

SECTION-1
LETTER OF INVITATION

UPMRC/KNPAGO&M-01

Date: -----

Name of Consultant: _____

Address of Consultant: _____

1. Uttar Pradesh Metro Rail Corporation Ltd. (UPMRC), a 50:50 jointly owned Company of Government of India and Government of Uttar Pradesh has been reconstituted as per the approval of the Government as single SPV by rechristening it as “Uttar Pradesh Metro Rail Corporation Ltd. (UPMRC)” for implementation of Metro Rail projects in various important cities in the State of Uttar Pradesh and has been entrusted with the responsibility of implementation and operation of the rail based Mass Rapid Transit System (Metro) in Kanpur and Agra cities where Metro projects have been recently approved by Government of India.
2. Uttar Pradesh Metro Rail Corporation Limited invites proposals to provide the Consultancy Services for selection of Agency for (i) Outsourcing of Operation of Trains by providing Train Operators and Maintenance of Rolling Stock & Signaling System and (ii) improvement in Last Mile Connectivity for UPMRCL Metro Rail Projects in Kanpur & Agra Projects. Details of the scope of services are provided in the “Terms of Reference” under RFP document: Volume-2.
3. The projects shall be financed through equity contribution from Govt. of Uttar Pradesh (UP) and Govt. of India (GOI) and a soft loan from International Funding Institutions.
4. The Tenderer(s)/Applicants may be a single entity, JV or a Consortium. In case of a JV/consortium the number of partners shall be limited to **2 (two)** and each partner must have minimum 26% partnership. The JV/Consortium as a whole must satisfy both Technical and Financial Eligibility criteria but the Each Member of consortium shall be jointly and severally responsible. A member of the JV/Consortium, which participates in more than one proposal, will cause all the proposals in which the member has participated to be disqualified.
5. After shortlisting process, a consultant shall be selected under QCBS (Quality cum Cost Based Selection) process with 80% and 20% weights for Technical Proposal and Financial Proposal respectively. The procedure for shortlisting and selection of Consultant is detailed in this Request for Proposal (RFP) document under Volume-1 and Volume-2 respectively.
6. The RFP includes the following documents:

Volume – 1: LOI, ITC, PREQUALIFICATION / SHORTLISTING DOCUMENT

- Letter of Invitation (LOI)
- Instructions to Consultants (ITC)
- Prequalification / Shortlisting Criteria

Volume – 2: TECHNICAL PROPOSAL

- General
- Institutional Arrangements
- Project Information
- Terms of Reference (TOR)
- Technical Proposal forms
- General Conditions of Contract (GCC)
- Special Conditions of Contract (SCC)

Volume-3: FINANCIAL PROPOSAL

- Financial Proposal

7. A complete set of the Request for Proposal (RFP) documents may be obtained from the office of Chief Engineer/Contract, Uttar Pradesh Metro Rail Corporation Ltd., Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow – 226010, Uttar Pradesh on payment of non-refundable amount of **Rs.23,600/- (Rupees Twenty Three Thousand Six Hundred Only)** in form of demand draft in favour of **“Uttar Pradesh Metro Rail Corporation Limited”** payable at Lucknow, India.
8. Details on the proposal’s submission date, time and address are provided in Clause 9 below.
9. Schedule of important dates for this selection process is:

S. No	Particulars	Scheduled Date and time
(i)	Sale period for RFP documents	From 16.10.2020 to 11.11.2020 (between 09:30 Hrs. to 17:30 Hrs.) on working days
(ii)	Cost of RFP documents	Rs. 23,600/- in form of demand draft in favour of “Uttar Pradesh Metro Rail Corporation Limited” payable at Lucknow.
(iii)	Contract Period	6 Months (Approx.)
(iv)	Bid Security/Earnest Money Deposit (EMD)	Rs. 5.00 (Five) Lakhs Only in form of DD/BG (in favour of Uttar Pradesh Metro Rail Corporation Limited) (Proforma enclosed in Annexure-2 of ITC)
(v)	Pre-bid meeting	18.11.2020 @ 15.00 hrs
(vi)	Last date of seeking clarification	18.11.2020
(vii)	Last date of issuing reply to Pre-bid Queries & issue of Addendum (if any)	27.11.2020
(viii)	Date and Time of the submission deadline for Proposal	10.12.2020 upto 15:00 Hrs (IST)
(ix)	Date & Time for Opening of “Envelope A” (Bid Guarantee/EMD, proposal for shortlisting of consultant and Technical proposal)	10.12.2020 @ 15.30 hrs

