



# भारत हेवी इलेक्ट्रिकल्स लिमिटेड

( भारत सरकार का उपक्रम )

## BHARAT HEAVY ELECTRICALS LIMITED

( A Govt. of India Undertaking )

Ref: T7H1P99302

Date: 02.06.2016

### NOTICE INVITING TENDER

**NOTE: INTENDING BIDDER TO PARTICIPATE MAY DOWNLOAD FROM WEB SITE**

**OR**

**PURCHASE TENDERS FROM THIS OFFICE**

Tenders are invited through electronic mode from eligible suppliers with sound technical and financial capabilities (meeting PRE QUALIFICATION CRITERIA) for the subject job by the undersigned on the behalf of BHARAT HEAVY ELECTRICALS LIMITED as per the tender document. Issue of tender to any bidder shall not construe that the bidder is considered to be qualified. Consideration of their offer is subject to meeting PRE QUALIFICATION CRITERIA as mentioned in NIT. Following points relevant to the tender may please be noted and complied with:

SALIENT DETAILS OF NIT		
SL NO	ISSUE	DESCRIPTION
1.0	SUBJECT	The scope of bidder shall include Supply of Module Mounting Structures (MMS ) for 1x50MW Solar PV Project, NTPC, Mandsaur, Madhya Pradesh project as per technical specification
2.0	ENQUIRY NO & NIT NO	T7H1P99302 & NIT_ 27849
3.0	DETAILS OF TENDER DOCUMENT	
3.1	Volume-IA GCC	General conditions of contract
3.2	Volume-IB SCC	Specific conditions of contract
3.3	Volume-IC	Annexure, formats etc.
3.4	Volume-II	Technical Specification
3.5	Price schedule	<b>Price schedule Format:</b> Quoted prices should be as per Price format of technical specification i.e, Volume II
4.0	TENDER START (ZERO) DATE	02/06/2016 Tender documents can be downloaded from BHEL website ( <a href="http://www.bhel.com">www.bhel.com</a> ) & <a href="http://www.eprocure.gov.in">www.eprocure.gov.in</a> till due date of submission.
5.0	OFFER SUBMISSION PROCEDURE	Tenders are invited through electronic mode from eligible suppliers. The offers shall be posted into the system before the date and time specified. Bids shall be submitted through e-Procurement portal, <a href="https://bheleps.buyjunction.in">https://bheleps.buyjunction.in</a> of <b>M/s. mJunction Services Limited</b> who are our solution provider  (Bidders are requested to visit website to view corrigendum/ extension/ modification to NIT before submitting offer).
6.0	DUE DATE & TIME OF OPENING OF TECHNO-COMMERCIAL OFFER.	Bid Due Date : 22.06.2016 , Time :11.00Hrs  Bid Opening Date: 22.06.2016 , Time :14.00Hrs
7.0	EMD AMOUNT	Not Applicable
8.0	COST OF TENDER	Rs 2,000/- (non-refundable) in the form of demand draft, drawn in favour of <b>Bharat Heavy Electricals Ltd.</b> payable at Hyderabad. (MSE vendors are exempted from tender fees) to the following address : Sri. K. Anand Babu /Sri. Sankar Rao

		Manager / Purchase-PE&SD PESD/Admin bldg. Ramachandrapuram, Hyderabad – 502032 Scanned copy of the DD shall be necessarily uploaded in e-procurement portal <a href="https://bheleps.buyjunction.in">https://bheleps.buyjunction.in</a> along with the offer.
9.0	<b>SCHEDULE OF Pre Bid Discussion (PBD)</b>	To be held at Purchase / PE&SD, BHEL, Ramachandrapuram, Hyderabad - Date : <b>17/06/2016</b>
10.0	<b>LAST DATE OF SEEKING CLARIFICATION</b>	20/06/2016 (Bidders should send the pre bid queries in soft form to <a href="mailto:kanand@bhelhyd.co.in">kanand@bhelhyd.co.in</a> , <a href="mailto:sankarmajji@bhelhyd.co.in">sankarmajji@bhelhyd.co.in</a> )
11.0	<b>INTEGRITY PACT</b>	Applicable
12.0	<b>DETAILS OF INDEPENDENT EXTERNAL MONITOR (IEM)</b>	Shri Mrs. Pravin Tripathi, IA and AS (Retd.) D-243, Anupam Gardens, Lane IB, Neb Sarai, Sainik Farms, New Delhi – 110 068 Ph : +91 11 29533206 / 29531715. <a href="mailto:pravin.tripathi@gmail.com">pravin.tripathi@gmail.com</a>
13.0	<b>LATEST UPDATES</b>	<b>Latest updates on the important dates, Amendments, Correspondences, Corrigenda, Clarifications, Changes, Errata, Modifications, Revisions, etc to Tender Specifications will be hosted in BHEL webpage (<a href="http://www.bhel.com">www.bhel.com</a> →Tender Notifications →View Corrigendum) and not in the newspapers. Bidders to keep themselves updated with all such information. Bidders may pl visit <a href="https://bheleps.buyjunction.in">https://bheleps.buyjunction.in</a> for document submission.</b>

