

## SECTION 2: NOTICE INVITING TENDER

### 2.0 Notice Inviting Tenders

2.1 The PD Area at the Project Site are proposed to be given on lease basis through this Tendering process on “as is where is basis” as demarcated in the plans placed as Annexure – 6 of this document and are in form of built up areas for retail and commercial spaces, details of which are given below.

PD Area	Floor	Code	Built up Area in Sqm
1	Ground Floor Package-1	P-1	5213
	Total		5213

(Hereinafter individually referred to as “**Leased Space(s)**” or “Leased Area”)

2.2 DMRC invites sealed online Tenders from suitable participants who may be a sole proprietorship firm or a partnership firm or a body corporate incorporated and registered in India under the Companies Act, 1956 /2013, duly registered under the law applicable to such company, either individually or in Joint Venture/Consortium under an existing agreement (the “**Tenderers**”, which expression shall, unless repugnant to the context, include the members of the Consortium) for selection of Lessee(s) to grant rights under the Lease Agreement for the commercial utilization of the Lease Space(s) for various purposes, except banned list of usages as detailed in Annexure-9.

### 2.3 Deemed Knowledge and Disclaimer:-

2.3.1 DMRC shall receive online Tenders pursuant to this RFP document, in accordance with the terms set forth herein as modified, altered, amended and clarified from time to time by DMRC. Tenderers shall submit Tenders in accordance with such terms on or before the Proposal Due Date. The participating Tenderers are expected to visit the Project Site to examine its precincts and the surroundings at the Tenderer’s own expenses and ascertain on its own responsibility, information, technical data, traffic data, market study, etc. including actual condition of existing services.

2.3.2 The Tenderer shall be deemed to have inspected the Project Site and be aware of the existing buildings, constructions, structures, installations etc., if any existing in the Leased Space(s) and shall not claim for any change on the Project Site after submitting its Tender. The Tenderer hereby admits, agrees and acknowledges that DMRC has not made any representation to the Tenderer or given any warranty of any nature whatsoever in respect of the Project Site including in respect of its usefulness, utility etc. or the

fulfillment of criteria or conditions for obtaining Applicable Permits by the Tenderer for implementing the Project.

2.3.3 The Tenderer shall be fully and exclusively responsible for, and shall bear the financial, technical, commercial, legal and other risks in relation to the development of the assets regardless of whatever risks, contingencies, circumstances and/or hazards may be encountered (foreseen or unforeseen) including underground utilities and notwithstanding any change(s) in any of such risks, contingencies, circumstances and/or hazards on exceptional grounds or otherwise and whether foreseen or unforeseen and the Tenderer shall not have any right whether express or implied to bring any claim against, or to recover any compensation or other amount from DMRC in respect of the Project other than for those matters in respect of which express provision is made in the Lease Agreement.

2.4 **Salient features of Tendering Process:**

- a) DMRC has adopted a two packet online Tendering process for declaration of a Selected Tenderer for each schedule to grant rights under the Lease Agreement for the Leased Space.
- b) The details of Tendering process are provided in Section 3.
- c) Schedule of Tendering process for RFP :

Start of sale of RFP Document to Tenderers	From 21.09.2016 to 03.11.2016 (upto 1500 hrs.) on e-tendering website <a href="https://eproure.gov.in/eprocure/app">https://eproure.gov.in/eprocure/app</a>
Cost of RFP Document (Non-refundable)	INR 21,000/- (inclusive of 5% DVAT) Non-Refundable (Demand Draft /Banker's cheque) in favor 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 1500 hours on 03.11.2016 in the office of Executive Director/Contracts at below mentioned address.
Validity of Tender Security in case of BG	30.06.2017
Pre-Tender Meeting	05.10.2016 at 11.00 hrs
Last date of receiving queries	06.10.2016 (Queries from tenderers after due date shall not be acknowledged)
DMRC's response to queries by	17.10.2016
Tender submission Start Date and Time	24.10.2016 from 0900 Hrs.

