

JAIPRAKASH POWER VENTURES LIMITED



JAYPEE BINA THERMAL POWER PLANT (2 X 250 MW)

AT

**SUB P.O.-AGASOD TEHSIL & P.O: BINA, DISTT. - SAGAR - 470113,
MADHYA PRADESH, INDIA**

**BIDDING DOCUMENT FOR
WET LIMESTONE BASED FLUE GAS
DESULPHURISATION SYSTEM AND AUXILIARIES**

VOLUME –I

SECTION - I, II, III, IV, V, VI, VII, VIII

Bidding Document No. : JPVL-ICB-FGD-01

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**BIDDING DOCUMENT
FOR
SUPPLY AND INSTALLATION
OF**

**WET LIMESTONE BASED FLUE GAS DESULPHURISATION SYSTEM AND
AUXILIARIES**

**FOR
JAYPEE BINA THERMAL POWER PLANT (2 X 250 MW)**

BID DOCUMENT NO. : JPVL-ICB-FGD-01

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Acronyms

BDS	Bid Data Sheet
CIF	Cost, Insurance and Freight
CIP	Carriage and Insurance paid to (place)
CPM	Critical Path Method
EDI	Electronic Data Interchange
EXW	Ex - factory, ex - works or ex -warehouse
FCA	Free Carrier
FOB	Free on Board
FOR	Free on Rail / Road
FP	Forms & Procedures
GCC	General Conditions of Contract
ICC	International Chamber of Commerce
IFB & QR	Invitation for Bids & Qualification Requirements
ITB	Instructions to Bidders
SCC	Special Conditions of Contract
TS	Technical Specifications and Drawings
UNCITRAL	United Nations Commission on International Trade Law

SECTION - I

**INVITATION FOR BIDS &
QUALIFICATION REQUIREMENTS
(IFB & QR)**

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INVITATION FOR BIDS (IFB) AND QUALIFICATION REQUIREMENTS (QR)
FOR
WET LIMESTONE BASED FLUE GAS
DESULPHURISATION SYSTEM AND AUXILIARIES
FOR
JAYPEE BINA THERMAL POWER PLANT (2 X 250 MW)
AT
SUB P.O.-AGASOD TEHSIL & P.O: BINA, DISTT. - SAGAR - 470113,
MADHYA PRADESH, INDIA

(INTERNATIONAL COMPETITIVE BIDDING)

IFB No. : JPVL -ICB-FGD-01

Date : 31.12.2019

Jaiprakash Power Ventures Ltd. (JPVL) a power generating company of Jaypee Group, a well diversified infrastructure industrial conglomerate with active presence in Civil, Engineering, Power, Cement, Hospitality, Real Estate, Expressways, Information Technology and across the entire spectrum of Education invites sealed bids from eligible bidders for WET LIMESTONE BASED FLUE GAS DESULPHURISATION SYSTEM AND AUXILIARIES Package for their Jaypee Bina Thermal Power Project (2 x 250MW).

Bid Documents shall be on sale from January 15, 2020 to January 25, 2020 (except Sundays) from 1100 hrs to 1500 hrs (IST). Bids including Technical, Commercial & Price Portions shall be received upto 1500 hrs (IST) on March 25, 2020.

For detailed Scope of Work, Qualification requirement, cost of Bidding document etc. please visit our website www.jppowerventures.com.

For any queries, bidder may please contact

Mr. MKV Rama Rao, CTO / Mr. Madan Gupta, COO Jaiprakash Power Ventures Limited, "JA Annexe" 54, Basant Lok, Vasant Vihar, New Delhi- 110057 India Phone No 0091-11-49828670/49828520 E-mail: mkvr.rao@jalindia.co.in / madan.gupta@jalindia.co.in	Mr. RPS Rana, Sr. GM Jaiprakash Power Ventures Limited, JIIT Complex, Jaypee Greens WishTown Sector -128, Noida 201304, India Phone No 0091-120-4972493 Email : rps.rana@jalindia.co.in
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(INTERNATIONAL COMPETITIVE BIDDING)

