

**MINISTRY OF HEALTH & WELLNESS
GOVT. OF MAURITIUS**

Tender

For

Construction of Area Health Centre at New Grove, Mauritius

VOLUME-I

Prequalification Document (PQ)

November' 2022



**HSCC (INDIA) LTD.
(CONSULTANTS & ENGINEERS FOR MEGA HOSPITALS & LABORATORIES)
E-6(A), sector-1, NOIDA(U.P) 201301 (India)**

Phone : 0120-2542436-40

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PQ tender No. HSCC/AHC/ Grove /Mauritius/2022

REPUBLIC OF MAURITIUS
MINISTRY OF HEALTH & WELLNESS

Date: 03.11.2022

NOTICE INVITING e-TENDER (NIT)

Ministry of Health & Wellness, Republic of Mauritius invites online item rate bids through their Consultants HSCC (India) Limited from eligible contractors/firms for the following works:

Name & Description of Work	Estimated Cost (In Mauritian Rupees)	Tender available online and Last date to fill/upload the tender through e-Tendering	Bid Security (in Mauritian Rupees)
1. Construction of Area Health Centre at Cap Malheureux, Mauritius. (HSCC/Mauritius/AHC/Malheureux/2022).	101.96 Million	From 07.11.2022 to 28.11.2022 upto 15:00 hrs (IST) and opening on 28.11.2022 at 15:30 hrs (IST).	2.01 Million
2. Construction of Area Health Centre at New Grove, Mauritius (HSCC/Mauritius/AHC/New Grove/2022).	102.18 Million	From 07.11.2022 to 28.11.2022 upto 15:00 hrs (IST) and opening on 28.11.2022 at 15:30 hrs (IST).	2.02 Million

Completion period is 12 calendar months for each work.

For tender details, please refer detailed NIT on e-tender portal <http://www.tenderwizard.com/HSCC> and Republic of Mauritius website www.health.govmu.org. The pre-bid meeting shall be held on 15.11.2022 at 15:00 hrs (IST) at HSCC (India) Ltd., Corporate office, at E-6A, Sector-1, Noida / Online.

Ministry of Health & Wellness, Republic of Mauritius/HSCC reserves the right to accept or reject any bid, and to annul the bidding process and reject all bids at any time prior to contract award, without thereby incurring any liability to Bidders.

Prospective bidders are advised to regularly scan through HSCC websites <http://www.tenderwizard.com/HSCC>, <http://www.hsccltd.co.in> and Republic of Mauritius website www.health.govmu.org as corrigendum/amendments etc., if any, will be notified on these portals only and separate advertisement will not be made for this.

Chief General Manager
HSCC (India) Limited

REPUBLIC OF MAURITIUS
MINISTRY OF HEALTH & WELLNESS

HSCC/AHC/ Grove /Mauritius/2022

Date: 03.11.2022

NOTICE INVITING e-TENDER (detailed)

Ministry of Health & Wellness, Republic of Mauritius invites online item rate bid through HSCC (India) Ltd. from eligible contractors/firms for the following works:

Name & Description of Work	Completion period of work (in months)	Estimated cost (in Mauritian Rs.)	Tender available online and Last date to fill/upload the tender through e-Tendering.	Bid Security (in Mauritian Rs.)
Construction of Area Health Centre at New Grove, Mauritius.	12 (Twelve)	102.18 Million	From 07.11.2022 to 28.11.2022 upto 15:00 hrs (IST) and opening on 28.11.2022 at 15:30 hrs (IST).	2.02 Million

The above works also includes internal & external Electrical, PHE, fire fighting and external developments works etc. and their Maintenance during Defect Liability Period. The bidder would be required to register at HSCC e-tender portal <http://www.tenderwizard.com/HSCC>. For submission of the bids; the bidder is required to have Digital Signature Certificate (DSC) from one of the authorized Certifying Authorities. The bidders are required to submit (a) Original nonrefundable Demand Draft of INR 10,000/- (Indian National Rs. Ten Thousand only) or Rs. 5399/- (**Mauritian Rs. Five thousand Three hundred Ninety-Nine only**) as cost of bid, in favour of “HSCC (India) Limited”, payable at Noida/New Delhi (b) Original bid security in approved form Vol.-I of Tender with the office of Chief General Manager, HSCC (India) Limited before date and time fixed for opening of bid either by registered post or by hand failing which the bid be declared non-responsive.

The documents to be uploaded online are listed at **Annexure I**

The complete set of Tender Documents comprising four Volumes I, II, III, IV, V & VI has been made available at e-tender portal <http://www.tenderwizard.com/HSCC>.

