

TENDER NO. : JRMM188123

INDIAN OIL CORPORATION LIMITED
Gujarat Refinery

TENDER NO. : JRMM188123



“Supply of SS Foil ”

INVITED BY:

DEPUTY GENERAL MANAGER (MATERIALS-PURCHASE)
INDIAN OIL CORPORATION LTD. (IOCL)
GUJARAT REFINERY
PO: JAWAHARNAGAR
VADODARA PIN: 391320

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List of IOCL directors is available at <https://www.iocl.com/AboutUs/Management.aspx>

ALL ABOVE DOCUMENTS FORM PART OF THE TENDER DOCUMENTS.

In the event of any irreconcilable conflicts , the hierarchy for the acceptance shall be –

- (i) Scope of Supply Cum Technical Specifications documents.**
- (ii) Special Terms & Conditions of Tender**
- (iii) Agreed Terms & Conditions (Indigenous) / Agreed Terms & Conditions (Import)**
- (iv) General Purchase Conditions.**

1. NOTICE INVITING TENDER (NIT)- E-TENDER

TENDER NO. : JRMM188123

Indian Oil Corporation Limited, a Company incorporated in India and having its registered office at G-9, Ali Yavar Jung Marg, "Western Express Highway", Bandra (East), Mumbai-400 051 invites E-tender under **TWO BID (PART-I: Techno-Commercial Bid part:ii Price Bid)** from bonafide experienced Bidder of sound financial standing and reputation for the job(s) defined in this tender covering following items. The details of the tender are given below:

Material Description	Supply of SS Foil
Quantity	As per BOQ/Enquiry document
Type of Tender	National Open (Non-Press)
EMD Amount (in INR)	Not applicable
EMD exempted categories: Micro & Small Enterprises (MSE) as mentioned in "TENDER CONDITIONS FOR BENEFITS/PREFERENCE FOR MICRO & SMALL ENTERPRISES (MSEs)", Central/State PSUs & Govt. Organizations and JVs of IOCL.	
Please refer "General Instruction to bidders" for information on EMD submission.	
TENDER DOWNLOAD/ SALE PERIOD	Please refer "Critical Dates table" in Tender Details at e-tender Portal
BID SUBMISSION PERIOD	Please refer "Critical Dates table" in Tender Details at e-tender Portal
Pre Bid Meeting	Not applicable
BID OPENING DATE & TIME	Please refer "Critical Dates table" in Tender Details at e-tender Portal Tender will be opened online on https://iocletenders.nic.in/ , on or after mentioned date & time.
Address of the Tender Issuing Authority : Deputy General Manager(Materials-Purchase), GUJARAT REFINERY, PO: JAWAHARNAGAR, VADODARA-391320 GUJARAT, Phone- +91-2652237269 / 2237256 /2237251 E-mail : chaudar@indianoil.in; agarwala1@indianoil.in; baruas@indianoil.in	

- Tender document (Non-Transferable) can be downloaded from IOCL e-tendering web site <https://iocletenders.nic.in/>
- Offer shall be submitted ONLY through online mode on above given IOCL e-tendering website.
- Bids in physical form sent through fax / email / courier / post will not be acceptable.

Note :- Non Press E-tenders/Any Addendum / Corrigendum / Sale date extension in respect of above tender shall be issued on our website : <https://iocletenders.nic.in> only and no separate notification shall be issued in the press. Bidders are therefore requested to regularly visit our website to keep themselves updated.

Place: Vadodara

DEPUTY GENERAL MANAGER (MATERIALS-PURCHASE)

2.0 PRE-QUALIFICATION CRITERIA(PQC):

2.1 TECHNICAL CRITERIA:

Not Applicable

2.2 FINANCIAL CRITERIA

The annual turnover of the bidders during any of the preceding three financial years should be at least ₹/-

2.3 COMMERCIAL EXPERIENCE CRITERIA:

For experience, the order(s) executed by the bidder, during the last five years ending on the last day of the month immediately preceding the month in which the last date of bid submission falls on FOR / FOB Dispatch Point basis, should be as under:

Three orders each executed for “” where executed value is not less than the amount equal to ₹/-
OR

Two orders each executed for “” where executed value is not less than the amount equal to ₹/-
OR

One order executed for “” where executed value is not less than the amount equal to ₹/-

NOTE:-

1. FOB/FOR Dispatch point price (inclusive of P&F and TPI charges, if any) shall be considered for arriving at the executed order value. However, in case any other cost component like Freight charges, Taxes & Duties etc. are not indicated separately and are already included in the Purchase Order Value, as evident from the submitted Purchase order copies, then executed order value shall include such inclusive cost components also for the purpose of PQC evaluation.
2. Foreign orders in currency other than USD shall be converted to USD on the date of the said Purchase Order (Global Tenders). Orders in currency other than INR shall be converted to INR on the date of the said Purchase Order (National Tenders). RBI reference rate shall be considered for forex conversion.
3. For fulfilling the commercial experience criteria any one of the following documents are to be submitted along with the un-priced bid as valid proof for meeting the criteria:
 - a) Purchase Order copy along with Invoice(s) with self-certification by the bidder that supplies against the invoices covering the “similar order” have been executed to the required value.
 - b) Purchase Order copy along with Bank Certificate indicating payment against the PO.
 - c) Execution certificate by client with order value.
 - d) IOCL executed Purchase Orders.
 - e) Any other document in support of order execution like TPI release note, etc.

4. For fulfilling the financial criteria, any one of the following are to be submitted along with the un-priced bid as valid proof for meeting the criteria:
 - a) An audited balance sheet of the bidder.
 - b) Published Annual report.
 - c) In case the balance sheet is available in the public domain the same shall be accepted, necessary link to be uploaded by the bidder.

OTHER NOTE:-

(A). The requirement for submission of audited financial statement is sometimes not accepted by some foreign bidders due to their internal / local regulation (particularly in case such bidders are subsidiaries of other foreign company). Instead of this they prefer to submit CEO / CFO certificate (the parent company for itself or for its subsidiary) for their turnover or the financial statement.

