

Application Document Cost – Rs.5,250/- (incl. 5% DVAT)

**APPLICATION DOCUMENT FOR  
TECHNICAL ELIGIBILITY ON  
ALLOTMENT OF NOMINATED  
SITES FOR KIOSKS AT STATIONS  
IN THE FOLLOWING SECTIONS OF  
DELHI METRO**

1. **LINE-2 SECTION (UDYOG BHAWAN TO SAKET)**
2. **LINE-3 SECTION (DWARKA SEC-08 TO DWARKA SEC-21)**
3. **LINE-4 SECTION (VAISHALI TO KAUSHAMBI)**
4. **LINE-5 SECTION (KIRTI NAGAR – INDERLOK TO MUNDKA)**
5. **LINE-6 SECTION (CENTRAL SECRETARIAT TO BADARPUR)**

**STAGE-1  
(SELECTION OF APPLICANTS BASED  
ON TECHNICAL EVALUATION)**

**DELHI METRO RAIL CORPORATION LTD.**

## DISCLAIMER

1. This Application Document contains brief information on technical eligibility for allotment of nominated sites for kiosks at stations of various sections of Delhi Metro. This document duly encompasses the Scope of Work, Technical Eligibility Criteria, Selection Procedure, Necessary Instructions, Terms & Conditions and other Annexure(s). The Application Document can be purchased on payment of a non-refundable fee of Rs.5,250/- in the form of Demand Draft/ Pay Order in favour of 'Delhi Metro Rail Corporation Ltd.' from the following address: -

Jt. General Manager/Marketing/O&M  
Delhi Metro Rail Corporation Ltd.  
Right Wing, 4<sup>th</sup> Floor, Metro Bhawan,  
Fire Brigade Lane, Barakhamba Road,  
New Delhi-110001

between 1500 hrs & 1700 hrs only on all working days from 13.02.2012 to 05.03.2012 only.

2. The Application Document is also uploaded on DMRC website [www.delhimetrorail.com](http://www.delhimetrorail.com) and the same can be downloaded & used for application submission. However, at the time of submission the applicant has to enclose a Demand Draft/Pay Order of Rs.5,250/-, towards the cost of Application Document, in addition to EMD of Rs.50,000/- in the form of Demand Draft/Pay Order, both in favour of 'Delhi Metro Rail Corporation Ltd.'
3. Queries from the Applicants will be entertained (Up to 1700 Hrs on 24.02.2012) only if such queries are accompanied by Demand Draft/Pay order for Rs.5,250/- in favour of 'Delhi Metro Rail Corporation Ltd.' towards cost of the Application Document. In such a case, Rs.5,250/- towards cost of the Application Document need not be submitted along with Application Document as stated in para-2 above.
4. Applicants who have downloaded the Application Document are requested to get in touch with Property Development Cell of DMRC for all updates on Application Document such as addendums, replies to queries, postponement of any schedule etc or monitor the DMRC website for the same. No claims or compensation will be entertained on account of the applicant having not read/noticed the updates, etc.
5. Applicants are also advised to go through the Bid Form for Auction of nominated sites for kiosks (Stage-2), uploaded alongwith on the website, before applying.

**DELHI METRO RAIL CORPORATION LTD.**

**APPLICATION DOCUMENT FOR**

**TECHNICAL ELIGIBILITY ON**

**ALLOTMENT OF NOMINATED**

**SITES FOR KIOSKS AT**

**STATIONS IN THE FOLLOWING**

**SECTIONS OF DELHI METRO**

1. LINE-2 SECTION (UDYOG BHAWAN TO SAKET)
2. LINE-3 SECTION (DWARKA SEC-08 TO DWARKA SEC-21)
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**Application Document No :**

**Name and Address of the Applicant to whom issued:**

**Date of Issue:**

**Issued by:**

(Name, Designation and Signature):

With Stamp

# NOTICE

- 1.0 Delhi Metro Rail Corporation Ltd. invites application from reputed agencies by themselves or as joint venture/consortium/partnership for Allotment of nominated sites for Kiosks at stations in various sections of Delhi Metro.

Application Security Money (EMD) : **Rs.50,000/-**

Cost of Application Document (Non-Refundable) : **Rs.5,250** [5,000/- + 250/-(5% DVAT)]

Period of Allotment : **3 years** (may be extended by 3 years further after performance review, on mutually agreed terms & conditions)

Application Document on sale : **13.02.2012 to 05.03.2012**(on working days)

Date of Pre-Submission Meeting : **21.02.2012**

Last date of receipt of queries, if any : **24.02.2012 upto 1700 hrs.**

Uploading reply to queries on website : **29.02.2012**

Date & Time of Application Submission: **09.03.2012 between 0930 hrs & 1200 hrs**

Date & Time of opening of Application : **1230 hrs. on 09.03.2012**

- 2.0 Application Document (non-transferable) can be obtained from the office of Jt. General Manager (Marketing), Right Wing, 4<sup>th</sup> Floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001. Cost of Application Document i.e. Rs.5,250/- shall be made by Demand Draft/Pay Order drawn in favour of 'Delhi Metro Rail Corporation Ltd.' payable at Delhi. Application Document may be downloaded from DMRC website 'www.delhimetrorail.com' and shall be submitted along with Application Document cost of Rs.5,250/- vide Demand Draft/Pay Order. Downloaded Application Document submitted without Application Document cost of Rs.5,250/- via Demand Draft/Pay Order, as mentioned, will be rejected out rightly.

