



DELHI METRO RAIL CORPORATION LIMITED

Design and Construction of Tunnel by Shield TBM and ITO, Delhi Gate & Jama Masjid Stations by Cut and Cover method between Mandi House and Jama Masjid for underground works under Delhi MRTS Project of Phase-III

CONTRACT NO: CC- 05

TENDER DOCUMENTS

VOLUME 1

**NOTICE INVITING TENDER
INSTRUCTION TO TENDERERS
FORM OF TENDER**

**DELHI METRO RAIL CORPORATION LTD.
5th Floor, A-Wing, Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, New Delhi –110 001**

CONTRACT NO: CC-05
TENDER DOCUMENTS

VOLUME 1

NOTICE INVITING TENDER

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FORM OF TENDER

Form of Tender

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NOTICE INVITING TENDER (NIT)

1.1 GENERAL

1.1.1 Name of Work :

Delhi Metro Rail Corporation (DMRC) Ltd. invites Open Tenders from eligible applicants, who fulfil *qualification criteria* as stipulated in clause 1.1.3 of NIT, for the work, “**CC-05: Design and Construction of Tunnel by Shield TBM and ITO, Delhi Gate & Jama Masjid Stations by Cut and Cover method between Mandi House and Jama Masjid for underground works under Delhi MRTS Project of Phase-III.**”

The brief scope of the work and site information is provided in ITT clause A1 & Employer Requirements (Volume –3)

1.1.2 Key details :

Approximate cost of work	INR 725.00 Crores
Tender Security amount	INR 7.25 Crores
Completion period of the Work	42 months
Tender documents on sale	From <u>23/08/2011</u> to <u>02/09/2011</u> (between 09:00 Hrs to 17:30 Hrs) on working days
Cost of Tender documents	21000/- (inclusive of 5% DVAT) (Demand Draft in favour of “Delhi Metro Rail Corporation Ltd”) payable at New Delhi.
Last date of Seeking Clarification	<u>08/09/2011</u>
Pre-bid Meeting	<u>09/09/2011 @ 1500 Hrs</u>
Last date of issuing addendum	<u>14/09/2011</u>
Date & time of Submission of Tender	<u>25/10/2011 @ 15:00 Hrs.</u>
Date & time of opening of Tender	<u>25/10/2011 @ 15:05 Hrs.</u>
Authority and place for purchase of tender documents, seeking clarifications and submission of completed tender documents	Chief General Manager (Tender), Delhi Metro Rail Corporation, 5 th floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001

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 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..
- 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, if:
 - (a) One firm applies for tender both as an individual firm and in a Group.
 - (b) If Tenderers in two different applications have controlling shareholders in common.
 - (c) Submit more than one application in this tender process.
 - (d) If the Tenderer has participated as a consultant in the preparation of the design or technical specifications of the works that are the subject of this tender.
- 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 tunnelling.
- v. Tenderer must not have been blacklisted or deregistered by any central / state government department or public sector undertaking. Also no work of the tenderer must have been rescinded by client after award of contract during last 5 years. The tenderer should submit undertaking to this effect in Performa of **Annexure-4**.
- vi. NON SUBSTANTIAL PARTNERS IN CASE OF 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.

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 30.09.2011. as given below:

- (i) **At least one single work of value INR 580 crore or more which shall include minimum of 3.0 km of Tunnel length by shield TBM (In case of twin tunnel each tunnel shall be counted as a separate Tunnel for calculation of length of tunnel) with finished internal dia of more than 5.0 mtr (including completed portion of ongoing works) along with or without underground station using cut & cover method in urban environment. In case this work does not include any underground station by cut & cover or the station included in the work is of less than 4500 sqm plan area in urban environment, the tenderer must have executed another work of minimum one underground station of plan area not less than 4500 sqm in urban environment. In case of JV/Consortium the work of tunnel & station may be by different partners also.**

(ii) Two different works each of value INR 360 crore or more. Both works together shall include minimum of 3.0 km of Tunnel length by shield TBM (In case of twin tunnel each tunnel shall be counted as a separate Tunnel for calculation of length of tunnel) with finished internal dia of more than 5.0 mtr (including completed portion of ongoing works) along with or without underground station using cut & cover method in urban environment. In case this work does not include any underground station by cut & cover or the station included in the work is of less than 4500 sqm plan area in urban environment, the tenderer must have executed another work of minimum one underground station of plan area not less than 4500 sqm in urban environment. In case of JV/Consortium the work of tunnel & station may be by different partners also.

