

Invitation for Bids

Loan No. and Title:	49469-IND : Mumbai Metro Rail Investment Project
Contract Nos. and Title:	<u>MS03: Design, Manufacture, Supply, Installation, Testing and Commissioning of Half Height Platform Gates System for Mumbai Metro line 2A, 2B and 7</u>
Deadline for Submission of Bids	23.07.2018, 1500 hours Indian Standard Time (IST)

- India (hereinafter called “Borrower”) has applied for financing from Asian Development Bank (ADB) toward the cost of **Mumbai Metro Rail Investment Project (MMRIP)**. Part of this loan will be used for payments of the contract packages of the project above. Bidding is open to Bidders from eligible source countries of ADB.
- Mumbai Metropolitan Region Development Authority (MMRDA)** is the Owner of the Project and the Executing Agency for the proposed financing from ADB. MMRDA (the “Owner”) has entered into an Agreement with Delhi Metro Rail Corporation Limited (DMRC) for carrying out the procurement process and implementing this contract on behalf of MMRDA. DMRC is a 50:50 joint venture of Government of India and the Government of National Capital Territory of Delhi. In accordance with the above arrangement, DMRC (the “Project Implementation Agency/Purchaser/Employer”) on behalf of Mumbai Metropolitan Region Authority (MMRDA, the ‘Owner’) invites sealed bids from eligible bidders for the procurement of goods as mentioned below:

Procurement of Goods	Name of work	Units (Platform)	Cost of Bid Document	Completion period in months
MS03	Design, Manufacture, Supply, Installation, Testing and Commissioning of Half Height Platform Gates system for Mumbai Metro Line 2A, 2B and 7	105	₹21,000 (inclusive as applicable GST) or US\$400	36

3. **International Competitive Bidding** (ICB) will be conducted in accordance with ADB's Single-Stage: Two-Envelope bidding procedure and is open to all bidders from eligible source countries.
4. This is a substantially large contract requiring experience for supply and commissioning of Half Height Platform Gates system and including some maintenance and performance responsibilities. Detailed eligibility criteria are given in the bidding documents, and only eligible Bidders meeting the required key qualifications should participate in this bidding. Some of the indicative eligibility criteria, for purposes of illustration only, are as follows:

Work Experience Requirements for Half Height Platform Gates system

- (i) At least 282 PSD/PED/PG doors in Metro environment shall be in satisfactory operation for at least one year,
 - (ii) At least one work of **Design, Supply, Installation, Testing and Commissioning of PSD/PED/PG system** shall be outside the country of origin and
 - (iii) Other eligibility criteria including financial parameters such as cash flow and turnover. The detailed formulation for these criteria are given in the bid documents and are given online as part of the Invitation For Bid (Section 3: "Evaluation and Qualification Criteria", of "Part I: Bidding Procedures") at the tendering websites of Delhi Metro Rail Corporation and Mumbai Metropolitan Region Development Authority.
5. To obtain further information or inspect the proposed work site, Bidders should contact the office of:

CGM / Contracts
Delhi Metro Rail Corporation Limited,
5th Floor, A-Wing, Metro Bhawan
Fire Brigade Lane, Barakhamba Road
New Delhi-110 001

6. To purchase the bidding documents, bidders should:
 - Write to address above requesting the bidding documents for Bid MS03: Design, Manufacture, Supply, Installation, Testing and Commissioning of Half Height Platform Gates System for Mumbai Metro Line 2A, 2B and 7 for Mumbai Metro Rail Investment Project; and
 - Pay a non-refundable fee of ₹ 21,000/- (Rupees twenty one thousand only) or USD 400 in the form of demand draft/Banker's Cheque in favor of "Delhi Metro Rail Corporation Ltd" payable at any Scheduled Bank in New Delhi, India.
 - If the Bidding Document is desired by courier/post, an additional sum of Indian Rupees 1,000/- for the dispatch of the bidding document anywhere in India or USD 100 for dispatch of document outside India should be sent. The employer shall promptly dispatch the documents by Courier/Post, but under no circumstances will it be held responsible for late delivery or loss of documents so mailed.
 - The Document shall be available for sale during office hours (IST 1030 hrs. to IST 1730 hrs.) from 08.06.2018 to 22.07.2018 and up to 1500 hrs. on 23.07.2018.
7. A pre-bid meeting will be held on 22.06.2018 at 15:00 hours IST at the following address:

CGM / Contracts
Delhi Metro Rail Corporation Limited,
5th Floor, A-Wing, Metro Bhawan
Fire Brigade Lane, Barakhamba Road
New Delhi-110 001.

