

## Notice of Invitation for Bids

### 1.1 GENERAL

#### 1.1.1 Name of Work:

Delhi Metro Rail Corporation (DMRC) Ltd. invites Open e-Tenders on Local Competitive Basis (LCB) from eligible applicants, who fulfill qualification criteria as stipulated in section III of bid documents, for the work, **Contract: CT- 38: Supply of 3500 MT 90 UTS, UIC 60, 13 m, Class "A" 880 Grade Rails, IRS-T-12-2009 for (A) DMRC Depot. Extensions at Delhi of Delhi MRTS Project and (B) Kanjur Marg Depot of Line-6 Corridor of Mumbai Metro Rail Project of MMRDA.**

#### 1.1.2 Key details:

Approximate cost of work	<b>INR 24.55 Crores</b>
Tender Security amount  <b>NOTE:</b> To avoid the spread of COVID-19, attention is drawn of the prospective bidders that they have option to submit EMDs by RTGS, NEFT & IMPS also. Accordingly, bidders are requested to exercise these options.	<b>INR 24.55 lakhs</b>  <b>Validity of Tender Security in case of BG &amp; FDR: 29.04.2021</b>  Tender Security in case of BG, FDR, Demand Draft, Banker's Cheque (in original) as per clause 21 of ITB shall be accepted only up to 1600 hrs on 02.09.2020 in the office of <b>Sr. General Manager/Contract</b> at the address mentioned hereinafter.  In case of RTGS/NEFT & IMPS transactions, bidders shall upload the scanned copies of transaction of payment of tender security/ EMD including e-receipt (clearly indicating <b>UTR no.</b> and <b>tender reference number i.e. CT-38</b> ) must be entered in the remarks at the time of online transaction of payment, falling which payment may not be considered to be uploaded in online bid submission. The detail of bank account of DMRC is mentioned below this table.  <b>Note:</b> Bidders to note that the payment of tender security shall be made from the account of bidder only however, in case of JV/ Consortium the tender security can either be paid from JV/Consortium account or one of the constituent member of JV/Consortium.  <b>Note:</b> If tender security has been made from other than the account mentioned above, same shall not be accepted and all such bids shall be considered ineligible and summarily rejected.  For further details, clause 21 of ITB may be referred
Completion period of the Work	12 months from the date of issue of Letter of Acceptance
Tender Document available for sale on website	From 30.07.2020 to 02.09.2020 (up to 1600 hrs) on e-tendering website portal <a href="https://eprocure.gov.in/eprocure/app">https://eprocure.gov.in/eprocure/app</a>  Tender document can only be obtained online after registration of tenderer on the website <a href="http://www.eprocure.gov.in/eprocure/app">www.eprocure.gov.in/eprocure/app</a> . For further information in this regard bidders are advised to contact on 011-49424307, 011-49424365 or 011-23417910, 011-23415838.

