

Bangladesh Oil, Gas & Mineral Corporation (Petrobangla)

Petrocentre, 3 Kawran Bazar C/A
Dhaka-1215, Bangladesh

APPLICATION DOCUMENT

For Enlistment

FOR THE PROCUREMENT OF LNG (International)

Invitation for Application No: 01

Issued on: 10 November 2024

Application Package No: PB-MSPA02-2024

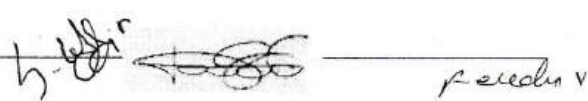
Handwritten signature

Handwritten signature

Handwritten signature

Table of Contents

Section 1. Instructions to Applicants (ITA)	1
A. General.....	1
1. Scope of Application.....	1
2. Interpretation	1
3. Corrupt, Fraudulent, Collusive or Coercive Practices	2
4. Eligible Applicants	4
5. Site Visit	6
B. Application Document	7
6. Application Document: General	7
7. Clarification of Application Documents	7
8. Pre-Application Meeting	8
9. Addendum to Application Documents	9
C. Qualification Criteria	10
11. General Criteria	10
12. Litigation History	10
13. Experience Criteria	10
14. Financial Criteria	11
15. Other Criteria	11
16. Joint Venture (JV).....	11
17. Appointment of Subcontractor	12
D. Application Preparation	12
18. Only One Application	12
19. Cost of Application Submission	12
20. Issuance of Application Document	12
21. Language of Application	13
22. Contents of Application	13
23. Documents Establishing Qualifications of the Applicant	15
24. Validity Period of Application	15
25. Extension of Application Validity	16
E. Application Submission.....	16
26. Submission of Application	16
27. Deadline for Submission of Applications	17
28. Modification or Substitution or Withdrawal of Applications	17
F. Application Evaluation.....	18
29. Evaluation of Applications	18
30. Evaluation process	18
29. Clarification on Application	18
30. Restrictions on the Disclosure of Information Relating to the Procurement Process	19
31. Rejection of All Applications.....	19
32. Informing Reasons for Rejection.....	20
G. Notification of Enlistment	20
33. Notification of Enlistment.....	20
34. Debriefing of Applicants	21
Section 2. Application Data Sheet	22
A. General.....	22
B. Application Document	22
C. Qualification Criteria	23



D. Preparation of Application..... 26
E. Submission of Application 26
F. Evaluation of Applications..... 26
Section 3. Application and Notification of Enlistment Forms 27
Application Submission Letter (Form – SADE1-1))..... 28
Applicant Information Sheet (Form – SADE1-2)..... 31
Authorization Letter for Signing the Application (Form-- SADE1-3)..... 35
Notification of Enlistment (Form- SADE1-4)..... 36

h. ullin



f. exelahn!

Section 1. Instructions to Applicants (ITA)

A. General

1. **Scope of Application**
- 1.1 The Procuring Entity named in the Application Data Sheet (ADS) wishes to issue these Application Document (AD) for the supply of LNG, and Related Services incidental thereto, as specified in the AD.
- 1.2 The name of the Application and the number stated in the ADS.
2. **Interpretation**
- 2.1 Throughout this Application Document
- (a) Applicant means a Person who submits an Application;
 - (b) Application, depending on the context, means an Application submitted by an Applicant for delivery of LNG and Related Services to the Procuring Entity in response to an Invitation for Application;
 - (c) Application Document, means the Document provided by the Procuring Entity to an Applicant as a basis for preparation of its Application;
 - (d) "day" means calendar days unless otherwise specified as working days;
 - (e) the term "in writing" means communication written by hand or machine duly signed and includes properly authenticated messages by facsimile or electronic mail;
 - (f) Person means and includes an individual, body of individuals, sole proprietorship, partnership, company, association or

Handwritten signature

Handwritten signature

Handwritten signature

cooperative society that wishes to participate in Procurement proceedings;

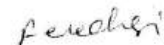
(g) if the context so requires, singular means plural and vice versa.

**3. Corrupt,
Fraudulent,
Collusive or
Coercive
Practices**

3.1 The Government requires that Procuring Entity, as well as the Applicants shall observe the highest standard of ethics during implementation of Procurement proceedings and the execution of contracts under public funds.

3.2 The Government requires that the Procuring Entity, as well as the Applicants shall, during the Procurement proceedings and the execution of contracts under public funds, ensure-

- (a) strict compliance with the provisions of Section 64 of the Public Procurement Act 2006 (Act 24 of 2006);
- (b) abiding by the code of ethics as mentioned in the Rule 127 of the Public Procurement Rules, 2008;
- (c) that neither its any officer nor any staff or any other agents or intermediaries working on its behalf engages in any practice as detailed in ITA Sub Clause 3.3.



3.3 For the purposes of ITA Sub-clause 3.2 the terms set forth as bellows:

- (d) **corrupt practice** means offering, giving or promising to give, receiving, or soliciting, either directly or indirectly, to any officer or employee of a Procuring Entity or other public or private authority or individual, a gratuity in any form; employment or any other thing or service of value as an inducement with respect to an act or decision or method followed by a Procuring Entity in connection with a Procurement proceeding or contract execution;
- (e) **fraudulent practice** means the misrepresentation or omission of facts in order to influence a decision to be taken in a Procurement proceeding or contract execution;
- (f) **collusive practice** means a scheme or arrangement between two (2) or more Persons, with or without the knowledge of the Procuring Entity, that is designed to arbitrarily reduce the number of Applications submitted thereby denying the Procuring Entity the benefits arising from genuine and open competition; or
- (g) **coercive practice** means harming or threatening to harm, directly or indirectly, Persons or their property to influence a decision to be taken in a Procurement proceeding or the execution of a contract, and this will include creating obstructions in the normal submission process used for Applications.

