



PMC Cell – MM

Oil and Natural Gas Corporation Ltd

Corporate Materials Management
2nd Floor, Tower-A, Deendayal Urja Bhawan,
5, Nelson Mandela Marg, Vasant Kunj, New Delhi -110 070
Tel – (011)26752004 Fax – (011) 26129091

**Circular No. 24/2018-cum-Integrated MM Manual Amendment No. 35/2018 cum
BL Amendment No. BL/01/107 and BL/02/83**

No: MAT/PMC/13(200)/2018

Dated: 25.05.2018

Sub: Qualification of bidders for participation in Pre-bid conference

Reference is invited to para 12.17.2 & 12.17.3 of Integrated MM Manual, wherein the provisions to allow representatives of bidders in the pre bid conference, have been stipulated.


It has been observed that deletion of requirement for submission of tender fee for participation has provided opportunity to non-serious vendors to attend pre-bid conference and / or to raise irrelevant queries. In order to restrict such bidders from participating in pre-bid conference, EPC, in its meeting (11/2018) held on 10.05.2018, desired that the bidders who are in the business of providing similar Services/Goods as per tender requirement should only be allowed to participate in Pre-Bid conference. EPC also directed to include in tender conditions that the bidders who have submitted queries within prescribed date and have agreed to depute their employees (preferably) who are competent to present their queries in the Pre-Bid Conference, shall only be allowed to attend pre-bid conference.

EPC also directed that depending on the complexity of the case, the maximum number of persons that would be permitted per bidder for pre-bid conference should also be decided by the work centre at the time of taking a call on holding of pre-bid conference against the tender and the limit so fixed for participation in the pre-bid conference should be indicated upfront in the bidding documents.

EPC also directed that it needs to be categorically and explicitly mentioned in the tender document that pre-bid queries shall be restricted to Technical Specifications, Scope of Work, Technical BEC, Special Conditions of Contract and mobilization/ delivery/ completion period only and that no queries whatsoever shall be entertained on provisions of GCC and other standard provisions/ proforma/ format of the tender document.

In accordance with the above decisions of EPC, relevant provisions of Integrated MM Manual, Standard Tender Conditions for Service Contracts and Standard Booklets MM01 & MM02 stand modified as per Appendix-1, Appendix-2 and Appendix-3 respectively and format for undertaking incorporated as per Appendix-4. Similar modifications should also be carried out in other types of Tender documents.

Above guidelines should be meticulously followed by all concerned.

 25/5/18

(Ashwini Nagia)
ED-Chief MM Services

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

Sl.	Clause No.	Existing Provisions	Modified Provisions	Remarks
1.	12.17	Pre-bid-conference (Wherever applicable)	No Change	
2.	12.17.1	Pre-bid conference shall not be held in each and every case. However, Work Center may hold pre-bid conference in any case based on the need/justification for the same with the prior approval of concerned Level-1 officer for cases where CPA is Level-1 or below and of Director concerned for cases beyond the powers of concerned Level-1 officer. Proposal for holding pre-bid conference should be initiated preferably by the Indentor at the indenting stage. However, if a need for holding pre-bid conference is felt by the TC in its meeting held before invitation of the tender, then TC can also propose for holding of the pre-bid conference.	<p>Pre-bid conference shall not be held in each and every case. However, Work Center may hold pre-bid conference in any case based on the need/justification for the same with the prior approval of concerned Level-1 officer for cases where CPA is Level-1 or below and of Director concerned for cases beyond the powers of concerned Level-1 officer. Proposal for holding pre-bid conference should be initiated preferably by the Indentor at the indenting stage. However, if a need for holding pre-bid conference is felt by the TC in its meeting held before invitation of the tender, then TC can also propose for holding of the pre-bid conference.</p> <p><u>Depending on the complexity of the case, the maximum number of persons that would be permitted per bidder for pre-bid conference should also be decided by the work centre at the time of taking a call on holding of pre-bid conference against the tender and the limit so fixed for participation in the pre-bid conference should be indicated upfront in the bidding documents.</u></p>	Underlined portion added
3.	12.17.2	Wherever it is decided to hold pre-bid conference, in Invitation to Bid, bidders should be advised to download the tender	Wherever it is decided to hold pre-bid conference, in Invitation to Bid, bidders should be advised to download the	The portion underlined in 'Existing Provisions' has been

