

To

ALL BIDDERS

Sub: Corrigendum -01: Revised Chapter 8 'Taxes & Duties', Amendment to PQR

JOB: RECEIPT/COLLECTION/LOADING/UNLOADING/TRANSPORTATION OF MATERIALS FROM BHEL/CLIENT'S STORES/STORAGE YARD TO SITE OF WORK, ERECTION, TESTING, COMMISSIONING, SUPPLY OF PAINTS/PRIMER AND APPLICATION OF PAINTS FOR FINAL PAINTING AND HANDING OVER OF ONE UNIT OF CAPACITY 220 TPH UTILITY BOILER (UB) + 2 UNITS EACH OF 110 TPH HEAT RECOVERY STEAM GENERATORS (HRSG) ALONG WITH THERE AUXILIARIES, STEEL STACK WITH COMPLETE PLATFORMS ETC INCLUDING ELECTRICAL WORK OF STACK, 2 UNITS EACH OF Fr6 B GAS TURBINE, GAS TURBINE GENERATOR SETS & RELATED AUXILIARIES, BYPASS-STACK, BALANCE OF PLANT EQUIPMENTS / SYSTEMS WITH RELATED AUXILIARIES, CONDENSER WITH R.E. JOINTS, STEAM TURBINE-ONE UNIT, TURBO-GENERATOR AND RESPECTIVE ASSOCIATED AUXILIARIES, POWER CYCLE PUMPS INCLUDING CW PUMPS, HEAT EXCHANGERS, INTEGRAL PIPING, BOUGHT OUT ITEMS, BALANCE OF PLANTS EQUIPMENTS / PACKAGES LIKE MISC. PUMPS, MISC. CRANES AND HOISTS, TANKS & VESSELS ETC., APPLICATION OF THERMAL INSULATION OF UB AND HRSG WITH AUXILIARIES, STEEL STACK, AND APPLICATION OF THERMAL INSULATION OF EQUIPMENTS/PIPING/ & VESSELS, PIPING WITH VALVES & FITTINGS INCLUDING GAS TURBINE AND STEAM TURBINE SET EQUIPMENTS – HEATERS, DE-AERATOR, TANKS, VESSELS & PIPING ETC FOR OPaL (ONGC PETRO ADDITIONS LIMITED) STEAM AND POWER GENERATION SYSTEM PACKAGE FOR DAHEJ PETROCHEMICAL COMPLEX.

S N	Tender Specification Number	Unit Number & Project
1	BHE/PW/PUR/DHJOI-MECH (BLOCK I)/1031	UB1, HRSG 2 & 4 , STG1 and GT/GTG 2 & 4 (Block I)
2	BHE/PW/PUR/DHJOI-MECH (BLOCK II)/1032	UB2, HRSG 1 & 3, STG2 and GT/GTG 1 & 3 (Block II)

Bidders to kindly take note of the following:

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AA) REVISED CHAPTER VIII 'TAXES, DUTIES, LEVIES OF VOL IA 'TCC'

Chapter VIII 'Taxes, Duties, Levies' of Vol IA 'TCC' has been revised and attached with this corrigendum as file titled '**Chapter VIII- Taxes, Duties, Levies Rev 01 dated 04/08/2012'**

Revised Chapter VIII 'Taxes, Duties, Levies Rev 01 dated 04/08/2012' shall only be considered for further processing of tender.

BB) ISSUE OF DRAWINGS AND PAINTING SCHEMES

Following drawings and documents are issued with this corrigendum:

1. Painting scheme Ref: SPECIFICATION No. 6987-0642-PT-F09 Rev 0
2. Drawing Ref: 00-511-93529 Rev 01
3. Drawing ref: 00-561-93543 Rev 01
4. Drawing ref: 1-366-09-69065 Rev 00
5. Drawing ref: 1-38-01-04601 Rev 00

6. Drawing Ref:1-381-01-04601 Rev 00
7. Drawing Ref:0-381-01108 Rev 06

CC) REVISED PQR C.1 'FINANCIAL TURN-OVER'

PQR C.1 'Financial Turn-Over' has been amended as below:

'Bidder (Prime Bidder/Stand alone bidder) must have achieved an average annual financial turnover (Audited) of Rs 525 Lakhs or more over last three Financial Years i.e. 2009-2010, 2010-2011, 2011-12 or for 2008-2009, 2009-2010 and 2010-11 if Annual Accounts for FY 2011-12 are not audited.'

PQR C.1 shall be evaluated as per Revised PQR issued above.

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All other Terms and conditions of the Tender Specification shall remain unaltered unless expressly amended by BHEL in writing.

Bidders are requested to submit as a part of Technical Bid, a copy of this corrigendum duly countersigned by the authorized signatory and stamped with the Official seal as a token of Bidder's unqualified acceptance of this corrigendum.

This letter is hosted as file titled "Corrigendum-01 (Revision)" against NIT-12366 in BHEL web page (www.bhel.com→Tender Notifications → View Corrigendum).

