



**DELHI METRO RAIL CORPORATION LIMITED
MASS RAPID TRANSIT SYSTEM**

**DESIGN, MANUFACTURING & SUPPLY OF UIC-60 TURNOUTS
& SCISSOR CROSS OVER FOR PATNA METRO RAIL PROJECT
OF PMRCL**

CONTRACT – PT- 4

NOTICE OF INVITATION TO TENDER

Notice of Invitation for Bids

1.1 GENERAL

1.1.1 Name of Work:

Delhi Metro Rail Corporation (DMRC) Ltd. invites Open e-Bids on Local Competitive Basis (LCB) from eligible applicants, who fulfill qualification criteria as stipulated in section III of bid documents, for the work,

Contract PT- 4 : “DESIGN, MANUFACTURING & SUPPLY OF UIC-60 TURNOUTS & SCISSOR CROSS OVER FOR PATNA METRO RAIL PROJECT OF PMRCL.

1.1.2 Key details:

Approximate cost of work	INR 19.82 Crore
Bid Security	Bidders shall upload scanned copy of Undertaking for Tender Security Declaration as per Annexure-6 of ITT at the time of online submission. If Undertaking for Tender Security Declaration is not submitted or is not prescribed format then such bids shall be considered ineligible and summarily rejected.
Completion period of the Work	24 months from the date of issue of Letter of Acceptance
Bid Document available for sale on website	From 18.01.2021 to 17.02.2021 (up to 1500 hrs) on e-Bidding portal https://eprocure.gov.in/eprocure/app . Bid document can only be obtained online after registration of Bidder on the website https://eprocure.gov.in/eprocure/ app . For further information in this regard Bidder are advised to contact on 011-49424307, 011-49424365 or 011-23417910, 011-23415838
Cost of Bid Documents (Non-Refundable)	INR 23,600/- (inclusive of 18% GST) Non-Refundable Payment of Bid document cost/ Bid fee is to be made only by RTGS, NEFT & IMPS. No other mode of payment will be accepted. The detail of bank account of DMRC is mentioned below. The Bidder will be required to upload scanned copies of transaction of payment of Bid document cost/Bid fee including e-receipt (clearly indicating UTR no. and Bid reference number i.e. PT-4 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 Sr. General Manager/ Contract . Note: The payment of the Bid cost is acceptable from any account. However, Bidder shall submit such transaction details along with their Bid submission on e-portal. If the same

	<p>transaction reference number has been submitted for more than one bids. All such bids shall be considered ineligible and summarily rejected.</p> <p>(Copy of GST registration no. to be provided along with Bid document cost/ Bid fee.)</p>
Last date of Seeking Clarification	<p>27.01.2021 upto 1700 hrs.</p> <p>Bidder to note that seeking clarification on the Bid shall be done by sending it either on registered official email id of DMRC i.e. gmcontracts@dmrc.org or on e-Bidding portal only.</p> <p>Seeking clarification by fax or post will not be considered.</p> <p>Queries/clarifications from Bidder after due date and time shall not be acknowledged.</p>
Pre-bid Meeting	<p>28.01.2021 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 Bidder 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 1100 hrs on 27.01.2021) to the registered official email of DMRC i.e. gmcontracts@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.</p>
Last date of issuing addendum, if any	09.02.2021
Date & time of Submission of Bid online	<p>Bid submission start date: 10.02.2021 (from 0900 hrs.)</p> <p>Bid submission end date: 17.02.2021 (upto 1500 hrs.)</p>
Date & time of opening of Bid online	18.02.2021 at 1500 hrs.
Authority and place for seeking clarifications & Pre-Bid Meeting Bid documents	<p>Sr. GM/Contract, Delhi Metro Rail Corporation Ltd. 5th Floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110001 Tel: 011-23415838 e-mail: gmcontracts@dmrc.org</p>

To facilitate payment of Bid Fee 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 This is a PMRCL Non JICA funded work.

