

**OIL INDIA LIMITED**  
**CONTRACTS DEPARTMENT**  
**DULIAJAN**

**AMENDMENT No. 5 Dated 13.07.2024 To TENDER No. GEM/2024/B/4926621**

A. This amendment against Tender No. GEM/2024/B/4926621 is issued as under:

<b>Sl. No.</b>	<b>Clause no.</b>	<b>Original Clause</b>	<b>Amended Clause</b>	<b>Remarks</b>
1.	BID EVALUATION CRITERIA, Clause 1.2	<p><b>EXPERIENCE:</b> The bidder must have experience in successfully executing/completing ‘SIMILAR WORK’ (s) in previous 07 (Seven) years to be reckoned from the original bid closing date as under-</p> <p>1. One ‘SIMILAR’ completed ‘WORK’ costing not less than the amount equal to INR 13.30 Cr.</p> <p style="text-align: center;">OR</p> <p>2. Two ‘SIMILAR’ completed ‘WORK’(s) each costing not less than the amount equal to INR 8.31 Cr.</p> <p style="text-align: center;">OR</p> <p>3. Three ‘SIMILAR’ completed ‘WORK’(s) each costing not less than the amount equal to INR 6.65 Cr.</p>	<p><b>EXPERIENCE:</b> The bidder must have successfully executed/completed ‘SIMILAR WORK’ in the past 07 (Seven) years, reckoned from the original bid closing date, as follows:</p> <p>1. Completion of ONE (01) ‘SIMILAR WORK’ with a cost not less than INR 13.30 Cr <b>or</b> ONE (01) ‘SIMILAR WORK’ of a quantity not less than 288 Kilometres.</p> <p style="text-align: center;">OR</p> <p>2. Completion of TWO (02) ‘SIMILAR WORKS’, each with a cost not less than INR 8.31 Cr <b>or</b> TWO (02) ‘SIMILAR WORKS’ each of a quantity not less than 180 Kilometres.</p> <p style="text-align: center;">OR</p> <p>3. Completion of THREE (03) ‘SIMILAR WORKS’, each with a cost not less than INR 6.65 Cr <b>or</b> THREE (03) ‘SIMILAR WORKS’ each of a quantity not less than 144Kilometres.</p>	Experience criteria can be matched in terms of value or quantity of work executed. This will enable more participation and competition against the tender.
2.	BID EVALUATION CRITERIA, Clause 1.4	Any Bidder, if participated in the tender as Joint Venture, Consortium and through any other arrangement like MOU with another party, such offers shall not be considered for evaluation.	Bidder can be an Incorporated Joint Venture or can quote with the support of Parent/Ultime Parent/Subsidiary Company.	Considering that the Integrity Assessment work is a specialized job, bidding through JV or with support of other companies may encourage more participation.

3.	BID EVALUATION CRITERIA, Clause 1.6	New Clause	<p><b><u>BID FROM JOINT VENTURE COMPANY</u></b></p> <p><b>(a)</b> In case the bidder is Joint Venture Company, they must be registered in India and incorporated under the Companies Act 1956 or Companies Act, 2013 and any amendment thereunder. They should meet the technical qualification requirements as under:</p> <p>(i) The JV on its own shall meet the experience criteria as per <b>BEC Clause No. 1.2.</b></p> <p style="text-align: center;"><b>OR</b></p> <p>(ii) Any member of the JV having a stake of at least 26% in the JV, on its own shall meet experience requirement as per <b>BEC Clause No. 1.2 above.</b></p> <p><b><u>NOTE to 1.6.</u></b></p> <p>I. In case of (ii) above, an undertaking from the Joint Venture partner, based on whose experience the JV seek qualification, shall be submitted with the techno commercial bid stating that they shall maintain minimum <b>26%</b> shareholding in the JV during entire duration of the contract and extension, if any, thereof, failing which bid will be liable for rejection. Similarly, under such a situation the contract shall be liable for termination, if already awarded.</p> <p>II. Experience of the JV or its member (as the case may be) relying on the experience of its supporting company/subsidiary/co-subsidiary/ sister subsidiary /parent/ holding/affiliating/ associate company or through any other arrangement like technical collaborator for meeting the technical criteria shall not be considered for evaluation.</p> <p>III. The documents establishing experience of the JV or its member (as the case may be) shall be submitted as per <b>BEC Clause No. 1.2.</b></p> <p>IV. The documents showing the existing shareholdings of the JV Partners must be submitted.</p> <p><b>(b) <u>CONSTITUTION OF JOINT VENTURE:</u></b> The</p>	JV clause to facilitate bidding through JV.
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			<p>members of the JV should not be more than three. If during evaluation of bid, a JV leader proposes any alterations/changes in the constitution or replacement or inclusion or expulsion of any partner(s)/member(s) of the Joint Venture which had originally submitted the bid, the bid of such a JV shall be liable for rejection. Similarly, under such a situation the contract shall be liable for termination, if already awarded.</p> <p><b>(c)</b> Indian bidders whose proposal for Joint Venture involves foreign equity participation or payment of royalty and / or lump sum for technical know-how and wherever Govt. approval is necessary, are required to submit their application submitted to SIA/RBI along with the bid and copy of Govt. approval prior to the date of price bid opening. Confirmation to this effect and declaration on the same should be provided as part of their technical offer.</p> <p><b>(d)</b> Members of the JV are not allowed to quote separately/independently / or through any other arrangement like part of any other JV/Consortium or Subsidiary/ Parent company/ co subsidiary against this tender. All the bids received in such a case shall be summarily rejected. Further, all bids from parties with technical support from the same Principal shall be rejected.</p>	
4.	BID EVALUATION CRITERIA, Clause 1.7	New Clause	<p><b><u>ELIGIBILITY CRITERIA IN CASE BID IS SUBMITTED ON THE BASIS OF THE TECHNICAL EXPERIENCE OF THE PARENT/SUBSIDIARY COMPANY</u></b></p> <p>i)Offers of those bidders who themselves do not meet the experience criteria as stipulated in clause no. 1.2 above can also be considered provided the bidder is a subsidiary company of the parent company</p>	Bidding with support of Parent/Subsidiary Company allowed to create more competition.

