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DELHI METRO RAIL CORPORATION LTD.

CONTRACT NO. OCM-447

**Maintenance Contract for Controlling Leakage & Seepage in
Underground/ Elevated Section including Tunnel, Stations,
Ancillary Buildings, Viaduct and Depot of Line-8 from
Janakpuri West to Botanical Garden**

Notice Inviting Tender (NIT)

DELHI METRO RAIL CORPORATION LTD.

**5th FLOOR, C-WING, METRO BHAWAN,
FIRE BRIGADE LANE, BARAKHAMBA ROAD,
NEW DELHI 110001**

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NOTICE INVITING TENDER (NIT)

1.1 GENERAL

1.1.1 DMRC Invites Open tender through e-tendering system (i.e. Technical and Financial bid) from eligible applicants who fulfill qualification criteria as stipulated in clause 1.2 of NIT for Maintenance Contract for Controlling Leakage & Seepage in Underground/ Elevated Section including Tunnel, Stations, Ancillary Buildings, Viaduct and Depot of Line-8 from Janakpuri West to Botanical Garden. The brief scope of the work and site information is provided in ITT clause A2

1.1.2 The key details are as follows:

a.	Name of Work	Contract: OCM-447: Maintenance Contract for Controlling Leakage & Seepage in Underground/ Elevated Section including Tunnel, Stations, Ancillary Buildings, Viaduct and Depot of Line-8 from Janakpuri West to Botanical Garden.
b.	Approximate Cost of work	₹149.95 lakhs
c.	Tender Security Amount (Earnest Money Deposit)	Amount of Tender Security:- ₹74975/- Payment of tender security is to be made only by RTGS, NEFT and IMPS. No other mode of payment will be accepted. The detail of bank account of DMRC for payment of Tender security is mentioned in clause 1.1.2(p) of NIT. The bidders shall be required to upload scanned copies of transaction of payment of tender security/ EMD including e-receipt (clearly indicating UTR No. & Tender reference i.e. OCM-447 must be entered in the remarks at the time of online transaction of payment, failing which payment not be considered) at the time of online bid submission. For further details, clause C18.1.2 of ITT may be referred.
d.	Cost of Tender Documents (Non-Refundable)-	₹ 5,900/- (inclusive of 18% GST) Non-Refundable (Payment of cost of tender document / tender fee is to be made only by RTGS, NEFT & IMPS. No other mode of payment will be accepted. The detail of bank account of DMRC for payment of cost of tender document is mentioned in clause 1.1.2(p) of NIT. The bidders will be required to upload scanned copies of transaction of payment of cost of tender document including e-receipt (clearly indicating UTR No. & Tender reference i.e. OCM 441) must be entered in the remarks at the time of online transaction of payment, failing which payment may not be considered) at the time of bid submission. (Copy of GST registration no. to be provided along with Tender document cost/ tender fee)
e.	Tender Document available for sale on website	From 26.02.2019 to 28.03.2019 (upto 14:00 hrs) on e-tendering website https://eprocure.gov.in/eprocure/app Tender document can only be obtained after registration of tenderer on the website https://eprocure.gov.in/eprocure/app .
f.	Pre-bid Meeting	12.03.2019 at 11:30 Hrs at Metro Bhawan
g.	Last date of Seeking Clarification	13.03.2019 (Upto 17:00 Hrs) (Queries shall be submitted online through e-tendering portal against the respective tender)
h.	Last date of issuing amendment, if any	20.03.2019
i.(i)	Tender submission Start Date and	22.03.2019 (from 09:00Hrs)

	Time	
i.(ii)	Tendersubmission end Date and Time	28.03.2019 (Upto 14:00Hrs)
j.	Date & Time of opening of Tender (Technical Bid)	29.03.2019 at 14:30 Hrs.
k.	Date & Time of opening of Financial Bid	Will be informed later on after the evaluation of Technical Bids (Only to the bidders who will successfully qualify the Technical Evaluation)
l.	Validity of Tender	180 days from the last date of submission of tender.
m.	Stipulated date of Commencement of work	Within seven days from the date of issue of "Letter of Acceptance" or as per the instructions of Engineer-in-charge.
n.	Time Period	3 Years.
o.	Authority and place for submission of tender cost & Tender Security (EMD), required documents (if any), seeking clarifications on tender documents and opening of Technical Bid&Financial Bid	CE/Tender (O&M), Delhi Metro Rail Corporation Ltd., 5th Floor, C-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110001

1.2 QUALIFICATION CRITERIA

1.2.1 Eligible Applicant

- i. The tenders for this contract will be considered only from those tenderers {proprietorship firms, partnership firms, companies, corporations, consortia or joint ventures (JV hereinafter)} who meet requisite eligibility criteria prescribed in the sub-clauses of Clause 1.2.2 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 tenderer shall submit only one bid in the same tendering process, either individually as a tenderer or as a partner of a J.V. 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 sub-contractor 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 implementation of the project;
 - (b) A tenderer is any associates/affiliates (inclusive of parent firms) mentioned in sub-paragraph (a) above; or
 - (c) A tenderer lends, or temporarily seconds its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for an 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 as per clause 1.2.2 (a) of NIT.

