

CHAPTER-1: NOTICE INVITING TENDER

- 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, for **“Licensing of Exclusive Advertising Rights on outside civil structures of elevated section from Taj East Gate to Fatehabad Road Metro Station of Agra Metro Rail in UPMRC network as per scope of work mentioned in tender document.”**
- 1.2. UPMRC shall receive e-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 to grant License of Exclusive Advertising Rights on outside civil structures of elevated section from Taj East Gate to Fatehabad Road Metro Station (**As per Annexure-1**) of Agra Metro Rail of UPMRC Network.
- b) Schedule of Bidding Process:

i.	Bid No.	AGAR-01
ii.	License Period	9 Years
iii.	Bid documents on sale	From 04.03.2023 (from 11:00 hrs) to 18.04.2023 (up to 15:00 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. 5900/- (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 bid document cost/tender fee including e-receipt (clearly indicating UTR No. & tender reference i.e. AGAR-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)
v.	Bid Security/ EMD*	INR 9.30 Lakhs • The instrument type for payment of bid security/ EMD shall be Demand Draft/ RTGS/ NEFT & IMPS. No other mode of payment will be accepted. The details of bank account of UPMRC are mentioned below in subsequent para. • The bidders are required to upload scanned copies of transaction of payment of bid 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

		<p>considered) at the time of online bid submission (Copy of GST registration no. to be provided along with Bid security).</p> <ul style="list-style-type: none"> • DD shall be made in favor of 'Uttar Pradesh Metro Rail Corporation Limited' payable at Lucknow. <p>In case of DD, the scanned copy of DD shall be uploaded along with tender submission and the original DD shall be submitted in the office of CE/ Contract on or before the date/time of tender submission end date otherwise the bid shall not be evaluated and is liable to be rejected.</p> <ul style="list-style-type: none"> • Bid Security amount of successful bidder shall be adjusted against the IFSD amount. In case of unsuccessful bidders, the Bid Security shall be refunded within 90 days of issue of LOA to the successful bidder.
vi.	Pre-Bid meeting	<p>24.03.2023 @ 15:00 Hrs</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 atleast 24 hours before the scheduled time of meeting 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. AGAR-01, entered in the remarks at the time of online transaction of payment) so that link having details such as software, meeting ID, password etc. can be mailed to these persons before the scheduled virtual pre-bid meeting.</p>
vii.	Last date of Seeking Clarification	<p>24.03.2023 upto 18:00 Hrs</p> <p>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.</p>
viii.	Date & time of Submission of Tender	<p>Tender submission start date: 11.04.2023 (11:00 hrs).</p> <p>Tender submission end date: 18.04.2023 (15:00 hrs).</p>
ix.	Date & time of opening of Bid/Tender	<p>19.04.2023 @ 15:00 Hrs.</p>
x.	Validity of Bid document	<p>180 days from tender submission end date.</p>
xi.	Authority and place for seeking any information, clarifications	<p>Chief Engineer/Contract, Uttar Pradesh Metro Rail Corporation Limited, Administrative Building, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Vipin Khand, Gomti Nagar, Lucknow-226010 https://etenders.gov.in/e procure/app (Email: cecontract@upmrc.co.in)</p>

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

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

Bank Account in name of	UPMRCL (Agra Project)
Bank Account No.	50100301966491
Name of Bank	HDFC Bank Limited
IFSC CODE	HDFC0001267
BRANCH	TEKARI CHAMBERS, LUCKNOW, UTTAR PRADESH

d) The Bid Security shall be forfeited

- i. if the Tenderer withdraws his Tender during the period of Tender validity; or
- ii. if the Tenderer does not accept the correction of his Tender price; or
- iii. If the successful Tenderer refuses or neglects to execute the Contract or fails to furnish the required Performance Security within the time specified by the Employer.
- iv. if the Tenderer withdraws his tender after opening of his financial package (in two package system) during the period of validity of his tender or in case of (iii) above, beside forfeiture of bid security, the tenderer shall not only be debarred from participating in the re-tender of same work but also will be debarred from participating in any tender of UPMRC for a period of one year from the date of withdrawal of his tender or from date of issue of LOA, as the case may be.

e) Bids received through offline or any other mode (except through e-tendering portal) shall not be accepted under any circumstances.

f) **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. Any Tenderer 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 or 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 implementation of the project, if the personnel would be involved in any capacity on the same project.
 - d) 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.
- 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 the 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 10.
- g) 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. Minimum percentage stake of any member in JV/Consortium during license period (including lock-in period) shall not be less than 20%.
 - iii. 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.
 - iv. All members of such entity shall be jointly and severally liable for the performance of License agreement.

1.4 The Tender Document submitted without the bid document cost/ tender fee and/or bid security/EMD amount, shall be out rightly rejected.

1.5 **Minimum Eligibility Criteria:**

Tenderers must qualify the following minimum eligibility criteria for technical qualification:

- 1.5.1 **Average Annual Financial Turnover** of the bidders during the last three years ending 31st March of the previous financial year should be at least **Rs 15.49 Lakhs**. The Bidder shall submit audited financial year data of last three years (i.e. FY 2019-20, 2020-21 and 2021-22) certified by Chartered Accountant with stamp & signature along with UDIN.

The average annual financial 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 bidder should be positive in last audited financial year.

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

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

- 1.5.3 The tenderers will be qualified only if tenderer has executed or substantially completed** Advertising works, during last seven years ending last day of the month previous to the month of tender Publish Date, as given below: -

(i) At least one "similar work"* of annual value of **Rs. 41.30 Lakhs** or more.

OR

(ii) Two "similar works"* each of annual value of **Rs. 25.81 Lakhs** or more.

OR

(iii) Three "similar works"* each of annual value of **Rs. 20.65 Lakhs** or more.

* **“Similar work” for this contract shall be business(es) from advertisement sector(s).**

NOTE: -

- ** “Substantial” completion shall be based on 80 (eighty) per cent (value wise) or more works completed under the contract as well as functional completion of the work. Client Certificate for ‘substantial completion’ of project/work/asset should contain two parts. Part -I shall contain ‘financial value of work done’ and part-II shall contain ‘certificate of functional completion of project/work/asset’.
- The tenderer shall submit details of work executed by them in the Performa of **Annexure-13 of RFP** for the works to be considered for qualification of works 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/purchase orders, bill of quantities, bill wise details of payment received certified by Chartered Accountant (C.A) and certification of all payments received from clients should be certified by bank. Tax Deducted at Source (TDS) certificates for all payments received and copy of final/last bill paid by client shall be submitted.
- Value of successfully completed portion of any substantially completed work up to last date of previous month of tender Publish Date shall be considered for qualification of work experience criteria.
- Financial data for latest last three audited financial years (i.e. FY 2019-20, 2020-21 and 2021-22) has to be submitted by the tenderer in Annexure-8 along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature alongwith UDIN. 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 may be considered as non-responsive.
- For completed works, value of work done shall be updated to last date of previous month of tender Publish Date, price level assuming 7% inflation (i.e. simple rate of 7% p.a.) 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.
- In case of JV/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.

- 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 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 document and bid security such as scanned copies of transaction of payment, other documents as stated in the tender document. Instructions for online bid submission are furnished hereinafter.

- 1.8 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.
- 1.9 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 UPMRC for rejection of his proposal.
- 1.10 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.
- 1.11 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.
- 1.12 In case at a subsequent date the successful bidder/licensee is found to have been banned for businesses as given in clause 1.5.3 above, UPMRC shall be at liberty to and have full right to cancel the allotment of license for Advertising rights and forfeit the interest free security deposit after adjusting any dues payable by the licensee
- 1.13 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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