

EXCISE
DEPARTMENT
GNCTD

TENDER ISSUING DATE:
22.04.2022

**Tender Issuing
Authority:**

Excise Commissioner

**DEPARTMENT OF EXCISE,
ENTERTAINMENT &
LUXURY TAX, L&N BLOCK,**

**VIKAS BHAWAN, I.P.
ESTATE, NEW DELHI –
110002**

Phone:011-23378089

**E-Mail:
ak.gambhir25@delhi.gov.in**

DISCLAIMER

This TENDER is not an offer by Department of Excise, Entertainment and Luxury Tax, Government of NCT of Delhi but an invitation to receive electronic proposals/e-bids from interested and eligible distilleries/bottling plant under Rule 48 of Delhi Excise Act, 2010 for supply of Country Liquor in NCT of Delhi. Mere participation in the e-tender shall not imply that the bidder will be a license holder and the award of license obligations whatsoever shall not arise from the Tender process.

This e-tender is being issued with no financial commitment and Department of Excise, Entertainment and Luxury Tax reserves the right to withdraw the e-tender and change or vary any part thereof or foreclose the same at any stage.

Abbreviations

Sl. No.	Abbreviation	Explanation
1.	DD	Demand Draft
2.	DSC	Digital Signature Certificate
3.	EMD	Earnest Money Deposit
4.	ESCIMS	Excise Supply Chain Information System
5.	GNCTD	Government of National Capital Territory of Delhi
6.	L-1	Lowest bidder
7.	IS	Indian Standards
8.	MRP	Maximum Retail Price
9.	NCT	National Capital Territory
10.	NIC	National Informatics Center
11.	NIT	Notice Inviting Tender
12.	PAN	Permanent Account Number
13.	WAP	Weighted Average Price
14.	IP	Import Permit
15.	TP	Transport Permit
16.	ENA	Extra Neutral Alcohol

Categories of licenses


S. No.	Form	Details of Licenses
1	L-3	License for wholesale supply of Country Liquor in NCT of Delhi
2	L-33	License for Bonded Warehouse

NOTICE INVITING TENDER (NIT)

Tender Reference No.:

Date:

Tenders in prescribed format are invited from working distilleries or bottling plant duly licensed by Central or a State Government for grant of three or more licenses in the form of L-3 under Rule 48 of Delhi Excise Rules, 2010 for wholesale supply of Country Liquor of 50 degree under proof (U.P.) for retail vends (L-8) in bottles of 750 ml, 375 ml and 180 ml in the ratio of **3:4:3** during the period from **01st June, 2022 to 31st March, 2023**. The EMD details and timeline of Invitation for e-bids are as under:

 <p>delhi.gov.in Govt. of NCT of Delhi</p>	<p>Excise Commissioner DEPARTMENT OF EXCISE, ENTERTAINMENT & LUXURY TAX, L&N BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI – 110002</p> <p>Phone: 011- 23378089</p> <p>E-Mail: ak.gambhir25@delhi.gov.in</p>
<p>Grant of license (L-3) for wholesale supply of Country Liquor in NCT of Delhi for the year 2022-23</p>	
<p>Earnest Money Deposit (EMD)</p>	<p>Demand draft or pay order issued by Nationalized Bank for Rs. 30,00,000/- (Rupees Thirty Lakh only) drawn in favor of Excise Commissioner, Delhi as earnest money, alongwith receipt of physically depositing the same in the Excise Department</p> <p>This EMD will be refunded if the applicant does not win the bid. If the applicant does not accept the license after winning the bid within the stipulated time frame, the EMD amount shall stand forfeited.</p> <p>The EMD is payable through banker's cheque-cum-demand draft issued by a scheduled bank in favour of Excise Commissioner, GNCTD</p> <p>Scanned copy of the Banker's cheque-cum-demand draft, as the case shall be uploaded on e-procurement portal by the bidder.</p>

Date of Publishing of the NIT	22.04.2022
e-Bid Submission Start Date and Time	22.04.2022,
e-Bid Submission End Date and Time	13.05.2022, 11:00 AM
Technical qualification bid opening date and time	13.05.2022, 12:00 PM
Financial bid opening date and Time	To be intimated later on
Website for downloading the Tender Document, Corrigendum's, Addendums etc.	Interested candidates can download the tender Document from: https://govtprocurement.delhi.gov.in
Contact person name and contact details	Name: Assistant Commissioner (Excise)/ G. M. (Excise) Address: Department of Excise, Entertainment and Luxury Tax, L&N Block, Vikas Bhawan, I.P. Estate, New Delhi-110002. e-mail ID: ak.gambhir25@delhi.gov.in Phone No.: 011-23378089
1. In case, a participant fails to deposit original copy of banker's cheque cum demand draft issued by a scheduled bank in favour of Excise Commissioner, GNCTD for 225 days payable at Delhi as the case may be on or before 1305.2022, 11:00 AM Bid of that participant shall be rejected	

All the tenderers are requested to have digital certificate and get themselves registered with the application service provider of NIC. The application service provider of NIC can be contacted for registration, training (if required) on any working day from 9.30 AM to 6.00 PM at:

HELP DESK
e-tendering System
6th Floor, C-Wing, Vikas Bhawan-II
(Near Metcalfe House), Civil Lines
DELHI - 110054
(Monday-Friday 9.30 AM to 6.00 P.M.)
Telephone No – 011-23813523

1. INTRODUCTION

- 1.1 The Department of Excise is going for procurement of Country Liquor in NCT of Delhi. Tenders in prescribed format, are invited from operational distilleries or bottling plants, duly licenses by Central or a State Government, for grant of three or more licenses in the form of L-3 under Rule 48 of Delhi Excise Rules, 2010 for wholesale supply of Country Liquor of 50 degree under proof (U.P.) for retail vends (L-8) in bottles of 750 ml, 375 ml and 180 ml in the ratio of **3:4:3 during the period from 1st June, 2022 to 31st March, 2023**. The holders of an L-3 license shall also be required to obtain a license in the form of L-33 for the bonded warehouse.
- 1.2 The licensing period may be extended by the Government of NCT of Delhi (hereinafter referred to as the 'Government') in its sole discretion for a period not exceeding three months beyond 31.03.2023. However, in extraordinary circumstances, the Government may in its sole discretion, extend the licensing period for another three months beyond 30.06.2023. The licensee(s) shall have to pay pro-rata license fee in respect of such extended period, if any.
- 1.3 Licenses in Form L-3 and L-33 for the said period shall be subject to the provisions of the Delhi Excise Act, 2009 (hereinafter referred to as the "said Act") and the Rules framed and orders issued thereunder. These Terms and Conditions, unless repugnant to the express provisions of the said Act and Rules made and orders issued thereunder, shall be in addition to the said Act and Rules made and orders issued thereunder and any other law in force in the NCT of Delhi relating to liquor. Applicants are advised to acquaint themselves with the provisions of the said Act, Rules made and orders issued thereunder, before submitting their tenders since they are deemed to be incorporated in this tender as if they were expressly set out herein.
- 1.4 The Government is floating this 2 Cover tender having technical bid and financial bid for grant of license for wholesale supply of country liquor in NCT of Delhi through e-tendering process with the annual license fees.
- 1.5 The total quantity of country liquor to be supplied by the holders of L-3 Licensees is expected to be **300 lakh liters**, subject to variation upto plus or minus 25% of 50

degree under proof (UP) ordinary spiced caramel coloured country liquor during the licensing period. The licensees will be required to sell country liquor to the L-8 vends owned by Delhi Tourism and Transportation Development Corporation (DTTDC), Delhi State Industrial & Infrastructure Development Corporation (DSIIDC), Delhi State Civil Supply Corporation (DSCSC) and Delhi Consumers Co-operative Wholesale Store Ltd (DCCWS), or any other organization which may be holder of L-8 license (retail vends of Country liquor). The present number of retail vends of Country liquor (L-8 licensees) in NCT of Delhi is 87, which may vary during the licensing period. The holders of L-3 licences shall not be entitled to any compensation or relief on the ground that a particular number of retail vends were not established or operated.

