

NOTICE INVITING TENDER

1.1 GENERAL

1.1.1 Name of Work:

Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd. invites open e-tenders from eligible Security Agencies, who fulfil qualification criteria as stipulated in Clause 1.1.3 of NIT, for the work, “**Tender AGSS-01: Providing Security and allied services for Depot, Stations of Agra Metro in UPMRC**”.

The brief scope of the work and site information is provided in NIT Section 2.

1.1.2 Key details:

Approximate cost of work/ NIT Value	INR 7.65 Crore (Exclusive of Service Charge, GST)
* Tender Security amount	<p>Rs. 15,30,000.00/-</p> <p>The instrument type for payment of tender security/ EMD shall be RTGS, NEFT & IMPS, Demand Draft, Bank Guarantee. 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), failing which payment may not be considered at the time of online bid submission). (Copy of GST registration no. to be provided along with Tender security)</p> <p style="text-align: center;">Name of the Bank - HDFC Bank Banks Address - HDFC Bank Ltd, 6 Sappru Marg, Hazratganj, 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 the office of CE/ Contract within due date and time of submission end date of tender.</p> <p>Validity of Tender Security in case of BG shall remain valid for a period of 45 days beyond the final bid validity period.</p>

Completion period of the Work	36 Months
Tender documents on sale	From 02 September 2023 (from 11:00 hrs) to 03 October 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 .
*Cost of Tender documents (Non-Refundable)	INR 23600.00/- (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 UPMRC are mentioned below. The bidders are required to upload scanned copies of transaction of payment of tender document cost/tender fee including e-receipt (clearly indicating UTR No. & tender reference must be entered in the remarks at the time of online transaction of payment), failing which payment may not be considered at the time of online bid submission). (Copy of GST registration no. to be provided along with Tender document cost/ tender fee) Name of the Bank - HDFC Bank Banks Address - HDFC Bank Ltd, 6 Sappru Marg, Hazratganj, Lucknow Account Name - UPMRCL (Agra Project) Account No. - 50100301966491 IFSC code - HDFC0001267
Last date of Seeking Clarification	14 September 2023 (Upto 18:00 Hrs) Bidders 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 bidders after due date and time shall not be acknowledged.
Pre-bid Meeting	14 September @ 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 the cost of tender document 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@upmrcl.co.in alongwith scanned copy of transaction of payment of tender cost / tender fee, including e-receipt (clearly indicating UTR No. and tender reference , 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

Date & time of Submission of Tender online	Tender submission start date: 25 September 2023 (11:00 hrs). Tender submission end date: 03 October 2023 (15:00 hrs).
Date & time of opening of Tender(Technical Bid)	04 October 2023 @ 15:00 Hrs.
Date & time of opening of Tender (Financial Bid)	Will be informed later on after the evaluation of Technical Bids (only to the bidders who will successfully qualify the Technical Evaluation)
Validity of Tender	180 days from the last date of submission end date of tender.
Authority and place for seeking clarifications etc.	Chief Engineer/ Contract, Uttar Pradesh Metro Rail Corporation Ltd., Administrative Building, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Vipin Khand, Gomti Nagar, Lucknow-226010, Uttar Pradesh, India. https://etenders.gov.in/e procure/app

*** Cost of Tender and Tender Security shall be submitted by the bidders except Micro and Small Enterprises (MSEs) as defined in MSE Procurement Policy issued by Department of Micro, Small and Medium Enterprises (MSME) or are registered with the Central Purchase Organisation.**

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.

1.1.3 QUALIFICATION CRITERIA:

1.1.3.1 Eligible Applicants:

- i. The tenders for this contract will be considered only from those tenderers (proprietorship firms, partnerships firms, companies, corporations) who meet requisite eligibility criteria prescribed in the sub-clauses of clause 1.1.3 of NIT.
- ii. A tenderer shall submit only one bid in this tendering process. A tenderer who submits or participates in, more than one bid will cause all of the bids in which the tenderer has participated to be disqualified. No tenderer can be a sub-contractor while submitting a bid in the same bidding process.
- 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) tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for on implementation of the project;
 - b) tenderer is any associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
 - c) tenderer 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. Restriction of Bidders from Countries sharing Land Borders with India as per Ministry of Finance order (Public Procurement No. 1) F.No.6/18/2019-PPD dated 23.07.2020.

Any bidder from a country which shares a land border with India will be eligible to bid either as a single entity, 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 bidders 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”.

Note: Joint Ventures and consortiums are not allowed to participate in this tender

Definitions pertaining to “Restriction of Bidders from Countries sharing Land Borders with India” Clause

"Bidder" (including the term 'tenderer', 'consultant' 'vendor' or 'service provider' in certain contexts) means any person or firm or company, every artificial juridical person not falling in any of the descriptions of bidders 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

"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 shareholder's 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.
- Contractor shall ensure the compliance of 'Make in India' guidelines issued by government authorities from time to time.
- (vi) The Tenderer/applicant must not have been blacklisted or debarred as on the due date of submission of bid by Government of India/ State Government / Government undertaking from participating in the tenders. The tenderer should submit an undertaking to this effect in the Form of Tender. The tenderer shall also submit a **"Verification Statement"** to this effect as per proforma placed at **Annexure 1 of ITT**.

