

Memorandum Of Understanding

Licensing and Engineering Services for LEPC-7 PACKAGE OF SULPHUR RECOVERY UNIT (1 x 400 MTPD) INCLUDING CONTROL ROOM AND SUBSTATION FOR SULPHUR BLOCK FOR "LuPech" (J-18) PROJECT at IOCL GUJARAT REFINERY, VADODARA, GUJARAT, INDIA
This Binding Memorandum of Understanding (hereinafter "Memorandum" or "MOU") is dated this _____

BETWEEN

BHARAT HEAVY ELECTRICALS LTD having its registered office at BHEL House, Siri fort, New Delhi 110043 (hereinafter referred to as "**BHEL/First Party**") which expression shall mean and include its legal heirs, administrators and permitted assigns),

AND

_____ having its registered office at _____
_____ (hereinafter referred to as "**ESC/Second Party**") which expression shall mean and include its legal heirs, administrators and permitted assigns).

(referred to herein as "Parties" or individually as "Party")

WHEREAS

On behalf of **Indian Oil Corporation Limited, New Delhi** (The 'Customer'), **M/s Technip India Ltd** as CONSULTANT invited e-Bids (vide Bidding Document Reference: **IBCE-6373-C00-PJM-TEN-EPCC-03**) on 08.08.2020, for Licensing and Engineering Services for LEPC-7 PACKAGE OF SULPHUR RECOVERY UNIT (1 x 400 MTPD) INCLUDING CONTROL ROOM AND SUBSTATION FOR SULPHUR BLOCK FOR "LuPech" (J-18) PROJECT at IOCL GUJARAT REFINERY, VADODARA, GUJARAT, INDIA: Project Management, Residual Process Design, Detailed Engineering (including HAZOP/ SIL study), procurement, fabrication, inspection, transportation of all the equipment's/ materials to work site, storage, assembly, erection, installation, construction and testing of all above mentioned facilities, including statutory approvals, and to achieve mechanical completion, pre-commissioning, commissioning, performance guarantee test run (PGTR) and handing over of all the facilities to Client including supply of mandatory/ recommended spares based on FEED Package provided by Toyo Engineering India Pvt. Ltd. (TOYO) of NEW SULPHUR RECOVERY UNIT (SRU), TAIL GAS TREATMENT UNIT (TGTU), NEW AMINE REGENERATION UNIT (ARU), NEW SOUR WATER STRIPPER UNIT (SWS), SULPHUR YARD CAPACITY EXPANSION to 9.0 MMTPA PROJECT". for IOCL **BARAUNI Refinery** on Open Global Tender basis from competent CONTRACTORS with sound Technical, Financial and Execution capabilities fulfilling the Qualification Criteria as stated in the Tender document.

The First Party is meeting the Pre-qualification Criteria as per tender requirements and not meeting the additional criteria for Residual Process Engineering and Detailed Engineering and the Second Party is meeting the additional criteria as per tender requirements.

The First Party and the Second Party hereby agree as under:

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1. Prior to bidding on this tender, the parties on mutual consent shall enter into a Joint Bidding Agreement to detail out each party's obligations and responsibilities for the execution of this identified project, including the allocation of the scope of works in the identified project and the parties respective obligations on the related bidding costs and expenses. And detailed scope of work and pricing.
2. The MOU shall be part of the tender to be submitted to Indian Oil Corporation Limited.
3. The MOU does not allow the parties to enter into collaboration with any other parties for this particular tender.
4. This MOU shall be governed under Indian laws. Disputes, if any shall be resolved amicably, otherwise resolved by arbitration in India in accordance with the Indian Arbitration and Conciliation Act, 1996. The language of the arbitration shall be English language.

This Memorandum of Understanding (MOU), signed in duplicate with each party receiving one original document, shall cease to be valid till the bid validity of the tender from the date of the MOU unless mutually extended in writing by the parties.

SIGNED BY THE PARTIES THIS _____

BHARAT HEAVY ELECTRICALS LTD