- 1.6 The Weighted Average Price(WAP) of the country liquor in the last five years is as under :

S. No.	Licensing Year	WAP (Weighted Average Price) (per Case/ 9 Liter) (in Rs.)
1.	2017-18	287.00
2.	2018-19	307.00
3.	2019-20	307.00/302.00
4.	2020-21	359.00/348.00
5.	2021-22	375.00

2. OVERVIEW OF ELIGIBILITY REQUIREMENT FOR PARTICIPATION IN TENDER/ HOLD LICENSE IN FORM OF L-3

- 2.1 A license in form L-3 and L-33 shall only be granted to a DISTILLERY or a BOTTLING PLANT, duly licensed by the Central or a State Government.
- 2.2 The applicant should have a minimum experience of manufacturing/bottling of country liquor for previous three years (i.e. 2019-20, 2020-21 & 2021-22) , duly authenticated by the concerned Excise Authorities of the State in which the Distillery/Bottling plant is situated
- 2.3 Tenders from only those entities shall be considered who are eligible for holding license under Section 13 of the Delhi Excise Act, 2009. Applicants are advised to refer to Section 13 of the said Act and acquaint themselves with its provisions in this

regard

2.4 Tenders will not be accepted from persons who are restricted under Rule 23 of the Delhi Excise Rules, 2010 which are deemed to be incorporated herein.

2.5 No person, his partners, affiliate companies, agents, employees or dependent members of his family shall be eligible, jointly or severally to hold alongwith L-3/ L-33 License, licences of the following categories.

L-4, L-5, L-7Z/L-7V, L-8, L-22, L-25, L-26, L-34, L-35, and another L-3 licence.

2.6 However, a Government Undertaking holding licence in form L-3/L-33 may also hold licence in form L-8.

3. TERMS AND CONDITIONS FOR GRANT OF WHOLESALE SUPPLY OF COUNTRY LIQUOR (L-3) LICENSE

L-3/33 licenses for the wholesale supply of 50 degree under proof Country Liquor to NCT of Delhi shall be granted by inviting tenders in the enclosed tender form (Annexure-I) for the ratio **3:4:3** in respect of size of bottles of 750 ml, 375 ml and 180 ml respectively. The Terms and conditions for the grant of Wholesale license for supply of Country Liquor are summarized as under:

3.1 LICENSE FEE

3.1.1 The fee payable in respect of L-3 and L-33 licenses shall be as under:-

- (i) L-3 (for wholesale license of Country Liquor) : Rs. 5,00,000/- (Rupees Five Lakh only) for the entire licensing period.
- (ii) L-33 (for Bonded Warehouse license of Country Liquor):- Rs. 75,000/- (Rupees Seventy Five Thousand only) for the entire licensing period.

3.2 GRANT OF LICENCE:-

3.2.1 L-3/L-33 licences for the wholesale supply of 50 degree under proof Country Liquor to NCT of Delhi shall be granted by inviting e-tenders in the enclosed tender form (**Annexure-I**) for the ratio **3:4:3** in respect of size of bottles of 750 ml, 375 ml and 180 ml respectively.

3.2.2 All the application for the grant of L-3 license shall be subject to the acceptance by the Competent Authority who may accept or reject any application without assigning any reason. The licensing authority shall be under no obligation to grant any licence for which application has been made.

3.2.3 If on scrutiny, any application is found incomplete, vague, confusing or not as per Terms and Conditions, the same shall be summarily rejected and the decision of the Commissioner Excise shall be final.

3.3 **TENDER PROCESS FOR GRANT OF GRANT OF WHOLESALAE SUPPLY OF COUNTRY LIQUOR LICENSE (L-3):-**

3.3.1 License for wholesale supply of Country Liquor in NCT of Delhi will be allotted through a two cover e-tender process comprising of Technical qualification and Financial bid.

3.3.2. **Stage -1 Technical Evaluation of bidders:-**

All the bids received on e-procurement portal of NCT of Delhi for wholesale supply of country liquor in NCT of Delhi for the year 2022-23, shall be evaluated by Technical Evaluation Committee in accordance with the documents sought in Clause 3.4 of the tender document. Thereafter, the tenders found in order shall be allowed to participate in financial bid.

3.3.3. **Stage - 2 : Financial Evaluation of bidders:-**

(i) All the Financial bids received on e-procurement portal of NCT of Delhi (As per Pro-forma provided in **Annexure-V**) will be opened in the presence of participating bidders/Authorised Representatives of the bidders.

(ii) To ensure that the supply of country liquor in Delhi is not dependent on any one supplier, it shall be ensured that no tenderer gets quota more than 33% of the total quota i.e. 300 lakh liters. However, the tenderers, who offer to supply less than 10%

of the total quantity, will not be entertained.

- (iii) (a) The bidder quoting minimum WAP per case will be treated L-1.
- (b) The L-1 bidder shall be offered 33% annual supply quota.
- (c) On acceptance of a quota specified by the L-1 bidder, remaining annual supply quota shall be offered to other bidders in the following manner:
 - (i) All the bidders have to match the lowest bidder's WAP,
 - (ii) In case any of the bidders does not accept the L-1 bidder's quoted WAP, it's bid will not be considered.
 - (iii) After allocating the quota to the L-1 bidder, remaining bidders agreeing to supply at the L-1 rate, shall be offered the balance quota in the equal proportions based on their individual production capacity.
 - (iv) In case, any bidder is only willing to supply lesser percentage of quota, its remaining share shall be offered to other willing bidders in equal proportion.
- (iv) (a) In case more than one bidder (s) quotes the same lowest WAP per case, the bidder offering to supply higher percentage supply quota shall be treated as L-1.
- (b) In case, more than one bidder (s) quotes the same lowest WAP and offers to supply same percentage of supply quota, the L-1 shall be decided through conduct of lottery.

3.4 PROCEDURE TO APPLY:-

- 3.4.1 The applicant applying for grant of L-3 license shall participate in e-tender process on e-procurement portal of GNCT of Delhi.
- 3.4.2 The applicant shall be required to submit the following documents along with the application:-
 - a. Demand draft or pay order issued by Nationalized Bank for Rs. 30,00,000/- (Rupees Thirty Lakh only) drawn in favor of Excise Commissioner, Delhi as earnest money, alongwith receipt of physically depositing the same in the Excise Department.

- b. "No Dues Certificate" in favor of the tenderer issued by the Dy. Commissioner (Excise), GNCT of Delhi after the date of issuance of this tender notice.
- c. An affidavit declaring that the information given in the tender form is true and correct and that no fact has been concealed there from.
- d. True attested copy of valid distillery license or bottling plant license issued by the Excise Authority of the State in which the Distillery/Bottling plant/unit is situated.
- e. Document showing permitted installed capacity for the manufacturing of country liquor. The installed capacity should be minimum two times the quantity of country liquor proposed to be supplied to Delhi in the tender document of the tenderer.
- f. "No Dues and Credibility" certificate regarding past performance of production and supply from the Excise Authorities of the State in which the Distillery/Bottling plant/unit is situated.
- g. Consent of the Excise Authorities of the State where Distillery/Bottling plant is situated for supply of Country Liquor from their State to the National Capital Territory of Delhi in which the capacity of the Distillery/Bottling plant should be clearly mentioned.
- h. A statement indicating the maximum quantity of Country Liquor that can be supplied to Delhi by the tenderer from each of its units.
- i. "No Dues Certificate" from the GST Department of GNCT of Delhi.
- j. An affidavit declaring no violation of Clause 2.5 & 2.6 of the Terms & Conditions for the year 2022-23 for supply of Country Liquor.
- k. Cost sheet of each size of Weighted Average Price (WAP) sought alongwith supporting documents of various cost components viz. ENA purchase invoices, Transport receipts, Glass Bottles purchase invoices etc (as per proforma provided in Annexure-VI).

l. An affidavit with regard to qualifications for grant of license as prescribed under Section 13 of the Delhi Excise Act, 2009.

m. Duly filed Tender Form (**Annexure-I**)

n. Attested copy of Permanent Account Number (PAN) card in case of proprietorship firm/ partnership firm/Limited Liability Partnership (LLP)/Company incorporated under the Companies Act,1956.

o. Copy of the partnership deed in case of partnership firm (tender shall contain the names of all the partners & no such tender shall be entertained unless it is signed by all the partners and is accompanied by copy of the partnership deed duly attested by Gazetted Officer), Registration certificate in case of Registered Company/Limited Liability Partnership (LLP) firm etc. as the case may be.

p. Copy of Attorney executed in favor of Agent.

q. Copy of Notification/order of Excise Authority concerned in respect of Export pass fee and bottling fee.

r. The duly filled checklist as per **Annexure–IV**:- Pre-qualification criteria shall be uploaded along with the documents/undertakings.

s. Price Bid.

t. All pages of the documents submitted by the bidder shall be signed by the authorized signatory and shall also be affixed with the applicant entity's stamp.

u. The registered bidder shall also be required to sign, scan and upload all pages of this tender document acknowledging the following:-

(i) The bidder accepts all the terms and conditions as per the tender document and shall be bound to comply with the same.

(ii) Bidder or his associate is familiar with and understands the e-tender process on website and has the technical knowledge and human resources to participate in e-tender process.

