



(A joint venture company between NALCO, HCL & MECL)  
BD Department, NALCO Bhawan, P/1, Nayapalli, Bhubaneswar-751013. India

**Corrigendum to invitation of EOI for empanelment of Technical  
Consultants for Due Diligence of overseas mineral assets**

EOI Ref. KABIL/BD/001.1

Date: 03/03/2023

The last date for submission of EOI has been extended up to 20/03/2023. Please refer the revised PQC at Clause-9 of the revised document for invitation of EOI, which can be downloaded from our website [www.nalcoindia.com](http://www.nalcoindia.com).

**Extended Last Date for Submission of Proposals:1.00 pm, 20/03/2023.**

**DGM (BD)**  
[shyam.niranjana@nalcoindia.co.in](mailto:shyam.niranjana@nalcoindia.co.in)  
**03.03.2023**



## **INVITATION OF EXPRESSION OF INTEREST**

**FOR EMPANELMENT OF TECHNICAL CONSULTANTS FOR DUE DILIGENCE OF  
OVERSEAS MINERAL ASSETS (Revised).**

**REFERENCE: KABIL/ BD/001.1  
DATE: 03/03/2023**

**Khanij Bidesh India Limited (KABIL)**

**KHANIJ BIDESH INDIA LIMITED (KABIL) – AN INTRODUCTION:**

1. KABIL, a Joint Venture Company of National Aluminium Company Ltd. (NALCO), Bhubaneswar, Odisha, India, Hindustan Copper Limited (HCL), Kolkata (W.B.), India and Mineral Exploration & Consultancy Limited (MECL), Nagpur, Maharashtra, India, three Indian CPSEs under the aegis of Ministry of Mines, Govt. of India is mandated to ensure supply side assurance of critical and strategic minerals and mineral security of the nation. Thus the objective of KABIL is to identify, explore, acquire, develop strategic mineral assets overseas for supply to India for meeting domestic requirement and for sale to other countries for commercial use with a primary intent to support “Make in India” and Atmanirbhar Bharat Abhiyaan launched by Government of India.
2. The registered office of KABIL is situated at New Delhi, India and managed by the lead partner NALCO.
3. KABIL's vision is to promote international cooperation and seeking investment opportunity to build business partnership in strategic mineral sector. In line with above, KABIL is actively pursuing with several sourcing countries for acquisition of overseas mineral assets. Through a commissioned study 12 such minerals have been mapped namely Lithium (Li), Cobalt (Co), Germanium (Ge), Indium (In), Beryllium (Be), Niobium (Nb), Selenium (Se), Gallium (Ga), Tantalum (Ta), Tungsten (W), Bismuth (Bi) and Tin (Sn). Out of the 12 minerals, two minerals viz. Lithium and Cobalt are identified as the most critical and strategic in nature.
4. KABIL have signed MoUs and in process of association with many companies in the countries ranging from Australia to Argentina for mineral assets related to Lithium (Li) and others.

*(KABIL invites expression of interest from experienced consultant(s) for empanelment as technical consultants for due diligence of overseas mineral assets. Last date for submission of the EOI is 20 /03/2023).*

SECTION I

**INVITATION OF EOI**

Khanij Bidesh India Limited (KABIL) invites Expression of Interest (EOI) for empanelment of consultants for evaluation of overseas mineral asset(s) for the scope detailed at Section III "Scope of Work (SOW)" of this EOI Invitation Document. The thrust shall be primarily on technical due diligence of the mineral assets related to Lithium & Cobalt in other countries but it may be extended for business evaluation in India also. There will be a panel for Technical Consultants. The Consultants will be appointed from the panel by KABIL as and when required through a Request for Proposal (RFP) for a particular opportunity. The consultants will be empaneled initially for a period of two years and extendable by one more year on mutual consent based on requirement.

1. The RFE includes the following documents:

Section I:	Invitation for EOI
Section II:	Instructions to Consultants
Section III:	Scope of Work (SOW)
Section IV:	Formats to be filled up & submitted along with the EOI.
Section V:	Definitions

2. KABIL reserves the right to accept or reject any or all the proposals in whole or part or start fresh EOI invitation process without assigning any reasons.

