

Addendum 9 to RFP

23 March 2023

Please refer to RIL and BPEAL's Request For Proposal No. RFP/KGD6/2022/001 (AMENDMENT) dated 09 March 2023 ("RFP") (including all Addendums thereto) and GSPA uploaded on 09 March 2023 for sale of gas from Gas Fields in Block KG-DWN-98/3 ("KG D6"). Pursuant to various queries received from Bidders, please note the following amendments to the terms of the RFP as under:

1. Section 3 (iv) shall be replaced as under:

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(iv) shall meet the following eligibility criteria w.r.t (i) minimum net worth in FY 2021-22 and (ii) minimum gas procurement in either FY 2021-22 or FY 2022-23 (till 28 February 2023) and corresponding Maximum Bid Volume as provided in the table below:

Slab	Maximum Bid Volume (In SCMD)	Minimum net worth (in INR crore)	Minimum gas procurement (in MMSCM)		
			FY 2021-22	OR	FY 2022-23 (till 28 February 2023)
Slab 1	Up to 5,00,000	Positive net-worth	4		3
Slab 2	Up to 10,00,000	600	73		55
Slab 3	Up to 20,00,000	1200	146		110
Slab 4	Up to 35,00,000	2200	255		190
Slab 5	Up to 60,00,000	3700	440		330

For example, for a Bidder to bid 30,00,000 SCMD gas should have a minimum net worth of INR 2200 crore for FY 2021-22 and it should have a minimum gas procurement of 255 MMSCM in FY 2021-22 or 190 MMSCM in FY 2022-23 (till 28 February 2023). The "gas" in minimum gas procurement includes LNG or RLNG or any other form of natural gas.

- a) For ascertaining the eligibility criteria of the Bidder as per Section 3(iv), the Bidder shall provide following document(s):
 - I. The net worth certificate (in the format as provided at Annexure I (a) to this RFP) of the Bidder issued by statutory auditors or a Chartered Accountant ("CA");
 - II. Bidder's audited annual report / audited financial statement of FY 2021-22 duly signed by the company secretary or Authorized Representative;
 - III. Declaration of minimum gas procurement in FY 2021-22 or FY 2022-23 (till 28 February 2023) as provided at Annexure IX (a), duly certified by statutory auditors or a CA.

- b) In case, the Bidder by itself does not meet the minimum net worth criteria or minimum gas procurement criteria as specified in Section 3(iv) in this RFP, then it can use net-worth or gas procurement of either one of its associate or subsidiary or holding company or promoter and submit following documents for ascertaining

eligibility criteria, issued by such associate or subsidiary or holding company (*as the case may be*):

- I. The net worth certificate (in the format as provided at Annexure I (b) to this RFP) issued by statutory auditors or a CA;
 - II. Audited annual report/ audited financial statement of FY 2021-22, duly signed by its company secretary (as an attachment to Annexure I (b) to this RFP);
 - III. Audited annual report or CA certified document for establishing relationship between the Bidder and such associate or subsidiary or holding company or promoter (as an attachment to Annexure I (b) to this RFP);
 - IV. In case Bidder's associate/ subsidiary / holding company or promoter is a foreign entity, then it can submit audited annual report / audited financial statement of CY 2021 duly signed by the director of the company or an authorized representative along with relevant document demonstrating authority of such signatory;
 - V. Declaration of minimum gas procurement in FY 2021-22 or FY 2022-23 (till 28 February 2023) as provided at Annexure IX (b), duly certified by statutory auditors or a CA;
 - VI. Submission of relevant annexures as provided at Annexure I (b) and/ or Annexure IX (b) by the associate or subsidiary or holding company or promoter (*as the case may be*) shall be subject to following conditions:
 - x. any associate or subsidiary or holding company or promoter shall not issue more than one (1) letter provided at Annexure I (b) and/or Annexure IX (b) for this bidding process;
 - y. any company, who is issuing any annexures provided in Annexure I (b) and/or Annexure IX (b), shall not separately participate in this bidding process.
- c) For the purpose of this Section 3 of this RFP, "net worth", "associate company", "subsidiary company", "holding company and "promoter" shall have the same meaning as defined in section 2 of the Companies Act, 2013 (18 of 2013), as amended from time to time.
- d) All requisite documents specified under Section 3 (iv) including declaration provided with relevant Annexure IX (a); or Annexure IX (b) of this RFP are to be submitted by Bidder at the time of application for registration in the bidding process (refer Section 7.2.1 of this RFP).
- e) Post receiving all requisite documents and verification by mjunction, mjunction shall notify Bidder through email confirming its Maximum Bid Volume. This Maximum Bid Volume shall be the volume as determined pursuant to lower of (i) minimum net worth criteria and (ii) minimum gas procurement criteria, as indicated in Section 3(iv) above.
- For example: for a Bidder with net worth of INR 2200 crore and gas procurement of 260 MMSCM in FY 2021-22 or 195 MMSCM in FY 2022-23 (till 28 February 2023), the Maximum Bid Volume for such Bidder shall be up to 35,00,000 SCMD.
- f) The profile of any Bidder not conforming to the eligibility criteria as set forth in this Section 3 of this RFP shall not be activated by mjunction.