- 3.0 Application Document shall be submitted on the prescribed date at the following address: -

Jt. General Manager/Marketing/O&M  
Delhi Metro Rail Corporation Ltd.  
Right Wing, 4<sup>th</sup> Floor, Metro Bhawan,  
Fire Brigade Lane, Barakhamba Road,  
New Delhi-110001

- 4.0 For any clarification kindly contact Mr. Sushil Kumar Gupta or Mr. Rajiv Kumar or Mr. Devender Singh at Telephone No.011-23417910-12 Extn. No.34787.

## **POINTS TO REMEMBER**

This application document does not purport to contain all the information that each Applicant may require. Applicants are requested to conduct their own investigations and analysis and to check the accuracy, reliability & completeness of the information in this application document. DMRC Ltd makes no representation or warranty & shall incur no liability under any law, statute, rules or regulations as to the accuracy; reliability or completeness of the application document and information provided hereunder is only to the best of the knowledge of DMRC Ltd.

Applicants are required to read carefully the contents of this document & to provide/submit the required information. Each page of this document, Addendum / replies to queries (if any) & other submissions must be submitted duly numbered, signed & stamped as a token of acceptance. Any unsigned/unstamped document will not be considered for evaluation.

Applicants may be single firms or may be members of a consortium. Applicants must read carefully the directions concerning the requirements for consortiums.

It shall however be noted, that DMRC will neither discuss any aspect of the evaluation process nor about the result of the evaluation. Applicants will be deemed to have understood and agreed that no explanation or justification of any aspect of the evaluation process will be given and that DMRC's decisions are without any right of appeal/litigation whatsoever. Applicants are advised that the selection process will be entirely at the discretion of DMRC.

For any query from an Applicant, DMRC reserves the right not to offer clarifications on any issue or if it perceives that the clarifications can only be made at a later stage, it can do so at a later date. No extension of any deadline will be granted on the basis or grounds that DMRC have not responded to any query or not provided any clarification.

Applicants have to first qualify the Technical Criteria / Evaluation (Stage-1) in order to be eligible for Stage-2 of the Selection Process i.e. AUCTION for allotment of nominated sites for Kiosks at stations of various sections of Delhi Metro.

Applicants should clearly note the date and time of submittal of applications. No late or delayed application will be accepted. Applicants are reminded that no supplementary material will be entertained by DMRC and the evaluation will be carried out only on the basis of submittals received by the closing Date/Time. However DMRC may ask for any supplementary information, if deemed so.

Applicants will not be considered if they make any false or misleading representations in statements / attachments. In such a case Application Security Money (EMD) shall be forfeited in DMRC's favour. Further, if any submission is found false or misleading, even at later stage (i.e. after the completion of Auction process) then also Applicant may be blacklisted for participation in any DMRC Tender and Application Security Money (EMD)/Auction Security Money/Security Deposit/any other deposit shall be forfeited in DMRC's favour.

Applicants shall remain in touch with DMRC Website [www.delhimetrorail.com](http://www.delhimetrorail.com) for any latest information, addendum/clarification/replies to queries etc.

# APPLICATION DOCUMENT FOR TECHNICAL ELIGIBILITY ON ALLOTMENT OF NOMINATED SITES FOR KIOSKS AT STATIONS OF VARIOUS SECTIONS OF DELHI METRO

## 1.0 INTRODUCTION

- 1.1 Delhi Metro Rail Corporation Ltd. with a view to part finance the Delhi Metro Rail Project is utilizing its premises to generate revenue from Property Development activities at metro stations.
- 1.2 This Application Document is for technical eligibility on allotment of nominated sites for kiosks identified at various stations falling in the following sections of Delhi Metro: -
- i) Line-2 Section (Udyog Bhawan to Saket)
  - ii) Line-3 Section (Dwarka Sector-08 to Dwarka Sector-21)
  - iii) Line-4 Section (Vaishali to Kaushambi)
  - iv) Line-5 Section (Kirti Nagar – Inderlok to Mundka)
  - v) Line-6 Section (Central Secretariat to Badarpur)

## 2.0 SCOPE OF WORK

- 2.1 Allotment of nominated sites for kiosks, measuring between 2.5 sqm to 6 sqm and located anywhere in paid/unpaid area within the station premises, at various stations of Delhi Metro would involve Installation/Fabrication of kiosk and their Operation by the successful applicant as a result of Auction(Stage-2 of the allotment process), on BOT (Built, Operate and Transfer) Basis. Installation/Fabrication of the kiosk shall be done by the successful applicant at his own cost as per the design and material specifications submitted by him and approved by DMRC Ltd.