In such case CEO / CFO's certificate in original from the company or from the parent company (in case bidder is a subsidiary) stating the turnover of the bidding entity along with a declaration that the bidding company is not in a position to submit its financial statement as per the local / internal regulation (clearly specifying the applicable regulation) with an endorsement by Chartered Accountant / Statutory Auditor / Certified Public Accountant (not being an employee or a Director or not having any interest in the bidder(s) company / firm) may be accepted.

Wherever Chartered Accountant / Statutory Auditor / Certified Public Accountant (not being an employee or a Director or not having any interest in the bidder(s) company / firm) is not in a position to endorse such CEO / CFO's certificate due to local regulations, CEO / CFO's certificate in original without endorsement may be accepted provided a reference of the local regulation restricting this endorsement is given in the CEO / CFO certificate.

(B). Similarly in case where the bidder cites the reasons of Non Disclosure Agreement (NDA) for its inability to submit necessary documents in support of meeting the experience criteria, a certificate, in original, certifying all the required information, issued by CEO / CFO of the company along with a declaration that the bidding company is not in a position to submit the required documents owing to the NDA with an endorsement by Chartered Accountant / Statutory Auditor / Certified Public Accountant (not being an employee or a Director or not having any interest in the bidder(s) company / firm) may be accepted.

Wherever Chartered Accountant / Statutory Auditor / Certified Public Accountant (not being an employee or a Director or not having any interest in the bidder(s) company / firm) is not in a position to endorse such CEO / CFO's certificate due to local regulations, CEO / CFO's certificate in original without endorsement may be accepted provided a reference of the local regulation restricting this endorsement is given in the CEO / CFO certificate.

5. In case a foreign bidder submits any of the Pre Qualification support documents in any language other than English, then it will be the responsibility of such foreign vendor to also provide the English translation copy of the same duly certified, stamped and signed by their Local Chamber of Commerce.
6. Bids submitted on consortium and joint-ventures basis are not acceptable, unless otherwise specified in the Tender.
7. IOCL reserves the right to complete the evaluation based on the details furnished with the bid without seeking any additional information.
8. A Company (bidder) shall not be allowed to use the credentials of its parent or any group company to meet the Experience Criteria.

9. ~~Submission of authentic documents in time is the prime responsibility of the bidder.~~
- a. ~~Wherever IOCL has concern or apprehension regarding the authenticity/correctness of any document, IOCL reserves the right of getting the documents cross verified from the document issuing authority.~~
10. ~~The bidder entity should ensure that only one bid is submitted by them directly or by their Agents* on behalf of the bidder entity or as a Consortium Partner (if applicable in tender). In case it is found that bidder entity has submitted more than one bid, all their bids in the tender are liable for rejection.~~
- ~~* Agents for the above purposes would be one who agrees and is authorized to act on behalf of another, a Principal, to legally bind an individual in particular business transactions with third parties pursuant to an agency relationship.~~
- ~~Submission of bids by different offices / branches of the bidder entity will be considered as bids from the same bidder entity and will be liable for rejection.~~
11. Offer from the following type of bidders will not be considered:
- (a) ~~Bidder(s) who are undergoing insolvency resolution process or liquidation or bankruptcy proceeding under Insolvency and Bankruptcy Code, 2016 (Code).~~
- (b) ~~Bidder(s) whose insolvency resolution process or liquidation or bankruptcy proceeding is initiated under the Code at any stage of evaluation of the bid.~~

3.

GENERAL INSTRUCTIONS TO BIDDERS:

- 3.1 The Bids shall be uploaded in **2 (TWO) COVERS** (COVER-1: Techno-Commercial Bid and COVER-2: Price Bid) in case of **Two bid Tender** and in **1 (ONE) COVER** in case of **Single bid Tender** in electronic form only through Indian Oil e-tendering system on IOCL E-Tendering website (<https://iocletenders.nic.in/>)

COVER -1: Techno-Commercial Bid i.e. Un-Priced Bid should contain:

- i. Online EMD / Scanned Copy of EMD Instrument : Demand draft/Bankers Cheque/Bank Guarantee (if applicable)
- ii. Bid_Documents XLS file containing sheets as under, duly filled as applicable and digitally signed as bidder's acceptance and confirmation :
 - a. Sheet 1 "Decl. & Accept.-on-Tender-T&C" - **PROFORMA FOR DECLARATION ON ACCEPTANCE OF TENDER SCOPE, SPECIFICATIONS, TERMS & CONDITIONS**
 - b. Sheet 2 "Special Terms & Conditions"- **SPECIAL TERMS & CONDITIONS OF TENDER**
 - c. Sheet 3(a) "ATC(ind)"/3(b) "ATC(Imp)"- **AGREED TERMS AND CONDITIONS (INDIGENOUS)/ (IMPORT)**
 - d. Sheet 4(a) "Deviations_Technical"/ 4(b) "Deviations_Commercial"- **PROFORMA FOR DEVIATIONS LIST: TECHNICAL & COMMERCIAL**
 - e. Sheet 5 "PQC Doc- details"- **PROFORMA FOR PQC DOCUMENTS DETAILS, if applicable as per Tender.**
 - f. Sheet 6 "Un priced-BOQ" - **UN PRICE SCHEDULE FORMAT.**
 - g. Sheet 7 "Holiday-list-declaration- **PROFORMA FOR DECLARATION OF HOLIDAY LISTING**
 - h. Sheet 8 "GST Registration Details" - **Goods & Service Tax (GST) Registration Details**
- iii. Documents towards fulfillment of Pre-Qualification Criteria of the Tender (**If applicable as per Tender**) as per details submitted in Sheet 5 "PQC Doc-details"- **PROFORMA FOR PQC DOCUMENTS DETAILS**
- iv. On date valid copy of MSE certificate (if applicable) and /or Bank details as per format given in additional documents (if applicable). **IN CASE THESE DOCUMENTS ARE NOT APPLICABLE, PLEASE UPLOAD A PDF FILE, ONLY INDICATING "NOT APPLICABLE"**
- v. Any other documents **IF** specifically asked to be uploaded, in the relevant packet.

