

DELHI METRO RAIL CORPORATION LIMITED

(A Joint Venture of Govt. of India & Govt. of NCT of Delhi)

CONTRACT: AE-04

TENDER DOCUMENTS

OF

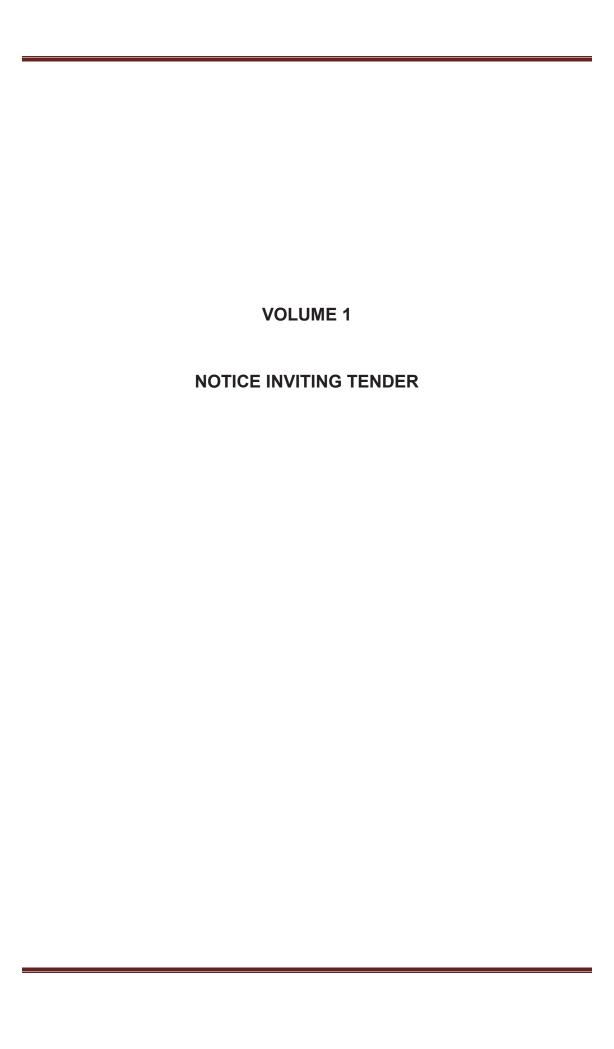
"Design, Manufacture, Supply, Installation, Testing and Commissioning (including Integrated Testing and Commissioning) of Machine Room Less Elevators including Maintenance for Two years During Defect Liability Period for Mumbai Metro Line 2A (Dahisar – DN Nagar)".

TENDER DOCUMENTS VOLUME 1

NOTICE INVITING TENDER INSTRUCTION TO TENDERER FORM OF TENDER

DELHI METRO RAIL CORPORATION LTD.

5thFloor, A-Wing, Metro Bhawan, Fire Brigade Lane,
Barakhamba Road, New Delhi –110 001



NOTICE INVITING TENDER (NIT)

(e-Tender)

1.1 GENERAL

1.1.1 Name of Work

Delhi Metro Rail Corporation Ltd. (DMRC) invites Open e-tender from eligible applicants, who fulfill qualification criteria as stipulated in Clause 1.1.3 of NIT, for the work "Design, Manufacture, Installation, Testing and Commissioning (including integrated Testing and Commissioning) of Machine Room Less Elevators including Maintenance for 02 Years During Defect Liability Period for Mumbai Metro Line 2A (Dahisar(E) – D.N. Nagar).

The tender documents describing the Scope of Work and Terms and Conditions for the Contract are available on the website https://eprocure.gov.in/eprocure/app.

The brief scope of the work is provided in Clause A1 of ITT (Volume-1) and Employer's Requirement (Volume – 3 & Volume-4).

Note:- This is a New Development Bank (formerly referred to as the BRICS Development Bank, is a multilateral development bank established by the BRICS Countries) funded work.

As per the MOU signed between DMRC and MMRDA, this work is being executed by DMRC on deposit work basis wherein there is provision of Closure of Contracts and Taking Over which is as under, "Accordingly, Tenderer shall ensure due closure of Contract for execution of works with DMRC. Tenderer shall ensure that all risks, rewards and claims associated with this contract are settled before closure of this contract. Tenderer to note above while submitting bid however, if this closure is not possible, the further management of this contract will be handled by MMRDA".

