

NOTICE INVITING TENDER (BID)

- 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 space at R. K. Ashram Marg Metro Station of Line-3** on “*as is where is basis*” for commercial activities except banned list of usages as detailed in Annexure-14.
- 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 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) 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 08 A 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 built-up/bare space and forfeit the Interest Free Security Deposit after adjusting any dues payable by the successful bidder/licensee.

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 Bare Space **at R. K. Ashram Marg Metro Station of Line-3 of DMRC**, 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 the Tender Document (Non-

refundable) would be Rs. 23,600/-. Tender Document cost shall be submitted through RTGS, NEFT or IMPS to DMRC.

- c) The Bidder shall submit along with the Bid Application, tender document cost and bid security as mentioned hereinunder. The Tender Document Cost and Bid Security is as under:-

S/N	Name of Metro Station	Approximate area (in sqm)	Cost of Tender Document (INR)	Amount of EMD/Bid Security (INR)
1	R. K. Ashram Marg	341.12	23,600/-	6,40,000/-

Payment of bid security 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 bid security are mentioned in clause 2.9 of NIT. **The Application shall be summarily rejected if it is not accompanied with the above bid security and tender cost.** The bid security of the successful Bidder shall be adjusted against the 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.

- d) 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.

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 members of JV / Consortium.

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.

- e) Submission of the tender cost & EMD should match with the details of the uploaded documents.

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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.

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) 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.

- g) Schedule of Bidding Process for tender:

Start of sale of Tender Document to Bidders	From 30.12.2020 to 28.01.2021 (up to 1500hrs) 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/- shall be paid. 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 in clause 2.9 of NIT.
Bid Security (Earnest Money Deposit)	Payment of bid security/EMD of Rs. 6,40,000/- 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 bid security are mentioned in clause 2.9 of NIT.
Site Visit	Site visit shall start from 1100 hours onwards at R. K. Ashram Marg Metro Station on 08.01.2021 .
Pre-Bid Conference	The pre-bid meeting shall be conducted on 12.01.2021 at 1100 hrs 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 11.01.2021) 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 13.01.2021. Queries received after 1700 hrs on 13.01.2021 shall not be entertained.
Last date of receiving queries	1700 hrs on 13.01.2021
DMRC's response to queries by	1500 hrs on 20.01.2021

Last Date & Time of Submission of Bids	Latest by 1500 hrs of 28.01.2021
Date & Time of Opening of Bids	1500 hrs on 29.01.2021
Validity of Bids	180 days from bid submission date

h.) 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
Signing of License Agreement	Within 30 days of receipt of 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. 181 st day of date of handing over of bare space.
Registration of Agreement	The registration of License agreements should be done within 30 days of signing of agreement by the licensee/lessee (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, DMRC may terminate the license agreement after the expiry of cure period duly forfeiting the security deposit/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.

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. In order to process the refund of the EMD/Tender security, the bidders are required to submit Annexure-11 giving the required details for refund of tender security, as the same has been submitted by RTGS/NEFT/IMPS.
- 1.9. Bid submissions will be made online after uploading the mandatory scanned documents towards cost of Tender documents, Bid Security & 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	UBIN0530786	110026006

- 1.10. Late bids received after last date and time stipulated for submission of bid shall not be accepted under any circumstances.
- 1.11. 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.
- 1.12. 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.
- 1.13. 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.
- 1.14. 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.

1.15. The licensee has to comply with rules and regulations of safety and health management policy of DMRC enclosed as schedule-I, (attached separately).

1.16. 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, 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**