

RITES Standard Tender Document for Procurement of Goods, December 2022

Correction Slip No. 03

Section I: Notice Inviting Tender (NIT)

1. The existing sub clause 2.1 may be deleted and replaced with the following:

2.1 Bidders must read the complete 'Tender Document'.

This NIT is an integral part of the Tender Document and serves a limited purpose of invitation, and does not purport to contain all relevant details for submission of bids. 'Tender Information Summary' (TIS) appended to this notice gives a salient summary of the tender information. Any generic reference to NIT shall also imply a reference to TIS as well. Bidders must go through the complete Tender Document **including Correction Slips (if any)** for details before submission of their Bids.

2. The existing sub clause 2.2 may be deleted and replaced with the following:

2.2 Availability of the Tender Document

The Tender Document **including Correction Slips (if any)** shall be published on the Portal. **The Correction Slips (CSs) are also available on RITES website www.rites.com and may be referred to by the Bidder.** It shall be available for download after the date and time of the start of availability till the deadline for availability as mentioned in TIS. Unless otherwise stipulated in TIS, the downloaded Tender Document is free of cost. If the Procuring Entity happens to be closed on the deadline for submitting the bids as specified above, this deadline shall *not* be extended. Any query/ clarification regarding downloading Tender Documents and uploading Bids on the e-Procurement portal may be addressed to the Help Desk (contact details given in TIS).

Section II: Instructions to Bidders (ITB)

3. A new Sub clause 4.4 may be inserted under ITB clause 4:

4.4 Concurrent application of Public Procurement Policy for Micro and Small Enterprises Order, 2012 and Public Procurement (Preference to Make in India) Order, 2017

- 4.4.1 As indicated in Clause 4.1 & 4.2 above, Public Procurement (Preference to Make in India) Order 2017 (PPP-MII Order), revised on 16-09-2020 and Public Procurement Policy for the Micro and Small Enterprises (MSEs) Order, 2012 (PPP-MSE Order), revised on 09-11-2018, are applicable for the tender. A situation may arise when both the policies are to be concurrently applicable. Such situations shall be dealt as per Department of Expenditure (DOE), Ministry of Finance (MOF) Order No. F.1/4/2021-PPD dated 18.05.2023 which may be duly referred to for such situation. As per this order following provisions shall be applicable

for Concurrent application of the PPP-MII and PPP-MSE policies. In case of any clarifications on these policies, the provisions of the order dated 18.05.2023 including the example on applicability of the policy given as Annexure to said order shall prevail.

- 4.4.2 The Class-I local suppliers, under PPP-MII Order, participating in any tender, may or may not be MSEs, as defined under the MSME Act. Similarly, MSEs participating in any tender, may or may not be Class-I local suppliers. Suppliers may be categorised in following four broad categories for consideration or applicability of purchase preference:

Category	Terminology
Supplier is both MSE & Class-I local supplier.	"MSE Class-I local supplier"
Supplier is MSE but not Class-I local supplier.	"MSE but non-Class-I local supplier"
Supplier is not MSE but is Class-I local supplier.	"Non-MSE but Class-I local supplier"
Supplier is neither MSE nor Class-I local.	"Non-MSE non-Class-I local supplier"

- 4.4.3 The applicability of PPP-MSE Order and PPP-MII Order in various scenarios, involving simultaneous purchase preference to MSEs and Class-I local suppliers under PPP-MSE Order and PPP-MII Order respectively, shall be as under:

