

Plant NREP	Client NRL	Contract Code NREP-EPCM1	Document ID TK-1P25A-MP-RFQ-0019	Project No. 66-6733
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NOTICE INVITING e-TENDER

tkIS-India (Consultant), on behalf of NRL (Owner), invites e-Bids in total compliance to technical specifications, scope, terms & conditions of enquiry documents / attachments through the website <https://eprocure.gov.in/eprocure/app> in **single stage two bid systems** from competent agencies with sound technical and financial capabilities and meeting the **“Minimum Qualification Criteria”** for the job given below.

- Tender No. / NIT No.:** **TK-1P25A-MP-RFQ-0019**
- E-Tender ID:** **2022_NRL_680844_1**
- Type of Bid:** LIMITED TENDER - DOMESTIC COMPETITIVE BIDDING UNDER TWO BID SYSTEM
- Name of Work:**
Supply of following **PFCC HELICAL BAFFLE HEAT EXCHANGER LOT- 2** as per Technical Specifications for Numaligarh Refinery Limited, Assam, INDIA.

Sr. No.	Item/Tag No	Description	Qty (Lot)
1.01	1P25-EE-3058A/B	HIGH PRESSURE SEPARATOR TRIM CONDENSER	02
1.02	1P25-EE-3065A/B	DEBUTANIZER / HCO PA REBOILER	02
1.03	1P25-EE-3066	DEBUTANIZER MP STEAM REBOILER	01

Note:

- Overall Item-wise evaluation will be carried out for above equipment. Bidder may quote for any of the above or All of the above items. Order against any item cannot be further splitted and each item shall be considered as a non-divisible item.

4.1 Brief Description

Design, detail engineering, procurement, manufacturing, testing & inspection, factory acceptance testing (FAT), TPI, packing, forwarding, transportation, route survey (if required) and supply till site including Commissioning spares, Mandatory spares, Special Tools & Tackles, Consumables, 2 Year Operational Spares of above equipment as per above **“Name of work”** to be installed at Numaligarh Refinery Limited(NRL), Assam.

4.2 Location of Work/Site

Numaligarh Refinery Limited(NRL), Golaghat, Pin Code - 785699, Assam, India

5. Completion Time / Delivery Period and Delivery Basis:

- Eleven (11) months** on **DAP NRL site basis near foundation** (Freight by Vendor & Transit Insurance by NRL) from the date of Letter of Award. The date of receipt of material at site / site warehouse shall be considered as the date of delivery.
- Delivery is of highest consideration & above is the maximum delivery period. Offers not meeting the delivery requirement will be rejected.

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5.3 Price reduction schedule for delay in delivery shall be applicable as per ITB.

6. Tender download schedule

From: 28/03/2022 (18:00 Hrs. IST) to 25/04/2022 (15:00 Hrs. IST) both days inclusive.

Tender documents can be downloaded free of charge from the website <https://eprocure.gov.in/eprocure/app> in during the above period.

7. Non-Disclosure Agreement (NDA): APPLICABLE as Per PART-II.

Bidder shall submit the scanned copy of the duly Stamped and Signed NDA on Bidder's Letterhead as per the format enclosed with this RFQ to Tender Inviting Authority. Delay by the Bidder in submitting signed NDA shall not be a reason for the Bidder to request for extension in Bid Submission date. Technical documents shall be shared only to those bidders who sign and submit the NDA exactly as per the format enclosed with RFQ/Tender (without any deviation/stipulation) to tkIS, India. **Upon submission of Digitally Signed NDA, link for Downloading Technical Documents shall be shared with the subject bidder.** The hard copy of the NDA shall be submitted through post/courier to Tender Inviting Authority within one week thereafter. The Bid shall be rejected in case NDA Hard Copy is not received by Tender Inviting Authority before Tender submission date. The Hard Copy of the NDA is not required if Bidder submits the same Digitally Signed.

8. Pre-Bid Meeting – NOT APPLICABLE

9. Last date for receipt of pre-bid queries by tkIS India – By 11/04/2022 (17:00 Hrs. IST)

10. Start date for submission of tender

From 18/04/2022 (12:00 Hrs. IST)

11. Bid submission up to

Up to 25/04/2022 (15:00 Hrs. IST)

The bidders are required to submit their bids electronically on the e-tender Portal only (URL: <https://eprocure.gov.in/eprocure/app>) using valid Digital Signature Certificates, on or before the bid submission date and time.