This is a **PMRCL** funded work. As per the MOU signed between DMRC and PMRCL, 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, Bidder shall ensure due closure of this Contract for execution of works with DMRC. Bidder shall ensure that all risks, rewards and claims associated with this contract are settled before closure of this contract. Bidder 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 PMRCL”.

1.1.4 QUALIFICATION CRITERIA:

A Eligibility Criteria (Work Experience):

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

Since majority of Turnouts in the present Bid are for Standard Gauge, the Bidder shall furnish documentary evidence to demonstrate that it meets the following experience requirement(s):

*Supply of Standard Gauge/Broad Gauge canted Turnouts of 1 in 7 or 1 in 9 or others with a minimum quantity in last Seven years and are in service in established Metro / Railway system.

- (i) SG Turnouts for Ballastless Track = 100 sets
- (ii) SG Turnouts for Ballasted Track = 100 sets
- (iii) SG Scissor cross over for Ballasted/ Ballastless Track = 5 sets
- (iv) At least 25% of such supplies in (i), (ii) & (iii) above should be of UIC 60 /60 E1 Rail profile.

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

Similar work – Supply of Standard/Broad Gauge canted Turnouts of 1 in 7 or 1 in 9 or others.

(b) Supply & operational credentials

Only local Bidder having minimum local content of **50%** for Class-I Local Supplier and minimum local content of 20% for Class-II Local Supplier for the manufacturing facility for the system will be eligible. The Bidder must have Rail Turnouts and Scissor Cross Over

manufacturing facility in the purchaser country having minimum local content of **50%** for Class-I Local Supplier and minimum local content of 20% for Class-II Local Supplier.

The Bidder shall furnish documentary evidence to demonstrate that it meets the following experience requirement(s):

- (i) Supply completion certificate/ work experience certificate by user department will be mandatory.
- (c) 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 Bid submission.
- (d) 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 Turnout supplied and period of supply. The details of address, contract person, fax/ e-mail is also to be furnished. Details of supply chain units/ manufacturing units/ Vendor units who has already supplied Turnouts/Scissors/Components successfully to user Railway Administration in the Past. In absence of details like design speed and axle load or other as above in the performance certificate/ Purchaser/User certificate, Bidder shall submit undertaking specifying design speed and axle load.
- (e) 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.
 - List of Vendor Units under supply chain units is to be included. At least one Vendor unit for each component in the proposed list must have past supply credentials. Vendor units having manufacturing & testing facilities but no past supply records may be proposed as additional vendor units. DMRC approval will be necessary for such vendor units to be included in the supply chain units subject to successful Technical evaluation.
- (f) The bidder should submit Technical Proposal as per **Annexure "A-1" & Annexure "A-2" 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 Bidder 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 Bid 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 Bid.
- 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 Bidder in support of work experience along with their Bid 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 Bid 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 Bid section of DMRC website i.e. www.delhimetrorail.com

B Eligible Applicants:

- I. The Bids for this contract will be considered only from those Bidder (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 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 Bidding process and, in the event the JV or Consortium is awarded the Contract, during contract execution.
- II. (a) A non-Indian Bidder (not restricted as defined in clause 1.1.4(B)XIII below) is permitted to Bid only in a joint venture or consortium arrangement with Indian Contractor(s) or their wholly owned Indian subsidiary registered in India under Companies Act-2013. In such JV/Consortium, Indian Contractor or Indian subsidiary (owned by foreign bidder) shall have minimum 74% participation and non-Indian bidder shall have maximum 26% participation. Indian Contractor/ Indian Subsidiary to be lead member of JV/ Consortium.
- (b) A Bidder shall submit only one bid in the same Bidding process, either individually as a Bidder or as a partner of a JV. A Bidder who submits or participates in, more than one bid will cause all of the proposals in which the Bidder has participated to be disqualified. No Bidder can be a subcontractor while submitting a bid individually or as a partner of a JV in

the same bidding process. A Bidder, if acting in the capacity of subcontractor in any bid, may participate in more than one bid, but only in that capacity.

