

NOTICE INVITING E-TENDER

Indian Oil Corporation Limited (Marketing Division), Contract Cell, Eastern Region office, Kolkata invites Limited Tender in Single Bid system from empanelled vendor Group-A, Category-II (Rs. 100 - 200 Lacs) at Bihar State Office under Empanelment Public Tender Nos. (a) RCC/ERO/37/2017-18/PT-120 (e-Tender Id: 2017_ERO_68456_1) & (b) RCC/ERO/37/2019-20/PT-87 (e-Tender Id: 2019_ERO_102730_1) for Construction/ Modernization of Retail outlets/ Consumer Outlets including Civil/Electrical/ Mechanical works under Bihar State Office.

Tenderers are advised to download Notice Inviting Tender along with other tender documents from the e-tendering portal <https://iocletenders.nic.in/>. While the tender shall be submitted online in soft copy on our e-tendering portal, the Earnest Money Deposit has to be submitted online on or before due date & time of tender submission. Tenderers must also note that before the bid is uploaded, the bid comprising of all attached documents should be digitally signed using digital signatures.

Any addendum/Corrigendum /sale date extension in respect of above tender shall be issued on our website: <https://iocletenders.nic.in/>, only and no separate notification shall be issued in the press. Bidders are therefore requested to regularly visit our website to keep them updated.

General Conditions of Contract (GCC) & Safety practices during construction and Civil Spec Vol-I, Civil spec Vol-II & Electrical /Mechanical Spec are not attached with this limited tender document as you have accepted the same during empanelment public tenders mentioned above. Hence, contract agreement signed against the Empanelment Order and all tender conditions / specifications of work / special terms and conditions contained in the Empanelment Order are applicable for this Limited Tender.

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| 1. | TENDER NO. | : | RCC/ERO/37/2020-21/LT-76 |
| 2. | E-Tender ID | : | 2020_ERO_124461_1 |
| 3. | NAME OF WORK | : | Development of New "A" site Retail Outlet on Kankey Road from Chandni Chowk to Kankey Thana, Plot No- 39, Khata No- 29, Mouja- Bhitha, Kanke, Dist-Ranchi, Jharkhand under Ranchi Divisional Office of Bihar State office |
| 4. | LOCATION OF WORK | : | On Kankey Road from Chandni Chowk to Kankey Thana, Plot No- 39, Khata No- 29, Mouja- Bhitha, Kanke, Dist-Ranchi, Jharkhand- 834008 IOCL GSTIN: 20AAACI1681G3Z1 (Jharkhand) |
| 5. | ESTIMATED VALUE OF WORK | : | Rs. 1,19,63,653.21 (Exclusive of GST) Rs. 1,41,17,110.79 (Inclusive of GST, presently @ 18%) SAC Code- 9954 |
| 6. | TENDER FEE | : | Nil Bidders are required to download the tender documents free of cost from IOCL e-tender website (https://iocletenders.nic.in) |
| 7. | EARNEST MONEY DEPOSIT | : | Rs. 1,41,000.00/- (Rupees One Lac Forty-One Thousand Only) EMD should be deposited as detailed below: ➤ Online EMD payment through Net Banking or NEFT/RTGS or Bank Guarantee. ➤ Bank Guarantee as an instrument towards Earnest money deposit shall be accepted only if amount of EMD is more than Rupees One lakh. For detail about process of payment of online EMD, bidders |

shall refer "Special Instructions to the Bidder (SITB)" and "FAQs-Online EMD Facility in IOCL e-Tendering" documents attached separately along with the tender.

Offline EMD payment through Demand Draft (DD), Bankers Cheque (BC) and Swift Transfer shall not be accepted.

In case of Bank Guarantee, bidder will upload scanned copy of BG as exemption document. Original BG shall be sent by the bidders /bank to the Contact Person mentioned below.

Original BG should reach to Tender Issuing Authority Before due date and time of opening of bids at the address given below:

**EASTERN REGION OFFICE
REGIONAL CONTRACT CELL,
INDIAN OIL BHAWAN
2 GARIAHAT ROAD (SOUTH),
DHAKURIA, KOLKATA-700068**

For the purpose of receipt of BG, the time recorded in the receipt/DAK section against receipt shall also be considered as receipt time.

Only those physical BG instruments found matching with the copy submitted in the e-portal shall be considered as valid.

Acceptance of BG.

1. Bank Guarantee for value up to Rs Two Crores can be accepted if it is issued by an Indian Branch of any Scheduled Bank appearing in the Second Schedule to the RBI Act of 1934.
2. BG for value above Rs Two Crores can be accepted is it is issued by an Indian Branch of
 - i) Any Nationalized / PSU Bank appearing in the Scheduled Banks list or
 - ii) Any Scheduled Bank (other than a Nationalized / PSU Bank) having at least Desired Credit rating at the time of acceptance of the BG.

| Bank | If the Tenor of BG is more than 1 year, credit rating of | If the Tenor of BG is up to 1 year, credit rating of |
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| In case of foreign banks | 'A' of Moody's or equivalent | 'P-1' of Moody's or equivalent i.e, highest short term rating |
| In case of Indian Bank | 'AA' of CRISIL or equivalent | 'A-1+' of CRISIL or equivalent i.e. highest short-term rating. |

