

Tender AGCC-06: Construction of elevated viaduct and 07 Nos. elevated stations (viz. Agra Cantt, Sadar Bazar, Pratap Pura, Collectorate, Agra College, Hariparvat chauraha and Sanjay Place metro stations) including Civil, Architectural Finishes, Water Supply, Sanitary Installation, Drainage, External Development, Fire Fighting, Fire Detection, E&M works and PEB structures of Corridor-2 of Agra Metro at Agra, Uttar Pradesh, India.

NOTICE INVITING TENDER (NIT)

1 GENERAL

1.1 Name of Work:

Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd., invites open e-tenders on International Competitive Basis (ICB) from eligible applicants from all countries and all area, who fulfil qualification criteria as stipulated in Clause 1.4 of NIT, for the work, “ **AGCC-06 (Funded by EIB): Construction of elevated viaduct and 07 Nos. elevated stations (viz. Agra Cantt, Sadar Bazar, Pratap Pura, Collectorate, Agra College, Hariparvat chauraha and Sanjay Place metro stations) including Civil, Architectural Finishes, Water Supply, Sanitary Installation, Drainage, External Development, Fire Fighting, Fire Detection, E&M works and PEB structures of Corridor-2 of Agra Metro at Agra, Uttar Pradesh, India.**

The brief scope of the work and site information is provided in ITT Clause A1 (Volume-1), Employer’s Requirements (Volume–3) & Vol-5 (Technical Specification/E&M).

1.2 Key details :

Approximate cost of work	Rs. 696.53 Crores
Tender Security	<p>INR 13.93 Crores/-</p> <p>The instrument type for payment of tender security/ EMD shall be Demand Draft, Bank Guarantee, Insurance Surety Bond, RTGS, NEFT & IMPS. No other mode of payment will be accepted.</p> <p>(i) Payment of tender Security as per clause C 18.1.2 (i) of ITT is to be made by RTGS, NEFT & IMPS. The details of bank account of UPMRC are mentioned below. The bidders are required to upload scanned copies of transaction of payment of tender security including e-receipt (clearly indicating UTR No. & tender reference must be entered in the remarks at the time of online transaction of payment) in online bid submission, failing which payment may not be considered)). (Copy of GST registration no. to be provided along with Tender security) Name of the Bank - HDFC Bank Banks Address - HDFC Bank Ltd, Tekari Chambers Ashok Marg, Lucknow Account Name - UPMRCL (Agra Project) Account No. - 50100301966491 IFSC code - HDFC0001267</p> <p>(ii) Payment of tender security as per clause C 18.1.2 (ii) of ITT is to be made by BG/Demand Draft. BG/Demand Draft shall be submitted in original in a sealed envelope in the office of CE/ Contract within due date and time of submission end date of tender.</p>

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	Validity of Tender Security in case of BG shall remain valid for a period of 45 days beyond the final bid validity period.
Completion period of the Work	30 months
Tender documents to be downloaded from e-tendering website:	From 14.02.2023 (from 11:00 hrs) to 12.04.2023 (up to 15:00 hrs) on e-tendering website https://etenders.gov.in/eprocure/app . Tender document can only be obtained on the website https://etenders.gov.in/eprocure/app .
Tender document Cost	INR 23,600/- (inclusive of 18% GST) Non- Refundable (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 details of bank account of employer are mentioned below. The Tenderers are required to upload scanned copies of transaction of payment of tender document cost including e-receipt (clearly indicating UTR No. & tender reference must be entered in the remarks at the time of online transaction of payment) in online bid submission, failing which payment may not be considered at the time of evaluation of tenders). (Copy of GST registration no. to be provided along with Tender document cost/ tender fee, as applicable) Name of the Bank - HDFC Bank Banks Address - HDFC Bank Ltd, Tekari Chambers Ashok Marg, Lucknow Account Name - UPMRCL (Agra Project) Account No. - 50100301966491 IFSC code - HDFC0001267
Last date of Seeking Clarification:	21.03.2023 upto 18:00 hrs. Tenderers to note that seeking clarification on the tender shall be done by sending it on e-tendering portal only. Seeking clarification by mail or post will not be considered. Queries/clarifications from Tenderers after due date and time shall not be acknowledged.
Pre-bid Meeting	21.03.2023 @ 15:00 Hrs The pre-bid meeting shall be conducted through video conferencing by software apps such as Google Meet, Microsoft Team, etc. All Prospective tenderers who have made online payment towards tender document cost 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 to the registered official email of Employer i.e. cecontract@upmrc.co.in along with scanned copy of transaction of payment of tender document cost, including e-receipt (clearly indicating UTR No. and tender reference), so that links

