

Request for Expression of Interest
for
Business proposal
for
Operationalization of select stretches of NW-5 and NW- 64,
Odisha
on Design, Build, Finance, Operate and Transfer basis



Inland Waterways Authority of India

(Ministry of Port, Shipping & Waterways, Govt. of India)

Noida, Uttar Pradesh

June 2022

Invitation for Expression of Interest for Operationalization of select stretches of NW-5 and NW- 64, Odisha on Design, Build, Finance, Operate and Transfer basis.

Inland Waterways Authority of India (“IWAI”) (the “Authority”) is initiating the operationalization of select stretches of National Waterway-5 (NW-5) and National Waterway-64 (NW-64) in Odisha on Design, Build, Finance, Operate and Transfer basis.

The Talcher- Dhamra stretch of river Brahmani, Geonkhali- Charbatia stretch of East Coast Canal, Charbatia- Dhamra stretch of Matai River and Mangalgadi-Paradip stretch of Mahanadi delta rivers (623 km) have been declared as National Waterway – 5 (“NW-5”).

NW-5, by virtue of its unique location, presents a complementary transport route connecting cargo dense regions (including mines and manufacturing facilities) with ports at Paradip and Dhamra. Since select stretches in proximity to ports at Paradip and Dhamra offer readily available navigability conditions IWAI proposes to adopt a phase-wise development of NW-5 and initiate operationalization of NW-5 through the identified stretch.

The 425 km long Mahandi river from Sambalpur to Paradip sea mouth constitutes National Waterway – 64 (“NW-64”). The river Luna is a branch of the river Mahanadi and originates from the village Tentola and joins with river Mahanadi at village Balidia. It meets NW-5 near Paradip and has some of the important industrial clusters of Cuttack and Sambalpur along its bank.

There are two stretches for which terminal(s) are envisaged to be developed at this stage viz. stretch from Padanipal – Paradip & Dhamra Stretch for NW-5 and the stretch from Marshaghai – Paradip for NW- 64.

It is proposed that Inland waterway terminal(s) in the form of Intermodal Terminal (IMT) or Multimodal Terminal (MMT) may be set up at Padanipal – Paradip & Dhamra Stretch (89 Km & 50 Km) and Marshaghai- Paradip Stretch (35 km) to augment the cargo handling capacity of on both waterways. Facilities to be developed at the terminal would typically include berths and equipment for handling cargo, storage area, loading and unloading areas and terminal building.

“Operationalization of select stretches of NW-5 and NW- 64, Odisha on Design, Build, Finance, Operate and Transfer basis”.

1. The Chairman, IWAI, now invites Expression of Interest (“EOI”) from applicants for the aforesaid project. IWAI intends to invite private parties to submit a Business Plan for the Operationalization of select stretches of NW-5 and NW- 64, Odisha on Design, Build, Finance, Operate and Transfer basis.
2. IWAI invites interested Applicants to submit an EOI as per format prescribed in this document. The purpose of this EOI is to provide interested parties with information regarding the operationalization of select stretches of National Waterway-5 (NW-5) and National Waterway-64 (NW-64) in Odisha on Design, Build, Finance, Operate and Transfer basis and gauge market interest. IWAI proposes to subsequently release a

Request for Qualification (“**RFQ**”), for selection of appropriate applicants for Operationalization of select stretches of National Waterway-5 (NW-5) and National Waterway-64 (NW-64) in Odisha on Design, Build, Finance, Operate and Transfer basis.

3. The Applicants shall upload the EOI application on Central Public Procurement Portal <https://eprocure.gov.in/eprocure/app> in the formats specified at Annexure 1- 4 together with the supporting documents as applicable latest by 1500 hours IST on 28.07.2022. The Applicant shall provide only the documents mentioned in Article 3.5.3 (3) in original to the address provided in Article 3.12.
4. Interested firms/ companies/ joint ventures/consortium may obtain further information at the following address.

The Chairman
Inland Waterways Authority of India
Head Office, A-13, Sector – 1, Noida – 201301,
Uttar Pradesh, India
Tel: +91 120 2424540
E-mail: chairman.iwai@nic.in

E-mail Id of CE (Tech): ce.iwai@nic.in

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Disclaimer

The information contained in this EOI or subsequently provided to the prospective Applicants, whether verbally or in documentary or any other form by or on behalf of the Authority or any of its employees or advisors, shall be considered confidential and is not to be reproduced/ adopted/ displayed for any purpose whatsoever.

