



Tender No: PSO/LPG/2022-23/LT-06/JAMMU/SOLAR E-Tender Id: 2022_PSO_157099_1	
Title: Engineering, Procurement, Construction (EPC) inclusive-of 1-Year Comprehensive Operation & Maintenance (O&M) of 300.0 KWp On-Grid Ground Mounted Captive Solar Power Project at Indian Oil LPG Bottling Plant, Jammu (J&K UT) with its further Comprehensive O&M for 4 Years.	

Chapter-2

NOTICE INVITING TENDER (NIT)

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NOTICE INVITING TENDER

(e-tendering)


SUB : Engineering, Procurement, Construction (EPC) inclusive-of 1-Year Comprehensive Operation & Maintenance (O&M) of 300.0 KWp On-Grid Ground Mounted Captive Solar Power Project at Indian Oil LPG Bottling Plant, Jammu (J&K UT) with its further Comprehensive O&M for 4 Years.

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- 1. Indian Oil Corporation Ltd (IOCL) is India's flagship national oil company with business interests straddling the entire hydrocarbon value chain – from refining, pipeline transportation and marketing of petroleum products to exploration & production of crude oil & gas, marketing of natural gas and petrochemicals. It is the leading Indian corporate in the Fortune 'Global 500' listing, ranked at the 142nd position in the year 2022.**
- 2. Presently, IOCL proposes to set up Captive Solar Power Project on Lump-sum Turn-key (LSTK) basis through qualified selected bidder.**
- 3. IOCL intends to select and appoint one of the empanelled Vendors/LSTK Contractors of Category-II (meant for Solar PV Plant of capacity ranging from 50 KWp to 500 KWp) through competitive bidding in two-bid system (i.e. PART-I : Techno-Commercial Bid and PART-II : Price Bid) for the brief Scope of Work mentioned hereinafter.**

4. Brief Scope of work

- 4.1. Part-A : Engineering, Procurement and Construction (EPC) of of 300.0 KWp On-Grid Ground Mounted Captive Solar Power Project at Indian Oil LPG Bottling Plant, Jammu (J&K UT) inclusive of comprehensive O&M of the SPV Plant for a period of one year from the date of successful project commissioning.**
- 4.2. Part-B : Operation & Maintenance of Solar Plant for a further period of 4 years from the date of completion of work mentioned in Part-A.**


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The detailed scope of work to be carried out under this contract is defined in Chapter-5 (Job specifications).


5. Indian Oil has initiated e-tendering for procurement of works and services through its website <https://iocletenders.gov.in>. Bidder is requested to obtain Class-3 Digital Signature Certificate (DSC) from any authorized certifying agency and register itself with IOCL on this website using the DSC. Detailed instructions are available on the website.

6. BRIEF DETAILS OF THE TENDER:

6.1.	NAME OF WORK	Engineering, Procurement, Construction (EPC) inclusive-of 1-Year Comprehensive Operation & Maintenance (O&M) of 300.0 KWp On-Grid Ground Mounted Captive Solar Power Project at Indian Oil LPG Bottling Plant, Jammu (J&K UT) with its further Comprehensive O&M for 4 Years
6.2.	TENDER /NIT NO.	Tender No: PSO/LPG/2022-23/LT-06/JAMMU/SOLAR E-Tender Id: 2022_PSO_157099_1
6.3.	TIME OF COMPLETION Part-A	16 months (4 months for project commissioning + 12 months of inclusive O&M) from date of Site Handing Over (SHO).
6.4.	TIME OF COMPLETION Part-B	48 months from date of completion of Part-A.
6.5.	DOWNLOAD OF TENDER DOCUMENT	Refer E Tender Portal
6.6.	CONTACT PERSON	Mr. Manoj Kumar Pangtey, DGM(LPG-E), Punjab State Office , LPG Department, Plot 3-A, Madhya Marg, Sector- 19 A, Chandigarh – 160019 Email id :- mkpangtey@indianoil.in M No. 7087031150

