

**FOOD CORPORATION OF INDIA
REGIONAL OFFICE: LUCKNOW (UP)**

TC-3V, VIBHUTI KHAND, GOMTI NAGAR: LUCKNOW

Phone: **05224914263**

e-mail: **agmcommlup.fci@gov.in**

NoJ-4 Wheat/OMSS(D)/TE-1st /2019-20

Dated:09.08.2019

Food Corporation of India invites bids from empanelled traders/bulk consumers for sale of Wheat under OMSS (D) lying at various Depots, under FCI Regional Office **Lucknow (UP)** through e- Auction.

The intending empanelled traders/ bulk consumers of Wheat may participate in the e-auction, conducted by MJUNCTION on behalf of FCI on the website <http://www.valuejunction.in/fci> as per the following schedule:

- (a) Date& time of start of e-auction **14.08.2019 from 11:00 AM**
- (b) Date & time of close of e-auction **14.08.2019 up to 02:00 PM**

Detailed instructions to bidders, terms & conditions governing the e-auction may be seen at <http://www.valuejunction.in/fci>

Food Corporation of India reserves the right to reject any or all bid(s) or cancel or withdraw any lot or quantity of stocks and/ or scrap the sale of Wheat through e-Auction at any stage without assigning any reasons and without any liability.

(Sd.)

Sale of Wheat to the empanelled traders/ bulk consumers of Wheat under OMSS (D) lying at various Depots, under FCI Regional Office **Lucknow (UP)** through e- Auction (Auction No **J-4 Wheat/OMSS(D)/TE-1st 2019-20** date **14.08.2019**)

On behalf of the Food Corporation of India, **General Manager Lucknow (UP)**, invites bids through M-JUNCTION for sale of wheat lying at FCI/State Agencies Depots, the details of depot-wise quantity offered is indicated in **Appendix-I**, in FCI **Depot of UP** Region on as is where is basis, only from bulk consumers/ traders of wheat already empanelled by FCI/M-JUNCTION prior to the date of invitation of bid(s) for E-Auction. The terms and conditions governing the sale and the instructions to be followed for submitting the bid are set out below and as depicted in Appendix-IV: -

Instruction to Bidders and Terms & Conditions governing e- auction

1. DEFINITIONS:

- i) The term 'Trader/Bulk Consumer' shall mean bulk consumers/traders of Wheat.
- ii) The term 'E-Auction' shall mean auction of food grains through the e auction platform of the service provider M/s mjunction services Ltd.
- iii) The term 'Corporation', "Food Corporation" and "FCI" wherever occurs shall mean the Food Corporation of India established under the Food Corporations Act.1964.
- iv) Mjunction, shall mean Mjunction services Ltd., which has been appointed by FCI for conducting E-Auction on its behalf.
- v) The term "General Manager" shall mean the General Manager of Food Corporation of India under whose administrative jurisdiction, the Food Corporation Depots/ Godowns to which the contract relates fall. The term "General Manager" shall also include the Deputy General Manager, Area Manager and any other officer authorized for the time being to execute contracts on behalf of the Food Corporation of India.
- vi) The terms 'buyer/ intending buyer/bidder' shall mean and include the person or persons, firm or company with whom the contract has been entered into including their heirs, executors, administrators, successors and their permitted assignees as the case may be.
- vii) The term 'foodgrains' shall mean and include Wheat stocks conforming to prescribed quality parameters of 'issuable foodgrains' and fit for human consumption.
- viii) The term "deposit through electronic mode" means the transfer of amount through NEFT/RTGS/any other electronic mode from the bidder's bank account to the designated bank account of FCI.
- ix) Validity period of bids under e-auction shall mean seven working days from the date of Auction.