12. Techno-commercial Tender opening date

Part-I i.e. Techno-commercial part shall be opened on-line on 26/04/2022 at 15:00 Hrs. IST or at a later date/time, if extended thereafter.

13. Price Bid Opening Date and time of Price Bid opening will be communicated only to techno-commercially acceptable bidders.

14. Bid Validity -

4 (Four) months from the scheduled unpriced bid opening date (including extensions, if any).

15. Earnest Money Deposit (EMD): - NOT APPLICABLE

16. Pre-qualification Criteria(PQC):

Similar Completed Order/ Work(s): Applicable as per below.

The intending tenderers shall furnish proof of their pre-qualification and experience along with the

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Part-I (Techno- commercial bid).

16.1 Pre-qualification Criteria(PQC) – Technical: NOT APPLICABLE

Applicable as per enclosed Annexure 1 to NIT.

16.2 Pre-qualification Criteria(PQC) – Commercial: NOT APPLICABLE

16.3 Pre-qualification Criteria(PQC) – Financial: APPLICABLE

16.3.1 Average Annual Turnover (ATO):

The minimum average annual turnover during immediate three preceding financial years of the bidder as per the audited annual financial results shall be: - **INR 6,00,00,000/-**

Additional Note w.r.t. Financial Criteria:

Any of the following documents shall be furnished by the bidder in support to clauses mentioned above:

- a) Audited published Annual Report
OR
- b) Audited Balance Sheet and Profit and Loss Statement
OR
- c) Financial statements duly certified by 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.

Financial years / previous period as above shall be reckoned from the due date of submission of bids. Audited Annual Report/financial statement 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.

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

16.3.2 Working Capital:

The working capital against the immediate preceding financial year shall be: **INR 2,00,00,000/-**

The requirement of working capital in latest balance sheet to be presented by Bidder. Working Capital shall be Current Assets minus Current Liabilities.

Sl. No	Description	Values (In Currency)
1	Current Assets (A)	
2	Current Liabilities (B)	
3	Working Capital (A-B)	

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Note: 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. In case of tender having multiple Groups, the bidder shall submit the Line of Credit for the Total value of Working Capital as per BQC of the Groups being participated by the bidder.

16.3.3 Net Worth: -

Bidder shall have **POSITIVE** Net worth.

The financial net-worth of the bidder as per the audited financial results of immediate preceding financial year shall be positive. To establish the same, Bidder shall furnish the latest audited financial statement including Auditors reports, Audited Balance Sheet, Profit & Loss Account, Notes, Annexure (if any) etc.

In case of negative net-worth in the immediate preceding year, the bid will be rejected.

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.

Bidder shall refer following formulae for calculating net worth

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)		

16.3.4 Indian Bidders should have valid PF, GST registrations and PAN.

16.4 Important Notes:

- The failure to meet Annual Turnover (ATO) criteria & Net Worth Criteria mentioned above will render the bid to be summarily rejected.
- No relaxation in PQC is applicable to Start-ups & MSEs
- Bidder to fill-up questionnaire under PPLC and Land Border Policy.
- The Last 10 (Ten) Years' experience requested should be ending on last day of the month immediately previous to the month in which last date of original bid submission date falls.

16.5 Document Required for fulfilling qualification criteria

For Pre-Qualification Criteria(PQC) – Technical (If Applicable)

- Refer Annexure-1 Technical PQC

For Pre-Qualification Criteria(PQC) – Commercial (If Applicable)

For fulfilling the commercial experience criteria any one of the following documents may be considered as valid proof for meeting the criteria:

- Purchase Order copy along with Invoice(s) and Proof of Payment. Bidder shall also self-certify that the supplies against the invoices covering the "similar order" have been executed to the required

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value.

(ii) Purchase Order copy along with Execution certificate by client/ Consultant with executed order value

(iii) In case any other document is submitted by bidder in support of execution, the same shall be subject to acceptance by the OWNER or its representative.

(iv) If the vendor cites any reference of a job executed for OWNER or executed for some client through Consultant and the vendor is not able to furnish documentary evidence, the internal records of OWNER or Consultant (as the case may be) shall be considered.

