

RTI REQUEST DETAILS

Registration No. : PGCIL/R/2016/50309	Date of Receipt : 10/08/2016
Type of Receipt : Online Receipt	Language of Request : English
Name : Sonib Banerjee	Gender : Male
Address : 496, Manasa East, 3rd Floor, East End Road, Jayanagar 9th Block, Bangalore 560069, Pin:560069	
State : Karnataka	Country : India
Phone No. : +91-9342372703	Mobile No. : +91-7829161677
Email : sonjib@manavenergy.com	
Status(Rural/Urban) : Urban	Education Status : Above Graduate
Is Requester Below Poverty Line ? : No	Citizenship Status : Indian
Amount Paid : 10) (original recipient)	Mode of Payment : Payment Gateway
Does it concern the life or Liberty of a Person ? : No(Normal)	Request Pertains to : Pranjit Deka

Manav Energy Pvt. Ltd. (NSIC ref no.- NSIC/GP/BAN/2015/0020348) was interested to take part in PGCIL NERTS Region tender-Package-3: Technical Audit of Earthing System for POWERGRID, NER Substations as per Technical Specification-vide NIT No. NESH/CSM/NIT/2430. We provided all the evidence of completing more than 3.5 Cr project for public limited company.

As per Notice No. F. No. 25(2)/2011-MA dated 14th October,2011 issued by NSIC it is clearly mentioned in para 5 that such eligibility clause may not be imposed for MSEs. The abstract of the clause is mentioned below.

Abstract:

It is brought to notice of this Ministry that some of the Central/State Government Departments/ Public Sector undertakings impose mandatory eligibility clauses providing a minimum turnover limit and amount of purchase order executed earlier, to the tune of crores in the tenders for procurement of material floated which restrict the participation of MSEs.

Information Sought : In this context, as mentioned in the para 5 and 6 of the instructions issued vide this offer letter No.22(1)/2003/EP&M on 29.07.2003 on the subject cited above, the issues of concern to a buyer are the quality and price of the product. Turnover is immaterial and putting eligibility condition of minimum turnover with a threshold of crores of rupees in the tenders discriminates against SSI industries. Hence, it is reiterated that the mandatory eligibility clause of minimum turnover may not be imposed for MSEs in the tenders for the procurement of the materials.

We were not allowed to take part in the above said tender on the basis of minimum amount of purchase order executed earlier, which is not in conformity with Notice No. F. No. 25(2)/2011-MA dated 14th October,2011. The key for participation of the electronic tender was

not opened for us and the tender was closed without evaluating us technically or financially.

Please let us know how to get this project re-tendered such that we can take part with full earnestness and serve PGCIL. We are executing similar orders for PGCIL in the other regions.

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मि. (म) आसुक्त का कार्यालय
(मूक, लघु और मध्यम उद्यम)
मूक, लघु और मध्यम उद्यम मंत्रालय
(भारत सरकार)
निरमन भवन, मातृवा मंजिल, मौलाना आजाद रोड,
नई दिल्ली-110 108



MSME
MICRO, SMALL & MEDIUM ENTERPRISES
मूक, लघु और मध्यम उद्यम

OFFICE OF THE DEVELOPMENT COMMISSIONER
(MICRO, SMALL & MEDIUM ENTERPRISES)
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES
GOVERNMENT OF INDIA
Nirman Bhawan, 7th Floor, Maulana Azad Road,
New Delhi - 110 108

PH: EPABX - 23063800, 23063802 23063803 FAX - (91-11) 23062315, 23061725, 23061068, e-mail - dcmsmeha@nb.nic.in

F. No. 25(2)/2011-MA

14th October, 2011

The Secretary
All Ministries /Deptt. of Govt. of India

902
25/10/2011
Directly from
For a reply
response
27/10

Subject: Implementation of the Government Purchase & Price Preference
Policy for Micro & Small Enterprises (MSEs)

Sir,

You are aware that under the Government Purchase & Price Preference Policy for Micro and Small Enterprises (MSEs), Government of India in its effort to help MSEs in marketing their products provides following facilities/ benefits to the MSEs registered with NSIC :-

- (i) Issue of tender sets free of cost;
- (ii) Exemption from payment of Earnest Money;
- (iii) Waiver of Security Deposit up to the Monetary Limit for which at the unit is registered;
- (iv) Price Preference up to 15% over the quotation of large-scale units; and
- (v) In addition to the above, 358 items are reserved for exclusive purchase from MSE Sector.

