

M/S. OPEN TENDER**DUE DATE****04-11-2025**

BHEL

HARIDWAR249403

Vendor Code**00001**

INDIA

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SL	MATERIAL CODE ITEM DESCRIPTION	QUANTITY	UNIT	LOTNO	LOT DELIVERY QTY SCHEDULE
1	W95310101152	4	NO	1	1 30/06/27
	DRG: 11010156999 REV: 04			2	1 31/12/27
	FORGING FOR HP ROTOR WITHOUT			3	1 30/06/28
	WELD OVERLAY (ROUGH MACHINED)			4	1 31/12/28
	AS PER DRAWING NO.:11010156999				
	SH.:01 VAR:00 & SPEC. HW19468.				
	SPEC: HW19468 REV: 07				

**** IMPORTANT:** This enquiry is 2 part tender. Techno-Commercial bid (Part-1) & Price Bids (Part-2) should be submitted in separate envelopes. These two envelopes should be submitted in a common sealed envelope. Techno-Commercial Bid shall contain detailed Technical Specification, Drawings Technical documents, Catalogues, taxes & duties, payment terms, delivery period, Validity of offer, Replica of Price Bid (Copy of price bid without price part) etc. The confirmation to the special terms & conditions must be submitted alongwith Techno-Commercial bid.

Special Instructions:

AS PER SPECIAL INSTRUCTIONS

General Instructions:

Please visit our site www.bhelhwr.co.in for latest version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries. All the bidders/vendors must ensure compliance of latest GISTC. Terms & Conditions printed overleaf of this Standard Tender enquiry format are null & void.

For this procurement, Public Procurement (Preference to Make in India), Order 2017 dated 15.06.2017 & 28.05.2018 and subsequent Orders issued by the respective Nodal Ministry shall be applicable even if issued after issue of this NIT but before finalization of contract / PO / WP against this NIT.

In the event of any Nodal Ministry prescribing higher or lower percentage of purchase preference and/ or local content in respect of this procurement, same shall be applicable.

Default purchase preference under Make in India order shall be 20% to suppliers with default minimum local content of 50% for all items / works / services.

For further details, please refer latest version of GISTC.

MATERIAL CODE	QUANTITY	UNIT	LOTNO
ITEM DESCRIPTION			

Procurements where the Estimated value to be procured is less than Rs. 5 lakhs shall be exempted from Public Procurement (Preference to Make in India), Order 2017 dated 15.06.2017 & 28.05.2018
Kindly produce GeM seller Id with documentary proof along with your Bids/offers for case Value more than 25 Lacs.

RAMAN GOEL
MANAGER

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BHARAT HEAVY ELECTRICALS LIMITED
HARIDWAR-249403

Buyer Added Bid Specific Additional Terms & Conditions (ATC)

Note: This Annexure has to be mandatorily filled & signed by the bidder and submitted along with Technical bid.

Any deviation to the below mentioned terms shall be stated specifically in the comments column for each term and also in case of acceptance to our terms, it will be construed that the whole term is understood and agreed in totality without any deviation. (If otherwise mentioned).

Sl No	BHEL Requirements	Supplier Acceptance /Comments
1	PREQUALIFICATION CRITERIA: 1. Technical PQR (attached) All vendors to provide point wise reply/confirmation along with relevant supporting documents to each and every point of Annexure Qualification Requirement/PQR) for all enquiry items. Non compliance of these may lead to rejection offer as these are essential condition for participating in tender enquiry. Bidder to submit Integrity Pact in the attached format with its offer 2. Bidder must not be admitted under Corporate Insolvency Resolution Process or Liquidation as on date, by NCLT or any adjudicating authority/authorities, and shall submit undertaking (Annexure 4) to this effect. EXPLANATORY NOTES FOR THE PQR (QUALIFYING REQUIREMENTS): 1. Credentials furnished by the bidder against "PREQUALIFYING CRITERIA" shall be verified from the issuing authority for its authenticity. In case, any credential (s) is/are found spurious, offer of the bidder is liable to be rejected. BHEL reserves the right to initiate any further action as per extant guidelines for Suspension of Business Dealings as applicable to BHEL. 2. Price Bids of only those bidders shall be opened who stand qualified after compliance with PQR and who are approved by customers	
2	SCOPE OF SUPPLY/WORK Supply of items as per Enquiry and Annexure Details	
3	PRICE BASIS: 1. Prices are to be quoted on firm basis. Prices must remain firm and fixed till the execution of contract. No price variation is allowed till the execution of contract. 2. Price Basis should as per latest Version of GENERAL INSTRUCTIONS AND STANDARD CONDITIONS (GISTC). Please visit our https://hwr.bhel.com/bhelweb/CodeFiles/gistc.jsp for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries 3. Vendor to ensure that their quoted rates are not more than those quoted for any other customer including other BHEL units. 4. The evaluation currency for this tender shall be INR. 5. The total quantity may undergo change at the time of ordering.	
4	VALIDITY OF OFFER The quotation shall be valid for a minimum period of 90 days, effective from the date of tender opening. In case of negotiation, validity of offer shall be 60 days from receipt of revised /negotiated final price or 90 days from Part opening, whichever is later. Offers with shorter validity than above are liable to be rejected.	

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5	QUALITY REQUIREMENTS: 1. Vendor to Accept and Endorse BHEL(QP. QA/CF/QP008 Rev 0) (QP attached along with the enquiry). 2. Indian Vendors to confirm Inspection by BHEL/BHEL nominated inspection agency TUV/QUEST and customer as per BHEL approved QP. 3. Foreign Vendors to confirm Inspection shall be done by third party inspection agency (LRS/TUV/BV) and customer as per BHEL approved QP. 4. Foreign vendors to either quote third party inspection charges (LRS/TUV/BV) separately in their offer or vendor to mention that third party inspection charges are included in the quoted prices of the offer. If vendor do not quote third party inspection charges or do not mention that third party inspection charges are included in quoted prices, then it shall be presumed that third party inspection charges are included in the quoted price of the offer. No further clarification shall be asked in this regard after opening of technical and commercial bid part-1. INSPECTION / INSPECTION & TESTING AT SUPPLIERS WORKS: BHEL reserves the right to inspect the material during manufacturing and also tested the material under dispatch from third party. The test results of the third party test shall be final and binding on the Supplier/Vendor. Supplier/Vendor shall be liable to replace the materials at his own cost. Vendor should raise inspection call for BHEL / TPI inspection at least 4 days in advance to the planned date of inspection. If customer inspection is envisaged at the BHEL site, then the inspection shall be carried out at the BHEL site. In case of rejection at any stage, Supplier/Vendor shall be liable to replace the materials at his own cost. Vendor should raise inspection call for BHEL / TPI inspection at least 4 days in advance to the planned date of inspection. If customer inspection is envisaged at the BHEL site, then the inspection shall be carried out at the BHEL site.	
6	Splitting of Quantity:NOT APPLICABLE	
7	DELIVERY: As per Enquiry and Annexure Item Details. Vendor to offer best delivery schedule in line with BHEL tender requirement. Delivery is not sacrosanct. However, offer of vendors may not be considered whose quoted delivery does not suit BHEL requirement. Deliveries even earlier than mentioned in Annexure Item Details are also acceptable. NOTE: If the delivery of supply as detailed above gets delayed beyond the delivery period, Supplier/Vendor shall request for a delivery extension and BHEL at its discretion may extend the delivery period. If the delivery of supply, due to backlog attributable to the Supplier/Vendor, then it shall be without prejudice to the rights of BHEL to impose LD for the delays attributable to the Supplier/Vendor.	
8	MATERIAL DISPATCH CLEARANCE CERTIFICATE:NOT APPLICABLE	
9	EARNEST MONEY DEPOSIT: APPLICABLE EMD shall be furnished before tender opening / along with the offer in full as per the amount indicated in the NIT. The EMD up to an amount of Rs. 40,000,00.00 (Rs. Forty Lacs only) is to be paid in the following forms: a) Electronic Fund Transfer credited in BHEL account (before tender opening). • v l e - • Z < μ l W Ç } e e l u v e (š U] v (Å } μ e } (payable at Regional HQ issuing the tender (along with offer). c) Fixed Deposit Receipt (FDR) issued by Scheduled Banks/ Public Financial Institutions as per the Companies Act (FDR should be in the name of the Contractor, a/c BHEL marking lien in favour of BHEL) (along with offer). The Fixed Deposit such cases shall be valid for a period of 45 (forty-five) days beyond the final bid validity period. d) Bank Guarantee from any of the Scheduled Banks. In such cases shall be valid for a period of (forty-five) days beyond the final bid validity period. e) Insurance Surety Bonds. In case the EMD is more than Rs. Two lakh and in case of foreign bidders, it may be in the form of a bank guarantee (in equivalent Foreign Exchange amount, in case of foreign bidders)	

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	confirmed from any of the scheduled commercial bank in India in the prescribed format. The EMD shall remain valid for a period of 45 (forty five) days beyond the final bid validity period. iii. No other form of EMD remittance shall be acceptable to BHEL. 12.2 EMD by the Bidder will be forfeited as per NIT conditions, if: i. The bidder withdraws or amends its/his tender or impairs or derogates from the tender in any respect within the period of validity of the tender or if the successful bidder fails to furnish the required performance security within the specified period mentioned in the Tender. ii. EMD by the Bidder shall be withheld in case any action on the tenderer is envisaged under the contract and shall be forfeited in case of suspension. 12.3 Subject to Clause 12.2 above, EMD of the unsuccessful bidders shall be returned at the end of the period after expiry of the final bid validity period and latest by the 30th day after the award of the contract. However, in case of two packet or two stage bidding, EMD of unsuccessful bidders during first stage, i.e., technical evaluation etc. shall be returned within 30 days of declaration of result of first stage, i.e. technical evaluation etc. 12.4 EMD of successful bidder shall be refunded on conclusion of the order/ receipt of performance security as mentioned in NIT. 12.5 EMD shall not carry any interest. 12.6 Micro and Small Enterprises (MSEs) or Start ups as recognized by Department for Promotion of Industry and Internal Trade (DPIIT) shall be exempted from payment of EMD.	
10	PERFORMANCE SECURITY (APPLICABLE) 13.1 Successful bidder awarded the contract should deposit 10% of the contract value as performance security towards fulfilment of all contractual obligations, including warranty obligations. 13.2 Performance Security is to be furnished within 14 days after issuance of Contract/PO and should remain valid for a period of 60 (sixty) days beyond the date of completion of all contractual obligations of the Supplier/Vendor, including warranty obligations. 13.3 Modes of deposit: a) Performance security may be furnished in the following forms: i. Local cheques of Scheduled Banks (subject to realization)/ Pay Order/Demand Draft/ Electronic Fund Transfer in favour of BHEL. ii. Bank Guarantee from Scheduled Banks / Public Financial Institutions as defined in the Companies Act. The Bank Guarantee should be in the prescribed format of BHEL. iii. Fixed Deposit Receipt (FDR) issued by Scheduled Banks / Public Financial Institutions as defined in the Companies Act (FDR should be in the name of the Contractor, a/c BHEL). iv. Securities available from Indian Post offices such as National Savings Certificates, National Savings Patras etc. (held in the name of Contractor furnishing the security and duly endorsed and hypothecated/ pledged, as applicable, in favour of BHEL). v. Insurance Surety Bond. Note: BHEL will not be liable or responsible in any manner for the collection, interest or renewal of the documents or in any other matter connected therewith. b) In case of GTE tenders, the performance security should be in the same currency as the contract and must conform to Uniform Rules for Demand Guarantees (URDG- 758) or any other international convention regulating international securities. 13.4 The performance security will be forfeited and credited to BHEL's account in the event of breach of contract by the Supplier/Vendor as provided herein or elsewhere in the Contract. 13.5 Performance Security shall be refunded to the Supplier/Vendor without interest, after the Supplier/Vendor duly performs and completes the contract in all respects but not later than 60(sixty) days of completion of all such obligations including the warranty under the contract. 13.6 The Performance Security shall not carry any interest. 13.7 There is no exemption of Performance security deposit submission for MSE Vendors.	
11	INTEGRITY PACT (APPLICABLE) (a) IP is a tool to ensure that activities and transactions between the Company and Bidders/ Contractors are handled in a fair, transparent and corruption free manner. (b) In case of any complaint arising out of the tendering process, the matter may be referred to any of the below email IDs.	

