

**Advertisement Rights inside Akshardham and Botanical Garden Metro stations through digital media**

**NOTICE INVITING TENDER**

- 2.0 The two proposed Metro stations for inside advertisement through digital media lie on the DMRC metro line-3. At present, its operational section starts from Dwarka Sector 21 to Noida City Centre(Blue Line). The advertisement spaces/sites proposed will be given on license basis through open e-tender. The advertising spaces inside selected Metro station owing to its strategic location give a unique opportunity for promoting a brands value.
- 2.1. DMRC invites E-Tenders from suitable participants for selection of Licensee to grant advertising rights inside Selected Metro station through digital media on "as is where is basis" for advertising operations.
- a) The Bidders 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.
- 2.2. DMRC shall receive Bids pursuant of this tender document, in accordance with the terms set forth herein and as modified, altered, amended and clarified from time to time. Bidders shall submit bids in accordance with terms and conditions on or before the date specified. The Bidders are advised to visit the advertisements site/spaces and familiarise themselves to have proper evaluation before bidding.
- 2.3. Salient features of Bidding Process:
- a) Schedule of Bidding Process

<p>Start of sale of tender Document to Bidders</p>	<p>From 28.11.2017 to 27.12.2017 (up to 1600 hrs.)on e-tendering website  <a href="https://eprocure.gov.in/eprocure/app">https://eprocure.gov.in/eprocure/app</a></p> <p>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> For further information on this regard bidders are advised to contact on 23417910-12 (Ext: 534776/543778), For technical queries related to Central Procurement Portal, Help Desk No: 0120-4200462, 0120-4001002, <b>011-23417910/12, Extn. No. 534318</b></p>
<p>Cost of tender Document (Non-refundable) And</p>	<p><b>a.) INR 23,600/- (inclusive of 18% GST) Non-Refundable</b>  <b>b.) Bid Security/ EMD of Rs.3,10,000/-</b></p>

EMD/Bid Security are payable by (Demand Draft /Banker's cheque).	Payable by (Demand Draft /Banker's cheque) in favour of "Delhi Metro Rail Corporation Ltd" payable at New Delhi & drawn on a scheduled commercial Bank )
Authority & place for submission of cost of tender document & EMD/Bid Security in original physical form before opening of tender	Cost of tender documents and Bid security have to be submitted in original physical form latest by <b>1600 hours on 27.12.2017</b> in the office of DY.CE/PB-II Delhi Metro Rail Corporation, 4 <sup>th</sup> floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001, failing which, the tender/bid will not be considered.
Last date of receiving queries	08.12.2017 (till 1730 hrs), can be e-mailed to: <a href="mailto:chandanjauhar@dmrc.org">chandanjauhar@dmrc.org</a> <a href="mailto:pallavi_15289@dmrc.org">pallavi_15289@dmrc.org</a> <a href="mailto:rajiv-kumar@dmrc.org">rajiv-kumar@dmrc.org</a>
Pre-Bid Conference	07.12.2017 at 1500 hours in Conference Hall, 7 <sup>th</sup> Floor, Metro Bhawan, Barakhamba Road, New Delhi- 110001.
DMRC's response to queries by	13.12.2017
Date & Time of Submission of tender Bids on E-portal	From 18.12.17 (9:00 hrs) to 1600 hrs on 27.12.2017
Date & Time of Opening of Technical Bids	1600 hrs on 28.12.2017
Date & Time of Opening of Financial Bids	Shall be notified separately to the qualified and selected bidders only
Validity of Bids	180 days from bid submission date

- b) Schedule of Various Stages after the bidding process: The Selected Bidder shall follow the following time lines, consequent of selection of the licensee, who qualifies the eligibility criteria & has H1 financial bid , LOA would be issued to the successful bidder/licensee.

Stage of Activity	Time Period
Payment of Interest Free Security Deposit/ Performance Security to DMRC by Licensee.	Within 30 days of date of issue of Letter of Acceptance.

