INVITATION FOR BIDS (IFB)
FOR
MICROTUNNELING WORKS
FOR NRL EXPANSION PROJECT OF
NUMALIGARH REFINERY LIMITED
BIDDING DOCUMENT NO.: SM/ B302- 000-MK-T-9511 /1022
(DOMESTIC COMPETITIVE BIDDING)
(E-Tendering: 2022_EIL_ 723611_1)

1.0 INTRODUCTION:

M/s Numaligarh Refinery Limited (NRL) is a Government of India Enterprise and a subsidiary of M/s Oil India Ltd. NRL operates a 3.0 MMTPA Refinery at Numaligarh in the District of Golaghat, Assam since the year 2000.

NRL is now in the process of executing a major expansion project of capacity augmentation from present 3.0 MMTPA to 9.0 MMTPA. The required additional quantity of crude oil is planned to be imported through Paradip Port in Odisha. A cross country pipeline of around 1634 km length shall be laid from Paradip Port to Numaligarh for transporting 8 MMTPA of imported crude. Additionally, one crude oil pipeline of approximately 4.2 km length shall be laid for transporting 6 MMTPA of imported crude from IOCL refinery at Paradip to NRL's Crude Oil Import Terminal (COIT) at Paradip.

It is proposed to install the pipeline using "**Micro tunnelling Technique and Pipe Jacking Method**" across rivers of Paradip – Numaligarh Crude oil Pipeline (PNCPL) project. In this regard M/s NRL intend to invite bids for the following scope of work.

Engineers India Ltd. (EIL), New Delhi has been appointed the Engineering, Procurement and Construction Management (EPCM) Consultant for this project. EIL, on behalf of NRL, invites e-bids under Single Stage Two Part Bid System, for subject Tender from eligible bidders with sound technical and commercial capabilities meeting the Bidder's Qualification Criteria stated in Cl. 6.0 below.

2.0 BRIEF SCOPE OF WORK:

The Scope of Work shall consist of topographical & geo-technical surveys, collection of hydrological data, design & detailed engineering, procurement & supply (except free issue 3LPE coated line pipes, Induction Bends & Insulating Joints), string preparation & installation of pipeline using Micro-tunnelling Technique & pipe jacking method, testing and preservation of the pipeline, installation of HDPE duct for OFC, EGP works, pre-commissioning, commissioning assistance, TCP/PCP works and all associated works for the following nine (9 nos.) parts i.e. Part-A, Part-B, Part-C, Part-D, Part-E, Part-F, Part-G, Part-H & Part-I.

Sl. No.	Name of River	Approx. Chainage (km)	Pipe Size Inch (mm)	Micro-tunnelling Length, approx. (m)	Part
1	Tista River	905.336	26" (660)	1040	A
2	Mansai / Jaldhaka River	956.502	26" (660)	1100	B
3	Torsa River	969.199	26" (660)	750	C
4	Guruphela River	1051.490	26" (660)	500	D
5	Raidak River	1015.745	26" (660)	425	E

Sl. No.	Name of River	Approx. Chainage (km)	Pipe Size Inch (mm)	Micro-tunnelling Length, approx. (m)	Part
6	Raidak River	1003.126	26" (660)	120	F
7	Gangia River	1054.537	26" (660)	300	
8	Sankosh River	1021.104	26" (660)	800	G
9	Kanamakra (Aie) River	1109.685	26" (660)	1100	H
10	Beki River	1146.612	26" (660)	400	I

3.0 EVALUATION PHILOSOPHY:

3.1 Evaluation shall be done part wise basis.

3.2 Both Micro tunnelling under Part-F shall be awarded to a single bidder. Therefore, bidder must quote for both Micro tunnelling included in Part-F, else bidder's offer shall not be considered for evaluation for Part F.

3.3 Bidder (Sole Bidder or Consortium) can quote for more than one part. However, maximum four parts shall be awarded to one bidder based on overall least cost basis to NRL.

3.4 If a Bidder (Sole Bidder or Consortium) quotes for more than one part, then its evaluation for each part shall be done individually on standalone basis and wherever, in such evaluation, the bidder meets the qualifying criteria for a particular part/ parts. Accordingly, in case bidder becomes L1 for multiple parts but does not meet the consolidated BQC of those parts, the selection of part for award will be decided based on the evaluation philosophy of least cost to NRL, with permutation / combination of different possible options. Evaluation Methodology shall be as per Bid Data Sheet enclosed in ITB.

4.0 TIME SCHEDULE FOR COMPLETION:

The completion period shall be as per below table. The date of completion shall be considered as making the system ready for commissioning as certified by EIL/Owner.