2. Only those bidders who are empanelled with FCI and already registered with MJUNCTION before the day of issue of this Notice of e- auction on MJUNCTION/FCI website are permitted to participate in the e-auction. The requirements of empanelment are to be read and construed as part and parcel of this document and binding on the bidders. The empanelment of interested bidders is an ongoing and continuous process and those bidders who are interested to get themselves empanelled may contact help desk provided by M/s mjunction on Toll Free No. 18001027136.
3. The details of bidding and process of E-auction is available on the link www.mjunction.com/circular_english.aspx, which may be read and construed as part of these Terms & Conditions. Bidders are advised to acquaint themselves with the bidding procedure before bidding. Bidder may also contact helpdesk provided by M/s mjunction on toll free no 18001027136.
4. **INSPECTION OF STOCKS:** The stocks may be inspected by the intending bidder(s) on the production of empanelment letter at the godown(s)/ depot (s) from where the stocks have been offered (as per Appendix - I) during working hours on any working day of FCI prior to the day of E-Auction.
5. **EARNEST MONEY DEPOSIT (EMD):**
 - (i) Bidder has to electronically deposit EMD calculated @ 10% of the cost of stocks intended to be purchased at the reserve price of Wheat **(Details of depot-wise Reserve Price as per Appendix-I)** The EMD has to be credited through electronic mode in the designated FCI Bank Account No. **33654609004 (IFSC Code SBIN0000125) State Bank of India, Lucknow main branch, one day prior to the start of E-auction in single installment only.** It is the responsibility of the bidder to ensure that such payment is credited to FCI account within the scheduled time.
 - (ii) If EMD is not credited in the designated bank account of FCI one day prior to the start of E-auction or Bids is submitted without/ with insufficient EMD if shall be summarily rejected and bidder shall not be allowed to participate in the bidding process.
 - (iii) EMD furnished by the bidder shall be forfeited, if the bidder withdraws his offer or modifies the terms & conditions thereof or does not keep his offer open for acceptance during the validity period or resiles from the offer or fails or neglects to observe/perform any of the obligations under the contract or violates any of the terms of contract subject to clause 10 A (iii) and 10 A (vi).

(iv) The EMD of all unsuccessful tenderers shall be refunded within three working days from the date of issuance of acceptance letter to the successful bidder. However, no interest shall be payable for delay in refund of EMD, in any case.

6. **SIGNING OF BID DOCUMENT:** During participation in the bidding process, bidder has to electronically accept the terms and conditions of E-Auction for sale of Wheat under OMSS(D) for bulk consumers/traders. Participation in the e auction signifies the express consent of the bidder to his acceptance of all terms & conditions of the e auction.

7. **SUBMISSION OF BID(S):**

(i) The bidder(s) shall participate in the e- auction separately for each Depot. The bidder shall quote the rate per quintal at or above the reserve price of Wheat, on e- auction platform as depicted at **Appendix-I**. Applicable taxes will be levied extra. **Each bid shall be for a minimum quantity of 50 MT and maximum bidding quantity per bidder for all the depots put together in a single e-auction shall not exceed 5000 MT. Each bid by State/UT Govt. shall be for a minimum quantity of 50 MT and total quoted quantity for all Depot(s) put together in an e-auction shall not exceed 50000 MT.**

(ii) Once submitted, the bids can be modified only upward in terms of either rate [in multiple of Rs. 5/- (Rs. Five)] or quantity (in multiple of 50 MT) or both. All bid(s) shall be irrevocable. The bidders are not permitted to withdraw the bids. Bidders shall keep their offers open for acceptance for seven working days from the date of e auction, failing which the EMD furnished by the bidders is liable to be forfeited.

8. **ACCEPTANCE OF BIDS :**

For acceptance of Bids, each depot shall be treated as a separate unit. Bid(s) will be accepted on the principle of Price, Time and Quantity. For each depot, first the quantity as quoted by H-1 will be approved at H-1 rates. Then the quantity as quoted by H-2 will be approved at H-2 rates. This process will continue till the depot wise quantity offered is exhausted. In case of similar rate being quoted by multiple tenderers at any stage i.e. H1, H2...etc, the available quantity (if less than the total bid quantity) shall be accepted on "first quoted first allotted basis" i.e the bidder who has quoted the rate first will be allotted the bid quantity subject to availability of stocks for allocation. In case of similar rate being quoted by multiple tenderers at the same time, the bidder who has quoted for the higher quantity shall be allotted the bid quantity subject to availability of stocks for allocation.

9. **Communication of Acceptance.**

The contract, if any, which may eventuate from the E-Auction, shall be governed by the conditions as mentioned in the terms and condition(s) for E-Auction, its Appendices and Annexures, Notice Inviting Bid and Acceptance Letter.

After the close of the e-auction, Acceptance letters will be communicated to the successful bidders by e mail in the e-mail ID provided by the bidder at the time of empanelment and the same can also be viewed by logging into the system at <http://www.valuejunction.in/fci>.

The acceptance of the Bid by the General Manager or an officer authorized by him on his behalf shall constitute the contract between the bidder and the Food Corporation of India and no separate Agreement is required to be executed after the issue of the Acceptance Letter.