		documents well in advance prior to the pre-bid conference date, providing sufficient time for response. <u>It should also be indicated in NIT/bidding documents that all bidders who download bidding documents are invited to attend the pre-bid conference. Failure to attend pre bid conference does not restrict the vendor from submitting the bid.</u>	tender documents well in advance prior to the pre-bid conference date, providing sufficient time for response. <u>The bidders shall submit their queries within prescribed date as per conditions stipulated in tender document. Attending pre bid conference shall not be pre-requisite for submitting the bid.</u>	deleted. The portion Underlined in 'Modified Provisions' has been added/modified.
4.	12.17.3	The date and venue of pre-bid conference should be clearly indicated in the Invitation to Bid and the bidding document. In the Invitation to Bid and bidding document as well as during the pre-bid conference, bidders should be advised that ONGC expects the bidders to comply with the tender specifications/conditions which have been frozen after pre-bid conference, and hence non-conforming bids will be rejected straightaway. The indenting officer from the User department (who has approved the specifications) is to chair pre-bid conference(s) with competent representative from concerned technical department (like E&C) and TC. If felt desirable, a legal officer may also be associated. <u>It should be impressed upon the bidders to depute (for attending the pre-bid conference) representatives who can actively participate and contribute in the pre bid conference.</u> In tenders for LSTK Projects, <u>the representatives of proposed consortium members and / or sub-contractors and / or vendors be allowed to participate in the pre-bid conference along</u>	The date and venue of pre-bid conference should be clearly indicated in the Invitation to Bid and the bidding document. In the Invitation to Bid and bidding document as well as during the pre-bid conference, bidders should be advised that ONGC expects the bidders to comply with the tender specifications/conditions which have been frozen after pre-bid conference, and hence non-conforming bids will be rejected straightaway. The indenting officer from the User department (who has approved the specifications) is to chair pre-bid conference(s) with competent representative from concerned technical department (like E&C) and TC. If felt desirable, a legal officer may also be associated. <u>The bidders meeting following requirement shall only be considered for attending the pre-bid conference:</u> <u>a. The bidders who are in the business of providing similar Services/Goods as per tender requirement only shall be allowed to participate in Pre-Bid conference.</u>	The portion underlined in 'Existing Provisions' has been deleted. The portion Underlined in 'Modified Provisions' has been added/modified.

	with the bidder.	<p><u>Accordingly, an undertaking in the prescribed format as per Appendix-PBC provided with the tender document shall be submitted by the bidder alongwith Pre Bid queries within prescribed date. Failing which the bidder shall not be allowed to attend pre-bid conference.</u></p> <p><u>b. Bidders should depute their employees (preferably) who are competent to present their queries in the Pre-Bid Conference.</u></p> <p><u>c. Only those bidders who have submitted queries within prescribed date shall be allowed to attend PBC.</u></p> <p><u>d. While submitting Pre Bid queries, prospective bidder(s) shall be required to provide details (Name, Designation, mobile no. etc) of its representative, who will attend PBC and those person(s) only will be permitted to attend the pre-bid conference.</u></p> <p><u>e. In tenders for LSTK Projects, employees (preferably) of proposed consortium members and / or sub-contractors and / or vendors who are competent to present their queries in the pre bid conference shall be allowed to participate in the pre-bid conference along with the bidder subject to prior submission of details to ONGC as stipulated above.</u></p> <p><u>Bidders requesting to attend pre-bid conference without fulfilling above</u></p>	
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			<p><u>requirement shall be informed their ineligibility to attend pre-bid conference with the approval of the indenting officer from the User department, who has approved the specifications.</u></p> <p><u>It shall be categorically and explicitly mentioned in the tender document that pre-bid queries shall be restricted to Technical specifications, scope of work, Technical BEC, special conditions of contract and mobilization/ delivery/ completion period only and that no queries whatsoever shall be entertained on provisions of GCC and other standard provisions/ proforma/ format of the tender document.</u></p>	
5.	12.17.4	<p>The issues raised by the prospective bidders during the pre-bid conference will be examined in detail by the Tender Committee. If due to the points/doubts raised by the prospective bidders, tender specifications or any specific term(s), condition(s) which is not a part of "Standard Terms and Conditions of the Tender" needs to be modified, then the same will be considered for modification. However, if there are any points/issues, which have been raised by prospective bidders during the pre-bid conference but have not been resolved, then a second pre-bid conference will be held which will be attended by all the Tender Committee Members. In this pre-bid conference, Tender Committee Members would again try to clarify the doubts raised by the prospective bidders, with a view to ensure adequate participation.</p>	No Change	

