Petroleum and Natural Gas Regulatory Board
1st Floor, World Trade Centre, Babar Road,
New Delhi-110001

Bid No. **BID/PPL/01/2011/1/RKPL**

APPLICATION CUM BID DOCUMENT
FOR

Authorization of Petroleum and Petroleum Products Pipeline
From
Rewari (Haryana) to Kanpur (Uttar Pradesh)

New Delhi
January, 2012

Petroleum & Natural Gas
Regulatory Board, India

Bid No.: BID/PPL/01/2011/1/RKPL

APPLICATION-CUM-BID DOCUMENT
FOR
GRANT OF AUTHORIZATION FOR LAYING, BUILDING, OPERATING OR EXPANDING PETROLEUM AND PETROLEUM PRODUCTS PIPELINE FROM REWARI (HARYANA) TO KANPUR (UTTAR PRADESH)

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PETROLEUM AND NATURAL GAS REGULATORY BOARD
1st Floor, World Trade Centre, Babar Road,
New Delhi – 110 001
INDIA

PETROLEUM AND NATURAL GAS REGULATORY BOARD
1st Floor, World Trade Centre,
Babar Road, New Delhi – 110 001

INVITATION FOR APPLICATION-CUM-BID FOR GRANT OF AUTHORIZATION FOR LAYING, BUILDING, OPERATING OR EXPANDING PETROLEUM AND PETROLEUM PRODUCTS PIPELINE FROM REWARI (HARYANA) TO KANPUR (UTTAR PRADESH) SPANNING 440 KILOMETERS.

To,	
Bid No.	**BID/PPL/01/2011/1/RKPL**
Price of Application cum Bid Document	Rs. 10,000.00 (Rupees Ten Thousand only) in the form of a Demand Draft or Pay Order in favour of the Petroleum and Natural Gas Regulatory Board payable at New Delhi
Date of Issue	**……. 2012**
Type of Bid	Single Stage two part (Technical and Financial bid)
Period of Issuance of Application cum Bid Document (date & time)	**From 11:00 hours of 09.01.2012 up to 15: 00 hours of 07.05.2012**
Last Date for Issuance of Application cum Bid Document	**07.05.2012 by 15.00 hrs**
Application Fee (Non-refundable)	**Rs. 15,00,000/- (Rupees Fifteen Lakhs only)**
Pre-Bid Conference Date, Time and venue	**14.02.2012 at 11.30 hrs**
Bid Closing Date and Time	**14.05.2012 at 12.00 hrs**
Financial Bid Opening Date & Time	Shall be intimated later to technically qualified bidders
Venue of Bid Submission / Opening	PNGRB, 1st Floor, World Trade Centre, Babar Road, New Delhi – 110 001
Bid Bond	**Rs. 8,00,00,000/- (Rupees Eight crores only)**
Minimum Combined Net Worth required	**Rs. 264,00,00,000/- (Rupees Two hundred and sixty four crores only)**

1. PETROLEUM AND NATURAL GAS REGULATORY BOARD invites sealed Application-cum-Bids from interested entities for the above mentioned purpose.
2. The 'Application-cum-Bid document' available on the web site of PNGRB is for reference only. The document purchased from PNGRB only shall be final and binding.
3. The above Bid Number must appear on all correspondences and documents submitted by Applicant. For preparation and submission of Application cum bids, kindly refer 'Application-cum-Bid document' and the regulations as notified by the Petroleum and Natural Gas Regulatory Board (PNGRB) in the Gazette of India which are also available on website of PNGRB http://www.pngrb.gov.in. The 'Application-cum-Bid document' is only to aid the Applicant in better understanding of the relevant regulations.
4. The Applicant cum Bidder should read these conditions carefully and submit the same to PNGRB in Part I (Technical Bid) duly signed and stamped on each page by them in token of having read, understood and accepted the conditions.
5. Please note that this is a '**zero deviation'** Application-cum-Bid. Entities are advised to strictly conform to requirements of 'Application-cum-Bid document' and not to stipulate any deviation / condition in their Application-cum-Bid. Applicants cum Bidders are requested to

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submit the documents / confirmations strictly as per the check list enclosed with the 'Application-cum-Bid document'.

6. The 'Application-cum-Bid document' is not transferable in any other name at any stage. 'Application-cum-Bid document' purchased by an entity can be used by the consortium as long as the entity that purchased the bid document remains the lead equity partner (none of the stakeholders has equity more than that of the lead partner and the lead partner shall have to be declared upfront). However, Application-cum-Bid document purchased by a fully owned subsidiary cannot be used by the parent company and vice versa.

7. Similarly. Application-cum-Bid document purchased by a consortium can be used by the consortium with additional partners, as long as the lead partner of the consortium declared at the time of bid purchase remain the same.

8. The date, time and place of the Part II (Financial Bid) opening shall be communicated to the Applicant cum Bidders who qualify in Part I (Technical Bid).

9. Application-cum-Bid through Telex / Telegraphic / Telefax / e-mail will not be accepted.

10. PNGRB takes no responsibility for delay, loss or non-receipt of Application-cum-Bid sent by post / courier.

11. Application-cum-Bid received after the due date and time will be rejected and representatives of such Applicant cum Bidders shall not be allowed to attend bid opening.

12. The documents as mentioned in 'Index: Application-cum-Bid' hereto are attached.

13. The Applicant cum Bidder shall certify that

    (i) Its Application-cum-Bid is genuine and is not made in the interest of or on the behalf of any undisclosed person, association of persons, firm, company, or co-operative society, and is not submitted in conformity with and agreement of any undisclosed person, association of persons, firm, company, or co-operative society.

    (ii) It has not solicited or induced any undisclosed person, association of persons, firm, company, or co-operative society to refrain from submitting Application-cum-Bid.

14. PNGRB reserves the right to accept / reject any or all Application-cum-Bids without assigning any reason(s) whatsoever.

15. In case of bid submission day is declared holiday by Govt. of India, the next working day shall be treated as day for submission of Application-cum-Bids. Accordingly the Part I - Technical Bid opening date shall also be changed. There shall not be any change in the timings.

16. For any clarifications on 'Application-cum-Bid document', the Bidders may contact :

    Secretary,
    Petroleum and Natural Gas Regulatory Board,
    1st Floor, World Trade Centre, Babar Road,
    New Delhi – 110 001(Phone No.:011-23457700)

Please acknowledge receipt and submit Application-cum-Bid before the stipulated bid closing.
Thanking You,

Designation
For & On behalf of
PETROLEUM AND NATURAL GAS REGULATORY BOARD

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SECTION-I

INSTRUCTION TO BIDDERS

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SECTION-I: INSTRUCTION TO BIDDERS

1. **Instructions to Bidders (ITB)**

1.1 Application cum Bids are invited by Petroleum & Natural Gas Regulatory Board (PNGRB), 1st Floor, World Trade Centre, Babar Road, New Delhi-110001from the interested and eligible parties for authorization of Petroleum and Petroleum Products pipeline network from Rewari (Haryana) near HPCL's existing terminal to Kanpur Dehat, District-Ramabainagar (Uttar Pradesh) spanning about 440 Kilometers passing through the states of Haryana, Rajasthan & Uttar Pradesh and with a system capacity of at least 4.83 MMTPA during the entire economic life. Proposed Petroleum and Petroleum Products pipeline would be transporting Motor Spirit, High Speed Diesel & Superior Kerosene Oil.

1.2 The bidders participating in the Application cum Bid are advised to go through the various provisions under the Petroleum and Natural Gas Regulatory Board Act 2006 as also the relevant regulations notified by the Board. The PNGRB has notified the following regulations related to Petroleum and Petroleum Products pipelines in the Gazette of India and are available on website http://www.pngrb.gov.in :

A. GSR 722 (E) - Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010;

B. GSR 987(E) - Petroleum and Natural Gas Regulatory Board (Determination of Petroleum and Petroleum Products Pipelines Transportation Tariff) Regulations, 2010; and

C. GSR 476 (E) - Petroleum and Natural Gas Regulatory Board (Determining capacity of Petroleum, Petroleum products and Natural Gas Pipeline) Regulations, 2010

Besides the above, following Regulations related to Petroleum and Petroleum Products pipelines are under preparation at different stages and shall be notified after due consultative process and approvals:

A. Petroleum and Natural Gas Regulatory Board (Guiding Principles for Declaring or Authorizing Petroleum and Petroleum Products Pipelines as Common Carrier or Contract Carrier) Regulations;

B. Petroleum and Natural Gas Regulatory Board (Access Code for Common Carrier or Contract Carrier Petroleum and Petroleum Products Pipelines) Regulations; and

C. Petroleum and Natural Gas Regulatory Board (Technical Standards and Specifications including Safety Standards for Petroleum and Petroleum Products Pipelines) Regulations;

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D. Petroleum and Natural Gas Regulatory Board (Integrity Management System for Petroleum and Petroleum Products Pipelines) Regulations

1.3 The scope of work shall be as given at section 17 under Scope of Work.

1.4 Bidders are advised to provide the information sought in the exact format specified. Applications cum Bids submitted otherwise are liable to be summarily rejected.

1.5 Bidders are advised to go through the web site of PNGRB at www.pngrb.gov.in for updates, if any, in regards to this Application cum Bid.

1.6 The term, "Bidder" as used in the Application cum Bid documents shall mean an entity, to which this Application cum Bid document has been issued.

1.7 The 'Application-cum-Bid document' is not transferable in any other name at any stage. Bids purchased by an entity can be used by the consortium as long as the entity that purchased the bid document remains the lead partner and the lead partner shall have to be declared upfront. However, bid documents purchased by a wholly owned subsidiary cannot be used by the parent company and vice versa.

2. Application cum Bid Schedules

2.1 The schedule for issuance, receipt and opening of sealed Application cum Bids under two bid system consisting of Technical bid and Financial bid shall be as under:

a. Pre-Bid Conference date and time shall be 14.02.2012 at 11:30 hours
b. Period of issuance of Application cum Bid document shall be from 11.00 hrs of 09.01.2012 up to 15:00 Hours of 07.05.2012.
c. Application cum Bid Closing Date & Time shall be 14.05.2012 at 12.00 Hours.
d. Part I (Technical Bid): Opening Date & Time shall be 14.05.2012 at 14.00 Hours.

2.2 The address for issuance and opening of bid shall be as mentioned at clause 2.3.

2.3 The address for all future communications is :

Secretary,
Petroleum & Natural Gas Regulatory Board,
1st Floor, World Trade Centre, Babar Road,
New Delhi – 110001
Telephone No. 011 23457700, Fax No. 011-23709151

3. Opening of Application cum Bids by PNGRB

3.1 The PNGRB will open the Technical bids in the presence of Bidders/Representatives who may choose to attend the opening of Technical bids on the date and time as mentioned in the "Invitation to Bid". Representatives who are present shall sign a register evidencing their attendance. The Bidder's representative shall furnish a letter of authority from their authorized signatory not less than the rank of Director to attend the bid opening as per **Annexure-8.**

3.2 Arithmetical errors in the Financial bid shall be rectified on the basis of:

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3.2.1 If there is a discrepancy between words and figures, the amount in words will prevail. If the bidder does not accept the correction of the errors, the bid will be rejected.

3.2.2 The values quoted against the "Present Value" shall be derived from the year wise values quoted by the bidder and applying the discounting rate as mentioned. In case of an arithmetic error, the year wise values quoted by the entity shall be taken as correct and present value shall be amended accordingly.

