



TERMS OF REFERENCE

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EOI/LANDPURCHASE/BUMTHANG/2021

INVITATION FOR EXPRESSION OF INTEREST (EOI) FOR PURCHASE OF LAND, BUMTHANG

Bhutan Development Bank Limited is pleased to invite Expression of Interest (EOI) from interested land/plot owners for the sale of land measuring minimum of 15 decimal to a maximum of 25 decimal. All interested land owners are requested to submit your Expression of Interest after referring the Terms of Reference (ToR) provided below. EOI forms will be available from October 13 - 28, 2021, at the Corporate Office, Thimphu or Branch Office, Bumthang or can be downloaded from BDB website www.bdb.bt

Kindly contact Mr. Kinlay Wangchuk, Project Engineer, email ID: kinlay.wangchuk@bdb.bt, Mobile: 77439590 or Mr. Sonam Wangchuk, Branch Manager, Bumthang. Email ID: sonam.wangchuk@bdb.bt, Mobile: 17324603 for further enquiries.

1.	Name of the work	Purchase of Land
2.	Location	Bumthang
3.	EMD (Earnest Money deposit)	2% of the quoted amount in the form of Cash Warrant /Unconditional Bank Guarantee/Demand draft/Pay order drawn in favor of General Manager, ADM & HRM Department, Bhutan Development Bank issued by any Financial Institution in Bhutan other than BDB or in Cash. The EMD should be valid for a period of 6 months
4.	EOI Documents	Available from October 13 - 28, 2021 at the Corporate Office, Thimphu or Branch Office, Bumthang or can be downloaded from BDB website www.bdb.bt
5.	Last date and place of submission Electronic submission will not be accepted	29 th October, 2021, before 12:30 PM at corporate office, Thimphu.
6.	Date and time of opening	29 th October, 2021 at 2:15 PM at BDB corporate office, Thimphu

The tender shall be opened in presence of the bidders on the date and time mentioned above. The successful bidder after the evaluation shall submit 10% of performance security within 10 days from the date of issue of acceptance letter.

The EOI will be liable for spot rejection if the following condition is not met during the process of evaluation:

- If the EOI is not accompanied by the bid security
- If the EOI documents is not signed and sealed

Management (BDB)



1 Commitments of Bidders

The Bidder commits to take all measures necessary to prevent corrupt practices, unfair means and illegal activities during any stage of the bid or during selection/shortlisting stage in order to secure the contract or in furtherance to secure it and in particular commits to the following: -

- 1.1 The Bidder will not offer, directly or through intermediaries, any bribe, gift, consideration, reward favor, any material or immaterial benefit or other advantage, commission, fees, brokerage or inducement to any official of the Employer, connected directly or indirectly with the bidding process, or to any person, organization or third party related to the contract in exchange for any advantage in the bidding, evaluation, contracting and implementation of the contract.
- 1.2 The Bidder further undertakes that he has not given, offered or promised to give, directly or indirectly any bribe, gift, consideration, reward, favor, any material or immaterial benefit or other advantage, commission, fees, brokerage or inducement to any official of the Employer or otherwise in procuring the Contract or forbearing to do or having done any act in relation to the obtaining or execution of the Contract or any other contract with the Government for showing or forbearing to show favor or disfavor to any person in relation to the Contract or any other contract with the Government.
- 1.3 The Bidder will not collude with other parties interested in the bidding to preclude the competitive bid price, impair the transparency, fairness and progress of the bidding process, bid evaluation, contracting and implementation of the contract.
- 1.4 The Bidder, either while presenting the bid or during pre-contract negotiations or before signing the contract, shall disclose any payments he has made, is committed to or intends to make to officials of the Employer of their family members, agents, brokers or any other intermediaries in connection with the contract and the details of services agreed upon for such payments.
- 1.5 The Bidder commits to refrain from giving any complaint direct or through any other manner without supporting it with full and certifiable facts.
- 1.6 The Bidder shall not instigate or cause to instigate any third person to commit any of the actions mentioned above.