IFB No. : JPVL-ICB-FGD-01

Date :31.12.2019

1. INTRODUCTION

- 1.1. Jaypee Bina Thermal Power Plant (JBTPP) is a Unit of Jaiprakash Power Ventures Limited (JPVL) a power generating company of Jaypee Group, invites sealed bids from eligible bidders for WET LIMESTONE BASED FLUE GAS DESULPHURISATION SYSTEM AND AUXILIARIES Package for their Jaypee Jaypee Bina Thermal Power Plant (JBTPP) (2x250MW)
- 1.2. Jaypee Bina Thermal Power Plant (JBTPP) is operating 500 MW (2 x 250 MW) coal fired Thermal Power Plant in Sagar district of Madhya Pradesh, India. The plant is based on latest state of art supercritical technology. Unit-1 was commissioned on 31st August, 2012 and Unit-2 on 07th April, 2013.
- 1.3. Ministry of Environment Forest and Climate Change (MOEF & CC), Government of India has released new environmental regulations applicable to coal fired thermal power plants in the country on 7th December 2015 and 28th June 2018. The new norms for limiting the flue gas emissions at stack (SO₂, NO_x, SPM and Mercury emissions) as well as specific water consumption shall be complied by all operating Thermal Power Stations and new Thermal Power Projects to be installed in India.
- 1.4. To meet the new MOEF & CC norms of SO₂ emissions applicable for JNSTPP should be <200 mg/Nm³ at 6% O₂, dry basis of flue gas, To achieve the above mentioned SO₂ level, it is necessary to install Wet Limestone based Flue Gas Desulphurization (WLFGD) system for the 2X250 MW Units of JBTPP, Bina
- 1.5. Jaiprakash Power Ventures Limited (JPVL) is referred to as "OWNER" hereinafter and Tata Consulting Engineers Limited (TCE) hereinafter is referred to as "CONSULTANT". TCE are the Consulting Engineers for the project, appointed by the "OWNER"

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1.6. The intent of the Owner is to successfully install, complete and operate this retrofit under the purview of the title '**WET LIMESTONE BASED FLUE GAS DESULPHURISATION AND AUXILIARIES**' through a planned and organized approach, in the shortest possible time frame to ensure compliance of the new environmental norms issued by MOEF & CC for SO₂ emissions.

2. BRIEF SCOPE OF WORK

Proposed Project at Jaypee Bina Thermal Power Plant (JBTPP) Bina, District-Sagar, MP, covers all aspects of design, engineering, procurement, manufacture, supply, inspection and testing at contractor's work(s), packing, transportation to site (air/sea/inland) including transit insurance, receiving & handling at site, unloading, storage, erection, supervision, pre-commissioning, testing, commissioning performance testing of the equipments/ systems & accessories and insurance covering all the activities at site to be furnished in accordance with the specification of the subject package.

The supply, erection/installation, commissioning and performance testing work entrusted under the complete jurisdiction of the competent contractor shall include but not be limited to WET LIMESTONE BASED FLUE GAS DESULPHURISATION AND AUXILIARIES inclusive of all accessories to make the subject package self-sustained and complete in all the respects.

Bidder is expected to complete the WLFGD package on EPC basis including civil works within the following work time schedule:

Unit No.	Time for completion (in months, from the effective date)
Unit – I	20
Unit – II	23

3. BIDDING DOCUMENTS AND BIDDING SCHEDULE

Detailed specifications and scope are given in the Bidding documents, which will be available for sale at the address given below and as per the following schedule :

Mr. RPS Rana, Sr. GM
 Jaiprakash Power Ventures Limited,
 JIIT Complex, Jaypee Greens WishTown
 Sector -128, Noida 201304, India
 Phone No 0091-120-4972493
 Email : rps.rana@jalindia.co.in

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Bidding Schedule

Description	Date
Issue of NIT	31.12.2019
Sale of Bidding Documents	From January 15, 2020 to January 25, 2020 (except Sundays) from 1100 hrs to 1500 hrs (IST).
Last date of receipt of queries from bidders	10.02.2020
Pre-Bid conference	25.02.2020
Last date and time of Bid receipt. (Bids including Technical, Commercial & Price Portions)	On or before 1500 hrs (IST) of March 25, 2020

