

No. F.8(15)FD/SPFC/Consultant/2020

Jaipur, dated : 12 / 8 / 2022

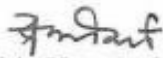
All Heads of Department,
All Officers of Accounts Cadre,
All Procuring Entities/
Stakeholders/Suppliers
Rajasthan.

Subject: Inviting comments and suggestions for finalization of Suggestive Pre-qualification Document for Empanelment (for Goods and Works)

The **Suggestive Pre-qualification Document for Empanelment (for Goods and Works)** has been prepared under State Procurement Facilitation Cell (SPFC), for strengthening the existing operational framework of empanelment by pre-qualification within the state.

The **Suggestive Pre-qualification Document for Empanelment (for Goods and Works)** is being circulated to all the Heads of Department/Procuring Entities/Accounts Service Personnel/Stakeholders/Suppliers/Citizens for soliciting their comments and suggestions. It is requested from all the Heads of Department/Procuring Entities/Accounts Service Personnel/Stakeholders/Suppliers/Citizens to submit their comments and suggestions for improvement within one month at jsfgt@rajasthan.gov.in with a copy to CAO.SPFC@rajasthan.gov.in

Suggestions obtained will be considered by SPFC before finalizing the **Suggestive Pre-qualification Document for Empanelment (for Goods and Works)**. If no suggestion is received within stipulated timeline, it would be assumed that no changes are required in the document and will be formalized for use in the State.


(Sudhir Kumar Sharma)
Secretary to the Government
Finance (Budget) Department

Copy forwarded for necessary action to:-

1. PS to All Addl. Chief Secretaries/Principal Secretaries/Secretaries to the Government.
2. All Executive Officers, Corporations/Boards/PSUs Rajasthan.
3. Technical Director, Finance (Computer Cell) Department, Raj., Jaipur for uploading this document on the website.
4. Guard File.

(Vimal Kumar Gupta)
Joint Secretary to the Government

Suggestive Pre-qualification Document for Empanelment (for Goods and Works)

Updated as on 31st May, 2022

Month, 2022

Preface

1. General:

This Suggestive Pre-qualification Document (SPQD) for Goods and Works has been prepared in accordance with the provisions of the Rajasthan Transparency in Public Procurement Act, 2012 (herein after referred as the Act) and Rajasthan Transparency in Public Procurement Rules, 2013 (herein after referred as the Rules). This SPQD has been prepared as per provisions of Section 18 of the Act. Section 2 (xi) of RTPP Act defines "pre-qualification" as "the procedure set out to identify, prior to inviting bids, the bidders that are qualified".

Bidder registration is covered under Section 19 of Act and Rule 30 of Rules and is different from Pre-qualification procedure or empanelment by pre-qualification covered under Section 18 of Act and Rule 31 of Rules. Following difference exist between these two procedures:

1. Registration is done generally for a class of items for example office supplies in which firm is considered capable of supplying all the items with respect to office supplies i.e., subject matter of procurement. On other hand pre-qualification or empanelment by pre-qualification is for a particular subject matter of procurement.
2. Registration period for a prospective bidder could be as prescribed by Government (Section 19(4) of Act) on other hand empanelment by pre-qualification can only be done for specified period (Section 18(1) of Rules) i.e., for one year and extendable by one year (Rule 31(1) of Rules).
3. Registered bidders are generally used for small value procurement repeatedly required through limited bidding method, whereas for pre-qualification the procurement of subject matter shall be done by the procuring entity from amongst the empanelled bidders up to the limit of delegation of financial powers by sending to all of them, request for proposals with financial bid (Rule 31(5) of Rules).
4. Updating the list of registered bidders is done either by allowing potential bidders to apply for registration on a continuous basis or by inviting offers for registration at least once a year (Section 19(3) of Act). On other hand empanelment by pre-qualification can be done by a procuring entity required to invite applications for empanelment for prequalification as per the procedure prescribed for inviting open competitive bidding as per Rule 31(2), (3) and (4) of Rules.

Registration done by one procuring entity for a class of items can be utilised by another procuring entity (Section 19(5) of Act). On other hand, the Act and Rules does not allow use of empanelment by prequalification to be used by other procuring entities.

The provisions of Rule 31 shall apply to all the pre-qualification processes i.e., The procuring entity may prepare a panel of bidders for the subject matter of procurement that is required frequently but the details of the subject matter, its quantity, time and place is not known in advance. This list shall be valid for one year which may further be extended for another one year after recording reasons. The procuring entity may prepare separate panel for different subject matter of procurement. Additionally, the Pre-qualification of applicants may be done for complex technical requirements where capability of source of supply is crucial (for example in procurement of complex machinery and equipment, construction of complex bridges etc.), for the successful performance of the contract, besides considering techno-commercial suitability, it is necessary to ensure that competition is only among bidders with requisite capabilities matching the challenges of the task.

2. Scope:

- (i). If Pre-qualification process has been adopted for procurement, this SPQD shall be used by all the 'Procuring Entities' as defined in Sub-section (xvi) of Section 2 of the Act after suitably customizing it to specific requirement of subject matter of procurement.
- (ii). This SPQD is for the purposes of procurement of 'Goods' and 'Works' only, following Open Competitive Bidding method (as per sub-section (1) of Section 29 of the Act) and duly following e-procurement process.

3. Contents of Pre-qualification Document

The Bidding Documents consists of following Sections as indicated below.

- (i). **Notice Inviting Pre-qualification Application (NIPQ):** This section provides drafts for abridged 'e-Pre-qualification Notice' and detailed 'Notice Inviting Pre-qualification Application'.
- (ii). **Section I. Instructions to Applicants (ITA) and Pre-qualification Data Sheet (PDS):** This part of the Section provides relevant information to help Applicants prepare their applications. Information is also provided on the submission, opening, and evaluation.
- (iii). **Section II. Pre-qualification Data Sheet (PDS):** This part of the Section includes provisions that are specific to each procurement which supplements Section II (1), ITA.
- (iv). **Section III. Scope of Subject Matter of Procurement:** This Section contains the detailed description, specifications, the Drawings (If applicable), and supplementary information that describe the subject matter of procurement.
- (v). **Section IV. Requirements, Qualification Criteria and Evaluation (RQCE):** This Section includes the basic requirements the applicant has to fulfil and qualification criteria including method of evaluation of Pre-qualification proposal.
- (vi). **Section V. Pre-qualification Application Forms (PQF):** This Section includes the forms which are required to be completed by the Applicant and submitted as part of its Application.

4. Customization of Pre-qualification Document:

- (i). **Notice Inviting Pre-qualification Application (NIPQ):** The drafts for abridged 'e-Pre-qualification Notice' and detailed 'Invitation to Pre-qualification' should not be generally altered however, based on requirement of work, additional brief information may be included if found necessary.
- (ii). **Section I. Instructions to Applicants (ITA):** The conditions in ITA should not be generally altered while customizing this document. However, wherever reference to PDS has been made, the respective instructions should be complemented/ supplemented/amended by way of PDS (Section II), as required. In such case, instructions contained in ITA and related PDS shall be read together. Whenever there is a conflict between information contained in ITA and PDS, the instructions contained in PDS shall prevail.
- (iii). **Section III. Scope of Subject Matter of Procurement:** This Section shall be prepared by the procuring entity with the detailed description, specifications, the Drawings (If applicable), and supplementary information that describe the subject matter of procurement.
- (iv). **Section IV - Requirements, Qualification Criteria and Evaluation (RQCE):** The basic requirements and method of evaluation given in this section are indicative provisions. The qualification criteria should be prepared afresh depending on subject matter of procurement. This section should contain, at one place, all such evaluation methodologies to be applied and qualification criteria that should be fulfilled by the applicant.
- (v). **Section V - Pre-qualification Application Forms (PQF):** This includes all such forms applicants are required to use/fill and submit along with their applications. In case any additional information is required as per specific requirement, the same may be added in existing forms as appropriate or addition of new Appendix may be made with relevant referencing in Section IV RQCE.

[Guidance Note- The content highlighted in blue font across the suggestive Pre-qualification document are for Procuring Entity's reference and are to be either filled by the Procuring Entity or deleted in case if it's a note]

Abbreviations

Act - Rajasthan Transparency in Public Procurement Act, 2012

BIS - Bureau of Indian Standard

CNC - Computer Numerical Control

DSC – Digital Signature Certificate

FDR - Fixed Deposit Receipt

ESD- Electrostatic Discharge

GST – Goods and Service Tax

GSTIN - Goods and Service Tax Identification Number

eGRAS - Online Government Receipts Accounting System

ITA – Instructions to Applicants

MSME - Micro, Small and Medium Enterprise

MIG- Metal Inert Gas

M & P- Machinery and Plant

NIPQ - Notice Inviting Pre-qualification Applications

PDS – Pre-qualification Data Sheet

PE – Procuring Entity

PQF - Pre-qualification Application Forms

PAN - Permanent Account Number

PQR- Product quality review

PCB- Printed Circuit Board

PIC- Pharmaceuticals Inspection Convention

QRM- Quality Risk Management

SPPP- State Public Procurement Portal

RQCE – Requirements, Qualification Criteria and Evaluation

Rules -Rajasthan Transparency in Public Procurement Rule,2013

SPFC - State Procurement Facilitation Cell

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Glossary

Applicant	An Applicant is a prospective bidder interested in submitting applications for Pre-qualification to bid for the given subject matter of procurement.
Bidder	A bidder is a successful applicant who participates in the procurement process after pre-qualification.
Procuring Entity	An entity referred to in subsection (2) of section 3 of the Act.
Joint Venture	<p>As per Companies Act, 2013, a Joint Venture means a joint arrangement, whereby the parties that have joint control of the arrangement have rights to the net assets of the arrangement.</p> <p>In other words, a combination of two or more parties that seek the development of a single enterprise or project for profit and sharing the risks associated with its development.</p>
Pre-qualification	The procedure set out to identify, prior to inviting bids, the bidders that are qualified.
Pre-qualification document	The documents issued by the procuring entity, including any amendments thereto, that set out the terms and conditions of the given procurement and includes the invitation for Pre-qualification of applicants.
Writing	<p>The term “in writing” means communicated in written form as provided in Section 4 of the IT Act, 2000, with proof of receipt.</p> <p>For the purpose of this document, any authenticated handwritten, typed, or printed communication, including telex, cable, e-mail, any electronic form, and facsimile transmission, with proof of receipt when and in the form requested by the sender.</p>

Notice Inviting Pre-qualification Applications

Abridged Form of NIPQ for Publication

[Note: The following template shall be adopted for issuing notice inviting Pre-qualification applications in the newspapers in line with direction issued by Finance (G&T) Department, Government of Rajasthan, vide letter number F. 7(5) Vitta/SPFC/Samanya/2018 Dated 25/06/2020.]

Template

.....
(Insert the name of procuring entity)

Notice Inviting Pre-qualification Applications

NIPQ No. **Date** DD/MM/YYYY

Pre-qualification applications for (insert name of subject matter of procurement) of estimated value Rs [PE to indicate value] having UBN No. are invited from interested applicants up to (Insert time) DD/MM/YYYY date. Other particulars are available on procurement portal (<http://eproc.rajasthan.gov.in>, <http://sppp.raj.nic.in>); and (insert departmental website address). All future modifications and other clarifications about this bid shall be available only on above mentioned procurement portal.

.....
[Designation of the Procuring Entity]

Notice Inviting Pre-qualification Applications (NIPQ)

(Format of NIPQ for publication on State Public Procurement Portal in line with Rule 43(2) of the Rules)

OFFICE OF THE[Office name and complete address of the procuring entity inviting Pre-qualification applications with Tel. Nos., Fax, and E-mail Address]						
NIPQ NumberDate DD/MM/YY						
Pre-qualification applications are invited on e-procurement system on behalf of the Governor of Rajasthan/ (enter name of the Organization, if other than a Department of the State Government) (strike off whatever is not applicable) from the applicants. This Notice Inviting Pre-qualification and Pre-qualification Document is for procurement of Goods/works, as detailed in this document (strike off whichever is not applicable).						
Rajasthan Transparency in Public Procurement Act, 2012 (herein after referred as the Act) and Rajasthan Transparency in Public Procurement Rules, 2013 (herein after referred as the Rules) shall apply to this procurement, therefore the applicant should acquaint itself with the provisions of the Act and Rules.						
1. Brief Description of Subject Matter of Procurement: (insert brief description of goods/work to be procured including its main components, if applicable etc.)						
Indicative description						
1. For Goods:						
	#	Particulars of Goods	Indicative Quantity and Unit	Price of Pre-qualification Document	Processing fees or user charges	Reserve for MSME
2. For Works						
	#	Particulars of Works	Proposed cost of the work (in INR Lakhs)	Price of Pre-qualification Document	Processing fees or user charges	
2. Key Pre-qualification Lifecycle Dates:						
a) NIPQ publishing date				DD/MM/YYYY		
b) PQ Document Download/Sale Date				DD/MM/YYYY		
c) Meeting with Prospective Applicants Date				DD/MM/YYYY		
d) Application Submission Closing Date and Time				DD/MM/YYYY at HH:MMAM/PM		
e) Pre-qualification Application opening Date and Time				DD/MM/YYYY at HH:MMAM/PM		
3. Procurement Method: As per procedure prescribed for Open Competitive Bidding- <i>National Competitive Bidding or International Competitive Bidding [PE to select the applicable]</i> mentioned in Section 29 of the Act. The bidding consequent to Pre-qualification may be carried out once or multiple times depending on the requirements of the subject matter of procurement.						

