



**INVITATION FOR BIDS (IFB) FOR
COKE DRUM STRUCTURE PACKAGE (CDSP)
FOR DCU REVAMP PROJECT OF
M/S NUMALIGARH REFINERY LIMITED
BIDDING DOCUMENT NO.: AS/B440-003-PM-TN-4020/1009
(INTERNATIONAL COMPETITIVE BIDDING)**



1.0 INTRODUCTION:

Numaligarh Refinery Limited (NRL) intends to enhance the capacity of existing Delayed Coker Unit from 0.306 MMTPA to 0.560 MMTPA by revamping the unit. Basic Engineering Design package is licensed by Engineers India Limited (EIL) and Indian Oil Corporation Limited (IOCL)-R&D for revamp of Delayed Coker Unit.

NRL has engaged EIL as their EPCM to execute revamp work for Delayed Coker Unit.

Engineers India Ltd. (EIL) has been appointed the Licensing and Engineering, Procurement & Construction Management (EPCM) Consultant for this project.

EIL on behalf of NRL, invites e-bids for execution of the "Coke Drum Structure Package (CDSP) Works for DCU Revamp" on Lumpsum Turnkey (LSTK) Basis for Numaligarh Refinery Expansion Project under Single Stage Two Part Bid System (collectively referred to as "Bidding Process") from the competent EPCC/LSTK Contractors with sound technical, commercial and financial capabilities meeting the Bidder's Qualification Criteria stated in Cl. 5.0 below.

2.0 BRIEF SCOPE OF WORK

2.1 Bidder shall execute the intended work on Lump Sum Turnkey (LSTK) Basis. The scope of work shall include project management, residual process design, residual and detailed engineering (including carrying out HAZOP & SIL study and Implementation of its recommendation), site survey, HSE, procurement, fabrication, Inspection including TPI, transportation of all the equipment/materials to work site including Route survey for ODCs as applicable, storage, handling at site, assembly, erection, installation, construction and testing of all CDSP facilities as specified in tender document (including free issue materials to Bidder), obtaining all required statutory approvals, to achieve mechanical completion, pre-commissioning, commissioning assistance, testing for performance guarantee in presence of licensor and owner representative, training to owner's personnel and handing over of all the facilities to Client including supply of first fill of lubricant, chemicals, consumables, special tools and tackles, mandatory spares and commissioning spares as per Tender Document.

2.2 The Bidder's major scope of supply under Coke Drum Structure Package (CDSP) for reference, consist of the following (as minimum): -

Sl. No.	Item Description	Item Tag no.
1)	Coke Cutting System	03-LZ-00-053
2)	Coke cutting pumps (Part of coke cutting system)	03-PA-00-063 A/B
3)	4-Way Coke Chamber Switch valve	03-LZ-00-057
4)	Coke pad/Coke settler	03-LZ-00-051
5)	Antifoam Injection Package	03-LZ-00-063
6)	Coke cutting Water Tank	03-TT-00-051
7)	Chamber condensate drum	03-VV-00-053

Sl. No.	Item Description	Item Tag no.
8)	Coker Bridge Crane	03-LZ-00-054
9)	Coke Inlet hopper	03-LZ-00-055
10)	Belt Conveyor	03-LZ-00-056
11)	Coke Cutting Pump Strainers	03-WG-00-051 A/B
12)	Chamber drain line Strainer	03-WG-00-056 A/B
13)	PA-071 A/B Suction Strainer	03-WG-00-057 A/B
14)	Coke chamber vent silencers	03-WG-00-060 & 03-WG-00-061
15)	Chamber Condensate Pumps	03-PA-00-071 A/B
16)	Deluge/Low range water pumps	03-PA-00-072 A/B
17)	Coke Discharge Chutes	03-LZ-00-071 A/B
18)	Coke chamber structure elevator	03-LZ-00-070
19)	Material Handling Equipment as applicable (i.e. Trolley mounted chain pulley blocks/ Electric hoists etc.) for Normal operation and maintenance of plant Equipment within CDSP battery limit	---
20)	HVAC for Operator cabin	---
21)	Associated Piping, Electrical, Instrumentation, Structural Civil works.	---
22)	All erection, including heavy lift of FIM items as mentioned below. • Coke Chambers (03-RB-00-051 A/B) • Coke chamber top unheading system (03-TX-00-001/002) • Coke chamber bottom unheading system (03-BX-00-001/002)	---