4. **PNGRB's Right to accept any bid and to reject any or all bids**

4.1 PNGRB reserves the right to accept or reject any or all bid (s), and to annul the Application cum Bid process and reject all bids at any time prior to award of work, without thereby incurring any liability to the affected bidder or bidders or any obligation to inform the affected bidder or bidders of the grounds for the PNGRB's action.

5. **Procedure for submission of bids**

5.1 The Application cum Bids shall be submitted in a sealed cover which must contain three separate sealed envelopes comprising **Application fee and Bid Bond, Technical Bid and Financial Bid**, super-scribing the wording "**Application Fee and Bid Bond**", "**Technical Bid**" and "**Financial Bid**" respectively which shall all be sealed in an outer envelope. Please note that prices should not be indicated in the Technical part of the bid. All the covers must also mention the Application cum Bid number.

5.2 The entity is required to submit its Application Cum Bid with all enclosures in Schedule-B of Regulation. The bidder shall submit two copies of the Technical bid (one original and one true copy). A soft copy of the application cum bid (un-priced) with all enclosures with digital/scanned signatures shall also be submitted in envelope II. In case of any difference between the soft and hard copies, information furnished in hard copy shall prevail. Thus the envelope shall contain as under:

(i) **Envelope I:** Application Fee and Bid Bond

(ii) **Envelope II: Technical Bid** : It should contain 1 (one) original plus 1 (one) true copy of Technical Bid plus 1 soft copy of Application cum Bid together with 'Application cum Bid document' along with its Annexure-1 to Annexure-13 and Addendums / Corrigendum, duly signed by the bidder or authorized signatory along with official seal on all pages, as an acceptance. This envelope should be clearly marked BID PART I: TECHNICAL BID and Bid No. _____ Due Date _____.

(iii) **Envelope III: Financial Bid: This envelope should contain the financial bid comprising of duly filled in 'Financial Bid Form' & Summary Sheet of FR duly filled in Annexure-14**. No copies should be enclosed with this. This envelope should clearly be marked BID PART II: FINANCIAL BID and Bid No. _____.

5.3 In case any of the envelopes is found not marked or sealed properly, the Application cum Bid shall be summarily rejected.

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5.4 On the day of bid opening, only the Part I-Technical bids of the bidders shall be opened. Financial bid of technically qualified bidders shall be opened at a later date with prior intimation to such bidders.

5.5 Original as well as copy of Application cum Bid shall be a complete and must be bound as a volume. True copy of Application cum Bid document shall be bounded separately and marked distinctively.

5.6 Any alteration / overwriting / cutting in the bid should be duly countersigned by the authorized person else it will make the Application cum Bid liable for rejection. Conditional Application cum Bids shall NOT be accepted on any ground and shall be rejected straightway. Bids, with overwriting or erasure by using the white or any other colour fluid are liable to be rejected.

5.7 Language of Bid

5.7.1 The bid prepared by the bidder as well as all correspondence/drawings and documents relating to the bid shall be written in English language, provided that any printed literature furnished by the bidder may be written in another language so long as accompanied by an ENGLISH translation, in which case, for the purpose of interpretation of the bid, the ENGLISH translation shall govern.

5.7.2 In the event of submission of any document/certificate by the Bidder in a language other than English, the English translation of the same duly authenticated by Chamber of Commerce of Bidder's country shall be submitted by the Bidder. Metric measurement system shall be applied unless otherwise specified.

5.8 In case, the day of bid submission is declared Holiday by Govt. of India, the next working day will be treated as day for submission of bids. There will be no change in the timings.

5.9 Application cum Bid must contain the name, office and after office hours addresses including telephone number(s) of the person(s) who are authorized to submit the bid with their signatures.

5.10 All pages of the Application cum Bid and the attachments and statements need to be serially numbered and signed/initialed by the person or official authorized by the entity through a notarized power of attorney.

5.11 Bids NOT submitted as per the specified format and nomenclature will be out rightly rejected. Ambiguous bids will be out rightly rejected.

5.12 PNGRB will NOT be responsible for any delay on the part of the bidder in submission of the Application cum Bid.

5.13 The offers submitted by telegram/ fax/ E-mail etc. shall NOT be considered. No correspondence will be entertained on this matter.

5.14 Application cum Bid process will be over after the issue of authorization letter to the selected bidder.

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5.15 The PNGRB will return all the un-opened sealed bid envelopes to the bidder who failed to qualify for the next stage of bid processing starting from opening of Technical bid envelope to Financial bid envelope, as the case may be. Such bidder shall acknowledge the receipt of the same to the PNGRB.

5.16 The bidders are required to furnish an undertaking as per **Annexure 3** of the Application-cum-Bid that the bid is genuine and is not made in the interest of or on the behalf of any undisclosed person, association of persons, firm, company, or co-operative society, and is not submitted in conformity with an agreement of any undisclosed person, association of persons, firm, company, or co-operative society. Further, the bidder undertakes that they have not solicited or induced any undisclosed person, association of persons, firm, company, or co-operative society to refrain from submitting Application-cum-Bid. The 'Application-cum-Bid document' along with its Annexures and Addendums / Corrigendum, being submitted is original as obtained from PNGRB and that no changes whatsoever have been made in same.

6.0 BIDDERS' MINIMUM ELIGIBLITY CRITERIA

a) Any entity which has been barred by the Central/ State Government, Public Sector/PNGRB or any other statutory agency, from participating in any project and the bar subsists as on the date of Application, would not be eligible to submit an Application cum Bid either individually or as member of a Consortium.
b) The PNGRB shall scrutinize the Application-cum-Bids received in respect of only those bidders which fulfill the minimum eligibility criteria as specified in clauses (a) to (j) of sub-regulation 6 to regulation 5 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010.
c) The combined net worth of the entity along with its promoters to be considered for qualification for any bid shall be as assessed in line with the clause (e) of sub-regulation 6 to regulation 5 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010.
d) The certified copy of the combined net worth of the bidder should not be older than the last available quarter (from the date of submission of the bid). This statement shall be signed by the concerned Director of the company and certified by a Chartered Accountant. Combined net worth shall be in line with Regulation 5(6)(e).
e) Qualification of at least 2 out of minimum required 3 technically qualified personnel shall be degree in Engineering from any recognized Institution / University. The entity shall be required to submit copies of the qualifications as well as work experience certificates for 3 technically qualified personnel. A certification from the CEO/full time Director/signatory authorized by the Board of Directors of the entity certifying the adequacy of their experience as required under sub regulation 5(6)(b)(iv) and 5(6)(c)(iv) shall be submitted. The firm's Chartered Accountant shall certify that these personnel are on their permanent rolls. Also the bidder shall make an undertaking that the same shall maintain minimum three technically qualified personnel during the operating phase of the project out of which two shall have a degree in engineering.
f) In case of bidding by a consortium, MOU/ JV agreement entered into by the parties of the consortium clearly stating the Lead Partner as well as authorized

signatory to the Application cum Bid shall be furnished. Documents/details as required in the bid must be furnished by each partner member of the consortium/joint venture complete in all respects along with the bid offer. Each of the qualifying criteria must be singularly met by any of the JV partner except for the net worth, which could be met jointly by the partners and/or parent company in case of the subsidiary/existing JV. Only supporting document of concerned entity on the basis of which qualification is sought needs to be submitted. Liability to comply with the obligations and terms and conditions of the bid and authorization for the successful bidder shall be assumed to be that of the lead partner unless specifically approved by the Board otherwise. The bank guarantee for bid bond can be submitted by any of the partner submitting the BG holding itself jointly and severally liable for any default of the Consortium which may lead to encashment of the Bank Guarantee.

g) In case of bidding by a wholly owned subsidiary, each qualifying criteria has to be met by the entity or the parent company and documents/details furnished accordingly. In this case the bank guarantee for bid bond is to be furnished by the subsidiary.
h) Documentary evidence for compliance to each of the eligibility criteria must be enclosed along with the bid together with the references as required in the **Annexure-2.** Relevant portions, in the documents submitted in pursuance of eligibility criterion mentioned above, shall be highlighted.
i) If the bid is not accompanied by all the above mentioned documents, the same would be rejected. In case the bidder submitting the bid does not fulfill the requirements of any criteria as indicated above, the bid submitted is liable to be rejected and a communication in this regard shall be sent and the financial bid shall not be opened for that bidder.
j) Undertaking for subsequent submission of any document will not be entertained under any circumstances. However, PNGRB reserves the right to seek fresh set of documents or seek clarifications on the already submitted documents.

7.0 **Period of Validity of Bids**

7.1 Bids shall remain valid for 120 days from the date of bid opening prescribed by the PNGRB. A bid valid for a shorter period is liable to be rejected by the PNGRB.

8.0 **Terms and Conditions of Bidder**

8.1 No additional terms and conditions of the Bidders will be considered as forming part of their bids. The bidders shall confirm the same as per **Annexure -4.**

8.2 The bidder shall meet all criteria specified in the relevant regulations for authorization of the work.

9.0 Application fee and BID BOND

9.1 Bidder shall furnish non-refundable application fee by Demand Draft or Pay Order of value as mentioned in 'Invitation for Application-cum-Bid', in favour of Petroleum and Natural Gas Regulatory Board payable at New Delhi only, issued by any Nationalized / Scheduled Indian banks (except Cooperative & Gramin Bank) or any branch of Foreign Bank in India. However, in case the bidder has already paid the application fee at the time of submission of Expression of Interest (EOI), the

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bidder shall not be required to pay the application fee, unless there is a requirement to pay additional application fee as required under relevant regulation.

9.2 The Application-cum-Bid without application fee shall be summarily rejected. The application fee has to be submitted in Envelope I of the Application-cum-Bid.

9.3 Bidder shall furnish a bid bond by Demand Draft or Pay Order or Bank Guarantee (as per **Annexure 11**) of value as mentioned in 'Invitation for Application-cum-Bid', favouring Petroleum and Natural Gas Regulatory Board payable at New Delhi issued by any Nationalized / Scheduled Indian banks (except Cooperative & Gramin Bank) or any branch of Foreign Bank in India. The Application-cum-Bid without bid bond shall be summarily rejected. Bid bond must indicate the Application cum Bid Document number for which the bidder is quoting. This is essential to have proper co-relation at a later date.

9.4 The Bid Bond, without any interest accrued will be refunded:

a) In the case of those bidders who fail to qualify the eligibility criteria, and whose technical bids do not qualify, the Bid Bond will be refunded without any interest accrued within two months (60 days) of the acceptance and authorization of Application cum Bid by PNGRB.
b) In the case of those Bidders who do not qualify due to any other reason, the Bid Bond will be refunded without any interest accrued within two month (60 days) of the acceptance and authorization of Application cum Bid by PNGRB.
c) In case of successful bidder accepting the authorization and furnishing the Performance Bank Guarantee.

9.5 The Bid bond shall be forfeited:

a) If a bidder withdraws his bid during the period of bid validity.
b) in the case of a successful bidder, if the bidder fails:
    I. to accept the letter of intent (LOI)/letter of authorization or
    II. to furnish Performance Guarantee or
    III. to accept correction of errors or
    IV. If a bidder submits forged documents

9.7 PNGRB shall not be liable to pay any bank charges, commission or interest etc., on the amount of bid bond.

9.8 Any bid not secured in accordance with above, will be considered as non-responsive and will be liable for rejection.

10.0 Period of Validity of Bid Bond

10.1 The Bid Bond shall remain valid at least for a period of 120 days from the date of technical bid opening prescribed by the PNGRB. A bid bond valid for a shorter period is liable to be rejected by the PNGRB.

