ordinate and correspond with the Service Provider(NIC), Bidders , User Departments and other concerned authorities such as Banks, Auditors etc. for the effective and efficient implementation of e-procurement.**

- b. To facilitate development of the proposed 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 proposed highly automated web based e-procurement mode.
- d. Infrastructure development for the proper implementation of the proposed 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. Publicity and change management for migration from manual system of tendering to electronic mode.
- h. Finalizing the different documents, formats etc for the e-procurement system.

#### **4. THE PROCESS**

- a. An e-procurement portal will be developed in compliance with IT Act 2000 and its subsequent amendments exclusively for MCL by **National Informatics Centre(NIC), New Delhi** and it will be used exclusively by MCL.
- b. Tender for the offline approved and financially concurred estimates/indents will be published in this portal by authorized executives of MCL with Digital Signature Certificate(DSC). The authorized executive for this purpose will be normally the HOD of the concerned technical department. The tender may be created by the officer as authorized by the HOD, publishing the tender. While creating/publishing the tender the "Bid Openers" will be identified who will be from the Tender committee members. The maximum number of bid opener will be three and the minimum number will be two. In case of Tenders floated by any department at MCL HQ., the Bid Openers will be the executives posted at MCL HQ. only and in case of Tenders floated by Area authorities, the Bid Openers will be the executives posted at Area office only. Any individual may have multiple roles in this system.
- c. The Digital Signature Certificates have to be obtained for MCL users from certifying agency of NIC which is authorized by CCA (Controller of

Certifying Authority) of Govt. of India. The bidders will have to obtain the Digital Signature Certificate from any certifying agency which is authorized by CCA (Controller of Certifying Authority) of Govt. of India.

- d. Tender will be floated on-line by the concerned department containing all the salient details such as description of work, estimated value, period of work, date of pre-bid meeting, last date and time of submission of bid, period for seeking clarifications, date of opening of Technical bid, eligibility criteria, definition of similar work, terms & conditions of contract etc. as per the approved tender document.

In each tender having ECV more than Rs 5 Crore 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 which should be visible to all the bidders.

Pre-bid meeting may take place, if required, after publication of Tender but in any case at least 4 days before the last date of Bid submission. The minutes of the Pre-Bid meeting shall be uploaded on the Portal which can be viewed by all.

- 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 after pre-bid meeting and shall continue till minimum 15 (fifteen) days after the date of NIT for the work having ECV Rs.50 lakhs & above and 10 days for the works having ECV less than Rs.50 Lakhs. The Technical bid may be opened after last date and time of submission of bid on the pre-scheduled date.
- f. The Tender can be down loaded by any prospective bidder from the website free of cost and tender application fee is to be submitted at the time of bid submission.
- g. In order to submit the Bid the bidders have to get themselves registered with the portal and should possess valid Digital Signature Certificate as given above. The Registration of the Bidders on the portal will be on-line and one time activity. The system will assign a unique user ID for each Bidder which will be valid till he/she opts for deregistration.
- h. The bidder will have to accept the terms & conditions of the NIT along with on-line undertaking in support of the authenticity of the declarations - regarding the facts, figures and information furnished by the Bidder on-line.
- i. In the undertaking given by bidder on-line, there will be provision for forfeiting EMD and banning for one year, if any information given by him on-line is found to be false at any stage.

- j. The bidder may seek clarification online within the specified period. However, the management will clarify as far as possible the relevant queries. The clarifications may be asked after one day from the date of e-Publication of NIT. The last date for seeking clarification will be upto four days before the last date of submission of bid and the last date of giving clarification will be upto two days before the last date of submission of bid.

The tender publishing authority will be responsible to give the clarifications regarding the terms and conditions of the contract and the e-procurement cell will be responsible for giving clarification regarding the modalities of bid submission and evaluation on e-Procurement portal.

Corrigendum to NIT will be possible on-line, if required, with respect to only change of Dates and correction of Address. No other corrigendum should be made.

- k. The bidder will submit their Technical Bid and Price bid on-line.
- l. The system will have a provision for acceptance of EMD and Application Fees on-line through electronic mode in Company's designated account. However the bidder will have an option for submitting EMD in the form of BG/DD and the application fees in the form of DD from any scheduled bank offline either manually or by post which must be received in the office of tender publisher within three working days after the last date of submission of bid.

Any Bidder will have option for choosing mode of payment i.e either off-line or on-line. One bidder can choose for one mode of payment for both, the EMD and Application Fee.

In any Tender both the options will be available and will be indicated during the creation of Tender. However till the system of on-line payment becomes operational, only off-line mode will be available for the Bidders. Once the on-line receipt is fully stabilized in MCL, it will be reviewed whether the off-line mode is to be continued or not.

