

NOTICE INVITING TENDER

DELHI METRO RAIL CORPORATION LIMITED

1.1 GENERAL

1.1.1 Name of Work:

Delhi Metro Rail Corporation (DMRC) Ltd. invites Open -Tenders, **in Two Bid System, for contract package DMRC/CPM/Mumbai/2016/02** from eligible applicants, who fulfill qualification criteria as stipulated in Clause 1.1.3 of NIT for Engagement of manpower service provider for providing various categories of outsourced staff for offices of DMRC at Mumbai

1.1.2 Key features

Approximate cost of work [02Years]	INR 102 lakhs
Tender Security amount [Earnest Money Deposit, i.e. EMD]	INR 1.02 lakhs Demand Draft / Banker's cheque) in favour of "Delhi Metro Rail Corporation Ltd" payable at New Delhi.) Tender Security amount [EMD] i.e. D.D./Banker's cheque, in original, shall be accepted only upto 15:00 hours on 18.04.2016 in the office of Delhi Metro Rail Corporation at below mentioned address.
Period of the Work	24 months [may be extended for a period of further 12 months after reviewing the performance of contractor]
Tender Documents on Sale	From 28.03.2016 to 18.04.2016 (upto 1100 hrs) on open-tender basis.
Cost of Tender Documents	INR 5250/- (inclusive of 5% VAT) 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 18.04.2016 in the office of Delhi Metro Rail Corporation at below mentioned address.
Date & Time of Submission of Tender	18.04.2016 up to 15:00 Hrs.
• Date & Time of opening of Tender	18.04.2016 at 3.30 pm in Office of Project Director DMRC office, A wing , 8th floor, MMRDA building, Bandra Kurla Complex, (BKC), Bandra East, Mumbai- 400051
Authority and place for Purchase of Tender document, submission of Tender Document, Tender cost / Tender Security	DMRC office, A wing , 8th floor, MMRDA building, Bandra Kurla Complex, (BKC), Bandra East, Mumbai- 400051

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 are at least 5 (five) years old, as on 31.12.2015 (each member in case of JV/Consortium) and 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.
(c) Tenderer, if being a company, should be registered with the Registrar of Companies, under the Indian Companies Act, 1956.
(d) Tenderer, lead member in case of JV/Consortium, should have a valid registration with EPFO, ESIC and Service Tax department.
(e) Provision of required services under the tender should be preferably ensured by the Lead Member through his employees only. In case the services are provided by any other member of JV/Consortium then the concerned member should also possess valid registration with EPFO, ESIC & Service Tax department, the copies of same shall be submitted to DMRC.
- 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 work.** [Similar Work: providing Housekeeping Services or providing skilled / unskilled workers for any Central Government / State Government / PSU's / DMRC / Private Limited Companies / Limited Companies / Educational Institutions.]
- v. Any Govt. / Semi Govt. / PSU / DMRC / Private Limited Companies / Limited Companies/ Educational Institutions must not have debarred/blacklisted/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 any organisation after award

during last 5 years due to poor-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in **Initial Filter Criteria** of Tender Document.

- vi. 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 **Initial Filter Criteria** of Tender Document.
- vii. 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. Each consortium must specify the proposed equity shareholding (Annexure-3) and nominate a Lead Member of the consortium. This shall be enshrined in the Memorandum of Agreement signed by all consortium members and submitted along with the tender. The Consortium agreement should be on non-judicial stamp paper signed by each & every authorized signatory along with their copy of authorized Power of Attorney duly notarized. A draft of the consortium agreement is there at Annexure-10 of this Tender Document.
 - d. If the successful Tenderer is a consortium of firms, the Contract Agreement shall be signed with entire consortium i.e. all the consortium members shall be party to the Contract Agreement.
 - e. 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.
 - f. 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 Table-A of Annexure-2 of Tender Document, 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 (General Conditions of Contract) 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 order(s) during last seven years ending **31.12.2015** as given below:

- (i) At least one work of providing Housekeeping Services or providing skilled / unskilled workers for any Central Government / State Government / PSU's / DMRC / Private Limited Companies / Limited Companies / Educational Institutions of value of **Rs.81.60 lakhs** or more.

