

# Request for Proposal

## Request for Proposal No. RFP/ESSAR/RLNG/2023/001 e-Bidding

13th March 2023



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# List of Abbreviations

- “**Authorized Representative**” means a representative in whose favor a POA or board resolution has been issued by its Bidder
- “**Bidder**” and “**Bidders**” shall have the meaning as specified in Section 1 of this RFP
- “**Bid against price basis**” shall have the meaning as specified in Section 8.1.1 of this RFP
- “**Btu**” means British Thermal Unit
- “**Counterparty Due Diligence**” or “**CDD**” shall include the process of carrying out due diligence of the Buyer to identify any issues pertaining to anti-bribery and corruption, money laundering and/or trade sanctions associated with their engagement as Buyer under this RFP
- “**DCQ**” means the Daily Contract Quantity
- “**DSC**” means a legally valid Class-III Digital Signature Certificate issued by any of the licensed certifying authorities operating under the Root Certifying Authority of India and the Controller Certifying Authority of India in accordance with the Information Technology Act 2000
- “**e-Bidding Date**” means the e-Bidding date as mentioned in Section 6 of this RFP
- “**e-Bidding**” shall have the meaning as specified in Section 1 of this RFP
- “**e-Bidding Platform**” shall have the meaning as specified in Section 1 of this RFP
- “**GSPA**” means the Gas Sale and Purchase Agreement provided at Section 9 of this RFQ
- “**GSPA Quantity**” means the GSPA Quantity as described in Section 8.3 of this RFP and as referred to in the illustration at Section 8.6 of this RFP
- “**GTA**” means Gas Transportation Agreement
- “**INR**” means Indian Rupee
- “**Maximum Bid Volume**” shall mean the volume in SCMD as confirmed by mjunction pursuant to provisions of Section 3 of this RFP
- “**mjunction**” means mjunction services limited
- “**MMBtu**” means Million British Thermal Units
- “**MMSCMD**” means Million Metric Standard Cubic Meters per Day equals to 10,00,000 SCMD
- “**NIO**” means the Notice Inviting Offer
- “**PAN**” means the Permanent Account Number
- “**POA**” means a Power of Attorney
- “**Provisional GSPA Quantity**” means the provisional GSPA Quantity as described in Section 8.3 of this RFP and as referred to in the illustration at Section 8.6 of this RFP
- “**RFP**” means this Request for Proposal No. RFP/ESSAR/RLNG/2023/001 dated 13 March 2023
- “**SCMD**” means Standard Cubic Meters per Day
- “**Tenure**” means the period specified pursuant to Section 8.1 (ii) of this RFP
- “**Ticker**” means the minimum increment or decrement of any bid parameter during the e-Bidding as specified in Section 8.0 of this RFP
- “**Working Days**” means working hours (10:30 Hrs IST to 19:30 Hrs IST) from Monday to Friday (of any given week) excluding all public holidays
- “**Volume**” shall have the meaning as specified in Section 8.1.3 of this RFP

# 1 Introduction

## 1.1 Setting the context

Essar Exploration & Production India Limited (EEPIL) invites offers from interested companies (each, a “Bidder” and collectively, the “Bidders”) to offtake RLNG on the price basis specified in Request for Proposal No. RFP/ESSAR/RLNG/2023/001 dated 13<sup>th</sup> March 2023, commencing from 1<sup>st</sup> April 2023 at the Delivery Point located ex-Dahej RLNG terminal, Gujarat subject to the terms and conditions stated in this RFP and the Gas Sale and Purchase Agreement (the “GSPA”).

EEPIL has appointed mjunction services limited (“mjunction”), as an independent agency to conduct bidding process for sale of RLNG through the web based electronic bidding platform which are available at (i) <https://eps.buyjunction.in/gasbidding> for registration and Technical Evaluation (the “e-Tendering Portal”) and (ii) <https://auction.coaljunction.com> (the “e-Bidding Portal”) for bidding (collectively hereinafter referred as the “e-Bidding Platform”).

The bidding process is outlined below:

- **Stage I** – Bidding information: During this stage, the Bidders shall be apprised about the requisites for participating in the bidding process and they will also be provided with relevant information relating to the bidding process.
- **Stage II** – Technical Evaluation: At this stage, each Bidder shall be required to submit documents at the e-Tendering Portal in order to participate in the bidding process as provided in Section 6.2.2. These documents shall be evaluated in accordance with the criteria set forth in Section 6.2.3. The Bidders who are determined to be eligible shall be notified through email to participate in the electronic bidding on the e-Bidding Portal (the “e-Bidding”).
- **Stage III** – e-Bidding: Each eligible Bidder shall be able to familiarize itself with the e-Bidding Portal through test runs. Subsequently, all eligible Bidders shall be able to participate in the e-Bidding.

At the end of the e-Bidding, each identified Bidder (each, a “Buyer”) shall be required to (i) execute a GSPA with the EEPIL for the GSPA Quantity determined at the end of the e-Bidding, at the Gas Price determined based on its ‘Bid against price basis’ pursuant to Section 7.1.1 of this RFP and for the Tenure specified pursuant to Section 7.1 ii of this RFP subject to such Buyer having satisfactorily clearing the “CDD”; and (ii) make the necessary transportation arrangements by entering into a Gas Transportation Agreement (each, a “GTA”) with the respective natural gas transmission/transportation pipeline companies prior to the commencement of gas supplies under the GSPA in order to offtake gas from the Delivery Point.

## 2 Eligibility Criteria

Each Bidder shall be required to meet the following criteria in order to participate in the bidding process.

- a) Be an entity registered under the Companies Act 1956 / Companies Act 2013 / Multi State Cooperative Societies Act, 2002
- b) Be ready to consume or offtake natural gas / RLNG on or before the Start Date (1<sup>st</sup> April'23) through connectivity with the national gas grid or through any of the following natural gas pipelines, either directly or indirectly connected with:
  - i. Integrated HVJ
  - ii. JHBDPL
  - iii. GSPL network
  - iv. DUPL-DPPL
  - v. DBPL
  - vi. DBNPL
  - vii. CJHPL
  - viii. PIL Pipeline
  - ix. Any other pipeline providing connectivity (directly or indirectly) with Dahej RLNG terminal
  - x. Any gas pipeline currently under construction which is expected to be commissioned by the date indicated by the Bidder
- c) Be engaged in the business that involves either the consumption or the sale and purchase of natural gas

All requisite documents specified under Section 2 including declaration provided of this RFP are to be submitted by Bidder at the time of application for registration in the bidding process (refer Section 6.2.1 of this RFP).

