

MINISTRY OF EARTH SCIENCES
GENERAL ADMINISTRATION

Tender No.: MoES/22/04/2016-GenI

Dated: 22/07/2016

Subject: Quotation for supply of Toner Cartridges on Annual Rate Contract for various makes of Printers used in this Ministry.

Online bids are hereby invited under **Two-Bid System** i.e. Technical Bid and Financial Bid from reputed, experienced and financially sound Companies/Firms/Agencies for award of Annual Rate Contract for supply of Toner Cartridges for the various makes of Printers used in this Ministry.

2. The bid will be accepted as e-tender only i.e. Bids are to be submitted on-line only.

3. The tender document contains the following:
Annexure-I -- "Instructions for Online Bid Submission"
Annexure-II -- Tender accepting letter
Annexure-III -- "Scope of Work and General Instructions to Bidders"
Annexure-IV -- "Proforma for Technical Bid"
Annexure-V -- "Proforma for Financial Bid"
Annexure-VI -- "Agreement for the contract"

4. Important Dates for the activities of the Bidders:

I.	Last date and time for downloading tender document	22.08.16 at 15:00 hrs
II.	Last date and time for online submission of bid & submission of EMD in original	22.08.16 at 15:00 hrs
III.	Date & time for opening of Technical Bid	22.08.16 at 15:30 hrs

5. In case, any holiday is declared by the Government on the day of opening, the tenders will be opened on the next working day at the same time. The Ministry reserves the right to accept or reject any or all the tenders without assigning any reason thereof.

Director (GEN ADMN.)
Tel: 24669509

**GOVERNMENT OF INDIA
MINISTRY OF EARTH SCIENCES (GENERAL SECTION)
PRITHVI BHAWAN, NEW DELHI 110013**

Open Tender No. MoES/22/04/2016-GA

TENDER DOCUMENT

**FOR AWARD OF ANNUAL RATE CONTRACT FOR SUPPLY OF
TONER CARTRIDGES OF VARIOUS MAKES OF PRINTERS USED IN
MINISTRY OF EARTH SCIENCES**

Open Tender No.MoES/22/04/2016-GA

Document Control Sheet

1. Open Tender No. MoES/22/04/2016-GA
2. Name of Organization MINISTRY OF EARTH SCIENCES
3. Last date and time for downloading Tender document 22/08/2016 (15:00 Hrs)
4. Last Date and Time online submission of Bid & submission of EMD in original 22/08/2016 (15:00 Hrs)
5. Date and Time of Opening of Technical Bid 22/08/2016 (15:30 Hrs)
6. Address for communication Director (General Admn.)
MINISTRY OF EARTH SCIENCES
PRITHVI BHAWAN
New Delhi – 110013
Tel. # 011- 24669509

Open Tender No.MoES/22/04/2016-GA

Annexure-I

Instructions for Online Bid Submission

The bidders are required to submit soft copies of their bids electronically on the CPP Portal, using valid Digital Signature Certificates. The instructions given below are meant to assist the bidders in registering on the CPP Portal, prepare their bids in accordance with the requirements and submitting their bids online on the CPP Portal.

More information useful for submitting online bids on the CPP Portal may be obtained at: <https://eprocure.gov.in/eprocure/app>.

REGISTRATION

1. Bidders are required to enroll on the e-Procurement module of the Central Public Procurement Portal (URL: <https://eprocure.gov.in/eprocure/app>.) by clicking on the link “**Online Bidder Enrollment**” on the CPP Portal which is free of charge.
2. As part of the enrolment process, the bidders will be required to choose a unique username and assign a password for their accounts.
3. Bidders are advised to register their valid email address and mobile numbers as part of the registration process. These would be used for any communication from the CPP Portal.
4. Upon enrolment, the bidders will be required to register their valid Digital Signature Certificate (Class II or Class III Certificated with signing key usage) issued by any Certifying Authority recognized by CCA India (e.g.Sify/TCS/nCode/eMudhra etc.), with their profile.
5. Only one valid DSC should be registered by a bidder. Please note that the bidders are responsible to ensure that they do not lend their DSC’s to other which may lead to misuse.
6. Bidder than logs on to the site through the secured long-in by entering their user ID/password and the password of the DSC/ e-Token.

