

## Notice of Invitation for Bids

### 1.1 GENERAL

#### 1.1.1 Name of Work:

Delhi Metro Rail Corporation (DMRC) Ltd. invites Open e-Tenders on Local Competitive Basis (LCB) from eligible applicants from all countries and all areas, who fulfil qualification criteria as stipulated in section III of bid documents, for the work,

**Contract MT- 3 : Supply of 1400 MT 90 UTS Rails (UIC 60, IRS-T-12-2009, 880 Grade) for Malwani Depot of Line 2A Corridor of Mumbai Metro Rail Project.**

#### 1.1.2 Key details:

Approximate cost of work	INR 8.50 Crores
Tender Security amount	INR 8.50 Lakhs Validity of Tender Security in case of BG : 23.03.2018
Completion period of the Work	08 months from the date of issue of Letter of Acceptance
Tender Document available for sale on website	From 15.06.2017 to 26.07.2017 (upto 16:00 hrs) on e-tendering website <a href="https://eprocure.gov.in/eprocure/app">https://eprocure.gov.in/eprocure/app</a> Tender document can only be obtained after registration of tenderer on the website <a href="https://eprocure.gov.in/eprocure/app">https://eprocure.gov.in/eprocure/app</a> .
Cost of Tender Documents <b>(Non-Refundable)</b>	INR 21,000/- (inclusive of 5% DVAT) 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 up to 16:00 hours on 26.07.2017 in the office of GM/Contracts at below mentioned address.
Last date of Seeking Clarification	28.06.2017 (Upto 17:00 Hrs) (Queries from bidders after due date shall not be acknowledged)
Pre-bid Meeting	30.06.2017 at 11:00 Hrs
Last date of issuing addendum, if any	07.07.2017

Tender Submission Start Date and time	10.07.2017 from 11:00 Hrs.
Tender Submission End Date and time	26.07.2017 upto 16:00 Hrs.
Date & time of opening of Tender (Technical Bid)	27.07.2017 at 16:00 Hrs.
Authority and place for submission of tender cost & Tender Security (EMD), seeking clarifications on tender documents and pre bid meeting	<b>GM/Contracts,</b> Delhi Metro Rail Corporation Ltd. 5th Floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110001 Tel : 011-23415838

**1.1.3** This is a **MMRDA** funded work.

**1.1.4 QUALIFICATION CRITERIA:**

**A Eligibility Criteria (Work Experience):**

**(i) Minimum Eligibility Criteria:** - The bidder shall be manufacturer of 90 UTS Rails.

**(ii) Experience and Technical Capacity**

The Bidder shall furnish documentary evidence to demonstrate that it meets the following experience requirement(s):

- a) Supply of a minimum quantity of 14,000 MT of Rails during last seven years.
- b) Bidder shall furnish year wise and consignee wise details of supply during last seven years.
- c) The bidder shall furnish the details of supplies made for the goods being procured in this contract. Details should include a performance certificate which should include purchase order details, name of purchaser, the railway projects/ MRTS Project, where used / being used, the design speed and axle load of the section, quantity of rails supplied and period of supply. The details of address, contract person, fax / e mail is also to be furnished. In absence of the above statement / details, offer will be summarily rejected.
- d) The bidder shall also furnish the
  - Details of Current work commitments;
  - Plant and manufacturing capacity
  - Organisation set up
  - Statement & details of equipment and other facilities available.
  - Evidence of access to lines of credit and availability of other financial