For any queries, bidder may please contact

Mr. MKV Rama Rao, CTO / Mr. Madan Gupta, COO Jaiprakash Power Ventures Limited, "JA Annexe" 54, Basant Lok, Vasant Vihar, New Delhi- 110057 India Phone No 0091-11-49828670/49828520 E-mail: mkvr.rao@jalindia.co.in / madan.gupta@jalindia.co.in	Mr. RPS Rana, Sr. GM Jaiprakash Power Ventures Limited, JIIT Complex, Jaypee Greens WishTown Sector -128, Noida 201304, India Phone No 0091-120-4972493 Email : rps.rana@jalindia.co.in
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4. COST OF BIDDING DOCUMENTS:

- 4.1. Bidding documents can be obtained by remitting, a non refundable fees of INR 50,000 (Rupees Fifty Thousand only) per set for JBTPP, Bina plant for Indian Bidders and USD 700 (US Dollar Seven Hundred only) per set for JBTPP, Bina plant for Foreign Bidders by demand Draft or Pay order drawn in favour of "Jaiprakash Power Ventures Limited" payable at New Delhi.
- 4.2. Pre Bid Conference for clarifications related to Bidding documents (if required) shall be held at above mentioned address. Bidders shall be intimated well in time.

5. BID SECURITY

All bids must be accompanied by Bid Security for an amount equivalent to INR 50,000,000/- (Rupees Fifty Million only), either in bid currency or in US Dollars, as stipulated in the Bidding Documents. If the Bid Price is quoted in more than one currency, the Bid Security shall be in US Dollars. Bids not accompanied by the requisite Bid Security in a separate sealed envelope or bids accompanied by Bid Security of inadequate value shall not be entertained.

6. BIDDER QUALIFICATIONS

These qualifying requirements are applicable to bids for WET LIMESTONE BASED FLUE GAS DESULPHURISATION SYSTEM AND AUXILIARIES "WLFGD" requested by Jaiprakash Power Ventures Limited (JPVL) for the 2 x 250 MW capacity Jaypee Bina Thermal Power Project Bina.

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6.1. GENERAL

- i. Bidder is a manufacturer, who regularly manufactures equipment of the type specified and capacity as specified and undertakes the type of work specified and has adequate technical knowledge and relevant experience for the works covered in the bidding documents,
- ii. has adequate financial stability and capability to meet the financial obligations pursuant to the works covered in the Bidding Documents, [The Bidders should submit three (3) copies of their profit and loss account and balance sheet for the last three (3) years]
- iii. has required design, manufacturing and fabrication capability and capacity available to perform the work within the time period specified. The evidence shall specifically cover, with written details, the installed manufacturing and fabrication capacities and present commitments (excluding those anticipated under these bidding documents). If the present commitments are such that the installed capacity results in an inadequacy of design, manufacturing and fabrication capacities to meet the requirements appropriate to the works covered in his bid, then the details of alternative arrangements to be organized by the Bidder and/or his associate for this purpose and which shall meet the Owner's approval, shall also be furnished,
- iv. has an established project management organization covering the areas related to engineering of equipment/systems, interface engineering, procurement of equipments and the necessary field services required for successful construction/erection, testing and commissioning of all the FGD equipments and systems covered in the scope of supply/work under this Bidding documents,
- v. has established quality assurance systems and organization designed to achieve high levels of equipment/system reliability, both during manufacturing, fabrication and field installation, Testing and commissioning activities.
- vi. This Invitation for Bidding is open to any Bidder, except those, meeting following requirements:
 - a) "The Bidder shall not be from an ineligible Source Country i.e. the one with which (i) as a matter of law or official regulation, India prohibits or restricts commercial relations, or (ii) by an act of compliance with a decision of the United Nations Security Council taken under Chapter VII of the Charter of the United Nations, India prohibits any import of goods or any payments to persons or entities in that country.
 - b) A Bidder who has been engaged by the "Owner" to provide consulting services for the FGD package or is proposed to be appointed, as Consultant to the Project shall be disqualified from Bidding.
 - c) The Bidders shall provide such evidence of their continued eligibility satisfactory to the Owner as the Owner shall reasonably request from time to time.
- vii. The Bidder, shall establish to the Owner's satisfaction that the Bidder has the

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financial, technical, production, procurement , shipping ,installation and other capacities and capabilities necessary to perform the contract and meets the experience and other criteria.