(x)	Expected date for opening of “Envelope B” (Financial Proposal)	Will be informed later on after the evaluation of Technical Bids (only to the bidders who will successfully qualify the Technical Evaluation)
	Authority and place for purchase of tender documents, seeking clarifications and submission of completed tender documents.	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 Email: cecontractlmrc@gmail.com

NOTE: Uttar Pradesh Metro Rail Corporation (UPMRC) can amend the dates & time, if required.

Chief Engineer/Contract
Uttar Pradesh Metro Rail Corporation Ltd.

SECTION-2

INSTRUCTIONS TO CONSULTANTS (ITC)

1. General

- 1.1 Uttar Pradesh Metro Rail Corporation Limited invites proposals to provide the Consultancy Services for selection of Agency for (i) Outsourcing of Operation of Trains by providing Train Operators and Maintenance of Rolling Stock & Signaling System for Kanpur & Agra Metro Rail Projects and (ii) improvement in Last Mile Connectivity for Kanpur & Agra Metro Rail Projects. The project at Kanpur & Agra are under construction stage at present.
- 1.2 The services shall include tender packaging, preparation and finalization of tender documents, after evolving and assessing the current O&M Strategy and operating model for existing Indian Metro including global benchmarking of the O&M Models adopted by various metro systems to understand O&M and commercial best practices, to design the right O&M Outsourcing Strategy for Kanpur and Agra Metro, assessment of cost model and development of cost model, to design governance model and risk management by defining KPIs and metrics for O&M, developing a communication plan to reach out to key stake holders to get inputs for O&M outsourcing scope and to understand the potential capabilities of bidders, developing the detailed terms of reference including scope of work, deliverables, defining the concessionaires selection criteria(Technical & Financial) and timelines for O&M outsourcing, designing and benchmarking of last mile connectivity for Kanpur and Agra Metro daily exercising utmost cost control measures in entire bidding process.
- 1.3 The Briefs of Kanpur & Agra Metro Rail Projects are detailed under Appendix I-2A, I-2B, I-3A, I-3B, I-4A & I-4B of Volume-2.

2. Instructions to the Applicants

- 2.1 The bidder shall submit his proposal in a sealed envelope super scribing Contract “**KNPAGO&M-01 Consultancy Services for Operations & Maintenance Outsourcing Strategy for Rolling Stock & Signaling with train Operation & Last Mile Connectivity for Kanpur & Agra Metro Rail Projects**”. This sealed envelope shall contain two separate sealed envelopes (Viz. Envelope A and Envelope B) as under:
- 2.1.1 **Envelope A** shall be superscribed as “Envelope A: EMD, Proposal for Shortlisting of consultants and Technical Proposal and contain following:-
- EMD as per Clause 3.2 of ITC (In Format as per Annexure-2 of ITC)
 - Proposal for shortlisting comprising of
 - i. Request for Prequalification & eligibility criteria (Annexure-1 of ITC)
 - ii. Memorandum of Understanding (Annexure-3 of ITC)
 - iii. Power of Attorney for Lead Member (Annexure-4 of ITC)
 - iv. Power of Attorney for Authorized Representative (Annexure-5 of ITC)
 - v. Undertaking (Annexure-6 of ITC)
 - vi. Self-Declaration Form (Annexure-7 of ITC)
 - vii. Format for Work Experience (Annexure-8 of ITC)