The qualification in Technical Bid will be subject to the receipt of EMD.

- m. Modification of the submitted bid shall be allowed only before the deadline of submission of tender and the Bidder may modify the bid as many times as required.

The Bidder may withdraw his/her bid any time before the last date and time of submission of bid at his/her discretion and his EMD will be refunded. However, if the Bidder withdraws the Bid after the deadline of bid submission, MCL shall forfeit his/her EMD and will take other penal actions as prescribed in the NIT. In the e-procurement, the online withdrawal of bid may be done by bidder only before deadline of

bid submission otherwise offline request is to be sent by the Bidder to MCL. The actions which may be taken in case of withdrawal of Bids at different stages of Tender, are as indicated below and to be incorporated in the NIT :

- a. If the withdrawal is within the deadline of bid submission, the EMD will be refunded .
  - b. If the request of withdrawal is received after deadline of bid submission and before opening of technical bid, the bidder will be disqualified and his EMD will be forfeited and the technical bids of remaining bidders will be opened.
  - c. If the request of withdrawal is received after opening of technical bid and before opening of price bid, the bidder will be disqualified and his EMD will be forfeited and other penal actions as prescribed in the NIT will be taken and the price bid of remaining bidders will be opened.
  - d. If the L1 bidder withdraws his bid after opening of price bid and before issue of LOA then his EMD will be forfeited and retender shall be done in which he/she will not be allowed to participate.
  - e. If the L1 bidder withdraws his bid after issue of LOA then his EMD will be forfeited , other penal action as per NIT will be taken and retender shall be done in which he/she will not be allowed to participate.
- n. On or after the date and time of tender opening, the received bids will be decrypted on line and opened by the "Bid Opener" along with the Digital Signatures Certificates. The tender opening date (technical bid) may be kept on the same day after deadline of bid submission. The opening of the bids will be done sequentially.
- i. Tender will be opened on pre-scheduled date irrespective of the number of Bids received. Even incase 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 Proposed e-Procurement System should be capable of evaluating the Technical Part of the bids automatically with least human intervention. For this purpose all the required parameters will be obtained from the Bidders in an objective manner. Bidders will not be required to upload scanned copy of any document or to submit hard copy of any document for the evaluation process except the scanned copy of DD/BG. The

information furnished by the bidders on-line along with on-line undertaking with digital signature certificate in support of the authenticity of the facts and figures furnished by them will be accepted for the evaluation of the bids.

- iv. Acceptance of Bidder in a general form of online declaration will be recognized and accepted as the certification regarding authenticity of all the information provided in the bid document and acceptance of all terms and conditions of the bid document, since such acceptance by Bidder with Digital Signature Certificate is legally tenable.
- v. L1 Bidder will be required to produce the original documents in support of the information furnished by him on-line, for verification by TC along with one set of self certified Photocopy of documents, as specified in the NIT, on any working day within seven days after the date of opening of price-bid. He will also submit an affidavit on a non-judicial stamp paper of Rs.10 regarding genuineness of the information furnished by him online and authenticity of the documents produced by him within the same time frame.
- vi. In case the L1 bidder fails to produce the documents within the specified period or if any of the information furnished by L1 bidder on-line is found to be false by the Tender Committee during verification of original document, which changes the eligibility status of the bidder, then the tender will be cancelled and retendering will be done with forfeiture of EMD and banning for one year for participating in future tenders.
- vii. The participating bidders may choose to be present during the opening of the bid till a system of viewing the online opening of the bids remotely is developed and implemented.
- viii. The information will be provided by the bidder by filling up relevant data through a form. The software will use the information provided by the bidders to evaluate the bid technically.
- ix. The Technical evaluation of Tenders for Works & Services will be done as per respective Eligibility Criteria as per the specific information sought from the bidders as specified in the tender document.
- o. After opening the technical bid the details of EMD submission is to be entered by the Bid Opener. The Tender Committee members will also validate the on line evaluation of technical bid.

- p. 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. 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.
- q. A detailed comparative chart of participating bidders will be generated by the system automatically stating the eligibility status as evaluated by the system. This chart will be downloaded and a copy of it will be kept in the TCR file duly authenticated by the Tender Committee. Opening of Price bid will proceed as per the recommendation of the Tender Committee.

However if the development of this feature in the proposed e-procurement portal takes some time then till such period the TC will take decision based on the print out of the screen shots of the portal indicating eligibility of individual bidder.

