



NUMALIGARH REFINERY EXPANSION
PROJECT



NOTICE INVITING TENDER

Bidding Document No: 082176C/NRL/T/FLARE/15

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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 “**DEMOUNTABLE FLARE SYSTEM PACKAGE**” (“Project”) for Numaligarh Refinery Expansion Project being undertaken by the Owner on open Domestic 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

The scope of work includes project management, consistency checks, Design and detailed engineering including HAZOP/SIL study and other safety studies as mentioned in Bidding Documents, 3D modelling, site development and enabling jobs, soil investigation as mentioned in the Bidding Documents and co-ordination for the same with MPMC/OWNER, total procurement(including chemicals, first fill of chemicals and lubricants, consumables, special tools and tackles, pre-commissioning spares, commissioning spares, start-up spares and mandatory spares), manufacturing, quality assurance, inspection and expediting, third party inspection, supplies, transportation, insurance, handling and 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 and refractory works, painting, fireproofing, first fill of chemicals and lubricants, obtaining all statutory approvals (except for environment clearance), Pre-commissioning and Mechanical Completion of Plant, preparation of Plant specific operating manuals, start-up, Commissioning and performance guarantee test runs (PGTR), training of Owner's operation and maintenance (O&M) personnel, consumables (chemicals and lubricants) for 6 (six) months operation, Contract closure activities of DEMOUNTABLE FLARE PACKAGE detailed in the Bidding Documents and interconnection systems as per 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, tool and tackles, consumables, lubricants 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. The scope of work and supply for Contractor is further detailed in Discipline specific documents attached in the bid.



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Brief scope is as follows:

Sr. No.	Description	Capacity
1	Hydrocarbon Flare Stack (Elevated, smokeless)	1750,000 Kg/Hr Max
2	Acid gas Flare Stack (Elevated, smokeless)	243,119 Kg/Hr Max

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/FLARE/15
2.	Type of Bid	Domestic competitive bidding (E-BIDDING) Single stage two-bid system
3.	Name of Work	"DEMOUNTABLE FLARE SYSTEM PACKAGE" for "Numaligarh Refinery Expansion Project" AT NRL NUMALIGARH Refinery located at Numaligarh, Assam, India
4.	Time Schedule	17 Months (16 Months and 2 weeks for Mechanical Completion including Pre-commissioning along with 2 weeks 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	From 14-Mar-2022 to 21-Apr-2022 (Up to 16.00 Hours) Bidding Documents can be downloaded free of charge from the website http://eprocure.gov.in/eprocure/app (" E-Procurement Portal ") during the above period.



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6.	Site Visit and Pre-Bid Meeting	Site Visit at 10:00 hours on 23-Mar-2022 (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 14:30 hrs. on 28-Mar-2022 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: 25-Mar-2022
7.	Submission of Bid	Start Date of Submission of Bid: From 14.00 Hours 19-Apr-2022 Last date of Submission of Bid: Up to 16.00 Hrs. on 21-Apr-2022
8.	Opening date for Techno-Commercial Bid and Price Bid	16.00 Hrs. on 22-Apr-2022 (*). 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)	INR. 2,00,000,00/- (INR Two crores only)



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10.	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.
10.1	TECHNICAL EXPERIENCE CRITERIA
10.1.1	10.1.1.1 The Bidder should have executed (either as sole bidder or jointly with its parent /affiliate / group company or as a leader of JV / Consortium) steel structure and/or Flare package contract(s) in Hydrocarbon Refinery / Petrochemical plant / Fertilizer plant / Chemical plant / Gas processing plants / Steel plant / Power plant. 10.1.1.2 The bidder should have designed & engineered* at least one “De-mountable Flare System” with minimum height of 90 meters and having minimum Hydrocarbon (HC) Flare capacity of 10,000,00 Kg/Hr and the system comprising of, as applicable, flare tip, flare seal, flare riser, Ignition system, water seal drum, derrick structure and demounting arrangement at single/multiple installation. Note: However, for design & engineering of items which are same as in “Derrick supported Conventional Fixed Flare System” of similar capacity as mentioned above (viz. Flare Tip, flare seal, flare riser, Ignition System, Water Seal Drum), relevant experience of Bidder meeting the above requirements in respect of “Derrick Supported Conventional Fixed Flare System” can also be considered. 10.1.1.3 The Bidder, (either as sole bidder or jointly with its parent / affiliate / group company or as a leader of JV / Consortium) shall have completed erection of any of the following within the last 15 years but not less than 1 (one) year, reckoned from the date 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): a) Demountable/ Conventional Derrick mounted flare system with minimum height of 90 meters and having minimum Flare capacity of 10,000,00 Kg/Hr in Hydrocarbon Refinery/Petrochemical plant / Fertilizer plant / Chemical plant / Gas processing plants / Steel plant / Power plant. And / or b) Coke Drum Coke Cutting Structure of a Delayed Coker Unit (DCU) in Petroleum Refinery. And / or b) Reactor-Regenerator supporting structure of a Fluidized Catalyst Cracking Unit (FCCU) in Petroleum Refinery.