Sl No	Part (s)	Completion period
1.	Part A	Within 18 Months from the date of LOA
2.	Part B	Within 18 Months from the date of LOA
3.	Part C	Within 16 Months from the date of LOA
4.	Part D	Within 16 Months from the date of LOA
5.	Part E	Within 14 Months from the date of LOA
6.	Part F	Within 14 Months from the date of LOA
7.	Part G	Within 16 Months from the date of LOA
8.	Part H	Within 18 Months from the date of LOA
9.	Part I	Within 14 Months from the date of LOA

5.0 SALIENT DETAILS:

a)	Bidding Document & subsequent Amendment (if any) available on Website for viewing & downloading, **and its fee**	:	The complete Bidding Document can be viewed and downloaded from CPP Portal having URL **https://eprocure.gov.in/eprocure/app**) Tender details are also available in EIL website http://tenders.eil.co.in **Cost of Bidding Document: NIL**
b)	Bidding Document available on Website	:	From 02.12.2022 to 02.01.2023
c)	Last date of Receipt of Bidder's Queries	:	On 16.12.2022
d)	Date of Pre-Bid Meeting	:	at 1030 Hrs. (IST) on 19.12.2022 (*) online through video conferencing (VC) at the following link: Click here to join the meeting
e)	Last Date and time of Online submission of Bids (Bid Due Date) and Mode of Bid Submission	:	Up to 1200 Hrs. (IST) on 02.01.2023 **Online submission (e-Bids)** through CPP Portal **Bid submitted through any other mode shall not be acceptable.**
f)	Online Opening of Techno-commercial Unpriced Bid	:	1400 Hrs. (IST) on 03.01.2023 (*)
g)	Bid Validity	:	Bid shall be valid for **04 Months from the Bid Due Date (BDD)** (#). (#) - Final BDD after extensions, if any
h)	Earnest Money Deposit / Bid Security	:	As per **Cl. 7.0** below
i)	Date of Opening of Priced Bids	:	Date & time shall be intimated later
j)	Reverse Auction and Date of conducting Reverse Auction	:	**Applicable**
k)	Contact details of dealing officer	:	Name: Ms. Sunita Mitra Designation: Sr. GM (SCM) Phone No. & Extn: +91-11-2676 8159 / 3169 / 3504 E-mail : murali.shankar@eil.co.in; manoj.kumar.pur@eil.co.in; s.mitra@eil.co.in
l)	Communication address for submission of documents, in hard copy	:	Engineers India Ltd, EI Bhawan, 1, Bhikaji Cama Place, New Delhi – 110066 Ms Sunita Mitra – Sr.GM (SCM) (Job no. B302)
m)	Site Visit	:	Date: 12.12.2022 to 14.12.2022 **Contact Person**: Shri Marvin Marak (RCM), Siliguri (9435710176) Time for site visit: 0830 to 1700 hours

If dates identified as (*) above happen to be a declared holiday in EIL New Delhi, the next working day shall be considered.

All amendments, time extension, clarifications, etc. will be uploaded in the above website only, and will not be published in Newspapers. Bidders should regularly visit the above website to keep them updated and **submit their Bids based on the latest information/instructions hosted in the above e-Procurement Portal.**

Request for extension or queries received from any bidder on a date which is less than four working days prior to the bid due date may be ignored, since there will not be adequate time for proper communication with Client and other Bidders.

6.0 BIDDER QUALIFICATION CRITERIA (BQC):

6.1 TECHNICAL CRITERIA

A. Sole Bidder:

6.1.1 Bidder (Sole Bidder) shall have completed on his own the following in last ten (10) years reckoned from the last date of month previous to one in which bids are invited:

Part -A/ Part-B/ Part-C/ Part-G/ Part-H	a) Execution (Engineering & Construction) of minimum 300-meter-long crossing using micro tunnelling technique with Jacking pipe of diameter 800 mm or above in a single drive under a single contract. Out of the above length i.e., 300-meter micro tunnelling, minimum 150-meter length shall be either under river or water body/ water logged crossing. **AND** b) One buried hydrocarbon steel pipeline project involving laying/ installation (Note-1) & testing of at least 1.0 km long pipeline of diameter 18 inches or above in a single contract.
Part-D/ Part-E/ Part-I	a) Execution (Engineering & Construction) of minimum 200-meter-long crossing using micro tunnelling technique with Jacking pipe of minimum diameter 800 mm or above in a single drive under a single contract. Out of the above length i.e., 200-meter micro tunnelling, minimum 100-meter length shall be either under river or water body/ water logged crossing. **AND** b) One buried hydrocarbon steel pipeline project involving laying/ installation (Note-1) & testing of at least 1.0 km long pipeline of diameter 18 inches or above in a single contract.
Part - F	a) Execution (Engineering & Construction) of minimum 150-meter-long crossing using micro tunnelling technique with Jacking pipe of minimum diameter 800 mm or above in a single drive under a single contract. Out of the above length i.e., 150-meter micro tunnelling, minimum 75-meter length shall be either under river or water body/ water logged crossing. **AND**

	b) One buried hydrocarbon steel pipeline project involving laying/ installation (Note-1) & testing of at least 1.0 km long pipeline of diameter 18 inches or above in a single contract.

