

BRIHANMUMBAI MUNICIPAL CORPORATION

(Hydraulic Engineer's Department)

DyHE/Stores/ 1207 dtd: 10.09.2024

Sub:- Supply of Liquid Chlorine in Ton Containers as per IS:646 of 1986 (as amended up to date) for Water Treatment Plants & Reservoirs of BMC for the year 2024-2025
Tender ID : 2024_MCGM_1077450 due on : 19.09.2024

Minutes of Pre-bid meeting held on 5.09.2024 at 15.00 Hrs.

A Prebid meeting was held under the Chairmanship of Hydraulic Engineer for the above subject tender on the scheduled date and time ie. On **5.09.2024 at 3.00 PM in the H.E's Chamber of Hydraulic Engineer's Department, 1st Floor, Engineering Hub Building, Dr. E. Mozes Road, Near Worli Naka, Worli, Mumbai -18**. The officers of user sections of Bhandup Complex & Pise-Panjrapur Complex ,this office staff and representatives of following bidders have attended the meeting.

1. M/s. Aarsa Industries
2. M/s Southern Chemicals
3. M/s Gujarat Alkalies and Chemicals Limited
4. SVS Chemical Corporation LLP
5. M/s. G,S. Commercial
6. M/s. Grasim Industries Ltd.
7. M/s Raviraj Chemicals

Initially, officers of Dy.H.E.(Stores/Purchase) section briefed regarding the e-Tender. Thereafter, read the representation/querries submitted by bidders and discussed elaborately the points mentioned therein. The decisions of various points raised are as follows.

Sr. No 1	Name of Tenderer	M/s. Aarsa Industries	
	Tender Condition	Suggestions by bidders	Remarks/Decision taken
	<p style="text-align: center;">Section – 2 Eligibility Criteria Pg.No.10 1,1.1 Technical capacity</p>	<p>1) Technical Capacity (Page 10): The tender documents state that " The tenderer or their Manufacturer in their own name should have satisfactorily completed the supply work of Liquid Chlorine in BMC/ Semi Govt. /Govt. & Public Sector Organizations during the last seven (7) years ending last day of the month previous to the one in which bids are invited as a prime Contractor (or as nominated sub-Contractor, where the subcontract has involved similar nature of work as described in the scope of works in the bid document, provided further that all other qualification criteria are satisfied)</p> <p>Our Interpretation : We understand that if the tenderer does not possess a work completion certificate, but their manufacturer or the manufacturer's subcontractor does have these certificates (which are uploaded in the tender documents), then the tenderer qualifies as eligible to participate in the tender. Couldv you please confirm if our interpretation is correct ?</p>	Tender condition prevails
	<p style="text-align: center;">Section – 2 Eligibility Criteria Pg.No.10 1,1.1 Technical capacity</p>	<p>1) Technical Capacity (Page 10): The tender documents state that " The tenderer or their Manufacturer in their own name should have satisfactorily completed the supply work of Liquid Chlorine in BMC/ Semi Govt. /Govt. & Public Sector Organizations during the last seven (7) years ending last day of the month previous to the one in which bids are invited as a prime Contractor (or as nominated sub-Contractor, where the subcontract has</p>	Tender condition prevails

		<p>involved similar nature of work as described in the scope of works in the bid document, provided further that all other qualification criteria are satisfied)</p> <p>Our Interpretation : We understand that if the tenderer does not possess a work completion certificate, but their manufacturer does have those certificates which are uploaded in the tender documents, then the tenderer is qualified to participate as eligible in the tender. Could you please confirm if our interpretation is correct ?</p>	
	<p>Section – 10 Technical Specifications & Conditions Pg.No.123-124, Condition 6</p>	<p>2)MOU with storage Licensee: Can two tenderers sign an MOU with a storage licensee and participate in the tender?</p>	Tender condition prevails
		<p>3)Inclusion of MSME Provisions: Since the last tender's pre-bid meeting, we have repeatedly requested the Corporation to include provisions for MSMEs (Micro,Small,and Medium Enterprises) with exemptions on prior performace and turnover in the recent MCGM tender for the supply of liquid chlorine gas, as outlined in Government of Maharashtra Resolution No. Bha.kha.sa-2014/Pra.Kra. 82/Section-III / Industry-4, dated December 1, 2016, MCGM manual of procurement and Government of India-Policy-1(2)(1)/2016-MA DT 10th march 2016.</p> <p>Our request is to include the MSME clause in this tender</p>	Tender condition prevails

