



OIL INDIA LIMITED
(A Government of India Enterprises)
4, India Exchange Place
Kolkata -1

TELEPHONE NO. (033) 22301657
FAX NO: (033) 22302596
Email: kolpur1@oilindia.in

FORWARDING LETTER

Tender No & Date : **SKI2485P17** **Date: 15.09.2016**

Tender Fee : **Rs 1,000.00**

Bid Security Amount : **Rs 40,500.00**

Bidding Type : **Single Stage Two Bid**

Bid Closing on : As mentioned in the Basic Data of e-portal

Bid Opening on : As mentioned in the Basic Data of e-portal

Performance Guarantee : Applicable

Integrity Pact : Not Applicable

Delivery Required : **At DULIAJAN, ASSAM**

OIL invites Bids for **AQUEOUS FILM FORMING FOAM (AFFF) COMPOUND** as per **Annexure II** through its E-Procurement site. The bidding documents and other terms and conditions are available at Booklet No. MM/CALCUTTA/E-01/2010. The prescribed Bid Forms for submission of bids are available in the Technical RFx -> External Area -> Tender Documents.

The general details of tender can be viewed by opening the RFx [Tender] under RFx and Auctions. The details of items tendered can be found in the Item Data and details uploaded under **Technical RFX**.

The tender is invited with firm price for the specified quantity. Further details of tender are given below:-

1. Details of Items with Quantity and Unit of measure are as under:

SLNO & MATERIAL CODE NO.	MATERIAL DESCRIPTION.	QUANTITY	UNIT
10 ----- 99000210	AQUEOUS FILM FORMING FOAM(AFFF) COMPOUND	30,000	L

The tender will be governed by:

- a) "General Terms & Conditions" for e-Procurement as per Booklet NO. MM/CALCUTTA/E-01/2016 for E-procurement (LCB Tenders).
- b) Technical specifications with BEC/BRC and Qty. as per **ANNEXURE II** .
- c) The prescribed Bid Forms for submission of bids are available in the Technical RFx -> External Area - > Tender Documents.
- d) Any sum of money due and payable to the contractor (including Security Deposit refundable to them) under this or any other contract may be appropriated by Oil India Limited and set-off against any claim of Oil India Limited (or such other person or persons contracting through Oil India Limited) for payment of sum of money arising out of this contract or under any other contract made by the contractor with Oil India Limited (or such other person or persons contracting through Oil India Limited).
- e) Bidder are advised to fill up the Technical bid **CHECK LIST** and **RESPONSE SHEET** given in MS excel format in Technical RFx -> External Area - > Tender Documents. The above filled up document to be uploaded in the **Technical RFX** Response.

Special Note:

- 1.0 Vendors having OIL's User ID & password may pay Tender Fee on-line through OIL's electronic Payment Gateway upto one week prior to the Bid closing date (or as amended in e-portal).

Vendors who do not have OIL's User ID & password, may generate User ID & password online by the Vendor by using the link for supplier enlistment given in OIL's e-tender portal and then pay Tender Fee on-line through OIL's electronic Payment Gateway upto one week prior to the Bid closing date (or as amended in e-portal).

Alternatively application showing full address/email address with Tender Fee (Non-refundable) of Rs. 1,000.00 in the form of crossed "Payee Account only "Bank Draft/Bankers' Cheque drawn by Bank and valid for 90 days from the date of issue of the same or in the form of Indian Postal Orders payable to the OIL is to be sent to DGM-Calcutta Branch, Oil India Limited, 4, India Exchange Place, Kolkata - 700 001. Application shall be accepted only upto one week prior to the Bid closing date (or as amended in e-portal). The envelope containing the application for participation should clearly indicate "REQUEST FOR ISSUE OF USER ID AND PASSWORD FOR E TENDER NO" for easy identification and timely issue of user ID and password. On receipt of requisite tender fee, USER_ID and initial PASSWORD will be communicated to the bidder (through e-mail) and will be allowed to participate in the tender through OIL's e-Procurement portal. No physical tender documents will be provided. Details of NIT can be

viewed using "Guest Login" provided in the e-Procurement portal. The link to e-Procurement portal has been also provided through OIL's web site www.oil-india.com.