<p>4. Opening of Applications: The applications shall be opened as per bid opening procedure as specified on the e-procurement portal. The application shall be opened on the date and time as specified. However, if opening date happens to be a holiday, then the bid will be opened on the next working day.</p>
<p>5. Validity of Pre-qualification: As per Rule 31 of the Rules the list of pre-qualified applicants shall be valid for one year which may further be extended for another year after recording reasons.</p>
<p>6. Electronic Procurement: <u>Pre-qualification application will be through e-procurement portal https://eproc.rajasthan.gov.in/, the information will also be available on:</u></p> <p>(a). State Public Procurement Portal (SPPP)- https://sppp.rajasthan.gov.in/,</p> <p>(b). Department website(insert).</p>
<p>7. Basic requirements (conditions) for this NIPQ:</p> <p>a) Conditional or partial/incomplete application shall not be accepted.</p> <p>b) Price of Pre-qualification document in favour of PE and processing fee or user charges in favour of MD, RISL shall be submitted on single challan through e-GRAS. Above document price, charges and fee once submitted shall not be refunded.</p> <p><i>[Note: For Rajasthan Government Companies and autonomous Bodies who cannot use eGRAS can collect Application document fee, processing fee amount through their Registered Bank Account – This shall be applicable against all clauses which mentions payment through eGRAS]</i></p> <p>c) Applications shall be submitted electronically on e-procurement portal with valid digital signatures certificate (DSC) before Application Submission Closing Date and Time, by following the procedure for submission of application including payment of price of PQ document, processing fees or user charges, etc. as provided on the e-Procurement Portal, http://eproc.rajasthan.gov.in.</p> <p>d) The application inviting authority shall not be held liable for any delays due to the e-procurement systems failure beyond its control and shall not be liable for any information not received by the Applicant.</p> <p>e) The Procuring Entity may reject any or all applications after recording reason(s) in writing, as per Rule 72 of the Rules.</p> <p>f) The applicants belonging to or with beneficial ownership from countries sharing land border with India, for participation in any public procurement in the State, shall only be allowed after prior registration with the competent authority as per Rule 13 of RTPP Rules and Government of Rajasthan Notification No. F.2(1)FD/G&T-SPFC/2017 dated 01.01.2021, 15.01.2021 and 30.03.2021</p>
<p>8. Pre-qualification Document: This NIPQ is a part of Pre-qualification Document consisting of various Sections having Instruction to Applicants (ITA) and Pre-qualification Data Sheet (PDS), Requirements, Qualification Criteria and Evaluation (RQCE), Pre-qualification Application Forms, and Scope of subject matter of procurement.</p>
<p>9. Bidding consequent to pre-qualification: The successful applicants shall be entitled for participation in bidding of subject matter of procurement (if bidding is done by the procuring entity). The procuring entity carrying out Pre-qualification procedure may or may not call bids for this subject matter of procurement and any claims from the empanelled applicants in this regard will not be entertained.</p>

[Insert the designation of the Procuring Entity]
[Office name]
[Complete address]

Section I: Instructions to Applicants

1. The Law relating to procurement “The Rajasthan Transparency in Public Procurement Act, 2012” [hereinafter referred to as the Act] and the “Rajasthan Transparency Public Procurement Rules, 2013” [hereinafter referred to as the Rules] have come into force. These are available on the website of State Public Procurement Portal <http://sppp.rajasthan.gov.in>.
2. Applicants are advised to acquaint themselves with the provisions of the Act and Rules before participating in the Pre-qualification process. If there is any discrepancy between the provisions of the Act and Rules and this Pre-qualification Document, the provisions of the Act and Rules shall prevail. In clauses where references have been made of Act and Rules, Applicants are advised to look into the respective Sections of the Act and respective Rule of the Rules.
3. Throughout this Pre-qualification Document, the term “in writing” means communicated in written form as provided in Section 4 of the IT Act, 2000, with proof of receipt.
4. The words and expressions beginning with capital letters and defined in this document shall, unless repugnant to the context, have the meaning ascribed thereto. and
5. “Day” means a calendar day.

[Note: The Procuring Entity should ensure that all the changes made in the Act and Rules by the State Government post issuance of this SPQD are appropriately incorporated in this SPQD]

1. General

1.1. Scope of Application

- 1.1.1. In support of the Invitation to Pre-qualification for National/ International Bidding (*strike off whatever not applicable*) **as defined in Pre-qualification Data Sheet (PDS)**, the Procuring Entity (PE), **as defined in the PDS**, issues this Document for Pre-qualification of Bidders (“Pre-qualification Document”) to applicants (“prospective bidders”) interested in submitting applications for Pre-qualification to bid for the subject matter of procurement described in Section III (Scope of Subject Matter of Procurement).

1.2. Code of Integrity and Conflict of Interest

- 1.2.1. The Government of Rajasthan requires compliance with the Code of Integrity provisions as set forth in the Section 11(2) of Act and Rule 80 (2) of Rules.
- 1.2.2. A conflict of interest is considered to be a situation in which a party has interests that could improperly influence that party’s performance of official duties or responsibilities, contractual obligations, or compliance with applicable laws and regulations. An Applicant may be considered in conflict of interest with one or more parties in an application process as per Rule 81(3) of Rules.
- 1.2.3. Upon breach, the Procuring Entity may take appropriate action in accordance with the provisions of Section 11 (3) and Section 46 of Act.

1.3. Eligible Applicants

- 1.3.1. An applicant shall be treated as a bidder as defined in Section 2 of the Act may be an individual, any private company, registered/incorporated under ‘Companies Act, 2013’, a proprietorship firm, a partnership firm, a limited liability partnership (under the Limited Liability Partnership Act, 2008) in

India, a Society registered under Societies Registration Act, 1860; or Trust registered under The Indian Trusts Act, 1882.

- 1.3.2. A Joint Venture (JV) having intent to form JV or existing JV with JV agreement or a JV Company/Firm or a Consortium may also be an applicant, **if allowed and specified in PDS**. Details of requirements of eligibility and qualification of applicants are available in Section III, Requirements, Qualification Criteria and Evaluation.
- 1.3.3. In the case of a Joint Venture the Applicant should ensure the compliance with Rule 39 of Rules. The provisions for JV are specified in Annexure A.4 of this Pre-qualification document.
- 1.3.4. Applicants shall provide such evidence of their continued eligibility satisfactory to the Procuring Entity, should the Procuring Entity request.
- 1.3.5. A firm may apply for Pre-qualification either individually, or as part of a joint venture. If pre-qualified, it will not be permitted to apply for the same contract both as an individual firm and as a part of the joint venture. Applications submitted in violation of this procedure will be rejected.
- 1.3.6. An Applicant debarred under Section 46 of the Act shall not be eligible to participate in any procurement process.
- 1.3.7. An Applicant, and all parties constituting the Applicant, shall have the nationality of India. In case of International Competitive Bidding or Joint Venture, [where permitted], the nationality of the Applicant and all parties constituting the Applicant shall be of India or a country not declared ineligible by Government of India (<https://www.mea.gov.in/india-and-the-united-nations.htm>). An Applicant shall be deemed to have nationality of a country if the Applicant is a citizen or constituted or incorporated and operates in conformity with the provisions of the Laws of that country. This criterion shall also apply to the determination of the nationality of proposed suppliers for any part of the Contract including related services.
- 1.3.8. The bidders and supply with beneficial ownership from countries sharing land border with India, for participation in any public procurement in the State, shall only be allowed after prior registration with the competent authority as per Rule 13 of RTPP Rules and Government of Rajasthan Notification No. F.2(1)FD/G&T-SPFC/2017 dated 01.01.2021, 15.01.2021 and 30.03.2021.

2. Contents of the Prequalification Document

2.1. Sections of Pre-qualification Document

- 2.1.1. This Pre-qualification Document comprise all the sections indicated below, and which should be read in conjunction with any Amendment/Addendum issued in accordance with ITA 2.3
 - Notice Inviting Pre-qualification Application (NIPQ)
 - **Section I** - Instructions to Applicants (ITA)
 - **Section II** - Pre-qualification Data Sheet (PDS)
 - **Section III** - Scope of Subject matter of procurement
 - **Section IV** - Requirements, Qualification Criteria and Evaluation
 - **Section V** - Pre-qualification Application Forms
- 2.1.2. The Procuring Entity is not responsible for the completeness of the Application Document and its addenda if they were not downloaded correctly from the State Public Procurement Portal/ Procuring Entity's website (<https://sppp.rajasthan.gov.in/sppp/index.php>).

2.2. Clarification on Pre-qualification Document and Meeting with Prospective Applicants

- 2.2.1. The Applicant shall be deemed to have carefully examined the conditions, specifications, size, make and drawings, etc. of the goods/works to be procured. Any Applicant requiring any clarification on the contents of Pre-qualification Document may refer it to the PE in writing at the address **indicated in PDS**, provided that the request for clarification is made not later than a date provided in PDS as allowed as per Section 22 (1), (2) and (3) of the Act. The PE shall respond by issuance of clarification, including a brief of the inquiry but without identifying its source, through uploading said clarification on the e- procurement portal, <http://eproc.rajasthan.gov.in>. If the PE deems it necessary to modify/amend the of Pre-qualification Document as a result of a clarification, it shall do so following the procedure under Clause 2.3 of ITA through an amendment/addendum which shall form part of the of Pre-qualification Document.
- 2.2.2. The Applicant or his authorized representative is also invited to attend the Pre-application Meeting, **as provided in the PDS**. The purpose of the Pre-Application Meeting will be to clarify issues and to answer questions on any matter related to this procurement that may be raised at that stage.
- 2.2.3. Minutes of the Pre-application Meeting, including a brief of the questions raised, and the responses given, without identifying the source, shall be placed on the e- procurement portal, <http://eproc.rajasthan.gov.in>. and/or the e-procurement portal along with the clarifications. Any modification/amendment to the Bidding Document that may become necessary as a result of the Pre-Application Meeting, the amendment/addendum shall be made by the PE exclusively through the issue of an amendment/addendum which shall form part of the Pre-qualification documents.
- 2.2.4. Non-attendance at the Pre-application Meeting will not be a cause for disqualification of an applicant.

2.3. Change to Pre-qualification document

- 2.3.1. At any time prior to the deadline for submission of Application, the PE may amend the Pre-qualification document by issuing an Corrigendum/Addendum.
- 2.3.2. Any Corrigendum/Addendum issued shall be part of the Pre-qualification document and shall be communicated via mail to all the participants. It will also be uploaded on the State Public Procurement Portal.
- 2.3.3. As per Section 23 of the Act, to give prospective Applicants reasonable time in which to take an Corrigendum/addendum into account in preparing their Application, the Procuring Entity may, at its discretion, may extend the deadline for submission of the Applications, pursuant to ITA Sub-Clause 4.3.3 of ITA 4.3, by uploading it on the website of State Public Procurement Portal as per timelines specified in ITA 2.4.

2.4. Key Timelines

2.4.1. The key timelines for the following are **as specified in PDS**

- (i). Publishing date
- (ii). Document download / sale start date
- (iii). Applicants seeking clarification end date
- (iv). Pre-application meeting date
- (v). Application submission closing date and time
- (vi). Pre-qualification application opening date and time

3. Preparation of Applications

3.1. Cost of Applications

3.1.1. The Applicant shall bear all costs associated with the preparation and submission of its Application. The PE will in no case be responsible or liable for those costs, regardless of the conduct or outcome of the Pre-qualification process.

3.2. Language of Application

3.2.1. The application as well as all correspondence and documents relating to the Pre-qualification exchanged by the Applicants and the PE, shall be written in the language **specified in the PDS**.

3.3. Documents Comprising the Application

3.3.1. The Application shall comprise the following:

- (i). Application Submission Letter, in accordance with ITA 3.4;
- (ii). Eligibility: Documentary evidence establishing the Applicant's eligibility including eligibility declarations, in accordance with ITA 3.4;
- (iii). Requirements and Qualifications: documentary evidence establishing the fulfillment of requirements and qualification criteria by the Applicant as specified in Section IV RQCE along with information in the forms as provided in Section V: Pre-qualification Application Forms
- (iv). any other document required **as specified in the PDS**.

3.4. Application Submission Letter, Forms and Documents in One Cover

3.4.1. The Application shall comprise of one cover submitted, as follows-

This cover comprises of Techno-commercial Forms (in PDF File) and the documents as provided in Section IV RQCE and Section V: Pre-qualification Application Forms. The information in the formats of Section V shall be submitted without any alteration, **unless otherwise indicated in the PDS** and the scanned copies shall be uploaded on the e-procurement portal.

4. Format, Signing, Submission and Opening of Applications

4.1. Format and Signing the Application

4.1.1. The Applicant shall prepare application in the digital/electronic mode for uploading on e-Procurement website as prescribed in the bidders manual kit [Documents comprising of Application] and also provided in Annexure A.1 - e-Procurement Process, consisting of documents specified in Section IV (Requirements, Qualification Criteria and Evaluation (RQCE)). All the documents uploaded, should be digitally signed with the DSC of authorized signatory, deemed as all the pages of the uploaded documents are signed.