- 1.0 The offer shall be submitted as per the instructions of tender document and as detailed in this NIT. Price shall not be mentioned by them anywhere in the techno-commercial offer. Price shall be furnished in the relevant price schedule only. In case of any clarification, bidder may contact us.
- 2.0 Unless specifically stated otherwise, bidder shall remit cost of tender (non-refundable) in the form of demand draft, drawn in favour of Bharat Heavy Electricals Ltd. payable at Hyderabad along with techno-commercial offer. MSE bidders are exempted from tender fees.
- 3.0 Unless specifically stated otherwise, bidder shall deposit EMD demand draft/ pay order in favour of Bharat Heavy Electricals Ltd, payable at Hyderabad. EMD in the form of Bank Guarantee is not acceptable.
- 4.0 Bids shall be submitted through e-Procurement portal, <https://bheleps.buyjunction.in>, of M/s mJunction Services Limited who are our solution provider. Pl refer “Open Tender steps for E-Proc.pdf” attached against this tender for detailed procedure to submit the offer.

Sl no	Description	No of copy
<b>I</b>	<b>(TECHNO-COMMERCIAL BID) (to be submitted through electronic mode)</b>	
I.a	Offer forwarding/ covering letter.	Original
I.b	Duly filled-in 'No deviation certificate' as per prescribed format to be placed after document under Sl no I.A above. In case of any deviation, the same should be submitted separately for technical & commercial parts, indicating respective clauses of tender against which deviation is taken by bidder. The list of such deviations shall be placed after document under sl no I.A above.	Original
I.c	Techno-commercial offer enclosing supporting document/ annexure/ schedules/ drawing etc as required in line with pre-qualification criteria/ prescribed format. Bidder shall mark/ index relevant document in support of corresponding pre-qualification criteria. It shall be specifically noted that all documents as per above shall be indexed properly and credential certificates issued by clients shall distinctly bear the name of organization, contact Ph. no, FAX no, e-mail etc.	Original
I.d	Duly filled-in annexures, formats etc of Volume-IC.	Original

I.e	All volumes of tender document pertinent for the subject job along with this NIT together with subsequent changes to tender in the form of TCN (Tender Change Notice), correspondences etc, signed & stamped on all pages.	Original.
I.f	Un-priced without disclosing rates/ price, but mentioning only 'quoted' against each item of package to be submitted.	Original
I.g	Integrity Pact Agreement (Duly signed by the authorized signatory)	Applicable
I.h	Any other details preferred by bidder with proper indexing.	Original
<b>II</b>	<b>(PRICE BID – ABSOLUTE VALUE)</b>	
II.a	Copy of offer forwarding/ covering letter (as referred in I.a).	Original
II.b	Duly filled-in Price formats together with signed preamble in separate sealed envelope.	Original
<b>III</b>	<b>D.D scanned copy in mjunction portal (COST OF TENDER)</b>	

