

- 2. In case the bidder is participating in more than one Schedule, the required technical / financial pre-qualification criteria will be the sum of the required amount corresponding to the chosen Schedules.**

- 3. Party may visit plant/site before bidding (at their own cost) to understand the scope of the job and site conditions. Party must upload previous Job completion certificate and PO copy for Solar Plant Project in any other industry in India.**

Bidders may also bid under following categories:

- A. Parties who are affiliates of one another can decide which Affiliate will make a bid. Only one affiliate may submit a bid. Two or more affiliates are not permitted to make separate bids directly or indirectly. If 2 or more affiliates submit a bid, then any one or all of them are liable for disqualification.

“Affiliate” of a Party shall mean any company or legal entity which:

- a) controls either directly or indirectly a Party, or
- b) which is controlled directly or indirectly by a Party; or
- c) is directly or indirectly controlled by a company, legal entity or partnership which directly or indirectly controls a Party. “Control” means actual control or ownership of at least a 50% voting or other controlling interest that gives the power to direct, or cause the direction of, the management and material business decisions of the controlled entity.

- B. Bids may be submitted by:

- a) A single person/ entity (called sole bidder);
- b) A newly formed incorporated joint venture (JV) which has not completed 3 financial years from the date of commencement of business;
- c) Subsidiaries / Affiliates of Indian or foreign companies

- C. Fulfilment of Eligibility criteria and certain additional conditions in respect of each of the above types of bidders are stated below, respectively:

- a) The bidders (including an incorporated JV which has completed 3 financial years after date of commencement of business) shall fulfil each eligibility criteria on individual / combined basis.
- b) In case the bidder is a newly formed and incorporated joint venture and which has not completed three financial years from the date of commencement of business, then either the said JV shall fulfil each eligibility criteria or any one constituent member/ promoter of such a JV shall fulfil each eligibility criteria. If the bid is received with the proposal that one constituent member/ promoter fulfils each eligibility criteria, then this member/promoter shall be clearly identified and he/it shall assume all obligations under the contract and provide such comfort letter/guarantees as may be required by Owner. The guarantees shall cover inter

alia the commitment of the member/ promoter to complete the entire work in all respects and in a timely fashion, being bound by all the obligations under the contract, an undertaking to provide all necessary technical and financial support to the JV to ensure completion of the contract when awarded, an undertaking not to withdraw from the JV till completion of the work, etc.

- c) Subsidiaries / Affiliates of Indian or foreign companies which are registered in India and having manufacturing facilities or establishment towards providing services in India are allowed to participate in this tender, subject to meeting the local content provisions as per the PPLC clause enclosed with this tender. Such entities can participate either on the basis of their credentials (Technical & Financial) or on the basis of the credentials (Technical or Financial) of their parent company, as per the PQC requirements applicable for this tender. However, the Indian subsidiary must meet at least one of the PQC, either Technical or Financial. In case the parent company is from a country which shares a land border with India, then the subsidiary company will be eligible to bid in this tender only if the parent company is registered with the Competent Authority constituted by the Department for Promotion of Industry and Internal Trade (DPIIT).”

Offers not meeting the technical and financial criteria as stipulated above shall be rejected.

3.0 Information/Documents required along with Bid:

- 1) Title, style and postal address of the firm.
- 2) Communication particulars including telephone numbers, fax numbers and e- mail address.
- 3) List of available technical manpower with their academic qualification, experience and fields of specialization.
- 4) Details of completed projects.
- 5) Following documents are required to be submitted as proof of meeting Bid qualification criteria (Technical Criteria):

a) For Cl. 2.1

Notarized copy or original Purchase/work Order /certified bills from client/owner / project consultants along with their completion certificate and details as given below to enable HPCL to identify whether the bidder(s) meets the technical criteria stipulated above or not:

1. The Purchase/work Order/certified bills and completion certificate should mention the details of subject work.
2. Photographs for above shall be provided.

In case, the Purchase/work Order /certified bills contain other items/works outside the bid qualification criteria of this bid document then, the bidder shall separate the relevant items and submit a statement accordingly.

- b) Any other document certified by the owner / client (for whom the job has been executed) specifically having mention of the jobs carried out in support of meeting the Technical criteria stipulated above.