2.3 For complete scope of supply and work, refer the Technical Section of Bidding Document.

3.0 TIME SCHEDULE FOR COMPLETION:

The Time Schedule for the subject work shall be **19 Months for Mechanical Completion** from the date of issue of Letter of Acceptance (LOA) **plus 2 Months for Commissioning.**

4.0 SALIENT FEATURES:

a)	Bidding Document & subsequent Amendment (if any) available on Website for viewing & downloading.	:	The Detailed IFB along with Qualification Criteria, Non-Disclosure Agreement (NDA*), Integrity Pact and Enquiry Document both Commercial Part and Technical Part* can be viewed/ downloaded from the following e-tendering website: https://eprocure.gov.in/eprocure/app The NDA format and link for accessing the Enquiry document shall also be available on EIL website http://tenders.eil.co.in. * Bidder to note the following for viewing/ downloading Technical Part of Enquiry Document:
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			i. Bidder is required to execute Non-Disclosure Agreement (NDA) with Licensor before obtaining Technical part of the Enquiry Document. ii. Bidder to note that submission of duly signed NDA as per format acceptable to Licensor is mandatory, failing which Bidder shall not be able to download/view the Technical Part of Enquiry Document on the e-tendering website. iii. Bidder shall upload signed and stamped NDA online on the e-tendering website https://eprocure.gov.in/eprocure/app and original signed (2 Sets each) document shall be submitted subsequently to address mentioned under ITB Part of the Enquiry document. The Technical part of Enquiry Document shall be made available for viewing / downloading to the Bidder after uploading of NDA on the e-tendering website and submission of NDA in original and its acceptance by Licensor. Cost of Bidding Document: NIL
b)	Bidding Document available on Website	:	From 28.07.2023 to 21.09.2023 upto 1200 Hrs.(IST)
c)	Last date of Receipt of Bidder's Queries	:	On 11.08.2023
d)	Date, Time and Venue of Pre Bid Meeting	:	Date: 14.08.2023, (^) Time: 10:30 Hrs. (IST) Venue:- Numaligarh Refinery Limited NRL Complex, Numaligarh, Dist.: Golaghat, Assam-785699 Contact Person : Mr. Jimmy Daniel (Project), NRL; Mob No.: 6267048755 Note: Bidder to note that submission of duly signed NDA as per format acceptable to Licensor is mandatory, failing which Bidder shall not be allowed to participate in the Technical part of pre bid 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 21.09.2023 Online submission (e-Bids) through CPP Portal Bid submitted through any other mode shall not be acceptable.
f)	Online Opening of Techno-commercial Un-priced Bid	:	1400 Hrs. (IST) on 22.09.2023 (*)
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	:	For Indian Bidder : INR 271,50,000/- For Foreign Bidder : USD 333,170 [Refer Instructions to Bidder (ITB) pertaining to submission of EMD/Bid Security]
i)	Date of Opening of Priced Bids	:	Date & time shall be intimated later.
j)	Contact details of dealing officer	:	Mr. Arvind Kumar, Manager (SCM) E-mail: arvind.kumar@eil.co.in Tel No.: +91-124-289 1347/ 9999734063 Mr. Kushal Verma, Sr. Manager (SCM) E-mail: kushal.verma@eil.co.in Tel No.: +91-124-289 1362/ 9540051221 Mr. D. Chatterjee, GM(SCM) E-mail: d.chatterjee@eil.co.in Tel No.: +91-124-289 1233/ 9818673486 Mr. Anindya Sinha, GM (SCM) E-mail: anindya.sinha@eil.co.in Tel No.: +91-124-289 1386/ 9650347593
k)	Communication address for submission of documents, in hard copy	:	Refer Instructions to Bidder (ITB)
l)	Site Visit	:	Date: 12.08.2023 (^) [Refer Clause No. 6 of Instructions to Bidder (ITB) for details]

- 4.1 If dates identified as (*) above happen to be a declared holiday in EIL Gurugram, the next working day shall be considered.
- 4.2 If dates identified as (^) above happen to be a declared holiday in NRL Complex-Numaligarh, the next working day shall be considered.
- 4.3 All amendments, time extension, clarifications, etc. will be uploaded in the websites only and will not be published in Newspapers. Bidders should regularly visit the above website(s) to keep themselves updated.
- 4.4 Request for extension or any queries received from any bidder with less than four working days prior to bid due date shall generally be ignored, since there will not be adequate time for proper communication with Client and other Bidders.

