

Tender No. NMPA/ME/HIRE TUGS/2024/06 dated 13-12-2024; e-tender No. 2024_NMPT_839577_1
Tender for “Hiring of 2 Nos. 50T BP Tugs for a period of 07 years”
PRE –BID CLARIFICATIONS

Sl. No.	Clause Details	Clarification Sought / Changes Suggested	Clarifications by NMPA
1.	<p>Pre Contract Integrity Pact, Page No. 69</p> <p>7.0 Fall Clause</p> <p>7.1 The BIDDER undertakes that it has not performed/is not performing similar project at a price lower than that offered in the present bid in respect of any other Ministry/Department of the Government of India or PSU and if it is found at any stage that similar project was performed by the BIDDER in any other Ministry/Department of the Government of India or a PSU at a lower price, then that very price, with due allowance for elapsed time, will be applicable to the present case and the difference in the cost would be refunded by the BIDDER to the 'BUYER/EMPLOYER', if the contract has already been concluded.</p>	<p>We are of the opinion that the stated clause is not applicable to tenders for hiring of Vessels and should be entirely removed for the following reasons:</p> <p>A. No two Tugboats are similar – Technical Specification: Since the cost of acquisition of Tugboats is primarily dependent on the specification of Tug boat, the cost of acquisition differs and thus, daily charter hire for Tug boats will not be same for all tug boats.</p> <p>B. Time of acquisition of Tugboats – Demand & Supply: Unpredictable demand & supply situation in the International Market drives the cost of acquisition of Tugboats and thereby, the price quoted by the bidder reflects the prevailing market scenario at the time of that particular tender floated by a Major Port. Therefore, comparing charter rate offered by a service provider at one Port to another Port is misleading and unjustified.</p> <p>C. Forex Fluctuations: Since most of the spare parts of these high-capacity Tugboats are imported from OEM located Overseas, the fluctuation of Indian Rupee against Major currencies plays an important role in the cost of Repair & maintenance of Tug boats. In recent times, the Rupee depreciation against US Dollar has significantly increased the R&M cost of these Tugboats.</p> <p>D. Mobilization cost: Mobilization cost of the Tugboats from domestic or overseas location is greatly impacted by the fuel rate prevailing at the time of tug mobilization for a particular tender. As you are aware, the fuel rate has witnessed a huge escalation and hence, the cost of mobilization has gone up significantly.</p> <p>Most recently Jawaharlal Nehru Port Authority amended the Integrity Pact in their Tender (Ref. No. JNP/DC/60T BP TUG /2022) with deletion of the Fall Clause Section. The same clause was also amended in MPA Tender No. DC/S (18)/2024/2 floated in July 2024.</p>	<p>Tender Condition Prevails</p>

<p>2.</p>	<p>Clause No. 30 (Q) of GCC, Page No. 30 Registration The tug shall be registered as Indian Coastal Vessel under the Merchant Shipping Act, 1958 as per DGS Order 01 of 2014 or its latest amendment as applicable.</p> <p>Clause No. 33 of GCC, Page No. 31 Service Requirement The vessels to be used for all lawful maritime activities as directed by Deputy Conservator including berthing, unberthing, firefighting, SPM operations (about 10 nautical miles from shore), towing buoys and saving life & property etc. round the clock (24 hours a day) and throughout the contract period of seven (07) years.</p> <p>Clause No. 1 (g) of GCC, Page No. 19 g) The "Site" shall mean the area of operation of the tug being the Port limits of New Mangalore Port Authority.</p>	<p>We are of the opinion that registration requirement shall be as follows: "The tug shall be registered under the Merchant Shipping Act, 1958. The Vessel shall sail under Indian flag". Kindly consider the above and confirm.</p>	<p>Tender Condition Prevails</p>
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<p>3.</p>	<p>Clause No. 30 (F) of GCC, Page No. 28 Bollard Pull Bollard Pull test shall be carried out every two years with a window period of ± 3 months from the date of last issued certificate. Bollard Pull test shall be at the cost of the contractor in the presence of the IACS Classification Society Surveyor and Port Representative within the Port premises. Bollard and Berth will be given free of cost, however the expenses towards arrangement of Surveyor and the gadgets required or any other costs involved for the test would be on contractor's account.</p>	<p>i. If the bollard pull test is carried out at the request of Port and the Tug delivers the required Bollard Pull, the entire cost shall be borne by the Port. ii. During such bollard pull test the Tug will be considered on hire. iii. Kindly consider interval between two Bollard Pull tests to be twice in 5 years period.</p>	<p>Refer Corrigendum Sl. No. 1</p>
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4.	<p>Additional Query</p> <p>Whenever the Tug is engaged for Port Operations, the Tug will be treated as Port Tug.</p>	<p>In line with tug tenders of other Major Port trusts such as Mormugao Port, Paradip Port, Vizag Port, Kolkata Port etc., we request that throughout the contract period, the tug shall enjoy the Protection and Indemnities available to the vessels owned by the NMPA provided under bye-laws of the New Mangalore Port Trust/ Authority Act or otherwise.</p> <p>Our request to include “Whenever the Tug is engaged for Port Operations, the Tug will be treated as Port Tug” was part of Port’s previous tug tenders. Kindly Consider.</p>	<p>Not Applicable</p>
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5.	<p>Clause No. 52 (d) of GCC, Page No. 40 Price Bid Evaluation:</p> <p>In the event, single Tug bidder offers lowest for either of the Tugs, bidder for the other Tug should match the rate with the lowest offer. In the event bidder is not able to match the offer with the lowest offer, Port reserves the right not to accept the highest offer.</p>	<p>The daily charter hire rate is primarily derived from the cost of acquisition of tugboats which differs from one tug to another. Even the Tugboats built in the same year and same yards could have different exchange rate, different design, different equipment which will impact the cost of acquisition. Also, the cost of financing and operating costs can vary from one bidder to other and therefore differential daily hire rate. In closed bid system such as this wherein the Bidders have to quote their most competitive rate at the bid stage itself to remain in the competition. Insisting to match L1 price to secure the contract could be detrimental for both the bidder and the Port in the long run. The bidder having to match L1 price, might have to cut corners such as reduced maintenance of the tugs etc. and this might affect the safety of Port operations. Further, if bidders do not forth come to match L1, the risk of retendering is certain. Realizing this fact, most of the major Ports including that of Deendayal Port, Mumbai Port in their recent tenders did not ask bidders to match L1 prices. We request amendment in the clause as follows: “Upon technically qualified, the bidder which is quoting the lowest price will be considered for acceptance, irrespective of single/two tug offer. In case the lowest offer is single tug, the second tug will be considered from the next lowest offer.</p>	<p>Tender Condition Prevails</p>
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CORRIGENDUM

1 **Clause No. 30 (F) of GCC to read as:**

BOLLARD PULL:

Bollard Pull of the tug @ 100% MCR is 50T or more.

Steady/sustained Bollard Pull of the Tug should be **50 Tonnes** or more at the time of delivery and same to be maintained throughout the contract period. Bollard Pull test certificate should be from IACS classification society and the copy of certificate to be submitted to New Mangalore Port Authority.

Bollard Pull test is not required during delivery of Tug. However, Bollard Pull Test Certificate shall be produced which should be **not more than 01 year old** at time of delivery of tug.

Bollard Pull Test to be carried out **twice in 5 years** with a window period of **± 3 months** from the date of last issued certificate. Bollard Pull test shall be at the cost of the contractor in the presence of the IACS Classification Society Surveyor and Port Representative if carried out within the Port premises. **Bollard and Berth will be given free of cost**, however the expenses towards arrangement of Surveyor and the gadgets required or any other costs involved for the test would be on contractor's account.

In case there are reasons to belief about the tugs performance with regards to Bollard Pull, Dy. Conservator keeps all the rights to instruct the contractor to get the Bollard pull test done irrespective of any time interval. Cost and time towards Bollard pull test shall be borne by the contractor if the tug fails to deliver the required Bollard Pull / any survey instructed by Dy. Conservator. In case Bollard Pull test is successful in such case, cost and time towards Bollard pull test shall be borne by the Port and the tug would be considered on hire.

The Tender Committee recommends uploading the **Pre-bid Clarifications and Corrigendum** in NMPA and CPP websites, subject to approval of the Competent Authority.