

Delhi Metro Rail Corporation Ltd.

A joint venture of Govt. of India and Govt. of Delhi



Bid for Licensing of Bare Space measuring 1895.30 sqm approximate for Commercial Utilization At Okhla Bird Sanctuary Metro Station on Magenta Line-08 of DMRC through Open e-Tender

NOTICE INVITING BID

(NIT No. 11880037BS)

- 2.1. DMRC invites open offers / bids through E-Tender from suitable Bidders who may be a sole proprietorship firm, a partnership firm or a company having registered office in India & incorporated under the companies act 1956/2013 or a combination of above in the form of Joint Venture (JV) or Consortium for selection of a Licensee to grant **Licensing Rights of Bare Space admeasuring 1895.30 sqm approximate ground level (As per details at Annexure-1) at Okhla Bird Sanctuary metro station on Magenta Line (08) of DMRC network** on “*as is where is basis*” for commercial activities except for banned list of negative usages as detailed in Annexure-11A.
- a) The bidder may be any entity which is a sole proprietorship firm, a partnership firm or a company having registered office in India & incorporated under the companies’ act 1956/2013 or a combination of above in the form of Joint Venture (JV) or Consortium.
 - b) Bid by a JV/Consortium of firms: In case of a bid by a JV/Consortium of firms, following shall be abide by the participant/s:
 - i. For the purpose of evaluation of the consortium, each member’s contribution towards the turnover shall be considered in the same ratio of their equity participation in the consortium.

- ii. The Lead Member of the JV/Consortium shall maintain a minimum equity stake of 51% of the aggregate shareholding of the JV/Consortium during full tenure of License Agreement.
 - iii. Any change in percentage stake of JV/ Consortium members without prior written approval of DMRC shall be treated as Material Breach of Contract and Successful Bidder/ Licensee's event of default entitling DMRC to encash interest free Security Deposit/Performance Guarantee and / or to terminate the License Agreement after 30 (thirty) days termination notice.
 - iv. Minimum percentage stake of any member in JV/ Consortium during license period (including lock-in period) shall not be less than 15%.
 - v. Partners having less than 26% participation shall be considered as non-substantial partner and shall not be considered for evaluation which means that their eligibility shall not be considered for evaluation of JV/Consortium.
 - vi. All members of such entity shall be jointly and severally liable for the performance of license agreement.
- c) A bidder shall not have a conflict of interest that affects the bidding process. Any Bidder found to have conflict of interest shall be disqualified. A bidder shall be deemed to have a conflict of interest affecting bidding process if a constituent of one Bidder is also a constituent of another bidder.
- d) **UNDERTAKING:** Bidder shall undertake that they have not been banned from Business, as on date of Tender submission as per following:
- (i) DMRC/ any other metro organisations (100% owned by govt.)/Ministry of Housing & Urban Affairs/Order of Ministry of Commerce, applicable for all Ministries must not have banned/debarred business with the tenderer/bidder including any member in case of JV/consortium) as on the date of tender submission. The tenderer should submit undertaking to this effect in Annexure 11 of Tender Document.
 - (ii) Also no contract of the tendered executed in either individually or in a JV/Consortium, should have been rescinded / terminated by DMRC after award during last 03 years (from the last day of the previous month of a tender submission) due to non-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in Annexure 11 of Tender Document.
 - (iii) In case at a subsequent date the successful bidder/licensee is found to have been banned for business as given above, DMRC shall be at liberty to and have full rights to cancel the allotment of bare space and forfeit the Interest Free Security Deposit after adjusting any dues payable by the successful bidder/licensee. The bidder should submit undertaking for the above as per Annexure 11.
- f) **UNDERTAKING:** Licensee hereby undertakes that as on date, as per **Annexure-12**.
- (i) Bidders (either as single entity or as a member of JV/Consortium or as a SPV of JV member) having lease/license agreement of DMRC property and have any dues pending for more than 90 days as on the last date of submission of bids, will be considered ineligible to participate in this bid.

The bidder should submit an undertaking to this effect as per Annexure-12.

