



Hindustan Petroleum Corporation Limited
(Mumbai Refinery-Materials Dept.)

B D Patil Marg, Mahul, Mumbai-400 074, India
Phone : +91-22-25076820/25076103 Fax : +91-22-25541054

NOTICE INVITING TENDER

TITLE: Annual Rate Contract for supply of Isomerization Catalyst Grade Per Chloro Ethylene (PERC) in HPCL-Mumbai Refinery

1.0 INTRODUCTION:

1.1 Hindustan Petroleum Corporation Ltd. also called HPCL (herein referred to as Purchaser) wishes to receive e-procurement bids against the subject tender document for the supplies to be carried out at HPCL – Mumbai Refinery.

1.2 For the purpose of this document, the words “Owner”, “Purchaser”, “HPCL”, “Corporation” have been used interchangeably and would mean same in the expression and intent in proper context. Also the words “Bidder”, “Tenderer”, “Contractor”, and “Vendor” have been used interchangeably and would mean same in expression and intent in proper context.

2.0 HPCL invites online bids at HPCL Mumbai Refinery, Mumbai 400074, India in e-Tender system at <https://etender.hpcl.co.in> under two bid envelope system (Part-I : EMD+ Integrity Pact + PQC, Techno-commercial bid and Part-II : Price bid) from competent bidders with sound technical and financial capabilities fulfilling the Qualification Criteria stated under Sr. No. 4.0 and its sub clauses below.

3.0 SALIENT FEATURES OF THE BIDDING DOCUMENT:

Description	:	Annual Rate Contract for supply of Isomerization Catalyst Grade Per Chloro Ethylene (PERC) at HPCL MR					
Tender No	:	2400012344-HD-06000					
Due date	:	June 03, 2024 at 15:00 HRS IST.					
Last date & time for receipt of Bids	:	June 03, 2024 at 15:00 HRS IST. (on e-tender portal https://etender.hpcl.co.in Only).					
Offer Validity required	:	120 days from tender Due date / Extended Due date					
Earnest Money Deposit (EMD)	:	Item no	INR	USD	EUR	JPY	GBP
		EMD Amount	852000	10223	9527	1601760	8172
Tender Type	:	Public - Global					
HPCL E-tender Help Desk No.	:	+91-22-41146666					
Contract duration	:	One year from PO date					
No. of vendors required	:	Two The total Financial Limit / Quantity shall be distributed between two vendors in the ratio of 70:30. In case of single offer or L-2 vendor does not match their rate with that of L-1 vendor, order for 100% of the total financial limit / quantity will be placed on L-1 vendor.					
Price reduction clause for delayed delivery	:	Applicable					
Evaluation Basis	:	Overall lowest tender basis					
Delivery	:	For domestic vendors - 4 weeks from RPO/call up date on FOR HPCL MR basis For foreign vendors- 4 weeks from RPO/call up date on FOB Source Seaport basis					
Retention Money/Performance Bank Guarantee/Security Deposit	:	Not Applicable					
Reverse Auction	:	Not Applicable					
Address for communication with HPCL	:	For Technical queries for Mumbai Refinery: A. Mr Udayakumar V Unnikrishnan, Chief Manager-Technical, Ph: 022-25076156, Email: uvudaikumar@hpcl.in B. Mr. Anubhav Bansal, Manager-Warehouse, Ph. 022-25076826, Email: anubhavbansal@hpcl.in For tender Commercial queries: Mr. Yogesh Verma, Manager-Materials, Email: yogeshverma@hpcl.in , Ph: +91 22 25076820 Mrs. K Bhuvaneshwary, DGM-Materials, Email: kbhuvana@hpcl.in , Ph: +91 22 25076103					



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4.0 BIDDER QUALIFICATION CRITERIA:

The bidders, intending to participate shall fulfil the following qualification criteria (Technical & Financial):

4.1 Technical Prequalification:

Following criteria shall be met by the Bidders.

