



NUMALIGARH REFINERY EXPANSION
PROJECT

NOTICE INVITING TENDER



Bidding Document No : 082176C/NRL/T/SRB/LSTK-3

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A. INTRODUCTION

M/s. Technip India Limited (TPIL) as Project Management Consultant (Consultant / MPMC) on behalf of the M/s. Numaligarh Refinery limited (Owner/ NRL) invites Bids for execution of EPCC-3 (Engineering, Procurement, Construction and Commissioning) package comprising of SULPHUR RECOVERY BLOCK (SRB) ("**Project**") for Numaligarh Refinery Expansion Project being undertaken by the Owner on open global tender basis under single stage two-bid system (Part - 1: Techno-Commercial Bid and Part - 2: Price Bid) from competent Bidders with sound technical and financial capabilities fulfilling the Bidder Qualification Criteria as stated elsewhere in this document.

B. BRIEF SCOPE OF WORK

Bidder upon being selected as Successful Bidder shall execute the work on lump sum turn key basis (LSTK) with single point responsibility. The Scope of Work includes Project Management, Consistency Checks, Residual Process Engineering, Detailed Design Engineering including HAZOP/SIL Study & Other Safety Studies as mentioned in Bidding Documents, underground scanning, Site enabling jobs, Soil Investigation including additional GPR investigation if any, Ground improvement required if any, Piling works, Demolition/ Dismantling/Re-routing works as applicable and co-ordination for the same with MPMC / Owner, implementation of QRA study recommendations, total Procurement (including chemicals, catalysts, consumables & chemicals required for Pre-commissioning, trial runs and six months continuous running, special Tools and tackles, Pre-Commissioning Spares, Commissioning Spares, Start-up spares & Mandatory spares), Fabrication, Manufacturing, Quality Assurance, Quality Control, Inspection & Expediting, Third Party Inspection, Supplies, Transportation, Insurance, Handling & Storage of all Equipment, Materials, items and other Construction Materials at yard/Site, Fabrication, Assembly, Construction, Erection, Installation of all plant machinery including civil, Structural, Mechanical, Piping, Electrical and Instrumentation including tie-ins, Testing, Insulation, Painting, Fire-proofing, First fill of chemicals and lubricants, Obtaining all Statutory Approvals (except for Environment Clearance), Pre-commissioning & Mechanical Completion of Plant, preparation of plant specific operating manuals, Start-up, Commissioning and Performance Guarantee Test Runs (PGTR), Training of Owner's O&M personnel, consumables (Chemicals & Lubricants) for 6 (six) months operation, Contract closure activities of Sulphur Recovery Block including Substation and Satellite Rack Room for the Plant as detailed in Bidding Documents, Final invoice/billing and handing over of the facilities with Final and "As Built" drawing/documentation, project data and information handing over specification as per the Bidding Documents, supply of spares with necessary support and services during Defect Liability Period and supply of Chemicals, Catalysts, Tool & Tackles, Consumables, Lubricants, Refrigerants, etc. for initial charge and replenishment of any loss of these during Commissioning up to handing over after successful PGTR of the facilities in accordance with the Bidding Documents.



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For SRB Units, MPMC has carried out the Front End Engineering Design (“FEED”) for SRU, TGTU Units based on the Basic Design Engineering Package (“BDEP”) provided by Process Licensor (M/s Engineers India Ltd.). For ARU and SWS, MPMC has performed BDEP and FEED as being Open Art Units.

Sr. No.	Description	Capacity
1	Sulphur Recovery Unit (SRU) including Tail Gas Treatment Unit (TGTU) & Sulphur Yard	2 x 240 TPD
2	Amine Regeneration Unit (ARU)	690 TPH
3	Sour Water Stripper Unit (SWS)- Phenolic	200 TPH
4	Sour Water Stripper Unit (SWS)- Non-Phenolic	95 TPH
5	Sub-station and SRR	Refer Bidding Documents for details

For detailed Scope, refer the relevant sections of the Bidding Documents.

C. SALIENT FEATURES OF NOTICE INVITING TENDER (NIT)

1.	Tender No.	082176C/NRL/T/SRB/LSTK-3
2.	Type of Bid	International competitive bidding (E-BIDDING) Single stage two-bid system
3.	Name of Work	EPCC-3 package - Sulphur Recovery Block (SRB) for “Numaligarh Refinery Expansion Project” AT NRL NUMALIGARH Refinery located at Numaligarh, Assam, India
4.	Time Schedule	28 Months (26 Months for Mechanical Completion including Pre-commissioning along with 2 months for Commissioning) from the date of issue of the Letter of Acceptance (LOA). Detailed Completion Schedule/ Time Schedule shall be as per Annexure-II to SCC .
5.	Tender download schedule and cut-off date for submitting the non-disclosure agreement (NDA)	
5.1	Tender download schedule	From 30-Sep-2021 to 24-Nov-2021 (Up to 14.00 Hours)



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		Bidding Documents can be downloaded free of charge from the website http://eprocure.gov.in/eprocure/app ("E-Procurement Portal") during the above period.
5.2	Cut-off date for submitting the non-disclosure agreement	Cut-off date for NDA submission by Bidders: 11-Oct-2021
5.3	Bidding Documents and subsequent addendum/ corrigendum (if any) available on Website for viewing & downloading	The Bidding Documents along with Bidder Qualification Criteria, , integrity pact and Bidding Documents (Commercial part) can be viewed/ downloaded from the E-Procurement Portal. http://eprocure.gov.in/eprocure/app Bidder to note the following for receiving Technical Part of Bidding Document: Bidder is required to execute a Non- Disclosure Agreement (NDA) with Licensor before obtaining Technical part of the Bidding Document which will be issued in soft form (CD/pen drive/e-link) to the bidder after signing of NDA with Licensor. In case of e-link, it will be provided to the authorised representative of bidding company. - Bidder to note that submission of duly signed both NDA(s) strictly as per the format provided without any deviation is mandatory. - The technical part of Bidding Documents shall be made available to the Bidder after submission of both NDA(s) in original and its acceptance by Licensor(s). - Bidder shall also upload signed and stamped both NDAs online on the E-Procurement Portal at the time of submission of Bids. - Along with NDA, bidder shall submit self-declaration in their Company letter head that they have not changed/ modified any content of the NDA /secrecy agreement. - In the event, Bidder seeks alteration in the already set Licensor's NDA conditions enclosed to the tender, then its acceptance is at the sole discretion of the Licensor . - NDA will not be accepted from any Bidder after cut-off date for NDA submission as mentioned in clause 5.2 above. The Technical part of the Bidding Documents will not be provided to such Bidders.



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6.	Site Visit and Pre-Bid Meeting	Site Visit at 10:00 hours on 13-Oct-2021 (Refer Bid Datasheet for Site visit details). As per COVID-19 protocols, Bidders are requested to reach the site well in advance before the site visit and follow the local quarantine duration / test as per procedure. Pre-Bid meeting at 11:30 hrs. on 20-Oct-2021 via online Microsoft Teams. Note: Bidder(s) are requested to send their request to get the e-link to attend per-bid meeting at least 5 days prior to due date as per communication details provided in Bid Data sheet. Last date for submitting Pre-bid queries: 18-Oct-2021
7.	Submission of Bid	Start Date of Submission of Bid: From 14.00 Hours 17-Nov-2021 Last date of Submission of Bid: Up to 14.00 Hrs. 24-Nov-2021
8.	Opening date for Techno-Commercial Bid and Price Bid	14.30 Hrs. on 25-Nov-2021(*). If date identified as (*) above happens to be a declared holiday in TPIL, Chennai/ NRL, Numaligarh, the next working day shall be considered. Date and time of Priced Bid opening will be communicated only to Techno-commercially acceptable bidders.
9.	Earnest Money Deposit (EMD)	For Indian Bidder: INR 1,00,00,000/- (INR One Crore only). For Foreign Bidder: USD 135,400/- (USD One Hundred Thirty Five Thousand and Four Hundred Only)



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Bidder Qualification Criteria (BQC):

Intending Bidders shall meet the minimum qualification criteria detailed below to qualify. The Bidders shall have to furnish proof of their qualification credentials and other relevant documents mentioned in the Bidding Document along with the Part-I - Techno-Commercial Bid.

Bids from following Bidders are acceptable:

- (i) **Sole Bidder- Indian Bidder:** An Indian Bidder who meets the Bidder Qualification Criteria (BQC) as set out below (Refer Sl. Nos. 10.1, 10.2 and 10.3) can directly quote for the job.
- (ii) **Sole Bidder-Foreign Bidder:** A Foreign Bidder who meets the BQC (Refer Sl. Nos. 10.1, 10.2 and 10.3) can quote directly for the job subject to the condition that **at least** one job against which they are being qualified (under Technical/ Commercial Experience Criteria as per Sl. No. 10.1 or 10.3 below) should have been executed in India.
- (iii) **Sole Bidder- Indian Subsidiary of Foreign Entity :** Indian bidder, subsidiary of a foreign entity, not meeting the commercial experience criteria as per Sr. No. 10.3 below, can also participate on its own as a Sole Indian Bidder provided it meets the BQC as follows:
10. a) The Indian Subsidiary (Bidder) shall possess technical experience criteria and financial criteria as mentioned at Sr. No. 10.1 and 10.2 respectively;
- b) The Parent company (foreign Entity) shall meet the Commercial BQC requirement mentioned at Sr. no. 10.3 below.
- c) The Indian subsidiary (bidder) shall also meet other conditions related to Commercial experience criteria, period of establishment etc. as specified at Sr. no. 10.4.4.B and 10.4.5 below.