11.0 Authorization of Work

11.1 Prior to the expiry of the period of bid validity, PNGRB will normally issue LOI to the successful bidder within bid validity period i.e. 120 days from opening of bid. Subsequent to acceptance of LOI and submission of PBG by the selected entity, grant of authorization shall be issued in Schedule-D format.

12.0 Performance Bank Guarantee

12.1 On receipt of the of letter of Intent from PNGRB, the successful bidder within fourteen days from the date of such letter, shall furnish the Performance Bank Guarantee, valid initially for a period of three years extendable to the economic life of the project in a block of minimum three years, equivalent to the performance bond as specified in regulation 8 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010. It will be the duty of the authorized entity to ensure that the performance bank guarantee is renewed at least one month before the due date every time PBG reaches the validity date till the economic life of the project is achieved.

12.2 Failure of the successful Bidder to comply with the requirement shall constitute sufficient grounds for the annulment of the authorization, in which case PNGRB may award the contract to the next evaluated bidder or call for new bids.

12.3 The selected entity shall submit performance bond to guarantee the timely commissioning of the proposed Petroleum and Petroleum Products Pipelines project as per the prescribed targets and meeting the service obligations during the operation phase of the project.

12.4 Performance Bond shall be submitted by way of Bank Guarantee issued or counter guaranteed by any of the Nationalized / Scheduled Indian banks (except Cooperative & Gramin Bank) or any branch of Foreign Bank in India as per the Proforma of Performance Bank Guarantee prescribed at **Annexure 7.**

13.0 Financial Bid Numbers [Bidding Parameters as per Regulation 7(1)(a) to 7(1)(c) of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010]

13.1 **Tariff numbers** [*as per Regulation 7(1)(a) to 7(1)(b)*] and **Capacity number** [*as per Regulation 7(1)(c)*] quoted by the bidder shall be firm and fixed in line with the provisions of relevant regulations. A bid submitted with an adjustable quoted numbers for tariff and capacity parameters will be treated as non-responsive and shall be summarily rejected.

13.2 **The fixed unit tariff bid** [*as per Regulation 7(1)(a)*] shall be quoted in Rs/MT and the **variable unit tariff bid** [*as per Regulation 7(1)(b)*] shall be quoted in Rs/MT/KM up to 2 (two) decimal places only. In case any quoted figure is more than two decimal places the same shall not be considered beyond second decimal point.

13.3 **The capacity bid** [*as per Regulation 7(1)(c)*] shall be quoted in MMTPA up to 2 (two) decimal places only. In case any quoted figure is more than two decimal places the same shall not be considered beyond second decimal point. The capacity of the pipeline system should be such as to comply with the provisions of Regulation 5(6)(i) of Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum products Pipelines) Regulations, 2010 and the provisions of the Petroleum and Natural Gas Regulatory Board (Determining capacity of Petroleum, Petroleum products and Natural Gas Pipeline) Regulations, 2010).

14.0 Bid Currencies

14.1 The bidders shall submit bid in Indian Currency (Indian Rupees) and the authorized entity shall charge payment in any currency agreed between entity and end use consumers or customers. It shall preferably be in Indian currency.

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15.0 Deadline for Submission of Bid

15.1 Bids must be submitted not later than the date and time specified in the Invitation to Bid.

16.0 Signature of Bidder

16.1 The bid must include the name and place of business of the person or persons making the bid and must be signed and stamped by the authorized signatory of the bidder with his usual signature/initials on each page. Power of Attorney issued in favour of authorized signatory must also be submitted. Bidder's particulars shall be submitted in **Annexure 5**.

16.2 Bid by a partnership firm or consortium must be furnished with full names of all partners and be signed with the partnership name, followed by the signature(s) and designation(s) of the authorized partner(s).

16.3 Bids by Corporation/Company must be signed in the legal name of the Corporation/Company by the President/Chairman/Managing Director or any other person or persons authorized to bid on behalf of such Corporation/Company in the matter.

16.4 A bid by a person who affixes to his signature the word 'President', 'Managing Director', 'Secretary', 'Authorized representative' or any other designation without disclosing his principal will be rejected.

16.5 Satisfactory evidence of authority of the person signing on behalf of the bidder shall be furnished with the bid.

16.6 The bidder's name stated on the proposal shall be the exact legal name of the entity.

16.7 Bids not conforming to the above requirements of signing may be disqualified.

SECTION II: SCOPE OF WORK

17.0 Scope of Work

17.1 General:

17.1.1 Petroleum & Natural Gas Regulatory Board (PNGRB) was constituted under "The Petroleum & Natural Gas Regulatory Board Act, 2006". The objective of the Board is to regulate the refining, processing, storage, transportation, distribution, marketing and sale of Petroleum, Petroleum Products and Natural Gas excluding production of crude oil and natural gas, so as to protect the interest of consumers and entities engaged in specific activities related to Petroleum, Petroleum Products and Natural Gas and to ensure uninterrupted and adequate supply of Petroleum, Petroleum Products and Natural Gas, in all parts of the country and to promote competitive markets and for matters connected therewith or incidental thereto.

17.2 Petroleum and Petroleum Products Pipeline to be authorized

17.2.1 PNGRB has received Expression of Interest (EOI) from an entity for laying, building, operating or expanding Petroleum and Petroleum Products pipeline from Rewari (Haryana) to Kanpur (Uttar Pradesh) via Bharatpur and Mathura.

17.2.2 After the completion of public consultation process, PNGRB has identified the final route of Petroleum and Petroleum Products pipeline. Accordingly, the Application-cum-Bids are invited for authorization for development of Petroleum and Petroleum Products pipeline from Rewari (Haryana) near HPCL's existing terminal to Kanpur Dehat, District- Ramabainagar (Uttar Pradesh) via Bharatpur and Mathura spanning approximately 440 kilometers and with a system capacity of at least 4.83 MMTPA during the entire economic life. Proposed Petroleum and Petroleum Products pipeline would pass through states of Haryana, Rajasthan and Uttar Pradesh. The route map and other details of pipeline are enclosed as Annexure 1.

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17.2.3 It is the bidder's responsibility to obtain all information related to the present Petroleum and Petroleum Products supply position and existing and future customers, if any falling along the route of the proposed Petroleum and Petroleum Products pipeline.

17.3 **JOB REQUIREMENT**

17.3.1 The successful entity for this work shall be required to lay, build, operate or expand the Petroleum and Petroleum Products pipeline to meet requirement of Petroleum and Petroleum Products falling along the route of the proposed Petroleum and Petroleum Products pipeline.

17.3.2 The successful entity for this work shall be required to lay, build, operate or expand Petroleum and Petroleum Products pipeline as mentioned above, in line with the provisions/functions specified in the PNGRB Act 2006 as well as regulations notified by the Board for such functions. The bidders are advised to carefully go through the provisions of the PNGRB Act 2006, the notified regulations and the draft regulations available in the public domain.

17.3.3 The successful entity for this work shall be required to carry out the development of Petroleum and Petroleum Products pipeline project in line with the regulations laid down by the PNGRB.

17.4 **Design of Petroleum and Petroleum Products Pipeline**

17.4.1 The design of the Petroleum and Petroleum Products pipeline shall be as per the applicable API, CCOE & OISD codes namely ANSI 31.4, OISD-141 etc. and associated facilities shall conform to relevant ANS/API codes. However, the bidder shall provide an undertaking that relevant Regulation for Technical Standard and Specifications including Safety Standards for the Petroleum and Petroleum Products Pipelines shall be adhered to as and when notified by PNGRB.

17.4.2 For the purpose of capacity determination, the bidder is required to follow the pipeline configuration in line with the provisions of the Petroleum and Natural Gas Regulatory Board (Determining capacity of Petroleum, Petroleum products and Natural Gas Pipeline) Regulations, 2010 and as given in the bid document. Besides this, the bidder may consider the following:

a) For one of the possible injection at originating point in Rewari, M/s HPCL has confirmed that the available pressure at their battery limit of Rewari terminal is 1.5 Kg/cm2. This information may be utilized by the bidders for suitable designing the proposed pipeline.

b) Pressure of 3.0 kg/cm2 g at all delivery points including terminal point(s) shall be considered by the bidder for designing the pipeline system with the condition that the line size for delivery location shall be the same as the main line size at that location.

17.4.4 The proposed Rewari-Kanpur Petroleum and Petroleum Products pipeline must be able to transport at least two grades of MS/HSD (EURO-III, EURO-IV and any other higher quality grade that may be specified or mandated to be supplied in future) and SKO. However, transportation of the petroleum and petroleum products shall be as per the Industry Quality Control Manual (IQCM).

17.4.5 The design of the proposed Petroleum and Petroleum Products pipeline shall be as such that the transporter must have all relevant and adequate pipelines and storage facilities including stabilization tanks for handling the product being transported by him.

17.4.6 The bidders are allowed to deviate from the route of the pipeline including originating/termination point of the pipeline up to +/- 5% w.r.t. the indicative route

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mentioned in the bid document for the purpose of preparation of Feasibility Report. However, the provision of sub-regulation (3) of Regulation 13 shall be applicable.

17.5 **Financial Closure**

The entity shall be required to achieve financial closure of the project based on the numbers quoted by them in the financial bid. Failure to achieve financial closure within the stipulated period may result in the termination of the grant of authorization. The entity shall furnish all the documents as required to satisfy PNGRB that the financial closure has been achieved in line with the requirements, which shall include the following:

a) Complete Board agenda items with Annexures detailing total CAPEX, OPEX, year-wise financing plan and detailed feasibility Report (DFR).
b) Copy of all documents submitted to Financial Institutions seeking financial assistance.
c) To establish the actual date of achieving financial closure, all documents executed by the company in respect of financial assistance for the project to be provided by the lenders by way of loans, bonds, security arrangements etc.

SECTION III: DOCUMENTATION

18.0 Documents comprising the Bid

The bidder is expected to examine all instructions, forms, terms and conditions in the 'Application-cum-Bid document' and relevant regulations of PNGRB. The 'Application-cum-Bid document' together with all its attachments thereto shall be considered to be read, understood and accepted by the bidder. Failure to furnish all the information required as per the 'Application-cum-Bid document' or submission of Application-cum-Bid not complete in every respect will be at bidder's risk and may result in the rejection of the Application-cum-Bid.

18.1 GUIDELINES FOR PREPARING FEASIBILITY REPORT (FR)

18.1.1 The Feasibility Report (FR) should not be more than six months old from bid closing date and shall detail the techno-commercial feasibility of the Petroleum and Petroleum Products Pipeline project. The FR submitted by the entity shall follow the guidelines provided herein under.

The FR shall include following chapters with all relevant details but not limited to:

a) Executive summary along with tabulated Summary sheet as per Annexure 14.
b) FR prepared by (Name and contact details of the Consultant) / Internal (prepared within the Bidder's organization)
c) Introduction
d) Credible Plan for utilization of the capacity in the proposed Petroleum and Petroleum Products pipeline.
e) Market Survey and realistic demand assessment.
f) Examination of various alternatives and selection of one or more design options.
g) Route and Map of proposed Petroleum and Petroleum Products pipeline.
h) Basic design of Petroleum and Petroleum Products pipeline network. The bidder shall compute the "**capacity of the pipeline system"** as per the PNGRB (Determining capacity of Petroleum, Petroleum products and Natural Gas Pipeline) Regulations, 2010.
i) Implementation Schedule with Bar chart.

j) HSE & DMP*(OR an undertaking to provide the same in case of being successful bidder at the time of financial closure)*

Note#1: *Above technical details shall be provided by the bidder along with the Technical bid.*

Note#2: *Chapters on Financial Analysis of FR with blank columns has to be provided along with the technical bid. The same chapters with actual numbers have to be submitted as per instructions at Note#3 below.*

Note#3: Following chapters of FR with all relevant details shall be provided by the bidder along with the Financial Bid in the format at Annexure-14:

a) Year-wise volume of Petroleum and Petroleum Products to be transported for the economic life of the project.