Technical:

The vendor shall have successfully carried out and completed similar work during the last 7 years ending April 30, 2024, which experience should be any one of the following:

	INR	USD	Pound Sterling	Euro	Japanese Yen
Three similar completed work costing not less than OR	17040000	204464	163438	190540	32035200
Two similar completed works, each costing not less than OR	21300000	255578	204297	238175	40044000
One similar completed works, each costing not less than	34080000	408927	326875	381080	64070400

Similar work: “Supply of Isomerization Catalyst Grade Per Chloro Ethylene (PERC) in Drums”

For arriving at cost of similar work, the value of work executed shall be brought to current costing level by enhancing the actual value of work at simple rate of seven percent per annum, calculated from the date of completion to the date of bid opening.

Following points to be noted for evaluation of PQC:

- The vendor should submit similar completed works of successfully supplying this chemical to Refineries or other organization.
- Vendor to produce documentary evidences.
- The above criteria to be met for qualification of applicants. The vendor shall submit PO copies and supply completion report as the proof for completed works. A copy of each of the above documents shall be furnished and original shall be furnished for verification if required, which shall be returned immediately after verification.
- Purchase orders would mean Annual rate contracts or One time contracts.

HPCL may contact these companies and take inputs on the performance; in case there is no response from the user refinery or they give adverse comments on any particular vendor, then their bid is likely to be rejected at the discretion of HPCL.

The above indicated amounts in PQC are exclusive of taxes/duties. Only basic PO values/amounts shall be considered

Vendor to produce documentary evidences.

The above criteria to be met for qualification of applicants. The vendor shall submit PO copies, Completed Supplies and job completion report if needed as the proof for completed works. The bidder has to submit notarized copies of Purchase Order copies and job completion report. If vendor wants to send specific technical confidential documents then it needs to be send only to yogeshverma@hpcl.in and kbhuvana@hpcl.in.

A copy of each of the above documents shall be furnished and original shall be furnished for verification if required, which shall be returned immediately after verification.



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4.2 Financial Prequalification:

Vendors average annual financial turnover, shall be at least Rs. 1,27,80,000/- (or as given below for other currencies) during last 3 financial years ending March 2024 or December 2023. (Please provide audited balance sheets duly notarized and translated in English as documentary proof).

	INR	USD	Pound Sterling	Euro	Japanese Yen
Average Annual financial turnover during the last 3 years	12780000	153348	122578	142905	24113207

HPCL reserve the right to assess the capability and capacity of the bidder for execution of the project by taking into account various aspects such as concurrent commitments and performance, etc. of the Bidder, should the circumstances so warrant such assessment in the overall interest of the project. They also reserve their rights to reject any bid received at its discretion without assigning any reason whatsoever. Purchase order copies of foreign refineries (duly notarized and translated in English Language) with contact telephone, fax and e-mail ID etc. to be necessarily provided. HPCL reserves the right to use in-house information for assessment of Bidder's capabilities.

In case, the last financial year closing date is within 9 months of bid due date and audited annual report of immediately preceding financial year is not available, bidder has the option to submit the financial details of the three previous years immediately prior to the last financial year. Otherwise, it is compulsory to submit the financial details of the immediate three preceding financial years.

4.3 *All the above mentioned prequalification criteria to be met for qualification of vendor.*

Bidder shall furnish documentary evidence by way of copies of Purchase Orders, Completed Supplies, completion certificates and balance sheet or Audited Financial Statements including Profit and Loss Accounts, duly audited and certified by way of signing and stamping the documents by the registered auditor, Certificate from Bank etc. along with the Bid to establish Bidder's conformance to Qualification Criteria.

Failure to meet the above Pre-Qualification Criteria will render the Bid to be rejected. Therefore, the bidder shall in his own interest furnish complete documentary evidence in the first instance itself, in support of their fulfilling the Qualification Criteria as given above. HPCL reserve right to complete the evaluation based on the details furnished without seeking additional information from the vendor

Bidder shall submit the supporting documents translated in English if required, and duly notarized as proof of meeting Experience, technical & financial criteria of the tender. Bids submitted without notarization may be liable for rejection.

Bidder shall provide postal address, E-mail address, contact details of their customers whose documents are submitted as proof of meeting the PQC of the tender. HPCL has right to contact the clients of the bidder for seeking their feedback on the performance. HPCL's decision is final with regard to acceptance or rejection of the bid, if the feedback received from customer of bidder is not satisfactory.