The Parent company (foreign Entity) whose commercial experience criteria is being used shall also submit an undertaking and Corporate Guarantee as per format(s) enclosed to ITB.

(iv) Consortium/ Joint-Venture (JV)

A consortium of 2 (two) companies (both legal entities), assuming responsibilities for being jointly and severally liable for undertaking the Project submitting a Memorandum of Understanding (MOU) along with its Techno-Commercial Bid with the specific objective of participating in this tender by pooling their resources, to be followed by a legally enforceable consortium agreement between these two companies in case of award, can also participate in the bid under any of the following options:



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Consortium- One Leader and one Member

Joint Venture- Two partners

Consortium/JV arrangement shall be in any form as mentioned below:

- a) A Foreign Company and an Indian company having experience in India. (In this case, the Foreign Company shall be the Leader of the Consortium or Joint Venture)
- b) A Foreign company and their Indian Subsidiary/Indian Affiliate having experience in India (In this case, the Foreign Company shall be the Leader of the Consortium or Joint Venture)
- c) Two Indian Companies (In this case, the company meeting the BQC shall be the Leader of the Consortium or Joint Venture)

10.1

TECHNICAL EXPERIENCE CRITERIA

10.1.1

The Bidder **shall** have successfully executed and completed 1 (one) engineering, procurement and construction (EPC) / engineering, procurement, construction and commissioning (EPCC) / lump sum turn key basis (LSTK) contract with single point responsibility, involving "**project management, detailed engineering*, procurement, construction, pre-commissioning and commissioning/ commissioning assistance**" for any 1 (one) of the following process units in Hydro-Carbon Sector (Refineries or Petrochemical or "On-Shore Gas and/or Oil Processing Facility" or "Off-shore Gas and/or Oil Processing Facility") or Fertilizer Sector (Fertilizer Plant (Ammonia / Urea)) or Metallurgy Sector (Ferrous) or Power Plants (Coal based/Gas based/Petroleum Fuel based)

- (a) Atmospheric Vacuum Distillation Unit (AVU)/ Crude Distillation Unit / Vacuum Distillation Unit;
- (b) Fluid Catalytic Cracking Unit/ RFCC (Residue Fluidised Catalytic Cracking) Unit;
- (c) Isomerization Unit (ISOM);
- (d) Hydrocracker Unit/ OHCU (Once through Hydro-Cracker Unit);
- (e) Naphtha Hydro-Treater / Continuous Catalytic Reforming Unit/ Catalytic Reforming Unit/ Motor Spirit Unit;
- (f) Diesel Hydrodesulphurization / Diesel Hydro-Treating Unit;
- (g) Delayed Coker Unit;
- (h) VGO Hydrotreater Unit;
- (i) Hydrogen Generation Unit;



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- (j) Naphtha Cracker Unit/ Gas Cracker Unit;
- (k) Aromatic Complex (Comprising of Naphtha Hydro Treater/ Continuous Catalytic Reformer/ Isomerization/ Xylene Fractionation / Para-Xylene Recovery);
- (l) Polymer Unit: Polypropylene (PP) / High Density Polyethylene (HDPE) / Linear Low Density Polyethylene (LLDPE) / Styrene Butadiene Rubber (SBR) / Swing / LDPE;
- (m) Purified Terephthalic Acid (PTA) Unit;
- (n) Ethylene Glycol;
- (o) Linear Alkyl Benzene (LAB);
- (p) Sulphur Recovery Unit (SRU);
- (q) Fertilizer Plant (Ammonia / Urea);
- (r) CGO Hydro-Treating Unit;
- (s) Paraxylene unit;
- (t) Ethylene cracker unit; or
- (u) Resid Processing and Treating Unit/ Resid Upgradation Facility.
- (v) Gas and/or Oil Processing Facility
- (w) Metallurgy Sector (Ferrous) - Blast Furnace Plant
- (x) Power Plants (Coal based/Gas based/Petroleum Fuel based)

Provided that, such process unit:

- (i). shall be a commercial unit i.e., not a lab plant / pilot plant / demo plant;
- (ii). shall only be a grass root unit and not a revamp or debottlenecked unit ;
- (iii). must be new process unit only;
- (iv). must not be a captive unit**.

*Refer Clause 10.1.3

**The unit will be considered as Captive unit where Bidder has equal to or more than 50% share capital in the company owning the unit.

Further, exclusive/ standalone experience of **utility system / utility block, waste water/ effluent treatment plant, offsite facilities etc.** shall **not** be considered as relevant experience under the Technical Criteria.



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10.1.2

The process unit(s) as referred in Clause 10.1.1 above must have been:

commissioned within the last 15 (fifteen) years ending on last day of the month immediately previous to the month in which last date of Bid submission falls (in case of extended bid submission date, original bid submission date shall be considered).

The units referred at 10.1.1 should also have been in operation for at least 1 (one) year after commissioning. Proof of commissioning from owner/End User shall be submitted by the Intending Bidder along with the Technical Bid.

However, for operation for at least 1 (one) year after commissioning any one of the following document is required to be submitted by the Bidder along with the Bid.

- (i). certificate for operation for 1 (one) year from client; or
- (ii). certificate of Release of full security deposit (bank guarantee) by client against the defect liability period; or
- (iii). certificate of completion of performance guarantee and test run (PGTR) with completion date at least 1 year prior to the Bid Due Date; or
- (iv). certification by CEO/ CFO of the Bidder with due notarization that defect liability period is completed and there is no claim by client on account of performance of such process unit.

Note: For reference job of NRL in support of successful operation of one year, Bidder need not submit any additional certificate. However, the qualification of the reference job order submitted by the Bidder for the tender will be checked internally by NRL based on the information submitted with the Bid.

10.1.3

In case the Bidder, on its own, meets all the criteria as per clause 10.1.1 except Detailed Engineering **against** any of the process Unit **from Sr. no. (a) to (u) or Bidder has detailed engineering experience only against Sr. no.(v) or (w) or (x)** , Bidder shall be considered acceptable, provided the Bidder engages an Engineering Sub-contractor who singly meets the Detailed Engineering Experience criteria for at least 1 (one) of the Process Units mentioned **under clause 10.1.1 Sr. no. (a) to (u). The Engineering Sub-**



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contractor should have been established in India for the last 5 years (ending on last day of the month immediately previous to the month in which last date of Bid submission falls) (in case of extended Bid Due Date, original Bid Due Date shall be considered). Necessary documents to prove this claim shall be submitted by the Bidder along with their Techno-Commercial Bid.

Such unit (**from Sr. no. (a) to (u)**) shall also meet the requirement specified under clause 10.1.2

Bidder shall submit the documentary evidence of the Engineering Sub-contractor meeting the said criteria.

Further, the Bidder shall submit in its Techno-Commercial Bid, a Memorandum of Understanding (MoU) executed with such engineering sub-contractor for scope as per sub-clause 10.6.1(l). The MoU shall be valid for at least 04 (four) years or till the Defect Liability Period whichever is later, from the scheduled date of bid submission. Additionally, in case of award of the Project to the Bidder, such engineering sub-contractor shall not be changed during the subsistence of the Contract without prior approval of Owner.

The Successful Bidder shall deploy their personnel (to be approved by Owner/ Consultant later) at the design center office of the engineering sub-contractor to control, monitor and approve the engineering design work/ deliverables of the engineering sub-contractor prior to issuance for review/ approval by Owner/ Consultant.

10.2 FINANCIAL CRITERIA

10.2.1

The **average annual turnover** of the Bidder shall be equal to or more than **INR. 300 crores (Indian Rupees Three Hundred Crores Only) or USD 40,622,900/- (USD Forty Million Six Hundred Twenty Two Thousand and Nine Hundred Only)** during the 3 (Three) immediately preceding financial years from the date of issue of Bidding Documents.

For fulfilling the Financial Criteria, the Bidders shall submit its audited balance sheet and profit and loss account.

Published Annual Report available in the public domain shall also be acceptable.



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Note: If the financial statement(s) is prior to implementation of GST, and the Excise Duty is shown extra in the Financial Statement, the turnover shall be inclusive of Excise Duty but excluding other income.

Bidder shall have positive net worth for the immediately preceding financial year as per the latest audited report.

To establish the positive net worth, Bidder shall furnish the latest audited financial statement including auditors reports, audited balance sheet, profit and loss account, notes, annexure (if any) etc.

In case net worth of the Bidder is negative in the immediately preceding financial year, the Bid of such Bidder shall be rejected.

The net worth means paid up share capital, share application money pending allotment* and reserve # less accumulate losses and deferred expenditure to the extent not written off.