<p>Cost of Tender Documents <b>(Non-Refundable)</b></p>	<p><b>INR 23,600/-</b> (inclusive of 18% GST) (Non-Refundable)</p> <p>Payment of tender document cost/ tender fee is to be done only by RTGS, NEFT &amp; IMPS. No other mode of payment will be accepted. The detail of bank account of DMRC to facilitate the payment is mentioned below this table. The bidders will be required to upload scanned copies of transaction of payment of tender fee/tender document cost including e-receipt (clearly indicating <b>UTR no.</b> and <b>tender reference number i.e. CT-38</b>) must be entered in the remarks at the time of online transaction of payment, failing which payment may not be considered to be uploaded in online bid submission. No copies of transaction of payment are required to be sent to the office of <b>Sr. General Manager/Contract.</b></p> <p><b>Note:</b> The payment of the tender cost is acceptable from any account. However, tenderer shall submit such transaction details along with their tender submission on e-portal. If the same transaction reference number has been submitted for more than one bids. All such bids shall be considered ineligible and summarily rejected.</p> <p><b>(Copy of GST registration no. to be provided along with Tender document cost/ tender fee)</b></p>
<p>Last date of Seeking Clarification</p>	<p>13.08.2020 upto 1700 Hrs</p> <p>Bidders to note that seeking clarification on the tender shall be done by sending it either on registered official email id of DMRC i.e. <a href="mailto:gmcontracts@dmrc.org">gmcontracts@dmrc.org</a> or on e-tendering portal only.</p> <p>Seeking clarification by fax or post will not be considered. Queries/clarifications from bidders after due date and time shall not be acknowledged.</p>
<p>Pre-bid Meeting</p>	<p>19.08.2020 at 1100 hrs.</p> <p>The pre-bid meeting shall be conducted through video conferencing by software apps such as Cisco Webex, Microsoft Team, etc. All Prospective bidders shall provide the details of the person(s) (maximum up to two) who will be participating in such virtual meeting at least one day before the meeting (latest by 1700 hrs on 18.08.2020) to the registered official email of DMRC i.e. <a href="mailto:gmcontracts@dmrc.org">gmcontracts@dmrc.org</a>, so that links having details such as software, meeting ID, password etc. can be mailed to these persons at least 12 hours before the scheduled pre-bid meeting. Further, bidders are requested to send Pre-bid clarifications on the registered official email of DMRC i.e. <a href="mailto:gmcontracts@dmrc.org">gmcontracts@dmrc.org</a> latest by 1700 hrs on 13.08.2020. Queries received after 1700 hrs on 13.08.2020 shall not be entertained</p>
<p>Last date of issuing addendum, if any</p>	<p>24.08.2020</p>
<p>Tender Submission Start Date and time</p>	<p><b>26.08.2020 from 1100 Hrs.</b></p>
<p>Tender Submission End Date and time</p>	<p><b>02.09.2020 up to 1600 Hrs.</b></p>
<p>Date &amp; time of opening of Tender (Technical Bid)</p>	<p><b>03.09.2020 at 1600 Hrs.</b></p>

Authority and place for seeking clarifications & Pre-Bid Meeting tender documents	<b>Sr. GM/Contract,</b> Delhi Metro Rail Corporation Ltd. 5th Floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110001 <b>Tel:</b> 011-23415838 <b>e-mail:</b> gmcontracts@dmrc.org
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To facilitate payment of Tender Fee and Tender Security through RTGS, NEFT & IMPS, the details of bank account of DMRC is mentioned below:

Name of Bank	Bank's Address	Account Name & No.	Account Type	IFSC code
ICICI Bank	9A, Phelps Building, Connaught Place, New Delhi-110001	DMRC Ltd. Tender Cell A/C, 000705045337	Current	ICIC0000007

**1.1.3 Part-A:-** This is a **DMRC Non JICA** funded work.

**Part-B:-** This is a **MMRDA** funded work. As per the MOU signed between DMRC and MMRDA, this work is being executed by DMRC on deposit work basis wherein there is provision of Closure of Contracts and Taking Over which is reproduced as below, "Accordingly, Tenderer shall ensure due closure of this Contract for execution of works with DMRC. Tenderer shall ensure that all risks, rewards and claims associated with this contract are settled before closure of this contract. Tenderer to note above, while submitting bid with DMRC. However, if this closure is not possible within one year of Revenue Operation Date (ROD) due to arbitration etc, the further management of this contract will be handled by MMRDA".

#### 1.1.4 QUALIFICATION CRITERIA:

##### A Eligibility Criteria (Work Experience):

##### (a) For the Bidders having source of Rail manufacturing facility in the country of purchaser – Domestic Bidders

The bidder must have Rail manufacturing facility in the purchaser country. The bidder shall furnish documentary evidence to demonstrate that it meets the following experience requirement(s):

- (i) \*Supply of a minimum quantity of 35000 MT of Rails during last 07 years, out of which minimum 3500 MT of Rails supply should be of similar rail profile.

*\* Only fully completed works shall be taken into consideration for meeting work experience criteria.*

*Similar work – Supply of UIC 60, 90 UTS, 880 Grade rails conforming the specifications of IRS-T-12-2009.*

- (ii) Approval for 90 UTS/880 Grade Rails manufacturing facilities by RDSO (Ministry of Railways)
- (b) Bidder shall furnish year wise and consignee wise details of supply during last seven years ending last day of the month previous to the month of tender submission.
- (c) The bidder shall furnish the details of supplies made for the goods being procured in this contract. Details should include a performance certificate which should include purchase order details, name of purchaser, the railway projects/ MRTS Project, where used / being used, the design speed and

axle load of the section, quantity of rails supplied and period of supply. The details of address, contract person, fax / e mail is also to be furnished. In absence of the above statement / details, offer will be summarily rejected. In case design speed/axle load is not included in the client certificate, the bidder shall submit undertaking specifying design speed and axle load.

