

**NOTICE INVITING TENDER (NIT)**

**1.1 GENERAL (e-Tender)**

**1.1.1 Name of Work:**

Delhi Metro Rail Corporation (DMRC) Ltd. invites online open e-tenders from eligible applicants, who fulfil qualification criteria as stipulated in Clause 1.1.3 of NIT, for the work “**Contract CC-43A(R): Construction of Elevated Viaduct including 2<sup>nd</sup> phase portal construction in Bahadurgarh (Haryana) for depot entry/exit line (from Chainage 00 to 406.297 m) of Line-05 of Mundka Bahadurgarh extension of Phase-III of Delhi MRTS**”.

The brief scope of the work is provided in Clause A1 of ITT (Volume-1) and Employer’s Requirement – Functional (Volume-3).

**1.1.2 Key details :**

Approximate cost of work	<b>INR 16.56 Crores</b>
Tender Security	<b>Amount of Tender Security:- INR 16.56 lakhs</b> <b>Validity of Tender Security in case of BG/FDR/TDR: 17.08.2018</b> Tender Security (in original) as per clause C18 of ITT shall be accepted only <b>up to 1600 hrs on 20.12.2017</b> in the office of Chief General Manager/Contracts at the address mentioned hereinafter.
Completion period of the Work	<b>08</b> (Eight months)
Tender documents on sale	From <b>29.11.2017</b> to <b>20.12.2017</b> (up to <b>1600 hrs</b> ) on e-tendering website <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> . For further information in this regard bidders are advised to contact on 011-49424307, 011-49424365 or 011-23417910
Cost of Tender documents	<b>INR 23,600/- (inclusive of 18% GST)</b> Non-Refundable (Demand Draft /Banker’s cheque drawn on a Scheduled Commercial Bank based in India and should be in favour of “Delhi Metro Rail Corporation Ltd” payable at New Delhi) Cost of tender documents i.e, D.D. / Banker’s cheque, in original, shall be accepted only upto <b>1600 hrs on 20.12.2017</b> in the office of Chief General Manager/Contracts at the address mentioned hereinafter.
Last date of Seeking Clarifications	<b>06.12.2017</b> upto 17:30 hrs. Queries/clarifications from bidders after due date and time shall not be acknowledged.
Pre-bid Meeting	<b>07.12.2017</b> at 1100 hrs.
Last date of issuing addendum	<b>13.12.2017</b>

Date & time of Submission of Tender online	Tender submission start date: <b>14.12.2017</b> (09.00 hrs). Tender submission end date: <b>20.12.2017</b> (1600 hrs).
Date & time of opening of Tender online	<b>21.12.2017</b> at 1600 hrs.
<ul style="list-style-type: none"> <li>• Authority for purchase of tender documents, seeking clarifications and submission of completed tender documents</li> <li>• Place of pre-bid meeting</li> </ul>	<p><b>Chief General Manager/Contracts,</b> Delhi Metro Rail Corporation, 5<sup>th</sup> floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001 <b>email id: - gmcontracts@dmrc.org</b></p>

### 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 a 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 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 associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
  - (c) a tenderer lends, or temporarily seconds its personnel to firms or organisations which are engaged in consulting services for the preparation related to procurement for on implementation of the project, if the personnel 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 as defined in clause 1.1.3.2A of NIT.
- v(a) DMRC/ Any Other Metro Organisation (100% owned by Govt.)/ Ministry of Housing & Urban Affairs/ Order of Ministry of Commerce, applicable for all Ministries must not have banned 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 **Appendix-19** of Form of Tender.

- v(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 Other Metro Organisation (100% owned by Govt.) after award during last 03 years (from the last day 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.
- v(c) The overall performance of the tenderer (all members in case of JV/consortium separately) shall be examined for all the ongoing Civil Engineering/ works awarded by DMRC/ any other Metro Organisation (100% owned by Govt.) of value more than 40% of NIT cost of work and also for all the completed Civil Engineering works awarded by DMRC/ any other Metro Organisation (100% owned by Govt.) within last one year (from the last day 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 Tenderer. The tenderer (all members in Case of 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 work/execution of work (for ongoing works) falling 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 or undertaking of satisfactory performance of any such work shall be treated as unsatisfactory while evaluating the overall performance of 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 on-going works.
- v(d). Tenderer (including any member in case of JV/consortium) for the works awarded by DMRC/ any other Metro Organisation (100% owned by Govt.) must have been neither penalised 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 works 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 From of Tender.
- v(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-19 A 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.
- v(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 facts' (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 seven years ending **30.11.2017** as given below:

- (i) At least one "**similar work**" \* of value of **INR 13.25 crore** or more.

**OR**

- (ii) Two "**similar works**" \*each of value of **INR 8.28 crore** or more.