(iii) Three different works each of value INR 290 crore or more. All three works together shall include minimum of 3.0 km of Tunnel length by shield TBM (In case of twin tunnel each tunnel shall be counted as a separate Tunnel for calculation of length of tunnel) with finished internal dia of more than 5.0 mtr (including completed portion of ongoing works) along with or without underground station using cut & cover method in urban environment. In case this work does not include any underground station by cut & cover or the station included in the work is of less than 4500 sqm plan area in urban environment, the tenderer must have executed another work of minimum one underground station of plan area not less than 4500 sqm in urban environment. In case of JV/Consortium the work of tunnel & station may be by different partners also.

Notes :

- The tenderer shall submit details of work executed by them in the Performa of **Annexure-1** 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., T.D.S certificates for all payments received and copy of final/last bill paid by client shall be submitted.
- Value of successfully completed portion of any ongoing work up to **30.09.2011** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **30.09.2011** 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 the work, if done by the same joint venture or any of members of the Joint Venture shall be considered. However, if the work done by them in JV/consortium, value of work as per his percentage participation shall be considered.

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

- (i) **T1 - Working Capital** (Liquidity and Bankers References) : Working Capital (Net Cash Flow) of the tenderers during last audited financial years should be \geq Rs 31.10 crores

For minimum requirement (Initial Filter Criteria): - Requirement of working capital 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 working capital required is 'W' then working capital of member-1 $\geq \frac{W M}{100}$ and working capital of member-2 $\geq \frac{W N}{100}$.

For allotment of points:- Figures of working capital required for different points to be distributed between members as per their percentage participation. Points to be allotted to every member based on this distribution and working capital of the member. Minimum of the points allotted to any member shall be the points of the JV.

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

For minimum requirement (initial filter criteria): The profitability of only lead member shall be evaluated.

For allotment of points: Points will be allotted to every partner separately and the weighted average of the points scored by each partner / member as per their participation will be the profit of JV / Consortium.

Example: Let Member-1 has percentage participation of $=M$ and Member-2 has percentage participation of $=N$. Let the points scored by Member-1 are 'A' and by Member-2 is 'B', then, the score of JV will be $\frac{AM+BN}{100}$.

- (iii) **T3 - Net Worth :** Net Worth of tenderer during last audited financial year should be \geq 43.54 crores.

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 \geq 174.17 crores.

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

Example: Let Member-1 has percentage participation = M and Member - N has =n. Let the average annual turn over of Member-1 is 'A' and that of Member-2 is 'B', then the average annual turn over 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 **Annexure-2** along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature. 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 '3' audited financial years will be taken into consideration for evaluation. If audited balance sheet of any other year than the last year is not submitted, the tender will 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 executed. 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:

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

Where,

A = Maximum of the value of construction works executed in any one year during the last five financial years (updated to 30.09.2011. 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 30.09.2011**) for on-going construction works during period of **42 months w.e.f. 01.10.2011**.

Notes:

- Financial data for latest last five financial years has to be submitted by the tenderer in **Annexure-3A** 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.
- Value of existing commitments for on-going construction works during period of **42**

months w.e.f.01.10.2011. has to be submitted by the tenderer in **Annexure-3B**. These data shall be certified by the Chartered Accountant with his stamp and signature.

- 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 will be assumed.