- r. Thereafter, a system generated e-mail confirmation will be sent to all successful bidders automatically communicating the date and time of price bid opening.
- s. The EMD of unsuccessful bidders who have submitted it on Electronic Mode will be refunded back into the same account through Electronic Fund Transfer, at the earliest, after the evaluation of part I tender. However the BG will be returned by registered/speed post.
- t. 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 witness the price bid opening online remotely. However till the system of viewing the online opening of the bids remotely is developed and implemented, the bidders who chooses to be present may witness the bid opening at the office of the Bid Openers.
- u. After opening of Price bid a detailed Comparative Statement of Prices indicating the rank of bidders will be generated automatically on-line by the system which will be visible to the successful bidders of Technical bid online. However this feature may take some time to be developed, and till such period the report indicating comparative statement generated by the System is to be uploaded by MCL so that the same can be viewed by all. A separate communication to L-1

bidder will be made through e-mail on the same day of opening of price-bid by the Publisher of Tender.

- v. The system will be designed such that all the details of technical 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.
- w. The Bid validity period in all cases will be 60(sixty) days from the last date of submission of bid.
- x. The approval for award of work to L-1 bidder will be done based on the TC recommendation regarding reasonableness of rate, after obtaining approval of competent authority as per DOP for award of work off-line, based on the computer generated evaluation sheets.
- y. The award of work to L-1 bidder will be intimated through e-mail, fax and by registered/speed post.
- z. The processes for entering into the agreement with the successful bidder will be done offline as per the prevailing manual system. However, the documents required to be submitted by contractor for executing the agreement will be specified in the Tender document.

## **5. THE DUTIES AND RESPONSIBILITIES :**

The following *Roles* have been identified, which are to be executed with valid Digital Signature Certificate :

- É THE CREATOR OF TENDER :- The Tender will be created by the officer, authorized by the Publisher of the Tender as per approved estimate/indent.
- É THE PUBLISHER OF TENDER :- He will be normally the HOD of the concerned technical department and will be the responsible person for timely and accurately hosting of tender on the portal with his Digital Signature Certificate.
- É THE OPENERS OF TENDER:- The tender will be decrypted and opened with the digital signatures of each opener as identified during publishing the tender. Each opener will have to access one by one for bid opening. The Tender committee members will be normally the openers of tender.
- É THE EVALUATOR OF TENDER:- The Evaluator is the person who will upload the decision of the Tender Committee and he will be normally the HOD of Tender Publishing department.

- É The Tender committee will accept the on-line evaluation of Technical Bid and validate the receipt of EMD. The Tender committee will record it's off-line deliberation and recommendation, which will be uploaded by the Evaluator of the Tender, who will be normally the HOD of Tender Publishing department.
- É Auditor : He will be given privileged access to audit tendering process.

One individual may have multiple roles as identified above except the role of *Auditor*.

## **6. Special situations :**

- a. In case any officer holding any of the above roles is not available for performing his role, he may give off-line authorization to use his digital signature certificate for a specific period and for the specific roles . However this should be used only when it is absolutely essential and with the approval of next higher authority of the person giving authorization.
- b. In case the digital signature certificate is lost or misplaced, effort is to be made to obtain another copy of DSC from NIC and till such period the date of opening of Tender is to be extended. In case it is not possible to prepare a copy of the DSC due to any reason, the Tender, which are yet to be opened will be cancelled and re-tendered.

## **7. Future initiatives under e-Procurement :-**

- A.** A system of obtaining Price through Reverse Auction.
- B.** A module for the Procurement of Goods through e-procurement

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## **PART II**

### **8. Data capture Strategies**

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

- a) Fixed Data to be provided by MCL  
These are the data which will be provided by MCL once for all and may be updated as per requirement . The data will include information like : Name of the Company, Address of the Company, Telephone No, e-mail Address, FAX, Bankers Name, Bank Account No. etc.
- b) Tender specific data to be provided by MCL for each Tender : These data are to be provided for each tender and it may include information like : Tender Ref No, Tender Date, Name of Tender inviting Department, Designation of Tender Inviting Authority, Description of the work, Volume of Quantity of work, Description of category of work , Type of Tender, Name of Area/Project/ Colliery, Estimated Contract Value (ECV), Period (P) in Days, Annualized Value (AV), EMD, Application Fee, Date of Publication of Tender, Pre-Bid Meeting Date, Time & Place, start & end date of submission of bid, Last Date of withdrawal of Bid, Required Validity Period of the Offer, period for seeking clarification, date of opening of Part-I (technical bid), Eligibility criteria, definition of similar work etc.