		All decisions to conduct second pre-bid conference needs to be approved by Director concerned		
6.	12.17.5	MM department/Tender Processing Group in association with the concerned technical department will prepare minutes of the pre-bid conference and obtain approval of the officer who chaired the pre-bid conference. Thereafter, in case no modifications are required in the BEC/specifications/scope of work/tender conditions, the bidder would be asked to submit their bids on due date and time. However, if, as a sequel to the pre-bid conference, modifications are required in the BEC and other tender conditions (excluding commercial conditions standardised by PMC), TC shall submit its recommendations for approval of the competent purchase authority (CPA) by providing detailed justification for agreeing to such modification(s). In this regard, Director concerned shall have full powers including in EPC level cases, provided, such changes are not in conflict with the existing policy/ procedure/ PMC instructions, However, in case of conflict requiring changes to existing policy/procedure/PMC instructions in all cases will require EPC approval. However, in case of change of specifications/scope of work as a sequel to pre-bid conference, necessary approval shall be obtained as per clause 34.1.	No Change	
7.	12.17.6	After obtaining such approval, these modifications should be made and communicated (through fastest mode of	No Change	

		<p>communication like fax or mail) prior to submission of bids with sufficient time to all the bidders to submit their bids; no change will be allowed thereafter. Whenever any amendment to the BEC/tender conditions is necessitated, it should be ensured that modifications in the BEC/tender conditions are defined in clear, unambiguous and adequate manner. The specifications/scope of work, tender terms and conditions are frozen after issuance of pre-bid minutes and hence thereafter no correspondence should be made with the bidders. However, due to compelling reasons, if it becomes unavoidable to enter into correspondence with the bidders even after issuance of pre-bid minutes, then the same can be done with the approval of the concerned Level-1 executive, giving detailed justification for the same. Further, such correspondence should be limited to clarifications only, without modifying any of the tender provisions. It should also be ensured that while issuing such clarifications, the same should be forwarded to all the bidders who have bought the tender documents</p>		
8.	12.17.7	<p>If as a sequel to the pre-bid conference or otherwise, if an important tender condition regarding scope of work/specifications/delivery period/mobilization period/completion period requires major modification then TC should deliberate the case and submit their recommendations to CPA(concerned Director shall have full powers)for extension</p>	No change	

		of Bid submission/ opening date. In such situation, pre-bid conference would not be held again.		
9.	12.17.8	Whenever any changes in the Scope of Work or any other tender conditions are necessitated as a sequel to pre-bid conference or otherwise, financial implication of the same should be carefully examined, deliberated and properly recorded by the Tender Committee. Further, the cost implication of such changes should be taken into consideration for evaluation and ascertaining the reasonability of rates. In case variation is more than +/- 20% and where BEC is affected by cost estimate (example: experience criteria is linked to cost estimate), the BEC may also be suitably modified.	No change	
10.	12.17.9	In cases where pre-bid conference is not held, provisions shall be incorporated in the NIT/bid document that bidders can submit relevant queries to the tender inviting office within 10 days from the date of publication of NIT in case of open tenders or issuance of bid document in case of Limited Tenders. Queries on technical issues, if any, received shall be examined by the Indentor (tender committee for other queries), for issuing replies to the bidder within 3 days. When purchase does not fall under the purview of tender committee, dealing officer of MM in consultation with minimum E-2 level executives of Indentor and Finance shall examine the queries and put up the proposals for approval of CPA. For cases	No Change	

		dealt by departments other than MM but MM support is required as per BDP, queries shall be examined by dealing officer in consultation with minimum E-2 level executive of finance and MM.		
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Existing Vis-à-vis modified provisions of standard tender/contract conditions for service contracts