**OR**

- (ii) Three "**similar works**" \*each of value of **INR 6.62 crore** or more.

- **\*The "Similar works" for this contract shall be "RCC work involving pile, pile cap, pier, pier cap superstructure for elevated tracks/viaduct"**.
- 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 any Civil Engineering works total put together of value **INR 6.62 crore** or more outside the country of the foreign partner.

#### **Notes:**

- The tenderer shall submit details of works 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 of 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., T.D.S 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 **30.11.2017** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **30.11.2017** 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.
- 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 having different constituents, then the value of work as per their percentage participation in such JV/Consortium shall be considered.
- If the above work(s) (i.e. "**RCC work involving pile, pile cap, pier, pier cap superstructure for elevated tracks/viaduct**") comprise other works, then client's certificate clearly indicating the amount of work done in respect of the "similar work" shall be furnished by the tenderer 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) **T1 – Liquidity:** It is necessary that the firm can withstand cash flow that the contract will require until payments received from the Employer. Liquidity therefore becomes an important consideration.

This shall be seen from the balance sheets and/or from the banking reference. Net current assets and/or documents including banking reference (as per proforma given in Annexure-8 of ITT), should show that the applicant has access to or has available liquid assets, lines of credit and other financial means to meet cash flow of **INR 3.55 crores** for this contract, net of applicant'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 applicant/member of the Joint Venture/Consortium. In case the Net Current Assets (as seen from the Balance Sheets) are negative, only the Banking references will be considered. Otherwise the aggregate of the Net Current Assets and submitted Banking references will be considered for working out the Liquidity.

The banking reference should be from a Scheduled Bank in India or (in case of foreign parties) from an international bank of repute acceptable to DMRC and it should not be more than 3 months old as on date of submission of bids.

In Case of JV- Requirement of liquidity is to be distributed between members as per their percentage participation and every member should satisfy the minimum requirement.

Example: Let member-1 has percentage participation=M and member-2 has percentage participation=N.

If minimum liquidity required is 'W' then liquidity of member-1  $\geq \frac{W \cdot M}{100}$

and liquidity of member-2  $\geq \frac{W \cdot N}{100}$ .

- (ii) **T2 - Profitability:** Profit before Tax should be **Positive in at least 2 (two) years**, out of the last five audited financial years.

In Case of JV: The profitability of only lead member shall be evaluated.

- (iii) **T3 - Net Worth:** Net Worth of tenderer during last audited financial year should be  **$\geq$ INR 4.97 crores**

In Case of JV- Net worth will be based on the percentage participation of each Member.

*Example:* Let Member-1 has percentage participation = M and Member-2 has =N. Let the Net worth of Member-1 is 'A' and that of Member-2 is 'B', then the Net worth of JV will be

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

- (iv) **T4 - Annual Turnover:** The average annual turnover from construction of last five financial years should be **> INR 19.872 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 with membership number. 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.

#### 1.1.3.2.1 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:

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

Where,

A = Maximum of the value of construction works executed in any one year during the last five financial years (updated to **30.11.2017** 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 **30.11.2017**) for on-going construction works during period of **08** months w.e.f. **01.12.2017**.

Notes:

- Financial data for latest 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 with membership number.
- Value of existing commitments for on-going construction works during period of **08 months** w.e.f **01.12.2017** has to be submitted by the tenderer in **Appendix-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 'Y' respectively, then Bid Capacity of JV / group shall be as under:

$$\text{Bid Capacity of the JV / group} = 0.7X + 0.3Y$$

- 1.1.3.3** 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 1**

Notice Inviting Tender  
Instructions to Tenderers (including Annexures)  
Form of Tender (including Appendices)

**Volume 2**

Special Conditions of Contract (including Schedules)  
General Conditions of Contracts  
Condition of Contract on Safety, Health & Environment (SHE) Ver. 1.2

**Volume 3**

Employer's Requirements including appendices

**Volume 4**

Tender Drawings

**Volume 5**

Technical Specifications

**Volume 6**

Bill of Quantities

- 1.1.5** The tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of Chief General Manager/Contracts, Delhi Metro Rail Corporation, 5<sup>th</sup> floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110001.
- 1.1.6** All tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause **E 4.0** 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.
- 1.1.7** 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.
- 1.1.8 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 or uploaded using class-II or Class-III digital signature. However, the tenderer shall upload their tender on <https://eprocure.gov.in/eprocure/appusing> class-II or class-III digital signature of the authorized signatory only.
- 1.1.9 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 or Pay Order or 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.
- 1.1.10 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.
- 1.1.11 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.
- 1.1.12 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.
- 1.1.13 Tenderers are advised to keep in touch with e-tendering portal <https://eprocure.gov.in/eprocure/app> for updates.

**Chief General Manager /Contracts  
Delhi Metro Rail Corporation Ltd.**