

NOTICE INVITING TENDER (NIT)

1.1 GENERAL

1.1.1 Name of Work:

Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd. invites Open Tenders on international competitive basis from eligible applicants from all countries and all areas, who fulfil *Initial Filter criteria* as stipulated in clause 1.1.4 of NIT, for the scope

“Design, manufacture, supply, installation, testing and commissioning of Fiber Optic Transmission System, Telephone System, Train Radio TETRA System, Public Address System, Passenger Information Display System, Master Clock System, CCTV System, Access Control System and Uninterrupted Power Supply System (for Signalling, Telecommunication, AFC and E&M equipment), supply of spares, DLP Maintenance and the training of operation and maintenance personnel for these systems for Kanpur Metro (Corridor-I and Corridor-II) and Agra Metro (Corridor-I) Projects of Uttar Pradesh Metro Rail Corporation Ltd.”

The brief scope of the work and site information is provided in ITT clause A1 (Volume-1) & specification are described in Employer Requirements (Volume –3 & 4)

1.1.2 Key details:-

Approximate Cost of work for KNPAGS-01= INR 215 Cr.

Tender Guarantee amount	INR 2.15 Cr.
Expected Completion period of the Work	36 months
Tender documents on sale	From 17.09.2020 to 12.10.2020 (between 09:30 Hrs to 17:30 Hrs) on working days (D) D: 17.09.2020
Cost of Tender documents	INR 23600/- (Inclusive of 18%GST) (Demand Draft on a scheduled commercial bank based in India in favour of “Uttar Pradesh Metro Rail Corporation Ltd”) payable at Lucknow
Last date of Seeking Clarification	12.10.2020
Pre-bid Meeting	13.10.2020 @ 12:00 Hrs
Last date of issuing pre-bid replies and addendum	19.10.2020

Date & time of Submission of Tender	26.10.2020 up to 15:00 Hrs.
Date & time of opening of Tender	26.10.2020 @ 15:30 Hrs.
Authority and place for purchase of tender documents, seeking clarifications and submission of completed tender documents	CEE/Projects-II Uttar Pradesh Metro Rail Corporation, Administrative Building, Vipin Khand, Gomti Nagar Lucknow-226010 Email: loveleenkumar.cee@gmail.com

1.1.3 Source of Funds:

UPMRCL has applied Loans from multilateral funding agency (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.

EIB has already agreed in principle for financing the Kanpur project requirements included in the tender. For Agra project, UPMRCL has already applied for funds for requirements included in this tender. However, in case the funding of agra project is not agreed by EIB then UPMRCL will fund from its internal resources.

http://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf.

1.1.4 Initial Filter Criteria:

1.1.4.1 Eligible Applicants:

- i) A Tenderer may be from any country and all areas either a single entity or a combination of entities in the form of a joint venture or consortium under an existing agreement. In the case of a JV/Consortium: all partners shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms; and the JV/Consortium shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the JV/ Consortium during the tendering process and, in the event the JV/Consortium is awarded the Contract, during contract execution.
- ii) A Tenderer, and all partners constituting the Tenderer, shall be from any country and all areas.
- iii) A Tenderer and all partners constituting the Tenderer, shall not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if:
 - a) Tenderer and all partners constituting the Tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for or implementation of the project;
 - b) Tenderer and all partners constituting the Tenderer is any associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or

- c) A Tenderer and all partners constituting the Tenderer lends, or temporarily seconds its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project, if the personnel would be involved in any capacity on the same project.
- d) The impartial and objective exercise of the functions of the Employer, or the respect of the principles of competition, non-discrimination or equality of treatment with regard to the procurement procedure or contract, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest. The concept of conflict of interest covers any situation where staff members (or consultants acting on behalf) of the Employer who are involved in the conduct of the procurement procedure or may influence the outcome of that procedure have, directly or indirectly, a financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of the procurement procedure or contract execution.
- iv) A Tenderer shall submit only one tender in the same tendering process, either individually as a Tenderer or as a partner of a JVA/ Consortium. A Tenderer who submits or participates in, more than one tender will cause all of the proposals in which the Tenderer has participated to be disqualified. No Tenderer can be a subcontractor while submitting a tender individually or as a partner of a JV/ Consortium in the same tendering process. A Tenderer, if acting in the capacity of subcontractor in any tender, may participate in more than one tender, but only in that capacity.
- v) Deleted.
- vi) Tenderers shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.
- vii) A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in joint venture/JVA/ Consortium.
- viii) Deleted
- ix) **NON-SUBSTANTIAL PARTNERS IN CASE OF JV/CONSORTIUM**
Lead Partner must have a minimum 26% participation in the JV/Consortium.
Substantial Partner should have at least 26% participation, otherwise they 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.
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.
- x) A Tenderer and all partners constituting the Tenderer shall confirm Non-performance of a contract did not occur within the last two (2) years prior to the deadline for application

