

NTPC Limited
(A Government of India Enterprise)

SHARED SERVICES CENTRE – CMHQ-RANCHI
CONTRACT & MATERIAL DEPTT.

INVITATION FOR BIDS (IFB)
FOR

PACKAGE NAME: Commencement of mining operation for overburden removal, coal extraction and other associated works from the South Pit Extension of Talaipalli Coal Mining Project through outsourcing mode as an interim arrangement

(Domestic Competitive Bidding)

Mode of Tendering: Open Tender

I. NTPC invites on-line bids on Single Stage Two Envelope Bidding basis (Envelope-I: Techno-commercial Bid & Envelope-II: Price Bid) from Eligible Bidders for aforementioned package as per Scope of Work mentioned hereinafter.

II. **Brief Scope of Work :**

Commencement of mining operation for overburden removal, coal extraction and other associated works from the South Pit Extension of Talaipalli Coal Mining Project through outsourcing mode as an interim arrangement

III. Detailed Specification, Scope of Work and Terms and Conditions are given in the bidding document, which are available on-line (www.eprocurementpc.nic.in) as per the following schedule:

Date of issue of IFB	15.02.2022
Downloading of Bidding Document	22.02.2022
Last date for receipt of queries on Bidding Documents from Bidders (No Queries from Bidders, whatsoever, shall be entertained by the Employer beyond the last date of receipt of Queries/ Pre-Bid Conference (if applicable))	01.03.2022,11:00 Hrs
Pre-Bid Conference date	01.03.2022,11:00 Hrs
Last date & Time for submission of online bids	15.03.2022 upto 1500 hrs (IST)
Date and Time for opening of Techno- Commercial bids	17.03.2022 at 1500 hrs (IST)
Opening of Price Bids	Shall be intimated separately by NTPC through Gepnic portal
Cost of Bidding Documents	Rs.9,000/-
Bid Security (EMD)	Rs.5 crores
Integrity Pact	Applicable

Note: For any corrigendum and extension of date of bid submission, please visit the website <https://eprocurementpc.nic.in>

IV. Tender Fees (Cost of Bidding Documents) shall be submitted online through GePNIC

Portal. Bid Security (EMD) and Integrity Pact (if applicable) shall be submitted in a sealed envelope separately offline by the stipulated bid submission closing date and time at the address given below in accordance with the provisions set forth in the bidding documents.

V. Qualifying Requirements for Bidders:

Qualifying Requirements is enclosed at Annexure-1 to this NIT.

- VI.** NTPC reserves the right to reject any or all bids or cancel/withdraw the NIT for the subject package without assigning any reason whatsoever and in such case no bidder/intending bidder shall have any claim arising out of such action.
- VII.** The bidding document is available online. A complete set of Bidding Documents may be downloaded by any interested Bidder from the NTPC tender website <https://eprocurementpc.nic.in>.
- VIII.** Issuance of bid documents to any bidder shall not construe that such bidder is considered to be qualified.
- IX.** Transfer of Bidding Documents purchased by one intending Bidder to another is not permissible.
- X.** 'Class-I local suppliers' only are eligible to participate in this tender, as defined in the bidding documents/ Public Procurement (Preference to Make in India), Order 2017 and its subsequent amendments/ revisions issued by DPIIT. The bidders may apprise themselves of the relevant provisions of bidding documents in this regard before submission of their bids.
- XI.** Any 'Bidder from a country which shares a land border with India', as specified in the Bidding Documents, will be eligible to bid in this tender only if bidder is registered with the Competent Authority as mentioned in the Bidding Documents.

XII. Address for Communication / Location of Bid opening

Sr. Manager (C&M) / AGM (C&M)

Shared Services Centre – Coal Mining HQ

NTPC Ltd.,

Coal Mining HQ, Ginni Plaza,

Opposite Chutia Police Station,

Dist : Ranchi -834001

Mob.: 9445002640/9650992016

E-mail: veerasuresh@ntpc.co.in/ksudhakar@ntpc.co.in

Registered Office:

NTPC Limited

NTPC Bhawan, SCOPE Complex,

7, Institutional Area, Lodi Road,

New Delhi – 110003

Corporate Identification Number:L40101DL1975GOI00796

APPROVED - QUALIFYING REQUIREMENTS

NAME OF THE WORK- “Commencement of mining operation for overburden removal, coal extraction and other associated works from the ‘South Pit Extension’ of Talaipalli Coal Mining Project through outsourcing mode as an interim arrangement.

1.0 QUALIFYING REQUIREMENTS:

1.1. Technical Criteria

*Bidder should have carried out for itself or as a contractor or sub-contractor, excavation and transportation of Overburden by mechanized means and/or excavation and transportation of coal/ lignite/ iron ore/ bauxite/ manganese ore/ copper ore by mechanized means during the past 7 (seven) years reckoned from the date of opening of the Techno-commercial Bids such that the total composite volume of such excavation and transportation during any period of 1 (one) Year (consecutive 365 days) in the aforesaid period of 7 (seven) years is more than **6.10 million bank cubic meter** (the qualifying quantity), from maximum 5 (five) opencast mines of coal/ lignite/ iron/ bauxite/ manganese/ copper; provided that the quantity handled in at least one mine should not be less than 40% of the qualifying quantity (i.e. **2.40 million bank cubic meter**).*

For the purpose of the Bid, the specific gravity of coal, lignite, iron ore, bauxite, manganese ore and copper ore shall be considered as [1.60], [1.15], [4.0], [2.4], [3.7] and [3.0] respectively.