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 1

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

Volume 2

General Conditions of Contracts for Design & Build Contracts
Special Conditions of Contract (including Schedules)

Volume 3

Employer's Requirements – General
Employer's Requirements – Functional
Employer's Requirements – Design
Employer's Requirements – Construction
Employer's Requirements – Appendices

Volume 4

Outline Design Specifications

Volume 5

Outline Construction Specifications

Volume 6

Tender Drawings

Volume 7

Bill of Quantities

Volume 8

Condition of Contract on Safety, Health & Environment (SHE) Ver 1.2

Volume 9

Reference Document - Geotechnical Report

1.1.5 The contract shall be governed by the documents listed in para 1.1.4 above along with latest edition of CPWD Specification, IRS Specifications & MORTH Specifications. These may be purchased from the market.

1.1.6 The tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of Chief General Manager (Tender), Delhi Metro Rail Corporation, 5th floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001.

1.1.7 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.

- 1.1.8 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.1.9 Tenders shall be valid for a period of **180 days** from the date of submission of Tenders and shall be accompanied with a tender security of the requisite amount as per **Annexure-3 of ITT** in the form of a Bank Guarantee from Scheduled Commercial Bank in India.
- 1.1.10 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.

Chief General Manager (Tender)
Delhi Metro Rail Corporation

ANNEXURE-1

WORK EXPERIENCE

Annexure 1

Applicant's legal name **Date**.....

Group Member's legal name..... **Page** **of** **pages**

For similar works of construction of Tunnel (which may include station along with Tunnel) as per clause no. 1.1.3.2 or more at the price level of 30.09.2011 (considering escalation as per Clause 1.1.3.2 of Notes Bullet no.3)

Specific Construction Experience		
Similar Contract Number _____ of _____ required	Information	
Contract Identification		
Award date		
Completion date		
Employer's Name		
Employer's Address:		
Telephone / Fax number: E Mail		
Role in Contract (Individual/JV-Consortium member)	Individual	JV Member
Completion Cost	Currency (as stated in Clients Certificate)	In equivalent INR at 30.09.2011 price level
If JV member specify percentage participation in contract & amount (Please refer Note-1)	% participation	In equivalent INR at 30.09.2011 price level
Length of Tunnel (<i>which may include station along with tunnel</i>)		In case of JV/Consortium, actual length executed by the Applicant (<i>duly substantiated with Client Certificate</i>)

NOTE: 1. Only the value of contract as executed by the applicant/member in his own name should be indicated. 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.

2. Separate sheet for each work along with Clients Certificate to be submitted.

ANNEXURE - 1A: Summary of Information provided in Annexure-1

Applicant's legal name **Date**.....

Group Member's legal name..... **Page** **of** **pages**

Name of Applicant (each member in case of group)	Total Number of works As per clause no. 1.1.3.2 A at the price level of 30.09.2011	No. of contracts delayed, i.e., completed beyond the original date of completion

NOTE:-

1. In case the work was done as JV/Consortium, only the value of work done by the applicant as per his Percentage participation must be given.
2. Reasons of delay whether on contractors account or on account of Employer in each applicable case need to be enclosed separately.

ANNEXURE- 2

Financial DATA

Applicant's legal nameDate

Group Member's legal name..... Page of Pages

Each Applicant or member of a JV must fill in this form

S.N.	Description	Financial Data for Latest Last 5 Years (Indian Rupees)				
		Year 2006-07	Year 2007-08	Year 2008-09	Year 2009-10	Year 2010-11
1.	Total Assets					
2.	Current Assets					
3.	Total External Liabilities					
4.	Current Liabilities					
5.	Annual Profits Before Taxes					
6.	Annual Profits After Taxes					
7.	Net Worth [= 1 - 3]					
8.	Working Capital [=2 - 4]					
9.	Return on Equity					
10	Annual turnover (from construction)					
11	Gross Annual turnover					

Attach copies of the audited balance sheets, including all related notes, income statements for the last five audited financial years, as indicated above, complying with the following conditions.