COVER-2: PRICED BID should contain:

- i. Prescribed Price Schedule (BOQ) with Prices. The priced BOQ should be uploaded strictly as per format available with the tender in the website failing which the offer is liable for rejection. **"The Prices should be quoted in 'Price BOQ' only and should not be quoted in any other document"**

NOTE: In case of Single bid Tender, the Price Bid shall also be a part of Cover-1.

In case of Single bid Tender, if the bidder is silent on any Tender Clause which calls for commercial loading, it will be assumed that the bidder has not accepted the specific clause and specified commercial loading shall be done for evaluation purpose. No confirmation shall be sought by IOCL after opening of bids.

3.2 **A)** In case **Earnest Money Deposit (EMD)** is applicable in the tender as per NIT, the following shall be applicable for **INDIAN BIDDERS**

a) **EMD amount upto Rs. 1 lac. :** EMD to be submitted through online payment at IOCL e-tender portal along with the offer. **EMD payment through Demand Draft, Bankers Cheque and Swift Transfer shall not be accepted.**

b) **EMD amount more than Rs. 1 lac. :** EMD can be submitted through online payment at IOCL e-tender portal along with the offer or through Bank Guarantee (BG). Validity of BG in lieu of EMD shall be 3 months beyond bid validity. Bank Guarantee must be strictly as per IOCL format as per Annexure-A of IOCL GPC. Scanned Copy of EMD instrument i.e. Bank Guarantee has to be uploaded in the un-priced bid and the bidder should also ensure that the above mentioned Original BG in physical form duly enclosed in a sealed envelope super-scribed with "Offline EMD", Bidder's Name, Tender No., Bid Submission End Date & Item, is received at the Office of DY GENERAL MANAGER MATERIALS (PURCHASE), Indian Oil Corporation Ltd., Gujarat Refinery, P.O. Jawaharnagar, Dist. Vadodara – 391 320 as per following schedule:

I. Single Bid Tenders: Before due date and time of opening of bids.

II. Two Bid Tenders: Within 7 working days from the date of opening of technical bids.

Note:

i) For the purpose of receipt of BG, the time recorded in the Receipt / DAK section against receipt shall be considered as receipt time.

ii) Only those Physical BG instruments found matching with the copy submitted in the e-portal shall be considered as valid.

IOCL shall not be responsible for postal/courier delay, non-receipt or loss in transit.

IN CASE BIDDER DOES NOT SUBMIT EMD AS MENTIONED ABOVE, THEN THE BID SHALL BE LIABLE FOR REJECTION.

3.2 **B)** In case **Earnest Money Deposit (EMD)** is applicable in the tender as per NIT, the following shall be applicable for **FOREIGN BIDDERS**

a) **EMD amount upto Rs. 1 lac. :** EMD to be submitted through online payment at IOCL e-tender portal along with the offer. EMD payment through Demand Draft/ Bankers Cheque/Swift Transfer shall also be accepted.

b) **EMD amount more than Rs. 1 lac. :** EMD can be submitted through online payment at IOCL e-tender portal along with the offer/Demand Draft/Swift Transfer or Bank

Guarantee(BG). Validity of BG in lieu of EMD shall be 3 months beyond bid validity. Bank Guarantee must be strictly as per IOCL format as per Annexure-A of IOCL GPC.

In case of submission of physical EMD instrument i.e. Demand Draft/ Bankers Cheque/Bank Guarantee, scanned Copy of EMD instrument has to be uploaded in the un-priced bid and the bidder should also ensure that the Original EMD instrument in physical form duly enclosed in a sealed envelope super-scribed with "Offline EMD", Bidder's Name, Tender No., Bid Submission End Date & Item, is received at the Office of DY GENERAL MANAGER MATERIALS (PURCHASE), Indian Oil Corporation Ltd., Gujarat Refinery, P.O. Jawaharnagar, Dist. Vadodara – 391 320 as per following schedule:

I. Single Bid Tenders: Before due date and time of opening of bids.

II. Two Bid Tenders: Within 7 working days from the date of opening of technical bids.

Note:

i) For the purpose of receipt of Physical EMD instrument, the time recorded in the Receipt / DAK section against receipt shall be considered as receipt time.

ii) Only those Physical EMD instrument found matching with the copy submitted in the e-portal shall be considered as valid.

IOCL shall not be responsible for postal/courier delay, non-receipt or loss in transit.

EMD shall be in equivalent US Dollar. Based on authorization by foreign bidder, their Indian associates may be allowed to submit EMD in INR in form of only Online payment at IOCL e-tender portal.

IN CASE BIDDER DOES NOT SUBMIT EMD AS MENTIONED ABOVE, THEN THE BID SHALL BE LIABLE FOR REJECTION."

3.3 The IOCL Banker's details required for issue of **Bank Guarantees Only** are as under:

Bank Name : State Bank of India

Account Number : 10135305063

Bank IFSC code : SBIN0000568

Branch Name : Gujarat Refinery

Address : Bajwa Branch, PO. Jawaharnagar (Adjacent to Indian Oil Corporation Ltd. Administrative Building), Vadodara, Gujarat 391320

Please ensure to indicate Tender No., Bankers name, contact person name, phone, email, and Fax No. on Bank Guarantee covering letter of the Bank and on envelop, to expedite **BG confirmation** from your bankers, as required by IOCL.

BGs less than Rs. 1 cr may be accepted from any scheduled bank (including nationalized banks, other scheduled commercial banks, scheduled cooperative banks and scheduled regional rural banks) as appearing in the Second Schedule to the RBI Act 1934.