- (iii) Bidder has access to hardware and internet connectivity for participating in e-tender process.
- (iv) The onus of online application and submission of genuine, stipulated documents during registration lies on the bidder.
- (v) In case of any grievances arising in course of the e-tendering process, the Bidders shall abide by the decision of the Excise Commissioner.

3.5 EARNEST MONEY DEPOSIT

3.5.1 The Bidder shall furnish, as part of his bid, an Earnest Money Deposit (EMD) of Rs. 30,00,000/- (Rupees Thirty Lakh only) by means of Banker's Cheque/demand draft, issued by a scheduled bank in favour of Excise Commissioner, GNCTD for 225 days, payable at Delhi. The said Demand Draft or Banker's Cheque should be issued from the applicant bidder's bank account only. Scanned copy of the Banker's Cheque/Demand Draft as the case may be, shall be uploaded by the bidder as part of the eligibility/participation requirement. The physical copy of the receipt of deposit of EMD through Banker's Cheque/demand Draft, as the case may be, shall be deposited by the bidder in the Country Liquor Branch, Excise Department, GNCTD before the prescribed date and time. No Bidder is exempted from furnishing the said EMD. The currency of the EMD shall be Indian Rupees (INR) only. Further, in case of validity of Demand Draft & Banker's Cheque submitted as EMD expires and tender is still to be awarded in respect of the bidders, the following procedure shall be followed:-

- (a) Demand Draft submitted with a validity of three months from the date of issuance, shall be subsequently, revalidated and resubmitted by the bidder
- (b) In case of Banker's Cheque, a fresh Banker's Cheque is to be deposited as EMD after expiry of the period of Banker's cheque (i.e. three months).

The cost of such revalidation shall be borne by the applicant bidder.

3.5.2 Bids received without the EMD shall be rejected outright as non-responsive. No further communication from the Bidder, in this regard, shall be entertained by

Department Of Excise.

3.5.3 No interest shall be payable by Department Of Excise for the sum deposited as EMD.

3.5.4 The EMD shall be forfeited in the following cases:

- i. Any information submitted by the Bidder is found to be incorrect / forged.
- ii.If bid is withdrawn during the validity period or any extension agreed by Department Of Excise and Bidder thereof.
- iii.If the bid is modified in a manner not acceptable to Department Of Excise after opening of the bid.
- iv. If the Bidder tries to influence the evaluation process.

3.5.5 In case of unsuccessful Bidder, earnest money deposited will be released on request from the bidder on a date subsequent to the grant of license to the successful Bidder.

3.6. RIGHTS OF DEPARTMENT OF EXCISE IN REGARD TO e-TENDER

3.6.1 If on scrutiny, any application is found incomplete, vague, confusing or not as per Terms and Conditions, the same shall be summarily rejected and the decision of the Commissioner Excise shall be final.

3.6.2 The Government reserves the right to accept or reject any or all tenders, including the lowest one without incurring any liability whatsoever. No licensee or tenderer shall be entitled to any compensation or relief on the ground of any delay or non-grant of license for any reason whatsoever.

3.6.3 After a tenderer is declared successful, if it refuses to accept the supply order, or, if after accepting supply order, it fails to make supplies for any reason whatsoever, the earnest money deposited by such tenderer shall be liable to be forfeited.

3.6.4 The Government may require a tenderer whose tender is accepted for supply of

any portion of the total required supply of country liquor to execute a written agreement at his own cost with the Government for the License period and shall also take all requisite action to complete all formalities required for the grant of a licence within seven days calculated from the day on which he is asked to do so, and if he does not do so, all deposits made by him shall stand forfeited to the Government and he shall not be entitled to any compensation and the licence may be re-tendered or granted in any other manner.

3.7. SALE HOURS & DRY DAYS :-

3.7.1 No liquor shall be sold on the days notified as 'Dry Days' as per the provisions of Rule 52 of the Delhi Excise Rules, 2010. The working hours of the Bonded Warehouse and the working hours of the retail vends of country liquor will be such as may be specified by the Excise Commissioner, Delhi from time to time. The holders of L-3 license will not be entitled to any compensation or any other relief due to any increase in the number of 'Dry Days' or due to any change in the working hours of the Bonded Warehouses and/ or retail vends during the course of the Licensing Period. The business premises of a licensee shall be kept closed on all dry days: PROVIDED that the Assistant Commissioner may, by order in writing permit a licensee to deposit liquor in his premises, or to open the premises for any work other than sale, on a dry day on prescribed fee.

3.8. PERFORMANCE SECURITY DEPOSIT:-

3.8.1 Each L-3 / L-33 licensee shall submit security deposit as "**Performance Security**", **which will be 7% of the amount of contract awarded to the L-3 license.**

Illustration:

If an L-3 licensee has been awarded 10% of the quota i.e. 10% of 300 lakhs litres then his performance security amount will be as follows:

- (i) Licensee granted quota of 10% for the year : Approx. 03.33 lakh cases
- (ii) Approved Rate per case after finalization of Tender proceedings: 'X'
- (iii) Performance Security = 'X' * 03.33 lakh * 7%

3.8.2 This aforesaid performance security shall be deposited with the Government in the shape of Fixed Deposit Receipt from a Nationalized Bank at Delhi/ New Delhi. Further, alongwith performance security, a personal bond alongwith surety of the same amount will also be submitted. The format of personal bond is annexed herewith at **Annexure II**.

3.9 OTHER CONDITION OF THE LICENSE:-

3.9.1 The holders of L-3 licenses shall supply ordinary spiced caramel coloured country liquor of the strength 50 degree under proof meeting all the requirements of Rule 7 of the Delhi Excise Rules 2010. Further, the country liquor so supplied should be ENA based, and

- (a) The Country liquor supplied by the licensee must be fit for human consumption and strictly adhere to the specifications referred to in this tender document.

- (b) Each consignment of the Country Liquor against the Import Permit must be duly certified by the competent laboratory of the state in whose territory the Distillery/Bottling plant of the licensee is located failing which no Import Permits shall be issued by the Government; and

- (c) The country liquor imported by the licensee into NCT of Delhi shall be subjected to tests and analysis to be conducted by the Government and no supply to retail L-8 vends shall be made if the test reports indicate that the liquor is not potable or fit for human consumption.

- (d) The payment on account of supplies released from Bonded Warehouse which have been received safe and sound at the retail vends will be made by DTTDC, DSIIDC, DSCSC, DCCWS and/or other holder (s) of L-8 license, if any, at the wholesale rate plus local transportation charges as approved by the Government

3.9.2 (a) The supply of country liquor shall be procured in Glass bottles only.

The size of bottles for the supply of country liquor shall be 750ml, 375ml and 180 ml as per details given below:

750 ml – 30% of the total supply in bottles (by volume);

375 ml - 40% of the total supply in bottles (by volume);

180 ml – 30% of the total supply in bottles (by volume);

In other words, the ratio of bottles of 750ml, 375ml and 180ml shall be **3:4:3**.

(b) **Quotation of price in Bottles** – The tenderers are required to quote the lowest rate for the supply of 12 country liquor bottles of 750ml each (9 bulk litre) and a separate rate, if any, for the supply of 24 country liquor bottles of 375ml each (9 bulk litre) and separate rate, if any, for the supply of 50 country liquor bottles of 180ml each (9 bulk liter). The tendered rate shall be all inclusive and shall inter-alia include all components of cost of production, bottling, labeling, freight, export pass fee and duties, taxes, etc but should not include 'local transportation charges' as per Rule 66 (4) (b) of the Delhi Excise Rules, 2010.

(c) Local transportation charges will be allowed @ Rs.2.50 per case to the L-3 licenses. The same shall be charged by L-3 licensees from the L-8 Licensees in addition to the wholesale price.

(d) The tenders for the purpose of comparison will be arranged in ascending order on the basis of 'Weighted Average Price' as calculated below:

3 * (TENDERED	4 * (TENDERED	3 * (TENDERED
PRICE FOR 9BL	PRICE FOR 9BL	PRICE FOR 9 BL
OF COUNTRY	OF COUNTRY	OF COUNTRY
LIQUOR IN +	LIQUOR IN +	LIQUOR IN
BOTTLES OF	BOTTLES OF	BOTTLES OF
750ml)	375ml.)	180ml.)

Illustration

Suppose the tendered price for the supply of country liquor in bottles of 750 ml, 375ml and 180 ml per case of 9 L is 'x', 'y', and 'z' respectively.

Then, Weighted average price of country liquor = $(3x+4y+3z)/10$

3.9.3 Specification of Bottles:-

(i). The bottles that will be used for supply of country liquor shall be transparent, uncoloured and of pucca glass manufactured on fully automatic machine, bearing no marking whatsoever, and shall be as per Rule 69 (1) & 69 (2) of the Delhi Excise Rules 2010. The bottles shall be glass bottles of standard uniform size i.e same height for each quantity i.e. 750ml, 375ml & 180ml.