Licensing space to be handed over to Selected Bidder.	Within 10 days of making the full payments of Interest Free Security Deposit/ Performance Security as per LOA.
Signing of License Agreement.	Within 30 days after handing over of the licensed space.
Payment of Advance License Fee for 1 <sup>st</sup> Quarter to DMRC by Licensee.	Within 45 days after handing over of licensed space as per clause 2.3 (E) of this document
Period of License	The tenure of license shall be for a period of 6 (six) years from date of handing over of the first advertisement space with a lock-in period of 18 months and/with a rent free fitment period of 75 days for preparation of the sites. The license agreement may be extended for further 3 years based on mutually agreed terms & condition & negotiated rates.

c. The successful bidder will also have to deposit the Interest Free Security Deposit within 30 days from the date of issue of Letter of Acceptance and thereafter take over the possession of sites. In case the bidder fails to deposit the requisite amount as per letter of acceptance (LOA) within 30 days from date of issuance of LOA, an extended period to honour LOA with penal surcharge, for late payment, shall be applicable as under:

<b>Days from date of issue of LOA</b>	<b>Rate of penal surcharge</b>
Up to 30 days	NIL
31 <sup>st</sup> to 45 <sup>th</sup> day	@ 3% flat on LOA amount
<i>Penal Surcharge for Late payment would be accepted by DD/PO only.</i>	

- d. If selected Bidder fails to comply with the terms and conditions of the LOA within 45 days of the date of issue of LOA, the LOA may stand cancelled and Earnest Money/Bid Security Deposit submitted may be forfeited in favour of "DMRC Ltd". No further request for extension to make payment of the LOA amount, beyond 45 days may be considered. The bidder voluntarily and unequivocally agrees not to seek any Claim, Compensation, Damages or any other Consideration whatsoever on this account.
- e. The successful bidder will be required to deposit the first advance quarterly license fee within 45 days of handing over of the first advertisement site/station without consideration of any interest and upto 75 days with 2% flat interest on the balance amount that remains unpaid after 45 days. After 75 days the license agreement may be cancelled and terminated if licensee fails to deposit

the advance fee and in such case the interest free security deposit shall be forfeited to DMRC as per provision of the contract.

#### **2.4 Eligibility Criteria:-**

- a) Bidders and/or their holding companies and / or other subsidiaries engaged in and conducting advertisement business and controlled by the same holding company should have a minimum annual average gross turnover of Rs. 87.00 lakhs in last 3 (three) audited financial statements/years i.e. 2014-2015, 2015-16 and 2016-17 duly certified by chartered accountant under his signature along with stamp. (i.e. gross aggregate turnover of Rs. 2.61 Crores in the last three financial years stated above). Here, gross turnover shall mean turnover from **IT/Telecom/ICT/Advertisement sector(s)** of Business(es). The bidders shall upload the audited financial statements including profit and loss account for the above mentioned last three financial years, as applicable and stated above. In case of JV/Consortium, the audited reports of each relevant member of Consortium for the last 3 financial years shall be submitted.
  - b) In case audited balance sheet of the latest financial year is not yet available, then the bidder(s) is required to submit financial statements/reports for F.Y. 2013-14, 2014-15 & 2015-16 along with an affidavit and certificate from Chartered Accountant duly certifying that the balance sheet for F.Y. 2016-17 has not been audited so far. If audited balance sheets of last three preceding years other than the last financial year are not submitted, the bid shall be considered as non responsive and shall not be evaluated.
- I. For the purpose of the above said eligibility criteria, turnover of the bidding entities including holding companies and or other group subsidiaries companies engaged in advertisement business and controlled by the same holding company, whether Indian or foreign would be considered.
  - II. If the bidder fulfills the eligibility criteria on account of the holding company or subsidiary company and not on its own capability, the bidder has to submit an additional security deposit equivalent to 6 months of licensee fee in the form of bank guarantee/Demand draft. This will be in addition to the regular security deposit required as per contract conditions.
  - III. In all such cases where the bidder submits the financials of its holding or other group subsidiary company for the purpose of evaluation of eligibility, the concerned holding company and/or subsidiary company shall also submit a letter of consent/undertaking for such submission of financial data for evaluation purpose and acceptance of terms and conditions of the bid document as per the prescribed format (Annexure 12 attached).
  - IV. Bidders who opt to include and submit the turnover of its controlling company and or other group subsidiaries companies, controlled by the same holding company and which are also engaged in advertisement business for the purpose of evaluation of eligibility, they shall also submit explicit documentary evidence of controlling interest interse between the holding companies and its other group subsidiary companies engaged in advertisement business whose financials are submitted. The bidder must be an Indian entity, however the holding company or its group

subsidiary company engaged in advertisement business and whose financial are included for evaluation of eligibility may be incorporated overseas.