Note#4: Above year-wise volume of Petroleum and Petroleum Products quoted in Annexure-14 shall be referred by PNGRB for the purpose of compliance of Service Obligations as specified in Regulation 14(1) of the PNGRB (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010

b) Year-wise planned CAPEX leading to capital cost of the project i.e. project outlays till commissioning.
c) Year-wise planned maintenance CAPEX, if any and OPEX.
d) Financial analysis and corresponding Year-wise tariff projections.

18.2 This 'Application-cum-Bid document' comprises 13 Nos. of Annexure. The bidder shall note the following with respect to these Annexures:

Annexure 1	Map depicting the Petroleum and Petroleum Products pipeline and its route	The bidder shall carefully study the Petroleum and Petroleum Products pipeline and its route before submitting their Application-cum-Bid.
Annexure 2	Bidder's particulars with respect to minimum eligibility criteria	The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal attaching supporting documents. This shall be submitted separately as a part of Technical Bid.
Annexure 3	Undertaking	The bidder shall provide required undertaking in the given format in their letterhead duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.

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Annexure 4	No Deviation Confirmation	The bidder shall provide required confirmation in the given format in their letterhead duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.
Annexure 5	Information to be given by bidder	The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.
Annexure 6	Check-list	The bidder shall confirm the check-list in the given format duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid. This Annexure is meant to help the bidder to complete their Application-cum-Bid in all respect.
Annexure 7	Proforma of Performance Bank Guarantee	The bidder shall provide their acceptance by signing on Proforma of Performance Bank Guarantee by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.
Annexure 8	Proforma of Letter of Authority for attending bid openings	The bidder shall provide required letter of authority for attending the bid opening in the given format in their letterhead duly signed by a person competent and having the power of attorney to bind the bidder along with official seal. This shall be submitted separately and not as a part of Application-cum-Bid.
Annexure 9	Bid Forwarding Letter	The bidder shall submit the Application cum-Bid forwarded by this format in their letterhead duly signed by the bidder or authorized

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		signatory along with official seal. This shall be submitted as a part of Application-cum-Bid in all three envelopes as specified in clause 5.2 of this document.
Annexure 10A	Audited data for last three financial years of the bidding entity	The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal and also signed by the concerned Director of the bidding entity and certified by the Chartered Accountant. This shall be submitted separately as a part of Technical Bid.
Annexure 10B	Audited data for last three financial years of the promoter(s), if any	The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal and also signed by the concerned Director of the promoter(s) and certified by the Chartered Accountant. This shall be submitted separately as a part of Technical Bid.
Annexure10C	Form of Chartered Accountants certificate towards Net worth	The bidder shall provide certificate from their Chartered Accountant for their Net worth and Net worth of their promoters separately, duly signed and sealed as per the format provided herein. This shall be submitted separately as a part of Technical Bid.
Annexure10D	Format of Letter of Comfort from the Promoters	The bidder shall provide Letter of Comfort from their promoters for consideration of combined Net worth. This shall be submitted separately as part of Technical Bid
Annexure 11	Proforma of Bid bond Bank Guarantee	The bidder shall provide their acceptance by signing on Proforma of Bid bond Bank Guarantee by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid. Validity of the bid bond bank guarantee shall be 120

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		days from the bid closing date.
Annexure 12	List of Authorization obtained by Bidder from PNGRB or Central Government	The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal and also signed by the concerned Director of the promoter(s) and certified by the Chartered Accountant. This shall be submitted separately as a part of Technical Bid.
Annexure 13	Declaration about Technical & Operational Manpower on Permanent Rolls	The bidder shall provide required information in the given format on their letter head duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as part of Technical Bid.
Annexure-14	Summary Sheet of Feasibility Report	The bidder shall provide the required information in the given format on their letter head duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as part of Financial Bid.

19.0 Sequence of Documents

19.1 The sequencing of the documents in the Application-cum-Bid shall be as follows:

(i) **Sealed Envelope I**

a. Bid Forwarding Letter (**Annexure-9)**
b. Application Fee
c. Bid Bond (**Annexure-11)**
d. Copy of the authority letter as per format for attending the bid opening (**Annexure-8)**

(ii) **Sealed Envelope II**

a. Copy of Bid Forwarding Letter(**Annexure-9)**
b. Check-list (**Annexure-6)**
c. All documents in support of the bidder's minimum eligibility criteria
d. Satisfactory evidence of the authorization of the person signing the Application-cum-Bid
e. Part I (Technical Bid) : General particulars of the entity (**Annexure-2, 10A & 10B**) and technical details of the project, duly filled-in along with all supporting drawings / documents as required

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f. Feasibility Report including total estimated project cost of the proposed Petroleum and Petroleum Products Pipeline along with Part I (Technical Bid)
g. Full set of 'Application-cum-Bid document' along with Addendum / Corrigendum, duly signed by the bidder or authorized signatory along with official seal on all pages
h. Annexures, duly filled-in and signed along with official seal as indicated in clause No. 18.2 above
i. Additional documents, if any

(iii) **Sealed Envelope-III**

(a)Copy of Bid Forwarding Letter (**Annexure-9).**

(b) **Part-II (Financial Bid):** 'Financial Bid Form' contains the Present Values and year–wise values for the fixed unit petroleum and petroleum products pipeline tariff bid (Rs/MT), the variable unit petroleum and petroleum products pipeline tariff bid (Rs/MT/KM) for the petroleum and petroleum products pipeline and the petroleum products pipeline capacity (in MMTPA) proposed to be created for transported in the petroleum and petroleum products pipeline.

(c) Summary Sheet of Feasibility report **(Annexure-14).**

19.2 The Application-cum-Bid shall contain no erasures or overwriting except as necessary to correct errors made by the bidder. Erasures or other changes, if unavoidable, in the Application-cum-Bid shall be done neatly by cutting the words or lines with the initials of the person signing the Application-cum-Bid; else it will be out rightly rejected. Application-cum-Bid with overwriting or erasure by using the white ink or any other color fluid is liable to be rejected.

SECTION-III: SPECIAL CONDITIONS OF BID

20.0 Bid Evaluation Criteria

20.1 Technical Evaluation Process

20.1.1 The bidder has to submit all the annexure duly filled as per format mentioned in the Application cum Bid, failing which the bidder will be liable to be technically rejected.

20.1.2 Bidder's bids will be evaluated on the basis of the information supplied by the bidders. Documentary evidence is to be submitted by the bidder for all the formats wherever it is required.

20.1.3 If the information furnished by the bidder in any of the Annexure(s) is found to be incorrect, the bid is liable to be technically rejected.

20.1.4 After opening of Technical Bid, PNGRB will examine the Application-cum-Bids to determine whether these are complete and valid in all respects as required and in conformity with 'Application-cum-Bid document' and proceed for evaluation of those bids only, which have zero deviation. The evaluation shall be carried out in line with the requirements of the Petroleum and Natural gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010 and other relevant regulations;

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20.1.5 A duly constituted Bid Evaluation Committee (BEC) will shortlist Technical Bidders on the basis of evaluation methodology as per relevant regulations. The BEC will take approval of competent authority for shortlisted bidders before opening of the financial bid.

20.1.6 PNGRB can make any enquiry / seek clarification from the bidders, which the bidders must furnish within the stipulated time else Application-cum-Bid of such defaulting bidders may likely to be rejected.

20.2 Evaluation of Financial Bids

20.2.1 The Financial Bids of only those Bidders short listed from the Technical Bids by BEC will be opened in the presence of their representatives on a specified date and time to be intimated to the respective Bidders by concerned Section/Group in PNGRB, and the same will be evaluated by a duly constituted Bid Evaluation Committee (BEC) for the purpose.

20.2.2 Summary Sheet of Feasibility Report submitted as Annexure-14 shall be opened and shared with the technically qualified bidders.

20.2.3 Bidders shall indicate their Quotes in clear/visible figures as well as in words. In case of a mismatch, the rates written in words will prevail.

20.2.4 The values quoted against the Present Value of the bid shall be derived from the year wise values quoted by the bidder and applying discounting rates as mentioned to figures quoted for each year except for the first year. In case of an arithmetic error, the year wise values quoted by the entity shall be taken as correct and present value shall be amended accordingly.

20.2.5 All Financial bids shall be tabulated and compared as per the bidding criteria specified at regulation 7 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010.

20.2.6 No enquiry shall be made by the bidder(s) during the course of evaluation of the Application cum Bid, after opening of bid, till final decision is conveyed to the successful bidder(s). However, the Committee/its authorized representative and officer of PNGRB can make any enquiry/seek clarification from the bidders, which the bidders must furnish within the stipulated time else bid of such defaulting bidders will be rejected.

20.2.7 Bidder with the highest composite score shall be declared as successful in the bid.

21.0 Cost of Bidding

21.1 The bidder shall bear all costs associated with the preparation, submission of the bid and travel etc. PNGRB will in no case, be responsible or liable for any costs, regardless of the outcome of the bidding process. The bidder shall undertake not to include these costs in the price being quoted in the bid.

22.0 Clarifications

22.1 A prospective bidder requiring any clarification of the Application cum Bidding Documents may notify PNGRB in writing or by fax at the information indicated in the Invitation for Bids. PNGRB will respond in writing to any request for clarification of the Bidding documents, which it receives not later than 15 days prior to the deadline for the submission of bids prescribed by PNGRB. Written copies of PNGRB's response (including an explanation of the query but without identifying the source of the query) will be sent to all prospective bidders who have received the bidding documents. Any Clarification or information required by the bidder but same not

received by the PNGRB, fifteen days prior to the bid due date, the same is liable to be considered as no clarification/information required.

22.2 The PNGRB may also on its own motion, if deemed necessary, issue interpretations and clarifications to all bidders. All clarifications and interpretations issued by the PNGRB shall be deemed to be part of the Application Cum Bid Document. Verbal clarifications and information given by PNGRB or its employees or representatives shall not in any way or manner be binding on the PNGRB.

23.0 Amendment to Bidding Documents

23.1 At any time prior to the bid due date, the PNGRB may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective bidder, modify the bidding documents, by issuing addendum.

23.2 Any addendum thus issued shall be part of the Bidding Documents and shall be notified in writing by fax/post to all prospective bidders who have purchased the bidding documents. Prospective bidders shall promptly acknowledge receipt of each addendum by fax/post to the PNGRB. The addendum shall become integral part of the application cum bid document.

23.3 The PNGRB may, at its discretion, extend the bid due date in order to allow prospective bidders, a reasonable time to furnish their most competitive bid taking into account the amendments issued.

24.0 Modification and Withdrawal of Bids

24.1 The bidder may modify or withdraw his bid after the bid's submission, but prior to 24 hours before the due time and date of submission of bid provided that the written notice of the modification, including substitution or withdrawal of the bid is received by the PNGRB prior to this deadline.

