

NOTICE INVITING TENDER (NIT)

- 1.1. DMRC invites open E-Tenders/bids from suitable Bidders who may be a sole proprietorship firm, a partnership firm or a company having registered office in India & incorporated under the companies act 1956/2013 or a combination of above in the form of Joint Venture (JV) or Consortium for selection of a Licensee to grant **Licensing Rights of bare spaces at Samaypur Badli metro station of Line-2, Noida Sector-52 & Noida Electronic City Metro Stations of Line-3, Raja Nahar Singh Metro Station at Line-6, Azadpur & Shalimar Bagh Metro Stations of Line-7 and Kalindi Kunj, Kalkaji Mandir, Nehru Enclave, Chirag Delhi & Janakpuri West metro station of Line-8 of DMRC Network** on “*as is where is basis*” for commercial activities except banned list of usages as detailed in Annexure-14 of this tender document.
- a) The bidder may be any entity which is a sole proprietorship firm, a partnership firm or a company having registered office in India & incorporated under the companies’ act 1956/2013 or a combination of above in the form of Joint Venture (JV) or Consortium.
- b) Bid by a JV/Consortium of firms: In case of a bid by a JV/Consortium of firms, following shall be abide by the participant/s:
- i. For the purpose of evaluation of the consortium, each member’s contribution towards the turnover shall be considered in the same ratio of their equity participation in the consortium.
- Illustration: Say If ‘A’ and ‘B’ are two members of JV/Consortium. ‘A’ is having 70% equity holding in JV and ‘B’ is having 30% equity holding in JV. In such a condition, 70% of A’s turnover and 30% of B’s turnover will be taken for the calculation of eligibility of the JV.
- ii. The Lead Member of the JV/Consortium shall maintain a minimum equity stake of 51% of the aggregate shareholding of the JV/Consortium during full tenure of License Agreement.
- iii. Any change in percentage stake of JV/ Consortium members without prior written approval of DMRC shall be treated as Material Breach of Contract and Successful Bidder/ Licensee’s event of default entitling DMRC to encash Interest Free Security Deposit/Performance Guarantee and/or to terminate the License Agreement after a 30 (thirty) days termination notice.
- iv. Minimum percentage stake of any member in JV/ Consortium during license period (including lock-in period) shall not be less than 15%.
- v. Partners having less than 26% participation shall be considered as non-substantial partner and shall not be considered for evaluation which means that their eligibility shall not be considered for evaluation of JV/Consortium.
- vi. All members of such entity shall be jointly and severally liable for the performance of license agreement.
- c) A bidder shall not have a conflict of interest that affects the bidding process. Any Bidder found to have conflict of interest shall be disqualified. A bidder shall be deemed to have a conflict of interest affecting bidding process if a constituent of one Bidder is also a constituent of another bidder.
- d) Bidder shall undertake that they have not been banned from Business, as on date of Tender submission as per following:
- i) DMRC/ any other metro organisations (100% owned by govt.)/Ministry of Housing & Urban Affairs/Order of Ministry of Commerce, applicable for all Ministries must not have banned/debarred business with the tenderer/bidder (including any member in case of JV/consortium) as on the date

of tender submission. The tenderer should submit undertaking to this effect in Annexure 08A of Tender Document.

- ii) Also no contract of the tendered executed in either individually or in a JV/Consortium, should have been rescinded/ terminated by DMRC after award during last 03 years (from the last day of the previous month of a tender submission) due to non-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in Annexure 8A of Tender Document.
- iii) In case at a subsequent date the successful bidder/licensee is found to have been banned for business as given above, DMRC shall be at liberty to and have full rights to cancel the allotment of bare spaces and forfeit the Interest Free Security Deposit after adjusting any dues payable by the successful bidder/licensee. The bidder should submit undertaking to this effect in Annex-8A of tender document.
- e) The bidders shall enclose with their application an undertaking stating/providing that all the necessary supporting documents, including duly certified audited accounts and financial statements have been provided.

1.2. DMRC shall receive Bids pursuant to this Tender Document, in accordance with the terms set forth herein as modified, altered, amended and clarified from time to time by DMRC. Bidders shall upload their bids in accordance with such terms on or before the date specified in this document. The Bidders are advised to visit the DMRC premises at the site and familiarise themselves with the proposed arrangements and all activities necessary in this regard.

1.3. Salient features of Bidding Process:

- a) DMRC has adopted a single-stage two packet bidding process for selection of a suitable highest bidder to grant Licensing Rights for the commercial activities inside pre-identified 17 Bare Spaces **at selected Metro Stations of Line – 2, 3, 6, 7 & 8 of DMRC network**, as detailed in Annexure - 1.
- b) Tender Document (non-transferable) can be downloaded from the web site <https://eprocure.gov.in/eprocure/app>. Cost of Tender Document (Non-refundable) is Rupees Twenty Three Thousand Six Hundred Only (Rs. 23600) (including 18% GST). If a bidder wants to participate in more than one bare space, bidder is required to make only one payment towards tender document cost of Rs. 23,600/-. Tender Document cost shall be submitted through RTGS, NEFT or IMPS to DMRC. With one tender document cost, bidder can participate in all the bare spaces as per eligibility.
- c) **Undertaking For tender security/EMD declaration/Banning Policy:**
The Bidder shall submit (along with the Bid Application, tender document cost) and an undertakings for tender security declaration/Banning Policy against this tender that in the following cases, the tenderer shall be debarred from participating in the re-tender of this work and also will be debarred from participating in any tender of DMRC for a period as specified in table below:

The bidder/s may participate & bid for any one or more or all the bare spaces.

