

**HINDUSTAN ORGANIC CHEMICALS LTD**  
**(A Government of India Enterprise)**  
**AMBALAMUGAL, COCHIN – 682 032**  
**Phone: (0484) 2720911, FAX No. (0484) 2720893**

**E- TENDER NOTICE**

29.04.2019

HOCL Invites e Bids under the two bid system for the following item.

Sl.No.	Description of item and Tender No.	Qty(Approx)
1	Supply of MS Barrels HOCL tender ref : MAT/PUR/10713/19 NIC tender id : 2019_HOCL_466087_1	<b>15,000 Nos</b>

Tender documents may be downloaded from [www.hoclkochi.com](http://www.hoclkochi.com) or [www.eprocure.gov.in](http://www.eprocure.gov.in)

Interested parties may please get registered with NIC e-procurement portal (URL: <https://eprocure.gov.in/eprocure/app>) to participate in the tender. Tenders submitted other than through online procedure specified will not be accepted. Please visit the above sites regularly for any addendum/ corrigendum/extension before submitting the offers.

**EMD – RS.1, 00,000/-**

DUE DATE OF SUBMISSION OF TENDER – 22.05.2019, 2.00 PM

DATE OF OPENING OF TECHNICAL BIDS – 23.05.2019, 2.00 PM

K.R.USHARANI  
CHIEF GENERAL MANAGER (MATERIALS)

MAT/PUR/10713/19

29.04.2019

M/s.

Dear Sir,

Hindustan Organic Chemicals Ltd. is a Govt. of India Undertaking manufacturing Phenol, Acetone & Hydrogen Peroxide at its plant at Kochi, Kerala, India. HOCL invites e tenders **for supply of 15,000 Nos MS Barrels 200/210 Litre capacity, 18 gauge thickness and conforming to IS-1783 (Part-I) 1993 Grade A** . Detailed specification is given in the tender documents. This quantity is the approximate requirement for **6 months** . The above Barrels are to be used for the packing of our products Phenol and Acetone which are hazardous chemicals. HOCL has entered into an agreement with M/s NIC for e-procurement through their portal [www.eprocure.gov.in](http://www.eprocure.gov.in) You may please get registered as a vendor with NIC for participating in this tender.

**Tender documents are uploaded in HOCL website [www.hoclkochi.com](http://www.hoclkochi.com) and [www.eprocure.gov.in](http://www.eprocure.gov.in) and [www.mstcecommerce.com](http://www.mstcecommerce.com)**

The details of the tender are as shown in **INDEX** enclosed

You may submit your offer on two bid system online before the due date and time specified.

Thanking you,

Yours faithfully,  
For Hindustan Organic Chemicals Ltd.

K.R.USHARANI  
CHIEF GENERAL MANAGER (MATERIALS)

## **INDEX - TENDER NOTICE FOR MS BARRELS**

<b>1</b>	E procurement tender process	Annexure-I
<b>2</b>	General instructions to the bidders for e bid submission	Annexure IA
<b>3</b>	Specification of MS Barrels	Annexure-II
<b>4</b>	Eligibility criteria for participating in the bid	Annexure-III
<b>5</b>	General Terms and conditions of the tender	Annexure-IV
<b>6</b>	Technical bid format	Annexure-V
<b>7</b>	Price bid format	Annexure-VI
<b>8</b>	Price Variation Formula	Annexure -VII

**Instructions for Online Bid Submission**

***(Department User may attach this Document as an Annexure in their Tender Document which provides complete Instructions for on line Bid submission for Bidders)***

The bidders are required to submit soft copies of their bids electronically on the CPP Portal, using valid Digital Signature Certificates. The instructions given below are meant to assist the bidders in registering on the CPP Portal, prepare their bids in accordance with the requirements and submitting their bids online on the CPP Portal.

More information useful for submitting online bids on the CPP Portal may be obtained at: <https://eprocure.gov.in/eprocure/app>.

