

NTPC LIMITED

(A GOVERNMENT OF INDIA ENTERPRISE)
EOC Noida Office

**NOTICE INVITING EXPRESSION OF INTEREST (NI-EOI)
FOR
PROCUREMENT OF IMPORTED COAL ON FOR / CIF / VESSEL-TO-VESSEL BASIS**

Document No: CS-0011-010E-9

Date: 23.02.2022

- 1.0** NTPC Limited invites Expression of Interest (EOI) from interested agencies for Procurement of Imported Coal on FOR / CIF / Vessel-to-vessel basis. Detailed scope is as specified in the NI-EOI Documents.

Availability of EOI Documents	from 24.02.2022
Last date for receipt of filled-in 'Expression of Interest'	14.03.2022, 1100 hrs. (IST)

- 2.0** The EOI document would be available online. A complete set of EOI Documents may be downloaded from the NTPC e-tender website <https://eprocurmentpc.nic.in> by any interested Agency **free of cost**. The EOI document would also be available at <https://ntpctender.ntpc.co.in/>

4.0 Address for Communication:

Sr. Manager (CS)/ AGM(CS)

NTPC Limited, 6th Floor,
Engineering Office Complex,
A-8A, Sector-24, NOIDA,
Distt. Gautam Budh Nagar, (U.P.),
INDIA, Pin-201301
Contact No. +91 9650997390/ +91 9650991004
e-mail: rchaudhury@ntpc.co.in / praveerkumar@ntpc.co.in

Websites: <https://eprocurmentpc.nic.in> or <https://ntpctender.ntpc.co.in/> or www.ntpc.co.in

NTPC Limited
(A Government of India Enterprise)



Complete Set of Documents

for

Submission of Expression of Interest (EOI)

for

**Procurement of Imported Coal on FOR/CIF/Vessel-to-Vessel
basis**

DOCUMENT NO.: CS-0011-010E-9

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(A GOVERNMENT OF INDIA ENTERPRISE)
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Websites: <https://eprocurementpc.nic.in> or <https://ntpctender.ntpc.co.in/> or www.ntpc.co.in

Volume-I
Notice Inviting Expression of Interest (NI-EOI)

Detailed Invitation
For
Submission of Expression of Interest (EOI)
for
Procurement of Imported Coal on FOR/CIF/Vessel-to-Vessel basis
Document No. CS-0011-010E-9

[This document is meant for the exclusive purpose of submission of EOI and shall not be transferred, reproduced or otherwise used for purposes other than that for which it is specifically issued].

NTPC Limited
Engg. Office Complex, Plot A-8A, Sector 24,
Noida 201 301

SI	Index	Details
1.0	Introduction	NTPC Limited (A Government of India Enterprise and a Maharatna Company), India's largest power utility referred to herein as NTPC, invites 'Expression of Interest' (EOI) intending to seek details of agencies having experience of supply of imported coal, for supply of Imported Coal on FOR / CIF / Vessel-to-Vessel basis as per specifications, Scope of Work as detailed in this NI-EOI documents.
2.0	Eligibility & Information required as part of EOI	The agency on its own strength or as a Consortium should have Supply experience (with/without Handling experience) as prescribed at Annexure-IA / Annexure-IB of this Vol.I (Detailed Invitation for EOI). Details on the agencies' Supply/Handling experience, including their financial status are being sought in the formats enclosed as Vol-II (Formats for Submitting 'Expression of Interest') of the NI-EOI documents.
3.0	Contents of NI-EOI	Document for NI-EOI Vol- I: Detailed Invitation for Submission of 'Expression of Interest' Vol-II: Formats for Submitting 'Expression of Interest' Vol-III: Indicative Brief Technical Specifications Corrigendum/ Amendment if any Note: Bidder appearing in the NI-EOI Document shall mean Agency. Further, Bid Doc / Bidding Document shall mean NI-EOI Document. Agencies are expected to submit their details sought, in accordance with the terms and conditions stipulated in this Notice Inviting EOI (NI-EOI).
4.0	Submission of Expression of Interest (EOI)	Interested agencies are to submit their Expression of Interest (EOI) with complete information and supporting documents required, as detailed in this NI-EOI documents, online through https://eprocurementpc.nic.in no later than the time and date stated in the NI-EOI. The agency is expected to submit their EOI, based on the terms and conditions stipulated in the NI-EOI Documents. List of Documents (as per formats in Vol-II) which are being sought: i. Format for Submission of EOI, duly filled-up and signed by authorised signatory. ii. Authorization to sign/submit the EOI (Copy of Board resolution/ Power of Attorney etc.). In case of Consortium, Power of Attorney by each Partner of Consortium in favour of their respective signatory and Power of Attorney signed by legally authorized signatories of all the consortium Partners authorising the Lead partner of Consortium to submit EOI on their behalf iii. Data and information as sought under Experience Data and Financial Capacity Status, alongwith supporting documentary evidence/certificates as sought.

SI	Index	Details
		<p>The EOI is to be submitted as per format given in Volume II.</p> <p>Agencies submitting their EOI are also required to appraise themselves of the following policies of NTPC. Submission of EOI shall be considered as their compliance to the same, as brought out below:</p> <p>a) Compliance to “Restrictions on procurement from a Bidder/Applicant of a country which shares a land border with India”</p> <p>Agencies shall comply to document provisions on “Restrictions on procurement from a Bidder/Applicant of a country which shares a land border with India”, as per Annexure-II to Vol.I of NI-EOI. Submission of their EOI shall be considered as Agency's confirmation that Agency(ies) has(ve) read and understood the document provisions regarding “Restrictions on procurement from a Bidder/Applicant of a country which shares a land border with India” and its EOI is in compliance to this clause.</p> <p>In case it is established that Agency has provided any false information in pursuance of the aforesaid document provisions, it shall be delisted.</p> <p>b) Compliance to Fraud Prevention Policy of NTPC</p> <p>The Agency along with its associate/ collaborator/ subcontractors/ sub-vendors/ consultants/service providers shall strictly adhere to the Fraud Prevention Policy of NTPC displayed on its tender website http://www.ntpctender.com and shall immediately apprise the NTPC about any fraud or suspected fraud as soon as it comes to their notice.</p> <p>Submission of their EOI shall be considered as Agency's confirmation that Agency unconditionally adheres to NTPC's “Fraud Prevention Policy”.</p> <p>c) Compliance to Policy for Withholding and Banning Of Business Dealings</p> <p>NTPC has in place a Policy for withholding and Banning of Business Dealings displayed on its tender website http://www.ntpctender.com. Business dealings may be withheld or banned with an Agency on account of any of the grounds and following the procedures as detailed in the said Policy for withholding and Banning of Business Dealings.</p> <p>Submission of their EOI shall be considered as Agency's confirmation that Agency unconditionally adheres to NTPC's Banning policy.</p>
INVITATION OF EOI FOR PROCUREMENT OF IMPORTED COAL ON FOR/CIF/VESSEL-TO-VESSEL BASIS	DOCUMENT NO. CS-0011-010E-9 Vol- I (DETAILED INVITATION FOR EOI)	Page 3 of 5

SI	Index	Details
		In case an agency is submitting an EOI as a member of consortium, it can also submit EOI as an individual/ member in any other Consortium also.
5.0	Language of EOI	<p>The EOI and all related correspondence and documents exchanged between the Agency and NTPC shall be written in English language, provided that any printed literature furnished by the Agency may be written in another language, as long as such literature is accompanied by a translation of its potential passages in English language in which case, for purpose of interpretation of the bid, the translation shall govern.</p> <p>“The English Translation of the documents shall be carried out by professional translators and the translator shall certify that he is proficient in both languages in order to translate the document and that the translation is complete and accurate Further, translation shall be authenticated by the Indian Consulate located in the Country where the documents have been issued or the Embassy of that Country in India”</p>
6.0	Clarification/Amendment on EOI Documents	<p>An agency requiring any clarification on the NI-EOI Document may notify NTPC through e-mail or in writing by post at the address indicated below.</p> <p>Clarifications, if any found needed to be issued, shall be posted at e-tender portal. Agencies can view these clarifications once they are posted.</p>
7.0	Clarification on EOI	NTPC may, at its discretion, ask any agency for clarification of its EOI. NTPC's request for clarification and the response shall be in writing or by mail.
8.0	Disclaimer	<p>NTPC reserves the right not to proceed further, to change the process or procedure to be applied. It also reserves the right to decline to discuss further with any agency expressing interest. No reimbursement of cost of any type shall be paid to persons, entities or consortiums expressing interest.</p> <p>Agencies may note that mere submission of EOI and/or submission of additional information do not automatically entitle them to any claim.</p>
9.0	Authorized Representative/ Signatory	<p>The EOI including all documents uploaded on-line shall be digitally certified by authorized representative of the Agency, duly authorised to sign and submit the EOI, using Class-III digital signature (in the name of designated individual with Organization name). The Digital Signature shall be as per Indian IT Act from the licensed Certifying Authorities (CA) operating under the Root Certifying Authority of India (RCAI) namely Controller of Certifying Authorities (CCA) of India.</p> <p>A power of attorney, duly authorised by a Notary Public, indicating that the person signing the EOI has the authority to sign the EOI is to be uploaded as part of the EOI.</p>

SI	Index	Details
		Any action required or permitted to be taken, and any document required or permitted to be executed, under this NI-EOI by the Agency shall be executed by the officials authorized for the purpose.
10.0	Deadline for Submission of EOI	<p>a. EOI must be submitted not later than the date and time specified for the 'NI-EOI' or any further extension given by NTPC as Corrigendum in GePNIC portal, if any.</p> <p>b. The online EOI must be submitted before the specified expiry date and time.</p>
11.0	Contact Persons / Address	<p>Sr. Manager (CS)/ AGM(CS) NTPC Limited, 6th Floor, Engineering Office Complex, A-8A, Sector-24, NOIDA, Distt. Gautam Budh Nagar, (U.P.), INDIA, Pin-201301 Contact No. +91 9650997390/ +91 9650991004</p> <p>e-mail: rchaudhury@ntpc.co.in / praveerkumar@ntpc.co.in</p> <p>Websites: https://eprocurementpc.nic.in or https://ntpctender.ntpc.co.in/ or www.ntpc.co.in</p>

TENTATIVE DRAFT QUALIFYING REQUIREMENTS FOR PROCUREMENT OF IMPORTED COAL ON CIF BASIS (Agency to provide data in relevant formats in their EOI)

The Applicant can be an individual firm meeting the qualifying requirements stipulated hereunder as per Clauses A and B;

OR

The Applicant can be a Consortium of maximum two (02) firms meeting the qualifying requirements stipulated hereunder as per Clauses A and B collectively.

