



DELHI METRO RAIL CORPORATION LIMITED
JAIPUR METRO RAIL PROJECT (PHASE-1)
CONTRACT JP/EW/E-4

TENDER DOCUMENTS

VOLUME I

NOTICE INVITING TENDER

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NOTICE INVITING TENDER

1.1 GENERAL

1.1.1 Name of work

Delhi Metro Rail Corporation (DMRC) Ltd. invites sealed tenders from *eligible* tenderers who fulfil qualification criteria as stipulated in clause 1.1.3 of NIT, for the work of *Supply, Installation, Testing and Commissioning of E&M, DG, UPS, Fire Detection, Fire Suppression and HVAC Systems for Elevated Section of Jaipur Metro Rail Project Phase-I East West - Corridor (Contract JP/EW/E4).*

The brief Scope of the Work is provided in ITT A1.

1.1.2 Key Details

APPROXIMATE COST OF THE WORK	INR 25 Crores
TENDER SECURITY AMOUNT	INR 25 Lakhs
COMPLETION PERIOD OF WORK	10 Months
TENDER DOCUMENTS ON SALE	From 07.02.2012 to 15.02.2012 (between 0900 Hrs to 1700 Hrs) on working days
COST OF TENDER DOCUMENTS	INR 21000/- only (inclusive of 5% DVAT) (Demand Draft from scheduled commercial bank in India in favour of Delhi Metro Rail Corporation Ltd. payable at New Delhi)
TENDER VALIDITY	180 days from opening of the tender.
LAST DATE OF SEEKING CLARIFICATION	21.02.2012
PRE-BID MEETING	24.02.2012 at 1530 hrs
LAST DATE OF ISSUING ADDENDUM	29.02.2012
DATE & TIME FOR SUBMISSION OF TENDER	Up to 12.03.2012 1100 Hrs.
DATE & TIME OF OPENING OF TENDER (Technical Package)	12.03.2012 at 1105 Hrs.
AUTHORITY & PLACE OF PURCHASE FOR TENDER DOCUMENTS, SEEKING CLARIFICATION, PRE-BID MEETING, SUBMISSION OF COMPLETED TENDER DOCUMENTS	Chief General Manager/UG, 3 rd Floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110 001 (India) Tel/Fax: +91 11 23417914

1.1.3 Qualification Criteria

The tenders for this contract will be considered only from those tenderers (proprietorship firms, partnerships firms, companies, corporations, consortium 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.

1.1.3.1 Eligible Applicants

- I. For the purpose of this tender an Applicant can be individual firm or a Group (in form of a Joint Venture or Consortium). In the case of JV or Consortium, all members of the Group shall be jointly and severally liable for performance of the whole contract. *JV/Consortium of maximum of 3(three) members shall be permitted. A proforma statement of application and participation (**Annexure 7 and 8**) is to be completed by each member of the Applicant.*
- 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/Joint Venture/Consortium.
 - 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.Tenderer should submit an undertaking to this effect in Performa of **Annexure 9**.
- IV. 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-5**.
- V. 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.
- VI. The applicant, (each member in the case of a group) or any associate shall have to confirm and declare that no agent, middleman or any intermediary has been or will be engaged for the services or any other item/work related to the award and performance of the Contract. **They shall further confirm and declare that no agency commission, or any payment, which may be, construed as an agency commission, has been or will be paid and that the Tender Price will not include any such amount as per format given in Annexure 6.**

- VII. The applicant should attach details of proposed equity participation by each constituent member so as to clearly demonstrate that they fulfill the eligibility percentage participation criteria as stated above.

1.1.3.2 Minimum Eligibility Criteria:

A 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 tenderer during last audited financial years should be \geq INR 4.30 crores
- (ii) T₂-Profitability: Profit before Tax should be Positive in at least 2 (two) year, out of the last five audited financial years.
- (iii) T₃- Net Worth: Net Worth of tenderer during last audited financial year should be \geq INR 6.0 crores.
- (iv) T₄ - Annual Turnover: The average annual turnover from electrical works of last five financial years should be $>$ INR 24 crores.