The interested applicant contractors/firms may like to attend the pre bid meeting which will be held at 15:00 hrs at Corporate Office of HSCC (India) Limited, E-6(A), Sector 1, Noida on 15.11.2022

HSCC/ Ministry of Health & Wellness, Republic of Mauritius reserves the right to accept or reject any bid, and to annul the bidding process and reject all bids at any time prior to contract award, without thereby incurring any liability to Bidders.

Prospective bidders are advised to regularly scan through HSCC websites <http://www.tenderwizard.com/HSCC>, <http://www.hsccltd.co.in> and Republic of Mauritius website www.health.govmu.org as corrigendum/amendments etc., if any, will be notified on these portals only and separate advertisement will not be made for this.

Chief General Manager
HSCC (India) Limited

INSTRUCTION TO APPLICANTS

PROJECT NAME: **Construction of Area Health Centre at New Grove, Mauritius including internal & external Electrical, PHE, fire fighting and developments works etc. including their maintenance during Defect Liability period.**

Completion period: within 12 (Twelve) Calendar months

EMPLOYER/CLIENT: **Area Health Centre at New Grove, Mauritius.**

1. Scope of Bid :

1.1 For & on behalf of Senior Chief Executive, Ministry of Health and Wellness, Republic of Mauritius for **Area Health Centre at New Grove, Mauritius (The Employer/Client)**, HSCC (I) Ltd (**The Consultant**) intends to invite bids from eligible contractors/firms for above works details as under

1.2 Brief Details :

Construction of Area Health Centre at New Grove, Mauritius including internal & external Electrical, PHE, fire fighting and developments works etc. including their maintenance during Defect Liability period.

Above works to be executed for Area Health Centre at New Grove, Mauritius (Under MINISTRY OF HEALTH & WELLNESS, GOVT. OF MAURITIUS)

Tender is open to all agencies / firms having sound background and Specialisation in carrying out similar works.

2.0 SUBMISSION OF BID SECURITY AND COST OF BID:

2.1 Original Bid Security and Cost of bid must be submitted complete in all respect in sealed envelopes which must be delivered at CGM, HSCC (India) Ltd, Plot No. 6(A), Block-E, Sector-1, NOIDA, U.P.-201301, so as to reach not later than designated date & time of submission of bid, clearly marked in envelope “ **Construction of Area Health Centre at New Grove, Mauritius including internal & external Electrical, PHE, fire fighting and developments works etc. including their maintenance during Defect Liability period.**”

2.2 The name and mailing address of the Applicant should be clearly marked on the envelope.

2.3 All the information asked for pre-qualification and bids shall be answered in the ENGLISH language by all the agencies/firms.

2.4 Failure to provide information in the stipulated format enclosed or to provide timely clarification or substantiation of the information supplied (considered essential to evaluate the Applicant's qualification) shall result in disqualification of the Applicant.

3.0 MINIMUM PRE-QUALIFICATION CRITERIA:

3.1 The bid is open only for Indian firms or a Joint venture (JV) /Consortium between Indian and Mauritian firms without involvement of any third Country. JV Requirements of Joint venture criteria is enclosed at Annexure- X. Participants/bidders meeting above shall only be eligible to participate in this bid. Pre-Qualification will be based on meeting all the minimum criteria for pre-qualification and other qualification criteria regarding the Applicant's work experience, personnel and equipment capabilities and financial position as demonstrated by the Applicant's responses in the forms attached to the Letter of Application.

3.2 Indian firm or any member of JV/Consortium should meet the following minimum criteria for Pre-Qualification :

(i) Average Annual Financial Turnover during the last three financial years i.e. 2018-19, 2019-20 & 2020-2021 should be at least 100% of the estimated cost.

(ii) Experience should be in the name of bidder and not in name of subsidiary/ associate company/ group company

(iii) (a) Experience of having successfully completed similar works during last 7 years ending last day of month previous to the one in which applications are invited should be either of the following. The works completed upto previous day of last date of submission of tenders shall also be considered.

Three *similar completed works costing not less than the amount equal to 40% of the estimated cost.

or

Two *similar completed works costing not less than the amount equal to 60% of the estimated cost.

or

One *similar completed work costing not less than the amount equal to 80% of the estimated cost.

Relevant proof including Completion Certificate issued from Client shall be required.

*“**Similar Works**” shall mean a Project comprising Construction of any Multistoried RCC framed structure including finishing works, internal water supply, sanitary installations and internal electrical installation all composite executed under one agreement.

Own works / work under the same management / own certification of the bidder shall not be considered for pre-qualification.

The value of executed works shall be brought to current costing level by enhancing the actual value of work at simple rate of 7% per annum; calculated from the date of completion to the last date of receipt of applications for tender.

