

FORM 1

[See Regulation 24(3)]

General Heading for petitions

BEFORE THE KERALA STATE ELECTRICITY REGULATORY COMMISSION

PETITION NO:

(To be filled by the Office, if number has not earlier been assigned)

IN THE MATTER OF

Prayer for giving directions to KSEB Ltd. for (i) implementing G.O.(P) No.3/2016/SPD dt.18-2-2016 of Stores Purchase Dept., Kerala Govt. (ii) treating Kerala State MSME BIS licence holder of the tendered item as technically qualified in tender No. KSEB/SCM/eP/86/2020-21 dt. 04.02.2021 inter-alia for 1500 KM ACSR Wolf, 200 KM Dog etc. ii) Giving fair and non-discriminatory treatment to the Petitioner.

(Gist of the purpose of the petition or application)

NAME(S) AND FULL ADDRESS(ES) OF : M/s Shankar Conductors Pvt. Ltd.
PETITIONER(S)/APPLICANT(S) Umayanalloor Industrial Estate
Umayanalloor, Kollam Dist., Kerala-691589

NAME(S) AND FULL ADDRESS(ES) : The Chief Engineer (SCM)
OF RESPONDENT(S) KSEB Ltd., Vydhuthi Bhavanam, 4th floor,
Pattom, Thiruvananthapuram-695004.

For SHANKAR CONDUCTORS PVT.LTD.


Authorised Signatory

FORM 2
[See Regulation 24(5)]
BEFORE THE KERALA STATE ELECTRICITY REGULATORY COMMISSION

PETITION NO:

(To be filled by the Office if number has not earlier been assigned)

IN THE MATTER OF

: Prayer for giving directions to KSEB Ltd. for (i) implementing G.O.(P) No.3/2016/SPI dt.18-2-2016 of Stores Purchase Dept., Keral Govt. (ii) treating Kerala State MSME BIS licence holder of the tendered item as technically qualified in tender No. KSEB/SCM/eP/86/2020-21 dt. 04.02.2021 inter-alia for 1500 KM ACSR Wolf, 200 KM Dog etc. ii) Giving fair and non-discriminatory treatment to the Petitioner.

(Gist of the purpose of the petition or application)

Name(s) and Full address(es) of (P) Ltd. : M/s. Shankar Conductors (P) Ltd.
The Petitioner(s)/ name(s) and : Umayanalloor Industrial Estate, of the petition
Umayanalloor, Kollam Dist., Kerala-691589.

Full address(es) of the respondent(s) : The Chief Engineer (SCM)
Affidavit verifying the petition : KSEB Ltd., Vydhyuthi Bhavanam, 4th floor,
(specify nature of petition) : Pattom, Thiruvananthapuram-695004

I, Dinesh Kumar Singh, son of Sri Ramjas Singh aged about 50 years residing at Umayanalloor Industrial Estate, Umayanalloor, Kollam Dist., Kerala-691589 do solemnly affirm and state as follows:

1. I am a petitioner/applicant/respondent in the above matter.

OR

I am a Authorised Signatory of M/s. Shankar Conductors (P) Ltd., Umayanalloor Industrial Estate, Umayanalloor, Kollam Dist., Kerala-691589, the petitioner/applicant/respondent in the

above matter and am duly authorised by the said petitioner/applicant/respondent to make this affidavit on its behalf. (This is to be included in cases where the petitioner is a Company.)

2. The statements made in paragraphs 1 to 5 and A to D of the petition application/reply herei now shown to me and marked with the letter "A" are true to my knowledge and the statement made in paragraphs 1 to 5 and A to D are based on information received and I believe them to be true.

Solemnly affirmed at on this day of that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.

Petitioner/Applicant/Respondent

Identified before me

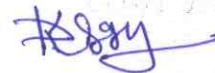
The petitioner Sri: Dinesh Kumar Singh holder of aadhaar No. 9609 0280 6787 issued by the unique Identification Authority of India; identified by the above said Aadhaar.


For SHANKAR CONDUCTORS PVT. LTD.


Authorised Signatory

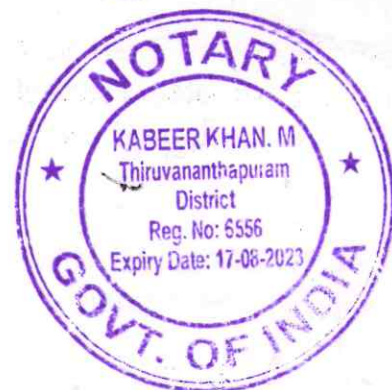
Dinesh Kumar Singh

Aadhaar No - 960902806787




22/02/2021

KABEER KHAN. M
Advocate & Notary
Govt. of India (Reg. No.6556)
TC.No.27/1796(1), Ground Floor
Karuna Building, Near Khadi Board Office
Vanchiyoor, Thiruvananthapuram-35



Particulars of NOTARY REGISTER

Vol. No: III Page No: 162

Sl. No: 28/2021 Date: 22/01/2021



**Before: The Kerala State Electricity Regulatory Commission
Thiruvananthapuram**

**Petitioner: M/s Shankar Conductors Pvt. Ltd.
Umayanalloor Industrial Estate-691589**

Respondents : Kerala State Electricity Board Ltd.