1.1.2 Key Details:

Approximate cost of work	INR 20.71 Crore			
Tender Security	INR 20.71 Lakhs Validity of Tender Security in case of BG: 09.05.2019 Tender Security in case of BG, FDR, Demand Draft, Banker's Cheque (in original) as per clause C18 of ITT shall be accepted only up to 1500 hrs on 11.09.2018 in the office of Chief General Manager/Contracts at the address mentioned hereinafter. In case of RTGS/NEFT/IMPS transactions, bidders shall upload the scanned copies of transaction of payment of tender security / EMD including e-receipt (clearly indicating UTR No. and tender reference i.e. AE-04 must be entered in remarks at the time of online transaction of payment, failing which payment may not be considered) to be uploaded in online bid submission. The detail of bank account of DMRC is mentioned below this table. For further details, clause C18.1.3 of ITT may be referred.			
Completion period of the Work	36 (Thirty Six) months			

Tender documents on sale	From 02.08.2018 to 11.09.2018 (up to 1500 hrs) on e-tendering website portal https://eprocure.gov.in/eprocure/app Tender document can only be obtained online after registration of tenderer on the website www.eprocure.gov.in/eprocure/app . For further information in this regard bidders are advised to contact on 011-23417910 & 011-23415838			
	INR 23,600/- (inclusive of 18% GST) Non-Refundable			
Cost of Tender documents	Payment of tender document cost/ tender 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 this table. The bidders are required to upload scanned copies of transaction of payment (clearly indicating UTR No. & tender number i.e. AE – 04 in the remarks or description column) of tender document cost/ tender fee at the time of online bid submission. (Copy of GST registration no. to be provided along with Tender document cost/ tender fee)			
Last date of Seeking Clarifications	10.08.2018 upto 1500 Hrs. Queries/clarifications from bidders after due date and time shall not be acknowledged.			
Pre-bid Meeting	13.08.2018 at 1100 Hrs.			
Last date of issuing addendum	21.08.2018			
Date & time of Submission of Tender online	Tender submission start date: 04.09.2018 (0900 hrs) Tender submission end date: 11.09.2018 (1500 hrs)			
Date & time of opening of Tender online	12.09.2018 at 1500 hrs.			
Authority and place for submission of Bid Document cost, Tender Security amount, seeking clarifications & Pre Bid Meeting	Chief General Manager/Contracts,			

To facilitate payment of tender fee and tender security 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		Current	ICIC0000007

1.1.3 QUALIFICATION CRITERIA:

1.1.3.1 Eligible Applicants:

- i. The tender for this contract will be considered only from those tenderers (proprietorship firms, partnerships firms, companies, corporations, consortia or joint ventures) who meet requisite eligibility criteria prescribed in the sub clauses of clause 1.1.3 of NIT. In the case of a JV or Consortium, all members of the group shall be jointly and severally liable for the performance of whole contract.
- ii. a) A non-Indian firm is permitted to tender only in a joint venture or consortium arrangement with any other Indian firm having minimum participation interest of 26% or their wholly owned Indian subsidiary registered in India under Companies Act-2013 with minimum 26% participation.
 - b) A tenderer shall submit only one bid in the same tendering process, either individually as a tenderer or as a partner of a JV/Consortium. A tenderer who submits or participates in, more than one bid will cause all of the proposals in which the tenderer has participated to be disqualified. No tenderer can be a subcontractor while submitting a bid individually or as a partner of a JV/Consortium in the same bidding process. A tenderer, if acting in the capacity of subcontractor in any bid, may participate in more than one bid, but only in that capacity.
- iii. Tenderers shall not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Tenderers shall be considered to have a conflict of interest with one or more parties in this bidding process, if:
- a) a tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for on implementation of the project;
- b) a tenderer is any associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
- c) a tenderer lends, or temporarily seconds its personnel to firms or organizations 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. A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in joint venture/Consortium. However, the lead partner in case of JV/Consortium shall be one who has experience of similar works as defined in clause 1.1.3.2 A of NIT.
- v(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 tenderer (including any member in case of JV/consortium) as on the date of tender submission. The Tenderer shall submit undertaking to this effect in Appendix-19 of Form of Tender.
- v(b) Also no contract of the tenderer 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 03 years (from the last day of the previous month of tender submission) due to non-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in **Appendix-19** of Form of Tender.