Bidder shall meet all the above conditions to qualify their bid. In the event of bidder not meeting any of PQC conditions, the bid submitted shall be summarily rejected.

Note 1: PQC is relaxed by 15% for Micro and Small Enterprises subject to meeting the prescribed quality and technical specification of the tendered items.

Note 2: The condition of prior turnover and prior experience (PQC) may be relaxed for Startups as defined by Department for Promotion of Industry & Internal Trade (DPIIT) (only for Goods / Services) subject to making suitable provisions in the bidding document. As per Department of Expenditure's OM No.F.20/2/2014-PPD dated 20.09.2016, relaxation regarding the prior turnover and prior experience (PQC) is applicable only to all startups recognized by



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Department for Promotion of Industry & Internal Trade (DPIIT) subject to meeting of quality and technical specifications. Startups may be MSMEs or otherwise.

Development order(s) of a certain percentage (say maximum 10% of the tender quantities) may be considered on a case to case basis in the case of startups in Goods/Services.

5. **Number of vendors required:** - Two. The total Financial Limit / Quantity shall be distributed between two vendors in the ratio of 70:30. In case of single offer or L-2 vendor does not match their rate with that of L-1 vendor, order for 100% of the total financial limit / quantity will be placed on L-1 vendor.

5.1 **Evaluation Criteria:-**

Overall Lowest basis.

6.0 **EMD**

Tenders received without Earnest Money Deposit will be rejected. The following categories of tenderers are exempted from EMD:

- Public Sector Enterprises
- Vendors registered as Micro / Small Enterprises (MSEs)
- Start-ups as recognized by Department for Promotion of Industry and Internal Trade (DPIIT)

For this purpose, in the event of the tendering company being a Public Sector Enterprise, a declaration to that effect and in the case of Vendors registered as MSEs, a copy of the relevant registration certificate or other such document specified by Government of India (currently Udyam Registration Certificate) to be submitted.

In cases of EMD exemption, Bidders shall sign a Bid securing declaration accepting that if they withdraw or modify their Bids during the period of validity, or if they are awarded the contract and they fail to sign the contract, or to submit a performance security before the deadline defined in the request for bids/ request for proposals document, they will be suspended for a period of one year from being eligible to submit Bids/ Proposals for contracts with the Procurement Authority. If Bid declaration is not given, such bids can be rejected.

EMD can be submitted: -

By way of **non-revocable bank guarantee** on any scheduled bank (other than cooperative banks) and valid for Six (6) months from the due date of submission of bid or **online through net banking (on E-Proc website)**.

If the EMD is not received before due date and time, such bids will not be considered at all.

Scanned copies of EMD should be uploaded along with bidding document.

EMD in physical form shall be submitted to the following office on or before due date and time/extended due date and time as the case may be. The Envelope should indicate as **“EMD for Tender No. 2400012344-HD-06000: Annual Rate Contract for supply of Isomerization Catalyst Grade Per Chloro Ethylene (PERC).”**

If the EMD is not in line with the amount called for, the EMD will be returned to the tenderer and online bid would be rejected. Vendor to contact undersigned for submitting EMD.

Yogesh Verma, Sr. Manager - Materials
New Admin Building (Room No. 250B)
Materials Department, Hindustan Petroleum Corporation Ltd,
Mumbai Refinery, B D Patil Marg, Mahul, Mumbai-400 074, India
Email: yogeshverma@hpcl.in, Ph: +91 22 25076820, +91 22 25076103



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BG in lieu of EMD is to be confirmed by the issuing Bank directly to the Owner preferably through Structured Financial Messaging System (SFMS), as it provides an RBI supported Integrated Platform for Bank Guarantee Verification.

Vendor/ Contractor/ Bidder to ensure that issuance of Bank Guarantee shall be confirmed by the issuing Bank directly to the Owner mandatorily through Structured Financial Messaging System (SFMS), as it provides an RBI supported Integrated Platform for Bank Guarantee Verification.