OP Case No.of 2021

1. The petitioner is a MSME, duly registered with Industries Deptt. of Kerala Govt., having their factory in Kerala. We are regularly supplying ACSR Conductors Squirrel, Weasel, Rabbit, Raccoon (80 sq.mm) etc. as per IS 398/1996 since last more than 20 years and we are solely dependent on KSEB Ltd. for orders of ACSR. We have license No. CM/L-6279481 issued by BIS (Bureau of Indian Standards). ACSR Dog and ACSR Wolf are also covered under BIS No. 398/1996

2. BIS is a Govt. of India Organisation for independent quality checking of all types of industrial products in the Country. They issue license to only those units, who (i) produce goods of Standard quality and (ii) have full testing facility for in-house regular quality check etc. Hon'ble Minister for Consumer Affairs, Govt. of India is Ex-officio President of BIS.

3. We have developed two bigger sizes ACSR Dog (100 sq. mm) and ACSR Wolf (150 sq.mm) also. After being satisfied about our capacity of manufacturing and testing ACSR Dog and ACSR Wolf and quality of our products Dog and Wolf, BIS has included these two sizes ACSR Dog and ACSR Wolf in our BIS license vide Endorsement No. 23 dt.18.10.2019 (copy of BIS endorsement enclosed as **Annexure-A.**)

4. KSEB Ltd. has issued tender No. KSEB/SCM/eP/86/2020-21 dt. 04.02.2021 (tender bid uploaded in public domain on 12.02.2021) inter-alia for 1500 KM ACSR Wolf, 200 KM Dog etc., probable amount of contract Rs. 20,44,52,200/- due date of tender on 26.02.2021 (copy of tender notice enclosed as **Annexure-B**). We intend to submit tender for 10% quantity of ACSR Wolf and ACSR Dog as New Entrant, for which tenders have been invited.

5. We are before this Hon'ble Commission with prayer that KSEB Ltd. should not commit illegality in this tender and illegal and arbitrary conditions inserted in the tender form, should be removed. We urge, KSEB Ltd. should also be fair in their treatment of local MSME tenderer.

Submissions and Relief Prayed

A. Vide order dt. 30.12.2020 in OP 46/2020, this Hon'ble Commission has ordered that "KSEB Ltd. shall implement the Government of Kerala Order no. G.O. (Rt.) No. 5382/2020/Fin dated 18.09.2020 strictly complying with the provisions of Price Preference and Purchase Preference mentioned therein." We thank this Hon'ble Commission that due to this order dt. 30.12.2020, KSEB Ltd.

has provided in their tender notice for ACSR Dog and ACSR Wolf etc., that these benefits will be given to MSME and PSUs of Kerala.

B. We hope, by order dt. 30.12.2020, this Hon'ble Commission intended that KSEB Ltd. is to comply with other G.Os. of Kerala Govt. also. We find, following directions of Kerala Govt. given in G.O. has not been followed in this tender:-

(I) In GO (P) No. 03/2016/SPD dt. 18.02.2016 (**Annexure-C**), following directions have been given by Govt.:-

“As per the Government Order read above, Government have extended certain benefits to Micro, Small and Medium Enterprises and exempted MSME from payment of EMD, cost of tender specification etc.”

In this tender, New Entrants, even MSME of Kerala, have been directed to pay:-

10% of EMD i.e. Rs. 2,04,460/- and Rs. 44,250/- as Bid Submission fee.

We urge, no EMD or bid submission fee (cost of tender paper) should be required to be paid by MSME of Kerala and this tender should be suitably amended accordingly.

(II) It is also written in this tender form that for New Entrants:-

“Factory inspection will be carried out, to assess their capability.”

We submit, MSMEs of Kerala, who are registered by BIS like us, should be considered technically qualified and no factory inspection should be required. The tender should be modified accordingly.

Or, we submit, the same team which visits New Entrants MSME of Kerala, should also visit factories of all the tenderers of ACSR Dog and ACSR Wolf, whose factory is situated outside Kerala.

