

Letter No. 12668/OSMC/2020


Dated 13.10.2020

AMENDMENT AND CLARIFICATION TO FURTHER QUERIES RECEIVED FROM PROSPECTIVE BIDDERS

Tender Notification No. 11181 dt.26/08/2020

Item Name- Supply and Installation of Liquid Medical Oxygen (LMO) Storage Vessel System and Supply of Liquid Medical Oxygen on Rate Contract Basis to MKCGMCH-Berhampur.

Sl.	Section of Bid Document	Tender Technical Specification	Queries from Prospective Bidders	Query raised by Company	Amendment to Technical Specification	Justification to the amendment
1	Schedule of Requirements-Point (3)	The approved rate of liquid gas shall be valid for the period of 1 year from date of approval.	Approved rate should be valid for 3 years extendable upto 5 years subject satisfactory performance. The rate of liquid gas shall be valid for atleast 5 years, instead of 1 year. It should be at least for 5 years.	Linde India Limited INOX Air Products AIR Water India Pvt. Ltd.	Amended The approved rate of liquid gas shall be valid for the period of 3 years from date of approval.	Rate contract validity extended based on bidder's request and in view of long term project for requirement of oxygen.
2	Standards of Service-Point (b)	The prospective bidders may visit the project sites and inspect the proposed location of LMO installation before submission of their bids.	The bid end date may be extended for atleast 15 days more. we would request for an extension of time for tender submission for another 15 working days (i.e. 15.10.2020) for preparation of proper estimation of work and in view of present circumstances of COVID-19 pandemic..	Linde India Limited INOX Air Products	Amended 1) The end date of bid submission is amended to dt.21/10/2020, 5PM 2) The technical bid shall be opened on dt.22/10/2020, 11AM	Based on request from prospective bidders for wide participation.


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ODISHA STATE MEDICAL CORPORATION LTD.

(A Govt. of Odisha Undertaking)

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		The bid end date may be extended upto dt:28/10/2020.	AIR Water India Pvt. Ltd.		
3	Pre-qualification Criteria of bidder Pt.8 (Clause-4)	The bidder must have at least 3 years of experience in Setting up of Liquid Medical Oxygen Storage Tanks as well as Supply of Liquid Medical Oxygen for the capacity of 20,000 Litres or above in Govt./Corporate Hospitals./Medical Colleges.	AIR Water India Pvt. Ltd.	No Change in pertaining clause and Clarified that In case of merger/ amalgamation/transfer of business occurred by the order of the Court/Central Govt./State Govt./ Commission affects the bid condition of a firm, in that case experience/past performance/market standing status, etc in preceding years of the previous firm shall also be considered as eligibility in this case.	Incorporated as per request from prospective bidders and prevailing documents.
4	Pre-qualification Criteria of bidder Pt.8 (Clause-5)	The bidder must have a minimum average annual turnover of Rs.50 lakhs in the last three financial years i.e. 2016-17, 2017-18 & 2018-19 to be certified by a Chartered Accountant in Format C.	AIR Water India Pvt. Ltd.	No Change in pertaining clause and Clarified that in case of merger/ amalgamation/transfer of business occurred by the order of the Court/Central Govt./State Govt./ Commission affects the bid condition of a firm, in that case annual average turnover etc in preceding years of the previous firm shall also be considered as eligibility in this case.	Incorporated as per request from prospective bidders and prevailing documents.


19.10.2020

<p align="center">Terms & Conditions - Point 9.5</p> <p align="center">5</p>	<p>The rate of liquid gas shall be valid for the period of 1 year from date of approval.</p>	<p>It should be at least 5 years.</p> <p>It should be at least for 5 years.</p> <p>The rate of liquid gas shall be valid for at least 5 years, instead of 1 year.</p>	<p>Linde India Limited</p> <p>AIR Water India Pvt. Ltd.</p> <p>INOX Air Products</p>	<p align="center">Amended</p> <p>The approved rate of liquid gas shall be valid for the period of 3 years from date of approval.</p>	<p>Rate contract validity extended based on bidder's request and in view of long term project for requirement of oxygen.</p>
<p align="center">Additional Clause to be incorporated</p> <p align="center">6</p>	<p>"All and any disputes and claims as aforesaid, which cannot be fully and satisfactorily resolved or settled by the parties as aforesaid, shall at the request of either party, be submitted to, and be settled by arbitration of the sole arbitrator and if there is no concurrence on the appointment of the sole Arbitrator then it must be resolved by appointing 3 (three) arbitrators in accordance with the Arbitration and Conciliation Act, 1996 or any other statute as may be in force for the time being. The venue of arbitration shall be Bhubaneswar.</p>	<p>The Arbitration Clause has been incorporated as follows,</p> <p>In the event of any question, dispute or difference arising under the terms and conditions of the work order placed, the same shall be referred to the sole arbitration by an officer nominated as Arbitrator by the Hospital Authority/Tender Inviting Authority. It will be no objection that the arbitrator is a Government Servant and that he had to deal with the matters to which the contract relates or that in the course of his duties as a Government servant he has expressed views on all or any of the matters in dispute or difference. The award of the arbitrator shall be final and binding on the parties to the contract.</p> <p>The arbitration shall be governed as per Indian Arbitration and Conciliation Act 1996 as amended up to date. The place for arbitration shall be at the place of issue of work order contract.</p> <p>In the event of the Arbitrator dying, neglecting or refusing to act or</p>	<p>Linde India Limited</p>	<p>Arbitration clause is incorporated to resolve the disputes without legal complications and reference taken from standard clause of GeM.</p>	

[Signature]
12.10.2020

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		<p>resigning or being unable to act for any reason, or his award being set aside by the court for any reason, it shall be lawful for the Hospital Authority/Tender Inviting Authority to appoint another arbitrator in place of the outgoing arbitrator in the manner aforesaid. All disputes in connection with the Contract shall be subject to the exclusive jurisdiction of the Court within the local limits of whose jurisdiction, the place from where work order was issued is situated.</p>	
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Note:

- 1) As per the Gazette Notification dated 25/09/2020 issued by Ministry of Chemicals and Fertilizers, the maximum price (ex-factory) of Liquid Medical Oxygen (LMO) as fixed shall be applicable. 2) As per notification from Health & FW Department, Govt. of Odisha vide no.22790 dated 07/10/2020, the transportation cost as fixed (excluding toll gate charges) for different capacity of Liquid Medical Oxygen (LMO) vehicles shall be applicable.
- 2) The last date of bid submission is extended to dt:21/10/2020, 5PM and The technical bid opening is extended to dt:22/10/2020, 11AM


 19.10.2020

GM Operation (Equipment), OSMCL