The height of the bottle shall be

Quarts:	27 cm with a variation of ± 0.25 cm
Pints:	19 cm with a variation of ± 0.25 cm
Nips:	15 cm with a variation of ± 0.25 cm

(ii) No Country liquor in bottles other than those conforming to specifications described in Clause 16 (i) above shall be accepted under any circumstances, except with the prior written permission of Excise Commissioner and deduction from the Licensee's bills of such amount as the Excise Commissioner may specify, shall be made and the decision of Excise Commissioner in regard to such deduction shall be final and binding on the licensee.

(iii) The decision of Excise Commissioner as to whether or not any bottles conform to the above mentioned specifications shall be final and binding on the licensee.

(iv) LABELS

The label on each bottle of country liquor shall be as per the provisions of the Rule 69 (3) of the Delhi Excise Rules, 2010.

(v) 1D & 2D Serialized Bar Code

The licensee shall be required to affix 1D & 2D serialized Bar Code on Cases and Bottles respectively which will be procured by the licensees at their own cost.

Further, 15 paise per barcode downloaded from the Excise Central Data Centre (for all i.e. Quarts, Pints, Nips and Cases) excluding Service Tax/ GST will be recovered from the licensees by the Department for payment to implementing Agency i.e. TCS. Thus, for a case consisting of quarts, pints and nips the cost of bar codes will work out as Rs. 1.95, Rs. 3.75 and Rs. 7.65 per case respectively.

The Excise Department, GNCT of Delhi has an agreement with Security Printing Press, Hyderabad (SPPH) a unit of Security Printing and Minting Corporation of India Limited (SPMCIL) for supply of Excise Adhesive Labels (EALs) having advanced technology and high security features i.e. anti-counterfeiting special tag printing ink, mark with 3-D features and Online verification of labels with Checko App used in the printing of EAL. The licensee shall provide necessary IT infrastructure in regard to scanning of EALs for doing retails sale.

Further, the cost of bar code generation/affixation and other related costs including service tax/GST shall be borne by the Licensee.

(vi) ADEQUATE ARRANGEMENTS TO RUN EXCISE SUPPLY CHAIN INFORMATION MANAGEMENT SYSTEM (ESCIMS) BASED ON 2D

The licensees are required to make the arrangement of the following in Bonded Warehouse to run Excise 'Supply Chain Information Management System (ESCIMS).

- (i) Latest Specs Desktop with Win 7 Operating System, Anti Virus (with latest patches).
- (ii) UPS for adequate capacity to support equipment in case of power shutdown.
- (iii) High speed Broadband Internet Access with Wi-fi enablement in the operating area

- (iv) Laser/Inkjet printer
- (v) Bar Code Printer
- (vi) Adequate Number of Hand Held Terminals (HHTs) as per specifications*

S.No	Activity	Parameters	HHTs required
1	IP Receiving for a window of 4 hours (2.00pm to 6.00 pm)	< = 500 cases per hour	1
		>500 and < = 1000	2
		>1000 and < = 1500	3
		>1500 and < = 2000	4
		>2000 and < = 2500	5
		>2500 and < = 3000	6
		>3000 and < = 3500	7
		>3500 and < = 4000	8
2	TP Dispatch for a window of 2 hours (11:00m to 1:00 pm)	< = 250 Case	1
		>250 and < = 500	2
		>500 and < = 750	3
		>750 and < = 1000	4
		>1000 and < = 1250	5
		>1250 and < = 1500	6
		>1500 and < = 1750	7
		>1750 and < = 2000	8
		>2000 and < = 2250	9
		>2250 and < = 2500	10

		>2500 and < = 2750	11
		>2750 and < = 3000	12
		>3000 and < = 3250	13
		>3250 and < =3 500	14
		>3500 and < = 3750	15
		>3750 and < = 4000	16
		>4000 and < = 4250	17
		>4250 and < = 4500	18
		>4500 and < = 4750	19
		>4750and < = 5000	20

(vii) Consumables as per specs, paper, labels, ink, etc as per specification*

(viii) Adequate Number of Trained Manpower to manage simultaneous operations

(ix) Desktop for Excise Inspector at BWH with Broadband Internet Access.

*:- Specification and details of models in case of HHTs and paper, labels, ink etc may be obtained from the Department.

(vii) CARTONS

The country liquor of prescribed specifications shall be duly bottled, corked and sealed and shall be transported after being duly packed in New Cartons of **5 ply card board** to the bonded warehouse of the licensee. In no case old, used or damaged cartons of different brands will be used for the purpose of packing. Each carton packed as one case shall contain exactly 12 bottles of 750ml or 24 bottles of 375ml or 50 bottles of 180ml

(viii) Country Liquor shall not be accepted under any circumstance in cartons other than those specified in clause 3.9.3(vii) except in cases where prior written approval of the Excise Commissioner has been obtained for other type of

cartons. However, permission will be granted by the Excise Commissioner subject to payment of such amount as the Excise Commissioner may deem fit. Decision of the Excise Commissioner in this regard, shall be final and binding on the licensee.

Any violation of the clauses mentioned in point 3.9.3 above will attract a penalty, to be decided by the Dy. Commissioner (Excise) in order to act as a deterrent.

3.9.4 The licensed premises for establishment of Bonded Warehouse for storage of country liquor shall fulfill all the requirements as laid down in Rule 86 of the Delhi Excise Rules, 2010. In addition to the requirements specified there, it should have two openings, proper electrical fittings and adequate fire safety equipment's/arrangements as prescribed by the Delhi Fire Service. The licensed premises shall also be insured against fire and other natural hazards

4. SCEHDULE OF IMPORT PERMITS

4.1 The licensee shall import potable country liquor manufactured in its distillery/bottling plant into the National Capital Territory of Delhi on payment of duty or on execution of a Bond on a non-judicial stamp paper of Rs.100/- in respect of allocation for each month. The bond submitted should clearly indemnify the Government against any loss of duty in excess of what is permitted in Rule 100 of Delhi Excise Rules, 2010 with reference to monthly allocation. The format of the Indemnity bond is annexed herewith at **Annexure III**. The licensee shall supply country liquor for retail vends. The licensee shall, however, store it in the Bonded Warehouse till the instructions of its delivery to different vends is given by the Deputy Commissioner (Excise) from time to time.

4.2 (a) The Deputy Commissioner (Excise) will sanction monthly allocation of country liquor and on the basis of this sanction, G.M. (Excise) will issue monthly allocation letter in accordance with the supply ratio determined in terms of Clause 3.3.3 specifying the date(s) by which particular quantity shall be supplied and the licensee shall supply the quantity so ordered every month. The allocation letters for a particular month shall normally be issued by 20th day of the preceding

month by G.M. (Excise). However, in order to meet any unforeseen demand, an additional order upto fifteen days requirement may be placed with the approval of Excise Commissioner at any time. The licensee shall arrange the supplies as per the Import Permits issued, which will generally be in such a way that atleast 25% of the monthly requirement reaches the Bonded Warehouse by the 7th day of the month, 50% by the 15th day of the month, 75% by the 22nd day of the month and the entire requirement reaches the Bonded Warehouse before the normal closing hours of the Bonded Warehouse on the last day of the month.

(b) No import permit (IP) for import of country liquor into Delhi shall be valid after the date of its expiry, provided that the Deputy Commissioner (Excise) may extend the period of validity thereof, on payment of revalidation fee as hereinafter provided, if extension is applied owing to delay in transit of a consignment or for any other sufficient reason. Further, the revalidation fee as aforesaid shall be in addition to the penalty payable under clause (c) for default in weekly supply.

S. No.	Period of Delay	Revalidation Fee Payable
1.	Delay of one day in transit of a consignment (consignment reaching after the normal closing hours of the BWH on the last date of validity of IPs shall be treated as one day delay)	Rs.10/- per case
2.	Delay of two days	Rs.15/- per case
3.	Delay beyond two days	Rs.20/- per case
4.	Revalidation of unexecuted permits	Rs.50/- per case

(c) If the licensee fails to make supply of the quantity of country liquor required to be supplied by the stipulated date as specified in Clause (a) above, he shall be liable to pay a penalty for the defaulted quantity @ Rs.50/- per case of country liquor. In case of failure to pay penalty as aforesaid, the same shall be recovered out of the security deposit of the licensee or from the payment due to him from the L-8 licensees. However, if the supply has been defaulted due to reasons beyond the control of the licensee, then the Deputy Commissioner (Excise) will be at liberty to waive off the revalidation fee and the penalty to be imposed. The

decision of the Deputy Commissioner (Excise) as to whether the reasons for default were beyond the control of the licensee will be final and binding on the licensee.