submission based on all information on fully settled disputes or litigation (as per Annexure-7 of NIT). A fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective contract and where all appeal instances available to the Applicant have been exhausted.

- xi)** Tenderer is encouraged to maximize the involvement of domestic sources. However, that is not mandatory and shall not have bearing on tender evaluation provided tenderer meets another requirement.
- xii)** Tenderer and all of its associates (if any) and all the members of the “Group” in case of joint venture will be required to confirm and declare in the Tender submittal they have not engaged in any fraudulent and corrupt practice as defined in Sub-Clause 4.33 of the General Conditions of Contract and that no agent, middleman or any intermediary has been, or will be, engaged to provide any services, or any other items of work related to the award and performance of this contract.

Tenderers and all of its associates (if any) and all the members in case of Joint Venture are required as a condition of admission to eligibility, to execute and attach:

- (i) A Covenant of Integrity in the form indicated in Annexure 10A of ITT and
- (ii) An Environmental and Social Covenant located in Annexure 10B of ITT.
- xiii)** The Tenderer/Contractor grants the Employer, the EIB and auditors appointed by either of them, as well as any authority or European Union Institution or body having competence under European Union law, the right to inspect and copy the books and records of the tenderer, contractor, supplier or consultant in connection with any Bank-financed contract.

1.1.4.2 Minimum Eligibility Criteria:

(A) Work Experience: The tenderers will be qualified only if they satisfy the criteria as given below:

Eligibility & Qualification Criteria			Compliance Requirements		
S. N	Factor	Requirement	Single Entity	Joint Venture/ Consortium (Existing/Intended)	
				All Parties combined	Each Member
	Experience				
1	Specific Construction Experience	<p>Work Experience: “The tenderers will be qualified only if they satisfy the Work Experience criteria for Similar Work** as given below during last seven years ending 30.06.2020:”</p> <p>At least One (1) “Similar Work”*** of value of Rs 172 Crores.</p>	Must Meet Requirement	Must meet Requirement	N/A

		<p>If the above “Similar Work”** of value Rs 172 Crores or more has been done by the foreign partner of JV/ Consortium and was done in the country of the foreign partner then in addition to this work, the foreign partner must have done at least one Similar Work equal to or more than Rs 108 Crores outside the country of the foreign partner.</p> <p style="text-align: center;">OR</p> <p>Two (2) “Similar Work”**each of value of Rs 108 Crores or more. If both the above the “Similar Work”** of value Rs 108 Crores or more has been done by the foreign partner of JV/Consortium, then either at least one of these two work should have been done outside the country of the foreign partner and if not, then in addition to this the foreign partner must have done at least one Similar Work equal to value of Rs 86 Crore outside the country of the foreign partner.</p> <p style="text-align: center;">OR</p> <p>Three (3) “Similar Work”**each of value of Rs 86 crores or more. If all the above three Similar Work of Rs 86 Crores or more or two out of three works have been done by foreign partner of JV, then either at least one of these three work should have done outside the country of the foreign partner.</p>		
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NOTES:

1. Explanation to Item at S.No. 01 (Specific Construction Experience):

“Similar Work”:** “Similar works” for this tender for the work of telecommunication work shall be Design, Manufacture, Supply, Installation, Testing, Commissioning and Interfacing of telecom sub system(s) in Metro/LRT/Mono Rail /Airport/Railway/large infrastructure projects.

It is clarified that only telecom portion of the composite works shall be considered for evaluation purpose.