BGs of Rs. 1 cr and above may be accepted, which is issued by any of the following Banks:

TENDER NO. : JRMM188123

1. Allahabad Bank
2. Bank of Baroda
3. Bank of India
4. Bank of Maharashtra
5. Canara Bank
6. Central Bank of India
7. Corporation Bank
8. Indian Bank
9. State Bank of Bikaner & Jaipur
10. State Bank of Hyderabad
11. State Bank of India
12. State Bank of Mysore
13. State Bank of Patiala
14. State Bank of Travancore
15. UCO Bank
16. Union Bank of India
17. United Bank of India
18. Vijaya Bank
19. Andhra Bank
20. Dena Bank
21. IDBI Bank
22. Indian Overseas Bank
23. Oriental Bank of Commerce
24. Punjab & Sind Bank
25. Punjab National Bank
26. Syndicate Bank
27. ICICI Bank
28. HDFC Bank
29. Kotak Mahindra Bank
30. South Indian Bank
31. Federal Bank
32. Exim Bank
33. ING Vysya Bank
34. Axis Bank
35. Yes Bank
36. Citi Bank n.a.
37. HSBC Bank
38. Deutsche Bank ag
39. Bank of America n.a
40. Royal Bank of Scotland
41. BNP Paribas
42. Bank of Nova Scotia
43. Bank of Tokyo-Mitsubishi UFJ Ltd.
44. Mizuho Corporation Bank Ltd
45. Barclays Bank Plc
46. ANZ Bank
47. JP Morgan Chase Bank
48. Standard Chartered Bank
49. DBS Bank
50. First Rand Bank

BGs from any bank other than above can be accepted only if the same is counter-guaranteed by any of the above 50 banks.

In case the vendor is submitting Bank Guarantee towards EMD or Performance, as per tender conditions, the vendor to also ensure that The rating of bank sanctioning the BG should not fall below the rating of 'A' from Moody's or equivalent (from other rating agency) in case of foreign bank and rating of at least 'AA' from CRISIL or equivalent (from

other rating agency) in case of Indian banks during the tenor of the BG. In case the rating falls below threshold level at any time during the tenor of BG, the party will arrange to replace the BG, at its own cost, through any of the bank acceptable to IOC.

- 3.4 Offer shall be submitted ONLY through online mode on above given IOCL e-tendering website as per the “Critical Dates” mentioned in the Tender details at IOCL e-tender portal. The UNPRICED BIDS shall be opened on or after the date and time indicated in “Critical dates”. IOCL reserves the right to extend the Tender due date before bid opening. The PRICED BIDS of the Techno-Commercially acceptable bidders shall be scheduled for opening, at IOCL e-tender portal on a suitable date, and shall be opened online on or after this scheduled date at IOCL e-tender portal.
- 3.5 Bids in physical form sent through fax / email / courier / post will not be acceptable.
- 3.6 Bids will be accepted only through the IOCL e-tender portal. Online bids to be submitted well in advance to avoid any last minutes hurdles or inconvenience. Please note that that tender issuing authority is not responsible for the delay / non downloading of tender document by the recipient due to any problem in accessing the e-tender website. The tender issuing authority is also not responsible for delay in uploading bids due to any problem in the e-tender website.
- 3.7 In case of involvement of foreign vendors, tenders can be submitted either by the vendor directly or by their Indian agent on behalf of them, but not both. The Indian agent should represent only one vendor and he is not allowed to quote on behalf of another vendor for subsequent or parallel tender for the same job.
- 3.8 Demand draft/banker’s pay order/banker’s cheque for EMD (if & as applicable) should be in “**New CTS-2010 compliant format**” in favor of **Accounts Officer, IOCL, Gujarat Refinery payable at Vadodara.**
- 3.9 Release of EMD :
- a. EMD of bidders disqualified during techno-commercial bid evaluation shall be released immediately after approval of Price Bid Opening.
 - b. EMD of bidders qualified in the techno-commercial bid but unsuccessful in the price bid stage shall be released immediately after final approval of the ordering proposal by the competent authority.
 - c. EMD of the successful bidder shall be released after receipt of an acceptable PBG. In case PBG is not applicable, EMD of successful bidder shall be returned after ordering.
- 3.10 EMD exempted categories: Micro & Small Enterprises (MSE) as mentioned in “**TENDER CONDITIONS FOR BENEFITS/PREFERENCE FOR MICRO & SMALL ENTERPRISES (MSEs)**”, Central/State PSUs & Govt. Organizations and JVs of IOCL. IOCL reserves the right to allow purchase preference to MSEs, DMEPs (if applicable as per tender) and to JV Companies as per IOCL policy in vogue.
- 3.11 Please quote your rates, other charges and applicable taxes in the space provided in the Prescribed Price Schedule (Priced BOQ) and Agreed Terms & Conditions, as applicable.

3.12 In case any Taxes, freight and other components asked for in the Tender are not indicated by the Bidder, the same shall be considered to be borne by the Bidder.

3.13 Techno-Commercially acceptable bids shall be evaluated based on evaluation criteria, Commercial loadings will be as per scope of the tender. The GST rates and HSN/SAC codes quoted by the bidder shall be treated as final. Any higher rate of tax actually invoiced shall be adjusted in price. Generally the lowest bid (Item-wise) shall be accepted, unless otherwise specified/decided by IOCL in its own Interest. Foreign bids shall be compared considering Bill Selling Rate released by SBI on the date of Price bid opening.

In case of tie of evaluated cost between two or more bidders, discount may be taken from all the L1 bidders through price negotiation. In case, there is still a tie, quantity may be equally divided amongst the bidders. In case, quantity cannot be divided, the bidder with maximum turnover may be ordered the full quantity.

3.14 Bidders must submit specific loss control aspects of the offered materials.

3.15 Only Biodegradable / recyclable / reusable **type** packing material should be used for supply of materials.

3.16 Suo-moto increase in price or withdrawing of Offer within the validity period shall not be allowed and the Offer shall be rejected. Further the vendor shall be liable for action as per Holiday Listing Procedure of IOCL. Suo-moto price reduction by a supplier shall not be considered for evaluation. However, if the same supplier happens to get the order based on original price bids, the benefit of such reduction shall be availed of for placement of order.

3.17 On account of exigencies, in case bids have to be revalidated before PBO beyond the originally sought validity, the same may be allowed with or without change in prices. However, IOCL reserves the right to cancel such tender and refloat the same.