Our submissions regarding difficulty due to factory inspection clause:-

(a) We submit, if local MSME unit has BIS license, factory inspection should not be necessary. Result of factory inspection is subjective and knowingly or otherwise, result of inspection may be, as desired by the inspecting team or by higher-ups, who give verbal instruction to give report in a particular way. Officers, who visit our factory for inspection, verbally say that KSEB Ltd. does not want to purchase Dog or Wolf from us. Whatever we do or even if we have facilities manufactured from gold, they will have to reject the facilities.

In the alternative, if factory inspection is found necessary, factories of all out of State units should also be inspected by the same team. May be, the inspecting team finds that surface of factory-floor of local MSME is not smooth. But if they inspect out of State units also, they are likely to find that surface of out of State unit who has submitted tenders of ACSR Dog or ACSR Wolf from KSEB Ltd. have 6" deep pot-holes in surface of factory-floor in their factory.

Every inspection is a torture. In many judgments, higher courts like Hon'ble High Courts and Hon'ble Supreme Court have recorded that this torture should not

be inflicted in arbitrary or discriminatory way. Inspection should be done in fair and non-discriminatory way.

At present, outside State units' BIS license is considered sufficient. But on the other hand, both BIS license as well as subjective satisfaction of inspecting team is considered necessary for local MSME. Most humbly and respectfully we want to point out that this is discrimination against local MSME and local MSME are being given step-motherly treatment by KSEB Ltd.

We have sent our representation to the Chief Engineer (SCM), KSEB Ltd. vide our letter No. SCPL/669/3117/2021 dt.19.02.2021 (**Annexure-D**).

(b)In our case, factory inspection has been done by different teams of KSEB Ltd. for our tenders of ACSR Dog and ACSR Wolf in past. Different objections have been made by different teams in different inspections from time to time and communicated to us by various letter of KSEB Ltd. etc. Some examples of objections, which teams have raised and written, are as below and KSEB Ltd. have not given us order for ACSR Dog or ACSR Wolf in past, apparently because they were not satisfied with our reply:-

(i) Objection of KSEB - We have manufacturing capacity but we do not have testing facility for ACSR Dog and ACSR Wolf.

Our Reply – BIS gives license only to those factories, who have (a) proper testing machines and testing arrangements and (b) testing machines and equipments are duly calibrated. Calibration certificate is issued only by institutions authorized by BIS for one year. The BIS licensee should have valid calibration

certificate. This should satisfy KSEB Ltd. that we have proper testing facility. But KSEB Ltd. was not satisfied with our reply and no order was placed on us for ACSR Dog and ACSR Wolf – whole order was placed on other units. But KSEB Ltd., does not want to be satisfied, due to reasons not known to us.

(ii) Objection of KSEB – Date of expiry of calibration certificate is not hanging on each testing machine in sticker. Perhaps officers of KSEB thought that in absence of such stickers, employees of this tenderer may forget to get testing machines calibrated again, in time.

Our Reply – BIS does not insist that such expiry date should be hanging on testing machines in sticker and even in absence of such “hanging of stickers”, BIS license has always been granted to us in last more than 20 years. But KSEB Ltd. was not satisfied with our reply and no order was placed on us for ACSR Dog and ACSR Wolf – whole order was placed on other units. Such flimsy objections are only like Wolf saying to Rabbit that if not he, his father might have abused him and so he will eat the Rabbit.

(iii) Objection of KSEB – Surface of our factory floor is not smooth.

Our Reply – BIS has no objection regarding our factory floor. We humbly urge, ours is a manufacturing unit and not a 5 star hotel. About 2 ½ MT Aluminium-rod coils and 1 ½ MT heavy Conductor-Drums are rolled, practically every hour on the floor. Hence, marble or Mosaic floor cannot be provided in the factory. We want to add that we are ready to spend money and have marble or Mosaic floor also in our factory to satisfy KSEB Ltd. But it is not possible. No ACSR manufacturing factory (including TRACO) has such floor. I want to add

that manufacturing process of ACSR is such that wire is never to touch ground and therefore, it is not necessary for surface of floor to be smooth. Even if factory-floor is not smooth, it no way effects quality of our products.

(iv)Objection of KSEB – There is no pre-set length fixing facility or measuring counter to ascertain the length of wire wound in bobbins.

Our Reply – Measuring wire is not necessary in wire drawing as per IS 398. It is not necessary to have wire of pre-set length in bobbins. In practically all ACSR Conductor manufacturing units in Kerala, pre-set counter for measuring length of wire of aluminum, is not there. In spite of this, BIS is giving to us and to these factories BIS license. We also want to add that many out of State units, on whom KSEB Ltd. has placed order for ACSR Dog and ACSR Wolf does not have measuring counter to ascertain the length of wire wound in bobbins. But KSEB Ltd. is giving step-motherly treatment to local MSME – while orders are not placed on local MSME due to this reason and other similar flimsy reasons, such conditions are not placed on out of State units and orders are placed on them for ACSR Dog and ACSR Wolf, without even asking them, whether they have facility to measure length of wire in the wire drawing machine.