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6.7.	PRE BID MEETING	<p>Bidders are advised to note that no pre-bid meeting shall take place in person. All bidders intending to raise queries shall do so either through e-mail to the contact person as given in this tender or through seek clarification option on e-tender portal, before the due date & time of pre-bid clarifications.</p> <p>For due date & time of pre-bid clarifications refer E tender portal.</p>
6.8.	OPENING DATE AND TIME OF E-BID SUBMISSION	Refer E Tender Portal
6.9.	CLOSING DATE AND TIME OF E-BID SUBMISSION	Refer E Tender Portal
6.10.	DATE AND TIME OF TECHNO COMMERCIAL BID OPENING	Refer E Tender Portal
6.11.	EARNEST MONEY DEPOSIT	<p>Bidders to note that there shall be no requirement of paying EMD against this e-Tender. However, all bidders shall be required to mandatorily submit the Bid Security Declaration in lieu of EMD as per the standard format attached in Annexure- E of Tender Document.</p> <p>The requirement of submission of Bid Security Declaration shall also be applicable on bidders who are exempted from payment of EMD (MSEs as per PPP, Startups, CPSEs and JVs).</p>


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		The bid shall be summarily rejected if Bid Security Declaration in lieu of EMD is not uploaded in e- Tendering portal on or before tender submission date and time.
6.12.	BID VALIDITY	04 (Four) months from last date of bid submission.
6.13.	NO. OF CONTRACTORS REQUIRED	01 (ONE)
6.14.	Mode of Tender Submission	You may please note that this is an e-Tender and can only be downloaded and submitted in the manner specified in 'Special Instructions to bidders for participating in e-tender' attached separately in this tender

Evaluation Criteria:


The procedure for evaluation of tenders shall be as follows:

1. Only the Technical Bid, of those parties uploading their tenders before due date and time of submission, shall be considered for opening.
2. The techno- commercial bid shall be scrutinized and evaluated based on the basis of the uploaded documents in e-tender portal. To assist in the scrutiny, evaluation and comparison of bids, IOCL may, at their discretion, request clarifications on the bid from the bidder including submission of additional documents.
3. The Price Bid of only those parties shall be opened who have submitted all the documents required to be submitted along with Bid as mentioned in NIT. Prior intimation will be sent to the qualifying parties regarding due date and time of opening of Price Bid.
4. Bidders are informed that Reverse Auction will be conducted for finalizing this Tender

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Qualifying Criteria for Reverse Auction:

- a. In case of tenders with preferential bidding and if there are more than three (3) techno-commercially accepted bidders:
 - I. H1 bidder will be rejected if he is a non-preferential bidder;
 - II. In case if H1 bidder is a preferential bidder, H1 bidder will be rejected if his quote is beyond the defined tolerance limit of L1 price as per his preferential category.
 - b. In case of more than one H1 bidders (H1 tie), latest bid received (bidder whose bid is received at the last) out of all H1 bidders will be rejected.
 - c. An intimation by mail / SMS shall be provided to the eligible bidders for Reverse Auction.
5. The lowest price shall be available on the Reverse Auction screen at any point of time during the Auction process. This displayed price is the evaluated price based on which the lowest bid is determined as per evaluation criteria of BoQ / Tender Terms & conditions. Accordingly, the bidder will put his quote in the Auction window if he wants to offer the reduced price considering the evaluation criteria as per Price Bid (BoQ) / Tender Terms & Conditions.
 6. Wherever required, the Evaluation factor/ criteria shall be informed to the bidders before start of Reverse Auction. In other cases, the bidder shall calculate his final evaluated price as per BOQ or evaluation criteria mentioned in the tender document and quote accordingly.
 7. The lowest quote after opening of Price Bids/end of Reverse Auction shall be considered for further processing. The discounts offered during Reverse Auction shall be worked out as a percentage to the overall estimate and shall be applied to all items of SOR.
 8. Party who has quoted/ matched the L1 Rate (i.e. the lowest rate after taking into consideration the "Purchase Preference" as applicable as mentioned in the Tender Document) on landed cost basis will be considered for award of work with or without negotiation and after considering the tax credit implication wherever

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applicable as per the policy of the Corporation.