10. **PAYMENT OF COST & DELIVERY SCHEDULE:**

A.i) Price of wheat shall be payable on the net weight basis. All taxes, levies, fees, charges etc. of any nature whatsoever levies by any authority in respect of the sale of wheat through e auction shall be payable by the buyer in addition to the sale price of Wheat.

ii) “The EMD furnished by the successful bidders shall be adjusted towards the cost of stocks and applicable taxes. The successful bidder(s) shall deposit remaining cost of the stocks along with applicable taxes within seven (7) working days from the next date of issue of the acceptance letter in FCI Bank Account No. **33654609004 (IFSC Code SBIN0000125) State Bank of India, Lucknow main branch** through electronic mode.

In case, the allotted quantity is equal to or more than 2000 MT, on the request of buyer, FCI may allow extension in period of deposit of cost of stocks and applicable taxes for a maximum period of another 7 working days. However, penal interest of 2% over and above the Bank rate at which the FCI is borrowing would be charged upto date of deposit of cost beyond free period of 7 working days. **The total cost in respect of the entire stocks allotted from various depots against e-auction J-4 Wheat/OMSS(D)/TE-1st/2019-20 dated 14.08.2019 shall be deposited by the buyer In maximum two installments within the above prescribed period.**

Release order can be downloaded by the bidder only after deposition of full cost along with applicable taxes **and no part Release Order shall be issued**. For the purpose of depositing the cost of stocks/lifting of stocks, the day of communication of acceptance shall not be counted.

- iii) The reserve price of Wheat is subject to upward revision every quarter. If the lifting takes place in the subsequent quarter then the differential amount @ Rs.55/- per Quintal (i.e. difference in the reserve price of the quarter of allotment and quarter of lifting) plus taxes/levies/fee/charges etc. shall be defrayed by the bidder(s) for the unlifted quantities notwithstanding the price quoted by the bidder and lifting period failing which an amount equivalent to value of the unlifted quantity or amount equivalent to EMD whichever is lower, shall be recovered/forfeited and the balance amount if any shall be refunded to the bidder.
- iv) In case the successful bidder fails to deposit the balance cost along with applicable taxes & levies within the stipulated time, his bid is liable to be cancelled and the EMD furnished will be forfeited. No extension of time will be granted for deposit of Cost at any circumstance.
- v) The buyer shall complete the lifting within free period of fourteen (14) working days from the next date of communication of acceptance by FCI.
- vi) After Fourteen (14) working days, on the request of buyer, Area Manager, FCI may allow the extension for a maximum period of another Fourteen (14) working days for lifting the stocks from FCI godowns on payment of storage charges in case the allotted quantity is less than 2000 MT

The lifting of stocks in the extended period beyond free period of fourteen (14) working day shall be on payment of storage charges at the rate of 50 paise per qtl. per day subject to total minimum of Rs. 2000/-. These storage charges shall be recovered in respect of the unlifted quantity of stocks during the extended period (actual period for which the stocks remain in the godown. After expiry of twenty-eight (28)/ thirty-five (35) working days, as the case may be, no further extension will be granted and an amount equivalent to value of the unlifted quantity or amount equivalent to EMD, whichever is lower, shall be recovered/ forfeited and the balance amount if any, to be refunded to the bidder.

- vii) In case, FCI is unable to provide the full/part quantity from a depot approved in the tender due to non- availability of stock or operational constraints of FCI, the shortfall in the quantity may be offered by the concerned Area Manager from other depot(s) on the request of the buyer without any additional cost to FCI, subject to availability.
- viii) FCI will not be responsible for delayed receipt of payment of EMD / Cost due to failure of third parties like banks etc.
- ix) If the successful bidder is unable to lift the allotted stocks within the stipulated period of lifting because of operational difficulties of FCI or reasons beyond human control (Force Majeure) the concerned General

Manager, Region, FCI may consider to refund the balance amount equivalent to the unlifted stocks of Wheat based on merit of each case, provided Force Majeure event is notified by the tenderer to FCI in writing within seven (7) days of occurrence of such event. A speaking order has to be passed by General Manager, Region elaborating the operational difficulties of FCI and action taken if such difficulties are caused due to negligence. Under no circumstances, stocks shall be delivered to any successful bidder after the expiry of the stipulated delivery period.