24.2 No bid shall be modified after this prescribed deadline. Bid which is withdrawn by the bidder shall be returned not before the bid opening.

24.3 No bid shall be allowed to be withdrawn in the interval between the prescribed deadline for submission of bids and the expiration of the period of bid validity. Withdrawal of a bid during this interval shall result in the bidder's forfeiture of his bid bond.

24.4 The PNGRB may, at its discretion, or in line with sub clause (9) of regulation 5 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010, on giving reasonable notice by fax or any communication to all prospective bidders who have been issued the bid documents, extend the deadline for the submission of bids in which case all rights and obligations of the PNGRB and the bidders, previously subject to the bid due date, shall thereafter be subject to the deadline as extended. In such a case, if any bidder wishes to withdraw or modify the bid during the extended period, he may submit the modification, including substitution or withdrawal of the bid provided such modification/substitution/withdrawal is done with a notice prior to 24 hrs before the revised due date and time of bid submission. The PNGRB shall open both the bids of the bidder and shall consider the bid whose composite score is higher in line with the relevant regulations. The decision of the PNGRB shall be final.

25.0 Late submission of Bids

25.1 Bids received by the PNGRB after the specified time on the Bid Due Date shall not be eligible for consideration and shall be summarily rejected.

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26.0 Process to be Confidential

26.1 Information relating to the examination, clarifications, evaluation and comparison of bids and recommendations for the order, shall not be disclosed to bidders or any other person officially concerned with such process. Any effort by a bidder to influence the PNGRB in any manner in respect of bid evaluation or award will result in the rejection of that bid.

27.0 Contacting the PNGRB

27.1 From the time of the bid opening to the time of the release of order, if any bidder wishes to contact the PNGRB for any matter relating to the bid it should do so in writing.

27.2 Any effort by a bidder to influence the PNGRB in any manner in respect of bid evaluation or award will result in the rejection of that bid.

28.0 Bid Opening Process

28.1 The PNGRB shall open the Technical Bids in public in presence of bidders' representative who may choose to attend the opening. Representatives who are present shall sign a register evidencing their attendance. The bidder's representative shall furnish a letter of authority to attend the bid opening as per **Annexure 8.**

28.2 Financial bids of only those bidders, whose bids are found technically qualified, by the Bid Evaluation Committee, will be opened in the presence of the bidder's representatives subsequently for further evaluation.

28.3 Two authorized representative of each of the bidder would be permitted to be present at the time of aforementioned opening of the bids.

28.4 The PNGRB shall inform the time, date and venue for price bid opening to all such bidders who qualify pursuant to technical bid evaluation. Bidders may be required to attend financial bid opening at a short notice of 48 hours**.**

28.5 The PNGRB will open financial bids of all bidders notified to attend financial bid opening, in the presence of authorized bidders' representatives. The bidders' representatives, who are present, shall sign bid-opening register evidencing their attendance.

28.6 The bidders' names, bid prices, and such other details as the PNGRB, at its discretion, may consider appropriate will be announced at the opening.

29.0 Pre-Start-up Activities

29.1 The entity shall commence work on the activities as specified in the relevant regulations on laying, building, operating or expanding Petroleum and Petroleum Products pipeline as soon as they receive Letter of Authorization in Schedule D of the regulations.

29.2 The successful bidder will be required to give a brief presentation to PNGRB or any of its representatives on the modus operandi to be adopted by them for the specified works, at PNGRB office. After preparation of a comprehensive listing of all features as per Scope of work, the successful bidder is expected to identify various activities and milestones and prepare a CPM / PERT chart and plan within thirty days from the date of issue of authorization letter to effectively monitor the project.

30.0 Books & Records

30.1 Authorized entity shall maintain adequate books and records in connection with work and shall make them available for inspection and audit by PNGRB or their authorized representatives any time after the authorization to the entity.

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31.0 Applicable Law

31.1 The entity shall be governed by the laws and procedures established by Govt. of India, within the framework of applicable legislation and enactment made from time to time concerning such commercial dealings/processing within the overall framework of the PNGRB Act 2006.

31.2 All disputes in this connection shall be settled in Delhi jurisdiction only.

31.3 PNGRB reserves the right to cancel this Application cum Bid or modify the requirement of the application cum bid.

31.4 PNGRB also reserves the right to modify/relax any of the terms & conditions of the Application cum Bid by declaring / publishing such amendments in a manner that all prospective bidders to be kept informed about it.

31.5 PNGRB in view of projects requirement may reject any Application cum Bid(s), in which any prescribed condition(s) is/are found incomplete in any respect and at any processing state.

32.0 FORCE MAJEURE

32.1 Force Majeure shall mean and be limited to the following:

a) War / hostilities
b) Major Riots or Civil Commotion
c) Earthquake, flood, tempest, lightening or other natural physical disasters
d) Restrictions imposed by Central Government or other statutory bodies which prevents or delays the execution of obligations under the Regulations.

32.2 The authorized entity shall within one week of occurrence of above causes notify PNGRB about the occurrence of the force majeure event and provide PNGRB all details of arising and ceasing of the impediment. The time and performance of the respective obligations suspended by the force majeure shall stand extended by the period(s) for which such conditions of force majeure last. PNGRB's decision, whether such force majeure conditions did actually exist shall be final and binding.

33.0 PRE-BID CONFERENCE

33.1 A Pre-Bid conference of the interested parties shall be convened at the designated date, time and place. Only those persons who have purchased the Application Cum Bid document shall be allowed to participate in the Pre-Bid conference. Bidders who have downloaded the Application cum bid document from the PNGRB's website (www.pngrb.gov.in) should submit a Demand Draft of Rs. 10,000 (Rupees ten thousand only)] towards the cost of document, through their representative attending the conference. A maximum of four representatives of each Applicant cum Bidder shall be allowed to participate on production of authority letter from the Bidder.

33.2 During the course of Pre-Bid conference, the bidders will be free to seek clarifications and make suggestions for consideration of the PNGRB. The PNGRB shall endeavor to provide clarifications and such further information as it may, in its sole discretion, consider appropriate for facilitating a fair, transparent and competitive Bidding Process.

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34.0 Restructuring of the Authorized Entity

Any restructuring/ reconstitution of the authorized entity within the first three years of grant of authorization shall be permitted only if the initial JV partners/ entity retain more than 50% equity stake post reconstitution on a cumulative basis. In all cases of such reconstitution, the lead partner of the original consortium/ JV shall compulsorily retain the major controlling stake (more than 50%) and shall be declared upfront.

35.0 Compliances by the Authorized Entity

1. The entity shall comply with the provisions under-

   (a) the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010;

   (b) the Petroleum and Natural Gas Regulatory Board (Determination of Petroleum and Petroleum Products Pipeline Tariff) Regulations, 2010;

   (c) the service obligations specified in Schedule J to the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010;

   (d) the relevant regulations for-

      (i) the technical standards and specifications, including safety standards;

      (ii) the access code;

      (iii) determination of capacity for petroleum and petroleum products pipeline;

      (iv) affiliate code of conduct;

      (v) declaring petroleum and petroleum products pipelines as common carrier or contract carrier;

   (e) any other regulations as may be applicable and the provisions of the PNGRB Act, 2006.

2. The entity shall comply with any other term or condition which may be notified by the Board in public interest, from time to time.

SAMPLE

DISCLAIMER

Bidders should ensure that bidding document is complete in all respects. In the event that the bidding document or any part thereof is mutilated or missing, the bidder shall notify PNGRB immediately at the following address:

Secretary
Petroleum & Natural Gas Regulatory Board,
World Trade Centre, 1st Floor,
Babar Road, New Delhi – 110 001
Ph: +91 11 23457700 Fax: +91 11 23709151

In the event such written notice is not received at the aforementioned office within seven (7) days from the date of issue of the bidding document to the bidder, the bidding documents received by the bidder shall be deemed to be complete in all respects. No extension of time shall be granted under any circumstances to any bidder for submission of its bid on the grounds that the bidder did not obtain a complete set of the bidding document. PNGRB makes no representation or warranty, express or implied, as to the accuracy, correctness and completeness of the information contained in the bidding documents.

The Board may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in this Application Cum Bid. The issue of this bid does not imply that the Board is bound to select a Bidder for the Project and the Board reserves the right to reject all or any of the Bidders or Bids without assigning any reason whatsoever. The Bidder shall bear all its costs associated with or relating to the preparation and submission of its Bid including but not limited to preparation, copying, postage, delivery fees, expenses associated with any demonstrations or presentations which may be required by the Board or any other costs incurred in connection with or relating to its Bid. All such costs and expenses will remain with the Bidder and the Board shall not be liable in any manner whatsoever for the same or for any other costs or other expenses incurred by a Bidder in preparation or submission of the Bid, regardless of the conduct or outcome of the Bidding Process.

SAMPLE

SECTION-IV

ANNEXURES

SAMPLE

ANNEXURE-1
(1 of 1)

(The bidder shall carefully study the Route of the Petroleum and Petroleum Products Pipeline before submitting their Application-cum-Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

MAP Depicting the Route of the Petroleum and Petroleum Products Pipeline (Attached)

(Note: Attached map is only indicative in nature and for reference purpose only)

Other details:

(i) **Route of the Pipeline (tentative)**: **Rewari** (Originating Point near HPCL's existing Terminal in Rewari) – Bharatpur –Mathura - **Kanpur Dehat** (Termination Point in Tehsil Akbarpur, District-Ramabai nagar).

(Note: *In Rewari, pipeline may preferably originate/pass through the existing installation of M/s HPCL for their Mundra-Delhi multi-products pipeline. However, exact location of the termination point may exist as per allowed variations in Clause no. 17.4.6*)

(ii) **Length of Pipeline**: Approximately 440 Kms.

(iii) **Petroleum products to be transported**: At least two grades of MS/HSD (EURO-III, EURO-IV and any other higher quality grade that may be specified or mandated to be supplied in future) and SKO.

(iv) **System Capacity**: At least 4.83 MMTPA (including common carrier capacity available for any third party on open access and non-discriminatory basis as per sub-regulation 5(6)(i))

SAMPLE

ANNEXURE-2
(1-2)

(The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal attaching supporting documents. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

BIDDER'S PARTICULARS WITH RESPECT TO MINIMUM ELIGIBILITY CRITERIA
(As per sub-regulation 6 to regulation 5 of the Petroleum and Natural gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010)

(Refer clause ..... of Section I)

1.	Details of Application Fee submitted (Amount and DD / Pay Order No.)	
2.	Technical capability of laying and building Petroleum and Petroleum Products Pipelines. Please indicate which criteria out of regulation 5 (6) (b) (i) to (iv) the bidder is claiming qualification under. (Please attach documentary evidence in support of the above and also attach credible plan to independently undertake and execute the Petroleum and Petroleum Products Pipelines on a standalone basis, if applicable)	
3.	Technical capability of operating and maintaining Petroleum and Petroleum Products Pipelines. Please indicate which criteria out of regulation 5 (6) (c) (i) to (iv) the bidder is claiming qualification under. (Please attach documentary evidence in support of the above and also attach credible plan to develop an in-house O&M team for Petroleum and Petroleum Products Pipelines, if applicable)	
4.	Confirm agreement to abide by the relevant regulations for technical standards and specifications, including safety standards as and when notified	Confirmed
5.	Adequate financial strength to execute the proposed Petroleum and Petroleum Products Pipelines and meeting the financial criterion in terms of having a minimum combined net worth as specified under regulation 5 (6) (e). (Separate statement of net worth of the bidding entity and its promoters shall be signed by the concerned Director(s) of the bidding entity / promoters and duly certified by a Chartered Accountant)	

SAMPLE

	Combined net worth (equity share capital plus free reserves, but excluding revaluation reserves) to be adequately represented by cash funds, which shall be available as bridge finance and as promoter's equity contribution in the project. These statements shall be based on a period not more than a quarter old from the date of submission of the bid, based on the latest financial position of the bidder and its promoters. The promoter's undertaking, in the form of letter of comfort, stating that promoter's financial contribution in the project shall be converted in to equity share capital within three months of the date of grant of authorization must accompany the application. (Letter of Comfort from promoter & their statement of net worth is required only if the bidding entity intends to include the promoter's net worth in the consideration)	
6.	Whether the bidder is already registered under the Companies Act, 1956 or proposes to do so in the event of grant of authorization.	
7.	Credible plan for utilization of the capacity in the proposed petroleum and petroleum products pipeline (Please attach full details).	
8.	Details of Bid Bond submitted (Amount and DD / Pay Order No./ Bank Guarantee).	
9.	Confirm that no penalty has ever been imposed under section 28 or punished under Chapter IX of the Act.	Confirmed
10.	Confirm to abide by the provisions of PNGRB Act, 2006 and any other regulations notified by the Board from time to time, as may be applicable.	Confirmed

Attached are copies of the supporting documents indicating that all the above minimum eligibility criteria are fulfilled.