There shall be two types of business permitted from the kiosks & the nominated sites for kiosks shall be auctioned to the technically qualified applicants for either of the two purposes (as per technical eligibility): -

- i) **Food Kiosks**, to sell packaged food & beverages. Definition of Food shall be as defined in Food Security & Standard Act, 2006 & subject to Annexure-1 “List of Usages Banned” as in this Application Document. As per extant Kiosk Policy of DMRC, available on DMRC website [www.delhimetrorail.com](http://www.delhimetrorail.com), there shall be a maximum of 4 food kiosks at a station and these shall be located only in the unpaid area of the station. Also for Food Kiosks, Successful applicants as a result of Auction process shall be required to sell 200 ml drinking water @ Rs.2/-.
  - ii) **Non-Food Kiosks**, to sell items other than (i) above & subject to Annexure-1 “List of Usages Banned” as in this application document. Non-Food kiosk shall be located anywhere inside the paid / unpaid area of the station.
- 2.2 The nominated sites for kiosks will be auctioned in order of serial no. assigned to the nominated sites & on the date/time intimated to the successful applicant prior to Stage-2 i.e. Auction process. There are stations wherein more than 4 nominated sites have been earmarked for Auction. If during the process of Auction, 4 nominated sites for food kiosks are finalized for allotment & still some sites remain due for auction at that particular station then all such remaining sites would be auctioned under Non-Food kiosk category.

- 2.3 License Fees / Rental for the nominated sites for kiosks will start from 30 days from the date of hand over of nominated site or 15 days from approval of kiosk design and material specifications if the same are submitted by the licensee within 15 days from the date of handover of nominated site for kiosk. The successful applicant is required to take possession (i.e. handover) of the nominated site on the 16<sup>th</sup> day of the date of issue of LOA, subject to deposit of necessary payments as demanded in LOA.
- 2.4 The successful applicant as a result of Auction Process will be required to install/fabricate the kiosk at the nominated site within 90 days from the date of approval of all plans on kiosk design/material specifications by DMRC. Non-installation of kiosk within the above mentioned period will lead to cancellation of allotment and forfeiture of Application Security Money (EMD), Auction Security Money & Security Deposit.
- 2.5 The successful applicant (for Food Kiosks) shall follow all applicable rules & regulations of The Food Safety and Standards Act, 2006.

### **3.0 GENERAL**

- 3.1 The Applicant shall provide all the information requested for in the Application Document. DMRC reserves the right to reject any offer that does not contain the required information.
- 3.2 DMRC shall not entertain any post submission date communication from the applicant. However DMRC reserves the right to call for additional information/clarifications. Applicants should furnish the requirements within such time as may be permitted by DMRC.
- 3.3 The Applicant as a token of acceptance of all conditions, shall be required to sign and stamp on every page of the Application Document including addendum/reply to query (if any), Annexures provided herewith and any other submissions made by the Applicant.
- 3.4 This Application Document constitutes no form of commitment on the part of DMRC Ltd., whether in respect of the Technical Evaluation and Auction process or otherwise. Furthermore, this Application Document confers neither the right nor the expectation on any Applicant to participate in the Auction process for allotment of nominated sites for kiosks.
- 3.5 DMRC Ltd. reserves the right to reject any or all the applications if it considers necessary to do so, and/or to withdraw from the Technical Evaluation and/or Auction process or to vary any of the terms at any time without giving any reason. Nothing contained herein shall confer right upon the Applicant or any obligation upon DMRC.
- 3.6 Nothing in this Application Document or any communication issued by DMRC Ltd. shall be taken as constituting an agreement, offer, acceptance, warranty, covenant, confirmation or representation to the recipient or any other party.
- 3.7 The application prepared by the applicant and all correspondence / documents relating to the tender exchanged between the applicant and DMRC Ltd. shall be in English language.
- 3.8 For the purpose only, categories of commercial usage as defined in Master Plan of Delhi, 2021 shall be considered as 'Commercial'.

