

**ADDENDUM TO
TENDER DOCUMENT
FOR E-AUCTION
OF
MINING LEASE
FOR
LIMESTONE BLOCKS
FLOATED FOR AUCTION
VIDE NIT
DATED 04-06-2021
IN STATE OF RAJASTHAN**



**DEPARTMENT OF MINES & PETROLEUM,
GOVERNMENT OF RAJASTHAN**

**DIRECTORATE OF MINES & GEOLOGY
UDAIPUR**

TENDER No. :
FORWARD AUCTION No. :

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2. Definitions

The words and expressions used herein but not defined herein shall have the same meaning as assigned to them in the Act or the rules made there under. The following definitions apply to this Tender Document, unless the context otherwise requires:

- 2.1 “**Act**” means the Mines and Minerals (Development and Regulation) Act, 1957 and its subsequent amendments.
- 2.2 “**Applicable Law**” shall mean all applicable statutes, laws, by-laws, rules, regulations, orders, ordinances, protocols, codes, guidelines, policies, notices, directions, judgments, decrees or other requirements or official directive of any governmental authority or court or other law, rule or regulation approval from the relevant governmental authority, government resolution, directive, or other government restriction or any similar form of decision of, or determination by, or any interpretation or adjudication having the force of law in India.
- 2.3 “**Auction Rules**” means the Mineral (Auction) Rules, 2015 and its subsequent amendments.
- 2.4 “**Authorised Signatory**” shall mean the individual representing a Bidder who has been duly authorised on behalf of such Bidder to execute and submit the Bid in accordance with the terms hereof.
- 2.5 “**Bidder**” means a person who has purchased this Tender Document, and the expression Bidders shall include all such persons.
- 2.6 “**Bid Due Date**” means the last date upto which the Technical Bid and the initial price offer is required to be submitted in accordance with Clause 8.1(A)(a).
- 2.7 “**Bid Security**” means bid security as referred to in Clause 15.
- 2.8 “**Concession Area**” means Sq.Km as more particularly described in the Information Memorandum.
- 2.9 “**Information Memorandum**” means the information memorandum provided separately containing amongst others, information specified in Clause 4.1.
- 2.10 “**MDPA**” means the Mine Development and Production Agreement in the format as specified in Schedule IV (Format of MDPA).
- 2.11 “**Mineral Block**” means **BLOCK NAME**.
- 2.12 “**Performance Security**” means a bank guarantee in the format as provided

Substitute this page in place of page no. 8 in Model tender document

in Schedule III of the Auction Rules or a non-interest bearing security deposit to be provided pursuant to the Auction Rules.

2.13 “**State Government**” means Government of Rajasthan

2.14 “**Tender Document**” means this tender document together with the schedules and documents referred herein, including the Information Memorandum and any addenda to this Tender Document.

2.15 “**Upfront Payment**” means an amount equal to INR payable pursuant to the Auction Rules, 2015 and its subsequent amendments.

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3. Introduction

- 3.1 The Act stipulates grant of mining lease through e-auction in respect of minerals which vest in the government other than minerals specified in Part A or Part B of the First Schedule of the Act and minor minerals as defined in clause (e) of section 3 of the Act.
- 3.2 In exercise of powers conferred by the section 13 of the Act, the Central Government has notified the Mineral (Auction) Rules, 2015 and the Minerals (Evidence of Mineral Contents) Rules, 2015. The Bidders are encouraged to acquaint themselves with the Act and the rules and their subsequent amendments made there under.
- 3.3 This Tender Document is being issued by the State Government, for e-auction for grant of a mining lease over the Concession Area.
- 3.4 The e-auction would be conducted in accordance with the Act, the Auction Rules, the Minerals (Evidence of Mineral Content) Rules, 2015, and their subsequent amendments, or any other order or notification issued by the Central Government pursuant to the Act and this Tender Document.