Each partner of Consortium shall meet at least 25% of Technical Criteria Requirement mentioned at Clause A or at least 25% of the Financial Criteria Requirement mentioned at Clause B. Net worth criteria shall be as mentioned at Clause B (ii).

The Consortium shall necessarily identify one of the Partners as lead Partner who shall meet on its own at least 51% of one of the Technical Criteria mentioned at clause A and at least 51% of Financial Criteria mentioned at Clause B. Net worth criteria shall be as mentioned at Clause B (ii).

In case, lead partner of Consortium meets on its own, at least 51% of only one of the Technical Criteria mentioned at clause A, then one partner other than lead partner shall have to meet at least 51 % of the remaining Technical Criteria.

A1. Technical Criteria for Applicant:

The Applicant should have imported / exported and supplied a minimum quantity of **MMT** of any dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc. of origin other than India to any firm, in any continuous twelve (12) months in one or multiple contracts during the preceding five (5) financial years along with the current financial year up to date of submission of Application.

In support of the aforesaid experience, the Applicant shall furnish:

- a) Supply Experience certificate from purchaser and;
- b) Certificate from Statutory Auditor(s) of the Applicant

B. Financial criteria for the Applicant:

- i) The average annual turnover of the Applicant in the preceding three (3) financial years as on the date of Techno-Commercial bid opening should not be less than **INR** **Crores** or in equivalent foreign currency.

In case a Applicant does not satisfy the 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 Applicant 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 Applicant in case of award. In case a bid submitted by a Consortium, all the partners of Consortium shall be collectively required to meet the turnover criteria.

- ii) The Net worth of the applicant should not be less than 100% (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 Applicant 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 case the Net worth of the Applicant 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. For a Consortium, the net worth of all Consortium members in combined manner should not be less than 100%(hundred percent) of their 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 respective paid up share capitals.

- iii) In case the Applicant is not able to furnish its audited financial statements on stand-alone entity basis, the unaudited unconsolidated financial statements of the Applicant can be considered acceptable provided the Applicant further furnishes the following documents for substantiation of its qualification.
 - a. Copies of the unaudited unconsolidated financial statements of the Applicant along with copies of the audited consolidated financial statements of its Holding Company.
 - b. A Certificate from the CEO/CFO of the Holding Company, as per the format enclosed in the bid documents, stating that the unaudited unconsolidated financial statements form part of the Consolidated Annual Financial Statements of the 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, Applicant 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:

- 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.
- iv) For turnover indicated in foreign currency, the exchange rate as on seven days prior to the date of Techno-Commercial bid opening shall be used
- v) The term 'date of bid opening' would mean the date of Techno-Commercial bid opening. << relevant for package specific tendering >>
- vi) A firm can be a partner in only one Consortium; bids submitted by Consortium including the same firm as partner will be rejected. << relevant for package specific tendering >>
- vii) The Consortium shall necessarily identify one of the partners as lead partner.
- viii) The Consortium Applicant shall provide, along with the bid, a Consortium Agreement, as per the format enclosed in the bid documents in which the partners of the Consortium are jointly and severally liable to the Owner to perform all the contractual obligations. The Consortium Agreement shall be submitted along with the bid, failing which the Applicant shall be disqualified and his bid shall be rejected. << relevant for package specific tendering >>
- ix) Dry (bulk) solid commodity mentioned at A above means dry solid bulk cargo covered in Appendix 4 (page 352 to 358) of International Maritime Solid Bulk Cargoes (IMSBC) code MSC 84/24/Add.3

TENTATIVE DRAFT QUALIFYING REQUIREMENTS FOR PROCUREMENT OF IMPORTED COAL ON FOR BASIS (Agency to provide data in relevant formats in their EOI)

The Applicant can be an individual firm meeting the qualifying requirements stipulated hereunder as per Clauses A and B;

OR

The Applicant can be a Consortium of maximum three (03) firms meeting the qualifying requirements stipulated hereunder as per Clauses A and B collectively.

Each partner of Consortium shall meet at least 25% of Technical Criteria Requirement mentioned at Clause A1 or Clause A2 or at least 25% of the Financial Criteria Requirement mentioned at Clause B. Net worth criteria shall be as mentioned at Clause B (ii).

The Consortium shall necessarily identify one of the Partners as lead Partner who shall meet on its own at least 51% of one of the Technical Criteria mentioned at clause A1 and Clause A2 and at least 51% of Financial Criteria mentioned at Clause B. Net worth criteria shall be as mentioned at Clause B (ii).

In case, lead partner of Consortium meets on its own, at least 51% of only one of the Technical Criteria mentioned at clause A1 or A2, then one partner other than lead partner shall have to meet at least 51 % of the remaining Technical Criteria.

A. Technical Criteria for Applicant:

A1. The Applicant should have imported / exported and supplied a minimum quantity of **MMT** of any dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc. of origin other than India to any firm, in any continuous twelve (12) months in one or multiple contracts during the preceding five (5) financial years along with the current financial year up to date of submission of Application.

In support of the aforesaid experience, the Applicant shall furnish:

- a) Supply Experience certificate from purchaser and;
- b) Certificate from Statutory Auditor(s) of the Applicant

AND

A2. The Applicant should have handled, including port operations and loading for despatch through Indian Railways, a minimum of **MMT** of any dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc. in India, in any continuous twelve (12) months in one or multiple contracts during the preceding five (5) financial years along with the current financial year up to date of submission of Application.

In support of the aforesaid experience, the Applicant shall furnish:

- a) Handling Experience certificate from the purchaser and;

b) Certificate from the Statutory Auditor(s) of the Applicant

B. Financial criteria for the Applicant:

- (i) The average annual turnover of the Applicant in the preceding three (3) financial years as on the date of Techno-Commercial bid opening should not be less than **INR**
Cr. or in equivalent foreign currency.

In case a Applicant does not satisfy the 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 Applicant 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 Applicant in case of award. In case a bid submitted by a Consortium, all the partners of Consortium shall be collectively required to meet the turnover criteria.

- ii) The Net worth of the applicant should not be less than 100% (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 Applicant 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 case the Net worth of the Applicant 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. For a Consortium, the net worth of all Consortium members in combined manner should not be less than 100%(hundred percent) of their 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 respective paid up share capitals.

- iii) In case the Applicant is not able to furnish its audited financial statements on stand-alone entity basis, the unaudited unconsolidated financial statements of the Applicant can be considered acceptable provided the Applicant further furnishes the following documents for substantiation of its qualification.

- a. Copies of the unaudited unconsolidated financial statements of the Applicant along with copies of the audited consolidated financial statements of its Holding Company.

- b. A Certificate from the CEO/CFO of the Holding Company, as per the format enclosed in the bid documents, stating that the unaudited unconsolidated financial statements form part of the Consolidated Annual Financial Statements of the 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, Applicant 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:

- 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.
- iv) For turnover indicated in foreign currency, the exchange rate as on seven days prior to the date of Techno-Commercial bid opening shall be used
- v) The term 'date of bid opening' would mean the date of Techno-Commercial bid opening. << relevant for package specific tendering >>
- vi) A firm can be a partner in only one Consortium; bids submitted by Consortium including the same firm as partner will be rejected. << relevant for package specific tendering >>
- vii) The Consortium shall necessarily identify one of the partners as lead partner.
- viii) The Consortium Applicant shall provide, along with the bid, a Consortium Agreement, as per the format enclosed in the bid documents in which the partners of the Consortium are jointly and severally liable to the Owner to perform all the contractual obligations. The Consortium Agreement shall be submitted along with the bid, failing which the Applicant shall be disqualified and his bid shall be rejected. << relevant for package specific tendering >>
- ix) Dry (bulk) solid commodity mentioned at A above means dry solid bulk cargo covered in Appendix 4 (page 352 to 358) of International Maritime Solid Bulk Cargoes (IMSBC) code MSC 84/24/Add.3

F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

161, North Block,
New Delhi
23rd July, 2020

Order (Public Procurement No. 1)

Subject: Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017

Attention is invited to this office OM no. 6/18/2019-PPD dated 23rd July 2020 inserting Rule 144 (xi) in GFRs 2017. In this regard, the following is hereby ordered under Rule 144 (xi) on the grounds stated therein:

Requirement of registration

1. Any bidder from a country which shares a land border with India will be eligible to bid in any procurement whether of goods, services (including consultancy services and non-consultancy services) or works (including turnkey projects) only if the bidder is registered with the Competent Authority, specified in **Annex I**.
2. This Order shall not apply to (i) cases where orders have been placed or contract has been concluded or letter/notice of award/ acceptance (LoA) has been issued on or before the date of this order; and (ii) cases falling under **Annex II**.

Transitional cases

3. Tenders where no contract has been concluded or no LoA has been issued so far shall be handled in the following manner: -
 - a) *In tenders which are yet to be opened, or where evaluation of technical bid or the first exclusionary qualificatory stage (i.e. the first stage at which the qualifications of tenderers are evaluated and unqualified bidders are excluded) has not been completed:* No contracts shall be placed on bidders from such countries. Tenders received from bidders from such countries shall be dealt with as if they are non-compliant with the tender conditions and the tender shall be processed accordingly.
 - b) *If the tendering process has crossed the first exclusionary qualificatory stage:* If the qualified bidders include bidders from such countries, the

entire process shall be scrapped and initiated *de novo*. The *de novo* process shall adhere to the conditions prescribed in this Order.