3.18 Negotiations shall not be conducted with bidders as a matter of routine. However, IOCL reserves the right to conduct Negotiations.

3.19 IOCL reserves the right to make any changes in the terms and conditions of Enquiry and to accept or reject any bid or all the bids without assigning any reason and without incurring any liability to the affected bidder(s). IOCL reserves the right to reject, accept or prefer any tender or to abort the bidding process without assigning any reason whatsoever.

3.20 Tender can be abandoned without assigning any reason and no compensation shall be paid for the efforts made by the bidder.

3.21 Although normally the lowest responsive bid amongst the bids submitted by bidders are considered by IOCL to be qualified and competent shall be preferred, IOCL reserves the right not to accept the lowest bid if in its opinion this is not in the interests of IOCL.

3.22 Payment may be made by E-payment or Cheque at discretion of IOCL.

3.23 A Tender is also liable for rejection in the following circumstances:

- i. Does not pay the EMD before deadline
- ii. Does not fulfill minimum pre qualification criteria as per the Tender Documents
- iii. Submits the tender late i.e. after due date and time
- iv. Unsolicited tenders
- v. Stipulates the validity period less than what is stated in the Tender Documents
- vi. Stipulates his own conditions and does not agree to withdraw the deviations, rendering his bid unacceptable
- vii. Does not disclose the full names and addresses of all his partners or Directors as applicable wherever called for in the tender.
- viii. Does not fill in and digitally sign the required annexures, specifications, etc. as specified in the tender.
- ix. Does not submit bid in the prescribed format making it impossible to evaluate the bid
- x. Indulges in tampering of tender documents
- xi. Does not conform to any tender condition which stipulates non-conformance of tender conditions as a rejection criteria

3.24 EMD shall be forfeited and the vendor may be put in holiday list in case:

- a) The Tender is accepted and the vendor fails to furnish Performance Bank Guarantee (if applicable) or to execute the contracts within the stipulated period.
- b) In case the bidder alters/modifies/withdraws the bid suo-moto after opening the bids (un-priced bids in case of 2 bid tender) and within the validity period. In such a case, the tender submitted by the bidder shall be liable for rejection.
- c) Tampering of e-documents.

3.25 Bidders should declare if the offered product is based on IOCL (R&D) formulation, and if yes, whether the agreement for royalty payment with IOCL is valid. The vendor should also enclose an undertaking for the applicable royalty rate payable to IOCL (R&D), while submitting the offer. Gujarat refinery shall cross check the applicable royalty from R&D centre, while evaluating the bids. Incentive will be considered while evaluating the bids by applying negative loading to the rates quoted by manufacturers using IOCL (R&D) formulations, to the extent of royalty inflow to IOCL (R&D), after adjustment of taxes and surcharges, if any.

3.26 Supplemental letters for revision in prices received from bidders shall be considered only in those cases where the revision in the price is asked for by IOCL based on changes in specification/scope of work/commercial terms and conditions.

3.27 ALL CORRESPONDENCE SHALL BE IN ENGLISH LANGUAGE ONLY.

3.28 It shall be the responsibility of the tenderers to fill complete, correct and accurate information in line with the requirements / stipulations of the tender documents,

regarding their past experience and other information required to facilitate due evaluation / consideration of their tenders.

If any information given by the bidder / tenderer is found to be incorrect in any particular, considered by the OWNER to be relevant for the evaluation of the bid / tender, or is found by the OWNER to misrepresent the facts, or if any of the documents submitted by the tenderer / bidder in support of or relevant to the bid /tender is found by the OWNER to be forged, false or fabricated, the owner may reject the bid, and without prejudice to any other right(s) of action or remedy available to the owner, the owner may forfeit the Earnest Money given by the bidder in the form of Earnest Money deposit or bank guarantee in lieu of Earnest Money Deposit in order to compensate the OWNER for the expenses incurred by it in considering the bid (and not by way of penalty) and take action for putting the bidder / tenderer on holiday list for such period as the OWNER in this behalf considers warranted and / or to remove the bidder / tenderer from the approved list of vendors.

- 3.29 Refinery being sensitive establishment from fire and safety point of view therefore vehicle shall be allowed in battery area only equipped with fire extinguisher and spark arrestor. The personal entering refinery area shall be equipped with PPEs.
- 3.30 Truck / Tanker should report at IOCL, Gujarat refinery's gate by 8.30 am (excluding Sundays or holidays) in order to facilitate unloading at the earliest and release of trucks.
- 3.31 Motor vehicle act: Vehicles shall follow motor vehicle act 1988 & its latest updated revision and all other applicable laws of land during transportation of the material from bidder's works to Gujarat refinery.
- 3.32 Successful Vendor to indicate the name of driver/khalasis on the lorry receipt/challan etc. so that the same can be verified at the entry gate while allowing entry by CISF. This is required for enhancing security measures for incoming material.
- 3.33 Successful Vendor to also ensure availability of required original and valid documents like RC Book, Insurance Papers, Fitness certificate of Vehicle (Tanker/Truck/Container), Driving License and Cleaner's photo pass etc. at the time of dispatch of Materials & delivery at Gujarat Refinery. This shall enable CISF at Gujarat Refinery to allow them smoothly inside Refinery due to security reasons and avoiding any hassles at Refinery Gate. In case of non availability of original RC Book in the vehicle, Notarised (True Copy) of RC Book will also be accepted.
- 3.34 Any legal dispute shall be within the jurisdiction of local court of the Purchasing Office / Authority.

