

## Section 2 - BID DATA SHEET

This section consists of provisions that are specific to each procurement and supplement the information or requirements included in Section I. Instructions to Bidders.

### A. General

ITB 1.1	<p>The Employer is: <b>Nepal Electricity Authority, Parbat Distribution Center</b>, who appoints the Contractor. <b>PDC or NEA</b>, as used in this document, shall carry the same meaning as "Employer".</p> <p>The Works are: <b>PDC/2073/74-03(ST)</b>:</p> <p><b>Construction and maintenance of LT line at Kusma Nagarpalika.</b> <i>as per the specification and Bill of Quantities/Priced Schedule.</i></p> <p>The Intended Completion date is: <b>6 months</b> from the date of contract effectiveness.</p>
ITB 1.1	The name of the bidding process is: <b>National Competitive Bidding (NCB)</b>
ITB 1.2	<p>Following is the addition of the new definitions:</p> <p>(d) "Bidder" shall mean a legally registered entity submitting the Bid proposal. The entity may be a supplier or manufacturer of the tendered Goods or contractor or any combination of them in the form of a Joint Venture as specified in Qualification Requirements.</p> <p>(e) "Joint Venture" shall mean a legally enforceable association constituted by legally registered entities with the purpose of committing the obligations required by the Bid.</p> <p>(f) "Goods" shall mean equipment, plant, goods, materials, etc. to be supplied and installed for the completion of the work as particularly described in the specifications.</p>
ITB 2.3	<b>GON/NEA Funded</b>
ITB 4.1	Eligible countries: <b>All countries.</b>
ITB 4.1 (a)	One partner of the joint venture at least <b>40 (forty) percent.</b> Each partner of the joint venture at least <b>25 (twenty five) percent.</b>
ITB 4.9	<p>The foreign bidder is to submit the following documents:</p> <p>Documents to establish that the bidder is registered as manufacturer/contractor at the relevant agency for conducting business similar to which this Invitation for bids is issued. <i>Non-Nepalese Bidders shall be required to submit the Temporary License and VAT registration certificates at the earliest possible after the Contract signing but not later than 45 days.</i></p> <p>But, Resident foreign bidder shall submit PAN/VAT certificate and tax clearance certificate or proof of submission of Income Return for <b>2072/73.</b></p> <p>A foreign Bidder wishing to have or already having a local agent shall state name &amp; address of local agent, Amount of commission, currency of Payment, Method of payment &amp; Other conditions of the agreement (if any).</p>



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## B. Bidding Document

ITB 7.1	For <b>clarification purposes</b> only, the Employer's address is: <a href="#">Parbat Distribution Center</a> . Street Address: Kusma Parbat . Country: Nepal Telephone: : + 977 (067) 420249 Fax number: + 977 (067) 421131
ITB 7.4	A Pre-Bid meeting <i>shall not be</i> held. A site visit <i>shall not be</i> organized by the Employer.
ITB 7.5	Time for request: Requests for clarification should be received by the Employer no later than: <b>10 days prior</b> to the deadline for submission of bids.

## C. Preparation of Bids

ITB 10.1	The language of the bid is <a href="#">English</a>
ITB 11.1 (b)	In accordance with ITB 12 and ITB 14, the following schedules shall be submitted with the bid, including the priced Bill of Quantities for Unit Rate Contracts and Schedule of Prices for lump sum contracts: <a href="#">N/A</a>
ITB 11.1 (i)	The Bidder shall submit with its bid the following additional documents: a) <a href="#">As specified in Evaluation and Qualification Criteria</a>
ITB 13.1	Alternative bids <i>shall not be</i> permitted.
ITB 13.2	Alternative times for completion <i>shall not be</i> permitted.
ITB 13.4	Alternative technical solutions shall be permitted for the following parts of the Works: <a href="#">Not Applicable</a>
ITB 14.2	Add to the clause <a href="#">The bidder shall quote for all sections / parts in the Price schedule. Failure to quote for all section / parts will result in rejection of the Bid.</a>
ITB 14.4	Add following to the clause <a href="#">The price reduction or discount shall be expressed in percentage and that will be applicable to each unit rate.</a>
ITB 14.5	The prices quoted by the Bidder shall not be subjected to price adjustment. This is a fixed price contract. The price reduction or discount shall be expressed in percentage and that will be applicable to each unit rate.
ITB 14.6	The prices quoted by the Bidder <i>shall not be</i> subject to adjustment during the performance of the Contract.