5.0 BIDDER QUALIFICATION CRITERIA (BQC):

The bidder shall either be

- a) Sole Bidder (Sole means bid submitted by single entity)
OR
- b) An Incorporated JV (called sole bidder)
OR
- c) A Consortium (including an un-incorporated Joint Venture) having a maximum of Two (2) members. (Minimum stake of each member in the Consortium should be 25%)

5.1 BIDDER QUALIFICATION CRITERIA-TECHNICAL:

5.1.1 PROJECT EXECUTION EXPERIENCE

- 5.1.1.1 The Bidder (Sole Bidder or “Leader” in case of Consortium/Un-incorporated Joint Venture), who has worked as Contractor or as member of consortium/unincorporated Joint Venture shall have completed, as an EPCC/LSTK Contractor with single point responsibility, a contract, involving Project Management, Residual Process Design, Detailed Engineering, Procurement, Fabrication, Inspection including Third Party Inspection, Erection, Construction, Pre-commissioning and Commissioning or Commissioning Assistance of at least one Grass root or Revamp Coke Drum Structure Package of Delayed Coker Unit (DCU) or any Grass root or Revamp Process Unit in Hydrocarbon Refinery or Petrochemical Plant or Onshore Oil & Gas processing facilities or Offshore Oil & Gas processing facilities or Fertilizer Plant or Metallurgy (Ferrous) Plant or LNG Plant.

The Reference Unit shall have been commissioned within the period not exceeding Fifteen (15) years and the same shall be in operation for atleast One (1) year, ending last day of month previous to one in which applications are invited.

- 5.1.1.2 In case of Consortium, the Member (other than “Leader”), as a contractor or as a Consortium/ Un-incorporated Joint Venture member, on his own, shall have completed a contract involving Engineering, Procurement & Construction or Procurement & Construction or Construction of / in at least one Grass root or Revamp Coke Drum Structure Package of DCU or any Grass root or Revamp Process Unit or any offsite & utility work in Hydrocarbon Refinery or Petrochemical Plant or On shore Oil & Gas processing facilities or Offshore Oil & Gas processing facilities or Fertilizer Plant or Metallurgy (Ferrous) Plant or LNG Plant in last Fifteen (15) years, ending last day of month previous to one in which applications are invited.

5.1.2 DESIGN & ENGINEERING EXPERIENCE

- 5.1.2.1 The Bidder (in case of Sole bidder) OR any member of the Consortium/ Unincorporated Joint Venture (in case the bidder is a Consortium/ Un-incorporated Joint Venture) shall have completed Residual Process Design & Detailed Engineering of at least one Grass root or Revamp Coke Drum Structure Package of Delayed Coker Unit (DCU) or Any Grass root Process Unit in Hydrocarbon Refinery or Petrochemical Plant or Onshore Oil & Gas processing facilities or Offshore Oil & Gas processing facilities or Fertilizer Plant or LNG Plant.

The Reference Unit shall have been commissioned within the period not exceeding Fifteen (15) years and the same shall be in operation for atleast One (1) year, ending last day of month previous to one in which applications are invited.

- 5.1.2.2 In case, the Bidder (in case of Sole bidder) OR any of the Consortium/ Unincorporated Joint Venture members (in case the bidder is a Consortium/ Unincorporated Joint Venture) does not meet the Design & Engineering experience criteria mentioned in Cl. No. 5.1.2.1 above on their own, Bidder can still be considered acceptable provided:

- i. The Bidder proposes and engages an engineering sub-contractor for the subject work who meets the Design & Engineering criteria mentioned at Cl. No. 5.1.2.1 above.
- ii. The Bidder furnishes along with his bid the MOU (or Letter of Agreement or Letter of Consent) with the above Engineering Sub-contractor, identifying the scope division matrix for the subject work in line with Cl.No. 5.1.2.2 (iii) below. The above Engineering sub-contractor shall not be changed thereafter. (#)

(#) The MOU (or Letter of Agreement or Letter of Consent) signed between the Bidder and the Engineering sub-contractor shall be converted into a definite contract agreement between the successful Bidder & Engineering Subcontractor after award of the job and before signing of the contract / purchase order with the Purchaser which shall be done within Fifteen (15) days from the date of award to the EPC Contractor and this agreement must remain in force at least till the pendency of the Contract including the Defect Liability Period.

iii. The Engineering Sub-contractor shall carry out activities of Process Engineering & Detailed Engineering, Engineering for Procurement, Preparation and Approval of the Purchase requisition of Critical equipment and Package items, Hazop/SIL studies, Technical and Construction Audit and Quality assurance, Pre-Commissioning / Commissioning /Commissioning assistance and Performance Guarantee Test Run etc. as applicable.