8. Deliver bids:

CGM / Contracts
Delhi Metro Rail Corporation Limited,
5th Floor, A-Wing, Metro Bhawan
Fire Brigade Lane, Barakhamba Road
New Delhi-110 001.

- on or before 23.07.2018 15:00 hours Indian Standard Time (IST).
- Bids shall be accompanied by a bid security as per clause 21 of the Instructions to Bidders, and the Bid Data Sheet in Section (2). In the event of the specified deadline for submission of bid being declared a government holiday, the next official working day would be deemed as the last day for the submission of bid.

Technical bids will be opened immediately in the presence of Bidders' representatives who choose to attend, whereas the Financial Bids shall remain sealed and unopened and shall be placed locked. The Financial Bids of only Technically Responsible and Qualified Bidders shall be opened after Technical Bid Evaluation, whereas, the Financial Bids of those Bidders whose Technical Bids are not responsive and qualified shall be returned unopened after the contract is awarded.

**MS03: Design, Manufacture, Supply, Installation, Testing and
Commissioning of Half Height Platform Gates System For
MUMBAI METRO LINE 2A, 2B AND 7**

CONTRACT NO. MS03

PART I: BIDDING PROCEDURES
SECTION 3: Evaluation and Qualification Criteria

2. Requirements for the Qualification Criteria

The legal entity or entities comprising the Bidder, and not the Bidder's parent companies, subsidiaries, or affiliates, must satisfy the qualification criteria described below.

2.1 Eligibility and Pending Litigation

2.1.1 Eligibility

S. No.	Criteria	Compliance Requirements				Yes	No
		Requirement	Single Entity	Joint Venture All Partners Combined	Each Partner		
2.1.1.1 Nationality	Nationality in accordance with ITB Sub clause 4.2.	must meet requirement	must meet requirement	must meet requirement	not applicable		
	Note : a) Documents required in compliance to above shall be "Section-4: Bidding Forms: Bidder's Qualification: Technical Bid Submission Sheet; Forms ELI – 1 and ELI – 2". b) A "NO" answer to above mentioned question will disqualify the Bidder.						
2.1.1.2 Conflict of Interest	No conflicts of interest in accordance with ITB Sub clause 4.3.	must meet requirement	must meet requirement	must meet requirement	not applicable		
	Note : a) Documents required in compliance to above shall be "Section-4: Bidding Forms: Bidder's Qualification: Technical Bid Submission Sheet". b) A "NO" answer to above mentioned question will disqualify the Bidder.						

<p>2.1.1.3</p> <p>ADB Eligibility</p>	<p>Not having been declared ineligible by ADB, as described in ITB Sub clause 4.4.</p>	<p>must meet requirement</p>	<p>must meet requirement</p>	<p>must meet requirement</p>	<p>not applicable</p>		
<p>Note :</p> <p>a) Documents required in compliance to above shall be “Section-4: Bidding Forms: Bidder’s Qualification: Technical Bid Submission Sheet”.</p> <p>b) A “NO” answer to above mentioned question will disqualify the Bidder.</p>							
<p>2.1.1.4</p> <p>Government Owned Enterprise</p>	<p>Bidder required to meet conditions of ITB Sub clause 4.5.</p>	<p>must meet requirement</p>	<p>must meet requirement</p>	<p>must meet requirement</p>	<p>not applicable</p>		
<p>Note :</p> <p>a) Documents required in compliance to above shall be “Section-4: Bidding Forms: Bidder’s Qualification: Technical Bid Submission Sheet; Forms ELI – 1 and ELI – 2”.</p> <p>b) A “NO” answer to above mentioned question will disqualify the Bidder.</p>							
<p>2.1.1.5</p> <p>United Nations Eligibility</p>	<p>Not having been excluded by an act of compliance with a United Nations Security Council resolution in accordance with ITB Sub clause 4.7.</p>	<p>must meet requirement</p>	<p>must meet requirement</p>	<p>must meet requirement</p>	<p>not applicable</p>		
<p>Note :</p> <p>a) Documents required in compliance to above shall be “Section-4: Bidding Forms: Bidder’s Qualification: Technical Bid Submission Sheet”.</p> <p>b) A “NO” answer to above mentioned question will disqualify the Bidder.</p>							