			<p>[supporting company, which holds more than fifty percent of the paid-up equity share capital of the bidder] who fulfils the experience criteria. Similarly, bid from parent company can also be considered on the strength of requisite experience of its subsidiary [supporting company, in which the bidder holds more than fifty percent of the paid-up equity share capital]. However, the parent/subsidiary company (as the case may be) of the bidder should on its own meet the experience as stipulated in the BEC and should not rely for meeting the experience criteria on its sister subsidiary/co-subsidiary company or through any other arrangement like Technical Collaboration agreement.</p> <p>ii) In case of bidder who is a subsidiary company dependent upon the experience of the parent company or vice-versa with a view to ensure commitment and involvement of the parent/subsidiary company (Supporting Company) for successful execution of the contract, the participating bidder should enclose a Parent/Subsidiary Agreement (as per <b>PROFORMA-XVI</b>) between the parent and the subsidiary company or vice-versa and Parent/Subsidiary Guarantee (as per as <b>PROFORMA-XVII</b>) from the parent/subsidiary company to OIL for fulfilling the obligation under the Agreement, along with the technical bid.</p>	
5.	<p>BID EVALUATION CRITERIA, Clause 1.8</p>	<p>New Clause</p>	<p>In the situation mentioned in Clause No. 1.7 above, the supporting company shall not be allowed to submit their separate/independent bid against this tender. In such case, all such bids shall be rejected. Also, all the bids having technical support from the same entity shall be rejected. Further, bidders shall submit following documents in addition to the</p>	