- viii. Only one Bid can be submitted by a Bidder either as an 'Individual' Bidder which includes a Partnership firm, a Company, a Corporation, a Consortium. A Bidder cannot submit more than one Bid,
- ix. The Bidder may plan to subcontract to others the supply of minor components or accessories of the main equipment they propose to Supply. In such case, they shall state so explicitly in their Bid, indicating the extent of such sub-suppliers, and confirm that they shall retain total and sole responsibility for the whole scope of Contract.
- x. Bids to be submitted by the Consortium shall comply with the following requirements:
 - a. The Bid, and in case of a successful Bid, the Contract Agreement, shall be signed so as to be legally binding on all the members of the Consortium.
 - b. The Leader of the Consortium, shall be duly authorised, through a power of attorney signed by legally authorized signatories of all the members.
 - c. The Leader shall be authorized to incur liabilities and receive instructions for and on behalf of any and all members of the Consortium. All payments shall be made exclusively to the Leader.
 - d. The Leader shall be fully responsible, in case of award of Contract, for the total scope of Contract, including that of the other members or sub-supplier's whose equipment is contracted to be supplied.
 - e. Composition of the Consortium shall not be modified until the completion of the Contract, which may be eventually awarded to it in consequence of its Bid.
 - f. Designation of the official and the firm who shall act as the Leader/Bidder for complete equipment, and who shall act as its legally and technically responsible representative for other members for the total scope under the Contract.
 - g. Leader is fully responsible for all the information submitted in the Bid in its entirety i.e. of his own scope and of the complementary scope from the other members.
 - h. Consortium does not constitute a third party legally distinct from its component members, but instead is a mere association with the scope of performing the Contract which is the object of the Bidding.
 - i. A copy of the Consortium agreement entered into by the members of the Consortium explicitly including the above provisions and initially valid till scheduled date of completion of the Contract and extendable as required shall be submitted with the Bid.

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6.2. TECHNICAL

1) Technical Qualifying Requirements:

a. The Bidder should meet the Technical qualifying requirements stipulated in any one of the qualifying OPTIONS mentioned PLUS requirements stipulated in sub section B, C and D. In addition, the Bidder should also meet the Financial Qualifying requirement together with the requirements stipulated under financial requirements.

Bidder may bid to its own or in consortium with others to meet qualifying requirement. Provided a deed consortium with authorization to lead partner is submitted. The liability of all consortium members shall be joint and several.

A1. OPTION-1: Qualified Wet Limestone based Flue Gas Desulphurisation (FGD) System Manufacturer (QFGDM)

The Bidder should have designed, engineered, manufactured, supplied, erection/supervised erection and commissioned/supervised commissioning of at least one (1) no. of wet limestone based Flue Gas Desulphurisation System, having flue gas treatment capacity of not less than 22,00,000 Nm³/hr, with desulphurization efficiency of at least 95 %, operating in a pulverized coal fired power plant. The above wet limestone based Flue Gas Desulphurization System should have been in successful operation for a period not less than One (1) year prior to the date of Commercial bid opening.

OR

A2. OPTION-2: Wet Limestone based Flue Gas Desulphurisation System Manufacturer with Collaboration and Technology Transfer Agreement with QFGDM.

The Bidder should have designed, engineered, manufactured, supplied, erected/supervised erection and commissioned/supervised commissioning of at least one(1) no. of wet limestone based Flue Gas Desulphurisation system having flue gas treatment capacity of not less than 6,00,000 Nm³/hr, with desulphurisation efficiency of at least 90%, operating in a pulverized coal fired power plant. The above wet limestone based Flue Gas Desulphurisation System should have been in successful operation for a period not less than One (1) year prior to the date of Commercial bid opening.

OR

A3. OPTION - 3: Steam Generator Manufacturer / Indian JV Company of Steam generator manufacturer or QFGDM/ Indian Subsidiary company of Steam Generator manufacturer or QFGDM with Collaboration and Technology Transfer Agreement with QFGDM

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A. 3.1 Bidder should have designed, engineered, manufactured/got manufactured, erected/ supervised erection and commissioned/supervised commissioning of atleast one (1) no. of pulverised coal fired steam generator having minimum 700 T/hr steaming capacity. Further, such Steam Generator should have been in successful operation for a period not less than one (1) year prior to the date of Commercial bid opening.

