

OIL INDIA LIMITED  
(A Govt. of India Enterprise)  
P.O. Duliajan-786602, Assam

**Tender No. & Date : SSG7421P22/05                      02.07.2021**

Tender Fee : INR 0.00 OR USD 0.00  
Bid Security Amount : INR 0.00 OR USD 0.00  
(or equivalent Amount in any currency)

**Bidding Type : Two Bid**

Bid Closing On : 11.08.2021 at 11:00 hrs. (IST)  
Bid Opening On : 11.08.2021 at 13:00 hrs. (IST)

Performance Guarantee : Applicable

OIL INDIA LIMITED invites Global tenders for items detailed below:

Item No./ Mat. Code	Material Description	Quantity	UOM
<b>10</b> 85052073	<p><b><u>FLUID LOSS CONTROL AGENT</u></b> <b><u>POLYANIONIC CELLULOSE - SUPERLO GRADE (PAC-SL)</u></b> <b><u>General Purpose of Use</u></b> To use in water base drilling fluid as fluid loss reducer and clay encapsulator.</p> <p><u>Specification:</u></p> <p>1. <u>Physical Properties:</u> The material, as received, should be a free flowing white to creamish/brownish white powder free from foreign matter and visible impurities.</p> <p>2. <u>Moisture content,</u> measured by drying degC,% by mass, maximum: 15.00 at 105+/- 2</p> <p>3. <u>Apparent viscosity</u> of 1.0% (w/v) suspension of the material, as received, in fresh water and 4% salt water:  Prepare a 1% (w/v) suspension of the sample by stirring in a multimixer for 30 minutes in distilled water and 4% salt water (prepared by dissolving 4 gms of LR grade NaCl in 100 ml distilled water) and measure the apparent viscosity at 26+/- 2 degC by a Fann VG meter. (i) Apparent viscosity in fresh water, cp, max.: 20 (ii) Apparent viscosity in salt water, cp, max.: 16</p> <p>4. <u>Yield of 15 cp apparent viscosity suspension:</u> Prepare a 15 cp apparent viscosity suspension of the sample by stirring in a multimixer for 30 minutes in distilled water and 4% salt water (prepared by dissolving 4 gms of LR rade NaCl in 100 ml distilled water) and calculate the yield of the sample which should be as follows: (i) Yield in distilled water, KL/MT, minimum: 100 (ii) Yield in 4% salt water, KL/MT, minimum: 80</p> <p>5. <u>Sodium carboxymethyl cellulose content,</u> on dry basis, % by mass, (on dry basis), minimum. : 85.00</p>	275000	KG

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Item No./ Mat. Code	Material Description	Quantity	UOM
	<p>6. <u>Degree of substitution</u>, minimum: 1.00</p> <p>7. <u>Performance test</u>:</p> <p>A. <u>In fresh water mud</u></p> <p>(i) <u>Preparation of base mud</u></p> <p>Prepare a 10.0% (w/v) suspension of OIL approved bentonite in distilled water and stir the suspension for 15 minutes in multimixer so that no lumps are left after the stirring period. Age the suspension for 72 hrs at 90+/-2 degC. After the lapse of the aging period, cool and adjust apparent viscosity in the range of 15-20 cp with distilled water. Also adjust PH in the range of 9.0-9.5 with 10% NaOH solution,if necessary. Stir the suspension for 15 minutes in multimixer and determine apparent viscosity, yield value and API fluid loss of the suspension at 26+/-2 degC which should be as follows.</p> <p>(a) Apparent viscosity, cp: 15-20  (b) Yield value, lbs/100 ftsq: To determine  (c) API fluid loss, ml: To determine</p> <p>(ii) <u>Preparation of treated mud</u></p> <p>Treat the base mud 7A(i) with 0.5% (w/v) polyanionic cellulose (superlo grade) sample. Stir in a multimixer for 30 minutes and divide the mud into two parts.</p> <p><u>Performance at 26+/- 2 degC</u></p> <p>Measure apparent viscosity, yield value and API fluid loss of one part of the treated mud 7A(ii) at 26+/-2 degC which should be as follows.</p> <p>(a) Apparent viscosity, cp, max. : 2.5 times of 7A,ia  (b) Yield value, lbs/100ftsq,max. : 1.5 times of 7A,ib  (c) API fluid loss, ml, max. : 50% of 7A,ic</p> <p><u>Performance at 120+/-2 degC</u></p> <p>Age second part of the treated mud 7A(ii) at 120 +/-2 degC in rolling condition for 24 hrs. After aging,cool to 26+/-2 degC and stir in a multimixer for 15 minutes and determine apparent viscosityu, yield value and API fluid loss of the mud at 26+/-2 degC which should be as follows :</p> <p>(a) Apparent viscosity, cp,max. : 1.5 times of 7A,ia  (b) Yield value, lbs/100ftsq,max : 1.5 times of 7A,ib  (c) API luid loss, ml, max. : 35% of 7A,ic</p> <p>B. <u>In salt water mud</u></p> <p>(i) <u>Preparation of base mud</u></p> <p>Prepare a 105% (w/v) suspension of OIL approved bentonite in distilled water and stir the suspension for 15 minutes in multimixer so that no lumps are left after the stirring period. Age the suspension for 72 hrs at 90+/-2 degC. After the lapse of the aging period, cool and add 4% NaCl (w/v) (LR grade)and age</p>		

