

INSTRUCTIONS TO TENDERERS

1 GENERAL INSTRUCTIONS

- 1.1. On behalf of the Delhi Metro Rail Corporation Ltd., New Delhi, India, Controller of Stores (hereinafter referred to as the Purchaser), invites electronic tenders for the supply as set forth in the Notice Inviting Tender, 'Techno Commercial Bid Details' form and 'Financial Rate Page for Supply' form of the electronic tender uploaded on the Indian Railways E-Procurement System website (www.ireps.gov.in), herein after referred to as IREPS website. The tenders are invited in terms of 'DMRC Conditions of Contract',

'Instructions to Tenderers for Electronic Tenders' and 'Conditions of Contract' uploaded on the IREPS website, and other conditions incorporated in the tender documents. The instructions contained herein are also applicable for all electronic tenders invited by the Office of Controller of Stores/DMRC.

- 1.2. Electronic tender document consists of:-

- a. DMRC conditions of contract
- b. Instructions to Tenderers for Electronic Tenders
- c. Form of Tender
- d. NIT and
- e. Schedule of Requirement
- f. 'Submit Payment Details' form
- g. 'Techno Commercial Bid Details' form, including attached documents, if any
- h. 'Financial Rate Page for Supply' form

- 1.3. The contract, if placed, shall be governed by latest versions (along with all corrections slips) of :

- a. DMRC Conditions of Contract
 - b. Instructions to Tenderers for Electronic Tenders
- All the above documents are available on the IREPS website (www.ireps.gov.in).

- 1.4. Registration of Vendors on IREPS website: In order to participate in the electronic tenders issued by DMRC, the vendors are required to obtain 'Class-III Digital Signature Certificate with Company Name' from any Certifying Authority' licensed by Controller of Certifying authorities (CCA). The details of the certifying authorities are available on CCA website www.cca.gov.in. The vendors will also have to get themselves registered on IREPS website (www.ireps.gov.in). Vendors can submit their log in registration request on line by clicking on the New Vendors link available on Home Page of IREPS website, and after signing the same digitally using their own Digital Signature Certificate. Log in registration to the web site is available on free of charge basis. The registration request, after due verification, will be accepted and Password will be sent to them to their registered e-mail account. Detailed instructions regarding registration process are available in 'Users Manual for Vendors' which can be accessed through Learning Center link available on the Home page of IREPS website.

Vendors interested in participating against an electronic tender are advised in their own interest to obtain the digital signatures, and get themselves registered on IREPS website well in advance of the tender closing date. DMRC shall not provide any assistance to the vendor in this regard, and shall not be responsible for failure of the vendor to submit their offer against any electronic tender on this account.

- 1.5. Offers received in the electronic tender box available in the IREPS website (www.ireps.gov.in) will only be considered against electronic tenders.
- 1.6. Manual offers delivered by post/fax or in person, or offers sent by e- mail or telex shall not be accepted against electronic tenders, even if such offers are received in time. All such offers shall be considered as invalid offers and shall be rejected summarily, without any consideration.
- 1.7. The digital signature of the tenderer on the E-tender form will be considered as confirmation that the tenderer has read, understood and accepted all the documents referred to in Para 1.2 and 1.3 above, unless special deviation is quoted by the tenderer in the Technical deviation & Commercial Deviation templates in 'Techno-commercial Bid Details' form. Deviations quoted elsewhere in the tender form shall not be considered, and Purchaser's decision thereon shall be final and binding.
- 1.8. All mandatory fields in pre-designed templates of 'Techno Commercial Bid Details' form and 'Financial Rate Page for Supply' form marked with asterisk (*) shall be filled in by the tenderer.
- 1.9. The stores offered should be in accordance with stipulated drawings and specifications as given in the 'Techno Commercial Bid Details' form and 'Financial Rate Page for Supply' form and attachments attached with the electronic tender.
- 1.10. The details of deviations, if any, from tender specification and other conditions should be clearly indicated in the Technical Deviation and Commercial Deviation templates provided on 'Techno-commercial Offer' form. Alternatively, the tenderer can submit the details of deviations as per the format given in Annexure -5 & 6 of this document, by attaching the deviation statement in PDF format in the Attach Documents template on 'Techno-commercial Bid Details' form. Deviations mentioned under 'PVC and remarks' field or elsewhere in the offer, except in the manner mentioned above will not be considered. Tenderers may note that conditions deviating from the tender conditions/description/specifications may render the offer liable to be ignored.
- 1.11. Tenderers are required to quote in the same rate unit (i.e. Number, set etc.) as given in the tender schedule. Any deviation in this aspect shall render the offer liable to be ignored.
- 1.12. Currency of Offer: The price should be quoted only in Indian Rupees. The offers submitted in other currencies shall not be considered.
- 1.13. Validity of Offer: The offer shall be kept valid for acceptance for a minimum period as specified in the Special Conditions of Contract from the date of opening of the tender. In