3. Address for Communication:

All correspondence/enquiry should be submitted to the following in writing by post/ courier/ e-mail:

DGM (BD),  
Business Development Department,  
Nalco Bhavan, P/1, Nayapalli  
Bhubaneswar - 751013, Odisha, INDIA.  
email: [shyam.niranjana@nalcoindia.co.in](mailto:shyam.niranjana@nalcoindia.co.in)

#### 4. Request for EOI for Empanelment of Consultants

This enquiry is in the nature of invitation of EOI, intended to result in the selection of Technical Consultants. The EOI responses received will be evaluated as per the criteria specified in this document.

The selected empaneled Consultants (based on expertise as furnished in the data along with EOI) will be invited to bid through a Limited Tender Enquiry at sole discretion of KABIL as and when projects arise, through a request for proposal (RFP) on a project-to-project basis. The proposals from Consultants will be accepted after evaluation of their bids received pursuant to the RFP issued on a project specific basis.

The Detailed Scope of work for specific projects will be stated in RFP specific to the overseas mineral asset / project. Only financial bids are proposed to be called after the empanelment. We may also additionally seek for experience in specific mineral/ geography/ projects.

## SECTION II

### **INSTRUCTIONS TO CONSULTANTS**

#### **1. Introduction**

KABIL's vision is to promote international cooperation and seeking investment opportunity to build business partnership in strategic mineral sector. The company is striving to ensure mineral security of India through supply side assurance. In line with above, KABIL is actively pursuing Mergers & Acquisitions route for sourcing strategic mineral through acquisition of mineral assets. The strategic mineral identified in the commissioned study i.e. Lithium (Li), Cobalt (Co), Germanium (Ge), Indium (In), Beryllium (Be), Niobium (Nb), Selenium (Se), Gallium (Ga), Tantalum (Ta), Tungsten (W), Bismuth(BI) and Tin (Sn) and in this context, KABIL intends to select Consulting Firms/Consultants through issue of 'Invitation for EOI' for empanelment. The Consultants shall be invited to submit EOI/ Proposal which would be the basis for empanelment of consultants after evaluation. The consultants will be empaneled initially for a period of two years and extendable by one more year as per requirement.

#### **2. Conflict of Interest**

The consultants shall provide professional, objective, and impartial advice and at all times hold KABIL's interests paramount, strictly avoid conflicts with other assignments/jobs or their own corporate interests and act without any consideration for future work. The Consultant selected for particular activity shall under no circumstances whatsoever, represent any other Party(ies) in the current process (Target Acquisition process for specific mineral asset). Consultant and their subsidiaries shall not render the same or related services to other interested third party(ies) or the Seller or the Target & their Representatives.

**3. Right to accept Proposal/EOI**

KABIL reserves the right to accept or reject any EOI/Proposal, and to annul the empanelment process and reject all EOI/Proposals at any time prior to empanelment of consultants, without thereby incurring any liability to them or KABIL or any obligation to inform the affected Consultants of the grounds for such decision.

**4. Amendments in 'Invitation of EOI'**

At any time prior to deadline for submission of proposal, KABIL may for any reason, modify the 'Invitation of EOI'. The modifications will be notified on NALCO's website ([www.nalcoindia.com](http://www.nalcoindia.com)) and such amendments shall be binding on consultant(s).

**5. Queries by the consultants before EOI submission**

For any clarification, the prospective Consultant(s), may send their queries on/ before 09/03/2023 to shyam.nirajan@nalcoindia.co.in. KABIL may respond to the queries and all such clarifications shall form part of Proposal/ EOI.

**6. Clarifications before EOI submission**

During pre-qualification and evaluation of the EOI / Proposals, KABIL may at its discretion ask for clarifications on the EOI / proposal submitted by the consultants. The consultants are required to respond within the time frames prescribed by KABIL.