Note-1: Definition of laying/ installation: - Laying/ installation of hydrocarbon steel pipeline by open trench/ open cut/ HDD/ Micro tunnelling method.

Note-2: Bidder's experience for meeting qualification criteria as mentioned in 6.1.1 (a) & 6.1.1 (b) may be in the same contract or in separate contracts. This note is applicable for Single Bidder and as well as for Consortium bid.

B. Consortium Bid:

6.1.2 **Consortium/ Unincorporated Joint Venture**

Bidder can also bid as a consortium/ unincorporated joint venture, provided it meets the following:

6.1.2.1 The consortium / unincorporated joint venture shall comprise of not more than two members i.e., one Leader and one Member.

6.1.2.2 Leader and Member of the consortium/ unincorporated joint venture shall jointly meet the qualification criteria of 6.1.1 (a) & 6.1.1 (b) (as indicated in the above table) for the parts as quoted for. Each member of the consortium / unincorporated joint venture shall meet at least one qualification criterion on his own, i.e., either 6.1.1 (a) or 6.1.1 (b).

6.1.2.3 In case leader meets the qualification criteria on his own as indicated in clause 6.1.1 (a) but does not meet the qualification criteria on his own as indicated in 6.1.1 (b) above, then member of the consortium / unincorporated joint venture shall meet the qualification criteria as indicated in clause 6.1.1 (b).

6.1.2.4 In case leader meets the qualification criteria on his own as indicated in clause 6.1.1 (b) but does not meet the qualification criteria on his own indicated in clause 6.1.1 (a) above, then member of the consortium / unincorporated joint venture shall meet the qualification criteria as indicated in clause 6.1.1 (a).

6.1.2.5 The overall responsibility of the project management lies with the leader of the consortium. The distribution of work between leader of the consortium/ unincorporated joint venture and the member shall be identified and submitted along with the bid in the form of MOU and shall not change thereafter. The division of scope between consortium / unincorporated joint venture members shall commensurate with their past experience.

6.1.2.6 Both leader and member of Consortium/ Unincorporated Joint Venture shall be jointly & severally liable to the owner for any kind of obligation and responsibility arising out of the contract.

6.1.2.7 **Exclusivity/ Non-exclusivity**

No partner (i.e., Leader or Member) of the consortium/ unincorporated joint venture shall be permitted to participate either in an individual capacity as "a sole bidder" OR as "a member of another consortium/ unincorporated joint venture.

6.2 EQUIPMENT DEPLOYMENT CRITERIA

6.2.1 Bidder shall meet the requirements of key construction equipment as specified in the section "Key Construction Equipment required to be mobilized by the Contractor during execution for Micro Tunnelling and associated works" of the bid document. Bidder who intends to qualify for more than one part shall meet the cumulative requirement of construction equipment specified for those individual parts. (For details refer **Annexure VIII to SCC**).

6.3 **FINANCIAL CRITERIA**

6.3.1 Annual turnover

6.3.1.1 Sole Bidder

The minimum average annual turnover during three preceding financial years of the bidder as per the audited annual financial results shall be:

Part (s)	Average Annual turnover (in Lakhs)
Part A	₹ 928.00
Part B	₹ 981.00
Part C	₹ 774.90
Part D	₹ 507.83
Part E	₹ 507.86
Part F	₹ 515.57
Part G	₹ 874.35
Part H	₹ 1,064.40
Part I	₹ 478.54

In case Sole bidder intends to quote and qualify for any two or more parts, then the Bidder shall meet the Average Annual Turnover Criteria on cumulative basis for that combination of parts.

6.3.1.2 Consortium

The “Leader” of the consortium shall meet the Average Annual Turnover criteria as specified at clause no 6.3.1.1 above.

For the other consortium member, the minimum average annual turnover during three preceding financial years of the bidder as per the audited annual financial results shall be:

Part (s)	Average Annual turnover (in Lakhs)
Part A	₹ 464.00
Part B	₹ 490.50
Part C	₹ 387.45
Part D	₹ 253.91
Part E	₹ 253.93
Part F	₹ 257.79
Part G	₹ 437.18
Part H	₹ 532.20
Part I	₹ 239.27

In case “Member” of Consortium intends to quote and qualify for any two or more parts then the “Member” of Consortium shall meet the minimum Average Annual Turnover Criteria on cumulative basis for that combination of parts.

6.3.2 Net Worth

6.3.2.1 Sole Bidder

The financial net-worth of the Bidder as per the immediate preceding year’s audited annual financial results shall be positive.

6.3.2.2 Consortium

The financial Net-worth of the “Leader” as well as “Member" of the consortium shall be positive as per the immediate preceding year’s audited annual financial results.