- c) As far as practicable, and in cases of doubt about whether a bidder falls under paragraph 1, a certificate shall be obtained from the bidder whose bid is proposed to be considered or accepted, in terms of paras 8, 9 and 10 read with para 1 of this Order.

Incorporation in tender conditions

4. In tenders to be issued after the date of this order, the provisions of paragraph 1 and of other relevant provisions of this Order shall be incorporated in the tender conditions.

Applicability

5. Apart from Ministries / Departments, attached and subordinate bodies, notwithstanding anything contained in Rule 1 of the GFRs 2017, this Order shall also be applicable
 - a. to all Autonomous Bodies;
 - b. to public sector banks and public sector financial institutions; and
 - c. subject to any orders of the Department of Public Enterprises, to all Central Public Sector Enterprises; and
 - d. to procurement in Public Private Partnership projects receiving financial support from the Government or public sector enterprises/ undertakings.
 - e. Union Territories, National Capital Territory of Delhi and all agencies/ undertakings thereof

Definitions

6. "Bidder" for the purpose of this Order (including the term 'tenderer', 'consultant' 'vendor' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency, branch or office controlled by such person, participating in a procurement process.
7. "Tender" for the purpose of this Order will include other forms of procurement, except where the context requires otherwise.
8. "Bidder from a country which shares a land border with India" for the purpose of this Order means

- a) An entity incorporated, established or registered in such a country; or
- b) A subsidiary of an entity incorporated, established or registered in such a country; or
- c) An entity substantially controlled through entities incorporated, established or registered in such a country; or
- d) An entity whose *beneficial owner* is situated in such a country; or
- e) An Indian (or other) agent of such an entity; or
- f) A natural person who is a citizen of such a country; or
- g) A consortium or joint venture where any member of the consortium or joint venture falls under any of the above

9. "Beneficial owner" for the purpose of paragraph 8 above will be as under:

- (i) In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person(s), has a controlling ownership interest or who exercises control through other means.

Explanation—

- a. "Controlling ownership interest" means ownership of, or entitlement to, more than twenty-five per cent of shares or capital or profits of the company;
 - b. "Control" shall include the right to appoint the majority of the directors or to control the management or policy decisions, including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
- (ii) In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 - (iii) In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
 - (iv) Where no natural person is identified under (i) or (ii) or (iii) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;

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(v) In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

10. "Agent" for the purpose of this Order is a person employed to do any act for another, or to represent another in dealings with third persons.

Sub-contracting in works contracts

11. In works contracts, including turnkey contracts, contractors shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority. The definition of "contractor from a country which shares a land border with India" shall be as in paragraph 8 above. This shall not apply to sub-contracts already awarded on or before the date of this Order.

Certificate regarding compliance

12. A certificate shall be taken from bidders in the tender documents regarding their compliance with this Order. If such certificate given by a bidder whose bid is accepted is found to be false, this would be a ground for immediate termination and further legal action in accordance with law.

Validity of registration

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

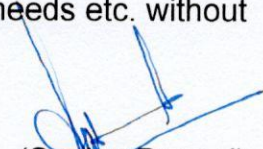
Government E-Marketplace

14. The Government E-Marketplace shall, as soon as possible, require all vendors/ bidders registered with GeM to give a certificate regarding compliance with this Order, and after the date fixed by it, shall remove non-compliant entities from GeM unless/ until they are registered in accordance with this Order.

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Model Clauses/ Certificates

15. Model Clauses and Model Certificates which may be inserted in tenders / obtained from Bidders are enclosed as **Annex III**. While adhering to the substance of the Order, procuring entities are free to appropriately modify the wording of these clauses based on their past experience, local needs etc. without making any reference to this Department.


(Sanjay Prasad)
Joint Secretary (PPD)
Email ID: js.pfc2.doe@gov.in
Telephone: 011-23093882

To

- (1) Secretaries of All Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities.
- (2) Secretary, Department of Public Enterprises with a request to immediately reiterate these orders in respect of Public Enterprises.
- (3) Secretary DPIIT with a request to initiate action as provided under Annex I
- (4) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

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Annex I: Competent Authority and Procedure for Registration

- A. The Competent Authority for the purpose of registration under this Order shall be the Registration Committee constituted by the Department for Promotion of Industry and Internal Trade (DPIIT)*.
- B. The Registration Committee shall have the following members*:
- i. An officer, not below the rank of Joint Secretary, designated for this purpose by DPIIT, who shall be the Chairman;
 - ii. Officers (ordinarily not below the rank of Joint Secretary) representing the Ministry of Home Affairs, Ministry of External Affairs, and of those Departments whose sectors are covered by applications under consideration;
 - iii. Any other officer whose presence is deemed necessary by the Chairman of the Committee.
- C. DPIIT shall lay down the method of application, format etc. for such bidders as stated in para 1 of this Order.
- D. On receipt of an application seeking registration from a bidder from a country covered by para 1 of this Order, the Competent Authority shall first seek political and security clearances from the Ministry of External Affairs and Ministry of Home Affairs, as per guidelines issued from time to time. Registration shall not be given unless political and security clearance have both been received.
- E. The Ministry of External Affairs and Ministry of Home Affairs may issue guidelines for internal use regarding the procedure for scrutiny of such applications by them.
- F. The decision of the Competent Authority, to register such bidder may be for all kinds of tenders or for a specified type(s) of goods or services, and may be for a specified or unspecified duration of time, as deemed fit. The decision of the Competent Authority shall be final.
- G. Registration shall not be granted unless the representatives of the Ministries of Home Affairs and External Affairs on the Committee concur*.
- H. Registration granted by the Competent Authority of the Government of India shall be valid not only for procurement by Central Government and its agencies/ public enterprises etc. but **also for procurement by State Governments and their agencies/ public enterprises etc. No fresh registration at the State level shall be required.**

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- I. The Competent Authority is empowered to cancel the registration already granted if it determines that there is sufficient cause. Such cancellation by itself, however, will not affect the execution of contracts already awarded. Pending cancellation, it may also suspend the registration of a bidder, and the bidder shall not be eligible to bid in any further tenders during the period of suspension.
- J. For national security reasons, the Competent Authority shall not be required to give reasons for rejection / cancellation of registration of a bidder.
- K. In transitional cases falling under para 3 of this Order, where it is felt that it will not be practicable to exclude bidders from a country which shares a land border with India, a reference seeking permission to consider such bidders shall be made by the procuring entity to the Competent Authority, giving full information and detailed reasons. The Competent Authority shall decide whether such bidders may be considered, and if so shall follow the procedure laid down in the above paras.
- L. Periodic reports on the acceptance/ refusal of registration during the preceding period may be required to be sent to the Cabinet Secretariat. Details will be issued separately in due course by DPIIT.

[*Note:

- i. In respect of application of this Order to procurement by/ under State Governments, all functions assigned to DPIIT shall be carried out by the State Government concerned through a specific department or authority designated by it. The composition of the Registration Committee shall be as decided by the State Government and paragraph G above shall not apply. However, the requirement of **political and security clearance as per para D shall remain and no registration shall be granted without such clearance.**
- ii. Registration granted by State Governments shall be valid only for procurement by the State Government and its agencies/ public enterprises etc. and shall not be valid for procurement in other states or by the Government of India and their agencies/ public enterprises etc.]

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Annex II: Special Cases

- A. Till 31st December 2020, procurement of medical supplies directly related to containment of the Covid-19 pandemic shall be exempt from the provisions of this Order.
- B. *Bona fide* procurements made through GeM without knowing the country of the bidder till the date fixed by GeM for this purpose, shall not be invalidated by this Order.
- C. *Bona fide* small procurements, made without knowing the country of the bidder, shall not be invalidated by this Order.
- D. In projects which receive international funding with the approval of the Department of Economic Affairs (DEA), Ministry of Finance, the procurement guidelines applicable to the project shall normally be followed, notwithstanding anything contained in this Order and without reference to the Competent Authority. Exceptions to this shall be decided in consultation with DEA.
- E. This Order shall not apply to procurement by Indian missions and by offices of government agencies/ undertakings located outside India.

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Annex III

Model Clause /Certificate to be inserted in tenders etc.

(While adhering to the substance of the Order, procuring entities and GeM are free to appropriately modify the wording of the clause/ certificate based on their past experience, local needs etc.)

Model Clauses for Tenders

- I. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority.
- II. "Bidder" (including the term 'tenderer', 'consultant' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in a procurement process.
- III. "Bidder from a country which shares a land border with India" for the purpose of this Order means: -
 - a. An entity incorporated, established or registered in such a country; or
 - b. A subsidiary of an entity incorporated, established or registered in such a country; or
 - c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - d. An entity whose *beneficial owner* is situated in such a country; or
 - e. An Indian (or other) agent of such an entity; or
 - f. A natural person who is a citizen of such a country; or
 - g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above
- IV. The *beneficial owner* for the purpose of (iii) above will be as under:
 1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

Explanation—

 - a. "Controlling ownership interest" means ownership of or entitlement to more than twenty-five per cent. of shares or capital or profits of the company;

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- b. "Control" shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
 4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
 5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.
- V. An Agent is a person employed to do any act for another, or to represent another in dealings with third person.
- VI. *[To be inserted in tenders for Works contracts, including Turnkey contracts]* The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority.

Model Certificate for Tenders (for transitional cases as stated in para 3 of this Order)

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I hereby certify that this bidder is not from such a country and is eligible to be considered."

Model Certificate for Tenders

"I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this bidder is not from such a country or, if from such a country, has been registered with the

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Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]”

Model Certificate for Tenders for Works involving possibility of sub-contracting

“I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries; I certify that this bidder is not from such a country or, if from such a country, has been registered with the Competent Authority and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority. I hereby certify that this bidder fulfills all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]”

Model Certificate for GeM:

“I have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India; I certify that this vendor/ bidder is not from such a country or, if from such a country, has been registered with the Competent Authority. I hereby certify that this vendor/ bidder fulfills all requirements in this regard and is eligible to be considered for procurement on GeM. [Where applicable, evidence of valid registration by the Competent Authority shall be attached.]”