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	<p>for 24 hrs. at 26+/-2 degC. Dilute the suspension with 4% NaCl solution and adjust apparent viscosity in the range 15-20 cp. Adjust PH in the range 9.0 - 9.5 with 10% NaOH solution, if necessary. Determine apparent viscosity, yield value and API fluid loss of the suspension at 26+/-2 degC which should be as follows.</p> <p>(a) Apparent viscosity, cp : 15 - 20  (b) Yield value, lbs/100 ftsq : To determine  (c) API fluid loss, ml : To determine</p> <p>Treat the base mud prepared as per 7B(i) with 0.5% (w/v) of polyanionic cellulose (superlo grade) sample and stir for 30 minutes in a multimixer.</p> <p><u>Performance at 26+/-2 degC</u></p> <p>Determine apparent viscosity, yield value and API fluid loss of the treated mud 7B(ii) at 26+/-2 degC which should be as follows:  (a) Apparent viscosity, cp, min. : 2 times of 7B,ia  (b) Yield value, lbs/100ftsq, min : 1.5 times of 7B,ib  (c) API fluid loss, ml, max. : 15% of 7B, ic</p> <p>8. <u>Packing:</u></p> <p>(i) The material should be packed in multiwalled paper bags with at least two innermost layers suitably water proofed, strong enough to with stand rigours of transit and storage.  <u>Capacity 25 kgs net per bag.</u></p> <p>(ii) PELLETIZATION:-If supply is from foreign source, the supply should be in suitably pelletized forms.</p> <p>9. Each bag should have clear legible marking as given below :  (i) Name of the product  (ii) Name of the supplier  (iii) Date/month/year of manufacture  (iv) Suply order number against which the supply is made.</p> <p><b><u>N.B.</u></b> :1) Apparent viscosity will be measure by a Fan VG meter and API fluid loss will be measured in standard API fluid loss apparatus using compressed air or nitrogen as pressure source.  2) The Supplied Materials must meet OIL's specifications in all respect.</p>		

**Standard Notes:** 1.0 The tender will be governed by "General Terms & Conditions" for e-Procurement as per Booklet No. MM/GLOBAL/E-01/2005-July2012 for E-procurement (ICB Tenders) including Amendments and Addendums.

2.0 The bidder should ensure that "Techno-Commercial Unpriced Bid" should contain details as mentioned in the technical specifications as well as BEC/ BRC and upload the same in the Technical RFx Response-> User-> Technical Bid. Please go through the help document in details before uploading the document and ensure uploading of technical bid in the Technical RFx Response-> User-> Technical Bid only. The "Price Bid" must contain the price schedule and

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the bidder's commercial terms and conditions. The price bid of the items should be uploaded as an attachment under Notes & Attachments tab as per Annexure-P. No price should be given in above Technical Rfx otherwise the offer will be rejected.

3.0 Bid should be valid for minimum 120 days from bid closing date, failing which offer shall be rejected.

4.0 No Bid Security/ Earnest Money Deposit (EMD) shall be applicable till 31.12.2021. Instead of EMD/ Bid Security, all bidders shall be required to sign a "#Bid securing declaration" accepting that if they withdraw or modify their Bids during the period of validity, or if they are awarded the contract and they fail to sign the contract, or to submit a performance security before the deadline defined in the NIT/ Purchase order, they shall be suspended for the period of 2 (two) years. This suspension of two years shall be automatic without conducting any enquiry. Bidders shall submit "#Bid Securing Declaration" as per enclosed annexure along with their technical bids.

5.0 Performance Security @3% of order value (excluding taxes & duties) is applicable against this tender.

6.0 Please note that all tender forms and supporting documents are to be submitted through OIL's e-Procurement site only except following documents which are to be submitted manually in sealed envelope super scribed with Tender no. and Due date to The Head Materials, Materials Department, Oil India Limited, Duliajan- 786602, Assam on or before 13:00 Hrs (IST) on the Bid Closing Date mentioned in the Tender.

- a) Detailed Catalogue.
- b) Any other document required to be submitted in original as per tender requirement.

All documents submitted in physical form should be signed on all pages by the authorised signatory of the bidder and to be submitted in triplicate.

7.0 Bidders are requested to examine all instructions, forms, terms and specifications in the bid. Failure to furnish all information required as per the bid or submission of offers not substantially responsive to the bid in every respect will be at the bidder's risk and may result in the rejection of its offer without seeking any clarifications.

8.0 Bidder's response to all NIT stipulations shall clearly be defined. Bidder shall furnish specific details/ specifications of all major components, systems with Make & Model etc. Generalised response like-'As per NIT Specifications/ Technical Leaflet', 'Noted', 'and Accepted' or in any similar fashion is not acceptable.