- a) Items covered under Para 3(a) of PPP- MII Order, 2017 for which sufficient local capacity and competition exists: For these items, only Class-I local suppliers are eligible to bid irrespective of purchase value. Hence, Class-II local suppliers or Non-local suppliers, including MSEs which are Class-II local suppliers/ Non-local suppliers, are not eligible to bid. Possible scenarios can be as under:
- (i) L-1 is "MSE Class-I local supplier" - 100% of the tendered quantity is to be awarded to L-1.
 - (ii) L-1 is "Non-MSE but Class-I local supplier" - Purchase preference is given to MSEs as per PPP-MSE Order. Balance quantity is to be awarded to the L-1 bidder.
- b) Items reserved exclusively for procurement from MSEs as per PPP-MSE Order: These items are reserved exclusively for purchase from MSEs. Hence, non-MSEs are not eligible to bid for these items. Possible scenarios can be as under:
- (i) L-1 is "MSE Class-I local supplier"- 100% of the tendered quantity is to be awarded to L-1.
 - (ii) L-1 is "MSE non- Class-I local supplier"- Purchase preference is to be given to Class-I local supplier as per PPP-MII Order. Balance quantity, is to be awarded to L-1 bidder.
- c) *If items are neither notified for sufficient local capacity nor reserved for MSEs, then the process will be as follows:*
- c (a) Items covered under Para 3A(b) of PPP-MII Order are divisible items and both MSEs as well as Class-I local suppliers are eligible for purchase preference. Possible scenarios can be as under:

- (i) L-1 is "MSE Class-I local supplier"- 100% of the tendered quantity is to be awarded to L-1.
 - (ii) L-1 is "Non-MSE but Class-I local supplier" - Purchase preference is to be given to MSEs, if eligible, as per PPP-MSE Order. Balance quantity is to be awarded to L-1 bidder.
 - (iii) L-1 is "MSE but non-Class-I local supplier" - Purchase preference is to be given to Class-I local suppliers, if eligible, as per PPP-MII Order. Balance quantity is to be awarded to L-1 bidder.
 - (iv) L-1 is "Non-MSE non-Class-I local supplier" -Purchase preference is to be given to MSEs as per PPP-MSE Order. Thereafter, purchase preference is to be given to Class-I local suppliers for "50% of the tendered quantity minus quantity allotted to MSEs above" as per PPP- MII Order. For the balance quantity, contract is to be awarded to L-1 bidder.
- c (b) Items covered under Para 3A(c) of PPP-MII Order, 2017 are non- divisible items and both MSEs as well as Class-I local suppliers are eligible for purchase preference. Possible scenarios can be as under:
- (i) L-1 is "MSE Class-I local supplier"- Contract is awarded to L-1.
 - (ii) L-1 is not "MSE Class-I local supplier" but the "MSE Class-I local supplier" falls within 15% margin of purchase preference - Purchase preference is to be given to lowest quoting "MSE Class-I local supplier". If lowest quoting "MSE Class-I local supplier" does not accept the L-1 rates, the next higher "MSE Class-I local supplier" falling within 15% margin of purchase preference is to be given purchase preference and so on.
 - (iii) If conditions mentioned in sub paras (i) and (ii) above are not met i.e. L-1 is neither "MSE Class-I local supplier" nor "MSE Class-I local supplier" is eligible to take benefit of purchase preference, the contract is to be awarded/ purchase preference to be given in different possible scenarios as under:
 - A L1 is "MSE but non-Class-I local supplier" or "Non-MSE but Class-I local supplier" –Contract is be awarded to L1.
 - B. L1 is "Non-MSE non-Class-I local supplier" - First purchase preference to be given to MSE as per PPP-MSE Order. If MSE not eligible/ does not accept - purchase preference to be given to Class-I local supplier as per PPP-MII Order. If Class-I local supplier also not eligible/ does not accept – contract to be awarded to L-1.
- d) Items reserved for both MSEs and Class-I local suppliers: These items are reserved exclusively for purchase from MSEs as well as Class-I local suppliers. Hence, only "MSE Class-I local supplier" are eligible to bid for these items. Non-MSEs/Class-II local suppliers/

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Non-local suppliers cannot bid for these items. Hence the question of purchase preference does not arise.

- e) Non-local suppliers, including MSEs falling in the category of Non-local suppliers, shall be eligible to bid only against Global Tender Enquiry.

4. The existing Serial No. 3) e) under sub clause 9.4 "Bid Security/EMD-Related Documents" in Section II may be deleted and replaced with the following:

- e) Bank Guarantee/ e- Bank Guarantee (as per Form 7), in case the Bid Security is more than a threshold (Rupees Five lakh) and in case of Global Tender (International Competitive Bidding) (in case of Global Tender the bank guarantee to be issued/confirmed from any of the scheduled commercial bank in India in an acceptable form, if so stipulated, in AITB).