4. Instruction for raising Invoice for GST in Materials Purchase contracts

Invoice raised shall contain the following particulars-

- a) Name, address and GSTIN of the supplier;
- b) Serial number of the invoice;
- c) Date of issue;
- d) Name, address and GSTIN or UIN, if registered of the recipient;
- e) Name and address of the recipient and the address of the delivery, along with the State and its code,
- f) HSN code of goods or Accounting Code of services;
- g) Description of goods or services;
- h) Quantity in case of goods and unit or Unique Quantity Code thereof;
- i) Total value of supply of goods or services or both;
- j) Taxable value of supply of goods or services or both taking into discount or abatement if any;
- k) Rate of tax (Central Tax, State Tax, Integrated Tax (for inter-state supply), Union Territory Tax or cess);
- l) Amount of tax charged in respect of taxable goods or services (Central Tax, State Tax, Integrated Tax (for inter-state supply), Union Territory Tax or cess);
- m) Place of supply along with the name of State, in case of supply in the course of inter-state trade or commerce;
- n) Address of the delivery where the same is different from the place of supply and
- o) Signature or digital signature of the supplier or his authorized representative.
- p) GST invoice shall be prepared in triplicate, in case of supply of goods, in the following manner-
- q) The original copy being marked as ORIGINAL FOR RECIPIENT;
- r) The duplicate copy being marked as DUPLICATE FOR TRANSPORTER and
- s) The triplicate copy being marked as TRIPLICATE FOR SUPPLIER.
- t) In case of any advance given against any supplies contract, the supplier of the goods shall issue Receipt Voucher containing the details of advance taken along with particulars as mentioned in clause 4(a),(b), (c), (d), (g), (k), (l), (m)& (p).

IOCL GST DETAILS:

LEGAL NAME	INDIAN OIL CORPORATION LTD.
PAN	AAACI1681G
GSTIN of State of Gujarat i.e. relevant for Gujarat Refinery (Excluding LAB Plant)	24AAACI1681G1ZV
GST registration number for LAB-BE at Gujarat Refinery is	24AAACI1681G2ZU

5.EVALUATION CRITERIA FOR COMPARISON OF BIDS:

Following costs, taxes, duties etc., as applicable, shall be used for evaluation of bids if not defined otherwise in tender:

- Basic ex-works cost
- Third party inspection charges, if any
- Packing & Forwarding charges,
- FOB/FCA charges ,if any (in case of foreign vendors/imports),
- All taxes and duties applicable in India for both Indian and foreign bidders/imports:
- Port handling charges (for foreign vendors/imports)
- Marine/Air Freight (in case of foreign bidders/imports),
- Inland Freight (in case of foreign bidders/imports as well as indigenous bidders)
- Transit Insurance (Marine/Air insurance for foreign bidders/imports & inland insurance for both)
- Testing charges, if applicable
- Technical and commercial loadings, as defined in the Tender document.
- Any other charges indicated by the bidder

For Foreign Bidders/Imports:-

Comparison cost shall be arrived at considering all components as mentioned below :

- i. F.O.B./FCA price quoted by the bidder (including stowage charges in case of pipes)
- ii. Marine insurance (Warehouse to Warehouse) @1%
- iii. Prevailing rate of Customs Duty.
- iv. All taxes and duties applicable in India
- v. Port handling charges @ 3%
- vi. Inland freight charges from Port to project site @ 2% of landed cost at Port of Entry

Foreign bids shall be compared considering the Bill Selling Rate released by State Bank of India as on the date of price bid opening.

6. Tender Conditions for Benefits/Preference for Micro & Small Enterprises (MSEs)

- i. As per Public Procurement Policy for Micro & Small Enterprises (MSEs) Order, 2012 issued vide Gazette Notification dated 23.03.2012 by Ministry of Micro, Small and Medium Enterprises of Govt. of India, MSEs must be registered with any of the following in order to avail the benefits/preference available vide Public Procurement Policy MSEs Order, 2012.
 - a. District Industries Centers (DIC)
 - b. Khadi and Village Industries Commission (KVIC)
 - c. Khadi and Village Industries Board
 - d. Coir Board
 - e. National Small Industries Corporation (NSIC)
 - f. Directorate of Handicraft and Handloom
 - g. Any other body specified by Ministry of MSME
- ii. MSEs participating in the tender must submit the certificate of registration with any one of the above agencies, along with their bid.
- iii. The registration certificate issued from any one of the above agencies must be valid as on close date of the tender. The successful bidder should ensure that the same is valid till the end of the contract period.
- iv. The MSEs who have applied for registration or renewal of registration with any of the above agencies / bodies, but have not obtained the valid certificate as on close date of the tender, are not eligible for exemption/preference.
- v. The MSEs registered with above mentioned agencies / bodies are exempted from payment of Tender Fee, if any and Earnest Money Deposit (EMD), if any.
- vi. Purchase Preference – Subject to meeting terms and conditions stated in the tender document including but not limiting to prequalification criteria, twenty percent of the total quantity of the tender is earmarked for MSEs registered with above mentioned agencies/bodies.

MSE registered as Manufacturer shall be allowed for Purchase Preference as under:

1. Single item tender (shall not be split) or Multiple items tender (which cannot be split as per tender conditions):

In case the L1 price is that of a non MSE bidder, then the MSE bidder (whose price is nearest to L1 price) shall be allowed to supply total tendered value provided its price is within the price band of L1 price + 15 percent and it matches the L1 price. In case the MSE bidder (whose price is nearest to L1 price) refuses to match the L1 price, then the next MSE bidder (whose price is 2nd nearest to L1 price and is within a price band of L1 price + 15%) shall be allowed to supply total tendered value, provided it matches the L1 price and so on. If no MSE bidder whose price is within a price band of L1 price + 15% accepts to match the price of the L1 bidder then the Purchase Order shall be placed on the L1 bidder.