case the tenderer stipulates validity period of less than as specified in the Special Conditions of Contract, the offer is liable to be treated as unresponsive and ignored.

- 1.14. Tenderers are advised to confirm "Compliance to special tender condition/Checklist" in the template Special Conditions/Checklist for Bidders on 'Techno Commercial Bid Details' form by putting a tick mark in the check box provided against each Special Condition/Checklist, and in case of a "No" must furnish reason for non-compliance with that Special Condition/Checklist in the remark entry box provided therein. Tenderers may note that non-compliance to the Special Conditions/Checklist, without stating valid reasons in the relevant remark entry box may render the offer liable to be ignored.
- 1.15. Should a tenderer have a relative employed in Executive capacity in the Stores Department of the DMRC, or in the case of a partnership firm or company incorporated under the Indian Company Law should a partner or a relative of the partner be employed in Executive capacity in Stores Department of DMRC, the authority inviting tenders shall be informed of the fact at the time of submission of tenders, failing which the tender may be rejected, or if such fact subsequently comes to light the contract may be rescinded.

2.0 QUALIFYING REQUIREMENTS OF TENDERERS

- 2.1. QUALIFYING REQUIREMENTS OF TENDERERS shall be as mentioned in Special Conditions of Contract.

3.0 TENDER DOCUMENT COST

- 3.1. Tenderers are required to submit Tender Document Cost for the amount mentioned in the Special Conditions of Contract, before submission of their offer, and failure to do so shall render the offer liable to be rejected. Tenderers has to submit the cost of tender document Through a Banker's Cheque (BC), Pay Order (PO), Demand Draft (DD) issued by Nationalized or Scheduled Commercial Banks in favour of Delhi Metro Rail Corporation Ltd., New Delhi
- 3.2. Tenderers will have to submit the details of payment towards Tender document cost on IREPS website as follows:-
 - a. Tenderers shall search for the relevant tender using the links (a) quick search or (b) advance search provided in their home page after logging into the system using their valid Username, Password & Digital Signature.
 - b. On retrieving the tender details, they shall click on the Submit Payment Details icon under Actions column to access the 'Submit Payment Details' form. They will then choose the Manual Payment button available on the page and select the Instrument Type, and fill in the columns 'Instrument No., Date, Issuer Bank Details (Bank Name & Branch) and Remarks, if any'. They shall then click Sign & Submit button and append their digital signature.

The tenderers will have to submit the details of payment towards Tender document cost on IREPS website as follows:-

- a. Tenderers shall search for the relevant tender using the links
 - (a) quick search or

(b) advance search provided in their home page after logging into the system using their valid Username, Password & Digital Signature.

b. On retrieving the tender details, they shall click on the Submit Payment Details icon under Actions column to access the 'Submit Payment Details' form. They will then choose the Manual Payment button available on the page and select the Instrument Type, and fill in the columns 'Instrument No., Date, Issuer Bank Details (Bank Name & Branch) and Remarks, if any'. They shall then click Sign & Submit button and append their digital signature.

The tenderers shall also upload scanned copy of the instruments toward cost of tender document in the template Attach Documents on 'Techno Commercial Bid Details' form.

Tenderers shall send the original copy of BC/PO/DD/Cash Receipt towards Tender Document cost, per bearer or by Registered Post/Speed Post to "Office of the Controller of Stores, Delhi Metro Rail Corporation Ltd., Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001", duly indicating the Tender Number, Tender Closing Date and Tenderer's Name on the reverse of the instruments. The envelope containing the Tender Document cost shall not contain financial or techno-commercial offer, and any such offers found in the envelope will be treated as invalid offers and will not be considered. The envelope should be superscribed as under:

"Contains Tender Document Cost only for Electronic Tender No <mention tender no here> due on <mention opening date here>. This envelope does not contain financial or techno-commercial terms and conditions"

In case several documents like instrument towards Tender Document cost, Earnest Money, authorization letter, NSIC registration certificate etc. are to be submitted by the tenderer, all these documents can be put in the same envelope, with suitable modification in the remarks to be superscribed on the envelope.