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	iem1@bhel.in iem2@bhel.in iem3@bhel.in As on date, the positions of Independent External Monitors (IEMs) are vacant in the Company. As and when the IEMs join based on due approval of the Competent Authority, any complaint(s) received will be shared with the IEMs. (c) The IP as enclosed with the tender is to be submitted (duly signed by authorized signatory) along with techno-commercial bid (Part, in case of two! three part bid). Only those bidders who have entered into such an IP with BHEL would be competent to participate in the bidding. In other words entering into this Pact would be a preliminary qualification. Note: No routine correspondence shall be addressed to the above email ids regarding clarifications, time extensions or any other administrative queries, etc on the tender issued. Such clarification/ issues shall be addressed directly to the tender issuing (procurement) department's officials whose contact details are provided below <table><tr><td>Tuhin Kanti Dey Sr. Manager (PPXT)</td><td>Raman Goel/Manager (PPXT)</td><td>Rahul Sharma DGM(PPXT)</td></tr><tr><td>Email ID: tuhindey@bhel.in Landline: 0133-281183</td><td>Email ID: ramang@bhel.in Landline: 0133-281285</td><td>Email ID: rahul.sharma@bhel.in Landline: 0133-285604</td></tr></table>	Tuhin Kanti Dey Sr. Manager (PPXT)	Raman Goel/Manager (PPXT)	Rahul Sharma DGM(PPXT)	Email ID: tuhindey@bhel.in Landline: 0133-281183	Email ID: ramang@bhel.in Landline: 0133-281285	Email ID: rahul.sharma@bhel.in Landline: 0133-285604	
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Email ID: tuhindey@bhel.in Landline: 0133-281183	Email ID: ramang@bhel.in Landline: 0133-281285	Email ID: rahul.sharma@bhel.in Landline: 0133-285604						
12	BREACH OF CONTRACT, REMEDIES AND TERMINATION: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.jsf for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries. Note: 1) The defaulting Supplier/Vendor shall not be eligible for participation in any of the future enquiries floated by BHEL to complete the balance work. The defaulting contractor shall meet the following conditions: (a) In case defaulted Supplier/Vendor is the Sole Proprietorship Firm, any Sole Proprietorship Firm owned by same Sole Proprietor. (b) In case defaulted Supplier/Vendor is The Partnership Firm, any firm comprising of partners/ some of the same partners; or sole proprietorship firm owned by any partner as a sole proprietor. 2) In case of non-acceptance of Breach of contract clause by some bidders, the offers of bidders shall be loaded by 10% of the contract value or by the value by which 10% reduction condition of breach of contract clause is met.							
13	BANK DETAILS FOR EMD & PERFORMANCE SECURITY SUBMISSION <table><tr><td>Bank Details</td><td>SWIFT Details of bank</td></tr><tr><td>STATE BANK OF INDIA RANIPUR BRANCH, OPP: BHEL MAIN GATE, 6 (& 7 2 5 (5 \$ 1 , 3 8 5 HARIDWAR, UTTRAKHAND, INDIA PIN CODE : 249403</td><td>SWIFT NO: SBININBB225 CC ACCOUNT NO :10667995458 IFSC CODE : SBIN0000586</td></tr></table>	Bank Details	SWIFT Details of bank	STATE BANK OF INDIA RANIPUR BRANCH, OPP: BHEL MAIN GATE, 6 (& 7 2 5 (5 \$ 1 , 3 8 5 HARIDWAR, UTTRAKHAND, INDIA PIN CODE : 249403	SWIFT NO: SBININBB225 CC ACCOUNT NO :10667995458 IFSC CODE : SBIN0000586			
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14	PAYMENT TERMS: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.jsf for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries. No interest shall be payable on the security deposit or any other money due to the Supplier. Loading for any deviation in the payment terms wrt NIT terms shall be done as follows:							

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	Base rate oREPO RATEs applicable on the date of bid opening; technical commercial bid opening in case of part bids) +4% shall be considered for loading for the period of relaxation sought by bidders.	
15	TAXES & DUTIES: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.	
16	LIQUIDATED DAMAGE/PENALTY FOR LATE DELIVERY: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries. BHEL may load maximum penalty under LD clause, to the extent the same is not agreed bidder, for the purpose of working out the comparative statement of prices of bidders. Pray Liquidated Damages (LD) shall not in any way relieve the vendor from any of its obligations liabilities under the contract.	
17	BILL TO/ SHIP TO ADDRESS: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.	
18	TRANSIT INSURANCE: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.	
19	GUARANTEE/WARRANTY: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries. Test certificate and Guarantee certificate WARRANTY to be provided by vendor as per specification.	
20	PREFERENCE TO MAKE IN INDIA As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.	
21	COMPLIANCE TO RESTRICTIONS UNDER RULE 144 (XI) OF GFR 2017: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.	
22	SETTLEMENT OF DISPUTE: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.	
23	JURISDICTION As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.	
24	FORCE MAJEURE As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS. Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.	
25	NONDISCLOSURE AGREEMENT:	

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	As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.																
26	CARTEL FORMATION As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.																
27	FRAUD PREVENTION POLICY As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.																
28	SUSPENSION OF BUSINESS DEALINGS WITH SUPPLIERS / CONTRACTORS: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.																
29	CONFLICT OF INTEREST: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.																
30	ACTION AGAINST BIDDERS / VENDOR / SUPPLIER / CONTRACTOR IN CASE OF DEFAULT: As per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS Please visit our site https://hwr.bhel.com/bhelweb/CodeFiles/gistc.js for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.																
31	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 technical and commercial offer. <table><tr><td>Type under MSE</td><td>UDYAM No</td><td>SC/ST Owned</td><td>Women Owned</td><td>Others (Excluding SC/ST/Women)</td></tr><tr><td>Micro</td><td></td><td></td><td></td><td></td></tr><tr><td>Small</td><td></td><td></td><td></td><td></td></tr></table> Note: If the bidder does not furnish the above, offer shall be processed construing that the bidder is not falling under MSE category. a) MSE suppliers can avail the intended benefits in respect of the procurements relating to the Goods and Services only as per definition of Goods and Services as enumerated by Government of India vide Office Memorandum F. No. 21(8)/2011-12 dtd. 09/11/2016 office of AS & D (MSME) only if they submit along with the offer, attested copies of either Udyam Registration. Date to be reckoned for determining the deemed validity will be the last date of Technical Bid submission. Non submission of supporting document in NIC portal will lead to consideration of their bids at par with other bidders. No benefits shall be applicable in this enquiry if the above required documents are not uploaded at the time of bid submission. Documents submitted by the bidder shall be verified by BHEL for rendering applicable benefits.	Type under MSE	UDYAM No	SC/ST Owned	Women Owned	Others (Excluding SC/ST/Women)	Micro					Small					
Type under MSE	UDYAM No	SC/ST Owned	Women Owned	Others (Excluding SC/ST/Women)													
Micro																	
Small																	
32	DOCUMENTS REQUIRED FOR BILL PROCESSING: The following documents are required to be sent with Material Dispatch/Billing Documents: FOR INDIAN BIDDERS: ‡ Original Tax Invoice (As per Cl. No. 4 above). ‡ Test Certificates ‡ Guarantee Certificate ‡ Inspection Report ‡ GST compliance certificate ‡ Digitally signed invoices																

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	FOR SUPPLY ORDERS PLACED ON INDIAN SUPPLIES: Prospective bidders of the value of the invoice amount, the bidder / vendor should necessarily upload the despatch & invoice details on SUVIDHA portal at https://suvidha.bhel.in/suvidha/, prior to despatch. All documents as per BHEL checklist, along with additional documents (if any), must be uploaded on the portal. It is mandatory that tax invoices with a net amount (including taxes) exceeding Rs five lakhs uploaded on the portal are digitally signed using a Class 3 Digital Signature Certificate (DSC) issued by a licensed Certifying Authority. Submission of invoice document in hard copy is allowed for invoices with a net amount (including taxes) equal to and up to Rs five lakhs, in case they were not digitally signed and uploaded on the portal. The material will not be accepted inside BHEL in absence of the above. FOR FOREIGN BIDDERS: ‡ Original Tax Invoice (As per Cl. No. 4 above). ‡ Test Certificates ‡ Guarantee Certificate ‡ Inspection Report ‡ Original Bill of Lading ‡ Certificate of Origin Vendor Contract clause regarding GST ITC and provision of invoices w.e.f. 01.10.2020 - W.e.f. 01.08.2023, vendor to ensure submission of invoice who is having turnover of more than Rs. 5 Crs. In any preceding financial year from 2017-18 onwards. - It has been specified by the Govt. that it is mandatory to mention a valid unique Identification Number (IRN) and QR code as generated from Govt. portal on a Tax Invoice. On such information, GST ITC as claimed by BHEL in its Returns shall be matched with the corresponding details uploaded by supplier in the Invoice Matching System. - In case the vendor /contractor delays or fails to provide all the documents as per Purchase order / Work Order at the time of submitting Tax invoice to BHEL, any subsequent claim for ITC shall be voided. BHEL reserves the right to withhold the release of payment until all the documents are received. BHEL has further right to take necessary steps to protect its interest at the time of release of payment. This further requires inclusion of IRN and QR code on tax invoice as announced by Govt. of India w.e.f. 01.10.2020.	
33	SPECIAL NOTES - Procurement directly from Manufacturers/ suppliers shall be preferred. However, in the absence of submission of offer through agents including dealers/ traders/ distributors/ stockists/ Channel partners etc. on behalf of manufacturer or the manufacturer themselves, BHEL reserves the right for making suppliers through their such agents only, following guidelines will be followed: - Either the agent could bid on behalf of the manufacturer / supplier or the manufacturer / supplier could bid directly but not both. - In case bids are received from both the manufacturer / supplier and the agent, the bid received from agent shall be ignored. - The agent shall not allow to represent more than one manufacturer / supplier in the same tender. - Agent should submit the authorization letter from the manufacturer clearly indicating details like Name, email and address of manufacturer and relationship with agent and its validity to be submitted with bid. The authorization letter should be tender specific. - In case order is to be placed and executed by agent following aspects are to be ensured: - Manufacturer of the agent should meet the PQR as defined in tender. - Manufacturer and bidder / agent should jointly confirm Guarantee of the quality of product and timely delivery as stipulated in the NIT - In the event of our customer order covering this tender being cancelled /placed on hold /otherwise modified, BHEL would be constrained to accordingly cancel / hold / modify the tender at any stage of execution.	

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	3. BHEL may negotiate the L1 rate, if not meeting our budget / estimated cost. BHEL may float the tender opened, if L1 price is not acceptable to BHEL even after negotiation deviation from the conditions specified in TECHNICAL AND COMMERCIAL TERMS AND CONDITIONS, Buyer Added Bid Specific Additional Terms & Conditions (ATC), Special terms and conditions, Technical specifications and requirements, Latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS (GISTC) will lead to offer. 4. Any change in applicable rates of Tax or any other statutory levies (Direct / Indirect) or any new introduction of any levy by means of statute and its corresponding liability for deliveries beyond the agreed delivery date for reasons not attributable to BHEL will vendors account. BHEL will not reimburse the same and any subsequent claim in respect will be summarily rejected. 5. BHEL reserves its right to reject an offer due to unsatisfactory past performance of respective Vendor in the execution of any contract to any BHEL project. 6. Enquiry Items are for commercial sale. 7. The offers of the bidders who are under suspension and also the offers of the bidders engage the services of the banned firms /principal/agents, shall be rejected. The banned firms is available on BHEL web site www.bhel.com 8. Recovery / deduction as applicable as per Direct and Indirect taxes as notified by Government of India from time to time will be made and information/certificate for such deduction/recoveries shall be provided by BHEL to the vendor. ORDER ACKNOWLEDGEMENT (ORDER AWARDED): In case order acknowledgement is not received within 7 days, purchase order will be deemed to be accepted by vendor.	
34	COMPLIANCES OF GISTC: 1. All other terms and conditions not covered here will be as per latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS (GISTC). Please visit https://hwr.bhel.com/bhelweb/CodeFiles/gistc.jsp for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries. 2. Bidder/Vendor has to ensure the submission of their offer for Tender Enquiry only after reading Special terms and conditions, Technical specifications and requirements, Latest Version of GENERAL INSTRUCTIONS AND STANDARD TERMS & CONDITIONS (GISTC). Please visit https://hwr.bhel.com/bhelweb/CodeFiles/gistc.jsp for Latest Version of General Instructions and Standard Terms & Conditions (GISTC) for Tender Enquiries.	
35	Reverse auction: BHEL shall be resorting to reverse auction (RA) (guidelines as available on www.bhel.com) for this tender. RA shall be conducted among the technically and commercially qualified bidders. Price bids of all the technically and commercially qualified bidders shall be opened and same shall be considered for RA, in case any bidder(s) do(es) not participate in online reverse auction, their sealed envelope price bid along with applicable loading, if any, shall be considered for ranking bidders to give their acceptance with the offer for participation in RA.	
36	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: 1. Amendments/Clarifications/Corrigenda/Errata etc. issued in respect of the tender documents by BHEL. 2. Buyer Added Bid Specific ATC 3. Special conditions of the contract 4. Technical Conditions of Contract (TCC) 5. General Instructions and Standard Terms & Conditions	
37	Notwithstanding anything to the contrary in any other document comprising in the contract, interest shall be payable by BHEL to any bidder/contractor on any money or balances included but not limited to the SD, EMD, Retention money, RA bill or final bill or any amount withheld &/or appropriated by BHEL.	

