



**OFFICE OF PRINCIPAL CHIEF MATERIALS MANAGER
CHITTARANJAN LOCOMOTIVE WORKS
CHITTARANJAN-713331 (WEST BENGAL)**

No. CMM/CRJ/Tender Policy/2019

Dt. 17/06/2022

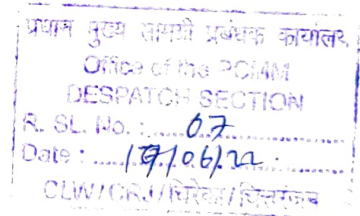
**All Purchase Officers,
CLW/Chittaranjan**

Sub: Intimation regarding waiver of EMD conditions on case to case basis.

In reference to above, a note approved by PCMM attached herewith for perusal and further action please.


17.06.22
Dy.CMM/HQ
CLW/CRJ

Copy enclosed: Correction/Modification in EMD conditions.



Subject: Correction/Modification in EMD conditions.

1. Details of EMD clause mentioned in RB's letter of 2007, 2019, & 2020 is placed at SN-side in tabular form.
 - i. As per RB's letter 2020, all firms were exempted from submission of EMD upto 31.12.21 subject to signing of a bid declaration which is not extended beyond 31.12.21. So now the EMD clause mentioned in the letter of 2019 is applicable and as per this letter all firms has to deposit EMD against all tenders excluding the firms which are under exempted category. There is a provision in Para 1.4 of RB's letter of 2019 vide F/12-16, "In exceptional cases exemption from seeking EMD shall be decided prior to issue of tender and suitably incorporated in tender conditions. Exemption shall require personal approval of the authority, on case to case basis, competent to issue the tender based on estimated value thereof, but not below the SAG level including SAG officers in the field units namely CMM, ADRM,CWM,CAO,CPM.". Thus PCMM is competent authority to exempt EMD against any tender and a suitable condition is to be included in tender documents.
 - ii. It is observed that many tenders are discharged due to unsuitability of number of offers against these tenders because of non-submission of EMD even though the firm is technically suitable for the item, past supplier and appearing in vendor directory for other items. Though these offers were considered suitable for bulk or developmental orders but due to non-submission of EMD by maximum bidders, only one or two bidders were considerable, so tenders were discharged vide copy of TCR of VCU (Tender No. 70/21/5006 at F/1-8) and IGBT Based 3 X130 KVA Auxiliary Convertor (Tender No. 70/21/5024) relevant para of TCR is highlighted.
 - iii. Though RB's letter of 2020, exemption were given on the basis of signing bid declaration. Bid declaration describes/takes consent from the firm that in case of withdrawal/modification of offer during the period of validity,

firm may be 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, 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 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. This bid declaration still being part of tenders to give declaration for exemption category of EMD.

- iv. Copy of Bid documents of BLW related to EMD and one copy of tender schedule is at F/27-28 and F/36-39 and copy of bid documents of PLW related to EMD and one copy of tender schedule is at F/30-31 and F/32-35 for kind perusal.
- v. In view of above situation and power conferred to PCMM for exemption of EMD case to case basis, a special para may be added in tender documents regarding waiver of EMD in tender cases where such conditions arise as per para (ii) above and where firms are approved by the approving authority for any item which offer is suitable for placement of bulk/developmental order/having supply performance of same/similar items. The following conditions may be incorporated in the tender document where there are no approved vendors in the UVAM for the tendered items

(A) "If any firm is appearing in vendor directory (UVAM) for any item, past suppliers of tendered/similar item in CLW or any PU/Zonal Railway and is considered technically suitable for placement of bulk/development order for the items, then EMD may be exempted subject to signing of bid declaration provided with tender."

No. 70/ Misc/Genl/EMD

N/3


May kindly peruse and give suitable instruction please.

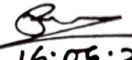
Submitted please.

CMM/HQ

In view of above, conditions proposed
at (A) may kindly approved to incorporate in
tenders on care to care basis with
signature of PCMM.

PCMM


Approved 
16/6/22


16.06.22
DYCMH/HQ

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