			<p>others documents specified elsewhere:</p> <p>(i) Undertaking by the supporting company to provide additional Performance Security (as per format and instructions enclosed as <b>PROFORMA-XIX</b>), equivalent to 50% of the value of the Performance Security, which is to be submitted by the bidding company, in case the supported bidding company is the successful bidder. In cases where foreign based supporting company does not have permanent establishment in India, the bidding company can furnish performance security for an amount which is sum of performance security amount to be submitted by the bidder and performance security amount required to be submitted by the supporting company. In such case bidding company shall furnish an undertaking that their foreign based supporting company is not having any permanent establishment in India in terms of Income Tax Act of India.</p> <p>(ii) A certificate from the statutory Auditor of the bidding company/Certificate from a practicing Chartered Accountant, to establish the relationship and equity percentage holding between bidding company and the supporting company. The certificate should be duly concurred/endorsed by the Company Secretary or one of the Directors of the company concerned.</p> <p><u>Note:</u> The above certificate should not be more than 30 days old as on the original bid closing date.</p> <p>(iii) Undertaking from the supporting company to the effect that in addition to invoking the performance security submitted by the contractor, the additional performance security</p>	
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			provided by supporting company shall be invoked by OIL due to non-performance of the contractor.	
6.	BID EVALUATION CRITERIA, Clause 1.9	New Clause	In case the value mentioned in the documents submitted in the technical bid against BEC clause no. 1.2 are in currencies other than INR, the values shall be converted to INR considering the BC selling rate declared by State Bank of India prevailing on the original bid closing date. Evaluation of the offer shall be done based on the rate obtained after conversion to INR.	Clause for evaluation of experience criteria submitted in foreign currency.
7.	BID EVALUATION CRITERIA, Clause 2.5	New Clause	<p>In case, the bidder is a <b>subsidiary company</b> (should be a wholly owned subsidiary of the parent/ultimate parent/ holding company) who does not meet financial criteria by itself and submits bid based on the financial strength of its parent/ultimate parent/holding company and the following needs to be complied/submitted:</p> <p>(i) The parent/ ultimate parent / holding company (supporting company) should meet the Financial Evaluation Criteria stipulated in Clause Nos. 2.1 &amp;2.2 above.</p> <p>(ii) Corporate Guarantee (<b>as per PROFORMA-XXI</b>) on parent / ultimate parent / holding company's (supporting company) letter head signed by an authorized official undertaking that they would financially support their subsidiary company for executing the project / job in case the same is awarded to them, and</p> <p>(iii) A certificate from the statutory Auditor of the bidding company as well as of the parent/ ultimate/ holding parent company (supporting company) to establish the relationship and equity</p>	Financial Criteria for Bidders quoting with support from Parent/Ultimate Parent Company

			<p>percentage holding between bidding company and the supporting company. The certificates should be duly certified by the Company Secretary or one of the Directors of the company concerned.</p> <p><b>Note:</b> The above certificate should not be more than 30 days old as on the original bid closing date.</p>	
8.	BID EVALUATION CRITERIA, Clause 2.6	New Clause	<p>If the Bidder is an Incorporated Joint Venture (JV) Company and does not meet financial criteria (BEC Clause Nos. 2.1 &amp;2.2) by itself, it can submit the bid based on the financial strength of its JV member having more than 50% stake in the JV Company, and the following needs to be complied/submitted:</p> <p>(i) The JV member having more than 50% stake in the JV should meet the Financial Evaluation Criteria stipulated in Clause Nos. 2.1 &amp;2.2 above.</p> <p>(ii) An undertaking from the Joint Venture partner, based on whose experience the JV seek financial qualification, shall be submitted with the techno commercial bid stating that they shall maintain more than 50% shareholding in the JV till execution of the contract is accomplished.</p> <p>(iii) A certificate from the statutory Auditor of the JV company on the shareholding pattern of the JV.</p> <p><b>Note:</b> The above certificate should not be more than 30 days old as on the original bid closing date.</p>	Financial Criteria in case the bidder is a Joint Venture Company.
9.	BID EVALUATION CRITERIA, Clause 2.7	New Clause	<p>In case the Audited Balance sheet and Profit Loss Account submitted along with the bid are in currencies other than INR, the bidder shall have to convert the figures in equivalent INR considering the prevailing conversion rate on the date on which the</p>	Clause for evaluation of financial criteria submitted in foreign currency.

			Audited Balance Sheet and Profit & Loss Account is signed. A CA Certificate (with Valid UDIN) is to be submitted by the bidder regarding converted figures in equivalent INR. Else, the Audited Balance Sheet and Profit & Loss Account shall be evaluated by considering the BC selling rate declared by State Bank of India (on the date on which the Audited Balance Sheet and Profit & Loss Account is signed) for conversion to INR.	
10.	BID EVALUATION CRITERIA, Clause 4.7.1	New Clause	Provisions such as seeking support from another company by way of submission of JV, wherever allowed in the tender document shall be available to all interested bidders including MSEs. In those scenarios, in order to avail the benefits reserved for MSEs (i.e. exemption from payment of EMD and purchase preference), the MSE bidder shall have to rely on their own strength or on the strength of another MSE only to meet the various tender requirement including technical and financial evaluation criteria. In case of bid from incorporated JVC, in order to avail the above MSE benefits, the bidder i.e. JVC shall have to be MSE.	MSE benefit clause in case of bidding by JVC.

B. Revised Price Bid format has been attached along with this Amendment. Bidders are advised to refer the revised price bid format and upload their price bid accordingly. The price bid format uploaded under Financial Documents in the GeM portal should be ignored.

C. Bid closing Date and Time : 30.07.2024 at 14:00 Hrs.  
 Technical Bid Opening Date: 30.07.2024 at 14:30 Hrs.

D. All other terms and conditions remain unchanged.

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