We are regularly receiving order for ACSR Weasel since more than 20 years to KSEB Ltd. Both in ACSR Weasel and ACSR Wolf (biggest size for which we now intend to submit our tenders), manufacturing process are same - from aluminium wire-rods of about 9.5mm thick, aluminium wire of 2.59mm size is drawn on bobbins. After that, bobbins are loaded on stranding machine and ACSR is stranded. In ACSR Weasel, 6 wires of aluminium of 2.59 mm are stranded. In ACSR Wolf, 30 wires of aluminium of 2.59 mm are stranded.

Each wire is drawn separately. Testing of each wire of aluminium of 2.59 mm thickness is done separately. Difference is that number of aluminium wire in ACSR Weasel is only 6, whereas number of aluminium wire in ACSR Wolf is 30. We wonder, how KSEB considers wire drawing and testing facilities are adequate and manufacturing facilities are good for 2.59mm wire, if the wire will be used for ACSR Weasel and testing facilities are inadequate, if we use the wire of 2.59mm for ACSR Wolf. How our 2.59mm thick aluminium wire drawing is OK for ACSR Weasel, but not satisfactory for ACSR Wolf? We want to submit that all electrical and mechanical properties required in 2.59mm wire used in ACSR Weasel and ACSR Wolf like (i) resistance, (ii) tensile strength, (iii) tolerance in diameter etc. are exactly same. How KSEB Ltd. considers since last 20 years, our wire of 2.59mm thickness good enough for ACSR Weasel, but the same wire is considered unsatisfactory for ACSR Wolf?

We further want to point out that we are using diamond die for drawing finished aluminium wire. Very few factories in Kerala and also outside State units, on whom orders for ACSR Dog and ACSR Wolf are placed by KSEB Ltd., are using costly diamond dies.

Improvement in quality is a continuous process and we are constantly endeavoring to improve quality like introduction of diamond dies etc. We are thankful for KSEB Ltd.'s anxiety for maintenance of quality standards. We have never failed to meet quality standard of KSEB Ltd. and we will always endeavor to maintain good quality standard.

But unfortunately, KSEB Ltd. is not interested in quality of ACSR Wolf. They are using their anxiety for good quality, as alibi for denying orders to us in arbitrary, malafied and illegal way, to deny order of ACSR Dog and ACSR Wolf on us, for reasons best known to them.

Personal Hearing—Our Directors will like to represent their case personally before this Hon'ble Commission. Directors of this petitioner Company are based in Jharkhand and Delhi. Due to Covid-19, we submit, personal hearing should be given to us through video conferencing.

We submit this Hon'ble Commission to direct KSEB Ltd.to:-

C.KSEB Ltd. should not take from us EMD of Rs. 2,04,460/- and Bid submission fee Rs. 44,250/- .

KSEB Ltd. should receive this tender only after (i) KSEB Ltd. decides on our representation No. SCPL/669/3117/2021 dt. 19.02.2021 (**Annexure-D**) and (ii) this Hon'ble Commission decides on our thispetition.

Otherwise, we will have to pay Rs. 2,04,460/- as EMD and Rs. 44,250/- as tender Bid submission fee. As per GO (P) No. 3/2016/SPD dt.18.02.2016 (**Annexure-B**),we are entitled to exemption from both these – EMD and bid submission fee.

D. KSEB Ltd. should give us fair treatment in this tender i.e. if our factory is inspected, factory of all outside State units should also be visited by the same team.

A condition has been provided reading “Factory inspection will be carried out, to assess their capability” as condition No. 28 (d) of Annexure-I of this tender form’s Part-I

We submit, MSME of Kerala, who are registered by BIS like us, should be considered technically qualified and no factory inspection should be required. The tender form should be modified accordingly. Otherwise, we submit, the same team which visits New Entrants MSME of Kerala, should also visit factories of all the tenderers of ACSR Dog and ACSR Wolf, whose factory is situated outside Kerala.



(D.K. Singh)

Authorised Signatory

Dt. 19.02.2021

SHANKAR CONDUCTORS PVT. LTD.