In case of tie between two or more bidders at L-1 position, all the L-1 bidders shall be asked to submit the discount bid in terms of percentage discount over previous quoted amount and Annual Turnover Documents of the preceding three years (2019-20, 2020-21& 2021-22) in a sealed envelope in a sealed envelope (activity outside the e-portal). In case there is a tie again, the bidder with highest turnover in any of the last 3 years as submitted against turnover criteria shall be considered as L-1 bidder.

Turnover for this purpose should be as per audited Balance Sheet including P&L Statement/Published Account/Profit & Loss Account Statement of the tenderer. However, if the tenderer is not required to get its accounts audited under Section 44AB of The Income Tax Act, 1961, certificate from a Practicing Chartered Accountant towards the turnover of the tenderer along with copies of its Income Tax Return should be submitted.


For tenders invited during April-September, in case of non-availability of Audited Balance Sheet (Profit and loss account statement)/Published accounts of the immediate preceding year, the Audited Balance Sheet (P&L Statement)/Published account of 4th preceding year (2018-19) shall also be acceptable.

Total Revenue as per Schedule III of Companies act, 2013 (Earlier revised Schedule VI of Companies Act, 1956) shall be considered as Turnover.

Audited Balance Sheet (P&L Statement)/ Published accounts on a calendar year basis shall also be acceptable.

In the event of bidder submitting turnover documents for only one or two years, L-1 shall be submitted on the basis of turnovers submitted.

9. In case the bidder has been asked to submit price bid/price implication in physical form, the use of white/erasing fluid for correcting the rates is banned. Wherever the rates are corrected with white/erasing fluid, the bids will be summarily rejected.
10. Negotiations shall not be conducted with the bidders as a matter of routine. However, Corporation reserves the right to conduct negotiations. Tenderers will

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have to attend the Office of INDIAN OIL CORPORATION LIMITED as informed by Tender Issuing Authority for negotiations/clarifications at their own cost as required in respect of their quotation without any commitment from INDIAN OIL CORPORATION LIMITED.

11. In case a bidder is put on holiday / Blacklisted after opening of price bid, then bid of such bidders will be ignored & will not be further evaluated. The bidder will not be considered for issue of order even if the party is the lowest (L1). In such situation next lowest shall be considered as L1.
12. IOCL shall not be bound to accept lowest or any tender and reserve the right to accept one or more tenders in part or full. The decision of IOCL in this regard shall be the final.
13. The Rates are to be quoted including all taxes and duties, but exclusive of GST only in the Price-Bid (BOQ). The total quoted amount in the BOQ File will be exclusive of GST and GST as applicable will be paid extra. Present Rate of GST for the tendered job is as per following:

i) Part – A1 of BOQ File:


12% on 70% of total value of work except Operation & Maintenance (Supply, Installation & Commissioning of Solar Power Generating System).

18% on 30% of total value of work except Operation & Maintenance (Supply, Installation & Commissioning of Solar Power Generating System).

Therefore, overall applicable effective GST is 13.80% on total value of work except Operation & Maintenance (Supply, Installation & Commissioning of Solar Power Generating System).

ii) Part – A2 of BOQ File:

18% on Part – A2, i.e., Operation & Maintenance (O&M) of Solar Power Generating System for 1 Year after Installation.

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iii) Part – B of BOQ File: _


18% on Part – B, i.e., Operation & Maintenance (O&M) for 2nd year after installation and for 3rd year after installation.