- (B) The food grains will be sold on “as is where is basis”.
- (C) The Food Corporation of India reserves the right to withdraw from the sale any quantity included in the E-Auction prior to the acceptance of offer(s).
- (D) The buyer shall make his own arrangement for transport and will not be entitled to claim any facility or assistance for transportation from the Food Corporation of India. However, the stocks shall be loaded in the trucks of the successful bidder at the cost of FCI.
- (E) In case the successful bidder wishes to take delivery of the stocks, through a representative, he (buyer) must authorize such representative through a Letter of Authority in prescribed format (**Appendix- III**) which shall be presented to the Depot in-charge of concerned Depot. Depot in-charge after verifying the bonafides of the authorized representative/Letter of Authority shall issue the stocks to Authorised representative. However, such Delivery shall be at buyer’s sole responsibility and risk and no claim whatsoever, shall lie against the Food Corporation of India on any account, if delivery is affected to a wrong person.
- (F) The FCI shall deliver stocks on 100% weighment basis. The weighment Slip shall be prepared in triplicate and signed by the buyer/his representative in token of acceptance of quantity & quality.
- (G) Delivery shall be given only during working hours on all FCI working days on presentation of the copy of the Release Order digitally signed by FCI and M/s mjunction, by the buyer/his representative to the Depot Incharge.
- (H) The Food Corporation of India does not guarantee to make available any definite quantity to the bidder.
- (I) The Food Corporation of India reserves the right to accept or reject the bid(s), without assigning any reason.
- (J) The bidders shall make their arrangements for obtaining permits, if any required from the State Government /any other authority.
- (K) The wheat so purchased from FCI under OMSS through e auction will be utilized domestically and shall not be exported by the bidder. If the bidder violates any of the terms and conditions of the empanelment or found to be furnishing any wrong/false information at any stage, then in

addition to forfeiture of EMD, bidder will be debarred from participating in future tenders floated by FCI for disposal of foodgrains and coarse grains for a period of one year.

11. **CORRUPT PRACTICES:**

If any bribe, commission, advantages offered or promised by or on behalf of the tenderers to any officer/ employee/ servant of the Corporation and M/s mjunction, then such bidder(s) shall be debarred from the E-Auction in addition to initiating criminal action. Canvassing in any form on the part of the bidder on or his behalf will also make his tender liable for rejection.

12. **INDEMNITY:**

The bidder shall defend, indemnify and hold FCI and their respective officers, directors, agents, and employees, harmless during and after the E-Auction against any and all liabilities, damages, claims, fines, penalties, actions, procedures and expenses of any nature arising out of, resulting from any violation of any laws by the bidder any way connected with the acts, negligence, breach, failure to perform obligations relating to the bidder.

13. **COMPLIANCE OF LAWS:** Both FCI and Bidder shall comply and abide by all applicable laws including without limitation all applicable Rules made thereunder.

14. **LIMITATION OF LIABILITY:** In no event shall FCI be liable for any direct or indirect or consequential damages of any kind suffered by the bidders or their agents or beneficiaries, in connection with the sale of food grains through e auction and/or use of e auction platform of the service provider.

15. **GOVERNING LAW & DISPUTES RESOLUTION:**

The grievances of the affected bidders and general public will be decided by GM(Region) FCI in a time bound manner and if Bidder(s) is not satisfied/ still aggrieved with the decision of GM(Region), an appeal lies to concerned ED(Zone) FCI. Any unresolved disputes between the bidder(s) to the contract will be settled in the Court of Law of competent jurisdiction at Uttar Pradesh.

The contract shall be governed and interpreted in accordance with the Laws of India in force.

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For and on behalf of Food Corporation of India
General Manager

Appendix – I

Details of depot-wise quantity of wheat offered to empaneled trader's/ bulk consumers of Wheat under OMSS (D) lying at various Depots under FCI Regional Office Lucknow(UP) through e- Auction (Auction No **J-4 Wheat/OMSS(D)/TE-1st /2019-20** date **14.08.2019**) for e-auction.