- III. Bidder shall not have a conflict of interest. All Bidder found to have a conflict of interest shall be disqualified. Bidder shall be considered to have a conflict of interest with one or more parties in this bidding process, if:
- a) a Bidder has been engaged by the Employer to provide consulting services for the preparation related to procurement for on implementation of the project;
 - b) a Bidder is any associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
 - c) a Bidder 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 Bid cost is acceptable from any account. However, Bidder shall submit such transaction details along with their Bid 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 Bid, failure to submit would result in disqualification.
- VI The supplier will submit user certificate for the supply of Turnouts 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 Turnouts 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 Bidder (including any member in case of JV/Consortium) as on the date of Bid submission. The Bidder should submit undertaking to this effect in – Form No. 8 to Section IV (Bidding Forms).
- (b) Also no contract of the Bidder 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 Bid submission) due to non-performance of the Bidder or any of JV/Consortium members. The Bidder should submit undertaking to this effect in – Form No. 8 to Section IV (Bidding Forms).
- (c) The overall performance of the Bider (all members in case of JV/Consortium separately) shall be examined for all the on-going works of supply of Turnouts & Scissor Cross Over etc. 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 works of supply of Turnouts & Scissor Cross Over etc. awarded by DMRC/ any other Metro Organisation (100% owned by Govt.) within last one year (from the last day of the previous month of Bid submission), of value more than 40% of NIT cost of work, executed either individually or in a JV/ Consortium. The Bider shall provide list of all such works in the prescribed Performa given in Form No. 8A to Section

IV (Bidding Forms). The Bidder (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 on-going works) failing which their Bid submission shall not be evaluated and the Bidder shall be considered non-responsive and non-compliant to the Bid 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 Bidder 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 Bid submission) for the on-going Works. **In case the Bidder does not have any work falling in above criteria, his performance will not be judged unsatisfactory.**

VIII (a) Bidder (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 Turnouts Supply Contract of value more than 10% of NIT cost of work, during last three years. The Bidder should submit undertaking to this effect in Form No. 9 to Section IV (Bidding Forms).

(b) If the Bidder 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 Bidder including the constituent 'substantial member(s)' of JV/Consortium shall be considered ineligible for participation in Bid 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 Bid submission of such Bidder will be rejected besides taking further action as per Clause 34.1 (iii) & 35 of GCC.

IX Bidder (any member in case of JV/consortium) must not have suffered bankruptcy/insolvency during the last 5 years. The Bidder 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. In case of JV/Consortium of (i) Indian Contractor or Indian subsidiary owned by non-Indian firm*, registered in India under Companies Act-2013 and (ii) non- Indian Bidder*, Lead partner shall be Indian Contractor/ Indian Subsidiary having minimum of 74% participation in the JV/Consortium. In case of JV/Consortium of Indian Contractor(s)/ Indian subsidiary(ies) owned by non-Indian firm(s)*, registered in India under Companies Act-2013, Lead partner shall be a substantial partner in the JV/Consortium i.e. having 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.

***non-Indian firm(s)/Bidder shall not be restricted as defined in clause 1.1.4XIII below.**

- 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 Bid 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 Bidder 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 Biding stage, the bid shall be treated as non-responsive.
- d. The Bidder, 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 Bid 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 Bidder's obligation and declare that member(s) of JV/Consortium ineligible for award of any Bid 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 Bid 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). However, in such a case each substantial member of JV/Consortium has to substantiate the experience of executing at least one similar work as per the requirement of clause 1.1.4BX(a) of NIT in their individual capacity along with all other requisite conditions stipulated in the Bid conditions.
- 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 Bid 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). However, in such a case each substantial member of JV/Consortium has to substantiate the experience of executing at least one similar work as per the requirement of clause 1.1.4BX(a) of NIT in their individual capacity along with all other requisite conditions stipulated in the Bid conditions.

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

a) Definitions:

'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 customs duties) as a proportion of the total value, in percent.