SEARCHING FOR TENDER DOCUMENTS

1. There are various search options built in the CPP Portal, to facilitate bidders to search active tenders by several parameters. These parameters could include Tender ID, Organization Name, Location, Date, Value, etc. There is also an option of advanced search for tenders, wherein the bidders may combine a number of search parameters such as Organization Name, Form of Contract, Location, Date, Other keywords etc. to search for a tender published on the CPP Portal.
2. Once the bidders have selected the tenders they are interested in, they may download the requirement documents/ tender schedules. These tenders can be

moved to the respective 'My Tenders' folder. This would enable the CPP Portal to intimate the bidders through SMS/e-mail in case there is any corrigendum issued to the tender document.

3. The bidder should make a note of the unique Tender ID assigned to each tender, in case they want to obtain any clarification/help from the Helpdesk.

PREPARATION OF BIDS

1. Bidder should take into account any corrigendum published on the tender document before submitting their bids.
2. Please go through the tender advertisement and the tender document carefully to understand the documents required to be submitted as part of the bid. Please note the number of covers in which the bid documents have to be submitted, the number of documents- including the names and content of each of the document that need to be submitted. Any deviations from these may lead to rejection of the bid.
3. Bidder, in advance, should get ready the bid documents to be submitted as indicated in the tender documents/schedule and generally, they can be in PDF/XLS/RAR/DWF/JPG formats. Bid documents may be scanned with 100 dpi with black and white option which helps in reducing size of the scanned document.
4. To avoid the time and effort required in uploading the same set of standard document which are required to be submitted as part of every bid, a provision of uploading such standard documents (e.g.PAN card copy, annual reports, auditor certificates etc.)has been provided to the bidders. Bidders can use "My Space" or "Other important Documents" area available to them to upload such documents. These documents may be directly submitted from the "My Space" area while submitting a bid, and need not be uploaded again and again. This will lead to a reduction in the time required for bid submission process.

SUBMISSION OF BIDS

1. Bidder should log into the site well in advance for bid submission so that they can upload the bid in time i.e. on or before the bid submission time. Bidder will be responsible for any delay due to other issues.
2. The bidder has to digitally sign and upload the required bid documents one by one as indicated in the tender documents.
3. Bidder has to select the payment option as "offline" to pay the tender fee/EMD as applicable and enter details of the instrument.

4. Bidder should prepare the IMD as per the instructions specified in the tender documents. The original should be posted/couriered/given in person to the concerned official, latest by the last date of bid submission or as specified in their tender documents. The details of the DD/any other accepted instrument, physically sent, should tally with the details available in the scanned copy and the data entered during bid submission time. Otherwise the uploaded bid will be rejected.
5. Bidders are requested to note that they should necessarily submit their financial bids in the format provided and no other format is acceptable. If the price bid has given as a standard BoQ format with the tender documents, then the same is to be downloaded and to be filled by all the bidders. Bidders are required to download the BoQ file, open it and complete the white colored (unprotected) cells with their respective financial quotes and other details (such as name of the bidder). No other cells should be changed. Once the details have been completed, the bidder should save it and submit it only online, without changing the filename. If the BoQ file is found to be modified by the bidder, the bid will be rejected.
6. The server time (which is displayed on the bidder's dashboard) will be considered as the standard time for referencing the deadlines for submission of the bids by the bidders, opening of bids etc. The bidders should follow this time during bid submission.
7. All the documents being submitted by the bidders would be encrypted using PKI encryption techniques to ensure the secrecy of the data. The data entered cannot be viewed by unauthorized persons until the time of bid opening. The confidentiality of the bids is maintained using the secured Socket Layer 128 bit encryption technology. Data storage encryption of sensitive fields is done. Any bid document that is uploaded to the server is subjected to symmetric encryption using buyers/bid openers public keys. Overall, the uploaded tender documents become readable only after the tender opening by the authorized bid openers.
8. The uploaded tender documents become readable only after the tender opening by the authorized bid openers.
9. Upon the successful and timely submission of bids (i.e. after Clicking "Freeze Bid Submission" in the portal), the portal will give a successful bid submission message & a bid summary will be displayed with the bid no. and the date & time of submission of the bid with all other relevant details.
10. The bid summary has to be printed and kept as an acknowledgement of the submission of the bid. This acknowledgement may be used as an entry pass for any bid opening meetings.