- 4.3 Each licensee shall always keep such minimum buffer stock of country liquor at a time at the Bonded Warehouse as may be prescribed by the Excise Commissioner. The licensee shall build up buffer stock to the extent of 50% of the first month's supply order of the country liquor within one month of the grant of the licence. Failure to maintain the buffer stock shall make the licensee liable to pay a penalty upto Rs.0.50 per case per day for the days the licensee had failed to maintain the buffer stock. However, if the licensee does not maintain the buffer stock because of certain extra orders placed by the Government for supplies to retail vends, he shall not be liable to pay any penalty because of non-maintenance of the buffer stock. If the licensee fails to maintain the buffer stock then the supplies to retail vends shall also be reduced in the same proportion by which he has failed to maintain the buffer stock.
- 4.4 The payment on account of supplies released from Bonded Warehouse which have been received safe and sound at the retail vends will be made by DTTDC, DSIIDC, DSCSC, DCCWS and/or other holder (s) of L-8 license, if any, at the wholesale rate plus local transportation charges as approved by the Government.
- 4.5 The truck(s) utilized by the licensee for transport of the country liquor from his distillery to the Bonded Warehouse shall not be utilized for delivery of country liquor from Bonded Warehouse to the retail vends. In other words, the fleet of vehicles utilized for movement of country liquor from the distillery to bonded warehouse shall be entirely different from the fleet of vehicles used for movement of country liquor from bonded warehouse to retail vends.
- 4.6 If the licensee or his employee(s), agent(s), servant(s), etc. infringe(s) or cause(s) or permit(s) any person to infringe any of the conditions of the licence, the competent authority may revoke and determine the licence. The licence is also liable to be revoked and determined, if the licensee furnishes or is discovered to

have furnished any wrong information or makes any misrepresentation of facts at any stage.

5 PROHIBITION:-

5.1 In pursuance of the Directive Principles of State Policy relating to Prohibition contained in Article 47 of the Constitution of India, the Government may issue orders and directions from time to time and such orders and directions shall be binding on the licensee and no compensation shall be payable on this account. The licensee shall in the meantime, abide by the following Prohibition measures:

- (i) The licensee shall not display any neon or glow sign in and around the licensed premises to attract the customers.
- (ii) The licensee shall display a notice board prominently in front of the licensed premises declaring that '**DRINKING OF LIQUOR IS INJURIOUS TO HEALTH**'.
- (iii) All persons employed by the licensee in the licensed premises shall be required to possess photo identity cards issued under the signature of the Dy. Commissioner (Excise) and the employees shall be required to produce the identity cards on demand by the Excise Officer not below the rank of Sub-inspector.
- (iv) The licensee shall strictly abide by the provisions of Rule 26 to 31 of Delhi Excise Rules, 2010 and shall not keep, publish, display and distribute or sell any advertisement material, which directly or indirectly promotes the sale or consumption of liquor.

6 PENALTY PROVISIONS:-

6.1 If the quantity ordered by the Deputy Commissioner (Excise) on monthly basis, whether in part or in whole, is not supplied by the licensee at the last date by which the supplies should have been made for three consecutive months in the tender year, the licensee is liable for payment of penalty and/or face action

as per the below mentioned manner:-

S. No.	Percentage of default from total monthly allocation (in last three months)	Penalty/Action
1.	Upto 10 %	Revalidation fee of Rs. 50 per case and/or Penalty of Rs. 50 per case.
2.	11-25 %	Revalidation fee of Rs. 75 per case and/or Penalty of Rs. 75 per case.
3.	More than 25% of the allocation for last three months	Revalidation fee of Rs. 100 per case and/or Penalty of Rs. 100 per case
4.	More than 25% of the allocation for three months (1 st quarter) and successive defaults for next three months (in 2 nd quarter)	Revalidation fee of Rs. 110 per case and/or Penalty of Rs. 110 per case and/or Suspension/Cancellation of the license.
5.	Variable defaults in last three months	Average default in percentage of last three months shall be calculated and case shall be processed as mentioned above.

Further, in addition to above, if the penalty imposed by Dy. Commissioner (Excise) as mentioned above is not paid by the licensee, penal action prescribed under the Delhi Excise Act, 2009 and Rules and orders issued thereunder for violation of the provisions of the said Act and Rules like issuance of Recovery Notice to DM concerned, Suspension/Cancellation of license, Black listing etc. shall be initiated against the licensee. The decision of Dy. Commissioner (Excise) as to whether the cause of default/failure was on account of good or sufficient reasons shall be final and binding on the licensee.

- 6.2 The licensee shall have to pay the breakage duty in regard of breakage in a month by 7th of the succeeding month. The default in payment of breakage duty will attract interest as per clause 6.3 (i). Any default will attract additional penalty, as decided by the Dy. Commissioner (Excise), which can be maximum upto 5 times of default in the breakage duty.

6.3 (i) The licensee shall pay simple interest at the rate of **12% per annum** on the amount due from the date next following the day on which such payment become due from him under Section 30 of the said Act until the date on which such payment is actually made or such amount is actually recovered whatever may be the reason for the delay in the payment or recovery.

(ii) The licensee shall not be entitled to any interest or any other relief or compensation, on account of any delay in the payment of any amount due to him by the Department/Corporation or the Government.

7 PROCEDURE FOR LEFT-OVER STOCK:-

7.1 If at the end of the licensing year, the licensee has country liquor stock in his bonded warehouse, which are allowed to be sold through retail vends in the new licensing year i.e. 2023-24, the payment in respect of these stocks shall be made at the wholesale rate of 2022-23 or 2023-2024, whichever is lower. However, the local transportation charges mentioned in Clause 3.9.2(c) will remain the same.

8 MISCELLANEOUS TERMS AND CONDITIONS:-

8.1 Notwithstanding anything contained/provided herein above, the Government keeping in view the public interest and revenues may give directions or pass orders in connection with any matter pertaining to the terms and conditions, and the directions so given or orders so passed in this regard shall be final and binding on the tenderer(s)/licensee(s).

8.2 In the event of any failure on part of the licensee to observe any of the terms and conditions, the security deposits made by the licensee in respect of the L-3 Licence shall stand forfeited, to the extent as may be decided by the Excise Commissioner.

8.3 (i) Any disputes arising out of this tender shall be governed as per Delhi Excise Act, 2009 and Delhi Excise Rules framed thereunder and Terms and Conditions and other orders/directions issued by the Department of Excise from time to time

and shall be subject to jurisdiction of Courts in NCT of Delhi.

(ii) All disputes and differences arising out of or in any way touching or concerning this indenture (except those decisions whereof is otherwise provided for herein before or in the Delhi Excise Act,2009 or rules framed or orders issued thereunder) shall be referred to the sole arbitration of any person nominated by the Government. There will be no objection to any such appointment that the arbitrator is a Government servant. The award of the arbitrator so appointed shall be final and binding on the parties.

(ii) No proceedings shall initiate in any court of law before the conclusion of such arbitration proceedings.

8.4 The Government reserves the right for mid-term review and accordingly change the percentage of quota fixed for the licensee(s) as well as change the ratio of quarts, pints and nips on the basis of inputs from the stake-holders, which includes Department of Excise, L-3 licensees and Corporations (L-8 licensees) or any other organization holding L-8 licenses, if any. The decision of the Commissioner of Excise in the matter will be final and binding on all the stake-holders.

8.5 The grant of L-3/L-33 licence shall be subject to provisions of the Delhi Excise Act 2009, rules framed and notification/orders issued there under and acceptance of these terms and conditions as a whole. The provisions of the Delhi Excise Act, 2009, the Delhi Excise Rules, 2010 and all notifications, instructions and orders issued thereunder shall be deemed to form integral and inseparable part of the tender document as if they were expressively set out in the tender documents itself. Tenderers are advised to access department website in order to acquaint themselves with the act and rules.

9 PREPARATION AND SUBMISSION OF BIDS IN A TWO COVER TENDER:-

9.1 **Language of Bid:** The bid document prepared by bidder, as well as all

correspondence and documents relating to the e-Bid exchanged by the bidder and Department of Excise shall be written in English only.

9.2 **e-Bid Currency:** The prices quoted in the financial bid shall be in Indian Rupees only. Financial bid in any currency other than Indian Rupees (INR) shall be treated as non-responsive and hence shall be rejected.

9.3 **Submission of e-Bid:**

9.3.1 The bid submission module of Delhi e-tender procurement website <<<https://govtprocurement.delhi.gov.in>>> enables the bidders to submit the e-Bid online in response to the E-Tender published by the Department of Excise.