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5. Eligibility

Pursuant to Rule 6 of the Auction Rules, the eligibility for participating in the e- auction shall be as follows:

- (a) The Bidder must meet the Conditions specified in section 5 of the Act which is quoted below:

“5. Restrictions on the grant of mining leases:

- (1) A State Government shall not grant a reconnaissance permit, prospecting licence or mining lease to any person unless such person--
- (a) is an Indian national, or company as defined in clause (20) of section 2 of the Companies Act, 2013 (18 of 2013); and
- (b) satisfies such conditions as may be prescribed:

Explanation.--For the purposes of this sub-section, a person shall be deemed to be an Indian national,

- (a) in the case of a firm or other association of individuals, only if all the members of the firm or members of the association are citizens of India; and
- (b) in the case of an individual, only if he is a citizen of India.

- (b) The Bidder must meet the terms and conditions regarding eligibility as stipulated in Schedule I of the Auction Rules for e-auction of Concession Area for grant of mining lease, as quoted below:

“1 The net worth of the bidder is more than INR as per the audited Balance Sheet of the immediately preceding financial year.

Explanation:

- (1) In case an applicant is a subsidiary of another company incorporated in India, the net worth of such holding company may also be considered:

Provided that, in such case, the applicant must continue to be a subsidiary of such holding company until such time the applicant meets the aforementioned net worth threshold.

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- (2) In case of a Company, the Net worth shall be the sum of paid up share capital and the free Reserves as per the audited Balance Sheet of the immediately preceding financial year ended immediately preceding the date of issuance of notice inviting tender.
- (3) In case the notice inviting tender is issued between 1st April to 30th September (both days inclusive) of a year, the audited balance sheet of the financial year before the immediately preceding financial year, from the date of issuance of notice inviting tender, may be submitted by the bidder, if the audited balance sheet of the immediately preceding financial year is not available.
- (4) In case of an individual, the Net worth shall be the closing cash balance on the last date for submission of application, and such amount may include amount in Savings Bank accounts in Scheduled Bank/ Post Office, free and un-encumbered Fixed Deposits in Scheduled Banks, Post Office, Listed Companies/Government Organisation / Public Sector Undertaking of State and Central Government, Kisan Vikas Patra, National Saving certificate, Bonds, Shares of Listed Companies, Listed Mutual Funds, Unit Linked Insurance Plan, Public Provident Fund, Surrender Value of Life Insurance policies, and un-encumbered immovable property in the name of Application the name of Applicant.”
- (c) [Any additional eligibility condition if prescribed by the State Government pursuant to sub-rule (2) of rule 6 of the Auction Rules to be specified here.]: ***NOT APPLICABLE***
- (d) The eligibility conditions shall be used only for the purposes of determination of eligibility for participating in the e-auction. The Preferred Bidder shall be decided solely on the basis of Final Price Offer submitted by the eligible Bidders.
- (e) The bidder shall not acquire area more than 50 sq.km under mining lease including the area of this block. The bidder must ensure that the company or its directors cumulatively does not hold area greater than 50 Sq. Km including the area of this block.
- (f) The bidder must ensure that the company or all its directors has no dues pending against the department.

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6. Review period and site visit

- 6.1 Pursuant to sub-rule (3) of Rule 9 of the Auction Rules, the Bidders shall be provided a fixed period of ... days to study the Tender Document and the bidding process shall commence only after such period of ... days.
- 6.2 Such period of ... days would commence on date of NIT and would end on bid due date and time as stated in clause no. 12.
- 6.3 During such period the Bidders may undertake the site visit to Concession Area at their cost and risk to ascertain for themselves the site conditions, location, communication, climate, availability of power, and any other matter considered relevant by them.
- 6.4 This Tender Document does not however give the unconditional or unrestricted right to access the Concession Area or the right to the Bidders to prospect for minerals. The site visit must be in compliance with Applicable Law and rights of person(s) having surface rights over the Concession Area.
- 6.5 In the event a Bidder undertakes a site visit, then such Bidder shall be liable towards any loss or damage caused to the site and/or the person(s) having surface rights over the Concession Area, on account of any act or omission of such Bidder or its employees, authorized representatives, agents, advisors etc.
- 6.6 The site visit to the Concession Area shall be conducted with prior notice to the State Government through the following email address [biddingcell@rajasthan.gov.in].

