



Electronics Corporation of Tamil Nadu Limited

**Rate Contract
Tender**

Supply of Tablets

Tender Ref.

ELCOT/Proc/OT/33318/Tablet/RC/ 2020-21

Corrigendum No. 3 to the Tender Document

CORRIGENDUM TO THE TENDER DOCUMENT

The following Corrigendum to the Tender Document is hereby issued:-

S.N	Title of the clause	Existing	To be read as
1	Appendix 7- Newly added.		Appendix 7 –“Restrictions on Public procurement” is included in the tender document and placed in Annexure. (Bidders are requested to comply with the instructions issued in Appendix-7 without fail)
2	Page No. 56- Appendix 1 – Model Form of Contract- Clause No. 21.1 Termination for default- Sub clause (a)		Below 2 Sub clauses are added as per Clause 8.9.1 of the tender document: or (iv) supplies the items inferior to the ordered / accepted specifications ; or (v) not procured and supplied the item from the OEM from whom the MAF was obtained and not submitted as per tender conditions unless and otherwise taking written approval from ELCOT for alternate OEM source.

Note: The above corrigendum is applicable to all other clauses, which contain the respective terms in the tender document.

Sd/-

Managing Director

Annexure

Appendix 7 – Restrictions on Public Procurement Instructions to bidders to be complied

(Bidders are requested to comply with the below instructions without fail)

I. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority.

(a) The Competent Authority for the purpose of registration under this Order shall be the Registration Committee constituted by the Department for Promotion of Industry and Internal Trade (DPIIT), Govt of India.

(b) Registration granted by the Competent Authority of the Government of India shall be valid not only for procurement by Central Government and its agencies/ public enterprises etc. but also for procurement by State Governments and their agencies/ public enterprises etc. No fresh registration at the State level shall be required.

(c) In respect of application of this Order to procurement by/ under State Governments, all functions assigned to DPIIT shall be carried out by the State Government concerned through a specific department or authority designated by it. The composition of the Registration Committee shall be as decided by the State Government and concurrence of representatives of Ministries of Home Affairs and External Affairs of Registration Committee of Government of India is not necessary. However, the requirement of **political and security clearance by Government of India shall remain and no registration shall be granted without such clearance.**

II. "Bidder" (including the term 'tenderer', 'consultant', or 'service provider' in certain contexts) means any persons or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in a procurement process.

III. “ Bidder from a country which shares a land border with India” for the purpose of this Order means-

- a. An entity incorporated, established or registered in such a country; or
- b. A subsidiary of an entity incorporated, established or registered in such a country; or
- c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
- d. An entity whose beneficial owner is situated in such a country; or
- e. An Indian (or other) agent of such an entity; or
- f. A natural person who is a citizen of such a country; or
- g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above.

IV. The beneficial owner for the purpose of (III) above will be as under:

1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

Explanation-

- a. “ Controlling ownership interest: means ownership of or entitlement to more than twenty-five percent of shares or capitals or profits of the company;
 - b. “Control” shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements.
2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership.
 3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;

4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;

5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

V. An agent is a person employed to do any act for another, or to represent another in dealings with third person.

VI. The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.

Model Certificate for Tenders

“I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this bidder is not from such a country or, if from such a country, has been registered with the Competent Authority. I hereby certify that this bidder fulfils all requirements in this regard and is eligible to be considered. If such Certificate given by this bidder is found to be false, I am aware that this would be a ground for immediate termination and further legal action in accordance with law”. [If necessary, evidence of valid registration by the Competent Authority shall be attached].