9.3.2 Bid submission can be done only from the bid submission start date and time till the bid submission end date and time given in the E-TENDER. Bidder should start the bid submission process well in advance so that they can submit their e-Bids in time.

9.3.3 The bidder should submit their e-Bid considering the server time displayed in the e-tender website <<<https://govtprocurement.delhi.gov.in>>>. This server time is the time by which the e-Bid submission activity will be allowed till the permissible time on the last/end date of submission indicated in the e-Bid schedule.

9.3.4 Once the e-Bid submission date and time is over, the bidder cannot submit his e-Bid. For delay in submission of e-Bid due to any reasons, the bidder shall only be held responsible.

9.3.5 The bidder must follow the following instructions for submission of their e-Bid:

- i) For participating in e-Bid through the e-Bidding system, it is necessary for the bidder to be the registered users of the e-tender website <<<https://govtprocurement.delhi.gov.in>>>. The bidder must obtain a user login ID and password by registering himself with Delhi Government e procurement portal/e-tender website if he has not done so previously for registration.
- ii) In addition to the normal registration, the bidder must register with his/her

digital signature certificate (DSC) in the e-Bidding system and subsequently he/she will be allowed to carry out his/her e-Bid submission activities. Registering the digital signature certificate (DSC) is a one-time activity. Before proceeding to register his/her DSC, the bidder should first log on to the e-Bidding system using the user login option on the home page with the login Id and password with which he/she has registered.

iii) For successful registration of DSC on e-tender website <<<https://govtprocurement.delhi.gov.in>>> the bidder must ensure that he/she should possess class-2/class-3 DSC issued by any certifying authorities approved by controller of certifying authorities, Government of India, as the e-tender website <<<https://govtprocurement.delhi.gov.in>>> is presently accepting DSC issued by these authorities only. The Bidder can obtain user login ID and perform DSC registration exercise given above even before the e-Bid submission date starts. The DEPARTMENT OF EXCISE shall not be held responsible if the Bidder tries to submit his/her e-Bid at the moment before end date of submission but could not submit due to DSC registration problem.

iv) The bidder is advised to familiarize himself with all the processes and procedure for submitting of the e-bids by going through the relevant sections on <https://govtprocurement.delhi.gov.in> portal.

9.3.6 **Deadline for submission of e-Bid:** E-Bid (Technical and Financial) must be submitted by the bidder at e-tender website <<<https://govtprocurement.delhi.gov.in>>> not later than the time specified on the prescribed date (as the server time displayed in the e-procurement website). Department of Excise may, at its discretion, extend this deadline for submission of e-Bid by issuing and publishing a corrigendum on Department of Excise's website and e-tender website; in such case all rights and obligations of the Department of Excise and the bidders previously subject to the deadline will thereafter be subject to the deadline as extended.

10 LATE BID

10.1 The server time indicated in the bid management window on the e-tender website <<<https://govtprocurement.delhi.gov.in>>> will be the time by which the e-Bid submission activity will be allowed till the permissible date and time scheduled in the e-Bid.

10.2 Once the e-Bid submission date and time is over, the Bidder cannot submit his/her e-Bid. Bidder must start the bid submission well in advance so that the submission process passes off smoothly. The Bidder will only be held responsible if his/her e- Bid is not submitted in time due to any of his/her problems/faults, for whatsoever reason, during e-Bid submission process.

11 WITHDRAWAL OF E-BID

11.1 At any point of time, a Bidder can withdraw his/her e-Bid submitted online before the bid submission end date and time as per the procedure laid down on Delhi e-procurement portal <<<https://govtprocurement.delhi.gov.in>>>.

11.2 No e-Bid shall be withdrawn in the interval between the deadline for submission of e-Bids and the expiration of period of e- bid validity. Withdrawal of an e-Bid during this interval may result in the forfeiture of EMD.

12 RIGHTS OF DEPARTMENT OF EXCISE IN REGARD TO E-BIDDING

12.1 Notwithstanding anything contained in this e-Bid, Department Of Excise reserves the right to accept or reject any Bid and to annul the Selection Process and reject all Bids, at any time without any liability or any obligation for such acceptance, rejection or annulment, and without assigning any reasons thereof.

12.2 The Department Of Excise reserves the right to reject any Bid if:

- i. At any time, any misrepresentation is made or uncovered, or
- ii. The Bidder does not provide, within the time specified by Department Of Excise, the supplementary information sought by Department Of Excise for evaluation of the e-Bid.

12.3 Such misrepresentation/ improper response may lead to the disqualification of the Bidder.

13 PERIOD OF VALIDITY OF E-BID

13.2 e-Bid shall remain valid for 180 days from the bid submission due date/end date as prescribed by the Department Of Excise. An e-Bid valid for a shorter period shall be rejected by the Department Of Excise as non-responsive.

13.3 In exceptional circumstances, Department Of Excise may solicit the Bidder's consent to an extension of the period of e-Bid validity. The request and the response thereto shall be made in writing. A Bidder may refuse the request without forfeiting its e-Bid security. A Bidder granting the request will not be required nor permitted to modify its e-Bid.

13.3 Department Of Excise will make its best effort to evaluate the bids and grant the license within this period. If Department Of Excise wishes to extend the validity period of the bids, the Bidders who do not agree, Department Of Excise shall have the right not to extend the validity of their bids.

14 AMENDMENTS IN E-TENDER DOCUMENT

14.2 Department Of Excise may, in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information in this E-TENDER document.

14.3 At any time prior to the deadline for submission of the bids, Department Of Excise may amend the E-TENDER document by issuing addendum/corrigendum without notifying any Bidder or without giving any reason. Any addendum issued shall be part of the bidding document and shall be communicated by the Department Of Excise on Department Of Excise website and e-procurement/ e-tender websites. In case of issuing addendum/ corrigendum, the last date of bid submission may be extended by Department Of Excise, if felt necessary.

14.4 Prospective Bidders shall promptly acknowledge such addendum/ corrigendum thereof, in writing via email or fax. Department Of Excise will bear no responsibility or liability arising out of non-receipt of the same in time or otherwise by the Bidder.

14.5 The Bidders are requested to refrain from requesting extension of time on any grounds since the same will not be entertained by Department Of Excise.

14.6 No clarification obtained through verbal communication by the Bidder with any employee of Department Of Excise will be deemed as addendum/corrigendum to this e tender document. The Bidder acting on such a verbal communication will do so at his own risk and Department Of Excise shall bear no responsibility for any outcome arising out of this.

15 COMPLIANCE WITH MANDATORY REQUIREMENTS

All bids will be reviewed for compliance with the mandatory requirements as contained within the e-tender. Bids deemed non-responsive will be eliminated from further consideration.

16 TERMS AND CONDITIONS OF BIDDERS

16.2 Any terms and conditions of the Bidder will not be acceptable at any stage of bidding process.

16.3 Any terms and conditions of the Bidders mentioned in the bid will not be considered as a part of their bids and/or license.

17 DEVIATIONS IN TERMS AND CONDITIONS OF TENDER

17.2 No deviations in the terms and conditions as laid out in the e-tender will be accepted.

17.3 The Evaluation Committee overseeing the tender reserves the right to waive minor irregularities.

17.4 Bidders are advised to exercise adequate care in quoting the prices. No modification/correction in the bids will be entertained after the bid submission date.

GOVERNMENT OF NATIONAL CAPITAL TERRITORY OF DELHI
OFFICE OF THE COMMISSIONER OF EXCISE, ENTERTAINMENT & LUXURY TAX
L & N BLOCK, VIKAS BHAWAN, I.P. ESTATE, NEW DELHI – 110002

**TENDER FORM FOR OPERATING LICENCE IN FORM L-3 FOR SUPPLY OF
ORDINARY SPICED CARAMEL COLOURED 50 DEGREE UNDER PROOF
COUNTRY LIQUOR IN BOTTLES OF 750 ML., 375 ML. AND 180 ML DURING
THE YEAR 2022-23.**

(01.06.2022 to 31.03.2023)

1.	Name of the tenderer / Distillery/ Bottling Plant (in block letters)	
2.	Address (in block letters)	
3.	State whether the Tenderer is:	
	(a) A body incorporated under the Indian Companies Act, LLP or	
	(b) A society registered under Cooperative Society Act or under Societies Registration Act: or	
	(c) A partnership concern or	
	(d) A sole proprietorship	
	(e) Name and address of the individual who shall act as an agent on behalf of the tenderer and his relationship with company or the society. (Please enclose a power of attorney executed in favour of the agent.)	
	(f) Affiliated company to any other tenderer in this bid or not (Yes/No)	
4.	If a tenderer is a body incorporated under the Indian Companies Act or a Society registered under the Co-operative Societies Act or under the Societies Registration Act, please enclose an attested true copy of the registered Memorandum and Articles of Association (latest). If the tenderer is a partnership firm, please enclose a registered partnership deed or registered bye-laws, as the case may be. Further, the tenderer is required to state :	
	(a) Names and addresses of the Managing Director and Directors of company/President and Secretary of the Society.	
	(b) Name and address of the individual who shall act as an agent on behalf of the tenderer and his relationship with the company or the society. (Please enclose a power of attorney executed in favour of the agent.)	