Net worth shall be calculated using the following formula:

Reserves to be considered for net-worth shall be all reserves created out of the profits and securities premium account but shall not include reserves created out of revaluation of assets, write back of depreciation and amalgamation.

*Share application money pending allotment will be considered only in respect of share to be allotted.

Accordingly, the definition of net-worth shall be as follows:

10.2.2



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Description	Values (in currency)	Reference Page no., Clause etc.)
Paid up Share capital (A)		
Add: Share Application Money pending allotment (B)		
Add: Reserves (As defined above) (C)		
Less: Accumulated Losses (D)		
Less: Deferred Revenue Expenditure to the extent not written off (E)		
Net Worth (A+B+C-D-E)		

In case the Financial Year closing date is **within 9 months of bid due date** and Audited Annual Report of immediate preceding financial year is not available, the Bidder has the option to submit the financial details of the previous year immediately prior to the last financial year. Otherwise, it is compulsory to submit the financial details of the immediate preceding financial years.

Example, in case, audited annual report of immediate preceding Financial Year (year ending 31 March) is not available and where bid closing date is up to 31 December, the financial details of the previous year immediately prior to the last financial year may be submitted. However, in case the Bid Due Date is after 31 December, it is compulsory to submit the financial details of the immediate preceding financial year only.

Any of the following documents furnished by the Bidder in support of above clause shall be acceptable:

- (a) audited published annual report; or
- (b) audited balance sheet and profit and loss statement; or
- (c) financial statements duly certified by a practicing Chartered Accountant (not being an employee or a Director and not having any interest in the Bidder's company) where audited accounts are not mandatory as per law.



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For Indian Bidders, audited annual report / financial statements needs to be accompanied with UDIN number, which is mandatory from July 2019 onwards. Any financial report which is issued after July 2019 onwards without UDIN shall not be considered for evaluation.

The failure to meet average annual turnover criteria as per Clause 10.2.1 above and net worth criteria as per Clause 10.2.2 above will render the Bid to be summarily rejected.

10.2.3

Working Capital: The Bidder must have a minimum working capital of amount equivalent to **INR 46,15,38,000/- (Indian Rupees Forty Six Crores Fifteen Lakhs Thirty Eight Thousand Only) or USD 6,249,700/- (USD Six Million Two Hundred Forty Nine Thousand and Seven Hundred Only)** as per immediate proceeding financial year audited annual Report.

Working Capital shall be current assets minus current liabilities.

In case, Bidder is unable to meet the working capital requirement as above, the Bidder can supplement the respective working capital requirement with a fund based line of credit from any scheduled bank in India or any international bank having net worth not less than INR 1000 Million. In such a case, Bidder shall furnish a declaration from the bank for availability of unutilized fund based line of credit for the respective amount specified above, irrespective of overall position of the working capital. Such declaration from bank shall present the availability of unutilized fund based line of credit of the Bidder for a date between the date issue of Bidding Documents and the Bid Due Date /extended Bid Due Date (as the case maybe). The Bidder shall furnish the original declaration letter from the bank for availability of line of credit. In case, the letter is issued in name of the parent company of the Bidder, in such case necessary inter-company agreements to be provided as documentary evidence.



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10.3	COMMERCIAL EXPERIENCE CRITERIA
10.3.1	For experience, the Bidder, as a main or as a sub-contractor should have executed/completed at least one or two or three contract(s) involving similar nature work with minimum value(s) as indicated below during the last 15 (fifteen) years ending on last day of the month immediately previous to the month in which the Bid Due Date falls (in case of extended Bid Due Date, original Bid Due Date shall be considered): (a) 1 (one) "Similar" successfully completed contract valuing not less than the amount equal to INR 500 crores/- (Indian Rupees Five Hundred Crores only) or USD 67,704,800/- (USD Sixty Seven Million Seven Hundred Four Thousand and Eight Hundred Only). OR (b) 2 (two) "Similar" successfully completed contracts each valuing not less than the amount equal to INR 400 crores (Indian Rupees Four Hundred Crores only) or USD 54,163,800/- (USD Fifty Four Million One Hundred Sixty Three Thousand and Eight Hundred only). OR (c) 3 (three) "Similar" successfully completed contracts each valuing not less than the amount equal to INR 300 crores (Indian Rupees Three Hundred Crores only) or USD 40,622,900/- (USD Forty Million Six Hundred Twenty Two Thousand and Nine Hundred Only). Date of mechanical completion will be considered as completion date and that should fall within the qualifying period. The above values of completed contract(s) shall be exclusive of GST /Service Tax. "Similar" nature of job shall have the meaning as set out in Clause 10.3.2 below
10.3.2	Similar works shall mean the work involving "Project Management, Detailed Engineering, Procurement, Construction, Mechanical Completion" for any one of the following process units in Hydro-Carbon Sector (Refineries or Petrochemical or "On-Shore Gas and/or Oil processing Facility" or "Off-shore Gas and/or Oil Processing Facility or Fertilizer Sector (Fertilizer Plant (Ammonia / Urea) or Metallurgy Sector (Ferrous) or Power Plants (Coal based/Gas based/Petroleum Fuel based) : (a) Atmospheric Vacuum Distillation Unit (AVU)/ Crude Distillation Unit / Vacuum Distillation Unit; (b) Fluid Catalytic Cracking Unit/RFCC (Residue Fluidised Catalytic Cracking) Unit; (c) Isomerization Unit (ISOM); (d) Hydrocracker Unit/ OHCU (Once through Hydro-Cracker Unit);



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- (e) Naphtha Hydro-Treater / Continuous Catalytic Reforming Unit/ Catalytic Reforming Unit/ Motor Spirit Unit;
- (f) Diesel Hydrodesulphurization / Diesel Hydro-Treating Unit;
- (g) Delayed Coker Unit;
- (h) VGO Hydrotreater Unit;
- (i) Hydrogen Generation Unit;
- (j) Naphtha Cracker Unit/ Gas Cracker Unit;
- (k) Aromatic Complex (Comprising of Naphtha Hydro Treater/ Continuous Catalytic Reformer/ Isomerization/ Xylene Fractionation / Para-Xylene Recovery);
- (l) Polymer Unit: Polypropylene (PP) / High Density Polyethylene (HDPE) / Linear Low Density Polyethylene (LLDPE) / Styrene Butadiene Rubber (SBR) / Swing / LDPE;
- (m) Purified Terephthalic Acid (PTA) Unit;
- (n) Ethylene Glycol;
- (o) Linear Alkyl Benzene (LAB);
- (p) Sulphur Recovery Unit (SRU);
- (q) Fertilizer Plant (Ammonia / Urea);
- (r) CGO Hydro-Treating Unit;
- (s) Paraxylene unit;
- (t) Ethylene cracker unit;
- (u) Resid Processing and Treating Unit/ Resid Upgradation Facility.
- (v) Gas and/or Oil Processing Facility;
- (w) Metallurgy Sector (Ferrous) - Blast Furnace Plant; or
- (x) Power Plants (Coal based/Gas based/Petroleum Fuel based).

Provided that, such process unit:

- (y) shall be a commercial unit i.e., not a lab plant / pilot plant / demo plant.
- (z) shall only be a grass root unit and not a revamp or debottlenecked unit.
- (aa) must be new process unit only.

The Reference Unit must not be a captive unit***

***The unit will be considered as captive unit where Bidder has equal to or more than 50% share capital in the company owning the unit.

Even if the **Detailed Engineering** was not there in the scope of the concerned job, the job shall be considered as similar nature of work and shall be accepted towards the commercial experience criteria if it meets the requirement(s) in terms of **Project**



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	<i>Management, Procurement, Construction, Mechanical Completion under a single point responsibility.</i> For the reference works, in case the Bidder has used services of engineering sub-contractor(s) for detailed engineering, the same shall be considered acceptable and the Bidder has to declare details of such arrangement along with the Bid (documentary evidence to be provided).
10.4	Specific provisions for Indian Subsidiary who possess the BQC- Technical and Financial as per single bidder mentioned at Sr. No.10.1 and 10.2 respectively on its Own except Commercial experience criteria as mentioned under Sr. No. 10.3
10.4.1	Indian bidder, subsidiary of a foreign entity, not meeting the commercial experience criteria as per Sr. No. 10.3 below, can also participate on its own as a Sole Indian Bidder provided it meets the BQC as follows: a) The Indian Subsidiary (Bidder) shall possess technical experience criteria and financial criteria as mentioned at Sr. No. 10.1 and 10.2 respectively; b) The Parent company (foreign Entity) shall meet the Commercial BQC requirement mentioned at Sr. no. 10.3 above. c) The Indian subsidiary (bidder) shall also meet other conditions related to Commercial experience criteria, period of establishment etc. as specified at Sr. no. 10.4.4.B and 10.4.5 below. Note: The Parent company (foreign Entity) whose commercial experience criteria is being used shall also submit an undertaking and Corporate Guarantee as per format(s) enclosed to ITB.
10.4.1.1	<i>For the purpose of this NIT, the Indian Subsidiary shall mean a company owned (ownership) and controlled (control) by the Foreign entity where:</i> (i) "OWNERSHIP" means the legal and beneficial ownership of more than 50% of the issued and subscribed equity shareholding of the Indian Company directly by the Foreign entity or through a Holding company, which owns the majority of the issued and subscribed equity shares of the FOREIGN ENTITY and the Indian Company.