- (d) The bidder shall also furnish the
- Details of Current work commitments;
  - Plant and manufacturing capacity
  - Organisation set up
  - Statement & details of equipment and other facilities available.
  - Evidence of access to lines of credit and availability of other financial resources;
  - Quality control system and detailed quality assurance plan.
- (e) The Bidder shall furnish documentary evidence to demonstrate that the Goods it offers meet the following usage requirement(s): The rails proposed to be supplied in this bid are as per IRS-T-12-2009 Specifications (with all amendments). The bidder shall furnish clause by clause confirmation of IRS-T-12-2009 Specifications for the rails proposed to be supplied in this contract.
- (f) The bidder should submit Technical Proposal as per **Annexure B** of Technical Specification, in the absence of the same, offer will be summarily rejected.

**Notes:**

- a) Work experience of only substantial partner (partner with share of 26% or more in the JV / Consortium) shall be considered for evaluating of JV/Consortium.
- b) The tenderer shall submit details of works executed by them in the Performa of **Bidding Form 18 and 19** for the works to be considered for qualification of work experience criteria. Documentary proof of 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. All the documents or certifications which are provided by CA after 1st July, 2019, must contain UDIN thereon and the particulars of certifications must be same as mentioned on document/certification and submitted to ICAI on its website which can be verified online on <https://udin.icai.org/search-udin>.
- c) For completed works, value of work done shall be updated to last day of the month previous to the month of tender submission 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.
- d) 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.
- e) If the above work(s) (i.e. "Similar work" comprise other works, then client's certificate clearly indicating the amount of work done in respect of the "similar work" shall be furnished by the tenderer in support of work experience along with their tender submissions.
- f) Only work experience certificate having stamp of Name and Designation of officer along with the

Name of client shall be considered for evaluation. However, if any work experience certificate has been issued prior to 01.07.2019, same shall be considered for evaluation even if it is not stamped.

- g) After opening of financial bids, the work experience credentials (work experience certificate along with other documents if any) of L-1 bidder shall be sent for verification and certification to the concerned client(s). In case of any concealment or misrepresentation of facts, appropriate action(s) in accordance with Tender Conditions and "Suspension/Banning Policy, August 2019" of DMRC shall be taken. The copy of "Suspension/Banning Policy, August 2019" of DMRC can be downloaded from tender section of DMRC website i.e. [www.delhimetrorail.com](http://www.delhimetrorail.com)

**B 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 (A) of NIT. In the case of a JV or Consortium, all members of the Company / Firm 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 India only.
- (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. The payment of the tender cost is acceptable from any account. However, tenderer shall submit such transaction details along with their tender submission on e-portal. If the same transaction reference number has been submitted for more than one bids, all such bids shall be considered ineligible and summarily rejected.
- V. The applicant shall submit user certificate for successful completion as on submission date of tender, failure to submit would result in disqualification.
- VI. The supplier will submit user certificate for the supply of Rails mentioned in clause 1.1.4 (A) along

with their performance. The certificate should contain all the details, so that it can be established that supplier have experience of supplying the 90 UTS Rails required for DMRC work.

