

## **I. NOTICE INVITING TENDER (NIT)**

### **GENERAL**

- 1) Uttar Pradesh Metro Rail Corporation Ltd. (UPMRC) is a Special Purpose Vehicle (SPV) set up by the Government of Uttar Pradesh and the Government of India as a joint venture. This is one of the most ambitious Mass Rapid Transit System (MRTS) projects of the Government which has been executed and operated well within the sanctioned budget and within an extremely compressed deadline. It has achieved the distinction of being the fastest Metro Project construction which has ever happened in this country.
- 2) UPMRC has successfully commenced its services on entire North-South Corridor from CCS Airport to Munshipulia consisting of 21 Nos. Metro Stations with total stretch length of 23 Km from 9th March 2019 in Lucknow city. UPMRC has crossed the total ridership of approx. 70000 on the very first day of its complete commercial run and it is expected to rise in near future.
- 3) In order to fulfil its mandate to raise non-fare box revenue through value capture from its real estate etc., Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd. invites Open bid in two packet Bidding Process from eligible applicants, who fulfil qualification criteria as stipulated in Clause 9 below, through tender “**LKPD-10: RFP for developing, setting up, operating and maintaining commercial spaces through licensing at various metro stations of N-S Corridor of Uttar Pradesh Metro Rail Corporation at Lucknow**”.

#### **4. Key Details:**

i.	Bid No.	LKPD-10
ii.	License Period	9 Years
iii.	Bid documents on sale	From <b>01.03.2023 (from 11:00 hrs)</b> to <b>12.04.2023 (up to 15:00 hrs.)</b> on e-tendering website <a href="https://etenders.gov.in/eprocure/app">https://etenders.gov.in/eprocure/app</a> Bid document can only be obtained online on the website <a href="https://etenders.gov.in/eprocure/app">https://etenders.gov.in/eprocure/app</a>
iv	Cost of bid document* (Non Refundable)	<b>Rs. 5900/- (inclusive of 18% GST)</b> Payment of bid document cost is to be made through RTGS, NEFT & IMPS (*details of bank account of UPMRC are mentioned below.)

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		<p>The tenderers are required to upload scanned copies of transaction of payment of bid document cost including e-receipt (clearly indicating UTR No. &amp; tender reference i.e. LKPD-10 must be entered in the remarks at the time of online transaction of payment.</p> <p>(Copy of GST registration no. to be provided along with tender/bid document cost)</p>
v.	Bid Security*	<p>Bid Security can be submitted either through RTGS/NEFT or IMPS.</p> <p>Bidder shall have to deposit Bid Security amount for each space, as per clause 7 of NIT, in which the bidder is interested.</p>
vi.	Last date of Seeking Clarification	<p><b>22.03.2023 (18:00 Hrs)</b></p> <p>Tenderers to note that seeking clarification on the tender shall be done by sending it on e-tendering portal only. Seeking clarification by fax or post will not be considered.</p> <p>Queries/clarifications from tenderers after due date and time shall not be acknowledged.</p>
vii.	Pre-Bid meeting	<p><b>22.03.2023 (15:00 Hrs)</b></p> <p>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 to the registered official email of employer i.e. <a href="mailto:cecontract@upmrcl.co.in">cecontract@upmrcl.co.in</a> alongwith scanned copy of transaction of payment of tender/bid document cost, including e-receipt (clearly indicating UTR No. And tender reference i.e. LKPD-10 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.</p>
viii.	Date & time of Submission of Tender	<p>Tender submission start date: <b>05.04.2023 (11:00 hrs).</b></p> <p>Tender submission end date: <b>12.04.2023 (15:00 hrs).</b></p>
ix.	Date & time of opening of Bid/Tender	<b>13.04.2023 (15:00 Hrs).</b>

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	(Technical Bid)	
x.	Date & time of opening of Bid/Tender (Financial Bid)	Will be notified after the technical bid opening process.
xi.	Validity of Bid document	180 days from date of submission of bid.
xii.	Authority, seeking any clarifications	Chief Engineer / Contract, Uttar Pradesh Metro Rail Corporation, Administrative Building, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Vipin Khand, Gomti Nagar, Lucknow – 226010. <a href="https://etenders.gov.in/eprocure/app">https://etenders.gov.in/eprocure/app</a>  <b>(Email: cecontract@upmrc.co.in)</b>

