

CHAPTER-1: NOTICE INVITING BID

- 1.1. Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd. invites Open e - tenders from eligible applicants, who fulfill qualification criteria as stipulated in Clause 1.5 of NIT, to **“License out Exclusive Advertising Rights in Metro Stations and on outside civil structures along with Semi-Naming Rights of Metro Stations of Kanpur Metro Rail-Priority Corridor (IIT Kanpur-Motijheel) in UPMRC network.”**
- 1.2. UPMRC shall receive Bids pursuant to this Tender Document, in accordance with the terms set forth herein and as modified, altered, amended and clarified from time to time by UPMRC. Bidders shall submit bids in accordance with such terms on or before the date specified in this document. The Bidders are **advised to visit** the site/stations and familiarize themselves with the proposed arrangements and all activities necessary in this regard.
- 1.3. **Salient features of Bidding Process:**
 - a) UPMRC has adopted a two packet Bidding Process to select suitable highest Bidder(s) to grant **Exclusive** Advertising Rights in Metro Stations and on outside civil structures along with Semi-naming Rights of Metro Stations of Kanpur Metro Rail-Priority Corridor (IIT Kanpur-Motijheel).
 - b) Schedule of Bidding Process:

i.	Bid No.	KNPAR-01
ii.	License Period	9 Years
iii.	Bid documents on sale	From 07.09.2021 (from 10:00 hrs) to 07.10.2021 (up to 15:30 hrs.) on e-tendering website https://etenders.gov.in/eprocure/app . Bid document can only be obtained online on the website https://etenders.gov.in/eprocure/app .
iv.	Cost of bid document (Non Refundable)	Rs. 23600/- (inclusive of 18% GST) (Payment of bid document cost/tender fee is to be made by RTGS, NEFT & IMPS. No other mode of payment will be accepted. The details of bank account of UPMRC are mentioned below. The tenderers 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 i.e. KNPAR-01 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 Bid document cost/ tender fee, if applicable)
v.	Bid Security	Bidder shall upload scanned copy of Undertaking for Bid Security Declaration as per Annexure-12 of RFP at the time of online bid submission. If Undertaking for Tender Security Declaration is not submitted or is not in prescribed format then such bids shall be considered ineligible and summarily rejected.

vi.	Last date of Seeking Clarification	20.09.2021 @ 18:00 Hrs Tenderers to note that seeking clarification on the tender shall be done by sending it on e-tendering portal only. Queries/clarifications from tenderers after due date and time shall not be acknowledged.
vii.	Pre-Bid meeting	20.09.2021 @ 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 bidders who have made online payment towards the cost of tender document shall have to 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 (latest by 15:00 hrs on 19.09.2021 to the registered official email of employer i.e. cecontract@upmrc.co.in along with scanned copy of transaction of payment of bid document cost / tender fee, including e-receipt (clearly indicating UTR No. and tender reference i.e. KNPAR-01 , so that links having details such as software, meeting ID, password etc. can be mailed to these persons before the scheduled virtual pre- bid meeting.
viii.	Last date of issuing addendum	24.09.2021
ix.	Date & time of Submission of Tender	Tender submission start date: 01.10.2021 (10:00 hrs) . Tender submission end date: 07.10.2021 (15:30 hrs) .
x.	Date & time of opening of Bid/Tender	08.10.2021 @ 15:30 Hrs.
xi.	Validity of Bid document	180 days from date of submission of bid.
xii.	Authority and place for seeking clarifications etc.	Chief Engineer / Contract, Uttar Pradesh Metro Rail Corporation, Administrative Building, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Vipin Khand, Gomti Nagar, Lucknow – 226010. https://etenders.gov.in/eprocure/app

Cost of Bid Document/RFP as mentioned in 1.3(b)(iv) above shall be accepted through RTGS/ NEFT/ IMPS in following account-

Bank Account in name of	UPMRC Non-Fare Box Earning Account
Bank Account No	50200033099884
Name of Bank	HDFC Bank
IFSC CODE	HDFC0001267
BRANCH	TEKARI CHAMBERS, LUCKNOW, UTTAR PRADESH

- a) Bidders are expected to carry out extensive survey of UPMRC premises and analysis at their own cost, before submitting their respective Bids for award of the License Agreement. UPMRC shall provide necessary permission and assistance to the prospective Bidders.
- b) Bids received after due Date & Time of Submission of Bid shall not be accepted under any circumstances.