2. Multiple items tender (tenders which can be split):

- a) **MSE bidder(s) is/are L1 for item(s) and the total evaluated price of such items >=20% of the total tendered value:** Purchase Preference shall not be applicable for the balance items.
- b) In other cases, items where the L1 price is that of non MSE bidder(s) and price of MSE bidder(s) is within a price band of L1 price + 15%, **“such”** items will be offered to MSE bidder(s) (whose price is nearest to L1 price) for price matching as detailed below. On price matching Purchase Order for **“such”** items shall be placed on the concerned MSE bidder(s):
 - (i) **Sum Total of the total evaluated L1 price of “such” items and total evaluated L1 price of items where the L1 price is that of MSE bidder(s), is less than 20% of the total tendered value:** All **“such”** items will be offered for price matching. In case the MSE bidder (whose price is nearest to L1 price) refuses to match the L1 price, the item will be ordered on the L1 bidder.
 - (ii) **Sum Total of the total evaluated L1 price of “such” items and total evaluated L1 price of items where the L1 price is that of MSE bidder(s) is >=20% of the total tendered value: “Such”** items will be offered for price matching in such a way that the Sum Total of the total evaluated L1 price of **“such”** items and total evaluated L1 price of items where the L1 price is that of MSE bidder(s) is at least 20% of the total tendered value. The Items to be offered to MSE bidder(s) will be selected on the basis of the % difference between the L1 price and MSE bidder price (whose price is nearest to L1 price) in ascending order. During this exercise in case the MSE bidder (whose price is nearest to L1 price) refuses to match the L1 price, the item will be ordered on the L1 bidder and will not be replaced by new item for price matching even though the above mentioned 20% of the total tendered value is not achieved.

For e.g.

There are 10 line items in a tender.

- In 3 line items the L1 price is that of MSE bidder(s) but total evaluated L1 price of these items is less than 20%
- In 4 line items the L1 price is that of non MSE bidder(s) and price of MSE bidder(s) is within a price band of L1 price + 15%. These 4 line items will be arranged in ascending order as explained above in b)ii).

Suppose the total evaluated L1 price of (A) (3 line items where MSE is L1 bidder) along with first 2 line items of (B) adds up to 20% or more of the total tendered value, then first 2 line items of (B) only will offered for price matching.

Type Of Tender	Price Quoted By MSE	How To Finalize Tender
Can be split	L-1	Full order on MSE
Can be split	Not L-1 but within L-1+15	% 20% order on MSE subject to matching L-1price
Cannot be split	L-1	Full order on MSE
Cannot be split	Not L-1 but within L-1+15	Full order on MSE subject to matching L-1 price

3. Single Item Tenders (which can be split):-

In case the L1 price is that of a non MSE bidder and price of MSE bidder(s) is within a price band of L1 price + 15%, then MSE bidder(s) shall be allowed to supply 20% of the total tendered quantity provided they match the **L1 price**. In case there is more than one such MSE bidder then the 20% of the total tendered quantity shall be divided among those MSE bidders as per IOCL guidelines for splitting of tenders (refer Note b). If no MSE bidder whose price is within a price band of L1 price + 15% accepts to match the price of the L1 bidder then the L1 bidder shall be allowed to supply the entire tendered quantity.

- A. Guidelines for splitting of 20% of the total tendered quantity: In case the price of two or more MSE bidders is same, then splitting shall be done equally amongst these bidders. In case there are two MSE bidders with different prices then the splitting shall be done among L1 & L2 bidder in the ratio of 60:40. Similarly in case of 3 MSE bidders the splitting shall be done among L1, L2 & L3 bidder in the ratio of 50:30:20 and in case of 4 MSE bidders the splitting shall be done in the ratio of 40:30:20:10.

4. Single Item tenders which are to be split in predetermined lots like 60:40, 50:30:20 etc.

Single item tender which is to be split in predetermined quantity lots (60:40, 50:30:20 etc.) to ensure multiple sources of supply at the same L1 price:

- A. If any MSE bidder is eligible to supply any of the predetermined lots by the virtue of being the L1 bidder or by matching the price of the L1 bidder as per the tender conditions for lot system, then no Purchase preference shall be applicable.
- B. In case the L1 price is that of a non MSE bidder and no MSE bidder is eligible to supply any of the predetermined lots by matching the price of the L1 bidder as per the tender conditions for lot system but the price of MSE bidder(s) is within a price band of L1 price + 15%, then the MSE bidder (whose price is nearest to L1 price) shall be allowed to supply the smallest lot size of the tender, provided they match the **L1 price**. In case this MSE bidder refuses to match the price of the L1 bidder then the next MSE bidder (whose price is 2nd nearest to L1 price and is within a price band of L1 price + 15%) shall be allowed to supply this smallest lot size of the tender, provided they match the **L1 price** and so on. If no MSE bidder whose price is within a price band of L1 price + 15% accepts to match the price of the L1 bidder then the Purchase Orders shall be placed as per the tender conditions of lot system.

Note:

- Total Tendered value means Total lowest evaluated Price.
- Price means Evaluated Price.
- A line item of the tender shall not be further split in multiple items tender. (FOR SR NO -2 i.e., Multiple items tender (tenders which can be split))
- Negotiations shall not be conducted with bidders as a matter of routine. However, IOCL reserves the right to conduct Negotiations with the L1 bidder. In such case the eligible MSE bidder will have to match the Negotiated L1 price. The price band of L1 price + 15% shall be based on pre-negotiated L1 price but all other criteria defined above shall be based on Negotiated L1 price.

- vii. Out of the twenty percent target of annual procurement from micro and small enterprises four percent shall be earmarked for procurement from micro and small enterprises owned by Scheduled Caste & Scheduled Tribe entrepreneurs. In the event of failure of such MSEs to participate in the tender process or meet the tender requirements and L1 price four percent sub-target so earmarked shall be met from other MSEs.
- viii. To qualify for entitlement as SC/ST owned MSE, the SC/ST certificate issued by District Authority must be submitted by the bidder in addition to certificate of registration with any one of the agencies mentioned in paragraph (I) above. The bidder shall be responsible to furnish necessary documentary evidence for enabling IOCL to ascertain that the MSE is owned by SC/ST. MSE owned by SC/ST is defined as:
 - a. In case of proprietary MSE, proprietor(s) shall be SC /ST
 - b. In case of partnership MSE, the SC/ST partners shall be holding at least 51% shares in the enterprise.
 - c. In case of Private Limited Companies, at least 51% share shall be held by SC/ST promoters.

NOTE:

1. In case where tender quantity can be split and MSE vendor is already getting order for more than 20% of the tender value, no additional purchase preference is required to be given in that tender.
2. In case MSE vendor is already getting order for less than 20% of the tender quantity, purchase preference to this and other MSE vendors (together) shall be given only up to the differential quantity to make total as 20% to MSE vendor.

