

REVISED NOTICE INVITING TENDER (NIT) DATED 20.07.2015

1.1 GENERAL

1.1.1 Name of Work:

Delhi Metro Rail Corporation (DMRC) Ltd. invites Open e-Tenders on International Competitive Basis (ICB) basis from eligible applicants from all countries and all areas, who fulfil *qualification criteria* as stipulated in clause 1.1.4 of NIT, for the scope

“Contract CT-15: Supply of Fastening System for Extension of Delhi Metro System to Kalindee Kunj- Botanical Garden, Escorts Mujesar- Ballabhgarh, Dilshad Garden- Ghaziabad Bus Adda and Noida City Centre- Sector 62 Noida Corridors for Phase -III”

The fastening system is to conform to the Performance Criteria issued by Ministry of Railways, Government of India vide their letter no. 2009/Proj/MAS/9/2 dated 21.05.2010 and the proposed fastening system **must have** the approval of the Ministry of Railways, Government of India. The bidder shall submit the copy of the approval of Ministry of Railways along with compliance on the observations, if any, appended by the Ministry of Railways while according its approval. The proposed fastening system must have satisfactory performance on established Metro Rail System or on Mainline. The tenderer shall submit the technical details and test reports to substantiate the compliance of performance & criteria.

1.1.2 Key details :-

Approximate Cost of work	INR 47.31 Cr.
Tender Security amount	INR 94.62 Lakhs.
Expected Completion period of the Work *	12 months
Tender documents on sale	From 10.06.2015 to 21.07.2015 <u>04.08.2015</u> (upto 11:00 hrs) on e-tendering website www.tenderwizard.com/DMRC Tender document can only be obtained after registration of tenderer on the website www.tenderwizard.com/DMRC . For further information on this regard bidders are advised to contact on 011-49424307, 011-49424365 or 011-23417910
Cost of Tender documents	INR 21,000/- (inclusive of 5% DVAT) Non-Refundable (Demand Draft /Banker's cheque) in favour of "Delhi Metro Rail Corporation Ltd" payable at New Delhi.) Cost of tender documents i.e, D.D./Banker's cheque, in original, shall be accepted only up to

	15:00 hours on 21-07-2015 04.08.2015 in the office of Executive Director/Contracts at below mentioned address.
Pre-bid Meeting	25.06.2015 @ 1100 Hrs
Last date of Seeking Clarification	26.06.2015 (Queries from bidders after due date shall not be acknowledged)
Last date of issuing addendum	06.07.2015
Date & time of Submission of Tender	21-07-2015 04.08.2015 @ 15:00 Hrs.
Date & time of opening of Tender	21-07-2015 04.08.2015 @ 15:05 Hrs.
Authority and place for purchase of tender documents, seeking clarifications and submission of completed tender documents	Executive Director/Contracts, Delhi Metro Rail Corporation, 5th floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001

1.1.3 **Source of Funds:** This is a NON-JICA funded contract.

1.1.4 **QUALIFICATION CRITERIA :**

1.1.4.1 **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 1.1.4 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. The JV or Consortium shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the JV or Consortium during the tendering process and, in the event the JV or Consortium is awarded the Contract, during contract execution.
- II. (a) A Tenderer and in case of JV or Consortium, all partners constituting the Tenderer may be from any country and all areas.
(b) A tenderer shall submit only one bid in the same tendering process, either individually as a tenderer or as a partner of a JV. A tenderer who submits or participates in, more than one bid will cause all of the proposals in which the tenderer has participated to be disqualified. No tenderer can be a subcontractor while submitting a bid individually or as a partner of a JV in the same bidding process. A tenderer, if acting in the capacity of subcontractor in any bid, may participate in more than one bid, but only in that capacity.
- III. Tenderers shall not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Tenderers shall be considered to have a conflict of interest with one or more parties in this bidding process, if:
 - a) a tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for on