'Class-I local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content equal to or more than 50%, as defined under the Order No. P-45021/2/2017-PP(BE-II) dated 04.06.2020 issued by Department for Promotion of Industry and Internal Trade (DPIIT).. **Minimum local content for 'Class-I local supplier' shall be 50% for the subject tender.**

'Class-II local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content more than 20%, as defined under the Order No. P-45021/2/2017-PP(BE-II) dated 04.06.2020 issued by Department for Promotion of Industry and Internal Trade (DPIIT).

'Non - Local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content less than or equal to 20% for the subject Bid, as defined under the Order No. P-45021/2/2017-PP(BE-II) dated 04.06.2020 issued by Department for Promotion of Industry and Internal Trade (DPIIT).

'L1' means the lowest Bid or lowest bid or the lowest quotation received in a Bid, bidding process or other procurement solicitation as adjudged in the evaluation process as per the Bid or other procurement solicitation.

'Margin of purchase preference' means the maximum extent to which the price quoted by a "Class-I local supplier" may be above the L1 for the purpose of purchase preference. Margin of purchase preference shall be 20% for the subject Bid.

b) Procedure for Purchase Preference in procurement of goods or works which are divisible in nature: NOT APPLICABLE FOR THE SUBJECT BID

- i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is 'Class-I local supplier', the contract for full quantity will be awarded to L1.
- ii. If L1 bid is not a 'Class-I local supplier', 50% of the order quantity shall be awarded to L1. Thereafter, the lowest bidder among the 'Class-I local supplier', will be invited to match the L1 price for the remaining 50% quantity subject to the Class-I local supplier's quoted price falling within the margin of purchase preference, and contract for that quantity shall be awarded to such 'Class-I local supplier' subject to matching the L1 price.
- iii. In case such lowest eligible 'Class-I local supplier' fails to match the L1 price or accepts less than the offered quantity, the next higher 'Class-I 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 Class-I 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 and in procurement of services where the bid is evaluated on price alone: APPLICABLE FOR THE SUBJECT BID

- i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is 'Class-I local supplier', the contract will be awarded to L1.
- ii. If L1 is not 'Class-I local supplier', the lowest Bidder among the 'Class-I local supplier', will be invited to match the L1 price subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such 'Class-I local supplier' subject to matching the L1 price
- iii. In case such lowest eligible 'Class-I local supplier' fails to match the L1 price, the 'Class-I 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 'Class-I local supplier' within the margin of purchase preference matches the L1 price, the contract may be awarded to the L1 Bidder.

d) Minimum local content and verification of local content:

- i. The 'Class-I local supplier'/ 'Class-II local supplier' at the time of Bid, bidding or solicitation shall be required to indicate percentage of minimum local content and provide self-certification that the item offered meets the minimum local content requirement for 'Class-I local supplier'/ 'Class-II local supplier', as the case may be. They shall also give details of the location(s) at which the local value addition is made.
- ii. In cases of procurement for a value in excess of Rs. 10 crores, the 'Class-I local supplier'/ 'Class-II local supplier' shall be required to provide a certificate from the statutory auditor or cost auditor of the company (in the case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of suppliers other than companies) giving the percentage of local content after completion of works to the Engineer.
- iii. If any false declaration regarding local content is found, the company shall be debarred for a period of three years from participating in Bids 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** of Section IV duly filled to be uploaded along with the technical bid. In case, Bidder do not upload Form of Bid-14 and Form of Bid -15 of Section IV duly filled along with their technical bid, supplier/ bidder shall be considered as 'Non-local supplier' and will not be eligible to participate for estimated value of purchases up to Rs. 200 crores except Global Bid enquiries in terms of Clause 3(b) of Order No. P-45021/2/2017-PP(BE-II) dated 04.06.2020 issued by Department for Promotion of Industry and Internal Trade (DPIIT).

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.

XIII **Restriction of Bidder from Countries sharing Land Borders with India:**

Any Bidder from a country which shares a land border with India will be eligible to bid either as a single entity or as a member of a JV / Consortium with others, in any procurement whether of goods, services (including consultancy services and non-consultancy services) or works (including turnkey projects) only if the Bidder is registered with the Competent Authority. The Competent Authority for registration will be the Registration Committee constituted by the Department for Promotion of Industry and Internal trade (DPIIT). Political & Security clearance from the Ministries of External and Home Affairs respectively will be mandatory. However, above condition shall not apply to Bidder from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects. *Updated lists of countries to which lines of credit have been extended or in which development projects are undertaken are given in the website of the Ministry of External Affairs.*

"The successful Bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority."