- VII. (a) DMRC/ any other Metro Organisation (100% owned by Govt.)/ Ministry of Housing & Urban Affairs/ Order of Ministry of Commerce, applicable for all Ministries must not have banned business with the tenderer (including any member in case of JV/Consortium) as on the date of tender submission. The tenderer should submit undertaking to this effect in – Form No. 8 to Section IV (Bidding Forms).
- (b) Also no contract of the tenderer of the value more than 10% of NIT cost of work, executed either individually or in a JV/Consortium, should have been rescinded / terminated by DMRC/ any other Metro Organisation (100% owned by Govt.) after award during last 3 years (from the last day of the previous month of tender submission) due to non-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in – Form No. 8 to Section IV (Bidding Forms).
- (c) The overall performance of the tenderer (all members in case of JV/Consortium separately) shall be examined for all the on-going Rails Supply Works awarded by DMRC/ any other Metro Organisation (100% owned by Govt.) of value more than 40% of NIT cost of work and also for all the completed Rails Supply Works awarded by DMRC/ any other Metro Organisation (100% owned by Govt.) within last one year (from the last day of the previous month of tender submission), of value more than 40% of NIT cost of work, executed either individually or in a JV/ Consortium. The tenderer shall provide list of all such works in the prescribed Performa given in Form No. 8A to Section IV (Bidding Forms). The tenderer (all members in case of JV/Consortium separately) may either submit satisfactory performance Certificate issued by the Client / Employer for the works or give an undertaking regarding satisfactory performance of the work with respect to completion of work/execution of work (for ongoing works) failing which their tender submission shall not be evaluated and the tenderer shall be considered non-responsive and non-compliant to the tender conditions. In case of non submission of either satisfactory performance Certificate from Client / Employer or undertaking of satisfactory performance of any of the above work, the performance of such work shall be treated as unsatisfactory while evaluating the overall performance of tenderer in terms of Note (b) of Form No. 8A to Section IV (Bidding Forms). In case of performance certificate issued by the client, same should not be older than three month (from the last day of the previous month of tender submission) for the on-going Works. **In case the tenderer does not have any work falling in above criteria, his performance will not be judged unsatisfactory.**
- VIII (a) Tenderer (including any member in case of JV/consortium) for the works awarded by DMRC/ any other Metro Organisation (100% owned by Govt.) must have been neither penalised with liquidated damages of 10% (or more) of the contract value due to delay nor imposed with penalty of 10% (or more) of the contract value due to any other reason in any Rails Supply Contract of value more than 10% of NIT cost of work, during last three years. The tenderer should submit undertaking to this effect in Form No. 9 to Section IV (Bidding Forms).
- (b) If the tenderer or any of the Constituent ‘substantial member(s)’ of JV/Consortium does not meet the criteria stated in the Form No. 8 or 8A or 9, the tenderer including the constituent ‘substantial member(s)’ of JV/Consortium shall be considered ineligible for participation in tender process and they shall be considered ineligible applicants in terms of Clause 1.1.4B of NIT
- (c) If there is any misrepresentation of facts with regards to undertaking submitted vide Form No. 8, or performance in any of the works reported in the Form No. 8A, or undertaking submitted vide Form No. 9, the same will be considered as “fraudulent practice” under clause 35.1 of GCC and the tender submission of such tenderers will be rejected besides taking further action as per Clause

34.1 (iii) & 35 of GCC.

IX 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 Form No. 10 to Section IV (Bidding Forms).

**X LEAD PARTNER/ NON SUBSTANTIAL PARTNERS/ CHANGE IN JV/ CONSORTIUM**

- a. Lead partner must be a **substantial partner** in the JV/Consortium **i.e. it should have a minimum of 26% participation in the JV/Consortium. Each substantial partner** in case of JV/Consortium shall have experience of executing at least one “similar work” of minimum 40% of NIT value in last 07 years.
- b. **Each non-substantial partner should have a minimum of 20% participation in the JV/Consortium.** 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. In the tender for Track Work, a Joint Venture/ Consortium to qualify, each of its **non-substantial Partner** must have experience of executing at least one Track Work of minimum 20% of NIT value in last 07 years. The tenderer shall submit details of above works in the Performa of Bidding form 18 & 19 as per Notes b), c), d) & g) of Clause 1.1.4A of NIT.
- c. In case of JV/Consortium, change in constitution or percentage participation shall not be permitted at any stage after their submission of bids. In case of changes during tendering stage, the bid 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 **Bidding Form 20**, 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), vide GCC (for supply contract) clause 35 and acted accordingly.
- e. The Employer in such cases, may in its sole discretion take action under clause 35 of GCC (for supply contract) 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 under clause 34 of GCC (for supply contract) as the situation may demand and recover the cost/damages as provided in contract.

**XI Participation by Subsidiary Company/ Parent Company with credential of other Company**

- a) Applicant in the capacity of a Subsidiary Company as a single entity is not permitted to use the credential of its Parent Company and / or its Sister Subsidiary Company / Companies unless the Applicant participates in tender as JV/Consortium with its Parent Company and / or its Sister Subsidiary Company/Companies as a member(s) in JV with minimum 26% participation each (as substantial member) for such member(s).
- b) Applicant in the capacity of a Parent Company as a single entity is not permitted to use the credential of its Subsidiary Company/Companies unless the Applicant participates in tender as

JV/Consortium with its Subsidiary Company/Companies as a member(s) in JV with minimum 26% participation each (as substantial member) for such member(s).