2. The aforesaid provisions have been made because the financial resources of MSEs are limited and participating in more than one tender at a time floated by any Government Department / PSU blocks their limited capital for long time.

3. Although this Office keeps reiterating the instructions from time to time to all the Central / State Ministries/Departments / PSUs for strict compliance of the Policy, complaints are continuously being received from MSEs / MSE Associations stating that some of the Central /State Government Departments /Public Sector Undertakings etc., are denying to provide these facilities/ benefits to MSEs in turn forcing them go to court

4. In some cases of writ petition filed by aggrieved MSEs against non complying Departments, Hon'ble High Courts have passed judgement which are referred below:

The Hon,ble High Court of Delhi in its order dated 12.08.2010 in a WP(C) No. 7704 of 2009 by M/s Delkon Textiles Pvt. Ltd. Vs. Ministry of Railways & Ors has inter-alia observed that unless there are good reasons for not extending to duly qualified Small Scale Units(SSU) the benefits under the circular dated 28th August,2000 by Ministry of Small Scale Industries and Agro and Rural Industries, Govt. of India, which reasons must be recorded in writing, such a qualified SSU should be extended all the benefits, including price preference of 15% over the price quoted by the qualified large scale units in terms of circulars dated 28th August,2000.

In an another Judgement given by Hon'ble High Court of Kerala in WP(C)No.10323 of 2010 by M/s Dakshin Agro Tech Pvt. Ltd., Kerala Vs Ministry of Defence Court has passed judgement that if petitioner participates in any further tender on the basis of EXT.P20 (i.e. MSE registered with NSIC under Single Point Registration Scheme) and the same shall be considered and benefits shall be extended to the extent as flowing therefrom, unless the APO under the Ministry of Defence is specifically excluded from the purview of EXT.21(i.e instructions on Government Purchase & Price Preference Policy issued vide letter No. 21(1)/2000 EP&M dated 28.08.2000 by M/o Ministry of Micro, Small and Medium Enterprises erstwhile named Ministry of Small Scale Industries and Agro and Rural Industries, Govt. of India.)

5. It is brought to the notice of this Ministry that some of the Central/State Government Departments/Public Sector Undertakings impose mandatory eligibility clauses providing for a minimum turnover limit and amount of purchase orders executed earlier, to the tune of crores in the tenders for procurement of material floated by them which restrict the participation of MSEs.

In this context, as mentioned in the Para 5 and 6 of the instructions issued vide this office letter No.22(1)/2003/EP&M on 29.07.2003 on the subject cited above, the issues of concern to a buyer are the quality and price of the product. Turnover is immaterial and putting an eligibility condition of minimum turnover with a threshold of crores of rupees in the tenders discriminates against SSI industries. Hence, it is reiterated that the mandatory eligibility clause of minimum turnover may not be imposed for MSEs in the tenders for the procurement of the materials.

6. In view of the above, it is requested to bring the Court's judgement, as mentioned above, to the notice of all Purchasing Departments/ Agencies working under your administrative control and issue further necessary instructions to all concerned for strict compliance of the Government Purchase & Price Preference Policy and to ensure that all the benefits/ facilities available under the Policy are extended to MSEs registered with NSIC.

7. A copy of action taken in this regard may kindly be communicated to this Office.

Yours faithfully,



(M.P.SINGH)

ADDITIONAL DEVELOPMENT COMMISSIONER

Copy for similar action & compliance:

1. Chief Secretaries, All State Governments/Union Territories.
2. Secretary Industries, State Govts/Union Territories
3. DG, DGS&D, New Delhi
4. Deptt. Of Public Enterprises, CGO Complex, Lodhi Road, New Delhi

Copy for information :

1. All Director, MSME-DIs
2. All Directors in O/o DC(MSME), New Delhi.
3. Chairman & Managing Director, NSIC, New Delhi



(M.P.Singh)

ADDITIONAL DEVELOPMENT COMMISSIONER



डोंगटिय, लोवर नोंग्राह, लापालांग, शिलांग दू 793006 (मेघालय)

दूरभाष: 0364-2536562, फैक्स: 2536387

Dongtieh, Lower Nongrah, Lapalang, Shillong – 793006 (Meghalaya)

Telephone: (0364) 2536562, Fax: 2536387

उत्तर पूर्वी क्षेत्र पारिषण प्रणाली/NORTH EASTERN REGION TRANSMISSION SYSTEM

SPEED POST

Ref No: NESH/PESM/RTI/1117/ 275

Date: 02.12.2016

To:

Sonib Banerjee,
496, Manasa East, 3rd Floor,
East End Road, Jayanagar 9th Block,
Bangalore 560069, Karnataka

Sub: Reply to your RTI Application dated 10.08.2016 received online at CPIO, NERTS Office on 04.11.16.