**7. Presentation by Consultants (if required)**

During pre-qualification and evaluation of the EOI/ Proposals for empanelment, KABIL may ask the Consultant(s) to make a presentation at Bhubaneswar/ Delhi

in physical mode or through virtual mode on their proposal at their (Consultants') expenses.

**8. Process for empanelment & awarding subsequent project-specific work**

KABIL intends to empanel Technical Consultants for technical due diligence of the overseas mineral assets related to Lithium & Cobalt but it may be extended for other strategic mineral and business evaluation in India also. The reference for scope of work/engagement is explained in Section III (SOW).

**9. (i) Pre -Qualification Criteria (PQC):**

The Consultant(s) must satisfy the following pre-qualification criteria for submission of EOI for empanelment:-

- (a)** The company should have minimum 5 years' experience of conducting technical due diligence of the mineral assets **or/and** rendering technical services in the areas like prospecting, geological resource modeling, mine plan, preparation of project report etc. for minimum of one of the strategic mineral i.e. Lithium (Li)/ Cobalt (Co)/ Germanium (Ge)/ Indium (In)/ Beryllium (Be)/ Niobium (Nb)/ Selenium (Se)/ Gallium (Ga)/ Tantalum (Ta)/ Tungsten (W)/ Bismuth(BI) or Tin (Sn).

**or**

The company should have minimum 10 years' experience of conducting technical due diligence of the mineral assets **or/and** rendering technical services in the areas like prospecting, geological resource modeling, mine plan, preparation of project report etc. for minimum of one of these mineral i.e. Iron ore/ bauxite/ Zinc or Copper.

**And;**



- (b)** The Company should have successfully completed at least *one* technical due diligence of **overseas mineral asset** related to any one of the mineral i.e. Lithium (Li)/ Cobalt (Co)/ Germanium (Ge)/ Indium (In)/ Beryllium (Be)/ Niobium (Nb)/ Selenium (Se)/ Gallium (Ga)/ Tantalum (Ta)/ Tungsten (W)/ Bismuth(BI) or Tin (Sn) during last five years ending last day of the month previous to the one in which EOI(s) are invited.

**or**

The Company should have successfully completed at least *three* technical due diligence of **overseas mineral asset(s)** related to any one of these mineral i.e. Iron ore/ bauxite/ Zinc or Copper during last five years ending last day of the month previous to the one in which EOI(s) are invited.

**And;**

- c)** The Company should have an average annual turnover of INR 05 Cr (@Rs 80/USD) in the preceding three financial years (i.e. 2019-20, 2020-21 & 2021-22).

**N.B.** 'EOI/Proposal from consortium comprising of maximum 02 members can be also considered, provided that leader of the consortium alone meets the financial / turn over criteria mentioned at Sl.No.9.i-c of PQ. The members of consortium shall have to fulfill the experience criteria (Sl. 9.i -a & b) (refer PQC at Clause 9).The consortium partners should not be from the countries with whom India shares its land borders should comply the provisions of 'Public order on Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017 and Order No:F.No.6/18/2019-PPD,Dated 23/07/2020 & 24/07/2020'.

**9 (ii).** The Consultant(s) shall submit the relevant information in given formats on their letter head. To give more insight into the assignments completed, the consultants may also enclose copies of assignment letter, certificates (performance / completion) from client(s) etc. with self-attestation of the document by CEO or a person duly authorised by CEO. The following certificates to be submitted along with the formats given in the 'Invitation of EOI':-

- i) Relevant Experience Certificate- 5 years/10 years as applicable.
- ii) Proof for experience in Lithium (Li), Cobalt (Co), Germanium (Ge), Indium (In), Beryllium (Be), Niobium (Nb), Selenium (Se), Gallium (Ga), Tantalum (Ta), Tungsten (W), Bismuth(BI),Tin (Sn) ,Iron ore, bauxite, Copper or Zinc. (at least one mineral).
- iii) Proof for annual turnover for the financial years 2019-20, 2020-21 & 2021-22).
- iv) Any other relevant proof / certificate as per 'Invitation of EOI' clauses.
- v) For overseas assignment(s), if completion certificate is not available, certification from a C.A. firm confirming the execution of work along with the 'Work Order' are to be submitted.