5.1.3 "Revamp" mentioned in clauses 5.1.1 & 5.1.2 above means capacity enhancement or Product quality upgradation or Energy improvement or Yield improvement of the Process Plant/Unit.

5.1.4 Exclusive experience of Utility System or Utility block, Waste water effluent treatment, Offsite facilities shall not be considered as relevant experience against clause No 5.1.1.1, 5.1.2.1 & 5.1.2.2 above.

5.1.5 A job executed by the Bidder for its own plant or projects can't be considered as experience for the purpose of meeting requirement of Bidder Qualification Criteria of the enquiry document and the Bidder is required to submit a declaration in this regard upfront in the bid. Experience of any Pilot plant & Demo plant shall not be considered for the qualification.

5.1.6 For qualification of the Bidder, clauses 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.1.5 shall be read in conjunction.

5.1.7 COMMON CLAUSES APPLICABLE TO CONSORTIUM/JOINT VENTURE (JV):

In case of Consortium / Un-incorporated Joint Venture following conditions shall apply:

5.1.7.1 The minimum scope of work to be executed by Leader shall be as mentioned below:

- i. Overall Project Management
- ii. Planning, monitoring, scheduling and reporting.
- iii. Critical offshore/onshore procurement
- iv. Health, safety and Environment (HSE) management
- v. Risk Management
- vi. Technical & Construction Auditing
- vii. Approval of Quality Assurance plans (QAP)
- viii. Participation in HAZOP/HAZID and 3-D model review.
- ix. Participation in Progress review meeting
- x. Pre commissioning /Commissioning assistance
- xi. Performance Guarantee Test Run

In case consortium/ Un-incorporated Joint Venture qualifies for design & engineering through engaging Engineering sub-contractor, activity listed at sl. no. vi, vii, viii, x & xi shall be included under scope of work of the Engineering sub-contractor.

5.1.7.2 The division in scope of work between consortium member and the leader shall be commensurate with their past experience. The overall project management shall be performed by the leader. The leader and the members of the consortium shall assume responsibility jointly and severally. They shall submit consortium agreement along with the bid clearly defining the scope and the distribution of work between the leader and the other member and shall not be allowed to changed thereafter (@).

(@) The bidder, bidding as a consortium is required to submit the consortium agreement duly executed along with the bid. However, in case the consortium members 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 the

consortium agreement and must specify the split of scope of work between the members along with the identification of the leader as well as acceptance of joint and several responsibility. Upon award of job, the bidder shall furnish the duly executed consortium agreement within 15 days of award of the job. The consortium agreement shall be kept valid till the pendency of contract i.e. till the expiry of defect liability period.

- 5.1.7.3 The “Leader” and the “**member** (other than the Leader)” shall meet the respective Bidder’s Technical Qualification Criteria mentioned in Cl. No. 5.1.1.1 & 5.1.1.2 above.

5.2 COMMERCIAL / EXPERIENCE CRITERIA:

5.2.1 FOR SOLE BIDDER/JV/ LEADER OF THE CONSORTIUM:

The contract(s) under Clause No. 5.1.1.1 of BQC-Technical against which Bidder (In case of sole Bidder, also including an incorporated Joint Venture) or Leader of the Consortium (in case the bidder is a consortium) is getting qualified shall have the value(s) as under:

- i) Three contract(s) each having value not less than **INR 1494 Million** or **US \$ 18.33 Million**

OR

- ii) Two contract(s) each having value not less than **INR 1992 Million** or **US \$ 24.44 Million**

OR

- iii) One contract having value not less than **INR 2490 Million** or **US \$ 30.55 Million**

5.2.2 IN CASE OF CONSORTIUM THE MEMBER (OTHER THAN THE LEADER) SHALL MEET THE FOLLOWING:

The contract under Clause No. 5.1.1.2 of BQC-Technical against which member (other than “Leader”) is getting qualified shall have the value(s) as under:

- i) One contract having value not less than **INR 1494 Million** or **US \$ 18.33 Million**