2.1.2 Pending Litigation

Pending litigation and arbitration criterion shall not apply.

2.2 Experience and Technical Capacity

2.2.1 Contractor's Experience

Criteria	Compliance Requirements				Documents
Requirements	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
<p>(A) Work Experience Requirements for Half Height Platform Gates Systems:</p> <ul style="list-style-type: none"> The Bidder (or the concerned member of JV/Consortium) should have successfully carried out the following work(s) in the last 7 (Seven) years ending ending last day of the month previous to the month of tender submission as given below: <ul style="list-style-type: none"> (i) At least one similar work of Design, Supply, Installation, Testing and commissioning of Half Height Platform Gates System in Metro Rail of value not less than INR 1350.9 millions. <p><u>OR</u></p> <p>At least two similar works, each of Design, Supply, Installation, Testing and commissioning of Half Height Platform Gates System in Metro Rail of value not less than INR 844.3 millions.</p> <p><u>OR</u></p> <p>At least three similar</p> 	must meet requirement	must meet requirement	not applicable	not applicable	Section-4: Bidder's Qualification: Form EXP - 1

<p>works, each of Design, Supply, Installation, Testing and commissioning of Half Height Platform Gates System in Metro Rail of value not less than INR 675.4 millions.</p> <p>The “similar work” for this contract shall be Design, Supply, Installation, Testing and Commissioning of PSD/PED/PG system”.</p> <p>(ii) At least 282 PSD/PED/PG doors in Metro environment shall be in satisfactory operation for at least one year</p> <ul style="list-style-type: none"> • (iii) At least one work of Design, Supply, Installation, Testing and Commissioning of PSD/PED/PG system shall be outside the country of origin <ul style="list-style-type: none"> • Description: PSD- Platform Screen Doors- Full Height Door with complete screen between platform and track. PED- Platform Edge Door- Full Height Door with provision of ventilation at top between platform and track. PG- Platform gate- Half Height Door <ul style="list-style-type: none"> • Notes: <ul style="list-style-type: none"> i. The Bidder shall mention the name of the projects to be used for each 					
--	--	--	--	--	--

<p>of point of Attachment to Form EXP - 1 along with documentary evidence in the form of client certificate(s).</p> <p>ii. Following activities cannot be subcontracted</p> <p>(a) Design of PG system (Mechanical, Electrical, Electronics and software for the system.)</p> <p>(b) Design and supply of Door Control Unit</p> <p>(c) Installation, Testing and Commissioning of PG system, except civil and electrical preparatory works</p> <p>iii. The Bidder shall submit details of work executed by them in the Performa of EXP-1 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 for metro environment, copy of work order, bill of quantities, bill</p>					
---	--	--	--	--	--

<p>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.</p> <p>iv. Value of successfully completed portion of any on-going work up to last day of the month previous to the month of tender submission will also be considered for qualification of work experience criteria.</p> <p>v. For completed works, value of work done shall be updated to last day of the month previous to the 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.</p> <p>vi. 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</p>					
---	--	--	--	--	--

<p>having different constituents, then the value of work as per their percentage participation in such JV/Consortium shall be considered.</p>					
<p>vii. Lead partner / Non-substantial partner / Change in JV / Consortium</p> <p>a) Lead partner must have a minimum of 26% participation in the JV / Consortium.</p> <p>b) Each Partner shall have minimum 26% participation. 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 except to the extent brought out point (A) of attachment to Form EXP - 1. Thus, all the requirements shall be met by substantial partners only.</p> <p>c) All members combined shall meet 100% requirement.</p> <p>d) In case of JV / Consortium, change in constitution or percentage participation shall not be permitted at any stage after their</p>					

