

**NOTICE INVITING TENDER (NIT)**

**(e-Tender)**

**1.1 GENERAL**

**1.1.1 Name of Work:**

Delhi Metro Rail Corporation (DMRC) Ltd. invites online open e-tenders from eligible applicants, who fulfil qualification criteria as stipulated in Clause 1.1.3 of NIT, for the work, “**Contract CE-20: Design, Detail Engineering, Supply, Installation, Testing and Commissioning of Retro-fitment of Air Conditioning System at Rajiv Chowk Underground Metro Station and Building of Shastri Park Depot**”.

The brief scope of the work and site information is provided in Clause A1 of ITT and Volume-3 of tender documents comprising of Scope of Work & Employer Requirements (Technical Specifications).

**1.1.2 Key details :**

Approximate cost of work	INR 9.40 Crores
Tender Security amount	INR 9.40 Lakhs  Tender Security (in original) as per Clause C18 of ITT shall be accepted only <b>up to 1500 hrs on 31.08.2015</b> in the office of Executive Director/Contracts at following address.
Completion period of the Work	12 (twelve) months
Tender documents on sale	From <b>22.07.2015 to 31.08.2015 (up to 1100 hrs)</b> on e-tendering website <a href="http://www.tenderwizard.com/DMRC">www.tenderwizard.com/DMRC</a>  Tender document can only be obtained online after registration of tenderer on the website <a href="http://www.tenderwizard.com/DMRC">www.tenderwizard.com/DMRC</a> . For further information in this regard bidders are advised to contact on 011-49424307, 011-49424365 or 011-23417910
Cost of Tender documents	<b>INR 21,000/-</b> (inclusive of 5% DVAT) <b>Non-Refundable</b> (Demand Draft /Banker’s cheque drawn on a Scheduled Commercial Bank based in India and should be 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 <b>upto 1500 hrs on 31.08.2015</b> in the office of Executive Director/Contracts at below mentioned address.
Last date of Seeking Clarification	10.08.2015 upto 1730 hrs.  Queries/clarifications from bidders after due date and time shall not be acknowledged.
Pre-bid Meeting	06.08.2015 at 1100 hrs
Last date of issuing addendum	18.08.2015
Date & Time of online Submission of Tender	31.08.2015 up to 1500 hrs
Date & Time of online opening of Tender	31.08.2015 at 1505 hrs

<ul style="list-style-type: none"><li>• Authority to purchase tender document, seeking clarifications and submission of completed tender document</li><li>• Place for pre-bid meeting</li></ul>	<b>Executive Director /Contracts,</b> Delhi Metro Rail Corporation, A-Wing, 5 <sup>th</sup> floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001 Fax no. : - 23415838
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### 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. 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 implementation of the project;
  - (b) a tenderer's associate(s)/affiliate(s) (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 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 executing works of similar nature.
- v. Any Central / State government department / public sector undertaking / other government entity 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 contract of the tenderer should have been rescinded / terminated by DMRC after award during last 5 years due to non-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in **Appendix-21** of Form of Tender.
- vi. Tenderer (any member in case of JV/consortium) must not have paid liquidated damages of 10% (or more) of the contract value in a contract due to delay or penalty of 10% (or more) of the contract value due to any other reason during last five years. The tenderer should submit undertaking to this effect in **Appendix-22** of Form of Tender.

- vii. Tenderer (any member in case of JV/consortium) must not have suffered bankruptcy/ insolvency during the last 5 years. The tenderer should submit undertaking to this effect in **Appendix-23** of Form of Tender.
- viii. 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.
  - d. 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 agreement / 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 or any change in constitution of partners of JV/Consortium (without written approval of Employer) from the one given in JV agreement / MOU at tender stage, will be treated, as ‘breach of contract condition’ and/or ‘concealment 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 take action under clause 4.33.1 (b) and/or under clause 4.33.1(c) of GCC against any member(s) for failure in tenderer’s obligation and declare that member(s) of JV/Consortium 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.

#### 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 **31.07.2015** as given below:

- (i) At least one work of value **INR 7.52 crores** or more of similar nature. The work of similar nature means supply, installation, testing and commissioning of chilled water based centralised Air Conditioning Plant.

If the above work of **INR 7.52 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 3.76 crores** outside the country of the foreign partner.

**OR**

- (ii) At least two works each of value **INR 4.70 crores** or more of similar nature. The works of similar nature mean supply, installation, testing and commissioning of chilled water based centralised Air Conditioning Plant.

If above two works each of **INR 4.70 crores** have 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 3.76 crores** outside the country of the foreign partner.

**OR**

- (iii) At least three works each of value **INR 3.76 crores** or more of similar nature. The works of similar nature mean supply, installation, testing and commissioning of chilled water based centralised Air Conditioning Plant.