4.1.2. In case the Applicant is not the proprietor, in such a case the Applicant shall submit Power of Attorney for signing the Application in Non-Judicial Stamp Paper as per Form TECH 4 - Power of Attorney. An organizational document, board resolution or its equivalent specifying the representative's authority to sign the Application is also acceptable and should be uploaded along with the Application.

4.1.3. In the case that the Applicant is a JV, the Application shall be signed by an authorized representative of the JV on behalf of the JV so as to be legally binding on all the members as evidenced by a power of attorney signed by their legally authorized representatives. Applicants and other members of JV shall be required to comply with the requirements given in Annexure A.4.

4.1.4. Any amendments that are uploaded shall be valid only if they are digitally signed by the person authorized for signing the Application.

4.2. Submission of Application

4.2.1. Applicants must submit their applications online using the e-Procurement portal as per process specified in Bidders' Manual Kit available on e-procurement portal. Application(s) submitted in any other mode(s) like manual, email etc. shall be treated as invalid and non-responsive.

4.3. Deadline for Submission and Opening of Applications and Late Applications

4.3.1. Applications shall be received and opened online at e-Procurement portal up to the time and date **specified in the PDS**. Electronic application opening procedure as specified on the e-procurement portal shall be followed. The applicants may witness the electronic application opening procedure online.

4.3.2. Applications shall be received online at e-Procurement portal and up to the time and date **specified in the PDS**. Outer time frame for opening of Application would be as per Rule 40 of Rules.

4.3.3. The PE may, at its discretion, extend the deadline for the submission of applications by amending the Pre-qualification Document in accordance with ITA 2.3, in which case all rights and obligations of the PE and the Applicants subject to the previous deadline shall thereafter be subject to the deadline as extended. The electronic application system would not allow any late submission of applications after due date and time as per server time

4.4. Opening of Applications

4.4.1. Specific electronic application opening procedure as specified on the e-procurement portal shall be followed. The applicants may witness the electronic application opening procedure online at the place, date and time specified therein.

5. Procedures for Evaluation of Applications

5.1. Confidentiality

5.1.1. Applicants shall maintain confidentiality as per Section 49 (Confidentiality) of the Act and Rule 77 (Confidentiality) of the Rules until the notification of Pre-qualification results is made to all Applicants in accordance with ITA 6.3.

5.1.2. From the deadline for submission of Applications to the time of notification of the results of the Pre-qualification in accordance with ITA 6.3 any Applicant that if so wishes to contact the PE on any matter related to the Pre-qualification process may do so only in writing.

5.2. Clarification of Applications

5.2.1. To assist in the evaluation of Applications, the PE may, at its discretion, ask for a clarification (including missing documents) within a stated reasonable period, from the Applicant. Any request for clarification from the PE and all clarifications from the Applicant shall be in writing.

5.2.2. If Applicant does not provide clarifications and/or documents requested by the date and time set in the Applicant's request for clarification, its Application shall be evaluated on the basis of information and documents available at the time of evaluation of Applications.

5.2.3. The PE may reject any Application which is not responsive to the requirements of the Pre-qualification Document. In case the information furnished by the Applicant is incomplete or otherwise requires clarification as per ITA 5.2.1, and the Applicant fails to provide satisfactory clarification and/or missing information, it may result in disqualification of that Application.

5.3. Subcontractors

- 5.3.1. **Unless otherwise stated in the PDS**, the PE does not intend to execute any specific elements of the subject matter of procurement by sub-contractors or nominated sub-contractors selected in advance by the PE.
- 5.3.2. The Applicant shall not propose to subcontract the whole of the subject matter of procurement. The PE, **as specified in the PDS**, may permit the Applicant to propose subcontractors for certain specialized parts of the work, to the maximum extent of 25% of the whole subject matter of procurement, as indicated therein as (“Specialized Subcontractors”). Applicants planning to use such Specialized Subcontractors shall specify, in the Application Submission Letter, the activity(ies) or parts of the subject matter of procurement to be subcontracted along with details of the proposed subcontractors including their qualification and experience.

6. Evaluation of Applications and Pre-qualification of Applicants

6.1. Evaluation of Applicants

- 6.1.1. The PE shall use the factors, methods, criteria, and requirements defined in Section IV, Requirements, Qualification Criteria and Evaluation (RQCE), to evaluate the qualifications of the Applicants, and no other methods, criteria, or requirements shall be used. The PE reserves the right to waive minor deviations from the qualification criteria if they do not materially affect the technical capability and financial resources of an Applicant to perform the Contract.
- 6.1.2. Subcontractors if allowed in Application and proposed by the Applicant shall be fully qualified for their parts of the Work. The subcontractor’s qualifications shall not be used by the Applicant to qualify for the subject matter of procurement unless their parts of the Works were previously designated by the PE as per ITA 5.3.2 as can be met by Specialized Subcontractors, in which case, the qualifications of the Specialized Subcontractor proposed by the Applicant may be added to the qualifications of the Applicant for the purpose of the evaluation.
- 6.1.3. Only the qualifications of the Applicants shall be considered. The qualifications of other firms, including the Applicant’s subsidiaries, parent entities, affiliates, subcontractors (other than Specialized Subcontractors in accordance with ITA 6.1.2above) or any other firm(s) different from the Applicant shall not be considered.
- 6.1.4. All Applicants whose Applications substantially meet or exceed the specified qualification requirements will/ shall be pre-qualified by the PE.

6.2. PE’s Right to Accept or Reject Applications

- 6.2.1. The PE reserves the right to accept or reject any Application, and to annul the Pre-qualification process and reject all Applications at any time, without assigning any reasons and without thereby incurring any liability to the Applicants.

6.3. Notification of Pre-qualification

- 6.3.1. As per sub-section 2 of Section 18 of the Act, the Procuring Entity shall publish the particulars of the applicants that are qualified on the State Public Procurement Portal.
- 6.3.2. Applicants that have not been pre-qualified may write to the PE to request, in writing the grounds on which they were disqualified.
- 6.3.3. Applicants that have not been pre-qualified shall be informed by the PE along with brief of reasons for their not qualifying in the pre-qualification process.

6.4. Request for Bids

- 6.4.1. Consequent to the notification of the results of the pre-qualification, the PE may invite Bids from all the Applicants that have been pre-qualified.
- 6.4.2. The successful Bidder may be required to provide a Performance Security as may be specified in the bidding document. Bidders may also be required to provide a Bid Security or a Bid-Securing Declaration acceptable to the PE in the form and an amount as may be specified in the bidding document
- 6.4.3. Bidders shall be required to provide a Code of Conduct which will apply to their sub-contractors and sub-contractors' personnel that includes the minimum requirements specified in the bidding document.
- 6.4.4. If required in the bidding document, the successful Applicant shall provide additional information about its beneficial ownership using the Beneficial Ownership Disclosure Form included in the bidding document.

6.5. Changes in Qualifications of Applicants

- 6.5.1. Any change in the structure or formation of an Applicant after being pre-qualified in accordance with ITA 6.3 and invited to bid (including, in the case of a JV, any change in the structure or formation of any member and also including any change in any specialized subcontractor whose qualifications were considered to pre-qualify the Applicant) shall be subject to the written approval of the PE prior to the deadline for submission of Bids. Such approval shall be denied if
 - (i) a pre-qualified applicant proposes to associate with a disqualified applicant or in case of a disqualified joint venture, any of its members;
 - (ii) as a consequence of the change, the Applicant no longer substantially meets the qualification criteria set forth in Section IV (RQCE); or
 - (iii) in the opinion of the PE, the change may result in a substantial reduction in competition. Any such change should be submitted to the PE not later than fourteen (14) days after the date of the Request for Bids.

6.6. Grievance handling procedure related to the Pre-qualification process

- 6.6.1. Any grievance of an Applicant pertaining to the Pre-qualification process shall be by way of filing an appeal as per Annexure A.3- Memorandum of Appeal, to the First or Second Appellate Authority, as the case may be, **as specified in the PDS**, in accordance with the provisions of Section 38-40 of the act and specified in Annexure A.2: Grievance Handling Procedure during a procurement process..

Section II: Pre-qualification Data Sheet (PDS)

1. General

ITA reference	Clause
ITA 1.1	<p>Type of procedure is National Competitive Bidding/ International Competitive Bidding <i>[select one]</i>'</p> <p>The identification of the Invitation for Pre-qualification is: <i>[insert number]</i></p> <p>The PE is: <i>[insert full name, including name of Project Officer, and address]</i></p> <p>The subject matter of procurement is: <i>[insert number, names, and identification numbers. If the subject matter of procurement has not been divided into contracts, add the name of the subject matter of procurement]</i></p>
ITA 1.3.2	Joint Venture will / will not be allowed <i>[select one]</i>

2. Contents of Pre-qualification document

ITA reference	Clause
ITA 2.2.1.	<p>For clarification purposes, the PE's contact details are as follows, the clarifications can be requested online via <i>e-procurement facility and/or email and/or written</i> no later than the clarification date below:</p> <p>Applicants seeking clarification end date - <i>DD/MM/YYYY</i></p> <p>Attention: <i>[insert name and room number of Project Officer]</i></p> <p>Address: <i>[insert street name and number] [insert floor and room number, if applicable]</i></p> <p>City: <i>[insert name of city or town]</i></p> <p>Pin Code: <i>[insert postal (Pin) code, if applicable]</i></p> <p>Country: <i>[insert name of country]</i></p> <p>Telephone: <i>[insert telephone number including country and city codes]</i></p> <p>Facsimile number: <i>[insert fax number including country and city codes]</i></p> <p>Electronic mail address: <i>[insert e-mail address of Project Officer]</i></p>
ITA 2.2.2	<p>Pre-application Meeting will be held: <i>[Yes/No]</i></p> <p><i>[If Yes, please add the address, date and time of the meeting]</i></p>
ITA 2.4.1.	<p>a) NIPQ publishing date <i>DD/MM/YYYY</i></p> <p>b) PQ Document Download/Sale Date <i>DD/MM/YYYY</i></p> <p>c) Applicants seeking clarification end date <i>DD/MM/YYYY</i></p> <p>d) Pre-application Meeting Date <i>DD/MM/YYYY</i></p> <p>e) Application Submission Closing Date and Time <i>DD/MM/YYYY at HH:MM AM/PM</i></p> <p>f) Pre-qualification Application opening Date and Time <i>DD/MM/YYYY at HH:MM AM/PM</i></p>

3. Preparation of Applications

ITA reference	Clause
ITA 3.2.1	The language of pre-qualification shall be English/Hindi however, English version shall be used for interpretation.
ITA 3.3.1	The Applicant shall submit with its Application along with the following additional documents : <i>[insert list of additional documents as mentioned in example of Section IV].</i>
ITA 3.4.1	Any other documents: <i>[insert list of other documents]</i>

4. Format, Signing, Submissions and Opening of Applications

ITA reference	Clause
ITA 4.3.1.	Application opening Date and Time <i>DD/MM/YYYY at HH:MMAM/PM</i>
ITA 4.3.2.	Application Submission Closing Date and Time <i>DD/MM/YYYY at HH:MMAM/PM</i>

5. Procedures for Evaluation of Applications

ITA reference	Clause
ITA 5.3.1.	At this time the PE <i>[insert “intends” or “does not intend”]</i> to execute certain specific parts of the subject of procurement by sub-contractors selected in advance. <i>[If the above states “intends” list the specific parts of the subject matter of procurement and the respective sub-contractors]</i>
ITA 5.3.2	<i>[Indicate N/A if there are no parts of the subject matter of procurement requiring Specialized Subcontractors]</i> The parts of the subject matter of procurement for which the PE permits Applicants to propose Specialized Subcontractors are designated as follows: a. _____ b. _____ c. _____ For the above-designated parts of the subject matter of procurement that may require Specialized Subcontractors, the relevant qualifications of the proposed Specialized Subcontractors will be added to the qualifications of the Applicants for the purpose of evaluation.

6. Evaluation of Applicants and Pre-qualification of Applicants

ITA reference	Clause
ITA 6.6.1	The Designation and complete Address of First Appellate Authority, including Room Number and Floor No., if any, is: _____ The Designation and complete Address of Second Appellate Authority, including Room Number and Floor No., if any, is: _____

Section III: Scope of Subject matter of procurement

A. General

This section contains the Scope, the Specifications, the Drawings, and Supplementary Information that describes the subject matter of procurement. This section should not contain commercial conditions.

As per Sub-section 1 of Section 12 of the Act, the description of the subject matter of procurement shall be set out in the bidding documents and shall –

- a) *be such as to meet the essential needs of the procuring entity;*
- b) *to the extent practicable-*
 - (i) *be objective, functional, generic and measurable;*
 - (ii) *set out the relevant Techno-commercial, quality and performance characteristics;*
 - (iii) *not indicate a requirement for a particular trademark, trade name or brand;*
- c) *be drawn up in accordance with guidelines as may be prescribed.*

Sub-section 2 of Section 12 of the Act mentions, where applicable, the Techno-commercial specifications shall, to the extent practicable, be based on national Techno-commercial regulations or recognized national standards or building codes, wherever such standards exist or in their absence, relevant International Standards may be used.