3.4 Should any corrupt, fraudulent, collusive or coercive practice of any kind come to the knowledge of the Procuring Entity, it will, in the first place, allow the Applicant to provide an explanation and shall, take actions only when a satisfactory explanation is not received. Such

exclusion and the reasons thereof, shall be recorded in the record of the Procurement proceedings and promptly communicated to the Applicant concerned. Any communications between the Applicant and the Procuring Entity related to matters of alleged fraud or corruption shall be in writing.

3.5 If corrupt, fraudulent, collusive or coercive practices of any kind determined by the Procuring Entity against any Applicant alleged to have carried out such practices, the Procuring Entity shall -

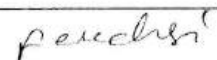
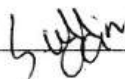
- (h) exclude the concerned Applicant from further participation in the particular Procurement proceeding; or
- (i) reject any recommendation for award that had been proposed for that concerned Applicant or;
- (j) declare, at its discretion, the concerned Applicant to be ineligible to participate in further Procurement proceedings, either indefinitely or for a specific period of time.

3.6 The Applicant shall be aware of the provisions on corruption, fraudulence, collusion and coercion in Section 64 of the Public Procurement Act, 2006 and Rule 127 of the Public Procurement Rules, 2008.

4. Eligible Applicants

4.1 This Invitation for Applications is open to eligible Applicants from all countries, except for any specified in the ADS. An Applicant will be eligible if it is a citizen, or is constituted, registered and operates in conformity with the provisions of the laws of that country.

4.2 An Applicant may be a physical or juridical individual or body of individuals, or company, association or any combination of them in the



form of a Joint Venture (JV) invited to take part in the Procurement or seeking to be so invited or submitting an Application in response to an Invitation for Applications.

- 4.3 Government-owned enterprises shall be eligible only if they can establish that they (i) are legally and financially autonomous, (ii) operate under commercial law, and (iii) are not a dependent agency of the Procuring Entity.
- 4.4 Applicants shall have the legal capacity to enter into a subsequent contract. An Applicant that is under a declaration of ineligibility by the Government of Bangladesh in accordance with applicable laws at the date of the deadline for Application submission or thereafter shall be disqualified.
- 4.5 Applicants shall not have a conflict of interest pursuant to Rule 55 of the Public Procurement Rules, 2008.
- 4.6 Applicants in its own name or its other names or also in the case of its Persons in different names, shall not be under a declaration of ineligibility for corrupt, fraudulent, collusive, coercive practices as stated under ITA Sub Clause 3.3.
- 4.7 Applicants are not restrained or barred from participating in public Procurement on grounds of execution of defective supply in the past under any contract.
- 4.8 Applicants are not under a declaration of ineligibility by an international financing agency such as World Bank, Asian Development Bank or any other international agency.

4.9 Applicants shall not be insolvent, be in receivership, be bankrupt, be in the process of bankruptcy, be not temporarily barred from undertaking business and it shall not be the subject of legal proceedings for any of the foregoing.

4.10 Applicants shall have fulfilled its obligations to pay taxes and social security contributions under the provisions of laws and regulations of the country of its origin. In the case of foreign Applicants, a certificate of competent authority in that country of which the Applicant is citizen shall be provided.

4.11 Applicants shall provide such evidence of their continued eligibility satisfactory to the Procuring Entity, as the Procuring Entity will reasonably request.

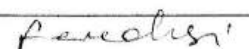
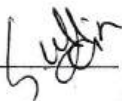
4.12 These above requirements for eligibility will extend, as applicable, to each JV partner proposed by the Applicants.

5. Site Visit

5.1 For LNG contracts requiring supply or any other related services at site, the Applicant, at the Applicant's own responsibility and risk, is encouraged to visit and examine the site and obtain all information that may be necessary for preparing the Application and entering into a subsequent contract for the supply of LNG and related services.

5.2 Permission for site visit shall be required from the Procuring Entity. The Applicant should ensure that the Procuring Entity is informed of the visit in adequate time to allow it to make appropriate arrangements.

5.3 The costs of visiting the site shall be at the Applicant's own expense.



5.4 The Applicant may collect site related relevant data from the Procuring Entity which are available in the Procuring Entity's possession. The Applicant shall be responsible for interpreting all such data.

B. Application Document

6. Application Document: General

6.1 The Sections comprising the Application Document are listed below and should be read in conjunction with any addendum issued under ITA Clause 9.

- Section 1 Instructions to Applicants (ITA)
- Section 2 Application Data Sheet (ADS)
- Section 3 Application and Notification of Enlistment Forms

6.2 The Applicant is expected to examine all instructions, forms and terms in the Application Document as well as addendum to Application Document.

7. Clarification of Application Document

7.1 A prospective Applicant requiring any clarification of the Application Document shall contact the Procuring Entity in writing immediately at the address indicated in the ADS before two-third of time allowed for preparation and submission of Application elapses.