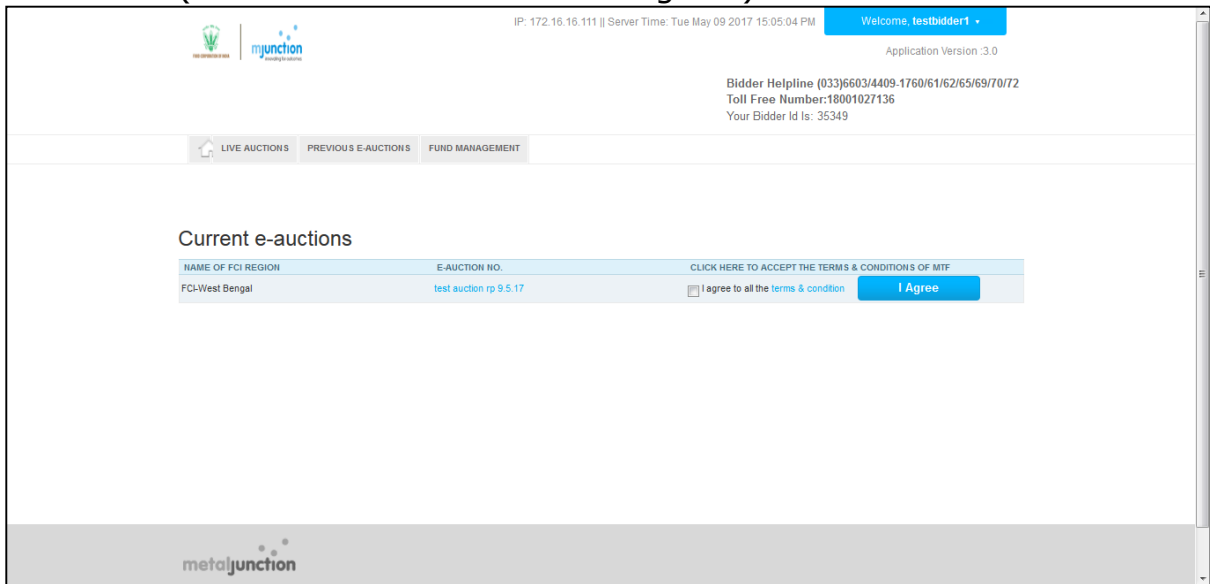
| Depot wise quantity of wheat offered in e-Auction(Fig.in MT) | | | | | | |
|--|-----------------------------|------------------------------------|-------------------|---|----------|-------------|
| SL.No | NAME OF FCI DISTRICT OFFICE | NAME OF DEPOT (WITH COMPUTER CODE) | Crop.Year 2019-20 | Reserve price including Railway Freight and | Variety | Mandi Shulk |
| 1 | Bareilly | PEG Lalorikheda Sukhbir [NH13028] | 5000 | 2260 | Wheat UP | NA |
| 2 | Shahjahanpur | SWC Bartara [NH31018] | 10000 | 2235 | Wheat UP | NA |
| 3 | | SWC Jamour A [NH31004] | 10000 | 2224 | Wheat UP | NA |
| 5 | Jhansi | SWC Vishist Mandi Orai [NH19031] | 10000 | 2278 | Wheat UP | NA |
| 6 | | Amarpur Mandi Complex[NH19027] | 15000 | 2273 | Wheat UP | NA |
| | | Total | 50000 | | | |

Note: Mandi Shulk specified will be applicable on the Bidding price:

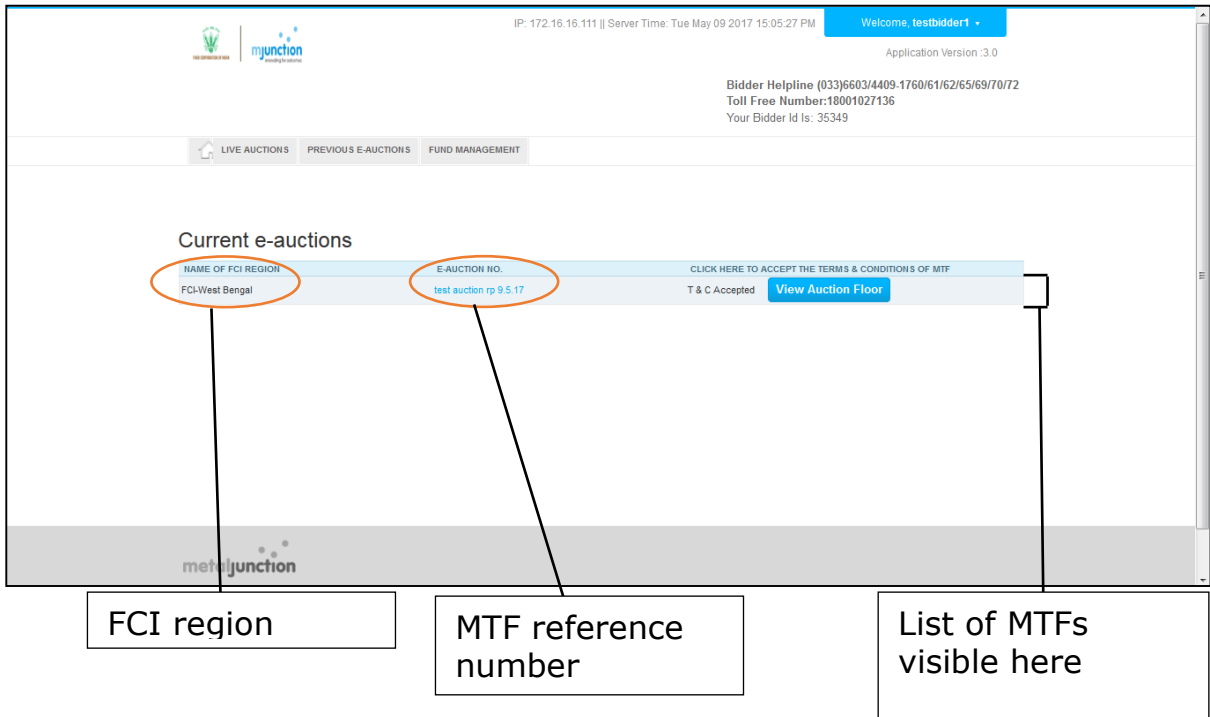
APPENDIX II

Format of rates to be quoted in the e-auction platform
Go to www.valuejunction.in/fci and enter your login credentials (login name and password)

LIVE AUCTIONS → MTF list visible → Agree to MTF terms and conditions (Click checkbox and then “I Agree”)



Click on “View Auction Floor”



Details of depots under the MTF (Auction timing, Auction quantity, Reserve Price) visible

IP: 172.16.16.111 || Server Time: Tue May 09 2017 15:06:01 PM | Welcome, testbidder1 | Application Version :3.0

Bidder Helpline (033)6603/4409-1760/61/62/65/69/70/72
Toll Free Number:18001027136
Your Bidder Id Is: 35349

Alert: NO ALERT MESSAGE FOR

LIVE AUCTIONS FCI-West Bengal Wheat

Auto-Refreshing Column

| ID/STATUS | FCI DISTRICT OFFICE-DEPOT/CENTER | TIME LEFT (HR:MIN:SEC) | QUANTITY OFFERED (FIG. IN MT) | RESERVE PRICE (RS/QTL) | MY LAST BID (RS/QTL) | BID QUANTITY (FIG. IN MT) | BID PRICE (RS/QTL) | SELECT TO BID | HIGHEST BID PRICE (RS/QTL) | BID STATUS | REMARKS |
|-----------|----------------------------------|------------------------|-------------------------------|------------------------|----------------------|---------------------------|--------------------|--------------------------|----------------------------|------------|---------|
| 351733 | FSD ADRA | 00:24:00 | 1000 | 1640 | 0.00 | 0 | 0 | <input type="checkbox"/> | 0 | - | |
| 351734 | FSD BKNA | 00:24:00 | 1500 | 1640 | 0.00 | 0 | 0 | <input type="checkbox"/> | 0 | - | |
| 351735 | FSD ABDARPUR | 00:24:00 | 1800 | 1640 | 0.00 | 0 | 0 | <input type="checkbox"/> | 0 | - | |

Time left for completion of e-auction

Quote quantity in Metric tonnes (MT)

Quote bid price in Rs./Quintal

ON NON JUDICIAL STAMP PAPER OF Rs. 100

LETTER OF AUTHORITY

I/WE.....S/O.....
PROPRIETOR/PARTNER/DIRECTOR OF
M/S....., ADDRESS, DO HEREBY
AUTHORISE SHRI.....S/O.....FOR
TAKING DELIVERY OF THE STOCKS ON MY/OUR BEHALF ALLOTTED TO
ME/US IN THE E AUCTION DATED RELEASED BY FOOD
CORPORATION OF INDIA, REGIONAL OFFICE,
_____ vide release order No. Dated
SIGNATURE OF THE AUTHORISED REPRESENTATIVE

SIGNATURE OF AUTHORISED REPRESENTATIVE

WE ARE BOUND BY THE ACTS OF OUR AUTHORISED REPRESENTATIVES AND CONFIRM AND RATIFY THE ACTIONS AND DEEDS OF THE SAID AUTHORISED REPRESENTATIVE AND UNDERTAKE AND DECLARE THAT THE STOCKS DELIVERED TO THE AUTHORISED REPRESENTATIVE IS COMPLETE AND CONCLUSIVE DISCHARGE OF FCI FROM ITS CONTRACTUAL OBLIGATIONS.

(PROPRIETOR/PARTNER/DIRECTOR)

(ATTESTED BY NOTORY PUBLIC WITH NOTORY STAMP & SEAL)

Instructions for Sale of wheat through e-auction:

1.Wheat shall be sold through the process of e-auction to the empanelled bulk consumers /traders.