17. Mode of Submission.

Offer must be uploaded on e-tender website <https://eprocure.gov.in/eprocure/app> before the last date & time of submission of tender. Offer submitted using any other mode will not be accepted.

18. Other requirements

- 18.1 PF Code Allotment letter/ PF registration.
- 18.2 Independent ESI Code or undertaking for Independent ESI Code in the Format as Annexure to ITB.
- 18.3 Power of Attorney in favour of person authorized to submit the bid.
- 18.4 Copy of PAN card
- 18.5 Certificate of Incorporation / Partnership deed/Proprietor ship affidavit
- 18.6 GST Registration Certificate
- 18.7 All other documents as listed in ITB

19. Tender Inviting Authority

Mr. Sushant Deshpande / Mr. Amar Sonsale

Project Procurement Manager

thyssenkrupp Industrial Solutions (India) Private Limited Mumbai

Uhde House, L B S Marg, Vikhroli (W),

Mumbai - 400083,India.

Phone: +91-22-4047 8504

Email: sushant.deshpande@thyssenkrupp.com / amar.sonsale@thyssenkrupp.com

20. Contact Persons

Mr. Souvick Banerjee / Mr. Sushant Deshpande

thyssenkrupp Industrial Solutions (India) Private Limited

(Formerly Uhde India Private Limited)

Uhde House, L B S Marg, Vikhroli (W),

Mumbai - 400083,India.

Phone: +91-22-4047 8504 / 8432

Email: tkisindia.nrltf@thyssenkrupp.com;

21. Important Documents

21.1 Integrity Pact Agreement - APPLICABLE

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.

21.2 Power of Attorney – APPLICABLE

Bidder shall be required to submit the power of attorney in the name of its authorized signatory who is submitting the Bid.

22. Following Government Guidelines / Policies (latest version) shall be considered as part of this Tender and the Applicability of the same is as per below:

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Sr. No.	POLICY DESCRIPTION	APPLICABILITY
1	Benefits / Preference for MSEs (Purchase Preference only)	APPLICABLE
2	Purchase preference to Local Content (PPLC Policy 2020-21)	APPLICABLE
3	Domestic Manufacturing of Iron and Steel Policy (DMISP)	NOT APPLICABLE
4	Domestic Manufactured Electronic Products (DMEP)	NOT APPLICABLE
5	Office Memorandum regarding compliances related to any bidder from a country which shares a Land Border with India.	APPLICABLE

Bidder to attach/ submit the applicable Forms/ Undertaking as per the above policies along with their offer

23. **Contract Performance Bank Guarantee (CPBG) – AS APPLICABLE**

Contract Performance Bank Guarantee of 3% of Order Value (Supply Plus Site Work, where ever applicable) plus GST shall be required (including MSEs, Public Sector Undertakings and other Government bodies) within 30 days from the date of award, for order values above INR 10 lakhs.

This bank guarantee shall be valid (shall remain in force) for guarantee period (as mentioned in the guarantee clause of the tender), with an invocation period of six months thereafter.

The Order value shall mean supply price including packing and forwarding charges/ TPI charges (FOT dispatch point) plus site work (wherever applicable) but excluding GST, transportation, Training services, PWAMC and supervision services.

MSE bidders are not exempted from submission of Contract cum Performance Bank Guarantee (CPBG).

Wherever supervision is included in the scope specified in the MR, bidders shall provide additional BG for an amount equal to per diem charges for the number of days considered for evaluation over and above 10% PBG to cover compensation for delay in mobilizing the erection/ personnel. This BG will be released to the bidder upon the erection/ commissioning personnel reporting at site. This BG shall be furnished along with last 10% payment and shall be valid up to six months which shall be extended based on the request by NRL.

In case of package contract where scope of the purchase order also involve Post Warrantee Comprehensive Annual Maintenance Contract (PWCAMC), the bidder has to furnish CPBG equivalent to 10% of the value of PWCAMC valid till expiry PWMC period.

24. **Guarantee/ Warranty/ Defect Liability Period**

Guarantee/ Warranty / Defect Liability period shall be as per GPC of NRL. However, for MRs involving site work, Guarantee/ Warranty / Defect Liability period shall be 12 months from the date of handing over complete system to NRL after commissioning.