7.2 A Procuring Entity is not obliged to answer any clarification received after that date requested under ITA Sub-Clause 7.1.

7.3 The Procuring Entity shall respond in writing within three (3) working days of receipt of any such request for clarification received under ITA Sub-Clause 7.1

S. Uthair  *Secretary*

7.4 The Procuring Entity shall forward copies of its response to all those who have been invited to submit Applications including a description of the enquiry but without identifying its source.

7.5 Should the Procuring Entity deem it necessary to amend the Application Document as a result of a clarification, it shall do so following the procedure under ITA Clause 9.

8. Pre-Application Meeting

8.1 To clarify issues and to answer questions on any matter arising in the Application Document, the Procuring Entity may, if stated in the ADS, hold a Pre-Application Meeting at the place, date and time as specified in the ADS. The Procuring Entity may decide to hold the Meeting online by using any suitable virtual platform. All Potential Applicants are encouraged to attend the meeting, if it is held.

8.2 Minutes of the Pre-Application meeting, including the text of the questions raised and the responses given, together with any responses prepared after the meeting, will be transmitted within three working days (3) after holding the meeting to all those who collected or received the Application Document and even those who did not attend the meeting.

8.3 Any amendment to the Application Document listed in ITA Clause 6 that may become necessary as a result of the Pre-application meeting shall be made by the Procuring Entity exclusively through the issue of an Addendum as stated under ITA Clause 9 and not through the minutes of the Pre-Application meeting.

8.4 Non-attendance at the Pre-Application meeting will not be a cause for disqualification of an Applicant.



**9. Addendum to
Application
Documents**

9.1 At any time prior to the deadline for submission of Applications, the Procuring Entity on its own initiative or in response to a clarification request in writing from an Applicant, having collected or received the Application Document or as a result of a Pre-Application meeting, may revise the Application Document by issuing an addendum pursuant to Rule 95 of the Public Procurement Rules, 2008.

9.2 The addendum issued under ITA Clause 9 shall become an integral part of the Application Document and shall have a date and an issue number and shall be circulated by hand or by fax or by mail or by electronic mail to Applicants who have collected or received the Application Documents within three (3) working days of issuance of such addendum, to enable Applicants to take appropriate action.

9.3 The Applicant shall acknowledge receipt of an addendum.

9.4 The Procuring Entity shall also ensure posting of relevant addenda with the reference number and date on their website.

9.5 To give a prospective Applicant reasonable time in which to take an amendment into account in preparing its Application, the Procuring Entity may, at its discretion, extend the deadline for the submission of Applications, pursuant to Rule 95(6) of the Public Procurement Rule, 2008 and under ITA Clause 24.

9.6 If an addendum is issued for the preparation of Application, when time remaining is less than one-third of the time allowed for the preparation of Application, a Procuring Entity shall extend the deadline by an appropriate number of days for the submission of Applications,



Addendum

depending upon the urgency of the Procurement requirement. The minimum time for such extension shall not be less than three (3) days.

C. Qualification Criteria

- 10 General Criteria**
- 10.1 The Procuring Entity requires the Applicant to be qualified by meeting predefined, precise minimum requirements, which entails setting pass/fail criteria, which if not met by the Applicant, will result in rejection of its Application.
- 10.2 In addition to meeting the eligibility criteria, as stated in ITA Clause 4, the Applicant must satisfy the other criteria stated in ITA Clauses 10 to 15 inclusive.
- 10.3 To qualify for enlistment for which Applications are invited in the Invitation for Applications, the Applicant shall demonstrate having resources and experience sufficient to meet the qualifying criteria.
- 11 Litigation History**
- 11.1 The maximum number of arbitration awards against the Applicant over a period shall be as specified in the ADS.
- 12 Experience Criteria**
- 12.1 Applicants shall have the following minimum level of supply experience to qualify for supplying the LNG and Related Services under the contract:
- (a) A minimum number of years of overall experience in the supply of LNG and related services as specified in the ADS;
 - (b) Specific experience of satisfactory completion of supply of LNG similar to the proposed LNG in at least a number of contract(s) and, each with a minimum value, over the period, as specified in ADS; and

(c) A minimum supply and/or production capacity of LNG as specified in the ADS.

**13 Financial
Criteria**

13.1 Applicants shall have the following minimum level of financial capacity to qualify for the supply of LNG under the contract:

(a) Availability of minimum liquid assets or working capital or credit facilities from a bank, as specified in the ADS.

14 Other Criteria

14.1 Applicants shall have other criteria as specified in the ADS.

**15 Joint Venture
(JV)**

15.1 Applicants may participate in the enlistment proceedings forming a Joint Venture(JV) by an agreement, executed case by case on a non-judicial stamp of value as specified in the ADS or alternately with the intent to enter into such an agreement supported by a Letter of Intent along with the proposed agreement duly signed by all legally authorised partners of the intended JV and authenticated by a Notary Public, with the declaration that the partners will execute the JV agreement in subsequence but before the submission of firm supply offer.

15.2 The figures for each of the partners of a JV shall be added together to determine the Applicant's compliance with the minimum qualifying criteria; however, for a JV under Sub-Clause 15.1, with number of partners as specified in the ADS to qualify, leading partner and other partners must meet the criteria as specified in the ADS. Failure to comply with these requirements will result in rejection of the JV Application.

15.3 Each partner of the JV shall be jointly and severally liable for the execution of the subsequent contract, if signed with the JV, all liabilities and ethical and legal obligations in accordance with the contract terms.