- v(c) The overall performance of the tenderer (all members in case of JV/Consortium separately) shall be examined for all the ongoing Electrical Works 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 Electrical Works awarded by DMRC/any other Metro Organisation (100% owned by Govt.) within last one year (from the last day of the previous month of tender submission), of value more than 40% of NIT cost of work, executed either individually or in a JV/Consortium. The tenderer shall provide list of all such works in the prescribed Performa given in Appendix- 19A of the Forms of Tender. The tenderer (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 work with respect to completion of work/execution of work (for ongoing works) failing which their tender submission shall not be evaluated and the tenderer shall be considered non-responsive and non-compliant to the tender 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 tenderer in terms of Note (b) of Appendix- 19A. In case of performance certificate issued by the client, same should not be older than three months (from the last day of the previous month of tender submission) for the on-going works.
- v(d) Tenderer (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 penalized 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 Electrical Contract of value more than 10% of NIT cost of work, during last three years. The Tenderer should submit undertaking to this effect in **Appendix-20** of Form of Tender.
- v(e) If the tenderer or any of the constituent 'substantial member(s)' of JV/Consortium does not meet the criteria stated in the Appendix 19 or Appendix 19A or Appendix 20, the tenderer including the constituent 'substantial member(s)' of JV/Consortium shall be considered ineligible for participation in Tender process and they shall be considered ineligible applicants in terms of Clause 1.1.3.1 of NIT.
- v(f) If there is any misrepresentation of facts with regards to undertaking submitted vide Appendix- 19, or performance in any of the works reported in the Appendix 19A, or undertaking submitted vide Appendix- 20, the same will be considered as "fraudulent practice under clause 4.33.1 a (ii) of GCC and the tender submission of such tenderer will be rejected besides taking further action as per clause 4.33.1 (b), (c) & 13.2.1 of GCC.
- (vi) Tenderer (any member in case of JV/consortium) must not have suffered bankruptcy/ insolvency during the last 5 years. The tenderer should submit undertaking to this effect in Appendix- 21 of Form of Tender.
- vi. LEAD PARTNER/ NON SUBSTANTIAL PARTNERS/ CHANGE IN JV/ CONSORTIUM
 - a. Lead partner must have a minimum of 26% participation in the JV/Consortium.

- b. 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.
- c. In case of JV/Consortium, change in constitution or percentage participation shall not be permitted at any stage after their submission of application otherwise the applicant shall be treated as non-responsive.
- d. The tenderer, 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 Appendix 6 of Form of Tender, 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 tender stage, will be treated, as 'breach of contract condition' and/or 'concealment of facts' (as the case may be), vide GCC clause 4.33.1 [a (ii) and (iii)] and acted accordingly.

The Employer in such cases, may in its sole discretion take action under clause 4.33.1 (b) and/or under clause 4.33.1(c) of GCC against any member(s) for failure in tenderer's obligation and declare that member(s) of JV/Consortium ineligible for award of any tender in DMRC or take action to terminate the contract in part or whole under clause 13 of GCC as the situation may demand and recover the cost/damages as provided in contract.

1.1.3.2 Minimum Eligibility Criteria

- **A.** Work Experience: The Tenderers will be qualified only if they have successfully completed similar work(s)* during last 10 years ending last day of the month previous to the month of tender submission as given below:
 - a. Design, Manufacturing, Supply, Installation, Testing, Commissioning of Machine Room Less Elevators Used in Mass Rapid Transit System (Metro Station(s) / Railway Station(s) / Airport(s) / Sub – Urban Railway(s)) successfully completed in last 10 years of any of the following:-
 - (i) More than INR 16.56 Crores similar work(s)* in one financial year.

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(ii) More than INR 20.71 Crores similar work(s)* in two financial years. .

OF

(iii) More than INR 24.85 Crores similar work(s)* in three financial years. .

AND

 Experience of Design, Manufacturing, Supply, Installation, Testing and Commissioning of at least 33 Nos. of "Machine Room Less Elevators" for Mass Rapid Transit System (Metro Station(s) / Railway Station(s) / Airport(s) / Sub – Urban Railway(s)) successfully completed during last 10 years.

Note:- In case of JV / JVA / Consortium, the experience criteria at (a) & (b) above, can be fulfilled by an individual partner / member or by combining experience of partners / members.