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25. General notes on Bidder Qualification criteria (Pre-Qualification Criteria)

- a) Offer from Joint Bidders / Consortium will not be acceptable.
- b) The Offers with incomplete/ irrelevant documents or anomalies are liable to be rejected without any communication. Hence, bidders are advised to take utmost care while uploading their prequalification documents.
- c) **Bids from following types of Bidders will not be accepted**
 - i) If any bidder/ an agency is placed on Holiday/ Negative/ Suspension/ Banning List of or Black Listed by tkIS-India/ NRL, they will not be considered for evaluation, at any stage prior to placement of order.
 - ii) 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 Black Listed by tkIS-India/ 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 tkIS-India Consultant for the job.

 - iii) Similarly, if a Bidder is qualified based on engaging a sub-contractor/ sub-vendor who meets stipulated qualification criteria and in case such a sub-contractor/ sub-vendor is on Holiday/ Negative/ Suspension/ Banning List of or Black Listed by the tkIS-India/ NRL for the job on due date of submission of Bid / during the process of evaluation of the Bid, the Bid of such a Bidder shall not be considered for bid opening/evaluation/Award.
 - iv) Further, in case of a Consortium/JV, if any of the member(s) of Consortium/JV is on Holiday/ Negative/ Suspension/ Banning List of or Black Listed by the tkIS-India/ NRL on due date of submission of Bid / during the process of evaluation of the Bids, the offer of such a Consortium/JV shall not be considered for bid opening/ evaluation/ Award.
 - v) 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.
 - vi) 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.
 - vii) Bidder(s) who are undergoing insolvency resolution process or liquidation or bankruptcy proceeding under Insolvency and Bankruptcy Code, 2016 (Code).
 - viii) 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.
- d) Submission of authentic documents shall be the prime responsibility of the bidder.
- e) Wherever OWNER or its representative have concerns or apprehension regarding the authenticity / correctness of any document, OWNER or its representative reserve the right of getting the document cross verified from the document issuing authority/any relevant source. If documents (part or full) are found forged, such offers will be summarily rejected, 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.
- f) All documents submitted by the bidder towards meeting PQC shall be furnished in a separate booklet titled as "Documentation against Bidder Qualification Criteria" with proper indexing.
- g) For fulfilling the financial criteria, annual audited and published financial statements (balance sheet, P

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& L account, auditor report and all other schedules/notes to balance sheet and P & L account) of the bidder shall be considered as financial proof. The order value and turnover for the purpose of PQC shall be rounded off to the next thousand for rupees or hundred for USD.

- h) In case the balance sheet is available in the public domain the same shall be acceptable. Bidder to submit the proof for the same. Else, bidder to submit annual audited financial statements & balance sheet duly notarized for Domestic Bidders OR stamped by Chamber of Commerce of the bidder's country for Foreign Bidders.
- i) 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, bidder has the option to submit the financial details of the three previous years immediately prior to the last financial year. Otherwise, it is compulsory to submit the financial details of the immediate three preceding financial years.

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

- j) In case where the bidder cites the reasons of Non-Disclosure Agreement (NDA) for its inability to submit necessary documents in support of meeting the experience criteria, a certificate, in original, certifying all the required information, issued by CEO / CFO of the company along with a declaration that the bidding company is not in a position to submit the required documents owing to the NDA 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(s) company / firm) may be accepted.
- k) Wherever Chartered Accountant / Statutory Auditor / Certified Public Accountant (not being an employee or a Director or not having any interest in the bidder(s) company / firm) is not in a position to endorse such CEO / CFO's certificate due to local regulations, CEO / CFO's certificate in original without endorsement may be accepted provided a reference to the local regulation restricting this endorsement is given in the CEO / CFO certificate.
- l) In case of a MSE bidder, documentary evidence as per the prevailing Government policy shall be acceptable.
- m) A Consultant appointed for the project / work shall not be allowed to participate in the tender either directly or indirectly. An indirect participation shall include participation through an affiliate or as subcontractor, consultant or supplier with the exception of participation as TPIA for the same job. The expression 'affiliate' for the purpose of this clause will include any person, or company or association (howsoever designated) who/which is a member of the consultant (if the consultant is a joint venture or consortium or who or which directly or indirectly holds 10% (ten percent) or more of the capital or voting capital of consultant (if the consultant or any of its members is a company or a body corporate) or who or which is consultant or sub-contractor of the consultant with regard to the project.
- n) A Company (bidder) shall not be allowed to use the credentials of its parent or any group company to meet the Financial Criteria.
- o) Notwithstanding any other condition/ provision in the tender documents, bidders are required to submit complete documents pertaining to PQC along with their offer. Failure to meet the PQC will render the bid to be summarily rejected. NRL reserves the right to complete the evaluation based on the details furnished by the bidder, with or without seeking any additional supporting documents /clarifications.
- p) The bidders must submit complete and unambiguous documents pertaining to PQC in the first

