

**ADDENDUM NO. 01**

**Amendments to the Bidding Document, LCC/22-23/ST/29/1, Published on 29<sup>th</sup> September 2022 for Supply of 300,000 MT ±10% of Coal for Lakvijaya Power Plant Sri Lanka – Coal Season 2022-2023.**

Amended clause	Existing Clause	New amended clause should be read as
<b>Clause 2.1, Item no. 8, Bid Data Sheet, Deadline for Bid Submission</b>	Clause 2.1, Item no. 8, Bid Data Sheet, Deadline for Bid Submission 10:00 am (Sri Lanka Standard Time) on 20/10/2022.	Deadline for Bid Submission has been extended to 10:00 am (Sri Lanka Standard Time) on 25/10/2022.
	<b>A new clause 2.2.7 has been introduced</b>	The clause <b>2.2.7 Eligible Bidders</b> has been newly introduced and should be read as below  The Bidder, may be a natural person, private entity or any combination of them with a formal intent to enter into an agreement or under an existing agreement in the form of joint venture or suppliers who are registered in the LCC for supply of coal are eligible to bid for this contract.
<b>Clause “2.3.1 LIST OF BIDDING DOCUMENTS” has been amended.</b>	❖ SECTION 6, ANNEXURES 6.1 TO 6.10  The Bidder is expected to examine Invitation for Bids, Instructions to Bidders, Annexures 6.1 to 6.10, Conditions of Contract, and Proposed Coal Supply Agreement, Schedules, Specifications and other information in the Bidding Document. ....	....  ❖ SECTION 6, ANNEXURES 6.1 TO <b>6.11</b>  The Bidder is expected to examine Invitation for Bids, Instructions to Bidders, Annexures 6.1 to <b>6.11</b> , Conditions of Contract, and Proposed Coal Supply Agreement, Schedules, Specifications and other information in the Bidding Document. ....

Amended clause	Existing Clause	Amended to read as
<p>Second (2<sup>nd</sup>) paragraph and item a) of Clause “2.8.1 JOINT VENTURE of COMPANIES including PARTNERSHIPS and/or ASSIGNEES” has been amended. clause, a) &amp; c) have been revised.</p>	<p>A joint venture shall be required to be qualified according to the criteria stated in this Section. All individual members of the joint venture must qualify according to the criteria stated in sub-clause 2.8.3.3 for the joint venture to qualify to submit a Bid.</p> <p>If a joint venture includes a member who is not qualified, then the whole joint venture shall be disqualified as prospective bidder, even if the other members of the joint venture are individually qualified.</p> <p>Bid submitted by a joint venture of two or more firms as partners shall comply with the following requirements:</p> <p>a) Bidder shall include all the information listed in the sub-clause 2.8.3.2, Paragraph (a) to Paragraph (g) for each joint venture partner and Paragraph (h) for the joint venture;</p> <p>b) One of the partners shall be nominated as Lead Partner of the Joint Venture (The “Lead Partner”); and this authorization shall be evidenced by submitting a Power of Attorney signed by legally authorized signatories of all the partners;</p> <p>c) The Lead Partner shall be authorized to incur liabilities and receive instructions for and on behalf of any and all partners of the joint venture and the entire execution of the Contracts including payments, which shall be done exclusively with the Lead Partner;</p> <p>d) All partners of a joint venture shall be jointly and severally liable for the execution of the Contracts in accordance with the contract terms, and a statement</p>	<p>A joint venture shall be required to be qualified according to the criteria stated in this Section. All individual members of the joint venture must qualify according to the criteria stated in sub-clause 2.8.3.3 for the joint venture to qualify to submit a Bid.</p> <p>If a joint venture includes a member who is not qualified under clause 2.8.3.3, then the whole joint venture shall be disqualified as prospective bidder, even if the other members of the joint venture are individually qualified.</p> <p>Bid submitted by a joint venture of two or more firms as partners shall comply with the following requirements:</p> <p>a) Bidder shall include all the information listed in the sub-clause 2.8.3.2, Paragraph (a) to Paragraph (e) for each joint venture partner and information listed in 2.8.1 paragraph b) to Paragraph (e) for the joint venture;</p> <p>b) One of the partners shall be nominated as Lead Partner of the Joint Venture (The “Lead Partner”); and this authorization shall be evidenced by submitting a Power of Attorney signed by legally authorized signatories of all the partners;</p> <p>c) The Lead partner shall be authorized to receive instruction for and on behalf of any and all partners of the joint venture and the entire execution of the contract including payments, with shall be done exclusively with the lead partner.</p> <p>d) All partners of a joint venture shall be jointly and severally liable for the execution of the Contracts in accordance with the contract terms, and a statement to</p>

Amended clause	Existing Clause	Amended to read as
	<p>to this effect shall be included in the authorization mentioned under (c) above, as well as in the Bidding Document;</p> <p>e) A copy of the agreement entered into by the joint venture partners attested by an attorney at law shall be submitted with the Bidding Document.</p>	<p>this effect shall be included in the authorization mentioned under (c) above, as well as in the Bidding Document;</p> <p>e) A copy of the agreement entered into by the joint venture partners attested by an attorney at law shall be submitted with the Bidding Document.</p>
<p>Clause 2.8.3.1</p>		<p>A new paragraph has been introduced to clause 2.8.3.1 and should be read as below;</p> <p>Bidders who fail to provide evidence as below to prove that they meet with the minimum qualification criteria shall be rejected</p>
<p>Clause “2.8.3.2 item a) to h) have been amended and rearranged to offer more clarity.</p>	<p>Bidders shall meet the following minimum qualification criteria and Bidders who fail to provide evidence as below to prove that they meet with the minimum qualification criteria shall be rejected:</p> <p>a) Average annual turnover of USD 50 million or equivalent, over the last three (3) financial years (2018/19,2019/20 and 2020/21).</p> <p>Audited financial statements for the immediate last three years and draft/management account for the rest of the period up to the one month prior the bid closing date shall be submitted. The annual average turnover of the company should be more than USD 50 Million or equivalent.</p> <p>In the event of the commencement of Bidder’s</p>	<p><b>a) AVERAGE ANNUAL TURNOVER (SIZE OF OPERATION)</b></p> <p>Bidder shall have average annual turnover of USD 50 million or equivalent, over the last three (3) financial years (2018/19,2019/20 and 2020/21).</p> <p>Audited financial statements for the immediate last three years and draft/management account for the rest of the period up to the one month prior the bid closing date shall be submitted. The annual average turnover of the company should be more than USD 50 Million or equivalent.</p> <p>In the event of the commencement of Bidder’s financial years do not coincide with calendar years, the Bidders are requested to submit these statements with respect to last three years according to the respective financial year for their companies.</p>

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	<p>financial years do not coincide with calendar years, the Bidders are requested to submit these statements with respect to last three years according to the respective financial year for their companies.</p> <p>b) Have experience in supplying at least one (01) Million Metric Tons of coal having Gross Calorific Value (As Received Basis) of 5900 kCal / kg or higher in last 36 months, i.e from 1st April 2018 to 31st March 2021. Any transactions of supplying coal between the partners of a Joint Venture formed will not be taken for consideration for the purposes of assessing experience of the Joint Venture.</p> <p>Similarly, any transactions of supplying coal between the parents and/or subsidiaries and/or associates of a Bidder or a partner of a Joint Venture will not be taken for consideration for the purposes of assessing experience of the Bidder or Joint Venture, as the case may be.</p> <p>Bidder is required to provide the following supporting information from all the Purchasers indicated in Part 1 of Annexure 8 in the bidding document duly certified by the respective Purchaser.</p> <p>c) The Contract numbers and Contract dates and Coal actually supplied to the indicated Purchaser by the Bidder's Company during the period 1st April 2018 to 31st March 2021 in Part 2 of Annexure 8 in the bidding document. The Purchasers need to clearly indicate the name of</p>	<p><b>b) CONTRACTUAL EXPERIENCE</b></p> <p>Bidder shall have experience in supplying at least one (01) Million Metric Tons of coal having Gross Calorific Value (As Received Basis) of 5900 kCal / kg or higher in last 36 months, i.e from 1st April 2018 to 31st March 2021. Any transactions of supplying coal between the partners of a Joint Venture formed will not be taken for consideration for the purposes of assessing experience of the Joint Venture.</p> <p>Similarly, any transactions of supplying coal between the parents and/or subsidiaries and/or associates of a Bidder or a partner of a Joint Venture will not be taken for consideration for the purposes of assessing experience of the Bidder or Joint Venture, as the case may be.</p> <p>Bidder is required to provide the following supporting information from all the Purchasers indicated in Part 1 of Annexure 8 in the bidding document duly certified by the respective Purchaser.</p> <p>i) The Contract numbers and Contract dates and Coal actually supplied to the indicated Purchaser by the Bidder's Company during the period 1st April 2018 to 31st March 2021 in Part 2 of Annexure 8 in the bidding document. The Purchasers need to clearly indicate the name of the supplier and any discrepancy in the name cannot be accepted.</p> <p>ii) The Bill of Lading (BL) / Goods Receipt Notice (GRN) reference numbers, and quantity of Coal received under each BL/GRN in Part 3 of Annexure 8 in the Bidding Document together with copies of all such BLs/GRNs and any other relevant document such as</p>
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Amended clause	Existing Clause	Amended to read as
	<p>the supplier and any discrepancy in the name cannot be accepted.</p> <p>d) The Bill of Lading (BL) / Goods Receipt Notice (GRN) reference numbers, and quantity of Coal received under each BL/GRN in Part 3 of Annexure 8 in the Bidding Document together with copies of all such BLs/GRNs and any other relevant document such as invoices along with the customs entries for coal supplied under the contracts indicated in Part 2 of Annexure 8 in the Bidding Document. If the BLs/GRNs do not provide any references to the applicable Coal Supply Contracts as indicated in Part 2 of Annexure 8 in the Bidding Document or names of the purchaser and shipper as appear in the BLs/GRNs do not exactly match with the name of the respective Purchaser and the company, the Purchaser is required to specifically certify that all BLs/GRNs referred to by him are related to the Coal delivery under the respective Coal Supply Contracts.</p> <p>Further In order to prove that the Bidder has supplied one (01) Million Metric Tons of coal having Gross Calorific Value (As Received Basis) of 5900 kCal / kg or higher as required herein above, Bidder shall provide Test Certificate issued by an independent testing authority and/or a certificate from his purchaser specifying that the coal received has Gross Calorific Value (As Received Basis) of 5900 kCal / kg or higher. Such certificate shall clearly identify the consignment of coal for</p>	<p>invoices along with the customs entries for coal supplied under the contracts indicated in Part 2 of Annexure 8 in the Bidding Document. If the BLs/GRNs do not provide any references to the applicable Coal Supply Contracts as indicated in Part 2 of Annexure 8 in the Bidding Document or names of the purchaser and shipper as appear in the BLs/GRNs do not exactly match with the name of the respective Purchaser and the company, the Purchaser is required to specifically certify that all BLs/GRNs referred to by him are related to the Coal delivery under the respective Coal Supply Contracts.</p> <p>Further In order to prove that the Bidder has supplied one (01) Million Metric Tons of coal having Gross Calorific Value (As Received Basis) of 5900 kCal / kg or higher as required herein above, Bidder shall provide Test Certificate issued by an independent testing authority and/or a certificate from his purchaser specifying that the coal received has Gross Calorific Value (As Received Basis) of 5900 kCal / kg or higher. Such certificate shall clearly identify the consignment of coal for which such certificate is applicable by way of reference to the vessel name and date (to establish that the coal consignment meets with minimum Gross Calorific Value criteria). The quantity of coal meeting these criteria shall be established by providing the documents and information specified in the paragraph above. It is the responsibility of the Bidder to prove that certificates specified above and BL/GRN are both applicable for the same consignment of coal.</p> <p><b>c) CASH FLOW CAPACITY</b> Bidder shall have minimum working Capital and or</p>

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	<p>which such certificate is applicable by way of reference to the vessel name and date (to establish that the coal consignment meets with minimum Gross Calorific Value criteria). The quantity of coal meeting these criteria shall be established by providing the documents and information specified in the paragraph above. It is the responsibility of the Bidder to prove that certificates specified above and BL/GRN are both applicable for the same consignment of coal.</p> <p>e) Working Capital and or evidence of access to or availability of Credit Facility for not less than USD 15 Million (Annexure 9)</p> <p>i) In case of Working Capital, it will be derived by using the following formula based on the values represent the latest balance sheet.</p> <p>Working Capital = Total Current Assets – Total Current Liabilities</p> <p>ii) Bidder shall provide original letter of confirmation from the Bidder’s bank(s) as evidence of availability of Credit Facilities. Photocopies, faxes, email shall not be acceptable.</p> <p>f) The coal from mines proposed by the Bidder shall have quality within the LCC Standard Value and Rejects Value for coal as per Clause 5.1 and 5.2.</p>	<p>evidence of access to or availability of Credit Facility for not less than USD 15 Million (Annexure 9)</p> <ul style="list-style-type: none"> <li>▪ In case of Working Capital, it will be derived by using the following formula based on the values represent the latest balance sheet.</li> </ul> <p>Working Capital = Total Current Assets – Total Current Liabilities</p> <ul style="list-style-type: none"> <li>▪ Bidder shall provide original letter of confirmation from the Bidder’s bank(s) as evidence of availability of Credit Facilities. Photocopies, faxes, email shall not be acceptable.</li> </ul> <p><b>d) PENDING LITIGATION AND ARBITRATION</b></p> <p>Bidder shall provide accurate information, under the Annexure 10, on any litigation or arbitration resulting from contract completed or under execution by him over the last three (3) years. A consistent history of arbitration decisions opposing the claim of the Bidder or any partner of a joint venture will result in disqualification. Any Bidder who is already on litigation process or has failed to supply coal as per the contractual terms or breached the contracts relating to supply of coal to LCC shall be disqualified.</p> <p><b>e) QUALITY OF COAL TO BE SUPPLIED</b></p> <p>The coal from mines proposed by the Bidder shall have quality within the LCC Standard Value and Rejects Value for coal as per Clause 5.1 and 5.2.</p>

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	<p>g) Shall provide accurate information, under the Annexure 10, on any litigation or arbitration resulting from contract completed or under execution by him over the last three (3) years. A consistent history of arbitration decisions opposing the claim of the Bidder or any partner of a joint venture will result in disqualification. Any Bidder who is already on litigation process or has failed to supply coal as per the contractual terms or breached the contracts relating to supply of coal to LCC shall be disqualified.</p> <p>h) The figures for each of the partners of a Joint Venture shall be added together to determine the Joint Venture's compliance with the minimum qualifying criteria set out in (a) to (g) above; however, in order for a Joint Venture to qualify, each of its partners must individually meet at least one of the minimum criteria listed in this clause (a), (b), and (c) for an individual company and the Lead Partner should also individually meet at least 50% of one of minimum criteria set out in (a), (b), and (c). Failure to comply with this requirement will result in the disqualification of a Joint Venture.</p>	<p>As a mandatory requisite Bidder should sign a declaration (Annexure 6.11) confirming that he will adhere to the conditions stated in 2.8.3.2 e) above.</p> <p>The figures for each of the partners of a Joint Venture shall be added together to determine the Joint Venture's compliance with the minimum qualifying criteria set out in (a) to (c) above; however, in order for a Joint Venture to qualify, each of its partners must individually meet clause (d) and (e) above and at least one of the minimum criteria listed in this clause (a), (b) and (c) for an individual company and the Lead Partner should also individually meet at least 50% of one of minimum criteria set out in (a), (b) and (c). Failure to comply with this requirement will result in the disqualification of a Joint Venture.</p>
<p>Fist (1<sup>st</sup>) paragraph of the clause "3.23 JOINT VENTURE / PARTNERSHIP OR AGENCY" has been amended.</p>	<p>..... The following mandatory documents shall be submitted along with the bid as per Annexure 3B of this bid document. ....</p>	<p>..... The following mandatory documents shall be submitted along with the bid as per Annexure 3B of this bid document <b>and the optional documents for affiliate company guarantee as Annexure 3C of this bid documents. ....</b></p>

Amended clause	Existing Clause	Amended to read as
<p><b>Item II of clause 5.5: QUALITY PRICE ADJUSTMENTS</b></p>	<p><b>5.5: QUALITY PRICE ADJUSTMENTS</b></p> <p>II. When preparing the <i>Commercial invoice</i> for the balance payment, the <b>Discharge port Quality Analysis Certificate and Weight Certificate</b> should be considered.</p>	<p><b>Clause 5.5: QUALITY PRICE ADJUSTMENTS, should be amended to read as</b></p> <p>II. When preparing the <i>Commercial invoice</i> for the payment, the <b>Discharge port Quality Analysis Certificate and Weight Certificate</b> should be considered.</p>
<p>Clause 6.3. ANNEXURE 3C: AFFILIATE COMPANY GUARANTEE has been introduced.</p>		<p>This clause “6.3, ANNEXURE 3C: AFFILIATE COMPANY GUARANTEE” has been introduced to the bidding document and is attached as <b>Annexure - 01</b> of this Addendum.</p>
<p>Clause “6.9. ANNEXURE 9: FINANCIAL STATUS AND BANKING INFORMATION OF BIDDER” has been amended.</p>	<p>REFERENCE: CLAUSE 2.8.3.2, e) of Section 2 <i>2<sup>nd</sup> paragraph</i> <i>... Bidder shall attach annual reports and certified copies of audited financial statements for immediate the last three (3) years as per the clause 10.2.</i></p>	<p>REFERENCE: CLAUSE 2.8.3.2, a &amp; c) of Section 2 <i>... Bidder shall attach annual reports and certified copies of audited financial statements for immediate the last three (3) years as per the clause 2.8.3.2. a).</i></p>
<p>Clause “6.10. ANNEXURE 10: LITIGATION AGAINST THE BIDDER” has been amended</p>	<p>6.10. ANNEXURE 10: LITIGATION AGAINST THE BIDDER</p>	<p>Below sentence has been introduced to the table given in this Annexure and amended to read as below.</p> <ul style="list-style-type: none"> <li><b>Details regarding ongoing litigation needs to be substantiated by an affidavit, and duly authorized by a notary public.</b></li> </ul>
<p>Clause 6.11. ANNEXURE 11: DECLARATION FOR QUALITY</p>	<p>This new Annexure 11 has been introduced to the bidding document</p>	<p>This clause “6.11. ANNEXURE 11: DECLARATION FOR QUALITY” has been introduced to the bidding document and is attached as <b>Annexure - 02</b> of this Addendum.</p>

- End of Addendum No. 01 -