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ITB 14.7	The date for all duties, taxes, and other levies payable by the Contractor under the contract or for any other cause, as of the date 30 days prior to the deadline for submission of bids.
ITB 18.1	The bid validity period shall be: <b>90 [Ninety days]</b> . The Bid Bond validity shall be: <b>120 [One hundred twenty days]</b> .
ITB 19.1	The Bidder shall furnish a bid security of <b>NRs. 43,500.00</b> from "A" class commercial bank, which shall be valid for 30 days beyond the validity period of the bid.
ITB 19.2 (b)	Account Name: <b>Parbat Distribution Centre</b> Bank Name: <b>Nepal Bank Ltd.</b> Bank Address: <b>Kusma parbat.</b> Account Number: <b>1391</b>
ITB 19.5	<b>The Sub-Clause 19.5 is corrected as below:</b> If a bid security is specified pursuant to ITB 19.1, the bid security of unsuccessful Bidders shall be returned <b>within seven (7) days on request</b> , once the successful bidder has furnished the required performance security and signed the Contract Agreement pursuant to <b>ITB 38.1</b> .
ITB 19.6 (b)	<b>Add the new Sub-Clause 19.6 (b)(iii)</b> <b>comply the conditions stipulated in the ITB Section G "Special Instruction for e-bidding".</b>
ITB 20.1	In addition to the original of the bid, the number of copy/ies is/are: <b>1 (One)</b>
ITB 20.2	The written confirmation of authorization to sign on behalf of the Bidder shall indicate: <b>insert"</b> <b>(a) The Bid shall include a notarized power of attorney authorizing the signatory of the bid to commit the Bid on behalf of the Bidder;</b>

#### D. Submission and Opening of Bids

ITB 21.1	Bidders shall have the option of submitting their bids electronically.
ITB 21.1 (b)	If bidders shall have the option of submitting their bids electronically, the electronic bidding submission procedures shall be: <b>refer section "Special Instruction for e-bidding"</b>
ITB 22.1	<b>For bid submission purposes only, the Employer's address is:</b> <b>Parbat Distribution Center.</b> <b>Kusma Nagarpalika Parbat, Nepal</b> <b>The deadline for bid submission is:</b> <b>Date: 2074/03/20</b> <b>Time: Up to 12:00 Noon.</b>
ITB 25.1	<b>The bid opening shall take place at:</b> <b>Parbat Distribution Center.</b>



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	<p><b>Kusma , Parbat, Nepal</b>  <b>Date: 2074/03/20</b>  <b>Time: At 2 PM</b></p>
<b>ITB 25.1</b>	If electronic bid submission is permitted in accordance with ITB 21.1, the specific bid opening procedures shall be: <i>refer section "Special Instruction for e-bidding"</i>

