



**DELHI METRO RAIL CORPORATION LIMITED**

**Providing and Fixing of Safety Screening works for Traction Equipments on Viaduct of Line-6 Extension (Badarpur – Raja Nahar Singh) of Delhi MRTS Phase-III Project**

**CONTRACT NO: CPM/7/44**

**VOLUME 1**

**NOTICE INVITING TENDER**

**DELHI METRO RAIL CORPORATION LTD.**

**OFFICE OF CHIEF PROJECT MANAGER-7, OPPOSITE FRANK ANTHONY PUBLIC SCHOOL, LALA LAJPAT RAI MARG, LAJPAT NAGAR IV, NEW DELHI-110024**

**NOTICE INVITING TENDER (NIT)**

**1.1 GENERAL**

**1.1.1 Name of Work:**

Delhi Metro Rail Corporation (DMRC) Ltd. invites open e-tenders from eligible applicants, who fulfill qualification criteria as stipulated in clause 1.1.3 of NIT, for the work, “**Contract CPM/7/44; Providing and Fixing of Safety Screening works for Traction Equipments on Viaduct of Line-6 Extension (Badarpur-Raja Nahar Singh) of Delhi MRTS Ph-III Project**”.

The brief scope of the work and site information is provided in clause 2.0 of NIT.

**1.1.2 Key details:**

Approximate cost of work	INR 48,51,851.56
Tender Security	Amount of Tender Security:-INR 1,00,000.00 Tender Security will be accepted only through online payment (by RTGS, NEFT & IMPS) as per details in clause C18 of ITT. The bidders will be required to upload the scanned copies of transaction of payment of tender security at the time of online bid submission.
Completion period of the Work	04 (Four) Months
Tender documents on sale	From 15.05.2019 to 04.06.2019 (up to 16:00 hrs) on e-tendering portal <a href="https://eprocure.gov.in/eprocure/app">https://eprocure.gov.in/eprocure/app</a> Tender document can only be obtained online 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	INR 5,900/- inclusive of GST Non-Refundable Cost of tender documents is to be paid online only by RTGS, NEFT & IMPS. No other mode of payment will be accepted. The bidders will be required to upload the scanned copies of transaction of payment of tender cost at the time of online bid submission. The bank details of online payment is mentioned in clause C18 of ITT.
Last date of seeking clarifications	23.05.2019
Pre Bid meeting	24.05.2019 (11:30 Hrs)
Last date of issuing addendum	29.05.2019

Date & Time of Submission of Tender Online	Tender submission start date: <b>01.06.2019 (0900 hrs)</b> Tender submission end date: <b>06.06.2019 (1600 hrs)</b>
Date & time of opening of technical bid of Tender Place of opening of tender	<b>07.06.2019 at 1600 hrs</b> General Manager/Contracts 5 <sup>th</sup> Floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001
<ul style="list-style-type: none"> <li>• Authority and place for submission of tender cost, tender security and seeking clarifications</li> <li>• Place of pre-bid meeting</li> </ul>	<b>Chief Project Manager-7,</b> Delhi Metro Rail Corporation, Opp. Frank Anthony Public School Lala Lajpat Rai Marg, Lajpat Nagar-IV, New Delhi-110024 Tel.011-26229001-3 Fax no. : 011- 26229004

### 1.1.3 QUALIFICATION CRITERIA :

#### 1.1.3.1 Eligible Applicants :

- i. The tenders for this contract will be considered only from those tenderers (proprietorship firms, partnerships firms, companies, corporations, consortia or joint ventures) who meet requisite eligibility criteria prescribed in the sub-clauses of clause 1.1.3 of NIT. In the case of a JV or Consortium, all members of the Group shall be jointly and severally liable for the performance of whole contract.
- ii. (a) A non-Indian firm is permitted to tender only in a joint venture or consortium arrangement with any other Indian firm having minimum participation interest of 26% or their wholly owned Indian subsidiary registered in India under Companies Act -1956 with minimum 26% participation.  
  