## **10. Request for Empanelment**

The Consultant(s) are expected to examine all the instructions, guidelines, terms and condition and formats in the 'Invitation of EOI'. EOI with incomplete formats will be treated as non-responsive and are liable for rejection. The entire set of 'Invitation of EOI' is available for a free download at: [www.nalcoindia.com](http://www.nalcoindia.com).

The 'Invitation of EOI' may be downloaded from this website.

## **11. Preparation of EOI**

The Consultant(s) shall comply with the following during preparation of the EOI:

- (a) The EOI/ Proposal and all associated correspondence shall be in English only and; shall conform to prescribed formats. If the supporting documents are in other language, the standard translated copy in English shall be submitted by the consultant(s).
- (b) The EOI/ Proposal shall be signed by the consultants or duly authorized person(s), a power of attorney/ authorization letter has to be attached. The consultants are advised to also furnish the authorize e-mail id along with an alternative e-mail for all the communications email received from the authorized or the alternative mail ids shall only be accepted.
- (c) In addition to the identification, the covering letter shall indicate the name and address of the consultant.
- (d) The responsibility for depositing the EOI in the correct format within the stipulated time/ date rests with the Consultant(s). EOI/ proposals received after the stipulated date / time will not be accepted. KABIL will not be responsible for any such delay(s).
- (e) Consultants are not permitted to modify, substitute, or withdraw proposals after its submission.
- (f) No EMD is required to be submitted for submission of the EOI.

**12. Submission of Proposal / EOI:**

The complete Proposal/EOI is to be submitted latest by **20.03.2023**. The proposal would be in a sealed cover super-scribing thereon “Empanelment of Consultants for technical due diligence”. The Proposal / EOI received after the last date may not be considered.

The submitted EOI/proposals will be opened/ processing would start on **24.03.2023 at 4 pm** (IST) in the BD Department of NALCO at Bhubaneswar in presence of parties (if any) who choose to be present during the opening. No details will be read out during the opening. However, during the course of evaluation of Proposal, as well as during the period of empanelment, KABIL has the right to carry out a due diligence in a manner relevant to understand the facts/ call the original documents related to the proposal submitted.

### **13. Evaluation Criteria and Evaluation of Proposals**

The invitation for bids is limited to selected entities, should fulfil pre-qualification criteria as specified in **SECTION II** at Sl. No. **9**. KABIL will evaluate the EOI/ proposals submitted by Consultants for a detailed scrutiny.

During evaluation of EOI/ Proposals, KABIL, may, at its discretion, ask the consultants for clarification of their EOI / Proposals or/and to also make presentation. The Consultants may be required to attend to KABIL's office at Bhubaneswar for discussions/ clarifications (if required) at their own cost.

During evaluation for empanelment, the consultants will have to make a presentation (if required) at Bhubaneswar/ Delhi in physical mode or through virtual mode on their EOI/ Proposal at their (Consultants') cost.

### **14. Qualified Consultants**

The final list of consultants chosen for empanelment will be made after due verification of submittals and presentation (if any) on their capabilities to the satisfaction of KABIL. The decisions in this regard by KABIL will be final. On acceptance of Proposal for empanelment, KABIL will notify the successful consultants in writing that their EOI/ Proposals have been accepted.

**15. Submission of documents with EOI:**

All the consultants are advised to submit the documents as mentioned in clause 9 for Pre-Qualifying criteria and also submit all the formats given in Section IV.

**16. Confidentiality**

Information relating to the examination, clarification and comparison of the EOI/proposals shall not be disclosed to any consultants or any other persons not concerned with such process. The undue use of confidential information related to the process by any consultants may result in rejection of its Proposal.