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F.No.6/18/2019-PPD
Ministry of Finance
Department of Expenditure
Public Procurement Division

161, North Block
New Delhi
23rd July, 2020

Order (Public Procurement No. 2)

Subject: Exclusion from restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017 –regarding.

In Order (Public Procurement No. 1) dated 23rd July 2020, orders have been issued requiring registration of bidders from a country sharing a land border with India in order to be eligible to bid in public procurement.

2. Notwithstanding anything contained therein, it is hereby clarified that the said Order will not apply to bidders from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects.

3. Updated lists of countries to which lines of credit have been extended or in which development projects are undertaken are given in the website of the Ministry of External Affairs.



(Sanjay Prasad)
Joint Secretary (PPD)
Email ID: js.pfc2.doe@gov.in
Telephone: 011-23093882

To,

- (1) Secretaries of All Ministries/ Departments of Government of India for information and necessary action. They are also requested to inform these provisions to all procuring entities.
- (2) Secretary, Department of Public Enterprises with a request to immediately reiterate these orders in respect of Public Enterprises.
- (3) Chief Secretaries/ Administrators of Union Territories/ National Capital Territory of Delhi

FORMAT FOR SUBMITTING EOI

Ref No. CS-0011-010E-9

Date

To,

**NTPC Limited,
Engineering Office Complex,
Plot No. A-8A, Sector-24,
NOIDA-201 301, UP**

Sub: EOI FOR PROCUREMENT OF IMPORTED COAL ON FOR/CIF/VESSEL-TO-VESSEL BASIS FOR NTPC

Dear Sirs,

1.0 We M/s. (Name of the Agency) have read and examined the EOI documents in respect of **"PROCUREMENT OF IMPORTED COAL ON FOR/CIF/VESSEL-TO-VESSEL BASIS FOR NTPC"**.

We have understood the instructions and the terms and conditions mentioned in the NI-EOI documents and have thoroughly examined the brief specifications, scope of work, tentative draft QR etc covered in the NI-EOI documents.

We submit our EOI as outlined in NI-EOI document:

Sl. No.	Description	Agency's submission
1.	Name of the Agency	
2.	Experience on their own or through Consortium	*Single agency or *Consortium
2a)	In case of Consortium, please specify the names of all agencies considered under Consortium	
2b)	Name of Lead partner of the Consortium	
3.	Address of the Agency / All agencies considered under Consortium	
4.	Name of the contact person of Agency	
5.	Contact number of the person of Agency	
6.	E Mail ID of the contact person of Agency	
7. a)	Whether Interested in participation in CIF Indian Port entry based supply tenders	*Yes/ No

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b)	Vendors may specify the Indian Discharge Ports at which they are interested to supply Imported Coal on CIF basis	Vendors to mention Discharge Ports in India: i) ii) iii) iv) v) . . .
c)	Whether Interested in participation in “ FOR destination at NTPC Stations ” based tenders	*Yes/ No
d)	Any other Detail	
VESSEL TO VESSEL BASIS		
8.	We are interested to supply on Vessel to Vessel basis at Indian Ports	*Yes/ No
a)	Vendors may specify the Indian Discharge Ports at which they are interested to supply Imported Coal on Vessel to Vessel basis	Vendors to mention Discharge Ports in India: i) ii) iii) iv) v) . . .
b)	Agency to mention the types of Vessels	i) ii) iii) iv) v) . . . (please specify)
c)	Vendors who are interested to supply on Vessel to Vessel may furnish their experience on <i>import / export and supply of any dry bulk (solid) commodity of origin other than India to any firm, in any continuous twelve (12) months in one or multiple contracts during the preceding</i>	Experience ofMT(Metric Ton)

	<p><i>five (5) financial years along with the current financial year</i></p> <p>(Vendor to attach Statutory Auditor certificate as per Annexure-C, PO copies, Invoice copies etc)</p>	
d)	<p>Vendors who are interested to supply on Vessel to Vessel may furnish their experience on <i>having handled, including port operations and loading for despatch through Indian Railways, any dry bulk (solid) commodity in India, in any continuous twelve (12) months in one or multiple contracts during the preceding five (5) financial years along with the current financial year</i></p> <p>(Vendor to attach Statutory Auditor certificate as per Annexure-C, PO copies, Invoice copies etc)</p>	Experience ofMT(Metric Ton)
e)	Any other Detail	
f)	Financial Status of Vendor (to be provided by vendor at Attachment-I B)	Details provided at Attachment-I B
g)	Note: Agencies submitting their EOI for Vessel-to-Vessel basis on their own strength need not fill-in Attachment-I, IA (i), IA (ii)	

*Please strike off which is not applicable

2.0 We confirm the submission of all the following required documents, complete in all respects:

1.	Attachment 1	Authorization to sign/submit the EOI (Copy of Board resolution/ Power of Attorney etc.)
2.	Attachment I	Qualification Data
3.	Attachment – IA (i)	Experience Data for Import/Export and Supply experience
4.	Annexure-A	Supply Experience certificate from purchaser as per suggestive format
5.	Annexure-B	Certificate from Statutory Auditor(s) of the Agency for Supply experience as per suggestive format
6.	Attachment – IA (ii)	Experience Data for Handling experience
7.	Annexure-C	Handling Experience certificate from purchaser as per suggestive format

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8.	Annexure-D	Certificate from Statutory Auditor(s) of the Agency for handling experience as per suggestive format
9.	Attachment-I B	Details of Financial Capacity Status Agency / Consortium Partners (if applicable)

Yours truly,

Date

Place

Signature.....

Name

Designation

Name of Vendor

DOCUMENTS RELATED TO AUTHORITY TO SUBMIT THE EOI

Authorization to sign/submit the EOI (Copy of Board resolution/ Power of Attorney etc.)

(In case of Consortium, Power of Attorney by each Partner of Consortium in favour of their respective signatory and Power of Attorney signed by legally authorized signatories of all the consortium Partners authorising the Lead partner of Consortium to submit EOI on their behalf)

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(Qualification Data)

[Agency’s Name & Address]

To
 Contract Services
 NTPC Limited
 Noida-201301

Dear Sirs,

#1.0

- i) We, M/s, are providing our experience details against Requirements mentioned at Clause A1 *and*/or A2 of Annexure-IA* / IB* to Vol-I of NI-EOI Document on our own strength/experience. We have furnished the data in Attachment-IA(i) *and*/or Attachment-IA(ii) in support of the same.

#Note: Agencies providing experience details on the basis of strength/experience of Consortium Partners should strike out the paragraphs 1.0 above).

****2.0**

- i) We, are submitting our EOI as a Consortium *comprising of* M/s.....(Consortium Partner-1) a Company incorporated under the law of and having its Registered Office at and M/s (Consortium Partner-2) a company incorporated under the laws of and having its Registered Office atand M/s (Consortium Partner-3) a company incorporated under the laws ofand having its Registered Office at and further, we, all Consortium partners, have also selected Consortium Partner-1 as a Lead Partner who shall be responsible for coordination, correspondences.
- ii) We, as a Consortium, are providing our experience details against Requirements mentioned at Clause A1 *and*/or A2 of Annexure-IA* / IB* to Vol-I of NI-EOI Document. We have furnished the experience data in Attachment-IA(i) and*/or Attachment-IA(ii) in support of the same.
- iii) We confirm that Lead Partner of the Consortium on its own, is meeting at least 51% of the Technical Criteria Requirement stipulated at Clause No A1* and/or* A2* of Annexure-I to Vol-I of NI-EOI Document.
- iv) *We confirm that our Consortium Partner-2* / Consortium Partner-3* meeting at least 51% of the Technical Criteria Requirement stipulated at Clause No A1* / A2* of Annexure-I to Vol-I of NI-EOI Document.

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- v) *We confirm that our Consortium Partner-2 meeting at least 25% of the Technical Criteria Requirement stipulated at Clause No A1*/ A2* of Annexure-I to Vol-I of NI-EOI Document.
- vi) *We confirm that Consortium Partner-3 meeting at least 25% of the Technical Criteria Requirement stipulated at Clause No A1*/ A2* of Annexure-I to Vol-I of NI-EOI Document.
- vii) We, confirm that all the Consortium partners as specified above, are collectively meeting the Qualifying requirement stipulated at Clause B except for the Net worth criteria mentioned at Clause B (ii) of Annexure-I to Vol-I of NI-EOI Document. We have furnished the qualification data in Attachment-IB in support of meeting the Qualifying Requirements specified in Clause B of Annexure-I to Vol-I of NI-EOI Document. We further confirm that the Net worth of the each of our consortium partners including Lead Partner as on the last date of the financial year immediately preceding the date of Techno-Commercial bid opening is not less than 100% of its paid-up share capital.
- viii) We confirm that Lead Partner of the Consortium on its own, is meeting at least 51% of the Financial Criteria Requirement stipulated at Clause No B except for Qualifying Requirement stipulated at Clause No B(ii) of Annexure-I to Vol-I of NI-EOI Document.
- ix) *We, the Consortium confirm that Consortium Partner-2 meeting at least 25% of the Financial Criteria Requirement mentioned at Clause No B except for the Net worth criteria mentioned at Clause B (ii) of Annexure-I to Vol-I of NI-EOI Document.
- x) *We, the Consortium confirm that Consortium Partner-3 meeting at least 25% of the Financial Criteria Requirement stipulated at Clause No B except for Net worth criteria stipulated at Clause No B(ii) of Annexure-I to Vol-I of NI-EOI Document.