5.2.3 SOLE BIDDER AN INDIAN SUBSIDIARY OF FOREIGN ENTITY:

Indian bidder, a subsidiary of a foreign entity, not meeting the commercial experience criteria as per Sr. No. 5.2.1 above, can also participate on its own as a Sole Indian Bidder provided it meets the BQC as follows:

- a) The Indian Subsidiary (Bidder) shall meet Technical Experience Criteria and Financial Criteria as mentioned at Sr. No. 5.1 and 5.7 respectively.
- b) The Parent Company (Foreign Entity) shall meet the requirement of Commercial / Experience Criteria as under:

The Parent Company (Foreign Entity) should have completed at least one or two or three contract(s) involving similar work of minimum value(s) as indicated below:

- i) Three contract(s) each having value not less than **INR 1494 Million** or **US \$ 18.33 Million**

OR

- ii) Two contract(s) each having value not less than **INR 1992 Million** or **US \$ 24.44 Million**

OR

- iii) One contract having value not less than **INR 2490 Million** or **US \$ 30.55 Million**

Similar Work shall mean:-

“Project Management, Residual Process Design, Detailed Engineering, Procurement, Fabrication, Inspection including Third Party Inspection, Erection, Construction, Pre-

commissioning and Commissioning or Commissioning Assistance of at least one Grass root or Revamp Coke Drum Structure Package of Delayed Coker Unit (DCU) or any Grass root or Revamp Process Unit in Hydrocarbon Refinery or Petrochemical Plant or Onshore Oil & Gas processing facilities or Offshore Oil & Gas processing facilities or Fertilizer Plant or Metallurgy (Ferrous) Plant or LNG Plant as a EPCC/LSTK Contractor with single point responsibility. The Reference unit shall have been commissioned within the period not exceeding Fifteen (15) years and the same shall be in operation for atleast One (1) year, ending last day of month previous to one in which applications are invited.”

- c) The Indian Subsidiary (Bidder) shall meet the requirement of Commercial / Experience Criteria as under:

The Indian Subsidiary (Bidder) should have completed a contract involving similar work of value not less than **INR 1494 Million** or **US \$ 18.33 Million**.

Similar Work shall mean:-

“Engineering, Procurement & Construction or Procurement & Construction or Construction of / in at least one Grass root or Revamp Coke Drum Structure Package of DCU or any Grass root or Revamp Process Unit or any offsite & utility work in Hydrocarbon Refinery or Petrochemical Plant or On shore Oil & Gas processing facilities or Offshore Oil & Gas processing facilities or Fertilizer Plant or Metallurgy (Ferrous) Plant or LNG Plant in last Fifteen (15) years, ending last day of month previous to one in which applications are invited.”

- d) *The Parent Company (Foreign Entity) whose commercial experience is being used shall also submit an undertaking and Corporate Guarantee as per format(s) enclosed as Annexure–IV and Annexure–V respectively.*
- e) *The Parent Company will submit an additional security deposit amounting to 50% of the defined security deposit submitted by the bidding entity.*
- f) *The Indian Subsidiary and the Parent Company shall jointly and severally be liable for the performance of the contract and a notarial attested declaration to this effect shall be submitted with the bid.*

Definition of Subsidiary Company:

A company shall be considered as **subsidiary** of its **parent** company if the parent company:

- i) Controls the composition of the board of directors of the subsidiary; or
- ii) Controls more than half of the voting right of the subsidiary; or
- iii) Owns more than half of the paid-up equity of the subsidiary.

NOTES TO COMMERCIAL/ EXPERIENCE CRITERIA:

- (A) For Indian Bidder, Order value(s) in multiple currencies shall be converted to equivalent INR at the exchange rate of SBI bill selling rate as on the date of award of such proposed qualifying work(s). Similarly, for Foreign Bidder, Order value(s), in multiple currencies shall be converted at the exchange rate of SBI bill selling rate to equivalent USD as on date of award of such proposed qualifying work(s).

In case, the SBI Selling rate is not available as on the date of conversion as specified above, the exchange rate for conversion of currency shall be taken from the internet, such as:

<https://www.xe.com/currencyconverter>,

<https://www.oanda.com/currency/converter>,

<https://economictimes.indiatimes.com/markets/forex/currency-converter>

- (B) In case bidder has executed contract(s) meeting the requirements under clause no. **5.1.1** of BQC Technical above, but such contracts(s) comprise of additional scope

also under single contract, the value of complete contract shall be considered for the purpose of qualification vis-a-vis the values given above. For example, if the total value of complete contract is more than **INR 2490 Million**, the same shall be considered qualified under **5.2.1 (iii)**, provided it is under same contract.