ASSISTANCE TO BIDDERS

1. Any queries relating to the tender documents and the terms and conditions contained therein should be addressed to the Tender inviting Authority for a tender or the relevant contract person indicated in the tender.
2. Any queries relating to the process of online bid submission or queries relating to CCP Portal in general may be directed to the 24x7 CPP Portal Helpdesk. The contact number for the helpdesk is 180030702232.

Date:

To,
Section Officer (General)
Ministry of Earth Sciences
Prithvi Bhawan
Lodhi Road, New Delhi-110003

Sub: Acceptance of Terms & Conditions of Tender

Tender Reference No.MoES/10/01/2016-Genl.
Name of Tender/Work: Supply of Toner cartridges.

Dear Sir,

1. I/We have downloaded/ obtained the tender document(s) for the above mentioned 'Tender/Work' from the web site(s) namely www.moes.gov.in as per your advertisement, given in the above mentioned website(s).
2. I/We hereby certify that I/ we have read the entire terms and conditions of the tender documents from page No. 1 to 23 (including all documents like annexure(s). schedule(s) etc. which form part of the contract agreement and I/We shall abide hereby the terms /conditions/clauses contained therein.
3. The corrigendum(s) issued from time to time by your department / organization too have also been taken into consideration, while submitting this acceptance letter.
4. I/ We hereby unconditionally accept the tender conditions of above mentioned tender document(s)/ corrigendum(s) in its totality/entirety.
5. In case any provisions of this tender are found violated then your department/ organization shall without prejudice to any other right or remedy be at liberty to reject this tender/ bid including the forfeiture of the full said earnest money deposit absolutely.

Yours faithfully,

Open Tender No. MoES/22/04/2016-GA

ANNEXURE-III

1. Scope of Work and General Instructions of Bidders

- 1.1. The Ministry of Earth Sciences, Prithvi Bhwan, New Delhi- 110003 intends to enter into an Annual Rate contract with reputed, well established and financially sound Firms for supply of Toner Cartridges for the various makes of computers available in this Ministry.
- 1.2. The contract will commence from the date of award of contract and would continue for a period of one year. The Ministry, however, reserves right to terminate this contract at any time after giving one week notice to the awardee Firm.
- 1.3. The interested Firms are required to deposit an Earnest Money Deposit (EMD) of Rs. 1,00,000/- (Rupees One Lakh only) in the form of Demand Draft/Pay Order/Bank Guarantee or Fixed Deposit Receipt (FDR) from any of the Commercial Bank in favour of **DDO, Ministry of Earth Sciences, Prithvi Bhawan, New Delhi** valid for a period of 90 days super scribing the envelope "Annual Rate contract for supply of Toner Cartridges for the computers in Ministry of Earth Sciences". Tender document not accompanied by earnest money of the requisite amount or without proper validity will summarily be rejected.
- 1.4. The e-tenders have been invited under **two bid system** i.e., **Technical Bid and Financial Bid**. The interested Firms are advised to submit their bids "on-line" by visiting the Govt. of India, Central Public e-Procurement (CPP) Portal i.e. <http://eprocure.gov.in>. The bids will be accepted as e-tender only i.e. the tenderers will submit their bids on the e-Procurement Portal (module of NIC), in an encrypted format. Possession of valid Digital Signature Certificate (DSC), valid e-mail address is **pre-requisite** for e-tendering.
- 1.5. The scanned copy of the Earnest Money Deposit (EMD) of Rs. 1, 00,000/- (Rupees One Lakh only) must be uploaded with the Technical Bid and original of the same has to be dropped in the Tender Box installed in Room No. 01, Prithvi Bhawan in a sealed envelope super scribed with the words "Annual Rate Contract for procurement of Toner Cartridges for various makes of computer Printers in the Ministry of Earth Sciences" latest by 3.00 p.m. on 22/08/2016. The tenders received without the prescribed EMD will not be entertained and cancelled. The earnest money will be refunded to the unsuccessful tenderers on finalization of the contract.