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	(ii) <i>"Control" means the right to exercise majority of the voting rights on any resolution for the appointment of Directors of the Indian Company either directly by the Foreign entity or through a Holding Company aforesaid. Bidder has to submit supporting documents to establish the relation between Foreign company and its Indian Subsidiary.</i> <i>Bidder has to submit supporting documents to establish the relation between Foreign company and its Indian Subsidiary.</i>
10.4.2	<u>Technical Experience Criteria:</u> In this case, The Indian Subsidiary (Bidder) shall meet the Technical work experience as per Sr. No. 10.1 of BQC above as a Single Bidder.
10.4.3	FINANCIAL CRITERIA In this case, The Indian Subsidiary (Bidder) shall meet the Financial Criteria as per Sr. No. 10.2 of BQC above as a Single Bidder.
10.4.4	COMMERCIAL EXPERIENCE CRITERIA
10.4.4.A	In this case, The Parent company (foreign Entity) shall meet the Commercial experience criteria as per Sr. No. 10.3 of BQC above as a single bidder.
10.4.4.B	The Bidder being an Indian Subsidiary, as a main or as a sub-contractor shall have executed/completed at least 1 (one) contract in India involving similar nature work with minimum value(s) as indicated below during the last 15 (fifteen) years ending on last day of the month immediately previous to the month in which the Bid Due Date falls (in case of extended Bid Due Date, original Bid Due Date shall be considered): <i>One "Similar" successfully completed contract valuing not less than the amount equal to INR 300 crores (Indian Rupees Three Hundred Crores only) or USD 40,622,900/- (USD Forty Million Six Hundred Twenty Two Thousand and Nine Hundred Only) .</i> Date of mechanical completion will be considered as completion date and that should fall within the qualifying period. The above values of completed contract(s) shall be exclusive of GST /Service Tax. <i>"Similar" nature of job shall have the meaning as set out in Clause 10.3.2 above.</i>



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10.4.5	The Indian Subsidiary should have been established in India for the last 5 years (ending on last day of the month immediately previous to the month in which last date of bid submission falls) (in case of extended Bid Due Date, original Bid Due Date shall be considered). Necessary documents to prove this claim shall be submitted by the Bidder along with their Techno-Commercial Bid.
10.5	SPECIFIC PROVISIONS FOR CONSORTIUM/JV TO BE FORMED FOR BIDDING
10.5.1	Consortium or Joint Venture of a Foreign Company with an <i>Indian Company having work experience in India</i>
10.5.1.1	Consortium/ JV to be formed for bidding in this job shall comprise of maximum 02(Two) members only (one Leader and one Member).
10.5.1.2	The Foreign Bidder shall be the Leader of the consortium or Joint Venture 'Foreign Bidder/Company' shall mean that the Bidder/Company is registered outside India and their operations are predominantly outside India.
10.5.1.3	The Leader of the Consortium/JV shall meet the Technical Experience Criteria, Financial Criteria and Commercial Experience Criteria as per Sr. No. 10.1, 10.2 and 10.3 respectively of BQC above as a Single Bidder.
10.5.1.4	The company with experience in India (Consortium/JV Member), as a main or as a sub-contractor shall possess experience of having executed/ completed at least 1 (one) contract in India involving similar nature work with minimum value(s) as indicated below during the last 15 (fifteen) years ending on last day of the month immediately previous to the month in which the Bid Due Date falls (in case of extended Bid Due Date, original Bid Due Date shall be considered): <i>One "Similar" successfully completed contract valuing not less than the amount equal to INR 300 crores (Indian Rupees Three Hundred Crores only) or USD 40,622,900/- (USD Forty Million Six Hundred Twenty Two Thousand and Nine Hundred Only) .</i> Date of mechanical completion will be considered as completion date and that should fall within the qualifying period.



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	<i>The above values of completed contract(s) shall be exclusive of GST /Service Tax.</i> <i>"Similar" nature of job shall have the meaning as set out in Clause 10.3.2 above.</i>
10.5.1.5	The average annual turnover of the Consortium/JV Member (Other than the Leader) shall be equal to or more than INR. 150 crores (Indian Rupees One Hundred Fifty Crores only) or USD 20,311,400/- (USD Twenty Million Three Hundred Eleven Thousand and Four Hundred only) during the 3 (Three) immediately preceding financial years from the date of issue of Bidding Documents.
10.5.1.6	The distribution of work between Consortium or Joint Venture members would be such that after award of work, a minimum 35% (but not more than 49%) of Contract Price shall be executed by Consortium/Joint Venture Member (other than leader) having work experience in India and the billing schedule shall be drawn up after award of Work accordingly. The details of such distribution of work to be adequately incorporated in the consortium agreement so as to ensure successful performance of the Contract.
10.5.1.7	Minimum Scope of work to be executed by Leader The following shall be the minimum scope of work to be executed by the Leader • Overall Project Management • Planning and Scheduling • Critical Procurement • Participation in HAZOP and 3D Model Review • Participation in Progress Review meeting • Commissioning Assistance The Leader shall submit an undertaking as per format enclosed with ITB of the Bidding Documents.
10.5.2	CONSORTIUM/JOINT VENTURE (JV) OF A FOREIGN COMPANY WITH THEIR INDIAN SUBSIDIARY / INDIAN AFFILIATE (In this case, the Foreign Company shall be the Leader of the Consortium or Joint Venture)
10.5.2.1	<i>For the purpose of this NIT, Indian Subsidiary/Indian Affiliate shall mean a Company owned (ownership) and controlled (control) by the Foreign entity where::</i> (i) <i>"OWNERSHIP" means the legal and beneficial OWNERSHIP of more than 50% of the issued and subscribed equity shareholding of the Indian Company directly by the Foreign entity or through a Holding company, which owns the majority of the issued and subscribed equity shares of the FOREIGN ENTITY and the Indian Company.</i>



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	(ii) <i>"Control" means the right to exercise majority of the voting rights on any resolution for the appointment of Directors of the Indian Company either directly by the Foreign entity or through a Holding Company aforesaid.</i> The term "Affiliate" shall include Subsidiary. Bidder has to submit supporting documents to establish the relation between Foreign company and its Indian Subsidiary/Indian Affiliate.
10.5.2.2	Consortium/JV to be formed for bidding in this job shall comprise of maximum 02(Two) members only (one Foreign Company (Leader) and one Member who is Indian Affiliate/ Subsidiary of the same Foreign Company).
10.5.2.3	The Foreign Company shall be the Leader of the Consortium or Joint Venture 'Foreign Bidder/Company' shall mean the Bidder/Company registered outside India & their operations shall be predominantly outside India.
10.5.2.4	The Leader of the Consortium/JV shall meet the Technical Experience Criteria, Financial Criteria and Commercial Experience Criteria as per Sr. No. 10.1, 10.2 and 10.3 respectively of BQC above respectively as a Single Bidder.
10.5.2.5	The average annual turnover of the Consortium/JV Member (Other than the Leader) shall be equal to or more than INR. 150 crores (Indian Rupees One Hundred Fifty Crores only) or USD 20,311,400/- (USD Twenty Million Three Hundred Eleven Thousand and Four Hundred only) during the 3 (Three) immediately preceding financial years from the date of issue of Bidding Documents.
10.5.2.6	The Indian Subsidiary/ Indian Affiliate should have been established in India for the last 5 years (ending on last day of the month immediately previous to the month in which last date of bid submission falls) (in case of extended Bid Due Date, original Bid Due Date shall be considered). Necessary documents to prove this claim shall be submitted by the Bidder along with their Techno-Commercial Bid.
10.5.2.7	The Indian Subsidiary/ Indian Affiliate , as a main or as a sub-contractor shall have executed/completed at least 1 (one) contract in India involving similar nature work with minimum value(s) as indicated below during the last 15 (fifteen) years ending on last day of the month immediately previous to the month in which the Bid Due Date falls (in case of extended Bid Due Date, original Bid Due Date shall be considered):



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	<i>One “Similar” successfully completed contract valuing not less than the amount equal to INR 300 crores (Indian Rupees Three Hundred Crores only) or USD 40,622,900/- (USD Forty Million Six Hundred Twenty Two Thousand and Nine Hundred Only).</i> Date of mechanical completion will be considered as completion date and that should fall within the qualifying period. <i>The above values of completed contract(s) shall be exclusive of GST /Service Tax.</i> “Similar” nature of job shall have the meaning as set out in Clause 10.3.2 above. Proof of completion of above completed contracts shall be submitted by the Bidder.
10.5.2.8	The distribution of work between Foreign bidder & its Indian Affiliate/Indian Subsidiary would be such that after award of work, a minimum 35% but maximum of 80 % of Contract Price shall be executed by Indian Affiliate/Indian Subsidiary and the billing schedule shall be drawn up after award of Work accordingly. The details of such distribution of work to be adequately incorporated in the consortium agreement so as to ensure successful performance of the Contract.
10.5.2.9	Minimum Scope of work to be executed by Leader The following shall be the minimum scope of work to be executed by the Leader • Overall Project Management • Planning and Scheduling • Critical Procurement • Participation in HAZOP and 3D Model Review • Participation in Progress Review meeting • Commissioning Assistance The Leader shall submit an undertaking as per format enclosed with ITB of the Bidding Documents.
10.5.3	CONSORTIUM/ JV OF INDIAN COMPANIES
10.5.3.1	Consortium/JV to be formed for bidding in this job shall comprise of maximum 02(Two) members only (one Leader and one Member).