Tenderers shall ensure that Tender Document cost is delivered in Office of COS before Closing date and time; otherwise their offer shall be treated as "Offers received without Tender Document cost" and will be dealt with as per the existing guidelines. DMRC will not be responsible for any postal delay in receipt of envelopes containing the Tender Document cost.

3.3 Firms registered with NSIC for the items tendered are exempted from submission of tender document cost. Such tenderers shall choose the appropriate exemption category available on the Submit Payment details page. The tenderers shall thereafter digitally sign and submit the details by clicking the Sign & Submit button available on the page.

These tenderers shall also attach scanned copy of Current and Valid NSIC registration certificate, along with the relevant annexure covering the tendered item/trade group in PDF format in support of their claim, in the template Attach Documents on, 'Techno Commercial Bid Details' form.

Offers of the tenderers who claim exemption from submission of Tender Document cost, but do not comply with the procedure described above are liable to be ignored.

4. EARNEST MONEY/TENDER GUARANTEE

- 4.1 Tenderers are required to deposit Earnest Money equivalent to the amount mentioned in the tender document before the closing date and time of the tender. Failure to do so, shall render the offer liable to be rejected. The Earnest Money/Tender Guarantee shall be any one of the following alternative forms subject to the approval of the Purchaser:
- (a) A crossed Bank Draft/pay order/banker cheque in favour of the Delhi Metro Rail Corporation Ltd, INDIA from a Nationalized Indian Bank/Scheduled commercial bank (in the case of indigenous offers) or from a reputable commercial Bank of the tenderer's country having their branch in India (in the case of foreign offers). For the bank drafts in currencies as mentioned in NIT (Notice for Invitation of Tenderer) other than Indian Rupees.
 - (b) An irrecoverable Bank Guarantee of any Indian Nationalized Bank/Scheduled commercial bank (in case of indigenous offer) or from reputable commercial bank of the tenderer's country having their branch office in India (in case of foreign offer), in favour of the Delhi Metro Rail Corporation Ltd. in the format attached (Annexure-3). It shall be valid for minimum period as specified in the Special Conditions of Contract.
- 4.2 The Earnest Money/Tender Guarantee shall remain deposited with the Purchaser for the period of validity of the offer from the date of opening of tenders. If the validity of the offer is extended, the Earnest Money/ Bank Guarantee duly extended shall also be furnished, failing which the offer after the expiry of the aforesaid period shall not be considered by the Purchaser.
- 4.3 No interest will be payable by the Purchaser on the Earnest Money/Tender Guarantee.
- 4.4 The Earnest Money/Tender Guarantee deposited is liable to be forfeited if the tenderer withdraw or amends, impairs or derogates from the tender in any respect within the period of validity of his offer.
- 4.5 The Earnest Money of the successful tenderer will be returned after the Contract Performance Guarantee as required (clause-0900 of the conditions of contract) is furnished.
- 4.6 If the successful tenderer fails to furnish a Contract Performance Guarantee as specified in clause 0900 of the Condition of Contract, then the Earnest Money shall be liable to be forfeited by the Purchaser.
- 4.7 The Earnest Money of all unsuccessful tenderers will be returned by the Purchaser.

4.8 Any tender not accompanied by Earnest Money in one of the approved forms as mentioned above shall be summarily rejected.

The tenderers will have to submit the details of payment towards Earnest Money on IREPS website as follows:-

a. Tenderers shall search for the relevant tender using the links (a) quick search or (b) advance search provided in their home page after logging into the system using their valid Username, Password & Digital Signature.

b. On retrieving the tender details, they shall click on the Submit Payment Details icon under Actions column to access the Submit Payment Details Page. The vendors shall then click on the Submit EMD link on the Submit Payment details page. Vendors may note that Submit EMD link becomes available only after the tenderer has submitted tender document cost (or has chosen the exemption category for tender document cost, if applicable). They will then select the Instrument Type, and fill the columns 'Instrument No., Date, Issuer Bank Details (Bank Name & Branch) and Remarks, if any'. They shall then click Sign & Submit button and append their digital signature. On completion of the details, vendors will have to upload scanned copy of the instruments toward cost of tender document and Earnest Money in the template Attach Documents on 'Techno Commercial Bid Details' form. Tenderers shall send the original document of the instrument towards Earnest Money, per bearer or by Registered Post/Speed Post to "Office of the Controller of Stores, Delhi Metro Rail Corporation Ltd., Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001", duly indicating the Tender Number and Tender Closing Date on the reverse of the instruments. The envelope containing the Earnest Money shall not contain financial or techno- commercial offer, and any such offers found in the envelope will be treated as invalid offers and will not be considered. The envelope should be superscribed as under:

"Contains Earnest Money Deposit for Electronic Tender No <mention tender no here> due on <mention opening date here>. This envelope does not contain financial or techno- commercial terms and conditions"

In case several documents like instrument towards Tender document cost, Earnest Money, authorization letter etc. are to be submitted by the tenderer, all these documents can be put in the same envelope, with suitable modification in the remarks to be superscribed on the envelope.

4.9 Firms registered with NSIC for the items tendered are exempted from submission of EMD/tender Guarantee. Firms have to follow all of the following steps to avail the exemption from submission of Earnest Money.

a. Tenderers shall search for the relevant tender using the links
(a) quick search or
(b) advance search provided in their home page after logging into the system using their valid Username, Password & Digital Signature.

On retrieving the tender details, they shall click on the Submit Payment Details icon

under Actions column to access the Submit Payment Details Page. The tenderers shall then choose the appropriate exemption category available under Submit EMD link on the Submit Payment details page. The tenderer shall thereafter digitally sign and submit the details by clicking the Sign & Submit button available on the page. Tenderers may note that Submit EMD link becomes available only after the tenderer has submitted tender document cost (or has chosen the exemption category for tender document cost, if applicable).

- b. The tenderer will have to attach scanned copy of NSIC registration Certificate for the tendered item in the Attach Documents template on 'Techno Commercial Bid Details' form.
- c. Tenderers shall send the original copy/Notary attested xerox copy of the NSIC registration Certificate per bearer or by Registered Post/Speed Post to "Office of the Controller of Stores, Metro Bhawan, New Delhi-110001".

The envelope containing the aforesaid documents should not contain financial or techno-commercial offer, and any such offers found in the envelope will be treated as invalid offers and will not be considered. The envelope should be superscribed as under: "Contains <mention name of the document here> for Electronic Tender No <mention tender no here> due on mention tender opening date here". This envelope does not contain financial or techno-commercial terms and conditions".

In case several documents like instrument towards Tender document cost, Earnest Money, authorization letter, NSIC registration certificate etc. are to be submitted by the tenderer, all these documents can be put in the same envelope, with suitable modification in the remarks to be superscribed on the envelope.

Tenderers shall ensure that these documents are delivered in the Office of the "Controller of Stores, Metro Bhawan, New Delhi-110001" before date and time of submission of bid.

Offers of Tenderers who claim exemption but do not follow the above steps shall be treated as "Offers received without Earnest Money" and will be dealt with as per the existing guidelines.

5. SUBMISSION OF OFFERS

5.1 Procedure for submission of electronic offers

- 5.1.1 The tenderers should visit IREPS website at the address www.ireps.gov.in and submit online offers after logging into the website using their login ID, Password and Digital Signature. Tenderers can submit their online offers only after they have submitted tender document cost (or have chosen the exemption category for tender document cost, if applicable). Tenderers can submit online electronic offers after filling the details in the following pre-designed templates. Document cost (or have chosen the exemption category for tender document cost, if applicable). Tenderers can submit online electronic offers after filling the details in the following pre-designed templates.

1.0 Submit Payment Details Document cost (or have chosen the exemption category for tender document cost, if applicable). Tenderers can submit online electronic offers after filling the details in the following pre-designed templates.

Document cost (or have chosen the exemption category for tender document cost, if applicable). Tenderers can submit online electronic offers after filling the details in the following pre-designed templates.

2.0 Techno Commercial Bid Details (Bid Process page)

- | | | |
|----|---------------------------------|---------------|
| 1. | Eligibility Criteria | (Elig.*) |
| 2. | Terms and Conditions | (T&C*) |
| 3. | Commercial Deviation | (Com.Dev.) |
| 4. | Technical Deviation | (Tech.Dev.) |
| 5. | Special Conditions & Check List | (CheckList*) |
| 6. | Technical Specifications | (Tech.Spec.) |
| 7. | Performance Statement | (Perf.) |
| 8. | Attach Documents | (Attach Doc.) |
| 9. | Financial Offer | (Fin.Offer) |

DMRC will not reimburse any Excise duty paid by the supplier due to misclassification.