B. Subject matter of procurement for Goods

The description of subject matter of procurement related to goods and works is detailed below:

PE shall give detailed provide details of the goods to be procured along with specifications, drawings (if any), designs (if any) and associated works that may be required. In case material to be procured cannot be based on national Techno-commercial regulations or recognized national standards or building codes, or relevant International Standards are not available, then in the description model number of well-established manufacturer of the product can be mentioned, but it should be also supplemented by mentioning similar models of other manufacturers or at least similar word should be mentioned in the description so that a product which is similar or superior to the model mentioned in the description can be quoted by the Bidder.*

List of Goods

Item No.	Description of Goods	Unit of Measurement	Indicative Quantity

Technical Specifications

Serial No.	Technical Requirement as per Specifications and Standards	Item	Minimum or Maximum Requirement	Meets or Do not Meet
	<u>Essential Requirements</u>			
	<u>Desirable Requirements</u>			

Guidance Note

Examples for Goods:

1. Example 1- Elevator Pre-qualification Requirement:

Firm should have Machinery and Plant (M & P) required shall be as below. However, it does not specify the capacity and quantity of various items of equipment/components/ M&P which may vary according to the manufacturing capacity of the individual firm. The firm should also have the facility for storing the raw materials and finished product.

Manufacturing Facilities:

A. The following minimum Machinery and Plants to be available at Firm’s manufacturing Premises:

- i. Computer Numerical Control (CNC) Turret Punch Machine,
- ii. Numerical Control (NC) Bending machine,
- iii. Shearing machine,
- iv. Lathe machine,
- v. Drill machine,
- vi. Power Press machine,
- vii. Metal Inert Gas (MIG) welding machine,
- viii. Grinding machine,
- ix. Riveting machine,
- x. Compressor,

B. Following processes may be outsourced. If processes are outsourced, relevant Machinery and Plants are considered essential, and they may be available with sub-vendors. If these processes are not outsourced these facilities should be available in-house.

S. No	Process	Facility
1	Hot Dip Galvanizing	i) Hot Dip Galvanizing Plant. ii) Galvanization thickness meter.
2	Powder Coating	i) Powder Coating M/c ii) Oven iii) SuITAce treatment facility. iv) Coating thickness meter.
3	Manufacturing and Testing of Printed Circuit Board (PCB)	i) Dust free environment for the assembly of PCBs. ii) Automatic/light beam guided component insertion machine for PCBs. iii) Temperature controlled wave-soldering machine with auto-fluxing facilities iv) *Dry heat and Damp heat test chamber for PCB v) Full Convection Reflow M/C vi) Automatic Coating M/C vii) Ultrasonic PCB cleaning M/C

<i>S. No</i>	<i>Process</i>	<i>Facility</i>
		viii) <i>Electrostatic Discharge (ESD) protection in line with IS: 10087-1981</i> ix) <i>Ferruling Machine</i>

Note: * If facility of Dry heat and Damp heat test chamber is not available, Dry heat and Damp heat test of PCB should be conducted in accordance with relevant IEC from third party labs.

Inspection and measurement equipment:

- A. The following minimum Inspection and measurement equipment to be available at the Firm's own manufacturing Premise:
- a) Elevator testing tower of sufficient height suitable to carry out all the tests on assembled elevator as per specification.
 - b) Motor insulation testing facility
 - c) Full function Controller test bench
 - d) Other measuring instruments like:
 - (i) Tacho Meter,
 - (ii) Power analyzer,
 - (iii) Elevator Vibration Analyzer and
 - (iv) Other measuring instruments for physical verification of various parameters as per requirement of specification.
- B. The Inspection and measurement equipment required for "Functional Testing of Printed Circuit Boards (PCBs) could be made available either at firm's own premises or firm's approved sub-vendor's premises.
- C. Procuring Entity reserves the right to visit the place of manufacturer and verify whether minimum machinery and plants are available with manufacturer, whether sub-vendors are having necessary machinery and plant as per requirement and whether the applicant is having all inspection and measuring instruments/equipment for ensuring quality of the final product.

2. Example 2- Medicines/Drugs Special Requirement for Pre-qualification

- A. Applicant has received a satisfactory GMP inspection certificate in line with the WHO certification scheme on pharmaceuticals moving in International Commerce from the regulatory authority (RA) in the country of manufacture of the goods or has been certified by the competent authority of a member country of the Pharmaceuticals Inspection Convention (PIC), and has demonstrated compliance with the quality standards during the past two years prior to Application submission;
- B. The Goods to be supplied under the Contract shall be registered with the relevant authority in the Purchaser's country. An Applicant who has already registered its Goods by the time of Pre-qualification should submit a copy of the Registration Certificate with its Application (subject to subsequent confirmation at Bid submission). An Applicant who has not registered its goods subject of Bidding and wishes to commence the process of registration, should refer to the agency and contact person identified below. [insert name, address, telephone, e-mail address, and contact persons for registration offices, i.e., Pharmaceutical registration, Pharmacological committee of Ministry of Health, Pharmacopoeia committee of Ministry of Health, Department of governmental control for quality, efficiency and safety of pharmaceuticals and medical equipment]
- C. (Optional to A & B) Applicant have following inhouse facility for manufacture, quality control, storage, documentation etc. for ensuring product as per requirement:
1. Pharmaceutical quality system including Product quality review (PQR), Quality Risk Management (QRM), Change and Deviation Management
 2. Good manufacturing practices for pharmaceutical products

Section IV: Requirements, Qualification Criteria and Evaluation

A. General Requirements for Goods and Works including required documents and forms

- i) Pre-qualification Application Submission: Duly signed and sealed Pre-qualification Application form in the prescribed format without any deviations in form “**Form TECH 1- Pre-qualification Application Submission Letter**”.
- ii) Application is accompanied by proof of payment for pre-qualification document price and processing fee/user charges as specified in NIPQ.
- iii) Applicant’s Information in form “**Form TECH 2- Applicant’s Information Form (To be executed on company/firm letter head)**” shall be furnished by the applicant including the following:
 - a. Valid Permanent Account No (PAN)
 - b. Valid GSTIN and no overdue to Government: Copy of GST certificate. Latest quarterly return to verify that there is no overdue tax to be deposited to the government.
 - c. Valid Proof of registration/incorporation of the applicant entity: Submission of any of the following, as applicable-
 - i. Any private company, registered/ incorporated under ‘Companies Act, 2013’ or other applicable Laws of India (to submit valid certificate of incorporation), OR
 - ii. Applicant may be a proprietorship firm (to submit valid Shop Establishment certificate), OR
 - iii. Partnership firm (to submit Partnership registration certificate issued by Registrar of Firms or duly notarized/Registered Deed of Partnership), OR
 - iv. A limited liability partnership (under the Limited Liability Partnership Act, 2008) in India, to submit copy of Certification of Incorporation), OR
 - v. Any Society registered under Societies Registration Act, 1860; or Trust registered under The Indian Trusts Act, 1882 (Society/Trust registration certificate issued by the competent Authority as provided in the relevant Act)
- iv) Proof of registration of Foreign Applicants: Certificate of incorporation (legal document/license relating to the formation of a company or corporation) of the Applicant in his country. *[Applicable only in case of ICB]*
- v) Declaration by Applicant: Duly signed Declaration form in the prescribed format in form “**Form TECH 3 - Form of Declaration by the Applicant**” without any deviation.

Note- This includes declaration by the Applicant to be in compliance with the Section 7 (**Qualification of Bidder**), Section 11 (**Code of Integrity**) of the RTPP Act, not debarred under Section 46 of RTPP Act and other declarations
- vi) Power of Attorney: **Duly signed Power of Attorney form in the prescribed format in form “Form TECH 4 - Power of Attorney”**.

Note- This includes Notarized Power of Attorney in favour of the signatory of the Pre-qualification application request authorizing him/ her to commit the Applicant.

Alternative- An organizational document, board resolution or its equivalent specifying the representative’s authority to sign the Pre-qualification application request is also acceptable and should be uploaded along with the Pre-qualification application.

In case of JV agreement, if JV agreement is already existing, a copy of JV agreement shall be furnished by the applicant, in case of intent to form JV, memorandum of understanding shall be furnished by the bidder and the memorandum of understanding shall have the provisions as detailed in Annexure 4 of this document.

- vii) Applicant belonging to or with beneficial ownership from countries sharing land border with India: Applicant belonging to or with beneficial ownership from countries sharing land border with India, for participation in any public procurement in the State, shall only be allowed after prior registration with the competent authority as per Rule 13 of RTPP Rules and Government of Rajasthan Notification No. F.2(1)FD/G&T-SPFC/2017 dated 01.01.2021, 15.01.2021 and 30.03.2021. Declaration by the Applicant in form “**Form TECH 6- Declaration Form for Applicant belonging to or with beneficial ownership from countries sharing land border with India**”.
- viii) If the Applicant is not a manufacturer, then Applicant will have to submit authorization from the Manufacturer as per format given in form “**Form TECH 5- Format of Manufacturer's Authorization**”.
- ix) MSME registration certificate: Copy of MSME (Udyog Aadhaar, Udyam registration, etc.) certification [Applicable / Not Applicable].
- x) Any other certificate(s), required to be submitted. (For example, International Organisation for Standards, Environment Management, Bureau of Indian Standard, Central Drugs Standard Control Organisation, Indian Pharmacopoeia etc.) [PE to specify].

B. Requirements, Qualification Criteria and Evaluation for Goods

1. Qualification Criteria and Required Documents for Goods

Procuring Entity will examine the information supplied by the applicant about the following:

- a) details of certification (if any) like BIS, ISO etc., if applicable
- b) machinery and plant available, if applicable
- c) warehousing facility, if applicable
- d) quality control aspect, if applicable
- e) tie up with other units etc., as specified in the scope of subject matter of procurement, if applicable
- f) Examination will also be done for the overall completeness and compliance of the PE's requirements, conformity with the specified (minimum or maximum) requirement corresponding to each functional parameter, long term availability of spare and maintenance service and any other techno-commercial factors that the PE has specified in the scope of subject matter of procurement.

2. Examination and Evaluation of Pre-qualification information for Goods

The above listed qualification criteria and the required forms and documents shall be evaluated by the Procuring Entity and ascertained as to whether the applicant fulfils the qualification criteria. The examination and evaluation of applications will be divided into two (02) categories, firstly the Preliminary Examinations of applications followed by Techno-commercial Examinations in the following manner:

- a) The preliminary examination of applications shall be done to ascertain that whether the applicant has furnished Pre-qualification Application Submission form and has paid the price of pre-qualification document and processing fee/user charges.
- b) If the applicant has been found responsive with respect to basic requirements stated in this Section, the Techno-commercial examination will be taken up. However, if the application has not found to be responsive with respect to basic requirements stated in this Section, the applicant will be declared non-responsive, and no further Techno-commercial examination will be taken up.
- c) Techno-commercial examination will consist of following
 - i. Whether the offered product meets the requirement mentioned in Section III - Scope of subject matter of procurement.
 - ii. Documents submitted as required in A iii, iv, v, vi, vii, viii, ix and x.

Below parameters are optional requirements to be decoded by PE:

- iii. **Contractual Experience:** Successful completion as main supplier within the last _____ years [PE to specify], of at least _____ contracts [PE to specify] each valued at _____ [PE to specify] with nature, and complexity similar [PE to specify similar] to the scope of requirements described in Section III (Scope of subject matter of procurement). (TECH7A)
- iv. **Production Experience:** The Applicant shall demonstrate that the Supplies offered have
 - a. been in production for at least-----years [PE to specify],
 - b. sold a minimum of ----- units [PE to specify] of similar type and specification over the last three (3) years
 - c. have been in operation for a minimum of----- years [PE to specify].

Production Capacity: The Applicant or manufacturer shall demonstrate that it can supply the type, size, and quantity of the Supplies as required by Procuring Entity in accordance with the Delivery and Completion Schedule in Section III (Scope of subject matter of procurement as in **“Form TECH 7B- Production Capacity and Experience”**)

- v. **Audited Financial Statement:** Submission of audited financial statements or, if not required by the law of the Applicant’s country, other financial statements acceptable to the Procuring Entity, for the last _____ years [PE to specify] to demonstrate the current soundness of the Applicant’s financial position. As a minimum, the Applicant’s net worth for the last year calculated as the difference between total assets and total liabilities should be positive and submitted as in **“Form TECH-7C Historical Financial Performance”**
- vi. **Size of Operation (Average Annual Turnover):** Minimum average annual turnover of Rs_____ [PE to specify] calculated as total payments received by the Applicant for contracts completed or under execution over the last _____ years. [PE to specify] **(Form TECH- 7D Size of Operation (Average Annual Turnover))**
- vii. **Contract in Hand:** Contract in hand as on 1st [PE insert month and year] to be provided in format given in **(Form TECH- 7E Contract in Hand (Goods Contracts under execution))**

(Note: The pre-qualification is based on technical parameters i.e., specifications requirement of the subject matter of procurement and ability to manufacture the subject matter of procurement of requisite quality and standard. Option has also been given to prequalify the Applicant’s on contractual experience, production capacity, production experience, average turnover etc.

