

GM/FMD/ 28 /2021

DATE:13 /11/2021

Sub : Amendment to clause no 7.3.1, 9.2.2, 15.7.4 and Para No.6 of Works Manual 2011 and procurement of the services through GeM portal by adopting GeM standard Service / Custom Bid Module.

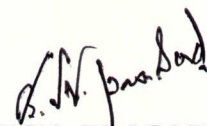
Reference is made to the minutes of 331st Management Committee meeting held on 21st September, 2021. Management Committee has accorded approval for the following:

(i) To amend the Clause no. 7.3.1, 9.2.2, 15.7.4 and Para No.6 of Works Manual 2011 related to Cost of Tender documents, Security Deposit for service contracts, financing cost, amendment to contract in case of statutory changes and modification of para No.6 of contract agreement format for service contracts.

(ii) For procurement of the services as listed at Clause 3.3 of HAL Works Manual 2011 (Excluding Civil/Electrical Construction Works as detailed at Clause No 3.1 & 3.2) through GeM portal by adopting GeM standard Service / Custom Bid Module by respective Division for tendering and awarding of the service contracts as per the procedure annexed as Annexure – 6.

2. Accordingly, clause no 7.3.1, 9.2.2, 15.7.4 and Para No.6 of Works Manual 2011 is amended as per Annexure-1.

3. Divisions / offices may accordingly take necessary action while putting up the proposals / Tender Notices/Tender Documents.


[BSV. PRASAD]
General Manager [FMD]

Encl: Annexure-1 & Annexure-6

To: Divisional Heads, Heads of Plant Maintenance, Heads of Finance:

Aircraft/Engine/Overhaul/F&F/Aerospace/IMGT/LCA-TD/IJT-LSP/ASC/Helicopter/
Helicopter-MRO/ACD/RWRDC/Barrackpore/ARDC/AERDC/MCSRDC/AMD-Nasik
/AOD-Nasik/AURDC-Nasik/ED-Kpt/SED-Kpt/AD-Lkw/ASERDC-Lkw/AD-Hyd/
SLRDC-Hyd/AD-Korwa/TAD-Kanpur/FMD/M&H/HMA/LO-Delhi.

Copy to:

CEO (HC) / CEO (MC) / CEO (AC) / CEO (BC),
ED(Sys)-DC / GM(F)-MC / AGM(F)-BC / AGM(F)-AC / AGM(F)-HC / DGM(F)-DC.

ನೋಂದಾಯಿತ ಕಛೇರಿ : ೧೫/೧, ಕಬ್ಬನ್ ರೋಡ್, ಬೆಂಗಳೂರು-೫೬೦೦೦೧, ಭಾರತ

पंजीकृत कार्यालय : 15 /1, कबबन रोड, बेंगलूरु - 560 001, भारत

Registered Office : 15 /1, Cubbon Road, Bengaluru - 560 001, India

ಜಿ ಎಸ್ ಟಿ ಎನ್ / ಜಿ ಎಸ್ ಟಿ ಎನ್ / ಜಿ ಎಸ್ ಟಿ ಎನ್ / GSTIN: 29AAACH3641R1Z3

Corporate Office:

ED(IMM) / ED(HR) / GM(Plg.) / GM(QA) / GM(CS) / GM(I) / GM(F)-B / GM(F)-C / GM(F)-BS/
GM(SYA) / GM(HR) / GM(IT) / GM(Vig) / AGM(JV&OS) / DGM(Works).

SO to CMD, SO to D(E,R&D), SO to D(F), SO to D(Ops), SO to D(HR)

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Amendment to clause No. 7.3.1, 9.2.2, 15.7.4, and Para No.6 of agreement format of HAL Works Manual 2011