Handwritten signatures and a crossed-out signature.

15.4 JV shall nominate the leading partner as REPRESENTATIVE being entrusted with the contract administration and management if subsequently a contract is signed with the JV.

16 Appointment of Subcontractor 16.1 No subcontracting shall be allowed.

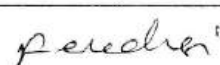
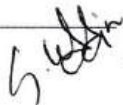
D. Application Preparation

17 Only One Application 17.1 An Applicant shall submit only one (1) Application for enlistment. An Applicant who submits or participates in more than one (1) Application shall cause all the Applications with that Applicant's participation to be rejected.

18 Cost of Application Submission 18.1 Applicants shall bear all costs associated with the preparation and submission of its Application, and the Procuring Entity shall not be responsible or liable for those costs, regardless of the conduct or outcome of the Application process.

19 Issuance of Application Document 19.1 The Procuring Entity shall make Application Documents available immediately to the potential Applicants, requesting and willing to participate.

19.2 Full contact details with mailing address, telephone and facsimile numbers and electronic mail address, as applicable, of those to whom Application Documents have been issued shall be recorded with a reference number by the Procuring Entity or its agent.



19.3 There shall not be any pre-conditions whatsoever, for making the Application Document available and such Document shall be available up to the day prior to the day of deadline for the submission of Application.

20 Language of Application

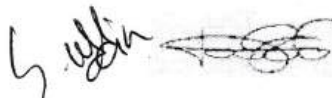
20.1 Applications shall be written in English language. Supporting documents and printed literature furnished by the Applicant may be in another language provided they are accompanied by an accurate translation of the relevant passages into the English language, in which case, for purposes of interpretation of the Application, such translation shall govern.

20.2 Applicants shall bear all costs of translation to the governing language and all risks of the accuracy of such translation.

21 Contents of Application

21.1 The Application prepared by the Applicant shall comprise the following:

- (a) Application Submission Letter (Form SADE1-1) as furnished in Section 3: Application and Notification of Enlistment Forms;
- (b) Applicant Information Sheet (Form SADE1-2) as furnished in Section 3: Application and Notification of Enlistment Forms;
- (c) Written confirmation by Authorization Letter for Signing the Application to commit the Applicant as furnished in Section 3: Application and Notification of Enlistment Forms;
- (d) The completed eligibility declarations, to establish its eligibility as stated under ITA Clause 4, in the Application Submission Letter (Form SADE1-1), as furnished in section 3: Application and Notification of Enlistment Forms;



A. Sanchez

- (e) An affidavit confirming the legal capacity stating that there are no existing orders of any judicial court that prevents either the Applicant or employees of an Applicant submitting an Application with the Procuring Entity as stated under ITA clause 4;
- (f) An affidavit confirming that the Applicant is not insolvent, in receivership or not bankrupt or not in the process of bankruptcy, not temporarily barred from undertaking their business for financial reasons and shall not be the subject of legal proceedings for any of the foregoing as stated under ITA Clause 4;
- (g) A certificate issued by the competent authority stating that the Applicant is a Tax payer having valid Tax identification Number (TIN) and VAT registration number or in lieu of any other document acceptable to the Procuring Entity demonstrating that the Applicant is a genuine Tax payer and has a VAT registration number as a proof of fulfillment of taxation obligations as stated under ITA Clause 4. In the case of foreign Applicants, a certificate of competent authority in that country of which the Applicant is the citizen shall have to be provided;
- (h) Documentary evidence demonstrating that they are enrolled in the relevant professional or trade organizations registered in Bangladesh or in case of foreign Applicant in their country of origin or a certificate concerning their competency issued by a professional institution in accordance with the law of the country of their origin, as stated under ITA Clause 4;

- (i) Documentary evidence as stated under ITA Clause 21 that the Applicant's qualifications conform to the Application Document;
- (j) Documents establishing legal and financial autonomy and compliance with commercial law, as stated under ITA Sub-clause 4.3 in case of government owned entity; and
- (k) Any other document as specified in the ADS.

21.2 The Applicant shall submit the Application Submission Letter (Form SADE1-1) as furnished in Section 3: Application and Notification of Enlistment Forms. This form must be completed without any alterations to its format, and no substitutes shall be accepted. All blank spaces shall be filled in with the information requested.

**22 Documents
Establishing
Qualifications
of the
Applicant**

- 22.1 The documentary evidence of the Applicant's qualifications for enlistment which shall be established to the Procuring Entity's satisfaction:
- (a) that the Applicant meets each of the qualification criterion specified in Sub-Section C, Qualification Criteria of the ITA;
 - (b) adequacy of minimum liquid assets i.e. working capital substantiated by Audit Reports or Bank Statement or credit line(s) acceptable to the Procuring Entity.

**23 Validity Period
of Application**

- 23.1 Application validities shall be determined on the basis of the time needed for its examination, evaluation, approval of the Application and issuance of the Notification of Enlistment pursuant to Rule 19 and 20 of the Public Procurement Rules, 2008.
- 23.2 Applications shall remain valid for the period specified in the ADS after the date of Application submission deadline prescribed by the Procuring

[Handwritten signatures]

Entity, as stated under ITA Clause 26. An Application valid for a period shorter than that specified will be rejected by the Procuring Entity as non-responsive.