This EOI is not an Agreement and is neither an offer nor invitation by the Authority to the prospective Applicants or any other person. The purpose of this EOI is to provide the interested parties with information that may be useful to them in the formulation of their proposals pursuant to a specific Request for Qualification (RFQ) and Request for Proposal (RFP) which may be released subsequently by IWAI, at its discretion.

This EOI includes statements, which reflect various assumptions and assessments arrived at by the Authority in relation to the Project. Such assumptions, assessments and statements do not purport to contain all the information that each Applicant may require. This EOI may not be appropriate for all persons, and it is not possible for the Authority, its employees or advisors to consider the investment objectives, financial situation and particular needs of each party who reads or uses this EOI. The assumptions, assessments, statements and information contained in the EOI, may not be complete, accurate, adequate or correct. Each Applicant should, therefore, conduct its own investigations and analysis and should check the accuracy, adequacy, correctness, reliability and completeness of the assumptions, assessments, statements and information contained in this EOI and obtain independent advice from appropriate sources.

Information provided in this EOI to the Applicant(s) is on a wide range of matters, some of which may depend upon interpretation of law. The information given is not intended to be an exhaustive account of statutory requirements and should not be regarded as a complete or authoritative statement of law. The Authority accepts no responsibility for the accuracy or otherwise for any interpretation or opinion on law expressed herein.

The Authority, its employees, consultants, representatives and advisors make no representation or warranty and shall have no liability to any person, including any Applicant under any law, statute, rules or regulations or tort, principles of restitution or unjust enrichment or otherwise for any loss, damages, cost or expense which may arise from or be incurred or suffered on account of anything contained in this EOI or otherwise, including the accuracy, adequacy, correctness, completeness or reliability of the EOI and any assessment, assumption, statement or information contained therein or deemed to form part of this EOI or arising in any way for participation in this EOI Process.

The Authority also accepts no liability of any nature whether resulting from negligence or otherwise howsoever caused arising from reliance of any Applicant upon the statements contained in this EOI.

The Authority may in its absolute discretion, but without being under any obligation to do so, update, amend or supplement the information, assessment or assumptions contained in this EOI.

The issue of this EOI does not imply that the Authority is bound to select an Applicant or to appoint the selected Applicant Joint Venture (JV), as the case may be, for the Project and the Authority reserves the right to reject all or any of the Applicants or EOIs without assigning any reason whatsoever.

The Applicant shall bear all its costs associated with or relating to the preparation and submission of its EoI including but not limited to preparation, copying, postage, delivery fees, expenses associated with any demonstrations or presentations which may be required by Authority, or any other costs incurred in connection with or relating to its EoI. All such costs and expenses will remain with the Applicant and Authority shall not be liable in any manner whatsoever for the same or for any other costs or other expenses incurred by an Applicant in preparation for submission of the EoI, regardless of the conduct or outcome of the EoI process. Laws of the Republic of India are applicable to this EOI.

1. Definitions

Term	Meaning
Applicant	means and includes a Firm, Consortium, Lead Member
Application Due Date	shall mean the application due date mentioned
Authorized representative /signatory	shall mean the person who is duly authorized by the Firm in its EOI submission to sign on the Expression of Interest. This designated person shall be authorized to perform all the tasks including, but not limited to providing information, responding to enquiries, entering into commitments on behalf of the firm
Bidding Process	shall have meaning assigned to it under Article 2.4.1
Consortium	means the Applicant may be a group of Firms/entities
Consultants	shall mean Consultants to IWAI assisting in Operationalization of select stretches of NW-5 and NW- 64, Odisha on Design, Build, Finance, Operate and Transfer basis, Inter-Modal Terminal project or any other consultant engaged by IWAI
DBFOT	Design Build Finance Operate Transfer
DGPS	Differential Global Positioning System
EOI	means the submission or application made by the Applicants in response to this EOI Document;
EOI process	means the entire process from issue of EOI document to the finalization of the concept
EOI Due Date	means the date and time before which the EOI/Expression of Interest Submission should be submitted by Applicants to IWAI
EOI stage	means and includes the first stage of the Bidding Process to seek EOI applications from interested Applicants
Firm	a company validly incorporated and subsisting under the rules applicable to companies in the jurisdiction of its incorporation as on EOI Due Date
GoI	Government of India
IWAI	Inland Waterways Authority of India

IMT	Inter Modal Terminal
Lead Member	Lead member of the Consortium
MMT	Multimodal terminal
NW-5	National Waterway - 5
NW-64	National Waterway - 64
Project	Operationalization of stretches of NW-5 and NW- 64, Odisha on Design, Build, Finance, Operate and Transfer basis in the state of Odisha
RFP	Request for Proposal
RFP Stage	means and includes the next stage (Request for Proposal) of the bidding process, after the RFQ process
RFQ	Request for Qualification
RFQ stage	means and includes the next stage (Request for Qualification) of the bidding process, after the EOI process