(b) A tenderer shall submit only one bid in the same tendering process, either individually as a tenderer or as a partner of a JV. A tenderer who submits or participates in more than one bid will cause all of the proposals in which the tenderer has participated to be disqualified. No tenderer can be 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 in this tender process 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 associate /affiliates (inclusive of parent firms) mentioned in subparagraph (a) above, or

- (c) A tenderer lends, or temporarily second its personal to firms or organizations which are engaged in consulting services for the preparation related to procurement for on implementation of the project, if personal 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 work of similar nature as defined in clause 1.1.3.2 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 (including any member in case of JV/consortium) as on d 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 government Department/Public Sector Undertaking/ other government entity or local body after award during last 03 years (from the last date 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-19 of Form of Tender**.
- (c) The overall performance of the tenderer (all members in case of JV/Consortium separately) shall be examined for all the ongoing Civil Engineering/Electrical/Signaling/System/Traction Works of value more than 40% of NIT cost of work and also for all the completed Civil Engineering/Electrical/Signaling/System/Traction works within last one year (from the last date 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 **Appendix-19A** of the Form of Tender. The tenderer (all members in case of a 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 the 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 of 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 the tenderer in terms of Note (b) of Appendix-19A. 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 ongoing works.

- (d) Tenderer (including any member in case of JV/consortium) must have been neither penalized 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 Civil Engineering/Electrical/Signaling/System/Traction contract of value more than 10% of NIT cost of work, during last three years. The tenderer should submit undertaking to this effect in **Appendix-20** of form of Tender.
- (e) If the tenderer or any of the constituent 'substantial member (s)' of JV/Consortium does not meet the criteria stated in the Appendix-19 or Appendix-19A or Appendix-20, 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 1.1.3.1 of NIT
- (f) If there is any misrepresentation of facts with regards to undertaking submitted vide Appendix-19, or performance in any of the works reported in the Appendix-19A, or undertaking submitted vide Appendix-20, 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 (b) (c) & 13.2.1 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 **Appendix-21** of Form of Tender
- vii. LEAD PARTNER/ NON SUBSTANTIAL PARTNERS/ CHANGE IN JV/ CONSORTIUM
  - a. Lead partner must have a minimum of 26% participation in the JV/Consortium.
  - b. Partners having less than 26% participation will be termed as non-substantial partner and will not be considered for evaluation which means that their financial soundness and work experience shall not be considered for evaluation of JV/Consortium.
  - c. In case of JV/Consortium, change in constitution or percentage participation shall not be permitted at any stage after their submission of application otherwise the applicant shall be treated as non - responsive.
  - d. The tenderer, in case of JV/Consortium, shall clearly and unambiguously define the role and responsibilities for each substantial/non - substantial partner in the JV agreement/ MOU submitted vide foot note (d) of Appendix 6 of Form of Tender, providing clearly that any abrogation/subsequent re - assignment of any responsibility by any substantive/non-substantive partner of

JV/Consortium in favour of other JV/Consortium partner or any change in constitution of partners of JV/Consortium (without written approval of Employer) from the one given in JV agreement /MOU at tender stage, will be treated, as “breach of contract condition” and/or “concealment of acts” (as the case may be), vide GCC clause 4.33.1 [a (ii) and (iii)] and acted accordingly.

The Employer in such cases, may in its sole discretion take action under clause 4.33.1(b) and/or under clause 4.33.1(c) of GCC against any member(s) for failure in tenderer’s obligation and declare that member(s) of JV/Consortium ineligible for award of any tender in DMRC or take action to terminate the contract in part or whole under clause 13 of GCC as the situation may demand and recover the cost/damages as provided in contract.

#### **1.1.3.2 Minimum Eligibility Criteria :**

**A.) Work Experience:** The tenderers will be qualified only if they have completed work(s) during last five years ending **31.03.2019** as given below:

- (i) At least one similar work\* of **Rs.38.81 Lakhs** or more, **or**
- (ii) Two similar works\* of **Rs.24.26 Lakhs** or more, **or**
- (iii) Three similar works\* of **Rs.19.40 Lakhs** or more

**\*similar work means “Any Civil Engineering works”.**

If the tenderer is a JV/Consortium having foreign partner(s) and above work(s) have been executed by the foreign partner of JV and the work(s) were done in the country of the foreign partner, then in addition to this the foreign partner must have executed works of value INR 19.40 Lakhs or more outside the country of the foreign partner

Notes :

- The tenderer shall submit details of work executed by them in the Performa of **Appendix-17 of FOT** for the works to be considered for qualification of work experience criteria. Documentary proof such as completion certificates from client clearly indicating the nature/scope of work, actual completion cost and actual date of completion for such work should be submitted. **The offers submitted without this documentary proof shall not be evaluated.** In case the work is executed for private client, copy of work order, bill of quantities, bill wise details of payment received certified by C.A. TDS certificates for all payments received and copy of final /last bill paid by client shall also be submitted.
- Value of successfully completed portion of any ongoing work up to **31.03.2019** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **31.03.2019** 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 of date of tender.
- In case of joint venture / consortia, full value 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 constituent, then the value of work, as per their percentage participation in such JV/ consortium shall be considered.