PE has option to choose one of the methods for prequalification either purely on technical specification and manufacturing capability to supply the subject matter of procurement or use traditional method of prequalifying through production capacity, contract experience, production experience, average turnover etc. or use both.

As per the provisions of the Act and Rules pre-qualification done for a period of time can be used for multiple purchase of the item as and when it is required. Therefore, if the prequalification has been done on technical specification and manufacturing capability to supply the subject matter of procurement, then in determining the pre-qualification requirement financial capability like turnover requirement, production capacity, number of orders executed etc., may not be considered. These parameters will be determined based on the quantum of procurement in each case and shall be specified at stage 2 in the bidding document.)

C. Qualification Criteria and Evaluation for Works

The qualification criteria, the documents that are required to demonstrate the fulfilment of the criteria and the forms in which the information is required to be submitted by the applicant are detailed below:

1. Qualification Criteria for Experience of Execution of Work

The Applicant is required to fulfill the following qualification criteria (In case of JV/Consortium, the aggregate of qualifications of individual member shall be considered for this qualification criteria):

- a) The Applicant should have executed at least the following quantities of the specific items of work as a part of any contract (key items of works), in the last five financial years. The applicant may also consider the current year in the above said five years assessment period.

Sl. No.	Item of Work	Quantity (Unit)	Remark, if any

(The procuring entity shall prescribe two to four most important items of work in quantities 50% of quantities to be executed under the proposed bis consequent to pre-qualification)

[Note: Indicate key activities as per the requirements of proposed work. For example, RCC works – 1000 cum; Cement Plaster – 100 Sqm. WMM construction 1000 cum, WBM construction 1000 cum, 20 mm premix carpet 3500 sqm etc.]

The experience of execution of specific items of work in the last five financial years as specified in point **b** of this Section. Information in “**Form TECH 9- Specific Construction Experience in Key Items of Work**” to be supported by the certificate of the employer for execution of specific quantities of work.

- b) The Applicant should have completed at least one work of similar nature in last five years (including current year, if opted by the applicant) of the value (updated to present price level) not less than 50% of the proposed bid cost of the work or

two works of similar nature in any one year of preceding five years (PE to specify years) each of the value (updated to present price level) not less than 30% of the estimated bid cost of the work under this contract.

The similar nature shall mean

 *(The procuring entity shall define clearly, without any ambiguity in interpretation, the similar work)*

[Note: The present value of work in case of sub-clause (b) of this Section shall be indexed at the rate of 10% every year]

Experience of execution of works in completed or under execution contracts in the role of contractor, subcontractor, or management contractor for the last 5 (five) years prior to the Bid submission deadline. Information in “**Form TECH 10- Experience of Completion of Similar Work**” to be supported by the certificates of the employer for completion or execution of works.

2. Qualification Criteria for financial capability of the Applicant:

The Applicant is required to fulfill the following qualification criteria for financial capacity (In case of JV/Consortium, the aggregate of qualifications of individual member shall be considered for this qualification criteria):

- (a). The Bidder, as prime contractor or a sub-contractor*, should have achieved an **annual average construction turnover** of at least **50%** of the cost of work (bid cost) in the last three financial years(audited), i.e. Year, Year and Year (**PE to specify years, if the bid invitation Date is after 30st September of the year, three years preceding the last financial year may be specified and if bid invitation date is after 30th September of the year, the three years including the last financial year may be specified**)

Note:

1. The present value of turnover in case of clause 3(a) of this Section shall be indexed at the rate of 10% every year.
2. The Bidder (in case of JV/Consortium all members) shall provide copies of its audited financial statements and other financial data for the years indicated above. The statements shall include, but not limited to;
 - (a) Audited Financial Accounts;
 - (b) Statement of accounting policies;
 - (c) Chartered Accountant's Certificate for Average Annual Construction Turnover based on Annual Construction Turnover for the years mentioned. Each Certificate of the Chartered Accountant shall necessarily have **UDIN** number, if such certificate does not have UDIN number, it shall not be accepted by the Procuring Entity;
 - (d) additional information supporting the evaluation of the company's financial and legal status, if any; and
 - (e) the information provided shall be detailed enough to demonstrate, and allow evaluation of the Bidder's financial capacity to fulfill its financial obligations, if awarded the contract;
 - (f) details of the Banks from which references can be obtained, including, Name of Bank, Address, Tel and Fax No etc., listing of bankers shall be deemed as an authorisation by the Bidder(s) for the Procuring Entity to request such references and for the bankers to release them to the Authority.

Information in "**Form TECH 11- Average Annual Construction Turnover in INR**", to be supported by documents specified in Note 2.

- (b). The bidder, as prime contractor or a sub-contractor*, shall demonstrate that they (in case of JV/Consortium aggregate of all members) have sufficient **financial resources** to maintain cash flow of INR..... [*PE to indicate based on calculation as follows*

$$\frac{3 \times \text{proposed bid cost of the work/s}}{\text{Completion Period in Months}}$$

The information regarding availability of financial resources shall be furnished in "**Form TECH 12: Financial Resources**". The applicant shall furnish the evidence of access to or availability of credit facility in form of bank certificate (For demonstrating Financial Resources) given in "**Form TECH-13: Format for Evidence of Access to or Availability of Credit facilities**".

3. Bidding Capacity of the Applicant

Applicant (in case of JV/Consortium aggregate of all members) who meet the minimum qualification criteria will be qualified only if their acceptable bid capacity is more than the cost of the proposed work. The bid capacity will be calculated as under:

Bid Capacity - (A x N x f - B), where;

A = Maximum value of civil engineering works executed in any one year during the last five years (updated to present value) taking into account the completed as well as works in progress. The bidder may opt the current year in the five years assessment period.

N = Number of years prescribed for completion of the works for which bids are invited (If completion period is less than 1 year, it should be treated as 1 year, if it is less than 1.5 years but more than 1 year, it should be treated as 1.5 years, if it is more than 1.5 years but less than 2 years it should be treated as 2 years, and so on.)

B = Value, the present value of existing commitments and on-going works (at hand) to be executed during 'N' (period prescribed for completion of the works for which the bids are invited).

f = Multiplying factor to be decided by the procuring entity

X represents multiplication sign

[Guidance note: If sufficient contracting capacity is available factor of 1.5 or 2 may be adopted, if sufficient contracting capacity is not available factor of 3 may be adopted but in no case factor more than 3 shall be adopted by the procuring entity]

[Note: The present value of work in case of A and B above shall be indexed at the rate of 10% every year]

Information about current contract commitments shall be furnished in “**Form TECH 14: Current Contract Commitments/ Work in Progress**” and will be supported by certificate from employer about the current contract commitments/works in progress. The information about calculation of available bid capacity shall be furnished in “**Form TECH 15: Calculation of Available Bid Capacity**”.

4. Availability of Machinery and Equipment

The Applicant (in case of JV/Consortium aggregate of all members) shall demonstrate through an undertaking that he/she will be able to deploy the prescribed machinery and equipment for execution of work and mandatory testing requirements as per specifications as per the following list of Equipment and Machinery:

Table of Equipment required for Mandatory Testing of Material and Workmanship in Field Laboratory to be Established at Work Site

#	Equipment Name	Capacity and other description	Numbers Required	Duration in weeks for which required

The bidder shall furnish an undertaking that he/she either owns the machinery and equipment or will make available on lease basis, as and when required in the “**Form TECH 16: Format for Undertaking on Deployment of Machinery and Equipment for Execution of Work and Mandatory Testing of Material and Workmanship**”.

(The procuring entity should take care in prescribing the list of machinery and equipment for execution of work and equipment for mandatory testing as per actual requirement of the work proposed to be executed and procuring entity should refrain from using just any standard list for the purpose)

5. Availability of Manpower

The bidder (in case of JV/Consortium aggregate of all members) shall also demonstrate through an undertaking that he/she will deploy the prescribed key personal for supervision of execution of work and mandatory testing requirements as per specifications as detailed in the following list of Key Manpower:

Table of Key Manpower required for Execution of Work.

#	Manpower Designation	Qualification	Experience	Duration in weeks for which required

The bidder shall furnish an undertaking that either has key manpower available under his/her employment or will he/she will make available the manpower, as and when required in the “**Form TECH 17: Format for Undertaking on Deployment of Key Manpower for Execution of Work and Mandatory Testing of Material and Workmanship**”.

(The procuring entity should take care in prescribing the list of manpower for execution of work and manpower for mandatory testing as per actual requirement of this contract and procuring entity should refrain from using just any standard list for the purpose)

6. Disqualification

Even though the applicants meet the above criteria, they are subject to be disqualified if:

- a) they (in case of JV/Consortium any members) have made misleading or false representation in the forms and/or statements submitted with this application and /or
- b) there is a proof of poor performance of the bidder (in case of JV/Consortium any members) such as abandoning the work, rescinding of contract for which the reasons are attributable to the non-performance of the contractor. The non-performance shall include those contracts in which security deposit and/or performance security has been forfeited by the Employer, and/or the contract has been suspended or terminated by the Employer. The declaration of the Applicant regarding non-performance of Contracts in the last five years shall be furnished by the Applicant “**Form TECH 18 - Historical Contract Non-Performance**”.
- c) there is a proof of financial failure of the bidder (in case of JV/Consortium any members) due to bankruptcy.

The procuring entity shall make his/her judgement on the basis of various information provided by the Applicant in various bid forms or other authentic information available.

7. Examination and Evaluation of Pre-qualification information

The above listed qualification criteria and the required forms and documents shall be evaluated by the PE and ascertained as to whether the applicant fulfils the qualification criteria. The examination and evaluation of applications will be divided into two (02) categories, firstly the Preliminary Examinations of applications followed by Techno-commercial Examinations in the following manner:

- a) The preliminary examination of applications shall be done to ascertain whether the applicant has fulfilled the requirements stated in sub clause (i) to (v) of Clause A of this Section of this document.
- b) If the applicant has been found responsive with respect to basic requirements stated in sub clause (i) to (v) of Clause A of this Section of this document, the Techno-commercial examination will be taken up. However, if the application has not found to be responsive with respect to basic requirements stated in this Section, the applicant will be declared non-responsive, and no further Techno-commercial examination will be taken up.

This shall be followed by Techno-commercial examination of bid with respect to qualification criteria prescribed in sub-clause 2,3,4,5 and 6 of Clause B of this Section. The examination will be carried out to ascertain that whether the applicant has furnished the prescribed documents and fulfils the qualifications as per each qualification criteria.

Section V: Pre-qualification Application Forms

Application Forms includes all such forms applicants are required to use / fill and submit along with their Applications. These forms are to be used without modification and to be filled as per instructions given in footnote. The documents which are to be attached in support of the information submitted should be digitally signed. Procuring Entity reserves the right to verify the information submitted. Check list is also included to ensure that Applicants do not miss submission of any information or document.

Checklist for Pre-qualification Application

[With reference to Section IV]

The Applicant must necessarily contain scanned copies of all the filled-up forms of Application along with attested copies of the relevant referred documents as proof:

Sl. No.	Activity	Form Number	Whether submitted(Yes / No)	Page number	Remarks, if any
A. Forms and Documents under General requirements for Goods & Works					
1.	Pre-qualification Application Submission	TECH-1			
2.	Applicant's Information Form	TECH-2			
3.	Declaration by the Applicant under Section 7 (Qualification of Bidder), Section 11 (Code of Integrity) of the RTPP Act and under Section 46 (Debarment from Bidding). If debarred than details provided.	TECH-3			
4	Written Power of Attorney in favour of the signatory of the Applicant authorizing him/her to commit the Bidder, if applicable. or Alternative- An organizational document, board resolution or its equivalent specifying the representative's authority to sign the Bid is also acceptable and should be uploaded along with the Bid.	TECH-4			
5	Profile of Applicant's Organization Documents defining the constitution or legal status, place of registration, and principal place of business;				
(a)	Any company, registered/incorporated under 'Companies Act, 2013' or other applicable Laws of India (to submit valid certificate of incorporation)	-			
(b)	Applicant may be a proprietorship firm – Shop Establishment Certificate	-			
(c)	Partnership firm (to submit Partnership registration certificate issued by Registrar of Firms or duly notarized/Registered Deed of Partnership)	-			
(d)	A limited liability partnership (under the Limited Liability Partnership Act, 2008) in India, to submit copy of Certification of Incorporation)	-			
(e)	Any Society registered under Societies Registration Act, 1860; or Trust registered under The Indian Trusts Act, 1882 (Society registration certificate issued by the office of the Registrar of Cooperatives)	-			