14. Purchase Preference linked with Public Procurement (Preference to make in India) (PP-MII)


14.1 PP-MII Order 2017 (including amendments) shall be applicable for this Tender. The applicable definitions shall be as covered under Public Procurement (Preference to Make in India) Order 2017 - Revision dated 16.09.2020 issued by DPIIT.

14.2 The classification, Margin of Purchase preference, broad allocation and tender categorization shall be as follows:

SN	Description	Details
1	Supplier Classification:	
a.	Class-I Local supplier	LC >= 50%
b.	Class-II Local supplier	LC >=20% < 50%
c.	Non-Local supplier	LC < 20%
2	Margin of Purchase preference (PP-MII)	20% (i.e. L1+20%)
3	Eligibility of suppliers for different types of procurement: a) Only Class-I local supplier and Class-II local supplier shall be eligible to bid in procurements undertaken by procuring entities. b) For the purposes of the PP-MII Order 2017 , works includes Engineering, Procurement and Construction (EPC) contracts and services include System Integrator (SI) contracts	
4	Purchase preference and broad allocation: A) Subject to the provisions of the PP-MII Order 2017 and to any specific instructions issued by the Nodal Ministry or in pursuance of the Order,	

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SN	Description	Details
	<p>purchase preference shall be given to Class-I local supplier in procurements undertaken by procuring entities as per the eligibility of suppliers for different types of procurement in the manner specified hereunder:</p> <p>a) In the procurement of works which are not divisible in nature, the Class-I local supplier shall get purchase preference over Class-II local supplier as per the following procedure:</p> <p>i) Among all qualified bids, the lowest bid shall be termed as L1. If L1 is Class-I local supplier, the contract for the full quantity will be awarded to L1.</p> <p>ii) If L1 bidder is not a Class-I local supplier, the lowest bidder among the Class-I local supplier will be invited to match the L1 price subject to the Class-I local suppliers quoted price falling within the margin of purchase preference, and contract shall be awarded to such Class-I local supplier subject to matching the L1 price.</p> <p>iii) In case such lowest eligible Class-I local supplier fails to match the L1 price the Class-I local supplier with the next higher bid within the margin of purchase preference shall be invited to match the L1 price and so on, and contract shall be accorded accordingly. In case none of the Class-I local supplier within the margin of purchase preference matches the L1 price, the contract may be awarded to the L1 bidder.</p> <p>b) Class-II local supplier will not get purchase preference in any procurement undertaken by procuring entities.</p>	

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14.3 Verification of local content:

- a) The Class-I local supplier/Class-II local supplier at the time of tender, bidding or solicitation shall be required to indicate percentage of local content and provides self - certification that the item offered meets the local content requirement for Class-I local supplier/Class-II local supplier, as the case may be. They shall also give details of the location(s) at which local value addition is made.
- b) False declarations will be in breach of the Code of Integrity under Rule 175(1)(i)(h) of GFR for which a bidder or its successors can be debarred for up to two years along with such other actions as may be permissible under law.


A supplier who has been debarred by any procuring entity for violation of this Order shall not be eligible for preference under this Order for procurement by any other procuring entity for the duration of the debarment. The debarment for such other procuring entities shall take effect prospectively from the date on which it comes to the notice of other procurement entities, in the manner prescribed under Clause 9h. of the Order.

14.4 Reciprocity Clause:

- a) Entities of countries which have been identified by the nodal Ministry/ Department as not allowing Indian companies to participate in their Government procurement for any item related to that nodal Ministry shall not be allowed to participate in Government procurement in India for all items related to that nodal Ministry/Department, except the list of items published by the Ministry/Department permitting their participation. The term entity of a country shall have the same meaning as under the FDI policy of DPIIT as amended from time to time.

14.5 All **Bidders** participating in the tender shall submit LC declaration against qualifying as Class I, Class II or Non-**Local** supplier. The formats for Bidders Declaration /Undertaking on classification regarding Local Content (LC) are given in the Tender Document.