5.2 Sales Tax/VAT

5.2.1 If reimbursement of Sales tax/VAT is intended as extra over the quoted prices, the tenderers must use the drop down menu in the relevant field and select CST Extra, LST Extra or VAT Extra options in the Sales Tax field on the 'Financial Rate Page for Supply' form, and also quote the percentage of Sales Tax/VAT that is required to be reimbursed by the purchaser. In the absence of any such stipulation, no claim on account of Sales Tax/VAT will be entertained after the opening of tender.

5.2.2 While quoting the rates, tenderer shall pass on (by way of reduction in prices) the set off/input tax credit that would become available to them by switching over to the system of VAT from the existing system of If reimbursement of Sales tax/VAT is intended as extra over the quoted prices, the tenderers must use the drop down menu in the relevant field and select CST Extra, LST Extra or VAT Extra options in the Sales Tax field on the 'Financial Rate Page for Supply' form, and also quote the percentage of Sales Tax/VAT that is required to be reimbursed by the purchaser. In the absence of any such stipulation, no claim on account of Sales Tax/VAT will be entertained after the opening of tender.

DMRC will not reimburse any Sales Tax/VAT paid by the supplier due to misclassification.

6. DELIVERY SCHEDULE

- 6.1 The tenderers should quote the delivery period/delivery schedule carefully, because the time and date for the delivery of stores shall be the essence of the contract and delivery must be completed not later than the date so specified. The attention of the tenderers is invited to clauses 0700, 0701 and 0702 of the IRS Conditions of Contract, which shall govern the contract.
- 6.2 The delivery period and delivery schedule as per DMRC's requirement are indicated in the respective fields in the electronic tender. Tenderers are advised to adhere to the delivery period/delivery schedule stipulated in the tender, as deviation from the same may render their offer liable to be ignored. Tenderers should invariably quote firm delivery period in their quotation. If the quoted delivery period spreads over several months, the date of commencement, monthly rate of delivery and the date of completion of delivery must be indicated.
- 6.3 In the case of "ex-stock" offers, the despatch of stores is to be effected within 7 days of the receipt of order. Wherever the stores are subject to inspection by RITES/RDSO etc. before despatch, extra time of 3 weeks will be allowed to cover time in inspection.
- 6.4 In case of delivery by Rail, the date on which stores are placed on Rail (i.e. RR/PWB date) will be date of delivery. In case of local delivery, the date of delivery to consignee will be taken as date of delivery. For outstation despatches, if sent by lorry, the date of receipt of material by consignee will be taken as date of delivery.
- 6.5 No transit time shall be allowed beyond the delivery date stipulated in the contract.
- 6.6 Time Preference Clause: It should be noted that if a contract is placed on a higher tenderer as a result of invitation of tender, in preference to the lower acceptable offer, in consideration of offer of earlier delivery, the contractor will be liable to pay to the Government the difference between the contract rate and of the lowest acceptable tender on the basis of final price F.O.R destination including all elements of freight, Sales Tax, Local taxes, duties and other incidentals in case of failure to complete supplies in terms of such contract within the date of delivery specified in tender and incorporated in the contract. This is in addition and without prejudice to other rights under the terms of contract.

7. **DELIVERY TERMS**

- 7.1 The purchaser will prefer free delivery by road at consignee's end.
- 7.2 Tenderers are required to clearly indicate the freight charges in the relevant field in the 'Financial Rate Page for Supply' form. The freight charges to be paid shall in no case exceed the freight charges quoted by the tenderer in the relevant field in the 'Financial Rate Page for Supply' form.
- 7.3 In case an offer is submitted on 'FOR-Station of despatch' basis, 'FOR- Ex-Works' basis or 'FOR- Ex-Godown basis' and 'Nil' freight charges are quoted by the tenderer in the relevant field on the 'Financial Rate Page for Supply' form, the supplier shall agree to despatch the stores by rail/road on free delivery to consignee. No freight charges shall be payable in such cases.