24 Extension of Application Validity

24.1 In justified exceptional circumstances, prior to the expiration of the Application validity period, the Procuring Entity following Rule 21 of the Public Procurement Rules, 2008 may solicit before the expiry date of the Application validity, compulsorily all the Applicants' consent to an extension of the period of validity of their Applications.

24.2 The request for extension of Application validity period shall state the new date of the validity of the Application.

24.3 The request from the Procuring Entity and the responses from the Applicants will be made in writing.

24.4 Applicants consenting in writing to the request under ITA Clause 24 shall not be required or permitted to modify its Application in any circumstances.

24.5 If the Applicant is not consenting in writing to the request made by the Procuring Entity, its Application shall not be considered for subsequent evaluation.

E. Application Submission

25 Submission of Application

25.1 Application shall be delivered by hand or by mail or by courier services or by electronic mail at the address as stated under Instruction to Applicants, Clause 1.1 and must be received prior to the deadline for submission.



25.2 The Application lodged by the Applicant is deemed for all purposes to be the true and legal version, duly authorized and duly executed by the Applicant and intended to have binding legal effect.

25.3 Application submitted electronic mail will be stored in a secured manner.

25.4 Authorization letter from the firm or the company shall be attached with Application Submission Letter (Form SADE1-1) to lodge the Application.

25.5 Lodged Application containing corrupt files or virus or files those are unreadable for any reason, shall not be considered.

**26 Deadline for
Submission of
Applications**

26.1 Applications shall be submitted no later than the date and time specified in the ADS.

26.2 The Procuring Entity may, at its discretion on justifiably acceptable grounds duly recorded, extend the deadline for submission of Application in which case all rights and obligations of the Procuring Entity and Applicants previously subject to the deadline will thereafter be subject to the new deadline as extended.

26.3 Application lodged shall not be allowed to be withdrawn after the deadline for submission.

**27 Modification or
Substitution or
Withdrawal of
Applications**

27.1 An Applicant may modify, substitute or withdraw its Application after it has been submitted prior to the deadline for submission of Applications as stated under ITA Clause 25.

Handwritten signatures and initials, including a large signature on the left, a crossed-out signature in the middle, and another signature on the right.

F. Application Evaluation

- 28 Evaluation of Applications**
- 28.1 Procuring Entity's Enlistment Committee (EC) shall examine, evaluate and compare Applications that are acceptable to the mandatory requirements of Application Document in order to identify the successful Applicant.
- 28.2 Applications shall be examined and evaluated only on the basis of the criteria specified in the Application Document.
- 29 Evaluation process**
- 29.1 The EC may consider an Application as acceptable in the evaluation, only if it is submitted in compliance with the mandatory requirements set out in the Application Document. The evaluation process should begin immediately after submission deadline of Application.
- 29.2 An Applicant may be conditionally enlisted, if the Application has minor flaws or deficiencies in meeting one or more requirements that can be easily redressed before the deadline for submission of firm supply offer;
- 30. Clarification on Application**
- 30.1 The EC may ask Applicants for clarifications of their Applications, in order to assist the examination and evaluation of the Applications, provided that, Application clarifications which may lead to a change in the substance of the Application or in any of the key elements of the Application shall neither be sought nor permitted by the EC.
- 30.2 Any request for clarifications by the EC shall not be directed towards making an apparently unacceptable Application acceptable and



Areedan

reciprocally the response from the concerned Applicant shall not be articulated towards any addition, alteration or modification to its Application.

30.3 if an Applicant does not provide clarifications of its Application by the date and time set in the EC's written request for clarification, its Application shall not be considered in the evaluation.

30.4 Requests for clarification shall be in writing.

31 Restrictions on the Disclosure of Information Relating to the Procurement Process

31.1 Following the submission of Applications until issuance of Notification of Enlistment no Applicant shall, unless requested to provide clarification to its Application or unless necessary for submission of a complaint, communicate with the concerned Procuring Entity pursuant to Rule 31 of the Public Procurement Rule, 2008.

31.2 Applicants shall not seek to influence in anyway, the examination and evaluation of the Applications.

31.3 Any effort by an Applicant to influence a Procuring Entity in its decision concerning the evaluation of Applications, may result in the rejection of its Application as well as further action in accordance with Section 64 (5) of the Public Procurement Act 2006.

31.4 All clarification requests shall remind Applicants of the need for confidentiality and that any breach of confidentiality on the part of the Applicant may result in their Application being disqualified.

32 Rejection of All Applications

32.1 The Procuring Entity may reject all Applications following recommendations from the Enlistment Committee only after the approval of such recommendations by the Head of the Procuring Entity.



32.2 All Applications can be rejected, if -

- (a) all Applications are unacceptable; or
- (b) evidence of professional misconduct, affecting seriously the Procurement process, is established pursuant to Rule 127 of the Public Procurement Rules, 2008.

32.3 A Procuring Entity may on justifiable grounds annul the Procurement proceedings prior to the deadline for the submission of Applications.

**33 Informing
Reasons for
Rejection**

33.1 Notice of the rejection will be given promptly within seven (7) days of decision taken by the Procuring Entity to all Applicants and the Procuring Entity will, upon receipt of a written request, communicate to any Applicant the reason(s) for its rejection but is not required to justify those reason(s).