	(c)	Registration number of the Company/Co-operative Society, LLP (An attested true copy of the registration certificate to be enclosed.)	
5.		If the tenderer is a sole proprietor firm or a partnership concern, state the name/names of the proprietor/partners comprising the firm alongwith their addresses and the name of the authorized agent with address and telephone numbers (please enclose a copy of the attorney executed in the favour of the agent. The tender document shall be signed by all the partners in case of partnership firms)	
6.		Does the tenderer has a branch office in Delhi. If so, state its address and telephone number and the name and address of the persons managing it.	
7.	a)	Location of the distillery/bottling plant owned by the tenderer alongwith the complete address, name of Police Station, District and State.	
	b)	State date of establishment of distillery/bottling plant and grant of the licence thereof (Enclose an attested true copy of the distillery licence/bottling plant license)	
	c)	Name of Distiller/Unit (s)/bottling plant owned by the tenderer where the ordinary spiced caramel coloured country liquor will be manufactured/bottled and brought to the Bonded Ware House in Delhi (give complete address, particulars, etc. of each of the unit(s).	
	i.	Name: _____ Police Station _____ Distt. & State _____	
	ii.	Name: _____ Police Station _____ Distt. & State _____	
	iii.	Name: _____ Police Station _____ Distt. & State _____	
	iv.	Name: _____	

		Police Station _____ Distt. & State _____
d	State date of establishment of the Unit(s) and grant of the licence thereof (enclose an attested true copy in respect of each of the Unit(s) owned by the tenderer) Name of Unit Date of Establishment	
	i.	
	ii.	
	iii.	
	iv.	
e	Important Telephone Nos. of the distillery/Unit(s)/bottling plant owned by the tenderer Name of Unit Telephone Number (s)	
	i.	
	ii.	
	iii.	
	iv.	
8.	TOTAL CAPACITY	
A	Installed Capacity (IC) of the distillery or bottling Plant and Actual Production (AP) of country liquor during the last five years duly authenticated by the Excise Commissioner of the State in which the unit is situated (Please specify in Kilolitre)	
	2017-18	IC- AP-
	2018-19	IC- AP-
	2019-20	IC- AP-
	2020-21	IC- AP-
	2021-22	IC- AP-
B	Daily Bottling Capacity :	
C	The present strength of labour force employed in the distillery	
	(1) Skilled	

		(2) Unskilled	
		(3) Casual	
	D	Quality control facilities and equipment available and installed in the distillery (if necessary enclose annexure with details.)	
	E	Enclose documents/proof in support of above data (A to D)	
9		Brand Name -	
		GTIN Details	750 ml
			375ml
			180ml
		Case GTIN	
		Bottle GTIN	
		GTIN : Global Trade Identification Number	
10	a	Whether any quantitative restriction has been placed by the Competent Authority (Excise) in the production of country liquor by the distillery/Units owned by the tenderer. If so, whether it can be relaxed. Indicate the quantitative restriction distillery/Unit(s) wise in words as well as in figures	
		S. No.	Name of Distillery/Unit(s) Bottling Plant
			Quantitative Restrictions
			Relaxation
		1	
		2	
		3	
		4.	
		TOTAL	
	B	Indicate the quantity in percentage of total supply that the tenderer is willing to make at the rate quoted by him	
		S. No.	Name of Distillery/Unit(s) Bottling Plant
			Approximate quantity per month for import into the Bonded Ware House at Delhi (in CASES as well as in bulk liter) in words as well as in figures
		1	
		2	
		3	
		4.	
		TOTAL	
	C	Indicate the export pass fee levied by the state(s), UT(s) from where the country liquor would be imported into the National Capital Territory of Delhi as on the date of submission of tender (Enclose relevant copies of the notification/orders of the Excise Authority concerned in respect of export pass fee)	
		S. No.	Name of Distillery/Unit(s) Bottling Plant are located
			Export pass fee per bulk liter (in figures as well as in words)
		1	
		2	
		3	
		4	
11			

a	Whether any penal/administrative proceedings were taken against the Management of the distillery/Unit(s) bottling plants owned by the tenderer by any court or administrative department for acts of omission and commission. If so, give the particulars and result thereof. <u>A No Objection Certificate</u> from the concerned State Government for export of 50 degree under proof country liquor to Delhi should be enclosed.
b	Whether levy and recovery of any Excise Revenue by the exporting State or by the National Capital Territory of Delhi is under stay of court? If so, furnish the particulars.

12	<p>Price per 9 BL (Bulk Litre) of 50 degree under proof ordinary spiced caramel coloured country liquor in bottles of 750 ml., 375 ml. and 180 ml. Please indicate a rate for supply of 9 BL of country liquor in bottles of 750 ml. and another rate if any, for supply of 9 BL of country liquor in bottles of 375 ml. and another rate for supply of 9 BL of country liquor in bottles of 180 ml. Please also see clause 10 and 16 of the terms and conditions (indicate the rate(s) in figures as well as in words)</p> <table border="1" data-bbox="177 1014 823 1167"> <tr> <td data-bbox="177 1014 823 1055">RATE</td> </tr> <tr> <td data-bbox="177 1055 823 1095">X- Rate for 1 Case (12 Bottles) of 750 ml (9BL)</td> </tr> <tr> <td data-bbox="177 1095 823 1135">Y- Rate for 1 Case (24 Bottles) of 375 ml (9BL)</td> </tr> <tr> <td data-bbox="177 1135 823 1167">Z- Rate for 1 Case (50 Bottles) of 180 ml (9BL)</td> </tr> </table>	RATE	X- Rate for 1 Case (12 Bottles) of 750 ml (9BL)	Y- Rate for 1 Case (24 Bottles) of 375 ml (9BL)	Z- Rate for 1 Case (50 Bottles) of 180 ml (9BL)
RATE					
X- Rate for 1 Case (12 Bottles) of 750 ml (9BL)					
Y- Rate for 1 Case (24 Bottles) of 375 ml (9BL)					
Z- Rate for 1 Case (50 Bottles) of 180 ml (9BL)					

13	<p>“Weighted Average” price (please see clause 3.9.2 (d) & illustration thereof, of the terms & conditions), which is equal to $(3X + 4Y + 3Z) / 10$. (Please Quote The Rate in BOQ only)</p>
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14	Name of the Bank, number and date of bank draft for deposit of earnest money of Rs.30,00,000/- (Rupees Thirty lacs only)
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15	PAN No. (attach copy of PAN Card) :
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I/We have carefully read the tender notice and the terms and conditions and the provisions of the Delhi Excise Act, 2009 as in force in the National Capital Territory of Delhi and rules made thereunder for the grant of licence in form L-33 and L-3. I/We accept the same and are bound by them.

NAME AND SIGNATURE OF THE
TENDERER WITH SEAL OF THE
DISTILLERY/BOTTLING PLANT

PLACE:

DATE

**Personal Bond with Surety Bond
(To be executed by the successful tenderer)**

Whereas M/s _____, Regd. Office at _____
_____ is a successful tenderer under Rule 48 of
Delhi Excise Rules, 2010 for a license in form L-3/L-33 for the year 2022-23 (01.06.2022 to
31.03.2023).

And whereas the aforesaid M/s _____ has
been offered _____% quota for the supply of Country Liquor into the National Capital
Territory of Delhi, for which we are required to furnish a personal bond with surety bond for
a _____ sum of Rs. _____
(rupees _____) binding ourselves
for taking all requisite action to complete all formalities required for granting a license in
form L-3/L-33 within seven days from the date of communication of offer.

Now, therefore, the aforesaid M/s _____ (hereinafter
known as the tenderer) and Sh. _____, Director/Managing
Director/Secretary/Proprietor/Partner (hereinafter known as the surety) hereby bind
themselves jointly and severally to the President of India and agree that the aforesaid
tenderer shall take all the requisite action to complete all formalities required for grant of a
licence in Form L-3/L-33 and observe all the provisions of the Act, Rules and terms and
conditions and that if he does not do so, without prejudice to any other action as is
permissible under law, all deposits made by him shall stand forfeited to the President of India
and that a further sum of Rs. _____ (Rupees
_____) shall also stand forfeited to the President of India.