9.0 Oil India Limited (OIL) has upgraded its E-tender Portal. As part of the new system, the intending bidder must have Encryption Certificate along with Digital Signature Certificate (DSC) of Class III [Organization]. The date for implementation of new system is 12th April 2017 and the requirement of the new DSC will be applicable for the tenders floated on 12th April 2017 onwards. All our current and prospective esteemed bidders are therefore requested to acquire Class III DSC [Organization] along with Encryption Certificate issued by any of the Licensed Certifying Authorities (CA) operating under Controller of Certifying Authorities (CCA) of India as per Indian IT Act 2000. Guideline for getting Digital Signature and other related information are available on the e-tender website [www.oilindia.com](http://www.oilindia.com). The bid signed using any other digital certificate or digital certificate without organization name of the bidder, will be liable for rejection.

10.0 Encryption certificate is mandatorily required for submission of bid. In case bidder created response using one certificate (using encryption key) and bidder subsequently changes the digital signature certificate then the old certificate (used for encryption) is required in order to decrypt his encrypted response for getting the edit mode of his response. Once decryption is

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done, the bidder may use his new DSC certificate for uploading and submission of his offer. It is the sole responsibility of the bidder to keep their DSC certificate properly. In case of loss of DSC certificate, Oil India Limited is not responsible.

11.0 The items covered by this tender shall be used by Oil India Limited in the PEL/ ML areas which are issued/ renewed after 01/04/99 and hence Nil Custom Duty during import will be applicable. Indigenous bidder shall be eligible for concessional rate of GST against Essentiality Certificate wherever applicable, as per Notification No. 3/2017#Integrated/ Central Tax (Rate) dated 28th June, 2017/ Deemed Export Benefit against this purchase. Details of Deemed Export are furnished vide Addendum to MM/GLOBAL/01/2005 enclosed.

12.0 Bidders to take special note of the following conditions:

a) Bidders without having E-tender Login ID and Password should complete their online registration at least seven (7) days prior to the scheduled bid closing date and time of the tender. For online registration, Bidder may visit the OIL's E-tender site <https://etender.srm.oilindia.in/irj/portal>.

b) Necessary Login ID & Password will be issued by OIL only after submitting the complete online registration by the Bidder. In the event of late registration/ incomplete registration by Bidder, Oil India Limited shall not be responsible for late allotment of User ID & Password and request for bid closing date extension on that plea shall not be entertained by Company.

13.0 Oil India Limited (OIL) has upgraded its E-tender Portal. All the bidders are requested to go through the following documents available on the login Page of the OIL's E-tender Portal before uploading their bid.

- a) Guidelines to Bidders for participating in OIL.
- b) New Vendor Manual.

14.0 Please refer Annexure-CCC for BEC/ BRC applicable against this tender. Please ensure compliance to BEC/ BRC and submit requisite documentation, failing which offer may be liable for rejection.

15.0 To ascertain the substantial responsiveness of the bid, OIL reserves the right to ask the bidder for clarification in respect of clauses covered under BRC also and such clarifications fulfilling the BRC clauses must be received on or before the deadline given by the company, failing which the offer will be summarily rejected.

16.0 The prices of the items should be quoted as per Annexure-P and uploaded separately under the tab "Notes & Attachment".

17.0 In view of implementation of GST w.e.f. 01.07.2017, bidders to take note of Annexure-GST and to submit their offers complying with the same.

**18.0 FURNISHING FRAUDULENT INFORMATION/ DOCUMENT:** If it is found that a Bidder has furnished fraudulent document/ information, the Bid Security/ Performance Security shall be forfeited and the party will be debarred for a period of 3 (three) years from date of detection of such fraudulent act, besides the legal action. In case of major and serious fraud, period of debarment may be enhanced. In this regard, bidders are requested to submit an Undertaking as per Annexure-K along with their offer failing which their offer shall be liable for rejection.

**19.0 ONLINE VIEWING OF PRICE BY BIDDERS:** For convenience of the qualified Bidders and to improve transparency, the rates/costs quoted by bidders against OIL's e-tenders shall be available for online viewing by such Bidders whose price bids are opened by Company. A Bidder can view item-wise rates/ costs of all other such peer bidders against the tender immediately

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after price bid opening, if the e-tender is floated by Company with PRICE CONDITION. In case the Price-Bid is invited by Company through attachment form under "Notes & Attachment" (i.e., NO PRICE Condition), Bidders must upload their detailed Price-Bid as per the prescribed format under "Notes & Attachment", in addition to filling up the "Total Bid Value" Tab considering the cost of all individual line items and other applicable charges like freight, tax, duties, levies etc. Under NO PRICE Condition (i.e. Price Bid in attachment form), the "Total Bid Value" as calculated & quoted by the Bidder shall only be shared amongst the eligible bidders and Company will not assume any responsibility whatsoever towards calculation errors/ omissions therein, if any. Notwithstanding to sharing the "Total Bid Value" or the same is whether filled up by the Bidder or not, Company will evaluate the cost details to ascertain the inter-se-ranking of bidders strictly as per the uploaded attachment and Bid Evaluation Criteria only. Online view of prices as above shall be available to the Bidders only upto seven days from the date of Price-Bid opening of the e-tender.