Sl. No.	Activity	Form Number	Whether submitted(Yes / No)	Page number	Remarks, if any
(f)	Copy of valid PAN card	-			
(g)	Copy of GST certificate along with latest quarterly return				
(h)	Documents/literature/data to demonstrate that the offered product meets the Technical Requirement as per Specification & Standards mentioned in Error! Reference source not found.				
(i)	In case sample is required to be submitted, whether samples submitted or not				
(j)	Copy of MSME (Udyog Aadhaar, <i>Entrepreneurs Memorandum-II</i> /Udyam registration, Any other registration etc.) certification [Applicable / Not Applicable]				
(k)	Any other certificate(s) required to be submitted. (For example, International Organisation for Standards, Environment Management, Bureau of Indian Standard, Central Drugs Standard Control Organisation, Indian Pharmacopoeia etc.)				
6	Manufacturer's Authorization				
	Manufacturer's Authorisation in case Application is submitted by a dealer as per Form given in Section V	TECH-5			
7	Country of Origin Declaration is submitted as the form included in Section V- Application Forms declaring that country of origin is either India or a country which has not been declared ineligible by Govt of India and Declaration for Border Countries	TECH-6			
B. Forms and Documents under RQCE for Goods					
8	Contractual Experience	TECH-7A			
9	Production Capacity and Experience	TECH-7B			
1	Historical Financial Performance	TECH-7C			
12	Size of Operation	TECH-7D			
13	Contract in Hand	TECH-7E			

Sl. No.	Activity	Form Number	Whether submitted(Yes / No)	Page number	Remarks, if any
C. Forms and Documents under RQCE for Works					
9	Experience of execution of Works Certificates of Employers of works contracts	TECH-8			
10	Specific Construction Experience in Key Items of Work	TECH-9			
11	Experience of Completion of Similar work	TECH-10			
12	Annual Average Construction Turnover	TECH-11			
13	Financial Resources	TECH-12			
14	Evidence of access to or availability of credit facilities	TECH-13			
15	Current Contract Commitments/ Work in Progress	TECH-14			
16	Calculation of Available Bid Capacity	TECH-15			
17	Undertaking on Deployment of Machinery and Equipment for Execution of Work and Mandatory Testing of Material and Workmanship	TECH-16			
18	Format for Undertaking on Deployment of Key Manpower for Execution of Work and Mandatory Testing of Material and Workmanship	TECH-17			
19	Historical Contract Non-Performance	TECH-18			

A. Forms under General requirements for Goods & Works

Form TECH 1- Pre-qualification Application Submission Letter

(To be executed on letter head)

In relation to our Pre-qualification application submitted to *[enter designation and address of the procuring entity]* for procurement of *[insert name of the subject matter of procurement]* in response to their Notice Inviting Pre-qualification Applications (NIPQ) No. Dated we hereby declare following-

- a) I/We have examined and have no reservations to the Pre-qualification document, including the amendment/addenda issued in accordance with Instructions to Applicants. I/We declare that all the terms & conditions listed by procuring entity are acceptable to me / us.
- b) I/ We have submitted Pre-qualification document cost of INR, and processing fees/ user fees of INR
- c) I/We offer to supply the goods/execute the work *(PE to retain the applicable)* in conformity with the Pre-qualification document specified in Section III (Scope of subject matter of procurement).
- d) Our firm, including joint venture partners, fulfil all the eligibility criteria (Nationality, Submission of only one Application, Debarment and Conflict of Interest) mentioned in ITA 1.3 and 1.4 [Eligible Bidders].
- e) I/ We agree to permit procuring entity or its representative to inspect our accounts and records and other documents relating to the Pre-qualification application submission.
- f) I/ We understand that any misrepresentation that knowingly or recklessly misleads or attempts to mislead may lead to the automatic rejection of the Pre-qualification application or cancellation of the contract, if awarded.
- g) I/ We understand that this Pre-qualification application shall not bind Procuring Entity to give any priority or preference in the issue of selection of application or award of contract.
- h) I/ We understand that this Pre-qualification shall be used for consequential bidding of the subject matter of procurement.
- i) I/ We declare that the information furnished above is true to the best of my / our knowledge.

Date:

Signature & Seal of Applicant

Place:

Name:

Designation:

Address:

Form TECH 2- Applicant's Information Form

(To be executed on company/firm letter head)

Date: [insert day, month, year]

NIPA No. and title: [insert NIPA number and title]

Page [insert page number] of [insert total number] pages

Applicant's Information	
Applicant's legal name	
In case of a Joint Venture, legal name of each partner	
Applicant's country of constitution	
Applicant's year of constitution	
Applicant's legal address in country of constitution	
Applicant's authorized representative <small>(name, address, telephone number(s), fax number(s) and e-mail address)</small>	
<p>Attached are copies of the following documents whenever applicable:</p> <ul style="list-style-type: none"> • Documents defining the constitution or legal status, place of registration, and principal place of business • Any private company, registered/incorporated under 'Companies Act, 2013' or other applicable Laws of India, to submit valid certificate of incorporation, OR • Applicant may be a proprietorship firm, to submit valid Shop Establishment certificate, OR • In case of Partnership firm, to submit Partnership registration certificate issued by Registrar of Firms or duly notarized/Registered Deed of Partnership, OR • In case of limited liability partnership, under the Limited Liability Partnership Act, 2008, to submit copy of Certification of Incorporation, OR • Any Society registered under Societies Registration Act, 1860; or Trust registered under The Indian Trusts Act, 1882, Society registration certificate issued by the office of the Registrar of Cooperatives or Trust Registration Certificate issued by Registrar of Trusts. In case of JV, letter of intent to form JV or JV agreement. • Authorisation to represent the entity or JV. • Self-attested copy of Income Tax Registration Certificate / Permanent Account Number (PAN) Card issued by Income-Tax Department. • Self-attested copy of Goods and Services Tax (GSTIN) registration certificate along with copy of last GSTIN return filed and declaration of no default. 	

- Valid Registration Certificate issued by District Industries & Commerce Centre (DI&CC), Govt. of Rajasthan, etc. in case bidder seeks to avail benefit of submission of reduced bid security and/or purchase preferences for the goods required. *(Applicable for Goods only)*

Form TECH 3 - Form of Declaration by the Applicant

(To be executed on a non-judicial stamp paper)

In relation to our Application submitted to [enter designation and address of the procuring entity] for procurement of [insert name of the Subject Matter of procurement] in response to their Notice Inviting Application No. Dated we hereby declare under Section 7 and 11 of the Rajasthan Transparency in Public Procurement Act, 2012 that:

1. I/We are eligible and possess the necessary professional, Techno-commercial, financial, and managerial resources and competence required by the Bidding Document issued by the Procuring Entity.
2. I/We have fulfilled our obligation to pay such of the taxes payable to the Central Government or the State Government or any local authority, as specified in the Bidding Document.
3. We are not insolvent, in receivership, bankrupt or being wound up, not have our affairs administered by a court or a judicial officer, not have our business activities suspended and are not the subject of legal proceedings for any of the foregoing reasons.
4. I/We and our directors and officers have not been convicted of any criminal offence related to their professional conduct or the making of false statements or misrepresentations as to their qualifications to enter into a procurement contract within a period of three years preceding the commencement of the procurement process, or not have been otherwise disqualified pursuant to debarment proceedings.
5. I/We have not been/have been debarred under Section 46 of RTPP Act. In case the Bidder is debarred by any other Procuring Entity of State/Central Government or any other country then following details to be provided for each Procuring Entity:
 - a) Name of Entity State/Centre or any other country:
 - b) Period of debarment [start and end date]:
 - c) Reason for the debarment:
6. I/We do not have a conflict of interest as specified in the *Rajasthan Transparency in Public Procurement Act, the Rajasthan Transparency in Public Procurement Rules* and this Bidding Document, which materially affects fair competition.
 - i. A Bidder may be considered to be in Conflict of Interest with one or more parties in a bidding process if, including but not limited to:
 - a) have controlling partners/ shareholders in common; or
 - b) receive or have received any direct or indirect subsidy from any of them; or
 - c) have the same legal representative for purposes of the Bid; or
 - d) have a relationship with each other, directly or through common third parties, that puts them in a position to have access to information about or influence on the Bid of another Bidder, or influence the decisions of the Procuring Entity regarding the bidding process; or
 - e) the Bidder participates in more than one Bid in a bidding process. Participation by a Bidder in more than one Bid will result in the disqualification of all Bids in which the Bidder is involved. However, this does not limit the inclusion of the same subcontractor, not otherwise participating as a Bidder, in more than one Bid; or
 - f) the Bidder or any of its affiliates participated as a consultant in the preparation of the design or technical specifications of the Goods, Works or Services that are the subject of the Bid;
7. I/We have complied and shall continue to comply with the *Code of Integrity* as specified in the *Rajasthan Transparency in Public Procurement Act, the Rajasthan Transparency in Public Procurement Rules* and this Bidding Document, till completion of all our obligations under the Contract. This means that any person participating in a procurement process shall –
 - a) not offer any bribe, reward or gift or any material benefit either directly or indirectly in exchange for an unfair advantage in procurement process or to otherwise influence the procurement process;

- b) not misrepresent or omit that misleads or attempts to mislead so as to obtain a financial or other benefit or avoid an obligation;
- c) not indulge in any collusion, Bid rigging or anti-competitive behavior to impair the transparency, fairness and progress of the procurement process;
- d) not misuse any information shared between the procuring Entity and the Bidders with an intent to gain unfair advantage in the procurement process;
- e) not indulge in any coercion including impairing or harming or threatening to do the same, directly or indirectly, to any party or to its property to influence the procurement process;
- f) not obstruct any investigation or audit of a procurement process;
- g) disclose conflict of interest, if any; and
- h) disclose any previous transgressions with any Entity in India or any other country during the last three years or any debarment by any other procuring entity.

Date:

Place:

Signature of Bidder

Name:

Designation:

Address:

Form TECH 4 - Power of Attorney

(To be executed on a non-judicial stamp of INR...)

Know all men by these presents that, We..... *[name of the firm and Address of the registered office]* do hereby irrevocably constitute, nominate, appoint and authorize Mr./Ms. *[name]*, son/daughter/wife of and presently residing at, who is presently employed with us and holding the position of, as our true and lawful attorney (hereinafter referred to as the "Attorney") to do in our name and on our behalf, all such acts, deeds and things as are necessary or required in connection with or incidental to submission of Pre-qualification request for qualification and submission of Pre-qualification application for the "*[Name and Number of Notice Inviting Pre-qualification Application]*" required by *[Name of the Procuring Entity]* (the "**Authority**") including but not limited to signing and submission of all the relevant documents and writings, interact with Procuring Entity and providing information/responses to the Authority, representing us in all matters before the Authority, signing and execution of relevant documents including bids and contracts consequent to acceptance of our Pre-qualification application, and generally dealing with the Authority in all matters in connection with or relating to or arising out of our Pre-qualification application for the said Bid and Contract.

AND we hereby agree to ratify and confirm and do hereby ratify and confirm all acts, deeds and things done or caused to be done by our said Attorney pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Attorney in exercise of the powers hereby conferred shall always be deemed to have been done by us.

IN WITNESS WHEREOF WE,, THE ABOVE-NAMED PRINCIPAL HAVE EXECUTED THIS POWER OF ATTORNEY ON THIS DAY OF 20....

For

[Signature, name, designation and Address]

Witnesses:

1.

(Notarized)

2.

Accepted

.....

(Signature)

[Name, Title and Address of the Attorney]

Form TECH 5- Format of Manufacturer's Authorization

(Required to be submitted at the time of second stage bidding process)

(To be executed on company/firm letter head)

Date: *[insert date]*

NCB/ICB No.: _____*[insert number]*_____

Alternative No., if applicable: _____

To: *[insert complete name and address of Procuring Entity]*

WHEREAS

We, who are official manufacturers of _____ having factories at _____ do hereby authorize _____ to submit an Application in relation to the Invitation for Pre-qualification Application indicated above, the purpose of which is to provide the following Goods, manufactured by us and to subsequently negotiate and sign the Contract:

We hereby extend our full guarantee / warranty in accordance with clause 4.6 of General Conditions of Contract with respect to the Goods offered by the above firm in reply to this Invitation for Pre-qualification Applications.

Name: *[insert complete name of person signing the application]*

In the capacity of: *[insert legal capacity of person signing the application]*

Signed: *[insert signature of person whose name and capacity are shown]*

Duly authorized to sign the Authorization for and on behalf of (Manufacturer): *[insert complete name of the applicant]*

Manufacturer' seal: *[Affix Seal]*

Tel: _____ Fax: _____ e-mail: _____

Form TECH 6- Declaration Form for Applicant belonging to or with beneficial ownership from countries sharing land border with India

(To be executed on company/firm letter head)

Name of Applicant _____ **NCB/ICB Number** _____ **Page** ___ **of** ___

I/We have read the Rule 13 of the Rules and Government of Rajasthan Notification No. F.2(1)FD/G&T-SPFC/2017 dated 01.01.2021, 15.01.2021 and 30.03.2021 regarding Provisions for Procurement from a Bidder which shares a land border with India, we certify that, applicant M/s _____ **(Name of Applicant)**

(i) is not from such a country

or

(ii) if from such a country has been registered with the Competent Authority as specified in Rule 13 of RTPP Rules and Government of Rajasthan Notification No. F.2(1)FD/G&T-SPFC/2017 dated 01.01.2021, 15.01.2021 and 30.03.2021. **(Evidence of valid registration by the Competent Authority shall be attached).**

Name: *[insert complete name of person signing the application]*

In the capacity of *[insert legal capacity of person signing the application]*

Signed: *[insert signature of person whose name and capacity are shown above]*

Duly authorized to sign the Application for and on behalf of *[insert complete name of the applicant]*

Date: *[insert date of signing]*

B. Forms specific to Goods

Form TECH-7A Contractual Experience

(To be executed on company/firm letter head)

Fill out one (1) form per contract.