- 3.3 The firm should submit an affidavit duly notarized that they have not abandoned any work of Indian or Mauritian Union Government/ State Governments/ PSU’s etc. during the last 5 years. They should also submit an affidavit that they have not been blacklisted, debarred, declared non performer or expelled by Indian or Mauritian Union Government/ State Governments/ PSU’s etc. during the last 5 years
- 3.4 The applicant should provide information regarding litigation/ Arbitration cases for the last five years as per ANNEXURE-V
- 3.5 **Financial Capabilities:** The Applicant should submit Audited Balance Sheets for the last three financial years i.e. 2018-19, 2019-20 & 2020-2021. The applicant should not have incurred any loss in more than two years during the last five years ending 31st March 2021 (Fill enclosed ANNEXURE-III).
- 3.6 **Minimum Solvency Requirement:**

A solvency certificate from applicant’s Bank (Nationalized/Scheduled) that applicant is solvent for 40% of the Project Estimated Cost. The certificate should be not more than one year old from the date of submission of bid.

- 3.7 Integrity Pact and Agreement enclosed (for all contracts valuing Rs. 5.00 Crores & above) duly signed by the person authorized to sign the bid on behalf of the bidder. **The bidders are requested to download the Integrity Pact as uploaded in the tender documents, and sign on the same, put rubber stamp/seal and upload the signed copy on e-tendering websites. Any Tender without signed Integrity pact shall be liable for rejection**

4.0 PERSONNEL, EQUIPMENT AND FINANCIAL CAPABILITIES

- 4.1 **Personnel Capabilities:** The firm should have suitable qualified and experienced personnel for the successful completion of the works. List of employees and bio-data of key officials shall be submitted stating clearly how these would be involved in this work. (Fill enclosed ANNEXURE-I).
- 4.2 **Equipment Capabilities:** The Applicant should submit the list of equipments for successful completion of project. (Fill enclosed ANNEXURE-II)

5.0 EXPERIENCE OF EXECUTING OF PROJECTS OF SIMILAR NATURE & COMPLEXITY

The applicant shall submit information about their past experience of projects of similar nature and complexity with information about magnitude of the projects, Type of Projects, Completion Certificate from Client, Time Overrun if any, Cost over run if any, (Fill enclosed ANNEXURE-IV).

6.0 OTHER INFORMATION TO BE SUBMITTED ALONGWITH APPLICATION

6.1 Registration/ Licence: The firm should have Works Contract Tax/VAT Registration of India or Mauritius with the appropriate Authorities In case the firm is not registered at the time of submission of bid, they will get themselves registered with the concerned authorities in case they are awarded the work

6.2 The applicant should provide information regarding litigation/ Arbitration cases for the last five years as per ANNEXURE-V

6.3 The applicant shall submit the supporting documents regarding the information given in the ANNEXURE-I to ANNEXURE-V

6.4 The contractor will indemnify HSCC/Ministry of Health & Wellness, Govt of Mauritius/Principle employer/ **Area Health Centre at New Grove, Mauritius**, client, as the case may be, against all penal action that may be levied/effected by any concerned authority for default in any labour regulation/PF/ESI and other statutory requirements of the relevant Acts/Laws related to the work of the contractor and will bear the legal charges, if any, and will pay the legal charges/dues directly to the concerned authority

7.0 Even though the Applicants meet the above criteria, they are subject to be disqualified, if they have:

- made misleading or false representation in the form, statement and attachments submitted; /or
- Record of poor performance such as poor progress of work, abandoning the work, not properly completing the contract, inordinate delays in completion, litigation history, or financial failures, etc. /or
- The performance of any agency already worked/ working with HSCC is not found satisfactory. /or
- found to have been blacklisted in any of the works.
- disclosed the bid price before opening of the Financial Bid.

8.0 The applicants are advised to visit the site to get first hand information as regards its approach, accessibility, working conditions, site conditions, availability of labour and material etc. and other matters affecting cost and work. All costs incurred in connection with submission of the pre-qualification application shall be borne by the applicant irrespective of the outcome.

- 9.0** If any information furnished by the applicant is found incorrect at a later stage, applicant shall be liable to be debarred from tendering in HSCC. The department reserves the right to verify the particulars furnished by the applicant independently.
- 10.0** The competent authority to pre-qualify shall have the power to relax any condition/criterion for pre-qualification if it considers expedient to do so.
- 11.0** Even though the agency meets all the criteria, the Employer / Consultant reserves the right to accept or reject any applicant/disqualify any agency without assigning any reason whatsoever.

12.0 UPDATING QUALIFICATION INFORMATION

- 12.1 Applicants shall be required to update the financial information used for Pre-Qualification as and when asked for and at the time of submitting their bids, to confirm their continued compliance with the pre-qualification criteria and verification of information provided. Free issued cement & steel shall be considered to arrive at final completed project cost.