## **XII Purchase Preference to Local Suppliers/Preference to Make In India:**

### **a) Definitions:**

- i. 'Local content' means the amount of value added in India which shall be the total value of the item procured (excluding net domestic indirect taxes) minus the value of imported content in the item (including all custom duties) as a proportion of the total value, in percent. Minimum local content shall be **80%** for the subject tender.
- ii. 'Local Supplier' means a supplier or service provider whose product or service offered for procurement meets the minimum local content as prescribed at sr. no. i. above.
- iii. 'L1' means the lowest tender or lowest bid received in a tender, bidding process or other procurement solicitation as adjudged in the evaluation process as per the tender or other procurement solicitation.
- iv. 'Margin of purchase preference' means the maximum extent to which the price quoted by a local supplier may be above the L1 for the purpose of purchase preference. Margin of purchase preference shall be **10%** for the subject tender.

### **b) Procedure for Purchase Preference in procurement of goods or works which are divisible in nature: APPLICABLE FOR THE SUBJECT TENDER**

- i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is from a local supplier, the contract for full quantity will be awarded to L1.
- ii. If L1 bid is not from a local supplier, 50% of the order quantity shall be awarded to L1. Thereafter, the lowest bidder among the local suppliers, will be invited to match the L1 price for the remaining 50% quantity subject to the local supplier's quoted price falling within the margin of purchase preference, and contract for that quantity shall be awarded to such local supplier subject to matching the L1 price.
- iii. In case such lowest eligible local supplier fails to match the L1 price or accepts less than the offered quantity, the next higher local supplier within the margin of purchase preference shall be invited to match the L1 price for remaining quantity and so on, and contract shall be awarded accordingly.
- iv. In case some quantity is still left uncovered on local suppliers, then such balance quantity may also be ordered on the L1 bidder.

### **c) Procedure for Purchase Preference in procurement of goods or works which are not divisible in nature: NOT APPLICABLE FOR THE SUBJECT TENDER**

- i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is from a local supplier, the contract will be awarded to L1.
- ii. If L1 is not from a local supplier, the lowest bidder among the local suppliers, will be invited to match the L1 price subject to local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such local supplier subject to matching the L1 price.



- iii. In case such lowest eligible local supplier fails to match the L1 price, the local supplier with the next higher bid within the margin of purchase preference shall be invited to match the L1 price and so on and contract shall be awarded accordingly.
- iv. In case none of the local suppliers within the margin of purchase preference matches the L1 price, then the contract may be awarded to the L1 bidder.

**d) Minimum local content and verification of local content:**

- i. The local supplier at the time of tender shall be required to provide self-certification that the item offered meets the minimum local content and shall give details of the location(s) at which the local value addition is made.
- ii. In case of procurement for a value in excess of Rs. 10 crores, the local supplier shall be required to provide a certificate from the statutory auditor or cost auditor of the company or from a practising cost accountant or practicing chartered accountant giving the percentage of local content.
- iii. If any false declaration regarding local content is found, the company shall be debarred for a period of three years from participating in tenders of all metro rail companies.
- iv. Supplier/bidder shall give the details of the local content in a format attached as **Bidding Form 14 and Bidding Form 15** duly filled to be uploaded along with the technical bid. In case, bidder do not upload **Bidding Form 14 and Bidding Form 15** duly filled along with their technical bid, local content shall be considered as 'Nil' in tender evaluation.

**e) Complaints relating to implementation of Purchase Preference**

Fees for such complaints shall be Rs 2 Lakh or 1% of the value of the local item being procured (subject to maximum of Rs 5 Lakh), whichever is higher. In case the complaint is found to be incorrect, the complaint fee shall be forfeited. In case, the complaint is upheld and found to be substantially correct, deposited fee of the complainant would be refunded without any interest.

**C. 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 last audited balance sheets and/or from the banking reference. Net current assets and/or documents including banking reference (as per proforma given in Form No. 11 to Section IV (Bidding Forms)), should show that the applicant has access to or has available liquid assets, lines of credit and other financial means to meet cash flow **INR 3.51 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 and it should not more than 3 months old as on date of submission of bids. The Banking Reference should be on the letter head of the Bank.