Manufacturers of AAC, ACSR, AAAC Conductors & Stranded G.I. (Earth/Stay) Wire

Umayanalloor Industrial Estate
UMAYANALLOOR – 691589
Dist. – Kollam, Kerala

SCPL/669/3116/2021

19th February, 2021

List of Enclosures

S.No.	Particulars	Annexures
1	Endorsement No. 23 dt. 18.10.2019 (copy of BIS endorsement enclosed as	Annexure-A.
1	Tender Notice	Annexure-B
3	GO (P) No. 03/2016/SPD dt. 18.02.2016	Annexure-C
4	Our letter No. SCPL/669/3117/2021 dt. 19.02.2021	Annexure-D



(D.K. Singh)

Authorised Signatory

Dt. 19.02.2021



ബഹുനാമം ഇന്ത്യൻ സ്റ്റാൻഡേർഡ്സ്

भारतीय मानक ब्यूरो

(उपभोक्ता मामले खाद्य एवं सार्वजनिक वितरण मंत्रालय भारत सरकार)

BUREAU OF INDIAN STANDARDS

(Ministry of Consumer Affairs, Food & Public Distribution. Govt. of India)

ISTIN: 32AAATB0431G1ZK

ANNEXURE - A

कोच्चि शाखा कार्यालय : द्वितीय तल, सीडब्ल्यू सी ओफीस कॉम्प्लेक्स

मावेलीरोड, गाँधीनगर, कडावन्थरापीओ

कोच्चि-682 020, केरल

Kochi Branch Office : II Floor, CWC Office Complex

Maveli Road, Gandhi Nagar

Kadavanthara P.O

Kochi 682 020 - Kerala

दूरभाषा / Phone:

0484 - 220 7174, 220 7175

फैक्स / Fax:

0484 - 2203176

ईमेल / E-mail : kobo@bis.gov.in

वेबसाइट / Website : www.bis.org.in



संदर्भ/Our Ref:KOBO /L- 6279481

दिनांक: 18/10/2018

M/s. SHANKAR CONDUCTORS PVT. LIMITED,
UMAYANALLOOR INDUSTRIAL ESTATE
UMAYANALLOOR
KOLLAM
KERALA- 691 589

विषय/Subject: प्रमाणन मुहरांकन पत्र / प्रलेख के संबंध में /Regarding Certification Marks
Letter(s) / Document (s)

महोदय / Sir,

इस पत्र के साथ निम्नलिखित प्रलेख संलग्न करके आपको भेजा जा रहा है। कृपया इस संबंध में आवश्यक कार्यवाही करें। आपसे अनुरोध है कि आप इसकी पावती भिजवा दें।

Please find enclosed following Document(s) for necessary action at your end. Kindly acknowledge the receipt of this communication and confirm.

नई किस्मों के समावेश पत्र (INCLUSION OF NEW VARIETIES)

संलग्नक : उपरोक्तानुसार / Encl: as above

घन्यवाद / Thanking you,

भवदीय/ Yours faithfully,

अधिकारी का हस्ताक्षर/ Signature of the Officer

मुख्यालय : मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली - 110 002

Headquarters : Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi - 110 002

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भारतीय मानक ब्यूरो

BUREAU OF INDIAN STANDARDS

Address: II Floor, Central Ware Housing Corporation Office Complex, Maveli Road, Gandhi Nagar, Kadavanthara, Kochi 682 020

Phones : 0484-2207174, 2207175

Fax: 0484-220 3176

E-Mail: kobo@bis.gov.in

Web : www.bis.gov.in

www.manakonline.in

KOCHI BRANCH OFFICE

ATTACHMENT TO LICENCE NO. CM/L- 6279481

<u>CM/L NO</u>	<u>NAME OF THE LICENSEE WITH ADDRESS</u>	<u>PRODUCT</u>	<u>IS NO</u>
6279481	M/s. SHANKAR CONDUCTORS PVT. LIMITED, UMAYANALLOOR INDUSTRIAL ESTATE UMAYANALLOOR KOLLAM KERALA- 691 589	Aluminium conductors for overhead transmission purposes : Part 2 Aluminium conductors, galvanized steel reinforced	IS 398:Part 2: 1996

ENDORSEMENT NO. 23

Dated: 18/10/2019

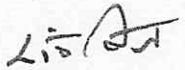
The following addition in the scope of licence has been approved by the Bureau with immediate effect.

ACSR conductors for overhead transmission purpose from 100sqmm up to and including 150 sqmm nominal Aluminium.

Consequent upon the above changes, the revised scope of licence in Column (3) of the table in schedule of the Licence along with the Standard Mark in Column (1) of schedule is amended as follows:

ACSR conductor for overhead transmission purposes up to and including 560 sqmm nominal Aluminium.

Other conditions of the licence remain the same.


