

Correction slip no.001

Correction slip to the "SECR General tender condition -2019"

Para No.	Revised EMD and SD Tender condition
3.1.1 of Section-I	EMD amount shall be mentioned in all tenders irrespective of the nature of the tender as per the EMD amount mentioned in clause 3.1.3 below or as decided by the purchaser under the policy. There shall be no exemption from submission of EMD for any tender or by any tenderer, subject to provisions under clause 15.2, Sub para (1.4) below, except following:
(a)	(i) EMD shall normally not be called against limited tenders with estimated value upto Rs. 25 lakhs (including single tenders, global limited tenders) (ii) If considered necessary, authority competent to issue tender may incorporate the condition to call for EMD even in such limited tenders, on case to case basis.
(b)	Micro and Small Enterprises (MSEs) registered for the tendered item in terms of Railway Board's letter No.2010/RS(G)/363/1, dated 05.07.2012.
(c)	Other Railways and Government Department in terms of Railway Board's letter No.2004/RS(G)/779/11 dated 24.07.2007.
(d)	Indian Ordnance Factories in terms of Railway Board's letter No.92/RS(G)/363/1, dtd.08.04.1993.
(e)	PSUs owned by Ministry of Railway and PSUs for the group of items that are manufactured by them in terms of Railway Board's letter No.2003/RS(G) 779/5 dated, 10.09.2004
(f)	Vendors registered with Railway for the trade group of the item tendered.
(g)	Vendors appearing on the approved vendor lists of RDSO/Pus/CORE, subject to approved status being valid on the date of tender closing.
(h)	Vendors registered with Railways for supply of medicine, medical equipments and consumables shall be exempted from submission of EMD for these items.
(i)	In tenders against PAC, OEM in whose favour PAC has been issued shall be exempted from submitting EMD. KVIC and ACASH shall be exempted from EMD for items supplied by them.
3.1.2 of Section-I	Offers submitted without EMD shall be summarily rejected.



3.1.3 of Section-I	<p>Amount of EMD is as follows:</p> <table border="1"> <tr> <td>Estimated value of tender</td><td>EMD (rounded off to nearest higher Rs.10(ten))</td></tr> <tr> <td>Above Rs.25 lakh and upto Rs.50 cr.</td><td>@2% of the estimated value of the tender subject to Max. Rs.20 lakh.</td></tr> <tr> <td>Above Rs. 50 Cr.</td><td>Rs. 50 lakh.</td></tr> </table>	Estimated value of tender	EMD (rounded off to nearest higher Rs.10(ten))	Above Rs.25 lakh and upto Rs.50 cr.	@2% of the estimated value of the tender subject to Max. Rs.20 lakh.	Above Rs. 50 Cr.	Rs. 50 lakh.
Estimated value of tender	EMD (rounded off to nearest higher Rs.10(ten))						
Above Rs.25 lakh and upto Rs.50 cr.	@2% of the estimated value of the tender subject to Max. Rs.20 lakh.						
Above Rs. 50 Cr.	Rs. 50 lakh.						
3.1.4 of Section-I	<p>Automatic Release of EMD wherever due</p> <p>1.EMD shall be refunded when any one of the following conditions is satisfied.</p> <p>(a)After finalization of tender the bidder is an unsuccessful bidder.</p> <p>(b)Validity of offer expires and validity extension is not sought.</p> <p>©Validity of offer expires and bidder refuses to extend validity of offer.</p> <p>(d)After finalization of the tender successful bidder submits required SD.</p> <p>2.EMD of bidders or tenders shall be released immediately after it is due for release as per above criterion. The Purchaser may initiate the process of releaser just after the EMD is due for release.</p> <p>3.System for online release of EMD has been rolled out be CRIS. Automatic release of EMD of unsuccessful tenders should be ensured.</p>						
15.1 of Section-II	<p>Security Deposit (SD)/Performance Security for Stores Contracts excepts M&P: There shall be no exemption from submission of Security Deposit (SD) for any tender or by any tenderer except following:</p>						
(a)	<p>(a)The Store contract cases of value upto Rs.25 (twenty five) lakh.</p>						
(b)	<p>(b)Other Railways and Government Departments in terms of Railway Board's letter No.2004/RS(G)/779/11 dated 24.07.2007.</p>						
(c)	<p>(c)Indian Ordnance Factories in terms of Railways Board's letter No.92/RSS(G)/363/1,dated 08.04.1993</p>						
(d)	<p>(d)PSUs owned by Ministry of Railways and PSUs for the group of items that are manufactured by them in terms of Railway Board's letter No.2003/RS(G)779/5 dated10.09.2004.</p>						
(e)	<p>In tenders issued against PAC,OEM in whose favour PAC has been issued shall be exempted from submitting SD. KVIC and ACASH shall be exempted from SD for items supplied by them.</p>						
(f)	<p>Vendors registered with Railways for the trade group of the item tendered shall be exempted from SD for orders valued upto their monetary limit of registration.</p>						
(g)	<p>Vendors appearing on the approved vendor lists of RDSO/Pus/CORE, subject to approval status being valid on the date of tender closing.</p>						
(h)	<p>Vendors registered with Railways for supply of medicine, medical quipments and consumables shall be exempted from submission of SD for these items.</p>						