In Case of JV/Consortium- 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  $\geq WM/100$  and liquidity of member-2  $\geq (WN)/100$

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

In Case of JV/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  $\geq$  **INR 4.91 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 will be =  $(AM+BN)/100$ .

- (iv) **T4- Annual Turnover:** The average annual turnover of the tenderer during last three audited financial years should be  $\geq$  **INR 19.64 Crores.**

The averages 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 percentage = N, Let the averages annual turnover of member 1 is A and that of member 2 is B, then average annual turnover of JV will be =  $\frac{AM+BN}{100}$

**Notes:**

- Financial data for last five audited financial years has to be uploaded by the tenderer in **Annexure-A** of section-III 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 uploaded, the tender may be considered as non-responsive. All the documents or certifications which are provided by CA after 1st July, 2019, must contain UDIN thereon and the particulars of certifications must be same as mentioned on document/certification and submitted to ICAI on its website which can be verified online on <https://udin.icai.org/search-udin>.
- 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.

**1.1.5 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 Rails supplies/sale of goods executed in any one year during the last five financial years (updated to **last day of the previous month of tender submission** 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 last day of the previous month of tender submission for Rails supply work/sale of goods during period of **12 months** w.e.f. from first day of the month of tender submission).

**Notes:**

- a. Financial data for latest last five financial years has to be submitted by the tenderer in **Annexure-B of section III** 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 with membership number and firm registration number. All the documents or certifications which are provided by CA after 1st July, 2019, must contain UDIN thereon and the particulars of certifications must be same as mentioned on document/certification and submitted to ICAI on its website which can be verified online on <https://udin.icai.org/search-udin>.
- b. Value of existing commitments for RAIL SUPPLY WORKS/sale of goods during period of 12 months w.e.f. from the first day of the month of tender submission has to be submitted by the tenderer in **Annexure C of section III**. These data shall be certified by the Chartered Accountant with his stamp and signature in original with membership number and firm registration number. All the documents or certifications which are provided by CA after 1st July, 2019, must contain UDIN thereon and the particulars of certifications must be same as mentioned on document/certification and submitted to ICAI on its website which can be verified online on <https://udin.icai.org/search-udin>.
- c. In the case of a group, the above formula will be applied to each member to the extent of his proposed participation in the execution of the work. If the proposed % participation is not mentioned then 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:

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

**1.1.5.1** The tender submission of tenderers, who do not qualify the qualification criteria & bid capacity criteria stipulated in the above clauses, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in clauses above 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 ITB.

In case of mismatch in financial data in the submitted documents i.e. in Chartered Accountant certified documents and data in audited balance sheet, the data from the audited balance sheets shall prevail.

**1.1.6** The Tender documents consist of 1 volume in respect of Contractual, Technical, and Financial matters and related information as follows:

#### **Volume 1**

- Notice Inviting Tender (NIT)
- Instructions to Bidders (ITB)
- Bid Data Sheet (BDS)
- Evaluation criteria (including Annexure A, B, & C)
- Bidding Forms (Bill of Quantity)
- Schedule of Requirement
- Technical Specifications (including Annexure B)
- General Conditions of Contracts (GCC)
- Special Conditions of Contract (SCC)
- Contract Forms

1.1.7 The Tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of Sr. GM/Contracts, Delhi Metro Rail Corporation, 5th Floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110001.

1.1.8 All Tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause 30 “Instructions to Bidders” and/or minor deviation without quoting the cost of withdrawal shall be considered as non-responsive and is liable to be rejected.

1.1.9 The intending tenderers must be registered on e-tendering portal <https://eprocure.gov.in/eprocure/app>. Those who are not registered on the e-tendering portal shall be required to get registered beforehand. 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.

1.1.10 The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid **class-II** or **class-III** digital signature. The tender document can only be downloaded from e-tendering portal using class-II or class-III digital signature. However, the tenderer shall upload their tender on <https://eprocure.gov.in/eprocure/app> using class-II or class-III digital signature of the authorized signatory only.