- v. (a) DMRC/ 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.
- (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. entity or local body after award during last 03 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 Appendix-6 of Form of Tender.
- (c) Tenderer (including 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 03 years. The tenderer should submit undertaking to this effect in the Appendix-6 of Form of Tender.
- (d) If the tenderer or any of the constituent 'substantial member(s)' of JV/Consortium does not meet the criteria stated in the Appendix 6, 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 1.2.1 of NIT.
- (e) If there is any misrepresentation of facts with regards to undertaking submitted vide Appendix-6, the same will be considered as "fraudulent practice" under Clause 4.33.1 a (ii) of GCC and the tender submission of such tenderers will be rejected besides taking further action as per Clause 4.33.1 (c) of GCC.
- 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 the Appendix-6 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-5 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.

1.2.2 Minimum Eligibility Criteria

- (a) **Work Experience** : The tenderers will be qualified only if they have successfully completed work(s) during last 5 years ending last day of the month previous to the month of tender submission in any Central Govt./state Govt./PSU's/DMRC or any private Limited company of repute as given below:
- (i) At least one "similar work"*** of value of ₹39.99 lakhs

OR

- (ii) Two “similar works” **each of value of ₹24.99 lakhs
OR
(iii) Three “similar works”***each of value of ₹19.99 lakhs

**** “Similar work” for this contract shall be “controlling of leakage/ seepage/ waterproofing work in civil structures”.**

Notes:

- The tenderer shall upload details of work executed by them in the prescribed format as per Appendix-15 of Form of Tender for the works to be considered for qualification of work experience criteria. Documentary proof such as completion certificates from the client clearly indicating the nature/scope of work, actual completion cost and actual date of completion for such work should be uploaded. In case work is executed for private client documentary proof such as copy of work order, Bill of quantities, Bill wise details of payment received certified by CA, TDS certificates for all the payments received, copy of final/ last bill paid by the client should be uploaded. The offers submitted without this documentary proof shall not be evaluated.
 - Value of successfully completed portion of any ongoing work up to the last day of the previous month of tender submission will also be considered for qualification of work experience criteria.
 - For completed works, value of work done shall be 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. 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- Annual Turnover:** The average annual turnover of the tenderer during last three audited financial years (2016-17, 2017-18 and 2018-19) should not be less than ₹39.99 lakhs.

Financial data for the last three audited financial years has also to be uploaded by the tenderer (each member in case of JV) in Appendix-16 Form of Tender along with audited balance sheets. The financial data in the prescribed format shall be certified by chartered accountant with his stamp, signature and membership number. Also, if the tenderer provides no or NIL financial data for any of the above financial year, then his application shall not be considered and summarily rejected. 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 participation = 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 three audited financial years has to be uploaded by the tenderer in Appendix-16 of Form of Tender 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 ‘2’ 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 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

The tender submission of tenderers, who do not qualify the minimum eligibility criteria in the clauses 1.2.2 (a) to 1.2.2 (b) above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.2.2 (a) to 1.2.2 (b) 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.

1.3 Tender document consists of the following:

- a. Notice Inviting Tender
- b. Instructions to Tenderers (Including Annexures)
- c. Form of Tender (Including Appendices)
- d. General Conditions of Contract
- e. Special Conditions of Contract
- f. Employer's Requirement
- g. Bill of Quantities/Pricing Documents
- h. Conditions of contract on Safety and Health for civil works of O&M wing
- i. Conditions of contract on Environment for civil works of O&M for contract value above ₹1.0 crore.

1.3.1 The Tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of CE/Tender (O&M), Delhi Metro Rail Corporation, 5thFloor, C-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110001.

1.3.2 All Tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause E4.4 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.

1.3.3 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.

1.3.4 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.

1.3.5 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.

1.3.6 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 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.

1.3.7 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 C17 of ITT.

1.3.8 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.

- 1.3.9 Tenderers are advised to keep in touch with e-tendering portal <https://eprocure.gov.in/eprocure/app> for updates.
- 1.3.10 Letter of acceptance to the successful bidder shall be uploaded on procurement portal which can be downloaded by the successful bidder.
- 1.3.11 For any complaint, tenderer may contact CVO, DMRC (email- cvodmrc@gmail.com Ph.011-23418406).

CE/Tender (O&M)

Delhi Metro Rail Corporation Limited

Instructions for Online Bid Submission:

1. GENERAL

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>.

2. REGISTRATION

- a. 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.
- b. As part of the enrolment process, the bidders will be required to choose a unique username and assign a password for their accounts.
- c. 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.
- d. 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.
- e. 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.
- f. 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.

3. SEARCHING FOR TENDER DOCUMENTS

- a. 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.
- b. 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.
- c. 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.

4. PREPARATION OF BIDS

- a. Bidder should take into account any corrigendum published on the tender document before submitting their bids.
- b. 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.
- c. 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.
- d. 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.

5. SUBMISSION OF BIDS

- a. 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.
- b. The bidder has to digitally sign and upload the required bid documents one by one as indicated in the tender document.
- c. Bidder has to select the payment option as "offline" to pay the tender fee / EMD as applicable and enter details of the instrument.
- d. 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.
- e. 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.
- f. 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.
- g. 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.
- h. The uploaded tender documents become readable only after the tender opening by the authorized bid openers.
- i. 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.

- j. 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.

6. ASSISTANCE TO BIDDERS

- a. 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.
- b. 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.
- c. For any Technical queries related to Operation of the Central Public Procurement Portal Contact at:
Phone Numbers: 0120-4001062, 0120-4001002, 0120-4001005, 0120-6277787.
E-Mail: Technical-support-eproc(at)nic(dot)in
Policy Related- cppp-doe[at]nic[dot]in