2. Sanctions for violation

Any breach of the aforesaid provisions by the bidder shall face administrative charges and penal actions as per the existing relevant rules and laws. The breach any of the provisions by the Bidder or any one employed by him or acting on his behalf (whether with or without the knowledge of the Bidder) or the commission of any offence by the Bidder or any one employed by him or action on his behalf, shall be dealt with as per the provisions of the Bhutan Penal Code 2004, and the Anti-Corruption Act, 2006. The Employer/relevant agency shall also take all or any one of the following actions, whenever required:-

- 2.1 To immediately call off the pre-contact negotiations without assigning any reason or giving any compensation to the Bidder. However, the proceedings with the other Bidder(s) would continue.
- 2.2 The Earnest Money Deposit/Performance bond shall stand forfeited.
- 2.3 To immediately cancel the contract, if already awarded/signed, without giving any compensation to the Bidder.
- 2.4 To recover all sums already paid by the Employer.
- 2.5 To encash the advance bank guarantee and performance bond if furnished by the Bidder, in order to recover the payments, already made by the Employer, along with interest.
- 2.6 To cancel all or any other Contracts with the Bidder.



INSTRUCTIONS TO THE BIDDERS (ITB)

Submission of EOI:-

The EOI is to be submitted in a single sealed envelope and super scribed as ‘**EXPRESSION OF INTEREST FOR SALE OF LAND, BUMTHANG** and it should be duly sealed and delivered at the following address on or before the scheduled date and time i.e. 29th October, 2021 before 12:30 PM at BDB Corporate Office, Chubachu, Thimphu.

The envelope shall contain the followings:

- 1) Earnest Money Deposit (**EMD**).
- 2) Acceptance of the terms and conditions of EOI as per prescribed format given in this document (**ANNEXURE-I**).
- 3) Land Details (**ANNEXURE-II**). The bidders should also submit a self-declaration letter stating if the offered land/plot is not mortgaged with any of the Financial Institutions or lien note undertaking from the Financial Institutions if mortgaged.
- 4) Complete EOI documents, Corrigendum/Addendum, if any, duly filled-in, and signed on each page by bidder/owner of the offered land/plot along with signed Price Bid
- 5) In the case of person other than the owner signing the EOI documents, Letter of Power of Attorney (PoA) duly authorizing the person who signs & submits the EOI should accompany the EOI. (The PoA will be Authenticated at the time of bid evaluation)
- 6) In case of Joint/family ownership of the offered land/plot, A No objection letter (NOC) signed by all the plot/land owner individuals in favor of the persons signing must accompany the EOI. (The person signing the EOI must be 18 years or above)
- 7) Copy of new LAGTHRAN issued by NLCS. (if selected, should provide original lagthram)



GENERAL CONDITION OF CONTRACTS

1. The EOI received after the due date and time shall not be considered and shall be returned to the bidder unopened.
2. BDB shall not be responsible for any postal or other delays. Bidders should take care to ensure the submission of EOI(s) at above-mentioned place on or before due date and time.
3. All alterations, erasure(s) and/or over-writing(s) if any, should be duly signed by the same person signing the EOI.
4. Opening of EOIs: The sealed offers / EOI will be opened on 29th October, 2021 at 2:15 PM at BDB Corporate office, Thimphu. If the bidders wish to remain present during said opening of sealed offers, the bidders in person or their authorized representatives may attend the same.
5. The bidder/owner(s) is/are required to clarify the observations raised by any agency/ individual carrying out legal due diligence on behalf of the BDB within specified time.
6. The rates offered by the bidders/owner(s) shall remain valid for a minimum period of 180 days from the date of opening of the EOIs. The validity of offers also require extension of time with the consent of the bidder/owner(s)
7. Mere submission of offers/ EOIs will not be treated as acceptance/ selection of the offer. The property will be selected based on detailed analysis and evaluation of offers considering various factors including those mentioned in criteria for selection of land. Further, the bidders may note that the BDB is not bound to purchase any of the land from the shortlisted offers.
8. EMD of the bidders shall be returned after finalization of the proposal/ short-listing/ cancellation of the process.