ICICI Bank has been designated as HPCL's Bank for receiving SFMS messages for BGs issued in favour of HPCL. BG shall only be obtained from Banks and Branches which are live on SFMS platform i.e. which have infrastructure to issue SFMS confirmation message along with the BG.

For SFMS, the HPCL's Bank Details/other information are as follows:

M/s ICICI Bank, Backbay Branch, Mumbai IFSC Code: ICIC0000393
SFMS Message Type: 760COV
Unique Identification Code (UIC) for HPCL, Mumbai Refinery for field number of 7037 of 760COV:
HPCL508902133MR

Vendor/ Contractor/ Bidder to take a print out of SFMS confirmation message from the BG issuing bank branch and attach copy of same along with the hardcopy of BG while submitting the same to HPCL.

Same process has to be followed for any verification of BG amendment as well.

Henceforth, no BG will be accepted unless SFMS Delivery Report, as mentioned above accompanies it.

If the EMD is not in line with the amount called for, the EMD will be returned to the tenderer and online bid would be rejected. Vendor to send to / contact undersigned for submitting EMD if needed.

EMD will be forfeited if

1. Bidder withdraws their offer during the period of validity.
2. In case of the successful bidder if he fails to furnish the security deposit as required.
3. Any other reason warranting the forfeiture of EMD at the sole discretion of HPCL.
4. In situations of unwillingness of tenderers to participate in Reverse Auction if applicable, after technical acceptance, but before commencement of Reverse Auction, EMD to be forfeited.

At any point of time after opening of the Un-Priced Bids, if the Demand Draft/ Bank Guarantee submitted towards EMD, is found to be not authentic, the Bids of such Vendors shall be summarily rejected, without any reference to and/ or correspondence with the Vendor.

7.0 INTEGRITY PACT (IP):

Uploading of integrity pact is mandatory in the e Procurement application. The IP shall be digitally signed by the bidder and there shall be no requirement for physical/digital signature of witnesses.

The Integrity Pact digitally signed by the authorized official of HPCL and the Contractor, will form part of this contract / supply order/ sale order as applicable. **Non submission of IP along with tender would lead to bid rejection.**

The bidder shall comply with the requirements of the Integrity Pact enclosed with the tender.

Proforma of Integrity Pact , which is issued along with the bidding document shall be submitted by the bidder on or before due date to HPCL. If the Bidder has been disqualified from the tender process prior to the award of contract according to the provisions under Integrity Pact, HPCL shall be entitled to demand and recover from bidder Liquidated damages amount by forfeiting the EMD/Bid security (Bid Bond) as per provisions of Integrity Pact.

If the contract has been terminated according to provisions of the Integrity Pact, or if HPCL is entitled to terminate the contract according to provisions of Integrity Pact, HPCL shall be entitled to demand and recover from the Contractor liquidated damages amount by forfeiting the Performance Bank Guarantee / Security Deposit as per Integrity Pact.



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8.0 Bids shall be submitted in <https://etender.hpcl.co.in> only. For any website related technical issues, HPCL E-Proc Help Desk No. is +91-22-41146666

- (a) Unpriced part of the Bids shall be opened at 1400 Hrs IST, on the last date for submission of bids, bidders can witness the same in the portal. Time and date of opening of Price Bids shall be notified to the qualified and acceptable bidders at a later date.
- (b) Fax / E-mail bids shall not be accepted.

9.0 If a bidder submits his bid, qualifies and does not get the contract because of his being not the lowest, he will be prohibited from working as a subcontractor/supplier for the contractor/supplier who is executing the contract

By submitting the bids the Bidder to gives a declaration that they have not been banned or delisted by any government or quasi government or PSUs. If a bidder has been banned by any government or quasi government or PSUs, please note that it may not necessarily be a cause for disqualifying bidder. However if this declaration is not given, the bid will be liable to be rejected as non-responsive.