In case of JV/Consortium, the said action of debarment shall be taken against each of the consisting member of JV/Consortium.

| S.No. | Case | Period of ban* |
|-------|---|-----------------------------------|
| 1. | a) if we resile or withdraw our Tender during the period of Tender evaluation before opening of Financial Package (in case of two package system); or | One Year |
| 2. | b) if we resile or withdraw our Tender during the period of Tender evaluation in case of single package system ; or c) if we do not accept the correction of our Tender price, during evaluation of Financial Proposal; or d) if, having been notified of the acceptance of our Tender by DMRC during the period of tender validity, we i) fail or refuse to furnish the unconditional acceptance of LOA within the time limit specified in RFP. ii) fail or refuse to furnish the IFSD in accordance with clauses of RFP. iii) fail or refuse to enter into a Contract within the time limit specified in clauses of RFP. | In all the cases Two years |

*** Period of ban shall be from the date of resiling / withdrawal of this tender or from date of issue of LOA, as the case may be.**

The bid shall be summarily rejected if it is not accompanied with valid undertaking for bid /tender security declaration. The under taking for bid/ tender security declaration must invariably be submitted to DMRC by the stipulated time frame as given in clause 3.6 (4) of RFP, failing which the bid is likely to be rejected.

- d) Payment of tender document cost is to be made online only by RTGS, NEFT and IMPS. No other mode of payment will be accepted. The details of bank account of DMRC for payment of tender document cost are mentioned in NIT. The Application shall be summarily rejected if it is not accompanied with the above tender document cost and undertaking for tender security declaration.
- e) 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 bid, all such bids shall be considered ineligible and summarily rejected.
- f) **The bidders will be required to upload scanned copies of transaction of payment including e-receipt (clearly indicating UTR no. & tender reference number) which must be entered in remarks at the time of online transaction of payment, failing which payment may not be considered) to be uploaded in online bid submission. The details of Submission of the tender cost must match with the detail of the uploaded document.**
- g) Bidders are expected to carry out extensive survey of DMRC premises and analysis at their own cost, before submitting their respective Bids for award of the License Agreement. DMRC shall provide necessary permission and assistance to the prospective Bidders in this regard.

Schedule of Bidding Process for tender:

f.) Schedule of Various Stages: The Selected Bidder shall follow the following time lines:

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| Start of sale of Tender Document to Bidders | From 09.08.2021 to 08.09.2021 (up to 1500 hrs) on e-Tendering website https://eprocure.gov.in/eprocure/app For further information on this regard bidders are advised to contact on 23417910-12 (Ext: 534763), For technical queries related to Central Procurement Portal, Help Desk No: 0120-4200462, 0120-4001002 |
| Cost of Tender Document (Non-refundable) | Non-Refundable Tender Document Cost of Rs. 23,600/- (including of 18% GST) shall be paid on or before last date of tender submission (up to 1500hrs). Payment of tender document cost is to be made only by RTGS, NEFT and IMPS. No other mode of payment will be accepted. The details of bank account of DMRC for payment of Tender Document are mentioned below: Union Bank of India, Branch at F-14/15, Connaught Place, New Delhi-110001, IFSC Code-UBIN-0530786, MICR Code-11002-6006, Account No. 30780-11100-50003. |
| Undertaking for Bid Security / Earnest Money Deposit declaration | Annexure 11: Undertaking for tender security declaration must be submitted by the bidder at the time of online bid submission against this tender. If Undertaking for Tender Security Declaration is not submitted or is not in prescribed format then such bids shall be considered ineligible and summarily rejected. |
| Site Visit | Site visit shall start from 1100 hours onwards from Kalindi Kunj Metro Station on 17.08.2021 (Kalindi Kunj, Kalkaji Mandir, Nehru Enclave, Chirag Delhi & Janakpuri West of Line-8 Metro Stations and Raja Nahar Singh Metro Station of Line-6). Site visit shall start from 1100 hours onwards from Samaypur Badli Metro Station on 18.08.2021 (Samaypur Badli (line-2), Azadpur & Shalimar Bagh Metro Stations of Line-7 and Noida Sector-52, Noida Electronic City of Line-3). |
| Last date of receiving queries | 1700hrs on 23.08.2021 |
| Pre-Bid Conference | 24.08.2021 at 1130 hrs. The pre-bid meeting shall be conducted through video conferencing by software apps such as Webex/Microsoft Teams. All Prospective bidders shall provide the details of the person(s) (mobile No. and mail id) (maximum up to two) who will be participating in such virtual meeting at least one day before the meeting (latest by 1100 hrs on 23.08.2021) to the registered official email of DMRC i.e. gmpb@dmrc.org , 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. gmpb@dmrc.org latest by 1700 hrs on 23.08.2021 . Queries received after 1700 hrs on shall not be entertained. |
| DMRC's response to queries by | 1500 hrs on 31.08.2021 |
| Start Date & Time of Submission of Bids | 1730 hrs on 01.09.2021 |
| Last Date & Time of Submission of Bids | Latest by 1500 hrs of 08.09.2021 |
| Date & Time of Opening of Bids | 1500 hrs on 09.09.2021 |
| Validity of Bids | 180 days from bid submission date |

