

Contract CC-07A: Construction of balance work for Underground Kashmere Gate Station of Line-6 ext. by Cut and Cover method under Delhi MRTS Project of Phase-III (Excluding Architectural finishing).

ADDENDUM No.1					
(SUMMARY SHEET)					
Modifications to Tender Documents					
S. No.	Document	Clause No. /Page No.	In place of	Please read as	Remarks
Volume-1 (NIT, ITT and FOT)					
1.	NIT	CI-1.1.3.1 v, Qualification criteria/ Eligible applicant	Page 2	Page 2R	Clause modified
2.	NIT	CI-1.1.3.1 vi Qualification criteria/ Eligible applicant	Page 2	Page 2R	New Clause added
3.	NIT	CI-1.1.3.1 vii Qualification criteria/ Eligible applicant	Page 3	Page 3R	New Clause added
4.	NIT	CI-1.1.3.2 A (i), (ii) and (iii) Minimum eligible criteria/ Work experience	Page 3	Page 3R	Clause modified
5.	NIT	CI- 1.1.3.2 A note, bullet # 5	Page 4	Page 4R	Clause modified
6.	FOT	Appendix-19	-	Page 25	New appendix added
Volume-5 (Tender Drawings)					
7.	Tender Drawings	Signed tender drawings attached. Note: There are no changes in drawings from the original issued with tender documents except that these are now signed drawings			

online	
<ul style="list-style-type: none"> • Authority for purchase of tender documents, seeking clarifications and submission of completed tender documents • Place of pre-bid meeting 	<p>Executive Director/Contracts, Delhi Metro Rail Corporation, 5th floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001</p>

1.1.3 **QUALIFICATION CRITERIA :**

1.1.3.1 **Eligible Applicants :**

- i. The tenders for this contract will be considered only from those tenderers (proprietorship firms, partnerships firms, companies, corporations, consortia or joint ventures) who meet requisite eligibility criteria prescribed in the sub-clauses of Clause 1.1.3 of NIT. In the case of a JV or Consortium, all members of the Group shall be jointly and severally liable for the performance of whole contract.
- ii. (a) A non-Indian firm is permitted to tender only in a joint venture or consortium arrangement with any other Indian firm having minimum participation interest of 26% or their wholly owned Indian subsidiary registered in India under Companies Act-1956 with minimum 26% participation.
 (b) A tenderer shall submit only one bid in the same tendering process, either individually as a tenderer or as a partner of a JV. A tenderer who submits or participates in, more than one bid will cause all of the proposals in which the tenderer has participated to be disqualified. No tenderer can be a subcontractor while submitting a bid individually or as a partner of a JV in the same bidding process. A tenderer, if acting in the capacity of subcontractor in any bid, may participate in more than one bid, but only in that capacity.
- iii. Tenderers shall not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Tenderers shall be considered to have a conflict of interest with one or more parties in this bidding process, if:
 - (a) a tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for on implementation of the project;
 - (b) a tenderer is any associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
 - (c) a tenderer lends, or temporarily seconds its personnel to firms or organisations which are engaged in consulting services for the preparation related to procurement for on implementation of the project, if the personnel would be involved in any capacity on the same project.
- iv. A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in joint venture/Consortium. However, the lead partner in case of JV shall be one who has experience of similar works.
- v. **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
- vi. **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**

vii. **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.

1.1.3.2 **Minimum Eligibility Criteria:**

A. Work Experience: The tenderers will be qualified only if they have completed work(s) during last seven years ending **30.04.2015** as given below:

(i) At least one work of value **INR 60.48 crores** or more of similar nature. The similar works means **RCC structure work** in urban environment.

If above two works each of **INR 60.48 crores** has been done by the foreign partner of JV and the work was done in the country of the foreign partner then in addition to this, the foreign partner must have done works equal to **INR 30.24 crores** outside the country of the foreign partner.