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instance itself along with the offer. CONSULTANT/ NRL 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 offer and Incase of non-submission of some documents or submission of incomplete or ambiguous documents, the bid may be rejected.

- q) Bidder shall not be allowed to submit new references or document, related to such new references with respect to their past experience unless it is not mentioned in the list (past experience) submitted along with the bid.
- r) Bidder to refer attached Annexure to ITB for Terms & Conditions for Compliance of Restrictions for bidders from countries which share land border with India and for applicable formats of declarations to be submitted by bidder on bidder's letterhead, failing which the bid is liable for rejection.
- s) All correspondence must be only in ENGLISH language. In case of Foreign Bidder, if any of the documents in support of meeting PQC are not in English language, then the English translation copy of the same duly certified, stamped and signed by Local Chamber of Commerce shall be furnished along with the document in the un-priced bid. Translation by Indian Embassy/ High Commission or authorized/ approved translation agencies (by Indian embassy/ high commission or any other authority) shall also be acceptable
- t) 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.

- u) The bidders should furnish Permanent Account Number, PF Number, GSTIN and place of registration, ESI Registration Code, Proprietor ship affidavit. and any other statutory requirement (as per provision of the bid document), at the time of submitting their bid.

26. General

Bidder to note the following before bidding:

- (a) Relevant supporting documents towards other requirements specified are also to be uploaded along with Techno- commercial bid failing which bid is liable for rejection.
- (b) NRL (Owner)/ tkIS-India (Consultant) reserves the right to reject any or all of the tenders or any parts of the tender so received and may cancel the tender in part or full, extend the due date of Tender submission etc. without assigning any reason.
- (c) Legal dispute, if any, shall only be within the jurisdiction of the Courts in Golaghat, Assam unless mentioned otherwise.

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- (d) All communication will be made through e-Tendering web site (<https://eprocure.gov.in/eprocure/app>) / official email ids of NRL / tkIS India.
- (e) Bidder cannot make any claim against NRL (Owner) / tkIS-India (Consultant) towards its expense incurred in connection with the preparation and delivery of their bids, site visit, participating in the discussion and other expenses incurred during bidding process.
- (f) The terms “Pre-Qualification Criteria (PQC)” and “Bidder Qualification Criteria (BQC)” shall have the same meaning in the Bidding Document.
- (g) The terms ‘Sl. No.’, ‘Sr. No.’, ‘Cl. No.’ and ‘Clause No.’ used in this NIT document shall have the same meaning.
- (h) Bidder should make sure that their priced bid (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 Priced Bid (BOQ).
- (i) After opening of the technical 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 after the issue of the tender enquiry.
- (j) Offers not meeting statutory requirement are liable for rejection.
- (k) Bidders are advised to regularly visit Announcement section/ Information for DSC/ Bidders Manual Kit/ FAQ of e–Tender Portal.
- (l) Refer ITB of the tender document /E-Tendering methodology for more details.
- (m) Any Corrigenda / Addenda, subsequent to the publication of the tender, will be published on the CPP Portal. All amendments, time extension, clarifications, etc. will be uploaded in the said websites. Bidders are therefore advised to regularly visit the website to keep themselves updated.
- (n) Bidder to submit Cover Page of the Tender Document duly signed and stamped along with all Corrigenda / Addenda published for the respective Tender along with Unpriced Commercial Offer as a token of acceptance of the whole Tender Documents. Deviations if any to be filled only in the Commercial / Technical Deviation Form available in the Bid Document. Deviations mentioned elsewhere in the Tender shall not be considered for evaluation.
- (o) NRL does not take any responsibility for the correctness of tender documents obtained from any other source. Bidders are advised to visit above mentioned website before submitting their offer for official version of the tender document including any corrigendum / amendment if any, which shall be binding to the bidder.
- (p) If documents (part or full) are found forged, such offers will be summarily rejected and bidder may be debarred from future tenders.
- (q) Successful Bidders shall not use any sub-vendor who is on Holiday List of tkIS-India/ NRL.
- (r) NRL (OWNER) / tkIS (CONSULTANT) reserves the right to disqualify / reject any bid for further evaluation in case of reported Poor Performance of works in past due to financial constraints or due to any other reasons what so ever attributable to Bidder. Decision of OWNER / CONSULTANT in this regard shall be final.
- (s) The bidders shall adhere to the following provisions of the Bidding Document without taking any deviations,