- (ii) If there is any misrepresentation of facts by the bidder in their bid submission, the same will be considered as “Fraudulent practice” and the bid submission of such bidders will be summarily rejected and also further action shall be taken as per terms of contract or other applicable laws/rule.
 - e) The bidders shall enclose with their application an undertaking stating/providing that the necessary supporting documents, including audited accounts and financial statements have been submitted.
- 2.2. DMRC shall receive Bids pursuant to this Tender Document, in accordance with the terms set forth herein as modified, altered, amended and clarified from time to time by DMRC. Bidders shall upload their bids in accordance with such terms on or before the date specified in this document. The Bidders are advised to visit the DMRC premises at the site and familiarise themselves with the proposed arrangements and all activities necessary in this regard.

2.3. Salient features of Bidding Process:

- a) DMRC has adopted a single stage two packet open e-tendering bidding process for selection of a suitable highest bidder to grant Licensing Rights for licensing of pre identified Bare Space on ground level for the commercial activities at Okhla Bird sanctuary metro station on Magenta Line (08) of DMRC network, as detailed in Annexure -1.
- b) Tender Document (non-transferable) can be downloaded from the web site <https://eprocure.gov.in/eprocure/app>. Cost of Tender Document (Non-refundable) is Rupee Twenty Three Thousand six hundred only (Rs.23,600/-) (including 18% GST). Tender Document cost shall be submitted online through RTGS/NEFT/IMPS to Delhi Metro Rail Corporation Ltd, M/s Punjab National Bank, ECE House Branch, Connaught Place, New Delhi-110001, IFSC code – PUNB0112000, A/c No. - 1120005800000032.

The Bidder shall submit along with the Bid Application a bid security, amounting to **Rs. 11,00,000/- (Rupees Eleven lakhs Only)**. The payment shall be made online through RTGS/NEFT/IMPS to Delhi Metro Rail Corporation Ltd, M/s Punjab National Bank, ECE House Branch, Connaught Place, New Delhi-110001, IFSC code – PUNB0112000, A/c No. - 1120005800000032. **The Application shall be summarily rejected if it is not accompanied with this bid security of Rs. 11Lakhs.** The bid security of the selected Bidder shall be adjusted against the first Advance License fee/Interest Free Security Deposit amount as per the License Agreement. The bid security of unsuccessful bidders shall be refunded after award of contract, without considering any interest, thereof. If the bidder withdraws his bid at any stage, his Bid Security amount shall be forfeited by DMRC. The details of Tender Cost and Bid Security/ EMD submitted online should be correctly stated with uploaded bid / tender document/offer.

- c) Bidders are expected to carry out extensive survey of DMRC premises and analysis at their own cost, before submitting their respective Bids for award of the License

Agreement. DMRC shall provide necessary permission and assistance to the prospective Bidders in this regard.

d) Schedule of Bidding Process for tender:

Start of sale of Tender Document to Bidders	From 20/07/2018 to 20/08/2018 (upto 1530hrs) on e-Tendering website https://eprocure.gov.in/eprocure/app For further information on this regard bidders are advised to contact on 23417910-12 (Ext: 534772), For technical queries related to Central Procurement Portal, Help Desk No: 0120-4200462, 0120-4001002
Cost of Tender Document (Non-refundable)	Non – Refundable Tender Document Cost of Rs. 23,600/- (inclusive of 18% GST) shall only be accepted through ECS/RTGS/NEFT to our bank account M/s Punjab National Bank, ECE House Branch, Connaught Place, New Delhi-110001, IFSC code – PUNB0112000, A/c No. - 1120005800000032 on or before 1530 hours on 20/08/2018 the receipt and details of Tender Documents Cost paid have to be uploaded on the e-tender portal only upto 1530 hours on 20/08/2018 .
Bid Security	Bid Security of Rs. 11,00,000/- shall only be accepted through ECS/RTGS/NEFT to our bank account M/s Punjab National Bank, ECE House Branch, Connaught Place, New Delhi-110001, IFSC code – PUNB0112000, A/c No. - 1120005800000032 on or before 1530 hours on 20/08/2018 and receipt and details of Bid Security submitted have to be uploaded on the e-tender portal only upto 1530 hours on 20/08/2018 .
Pre-Bid Conference	01/08/2018 at 1130 hrs. in Conference hall, 7th floor, Metro Bhawan, Barakhamba Road, New Delhi- 110001
Last date of receiving queries	1730hrs on 01/08/2018
DMRC's response to queries by	06/08/2018
Date & Time of Submission of Bids	Latest by 1530hrs of 20/08/2018
Date & Time of Opening of Bids	1530hrs on 21/08/2018
Validity of Bids	180 days from bid submission date

f.) Schedule of Various Stages: The Selected Bidder shall follow the following time lines:

Stage of Activity	Time Period
Payment of Interest Free Security Deposit to DMRC by Successful Bidder.	Within 30 days of issue of Letter of Acceptance
Bare space to be handed over to Selected Bidder	Within 7 days of signing of License Agreement.
Payment of Advance Quarterly License Fee for 1 st Quarter	Within 180 days from date of handing over of the licensed premises
Signing of License Agreement	Within 30 days of receipt of LOA payments

Commencement of License Fee	Immediately after 180 days fitment period i.e. w.e.f. 181 day of date of handing over of bare space
Registration of Agreement	The registration of License agreement should be done within 30 days of signing of agreement by the licensee (registration fees, stamp duty etc to be fully borne by the licensee) and the duly registered documents to be submitted to DMRC for records.

- 2.4 Addendum/Corrigendum, if any, will be placed on DMRC website only time to time. Tender Document can also be downloaded from the website <https://eprocure.gov.in/eprocure/app> and may be submitted along with document cost at the time of submission of bids. **Late / delayed bid received after the stipulated date and time of submission of tender shall be rejected out rightly.**
- 2.5 DMRC has adopted a single stage **two packet** Bidding Process to select suitable highest Bidder to grant licensing of tendered commercial space.
- 2.6 The Bidder may obtain further information/ clarification, if any, in respect of Tender documents from the office of Dy.GM/PB – 2, DMRC, 3rd floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi.
- 2.7 The intending Bidder must be registered on e-Tendering portal <https://eprocure.gov.in/eprocure/app>. Those who are not registered on the e-Tendering portal required to be registered beforehand. After registration the Bidder will get User Id and Password. On login, Bidder can participate in Tendering process and can witness various activities of the process.
- 2.8 The authorized signatory of intending Bidder, as per Power of Attorney (POA), must have valid *Class II or Class III Certificates with signing key usage* digital signature. The bid document can only be downloaded or uploaded using *Class II or Class III Certificates with signing key usage* digital signature of the authorized signatory.
- 2.9 Bid submissions will be made online after uploading the mandatory scanned documents towards cost of Tender documents and Tender Bid Security such as RTGS/NEFT/IMPS UTR details from a Scheduled commercial bank based in India and sent to : M/s Punjab National Bank, ECE House Branch, Connaught Place, New Delhi-110001, IFSC code – PUNB0112000, A/c No. - 1120005800000032 & other documents as stated in the Tender document.
- 2.10 Late bids (received after date and time stipulated for submission of bid) shall not be accepted under any circumstances.
- 2.11 DMRC reserves the right to accept or reject any or all proposals without assigning any reasons. No Bidder shall have any cause of action or claim against the DMRC for rejection of their bids.
- 2.12 All the uploaded files in tender submission should be named properly and arrange systematically. No special character/space should be there in the uploaded file name.
- 2.13 After successful completion of processing of tender, the Letter of Acceptance to the

successful bidder shall be uploaded on the e-Tendering portal <https://eprocure.gov.in/eprocure/app> which can be downloaded by successful bidder.

2.14 The bidders are advised to keep in touch with e-Tendering portal <https://eprocure.gov.in/eprocure/app> and www.delhimetrorail.com/tenders.aspx for updates.

2.15 A copy of Letter of acceptance shall also be e-mailed to licensee.

2.16 In case of any grievances/ complaints regarding this tender, the bidders are advised to contact:

1.) General Manager (Property Business)

DMRC,
3rd Floor,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, New Delhi -110001
Email Id: gmpb@dmrc.org
Phone No: 011-23418417

2.) Chief Vigilance Officer

DMRC,
1st Floor,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, New Delhi -110001
Email Id: cvodmrc@gmail.com
Phone No: 011-23418406
Website: <http://www.delhimetrorail.com/vigilance.aspx>

**General Manager/Property Business
Delhi Metro Rail Corporation Limited**