OR

(ii) At least two works each of value **INR 37.80 crores** or more of similar nature. The similar works means **RCC structure work** in urban environment.

If above three works each of **INR 37.80 crores** has been done by the foreign partner of JV and the work was done in the country of the foreign partner then in addition to this, the foreign partner must have done works equal to **INR 30.24 crores** outside the country of the foreign partner.

OR

(iii) At least three works each of value **INR 30.24 crores** or more of similar nature. The similar works means **RCC structure work** in urban environment.

If the above work of **INR 30.24 crores** has been done by the foreign partner of JV and the work was done in the country of the foreign partner then in addition to this, the foreign partner must have done works equal to **INR 30.24 crores** outside the country of the foreign partner.

Notes :

- The tenderer shall submit details of works executed by them in the Performa of **Appendix-17 of FOT** for the works to be considered for qualification of work experience criteria. Documentary proof such as completion certificates from client clearly indicating the nature/scope of work, actual completion cost and actual date of completion for such work should be submitted. **The offers submitted without this documentary proof shall not be evaluated.** In case the work is executed for private client, copy of work order, bill of quantities, bill wise details of payment received certified by C.A., T.D.S certificates for all payments received and copy of final/last bill paid by client shall also be submitted.
- Value of successfully completed portion of any ongoing work up to **30.04.2015** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **30.04.2015 price** level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year. The exchange rate of foreign currency shall be applicable 28 days before the submission date of tender.
- In case of joint venture / Consortium, full value of the work, if done by the same joint venture shall be considered. However, if the qualifying work(s) were done by them in JV/Consortium having different constituents, then the value of work as per their percentage participation in such JV/Consortium shall be considered.

- If the similar work (i.e. **RCC structure work** in urban environment) includes other miscellaneous works, then the client's certificate clearly indicating the amount for the similar works shall be furnished by the tenderer along-with their submissions.

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

- (i) **T1 – Liquidity:** It is necessary that the firm can withstand cash flow that the contract will require until payments received from the Employer. Liquidity therefore becomes an important consideration.

This shall be seen from the balance sheets and/or from the banking reference. Net current assets and/or documents including banking reference, should show that the applicant has access to or has available liquid assets, lines of credit and other financial means to meet cash flow of **Rs. 9.97 crores** for this contract, net of applicant's commitments for other Contracts. Banking reference (as per the proforma given in Annexure-8 of ITT) should contain in clear terms the amount that bank will be in a position to lend for this work to the applicant/member of the Joint Venture/Consortium. In case the Net Current Assets (as seen from the Balance Sheets) are negative, only the Banking references will be considered. Otherwise the aggregate of the Net Current Assets and submitted Banking references will be considered for working out the Liquidity.

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 and it should not be more than 3 months old as on date of submission of bids.

In Case of JV- Requirement of liquidity is to be distributed between members as per their percentage participation and every member should satisfy the minimum requirement.

Example: Let member-1 has percentage participation = M and member-2 has percentage participation = N. If minimum liquidity required is 'W' then liquidity of member-1 $\geq \frac{W \cdot M}{100}$

and liquidity of member-2 $\geq \frac{W \cdot N}{100}$.

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

In Case of JV: The profitability of only lead member shall be evaluated.

- (iii) **T3 - Net Worth:** Net Worth of tenderer during last audited financial year should be \geq **Rs. 13.96 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

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

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FORM OF TENDER- Appendix- 19
(Undertaking as per clause 1.1.3.1 v of NIT)

We do hereby undertake that none of the Central / State government department / public sector undertaking / other government entities or local body has banned business with us as on the date of tender submission. Also none of the work has been rescinded / terminated by DMRC after award of contract to us during last 5 years due to our non-performance.

STAMP & SIGNATURE OF AUTHORISED SIGNATORY

Note:

1. In case of JV/Consortium, the undertaking shall be submitted by each member of the JV/Consortium.
2. The undertaking shall be signed by authorized signatory of the tenderer or constituent member in case of JV/Consortium.