#### **4.0 CONSTITUTION OF CONSORTIUM**

- 4.1 There can be a maximum of three members in a consortium.
- 4.2 The Technical capabilities of only those members with equity stake equal to or greater than 26% in the Consortium shall be considered relevant for evaluation. It is clarified that the technical experience of any other group / company or holding company or subsidiary company of any bidder / consortium member shall not be considered for evaluation unless such company is also a part of the consortium with minimum 26% stake in the shareholding of the consortium.
- 4.3 **Lead member should satisfy the technical capability as required in Para 6.0 of the application document. Only on satisfying all the technical requirements, will a Consortium be technically qualified & shall become eligible for participating in auction process.**
- 4.4 Each consortium must specify the proposed equity shareholding and nominate a Lead Member of the consortium. This shall be enshrined in the Memorandum of Agreement signed by all consortium members & submitted along with the application document. The consortium agreement (Annexure-5) should be on non-judicial stamp paper signed by each & every authorized signatory along with their copy of authorized Power of Attorney duly notarized.
- 4.5 If the successful applicant is a consortium of firms, the License Agreement shall be signed with entire consortium i.e. all the consortium members shall be party to the License Agreement.
- 4.6 There will be no change in the consortium's proposed shareholding structure in the submitted application, till the completion of the project.
- 4.7 All members of the Consortium shall be liable, jointly and severally, for the execution of the project in accordance with the terms of the License Agreement.
- 4.8 Any individual applicant or member of a consortium cannot be a member in another consortium and participate in this tender.

#### **5.0 ALLOTMENT PROCESS**

- 5.1 The Allotment process involves the following two stages: -
- i) Stage-1 – Technical Evaluation
  - ii) Stage-2 – Auction of nominated sites for kiosks among the technically qualified Applicants.
- It shall be noted that only technically qualified Applicants, as declared by DMRC, conforming to requirements as laid in 6.0 below shall be called for Auction.
- 5.2 As a result of Technical Evaluation, successful applicants will be intimated about Date/Time of the Auction Process. Auction Process may take 2–3 days. Applicants are requested to remain in touch with DMRC website [www.delhimetrorail.com](http://www.delhimetrorail.com) for latest updates.
- 5.3 This application document neither confers any right nor the expectation on any applicant to participate in the auction process. Furthermore, participation in the auction process constitutes no form of commitment on the part of DMRC, whether in respect of the selection of successful applicant for allotment of nominated site for kiosk or otherwise.

## 6.0 TECHNICAL CRITERIA

### 6.1 A. FOOD KIOSK CATEGORY

The technical requirements are as under: -

i)	The firm should be registered under food and / or beverages business in India for 5 or more years. (Applicants to provide a copy of Certificate of Incorporation with Memorandum and Article of Association of their company or copy of valid Trade License(s) issued from concerned Municipal Authorities should be attached)
ii)	The firm should have valid ISO:22000 or FSSC:22000 or HACCP or SQF:1000/2000 certification. (Copy to be provided)
iii)	The firm should have at least 25 PFA (Prevention of Food Adulteration) certified F&B outlets operational in India. (Copy of valid certificates (25 nos., outlet specific) from concerned Municipal Authorities should be attached)
iv)	The firm should have valid Health license. (Copy of valid Health license only from concerned Municipal Authority to be attached)

### B. NON-FOOD KIOSK CATEGORY

The technical requirements are as under: -

i)	The firm should have been in retail business for the last 3 years. (valid Trade License, confirming business period, issued from concerned Municipal Authority should be attached)
ii)	The firm should have 25 outlets operational in India or abroad. (Valid Trade license issued from concerned municipal authority for individual sites should be attached)

6.2 The cut-off date for determining the technical criteria/evaluation shall be the date of submission of Application Document (Stage-1).

6.3 An applicant may apply either for Food Kiosk Category / Non-Food Kiosk Category only.

6.4 The applicant shall furnish an affidavit, as in Annexure-2, on Non Judicial Stamp paper of Rs.10/-, duly attested by Notary Public.

## 7.0 INSTRUCTIONS TO APPLICANTS

7.1 At any time prior to the application submission, DMRC may, for any reason, whether at its own initiative or in response to query requested by any Applicant, may modify the Application Document through issuance of an Addendum. The same will be uploaded on DMRC website [www.delhimetrorail.com](http://www.delhimetrorail.com). All prospective applicants are requested to remain in touch with DMRC website [www.delhimetrorail.com](http://www.delhimetrorail.com) for updates.

7.2 In order to give the Applicants reasonable time in which to take an Addendum into account or for any other reason, DMRC may, at its discretion, extend the date & time of submission of Application Document. Applicants are advised to remain in touch with DMRC website for latest updates regarding the Technical Evaluation / Auction process.

7.3 While DMRC shall adhere to the dates mentioned in the notice, it reserves the right to change, modify or put on hold or terminate this schedule without assigning any reasons whatsoever.