**\*Bidders already registered with MSME are exempted from submission of cost of bid document and bid security/ EMD.**

**5. Cost of Tender Document as mentioned in 4(iv) above and Bid Security amount as per Clause 7 of Chapter 1 (NIT) shall be accepted through RTGS/ NEFT/ IMPS in following account-**

Bank Account in name of	UTTAR PRADESH METRO RAIL CORPORATION LTD
Bank Account No	50200009236810
Name of Bank	HDFC Bank
IFSC CODE	HDFC0001267
BRANCH	TEKARI CHAMBERS, LUCKNOW, UTTAR PRADESH
Beneficiary Bank name	HDFC BANK

**6. 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 clause 9 of Chapter-1 below. **Joint Ventures/Consortiums are not allowed to participate in the bidding process.**
- ii. A tenderer shall submit only one bid in the same tendering process. 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.
- 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) participation by a bidding firm or any of its affiliates that are either involved in the consultancy contract to which this procurement is linked; or if they are part of more than one bid in the procurement; or
  - b) if the bidding firm or their personnel have relationships or financial or business transactions with any official of procuring entity who are directly or indirectly related to tender or execution process of contract; or
  - c) improper use of information obtained by the (prospective) bidder from the procuring entity with an intent to gain unfair advantage in the procurement process or for personal gain.
- (iv) The Tenderer / applicant must not have been blacklisted, debarred or convicted as on the due date of submission of bid by Government of India/ State Government / C.C.I / Government undertaking. The tenderer should submit an undertaking to this effect and shall submit a “Verification Statement” to this effect as per proforma placed at Annexure 11.
- (v) Suitable Financial/technical strength as per clause 9 of NIT and an aptitude is essential to fall in line and match with the aesthetics and standards for conduct of business demonstrated by UPMRC on its Metro stations.
- (vi) **One can bid for any single/ multiple/all spaces together offered under this tender under three categories (A1, A2 & A3)**
- (vii) The Commercial spaces offered in this tender are considered ideal for categories as mentioned in Annexure-9A of document except banned Items/ negative list given in Annexure-9B of Bid document.

**7.** The Details of Spaces along with approximate area and Bid security is tabulated below:

SN	Shop No.	Metro Station	Location	Area (approx.) (Sq. ft.)	Bid Security (in Rupees)
<b>Category A1: Spaces of size less than 50 Sqm/538.19 Sqft.</b>					
1	10-AL1-02	Alambagh	Concourse-unpaid	306	38733
2	10-AL1-03	Alambagh	Ground-unpaid	351	70120
3	10-DU1-03	Durgapuri	Ground Floor	292	31562
4	10-MN1-03	Munshipulia	Concourse-unpaid	479	74943
5	10-VV1-04	Vishwavidyalaya	Concourse-unpaid	290	31320
6	10-BA1-05	Badshah Nagar	Ground-Floor	200	35575

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<b>Category A2: Spaces of size 50 sqm to 100 Sqm/ 538.19 sqft to 1076.39 sqft.</b>					
7	10-HZ2-03	Hazratganj	Concourse-unpaid	874	297335
8	10-IT2-03	IT College	Concourse-unpaid	604	57535
9	10-VV2-03	Vishwavidyalaya	Concourse-unpaid	547	57739
<b>Category A3: Spaces of size more than 100 Sqm/ 1076.39 sqft.</b>					
10	10-HS3-03	Hussainganj	Ground-unpaid	2489	430137

8. Locations of above commercial spaces offered on Metro Stations are shown in drawings attached under Annexure-1. Actual area (carpet area) shall be measured at the time of handing over of the space(s). If there is any major variation in area (i.e. more than +/- 5%), the License Fees shall be charged on pro-rata/ actual area basis. Interest free security deposit/ performance guarantee will not be readjusted if the variation in area handed over is up to (+/-) 5% else security deposit will also be readjusted according to actual area of the shop. However, such variation in area at the time of handing over of space shall in no case effect the eligibility of the selected bidder for the licensed space under consideration.