2.The e-auction shall be a two stage process;

(i) Empanelment of bulk consumers/traders: Empanelment of bulk consumers/traders shall be carried out by the Service Provider appointed by FCI (Mjunction services Ltd. at present). However, the existing empanelled bulk consumers/traders who have already been issued user id and password may directly participate in the e-auction.

(ii)E-auction by the service provider on electronic platform.

3.GMs (Region) shall give wide publicity to the scheme by giving advertisement and press releases in one National daily and one Regional daily having wide circulation in State/UT besides hosting the same on FCI website, Service Providers website and on www.tenders.gov.in, informing the prospective buyers about :-

- (i) Open sale of wheat indicating the quantity intended to be auctioned and reserve price for same.
- (ii) Empanelment of buyers for bulk sale.
- (iii) Dates for conducting e-auction in the month.

4.The Service Provider shall empanel the bulk consumers/traders on the basis of following documents after due verification. The process of empanelment is to be completed within two days of receipt of the application along with following documents:

- (i) Self-attested copy of the current VAT/Trade Tax Registration.
- (ii) Self-attested copy of PAN issued by Income Tax Department.
- (iii) Self-attested copies of the Registration Certificate (RC) under State VAT Act and latest annual/quarterly/monthly VAT return. In case of newly established firm or the existing firms which have recently started to deal in the business of wheat, copy of the application submitted with the Tax authority to include wheat in the Registration Certificate (RC) under VAT Act is to be furnished. The VAT return shall evidence that the firm is dealing in the business of wheat, failing which the firms shall submit copy of additional documents, to evidence that the firm is dealing in the business of wheat such as attested copy of latest Annual

balance-sheet and profit & loss account duly audited by a chartered accountant.

- (iv) An Undertaking on a stamp paper of Rs. 100/-- that the wheat so purchased from FCI under OMSS(D) will be utilized domestically and will not be exported by the bidder.

The Service Provider will ensure that the documents relating to technical qualifications are valid during the currency of the auction including lifting period.

5. Thereafter, the Service Provider will intimate the buyers about their empanelment and advise them to deposit Rs. 1000/- (Rs. One Thousands only) in its account for registration and issuance of user id and password. Service provider will generate user id and password within two days of receipt of requisite amount and communicate the same to the empanelled buyers. Empanelled buyers may contact Service Provider in Toll Free Number 1800210222 for any query. The Service Provider shall intimate the details of such parties immediately to concerned Regional Office.

6. The empanelment shall be an ongoing process through Service Provider. The Service Provider shall furnish copy of the documents along with complete details of the fresh empanelled parties such as name, address, contact/mobile/e-mail, TAN/VAT details, bank details etc. to concerned Regional Office by 7th of the next month.

7. Only those parties, who are empanelled with FCI and registered with Service Provider (M/s mjunction) before the day of issue of notice of e-auction on M/s mjunction/FCI website shall be permitted to participate in that e-auction. Newly empanelled buyers can however participate in subsequent e-auction(s) after receiving user id and password from Service Provider.

8. Parties empanelled in one State/UT can participate in the E-Auction of other States/UTs.

9. Depot-wise bids would be invited by R.O, FCI. In case of major wheat procuring States, bids for depots keeping in view the demand and after ensuring that no additional transportation expenditure is involved be invited. In case of other States, tenders may be invited from depots as decided by GM(Region)FCI. In case of States, which are not connected by rail but where intervention is required, bids may be invited by R.O, FCI in non-rail fed depots also with the approval of concerned ED(Zone). The quantity to be tendered from the depots would be decided by GM(Region), FCI within overall quantity decided by Government for each State/UT. In case, FCI is unable to provide the full/part quantity from a depot approved in the tender, due to non-availability of stock or operational constraints of FCI, the shortfall in the quantity

may be offered by the concerned Area Manager from other depot(s) on the request of the buyer without any additional cost to FCI.

While selecting the depots for offering wheat under e-auction, GMs(Region) shall follow the instructions contained in QC Division Circular No. 01 of 2014 dated 13.03.2014 and other instructions in vogue issued from time to time in relation to maintenance of FIFO principle.

While offering stocks from various depots under OMSS(D), GM(Region) may take into account depots incurring high demurrage.

10. Each bid by Bulk Consumer/Trader shall be for a minimum quantity of 50 MT and total quoted quantity for all Depot(s) put together in an e-auction shall not exceed 5000 MT. Each bid by State/UT Govt. shall be for a minimum quantity of 50 MT and total quoted quantity for all Depot(s) put together in an e-auction shall not exceed 50000 MT.