- viii. Summary of Work Experience (Annexure-9 of ITC)
- ix. Pending Litigation (Annexure-10 of ITC)
- x. Financial Data (Annexure-11 of ITC)
- xi. Statement for code of integrity as per Rule 175 (1) code of integrity, general finance rule (Annexure-12 of ITC)

➤ **Technical proposal for Consultancy Services for Operations & Maintenance Outsourcing Strategy for Rolling Stock & Signalling with train Operation & Last Mile Connectivity for Kanpur & Agra Metro Rail Projects** contain following:-

- i. Letter for submission of Technical Proposal (Appendix-III.1 of Technical Proposal Forms)
- ii. Summary of Firm's Experience of Eligible Projects (Appendix-III.2a of Technical Proposal Forms)
- iii. Firm's Experience of Eligible Projects wise (Appendix-III.2b of Technical Proposal Forms)
- iv. Summary of past Case Studies of Eligible Projects wise (Appendix-III.3a of Technical Proposal Forms)
- v. Details of Case Studies of Eligible Projects wise (Appendix-III.3b of Technical Proposal Forms)
- vi. Approach Paper On Work Plan and Methodology Proposed For Performing The Assignment (Network Diagram of Activity also to Be Submitted) (Appendix - III. of Technical Proposal Forms)
- vii. Comments/Suggestions of Consultant. (Appendix-III.5 of Technical Proposal Forms)
- viii. Summary of Proposed Key Staff. (Appendix-III.6a of Technical Proposal Forms)
- ix. Format of Curriculum Vitae (CV) for Proposed Key Staff of the Group.(Appendix-III.6b of Technical Proposal Forms)
- x. Contract Agreement for Consultancy Services (Appendix-IV of Technical Proposal Forms)

2.1.2 Envelope B shall be superscribed as “Envelope B: Financial proposal **Consultancy Services for Operations & Maintenance Outsourcing Strategy for Rolling Stock & Signaling with train Operation & Last Mile Connectivity for Kanpur & Agra Metro Rail Projects** and contain following: -

- i. Letter for submission of Financial Proposal (Appendix-XVIII.1 of Financial Proposal)
- ii. Format for Financial Proposal (Appendix-XVIII.2 of Financial Proposal)

2.2 Format and Signing of Tender: -

- (i) The bidder shall prepare and submit One (1) original of the EMD/Bid Security, One (1) original and One (1) copy of the documents comprising the Proposal for Shortlisting of Consultants and Technical Proposal, and One (1) original and One (1) copy of the Financial Package of the tender, as described in paragraph 2.1 of these Instructions to Consultants clearly marked "ORIGINAL" and “COPY”. In the event of discrepancy between them, the original shall prevail.