- resources;
- Quality control system and detailed quality assurance plan.
- e) The rails proposed to be supplied in this bid are as per IRS-T-12-2009 Specifications (with all amendments). The bidder shall furnish clause by clause confirmation of IRS-T-12-2009 Specifications for the rails proposed to be supplied in this contract.
- f) The bidder should submit Technical Proposal as per Annexure "B" of Technical specification, in the absence of the same offer will be summarily rejected.
- g) 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. 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 1.1.4 (A) of NIT. In the case of a JV or Consortium, all members of the Company / Firm shall be jointly and severally liable for the performance of whole contract. The JV or Consortium shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the JV or Consortium during the tendering process and, in the event the JV or Consortium is awarded the Contract, during contract execution.
- II. (a) A Tenderer and in case of JV or Consortium, all partners constituting the Tenderer may be from any country and all areas.
- (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.
- V. The applicant shall submit user certificate for successful completion as on submission date of tender, failure to submit would result in disqualification.
- VI. The supplier will submit user certificate for the supply of Rails mentioned in clause 1.1.4 (A) along with their performance. The certificate should contain all the details, so that it can be established that supplier have experience of supplying the 90 UTS Rails required for DMRC work.
- VII (a) DMRC/ any Central / State government department / public sector undertaking / other government entity or local body must not have banned business with the tenderer (including any member in case of JV/Consortium) as on the date of tender submission.
- (b) Also no contract of the tenderer of the value more than 10% of NIT cost of work, executed either individually or in a JV/Consortium, should have been rescinded / terminated by DMRC/any Central or State Govt. Department / Public Sector Undertaking / Other Govt. entry or local body after award during last 3 years (from the last day of the previous month of tender submission) due to non-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in – Form No. 8 to Section IV (Bidding Forms).
- (c) The overall performance of the tenderer (all members in case of JV/Consortium separately) shall be examined for all the on-going Rails Supply Works of value more than 40% of NIT cost of work and also for all the completed Rails Supply Works within last one year (from the last day of the previous month of tender submission), of value more than 40% of NIT cost of work, executed either individually or in a JV/ Consortium. The tenderer shall provide list of all such works in the prescribed Performa given in Form No. 8A to Section IV (Bidding Forms). The tenderer (all members in case of JV/Consortium separately) may either submit satisfactory performance Certificate issued by the Client / Employer for the works or give an undertaking regarding satisfactory performance of the work with respect to completion of work/execution of work (for ongoing works) failing which their tender submission shall not be evaluated and the tenderer shall be considered non-responsive and non-compliant to the tender conditions. In case of non submission of either satisfactory performance Certificate from Client / Employer or undertaking of satisfactory performance of any of the above work, the performance of such work shall be treated as unsatisfactory while evaluating the overall performance of tenderer in terms of Note (b) of Form No. 8A to Section IV (Bidding Forms). In case of performance certificate issued by the client, same should not be older than three month (from the last day of the previous month of tender

submission) for the on-going Works.

VIII (a) Tenderer (including any member in case of JV/consortium) must have been neither penalised with liquidated damages of 10% (or more) of the contract value due to delay nor imposed with penalty of 10% (or more) of the contract value due to any other reason in any Rails Supply Contract of value more than 10% of NIT cost of work, during last three years. The tenderer should submit undertaking to this effect in Form No. 9 to Section IV (Bidding Forms).

(b) If the tenderer or any of the Constituent 'substantial member(s)' of JV/Consortium does not meet the criteria stated in the Form No. 8 or 8A or 9, the tenderer including the constituent 'substantial member(s)' of JV/Consortium shall be considered ineligible for participation in tender process and they shall be considered ineligible applicants in terms of Clause 1.1.4. B of NIT

(c) If there is any misrepresentation of facts with regards to undertaking submitted vide Form No. 8, or performance in any of the works reported in the Form No. 8A, or undertaking submitted vide Form No. 9, the same will be considered as "fraudulent practice" under clause 35.1 of GCC and the tender submission of such tenderers will be rejected besides taking further action as per Clause 34.1 (iii) & 35 of GCC.

IX 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 Form No. 10 to Section IV (Bidding Forms).

## 2. 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 last audited balance sheets and/or from the banking reference. Net current assets and/or documents including banking reference (as per proforma given in Form No. 11 to Section IV (Bidding Forms)), should show that the applicant has access to or has available liquid assets, lines of credit and other financial means to meet cash flow **INR 1.82 Crores** 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 and it should not more than 3 months old as on date of submission of bids.