It is also declared that this bond is given under the orders of the government for the
performance of an act in which the public are interested.

WITNESS:

Signature _____

1.

Name and address of the tenderer

Stamp of the Firm represented by the tenderer.

2

Signature _____

Name of Surety with complete address

INDEMNITY BOND

I, _____, attorney of M/s _____, Bonded Warehouse situated at _____ (hereinafter called the obligator), hereby enter into the bond to the President of India a sum of Rs. _____ (Rupees _____) to be paid to the President of India.

Signed this _____ day of _____ month of _____ year.

The above boulder obligor having their license in Form L-3/L-33 is being permitted to import _____ cases of _____ brand Country Liquor during the month of _____, 2022-23.

Now the condition of this written bond or obligation is such that the obligator shall, in the event of loss suffered by the Government (in respect of which the decision of the Government or the authority appointed for the purpose shall be final and binding on the obligator) as a result of any circumstance, foreseen or unforeseen, leading to non-realization of Excise revenue, pay to the Government the non-realized amount of duty/excise revenue.

And these presents also witnesseth that the liability of the obligator hereunder shall not be impaired or / discharged by reason of any forbearance, act or omission of the Government or for any time being granted or indulgence shown by the Government, (or by reason of any change in the constitution of the obligator in cases where the obligator is not an Individual).

In witness thereof the obligator has set his hand/has caused these presents executed by its authorized representative, on the day, month and year above written.

WITNESS:

1.

Signature of the Attorney

Accepted by me on the above date

2

Against I.P. No. _____ to _____

Dated _____ valid upto _____

for _____ cases

Check list of Bidder Eligibility Criteria

Checklist FOR ELIGIBILITY CRITERIA (To be filled up by the bidder)					
Sl. No.	Basic Requirement	Specific Requirements	Documents required to be uploaded	Pg. No.	YES/NO
1.	Duly filled applicant details as per <u>Annexure-I</u>	The applicant shall fill all the basic details as per the information sought. Further, the duly filled Tender form shall be signed and stamped on each page as an acceptance of terms and conditions of the tender	Scanned copy of the Duly filled applicant details (Tender form) as per <u>Annexure-I</u>		
2.	EMD	Proof of deposition/submission of EMD	Scanned copy of Banker's cheque cum demand draft Receipt.		
3.	No Dues Certificate in favour of the tenderer/bidder issued by Dy. Commissioner (Excise), GNCT of Delhi.	Up to date No Dues Certificate in favour of the tenderer/bidder issued by Dy. Commissioner (Excise), GNCT of Delhi.	Scanned copy of No-Dues Certificate.		
4.	An affidavit declaring that the information given in tender form (Annexure-I) is true and correct.	An affidavit declaring that the information given in tender form (Annexure-I) is true and correct.	Scanned copy of affidavit declaring that the information given in the tender form (Annexure-I) is true and correct.		
5.	True Attested copy of valid distillery license or bottling plant license.	True attested copy of valid distillery or bottling plant license showing the validity of the license.	Scanned copy of true attested copy of valid distillery or bottling plant license.		
6.	Document showing permitted installed capacity for the manufacture of Country Liquor	Document showing permitted installed capacity (in cases) for the manufacture of Country Liquor	Scanned copy of document showing permitted installed capacity for the manufacture of Country Liquor		

7.	Statement indicating the actual production and supply of Country Liquor during the last 03 years i.e. 2019-20, 2020-21 and 2021-22	Statement indicating the actual production and supply of Country Liquor (in cases) during the last 03 years i.e. 2019-20, 2020-21 and 2021-22	Scanned copy of the document indicating the actual production and supply of Country Liquor (in cases) during the last 03 years i.e. 2019-20, 2020-21 and 2021-22		
8.	No Dues and Credibility Certificate regarding past performance of production and supply from concerned Excise Authorities	No Dues and Credibility Certificate regarding past performance of production and supply from concerned Excise Authorities, where Distillery or bottling plant is situated	Scanned copy of No Dues and Credibility Certificate regarding past performance of production and supply from concerned Excise Authorities		
9.	Consent of Excise Authorities of the State where Distillery/Bottling plant is situated	Scanned of Consent letter of Excise Authorities of the State where Distillery/Bottling plant is situated	Scanned copy of Consent letter of Excise Authorities of the State where Distillery/Bottling plant is situated		
10	Statement indicating the maximum quantity of Country Liquor that can be supplied to GNCT of Delhi	Statement indicating the maximum quantity of Country Liquor that can be supplied to GNCT of Delhi	Scanned copy statement indicating the maximum quantity of Country Liquor that can be supplied to GNCT of Delhi		
11.	No Dues Certificate from the Trade and Taxes Department, GNCT of Delhi	Up to date No Dues Certificate from the Trade and Taxes Department, GNCT of Delhi	Scanned copy of Up to date No Dues Certificate from the Trade and Taxes Department, GNCT of Delhi		
12.	Affidavit declaring no violation of Clause 7 of the Terms and Conditions for supply of Country Liquor in the year 2022-23	An affidavit declaring no violation of Clause 7 of the Terms and Conditions for supply of Country Liquor in the year 2022-23	Scanned copy of affidavit declaring no violation of Clause 7 of the Terms and Conditions for supply of Country Liquor in the year 2021-22		
13.	PAN	Copy of PAN Card	Scanned copy of valid PAN Card of applicant.		

14.	Copy of partnership deed in case of partnership firm or Registration certificate in case of Registered Company/Limited Liability Partnership (LLP) firm etc., as the case may be.	Copy of partnership deed in case of partnership firm (tender shall contain the names of all the partners and the partnership deed shall be duly signed by all the partners and No such tender shall be entertained unless it is signed by all the partners and is accompanied by copy of the partnership deed duly attested by Gazetted officer) or copy of Incorporation certificate issued by Registrar of Companies in case of Registered Company/Limited Liability Partnership (LLP) firm etc., as the case may be.	Scanned copy of Partnership deed in case of partnership firm or copy of Incorporation certificate issued by Registrar of Companies in case of Registered Company/Limited Liability Firm (LLP) etc. as the case may be.		
15.	Registration Certificate of Distillery/Bottling Plant	True copy of Registration certificate of Distillery/Bottling Plant	Scanned copy of True copy of Registration certificate of Distillery/Bottling Plant		
16	Attorney executed in favor of Agent	Copy of Attorney executed in favor of Agent.	Scanned copy of Attorney executed in favor of Agent.		
17.	Notification/order of Excise Authority concerned in respect of Export Pass Fee and Bottling fee.	Copy of Notification/order of Excise Authority concerned in respect of Export Pass Fee and Bottling fee	Scanned copy of Notification/order of Excise Authority concerned in respect of Export Pass Fee and Bottling fee		

Financial Bid (BOQ):-

Tender Inviting Authority: Excise Commissioner, GNCT of Delhi	
Name of License: e-Tender for grant of wholesale license for supply of Country Liquor in NCT of Delhi for the year 2022-23.	
Tender ID:	
Name of the Bidder/ Bidding Firm / Company :	To be filled by the Bidder
PRICE SCHEDULE	
(This BOQ template must not be modified/replaced by the bidder and the same should be uploaded after filling the relevant columns, else the bidder is liable to be rejected for this tender. Bidders are allowed to enter the Bidder Name and Values only)	

Sl. No.	Item Description	Quantity	Units	Basic Rate (in figures) to be entered by the Bidder (Weighted Average Price) (please see Clause 3.10.2 (c) & (d) illustration thereof, of the terms and conditions which is equal to $(3X+4Y+3Z)/10=$ Rs. P.	Total Amount (in Rs.)	Total Amount (in Words)
1	Price per 9 BL (Bulk Liter) of 50 degree under proof (U.P.) ordinary spiced caramel coloured country liquor in bottles of size 750 ml, 375 ml and 180 ml.	1.00	N.A		xxx	xxx
Total in Figures					xxx	xxx
Quoted Rate in Words			(INR Zero only)			

Annexure-VI

Costing-Sheet with Glass Bottles (per case) (in Rs.)				Glass bottle Weighted Average Price (WAP) (in Rs.)
Country Liquor 50 ° U.P. (Under proof) (2022-23)				
Particulars	Quarts (750 ml)	Pints (375 ml)	Nips (180 ml)	
Spirit (ENA) cost				
D.M. Water/Flavour/Colour				
Glass Bottle				
Cap				
Labels				
Carton Box				
Barcode				
Labour				
Factory Expenses				
Freight (Delhi)				
Warehouse expenses				
Export fee				
Total				