6.3.2.3 Further, negative Net worth shall not be rejection criteria for CPSEs . Contract award shall be purely on competitive basis and CPSEs having negative Net worth shall furnish an undertaking in their Bid that performance with respect to Quality and Time during contract execution shall not be compromised.

6.3.3 Working Capital

6.3.3.1 Sole Bidder

Working Capital of Bidder as per the immediate preceding year's audited annual financial results should be at least:

Part (s)	Working Capital (in Lakhs)
Part A	₹ 309.33
Part B	₹ 327.00
Part C	₹ 258.30
Part D	₹ 169.28
Part E	₹ 169.29
Part F	₹ 171.86
Part G	₹ 291.45
Part H	₹ 354.80
Part I	₹ 159.51

In case Sole bidder intends to quote and qualify for any two or more parts, then the Bidder shall meet the Working Capital Criteria on cumulative basis for that combination of parts..

6.3.3.2 Consortium

The "Leader" of the consortium shall meet the Working capital criteria as specified at clause no 6.3.3.1 above.

For the other consortium member, the Working Capital of "Member" of Consortium as per the immediate preceding year's audited annual financial results should be at least:

Part (s)	Working Capital (in Lakhs)
Part A	₹ 154.67
Part B	₹ 163.50
Part C	₹ 129.15
Part D	₹ 84.64
Part E	₹ 84.64
Part F	₹ 85.93
Part G	₹ 145.73
Part H	₹ 177.40
Part I	₹ 79.76

In case "Member" of Consortium intends to quote and qualify for any two or more parts, then the "Member" of Consortium shall meet the Working capital Criteria on cumulative basis for that combination of parts..

If the bidder's (Sole Bidder / Leader or Member of Consortium) working capital is inadequate, the bidder should furnish a letter for Unutilized line of credit (as per **Annexure-I of IFB**) from any scheduled commercial bank in India having net worth not less than INR 100 Crore, confirming the availability of the fund-based line of credit for the respective amount specified above, irrespective of overall position of the working capital.
The Line of Credit shall be for the total value of Working Capital as per the requirement indicated above.

The letter shall provide the status of fund-based line of credit as on any date between the date of enquiry and bid due date. **In case of non-submission of required letter from bank in the Bid, Bidder shall not be given another opportunity to submit the letter even if techno-commercial clarifications are being sought from the Bidders and this may become a cause of disqualification.**

If the bank letter submitted in the bid is carrying certain shortcomings, then the bidder shall be asked to clarify or make simple corrections in the language of the bank letter only if techno-commercial clarifications on other issues are being sought from the bidders. In case of such clarifications/ corrections, the same shall be submitted as a supplementary letter from the bank.

However, the following changes shall not be allowed in the bank's letter:

- The amounts given in the letter submitted along with the bid shall not be permitted to be altered by any subsequent letter from the same bank or any other bank.
- Replacement of the letter by another letter from the same or different bank.

The LOC for working capital shall be from a single bank only. However, banking syndicate shall be allowed wherein a group of banks can jointly underwrite and jointly lend money to the bidder. In case of Banking syndicate also declaration letter for meeting working capital shall be from a single bank only, on behalf of banking syndicate.

In case a bidder submits letters from multiple banks, the highest working capital amongst all the bank shall only be considered for BQC evaluation.

6.3.4 **CALCULATION OF TURNOVER, NET WORTH AND WORKING CAPITAL**

a) **Net worth calculation:** Net worth means **paid up share capital, Share Application Money pending allotment* and reserves# *less* accumulated losses and deferred expenditure to the extent not written off**. Net worth shall be calculated using the following formula:
Reserves to be considered for the purpose of 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.**

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)	:		

Working Capital calculation: Working Capital shall be **Current Assets minus Current Liabilities**.

<u>Example:</u>
If the bidder quotes for Part A & Part B and wants to get qualified for both the Parts i.e., PART A & B., then the Working Capital requirement from the above table arrives out to be INR 636.33 Lakhs. In this case, the bidder has two options to get qualified for both Parts A & B, either by submitting a LOC (Line of Credit) of value INR 636.33 Lakhs or by the value of working capital (Current Asset-Current Liability) i.e., INR 636.33 Lakhs available in immediate preceding years Audited Financial Statement.

***Illustration 1**:*
If the bidder's Working Capital is INR 309.33 Lakhs as per the immediate preceding year's Audited Financial Statement and the Bidder submits a LOC for INR 327 Lakhs, then the Working capital of INR 327 Lakhs as per the LOC shall only be considered.