### **SPECIAL NOTE**

- A) Your offer & documents submitted along with offer shall be signed & stamped in each page by your authorized representative. No overwriting/ correction in tender documents by bidders shall be allowed. However, if correction is unavoidable, the same may be signed by authorized signatory.
- B) All documents / annexure submitted with the offer shall be properly annexed and placed in respective places of the offer as per enclosure list mentioned in the covering letter. BHEL shall not be responsible for any missing documents.
- 5.0** No Deviation with respect to tender clauses and no additional clauses/ suggestions/ clarification in Techno-commercial bid/ Price bid shall normally be considered by BHEL. Bidders are requested to positively comply with the same.
- 6.0** BHEL reserve the right to accept or reject any or all offer without assigning any reasons thereof. BHEL also reserve the right to cancel the tender wholly or partly without assigning any reason thereof. Also BHEL shall not entertain any correspondence from bidders in this matter (except for the refund of EMD, if applicable).
- 7.0** Bidders may consult this office before submitting their offers, for any clarifications regarding scope of work, facilities available at sites or on terms and conditions. No additional claim shall be entertained by BHEL in future, on account of non-acquaintance of above.
- 8.0** For any clarification on the tender document, you may seek the same through e-mail (or) in writing (2 copies) together with soft version (thru e-mail) before scheduled date, from the office of the undersigned for clarification. BHEL shall not be responsible for receipt of queries after due date of seeking clarification due to postal delay. Any clarification/ query received after pre bid discussion date will not be entertained.
- 9.0** BHEL may decide holding pre-bid discussion [PBD] with any/ all intending bidders. On such communication from BHEL, the bidder shall ensure participation for the same at the appointed time, date and place as may be decided by BHEL. Bidders shall plan their visit accordingly. The outcome of pre-bid discussion (PBD) shall also form part of tender.
- 10.0** In the event of any conflict between requirement of any clause of this specification/ documents/ drawings/ data sheets etc or requirements of different codes/ standards specified, the same to be brought to the knowledge of BHEL in writing for clarification before due date of seeking clarification (as applicable), otherwise, more stringent requirement as may be interpreted by BHEL shall prevail and shall be binding on you. Any typing error/ missing pages/ other clerical errors in the tender documents, noticed by you must be pointed out before pre-bid meeting/ submission of offer, or else, BHEL's interpretation shall prevail & binding on you.
- 11.0** Unless specifically mentioned otherwise, bidder's quoted price shall deemed to be in compliance with tender along with TCNs including PBD, if any.
- 12.0** Bidders shall submit Integrity Pact Agreement (Duly signed by authorized signatory who signs in the offer), if applicable, along with techno-commercial bid. This pact shall be considered as a preliminary qualification for

further participation. Detail of Independent External Monitor (IEM) for the subject tender is furnished above.

- 13.0** The Price Bids of only those bidders will be opened who will be qualified for the subject job on the basis of evaluation on pre-qualification criteria/ techno-commercial bids, approval/ acceptance of customer (as applicable), etc. BHEL's decision in this regard shall be final & binding. BHEL also reserve the right to reject bidder with unsatisfactory past performance in execution of a contract. BHEL's decision in this regard shall be final & binding.
- 14.0** While BHEL reserve the right to open the price bid (Cover-II) of the offers in camera, the date & time to open the Cover-II (PRICE BID) tender opening shall be intimated to the bidders, in case BHEL decides it to be 'Public opening' and in such a case, one authorized representative of the bidder shall be allowed to attend.
- 15.0** **REVERSE AUCTION:** BHEL reserves the right to go for Reverse Auction (RA) instead of opening the sealed envelope price bid, submitted by the bidder. This will be decided after techno-commercial evaluation. All bidders to give their acceptance for participation in RA. Non acceptance to participate in RA may result in non-consideration of their bids, in case BHEL decides to go for RA.

In case BHEL decides to go for Reverse Auction, only those bidders who have given their acceptance to participate in RA will be allowed to participate in Reverse Auction. Those bidders who have given their acceptance to participate in Reverse Auction will have to necessarily submit 'online sealed bid' in the Reverse Auction. Non submission of 'online seal bid' by the bidder will be considered as tampering of the tender process and will invite action by BHEL as per extant guidelines in vogue.

Information and General Terms and Conditions governing RA are enclosed as per Annexure-I of Volume-IC of tender documents. Vendors are advised not to quote higher prices in price bid, presuming that there will be an opportunity to reduce the same during Reverse Auction. In case BHEL decides to process the tender by opening the price bids instead of Reverse Auction, there is no provision for revising the quoted prices and vendors may lose the opportunity in view of the higher prices, if any, quoted by them.