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failing which the Bid shall be considered to be non-responsive and are liable to be rejected.

- Declaration for Bid Security / Earnest Money Deposit (EMD) letter or EMD (whichever is applicable)
- Defects liability period.
- Bid Validity.
- Price BOQ format.
- Time schedule.
- Termination and suspension.
- Force Majeure.
- Scope of Supply.
- Integrity Pact (where applicable)
- DMI&SP (where applicable)
- Non-Acceptance of Part Order/Repeat Order
- Governing Law and Seat of Arbitration
- Limitation of Liability

- (t) In order to maintain confidentiality of all documents and drawings submitted by Bidder in response to its Unpriced Bid only, Bidder(s) shall upload Password Protected PDF Files only in the portal. For ease, same password shall be used for all the uploaded PDF documents, which will be subsequently shared by email to the officials of NRL/tkIS as per the details mentioned at Sr. No. 19 of NIT.

27. Terms & Conditions

- A) The subject tender is an e-tender & can be downloaded from CPPP website.
- B) The tender document will not be issued in person or sent by post. Mere obtaining tender document through CPPP website shall, however, not be construed that the bidder/agency is considered qualified.
- C) Bidders are mandated to get enrolled on e-Tendering portal (<https://eprocure.gov.in/eprocure/app>) and enrol their Digital Signature Certificate (DSC).
- D) Bidders are advised to read the instructions for participating in the e-tendering from the website <https://eprocure.gov.in/eprocure/app>. The Help Documentation placed at Home Page provides necessary guidance to bidders for using the e-Tendering site. A user ID will be issued to each prospective bidder by e-Procurement administrator for participation in e-tendering. Special Instruction to Bidder for e tendering procedure is enclosed as part of tender document.
- E) Bidder shall download the Bidding Document in his own name and submit the bid directly. 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. Please note that only the person having Power of Attorney to do bidding process on behalf of the bidder shall submit/upload the bid document using their own DSC.
- F) As far as possible Bidders are requested to clarify all the technical queries related to tender during the Pre-bid meeting i.e. before the bid opening and ensure compliance of all provisions of the bidding document.
- G) NRL (Owner) / tkIS-India (Consultant) will not be responsible for non-submission of bid within specified time of tender submission due to any website related problems.
- H) **Bidders to ensure submission of Correct File Format in the portal. In case NRL / tkIS India cannot open the bids due to corrupt bid files / formats, the offer shall be rejected.**
- I) Successful bidder upon award of contract shall consider one-day visit of their Project manager / senior Management / Indian representative on their own expenses to tkIS, India Pune / Mumbai office each

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month after order for progress review meeting. After getting code 2 approval from tkIS India, vendor shall incorporate all comments / observation in respective drawings/documents and instead of submitting revised drawings, vendor's Technical team / Indian representative along with laptops and soft copies of these drawings / documents shall visit tkIS India Pune/Mumbai office to discuss open points across the table to facilitate early code 1 approval. These vendor visits shall be continued till these documents / drawings get code-1 approval.

- J) NRL (Owner) / tkIS-India (Consultant) reserve the right to assess Bidder's capability and capacity to perform the Contract by taking into account past performance, and various aspects such as concurrent commitments etc. NRL (Owner) / tkIS-India (Consultant) also reserve the right to use in-house information for assessment of capacity of bidder and their performance on jobs completed/in progress for evaluation purpose.

Note: Visit <https://eprocure.gov.in/eprocure/app> to download tender documents. Addendum / Corrigendum, it shall be hosted on this website only. Bidders are advised to regularly visit the e-Tender portal to keep themselves updated.