For exemption for tender fee, please refer Clause No. 3.3 (Section A) of "General Terms & Conditions" for e-Procurement as per Booklet No. MM/CALCUTTA/E-01/2016 for E-procurement (LCB Tenders).

- 2.0 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 **DGM- Calcutta Branch, Oil India Limited, 4, India Exchange Place, Kolkata – 700 001** only on or before the Bid Closing Date and Time mentioned in the Tender.
 - a) Original Bid Security except online payment.
 - b) Detailed Catalogue (if any)
 - c) Any other document required to be submitted in original as per tender requirementAll documents submitted in physical form should be signed on all pages by the authorised signatory of the bidder and to be submitted in triplicate
- 4.0 Bidders are requested to examine all instructions, forms, terms and specifications in the bid. Failure to furnish all information required as per the NIT or submission of offers not substantially responsive to the bid in every respect will be at the bidders risk and may result in rejection of its offer without seeking any clarifications.
- 5.0 All the Bids must be Digitally Signed using "Class 3" digital certificate (e-commerce application) with organisation name as per Indian IT Act obtained from the licensed Certifying Authorities operating under the Root Certifying Authority of India (RCAI), Controller of Certifying Authorities (CCA) of India.
- 6.0 Bidders must ensure that their bid is uploaded in the system before the tender closing date and time. Also, they must ensure that above documents which are to be submitted in a sealed envelope are also submitted at the above mentioned address before the bid closing date and time failing which the offer shall be rejected.
- 7.0 Bid must be submitted electronically only through OIL's e-procurement portal. Bid submitted in any other form will be rejected.
- 8.0 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 in toto must be received on or before the deadline given by the company, failing which the offer will be summarily rejected.
9. For technical support on various matters viz. Online registration of vendors, Resetting of Passwords, submission of online bids etc, vendors should contact OIL's ERP MM Deptt at following: Tel Nos = 0374-2807178, 0374-2807171 , 0374-2807192. Email id = erp_mm@oilindia.in
10. Please do refer the User Manual provided on the portal on the procedure How to create Response for submitting offer.

NOTE:

1. Bidders should submit their bids explicitly mentioning compliance / non compliance to all the NIT terms and conditions.

2. The tender is invited under SINGLE STAGE-TWO BID SYSTEM. Bidders shall quote accordingly under Single Stage Two Bid System. The bidder has to submit both the "TECHNO-COMMERCIAL UNPRICED BID" and "PRICED BID" bid through electronic form in the OIL's e-Tender portal within the Bid Closing Date and Time stipulated in the e-Tender.

2.1 In Technical Bid opening, only Technical Rfx will be opened. Therefore, the bidder should ensure that "TECHNO-COMMERCIAL UNPRICED BID" should contain details as mentioned in the technical specifications as well as BEC/ BRC , techno- commercial details including quantity offered except prices which shall be kept blank and upload the same in the Technical Rfx Response-> User - > Technical Bid. No price should be given in above Technical Rfx otherwise the offer will be rejected. 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. The prices of the items should be quoted as per the format and uploaded as Attachment under the attachment option under "Notes & Attachments". Priced bids of only those bidders will be opened whose offers are found to be techno-commercially acceptable.

Yours Faithfully,

Sd-
(G. C. Sarma)
SMM(P)
For Head-Calcutta Branch



OIL INDIA LIMITED
(A Government of India Enterprise)
4, India Exchange Place, 4th floor,
Kolkata 700001, West Bengal (India)

TELEPHONE NO. (033) 2230 1657 / 58 / 59

FAX NO: (033) 2230 2596

Email : kolpur1@oilindia.in

ANNEXURE-II

Tender No& Date : SKI2485P17 DATED 15.09.2016

OIL INDIA LIMITED invites Indigenous tenders for items detailed below:

TECHNICAL SPECIFICATIONS WITH QUANTITY

SLNO& MATERIAL CODE .	MATERIAL DESCRIPTION.	QUANTITY	UNIT
10 ----- 99000210	<u>AQUEOUS FILM FORMING FOAM(AFFF) COMPOUND</u>	30,000	L

Details Specification for Item 10:-

Aqueous Film Forming Foam(AFFF) compound for Fire Service, Duliajan, Moran.