7.4 In case an offer on “FOR- Station of despatch” basis is accepted with mode of despatch by rail, the supplier shall agree to book the stores by goods train for wagonload consignments and passenger/parcel train for smalls. Reimbursement of freight element, permitted as per contract conditions may be claimed through bill.

7.5 The purchaser will not pay separately for transit insurance and supplier will be responsible till the entire stores contracted for are received by the consignee in good condition at destination.

8 INSPECTION

8.1 Inspection term shall be as mentioned in Clause no. 1600 of COC.

9 PAYMENT TERMS

9.1 The standard payment terms subject to recoveries, if any, shall be as mentioned in Clause no. 1800 of the Conditions of Contract.

9.2 Payment shall be made through Cheque or E-Payment.

9.3 For the purpose of payment through E-payment, Tenderer has to give the details of bank account and other details as given in Annexure 1 to tender document along with scan copy of cross cancelled cheque.

10 OPENING OF ELECTRONIC TENDERS

10.1. The tender shall be opened electronically by DMRC official(s), authorized to do so by DMRC, by logging on the IREPS website with their Login ID and Password, by authenticating themselves through their Digital Signature Certificate, as well as applying secure decryption key of DMRC for decryption of electronic offers.

10.2. The tender shall normally be opened on the stipulated closing date, after the stipulated opening time. In case the closing date falls on a holiday, the tender shall be opened on the next working day. However, due to unavoidable reasons, the tender may not be opened on the stipulated closing date, and may be opened on a later date. However, no revision or modification of the offer shall be allowed after the closing date and time, even if there is any delay in the tender opening.

10.3. Immediately after the opening of tender, financial and Techno- commercial tabulation statements are generated by the IREPS module. Vendors who have submitted valid offers against electronic tenders against ‘Open’ and ‘Special Limited’ tenders are not required to come to DMRC office to witness the tender opening process and know the offer details, as they will be able to access the

tabulation statements and bids, immediately after tender opening, by visiting the IREPS website and logging in with their Login ID, Password and Digital Signature.

- 10.4. Clarifications from Tenderers: After opening of tender, if necessary, the purchaser may obtain clarification on the offers by requesting for such information from any of the tenderers as considered necessary. Tenderer will, however, not be permitted to change the substance of the offers after the tender have been opened.

11 EVALUATION OF OFFERS

- 11.1. The Commercial offer details shall be submitted by vendors using 'Financial Rate Page for Supply' form having separate entry box for each element of rate. The vendors must fill in basic rate and other rate components such as sales tax and excise duty (duty slab as applicable or can become applicable during currency of contract), unconditional discount on basic rate, if any, packing charges on basic rate, forwarding charges, freight charges, other charges, if any, in the boxes provided in the 'Financial Rate Page for Supply' form. The all inclusive rate per unit shall be calculated automatically considering all the elements of rate components, as filled by vendor before submitting the offer, and will be displayed before vendor submits his digitally signed electronic offers. Tenderers can edit any or all rate entries before submission and before digitally signing their electronic offers. Tenderers are therefore advised to check, and revise any or all the entries in the rate page before the same is digitally signed and submitted.

All offers will be evaluated after taking into account the all inclusive destination rate per unit, which will also be displayed to the vendor before submission of his electronic offer.

- 11.2. Tenderers should quote financial terms and conditions in the nominated fields of 'Financial Rate Page for Supply' form only. Any financial terms and conditions mentioned in the fields other than the nominated fields will be ignored and will not be considered for purpose of evaluation of offer to determine the inter-se ranking of the offer. Tenderers are advised not to quote any terms and conditions having financial bearing in any other template of 'Techno Commercial Bid Details' form except the 'Financial Rate Page for Supply' form, or in the Remarks field of the 'Financial Rate Page for Supply' form, as these will not be considered for evaluation of the offer. Similarly, any financial terms and conditions enclosed as attachments will be ignored and not considered for purpose of evaluation of offer to determine the inter-se ranking of the offers. However, DMRC at their own discretion may avail the benefit of such conditions while placing purchase order, if the offer is considered for placement of order.

Nothing extra shall be payable over and above the all inclusive rate shown in the financial offer, except on account of Price Variation clause, and Statutory Variation, if applicable. Digital Signature of the tenderer on the E-tender form shall be construed as confirmation that the tenderer has read and accepted this condition.