*Note : The definition of Similar Work to be given in the NIT should be broader, unambiguous, explicit and it should contain the predominant nature of tendered work.*

- c) Fixed Data to be furnished by Bidders during Registration process : These information will be captured from the Bidder during the process of Registration. The data includes information like : Name of the Tenderer, Name of the authorized signatory of Tenderer, Legal status of the authorised signatory in the firm, Date of incorporation/registration of the firm, Place of Registration, Scanned image of the Electoral Photo ID Card of the Authorised Signatory or other document in support of identification, Address and contact details of the Bidder, Telephone No, FAX, e-mail address of the Bidder, Status of the Tenderer, VAT Registration Number & PAN, Name of Banker of Bidder, Branch Name, Branch Code, Branch City, MICR No, Account type, Account Number, License details of the contractors, Principal Place of Business, In case of JV, Name of Lead Partner and other partners etc.
- d) Tender specific data to be furnished by the Bidders : These data are to be furnished by Bidders separately for each Tender. These data requirements have been elaborately indicated for different Eligibility Criteria under the section "Eligibility Criteria".

## 9. Eligibility Criteria

### A. Services Tender ( TC & CMC Dept) ó

1. **Work Experience** : The intending tenderer must have in its name as a prime contractor experience of having successfully executed works of similar nature (such as Transportation/ loading (Wagon & Tipper)/Removal of Coal/Overburden/ Shale/ Extraneous materials/Sand etc.) valuing 65% of the annualized value of the work put to tender in any year (a -yearø in this context is a continuous period of 365 days starting at any date of the year) during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited.

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

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

1. Start date of the year for which work experience of bidder is to be considered for eligibility.
2. Start & end date of each qualifying experience (similar nature)
3. Work Order/Agreement Number of each experience
4. Work Order Issuing authority of each experience
5. % share of experience (100% in case proprietor or a partner in a partnership firm or the actual % of share in case of a Joint Venture/Consortium).
6. Executed Value of work against each experience

#### **Technical evaluation by the System :**

- a) The system shall calculate the end date by adding 365 days to the start date of experience (provided by bidder). End date shall not be later than the last date (last day of month previous to month of NIT publishing).
- b) The system shall check the Start & End date of each experience and accept it as a qualifying experience if it falls within the year selected by the bidder (as calculated by adding 365 days to the start date restricted to the -last dateø)
- c) The system shall calculate the value of each qualifying experience by multiplying the value with the % share of experience and adding 5% for each completed year ( total No of days / 365)after the end date of experience of work till one year before the last date of month previous to one in which the NIT has been invited.

- d) The system shall calculate the value of all qualifying experiences taken together for each bidder and grade him as 'Eligible' if it meets the minimum requirements (65% of AV) or else as 'Ineligible'.
- e) In case any of the experiences does not fall in the selected period of 365 days (continuous), such experiences will be excluded from evaluation. Hence the bidder shall have to furnish the value of work executed only during the selected period of 365 days (continuous).
- f) The weight age of 5% every year should not be compounded on yearly basis for the purpose of calculating the value of each qualifying experience."
- g) The work of the bidder may be an ongoing work. Hence, partial experiences would be considered if the last date applicable for the experience is earlier than his end date (especially if the last date happens to the end date). If a contract is running now then the bidder should specify appropriate ending date.
- h) In case the role of the bidder in the work for which experience is given is Prime Contractor or a partner of a partnership firm, then 100% experience is credited. In case his role is as a partner in Joint Venture the accredited experience is proportional to the percentage of share in the JV firm.

**Document (in Original) to be produced by L1 bidder for verification by TC :**

- a. Satisfactory Work Experience Certificate issued by the employer against the Experience of similar work containing all the information as sought on-line. (A sample format will be given in the NIT)
- 2. **Working Capital** : Evidence of possessing adequate working capital (at least 20% of the annualized value of this work) inclusive of access to lines of credit and availability of other financial resources to meet the requirement. The bidder should possess the working capital within three months prior to the date of opening of tender.

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

- a) Amount of available working capital inclusive of lines of credit and availability of other financial resources
- b) Date on which the bidder possesses the required working capital
- c) Name of the Chartered Accountant (CA)
- d) Membership Number of CA who certifies the bidder's working capital on a particular date.
- e) Date of Issue of Certificate

**Technical evaluation by the System :**

- a. The system shall be required to check that the date on which the bidder possesses the required working capital as well as the date of issue of certificate is within 3 months of the date of opening of tender.
- b. The value of working capital as certified by the CA is greater than or equal to the minimum requirement.