Be required to upload the self-attested scanned copies of the documents at the e-Tendering Portal (attested by the Bidder's Authorized Representative), for verification and validation for participation and assessment of eligibility of the Bidders in the e-Bidding as provided in Section 6.2.2 of this RFP.

## 3 Information Technology Requirement

In addition to the eligibility criteria specified in Section 2 of this RFP, each Bidder shall be required to have access to the requisite information technology infrastructure as specified in this Section 3 to participate in the bidding process.

The minimum information technology requirement for participating in the bidding process shall include:

- i. Computer systems with Internet Connection of minimum 2 MBPS or higher speed
- ii. Operating System should be Windows 7 and above
- iii. Supported Web Browsers: Internet Explorer 9 and above (Microsoft); and Google Chrome 48 (other web browsers like Mozilla, Firefox, Safari, etc. are not supported)
- iv. Active Content: JavaScript, cookies, ActiveX controls, pop-ups must be enabled on Internet Explorer (Microsoft) browser
- v. Recommended Screen Resolution: 1366 X 768 pixels
- vi. System Access with Administrator Rights
- vii. Memory: 2GB and above
- viii. Processor: Intel Pentium IV and above.

Interested parties who do not have access to the specified infrastructure requirements shall not be allowed to participate in the e-Bidding.

In addition to the minimum information technology requirement specified above, to access the e-Bidding Platform, the Authorized Representative nominated by each Bidder is also required to obtain a legally valid Class-III Digital Signature Certificate (each, a “DSC”) issued by any of the licensed certifying authorities operating under the Root Certifying Authority of India and the Controller Certifying Authority of India in accordance with the Information Technology Act 2000.

## 4 General Guidelines

- a) Each Bidder is required to submit its bid based on the terms and conditions of this RFP and the GSPA, without any deviations or conditionality.
- b) Each Bidder shall participate in the e-Bidding at its own expense and none of the expenses incurred in its participation can be claimed from EEPIL or mjunction, regardless of the outcome of the e-Bidding.
- c) All queries pertaining to the bid process can be sent by email to [essarbiddingsupport@mjunction.in](mailto:essarbiddingsupport@mjunction.in) before 18:00 hours (Indian Standard Time) on the date specified in Section 6 of this RFP regarding 'Submission of pre-bid queries/enquiries' or such other date as may be notified under this RFP. Post registration, Bidders shall also be able to upload their queries on the e-Tendering Portal.
- d) Responses to the queries/enquiries will be published at e-Tendering Portal prior to the e-Bidding Date as specified in Section 6 of this RFP or such other date as may be notified under this RFP.
- e) Each Bidder shall be required to upload the scanned documents that are specified in Section 6.2.2 at e-Tendering Portal as per the date specified in Section 5 of this RFP.
- f) A bid, once submitted, shall be binding on the Bidder who has submitted such bid. Each Bidder undertakes to offtake the GSPA Quantity as determined at the end of the e-Bidding, at the Gas Price determined based on its 'Bid against price basis' pursuant to Section 6.1.1 of this RFP and for the Tenure specified in Section 6.1 (ii) of this RFP.
- g) In addition to the Gas Price, each Bidder acknowledges and agrees that it shall be liable to pay: (a) all taxes, duties and levies on the sale of gas as per the terms of GSPA; and (b) all transportation tariffs and charges and any taxes, duties and levies thereon as applicable to the relevant transporters.
- h) The Provisional GSPA Quantity determined during the e-Bidding shall be rounded off to zero (0) decimal places. Each Bidder acknowledges that due to rounding off, the sum total of Provisional GSPA Quantity determined during the e-Bidding may result in exceeding or subceeding the total quantity of gas available for bidding.
- i) Each Bidder acknowledges and agrees that the invitation by the EEPIL for submission of bids does not constitute a commitment by EEPIL to supply or sell gas. The EEPIL's obligation to supply or sell gas to a Buyer shall become effective only upon the execution of the GSPA by the EEPIL and the respective Buyer.
- j) Each Bidder is required to register on e-Tendering Portal in accordance with the instructions provided in Section 6.2.1 of this RFP.
- k) Any erroneous or incomplete bids entered by any Bidder during the e-Bidding shall be rejected by the e-Bidding Platform.
- l) Any attempt by a Bidder to influence the bidding process or the evaluation and determination of bids shall immediately result in a disqualification of its bid.
- m) The outcome of the bidding process and the results determined pursuant to the e-Bidding shall be final and binding on all Bidders and shall not be a subject of dispute under any circumstances.
- n) Each Bidder represents and acknowledges to the EEPIL and mjunction that it possesses the necessary experience, expertise and ability to undertake and fulfill its obligations, under all phases involved, in the performance of the provisions of this RFP and the GSPA.
- o) EEPIL reserves the right to withhold or withdraw the bidding process at any stage or cancel or modify the process or change / modify / amend any or all provisions of this RFP, at any time, without assigning any reason whatsoever by notice to all Bidders. mjunction, at its sole discretion, reserves the right, without any obligation or liability, to accept or reject any or all of the bids at any stage of the bidding process.



