



जवाहरलाल नेहरू पोर्ट ट्रस्ट

JAWAHARLAL NEHRU PORT TRUST

ISO 9001 : 2015
ISO 14001 : 2015
ISO 27001 : 2013
OHSAS 45001 : 2018

पत्तन कार्यालय : प्रशासन भवन, शेवा, नवी मुंबई - 400 707; Port Office : Administration Bldg Sheva, Navi Mumbai - 400 707;
मुख्य सतर्कता अधिकारी Chief Vigilance Officer-(022) 2724 2292; मुख्य प्रबंधक (प्रशासन) एवं सचिव Chief Manager (Admin) & Secy (022) 2724 2233;
मुख्य प्रबंधक (यातायात) Chief Manager (Traffic)-(022) 2724 2377; मुख्य प्रबंधक (या.एवं.वि.अ.) Chief Manager (M&EE)-(022) 2724 2218;
मुख्य प्रबंधक (वित्त) Chief Manager (Fin)-(022) 2724 2241; मुख्य प्रबंधक (प. यो. बि.) Chief Manager (PP&D)-(022) 2724 2326;
उप-संरक्षक Dy. Conservator (022) 2724 2301; हार्बर मास्टर Harbour Master - (022) 2724 4173.
Website : www.jnport.gov.in E-mail : info@jnport.gov.in

JNP/TRAFFIC/MCB/PPP/2021/1028

Date: 19/10/2021

ADDENDUM – II

To,

All prospective Bidders

Sub: Upgradation, Operation Maintenance and Transfer (UOMT) of Jawaharlal Nehru Port Container Terminal (JNPCT) through PPP – **Addendum - II** to Request For Qualification document (RFQ)

Ref: Tender Number: JNP/TRAFFIC/MCB/PPP/2021/01 dated 23/08/2021.

Dear Sirs,

Please find attached herewith Addendum – II to above referred tender (RFQ) for subject work for registration with competent authority by applicants from a country which shares land border with India as per recent guidelines issued by Ministry of Finance, Govt. of India on 23-07-2020. The Addendum shall be submitted by the applicants along with RFQ duly signed & stamped as per clause no. 2.10 of the RFQ.

Thanking you,

Yours faithfully,

(Nagesh G. Akode)
Manager (Traffic-MCB)

ADDENDUM-II OF RFQ

Please find below Addendum-II to RFQ for Tender Number JNP/TRAFFIC/MCB/PPP/2021/01 dated 23/08/2021.

1. The following Clause is inserted

2.2.11 (c)

- I. Any bidder from a country which shares a land border with India will be eligible to bid in this tender only if the bidder is registered with the Competent Authority.
- II. “Bidder” (including the term ‘tenderer’, ‘consultant’ or ‘service provider’ in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency branch or office controlled by such person, participating in a procurement process.
- III. “Bidder from a country which shares a land border with India” for the purpose of this Order means:-
 - a. An entity incorporated, established or registered in such a country; or
 - b. A subsidiary of an entity incorporated, established or registered in such a country; or
 - c. An entity substantially controlled through entities incorporated, established or registered in such a country; or
 - d. An entity whose beneficial owner is situated in such a country; or
 - e. An Indian (or other) agent of such an entity; or
 - f. A natural person who is a citizen of such a country; or
 - g. A consortium or joint venture where any member of the consortium or joint venture falls under any of the above.
- IV. The *beneficial owner* for the purpose of (III) above will be as under:
 1. In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has a controlling ownership interest or who exercises control through other means.

Explanation -

- a. “Controlling ownership interest” means ownership of or entitlement to more than twenty-five percent of share or capital or profits of the company;

- b. “Control” shall include the right to appoint majority of the directors or to control the management or policy decisions including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
 2. In case of a partnership firm, the beneficial owner is the natural person(s) who, whether alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 3. In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
 4. Where no natural person is identified under (1) or (2) or (3) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
 5. In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.
- V. An Agent is a person employed to do any act for another, or to represent another in dealings with third person.
- VI. The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority. The definition of “contractor from a country which shares a land border with India” shall be as in Clause III above.

Certificate regarding Compliance:

A certificate shall be required to be submitted by the bidders in the format prescribed at Appendix-VII.

It may be noted that in case the above certification is found to be false, this would be a ground for immediate rejection of Bid/termination and further legal action in accordance with law.

Validity of Registration:

In respect of RFP, registration should be valid at the time of submission of bids and at the time of acceptance of bids. If the Bidder was validly registered at the time of acceptance, registration shall not be a relevant consideration during contract execution.

- a. the Qualification of such applicant or in case of any subsequent change in its shareholding or the shareholding in the consortium members, shall be subject to approval of the Authority from national security and public interest perspective. The decision of the authority in this behalf shall be final and conclusive and binding on the Applicant. Subsequent change shall include change in the holding or acquisition of equity or control, which shall include direct or indirect holding/acquisition, Including by transfer, of the direct or indirect legal or beneficial ownership or control, by persons acting for themselves or in concert and in determining such holding or acquisition, the Authority shall be guided by the principles, precedents and definitions contained in the Securities and Exchange Board of India (Substantial Acquisition of Shares and Takeovers) Regulations, 1997, or any substitute thereof, as in force on the date of such acquisition.

2. Existing Clause 2.8 - Contents of RFQ – Following is added to list of Appendices

VIII. Certificate regarding Compliance with Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs)

3. The following is inserted after Clause 2.13.2 (vi)

(vii) Certificate regarding Compliance with Restrictions under Rule 144(xi) of the General Financial Rules (GFRs) as per format given in Appendix-VIII shall be submitted by the Bidder with the RFP Bid duly signed by Authorised signatory & shall be part of the Concession Agreement, and

(viii) Copy of Registration from the Competent Authority as defined in Public Procurement Order No. F. No. 6/18/2019-PPD dated 23rd July 2020, if applicable (to be submitted by the “Bidder from a country which shares a land border with India”), and

Consequent to above, existing Clause 2.13.2 (vii) will be read as 2.13.2 (ix).

4. The Following Appendix is inserted after Appendix VII - Policy for preventing private sector monopoly in Major Ports

APPENDIX VIII - Certificate regarding Compliance with Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs)

To,

Chief Manager (Traffic) I/c
Jawaharlal Nehru Port Trust

Sub: Application for pre-qualification for the Upgradation, Operation, Maintenance and Transfer of Jawaharlal Nehru Port Container Terminal (JNPCT) Through Public Private Partnership (PPP)

Dear Sir,

With reference to your RFQ document dated *** ***, I/we, having examined the Bidding Documents and understood their contents, hereby undertake and confirm as follows:

I/We have read the clause regarding restrictions on procurement from a bidder of a country which shares a land border with India and on sub-contracting to contractors from such countries; I certify that this Bidder is not from such a country or, if from such a country, has been registered with the Competent Authority and will not sub-contract any work to a contractor from such countries unless such contractor is registered with the Competent Authority.

I hereby certify that this bidder fulfils all requirements in this regard and is eligible to be considered.

Yours faithfully,

Date:

(Signature of the Authorised signatory)

Place:

(Name and designation of the of the Authorised signatory)

Name and seal of Bidder/Lead Member

Notes:

{Where applicable, evidence of valid registration by the Competent Authority shall be attached}

In case the above certification is found to be false, this would be a ground for immediate rejection of Bid/termination and further legal action in accordance with law.