3. As on date, the following are the credit rating agencies approved by SEBI.
 - (i) CRISIL Limited (www.crisil.com)
 - (ii) Fitch Ratings India Private Limited (www.fitchratings.com)
 - (iii) ICRA Limited (www.icra.in)
 - (iv) Credit Analysis & Research Ltd. (CARE) (www.careratings.com)
 - (v) Brickwork Ratings India Private Limited (www.brickworkratings.in)

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| | | <p>(vi) SME Rating Agency of India Ltd. (SMERA) (www.smera.in)</p> <p>Bank Guarantee is to be executed by Nationalised / Scheduled Bank towards EMD and should be at least valid for 2 months beyond bid validity period i.e. 180 Days from the date of opening of bid. If needed, validity of BG should be extended by the party / Bank.</p> <p>The name, designation and authorized signatory number of the bank officials signing the BG should be mentioned with their signature on the BG. This applies for renewal, amendments and revalidation of BGs also.</p> <p>Bank Guarantee should be submitted as per enclosed proforma only by the Tenderer. BG may be received directly either from the bank or the vendor through any mode (Registered post/Speed Post/Courier or by hand) only.</p> <p>If BG towards EMD is submitted in any manner other than aforesaid, the Tender is liable to be rejected. If the original BG instrument is not received by the due date and time as specified above, the bid shall be summarily rejected.</p> <p>Exemption from submission of EMD:</p> <p>a. Parties registered with any of the following agencies/bodies as per Public Procurement Policy for Micro & Small Enterprises (MSE) Order 2012 are exempted categories from payment of EMD provided that the registration certificate issued by any one of these below mentioned agencies must be valid as on close date of tender. Micro, Small or Medium Enterprises who have applied for registration or renewal of registration with any of these agencies/bodies but have not obtained the valid certificate as on close date of tender are not eligible for exemption.</p> <ol style="list-style-type: none"> i. District Industries Centre (DIC) ii. Khadi and Village Industries Commission (KVIC) iii. Khadi and Village Industries Board iv. Coir Board v. National Small Industries Corporation (NSIC) vi. Directorate of Handicraft and Handloom vii. Any other body specified by Ministry of MSME <p>b. PSUs (Central & State) and JVs of IOCL are exempted from submission of EMD- Self Declaration to be uploaded by the bidder.</p> <p>c. Startup recognized by DIPP Definition of Startup shall be in line with that published vide Gazette Notification number DL/33004/99 dated 11.04.2018 i.e. an entity shall be considered as a startup:</p> <ol style="list-style-type: none"> i. Upto a period of seven years from the date of incorporation / registration, if it is incorporated as a private limited company (as defined in the companies Act, 2013) or registered as a partnership firm (registered under section 59 of the partnership act, 1932) or a liability partnership (under the limited liability partnership (under the limited Liability Partnership Act, 2008) in India. In these cases of |
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| | | | <p>Startups in the biotechnology sector, the period shall be up to ten years from date of its incorporation/ registration.</p> <p>ii. Turnover of the entity for any of the financial years since incorporation/ registration has not exceed Rs. 25 Crore.</p> <p>iii. Entity is working towards innovation, development or improvement of products or processes or services, or if it is a scalable business model with a high potential of employment generation of wealth creation.</p> <p>Provided that an entity formed by splitting up or reconstruction of an existing business shall not be considered as "startup". A copy of the EMD instrument or exemption certificate in case of exempted categories shall be uploaded along with clear scanned copies of relevant documents to substantiate the claim towards their credentials along with the tender documents.</p> <p>For those empanelled parties, who have submitted the permanent EMD for Category A-II, separate EMD for this tender shall not be required.</p> <p>Tenderers not paying EMD or not uploading valid exemption certificate or scan copy of BG on or before tender submission date and time, will be summarily rejected.</p> |
| 8. | TENDER DOWNLOAD PERIOD FROM e-TENDER PORTAL: | | |
| | a) Starts on | : | As per e-Tender Portal https://iocletenders.nic.in |
| | b) Ends on | : | As per e-Tender Portal https://iocletenders.nic.in |
| 9. | SUBMISSION OF TENDER IN e-TENDER PORTAL: | | |
| | a) Starts on | : | As per e-Tender Portal https://iocletenders.nic.in |
| | b) Ends on | : | As per e-Tender Portal https://iocletenders.nic.in |
| 10. | DUE DATE FOR OPENING OF TENDER | : | As per e-Tender Portal https://iocletenders.nic.in |
| 11. | NO OF PARTIES REQUIRED | : | 1 (One) |
| 12. | TENDER VALIDITY | : | Offer shall be valid for 120 Days from date of opening of technical bid. In case of requirement, IOCL may seek further extension of the validity of the offer from the bidders. |
| 13. | WORK COMPLETION TIME | : | 18 Weeks from the 10 th day of issuance of commencement order or actual handing over of the site whichever is earlier. This is to be read in conjunction with the scope of works mentioned under Annexure-4 . |

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| 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 |
| 15. | CONTACT PERSON (for site related queries) | : | Name: Sh. Ankur Mandal Designation: Manager (Engg.), Ranchi DO e-mail: akurm@indianoil.in Contact No.: +91-70701 99594 |
| 16. | CONTACT PERSON (for any other query) | : | Name: P Gangopadhyay Designation: DGM (Contracts), ERO e-mail: _partha_g@gmail.com Contact No.: 033-24145217 |

Note: - Corporation reserves right to revise/ extend any Date/ time from scheduled timelines of published tender.