Submission of the Purchase Order /Work Order is mandatory and it should clearly mention the details of jobs carried out by the vendor so as to enable us to identify whether the vendor meets the technical criteria stipulated above or not.. The Completion Certificate, Certified bills, Proof of Payment and any other document submitted in lieu of the documents sought above should be certified by the owner/client (for whom the job has been executed) specifically having mention of the jobs carried out in support of meeting the technical criteria as stipulated above.

- 6) The Bidder shall be in a position to furnish the original documents corresponding to the Copies submitted in respect of Clause No.1.0 (Financial criteria) and Clause No. 2.0 (Technical Criteria) as & when required and sought by HPCL at any time during the process of evaluation.
- 7) Offers received from following vendors shall not be considered for evaluation and shall be rejected:
 - a) HPCL reserves the right to reject offer from any bidder whose performance is not satisfactory in a previous Purchase Order issued by HPCL.
 - b) Bidder whose Purchase Order was terminated by HPCL.
- 8) Bidders are required to meet both the above criteria viz., Financial 1(a) & Technical 1(b) for qualifying. Bids not meeting any of the above criteria shall be rejected.
 - i. Not meeting any of the above criteria shall render the bid liable for rejection.
 - ii. Offers received without the proof for pre-qualification as specified in this tender are liable to be rejected without any further communication to the bidders.
- 9) Supporting Documents pertaining to Pre-Qualification Criteria namely PQC–Technical & PQC–Financial have to be uploaded as per the provisions made in the e-procurement portal in the Section ‘Annexures/Documents to be uploaded by Bidder’.
- 10) HPCL reserves the right to seek information / documents from bidders, in addition to details furnished in original bid, to complete the evaluation.
- 11) Bidder shall furnish documentary evidence (separately for each work order in support of their fulfilling the qualifying requirements.



[Annexure 1](#)

Pls. note following details to join the Pre Bid meeting for the subject tender thru Zoom:

Topic: PRE BID MEETING : TENDER NO. 21000530-HD-10157 - SOLAR POWER PLANTS AT 3 LPG LOCATIONS

Time: Sep 15, 2021 11:00 AM Mumbai, Kolkata, New Delhi

Join Zoom Meeting

<https://hpcl-in.zoom.us/j/99068590022?pwd=d05UQnJZM2ZTYUEwSGlMcjk2TXJ2dz09>

More Ways to join:

Web Browser –

<https://hpcl-in.zoom.us/j/99068590022?pwd=d05UQnJZM2ZTYUEwSGlMcjk2TXJ2dz09>

Meeting ID: 990 6859 0022

Passcode: 413727

One tap mobile

+912271279525,,99068590022#,,,,*413727# India

+914064802722,,99068590022#,,,,*413727# India

Join by Telephone

For higher quality, dial a number based on your current location.

+91 22 71 279 525 India

+91 406 480 2722 India

+91 446 480 2722 India

+91 806 480 2722 India

+91 80 71 279 440 India

+91 116 480 2722 India

+91 22 48 798 004 India

+91 224 879 8012 India

+91 226 480 2722 India

Meeting ID: 990 6859 0022

Passcode: 413727

Find your local number: <https://hpcl-in.zoom.us/u/agEhD5C40>

Join by SIP

99068590022@zoomcrc.com

Or

Join by H.323

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

Meeting ID: 990 6859 0022

Passcode: 413727

PURCHASE PREFERENCE (LINKED WITH LOCAL CONTENT) (PP - LC)

Manufacturers / Suppliers / Service providers (including EPC & Works Contracts) having the capability of meeting / exceeding the local content targets as mentioned in this document shall be eligible for 20% purchase preference, subject to their complying with the requirements / conditions defined herein and submitting documents required in support of the same.

Bidders can avail Purchase Preference under any of the extant GoI Policies : PP-LC / PPP for MSE 2012 / Domestically Manufactured Electronic Products (DMEP) / Domestically Manufactured Telecom Products (DMTP). Vendors are requested to declare their preference in their un-priced bids. Format of undertaking (Attachment - 1) for purchase preference being claimed under applicable policy is enclosed with this document. Purchase preference benefits shall be extended to the bidder based on the declared option, subject to the bidder meeting the requirements contained in that purchase preference policy. The option once exercised cannot be modified subsequently.