Local value addition through services such as transportation, insurance, installation, commissioning, training and after sales support like AMC/CMC etc shall continue to be considered in local content calculation.


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14.6 Keeping in view that the PP- MII Order 2017, the following evaluation methodology shall be followed:

- a) For the purpose of extending Purchase Preference benefits, the latest quote of respective bidder(s) during the tender-cum-auction process shall be considered.
- b) The modality for evaluating purchase preference benefits under PP-MII Order 2017 shall be as per the following:

PP- MII bidder is not L1:		
Scenario	Position of bidders	Preference for Allocation (Subject to matching L1 price and quoting within the margin of purchase preference)
a)	For Non-Divisible items	PP- MII bidder(s) shall be given preference to match the L1 price in the order of their ranking. Order shall be placed on the PP-MII bidder matching the L1 price. If no PP-MII Bidder matches L-1 price, award to L-1 bidder.
PP-MII bidder is L1:		
a)	For Non-Divisible items	100% Award to PP-MII Bidder

In case of tie between two or more PP-MII Bidders (Class-I Local Supplier) at other than L-1 position, the bidder with the highest turnover worked out to three decimal points in any of the last three years as submitted against Turnover criteria shall be given priority in ranking.

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NOTES:

- I) PP-MII bidder mentioned above means Class-I Local supplier as defined in the PP-MII Order 2017.
- II) In case of works, above modality of purchase preference is not applicable for MSE's and MSE bidders shall be treated as a Non preferential bidder.
- III) In cases of Public Tender for Works, if the bidder does not provide declaration against being a Class I or Class II Bidder (even after giving opportunity), the bid shall be rejected as being from a non-eligible bidder.
- IV) **For availing purchase preference, bidders must update the necessary details in their profile in My Accounts Menu in the e-tender (NIC) portal. Bidder who have updated details in bidder profile under any of the preference categories will get option to avail preferential benefit and upload supporting document for availing preferential benefit, based upon the tender provisions regarding applicable preference categories.**

Further bidders who do not claim preferential benefit at the designated section of e-tender (NIC) portal while participating in the tender, shall not be considered for any preferential benefit in that tender even if supporting document for availing preferential benefit has been submitted along with the tender. In all such cases, bidder shall be treated as a Non preferential bidder for the purpose of availing purchase preference. It may be noted that only preferential bidders (PP- MII (Class I) quoting within the applicable purchase preference margins) who have claimed preferential benefit at the designated section of e-tender (NIC) portal and submitted valid documents and are agreeing to match L-1 price shall be considered for purchase preference.

14.7 General Guidelines on Preferential Bidding


The Preferential Bidding module has been implemented in the e-tender portal (NIC) wherein bidders eligible for availing preferential treatment are required to update their profile by selecting the option for preferential bidder under “MY ACCOUNT MENU” before submission of bids. After selecting this option, the bidders are supposed to upload the

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supporting document for preferential bidding. A pop up message warning that bidders will not be allowed purchase preference (PP-MII bidders) if they do not update the necessary details is also displayed at the time of bid submission in the e-portal (NIC). It may be noted that in tenders where preferential bidding is allowed, Bidders will be able to claim preferential treatment benefit only if they have declared themselves as preferential bidder in their profile.

The methodology with respect to acceptance of claimed “Preference Category” in preferential bidding shall be as per the following matrix:

Cas e	Selection of preference category in e-portal by bidder	Valid document for preferential treatment to be submitted by bidder	Modality for preferential treatment in tender evaluation
1	YES	YES	To be considered for preferential treatment, wherever applicable
2	YES	NO	Will not be considered for preferential treatment
3	NO	YES	Will not be considered for preferential treatment. Even if such bidder is lowest, other valid preferential bidders in the margin of preference, shall be allowed price matching as per the relevant preference policy.