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	having details such as software, meeting ID, password etc. can be mailed to these persons before the scheduled pre-bid meeting.
Date & time of Submission of Tender online	Tender submission start date: 31.03.2023 (11:00 hrs). Tender submission end date: 12.04.2023 (15:00 hrs).
Date & time of opening of Tender	13.04.2023 @ 15:00 Hrs.
Authority and place for seeking clarifications etc.	Chief Engineer/ Contract, Uttar Pradesh Metro Rail Corporation, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow-226010, Uttar Pradesh, India https://etenders.gov.in/e procure/app

Any clarification/corrigendum/addendum to the tender documents shall be uploaded on the official e-portal only, without any obligation of press notification.

For further details, please visit official e-portal <https://etenders.gov.in/e procure/app>.

For any additional information & help for downloading & uploading, please contact e-tendering service desk at the following ID: support-eproc@nic.in or at Toll Free No.: (91)120-4001002, (91)120-4001005, (91)120-6277787.

1.3 SOURCE OF FUNDS:

UPMRCL has received Loan from multilateral funding agency (European Investment Bank - EIB) hereinafter- called "Funding Agency" towards the part cost of the Project, and intends to apply a portion of the proceeds of the loans to payments under this contract. Disbursement of the loans will be subject, in all respects, to the terms and conditions of the Loan Agreements, including the disbursement procedures and the applicable procurement guidelines of EIB. (https://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf). No party other than UPMRC shall derive any rights from the Loan Agreement or have any claim to loan proceeds. The above Loan Agreement will cover only a part of the project cost. The remaining portion shall be financed through equity participation by the Government of India and Government of Uttar Pradesh and other appropriate means.

1.4 QUALIFICATION CRITERIA:

1.4.1 Eligible Applicants: A Tenderer may be from any country and all areas either a single entity or combination of entities in the form of a Joint Venture or Consortium under an existing agreement. Please refer Clause A3 of ITT (which under its sub-clause A3.10 also includes requirements/stipulations regarding (a) Lead Partner of JV/Consortium (b) Non Substantial Partners (c) Requirement for members of JV /Consortium (d) Change in JV /Consortium (e) Participation by Subsidiary Company or Parent Company with credentials of Parent or Subsidiary Company).

1.4.2 Minimum Eligibility Criteria:

A. Work Experience:

(i) The tenderers will be qualified only if they have successfully completed or

“substantially” ** completed similar work(s) as a prime contractor/ member of JV during last seven years ending last day of the month previous to the month of tender Publish Date as given below:

At least One “similar work” * of value of **Rs. 557.22 Crores** or more

OR

At least Two “similar works” * each of value of **Rs. 348.27 Crores** or more

OR

At least Three “similar works” * each of value of **Rs. 278.61 Crores** or more

“Similar Work/s” for this tender shall be **“Construction of Viaduct (which may include station along with viaduct) /Bridge /Flyover (excluding approaches & embankments) having a pre-stressed concrete super-structure”**.

** **“Substantial”** completion shall be based on 80 (eighty) per cent (value wise) or more works completed under the contract as well as functional completion of the work. Client Certificate for ‘substantial completion’ of project/work/asset should contain two parts. Part -I shall contain ‘financial value of work done’ and part-II shall contain ‘certificate of functional completion of project/work/asset’.

- (ii) Tenderer (or atleast one member in case of JV/Consortium) should have carried out at least one “similar work” * of value **Rs. 278.61 Crores** or more in India or in a country outside their own country.
- (iii) For a Joint Venture / Consortium, each of its substantial partners (i.e. having at least 20% participation in JV/Consortium) must have experience of executing at least one Civil work of minimum 20% of NIT value in last 07 years ending last day of the month previous to the month of tender Publish Date.
- (iv) Tenderer should have minimum experience of having constructed a total of minimum 2 km length of Metro Viaduct/bridge/fly over (excluding approach embankment) having pre-stressed concrete super structure, with or without elevated metro station (which may/may not include finishing work and E&M works)

Notes :

- The tenderer shall submit details of work executed by them as a prime contractor/member of JV, in the Performa of **Annexure-1** for the works to be considered for qualification of work experience criteria. **Prime contractor shall mean a bidder who has executed the works in the capacity of Contractor (and not in the capacity of Project Implementing Agency/ Project Executing Agency/ Employer/ Project Management Consultant (PMC) as defined in Clause 3.1.4 (i) of Manual for Procurement of Works, June 2022). Bidders should also specifically take note of clause no 4.5 of SCC.** 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 Chartered Accountant (C.A), Tax Deducted at Source (TDS) certificates/ Form 26 AS for all payments received and copy of final/last bill paid by client shall be submitted.