2. Introduction

2.1. Background

2.1.1. The Talcher- Dhamra stretch of river Brahmani, Geonkhali- Charbatia stretch of East Coast Canal, Charbatia- Dhamra stretch of Matai River and Mangalgadi-Paradip stretch of Mahanadi delta rivers (623 km) together constitute National Waterway – 5 (“NW-5”). Presently IWAI undertakes development activities for facilitating navigation by executing river conservancy works (dredging and bandalling) for fairway development of 2- 4 m depth and 32-40 m width: maintenance of navigational aids, DGPS, terminals etc.

The 425 km long Mahandi river from Sambalpur to Paradip sea mouth constitutes National Waterway – 64 (“NW-64”). The river Luna is a branch of the river Mahanadi and originates from the village Tentola and joins with river Mahanadi at village Balidia. It meets NW-5 near Paradip and has some of the important industrial clusters of Cuttack and Sambalpur along its bank.

2.1.2. Under Padanipal – Paradip and Dhamra stretch of NW-5 and Paradip – Marshaghai stretch of NW-64, it is proposed that terminals may be developed in or around following locations:

- a) Padanipal
- b) Paradip Port
- c) Marshaghai

IWAI shall be open to receiving recommendations on additional and/or alternative potentially feasible locations for development of terminal(s).

Apart from terminals, the bidders to make infrastructural interventions for fairway such as navigational aids, Weirs at various stretches of NW5 and NW64 wherever necessary.

Further a phased development of the other stretches (in phases i.e., Pankapal to Padanipal and Talcher to Pankapal) of NW-5 is being envisaged. It is envisaged that the resources gathered from the ecosystem from the operationalization of identified stretches could serve as the corpus for meeting the investment requirements of the other subsequent stretches. Moreover, the learnings of this phase could be recouped for better management of future projects in the hinterland.

Figure 1: Phased Development Plan for NW-5 and NW-64



2.2. Overview of the Project

2.2.1. IWAI proposes to adopt a three-stage process (“Bidding Process”) for operationalization of terminal(s) and along select stretches of National Waterway-5 (NW-5) and National Waterway-64 (NW-64) in Odisha on Design, Build, Finance, Operate and Transfer basis. IWAI proposes to adopt a phase-wise development of NW-5 and initiate operationalization of NW-5 through the identified stretch.

1. Padanipal – Paradip stretch of NW-5 has a total chainage of 89 km and is spread along the river Brahmani across the state of Odisha.
2. Padanipal – Dhamra stretch of NW-5 has a total chainage of 50 km and is spread along the river Brahmani across the state of Odisha.
3. Marshaghai - Paradip stretch of NW- 64 has a total chainage of 35 km and is spread along the river Mahanadi across the state of Odisha.

2.2.2. As per recent detailed project report¹ prepared by IWAI, below mentioned Least available depth (“LAD”) along NW-5 and NW-64 need to be maintained:

Section	LAD (m)
Mangalgadi – Dhamra	2- 4
Mangalgadi – Paradip	2
Marshaghai – Paradip	2

IWAI proposes that the applicant undertakes the development and maintenance of the mentioned LADs, fairways, dredging and related works along the identified stretches of NW-5 and NW- 64.

¹ These details are from WAPCOS, Feedback Infra DPR-2016

Development of terminal(s) and development and maintenance of the mentioned LADs along fairways along identified stretches of NW-5 and NW-64 shall together constitute the project for Operationalization of select stretches of NW-5 and NW- 64, Odisha on Design, Build, Finance, Operate and Transfer basis (“Project”).

The figure below depicts complete lengths of NW-5 and NW-64.

Figure 2: NW-5 and NW-64



2.3. Purpose of this EOI

2.3.1. IWAI intends to invite EOI applications from reputed & eligible firms to develop infrastructure along the Padanipal – Paradip & Dhamra Stretch of NW-5 and Marshaghai – Paradip Stretch of NW-64, Odisha. The EOI intends to understand private sector interest to undertake the proposed project and gauge the market views/ responses for the same or any other opportunities which private players might like to bring on board.