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2. The Bidding Schedule under Section 6.2 is replaced as under:

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Event	Timeline
Release of this Request for Proposal No. RFP/KGD6/2022/001 (AMENDMENT) and GSPA	09 March 2023
Start of registration by Bidders on the e-Tendering Portal [see note]	10 March 2023
Submission of pre-bid queries/enquiries #	18 March 2023
Pre-bid conference	21 March 2023
Online Training Programme on the e-Tendering Portal (after the Pre-bid conference)	21 March 2023
End Date for submission of documents pursuant to Section 7.2.1 (iii) of this RFP via email	30 March 2023
End date for uploading of soft copies of technical documents pursuant to Section 7.2.2 of this RFP on e-Tendering Portal	03 April 2023
End date for submitting physical copy of the Security Deposit	03 April 2023
Determination of Bidders who are eligible to participate in the e-Bidding	05 April 2023
End date of mapping of DSC by the Bidder in e-Bidding Portal	07 April 2023
Test run for eligible Bidders on the e-Bidding Portal	07 April 2023
e-Bidding Date and time	10 April 2023 (10:30 hours (Indian Standard Time))
Execution of the GSPA	Within 7 days from the date of closure of the e-Bidding

Note: Each interested Bidder (including entities, which have earlier registered on mjunction's portal) is required to do fresh registration on the e-Tendering Portal as specified in Section 7.2.1 of this RFP.

Bidders need to resubmit their queries previously submitted in reference to RFP No RFP/KGD6/2022/001 dated 29 Dec 2022, which they consider still relevant with respect to RFP No. RFP/KGD6/2022/001 (AMENDMENT) dated 09 Mar 2023 for any response / clarification by Sellers

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3. Section 7.2.2.1 (ii) shall be replaced as under:

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(ii) The Security Deposit shall be for an amount equivalent to the value as provided in the table below:

Sr. No.	Bid Volume (in SCMD)	Security Deposit (INR Crore)
1	Up to 5,00,000	2.0
2	> 5,00,000 to 10,00,000	10.0
3	> 10,00,000 to 20,00,000	20.0
4	> 20,00,000 to 35,00,000	35.0
5	> 35,00,000 to 60,00,000	55.0

”

4. Section 7.2.2.1 (iv) shall be replaced as under:

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(iv) The Security Deposit for the Bidders with unsuccessful bids or Bidders who did not participate in the e-Bidding shall be returned within seven (7) Working Days after the e-Bidding is over.

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5. Section 7.2.2 A. (iv) shall be replaced as under:

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iv. valid and notarized POA or board resolution delegating required authority to the Authorized Representative. The board resolution should be signed by the company secretary certifying its validity till the execution of the GSPA. POA on company letterhead issued by company secretary along with copy of delegation of authority / delegation of power approved by company's Board is acceptable. In case of public sector undertakings (PSU) where the declaration of authority of the relevant PSU permits certain office bearers to execute contracts, POA on company letter head issued by company secretary or Managing Director along with copy of delegation of authority / delegation of power approved by company's Board is acceptable. Bidder shall ensure that POA is valid till the execution of the GSPA;

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6. Section 9.9 of the RFP is replaced as under:

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Annexure IX (a): Format for declaration w.r.t minimum gas procurement requirement of the Bidder

[On company's letter head]

Date []

From:

[Company's exact legal name & address]

To:

Mr. Ankit Kumar
mjunction services limited,
Godrej Waterside, 3rd Floor, Tower 1, Plot V,
Block DP, Sector V, Salt Lake,
Kolkata – 700091.
Ph. 033-66106444

Sub: Declaration by the Bidder w.r.t minimum gas procurement criteria

We _____ (customer to specify exact legal name),
having our registered office at _____,
hereby enclose certificate from statutory auditor/ CA certifying that our gas
procurement for FY 2021-22 was _____ MMSCM/SCM or FY 2022-23 (till
28 February 2023) was _____ MMSCM/SCM.

Authorized Representative

Name

Signature

Designation

Company Seal

Enclosed- Certificate from statutory auditor/ CA.

Annexure IX (b): Format for declaration w.r.t minimum gas procurement requirement to be provided by Bidder's holding/associate/subsidiary company/promoter

[To be signed by Company Secretary of the holding/associate/subsidiary company / promoter]

[On holding/associate/subsidiary company or promoter's letter head]

Date []
From:
[Company's exact legal name & address]

To:
Mr. Ankit Kumar

mjunction services limited,

Godrej Waterside, 3rd Floor, Tower 1, Plot V,

Block DP, Sector V, Salt Lake,

Kolkata – 700091.

Ph. 033-66106444

Sub: Declaration by the Bidder w.r.t minimum gas procurement criteria

We _____ (customer to specify exact legal name),
having our registered office at _____,
hereby enclose certificate from statutory auditor/ CA certifying that our gas
procurement for FY 2021-22 was _____ MMSCM/SCM or FY 2022-23 (till
28 February 2023) was _____MMSCM/SCM.

Name

Signature

Designation

Company Seal

Enclosed- Certificate from statutory auditor/ CA.

Note: *In case of holding/associate/subsidiary company / promoter being a foreign entity, the letter can also be signed by Director of such company or an authorized representative along with relevant document demonstrating authority of such signatory.*

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7. In case of any conflict between the provisions of this 'Addendum 9 to RFP' and GSPA uploaded on 23 March 2023, the provisions of the GSPA uploaded on 23 March 2023 shall prevail.
8. Other terms and conditions of aforementioned RFP shall remain unchanged.