- For completed works, value of work done shall be updated to last date of previous month of tender Publish Date, price level assuming 7% per annum simple rate inflation for Indian Rupees every year and 2% for foreign currency portions per year. Selling rate of exchange rate at the close of business of the State Bank of India on the day twenty eighth days before the latest date of Tender Submittal shall be considered for calculating equivalent value in INR.
 - In case, the qualifying work(s) were done by tenderer in JV/Consortium, then only the Applicant's share, by value, shall be considered to meet the eligibility criteria.
 - Tenderer must have experience of executing E&M works similar to scope of work defined in Section E.00 of Vol-5 (Technical Specification/E&M) for at least one Metro Station / Railway Station / Commercial building etc. In case tenderer doesn't meet the requisite experience, Contractor may engage sub-contractor having the required experience for E&M works. **The eligibility of the subcontractor shall be evaluated after award of work.** The contractor shall be required to submit confirmation for the same in **Appendix 15 of Form of Tender.**
 - Manual for Procurement of Works (Updated June, 2022) can be downloaded from website of Department of Expenditure, Ministry of Finance, Government of India.
- B. Financial Standing:** The tenderers will be qualified only if they have minimum financial capabilities as below:
- (i) T1 – Liquidity:** The tenderer must have liquidity of at least **Rs. 39.80 Crores.**
- a) The liquidity shall be ascertained from Net Working Capital {Current Assets – (current liabilities + provisions)} as per latest audited balance sheet and/or from the Banking reference(s).
 - b) Banking reference(s) should contain in clear terms the amount that the Bank will be in a position to lend for this work to the applicant/ member of the Joint Venture/Consortium. In case the Net Working Capital (as seen from the Balance Sheet) is negative, only the Banking reference(s) will be considered, otherwise the aggregate of the Net Working Capital and submitted Banking reference(s) will be considered for working out the Liquidity.
 - c) The Banking references should be from a Scheduled Commercial Bank in India or from an International Bank of repute (in case of foreign vendors) acceptable to Employer as **per standard performa provided in NIT as Annexure 4** and it should not be more than 3 months old as on the date of submission of bids.
 - d) In Case of JV: - Requirement of working capital is to be distributed between members as per their percentage participation and every member should satisfy the requirement for his portion.

Example: Let member-1 has percentage participation=M and member-2 has percentage participation=N. If minimum working capital required is 'W' then working capital of member-1 $\geq \frac{W M}{100}$ and working capital of member-2 $\geq \frac{W N}{100}$
 - e) In case the applicant is a Joint Venture/Consortium and if Banking Reference is issued by the bank in favour of the Joint Venture/Consortium for this

contract, then it will be considered for the tenderer and if the Banking reference(s) is issued in favour of any member of JV/Consortium it will be considered only for that member.

ii) T2 - Deleted

iii) T3 - **Net Worth:** Net Worth of tenderer should be positive in last audited financial years.

In Case of JV/Consortium- Each member of the JV should have positive Net Worth in the last audited financial years.

iv) T4 - **Annual Turnover:** The average annual financial turnover of the bidder during the last three years ending 31st March of the previous Financial Years should be at least **Rs.208.96 Crores**.

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

Example: 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 will be = $(AM+BN)/100$

Notes :

- Financial data for latest last five audited financial years has to be submitted by the tenderer in **Annexure-2** along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature. In case audited balance sheet of the last financial year is not made available by the Tenderer, 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 last year is not submitted, tender may be considered as non- responsive.**
- Where the 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.

v) **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 = $1.5 * A * N - B$

Where,

A = Maximum of the value of works executed in any one year during the last five financial years (updated at current price level assuming 7% per annum simple rate inflation for Indian Rupees every year and 2% for foreign currency portions per year), taking into account the completed as well as works in progress.

N = No. of years prescribed for completion of the work in question.

B = Value (updated at current price level assuming 7% per annum simple rate inflation for Indian Rupees every year and 2% for foreign currency portions per

year) of existing commitments and on-going works to be completed in next 'N' years.

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.

