

Plant NREP	Client NRL	Contract Code NREP-EPCM1	Document ID TK-1ZZZA-MP-RFQ-0003	Project No. 66-6733
	PILING AND GROUND IMPROVEMENT WORKS TENDER FOR NREP			 thyssenkrupp
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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.

1. **Tender No. / NIT No.:** **TK-1ZZZA-MP-RFQ-0003**
2. **E-Tender ID:** **2021_NRL_645906_1**
3. **Type of Bid:** OPEN TENDER - DOMESTIC COMPETITIVE BIDDING UNDER TWO BID SYSTEM
4. **Name of Work:**
PILING & GROUND IMPROVEMENT WORKS FOR NREP FOR MSB, PFCC AND GDS UNIT as per Technical Specifications for Numaligarh Refinery Limited, Assam, INDIA.

4.1 Brief Description

Bored Cast in situ RCC piling installation including testing of piles and Ground Improvement Work to be done for MSB, PFCC and GDS Unit at Numaligarh Refinery Limited (NRL), Assam.

Subject Work will be divided in two groups.

- **Group A which is Piling & Ground Improvement Works at MSB Unit**
- **Group B which is Piling & Ground Improvement Works at PFCC and GDS Unit**

However, Consultant/ NRL reserves the right to allot jobs at any location (Either MSB or PFCC or GDS unit) as per requirement.

Note :-

- **Bidders to note Group-wise evaluation will be carried out for above two Groups A & B and the contract shall be awarded to L1 bidder of respective Group. Bidder may quote for any of the above or both of the above groups, subject to meeting the Bidders Qualifying Criteria.**
- **Bidder to Qualify Group-Wise qualifying criteria as mentioned below under clause no 16.**
- **If Bidder is bidding for work under both the Groups, Bidder to qualify for combined requirement as mentioned under clause 16.**
- **In case, if any Bidder does not qualify in Group A + B, but individually qualifies in both Group A and Group B and becomes L1 in both Group A and Group B, then OWNER will award the job based on minimum cost to OWNER basis.**

4.2 Location of Work/Site

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

5. Completion Time / Delivery Period and Delivery Basis:

- 5.1 **Sixteen (16) months from the date of Site Handover for Each Group.** Please refer “Annexure III Time Schedule from SCC Part-A”.
- 5.2 Delivery is of highest consideration & above is the maximum delivery period. Offers not meeting the delivery requirement will be rejected.
- 5.3 Price reduction schedule for delay in completion shall be applicable as per GCC of NRL.

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6. Tender download schedule

From: **01/09/2021 (10:00 Hrs. IST) to 22/09/2021 (15:00 Hrs. IST)** both days inclusive.

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

7. Non-Disclosure Agreement (NDA) : NOT APPLICABLE

8. Pre-Bid Meeting – APPLICABLE

On 07/09/2021 (10.30 Hrs IST)

Pre-Bid meeting at 10.30 hrs. on 07-September-2021 at the following address:

Pre-Bid Meeting Venue :

NRL, Guwahati (Address will be intimated later)

9. Last date for receipt of pre-bid queries by tkIS India – By 06/09/2021 (17:00 Hrs. IST)

10. Start date for submission of tender

From **17/09/2021** (12:00 Hrs. IST)

11. Bid submission up to

Up to **22/09/2021** (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 **23/09/2021** 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

Not Applicable. However, bidders (Excluding MSE Bidders) to furnish Declaration for Bid Security / Earnest Money Deposit (EMD) as per enclosed format to ITB on the Bidder's Letterhead.

16. Pre-qualification Criteria(PQC):

Bids from following Bidders are acceptable:

- (i) A sole bidder : A Bidder who meets the Bidder Qualification Criteria (BQC) as set out below (Refer Sl. Nos. 16.1 and 16.2) can directly quote for the job.
- (ii) A consortium (including unincorporated Joint Venture) of 2 (two) companies (both legal entities),

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

16.1 Past Experience Criteria (Commercial)

The Bidder shall meet the following qualification criteria

- A) The bidder (in case of sole bidder) or leader of the consortium (in case the bidder is a consortium) shall have completed “similar works” (refer definition below) during any of the last 10 (TEN) years ending on last day of the month immediately previous to the month in which last date of bid submission falls shall be considered (in case of due date extension, Original due date shall be considered) as per below.