**Document (in Original) to be produced by L1 bidder for verification by TC :**

- a. Certificate of Working Capital issued by a Registered Chartered Accountant containing the information as furnished by bidder on- line.  
(A sample format will be given in the NIT)
3. **Fleet Requirement** : Ownership of a fleet of minimum 1/5th of the tipping trucks and equipments required for the annualized work. The bidder should accept to deploy the balance equipment/fleet if the work is awarded to him. The bidder has to satisfy the Minimum requirement of Fleet/ equipment as specified in NIT in terms of Equivalent Capacity with minimum capacity of each equipment/ fleet (if specified)

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

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

**Technical evaluation by the System :**

- a. The system shall assess the capacity of each equipment submitted by the bidders based on the business logic for the corresponding equipment. The system shall not qualify an equipment if the assessed capacity of the equipment is less than the minimum required capacity for that equipment.
- b. The system shall be required to aggregate the capacity of each type of qualified equipment (as described above) and grade him as 'Eligible' if it meets the total minimum requirements for that type of equipment or else as 'Ineligible'.
- c. In case, there are more than one type of equipment required in a tender, the system shall be required to assess the eligibility status of the bidder for each type of equipment and he shall be overall graded as 'Eligible' only if he is eligible in each type of equipment, else 'Ineligible'.
- d. As on date, for the 8 different types of equipments in use by MCL, 3 categories of business logic are being applied to assess the capacity of equipments which is accepted if it is equal to or exceeds the minimum capacity for that equipment. The business logic for each equipment is given below.

Category	Type of Equipment	Business Logic for Assessed Capacity
1	Tipper	The carrying capacity i.e. Gross Wt. less Unladen Wt. (Tare Wt) is considered for evaluation.
2	Payloader, Drill, Dozer, Shovel, Motor Grader, Water Tanker	Capacity (in the same unit as specified in tender) entered by bidder is considered for evaluation.
3	Surface Miner	The cutting width in mm will be entered by the bidder. The capacity will be derived as per follows:- a) <2000 mm, value considered is Nil, b) >= 2000mm and <3000, value considered is 3000 Cum/day c) >= 3000mm , value considered is 6000 Cum/day

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

**Document (in Original) to be produced by L1 bidder for verification by TC :**

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

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

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

Permanent Account Number

**Technical evaluation by the System :**

System will capture the PAN of the bidder

**Document (in Original) to be produced by L1 bidder for verification by TC :**

PAN CARD Of the bidder

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

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

(The "Previous Financial Year " shall be computed with respect to the date of NIT/e-publishing date).

**Data to be furnished by Bidders :**

1. Annual turnover of each of the last 3 years ending 31st March of the previous financial year.
2. Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate.
3. Membership Number of the CA

**Technical evaluation by the System :**

- a. The system shall have to calculate the 30 % of the ECV as the required average turnover of the bidder.
- b. The system shall be required to calculate the average of the financial turnover of 3 years furnished by the bidder with updation of 5 % for the second year and 10 % for the third year .
- 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 in stead shall consider all 3 years for computing the average by assuming a value of zero for the year for which no information is available.

**Document (in Original) to be produced by L1 bidder for verification by TC :**

- a. Turnover certificate issued by a Registered Chartered Accountant containing the information as sought on-line for three years.  
(A sample format will be given in the NIT)

2. **Work Experience** : The intending tenderer must have in its name as a prime contractor experience of having successfully completed similar works during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be either of the following:-

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

Or

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

Or

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

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

**Data to be furnished by the Bidders :**

1. Start & end date of each qualifying experience (similar nature)
2. Work order/Agreement Number of each experience
3. Work Order Issuing authority of each experience
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).
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 date of NIT.
- b. The system shall check the Start & End date of each experience (The system shall NOT allow more than 3 entries for experience) and accept it as a qualifying experience if it falls within the 7 years computed by the system.
- c. The system shall calculate the value of each qualifying experience by multiplying the value with the %share of experience and adding 5% for each completed year (total No of days / 365)after the end date of

experience of work till one year before the last date of month previous to one in which the NIT has been invited.

- d. The system shall sort the number of experiences in the descending order of value and shall validate the qualifying experiences with the business logic built into the software. For example First it 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 'Ineligible'.
- e. The weightage of 5% every year should 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 should be considered for evaluation purposes, which are completed before the last date of month previous to one in which NIT has been invited. Hence, incomplete / ongoing experiences w.r.to above date would be excluded. Moreover, if the experience of the bidder falls partly prior to the period of 7 years considered for evaluation, the value of such portion of work shall not be taken into account for evaluation and the value of work executed during eligibility period shall be computed by the system on pro-rata basis.

**Document (in Original) to be produced by L1 bidder for verification by TC :**

- 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 over Rs. 1 Crore .