13.0 GENERAL

- 13.1 Only agencies / firms who have been pre-qualified under this procedure will be considered further. Firm/JV may submit only one application for any work. If a firm/Joint Venture partners is submitting more than one application, all applications of the said firms/JV firms will be rejected.
- 13.2 The Employer / Consultant reserves the right to:
- (a) Reject or accept any application without assigning any reason or incurring any liability thereof
 - (b) Cancel the tendering process and reject all applications
 - (c) Split the works into different packages if required
 - (d) Amend the scope and value of any contract under this project.
- 13.3 Experience of any work done in joint venture shall not be considered.
- 13.4 No correspondence either from successful / pre-qualified applicant or unsuccessful Applicant will be entertained in this regard.
- 13.5 Check list format attached at Annexure VI must be filled and enclosed along with the application.
- 13.6 The contract will be awarded to successful Indian building contractor only. The Lead member of JV will only be Indian building Contractor.

Sd -
Chief General Manager (Projects),
HSCC (India) Limited

LETTER OF APPLICATION

[NOTE : On the letterhead paper of the applicant including full postal address, telephone no., fax no., telex no. and cable address]

Date: _____

HSCC(I) Ltd.
Plot No. 6(A), Block(E), Sector-I
NOIDA, U.P.-201301

Sirs,

1. Being duly authorised to represent and act on behalf of
(hereinafter referred to as “the Applicant”) and having reviewed and fully understood all the pre-qualification information provided, the undersigned hereby apply to be pre-qualified by yourselves as a bidder for the

----- **its**
maintenance during the Defect Liability period

Pre-Qualification Number	Client Name
HSCC/AHC/Grove / Mauritius /2022	Senior Chief Executive, Republic of Mauritius for Area Health Centre at New Grove, Mauritius.

2. Attached to this letter are copies or original documents defining:
- (a) the applicants legal status
 - (b) the principal place of business
 - (c) the place of incorporation (for applicants who are corporations) or the place of registration and the nationality of the owners (for applicants who are partnerships or individually owned firms)
 - (d) application form no. 1 to 6
3. Your agency and its authorized representatives are hereby authorized to conduct any inquiries or investigations to verify the statements, documents and information submitted in connection with this application, and to seek clarification from our bankers and clients regarding any financial and technical aspects. This letter of application will also serve as authorization or any individual or authorized representative or any institution referred to in the supporting information, to provide such information deemed necessary and requested by yourselves to verify statements

and information provided in this application, or with regard to the resources, experience, and competence of the Applicant.

4. Your agency and its authorized representatives may contact the following persons for further information:

General, Personnel, Technical and Financial Enquiries	
Contact 1 :	Telephone 1 :
Contact 2 :	Telephone 2 :

5. This application is made in the full understanding that :

(a) Bids submitted by applicants will be subject to verification of all information submitted at the time of bidding

(b) Your agency reserves the right to :

- amend the scope and value of the contract / bid under this project ; in such event, bids will only be called from pre-qualified bidders who meet the revised requirements ; and
- reject or accept any application, cancel the pre-qualification process, and reject all applications without assigning reasons or incurring any liability thereof ; and

(c) Your agency shall not be liable for any such actions and shall be under no obligation to inform the Applicant

6. The undersigned declare that statements made and the information provided in the duly completed application are , true and correct in every detail.

Sealed & Signed
Name
For and on behalf of

APPLICATION FORM NO. 1

GENERAL INFORMATION

All individual firms applying for pre- qualification are requested to complete the information in this form. Information to be provided for all owners or APPLICANTS who are partnerships or individually-owned firms.

1.	Name of firm
2	Head office address
3	Telephone Contact
4	Fax E-mail No.
5	Place of incorporation/ Registration Year of incorporation/ registration

Authorized Signatory of bidder

APPLICATION FORM NO. 2

STRUCTURE AND ORGANIZATION

1. Name & address of the applicant
2. Telephone No. / Telex No. / Fax No.
3. Legal status of the applicant (attach copies of original document defining the legal status)
 - (a) An individual
 - (b) A proprietor firm
 - (c) A firm in partnership
 - (d) A Limited Company or Corporation.
4. Particulars of registration with various Government bodies (attach attested photocopy)

Organisation /Place of registration	Registration No.
-------------------------------------	------------------
5. Name and Titles of Directors & Officers with designation to be concerned with this work.
6. Designation of individuals authorised to act for the organisation
7. Was the applicant ever required to suspend construction for a period of more than six months continuously after you commenced the construction? If so, give the name of the project and reasons of suspension of work.
8. Has the applicant ever abandoned the awarded work before its completion ? If so, give name of the project and reasons for abandonment.
9. Has the applicant ever been debarred / black listed for tendering in any organisation at any time If so, give details.
10. Has the applicant ever been convicted by a court of law? If so, give details.
11. Any other information considered necessary but not included above.