**REGISTRATION**

- 1) Bidders are required to enroll on the e-Procurement module of the Central Public Procurement Portal (URL: <https://eprocure.gov.in/eprocure/app>) by clicking on the link "**Online bidder Enrollment**" on the CPP Portal which is free of charge.
- 2) As part of the enrolment process, the bidders will be required to choose a unique username and assign a password for their accounts.
- 3) Bidders are advised to register their valid email address and mobile numbers as part of the registration process. These would be used for any communication from the CPP Portal.
- 4) Upon enrolment, the bidders will be required to register their valid Digital Signature Certificate (Class III Certificates with signing key usage) issued by any Certifying Authority recognized by CCA India (e.g. Sify / nCode / eMudhra etc.), with their profile.
- 5) Only one valid DSC should be registered by a bidder. Please note that the bidders are responsible to ensure that they do not lend their DSC's to others which may lead to misuse.
- 6) Bidder then logs in to the site through the secured log-in by entering their user ID / password and the password of the DSC / e-Token.

**SEARCHING FOR TENDER DOCUMENTS**

- 1) There are various search options built in the CPP Portal, to facilitate bidders to search active tenders by several parameters. These parameters could include Tender ID, Organization Name, Location, Date, Value, etc. There is also an option of advanced search for tenders, wherein the bidders may combine a number of search parameters such as Organization Name, Form of Contract, Location, Date, Other keywords etc. to search for a tender published on the CPP Portal.
- 2) Once the bidders have selected the tenders they are interested in, they may download the required documents / tender schedules. These tenders can be moved to the respective 'My Tenders' folder. This would enable the CPP Portal to intimate the bidders through SMS / e-mail in case there is any corrigendum issued to the tender document.
- 3) The bidder should make a note of the unique Tender ID assigned to each tender, in case they want to obtain any clarification / help from the Helpdesk.

## **PREPARATION OF BIDS**

- 1) Bidder should take into account any corrigendum published on the tender document before submitting their bids.
- 2) Please go through the tender advertisement and the tender document carefully to understand the documents required to be submitted as part of the bid. Please note the number of covers in which the bid documents have to be submitted, the number of documents - including the names and content of each of the document that need to be submitted. Any deviations from these may lead to rejection of the bid.
- 3) Bidder, in advance, should get ready the bid documents to be submitted as indicated in the tender document / schedule and generally, they can be in PDF / XLS / RAR / DWF/JPG formats. Bid documents may be scanned with 100 dpi with black and white option which helps in reducing size of the scanned document.
- 4) To avoid the time and effort required in uploading the same set of standard documents which are required to be submitted as a part of every bid, a provision of uploading such standard documents (e.g. PAN card copy, annual reports, auditor certificates etc.) has been provided to the bidders. Bidders can use "My Space" or "Other Important Documents" area available to them to upload such documents. These documents may be directly submitted from the "My Space" area while submitting a bid, and need not be uploaded again and again. This will lead to a reduction in the time required for bid submission process.

**Note:** *My Documents space is only a repository given to the Bidders to ease the uploading process. If Bidder has uploaded his Documents in My Documents space, this does not automatically ensure these Documents being part of Technical Bid.*

## **SUBMISSION OF BIDS**

- 1) Bidder should log into the site well in advance for bid submission so that they can upload the bid in time i.e. on or before the bid submission time. Bidder will be responsible for any delay due to other issues.
- 2) The bidder has to digitally sign and upload the required bid documents one by one as indicated in the tender document.
- 3) Bidder has to select the payment option as "offline" to pay the tender fee / EMD as applicable and enter details of the instrument.
- 4) Bidder should prepare the EMD as per the instructions specified in the tender document. The original should be posted/couriered/given in person to the concerned official, latest by the last date of bid submission or as specified in the tender documents. The details of the DD/any other accepted instrument, physically sent, should tally with the details available in the scanned copy and the data entered during bid submission time. Otherwise the uploaded bid will be rejected.
- 5) Bidders are requested to note that they should necessarily submit their financial bids in the format provided and no other format is acceptable. If the price bid has been given as a standard BoQ format with the tender document, then the same is to be downloaded and to be filled by all the bidders. Bidders are required to download the BoQ file, open it and complete the white coloured (unprotected) cells with their respective financial quotes and other details (such as name of the bidder). No other cells should be changed. Once the details have been completed, the bidder should save it and submit it online, without changing the filename. If the BoQ file is found to be modified by the bidder, the bid will be rejected.

6) The server time (which is displayed on the bidders' dashboard) will be considered as the standard time for referencing the deadlines for submission of the bids by the bidders, opening of bids etc. The bidders should follow this time during bid submission.

7) All the documents being submitted by the bidders would be encrypted using PKI encryption techniques to ensure the secrecy of the data. The data entered cannot be viewed by unauthorized persons until the time of bid opening. The confidentiality of the bids is maintained using the secured Socket Layer 128 bit encryption technology. Data storage encryption of sensitive fields is done. Any bid document that is uploaded to the server is subjected to symmetric encryption using a system generated symmetric key. Further this key is subjected to asymmetric encryption using buyers/bid opener's public keys. Overall, the uploaded tender documents become readable only after the tender opening by the authorized bid openers. The uploaded tender documents become readable only after the tender opening by the authorized bid openers.

8) Upon the successful and timely submission of bids (i.e. after Clicking "Freeze Bid Submission" in the portal), the portal will give a successful bid submission message & a bid summary will be displayed with the bid no. and the date & time of submission of the bid with all other relevant details.

9) The bid summary has to be printed and kept as an acknowledgement of the submission of the bid. This acknowledgement may be used as an entry pass for any bid opening meetings.

### **ASSISTANCE TO BIDDERS**

1) Any queries relating to the tender document and the terms and conditions contained therein should be addressed to the Tender Inviting Authority for a tender or the relevant contact person indicated in the tender.

2) Any queries relating to the process of online bid submission or queries relating to CPP Portal in general may be directed to the 24x7 CPP Portal Helpdesk.

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**GENERAL INSTRUCTIONS TO BIDDERS FOR E BID SUBMISSION**

Please submit your e-bids under the two bid system conforming to the specifications and the terms and conditions attached as per instructions given below:-

1. HOCL has entered into an Agreement with nic for e procurement through their portal [www.eprocure.gov.in](http://www.eprocure.gov.in). Quotations shall be submitted online on or before the due date and time of closing the tender. The Techno commercial bid containing the Technical specification of the Products and Proof of satisfactorily meeting the Eligibility Criteria and all commercial terms should be uploaded as per instructions given in Annexure I A. EMD should be submitted by bank transfer as per details given in Annexure IV .EMD may also be submitted by way of Bank Guarantee from any scheduled banks. The Price bid should be submitted in price bid format given.
2. Techno commercial bid shall be opened electronically on specified date and time given in NIT. Bidders can witness the electronic opening of bid .The date and time of opening of the price bids will be intimated to the Technically qualified bidders after evaluation of the Technical bids via email alerts through the valid email confirmed.
3. The bid shall contain as integral part of the same the following compliance statement: "We have read, understood and accepted the terms and conditions of purchase and related documents forming part of this enquiry and agree to supply the goods in compliance with the same."
4. Bidders should carefully study the documents of this enquiry. All terms and conditions set out there in the enquiry shall be binding on the bidders unless conflicting with any terms and conditions expressly stated by HOCL while accepting any bid, in the event of such acceptance.
5. HOCL reserves the right, without assigning any reason whatsoever, to accept or reject any or all bids in part or in full or cancel this enquiry.
6. HOCL reserves the right to extend without giving any reason(s) the closing date/time of the enquiry.
7. Bids shall be valid for a minimum of 60 days from the due date for receipt and opening of the bids.
8. Specification of the Product: Specifications of MS Barrels offered shall be uploaded along with the Technical Bid.
- 9. Purchase Preference to Central Public Sector Enterprises of Govt. Of India and MSMEs shall be as per Govt. of India policy in vogue.**

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## **ANNEXURE-II**

### **SPECIFICATION OF M.S.DRUMS (M.S.BARRELS)**

200/210 Ltrs. Nominal capacity M.S. Barrels fabricated out of 18G (1.25mm) nominal thickness CRCA sheets. Body seam electrically resistance welded. Both ends double seamed incorporating latex seaming compound. Top end fitted with one 50mm and one 20mm drum closures with gaskets. Body provided with 2 expanded rolling hoops. Externally finished with one coat of enamel paint. The barrels conform to BIS Specification No.IS-1783 (Part 1) 1993 Grade A with the following dimensions:

Height : 843.0 +/- 3mm

Internal dia : 572.0 +/- 2mm

External dia : 592.0 +/- 2mm

Stenciling of HOCL emblem and Product details on the barrel has to be done.

Phenol drums are painted Olive Green and Acetone drums Cherry Red for easy identification.

Indian Institute of Packaging certification to be provided by the vendor, whenever required by HOCL.

**Eligibility criteria for participating in the bid**

**Offers of bidders who satisfy the following Eligibility Criteria only will be considered.**

- (1) Vendor should have adequate manufacturing and financial capacity to supply HOCL's requirement of 2850 Nos barrels per month as per the HOCL specification given.
- (2) Vendor should have executed by them orders for "similar" barrel of value not less than Rs.4.90 Crores in the last 3 financial years.
- (3) Vendor should have executed by them single order of value of Rs.122.50 Lakhs minimum, for "similar" barrels in the last 3 financial years.
- (4) Vendor should submit solvency certificate from a scheduled bank for a minimum value of Rs. 62 lakhs.
- (5) Vendors who are already registered with HOCL for the supply of MS Barrels and MSME registered vendors are exempted from furnishing the credentials against point no 2, 3 and 4.

"The term "Similar" barrel includes all types of M S Barrels"

Vendor should provide documentary evidences for all the above along with the Technical Bid.

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**GENERAL CONDITIONS OF TENDER FOR THE PROCUREMENT OF MS  
BARRELS**

1. **VALIDITY OF OFFER** : Offer shall be valid for a minimum period of 60 days from the last date of submission stipulated for the tender.
2. **SUBMISSION OF BIDS** : Bids shall be uploaded as per the instructions given in Annexure I & IA.
3. **EARNEST MONEY DEPOSIT (EMD)** : A refundable **EMD of Rs. 1,00,000/-** to be submitted along with the technical bid. EMD may be submitted in the form of Bank transfer through our banker M/s State Bank Of India, Ambalamedu Branch, A/c No:10342163665; IFS Code:SBIN0001108. Details of bank transfer should be indicated in your technical offer. EMD may also be submitted by way of Bank Guarantee from any scheduled banks. EMD of the successful tender may be adjusted against the security Deposit payable. EMD of unsuccessful bidder will be returned after finalization of the tender. EMD of a tenderer shall be forfeited if he withdraws or amends his tender or impairs or derogates from the tender in any respect within the validity period of the tender.

PSUs and Vendors registered with SSI/MSME/NSIC need not submit EMD, but have to submit valid SSI/MSME/NSIC registration/exemption certificate along with the Techno-commercial bid.

4. **Security Deposit**: Successful bidder will have to pay a **Security deposit of 5%** of the order value towards satisfactory performance of the contract. SD has to be submitted by way of Bank Guarantee from a Scheduled bank within 21 days of placement of Order. SD will be forfeited in the event of any breach of contract by the supplier. SD will be refunded to the contractor within 60 days of completion of contract. **Security deposit from SSI/MSME firms will be limited to the monetary limit shown in the NSIC registration certificate in this regard.**

5. **RIGHT TO REJECT A BID**: HOCL reserves the right to reject any bid due to reasons such as (a) Vendor not following above bidding procedures (b) Vendor not being technically acceptable to HOCL (c) Non submission of EMD payment details with the techno commercial bid or EMD paid being lesser than the stipulated amount (d) Vendor not agreeing with the general conditions of the tender. (e) Not enclosing any particular documents asked for (f) Vendor currently not having BIS certification for barrels (g) Any other valid reasons.

6. **QUANTITY**: The quantity of **15,000 no's of barrels** mentioned in the tender is the tentative total quantity of Phenol and Acetone barrels to be supplied in different colours during the **6 months** from the date of placement of purchase order. Our average requirement in a month will be around 2850 Nos. The actual requirement however may vary +/- 10 % of tendered quantity and no guarantee can be given for the minimum quantity of monthly upliftment or total upliftment and the vendor has to supply as per HOCL requirement.

7. **SPLITTING OF PURCHASE ORDERS** : HOCL reserves the right to split the quantity of **15,000** Barrels among two vendors in the ratio of **70:30** to ensure the continuity of supply. The splitting will be as follows. The lowest quoted vendor will be awarded 70% of the tender quantity and L2 will be awarded 30 % of quantity provided he matches the L1 rate. If L2 does not match the L1 rate, then L3 will be offered to match the L1 rate and so on. If no party matches the L1 rate, the full quantity will be ordered on L1 vendor. If a newly introduced vendor becomes the L1, then the splitting ratio will be 50:30:20 between the L1, L2 & L3 vendors on matching the L1 rate. The performance of the new vendor will be closely monitored for the first two months with regards to Quality of barrels supplied and adherence to delivery schedule given by HOC. If the performance is not found satisfactory, HOCL may cancel the order and allot the quantity between the next 2 lowest vendors following 70:30 ratio.
8. **QUALITY**: M S Barrels shall be of 18 gauge and have to confirm to BIS specification No: IS-1783 (Part – I) 1993 Grade A. Detailed specifications are given in the attached Annexure – II. Any bid received for Barrels other than of above specification shall be rejected.
9. **PRICE**: The price quoted shall be for delivery at our factory at Ambalamugal, Ernakulam District, Kerala State. The price shall be quoted in detail as per the format given in Annexure – VI. The price quoted by the vendor shall normally remain firm during the period of contract. However, variation in price shall be allowed as mentioned in Clause 10 based on SAIL CR coil steel price variation.
10. **PRICE VARIATION CLAUSE**: The price of MS Barrels shall be amended based on submission of proof of revision in price of 18 Gauge CR Coils by Steel Authority of India Ltd (SAIL) used as raw material for manufacturing M S Barrels. The revised price of MS Barrels corresponding to price revision of C R Coils will be calculated based on formula given in Annexure – VII. However, the vendor will have to produce to HOCL, records pertaining to price charged by SAIL on a monthly basis. In case of fall in price of C R Coils, the price of M S Barrels shall be reduced according to the same formula given in Annexure V. Vendor shall agree to accept the revised price so calculated even if the revised price is lesser than the initially quoted price. For the purpose of price revision, only SAIL prices shall be considered as the basis. No price escalation shall be given based on any other grounds except steel price variation as mentioned above. Only revision in basic price for C R Coils shall be considered for barrel price revision.
11. **PAYMENT TERMS**: Payment shall be released by HOCL for the accepted quantity, within 30 days of receipt of barrels at HOCL site.
12. **INSURANCE**: HOCL shall arrange the transit insurance. However, the vendor shall promptly inform dispatch details to HOCL for arranging insurance.
13. **SUPPLY SCHEDULE**: In the event of placement of purchase order on a vendor, HOCL shall be intimating the supply schedule 7 to 10 days in advance and vendor shall be bound to supply the barrels as per the schedule.

14. **PACKING:** The Barrels are to be despatched tightly closed with the lids so that the lids do not fall off during transportation. Barrels are to be received at HOCL in clean, neatly painted condition. Vendor shall use proper packing materials to ensure the above. Barrels are to be covered with tarpaulin use proper packing materials while despatching in trucks to prevent them from getting wet or being exposed to dust or getting damaged in transit.

15. **TRANSPORTATION:** Shall be arranged by the vendor.

16. **PAINTING AND STENCILLING OF BARRELS:** Barrels are to be coated with good quality paint. Colours shall be as required by HOCL. The matter as required by HOCL must be stenciled on the barrels. This will be intimated at the time of placing the purchase order. The price quoted by vendor shall be inclusive of all charges and no separate charges shall be payable for painting / stenciling.

17. **UN CERTIFICATION:** Wherever required by HOCL, the vendor shall arrange to get the barrels UN Certified by the Indian Institute of Packaging, Chennai. This is required for export purpose. In such cases, the charges applicable shall be paid by HOCL to the vendor at actuals based on copy of bills of Indian Institute of Packaging.

18. **INSPECTION:** The M S Barrels shall be subject to weighment and inspection on receipt at HOCL site. HOCL reserves the right to reject the barrels if found not to be of acceptable quality. In such a case, deductions shall be made from the bills of the vendor. Vendor shall make own arrangements for lifting the rejected barrels from the premises of HOCL at own cost.

19. **TRANSSHIPMENT NOT ALLOWED:** Barrels shall not be subjected to transshipment and shall be directly despatched from vendor's factory to HOCL, Ambalamugal.

20. **TO PROCURE FROM ALTERNATIVE SOURCE :** In the event of non-supply by the vendor on whom purchase order is placed, HOCL reserves the right to procure barrels of same quality from an alternative source and recover from the vendor, the additional cost incurred to HOCL.

21. **TESTING OF BARRELS BY MANUFACTURER:** Barrels shall be tested by the vendor as required by the BIS standards before despatch to HOCL. Test certificates to be despatched along with each loads.

22. **WEIGHTMENT OF BARRELS:** The MS Barrels received in trucks shall be weighed at HOCL weigh-bridge and for any abnormal reduction in weights due to not using CR coils of proper gauge will lead to rejection of barrels or deduction of payment based on weights depending on the actual variation.

23. **DUE DATE OF SUBMISSION OF COMPLETED BIDS :** e- Bids completed in all respects should be uploaded as per the procedures mentioned above and in the proper format before **2.00 PM on 22.05.2019.**

24. **OPENING OF BIDS** : Techno commercial bids will be opened electronically at **2.00 pm on 23.05.2019** in presence of attending bidders. HOCL, after evaluation of the techno commercial bids, will subsequently inform all those technically acceptable vendors regarding the date and time of opening of the price bids.

25. **RECONDITIONED BARRELS NOT ACCEPTABLE**: The vendor is expected to supply only new barrels and reconditioned barrels shall not be acceptable. The barrels are intended for packing Phenol and Acetone which are toxic/ corrosive/ explosive in nature. Poor barrel quality will affect safety in handling and purity of these chemicals. Therefore vendors are expected to maintain high standards of product quality. Vendors must have an excellent quality control system.

26. **Purchase preference**: As per existing policy of purchase /price Preference or concessions applicable for **SSI/MSME Units (Price preference – up to 15%)**. Barrels/Drums are to be exclusively procured from SSI/MSME units. However decision regarding the purchase /price Preference or any other concessions applicable for SSI Units /PSUs will be as per latest Government Of India Directives only. **For availing this benefit, the bidder should make their claim in the Technical Bids itself and enclose necessary documentary evidence to prove their eligibility.**

27. **DISPUTES**: In the event of a contract being executed, all cases of disputes between seller and buyer shall be settled through arbitration as per Indian arbitration and Conciliation act 1996 or any amendments from time to time. The decision of the arbitration shall be final and binding on both the parties.

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**TECHNICAL BID FORMAT**

Techno commercial Bid should contain the following details which must be uploaded in the MSTC website in pdf format :

1. Your covering letter of the offer on your company letter head.
2. Required EMD bank transfer details.
3. Detailed Technical specification of the MS Barrel offered as per Annexure II.
4. Proof of satisfactorily meeting all the Eligibility criteria Conditions given in Annexure-III.
5. Signed copy of the terms and conditions of the enquiry as given in Annexure-IV
6. Payment terms offered
7. Unpriced price bid format

**PRICE BID FORMAT**

**PRICE SCHEDULE FOR M.S.BARRELS**

Rs.

Basic Price/Barrel :

Freight charges/Barrel :

GST (.....%) :

Any other expenses :  
(To be specified)

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Total Landed cost per Barrel :

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The above prices are based on the CR Coil basic price of Rs...../ MT for barrel body and Rs...../MT for barrel ends as on ...../...../..... quoted by **M/s. SAIL, Kochi (Enclose copy of SAIL Price List for May-2019)**.

Price variation clause agreeable as per Annexure-VII of the Tender.

SEAL

SIGNATURE

Date:-

**ANNEXURE-VII**

<b><u>ANNEXURE- VII</u></b>					
<b><u>FORMULA FOR CALCULATING PRICE VARIATION BASED ON CR STEEL COIL PRICE VARIATION</u></b>					
<b><u>WORKING OF STEEL PRICE PER BARREL (EXAMPLE)</u></b>					
SL.NO	DETAILS	BASIC RATE/MT ON QUOTED MONTH (say)		REVISED STEEL PRICE/MT (SAY)	
		A	B	A	B
1	BASIC (CR COIL)	51,200.00	51,000.00	51,500.00	51,300.00
2	STEEL COST PER BARREL (39 BARRELS PER MT)	1,312.82	1,307.69	1,320.51	1,315.38
3	RATIO	2.00	1.00	2.00	1.00
4	WEIGHTED PRICE OF STEEL PER BARREL	1,311.11		1,318.80	
		X1		X2	
5	INCREASE/DECREASE DUE TO STEEL PRICE VARIATION PER BARREL, Y = (X2-X1)			7.69	
				Y	
6	BARREL BASIC PRICE (Z)	Z (INITIAL PRICE)		Z+/-Y (REVISED PRICE)	
ITEM 'A' - CR COILS FOR BARREL BODY 1/1.25X914/920 MM					
ITEM 'B' - CR COILS FOR BARREL END 1/1.25X1320 MM					
ITEM A : B IS REQUIRED IN THE RATIO 2:1 IN MANUFACTURE OF BARRELS					
<b><u>NOTE:-</u></b> THE PRICES MENTIONED ABOVE ARE ONLY FOR CLARRIFYING THE APPLICATION OF THE ABOVE FORMULA. ACTUAL BASIC PRICES OF M/S. SAIL, KOCHI, SHALL BE APPLICABLE					