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

Assessed Available Bid capacity= (A x N x 2 - B) where,

A= Maximum Financial Turnover in any one financial year during the last five financial years ending 31<sup>st</sup> march of the previous financial year (updated to present level @ 5% per year) w.r.to the date of NIT/e-

publishing date, taking into account the completed as well as works in progress.

N= Number of years prescribed for completion of the works for which bids are invited.

B= Value at present price level, of existing commitments and on going works to be completed during the next .....months (period of completion of works for which bids are invited)

**Data to be furnished by Bidder :**

1. Maximum financial turnover in any one financial year during the last five financial years w.r.to date of NIT/e-publishing date i.e. öAö
2. Value at present price level, of existing commitments and on going works to be completed during the next .....months (period of completion of works for which bids are invited) i.e. öBö

**Technical evaluation by the System :**

- a. The system shall validate the financial year given by the bidder that it lies within previous five financial years prior to one in which the NIT has been invited.
- b. The value will be updated @ 5 % without compounding till the year of NIT.
- c. The bid capacity will be assessed as per formula  $2 \times A \times N - B$
- d. The system shall match the assessed bid capacity as submitted by the bidder with the minimum requirements to ascertain the eligibility status.

**Document (in Original) to be produced by L1 bidder for verification by TC :**

- a. Turnover certificate issued by a Registered Chartered Accountant containing the information as sought on-line for five years.  
(A sample format will be given in the NIT)
- b. Self declaration certificate for the value of öBö

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 :**

Permanent Account Number

**Technical evaluation by the System :**

System will capture the PAN of the bidder

**Document (in Original) to be produced by L1 bidder for verification by TC :**  
PAN CARD Of the bidder

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

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

TIN Number or Sales tax registration number

**Technical evaluation by the System :**

System will capture the TIN Number or Sales Tax Registration Number of the bidder

**Document (in Original) to be produced by L1 bidder for verification by TC :**  
VAT/ Sales Tax Registration Certificate

**C. General Essential Requirements for both Services and Works :**

- a) The bidders have to :
- i. Accept all the Terms and Condition of the NIT and Tender Document Unconditionally on line
  - ii. Give all the undertakings online as applicable for the tender specified in the NIT.
  - iii. Produce all the original documents for verification as per the checklist given in the Tender Document.
  - iv. The L1 bidder has to submit an undertaking in the form of affidavit on a non judicial stamp paper of Rs.10 regarding authenticity of information furnished by him on line and the original documents produced by him for verification by TC.
- b) For Mandate for e-payment, Information to be captured on line  
c) The bidder has to give his/her legal status

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

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

**Technical evaluation by the System :**

**System will capture the legal status of the bidder**

**Document (in Original) to be produced by L1 bidder for verification by TC :**

**One of the following document:**

1. Affidavit or any other document to prove proprietorship
  2. Partnership deed containing name of partners and details of assets , if required.
  3. Memorandum & Article of Association with certificate of incorporation containing name of bidders
  4. Joint Venture agreement containing name of Partners and lead partner, POA to the Lead Partner and share of each partner.
- d) 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 SUBMITTED BY THE L-1 BIDDER**

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

<b>Sl No.</b>	<b>Eligibility Criteria</b>	<b>Information to be furnished by bidder on line</b>	<b>Supporting Document (in Original) to be produced by L1 bidder for verification by TC</b>
<b>1</b>	<p><b>THE WORK EXPERIENCE :</b>                      The intending tenderer must have in its name as a prime contractor experience of having successfully executed works of similar nature (such as Transportation/ loading (Wagon &amp; Tipper)/Removal of Coal/Overburden/ Shale/ Extraneous materials/Sand etc.) valuing 65% of the annualized value of the work put to tender in any year (a year in this context is a continuous period of 365 days starting at any date of the year) during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited.                      ( In case the bidder is not a prime contractor but a sub-contractor, the bidder's experience as sub-contractor will be taken into account if the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contract in the original contract awarded to prime contractor.)</p>	<ol style="list-style-type: none"> <li>1. Start date of the year for which work experience of bidder is to be considered for eligibility.</li> <li>2. Start &amp; end date of each qualifying experience (similar nature)</li> <li>3. Work Order/Agreement Number of each experience</li> <li>4. Work Order Issuing authority of each experience</li> <li>5. % share of experience (100% in case proprietor or a partner in a partnership firm or the actual % of share in case of a Joint Venture/Consortium).</li> <li>6. Executed Value of work against each experience</li> </ol>	Satisfactory Work Experience Certificate issued by the employer against the Experience of similar work containing all the information as sought on-line. (A sample format will be given in the NIT)