- 16.0** Tenderers must adhere to all volumes of tender and quote accordingly. Any terms & conditions not covered in SCC will be governed by GCC. Commercial terms & conditions shall be as per SCC (Volume-IB). If there is any conflict in clause mentioned in General Conditions (GCC) and Specific conditions of contract (SCC) then clause mentioned in SCC supersedes the requirement.
- 17.0** BHEL reserves the right to decide the successful bidder on the basis of reverse auction process (RA). In such case all qualified bidders will be intimated regarding procedure/ modality of process prior to RA and price will be decided through RA process only.
- However, if reverse auction process is not adopted or is unsuccessful for whatsoever reason, Price bid contained in sealed envelope will be opened for deciding the successful bidder. BHEL's decision in this regard will be final & binding on bidder.
- 18.0** Corrigendum / extension / addendum, if any, pertaining to this tender will be published in the web site [www.bhel.com](http://www.bhel.com) or will be issued directly to you, as applicable.
- 19.0** On submission of offer, further consideration will be subject to compliance to tender & qualifying requirement and customer's acceptance, as applicable.
- 20.0** Unsolicited discounts received after opening of techno commercial bid shall not be considered for evaluation. However, if the party who has submitted the unsolicited discount/rebate becomes the L-1 party, then the awarded price shall be after considering the discount.
- 21.0** In case the bidder is an "Indian Agent of Foreign Principals", Agency agreement has to be submitted along with Bid failing which offer from Bidder may not be considered.
- 22.0** Standalone bidder can neither again be a prime bidder in a consortium bid nor be a consortium partner to any other bidder. Similarly, prime bidder shall neither be a consortium partner to other prime bidder nor submit any other bid with other consortium partners. However, consortium partner may enter into consortium agreement with other prime bidder(s).

- 23.0 The offers of the bidders who are on the banned list as also the offer of the bidders, who engage the services of the banned firms, shall be rejected. The list of banned firms is available on BHEL Website ([www.bhel.com](http://www.bhel.com))
- 24.0 The bidder may have to produce original document for verification if so decided by BHEL.
- 25.0 Offer shall be submitted directly by vendor or his authorized representative / agent only and the offer should be in line with regulatory guidelines (i.e., Agency agreement between principal vendor and agent / representative shall be attached which shall be a valid one and cover the scope of services rendered by Agent, Agency commission etc.). OEM details shall be provided if supplier is not a manufacturer.
- Bid envelope shall bear name of the supplier. In case of submission through authorized representative / agent, the name of representative / agent should be mentioned additionally apart from the supplier name.
- 26.0 Bidder can also submit offer through email at his own risk. The offer to be submitted in two parts. Techno-commercial offer to be submitted to [technicalbid@bhelhyd.co.in](mailto:technicalbid@bhelhyd.co.in) and price bid to be submitted to [pricebid@bhelhyd.co.in](mailto:pricebid@bhelhyd.co.in). Interchanging the information in the mails may lead to rejection of the offer. Supplier shall have no claim on e-mail offers sent on any other e-mail ID. BHEL is no way responsible for non-receipt of offers sent thru email due to server break down/internet failure/transmission error etc. In case of e-mail offers vendor name, address including contact details shall be mentioned. In the mail, subject should contain Enquiry No. and due date. **(Not applicable for e-procurement mode of bid submission)**
- 27.0 Offer received after the specified time of submission will be rejected. No further correspondence shall be entertained.
- 28.0 It may please be noted that guidelines/rules in respect of 'Suspension of Business dealings', 'Vendor evaluation format', 'Quality, Safety & HSE guidelines', etc may undergo change from time to time and the latest one shall be followed.
- 29.0 **Micro and Small Enterprises (MSE)**  
Any Bidder falling under MSE category, shall furnish the following details & submit documentary evidence/ Govt. Certificate etc. in support of the same along with their techno-commercial offer

Type under MSE	SC/ST owned	Others
Micro		
Small		

**Note:** - If the bidder does not furnish the above, offer shall be processed construing that the bidder is not falling under MSE category.

MSE suppliers can avail the intended benefits only if they submit along with the offer, attested copies of either EM-II certificate having deemed validity (five years from the date of issue of acknowledgement in EM-II) or valid NSIC certificate or EM-II certificate along with attested copy of a CA certificate (format enclosed as Annexure – 3 where deemed validity of EM-II certificate of five years has expired) applicable for the relevant financial year (last audited). Date to be reckoned for determining the deemed validity will be the date of bid opening (Part 1 in case of two part bid). Non submission of such documents will lead to consideration of their bids at par with other bidders. No benefits shall be applicable for this enquiry if any deficiency in the above required documents are not submitted before price bid opening. If the tender is to be submitted through e-procurement portal, then the above required documents are to be uploaded on the portal. Documents should be notarized or attested by a Gazetted officer.