<p>submission of application otherwise the Bidder shall be treated as non-responsive. Lead partner shall be one of the substantial partners based on whose strength work experience is accounted for in meeting the criteria of point (A) of 2.2.1 of section 3.</p> <p>e) 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</p> <p>(B) <u>Length of Time in Business</u> : Minimum length of time in Business shall be 10 years. In case of JV/Consortium formation, at least one of the substantial members should be in business for minimum 10 years.</p>					
--	--	--	--	--	--

2.3 Financial Situation

2.3.1 Historical Financial Performance

Criteria	Compliance Requirements			Documents	
	Single Entity	Joint Venture All Partners Combined	Each Partner	One Partner	Submission Requirements
<p>Net Worth</p> <p>The minimum requirements to 'Pass' this criteria is that the Balance sheets should indicate that the Net Worth of the Bidder (to be obtained from latest audited Balance Sheet/ Form FIN -1: Historical Financial Performance mentioned above) shall be 'positive'.</p> <p>The financial year as applicable in the country of origin of the bidders would be considered. The 'last financial year' will be the latest financial year that ended on or before 31.03.2018.</p> <p>In case of a Joint Venture/Consortium, the evaluation against the above eligibility criteria will be done in totality (i.e. algebraic aggregate of evaluation of each member) and not as individual member</p>	must meet requirement	must meet requirement	not applicable	not applicable	Section-4: Bidder's Qualification: Form FIN - 1

2.3.2 Size of Operation (Average Annual Turnover)

Criteria	Compliance Requirements			Documents	
Requirement	Single Entity	Joint Venture		Submission Requirements	
		All Partners Combined	Each Partner		One Partner
<p><u>Average Annual Turn Over</u></p> <p>Then minimum requirements to ‘Pass’ this criteria is that the Average Annual Turn Over for the last five financial years (in terms of rupee equivalent adjusted to last date of the financial year that ended on or before 31.03.2018. by assuming 5% escalation for Indian Rupee and 2% for foreign currency per year) shall not be less than INR 1419 million.</p> <p>The value of annual turnover shall be calculated as total certified payments received for Contracts in progress and/or Completed, within last Five Financial years divided by Five years.</p> <p>The financial year as applicable in the country of origin of the bidders would be considered. The ‘last financial year’ will be the latest financial year that</p>	must meet requirement	must meet requirement	not applicable	not applicable	Section-4: Bidder’s Qualification: Form FIN - 2

<p>ended on or before 31.03.2018.</p> <p>In case of a Joint Venture/Consortium, the above evaluation will be done in totality after applying pro-rata percentage participation of each member and not as individual member. For e.g., if there are three members in a Joint Venture/Consortium with pro-rata percentage participation of 'A%', 'B%' and 'C%' and the Average Annual Turnover of the respective members are 'X', 'Y' and 'Z', then the evaluation for the above criteria will be based on the pro-rata percentage applied algebraic aggregate i.e. 'AX+BY+CZ'.</p>					
---	--	--	--	--	--

2.3.3.1 Cash Flow Capacity

Criteria	Compliance Requirements				Documents
Requirement	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
<p><u>Liquidity</u></p> <p>It is necessary that the firm can withstand the Cash Flow that the contract will require until payment received from Purchaser/Employer. Liquidity therefore becomes an important consideration.</p> <p>This can be seen from the balance sheets and/or from the banking reference. Net current assets {(Current assets + loans & advances) – (current liabilities + provision)} or documents including banking reference, should show that the Bidder has access to or has available liquid assets, lines of credit and other financial means to meet cash flow INR 158 million for this contract, net of Bidder’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 Bidder/member of the Joint Venture/Consortium in the form given in “Section-4, Form FIN - 3: Cash Flow Capacity”. In case the Net Current Assets (as seen from the Balance Sheets) are negative, only the Banking references will be considered. Otherwise the</p>	must meet requirement	must meet requirement	not applicable	not applicable	Section-4: Bidder’s Qualification: Form FIN-1 and FIN - 3

