



TENDER NO: QBP/2022/SOLAR/LT/01

Engineering, Procurement, Construction (EPC) inclusive-of 2-Years Comprehensive Operation & Maintenance (O&M) of 180 KWp On-Grid both Ground & Roof Mounted Captive Solar Power Project at Indian Oil Corporation Ltd., Quilon Bottling Plant, Paripally, Kollam, Kerala State with further extension of Comprehensive O&M for 3 years after satisfactory performance during first 2 years

Notes:

PP-LC bidder mentioned above means Class-I Local supplier as defined in the policy.

- i) In case of EPC (works) procurements, modality of purchase preference is not applicable for MSE's. Only preferential bidders (PP-LC (Class I) quoting within the applicable purchase preference margins and agreeing to match L-1 price shall be considered.

Wherever preference to MSEs is not applicable i.e. in case of works, MSE bidder shall be treated as a Non preferential bidder.

Sanctions:

IOCL shall impose sanction on manufacturers / Service providers not fulfilling LC of Goods / Services in accordance with value mentioned in the certificate of LC.

- a) The sanctions may be in the form of written warning, financial penalty and blacklisting.
- b) In the event that a manufacturer or supplier of goods and/or provider of services does not fulfill his obligation after the expiration of the period specified in such warning, IOCL can initiate action for blacklisting such manufacturer/supplier/service provider.
- c) A manufacturer and/or supplier of Goods and/or provider of services who has been awarded the contract after availing the Purchase Preference is found to have violated the LC provision, in the execution of the procurement contract of goods and/or services shall be subject to financial penalty. 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.

Calculation of Local Content to be submitted after award & during execution:

- 1.0 Each supplier shall provide the necessary local content documentation to the statutory auditor/ cost auditor / practicing CA as applicable which shall review and determine that local content requirements have been met, and issue a local content certificate to that effect on behalf of the 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.
- 2.0 The local content certificate shall be submitted along with each invoice raised. 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.
- 3.0 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.

2. EVALUATION OF PRICE BID

The Price Bids of only those Bidders shall be considered for opening and evaluation whose techno-commercial bids are determined to be techno-commercially qualifiable to IOCL.

Evaluation of price bids shall be taken up to determine the competitive prices of the techno-commercial acceptable bid and include the following:



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Techno-commercially qualified bidder with the lowest total combined amount for Part-A, and Part-B of Schedule of Rate (SOR) excluding all taxes and cess thereon shall be the lowest bidder (L1).

(B) Rejection of Tender

The bid of the party will be rejected on the following grounds:

1. The tenders will be summarily rejected if EMD document requirements as per NIT are not provided.
2. Non-withdrawal of conditions imposed in tender document & conditions impose during negotiations.
3. A bidder who offers unsolicited reduction in the price offer whether before or after the opening of the tender / bid shall be liable to have his/its/their bid(s) rejected. Bidders may, however, at any stage offer a reduction if such reduction is solicited or if the OWNER gives the Bidder an opportunity to offer such reduction.
4. Tenderer submitting fabricated/ false/ forged documents for the tender.
5. Tenderer put on holiday list during the pendency of this tender.

Rejection of tenders/Invalid Tenders: A Tender is invalid and may be rejected in the following circumstances:

- a) Is holiday listed or blacklisted
- b) Use of White / erasing fluid in Rates for physical bids
- c) Does not submit complete price bid in line with bid requirements

Tender is also liable for rejection, if the tenderer:

- a) Stipulates the validity period less than what is stated in the Tender Form. However, if the Party agrees to extend the validity as required, the tender can be accepted.
 - b) Stipulates his own conditions.
 - c) Revised price bid during validity period without being asked for.
 - d) if the tenders are partly quoted
 - e) if the tenders contain unacceptable terms and conditions
 - f) if the tender is not according to our format
 - g) In case of Suo Moto reduction in the prices offered by the tenderer
1. The successful bidder (L-1) may be required to present their original documents as applicable to the tender inviting authority or as decided by Tender inviting authority.
 2. Purchase preference to MSE shall not be applicable in this tender as the subject tender is for works contract.
 3. Escalation/de-escalation shall not be applicable in this tender. Once the offer is accepted and agreement executed, the rates shall be firm and valid till the completion