Alternatively,

The Bidder shall be a Joint Venture (JV) Company incorporated in India under the Companies Act of India, as on the date of techno-commercial bid opening, promoted by (i) an Indian Company registered in India under the companies Act of India and (ii) a Steam Generator Manufacturer meeting requirements of clause A.3.1 or a QFGDM meeting requirements of clause A.1, created for the purpose of manufacturing / supplying in India steam generator sets/Flue Gas Desulphurisation System. The steam Generator Manufacturer/QFGDM/ all the JV Company shall maintain a minimum equity participation of 26% in the JV Company for a lock-in period of 7 years from the date of incorporation of JV Company and one of the promoters shall be a majority stakeholder who shall maintain a minimum equity participation of 51% in the JV Company for a lock in period of 7 years from the date of incorporation of JV Company or up to the end of defect liability period of the contract, whichever is later. Bidder should submit the board resolution with this effect as per clause (C.4) Further, Bidder should have executed project(s)/order(s), during the last 5 years, with the total value of such project(s)/order(s) being INR 5,000 million or more as on the date of opening of Techno-commercial bid .

Alternatively,

The Bidder shall be an Indian Subsidiary Company of a Steam Generator Manufacturer meeting requirements of clause A.3.1 or an Indian Subsidiary Company of a QFGDM meeting requirements of clause A.1, registered in India under the Companies Act of India, as on the date of techno-commercial bid opening, for manufacturing/supply of Steam Generator sets/Flue Gas Desulphurisation System. The subsidiary Company shall remain a subsidiary company of the Steam Generator Manufacturer/QFGDM for a minimum period of 7 years from the date of incorporation of such Subsidiary Company or up to the end of defect liability period of the contract, whichever is later. Further, Bidder should have executed project(s)/order(s), during the last 5 years, with the total value of such project(s)/order(s) being INR 5,000 million or more as on the date of opening of Techno-commercial bid.

OR

A4. OPTION - 4: EPC Organization with Collaboration and Technology Transfer Agreement with QFGDM

The Bidder should be an Engineering, Procurement and Construction (EPC) Company and should have executed (Including commissioning), in the last 10 years, large

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projects in the area of power/ Steel / Oil & Gas/ Petrochemical/ Fertilizer/ and or any other process industry projects on an EPC basis. These projects shall be in successful operation for a period of not less than one (1) year prior to the date of Techno-Commercial bid opening.

B. Bidder should also meet the following requirement in case of OPTION -2, OPTION - 3 and OPTION – 4

B.1 Bidder should also have a valid ongoing collaboration and technology transfer agreement with a QFGDM meeting requirements of clause A.1, valid minimum up to the end of the defect liability period of the contract. In such a case, Bidder can either source the FGD System from such manufacturer or manufacture/get manufactured the FGD System as per the design and manufacturing drawings of such QFGDM.

B.2 The Bidder shall furnish a Joint Deed of Undertaking (JDU) along with the technology transfer agreement (C.3) executed by it and the QFGDM, in which the executants of JDU shall be jointly and severally liable to the Owner for successful performance of the FGD System as per format enclosed with the bidding documents. The JDU shall be submitted along with commercial bid, failing which the Bidder shall be disqualified and its bid shall be rejected.

B.3 In case of award of a project, the QFGDM will be required to furnish an on demand bank guarantee as per the format enclosed with the bidding documents for an amount aggregating 1% of the total contract price of the FGD Package for the awarded project in addition to the contract performance security to be furnished by the Bidder.

C. Bidder should also meet the following requirement:-

C.1 Erection/Commissioning

Necessary documents / certificates from the client, in support of above shall be furnished along with the Technical bid.

C.2 Direct / Indirect order

The Bidder/ QFGDM shall also be considered qualified, in case the award for executing the reference works has been received by the Bidder/ QFGDM either directly from owner of plant or any other intermediary organization. However, a certificate from such owner of plant or any other intermediary organisation shall be required to be furnished by the Bidder along with its Commercial bid in support of the Bidder's/ QFGDM's claim of meeting the qualification requirement. Further, certificate from owner of the plant shall also be furnished by the Bidder along with the Commercial bid for the successful operation.