*** Strike off which ever is not applicable**

**** Note: Agency submitting their experience on the basis of its own strength/experience should strike out the paragraphs 2.0 above).**

3.0 We further confirm that we submitted our data in support of qualification as enclosed in the following Attachments:

1	Attachment IA	Experience Details of Agency / Consortium Partners (if applicable)
2	Attachment IB	Details of Financial Capacity Status Agency / Consortium Partners (if applicable)
3	Attachment IE	Letter of Undertaking from Holding Company (If applicable)

We further understand and agree that any misleading or false information furnished by us may result in summarily rejection of our EOI.

Note:

1. In case the EOI is submitted by a Consortium of maximum three (03), information required for Attachment-I shall be furnished for each partner of the Consortium, wherever applicable.
2. In case, financial year of the Agency is a calendar year, Agency shall indicate the same and the relevant details shall be furnished accordingly.
3. Agencies/Consortium are required to furnish the details of the past experience based on which selection is to be made as per format enclosed in the NI-EOI documents and enclose relevant documents like copies of authentic work order, completion certificate, agreements, etc. supporting the details/data provided in the format. No claims without supporting documents shall be accepted in this regard. However, if any of the reference work pertains to the Contract(s)/Works executed by Agency for NTPC in the past then in respect of such Contract(s)/Works Agency shall not be required to enclose Client Certificate(s) along with its bid.
4. While providing information/documents under Attachment I, Agency shall refer carefully to Annexure-I to Vol.I of NI-EOI Documents. Agency shall provide all the information/documents required to substantiate the Qualification Criteria as per Annexure-I to Vol.I of NI-EOI Documents. In case any information/documents sought under Attachment I is incongruous with the provisions of Annexure-I to Vol.I of NI-EOI Documents, provisions of Annexure-I to Vol.I of NI-EOI Documents shall prevail and Agency shall comply accordingly.

(Experience Data)

Agency's Name and Address:

To
Contract Services,
NTPC Limited,
Noida-201 301

Dear Sirs,

A1. Experience Data of the Agency/Consortium)

i) *We, as a Agency are qualified under Clause No A1 of Annexure-I to Vol.I of NI-EOI document as mentioned at para 1 of Attachment -I. We confirm that we have imported/exported and supplied a minimum of **MMT** of any dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc. of origin other than India to any firm, in any continuous twelve(12) months in one or multiple contracts during the preceding five (5) financial years along with the current financial year up to last date of submission of EOIs.

(or)

ii) *We, as a Consortium are qualified under Clause No A1 of the Qualified Requirements stipulated in Volume I of the bidding document as mentioned at para 2 of Attachment -I. We confirm that we have imported/exported and supplied a minimum of **MMT** of any dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc. of origin other than India to any firm, in any continuous twelve(12) months in one or multiple contracts during the preceding five (5) financial years along with the current financial year up to last date of submission of EOIs.

***Strike off whichever is not applicable**

The experience details in support of the above*Agency / *Lead Partner/ *Partner of the Consortium are as under:

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Experience details of *Agency / *Lead partner of the Consortium:

Sl. No.	Name and address (with Tel No, Fax No, email Id etc) of the Purchaser to whom any of dry bulk(solid) commodity, like coal, iron ore, Fertilizers, Chemicals, Cement etc. of origin other than India has been imported/exported and supplied to any firm in any continuous twelve(12) months during the preceding five (5) financial years along with the current financial year up to last date of submission of EOIs.	PO/LOA /contract Reference#	Type of dry bulk(solid) commodity, like coal, iron ore, Fertilizers, Chemicals, Cement, etc. of origin other than India	Quantity supplied (Million Metric Tonnes)	Period of supply (From DD/MM/YYYY to DD/MM/YYYY)
Total Quantity of dry bulk(solid) commodity Supplied ((Million Metric Tonnes)					

* Experience details of Consortium Partner-2:

Sl. No.	Name and address (with Tel No, Fax No, email Id etc) of the Purchaser to whom any of dry bulk(solid) commodity, like coal, iron ore, Fertilizers, Chemicals, Cement etc. of origin other than India has been imported/exported and supplied to any firm in any continuous twelve(12) months during the preceding five (5) financial years along with the current financial year up to last date of submission of EOIs.	PO/LOA /contract Reference#	Type of dry bulk(solid) commodity, like coal, iron ore, Fertilizers, Chemicals, Cement, etc. of origin other than India	Quantity supplied (Million Metric Tonnes)	Period of supply (From DD/MM/YYYY to DD/MM/YYYY)
Total Quantity of dry bulk(solid) commodity Supplied ((Million Metric Tonnes)					

***Strike off whichever is not applicable**

Note: (1) In support of the above experience (s), Agency*/ Consortium* shall furnish their respective:

- (i) Certificate from Purchaser in the suggestive format enclosed at **ANNEXURE–A**
- (ii) Certificate from the statutory auditor(s) of the Agency in the suggestive format as enclosed at **ANNEXURE–B**

- (2) The *Agency / *Consortium shall enclose relevant documents like copies of authentic work order, completion certificate, agreements, etc. supporting the details/data provided in the format **Attachment – IA(i)**. However, if any of the reference work pertains to the Contract(s)/Works executed by Agency for NTPC in the past then in respect of such Contract(s)/Works Agency shall not be required to enclose Client Certificate(s) along with its bid.
- (3) The *Agency / *Consortium may enclose additional sheets of the above format for furnishing experience details of Consortium partner-3 (if applicable).

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(Experience Data)

Agency's Name and Address:

To
Contract Services ,
NTPC Limited,Noida-201 301

Dear Sirs,

A1. Qualification Data of the Agency / Consortium

1.0

- a. *We, as a Agency are qualified under Clause No. A2 of Annexure-I to Vol.I of NI-EOI document as mentioned at para 1 of Attachment -I. We confirm that we have handled, including port operations and loading for dispatch through Indian Railways, a minimum of **MMT** of any dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc in India, in any continuous twelve (12) months in one or multiple contracts during the preceding five (5) financial years along with the current financial year.

(or)

- b. *We, as a Consortium are qualified under Clause No. A2 of the Qualified Requirements stipulated in Annexure-I to Vol.I of NI-EOI document as mentioned at para 2 of Attachment-I. We confirm that we that we have handled, including port operations and loading for dispatch through Indian Railways, a minimum of **MMT** of any dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc in India, in any continuous twelve (12) months in one or multiple contracts during the preceding five (5) financial years along with the current financial year.

The experience details in support of the above are as under:

***Strike off whichever is not applicable**

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Experience details of *Agency / *Lead partner of the Consortium:

Sl. No.	Name and address (with Tel. No., Fax No, email ID etc) of the Purchaser for whom the Agency have handled, including port operations and loading for dispatch through Indian Railways in India, in any continuous twelve (12) months during the preceding five (5) financial years along with the current financial year	PO/LOA /contract Reference#	Type of dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc.	Quantity handled (Million Metric Tonnes)	Period of supply (From DD/MM/YYYY to DD/MM/YYYY)
Total Quantity of dry bulk(solid) commodity Handled (Million Metric Tonnes)					

***Strike off whichever is not applicable**

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* Experience details of Consortium Partner-2:

Sl. No.	Name and address (with Tel. No., Fax No, email ID etc) of the Purchaser for whom the Agency have handled, including port operations and loading for dispatch through Indian Railways in India, in any continuous twelve (12) months during the preceding five (5) financial years along with the current financial year	PO/LOA /contract Reference#	Type of dry bulk(solid) commodity, like coal, iron ore, Fertilizers, Chemicals, Cement, etc.	Quantity handled (Million Metric Tonnes)	Period of supply (From DD/MM/YYYY to DD/MM/YYYY)
Total Quantity of dry bulk(solid) commodity Handled (Million Metric Tonnes)					

- Note:** (1) In support of the above experience (s), *Agency / *Lead Partner/ *Partner of the Consortium shall furnish their respective:
- i) Handling Experience certificate from the Purchaser in the suggestive format enclosed at **ANNEXURE -C** in the Volume-IV of the bid document and;
 - ii) Certificate from the Statutory Auditor(s) of the (Agency* / Lead partner*/ Partner of the Consortium*) in the suggestive format enclosed at **ANNEXURE –D** in the Volume-IV of the bid document;
- (2) The *Agency / *Consortium shall enclose relevant documents like copies of authentic work order, completion certificate, agreements, etc. supporting the details/data provided in the format **Attachment – IA(ii)** . However, if any of the reference work pertains to the

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Contract(s)/Works executed by Agency for NTPC in the past then in respect of such Contract(s)/Works Agency shall not be required to enclose Client Certificate(s) along with its bid.

- (3) The *Agency / *Consortium may enclose additional sheets of the above format for furnishing experience details of Consortium partner-3 (if applicable).

***Strike off whichever is not applicable**

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(Financial Status)

(Details pertaining to Financial Qualification of the Agency / consortium * (if applicable) as per Clause No. (B) (i) of Annexure-IA/IB to Vol. I of NI-EOI document)

Agency's Name and Address:

Dear Sirs,

Towards Clause B (i) of the Qualified Requirements stipulated in Annexure-IA/IB to Vol. I of NI-EOI document, we hereby furnish the following details:

Sl.No	Financial Year	Agency/ Lead Partner*			Consortium partner 2			Consortium partner 3 (if applicable)		
		Amount in Agency's Currency	Amount in Rs	Exchange Rate as on seven (7) days prior to last date of bid submission	Amount in Agency's Currency	Amount in Rs	Exchange Rate as on seven (7) days prior to last date of bid submission	Amount in Agency's Currency	Amount in Rs	Exchange Rate as on seven (7) days prior to last date of bid submission
•	2018 – 2019									
•	2019 - 2020									
•	2020 - 2021									
•	Average Annual Turnover for the preceding three (3) Financial Years as on the last date of submission of EOI.									