1.1.3.2 Minimum Eligibility Criteria:

A Work Experience: The tenderers will be qualified only if they have successfully completed work(s), completion date(s) of which falling during last seven years ending last day of the month previous to the month of tender submission end date as given below:

- (i) At least One "similar work" ** with value of **Rs. 2.04 Crore** or more.
OR
- (ii) Two "similar work" ** each with value of **Rs. 1.28 Crore** or more.
OR
- (iii) Three "similar work" ** each with value of **Rs 1.02 Crore** or more.

*** "Similar work" for this contract shall be work involving Security Services in Metro Rail/ Airports/Large PSU.**

NOTE: -

- The tenderer shall submit details of work executed by them as a prime contractor/member, in the Performa of **Annexures-1 & 1 A of NIT** for the works to be considered for qualification of works experience criteria.
- For the above, 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.
- Manual for Procurement of Consultancy and other services (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 equal to cash flow requirement of value **Rs. 0.36 Crores** for the contract.
 - 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 UPMRC as **per standard performa provided in NIT as Annexure 5** and it should not be more than 3 months old as on the date of submission of bids.
 - (ii) **T3 - Net Worth:** Net Worth of tenderer during last audited financial year should be **Positive**.
 - (iii) **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. 2.30 Crores**.

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, membership number & Unique Documents Identification Number (UDIN). 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 2 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.**

In case financial statements for any of the financial year is not required to be audited as per any relevant section of the Income Tax Act, then, same should be supported by C.A. (Chartered Accountant) certificate alongwith all the GST returns, ITR-3/4 (including all the forms) and form 26AS for each of the financial year not liable to be audited as per relevant section of the income tax Act.

(v) 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:

$$\text{Available Bid Capacity} = 1.5 * A * N - B$$

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

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.

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 Independent Financial Auditor (Statutory Auditor) of the company appointed under the Company Act or by a Chartered Accountant with his stamp and signature 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 .
 - Available bid capacity has to be submitted by bidder in **Annexure 4 of NIT**. Available bid capacity should be more than NIT Value.
- C. The agency must have valid registered/license by the Government under the provisions of “The Private Security Agencies (Regulation) Act, 2005” (PSARA) along with offer and should be valid for the whole duration of contract. The offers without this valid licence shall be summarily rejected and such offers shall not be evaluated and shall be treated as non-responsive. Agency should demonstrate ability by documentary evidence like certificate from the existing/ previous client to train supervisor/ staff in security matter.**
- D. The agency should have valid ISO 9000/ 9001-2015 certificate or superior certification, as security and allied service provider.**
- 1.1.3.3** The tender submission of tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.3.2 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 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.

1.1.4 TENDER DOCUMENTS

The Tender documents consist of:

(A) Technical Cover

Volume 1:

Notice Inviting Tender (NIT) (Section-1),
Brief Scope of Work (Section-2)
Tender Prices and Schedule of Payment (Section-3).
Instructions to Tenderers (ITT) - including Annexures
Form of Tender (FOT) - including Appendices

Volume 2:

General Conditions of Contract (GCC)
Special Conditions of Contract (SCC) - including Schedules

Volume 3:

Specifications and Scope of work

(B) Finance Cover

Volume 4:

Bill of Quantities (BOQ)

- 1.1.5 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 Ltd. (UPMRC) Administrative Building, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Vipin Khand, Gomti Nagar, Uttar Pradesh-226010 [Email id:- cecontract@upmrc.co.in]
- 1.1.6 All tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause **E4.4** 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.
- 1.1.7 The intending tenderers must be registered on e-tendering portal <https://etenders.gov.in/e procure/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.
- 1.1.8 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://e procure.gov.in/e procure/app> using class-II or class-III digital signature of the authorized signatory only.
- 1.1.9 Tender submissions shall be done online on <https://etenders.gov.in/e procure/app> after uploading the mandatory scanned documents towards cost of tender documents such as scanned copies of transaction of payment i.e. RTGS, NEFT & IMPS and scanned copy of transaction of payment for Tender Security and other documents as stated in the tender document. Instructions for on-line bid submission are furnished hereinafter.
- 1.1.10 Submission of Tenders shall be closed on e-tendering website of UPMRC at the date & time of submission prescribed in NIT after which no tender shall be accepted. It shall be the responsibility of the bidder / tenderer to ensure that his tender is submitted online on e-tendering website <https://e procure.gov.in/e procure/app> before

the deadline of submission. UPMRC will not be responsible for non-receipt of tender documents due to any delay and/or loss etc.

- 1.1.11 Tenders shall be valid for a period of **180 days** from the date of submission end date of Tenders and shall be accompanied with a tender security of the requisite amount as per Clause C18 of ITT.
- 1.1.12 Considering 'critical security operations', the work is not of divisible nature.
- 1.1.13 UPMRC 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 UPMRC for rejection of his proposal.
- 1.1.14 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