AND

c. If the member of JV / JVA / Consortium responsible for manufacturing & supplying of elevator is of foreign origin then they should have experience of manufacturing & supplying minimum 33 Nos. of "Machine Room Less Elevators" for Mass Rapid Transit System (Metro Station(s) / Railway Station(s) / Airport(s) / Sub — Urban Railway(s)) successfully completed during last 10 years excluding the country of Origin.

Notes:

- The tenderer shall submit details of works executed by them in the Performa of Appendix-17, and 17A of FOT for the works to be considered for qualification of work experience criteria. Documentary proof such as 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.
- Value of successfully completed substantial portion of any ongoing work up to last day
 of the month previous to the month of tender submission will also be considered for
 qualification of work experience criteria.
- 3. For completed works, value of work done shall be updated to last day of the month previous to the month of tender 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 tender.
- 4. In case of Joint venture / consortium, full value of the work, if done by the same joint venture shall be considered. If the qualifying work(s) were done by them in JV/consortium having different constituents (consists of other than Indian Contractor or consists of Indian Contractor with less than 40% share), then the value of work as per their percentage participation in such JV/Consortium shall be considered, but in case if the qualifying work(s) were done by them in JV/consortium having different constituents (consist of Indian contractor with 40% or more participation), then the value of work as per Indian contractor's percentage participation in such JV/Consortium shall be taken Two times subject to the Maximum of 100% for the consideration of value of the work for Work experience.
- 5. If the above work(s) (i.e. "Similar Work" comprise other works, then client's certificate clearly indicating the amount of work done/quantum of work done in respect of the respective "similar works" shall be furnished by the tenderer in support of the work experience along-with their tender submissions.
- * "Similar works" for this contract shall be the work of "Design, Manufacturing, Supply, Installation, Testing and Commissioning of Machine Room Less Elevators in Mass Rapid Transit System (Metro Station(s) / Railway Station(s) / Airport(s) / Sub Urban Railway(s)).
- **B. Financial Standing:** The Tenderer 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 balance sheets and/or from the banking reference. Net current assets and/or documents including banking reference, should show that the applicant has access to or has available liquid assets, lines of credit and other financial means to meet cash flow of **INR 0.99 Crores** 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 acceptable to DMRC and it should not be more than 3 months old as on date of submission of bids.

<u>In Case of JV/consortium-</u> Requirement of liquidity is to be distributed between members as per their percentage participation and every member should satisfy the minimum requirement.

<u>Example</u>: 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 $\geq \frac{W M}{100}$

and liquidity of member-2 ≥ <u>W N</u>
100

(ii) T2 - Profitability: Profit before Tax should be Positive in at least 2 (two) years, out of the last five audited financial years.

In Case of JV/Consortium: The profitability of only lead member shall be evaluated.

(iii) T3 - Net Worth: Net Worth of tenderer during last audited financial year should be ≥INR 1.38 Crores

<u>In Case of JV/Consortium-</u> Net worth will be based on the percentage participation of each Member.

 $\underline{\textit{Example}}$: 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/Consortium will be

= AM+BN

100

(iv) T4 - Annual Turnover: The average annual turnover from construction of last five financial years should be ≥INR 5.52 Crores.

The average annual turnover of JV/Consortium will be based on percentage participation of each member.

<u>Example</u>: Let Member-1 has percentage participation = M and Member - 2 has =N. Let the average annual turnover of Member-1 is 'A' and that of Member-2 is 'B', then the average annual turnover of JV/Consortium will be

= <u>AM+BN</u> 100

Notes:

- 1. Financial data for latest last five audited financial years has to be submitted by the tenderer in Appendix-18 of FOT 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. 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 year other than the last year is not submitted, the tender may be considered as non-responsive.
- 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

1.1.3.3 Bid Capacity Criteria:

Bid Capacity: The Tenderers 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:

Available bid Capacity = (2xAxN)- B

Where.

A =Maximum of the value of works executed in any one year during the last five financial years (updated to last day of the month previous to the month of tender 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 (i.e. 3years)

B= Value of existing commitments (as on last day of the month previous to the month of tender submission) for on-going works during period of 36months w.e.f. first day of the month of tender submission

Notes:

- Financial data for latest last five financial years has to be submitted by the tenderer in APPENDIX 15 of FOT 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.
- 2. Value of existing commitments for on-going construction works during period of 36months w.e.f. the first day of the month of tender submission has to be submitted by the tenderer in APPENDIX 16 OF FOT. These data shall be certified by the Chartered Accountant with his stamp and signature in original with membership number.
- 3. 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 % is not provided, equal participation will be assumed.