**20.0 APPLICABILITY OF BANNING POLICY OF OIL INDIA LIMITED:** Banning Policy dated 6th January, 2017 as uploaded in OIL's website will be applicable against the tender (and order in case of award) to deal with any agency (bidder/ contractor/ supplier/ vendor/ service provider) who commits deception, default, fraud or indulged in other misconduct of whatsoever nature in the tendering process and/or order execution processes. Applicability of the policy shall include but not limited to the following in addition to other actions like invoking bid security/performance security/cancellation of order etc. as deemed fit and as mentioned elsewhere in the tender:

- a) Backing out by bidder within bid validity
- b) Backing out by successful bidder after issue of LOA/ Order/ Contract
- c) Non/ Poor performance and order/ contract execution default

The bidders who are on Holiday/ Banning/ Suspension list of OIL on due date of submission of bid/ during the process of evaluation of the bids, the offers of such bidders shall not be considered for bid opening/evaluation/ award. If the bidding documents were issued inadvertently/ downloaded from website, the offers submitted by such bidders shall also not be considered for bid opening/ evaluation/ Award of Work.

**21.0 CONFIRMATION OF PERFORMANCE SECURITY:** The following clause is applicable for performance security submitted in the form of bid bond/ LC. Bidders are requested to strictly comply to this clause:

The bank guarantee issued by the bank must be routed through SFMS platform as per following details:

- a. (i)"MT 760 / MT 760 COV for issuance of bank guarantee
- (ii) "MT 767 / MT 767 COV for amendment of bank guarantee

The above message/ intimation shall be sent through SFMS by the BG issuing bank branch to HDFC Bank, Duliajan Branch, IFS Code-HDFC0002118; SWIFT Code-HDFCINBBCAL.  
Branch Address: HDFC Bank Limited, Duliajan Branch, Utopia Complex, BOC Gate, Jayanagar, Duliajan, Dibrugarh, PIN-786602."

b. The vendor shall submit to OIL the copy of SFMS message as sent by the issuing bank branch along with the original bank guarantee.

**22.0** Revision, clarification, addendum, corrigendum, time extension etc to the tender will be hosted on OIL website only. No separate notification shall be issued. Bidders are requested to visit OIL website regularly to keep them updated.

**Special Notes :** 1.0 Categorisation and various criteria applicable to MSE bidders shall be guided by the Gazette notification no. CG-DL-E-26062020-220191 dated 26.06.2020 issued by Ministry of

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Micro, Small and Medium Enterprises.

The bidder claiming as MSE status (MSE-General, MSE-SC/ST, MSE -Woman) against this tender has to submit following documents for availing the benefits applicable to MSEs:

i. Udyam Registration No. with Udyam Registration certificate

Note: In case bidding MSE is owned by Schedule Caste or Schedule Tribe entrepreneur, valid documentary evidence issued by the agency who has registered the bidder as MSE owned by SC/ ST entrepreneur/ Woman Entrepreneurs should also be enclosed.

For availing benefits under Public Procurement Policy (Purchase preference), the interested MSE Bidders must ensure that they are the manufacturers of tendered item(s) and registered with the appropriate authority (as mentioned above) for the said item(s).

2.0 In case a Start-up [defined as per Ministry of Commerce and Industry (Department of Industrial Policy and Promotion, DIPP) latest notification]/ MSE is interested in supplying the tendered item but does not meet the Pre-Qualifying Criteria (PQC)/ Proven Track Record (PTR) indicated in the tender document, the Start-up/ MSE is requested to write a detailed proposal separately, and not against the present tender requirement, to the tender issuing authority about its product. Such proposals shall be accompanied by relevant documents in support of MSE (where applicable) or in case of Start-up, following documents shall be given:

i. Certificate of Recognition issued by the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India.

ii. Certificate of incorporation.

iii. Audited Profit & Loss (P&L) Statement of all the Financial Years since incorporation. In case where the Balance sheet has not been prepared, bidder shall submit a certificate in original from its CEO/ CFO stating the turnover of the bidding entity separately for each Financial Years since incorporation along with a declaration stating the reason for not furnishing the audited P&L Statement. This certificate shall be endorsed by a Chartered Accountant/ Statutory Auditor.

The Proposal shall be examined by OIL and OIL may consider inviting a detailed offer from the Start-up/ MSE with the intent to place a TRIAL or TEST Order, provided the Start-up/ MSE meet the Quality and Technical Specifications.

In case the Start-up/ MSE is successful in the Trial Order, the vendor shall be considered for PQC exemption/ relaxation (as the case may be) for the next tender for such item till the time it remains a Start-up/ MSE.

