



PMC Cell – MM

## Oil and Natural Gas Corporation Ltd

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Circular No. 19/2020-cum- Integrated MM Manual No. 56/2020-Cum-BL Amendment No.  
01/119 and 02/94

No: MAT/PMC/13(49)/2020  
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**Sub: Return of EMD/Bid Bond/Bid Security of unsuccessful bidders.**

EPC, in its meeting (03/2020) held on 25.02.2020 has approved modifications to the provisions pertaining to release of EMD/bid bond/bid security to bidders.

In accordance with decisions taken in aforesaid meeting of EPC, relevant provisions of Integrated MM Manual and Standard Tender/Contract Conditions stand modified as per Annexures-I and II respectively. Wherever applicable, suitable modifications should also be incorporated in tenders for Charter Hire of rigs, LSTK contracts etc.

Above guidelines should be meticulously followed by all concerned.

  
(A. P. Tripathi)  
ED-Chief MM Services

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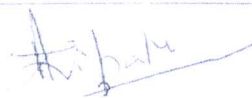
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Annexure-I

## Existing vis-à-vis modified provisions of Integrated MM Manual

Para No.	Existing Provisions	Modified Provisions	Remarks
16.5 of IMMM	Earnest Money Deposit / Bid security	Earnest Money Deposit / Bid security	No change
16.5.5	No provision exists	<p>a. The EMD/bid bond/bid security of bidder(s) under following situations shall also be released, only on receipt of request to this effect from the bidder(s) against submission of an undertaking by the bidder(s) as per format given at para 16.5.5.1:</p> <p>i. Bidder(s) whose bid has been rejected with the approval of CPA and in case rejection of bid is not an incident that attracts forfeiture of bid security as per extent proviso.</p> <p>ii. Bidder(s) whose bid has been rejected with approval of CPA on account of non-extension of bid validity and in case such rejection of bid is not an incident that attracts forfeiture of bid security as per extent proviso.</p> <p>iii. TA/CA bidder(s) who are not in contention / reckoning for award of contract after price bid opening.</p> <p>b. During bid evaluation, the Tender Committee should also recommend for release of bid bond/ bid security/EMDs of bidders covered under above situations.</p> <p>c. In above situations, the Competent Purchase Authority will have powers to approve release of earnest money / Bid Bond / bid security through Tender Committee, irrespective of the type of tender or value of tender. However, concerned Level-1 Executive will have full powers in this regard, including for cases falling within the powers of Directors and EPC.</p> <p>d. In respect to (i) to (iii) above, the onus and responsibility shall be of dealing officer/official to ensure release of EMD/bid bond/bid security to bidders, within 5 days from the date of approval of CA/date of receipt of request, whichever is later.</p>	New para added



Para No.	Existing Provisions	Modified Provisions	Remarks
16.5.5.1	No provision exists	<p>Format for undertaking to be submitted by the bidder alongwith request for release of EMD/bid bond/bid security under para (i) to (iii) above:</p> <p>"I .....(name and designation of authorized signatory) on behalf of M/s .....(the name of bidder) hereby request to release the bid security submitted with the offer against tender No.....(tender no. to be indicated by bidder). It is undertaken that any aspect of the tender evaluation process will not be challenged before any forum / authority and the recourse allowed under the bidding conditions for representing / raising dispute will be deemed to have been foregone by M/s .....(the name of bidder)."</p>	New para add

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Annexure-II

Statement showing existing vis-à-vis modified provisions of Standard Booklet No. ONGC/MM/01, ONGC/MM/02 and standard tender /contract conditions for Service Contracts.

Clause No.	Existing Provisions	Modified Provisions	Remarks
25.9 (ITB) of Booklet MM01  23.9(ITB) of Booklet MM02  17.8(ITB) of Service Contracts	The Bid Security of unsuccessful Bidders will be returned on finalisation of the bid. The Bid Security of successful bidder will be returned on receipt of Security Deposit/Performance Bond (Performance Security).	The Bid Security of unsuccessful Bidders will be returned on finalisation of the bid. The Bid Security of successful bidder will be returned on receipt of Security Deposit/Performance Bond (Performance Security).	No Change
25.10 (ITB) of Booklet MM01  23.10(ITB) of Booklet MM02  17.10(ITB) of Service Contracts	No provision exists	<u>Bidder(s) may also request for release of EMD/bid bond/bid security before tender finalisation against submission of an undertaking as per format given at *.....</u> <u>However, bidder's request may be considered only under following situations:</u>  i. <u>Bidder(s) whose bid has been rejected and in case rejection of bid is not an incident that attracts forfeiture of bid security as per tender proviso.</u>  ii. <u>Bidder(s) whose bid has been rejected on account of non-extension of bid validity and in case rejection of bid is not an incident that attracts forfeiture of bid security as per tender proviso.</u>  iii. <u>TA/CA bidder(s) who are not in contention / reckoning for award</u>	New para added.

Clause No.	Existing Provisions	Modified Provisions of contract after price bid opening.	Remarks
		<p>* .... 25.10.1 (for MM01) /23.10.1 (for MM02) / 17.10.1 (for Service Contracts).</p> <p><u>Format for undertaking to be submitted by the bidder alongwith request for release of EMD/bid bond/bid security under para (i),(ii) and (iii) above:</u></p> <p><u>"I .....(name and designation of authorized signatory) on behalf of M/s .....(the name of bidder) hereby request to release the bid security submitted with the offer against tender No.....(tender no. to be indicated by bidder). It is undertaken that any aspect of the tender evaluation process will not be challenged before any forum / authority and the recourse allowed under the bidding conditions for representing / raising dispute will be deemed to have been foregone by M/s .....(the name of bidder)."</u></p>	