

NOTICE INVITING TENDER (NIT)

(e-Tender)

1.1 GENERAL

1.1.1 Name of Work and Details:

Delhi Metro Rail Corporation Limited (DMRC) invites Open e-Tenders for the work of Supply, Installation, Testing and Commissioning of 144 Fibre Cable at UP & DN side of tracks of line-7 and line-8 of Delhi MRTS Phase-III projects.

1.1.2 Key Details:

Approximate cost of Work	INR 5.60 Cr
Tender Security amount	Amount of Tender Security:- 5.60 Lakhs Validity of Tender Security: - Tender Security shall remain valid upto 24.11.2016 . Tender Security (in original) as per clause C18 of ITT shall be accepted only up to 1500 hrs on 31.03.2016 in the office of Executive Director/Contracts at address mentioned herein after.
Completion period	12 months
Cost of Tender documents	INR 21,000/- (inclusive of 5% VAT)–Non refundable. (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 up to 1500 hrs on 31.03.2016 in the office of Executive Director/Contracts at address mentioned herein after:
Tender documents on sale	From 01.03.2016 to 31.03.2016 (up to 1100 hrs) on e-tendering website www.tenderwizard.com/DMRC Tender document can only be obtained online after registration of tenderer on the website www.tenderwizard.com/DMRC . For further information in this regard bidders are advised to contact on 011-49424307, 011-49424365 or 011-23417910
Last date of Seeking Clarification	08.03.2016 up to 1730 hrs. Queries/clarifications from bidders after due date and time shall not be acknowledged.
Pre-bid meeting	07.03.2016 at 1100 hrs.
Last date of issuing addendum	15.03.2016

Date & time of Submission of Tender online	31.03.2016 (up to 1500 hrs)
Date & time of opening of Tender online	31.03.2016 at 1505 hrs
<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 nature as defined in clause 1.1.3.2 A of NIT.
- (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-19** of Form of Tender.

- (vi) Tenderer (any member in case of JV/consortium) must not have been imposed 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-20** of Form of Tender.
- (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 **Appendix-21** of Form of Tender.
- (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. 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. A. Work Experience: The tenderers will be qualified only if they have completed work(s) during last five years ending 29.02.2016 as given below:

- (i) At least one “**similar work**” * of value **INR 4.48 crores** or more.

OR

- (ii) Two “**similar works**” * each of value **INR 2.80 crores** or more.

OR

- (iii) Three “**similar works**” * each of value **INR 2.24 crores** or more.

- If the tenderer is a JV/Consortium having foreign partner(s) and above work(s) have been executed

by the foreign partner of JV and the work(s) were done in the country of the foreign partner, then in addition to this the foreign partner must have executed works of value **INR 2.24 crores or more** outside the country of the foreign partner.

- **The “Similar works” for this contract shall be “supply, installation, testing and commissioning of fibre cables.”**

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 **29.02.2016** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **29.02.2016** 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 above work(s) (i.e. “**supply, installation, testing and commissioning of fibre cables.**” comprise other works, then client’s certificate clearly indicating the amount of work done in respect of the “similar work” shall be furnished by the tenderer in support of work experience along-with their tender submissions.

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

- (i) **T1 - Annual Turnover:** The average annual turnover from construction of last five financial years should be \geq **INR 4.48 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 = $\frac{AM+BN}{100}$

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:

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 **29.02.2016** 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 29.02.2016**) for on-going works during period of **12 months w.e.f. 01.03.2016**.

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 construction works during period of **12 months w.e.f. 01.03.2016** 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 qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.3.2 to 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 clause 1.1.3.2

to 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.

1.2 The Tender documents consist of:

Volume 1

Notice Inviting Tender (NIT)
Instructions to Tenderers (ITT) with annexures
Form of Tender (FOT) with appendixes

Volume 2

General Conditions of Contract (GCC)
Special Conditions of contract (SCC)

Volume 3

Scope of work

Volume 4

Pricing Document

- 1.3 The Tenderer may obtain further information / clarification, if any, in respect of these tender documents from the office of ED/Contracts, Delhi Metro Rail Corporation, 5th floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110001.
- 1.4 The tenderer is 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.
- 1.5 The tenderer must be registered on e-tendering portal www.tenderwizard.com/DMRC. In case you are not registered on the e-tendering portal, then in that case you shall be required to get registered beforehand. 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.
- 1.6 The authorized signatory of the tenderer, 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.
- 1.7 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.
- 1.8 The tender shall be valid for a period of **180 days** (both days inclusive i.e. the date of submission of tenders and the last date of period of validity of the tender) from the date of submission of Tender and shall be accompanied with a tender security of the requisite amount as per clause C18 of ITT.
- 1.9 DMRC reserves the right to accept or reject the proposal without assigning any reasons. The tenderer shall not have any cause of action or claim against the DMRC for rejection of his proposal.

(Sahadeva Singh)

Executive Director/ Contracts