(SANJAY VIJ)
Sct.E & Head

KERALA STATE ELECTRICITY BOARD LTD

e-Procurement – Notice Inviting Tender

BID NO.KSEB/SCM/eP/86/2020-21 dated 04/02/2021

Materials to be supplied	1)	ACSR Wolf Conductor	1500 km
	2)	ACSR Moose Conductor	13 km
	3)	ACSR Dog Conductor	200 km
Date of Publishing of the Bid	12/02/2021, 3.00 pm		
Availability of Bid forms	Can be downloaded from the website: www.etenders.kerala.gov.in from 12/02/2021 at 4.00 pm		
Starting date & time of online submission of bid	12/02/2021 at 6.00 pm		
Last date & time of Online Submission of Bid	26/02/2021 at 3.00 pm		
Date & Time of opening of Bid	05/03/2021 at 11.30 am		
Probable Amount of Contract	Rs.20,44,52,200/-		
Earnest Money Deposit	Rs.20,44,600/- (Online Payment through Internet Banking/ Bank Guarantee)		EMD & Bid submission fee as a single payment
EMD for New Entrants	Rs.2,04,460/-		
Bid Submission Fee	Rs.44,250/- (including GST @18%) (Online Payment through Internet Banking)		

Kerala Government Public Sector Undertakings are exempted from furnishing EMD. State PSU shall produce Certificate from Industries Department of Government of Kerala. MSME with Udyog Aadhar Registration are exempted from remitting EMD and Bid submission fee on producing valid documents in support of claim. If the bidder is New Entrant, EMD will be 10% of the total EMD amount which shall be remitted as specified in the New Entrant Clause (28) in Annexure-I. In such case sufficient care shall be taken to make suitable selection in the e-tender site. All Communications shall be addressed to the Chief Engineer (SCM) only. The Bid documents and other details may be downloaded from the website www.etenders.kerala.gov.in.

The EMD of Rs.20,44,600/- (Rupees Twenty Lakh Forty Four Thousand and Six Hundred only) and a non-refundable Bid submission fee of Rs.44,250/- (Rupees Forty Four Thousand Two Hundred and Fifty only) (including GST), total Rs.20,88,850/- (Rupees Twenty Lakh Eighty Eight Thousand Eight Hundred and Fifty only) shall be remitted online to the account number given in the remittance form provided by the e-procurement system for this particular bid. **Internet Banking is allowed as Mode of payment. EMD can be furnished as Bank Guarantee also.**

(Bidder should ensure that bid document fees and EMD are remitted as one single transaction and not separate. Separate or split remittance for bid document fee and EMD shall be treated as invalid transactions, and system will automatically reject the tender. However this is not applicable if EMD is submitted as Bank Guarantee)

Purchase preference and Price preference will be allowed to the PSU & MSME's functioning in Kerala State MSME's (local units) as detailed in Clause-22 (a) & (b) of Pre-qualification Condition – Part-I and Clause.17 of Special Instructions to Bidders – Part-II of this tender document.

The bid submission fee in respect of bids that are cancelled due to no fault of the bidder shall be refunded observing the same procedure as in the case of refund of EMD.

The EMD and bid submission fee of the firms furnishing false information with fraudulent motive shall be forfeited.

All the Bid documents are to be submitted through online only and in the designated covers/envelopes on the above website. Technical bid and financial bid shall be submitted in their designated online covers. Bids shall be accepted only through online mode in the website and no manual submission shall be entertained.

The scanned copy of Bid agreement as per Appendix-III-General Conditions of Contract and Bid form mentioned in Annexure-III, Part-III of Bid, both executed in Kerala stamp paper worth Rs.500/- are to be attached along with the bid. The bid shall be opened online at the office of the Chief Engineer(SCM) on the date and time mentioned above by the Chief Engineer (SCM) in the presence of the bidders /their representatives who wish to attend at the above address. All other existing conditions related to the bids of KSEB Limited will be applicable in this bid also.

Originals of Agreement & Bid form in stamp paper worth Rs.500/- enclosed in a sealed envelope including the bid number shall be submitted to the Chief Engineer (SCM) before the date of Pre-qualification Bid opening (before 05/03/2021, 11.00 a.m).

Bidders should have a Class II or above Digital Signature Certificate (DSC) to be procured from any Registration Authorities (RA) under the Certifying Agency of India. Details of RAs will be available on www.cca.gov.in. Once, the DSC is obtained, bidders have to register on www.etenders.kerala.gov.in website for participating in this tender. Website registration is a one-time process without any registration fees. However, bidders have to procure DSC at their own cost. More details about the e-tendering please contact:Thiruvananthapuram / Ernakulam Kerala State IT Mission, e-Government Procurement PMU & Help-desk, Basement Floor of Pension Treasury Building, Uppalam Road, Statue, Thiruvananthapuram & Kerala State IT Mission, e-Government Procurement Support Centre, Infopark Technology Centre, 18C, Sector-E, JINI Stadium, Kaloor, Ernakulam on all working days from 10 am to 5.30pm. (Phone No.0471-2577088/188/388 or 0484-2336006, 2332262 or 0497-2764788, 2764188 or 0483-273294 e-mail: etendershelp@kerala.gov.in or helpetender@gmail.com). Further details can be had from.