2.4. General instructions

2.4.1. IWAI proposes to adopt a three-stage process, which includes an EOI, RFQ and an RFP stage for selection of the Applicant. The first stage (“EOI Stage”) involves submission of EOIs by interested Applicants. In the second stage (“RFQ Stage”), IWAI will issue a RFQ for shortlisting the Applicants based on the eligibility and qualification criteria set out in the RFQ document. In the third stage (“RFP Stage”), IWAI will issue an RFP for selecting the preferred bidder basis the highest/ lowest bid as applicable depending on bid parameter.

2.4.2. Applicants are required to carefully read all the contents of this EOI Document and thereafter to provide the required information, as per the checklist provided in Annexure 6.

3. Submission details

3.1. Submissions in the EOI

3.1.1. Applicants should submit the following as part of their EoI submission.

- a) Letter comprising application for EOI as per Annexure 1;
- b) Details of Applicant as per Annexure 2
- c) Power of attorney as per Annexure 3
- d) Business proposal as per Annexure 4

3.1.2. The following to also be noted during the submission of EOI:

a) The EOI must be signed by duly authorized person holding the power of attorney in case of limited company, corporation or consortium. A certified copy of the power of attorney shall accompany the EoI;

b) The EOI should include a brief description of the roles and responsibilities of individual members, particularly with reference to technical obligations;

c) In case of a consortium, following criteria must be noted by the Applicants

- i. Members of the Consortium shall nominate one member as the lead member (the “Lead Member”);
- ii. An individual Applicant cannot at the same time be member of a Consortium applying for the EOI. Further, a member of a particular applicant Consortium cannot be member of any other applicant Consortium.

3.1.3. EOI must include a summary of business proposal for operationalization of Padanipal – Paradip & Dhamra Stretch of NW-5 and Marshaghai – Paradip Stretch of NW- 64 in format given in Annexure 4.

3.2. Number of applications and costs thereof

3.2.1. No Applicant shall submit more than one EOI. The Applicants shall be responsible for all costs associated with the preparation and submission of EOI documents. IWAI shall not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the Bidding Process.

3.3. Acknowledgement by Applicant

3.3.1. It shall be deemed that by submitting the application, the Applicant has made a complete and careful examination of the EOI, and accepted the risk of inadequacy, error or mistake in the information provided in the EOI or furnished on behalf of IWAI. IWAI shall not be liable for any omission, mistake or error in respect of any of the above or on account of any matter or thing arising out of or concerning or relating to the EOI or the Bidding Process, including any error or mistake therein or in any information or data given by IWAI.

3.3.2. The Applicant acknowledges that in the event the proposal submitted by it is accepted and RFQ and RFP are issued for said project, the Applicant shall have no preferential rights and selection of developer shall be undertaken strictly as per Article 2.4 above.

3.4. Right to accept or reject any or all Applications

3.4.1. Notwithstanding anything contained in this EOI Document, IWAI reserves the right to accept or reject any EOI or to annul the EOI Process or reject all EOIs, at any time without any liability or any obligation for such rejection or annulment and without assigning any reasons therefore. IWAI reserves the right to reject the EOI if:

- a) At any time during the submission process or thereafter, a material misrepresentation is made or discovered, or
- b) The Applicant does not respond promptly and diligently to requests for supplemental information required for evaluation of the EOI;
- c) Non-compliance with any clause and provision prescribed in this EOI Document, including requirements specified in the annexures appended herein.

3.5. Preparation and submission of the EOI

3.5.1. By submitting an EOI application, the prospective Applicants who shall be deemed to acknowledge that they have carefully read all provisions of this EOI Document including the disclaimer, terms and conditions and annexures hereto, and have fully informed themselves about all existing conditions and limitations.

3.5.2. Applications should be submitted before 1500 hours IST on the application due date (“**Application Due Date**”) on the Central Public Procurement Portal <https://eprocure.gov.in/eprocure/app> in the formats specified at Annexure 1-4, together with the documents specified below and mark it as “EOI Application”. A receipt thereof should be obtained from the office of the person specified in Article 3.12.

The Applicant shall upload the documents on the Central Public Procurement Portal <https://eprocure.gov.in/eprocure/app> as specified in Article 3.5.3. Only the documents required to be submitted in hard copy must be submitted at the address provided in Article 3.12.

The Applicant shall provide documents mentioned in Article 3.5.3 (3) in original to the address provided in Article 3.12. The envelope shall be sealed and be marked in accordance with Article 3.5.2. All documents listed in Article 3.5.3 shall be uploaded as soft copy over Central Public Procurement Portal <https://eprocure.gov.in/eprocure/app> as specified in Article 3.5.5.