Sl.	Clause No.	Existing Provisions	Modified Provisions	Remarks
1.	6. of Annexure-I	PRE-BID CONFERENCE (Wherever applicable)	No change	
2.	6.1 of Annexure-I	In order to avoid clarification/confirmation after opening of bids, wherever specifically mentioned in NIT, Pre-bid conference shall be held so as to provide an opportunity to the participating bidders to interact with ONGC with regard to various tender provisions/tender specifications, before the bids are submitted. <u>In case, due to the points/doubts raised by the prospective bidders, any specific term & condition (which is not a part of "Standard terms and conditions of tender") needs to be modified, then the same will be considered for modification.</u>	In order to avoid clarification/confirmation after opening of bids, wherever specifically mentioned in NIT, Pre-bid conference shall be held so as to provide an opportunity to the participating bidders to interact with ONGC with regard to various tender provisions/tender specifications, before the bids are submitted. <u>The pre-bid queries shall be restricted to Technical specifications, scope of work, Technical BEC, special conditions of contract and mobilization/ delivery/ completion period only and that no queries whatsoever shall be entertained on provisions of GCC and other standard provisions/ proforma/ format of the tender document.</u>	Underlined portion added
3.	6.2 of Annexure-I	After pre-bid conference, the specifications & other tender conditions will be frozen. No change in specifications and tender conditions will be permissible after bid opening. All the bidders must ensure that their bid is complete in all respects and conforms to tender terms and conditions, BEC and the tender specifications in toto failing which their bids are liable to be rejected without seeking any clarifications on any exception/deviation	No change	

		taken by the bidder in their bid.		
4.	6.3 of Annexure-I	Bidders should depute their authorised representative who should be competent to take on the spot decisions.	<p><u>The bidders meeting following requirement shall only be considered for attending the pre-bid conference.</u></p> <p><u>a. The bidders who are in the business of providing similar Services/Goods as per tender requirement only shall be allowed to participate in Pre-Bid conference.</u></p> <p><u>Accordingly, an undertaking in the prescribed format as per Appendix-PBC shall be submitted by the bidder alongwith Pre Bid queries within prescribed date. Failing which the bidder shall not be allowed to attend pre-bid conference.</u></p> <p><u>b. Bidders should depute their employees (preferably) who are competent to present their queries in the Pre-Bid Conferenceb. Bidders should depute their employees (preferably) who are competent to present their queries in the Pre-Bid Conference.</u></p> <p><u>c. Only those bidders who have submitted queries within prescribed date shall be allowed to attend PBC.</u></p> <p><u>d. While submitting Pre Bid queries, bidder(s) shall be required to provide details (Name, Designation, mobile no. etc.) of its representative, who will attend PBC and those person(s) only will be permitted to attend the pre-bid conference.</u></p>	Underlined portion modified

			<u>The maximum number of persons that would be permitted per bidder for participation in pre-bid conference has been indicated in the bidding documents.</u>	
5.	6.4 of Annexure-I	In cases where pre-bid conference is not held, bidders can submit relevant queries to the tender inviting office within 10 days from the date of publication of NIT in case of open tenders or issuance of bid document in case of Limited Tenders.	No change	

Appendix-3

Statement showing existing vis-à-vis modified tender/contract conditions of Standard Booklets MM/01 and 02 for procurement of goods