Vide Notification No. 18-10/2017-IP dated 29.08.2018, Ministry of Communications notified Preference to Domestically Manufactured Telecom Products, Services or Works (as per Table-A of the notification), in furtherance to Public Procurement Policy (Preference to Make in India), Order 2017. A copy of the Notification is available on the website of Ministry of Communication. Bidders shall refer Order no. P-45021/2/2017-B.E.-II dated 15.6.2017, amended by Order no. P-45021/2/2017-B.E.-II dated 28.05.2018 and P-45021/149/2019-BE-II dated 29.05.2019. Latest amendment issued to the policy in this regard shall be applicable. The policy is applicable for notified Telecom Products, Services or Works as mentioned in the Table-A of the afore said notification.

In case a MSE bidder opts for purchase preference based on PP-LC / DMEP / DMTP, the bidder shall not be entitled to claim purchase preference benefit available to MSE bidders under PPP-2012. However, the exemptions from furnishing Bid Document fee and Bid security/EMD shall continue to be available to MSE bidders.

Order of precedence for applying the purchase preference shall be :-

- (a) Public Procurement Policy for MSE 2012.
- (b) Purchase Preference linked with Local Content.

Definitions

Domestic products: Goods and/or service (including design and engineering) produced by companies investing and producing in India.

Local content: hereinafter abbreviated to LC means the amount of value added in India which shall, unless otherwise prescribed by the Nodal Ministry, be the total value of the item procured (excluding net domestic indirect taxes) minus the value of imported component in the item (including all custom duties) as a proportion of the total value, indicated in percentage.

Domestic Manufacturer: Business entity or individual having business activity established under Indian law and producing products domestically.

Supplier of goods and/or provider of service shall be a business entity having capability of providing goods and/or service in accordance with the business line and qualification thereof and classified as under:

'**Class-I local supplier**' means a supplier or service provider, whose goods, services or works offered for procurement has **local content equal to or more than 50%** as defined under this Policy.

'**Class-II local supplier**' means a supplier or service provider, whose goods, services or works offered for procurement has **local content more than 20% but less than 50%**, as defined under this Policy.

'**Non local supplier**' means a supplier or service provider, whose goods, services or works offered for procurement, has **local content less than or equal to 20%**, as defined under this Policy.

Verification: Activity to verify the accomplishment of LC by domestic manufacturers and/or suppliers of goods and/or providers of service with the data obtained or collected from respective business activities.

Purchase Preference: Where the quoted price is within 20% of the lowest price, other things being equal, purchase preference may be granted to the bidders concerned, at the lowest valid price bid.

Local content (LC) in Goods: shall be the use of raw materials design and engineering towards manufacturing, fabrication and finishing of work carried out within the country.

Local content (LC) in Services: shall be the use of services up to the final delivery by utilizing manpower (including specialist), working appliance (including software) and supporting facilities carried out within the country.

Local content (LC) in EPC Contracts: shall be the use of materials, design and engineering comprising of manufacturing, fabrication, assembly and finishing as well as the user of services by utilizing manpower (including specialist), working appliance (including software) and supporting facilities carried out within the country.

Factory overhead cost: indirect costs of manpower, machine/working appliance/facility and the whole other fabrication costs needed to produce a unit of product with the cost not chargeable directly to the specified product.

Company overhead cost: Costs related to the marketing, administration and general affairs cost of the company.

Indian Company: means a company formed and registered under the Companies Act, 2013.

Foreign company: means any company or body corporate incorporated outside India which – (a) has a place of business in India whether by itself or through an agent physically or through electronic mode and (b) conducts any business activity in India in any other manner.

Procurement :

The prescribed local content mentioned in this document shall be applicable on the date of Notice Inviting Tender.

Margin of Purchase Preference : The margin of purchase preference shall be 20%.

Only Class-I local supplier and Class-II local supplier shall be eligible to bid in this tender. However, preference as per PP-LC will be given only to Class-I local supplier. Class-II local supplier will not get any purchase preference.

The producers of goods and / or providers of services shall be obliged to fulfil the requirements of quality and delivery time in accordance with the provisions of the respective contracts of goods and services.

Purchase Preference – Linked with Local Content (LC)

Wherever the goods/services are procured under this policy, eligible (techno-commercially qualified) Class - I Local Suppliers will be granted a purchase preference of 20%, i.e., where the quoted price is within 20% of the lowest price, other things being equal, purchase preference will be granted to the eligible (techno-commercially qualified) Class - I Local Suppliers concerned, at the lowest valid price bid.