1.1.11 Tender submissions shall be done online on <https://eprocure.gov.in/eprocure/app> after uploading the mandatory scanned documents towards cost of tender documents such as scanned copies of transaction of payment i.e. RTGS, NEFT & IMPS 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 or scanned copies of transaction of payment i.e. RTGS, NEFT & IMPS and other documents as stated in the tender document. Instructions for on-line bid submission are furnished hereinafter.

1.1.12 Submission of Tenders shall be closed on e-tendering website of DMRC at the date & time of submission prescribed in NIT after which no tender can be uploaded.

It shall be the responsibility of the bidder/ tenderer to ensure that his tender is uploaded online on e-tendering website <https://eprocure.gov.in/eprocure/app> before the deadline of submission. DMRC will not be responsible for non-receipt of tender documents due to any delay and/or loss etc.

1.1.13 Tenders shall be valid for a period of **180 days** (both days inclusive i.e. the date of submission of tenders and the last date of period of validity of the tender) from the latest Date of Submission of Tender and shall be accompanied with a tender security of the requisite amount as per clause C21 of ITB.

1.1.14 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.

1.1.15 Tenderers are advised to keep in touch with e-tendering portal <https://eprocure.gov.in/eprocure/app> for updates.

1.1.16 The Letter of Acceptance to the successful bidder shall be uploaded on procurement portal which can be downloaded by the successful bidder.

1.1.17 For any complaint tenderer may contact CVO, DMRC at

1<sup>st</sup> floor A-wing, Metro Bhawan,  
Fire Brigade Lane,  
Barakhamba Road,  
New Delhi-110001,  
Tel: 011-23418406,  
Email: [cvodmrc@gmail.com](mailto:cvodmrc@gmail.com).

**Sr. GM/Contract**  
**Delhi Metro Rail Corporation Ltd.**

### **Instructions for Online Bid Submission:**

The bidders are required to submit soft copies of their bids electronically on the CPP Portal, using valid Digital Signature Certificates. The instructions given below are meant to assist the bidders in registering on the CPP Portal, prepare their bids in accordance with the requirements and submitting their bids online on the CPP Portal.

More information useful for submitting online bids on the CPP Portal may be obtained at: <https://eprocure.gov.in/eprocure/app>.

#### **REGISTRATION**

- 1) Bidders are required to enroll on the e-Procurement module of the Central Public Procurement Portal (URL: <https://eprocure.gov.in/eprocure/app>) by clicking on the link “**Online bidder Enrollment**” on the CPP Portal which is free of charge.
- 2) As part of the enrolment process, the bidders will be required to choose a unique username and assign a password for their accounts.
- 3) Bidders are advised to register their valid email address and mobile numbers as part of the registration process. These would be used for any communication from the CPP Portal.
- 4) Upon enrolment, the bidders will be required to register their valid Digital Signature Certificate (Class II or Class III Certificates with signing key usage) issued by any Certifying Authority recognized by CCA India (e.g. Sify / nCode / eMudhra etc.), with their profile.
- 5) Only one valid DSC should be registered by a bidder. Please note that the bidders are responsible to ensure that they do not lend their DSC's to others which may lead to misuse.
- 6) Bidder then logs in to the site through the secured log-in by entering their user ID / password and the password of the DSC/ e-Token.

#### **SEARCHING FOR TENDER DOCUMENTS**

- 1) There are various search options built in the CPP Portal, to facilitate bidders to search active tenders by several parameters. These parameters could include Tender ID, Organization Name, Location, Date, Value, etc. There is also an option of advanced search for tenders, wherein the bidders may combine a number of search parameters such as Organization Name, Form of Contract, Location, Date, Other keywords etc. to search for a tender published on the CPP Portal.
- 2) Once the bidders have selected the tenders they are interested in, they may download the required documents / tender schedules. These tenders can be moved to the respective ‘My Tenders’ folder. This would enable the CPP Portal to intimate the bidders through SMS / e-mail in case there is any corrigendum issued to the tender document.
- 3) The bidder should make a note of the unique Tender ID assigned to each tender, in case they want to obtain any clarification / help from the Helpdesk.

#### **PREPARATION OF BIDS**

- 1) Bidder should take into account any corrigendum published on the tender document before submitting their bids.