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10.5.3.2	One Indian Company shall be the Leader of the Consortium/ JV and the other Company will be a Member
10.5.3.2	The Leader of the Consortium/JV shall meet the Technical Experience Criteria, Financial Criteria and Commercial Experience Criteria as per Sr. No. 10.1, 10.2 and 10.3 respectively of BQC above as a Single Bidder.
10.5.3.2	The Member company (other than the Leader) as a main or as a sub-contractor shall have executed/completed 1 (one) contract having value not less than the amount equal to INR 300 crores (Indian Rupees Three Hundred Crores only) or USD 40,622,900/- (USD Forty Million Six Hundred Twenty Two Thousand and Nine Hundred Only) for at least Construction job (with or without Engineering/ Procurement activities) for Project work of setting up of one of the (new/ revamp) Process Units mentioned under clause 10.1.1 during the last 15 (fifteen) years ending on last day of the month immediately previous to the month in which the last date of bid submission (in case of extended bid submission date, original bid submission date shall be considered) The above value of completed contract shall be exclusive of GST /Service Tax. Proof of completion of above completed contracts shall be submitted by the Bidder.
10.5.3.3	In this case, the experience of the Leader must be such that at least one job against which they are being qualified (under Technical/ Commercial Experience Criteria as per Sl. No. 10.1 or 10.3 below) should have been executed in India and the Member's experience as mentioned above can be in India/ Abroad .
10.5.3.4	The average annual turnover of the Consortium/JV Member (Other than the Leader) shall be equal to or more than INR. 150 crores (Indian Rupees One Hundred Fifty Crores only) or USD 20,311,400/- (USD Twenty Million Three Hundred Eleven Thousand and Four Hundred only) during the 3 (Three) immediately preceding financial years from the date of issue of Bidding Documents.
10.5.3.5	The distribution of work between Consortium or Joint Venture members would be such that after award of work, a minimum 35% (but not more than 49%) of Contract value shall be executed by the Member (other than Leader) of the Consortium/Joint Venture and the billing schedule shall be drawn up after award of Work accordingly. The details of such distribution of work to be adequately incorporated in the consortium agreement so as to ensure successful performance of the Contract.
10.5.3.6	Minimum Scope of work to be executed by Leader The following shall be the minimum scope of work to be executed by the Leader



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	• Overall Project Management • Planning and Scheduling • Critical Procurement • Participation in HAZOP and 3D Model Review • Participation in Progress Review meeting • Commissioning Assistance The Leader shall submit an undertaking as per format enclosed with ITB of the Bidding Documents.
10.5.4	GENERAL POINTS FOR CONSORTIUM/JOINT VENTURE(JV) TO BE FORMED FOR BIDDING
10.5.4.1	Proof of annual turnover shall be submitted in form of audited financial statements. Published Annual Report available in the public domain shall also be acceptable.
10.5.4.2	The overall Project management shall be performed by the Leader/Lead Member. The members of Consortium shall assume responsibility for being jointly and severally liable for undertaking the Project and shall submit Memorandum of Understanding (MOU) along with the Techno-Commercial Bid clearly defining the role and responsibility of each Consortium member. The members of the Consortium shall enter into a detailed agreement within 1 (one) month after award of the Project through issue of Letter of Acceptance. Such detailed agreement must remain in force at least till the pendency of the Contract including defect liability period as set out in the GCC. For the avoidance of doubt, it is clarified that the detailed agreement will be in conformity with the MOU including with the provisions of joint and several liability and the interse role and responsibilities of the consortium members. Further, the MOU shall remain valid and shall be binding till such time detailed agreement is executed by the consortium members.
10.5.4.3	The MoU shall clearly specify the name and complete address of the Leader/Lead Member and other Consortium member and other provisions related to joint and several liability of Consortium members and proposed distribution of work in accordance with this Clause 10.5.4.
10.5.4.4	The distribution of work among the Consortium members shall be identified and submitted along with the Techno-Commercial Bid and shall not be changed thereafter. (Details in this connection shall be submitted in the Format attached with the ITB).
10.5.4.5	The Consortium members shall be jointly and severally bound and liable to the Owner for the fulfilment of the terms of the Contract and for discharge of liabilities of the Consortium to the Owner. The Member shall authorize the Leader/Lead Member of the Consortium with authority to bind the Consortium, through a power of attorney given jointly by the Member to the Leader/ Lead Member.



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10.5.4.6	The selected Leader/Lead Member of the Consortium shall be duly authorized to incur liabilities and receive instructions for and on behalf of any and all member(s) of the Consortium.
10.5.4.7	1. In case bidder has executed contract(s) meeting the requirements under clause no. 10.1 and/ or 10.3 above of BQC as a leader of Consortium/JV, the experience is acceptable for the purpose of qualification under clause 10.1 and/ or 10.3. 2. In case bidder has executed contract(s) meeting the requirements under clause no. 10.3, 10.4.4.B, 10.5.1.4, 10.5.2.7 and 10.5.3.2 above of BQC as a consortium/JV, the value of work performed by the respective consortium members/JV partner shall be considered as the value of contract for the purpose of qualification under clause no. 10.3, 10.4.4.B, 10.5.1.4, 10.5.2.7 and 10.5.3.2 above.
10.6	DOCUMENTATION
	The Bidder shall, in its own interest, furnish complete documentary evidence, as under, to justify that the Bidder meets the Bidder Qualification Criteria. Bidders are required to submit complete documents pertaining to BQC along with their offer. Failure to meet the BQC will render the bid to be summarily rejected. the Owner reserves the right to complete the evaluation based on the details furnished by the bidder, with or without seeking any additional supporting documents /clarifications.
10.6.1	For Technical and Commercial experience criteria: (a) For technical experience criteria, The Bidder shall furnish documentary proof in the form of copy of work order(s) / contract agreement(s)/ relevant pages of contract document(s) mentioning the value and the scope of work along with completion certificate(s) issued by owner/ consultant and certificate(s) of commissioning of previous plants from owner/ Consultant or any other certificate issued by owner/ consultant certifying that work is commissioned, fulfilling the technical experience criteria for themselves as well as their proposed engineering sub-contractor, as applicable. (b) For commercial experience criteria, The Bidder shall furnish documentary proof in the form of copy of work order(s) / contract agreement(s)/ relevant pages of contract document(s) mentioning the value and the scope of work along with completion certificate(s) or any other certificate issued by owner/ consultant certifying that work is mechanically completed, fulfilling the commercial experience criteria, as applicable.



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- (c) For commercial experience criteria, the value of past experience shall be adjusted at a simple rate of 7% for every completed year and thereafter at @ 0.58% for every completed month ending last day of the month proceeding the month in which last date of original Bid Due Date falls.
For calculation of period of escalation of Commercial experience Criteria for such Similar Works”, starting date shall be reckoned from the date of mechanical completion of the work.
- (d) In case of Bidder submitting documents for Commercial experience criteria for their work executed for private establishments (other than PSUs), work order copy along with either: (a) tax deduction at source (TDS) certificate in Form 26AS (Annual Tax Statement under Section 203AA of the Income Tax Act, 1961) or (b) bank certificate indicating receipt of payment from the owner, shall be required to furnish.
- (e) In case any other document is submitted by Bidder in support of execution for Commercial experience criteria, the same shall be subject to acceptance by the Owner or its representative.
- (f) In case, the executed value of job is more than work order value and the Bidder claims that it is meeting the BQC requirement on the basis of executed value, then it is the responsibility of the Bidder to submit the documentary evidence of final executed value (such as copy of final bill, executed value mentioned in completion certificate etc.) along with its Bid.
- (g) In case executed value is not mentioned in the completion certificate, work order value with amendments, if any, shall be considered towards BQC requirements. Where the executed value is not mentioned in the completion certificate, the copy of certified bill shall also be acceptable for determining the executed value if submitted along with completion certificate.
- (h) Executed value mentioned in the completion certificate should be exclusive of Service Tax/ GST. In case the value of job submitted by the Bidder does not have clarity with regard to inclusion/ exclusion of Service Tax/GST, the amount appearing in the certificate shall be considered exclusive of Service Tax/GST and shall be evaluated accordingly.