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:

$$\text{Bid Capacity of the JV / Consortium / Group} = 0.7X + 0.3Y$$

Notes:

- Financial data for latest last five financial years has to be submitted by the tenderer in **Annexure-2** along with audited financial statements. The financial data in the prescribed format shall be certified by the Chartered Accountant with his stamp signature & UDIN in original. In case any discrepancy in data is found between the balance sheet and the financial information submitted, the data as available in the balance sheet will be considered.
- Value of existing commitments for on-going works during period of this NIT of this tender starting from first date of the month of tender publish date in **Annexure-3**. These data shall be certified by the Chartered Accountant with his stamp, signature, membership no and UDIN No.

1.4.3 The tender submission of tenderers, who do not qualify the minimum eligibility criteria stipulated in the clauses 1.4.1 to 1.4.2 above, shall not be considered for further evaluation and therefore rejected. If the tenderer fails to meet the eligibility and qualification criteria, then further scrutiny of other technical parameters will not be done and Financial Proposals of such Tenderers shall not be opened. The mere fact that the tenderer is qualified as mentioned in sub clause 1.4.1 to 1.4.2 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. Technical proposals meeting the Technical requirement and found substantially responsive only will be qualified for opening of their Financial Proposal.

1.5 The Tender documents consist of:

- Volume 1
 - Notice Inviting Tender (including Annexures)
 - 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
 - Employer's Requirements – Functional

- Employer's Requirements – Design
 - Employer's Requirements – Construction
 - Employer's Requirements – Appendices
 - Volume 4
 - Bill of Quantities
 - Volume 5
 - Technical Specifications
 - Volume 6
 - Tender Drawings
 - Volume 7
 - Condition of Contract on Safety, Health & Environment (SHE)
- 1.6 The contract shall be governed by the documents listed in Para 1.5 above along with latest edition of CPWD Specification, IRS Specifications & MORTH Specifications. These may be purchased from the market by the tenderer.
- 1.7 The tenderers may obtain further information/clarification, if any, in respect of these tender documents from the office of **Chief Engineer/Contract, Uttar Pradesh Metro Rail Corporation, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow - 226010**
- 1.8 All tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause. E4 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.
- 1.9 The intending tenderers must be registered on e-tendering portal **<https://etenders.gov.in/eprocure/app>**. Those who are not registered on the e-tendering portal shall be required to get registered beforehand. After registration, the tenderer will get user id and password. On login, tenderer can participate in tendering process and can witness various activities of the process. Instructions for online bid submission is attached as **Annexure A** to NIT.
- 1.10 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 or uploaded using **Class-II or Class-III digital signature**. However, the tenderer shall upload their tender on <https://etenders.gov.in/eprocure/app> using class-II or class-III digital signature of the authorized signatory only.
- 1.11 Tender submissions shall be done online on **<https://etenders.gov.in/eprocure/app>** after uploading the mandatory scanned documents towards tender document cost such as scanned copies of transaction of payment i.e. RTGS, NEFT & IMPS and scanned copy of Tender Security and other documents as stated in the tender document. Instructions for on-line bid submission are furnished hereinafter.
- 1.12 Submission of Tenders shall be closed on e-tendering website of Employer at the date & time of submission prescribed in NIT after which no tender shall be accepted. It shall be the responsibility of the Tenderer / tenderer to ensure that his tender is submitted online on e-tendering website **<https://etenders.gov.in/eprocure/app>** before the deadline of submission. The Employer shall not be responsible for any delay, difficulties and/or

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inaccessibility of the downloading and/or uploading facility from the e-procurement portal for any reason whatsoever.

- 1.13 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.14 Tenders shall be valid for a period of **180 days** from the end date of submission of Tenders and shall be accompanied with a tender security of the requisite amount as per clause C18.1 of ITT.
- 1.15 The Tender procedure will be carried out in line with EIB's Guide to Procurement:http://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf.
- 1.16 Employer 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 Employer for rejection of his proposal.
- 1.17 Tenderers are requested to visit e-tendering portal <https://etenders.gov.in/eprocure/app> regularly for any Employer's issued clarifications, addendum, corrigendum and/or due date extensions.
- 1.18 Employer will award the Contract to the Tenderers whose Tender has been determined to be substantially responsive and compliant to the requirements contained in the Tender Documents and who has offered the Lowest Evaluated Tender Price. Variant bids are not allowed.
- 1.19 Any suit or application, arising out of any dispute or differences on account of this tender shall be filed in a competent court at Lucknow, Uttar Pradesh only and no other court or any other district of the country shall have any jurisdiction in the matter.

Chief Engineer/Contract
Uttar Pradesh Metro Rail Corporation