If above three works each of **INR 3.76 crores** have 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 3.76 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 31.07.2015 will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to 31.07.2015 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.
- In case similar nature work(s) includes works other than “supply, installation, testing and commissioning of chilled water based centralised Air Conditioning Plant”, then the client certificate clearly indicating the amount of works corresponding to “supply, installation, testing and commissioning of chilled water based centralised Air Conditioning Plant” shall be furnished by the tenderer along with their submission.

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

- (i) **Annual Turnover:** The average annual turnover for sales from Principle activities (Principle activities means Core business of the tenderer / member of the JV or consortium) of last five financial years should be **≥ INR 7.52 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 **Appendix-18 of FOT** along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature in original with membership 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 year other than the last year is not submitted, the tender may 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.

**1.1.3.3 Bid Capacity Criteria :**

**Bid Capacity:** The tenderers will be qualified only if their available bid capacity is more than the approximate cost of work as per NIT. Available bid capacity will be calculated based on the following formula:

$$\text{Available Bid Capacity} = 2 \cdot A \cdot N - B$$

Where,

A = Maximum of the value of works executed in any one year during the last five financial years (updated to **31.07.2015** price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year).

N = No. of years prescribed for completion of the work

B = Value of existing commitments (**as on 31.07.2015**) for on-going works during period of **12 months w.e.f. 01.08.2015**.

**Notes:**

- Financial data for latest last five financial years has to be submitted by the tenderer in **Appendix-15 of FOT** along with audited financial statements. The financial data in the prescribed format shall be certified by the Chartered Accountant with his stamp and signature in original with membership number.
- Value of existing commitments for on-going works during period of **12 months** w.e.f. **01.08.2015** has to be submitted by the tenderer in **Appendix-16 of FOT**. These data shall be certified by the Chartered Accountant with his stamp and signature in original with membership number.
- In the case of a group, the above formula will be applied to each member to the extent of his proposed participation in the execution of the work. If the proposed % participation is not mentioned then equal participation will be assumed.

**Example for calculation of bid capacity in case of JV / Group**

Suppose there are ‘P’ and ‘Q’ members of the JV / group with their participation in the JV / group as 70% and 30% respectively and available bid capacity of these members as per above formula individually works out ‘X’ and ‘Y’ respectively, then Bid Capacity of JV / group shall be as under:

$$\text{Bid Capacity of the JV / group} = 0.7X + 0.3Y$$

**1.1.3.4** The tender submission of tenderers, who do not satisfy the eligibility criteria stipulated in the clauses 1.1.3.2 and 1.1.3.3 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clauses 1.1.3.2 and 1.1.3.3 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.

#### **1.1.4 TENDER DOCUMENTS**

The Tender documents consist of:

##### **Volume 1**

- Notice Inviting Tender
- Instructions to Tenderers (including Annexures)
- Form of Tender (including Appendices)

##### **Volume 2**

- Special Conditions of Contract (including Schedules)
- General Conditions of Contract
- Condition of Contract on Safety, Health & Environment (SHE) Ver 1.2

##### **Volume 3**

- Scope of Work
- Employer’s Requirements – Technical Specifications

##### **Volume 4**

- Blank (Not Used)

##### **Volume 5**

- Tender Drawings

##### **Volume 6**

- Pricing Document / Bill of Quantities

**1.1.5** The tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of **Executive Director/Contracts**, Delhi Metro Rail Corporation, ‘A’ Wing, 5<sup>th</sup> floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001.

**1.1.6** All tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause **E 4.4** of “Instructions to Tenderers” and/or minor deviation without quoting the cost of withdrawal shall be considered as non-responsive and is liable to be rejected.

**1.1.7** The intending tenderers 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.

**1.1.8** The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid **Class-III** digital signature. The tender document shall be downloaded and/or uploaded using Class-III digital signature of the authorized signatory only.

**1.1.9** 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.

**1.1.10** Submission of Tenders shall be closed on e-tendering website of DMRC at the date & time of submission prescribed in NIT after which no tender shall be accepted. It shall be the responsibility

of the bidder / tenderer to ensure that his tender is submitted online on e-tendering website [www.tenderwizard.com/DMRC](http://www.tenderwizard.com/DMRC) before the deadline of submission. DMRC will not be responsible for non receipt of tender documents due to any delay and/or loss etc.

- 1.1.11** 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.**
- 1.1.12** DMRC reserves the right to accept or reject any or all proposals without assigning any reasons. No tenderer shall have any cause of action or claim against the DMRC for rejection of his proposal.

**Executive Director /Contracts  
Delhi Metro Rail Corporation Ltd.**