- 2) Please go through the tender advertisement and the tender document carefully to understand the documents required to be submitted as part of the bid. Please note the number of covers in which the bid documents have to be submitted, the number of documents - including the names and content of each of the document that need to be submitted. Any deviations from these may lead to rejection of the bid.
- 3) Bidder, in advance, should get ready the bid documents to be uploaded as indicated in the tender document / schedule and generally, they can be in PDF / XLS / RAR / DWF/JPG formats. Bid documents may be scanned with 100 dpi with black and white option which helps in reducing size of the scanned document. Bidder has to ensure that size of each file should not exceed 40MB before uploading.
- 4) To avoid the time and effort required in uploading the same set of standard documents which are required to be uploaded as a part of every bid, a provision of uploading such standard documents (e.g. PAN card copy, annual reports, auditor certificates etc.) has been provided to the bidders. Bidders can use "My Space" or "Other Important Documents" area available to them to upload such documents. These documents may be directly submitted from the "My Space" area while submitting a bid, and need not be uploaded again and again. This will lead to a reduction in the time required for bid submission process.

#### **SUBMISSION OF BIDS**

- 1) Bidder should log into the site well in advance for bid submission so that they can upload the bid in time i.e. on or before the bid submission time. Bidder will be responsible for any delay due to other issues.
- 2) The bidder has to digitally sign and upload the required bid documents one by one as indicated in the tender document.
- 3) Bidder has to select the payment option as "offline" to pay the tender fee / EMD as applicable and enter details of the instrument.
- 4) Bidder should prepare the EMD as per the instructions specified in the tender document. The original should be posted/couriered/given in person to the concerned official, latest by the last date of bid submission or as specified in the tender documents. The details of the DD/any other accepted instrument, physically sent, should tally with the details available in the scanned copy and the data entered during bid submission time. Otherwise the uploaded bid will be rejected.
- 5) Bidders are requested to note that they should necessarily submit their financial bids in the format provided and no other format is acceptable. If the price bid has been given as a standard BOQ format with the tender document, then the same is to be downloaded and to be filled by all the bidders. Bidders are required to download the BOQ file, open it and complete the white coloured (unprotected) cells with their respective financial quotes and other details (such as name of the bidder). No other cells should be changed. Once the details have been completed, the bidder should save it and submit it online, without changing the filename. If the BOQ file is found to be modified by the bidder, the bid will be rejected.
- 6) The server time (which is displayed on the bidders' dashboard) will be considered as the standard time for referencing the deadlines for submission of the bids by the bidders, opening of bids etc. The bidders should follow this time during bid submission.

- 7) All the documents being uploaded by the bidders would be encrypted using PKI encryption techniques to ensure the secrecy of the data. The data entered cannot be viewed by unauthorized persons until the time of bid opening. The confidentiality of the bids is maintained using the secured Socket Layer 128 bit encryption technology. Data storage encryption of sensitive fields is done. Any bid document that is uploaded to the server is subjected to symmetric encryption using a system generated symmetric key. Further this key is subjected to asymmetric encryption using buyers/bid openers public keys. Overall, the uploaded tender documents become readable only after the tender opening by the authorized bid openers.
- 8) The uploaded tender documents become readable only after the tender opening by the authorized bid openers.
- 9) Upon the successful and timely submission of bids (i.e. after Clicking "Freeze Bid Submission" in the portal), the portal will give a successful bid submission message & a bid summary will be displayed with the bid no. and the date & time of submission of the bid with all other relevant details.
- 10) The bid summary has to be printed and kept as an acknowledgement of the submission of the bid. This acknowledgement may be used as an entry pass for any bid opening meetings.

#### **ASSISTANCE TO BIDDERS**

- 1) Any queries relating to the tender document and the terms and conditions contained therein should be addressed to the Tender Inviting Authority for a tender or the relevant contact person indicated in the tender.

Any queries relating to the process of online bid submission or queries relating to CPP Portal in general may be directed to the 24x7 CPP Portal Helpdesk.

For any Technical queries related to Operation of the Central Public Procurement Portal Contact at:

Tel: The 24 x 7 Help Desk Number 0120-4200 462, 0120-4001 002/5, 0120-6277 787.

Other Tel: 0120-4200462, 0120-4001002.

E-Mail: [cphp-nic\[at\]nic\[dot\]in](mailto:cphp-nic[at]nic[dot]in)

**International bidders are requested to prefix +91 as country code**