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<ul style="list-style-type: none"> • 	<p>We have enclosed audited financial statements containing Annual Reports, Balance Sheets and Profit & Loss Account for the last 3 Financial Years duly certified by Chartered Accountant. In cases where audited results for the last preceding financial year as on the last date of submission of EOI are not available, certification of the financial statements from a practicing Chartered Accountant shall also be considered acceptable.</p>	<p>Yes*/No*</p>	<p>Yes*/No*</p>	<p>Yes*/No*</p>
---	--	-----------------	-----------------	-----------------

***Please strike off whichever is not applicable**

Note:

- i) In case of a bid submitted by consortium, the turnover shall be considered on a combined manner for all the consortium partners. However, in case of a consortium of holding and/or subsidiary companies, the options at Clause B (iii) is also available.
- ii) In case 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, party 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 provided party submits a Certificate from the CEO/CFO as per the format enclosed at Annexure-B to this Attachment-IB.

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(Financial Status)
(Details pertaining to Financial Qualification of the Agency
as per Clause No. (B) (ii) & (B) (iii) of Annexure I to Vol.I)

Agency’s Name and Address:

Dear Sirs,

A) To satisfy the requirements specified in Clause No. (B) (ii) of Annexure-I to Vol. I of NI-EOI document, we give below the following details:

* We hereby confirm that Net Worth of our company as on the last date of the financial year immediately preceding the last date of submission of EOIs is not less than 100% of its paid-up share capital.

(or)

* We hereby confirm that Net Worth of all consortium members in combined manner is not less than 100% of its paid up share capital. However individually, Net worth is not less than 75% of its respective paid up share capitals.

***Please strike off whichever is not applicable**

The details are as under:

Sl.No	Description	Net worth			Paid up share capital			% of Net Worth to the Paid Up Share Capital		
		Agency / Lead Partner *	Consortium partner 2	Consortium partner 3 (if applicable)	Agency/ Lead Partner*	Consortium partner 2	Consortium partner 3 (if applicable)	Agency/ Lead Partner*	Consortium partner 2	Consortium partner 3 (if applicable)
1.	Net worth/Paid up share capital on the last date of the financial year immediately preceding the last date of submission of EOIs									

2.	<p>Documentary evidence like Annual Report/Audited financial statements for the last preceding financial year/ in case Audited results for the last preceding three (3) Financial Years are not available, certification of financial statements from a practicing Chartered Accountant, in support of above is enclosed at Annexureto this Attachment- IB.</p>									
3.	<p>Since we are not able to furnish our audited financial statements, on stand alone entity basis, we are submitting the following documents for substantiation of our Qualification :</p> <p>(a) Copies of unaudited unconsolidated financial statements of the Agency alongwith copies of the audited consolidated financial statements of the Holding Company for the last 3 years as on the last date of submission of EOIs is enclosed at Annexure.....to this Attachment IB.</p> <p>(b) Certificate from the CEO/CFO of the Holding company stating that the unaudited unconsolidated financial statements form part of the consolidated Annual Report of the Company, is enclosed as per the format at Appendix-A to this Attachment-IB.</p>									

B. For Agency*/Consortium* meeting requirement of Clause No. (B) (i) and/or Clause No. (B) (ii) of Annexure-I to Vol. I of NI-EOI document on the strength of its Holding company.

Since we M/s.(Agency*/Lead Partner*/Consortium Partner-2*/ Consortium Partner-3*) do not satisfy the Financial Criteria stipulated at Clause No. (B) (i) and/or Clause No. (B) (ii) of Annexure-I to Vol. I of NI-EOI document, on our Own, we give below the following details of our Holding Company:

1. Name and Address of the Holding Company:
2. Turnover of the _____ (*Subsidiary and/or *Holding Company and/or *Subsidiary of its Holding Company) with the following details:

Sl.No	Financial Year	Amount in Agency's Currency	Amount in Rs	Exchange Rate as on seven (7) days prior to last date of submission of EOIs
1.	2018 – 2019			
2.	2019 - 2020			
3.	2020 - 2021			
4.	Average Annual Turnover for the preceding three (3) Financial Years as on last date of submission of EOIs.			
5.	We have enclosed audited results for Annual Reports, Balance Sheets and Profit & Loss Account for the last 3 Financial Years. In case Audited results for the preceding Financial Year is not available, certification of financial statements from a practicing Chartered Accountant in respect of the company (*Subsidiary and/or *Holding Company and/or *Subsidiary of its Holding Company) in support of above is enclosed.	Yes/*No*		

3. **Net worth of the Company**.....(*Subsidiary and/or *Holding Company and/or *Subsidiary of its Holding Company) **with the following details:**

Sl. No	Description	As on last date of the preceding financial year
1.	Paid-up Share Capital of the Holding Company	
2.	Net Worth of the Holding Company	
3.	%age of Net worth to Paid-up Share Capital of the Holding Company	
4.	A Letter of Undertaking from the Holding Company, supported by Board Resolution, pledging unconditional and irrevocable financial support for execution of the contract by the Agency in case of award is enclosed as per the format at Attachment-IE. A power of attorney of the person signing on behalf of holding company is also enclosed at Annexure..... to this Attachment-IB.	
5.	Documentary evidence like Annual Report/Audited financial statements for the last preceding financial year/ in case Audited results for the last preceding three (3) Financial Years are not available, certification of financial statements from a practicing Chartered Accountant in respect of holding company in support of above is enclosed at Annexure.....to this Attachment-IB.	

Notes:

- i) In case 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, party 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 provided party submits a Certificate from the CEO/CFO as per the format enclosed at Annexure-B to this Attachment-IB.

We further confirm that notwithstanding anything stated above, the Employer reserves the right to assess our/ our Collaborator's/ our Associate's/our Subsidiaries'/ our Group Companies' capabilities and capacity to perform the Contract, should the circumstances warrant such assessment in the overall interest of the Owner in line with QR requirement at Clause No B of Volume I (ITB) of the

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bidding document.

Note: Please strike off whichever is not applicable

Agency/ Consortium may enclose additional sheets of the above format, if required.

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**PROFORMA OF CERTIFICATE
(TO BE SUBMITTED BY CEO/CFO OF THE HOLDING COMPANY ALONG WITH THE BID)**

Ref. : _____ Date: _____
To
Contract Services
NTPC Limited
Noida - 201301

Dear Sir,

- 1.0 I, M/s..... (CEO of the company / CFO of the company)*, declare that M/s..... (Name of the Holding Company) is the Holding Company of M/s..... Name of the Agency*/ Lead Partner*/ Consortium Partner-2*/ Consortium-Partner-3*)
- 2.0 I hereby confirm and undertake that the unaudited unconsolidated financial statements submitted in respect of the Agency/consortium as part of the bid reference no.....dated..... have been considered for the purposes of the finalisation of Consolidated financial statements of the Holding Company as part of the Annual Reports.
- 3.0 I further, certify that the figures in the unaudited unconsolidated financial statements are true and correct and same have been duly reflected in the audited consolidated financial statements and/or Annual Report of the Holding Company.

Yours faithfully,
(Signature)
Name & Designation.....
Name of the Company.....
(Seal of Company).....

Note: *Strike off whichever is not applicable.

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(PROFORMA OF CERTIFICATE FROM THE CEO/CFO OF THE AGENCY/CONSORTIUM
PARTNER)

Ref. :

Date :

To

NTPC Limited

Contract Services

6th Floor, Engg. Office Complex, Plot A-8A,

Sector-24, Noida-201301

Dear Sirs,

1.0 I, Mr./Ms. (CEO / CFO* of M/s (Name of the *Agency / *Consortium Partner / *Subsidiary(ies) / *Holding Company / *Subsidiaries of the Holding companies) hereby confirm and undertake that the Financial results of the Company are under audit as on the date of Techno-commercial bid opening for the package (Name of the package).

2.0 I further, declare that the Certificate from the practicing Chartered Accountant certifying the financial parameters of M/s (Name of the *Agency / * Consortium Partner / *Subsidiary(ies) / *Holding Company / *Subsidiaries of the Holding companies) for the last financial year is not available.

* **Strike off whichever is not applicable.**

Yours faithfully

(Signature)

Date : (Name & Designation).....

Place : (Name of the Company).....

(Seal of Company).....

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Tentative Draft Form of Consortium Agreement being sought from Bidders at the time of submitting their bid against specific tender enquiries (On Non-Judicial Stamp Paper of Appropriate Value)

**FORM OF CONSORTIUM AGREEMENT
BETWEEN**

M/S.....

AND

M/S.....

AND

M/S..... **(STRIKE OFF IF NOT APPLICABLE)**

FOR SUCCESSFUL PERFORMANCE OF THE CONTRACT FOR

[PACKAGE NAME]

BIDDING DOCUMENT NO. [...]

THIS Consortium Agreement executed on this..... day of Two thousand between M/s..... a Company incorporated under the law of and having its Registered Office at (hereinafter called the "Partner-1," which expression shall include its successors, executors and permitted assigns) and M/s a company incorporated under the laws ofand having its Registered Office at (hereinafter called the "Partner-2", which expression shall include its successors, administrators, executors and permitted assigns) and M/s a company incorporated under the laws ofand having its Registered Office at (hereinafter called the "Partner-3", which expression shall include its successors, administrators, executors and permitted assigns) **(STRIKE OFF IF NOT APPLICABLE)** for the purpose of making a bid and entering into the Contract (in case of award) against Bidding Document No[.....]for **['Name of the PACKAGE']** of NTPC Limited, a Government Company incorporated under the Company Act, 1956, and having its Registered Office at NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi-110003, INDIA **(hereinafter called the "Owner")**.

WHEREAS, the Owner invited Bids for **['Name of the PACKAGE']** vide its Bidding Document No. [...]

AND WHEREAS Clause No of Volume-I(ITB), Qualifying Requirements (QR) stipulated in Instructions to Bidders (ITB) forming part of Bidding Documents stipulates that the bidder can be a Consortium of maximum three (03) firms meeting the qualifying requirements stipulated in Clause no. (A) and (B) of Volume-I(ITB) of Bidding Documents collectively. The Consortium shall also necessarily identify one of the partners as Lead Partner. The clause of Qualifying Requirement Volume-I (ITB) further stipulates that in this case, the bidder shall provide along with the bid, a Consortium Agreement as per this format in which the partners in the Consortium are jointly and severally liable to the Owner to perform all contractual obligations. The Consortium Agreement shall be submitted along with the bid, failing which the Bidder shall be disqualified and his bid shall be rejected.