Authorized Signatory of bidder

PERSONNEL CAPABILITIES

Sl. No.	Designation	Total Number	Number available for this work	Name	Qualification	Professional experience	Remarks

Authorized Signatory of bidder

EQUIPMENT CAPABILITIES

Sl. No.	Name of Equipment	Nos	Capacity or Type	Age	Condition	Remarks

Authorized Signatory of bidder

FINANCIAL CAPABILITIES

(Rs. In lacs)

Financial Year	Annual Turn Over in Indian Rupees (or equivalent to Indian Rupees) as per Audited Balance Sheet
2018-2019	Rs.
2019-2020	Rs.
2020-2021	Rs.
Average Annual Turnover over the past three years	Rs.

Financial Information in Rs. Equivalent	For year 2016-17	For year 2017-18	For year 2018-19	For year 2019-20	For year 2020-21
1. Total Assets					
2. Current Assets					
3. Total Liabilities					
4. Current Liabilities					
5. Profit before Tax					
6. Profit after Tax					
7. Net Worth					

NOTE : The above data is to be supported by audited balance sheets

1. Attach copies of audited balance sheets duly certified by the chartered accountant for all three years (2018-19, 2019-20 & 2020-21). Audited Balance sheet should mention the membership number of chartered accountant issued by ICAI/or equivalent statutory authorities along with full address.
2. Attach recent solvency certificate from bankers

Authorized Signatory of bidder

APPLICATION FORM NO. 6**ANNEXURE - IV****EXPERIENCE OF COMPLETION OF PROJECTS OF SIMILAR NATURE & COMPLEXITY**

(During last seven years ending last day of month previous to the one in which applications are invited)

Sl. No.	Name of work / project and location	Owner or sponsoring organization	Cost of work in Lakhs	Date of commencement as per contract	Stipulated date of completion	Actual date of completion	Name and address/ telephone number of officer to whom reference may be made	Remarks

NOTE : Please attach supporting documents (completion certificates along with order copies) for the above information

Authorized Signatory of bidder

APPLICATION FORM NO. 7

ANNEXURE - V

Litigation Details
Court Cases/arbitration

Name of Bidder

Year	Name of the work	Name of the Client, with Address	Title of the court Case/Arbitration	Detail of the Court/ Arbitrator	Status Pending/ Decided	Disputed Amount (Current Value, the equivalent) in case of Court Cases/arbitration	Actual Awarded Amount (Rs) in decided Court Cases/arbitration

Authorized Signatory of bidder

Check-List

S.No	Criteria	Requirements	Page no. at which required information is available (To be mentioned)	Indicate Eligibility Y / N
1	Average Turnover for last three years	Copies of audited balance sheets certified by the chartered accountant along with Membership no for all three years (2018-19, 2019-20 & 2020-21).		
2	Experience	During last seven years +Similar work completed, 3 nos. of value not less than 40% of the estimated cost +Similar work completed, 2 Nos. of value not less than 60% of the estimated cost +One Similar work completed of value not less than 80% of the estimated cost		
3.	Experience	The tenderer should have satisfactorily completed one civil or infrastructure or building work in Mauritius of value not less than the amount equal to 40% of the estimated cost. Completion Certificate from Client shall be required for proof.		
4	Experience	A Certificate from client for completion of work(s) against single work order must be submitted along with application		
5	Personnel Capabilities	List of suitable qualified and experienced personnel in relevant field		
6	Equipment Capabilities	List of equipment required and proposed to be deployed & source of such equipments		
7	Financial Capability	<ul style="list-style-type: none"> ▪ Net worth positive for all the three years ▪ Profit earning for all the three years 		
8	Solvency Certificate	Solvency certificate from applicant's bank for 40% of the estimated project cost. The certificate should be not more than one year old.		
9.	Abandoning / Blacklisting	Information regarding not abandoned /Black listing for any work of Indian or Mauritian Union Govt./State Govt./ PSU's etc. during last 5 years and The applicant should provide information regarding litigation/ Arbitration cases for the last five years as per ANNEXURE-V		
10.	Tender document fee, in case down loaded from web site	INR 10,000/- or MUR 5399/-		
11	Bid Security	In terms of BG/DD		
12	Tender Documents	All volumes of tender documents submitted in the respective envelopes as specified in SCC (Vol-III) including amendments, if any		

UNDERTAKING

We _____ do hereby undertake to engage a specialised _____ agency after approval of HSCC for undertaking the execution of _____ works of (_____ Name of the project_____) whose minimum qualification shall be as under:

- (i) Average Annual Financial Turnover during the last three financial years i.e. 2018-19, 2019-20 & 2020-21 should be at least 100% of estimated price of _____ works.
- (ii) Experience of having successfully completed similar works during last 7 years ending last day of month previous to the one in which applications are invited should be either of the following:

Three similar completed works each costing not less than the amount equal to 40% of estimated price of _____ works.

or

Two similar completed works each costing not less than the amount equal to 60% of estimated price of _____ works.

or

One similar completed work costing not less than the amount equal to 80% of estimated price of _____ works.
- (iii) We shall be solely responsible for successful execution of _____ work.