1. Separate Performa shall be used for each member in case of JV/Consortium.
2. All such documents reflect the financial data of the Applicant or member in case of JV, and not sister or Parent Company.
3. Historic financial statements shall be audited by Statutory Auditor of the Company under their seal & stamp and shall be strictly based on Audited Annual Financial results of the relevant period(s). No statements for partial periods will be accepted.
4. Historic financial statements must be complete, including all notes to the financial statements.
5. Foreign applicants, in whose country calendar year is also the financial year, may submit all relevant data for the last 5 years i.e. 2006, 2007, 2008, 2009 and 2010.
6. Return on Equity = Net Income / Shareholders Equity
Return on Equity = Net Income is for the full fiscal year (before dividends paid to common stock holders but after dividends to preferred stock).
Shareholders equity does not include preferred shares.
7. The above Annexure shall be duly certified by Chartered Accountant / Company Auditor under his signature & stamp.

ANNEXURE- 3A

FINANCIAL DATA

(CONSTRUCTION WORK DONE DURING THE LATEST LAST FIVE FINANCIAL YEARS)

NAME OF THE TENDERER (CONSTITUENT MEMBER IN CASE OF JV/CONSORTIUM) :

(All amounts in Rupees in Crores)

S. No.	DESCRIPTION	Financial Data for Last 5 Audited Financial Years				
		Year 2006-2007	Year 2007-2008	Year 2008-2009	Year 2009-2010	Year 2010-2011
1	2	3	4	5	6	7
	Total value of construction work done as per audited financial statements					

NOTE:

1. Separate Performa shall be used for each member in case of JV/Consortium.
2. Attach attested copies of the Audited Financial Statements of the last five financial years as Annexure.
3. All such documents reflect the financial data of the tenderer or member in case of JV/Consortium, and not that of sister or parent company.
4. The financial data in above prescribed format shall be certified by Chartered Accountant / Company Auditor under his signature & stamp.
5. The above financial data will be updated to 30.09.2011 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.**

ANNEXURE- 3B

ANNEXURE 3B: Works in hand

Applicant's legal name **Date.....**

Group Member's legal name..... **Page of pages**

Name and brief particulars of contract (Clearly indicate the part of the work assigned to the applicant(s))	Name of client with telephone number and fax number	Contract Value In Rupees Equivalent (Give only the value of work assigned to the applicant(s) (Assume inflation as given in Annexure 1)	Value of balance work yet to be done in Rupee equivalent as on 31.08.11 (Assume inflation as per Clause 2.6 of Part I)	Date of Completion as per Contract Agreement	Expected Completion Date	Delay if any, with reason	Value of work to be done in 2011-12 (1 st October 2011 to 31 st March' 012)	Value of work to be done in 2012-13. (1 st April' 2012 to 31 st March' 013)	Value of work to be done in 2013-14 (1 st April' 2013 to 31 st March' 014)	Value of work to be done in 2014-15 (1 st April' 2014 to 31 st March' 2015)

ANNEXURE- 4

UNDERTAKING FOR NOT BLACKLISTED

We do hereby undertake that we have not been blacklisted or deregistered by any central / state government department or public sector undertaking and also that none of our work was rescinded by the client after award of contract during last 10 years.

STAMP & SIGNATURE OF AUTHORIZED SIGNATORY

NOTE:

1. In case of JV/Consortium, the undertaking shall be submitted by each member of the JV/Consortium.
2. The undertaking shall be signed by authorized signatory of the tenderer or constituent member in case of JV/Consortium.

ANNEXURE- 5

UNDERTAKING FOR CORRUPT & FRAUDULANT PRACTICE

It is confirmed and declared that we, or any of our associate, have not been engaged in any fraudulent and corrupt practice as defined in Clause 4.33 of the General Conditions of Contract and that no agent, middleman or any intermediary has been, or will be, engaged to provide any services, or any other items of work related to the award and performance of this contract

STAMP & SIGNATURE OF AUTHORIZED SIGNATORY

NOTE:

1. In case of JV/Consortium, the undertaking shall be submitted by each member of the JV/Consortium.
2. The undertaking shall be signed by authorized signatory of the tenderer or constituent member in case of JV/Consortium.