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- (i) In case of Bidder's experience in composite works, in the event the qualifying requirement cannot be ascertained from the work order/ completion certificate submitted by Bidder, Copy of Schedule of Rates (SOR), relevant pages of Contracts, copy of relevant pages of final bill certified by owner for establishing requirement of BQC or written letter from their owner specifying the nature of work with quantities and executed values can be submitted for qualification.
- (j) If the Bidder cites any reference of a job executed for Owner or executed for some client through Consultant and the Bidder is not able to furnish documentary evidence, the internal records of Owner or Consultant (as the case may be) shall be considered.
- (k) A job completed by a Bidder as a sub-contractor shall be considered for the purpose of meeting the Technical Criteria and Commercial Criteria under this NIT subject to submission of following documents in support of meeting the "Bidder Qualification Criteria":
1. Copy of work order along with SOR issued by main contractor.
 2. Copies of completion/commissioning certificates (as the case may be) issued by the owner/ owner's consultant/main contractor. The said certificates shall have details like work order no. /date, brief scope of work, ordered & executed value of the job, completion date etc. In case Bidder is not able to furnish the completion certificates from the owner/owner's consultant in its name then the certificate issued in the name of main contractor shall also be considered as proof of completion of the relevant job.
 3. If the Bidder cites any reference of a job executed for the Owner or executed for some client through the Consultant and the Bidder is not able to furnish documentary evidence, the internal records of the Owner or Consultant (as the case may be) shall be considered. The sub-contractor shall furnish either (a) TDS Certificate in Form 26AS (Annual Tax Statement under Section 203AA of the Income Tax Act, 1961) or (b) Bank Certificate indicating receipt of payment from the Main Contractor.
- (l) Bidder shall submit with the Bid, the Memorandum of Understanding (MOU) between Bidder and engineering sub-contractor (as applicable) in connection with executing the design and detailed engineering, engineering for procurement, preparation/approval of MR of critical equipment and package items as defined in the Bidding Documents elsewhere, HAZOP/ SIL studies, technical and construction audit, pre-



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commissioning/commissioning and PGTR etc. as applicable. The MOU shall be binding on the Bidder and not to be changed thereafter without prior approval of Owner/Consultant and shall remain in force at least till the pendency of the Contract including Defect Liability Period.

- (m) A job executed by a Bidder for its own plant/ projects can't be considered as experience for the purpose of meeting requirement of BQC of the Bidding Document. However, jobs executed by the Bidder for its subsidiary/ Affiliate/ Holding/ Parent company will be considered as experience for the purpose of meeting BQC subject to submission of tax paid invoice(s) duly certified by statutory auditor of the Bidder towards payments of statutory tax along with remittance proof in support of the such executed job. Such Bidders shall submit these documents over and above the other required documents under the various Clauses of BQC.
- (n) For Indian Bidders, order value(s) in foreign currencies (other than INR) shall be converted to equivalent INR at the exchange rate of Reserve Bank of India (RBI) as on the date of award of such proposed qualifying work(s). Similarly for Foreign Bidders, Order value(s), in foreign currencies (other than INR) shall be converted at the exchange rate of RBI (Reserve Bank of India) to equivalent USD as on date of award of such proposed qualifying work(s).
- (o) Bidder(s) are required to submit complete documents pertaining to BQC along with their Bid. However, the Owner / Consultant may give opportunity to the Bidder(s) to submit missing details or clarifications within the stipulated time. In case, these are not submitted within the stipulated time by the Bidder, offer of the Bidder will be evaluated based on available details/ information. The same shall be considered, if found adequate or else shall be rejected.
- (p) Notwithstanding any other condition/ provision in the Bidding Documents, the Bidders are required to submit complete documents pertaining to BQC along with their Bid. Failure to meet the BQC will render the Bid to be summarily rejected. the Owner reserves the right to complete the evaluation based on the details furnished by the Bidder, with or without seeking any additional supporting documents /clarifications.
- (q) The Bidders must submit complete and unambiguous documents pertaining to Bidder Qualification Criteria (BQC) in the first instance itself along with the offer. The Consultant / the Owner may not offer any opportunity to the bidder to provide complete or



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unambiguous documents and reserve the right to proceed on the basis of documents received along with the Bid and In case of non-submission of some documents or submission of incomplete or ambiguous documents, the Bid may be rejected and not evaluated. However, the Owner reserves the right to make any further queries.

- (r) Bidder shall not be allowed to submit new references or document related such new references with respect their past experience unless it is not mentioned in the list (past experience) submitted along with the Bid.
- (s) In case where the Bidder cites the reasons of non-disclosure agreement for its inability to submit necessary documents in support of meeting the Bidder Qualification Criteria, a certificate in original, certifying all the required information, issued by CEO/ CFO of such Bidder along with a declaration that the Bidder is not in a position to submit the required documents owing to non-disclosure agreement with an endorsement by Chartered Accountant / Statutory Auditor / Certified Public Accountant (not being an employee or a director or not having any interest in the Bidder) shall be accepted.

Wherever Chartered Accountant / Statutory Auditor / Certified Public Accountant (not being an employee or a Director or not having any interest in the Bidder) is not in a position to endorse such CEO / CFO's certificate due to local regulations, CEO / CFO's certificate without endorsement may be accepted provided evidence of the local regulation restricting this endorsement is given in the CEO / CFO certificate.



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For Financial Criteria:

(a) For fulfilling the **Financial Criteria**, annual audited financial statements (Balance Sheet, Profit and Loss Account, Auditor Report and all other Schedules / notes to Balance sheet and Profit & Loss Account) of the Bidder shall be considered as acceptable proof.

(b) In case the Financial Year closing date is **within 9 months of Bid Due Date** and audited annual report of immediately preceding financial year is not available, the Bidder has the option to submit the financial details of the previous year immediately prior to the last financial year. Otherwise, it is compulsory to submit the financial details of the immediate preceding financial years.

Example, in case, audited annual report of immediately preceding Financial Year (year ending 31 March) is not available and where bid closing date is up to 31 December, the financial details of the previous year immediately prior to the last financial year may be submitted. However, in case the Bid Due Date is after 31 December, it is compulsory to submit the financial details of the immediate preceding financial year only.

10.6.2

Any of the following documents furnished by the Bidder in support of above clause shall be acceptable:

- (1) audited published annual report; or
- (2) audited balance sheet and profit and loss statement; or
- (3) financial statements duly certified by a practicing Chartered Accountant (not being an employee or a Director and not having any interest in the Bidder's company) where audited accounts are not mandatory as per law.

(c) For Indian Bidders, audited annual report / financial statements needs to be accompanied with UDIN number, which is mandatory from July 2019 onwards. Any financial report which is issued after July 2019 onwards without UDIN shall not be considered for evaluation.

(d) In connection with the submission of various documents against the Financial Criteria, the Bidder shall, inter alia, specifically refer to the **Sl. No. 10.2** of BQC also.



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	(e) In case a Bidder (a parent company) is having wholly owned subsidiaries but only a single consolidated annual report is prepared and audited which includes the financial details of their wholly owned subsidiaries, consolidated audited annual report shall be considered for establishing the financial criteria subject to statutory auditor of the Bidder certifying that separate annual report of such Bidder (without the financial data of subsidiaries) is not prepared and audited. Further, in case Bidder is a subsidiary company and separate annual report of the Bidder is not prepared and audited, but only a consolidated annual report of the its parent company is available, consolidated audited annual report shall be considered for establishing the financial criteria subject to statutory auditor of the parent company certifying that separate annual report of such Bidder is not prepared and audited.	
11	Submission of authentic documents is the prime responsibility of the Bidder. Wherever the Owner has concern or apprehension regarding the authenticity/correctness of any document, the Owner reserves the right to get the documents verified from issuing authority/any relevant source. If documents (part or full) are found forged, such offers will be summarily rejected and Bidder shall be put on Holiday List; orders, if any, placed against subject tender will be terminated and may be debarred from future tenders. For the purpose of verification, Bidders shall submit complete client details with names, address, phone number, e-mail ID etc.	
12	Mode of Submission.	Bid must be uploaded on E-Procurement Portal http://eprocure.gov.in/eprocure/app before the last date & time of submission of Tender (Bid Due Date). Bids submitted using any other mode will not be accepted.



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13	OTHER REQUIREMENTS
13.1	Independent ESI (Employees State Insurance) Code or undertaking for independent ESI code in the Format given in attachment to ITB (Attachment-XXXII to ITB)
	<u>NOTES:</u>
a)	Indian Bidders who would like to quote directly shall have Indian ESI registration in their own name and submit copy of the same registration certificate along with the Bid.
b)	Foreign Bidders who would like to quote directly shall have Indian ESI registration in their own name and submit copy of the same registration certificate along with the Bid.
c)	In case of Foreign Bidders who participates in the Bidding through Consortium/JV arrangement, the Foreign Bidder themselves or the Indian Member (of Consortium/JV) shall have Indian ESI Registration in their name.
d)	In case of Consortium/JV arrangement between the Indian Bidders, both the Members shall have Indian ESI Registration in their names and submit Copy of the ESI Registration Certificates along with the Bid
e)	If ESI Registration is not available during the Bidding Process as mentioned above, necessary undertaking shall be given by the Bidder as per the provisions of Bidding Documents that once the Project is awarded, the Successful Bidder shall arrange for the ESI Registration as per the statutory requirements.
13.2	Copy of PAN card
13.3	Certificate of Incorporation / Memorandum of understanding (MOU) / Partnership deed/ JV Agreement/ Consortium Agreement/ Proprietorship affidavit.