3.0 Ministry of Finance of Govt. of India, Department of Expenditure, Public procurement Division vide office memorandum F. No. 6/18/2019-PPD dated 23rd July, 2020 (order-Public Procurement no.1) has proclaimed the insertion of Rule 144 (xi) in the General Financial Rules (GFRs), 2017 w.e.f. 23rd July, 2020 regarding restrictions on procurement from a bidder of a country which shares a land border with India on the grounds of defence of India on matters directly or indirectly related thereto including national security. Bidders are requested to take note of the following clauses and submit their offers accordingly wherever applicable.

Bidders must submit duly sealed & signed undertaking as per format provided vide Annexure-B along with the technical bid.

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 Authority.

Validity of Registration:

In respect of tenders, registration should be valid at the time of submission of bids and at the time of acceptance of bids. In respect of supply otherwise than by tender, registration should be valid at the time of placement of order. If the bidder was validly registered at the time of acceptance/placement of order, registration shall not be a relevant consideration during contract execution.

II. "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 juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in a procurement process.

III. "Bidder from a country which shares a land border with India" for the purpose of this Order

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

IV. The beneficial owner for the purpose of (iii) above will be as under:

1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, 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 per cent 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 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 holds the position of senior managing official;
  5. In case of 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.
- V. An Agent is a person employed to do any act for another, or to represent another in dealings with third person.
- VI. The successful bidder shall not be allowed to sub-contract any job related to the procurement (e.g. installation and commissioning, Annual Maintenance Contract etc.) to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.

#### **4.0 POLICY TO PROVIDE PURCHASE PREFERENCE (LINKED WITH LOCAL CONTENT)**

**(PPLC):** Bidders to note that Ministry of Petroleum & Natural Gas, Government of India implemented PPLC Policy to provide Purchase Preference (linked with local content) by notification no. Ref. FP-20013/2/2017-FP-PNG dtd. 17.11.2020 and amended from time to time. Clause on applicability of Purchase Preference (linked with local content) policy in the tender is furnished as Annexure-PPLC of the tender document. PP-LC Policy (including its latest modifications/amendments) as may be prevailing on the date of Price Bid Opening shall be applicable against this tender. Bidders are requested to go through the policy and take note of the following while submitting their offer.

##### **1. Certification and Verification**

Class I/Class II Local suppliers are eligible to bid only if they meet the local content norms, therefore whether or not they want to avail PP-LC benefit, it will still be mandatory for them to give adequate documentation as follows to establish their status as class-I or class-II local supplier:

(i) At bidding stage:

- a) Price Break-up: The bidder shall provide the percentage of local content in the bid.



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b) The bidder shall submit an undertaking from the authorised signatory of bidder having the power of Attorney alongwith the bid stating the bidder meets the mandatory minimum LC requirement and such undertaking shall become a part of the contract.

In cases of procurement for a value in excess of Rs 10 crores, the undertaking submitted by the bidder shall be supported by a certificate from the statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practising chartered accountant (in respect of other than companies) giving the percentage of local content.

However, in case of foreign bidder, certificate from the statutory auditor or cost auditor of their own office or subsidiary in India giving the percentage of local content is also acceptable. In case office or subsidiary in India does not exist or Indian office/ subsidiary is not required to appoint statutory auditor or cost auditor, certificate from practising cost accountant or practising chartered accountant giving the percentage of local content is also acceptable.

(ii) After Contract Award

The bidder shall submit an undertaking from the authorised signatory of bidder having the power of Attorney alongwith the bid stating the bidder meets the mandatory minimum LC requirement and such undertaking shall become a part of the contract.

In cases of procurement for a value in excess of Rs 10 crores, the undertaking submitted by the bidder shall be supported by a certificate from the statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practising chartered accountant (in respect of other than companies) giving the percentage of local content.

However, in case of foreign bidder, certificate from the statutory auditor or cost auditor of their own office or subsidiary in India giving the percentage of local content is also acceptable. In case office or subsidiary in India does not exist or Indian office/ subsidiary is not required to appoint statutory auditor or cost auditor, certificate from practising cost accountant or practising chartered accountant giving the percentage of local content is also acceptable.

2. 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.

3. 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.

4. 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.

5. The Procuring Company shall also have the authority to audit as well as witness production processes to certify the achievement of the requisite local content.

5.0 In case of imported items, the successful bidder shall submit "Certificate of Origin" issued only by "Chambers of Commerce" along with the shipping document.

#### **6.0 TAX RESIDENCY CERTIFICATE CLAUSE:**

1. In accordance with Income Tax Act, 1961 Foreign bidders shall undertake in their Technical bid that in the event of placement of order on them, they shall submit below documents within 15 days from the date of issue of Purchase order. The documents are required to be furnished by OIL to Income Tax Department for complying with the requirements for making remittances to non-residents as per Income Tax Act, 1961 (as amended from time to time):

(a) Tax Residency Certificate (TRC)

(b) Form No. 10 F

(c) No Business Connection or Permanent Establishment Certificate

2. Payment to Foreign supplier shall be released only after receipt of the above documents. Any delay in submission of Tax Residency Certificate (TRC), Form No. 10 F (Annexure -1) and/or PE certificate (Annexure -2) within specified time may lead to the Income Tax Department directing

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OIL to deduct tax at a higher rate than at which it may otherwise have directed. Such increased tax liability shall be recovered from the Foreign Supplier.