***Illustration 2**:*
If the Bidder has Working Capital of (-) INR 10 Lakhs as per the immediate preceding year Audited Financial Statement, then the Bidder needs to submit LOC for INR 636.33 Lakhs to meet the BQC requirement for both the Parts i.e., PART A & B.

b) **Turnover (for the Financial Statement pertaining to post GST regime):** Turnover shall be calculated excluding GST and other Incomes.
[**Note:** If the financial Statements 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].

6.3.5 Financial years/ previous period as above shall be reckoned from the due date of submission of bids.

6.4 **DOCUMENTS AND DATA REQUIRED WITH BID**
Bidders are required to submit all such past experience (s) (PTR) meeting the BQC along with relevant supporting documents in the first instance itself, along with the bid to justify that the bidder meets the Qualification criteria as given above. Accordingly, only such past experience (s) shall be considered for qualification, details of which are provided in the bid by the bidder and subsequently no additional past experience (PTR) shall be sought from the Bidder.

6.4.1 **Documents towards Technical criteria:**

The bidder shall furnish the following documents in support of his meeting the qualification criteria stated in clause no. 6.1.1, 6.1.2 & 6.2.

1. Copies of Work order, Completion certificate/ Execution certificate from Client/ Client authorized supervisory agency of qualifying job(s) in the name of the bidder.
2. In case, bidder's experience is acquired as a Sub-Contractor, work order (including SOR, wherever required for establishing scope of work) and Completion Certificate/ Execution Certificate issued by the main Contractor as well as Completion Certificate/ Execution Certificate issued by end User/ Owner/ PMC shall also be submitted. However, in case Bidder is not able to furnish the completion certificate from the end User/ Owner/ PMC in his name, then he shall furnish a copy of the approval letter by end User/ Owner/ PMC for engaging the Bidder as a Sub-Contractor.
3. In case of consortium bid, leader and member of the consortium / unincorporated joint venture shall meet the relevant experience criteria. Leader and member of the consortium / unincorporated joint venture shall submit the Memorandum of Understanding (MOU)/ Consortium agreement clearly defining the scope and responsibility of each member along with nomination of leader.
4. For Equipment's specified under Key Construction Equipment CATEGORY-1 - BIDDER has option to propose equipment's from "OWNED" or "HIRED sources" against this category. BIDDER to provide proof of ownership (Copy of Invoice payment/ Insurance Cover/ Registration with Statutory body/ Certificate from Chartered Engineer) for OWNED equipment's and if BIDDER opts to hire any equipment of this category, an MOU from the hiring agency of the equipment and Proof of Ownership (Copy of Invoice payment/ Insurance Cover/ Registration with Statutory body/ Certificate from Chartered Engineer) with that agency needs to be submitted along with the BID. In addition, bidder has to submit a recent

inspection certificate (issued within 6 months from the bid due date) from Chartered Engineer/ Reputed third party agency certifying that equipment's are in good working condition.

6.4.2 **Documents towards Financial Criteria**:

Bidder shall submit the following documents to substantiate the Financial BQC:

Complete **Audited Financial Statement** (which includes 'Balance Sheet' and 'Profit & Loss Account' along-with all schedules, Notes referred to therein and the Auditor's report)

Notes towards Financial Documentation:

a) **Financial Statements of Latest Years:** In case the last financial year's closing date was within 9 months prior to Bid due date and Complete Audited Financial Statement of last financial year are not available, Bidder has the option to submit the financial details of the three previous financial years immediately prior to the last financial year. Otherwise, it is compulsory to submit the financial details of the immediate preceding three financial years.
For example, in case, Bid due date is up to 31st December and Financial details of immediate preceding financial year (year ending 31st March of the same year) are not available, the financial details of the three previous years immediately prior to the last financial year may be submitted.
However, in case by any prevailing circular/notification/guideline GOI has given any extension to defined Auditing period of Annual Financial Statement, this 9-month period will be considered accordingly.

b) For meeting the Financial Criteria, Bidders shall be required to submit the audited Annual Reports / Financial Statements of the Company as per provision of bidding document, audited and issued till the final bid due date (including extended bid due date, if any).

c) **Bidder shall submit Standalone Financial Statements. However, Consolidated Audited Financial Statements are acceptable in following situations:**

(i) **Bidder is a Parent/Holding Company:** Where only consolidated Audited Financial Statements are prepared and audited, which includes the financial details of their wholly owned subsidiaries etc., consolidated audited financial statement shall be considered for establishing the financial criteria subject to Statutory Auditor/ CEO/ CFO/ Company Secretary or any member of the Board of Directors of the Bidder, certifying that standalone Financial Statements of Bidder (without the financial data of subsidiaries, etc.) is not separately prepared and audited.