| Stage of Activity | Time Period |
|---|--|
| Payment of Interest Free Security Deposit to DMRC by Successful Bidder. | Within 30 days of date of issue of Letter of Acceptance |
| Signing of License Agreement | Within 30 days of receipt of full LOA payment |
| Payment of Advance Quarterly License Fee for 1 st Quarter | Within 180 days from date of handing over of licensed premises |
| Vacant space to be handed over to Selected Bidder | Within 7 days of signing of license agreement |
| Commencement of License Fee | Immediately after 180 days fitment period i.e. w.e.f. 181 st day of date of handing over of bare spaces. |
| Registration of Agreement | The registration of License agreements shall be done within 30 days of signing of agreement by the licensee (registration fees, stamp duty etc. to be fully borne by the licensee) and the duly registered documents to be submitted to DMRC for records. In the case the registration of the license agreement/amendment is not done within the 30 days of signing of license agreement/amendment, it shall be treated as “Material Breach of Contract”. In case the licensee fails to remedy the breach/default in this regard to the satisfaction of DMRC within cure period of 30 days, DMRC may terminate the license agreement after the expiry of cure period duly forfeiting the security deposit and any other amount paid by licensee. |

- 1.4. Addendum/Corrigendum, if any, will be placed on DMRC website only time to time. Tender Document can also be downloaded from the website <https://eprocure.gov.in/eprocure/app> and may be submitted along with document cost at the time of submission of bids. **Late / delayed bid received after the stipulated date and time of submission of tender shall be out rightly rejected.** DMRC has adopted a single stage **two packet** Bidding Process to select a suitable highest Bidder for licensing of the aforesaid commercial space(s).
- 1.5. The Bidder may obtain further information/ clarification, if any, in respect of Tender documents from the office of Sr. DGM/PB, DMRC, 3rd floor, A Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi.
- 1.6. The intending Bidder must be registered on e-Tendering portal <https://eprocure.gov.in/eprocure/app>. Those who are not registered on the e-Tendering portal required to be registered beforehand. After registration the Bidder will get User Id and Password. On login, Bidder can participate in Tendering process and can witness various activities of the process.
- 1.7. The authorized signatory of intending Bidder, as per Power of Attorney (POA), must have valid *Class II or Class III Certificates with signing key usage* digital signature. The bid document can only be downloaded or uploaded using *Class II or Class III Certificates with signing key usage* digital signature of the authorized signatory.
- 1.8. Bid submissions will be made online after uploading the mandatory scanned documents towards cost of Tender documents, undertaking for bid security/EMD declaration & other documents as stated in the Tender document. Details of bank account of DMRC for payment are as follows:

| Name of Bank | Bank's Address & MIRC Code | Account Name & No. | Account Type | IFSC Code | MICR Code |
|-------------------------|--|--|--------------|------------------|-----------|
| M/s Union Bank of India | F-14/15, Connaught Place, New Delhi-110001 | DMRC Ltd. Property Business Account No. 307801110050003 | Current | UBIN- 0530786 | 110026006 |

- 1.9. Late bids received after last date and time stipulated for submission of bid shall not be accepted under any circumstances.
- 1.10. DMRC reserves the right to accept or reject any or all proposals without assigning any reasons. No Bidder shall have any cause of action or claim against the DMRC for rejection of their bids.
- 1.11. All the uploaded files in tender submission should be named properly and arrange systematically. No special character/space should be there in the uploaded file name.
- 1.12. After successful completion of processing of tender, the Letter of Acceptance to the successful bidder shall be uploaded on the e-Tendering portal <https://eprocure.gov.in/eprocure/app> which can be downloaded by successful bidder.
- 1.13. The bidders are advised to keep in touch with e-Tendering portal <https://eprocure.gov.in/eprocure/app> and www.delhimetrorail.com/tenders.aspx for updates.
- 1.14. The licensee has to comply with rules and regulations of safety and health management policy of DMRC enclosed as schedule-I, (attached separately).
- 1.15. In case of any grievances/ complaints regarding this tender, the bidders are advised to contact:
- 1.) General Manager (Property Business)
DMRC, 3rd Floor, A Wing,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, New Delhi -110001
Email Id: gmpb@dmrc.org
Phone No: 011-23418417
 - 2.) Chief Vigilance Officer
DMRC, 1st Floor, A Wing,
Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, New Delhi -110001
Email Id: cvodmrc@gmail.com
Phone No: 011-23418406
Website: <http://www.delhimetrorail.com/vigilance.aspx>

**General Manager/Property Business
Delhi Metro Rail Corporation
Limited**