- 7.4 For submissions by applicants, the Application Document, Addendums (if any), Response to Query (if any) and other submissions shall be numbered, signed & stamped on each page by the Applicant / 'Authorised Signatory' of the Applicant. Applicants are also required to submit a supporting Power of Attorney authorizing the Signatory of the Application to commit the Applicant and agreeing to ratify all acts, deeds & things lawfully done by the said attorney. In case of a Consortium the Application shall be signed by the Authorised Signatory of the Lead Member and the Power of Attorney shall be signed by all members of the Consortium & shall be legally binding on all of them.
- 7.5 Application Document, complete in all respects, shall be deposited in the Application submission box kept for the purpose by 1200 Hrs. only (as per master clock of DMRC), on the specified date of submission of Application Document at the office of JGM/Marketing/O&M, Right Wing, 4<sup>th</sup> Floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001.
- 7.6 The Application Document duly completed in one big sealed envelope, Technical Bid (Application Document along with addendum (if any), Response to Query (if any) and other submissions duly signed, numbered & stamped on each page) in sealed envelope No.1 "duly marked as Technical Bid" and Application Security Money (EMD) of Rs.50,000 (Rupees Fifty Thousand Only) & Application Document Cost of Rs.5,250/- (if applicable) in the form of Demand Draft/Pay Order in favor of Delhi Metro Rail Corporation Ltd., payable at Delhi, in envelope No.2 duly marked as Earnest Money Deposit, shall be deposited in the Application submission box kept in the Office of Jt. General Manager/Marketing/O&M, Right Wing, 4<sup>th</sup> Floor, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001.
- 7.7 Any Applicant, who submits or participates in more than one Application shall be disqualified and shall also cause disqualification of all the Consortia in which it is a Member.
- 7.8 The applicant shall bear all costs associated with the preparation of the application & DMRC Ltd. will in no case be responsible or liable for these costs, regardless of the conduct or outcome of Technical Evaluation/Auction Process.
- 7.9 DMRC reserves the right to out rightly reject conditional applications without assigning any reason whatsoever.
- 7.10 The decision of DMRC on applicants who qualify Technical Criteria will be final and no queries or clarifications by an Applicant will be entertained in the matter.
- 7.11 Where the application document has been downloaded, the Applicant undertakes not to tamper/alter/correct/modify the application document in any manner whatsoever. DMRC will out rightly reject the applicant in case it is found at any time that the application document has been tampered/modified/ altered in any manner & in such a case DMRC reserves the right to cancel the Application / License Agreement, forfeiting all amounts lying with DMRC & also take necessary legal action. The applicant voluntarily & unequivocally agrees not to seek any claim, compensation, damages or any other consideration whatsoever, in case DMRC takes necessary appropriate action in this regard.
- 7.12 Application shall not be modified or withdrawn by the Applicant after the date of submission of application. Withdrawal of an application during the interval

between date of application submission and expiration of the Application Validity Period would result in forfeiture of the Application Security Money (EMD) / Auction Security Money.

#### **8.0 APPLICATION VALIDITY**

The Application shall be kept valid for **180 days** from the date of submission by the applicant. In exceptional circumstances, prior to expiry of the application validity period, DMRC may request the applicants for a specified extension in the period of validity of the Application. The request and the response thereto shall be made in writing or by telefax. An applicant may refuse the request without forfeiting his Application Security Money (EMD). An Applicant agreeing to the request, shall not be required or permitted to modify his application but will be required to extend the validity of his Application correspondingly.

#### **9.0 STAGE-2 (AUCTION OF NOMINATED SITES FOR KIOSKS)**

The procedure for auction of nominated sites for kiosks has been incorporated in the Bid Form for Auction of Nominated Sites for Kiosks (Stage-2). Further the Bid Form for Auction of Nominated Sites for Kiosks contains information on nominated sites for kiosks, location plans of such sites, draft license agreement, procedure for release of electricity supply etc.

The Bid Form for Auction of Nominated Sites for Kiosks uploaded on the website is for reference only and need not be submitted along with the Application for technical evaluation (Stage-1). However, applicants must go through the Bid Form for Auction of Nominated Sites for Kiosks (Stage-2) prior to submitting the application on technical evaluation.

#### **10.0 UNSUCCESSFUL APPLICANTS**

DMRC shall return Application Security Money (EMD) received from the Applicants who are not qualified in Stage-1 of the Technical Evaluation, within 30 (Thirty) days from the date of declaration of Stage-1 result of technical evaluation. The Application Security Money (EMD) shall be returned without payment of any interest.

**LIST OF USAGES BANNED**

1. Any Product / Service, the sale of which is unlawful / illegal or deemed unlawful under any Indian act or legislation
2. Any product the storage and sale of which may lead to or be considered as a fire hazard; such as fire crackers, industrial explosives, chemicals etc.
3. Storage and Sale of liquor and alcohol based drinks or beverages.
4. Sale of tobacco and tobacco products.
5. Gas based / Coal based cooking strictly prohibited.
6. ATM / Retail banking is not allowed.