10.0 **RIGHT TO ACCEPT / REJECT THE TENDER:-** HPCL reserves the right to accept / reject any or all the bids including the lowest bid without assigning any reason whatsoever. The decision of HPCL shall be final and no correspondence will be entertained in this regard. Communication would be sent to all vendors conveying reasons for cancellation of tender

In the case of public tenders, the Bid Evaluation Report shall be available, to all qualified bidders on demand at a price to be fixed by the HPCL, provided the bidders themselves have no objection to the details of their financial status being revealed. In any case, the technical evaluation part of the report can be made available to the qualified bidders on demand at a price to be fixed by HPCL. The disqualified bidder in the case of public tenders may demand and be given at a price to be fixed by HPCL, the reasons for disqualifying them.

11.0 **CONSORTIUM:**

1. Bids on Consortium or Joint Venture basis.

Parties who are affiliates of one another can decide which Affiliate will make a bid. Only one affiliate may submit a bid. Two or more affiliates are not permitted to make separate bids directly or indirectly. If 2 or more affiliates submit a bid, then any one or all of them are liable for disqualification. However up to 3 affiliates may make a joint bid as a consortium, and in which case the conditions applicable to a consortium shall apply to them.

“Affiliate” of a Party shall mean any company or legal entity which:

- (a) controls either directly or indirectly a Party, or
- (b) which is controlled directly or indirectly by a Party; or
- (c) is directly or indirectly controlled by a company, legal entity or partnership which directly or indirectly controls a Party. “Control” means actual control or ownership of at least a 50% voting or other controlling interest that gives the power to direct, or cause the direction of, the management and material business decisions of the controlled entity.

11.1 Bids may be submitted by:

- a) a single person/ entity (called sole bidder);
- b) a newly formed incorporated joint venture (JV) which has not completed 3 financial years from the date of commencement of business;
- c) a consortium (including an unincorporated JV) having a maximum of 3 (three) members;
- d) an Indian arm of a foreign company.

11.2 Fulfillment of Eligibility criteria and certain additional conditions in respect of each of the above 4 types of bidders is stated below, respectively:

- a) The sole bidder (including an incorporated JV which has completed 3 financial years after date of commencement of business) shall fulfil each eligibility criteria.



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b) In case the bidder is a newly formed and incorporated joint venture and which has not completed three financial years from the date of commencement of business, then either the said JV shall fulfil each eligibility criteria or any one constituent member/ promoter of such a JV shall fulfil each eligibility criteria. If the bid is received with the proposal that one constituent member/ promoter fulfils each eligibility criteria, then this member/promoter shall be clearly identified and he/it shall assume all obligations under the contract and provide such comfort letter/guarantees as may be required by Owner. The guarantees shall cover inter alia the commitment of the member/ promoter to complete the entire work in all respects and in a timely fashion, being bound by all the obligations under the contract, an undertaking to provide all necessary technical and financial support to the JV to ensure completion of the contract when awarded, an undertaking not to withdraw from the JV till completion of the work, etc.

c) In case the bidder(s) is/are a consortium (including an unincorporated JV), then the following conditions shall apply:

a. Each member in a consortium may only be a legal entity and not an individual person;

b. the Bid shall specifically identify and describe each member of the consortium;

c. the consortium member descriptions shall indicate what type of legal entity the member is and its jurisdiction of incorporation (or of establishment as a legal entity other than as a corporation) and provide evidence by a copy of the articles of incorporation (or equivalent documents);

d. One participant member of the consortium shall be identified as the "Prime member" and contracting entity for the consortium;

e. this prime member shall be solely responsible for all aspects of the Bid/Proposal including the execution of all tasks and performance of all consortium obligations;

f. the prime member shall fulfill each eligibility criteria;

g. a commitment shall be given from each of the consortium members in the form of a letter signed by a duly authorized officer clearly identifying the role of the member in the Bid and the member's commitment to perform all relevant tasks and obligations in support of the Prime/lead member of the Consortium and a commitment not to withdraw from the consortium;

h. No change shall be permitted in the number, nature or share holding pattern of the Consortium members after pre-qualification, without the prior written permission of the Owner.

i. No change in project plans, timetables or pricing will be permitted as a consequence of any withdrawal or failure to perform by a consortium member;

j. No consortium member shall hold less than 25% stake in a consortium;

k. Entities which are affiliates of one another are allowed to bid either as a sole bidder or as a consortium only;

l. Any person or entity can bid either singly or as a member of only one consortium.