C.3 Technology Transfer Agreement (Applicable for Clause A.2, A.3 and A.4) The bidder shall have a technology transfer agreement as on the date of Commercial bid opening between the Bidder & QFGDM which shall necessarily cover transfer of technological knowhow for Wet Limestone based Flue Gas Desulphurisation System, in the form

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of complete transfer of design dossier, design software's, drawings and documentation, quality system manuals and imparting relevant personnel training to the Bidder.

C.4 Equity Lock in period

Wherever equity lock in period requirement or subsidiary status requirement is indicated, the Bidder would be required to furnish along with its commercial bid, a Letter of Undertaking from the promoter(s), supported by Board Resolution as per the format enclosed in the bid documents, for maintaining the required minimum equity for the specified lock in period.

D. Holding Company as a Qualified Wet Limestone based Flue Gas Desulphurisation system Manufacturer

D.1 A Holding Company, singularly or collectively along with its Subsidiaries (held either directly or indirectly), meeting the requirements of clause A.1 above shall also be considered as QFGDM.

D.2 In such a case, if the Holding Company itself is not the Bidder as a QFGDM, the Holding Company and all such subsidiaries lending strength / experience to the Holding Company for meeting the requirements of clause A.1 above should necessarily be part of the DJU being submitted by the Bidder for successful performance of the FGD System as per format enclosed with the bidding documents, failing which the bidder shall be disqualified and its bid rejected. Further, the Holding Company and all such entities lending strength / experience to the Holding Company for meeting the requirements of clause A.1 above shall each be required of clause B.3 above for the awarded FGD project divided equally among them, in addition to the contract performance security to be furnished by the Bidder.

D.3 In case the Holding Company itself is the Bidder as a QFGDM as per clause A.1, the Holding Company shall submit its board resolution stating that in case of any likely change of management control of any of these subsidiaries lending strength / experience to the holding Company for meeting the requirements of clause A.1 above , the Bidder shall arrange for separate on demand bank guarantees as per the format enclosed with the bidding documents from all such entities lending strength / experience of the Holding Company for fulfillment of requirement of clause A.1, above for an amount aggregating 1 % of the total contract price of the Flue Gas Desulphurisation System Package for the awarded project divided equally among them, in addition to the contract performance security to be furnished by the Bidder before the change in management control actually occurs. to furnish separate on demand bank guarantees as per the requirement

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6.3. FINANCIAL

6.3.1. Average Turn over

1.0 Financial Criteria of Bidder

1.1 The average annual turnover of the Bidder, in the preceding three (3) financial years as on the date of Techno-Commercial bid opening, should not be less than the value indicated in the following table:

No. of projects, Bidder is interested in taking award (Refer Note (v))	Annual turnover of the Bidder, in the preceding three (3) financial years as on the date of Techno- Commercial bid opening (INR Million)
One (1) project	
JNSTPP, Nigrie	2000
JBTPP, Bina	1000
Both Projects	3000

In case a Bidder does not satisfy the average annual turnover criteria, stipulated above on its own, its Holding Company would be required to meet the stipulated turnover requirements as above, provided that the Net Worth of such Holding Company as on the last day of the preceding financial year is at least equal to or more than the paid-up share capital of the Holding Company. In such an event, the Bidder would be required to furnish along with its Techno-Commercial bid, a Letter of Undertaking from the Holding Company, supported by the Holding Company's Board Resolution, as per the format enclosed in the bid documents, pledging unconditional and irrevocable financial support for the execution of the Contract by the Bidder in case of award.

1.2 Net worth of the bidder should not be less than 100% (One hundred percent) of its paid up share capital as on the last day of the preceding financial year on the date of Techno-commercial bid opening. In case the Bidder does not meet the Net worth criteria on its own, it can meet the requirement of Net worth based on the strength of its Subsidiary(ies) and/or Holding Company and/or Subsidiaries of its Holding company wherever applicable. In such a case, however the Net worth of the Bidder and its Subsidiary(ies) and/or Holding Company and/or Subsidiary(ies) of the Holding Company, in combined manner should not be less than 100% (hundred percent) of their total paid up share capital. However individually, their Net worth should not be less than 75% (seventy five percent) of their respective paid up share capitals.