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Cas e	Selection of preference category in e-portal by bidder	Valid document for preferential treatment to be submitted by bidder	Modality for preferential treatment in tender evaluation
4	NO	NO	Will not be considered for preferential treatment.

It is to be noted that for availing purchase preference, bidders must update the necessary details in their profile in My Accounts Menu in the e-tender (NIC) portal. Bidders who have updated details in bidder profile under any of the preference categories will get option to avail preferential benefit and upload supporting document for availing preferential benefit, based upon the tender provisions regarding applicable preference categories.

Further bidders who do not claim preferential benefit at the designated section of e-tender (NIC) portal while participating in the tender, shall not be considered for any preferential benefit in that tender even if supporting document for availing preferential benefit has been submitted along with the tender . In all such cases, bidder shall be treated as a Non preferential bidder for the purpose of availing purchase preference.

It is reiterated that only preferential bidders (PP- MII (Class I) quoting within the applicable purchase preference margins) who have claimed preferential benefit at the designated section of e-tender (NIC) portal and submitted valid documents and are agreeing to match L-1 price shall be considered for purchase preference as explained above.

Note: Wherever mentioned, the term PP-LC (Purchase Preference linked to Local Content) is to be read as PP-MII (Purchase Preference to Make in India).

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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.


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.

Modality for receiving price implication from bidders for breaking of tie:

- i. Mode of information to bidders shall preferably be through Mail with copy through courier/registered post.
- ii. Receipt both by hand and through post shall be acceptable. If received in advance, the same may be put in tender box.
- iii. Normally at least 7 days shall be given for submission & opening of revised price-bid / price implication. However, IOCL reserves the right to alter this period.
- iv. In absence of response (non-receipt of revised bid/implication), the bid may be treated as one with nil additional discount.

OTHER POINTS:

1. The bid of the party will also be rejected on the following grounds:
 - i. Non-withdrawal of conditions imposed in tender document & conditions imposed during negotiations.

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- ii. A bidder who offers unsolicited reduction in the price offer whether before or after the opening of the price part of the tender(s)/bid(s) 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.
- iii. Tenderer submitting fabricated/ false/ forged documents for the tender.
- iv. Tenderer put on holiday list during the pendency of this tender.

Invalid Tenders:

A Tender is invalid and may be rejected in the following circumstances:


- a) Is holiday listed or blacklisted during pendency of tender finalization
- b) Use of White / erasing fluid in bid documents

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) If the tenders contain unacceptable terms and conditions
- d) If the tender is not according to our format
- e) In case of suo-moto reduction in the prices offered by the tenderer.
- f) Revised price bid during validity period without being asked for.


7.0 BRIEF 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

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<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) Fax/ E-mail / Hard Copy of bids shall not be accepted.
- j) 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.
- k) 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.
- l) The amendment will be notified through e-Tender portal to all bidders who have downloaded the Tender Document and will be binding on them.

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- m) 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.
- n) 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.
- o) 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.
- p) IOCL reserves the right of annulment of tender without assigning any reasons whatsoever.
- q) 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.
- r) 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.
- s) Legal dispute, if any, arising during the evaluation of the tender shall be within the jurisdiction of local courts.
 - For disputes up to stage of LOA-Jurisdiction shall be at **Chandigarh**.
 - For disputes during execution- Jurisdiction shall be at **Chandigarh**.