**9. Minimum Eligibility Criteria:**

For demonstrating Technical & Financial Capacity, the Bidder shall satisfy each of the following criteria as tabulated below:-

<b>Category</b>	<b>Technical Capacity</b>	<b>Financial Capacity</b>
<b>A1: Spaces of size less than 50 Sqm</b>	a. Bidder must be operating at least <b>One(1)</b> company/ *brand Outlet	Bidder shall have Annual Turnover from its business <b>of not less than INR 0.5 Crores (INR Fifty Lakhs)</b> for atleast 1 year out of last <b>3</b> financial years.
	b. Bidder must be running the company/ brand outlets for atleast the period of <b>One (1)</b> year.	
<b>A2: Spaces of size 50 sqm to 100 Sqm</b>	a. Bidder must be operating at least <b>One(1)</b> company/ *brand Outlet.	Bidder shall have Annual Turnover from its business <b>of not less than INR 1.5 Crores (INR-One Crore Fifty Lakhs)</b> for atleast <b>1</b> year out of last <b>3</b> financial years.
	b. Bidder must be running the company/ brand outlets for atleast the period of <b>One (1)</b> year.	
<b>A3: Spaces of size more than 100 Sqm.</b>	a. Bidder must be operating at least <b>One (1)</b> company/ *brand Outlet.	Bidder shall have Annual Turnover from its business <b>of not less than INR 2.5 Crores (INR- Two Crore Fifty Lakhs)</b> for atleast <b>1</b> year out of last <b>3</b> financial years.
	b. Bidder must be running the company/ brand outlets for atleast the	

	period of <b>One (1)</b> year.	
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**In exceptional case, UPMRC at its sole discretion may permit change of company/ brand proposed by the franchise subject to all prescribed requirements of this tender being met satisfactorily by the bidder and the new company/ brand should be atleast similar or better. Any such requirement for change in company/ brand by the franchisee must be supported by valid grounds for making such a request.**

**Note:-**\*Brand shall mean a type of product manufactured or services for customers by the particular company under a particular name or a distinguishing symbol, mark, logo, name, word, sentence or a combination of these items that companies use to distinguish their products or services from the others in the market and for legal protection it is registered as a trade

**9.1 Any bidder willing to open an outlet of a company/brand through a franchisee model will also be eligible subject to fulfilling following conditions-**

- (i) Company/Brand of whose outlet bidder is proposing to be opened through franchisee model should meet the above-mentioned eligibility criteria.
- (ii) Bidder should submit along with its offer tender specific authorization/Franchisee certificate/Letter of Interest from the authorized signatory of the company/brand of whose outlet bidder is intending to open. However, tender specific authorization/Franchisee certificate/Letter of Interest should specifically state that the brand meets the requisite eligibility criteria (both Technical & Financial) of the tender.
- (iii) Documentary evidence for the technical & financial credentials of the brand meeting the eligibility criteria needs to be submitted by the bidder on the letter head of brand owning company before the signing of the agreement, failing which the LOA may be cancelled along with forfeiture of the EMD/Tender security.

**9.2 (i) Any bidder who is a Dealer or Retailer of reputed brand/company will also be eligible subject to fulfilling following conditions-**

- a. The proposed outlet should deliver an attractive in-store experience to customers at a level associated with reputed brands. The exclusive features of such non brand stores include proper lighting, appealing colourful schemes, fixtures, relevant décor and displays, superior signages, workplace dress code, cleanliness, hygiene etc.
- b. The proposed outlet should have various tangible and intangible attributes in order to create/ develop awareness, identity and reputation of product/ quality of service/ organization. The outlet must include strategic initiatives on outlet design/ product innovation so as to have a powerful influence on sensory appeal (e.g., how products tastes, outlet aesthetic etc.) and on the remembered satisfactions of the experience so as to drive repeat visits and attract new customers.