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8. Tender process

8.1 Pursuant to sub-rule (4) of Rule 9 of the Auction Rules, the auction shall be an ascending forward online electronic auction and shall comprise of attempts of auction with each attempt of auction consisting of a first round of auction and a second round of auction. This block is being put up for first attempt of auction.

A. First round of e-auction

- (a) In the first round, the Bidders shall be required to submit on or prior to (IST) (“**Bid Due Date**”):
- (i) the Technical Bid, comprising amongst others, documentary evidence to confirm eligibility as per provision of the act and rules made their under to participate in the auction, bid security and such other document and payments as may be specified in the tender document; and
 - (ii) Initial price offer, which shall be a percentage of Value of Mineral Despatched and must be equal to or greater than the Reserve Price as specified in Clause 9.
- The Technical Bid and the initial price offer must be submitted electronically as provided in Schedule III (Technical details regarding electronic auction).
- (b) The Technical Bid shall be evaluated to ascertain compliance of the Bidder with the eligibility conditions and requirements under this Tender Document. While examining the Technical Bids the State Government may consider such parameters as it may deem relevant, including considerations that the Technical Bid:
- (i) is received as per the prescribed formats along with all required documents and information;
 - (ii) is received by the Bid Due Date and Time including any extension thereof;
 - (iii) is submitted electronically in the manner prescribed in Schedule III (Technical details regarding electronic auction);
 - (iv) contains all the information (complete in all respects) including the initial price offer as requested in this Tender Document;
 - (v) does not contain any condition or qualification;
 - (vi) only one Technical Bid has been made by the Bidder;
 - (vii) the initial price offer is equal to or greater than the Reserve Price; and
 - (viii) is generally considered to be in compliance in terms

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entertain any correspondence with any Bidder in relation to acceptance or rejection of any bid or the tender process.

B. Second round of e-auction

- (a) In the second round, the Qualified Bidders may submit their final price offers which shall be a percentage of Value of Mineral Despatched (the “**Final Price Offer**”) which must be greater than the Floor Price. The Final Price Offer may be revised till the conclusion of the e-auction in accordance with the technical specifications of the e-auction platform as specified in Schedule III (Technical details regarding electronic auction).
- (b) The e-auction process shall be annulled if none of the Qualified Bidders submits a Final Price Offer on the online electronic auction platform. In case the e-auction process is annulled due to non-submission of at least one Final Price Offer on the electronic auction platform, the Bid Security of the Qualified Bidder(s) who has submitted the highest Initial Price Offer i.e. the applicable Floor Price for the second round of e-auction, shall be forfeited in accordance with Clause 15.6.
- (c) The Qualified Bidder who submits the highest Final Price Offer shall be declared as the “**Preferred Bidder**” immediately on conclusion of the e-auction.
- (d) The preferred bidder has to submit affidavit of all directors on or before the due date of first installment of upfront payment in the format specified in Schedule- I (E) (3), if the preferred bidder fails to submit the same then, the bid security shall be forfeited in accordance with Clause 15.6.
- (e) If the preferred bidder fails to submit the first installment of upfront payment within the time specified in the tender document then, the bid security shall be forfeited in accordance with Clause 15.6 and the State Government shall offer the bidder who had submitted the second-highest price offer in the second round of auction to meet the highest final price offer and if the said bidder agree to the said offer in writing and submit the first installment of upfront amount within fifteen days of receipt of offer, the State Government shall declare said bidder as the preferred bidder

Provided that the State Government may, for the reasons to be recorded in writing, extend the period of fifteen days referred to in this clause by further fifteen days.”;

Continued in next page.....