The start date and end date of the qualifying period shall be specified by the Bidder. The start date and end date of each work claimed for qualifying experience shall fall on or within the dates specified in the qualifying period.

1.2. Financial Criteria

- 1.2.1.** 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 **₹ 1464 Million (Indian Rupees One Thousand Four Hundred and Sixty Four Million only).**

In case the 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, 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.

- 1.2.2.** Net Worth of the bidder as on the last day of the preceding financial year should not be less than 100% (hundred percent) of the Bidder’s paid-up share capital. 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 Companies 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:

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.

1.2.3. In case the Bidder is not able to furnish its audited financial statements on stand alone entity basis, the unaudited unconsolidated financial statements of the Bidder can be 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 **Chief Executive Officer (CEO)/Chief Financial Officer (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 statement of the Holding Company.

In case where audited results for the last financial year as on 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 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.

NOTES for clause No 1.2 above

- (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 Companies Act of India.

1.3. ROUTES

The Bidder shall be either a single corporate entity or a consortium of up to three corporate entities and may follow any one of the following routes;

1.3.1. ROUTE – 1

Bidder fulfils all the requirements at clause 1.1 &1.2 on its own.

1.3.2. ROUTE –2

- i. In case a Bidder does not meet the requirement of clause 1.1 &1.2 above on its own, it can quote on the basis of experience of its Subsidiary (ies) and /or Holding Company and/or Subsidiaries of its Holding Company. In such a case the consolidated experience of Bidder and its Subsidiary (ies) and/or Holding Company and/or Subsidiaries of its Holding company shall be considered, as applicable.

However, Bidder on its own should meet either Technical Criteria at clause 1.1, or financial criteria at Clause 1.2 above.

- ii. The Bidder, who meets the requirements of clause 1.2 on its own and meets the requirement of Clause 1.1 above based on the strength / experience of its Subsidiary (ies) and/or Holding Company and/or Subsidiaries of its Holding

company will be required to furnish a legally enforceable Joint Operating Agreement (JOA) executed between the Bidder and its Subsidiary (ies) and/or Holding Company and/or Subsidiaries of its Holding company extending experience / strength to the Bidder along with its Techno-commercial Bid, valid for at least **3** years, which will have to be extended till such time the mine achieves 85% of the contracted capacity of the project, as per the formats enclosed in the bidding documents. The number of executants of the JOA shall not exceed three including the Bidder. Further each of the executants of the JOA other than the Bidder shall be required to submit a performance guarantee equivalent to 1% of the estimated annual contract value towards the faithful performance of terms & conditions contained in JOA as per the format specified in the bidding documents. These performance guarantee(s) shall be in addition to the Contract Performance Guarantee to be submitted by the Bidder as per bidding documents and shall be kept valid and operative till 90 days after the expiry of the validity of JOA.

- iii. The Bidder who meets the requirements of clause 1.1 on its own and meets the requirement of clause 1.2 based on the strength / experience of its Subsidiary (ies) and/or Holding Company and/or Subsidiaries of its Holding company will be required to furnish along with its Techno-commercial Bid, a Letter of Undertaking from the Subsidiary (ies) and/or Holding Company and/or Subsidiaries of its Holding company, supported by Board Resolution of such company(ies), 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. The number of such Subsidiary (ies) and/or Holding Company and/or Subsidiaries of its Holding company lending strength/experience to the Bidder shall not exceed three including the Bidder.
- iv. Net worth of the Bidder and its Subsidiary (ies) and/or Holding Company and/or subsidiary(ies) of its Holding Company, lending strength /experience to the Bidder for meeting Technical or Financial Criteria, in combined manner, should be equal to or more than 100% of their total paid up share capital, as on the last date of the last financial year out of the three consecutive Financial Years, considered by bidder for meeting Financial Criteria. However, net worth of the Bidder and its Subsidiary (ies) and/or Holding Company and/or Subsidiary(ies) of its Holding Company, seeking qualification under this Route, as on the last date of the last financial year out of the three consecutive Financial Years, considered by Bidder for meeting financial criteria, should not be less than 75% of their respective paid up share capital individually.