### E. Evaluation and Comparison of Bids

<b>ITB 32.5</b>	The amount of the performance security shall be increased by Eight (8) percent of the quoted bid price.(N/A)
<b>ITB 35.2</b>	<p><b>Add the new Sub-Clause 35.2,</b> The Bid shall be rejected as non-responsive if</p> <ol style="list-style-type: none"> <li>a. The Bid does not contain wax sealed bid proposal.</li> <li>b. The Bid is received by NEA after the deadline for submission of Bids.</li> <li>c. The Bid is requested to be withdrawn by the Bidder as per Clause ITB 24.</li> <li>d. The document evidencing the legal status of the Bidder as per Section III is not complete.</li> <li>e. It is proved that bidders have submitted the bids by making such arrangements that limits the participation of other bidders or influences the bid price in any manner.</li> <li>f. If the Bidder failed to provide satisfactory reason to clarification requested by the Employer regarding the proposal which is considered unbalanced, front loaded or substantially below updated estimate as per clause ITB 32.5.</li> <li>g. Qualification criteria as per Section III are not met.</li> <li>h. The clarification submitted by a Bidder in response to the clarification asked by the Employer that is not in response to a request by the Employer shall not be considered. No change in the prices or substance of the bid shall be sought, offered, or permitted. If a Bidder does not provide clarifications of its bid by the date and time set in the Employer's request for clarification.</li> <li>i. If the Bidder request for the modification or withdrawal of the Bid after the deadline for submission of Bids</li> <li>j. If the Bidder that submitted the lowest evaluated bid does not accept the correction of errors, its bid shall be disqualified.</li> <li>k. The description provided by the bidders pertaining to the qualification is found to be false or is substantially incomplete.</li> <li>l. If minor discrepancies, nonconformities are found such as in technical specification, description, feature which does not make the bid to be rejected, and the cost of such nonconformities is found more than fifteen percent the quoted amount of the bidder on account of small differences pursuant to ITB 30.4, such bid shall be considered ineffective in substance and shall not be involved in evaluation.</li> <li>m. Any attempt by a Bidder to influence the Employer in the evaluation of the bids or Contract award decisions may result in the rejection of its bid.</li> </ol>



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- n. If a bidder bids in more than one bid and / or signs in more than one bid proposal.
- o. If numbers of partners in a JV consortium is more than three. The percentages of liability among joint venture partners are not clearly mentioned.
- p. The bidder has not purchased and returned the original document issued by NEA.
- q. The Bid Document is issued in the name of one firm and Bid proposal submitted by another firm. The bid has been purchased in the name of single firm and submitted in the name of Joint Venture and vice versa.
- r. The Bid is not signed and stamped by the bidder or their authorized representative.
- s. The documents and guarantee/bank voucher as required by the bid are not attached with the bid proposal.
- t. The notarized copy of joint venture agreement is not attached, in case the bidder is participating in the bid in Joint Venture.
- u. The notarized power of attorney to sign the bid on behalf Bidder and the joint venture (if any) is not attached.
- v. The bid is conditional.
- w. The Bid fails to satisfy that Bid is fully cognizant of the scope and details of the work involved.
- x. The Bid does not contain technical information and documents for major items required by the Specifications for materials on which the bidder is offering.
- y. The offered goods are not substantially in compliance with the specification.
- z. If the attached Technical Data Sheet in the specification is not properly completed and/or data furnished are not supported by the catalogues and test reports (wherever required).
- aa. The bidder is blacklisted in its contractual obligations in past NEA contracts.
- bb. If the required documents are not submitted authenticated English version. However the documents in Nepali language issued from the concerned authority of Nepal will also be accepted.
- cc. The bidder does not offer all the items and quantity specified in Price Schedule.
- dd. The Bid Security (Bid Bond) is not enclosed pursuant to ITB Clause 19 or is not acceptable in form and / or substance.
- ee. The Bid has price escalation clause.
- ff. The Bid Security submitted is not specifically mentioned to be applicable to the offer of the Bidder.
- gg. The Bid Bond submitted by someone other than the Bidder does not clearly mention that the Bond is submitted on behalf of the Bidder in the Bid Bond itself.



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	<p>hh. The Bid Bond is not in the name of Joint Venture, in case of Joint Ventures.</p> <p>ii. The bid price of lowest substantially responsive bidder is substantially higher than the estimated price.</p> <p>jj. If the Bidder submits the bid through e-bidding and submitted documents are not in confirmation with the BDS, section G, Special Instruction to Bidders for e- Bidding.</p>
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## F. Award of Contract

<b>ITB 38.1</b>	The Standard Form of Performance Security acceptable to the Employer shall be a Bank guarantee using the form provided in Section IX. The Performance Security shall be valid until a date 30 days from the date of issue of the Defect Liability Certificate.
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## G. Special Instruction to Bidders for e-Bidding