- 1.6. The EMD of successful firm(s) shall be returned after submission of Performance Security Deposit. The Performance Security Deposit shall be of the amount of 10% of total anticipated annual contract value.
- 1.7. The firms who are exempted from submission of EMD shall be dealt as per General Financial Rules, 2005 subject to submission of an undertaking from the firm seeking such exemption. Copies of relevant orders/documents regarding such exemption should be submitted along with the bid.
- 1.8. The firms are required to upload copies of the following documents along with the Technical Bid, failing which their Bids shall be summarily/out rightly rejected and will not be further considered :
 - a) Scanned copy of Earnest Money Deposit(EMD)
 - b) Scanned copy of PAN/GIR Card
 - c) Scanned copy of IT return filed for the last 3 financial years i.e. 2012-13, 2013-14 and 2014-15.
 - d) Scanned copy of VAT/Sales Tax registration certificate
 - e) Work experience of similar work during the last 3 years(requisite proof thereof)
- 1.9. Conditional bids shall not be considered and will be rejected out-rightly at the very first instance.
- 1.10. The competent authority of Ministry of Earth Sciences, Prithvi Bhawan, New Delhi reserves the right to cancel any or all bids without assigning any reason.
- 1.11. The bidder shall submit the technical and financial bids only as per the format enclosed at Annexure IV and V.
- 1.12. Bidders should upload their financial bids in PDF format in the proforma given at Annexure V. Bids for Toner Cartridges are to be made in the proforma given at Annexure V.

2. **Eligibility Criteria**

1. The firm should be a registered firm under relevant rules/Act.
2. The firm should have PAN Number from IT Department, and Service Tax/VAT registration number from concerned Departments.
3. The firm should have average annual turnover of Rs.15 lakhs or more during the last 3 years.
4. The firm should have experience of Supplying Toner cartridge to Government Departments/PSU/Private Section Companies/firms as under:
 - (a) Three similar completed works costing not less than Rs.8,00,000/- in each case; **or**
 - (b) Two similar completed works costing not less than Rs. 10,00,000/- in each case; **or**
 - (c) One similar completed work costing not less than Rs. 16,00,000/-.

“similar work” means the work related to supply of Toner and Cartridges for the computer printers to a Central Government or State Government Department or PSU/Government Autonomous Bodies.

Note:- The Bidder should enclose relevant papers/documents in support of the above-said Eligibility Criteria.

3. **Selection Procedure:-** The Firm which meets the Eligibility Criteria and quotes the overall lowest amount (Col No.8 of Annexure V) shall be awarded the Tender.

4. **Other terms and Conditions:-**

- 4.1. Each page of the tender documents is required to be signed by the authorized person or persons submitting the tender in token of his / their having acquainted himself/ themselves with the Terms & Conditions of the contract as laid down.
- 4.2. All erasures and alterations made while filling the tender must be attested by initials of the tenderer. Overwriting of figures is not permitted. Failure to comply with either of these conditions will render the tender invalid. No advice of any change in rule or conditions after the opening of the tender will be entertained.
- 4.3. The tender submitted on behalf of a firm shall be signed by all the partners of the firm or by a partner who has the necessary authority on behalf of the firm to enter into the proposed contract otherwise the tender is liable to be rejected.
- 4.4. The successful bidder shall be required to sign the agreement. The draft agreement is given at **Annexure VI**. The complete Tender document and all other required enclosures / documents / Annexures should be signed on each page by the Authorized Person / Signatory and be submitted on-line (Scanned Copy), failing which the bid shall be summarily rejected.
- 4.5. This notice can also be seen at our web-site www.moes.gov.in

5. EARNEST MONEY DEPOSIT:

- 5.1. The tenderers are required to send their tender along with a Demand Draft/ Banker's cheque/Bank Guarantee or Fixed Deposit Receipt (FDR) of Rs.1,00,000 (One Lakh only) drawn in favour of "DDO, Ministry of Earth Sciences, New Delhi" Payable at New Delhi as Earnest Money, which will be refundable to the unsuccessful tenderers. Name of the firm may be written on the reverse side of the Demand Draft. The EMD of successful Bidder shall be returned after the Bidder deposited the Performance Security.
- 5.2. Any Bidder, who has exemption for Deposits of Bid Security with tender being registered with DGS&D/NSIC, shall furnish documentary proof in this regard, indicating clearly that they are exempted for the items of the tender.
- 5.3. Bidders shall not be permitted to withdraw their offer after submission of their bids. Conditional bids shall not be accepted. In case the bidder fails to observe and comply with the stipulations made herein or backs out after quoting the rates, the aforesaid bid security / EMD shall be forfeited.
- 5.4. The bids without Earnest Money Deposit (EMD) shall be summarily rejected.