MSEs shall be exempted from payment of tender fee.

MSEs shall be exempted from payment of earnest money at the time of tender deposit. However, there is no exemption of security deposit submission.

### 30.0 Order of Precedence

In the event of any ambiguity or conflict between the Tender Documents, the order of precedence shall be in the order below:

- a. Amendments/Clarifications/Corrigenda/Errata etc issued in respect of the tender documents by BHEL
- b. Notice Inviting Tender (NIT)
- c. Price Bid Specification –As per Price bid format of Technical Specification
- d. Technical Specification -Volume-II
- e. Special Conditions of Contract (SCC) —Volume-1B
- f. General Conditions of Contract (GCC) —Volume-1A
- g. Annexure, formats etc. —Volume-1C

for BHARAT HEAVY ELECTRICALS LTD  
Manager /Purchase PE&SD), Hyderabad

<b>Agency</b>	<b>Contact details</b>	
BHEL, PE&SD, Ramachandrapuram, Hyderabad	Address	Purchase / PE&SD, BHEL, Ramachandrapuram, Hyderabad – 502032
	Phone no	040: 2318 2136
	E-mail	<a href="mailto:kanand@bhelhyd.co.in">kanand@bhelhyd.co.in</a> , <a href="mailto:sankarmajji@bhelhyd.co.in">sankarmajji@bhelhyd.co.in</a>

#### **Enclosures**

01. Annexure-I- Format for Pre-qualification criteria.
02. Annexure-II- Format for No-deviation certificate.



भारत हेवी इलेक्ट्रिकल्स लिमिटेड

(भारत सरकार का उपक्रम)

**BHARAT HEAVY ELECTRICALS LIMITED**

(A Govt. of India Undertaking)

ANNEXURE - I  
PRE QUALIFICATION CRITERIA

Enquiry No.	T7H1P99302
Item	Supply of Balance Super Structure of Module Mounting Structures (MMS)
End Customer	NTPC 1x50 MWp Solar PV Project, Mandsaur, Madhya Pradesh, India
CONTRACT DURATION	Phased Supply within <b>12 Weeks</b> from LOI/PO
Bidder shall note & comply with the points referred under 'notes' below.	
SL no	CRITERIA
1.0	<p>Average annual financial turnover of bidder, during the last three financial years (ending on 31-03-2016 or latest closing date of financial year) should not be less than Rs 206 Lakhs (or) equivalent.</p> <p>Notes:</p> <ol style="list-style-type: none"><li>Other Income shall not be considered for arriving at Annual Financial Turnover/Sales.</li><li>The bidder has to submit financial accounts (audited, if applicable comprising of Audit report, Balance Sheet, Profit &amp; Loss A/c Statement and Notes/Schedules pertaining to Turnover/Sales/Revenue, Income Tax Returns for last 3 years for which audited annual accounts have been submitted) in support of above.</li><li>In case audited financial statements are not available for latest financial year, then the applicable audited statements of preceding three financial years shall be considered.</li><li>Bidder has to submit copies of valid ED, CST/VAT/PF registration certificates, PAN card.</li><li>Certificate of incorporation from the registrar of companies/ partnership deed/ proprietorship documents etc. as applicable.</li><li>For evaluation of foreign bidder, exchange rate (TT selling rate of SBI) as on scheduled date of tender opening (Part-I bid in case of two part bid) shall be considered.</li></ol>
2.0	<p>Bidder shall have experience in manufacturing of cold roll formed steel members and shall qualify all the following criteria (a, b &amp; c) :</p> <ol style="list-style-type: none"><li><b>Bidder should have in-house cold roll forming facility in India for 'C', angle and other profiles. experience of bidder during last 2 years ending on 30<sup>th</sup> July, 2015 should be either of the following:</b><ol style="list-style-type: none"><li><b>has supplied not less than 400 MT each for three contracts</b></li><li><b>or</b></li><li><b>has supplied not less than 500 MT each for two contracts</b></li><li><b>or</b></li><li><b>has supplied not less than 800 MT for one contract</b></li></ol></li><li><b>Bidder should have in-house cold roll forming facility in India for 'C', angle and other profiles with lips &amp; has supplied not less than 35 MT in last two years ending on 30<sup>th</sup> July, 2015.</b></li><li><b>Experience of bidder in supply of hot dip galvanized members during last 2 years ending on 30<sup>th</sup> July, 2015 should be either of the following: -</b><ol style="list-style-type: none"><li><b>has supplied not less than 400 MT each for three contracts</b></li><li><b>or</b></li><li><b>has supplied not less than 500 MT each for two contracts</b></li><li><b>or</b></li><li><b>has supplied not less than 800 MT for one contract</b></li></ol></li></ol> <p>Bidder shall enclose</p> <ul style="list-style-type: none"><li>copies of purchase orders, dispatch documents/delivery challans – for (a),(c)</li><li>copies of purchase orders, dispatch documents/delivery challans and relevant drawings – for (b)</li></ul>