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PF (PROVIDENT FUND) REGISTRATION

Indian Bidders who would like to quote directly shall have Indian PF registration in their own name and shall submit copy of the PF registration certificate along with the Bid.

Foreign Bidders who would like to quote directly shall have Indian PF Registration in their own name and submit copy of the PF registration certificate along with the Bid. In case, such Foreign bidders do not have PF registration number during Bidding Process and they happen to become successful Bidder, they shall arrange for PF registration within 30 days of date of issuance of Letter of Acceptance.

13.4

In case of Foreign Bidder who participates in the Bidding through Consortium/JV arrangement, the Foreign Bidder themselves or the Indian Member (of Consortium/JV) shall have Indian PF Registration in their name and submit Copy of the PF Registration Certificate along with the Bid.

In case of Consortium/JV arrangement between the Indian Bidders, both the Members shall have Indian PF Registration in their names and submit Copy of the PF Registration Certificates along with the Bid.

In case of Bidding through JV/Consortium arrangement (under any combination as specified in Sr. No. 10.5 above), after award of the job, if so required, the Successful Bidder shall ensure any change/modification of PF Registration as per the applicable statutory provisions to facilitate smooth execution of the jobs.

Bids of such Bidders, who shall not submit the copy of valid PF Registration Certificate as per above requirement, will be rejected.

14

Bidder shall be required to submit the power of attorney in the name of its authorized signatory who is submitting the Bid with its digital signature certificate and signature. Also, Power of Attorney of the person who has signed the Bid (if a different person) shall be submitted.

15

**Integrity Pact
Agreement**

Applicable

16

Reverse Auction

Not Applicable

17

Tender cost / Fee

Nil

18

Split of Work

Not applicable

19

Language

English



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20	Validity of Bids	The Bid submitted by the Bidder shall remain valid for 6 (Six) months from the Bid Due Date / Revised offer (if applicable as permitted by the Owner). On account of exigencies if Bidders are requested by the Owner/ Consultant to extend their Bid validity, the same should be without any deviation including change in the prices. However in such cases, the Bidders would be allowed to withdraw their Bid if so desired by the Bidder. If a Bidder still deviates or changes price, its Bid shall be rejected and not considered for evaluation.
21	Tender Inviting Authority	Technip India Limited 19, Velachery Main Road Chennai – 600 032 Tamilnadu, India

D. EARNEST MONEY DEPOSIT (EMD)

- i. Earnest Money Deposit (EMD)/ Bid Security shall be submitted in the following forms by the bidder:

Indian bidder shall submit EMD through **Online through HDFC bank portal** (Refer Attachment-I to NIT) or in the form of Bank Guarantee (BG) in favour of “Numaligarh Refinery Ltd.” (as per the format attached with the Bid Document), issued by a Scheduled Bank in India.

The currency of EMD for Indian Bidders shall be in INR. Indian bidder shall upload proof of EMD submission through Online/ BG in unpriced part of the Bid in CPP Portal. In case bidder fails to upload the scanned copy of proof of EMD submission, Bid shall not be considered for evaluation. Also, Indian bidders submitting the EMD in the form of Bank Guarantee (BG) shall submit original BG in a sealed envelope to the address mentioned as per the Bidding Document so as to receive within 10 days from Bid Due Date failing which bid shall not be considered for evaluation.

Foreign bidder shall submit the EMD in equivalent USD in the form of Bank Guarantee (BG). In case, Such BG for EMD issued by the foreign bank, then the same shall have to counter guaranteed by any Indian Scheduled Bank. Indian Counterpart or Indian Agent of any Foreign Bidder can also submit EMD online through HDFC Bank’s Portal.

Foreign bidder shall upload the scanned copy of the EMD in unpriced Bid in CPP Portal. In case bidder fails to upload the scanned copy of proof of EMD submission, Bid shall not be considered for evaluation.

The original EMD BG, shall be submitted by Foreign Bidder in a sealed envelope to the address mentioned as per the Bidding document so as to receive within 10 days from the Bid Due Date, failing which Bid shall not be considered for evaluation.



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- ii. EMD exemption shall be applicable for Micro or Small Enterprises registered with Udyam. The certificate issued should be valid on the date of opening of tender. Consideration of MSME bidders shall be as per prevailing MSE guidelines only.
- iii. There will be no waiver of EMD for Public Sector Undertakings of Central/ State Governments.
- iv. The BG for EMD shall remain valid for a period not less than Bid validity plus 3 months, with a claim period of 12 months thereafter. Bidder to follow EMD format as enclosed in Bidding Documents.
- v. EMD/Bid securities shall be released to the bidders in the following circumstances:
 - a) EMD of Bidders whose price bids are not opened/ disqualified during techno- commercial bid evaluation (unsuccessful Bidder) shall be released immediately by the Owner/ Consultant after approval of Price-Bid Opening.
 - b) EMD of Bidders qualified in the techno-commercial bid but unsuccessful for placement of Purchase Order shall be released after final approval of the placement of Purchase Order by the competent authority.
 - c) EMD BG of the Successful Bidder shall be sent to NRL and shall be released by NRL on receipt of acceptable **PBG (Performance Bank Guarantee) against Security Deposit**.
 - d) In case Owner decides to cancel / annul the enquiry at any stage during the Bidding Process but before the award (as applicable), EMD/ Bid securities of the Bidders shall be returned at the earliest from the date of such decision.

E. FORFEITURE OF EMD

EMD shall be forfeited and the Bidder shall be put on "Holiday/ Suspension/ Banning List" in case, either of following circumstances:

- a) In case the Bidder alters/modifies/withdraws the bid suo-moto after opening the techno-commercial bids but within the validity period and/or submits multiple bids/ alternative bids.
- b) The Successful Bidder fails or refuse to furnish the Contract Performance security, or to execute the order, in accordance with the provisions of tender document;
- c) If the Successful Bidder fails to accept arithmetical corrections.
- d) If the information / documents submitted by the Bidder in the Bid is found to be false/forged.



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- e) The Successful Bidder is not ready to accept Work Order / Contract or giving any conditional acceptance of Work Order /Contract.
- f) If the Bidder is found to be indulged in corrupt/ fraudulent/ collusive/ coercive practice as per procedure.

F. GENERAL

Bidder to note the following before bidding:

1. Bids from following types of Bidders will not be accepted

- a) Who are in the Holiday List or Suspension List or Banning List or Negative list of the Licensor and/or the Owner and/or its Administrative Ministry, MOPNG or any other OIL PSUs or MPMC (together "Holiday Lists") as on the due date of submission of Bid and/or has been put on such Holiday Lists at any time during the process of evaluation of the Bid. The Owner reserves the right to disqualify any Bidder during any stage of tendering if it is brought to the Owner's knowledge that the Bidder was disqualified under this clause and failed to inform the Owner of the same. Provided always that, nothing in this clause shall make a Bidder eligible hereunder if the Bidder has been removed from any of the Holiday Lists after the due date of submission of Bid.
- b) Similarly, if a Bidder is qualified based on engaging a sub-contractor who meets stipulated qualification criteria and in case such a sub-contractor is on Holiday List/ Negative List/ Suspension List/ Banning List of Licensor or the Owner or MOPNG or any other OIL PSUs on due date of submission of Bid / during the process of evaluation of the Bid, the Bid of such a Bidder shall not be considered for bid opening/evaluation/Award.
- c) Further, in case of a Consortium/JV, if any of the member(s) of Consortium/JV is on Holiday List/ Negative List/ Suspension List/ Banning List of Licensor or the Owner or its Administrative Ministry, MOPNG or any other OIL PSUs or MPMC on due date of submission of Bid / during the process of evaluation of the Bids, the offer of such a Consortium/JV shall not be considered for bid opening/ evaluation/ Award.
- d) Consultant or their subsidiary company or companies under the management of same Consultant, are not eligible to quote for the same job for which they are working as Consultant, with the exception of participation as TPIA for the same job.
- e) In the event, an Insolvency Event has occurred with respect to Bidder as on the Bid Due Date or during the Bidding Process, the Bids of such Bidder shall be rejected and not considered for evaluation.
- f) Bidder(s) who are under liquidation, court receivership or similar proceedings. In this



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connection, Bidder shall submit an Affidavit stating that they are not under liquidation, court receivership or similar proceedings.

- g) Bidder(s) who are undergoing insolvency resolution process or liquidation or bankruptcy proceeding under Insolvency and Bankruptcy Code, 2016 (Code).
- h) Bidder(s) whose insolvency resolution process or liquidation or bankruptcy proceeding is initiated under the above Code at any stage of evaluation of the bid.