6. PERFORMANCE SECURITY DEPOSIT:

- 6.1. Successful Bidder will have to deposit "Performance Security" of 10% of the Total Annual Value Contract in the shape of bank Guarantee/fixed Deposit Receipt for the period of contract. Performance Security money will be forfeited in case of violation of any of the terms and conditions of the tender and also in the case of bidder backing out after award of contract.
- 6.2. No interest will be paid on Performance Security.
- 6.3. Performance money should remain valid for a period of 60 days beyond the date of completion of all contractual obligations of the Supplier.

7. TERMS AND CONDITIONS:-

7.1. SUPPLY OF GOODS:

- 7.1.1. The delivery of the items/ material mentioned in Annexure 'V' is required within 7 days of issue of the purchase order.

- 7.1.2. In case of default, for non supply of goods within stipulated period [as stated at 7.1.1 above] a penalty of upto 1% of the value of the order can be imposed on daily basis.
- 7.1.3. The delivery of the material will be made at General Section at Ministry of Earth Sciences, Prithvi Bhawan, New Delhi 110 003.
- 7.1.4 Only original manufactured Toner Cartridges will be accepted by this Ministry and any supply of duplicate/re-filled cartridge will amount to breach of the contract and in such a situation the performance security can be forfeited.
- 7.1.5. The payment is normally made within 30 days from the date of submission of the bill after full supply is received against the Purchase Order and accepted as per approved specification.

8. QUOTING THE RATES IN BIDS:

- 8.1. Rates should be quoted for the different kind of Toner Cartridges mentioned in Annexure 'V'. Nothing over and above the quoted rates shall be payable.
- 8.2. The taxes will be payable as applicable during the tenure of the contract. During the operation of the contract, if there is any change or revision in the taxes, the same shall be applicable.
- 8.3. If, during the tenure of the contract, any new tax/ levies/ charges etc. by Govt. / Public Authority are introduced, the same shall also be payable as applicable.
- 8.4. The rates quoted shall be valid up to one year from the date of award of the contract .i.e. during the period of contract.
- 8.5. The rates quoted shall include all charges, such as, packing and forwarding, Freight insurance, octroi, etc.
- 8.6. All goods shall be received subject to approval on inspection. Rejected items shall be removed by the supplier at his own cost and risk, within 10 days of issue of notice for the removal of such goods and no liability whatsoever, on MoES shall be attached for the rejected/disapproved goods items/stores.
- 8.7. MoES reserves the right to accept the whole or any part of the quotation(s) or portion of the quantity offered and successful tenderer shall supply the same at the rate quoted.
- 8.8. MoES reserves the right to accept or reject summarily any or all quotations in whole or in part without assigning any reason whatsoever.
- 8.9. If the successful Bidder fails to supply the material after awarding of the contract, MoES shall be at liberty to forfeit his Performance Money.

- 8.10. In case of any dispute arising out of the business or interpretation of any clause of the document, the Court at Delhi alone shall have the jurisdiction to try and decide.
- 8.11. In case of goods supplied found to be of inferior quality or not original make; MoES has the right to reject the goods. No payment shall be made against such rejections.
- 8.12. The quotation shall be valid for 90 days from the date of opening of the quotation. The "Rate Contract" will be valid upto one year from the date of award of the contract.
- 8.13. The quantity of supply may vary.
- 8.14. Quotation sent through fax will not be considered.
- 8.15. MoES shall issue a letter to the successful bidder along with an agreement form, in duplicate. The agreement will have to be returned, duly signed and witnessed, to MoES within 7 days of receipt of the same by the successful bidder.