### A) Bid submission procedures through electronically (e-submission) only:

- i. Interested eligible bidders shall, either purchase the hard copy of the bidding document directly from the Employer's office as specified in the Invitation for Bid (IFB) or may download the necessary parts of the bidding documents from e-procurement section in NEA's web site <http://www.e-nea.org.np>. In case, the bidders choose to download the bidding documents, prepare the bids on downloaded documents, and submit their bids electronically. The Bidders shall be required to deposit the non refundable fee for the bidding document (as specified in the bid notice) in the bank account specified in the IFB and electronic scanned copy (\*.pdf format) of the bank deposit voucher shall also be submitted along with the electronic bid files.
- ii. The Bidder shall fill the following documents and forms (in hard copy of issued bid documents), signed by the authorized representative with seal of the company.
  - a) Bill of Quantity (BOQ) with rate, amount, b) Forms of Bid, Qualification Information

The Bidder shall then scan the completed original documents, forms in PDF formats with appropriate filename shown in the table below.

S.No.	Document	PDF File name	Requirement	Remarks
1	Form of Bid	Bid form -1	Mandatory	
2	Bid Security (Bank Guarantee)	Bid security-2	Mandatory	
3	Company registration,	Company reg-3	Mandatory	All firms in case of JV
4	VAT/PAN registration,	VAT reg-4	Mandatory	All firms in case of JV
5	Tax clearances certificate,	Tax-5	Mandatory	All firms in case of JV
6	Power of Attorney of Bid signatory	Power of att-6	Mandatory	



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7	Joint venture agreement	JV doc-7	Mandatory	
8	Qualification Information	Qualifications-8	Mandatory	
9	BOQ with rate, amount and total amount	BOQ-9	Mandatory	
10	Manufacturers Authorization	Authorization -10	Mandatory for Goods	As specified in SCC
11	Technical Data Sheet	TDS-11	Mandatory for Goods	
12	Certification Documents	Certifications-12	Not Mandatory	In case of requirement
13	Declaration Form	Declaration-13	Mandatory	

Note: **Mandatory** means the mentioned files shall be included in e-submission and non-submission of such file shall be considered as non-responsive bid.

- iii. **For e-submission** purpose the Bidder shall, at first, register in the e-procurement section NEA's web site <http://www.e-nea.org.np>
- iv. After preparing all the required bidding documents in PDF, scan the files as specified in (ii).
- v. The Bidder shall upload the PDF bid files and submit the complete bid online through e-procurement section of NEA's website <http://www.e-nea.org.np> within the specified date and time.
- vi. The e-procurement system will accept the e-submission of bid from the date after publishing of notice and will automatically disallow the e-submission of bid after the deadline for submission of bid, as specified above.
- vii. The standard time for e-submission is Nepalese Standard Time as set out in the server of IT Department of NEA.
- viii. When a bidder submits his bid in hard copy, the e-procurement section does not allow the bidder to submit his Substitution or Modification or Withdrawal through e-procurement section of NEA's web site.
- ix. Bidders may submit his Substitution or Modification or Withdrawal either in hard copy or through e-submission.
- x. For Substitution of Bid, the Bidder shall follow similar steps as specified in ITB Clause -24 with a Substitution letter in PDF file.
- xi. For Modification or Withdrawal of bid, the Bidder is required to submit PDF scan copy of their Modification or Withdrawal letter and a written Power of Attorney of the signatory for Modification/ Withdrawal, duly signed by Authorized Representative/s of the Firm / all authorized Joint Venture partners.
- xii. When a Bidder submits electronic bid by downloading the bidding documents from the NEA's webpage it is assumed that the Bidder prepares his bid by studying and examining all the Bidding documents including specifications and conditions of contract.
- xiii. In case the Bidder choose to download the bidding documents and deposit the cost of bidding documents (as specified in the bid notice), such deposited amount shall be verified



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by the office during bid evaluation process. The bid shall be considered as non-responsive and shall not be evaluated if the specified cost for bidding document is not deposited in the Employer's Revenue account.