Date :

Place :

Name and Signature of bidder or authorized signatory
Official Seal

Enclosures :

1.
2.
3.
4.
5.
6.

SAMPLE

ANNEXURE-3
(1of 1)

(The bidder shall provide required undertaking in the given format on its letterhead duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

UNDERTAKING

Date :

Secretary,
Petroleum and Natural Gas Regulatory Board,
1st Floor, World Trade Centre,
Babar Road,
New Delhi – 110 001

Dear Sir,

Having examined the 'Application-cum-Bid document' with Bid No.: BID/PPL/01/2011/2/RKPL, we, the undersigned, seek authorization for laying, building, operating or expanding Petroleum and Petroleum Products pipeline in conformity with the said 'Application-cum-Bid' document as may be ascertained in accordance with the methodology stipulated in Schedule B of the Petroleum and Natural gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010.

We undertake, if our Application-cum-Bid is accepted, to develop the Petroleum and Petroleum Products Pipeline, offered to us within implementation schedule mentioned in our Technical Bid, and we shall furnish the Performance Bond from a Nationalized / Scheduled Indian bank (except Cooperative & Gramin Bank) or any branch of Foreign Bank in India, equivalent to amount as per regulation 8 of the Petroleum and Natural gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010.
We certify that:
1. Our Application-cum-Bid is genuine and is not made in the interest of or on the behalf of any undisclosed person, association of persons, firm, company, or co-operative society , and is not submitted in conformity with and agreement of any undisclosed person, association of persons, firm, company, or co-operative society .
2. We have not solicited or induced any undisclosed person, association of persons, firm, company, or co-operative society to refrain from submitting Application-cum-Bid.
3. 'Application-cum-Bid document' received from PNGRB is complete in all respects.

4. The 'Application-cum-Bid document' along with its Annexures and Addendum / Corrigendum, being submitted is original as obtained from PNGRB and that no changes whatsoever have been made in same.

We also agree to abide by the bid validity period of 120 days from the original bid closing date and it shall remain binding upon us and may be accepted at any time before the expiry of that period.

It is certified that the information submitted / statement made in this Application-cum-Bid are correct, complete and truly stated and if any information given / statement made herein is found to be incorrect, our Application-cum-Bid shall be rejected / authorization, if granted under this bid shall be cancelled, apart from making us liable for such act as provided for in the regulations.

We understand that PNGRB reserves the right to accept or reject any Application-cum-Bid, and to annul the bidding process and reject all Application-cum-Bids.

Date :
Place :

Name and Signature of bidder or authorized signatory
Official Seal

SAMPLE

ANNEXURE-4
(1 of 1)

(The bidder shall provide required confirmation in the given format on its letterhead duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

NO DEVIATION CONFIRMATION

To

Secretary,
Petroleum and Natural Gas Regulatory Board,
1st Floor, World Trade Centre,
Babar Road,
New Delhi – 110 001

Dear Sir,

We understand that any deviation / exception in any form may result in rejection of Application-cum-Bid. We, therefore, certify that we have not taken any deviation / exception anywhere in the Application-cum-Bid and we agree that if any deviation / exception is considered or noticed, our Application-cum-Bid may be rejected.

Date :
Place :

Name and Signature of bidder or authorized signatory
Official Seal

SAMPLE

ANNEXURE-5
(1 of 1)

(The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

INFORMATION TO BE GIVEN BY BIDDER

Sl. No	Item	Response
1	Whether the proprietor / partner / director/ chairperson / secretary of the bidding entity is related to any Member / Chairperson of PNGRB?	
2	Details of the officer to whom all references shall be made regarding Application-cum-Bid Name : Designation : Official Address : Telephone : Mobile: E-mail : FAX :	

Note: *"Director" shall mean full time functional director only and also include the Chairman and Managing Director. Also, the word "related" shall mean any person related by blood, marriage or adoption.*

Date :
Place :

Name and Signature of bidder or authorized signatory
Official Seal

SAMPLE

ANNEXURE-6
(1 of 1)

(The bidder shall confirm the check-list in the given format duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

CHECK-LIST

Sl. No.	Item	Check Yes / No
1	Application Fee	Yes / No
2	Bid Bond	Yes / No
3	All documents in support of the bidder's minimum eligibility criteria	Yes / No
4	Power of Attorney issued in favor of signatory of Application-cum-Bid	Yes / No
5	Technical Bid : General particulars of the entity and technical details of the project, duly filled-in along with all supporting drawings / documents as required	Yes / No
6	Feasibility Report including total estimated project cost of the proposed Petroleum and Petroleum Products Pipeline along with Technical Bid	Yes / No
7	Full set of 'Application-cum-Bid document' along with Addendum / Corrigendum, duly signed by the bidder or authorized signatory along with official seal on all pages	Yes / No
8	Certification by Chartered Accountant about Net worth of the entity and letter of comfort from the promoter(s), if any	Yes / No
9	Annexures, duly filled-in and signed along with official seal as indicated therein	Yes / No
10	No deviation considered and Annexure 4 submitted duly signed by the bidder or authorized signatory along with official seal, in confirmation to no deviation	Yes / No
11	All the pages signed by the bidder or authorized signatory along with official seal and sequentially number on each page of Application-cum-Bid including all enclosures	Yes / No
12	Bidder to indicate additional documents point-wise with nature of document with a proper index giving page number	Yes / No
13	Financial Bid covering the fixed unit petroleum and petroleum products pipeline tariff bid, variable unit petroleum and petroleum products pipeline tariff bid for initial ten years & the petroleum products pipeline capacity proposed to be created for transported in the petroleum and petroleum products pipeline over the economic life of the project, Present Value and year –wise values in the 'Financial Bid Form'	Yes / No

Date :
Place :

Name and Signature of bidder or authorized signatory
Official Seal

SAMPLE

ANNEXURE-7
(1-2)

(The bidder shall provide their acceptance by signing on Proforma of Performance Bank Guarantee by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

PROFORMA FOR PERFORMANCE BANK GUARANTEE

SAMPLE

To

Secretary,
Petroleum and Natural Gas Regulatory Board,
1st Floor, World Trade Centre,
Babar Road,
New Delhi – 110 001

In consideration of the Petroleum and Natural Gas Regulatory Board (hereinafter referred to as 'PNGRB) having agreed to grant authorization to M/s _____ of _____ (hereinafter called 'the authorized entity') to lay, built, operate, or expand Petroleum and Petroleum Products Pipeline (hereinafter called 'the service') as per Letter of Authorization No. _____ dated _____ (hereinafter called 'the said Authorization') on the terms and conditions contained in the said Authorization, which inter-alia provides for production of a Bank Guarantee to the extent of Rs._____ (in words _____) for the service by way of security for the due observance and performance of the terms and conditions of the said Authorization. We _____ (indicate the name and address and other particulars of the Bank) (hereinafter referred to as 'the Bank') at the request of the Authorized Entity hereby irrevocably and unconditionally guarantee to PNGRB that the Authorized Entity shall render all necessary and efficient services which may be required to be rendered by the Authorized Entity in connection with and / or for the performance of the said Authorized Entity and further guarantees that the service which shall be provided by the Authorized Entity under the said Authorization, shall be actually performed in accordance with the terms & conditions of the Authorization to the satisfaction of PNGRB.

2. We, the Bank, hereby undertake to pay PNGRB an amount not exceeding Rs……..(Rupees……only) against any breach with respect to timely commissioning of the proposed Petroleum and Petroleum Products Pipeline as per prescribed targets and also meeting service obligations by the authorized entity during the operating phase of the project, including failure to extend the validity of this guarantee or to give a fresh guarantee in lieu of the existing one. The PBG is valid for a period of three years initially, which shall be extended up to the economic life of the project in a block of minimum three years at the request of bidder or PNGRB.
This guarantee is valid until the _____day of _____20…. and is payable at New Delhi.

3. We, the Bank hereby, in pursuance of the terms of the said Authorization, absolutely, irrevocably and unconditionally guarantee as primary obligor and not merely as surety the payment of an amount of Rs._____ (Rupees _____ only) to PNGRB to secure due and faithful performance by the Authorized Entity of all his/their obligations under the said Authorization.

4. We, the Bank, hereby agree that the decision of PNGRB as to whether the Authorized Entity has failed to or neglected to perform or discharge his duties and obligations under the said authorization and / or whether the service is free from deficiencies and defects and is in accordance with or not of the terms & conditions of the said Authorization and as to the amount payable to PNGRB by the Bank hereunder shall be final and binding on the Bank.

5. WE, THE BANK, DO HEREBY DECLARE AND AGREE that:

   (a) the Guarantee herein contained shall remain in full force and effect for economic life of the Petroleum and Petroleum Products Pipeline project as specified in PNGRB regulations.

   (b) the PNGRB shall have the fullest liberty without our consent and without affecting in any manner our obligations hereunder to vary any of the terms and conditions of the said Authorization or to extend time of performance of any obligations by the said Authorization from time to time or to postpone for any time or from time to time any of the powers exercisable by the PNGRB against the said Authorized Entity and to forbear or to enforce any of the terms and conditions relating to the said Authorization and we shall not be relieved from our liability by reason of any variation or extension being granted to the said Authorized Entity or forbearance act or omission on the part of PNGRB or any indulgence by the Board to the said Authorized Entity or to give such matter or thing whatsoever which under the law relating to sureties would but for this provision, have effect of so relieving us.

   (c) any claim which we have against the Authorized Entity shall be subject and subordinate to the prior payment and performance in full of all the obligations of us hereunder and we will not without prior written consent of PNGRB exercise any legal right or remedy of any kind in respect of any such payment or performance so long as the obligations of us hereunder remains owing and outstanding.

   (d) This Guarantee shall be irrevocable and the obligations of us herein shall not be conditional of any prior notice by us or by the Authorized Entity.

6. We the BANK undertake not to revoke this Guarantee during its currency except with the previous consent of PNGRB in writing.