Table indicating values of “similar Work” requirement against Group A, Group B or both the Groups together:

Sr. No.	WORK DESCRIPTION	Group A (INR)	Group B (INR)	Group A + Group B (INR)
i)	Three similar completed / executed works each costing not less than the amount	47,63,82,000	38,70,43,000	86,44,25,000
ii)	Two similar completed / executed works each costing not less than the amount	55,57,79,000	45,15,50,000	100,73,29,000
iii)	One similar completed / executed works each costing not less than the amount	63,51,76,000	51,60,57,000	115,12,33,000

The definition of “similar works” is given below:

Bored cast in situ RCC Pilling works of minimum 450mm diameter with or without stone column work (ground improvement). In case of composite works consisting of in situ RCC pilling and stone column, the value of RCC in situ pilling work shall be minimum 60% of the amount mentioned under criteria at (i)/(ii)/(iii) above whichever applicable.

- B) Additionally, the sole bidder or any member of the consortium (in case of consortium bidding) shall have the experience of successfully completing stone column (ground improvement) works with executed value as per below table in a single order during last 20 years. This experience can be either the past credential submitted against (A) as a composite work or a separate order.

Table indicating values of Stone Column (Ground Improvement) requirement against Group A, Group B or both the Groups together:

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Group A (INR)	Group B (INR)	Group A + Group B (INR)
15,87,94,000	12,90,15,000	28,78,09,000

16.1.1

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

- Copies of work orders/ relevant pages of contract/SOR mentioning the value and the scope of work along with Completion certificate by client/ CONSULTANT/ Main Contractor indicating with executed value.
- Work Order copy along with 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.

In case Bidder submits PTR for Past Experience as Consortium Member, bidder is required to submit above documents mentioned in S. (a) or (b) and Consortium Agreement / MOU clearly defining the scope and responsibility.

ii) Bidder's past experience as Consortium/ Unincorporated Joint Venture (JV):

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

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

iii) 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.

iv) A job completed by a bidder as a sub-contractor shall be considered for the purpose of meeting the technical and commercial experience criteria of BQC subject to submission of following documents in support of meeting the "Bidder Qualification Criteria":

- Copy of work order along with SOR issued by Main Contractor.
- 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 his name then the Certificate issued in the name of Main Contractor shall also be considered as proof of completion of the relevant job, subject to countersigning of the Completion Certificate by the Owner/Consultant.
- If the bidder cites any reference of a job executed for NRL or executed for some client through Consultant and the bidder is not able to furnish documentary evidence, the internal records of NRL or Consultant (as the case may be) shall be considered. *The sub-contractor shall furnish either (a) TDS Certificate in Form 26AS (Annual Tax Statement under Section 203AA of the Income Tax Act, 1961) or (b) Bank Certificate indicating receipt of payment from the Main Contractor.*

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v) A job executed by a bidder for its own plant/projects can't be considered as experience for the purpose of meeting requirement of PQC of the tender. However, jobs executed for Subsidiary/ Fellow subsidiary / Holding Company will be considered as experience for the purpose of meeting Bid Qualification Criteria 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 above to meet PQC.

vi) Value of past experience shall be adjusted (from the actual completion date) at a simple rate of 07% 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 submission falls.

vii) For meeting the experience criteria of PQC, the value of work shall be exclusive of Service Tax/GST.

viii) In case, the executed value of job is more than work order value and bidder claims for meeting the PQC 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 his bid.

In case executed value is not mentioned in the completion certificate issued by the client, work order value with amendments, if any, shall be considered for the purpose of evaluation.

ix) 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, as per enclosed format to ITB.

x) In case of ongoing composite work involving Bored cast in situ RCC Piling works and / or Stone Piling (Ground Improvement Work), having the Bored cast in situ RCC Piling works and / or Stone Piling (Ground Improvement Work) completed, the experience/credential shall be considered for PQC requirement under clause 16.1, based on certification of the client/consultant in this regard.