Bidders submitting their bids using tender documents downloaded from the websites mentioned above should enclose the tender document fee in the form prescribe above in Envelope no.1 of their bids along with Certificate as per format given at ANNEXURE-VIII of this Volume I of the tender documents failing which the bid shall be rejected.

CERTIFICATE

(Only for bidders using tender documents downloaded from website)

We certify that the prequalification documents submitted by us along with our bid for _____(tender no.)_____ (name of work)_____ are downloaded from HSCC website (www.hsccltd.com) or e-tender portal and is same in content and form (verbatim).

We also undertake that any deviation, if detected at any stage, would entitle Area Health Centre at New Grove, Mauritius / HSCC to reject our bid/tender/offer and take suitable penal action against us. In any such an eventuality, the decision of Area Health Centre at New Grove, Mauritius /HSCC shall final and the same would be legally binding on us.

Signature & seal of the Tenderer

PROJECT UNDER EXECUTION OR AWARDED

Sl.No	Name of Work/ Project & location	Owner of sponsoring Organization	Cost of Work	Date of Commencement As per contract	Stipulated Date of completion	Uptodate Percentage Progress of work	Slow Progress, If any, & reasons thereof	Name & address/ Telephone No. of officer to whom reference may be made	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Certified that above lists of works is complete and no work has been left out and that the information given is correct to my knowledge and belief.

Signature of Applicant

Requirements of Joint Venture(JV) / Consortium as mentioned below:

Joint Venture (JV)/ Consortium Related Details:

- 1.0 Agency may submit Proposal individually, in its sole capacity, or as a Joint Venture (through Lead Member) without involvement of any third Country.
- 1.2 Agency must fulfill the criteria laid down in this PQ document.
- 1.3 Proposals submitted by a Consortium must comply with the following requirements:
 - a) The number of members or sub-agencies in the Consortium should not exceed two (2);
 - b) Both members of the Joint Venture /Consortium shall nominate one member as a Lead Member;
 - c) The Proposal should contain the information required from each member , as the case may be;
 - d) The Proposal should include a description of the roles and responsibilities of each member as the case may be;
 - e) A JV member is not permitted to submit Proposal for the assignment / job in its individual capacity or as part of any other Consortium;
 - f) The members of the Consortium shall execute a Power of Attorney duly attested by Ist Class Magistrate for Lead Member of Consortium; and
 - g) The members in a Consortium shall enter into a Memorandum of Agreement (MOA) for the purpose of submission of the Proposal.

The Memorandum Of Agreement (MOA) of JV should, inter alia,

- (i) Convey the intent of the Lead Member to enter into the Contract with Employer and subsequently carry out all the responsibilities in terms of the Contract;
- (ii) Delineate the proposed roles and responsibilities of each member of JV / Consortium;
- (iii) Include a statement to the effect that all members of the Consortium shall be liable jointly and severally for the Assignment / job in accordance with the terms of the Contract; and
- (iv) Clearly refer to the Assignment / job for which the arrangement is made.

MoA, in original on stamp paper of suitable applicable amount, signed by both members and duly attested by first class Magistrate should be submitted with the Proposal. MOA should be specific to this Assignment / job and should contain the above requirements, failing which the request for proposal shall be considered nonresponsive.

The Format for Joint Venture/Consortium Agreement (On non-judicial stamp paper of appropriate value to be purchased in the name of executants companies or as required

by the jurisdiction in which executed) to be submitted along with the bid as enclosed at Annexure- XI.

FORM OF POWER OF ATTORNEY FOR Joint Venture/CONSORTIUM (On Non – Judicial Stamp Paper of Appropriate value to be Purchased in the Name of Joint Venture/CONSORTIUM) to be submitted along with the bid as enclosed as Annexure- XII

Annexure-XI

Format for Joint Venture/Consortium Agreement (On non-judicial stamp paper of appropriate value to be purchased in the name of executants companies or as required by the jurisdiction in which executed)

THIS Consortium Agreement executed on this day of Two Thousand By:

M/s. a Company/Partnership Firm/ Sole Proprietorship Organisation incorporated under the Act/Laws of and having its Registered/Head office at (hereinafter called the “Lead Member/First Member” which expression shall include its successors); and

M/s. a Company/Partnership Firm/ Sole Proprietorship Organisation incorporated under the Act/Laws of and having its Registered/Head office at (hereinafter called the “Second Member” which expression shall include its successors) and

The Lead Member/First Member and the Second Member, shall collectively hereinafter be called as the “Joint Venture/Consortium Members” for the purpose of submitting a bid proposal to _____ (Hereinafter referred to as _____) ,being a Company/Body Corporate having its Registered Office/Head office at, India (hereinafter called the “Employer”) in response to the invitation of bids (hereinafter called as ”Tender Specification No.....” Document) Dated.....for (Insert name of the work) (hereinafter called as “the Transaction”).