Definitions pertaining to "Restriction of Bidder from Countries sharing Land Borders with India" Clause:

"Bidder" (including the term 'Bidder', 'consultant' 'vendor' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of Bidder stated hereinbefore, including any agency, branch or office controlled by such person, participating in a procurement process.

"Bidder from a country which shares a land border with India" means:

- a) An entity incorporated, established or registered in such a country; or
- b) A subsidiary of an entity incorporated, established or registered in such a country; or
- c) An entity substantially controlled through entities incorporated, established or registered in such a country; or
- d) An entity whose **beneficial owner** is situated in such a country; or
- e) An Indian (or other) **agent** of such an entity; or
- f) A natural person who is a citizen of such a country; or
- g) A consortium or joint venture where any member of the consortium or joint venture falls under any of the above

"Beneficial owner" will be as under:

- (i) In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person(s),

has a **controlling ownership interest** or who exercises **control** through other means.

Explanation—

- a. "**Controlling ownership interest**" means ownership of, or entitlement to, more than twenty-five per cent of shares or capital or profits of the company;
 - b. "**Control**" shall include the right to appoint the majority of the directors or to control the management or policy decisions, including by virtue of their shareholding or management rights or shareholders agreements or voting agreements;
- (ii) In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has ownership of entitlement to more than fifteen percent of capital or profits of the partnership;
 - (iii) In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
 - (iv) Where no natural person is identified under (i) or (ii) or (iii) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
 - (v) In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

"Agent" is a person employed to do any act for another, or to represent another in dealings with third persons.

C. FINANCIAL STANDING

The Bidder 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 1.42 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- 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:** Deleted.

(iii) **T3-Net Worth:** Net Worth of Bidder during last audited financial year should be \geq **INR 1.98 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 Bidder during last three audited financial years should be \geq **INR 7.93 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 Bidder 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 original with membership number and firm registration number. 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 Bid 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>.

However, the Bidder including all substantial members of JV / Consortium should have been incorporated more than three years earlier from the last day of the previous month of Bid submission. In this case, for such Bidder, the average annual turnover shall be arrived considering 'nil' turnover for the financial year(s) for which Bidder was not able to submit audited balance sheet on account of non-incorporation of Bidder. Such data shall be divided by

5 to work out the average annual turnover. In case balance sheet of the last year has not been audited so far, then data shall be divided by 4 to work out the average annual turnover.

- Any certification or document required to be provided by CA, 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.
- 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 Bidder 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 Turnouts supplies executed in any one year during the last five financial years (updated to **last day of the previous month of Bid 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 Bid submission for Supply of Turnouts & Scissor Cross Over etc. during period of **24 months** w.e.f. from first day of the month of Bid submission.

Notes:

- a. Financial data for latest last five financial years has to be submitted by the Bidder 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 ongoing works during period of **24 months** w.e.f. from the first day of the month of Bid submission has to be submitted by the Bidder 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:

Bid Capacity of the JV / group = 0.7X + 0.3Y

1.1.6 The Bid submission of Bidder, 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 Bidder 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 Bid 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.

1.1.7 The Bid documents consist of 3 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 and Qualification criteria
- Bidding Forms

Volume 2

- Schedule of Requirement

Volume 3

- General Conditions of Contracts (GCC)
- Special Conditions of Contract (SCC)
- Contract Forms

Bill of Quantity (BOQ)

1.1.8 The Bidder may obtain further information/ clarification, if any, in respect of these Bid 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.