3.5.3. The Application shall contain:

1. Letter comprising Application for EOI as per format at Annexure 1
2. Particulars of the Applicant as per format at Annexure 2
3. Power of Attorney for signing the EOI as per format at Annexure 3
4. Format for business proposal as per format at Annexure 4
5. Checklist for EOI submission as per format at Annexure 6

3.5.4. All the notifications and detailed terms and conditions regarding, this EOI notice hereafter will be published online on web site <https://eprocure.gov.in/eprocure/app> and IWAI website <https://iwai.nic.in>

3.5.5. The Application shall be submitted online on the Central Public Procurement Portal <https://eprocure.gov.in/eprocure/app>, in accordance with the instructions for online submission as specified in Annexure 7. Applications submitted by fax, telex, telegram or e-mail shall not be entertained.

3.6. Language

3.6.1. The EOI prepared by the Applicant and all correspondence and documents relating to the EOI exchanged by the Applicant and IWAI, shall be in English language, provided that any printed literature furnished by the Applicant in another language shall be accompanied by an English translation in which case, for purposes of interpretation of the application, the English translation shall govern. If any supporting documents submitted are in any language other than English, translation of the same in English language is to be duly attested by the Applicant.

3.7. Schedule of EOI Application Process

3.7.1. The schedule of the Application process is as below. While the Authority shall endeavor to adhere to the schedule, it reserves the right to modify the schedule without providing any reasons thereof:

SNo.	Event Description	Date
1	Release of EOI	T
1	Last date for receiving queries	T+ 25 days
2	Pre-application conference	T+ 30 days at 1500 hrs IST
3	Authority response to pre application queries latest by	T+ 35 days
4	Application Due Date	T+ 45 days at 1500 hrs IST
5	Application opening date	T+45 days at 1600 hrs IST
6	Selected business model	Application due date + 15 days (max)

3.8. Right to extend the validity of EOI Document

3.8.1. IWAI in its absolute discretion and prerogative may extend the validity of the EOI submitted by the Applicants by according proper reasons thereof.

3.9. No obligation to issue RFQ

3.9.1. IWAI shall be under no obligation to issue RFQ for the Project described in this EOI Document.

3.10. Right to cancel the EOI Process

3.10.1. IWAI may cancel this EOI Process at any stage without assigning any reasons whatsoever and will not be liable to compensate any Applicant on any grounds whatsoever. The Applicants shall not be entitled to refund of cost of documents or other costs in case the EOI is cancelled for whatsoever reason or without assigning any reason.

3.11. Validity of applications

3.11.1. The EOI submitted by Applicants shall be valid for a period of 120 days from the EOI Due Date.

3.12. Correspondence with IWAI

The Chairman
Inland Waterways Authority of India
Head Office, A-13, Sector – 1, Noida – 201301,
Uttar Pradesh, India
Tel: +91 120 2424540
E-mail: chairman.iwai@nic.in

E-mail Id of CE (Tech): ce.iwai@nic.in

4. Annexures

4.1. Annexure 1: Letter comprising Application for EOI

dd/mm/yyyy

To,

Chairman, IWAI

Inland Waterways Authority of India

Head Office, A-13, Sector – 1, Noida – 201301, Uttar Pradesh, India

Tel: +91 120 2424540

E-mail: chairman.iwai@nic.in

Sub.: Submission towards Expression of Interest (“EOI”) for “Operationalization of select stretches of NW-5 and NW- 64, Odisha on Design, Build, Finance, Operate and Transfer basis”

EOI Ref.: [•]

Dear Sir,

Having examined the EOI, the receipt of which is hereby duly acknowledged, I/We offer to submit the EoI for the Project.

I/We agree and understand that this EOI is non-binding and non-committal. IWAI or its directors, employees, associates, affiliates or its agents shall not be liable to me/us for any liability arising directly or indirectly from our participation in the EOI Process.

I/We further agree, understand and fully comprehend that IWAI may in its absolute and exclusive discretion at any time change, alter, replace, remove and/or cancel any or all part of this EOI or the Project. IWAI may also abandon, call-off, alter, replace, revise the Project. Furthermore, IWAI is under no obligation or compulsion in any manner whatsoever to release or publish the RFQ and/or RFP, it may also change or replace or cancel any or all part of the bidding process.

We submit hereto my/our EOI as per the requirements and details specified in the EOI Document. I/We confirm that the information contained in these submissions or any part thereof, including the annexures, and other documents and instruments delivered or to be delivered to IWAI, are true, accurate, verifiable and complete. These submissions include all

information necessary to ensure that the statements therein do not in whole or in part mislead IWAI in its EOI Process.