WHEREAS Clause-_____ of the Invitation for Bids (IFB), stipulates that two bidder(s) (An Indian Origin and Mauritian Origin Company without involvement of company from any other third Country) may form a joint venture/Consortium among themselves and apply against this tender specification, provided they fulfil the following eligible criteria;

1. They should have legally valid Consortium agreement as per the prescribed format for the purpose of participation in the bidding process. The total no of a Consortium shall be limited to two members (Indian Origin Company and Mauritian Origin Company).
2. One of the Joint Venture/Consortium members should be a Mauritian Company having Joint Venture with Indian Company. Companies from third countries are not allowed to be part of Joint Venture.
3. Respective companies of the Joint Venture/ Consortium shall meet the qualifying norms specified in the tender, they participate.
4. Any member of the JV/Consortium should meet the qualifying norms as mentioned in this Prequalification document however If any of the member of the Consortium meet the qualifying norms of 3.2 (b) of this PQ in respect to the work experience may be considered for prequalification.
5. All the Consortium member(s) shall authorize the lead partner by submitting a power of Attorney as per the prescribed format duly signed by the authorized signatories. The

lead partner shall be authorized to receive instructions for and on behalf of all partners of the Consortium and entire execution of the contract.

6. The Consortium and its members shall be jointly and severally responsible and be held liable for the purpose of guaranteed obligation and any other matter as required under the contract.
7. Any member of the Consortium shall not be eligible either in an individual capacity or part of any other Consortium to participate in the tender, where the said Consortium participates.
8. Work Order(s) will be placed to lead member of the Consortium.
9. In addition to the above the Lead partner of the bidder should submit the following documents with the bid as qualifying terms.
 - i. Valid Registration of the company for carrying out Civil Works/ Infrastructure works.
 - ii. PAN, TIN No. & GST Registration Number
 - iii. EPF registration
10. The Lead partner of the Bidder shall have to furnish GST registration, ESI and Labour license within 45 days of receipt of the order.
12. The prescribed formats for Power of Attorney to be submitted AND WHEREAS the members of the Joint Venture/Consortium together shall strictly comply the eligible criteria of the of this PQ document and all other conditions of tender. AND WHEREAS bid has been proposed to be submitted by Lead Member based on this Joint Venture/Consortium agreement between the members, signed by both the member.

NOW THIS INDENTURE WITNESSETH AS UNDER: In consideration of the above premises, in the event of the selection of Joint Venture/Consortium as successful bidder, both the Parties to this Joint Venture/Consortium Agreement do hereby agree abide themselves as follows:

1. M/s. shall act as Lead Member for and on behalf of Joint Venture/Consortium Consortium Members. The said Joint Venture/Consortium Consortium Members further declare and confirm that they shall jointly and severally be bound and shall be fully responsible for (.....Insert name of the work.....), and successful performance of the works, obligations under the same by the Lead Member are as follows:
2. Despite any breach by the Lead Member or other Member(s) of the Joint Venture/Consortium agreement, the Member(s) do hereby agree and undertake to ensure full and effectual and successful performance of the Contract and to

carry out all the obligations and responsibilities under the said Contract in accordance with the requirements of the Contract.

3. If the Employer suffers any loss or damage on account of any breach of the Contract or any shortfall in the performance in meeting the performance guaranteed as per the specification in terms of the Contract, the Member(s) of these presents undertake to promptly make good such loss or damages caused to the Employer, on its demand without any demur. It shall not be necessary or obligatory for the Employer to proceed against Lead Member to these presents before proceeding against or dealing with the other Member(s). The obligation of each of the member is absolute and not independent of the Joint Venture/Consortium or any member.
4. The financial liability of the members of this Joint Venture/Consortium agreement to the Employer, with respect to any of the claims arising out of the performance or non- performance of the obligations set forth in the said Joint Venture/Consortium agreement, read in conjunction with the relevant conditions of the Contract shall, however, not be limited in any way so as to restrict or limit the liabilities of any of the members of the Joint Venture/Consortium agreement. The liability of both members is absolute and not severable.
5. It is expressly understood and agreed between the Members to this Joint Venture/Consortium agreement that the responsibilities inter se amongst the Members shall not in any way be a limitation of joint and several responsibilities and liabilities of the Members to the Employer. It is clearly understood that the Lead member shall ensure performance under the agreements and if any of the Joint Venture/Consortium Member(s) fail to perform its /their respective obligations under the agreement(s), the same shall be deemed to be a default by all the Joint Venture/Consortium Members. It will be open for the Employer to take any steps, punitive and corrective action including the termination of contract in case of such default also.
6. This Joint Venture/Consortium agreement shall be construed and interpreted in accordance with the laws of India and shall be subjected to exclusive jurisdiction within India in all matters arising there under.
7. In case of an award of a Contract, both Members to the Joint Venture/Consortium agreement do hereby agree that Lead Partner shall furnish Performance Bank Guarantee for value of 5% of the Contract Price and additional 1% by the other Joint Venture/Consortium Partner in the form of an unconditional irrecoverable Bank guarantee in the prescribed format and as per terms of the contract in favor of Senior Chief Executive Area Health Centre at New Grove, Mauritius within prescribed time limit as mentioned in this PQ document.

