



Mandatory Requirement for Eligibility and Qualifications of Bidders

If it is intended to use eligibility/ evaluation/ qualification criteria to evaluate a tender and determine whether a tenderer has the required qualifications, this shall be clearly specified in NIT, ITB or as a separate section of the tender document. The bidder has to ensure that he provides convincing proof of having fulfilled these criteria. Any criteria not specified in the tender cannot be used for evaluation or qualification.

Eligibility of Bidders

The “Agency/Bidder with whom transaction/business dealings have been banned or debarred or suspended (still in force) by the Ministry of Power (Govt. of India) or by THDC India Ltd. or appearing in the list of such bidders available on Central Public Procurement Portal (CPP Portal) or GeM Portal, due to any reasons, including corrupt and fraudulent practices adopted by them, will not be eligible to receive the contract. A declaration to this effect shall be submitted by the bidder as per **Annexure-H**. The procedure to be followed for adjudging the eligibility of the bidder as per this clause is defined in **Annexure-I**.



DECLARATION OF BIDDER

(To be submitted by the Bidder on Letter Head along with Part- I)

To, THDC India Limited,

.....,

.....,

.....,

Subject:

(Tender No.)

Sir,

We undertake that:

1. In competing for (and if the award of work is made to us for execution) the above contract, we shall strictly observe the laws against fraud and corruption in force in India namely "Prevention of Corruption Act, 1988".

2. We are not under a declaration of ineligibility for corrupt and fraudulent practices or banned/debarred/suspended from transaction/business dealing by Ministry of Power (Govt. of India) or by THDC India Ltd. or appearing in the list of such bidders available on Central Public Procurement Portal (CPP Portal) or GeM Portal.

Date:

.....

(Signature of the authorized representative)

Name:

Designation

Name of the agency

Stamp of the agency

**Procedure for adjudging the eligibility of the bidders**

The Para (Eligibility of Bidders) shall be applicable in the following manner for the evaluation of bids:	
i)	Merely the termination of a Contract by any Organization/ Dept. / Project / Unit / Office will not be the criteria for in-eligibility of any "Agency/ Bidder", unless, the transaction/business has been banned or suspended or debarred with such "Agency/ Bidder".
ii)	If the communication regarding banning/ debarring/ suspension of the "Agency/Bidder" has been received from Ministry of Power(MoP) or THDCIL or the name of "Agency/Bidder" is appearing in the list of such bidders available on CPP Portal or GeM Portal, before issue/publication of the tender, the "Agency/Bidder" shall not be eligible to participate in the tender and therefore shall not be eligible to receive the contract.
iii)	If the communication regarding banning/debarring/suspension of the "Agency/Bidder" is received from Ministry of Power(MoP) or THDCIL or the name of "Agency/Bidder" is appearing in the list of such bidders available on CPP Portal or GeM Portal, after issue/publication of the tender but before opening of the bids, the bid of such "Agency/Bidder" shall not be opened treating it as a non-responsive bid.
iv)	If the communication regarding banning/debarring/suspension of the "Agency/Bidder" is received from Ministry of Power(MoP) or THDCIL or the name of "Agency/Bidder" is appearing in the list of such bidders available on CPP Portal or GeM Portal, after opening of 'Techno-Commercial Bids' but before opening of 'Price Bids' and the "Agency/Bidder" has already participated in tender process, the 'Price Bid' of such "Agency/Bidder" shall not be opened treating it as a non-responsive bid.
v)	If the communication regarding banning/debarring/suspension of the "Agency/Bidder" is received or the name of "Agency/Bidder" is appearing in the list of such bidders available on CPP Portal or GeM Portal, after opening of 'Price Bids' but before award of work, and the "Agency/Bidder" has already participated in tender process, the bid of such "Agency/Bidder" for evaluation shall be considered in the following manner :
a)	In case of Ministry of Power(Govt. of India), the 'Bid' of such "Agency/Bidder" shall be rejected and shall not be considered for award of work.
b)	In case of THDCIL, the 'Bid' of such "Agency/Bidder" shall be rejected only if the process of banning/ debarring/suspension against the "Agency/Bidder" has been initiated/started by THDCIL before the price bid opening.
c)	In case of other Organisations, the 'Bid' of such "Agency/Bidder" shall not be rejected. However, the final decision in this regard shall be of THDCIL.



vi)	Such "Agency/ Bidder" whose bid has been rejected due to any reason, shall not be considered for issue of order (or award of work) even if the "Agency/Bidder" is lowest (L-1). In such a lowest bidder situation, the tender shall be refloated.
vii)	In case of the "Agency/Bidder" appearing on CPP portal or GeM Portal under the list of banned or debarred or suspended "Agency/Bidder", the debarment/banning/suspension of such "Agency/Bidder" shall be considered effective prospectively from the date of uploading of such information on Central Public Procurement Portal (CPPP) or GeM Portal. However, in case of communication from THDCIL or Ministry of Power(GOI), it shall be considered effective from the date of receipt of such order in the THDCIL's concerned dept(s). involved in that procurement process or date of uploading such information on CPP portal or GeM Portal whichever is earlier. .
viii)	<p>During evaluation of Techno-commercial Bids and Price Bids, the tender committee shall ensure that the "Agency /Bidder" (participating in the particular tender) is not listed on the CPP portal or GeM Portal under the Agency/Firms banned/debarred/suspended from transaction/business dealings and the same shall be recorded accordingly.</p> <p>Similarly, in case of Ministry of Power(GOI) and THDCIL, the information (regarding banning/ debarring/ suspension of the "Agency/ Bidder"), available with the concerned dept(s) involved in that procurement process or with Tender opening committee member(s), shall be recorded in the bid opening register accordingly.</p>
ix)	The competent authority for banning/suspension/debarment of transaction/business dealing with an "Agency / Bidder" at project/ unit/ dept. within THDCIL will not be below the rank of Chief General Manager. The banning/suspension/debarment of an "Agency/Bidder" by project/unit/ dept. within THDCIL shall be treated as companywide banning/suspension/debarment. The concerned approving authority shall be responsible for issue of circular for intimation to other project/ unit/ dept. within THDCIL including Ministry of Power (GOI) and Central Public Procurement Portal (CPP Portal) and GeM Portal.