The EMD deposited by the bidder/owner(s) along with EOI shall be liable for forfeiture in the following events & reasons:

- a. If the bidders/owner(s) withdraws the submitted EOI.
 - b. If the bidders/owner(s) after submission of EOI imposes Condition(s), such_Conditional offers are not acceptable.
 - c. In case of a successful Bidder, if the Bidder fails within the specified time limit to sign the Agreement; or furnish the required Performance Security.
9. BDB reserves the right to negotiate (through single or multiple rounds of negotiations) the price/rate with any or short-listed or all the intending bidder(s).
 10. The unilaterally revised offer/rates received from the bidders, after conclusion of the process of negotiations, shall not be entertained under any circumstances.



CRITERIA FOR SELECTION OF LAND

The following criteria, with or without modifications, shall be adopted for selecting the site(s)/location(s) for further negotiations for purchase of land:

1. The Location:
 - a. Chamkhar Lap - Wangcholing LSS to UD Cenima hall through by pass road to Chumey ,not beyond Telecom customer service office from Chamkhar Town.
 - b. Dekiling Lap- Dekiling area not Beyond BNBL office from Chamkhar town.(land should not fall under green zone or Green surface zone)
2. Size of the Land: Minimum - 15 decimal to a maximum - 25 decimal after land pooling.
3. Land type: Dry land where Building/construction work is permitted.
4. Accessibility: The location of offered land should have access to motorable road and basic Infrastructure, i.e., Water supply, Sewerage, electricity & Storm Water Drainage.
5. Shape: The shape of the land should be preferably rectangular or square. Narrow strip of land will not be considered.
6. Topography: It should be preferably even and flat land. Low-lying with water bodies/ hillocks will not be considered.
7. Development parameters such as Land use, Ground Coverage, Set Backs applicable to the Plot, Permissible height, Maximum Constructible Area etc. will be considered.
8. The land offered should not have any dispute with respect to land/plot ownership. The land owner should provide no objection certificate from the respective local bodies of the local authority for transfer of land ownership.



SPECIAL CONDITIONS OF CONTRACT

1. The rate offered/quoted in the EOI shall remain final and binding and will not be subject to modification after the bids are opened on the stipulated date and time mentioned.
2. The bidder offering the lowest evaluated bid/quote and that meets the requirement criteria will be shortlisted.
3. The bidders should submit a self-declaration stating if the offered land/plot is not mortgaged with any of the Financial Institutions or lien note under taking from the Financial Institution if mortgaged.
4. BDB shall open & scrutinize the EOI submitted by the bidder/land owner(s)/ authorized representative taking into consideration the selection criteria.
5. The representatives of BDB shall visit the site for physical verification, location & observe the status of land. BDB subsequently may carry out Due Diligence or other verifications for its satisfaction, for which all assistance shall have to be provided by the bidder/owner(s) including ownership documents.
6. The BDB reserves the right to accept or reject any or all the applications, or negotiate for reduction in the quoted price with any or all the bidders or annul this process at any time without assigning any reason
7. BDB is not bound to give reasons for rejection of any of the EOI.
8. The decision of BDB in this matter shall be final & binding on all the bidders.
9. BDB shall issue Letter of Acceptance to the selected bidder.
10. The successful bidder within (10) working days of the receipt of letter of acceptance from the Purchaser, shall submit 10% of the quoted value as performance security in any of the following form issued by any reputed Financial Institutions except BDBL in Bhutan and extend up to 6 months or more or until the complete ownership transfer to the satisfaction of both the Employer and the Bidder, whichever is later.
 - a) Unconditional Bank Guarantee;
 - b) A demand Draft; or
 - c) Cash Warrant

The Performance security may be forfeited:

- a) If the successful bidder during the ownership transfer period withdraws or fails to cooperate with regard to submission of relevant documents, No objection certificate (NOC) from the respective local bodies or the concerned statutory authority in respect of transfer of ownership etc., whatsoever in favour of BDB within stipulated period
11. Sale Deed shall be executed on fulfilment of all required conditions such as all required Statutory and Legal Compliances to the best satisfaction of the BDB.
 12. Land ownership transfer tax shall be borne by the bidder.
 13. Land survey related charges shall be borne by the Bank.