7. In the event of Authorized Entity being duly relieved of its obligations by the PNGRB for any reason whatsoever, the liability of the Bank under this Performance Bank Guarantee shall be discharged absolutely

8. Notwithstanding anything contained above, our liability, under the Guarantee shall be restricted to Rs..... and our Guarantee shall remain in force until....year from the date hereof. Unless a demand or claim under this Guarantee is made on us in writing within this date i.e. .... all your rights under the Guarantee shall be forfeited and we shall be released and discharged from all liabilities there under.

Dated_____ day _____ for _____
(Name of the Bank)

Witness:
1.....
.....
.....
2.....
.....
.....
.....

ANNEXURE-8
(1 of 1)

(The bidder shall provide required letter of authority for attending the bid opening in the given format on its letterhead duly signed by a person competent and having the power of attorney to bind the bidder along with official seal. This shall be submitted separately and not as a part of Application-cum-Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

PROFORMA OF LETTER OF AUTHORITY FOR ATTENDING TECHNICAL BID OPENING AND FINANCIAL BID OPENING

Date:

To,

Secretary,
Petroleum and Natural Gas Regulatory Board,
1st Floor, World Trade Centre,
Babar Road,
New Delhi – 110 001

Dear Sirs,

We.....hereby authorize following representative (s) to attend the Technical Bid opening / Financial Bid opening against your Invitation for Application-cum-Bid with Bid No.....for……

1. Name & Designation.....Signature.....

2. Name & Designation.....Signature.....

We confirm that we shall be bound by all and whatsoever our representative(s) shall commit.

Yours faithfully,

Signature.....
Name & Designation.....
For & on behalf of .....

SAMPLE

ANNEXURE-9
(1 of 1)

(The bidder shall submit the Application cum-Bid forwarded by this format on its letterhead duly signed by the bidder or authorized signatory along with official seal. This shall be submitted as a part of Application-cum-Bid in all three envelopes as specified in clause …….. of Section I)

Bid No.: BID/PPL/01/2011/1/RKPL

BID FORWARDING LETTER

Date:

To,

Secretary,
Petroleum and Natural Gas Regulatory Board,
1st Floor, World Trade Centre, Babar Road,
New Delhi – 110 001

Dear Sir,

We enclose herewith the complete Application-cum-Bid as required. This includes application fee and bid bond, in addition to the following:

i. Power of Attorney issued in favor of signatory of Application-cum-Bid
ii. Technical Bid : General particulars of the entity and technical details of the project, duly filled-in along with supporting documents
iii. Feasibility Report of the Project including total estimated project cost
iv. Financial Bid covering the fixed unit petroleum and petroleum products pipeline tariff bid, variable unit petroleum and petroleum products pipeline tariff bid for initial ten years & the petroleum products pipeline capacity proposed to be created for transported in the petroleum and petroleum products pipeline over the economic life of the project, Present Value and year –wise values in the 'Financial Bid Form'
v. Full set of 'Application-cum-Bid document' along with its Addendum / Corrigendum
vi. Performa for Performance Bank Guarantee (As format acceptance only).

Date :
Place :

Name and Signature of bidder or authorized signatory,
Official Seal

Details of enclosures:
1.
2.
3.
4.
5.

SAMPLE

ANNEXURE-10A
(1of 1)

(The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal and also signed by the concerned Director of the bidding entity and certified by the Chartered Accountant. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

AUDITED DATA FOR LAST THREE FINANCIAL YEARS OF THE BIDDING ENTITY

Sl. No.	Description	Financial Year 200_ - 200_ (in Rs. Millions)	Financial Year 200_ - 200_ (in Rs. Millions)	Financial Year 200_ - 200_ (in Rs. Millions)	For the period ending _____ (in Rs. Millions)
1	Turnover				
2	Profit / (Loss) Before Taxes				
3	Profit / (Loss) After Taxes				
4	Net Worth				

√ Attached are copies of the audited balance sheets, including all related notes, and income statement for the last three Audited Financial years, as indicated above, complying with the following conditions:

- Historic financial statements must be audited by a certified accountant.
- Historic financial statements must correspond to accounting periods already completed and audited (no statement for partial periods shall be accepted).
- Historic financial statements must correspond to accounting periods only without any carry forward.
- Net worth means equity share capital plus free reserves, but excluding revaluation reserves.
- Period relevant for the last column shall be not more than a quarter old from the date of submission of bid.

Date :
Place :

Name and Signature of bidder or authorized signatory
Official Seal

SAMPLE

ANNEXURE-10B
(1of 1)

(The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal and also signed by the concerned Director of the promoter(s) and certified by the Chartered Accountant. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

AUDITED DATA FOR LAST THREE FINANCIAL YEARS OF THE PROMOTER(S), IF ANY

Sl. No.	Description	Financial Year 200_ - 200_ (in Rs. Millions)	Financial Year 200_ - 200_ (in Rs. Millions)	Financial Year 200_ - 200_ (in Rs. Millions)	For the period ending _____ (in Rs. Millions)
1	Turnover				
2	Profit / (Loss) Before Taxes				
3	Profit / (Loss) After Taxes				
4	Net Worth				

√ Attached are copies of the audited balance sheets, including all related notes, and income statement for the last three Audited Financial years, as indicated above, complying with the following conditions:

- Historic financial statements must be audited by a certified accountant.
- Historic financial statements must correspond to accounting periods already completed and audited (no statement for partial periods shall be accepted).
- Historic financial statements must correspond to accounting periods only without any carry forward.
- Net worth means equity share capital plus free reserves, but excluding revaluation reserves.
- Period relevant for the last column shall be not more than a quarter old from the date of submission of bid.

Date :
Place :

Name and Signature of bidder or authorized signatory
Official Seal

SAMPLE

ANNEXURE-10C
(1 of 1)

(The bidder shall provide certificate from their Chartered Accountant for their Net-worth and Net-worth of their promoters separately, duly signed and sealed as per the format provided herein. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

FORM OF CHARTERED ACCOUNTANTS CERTIFICATE FOR NETWORTH

(SEPARATE FORMS TO BE FURNISHED BY CHARTERED ACCOUNTANT OF THE BIDDER AND EACH OF THEIR PROMOTERS)

This is to certify that the Net worth of M/s./Mr./Ms._____as on _____ (specify latest available financial year end or quarter end) as per the statement of computation of even date annexed to this certificate is Rupees_____ _____ (Rupees in words) only.

It is further certified that the computation of Net worth based on my/ our scrutiny of the books of accounts, records and documents is true and correct to the best of my/ our knowledge and as per information provided to my/ our satisfaction.

Date: For (Name of Accounting Firm)
Place:

Name of Partner:

Seal of the Firm

Chartered Accountant
Membership Number

Note : The net worth calculation certified above is to be supported with Audited Balance Sheet for the latest period wherever applicable.

SAMPLE

ANNEXURE-10D
(1 of 1)

(The bidder shall provide required letter of comfort from the promoter on their letter head with official seal. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

LETTER OF COMFORT FROM PROMOTER(S)

Date:

To,
Secretary,
Petroleum and Natural Gas Regulatory Board,
1st Floor, World Trade Centre,
Babar Road,
New Delhi – 110 001

Dear Sir,

Having examined the 'Application-cum-Bid document' with reference to Bid No..... we....., being the promoter company of .....(bidding entity),certify that we possess the financial net worth as required by the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010.

Our net worth (calculated in accordance with provisions of the regulations) as certified by Chartered Accountant for the last quarter i.e..... is Rs..... Millions and is enclosed as Annexure.....We confirm that our equity commitments to our present and planned projects is not more than our present net worth.

Further, we.....as promoter of..... (Bidding entity) undertake that our financial contribution in the authorized ……. Petroleum and Petroleum Products pipeline project shall be infused in a phased manner as per the project financing schedule approved at the time of achieving financial closure in case it is externally financed or approved by Board of Directors in case it is internally financed.

Date:
Place:

Name and Signature of authorized signatory of the promoter company

Enclosure:

(Official Seal)

Name and counter signature of authorized signatory of the Bidder

SAMPLE

ANNEXURE-11
(1-2)

Format for BANK GUARANTEE
(BID BOND GUARANTEE) - UNCONDITIONAL
(TO BE STAMPED IN ACCORDANCE WITH STAMP ACT)

Ref: Bank Guarantee No.:
Date:

To
Secretary,
Petroleum & Natural Gas Regulatory Board
World Trade Centre, 1st Floor,
Barakhamba Lane, Babar Road, New Delhi – 110 001
INDIA

Dear Sir/s,

TENDER NO. _____ **FOR** Petroleum and Petroleum Products Pipelines **PIPELINE FROM** _____**TO** _____

WHEREAS **(name of the bidder/company)** (HEREINAFTER CALLED 'Bidder') has submitted his/its Bid dated …….. for the Petroleum and Petroleum Products Pipelines pipeline along the route from ……to…….. (hereinafter called the 'Bid') which has a stipulated bid bond amount of Rs. ……..(Rupess……).
This DEED OF BID BOND GUARANTEE is made on this ….. DAY OF……by **(name of the BANK)** having its Head Office at……..(hereinafter called the "Bank" which expression shall wherever the context so admit, include its executors, administrators and successors) in favour of the Petroleum & Natural Gas Regulatory Board, 1st Floor, World Trade Centre, Babar Road, New Delhi – 110 001(hereinafter called 'PNGRB')
NOW THEREFORE THE BANK THROUGH THIS DEED OF BID BOND GUARANTEE AGREES AS FOLLOWS:

1. The Bank, do hereby guarantee to undertake to pay the PNGRB on demand any and all sums payable by the bidder, the bid bond amount, as aforesaid at any time up to _____ (Period) without a reference to the bidder.
2. Any such demand, as specified in clause 1 above, made by PNGRB, on the bank, shall be inclusive and binding notwithstanding any dispute or difference between PNGRB and the Bidders or any dispute pending before any Court, Tribunals, arbitrators or any other Authority.
3. The bank hereby undertakes not to revoke this guarantee during its currency without prior approval of PNGRB in writing.
4. The Bank further agrees that the guarantee herein contained shall continue to be enforceable till the PNGRB discharges this guarantee.
5. PNGRB shall have the sole authority and liberty, without affecting this guarantee, to postpone from time to time the exercise of any power vested in them or of any right which they might have against bidder, and to exercise the same at any time in any manner, or to enforce or to forebear to enforce any covenants express or implied, in the aforementioned bid between PNGRB and bidder or any other course including security given to PNGRB.

SAMPLE

6. The BANK shall not be released of its obligations by any exercise by PNGRB of its liability with reference to the matters aforesaid or any of them or by reason or any other acts of omission or commission on the part of PNGRB or any other indulgence shown by PNGRB or by any other matter or thing whatsoever which under law would, but for this provision, have the effect or relieving the BANK.

7. The BANK agrees that PNGRB at its option shall be entitled to enforce this Guarantee against the Bank as a Principal debtor, in the first instance without proceeding against bidder and notwithstanding any security or other guarantee that PNGRB may have in relation to the bidder's liabilities.

8. Notwithstanding anything contained in Clauses 1 to 7 above, the Bank's liability under this Guarantee is restricted to and it shall remain in force up to and including _____and shall be extended from time to time for such period as may be desired by the PNGRB.

9. The Bank hereby affirm that we are guarantors and responsible to PNGRB on behalf of the bidder up to a total amount of ……..(amount of guarantees in words and figures) and we undertake to pay PNGRB, upon PNGRB's first written demand on declaring the bidder to be in default under the bid and without caveat or demur of any kind whatsoever , any sum or sums within the limits of ……..(amount of guarantee) as aforesaid, without PNGRB needing to prove or show grounds or reasons for PNGRB's demand or the sum specified therein.