**The Banking Reference should be on the letter head of the Bank.**

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  $\geq \frac{WM}{100}$  and liquidity of member-2  $\geq \frac{WN}{100}$

- (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  $\geq$  **INR 2.55 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 =  $(AM+BN)/100$ .

- (iv) **T4- Annual Turnover:** The average annual turnover of the tenderer during last five audited financial years should be  $\geq$  **INR 10.20 Crores.**

The averages 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 percentage = N, Let the averages annual turnover of member 1 is A and that of member 2 is B, then average annual turnover of JV will be =  $\frac{AM+BN}{100}$

**Notes:**

- Financial data for latest last five audited financial years has to be uploaded by the tenderer in **Annexure-A** along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature. 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 other year than the last year is not uploaded, the tender may be considered as non-responsive.

**1.1.5 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:

Bid capacity will be calculated based on the following formula:

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

Where,

A = Maximum of the value of Rails supplies executed in any one year during the last five financial years (updated to the last day of the previous month of tender submission 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 the last day of the previous month of tender submission) for Rails supply work during period of **08 months** w.e.f. from the first day of the month of tender submission.

#### Notes:

- Financial data for latest last five financial years has to be uploaded by the tenderer in **Annexure-B** alongwith audited financial statements. The financial data in the prescribed format shall be certified by the Chartered Accountant with his stamp and signature in original.

- Value of existing commitments for Rails supply works during period of **08 months** w.e.f. from the first day of the month of tender submission has to be uploaded by the tenderer in **Annexure-C**. These data shall be certified by the Chartered Accountant with his stamp and signature in original

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 % is not provided, 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:

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

The tender submission of tenderers, who do not qualify the qualification criteria & bid capacity criteria stipulated in the above clauses, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in clauses above 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.

**1.1.6** The Tender documents consist of 1 volume in respect of Contractual, Technical, and Financial matters and related information as follows:

**Volume 1**

- Notice Inviting Tender (NIT)
- Instructions to Bidders (ITB)
- Bid Data Sheet (BDS)
- Evaluation criteria (including Annexure A, B, & C)
- Bidding Forms (Bill of Quantity)
- Technical Specifications (including Annexure A)
- General Conditions of Contracts (GCC)
- Special Conditions of Contract (SCC)
- Contract Forms

- 1.1.7 The Tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of GM/Contracts, Delhi Metro Rail Corporation, 5th Floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110001.
- 1.1.8 All Tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause 30 “Instructions to Bidders” and/or minor deviation without quoting the cost of withdrawal shall be considered as non-responsive and is liable to be rejected.
- 1.1.9 The intending tenderers must be registered on e-tendering portal <https://eprocure.gov.in/eprocure/app>. Those who are not registered on the e-tendering portal 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.
- 1.1.10 The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid **class-II** or **class-III** digital signature. The tender document can only be downloaded from e-tendering portal using class-II or class-III digital signature. However, the tenderer shall upload their tender on <https://eprocure.gov.in/eprocure/app> using class-II or class-III digital signature of the authorized signatory only.
- 1.1.11 Tender submissions shall be done online on <https://eprocure.gov.in/eprocure/app> after uploading the mandatory scanned documents towards cost of tender documents (in the form of Demand Draft or Pay Order or Banker’s Cheque from a Scheduled commercial bank based in India) and towards Tender Security (in the form of Bank Guarantee or Demand Draft or Pay Order or Banker’s Cheque or FDR from a Scheduled commercial bank based in India) and other documents as stated in the tender document. Instructions for on-line bid submission are furnished hereinafter.
- 1.1.12 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 can be uploaded.
- It shall be the responsibility of the bidder / tenderer to ensure that his tender is uploaded online on e-tendering website <https://eprocure.gov.in/eprocure/app> before the deadline of submission. DMRC will not be responsible for non-receipt of tender documents due to any delay and/or loss etc.
- 1.1.13 Tenders 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 latest Date of Submission of Tender and shall be accompanied with a tender security of the requisite amount as per clause C21 of ITB.