- xiv. Proposed facility for submission of bid electronically through e-submission is to increase transparency, non-discrimination, equality of access, and open competition. The Bidders shall be fully responsible to use the e-submission facility in e-procurement section of NEA's website <http://www.e-nea.org.np> in specified procedures and in no case the Employer shall be held liable for Bidder's inability to use this facility.

**B) Requirements and Conditions for e-submission of bid:**

- i. The Bidder shall submit his bid electronically in PDF files in the manner as specified above, and additional submission of hard copy of "original plus one copy of bid" is not mandatory.
- ii. In case, if both the electronic bid and original bid in hard copy are submitted to the Employer within the bid submission deadline, the Bidder's electronic bid and original bid in hard copy will be accepted for evaluation provided the facts and figures in hard copy confirm to the PDF files in electronic bid. If there is any discrepancy in fact and figures between the electronic bid and original bid in hard copy, it will be treated as two separate bids from one Bidder and hence, both the electronic bid and original bid in hard copy shall be disqualified.
- iii. However, for electronically submitted bid in PDF files, the Bidder shall be required to submit documents/clarifications for verification purpose upon notification to do so from the Employer within 3 days.
- iv. The e-submitted bids must be readable through open standards interfaces. Unreadable and or partially submitted bid files (not complying with the ITB Clauses) shall be considered incomplete and rejected for further bid evaluation.
- v. In addition to electronically submitted PDF files, the Bidder shall be required to submit documents and clarifications as required by the Employer. Non-submission of such documents and or clarifications by the Bidder within specified time may cause forfeiture of Bid Security.
- vi. In case of major discrepancy found between electronically submitted PDF bid files and documents/ clarifications provided by the Bidder, the bid shall not be considered for further evaluation.
- vii. The Bidder shall attach the Bid Security Guarantee in the format attached in the Bid Document. The Bid Security may be forfeited
  - a. if the Bidder does not respond to and/or submit the documents and or clarifications when requested by the Employer.
  - b. if major discrepancy is found between e-submitted bid information and documents/clarifications provided by the Bidder during verification process as requested by the Employer.

**C) Bid Opening process for e-submitted bid**

- i. Electronically submitted bid shall be opened first at the Bid opening time.
- ii. The e-procurement system allows the Employer to download and open the e-submitted bid files from the bidders only after the time for opening the bids.



- iii. The e-submitted bids must be readable through open standards interfaces. Unreadable and or partially submitted bid files (not complying with the ITB Clauses) shall be considered incomplete and rejected for further bid evaluation.
- iv. After opening of e-submitted bids files, all files shall be printed and recorded at the time of bid opening.
  - b) In case of "WITDRAWAL" or "MODIFICATION" or "SUBSTITUTION" by the Bidder through e-submission, the e-submitted PDF files under "WITDRAWAL" or "MODIFICATION" or "SUBSTITUTION" shall be opened and read out first. Bids for which acceptable notice of "WITDRAWAL" or "SUBSTITUTION" has been submitted pursuant to ITB Clause shall not be opened.

**D) Bid Evaluation and Comparison process for e-submitted bid**

- i. In case of e-submitted bids, the Employer evaluates the bid based on the information as per electronically submitted bid files. For clarification/ verification purpose, the Employer may request the Bidder to submit documents/ clarifications.
- ii. In case, the Bidder could not substantiate or provide evidence to prove the information provided in e-submitted bid through documents/clarifications, the bid shall not be considered for further evaluation and respective ITB Clause for forfeiture of bid security shall be applicable.
- iii. The e-submitted bids must be readable through open standards interfaces. Unreadable and or partially submitted bid files (not complying with the ITB Clauses) shall be considered incomplete and rejected for further bid evaluation.

**E) Qualification Information**

In case of e-Bidding, the Bidder is required to submit the documents to prove minimum qualification requirements only and not the detail documents.

**F) Bid Security Format**

Form of Bid security shall include the provision as 'This Bank Guarantee shall not be withdrawn or released merely upon return of the original Guarantee by the Bidder unless notified by the Employer for the release of the Guarantee'.