- p) All future amendments, if any, to this RFP and the GSPA during the bidding process shall be published at e-Tendering Portal for notification to all Bidders.
- q) Each Bidder shall electronically submit and upload its completed and signed RFP (including any addendum or corrigendum if issued till e-Bidding Date) and the GSPA as duly signed by its Authorized Representative on all pages, along with all other relevant details provided in this RFP on the e-Tendering Portal.
- r) Each Bidder shall be required to map its DSC with its user code prior to the submission of the documents required during Stage II of the bidding process.
- s) By submitting a bid, each Bidder certifies that:
  - i. it has arrived at its bid without agreement with any other Bidder of this RFP for the purposes of restricting competition or otherwise
  - ii. the bid parameters submitted have not been disclosed and shall not be disclosed to any other Bidder
  - iii. no attempt has been made by it to induce any other Bidder to submit or not to submit a bid for the purposes of restricting competition
  - iv. no attempt has been made by it to collude with another Bidder in determining its bids or influencing the decisions of other Bidders.
- t) Each Bidder must ensure that its bid is complete in all respects and conforms to all the terms and conditions specified in this RFP, failing which its bid may be rejected without mjunction seeking any clarifications on any exception/deviation taken by it in its bid.
- u) In the unlikely event of data loss or corruption, and if the back-up facility is also affected, mjunction shall decide whether the e-Bidding shall be continued or suspended until further notice. In this case, the decision of mjunction shall be final and binding upon all Bidders.
- v) Bidders are advised to ensure that the computer system (configured with minimum information technology requirements as per Section 3 of this RFP), internet availability and connectivity, power source, DSC, internal support personnel, etc. are available at their end along with necessary back-up options to deal with any contingencies which may arise during the e-Bidding. Any disruptions at Bidder's end shall be the sole responsibility of the Bidder. EEPIL or mjunction shall not be responsible, in any manner whatsoever, for the same.
- w) In case of any conflict between the provisions of this RFP and the GSPA, the provisions of the GSPA shall prevail.

# 5 Bidding Schedule

The schedule for the bidding process shall be as follows:

<b>Event</b>	<b>Timeline</b>
Release of this Request for Proposal No	14 <sup>th</sup> March 2023
Start of registration by Bidders on the e-Tendering Portal	14 <sup>th</sup> March 2023
Submission of pre-bid queries/enquiries	17 <sup>th</sup> March 2023
End date for uploading of soft copies of technical documents pursuant to Section 6.2.2 of this RFP on e-Tendering Portal	20 <sup>th</sup> March 2023
End date for submitting physical copy of the Security Deposit	21 <sup>st</sup> March 2023
Determination of Bidders who are eligible to participate in the e-Bidding	21 <sup>st</sup> March 2023
End date of mapping of DSC by the Bidder in e-Bidding Portal	22 <sup>nd</sup> March 2023
Training session for eligible Bidders on the e-Bidding Portal	22 <sup>nd</sup> March 2023
e-Bidding Date and time	23 <sup>rd</sup> March 2023 (11:30 hours IST)
Execution of the GSPA	Within 3 days from the date of closure of the e-Bidding

# 6 Description of the Bidding Process

## 6.1 Stage I: Bidding Information

### 6.1.1 Step 1: Notice Inviting Offer

EEPIL has reached out the several potential bidders through email

### 6.1.2 Step 2: Download RFP and GSPA

Interested Bidders are requested to download the RFP and the GSPA from e-Tendering Portal.

### 6.1.3 Step 3: Submission of Pre-bid queries

All the queries pertaining to the bid process can be sent to mjunction by email at [essarbiddingsupport@mjunction.in](mailto:essarbiddingsupport@mjunction.in) on or before 17<sup>th</sup> March 2023 (18:00 hours IST) as per the date specified in Section 5 of this RFP or such other date as may be notified by mjunction. Responses to the queries/enquiries will be published at e-Tendering Portal prior to the e-Bidding Date as specified at Section 5 of this RFP or such other date as may be notified by mjunction.

### 6.1.4 Step 5: Bidder Training on bidding process

A training programme will be held so as to enable the personnel of the Bidders to familiarize themselves with the e-Bidding. mjunction shall communicate the conference web link for attending such training programme by email and this will also be uploaded at e-Tendering Portal.

## 6.2 Stage II: Technical Evaluation

### 6.2.1 Step 1: Creation of user code and Password

- i. Each interested Bidder (including entities, which have earlier registered on mjunction's portal) is required to register itself on the e-Tendering Portal.
- ii. At the time of registration, Bidder is required to submit its company's PAN number and express its interest by clicking on "INTERESTED" button against entry created for EEPIL. Each Bidder shall be required to provide the following details:
  - a) user code
  - b) name & details of the Authorized Representative
  - c) name of the company and its registered office address
  - d) additional contact details of the Bidder's gas consuming facility
  - e) bank details
  - f) GSTIN number
- iii. Once the Bidder has successfully filled and submitted the registration form, an application number will be generated. The Bidder is then required to submit its preferred user code (as submitted at the time of filling the registration form) along with company's PAN card, GST certificate to [essarbiddingsupport@mjunction.in](mailto:essarbiddingsupport@mjunction.in). Post receiving these details, mjunction shall verify, approve and activate the Bidder's profile. The profile of any Bidder not conforming to the eligibility criteria indicated in the Section 2 of this RFP, shall not be activated by mjunction. Post activation of the verified and approved Bidder, Bidder shall receive details of its user

code and password on its registered e-mail address through the system generated auto email.

- iv. Each Bidder shall then be required to map the DSC against its user code, which shall be used by the Bidder to access the e-Tendering Portal. Bidders are required to ensure that the DSC is in the name of Authorized Representative of the company for whom the POA or board resolution has been submitted as per Section 6.2.2 and registration of the Bidder in e-Tendering Portal must be done with the same email ID for which the DSC has been issued. The email ID, DSC and POA are linked in a unique combination and cannot be used for more than one registration on the e-Tendering Portal. mjunction shall approve the DSC mapped with the user code on the e-Tendering Portal after verification of the details of DSC and details submitted by Bidder at time of registration.
- v. Post Bidder's training on bidding process, mjunction shall configure system event for technical evaluation and notify Bidders to upload and submit requisite documents on e-Tendering Portal as per the documents listed in Section 6.2.2 of this RFP.
- vi. Pursuant to mjunction notification as per subsection 6.2.1 v. above, Bidder shall login and access the e-Tendering Portal to upload the requisite documents which are listed in Section 6.2.2 of this RFP.
- vii. The user code provided at the time of registration shall be used to log in to the e-Tendering Portal and for all future communications/notifications from mjunction. Each Bidder shall be required to use the same email ID as used during the registration for the entire e-Bidding.