		to create more opportunities for potential tenderers participation and to enhance fair competition.	
Sr. No 2	Name of Tenderer	Gujarat alkalies and chemicals limited	
	Section – 10 Technical Specifications & Conditions Pg.No.123-124, Condition 6	We would like to request you to remove clause of having storage facility within 150 km radius of mumbai city , as we can produce appx. 2300 MT per day of chlorine & will be competent enough to cater to your entire demand easily.	Tender condition prevails
Sr. No 3	Name of Tenderer	M/s. SVS Chemical Corporation LLP	
	Section – 6 Instructions to applicants Pg.No.48,D-Refund of Security Deposit, I - Refund of Contract Deposit	Page no. 48 – Refund of security deposit 1. The contract deposit shall be released withing 30 days after completion of DLP of 1 year period and after issue of "Defect liability certificate" from the user sections, subject to no recoveries are pending against the said supply of material , provided that the Engineer is satisfied that there is no demand outstanding against the Vendor. No claim shall be made against the Balance Contract Deposite after the issue of Defects Liability Certificate. This is the supply item, so our request is to reduce the period of refund of s.d. from 12 months to 3 months.	CORRIGENDUM - I shall be refer
	Section - 10 Technical Specifications & Conditions Pg.No.123-124, Condition 6	Page no. 123- Condition no 6 2. During an extra ordinary event or circumstances, beyond the control of parties , such as war , strikes , riot , crime, epidemic, fire, heavy monsoon, floods, hurricane, bad condition of roads, sudden legal changes, relation between	Tender condition prevails

the states. Changes in the Rules and Regulation of policies of state Government or Central government, it is required to maintain the uninterrupted supply of liquid chlorine to water treatment plants. Therefore, it is required to maintain the uninterrupted supply of liquid chlorine to water treatment plants. Therefore, it is mandatory on part of bidder to have liquid chlorine storage plant within the periphery of 150 km, beyond the boundary of Mumbai city and having storage capacity not less than 20MT and having registration and certificate of Petroleum and explosion safety organisation (PESO) which must be submitted in Packet "B" . The bidder

has to submit affidavit of Rs. 500/- to this effect while submitting the bid (Affidavit format on page 171,172 of the draft tender).

Regarding 150 km storage plant beyond the boundary of Mumbai, it will restrict the competition and more vendors.

In last month tender published by following department

- a) The thane municipal corporation
- b) The pimpri chinchwad municipal corporation
- c) Kolhapur corporation

In all above three organisations only asking PESO storage licence not compulsion for storage plant 150 km range.

	<p style="text-align: center;">Section – 10 Technical Specifications & Conditions Pg.No.123-124, Condition 6 & SECTION – 14 APPENDIX & ANNEXURE Page.No. - 176, Condition no.8</p>	<p>Page no. 124</p> <p>3. The bidder who have entered into (MOU for on page 173 to 179 of the draft tender) with an agency / company who have PESO licence and certificate for liquid chlorine storage plant (must have minimum storage capacity of 20 MT exclusively reserved for tender) will be consider as eligible to bid for this year only. However, to ensure liquid chlorine supply in any force-de-majeure condition, the location of the said liquid chlorine supply storage plant must be within 150 km priphery beyond mumbai boundary. The bidder not meeting above condition shall be considered as Non-responsive.</p> <p>You had allowed MOU in 150 km periphery with the person who are having licence of PESO as per condition 8 para. Both the parties shall obtain necessary sanction/approval/licence NOC from the respective competent authority i.e. (PESO) for starage of liquid chlorine tonners at Storage facility situated.</p> <p>In that as per the PESO rule no. 43(2).</p> <p>The licence shall be responsible, for all operations connected with the filling and possession of cylinders in the licensed premises.</p> <p>The why department require the NOC from PESO again and bidder who do not have the licence, because of this condition nobody can participate in this tender. There are 2 vendors only who are having such type of facility in mumbai and we had approached to PESO also. They had intimate only follow rule no. 10,43,44 copy attached and there is no such provision on that point as pertheir mail. So our request is to please relax the condition no. 8 of page no. 176 from MOU.</p>	<p>Tender condition prevails</p>
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Sr. No 4	Name of Tenderer	M/s. G.S COMMERCIAL CORPORATION	
		Query No.1 Bid Opening : - after the opening of packets "A" and "B" in the e- Tender, all bidder's documents should be shown to other bidders for potential objection and suggestions.	Tender condition prevails
		Query No.2 Earnest Money Deposit : - Last year the Earnest Money Deposit was 1% on the estimated cost, but in this year's the Earnest Money Deposit is 2% on the estimated cost. Please clarify.	Tender condition prevails
		Query No.3 Bid Security or EMD : - On page no.42, clause no.6.9 (2,3,4 and 5) these points have been added extra from the last year tender document. Please clarify.	Tender condition prevails
		Query No.4 Rates of maintainance of BMC tonners in "Annexure – F" :- The rates offered by BMC towards the maintainance of chlorine tonners are not changed since more than last 6 years, you are requested to kindly approve the reasonable revision in the rates.	Tender condition prevails
	Section – 10 Technical Specifications & Conditions Pg.No.123-124, Condition 6	Query No.5 MOU :- Section -10 Point no.6 The bidder who have entered into MOU (MOU format on Pg.173 to 179 of the draft tender) with an agency/company who have PESO license and certificate for liquid Chlorine storage plant (Must have minimum storage capacity of 20MT exclusively reserved for tenderer) will be consider as eligible to bid, for this year only. Please Clarify.	Tender condition prevails
	Section – 2 Eligibility Criteria Pg.No.10 1,1.1 Technical capacity	Query No.6 Eligibility Criteria: - Section – 10 Point no.1.1 (Copy Enclosed) Technical Capacity – The tenderer or their manufacturer in their own name should have satisfactorily completed the supply work of Liquid Chlorine in BMC/ Semi Govt./Govt. & Public Sector Organizations during last seven	Tender condition prevails