Net worth in combined manner shall be calculated as follows:

$$\text{Net worth (combined)} = (X1+X2+X3) / (Y1+Y2+Y3) \times 100$$

Where X1, X2, X3 are individual Net worth which should not be less than 75% of the respective paid up share capitals and Y1, Y2, Y3 are individual paid up share capitals.

1.3 In case the Bidder is not able to furnish its audited financial statements on standalone entity basis, the unaudited unconsolidated financial statements of the Bidder can be

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considered acceptable provided the Bidder further furnishes the following documents for substantiation of its qualification:

(i) Copies of the unaudited unconsolidated financial statements of the Bidder along with copies of the audited consolidated financial statements of its Holding Company.

(ii) A Certificate from the CEO/CFO of the Holding Company, as per the format enclosed with the bidding documents, stating that the unaudited unconsolidated financial statements form part of the consolidated financial statements of the Holding Company.

In cases where audited results for the last financial year as on the date of Techno Commercial bid opening are not available, the financial results certified by a practicing Chartered Accountant shall be considered acceptable. In case, Bidder is not able to submit the Certificate from a practicing Chartered Accountant certifying its financial parameters, the audited results of three consecutive financial years proceeding the last financial year shall be considered for evaluating the financial parameters. Further, a Certificate would be required from the CEO/CFO as per the format enclosed in the bidding documents stating that the Financial results of the Company are under audit as on the date of Techno-commercial bid opening and the Certificate from the practicing Chartered Accountant certifying the financial parameters is not available.

2.0 Financial Criteria of Collaborator / Associate (Applicable for clause A2, A3 and A4)

2.1 The average annual turnover of the Collaborator/Associate, in the preceding three (3) financial years as on the date of Techno-Commercial bid opening, should not be less than the value indicated in the following table.

No. of projects, Bidder is interested in taking award (Refer Note (v))	Annual turnover of the Bidder, in the preceding three (3) financial years as on the date of Techno- Commercial bid opening (INR Million)
One (1) project	
JNSTPP, Nigrie	400
JBTPP, Bina	200
Both Projects	600

In case a Collaborator/Associate does not satisfy the average annual turnover criteria, stipulated above on its own, its Holding Company would be required to meet the stipulated turnover requirements as above, provided that the Net Worth of such Holding Company as on the last day of the preceding financial year is at least equal to or more than the paid-up share capital of the Holding Company. In such an event, the Collaborator/Associate would be required to furnish along with bidder's Techno-Commercial bid, a Letter of Undertaking from the Holding Company, supported by the Holding Company's Board Resolution, as per the format enclosed in the bid documents, pledging unconditional and irrevocable financial support to the Collaborator/Associate to honour the terms and conditions of the Deed of Joint

Undertaking in case of award of the Contract to the Bidder with whom Collaborator/Associate is associated.

2.2 Net worth of the Collaborator/Associate should not be less than 100% (One hundred percent) of its paid up share capital as on the last day of the preceding financial year on the date of Techno-commercial bid opening. In case the Collaborator/Associate does not meet the Net worth criteria on its own, it can meet the requirement of Net worth based on the strength of its Subsidiary(ies) and/or Holding Company and/or Subsidiaries of its Holding company wherever applicable. In such a case, however the Net worth of the Collaborator/Associate and its Subsidiary(ies) and/or Holding Company and/or Subsidiary(ies) of the Holding Company, in combined manner should not be less than 100% (One hundred percent) of their total paid up share capital. However individually, their Net worth should not be less than 75% (seventy five percent) of their respective paid up share capitals.

Net worth in combined manner shall be calculated as follows:

$$\text{Net worth (combined)} = (X1+X2+X3) / (Y1+Y2+Y3) \times 100$$

Where X1, X2, X3 are individual Net worth which should not be less than 75% of the respective paid up share capitals and Y1,Y2,Y3 are individual paid up share capitals.