3. In addition to above particulars, the Foreign supplier should also provide any other information as may be required later for determining the taxability of the amount to be remitted to the nonresident. Further, the foreign supplier shall be liable to intimate the subsequent changes (if any) to the information submitted against any of the above particulars, along with full details.

**7.0 TAX COLLECTIBLE AT SOURCE (TCS):**

Tax Collectible at Source (TCS) applicable under the Income-tax Law and charged by the SUPPLIER shall also be payable by OIL along with consideration for procurement of goods/ materials/ equipment. If TCS is collected by the SUPPLIER, a TCS certificate in prescribed Form shall be issued by the SUPPLIER to OIL within the statutory time limit.

Payment towards applicable TCS u/s 206C (IH) of Income Tax Act, 1961 will be made to the supplier provided they are claiming it in their invoice and on submission of following undertaking along with the invoice stating that:

- a. TCS is applicable on supply of goods invoiced to OIL as turnover of the supplier in previous year was more than Rs. 10 Cr. and
- b. Total supply of goods to OIL in FY ##. (As applicable) exceeds Rs. 50 Lakh and
- c. TCS as charged in the invoice has already been deposited (duly indicating the details such as challan No. and date) or would be deposited with Exchequer on or before the due date and
- d. TCS certificate as provided in the Income Tax Act will be issued to OIL in time.

However, Performance Security deposit will be released only after the TCS certificate for the amount of tax collected is provided to OIL. Supplier will extend the performance bank guarantee (PBG), wherever required, till the receipt of TCS certificate or else the same will be forfeited to the extent of amount of TCS, if all other conditions of Purchase order are fulfilled.

The above payment condition is applicable only for release of TCS amount charged by supplier u/s 206C (I H) of Income tax Act, 1961.

8.0 Integrity Pact is applicable against this tender. OIL shall be entering into an Integrity Pact with the bidders as per format enclosed vide Annexure IP of the tender document. This Integrity Pact pro forma has been duly signed by OIL's competent signatory. The pro forma has to be uploaded by the bidder (along with the technical bid) duly signed by the same signatory who signed the bid, i.e., who is duly authorized to sign the bid. The names of the OIL's Independent External Monitors at present are as under:

- a) Shri Sutanu Behuria, IAS (Retd.), E-mail: sutanu2911@gmail.com
- b) Shri Jagmohan Garg, Ex-Vigilance Commissioner, CVC E-mail: jagmohan.garg@gmail.com
- c) Shri Rudhra Gangadharan, IAS (Retd.), Ex-Secretary, Ministry of Agriculture E-mail: rudhra.gangadharan@gmail.com

9.0 **Delivery requirement:** As soon as possible

**BID REJECTION CRITERIA (BRC) / BID EVALUATION CRITERIA (BEC) For OIL FIELD CHEMICALS**

Other terms and conditions of the enquiry shall be as per General Terms and Conditions for Procurement/E-Procurement of Indigenous/Global Tenders. However, if any of the Clauses of the Bid Rejection Criteria / Bid Evaluation Criteria (BRC / BEC) contradict the Clauses of the General Terms and Conditions elsewhere, those in the BRC / BEC shall prevail.

<u>Criteria</u>	<b>Complied / Not Complied. (Remarks if any)</b>
<p><b>I. BID REJECTION CRITERIA (BRC):</b></p> <p>The following BRC/BEC will govern the evaluation of the bids received against this tender. The bid shall conform to the technical specifications and terms and conditions of NIT. Bids that do not comply with technical specifications, commercial terms and stipulated in tender in to will be treated as non-responsive and such bids shall prima-facie be rejected. Bid evaluation will be done only for those bids that pass through the “Bid Rejection Criteria” as stipulated in this document.</p> <p><b>A) TECHNICAL:</b></p> <p><b>1. <u>BIDDER’S ELIGIBILITY:</u></b></p> <p><b>1.1 The bidder shall be an Original Product Manufacturer (Principal) of the tender item(s).</b> <b>Or</b></p> <p><b>1.2 The bidder shall be an authorized dealer/ authorized distributor/ authorized supplier of an Original Product Manufacturer of the tender item(s).</b></p> <p><b>2. <u>IN CASE THE BIDDER IS AN ORIGINAL PRODUCT MANUFACTURER (PRINCIPAL) OF THE TENDERED ITEM(S):</u></b></p> <p>The bidder shall comply with the following clauses</p> <p><b>2.1</b> The Original Product Manufacturer shall have manufacturing experience in previous 5 (five) years to be reckoned from the original stipulated bid closing date of the tender.</p> <p><b>2.2</b> In addition to above point, the bidder must have supply experiences towards execution of at least one order of minimum 50% of tendered quantity (rounded off to the next higher integer) against a single order in last 5 years to various E&amp;P Companies or as a service provider to E&amp; P companies preceding to the original bid closing date of the tender.</p> <p>In this regard, the bidder shall submit <b>any one</b> or <b>in combination of the following set of documents</b> in their technical bid as per NIT requirement, wherever asked for.</p>	