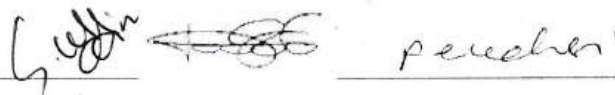
G. Notification of Enlistment

**34 Notification of
Enlistment**

34.1 The Procuring Entity shall issue the Notification of Enlistment (NoE) along with draft Master Sale and Purchase Agreement to the successful Applicant(s).

34.2 If an Applicant is conditionally enlisted as per ITA Clause 28.2, the conditions required to be fulfilled shall be clearly mentioned in the Notification of Enlistment for that Applicant.

34.3 The Notification of Enlistment shall be accepted in writing by the successful Applicants within seven (7) working days from the date of issuance of NoE and the Master Sale and Purchase Agreement shall be signed within fifty-six (56) days of issuance of NoE.

Handwritten signatures of three individuals, likely representing the Procuring Entity and the successful Applicant(s).

35 Debriefing of Applicants

- 35.1 Debriefing of Applicants by the Procuring Entity shall outline the relative status and weakness only of the Application requesting to be informed of the grounds for not being enlisted without disclosing information about any other Applicant.
- 35.2 In the case of debriefing confidentiality of the evaluation process shall be maintained.




Section 2. Application Data Sheet

<i>Instructions for completing the Application Data Sheet are provided, as needed, in the notes in italics and under lined mentioned for the relevant ITA clauses.</i>	
ITA Clause	Amendments of, and Supplements to, Clauses in the Instruction to Applicants
A. General	
ITA 1.1	The Procuring Entity is: <i>Bangladesh Oil, Gas & Mineral Corporation</i>
ITA 1.2	The number, identification and name of lot Package Number: PB-MSPA02-2024
ITA 4.1	Applicants from the following countries are not eligible: The State of Israel.
B. Application Document	
ITA 8.1	The Pre- Application meeting shall be held at virtual platform (Zoom) Time: 15 November 2024 03:00 PM (Local time), Dhaka (+6 GMT) Meeting ID: 828 570 2261 Passcode: lng2024
ITA 8.2	Minutes of the Pre-Application meeting will be downloaded from the https://rpacl.org.bd/ or https://petrobangla.org.bd/ website.

ITA 9.1	<p>The procuring Entity is Bangladesh Oil, Gas & Mineral Corporation, but for clarification of Application purposes sent request to the procuring agency:</p> <p>Attention: Md. Rafiqul Islam, Managing Director Rupantarita Prakritik Gas Company Limited (RPGCL), RPGCL Bhaban, Plot # 27, New Airport Road, Khilkhet, Dhaka-1229, Bangladesh. Tel: 88 (02) 8900142 Fax: 88 (02) 8923948 E-mail: md.lng@rpgcl.org.bd</p>
C. Qualification Criteria	
ITA 11	A maximum of <i>three (3)</i> arbitration awards against the Applicant over a period of the <i>last five years</i>
ITA 12.1(a)	The Applicant shall have a minimum of two (2) years of overall experience in the supply of LNG and related services.
ITA 12.1(b)	Not applicable.
ITA 12.1(c)	<p>The minimum supply capacity of LNG is:</p> <p>0.5 Million tonnes of LNG delivered in each of two of the last five calendar years (2023,2022,2021,2020 & 2019)</p>
ITA 13	<p>The minimum amount of net worth USD100 million in two (2) of the last three fiscal years (2023-24, 2022-23 & 2021-22). Financial audited financial statements required as documentary proof. An applicant may avoid financial requirements if the applicant can demonstrate that it presently has total assets equal to or in excess of USD one (1) billion and a Net Worth equal to or in excess of USD four hundreds (400) million.</p>



A. exelisi

ITA 14	<p>The applicant shall have the following other criteria:</p> <ol style="list-style-type: none"> 1. Experience of FSRU based LNG delivery. 2. Ability to delivery Lean LNG (e.g., methane molecular composition not less than 91% etc.), 3. Has not failed to deliver an LNG cargo in the last five years. 4. The potential LNG supplier currently charters or owns at least 2 LNG vessels/carriers.
ITA 15.1	<p>The value of non-judicial stamp for execution of the Joint Venture Agreement shall be Bangladesh Taka 300.00 (three hundred) only</p>
	<p>Maximum number of partners in the JV shall be three (3).</p>





ITA 15.2

The **minimum qualification** requirements of Leading Partner, other Partner(s) and requirements by summation of a JV shall be as follows:

ADS Clauses references	Requirements by summation	Requirements for leading partner	Requirements for other partner(s)
ITA 12.1(a)	7 Years	Same as for individual applicant	Minimum Five (5) years of overall experience in any business
ITA 12.1(b)	Same as for individual applicant	Same as for individual applicant	Nil
ITA 12.1©	Same as for individual applicant	Same as for individual applicant	Nil
ITA 13	Must Fulfil the criteria set for leading partner & other partners	Same as for individual applicant	Net worth One (1) million USD or equivalent BDT.
ITA 14	Same as for individual applicant	Same as for individual applicant	Nil

Percent share of business of the JV partners shall not be taken into account in determining the qualification of a JV]



D. Preparation of Application	
ITA 21(k)	<p>The Applicant shall submit with its Application the following additional documents:</p> <p style="text-align: center;">1. <i>Company Profile</i></p>
ITA 23	The Application validity period shall be hundred and twenty (120) days.
E. Submission of Application	
ITA 25	<p>Applicants must submit their applications either in person or via courier. Alternatively, applications can be sent through email to md.lng@rpgcl.org.bd , mukitcher@rpgcl.org.bd , or ripon.che@rpgcl.org.bd . However, if submitted by email, a hard copy of the application must also be provided either in person or via courier.</p> <p>For Tender submission purposes, the Procuring Agency's address is (for in person or via courier):</p> <p>Place: LNG Division (2nd floor), RPGCL Bhaban, Plot # 27, New Airport Road, Khilkhet, Dhaka-1229, Bangladesh.</p>
ITA 26	The deadline for submission of Applications is 12:30PM on 01 December 2024.
F. Evaluation of Applications	
ITA 28	Submitted Application shall be evaluated following procedures mentioned in the Section F of the ITA.