Sl.	Clause No.	Existing Provisions	Modified Provisions	Remarks
1.	9.3 of Annexure-I of BL/01 and BL/02	PRE-BID CONFERENCE (Wherever applicable)	PRE-BID CONFERENCE (Wherever applicable)	No change
2.	9.3.1 of Annexure-I of BL/01 and BL/02	In order to avoid clarification/confirmation after opening of bids, wherever specifically mentioned in NIT, Pre-bid conference shall be held so as to provide an opportunity to the participating bidders to interact with ONGC with regard to various tender provisions/tender specifications, before the bids are submitted. <u>In case, due to the points/doubts raised by the prospective bidders, any specific term & condition (which is not a part of "Standard terms and conditions of tender") needs to be modified, then the same will be considered for modification.</u>	In order to avoid clarification/confirmation after opening of bids, wherever specifically mentioned in NIT, Pre-bid conference shall be held so as to provide an opportunity to the participating bidders to interact with ONGC with regard to various tender provisions/tender specifications, before the bids are submitted. <u>The pre-bid queries shall be restricted to Technical specifications, scope of work, Technical BEC, special conditions of contract and mobilization/ delivery/ completion period only and that no queries whatsoever shall be entertained on provisions of GCC and other standard provisions/ proforma/ format of the tender document.</u>	<u>Underlined portion modified</u>
3.	9.3.2 of Annexure-I of BL/01 and BL/02	After pre-bid conference, the specifications & other tender conditions will be frozen. No change in specifications and tender conditions will be permissible after bid opening. All the bidders must ensure that their	No Change	

		bid is complete in all respects and conforms to tender terms and conditions, BEC and the tender specifications in toto failing which their bids are liable to be rejected without seeking any clarifications on any exception/deviation taken by the bidder in their bid.		
4.	9.3.3 of Annexure-I of BL/01 and BL/02	Bidders should depute their authorised representative who should be competent to take on the spot decisions.	<p><u>The bidders meeting following requirement shall only be considered for attending the pre-bid conference.</u></p> <p><u>a. The bidders who are in the business of providing similar Services/Goods as per tender requirement shall only be allowed to participate in Pre-Bid conference.</u></p> <p><u>Accordingly, an undertaking in the prescribed format as per Appendix-PBC shall be submitted by the bidder alongwith Pre Bid queries within prescribed date. Failing which the bidder shall not be allowed to attend pre-bid conference.</u></p> <p><u>b. Bidders should depute their employees (preferably) who are competent to present their queries in the Pre-Bid Conference.</u></p> <p><u>c. Only those bidders who have submitted queries within prescribed date shall be allowed to attend PBC.</u></p> <p><u>d. While submitting Pre Bid queries, bidder(s) shall be required to provide details (Name, Designation, mobile no. etc.) of its representative, who will attend PBC and those person(s) only will be permitted to attend the</u></p>	Underlined portion modified

			<u>pre-bid conference.</u> <u>The maximum number of persons that would be permitted per bidder for participation in pre-bid conference has been indicated in the bidding documents.</u>	
5.	9.4 of Annexure-I of BL/01 and BL/02	9.4 In cases where pre-bid conference is not held, bidders can submit relevant queries to the tender inviting office within 10 days from the date of publication of NIT in case of open tenders or issuance of bid document in case of Limited Tenders.	No Change	

Appendix-4

(To be incorporated as Appendix-PBC in tender booklets)

FORMAT FOR UNDERTAKING TO ATTEND PRE-BID CONFERENCE
(to be submitted on Firm's/Company's Letterhead)

I _____, age ____years Son/ Daughter of _____, resident of _____ do solemnly affirm and state as under:

1. That I am the _____ <<Designation of the authorized signatory>> and I am duly authorized to furnish this undertaking on behalf of _____ (Name of the company).
2. That _____ (Name of the company) is desirous of submitting its bid against tender no _____ dated _____ for _____ item / works (Name of tender).
3. That we are deputing our representative (as per following details) who is/are competent to present our queries in Pre-Bid Conference.

Name of authorized representative to attend Pre-bid Conference: _____

Designation: _____

Mobile No.: _____

4. That we are in the business of providing similar Services/Goods as per tender requirement.

(Authorized signatory of bidder)
Seal:

Date:

Place:

Note:

1. In tenders for LSTK Projects, representative of proposed consortium members and / or sub-contractors and / or vendors who are competent to present their queries in the pre bid conference shall be allowed to participate in the pre-bid conference along with the bidder subject to prior submission of details to ONGC as stipulated above.

2. Above undertaking shall be submitted by the bidder alongwith Pre Bid queries within prescribed date, failing which the bidder shall not be allowed to attend pre-bid conference.