Contractual Experience		
Contract No of	Contract Identification	
Award Date	Completion Date	
Role in Contract	<input type="checkbox"/> Manufacturer	Supplier
Total Contract Amount	Rs	
If partner in a joint venture or sub-contractor, specify participation of total contract amount	Percent of Total	Amount
Purchaser's name Address Telephone/Fax Number E-mail		

Form TECH 7B- Production Capacity and Experience

(To be executed on company/firm letter head)

Production Experience			
Name of Product			
Manufacturer:		Address and Nationality:	
Production facility 1 (include location):			
Production facility 2 (include location):			
Production facility 3 (include location):			
(i) Product has been in production for at least years.			
(ii) Product (or equipment) has been sold a minimum of units of similar type and specification over the last three (3) years.			
(iii) Product has been in operation for a minimum of years.			

Form TECH-7C Historical Financial Performance

(To be executed on company/firm letter head)

Each Applicant must fill out this form.

The historical financial turnover of M/s **[Name of the firm / company]** and address **[Insert address]** For the last audited are given below and certified that the statement is true and correct as per the book of records of the above-mentioned firm and through online certificate number ... **[Mention certificate number]**

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name:

Joint Venture Partner: _____

Year 1:	Year 2:	Year ___:

Information from Balance Sheet

Total Assets (TA)			
Total Liabilities (TL)			
Net Worth = TA-TL			
Current Assets (CA)			
Current Liabilities (CL)			
Working Capital = CA - CL			
Most Recent Working Capital		To be obtained for most recent year	

Information from Income Statement

Total Revenues			
Profits Before Taxes			
Profits After Taxes			

- Attached are copies of financial statements (balance sheets including all related notes, and income statements) for the last _____ years, as indicated above, complying with the following conditions:
- Unless otherwise required by Section 3 of the Bidding Documents, all such documents reflect the financial situation of the legal entity or entities comprising the Bidder and not the Bidder's parent companies, subsidiaries, or affiliates.
 - Historical financial statements must be audited by a certified accountant.
 - Historical financial statements must be complete, including all notes to the financial statements.
 - Historical financial statements must correspond to accounting periods already completed and audited (no statements for partial periods shall be requested or accepted).

Form TECH- 7D Size of Operation (Average Annual Turnover)

(To be executed on company letter head)

Each Applicant must fill out this form.

The average gross turnover of M/s [Name of the firm / company] and address [Insert address] For the last audited are given below and certified that the statement is true and correct as per the book of records of the above-mentioned firm and through online certificate number ... [Mention certificate number]

The information supplied should be the Annual Turnover of the Applicant or each member of a Joint Venture in terms of the amounts billed to clients for each year for work in progress or completed.

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the Joint Venture Partner's name:

Joint Venture Partner: _____

Annual Turnover Data for the Last _____ Years			
Year	Amount Currency	Exchange Rate	Rs Equivalent
Average Annual Turnover			

Form TECH- 7E Contract in Hand (Goods Contracts under execution)

(To be executed on company letter head)

In case of a Joint Venture, each Joint Venture Partner must fill out this form separately and provide the following:

Joint Venture Partner's name: _____

Joint Venture Partner: _____

Goods Contracts under execution		
Choose one of the following:		
i. Below is a description of contracts the Applicant (or each JV member, if Applicant is a Joint Venture		
Year	Description	Total Contract Amount (INR)
[Insert Year]	a. Contract Identification: <i>[indicate complete contract name/ number, and any other identification]</i> b. Name of Procuring Entity: <i>[insert full name]</i> c. Address of Procuring Entity: <i>[insert street/ city/ country]</i> d. Stage of Execution:	[Insert Amount]

C. Forms specific to Works

Form TECH 8 Experience of Execution of Works

Each Applicant or member of a JV shall fill in this form in case of JV

Experience of Execution of Works in Last Five Years					
Year	Starting and Completion of Work Month Year	If completed completion time in months/if ongoing put (-)	Value of Work Executed in Rs Lakh	Contract details, role of Contractor, Name and Address of Procuring Entity and Brief Description of the Works Executed by the Applicant	Indexed Value of work executed in Rs Lakh
Year 1:					
Year 2:					
Year 3:					
Year 4:					
Year 5:					

Signature of Authorized Signatory

Form TECH 9- Specific Construction Experience in Key Items of Work

Experience in Key Items of Work (Form to be filled up for all members of JV)		
Contract No. of	Contract Identification	
Award Date		Completion Date
Role in Contract	Contractor / Management Contractor / Subcontractor	
Total Contract Amount	INR	
If partner in a JV or subcontractor, specify participation of total contract amount	Percent of Total	Amount
Procuring Entity's Name, Address, Telephone Number, Fax Number, e-mail address		
Description of the Key-items of work in accordance with Criteria detailed in Section IV		
Description of Key Items of Work by bidder:		

Signature of Authorized Signatory

Form TECH 10- Experience of Completion of Similar Work

[Note: Please fill up one sheet per contract]

CONTRACT OF SIMILAR WORK		
Contract identification	Contract No. of Date	
Award Date		Completion Date
Role in Contract	Contractor / Management Contractor / Subcontractor	
Total Contract Amount in Rs Lakh		
If partner in a JV or subcontractor, specify participation of total contract amount	Percent of Total	Amount
Procuring Entity's Name, Address, Telephone Number, Fax Number, e-mail address		
Description of Similarity in accordance with criteria detailed in Section III		

Signature of Authorized Signatory

Form TECH 11- Average Annual Construction Turnover in INR

Each Bidder or member of a JV must fill in this form

(To be certified by the statutory auditors of the Bidder)

Annual Turnover Data for the last.....Years <i>(For Construction works only)</i>		
Year	Amount-Rupees	Indexed amount in Rupees
Year 1:		
Year 2:		
Year 3:		
Average Annual Construction Turnover		

2. The Bidder shall provide copies of its audited financial statements and other financial data for the years indicated above.

3. The statements shall include, but not limited to;

- (a) an Audited Financial Accounts;
- (b) Statement of accounting policies;
- (c) Chartered Accountant's Certificate for Average Annual Construction Turnover based on Annual Construction Turnover for the years mentioned. Each Certificate of the Chartered Accountant shall necessarily have **UDIN** number, if such certificate does not have UDIN number, it shall not be accepted by the Procuring Entity;
- (d) additional information supporting the evaluation of the company's financial and legal status, if any; and
- (e) the information provided shall be detailed enough to demonstrate, and allow evaluation of the Bidder's financial capacity to fulfill its financial obligations, if awarded the contract;
- (f) details of the Banks from which references can be obtained, including, Name of Bank, Address, Tel and Fax No etc., listing of bankers shall be deemed as an authorisation by the Bidder(s) for the Procuring Entity to request such references and for the bankers to release them to the Authority.

[Note: The information supplied should be the Annual Turnover of the Bidder or each member of a JV in terms of the amounts billed to clients for each year for work in progress or completed, at the end of the period reported. To bring the earlier year's amount to the last financial year's level indexing by 10% per year shall be applied.]

Signature of the statutory auditors

Signature of Authorized Signatory

Form TECH 12: Financial Resources

Specify proposed sources of financing, such as liquid assets, unencumbered real assets, lines of credit, and other financial means, net of current commitments, available to meet the construction cash flow demands of the subject contract as indicated in **Section IV RQCE**.

FINANCIAL RESOURCES		
#	Source of Financing	Amount in Rupees

1. The Procuring Entity shall use the information available from the audited financial accounts as mentioned in **form TECH 11**.
2. Chartered Accountant's Certificate for working Capital and other Financial Resources based on audited financial accounts shall be furnished by the bidder to support the information in this Form. Each Certificate of the Chartered Accountant shall necessarily have **UDIN** number, if such certificate does not have UDIN number, it shall not be accepted by the Procuring Entity;
3. The bidder shall furnish the Certificate of Bank on line of Credit in the **Form TECH 13**

Signature of Authorized Signatory

Form TECH-13: Format for Evidence of Access to or Availability of Credit facilities

SAMPLE FORMAT FOR EVIDENCE OF ACCESS TO OR AVAILABILITY OF CREDIT FACILITIES (to individual firms or each partner of a JV by his bank)

BANK CERTIFICATE (Indicative Format)

Name of the Bank with Branch address

Date:

This is to certify that M/s is a reputed firm/ company with a good financial standing.

If the contract for the work, namely is awarded to the above firm, we shall be able to provide overdraft/ credit facilities to the extent of Rupees to meet their working capital requirements for executing the above contract during the contract period.

Signature _____

Name _____

In the capacity of _____

Telephone No. _____ Fax No. _____ E-mail _____

Seal of the Bank _____

Form TECH 14: Current Contract Commitments/ Work in Progress

Bidders and each partner to a JV should provide information on their current commitments on all contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for contracts approaching completion, but for which an unqualified, full completion certificate has yet to be issued.

Current Contract Commitments					
S.No.	Name of Contract	Procuring Entity's Contact Address, Tel., Mobile, Fax, e-mail id	Value of Outstanding work in Rupees	Estimated Completion Date	Average Monthly Invoicing during Last 6 months (Rupees per month)

Signature of Authorized Signatory

Form TECH 15: Calculation of Available Bid Capacity

Using the following formula, the Bidder must calculate his available Bid Capacity and mention below:

Assessed Available Bid Capacity: $(A \times N \times f - B)$

Where

A= Maximum value of works executed in any one year during the last five years (updated to the current price level) taking into account the completed as well as works in progress; Form TECH 8

N = Number of years prescribed for completion of the works for which bids are invited, and

B = Value at current price level of the existing commitments and on-going works to be completed during the next ----- years (period of completion of the work for which bids have been invited), Form TECH 14

f = Multiplying factor to be decided by the procuring entity

X represents multiplication sign

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[Guidance note: If sufficient contracting capacity is available f factor of 1.5 or 2 may be adopted, if sufficient contracting capacity is not available f factor of 3 may be adopted but in no case factor mor than 3 shall be adopted by the procuring entity]

Signature of Authorized Signatory

Form TECH 16: Format for Undertaking on Deployment of Machinery and Equipment for Execution of Work and Mandatory Testing of Material and Workmanship

In relation to our Bid submitted to *[enter designation and address of the procuring entity]*
for procurement of *[insert name of the Works]* in response to their Notice Inviting Bids
No..... Dated we hereby undertake that:

1. We are eligible and possess the necessary professional, technical, financial and managerial resources and competence required by the Bidding Document issued by the Procuring Entity;
2. We shall fulfil our obligation to deploy machinery and equipment for execution of work and mandatory testing of material and workmanship as specified in Clause 5 of Section III of the Bidding Document;
3. If we fail to fulfil our obligation to deploy machinery and equipment for execution of work and mandatory testing of material and workmanship as specified in Clause 5 of Section III of the Bidding Document, the procuring entity will be free to order stoppage of work and the delay on account of this stoppage will be attributable to us or recover any costs that may be required by the procuring entity for deployment of equipment or machinery in the interest of work as decided by him/her and/or terminate the contract for fundamental breach of contract.

Date:

Authorized signatory

Place:

Form TECH 17: Format for Undertaking on Deployment of Key Manpower for Execution of Work and Mandatory Testing of Material and Workmanship

In relation to our Bid submitted to *[enter designation and address of the procuring entity]* for procurement of *[insert name of the Works]* in response to their Notice Inviting Bids No..... Dated we hereby undertake that:

4. We are eligible and possess the necessary professional, technical, financial and managerial resources and competence required by the Bidding Document issued by the Procuring Entity;
5. We shall fulfil our obligation to deploy key manpower for execution of work and mandatory testing of material and workmanship as specified in Clause 6 of Section III of the Bidding Document;
6. If we fail to fulfil our obligation to deploy machinery and equipment for execution of work and mandatory testing of material and workmanship as specified in Clause 5 of Section III of the Bidding Document, the procuring entity will be free to deploy the requisite manpower and recover the costs from us as may be decided by him/her and or terminate the contract for fundamental breach of contract.

Date:

Authorized signatory

Place:

Form TECH 18 - Historical Contract Non-Performance

Each Applicant or member of a JV shall fill up this form

Contract Non-performance				
The applicant shall declare in this format, the historical non-performance of the applicant as contractors in the last five years. The non-performance shall include those contracts in which security deposit and/or performance security has been forfeited by the Employer, and/or the contract has been suspended or terminated by the Employer.				
Year	Description of contract in which security deposit and/or performance security has been forfeited by the Employer, and/or the contract has been suspended or terminated by the Employer. Furnish details of name of work, agreement no. etc.	Particulars of the Employer	Contract value in INR (lacs)	Description of non-performance

No non-performance in contracts

(If no non-performance, the applicant should check this box)

Authorized Signatory

Annexures

A.1. e-Procurement Process¹

The eProcurement System of Rajasthan enables the Applicants to download the Application Schedule free of cost and then submit the applications online through this portal. Vendors intending to participate in the e-applications of Rajasthan Government can enroll themselves through **Online Enrollment of Corporate/Applicants in website eProcurement System Government of Rajasthan**. For Registration the Digital Signature enrollment has to be done with the e-token, after logging into the portal. Digital Signature Certificate (DSC) 'Class III' type will in application name from an approved certifying agency. DSC/ e-token may be obtained from one of the authorized Certifying Authorities approved. The list of certifying authorities issuing the Digital Signature Certificates is available on the website www.cca.gov.in. The digital signature certificates (DSC) are issued with limited currency / validity date. Detailed information is also available in Bidder Manual Kit of **website eProcurement System Government of Rajasthan** i.e. <https://eproc.rajasthan.gov.in> for hassle free bid submission,

¹ The instructions stand valid as on July 19, 2021, the Procuring Entity and Bidder are advised to check the updated e-procurement process if any on the SPPP or e-procurement website of GoR.

