

## **NOTICE INVITING BID THROUGH OPEN AUCTION**

NIT No. DMRC/PB/118M0009 dated:- 06/11/2018

### **Notice for Licensing of 97 Built-up Shops/Bare Spaces at 38 Metro Stations of Delhi Metro Network on Line – 1, 2, 3, 5 & 6, through Open Auction**

- 1.1 The stations of Delhi Metro are situated in the close proximity of commercial and residential hubs of Delhi city & NCR and are easily accessible from entire NCR. Apart from operating facilities for commuters, the Stations have commercial spaces as detailed in Annexure-1. These Commercial Spaces are proposed to be licensed out for various commercial uses as detailed in this document through open auction. The specified spaces have captive commuter base and shall present a unique business opportunity for retail players.
- 1.2 DMRC invites Bids through open auction from suitable participants who may be a reputed retailer/ manufacturer/ individual, sole proprietorship firm, partnership firm, a company having its registered office in India & incorporated under the companies act 1956/2013 or a combination of these in the form of Joint Venture (JV) or Consortium having sound financial & technical strengths and registered office in India, for selection of Licensee(s) to grant Licensing rights of built-up shops/bare space of Delhi Metro Network on Line – 1, 2, 3, 5 & 6 on “*as is where is basis*” for its commercial utilization except banned list of usages as detailed in Annexure-II.
- 1.3 The process of Evaluation of eligibility Consortium/JV with respect to each member’s contribution is given below for clarity on this aspect. The conditions for Joint Venture (JV)/Consortium area as under:
  - 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. 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 turnover and 30% of B’s turnover will be taken for the calculation 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 the 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 Interest Free Security Deposit/Performance Guarantee and/or to terminate the Licence Agreement after 30 days 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.
- vii. 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 10 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 10 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 bear liberty to and have full rights to cancel the allotment of built-up/bare space and forfeit the Interest Free Security Deposit after adjusting any dues payable by the successful bidder/licensee. The tenderer should submit undertaking to this effect in Annexure 10 of Tender Document

1.4 The bidders shall enclose with their application an undertaking stating/providing that all the necessary supporting documents, including duly certified audited accounts and financial statements have been provided. Schedule of Bidding through Open Auction Process:

Cost of Bid document (Non Refundable)	Rs. 1770/- (including 18% GST) per Built-up Shop/Space/Per bidder (single entity)
Earnest Money Deposit	As per Annexure - 1 for respective shops for which bids are made
Sale of Application Form or from the office of GM/PB	From <b>06/11/2018 to 07/12/2018</b> (up to 1530hrs) on DMRC website <a href="http://www.delhimetrorail.com">www.delhimetrorail.com</a> or e-Tendering 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: 534788,534248),
Last date of receiving queries	<b>Up to 1100 hours on 27/11/2018</b>

Site Visit	Prospective bidders are requested to attend the joint site visit of commercial spaces on from <b>14/11/2018 to 16/11/2018</b>
Pre-Bid Conference	<b>27/11/2018 at 1100</b> hrs. in Conference hall, 7th floor, A-Wing, Metro Bhawan, Barakhamba Road, New Delhi- 110001
DMRC's response to queries by	<b>1500hrs on 30/11/2018</b>
Time & last date of Registration for Bidding Process along with DD/PO for tender cost EMD KYC documents B.A.F. with Annexure & Tender documents duly signed by bidder	<b>Up to 1500 hours on 06/12/2018</b>
Date, time & venue of auction for Bidding Process	<b>10/12/2018 at 10:30</b> hrs. in Conference hall, 7th floor, A-Wing, Metro Bhawan, Barakhamba Road, New Delhi- 110001
Validity of Bids	180 days from bid submission date

1.5 Schedule of Various Stages: The Successful Bidder shall follow the following time lines:

<b>Stage of Activity</b>	<b>Time Period</b>
Payment of Interest Free Security Deposit to DMRC by Successful Bidder.	Within 30 days of date of issue of Letter of Acceptance
Vacant space to be handed over to Selected Bidder	Within 7 days of signing of license agreement
Payment of Advance Half yearly License Fee OMC,etc.	Within 30 days of date of issue of Letter of Acceptance (LOA)
Signing of License Agreement	Within 30 days of receipt of full LOA payment
Commencement of License Fee	Immediately after 30 days fitment period i.e. 31 <sup>st</sup> day of date of handing over or deemed handing over of built-up shop/bare space, whichever is earlier
Registration of Agreement	The registration of License agreements 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. In the case the registration of the license agreement/amendment, if any, is not within the 30 days of signing of license agreement/amendment, it shall be treated as "Material Breach of Contract". In case the licensee fails to remedy the breach/default in this regard, DMRC may terminate the license agreement after the expiry of cure period of 30 days duly forfeiting the security deposit and any other amount paid by licensee.

