

## CHAPTER 2

# Notice Inviting Bids

- 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 Rights of Commercial Spaces at New Delhi Metro Station on Airport Express Line** of DMRC in three 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. The bidder/s shall submit the separate bid security for each of the bid schedule for which bid has been submitted along with the Bid Application as mentioned below-

S.No.	Schedule	Location	Area (in sqm)	Tenure (in years)	Bid Security (in ₹)
1	I	Mezzanine level	1313	24	18,00,000
2	II	Mezzanine level	625	21	12,00,000
3	III	Ground Floor	99	15	2,00,000

The aforementioned bid security amount shall be paid online in the form of RTGS/NEFT/IMPS mode of payment only. **The Application/bid shall be summarily rejected if it is not accompanied with tender cost valid / appropriate bid security/EMD of each/respective schedule 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.

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 as mentioned above, same shall not be accepted and all such bids shall be considered ineligible and summarily rejected.

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 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. However, if a 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, 120A0003/NDRU** 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.

The details of actual submission of the tender cost & EMD must match with the details of the uploaded documents at the time of bid submission as stated above.

- 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>16.11.2020</b> to <b>17.12.2020</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>17.12.2020</b> and receipt and details of Tender Document Cost paid have to be uploaded on the web-site upto 1530 hours on <b>17.12.2020</b>
Bid Security	Bid Security as indicated in clause No. 2.3 (b) shall only be accepted online only in form of NEFT/RTGS/IMPS on or before 1530 hours on <b>17.12.2020</b> and receipt and details of Bid Security submitted have to be uploaded on the e-portal upto 1530 hours on <b>17.12.2020</b>
Site Visit	<b>26.11.2020</b> at 1000 hrs. at Customer Care, New Delhi metro station of Airport Express Line.
Pre-Bid Conference	<b>27.11.2020</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 <b>1130 hrs on 26.11.2020</b> ) 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 <b>26.11.2020</b> . Queries received after 1700 hrs on <b>26.11.2020</b> shall not be entertained.
Last date of receiving queries	1700hrs on <b>26.11.2020</b>
DMRC's response to queries by	<b>07.12.2020</b>
Date & Time of Submission of Bids	From <b>11.12.2020</b> (0900 Hrs) to 1530 Hrs of <b>17.12.2020</b>
Date & Time of Opening of Bids	1530hrs on <b>18.12.2020</b>
Validity of Bids	180 days from bid submission date

g.) 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 180 days of date of handing over of the commercial space of schedule I & II and within 120 days of date of handing over of the commercial space of Schedule-III.
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 & II i.e. w.e.f 181 <sup>st</sup> day of handing over of space for Sch-I & II and immediately after 120 days fitment period of Schedule-III i.e, w.e.f 121 <sup>st</sup> day of handing over of bare space for Sch-III 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 JGM/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 and tender bid security such as RTGS/ NEFT/IMPS details for the respective schedule for which bid is submitted as stated in the Tender document.
  - 2.10 In order to process the refund of the EMD/Tender security, the bidders are required to submit Annexure-15 giving the required details for refund of Tender Security, as the same has been submitted by RTGS/NEFT/IMPS.

- 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 in conjunction with tender document, (attached 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**