AND WHEREAS M/S.....(Partner-1: Lead partner of Consortium*) meeting on its own at least 51% of one of the Technical Criteria mentioned at clause A1 and Clause A2 and at least 51% of Financial Criteria mentioned at Clause B along with the Net worth criteria as mentioned at clause B(ii) of Volume-I(ITB) of Bidding Documents and M/S(Partner-2 of Consortium) meeting at least 25% of

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Technical Criteria Requirement mentioned at Clause A1 or Clause A2 or at least 25% of the Financial Criteria Requirement mentioned at Clause B along with the

Net worth criteria as mentioned at Clause B (ii) of Volume-I(ITB) of Bidding Documents and M/S(Partner-3 of Consortium) **(STRIKE OFF IF NOT APPLICABLE)** meeting at least 25% of Technical Criteria Requirement mentioned at Clause A1 or Clause A2 or at least 25% of the Financial Criteria Requirement mentioned at Clause B along with the Net worth criteria as mentioned at Clause B (ii) of Volume-I(ITB) of Bidding Documents, collectively meets the Qualifying Requirements stipulated in clause No. (A) and Clause no. B of Volume-I (ITB) of Bidding Documents No.....

Further, the Net worth of each consortium partners as on last date of the Financial Year immediately preceding the date of Techno-Commercial bid opening are not less than 75% of its respective paid up share capital as per criteria mentioned at clause B ii) of Volume-I (ITB) of Bidding Documents. The Net worth of all consortium members in combined manner is not less than 100% of their paid up share capital.

* We undertake take that the (i) lead partner meets on its own at least 51% of each of the Technical criteria mentioned at Clause A1 and Clause A2 (ii) lead partner of Consortium meets on its own, at least 51% of only one of the Technical Criteria mentioned at clause A1 or A2, and one partner other than lead partner meets at least 51 % of the remaining Technical Criteria requirement.

* strike-off (i) or (ii) whichever is not applicable.

AND WHEREAS the bid has been submitted to the Owner vide proposal no.....dated based on Consortium Agreement being these presents and the bid in accordance with requirement of Qualifying Requirements have been signed jointly by all the partners and submitted to NTPC/Owner.

NOW THEREFORE, THIS AGREEMENT WITNESSTH AS UNDER:

1. That in consideration of the Award of the Contract by the Owner to the Consortium, we the partners to the Consortium Agreement do hereby agree that Partner-1 (M/s.....), shall act as the Lead Partner for self and formed on behalf of Partner-2 and partner-3 (*strike off if not applicable*), and further declare and confirm that we shall be jointly and severally be bound unto the Owner for the execution of the contract in accordance with the Contract Terms and shall be jointly and severally liable to the Owner to perform all the Technical and Contractual obligations. Further, the Lead Partner is authorised to incur liabilities and receive instructions for and on behalf of any and all partners of the Consortium and the entire execution of the Contract shall be done exclusively with the Lead Partner.
 - 1.1 We, the partners of the Consortium confirm that in case of award of Contract we shall execute the work for which we have experience for performing all the contractual obligations collectively under the Contract.
 - 1.2 In case of any breach of the said Contract by any of the partner(s) of the Consortium Agreement, the other partner(s) hereby agree to be fully responsible for the successful performance of the Contract in accordance with the terms of the Contract.
2. Notwithstanding anything contained herein, the other partners do hereby undertake, declare and confirm that we shall be fully responsible for the successful performance of the contract and undertake to carry out all the obligations and responsibilities under this Consortium Agreement in order to discharge the obligations and responsibilities stipulated in the contract. Further, if the Owner sustains any loss or damage on account of any breach of the contract, we the Consortium partners jointly and severally undertake to promptly indemnify, and pay such loss/damages, caused to the Owner on its written demand without

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any demur, reservation, contest or protest in any manner whatsoever. This is without prejudice to any rights of the Owner against the Lead Partner under the contract and / or guarantees. It shall not be necessary or obligatory for the Owner to proceed against the Partner-1 to these presents before proceeding against the Partner-2 and Partner-3., if any.

We also confirm that any extension of time or relaxation given by the Owner to us shall not prejudice any rights of the Owner under this Consortium Agreement to proceed against us.

3. The financial liability of the partners of the Consortium Agreement, to the Owner with respect to any and all claims arising out of the performance or non performance of the Contract shall, however, be not limited in any way so as to restrict or limit the liabilities of any of the partner.
4. In case of an award of Contract we the partners to the Consortium Agreement do hereby agree that we shall furnish the Contract Performance Guarantee from a Bank in favour of Owner for a value as stipulated under the Contract and this shall be in the name of all partners of the Consortium.
5. It is expressly understood and agreed between the partners to this Agreement that the responsibilities and obligations of each of the partners shall be delineated in **Appendix-1** to this Agreement. It is further agreed by the partners that the above sharing of responsibility and obligations shall not in any way be a limitation of joint and several responsibilities of the partners under the contract.
6. We, the Consortium partners agree that this Agreement shall be irrevocable and shall form an integral part of the Contract. We further agree that this Agreement shall continue to be enforceable till the successful completion of Contract and till the Employer discharges it. We further, agree that this Agreement shall be without any prejudice to the various liabilities of the Consortium partners as well as other obligations of Consortium partners in terms of the Contract.
7. The Consortium partners will be fully responsible for the quality of all the works and timely execution thereof to the meet the completion schedule under the Contract.
8. This agreement shall be construed and interpreted in accordance with the Laws of India and the Courts of Delhi shall have exclusive jurisdiction.
9. That this Agreement shall be operative from effective date of the Contract.

IN WITNESS WHEREOF, the Consortium partners through their authorised representatives executed these present and affixed common seal company on the day, month and year first mentioned above.

Witness:

1. Common Seal of
M/s.....
has been affixed in my / our
Presence pursuant to Board of

(Consortium Partner-1)

.....
(Signature of the authorised
representative)

- Directors' Resolution dated.....
Signature.....
Name.....
Designation.....

Name.....
Designation.....
Common Seal of the Company.....

For M/s.....

Witness:

(Consortium Partner-2)

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1. Common Seal of
M/s.....
has been affixed in my / our
Presence pursuant to Board of
Directors' Resolution dated.....

.....
(Signature of the authorised
representative)
Name.....

Signature.....
Name.....
Designation.....

Designation.....
Common Seal of the Company.....

(STRIKE OFF THE PORTION BELOW IF THERE ARE ONLY TWO PARTNERS IN THE CONSORTIUM)

Witness:

1. Common Seal of
M/s.....
has been affixed in my / our
Presence pursuant to Board of
Directors' Resolution dated.....
Signature.....
Name.....

Designation.....

For M/s
(Consortium Partner-3)

.....
(Signature of the authorised
representative)
Name.....
Designation.....
Common Seal of the
Company.....

**PROFORMA OF LETTER OF UNDERTAKING
(TO BE FURNISHED ON NON-JUDICIAL STAMP PAPER OF APPROPRIATE VALUE)
[TO BE EXECUTED BY THE HOLDING COMPANY SUPPORTED BY BOARD
RESOLUTION AND SUBMITTED BY THE AGENCY ALONG WITH THE BID, IN CASE
FINANCIAL SUPPORT IS BEING EXTENDED BY THE HOLDING COMPANY TO THE
AGENCY TOWARDS FINANCIAL QUALIFYING REQUIREMENT AS PER CLAUSE B (i)
and/or B(ii) OF VOLUME –I OF NI-EOI DOCUMENTS]**

Ref. : _____ Date: _____
To _____

Contract Services
NTPC Limited, Noida - 201301
Dear Sir,

- 1.0 We, M/s..... declare that we are the holding company of M/s..... (Name of the Agency*/ Lead Partner*/ Consortium Partner-2*/ Consortium-Partner-3*) and have controlling interest therein.
M/s..... (Name of the Agency*/ Lead Partner*/ Consortium Partner-2*/ Consortium-Partner-3*) proposes to submit the EOI for the package..... (Name of the package) under document reference no..... dated and have sought financial strength and support from us for meeting the stipulated Financial Qualifying Requirement as per Clause B (iv) of Annexure-I to Vol. I of NI-EOI document.
- 2.0 We hereby undertake that we hereby pledge our unconditional & irrevocable financial support for execution of Contracts against specific tender enquiries, in case they are awarded the Contract. We further agree that this undertaking shall be without prejudice to the various liabilities that M/s..... (Name of Agency*/ Lead Partner*/ Consortium Partner-2*/ Consortium-Partner-3*) would be required to undertake in terms of the Contract including the Performance Security as well as other obligations of the Agency.
- 3.0 This undertaking is irrevocable and unconditional, and shall remain in force till the successful execution and performance of the entire contract and/or till it is discharged by Owner.
- 4.0 We are herewith enclosing a copy of the Board Resolution in support of this undertaking.
Note: *Strike off whichever is not applicable.

Yours faithfully,

(Signature of Authorised Signatory
on behalf of the Holding Company)

Date : _____ Name & Designation.....

Place : _____ Name of the Holding Company.....
Seal of the Holding

Company.....

Note: The Agency/Consortium may enclose additional sheets of the above format, if required

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**CERTIFICATE FROM PURCHASER FOR IMPORTED & SUPPLIES MADE FOR
AGENCY/LEAD PARTNER/CONSORTIUM PARTNER
(ON THE LETTER HEAD OF PURCHASER)
(SUGGESTIVE FORMAT)**

Bid Ref. No: CS-0011-010E-9

DATED:

[TO WHOMSOEVER IT MAY CONCERN]

This is to certify that, M/s _____ (Agency/Lead Partner/Consortium Partner) have imported / exported and supplied any dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc. of origin other than India to us under contract(s) mentioned below as under:

S.N.	TYPE OF DRY BULK (SOLID) COMMODITY, LIKE COAL, IRON ORE, FERTILIZERS, CHEMICALS, CEMENT, ETC.	CONTRACT(S) REF. NO AND DATED	PERIOD OF SUPPLY (FROM-TO)	QUANTIT Y IMPORTE D/EXPOR TED AND SUPPLIED (MMT)

This certificate is issued at the request of M/s _____ (Agency/Lead Partner/Consortium Partner) for the purpose of participating in tender(s).