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.
- Working Capital and Net Worth will be based on latest audited balance sheet.
- Average Annual Turnover and Profitability will be based on last 5 years audited balance sheet. 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 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 excluded. This is to be substantiated with documentary evidence.
- In case of Joint Ventures/Group/Consortium, these financial parameters will be worked out as under:-

1. Working Capital:

(I) Requirement of working capital is to be distributed between members as per their percentage participation and every member should satisfy their 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 $\geq \frac{WM}{M}$ and working capital of

Member-2 \geq WN.

100

2. Profitability:

The Profitability of only lead member will be evaluated.

3. Net Worth:

Net Worth will be based on percentage participation of each member.

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

100

4. Average Annual Turn Over from works

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-2 has percentage participation=N. Let the average annual turnover of member-1 is 'A' and that of member-2 is 'B', then the Average annual turnover of the JV will be AM+BN .

100

B Bid Capacity Criteria:

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:

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

Where,

A = Maximum of the value of similar works executed in any one year during the last five financial years (adjusted to 31.03.2011 price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year compounded annually) For similar works refer Clause 1.1.3.2 C of NIT . Values should be entered as given in Annexure 3 of NIT.

N = No. of years prescribed for completion of the work.

B = Value of existing commitments for on-going works during period of **12 months w.e.f. 01.01.2012.**

Notes :

- Financial data for latest last five financial years has to be submitted by the tenderer in **Annexure-3** along with audited financial statements. The financial data in the prescribed format shall be certified by the Chartered Accountant with his stamp and signature.
- **Value of existing commitments for on-going construction works during period of 12 months w.e.f. 01.01.2012 has to be submitted by the tenderer in Annexure-4.**
These data shall be certified by the Chartered Accountant with his stamp and signature.
- In case of Joint Ventures/Group/Consortium the evaluation against the individual eligibility criteria will be done in totality, unless specified otherwise.

C

Work Experience:

For bidders to be eligible, the applicant *in the last 5 years should have done:*

at least one work of similar E&M works and multi discipline valuing equal to or more than Rs 20 Crores OR two works of similar E&M works and multi discipline each valuing equal to or more than Rs 12.5 Crores OR three projects of similar nature of Rs. 10 Crores value.

Notes :

- The tenderer shall submit details of work executed by them in the Performa of **Annexure-1 and 1A** for the works to be considered for qualification of work experience criteria. Documentary proof such as completion certificates/taking over/certificate of operation from client **clearly indicating the nature/scope of work as per above, 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.**
- Value of successfully completed portion of any ongoing work up to **31.03.2011** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **31.03.2011** price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year compounded annually. **The applicable exchange rate of foreign currency conversion shall be the rate prevailing 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 as the proposed JV) shall be considered. However, if the work done by them in JV/consortium (not similar to proposed JV), value of work as per his percentage participation shall be considered.

The applicant will be evaluated for fulfilling minimum eligibility criteria in the order as below:

1.The tenderer will be evaluated for Eligible Applicants as per clause 1.1.3.1 of NIT.

2. The tenderer will be evaluated for Minimum Financial Eligibility Criteria as per Clause 1.1.3.2 A of NIT

3. The tenderer will be evaluated for Minimum Eligibility Criteria for Bid Capacity as per Clause 1.1.3.2 B of NIT.

4. The tenderer will be evaluated for Minimum Eligibility Criteria for Work Experience as per Clause 1.1.3.2 C of NIT.

If the tenderer does not fulfil the criteria at any of the stages as above then further evaluation will not be done.

The tender submission of tenderers, who do not qualify the minimum eligibility criteria stipulated in the clauses above, shall not be considered for further technical and financial evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clauses above shall not imply that his bid shall automatically be accepted. The same should contain all technical and financial data as required for consideration of tender prescribed in the ITT.

1.1.4 The Tender document consists of:**Volume 1**

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

Volume 2

General Conditions of Contracts
Special Conditions of Contract (including Schedules)

Volume 3

General Specifications

Volume 4

Particular Specifications

Volume 5

Tender Drawings

Volume 6

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

Volume 7

Bill of Quantities (Part of Volume –I enclosed separately)

1.1.4.1 The contract shall be governed by the documents listed in para 1.1.4 above along with any pre and post bid proceeds, subsequent addendums, corrigendum and subsequent correspondences if any.