2.3 In case the Collaborator/Associate is not able to furnish its audited financial statements on standalone entity basis, the unaudited unconsolidated financial statements of the Collaborator/Associate can be considered acceptable provided the Collaborator/Associate further furnishes the following documents for substantiation of its qualification:

- (i) Copies of the unaudited unconsolidated financial statements of the Collaborator/Associate along with copies of the audited consolidated financial statements of its Holding Company.
- (ii) A Certificate from the CEO/CFO of the Holding Company, as per the format enclosed with the bidding documents, stating that the unaudited unconsolidated financial statements form part of the consolidated financial statements of the Holding Company.

In cases where audited results for the last financial year as on the date of Techno Commercial bid opening are not available, the financial results certified by a practicing Chartered Accountant shall be considered acceptable. In case, Collaborator/Associate is not able to submit the Certificate from a practicing Chartered Accountant certifying its financial parameters, the audited results of three consecutive financial years preceding the last financial year shall be considered for evaluating the financial parameters. Further, a Certificate would be required from the CEO/CFO as per the format enclosed in the bidding documents stating that the Financial results of the Company are under audit as on the date of Techno-commercial bid opening and the Certificate from the practicing Chartered Accountant certifying the financial parameters is not available.

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Notes for Clause 1.0 & 2.0

- (i) Net worth means the sum total of the paid up share capital and free reserves. Free reserve means all reserves credited out of the profits and share premium account but does not include reserves credited out of the revaluation of the assets, write back of depreciation provision and amalgamation. Further any debit balance of Profit and Loss account and miscellaneous expenses to the extent not adjusted or written off, if any, shall be reduced from reserves and surplus.
- (ii) Other income shall not be considered for arriving at annual turnover.
- (iii) "Holding Company" and "Subsidiary Company" shall have the meaning ascribed to them as per the Companies Act of India.
- (iv) For annual Turnover indicated in foreign currency, the exchange rate as on seven (7) days prior to the date of Techno-Commercial bid opening shall be used.
- (v) Bidder/Collaborator shall be required to meet the average annual turnover criteria specified in clause 1.1 & 2.1 respectively for the number of projects for which Bidder has indicated interest in the prescribed format submitted along with the Techno-Commercial bid. In case Bidder/Collaborator meets the average turn over criteria for lesser number of projects than indicated in the prescribed format, submitted along with the Techno-Commercial bid, then the number of project(s) shall be reduced based on Bidder/Collaborator meeting average annual turnover criteria specified in clause 1.1 & 2.1 respectively.

6.3.2. Unutilized Bank Guarantees and Cash credit limits

- a. The unutilized Bank Guarantee limits of the bidder , as on 7 (seven) days prior to the last date for submission of bid , duly certified by the Bankers shall not be less than Indian Rupees 1500 million or in equivalent foreign currency.
- b. The bidder shall have unutilized cash credit limits together with cash and bank balances including fixed deposits as on the 7 (seven) days prior to the last date for submission of bid of not less than Indian Rupees 500 million or in equivalent foreign currency.
- c. In case the bidder's unutilized bank guarantee / cash credit limits stipulated at 11.0 and 12.0 above are not sufficient, a comfort letter from one of the Bankers unequivocally stating that in case the bidder is awarded the contract, the Bank would enhance bank guarantee limit / cash credit limit to a level not less than the specified amounts, shall be acceptable.
- d. Bidder shall furnish Bid Security, Integrity Pact, Joint Deed of Undertaking (if applicable) and Power of Attorney separately as detailed in Bidding Documents by the stipulated bid submission closing date and time.

7. OWNERS RIGHTS

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- (a) JPVL reserves the right to reject any or all bids or cancel / withdraw the Invitation for Bids without assigning any reason whatsoever and in such case no bidder / intending bidder shall have any claim arising out of such action.
- (b) JPVL reserves the right to relax the Bidders qualification, if required, in specific cases at its option.
- (c) Notwithstanding anything stated above, the Owner reserves the right to assess the capabilities and capacity of the Bidder / its Collaborators/ Associates/ Subsidiaries/Group companies to perform the contract, should the circumstances warrant such assessment in the overall interest of the Owner
- (d) Transfer of Bidding Documents purchased by one intending Bidder to another is not permissible.
- (e) Issuance of bid documents to any Bidder shall not construe that such bidder is considered to be qualified.

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