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of works in all respects

4. IMPLEMENTATION OF GUIDELINE PERTAINING TO INSOLVENCY AND BANKRUPTCY(IBC):

1. Undertaking related to Insolvency & Bankruptcy Code, 2016 shall be applicable
2. Instruction to Bidder :
Bidders under Insolvency or Liquidation or Bankruptcy proceedings under Insolvency and Bankruptcy code, 2016.

Offers from the following type of bidders shall not be considered:

- a) If the bidder is undergoing insolvency resolution process or liquidation or bankruptcy proceeding under Insolvency and Bankruptcy code, 2016 (Code) or any other applicable law (in cases where code is not applicable),
 - b) Insolvency resolution process or liquidation or bankruptcy proceeding is initiated under the code or any other applicable law (in cases where code is not applicable) against/by the bidder at any stage of evaluation of the bid.
- In the event , insolvency resolution process or liquidation or bankruptcy proceeding is initiated under the code or any other applicable law (in cases where code is not applicable) against/by the bidder, after submission of its bid but at any stage of evaluation of the bid, it will be the responsibility of the bidder to inform IOCL within 15 days from the date of order of insolvency resolution process or liquidation or bankruptcy proceeding passed by the Adjudicating Authority namely, National Company Law Tribunal (NCLT) or Debt Recovery Tribunal (DRT) under the Code or any other applicable law (in cases where code is not applicable).
 - If bidder refuses or fails to share the information regarding their status of insolvency resolution process or liquidation or bankruptcy proceeding as sought hereinafter, in their bid or any other stage, as applicable, their offer is liable to be rejected by IOCL and without prejudice to any other remedy or action available with IOCL, IOCL shall forfeit the Earnest Money Deposit provided by the bidder, in any form whatsoever.
 - IOCL reserves the right to cancel/terminate the contract without any liability on the part of IOCL immediately on the commencement of insolvency resolution process or liquidation or bankruptcy proceeding of any party under the contract.
 - In case where the bid of the L1 bidder is rejected on the aforesaid grounds during the period between Price-bid opening and award of contract, then the bid of the next higher eligible bidder will be considered for further processing.
 - If bidder fails to share or misrepresents the information regarding their status of insolvency resolution process or liquidation or bankruptcy proceeding as sought hereinafter and the bidders bid results in a contract, IOCL, without prejudice to any other remedy or action available with IOCL, shall be within its rights to terminate the resultant contract.
 - A declaration/Undertaking shall be submitted by the bidder in the attached format given in the tender document.

5. BUSINESS TRANSACTION STATUS OF BIDDERS:



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INSTRUCTION TO BIDDERS:

Tenderers who have transferred their ownership rights either in whole or in part to another entity or under process of transfer shall intimate the same to IOCL in their letter head while submitting the bid. IOCL reserves its right to reject the tender of any entity, which has transferred its ownership rights in whole or in part or which is in process of transfer without assigning any reason for such rejection.

If the tenderer refuses or fails to share the information regarding their status of any kind of business transfer process/restructuring etc, in their tender or at any later stage, as applicable, their tender is liable to be rejected by IOCL and without prejudice to any other remedy or action available with IOCL, IOCL shall forfeit the Earnest Money Deposit provided by the tenderer, in any form whatsoever.

