NOTICE INVITING BID

NIT No. 035/11920011/2019

2.1. DMRC invites open offers/bids through E-Tenders 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 unused TOM Spaces in the form of built-up shops (as per details at Annexure-1) at selected metro stations on Line -2 of DMRC Network on “as is where is basis” for commercial activities as a single package except banned list of usages as detailed in Annexure-II of DLA.

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.

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 30 (thirty) days 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 severely 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) **UNDERTAKING:** 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 organizations (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 11 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 11 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 space and forfeit the Interest Free Security Deposit after adjusting any dues payable by the successful bidder/licensee. The bidder should submit undertaking for the above as per Annexure 11.

e) **UNDERTAKING:** Licensee hereby undertakes that as on date, as per Annexure-12 of RFP.

(i) Bidders/SPV (either as single entity or as a member of JV/Consortium) having lease/license agreement of DMRC property and have any dues pending for more than 90 days as on the last date of submission of bids, will be considered ineligible to participate in this bid. The bidder should submit an undertaking to this effect as per Annexure-12 of RFP.

(ii) If there is any misrepresentation of facts by the bidder in their bid submission, the same will be considered as “Fraudulent practice” and the bid submission of such bidders will be summarily rejected and also further action shall be taken as per terms of contract or other applicable laws/rule.

f) 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 submitted.

2.2. 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.

2.3. Salient features of Bidding Process:
a) DMRC has adopted a single stage two packet open e-tendering bidding process for selection of a suitable highest bidder to grant Licensing Rights for the commercial activities inside pre-identified unused TOM Spaces in the form of built-up shops on as is where is basis on selected Delhi metro stations on Line-2(yellow line) of DMRC, as detailed in Annexure -1 of RFP.

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 Rs. 23,600/- i.e Rupees Twenty Three Thousand Six Hundred only (including 18% GST). Tender Document cost shall be submitted online through RTGS/NEFT/IMPS to Delhi Metro Rail Corporation Ltd, for the credit of the following designated account of DMRC. M/s Syndicate Bank, Barakhamba Road Branch, IFSC code – SYNB0009036, MICR code – 110025004, A/c No. – 90363210000015.

c) The Bidder shall submit along with the Bid Application a bid security, amounting to Rs. 9,00,000/- (Rupees Nine lakhs Only). The payment shall be made online through RTGS/NEFT/IMPS to Delhi Metro Rail Corporation Ltd, for the credit of the following designated account of DMRC i.e. M/s Syndicate Bank, Barakhamba Road Branch, IFSC code – SYNB0009036, MICR code – 110025004, A/c No. – 90363210000015. The Application shall be summarily rejected if it is not accompanied with bid security of Rs. 9,00,000/-. The bid security of the selected Bidder shall be adjusted against the first Advance License fee/Interest Free Security Deposit amount as per the License Agreement. The bid security of unsuccessful bidders shall be refunded after award of contract, without considering any interest, thereon. If the bidder withdraws his bid at any stage, his Bid Security amount shall be forfeited by DMRC. The details of the tender cost & bid security /EMD submitted online should be correctly stated with uploaded bid document/offer.

d) 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.

e) Schedule of Bidding Process for tender:

| Start of sale of Tender Document to Bidders | From 25/04/2019 to 23/05/2019 (upto 15:30hrs) 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: 534772), 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/- (inclusive of 18% GST) shall only be accepted through RTGS/NEFT/IMPS for credit to our bank account, M/s Syndicate Bank, Barakhamba Road Branch, IFSC code – SYNB0009036, MICR code – 110025004, A/c No. – 90363210000015. on or before 15:30 hours on 23/05/2019 the receipt and details of Tender Documents Cost paid have to be uploaded on the e-tender portal only upto 15:30 hours on 23/05/2019 |
Bid Security

Bid Security of Rs. **9,00,000/-** shall only be accepted through RTGS/NEFT/IMPS for credit to our bank account, M/s Syndicate Bank, Barakhamba Road Branch, IFSC code – SYNB009036, MICR code – 110025004, A/c No. – 90363210000015, on or before **15:30 hours on 23/05/2019** the receipt and details of Tender Documents Cost paid have to be uploaded on the e-tender portal only upto **15:30 hours on 23/05/2019**

Site Visit

On 07.05.2019 at 11:00 hrs (near Customer Care of Ghitorni metro station with Sh. Manoj Kumar, Ph. 8130355544)

Pre-Bid Meeting

At 11:30 Hrs on 10.05.2019 in Metro Bhawan, 3rd Floor Meeting Room ‘A’ Wing

Last date of receiving queries 10.05.2019 upto 15:30 hrs

DMRC’s response to queries by 15.05.2019upto 15:30 hrs

Date & Time of Submission of Bids 23.05.2019 upto 15:30 hrs

Date & Time of Opening of Bids 24.05.2019 at 15:30 hrs

Validity of Bids 180 days from bid submission date

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

<table>
<thead>
<tr>
<th>Stage of Activity</th>
<th>Time Period</th>
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<tbody>
<tr>
<td>Payment of advance first Half yearly License fees, OMC &amp; GST and Interest Free Security Deposit to DMRC by Licensee</td>
<td>Within 30 days from the date of issue of Letter of Acceptance.</td>
</tr>
<tr>
<td>TOM spaces to be handed over to the selected bidder/Licensee</td>
<td>Within 7 days of signing of the License Agreement.</td>
</tr>
<tr>
<td>Signing of License Agreement</td>
<td>Within 30 days of receipt of full LOA payments.</td>
</tr>
<tr>
<td>Registration of Agreement</td>
<td></td>
</tr>
<tr>
<td>The registration of License agreement shall be done within 30 days of signing of the license agreement by the licensee (registration fee, stamp duty etc to be fully borne by the licensee) and the duly registered documents to be submitted to DMRC for records. In case the registration of the license agreement/amendment (if any) is not done within the 30 days of signing of license agreement/amendment, it shall be treated as “Material Breach of Contract”. In case Licensee fails to remedy the breach/default in this regard to the satisfaction of DMRC within the cure period of 30 days, DMRC may terminate the Licensee agreement after the expiry of cure period of 30 days duly forfeiting the security deposit and any other amount paid by Licensee.</td>
<td></td>
</tr>
<tr>
<td>Date of start of L.Fee</td>
<td>Within 30 days of Hand over</td>
</tr>
</tbody>
</table>

2.4 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 rejected out rightly.**

2.5 DMRC has adopted a single stage **two packet** Bidding Process to select suitable highest Bidder to grant licensing of unused TOM spaces in the form of built-up shops on ‘as is where is basis’ for commercial utilization at selected Delhi metro stations on Line-2 of
2.6 The Bidder may obtain further information/ clarification, if any, in respect of Tender
documents from the office of Sr. Dy.Chief Engineer/PB, DMRC, 3rd floor, ‘A’ wing,
Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi.

2.7 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.

2.8 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.

2.9 Bid submissions will be made online after uploading the mandatory scanned documents
towards cost of Tender document and Bid Security & other documents as stated in the
Tender document has to be submitted online, including details of online payment made
for Tender Cost & Bid security.

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

2.11 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.

2.12 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.

2.13 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.

2.14 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.

2.15 A copy of Letter of acceptance shall also be e-mailed to licensee.

2.16 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,