## 6.2.2 Step 2: Documents for Technical Evaluation

- i. Each Bidder shall be required to upload duly signed/attested scanned copies of the following documents on the e-Tendering Portal:
  - a) Security Deposit, in the format specified in Annexure I to this RFP
  - b) Duly signed GSPA
  - c) Duly signed RFP and amendments (if any)
  - d) 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 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
  - e) All requisite documents for ascertaining eligibility criteria as specified in Section 2 of this RFP by the Bidder
- ii. Bidders can upload multiple documents on the e-Tendering Portal with individual file size limit of 10 MB. The acceptable file formats for uploading documents are zip, pdf, jpeg, jpg, tif, doc, xls, rtf, dwg, xps, cdr, docx, xlsx, and xlsxm.
- iii. Each of the GSPA, RFP and the undertakings must be duly signed by the Bidder's Authorized Representative. Bidder's Authorized Representative are required to sign each page of RFP & GSPA towards acceptance of the terms and conditions of RFP & GSPA.

- iv. Please refer to “Bidder start up guide” for further details on uploading the requisite documents on the e-Tendering Portal. In case there is any inconsistency between the terms mentioned in the “Bidder start up guide” and this RFP, the terms provided herein this RFP shall prevail.
- v. For any support or issue in registration, setting up DSC or otherwise pursuant to this RFP, Bidder can send an email to [essarbiddingsupport@mjunction.in](mailto:essarbiddingsupport@mjunction.in) or call helpdesk (details as mentioned in Section 7.7 of this RFP)
- vi. The original copy of Security Deposit, given in Annexure I to this RFP should be submitted to the below mentioned address within the timelines as specified in Section 5 of this RFP:

Kolkata Address	Delhi Address	Mumbai Address
<b>Kind Attn: Ankit Kumar</b> mjunction services limited, Godrej Waterside, 3rd Floor, Tower 1, Plot V, Block DP, Sector V, Salt Lake, Kolkata – 700091. Ph. 033-66106444	<b>Kind Attn: Rimi Ghosh</b> Mjunction services limited Office No. B-92 9 <sup>th</sup> Floor Himalaya House, 23 K.G. Marg, Connaught Place, New Delhi-110001. Ph. 011-65661774	<b>Kind Attn: Ravi Simon</b> mjunction services limited 805, 8th Floor, Damji Shamji, Business Galleira, Off LBS Marg, Next to Huma Mall, Kanjur Marg, (West) Mumbai-400078. Ph. 8291830882

### 6.2.2.1 Security Deposit

- i. Each Bidder who is interested in participating in the e-Bidding is required to provide a security deposit in the form of a Bank Guarantee (“BG”) as specified in Annexure I to this RFP. The BG provided prior to the bidding (the “Security Deposit”) shall be valid up to 30<sup>th</sup> June 23 and to be provided in favor of Essar Exploration & Production Ltd. Bidders are required to submit separate Security Deposit for each registration.
- ii. The Security Deposit shall be for an amount of **INR 50 Lakh**.
- iii. The BG towards the above Security Deposit shall be provided by the Bidders from a bank included in the list provided at Annexure IV of RFP. The Bidders are required to submit the Security Deposit in the form of BG only and as per the format provided in Annexure I of this RFP.
- iv. The Security Deposit for the Bidders with unsuccessful bids or Bidders who did not participate in the e-Bidding shall be returned within fifteen (15) Working Days after the e-Bidding is over.
- v. Each Buyer shall be required to submit the payment security, in accordance with the terms of the GSPA. Upon receipt of such payment security, the Security Deposit shall be returned to the relevant Buyers.
- vi. The Security Deposit submitted by the Buyer will be liable for forfeiture in case such Buyer fails to execute the GSPA in accordance with the terms of this RFP and/or fails to issue the payment security as required under the terms of the GSPA.

### 6.2.3 Step 3: Evaluation of documents by mjunction

- i. mjunction shall electronically access the documents specified in Section 7.2.2 of this RFP.
- ii. Prior to the evaluation of the documents provided by each Bidder, mjunction shall assess whether each Bidder has submitted the documents as specified in Section 7.2.2 of this RFP. A bid shall be considered as technically valid if all of the documents specified in Section 7.2.2 of this RFP have been submitted to the satisfaction
- iii. mjunction reserves the right to reject any bid based on the evaluation of the documents specified in Section 7.2.2 of this RFP. Subsequently, mjunction shall have the right not to entertain any request for alteration, modification or substitution of any one or all of the

documents specified in Section 7.2.2 of this RFP with respect to the technical evaluation, provided that mjunction may, at its sole discretion, allow a Bidder to rectify any infirmities or omissions if doing so does not constitute a material modification of the documents provided initially

- iv. Mjunction and EEPIL reserves the right not to proceed with the technical evaluation at any time without notice or liability to any Bidder and to reject any or all technical bids received without assigning any reasons. In such an event, the Security Deposit shall be returned within fifteen (15) Working Days after Mjunction' decision of not to proceed with such technical evaluation.
- v. To facilitate its evaluation, mjunction may, at its sole discretion, seek clarifications/additional documents from any Bidder regarding the documents provided by the Bidder. Such clarification(s) shall be provided within the reasonable timeline specified by mjunction as permitted within the bidding schedule. Any request for clarification(s) and all clarification(s) in response thereto shall be in writing.
- vi. In case a Bidder does not provide the clarifications sought by mjunction within the timeframes specified by mjunction, its bid shall be deemed invalid and shall not be evaluated.

#### 6.2.4 Step 4: Notification to eligible Bidders by mjunction

After the evaluation of the documents specified in Section 7.2.2 of this RFP, mjunction shall, by email, inform all eligible Bidders of their advancement to Stage III of the bidding process on the date specified in Section 5 of this RFP.