Goods:

The contract for 50% of the procured quantity would be awarded to the lowest techno-commercially qualified Class - I Local Supplier, subject to matching the L1 price, if such bidders are available. The remaining quantity will be awarded to L1 bidder.

However, if L1 bidder happens to be Class - I Local Supplier, the entire procurement value shall be awarded to such bidder.

If L1 bidder is not Class - I Local Supplier, then the lowest eligible Class - I Local Supplier among the eligible Class - I Local Suppliers, whether L2, L3, L4 or higher, will be invited to match the L1 bid. In case first eligible Class - I Local Supplier fails to match L1 bid, the next Class - I Local Supplier will be invited to match L1 bid and so on.

Only the Class - I Local Suppliers whose bids are within 20% of the L1 bid would be allowed an opportunity to match the L1 bid.

If the tendered quantity cannot be divided in the prescribed ratio of 50:50, then the eligible Class I Local Supplier shall be awarded contract for quantity not less than 50%, as may be divisible, subject to matching the L1 price.

If the tendered item is non-divisible, the contract will be awarded to the eligible Class - I Local Supplier for the entire quantity, subject to matching the L1 price.

In case none of the eligible Class - I Local Suppliers match the L1 bid, the actual bidder holding L1 bid will secure the order for full procurement value.

Services / EPC Contracts:

If L1 bidder happens to be Class - I Local Supplier, the bidder will be awarded full value of the order.

If L1 bidder is not Class - I Local Supplier, then the lowest eligible Class - I Local Supplier among the eligible Class - I Local Suppliers, whether L2, L3, L4 or higher, will be invited to match the L1 bid. In case first eligible Class - I Local Supplier fails to match L1 bid, the next Class - I Local Supplier will be invited to match L1 bid and so on.

Only the Class - I Local Suppliers whose bids are within 20% of the L1 bid would be allowed an opportunity to match the L1 bid.

In case none of the eligible Class - I Local Suppliers match the L1 bid, the actual bidder holding L1 bid will secure the order for full procurement value.

Determination of LC

LC of goods

LC of goods shall be computed on the basis of the cost of domestic components in goods, compared to the whole cost of product. The whole cost of product shall be constituted of the cost spent for the production of goods, covering direct component (material) cost; direct manpower cost, factory overhead cost and shall exclude profit, company overhead cost and taxes for the delivery of goods.

The criteria for determination of the local content goods shall be as follows: -

- a. In the case of direct component (material), based on country of origin
- b. In the case of manpower, based on INR component

The calculation of LC of the combination of several kinds of goods shall be based on the ratio of the sum of the multiplication of LC of each of the goods with the acquisition price of each goods to the acquisition price of combination of goods.

LC of Service

LC of service shall be calculated on the basis of the ratio of service cost of domestic component in service to the total cost of service.

The total cost of service shall be constituted to the cost spent for rendering of service, covering :

- a. Cost of component (material) which is used;
- b. Manpower and consultant cost; cost of working equipment/facility; and
- c. General service cost, excluding profit, company overhead cost, taxes and duties.

The criteria for determination of the cost of local content in services shall be as follows: -

- a. In the case of material being used to help the provision of service, based on country of origin;
- b. In the case of manpower and consultant based on INR component of the services contract;
- c. In the case of working equipment/facility, based on country of origin; and
- d. In the case of general service cost, based on the criteria as mentioned in clauses a, b and c above

LC of EPC Contracts

LC of EPC contracts shall be the ratio of the whole cost of domestic components in the combination of goods and services to the whole combined cost of goods and services.

The whole combined cost of goods and services shall be the cost spent to produce the combination of goods and services, which is incurred on work site. LC of the combination of goods and services shall be counted in every activity of the combination work of goods and services.

The spent cost as mentioned above shall include production cost in the calculation of LC of goods and service cost in the calculation of LC of services respectively as mentioned above.

Calculation of LC and Reporting

LC shall be calculated on the basis of verifiable data. In the case of data used in the calculation of LC being not verifiable, the value of LC of the said component shall be treated as nil.