- (i) Copy of purchase order along with invoice copy  
OR
- (ii) Copy of Purchase order along with bill of lading  
OR
- (iii) Copy of Purchase order along with satisfactory Completion certificate from client  
OR
- (iv) Copy of purchase order along with delivery challan along with Invoice Copy(ies)  
OR
- (v) Copy of purchase order along with any other documents which shall prove that the bidder has successfully executed such order(s)

**3. IN CASE, THE BIDDER IS AN AUTHORIZED DEALER/ AUTHORIZED DISTRIBUTOR / AUTHORIZED SUPPLIER OF ORIGINAL CHEMICAL MANUFACTURER;**

The bidder shall fulfill the following clauses

- 3.1 The bidder's Original Product Manufacturer (Principal) shall have manufacturing experience in previous 5 (five) years to be reckoned from the original stipulated bid closing date of the tender.
- 3.2 Additionally, the bidder (authorized dealer/supplier/distributor) of the original product manufacturer (Principal) shall fulfill the experience criteria of successful execution of minimum 50% of tendered quantity (to be rounded off to the next higher integer) against a single order in last FIVE (5) years preceding the original bid closing date of the tender.

In this regard, the bidder shall submit **any one or in combination of the following set of documents** in their technical bid as per NIT requirement, wherever asked for.

- (i) Copy of purchase order along with invoice copy  
OR
- (ii) Copy of Purchase order along with bill of lading  
OR
- (iii) Copy of Purchase order along with satisfactory Completion certificate from client  
OR
- (iv) Copy of purchase order along with delivery challan along with invoice copy (copies)  
OR
- (v) Copy of purchase order along with any other documents which shall prove that the bidder has successfully executed such purchase order(s).

- 3.3 The bidder shall submit valid **Authorization Certificate/Letter** issued by its Original Product Manufacturer (Principal), confirming the Bidder's status as their authorized supplier / dealer / distributor to sell their products with proper warranty and guarantee back -up. Such authorization certificate/ letter shall be valid for the entire period of execution of the order.

In case the bidder fails to provide the authorization letter /certificate from its product manufacturer, the bidder must submit **Quality Assurance Certificate** mentioning that the offered product will be of same or higher quality / standard of the tender sample submitted along with the bid in the event of bulk supply against order.

Failing to submit **Authorization certificate/letter or Quality assurance certificate** on the part of the bidder along with their bid, the offer of the bidder will be rejected straightway.

**NOTES TO BIDDER:**

a. Authorization certificate/letter issued by the Original product manufacturer (Principal) shall clearly mention whether the bidder is an “authorized dealer or authorized distributor or authorized supplier of the original Product Manufacturer (Principal)”.

b. Authorization letter without clearly mentioning ‘authorized dealer’ or ‘authorized distributor’ or ‘authorized supplier’ of Original Product Manufacturer will not be considered for bid evaluation and in that case the offer shall be rejected straightway.

c. Authorization letter issued by the Original Product Manufacture in any other form such as Direct Chanel Partner/ Indirect Chanel Partner/ Chanel Partner/ Seller/ Reseller/ Sub Dealer/ Sub Distributor/ Sister Concern of the tendered item(s) shall not be considered for bid evaluation and the offer shall be rejected.

d. In case the bidder is a subsidiary company of the parent (Principal) company, the bidder shall also upload/submit the documents such as board resolution certificate / legal certificate along with their offer that would establish the relation between the parent company with the subsidiary company without which the bid will not be evaluated and will be rejected straightway.

4. Bidders whose products have been successfully field tried extensively in OIL’s operational area are exempted from meeting the experience criteria mentioned in BRC clause 2.1, clause 2.2, clause 3.1 & clause 3.2 provided they offer the same brand of product from the same manufacturer. However, the party must categorically furnish the Purchase Orders of OIL against which they have successfully supplied the tendered item to OIL.

5. Supply experience executed by the bidder to its sister concern/ subsidiary shall not be considered as experience for the purpose of meeting experience criteria of BRC.

6. Authorization letter issued to the bidder by anybody except Original Product Manufacturer (Principal) shall not be considered as valid authorization letter and in such case the bid will be rejected.

7. The bidder shall submit tender samples of the product in triplicate (i.e. 3 samples each of quantity ½ kg or ½ liter) along with the bid. Submission of three (3) nos. of tender samples is mandatory for each bidder including those who were earlier exempted from submission of tender samples. All the exemption letters issued by OIL in this regard stand withdrawn. Hence all the bidders are to ensure strict compliance of the above.