<p><b>2</b></p>	<p><b>THE AVAILABILITY OF WORKING CAPITAL:</b> Evidence of possessing adequate working capital (at least 20% of the annualized value of this work) inclusive of access to lines of credit and availability of other financial resources to meet the requirement. The bidder should possess the working capital within three months prior to the date of opening of tender.</p>	<ol style="list-style-type: none"> <li>1. Amount of available working capital inclusive of lines of credit and availability of other financial resources</li> <li>2. Date on which the bidder possesses the required working capital</li> <li>3. Date of issue of W.C. Certificate by CA</li> <li>4. Name of the Chartered Accountant (CA)</li> <li>5. Membership Number of CA who certifies the bidder's working capital</li> </ol>	<p>Certificate of Working Capital issued by a Registered Chartered Accountant containing the information as furnished by bidder on-line. (A sample format will be given in the NIT)</p>
<p><b>3</b></p>	<p><b>FLEET REQUIREMENT:</b> Ownership of a fleet of minimum 1/5th of the tipping trucks and equipments required for the annualized work. The bidder should accept to deploy the balance equipment/fleet if the work is awarded to him. The bidder has to satisfy the Minimum requirement of Fleet/ equipment as specified in NIT in terms of Equivalent Capacity with minimum capacity of each equipment/ fleet (if specified)</p>	<ol style="list-style-type: none"> <li>1. Type of equipment (Tipper, Surface Miner, payloador,etc)</li> <li>2. Actual Capacity of each equipment</li> <li>3. Registration number / Invoice/ Sale deed or hire purchase agreement (whichever is applicable as per NIT) of each equipment</li> </ol>	<ol style="list-style-type: none"> <li>1. <b>For Vehicle covered under Motor Vehicle Act:</b> <ol style="list-style-type: none"> <li>b. RC Book of vehicle issued by RTO</li> </ol> </li> <li>2. <b>For Vehicle not covered under Motor Vehicle Act:</b> <ol style="list-style-type: none"> <li>c. Invoice containing name of owner and the desired capacity in desired unit as sought in NIT ;OR</li> <li>d. Sale deed with the seller and the bidder with the copy of invoice in the name of seller containing name of owner and the desired capacity in desired unit as sought in NIT</li> <li>e. In case of Surface Miners the equipment under hire purchase agreement on the name of the bidders will also be considered as owned</li> </ol> </li> <li>3. Any other legal document to prove the ownership of bidder over the fleet.</li> </ol>

4	Legal Status of the bidder	<ol style="list-style-type: none"> <li>1. Legal status of bidder i.e. Proprietorship/partnership/ Limited Company/Joint Venture</li> <li>2. Name of Proprietor/ existing partners/existing directors</li> <li>3. Assets of the partnership firm , if required</li> </ol>	<p><b>One of the following document:</b></p> <ol style="list-style-type: none"> <li>1. Affidavit or any other document to prove proprietorship</li> <li>2. Partnership deed containing name of partners and details of assets , if required.</li> <li>3. Memorandum &amp; Article of Association with certificate of incorporation containing name of bidders</li> <li>4. Joint Venture agreement containing name of Partners and lead partner, POA to the Lead Partner and share of each partner .</li> </ol>
5	Valid Permanent Account Number (PAN)	Permanent Account Number	PAN card issued by Income tax authority.
6	Valid digital certificate	Digital signature	Digital signature certificate alongwith power of attorney or any sort of legally acceptable authority to bid on behalf of the bidder
7	An affidavit on a non judicial Stamp Paper of Rs 10/ regarding genuineness of the documents / information sworn in before a Magistrate / Notary in the prescribed format.		
8	Any Other document to support the Qualification information as submitted on-line.		

**(2). FOR WORKS (Civil and E&M contracts) :**

Sl No.	Eligibility Criteria	Information to be furnished by bidder on line	Supporting Document (in Original) to be produced by L1 bidder for verification by TC
<b>1</b>	<p><b>THE WORK EXPERIENCE :</b>                      The intending tenderer must have in its name as a prime contractor experience of having successfully completed similar works during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be either of the following:-                      a) Three similar completed works each costing not less than the amount equal to 40% of the estimated cost.                      b) Two similar completed works each costing not less than the amount equal to 50% of the estimated cost.                      c) One similar completed work costing not less than the amount equal to 80% of the estimated cost.                      (In case the bidder is not a prime contractor but a sub-contractor, the bidder's experience as sub-contractor will be taken into account if the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contract in the original contract awarded to prime contractor.)</p>	<ol style="list-style-type: none"> <li>1. Start &amp; end date of each qualifying experience (similar nature)</li> <li>2. Work order/Agreement Number of each experience</li> <li>3. Work Order Issuing authority of each experience</li> <li>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).</li> <li>5. Executed Value of work against each experience</li> </ol>	<p>Satisfactory Work Completion Certificate issued by the employer against the Experience of similar work containing all the information as sought online. (A sample format will be given in the NIT)</p>
<b>2</b>	<p><b>FINANCIAL TURNOVER:</b>                      Average annual financial turnover during the last 3 (three) years ending 31st March of the previous financial year should be at least 30% of the estimated cost.                      (The 'Previous Financial Year' shall be computed with respect to the date of NIT/e-publishing date).</p>	<ol style="list-style-type: none"> <li>1. Annual turnover of each of the last 3 years ending 31st March of the previous financial year.</li> <li>2. Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate.</li> <li>3. Membership Number of the CA</li> </ol>	<p>Turnover certificate issued by a Registered Chartered Accountant containing the information as sought on-line for three years. (A sample format will be given in the NIT)</p>