TENDER DOCUMENTS

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INSTRUCTIONS TO BIDDERS FOR SUBMITTING OFFER

1. If vendor(s) do not mention anything about aforementioned clauses (s. 36) in their offer, then it shall be presumed to be acceptable. No further clarification shall be asked in this regard after opening of technical/commercial bid part.
2. The tender documents can be downloaded from our web site www.bhel.com/ <https://hwr.bhel.com/bhelweb/Home.jsp>. After downloading the tender documents from the web site, vendors must submit Tender Fee of Rs. 2,000 (Rupees two thousand only) in the form of Pay Order / e% Ç u v š l u v Ć (š ~ Ć Á v] v (À } μ Ć } (Z be noted that if hard copy of any tender documents is required, then the same may be collected against copy of Pay Order / payment/Demand Draft of requisite tender fee (while original to be submitted with Part I). However, if no hard copy of any tender documents is required from BHEL, no tender fee is required to be submitted.
3. Bid should be free from correction/overwriting, using corrective fluid, etc. Any interlineation, cutting, erasure or overwriting shall be valid only if they are attested with full signature(s) of person(s) signing the bid else bid shall be liable for rejection. In the case of any Technical or Commercial queries, the same may please be addressed to the following BHEL concerned before Part I opening

Tuhin Kanti Dey Sr. Manager (PPXT)	Raman Goel/Manager (PPXT)	Rahul Sharma DGM(PPXT)
Email ID: tuhindey@bhel.in Landline: 01334281183	Email ID: ramang@bhel.in Landline: 01334281285	Email ID: rahul.sharma@bhel.in Landline: 01334285604

4. Details of Contact Person Name, Designation, Department complete postal Address & Fax no, phone, Mobile no. to be mentioned

Registered Vendors Are those who are registered with BHEL, Haridwar for Megawatt rating/ Weight of tendered components in respective steel grade or machining of such items.

Un-registered Vendors Are those who are not registered with BHEL, Haridwar for Megawatt rating/ Size/ Weight of tendered components in respective steel grade or machining of such items.

TECHNICAL QUALIFICATION: Technical Requirements/Qualifying Requirements/PQR Drawings to be submitted. It is the mandatory requirement. Offer of vendors meeting these requirements may not be considered.

ESSENTIAL INSTRUCTIONS

Un-registered vendors may be approved by BHEL, if found suitable, on the basis of data furnished by them in Supplier Registration Form (SRF) for Foreign Vendors or Indigenous Vendors (as applicable). Vendor Registration Form shall be filled only by unregistered vendors on our website www.bhel.com.

BHEL team may visit the vendor(s) works for verification of capability and capacity claimed in tender documents/offer(s).

THE TENDER SHALL BE SUBMITTED IN TWO PARTS IN SEPARATE COVER AS DESCRIBED IN PART I ON OR BEFORE THE DUE DATE.

Tenders will be received in Tender Box kept in Tender Room and should be addressed to:
THE HEAD OF MATERIAL MANAGEMENT,
Heavy Electrical Equipment Plant,
Bharat Heavy Electricals Limited,
HARIDWAR-249403 (Uttarakhand), INDIA.

The date for opening of tender shall be **04.11.2025**. Tenders will be received up to **10.45 P.M. on 04.11.2025** and opened on the same day at 2.00 P.M. in the Tender Room. Please note that tender received after due date & time **10.45 PM on 04.11.2025** will not be opened. BHEL will not be responsible for any type of postal / courier delay. **Bids shall be opened at 2 PM on the due date** in the presence of authorized representative of the bidders who wish to be present. The authorized representative should bring authority letter from their parent company (Manufacturer) for the specific tender no. attending the bid opening.

TENDER DOCUMENTS

Amendments/Corrigendum, if any, will be hosted only on the websites mentioned above. Other terms and conditions will be as per tender documents.

Vendors operating from BHEL quarters, unauthorized colonies on BHEL land and Dharan hotels shall not be considered, hence such vendors need not apply. Any vendor who is undelisted/ (for the item)/ delisted/ banned with BHEL on date of opening of Part will not be allowed to quote for this tender. In case their offer is received, it may be outrightly rejected.

Unregistered vendors may please visit our site <https://www.bhel.com/filing> up the Supplier Registration Form. Copy of filled Supplier Registration Form (SRF) may be submitted along with offer.

INSTRUCTIONS ARE LIABLE TO BE DISQUALIFIED.

If vendors/bidders are unable to submit hardcopy of Offer/Bid, offer/bid can be submitted to following email address tendercell.heep@bhel.in

For submission of bids through email, following procedure must be followed.

- I. Bidder have to submit their bid into two parts:- Technical Bid (Part Bid) and Price Bid (Part Bid) in two separate password protected pdf files before 01 PM on the date of Technical Bid (Part Bid) opening. Names of pdf file attached in email should be as follows:
 - a. Technical Bid (Part Bid) _Tender Enquiry No_____due date tender_____
 - b. Price Bid (Part Bid) _Tender Enquiry No._____due date tender_____

All the vendors submitting their bids through email are advised to have following clear subject line

2. Bid Opening Date (Part 1, Technical Bid) o • W Y Y Y Y X

- x The Technical Bid (Part Bid) & Price Bid (Part Bid) shall be in two separate passwords protected pdf files and size of the all attachments in one email should not be more than 10 MB. In case size of offer is more than 10 MB, the attachments may be in separate email and all emails should be in continuation. Name of pdf files and subject of all emails should be as per point no. I & II as above.
- x Password of pdf files should be shared by bidders at same email ID (i.e. tendercell.heep@bhel.in)

as under:

- x For Technical Bid (Part Bid): Vendor to share the password between 2:00 PM (IST) to 4:00 PM (IST) the day of Technical Bid (Part Bid) opening (i.e. on the due date). However, if password is not received up to 04:00 PM (IST) on due date of such bids may not be opened and may be ignored by BHEL.
- x Price Bid (Part Bid): Vendor to share the password between 2:00 PM (IST) to 4:00 PM (IST) on the day of Price Bid (Part Bid) opening. After technical scrutiny of offers, the price bid opening date will be intimated by BHEL to technically acceptable bidders. However, if password is not received up to 04:00 PM (IST) on the day of Price Bid opening, such bids may not be opened and may be ignored by BHEL.
- x Submission of offer through email shall be considered as consent to open the Offer/Bid without physically witnessing the event by bidder.

All interested vendors must submit the endorsed NDA well in time to BHEL for getting drawn and specification.

due date and the name of the bidder. Incomplete offer.

TENDER DOCUMENTS

	* Please submit your offer according to General Instructions and Standard Terms & Conditions (GISTC), Version AUGUST 2025, Rev: 8 (for foreign bidders) and AUGUST 2025, Rev 9 (for Indigenous bidders) for Tender Enquiries. Please visit our site https://hwr.bhel.com for GISTC. The bidders/vendors must ensure compliance of these GISTC (Version AUGUST 2025, Rev: 8/ AUGUST 2025, Rev 9 (as applicable)). GISTC (Version AUGUST 2025, Rev: 8/ AUGUST 2025, Rev 9) can also be referred by login to B2B Portal for Vendors.	
39	GRIEVANCE REDRESSAL MECHANISM: To promote transparency and ensure fair treatment of all bidders, a structured Grievance Redressal Mechanism is in place to address any concerns or issues arising during the tendering process and subsequent business dealings with the company. Suppliers/Contractors are requested to follow the below escalation process for grievance resolution: 1. First Level Any grievance should initially be addressed to the designated Dealing Officer whose contact details are provided in the Notice Inviting Tender (NIT)/Contract. 2. Second Level If the issue remains unresolved, it may be escalated by lodging a formal grievance through the SUVIDHA Portal https://suvidha.bhel.in/suvidha/Responses will be provided in accordance with the process flow chart attached.	
40	Enclosure: Annexure: Check List. Annexure: Offer forwarding letter / tender submission letter Annexure No Deviation Certificate Annexure: Declaration regarding Insolvency/ Liquidation/ Bankruptcy Proceedings Annexure: Declaration by Authorized Signatory Annexure: Declaration by Authorized Signatory regarding Authenticity of submitted Documents Annexure: Declaration regarding Related Firms & their areas of Activities Annexure: Declaration for relation in BHEL Annexure : Declaration regarding minimum local content in line with revised public procurement policy Annexure : Declaration regarding compliance to Restrictions under Rule 144 of MFR 2017 Annexure: Bank Account Details for Payment Annexure: Power of Attorney for submission of tender. Annexure: Proforma of Bank Guarantee for Earnest Money. Annexure: Proforma of Bank Guarantee for Performance Security. Annexure: List of Consortium Bank. Annexure: NDA Annexure: Integrity Pact Annexure: Prequalification Criteria Annexure: Declaration for treatment of cases regarding conflict of interest Annexure: Quality Plan Annexure: Model Conciliation Clause	
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TENDER DOCUMENTS

Annexure-Item Details

Sl. No.	Item description	Material Code	Quantity (Nos.)	Delivery
1.	DRG: 11010156999 REV: 0 FORGING FOR HP ROTOR WITHOUT WELD OVERLAY (ROUGH MACHINED) SPEC: HW19468 REV: 07	W95310101152	04 Nos.	1 No: 30.06.2027 1 No: 31.12.2027 1 No: 30.06.2028 1 No: 31.12.2028

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Digitally signed
by Tushar Dave,
AGM (MTE), HEE
BHEL Haridwar
Date: 2024.10.11
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Digitally signed by Ashish Ranja
Date: 2024.10.11 11:16:19 +05'

Digitally signed by
Subodh Rana
Date: 2024.10.11
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(On Company Letter Head) (To be submitted as part of Technical bid)

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To:
Head of Purchase Division
Heavy Electrical Equipment Plant
BHEL Haridwar

Dear Sirs,

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We, -----, are proven and reputable manufacturers of the Tender Goods. We have factories at----- . We hereby authorise Messrs ----- (name and address of the authorised dealer) to submit a bid, process the same further and enter into a contract with against above referred Tender Process for the supply of above Goods manufactured by us. Their registration number is -----.

(name and address of the above-authorized dealer) authorized for this purpose.

As principals, we commit ourselves to extend our full support for warranty obligations, as applicable per the Tender Document, for the Goods and incidental Works/ Services offered for supply above firm against this Tender Document.