Director (General Administration)

TECHNICAL BID

PARTICULARS TO BE FURNISHED BY THE AGENCY

1.Name of the Agency:

2.Address of the Agency:

3.Name of the Proprietor of the Agency

4.Telephone No. Of the Agency& Proprietor:

5.Turnover of the Agency during three Financial Year Balance Sheet to be submitted for the last three years i.e. for 2012-13, 2013-14 & 2014-15

6.PAN ,TIN Number of the Agency:

7.Service Tax Registration No. :

8. VAT Registration Number:

9.EMD Draft Number/Date & Name of the Bank:

This is to certify that the above facts are true complete and correct to the best of my knowledge and belief. It is also certified that the Agency is not black listed by an Government/ Department not any criminal case is registered/pending against the Agency/Firm or its owner/ partners anywhere in India. Further, it is certified that I/we have read and understood the terms and condition of the Tender Notice.

I/we give an undertaking and give our unconditional and unequivocal acceptance of all terms and conditions of the tender and agree to abide by these terms and conditions.

Name and Signature of the Proprietor/Partner
Seal of the Firm/Agency

Dated:

Place:

MINISTRY OF EARTH SCIENCES
Description of Toner Cartridges used in MoES HQs

FINANCIAL BID

Sl.No	Make of the Printer	Estimated Yearly Requirement *	Rate per ink/toner cartridges	Vat	Any other tax	Other Charges	Total(Rs)
1	2	3	4	5	6	7	8
1	HP Color Laser Jet 1515 (full set of four colours including Black, Yellow, Cyan, Magenta) [HP 540, HP 541, HP542, HP543]	8 sets					
2	HP Laser Jet 2025 HP Color Laser Jet 2320 (full set of four colours including Black, Yellow, Cyan, Magenta) [HP 530, HP 531, HP532, HP533]	6 sets					
3	HP Color Laser Jet 3600 (full set of four colours including Black, Yellow, Cyan, Magenta) [HP 6470, 6471, 6472, 6473],	3 sets					
4	HP Color Lajer Jet 3800 dn (full set of four colours including Black, Yellow, Cyan, Magenta) [Q6470 Black, Q 7582A, Q 7581, Q7583]	3 sets					
5	HP Color Laser Jet 2605 [Q6000A, Q6001A, Q6002A, Q6003A]	3 sets					
6	Colour LaserJet Pro M 177 FW (HP) [CF-350A, CF 351A, CF353A, CF352 A]	6 sets					

Sl.No	Make of the Printer	Estimated Yearly Requirement *	Rate per ink/toner cartridges	Vat	Any other tax	Other Charges	Total(Rs)
7	HP colour Office Jet Pro 8600 [950XL,951XL	70 sets					
8	HP Laser Jet 1020 2612 HP	20					
9	HP Laser Jet 1536 278 AHP	10					
10	HP Laser Jet 3015 255 A	60					
11	HP Laser Jet 3005 Q 755 A	40					
12	HP Laser Jet 1160 Q 5949 A	48					
13	HP Laser Jet 1200 7115 HP	6					
14	HP Lazer Jet 2300 2610	6					
15	HP Laser Jet 2420 Q 6511	12					
16	Canon Super G 3 FX-9,HP	10					
17	HP Laser Jet 1008 CE 388 A	15					
18	HP Office Jet 5610 HP 22, HP 27	4+4=8					
19	HP Laser Jet 5200 Q 7916 A	6					
20	HP Desk Jet 840 C HP 17, HP 15	3+3=6					
21	Panasonic KX-FAD-89	3					
22	Panasonic KX-FAT-88 E, 92 E, 411E	3+3+3=9					

Note: Only original manufactured Toner Cartridges will be accepted by this Ministry and any supply of duplicate/re-filled cartridge will amount to breach of the contract and in such a situation the performance security can be forfeited.

***The quantity indicated above is just an estimated requirement. It may vary depending on various factors and this Ministry does not guarantee any minimum or maximum quantity to be procured during a year.**

ANNEXURE-VI

MINISTRY OF EARTH SCIENCES

PRITHVI BHAWAN, NEW DELHI

CONTRACT AGREEMENT NO: MoES/22/04/2016-GenI

DATED: xx.xx.2016

THIS AGREEMENT is made on between Ministry of Earth Sciences through **Director (General Administration)** (hereinafter referred to as "MoES" which expression shall include his successors and assigns), and placed at Prithvi Bhawan, New Delhi-110003 on the One Part,

AND

M/s..... having its registered office at.....(hereinafter referred to as "The Supplier") which expression shall unless excluded by or repugnant to the context be deemed to include his successors, heirs, executors, administrators, representatives and assigns) of the other part for providing Toner Cartridges for various make Printers (as stated in Tender Notice).