8.2 The mining lease shall be for minerals found in the area pursuant to exploration prior to the e-auction:

Provided that where, subsequent to the e-auction, any new mineral is discovered, then the holder of mining lease shall follow the provisions of the Mineral (Other than Atomic & Hydro Carbons Energy Minerals) Concession Rules, 2016 for inclusion of such new mineral in the Mining Lease Deed.

Where, prior to the e-auction or subsequent to the e-auction, presence of minor mineral is established or discovered, such minor minerals shall be dealt in accordance with such rules made by the State Government under section 15 of the Act.

8.3 As mentioned in the Information Memorandum, the Concession Area does not reported to contain any minor mineral so far.

8.4 State Government to prescribe the manner in which the minor mineral would be extracted and payments related thereto in consonance with rules made by the State Government under section 15 of the Act.

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10. Declaration of Successful Bidder and grant of mining lease

Pursuant to Rule 10 of the Auction Rules, the mining lease shall be granted to the Successful Bidder in the following manner:

10.1 Issuance of letter of intent:

A letter of intent shall be issued by the State Government to the Preferred Bidder upon payment of the first installment of the Upfront Payment which is INR

10.2 Declaration as a Successful Bidder:

The Preferred Bidder shall be considered to be the “**Successful Bidder**” upon,-

- (a) continuing to be in compliance with all the terms and conditions of eligibility;
- (b) payment of the second installment of the Upfront Payment which is INR
- (c) furnishing the Performance Security pursuant to the Auction Rules, valid for the period specified in the MDPA, for an amount equal to INR Pursuant to sub- rule (1) of rule 12 of the Auction Rules, the Performance Security shall be adjusted every five years so that it continues to correspond to 0.50% of the reassessed value of estimated resources including the value of any newly discovered mineral that may be included in the mining lease deed on its discovery determined in accordance with the Auction Rules. In such case, bank guarantee constituting the Performance Security shall be substituted with another bank guarantee of the same value issued in accordance with this Clause 10.2, which is for the revised amount or if the Performance Security has been provided through a security deposit, additional amount towards security deposit shall be provided;
- (d) satisfying the conditions specified in clause (b) of sub-section (2) of section 5 of the Act with respect to a mining plan; and
- (e) [satisfying such other conditions as may be specified by the State Government with the prior approval of the Central Government.]

10.3 Execution of Mine Development and Production Agreement:

The State Government and the Successful Bidder shall enter into the MDPA upon the Successful Bidder having obtained all consents, approvals, permits, no-objections and the like as may be required under applicable law for commencement of mining operations.

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10.4 Grant of mining lease:

Subsequent to execution of the MDPA, the Successful Bidder shall pay the third installment of the Upfront Payment which is INR Upon such payment the State Government shall grant a mining lease to the Successful Bidder within a period of 30 days from the date of payment. The date of the commencement of the period for which a mining lease is granted shall be the date on which a duly executed mining lease is registered.

Provided that no Mining Lease Deed shall be executed on expiry of a period of three years from the date of the letter of intent, and the letter of intent shall be invalidated leading to annulment of the entire process of auction with forfeiture of equivalent amount of bid security from available performance security.

Provided further that the State Government may allow a further period of two years for execution of the Mining Lease Deed if the reasons for delay were beyond the control of the preferred bidder.

11 Not Applicable

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11. Timetable

The following timetable shall apply to the tender process. The timetable may be amended by the State Government through issuance of an addendum to the Tender Document published on website of Department & that of MSTC .

****PLEASE REFER TO CORRIGENDUM NO. 1 ISSUED ON 21-06-2021 FOR TIMETABLE****

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1	Submission of all necessary clearances /approvals from various government agencies/departments by Successful Bidder	T_1
2	Execution of Mine Development & Production Agreement (MDPA) between State Government & Successful Bidder.	T_1+20
3	Payment of third installment (60%) of Upfront Payment	T_1+50
4	Grant of Mining Lease to the Successful Bidder.	T_1+80
5	Execution of Mining Lease Deed	T_1+110
6	Registration of Mining Lease Deed	T_1+140

Note:

- The timeline shown above is based on calendar days.
- Due dates may be updated if any holidays are announced by government on the due date.
- The State Government reserves the right to update/ change or modify any of the above dates.
- Execution of mining lease shall not be done after expiry of 3 years from the date of issuance of LOI unless this period is extended by the State Government as per rule 10(6) of Mineral (Auction) Rules, 2015 amended on 30-11-2017 & as amended from time to time.