	along with technical bid to substantiate the above						
3.0	<b>for foreign vendors :</b> <u>Credit Rating Report</u> The bidder to provide business information report incorporating the rating of the company by international credit rating agencies viz Dun & Bradstreet (D&B) etc along with technical offer. Such ratings reports shall not be older than 1 year form the date of submission of offer. Agency agreement needs to be submitted by foreign bidder in case of associating with Indian entity.						
<b>NOTES:</b>							
A	After satisfactory fulfillment of all the above criteria/ requirement, offer shall be considered for further evaluation as per NIT and all other terms of the tender.						
B	Bidder(s) already registered with BHEL other units for subject package, also need to submit credentials for criteria indicated in sl. no. '1.0' '2.0' above. Also, they must submit proof of their registration with BHEL- other units for subject package.						
C	Bidders should have technological capability for submitting offer through electronic procurement system and participating in Reverse Auction process.						
D	Mere submission of above documents does not entitle bidders for issue of order, enlistment with PE&SD or issue of tenders, but is subject to scrutiny of documents and/ or physical survey of bidder's facilities by BHEL or its appointed agencies.						
E	Bidder to also appraise themselves with BHEL's Supplier Evaluation, Approval & Review Procedure (SEARP) 2010 on company website www.bhel.com for enlistment process, format for registration etc.						
F	Bidder shall submit details of experience, i.e. jobs executed in the following format:						
	S.no	Name of Customer, Project	Brief scope of work	Order ref no, date & Value (copy to be enclosed)	Date of completion as per order	Actual Date of completion	Performance certificate enclosed (Y/N)
G	Bidder shall submit details of jobs in progress in the following format:						
	S.no	Name of Customer, Project	Brief scope of work	Order ref no, date & Value (copy to be enclosed)	Date of completion as per order	Status of execution	Remarks

ANNEXURE – II

FORMAT FOR NO DEVIATION CERTIFICATE  
(To be submitted in the bidder's letter head)

Purchase / PE&SD  
BHARAT HEAVY ELECTRICALS LIMITED,  
Ramachandrapuram  
Hyderabad-502032

Sub	No Deviation Certificate.	
Job	The scope of bidder shall include Supply of Module Mounting Structures (MMS ) for 1x50MW Solar PV Project, NTPC, Mandasaur, Madhya Pradesh project as per technical specification	
Ref	01	ENQUIRY No & NIT No : T7H1P99302 & NIT 27849
	02	BHEL's NIT, with technical documents
	03	All other pertinent issues till date.

Dear Sirs,

With reference to above, this is to confirm that, we have read the tender documents and noted the job content. We also confirm that we have not changed/ modified the tender documents as appeared in the website/ issued by you and in case of such observance at any stage, it shall be treated as null and void.

We hereby confirm that we have not taken any deviation from tender clauses together with other references as enumerated in the above referred NIT. We hereby confirm our unqualified acceptance to all terms & conditions, unqualified compliance to technical specification, integrity pact (if applicable) and acceptance to reverse auctioning process.

In the event of observance of any deviation in any part of our offer at a later date whether implicit or explicit, the deviations shall stand null & void.

We confirm to have submitted offer in accordance with tender instructions and as per aforesaid references.

Thanking you,

Yours faithfully,

(Signature, date & seal of authorized  
Representative of the bidder)