<p>aggregate of the Net Current Assets and submitted Banking references will be considered for working out the Liquidity.</p> <p>Liquidity of INR /158 million available: Pass</p> <p>Liquidity of INR /158 million not available: Fail</p> <p>In case of a Joint Venture/Consortium, the above evaluation will be done in totality after applying pro-rata percentage participation of each member and not as individual member. For e.g., if there are three members in a Joint Venture/Consortium with pro-rata percentage participation of 'A%', 'B%' and 'C%' and the calculated liquidity of the respective members are 'X', 'Y' and 'Z', then the evaluation for the above criteria will be based on the pro-rata percentage applied algebraic aggregate i.e. 'AX+BY+CZ'.</p>					
--	--	--	--	--	--

2.3.3.2 Bid Capacity

Criteria	Compliance Requirements				Documents
Requirement	Single Entity	Joint Venture			Submission Requirements
		All Partners Combined	Each Partner	One Partner	
Available Bid Capacity As per below mentioned methodology.	must meet requirement	must meet requirement	not applicable	not applicable	Section-4: Bidder's Qualification: Form FIN-2 and FIN – 4

Methodology for Working out the Available Bid Capacity

The Bidders will be qualified only if their available bid capacity is more than the estimated cost of work. Available bid capacity will be calculated as under:

$$\text{Available Bid Capacity} = 2AN - B$$

Where,

A = Maximum value of Design, Manufacture, Supply, Installation, Testing and Commissioning of Half Height Platform Gates in any one (1) year during the last five (5) years

N = No. of years prescribed for completion of the Design, Manufacture, Supply, Installation, Testing and Commissioning of Half Height Platform Gates

B = Value of existing commitments for on-going works during period of 36 months.

The estimated cost of work may be taken as Rs. 2838.4 million (excluding Taxes and duties).

Note:

- In case of a Joint Venture/Consortium, the above formula will be applied to each member to the extent of his proposed percentage (%) participation in the execution of the work. The Bid Capacity of the Joint Venture/Consortium will be the sum total of the Bid Capacity of each member **who shall proposed to be supplied under the contract** of the Joint Venture/Consortium as calculated above.
- Value of 'A':**

The maximum value of work in any one year during last five (5) years ('A' in the above formula) shall be the maximum turnover of work in any one(1) financial year during the last five(5) financial years. Financial year as applicable in the country of origin of the bidders would be considered. The turnover to be furnished in response to "Form Fin-2: Size of Operation (Average Annual Turnover)" above shall be considered for evaluating the value 'A' in above formula and the details furnished by the Bidder shall be supported with audited copies, duly certified by Independent chartered accountant/CPA with his stamp and signature, indicating Annual turnover only.

3. Value of 'B':

The value of on-going works (works in hand i.e. 'B' in the above formula) as furnished in response to "Form Fin-4: Available Bid Capacity" above. These data shall be certified by the independent chartered accountant/CPA with his stamp and signature.

Here 'existing commitments for on-going works' means Bidders and each member of JV/Consortium shall provide information on their current commitments on all Contracts that have been awarded, or for which a letter of intent or acceptance has been received, or for Contracts approaching completion but for which an unqualified full completion certificate has yet to be issued.

Note:

1. 'Seven (7) years'/'Last Seven (7) years' means the period of last Seven (7) years counted from the last day of the month previous to the month of tender submission (refer Form of Bid –Appendix FB-1).
2. The 'Bidder' would include Joint Venture/ Consortium submitting the bid as well as members of such Joint Venture/ Consortium.
3. 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 Financial Year is not submitted, the application will be considered as non – responsive.
4. In case of mismatch in financial data in the submitted documents i.e. in Chartered Accountant certified documents and data in audited balance sheet, the data from the audited balance sheets shall prevail.