**AFFIDAVIT**

**(To be given separately by each Applicant / each member, in case of Applicant being Consortium, on Stamp Paper of Rs.10/-)**

I, \_\_\_\_\_ S/o \_\_\_\_\_, Resident of \_\_\_\_\_, the \_\_\_\_\_ [insert designation] of the \_\_\_\_\_ [insert name of single Applicant/consortium member if consortium] do solemnly affirm and state as follows: -

1. I say that I am the authorized signatory of \_\_\_\_\_ [insert name of Applicant/consortium member] (hereinafter referred to as Applicant/Consortium Member) and/or I am duly authorized by the Board of Directors of the Applicant/Consortium Member to swear and depose this Affidavit on behalf of the Applicant/Consortium Member.  
I say that I have submitted the information with respect to our technical eligibility for allotment of nominated sites for kiosks at stations of various sections of Delhi Metro and I further state that all the said information submitted by us is accurate, true and correct and is based on the records available with us.
2. I say that, we hereby also authorize and request any authority, person or firm to furnish any information, which may be requested by DMRC to verify our credentials/information provided by us under this application and as may be deemed necessary by DMRC.
3. I say that if at any point of time including the license period & in case DMRC requests any further/additional information regarding our financial and/or technical capabilities, or any other relevant information, we shall promptly and immediately make available such information accurately and correctly to the satisfaction of DMRC.
4. I say that, we fully acknowledge and understand that furnishing of any false or misleading information by us in our application shall entitle us to be disqualified from the allotment process. The costs and risks for such disqualification shall be entirely borne by us.
5. I state that all the terms and conditions of the application document have been duly complied with.
6. I state that I have never been blacklisted by any Government Body/PSU or any corporate entity.
7. I undertook to handover the peaceful possession of the kiosk to DMRC upon termination/surrender/completion of the license period.

DEPONENT

**VERIFICATION**

I, the above-named deponent, do verify that the contents of paragraphs 1 to 7 of this affidavit are true and correct to my own knowledge. No part of it is false and nothing material has been concealed.

Verified at \_\_\_\_\_, on this \_\_\_\_ day of \_\_\_\_\_, 2012.

DEPONENT

**LETTER OF APPLICATION & INTEREST**  
**(To be submitted and signed by the applicant or lead member in case of applicant being Consortium or authorised signatory)**

To

**The JGM/Marketing/O&M**  
**Delhi Metro Rail Corp. Ltd.**  
Right Wing, 4<sup>th</sup> Floor,  
Metro Bhawan,  
Fire Brigade Lane,  
Barakhambha Road  
New Delhi-110001

**Sub: - Application for technical eligibility on allotment of nominated sites for kiosks at stations of various sections of Delhi Metro**

Sir,

1. Being duly authorized to represent and act for and on behalf of \_\_\_\_\_ (herein the applicant), and having studied and fully understood all the information provided in the Application Document, the undersigned hereby apply for technical eligibility on allotment of nominated sites for kiosks at stations of various sections of Delhi Metro according to the terms & conditions of the offer made by DMRC.
2. Our Technical Bid is as per the requisite requirements along with the supporting documents, duly filled, signed, stamped and numbered on each page are enclosed in separate sealed envelope (Envelop No.1) as specified.
3. The Application Security Money (EMD) of Rs.50,000/- and Application Document Cost of Rs.5,250/- (if applicable) is enclosed in the Envelope No.2 marked 'Earnest Money Deposit'.
4. DMRC Ltd. and its authorized representatives are hereby authorized to conduct any inquiry/investigation to verify the statements, documents & information submitted in connection with the application and to seek clarifications on technical aspects. This letter of application will also serve as authorization to any individual or authorized representative of any institution referred to in the supporting information, to provide such information deemed necessary and requested by yourselves to verify statements and information provided in the application or with regard to the resources, experience and competence of the applicant.
5. DMRC and its authorized representatives may contact the following person(s) for any further information:  
Name of the person (s): .....  
Address: .....  
.....  
.....  
Phone/Mobile: .....; Fax: .....
6. This application is made with full understanding that: -  
(a) Application Document will be subject to verification of all information submitted.

- (b) DMRC reserves the right to reject or accept any Application, cancel the Auction, and / or reject all Applications.
- (c) DMRC shall not be liable for any of the above actions and shall be under no obligation to inform the applicant of the same.
7. We, the undersigned declare that the statements made and the information provided in the duly completed application form enclosed are complete true and correct in every detail.
8. We hereby confirm that we have read, understood and accepted all the terms & conditions of this Application and related Information as required for the technical eligibility on allotment of nominated sites for kiosks.
9. We agree to keep our offer valid for 180 days from the date of application submission thereof and not to make any modifications in its terms and conditions, which are not acceptable to the DMRC Ltd. Should this Proposal be accepted, we hereby agree to abide by and fulfill all the terms, conditions and provisions of the aforesaid documents.
10. This application is made with the full understanding that the validity of application submitted by us will be subject to verification of all information, terms and conditions submitted at the time of submission of application document and it's final acceptance by DMRC. We agree that, without prejudice to any other right or remedy, DMRC shall be at liberty to forfeit the said EMD absolutely.