1 TECHNICAL:

1.1 Aqueous Film Forming Foam (AFFF) liquid concentrates to be used for fighting fires on hydrocarbon fuels.

1.2 The foam concentrates shall be Type – 3: To be used as 3 parts of concentrate in 97 parts of water v/v.

1.3 The AFFF concentrates shall be suitable for use in foam generating equipment with fresh water and sea water with no loss in its performance.

1.4 In addition to being suitable for use at low expansion, the AFFF foam concentrate shall have film formation characteristics and allow it to be used through non-aspirating monitors.

1.5 The produced foam shall essentially have a quick control time, good burn-back resistance, effective vapour sealing properties and low critical application rates.

1.6 The AFFF concentrate shall conform to IS: 4989 latest revision & marked with IS: 4989. Copy of IS certificate should be submitted along with offer.

1.7 The AFFF foam concentrate shall be UL (underwriters Laboratories) listed conforming to UL-162.

1.8 The bidder shall submit the UL Listing confirming that the offered AFFF foam should be compatibility approved with following UL Listed equipment:-

1.8.1 Proportioners - Portable IN-Line Inductors

1.8.2 Nozzles

1.8.3 Foam Monitors

1.9 The material shall have no adverse effect on health of personnel when used for the intended purpose. It shall be biodegradable. Necessary supporting documents shall be submitted along with offer.

2 AFFF CONCENTRATE CHARACTERISTICS:

2.1 The concentrate shall conform to the physical properties, chemical properties & performance requirements as per IS:4989 (latest revision) & UL-162 as follows:

2.1.1 Tests as per IS: 4989:

Foam concentrate shall meet following physical properties, chemical properties & performance tests conforming to IS: 4989(latest revision):

Table - I

Sl. No. Concentrate requirements Values Test Method as per IS:4989 latest amendment

(1) (2) (3) (4)

i) pH 6.5 - 8.5 Annex. A of IS: 4989

ii) Specific gravity 1.0 – 1.12 Annex. B of IS: 4989

iii) Miscibility with water Miscible (shall pass the test) Annex. C of IS:4989

iv) Viscosity 10 cSt. Max Using viscosity meter of size no. 3, as given in table 2 of IS 1206 (Part 3)

v) Pour point Zero Annex. D of IS: 4989

vi) Sludge content (% w/w) max. Original 0.25

Conditioned 0.5 Annex. E of IS: 4989

vii) Spreading co-efficient +4.5 Minimum (using both fresh & sea water) Annex. F of IS: 4989

(Minimum value shall be min. + 4.5 conforming to OISD-115 instead of +3.0 as given in IS: 4989)

viii) Film Formation Yes Annex. H of IS: 4989

ix) Expansion at $27 \pm 5^\circ\text{C}$ 8 to 12 Annex. J of IS: 4989

x) 25% Drainage time at $27 \pm 5^\circ\text{C}$, (min.) 1 min, 30 Sec. Annex. J of IS: 4989

xi) Fire control(s) 60 Sec. Annex. K of IS:4989

xii) Fire extinction(s) 90 Sec. Annex. K of IS:4989

xiii) Burn back, Min. 8 Mins. Annex. K of IS: 4989

xiv) Seal ability To pass the test Annex. K of IS: 4989

2.1.2 Tests as per UL-162:

Foam concentrate shall meet following performance tests conforming to UL-162:

Table –II:

S.No. Test UL-162 Clause

i) Film Forming Test Clause No. 6

ii) Foam Quality Tests Clause No. 8

iii) Class B Fire Tests Sprinklers and Spray Nozzles Clause No. 9

iv) Class B Fire Tests – Topside Discharge Devices Clause No. 10

v) Induction Rate Tests Clause No. 12

vi) Minimum Storage Temperature Test Clause No. 13

2.1.3 In addition to tests as given in the table –II, Foam concentrate shall meet following special fire equipment tests as per UL-162:

Table –III:

S.No. Test UL-162 Clause

- i) Drainage time with non-aspirating type monitors of minimum 500 GPM capacity. Clause No. 8.1.1(a)
- ii) Foam Expansion with non-aspirating type monitors of minimum 500 GPM capacities. Clause No. 8.1.1(b)

2.1.4 Non-metallic Storage container for foam concentrate shall meet following tests
Conforming to UL-162:

Table –IV:

S.No. Test UL-162 Clause

- i) Drop Test Clause No. 21
- ii) Non-metallic Container Tests (OIL shall review the test documents) Clause No. 22

3 PACKAGING:

3.1 The AFFF Compound shall be supplied in UV protected HDPE containers of capacity preferably 30/200 liters.

3.2 25% AFFF Compound should be supplied in 30 Litres Jerry cans and Remaining 75% in 200 Litres HDPE Drum.

3.3 The container shall bear UL (UL-162) & BIS (IS: 7959) marking. The bidder shall provide UL & IS certificate for the container along with the offer.

3.4 Each container shall be legibly and indelibly marked with the following information along with other marking as per UL & IS:

- a) UL marking for AFFF and BIS certification marking.
- b) Manufacturer's name or trade mark, if any
- c) Type
- d) Foam compatible with: Fresh Water & Sea Water
- e) Quantity in liters
- f) Month and year of manufacture and production batch no
- g) Net and gross weight in kg

3.5 Opening spanners (Min. 2) for opening the HDPE containers both type i.e. Jerry cans & HDPE Drums (Each type) shall be supplied along with the supply.

4 UNDERTAKING:

4.1 The offered AFFF shall have a shelf life of minimum 15 years.

5 INSPECTION NOTE:

1.1 5.1 Inspection will be carried out at Supplier's Works before dispatch by OIL's representative in presence of any one of OIL approved "Third Party Inspection Agency" viz. M/s Bureau VERITAS/ IRS/ LRIS/ RITES/ DNV / Tuboscope Vetco.

1.2 Vendor shall inform in advance when the foam is ready for final inspection/testing.

1.3 Scope of Inspection shall be as per Table-I, Table-II, Table-III & Table-IV of the specification.

1.4 The vendor shall arrange for conducting following tests on samples randomly drawn from dispatch ready lot of the ordered foam for ensuring quality of the foam/containers being supplied at no extra cost to OIL:

- 1.4.1 Physical properties, chemical properties & performance tests for foam concentrate conforming to IS: 4989(latest revision) as mentioned in table-I.
- 1.4.2 Performance tests for foam concentrate conforming to UL-162 as mentioned in table-II.
- 1.4.3 Additional test for foam concentrate with non-aspirating type monitor as mentioned in table-III.
- 1.4.4 Tests for non-metallic container as mentioned in table-IV. Reports of the Non-metallic container test as per clause 22 of UL-162 shall be reviewed during inspection.

1.5 Five filled containers of foam shall be set aside from each "lot of the supply" and the same shall be sealed in presence of a manufacturer representative & OIL's representative at the time of inspection. These samples shall be termed as "control samples". OIL in its discretion may send the control samples for testing to any of the following laboratories:

- 1.5.1 Centre for Fire, Explosive and Environment Safety (CFEES) of Defense Research & Development Organization
- 1.5.2 Fire Test & research Laboratory of Institute of Fire Engineers, India or
- 1.5.3 Any NABL accredited laboratory approved for testing of the foam.
- 1.5.4 In case of control sample fails in test, the vendor shall replace all unspent AFFF concentrate supplied under the purchase order at no cost to OIL.