Thanking you,

Yours faithfully,

AGM (Purchase)

Encl:

1. Revised Chapter VIII 'Taxes, Duties, Levies Rev 01 dated 04/08/2012'
2. Painting scheme and drawings

**REVISED CHAPTER VIII 'TAXES, DUTIES, LEVIES' OF VOL I A ISSUED
WITH CORRIGENDUM 01 DATED 04/08/2012**

Chapter VIII- Taxes, Duties, Levies Rev 01 dated 04/08/2012

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8.0 TAXES, DUTIES, LEVIES (Consolidated Rev 01 dated 04/08/2012)

8.1. For All types of works excepting works covered under sl no 8.2

8.1.1

The contractor shall pay all (save the specific exclusions as enumerated in this contract) taxes, fees, license charges, deposits, duties, tools, royalty, commissions or other charges which may be levied on the input goods & services consumed and output goods & services delivered in course of his operations in executing the contract. In case BHEL is forced to pay any of such taxes, BHEL shall have the right to recover the same from his bills or otherwise as deemed fit.

However, provisions regarding Service Tax and Value Added Tax (VAT) on output services and goods shall be as per following clauses.

8.1.2 Service Tax & Cess on Service Tax

OPAL DAHEZ Project falls under SEZ "Special Economic Zone" as such Service Tax is exempted for this project.

Contractor should ensure as flows.

- a) Invoices raised by contractor should state the wording that " Services provided Within the SEZ"
- b) Invoices should also bear the name of customer i.e. "OPAL Dahej"

8.1.3 VAT (Sales Tax /WCT)

As regards Value Added Tax (VAT)/CST on transfer of property in goods involved in Works Contract (previously known as Works Contract Tax) applicable as per local laws, the price quoted by the contractor shall be inclusive of the same and in no case input or output VAT/CST will be reimbursed extra.

In any case the Contractor shall register himself with the respective Sales Tax authorities of the state and submit proof of such registration to BHEL along with the first RA bill. Contractor will submit all the details of VAT/CST paid for the contract in the prescribed format of the respective state VAT laws. Also, the contractor will issue the tax Invoices to BHEL as per the Tax laws of respective state on monthly basis. Contractor shall also be required to furnish to BHEL necessary proof of VAT remittance on monthly basis.

Deduction of tax at source shall be made as per the provisions of law and is to be construed as an advance tax paid by the contractor and no reimbursement thereof will be made.

Further, if BHEL, at the instance of customer or otherwise adopts the specific route for discharging output VAT liability itself, benefit of the reduction in liability of the contractor will be passed on to BHEL.

In case, BHEL is forced to pay any VAT liability on behalf of contractor, the same will be recovered from contractor's bill or otherwise as deemed fit

8.2 'Enabling Works'

~~The contractor shall pay all (save the specific exclusions as enumerated in this contract) taxes, fees, license charges, deposits, duties, tools, royalty, commissions or other charges which may be levied on the input goods & services consumed and output goods & services delivered in course of his operations in executing the contract. In case BHEL is forced to pay any of such taxes, BHEL shall have the right to recover the same from his bills or otherwise as deemed fit. (i.e. rates quoted by bidder shall be inclusive of Service Tax, VAT/WCT and all other taxes and duties)~~

8.3 New Taxes/Levies

In case the Government imposes any new levy/tax on the output service/ goods/work after award of the contract, the same shall be reimbursed by BHEL at actual.

**REVISED CHAPTER VIII 'TAXES, DUTIES, LEVIES' OF VOL I A ISSUED
WITH CORRIGENDUM 01 DATED 04/08/2012**

Chapter VIII- Taxes, Duties, Levies Rev 01 dated 04/08/2012

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In case any new tax/levy/duty etc. becomes applicable after the date of Bidder's offer, the Bidder/Contractor must convey its impact on his price duly substantiated by documentary evidence in support of the same before opening of Price Bid. Claim for any such impact after opening the Price Bid will not be considered by BHEL for reimbursement of tax or reassessment of offer.

No reimbursement/recovery on account of increase/reduction in the rate of taxes, levies, duties etc. on input goods/services/work shall be made. Such impact shall be taken care of by the Price Variation/Adjustment Clause (PVC) if any. In case PVC is not applicable for the contract, Bidder has to make his own assessment of the impact of future variation if any, in rates of taxes/duties/ levies etc. in his price bid.

8.4 BUILDING & OTHER CONSTRUCTION WORKERS (REGULATION OF EMPLOYMENT AND CONDITIONS OF SERVICE) ACT, 1996 (BOCW Act) AND RULES OF 1998 READ WITH BUILDING & OTHER CONSTRUCTION WORKERS CESS Act, 1996 & CESS RULES, 1998.

In case any portion of work involves execution through building or construction workers, then compliance to the above titled Acts shall be ensured by the contractor and contractor shall obtain license and deposit the cess under the Act. In the circumstances it may be ensured as under:-

- i. It shall be the sole responsibility of the contractor in the capacity of employer to forthwith (within a period of 15 days from the award of work) apply for a licence to the Competent Authority under the BOCW Act and obtain proper certificate thereof by specifying the scope of its work. It shall also be responsibility of the contractor to furnish a copy of such certificate of licence / permission to BHEL within a period of one month from the date of award of contract.
- ii. It shall be the sole responsibility of the contractor as employer to ensure compliance of all the statutory obligations under these act and rules including that of payment / deposit of 1% cess on the extant of work involving building or construction workers engaged by the contractor within a period of one month from the receipt of payment.
- iii. It shall be the responsibility of the sub-contractor to furnish the receipts / challans towards deposit of the cess together with the number, name and other details of beneficiaries (building workers) engaged by the sub-contractor during the preceding month.
- iv. It shall be the absolute responsibility of the sub-contractor to make payment of all statutory payments & compensations to its workers including that is provided under the Workmen's Compensation Act, 1923.