- (ii) The original and all copies of the proposal shall be typed or written in indelible ink (in the case of copies, photocopies are also acceptable) and all the pages of the original and all copies shall be signed by a person or persons duly authorized to sign on behalf of the bidder, pursuant to Clause 2.7 below. All pages of the Tender, where entries or amendments have been made, shall be initialed and dated by the person or persons signing the proposal.
- (iii) The proposal shall contain no alterations, omissions or additions, except those to comply with instructions issued by the Employer, or as necessary to correct errors made by the bidder, in which case such corrections shall be initialed and dated by the person or persons signing the proposal.
- 2.3 Eligibility criterion for shortlisting of consultants is described under Section-3 of Volume-1. On the due date of opening of Proposal (viz. “Bid Guarantee/EMD and proposal for shortlisting of consultant”) only **Envelope A** submitted by the bidders shall be opened. Bids shall be first assessed/evaluated for their eligibility for shortlisting/prequalification in accordance with requirements stipulated under Section-3 of this Volume-1. Technical proposal of only those bidders who qualify the pre-qualification/& eligibility criteria shall be evaluated.
- 2.4 Technical Proposal of the shortlisted/prequalified bidders only shall be further evaluated. The Employer will carry out technical evaluation of proposals on the basis of their responsiveness to the RFP in particular the Terms of Reference, applying the evaluation criteria, sub-criteria, and weightages/ point system specified in the RFP document. Each responsive Proposal will be given a technical score (Ts). **A Proposal shall be rejected at this stage if it does not respond to important aspects of the RFP, and particularly the Terms of Reference or if it fails to achieve the minimum technical score of 70% (i.e 5600 marks out of 8000 marks).** Bidders whose Technical Proposal is considered acceptable shall be advised of the same in writing. Name of bidders whose offers are found technically acceptable shall also be available on UPMRC website. Such bidders shall also be advised of the due date of opening of their Financial Proposal (i.e. Envelope B). Envelope B of bidders who are not shortlisted/ pre-qualified or whose Technical Proposal is not considered acceptable shall be returned to them unopened after award of LOA to successful bidder. Envelope B (i.e. Financial Proposal) shall be opened only for bidders whose technical proposal is considered technically acceptable.
- 2.5 Evaluation of proposals shall be done in accordance with Clause 3 of Volume-2: Technical Proposal.
- 2.6 Combined and Final evaluation shall be done as per Clause 3.4 of Volume-2: Technical Proposal.
- 2.7 Partners/ members in the Joint Venture/Consortium shall be “jointly and severally” responsible for performance under the consulting services contract. A detailed Memorandum of Understanding (Format as per Annexure-3 of ITC) between the partners of such JV/Consortium stating clearly inter- relationship and division of work/tasks among the associates and the relative financial shares should be submitted along with the bid for proper examination by UPMRC. A Power of Attorney (Annexure-5 of ITC) signed by all members of the JV/Consortium must accompany the bid, authorizing the lead partner to submit and negotiate the proposal on their behalf.

- 2.8 A firm may submit only one proposal as a partner in a joint venture, in which partners are jointly and severally responsible for the contract. No firm can be a sub-consultant, which is not responsible for the contract, while submitting a proposal individually or as a partner in a consortium in the same selection process. A firm who participates in more than one proposal will cause all the proposals in which the firm has participated to be disqualified. A firm, if acting in the capacity of sub-consultant or association member (not liable for entire contract) in any proposal, may participate in more than one proposal, but only in that capacity.”
- 2.9 It should be noted that if the bidder combined the functions of consultants with those of a contractor and/or manufacturer, you must include in your proposal all relevant information regarding such relationship, along with an undertaking to the effect that you agree to limit your role to that of consultant and to disqualify yourself, your associates/affiliates and/or parent firm from work in any other capacity (including bidding relating to any goods or services for any part of the project) on this project other than that of consultant. You shall ensure that specifications and designs recommended by you will be impartial and in no way limit competitive bidding.
- 2.10 If, in connection with the performance of the consulting services, Bidder intend to borrow, or hire temporarily, personnel from contractors and/or manufacturers, you must include in your proposal all relevant information about such personnel. In such a case, you will be acceptable only if those contractors and/or the manufacturers disqualify themselves from work on this project (including bidding relating to any goods or services for any part of the project) other than that of consultant.
- 2.11 All costs incurred by Applicant for preparing and submitting the proposal, in providing clarification or attending discussion/pre-bid meeting or for site visits, stationery, or any other expenses whatsoever shall be borne by Applicant’s themselves.
- 2.12 Incomplete Schedules/Forms of the document and without necessary details and enclosures are liable to be rejected.
- 2.13 The language for submission of document shall be English.
- 2.14 The enclosed Annexures shall be filled in completely and wherever not applicable it should be written as Not Applicable.
- 2.15 The person signing the document submission on behalf of the Applicant shall enclose Power of Attorney duly authorized and notarized for the same.
- 2.16 Financial data should be given in Indian Rupees only. In case the financial data is in any other currency, the same should be converted in Indian Rupees and certified by the Auditor.
- 2.17 The information furnished with the document must be sufficient for processing and evaluation. This document is not transferable.