1.1.4.2 The tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of Chief General Manager (UG), Delhi Metro Rail Corporation, 3rd floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001, (Tel/Fax:- +91-11-23417914).

1.1.4.3 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.

1.1.4.4 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.

- 1.1.4.5 Tenders shall be valid for a period of **180days** from the latest date of submission of Tenders and shall be accompanied with a tender security of the requisite amount (refer Clause 1.1.2 - Key Details above) in the form of a Bank Guarantee from Scheduled Commercial Bank in India as per **Annexure-3 of ITT**.
- 1.1.4.6 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 (UG)
Delhi Metro Rail Corporation Ltd.

ANNEXURE-1**WORK EXPERIENCE**

Applicant's legal name

Date.....

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

For similar works and other works as per Clause no. 1.1.3.2 (C) at the price level of 31.03.2011 (considering escalation as per Clause 1.1.3.2 of Notes Bullet no.3)

Specific Work Experience		
Similar Contract Number/ Works _____ of _____ required	Information, Scope of work reference as from 1.1.3.2 C	
Contract Identification and scope of work (include details of works clearly indicating the scope of work as per each subheading of Clause 1.1.3.2 C of NIT)		
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 31.03.2011 price level
If JV member specify percentage participation in contract & amount (Please refer Note-1)	% participation	In equivalent INR at 31.03.2011 price level

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 and criteria along with Clients Certificate to be submitted.

Summary of Information provided in Annexure-1

Applicant’s legal name **Date.....**

<i>Name of Applicant (each member in case of group)</i>	Total Number of works As per clause no. 1.1.3.2 C at the price level of 31.03.2011 (Applicants to summarize No. of Works as per each subheading of Clause 1.1.3.2 C of NIT giving cross reference of the Projects attached in Annexure 1)	<i>No. of contracts delayed, i.e., completed beyond the original date of completion</i>

Group Member’s legal name.....

- NOTE: 1. In case the work was done by 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)				
		<u>Year 2006-07</u>	<u>Year 2007-08</u>	<u>Year 2008-09</u>	<u>Year 2009-10</u>	<u>Year 2010-11</u>
1.	<u>Total Assets</u>					
2.	<u>Current Assets</u>					
3.	<u>Total External Liabilities</u>					
4.	<u>Current Liabilities</u>					
5.	<u>Annual Profits Before Taxes</u>					
6.	<u>Annual Profits After Taxes</u>					
7.	<u>Net Worth</u> [= 1 - 3]					
8.	<u>Working Capital</u> [=2 - 4]					
9.	<u>Return on Equity</u>					
10	<u>Annual turnover (as per Annexure 3 of NIT)</u>					
11	<u>Gross Annual turnover</u>					

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 calendar years.
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- 3**FINANCIAL DATA**

(SIMILAR 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 <u>2006-2007</u>	Year <u>2007-2008</u>	Year <u>2008-2009</u>	Year <u>2009-2010</u>	Year <u>2010-2011</u>
1	2	3	4	5	6	7
	Total value of <i>similar works 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. **For Similar works refer Clause 1.1.3.2 C of NIT**
5. **The financial data in above prescribed format shall be certified by Chartered Accountant / Company Auditor under his signature & stamp.**
6. The above financial data will be updated to 31.03.2011 price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year compounded annually. **The exchange rate of foreign currency shall be applicable 28 days before the submission date of tender.**

ANNEXURE 4: 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 Annexure1)	Value of balance work yet to be done in Rupee equivalent as on <u>31.12.11</u> (Assume inflation as given in Annexure1)	<u>Date of Completion as per Contract Agreement</u>	<u>Expected Completion Date</u>	Delay if any with reasons	Value of work to be done in (01.01.2012 to 31.12.2012)

ANNEXURE- 5**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- 6**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.

I further confirm and declare that no agent, middleman or any intermediary has been, or will be, engaged by me to provide any services, or any other item or work related to the award and performance of this Contract. I further confirm and declare that no agency commission or any payment which may be construed as an agency commission has been, or will be, paid by me and that the tender price does not include any such amount.

