

Corrigendum-III

Tender No. : CON/IT/1261/20/01

Date: 04/09/2020

Sub : Open Tender (e-Tender) in Two Bid System for On-premise turnkey based Supply, installation, commissioning and implementation of hardware, software, licenses and network along with one-year warranty and post warranty AMC and ATS support for one-year for setting up Disaster Recovery Site at Mihan, Nagpur

This has reference to tender notice no. CON/IT/1261/20/01 published on 13/07/2020.

Prospective bidders may kindly note that in the above mentioned tender document, the following Amendments have been made and following Clauses shall be part of the Section-III (Instructions to Bidders).

Clause No. 17

17. Bidders from the Country Which Shares Land Border With India:-

- 17.1 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 Department for Promotion of Industry & Internal Trade (DPIIT).
- 17.2 "Bidder" (including the term 'tenderer', 'consultant' or service provider' in certain contexts) means any person 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.
- 17.3 "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 ventures falls under any of the above
- 17.4 The beneficial owner for the purpose of (17.3) 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 per cent of shares or capital or profits of the company.
 - (b) "Control" shall include the right to appoint majority of directors or to control the management or policy decisions including by virtue of their shareholding of management rights or shareholders agreements or voting agreements.
2. In case of partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one of 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.
- 17.5 An Agent is a person employed to do any act for another, or to represent another in dealing with third person.
- 17.6 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 Department for Promotion of Industry & Internal Trade (DPIIT).

Clause No. 18

18. The bidder should submit the following certificate on their Letter Head

- 18.1 "I have read the clause 17 of Section-III, 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. [Where applicable,

evidence of valid registration by the Department for promotion of Industry and Internal Trade (DPIIT) shall be attached.]”

- 18.2 “I have read the clause 17 of Section-III regarding restrictions on procurement from a bidder of a county which shares a land border with India and on sub-contracting to contractors from such countries; I certify that this bidder is not from such country or, if from such a country, has been registered with the Competent Authority and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered [Where applicable, evidence of valid registration by the Competent Authority shall be attached]”

Note :- In respect of tenders, registration (i.e. registered with the Department for Promotion of Industry & Internal Trade (DPIIT)) should be valid at the time of submission of bids and at the time of acceptance of bids. In respect of supply otherwise than by tender, registration should be valid at the time of placement of order. If the bidder was validly registered at the time of acceptance/ placement of order, registration shall not be relevant consideration during contract execution.

Last date of Sale (Online)	Date & Time of Submission	Date & Time of opening of tender
23/09/2020 upto 1600 hrs.	24/09/2020 upto 1200 hrs.	25/09/2020 at 1130 hrs.