I/We fully understand and agree to comply that on verification, if any of the information provided here is found to be misleading the EOI Process, I/we are liable to be disqualified from the EOI Process, if selected to do so.

I/We agree for unconditional acceptance of all the terms and conditions set out in the EOI Document and also agree to abide by this EOI for a period of 120 days from the date of submission.

I/We agree that you are not bound to accept any EOI you may receive. I/We also agree that you reserve the right in absolute sense to reject all or any of the EOI received as per the EOI Document.

I/We fully understand and acknowledge that I/ we shall have no special rights even if our proposal is accepted and the terminal is developed accordingly.

It is hereby confirmed that I/We am/are entitled to act on behalf of my/our firm and empowered to submit this document as well as such other documents, which may be required in this connection.

Signature of Authorized Signatory (with official stamp)

Vide Board Resolution dated [•]

Name: [•]

Designation: [•]

Address: [•]

Telephone & Fax: [•]

E-mail address: [•]

4.2. Annexure 2: Particulars of the Applicant

1.
 - (a) Name:
 - (b) Country of incorporation:
 - (c) Address of the corporate headquarters and its branch offices, if any, in India:
 - (d) Date of incorporation and/ or commencement of business:

2. Brief description of the Company including details of its main lines of business and proposed role and responsibilities in this Project:

3. Details of individuals who will serve as the point of contact/ communication for the Authority:
 - (a) Name:
 - (b) Designation:
 - (c) Company:
 - (d) Address:
 - (e) Telephone Number:
 - (f) E-Mail Address:
 - (g) Fax Number:

4. Particulars of the Authorized Signatory of the Applicant:
 - (a) Name:
 - (b) Designation:
 - (c) Address:
 - (d) Phone Number:
 - (e) Fax Number:

5. In case of a Consortium:
 - (a) The information above (1-4) should be provided for all the Members of the Consortium.
 - (b) Information regarding the role of each Member should be provided as per table below:

S No.	Name of Member	Role	Percentage of equity in the Consortium
1.			
2.			
3.			
4.			

6. The following information shall also be provided for each Member of the Consortium

Name of Applicant/ member of Consortium:

S No.	Criteria	Yes	No
1.	Has the Applicant/ constituent of the Consortium been barred by the Central/ State Government, or any entity controlled by it, from participating in any project?		
2.	If the answer to 1 is yes, does the bar subsist as on the Application Due Date?		
3.	Has the Applicant/ constituent of the Consortium paid liquidated damages of more than 5% of the contract value in a contract due to delay or has been penalised due to any other reason in relation to execution of a contract, in the last three years?		

7. A statement by the Applicant and each of the Members of its Consortium (where applicable) disclosing material non-performance or contractual non-compliance in past projects, contractual disputes and litigation/ arbitration in the recent past is given below (Attach extra sheets, if necessary):

4.3. Annexure 3: Power of Attorney for signing the EOI

[To be printed on Non-Judicial Stamp Paper and duly attested by notary public]

EOI Ref.: [•]

Know all men by these presents, We..... (name of the firm and address of the registered office) do hereby irrevocably constitute, nominate, appoint and authorise Mr/ Ms (name), son/daughter/wife of and presently residing at.....

....., who is presently employed with us/ the Lead Member of our Consortium and holding the position of , as our true and lawful attorney (hereinafter referred to as the “Attorney”) to do in our name and on our behalf, all such acts, deeds and things as are necessary or required in connection with or incidental to submission of our application for qualification and submission of our bid for the Inland Waterways Authority of India (the “Authority”) including but not limited to signing and submission of all applications, bids and other documents and writings, participate in Pre-Applications and other conferences and providing information/ responses to the Authority, representing us in all matters before the Authority, signing and execution of all contracts including the Concession Agreement and undertakings consequent to acceptance of our bid, and generally dealing with the Authority in all matters in connection with or relating to or arising out of our bid for the said Project and/ or upon award thereof to us and/or till the entering into of the Concession Agreement with the Authority.

AND we hereby agree to ratify and confirm and do hereby ratify and confirm all acts, deeds and things done or caused to be done by our said Attorney pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Attorney in exercise of the powers hereby conferred shall and shall always be deemed to have been done by us.

IN WITNESS WHEREOF WE,, THE ABOVE- N A M E D PRINCIPAL HAVE EXECUTED THIS POWER OF ATTORNEY ON THIS DAY OF 2.....

For

.....

Witnesses: 1.
2.