Our details are as under:

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Yours faithfully,

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5.	MACHINING FOR QUALITY HT	DIMENSIONS	MAJOR	MEASURE	100%	DRAWING	DRAWING	TC		P	-	-	
6.	INTERNAL UT	ULTRASONIC TEST	MAJOR	UT	100%	HW19468	HW19468	IR		P	-	-	
7.	QUALITY HEAT TREATMENT	TIME TEMP CONTROL	MAJOR	MEASURE	100%	HW19468	HW19468 BHEL APPROVED HT PROCEDURE	TC	¥	P	V	-	
8.	RESIDUAL STRESS MEASUREMENT	RESIDUAL STRESS TESTING	MAJOR	RST	100%	HW19468	HW19468	TC	¥	P	W*	-	*Monitor / witness
9.	UT	ULTRASONIC TEST	MAJOR	UT	100%	HW19468	HW19468	TC	¥	P	W	-	
10.	SAMPLING FOR CREEP TESTING(IF APPLICABLE AS PER PQR)		MAJOR	VISUAL	AS PER SPEC	BHEL DRWING & SPEC	BHEL DRWING & SPEC	TC	¥	P	W	-	
11.	CREEP TESTING(IF APPLICABLE AS PER PQR)	CREEP TEST	MAJOR	VISUAL	AS PER SPEC & P.O.	BHEL DRWING & SPEC	BHEL DRWING & SPEC	TC	¥	P	V	-	
12.	SAMPLING FOR MECHANICAL TESTING		MAJOR		T1 & T2	BHEL DRWING & SPEC	BHEL DRWING & SPEC	TC	¥	P	W	-	
13.	MECHANICAL TESTING	TENSILE / IMPACT TEST	MAJOR	MECHANICAL	100% T1 & T2	HW19468	HW19468	TC	¥	P	W	-	

MANUFACTURER/SUBCONTRACTOR	 I B KUMAR DY. MGR. QAX	LEGEND:	FOR CUSTOMER USE	APPROVED BY
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			DRG. NO.		AS PER PO											
			SPEC.		HW19468											
		REV	AS PER P.O.			Page2 of 2										
SL. NO.	COMPONENT & OPERATIONS		CHARACTERISTICS		CLASS	TYPE OF CHECK		QUANTUM OF CHECK	REFERENCE DOCUMENT	ACCEPTANCE NORMS	FORMAT OF RECORDS		AGENCY			REMARKS
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14.	TREPPANNING OF AXIAL CORE		MAJOR			BHEL DRWING & SPEC	BHEL DRWING & SPEC			P	-	-	
15.	AXIAL CORE TESTING	TENSILE / IMPACT TEST / FATT / MICROSTRUCTURE	MAJOR	MECHANICAL METALLOGRAPHI	100%	HW19468	HW19468	TC	¥	P	W	-	
16.	FINISH MACHINING	VISUAL AND DIMENSIONS	MAJOR	VISUAL AND MEASUREMENT	100%	DRAWING	DRAWING	TC	¥	P	W	-	
17.	HEAT STABILITY TEST	HEAT STABILITY	MAJOR	THERMAL STABILITY	100%	HW19468	HW19468	TC	¥	P	W*	-	*Monitor / witness
18.	BOROSCOPIC & MPI OF AXIAL BORE	BOROSCOPIC & MAGNETIC PARTICLE TEST	MAJOR	BOROSCOPIC & MPI	100%	HW19468	HW19468	TC	¥	P	W	-	
19.	PLUGGING OF AXIAL BORE WITH CORE SAMPLE INSIDE					BHEL DRWING & SPEC	BHEL DRWING & SPEC			P	-	-	
20.	MARKING PRESERVATION & PACKING	MARKING PRESERVATION & PACKING	MAJOR	VISUAL	100%	BHEL DRWING & SPEC	BHEL DRWING & SPEC		¥	P	V	-	

TEST CERTIFICATES SHALL BE SUBMITTED BY THE VENDOR WITH CLEAR MARKING OF QP CLAUSE NUMBER AT THE TOP OF THE EACH PAGE. ALSO, TEST CERTIFICATES SHALL BE ARRANGED QP CLAUSE WISE.

MANUFACTURER/SUBCONTRACTOR	 B KUMAR DY. MGR. QAX	LEGEND:	FOR CUSTOMER USE	APPROVED BY
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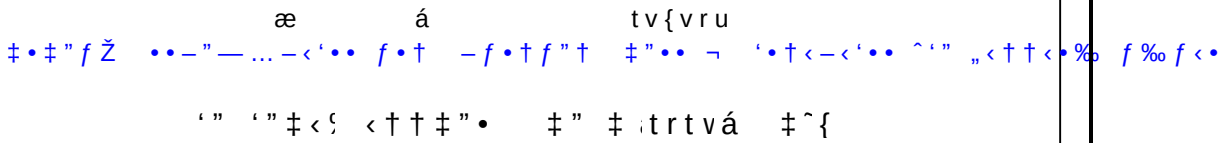


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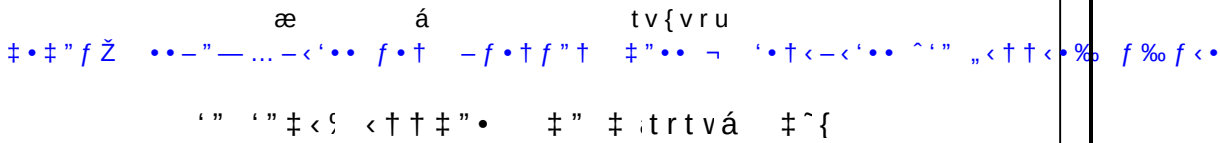
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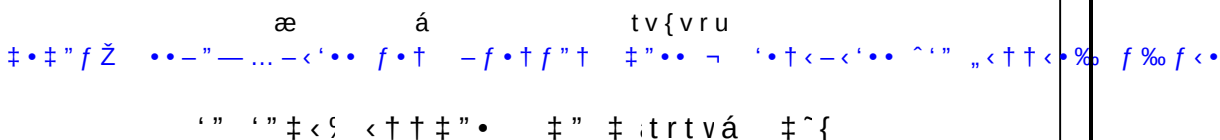
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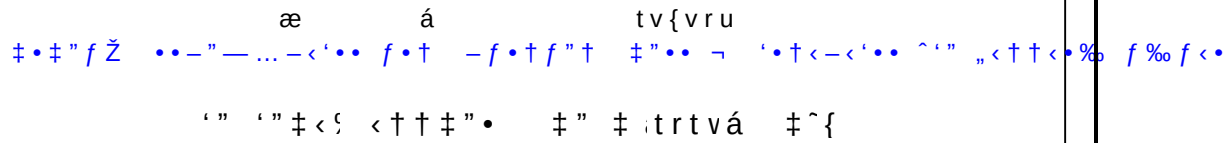
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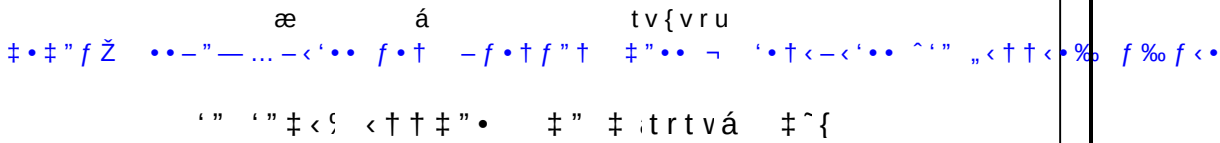
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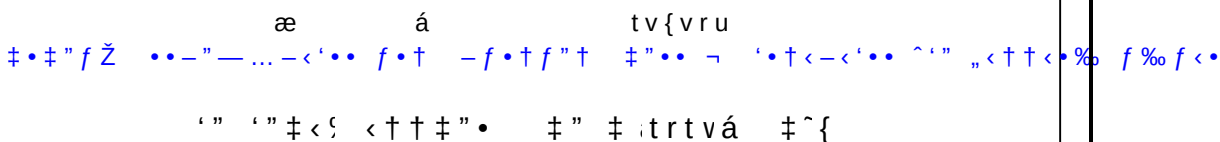
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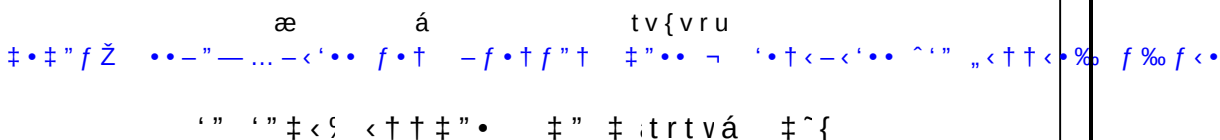
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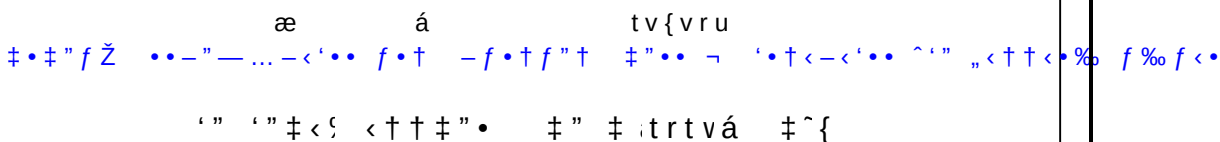