2. The tenderer shall submit details of work executed by them, in the Performa of **Annexure-1** 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. (Chartered Accountant), T.D.S (Tax Deducted at Source) certificates for all payments received and copy of final/ last bill paid by client shall be submitted.

3. Value of successfully completed portion of any ongoing work up to 30.06.2020 will also be considered for qualification of work experience criteria.
4. For completed works, value of work done shall be updated to 30.06.2020 price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year. **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 value in INR.**
5. In case of joint venture / Consortium, full value of the work, if done by the same joint venture 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.
6. **A JV /Consortium member can participate in only one of the bidding JV/Consortiums.**
7. The Joint venture/Consortium agreement must contain a clause stating **“All the partners are jointly and severally liable to UPMRC”**

(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 11 Crore 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 Bank in India or from an International Bank of repute (in case of foreign vendors) acceptable to UPMRC as per the standard proforma provided in NIT as Annexure-6 and it should not be more than 3 months old as on the date of submission of bid.
- d) **In Case of JV/Consortium:** - 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 $\geq \frac{(WM)}{100}$ and working capital of member-2 $\geq \frac{(WN)}{100}$.

- 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- 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 the only lead member shall be evaluated.

(iii) T3- Net Worth: - Net Worth of the tenderer shall be positive in last two financial years.

In Case of JV/Consortium: -. Each member of the JV shall have Net worth positive in the last two financial years.

(iv) T4 - Annual Turnover: -The average annual turnover in last **five financial years should be \geq INR 58 crores.**

In Case of JV/Consortium – **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/JVA will be

$$=AM+BN$$

100

Notes:

- Financial data for last five financial years has to be submitted by the tenderer along with audited balance sheets. The financial information of the Tenderer must be certified either by the Independent Financial Auditor (statutory Auditor) of the company appointed under the companies' Act or by a Chartered Accountant.
- 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.
- In case audited balance sheet of the last financial year ending with 2019-20 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 financial year ending with 2019-20 is not submitted, then the tender will 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.

1.1.4.3 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:

$$\text{Available Bid Capacity} = 2*A*N - B$$

Where,

A = Maximum of the value of works executed in any one year during the last five financial years (updated to 30.06.2020 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 =36 months

B = Value of existing commitments (**as on 30.06.2020**) for on-going works during period of **36 months w.e.f. 01.07.2020**

Notes:

- Financial data for latest last five financial years has to be submitted by the tenderer in **Annexure-3A** 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.
- Value of existing commitments for on-going construction works during period of **36 months w.e.f. 01.07.2020** has to be submitted by the tenderer in **Annexure-3B(i) and 3B(ii)**. These data shall be certified by the Chartered Accountant with his stamp and signature.
- 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.

1.1.4.4 The tender submission of Tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.4.1 to 1.1.4.3 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.4.1 to 1.1.4.3 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.

1.1.5 The Tender documents consist of:

Volume 1

Notice Inviting Tender (including Annexures) (NIT)

Instructions to Tenderers (including Annexures) (ITT)

Form of Tender (including Appendices) (FOT)

Volume 2A

General Conditions of Contracts (GCC)

Special Conditions of Contract (including Schedules) (SCC)

Volume 2B

Questionnaire from Bidder

Volume 3

Employer's Requirements – General Specifications (GS)

Volume 4

Employer's Requirement- Particular Specifications (PS)

Volume 5

Tender Drawings

Volume 6

Condition of Contract on Safety, Health & Environment (SHE)

- 1.1.6 Deleted
- 1.1.7 The Tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of CEE/Projects-II, Uttar Pradesh Metro Rail Corporation, Administrative Building, Vipin Khand, Gomti Nagar, Lucknow-266010.
- 1.1.8 All Tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause. **E 4.0** 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.
- 1.1.9 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.1.10 Tenders shall be valid for a period of **180 days** from the date of submission of Tenders and shall be accompanied with a tender guarantee of the requisite amount valid for **240 days** from the date of submission of tender as per clause C18 of ITT in the form of a Bank Guarantee (as per **Annexure-4 of ITT**) from Scheduled Commercial Bank in India.
- 1.1.11 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.
- 1.1.12 Contract will be awarded to the Tenderer 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 Reasonable Tender Price.
- 1.1.13 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 Electrical Engineer/Projects-II
Uttar Pradesh Metro Rail Corporation