(ii) **Bidder is a Subsidiary Company:** In case a Bidder is a Subsidiary Company and separate Financial Statements of the Bidder is not prepared & audited, but only a consolidated audited Financial Statements of their Parent Company/Holding Company are available, consolidated audited Financial Statement shall be considered for establishing the financial criteria subject to Statutory Auditor/ CEO/ CFO/ Company Secretary or any member of the Board of Directors of the Parent/Holding company (whose Audited Financial Statements are submitted for qualification) certifying in their letter head that Financial Statements of Bidder are not separately prepared and audited.

d) Annual Financial details shall have to be submitted along with the original offer within the bid due date. The Financial details submitted after bid due date will not be considered for evaluation, however, any missing document (issued prior to the bid due date) pertaining to the details furnished in the offer shall be allowed for submission.

6.4.3 **Unique Document Identification Number (UDIN):**

Bidder shall ensure that the certificate/reports issued/attested by practicing Chartered Accountant (CA)/Statutory Auditor in India shall contain Unique Document

Identification Number (UDIN) of the CA, without which these Certificates/ reports shall not be considered for evaluation.

However, this requirement of including UDIN shall not be applicable for certificate/reports issued/attested by a CA practicing in foreign country.

6.4.4 **Authentication of BQC documents [together with documents against MSE, if applicable]:**

a) It is Bidder's prime responsibility to submit genuine and authentic documents. No amount of checking or verification by EIL/NRL shall absolve Bidder from his responsibility.

b) Bidder shall submit documents in support of meeting the Bidder Qualification Criteria [together with documents against MSE, if applicable], meeting the authentication process as under:

i. By CEO / CFO / Company Secretary (CS) or any member of the Board of Directors in case of Limited Companies (Private / Public Limited);
CEO/ CFO/ Company Secretary or any member of the Board of Directors in case of a limited company can either sign all the pages of the documents or submit a certificate signed by them **[as per Format-A of IFB]**, listing out all the BQC documents submitted in the Bid along with basic details, duly referenced.
Or
By the Proprietor / any two Partners and also Notarised by Public Notary on all pages of the documents in case of Proprietorship / Partnership firms.

And

ii. In addition to above, Bidder shall furnish an undertaking in the format enclosed herewith **[as per Format-B of IFB]**, from the same authority (authorities) who had signed and authenticated the documents. **Such undertaking shall also be notarized by Notary Public in case of Proprietorship / Partnership firm.**

c) Requirement of certification/authentication as stated above shall not be applicable to published audited annual financial statements in English, if original booklets are submitted.

d) **Bidder shall upload the authenticated copies of documents duly digitally signed, on the e-procurement website**. Hence submission of physical document is not required.

6.4.5 **Verification of BQC documents from its Originals:**

NRL/EIL shall carryout cross verification of the successful bidder's credentials submitted in the bid and considered by NRL/EIL for meeting the BQC from the document issuing authority. It shall be responsibility of the bidder to assist NRL/EIL in carrying out this exercise. NRL/EIL shall also reserve the right to communicate directly with certificate issuing authority and / or carrying out a visit to the office / works of the certificate issuing authority. Bidder shall provide complete assistance towards the same. The work shall not be awarded until the cross verification has completed.

It shall, therefore, be responsibility of the bidder/ contractor to get their BQC documents considered for qualification successfully verified as above.

Accordingly, bidder shall ensure that they submit those executed works meeting the qualification criteria for which they can arrange such verification.

Failure of cross verification shall entitle NRL/EIL to reject the bid.

7.0 BID SECURITY / EARNEST MONEY DEPOSIT (EMD)

7.1 Bids must be accompanied with Earnest Money Deposit / Bid Security of value as per the following table (as per proforma enclosed in GCC):

Part	EMD (in Lakhs)
Part A	₹ 20.35
Part B	₹ 21.01
Part C	₹ 17.36
Part D	₹ 13.79
Part E	₹ 12.38
Part F	₹ 12.53
Part G	₹ 18.47
Part H	₹ 22.06
Part I	₹ 11.81

7.2 Bids not accompanied with requisite Earnest Money deposit / Bid Security shall be considered as non-responsive and such Bids shall be summarily rejected.

7.3 Bidder (a sole bidder or a consortium) must submit original EMD in a sealed envelope to Tender issuing Authority (instructions and address mentioned in ITB) **within bid due date and time** and upload a scan copy of EMD or proof of submission of online EMD on e-Tendering Website.

7.4 In case of a Consortium bid, the Bid Security may be submitted by the Leader or any of the members of the Consortium, on behalf of Consortium

7.5 In case Bidder (a sole bidder or a consortium) intends to quote and qualify for any two or more parts, then the Bidder shall submit the EMD as per the following:

i. If the quoted parts are 4 or less: cumulative basis for the quoted parts.
ii. If the quoted parts are more than 4: EMD value shall be on cumulative basis of four parts having higher EMD values among the different combination of 4 parts.