16.0 OTHER TERMS AND CONDITIONS

- a) The subject tender is an e-tender & can be downloaded from IOCL website, <https://iocletenders.nic.in>. Tender Document will not be issued in person or sent by post. Bidder is mandated to get enrolled on e-Tendering portal <https://iocletenders.nic.in>. Bidders shall not have to pay cost of bidding document.
- b) Bidder is advised to read the instructions for e-tendering from the website <https://iocletenders.nic.in>. The Help Documentation placed at Home Page provides necessary guidance to bidder for using the e-Tendering site. A user id will be issued to bidder by e-Procurement administrator for participation in e-tendering.
- c) The Tenderer shall furnish all necessary documents for the bidding entity along with their offer.
- d) Any bidder who has downloaded the tender document from IOCL website shall not construe the same as his qualification for the tendered work.
- e) Bidder shall download the Bidding Document in his own name and submit the bid directly. The Bidding Document is non-transferable.
- f) IOCL shall not be responsible for any expense incurred by bidders in connection with the preparation & delivery of their bids, site visit and other expenses incurred during bidding process
- g) IOCL reserves the right to assess bidder's capability and capacity to execute the work using in-house information and by taking into account other aspects such as concurrent commitments and past performance.
- h) Bidder submitting his bid should not be under liquidation, court receivership or similar proceedings.
- 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. IOC reserves the right to complete the evaluation based on the details furnished by the bidder,

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with or without seeking any additional supporting documents/ clarifications.

- j) Fax/ E-mail / Hard Copy of bids shall not be accepted.
- k) IOCL reserves the right to reject any or all bids or cancel/withdraw the Invitation for Bids without assigning any reason whatsoever and in such case no bidder / intending bidder shall have any claim arising out of such action.
- l) At any time prior to the deadline for submission of bids, IOCL may for any reason, whether at its own initiative or in response to a clarification requested by a bidder, modify the NIT by amendment.
- m) The amendment will be notified through e-Tender portal to all bidders who have downloaded the Tender Document and will be binding on them.
- n) In order to extend reasonable time to bidders for considering amendments while preparing their bids, IOCL may, at its discretion, extend the deadline for the submission of bids.
- o) In exceptional circumstances, IOCL may solicit the bidder's consent to an extension of the period of validity of bid. The request and the response there to shall be made by Fax/ e-mail/ e-Tender portal. The bidder, extending the validity of the bid, will not be permitted to modify the bid.
- p) After opening of bids, to assist in the examination, evaluation and comparison of bids, IOCL may, at its discretion, ask the bidder for a clarification on its bid. The request for such clarification and the response shall be in writing through e-Tender portal only.
- q) IOCL reserves the right of annulment of tender without assigning any reasons whatsoever.
- r) Consultants or their subsidiary company or companies under the management of consultant, are not eligible to quote for the execution of the same job for which they are working as consultant.
- s) Contractor shall raise all the bills in the name of IOCL, specific to location or State/Head Office as mentioned in the Letter of Award (LoA) and/or Contract Agreement.
- t) Legal dispute, if any, arising during the evaluation of the tender & execution stage shall be within the jurisdiction of the Local Courts as mentioned below:
 - i. For disputes up to stage of LOA - **Cochin High Court**
 - ii. For disputes during execution stage - **Cochin High Court**
- u) Any Addendum/ Corrigendum/ Sale Date Extension in respect of the tender shall be issued on our website <https://iocletenders.nic.in> only& no separate notification shall be issued in the press. Bidders are therefore requested to regularly visit our website to keep themselves updated.
- v) **Corporation reserves the right to revise/extend any date/time from scheduled timelines of published tender**



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- w) All bidders must login and visit their DASHBOARD on regular basis to get the timely updates related to any communication sent in the form of e-mail/SMS by system.
- x) Please visit our website <https://iocletenders.nic.in> for further details of this tender.
- y) Bidders may note that the following are attached separately and uploaded in the e-tendering portal:
 - a. Special Instructions to bidders for participating in e-tendering
 - b. FAQ"s -online EMD facility in IOCL e-tendering and
 - c. Format for Acceptance of Tender Terms and Conditions
- z) In case of credentials in foreign currencies, the same shall be converted to INR based on SBI TT Selling rate as on the last day of the month previous to one in which the tender was invited.

Thanking you,

Yours faithfully,

For Indian Oil Corporation Limited,