**17. Termination of empanelment with KABIL**

The empanelment of the consultant(s) with KABIL will be terminated in following two ways:

- i. Automatically, on expiry of the term of empanelment
- ii. Termination of empanelment by KABIL at its sole discretion, due to non-performance during the execution of specific projects/cases as mentioned below but not limited to:
  - a. Performance is below expected level or
  - b. Non adherence to the timelines of the Project or
  - c. Quality of work is not satisfactory

The decisions of KABIL in above regard shall be final and binding. Upon the termination or expiration of empaneled consultants' association with KABIL for any reason whatsoever, the consultant shall forthwith hand over to KABIL the possession of all documents, data, statements and any other property

belonging to KABIL that may be in possession of the consultant or any of its employees or individuals assigned to perform the services under this contract.

**18. Governing Language:**

The EOI and all correspondence incidental and related to the EOI shall be written in English language only. Any printed literature and document(s) submitted in any other language shall be accompanied by authenticated English translation, in which case, for the purpose of interpretation of the application, English translation shall govern. Responsibility for correctness in translation shall lie with the consultant.

**19. Cost of preparation of EOI/ Proposal:**

The Consultants shall be responsible for all of the costs associated with the preparation of their EOI/Proposal against the 'Invitation of EOI' and their participation in the Selection Process, presentation(s), visits to the KABIL, Project site etc. KABIL will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the selection process.

**20. Disclaimer :**

The information contained in "invitation of EOI' or subsequently provided to Consultants, whether verbally or in documentary or any other form by or on behalf of the KABIL or any of its employees or advisers, is provided to Consultants on the terms and conditions set out in this 'invitation for EOI' and such other terms and conditions subject to which such information is provided. This is not an agreement or an offer by the KABIL to the prospective Consultants or any other person and does not guarantee any further assignment/ contract.

- 21.** The complete EOI/ Proposal of the consultant(s) in a sealed cover should be submitted by post/ courier to the following address :

DGM (BD),  
Business Development Department,  
Nalco Bhavan, P/1, Nayapalli  
Bhubaneswar - 751013, Odisha, INDIA.

- 22.** Last date for submission of the EOI is 20/03/2023 by 1.00 p.m. The sealed EOI / Proposals complete in all respect should be sent by post to the above mentioned address so that it must reach to the above mentioned address on or before the last date of EOI submission and proposals received after the last date may not be considered.

SECTION III

**SCOPE OF WORK (SOW)**

1. The broad project specific scope for the Consultants is to assist KABIL in evaluation of the 'Overseas Target mineral asset(s)' under consideration.
2. The empanelled Consultants will be invited, as and when projects arise, to submit their financial proposals based on Request for proposal (RFP) issued selectively at sole discretion of KABIL to empanelled consultants on a project-to-project basis.
3. RFP may contain a specific Qualification Criteria depending upon the size of the Mineral asset/ deal (eg. annual turnover etc). Technical bids may also be called along with the Financial bids after the empanelment.
4. Response time for Request for Proposal (RFP) will be on a case to case basis for specific project depending on the exigencies of work. Minimum response time may be seven days. Empanelled consultant(s), not responding to the RFP despite repeated requests may invite de empanelment with immediate effect.
5. Detailed Scope of Work (SOW) for Technical due diligence by the Technical Consultant has been mentioned below, the consultant will be required to :-
  - i. Undertake a site visit to the project areas;
  - ii. Review all available information regarding the mineral assets;
  - iii. Compile a due diligence report commenting on the various project aspects, including:- Ownership, tenure and permits; Analysis of licenses and approvals critical to the viability of both the projects, discharge permits, government and statutory approvals, prospecting, exploration mining rights,