1.1.9 All Bidder are hereby cautioned that Bids 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.

- 1.1.10 The intending Bidder must be registered on e-Bidding portal <https://eprocure.gov.in/eprocure/app>. Those who are not registered on the e-Bidding portal shall be required to get registered beforehand. After registration, the Bidder will get user id and password. On login, Bidder can participate in Bidding process and can witness various activities of the process.
- 1.1.11 The authorized signatory of intending Bidder, as per Power of Attorney (POA), must have valid **class-II** or **class-III** digital signature. The Bid document can only be downloaded from e-Bidding portal using class-II or class-III digital signature. However, the Bidder shall upload their Bid on <https://eprocure.gov.in/eprocure/app> using class-II or class-III digital signature of the authorized signatory only.
- 1.1.12 Bid submissions shall be done online on <https://eprocure.gov.in/eprocure/app> after uploading the mandatory scanned documents towards cost of Bid documents such as scanned copies of transaction of payment i.e. RTGS, NEFT & IMPS and scanned copy of Undertaking for Tender Security Declaration towards Bid Security (and other documents) as stated in the Bid document. Instructions for on-line bid submission are furnished hereinafter.
- 1.1.13 Submission of Bids shall be closed on e-Bidding website of DMRC at the date & time of submission prescribed in NIT after which no Bid can be uploaded.
- It shall be the responsibility of the bidder/ Bidder to ensure that his Bid is uploaded online on e-Bidding website <https://eprocure.gov.in/eprocure/app> before the deadline of submission. DMRC will not be responsible for non-receipt of Bid documents due to any delay and/or loss etc.
- 1.1.14 Bids shall be valid for a period of **180 days** (both days inclusive i.e. the date of submission of Bids and the last date of period of validity of the Bid) from the latest Date of Submission of Bid.
- 1.1.15 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 his proposal.
- 1.1.16 Bidder are advised to keep in touch with e-Bidding portal <https://eprocure.gov.in/eprocure/app> for updates.
- 1.1.17 The Letter of Acceptance to the successful bidder shall be uploaded on procurement portal which can be downloaded by the successful bidder.
- 1.1.18 For any complaint Bidder may contact CVO, DMRC at

1st floor A-wing, Metro Bhawan,
Fire Brigade Lane, Barakhamba Road,
New Delhi-110001, Tel: 011-23418406,
Email: 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 Bidder 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 BID DOCUMENTS

- 1) There are various search options built in the CPP Portal, to facilitate Bidder to search active Bids by several parameters. These parameters could include Bid ID, Organization Name, Location, Date, Value, etc. There is also an option of advanced search for Bids, wherein the Bidder may combine a number of search parameters such as Organization Name, Form of Contract, Location, Date, Other keywords etc. to search for a Bid published on the CPP Portal.
- 2) Once the Bidder have selected the Bids they are interested in, they may download the required documents / Bid schedules. These Bids can be moved to the respective 'My Bids' folder. This would enable the CPP Portal to intimate the bidders through SMS / e-mail in case there is any corrigendum issued to the Bid document.
- 3) The Bidder should make a note of the unique Bid ID assigned to each Bid, 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 Bid document before submitting their bids.
- 2) Please go through the Bid advertisement and the Bid 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 Bid 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 Bidder. Bidder 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 Bid document.
- 3) Bidder has to select the payment option as "offline" to pay the Bid fee as applicable and enter details of the instrument.
- 4) Bidder should upload the scanned copy of Undertaking for Tender Security Declaration as per the instructions specified in the tender document. Otherwise the uploaded bid will be rejected.
- 5) Bidder 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 Bid document, then the same is to be downloaded and to be filled by all the Bidder. Bidders are required to download the BOQ file, open it and complete the blue 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 Bidder' dashboard) will be considered as the standard time for referencing the deadlines for submission of the bids by the Bidder, opening of bids etc. The Bidder should follow this time during bid submission.
- 7) All the documents being uploaded by the Bidder 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 Bid documents become readable only after the Bid opening by the authorized bid openers.
- 8) The uploaded Bid documents become readable only after the Bid 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 Bid document and the terms and conditions contained therein should be addressed to the Bid Inviting Authority for a Bid or the relevant contact person indicated in the Bid.

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 0120-4001 002/5, 0120-6277 787.

E-Mail: support-eproc@nic.in

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