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- (ii) Two works of providing Housekeeping Services or providing skilled / unskilled workers for any Central Government / State Government / PSU's / DMRC / Private Limited Companies / Limited Companies / Educational Institutions each of value of **Rs.51.0 lakhs** or more.

OR

- (iii) Three works of providing Housekeeping Services or providing skilled / unskilled workers for any Central Government / State Government / PSU's / DMRC / Private Limited Companies / Limited Companies / Educational Institutions each of value of **Rs. 40.8 lakhs**) or more.

Notes :

- The Tenderer should have minimum 5 years experience of Housekeeping Services or providing skilled / unskilled workers for any utility services in any Central Government / State Government / PSU's / DMRC / Private Limited Companies / Limited Companies / Educational Institutions as on **31.12.2015**. The tenderer shall submit details of works executed by them in the Performa of **Annexure-8 of Tender Document** for the works to be considered for qualification of work experience criteria and its summary in **Annexure-9**. 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 **31.12.2015** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **31.12.2015** 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.

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. 7.29 lakhs** for this contract, net of applicant's commitments for other Contracts. Banking reference 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 **as per standard performa provided in Tender Document as Annexure-6** 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) year, 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 10.2 lacs**

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

- (iv) **T4 - Annual Turnover:** The average annual turnover of last five financial years should be \geq **Rs.40.8 lakhs**. 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-5 of Tender Document 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. In case audited balance sheet of the last financial year is not made available by the Tenderer, 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 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.

1.1.3.4 The tender submission of tenderers, who do not qualify the minimum eligibility criteria stipulated in the sub clause 1.1.3.2 above shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.3.2 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 The Tender documents consist of :

- Notice Inviting Tender (NIT)
- General Guidelines and Instructions to Tenderer (ITT), including Annexures
- Initial Filter Criteria, including Annexures
- Terms & Conditions of Contract
- Technical Bid
- Commercial Bid
- General Conditions of Contract (June-2011 updated till Correction Slip No.6 dated 09.07.2015)

1.1.5 The contract shall be governed by the documents listed in Para 1.1.4 above along with latest labour laws etc. which may be purchased from the market.

1.1.6 DELETED

1.1.7 The tenderer shall, on or before the date & time given in the Notice of Invitation to tender submit his tender in three separate sealed envelopes clearly marked with the name of the tenderer and with the name of the tenderer and with

- Tender security
- Technical package
- Financial package

Tenderer may seal all the above three packages in one big envelope or may submit separately.

1.1.8 These shall be addressed to the Project Director/Mumbai, Delhi Metro Rail Corporation , A wing , 8th floor, MMRDA building, Bandra Kurla Complex, (BKC), Bandra East, Mumbai- 400051. The tenderer shall ensure that a receipt is obtained for the submission of his tender, such receipt being issued free of charge.

1.1.9 All Tenderers are hereby cautioned that tenders containing any material deviation or reservations, as described in Clause 8.0 of General Guidelines of Tender Document, shall be considered as non-responsive and is liable to be rejected.

1.1.10 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 8 of ITT (Instructions to Tenderers, as in Tender Document). In exceptional circumstances, prior to the expiry of the tender validity period, DMRC may request the Tenderers for a specified extension in the period of tender validity. The request and the response thereto shall be made in writing or by telefax. Tenderers may refuse the request without forfeiting their tender security. Tenderers agreeing to the request for extension of tender validity period shall not be permitted to modify their tender but will be required to extend the validity of the period of the tender security correspondingly.

- 1.1.11 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.

**Chief Project Manager /Mumbai
Delhi Metro Rail Corporation**

A wing , 8th floor, MMRDA building,
Bandra Kurla Complex, (BKC), Bandra East,
Mumbai- 400051