- 11.3. The tenderers shall quote specific freight charges in the relevant field of financial rate page. Ambiguous remarks like 'freight extra at actuals', 'freight shall be charged extra', 'Railway freight shall be charged extra' etc., mentioned in the 'PVC and remarks' field or elsewhere in the electronic offer or attachments shall not be considered for evaluation, and may render the offer liable to be ignored. However, freight charges shall not be payable if the offer is considered.
- 11.4. Rates quoted by the tenderers with discounts, if any, linked to quantity will be considered for determining inter-se position of the offers. Discounts with conditions attached to early payment, early Receipt Notes etc. will be ignored for calculating inter-se position. However, Railways may avail the discounts linked to early payment, early Receipt notes etc. if otherwise firm's offer is found to be acceptable.
- 11.5. The tenders will be evaluated by the Purchaser on free delivery to destination basis, to ascertain the best and lowest acceptable tender, as specified in the specifications and tender documents. Wherever more than one consignee/items are involved, unless specified otherwise in the tender document, tender would be evaluated and inter-se ranking of the tenderer would be made for each item and/or each consignee separately.
- 11.6. The inter-se ranking shall be determined by considering the taxes & duties applicable on the date of tender opening and the inter-se ranking arrived at in such manner shall be taken as final.
- In case of reduction in taxes and duties, the taxes and duties will be paid as per rate thereof prevailing on the date of supply.
- Statutory variation in taxes and duties shall be allowed only where the tenderers have specifically sought such statutory variation in their offer(s).
- 11.7. Claim for any tax or duty not stipulated in the quotation will not be admitted at any stage on any ground whatsoever.
- 11.8. The purchaser reserves the right to give price preference to the SSI units registered with NSIC under single point registration scheme, over the quotations of large scale units, in accordance with the policies of the Government of India from time to time. The price preference above cannot however be taken for granted and every endeavour need be made by them to bring down cost and achieve competitiveness.

12 ACCEPTANCE OF TENDER

- 12.1 The purchaser may accept a tender for a part or whole of the quantity offered, reject any tender without assigning any reason and may not accept the lowest or any tender.
- 12.2 The Purchaser reserves the right to increase or decrease the quantity up to 25% of the quantity offered by the successful tenderer. The contractor is bound to accept the increase or decrease in the tendered quantity upto 25% under this clause as ordered at the time of placement of contract and/or during the currency of the contract. Purchaser may increase the qty. beyond 25% at the same rate. However, the purchaser reserves the right to operate the increase in qty. beyond 25% at its sole discretion. While operating this clause the quantity shall be rounded off to the next whole no.
- 12.3 Acceptance of tender will be communicated by Cable, Telex, Telegram, Express Letter or formal acceptance of tender. In case where acceptance is indicated by Cable, Telex, Telegram, Express Letter or formal acceptance of tender will be forwarded to the Contractor as soon as possible, but the Cable, Telex, Telegram, Express Letter should be deemed to conclude the contract.

13 CARTEL FORMATION

- 13.1. Wherever all or most of approved firms quote equal rates and cartel formation is suspected, DMRC reserves the right to place order on one or more firms with exclusion of the rest without assigning any reason thereof.
- 13.2. Firms are expected to quote for quantity not less 50% of tendered quantity. Offers for quantity less than 50% of tendered quantity will be considered unresponsive and are liable to be rejected in case cartel formation is suspected. DMRC, however, reserve the right to order on one more firm any quantity.
- 13.3. The firms who quote in cartel are likely to be deleted from the list of approved sources.

14 EFFECT AND VALIDITY OF OFFER

- 14.1 The submission of any offer connected with these specifications and documents shall constitute an agreement that the tenderer shall have no cause of action and claim, against the Purchaser for rejection of offer. The Purchaser shall always be at liberty to reject or accept any offer or offers at his sole discretion and any such action will not be called into question and the tenderer shall have no claim in that regard against the Purchaser.
- 14.2 The offer shall be kept valid for acceptance for a minimum period of as specified in Special Condition of Contract.

- 14.3 Offers shall be deemed to be under consideration immediately after they are opened and until such time the official intimation of award of contract is made by the Purchaser to the Tenderer. While the offers are under such consideration, tenderers and or their representatives or other interested parties are advised to refrain from contacting the Purchaser by any means. If necessary, the Purchaser will obtain clarifications on the offers by requesting for such information from any or all the tenderers, either in writing or through personal contacts, as may be considered necessary. Tenderers will not be permitted to change the substance of their offers the offers have been opened.