[Handwritten Signature]

[Handwritten Signature]

[Handwritten Signature]

Section 3. Application and Notification of Enlistment Forms

Form	Title
	Application and Notification of Enlistment Forms
SADE1-1	Application Submission Letter
SADE1-2	Applicant Information Sheet
SADE1-3	Authorization Letter for Signing the Application
SADE1-4	Notification of Enlistment Form

Handwritten signature

Handwritten signature

Application Submission Letter (Form – SADE1-1))

*[This letter shall be completed and signed by the Authorized Signatory
on the Letter-Head pad of the Applicant]*

To: <i>Managing Director</i> <i>RPGCL</i>	Date:
Invitation for Application No:	<i>01</i>
Application No:	<i>[indicate No]</i>
Lot No:	<i>[indicate number of Lots]</i>

We, the undersigned in conformity with the Application Document submit our Application for the purpose of enlistment.

In signing this letter, and in submitting our Application, we also confirm that:

- a) our Application shall be valid for the period stated in the Application Data Sheet (ITA Sub-Clause 23.2);
- b) we have examined and have no reservations to the Application Document issued by you on *[insert date]*;

including Addendum to Application Documents No(s) *[state numbers]*, issued in accordance with the Instructions to Applicant (ITA Clause 9). *[insert the number and issuing date of each addendum; or delete this sentence if no Addendum have been issued]*;

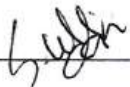
- c) we have nationalities from eligible countries, in accordance with ITA Sub-Clause 4.1;
- d) we are submitting this Application as a sole Applicant.
- e) we are not a Government owned entity as defined in ITA Sub-Clause 4.3

or

we are a Government owned entity, and we meet the requirements of ITA Sub-Clause 4.3;

(delete one of the above as appropriate)

- f) we have not been declared ineligible by the Government of Bangladesh under the laws of Bangladesh or official regulations or by an act of compliance with a decision of the United Nations Security Council on charges of engaging in corrupt, fraudulent, collusive, coercive practices, in accordance with ITA Sub-Clause 4.6;
- g) furthermore, we are aware of ITA Sub Clause 3.3 concerning such practices and pledge not to indulge in such practices;
- h) we, confirm that we do not have a record of poor performance, such as abandoning supply, not properly completing contracts, inordinate delays, or financial failure as stated in ITA Sub-Clause 4.7, and that we do not have, or have had, any litigation against us, other than that stated in the Applicant Information Sheet (Form SADE1-2);
- i) we are not participating as Applicants in more than one Application in this Application process;
- j) We confirm that we irrevocably waive any right to seek and obtain any court injunction or restraining order against Rupantarita Prakritik Gas Company Limited (RPGCL), Bangladesh Oil, Gas and Mineral Corporation (PETROBANGLA), the Government of the People's Republic of Bangladesh or Ministry of Power, Energy and Mineral Resources or any other government authority involved in the LNG Procurement process to prevent or restrain the enlistment process and subsequent processes thereto.
- k) We also irrevocably waive any rights of recovery that we may have now or that may arise in the future against, and releases, RPGCL, PETROBANGLA, the Government of the People's Republic of Bangladesh and Ministry of Power, Energy and Mineral Resources and each and every Bangladesh government authority from any and all claims for any loss we may suffer in relation to any acts or omissions, whether in tort, negligence, strict liability, breach



of contract or otherwise, by RPGCL, PETROBANGLA, the Government of the People's Republic of Bangladesh or Ministry of Power, Energy and Mineral Resources or any other government authority involved in the Procurement process in connection with the pre-qualification as provided herein and as contemplated hereby.

- l) we understand that you reserve the right to accept or reject any Application, cancel the Application proceedings, or reject all Applications, without incurring any liability to Applicants, in accordance with ITA Clause 32.

Signature:

[insert signature of authorized representative of the Applicant]

Name:

[insert full name of signatory with National ID]

In the capacity of:

[insert designation of signatory]

Duly authorized to sign the Application for and on behalf of the Applicant

[If there is more than one (1) signatory add other boxes and sign accordingly].