(Signature, name, designation and address)

(Notarized)

Accepted

..... (Signature)

(Name, Title and Address of the Attorney)

Notes:

- *The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executants and when it is so required, the same should be under common seal affixed in accordance with the required procedure.*

- *Wherever required, the Applicant should submit for verification the extract of the charter documents and documents such as a board or shareholders' resolution/ power of attorney in favour of the person executing this Power of Attorney for the delegation of power hereunder on behalf of the Applicant.*

- *For a Power of Attorney executed and issued overseas, the document will also have to be legalised by the Indian Embassy and notarised in the jurisdiction where the Power of Attorney is being issued. However, the Power of Attorney provided by Applicants from countries that have signed the Hague Legislation Convention 1961 are not required to be legalised by the Indian Embassy if it carries a conforming Apostille certificate.*

4.4. Annexure 4: Format for business proposal

Title of business proposal	Operationalization of select stretches of NW-5 and NW- 64, Odisha on Design, Build, Finance, Operate and Transfer basis
Description of business proposal	<p>Summary of business proposal including the following:</p> <ul style="list-style-type: none"> • Primary activity – Design Build Finance Operate Transfer of IMT terminal/s • Current and future potential of primary commodities in addition to gypsum, fertilizer, iron ore and coal etc • Preferred location of the terminal/s at Padanipal – Paradip & Dhamra stretch with detailed analysis • Preferred location of the terminal/s at Marshaghai – Paradip stretch with detailed analysis • Commodities to be handled such as bulk, liquid bulk, mix-commodities, Ro-Ro, Ro-Pax, Ferry services etc. or type(s) of ships/vessels to be catered • Target market hinterland covering major production and consumption centers to be potentially served • Detailed proposal for development and maintenance of fairways, dredging, navigational aids and related works along identified stretches of NW-5 and NW- 64 • Origin- destination pairs, volume, traffic (existing and potential) in the hinterland. • High-level cost assessment of total capital and operational expenditure of the IMT terminal. These costs may need not be restricted to cargo traffic only and may be extended to Ro-Ro, Ro-Pax, Ferry and other similar services • High – level cost assesment of total capital and operational expenditure of berth operations, storage operations, Terminal infrastructure maintenance and vessel maintainence • Proposed revenue streams and business areas such as cargo handling, bunkering services etc. • Envisaged equipment and respective capex required for cargo handling • Assessment of competing facilities offering transportation and other logistics services • Capabilities of Applicant in proposed business area • Preferred concession period in proposed business area • Support required from Authority

4.5. Annexure 5: Submission timelines

Data table

S No	Particulars	Value	Article
1	Deadline for submission of EOI-Time	1500 hours IST	3.5.2
2	Deadline for submission of EOI-Date	28.07.2022	3.5.2
3	EOI Validity	120 days	3.11
4	Number of days abide by EOI after submission	120 days	3.11

4.6. Annexure 6: Checklist for EOI submission

Content	Forms	Remark Yes / No
EOI for Business proposal of Operationalization of select stretches of National Waterway-5 (NW-5) and National Waterway-64 (NW-64) in Odisha on DBFOT basis, Submitted by [<i>insert applicant name</i>]	NA	
Formats as specified in the EOI including supporting documents.	Annexure 1	
	Annexure 2 with supporting documents (if any)	
	Annexure 3 with supporting documents (if any)	
	Annexure 4 with supporting documents (if any)	

4.7. Annexure 7: Instructions for online submission

Instructions to the Bidders for the e-submission of the Bid online through the Central Public Procurement Portal for eProcurement <https://eprocure.gov.in/eprocure/app>

1. Possession of valid Digital Signature Certificate (DSC) and enrolment/registration of the Concessionaires/bidders on the e-procurement/e-tender portal is a prerequisite for e-tendering.
2. Bidders should do the enrolment in the e-Procurement site using the <https://eprocure.gov.in/eprocure/app> option available on the home page. Portal enrolment is generally free of charge. During enrolment/registration, the bidders should provide the correct/true information including valid email id. All the correspondence shall be made directly with the Concessionaires/bidders through email id provided
3. Bidder need to login to the site through their user ID/ password chosen during enrolment/registration.
4. Then the Digital Signature Certificate (Class II or Class III Certificates with signing key usage) issued by SIFY/TCS/n-Code/e-Mudra or any Certifying Authority recognized by CCA India on e-Token/Smart Card, should be registered.
5. The DSC that is registered only, should be used by the bidder and should ensure safety of the same.
6. Concessionaire/Bidder may go through the tenders published on the site and download the required tender documents/schedules for the tenders he/she is interested.
7. After downloading / getting the tender document/schedules, the Bidder should go through them carefully and then submit the documents as asked.
8. If there are any clarifications, this may be obtained online through the tender site, or thro' the contact details. Bidder should take into account of the corrigendum published before submitting the bids online.
9. Bidder then logs in to the site through the secured log in by giving the user id/ password chosen during enrolment/registration and then by giving the password of the e-Token/Smart Card to access DSC.
10. Bidder selects the tender which he/she is interested in by using the search option & then moves it to the 'my favourites' folder.