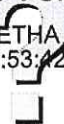
Office of the Chief Engineer (SCM)
Kerala State Electricity Board Ltd,
Vydyuthi Bhavanam, Pattom. P.O,
Thiruvananthapuram – 695 004.
Phone – 0471-2446853
Email – cescm@kseb.in
Dated:09/02/2021

Sd/-

CHIEF ENGINEER (SCM)

Signature Not Verified

Digitally signed by LETHA M K
Date: 2021.02.12 10:53:42 IST
Location: Kerala-KL





GOVERNMENT OF KERALA

Abstract

STORES PURCHASE DEPARTMENT—AMENDMENT TO STORES PURCHASE
MANUAL, 2013—EXTENDING BENEFITS IN G.O.(P) No. 06/2014/SPD
DATED 17-5-2014 TO TURNKEY CONTRACTS ALSO—
SANCTIONED—ORDERS ISSUED.

STORES PURCHASE (A) DEPARTMENT

G. O. (P) No. 3/2016/SPD. Dated, Thiruvananthapuram, 18th February 2016.

Read :— G. O. (P) No. 06/2014/SPD dated 17-5-2014.

ORDER

As per the Government Order read above Government have extended certain benefits to Micro, Small and Medium Enterprises and exempted MSMEs from payment of EMD, cost of tender forms etc.

(2) Now Government are pleased to extend the benefits offered in the Government Order read above to TURNKEY CONTRACTS also.

By order of the Governor,

ALPHONSA, T. A.,
Additional Secretary.

To

The Secretary, Kerala Legislature Secretariat, Thiruvananthapuram
(with C. L.).

The Additional Chief Secretaries/Principal Secretaries/Secretaries/
Special Secretaries.

All Heads of Departments/Offices/Public Sector Undertakings/
Autonomous Bodies/Local Self Government Institutions/Universities.

All Departments in the Secretariat including Law and Finance.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (A & E), Kerala, Thiruvananthapuram.

The C-DIT, Gorky Bhavan, Vanross Junction, Thiruvananthapuram
(for hosting the Government Order in the
website : www.spd.kerala.gov.in).

The I & PRD (Web & New Media) (for uploading in the website ie.,
www.kerala.gov.in).

The Registrar General, Ernakulam (with C. L.).

Advocate General Ernakulam (with C. L.).

The Registrar, Kerala Administrative Tribunal (with C. L.)

Stores Purchase (A1, A3, A4, B, IW-I, IW-II) Departments.

Stock File/Office Copy.

SHANKAR CONDUCTORS PVT. LTD.

Manufacturers of AAC, ACSR, AAAC Conductors & Stranded G.I. (Earth/Stay) Wire

Umayanalloor Industrial Estate
UMAYANALLOOR - 691589
Dist. - Kollam, Kerala

ANNEXURE - D

SCPL/669/3117/2021

19th February, 2021

The Chief Engineer (SCM),
Kerala State Electricity Board Ltd.
Vydyuthi Bhavanam,
Pattom P.O.,
Thiruvananthapuram-695004

By Hand/E-mail

Dear Sir,

**Sub: Clarification/amendment regarding Omissions/Shortcomings in
Tender No. KSEB/SCM/eP/86 /2020-21, dated 04/02/2021 for ACSR
Dog, ACSR Wolf etc.**

We are MSME of Kerala and we have been supplying ACSR Conductors to KSEB Ltd. since last many years. Bureau of Indian Standards (BIS), after due inspection of our factory have amended our BIS license No. CM/L-6279481 by Endorsement No. 23 dt. 18.10.2019 (copy enclosed) by writing:-

“ACSR conductors for overhead transmission purpose from 100 sq. mm upto and including 150 sq. mm nominal Aluminium.”

We are thankful, that KSEB Ltd. has decided to implement the Government of Kerala Order no. G.O. (Rt.) No. 5382/2020/Fin dated 18.09.2020 and to give Price Preference and Purchase Preference to MSME and PSU of Kerala. We thank KSEB Ltd. for providing in their tender notice for ACSR Dog and ACSR Wolf etc., that these benefits will be given.

But we find, following directions of Kerala Govt. given in G.O. has not been followed in this tender:-

(I) In GO (P) No. 03/2016/SPD dt. 18.02.2016 (Copy enclosed), following directions have been given by Govt.:-

“As per the Government Order read above, Government have extended certain benefits to Micro, Small and Medium Enterprises and exempted MSME from payment of EMD, cost of tender specification etc.”