Example for calculation of bid capacity in case of JV / Consortium/Group

Suppose there are 'P' and 'Q' members of the JV / Consortium/ Group with their participation in the JV / Consortium/ 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 / Consortium/ Group shall be as under:

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

1.1.3.4 The tender submission of Tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.3.2 to 1.1.3.3 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.3.2 to 1.1.3.3 shall not imply that his bid shall automatically be accepted. The same should contain all technical data as required for consideration of tender prescribed in the ITT.

1.1.4 The Tender Documents consist of :

Volume 1

- Notice Inviting Tender
- Instructions to Tenderers (including Annexures)
- Form of Tender (including Appendices)

Volume 2

- General Conditions of Contracts
- Special Conditions of Contract (including Schedules)

Volume 3

Employer's Requirements - General specifications

Volume 4

• Employer's Requirements - Particular Specifications

Volume 5

• Tender Drawings- Not used

Volume 6

 Condition of Contract on Safety, Health & Environment (SHE) for Mumbai Metro Rail Project

Volume 7

Bill of Quantities/ Pricing Document

- Pricing Document
- 1.1.5 The contract shall be governed by the documents listed in Para 1.1.4 above along with documents and standards mentioned in Para 16 of Appendix B2 of Annexure 1 of Instructions To Tenderer.
- 1.1.6 The Tenderer may obtain further information/ clarification, if any, in respect of these Tender documents from the office of Chief General Manager/Contracts, Delhi Metro Rail Corporation, 5th floor, A-Wing, Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi –110 001.

- 1.1.7 All Tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause E 4.4 of "Instructions to Tenderers" and/or minor deviation without quoting the cost of withdrawal shall be considered as non-responsive and is liable to be rejected.
- 1.1.8 The Intending Tenderers must be registered on e-tendering portal https://eprocure.gov.in/eprocure/app. Those who are not registered on the e-tendering portal shall be required to get registered beforehand. If needed they can be imparted training on 'online Tender process'. After registration, the applicant will get user id and password. On login, applicant can participate in Tender process and can witness various activities of the process.
- 1.1.9 The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid **class II or class-III** digital signature. The Tender document can only be downloaded from e-tendering portal using class II or class III digital signature. However the tenderers shall upload their tender on https://.eprocure.gov.in/eprocure/app using Class-II or Class III digital signature of the authorized signatory only.
- 1.1.10 Tender submissions shall be done online on https://eprocure.gov.in/eprocure/app after uploading the mandatory scanned documents towards cost of tender documents such as scanned copies of transaction of payment(clearly indicating tender number i.e. AE-04 in the remarks or description column) i.e. RTGS, NEFT & IMPS and towards Tender Security such as Bank Guarantee or Demand Draft or Pay Order or Banker's Cheque from a Scheduled commercial bank based in India or scanned copies of transaction of payment (clearly indicating tender number i.e. AE-04 in the remarks or description column)i.e. RTGS, NEFT & IMPS and other documents as stated in the tender document. Instructions for on-line bid submission are furnished hereinafter.
 - 1.1.11 Submission of Tenders shall be closed on e-tendering website of DMRC at the Date & time of submission prescribed in NIT after which no tender shall be accepted .lt shall be the responsibility of the bidder/tenderer to ensure that his tender is submitted online on e-tendering website https://eprocure.gov.in/eprocure/app before the deadline of submission. DMRC will not be responsible for non-receipt of tender documents due to any delay and/or loss etc.
 - 1.1.12 Tenders shall be valid for a period of 180 days (both days inclusive i.e. the date of submission of tenders and the last date of period of validity of the tender) from the date of submission of Tenders and shall be accompanied with a tender security of the requisite amount valid as per clause C18 of ITT
 - 1.1.13 DMRC reserves the right to accept or reject any or all proposals without assigning any reasons. No Tenderer shall have any cause of action or claim against the DMRC for rejection of his proposal.
 - 1.1.14 The Tenderers are advised to keep in touch with e-tendering portal https://.eprocure.gov.in/eprocure/app for updates. The Letter of Acceptance to the successful bidder shall be uploaded on procurement portal which can be downloaded by the successful bidder. For any complaints tenderers 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.

Chief General Manager /Contracts
Delhi Metro Rail Corporation Ltd.