I. **WHEREAS** MoES invited bids through open tender, vide Notice Inviting Tender No.MoES/xx/xx/2016-GenI dated xx/xx/2016 for Procurement of Toner Cartridges for various makes of printers

II. **AND WHEREAS** the Supplier has submitted his bid vide..... in accordance with the bid documents and represented therein that it fulfills all the requirements and has resources and competence to provide the Toner Cartridges for various make Printers to MoES.

III. **AND WHEREAS** MoES has selected **M/s**..... as the successful bidder ("the Supplier") pursuant to the bidding process and negotiation of contract prices, awarded contract for a period of one year from the date of signing this Agreement on as and when requirement basis

IV. **AND WHEREAS** MoES desires that the Toner Cartridges for various make Printers (as defined in the Bidding Document) be provided by the Supplier, and wishes to appoint the Supplier for providing Toner Cartridges for various make Printers.

V. **AND WHEREAS** the Supplier acknowledges that MoES shall enter into contracts with other Suppliers / parties for the providing Toner Cartridges for various make Printers for its office in cases the Supplier falls into breach of the terms and conditions as stipulated in the Tender Document and shall waive its claim whatsoever in this regard.

VI. **AND WHEREAS** the terms and conditions of this Contract have been fully agreed on between MoES and the Supplier as parties of competent capacity and equal standing.

VII. **AND WHEREAS** the Supplier has fully read, understood and shall abide by all the terms and conditions as stipulated in the Tender Documents for providing Toner Cartridges for various make Printers to MoES, failing which the Contract is liable to be terminated at any time, without assigning any reasons by MoES.

VIII. SUPPLY OF GOODS:

- a) **AND WHEREAS** the delivery of the items/ material mentioned in Annexure 'C' is required within 15 days of issue of the purchase order.
- b) **AND WHEREAS** in case of default, for non supply of goods within stipulated period a penalty of upto 5% of the value of the order can be imposed.
- c) **AND WHEREAS** the delivery of the material will be made at our General Section at Ministry of Earth Sciences, Prithvi Bhawan, New Delhi 110 003.

IX. **AND WHEREAS** the payment is normally made within 30 days from the date of submission of the bill after full supply is received against the Purchase Order and accepted as per approved specification.

X. **AND WHEREAS** all goods shall be received subject to approval on inspection. Rejected items shall be removed by the supplier at his own cost and risk, within 10 days of issue of notice for the removal of such goods and no liability whatsoever, on MoES shall be attached for the rejected/disapproved goods items/stores.

XI. **AND WHEREAS** MoES reserves the right to accept the whole or any part of the quotation(s) or portion of the quantity offered and successful tenderer shall supply the same at the rate quoted.

XII. **AND WHEREAS** if the supplier fails to supply the material after awarding of the contract, MoES shall be at liberty to forfeit his Performance Money.

XIII. **AND WHEREAS** in case of any dispute or differences, the same shall be settled by reference to Arbitration by a sole arbitrator to be appointed by the Secretary, Ministry of Earth Sciences, Prithvi Bhawan, New Delhi-110003. The provisions of Arbitration and Conciliation Act, 1996 shall be applicable.

XIV. **AND WHEREAS** in case of any dispute arising out of the business or interpretation of any clause of the document, the Court at Delhi alone shall have the jurisdiction to try and decide.

XV. **AND WHEREAS** in case of goods supplied found to be of inferior quality or not according to the approved sample, MoES has the right to reject the goods. No payment shall be made against such rejections.

XVI. **AND WHEREAS** the annual rate contract will be valid upto xx/xx/2017.

XVII. **AND WHEREAS** the quantity of supply may vary.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed in accordance with the laws of India on the day, month and year indicated above.

(Authorised Signatory)

(Authorised Signatory)

Signed on behalf of the Supplier

Signed on Behalf of
Ministry of Earth Sciences