14. Pending dues of the selected land if any should be cleared by the seller prior to purchase of land.

TERMS & CONDITIONS OF PAYMENT

BDB will release payment in stages as detailed hereinafter.

1. BDB will make payment to the Land/plot owner(s) based upon agreed price.
2. Payment will be released only after satisfaction of the BDB regarding both legal and statutory compliances as detailed here.
 - 50% payment shall be made on the date of signing of sale deed and processing of land ownership transfer
 - Remaining 50% payment to be released after receipt of original Lag Thram ownership in the name of BDB and the performance security will be released.

BDB shall release payment only by account payee Cheque, to the legitimate Owner of land. In case, the Owner(s) desires to receive payment through other mode of payment, they are requested to furnish requisite details.



ANNEXURE-I

ACCEPTANCE LETTER TO BE SUBMITTED BY THE OWNER/ AUTHORISED REPRESENTATIVE

To,
The General Manager,
ADM & HRM Department
Corporate Office, Chubachu,
BDBL,
Thimphu

Sub.- "EOI AND PRICE BID" FOR SALE OF LAND AT BUMTHANG IN RESPONSE TO
YOUR ADVERTISEMENT VIDE EOI NO:
EOI/LANDPURCHASE/BUMTHANG/2021 DATED: 13TH OCTOBER, 2021"

Sir,

I/We hereby unconditionally accept the EOI conditions in its entirety for the sale of Land. I/We understand that the BDB intends to purchase land after due diligence of the offered land & related documents in the manner, BDB may deem fit.

The contents of EOI document (Instructions to Bidder) have been noted wherein it is clarified that after unconditionally accepting the EOI condition in its entirety, it is not permissible to put any remark(s)/condition(s) (except unconditional rebate on price, if any) in the EOI enclosed in the respective Envelope and the same has been followed in the present case.

In case any provision of the EOI document is found violated at any time after opening of the Envelope, I/We agree that the EOI shall be rejected and BDB shall, without prejudice to any other right or remedy be at liberty to forfeit the full amount of said earnest money (EMD) absolutely. I/We have also noted & accepted the other circumstances or events of failure to perform in accordance with the terms of the EOI, which may call for forfeiture of EMD submitted by us.

The required Earnest Money Deposit (EMD) is enclosed herewith. The required confirmation as per format (**ANNEXURE-II**) is enclosed herewith.

Thanking you,

Yours Sincerely,

Signature of bidder

Name:

Date & Place:



ANNEXURE-II

LAND DETAILS

Sl.No:	ITEM DESCRIPTION	INFORMATION/INPUTS/DETAILS
1	Bidder/Owner details: Name: Occupation: Present Address: Mobile No:	
2	Land Details: Thram No: Plot No: Type of ownership: Plot size: Land type: Location:	
3	Loan against the offered land: Name of the Bank: Present outstanding amount:	



PRICE BID OF EOI FOR LAND

To,
The General Manager
ADM & HRM Department,
Corporate Office, Chubachu
BDBL,
Thimphu

Sub:- "PRICE BID FOR LAND, BUMTHANG"

Ref:- Advertisement vide EOI No.: **EOI/LANDPURCHASE/BUMTHANG/2021**

Sir,

We are pleased to submit our EOI for sale of Land at Bumthang as per the following details:-

A.	Location (address)	BUMTHANG
B.	Details of the Land (a) Land: Total Land Area (in Decimal) -	
C.	Offered Rate (In Nu. per Decimal)	
D.	Total Amount:	
Total Amount in words:		

Thanking you,

Yours Sincerely,

Signature of the Bidder

Name:

Date:

Place: