

**SECTION-I**  
**NOTICE INVITING TENDER (NIT)**

**1.1 GENERAL**

**1.1.1 Name of Work:**

Delhi Metro Rail Corporation (DMRC) Ltd. invites Open e-Tenders from eligible applicants, who fulfil qualification criteria as stipulated in clause 1.1.2 of NIT, for **“Contract CC-84R: Setting up, commissioning and operation of C&D waste recycling plant of 150TPD (average capacity) for DMRC at Rohini or any other location in Delhi.”**

The detailed scope of the work and site information is provided in Section: IV of the tender document.

**1.1.2 Key details:**

Tender Security Amount	Rs. 3.00 Lakh
Completion period a. Commissioning b. Operation	a. Six months. b. Three years from the date of commissioning of the plant. This however may be extended at discretion of DMRC.
Tender Documents on Sale	From 26.02.2015 to 08.04.2015 (upto 11:00 hrs) on e-tendering website <a href="http://www.tenderwizard.com/DMRC">www.tenderwizard.com/DMRC</a>  Tender document can only be obtained after registration of tenderer on the website <a href="http://www.tenderwizard.com/DMRC">www.tenderwizard.com/DMRC</a> . For further information on this regard bidders are advised to contact 011-49424307, 011-49424365 or 011-23417910, 011-23415838.
Cost of Tender Documents	INR 21,000/- (inclusive of 5% DVAT) Non-Refundable (Demand Draft /Banker's cheque) in favour of "Delhi Metro Rail Corporation Ltd" payable at New Delhi.)  Cost of tender documents i.e, D.D./Banker's cheque, in original, shall be accepted only upto 15:00 hours on <b>08.04.2015</b> in the office of Executive Director/Contracts at below mentioned address.
Pre-bid Meeting	16.03.2015 @ 11:00 Hrs
Last date of Seeking Clarification	18.03.2015
Last date of issuing addendum	24.03.2015
Date & Time of Submission of Tender	08.04.2015 up to 15:00 Hrs.
Date & Time of opening of Tender	08.04.2015 @ 15:05 Hrs.

<p>Authority and place for submission of Tender Document cost, Pre-bid Meeting and seeking clarifications</p>	<p>Executive Director/Contracts. Delhi Metro Rail Corporation, 5th floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001</p>
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1.1.3 **Source of Funds:** The contract shall be financed through equity participation by the Government of India and Government of National Capital Territory of Delhi and other appropriate means.

1.1.4 **QUALIFICATION CRITERIA :**

1.1.4.1 **Eligible Applicants :**

- (i) A Tenderer may be from any country and all areas either a single entity or any combination of entities in the form of a joint venture or association (JVA) or Consortium under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a JVA / Consortium, all partners shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms; and the JVA / Consortium shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the JVA/ Consortium during the tendering process and, in the event the JVA/ Consortium is awarded the Contract, during contract execution.
- (ii) A Tenderer, and all partners constituting the Tenderer, shall be from any country and all areas.
- (iii) A Tenderer and all partners constituting the Tenderer shall not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if:
  - a. Tenderer and all partners constituting the Tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for or implementation of the project;
  - b. Tenderer and all partners constituting the Tenderer is any associates / affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
  - c. A Tenderer and all partners constituting the Tenderer lends, or temporarily seconds its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project, if the personnel would be involved in any capacity on the same project.
- (iv) A Tenderer shall submit only one tender in the same tendering process, either individually as a Tenderer or as a partner of a JVA / Consortium. A Tenderer who submits or participates in, more than one tender will cause all of the proposals in which the Tenderer has participated to be disqualified. No Tenderer can be a subcontractor while submitting a tender individually or as a partner of a JVA / Consortium in the same tendering process. A Tenderer, if acting in the capacity of subcontractor in any tender, may participate in more than one tender, but only in that capacity.
- (v) A Tenderer and all partners constituting the Tenderer, that have been determined to be ineligible by DMRC in accordance with Clause A4.4.1 of ITT, shall not be eligible to be awarded a contract.
- (vi) Tenderers shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.

- (vii) A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in joint venture / JVA / Consortium.
- (viii) Any Central / State government department / public sector undertaking / other government entities or local body must not have banned business with the tenderer (any member in case of JV) as on the date of tender submission. Also no work of the tenderer must have been rescinded / terminated by DMRC after award of contract during last 5 years due to non-performance of the tenderer. The tenderer should submit undertaking to this effect in Appendix-19 of Form of Tender.
- (ix) LEAD PARTNER/NON SUBSTANTIAL PARTNERS/CHANGE IN JV/CONSORTIUM
  - a. Lead partner must have a minimum of 26% participation in the JV/Consortium.
  - b. Partners having less than 26% participation will be termed as non-substantial partner and will not be considered for evaluation which means that their financial soundness and work experience shall not be considered for evaluation of JV/Consortium.
  - c. In case of JV/Consortium, change in constitution or percentage participation shall not be permitted at any stage after their submission of application otherwise the applicant shall be treated as non-responsive.

x) JV/Consortium: Consequences for deviation from JV/MOU

The tenderer, in case of JV/Consortium, shall clearly and unambiguously define the role and responsibilities for each substantial/non-substantial partner in the JV/ MOU submitted vide foot note (d) of Appendix 6 of Form of Tender, providing clearly that any abrogation/subsequent re-assignment of any responsibility by any substantive/non-substantive partner of JV/Consortium in favour of other JV/Consortium partner (without written approval of Employer) or any change in constitution of partners of JV/Consortium from the one given in JV/MOU at tender stage, will be treated, as 'breach of contract condition' and/or 'misrepresentation of facts' (as the case may be), vide GCC clause 4.33.1 [a (ii) and (iii)] and acted accordingly.

The Employer in such cases, may in its sole discretion rescind the contract under clause 4.33.1 (b) and/or take appropriate action against any member(s) under clause 4.33.1(c) of GCC for failure in tender obligation to declare a contractor ineligible for award of any tender in DMRC or take action to terminate the contract in part or whole under clause 13 of GCC as the situation may demand and recover the cost/damages as provided in contract besides forfeiting the performance and other guaranties

1.1.4.2 **Minimum Eligibility Criteria:**

**A. Work Experience:**

The bidder / consortium /Joint Venture or its members, individually or jointly as a member of other consortia / Joint venture must have experience of successfully management/operation/running of C & D (construction and demolition) waste or municipal waste processing plant of capacity 120TPD or more during last seven years ending 31.03.2015. (Attested copies of certificate(s) from client(s) shall be attached in addition to the letter of award of work.

**B. Financial Standing:** The Tenderers will be qualified only if they have minimum financial capabilities as below:

(i) **T1 - Liquidity**

- (a) The tenderer must have liquidity equal to **cash flow requirement of INR 3.0 Cr** as per linear distribution of cash flow for the contract.
- (b) The liquidity shall be ascertained from Net Working Capital {Current Assets – (current liabilities + provisions)} as per latest audited balance sheet and/or from the Banking reference(s).
- (c) Banking reference(s) should contain in clear terms the amount that the Bank will be in a position to lend for this work to the applicant/member of the Joint Venture/Consortium/JVA. In case the Net Working Capital (as seen from the Balance Sheet) is negative, only the Banking reference(s) will be considered, otherwise the aggregate of the Net Working Capital and submitted Banking reference (s) will be considered for working out the Liquidity.
- (d) The banking reference should be from a Scheduled Bank in India or (in case of foreign parties) from an international bank of repute acceptable to DMRC as per standard performa provided in ITT as Annexure-8 and it should not be more than 3 months old as on date of submission of bids.
- (e) **In Case of JV/JVA/ Consortium:** - Requirement of working capital is to be distributed between members as per their percentage participation and every member should satisfy the requirement for his portion.  
*Example:* Let member-1 has percentage participation=M and member-2 has percentage participation=N. If minimum working capital required is 'W' then working capital of member-1  $\geq \frac{WM}{100}$  and working capital of member-2  $\geq \frac{WN}{100}$ .
- (f) In case the applicant is a JV/JVA/ Consortium and if Banking Reference is issued by the bank in favour of the JV/JVA/ Consortium for this contract, then it will be considered for the tenderer and if the Banking reference(s) is issued in favour of any member of JV/JVA/ Consortium it will be considered only for that member.

(ii) **T2 - Profitability:** Profit before Tax should be Positive in at least 2 (two) year, out of the last five audited financial years.

**In Case of JV/JVA/ Consortium** - The profitability of only lead member shall be evaluated.

(ii) **T3 - Net Worth:** Net Worth of tenderer during last audited financial year should be >Rs. 0.20 Crores

**In Case of JV-** Net worth will be based on the percentage participation of each Member.

*Example:* Let Member-1 has percentage participation = M and Member-2 has =N. Let the Net worth of Member-1 is A and that of Member-2 is B, then the Net worth of JV will be

$$\frac{=AM+BN}{100}$$

(iii) **T4 - Annual Turnover:** The average annual turnover from construction of last five financial years should be  $\geq$ Rs. 0.80 Crores.

The average annual turnover of JV will be based on percentage participation of each member.

Example: Let Member-1 has percentage participation = M and Member - 2 has =N. Let the average annual turnover of Member-1 is 'A' and that of Member-2 is 'B', then the average annual turnover of JV will be

$$\frac{=AM+BN}{100}$$

**Notes:**

- Financial data for latest last five audited financial years has to be submitted by the tenderer in **Annexure-2** along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature with membership and firm registration number. In case audited balance sheet of the last financial year is not made available by the bidder, he has to submit an affidavit Certifying that 'the balance sheet has actually not been audited so far'. In such a case the financial data of previous '4' audited financial years will be taken into consideration for evaluation. If audited balance sheet of any other year than the last year is not submitted, the tender will be considered as non-responsive.
- Where a work is undertaken by a group, only that portion of the contract which is undertaken by the concerned applicant/member should be indicated and the remaining done by the other members of the group be excluded. This is to be substantiated with documentary evidence.

**1.1.4.3 Bid Capacity Criteria : deleted**

**1.1.4.4** The tender submission of tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.4.2 to 1.1.4.3 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.4.2 to 1.1.4.3 shall not imply that his bid shall automatically be accepted. The same should contain all technical data as required for consideration of tender prescribed in the ITT.

1.1.5 The tender document consists of :

**Section-I:** Notice inviting tender

**Section-II:** Instruction to Tenderer

**Section-III:** Form of Tender with appendices

**Section-IV:** Scope of Work

**Section-V:** General Conditions of contract

**Section –VI:** Special Conditions of Contract

**Section-VII:** Bill of quantities

1.1.6 The contract shall be governed by the documents listed in para 1.1.5 above along with latest edition of CPWD Specification, IRS Specifications & MORTH Specifications. These may be purchased separately from the market.

- 1.1.7 The bidders may obtain further information/ clarification, if any, in respect of these tender documents from the office of ED (Contracts), Delhi Metro Rail Corporation, 5<sup>th</sup> floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001.
- 1.1.8 The intending bidders must be registered on e-tendering portal [www.tenderwizard.com/DMRC](http://www.tenderwizard.com/DMRC). Those who are not registered on the e-tendering portal shall be required to get registered beforehand. If needed they can be imparted training on 'online tendering process'. After registration the tenderer will get user id and password. On login tenderer can participate in tendering process and can witness various activities of the process.
- 1.1.9 The authorized signatory of intending bidder, as per Power of Attorney (POA), must have valid class-III digital signature. The tender document can only be downloaded or uploaded using Class-III digital signature of the authorized signatory.
- 1.1.10 Tender submissions will be made online after uploading the mandatory scanned documents towards cost of tender documents such as Demand Draft or Pay Order or Banker's Cheque from a Scheduled commercial bank based in India and towards Tender Security such as Bank Guarantee or Demand Draft or Pay Order or Banker's Cheque from a Scheduled commercial bank based in India and other documents as stated in the tender document.
- 1.1.11 All bidders are hereby cautioned that tenders containing any material deviation or reservations as described in Clause. E 4.4 of "Instructions to Bidders" and/or minor deviation without quoting the cost of withdrawal shall be considered as non-responsive and is liable to be rejected.
- 1.1.12 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.1.13 Tenders shall be valid for a period of 180 days (both days inclusive i.e. the date of submission of tender and the last date of period of validity of the tender) from the date of submission of Tenders and shall be accompanied with a tender security of the requisite amount as per clause C18 of ITT.
- 1.1.14 DMRC reserves the right to accept or reject any or all proposals without assigning any reasons. No bidder shall have any cause of action or claim against the DMRC for rejection of his proposal.
- 1.1.15 Bidders shall note that the maximum file size that can be uploaded is 5 MB. All the uploaded files in tender submission should be named properly and arrange systematically.
- 1.1.16 The bidders are advised to keep in touch with e-tendering portal [www.tenderwizard.com/DMRC](http://www.tenderwizard.com/DMRC) for updates.

**ED (CONTRACTS)**  
**Delhi Metro Rail Corporation**