- 2.18 In case the Applicant intends to give additional information for which specified space in the given format is not sufficient, it can be furnished in separate enclosed sheet.
- 2.19 All the pages of the document and Annexure should be signed and corrections and over writings should be countersigned by the authorized signatory.
- 2.20 Uttar Pradesh Metro Rail Corporation Limited reserves the right to cross check and confirm the information details furnished by the applicants in the document.
- 2.21 The document incomplete in any respect or without supporting documents may be treated as non-responsive and is liable for rejection.
- 2.22 The proposal received after the last date and time for submission shall be returned unopened.
- 2.23 The bids will be opened on due date and time (as mentioned in Para 9 of LOI) in the presence of the Authorized Representatives of Bidders, who choose to be present.
- 2.24 All relevant enclosures for Technical proposal should be placed in Envelope-A.
- 2.25 No Proposal will be evaluated without valid earnest money deposit.
- 2.26 Bidders shall deliver their completed proposals along with the bid by stipulated due date at the address given below.

Chief Engineer/Contract
Uttar Pradesh Metro Rail Corporation Limited,
Administrative Building,
Vipin Khand, Gomtinagar,
Lucknow, Uttar Pradesh – 226010
Email:- cecontractlmrc@gmail.com
Office No. :- +91 0522 2304014

- 2.27 For any clarification, applicants may contact the **Chief Engineer/Contract, Uttar Pradesh Metro Rail Corporation Limited (UPMRC)** at the address given above.

3. Date of validity of proposal and Bid Guarantee

- 3.1 The offers submitted by the consultant will be valid for a period of 180 days from the last date of submission of the bid as specified by UPMRC with a provision that it will be suitably extended on request of UPMRC.
- 3.2 The bid security / EMD shall be in the form of bank guarantee from an Indian Scheduled Commercial Bank for **INR 5.00 (Five) lakhs** Only in form of Demand Draft/Bank Guarantee in favour of '**Uttar Pradesh Metro Rail Corporation Limited**' (Proforma for BG enclosed in Annexure-2 of ITC) will be required to be submitted by each bidder, with a validity period of **180 days** from the date of submission of bid and with a provision that it would be suitably extended, if required, on request of UPMRC. The offers received on the date of submission will be opened in the

presence of bidders to find out compliance of this requirement. Offers submitted without bid guarantees or valid and acceptable bid guarantees would be rejected outright.

- 3.3 The bid guarantee of the successful bidder will be released on receipt of the initial performance guarantee as stated in Para 6.0 of the Technical proposal (Volume-2) and signing of Contract Agreement as per Appendix-IV of Volume-2.
- 3.4 The bid guarantees of unsuccessful bidders shall be released upon receipt of Unconditional Acceptance of “LOA” by the successful bidder.

SECTION-3

PREQUALIFICATION/ SHORTLISTING CRITERIA

1. ELIGIBILITY CRITERIA FOR SHORTLISTING OF APPLICANTS

The Applicants may be a single entity or a JV/Consortium, coming together to offer their **Consultancy Services for Operations & Maintenance Outsourcing Strategy for Rolling Stock & Signaling with train Operation & Last Mile Connectivity for Kanpur & Agra Metro Projects**. The JV/Consortium as a whole must satisfy both Technical and Financial eligibility criteria.

The eligibility criteria for prequalification are as under: -

1.1 Technical Eligibility Criteria

The Applicant must have completed at least **Three “Eligible Projects”** of advisory / consultancy projects in the last 05 years (from 2015-16 to 2019-20).

“Eligible Projects” is defined as Projects on **Operations & Maintenance (O&M) strategy** in *'Passenger Transportation sector'* i.e. **Metro / Railways / Airports** in India or abroad with each project costing not less than **INR one crore** for professional fees (excluding taxes) .