- V. In case the successful bidder (H1) fails to accept the terms and conditions of the LOA and/or fails to make due payments there under, then such Bidder and/or their holding companies and/or other subsidiaries engaged in and conducting advertisement business and controlled by the same holding company and where such financials are resorted to and submitted for the purpose of evaluation of eligibility shall **be banned for doing business with DMRC for a period of one year for such a default**. The decision of DMRC in such case shall be final.
- c) In case of a Bid by a JV/Consortium of firms, following shall be abided by their members:
- (i) For the purpose of evaluation of the consortium/JV, each member's contribution towards the turnover shall be considered in the same ratio of their equity participation in the consortium of JV.  
**(Illustration:** Say If 'A' and 'B' are two members of JV/Consortium. 'A' is having 70% equity holding in JV and 'B' is having 30% equity holding in JV. In such a condition, 70% of 'A''s total turnover and 30% of 'B''s total turnover will be taken into consideration for evaluation of eligibility of the JV).
  - (ii) The Lead Member of the JV/Consortium shall maintain a minimum percentage share 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 Licensee's Event of Default entitling DMRC to encash Security Deposit/Performance Security and /or to terminate the License Agreement after a 30 day 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 due performance of License agreement.
- d) **Undertaking For not being banned from Business:**  
As on the date of submission of tender:
- (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 (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.

- e) The Bidders shall submit to DMRC along with the tender document, a bid security amounting to Rs. 3.10 lakh/- (Rs. Three lakh ten thousand only). The payment of the same shall be made in the form of Demand Draft/ Pay Order drawn on any Scheduled commercial bank in favour of "Delhi Metro Rail Corporation Ltd" payable at New Delhi. The Bid shall be summarily rejected if it is not accompanied **with valid bid security for appropriate amount**. The bid security of the selected Bidder shall be subsequently adjusted against the Interest Free Security Deposit/Performance Security. 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.
- f) DMRC has adopted a two packet Bidding Process to select suitable highest Bidder to grant Licensing Rights for Advertisement inside Selected Metro station through digital media after evaluation of the bids. 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 assistance to the prospective Bidders in this regard.
- g) The tenderers may obtain further information/clarification, if any, in respect of the tender documents from the office of DGM/PB, Delhi Metro Rail Corporation, B Wing, 4<sup>th</sup> floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110 001.
- h) 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. If needed, they can be imparted training on 'online tendering process. 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.
- i) The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid *class-III* digital signature. The tender document can only be downloaded or uploaded using Class-III digital signature of the authorized signatory.
- j) Tender submissions will be made online after uploading the mandatory scanned documents towards cost of tender documents and Bid Security shall be submitted in the form of Demand Draft or Pay Order or Banker's Cheque from a Scheduled commercial bank based in India.
- k) Late tenders (received after date and time of submission of bid) shall be outrightly rejected.
- l) 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.
- m) After successful completion of tender processing, **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. LOA would also be E-mailed to the successful bidder.

n) The bidders are advised to keep in touch with e-tendering portal <https://eprocure.gov.in/eprocure/app> and [www.delhimetrorail.com/tenders.aspx](http://www.delhimetrorail.com/tenders.aspx) for updates.

o) In case of any grievances/complaints regarding this tender, please contact:

**1.) General Manager/ Property Business**

Delhi Metro Rail Corporation Limited

2<sup>nd</sup> Floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road,

New Delhi -110001, Email Id: gmpb@dmrc.org, Phone No: 011-23418417

**2.) Chief Vigilance Officer**

Delhi Metro Rail Corporation Limited

1<sup>st</sup> Floor, A –Wing, 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>

**Note: The Hindi version of NIT is also available on DMRC website. In case of any discrepancy between the English and Hindi versions, the English version shall prevail.**

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