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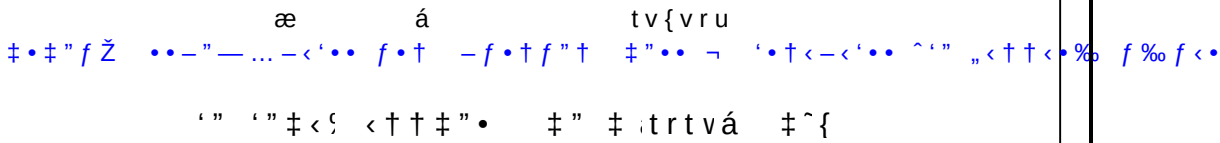
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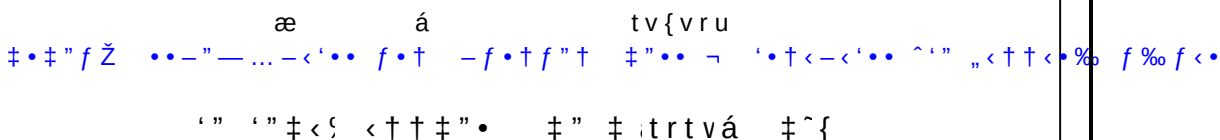
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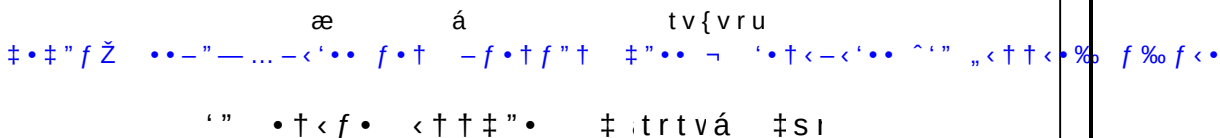
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tä Šþ ^'ŽŽ'™<•% þ~þ•—• f"þ þš'Ž<...<—Ž> þš...Ž—t+tþ ^'"• ' " ...þ fœþ—"þ
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„ Žf—þ tþŽ<~þ"> '^ þ"—<'•þ•— " •f—þ"<fŽ —•Žþ•• ...f—•tþ „> " ...þ f
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uä ^ þ<—Šþ" 'f"—> <• ' "þ~þ•—t+tá Š<•tþ"tþ ' " tþŽf>þtþ ^'"• ' " <• 'þ"'^"•<•%
—Šþ '•—"f...— „> f• þ~þ•— '^ ' " ...þ fœþ—"þá —Šþ• <— •ŠfŽŽ •'—<^> —Šþ
'^ •—... Š þ~þ•— f•t —Šþ ...<" ...—•—f•...þ• —Šþ"þ'^™<—Š<• sw ^<^—þþ•
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vä Šþ 'f"—>™Š' Šf• %<~þ• •—... Š •'—<...þ •ŠfŽŽ „þ þš...—•tþ ^'"• —Šþ 'þ"'^
'^<—• „Ž<%f—<'•• —•tþ" —Šþ '•—"f...— '^" •' Ž'•% f• —Šþ "þŽþ~f•— þ~þ•
—' —Šþ þš—þ•— —Šf— •—... Š 'f"—>5• 'þ"'^'"•f•...þ <• ' "þ~þ•—t+tá Š<•tþ"
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þ<—Šþ" 'f"—> •ŠfŽŽ „þ Ž<f„Žþ —' —Šþ '—Šþ" '^" f•> <t<"þ...— ' " ...'••þ"—þ
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Šþ <t+tþ" tþ...Žf"þ• —Šf— —Šþ>™<ŽŽ •'— þ•—þ" <—' f•> <ŽŽþ% fŽ ' " —•t<
™Šþ—Šþ" '^"•fŽ ' " <•'^"•fŽ™<—Š '—Šþ" <t+tþ" • ä Š<• f'Ž<þ• <• 'f"—<...
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f<...f„Ž> <• f... "'†f...† TM <-Š -Š† ...'•...<Ž<f-<'• "'...††—"† f• '†
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sæ š...†'- f• "'~<††† †Ž•† TM Š††† <• -Š<• '•—"f...-á <• ...f•† f"—<†• f
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†š†...—<'• ^ -Š† '•—"f...-â "á -Š† "†•†...-<~† " <%Š-• f•† Ž<f„Ž<-
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f Ž Ž ...Ž f <•• —' „þ "þ^þ"þþ —' f"„<—" f—<'• TM <—Š •—^<...<þ•— t þ—f <Ž f•
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uæ ^—þ" þš'<"> ^ ur t f > ^"• —Šþ t f—þ ^ "þ...þ<'— ^ f ^"þ•f <t •'—<...þ á —Š
•Š f Ž Ž •—„<— —Š f— t <•'—þ —' —Šþ "„<—" f Ž ••<—<—<'• <äþä þ Ž Š <••—
t <•'—þ •Š f Ž Ž „þ f t Æ —t <... f—þ t <• f...„' t f•...þ TM <—Š —Šþ<" "þ•þ...—
„þ f t Æ —t <... f—þ t „> f 'Žþ "„<—" f—' TM Š' •Š f Ž Ž •þ...þ•f <Ž> „þ f þ
þš'þ" <þ•...þ <• ...'••þ" ...<f Ž •f—þ"• —' „þ f''<—þ t •' <•f—þ t „> —Šþ "þ
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'^ —Šþ "þ•þ...—<~þ "„<—" f Ž ••<—<—<'• ä Šþ t þ...<•<'• ^—Šþ 'f"—> <•~'•
'^ t <•'—þ —' f •þ...<^<... "„<—" f Ž <••<—<—<'• ^" f t Æ —t <... f—<'• ^—Š
'• „'—Š —Šþ 'f"—<þ• f•t •Š f Ž Ž •'— „þ •—„Æþ...— —' f•> ... Š f•%þ —Šþ"þ f ^
—Šþ —<•þ ^ <•~'... f—<'• ^ t <•'—þ •Š f Ž Ž "þ•f <• —... Š f•%þ t
væ Šþ ^þþ f•t þš'þ••þ• •Š f Ž Ž „þ „'•þ „> —Šþ 'f"—<þ• f• 'þ"—Šþ "„<—" f Ž
wæ Šþ "„<—" f—<'• '•'...þþt<•% •Š f Ž Ž „þ <• •% Ž <• Š Ž f•%—f %þ f•t —Šþ •
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yæ —„Æþ...— —' —Šþ f „'•~þä —Šþ '•'•~<•<'•• ^• "„<—" f—<'• —' '•...<Ž <f—<'• ...
—Šþ"þ^• •Š f Ž Ž „þ f''Ž <... f „Žþä Ž Ž •f—þ"• "þŽ f—<•% —' —Š<• '•—" f...
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zæ '— TM <—Š•—f•t <•% f•> "þ^þ"þ•...þ —' —Šþ þ <•% f—þ t •% <•þþ" '•' '•...<Ž <
—Šþ 'f"—<þ• •Š f Ž Ž ...'•—<—þ —' 'þ" ^"• —Šþ<" "þ•þ...—<~þ „Ž <% f—<'••
'—Šþ" TM <•þ f %þ"þþä þ—Žþ•þ— ^• <•'—þ ...Ž f—þ ... f••— „þ <•'•þ t „>
Š f• „þþ• •—f Ž Ž> ...Ž'•þ t ^• î '• þ•f•t þ"—<^<... f—þî Š f• „þþ• ^—"•<•
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{æ —<• f %þ"þþ t —Š f— þ... Š f•<•• ^• "þ•Ž—<'• ^ t <•'—þ —Š"—% Š f"„<—
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f ^"þ•f <t ...'•t <—<'••á '•'•~<•<'•• ^—Šþ "„<—" f—<'• f•t '•...<Ž <f—<'• ...
'•t <^<... f—<'•• '• "þæþ•f...—•þ— —Šþ"þ^ f• f•þ t t t ^"• —<•þ —' <•þ ä •Š
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—' —•þþ"—Š<• ...'•—" f...—á —Šþ —Šþ ...—•—Ž f—<~þ ~f Ž—þ ^• ...Ž f <•• <•
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tä „ <þ þ þ " • ... Ž f <•••% • — f — • TM < Ž Ž Š f ~ þ — ' • — „ • <— ... þ " — <^ <•
... '•' þ — þ• — f — — Š " ' <— > ä — — þ•— þ þ ' — f " <æ þ þ ' " f — — þ•— þ þ „ > f æ þ — — þ þ ' ^
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' ^ ^ þ tw ^ ^ — f • — <— > ^ " þ •' þ ... — <~ þ <— þ • " ' — •þ þ þ ' ^ ^ — ' •þ f " þ • — • — •þ " —
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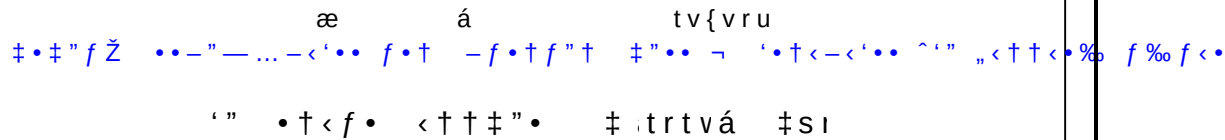
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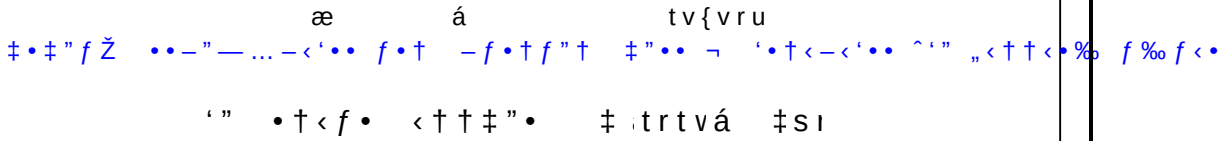
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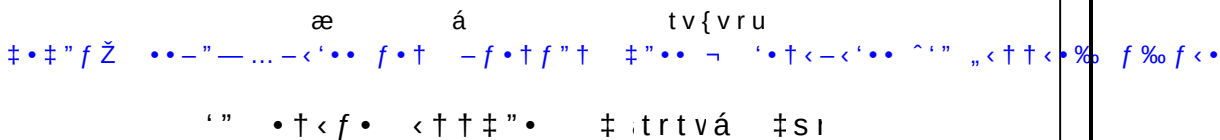
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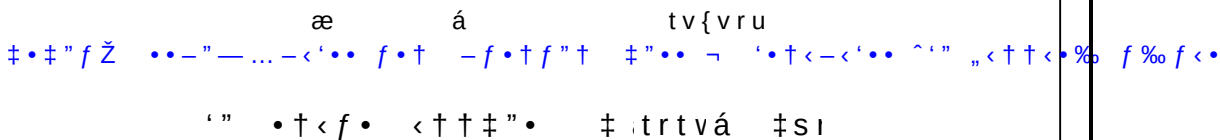
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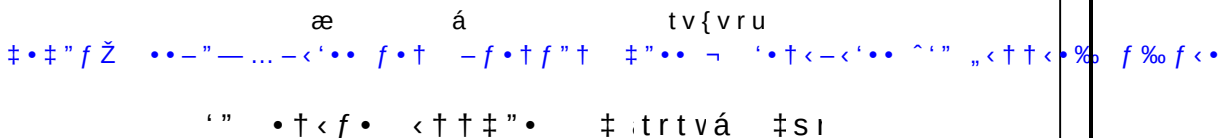
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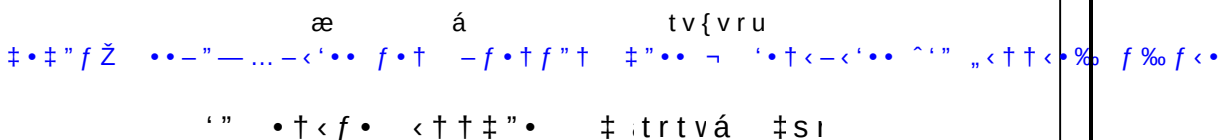
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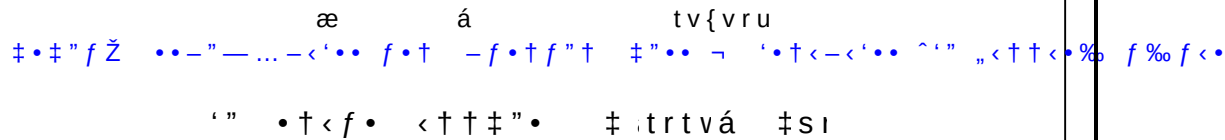
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LL	\$QQH[XUH LWHP GHWDLOV	\$SSOLFDEOH 1RW \$SSOL <(6 12
LLL	\$QQH[XUH 43 WR EH VXS	\$SSOLFDEOH 1RW \$SSOL <(6 12
LY	:KHWKHU DOO SDJHV GRFXPHQWV LQFOXGLQ DSSHQGLFHV HWF DL	\$SSOLFDEOH 1RW \$SSOL <(6 12
Y	&RS\ RI 3\$1 &DUG *67	\$SSOLFDEOH 1RW \$SSOL <(6 12
YL	6XEPLVVLRQ RI 06(VSHFLILHC	\$SSOLFDEOH 1RW \$SSOL <(6 12
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[LY	1RQ 'LVFORVXUH DJUHSSOLFDEOH :	\$SSOL	<(6 12
[Y	'HFODUDWLRQ UHJ 5HSSOLFDEOH DUHDV RI \$FWLYLW:	\$SSOL	<(6 12
[YL	'HFODUDWLRQ IRU UHSSOLFDEOH \$QQH :	\$SSOL	<(6 12
[YLL	'HFODUDWLRQ UHJ PLQLPXP ORFDO FROWHQW LLQ OLQH ZLWK UHYLVHGSSOLFDEOH SHU \$Q :	\$SSOLFDEOH	<(6 12
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[L]	%DQN \$FFRXQW 'HWDLOSSOLFDEOH SHU \$Q :	\$SSOL	<(6 12
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RIIHU IRU WKH SURSRVHG ZRUN LQ DFFRUGDQFH ZLWK WHUPV D

DW WKH SULFHV TXRWHG E\ XV DQG DV SHU WKH LQGLFDWHG GH

6KRXOG RXU 2IIHU EH DFFHSWHG E\ %+(/ IRU \$ZDUG , ZH IXUWKH

ZRUN DV SURYLGHG IRU LQ WKH 7HQGHU &RQGLWLRQV ZLWKLQ W

, :H IXUWKHU DJUHH WR H[HFXXH DOO WKH ZRUNV UHIHUUHG W

FRQGLWLRQV FRQWDLQH RU UHIHUUHG WR WKHUHLQ DQG DV GH

, :H KDYH GHSRVLWHG KHUHZLWK WKH UHTXLVLWH (DUQHVW 0RQ

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GRZQORDGHG IURP WKH ZHEVLWH LVVXHG E\ %+(/ DQG LQ FDFH
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GHYLDWLRQ IURP WKH 7HQGHU FRQGLWLRQV WRJHWKHU ZLWK RV

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\$OO RWKHU SHUWLQHQQ LVVXHV WLOO GDWH

, :H KHUHE\ FHUWLI\ WKDW DOO WKH LQIRUPDWLRQ DQG GDWD
6SHFLILFDWLRQ DUH WUXH DQG FRPSOHWH WR WKH EHVW RI P\
FRQGLWLRQV VWLSXODWLRQV DQG DOO RWKHU SHUWLQHQQ LVV
DQG ,QWHQW RI WKH VSHFLILFDWLRQ

, IXUWKHU FHUWLI\ WKDW , DP DXWKRULJHG WR UHSUHVHQW RQ
WHQG HU DQG D YDOLG 3RZHU RI \$WWRUQH\ WR WKLV HIIHFW LV

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, :H KHUHE\ FHUWLI\ WKDW DOO WKH GRFXPHQWV VXEPLWWHG
5HTXLUHPHQWV' DUH WUXH FRSLHV RI WKH RULJLQDO DQG DUH
WKH ELG DQG VKDOO SURGXFH WKH RULJLQDO RI VDPH DV DQG Z

, :H KHUHE\ IXUWKHU FRQILUP WKDW QR WDP SHULQJ LV GRQH
TXDOLILFDWLRQ DV ELGGHU , :H XQGHUVWDQG WKDW DW DQ\ V
DZDUGHG FRQWUDFW LI LW LV IRXQG WKDW IDNH IDOVH IRUJI
ZHUH VXEPLWWHG LW ZRXOG OHDG WR VXPPDULO\ UHMHFWLRQ
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1 7R PDLQWDLQ FRQILGHQWLDOLW\ RI GRFXPHQWV LQIRUPDWLF
WKH &RQWUDFW
1 7KH GRFXPHQWV LQIRUPDWLHQ WKDOO QRW EH UHYHDOHG WF
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RU DVVLJQV RI WKH 21(3\$57

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KHUHLQDIWHU UHIHUHG WR DV ³7KH %LGGHU &RQUDFWRU Z
PHDQLQJ KHUHRI VKDOO LQFOXGH LWV VXFFHVVRUV RU DVVLJQV

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UHJXODWLRQV  DQG WKH SULQFLSOHV RI HFRQRPLF XVH RI UHVR
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,Q RUGHU WR DFKLHYH WKHVH JRDOV WKH 3ULQFLSDO ZLOO D
PRQLWRU WKH WHQGHU SURFHVV DQG WKH H[HFXWLQJ RI WKH F
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6HFWLRQ &RPPLWPHQWV RI WKH 3ULQFLSDO

7KH 3ULQFLSDO FRPPLWV LWVHOI WR WDNH DOO PHDVXUHV Q
IROORZLQJ SULQFLSOHV

1R HPSOR\HH RI WKH 3ULQFLSDO SHUVRQDOO\ RU WKURXJK
WHQGHU IRU RU WKH H[HFWRU RI D FRQWUDFW GHPDQG WDN
PDWHULDO RU LPPDWHULDO EHQHILW ZKLFK WKH SHUVRQ LV QRW

