

Memorandum Of Understanding

for Multi Effect Evaporator (Zero Liquid Discharge) Package
in Multi Effect Evaporator Tender on LSTK basis for
IOCL-Panipat

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

Zero Liquid Discharge Package Supplier _____ having its registered office at _____ (hereinafter referred to as **"ZLDS/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 **IOCL, Panipat** (The 'Customer'), **M/s M.N.DASTUR & COMPANY PVT. LTD. (MND)** as CONSULTANT invited Bids (vide Bidding Document Reference: **ROMEE-PR-WTS-001** on 01.06.2021, for Multi Effect Evaporator Plant at Panipat on LSTK basis from competent contractors 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 Zero Liquid Discharge Package and the Second Party is meeting the additional criteria as per tender requirements.

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

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 TFL.
3. 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.

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4. ZLDS <company name> has experience of executing work under a single contract for One Evaporator System/ZLD system of installed capacity of at least 5 m3/hr as part of any Effluent Treatment /Zero Liquid Discharge plant.
5. ZLDS <company name> undertakes to execute the Evaporator System/ZLD system of TFL project should the bidder emerge as successful bidder.
6. BHEL in case emerges as successful bidder, they will execute the Evaporator System/ZLD system only through the supplier/vendor as per this MOU.

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

ZLDS