#### 6.2.5 Step 5: Mapping of Bidders to bidding process by mjunction

All eligible Bidders (post validation and verification) shall be mapped to the e-Bidding Portal by mjunction. All eligible bidders shall be provided with new user code and password on their registered e-mail address through system generated auto email, to access the e-Bidding Portal. To participate in the e-Bidding, Bidder shall be required to map its DSC on the e-Bidding Portal latest by the date specified in Section 5 of this RFP. Bidders shall be able to access the e-Bidding Portal on or after 11:30 hours (Indian Standard Time) on the e-Bidding Date specified in Section 5 of this RFP. Please refer to "Bidder start up guide" available at e-Tendering Portal for further details on accessing the e-Bidding Portal.

### 6.3 Stage III: Bidding

#### 6.3.1 Step 1: Accessing e-Bidding Portal

mjunction shall notify Bidders by email that the e-Bidding Portal is ready following the mapping of all eligible Bidders to the e-Bidding Portal. Bidders can login to e-Bidding Portal using its new user code, password and the registered DSC

#### 6.3.2 Step 2: Test run on e-Bidding

Prior to the e-Bidding Date, mjunction shall organize a programme for test run of e-Bidding to help Bidders familiarize themselves with the requisite features of the e-Bidding Portal. Such programme shall be held on such date as specified in Section 5 of this RFP.

mjunction shall notify the requisite details for the programme to relevant Bidders via email

### 6.3.3 Step 3: Participating in e-Bidding

Each eligible Bidder shall be able to participate in the e-Bidding on e-Bidding Portal on the e-Bidding Date and time specified in Section 6 of this RFP. The e-Bidding shall be carried out according to the e-Bidding mechanism as specified in Section 7 of this RFP

# 7 e-Bidding Mechanism:

## 7.1 Bid parameters

To participate in the e-Bidding, each Bidder shall be required to quote valid bids against the parameters specified below. At all times during the e-Bidding, such bid quoted must be in compliance with the criteria set forth in Sections 7.1.1 and 7.1.2 of this RFP

- i. 'Bid against price basis': Denoted as a variable 'P' as specified in Section 7.1.1 of this RFP, that a Bidder would be required to quote in US\$/MMBtu terms."
- ii. Tenure: The Tenure for all bids is fixed as one (1) year and accordingly, the default value of one (1) shall be preconfigured.
- iii. Volume: Quantum of gas volume as described in Section 7.1.2 of this RFP.

### 7.1.1 'Bid against price basis

A Bidder shall be required to quote the variable denoted as 'P' in US\$/MMBtu terms ('Bid against price basis') pursuant to the Gas Price formula specified below

- The price of the NG proposed to be purchased shall be linked with the formula

$$Y = [\text{Platts LNG JKM} + 0.85 \text{ USD} + P]$$

Where,

- i. Gas Price would be computed up to three decimal places.
- ii. "JKM" is the arithmetic average of all the JKM (M) frontline quotations published in the JKM Market Price Table for each Commodity Business Day, as published in Platts LNG Daily in the JKM Marker Price Table entitled AAOVQ00, during the Assessment Period  
 "Assessment Period" means the period covering the second half (16<sup>th</sup> – month end (unless the 16<sup>th</sup> is not a Platts Business Day, in which case the next Platts Business Day until month end)) of M-2 month and the first half (1st – 15th, unless the 15th of that month is not a Platts Business Day, in which case the first half will end of the day immediately before the next Platts Business Day) of M-1 month  
 "M" is the calendar month in which the Gas is to be supplied  
 "Commodity Business Day" shall mean a day in respect of which Platts LNG Daily published prices for "DES Japan/Korea Marker (JKM)"  
 "JKM Marker Price Table" means the section headed "DES Japan/Korea Marker (JKM)" of the table "Platts daily LNG markers (US\$/MMBtu)" published in Platts LNG Daily  
 "Platts Business Day" means a business day for the purposes of the Platts Methodology and Specifications Guide; and "Platts LNG Daily" means the publication of that same name published by McGraw Hill Financial.
- iii. P in US\$/MMBtu shall be quoted by a Bidder up to two decimal places.
- iv. Ticker size for 'Bid against price basis': During the e-Bidding, for 'Bid against price basis' only upward increments shall be allowed and it cannot be decreased.



- v. Floor price as follows: Notwithstanding the value calculated in (i), the Sales Gas Price for any month shall not be lower than 15.85 USD/MMBTU

## 7.1.2 Volume

A Bidder shall be required to quote Volume bids that it would be ready to offtake from the Start Date. Such bids should be quoted in standard cubic meters per day (SCMD). All bids quoted against Volume shall be in whole number. At all times, a Volume bid must comply with the following requirements:

- i. Total Available Volume: A total volume of 3,17,000 SCMD would be available for bidding
- ii. Minimum Volume bid: The minimum volume for the bidding process shall be 100,000 SCMD;
- iii. Maximum Volume bid: The maximum volume that a Bidder can bid for during the bidding process 3,17,000 SCMD
- iv. The Bidder shall be able to bid any volume between the Minimum Volume bid and the Maximum Volume bid subject to provisions of this Section 8.1.2
- v. Ticker size for volume bid increment/decrement: The Ticker size for volume bid increment/decrement for the bidding process shall be 50,000 SCMD
- vi. Increment/Decrement: The Volume bid can be increased or decreased any time during the e-bidding provided the 'Bid against price basis' is increased. As Volume is a competitive bid parameter and therefore, any change in this parameter after allocation of Provisional GSPA Quantity, has to be accompanied with increase in "Bid against price basis
- vii. Provisional GSPA Quantity: The Volume bid can never be less than the Provisional GSPA Quantity determined by the e-Bidding Portal. Further, if the Provisional GSPA Quantity is less than the Minimum Volume bid specified at Section 7.1.2 above, the next Volume bid must be equal to or higher than the Minimum Volume bid specified at Section 7.1.2

## 7.2 e-Bidding Time and Closure

The key features associated with the e-Bidding are as follows:

- i. e-Bidding Duration: The e-Bidding shall be conducted for a period of ninety (90) minutes on the e-Bidding Date specified in Section 5 of this RFP. This e-Bidding Duration can be extended subject to provision of Section 7.2 iv below.
- ii. First Bid Period: Once the e-Bidding starts, a pre-defined period of the first sixty (60) minutes shall be considered as the "First Bid Period". Each Bidder is required to submit quotes for 'Bid against price basis', and Volume during the First Bid Period. Only Bidders who have submitted valid bid(s) during this First Bid Period shall continue to participate in the remaining period of the e-Bidding. A Bidder who fails to submit a valid bid during the First Bid Period will not be able to participate further in the e-Bidding.
- iii. Subsequent Bids: Upon the submission of a valid first bid within the First Bid Period, a Bidder can revise its bid any number of times during the e-Bidding Duration specified in Section 7.2 i of this RFP.
- iv. Extension of e-Bidding Duration:
  - a) If a valid bid is received within the last ten (10) minutes before the close of the bidding period and such bid alters the Provisional GSPA Quantity determined by the e-Bidding Portal for any of the Bidder, there would be an automatic fifteen (15) minutes extension of the e-Bidding Duration.