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Provided that, such job:

- (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 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.

Revamping work of the Flare System will NOT be considered as qualifying experience.

10.1.2

The steel structure and/ or Flare package as referred in Clause 10.1.1.1 above must have been Commissioned within the last 15 (fifteen) years but not less than 1 (one) year 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 De-mountable Flare System Package as referred in clause 10.1.1.2 above must have been Commissioned within the last 15 (fifteen) years but not less than 1 (one) year 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 10.1.1.1 and 10.1.1.2 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.



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Any one of the following document is required to be submitted by the Bidder along with the Bid as a supporting document for the operation of the Units for at least 1 (one) year after commissioning.

- (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 meets the criteria at 10.1.1.1 and 10.1.1.3 above but such bidder unable to meet the criteria in 10.1.1.2 as mentioned above on its own, then Bidder shall be considered acceptable, provided the Bidder fulfills any of the following clauses:

1. The bidder is an Indian Affiliate/Subsidiary Company/ Group Company of a foreign company and can use the credentials of its parent or any group company to meet the Technical Criteria as stated above. In this case the bidder shall comply and furnish the following documents
 - a. Certificate of incorporation of the bidder
 - b. Documents for establishing the bidder as a subsidiary of the principal
 - c. Documents for establishing the relationship of the Group Company, if applicable
 - d. Corporate Guarantee of the Principal or the Group Company (in Attachment to ITB)



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e. Scope division Matrix for the subject Work, along with the Bid (As a minimum the responsibilities/ activities of the entity, whose PTR are used, shall include design, detailed engineering, Key documents review and Supervision of PGTR)

The entity on whose PTR, the Indian bidder gets qualified should also be made party to the corporate guarantee (in case the PTR is from a holding company or subsidiary company of the Foreign Principal).

For (b) or (c), bidder can submit the annual report specifying the relationship or a letter from his statutory auditor or statutory auditor/ CEO / CFO/ Company Secretary of the qualifying company clearly stating the relationship (subsidiary or another subsidiary of the Foreign Principal called Group Company) between them or any other document to substantiate the same.

Or

2. Any previous JV/Consortium Work order executed by an Indian Bidder (as a leader of JV / Consortium) jointly with either any foreign Parent / Holding / Affiliate or any independent Global company can be utilized by the Indian Bidder in meeting the Technical Criteria of this tender — subject to such prior executed work order (in JV/Consortium modes) meets the minimum criteria as mentioned above

Or

3. Bidder engages an Engineering sub-contractor/Technical Collaborator with whom the Bidder has a valid MOU/collaboration agreement, provided such Engineering sub-contractor/ Technical Collaborator singly meets the criteria as per clause 10.1.1.2 as mentioned above. Bidder shall submit the documentary evidence of the Engineering Sub-contractor/ Technical Collaborator meeting the said criteria. Further, the Bidder shall submit in its Techno-Commercial Bid, a Memorandum of Understanding (MoU) / collaboration agreement executed with such Engineering Sub-contractor/ Technical Collaborator for scope as per sub-clause 10.6.1(l). The MoU / collaboration Agreement shall be valid for at least 03 (three) 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/ Technical Collaborator shall not be changed during the subsistence of the Contract without prior approval of Owner.



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10.1.4

For the purpose of this NIT, the Indian Subsidiary/ Indian Affiliate shall mean a company owned (ownership) and controlled (control) by the Foreign entity where:

(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.

(ii) "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.

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.

10.2

FINANCIAL CRITERIA

10.2.1

The **average annual turnover** of the Bidder shall be equal to or more than **INR 25.50 Crores (Indian Rupees Twenty Five Crores and Fifty Lakhs 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.

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.

10.2.2

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



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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:

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)		



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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. 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.

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.

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.



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10.2.3

Working Capital: The Bidder must have a minimum working capital of amount equivalent to **INR 8.50 Crores (Indian Rupees Eight Crores and Fifty Lakhs only)** as per immediate proceeding financial year audited annual Report.