Tender submission End Date & Time	03.11.2016 upto 15:00 Hrs.
Tender opening Date & Time	04.11.2016 @ 1500 Hrs.
Authority and place for submission of RFP Tender Document cost and seeking clarifications	<b>Executive Director/Contracts,</b> Delhi Metro Rail Corporation, 5 <sup>th</sup> floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001

- d) Schedule of Various Stages: The Selected Tenderer shall follow the following time lines:

Stage of Activity	Time Period
Payment of Upfront Fee and Security Deposit to DMRC.	Within 30 days of issue of Letter of Acceptance
Signing of Lease Agreement	Within 15 days after payment of Upfront Fee and Security Deposit.
Handing Over of the site.	Within 30 Months of signing of Lease Agreement.
Payment of Advance Lease Fee for 1 <sup>st</sup> Quarter to DMRC by Lessee.	Within 15 days after end of moratorium period i.e <b>nine (9) Months</b> after signing of the Lease Agreement without consideration of any interest. Delay in payment of advance lease fee shall attract interest @ 20% per annum on outstanding balance on due date

### **Instructions for Online Tender Submission:**

The Tenderers are required to submit soft copies of their Tenders electronically on the CPP Portal, using valid Digital Signature Certificates. The instructions given below are meant to assist the Tenderers in registering on the CPP Portal, prepare their Tenders in accordance with the requirements and submitting their Tenders online on the CPP Portal.

More information useful for submitting online Tenders on the CPP Portal may be obtained at: <https://eprocure.gov.in/eprocure/app>.

### **REGISTRATION**

- 1) Tenderers are required to enroll on the e-Procurement module of the Central Public Procurement Portal (URL: <https://eprocure.gov.in/eprocure/app>) by clicking on the link “**Online Tenderer Enrollment**” on the CPP Portal which is free of charge.
- 2) As part of the enrolment process, the Tenderers will be required to choose a unique username and assign a password for their accounts.
- 3) Tenderers are advised to register their valid email address and mobile numbers as part of the registration process. These would be used for any communication from the CPP Portal.
- 4) Upon enrolment, the Tenderers will be required to register their valid Digital Signature Certificate (Class II or Class III Certificates with signing key usage) issued by any Certifying Authority recognized by CCA India (e.g. Sify / nCode / eMudhra etc.), with their profile.
- 5) Only one valid DSC should be registered by a Tenderer. Please note that the Tenderers are responsible to ensure that they do not lend their DSC’s to others which may lead to misuse.
- 6) Tenderer then logs in to the site through the secured log-in by entering their user ID / password and the password of the DSC / e-Token.

### **SEARCHING FOR TENDER DOCUMENTS**

- 1) There are various search options built in the CPP Portal, to facilitate Tenderers to search active tenders by several parameters. These parameters could include Tender ID, Organization Name, Location, Date, Value, etc. There is also an option of advanced search for tenders, wherein the Tenderers may combine a number of search parameters such as Organization Name, Form of Contract, Location, Date, Other keywords etc. to search for a tender published on the CPP Portal.
- 2) Once the Tenderers have selected the tenders they are interested in, they may download the required documents / tender schedules. These tenders can be moved to the respective

'My Tenders' folder. This would enable the CPP Portal to intimate the Tenderers through SMS / e-mail in case there is any corrigendum issued to the tender document.

- 3) The Tenderer should make a note of the unique Tender ID assigned to each tender, in case they want to obtain any clarification / help from the Helpdesk.

## **PREPARATION OF TENDERS**

- 1) Tenderer should take into account any corrigendum published on the tender document before submitting their Tenders.
- 2) Please go through the tender advertisement and the tender document carefully to understand the documents required to be submitted as part of the Tender. Please note the number of covers in which the Tender documents have to be submitted, the number of documents - including the names and content of each of the document that need to be submitted. Any deviations from these may lead to rejection of the Tender.
- 3) Tenderer, in advance, should get ready the Tender documents to be submitted as indicated in the tender document / schedule and generally, they can be in PDF / XLS / RAR / DWF/JPG formats. Tender documents may be scanned with 100 dpi with black and white option which helps in reducing size of the scanned document.
- 4) To avoid the time and effort required in uploading the same set of standard documents which are required to be submitted as a part of every Tender, a provision of uploading such standard documents (e.g. PAN card copy, annual reports, auditor certificates etc.) has been provided to the Tenderers. Tenderers can use "My Space" or "Other Important Documents" area available to them to upload such documents. These documents may be directly submitted from the "My Space" area while submitting a Tender, and need not be uploaded again and again. This will lead to a reduction in the time required for Tender submission process.