- b) After the first extension of the e-Bidding Duration, if a valid bid is received during the last ten (10) minutes before the close of the extended bidding period, and such bid alters the Provisional GSPA Quantity determined by the e-Bidding Portal for any of the Bidder, the e-Bidding Duration shall be further extended for another period of fifteen (15) minutes.
- c) The auto-extension process described in this Section 7.2 iv of this RFP will continue to apply until the conditions for closing the bid as specified in Section 7.2 v of this RFP are met, and such auto-extensions may result in the e-Bidding extending beyond the e-Bidding Date.
- v. Bidding Closure: The e-Bidding ends:
  - d) If no valid bids are received within the First Bid Period; or
  - e) If the e-Bidding Duration expires with no bid revision in the period specified in Section 7.2 iv of this RFP which alters the Provisional GSPA Quantity
- vi. Working Days: The e-Bidding shall be conducted on Working Days only. If any extension in the e-Bidding Duration is triggered within the last ten (10) minutes immediately preceding 19:15 hours (Indian Standard Time) of any Working Day, such an extension shall be the last extension for that Working Day and the e-Bidding shall be paused at 19:30 hours (Indian Standard Time). If there is any further extension triggered within the last ten (10) minutes immediately preceding 19:30 hours, the e-Bidding shall resume at 10:30 hours (Indian Standard Time) on the next Working Day.
- vii. The e-Bidding Portal webpage will be refreshed automatically at every fifteen (15) seconds interval. However, Bidder can also refresh the webpage by clicking on the “Refresh” button on Bidders screen

### 7.3 Determination of Provisional GSPA Quantity and GSPA Quantity

- i. Upon the submission of the valid bids, the e-Bidding Portal shall assess the parameters against the rules specified in Section 7.1 of this RFP.
- ii. If a bid does not conform to the bidding rules specified in Section 7.1 of this RFP, the e-Bidding Portal shall display the relevant message stating that the bid entered was invalid and its Bidder shall be required to submit new bids to continue in the e-Bidding.
- iii. During the e-Bidding, as and when any new valid bid is received, the e-Bidding Portal shall follow the below mentioned steps:
  - a) Step 1: The ‘Bid against price basis’ shall be arranged in descending order.
  - b) Step 2: As Tenure is a fixed parameter, the Provisional GSPA Quantity shall be determined as follows
    - i. The Provisional Volume shall be determined for the highest Bidder (for Price Bid) for the quoted Volume or the Volume available for auction, whichever is lower, followed by the next highest Bidder (for Price bid) for its quoted Volume or remaining available Volume, whichever is lower, and so on until the total available Volume is fully allocated.
    - ii. If there is a tie for any valid bids for Price Bid, such tied bids shall be arranged in descending order of the Volume quoted by the bidders. In such case the Provisional Volume shall be determined for the bidder who has quoted the higher Volume amongst the tied bids as per its quoted Volume or remaining Volume, whichever is

lower, followed by the next bidder for next higher Volume for its quoted Volume or remaining Volume, whichever is lower, and so on until the available Volume is fully allocated.

- iii. If there is a tie in the quoted Premium Price bid and Volume, the e-portal shall arrange such tied bids in descending order based on the time at which quote is submitted by the bidders. In such case, the provisional Volume shall be determined for the bidder which quoted earlier amongst the tied bids as per its quoted Volume or remaining Volume, whichever is lower, followed by the next tied bid submitted at a later timestamp for its quoted Volume of remaining Volume, whichever is lower, and so on until the available Volume is fully allocated.
- c) Step 3: Steps 1 and 2 shall continue throughout the e-Bidding and the Provisional GSPA Quantity shall continue to be determined by the e-Bidding Portal dynamically, until the conditions for the closing of the e-Bidding as specified in Section 7.2 v are met.
- d) Step 4: Upon the closing of the e-Bidding, the Provisional GSPA Quantity determined based on the last bids received shall be considered as the GSPA Quantity for each Bidder

## 7.4 Notification by mjunction and execution of GSPA

- i. Post completion of the e-Bidding, mjunction shall notify the EEPIL and identified Bidders on GSPA Quantity determined pursuant to Bidder's last bid during the e-Bidding. For the purpose of signing the GSPA, the GSPA Quantity in SCMD shall be converted into MMBtu per day based on GCV. Based on the above, EEPIL shall execute GSPA with the Buyer. The execution of GSPA will be subject to Buyer having cleared the "CDD" to the satisfaction of the Sellers.
- ii. Sellers shall request Buyer to submit the documents required for undertaking the "CDD" prior to the execution of the GSPA. The indicative list of documents is provided at Annexure VI of this RFP.
- iii. mjunction shall provide EEPIL with the list of remaining Bidders along with their last bid parameters, in decreasing order of their 'Bid against price basis', during the e-Bidding ("Additional Bidders"). EEPIL at its sole discretion may invite Bidders from Additional Bidders to execute GSPAs.