In this tender, even New Entrants MSME of Kerala have been directed to pay:-

Received
For
22/2/2021

Cont'd...2

10% of EMD i.e. Rs. 2,04,460/- and Rs. 44,250/- as Bid Submission fee.

We urge, no EMD or bid submission fee (cost of tender paper) should be required to be paid by MSME of Kerala and tender specification should be suitably amended.

(II) In tender specification, in Annexure-I conditions for pre-qualification at page 41 para No. 28 (g), new entrant should give L1 rate to be considered eligible.

We urge, this para should be suitably amended and if local MSME or PSUs of Kerala apply as new entrant, their tender should be considered OK, even if rates quoted by them are upto 15% higher than L1 tenderer.

(III) It is also written in this tender specification that for New Entrants:-

“Factory inspection will be carried out, to assess their capability.”

We submit, MSME of Kerala, who are regular supplier of lower size of BIS marked Conductors to KSEB Ltd. like us, who are also registered by BIS for any of the tendered size of Conductor in the above tender No. KSEB/SCM/eP/86 /2020-21, dated 04/02/2021 for ACSR Dog, ACSR Wolf etc. and submits its tender as a new entrant, should be considered qualified and no factory inspection should be required. The tender should be modified accordingly.

Or, we submit, the same team which visits New Entrants MSME of Kerala who are duly holding BIS licence for the tendered size of Conductor, should also visit factories of all the tenderers of ACSR Dog and ACSR Wolf, factory of which are situated outside Kerala. KSEB Ltd. knows all MSME of Kerala, who have been supplying upto ACSR Raccoon. But they do not know outside State units.

If one unit of Kolkata says that they have BIS license for ACSR Dog and ACSR Wolf, KSEB Ltd. considers their tender and their factory is not inspected.

Our submissions regarding difficulty due to factory inspection clause:-

We submit, if local MSME unit has BIS license and they have been successfully supplying ACSR upto Raccoon to KSEB Ltd. since last many years, factory inspection should not be necessary and tender specification should be suitably amended.

Result of factory inspection is subjective and knowingly or otherwise, result may be, as desired by the inspecting team or by higher-ups, who may give verbal instruction to give report in a particular way. Every inspection is a torture. In many judgments, higher courts like Hon'ble High Courts and Hon'ble Supreme Court have recorded that this torture should not be inflicted in arbitrary or discriminatory way.

In the alternative, if factory inspection is found necessary, we submit, factories of all out of State units should also be inspected by the same team. May be, the inspecting team finds that surface of factory-floor of local MSME is not smooth. But if they inspect out of State units also, they may find that condition of surface of factory-floor of out of State unit is worse and their factory-floor may have 6" deep pot-wholes in surface of their factory-floor.

At present, outside State units' BIS license is considered sufficient. But on the other hand, both (i) BIS license as well as (ii) subjective satisfaction of inspecting team is considered necessary for local MSME. Most humbly and respectfully we want to point out that this is discrimination against local MSME and local MSME are being treated differently by KSEB Ltd. We submit:-

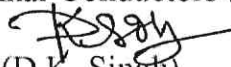
1. A condition has been provided reading "Factory inspection will be carried out, to assess their capability" as condition No. 28 (d) of Annexure-I of tender specifications Part-I. This clause should be deleted. We submit, MSMEs of Kerala, who are registered by BIS like us for the tendered size of Conductor i.e. ACSR Wolf, ACSR Dog etc. and have been supplying upto ACSR Raccoon to KSEB Ltd. since last many years, should be considered qualified and no factory inspection should be required. The tender specification should be modified accordingly.

KSEB Ltd. should give fair treatment in this tender to MSMEs of Kerala also i.e. if factory of MSMEs of Kerala, who submit tender as New Entrant is inspected, factory of all outside State units should also be visited by the same team.

2. KSEB Ltd. should receive this tender for ACSR Dog and ACSR Wolf, only after KSEB Ltd. takes decisions on our this petition regarding GO (P) No. 03/2016/SPD dt. 18.02.2016 (Copy enclosed), and exempts New Entrants MSMEs of Kerala from EMD and tender submission fee and amends tender specification by complying instructions given in this G.O. Otherwise, we will have to pay Rs. 2,04,460/- as EMD and Rs. 44,250/- as tender Bid submission fee. As per GO (P) No. 03/2016/SPD dt. 18.02.2016 (Copy enclosed), we submit, we are entitled to exemption from both these and condition of factory inspection should be waived.

Thanking you,

Yours Faithfully
for Shankar Conductors (P) Ltd.


(D.K. Singh)

Authorised Signatory