

Corrigendum/Amendment No.2

RFQ No/Date: 6001564013 / 08.10.2021

JOB REF: CPO.KR.SP.19.11.21053 (CRFQ NO.:1000376476)

6.1 PENALTY CLAUSES & ENVIRONMENT LIABILITIES clauses 1, 5 and 7 amended and new clause no 10 added as mentioned below

6.1 PENALTY CLAUSES & ENVIRONMENT LIABILITIES

1. Penalty for Non-Compliance of the Design Parameters:

If the O&M Contractor is not able to maintain the guaranteed outlet stream critical quality parameter and quantity as predetermined in annexure - 2 (unless otherwise instructed by BPCL Engineer In charge in writing), then a penalty of 1% of monthly operating fee as per the weightage defined shall be levied for each time of Non Compliance lasting up to twelve hours# time/part ware off and thereafter for each hour additional 0.1% of monthly operating fee shall be levied. The penalty shall not exceed the 10% of monthly O&M contract value. Penalty shall be applicable to outlet streams of respective units RODM, CPU and DM Plant as per below weightage.

- a. RODM - 60% of the monthly operating cost
- b. CPU - 15% of the monthly operating cost
- c. DM Plant - 25% of the monthly operating cost

Measurement of deviation shall be done by online measuring instruments or manual sample testing in lab daily shift basis and penalties shall be applicable accordingly.

On-line analysers at RODM water & polished condensate headers to the respective tank(s) shall only be considered for penalty purpose on account of non-compliance to the RODM water/Polished condensate quality. Also, for penalty purpose, the tolerance limit for compliance to the RODM water/Polished condensate quality shall be 10% higher (+10% for pH) than the guaranteed DM water & Polished condensate quality requirements as per Annexure - 2.

For DM Plant pH, Silica and Conductivity at the outlet of DM plant will be considered for penalty purpose tolerance limit for compliance to the DM water quality shall be 10% higher (+10% for pH) than the guaranteed DM water quality requirements as per Annexure - 2.

5. Penalty for Damage to BPCL Property:

Follow the damage to property clause (clause 88) & Indemnification (Clause 91) as per GCC

7. Penalty Due to Outage, Impacting Refinery Production and CPP:

The contractor shall restrict zero shutdown due to forced outage of the CPU/RO-DM / DM Plant leading to impact on CPP and Refinery. O&M Contractor to ensure continuous supply of DM water and polished condensate to refinery units and CPP. The O & M contractor will pay as penalty, 1% of monthly operator fee per such Non Compliance per hour basis. Cumulative penalty shall not exceed the 10% of monthly O&M contract value.

10. In a month Overall penalty (maximum limit) on account of shortfall in performance with respect to the clause no 6.1.1 to 6.1.9 should not exceed 10% of the monthly contract O&M value.