   This guarantee is valid until the _____day of _____20…. and is payable at New Delhi.

10. The Bank, hereby affirms that it has power to issue this guarantee in favor of PNGRB under the Memorandum of Association and Articles of Association and the undersigned has full power to do so under the Power of Attorney/Resolution of the Board of Directors dated _____ accorded to him by the bank.

11. IN WITNESS WHEREOF the Bank has executed this deed of Bid Bond Guarantee on…….. Day of ……..20..... ,in the presence of:

WITNESS1:	BANK RUBBER
NAME (SIGNATURE)	(NAME)
WITNESS2:	STAMP (NAME)
NAME	(OFFICIAL SEAL) Designation with bank stamp Plus
(SIGNATURE)	Attorney as per Power Of Attorney/Resolution Board of Directors
Date:	

SAMPLE

ANNEXURE-12
(1of 1)

(The bidder shall provide required information in the given format on its letterhead duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid.)

Bid No.: BID/PPL/01/2011/1/RKPL

DECLARATION ABOUT AUTHORIZATION(S)/ACCEPTANCE(S) OF CENTRAL GIVERNMENT AUTHORIZATION RECEIVED BY THE ENTITY

Date:

Secretary,
Petroleum and Natural Gas Regulatory Board,
1st Floor, World Trade Centre,
Babar Road,
New Delhi – 110 001

We declare that the details of Petroleum and Petroleum Products Pipelines where we have been already granted authorization(s) / are being considered for authorization under sub-regulation 18 / have submitted our bids for grant of authorization/ have furnished information under sub-regulation 17 of the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010 are as under:

Sl. No.	Requirement	Details of Petroleum and Petroleum Products Pipelines	Net worth in Rs. in Millions required under the relevant Regulations
1	Petroleum and Petroleum Products Pipelines already granted authorization under regulation 18 (1)	1. 2. 3. …	
2	Petroleum and Petroleum Products Pipelines under consideration for grant of authorization under regulation 18 (1)	1. 2. 3. …	
3	Petroleum and Petroleum Products Pipelines where information has been furnished under regulation 17(1)	1. 2. 3. …	
4	Petroleum and Petroleum Products Pipelines bid by the entity where grant of authorization by PNGRB is still under process	1. 2. … …	

Date :
Place :

Name and Signature of bidder or authorized signatory
Official Seal

SAMPLE

ANNEXURE – 13
(1 of 1)

(The bidder shall provide required information in the given format in their letter head duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately as a part of Technical Bid).

Bid No.: BID/PPL/01/2011/1/RKPL

DECLARATION ABOUT TECHNICAL & OPERATIONAL MANPOWER ON PERMANENT ROLL

(Refer clause No. 6.0 (e) of Section I: Instructions to Bidders)

Secretary,
Petroleum and Natural Gas Regulatory Board,
1st Floor, World Trade Centre,
Babar Road,
New Delhi – 110 001

Date:

Following personnel who are on our permanent roll have adequate experience as required under sub-regulation 5(6)(b)(iv) and 5(6)(c)(iv) of under the Petroleum and Natural Gas Regulatory Board (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010:

S/N	Name	Designation	Qualification (degree in engineering)	No. of years of relevant experience under sub-regulation 5 (6)(b)(iv)	No. of years of relevant experience under sub-regulation 5 (6)(c)(iv)	Remarks
1.						
2.						
3.						
4.						

Date :

Place :

Certified by CEO/Full-time Director of the bidder or authorized signatory
(Signature & Stamp)

Enclosed: Copies of Qualification certificate
Certified that the above named personnel are on the permanent rolls of the company.

Counter-signed by Firms' Chartered Accountant

Name and Signature of bidder or authorized signatory
Official Seal

SAMPLE

SECTION-V

FINANCIAL BID:

1. FINANCIAL BID FORM
2. ANNEXURE-14

SAMPLE

FINANCIAL BID FORM
(As per Part-II of Schedule-B)

(The bidder shall provide required information in the given format duly signed by the bidder or authorized signatory along with official seal. This shall be submitted separately in sealed envelope earmarked as Financial Bid).

AUTHORIZATION FOR LAYING, BUILDING, OPERATING OR EXPANDING PETROLEUM AND PETROLEUM PRODUCTS PIPELINE AS DEPICTED IN THE MAP

FINANCIAL BID (TO BE SUBMITTED IN A SEPARATE EARMARKED SEALED ENVELOPE)

A

Present value (PV) of the fixed unit petroleum and petroleum products pipeline tariff bid for the petroleum and petroleum products pipeline (Rs/MT)
[Fixed Petroleum and Petroleum Products pipeline tariff bid shall be for a period of initial ten years]

Note#1*: Year 1 tariff bid as quoted shall be applicable from the 1st year of operation of the pipeline and tariff bid shall be applicable for subsequent ten years. The Board shall review the tariff after ten years of operation and fix for a block of five years thereafter on prospective basis.*

Note#2: *Year 1 value for tariff to be quoted by the bidder shall not be discounted @ 12% while calculating the respective Present Value i.e. discount factor for 1st year shall thus be taken as unity*

Note#3: *Negative and Zero tariffs shall not be accepted and would lead to the rejection of the bid.*

Present value (PV) of the fixed unit petroleum and petroleum products pipeline tariff bid for each year of the initial ten years using the discount rate of 12% is Rs.<_____> per MT

Year-wise fixed unit petroleum and petroleum products pipeline tariff:

	Rs. Per MT	
	Figure.	Words
Year 1		
Year 2		
Year 3		
Year 4		
Year 5		
Year 6		
Year 7		
Year 8		
Year 9		
Year 10		

SAMPLE

<table>
<tr>
<td>B</td>
<td>Present value (PV) of the variable unit petroleum and petroleum products pipeline tariff bid for the petroleum and petroleum products pipeline (Rs/MT/KM) [Variable Petroleum and Petroleum Products pipeline tariff bid shall be for a period of initial ten years]

Note#1: Year 1 tariff bid as quoted shall be applicable from the 1st year of operation of the pipeline and tariff bid shall be applicable for subsequent ten years. The Board shall review the tariff after ten years of operation and fix for a block of five years thereafter on prospective basis.

Note#2: Year 1 value for tariff to be quoted by the bidder shall not be discounted @ 12% while calculating the respective Present Value i.e. discount factor for 1st year shall thus be taken as unity

Note#3: Negative and Zero tariffs shall not be accepted and would lead to the rejection of the bid.</td>
<td>Present value (PV) of the variable unit petroleum and petroleum products pipeline tariff bid for each year of the initial ten years using the discount rate of 12% is Rs.<_____> per MT per KM

Year-wise variable unit petroleum and petroleum products pipeline tariff:
<table>
<tr><td></td><td colspan="2">Rs. Per MT Per KM</td></tr>
<tr><td></td><td>Figure.</td><td>Words</td></tr>
<tr><td>Year 1</td><td></td><td></td></tr>
<tr><td>Year 2</td><td></td><td></td></tr>
<tr><td>Year 3</td><td></td><td></td></tr>
<tr><td>Year 4</td><td></td><td></td></tr>
<tr><td>Year 5</td><td></td><td></td></tr>
<tr><td>Year 6</td><td></td><td></td></tr>
<tr><td>Year 7</td><td></td><td></td></tr>
<tr><td>Year 8</td><td></td><td></td></tr>
<tr><td>Year 9</td><td></td><td></td></tr>
<tr><td>Year 10</td><td></td><td></td></tr>
</table>
</td>
</tr>
<tr>
<td>C</td>
<td>Present value (PV) of the petroleum products pipeline capacity (in million tons per annum) proposed to be created for transporting in the petroleum and petroleum products pipeline over the</td>
<td>PV of the petroleum products pipeline capacity bid proposed to be created in the petroleum and petroleum products pipeline for each of the year of the economic life of the project discounted at twelve percent is <___> million tons per annum (MMTPA).
Year-wise capacity bid -
<table>
<tr><td></td><td colspan="2">MMTPA</td></tr>
<tr><td></td><td>Figure.</td><td>Words</td></tr>
</table>
</td>
</tr>
</table>

SAMPLE

	economic life of the project. [*Petroleum products pipeline capacity created for transporting in the petroleum and petroleum products pipeline shall be for each year of the economic life of the project*]. ***Note#1****: Year 1 capacity bid as quoted shall be applicable from the 1st year of operation of the pipeline.* ***Note#2:*** *Year 1 value for capacity to be quoted by the bidder shall not be discounted @ 12% while calculating the respective Present Value i.e. discount factor for 1st year shall thus be taken as unity.*	Year 1		
		Year 2		
		Year 3		
		Year 4		
		Year 5 . . . . Year 25		

Notes:

1. All quotes should be both in figures as well as words in the space as provided.
2. All values quoted above under A, B & C should be up to 2 (two) decimal places only. In case any quoted figure is more than two decimal places the same shall not be considered beyond second decimal point.

Date :
Place :

Name and Signature of Bidder /
Authorized Signatory
Official Seal

SAMPLE

(The bidder shall provide required information in the given format duly filled-in and signed by the bidder or authorized signatory along with official seal. This is to be submitted in the executive summary of the Feasibility Report in Envelope -III)

SUMMARY SHEET OF FEASIBILITY REPORT

BID/PPL/01/2011/1/RKPL

Sl. No.	Description	1st Yr	2nd Yr	3rd Yr	4th Yr	5th Yr	6th Yr	7th Yr	…….	24th Yr	25th Yr
1.0	Segment-wise demand for Petroleum and Petroleum Products (MMTPA) :										
	a. Motor Spirit										
	b. High Speed Diesel										
	C. Superior Kerosene Oil										
	d. Other										
2.0	Volume of Petroleum and Petroleum Products to be transported in the pipeline (MMTPA)										
3.0	System Capacity of Pipeline as per relevant Regulation (MMTPA)										
4.0	Tariff from Petroleum and Petroleum Products Pipeline Transportation										
4.1	Fixed Unit Tariff (Rs./MT)										
4.2	Variable Unit Tariff (Rs./MT/KM)										
5.0	Total Cash Outflow (Rs. in lacs)										
	a. CAPEX										
	b. OPEX										
6.0	Total Cash inflows (Rs. In Lacs)										
	a. Network Tariff										
7.0	Pre-Tax IRR on Total capital employed based on above project cash flow										

Note: 1. As the Item Number 3 & 4 are with respect to biddable items, corresponding quotes given in the financial bid for respective years are to be used for this FR summary sheet.

Note: 2 The Board shall review the tariff after ten years and fix for a block of five years thereafter on prospective basis. As the tariff numbers for Year-11 onwards are not biddable items and are required only for indicative purpose, the bidder is required to provide the complete basis for tariff numbers for Year-11 to Year-25. An approporiate view would be taken by the Board in due course of time on the computation methodology for the transportation tariff from Year -11 onwards.

Note: 3. All cells in each row/column has to be filled in, corresponding to the FR submitted.

Note: 3 Above year-wise volume of Petroleum and Petroleum Products quoted at Item number 2.0 shall be referred by PNGRB for the purpose of compliance of Service Obligations as specified in Regulation 14(1) of the PNGRB (Authorizing Entities to Lay, Build, Operate or Expand Petroleum and Petroleum Products Pipelines) Regulations, 2010

Date:
Place:

Name and Signature of bidder or authorized signatory
Office Seal