11.3 In case the bidder is an Indian arm (subsidiary, authorized agent, branch office or affiliate) of a foreign bidder, then the foreign bidder shall have to fulfill each eligibility criteria. If such foreign company desires that the contract be entered into with the Indian arm, then a proper back to back continuing (parent company) guarantee shall be provided by the foreign company clearly stating that in case of any failure of any supply or performance of the equipment, machinery, material or plant or completion of the work in all respects and as per the warranties/ guarantees that may have been given, then the foreign company shall assume all obligations under the contract. Towards this purpose, it shall provide such comfort letter/guarantees as may be required by Owner. The guarantees shall cover inter alia the commitment of the foreign company to complete the entire work in all respects and in a timely fashion, being bound by all the obligations under the contract, an undertaking to provide all necessary technical and financial support to the Indian arm or to render the same themselves so as to ensure completion of the contract when awarded, an undertaking not to withdraw from the contract till completion of the work, etc.

12.1 **The contents of this NIT shall prevail, in case of any contradiction with the clauses mentioned elsewhere. List of Stipulations/Deviations if any to the tender, referring the relevant clause number should be uploaded as a separate attachment or mentioned online in the tender.**

All tender terms and conditions including scope of job, other attachments wherever applicable will remain valid in purchase order also.

13.1 **REJECTION CRITERIA:-**The mandatory conditions, for deviations to any of which the offer may stand rejected are:

- Non-submission of offer made in 2 (two) parts as specified in the tender



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- Non-compliance of performance guarantees requirements.
- Non-submission of EMD in physical form and EMD value and Bank Guarantee requirement as specified in the tender
- Fax / E-mail bids shall be rejected
- Revealing prices directly or indirectly in the un-priced bid
- The price bid should not contain any conditions. Any pre-conditions may make the bid liable for rejection
- Non-submission of Integrity Pact on or before tender due date and time.
- Non-submission of bidder declaration.
- Not meeting the technical specifications and delivery period.
- Non-submission of complete documentation towards Prequalification Criteria.
- Not meeting the Prequalification Criteria based on documentation submitted with the bid.
- Disclosure of Price Bids in Un-Price bid or anywhere else

HPCL decision in this matter is final.

Salient Terms & Conditions of this Tender :-

- I. **GENERAL PURCHASE CONDITIONS:** For any contracts/Purchase agreements HPCL's General Terms & Conditions [enclosed shall solely apply]. Payment terms are as per HPCL's General Terms & Conditions if specifically, not mentioned elsewhere in tender. (Respective GTC for domestic and foreign bidders)
 - II. **PRICE REDUCTION CLAUSE FOR DELAYED DELIVERY:** During the execution of order if the vendor fails to deliver any or all the goods within the time period (s) specified in the contract., HPCL may deduct from the contract price, @ 0.5% per week of delay subject to a max. of 5% of the release purchase order value for delayed delivery. Please refer HPCL's General Terms & Conditions.
 - III. **RETENTION MONEY/ PERFORMANCE BANK GUARANTEE :** ~~PBG for 3% of PO value towards Performance Bank Guarantee shall be accepted (in lieu of deduction of retention money of 3% from each bill); such PBG shall be valid up to a period of 27 months from PO date including 1 month of claim period. Demand Draft should be drawn on Scheduled Banks (other than cooperative banks). All foreign bank guarantees will be confirmed by a Scheduled Banks, other than co-operative bank located in India acceptable to the Corporation~~
 - IV. **DISPUTE RESOLUTION:** Refer detailed Dispute Resolution & Conciliation Rules attached.
 - V. **RISK PURCHASE CLAUSE:** Please refer HPCL's General Terms & Conditions of supply.
 - VI. **DECLARATION FROM BIDDER FROM A COUNTRY SHARING LAND BORDER WITH INDIA:**
All the bidders need to mandatorily submit an Undertaking duly signed by the authorized signatory clearly stating the name and designation of the signatory in the attached format.
If the bidder is from country sharing land border with India, evidence of the valid registration with the competent authority should be attached with the undertaking.
HPCL reserves its rights to accept/reject the bids with regards to this declaration.
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