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14 General conditions regarding tender process

14.1 Submission of Technical Bid

14.1.1 The Technical Bid shall comprise of the following:

- (a) Bid letter in the format specified in Part B of Schedule I (Format of bid letter);
- (b) Bid Security in form of a bank guarantee or through security deposit for an amount equal to INR in the format specified in Part C of Schedule I (Format of Bid Security), which shall be subject to Clause 15;
Note :- Bank guarantee shall be made on stamp paper of worth Rs. 25,000/- or as prescribed under the relevant rules.
- (c) In case of Bidder being a company, a power of attorney (notarized) in the format specified in Part D of Schedule I (Format of power of attorney) authorising the signatory of the bid to participate in the tender process and do all acts pursuant thereto on behalf of the Bidder, including usage of the digital signature on behalf of the Bidder. In case of Bidder being an individual, power of attorney would not be required but such individual must personally sign;
- (d) Affidavit (notarized) in the format specified in Part E(2) of Schedule I (Format of affidavit); and
- (e) In case of Bidder being a company, duly certified copy of the corporate authorization (notarized), such as board resolution to participate in the tender process and submit a bid.
- (f) Notarized copy of PAN Card of Company and PAN Card of authorized signatory.
- (g) Each and every doc, of technical bid (wherever necessary) must have seal of company with signature of authorized signatory on it.
- (h) Net Worth document
- (i) No dues certificate, which shall not be older than 6 months, from the respective Mining Engineer / AME under whose jurisdiction the bidder holds or has held mineral concession or revenue collection contracts of the department.
- (j) Memorandum of articles & certificate of incorporation if the bidder is a company & partnership deed & firm registration certificate if bidder is a firm.
- (k) In case if an applicant is a subsidiary of another company incorporated in India, then the holding company has to submit an undertaking stating that the applicant will continue to be subsidiary of holding company until such time, the applicant meets the minimum required net worth threshold.
- (l) The copy of GST receipt paid by bidder on purchase of tender doc.
- (m) Details of all directors in case if bidder is a company and details of partners if bidder is a firm.

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15 Bid Security

(To be submitted in form of bank guarantee or through Security deposit)

- 15.1 The Bidder shall furnish as part of its Technical Bid, a security in the form of a bank guarantee made on stamp paper of worth Rs. 25,000/- or as prescribed under the relevant rules by a Scheduled Bank as listed in the Second Schedule of the Reserve Bank of India Act, 1934, excluding those listed under the headings of Gramin Banks, Urban Co-operative Banks and State Co-operative Banks, in favour of the State Government in substantially the same format as prescribed at Part C of Schedule I (Format of bid security), and having a validity period of not less than 240 days from the Bid Due Date, inclusive of a claim period of 60 days, and may be substituted with another bank guarantee of the same value issued in accordance with this Clause, which is valid for an extended period as may be mutually agreed between the State Government and the Bidder from time to time.
- 15.2 The Bid Security shall be for **INR**
Bid Security shall be in favour of
Director,
Department of Mines & Geology,
Govt. of Rajasthan
It's not mandatory that Bid Security should be payable at Udaipur only. Bank Guarantee if invoked, the amount shall be payable at Udaipur.
- 15.3 Save and except as provided in this Tender Document, the Bid Security of unsuccessful Bidders will be returned by the State Government, without any interest, as promptly as possible.
- 15.4 The Successful Bidder's Bid Security will be returned, without any interest, upon furnishing of the Performance Security in accordance with the provisions thereof and after the compliance of all conditions mentioned in LoI.
- 15.5 The State Government shall be entitled to forfeit and appropriate the Bid Security as damages, amongst others in any of the events specified in this Tender Document. The Bidder, by submitting its bid pursuant to this Tender Document, shall be deemed to have acknowledged and confirmed that the State Government will suffer loss and damage on account of withdrawal of its bid or for any other default by the Bidder during the period of bid validity as specified in this Tender Document. No relaxation of any kind on Bid Security shall be given to any Bidder.
- 15.6 The Bid Security shall be forfeited as damages without prejudice to any other right or remedy that may be available to the State Government under the Tender Document and/or otherwise, under, inter alia, the following conditions:

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SCHEDULE I: FORMAT OF TECHNICAL BID

A. General instructions:

The Technical Bid comprises of the following documents:

- (a) Bid letter in the format specified in Part B (Format of bid letter);
- (b) Bid Security in form of a bank guarantee or through security deposit for an amount equal to INR in the format specified in Part C (Format of bid security);
- (c) In case of Bidder being a company, a power of attorney (notarized) in the format specified in Part D (Format of power of attorney) authorising the signatory of the bid to participate in the tender process and do all acts pursuant thereto on behalf of the Bidder, including usage of the digital signature on behalf of the Bidder. In case of Bidder being an individual, power of attorney would not be required but such individual must personally sign; and
- (d) Affidavit (notarized) in the format specified in Part E (2) (Format of affidavit).
- (e) In case of Bidder being a company, duly certified copy of the corporate authorization (notarized), such as board resolution to participate in the tender process and submit a bid.
- (f) Notarized copy of PAN Card of Company and PAN Card of authorized signatory.
- (g) Each and every document of technical bid (wherever necessary) must have the seal of company with signature of authorized signatory on it.
- (h) Net Worth document
- (i) No dues certificate, which shall not be older than 6 months, from the respective Mining Engineer / AME under whose jurisdiction the bidder holds or has held mineral concession or revenue collection contracts of the department.
- (j) Memorandum of articles & certificate of incorporation if the bidder is a company & partnership deed & firm registration certificate if bidder is a firm.
- (k) In case if an applicant is a subsidiary of another company incorporated in India, then the holding company has to submit an undertaking stating that the applicant will continue to be subsidiary of holding company until such time, the applicant meets the minimum required net worth threshold.
- (l) The copy of GST receipt paid by bidder on purchase of tender document.
- (m) Details of all directors in case the bidder is a company or details of all partners in case the bidder is a firm.

All the aforementioned documents are required to be uploaded on the electronic e-auction platform and the original physical copy must be dispatched in accordance with Clause 14.1.2 so that they are received on or prior to the Bid Due Date and time, failing which the Technical Bid shall be deemed to be not received.

Specific instructions for submission of each of the aforementioned documents are provide below in each part.

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C. BID SECURITY

(To be submitted in form of bank guarantee or through Security deposit)

(1) Instructions for submission of the Bid Security

- (a) The Bid Security must be in form of a bank guarantee for an amount equal to **INR**
- (b) The Bid Security may be issued at any place in India by a Scheduled Bank as listed in the Second Schedule of the Reserve Bank of India Act, 1934, excluding those listed under the headings of Gramin Banks, Urban Co-operative Banks and State Co-operative Banks. It's not mandatory that Bid Security should be payable at Udaipur only. Bank Guarantee if invoked, the amount shall be payable at Udaipur.
- (c) The Bid Security must have a validity period of not less than 240 days from the Bid Due Date, inclusive of a claim period of 60 days.
- (d) The Bid Security must be given on a stamp paper of Rs. 25,000/- or as prescribed under the relevant rules.

*** ***End of the addendum*****

** This addendum shall be applicable for Mine Specific Tender Documents issued by Government of Rajasthan for the purpose of grant of Mining Lease of BLOCK NAME put up for auction pursuant to Notice Inviting Tender dated 04-06-2021.

All other terms and condition shall be as per tender document.