7. Tender Conditions with Implementation of Insolvency and Bankruptcy Code, 2016 (IBC)

(a) It will be the responsibility of the bidder to inform IOCL within 15 days from the date of order of insolvency resolution process or liquidation or bankruptcy proceeding passed by the Adjudicating Authority namely, National Company Law Tribunal (NCLT) or Debt Recovery Tribunal (DRT) under the Code.

(b) If bidder refuses or fails to share the information regarding their status of insolvency resolution process or liquidation or bankruptcy proceeding in their bid or at any later stage, their offer is liable to be rejected by IOCL.

(c) IOCL reserves the right to cancel/terminate the contract without any liability on the part of IOCL immediately on the commencement of insolvency resolution process or liquidation or bankruptcy proceeding of any party under the contract.

(d) IOCL reserves its right to evaluate and finalise the bid without considering the bid of any party undergoing insolvency resolution process or liquidation or bankruptcy proceeding under the Code regardless of the stage of tendering.

(e) A declaration / undertaking shall be submitted by the bidder in the Format (as per ANNEXURE) along with techno commercial bid.

Guide lines for Evaluation & Short closure:

a) After opening of price bid but before award, if a bidder(s) is(are) rejected due to initiation of insolvency resolution process or liquidation or bankruptcy proceeding under Insolvency and Bankruptcy Code, 2016 (Code), tender will be finalized ignoring such bid(s).

b) During execution of contract, if insolvency resolution process or liquidation or bankruptcy proceeding under Insolvency and Bankruptcy Code, 2016 (Code) is initiated against a contractor and IOCL decides to short close the contract, same will not attract clause of risk and cost of GCC.

PERFORMA FOR DECLARATION ON PROCEEDINGS UNDER INSOLVENCY AND BANKRUPTCY CODE, 2016

Tender No. :

Name of Work :

Bidder 's Name :

I/ We, M/s. _____ declare that:-

(i) I /We am / are not undergoing insolvency resolution Process or liquidation or bankruptcy proceeding as on date.

(ii) I /We am / are undergoing insolvency resolution process or liquidation or bankruptcy proceeding as on date as per Details mentioned below. (Attached detail with technical bid)

Note: Strike out one of above which is not applicable.

It is understood that if this declaration is found to be false, Indian Oil Corporation Ltd. shall have the right to reject my / our bid, and forfeit the EMD, if the bid has resulted in a contract, the contract will be liable for termination without prejudice to any other right or remedy (including holiday listing) available to Indian Oil Corporation Ltd.

Place:

Date: Signature of Bidder

Name of Signatory

8. PURCHASE PREFERENCE (LINKED WITH LOCAL CONTENT) 2017 (PP-LC)

APPLICABLE ONLY FOR GLOBAL TENDERS

INSTRUCTIONS FOR PREFERENCE (LINKED WITH LOCAL CONTENT)- PPLC

Bidders seeking benefit under “**Purchase Preference (linked with local content) (PP-LC)**” policy are required to submit in the Price Bid (as an additional pdf document apart from Priced BOQ), the price break-up of “local component” and “Imported component” in the format for calculation of local content as defined in Annexure-II to the heading “**Purchase Preference (linked with Local Content) 2017 (PP-LC)**”, otherwise no benefit shall be given.

In case, bidders are not eligible for any preference as per the PP-LC policy, they should also submit additional pdf document apart from Priced BOQ, by indicating “Not applicable”, in the Price Bid.

For availing the benefit under “**Purchase Preference (linked with local content) (PP-LC)**” policy, the bidder has to submit/provide the following:

- a) Declaration of preference of policy in “Agreed Terms & Conditions” format of tender in un-priced bid.
- b) Undertaking on bidder’s letter head confirming their meeting the local content duly certified as defined in Cl. No. 5.1. under the heading “**Purchase Preference (linked with Local Content) 2017 (PP-LC)**”, in un-priced bid.
- c) Calculation of local content as defined in Annexure-II to the heading “Purchase Preference (linked with Local Content)2017 (PP-LC)”, in priced bid.

Gujarat Refinery



APPLICABLE ONLY FOR GLOBAL TENDERS

To,

~~Prospective Foreign bidder who wish to participate in the Global E-Tender No. JRMM188123~~

Dear Sir

~~Indian Oil Corporation Limited (IOCL), Gujarat Refinery have published the subject E-Tender on website <https://iocletenders.nic.in>. For participating in the E-Tendering, Digital Signature Certificate (DSC) is required as mentioned in the Instructions to Bidders of the Tender Document. Procedure for obtaining Digital Signature by Foreign Vendors is attached in subsequent pages of this document. As per the procedure, one of the documents required is "Invitation letter from the Tender Inviting Authority for participation in the Tender". This letter is an Invitation to all Foreign bidders, who meet the Pre-Qualification Criteria as specified in the Tender documents and wish to participate in the subject E-Tender. The evaluation of bids and selection of the successful bidder shall be as per the Tender documents and guidelines of Indian Oil Corporation Ltd. which will be final and binding on all the bidders.~~

Yours faithfully,

For and on behalf of Indian Oil Corporation Limited

DEPUTY GENERAL MANAGER(MATERIALS-PURCHASE)

9.SCOPE OF SUPPLY-CUM-TECHNICAL SPECIFICATIONS

ENQUIRY

Enquiry No.:JRMM188123

TWO BID

Dear Sir,

We shall be grateful to receive your quotation filled in the copy of this enquiry for the supply of following items.

Sr.no.	Item Code and Description	Unit	Qty
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GROUP: 1

METALS & NON-METALS

0010	6799993464	KG	800.000
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Kilogram

SS FOIL 0.10mm THK ,SS-304

ITEM TEXT

SS FOIL 0.10mm THK ,SS-304

BREAKUP OF QUANTITY

Gujarat Refinery : 800.000KG

Signature of Vendor with Office Seal