



DELHI METRO RAIL CORPORATION LIMITED

**DESIGN AND CONSTRUCTION OF SHALIMAR PLACE ELEVATED STATION ON
JAHANGIRPURI-BADLI CORRIDOR OF DELHI MRTS PH-III PROJECT**

CONTRACT NO: CC-09

TENDER DOCUMENTS

VOLUME 1

NOTICE INVITING TENDER (NIT)

FORM OF TENDER (FOT)

INSTRUCTION TO TENDERER (ITT)

SPECIAL CONDITIONS OF CONTRACT (SCC)

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

CONTRACT NO: CC-09
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 fulfill *qualification criteria* as stipulated in clause 1.1.3 of NIT, for the work, "**Contract CC-09 : Design and Construction of Shalimar Place elevated station on Jahangirpuri-Badli corridor of Delhi MRTS Ph-III Project.**" The brief scope of the work and site information is provided in NIT clause 2.0.

Key details:

Approximate Cost of Work	INR 52.00 Crores
Tender Security Amount	INR 52.00 Lakhs
Completion period of the Work	18 (Eighteen) Months
Tender Documents on Sale	From 18/10/2011 to 31/10/2011 (between 09:00 Hrs to 17:30 Hrs) on working days
Cost of Tender Documents	INR 21,000/- (inclusive of 5% VAT) (Demand Draft in favour of "Delhi Metro Rail Corporation Ltd") payable at New Delhi.
Last Date of Seeking Clarification	03/11/2011 (up to 16:00 hrs)
Pre-bid Meeting	08/11/2011 at 11:00 Hrs.
<u>Date of issuing addendum</u>	<u>15/11/2011</u>
<u>Date & Time of Submission of Tender</u>	<u>30/11/2011 (up to 15:00 hrs)</u>
<u>Date & Time of opening of Tender</u>	<u>30/11/2011 at 15:05 hrs</u>
Authority and Place for purchase of Tender Documents, seeking Clarifications, Pre-bid meeting and Submission of completed tender documents & Opening of tender	Chief General Manager (Tender), Delhi Metro Rail Corporation, 5th floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001

1.1.2 QUALIFICATION CRITERIA :**1.1.2.1 Eligible Applicants :**

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 as under :

- i. 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 consortium arrangement or Joint Venture with their wholly owned Indian subsidiary registered in India under Companies Act -1956 or any other Indian firm having minimum participation interest of 26%.
- 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 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.
- 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. Tenderer (any member in case of JV/consortium) must not be involved in frequent litigations during last 5 years. If otherwise, then the reasons and the details for the same need to be submitted. The tenderer need to submit an undertaking in this regard.
- vii. Tenderer(any member in case of JV/consortium) must not have paid liquidated damages of 10% or more of the contract value in a contract due to delay or must not have been penalised due to any other reason during last five years. If otherwise, then the reasons and the details for the same need to be submitted. The tenderer need to submit an undertaking in this regard.
- viii. Tenderer(any member in case of JV/consortium) must not have suffered bankruptcy/ insolvency during the last 5 years. If otherwise, then the reasons and the details for the same need to be submitted. The tenderer need to submit an undertaking in this regard.

1.1.2.2 Eligibility Criteria for the tenderers is given below :

A) Work Experience : The tenderers will be qualified only if they have completed work(s) during last **seven (7)** years ending **31.10.2011** as given below :

- (i) At least one single work of **civil construction of framed structured multistoried building/Metro Stations/any other concrete civil structure** of total value of **INR42.00 Crores or more, 'OR'**
- (ii) Two different works of **civil construction of framed structured multistoried building/Metro Stations/any other concrete civil structure** of total value of **INR26.00 Crores or more, 'OR'**
- (iii) Three different works of **civil construction of framed structured multistoried building/Metro Stations/any other concrete civil structure** of total value of **INR21.00 Crores or more.**

At least one of the above works must be on pile foundation or else in addition to above works, the tenderer must have executed any other work involving pile foundation (details of the same to be submitted).

Notes :

- (a) 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.
- (b) Value of successfully completed portion of any on-going work up to **31.10.2011** will also be considered for qualification of work experience criteria.
- (c) For completed works, value of work done shall be updated to **31.10.2011** price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year.
- (d) In case of joint venture / consortia, full value the work, if it was done by the same joint venture or the entire work was done fully by any of the substantial member, shall be considered. If the work was done in other JV formation, the value in proportion of the participation in that JV by the member (only substantial member) shall be considered. No evaluation of work done by any non-substantial member shall be done.

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

- (i) **T₁- Working Capital** (Liquidity and Bankers References): Working Capital (Net Cash Flow) of the tenders during last audited financial years should be **≥ INR 5.00 Crores.**
 - In case of JV/consortium, the requirement of working capital is to be distributed between members as per their percentage participation and every member should satisfy the minimum requirement.
 - For 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 required of member-1 $\geq (W.M)/100$ and working capital required of member-2 $\geq (W.N)/100$.

- (ii) **T₂- Profitability** :Profit before Tax should be Positive in at least 2 (two) years, out of the last five financial years.
- In case of JV/consortium, the profit before tax of the lead member of the JV/consortium will be considered. The Profitability of only lead member shall be evaluated.
- (iii) **T₃ - Net Worth**: Net Worth of tenderer during last audited financial year should be **≥INR 7.00 Crores**.
- In case of JV/consortium, the net worth will be based on the percentage participation of each member.
- (iv) **T₄ - Annual Turnover** :The average annual turnover from construction works of last five financial years should be **≥INR 28.00crores**.
- In case of JV/consortium, the average annual turnover will be based on the percentage participation of each member.