(Signature of Authorized Person
With Full Address)

PLACE:

DATE:

- Note:
1. Dry (bulk) solid commodity shall mean dry solid bulk cargo covered in Appendix 4 (page 352 to 358) of International Maritime Solid Bulk Cargoes (IMSBC) code MSC 84/24/Add.3. Agencies are required to furnish details accordingly.
 2. Row(s) may be added, as required.

INVITATION OF EOI FOR PROCUREMENT OF IMPORTED COAL ON FOR/CIF/VESSEL-TO-VESSEL BASIS	DOCUMENT NO. CS-0011-010E-9 Vol- II (FORMATS FOR SUBMITTING EOI)	Page 32 of 36
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**CERTIFICATE FROM STATUTORY AUDITOR(S) OF THE AGENCY FOR IMPORTED
& SUPPLIES MADE**

(On the Letter Head of Statutory Auditor(s))
(SUGGESTIVE FORMAT)

Bid Ref. No: CS-0011-010E-9

DATED:

[TO WHOMSOEVER IT MAY CONCERN]

We have examined the books of accounts, records and other relevant documents, along with other necessary information and explanations furnished by M/s. _____ (Agency/Lead Partner/Consortium Partner) having office at _____ We hereby certify that M/s _____ (Agency/Lead Partner/Consortium Partner) have imported / exported and supplied any dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc. of origin other than India to any firm under the contract(s) mentioned below:

S.N O	NAME OF PURCHASE R	TYPE OF DRY BULK (SOLID) COMMODITY, LIKE COAL, IRON ORE, FERTILIZERS, CHEMICALS, CEMENT, ETC.	CONTRACT (S) REF. NO AND DATED	PERIOD OF SUPPLY (FROM-TO)	QUANTITY IMPORTED /EXPORTED AND SUPPLIED (MMT)

This certificate is issued at the request of M/s _____ (Agency/Lead Partner/Consortium Partner) for the purpose of participating in tender/s.

PLACE :

SIGNATURE

DATE :

NAME OF THE PARTNER / PROPRIETOR

MEMBERSHIP NO.

SEAL OF STATUTORY AUDITORS

- Note:
1. Dry (bulk) solid commodity shall means dry solid bulk cargo covered in Appendix 4 (page 352 to 358) of International Maritime Solid Bulk Cargoes (IMSBC) code MSC 84/24/Add.3. Agency are required to furnish details accordingly.
 2. Row(s) may be added, as required.

INVITATION OF EOI FOR PROCUREMENT OF IMPORTED COAL ON FOR/CIF/VESSEL-TO-VESSEL BASIS	DOCUMENT NO. CS-0011-010E-9 VoI- II (FORMATS FOR SUBMITTING EOI)	Page 33 of 36
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**HANDLING EXPERIENCE CERTIFICATE FROM PURCHASER FOR HANDLING OF
DRY BULK (SOLID) COMMODITY INCLUDING PORT OPERATIONS AND LOADING
FOR DISPATCH THROUGH INDIAN RAILWAYS (FOR AGENCY/LEAD
PARTNER/CONSORTIUM PARTNER)**

**[ON THE LETTER HEAD OF PURCHASER(s)]
(SUGGESTIVE FORMAT)**

Bid Ref. No:

DATED:

[TO WHOMSOEVER IT MAY CONCERN]

This is to certify that M/s _____ (Agency/Lead Partner/Consortium Partner) have handled any of Dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc. in India, including port operations and loading for dispatch through Indian Railways, under the contract(s) mentioned below :

S.NO.	TYPE OF DRY BULK (SOLID) COMMODITY, LIKE COAL, IRON ORE, FERTILIZERS, CHEMICALS, CEMENT, ETC.	CONTRACT (S) REF. NO AND DATED	PERIOD (FROM-TO)	QUANTITY HANDLED, INCLUDING PORT OPERATIONS AND LOADING FOR DESPETCH THROUGH INDIAN RAILWAYS (MMT)

This certificate is issued at the request of M/s _____ (Agency/Lead Partner/Consortium Partner) for the purpose of participating in tender(s).

PLACE :
DATE :

SIGNATURE OF AUTHORISED PERSON
WITH FULL ADDRESS

- Note:
1. Dry (bulk) solid commodity shall means dry solid bulk cargo covered in Appendix 4 (page 352 to 358) of International Maritime Solid Bulk Cargoes (IMSBC) code MSC 84/24/Add.3. Agency are required to furnish details accordingly.
 2. Row(s) may be added, as required.

HANDLING EXPERIENCE CERTIFICATE FROM STATUTORY AUDITOR(S) FOR HANDLING OF DRY BULK (SOLID) COMMODITY INCLUDING PORT OPERATIONS AND LOADING FOR DESPETCH THROUGH INDIAN RAILWAYS

(FOR AGENCY/LEAD PARTNER/CONSORTIUM PARTNER)

[ON THE LETTER HEAD OF STATUTORY AUDITOR(S)]

(SUGGESTIVE FORMAT)

Bid Ref. No:

DATED:

[TO WHOMSOEVER IT MAY CONCERN]

We have examined the books of accounts, records and other relevant documents, along with other necessary information and explanations furnished by M/s. _____ (AGENCY/LEAD PARTNER/CONSORTIUM PARTNER) having office at _____. We hereby certify that M/s. _____ (AGENCY/LEAD PARTNER/CONSORTIUM PARTNER) have handled any of Dry bulk (solid) commodity, like Coal, Iron ore, Fertilizers, Chemicals, Cement etc. in India, including port operations and loading for dispatch through Indian Railways, under the contract(s) mentioned below :

S. NO.	NAME OF THE PURCHASER	TYPE OF DRY BULK (SOLID) COMMODITY, LIKE COAL, IRON ORE, FERTILIZERS, CHEMICALS, CEMENT, ETC.	CONTRACT(S) REF. NO AND DATED	PERIOD (FROM-TO)	QUANTITY HANDLED, INCLUDING PORT OPERATIONS AND LOADING FOR DESPETCH THROUGH INDIAN RAILWAYS (MMT)

This certificate is issued at the request of M/s _____ (Agency/Lead Partner/Consortium Partner) for the purpose of participating in tender(s).

PLACE:

SIGNATURE

DATE:
PROPRIETOR

NAME OF THE PARTNER /

MEMBERSHIP NO.

SEAL OF STATUTORY AUDITORS

Email:

INVITATION OF EOI FOR PROCUREMENT OF IMPORTED COAL ON FOR/CIF/VESSEL-TO-VESSEL BASIS	DOCUMENT NO. CS-0011-010E-9 Vol- II (FORMATS FOR SUBMITTING EOI)	Page 35 of 36
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- Note:
1. Dry (bulk) solid commodity shall means dry solid bulk cargo covered in Appendix 4 (page 352 to 358) of International Maritime Solid Bulk Cargoes (IMSBC) code MSC 84/24/Add.3. Agencys are required to furnish details accordingly
 2. Row(s) may be added, as required.

INVITATION OF EOI FOR PROCUREMENT OF IMPORTED COAL ON FOR/CIF/VESSEL-TO-VESSEL BASIS	DOCUMENT NO. CS-0011-010E-9 Vol- II (FORMATS FOR SUBMITTING EOI)	Page 36 of 36
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Indicative Brief Technical Specifications

Volume-III

TENTATIVE SALIENT TECHNICAL FEATURES
for
Procurement of Imported Coal on FOR destination basis for NTPC Power Plants

These Salient Technical features are mentioned only to facilitate the prospective bidders to prima-facie understand the requirements under the tender and shall not in any way limit or alter the scope of work and technical features/specification of supply of Imported Coal covered in the Bidding Documents. Detailed provisions in regard of scope of work and technical features/specification of subject requirement contained in the Bidding Documents shall be final and binding.

Brief Scope of Work: Bidders shall declare the coal mine(s) outside India from where they are intending to supply coal as per specification, as per format enclosed in the bidding documents along with their bids. The Successful Bidder shall supply imported Steam Coal sourced from identified mine(s) as declared by him to NTPC power stations, arranging vessels, stevedoring, handling, storage, port clearances, arranging Railway rakes, loading, transportation and delivery at NTPC power stations. All other activities including clearing and forwarding of the consignments like Customs Clearance, coordination with Ports, Railways and any statutory authorities shall also be part of Scope of Work of the Successful Bidder. All liaison, coordination with coal mine (s) outside India, coordination at load port, discharge port, Railways handling agents etc. shall also be part of Scope of Work of the Successful Bidder. Unloading of Coal at NTPC power stations end from Railway Wagons shall be arranged by NTPC.

Delivery: On "FOR Destination" basis at NTPC Power Plants

Specification of Coal: The specified range for quality of coal shall be as under:

Parameters	UNIT	Specified Range
Total Moisture (ARB)	%	Upto 32%
Ash (ADB)	%	Upto 20% Max
Gross Calorific Value (ARB)	Kcal/ Kg	Not less than 4700
Sulphur (ADB)	%	Upto 1.00% Max
SIZE	MM	Upto 50mm However, size of coal less than 2.36 mm shall not be more than 10% of quantity received at power plant
Fixed Carbon (ADB)	%	30-50% Typical
Volatile Matter (ADB)	%	25-45%
HGI	-	45-60
IDT under reducing atmosphere	Deg Centigrade	1100 Minimum
Extraneous Material	MT	Nil

Base parameters for coal under this tender for Price Basis are as under:

Total Moisture (ARB)	:	25%
Ash (ADB)	:	15%
Sulphur (ADB)	:	0.90%
Gross Calorific Value (ARB)	:	5000 Kcal/Kg
Size(less than 2.36mm) not exceeding	:	10% of quantity received at power plant