

## CHAPTER 2

### Notice Inviting Bids

2.1. 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 Commercial Bare Spaces at New Delhi Metro Station on Airport Express Line** of DMRC in two separate schedules on “*as is where is basis*” for commercial activities except banned list of usages as detailed in Annexure 12 of RFP & Annexure-II of draft license agreement.

- 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 the Interest Free Security Deposit/ Performance Security 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 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 Organisation (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 bidder/s (including any member in case of JV/ Consortium) as on the date of tender submission. The tenderer shall submit an undertaking to this effect, as per Annexure -9 of tender document.
  - (ii) Also no contract of bidder/s / tenderer executed in either individually or in a JV/ Consortium, should have been rescinded/ terminated by DMRC after award during last 3 (three) years (from the last day of previous month of tender submission) due to non-performance of the bidder/s / tenderer or any of JV/ Consortium members. The bidder/s should submit undertaking to this effect as per Annexure -9.
  - (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 commercial spaces and forfeit the Interest Free Security Deposit after adjusting any dues payable by the successful bidder/licensee. The bidder/s should submit undertaking to this effect, as per Annexure-9.
- 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.

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 bidding process for selection of a suitable highest bidder to grant Licensing Rights of pre-identified commercial spaces at New Delhi metro station on Airport Express Line of DMRC, as detailed in Annexure -1.
- b) The bidder/s may participate & bid for any one or more or all of the schedules. However, relaxation has been provided to the bidder against submission of Tender Security/Earnest Money Deposit for each of the bid schedule, instead, bidder is required to submit "Tender Security Declaration" in the format vide Annexure-15.

**Undertaking for Tender Security/EMD Declaration-**Bidder shall upload the scanned copy of undertaking for Tender Security Declaration as per the instructions specified in the tender document at the time of online bid submission. Otherwise the uploaded bid will be rejected. If undertaking of tender security declaration is not submitted or is not in prescribed format then such bids shall be considered ineligible and summarily rejected.

The bidder shall submit (along with the Bid Application, Tender Document Cost) separate undertakings for tender security declaration for each schedule for which bid is submitted.

**The Application/bid shall be summarily rejected if any of the bid is found without tender cost or/and undertaking for tender security declaration against the schedules for which bid is submitted.**

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.

- c) 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 (₹ 23,600/-) (including 18% GST). The tender document cost shall be submitted only through RTGS/NEFT/IMPS to DMRC. No other mode of payment will be accepted. However, if a bidder desires to participate in more than one schedule, tender document cost will be required to be submitted only once. With one tender document cost, bidder can participate in all the schedules as per eligibility. However, separate undertakings for tender security declaration are required to be submitted for each schedule for which bid is submitted.
- d) Tender Document Cost shall only be submitted in the form of RTGS, NEFT & IMPS in the following bank of DMRC:

| Name of Bank        | Bank's Address                               | Account Name & No.  | Account Type    | IFSC Code   |
|---------------------|--|---|-----------------|-------------|
| Union Bank of India | F-14/15, Connaught Place, New Delhi - 110001 | DMRC Limited, Property Business Account No. 307801110050003 | Current Account | UBIN0530786 |

No other mode of payment will be accepted. The bidders will be required to upload scanned copies of transaction of payment of tender document cost/tender fee including **e-receipt (clearly indicating UTR No. and tender reference i.e, 121A0003/NDRU** must be entered in remarks at the time of online transaction of payment, failing which payment may not be considered) to be uploaded in the online bid submission. To avoid any discrepancies in reconciliation of GST, the tender cost may be submitted by separate RTGS/ NEFT/IMPS. The tender no. and name of the tender should be mentioned in details while submitting payments.

The details of actual submission of the tender cost must match with the details of the uploaded documents at the time of bid submission as stated above, failing which the payment may not be considered to be uploaded in online bid submission.

- e) 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.
- f) Schedule of Bidding Process for tender:

|   |   |
|---|---|
| Start of sale of Tender Document to Bidders | From <b>29.10.2021</b> to <b>29.11.2021</b> (upto 1530hrs) on e-Tendering website <a href="https://eprocure.gov.in/eprocure/app">https://eprocure.gov.in/eprocure/app</a> For further information on this regard bidders are advised to contact on 23417910-12 (Ext: 534777& 534248), 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 online only in form of NEFT/RTGS/IMPS on or before 1530 hours on <b>29.11.2021</b> and receipt and details of Tender Document Cost paid have to be uploaded on the web-site upto 1530 hours on <b>29.11.2021</b>  |
| Undertaking for Tender Security Declaration | Bidder shall upload the scanned copy of Undertaking for Tender Security Declaration as per the instructions specified in the tender document at the time of online bid submission. If undertaking for tender security declaration is not submitted or is not in the prescribed format then such bids shall be considered ineligible and summarily rejected.   |
| Site Visit                                  | <b>11.11.2021</b> at 1000 hrs. at Customer Care, New Delhi metro station of Airport Express Line.   |
| Pre-Bid Conference                          | <b>15.11.2021</b> at 1130 hrs.<br>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 <b>14.11.2021</b> ) to the registered official email of DMRC i.e. <a href="mailto:gmpb@dmrc.org">gmpb@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:gmpb@dmrc.org">gmpb@dmrc.org</a> latest by 1730 hrs on <b>12.11.2021</b> . Queries received after 1730 hrs on <b>12.11.2021</b> shall not be entertained. Seeking clarification by fax or post will not be considered. |
| Last date of receiving queries              | 1730hrs on <b>12.11.2021</b>  |
| DMRC's response to queries by               | <b>18.11.2021</b>   |
| Date & Time of Submission of Bids           | Latest by 1530hrs of <b>29.11.2021</b>  |
| Date & Time of Opening of Bids              | 1530hrs on <b>30.11.2021</b>  |
| Validity of Bids                            | 180 days from bid submission date   |