16.2 Financial Criteria:

The bidder (in case of sole bidder) or leader of the consortium (in case the bidder is a consortium) shall meet the Pre-qualification Criteria (Financial) as given below:

16.2.1 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: -

Group A (INR)	Group B (INR)	Group A + Group B (INR)
35,72,87,000	29,02,82,000	64,75,69,000

16.2.2 Working Capital:

The working capital against the immediate preceding financial year shall be:

Group A (INR)	Group B (INR)	Group A + Group B (INR)
11,90,96,000	9,67,61,000	21,58,57,000

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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)	

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 or a commercial bank 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.

16.2.3 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)		

16.2.4 Additional Note w.r.t. Financial Criteria :

- (i) 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

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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.

- (ii) 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.
- (iii) In case the NIT publication date is within 06 (six) months from close date of preceding financial /accounting year, the bidder can submit the balance sheets of any of the previous three years (excluding the immediate preceding year), if the balance sheet of immediate preceding year is not available.

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 30th September, 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 30th September, it is compulsory to submit the financial details of the immediate three preceding financial years only.

In case the annual audited and published financial statements are available in the public domain like third party repositories (for example Registrar of companies or equivalent) excluding websites, etc. under bidder's control, the same shall be accepted.

16.2.4 Bidders should have valid PF, GST registrations and PAN.

16.3 Conditions for Consortium Bidding

- a) **A bidder participating in a Consortium/JV (either as a Leader or Partner) can-not participate in another Consortium/JV (either as a Leader or Partner).**
- b) The distribution of work between Consortium or Joint Venture members would be such that after award of work, a minimum 25% (but not more than 49%) of Contract Price shall be executed by Consortium/Joint Venture Member (other than leader) and the billing schedule shall be drawn up after award of Work accordingly. The details of such distribution of work to be adequately incorporated in the consortium agreement so as to ensure successful performance of the Contract.
- c) The overall Project management shall be performed by the Leader/Lead Member of the Consortium. The members of Consortium shall assume responsibility for being jointly and severally liable for undertaking the Project and shall submit Memorandum of Understanding (MOU) along with the Techno-Commercial Bid clearly defining the role and responsibility of each Consortium member. The members of the Consortium shall enter into a detailed agreement 15 (Fifteen) days after award of the Work through issue of Letter of Acceptance. Such detailed agreement must remain in force at least till the pendency of the Contract including defect liability period as set out in the GCC. For the avoidance of doubt, it is clarified that the detailed agreement will be in conformity with the MOU including with the provisions of joint and several liability and the interse role and responsibilities of the consortium members. Further, the MOU shall remain valid and shall be binding till such time detailed agreement is executed by the consortium members.
- d) The MoU shall clearly specify the name and complete address of the Leader/Lead

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Member and other Consortium member and other provisions related to joint and several liability of Consortium members and proposed distribution of work in accordance with Clause 16.3 (b).

- e) The distribution of work among the Consortium members shall be identified and submitted along with the Techno-Commercial Bid and shall not be changed thereafter. (Details in this connection shall be submitted in the Format attached with the ITB).
- f) The Consortium members shall be jointly and severally bound and liable to the Owner for the fulfilment of the terms of the Contract and for discharge of liabilities of the Consortium to the Owner. The Member shall authorize the Leader/Lead Member of the Consortium with authority to bind the Consortium, through a power of attorney given jointly by the Member to the Leader/ Lead Member.
- g) The selected Leader/Lead Member of the Consortium shall be duly authorized to incur liabilities and receive instructions for and on behalf of any and all member(s) of the Consortium.

