

ADDENDUM NOTICE

The CGMT, BSNL Odisha circle is pleased to issue the followings addendum corrigendum to the e-tender NIT No: PLG/12-15/BTY/2020-21 dated 23/01/2021 for procurement of various capacities of -48V VRLA Batteries.

Section, Clause No.	Sub Head/Clause	Addendum
Sec-1 , Part A	Eligibility Criteria	4.1.4 Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the competent Authority as per OM N.6/18/2019-PPD dated 23rd July, 2020 & 24th July, 2020 imposing restrictions under Rule 144 (xi) of the General Financial Rules (GFRs) 2017 on the grounds of Defence of India and National Security for information and compliance. (Pl refer the OM N.6/18/2019-PPD dated 23rd July, 2020 & 24th July, 2020 for more details) .Bidders complying this order in all respect only will be considered for placing orders. Non compliance of this order will result in rejection of bid at evaluation stage itself. An undertaking is to be submitted by the bidder on the Bidder Company's letterhead (in Original) as per the Proforma at Section -7 ANNEXURE-II.
Sec-4 , Part A, 2.0	Eligibility Condition	2.2 Restrictions under Rule 144(xi) of the General Financial Rules (GFRs) 2017 are detailed below: I. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority, and such bidder(s) should have valid registration (in pursuant Rule 144(xi) of the General Financial Rule (GFRs) 2017) at the time of submission of bids and at the time of acceptance of bids. II. "Bidder" (including the term 'tenderer', " consultant" or 'service provider in certain contexts) for the above purpose means any person or firm or company, including any member of a consortium or joint TE NO.BSNL/TS/P/2019-20/VRLA/12 PAGE: 11 of 76 venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated herein before, including any agency branch or office controlled by such person, participating in a procurement process. III. "Bidder from a country which shares a land border with India" for the purpose of this Order means a. An entity incorporated, established or registered in such a country; or b. A subsidiary of an entity incorporated, established or registered in such a Country; or c. An entity substantially controlled through entities incorporated, established or registered in such a country; or d. An entity whose beneficial owner is situated in such a country; or e. An Indian (or other) agent of such an entity; or f. A natural person who is a citizen of such a country; or g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above. IV. The beneficial owner for the purpose of (III) above will be as under: 1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means. Explanation

Asethor
17/2/2021

File No. ODCO-23/11(11)/2021-NWP-CFA-OD-CO-Part(I)

a. "Controlling ownership interest" means ownership of or entitlement to more than twenty-five per cent of shares or capital or profits of the company;

b. "Control" shall include the right to appoint majority of the directors or to control the management or policy decision including by virtue of their shareholding or management rights or shareholders agreements or voting agreements'

2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;

3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profit of such association or body of individuals.

4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;

5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

V. An Agent is a person, employed to do any act for another, or to represent another in dealings with third person.

VI. The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority (This is applicable for tenders of Works contracts, including Turnkey contract). TE NO.BSNL/TS/P/2019-20/VRLA/12 PAGE: 12 of 76

VII. Bidder is required to submit certificate as under in compliance with the order on restrictions under Rule 144(xi) of the General Financial Rules (GFRs) 2017.

Model Certificate for Tender

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I Certify that this bidder is not from such a country or, if from such a country, has been registered with Competent Authority. I hereby certify that this bidder fulfills all requirements in this regards and is eligible to be considered." [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]

Model Certificate for Tenders for Works involving possibility of sub-contracting

" I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries; I Certify that this bidder is not from such a country or, if from such a country, has been registered with Competent Authority. I hereby certify that this bidder fulfills all requirements in this regards and is eligible to be considered." [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]

Model Certificate for GeM

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I Certify that this vendor/bidder is not from such a country or, if from such a country, has been registered with Competent Authority. I hereby certify that this vendor/bidder fulfills all requirements in this regards and is eligible to be considered for procurement on GeM." [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]

Note: The competent authority for the purpose of registration as per applicability of Rule 144(xi) of the General Financial Rules (GFRs) 2017 shall be the registration committee constituted by the Department for Promotion of Industry and Internal Trade.

Signature
17/12/2021

Section - 7

Annexure-II

**CERTIFICATE TO BE SUBMITTED BY THE BIDDER AND ITS TECHNOLOGY PARTNER
(ON COMPANY'S/FIRM'S LETTER HEAD)**

This is to certify that I/We, M/s(Name & Full address) as the front Bidder of this tender and our technology / consortium partner, M/s (Name & full address) have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India.

1. I/We certify that this bidder is not from such a country or, if from such country, has been registered with the Competent Authority as per F. No. 6/18/2019-PPD dated 23.07.2020 issued by Public Procurement Division, Department of Expenditure, Ministry of Finance, and its subsequent clarifications, if any, I/We hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached].
2. I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries. I certify that this bidder is not from such a country or , If from such a country, has been registered with the Competent Authority and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority. [Where applicable, evidence of valid registration by the Competent Authority shall be attached].
3. I am aware that if the certificates given by the bidder in the tender documents regarding compliance with order stated above is found to be false at any later state, this would be ground for immediate termination and further legal action in accordance with law.

Signature:

Signature:

Name in Block letters:

Name in Block letters:

Status: Director/Manager/Partner/
Director/Manager/Partner/

Status:

Proprietor of the Company

Proprietor of the Company

[on behalf of the front bidder]

[on behalf of the front bidder]

Section-7
Proforma
s

Certificate to
be submitted
by the bidder
and its
Technology
Partner

Sethi
17/2/2021

Instruction to Bidder

1. Bidder(s) are requested to upload the above documents (Section-7, Annexure-II) duly filled ,in addition to other documents mentioned in the main bid document.
2. If any bidder has already uploaded the documents in the tender portal, then the bidder has to submit the above documents (Section-7, Annexure-II) duly filled, through OFFLINE mode during Tender Opening OR can be submitted to AGM(MM), O/o CGMT, Odisha Circle, BSNL Bhawan, Ashok Nagar, Unit-2, Bhubaneswar-751009, Odisha.

Copy to:

1. Notice board,
2. E-Tendering portal: <https://etenders.gov.in/eprocure/app>
3. Web site:-www.odisha.bsnl.co.in

Asst. General Manager (MM)
O/o C.G.M.T, Orissa Circle-Bhubaneswar.
Tel: 0674-2393200 Fax No-0674-2394700.