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7KH 3ULQFLSDO ZLOO GXULQJ WKH WHQGHU SURFHVV WUI
ZLOO LQ SDUWLFXODU EHIRUH DQG GXULQJ WKH WHQGHU SURFH
ZLOO QRW SURYLGH WR DQ\ %LGGHU V FRQILGHQWLDO DGGLWI
REWDLO DQ DGYDQWDJH LQ UHODWLRO WR WKH WHQGHU SURFHV

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7KH 3ULQFLSDO ZLOO HJFOXGH IURP WKH SURFHVV DOO N

, I WKH 3ULQFLSDO REWDLQV LQIRUPDWLRQ RQ WKH FRQGXF
XQGHU WKH ,QGLDQ 3HQDO &RGH DQG 3UHYPHQWLRLQ RI &RU
HQDFWPHQW RU LI WKHUH EH D VXEVWDQWLYH VXVSLFLRLQ LQ W
DQG LQ DGGLWLRQ FDQ LQLWLDWH GLVFLSOLQDU\ DFWLRQV

6HFWLRQ &RPPLWPHQWV RI WKH %LGGHU V &RQWUDFWRU V

7KH %LGGHU V &RQWUDFWRU V FRPPLW KLPVHOI WR WDNH I
FRPPLWV KLPVHOI WR REVHUYH WKH IROORZLQJ SULQFLSOHV G
GXULQJ WKH FRQWUDFW H[HFXWLRQ

7KH %LGGHU V &RQWUDFWRU V ZLOO QRW GLUHFWO\ F
RU JLYH WR WKH 3ULQFLSDO RU WR DQ\ RI WKH 3ULQFLSDO V HPS
RI WKH FRQWUDFW RU WR DQ\ WKLUG SHUVRQ DQ\ PDWHULDO L
OHJDOO\ HQWLWOHG WR LQ RUGHU WR REWDLQ LQ H[FKDQJH DQ
SURFHVV RU GXULQJ WKH H[HFXWLRQ RI WKH FRQWUDFW

7KH %LGGHU V &RQWUDFWRU V ZLOO QRW HQWHU ZLW
DJUHHPHQW RU XQGHUVWDQGLQJ ZKHWKHU IRUPDO RU LQIRUPD
FHUWLILFDWLRQV VXEVLGLDU\ FRQWUDFWV VXEPLVVLRQ RU QR
FRPSHWLWLYHQHV RU WR LQWURGXFH FDUWHOL]DWLRQ LQ WKH

7KH %LGGHU V &RQWUDFWRU V ZLOO QRW FRPPLW DQ\
&RGH ,3& DQG 3UHYHQWLRQ RI &RUUXSWLRQ \$FW IXUWKHU WK
IRU SXUSRVHV RI FRPSHWLWLRQ RU SHUVRQDO JDLQ RU SDVV R
E\ WKH 3ULQFLSDO DV SDUW RI WKH EXVLQHV UHODWLRQV KLS
GHWDLOV LQFOXGLQJ LQIRUPDWLRQ FRQWDLQHG RU WUDQVPLW

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WR RU LQWHQGV WR PDNH WR DJHQWV EURNHUV RU DQ\ RWKHU
FRQWUDFW

7KH %LGGHU V &RQWUDFWRU V ZLOO QRW LQVWLJDWH WKL
DQ DFFHVVRI\ WR VXFH RIIHQFHV

7KH %LGGHU V &RQWUDFWRU V VKDOO QRW DSSURDFK WKH
ZLOO DZDLW WKHLU GHFLVLRQ LQ WKH PDWWHU

6HFWLRQ 'LVTXDOLILFDWLRQ IURP WHQGHU SURFHVV DQG H[F

,I WKH %LGGHU V &RQWUDFWRU V EHIRUH DZDUG RU GXULQJ
YLRODWLRQ RI 6HFWLRQ DERYH RU DFWV LQ DQ\ RWKHU PDQ
TXHVWLRQ WKH 3ULQFLSDO LV HQWLWOHG WR GLVTXDOLI\ WKH
DFWLRQ DV SHU WKH VHSUDWH *XLGHOLQHV RQ %DQQLQJ RI %X
E\ WKH 3ULQFLSDO

6HFWLRQ &RPSHQVDWLRQ IRU 'DPDJHV

,I WKH 3ULQFLSDO KDV GLVTXDOLILHG WKH %LGGHU IURP WK
6HFWLRQ WKH 3ULQFLSDO LV HQWLWOHG WR GHPDQG DQG UHF
%LG 6HFXULW\

,I WKH 3ULQFLSDO KDV WHUPLQDWHG WKH FRQWUDFW DFFRU
WHUPLQDWH WKH FRQWUDFW DFFRUGLQJ WR VHFWRQ WKH 3U

&RQWUDFWRU OLTXLGDWHG GDPDJHV HTXLYDOHQW WR RI WKH
'HSRVLW 3HUIRUPDQFH %DQN *XDUDQWHH ZKLFKHYHU LV KLJKH
6HFWLRQ 3UHYLRXV 7UDQVJUHVVLQR

7KH %LGGHU GHFODUHV WKDW QR SUHYLRXV WUDQVJUHVVLQR
LQ DQ\ FRXQWU\ FRQIRUPLQJ WR WKH DQWL FRUUXSWLRQ DSSUR
,QGLD WKDW FRXOG MXVWL\ KLV H[FOXVLRQ IURP WKH WHQGHU

,I WKH %LGGHU PDNHV LQFRUUHFW VWDWHPHQW RQ WKLV VXE
RU WKH FRQWUDFW LI DOUHDG\ DZDUGHG FDQ EH WHUPLQDWHG
6HFWLRQ (TXDO WUHDWPHQW RI DOO %LGGHUV &RQWUDFWRU

7KH 3ULQFLSDO ZLOO HQWHU LQWR DJUHHPHQWV ZLWK LGHQ
&RQWUDFWRUV
,Q FDVH RI VXE FRQWUDFWLQJ WKH 3ULQFLSDO FRQWUDFWRU V
FRQWUDFWRUV DQG VKDOO FRQWLQXH WR UHPDLQ UHVSRQVLEOH

7KH 3ULQFLSDO ZLOO GLVTXDOLI\ IURP WKH WHQGHU SURFHV
SURYLVLRQV

6HFWLRQ &ULPLQDO &KDUJHV DJDLQVW YLRODWLQJ %LGGHUV

,I WKH 3ULQFLSDO REWDLQV NQRZOHGJH RI FRQGXFWR RI D %LGG
RU D UHSUHVHQWDWLYH RU DQ DVVRFLDWH RI D %LGGHU &RQW
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6HFWLRQ ,QGSHQGHHQW ([WHUQDO 0RQLWRU V

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WKH 0RQLWRU LV WR UHYLHZ LQGSHQGHHQWO\ DQG REMHFWLYHO
WKH REOLJDWLRQV XQGHU WKLV DJUHHPHQW

7KH 0RQLWRU LV QRW VXEMHFW WR LQVWUXFWLRQV E\ WKH UH
QHXLWDOO\ DQG LQGSHQGHHQWO\ +H UHSRUWV WR WKH &0' %+

7KH %LGGHU V &RQWUDFWRU V DFFHSWV WKDW WKH 0RQLW
FRQWUDFW GRFXPHQDWLRQ RI WKH 3ULQFLSDO LQFOXGLQJ W
%LGGHU V &RQWUDFWRU V ZLOO JUDQW WKH PRQLWRU XSRQ
XQUHVVWULFWHG DQG XQFRQGLWLRQDO DFFHVV WR KLV FRQU
FRQWUDFWRU V 7KH 0RQLWRU LV XQGHU FRQWUDFWXDO REOLJ
%LGGHU V &RQWUDFWRU V 6XE FRQWUDFWRU V ZLWK FRQILG

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UHODWHG WR WKH FRQWUDFW SURYLGHG VXFK PHHWLQJV FRXOG
WKH 3ULQFLSDO DQG WKH &RQWUDFWRU 7KH SDUWLHV RIIHU WR

7KH UROH RI ,(0V LV DGYLVRU\ ZRXOG QRW EH OHJDOO\ ELQG
E\ DQ LQWHQGLQJ ELGGHU UHJDUGLQJ DQ\ DVSHFW RI WKH WH
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0DQDJHHPHQW 7KHLU UROH LV LQGHSHQGHQW LQ QDWXUH DQG
UHYLHZ DW WKH UHTXHVW RI WKH RUJDQL]DWLRQ

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NON DISCLOSURE AGREEMENT

THIS NON DISCLOSURE AGREEMENT (this "Agreement") entered into on this day of June, 20.. (the "Effective Date")

By and Between

Bharat Heavy Electricals Limited (a Public Sector Undertaking of Government of India), a company incorporated under the Companies Act, 1956 and having its registered office at having its registered office at "BHEL House", Siri Fort, New Delhi - 110 049, India (hereinafter referred to as "BHEL" of which the expression shall unless repugnant to the context or the meaning thereof be deemed to include its successors and permitted assigns) (hereinafter referred to as "BHEL").

And

ABC, a Company incorporated under the laws of and having its registered office at (hereinafter referred to as "ABC").

The party who is receiving information would be referred as Receiving Party and the party who is disclosing information would be referred as Disclosing Party, as the context requires.

WHEREAS

- (A) The Disclosing Party and The Receiving Party wish to explore and discuss the potential of certain mutually advantageous business relationships for _____, for the purpose ofproducts in India ("the Purpose");
- (B) The Disclosing Party, in furtherance of such business relationship, will disclose certain information, including but not limited to, scientific, development, financial, marketing, sales or other proprietary information;
- (C) The Receiving Party and the Disclosing Party wish to protect and preserve the confidentiality of such information provided by the Disclosing Party to the Receiving Party by preventing its unauthorized disclosure and use, in accordance with the terms of this Agreement; and
- (D) The Receiving Party agrees to hold such information in strict confidence and not to disclose or to use, directly or indirectly, for any purpose other than the performance of this Agreement

NOW, THEREFORE and in consideration of the promises made herein, their mutual and individual interests, and other good and valuable consideration, the receipt and sufficiency of all of which is hereby acknowledged, the Parties agree as follows:

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1. **PURPOSE:** Purpose to be mentioned here.
2. **DISCLOSING PARTY.** means a Party that discloses the confidential information to the other party under this agreement.
3. **RECEIVING PARTY** means a Party that receives the confidential information from the other party under this agreement.
4. **Confidential Information**
 - (a) Subject to the provisions of this Agreement, all information disclosed by the Disclosing Party to the Receiving Party, shall be deemed to be "Confidential Information" for the purposes of this Agreement.
 - (b)
 - (i) It is clarified that Confidential Information shall include, but is not limited to, any trade secret, technique, strategy, component, concept, program, report, study, memorandum, correspondence, documentation, information, manual, record, data, technology, product, plan, design, procedure, method, invention, sample, notes, summaries, analyses, compilations and other writings, producing any such sample, medium, test data relating to any research project, work in progress, future development, engineering, manufacturing, marketing, pricing, billing, servicing, financing, personnel matter, its present or future products, sales, suppliers, clients, customers, employees, investors, or any other information which the Disclosing Party provides to the Receiving Party whether in oral, written, graphic or electronic form and whether or not such information is identified as such by an appropriate stamp or marking. The Confidential Information shall also include all reports, notes or other material prepared by the Receiving Party based on the Confidential Information and/ or any discussion thereon.
 - (ii) Confidential Information includes information disclosed by the Disclosing Party or by any individual, firm or corporation controlled by, controlling, or under the common control of the Disclosing Party.
 - (c) Confidential Information shall not include any information which the Receiving Party can demonstrate to the Disclosing Party:
 - (1) is now, or has become, through no act or failure to act on the part of the Receiving Party, generally known or available to the public;
 - (2) is known by the Receiving Party at the time of receiving such information as evidenced by its records;
 - (3) is discovered/independently developed by the Receiving Party independent of any disclosures by the Disclosing Party; or

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(4) is hereafter furnished to the Receiving Party by a third party, as a matter of right and without restriction on disclosure.