11. From the My favourites' folder, he selects the tender to view all the details indicated.
12. It is construed that the bidder has read all the terms and conditions before submitting their offer. Bidder should go through the tender schedules carefully and upload the documents as asked, otherwise, the bid will be rejected.
13. Bidder, in advance, should get ready the bid documents to be submitted as indicated in the tender document/schedule and generally, they can be in PDF/xls/rar/jpg/ formats. If there is more than one document, they can be clubbed together and can be provided in the requested format. Each document to be uploaded through online for the tenders should be less than 2MB. If any document is more than 2MB, it can be reduced through zip/rar and the same can be uploaded, if permitted.
14. If there are any clarifications, this may be obtained through the site, or during the pre- Bid meeting if any. Bidder should take into account the corrigendum published from time to time before submitting the online bids.
15. The Bidders can update well in advance, the documents such as certificates, annual report details etc., under My Space option and these can be selected as per tender requirements and then send along with bid documents during bid submission. This will facilitate the bid submission process faster by reducing upload time of bids.
16. Bidder should submit the Tender Fee/ EMD as specified in the tender. The original payment instruments should be posted/couriered/given in person to the Tender Inviting Authority within the due date as mentioned in this tender document. Scanned copy of the instrument should be uploaded as part of the offer, if asked for.
17. While submitting the bids online, the bidder reads the terms & conditions and accepts the same to proceed further to submit the bid packets.
18. The bidder has to select the payment option as offline to pay the Document Fee as applicable and enter details of the instruments.
19. The details of the DD/any other accepted instrument, physically sent, should tally with the details available in the scanned copy and the data entered during bid submission time. Otherwise submitted bid will not be acceptable.

20. The bidder has to digitally sign and upload the required bid documents one by one as indicated. Bidders to note that the very act of using DSC for downloading the bids and uploading their offers shall be deemed to be a confirmation that they have read all sections and pages of the bid document including General conditions of contract without any exception and have understood the entire document and are clear about the requirements of the tender requirements.

21. The bidder has to upload the relevant files required as indicated in the cover content. In case of any irrelevant files, the bid will be rejected.

22. The bidders are requested to submit the bids through online e-tendering system to the Tender Inviting Authority (TIA) well before the bid submission end date & time (as per Server `System Clock). The TIA will not be held responsible for any sort of delay or the difficulties faced during the submission of bids online by the bidders at the eleventh hour.

23. After the bid submission, the acknowledgement number, given by the e-tendering system should be printed by the bidder and kept as a record of evidence for online submission of bid for the particular tender and will also act as an entry pass to participate in the bid opening date.

24. The bidder should ensure/see that the bid documents submitted should be free from virus and if the documents could not be opened, due to virus, during tender opening, the bid is likely/liable to be rejected.

25. The time settings fixed in the server side & displayed at the top of the tender site, will be valid for all actions of requesting, bid submission, bid opening etc., in the e-tender system. The bidders should follow this time during bid submission.

26. All the data being entered by the bidders would be encrypted using PKI encryption techniques to ensure the secrecy of the data. The data entered will not be viewable by unauthorized persons during bid submission & not be viewable by any one until the time of bid opening.

27. Any bid document that is uploaded to the server is subjected to symmetric encryption using a system generated symmetric key. Further this key is subjected to asymmetric encryption using buyers/bid openers public keys. Overall, the uploaded tender documents become readable only after the tender opening by the authorized bid openers.

28. The confidentiality of the bids is maintained since the secured Socket Layer 128 bit encryption technology is used. Data storage encryption of sensitive fields is done.

29. The bidder should logout of the tendering system using the normal logout option available at the top right hand corner and not by selecting the (X) exit option in the browser.

30. For any queries regarding e-tendering process, the bidders are requested to contact through the modes given below:

E-mail: chairman.iwai@nic.in
mt.iwai@nic.in
ce.iwai@nic.in

Contact Telephone Numbers: 0120- 2544036/2543972/2527667

Fax No.: _____

In person: Chief Engineer (Tech.), IWAI, A-13, Sector-1, Noida- 201301 (UP).