7.6 In case bidder makes online payment towards EMD but fails to upload the scanned copy of proof of online EMD submission their bid shall not be considered for evaluation. In case the Bidder (a sole bidder or a consortium) fails to submit the original EMD within bid due date and time (Final extended Bid Due Date and Time if any), then their bid shall be rejected irrespective of the fact that a copy of EMD / proof of EMD submission was earlier uploaded by the bidder.

7.7 EMD exemption shall be applicable for Micro or Small Enterprises registered with Udyam Registration as per The Gazette of India notification of Ministry of Micro, Small and Medium Enterprise. The certificate issued should be valid on the date of opening of unpriced bid.

7.8 EMD exemption shall be applicable to Consortium if both the “Leader” and “Member” are registered with Udyam Registration as per The Gazette of India notification of Ministry of Micro, Small and Medium Enterprise. The certificate issued should be valid on the date of opening of unpriced bid.

7.9 There will be no waiver of EMD for Public Sector undertakings of Central or State governments.

7.10 For further clarification refer ITB for further clarifications.

8.0 OTHER POINTS:

8.1 **Bidder’s past experience as Consortium/ Unincorporated Joint Venture (JV):**

While evaluating **the Bids, Bidder’s past experience as a leader or member of a Consortium/ Unincorporated Joint Venture (JV) shall be considered** acceptable, provided his scope in that Consortium/JV meets the requirement stipulated in the subject BQC under evaluation.

In case, the PTR of Consortium/ Unincorporated Joint Venture (JV) experience submitted by the Bidder meets the similar work without indicating the division of scope of work in terms of specific activities and associated value of work between the Consortium/ Unincorporated Joint Venture (JV) members, but only the division of scope in terms of percentage share is indicated, in such case the completed value shall be arrived at after considering percentage share of each member, for the purpose of BQC evaluation.

8.2 **Experience of Own Projects:**

Experience of only the Bidding entity shall be considered. A job executed by a Bidder for its own plant/projects shall not be considered as experience for the purpose of meeting the Qualification Criteria of the Enquiry document.

However, **Jobs executed for Subsidiary/ Fellow Subsidiary / Holding company shall be considered as experience for the purpose of meeting BQC, subject to submission of additional document towards "tax paid invoice(s) duly certified by Statutory Auditor of the Bidder or consolidated statement issued by Statutory Auditor of the Bidder towards payments of statutory tax" in support of the job executed for Subsidiary/ Fellow subsidiary / Holding company.**

In case referred Project falls under "No Tax Area" (like SEZ), Bidder can submit certificate from their Statutory Auditor to this effect in place of Tax paid invoice.

Chartered Accountant (CA) (in place of Statutory Auditor) is acceptable where audited accounts are not mandatory as per law for latest financial year. Also, CA shall not be an employee/ Director and not having any interest in the Bidder's company/Firm.

9.0 <u>ADDITIONAL REQUIREMENTS FOR CONSORTIUM</u>

9.1 The "Member" shall authorize the Lead Member (Leader) of the Consortium with the Authority to bind the consortium, through a Power of Attorney (as per prescribed format enclosed as **Annexure-II**) to the "Leader".

9.2 Both "Leader" and "Member" should have been incorporated under the provisions of the Companies Act 1956 / Companies Act 2013 in India for at least last 2 (two) Years ending last date of month previous to one in which bids are invited.

9.3 Bid must contain the information required for each Member of the Consortium including a brief description of the roles and responsibilities of individual Member, particularly with reference to financial, technical obligations as set out in the Bidding Documents;

The division in scope of work between Consortium member and the leader shall commensurate with their past experience. The overall Project Management shall be performed by the leader. The leader and the member of Consortium shall assume joint and several responsibilities. They shall submit Consortium Agreement along with the Bid clearly defining the scope and the distribution of work between the "Leader" and the "Member".

During the Techno-Commercial Evaluation NRL/EIL may, at its sole discretion, suggest any change in the division of scope of works based on the PTR submitted by "Leader" and "Member". Accordingly, the Bidder shall submit the revised Consortium Agreement including division of scope of works without any extra financial implication. The consortium agreement once agreed by NRL/EIL at the evaluation stage shall not be allowed to be changed. In case, Bidder fails to submit revised Consortium Agreement, their bid shall be summarily rejected.

The bidder, bidding as a consortium is required to submit the consortium agreement duly executed along with the bid. However, in case the Consortium member (s) are not able to submit it along with the bid, they shall furnish a duly signed MOU between the proposed consortium members which shall be on the lines of consortium agreement and must specify the split of scope of work between the members along with identification of the leader as well as acceptance of joint & several responsibility. Upon award of job, the bidder shall furnish the duly executed consortium agreement within 15 days of award or signing of Contract whichever is earlier, failing which the owner shall reserve the right to take action in terms of the contractual provisions regarding breach of contract.

9.4 The Consortium Agreement shall be valid till the pendency of the contract, i.e., till the expiry of Defect Liability Period.