- If the above work(s) (i.e. “Similar work”) comprise (s) other works then client’s certificate clearly indicating the amount of work done in respect of the “Similar work” shall be furnished by the tender in support of work experience along with their tender submissions.

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

- (i) **T4 - Annual Turnover:** The average annual turnover from construction of last three financial years should be **≥Rs.1.16 Crores.**

The average annual turnover of JV will be based on percentage participation of each member.

*Example:* Let Member-1 has percentage participation = M and Member - 2 has =N. Let the average annual turnover of Member-1 is ‘A’ and that of Member-2 is ‘B’, then the average annual turnover of JV will be

$$\frac{=AM+BN}{100}$$

Notes :

- Financial data for latest last five audited financial years has to be submitted by the tenderer in **Appendix-18 of FOT** along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature in original. In case audited balance sheet of the last financial year is not made available by the bidder, he has to submit an affidavit certifying that ‘the balance sheet has actually not been audited so far’. In such a case the financial data of previous ‘4’ audited financial years will be taken into consideration for evaluation. If audited balance sheet of any year other than the last year is not submitted, the tender may be considered as non-responsive.
- Where a work is undertaken by a group, only that portion of the contract which is undertaken by the concerned applicant/member should be indicated and the remaining done by the other members of the group be excluded. This is to be substantiated with documentary evidence.

#### 1.1.3.3 Bid Capacity Criteria :

**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:

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

Where,

A = Maximum of the value of construction works executed in any one year during the last five financial years (updated to 31.03.2019 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 31.03.2019) for on-going works during period of **04 months w.e.f. 01/08/2019.**

Notes :

- Financial data for last five financial years has to be submitted by the tenderer in **Appendix-15 of FOT** along with audited financial statements. The financial data in the prescribed format shall be certified by the Chartered Accountant with his stamp and signature in original and membership number.
- Value of existing commitments for on-going similar works during period of **04 months w.e.f. 01.08.2019** has to be submitted by the tenderer in **Apendix-16 of FOT**. These data shall be certified by the Chartered Accountant with his stamp and signature in original with membership number
- In the case of a group, the above formula will be applied to each member to the extent of his proposed participation in the execution of the work. If the proposed % participation is not mentioned then equal participation will be assumed.

**Example for calculation of Bid capacity in case of JV/Group**

Suppose there are „P“ and „Q“ members of the JV / group with their participation in the JV / group as 70% and 30% respectively and available bid capacity of these members as per above formula individually works out „X“ and „Irrespectively, then Bid Capacity of JV / group shall be as under:

**Bid capacity of the JV/group=0.7X+0.3Y**

1.1.3.4 The tender submission of tenderers, who do not qualify the *minimum eligibility criteria* & bid capacity criteria stipulated in the clauses 1.1.3.2 to 1.1.3.3 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.3.2 to 1.1.3.3 shall not imply that his bid shall automatically be accepted. The same should contain all technical data as required for consideration of tender prescribed in the ITT.

1.1.4 **The Tender documents consist of:**

**Volume – I**

- Notice Inviting Tender (NIT)
- Instructions to Tenderers (ITT) including annexures
- Form of Tender (FOT) including appendices

**Volume – II**

- Special Conditions of Contract (SCC)
- General conditions of contracts (GCC)
- Condition of contract on Safety, Health & Environment (SHE) Ver.1.2

**Volume – III**



- Technical Specification

**Volume – IV**

- Tender Drawing

**Volume – V**

- Bill Of Quantities

- 1.1.5 The contract shall be governed by the documents listed in para 1.1.4 above and along with latest edition of CPWD Specifications IRS specifications and MORTH specifications. These specifications may be purchased from the market.
- 1.1.6 The tenderers may obtain further information, if any, in respect of these tender documents from the office of **CPM-7, Opposite Frank Anthony Public School, Lala Lajpat Rai Marg, Lajpat nagar IV, New delhi-110024**
- 1.1.7 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.
- 1.1.8 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.
- 1.1.9 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.
- 1.1.10 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, Pay Order, 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.
- 1.1.11 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 submitted 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.
- 1.1.12 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 date of submission of Tenders and shall be accompanied with a tender security of the requisite amount as per clause C18 of ITT.
- 1.1.13 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.

1.1.14 Tenderers are advised to keep in touch with e-tendering portal <https://eprocure.gov.in/eprocure/appforupdates>.

**Chief Project Manager-7,  
Delhi Metro Rail Corporation Ltd**