## 7.5 Illustration of the Bidder's screen

The snapshot of the screen on which each Bidder shall be required to place their bids have been illustrated below

## 7.6 Bidding Support

A Bidder who requires any clarifications pertaining to the bidding process in general or any technical support during bidding process may seek the required assistance at the following contact details:

Query Type	Contact Details
For queries related with the e-Tendering Portal Email: <a href="mailto:essarbiddingsupport@mjunction.in">essarbiddingsupport@mjunction.in</a>	Helpdesk nos: 033-6601-1717 / 033-6603-1747 1. Papiya Agarwal -8336925964 2. Nirmalya Ghosh – 9163348285 3. Rinku Ghosh -08584008162 4. Ankit Kumar -9009014831
For queries related with the e-Bidding Portal Email: <a href="mailto:essarbiddingsupport@mjunction.in">essarbiddingsupport@mjunction.in</a>	Helpdesk nos: 1. Souvik Ghosh - 9163348134 2. Amit Banerjee - 9163348281 3. Shamima Shabnam - 9163348123 4. Arup Basak - 9163348262

# 8 Bid Formats

## 8.1 Annexure I: Format of Bank Guarantee for Security Deposit

[On Non-Judicial stamp paper]

Beneficiary:

Essar Exploration & Production Ltd. (EEPIL)

Essar House,

11. K.K. Marg,

Mahalaxmi,

Mumbai 400034

WHEREAS \_\_\_\_\_ (Name of Bidder) (the "Bidder") has submitted its bid in accordance with Request for Proposal No. RFP/ESSAR/RLNG/2023/001 dated 13<sup>th</sup> March ("RFP") for participating in the e-Bidding;

KNOW ALL MEN by these presents that we, \_\_\_\_\_ Bank, [a body corporate constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, having its Head Office at \_\_\_\_\_ and a branch office, amongst other places, at \_\_\_\_\_] (applicable for Public sector banks) / [\_\_\_\_\_ Bank, a company incorporated and registered under Companies Act, 1956 (1 of 1956) and a banking company within the meaning of Section 5 (c) of the Banking Regulation Act, 1949 (10 of 1949) and having its Registered Office at \_\_\_\_\_ and a branch office, amongst other places, at ..... ] (applicable for private sector banks) (the "Bank") are bound unto EEPIL for the sum of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ only) for which payment well and truly to be made to EEPIL, the Bank binds itself, its successors and permitted assigns by these presents;

The Bank agrees that this Bank Guarantee shall be enforced by EEPIL if, the Bidder having been notified under Clause 7.4 of RFP by Mjunction Services Limited of being the identified Bidder, i.e. Buyer under the RFP, fails or refuses to (i) execute Gas Sale and Purchase Agreement (the "GSPA") on or before three (03) Working Days from the date of closure of the e-Bidding and/or (ii) submit documents as per Annexure VI of this RFP and declarations as per Section 3 of this RFP, as a pre-requisite for the execution of GSPA (iii) furnish payment security to the Seller under the GSPA in accordance with the terms of the GSPA;

We undertake to pay without any delay or demur to EEPIL up to the above amount upon receipt of its first written demand stating the occurrence of the aforesaid condition or conditions without EEPIL having to substantiate its demand.

Notwithstanding anything contained herein: (1) our liability under this Bank Guarantee shall not exceed Rs \_\_\_\_\_ (Rupees \_\_\_\_\_ only); (2) this Bank Guarantee is valid up to [ ]; and (3) we are liable to pay the guaranteed amount or any part thereof under this Bank guarantee only and only if EEPIL serves upon us a written claim or demand on or before \_\_\_\_\_ (mention period of the Guarantee as found under clause (2) above plus a claim period of 30 days).

Dated \_\_\_\_\_ day of \_\_\_\_\_ 2022

SIGNATURE OF THE BANK

## 8.2 Annexure II: Confirmation to be given by the prospective Bidder

Following confirmations are to be given by the Bidder by putting a tick (✓) in the last column

Particulars	Confirmation
We hereby confirm that we have read and understood the Gas Sale and Purchase Agreement.	
We hereby confirm that we have read and understood the terms and condition provided in this RFP.	
We hereby confirm that we have read and understood the e-Bidding described in this RFP.	
We hereby confirm that details furnished in “Annexures” to this RFP are true and correct.	
We hereby confirm that we have read and understood the system requirements as provided in Section 3 of this RFP and Annexure II to this RFP.	
We hereby confirm to take part in the bidding as per the instructions and process described in this RFP.	
We hereby confirm that we are in compliance with the requirements of the entire bidding process and no deviations have been taken to the requirements in this RFP (including any addendums, corrigendum etc.) and the GSPA	
We hereby confirm that all handwritten matter in all the documents submitted are authenticated by us.	
We hereby confirm that the unconditional validity of our bid submitted on the e-Bidding Platform shall be valid for a period of six (6) months from e-Bidding Date	

### Authorized Representative

**Name**

**Signature**

**Designation**

**Company Seal**

## 8.3 Annexure III: System Requirements

This Annexure III to this RFP contains information regarding system requirements over and above the requirements specified in Section 3 of this RFP. In case of any conflict between the provisions of this Annexure III to this RFP and the provisions of Section 3 of this RFP, each Bidder is hereby requested to consider the provisions of Section 3 of this RFP as appropriate.

### **Java**

Java Platform/Applet is used for Digital Signature generation, verification. Under Windows, the browsers will usually, but not always, have Java enabled by default. Supporting installable files for e bidding process would be available on the home page for the users to download along with its instructions.

Please note that appropriate administrative rights may be required in order to install supporting tool available on the e-Bidding Platform and Digital Signature Certificate (DSC) on the Bidder's computer.

A Bidder should ensure that its computer is free from viruses, especially key-logging programs. It is the responsibility of each Bidder to ensure that computer is functioning reliably and that appropriate computer security measures are in force. Once the DSC that authenticates the Bidder has been installed on the computer, the Bidder should ensure that the computer is kept secure and not accessible by unauthorized personnel.

### **Tool bar/ Add-On/ Pop up blocker**

A Bidder should ensure that there is no software installed on its computers that might interfere with the normal operation of its Internet browser. Each Bidder should ensure that it does not use any pop-up blockers, such as those provided by Internet Explorer and complementary software (e.g. the Google tool bar).

### **Power Management Settings**

To ensure that a Bidder does not face any delay or difficulty in accessing the e-Bidding Platform, it is recommended that a Bidder:

- a) turns off any power management features on its computer such as automatic hibernation or suspension; and
- b) disables any screensavers.