- (C) The value of the completed contract(s) irrespective of fact whether such contract value(s) includes/excludes any taxes and duties, shall be considered for meeting requirement under Clause No. 5.2 of BQC.
- (D) The Value of past experience shall be adjusted at a simple rate of 7% for every completed year and / or part thereof ending last day of the month preceding the month in which bids are invited.

5.3 The following shall be applicable for the purpose of "Completion or Execution of Contract/ Works" in Technical as well as Commercial Bidder Qualification Criteria:

In case a bidder submits Proven Track Record (PTR) for a single work order or contract meeting the technical BQC and comprising of multiple Parts/Units having:

- a. Separate and distinct completion schedules and price for each of the part/unit and the Bidder submits completion certificate with separate executed value of each such part / unit from the Owner/ End user/ PMC and fulfil all the other requirements of IFB. OR
- b. Overall schedule for all Parts/ Units (without separate part wise / unit wise schedule and / or price). However, the Bidder submits completion certificate with separate executed value of each such part / unit from the Owner/End user/PMC and fulfill all the other requirements of IFB.

In both the above cases, if the Bidder intends to get qualified based on completion of one or more Part(s) / Unit(s) (Irrespective of whether all Parts/Units covered in the contract are completed or not) or overall completion whichever meets the BQC requirement, the same shall be considered.

Wherever different work orders having different scope/ schedule and Work Order reference number(s) are awarded against a single enquiry, cumulative value as well as consolidated scope of such completed Work Orders meeting technical BQC, as submitted, shall be considered for the purpose of BQC Evaluation.

5.4 Jobs executed for Subsidiary/ Fellow subsidiary / Holding 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 in support of the job executed for Subsidiary/ Fellow subsidiary / Holding company. Such bidders to submit these documents in addition to the documents specified to meet BQC.

5.5 Bidder's/Parent Company'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.

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.

5.6 Experience as main contractor will only be taken cognizance of for the purpose of assessing qualifying criteria. However, authorized sub-contractors under principal contractors can also be considered provided their works completion certificate is issued by the client organization in case of job executed elsewhere under PSUs, limited companies, Government Departments, Quasi government and autonomous bodies. However, in case of sub-contractors under contractors engaged by NRL, the works completion certificate issued by the main contractor will also be acceptable provided the

same is endorsed by Engineer-in-charge of NRL.

5.7 FINANCIAL CRITERIA

5.7.1 Annual Turnover:

The Average Annual Turnover (ATO) of the Bidder during the immediate preceding three financial years from the date ending on the last day of the month immediately preceding the month in which the last date of bid submission falls, should be as under:

Sl. No.	Bidding Entity	Average Annual Turnover
i.	Sole Bidder (incl. incorporated JVs)	At least INR 853.71 Million (for Indian Bidder) or US \$ 10.47 Million (for Foreign Bidder)
ii.	Leader of the Consortium (in case bidder is a Consortium)	At least INR 426.85 Million (for Indian Entity) or US \$ 5.23 Million (for Foreign Entity)
iii.	Member of the Consortium, other than Leader (in case bidder is a Consortium)	At least INR 213.42 Million (for Indian Entity) or US \$ 2.61 Million (for Foreign Entity)

5.7.2 Net Worth

The net-worth of the Bidder should be **Positive** for the immediate preceding financial year from the date ending on the last day of the month immediately preceding the month in which the last date of bid submission falls.

In case of Consortium, the Net-worth of each member (including Leader) should be positive for the immediate preceding financial year as per the latest Audited Report.

5.7.3 Calculation of Turnover and Net Worth

- 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)	:	

- b) **Turnover** : Turnover shall be calculated excluding GST and other Incomes.

5.7.4 In case of Foreign Bidders, if the Audited Annual Financial Report is in currency other than USD, the same shall be converted into equivalent USD considering the conversion factor

indicated in Bidder's Audited Annual Financial Report. In case the same is not indicated, the conversion rate of USD as on last date of Bidder's financial year shall be considered.

- 5.7.5** In case the last financial year closing date is within 9 months of bid due date and audited annual financial 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. 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 financial 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.

- 5.7.6** 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 bidder (without the financial data of subsidiaries) is not prepared and audited.

Further, in case a bidder is a subsidiary company and separate annual report of the bidder is not prepared & audited, but only a consolidated annual report of the 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 bidder is not prepared and audited.