Working Capital shall be current assets minus current liabilities.

If the Bidder's working capital is inadequate, the Bidder should furnish a letter for line of credit from any scheduled 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 under BQC.

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 **10 (Ten) 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 60.00 Crores (Indian Rupees Sixty Crores only)**.
OR
- (b) 2 (two) "Similar" successfully completed contracts each valuing not less than the amount equal to **INR 48.00 Crores /- (Indian Rupees Forty-Eight Crores only)**.
OR
- (c) 3 (three) "Similar" successfully completed contracts each valuing not less than the amount equal to **INR 36.00 Crores (Indian Rupees Thirty-six Crores 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



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10.3.2	Definition of SIMILAR NATURE OF WORK: Similar work in Sl. No. 10.3.1 shall mean the work involving “Execution of Flare Package works and/or steel structure works involving supply and erection works and its allied facilities, as applicable”, in Hydrocarbon Refinery / Petrochemical plant / Fertilizer plant / Chemical plant / Gas processing plants / Steel plant / LNG/ Power plant The Reference job 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.
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 form of the 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.



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- (b) For commercial experience criteria, The Bidder shall furnish documentary proof in form of the 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.
- (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.



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- (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.
- (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



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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 in connection with executing the design and detailed engineering, Engineering for procurement, preparation/approval of MR for critical equipment and package items as defined in the Bidding Documents elsewhere, participation in HAZOP/ SIL studies and technical / construction audit, supervision of pre-commissioning/commissioning and PGTR. The MOU shall be binding on the Bidder and not to be changed thereafter without prior approval of Owner 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 Bidders (Indian Bidder), 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).
- (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



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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 unambiguous documents and reserve the right to proceed on the basis of documents received along with the Bid and Incase 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.

- (t) 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.
- (u) In case bidder has executed contract(s) meeting the requirements under clause no. 10.3, 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



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purpose of qualification under clause no. 10.3 above.

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.

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.



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	(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. (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	The Bidder should furnish copy of Permanent Account Number, PF Number, Certificate of Incorporation/Partnership deed/ Proprietorship affidavit, GSTIN and place of registration, ESI Registration Code and any other statutory requirement, wherever required, at the time of submitting their Bid.	
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
20	Validity of Bids	The Bid submitted by the Bidder shall remain valid for 4 (four) 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 Energies 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.



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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.

The original EMD BG, shall be submitted by 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.

- 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.



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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.
- 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) Not used.
- b) Not used.
- c) Not used.
- 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.



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- f) Bidder(s) who are under liquidation, court receivership or similar proceedings. In this 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.



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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.
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's Qualification Criteria (BQC) shall be: Submitted duly certified by Statutory Auditor of the bidder or 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.

OR

Submit documents duly notarized by any notary public in the bidder's country or certified true copies duly signed, dated and stamped by an official authorized for this purpose in Indian Embassy/ High Commission in Bidder's country."

OR

Bidder shall submit self-certified documents from any one out of CEO or CFO or Company Secretary of the bidder (Limited company only) along with Self-Certification. This option shall not be applicable to Proprietorship/ Partnership firms.

OR

In case of PSU, the Power of Attorney holder duly authorized by the Board shall self-certify the BQC documents.



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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.
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



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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.
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



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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).
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



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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.
42. Notwithstanding anything stated elsewhere in the Bidding Documents, following shall supersede relevant ITB provisions and other relevant provisions to the extent as stated below:

An undertaking shall be submitted by the Bidder that they are not on Holiday/ Negative/ Suspension/ Banning List of or Blacklisted by any other Central Govt. Dept./ Central Public Sector on due date of submission of Bid. However, this shall be for information only and shall not be a rejection criteria. If any Bidder/ an agency is placed on Holiday/ Negative/ Suspension/ Banning List of or Blacklisted by the Technip/ NRL, they will not be considered for evaluation, at any stage prior to placement of order. If any bidder is qualified based on the credential of his parent/ associate/ affiliate etc. and the parent/ associate/ affiliate is under the Holiday/ Negative/ Suspension/ Banning List of or Blacklisted by Technip/ NRL, the offer from the bidder shall also not be considered for evaluation, at any stage prior to placement of order. Further, any wrong declaration in respect of holiday listing shall render the vendor liable for action under the holiday listing policy of NRL and Technip.

Note: Similar conditions shall be applicable in case of Engineering Sub-contractor and Consortium bids/Joint venture bids.