	Note: apart from claiming damages from vendors, in case of failure to comply with the contractual obligations, Railways shall record poor performance of the vendors for taking suitable penal action as per extant instructions.	
(i)	In case of severable contracts, failure by contractor to meet deliveries for any lot, Railway may cancel the contract for default part by forfeiting SD commensurate to that lot.	
15.2 of Section-II	Security Deposit amount is as follows:	
	Contract value	SD(rounded off to nearest higher Rs.10(ten).
	Above Rs. 25 lakh and upto Rs. 50cr.	@5% of contract value subject to Max. Rs. 50 lakh.
	Above Rs.50 cr.	Rs.1 cr.
	However, Railways are permitted to raise the upper ceiling of SD, upto 10% of the contract value in high value cases.	
	1.1 Security Deposit (SD) shall remain valid for a period of 60 days, beyond the date of completion of all contractual obligations.	
	1.2 Time for deposit of SD (i) SD from successful tenders should be received in purchase office within 21 days from the date of communication of acceptance with respect to the purchaser.	
	1.3 In the event of successful tenderer(s) failing to deposit/submit SD in acceptable form within the prescribed period as aforesaid, the EMD submitted by such successful tender(s) shall be automatically adjusted towards SD in view of the fact that in most of the cases, EMD amount would be adequate to meet the SD amount. In case where available EMD amount is less than required SD and the successful tenderer does not deposit the balance SD amount within stipulated time, then EMD shall be forfeited and case be dealt with as that of withdrawal of offer by the tenderer as per extant instruction. This will resolve the problem faced by purchaser to great extent due to intentional delay in submission of SD by successful tenderer(s).	
	1.4(i) All vendors, exempted from submitting EMD, as per para 3.1.1 above, irrespective of type of tender, i.e single, limited or open, shall be required to sign a bid securing declaration as per Annexure A to this instruction. It shall be incorporated in the tender conditions. (ii) There shall be no exemption to such bidders from submitting EMD and SD for all tenders published during the period of time they are so disqualified as per the declaration signed by them. (iii) Authority competent to approve the disqualification shall be the tender accepting authority not below the level of SAG including SAG officers in the field units namely CMM, ADRM, CWM, CAO, CPM, subject to PHOD/CHOD having full	

	<p>powers to approve disqualification.</p> <p>(iv) The disqualification procedure and all correspondence thereof shall be online and digital. Updation on IREPS shall be done by Minimum JAG level officer dealing with vendor registration in the Railway.</p> <p>(v) This para shall not be applicable for Govt. Departments/ordnance factories/other Railways/Railway PSUs/KVIC/ACASH and matter shall be taken up with them department/administratively.</p> <p style="text-align: center;">Annexure-A</p> <p>“ I/we certify that my/our offer is eligible for exemption from submission of bid security/Earnest Money Deposit, in terms of the conditions.</p> <p>In case my/our claim to exemption from submission of bid security/Earnest Money Deposit is not found valid as per terms of the tender, I/we understand and accept that Railways has unquestionable right to summarily reject my bid and my offer shall not be considered for ordering. Further, I/we hereby understand and accept that if I/we withdraw or modify or modify my/our bids during the period of validity, or if I/we are awarded the contract and on being called upon to submit the performance security/Security Deposit, fail to submit the performance security/Security Deposit before the deadline defined in the request for bid document/Notice Inviting Tender, Notice Inviting Tender, I/we shall be debarred from exemption of submitting Bid Security/Earnest Money Deposit and performance security/Security Deposit for a period of 6 (six) months, from the date I/we are declared disqualified from exemption from submission of EMD/SD, for all tenders for procurement of goods issued by any unit of Indian Railways published during this period.”</p>
15.2 of Section-II	<p>1.8 Where SD has been exempted, for any reason, and the supplier fails to supply goods as per conditions of contract, as amended from time to time, Purchaser shall have right to levy damages from the supplier for failing to comply with the contractual conditions, not by way of penalty, an amount equal to SD amount, as would have been applicable if the contract was with a non-exempted vendor. These damages shall be treated as recoveries outstanding against the vendor and dealt with accordingly. A suitable tender condition to be incorporated in the tender document.</p>
15.2 of Section-II	<p>1.6 Risk Purchase clause shall not be applicable.</p>

All other terms and condition in “SECR General tender condition -2019” uploaded on 01.10.2019 will remain same.

 10/01/2020

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SECR/BSP/HQ