Certification and Verification

Class – I / Class – II suppliers are eligible to bid only if they meet the local content norms, therefore whether or not they are eligible to avail PP-LC benefit, it will be mandatory to provide adequate documentation as mentioned below in order to establish their status as Class- I or Class – II supplier.

At bidding Stage :

a. Local Content

The bidder shall provide the percentage of local content in the bid.

b. Undertaking by the bidder

- The bidder shall submit an undertaking {(self-assessment) certified by the Authorized signatory of the bidder having Power of Attorney} **(as shown in Attachment 1)** along with the bid stating that the bidder meets the mandatory minimum LC requirement and such undertaking shall become a part of the contract.
- **In case the procurement value is more than Rs. 10 Crores**, the undertaking submitted by the bidder shall be supported by a certificate from statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of other than companies) giving the percentage of local content.

After Contract Award:

- a. The bidder shall submit an undertaking {(self-assessment) certified by the Authorized signatory of the bidder having Power of Attorney} along with the bid stating that the bidder meets the mandatory minimum LC requirement and such undertaking shall become a part of the contract.
- b. **In case the procurement value is more than Rs. 10 Crores**, the undertaking submitted by the bidder shall be supported by a certificate from statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of other than companies) giving the percentage of local content.
- c. Each supplier shall provide the necessary local-content documentation to the statutory auditor

which shall review and determine that local content requirements have been met, and issue a local content certificate to that effect on behalf of procuring company, stating the percentage of local content in the good or service measured. The Auditor shall keep all necessary information obtained from suppliers for measurement of Local Content confidential.

- d. The Local Content certificate shall be submitted along with each invoice raised. However, the % of local content may vary with each invoice while maintaining the overall % of local content for the total work/ purchase of the pro-rata local content requirement. In case it is not satisfied cumulatively in the invoices raised up to that stage, the supplier shall indicate how the local content requirement would be met in the subsequent stages.
- e. As regards cases where currency quoted by the bidder is other than Indian Rupee, exchange rate prevailing on the date of notice inviting tender (NIT) shall be considered for the calculation of Local Content.
- f. HPCL shall also have the authority to audit as well as witness production processes to certify the achievement of the requisite local content.

Sanctions:

HPCL shall impose sanction on manufacturers / service providers not fulfilling LC of goods/services in accordance with the value mentioned in certificate of LC.

The sanctions may be in the form of written warning, financial penalty and holiday listing.

In the event that a manufacturer or supplier of goods and / or service provider does not fulfil their obligation after the specified period in such warning, HPCL can initiate action for holiday listing such manufacturer/supplier/ Service provider.

A manufacturer and/ or supplier of goods and / or provider of services who has been awarded the contract after availing Purchase Preference is found to have violated the LC provision in execution of the procurement contract of goods and / or services, shall be subject to financial penalty specified in the following clause :

“The financial penalty shall be over and above the PBG value prescribed in the contract and shall not be more than an amount equal to 10% of the contract Price”.

Attachment 1 (Undertaking) to be submitted on letter head, duly filled, stamped and signed (as applicable) by :

- a) **Authorized signatory of the bidder having Power of Attorney for tender value < Rs. 10 Crores.**
- b) **The undertaking submitted by the bidder shall be supported by a certificate from statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of other than companies) for tender value > or = Rs. 10 Crores.**

UNDERTAKING

ATTACHMENT -1

Tender no. _____ dated _____

We, M/s _____ (***Name of Bidder***) hereby state and undertake that we meet all the requirements of the PP-LC / DMEP / DMTP (retain whichever is applicable and remove the balance options) Policy as set out in the tender document and hereby confirm that we are eligible for purchase preference under this policy.

In case our declaration is found to be incorrect at any point of time during the tender process or contract execution or thereafter, HPCL shall have the right to impose sanctions as stated in the subject PP - LC policy.

We hereby declare that the local content of Goods / Services / EPC / Works Contract (retain whichever is applicable and remove the balance options) as per the scope of job to be executed under this tender is %, at the time of bidding.

Place:

[Signature of Authorized Signatory of Bidder]

Date:

Name:

Designation:

Seal:

(In case quoted value **exceeds Rs. 10 Crores**, the undertaking should be supported by a certificate from Statutory Auditor engaged by the bidder certifying that the bidder meets the mandatory local content requirement.)