Sir,

1.0 This has reference to your RTI application dated 10.08.2016 under RTI Act 2005 received online at CPIO Office on 04.11.2016.

2.0 As per information received from concerned Department, the information to your query is as follows:

- a) Tender document /payment confirmation could not be issued to M/s Manav Energy Pvt. Ltd. because of not meeting clause No. 1.1(i) of QR (copy of QR and copy of Letter returning tender cost are enclosed)
- b) QR prepared as per Standard Guidelines/ Policy of POWERGRID.
- c) The Award of the tender has already been placed, therefor it is not possible for re-tendering.

3.0 The address of the appellate authority is mentioned hereunder for your information:

Sh. A Choudhary, ED (NERTS)
POWERGRID, Dongtieh, Lower Nongrah,
Lapalang, Shillong - 793006, Meghalaya.
0364-2536371, abhaychy@gmail.com

Kindly acknowledge receipt of this letter.

Thanking you,

भवदीय,
प्राणजित कुमार
02.12.2016
उप महाप्रबंधक
(के. लो. सू. अधिकारी)
0364-2536439,
cpio.nerts@gmail.com

Copy (NOI) : Manager (Vigilance),NERTS.

POWER GRID CORPORATION OF INDIA
LIMITED

(A Government of India Enterprise)

Annexure-I (P-1/4)



पावरग्रिड

दुरभाष : 2537316 (क) फैक्स : (0364)2536406
Dongtiah, Lower Nongrah, Lapalang, Shillong – 793006
Telephone : 2537316 (Off.) Fax: (0364) 2536406

उत्तर पूर्वीय क्षेत्र / NORTH EASTERN REGION

SPEED POST/REGD POST

Ref. No. NESH/CSM/1500-453/828

Date: 04.07.2016

To,

MANAV ENERGY PVT. LIMITED

496/100, 2nd & 3rd Floor, "MANASA EAST",
Jayanagar 9th Block, East End Road, Bangalore -560069.
Tel : 080-26546549.

SUBJECT : Return of DD submitted towards Tender fee for the tender of "Technical Audit of Earthing System for POWERGRID, NER Substations as per Technical Specification".

Dear Sir(s),

1.0 Please find enclosed herewith DD in original bearing no. "003068" dated 23.02.2016 of HDFC Bank submitted towards tender fee for the above tender.

The DD is returned as you have not met the QR of the tender based on the credentials submitted by you.

Thanking you,

Yours faithfully,

N M S Laskar.
Dy. Manager (C&M)

Encl: DD no. "003068" dated 23.02.2016.

QUALIFYING REQUIREMENTS FOR "Technical Audit of Earthing System for POWERGRID, NER Substations"

General:

Qualification of bidder will be based on meeting the minimum pass / fail criteria specified below regarding the Bidder's technical experience, financial position as per Part-A & Part-B and other aspects as demonstrated by the Bidder's responses in the Bid documents submitted during bidding.

The owner reserves the right **to assess the capacity and capability of the bidder**, should the circumstances warrant such assessments, in an overall interest of the owner. This assessment shall inter-alia include (i) document verification; (ii) details of works executed, works in hand, anticipated in future and the balance capacity available for the present scope of work; (iii) details of quality systems in place; (iv) past experience and performance; (v) customer feedback; (vi) banker's feedback etc.