- (d) Notwithstanding any other provision of this Agreement, the Receiving Party shall be permitted to disclose Confidential Information if such disclosure is in response to a valid order of a court or other governmental body, provided, however, that the Receiving Party shall be required to give prior notice in writing to the Disclosing Party so that the Disclosing Party may seek an appropriate protective order including that the Confidential Information so disclosed be used only for the purposes for which the order was issued;

5. Disclosure

In consideration of the disclosure of Confidential Information by the Recipient hereby agrees to:

- (a) Shall treat as confidential and safeguard all information disclosed and/or its Affiliates in connection
- (b) to hold the Confidential Information in strict confidence and to take all necessary precautions to protect such Confidential Information (including, without limitation, all precautions the Recipient employs with respect to its own confidential materials);
- (c) limit disclosure of any Confidential Information to its concerned directors, officers and employees, (collectively "Representatives") strictly only to who have a need to know such Confidential Information in connection with the Transaction between the parties to which this Agreement relates, and only for that purpose;
- (d) advise its Representatives of the proprietary nature of the Confidential Information and of the obligations set forth 2 in this Agreement and require in writing such Representatives to keep the Confidential Information confidential;
- (e) shall keep all Confidential Information strictly confidential by using a reasonable degree of care, but not less than the degree of care used by it in safeguarding its own confidential information;
- (f) not disclose any Confidential Information received by it to any third party; and
- (g) not to copy or reverse engineer any such Confidential Information.
- (h) not to use the Confidential Information for any purpose other than the Transaction.
- (i) not use the information for any scientific research or any other research.
- (j) Confidential information does not include information:
 - a. Which is generally available to the public other than as a result of a breach of this Agreement; or

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- c. Which is or has been lawfully disclosed to Recipient by someone who is free lawfully to disclose the same without confidentiality restrictions; or
 - d. Which is independently developed by Recipient or its Affiliates and no Confidential information disclosed hereunder has been used directly or indirectly in such development; or
 - e. Whose applicable period of confidentiality pursuant hereto, or such other period specifically agreed to in writing by the parties, has ended
- (k) This agreement is not intended to, and does not, oblige either party to enter into any further agreements or to proceed with the transaction, any possible relationship or other transaction. Recipient acknowledges that Discloser makes no representation or warranty whether express or implied, as to the accuracy or completeness of Confidential information, and Discloser disclaims any and all liability unless contained in any definitive agreement.

Each Party will comply with all applicable data protection laws and regulations. Where applicable in particular if one Party receives access to and processes personal data on behalf of the other party in connection with this Agreement and such processing agreement, the Parties will enter into any required data processing or other data protection agreement

6. Restriction on Use

- (a) The Receiving Party and its Representatives shall hold the Confidential Information received from the Disclosing Party in confidence, and shall not, directly or indirectly:
 - (i) disclose the Confidential Information to any third party; or
 - (ii) use the Confidential Information for any purpose other than the permitted Purpose.
- (b) The Receiving Party shall not use the Confidential Information for any purpose or in any manner, which would constitute a violation of any applicable laws or regulations, directly or indirectly.
- (c) The Confidential Information shall be the property of the Disclosing Party. No rights, licenses or interests including, but not limited to, trademarks, inventions, copyrights or patents are implied, transferred or granted in relation to the Confidential Information provided by the Disclosing Party to the Receiving Party under this Agreement.
- (d) The Receiving Party shall not reproduce the Confidential Information in any form except as needed for the Purpose of the Agreement as set out above or with the prior written

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(e) All the title and rights in the Confidential Information shall be reserved with the respective Discloser and/or its licensors and no rights or obligations other than those expressly set out in this Agreement are granted or to be implied from this Agreement. In particular no license is granted to the Recipient, directly or indirectly, by this Agreement relating to any invention, discovery, patent, copyright or other industrial or intellectual property right now or in the future.

7. Protection of Confidential Information

- (a) The Receiving Party represents and warrants that it shall protect the Confidential Information received with utmost care and diligence.
- (b) All Confidential Information shall be promptly returned to the Disclosing Party after the Receiving Party's need for it has expired, or upon request of the Disclosing Party, and in any event, upon completion or termination of this Agreement.

8. No Further Warranties

The Confidential Information shall be disclosed on an "as is" basis only and without any warranties of any kind, including but not limited to, warranties of merchantability or fitness for a particular purpose.

9. No Further Business Arrangement

Nothing contained herein shall be construed to obligate either Party to enter into any further agreements with each other. This Agreement does not create any other business arrangement, including but not limited to any partnership, agency or joint venture, between the Parties.

10. Term

The term of this Agreement shall commence on the Effective Date and valid for the period of two (2) years. The Disclosing party shall have a right to terminate this Agreement by giving a written notice of 30 days to the Receiving Party. However, the Receiving Party obligation to protect and restrict the use of Confidential Information under this Agreement shall continue until such time as the Disclosing Party discloses it to the public or when it otherwise becomes part of the public domain through no action of the Receiving Party.

11. Injunctive remedy

The Recipient acknowledges that the Confidential Information to be disclosed hereunder is commercially sensitive of a unique and valuable character, and that the unauthorized dissemination of the Confidential Information would destroy or diminish the value of such information. The damages that would result from the unauthorized dissemination of the

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Confidential Information would be impossible to calculate. Therefore, Recipient hereby agrees that the affected Discloser shall be entitled to injunctive relief preventing the dissemination of any Confidential Information in violation of the terms hereof. Such injunctive relief shall be in addition to any other remedies available hereunder, whether at law or in equity. The affected Discloser shall be entitled to recover all its damages, costs and fees, including reasonable attorneys' fees, incurred in obtaining any such relief. Further, in the event of litigation relating to this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and expenses.

12. Return of Confidential Information

Recipient shall immediately return and redeliver to the respective Discloser all tangible material embodying the Confidential Information provided hereunder and all notes, summaries, memoranda, drawings, manuals, records, excerpts or derivative information deriving there from and all other documents or materials ("Notes") (and all copies of any of the foregoing, including "copies" that have been converted to computerized media in the form of image, data or word processing files either manually or by image capture) based on or including any Confidential Information, in whatever form of storage or retrieval, upon the earlier of (i) the completion or termination of the dealings between the parties contemplated hereunder; (ii) the termination of this Agreement; or (iii) any breach of this agreement, in which case the party in breach shall also be liable towards the Disclosers under the law and this Agreement or (iv) at such time as the respective Discloser may so request; provided however that the Recipient may retain such of its documents as is necessary to enable it to comply with its document retention policies. Alternatively, the Recipient, with the written consent of the respective Discloser may immediately destroy any of the foregoing embodying Confidential Information (or the reasonably non-recoverable data erasure of computerized data) and, upon request, certify in writing such destruction by an authorized officer of the Recipient supervising the destruction).

13. Notice of Breach

Recipient shall notify the Disclosers immediately upon discovery of any unauthorized use or disclosure of Confidential Information by Recipient or its Representatives, or any other breach of this Agreement by Recipient or its Representatives, and will cooperate with efforts by the Discloser regain possession of Confidential Information and prevent its further unauthorized use.

14. Survival

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The provisions of Clauses 8, 9 & 10 of this Agreement, and the rights and obligations contained there under shall not terminate upon termination of this Agreement.

15. Governing Law & Dispute Resolution

The contract shall be governed by the Law for the time being in force in the Republic of India. Civil Court having original Civil Jurisdiction at (name of Place) shall alone have exclusive jurisdiction in regard to all matters in respect of this agreement.

Except as provided elsewhere in this Contract, in case amicable settlement is not reached between the Parties, in respect of any dispute or difference; arising out of the formation, breach, termination, validity or execution of the Contract; or, the respective rights and liabilities of the Parties; or, in relation to interpretation of any provision of the Contract; or, in any manner touching upon the Contract, then, either Party may, by a notice in writing to the other Party refer such dispute or difference to arbitration. The arbitration shall be conducted by three arbitrators, one to be appointed by each of the Parties and a third arbitrator to be appointed by the mutual consent of the two arbitrators so appointed by the Parties.

The Arbitrator shall pass a reasoned award and the award of the Arbitrator shall be final and binding upon the Parties. Subject as aforesaid, the provisions of Arbitration and Conciliation Act 1996 (India) or statutory modifications or re-enactments thereof and the rules made thereunder and for the time being in force shall apply to the arbitration proceedings under this clause. The seat of arbitration shall be _____(the place from where the contract is issued)

16. No Publication

Neither Party shall disclose, publicise or advertise in any manner the discussions or negotiations contemplated by the Agreement without the prior written consent of the other Party, except as may be required by law.

17. Miscellaneous

- (a) This Agreement constitutes the entire understanding between the parties and supersedes any and all prior or contemporaneous understandings and agreements, whether oral or written, between the parties, with respect to the subject matter hereof. This Agreement can only be modified by a written amendment signed by the party against whom enforcement of such modification is sought.
- (b) Any failure by a Discloser to enforce the Recipient's strict performance of any provision of this Agreement will not constitute a waiver of its right to subsequently enforce such provision or any other provision of this Agreement.

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- (c) Although the restrictions contained in this Agreement are considered by the parties to be reasonable for the purpose of protecting the Confidential Information, if any such restriction is found by a court of competent jurisdiction to be unenforceable, such provision will be modified, rewritten or interpreted to include as much of its nature and scope as will render it enforceable. If it cannot be so modified, rewritten or interpreted to be enforceable in any respect, it will not be given effect, and the remainder of the Agreement will be enforced as if such provision was not included.
- (d) Any notices or communications required or permitted to be given hereunder may be delivered by hand, deposited with a nationally recognized overnight carrier, electronic-mail, or mailed by certified mail, return receipt requested, postage prepaid, in each case, to the address of the other party first indicated above (or such other addressee as may be furnished by a party in accordance with this paragraph). All such notices or communications shall be deemed to have been given and received (a) in the case of personal delivery or electronic-mail, on the date of such delivery, and (b) in the case of delivery by a nationally recognized overnight carrier, on the third business day following dispatch.
- (e) Parties shall not directly or indirectly assign or transfer it by operation of law or otherwise without the prior written consent of the Disclosers, which consent will not be unreasonably withheld. All obligations contained in this Agreement shall extend to and be binding upon the parties to this Agreement and their respective successors, assigns and designees.
- (f) Paragraph headings used in this Agreement are for reference only and shall not be used or relied upon in the interpretation of this Agreement.

18. Notices

All notices, documents, consents, approvals or other communications (a "Notice") to be given hereunder shall be in writing and shall be transmitted by first class registered or recorded delivery mail to the person at the address specified herein below, or by telex, facsimile or other electronic means in a form generating a record copy to the party being served at the relevant address for that party shown herein below. Any Notice sent by mail shall be deemed to have been duly served on receipt of delivery confirmation. Any Notice sent by telex facsimile or other electronic means shall be deemed to have been duly served at the time of transmission.

Notice if to:

BHEL, then to,

Phone :

Annexure-NDA

Fax :

E-mail :

ABC, then to,

(Name)_____

(Designation)_____

Phone :

Fax :

E-mail :

19. Counterparts, Telefax Signatures

This Agreement may be signed in two counterparts, each of which is to be considered an original, and taken together as one and the same document.

IN WITNESS WHEREOF, of their Agreement to the terms and conditions contained herein, the undersigned have caused this Agreement to be executed by their duly authorized representatives:

For Bharat Heavy Electricals Limited	For ABC
Signature:	Signature:
Name:	Name:
Designation:	Designation:
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INTEGRITY PACT**Between**

Bharat Heavy Electricals Ltd. (BHEL), a company registered under the Companies Act 1956 and having its registered office at "BHEL House", Siri Fort, New Delhi - 110049 (India) hereinafter referred to as "The Principal", which expression unless repugnant to the context or meaning hereof shall include its successors or assigns of the ONE PART

and

_____, (description of the party along with address), hereinafter referred to as "The Bidder/ Contractor" which expression unless repugnant to the context or meaning hereof shall include its successors or assigns of the OTHER PART

Preamble

The Principal intends to award, under laid-down organizational procedures, contract/s for _____

_____ (hereinafter referred to as "Contract"). The Principal values full compliance with all relevant laws of the land, rules and regulations, and the principles of economic use of resources, and of fairness and transparency in its relations with its Bidder(s)/ Contractor(s).

In order to achieve these goals, the Principal will appoint panel of Independent External Monitor(s) (IEMs), who will monitor the tender process and the execution of the contract for compliance with the principles mentioned above.

Section 1- Commitments of the Principal

- 1.1 The Principal commits itself to take all measures necessary to prevent corruption and to observe the following principles: -
 - 1.1.1 No employee of the Principal, personally or through family members, will in connection with the tender for, or the execution of a contract, demand, take a promise for or accept, for self or third person, any material or immaterial benefit which the person is not legally entitled to.
 - 1.1.2 The Principal will, during the tender process treat all Bidder(s) with equity and reason. The Principal will in particular, before and during the tender process, provide to all Bidder(s) the same information and will not provide to any Bidder(s) confidential/ additional information through which the Bidder(s) could obtain an advantage in relation to the tender process or the contract execution.
 - 1.1.3 The Principal will exclude from the process all known prejudiced persons.
- 1.2 If the Principal obtains information on the conduct of any of its employees which is a penal offence under the Indian Penal Code 1860 and Prevention of Corruption Act 1988 or any other statutory penal enactment, or if there be a substantive suspicion in this regard, the Principal will inform its Vigilance Office and in addition can initiate disciplinary actions.