Section III: Appendix to Instructions to Bidders (AITB)

5. A new row at the top of the Table in Section III regarding correction slip may be inserted as follows:

Column 1	Column 2
ITB clause	To be read as
ITB 1.4.1	9) Above Sections shall be read with Correction Slip (CS) Nos. 1 to ___.

6. A new row under clause ITB 9.1.6 in the Table in Section III regarding verification of Bank Guarantee may be inserted as follows:

Column 1	Column 2
ITB clause	To be read as
ITB 9.4(3)(e)	<p>Verification of Bank Guarantee (BG)</p> <p>In order to have a secured IT enabled verification/confirmation of BGs from system of issuing Bank to RITES using SFMS facility through Indian Bank, following conditions shall apply:-</p> <p>a) Bank Guarantee issued by issuing Bank must be routed through SFMS platform and IFN 760 must be sent from BG issuing Bank to Indian Bank.</p> <p>b) Bidder shall submit to RITES LIMITED the copy of SFMS message as sent by issuing Bank branch alongwith the original Bank Guarantee.</p> <p>c) Particulars of RITES' Bank are provided below so that the bidder can share this particulars with their bank guarantee issuing Bank.</p> <p>Bank details are as follows:</p> <p>i. Bank address: Indian Bank, GF-3 Block B, Vipul Square, Sushant Lok, Phase I, Gurgaon.</p> <p>ii. Bank account No:6597266376</p> <p>iii. Branch IFSC: IDIB000S149</p> <p>iv. Branch MICR code: 110019038</p>

Section IV: General Conditions of Contract (GCC),

7. The earlier issued Sl. No.3 of Correction Slip No.02 dated 29.03.2023 stands withdrawn.

The existing Serial No. 2) (b) under sub clause 5.8 "Performance Bond/ Security" in Section IV may be deleted and replaced with the following:

- (b) Bank Guarantee/ e- Bank Guarantee issued by a commercial bank in India, in the prescribed form provided in Format 1.1.

Section V: Special Conditions of Contract (SCC)

8. In the 1st column existing clause GCC 5.7 may be read as GCC 5.8 and the existing provision under the 3rd column against this clause may be deleted and replaced with "Amount of Performance Security shall be 10% of the contract Value." The corrected row shall be as follows:

GCC Clause No.	Topic	Modified/ replaced by SCC Provisions
GCC 5.8	Performance Bond/ Security	"Amount of Performance Security shall be 10% of the contract Value."


9. A new row under clause GCC 5.8 in the Table in Section V for provisioning regarding verification of Bank Guarantee may be inserted as follows:

GCC Clause No.	Topic	Modified/ replaced by SCC Provisions
GCC 5.8(2)(b)	Performance Bond/ Security	<p>Verification of Bank Guarantee (BG) In order to have a secured IT enabled verification/confirmation of BGs from system of issuing Bank to RITES using SFMS facility through Indian Bank, following conditions shall apply:-</p> <p>a) Bank Guarantee issued by issuing Bank must be routed through SFMS platform and IFN 760 must be sent from BG issuing Bank to Indian Bank.</p> <p>b) Bidder shall submit to RITES LIMITED the copy of SFMS message as sent by issuing Bank branch alongwith the original Bank Guarantee.</p> <p>c) Particulars of RITES' Bank are provided below so that the bidder can share this particulars with their bank guarantee issuing Bank. Bank details are as follows: i. Bank address: Indian Bank, GF-3 Block B, Vipul Square, Sushant Lok, Phase I, Gurgaon. ii. Bank account No:6597266376 iii. Branch IFSC: IDIB000S149 iv. Branch MICR code: 110019038</p>

No. RITES/CO/CPC/STDG/Correction Slip No. 03 (Tender Document Goods)

Date:19.06.2023

The above Correction Slip No. 03 to RITES Standard Tender Document for Procurement of Goods, December-2022 is issued with the approval of the competent authority.


19/6/23

(Pawan Chowdhry)

ED/B&A and Head/CPC

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