11. Depot-wise quantity offered and reserve price would be provided to the service provider by the respective GMs (Region) to enable the service provider to invite bids on specified day/date. While conducting the e-auction, the service provider shall provide Notice of e-auction by e-mail and SMS to all empaneled buyers three days before conduct of each e-auction. The service provider shall also forward a copy of the notice to the concerned GM (Region) of FCI to facilitate its uploading on the FCI website and www.tenders.gov.in. Copies of e-auction notices may also be circulated by the service provider to known associations of traders'/bulk consumers of wheat at the National, State or UT level. Besides, the detailed Notice of e-auction shall be made available in the website of the Service Provider

12. The Service Provider shall ensure that the prospective bidder shall have to accept the terms & conditions governing the sale of wheat under OMSS (D) at the time of participating online in every e-auction, before their bids are processed.

13. GM (Region) FCI shall operate the already opened separate Cash Credit account for the purpose of e-auction of wheat and provide view right to the service provider. The Earnest Money Deposit (EMD), as applicable shall be deposited by the bidders in the said separate Cash Credit Account. The EMD of unsuccessful Bidders shall be refunded by FCI on the advice of the Service Provider within three working days through NEFT/RTGS from the date of finalization of auction. The EMD of successful bidders will be adjusted against the cost of stocks.

14.The auction window shall be kept open from 11.00 A.M. to 2.00 P.M. on the day of auction. During the bidding process, the participating Bidders shall be able to see the highest depot wise quoted rate only.

15.For acceptance of tender, each depot shall be treated as a separate unit. After completion of e-auction, the service provider shall prepare a list of bidders in descending order (from highest bid to the lowest bid). Bid(s) will be accepted on the principle of Price, Time and Quantity. For each depot, first the quantity as quoted by H-1 will be approved at H-1 rates. Then the quantity as quoted by H-2 will be approved at H-2 rates. This process will continue till the depot wise quantity offered is exhausted. In case of similar rate being quoted by multiple tenderers at any stage the available quantity (if less than the total bid quantity) shall be accepted on "first quoted first allotted basis" i.e. the bidder who has quoted the rate first will be allotted the bid quantity subject to availability of stocks for allocation. In case of similar rate being quoted by multiple tenderers at the same time, the bidder who has quoted for the higher quantity shall be allotted the bid quantity subject to availability of stocks for allocation.

At the end of the auction, the Service Provider shall furnish the following details electronically to the concerned FCI Regional Office by 3.00 P.M. on the same day:

- (i) Depot wise list of successful bidders along with details of the bid.
- (ii) Quantity indented and quantity accepted
- (iii) Details of EMD etc.
- (iv) List of unsuccessful bidder along with the details of the EMD deposited by them.

16.GM (Region) will immediately verify the receipt of EMD of the successful bidder in the system itself and only after authorization by GM(Region), the Service Provider will communicate to the successful bidders electronically on the same day and ask them to deposit the balance cost of stock including taxes/levies, as applicable, directly into the separate FCI Cash Credit Account.

17.After verifying collection of the sale proceeds including Taxes/Levies, as applicable deposited by the successful bidder directly in the separate Cash Credit Account, the Service Provider will forward digitally signed release order to the concerned Area Manager. Simultaneously the concerned FCI RO shall confirm electronically the receipt of the sale proceeds to the concerned FCI Area Manager. The digitally signed release order forwarded by the Service provider will be checked and digitally signed by FCI Area Office in the system itself. Finally, the release order duly digitally signed by the service provider and authorized officer of concerned Area Office with a minimum class-II level digital

signature will be generated by the successful Bidders for taking delivery from specified Depot of FCI.

18. For the purpose of deposition of cost of stocks/lifting of stocks, the day of communication of acceptance shall not be counted.

19. The grievances of the affected bidder(s) and general public will be decided by GM (Region) in a time bound manner and if bidder(s) is/are not satisfied/ still aggrieved with the decision of GM(Region), then appeal may be made to ED(Zone)s. Further, any unresolved disputes between the parties to the contract will be settled in the Court of Law of competent jurisdiction.

The contract shall be governed and interpreted in accordance with the Laws of India in force. The Courts at Uttar Pradesh shall have exclusive jurisdiction to adjudicate the disputes arising out of the contract.

20. A list of successful bidders along with details of quantity of wheat allotted and the accepted quotes would be hosted on the website of service provider as well as that of FCI.