5.8 DOCUMENTS AND DATA REQUIRED WITH BID

Bidder shall furnish documentary proof of fulfilling the Bidder's Qualification Criteria as detailed below:

5.8.1 For Bidder Qualification Criteria-Technical:

Bidder shall fill and submit their experience record in the format enclosed as Annexure-I to IFB and furnish along with the bid the following documentary evidence for meeting the Bidder Qualification Criteria, including that of the Engineering sub-contractor, as applicable, for establishing the past experience.

- 5.8.1.1 Copy/copies of work order or Purchase order or Letter of order with respect to applicable qualification criteria.
- 5.8.1.2 Copy of Consortium agreement in case the bidder provides credential of past job where Bidder has worked as Member of Consortium/Un-incorporated JV.
- 5.8.1.3 Completion certificate or commissioning certificate as applicable from the Owner/End user.
- 5.8.1.4 Certificate for operation for atleast one (1) year after commissioning from the Owner/End user.
- 5.8.1.5 Memorandum of Understanding (MoU) (or Letter of Agreement or Letter of Consent) or Agreement document with Engineering Sub-contractor (as applicable) comprising of responsibility scope matrix between the Bidder & Engineering sub-contractor to meet the requirement of clause 5.1.2.2.
- 5.8.1.6 Agreement document/ Memorandum of Understanding (MoU) comprising of responsibility

scope matrix between the Consortium/ Un-incorporated JV members (in case of Consortium/Un-incorporated Joint-venture bidding) as per clause 5.1.7.

5.8.1.7 General reference list for past executed projects.

5.8.1.8 Any other documents to establish the Bidder meets BQC requirements.

5.8.2 For Commercial / Experience Criteria:

5.8.2.1 For fulfilling the Commercial / Experience Criteria the following documents may be considered:

- i) Bidder shall furnish documentary evidence, i.e., Copies of work orders(s)/ contract agreements(s)/contract documents(s) mentioning the value and Commissioning/Completion certificate by Owner/Owner's Consultant indicating the executed value for the contract submitted for qualification.
- ii) In case completion certificate issued by the Owner/Owner's Consultant does not mention the completed value of contract and bidder is not able to arrange the same from the Owner/Owner's Consultant, then bidder as a proof of executed value shall submit bills certified by the Owner/Owner's Consultant or a statement of tax paid invoice(s), duly certified by Statutory Auditor of the bidder.
- iii) In support of the experience and value of work executed, the sub-contractor or contractors under Private Organizations, shall furnish either (a) TDS Certificate in Form 26AS (Annual Tax Statement under Section 203AA of the Income Tax Act, 1961) or (b) Bank Certificate indicating receipt of payment from the Main Contractor or Private Organization(s) in case of overseas executions / executions under overseas organizations.

5.8.3 Documents towards Financial Criteria:

5.8.3.1 For fulfilling the Financial Criteria, any of the following documents may be considered:

- i) Audited published Annual Report
OR
- ii) Audited Balance Sheet and Profit and Loss Statement (Including Auditor's report and all schedules/ notes to Balance sheet & Profit and Loss Statement)
OR
- iii) 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.

5.8.3.2 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.

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

5.8.3.3 Bidder shall not be allowed to submit the Financial Statement of the company audited and issued after the final bid due date and time (including extended bid due date). Accordingly, Financial Statements of the Company audited and issued post final bid due date and time shall not be considered for evaluation.

5.8.4 In case of Foreign Bidder, if any of the documents in support of meeting BQC 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.

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

- a) Submission of authentic documents shall be the prime responsibility of the bidder.
- b) 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 authorize for this purpose in Indian Embassy/ High Commission in Bidder's country.

In case of Proprietorship/ Partnership firms, Bidder shall also submit self-certified documents by the proprietor /any two partners in addition to the above requirement of notarization along with Undertaking as per **Annexure – II to IFB**

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 Undertaking as per **Annexure-II to IFB**. 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.

- 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.

5.9 VERIFICATION OF BQC CREDENTIALS:

NRL /EIL shall verify documents submitted by a bidder in support of bidder's credential against BQC, authentication may be verified with the issuing authorities, by way of direct communication to NRL/EIL over official e-mail IDs/ Original letter of authentication by post. Bidders may also follow up with the issuing authority for eliciting early response. If documents remain unauthenticated till given time line, NRL reserves the right to reject the bid. Proper address for communication including e-mail ID of the issuing authority should be provided along the tender document.