Reference of HAL Works Manual 2011	For	Read																
7.3.1	<p>Cost of tender documents shall be as given below:-</p> <table border="1"> <tr> <td>Estimated Cost of work Tender</td> <td>Tender Document Cost</td> </tr> <tr> <td>Upto Rs. 50,000/-</td> <td>Rs. 300/- + Applicable taxes</td> </tr> <tr> <td>Rs. 50,001 to 2.50 Lakhs</td> <td>Rs. 500/- + Applicable taxes</td> </tr> <tr> <td>Rs. 2.51 Lakhs to 5.00 Lakhs</td> <td>Rs. 750/- + Applicable taxes</td> </tr> <tr> <td>Rs. 5.01 Lakhs to 20.00 Lakhs</td> <td>Rs. 1000/- + Applicable taxes</td> </tr> <tr> <td>Rs. 20.01 Lakhs to 50.00 Lakhs</td> <td>Rs. 2000/- + Applicable taxes</td> </tr> <tr> <td>Rs. 50.01 Lakhs to 100.00 Lakhs</td> <td>Rs. 3500/- + Applicable taxes</td> </tr> <tr> <td>Above Rs. 100.00 Lakhs</td> <td>Rs. 5000/- + Applicable taxes</td> </tr> </table>	Estimated Cost of work Tender	Tender Document Cost	Upto Rs. 50,000/-	Rs. 300/- + Applicable taxes	Rs. 50,001 to 2.50 Lakhs	Rs. 500/- + Applicable taxes	Rs. 2.51 Lakhs to 5.00 Lakhs	Rs. 750/- + Applicable taxes	Rs. 5.01 Lakhs to 20.00 Lakhs	Rs. 1000/- + Applicable taxes	Rs. 20.01 Lakhs to 50.00 Lakhs	Rs. 2000/- + Applicable taxes	Rs. 50.01 Lakhs to 100.00 Lakhs	Rs. 3500/- + Applicable taxes	Above Rs. 100.00 Lakhs	Rs. 5000/- + Applicable taxes	<p>a) In case tenders invited through HAL e-portal, a minimum Cost of Tender shall be levied as follows :</p> <ol style="list-style-type: none"> Works costing upto Rs.100Lakhs: Rs.1000+Applicable taxes Works costing above Rs.100 Lakhs: Rs.2000+Applicable taxes <p>b) In case of tenders invited through GeM portal, GeM conditions shall prevail (Presently, no CTD is charged in GeM portal)</p>
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Above Rs. 100.00 Lakhs	Rs. 5000/- + Applicable taxes																	
9.2.2	<p>a) The successful tenderer will be required to furnish security deposit for the fulfilment of contract. The security deposit shall be equal to one month value of the contract amount. This amount shall not be altered during the execution of work due to any kind of deviation [either plus or minus] or extension of duration of contract.</p> <p>b) In addition to security deposit 5% retention money shall be deducted from the bills which shall be released after six months / one year / satisfactory completion of work whichever is earlier and</p>	<p>a) The successful tenderer will be required to furnish security deposit for the fulfilment of contract.</p> <ol style="list-style-type: none"> In case of two years contract, the security deposit shall be equal to 5% value of the contract amount. In case of one year contract, the security deposit shall be equal to one month value of the contract amount. <p>This amount shall not be altered during the execution of work due to any kind of deviation [either plus or minus] or extension of duration of contract.</p> <p>b) In addition to security deposit, retention money shall not be deducted from the bills. Security deposit shall be released after satisfactory completion of work and on production of proof / vouchers</p>																

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	<p>on production of proof / vouchers to effect that ESI / EPF contribution have been made and fulfilment of the entire statutory obligation under the contract by the contractor. Retention money will be continued to be recovered when the contract gets amended due to additional payments arising out of variable dearness allowances, increase in EPF / ESI contribution etc., as notified by the statutory authorities / extended period of the contract. However, retention money for the original contract period shall be refunded after fulfilling the ESI / EPF requirements as per contract if the contract gets extended.</p>	<p>to effect that ESI / EPF contribution have been made and fulfilment of the entire statutory obligation under the contract by the contractor.</p> <p>Note:</p> <p>a) In future all new tenders to be issued hereinafter need to consider the reduced performance security Deposit and the same need to be included in the tender document.</p> <p>b) However, in addition to the above & inline with the instructions of OM dated 12.11.2020, wherever Performance Guarantee has already submitted by vendor, no need to change as is. Only in case contractor insist for returning the Performance Guarantee amount beyond 5% or returning the Performance Bank Guarantee, the excess amount beyond 5% need to be returned or fresh Bank Guarantee to be obtained for the reduced % of Performance Bank Guarantee as the case may be, on case to case basis with the approval of Divisional Head. However, based on the execution details in the current contracts or previous contracts are under dispute wherein arbitration/court proceedings have been already started or are contemplated, in such cases, the reduced % of Performance Guarantee need not to be considered.</p> <p>c) Wherever tender already issued and amendment / corrigendum could be possible for issue, the same can be considered for issuing amendment / corrigendum to the tender document to indicate the reduced % of Performance Guarantee. In case, if it is not feasible to issue amendments / corrigendum to the tender, in this case</p>
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15.7.4	<p>For Service works contracts: Amendment shall be for any increase in the minimum wages as notified by statutory authority viz. Labour Commissioner will be borne by HAL along with ESI, EPF, EDLI as applicable, financing cost as authorized on increased amount arising out of the revision of minimum wages will be paid to the contractor towards the service charges on increased wages. ... [The percentage of financing cost shall be the prevailing leading banks prime lending rate as approved by the Divisional / Complex finance]</p>	<p>For Service works contracts: Any statutory changes including revision in minimum wages / allowances as notified time to time shall be complied by the Contractor. No specific amendment to Contract would be required to be executed by the Contracting Parties in this regard." This will be paid on production of necessary vouchers / records. The Contractor shall be exempted from the Security Deposit on additional contract value arising out of wage increase. The contractor shall pay wages not less than the stipulated wages for the personnel engaged. The</p>