Notes: -

- For the above, documentary proof such as client certificate / BOQ & copy of final bill/ Form 26AS / documents to substantiate above experience, shall be submitted along with the bid.
- Client reference certificate and other documentary evidence must also be enclosed in support of the claim failing which the claim of the Applicant will not be considered. Amounts will be escalated at 5% per annum (for rupee costs) and 2% per annum (for foreign currency costs) upto 30.09.2020 for calculating the fee value. Selling rate of exchange at the close of business of the State Bank of India on the day twenty-eight days before the latest date of Tender Submittal shall be considered for calculating equivalent INR.
- In case of joint venture / Consortium, full value of the work, if done by the same joint venture/Consortium shall be considered. However, if the qualifying work(s) were done by them in JV/Consortium having different constituents, then the value of work as per their percentage participation in such JV/Consortium shall be considered.

1.2 Financial Eligibility Criteria

Average Annual Turnover: - The Applicant must have a minimum average annual turnover of **INR 10 crore** from Consultancy Services for '**Relevant Services**', during the last 5 audited financial years duly supported by documents in support of annual turnover.

'Relevant Services' is defined as business, strategy, financial consulting and operational projects excluding IT implementation, audit/ compliance.

He should be able to fulfill these criteria based on audited annual reports/Chartered Accountant Certificates of last five years (from FY 2015-2016 to 2019-20).

1.2.a **In Case of JV/Consortium** – the tenderer must fulfil the following conditions:

1. Each partner to have minimum 20% of minimum requirement.
2. All partners put together should meet the minimum requirement as per their percentage participation.

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

$$\frac{AM+BN}{100}$$

a) **Net Worth:**- Net Worth of minimum **INR 5 crore** in the last audited FY (i.e. in FY 2019-20)

In Case of JV, the algebraic sum total of Net Worths of all the members as per the latest audited balance sheets shall be considered the Net Worth of the tenderer. Individual Consortium member should have minimum +ve net worth.

Notes:- All documentary evidence of experience including client's references and certificates must be enclosed in support of the same. Financial data for latest five years shall also be submitted.

1.3 Applicants are required to submit the relevant information in connection with Para-1 above. The applicant shall submit the required documents in prescribed formats only (i.e. Annexure 1 to 12 of ITC). The client may not evaluate the proposals received with the information in different format. In case the desired information is not submitted in the prescribed format and instead the company's profiles, reports etc. are only annexed with the application, client may not extract the information from these documents in order to evaluate the application. It is, therefore, advised that all the relevant information should be furnished in the prescribed formats only.

1.4 Applicant and each member of the JV or Consortium shall verify, confirm & declare about DEBARRED as on the due date of submission of bid as noted below. A declaration to this effect should be submitted by the bidder as per proforma placed as Annexure-7 of ITC.

1.5 Evaluation shall be done based on the information furnished by the applicant along with the application and any unsolicited supplementary information may not be entertained. Client,

however, reserves the right to make enquiries from relevant authorities/parties in relation with the information furnished.

- 1.6 No marking/grading shall be done at this stage (i.e. Shortlisting stage). It shall be on qualification/disqualification basis. A Bidder has to fulfill all the eligibility criteria as established above and also should not invite disqualifications as provided in para-2 & 3 below.
- 1.7 On evaluation of eligibility for shortlisting as above, client shall prepare the list of pre-qualified/shortlisted bidders for evaluation of their Technical Proposal (TP). Technical Proposals of the bidders who do not fulfill the Eligibility criteria for shortlisting / pre-qualified shall not be evaluated further and their financial bids shall be returned un-opened.
2. A Consultant shall not have a conflict of interest. All Consultants found to have a conflict of interest shall be disqualified. A Consultant may be considered to have a conflict of interest with one or more parties in this bidding process, if:
 - a) Conflict between consulting activities and procurement of goods, works or services: A firm that has been engaged to provide goods, works, or services for a project, and each of its affiliates, shall be disqualified from providing consulting services related to those goods, works or services. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, and each of its affiliates, shall be disqualified from subsequently providing goods, works or services for such preparation or implementation.
 - b) Conflict among consulting assignments: Neither consultants (including their personnel and sub-consultants) nor any of their affiliates that directly or indirectly controls, is controlled by, or is under common control with that firm, shall be hired for any assignment that, by its nature, may be in conflict with another assignment of the consultants. Similarly, consultants hired to prepare Terms of Reference (TOR) for an assignment shall not be hired for the assignment in question.
 - c) Relationship with Government Ministry / Department's staff: Consultants (including their experts & other personnel and sub-consultants) that have a business or family relationship with professional staff of employer or with the staff of the project implementing agency, who are directly or indirectly involved in any part of ; (i) the preparation of the TOR of the contract, (ii) the selection process for such contract, or (iii) supervision of such contract; may not be awarded a contract unless conflict stemming from this relationship has been resolved in a manner acceptable to the Employer throughout the selection process and the execution of the Contract.