1.6 During the course of Pre-Bid conference, the participants may seek clarifications and put suggestions for consideration. DMRC shall endeavour to provide clarifications and such further information as it may consider appropriate and valuable suggestions shall be deliberated upon by DMRC. DMRC's point of view/ response to queries will be uploaded on its website [www.delhimetrorail.com](http://www.delhimetrorail.com). Individual communication shall not be issued to any bidder participants. Only one representative of each interested participant shall be

allowed to participate against a Space/Built-up shop on production of any ID Card issued by Government Body.

- 1.7 Bid Document (non-transferable) can be obtained from the O/o- Sr. Dy. Chief Engineer/PB-2, 3rd Floor, 'A' Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001. Cost of Bid Document (Non-refundable) is Rs 1770/- (Rupees One thousand Seven hundred seventy only) inclusive of 18% GST. Bid Document cost shall be submitted in the form of Demand Draft/ Pay Order drawn on any commercial Scheduled bank(s) in India in favour of "**Delhi Metro Rail Corporation Ltd**" payable at "**New Delhi**".
- 1.8 The information submitted in the Bid Document will be the basis for evaluating the bidders. Interested parties may participate in the bid process as per the instructions given in this document. Bidders are expected to carry out extensive survey of thus specified built-up shops/bare spaces at DMRC premises before the date of auction and analysis at their own cost, before submitting their respective Bids for award of the License agreement of perspective site. DMRC shall provide necessary permission and assistance to the prospective Bidders in this regard.
- 1.9 Bid document can also be downloaded from DMRC's website [www.delhimetrorail.com](http://www.delhimetrorail.com) and may be submitted along with document cost & respective EMD at the time of registration for the bidding process up to the time and date specified in the NIT. Bids submitted or registration done without cost of Bid document EMD by the bidders who have downloaded the Bid document from DMRC's website, shall be out rightly rejected. Late/delayed Bid(s) received after the stipulated date and time for registration of bidding process and they shall not be allowed to bid in the auction process & shall also be rejected out rightly.
- 1.10 Bids for licensing of commercial space shall be accompanied with Earnest Money Deposit as indicated in Annexure-1 of this document in respect of each shop/space in the form of a Bank Draft/ Demand Draft/P.O. of a Scheduled Commercial Bank drawn in favour of the "DMRC Ltd" payable at New Delhi/Delhi. The EMD/BID SECURITY of successful bidder shall be adjusted against the Interest free security deposit/ performance guarantee. For the other bidders, the EMD/BID SECURITY will be refunded after final round of Bidding Process where a separate DD is submitted for each EMD. However if bidder has only partially exhausted their EMD, the balance amount of EMD would be refunded only after the auction process in due course after adjustment of EMD in respect of successful bid.
- 1.11 Bidder shall register for the bidding process along with bid document cost EMD for the shops/spaces for which the bids shall be offered with KYC and tender document etc. DMRC does not have any agent/ sub-agent for marketing. Addendum/ Corrigendum, if any, will be placed on DMRC's website [www.delhimetrorail.com](http://www.delhimetrorail.com) only.
- 1.12 Duly filled up Financial Bid Statement as per Annexure-3 shall be submitted immediately after capture of final bid at the prescribed venue and date of Open Auction.
- 1.13 In case of any grievances/complaints regarding this tender, please contact:

i. General Manager/ Property Business

Delhi Metro Rail Corporation Limited

3<sup>rd</sup> Floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road,  
New Delhi -110001,

Email Id: gmpb@dmrc.org,

Phone No: 011-23418417

ii) Chief Vigilance Officer

Delhi Metro Rail Corporation Limited

1st 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>