16.4 Important Notes:

- a) The failure to meet Annual Turnover (ATO) criteria & Net Worth Criteria mentioned above will render the bid to be summarily rejected.
- b) No relaxation in PQC is applicable to Start-ups & MSEs
- c) Bidder to fill-up questionnaire under PPLC and Land Border Policy.
- d) The Last 10/15 (as applicable) 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 Authentication of BQC documents

- a) It is Bidder's prime responsibility to submit genuine and authentic documents. No amount of checking or verification by EIL/NRL shall absolve Bidder from his responsibility.
- b) Bidder shall submit documents in support of meeting the Bidder Qualification Criteria [together with documents against MSE, if applicable], meeting the authentication process as under:
 - i) By CEO / CFO / Company Secretary (CS) or any member of the Board of Directors in case of Limited Companies (Private / Public Limited);

CEO/ CFO/ Company Secretary or any member of the Board of Directors in case of a limited company can either sign all the pages of the documents or submit a certificate signed by them [as per Format XA of ITB], listing out all the BQC documents submitted in the Bid along with basic details, duly referenced.

Or

By the Proprietor / any two Partners and also Notarized by Public Notary on all pages of the documents in case of Proprietorship / Partnership firms.

And

ii. In addition to above, Bidder shall furnish an undertaking in the format enclosed herewith [as per Form XB of ITB], from the same authority (authorities) who had signed and

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authenticated the documents. Such undertaking shall also be notarized by Notary Public in case of Proprietorship / Partnership firm.

- c) Requirement of certification/authentication as stated above shall not be applicable to published audited annual financial statements in English, if original booklets are submitted.
- d) Bidder shall upload the authenticated copies of documents duly digitally signed, on the e-procurement website. Hence submission of physical document is not required.

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

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. Purchase Preference As per Government Policy

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Applicable as mentioned in the Tender.

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

- a) In case the bidder is not able to establish qualification criteria on his own as per above clause then necessary reference jobs for BQC Technical and/or for BQC Commercial executed by bidder's "Parent Company / Affiliate / Associated Company" will be allowed for qualification purpose. In such case "Parent Company / Affiliate / Associated Company" to submit Corporate Guarantee for the Project Performance and Execution.

"Parent/Affiliate/Associate/Company" means a company owned & controlled by the foreign bidder where "Owner Ship" means the legal and beneficial ownership of more than 50% of the issued and subscribed equity shareholding of the Indian company either directly or through a common holding company which owns the majority of the issued and subscribed equity shares of the foreign bidder and the Indian company.

- 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) Who are in the Holiday/ Suspension /Banning List / Negative list of Licensor or the Owner or its Administrative Ministry, MOPNG or any other OIL PSUs or EPCM1 (the EPCM Consultant for this job), on due date of submission of Bid / during the process of evaluation of the Bid. Provided always that, nothing in this clause shall make a Bidder eligible hereunder if the Bidder has been removed from any of the Holiday Lists after the due date of submission of bids.
- ii) 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 List/ Negative List/ Suspension List/ Banning List of Licensor or the Owner or MOPNG or any other OIL PSUs on due date of submission of Bid / during the process of evaluation of the Bid, the Bid of such a Bidder shall not be considered for bid opening/evaluation/Award.
- iii) Further, in case of a Consortium/JV, if any of the member(s) of Consortium/JV is on Holiday List/ Negative List/ Suspension List/ Banning List of Licensor or the Owner or its Administrative Ministry, MOPNG or any other OIL PSUs or EPCM1 (the EPCM Consultant for this job), 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.
- iv) 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.
- v) 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.
- vi) Bidder(s) who are undergoing insolvency resolution process or liquidation or bankruptcy proceeding under Insolvency and Bankruptcy Code, 2016 (Code).
- vii) 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.
- viii) In case of a Consortium/JV, if any of the member(s) of Consortium/JV is on Holiday List/ Negative List/ Suspension List/ Banning List of Licensor or the Owner or its Administrative Ministry, MOPNG or any other OIL PSUs or EPCM1 (the EPCM Consultant for this job), 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.

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- 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) 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.

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.

In case of a MSE bidder, documentary evidence as per the prevailing Government policy shall be acceptable.

- h) 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.
- i) 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.
- j) The bidders must submit complete and unambiguous documents pertaining to PQC 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.
- k) 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.
- l) 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

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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.

- m) 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.

- n) 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.