- c) **Eligible Applicants:**
- i. The tenders for this contract will be considered only from those tenderers (proprietorship firms, partnerships firms, companies, corporations, Joint Ventures (JV) or consortiums) who meet requisite eligibility criteria prescribed in the clause 1.5 of Chapter-1 below. In the case of a JV or Consortium, all members of the Group shall be jointly and severally liable for the performance of whole contract.
 - ii. A tenderer shall submit only one bid in the same tendering process, either individually as a tenderer or as a partner of a JV/Consortium. A tenderer who submits or participates in, more than one bid will cause all of the proposals in which the tenderer has participated to be disqualified. No tenderer can be a subcontractor while submitting a bid individually or as a partner of a JV/Consortium in the same bidding process.
 - iii. Tenderers shall not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. Tenderers shall be considered to have a conflict of interest with one or more parties in this bidding process, if:
 - a) a tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for on implementation of the project;
 - b) a tenderer is any associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
 - c) a tenderer lends, or temporarily seconds its personnel to firms or 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. A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in joint venture/Consortium. However, the lead partner in case of JV shall be one who has the experience of advertising work.
 - v. The Tenderer/applicant (applies to each individual member in case of a Joint Venture/Consortium) 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 shall submit a "Verification Statement" to this effect as per proforma placed at Annexure 11.
- d) If a Bid is submitted by a JV/Consortium, following shall be abide by its members:
- i. The Lead Member of the JV/Consortium shall maintain a minimum percentage share of 51% of the aggregate shareholding of the JV/Consortium during full tenure of License Agreement.
 - ii. Any change in percentage stake of JV/Consortium members without prior written approval of UPMRC shall be treated as Material Breach of Contract and Licensee's Event of Default entitling UPMRC to encash Security Deposit/Performance Security and or to terminate the License Agreement after 30 days' notice.
 - iii. It is clarified that percentage stake of lead member of JV/Consortium members shall always be more than 51% during license period. Lead member may be any member of JV/Consortium, provided its percentage stake in JV/Consortium is more than 51%.
 - iv. Minimum percentage stake of any member in JV/Consortium during license period (including lock-in period) shall not be less than 26%.
 - v. All members of such entity shall be jointly and severely liable for the performance of License agreement.
- e) The Bidders shall not have a conflict of interest that affects the Bidding Process. Any Bidder found to have conflict of interest shall be disqualified. A Bidder shall be deemed to

have a conflict of interest affecting Bidding Process if a constituent of one Bid is also a constituent of another Bid.

- 1.4 The Tender Document submitted without undertaking for bid security declaration given as Annexure-12 shall be out rightly rejected. The bids received after stipulated date and time of submission of Tender Document shall be rejected out rightly.

1.5 **Minimum Eligibility Criteria:**

Tenderers who qualify following minimum eligibility criteria will only be eligible for technical evaluation of their bid. Tenderer who do not qualify following minimum eligibility criteria their bids will not be further evaluated.

- 1.5.1 **Average Annual Turnover:** Bidders shall have a minimum average annual gross turnover of **Rs. 23.66 Crores** from advertisement sector(s) in last 3 (three) audited financial statements certified by Chartered Accountant with stamp & signature.

The average annual turnover of JV 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

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

- 1.5.2 **Net Worth:** Net Worth of tenderer during last audited financial year should be \geq **Rs 3.16 Crores.**

In Case of JV- Net worth will be based on the percentage participation of each Member.

Example: Let Member-1 has percentage participation = M and Member-2 has =N. Let the Net worth of Member-1 is A and that of Member-2 is B, then the Net worth of JV will be

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

NOTE: -

- Financial data for latest last three audited financial years has to be submitted by the tenderer in Annexure-9 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 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 '2' audited financial years will be taken into consideration for evaluation. If audited balance sheet of any year other than the last year is not submitted, the tender will be considered as non-responsive.
- While calculating the updated value of turnover, escalation of 5% per annum shall be considered for firms based in India and 2% for foreign based firm.

- 1.6 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.

The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid Class-II or Class-III digital signature. The Bid document/RFP 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.

- 1.7 Tender submissions shall be done online on <https://etenders.gov.in/eprocure/app> after

uploading the mandatory scanned documents towards cost of tender documents and bid security such as scanned copies of transaction of payment i.e. RTGS, NEFT & IMPS against the tender cost amount and scanned copy of Undertaking for Bid Security Declaration towards Tender Security and other documents as stated in the tender document. Instructions for on-line bid submission are furnished hereinafter.

- 1.8 Bidder should upload the scanned copy of Undertaking for Tender Security Declaration as per the instructions specified in the tender documents. Otherwise the uploaded bid will be rejected.
- 1.9 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 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 inaccessibility of the downloading and/or uploading facility from the e-procurement portal for any reason whatsoever.
- 1.10 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 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.
- 1.12 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.
- 1.13 In case at a subsequent date the successful bidder/licensee is found to have been banned for business as given above, UPMRC shall be at liberty to and have full right to cancel the allotment of license for Advertising & Semi Naming rights and forfeit the interest free security deposit after adjusting any dues payable by the licensee.
- 1.14 In case of any grievances/complaints regarding this tender or to obtain information/clarification, please contact:

Chief Engineer / Contract,
Uttar Pradesh Metro Rail Corporation Ltd.,
Administrative Building, Near Dr. Bhimrao
Ambedkar Samajik Parivartan Sthal,
Vipin Khand, Gomti Nagar
Lucknow – 226010.
Email: - cecontract@upmrcl.co.in

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