3. Summary of Requirements for the Qualification Criteria

A Bidder would **Pass** Requirements for the Qualification Criteria, if he meets the following independently:

- a. Pass in 'Eligibility' .(Clause 2.1 above)
- b. Pass in 'Experience and Technical Capacity'.(Clause 2.2 above)
- c. Pass in 'Financial Situation'.(Clause 2.3)

4. Economic Evaluation

4.1 Documents comprising Financial Package

The Bidder shall submit in 'Bid Documents' the following documents duly completed with 'Financial Package' of the Bid submission:-

- (a) Completed Pricing Document including the Bid Total Lump Sum Price, Bid Total, schedule of amounts apportioned to Cost Centers, monthly cash flows for the Contract etc. (see Paragraph titled 'Pricing Document' below and 'Milestones Payment Schedule' mentioned in Clause 24.7 of "Appendix FB-1 to Form of Bid") The price to be quoted shall be the total price of the Bid as elaborated in Annexure TBS-2 and PBS.
- (b) Pricing of unqualified withdrawal of Conditions, Qualifications, Deviations etc. as per the format given in Annexure PBS-3 to the Instruction to bidders for all the deviations submitted in Appendix FB-11 to Form of Bid.

Pricing Document

The Pricing Document is included in Annexure PBS to Price Bid submission Sheet. The Bidder shall complete the Pricing Document in accordance with the instructions given in Annexure TBS-2. The completed Pricing Document shall be submitted as Appendix FB-2 to the Form of Bid.

4.2 Evaluation of Financial Proposals

4.2.1 Evaluation of financial proposals shall solely be carried out by the Purchaser/Employer (DMRC).The financial proposals of only those that comply with the Technical Evaluation as per clause 1.1 of Section-2: Attachment BDS-A3 and whose Technical Package is found compliant as per 1.2 to 1.8 of Section-2: Attachment BDS-A3, will be evaluated.

4.2.2 Correction of Errors

Bids determined to be substantially responsive will be checked by the Purchaser/Employer for any arithmetic errors. Such errors will be corrected by the Purchaser/Employer as specified in ITB 36 of Instructions to Bidders.

4.2.3 Conversion to Single Currency for Comparison of Bids

Bids will be compared in Rupees only. This will be achieved by converting the Foreign Currency portion into Rupees at the Rate of Exchange at the close of business of the Reserve Bank of India (In case, the rate of exchange for a specific currency is not available on RBI web address, the exchange rates as available at the web address: <http://www.xe.com/> shall be followed) on the last working day 'Twenty eight days prior to date for bid submission (refer Form of Bid-Appendix FB-1)', and then adding the same to the Rupee portion of the Bid. If 28 days before the 'date for Bid submission' happens to be a holiday then Rate of exchange at the close of business on the next working day will be considered for conversion of Foreign currency to Indian Rupees.

4.2.4 Financial Evaluation:

4.2.4.1 Corrected 'Bid Total Lump Sum Price'

(a) **Correction of Price of Spares**

Not Applicable

(b) **Correction of Errors**

Bids determined to be substantially responsive will be checked by the Purchaser/Employer for any arithmetic errors in accordance with 'clause 4.2.2' above.

(c) **Loading on account of withdrawal of deviations**

Pricing of unqualified withdrawal of conditions, Qualifications, Deviations etc. as per the format given in annexure PBS-3 to the price bid submission sheet for all the deviations submitted in Appendix FB-11 to Form of Bid in accordance with 'Section-2: Attachment BDS-A2'.

4.2.4.2 DELETED

4.2.4.3 DELETED

4.2.4.4

For the purpose of comparative evaluation of bids received, the Corrected 'Bid Total Lump Sum Price' in accordance with clause 4.2.4.1 above in respective currencies shall be considered to determine the inter-se position of the Bidders and for determination of the 'Lowest Evaluated Bid Price'

Bidders shall note that 'Lowest Evaluated Bid Price (L1)', shall be the sole criteria for determination of inter-se position of the bidders.

4.2.4.5 DELETED

4.2.4.6 Deleted

4.2.5 Deleted.

4.2.6 The Employer reserves the right to accept or reject any variation or deviation. Variations, deviations, and other factors which are in excess of the requirements of the Bid documents or otherwise result in the accrual of unsolicited benefits to the Purchaser/Employer shall not be taken into account in bid evaluation.

4.2.7 Deleted