If a Bidder's computer hibernates or suspends automatically, it will need to go through the login procedures again when the computer is awakened. This will cause some delay in returning to the e-Bidding Platform.

### **Access of other Software / Website during e-Bidding**

It is recommended that a Bidder does not open other web pages when it is accessing the e-Bidding Platform. Viewing other web pages (especially complex ones) while accessing the e-Bidding Platform increases the risk of possible problems with its browser. Therefore, it is recommended that each Bidder should dedicate one computer to run the e-Bidding, and not to utilize such designated computer to access other web pages or run other platforms. This will help to minimize the risk of crashes or other potential problems.

### **Internet Connection**

To access the e-Bidding Platform, a Bidder will need an Internet connection. We recommend that a Bidder use a reliable broadband Internet connection with a download bandwidth of 1MBPS or higher.

Wireless connections may be adequate, but it is important that the latency of network connections to the e-Bidding does not exceed 20-30 seconds to ensure reliable access.

It is recommended that a Bidder has a back-up computer and backup Internet connection that can be used if either its primary computer or Internet connection fails.

### **Display**

A Bidder is recommended to use a display with a screen resolution of 1366 X 768. A Bidder can use a lower screen resolution, but it may find that some tables are difficult to view.

### **e-Bidding Platform backup Facilities**

If the main server fails, the e-Bidding will be resumed using backup facilities. The normal process for this would be the following:

- i. mjunction would advise all Bidders directly of the need to switch to the back-up system and the time from which the back-up facility should be expected to be online and available to all Bidders
- ii. If the primary server remains available, a Bidder would be required to log out normally. Otherwise, a Bidder would be advised to close its Internet Explorer browser.
- iii. Once the back-up facilities are online, all eligible Bidders will be duly advised by mjunction regarding the e-Bidding.



## 8.4 Annexure IV: Name of Banks for issuing Bank Guarantee by the Bidder

For EEPIL, Bidders can issue the Bank Guarantee (“BG”) from any of the Banks listed below. However, for BPEAL the Bidders shall issue the BG only from the banks marked with (\*). BGs from any subsidiaries or affiliates of banks listed below will not be accepted.

Public Sector Banks	Private Banks	Foreign Banks
Union Bank of India	Axis Bank Limited	Australia and New Zealand Banking Group Limited
Bank of Baroda	Kotak Mahindra Bank Limited	BNP Paribas
Bank of India	HDFC Bank Limited	Credit Agricole Corporate & Investment Bank
Punjab National Bank	ICICI Bank Limited	Societe Generale
State Bank of India		Deutsche Bank
		HSBC Limited
		Mizuho Bank Limited
		Sumitomo Mitsui Banking Corporation
		The Bank of Tokyo- Mitsubishi UFJ, Ltd.
		Barclays Bank Plc.
		Standard Chartered Bank
		Bank of America
		Citibank N.A.
		J.P. Morgan Chase Bank N.A.
		DBS Bank India Limited

## 8.5 Annexure V: 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.

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 31 December 2022) was \_\_\_\_\_ MMSCM/SCM.

### **Authorized Representative**

**Name**

**Designation**

**Signature**

**Company Seal**

**Enclosed- Certificate from statutory auditor/ CA.**

## 8.6 Annexure VI: Indicative list of documents

Following documents (duly attested) shall be required to be furnished by Buyer to Seller before the execution of the GSPA

- i. Company Registration Certificate
- ii. Audited Financial Statements for the last three financial years. In case company's incorporation is for less than three (3) years, then it shall provide the Audited Financial Statement since inception till date
- iii. PAN Card
- iv. Value Added Tax Registration Certificate
- v. Central Sales Tax Registration Certificate
- vi. Goods & Services Tax (GST) Registration Certificate
- vii. Memorandum of Association and Articles of Association (only for gas aggregators and resellers)
- viii. register of directors or board resolution appointing the current directors
- ix. copy of register detailing the shareholding breakdown of the company.

Each of the foregoing documents listed under Section 8.6 of this Annexure VI should be attested by the Authorized Representative of the Buyer.

# 9 Gas Sale and Purchase Agreement (GSPA)

As provided at e-Tendering Portal.

# 10 Checklist for the prospective Bidders

Each Bidder is advised to ensure that the following points/aspects have been complied with:

Sr No	Item	Write “Yes” or “No”	Remarks if any
1	Whether the RFP (including any addendums, corrigendum etc.) and the GSPA have been duly signed on all pages by an Authorized Representative of the company and uploaded on the e-Tendering Portal?		
2	Whether all relevant Annexures to the RFP have been duly filled and signed by an Authorized Representative of the Bidder?		
3	Has it been ensured that there are no over-writings in the RFP? Have corrections been properly attested by the authorized person signing the RFP?		
4	Has the Power of Attorney or any other document evidencing adequate proof of the ability of the signatory to bind the Bidder, been submitted?		
5	Has the Security Deposit in the form of Bank Guarantee (in the form specified in Annexure I to the RFP) been submitted?		
6	Does the Digital Signature Certificate have sufficient validity to ensure access to the e-Bidding Platform and participation in the e-Bidding?		
7	Has it been ensured that the DSC mapped on e-Bidding Platform, is in the name of Authorized Representative of the company for whom the POA or board resolution has been submitted as per Section 6.2.2?		
8	Whether Bidder has registered with same email ID of Authorized Representative for which the DSC has been issued for e-Tendering Portal and same DSC has been mapped on e-Bidding Portal?		

# 11 Confidentiality Clause

This RFP contains confidential information regarding the EEPIL business, plans and projects. By accepting this RFP, each Bidder agrees that it: (i) will cause its members/directors, officers, employees, agents advisors and representatives to use this RFP only for the purposes of evaluating and/or submitting a bid and for no other purpose; (ii) will not divulge or distribute any such information or pass any copies of the RFP to any other person (except for such other person's legitimate use for the purpose of evaluating the RFP and provided such other person undertakes in writing in advance of such disclosure to observe these confidentiality requirements) without the prior written approval of the EEPIL; and (iii) will return the RFP together with all copies thereto to the EEPIL upon being so requested to do