A.2. Grievance Handling Procedure during Procurement Process (Appeals)

1) Filing an appeal

- a) If any Applicant or prospective Applicant is aggrieved that any decision, action or omission of the Procuring Entity is in contravention to the provisions of the Act or the Rules or the Guidelines issued thereunder, he may file an appeal to the First Appellate Authority as specified in the Application Data Sheet, within a period of ten days from the date of such decision, action, or omission, as the case may be, clearly giving the specific ground or grounds on which, he feels aggrieved:

Provided that after the declaration of an Applicant as successful in terms of *Section 27 of RTPP Act*, the appeal may be filed only by an Applicant who has participated in Pre-qualification proceedings:

Provided further that in case a Procuring Entity evaluates the Techno-commercial Application before the opening of the Financial Bid, an appeal related to the matter of Financial Application may be filed only by an Applicant whose Techno-commercial Application is found to be acceptable.

- b) After hearing the parties, the First Appellate Authority shall dispose of the appeal and pass an order within a period of 30 days of the date of filing of the appeal.

If the First Appellate Authority fails to dispose of the appeal within the period 30 days of the date of filing the appeal or if the applicant or prospective applicant or the procuring entity is aggrieved by the order passed by the First Appellate Authority, the applicant or prospective applicant or the procuring entity, as the case may be, may file a second appeal to the Second Appellate Authority as specified in the Application Data Sheet, within fifteen days. The Second Appellate Authority, after hearing the parties, shall dispose of the appeal and pass an order within a period of 30 days which shall be final and binding on the parties.

2) Appeal not to lie in certain cases.

No appeal shall lie against any decision of the Procuring Entity relating to the following matters, namely:

- a) Determination of need of procurement.
- b) provisions limiting participation of Applicants in the application process.
- c) the decision of whether or not to enter into negotiations.
- d) cancellation of a procurement process.
- e) applicability of the provisions of confidentiality.

3) Form and procedure of filing an appeal

An appeal shall be in the annexed Form along with as many copies as there are respondents in the appeal.

Every appeal shall be accompanied by an order appealed against, if any, affidavit verifying the facts stated in the appeal and proof of payment of fee.

Every appeal may be presented to First Appellate Authority or Second Appellate Authority, as the case may be, in person or through registered post or authorized representative.

4) Fee for filing appeal.

Fee for first appeal shall be rupees two thousand five hundred and for second appeal shall be rupees ten thousand, which shall be non-refundable.

The fee shall be paid in the form of bank demand draft or banker's Cheque of a Scheduled Bank in India payable in the name of Appellate Authority concern.

5) Procedure for disposal of appeals.

- a) The First Appellate Authority or Second Appellate Authority, as the case may be, upon filing of appeal, shall issue notice accompanied by copy of appeal, affidavit and documents, if any, to the respondents and fix date of hearing.

- b) On the date fixed for hearing, the First Appellate Authority or Second Appellate Authority, as the case may be, shall:
 - i) hear all the parties to appeal present before him; and
 - ii) peruse or inspect documents, relevant records or copies thereof relating to the matter.
- c) After hearing the parties, perusal or inspection of documents and relevant records or copies thereof relating to the matter, the Appellate Authority concerned shall pass an order in writing and provide the copy of order to the parties to appeal free of cost.
- d) The order passed under sub-clause(c) above shall be placed on the State Public Procurement Portal.

A.3. Memorandum of Appeal (FORM No. A)

[See rule 83]

Memorandum of Appeal under the Rajasthan Transparency in Public Procurement Act, 2012

Appeal Noof

Before the (First/ Second Appellate Authority)

1. Particulars of appellant

- i. Name of the appellant:
- ii. Official address, if any:
- iii. Residential address:

2. Name and address of the respondent(s):

- i.
- ii.
- iii.

3. Number and date of the order appealed against and name and designation of the officer / authority who passed the order (enclose copy), or a statement of a decision, action or omission of the Procuring Entity in contravention to the provisions of the Act by which the appellant is aggrieved:

4. If the Appellant proposes to be represented by a representative, the name and postal address of the representative:

5. Number of affidavits and documents enclosed with the appeal:

6. Grounds of appeal:

.....
.....
.....(Supported by an affidavit)

7. Prayer:

.....
.....

Place

Date

Appellant's Signature

A.4. Provisions for JV & Memorandum of Understanding

1. General Provisions of Joint Ventures

Requirements: If Joint Ventures are allowed. Applications submitted by a Joint Venture (JV) shall comply with the following requirements:

- a) In case of an intent to form a JV, Memorandum of Understanding (MOU) having provisions to be included as per Annexure IV.
- b) In the event the bid of Joint Venture is accepted, there shall be a Joint Venture Agreement (as per S. No. 2) specific for the contract between the constituent firms, indicating clearly, amongst other things, the proposed distribution of responsibilities both financial as well as technical for execution of the work amongst them. For the purpose of this clause, the most experienced lead partner or partner in-charge will be the one defined. A copy of the Joint Venture agreement in accordance with requirements mentioned in Annexure - IV shall be submitted before any award of work could be finalized
- c) In accordance with the Rule 39 of RTPP Rules, in the event the bid of Joint Venture is accepted, either they shall form a registered Joint Venture company/firm or otherwise all the parties to Joint Venture shall sign the Agreement.
- d) The bid, and in the case of the successful bidder, the Form of Agreement, etc., shall be signed and / or executed in such a manner as may be required for making it legally binding on all partners (including operative parts of the ensuing contract in respect of Agreement of Arbitration, etc.).
- e) Lead partner shall be nominated as being partner-in-charge; and this authorization shall be evidenced by submitting a power of attorney signed by the legally authorized signatories of all the partners.
- f) The partner-in-charge shall be authorized to incur liabilities and to receive instructions for and on behalf of the partners of the Joint Venture, whether jointly or severally, and entire execution of the Contract (including payment) shall be carried out exclusively through the partner-in-charge. A copy of the said authorization shall be furnished in this Bid.
- g) All partners of the Joint Venture shall be liable jointly and severally for the execution of the Contract in accordance with the Contract terms, and a relevant statement to this effect shall be included in the authorization mentioned under sub clause (c) above as well as in the Form of Tender and the Form of Agreement (in case of a successful bidder).
- h) In the event of default by any partner, in the execution of his part of Contract, the Procuring Entity shall be so notified within 30 days by the partner-in-charge, or in the case of the partner-in-charge being the defaulter, by the partner nominated as partner-in-charge of the remaining Joint Venture. The partner-in-charge shall, within 60 days of the said notice, assign the work of the defaulting partner to any other equally competent party acceptable to the Procuring Entity to ensure the execution of that part of the Contract, as envisaged at the time of bid. Failure to comply with the above provisions will make the Contractor liable for action by the Procuring Entity under the Conditions of Contract. If the most experienced i.e. Lead Partner defined as such in the Communication approving the qualification defaults, it shall be construed as default of the Contractor and Procuring Entity will take action under the Conditions of Contract.
- i) Notwithstanding the permission to assigning the responsibilities of the defaulting partner to any other equally competent party acceptable to the Procuring Entity as mentioned in sub clause (h) above, all the partners of the Joint Venture will retain the full and undivided responsibility for the performance of their obligations under the Contract and/ or for satisfactory completion of the Works.
- j) The bid submitted shall include all the relevant information as required under the provisions of Sub-Clause of ITB and furnished separately for each partner.

Joint and several liability: If the Contractor has formed a Joint Venture (JV) of two or more persons for implementing the Project:

- a. these persons shall, without prejudice to the provisions of this Agreement, be deemed to be jointly and severally liable to the Authority for the performance of the Agreement; and
- b. the Contractor shall ensure that no change in the composition of the JV is affected without the prior consent of the Authority.

Without prejudice to the joint and several liability of all the members of the JV, the Lead Member/partner in-charge shall represent all the members of the JV and shall at all times be liable and responsible for discharging the functions and obligations of the Contractor. The Contractor shall ensure that each member of the JV shall be bound by any decision, communication, notice, action or inaction of the Lead Member on any matter related to this Agreement and the Authority shall be entitled to rely upon any such action, decision or communication of the Lead Member. The Authority shall have the right to release payments solely to the Lead Member and shall not in any manner be responsible or liable for the *inter se* allocation of payments among members of the JV.

2. Provisions Required to be Included in the Memorandum of Understanding /Joint Venture Agreement:

1. If the application is made by a joint venture of two or more firms, the evidence of clear mandate (i.e. in the form of respective Board Resolution duly authenticated by competent authority) by such two or more firms willing to form Joint Venture among themselves for the specified projects should accompany duly recognizing their respective authorized signatories signing for and on behalf of the respective Firms for the purpose of forming the Joint Venture.
2. A certified copy of the power of attorney to the authorized representatives, signed by legally authorized signatories of all the firms of the joint venture shall accompany the application.
3. The JV Agreement shall be signed by the authorized representative of the joint venture. The JV Agreement shall need to be submitted consisting but not limited to the following provisions:
 - a) Name, style and Project(s) specific JV with Head Office address
 - b) Extent (or Equity) of participation of each party in the JV
 - c) Commitment of each party to furnish the Bond money (i.e. Bid Security, Performance Security and security for Mobilization advance) to the extent of his/her equity shareholding in the JV
 - d) Responsibility of each partner of JV (in terms of organizational/ operational and financial involvement)
 - e) Working Capital arrangement of JV
 - f) The bid, and in the case of the successful bidder, the Form of Agreement, etc., shall be signed and / or executed in such a manner as may be required for making it legally binding on all partners (including operative parts of the ensuing Contract in respect of Agreement of Arbitration, etc.). In accordance with the Rule 39 of RTPP Rules, in the event the bid of Joint Venture is accepted, either they shall form a registered Joint Venture company/firm or otherwise all the parties to Joint Venture shall sign the Agreement.
 - g) Lead partner shall be nominated as being partner-in-charge; and this authorization shall be evidenced by submitting a power of attorney signed by the legally authorized signatories of all the partners.
 - h) The partner-in-charge shall be authorized to incur liabilities and to receive instructions for and on behalf of the partners of the Joint Venture, whether jointly or severally, and entire execution of the Contract (including payment) shall be carried out exclusively through the partner-in-charge. A copy of the said authorization shall be furnished in this Bid.
 - i) All partners of the Joint Venture shall be liable jointly and severally for the execution of the Contract in accordance with the Contract terms, and a relevant statement to this effect shall be

included in the authorization mentioned under sub clause (...) above as well as in the Form of Tender and the Form of Agreement (in case of a successful bidder).

- j) In the event of default by any partner, in the execution of his part of Contract, the Procuring Entity shall be so notified within 30 days by the partner-in-charge, or in the case of the partner-in-charge being the defaulter, by the partner nominated as partner-in-charge of the remaining Joint Venture. The partner-in-charge shall, within 60 days of the said notice, assign the work of the defaulting partner to any other equally competent party acceptable to the Procuring Entity to ensure the execution of that part of the Contract, as envisaged at the time of bid. Failure to comply with the above provisions will make the Contractor liable for action by the Procuring Entity under the Conditions of Contract. If the most experienced i.e. Lead Partner defined as such in the Communication approving the qualification defaults, it shall be construed as default of the Contractor and Procuring Entity will take action under the Conditions of Contract.
- k) Notwithstanding the permission to assigning the responsibilities of the defaulting partner to any other equally competent party acceptable to the Procuring Entity as mentioned in sub clause (j) above, all the partners of the Joint Venture will retain the full and undivided responsibility for the performance of their obligations under the Contract and/ or for satisfactory completion of the Works.
- l) JV shall have a separate Bank Account. Bank account in the name of JV to be operated by at least one non local partner and one local partner. In case of JV among local partners, both the partners are required to operate.
- m) In addition to what has been prescribed in sub-clause (l and j) above, provision for cure in case of non-performance of responsibility by any party of the JV.
- n) Provision that NEITHER party of the JV shall be allowed to sign, pledge, sell or otherwise dispose all or part of its respective interests in JV to any party including existing partner(s) of the JV. The Procuring Entity derives right for any consequent action (including blacklisting) against any or all JV partners in case of any breach in this regard.
- o) Management Structure of JV with details
- p) Lead Partner to be identified who shall be empowered by the JV to incur liabilities on behalf of JV. The Lead Member shall hold equity shareholding of at least% of the subscribed and paid-up equity of the Contractor, throughout the Contract period. Each of the other Member of the Joint Venture shall hold at least% of the subscribed and paid-up equity share capital of the Contractor for entire Contract period.
- q) The Power of Attorney shall be duly notarized.
- r) Any other relevant details