- duration of the lease or concession, environmental issues, if any, legal instruments / approvals necessary for undertaking upstream extractive activities;
- iv. Geology, resources & reserves and the estimation methodologies employed; Description of the mineral resource i.e. estimated inferred /indicated, mining dilution factors, mining recovery factors etc;
  - v. Mining operations, conceptual mine plan, mining methods and associated infrastructure;
  - vi. Processing operations, technologies employed and suitability, capacity, parameters, factors, and assumptions for its commissioning including product mix, quality and yields;
  - vii. Evaluation of project logistics including port/rail capacities; infrastructure, ownership, loading and stockpile capacities at the port, network, ownership, existing agreements for rail/ road transportation /port , port allocation details;
  - viii. Environmental and social impacts;
  - ix. Financial assessment of the operations including capital and operating costs for all aspects of the operations;
  - x. Risk assessment/fatal flaw analysis identifying future expansion potential; and
  - xi. Analysis of other substantive exploration data, groundwater data, geotechnical and rock characteristics and potential deleterious or contaminating substances;
  - xii. To interact with KABIL's team / seller's team / as may be required from time to time for completion of the due diligence process to render overall strategy to KABIL;
  - xiii. To prepare a report and provide inputs to the Financial Consultant/ other Consultants for preparation of the presentation to be made to KABIL's Board on the final valuation of the project;
  - xiv. Any other task/ job required by KABIL/ its Technical Consultant that may assist in arriving at the valuation of the deposit. Further, the above scope of work is indicative and not exhaustive.

**SECTION IV**

(Formats to be submitted with the EOI/ proposal by the consultant)

FORMAT: A

*(The Consultants are required to submit the covering letter in the letter head of the Company)*

**(PROPOSAL FORM: COVERING LETTER ON CONSULTANTS LETTER HEAD)**

Date: \_\_\_\_\_

EOI/Proposal Ref. No. KABIL/BD/001

To,  
CEO,  
Khanji Bidesh India Limited (KABIL),  
NALCO Bhawan, P/1, Nayapalli,  
Bhubaneswar, Odisha, India, Pin-751013

Sub: Proposal for Empanelment of Technical Consultants for due-diligence of overseas minerals.

Dear Sir,

With reference to 'Invitation of EOI' document of KABIL and having examined it, we, the undersigned, offer to propose our services as Technical Due Diligence Consultant for the Empanelment with KABIL, in full conformity with the said 'Invitation of EOI'.

We have read the provisions of 'Invitation of EOI' and confirm that these are acceptable to us.

We further declare that additional conditions, variations, deviations, if any, found in our proposal shall not be given effect to.

We agree to abide by this Proposal, consisting of this letter and the Formats/information submitted by us.

We further declare that our firm has not been debarred/blacklisted by any office/department/Undertaking of the State/Central Govt. of India, at any time for supplying stores or services of any description.

We hereby declare that all the information and statements made in this proposal are true and accept that any misinterpretation contained in it may lead to our disqualification.

Signature .....

In the capacity of .....

Duly authorized to sign

Proposal for

And on behalf of .....

Date .....

Place.....

Contact Person.....

Phone No.....

email .....

Complete Address of the Company.....

FORMAT: B

(Consultants must furnish the 'List of the team' proposed to be deployed for the assignment(s) related to KABIL. The detail of experience, qualification etc. may be also mentioned);

'List / detail of the team'

Sl.No.	Name & Designation	Qualification	Detail of relevant Experience	Detail of relevant assignment(s)	Any other detail

Authorized Signatory  
Name of the Consultant  
Office seal

Presence in India

Present in India since: \_\_\_\_\_

Details of Offices in India : -

a. Complete Address of the Company \_\_\_\_\_

b. CIN \_\_\_\_\_

c. PAN \_\_\_\_\_

d. GST No \_\_\_\_\_

e. Fax No. \_\_\_\_\_

f. Contact Person \_\_\_\_\_

g. Phone No. \_\_\_\_\_

h. Email \_\_\_\_\_

Revenue Details (Audited)

Year turnover earned (in USD) from

Fin Year	Indian arm
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2019-20	
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2020-21	
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2021-22	
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(Audited accounts to be submitted for preceding three financial years)

Authorized Signatory  
Name of the Consultant  
Office seal

Note : Documentary Evidence to be provided for above.

FORMAT: D

Global Presence of the Consultants

1. List of the countries

- (i) X
- (ii) Y
- (iii) Z
- (iv) A

2. No. of Offices

- (i) 1 in X
- (ii) 2 in Y
- (iii) 3 in Z

3. Total turnover earned (in USD\$)

Fin Year

2019-20

2020-21

2021-22

(Audited accounts to be submitted for preceding three financial years)

4. Successful technical due diligence for mineral assets (outside India) related transactions including those by Indian arm of the Consultants in last 3 Financial Years:

Sl. No.	Name of the Co. awarding the assignment	Resource size / Deal Size (in USD Mn)	Time taken For completing The transaction	Date of Completion Of successful transaction	Name of the Mineral Dealt

Authorized Signatory  
Name of the Consultant  
Office seal

Note : Documentary Evidence to be provided for above.