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

| 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   |
| Vacant space to be handed over to Selected Bidder                       | Within 7 days of signing of License Agreement..   |
| Payment of Advance Quarterly License Fee for 1 <sup>st</sup> Quarter    | Within 180 days of date of handing over of the commercial space of schedule I and within 120 days of date of handing over of the commercial space of Schedule-II.   |
| Signing of License Agreement  | Within 30 days of receipt of payments as per Letter of Acceptance.  |
| Commencement of License Fee   | Immediately after 180 days fitment period for schedule I i.e. w.e.f 181 <sup>st</sup> day of handing over of space for Sch-I and immediately after 120 days fitment period for Schedule-II i.e. w.e.f 121 <sup>st</sup> day of handing over of bare space for Sch-II or date of deemed handover of each schedule as applicable, whichever is earlier. |
| Registration of License Agreement                                       | Within 30 days of signing of License Agreement.   |

- h.) Registration of License Agreement: The registration of License Agreement of the respective schedule as applicable shall be done within 30 (thirty) days of signing of License Agreement of the respective schedule by the successful bidder/ licensee (registration fees, stamp duty etc to be fully borne by the successful bidder/ licensee) and the duly registered documents are to be submitted to DMRC for records. Any amendment in the Contract /License Agreement, if required to be registered, shall also be registered within 30 (thirty) days from the date of amendment and duly registered documents shall be submitted to DMRC for records. In case the registration of the License Agreement/ Amendment is not done within the 30 (thirty) days for signing of License Agreement/ Amendment, it shall be treated as “Material Breach of Contract” in terms of Clause No. 12.2(p) of Draft License Agreement. The Successful Bidder/ Licensee will be given 30 (thirty) days time to cure the default in terms of Clauses No. 12.3 of Draft License Agreement. In case Successful Bidder/ Licensee fails to remedy the default to the satisfaction of the DMRC within the cure period of 30 days, DMRC may terminate the License Agreement of respective schedule after the expiry of cure period duly forfeiting the Interest Free Security Deposit/Performance Security and any other amount paid by the Successful Bidder/ Licensee.

- 2.4 Addendum/Corrigendum, if any, will be placed on DMRC website only from 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.**
- 2.5 DMRC has adopted a single stage **two packet** Bidding Process to select suitable highest

Bidder for licensing of commercial spaces at New Delhi Metro Station of Airport Express Line of DMRC network.

- 2.6 The Bidder may obtain further information/ clarification, if any, in respect of Tender documents from the office of Sr.DGM/PB, DMRC, 3<sup>rd</sup> 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 documents such as RTGS/ NEFT/IMPS details undertaking for tender security declaration for the respective schedule for which bid is submitted and other documents as stated in the Tender document.
- 2.10 The bidder is required to submit the “Tender Security Declaration” in the format attached vide Annexure-15. Otherwise uploaded bid shall be rejected.
- 2.11 Late bids (received after last date and time stipulated for submission of bid) shall not be accepted under any circumstances.
- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 The bidders are advised to keep in touch with e-Tendering portal <https://eprocure.gov.in/eprocure/app> and [www.delhimetrorail.com/tenders.aspx](http://www.delhimetrorail.com/tenders.aspx) for updates.
- 2.16 The licensee has to comply with rules and regulations of safety and health management policy of DMRC enclosed and the same shall be read be in conjunction with Tender Document (uploaded separately).
- 2.17 In case of any grievances/ complaints regarding this tender, the bidders are advised to contact:
- 1.) General Manager (Property Business)  
DMRC Limited,  
3<sup>rd</sup>Floor, A-Wing,  
Metro Bhawan, Fire Brigade Lane,

Barakhamba Road, New Delhi -110001

Email Id: [gmpb@dmrc.org](mailto:gmpb@dmrc.org)

Phone No: 011-23418417

- 2.) Chief Vigilance Officer  
DMRC Limited,  
1<sup>st</sup> Floor,  
Metro Bhawan, Fire Brigade Lane,  
Barakhamba Road, New Delhi -110001  
Email Id: [cvodmrc@gmail.com](mailto:cvodmrc@gmail.com)  
Phone No: 011-23418406  
Website: <http://www.delhimetrorail.com/vigilance.aspx>

**General Manager  
(Property Business)  
Delhi Metro Rail Corporation Limited**