		<p>(7) years ending last day of month previous to the one in which bids are invited as a prime Contractor (or as a nominated sub-Contractor, where the subcontract had involved similar nature of work as described in the scope of works in the bid document, provided further that all other qualification criteria are satisfied).</p> <p>The eligibility criteria defined by BMC for this tender, is not as per the Standard Bid Document (SBD) or any other BMC tenders invited for similar works. The words "Or Their Manufacturer" has been added extra which are not there in the SBD.</p> <p>The BMC SBD section 2-page No. 11 Eligibility Criteria is as follows: - (Copy Enclosed) Tenchnical Capacity – The tenderer(s) in their own name should have satisfactorily executed the work similar nature in MCGM / Semi Govt. /Govt. & Public Sector Organizations during last seven (7) years ending last day of month previous to the one in which bids are invited as a prime Contractor (or as a nomainted sub-Contractor, where the subcontract has involved similar nature of work as described in the scope of works in the bid document, provided further that all other qualification criteria are satisfied).</p>	
	<p>Section – 10 Technical Specifications & Conditions Pg.No.126 Condition no.19</p>	<p>With reference to the Hon'ble Bombay High Court judgement Dt.2nd April 2024. (WPL No.29179/2023) For the tender no.2023_MCGM_927259. (Copy Enclosed) As per the Hon'ble Bombay High Court order on page 26(i), 28 & tender document page no.126 section – 10 clause</p>	<p>Tender condition prevails</p>

		<p>no.19 the court has mentioned that the tender make it amply clear that all the purchase orders are to be placed directly on the bidder/ suppliers and not the manufacturers, both the sale and supply of the filled gas cylinders is by the bidder/suppliers to BMC and not by the manufacturers. Further mentions that the bidder/supplier needs to take all the necessary precautions during all the operations up to delivery. Shall be held responsible for any loss, damage, injury to any property or human life subject to that the mishap caused is not due to the handling by the staff at plant. He shall pay all cost towards damage and loss or injury to human life, and shall absolve the Municipal Corporation from any claims.</p> <p>Since the chlorine gas is for public procurement and order will be placed on dealer's name and entering into the contract with an unexperienced bidder/supplier, who does not fulfill the eligibility criteria merely considering the manufacturers experience, when the manufacturer is not a part of the contract, is a clear violation Of BMC Standard Bid Document. Please Clarify.</p>	
Sr. No 5	Name of Tenderer	M/s. Shilpa Enterprises	
	Tender Condition	Suggestions by bidders	Remarks/Decision taken
	Section- 8, BILL OF QUANTITIES, Pg.No. - 71, Serial No. 1,	Original Conditon Page - 71 Supply of Liquid Chlorine in 850kg Ton Containers as per IS:646 of 1986 (as amended up to date) for Water treatment plants & Reservoirs of BMC for the year 2024-	CORRIGENDUM- I shall be refer

	ITEM DESCRIPTION	2025. Suggestions for modification Supply of Liquid Chlorine in 900 kg & 850kg Ton Containers as per IS:646 of 1986 (as amended up to date) for Water treatment plants & Reservoirs of BMC for the year 2024-2025	
	Section – 14, APPENDIX & ANNEXURE, Pg.No.- 163 Annexure-F	Original Conditon Page – 163 Annexure F THE RATES FOR MAINTENANCE OF B.M.C'S CHLORINE TONNE CONTAINERS. Suggestions for modification These rates were revised 8 years back i.e. in the year 2016-2017 (Tender No. 7100088346 Due on 21.11.2016). Now rates shall be revised considering the increase in various rates and inflation. The rate shall be increased at the rate of 10% per year for past 8 years.	Tender condition prevails
Sr. No 6	Name of Tenderer	M/s. CHEMICAL PEOPLE	
	Section – 10 Technical Specifications & Conditions Pg.No.123-124, Condition 6	Due to our first time participating in BMC tender, BMC has saved more than 7000/- per mt. (Over 140% of tender supply rate of earlier years to BMC). Current year supply rate to BMC is less than Rs 5000/- pmt.as against more than 11000/- last 3 years tender rate. Considering this fact you may relax term supplier should have Peso within 150 klm.	Tender condition prevails

	<p>Our Principal TGV sraac ltd.will be considered to evaluate the tender</p> <p>If you go through the commitment on stamp paper, in case of any non supply/failure to our Principal has assured to compensate any damage suffered by BMC.</p> <p>Please, confirm, "Our Principal TGV Srraac Ltd. offer to supply directly from their work at Kurnool will be considered.</p>	
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**Sd/-
S.E. (Tender)**

**Sd/-
A.E.(Stores) W/S**

**Sd/-
E.E.(Stores)**

**Sd/-
Dy.H.E.(Store /Purchase)**

**Sd/-
Hydraulic Engineer**