9.5 No consortium member shall hold less than 25% stake in a consortium.

9.6 Where the Contractor is a consortium, the lead member of the consortium shall represent the Contractor in all dealings with NRL / EIL and shall do all acts, deeds, matters and things required to be done by the Contractor under the Contract, including (but not limited to) exchange of correspondence, raising invoices, drawings, documents and receiving payments.

9.7 All dealings had with and/or all acts, deeds, matters and things done by or payments made to and invoices/documents drawn and/or negotiated by the lead member shall be binding upon the Contractor and each member of the consortium, and in so far as NRL/EIL shall require a discharge in respect of any dealing had or act, deed, matter or thing done or payment made as aforesaid, the same shall constitute a valid discharge to NRL/EIL.

9.8 The constitution of the Consortium or the relative distribution of the Work(s) and/or activities amongst the consortium members as approved by NRL/EIL shall not be altered or assigned, as the case may be except with the prior written consent of NRL/EIL and any contrary alteration or re-assignment shall be deemed to be an unauthorized assignment of the Contract with attendant liabilities including termination of the Contract.

9.9 CPBG submission will be done in following manner:

i. If consortium bidder, after award of job become registered under Company Act, CPBG must be submitted by Consortium Company.
ii. If not registered, CPBG must be submitted by both members in proportionate manner as per their stake in consortium.
iii. Above understanding should be part of MOU signed by members and will be submitted along with their bid.

10.0 <u>GENERAL</u>

10.1 Owner/EIL reserves the right to evaluate the Bids using in-house information.

10.2 Owner/EIL reserves the right to verify the credentials of the documents submitted by bidders towards the BQC.

10.3 Bidders should have valid PF, GST Registration and PAN.

10.4 Bidder (Sole Bidder or Leader / Member of a Consortium Bidder) should not be under liquidation, court receivership or similar proceedings.

10.5 Bidder (Sole Bidder or Leader / Member of a Consortium Bidder) who are on **Holiday / Negative of EIL / NRL** on the due date of submission of Bid / during the process of evaluation of the Bids, the offers of such Bidders shall not be considered for Bid opening/Evaluation/Award.

10.6 Bidder (Sole Bidder or Leader / Member of a Consortium Bidder) to inform the **status of their being on** black listing / holiday listing by **MOPNG and other OIL PSUs**. Further, any wrong declaration in respect of holiday listing shall render the vendor liable for action under the holiday listing policy of NRL / EIL.

10.7 NRL / EIL shall not be responsible or liable for cost incurred in preparation, submission & delivery of Bids, site visit, participating in the discussion and other expenses incurred during the Bidding process, regardless of the conduct or outcome of the Bidding process.

10.8 In case, any Bidder (Sole Bidder or Leader / Member of a Consortium Bidder) is found to be involved in **cartel formation**, their Bid shall not be considered for evaluation/placement of order. Such Bidder shall be put on Holiday / blacklisted / debarred from Bidding in future for NRL / EIL.

10.9 Canvassing in any form by the Bidder or by any other agency on their behalf may lead to disqualification of their Bid.

10.10 NRL / EIL reserves the right to reject any/or all the Bids received or annul the Bidding process at any time at their sole discretion without assigning any reason thereof.

10.11 Unsolicited clarifications to the offer and/ or change in the prices during the validity period would render the bid liable for rejection.

10.12 Class I and Class II bidders are eligible to quote for this tender. Purchase preference against MAKE IN INDIA POLICY shall be applicable for Class I bidders only.

10.13 Purchase preference for MSE bidders shall not be applicable for this tender.

10.14 Policy towards “Domestically Manufactured Iron & Steel Policy” is applicable for this tender.

10.15 Provision for Procurement from Bidders from country(ies) Sharing Land Border with India: Bidder (Sole Bidder or Leader / Member of a Consortium Bidder) shall confirm compliance as per provisions of Instructions to Bidders (ITB).

10.16 BQC relaxation to start ups and MSE bidders shall not be applicable.

10.17 Owner / EIL reserve the right to complete evaluation of the bidder as per the details furnished by bidder without seeking any additional information / document.

10.18 For terms and conditions and other details/Specifications, refer complete Bidding document and subsequent Amendment(s), if any.

10.19 Clarification, if any, can be obtained from Mr. Murali Shankar SL / Mr. Manoj Kumar / Ms Sunita Mitra through following number.
Telephone No. +91-11-2676 8159 / 8171 / 3169 / 3504 E-mail: murali.shankar@eil.co.in; manoj.kumar.pur@eil.co.in; s.mitra@eil.co.in

This is not an Order.

For & on behalf of Numaligarh Refinery Ltd
(Authorized Signatory)

Name: Sunita Mitra
Designation: Sr. GM (SCM-C&P)
E-mail ID: s.mitra@eil.co.in
Contact No.: 011-2676-3504 / 8159