24. General

Bidder to note the following before bidding:

- Relevant supporting documents towards other requirements specified are also to be uploaded along with Techno- commercial bid failing which bid is liable for rejection.
- 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.
- Legal dispute, if any, shall only be within the jurisdiction of the Courts in Golaghat, Assam unless mentioned otherwise.
- All communication will be made through e-Tendering web site (<https://eprocure.gov.in/eprocure/app>) / official email ids of NRL / tkIS India.
- 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.
- 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.
- Canvassing in any form by the Bidder or by any other agency on their behalf may lead to disqualification of their Bid.

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- (h) Class I and Class II bidders are eligible to quote for this tender. Purchase preference against PPLC policy shall be applicable for Class I bidders only.
- (i) 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.
- (j) The terms "Pre-Qualification Criteria (PQC)" and "Bidder Qualification Criteria (BQC)" shall have the same meaning in the Bidding Document.
- (k) The terms 'Sl. No.', 'Sr. No.', 'Cl. No.' and 'Clause No.' used in this NIT document shall have the same meaning.
- (l) 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).
- (m) The Bidder is also expected prior to finalization of its/his/their bid to visit and examine the job site and its surroundings and to familiarize itself/himself/themselves of the ground realities, the availability, existence and suitability of facilities and sources of supply required for the work(s) and the environmental conditions which can be encountered, and collect all data and other information which the bidder may require for preparation and formulation of its/his/their Bid. The Contractor will not to be entitled to make any claim against the Owner or to raise any objection or defense to any claim based on the ignorance of existing or expected conditions, or on the lack of adequate information, or of any plan, estimate or expectation based on a different perception or expectation or information.
- (n) 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
- (o) 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.
- (p) Offers not meeting statutory requirement are liable for rejection.
- (q) Bidders are advised to regularly visit Announcement section/ Information for DSC/ Bidders Manual Kit/ FAQ of e –Tender Portal.
- (r) Refer ITB of the tender document /E-Tendering methodology for more details.
- (s) 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.
- (t) 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.

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- (u) 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.
- (v) If documents (part or full) are found forged, such offers will be summarily rejected and bidder may be debarred from future tenders.
- (w) Successful Bidders shall not use any sub-vendor who is on Holiday/ Suspension/ banning list of OWNER, any other OIL PSU / Administrative Ministry (MoPNG).
- (x) 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.
- (y) No Foreign Principal can engage / authorize more than one Indian Agent / Authorized representative in India on behalf of the Principal. In case authorized dealers/ distributors/ Agent/ Authorised Representative participates along with the OEM / Principal in a tender, the offer from OEM / Principal will only be considered.
- (z) In order to consider offer submitted by Indian Agent/ Authorized representative in India on behalf of Foreign Principal /OEM, Foreign Principal / OEM must meet the PQC requirement of the Tender. Single Point Responsibility for execution of the complete job (as per scope of tender) shall be with Foreign Principal (i.e. OEM) only.
- (aa) Following Government Guidelines / Policies (latest version) shall be considered as part of this Tender and the Applicability of the same is as per below:

Sr. No.	POLICY DESCRIPTION	APPLICABILITY
1	Public Procurement Policy for Micro and Small Enterprises (MSEs)	
1A	For service contracts both relaxation of BQC requirements and MSE Price preference shall be applicable.	NOT APPLICABLE
1B	For work contracts, relaxation of BQC requirements and MSE Price preference shall not be applicable	APPLICABLE
1C	For Supply Tenders - Public Procurement Policy for Micro and Small Enterprises (MSEs)	NOT APPLICABLE
2	Purchase preference to Local Content (PPLC Policy)	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
6	Relaxation w.r.t Pre-Qualification Criteria for Start Ups and MSEs	NOT APPLICABLE

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

- (bb) The bidders shall adhere to the following provisions of the Bidding Document without taking any deviations, 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 - as applicable
- Defects liability period.
- Bid Validity.
- Price BOQ format.
- Time schedule.

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- 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

25. Terms & Conditions

- The subject tender is an e-tender & can be downloaded from CPPP website.
- 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.
- Bidders are mandated to get enrolled on e-Tendering portal (<https://eprocure.gov.in/eprocure/app>) and enrol their Digital Signature Certificate (DSC).
- 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.
- 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.
- 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.
- 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.
- 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.**
- 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 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.
- 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.

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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.

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