

Clause No.	INSTRUCTIONS TO BIDDERS (ITB)
<p>8.1.2</p>	<p>JV Agreement (if permissible in Section-III, Bid Data Sheet) have the authority to sign the same and the said documents are binding upon them during the full period of their validity.</p> <p>Further, in case of JV bid (if permissible in Section-III, Bid Data Sheet), a power of attorney in favor of the authorized signatory of the lead partner, signed by legally authorized signatory (ies) of other joint venture partner shall also be submitted.</p> <p>(The Authority of the person issuing the Power of Attorney shall also be submitted).</p> <p>Further, Bidder to note that bid can be submitted/digitally signed by only one person. The Power of Attorney must be in the name of person digitally signing the bids.</p> <p class="list-item-l1">(c) Attachment-3I: Deed of Joint Undertakings [IF APPLICABLE]</p> <p class="list-item-l1">(d) Attachment-3L: JV Agreement [IF APPLICABLE]</p> <p class="list-item-l1">(e) Attachment-3M: Declaration regarding insolvency, bankruptcy and Liquidation</p> <p>In addition, the scanned copy of above-mentioned physical forms shall be uploaded by Bidder in “Fee Cover” or Techno-commercial Envelope on the e-tender portal.</p> <p>Documents to be submitted online through e-tender mode:</p> <p>The Bid Form as per Section-VII, Part 1 of 2, duly completed together with the following Attachments shall be uploaded at the e-Tender Portal in the Pre-Qual/Technical Cover/Envelope</p> <p class="list-item-l1">(a) Attachment 3: Bidder's Qualifications</p> <p>In the absence of pre-qualification, documentary evidence that the Bidder is eligible to bid and is qualified to perform the contract, if its bid is accepted, shall be furnished in Attachment-3 to Bid.</p> <p>The documentary evidence of the Bidder's qualifications to perform the contract, if its bid is accepted, shall establish to EMPLOYER's satisfaction that the Bidder has the financial, technical, production, procurement, shipping, installation and other capacities and capabilities necessary to perform the contract and meets the experience and other criteria outlined below:</p> <p>The Bidder shall provide satisfactory evidence that he and/or, where applicable, his JV Partner:</p> <p class="list-item-l2">(i) is a manufacturer/supplier, who regularly manufactures equipment of the type specified and/or undertakes the type of work specified and has adequate technical knowledge and relevant experience.</p> <p class="list-item-l2">(ii) does not anticipate a change in ownership during the proposed period of execution of work (If such a change is anticipated, a scope and effect thereof shall be defined).</p>

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	<p>(iii) has adequate financial stability and status to meet the financial obligations pursuant to the works covered in the Bidding Documents. (The Bidders should submit profit & loss account and balance sheet for the preceding three (3) financial years prior to the date of submission of bids).</p> <p>(iv) has adequate design, manufacturing and/or fabrication capability and capacity to perform the work properly and expeditiously within the time period specified. The evidence shall specifically cover, with written details, the installed manufacturing and/or fabrication capacities and present commitments (excluding those anticipated under this Specification) of the Bidder. If the present commitments are such that the installed capacity results in an inadequacy of manufacturing and/or fabrication capacities to meet the requirements appropriate to the works covered in his bid, then the details of alternative arrangements to be organised by the Bidder and/or his Collaborator/Associate for this purpose and which shall meet EMPLOYER's approval, shall be furnished.</p> <p>(v) has an adequate Project management organization covering the areas related to engineering of equipment/systems, interface engineering, procurement of equipment and the necessary field & management services required for successful construction, erection, testing and commissioning the equipment/system as required by the Bidding Documents.</p> <p>(vi) has established quality assurance systems and organisation designed to achieve high levels of equipment/system reliability, both during his manufacturing and/or fabrication and field installation activities.</p> <p>(vii) a company formed by the merger of two or more companies or divisions of such companies engaged in supply and installation of subject Package/systems can also participate provided the constituent companies or divisions before merger individually or jointly meet the stipulated qualification requirements fully.</p> <p>In addition to the requirements stipulated above, the Bidder should also meet the qualifying requirements stipulated in <u>item no. 4.0 of Bid Data Sheets (BDS)</u>.</p> <p>Notwithstanding anything stated above, the Employer reserves the right to undertake a physical assessment of the capacity and capabilities including financial capacity and capability of the Bidder / his Collaborator(s) / Associate(s) / Subsidiary(ies) / Group Company(ies) to perform the Contract, should the circumstances warrant such assessment in the overall interest of the Employer.</p> <p>The physical assessment shall include but not be limited to the assessment of the office/ facilities/ banker's/ reference works by the Employer. A negative determination of such assessment of capacity and capabilities may result in the rejection of the Bid. The above right to undertake the physical assessment shall be applicable for the qualifying requirements stipulated in both Section - ITB and in Section - BDS.</p>

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	<p>Bids submitted by a Joint Venture of two or more firms as partners, if so permitted in the Bid Data Sheet (BDS), shall comply with the following requirements:</p> <ul style="list-style-type: none"> (i) The bid shall include all the information required for Attachment 3 as described above for each Joint Venture partner. (ii) The bid shall be signed so as to be legally binding on all partners. (iii) One of the partners shall be designated as leader, this authorisation shall be evidenced by submitting with the bid a power of attorney signed by legally authorised signatories of joint venture partners. (iv) The leader shall be authorised to receive instructions for and on behalf of any and all partners of the Joint Venture and the entire execution of the contract, including payment, shall be done exclusively with the leader. (v) All partners of the Joint Venture shall be liable jointly and severally for the execution of the Contract in accordance with the contract terms. (vi) Copy of the agreement entered into by the joint venture partners as per the format provided in the Bidding Documents shall be submitted with the bid. <p>For joint venture to qualify, each of its partners must meet the minimum criteria listed for an individual Bidder for the component of the contract they are designated to perform. Failure to comply with this requirement will result in rejection of the Joint Venture's Bid.</p> <p>A firm can be a partner in only one joint venture; bids submitted by joint ventures including the same firm as partner will be rejected.</p> <p>In case Bidder is permitted in the Bid Data Sheets (BDS) to offer to supply and/or install plant and equipment under the contract that the Bidder did not manufacture or otherwise produce and/or install, the Bidder shall (i) have the financial and other capabilities necessary to perform the contract; (ii) have been duly authorised by the manufacturer or producer of the related plant and equipment or component to supply and/or install that item in the Employer's country; (iii) be responsible for ensuring that the manufacturer or producer of the related item meets the minimum criteria listed for that item.</p> <p>Bidder shall submit a 'Declaration' in the format enclosed as 'Appendix-A' to Attachment-3A1 stating that the Bidder has carried out a comprehensive assessment of the 'Capacity and Capability' of their Associate/ Collaborator and their Associate/Collaborator have sufficient Capacity & Capability to execute the Work as per Provisions of the Bidding Documents.</p>				

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