Section 2 - Commitments of the Bidder(s)/ Contractor(s)

- 2.1 The Bidder(s)/ Contractor(s) commit himself to take all measures necessary to prevent corruption. The Bidder(s)/ Contractor(s) commits himself to observe the following principles during participation in the tender process and during the contract execution.

- 2.1.1 The Bidder(s)/ Contractor(s) will not, directly or through any other person or firm, offer, promise or give to the Principal or to any of the Principal's employees involved in the tender process or the execution of the contract or to any third person any material, immaterial or any other benefit which he/ she is not legally entitled to, in order to obtain in exchange any advantage of any kind whatsoever during the tender process or during the execution of the contract.
- 2.1.2 The Bidder(s)/ Contractor(s) will not enter with other Bidder(s) into any illegal or undisclosed agreement or understanding, whether formal or informal. This applies in particular to prices, specifications, certifications, subsidiary contracts, submission or non-submission of bids or any other actions to restrict competitiveness or to introduce cartelization in the bidding process.
- 2.1.3 The Bidder(s)/ Contractor(s) will not commit any penal offence under the relevant Indian Penal Code (IPC) and Prevention of Corruption Act; further the Bidder(s)/ Contractor(s) will not use improperly, for purposes of competition or personal gain, or pass on to others, any information or document provided by the Principal as part of the business relationship, regarding plans, technical proposals and business details, including information contained or transmitted electronically.
- 2.1.4 Foreign Bidder(s)/ Contractor(s) shall disclose the name and address of agents and representatives in India and Indian Bidder(s)/ Contractor(s) to disclose their foreign principals or associates.. The Bidder(s)/ Contractor(s) will, when presenting his bid, disclose any and all payments he has made, and is committed to or intends to make to agents, brokers or any other intermediaries in connection with the award of the contract.
- 2.2 The Bidder(s)/ Contractor(s) will not instigate third persons to commit offences outlined above or be an accessory to such offences.
- 2.3 The Bidder(s)/ Contractor(s) shall not approach the Courts while representing the matters to IEMs and shall await their decision in the matter.

Section 3 - Disqualification from tender process and exclusion from future contracts

If the Bidder(s)/ Contractor(s), before award or during execution has committed a transgression through a violation of Section 2 above, or acts in any other manner such as to put his reliability or credibility in question, the Principal is entitled to disqualify the Bidder(s)/ Contractor(s) from the tender process , terminate the contract, if already awarded, exclude from future business dealings and/ or take action as per the separate "Guidelines on Banning of Business dealings with Suppliers/ Contractors", framed by the Principal.

Section 4 - Compensation for Damages

- 4.1 If the Principal has disqualified the Bidder (s) from the tender process before award / order acceptance according to Section 3, the Principal is entitled to demand and recover the damages equivalent to Earnest Money Deposit/ Bid Security.
- 4.2 If the Principal is entitled to terminate the Contract according to Section 3, or terminates the Contract in application of Section 3 above , the Bidder(s)/ Contractor (s) transgression through a violation of Section 2 above shall be construed breach of contract and the Principal shall be entitled to demand and recover from the Contractor an amount equal to 5% of the contract value or the amount equivalent to Security Deposit/ Performance Bank Guarantee , whichever is higher, as damages, in addition to and without prejudice to its right to demand and recover compensation for any other loss or damages specified elsewhere in the contract.



Section 5 - Previous Transgression

- 5.1 The Bidder declares that no previous transgressions occurred in the last 3 (three) years with any other company in any country conforming to the anti-corruption approach or with any other Public Sector Enterprise in India that could justify his exclusion from the tender process.
- 5.2 If the Bidder makes incorrect statement on this subject, he can be disqualified from the tender process or the contract, if already awarded, can be terminated for such reason or action can be taken as per the separate "Guidelines on Banning of Business dealings with Suppliers/ Contractors", framed by the Principal.

Section 6 - Equal treatment of all Bidder (s)/ Contractor (s) / Sub-contractor (s)

- 6.1 The Principal will enter into Integrity Pacts with identical conditions as this Integrity Pact with all Bidders and Contractors.
- 6.2 In case of Sub-contracting, the Principal Contractor shall take the responsibility of the adoption of Integrity Pact by the Sub-contractor(s) and ensure that all Sub-contractors also sign the Integrity Pact.
- 6.3 The Principal will disqualify from the tender process all Bidders who do not sign this Integrity Pact or violate its provisions.

Section 7 - Criminal Charges against violating Bidders/ Contractors /Subcontractors

If the Principal obtains knowledge of conduct of a Bidder, Contractor or Subcontractor, or of an employee or a representative or an associate of a Bidder, Contractor or Subcontractor which constitutes corruption, or if the Principal has substantive suspicion in this regard, the Principal will inform the Vigilance Office.

Section 8 -Independent External Monitor(s)

- 8.1 The Principal appoints competent and credible panel of Independent External Monitor (s) (IEMs) for this Integrity Pact. The task of the IEMs is to review independently and objectively, whether and to what extent the parties comply with the obligations under this Integrity Pact.
- 8.2 The IEMs are not subject to instructions by the representatives of the parties and performs his functions neutrally and independently. He reports to the CMD, BHEL.
- 8.3 The IEMs shall be provided access to all documents/ records pertaining to the Contract, for which a complaint or issue is raised before them as and when warranted. However, the documents/records/information having National Security implications and those documents which have been classified as Secret/Top Secret are not to be disclosed.
- 8.4 The Principal will provide to the IEMs sufficient information about all meetings among the parties related to the Contract provided such meetings could have an impact on the contractual relations between the Principal and the Contractor. The parties offer to the IEMs the option to participate in such meetings.



- 8.5 The advisory role of IEMs is envisaged as that of a friend, philosopher and guide. The advice of IEMs would not be legally binding and it is restricted to resolving issues raised by a Bidder regarding any aspect of the tender which allegedly restricts competition or bias towards some Bidders. At the same time, it must be understood that IEMs are not consultants to the Management. Their role is independent in nature and the advice once tendered would not be subject to review at the request of the organization.
- 8.6 For ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process or during execution of Contract, the matter should be examined by the full panel of IEMs jointly, who would look into the records, conduct an investigation, and submit their joint recommendations to the Management.
- 8.7 The IEMs would examine all complaints received by them and give their recommendations/ views to the CMD, BHEL at the earliest. They may also send their report directly to the CVO, in case of suspicion of serious irregularities requiring legal/ administrative action. Only in case of very serious issue having a specific, verifiable Vigilance angle, the matter should be reported directly to the Commission. IEMs will tender their advice on the complaints within 30 days.
- 8.8 The CMD, BHEL shall decide the compensation to be paid to the IEMs and its terms and conditions.
- 8.9 IEMs should examine the process integrity, they are not expected to concern themselves with fixing of responsibility of officers. Complaints alleging mala fide on the part of any officer of the Principal should be looked into by the CVO of the Principal.
- 8.10 If the IEMs have reported to the CMD, BHEL, a substantiated suspicion of an offence under relevant Indian Penal Code / Prevention of Corruption Act, and the CMD, BHEL has not, within reasonable time, taken visible action to proceed against such offence or reported it to the Vigilance Office, the IEMs may also transmit this information directly to the Central Vigilance Commissioner, Government of India.
- 8.11 After award of work, the IEMs shall look into any issue relating to execution of Contract, if specifically raised before them. As an illustrative example, if a Contractor who has been awarded the Contract, during the execution of Contract, raises issue of delayed payment etc. before the IEMs, the same shall be examined by the panel of IEMs. Issues like warranty/ guarantee etc. shall be outside the purview of IEMs.
- 8.12 However, the IEMs may suggest systemic improvements to the management of the Principal, if considered necessary, to bring about transparency, equity and fairness in the system of procurement.
- 8.13 The word 'Monitor' would include both singular and plural.

Section 9 - Pact Duration

- 9.1 This Integrity Pact shall be operative from the date this Integrity Pact is signed by both the parties till the final completion of contract for successful Bidder, and for all other Bidders 6 months after the Contract has been awarded. Any violation of the same would entail disqualification of the bidders and exclusion from future business dealings.
- 9.2 If any claim is made/ lodged during currency of this Integrity Pact, the same shall be binding and continue to be valid despite the lapse of this Pact as specified above, unless it is discharged/ determined by the CMD, BHEL.



Section 10 - Other Provisions

- 10.1 This Integrity Pact is subject to Indian Laws and exclusive jurisdiction shall be of the competent Courts as indicated in the Tender or Contract, as the case may be.
- 10.2 Changes and supplements as well as termination notices need to be made in writing.
- 10.3 If the Bidder(s)/ Contractor(s) is a partnership or a consortium or a joint venture, this Integrity Pact shall be signed by all partners of the partnership or joint venture or all consortium members.
- 10.4 Should one or several provisions of this Integrity Pact turn out to be invalid, the remainder of this Integrity Pact remains valid. In this case, the parties will strive to come to an agreement to their original intentions.
- 10.5 Only those bidders / contractors who have entered into this Integrity Pact with the Principal would be competent to participate in the bidding. In other words, entering into this Integrity Pact would be a preliminary qualification.
- 10.6 In the event of any dispute between the Principal and Bidder(s)/ Contractor(s) relating to the Contract, in case, both the parties are agreeable, they may try to settle dispute through Mediation before the panel of IEMs in a time bound manner. In case, the dispute remains unresolved even after mediation by the panel of IEMs, either party may take further action as the terms & conditions of the Contract. The fees/expenses on dispute resolution through mediation shall be shared by both the parties. Further, the mediation proceedings shall be confidential in nature and the parties shall keep confidential all matters relating to the mediation proceedings including any settlement agreement arrived at between the parties as outcome of mediation. Any views expressed, suggestions, admissions or proposals etc. made by either party in the course of mediation shall not be relied upon or introduced as evidence in any further arbitral or judicial proceedings, whether or not such proceedings relate to the dispute that is the subject of mediation proceedings. Neither of the parties shall present IEMs as witness in any Alternative Dispute Resolution or judicial proceedings in respect of the dispute that was subject of mediation.



For & On behalf of the Principal
(Office Seal)

Place Haridwar
Date _____

Witness:  BHEL
(Name & Address) Haridwar
TAHIN KANTI DEY

For & On behalf of the Bidder/ Contractor
(Office Seal)

Witness: _____
(Name & Address) _____

Annexure-Model conciliation clause

MODEL CONCILIATION CLAUSE FOR CONDUCTING CONCILIATION PROCEEDINGS UNDER THE BHEL CONCILIATION SCHEME, 2018

The Parties agree that if at any time (whether before, during or after the arbitral or judicial proceedings), any Disputes (which term shall mean and include any dispute, difference, question or disagreement arising in connection with construction, meaning, operation, effect, interpretation or breach of the agreement, contract or the Memorandum of Understanding (delete whichever is inapplicable), which the Parties are unable to settle mutually), arise inter-se the Parties, the same may, be referred by either party to Conciliation to be conducted through Independent Experts Committee to be appointed by competent authority of BHEL from the BHEL Panel of Conciliators.

Notes:

1. No serving or a retired employee of BHEL/Administrative Ministry of BHEL shall be included in the BHEL Panel of Conciliators.
2. Any other person(s) can be appointed as Conciliator(s) who is/are mutually agreeable to both the parties from outside the BHEL Panel of Conciliators.

The proceedings of Conciliation shall broadly be governed by Part-III of the Arbitration and Conciliation Act 1996 or any statutory modification thereof and as provided in Annexure----- to this GCC/Agreement/Contract/MoU etc. (strike off whichever is inapplicable).

The Annexure ----- together with it's Formats will be treated as if the same is part and parcel hereof and shall be as effectual as if set out herein in this GCC/Agreement/Contract/MoU etc., (strike off whichever is inapplicable).

The Purchaser/Contractor/Seller etc. (insert the description of the other party to the Agreement/Contract/MoU etc., - whichever is applicable) agrees that the Purchaser/Contractor/Seller etc. (insert the description of BHEL - whichever is applicable) may make any amendments or modifications to the provisions stipulated in the Annexure -----to this GCC/Agreement/Contract/MoU etc., (strike off whichever is inapplicable) from time to time and confirms that it shall be bound by such amended or modified provisions of the Annexure -----with effect from the date as intimated by BHEL to it.

- *Lawyer*