3. DISQUALIFICATION

- 3.1 UPMRC requires that applicants for the engagement for **Consultancy Services for Operations & Maintenance Outsourcing Strategy for Rolling Stock & Signaling with train Operation** for Kanpur & Agra Metro Rail Project and throughout the tendering process observe the highest

standard of ethics. In pursuance of this policy, the tendering Authority:

- a. defines, for the purpose of these provisions, the terms set forth below as follow:
 - (i) “corrupt practice” means the offering, giving, receiving or soliciting of anything of value to influence the action of a public official in awarding the contract or thereafter at any time including consultation and/or operations and maintenance of the Metro Rail Projects ; and
 - (ii) “fraudulent practice” means a misrepresentation of facts in order to influence the tendering process to the detriment of the tender awarding Authority or, and includes collusive practice among Applicants (prior to or after bid submission) designed to establish a non-competitive situation and to deprive UPMRC of the benefits of free and open competition.
- b. will reject the application for award of contract if he determines that the Bidder has engaged in corrupt or fraudulent practices in competing in the tendering process.

3.2 In addition the following will be additional grounds for disqualification:

- a. Submitted the proposal after the response deadline
- b. Submitted the proposal which is not accompanied by required documentation and without the requisite Processing Fees and Earnest Money Deposit or is non – responsive
- c. Failed to provide clarifications related thereto, when sought
- d. Submitted more than one proposal. This will cause disqualification of all the proposals submitted by such Applicant.
- e. A consortium member who is found to participate as a member of more than one consortium will be disqualified to participate in the Project.
- f. In case of dissolution of the consortium prior to the submission of bids, any of the constituent firms may prequalify, if they meet all of the prequalification requirements, subject to the written approval of the UPMRC.
- g. If information which would have entitled UPMRC to reject or disqualify the Applicant or consortium member becomes known after the Applicant has been qualified, it reserves the right to reject the Applicant at that time or at any time after such information becomes known.
- h. A consultant having conflict of interest in terms of para 2 above.
- i. The Consultant (applies to each individual member in case of a Joint Venture/Consortium) having been blacklisted or debarred as on the due date of submission of bid by Government of India/any State Government in India/Central or State Government undertaking or any bilateral/multilateral funding agency or applicant being debarred by their respective Government/Government agencies in case of companies registered in countries other than India from participating in the bid. **The bidder shall also submit a “Self Declaration Form” to this effect as per proforma placed at Annexure 7.**

4. PREPARATION OF PROPOSAL

- 4.1 In preparing the Proposal, the Consultant is expected to examine the RFP (including shortlisting requirements) in detail. Material deficiencies in providing the information requested in the RFP may result in rejection of the Proposal.
- 4.2 The Consultant shall bear all costs associated with the preparation and submission of its Proposal and contract negotiation.
- 4.3 The Client is not bound to accept any proposal, and reserves the right to annul the selection process at any time prior to Contract award, without thereby incurring any liability to the Consultant.
- 4.4 The Proposal, as well as all related correspondence exchanged by the Consultant and the Client, shall be written in English language.