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 7**PRO-FORMA LETTER OF APPLICATION (on Firm's Letter Head)**

Managing Director
 Delhi Metro Rail Corporation Ltd.
 Metro Bhawan, Fire Brigade Lane,
 Barakhamba Road, Connaught Place,
 New Delhi-110001
 India.

(Applicant to provide date and reference)

APPLICATION FOR TENDER FOR CONTRACT JP/EW/E4

Dear Sir,

We hereby make application for evaluation as a tenderer for the *Supply, Installation, Testing and Commissioning of E&M,DG, UPS, Fire Detection, Fire Suppression and HVAC Systems for Elevated section of Jaipur Metro Rail Project Phase-I East West - Corridor* (Contract Package – JP/EW/E4). In support of the application we submit herewith one original and one copy of the required documents. We understand that in the event of any information furnished by us being found later on to be incorrect or any material information having been suppressed, the following action can be taken:

- i Our name may be removed from the panel of pre-qualified agencies.
- ii Tender submitted by us may not be considered.
- iii If the tender from us is accepted and a contract awarded to us after our successful pre-qualification, the tender acceptance may be withdrawn and the contract awarded to us cancelled with out any financial claim/Arbitration request from our side.

(In the case of other than a sole proprietorship firm add this following paragraph)

A Power of Attorney to sign and submit this letter is attached.

(In the case of a joint venture/partnership/consortium add this paragraph)

This application is submitted on behalf of a joint venture/partnership/consortium (delete as appropriate) comprising (applicant to state the name of each member) and of which (Insert name of leading member of joint venture / partnership/consortium) has agreed to act as leader. Each member has prepared a statement of participation in relation to this application and these are contained in Annexure 8 herewith.

Yours faithfully,

..... (Signature)

Name of signatory:

Capacity of signatory:

Name and address of applicant (or of leader if applicant is a group)

PRO-FORMA LETTER OF PARTICIPATION FROM EACH MEMBER OF A GROUP

(On each Firm's Letter Head)

Managing Director,
Delhi Metro Rail Corporation Ltd.
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, Connaught Place,
New Delhi-110001
India.

(Applicant to provide date and reference)

Dear Sir,

APPLICATION FOR PRE-QUALIFICATION TO TENDER FOR CONTRACT JP/EW/E4

We wish to confirm that our company/firm (delete as appropriate) has formed/intends (delete as appropriate) to form a group with (member to insert names of all other members of the group)with(member to insert percentage participation of all other members of the group)percentage participation for purposes associated with aforesaid Contract Number **JP/EW/E4**.

(Members who are not the lead member of the group should add the following paragraph).

The group is led by (member to insert name of lead member) whom we hereby authorise to act on our behalf for the purposes of applying for tender.

(Members being the lead member of the group should add the following paragraph)

In this group we act as leader and, for the purposes of applying for tender, represent the group.

In the event of our group being successful in tender evaluation for Contract Number **JP/EW/E4**, we agree to be jointly (with other members of our group) and severally liable to Delhi Metro Rail Corporation Ltd. (DMRC), its successors and assigns for all obligations, duties and responsibilities arising from or imposed by any contract subsequently entered into between DMRC and our group.

Yours faithfully,

(Signature)

(Name of Signatory)

(Capacity of Signatory)

ANNEXURE- 9**UNDERTAKING FOR CONFLICT OF INTEREST**

By virtue of my signature below, I confirm and verify to best of my knowledge and belief that the application submitted by us for tender JP/EW/E4 herein does not fall under the purview of Conflict of Interest as stated in clause 1.1.3.1 of NIT document.

The information contained in this application is truthful and exact.

STAMP & SIGNATURE OF AUTHORIZED SIGNATORY

NOTE:

1. In case of JV/Consortium, the undertaking shall be submitted by each member of the JV/Consortium.

THE UNDERTAKING SHALL BE SIGNED BY AUTHORIZED SIGNATORY OF THE TENDERER OR CONSTITUENT MEMBER IN CASE OF JV/CONSORTIUM.