- 1.1.14 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.
- 1.1.15 Tenderers are advised to keep in touch with e-tendering portal <https://eprocure.gov.in/eprocure/app> for updates.
- 1.1.16 The Letter of Acceptance to the successful bidder shall be uploaded on procurement portal which can be downloaded by the successful bidder.
- 1.1.17 For any complaint tenderer may contact CVO, DMRC at 1<sup>st</sup> floor A-wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001, Tel: 011-23418406, Email: cvodmrc@gmail.com.

**GM/Contracts  
Delhi Metro Rail Corporation Limited**

**Instructions for Online Bid Submission:**

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

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

**REGISTRATION**

- 1) Bidders 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 bidder Enrollment**" on the CPP Portal which is free of charge.
- 2) As part of the enrolment process, the bidders will be required to choose a unique username and assign a password for their accounts.
- 3) Bidders 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 bidders 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 bidder. Please note that the bidders are responsible to ensure that they do not lend their DSC's to others which may lead to misuse.
- 6) Bidder 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 bidders 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 bidders 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 bidders 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 bidders through SMS / e-mail in case there is any corrigendum issued to the tender document.
- 3) The bidder 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 BIDS**

- 1) Bidder should take into account any corrigendum published on the tender document before submitting their bids.
- 2) Please go through the tender advertisement and the tender document carefully to understand the documents required to be submitted as part of the bid. Please note the number of covers in which the bid 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 bid.
- 3) Bidder, in advance, should get ready the bid documents to be uploaded as indicated in the tender document / schedule and generally, they can be in PDF / XLS / RAR / DWF/JPG formats. Bid 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 uploaded as a part of every bid, a provision of uploading such standard documents (e.g. PAN card copy, annual reports, auditor certificates etc.) has been provided to the bidders. Bidders 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 bid, and need not be uploaded again and again. This will lead to a reduction in the time required for bid submission process.

**SUBMISSION OF BIDS**

- 1) Bidder should log into the site well in advance for bid submission so that they can upload the bid in time i.e. on or before the bid submission time. Bidder will be responsible for any delay due to other issues.
- 2) The bidder has to digitally sign and upload the required bid documents one by one as indicated in the tender document.
- 3) Bidder has to select the payment option as "offline" to pay the tender fee / EMD as applicable and enter details of the instrument.
- 4) Bidder 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 bid 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 bid submission time. Otherwise the uploaded bid will be rejected.
- 5) Bidders are requested to note that they should necessarily submit their financial bids in the format provided and no other format is acceptable. If the price bid 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 bidders. Bidders 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 bidder). No other cells should be changed. Once the details have been completed, the bidder should save it and submit it online, without changing the filename. If the BOQ file is found to be modified by the bidder, the bid will be rejected.
- 6) The server time (which is displayed on the bidders' dashboard) will be considered as the standard time for referencing the deadlines for submission of the bids by the bidders, opening of bids etc. The bidders should follow this time during bid submission.
- 7) All the documents being uploaded by the bidders 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 bid opening. The confidentiality of the bids is maintained using the secured Socket Layer 128 bit encryption technology. Data storage encryption of sensitive fields is done. Any bid 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/bid openers public keys. Overall, the uploaded tender documents become readable only after the tender opening by the authorized bid openers.
- 7) The uploaded tender documents become readable only after the tender opening by the authorized bid openers.
- 8) Upon the successful and timely submission of bids (i.e. after Clicking "Freeze Bid Submission" in the portal), the portal will give a successful bid submission message & a bid summary will be displayed with the bid no. and the date & time of submission of the bid with all other relevant details.
- 9) The bid summary has to be printed and kept as an acknowledgement of the submission of the bid. This acknowledgement may be used as an entry pass for any bid opening meetings.

**ASSISTANCE TO BIDDERS**

- 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.

Any queries relating to the process of online bid submission or queries relating to CPP Portal in general may be directed to the 24x7 CPP Portal Helpdesk.

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 Tel:

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

4001002. E-Mail: ccpp-nic[at]nic[dot]in