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		<p>contractor shall be liable to pay E.S.I, E.P.F, EDLI etc.</p> <p>Service charges as agreed upon in the contract are fixed throughout the contract period, including extended period if any, and in case of any increase in wages, allowances etc., no service charges will be paid on the increased component of wages, allowances and other statutory and non-statutory variations. No amendment to the contract every time or obtaining approval of Competent Authority multiple times would be required in case of any increase in wages, allowance, statutory & non-statutory variations etc.</p> <p>Amendment to contract agreement is to be executed only in case of extension to contract period and closure of the contract / FDO on approval of the CFA as per DOP.</p> <p>Respective OIC shall issue an amendment for executing an amendment to contract agreement as per Annexure-U1 format.</p>
<p>Para No.6 of the Contract Agreement</p>	<p>The following documents are deemed to form part of this agreement, namely the tender document including the General Conditions, Special Conditions, the Specifications, the Priced Bill of Quantities, the Schedule of rates and prices and the Drawings mentioned in the Specifications, all of which for the purposes of identification have been signed by the Manager (Works), Contract Section, on behalf of the Company and the Contractor/s. The letter of Acceptance and all the letters referred therein will also form part of this agreement.</p>	<p>The following documents are deemed to form part of this agreement, namely the tender document including the General Conditions, Special Conditions, the Specifications, the Priced Bill of Quantities, the Schedule of rates and prices, all of which for the purposes of identification have been signed by Authorized officer of Contract Section, on behalf of the Company and the Contractor/s. The letter of Acceptance and all the letters referred therein, will also form part of this agreement. Any statutory changes including revision in minimum wages shall be complied by the Contractor. No specific amendment to Contract would be required to be executed by the Contracting Parties in this regard.</p> <p>Note: This change is applicable only for service contracts.</p>

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PROCEDURE FOR TENDERING & AWARDING OF SERVICE CONTRACTS THROUGH GeM PORTAL

*Respective Divisions will obtain the Admin Approval as per DOP for tendering the services through GeM under custom Bid



*** Preparation of Tender Document**

Tender Document can be prepared in line with HAL terms and conditions.



* Appropriate Technical Authority (ATA) approval for Tender document



* Hosting of Tender document on GeM Portal under standard service / custom Bid



* Opening of Technical Bid



* Downloading of credentials of responded agencies for Technical Evaluation by the respective Divisions



***Tenders upto `50.00 lakhs:** Respective Divisions Technical Evaluation Committee as detailed below shall scrutinise the responded agencies credentials with respect to the parameters asked in the tender and committee is competent authority to accord approval for those agencies who are found eligible for opening of price bids and to reject who are found not eligible.

*** Tenders more than `50.00 lakhs:** Respective Divisions Technical Evaluation Committee as detailed below shall scrutinise the responded agencies credentials with respect to the parameters asked in the tender and put-up their recommendation to Head of the division for approval through associated finance for those agencies who are found eligible for opening of price bids and to reject who are found not eligible.

TECHNICAL EVALUATION COMMITTEE: Committee shall be constituted with the approval of Divisional Head.

Chairman: Head of User Dept. / Plant Maintenance Dept. of Division /Appropriate Technical Authority,

Member: One member from user/ Plant Maintenance Dept,

Member Secretary: Head of Tendering Section / Head of Contract Section,

Co-opted Members -Chairman of the committee can Co-opt the Members if required.



* Opening of price bid of eligible Agencies



Based on reasonability of L1 offer, HAL may call for Price Negotiation / E Reverse Auction as per GeM procedure



Price Negotiation committee may be formed in line with Annexure-V of DOP 2018



Based on reasonability of L1 offer, PNC will recommend for award / Cancellation / retender



* Obtaining approval of CFA for placement of PO



* Placement of PO on L1 agency on fulfilling of GeM terms and conditions

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