<p><b>3</b></p>	<p><b>BID CAPACITY:</b>          Bidders who meet the minimum qualifications criteria will be qualified only if their available bid capacity is more than the tendered value of the work. The available bid capacity will be calculated as under:          Assessed Available Bid capacity= <math>(A \times N \times 2 - B)</math> ,          where,          A= Maximum financial turnover in any one financial year during the last five financial years ending 31<sup>st</sup> march of the previous financial year (updated to present level @ 5% per year) w.r.to the date of NIT/ e-publishing date, taking into account the completed as well as works in progress.          N= Number of years prescribed for completion of the works for which bids are invited.          B= Value at present price level, of existing commitments and on going works to be completed during the next .....months (period of completion of works for which bids are invited)          The system of determination of bid assessment capacity will be used only in case of works of estimated value of over Rs. 1 crore.)</p>	<p>1. Maximum financial turnover in any one financial year during the last five financial years w.r.t date of NIT i.e. ₹Aø</p> <p>2. Value at present price level, of existing commitments and on going works to be completed during the next .....months (period of completion of works for which bids are invited) i.e. ₹Bö</p>	<p>1. Turnover certificate issued by a Registered Chartered Accountant containing the information as sought on-line for five years. (A sample format will be given in the NIT)          2. Self declaration certificate for the value of öBö</p>
<p><b>4</b></p>	<p><b>Legal Status of the bidder</b></p>	<p>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>	<p><b>One of the following document:</b></p> <p>1. Affidavit or any other document to prove proprietorship          2. Partnership deed containing name of partners and details of assets , if required.          3. Memorandum &amp; Article of Association with certificate of incorporation containing name of bidders          4. Joint Venture agreement containing name of Partners and lead partner, POA to the Lead Partner and share of each partner.</p>

5	Valid Permanent Account Number (PAN)	Permanent Account Number	PAN card issued by Income tax authority.
6	Valid digital certificate	Digital signature	Digital signature certificate alongwith power of attorney or any sort of legally acceptable authority to bid on behalf of the bidder
7	Valid VAT / Sales Tax registration on Works Contract	TIN Number	VAT/Sales Tax Registration Certificate
8	Valid Electrical License ( For Electrical works only)	License Number	Electrical License issued from E.L.B.O, Orissa as applicable for E&M Tenders.
9	An affidavit on a non judicial Stamp Paper of Rs 10/ regarding genuineness of the documents / information sworn in before a Magistrate / Notary in the prescribed format.		
10	Any Other document to support the Qualification information as submitted on-line.		

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

## **I DO UNDERTAKE**

1. That all the information being submitted by me/us is genuine, authentic, true and valid on the date of submission of tender and if any information is found to be false at any stage of tendering or contract period I/We will be liable for the following penal actions apart from the other penal actions prescribed elsewhere in the tender document:-
  - a. Cancellation of my/our bid/ contract (as the case may be)
  - b. Forfeiture of EMD
  - c. Banning of business for a period of one year from all other future tenders in MCL and it may be communicated to CIL also for further action .
2. That I/we accept all terms and condition of NIT, Instruction to bidders, General Terms and Condition and Special/Additional Terms and Condition as given in tender document as available on the website.
3. That I/we accept the Integrity Pact as given in the tender document (if applicable).
4. That I/we am/are giving my/our consent for e-payment and submitting the mandate form for e-payment in the format as prescribed in the document.
5. That I/we do authorize MCL for seeking information/clarification from my Bankers having reference in this bid.
6. That I/we will produce the original copy alongwith one set of self certified photocopy of the documents in support of the information and data furnished by me/us on line, on any working day within seven days after the date of opening of price-bid, if I/we become the L-1 bidder.

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

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