2. Bidding Documents:

- a) The subject tender is an e-tender and can be downloaded from the E-Procurement Portal available at <http://eprocure.gov.in/eprocure/app>. The Bidders who are not enrolled/registered in E-Procurement Portal should enroll/register before participating. Bidders are advised to go through instructions provided as '**Instructions for online Bid Submission**' provided at Appendix A to NIT.
- b) Bidders can access Bidding Documents from the E-Procurement Portal, fill all relevant information and submit the completed Bidding Documents into electronic tender on the E-Procurement Portal.
- c) Bids including supporting documents should be uploaded through E-Procurement Portal only by Bidders. Hard copy of the Bidding Documents will not be accepted.
- d) **Corrigendum/addendum/extension (if any) pertaining to this tender will be published at the E-Procurement Portal only.** No separate notification shall be issued in the press. Bidders are therefore requested to regularly visit our website to keep themselves updated. Failure of Bidder to submit tender without taking cognizance of Corrigendum / Amendment (if any) issued by the Owner shall make bid liable for rejection.
- e) Both Techno-Commercial Bid and Price Bid are to be submitted concurrently, duly digitally signed at the E-Procurement Portal.
- f) The Bidding Documents will not be issued in person or sent by post. Mere obtaining Bidding Documents through E-Procurement Portal shall, however, not be construed that the Bidder is considered qualified.
- g) The Owner does not take any responsibility for the correctness of Bidding Documents obtained from any other source. Bidders are advised to visit above mentioned website before submitting their Bids for official version of the Bidding Documents including any corrigendum / amendment if any, which shall be binding on the Bidder.

- 3. Purchase Preference to MSE will not be applicable for this tender. There will be no relaxation in BQC criteria to MSE and Startups in this Tender.



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4. Bidder shall download the Bidding Documents in its own name and submit the Bid directly in accordance with the provisions of the Bidding Documents. The Bidding Document is non-transferable. Bids submitted by Bidder/s who have not downloaded the Bidding document either directly or through their authorized person will be rejected and not considered for evaluation. Please note that the person having Power of Attorney to do bidding process on behalf of the Bidder shall only submit/upload the Bidding Document using their own DSC.
5. As far as possible Bidders are requested to clarify all the queries related to tender before the Bid opening and ensure compliance of all provisions of the Bidding Documents.
6. The Bidder is expected prior to the submission of its Bid, as a prudent and experienced contractor to make its own assessment of all the requirements of the Work comprising in the Project in accordance with the Bidding Documents and of the accuracy, correctness and completeness of any estimate, data, or information furnished by the Owner in the Bidding Documents and of the availability, suitability, propriety, adequacy and/or soundness of any suggestion made by the Owner in the Bidding Documents as hereinabove referred to.
7. All documents furnished by the Bidder in support of meeting the Bidder Qualification Criteria (BQC) shall be self-certified by the duly authorized representative of the Bidders.
8. All documents submitted by the Bidder towards meeting BQC shall be furnished in a separate booklet titled as "Documentation against Bidder Qualification Criteria" with proper indexing.
9. All documents uploaded as part of Bid submitted (Except BQC Documents) must be either digitally or physically signed by the "authorized signatory" of the Bidder holding Power of Attorney.
10. Submission of authentic documents is the prime responsibility of the bidder. Wherever the Owner/ Consultant has concern or apprehension regarding the authenticity/ correctness of any document, the Owner reserves the right to get the documents verified from issuing authority/any relevant source. If documents (part or full) are found forged, such offers will be summarily rejected, Bidder shall be put on Holiday List; Orders, if any, placed against subject tender will be terminated and may be debarred from future tenders. For the purpose of verification of documents, bidders shall submit complete client details with names, address, phone number, e-mail ID etc.
11. The Owner/ Consultant reserves the right to carry out capacity and capability assessment of the Bidder using in-house information and past performance.
12. Relevant supporting documents towards other requirements specified are also to be uploaded along with Bid, failing which the Bid is liable for rejection.



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13. The Owner reserves the right to reject any or all of the Bids or any parts of the Bids so received and may cancel the Bidding Process in part or full, extend the Bid Due Date without assigning any reason.
14. In case any Bidder is found to be involved in cartel formation, his Bid will not be considered for evaluation / placement of order. Such Bidder will also be debarred from bidding in future.
15. Canvassing in any form by the Bidder or by any other agency on their behalf may lead to disqualification of their Bid.
16. The Bidding Process shall be governed by, and construed in accordance with, the laws of India and the Courts at Golaghat, Assam shall have exclusive jurisdiction over all disputes arising under, pursuant to and/ or in connection with the Bidding Process.
17. During the tendering stage all communication will be made through E-Procurement Portal. However, post submission of Bids all communications / clarifications shall be sought outside the E-Procurement Portal.
18. Bidder cannot make any claim against the Owner towards its expense incurred in connection with the preparation and delivery of their Bids, participating in the discussion and other expenses incurred during Bidding Process.
19. Offers not meeting statutory requirement are liable for rejection.
20. Owner reserves its right to allow Public Sector Enterprises (Central/State), purchase preference as admissible/applicable from time to time under the existing Govt. Policy.
21. Owner shall also follow the Public Procurement Policy on Procurement of Goods and services from Micro and Small Enterprises (MSEs) Order 2012.
22. In case of a MSE bidder, documentary evidence as per the prevailing Government policy shall be acceptable. In addition duly authenticated document in this regard shall be submitted. However, in case authenticated document is not submitted in original, the same can be accepted provided a valid MSE certification is available on Government portal (www.nsicspronline.com) or Government Udyog Aadhar portal.
23. For detailed specifications, terms and conditions and other details, refer complete Bidding Documents.
24. A Memorandum of understanding has been signed by the Owner for adoption of **Integrity Pact** in major Tenders.



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Bidder shall submit the **Integrity Agreement** in the prescribed **Formats (enclosed in the Bid Document)** duly signed along with the Bid.

25. Fax/ e-mail bids shall not be accepted.
26. The terms “Pre-Qualification Criteria (PQC)” and “Bidder Qualification Criteria (BQC)” shall have the same meaning in the Bidding Document.
27. The terms ‘Sl. No.’, ‘Sr. No.’, ‘Cl. No.’ and ‘Clause No.’ used in this NIT document shall have the same meaning.
28. Bidder to quote the NIT/Bidding Doc. no. in all Correspondences.
29. Clarification, if any, can be obtained from MPMC / OWNER.
30. The Bidder is also expected prior to finalization of its/his/their bid to visit and examine the job site and its surroundings and to familiarize itself/himself/themselves of the ground realities, the availability, existence and suitability of facilities and sources of supply required for the work(s) and the environmental conditions which can be encountered, and collect all data and other information which the bidder may require for preparation and formulation of its/his/their Bid. The Contractor will not to be entitled to make any claim against the Owner or to raise any objection or defense to any claim based on the ignorance of existing or expected conditions, or on the lack of adequate information, or of any plan, estimate or expectation based on a different perception or expectation or information.
31. The Bidders shall be deemed before tendering to have undertaken a thorough study of the proposed work, the job site(s) involved, the site conditions, soil conditions, the terrain, the climatic conditions, the labour, power, material, and equipment availability, transport and communications facilities, the availability and suitability of borrow areas, the availability of land for right of way and temporary office and accommodations, quarters, and all other facts and facilities necessary or relevant for the formulation of the Bid, supply of materials and the performance of work
32. Unsolicited clarifications to the Bidding Documents and/ or change in the prices during the validity period would render the Bid liable for rejection.
33. Bidders shall quote their most competitive rates. Negotiations will not be conducted with the bidders as a matter of routine. However, Owner reserves the right to conduct negotiations.
34. Bidder should make sure that their Price Bid (Part-II/BOQ) contains only prices. Rates mentioned elsewhere shall not be taken into cognizance. Offer shall be liable for rejection if any condition directly or implied, recorded in Price Bid (Part-II/BOQ).



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35. After opening of the Techno-Commercial Bids but before the opening of the Price Bids, the Bids may be rejected for unsatisfactory performance or adverse comments which have come to the notice of Owner/Consultant after the issue of the Bidding Documents.
36. Class 1 local bidder shall be given purchase preference as per the existing Govt. PPLC policy.
37. Not used.
38. Bidders from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority in line with requirements specified by Government of India. Broad guidelines in this regard is specified as **Attachment to ITB**. The bidder shall complete the registration process before the Bid Due Date and submit documentary evidence in this regard, failing which their Bids will be rejected.
39. Notwithstanding any other condition/ provision in the Bidding Documents, Bidders are required to submit complete documents pertaining to BQC along with their offer. Failure to meet the BQC will render the bid to be summarily rejected. the Owner reserves the right to complete the evaluation based on the details furnished by the bidder, with or without seeking any additional supporting documents /clarifications
40. Post evaluation of the Bids, the Letter of Acceptance (LOA) will be issued by the Owner to the Successful Bidder.
41. The Owner, in its sole discretion and without incurring any obligation or liability, reserves the right, at any time, to:
- (a) suspend and/ or cancel the Bidding Process and/ or amend the Bidding Process;
 - (b) supplement the Bidding Process or modify the dates or other terms and conditions relating thereto;
 - (c) consult with any Bidder in order to receive clarification or further information;
 - (d) retain any information and/ or evidence submitted to Owner by, on behalf of, and/ or in relation to any Bidder; and/ or
 - (e) independently verify, disqualify, reject and/ or accept any and all submissions or other information and/ or evidence submitted by or on behalf of any Bidder.