Notes :

- a) Financial data for latest 5 years has to be submitted by bidders along with the audited Balance Sheets. In case audited Balance Sheet of the last Financial Year i.e. 2010-11 is not made available by the bidder, he has to submit an affidavit certifying that the Balance Sheet for the financial year 2010-11 has actually not been audited so far along with Statuary Auditor's certificate in this regard. In such a case the financial data of previous 4 years i.e. 2006-07, 2007-08, 2008-09 & 2009-10 will be taken into consideration for evaluation.
- b) Foreign Tenderers, 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.
- c) **If Audited Balance Sheet of any other year than the last financial year is not submitted, the application will be considered as Non-responsive.**
- d) For completed works, value of work done shall be updated to 31.03.2011 price level assuming 5% inflation for Indian Rupees every year (compounded annually) and 2% for foreign currency portions per year(compounded annually).

1.1.2.3 Bid CapacityCriteria :

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 31.10.2011 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 31.10.2011**) for on-going construction works during period of **18 months**w.e.f.**01.11.2011**.

Notes :

- (e) Financial data of the construction work done 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.
- (f) Value of existing commitments for on-going construction works during period of **18 months** w.e.f. **01.11.2011** has to be submitted by the tenderer in **Annexure-3B**. These data shall be certified by the Chartered Accountant with his stamp and signature.
- (g) In the case of joint venture / consortia, bid capacity of each member will be computed applying above formula and combined bid capacity of the joint venture / consortia will be weighted average of the individual bid capacity of the members as per their percentage participation.

The tender submission of tenderers, who do not qualify the *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.

1.1.3.4 The Tender documents consist of:

Volume 1

- Notice Inviting Tender (NIT)
- Form of Tender (FOT)
- Instructions to Tenderers (ITT)
- Special Conditions of Contract (SCC)

Volume 2

- Technical Specifications
- Employer's Requirement

Volume 3

- Reference Document - Geotechnical Report
- Reference Document - Design Basis Criteria

Volume 4

- Bill of Quantities (BOQ) & Schedule of Payment

Volume 5

- General Conditions of Contract (Design & Build)
- Condition of Contract on Safety, Health & Environment (SHE Ver. 1.2)

Volume 6

- Tender Drawings

- 1.1.3 The contract shall be governed by the documents listed in para 1.1.3.4 above and CPWD, MORTH & IRC Specifications. CPWD, MORTH & IRC Specifications may be purchased from the market.
- 1.1.4 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.
- 1.1.5 All tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause C2.2 (m) 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.

- 1.1.6 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.1.7 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 form B in the form of a Bank Guarantee from Scheduled Commercial Bank in India.
- 1.1.8 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 Ltd**

ANNEXURE-1**WORK EXPERIENCE****NAME OF THE TENDERER (CONSTITUENT MEMBER IN CASE OF JV/CONSORTIUM) :**

1. Name of work	
2. Agreement / contract No.	
3. Client	
4. Scope / Nature of work	
5. Date of start	
6. Stipulated date of completion	
7. Actual date of completion	
8. Total value of work done on completion (up to 31.10.2011 in case of works in progress)	
9. Value of work done of civil construction of framed structured multistoried building/Metro Stations/any other civil structural work.	
10. Ref to client's completion certificate	

NOTE:

1. Separate Performa shall be used for each member in case of JV/Consortium.
2. Attach copies of the audited balance sheets, including all related notes, income statements for the last three audited financial years, as indicated above.
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. ***Atleast one of the above works must be on pile foundation or else in addition to above works, the tenderer must have executed any other work involving pile foundation (details of the same to be submitted)***
5. ***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.***

ANNEXURE- 2**FINANCIAL DATA****(FINANCIAL STANDING)**

Tenderer's legal name Date

JV/consortium Member's legal name..... Page of pages

Each Tenderer or member of a JV must fill in this form separately

(All figures in INR in crores)

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 Tenderer 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 Tenderers, 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 Latest Last 5 Audited Financial Years				
		Year 2006-07	Year 2007-08	Year 2008-09	Year 2009-10	Year 2010-11
1	2	3	4	5	6	7
	Total value of <i>construction work done</i> 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 31.10.2011 price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year.

ANNEXURE- 3B**FINANCIAL DATA****(EXISTING COMMITMENTS FOR ON-GOING CONSTRUCTION WORKS)**

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

(All amounts in Rupees in Crores)

Name and brief particulars of contracts for ongoing construction works	Contract Value	Value of balance work yet to be done (as on 31.10.2011)	Estimated Completion Date	Value of existing commitments for on-going construction works during period 18 months w.e.f. 01.11.2011 to 30.04.2013		
				2011-12 (01 st November, 2011 – 31 st March, 2012)	2011-12 (01 st April, 2012 to 31 st March 2013)	2011-12 (01 st April, 2013 to 30 th April, 2013)
1	2	3	4	5	6	7
TOTAL (FOR ALL ONGOING WORKS)						

NOTE:

1. Separate Performa shall be used for each member in case of JV/Consortium.
2. Tenderer or member in case of JV/Consortium should provide information on their current commitments for all contracts that have been awarded or for which a letter of intent or acceptance has been received or for contracts approaching completion but for which a completion certificate is yet to be issued even if completion of such works spills over beyond completion period of this contract.

The financial data in above prescribed format shall be certified by Chartered Accountant / Company Auditor under his signature & stamp.

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 5 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.