8.0 Clauses towards eligibility by bidder from a Country which shares a Land Border with India:

- I. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent

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- Authority. Copy of registration certificate is to be submitted along with the bid.
- II. The Competent Authority for the purpose of registration shall be the Registration Committee constituted by the department of promotion of Industry & internal trade (DPIIT).
 - III. Registration should be valid at a time of submission of bids and at the time of acceptance of bids. If the bidder was validity registered at the time of acceptance/placement of the order, registration shall not be a relevant consideration during contract execution.
 - IV. However the bidder from those countries (even if sharing a land border with India) to which the government of India has extended lines of credit or in which the government of India is engaged in development projects may participate in the tender and they shall not require any separate registration for the participant.
 - V. “Bidder” (including the term ‘tenderer’, ‘consultant’ or ‘service provider’ in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial judicial person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in this tender.
 - VI. **“Bidder” from a country which shares a land border with India for the purpose of this order ” means:-**
 - a) An entity incorporated, established or registered in such a country; or
 - b) A subsidiary of an entity incorporated, established or registered in such a country; or
 - c) An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - d) An entity whose beneficial owner is situated in such a country; or
 - e) An Indian (or other) agent of such an entity; or
 - f) A natural person who is a citizen of such a country; or

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- g) A consortium or joint venture where any member of the consortium or joint venture falls under any of the above.

VII. “Beneficial owner” in the above paragraph will be as under:

1. In case of company or Limited Liability Partnership, the beneficial owner is the natural persons(s), who, whether acting alone or together, or through one or more judicial person(s), has a controlling ownership interest or who exercises control through other means.

Explanation:-

- a) “Controlling ownership interest” means ownership of or entitlement to, more than twenty- five percent of shares or capital or profits of the company;
 - b) “Control” shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders **agreements or voting agreements**;
2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
 4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who hold the position of senior managing official;

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5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.
- VIII.** An “Agent” is a person employed to do any act for another, or to represent another in dealings with third persons.
- IX.** The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.
- X.** Bidder shall submit a certificate as per Annexure- C regarding their compliance to the above conditions. If such certificate given by a bidder whose bid is accepted is found to be false, this would be ground for immediate termination and further legal action in accordance with law.

9.0 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

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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 hereinabove, in their bid or at any later 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 take action in line with EMD Bid Security Declaration, 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 L-1 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 hereinabove and the bidder's 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 along with the techno-commercial bid as per Annex- B attached in Tender Document.

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10.0 “PROVISION OF CLAUSES RELATED TO BUSINESS TRANSACTION STATUS OF BIDDERS.

1. Tenders 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.
2. 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 take action in line with EMD bid Security Declaration, in any form whatsoever.

11.0 Clause: Planning and Designing in purview of Vulnerability Atlas of India:

Vulnerability Atlas of India (VAI) is a comprehensive document which provides existing hazard scenario for the entire country and presents the digitized State/UT – wise hazard, maps with respect to earthquakes, winds and floods for district-wise identification of vulnerable areas. It also includes additional digitized maps for thunderstorms, cyclones and landslides. The main purpose of this Atlas is its use for disaster preparedness and mitigation at policy planning and project formulation stage.

This Atlas is one of its kind single point source for the various stakeholders including policy makers, administrators, municipal commissioners, urban managers, engineers, architects, planners, public etc. to ascertain proneness of any city/location/site to multi-hazard which includes earthquakes, winds, floods, thunderstorms, cyclones and landslides. While project formulation, approvals and implementation of various urban housing, buildings and

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infrastructures schemes, this Atlas provides necessary information for risk analysis and hazard assessment.

The Vulnerability Atlas of India has been prepared by Building Materials and Technology Promotion Council under Ministry of Housing and Urban Affairs, Government of India and available at their website www.bmtpc.org.

It is mandatory for the bidders to refer Vulnerability Atlas of India for multi- hazard risk assessment and include the relevant hazard proneness specific to project location while planning and designing the project in terms of:

- i. Seismic zone (II to V) for earthquakes,
- ii. Wind velocity (Basic Wind Velocity: 55,50,47,44,39 & 33 m/s),
- iii. Area liable to floods and Probable max. surge height,
- iv. Thunderstorms history,
- v. Number of cyclonic storms / severe cyclonic storms and max sustained wind specific to coastal region,
- vi. Landslides incidences with Annual rainfall normal,
- vii. District wise Portable Max. Precipitation.

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Indian Oil Corporation Ltd (Marketing Division)
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