Authorised signatory  
Name and seal of Applicant

Date :  
Place :

**Enclosures: -**

- (i) The Application Security Money (EMD) of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) in the form of Demand Draft/Pay Order No. \_\_\_\_\_ dated \_\_\_\_\_ drawn from \_\_\_\_\_ (bank) and Application Document Cost (if applicable) of Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_) in the form of Demand Draft/Pay Order No. \_\_\_\_\_ dated \_\_\_\_\_ drawn from \_\_\_\_\_ (bank) in Envelop No.2.
- (ii) Power of Attorney for Signing of Application (Format given in Annexure-6)/ Board Resolution in favour of the Authorized Signatory.
- (iii) Memorandum of Agreement (MOA) in case of a Consortium.
- (iv) Relevant Submissions as required.

**GENERAL INFORMATION OF THE APPLICANT**

1. (a) Name of the Applicant :
- (b) Country of Incorporation (in case of Firm) :
- (c) Address of the corporate headquarters and its branch office(s), if any, in India :
  
2. Details of individual(s) who will serve as the point of contact / communication for DMRC within the Company:
  - (a) Name :
  - (b) Designation :
  - (c) Company :
  - (d) Address :
  - (e) Telephone/Mobile Number :
  - (f) Fax Number :
  - (g) E-Mail Address :
  
3. In case of Consortium:
  - (a) The information above (1 & 2) should be provided for all the members of the consortium.
  - (b) Information regarding the role of each member should be provided:

<b>S/N</b>	<b>Consortium Member Name</b>	<b>Equity Stake (%) in the Consortium</b>	<b>Role of the Member in the Consortium (i.e. whether Lead Member/Member)</b>
1.			
2.			
3.			

Signed

(Name of the Authorised Signatory)

For and on behalf of

(Name of the Applicant / Lead Member)

Designation :  
 Place :  
 Date :

## CONSORTIUM AGREEMENT/MEMORANDUM OF AGREEMENT

This Consortium Agreement/Memorandum of Agreement is executed at New Delhi on this \_\_\_\_\_ day of \_\_\_\_\_, 2012

BETWEEN

M/s \_\_\_\_\_, a Company incorporated under the Companies Act, 1956 and having its Registered Office at \_\_\_\_\_ acting through its \_\_\_\_\_ duly authorized by a resolution of the Board of Directors dated \_\_\_\_\_ (hereinafter referred to as the 'LEAD MEMBER' which expression unless excluded by or repugnant to the subject or context be deemed to mean and include its successors in interest, legal representatives, administrators, nominees and assigns) of the ONE Part;

AND

M/s \_\_\_\_\_, a Company incorporated under the Companies Act, 1956 and having its Registered Office at \_\_\_\_\_ and acting through its \_\_\_\_\_, duly authorized by a resolution of the Board of Directors dated \_\_\_\_\_ (hereinafter referred to as the ('Participant member') which expression unless excluded by or repugnant to the subject or context be deemed to mean and include its successors in interest, legal representatives, administrators, nominees and assigns) of the OTHER/SECOND PART

[AND

M/s \_\_\_\_\_, a Company incorporated under the Companies Act, 1956 and having its Registered Office at \_\_\_\_\_ and acting through its \_\_\_\_\_, duly authorized by a resolution of the Board of Directors dated \_\_\_\_\_ (hereinafter referred to as the ('Participant member') which expression unless excluded by or repugnant to the subject or context be deemed to mean and include its successors in interest, legal representatives, administrators, nominees and assigns) of the THIRD PART]

Whereas Delhi Metro Rail Corporation Limited (hereinafter referred to as 'DMRC') has invited Applications for technical eligibility on allotment of nominated sites for kiosks at stations of various sections of Delhi Metro in terms of the Application Document issued for the said purpose and the eligibility conditions required that the applicants participating for the same should meet the conditions stipulated by DMRC for participation by the Consortium for handling the project for which the Application Document has been floated by DMRC.

AND WHEREAS in terms of this application document, Lead Member satisfy the Technical Criteria laid down for an applicant for participating in the process and formed a Consortium between/among themselves.

AND WHEREAS the parties hereto have discussed and agreed to form a Consortium for participating in the aforesaid application and have decided to deduce the agreed terms to writing.