- implementation of the project;
- b) a tenderer is any associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
 - c) a tenderer lends, or temporarily seconds its personnel to firms or organisations which are engaged in consulting services for the preparation related to procurement for on implementation of the project, if the personnel would be involved in any capacity on the same project.
- IV. A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in joint venture/Consortium.
- V. Any Central / State government department / public sector undertaking / other government entity or local body must not have banned business with the tenderer (any member in case of JV) as on the date of tender submission. Also no contract of the tenderer should have been rescinded / terminated by DMRC after award during last 5 years due to non-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in - **Appendix 19** of Form of Tender.
- VI. 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 penalty of 10% (or more) of the contract value due to any other reason during last five years. The tenderer should submit undertaking to this effect in **Appendix-20** of Form of Tender.
- VII. Tenderer (any member in case of JV/consortium) must not have suffered bankruptcy/ insolvency during the last 5 years. The tenderer should submit undertaking to this effect in **Appendix-21** of Form of Tender.
- VIII. LEAD PARTNER/NON SUBSTANTIAL PARTNERS/CHANGE IN JV/CONSORTIUM**
- a. Lead partner must have a minimum of 26% participation in the JV/Consortium.
 - b. Partners having less than 26% participation will be termed as non-substantial partner and will not be considered for evaluation which means that their financial soundness and work experience shall not be considered for evaluation of JV/Consortium.
 - c. In case of JV/Consortium, change in constitution or percentage participation shall not be permitted at any stage after their submission of application otherwise the applicant shall be treated as non-responsive.
 - d. The tenderer, in case of JV/Consortium, shall clearly and unambiguously define the role and responsibilities for each substantial/non-substantial partner in the JV agreement/ MOU submitted vide foot note (d) of Appendix 6 of Form of Tender, providing clearly that any abrogation/subsequent re-assignment of any responsibility by any substantive/non-substantive partner of JV/Consortium in favour of other JV/Consortium partner or any change in constitution of partners of JV/Consortium (without written approval of Employer) from the one given in JV agreement/MOU at tender stage, will be treated, as 'breach of contract condition' and/or 'concealment of facts' (as the case may be), and acted accordingly.
- The Employer in such cases, may in its sole discretion take action against any member(s) for failure in tenderer's obligation and declare that member(s) of JV/Consortium ineligible for award of any tender in DMRC or take action to terminate the contract in part or whole.
- IX. A Tenderer and all partners constituting the Tenderer shall confirm Non-performance

of a contract did not occur within the last two (2) years prior to the deadline for application submission based on all information on fully settled disputes or litigation (as per Appendix 18 of FOT). A fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective contract and where all appeal instances available to the Applicant have been exhausted.

1.1.4.2 **Minimum Eligibility Criteria :**

(All values in Indian Rupees), (1 Crore = 10 million)

A. Work Experience: The tenderers will be qualified only if they have completed work(s) during last ten years ending **30.06.2015** as given below:

(i) At least one “**similar work**” ** each of value of **Rs. 37.85 crores** or more.

OR

(ii) Two “**similar works**” ** each of value of **Rs. 23.66 crores** or more.

OR

(iii) Three “**similar works**” ** each of value of **Rs.18.92 crores** or more.

*If the bidder is a JV/Consortium and has a foreign partner and above work(s) have been done by the foreign partner of JV and such work(s) were done in the country of the foreign partner then in addition to this, the foreign partner must have done at least one work of value **Rs. 18.92 crores** or more of **similar nature***

**** “Similar works” for this contract shall be work of Supply of fastening system for ballastless track either on MRTS or passenger Railway System**

- The tenderer shall submit details of works executed by them in the Performa of **Appendix 11 & 12 of FOT** 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 also be submitted.
- Value of successfully completed portion of any ongoing work up to **30.06.2015** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **30.06.2015** price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year. The exchange rate of foreign currency shall be applicable 28 days before the submission date of tender.

In case of joint venture / Consortium, full value of the work, if done by the same joint venture shall be considered. However, if the qualifying work(s) were done by them in JV/Consortium having different constituents, then the value of work as per their percentage participation in such JV/Consortium shall be considered.

B. - Financial Standing:

The Tenderers will be qualified only if they have minimum financial capabilities as below:

- (i) **T1 – Liquidity** It is necessary that the firm can withstand cash flow that the contract will require until payments received from the Employer. Liquidity therefore becomes an important consideration.

This shall be seen from the balance sheets and/or from the banking reference. Net current assets and/or documents including banking reference, should show that the applicant has access to or has available liquid assets, lines of credit and other financial means to meet cash flow of **Rs. 6.76 Crores** for this contract, net of applicant's commitments for other Contracts. Banking reference should contain in clear terms the amount that bank will be in a position to lend for this work to the applicant/member of the Joint Venture/Consortium. In case the Net Current Assets (as seen from the Balance Sheets) are negative, only the Banking references will be considered. Otherwise the aggregate of the Net Current Assets and submitted Banking references will be considered for working out the Liquidity.

The banking reference should be from a Scheduled Bank in India or (in case of foreign parties) from an international bank of repute acceptable to DMRC as **per standard performa provided in ITT as Annexure-8** and it should not be more than 3 months old as on date of submission of bids.