## **SUBMISSION OF TENDERS**

- a) Tenderer should log into the site well in advance for Tender submission so that they can upload the Tender in time i.e. on or before the Tender submission time. Tenderer will be responsible for any delay due to other issues.
- b) The Tenderer has to digitally sign and upload the required Tender documents one by one as indicated in the tender document.
- c) Tenderer has to select the payment option as "offline" to pay the tender fee / EMD as applicable and enter details of the instrument.
- d) Tenderer should prepare the EMD as per the instructions specified in the tender document. The original should be posted/couriered/given in person to the concerned official, latest by the last date of Tender submission or as specified in the tender documents. The details of the DD/any other accepted instrument, physically sent, should tally with the details available in the scanned copy and the data entered during Tender submission time. Otherwise the uploaded Tender will be rejected.

- e) Tenderers are requested to note that they should necessarily submit their financial Tenders in the format provided and no other format is acceptable. If the price Tender has been given as a standard BoQ format with the tender document, then the same is to be downloaded and to be filled by all the Tenderers. Tenderers are required to download the BoQ file, open it and complete the white coloured (unprotected) cells with their respective financial quotes and other details (such as name of the Tenderer). No other cells should be changed. Once the details have been completed, the Tenderer should save it and submit it online, without changing the filename. If the BoQ file is found to be modified by the Tenderer, the Tender will be rejected.
- f) The server time (which is displayed on the Tenderers' dashboard) will be considered as the standard time for referencing the deadlines for submission of the Tenders by the Tenderers, opening of Tenders etc. The Tenderers should follow this time during Tender submission.
- 7) All the documents being submitted by the Tenderers would be encrypted using PKI encryption techniques to ensure the secrecy of the data. The data entered cannot be viewed by unauthorized persons until the time of Tender opening. The confidentiality of the Tenders is maintained using the secured Socket Layer 128 bit encryption technology. Data storage encryption of sensitive fields is done. Any Tender document that is uploaded to the server is subjected to symmetric encryption using a system generated symmetric key. Further this key is subjected to asymmetric encryption using buyers/Tender openers public keys. Overall, the uploaded tender documents become readable only after the tender opening by the authorized Tender openers.
- g) The uploaded tender documents become readable only after the tender opening by the authorized Tender openers.
- h) Upon the successful and timely submission of Tenders (ie after Clicking "Freeze Tender Submission" in the portal), the portal will give a successful Tender submission message & a Tender summary will be displayed with the Tender no. and the date & time of submission of the Tender with all other relevant details.
- i) The Tender summary has to be printed and kept as an acknowledgement of the submission of the Tender. This acknowledgement may be used as an entry pass for any Tender opening meetings.

## **ASSISTANCE TO TENDERERS**

- 1) Any queries relating to the tender document and the terms and conditions contained therein should be addressed to the Tender Inviting Authority for a tender or the relevant contact person indicated in the tender.
- 2) Any queries relating to the process of online Tender submission or queries relating to CPP Portal in general may be directed to the 24x7 CPP Portal Helpdesk.
- 3) For any Technical queries related to Operation of the Central Public Procurement Portal Contact at :

Mobile Numbers: 91 7878007972, 91 7878007973, 91 7574889871, 91 7574889874, 91 8826246593

RFP Tender Document: CPD-36

Tel: The 24 x 7 Toll Free Telephonic Help Desk Number 1800 3070 2232. Other Tel:  
0120-4200462, 0120-4001002.

E-Mail: cPPP-nic[at]nic[dot]in

**SECTION 3**  
**REGULATION OF TENDERS**  
**AND**  
**LEASE AGREEMENT**