**NOW THIS CONSORTIUM AGREEMENT/MEMORANDUM OF AGREEMENT HEREBY WITNESSES:**

1. That in the premises contained herein the Lead Member and the Participant Member(s) having decided to pool their technical know-how, working experiences and financial resources, have formed themselves into a Consortium to participate in the process for technical eligibility on allotment of nominated sites for kiosks at stations of various sections of Delhi Metro in terms of the applications invited by Delhi Metro Rail Corporation Ltd., (DMRC).
2. That the members of the Consortium have represented and assured each other that they shall abide by and be bound by the terms and conditions stipulated by DMRC for determining the technical eligibility of the Consortium so that the Consortium may take up the aforesaid Applications for allotment of nominated sites at stations of various sections of Delhi Metro in case the Consortium turns out to be the successful bidder in the Auction being done by DMRC for the said purpose.
3. That the members of the Consortium have satisfied themselves that the lead member fulfills the Technical Criteria stipulated for an applicant & to participate in the Auction for allotment of nominated sites for kiosks at stations of various sections of Delhi Metro.
4. That the Consortium have agreed to nominate \_\_\_\_\_ as the common representative who shall be authorized to represent the Consortium for all intents and purposes for dealing with DMRC and for submitting the bid as well as doing all other acts and things necessary for submission of application document, mandatory information, Bid Form etc., and such other documents as may be necessary for this purpose.
5. That the share holding of the members of the Consortium for this specified purpose shall be as follows:
  - (i) The Lead Member \_\_\_\_\_ shall have \_\_\_\_per cent (\_\_\_\_%) of share holding with reference to the Consortium for this specified project.
  - (ii) The Participant Member \_\_\_\_\_ shall have \_\_\_\_ (\_\_\_\_%) of share holding with reference to the Consortium for this specified project.
  - (iii) [The Participant Member \_\_\_\_\_ shall have \_\_\_\_ (\_\_\_\_%) of share holding with reference to the Consortium for this specified project.]
6. That in order to fulfill the requirement of the allotment process and also keep an altogether separate legal entity of the Consortium, the Members of the Consortium undertake to provide their own nominees as share holders to the extent of their respective share holding for the purpose of formation of a Special Purpose Company (SPC) through which the Consortium proposes to undertake the work.
7. That in case to meet the requirements of bid documents or any other stipulations of DMRC, it becomes necessary to execute and record any other documents amongst the members of the Consortium, they undertake to do the needful and to participate in the same for the purpose of the said project.

8. That it is clarified by and between the members of the Consortium that execution to this Consortium Agreement/Memorandum of Agreement by the members of the Consortium does not constitute any type of partnership for the purposes of provisions of the Indian Partnership Act and that the members of the Consortium shall otherwise be free to carry on their independent business or commercial activities for their own respective benefits under their own respective names and styles. This Consortium Agreement is limited in its operation to the specified project.
9. That the Members of the Consortium undertake to specify their respective roles and responsibilities for the purposes of implementation of this Consortium Agreement and the said project if awarded to the Consortium in the Memorandum & Articles of Association of the proposed Special Purpose Company to be got incorporated by the Consortium Members to meet the requirements and stipulations of DMRC.

IN FAITH AND TESTIMONY WHEREOF THE PARTIES HERETO HAVE SIGNED THESE PRESENTS ON THE DATE, MONTH AND YEAR FIRST ABOVE WRITTEN.

1. ( \_\_\_\_\_ )  
Authorized Signatory  
( \_\_\_\_\_ )  
For (Name of company)
2. ( \_\_\_\_\_ )  
Authorized Signatory  
( \_\_\_\_\_ )  
For (Name of company)
3. ( \_\_\_\_\_ )  
Authorized Signatory  
( \_\_\_\_\_ )  
For (Name of company)

*Enclosure:* Board resolution of each of the Consortium Members authorizing:

- (i) Execution of the Consortium Agreement, and
- (ii) Appointing the authorized signatory for such purpose.

**FORMAT FOR POWER OF ATTORNEY FOR SIGNING OF APPLICATION**

Know all men by these presents, We \_\_\_\_\_  
(name and address of the registered office) do hereby constitute, appoint & authorise  
Mr./Ms. \_\_\_\_\_ (name and residential address)  
who is presently employed with us and holding the position of \_\_\_\_\_  
as our attorney, to do in our name and on our behalf, all such acts, deeds and things  
necessary in connection with or incidental to our Application / Bid for the project,  
including signing and submission of all documents and providing information /  
responses to DMRC, representing us in all matters before DMRC, and generally  
dealing with DMRC in all matters in connection with our Application / Bid for the said  
Project.

We hereby agree to ratify all acts, deeds and things lawfully done by our said  
attorney pursuant to this Power of Attorney and that all acts, deeds and things done  
by our aforesaid attorney shall and shall always be deemed to have been done by  
us.

For

\_\_\_\_\_

Accepted

\_\_\_\_\_ (signature)

(Name, Title and Address) of the Attorney

**Note: -**

- *The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executant(s) and when it is so required the same should be under common seal affixed in accordance with the required procedure.*