Attachment 1: Written confirmation authorizing the above signatory(ies) to commit the Applicant, in accordance with ITA Sub-Clause 21.1(c)



Applicant Information Sheet (Form – SADE1-2)

[The Applicant shall fill in this Form in accordance with the instructions indicated below. No alterations to its format shall be permitted and no substitutions shall be accepted]

Invitation for Application No: 01

Date: *[Insert date of Application Submission]*

Application Lot No: *[Indicate Lot No]*

A. Individual Applicants

1.	<i>Eligibility Information of the Applicant [ITA Clauses 4]</i>	
1.1	Applicant's Legal Name:	
1.2	Applicant's legal address in Country of Registration	
1.4	Applicant's Year of Registration	
1.5	Applicant's Authorised Representative	
	Name	
	National ID number	
	Address	
	Telephone / Fax Numbers	
	e-mail address	




1.6

Attached are copies of documents: *[check box(es) of the attached original documents]*

- Articles of Incorporation or Registration of firm named in 1.1, in accordance with ITA Clause 4.*
- In case of government owned entity, documents establishing legal and financial autonomy and compliance with commercial law, in accordance with ITA Clause 4.*
- An affidavit confirming the legal capacity stating that there are no existing orders of any judicial court that prevents either the Applicant or employees of an Applicant entering into or signing a contract with the Procuring Entity in accordance with ITA clause 4.*
- An affidavit confirming that the Applicant is not insolvent, in receivership or not bankrupt or not in the process of bankruptcy, not temporarily barred from undertaking their business for financial reasons and shall not be the subject of legal proceedings for any of the foregoing in accordance with ITA Clause 4.*

Handwritten signatures in black ink, appearing to be initials and a full name.

perceles

<input type="checkbox"/> A certificate issued by the competent authority stating that the Applicant is a Tax payer having valid Tax identification Number (TIN) and VAT registration number or in lieu any other document acceptable to the Procuring Entity demonstrating that the Applicant is a genuine Tax payer and has a VAT registration number as a proof of fulfilment of taxation obligations in accordance with ITA Clause 4.	
<input type="checkbox"/> Documentary evidence demonstrating that they are enrolled in the relevant professional or trade organizations registered in Bangladesh in accordance with ITA Clause 4.	
<input type="checkbox"/> Company Profile	
2. Litigation History: Number of arbitration awards against the Applicant over last 5years in accordance the ITA Clause 11 :	
3. Qualification Information of the Applicant:	
3.1	Number of years of overall experience of the Applicant in the supply of LNG and related services as stated under ITA Sub-Clause12.1(a):
3.2	experience of the applicant to deliver LNG on FSRU based terminal <input type="checkbox"/> Yes <input type="checkbox"/> No

Handwritten signature

Handwritten signature

3.3	<i>The supply capacity of LNG, if applicable, as stated under ITA Sub-Clause 12.(c)(surveyors discharge report should be attached to prove minimum requirement)</i>	Year		Amount (Million Tonnes)	
		2023			
		2022			
		2021			
		2020			
		2019			
3.4	<i>Available total asset, total liabilities and net worth in accordance with ITA Clause 13 (last three fiscal years audited report should be attached). If the balance sheet for the last fiscal year is not audited, the applicant must submit a balance sheet signed by the Chief Financial Officer. The fiscal year typically runs from July to June, though exceptions are permitted.</i>	Fiscal Year	Total Asset Million USD (A)	Total Liabilities Million USD (B)	Net Worth= Million USD (A-B)
		2023-24			
		2022-23			
		2021-22			
3.5	Reliability of Supply	<p>Have you failed to deliver an LNG cargo in the last five years?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, please state details.</p>			
3.6	Shipping Capability for DES delivery (valid document required)	<p>No. of Own vessels:</p> <p>No. of Charters vessels</p>			
3.7	Ability to delivery Lean LNG	<input type="checkbox"/> Yes <input type="checkbox"/> No			

[Handwritten signature]

[Handwritten signature]

Authorization Letter for Signing the Application (Form SADE1-3)

To:

Date:

Chairman

Bangladesh Oil, Gas and Mineral Corporation (PETROBANGLA)

Address:

From: [Insert Applicant Name and Address]

Dear Sir,

With reference to your invitation for enlistment dated (insert date), we hereby authorized the following person(s) to execute the application including all documents on behalf of our entity.

<u>Name</u>	<u>Passport Number/ Country of Issue</u>	<u>Specimen Signature</u>

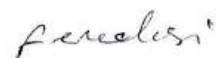
We confirm that, we shall be responsible and liable for any misrepresentation made in any documents submitted to you in connection with the enlistment process which is executed by the above person(s).

Yours sincerely,

Signature:

Name of Applicant:

Address:



Notification of Enlistment (Form SADE1-4)

No:

Date:

To: *[Name of Applicant]*

This is to notify you that your Application dated *[insert date]* for enlistment for subsequent supply of LNG and related Services has been approved or approved conditionally *[if conditionally approved mention the conditions below]* by *[name of Procuring Entity]*.

Conditions:

- 1.
- 2.
- 3.

You are thus requested to take following actions:

- i. accept in writing the Notification of Enlistment within seven (7) working days of its issuance pursuant to ITA Sub-Clause 34;
- ii. sign the attached Master Sale and Purchase Agreement within fifty-six (56) days of issuance of this Notification of Enlistment but not later than *(specify date)*, in accordance with ITA Clause 34.

We attach the Master Sale and Purchase Agreement for your perusal and signature.

Signed

Duly authorized to sign for and on

behalf of *[name of Procuring Entity]*

Date:

SADE_RFQ_Int_LNG_10_Nov_2024

h. uddin
Md. Salahuddin
General Manager (LNG Cell)
Petrobangla, Dhaka

[Signature]
Engr. Mohammad Abdul Mukit
Deputy General Manager (LNG)
Rupantarita Prakritik Gas Co. Ltd.
RPGCL, Dhaka

Ferdousi
Engr. Ferdousi Begum
General Manager (LNG)
Rupantarita Parkritk Gas Co. Ltd.
Khilkhet, Dhaka.

36