5.9.1.1 The steps in brief may be in the following seriatim:

- a) Authentication from the issuing authority may be in letters by post, fax or by emails from official e-mail IDs.
- b) In case documents submitted remain unauthenticated for a reasonably long period of time, a final reminder shall be served to the issuing authority with a copy to respective vendor, before rejecting their bid. a committee from NRL may visit the document issuing authority and submit a report on the authentication of the documents submitted by vendor in support of their credentials against BQC.

- c) In case of foreign bidder certified true copies duly signed, dated and stamped by an official authorized for this purpose in Indian Embassy/ High Commission in bidder's country shall be accepted.
- d) In a situation of rejecting L1 bidder due to lack of authentication of their submitted document, the tender shall be cancelled and refloated.

- 5.10** Notwithstanding any other condition/ provision in the tender 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. 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.
- 5.11** The bidders must submit complete and unambiguous documents pertaining to BQC in the first 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.
- 5.12** 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.
- 5.13** In case of ambiguity or incomplete documents pertaining to qualification Criteria (BQC), bidders shall be given opportunity with a fixed deadline after bid opening to provide complete & unambiguous documents in support of meeting the Qualification criteria (BQC). In case the bidder fails to submit any document or submits incomplete documents within the given time, the bidder's tender is liable to be rejected. However, NRL reserves the right to make any further queries.

6.0 GENERAL

- 6.1** Even if an applicant meets the eligibility criteria (refer ITB) and BQC, he shall be subject to disqualification if he or any of the consortium member is found to have:
 - a) Made misleading or false representations in the forms, statements, affidavits and attachments submitted in proof of the qualification requirements; and/ or;
 - b) On account of currency of debarment by NRL
- 6.2** If a bidder is qualified based on engaging a sub-contractor/ sub-vendor who meets stipulated qualification criteria and such a subcontractor is on suspension/ banning list of EIL or NRL on due date of submission of bid/ during the process of evaluation of the bids, the offer of such a bidder shall not be considered for bid opening/ evaluation/ Award.
- 6.3** A firm that has been engaged by the procuring entity to provide consultancy services for the preparation or implementation of a project, and any of its affiliates (associates, subsidiary, JV partner), shall not be eligible for subsequently providing goods or works (other than a continuation of the firm's earlier consultancy services) for the same project.
- 6.4** Bidder should not be under liquidation, court receivership or similar proceedings.
- 6.5** The Bidders who are on Holiday / Negative of EIL / NRL / MoPNG 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. Bidder shall submit a self-declaration of black listing / holiday listing as per Annexure-III of IFB.
- 6.6** 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.
- 6.7** In case, any 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.

- 6.8 Canvassing in any form will make the bid liable for rejection.
- 6.9 NRL may cancel the process of procurement or reject all bids at any time before intimating acceptance of successful bid. NRL decision to cancel the procurement and reasons for such a decision shall be communicated to all bidders.
- 6.10 Unsolicited clarifications to the offer and/ or change in the prices during its validity period would render the bid liable for outright rejection.
- 6.11 Bidders to note that “Public Procurement (Preference to Make in India) (PPP-MII) Order 2017” for the procurement of goods and services is applicable as per prevailing Government policy.
- 6.12 Bidders to note that “Purchase Preference under Public Procurement Policy, 2012 for MSEs” is not applicable, being Works Contract Services.
- 6.13 Bidders to note that Policy for providing Preference to Domestically Manufactured Iron & Steel Products in Government Procurement is applicable as per Bidding Document.
- 6.14 Contractor shall comply with Provisions regarding Procurement from a Bidder from a Country sharing Land Border with India. The details of these provisions are mentioned in the ITB & its Appendix of the bidding document and bidder shall furnish necessary undertaking as detailed therein.
- 6.15 For terms and conditions and other details/Specifications, refer complete Bidding document and subsequent Amendment(s), if any.
- 6.16 Clarification, if any, can be obtained from Mr. Arvind Kumar / Mr. Kushal Verma / Mr. D. Chatterjee / Mr. Anindya Sinha through following number:

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arvind.kumar@eil.co.in ; kushal.verma@eil.co.in ; d.chatterjee@eil.co.in ;
anindya.sinha@eil.co.in.

For & on behalf of Numaligarh Refinery Ltd
(Authorized Signatory)
Name : Anindya Sinha
Designation: GM (SCM-C&P)