1.0 PART-A

1.1 Technical Requirement

- (i) The bidder should have successfully completed similar works at POWERGRID or any other Power Utility/ Organizations having 132kV and above transmission system. The bidder should be experienced in conducting similar works for at least 5 years as on the date of bid opening.
- (ii) Bidders should have successfully completed 02 Nos. of Such Substations audits till the date of OBD.
- (iii) In support of meeting the Qualifying Requirements, the Bidders are required to submit a copy of Purchase Order/Letter of Award and completion certification cum- performance certificate.
- (iv) The bidder is also required to submit details of work executed during last 5 years ending last day of the month previous to the one in which tenders are invited to satisfy the following criteria for similar works i.e., *Technical Audit of Earthing System for Substations*"
 - a) Three completed works costing not less than the amount of Rs. 3192400.00
40% of the estimated cost of Rs. 7981000.00
or
 - b) Two completed works costing not less than the amount of Rs. 3990500.00
50% of the estimated cost of Rs. 7981000.00
or
 - c) One completed work costing not less than the amount of Rs. 6384800.00
80% of the estimated cost of Rs. 7981000.00
- (v) In case the bidders intend to participate proposing association with firm(s) meeting the requirements, they shall submit an undertaking as per the format enclosed as **Annexure-I**.

1.1.1 Following documents shall be submitted by the bidder as evidence of Technical Requirement:

- a. Certificate(s) from the Client indicating that above work are in satisfactory performance and completion certificate for at least Five Years till the date of bid submission.

2.0 PART-B

2.1 Financial Position:

- (a) Minimum average annual turnover (MAAT) of the bidder during the preceding three (3) financial years shall not be less than Rs. 11971500.00
- (b) Bidders shall have liquid assets (LA) or/and evidence of access to or availability of credit facilities of not less than Rs. 1995250.00

The completion period of the contract is 2 (Two) months, however for calculation of MAAT and LA the period has been considered as 12 months.

In case bidder is a holding company, MAAT & LA referred to in clause (a) & (b) above shall be of that holding company only (i.e. excluding its subsidiary/ group companies). In case bidder is a subsidiary of a holding company, MAAT & LA referred to in clause (a) & (b) above shall be of that subsidiary company only (i.e. excluding its holding company).

- (c) Copy of PAN, TAN, TIN, Service Tax registration No. etc. are to be furnished with Bid.
 - (i) A certificate from banker [as per format enclosed at **Appendix - IV**] indicating various fund based/non fund based limits sanctioned to the bidder and the extent of utilization as on date. Such certificate should have been issued not earlier than 30 (thirty) days from the date of submission of bid. Further POWERGRID may seek clarification/fresh updated certificate from the banker if the situation so warrants, after opening of the bid.
Alternatively, Liquid Asset (LA) shall be worked out from the Balance Sheet which should not be more than 03(three) months old as on date of actual bid opening.
 - (ii) The complete annual reports together with Audited statement of accounts of the company for last five years of its own (separate) immediately preceding the date of submission of bid as per requirement.
 - (iii) PAN, TAN, TIN, Service Tax registration No. etc. are to be furnished with Bid documents.

[Note : I. In the event the bidder is not able to furnish the information of its own (i.e. separate), being a subsidiary company and its accounts are being consolidated with its Group/Holding/Parent Company, the bidder should submit the audited Balance Sheets, Income Statements, other information pertaining to it only (not of its Group/Holding/Parent company) duly certified by any one of the authority {(i) Statutory auditor of the bidder (ii) Company Secretary of the bidder or (iii) A certified Public Accountant} certifying that such information/documents are based on the audited accounts as the case may be.

Note: II. Similarly, if the bidder happens to be a Group/Holding/Parent Company, the bidder should submit the above documents/information of its own (i.e. exclusive of

its subsidiaries) duly certified by any one of the authority mentioned in Note-I above certifying that these information/documents are based on the audited accounts, as the case may be.]

- 2.2 POWERGRID may assess the capacity and capability of the firm, to successfully execute the scope of work covered under the package within stipulated completion period. The assessment shall inter-alia include (i) document verification, (ii) firm's work/manufacturing facilities visit (iii) manufacturing capacity, details of works executed, works in hand, anticipated in future in addition to the works involved in the present bid (iv) details of plant & machineries, manufacturing and testing facilities, manpower and financial resources (v) details of quality system in place (vi) past experience and performance (vii) customer feedback (viii) banker's feedback, etc.
- 2.3 **Litigation History:**
- The bidder should provide detailed information on any litigation or arbitration arising out of contracts completed or under execution by it over the last five years. A consistent history of awards involving litigation against the bidder or any party of JV may result in rejection of bid.