**(ii) Dealer or Retailer of reputed brands must submit:-**

- a. Details of proposed outlets supported by architectural drawings/ models etc.
- b. Dealership/ Retailer certificate of brand/company.

**(iii) The proposal for non-branded outlet, not meeting the requirements of note (i) & (ii) above or not supported by adequate details, is liable to be rejected.**

- The tenderer shall submit details of Technical Capacity, in the Performa of Annexure-7 & 7(A). Documentary proof such as certificates from client clearly indicating the nature/scope of work, or any other documentary proof should be submitted. The offers submitted without this documentary proof shall not be evaluated.
  - The Bidder shall furnish the data for financial Capacity in the prescribed format as per Annexure-7 & 7(B). The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature. Copies of Balance sheet for last three financial year shall also be provided.
  - If a brand is quoting directly, then Annexure 7A & 7B is mandatorily to be submitted along with the technical offer failing which the offer will be rejected. In case of the bidder quoting through a franchise model, Annexure 7A & 7B needs to be submitted before the signing of the agreement. However, **franchise needs to submit the tender specific authorization/ Franchisee certificate/Letter of Interest from the authorized signatory of the company/brand of whose outlet bidder is intending to open, specifically stating that their brand meets the requisite eligibility criteria (both Technical & Financial) of the tender.**
- 10.** Bidder has to submit/upload all Forms, Annexes, along with supporting documents as per Clause 3.1 of Chapter VII of RFP along with the Technical Proposal.
- 11.** Bids shall be accompanied with proper Bid Security amount for each space which the bidder has quoted. Applications received without bid security shall be summarily rejected.
- 12. Brief Description of Selection Process:-**
- a) UPMRC has adopted a two packet selection process (the “Selection Process”) in evaluating the Proposals, comprising Technical and Financial Proposals to be submitted as per the tender document. After receipt of Proposals, a technical evaluation will be carried out as specified in Clause 16 of Chapter VII of RFP. Based on this technical evaluation, a short-list of Qualified Bidders shall be prepared. Thereafter, the evaluation of Financial Proposal submitted by the Qualified Bidders will be carried out as specified in Clause 17 of Chapter VII of RFP. Financial Proposals will finally be ranked and the Bidder who quoted highest Minimum Monthly License Fee for the space (s) in the BOQ excel file shall be selected for award of License.
  - b) The License model shall be Minimum Monthly License Fee quoted by bidder for the space subject to escalation every three year..
  - c) A discount of 50% on license fee for spaces on concourse level for period of 3 (Three) months from date of commencement of License Fee will be granted.

**13. General information on e-tendering**

- 13.1** 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.

- 13.2 The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid 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.
- 13.3 Tender submissions shall be done online on <https://etenders.gov.in/eprocure/app> after uploading the mandatory scanned documents towards cost of bid documents and bid security such as scanned copies of transaction of payment i.e. RTGS, NEFT & IMPS against the bid document cost amount and Bid Security amount and other documents as stated in the bid document. Instructions for on-line bid submission are furnished hereinafter. More information useful for submitting online bids on the CPP Portal may be obtained at: <https://etenders.gov.in/eprocure/app>.
- 13.4 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/bid shall be accepted. It shall be the responsibility of the tenderer to ensure that his tender/bid 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.
- 13.5 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
14. 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.
15. 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 the space allotted and forfeit the interest free security deposit after adjusting any dues payable by the licensee.
- 16 Bids shall be valid for a period of 180 days from the date of submission of bids.
- 17 Bids will be evaluated space/location wise in favour of H-1 bidder.
- 18 The Concessionaire shall not sub-contract or grant sub-concession or assign any of its rights, duties and obligations under the Concession Agreement, in whole or in part, except with the prior written permission from UPMRC. However, such sub-contract or sub-concession shall be co-terminus with the Concession Term.
- 19 This NIT has been prepared with a view to provide relevant information; parties may do their own due diligence; UPMRC shall not be liable with regards to its accuracy, reliability or completeness.



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- 20 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@upmrc.co.in](mailto:cecontract@upmrc.co.in)**