

Additional Points to the Tender No: KBE:DA:AQCS:001:01 dt.23.05.2011

A. The following clause (f) is to be added to the Article 23 at page no 44:

(f) Liability Limitations:

- i) The total liability of either party arising out or in connection with this Contract shall not exceed the total value of the Contract. Notwithstanding anything to the contrary, the limitation of liability shall not affect or apply to risk purchase under Article 19 or Article 20 of the Contract or to the liability of the Contractor to indemnify and keep BHEL indemnified as per Article 18(a), 18(c) and 18(d) of the Contract.
- ii) The Contractor shall not be liable in any manner to indemnify BHEL for any loss that BHEL may incur by the use of Deliverables. This shall not affect the liability of the Contractor to indemnify BHEL as per Article 18(c) of the Contract.
- iii) Neither Party shall be liable to the other for any indirect, special, incidental, exemplary or punitive damages whether in contract, tort or otherwise.

Note: This clause is mandatory and notwithstanding anything to the contrary the bidder who is deviating from the above will be rejected outright.

B. The following para in clause no 4(d) page no 6 is deleted:

Clause no 4 (d) page no 6 para starting with " However, if single party is L1 -----
- L1 in both the Projects" - stands deleted.

C. The following para in Annexure - B (page 21 and 22) is appended:

Vendor to quote the AMC charges in the bandwidth of 10 - 15 %.(Refer Annexure - B page 21 and 22).

D. The following para in clause no 3(a) page no 30 is modified:

Software Development shall be completed and all the deliverables specified handed over within 15 (Fifteen) months from the date of award of Contract.

E. The following para in clause no 4(b) page no 30 is modified:

Software Development shall be considered successfully completed upon acceptance by the BHEL Project Leader of deliverables as specified in the Contract.

F. The following clause (b)(viii) is to be added to the Article 8 at page no 34:

Bidder has to submit the performance Bank Guarantee in the format enclosed equivalent to 10% of the AMC charge for three year from any Nationalized bank . Initially valid for 1 year and to be extended till completion of the AMC period.

G. The following clause (a)(v) is to be added to the Article 19 at page no 39:

If the Contractor fails to perform Annual Maintenance, whether wholly or partially, to the satisfaction of BHEL Project Leader.

H. The following para in clause no 11.1 page no 61 is modified/added:

- i) Clause no 11.1 page no 61, Title mentioned as "Suggested software technology / tools to be used" should be read as " software technology / tools only to be used"
- ii) Point no 'ix' is added to Clause no 11.1 page no 61
 - ix) FEM Analysis Software - ANSYS, STAAD Pro and SAP2000.

I. Note:

1. a) Those bidders who have already submitted their offer are to confirm that the offers along with the correspondences/resolutions arrived at as on date opening of this bid are valid and the offer shall be valid for 90 days from the date of opening the revised bid. In case these bidders want to revise their price bid, they can do so by submitting the final price as per format Annexure-B, Schedule of prices for Projects-1 and Projects-2 (Page no 21 & 22) in a sealed cover.
- b) The Bidders among the empanelled vendors, who have not participated earlier can also submit the offers, if so desire.
- c) The final price as per format Annexure-B, Schedule of prices for Projects-1 and Projects-2 (Page no 21 & 22) shall submit in a sealed cover.
- d) The validity of offer shall be for 90 days from the date of opening the revised bid.
2. Those who wish to retain the EMD submitted earlier can do so for the revised bid.
3. All the Bidders including those who have submitted their offer to fill-up the Bid Format enclosed and sent along with the offer.
4. The sealed tenders will be received by at BAP/Ranipet/EDC-AQCS up to 14.00 hrs on 03.10.2011. The technical bid (i.e Part-I of the offer) will be opened on 03.10.2011, 14.30 hrs in presence of the Bidders or their authorized representatives (authorization letter required) who choose to be present.
5. The non-compliance of the amended clause is considered as a deviation and the offer is liable for rejection at the discretion of BHEL.
6. Following Documents to be referred for submitting the offer.
 - a) Tender No: KBE:DA:AQCS:001:01 dt.23.05.2011
 - b) Letter AQCS:KBP:TN:0225 dated 23.05.2011
 - c) The present additional points and Bid Format as per enclosed (page no 01 to 04).

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