2 Documents:

- 2.1 The percentage of imported material i.e. quantity of fluorocarbon surfactant / super concentrate to be used in manufacturing of AFFF compound shall declared by the bidder in the offer.
- 2.2 The bidder shall submit the spectra conformity graph evaluated by UL for his product during UL Listing along with offer.
- 2.3 The bidder shall submit the UL Listing confirming that the offered foam should be compatibility approved with following UL Listed equipment:-
 - 2.3.1 Proportioners - Portable IN-Line Inductors
 - 2.3.2 Nozzles
 - 2.3.3 Foam Monitors
- 2.4 Bidder should confirm that they are having all the testing facilities at their premises for carrying out all the tests mentioned in the specification.
- 2.5 Bidder should submit all valid certificates for calibration of required instrument/ equipment at the time of inspection.
- 2.6 Material Safety Data Sheet (MSDS) shall be supplied along with supply.
- 2.7 The sample from the supply may be send for verification of "spectra conformity graph" to any approved source / laboratory available in India like IIT, DRDO etc. where such facility exists for verification.

3. Testing Facilities:

- 3.1 The vendor shall have test facilities as per IS and UL requirement to carry out physical & chemical properties and performance tests as specified in table-I, Table-II & Table-IV in its premises.

BID REJECTION CRITERIA (BRC):

The bids shall conform generally to the specifications and terms as well as conditions laid out in the tender. Bids will be rejected in case the items offered do not conform to the required parameters stipulated in the technical specifications and to the respective international/national standards wherever stipulated. Notwithstanding the general conformity of the bids to the stipulated specifications and terms and conditions, the following requirements will have to be met by the

bids, without which, the same shall be considered as non-responsive and stand rejected.

A TECHNICAL

1. Bid should be complete in all aspect covering the entire scope of supply and should conform to the technical specifications indicated in the bid documents duly supported with technical catalogues / literatures wherever required. Incomplete and non-conforming bids will be rejected outright.

2. The bidder should have the experience of successful execution of supply of at least 1 (one) order of value not less than **Rs. 10.11 lakhs** (supply of AFFF Compound) in the **last 5 (five) years** preceding to Bid Closing date of this Tender.

Copy of purchase Orders and Proof of Supply/ Performance Report shall be submitted along with bid.

3. The bidder should have the manufacturing facility and adequate testing /quality assurance facility of Foam Compound

The list of the necessary machinery / Equipment for manufacturing & testing of Foam Compound shall be submitted along with bid.

4. The Bidder shall be in the business of manufacturing of Foam Compound for last 5 (Five) years preceding to the Bid Closing date of this Tender.

4.1 Copy of "Certificate of Incorporation" and "NSIC or equivalent Certificate specifying the nature of business of the firm shall be furnished along with the bid.

4.2 The copy of valid UL listing certificate shall be submitted along with bid.

4.3 The copy of valid ISI certificate shall be submitted along with bid.

4.4 The bidder should submit the order book (list of completed orders) for last five years mentioning following details :

4.4.1 Purchase Order No.

4.4.2 Purchase Order Date

4.4.3 Organization

4.4.4 Quantity

4.4.5 Supply Date

B) FINANCIAL:

- 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 **Rs 10.11 lacs**.

- 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..... (as the case may be) has actually not been audited so far'.

Note: For proof of Annual Turnover & Net worth any one of the following document 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**.

OR

- ii) Audited Balance Sheet along with Profit & Loss account."

C) COMMERCIAL:

1.0 Bids are invited under **Single Stage Two Bid** System. Bidders shall quote accordingly under Single Stage Two Bid System. **Please note that no price details should be furnished in the Technical (i.e. Unpriced) bid.** The "Unpriced Bid" shall contain all techno-commercial details except the prices, which shall be kept blank. The "Price Bid" must contain the price schedule and the bidder's commercial terms and conditions. Bidder not complying with above submission procedure will be rejected.

2.0 Bid security of Rs. 40,500.00 shall be furnished as a part of the TECHNICAL BID (refer Clause No. 8.0 (Section A) of "General Terms & Conditions" for e-Procurement as per Booklet No. MM/CALCUTTA/E-01/2016 for E-procurement (LCB Tenders)). A bid shall be rejected straightway if Original Bid Security is not received within the stipulated date & time mentioned in the Tender and/or if the Bid Security validity is shorter than the validity indicated in Tender and/or if the Bid Security amount is lesser than the amount indicated in the Tender.