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

Example: Let member-1 has percentage participation=M and member-2 has percentage participation=N. If minimum liquidity required is 'W' then liquidity of member-1 $\geq \frac{W}{M}$ and

$$\frac{100}{\text{liquidity of member-2}} \geq \frac{W}{N}$$

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

In Case of JV/JVA/Consortium - The profitability of only lead member shall be evaluated.

- (iii) **T3 - Net Worth:** Net Worth of tenderer during last audited financial year should be **>Rs. 9.46 Crores**

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

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

$$=AM+BN$$

100

- (iv) **T4 - Annual Turnover:** The average annual turnover of last **five financial years** should be ≥ 37.85 Cr.

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

Example: Let Member-1 has percentage participation = M and Member - 2 has =N. Let the average annual turnover of Member-1 is 'A' and that of Member-2 is 'B', then the average annual turnover of JV/JVA/Consortium will be

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

Notes:

- Financial data for latest last five audited financial years has to be submitted by the tenderer in **APPENDIX 13** OF FOT along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature. In 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.
- C. The fastening system for the ballast less track proposed to be supplied by the tenderer under this contract is to conform to the Performance Criteria issued by Ministry of Railways, Government of India vide their letter no. 2009/Proj/MAS/9/2 dated 21.05.2010 and the proposed fastening system must have the approval of the Ministry of Railways, Government of India as **on date of opening of Bid**. The proposed fastening system must have satisfactory performance on established Metro Rail System or on Mainline. The tenderer shall submit the technical details and test reports to substantiate the compliance of performance & criteria.

The bidder shall submit the Documentary proof of the approval of Ministry of Railways as above, failing which the tender shall be rejected.

1.1.4.3 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:

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 construction works executed in any one year during the last five financial years (updated to **30.06.2015** 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 30.06.2015**) for on-going construction works during period of **12 months w.e.f. 01.07.2015**.

Notes:

- Financial data for latest last five financial years has to be submitted by the tenderer in **APPENDIX 14 of FOT** along with audited financial statements. The financial data in the prescribed format shall be certified by the Chartered Accountant with his stamp and signature in original.
- Value of existing commitments for on-going construction works during period of **12 months** w.e.f. **01.07.2015** has to be submitted by the tenderer in **APPENDIX 15 OF FOT**. These data shall be certified by the Chartered Accountant with his stamp and signature in original

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 % is not provided, equal participation will be assumed.

Example for calculation of bid capacity in case of JV / Group

Suppose there are 'P' and 'Q' members of the JV / group with their participation in the JV / group as 70% and 30% respectively and available bid capacity of these members as per above formula individually works out 'X' and 'Y' respectively, then Bid Capacity of JV / group shall be as under:

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

- 1.1.4.3.1 The tender submission of Tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.4.2 to 1.1.4.3 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.4.2 to 1.1.4.3 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.
- 1.1.5 The Tender documents consist of **3 volumes** in respect of Contractual, Technical, Financial matters and related information as follows:
- 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)
 - Technical Specifications (including Annexures)
- Volume 3**
- Bill of Quantities
- 1.1.6 The Tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the authority defined in the Key details above.
- 1.1.7 The intending tenderers must be registered on e-tendering portal www.tenderwizard.com/DMRC. Those who are not registered on the e-tendering portal shall be required to get registered beforehand. If needed they can be imparted training on 'online tendering process'. After registration the tenderer will get user id

and password. On login tenderer can participate in tendering process and can witness various activities of the process.

- 1.1.8 The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid *class-III* digital signature. The tender document can only be downloaded or uploaded using Class-III digital signature of the authorized signatory.
- 1.1.9 Tender submissions will be made online after uploading the mandatory scanned documents towards cost of tender documents such as Demand Draft or Pay Order or Banker's Cheque from a Scheduled commercial bank based in India and towards Tender Security such as Bank Guarantee or Demand Draft or Pay Order or Banker's Cheque from a Scheduled commercial bank based in India and other documents as stated in the tender document.
- 1.1.10 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.
- 1.1.11 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.1.12 Tenders shall be valid for a period of **180 days** (both days inclusive i.e. the date of submission of tender and the last date of period of validity of the tender) from the date of submission of Tenders and shall be accompanied with a tender security of the requisite amount as per clause C18 of ITT.
- 1.1.13 DMRC reserves the right to accept or reject any or all proposals without assigning any reasons. No tenderer shall have any cause of action or claim against the DMRC for rejection of his proposal.
- 1.1.14 Bidders shall note that the maximum file size that can be uploaded is 5 MB. All the uploaded files in tender submission should be named properly and arrange systematically
- 1.1.15 The bidders are advised to keep in touch with e-tendering portal www.tenderwizard.com/DMRC for updates.

Executive Director (Contracts)
Delhi Metro Rail Corporation limited