8. It is further agreed that the Joint Venture/CONSORTIUM agreement shall be irrevocable and shall form an integral part of the Contract, and shall continue to be enforceable till the Employer discharges the same. It shall be effective from the date first mentioned above for all purposes and intents.
9. Capitalized terms used but not defined herein shall have the meaning as assigned to them in the Tender Documents and/or the agreements.
10. In case of any dispute amongst the members of the Joint Venture/Consortium, Employer shall not be in any way liable and also the Consortium members shall not be absolved from the contractual obligation in any manner.

IN WITNESS WHEREOF the Members to the Joint Venture/CONSORTIUM agreement have through their authorized representatives executed these presents and affixed Common Seals of their companies, on the day, month and year first mentioned above.

1. Common Seal of For Lead/First Member has been affixed in my/our presence Pursuant to the Board of Director's
(Signature of authorized resolution dated representative)

Name... Signature.. Designation
 Name Common
 Seal of the company Designation.....

2. Common Seal of For Second Member has been affixed in my/our presence pursuant to the Board of Director's (Signature of authorized resolution dated representative)

Name... Signature.. Designation

Name

Common Seal of the company

Designation.....

WITNESSES :

1. (Signature)

Name

(Official address)

2. (Signature)

Name

(Official address)

Annexure-XII

FORM OF POWER OF ATTORNEY FOR Joint Venture/CONSORTIUM (On Non – Judicial Stamp Paper of Appropriate value to be Purchased in the Name of Joint Venture/CONSORTIUM)

KNOW ALL MEN BY THESE PRESENTS THAT WE, the Members whose details are given hereunder..... have formed a **Joint Venture/CONSORTIUM** and having our Registered Office (s)/Head Office (s) at(hereinafter called the ‘Joint Venture/Consortium’ which expression shall unless repugnant to the context or meaning thereof, include its successors, administrators and assigns) do hereby constitute, nominate and appoint M/s..... a company incorporated under the laws ofand having its Registered/Head Office atas our duly constituted lawful Attorney (hereinafter called “Lead Member ”) to exercise all or any of the powers for and on behalf of the CONSORTIUM in regard to bid document No..... for (.....Insert name of the work.....) for which bids have been invited by the Employer namely (_____Insert name of the Employer_____), to undertake the following acts :

- (i) To submit proposal, participate and negotiate in respect of the aforesaid Bid – Specification of the Employer on behalf of the “Joint Venture/Consortium”.
- (ii) To negotiate with Employer the terms and conditions for award of the contract pursuant to the aforesaid Bid and to sign the contract with the Employer for and on behalf of the “Joint Venture/Consortium”.
- (iii) To do any other act or submit any document related to the above.
- (iv) To receive, accept and execute the contract for and on behalf of the “Joint Venture/Consortium”.
- (v) To submit the contract performance security in the form of an unconditional irrecoverable Bank guarantee in the prescribed format and as per terms of the contract.

It is clearly understood that the Lead Member shall ensure performance of the contracts (s) and if one or more Member fail to perform their respective portion of the contracts (s), the same shall be deemed to be a default by all the Members.

It is expressly understood that this power of Attorney shall remain valid binding and irrevocable till completion of the Defect or liability period in terms of the contract.

The Joint Venture/CONSORTIUM hereby agrees and undertakes to ratify and confirm all the whatsoever the said Lead Member quotes in the bid, negotiates and signs the Contract with the Employer and / or proposes to act on behalf of the Joint Venture/CONSORTIUM by virtue of this Power of Attorney and the same shall bind the Joint Venture/CONSORTIUM as if done by itself.

IN WITNESS THEREOF the Members Constituting the Joint Venture/CONSORTIUM as aforesaid have executed these presents on this day of under the Common Seal (s) of their Companies

for and on behalf of the Members of Joint Venture/CONSORTIUM

1.
2.

The Common Seal of the above Members of the Joint Venture/CONSORTIUM: The Common Seal has been affixed there unto in the presence of:

WITNESS

1. Signature
- Name
- Designation
- Occupation

2. Signature
- Name
- Designation
- Occupation