Hence all the bidders are to ensure strict compliance to the above or else the offer will be rejected straightway.

#### **DD. SPECIAL NOTES**

1. In case the bidder is not a manufacturer, the bidder shall confirm the name of its manufacturer.
2. The material should be supplied in the original packing of the manufacturer with markings as specified in the tender.
3. Bidder shall confirm shelf life as per NIT requirement, wherever asked for. Any supply without shelf life or shelf life less than the NIT requirement shall be rejected.
4. Considering the nature of the items, if the product offered by the lowest acceptable bidder is not field proven in OIL, purchaser at its discretion may place a trial order to the extent of 25% (maximum) only for field trial and vendor development separately at their quoted rates and entire tendered quantity will be procured from other competitive bidders whose product has been field proven in OIL.

#### **B) FINANCIAL:**

##### **FINANCIAL EVALUATION CRITERIA FOR GLOBAL TENDERS (ICB):**

1.0 Annual Financial Turnover of the bidder during **any of preceding three financial/accounting years from the original bid closing date** should be at least **INR 2,48,75,125.00 or USD 335923.36**.

1.1 **Net worth** of bidder must be positive for preceding financial/ accounting year.

2.0 Considering the time required for preparation of Financial Statements, if the last date of preceding financial / accounting year falls within the preceding six months reckoned from the original bid closing date and the Financial Statements of the preceding financial / accounting year are not available with the bidder, then the financial turnover of the previous three financial / accounting years excluding the preceding financial / accounting year will be considered. In such cases, the Net worth of the previous financial / accounting year excluding the preceding financial / accounting year will be considered. However, the bidder has to submit an affidavit/undertaking certifying that the balance sheet/Financial Statements for the financial year **2020-21** (as the case may be) has actually not been audited as on the bid closing date as per the attached format vide Annexure-X.

##### **Notes:**

a) For proof of Annual Turnover & Net worth any one of the following documents must be submitted along with the bid: -

i) A certificate issued by a practicing Chartered/Cost Accountant (with Membership Number and Firm Registration Number), certifying the Annual turnover & Net worth as per format prescribed in Annexure-A.

OR

ii) Audited Balance Sheet along with Profit & Loss account. In case of foreign bidders, self-attested/digitally signed printed published accounts are also acceptable.

b) In case the bidder is a Central Govt. Organization/PSU/State Govt. Organization/Semi-State Govt. Organization or any other Central/State Govt. Undertaking, where the auditor is appointed only after the approval of Comptroller and Auditor General of India and the Central Government, their certificates may be accepted even though FRN is not available. However, bidder to provide documentary evidence for the same.

3.0 In case the Audited Balance sheet and Profit Loss Account submitted along with the bid are in currencies other than INR or US\$, the bidder shall have to convert the figures in equivalent INR or US\$ considering the prevailing conversion rate on the date on which the Audited Balance Sheet and Profit & Loss Account is signed. A CA Certificate is to be submitted by the bidder regarding converted figures in equivalent INR or US\$.

4.0 In case the Bidder is subsidiary company (should be 100% owned subsidiary of the parent/ultimate parent/holding company) who does not meet financial criteria by itself and submits its bid based on the strength of parent/ultimate parent/holding company, then following documents need to be submitted.

i) Turnover of the parent/ultimate parent/ holding company should be in line with Para 1.0 above.

ii) Net Worth of the parent/ultimate parent/holding company should be positive in line with Para 2.0 above.

iii) Corporate Guarantee (as per Annexure-XX) on parent/ ultimate parent/ holding company's company letter head signed by an authorized official undertaking that they would financially support their wholly owned subsidiary company for executing the project/job in case the same is awarded to them.

iv) Document of subsidiary company being 100% owned subsidiary of the parent/ultimate parent/holding company.

### **C) COMMERCIAL:**

1.0 The following points are deemed as "non-negotiable" and offer shall be rejected straightaway without seeking clarification in case of the following:

i. Validity of bid shorter than validity indicated in the tender.

ii. Original Bid Security (if applicable) not received within the stipulated date and time mentioned in the tender.

iii. Bid security (if applicable) with (i) Validity shorter than the validity indicated in tender and/or (ii) Bid Security amount lesser than the amount indicated in the tender.

iv. In case the party refuses to sign the Integrity Pact (if applicable).

**II. BID EVALUATION CRITERIA (BEC):**

Bids that do not comply with technical specifications, commercial terms and stipulated in tender and BRC clause in toto will be treated as non-responsive and in such case the bids will not be evaluated further. However, the bids complying to the technical specifications, terms and conditions and all the applicable clauses stipulated in the tender will be considered as responsive and such bids will be shortlisted for further evaluation as per the following Bid Evaluation Criteria:

**A) TECHNICAL:**

1. The tender sample will be tested in OIL's laboratory as per tender specification and the acceptance/ rejection of the tender sample will be decided on the basis of OIL's laboratory test report only.
2. Bidder shall submit a copy of Material Safety Data Sheet of the quoted product along with the bid else the offer will not be evaluated.