17.0 EVALUATION OF TENDERS:

A) The procedure for evaluation of tenders shall be as follows:

Only the Bids, of those parties uploading their tenders before due date and time of submission, shall be considered for opening.

- a) The party who has quoted the lowest rate (L1 rate) on landed cost basis will be considered for award of work, with or without negotiation as per the policy of the Corporation.
- b) Negotiations shall not be conducted with the bidders as a matter of routine. However, Corporation reserves the right to conduct negotiations. Tenderers will have to attend the Office of INDIAN OIL CORPORATION LIMITED as informed by Tender Issuing Authority for negotiations/clarifications as required in respect of their quotation without any commitment from INDIAN OIL CORPORATION LIMITED.
- c) In case of tie between two or more bidders at L-1 position, all the L-1 bidders shall be asked to submit discount bid in terms of percentage discount over previous quoted amount & turnover for last three FYs 2017-18, 2018-19 & 2019-20 in a sealed envelope. In case of non-availability of turnover statement for FY 2019-20, the same pertaining to 2016-17 may be submitted. This exercise shall currently be an offline activity outside the e-portal.
- d) In the event of bidder submitting turnover documents for only one or two years, Decision will be taken on the basis of turnover documents submitted.

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.

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. (The balance sheet copy MUST bear the Registration Number of the authorized Chartered Accountant and its SEAL. This is not applicable for published annual reports).

The above exercise of discount bid and submission of Turnover shall currently be an offline activity outside e-portal. Note: 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.

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 etc.

ii. Receipt both by hand and through post shall be acceptable. If received in advance, the same may be put in the tender box kept at RCC/ERO. However, discount bid must reach RCC/ERO within stipulated date and time and IOCL will not be held responsible for any postal delay.

iii. In absence of response (non receipt of revised bid/implication or request for extension), the bid may be treated as one with nil additional discount.

iv. 7 (Seven) days notice shall be given for submission and opening of revised price bids/price implication. However IOCL reserves the right to alter this period.

The sealed envelopes shall be opened jointly by one member from tendering group and one from Finance. The bidders while seeking revised bids shall be advised to witness the opening of sealed envelopes.

- e) In case there is a tie again after discount bid, 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 considered as L1 bidder. In event of bidder submitting turnover documents for only one or two years, L1 shall be decided on the basis of the turnovers submitted.
- f) No Price Preference is applicable (except EMD exemption) for MSE Bidders as Quantity cannot be split.

B) Rejection of Tender

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

- i. If requisite EMD or EMD exemption document is not uploaded on e-tendering portal as mentioned in NIT.
- ii. Non-withdrawal of conditions imposed in tender document & conditions imposed during negotiations.
- iii. 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.
- iv. Tenderer submitting fabricated/ false/ forged documents for the tender.
- v. 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) Does not pay the Earnest Money Deposit in line with time period specified in the tender.
- b) Submits the tender after due date and time
- c) Is holiday listed or blacklisted
- d) Use of White / erasing fluid in Rates for physical bids
- e) 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) if the tenders are partly quoted
- d) if the tenders contain unacceptable terms and conditions
- e) if the tender is not according to our format
- f) In case of Suo Moto reduction in the prices offered by the tenderer
- g) Revised price bid during validity period without being asked for.

18.0 OTHER POINTS:

- 1) 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.

- 2) 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.
- 3) Legal dispute, if any, arising during the evaluation of the tender shall be within the jurisdiction of local courts.
 - a. For disputes up to stage of LOA- Kolkata
 - b. For disputes during execution stage- Patna
- 4) Please visit our website <https://iocletenders.nic.in> for further details of this tender.
- 5) 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.
- 6) **Indian Oil reserves the right to accept or reject any or all tenders at any time at their sole discretion without assigning any reason whatsoever. In such a situation, IOCL shall not be liable for any financial / legal or any other implications whatsoever incurred by the bidder for the Tender.**

19.0 Instruction to Bidder/STC

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 forfeit the Earnest Money Deposit provided by the tenderer, in any form whatsoever.
3. 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 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 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 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 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. (Annex IA)

20.0 List of documents to be submitted along with Bid

| S. N. | Documents to be submitted along with Bid |
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| 1. | Declaration for Acceptance of Tender terms and conditions in Bidders Letter head in the attached format. |
| 2. | Duly filled Price Bid |
| 3. | Declaration on NCLT/NCLAT/DRT/DRAT/Court Receivership/ Liquidation as per Annexure- IA |

Yours faithfully,
For Indian Oil Corporation Limited,
GM (Contract Cell), Eastern Region