

## CHAPTER 2

### NOTICE INVITING BID

- 2.1. DMRC invites 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 of built-up commercial Spaces in four separate schedules at D21 Corporate Park on Airport Express Line** on “*as is where is basis*” for commercial activities except banned list of usages as detailed in Annexure-11.
- 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 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.
  - (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 as per Annexure -8A.
- e) 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 commercial space and forfeit the Interest Free Security Deposit after adjusting any dues payable by the successful bidder/ licensee.
- f) The bidders shall enclose with their application an undertaking stating/providing the necessary supporting documents, including duly certified audited accounts and financial statements.

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 built-up commercial spaces at D21 Corporate Park 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. The bidder/s shall submit the separate bid security for each of the bidding schedule for which bid has been submitted along with the Bid Application as mentioned below:

S.No.	Schedule	Floor Location	Bid Security (in ₹)
1.	I	3 <sup>rd</sup> Floor	4.40 lakh
2.	II		6.00 lakh
3.	III		3.70 lakh
4.	IV	2 <sup>nd</sup> Floor	3.30 lakh

The aforementioned bid security amount shall be paid in the form of RTGS/NEFT/ECS mode of payments. **The Application shall be summarily rejected if it is not accompanied with valid / appropriate bid security of given schedule.** The bid security of the successful bidder/s shall be adjusted against the Interest Free Security Deposit amount as per the License Agreement. The bid security of unsuccessful bidder/s 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.

- 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 Rupee Twenty Three Thousand Six Hundred only (Rs.23,600/-) (including 18% GST) per schedule. However if bidder desires to participate in more than one schedule, tender document cost will be required to be submitted only once.
- d) Tender Document Cost and Bid Security/ EMD 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 & **EMD/bid security including e-receipt (clearly indicating UTR No. and tender reference i.e, 120A0002/D-21** which must be entered in remarks at the time of online transaction of payment, (failing which payment may not be considered) and is to be uploaded in the online bid submission. To avoid any discrepancies in reconciliation of GST, the tender cost and bid security/ EMD may be submitted by separate RTGS/NEFT/IMPS. The tender no. and name of the tender should be mentioned in details while submitting payments.

- 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>05.08.2020</b> (from 1300hrs) 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), 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 <b>Rs. 23,600/-</b> (inclusive of 18% GST) shall only be accepted in form of NEFT/RTGS/IMPS on or before 1600 hours on <b>03.09.2020</b> and receipt and details of Tender Document Cost paid have to be uploaded on the web-site upto 1600 hours on <b>03.09.2020</b> .
Bid Security	Bid Security as indicated in clause No. 2.3 (b) shall only be accepted in form of NEFT/RTGS/IMPS on or before 1600 hours on <b>03.09.2020</b> and receipt and details of Bid Security submitted have to be uploaded on the web-site upto 1600 Hrs on <b>03.09.2020</b> .
Site Visit	<b>13.08.2020</b> at 1100 hrs. at Customer Care, Dwarka Sector 8 metro station.
Last date of receiving queries	1700hrs on <b>13.08.2020</b>
Pre-Bid Conference	<b>14.08.2020</b> at 1130 hrs. The pre-bid meeting shall be conducted through video conferencing by software apps such as Webex/Microsoft Teams. All Prospective bidders shall provide the details of the person(s) (mobile No. and mail id)(maximum up to two) who will be participating in such virtual meeting at least one day before the meeting (latest by 1100 hrs on <b>13.08.2020</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.

DMRC's response to queries by	<b>20.08.2020</b>
Date & Time of Submission of Bids	<b>03.09.2020</b> upto 1600 Hrs
Date & Time of Opening of Bids	1600hrs on <b>04.09.2020</b>
Validity of Bids	180 days from bid submission date

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

<b>Stage of Activity</b>	<b>Time Period</b>
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 30 days of handing over of the built-up commercial spaces for Schedule –I, II, III & IV.
Signing of License Agreement	Within 30 days of receipt of payments as per Letter of Acceptance.
Commencement of License Fee	Immediately after 30 days fitment period for Schedule –I, II, III & IV. (i .e w.e.f. 31 <sup>st</sup> day of handing over of built-up commercial spaces as per Schedule –I,II, III & IV.).

**2.4 In order to refund the EMD/Tender Security, bidder is required to submit Annexure-12 for refund of Tender Security, if the same has been submitted in the form of Demand Draft/Banker's Cheque or by RTGS/NEFT/IMPS.**

2.5 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.**

- 2.6 DMRC has adopted a single stage **two packet** Bidding Process to select suitable highest Bidder for licensing of built-up commercial space at D-21 Corporate Park.
- 2.7 The Bidder may obtain further information/ clarification, if any, in respect of Tender documents from the office of JGM/PB, DMRC, 3<sup>rd</sup> floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi.
- 2.8 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.
- 2.9 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.
- 2.10 Bid submissions will be made online after uploading the mandatory scanned documents towards cost of Tender documents such as Demand Draft or Pay Order or Banker's Cheque from a Scheduled commercial bank based in India and towards Tender Bid Security such as Demand Draft or Pay Order or Banker's Cheque from a Scheduled commercial bank based in India and payable in Delhi/ New Delhi & other documents as stated in the Tender document.
- 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 “Conditions of Contracts on Safety and Health for Property Business (PB) Contracts” (containing 105 pages) has been uploaded as a separate module and the same shall be read as an integral part of the tender document.

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**