1.3.3. ROUTE –3 (Consortium)

- i. Bidder may be a Consortium of up to three corporate entities and should collectively meet the requirement of technical criteria mentioned at clause 1.1 above. **At least one of the Consortium partner should have handled at least 40% of the qualifying quantity mentioned at clause 1.1 from single mine (i.e. 2.40 million bank cubic meter from single mine).**
- ii. All the Consortium members shall select one of the members as the “leader” who should meet on its own financial criteria mentioned at clause 1.2 above.
- iii. Net worth of all the consortium members in combined manner, as on the last date of the last financial year out of the three consecutive Financial Years, proposed by Bidder for meeting Financial Criteria, should be equal to or more than 100% of their total paid up share capital. However, net worth of each member of the consortium excluding the leader, as on the last date of the last financial year out of the three consecutive Financial Years, considered by Bidder for meeting Financial Criteria, should not be less than 75% of their respective paid up share capital individually.
- iv. Each member of the consortium should meet either
 - a. **At least 20% of the Qualifying Quantity mentioned at clause 1.1 i.e. 1.22 Million bank cubic meter of overburden and/ or coal/ lignite / iron/ bauxite/ manganese/ copper from a maximum of five open cast mines of Coal / Lignite/ Iron/ Bauxite/ Manganese/ Copper, in any year. However, the total number of mines to be considered for meeting the technical criteria at clause 1.1 collectively by all consortium members**

shall not exceed five.

or

- b. At least 20% of the absolute value(s) of the Financial Criteria mentioned at clause 1.2 above.
- v. In this route, none of the consortium members will be allowed to draw any technical or financial strength from its Subsidiary (ies) and/or Holding Company.
- vi. Each of the Consortium members will be required to furnish a legally enforceable Consortium Operating Agreement (COA) along with Techno-commercial Bid holding themselves jointly & severally responsible and liable to NTPC to perform all contractual obligations, valid for the entire period of contract, as per the format enclosed in the bidding documents. The number of executants of the COA should not exceed three.

NOTES:

- i. **Deleted.**
- ii. **Deleted.**
- iii. The word “overburden” shall also include “inter-burden provided it is measured and accounted separately.”
- iv. **Deleted.**
- v. **Deleted.**
- vi. For criteria at clause 1.1 in case the Bidder is seeking qualification as a mine owner, **the volume of overburden/coal/lignite/ iron ore/ bauxite/ manganese ore/ copper ore production should be certified by Statutory Auditor of the Bidder.**
- vii. For criteria at clause 1.1, in case the Bidder is seeking qualification as a mine operator under a contract, the Bidder should submit a copy of the Contract Agreement and a certificate of production of **Overburden/coal/lignite/ iron ore/ bauxite/ manganese ore/ copper ore** from the Owner.

Alternatively, a certificate from the Statutory Auditor of the Bidder certifying the volume of **Overburden/coal/lignite/ iron ore/ bauxite/ manganese ore/ copper ore production** can also be submitted.
- viii. “Holding Company” and “Subsidiary” shall have the meaning ascribed to them as per Companies Act, in vogue.
- ix. The provisions of clause 1.2.3 shall also be applicable for Subsidiary Company/ Holding Company / subsidiary of Holding Company / Consortium Members.
- x. For clause 1.3.3 (iii), Net worth in combined manner as percentage of Paid up Share capital shall be calculated as follows:

If Net worth of the three Consortium partners is X1, X2 & X3 respectively and corresponding Paid up share capital of the three Consortium partners is Y1, Y2 & Y3 respectively, then

$$\text{Net worth (in combined manner)} = \frac{X1+X2+X3}{Y1+Y2+Y3} \times 100 \%$$
- xi. For meeting financial criteria, Bidder under Route-1 shall consider the same set of three consecutive Financial Years.

For meeting financial criteria, Bidder and its Subsidiary (ies) and/or Holding Company and/or Subsidiary(ies) of its Holding Company under Route-2 shall consider the same set of three consecutive Financial Years.

For meeting financial criteria, all the Consortium Members under Route-3 shall consider the same set of three consecutive Financial Years.

xii. 'year' as per Clause 1.1 and 1.3.3(iv(a)) means a continuous period of 365 days.

xiii. **Deleted.**

xiv. **For clause 1.3.2 (iv), Net worth in combined manner as percentage of Paid up Share capital shall be calculated as follows:**

If Net worth of the bidder (X1) and two of (X2 & X3) Subsidiary (ies) and/or Holding Company and/or Subsidiary(ies) of its Holding Company is X1, X2 & X3 respectively and corresponding Paid up share capital of the bidder and Subsidiary (ies) and/or Holding Company and/or Subsidiary(ies) of its Holding Company is Y1, Y2 & Y3 respectively, then

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

xv. **For Net worth and Turnover indicated in foreign currency, the exchange rate as on 7 days prior to the date of opening of Techno-commercial bid shall be used.**

xvi. **In case the bidder has executed any reference work as a JV partner/consortium member, the experience of the bidder shall be considered equivalent to the executed value of work corresponding to value of work under the scope of bidder only as per the JV/Consortium Agreement/certified by owner/statutory auditor etc. (as applicable). In case bidder is not able to substantiate the above with documentary evidence, the experience of the bidder shall be considered in proportion to the bidder's equity participation as per JV/consortium agreement or other documentary evidence. However, experience in JV/consortium with equity participation less than 10% shall not be considered.**