2.1 For exemption for submission of Bid Security, please refer Clause No. 8.16 (Section A) of "General Terms & Conditions" for e-Procurement as per Booklet No. MM/CALCUTTA/E-01/2016 for E-procurement (LCB Tenders).

2.2 The Bank Guarantee towards Bid Security shall be valid **upto 20.07.2017.**

3.0 Successful bidder will be required to furnish a Performance Bank Guarantee @10% of the order value. The Performance Bank Guarantee must be valid for a period of 18 months from the date of despatch or twelve(12) months from the date of receipt of the items at site, whichever is earlier. Bidder must confirm the same in their Technical Bid. Offers not complying with this clause will be rejected.

4.0 Bidders must confirm that Goods, materials or plant(s) to be supplied shall be new of recent make and of the best quality and workmanship and shall be

guaranteed for a period of 18 months from the date of despatch or twelve(12) months from the date of receipt of the items at site, whichever is earlier against any defects arising from faulty materials, workmanship or design. Defective goods/materials or parts rejected by OIL shall be replaced immediately by the supplier at the supplier's expenses at no extra cost to OIL.

5.0 The prices offered will have to be firm through delivery and not subject to variation on any account. A bid submitted with an adjustable price will be treated as non-responsive and rejected.

6.0 Validity of the bid shall be minimum 120 days from the Bid Closing Date. Bids with lesser validity will be rejected.

7.0 Bids received after the bid closing date and time will be rejected. Similarly, modifications to bids received after the bid closing date & time will not be considered.

8.0 Bids containing incorrect statement will be rejected.

9.0 No offers should be sent by Telex, Cable, E-mail or Fax. Such offers will not be accepted.

10.0 All the Bids must be Digitally Signed using "Class 3" digital certificate (e-commerce application) with Bidder's organization name as per Indian IT Act obtained from the licensed Certifying Authorities operating under the Root Certifying Authority of India (RCAI), Controller of Certifying Authorities (CCA) of India. The bid signed using other than "Class 3" digital certificate with Bidder's organization name, will be rejected.

11.0 Bidders are required to submit the summary of the prices in their Commercial (Priced) bids as per bid format (Summary), given below :

Sl. No.	Item	Rupees
(A)	Total material cost	
(B)	Packing and Forwarding Charges	
(C)	Total Ex-works value, (A+B)	
(D)	Excise Duty <u>including</u> Cess	
(E)	Sales Tax, (Please indicate applicable rate of Tax)	
(F)	Total FOR Despatching station price, (C+D+E)	
(G)	Road Transportation charges to Duliajan	

(H)	Insurance Charges @0.5% of Total For Despatching Station Value (H) above	
(I)	Assam Entry Tax (wherever applicable)	
(J)	Total FOR Duliajan value, (F+G+H+I)	
(H)	TOTAL VALUE (I+J)	
Total value in words : Rupees		

II) BID EVALUATION CRITERIA

The bids conforming to the specifications, terms and conditions stipulated in the enquiry and considered to be responsive after subjecting to the Bid Rejection Criteria will be considered for further evaluation as per the Bid Evaluation Criteria mentioned below:

1.0 The evaluation of bids will be done as per the Price Schedule (SUMMARY) detailed vide **Para 11.0** of Bid Rejection Criteria.

2.0 In the event of computational error between unit price and total price, unit price shall prevail and adopted for evaluation. Similarly, in the event of discrepancy between words and quoted figure, words will prevail.

3.0 To ascertain the inter-se-ranking, the comparison of the responsive bids will be done on TOTAL VALUE basis, subject to corrections / adjustments given herein.

4.0 Purchase Preference, if any will be as per Section B of “General Terms & Conditions” for e- Procurement as per Booklet No. MM/CALCUTTA/E-01/2016 (LCB Tenders).

5.0 In case any of the Clauses of the Bid Rejection Criteria / Bid Evaluation Criteria (BEC / BRC) mentioned here contradict the Clauses in the General Terms & Conditions of the Tender and/or elsewhere, those mentioned in this BEC / BRC shall prevail.

-----XXXX-----