FORMAT: E

Detail of similar works executed during last 5 years/10 years fulfilling the qualifying criteria

Sl. No.	Full Postal Address & Details of Client: [Name, Phone No., email of Contact person with Designation ]	Description of the assignment (Order Ref & Date)	Estimated Project Cost in USD	Date of Completion	Name of mineral dealt & country	Remarks

Note: Documentary Evidence to be provided for above.

Authorized Signatory  
Name of the Consultant  
Office seal





FORMAT: G

Detail of the Consortium (If applicable)

(Documentary evidence/ supporting document(s) must be provided)

Authorized Signatory  
Name of the Consultant  
Office seal

FORMAT: H

**DECLARATION BY AUTHORISED SIGNATORY OF THE FIRM (if applicable)**

I, the undersigned , .....  
(full names), do hereby declare, in my capacity as ..... of M/s .....(name of bidder entity/consultant), that:

- 1) The facts contained herein are within my own personal knowledge.
- 2) I have read the Order (Public Procurement No.1, 2 & 3) dtd 23 Jul 2020 & 24 Jul 2020 on the subject of Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017 regarding restrictions on procurement from a bidder of a country which shares a land border with India and comply to all the provisions of the Order.
- 3) I certify that M/s .....(name of bidder entity) is not from such a country or, is from such a country (**strike out whichever is not applicable**), has been registered with the Competent Authority. I hereby certify that this SUPPLIER fulfils all requirements in this regard and is eligible to be considered. [Where applicable, evidence of valid registration by the Competent Authority is attached].
- 4) I understand that the submission of incorrect data and / or if certificate / declaration given by M/s .....(name of bidder entity) is found to be false, this would be a ground for immediate termination and further legal action in accordance with law as per Clause 12 of the Public Order on Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017

DATE: \_\_\_\_\_

Authorized Signatory

Name of the Consultant

Office seal

## SECTION IV

### Definitions

#### 1. Definitions

Unless the context otherwise requires, the following terms whenever used in this document and Contract have the following meanings:

- a) **“Applicable Law”** shall mean the Indian Law both substantive and procedural.
- b) **“Seller”** mean the company/owners divesting the Target.
- c) **“Target”** means the company being divested by the Seller or the potential mineral asset.
- d) **“Process”** shall mean the Seller’s disinvestment of the Target and KABIL’s participation in the same. The “Process” shall include all activities as detailed out in ‘Scope of work’ in Section III.
- e) **“Party”** means KABIL or the Consultants, as the case may be, and “Parties” means both of them.
- f) **“Personnel”** means person(s) employed by the advisors/ consultants as employee(s) and assigned to the performance of the Services or any part thereof.
- g) **“Services”** means the work to be performed by the consultant(s) pursuant to empanelment and appointment, as described in the detailed Scope of Work.
- h) **“Interested third party (ies)”** means other firms and all others interested in the Process.
- i) **“Advisors/Consultants/Consulting Firms”** means a firm with sound knowledge in a specific area.
- j) **“Consortium”** Consortium comprising of maximum 02 members can be also considered, provided that leader of the consortium alone meets the financial / turn over criteria mentioned at Sl.No.9.i-c of PQ. The members of consortium shall have to fulfill the experience criteria (Sl. 9.i -a & b) (refer PQC at Clause 9 of the Invitation of EOI).The consortium partners should not be from the countries with whom India shares its land borders should comply the provisions of ‘Public order on Restrictions under Rule 144 (xi) of the General Financial Rules (GFRs), 2017 and Order No:F.No.6/18/2019-PPD,Dated 23/07/2020 & 24/07/2020’.
- k) **“Bidder(s)”** means an empaneled consultant(s) who is participating in a particular bid / RFP.

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