

CHAPTER-1: NOTICE INVITING TENDER (NIT)

- 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 Co-branding and Inside Advertising Rights of Taj East Gate and Basai 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 either Co-branding Rights or Inside Station Advertisement Rights or both as per their bidding to design, procure / manufacture, install, manage, operate, maintain, market and sell advertising opportunities of two nos. Metro Stations viz. Taj East Gate and Basai of Agra Metro Rail- Priority Corridor in UPMRC network subject to the terms and conditions of the Tender Document.

The bidder may bid for either Co-Branding Rights or Inside Station Advertisement Rights or both and can bid for one or both Metro Stations as a response to this RFP.

- b) Schedule of Bidding Process:

i.	Bid No.	AGAR-04
ii.	License Period	3 Years
iii.	Bid/Tender documents on sale	From 17.11.2023 (from 11:00 hrs) to 01.01.2024 (up to 15:00 hrs.) on e-tendering website https://etenders.gov.in/eprocure/app (Bid/Tender 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/tender document cost 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 cost of bid document/tender fee including e-receipt (clearly indicating UTR No. & tender reference i.e. AGAR-04 , 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	<p>Bidder shall have to deposit Bid Security amount for each station, as per clause 1.3 (d) of NIT, in which the bidder is interested.</p> <ul style="list-style-type: none"> • 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 considered) at the time of online bid submission (Copy of GST registration no. to be provided along with Bid security). • 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.	Last date of Seeking Clarification	<p>13.12.2023 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.</p> <p>Queries/clarifications from tenderers after due date and time shall not be acknowledged.</p>
vii.	Pre-Bid meeting	<p>13.12.2023 @ 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. cebdupmrc@gmail.com/cecontractlmrc@gmail.com along with scanned copy of transaction of payment of cost of bid document, including e-receipt (clearly indicating UTR No. and tender reference i.e. AGAR-04, 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>
viii.	Date & time of Submission of Tender	<p>Tender submission start date: 24.12.2023 (11:00 hrs).</p> <p>Tender submission end date: 01.01.2024 (15:00 hrs).</p>

AGAR-04: Licensing of Co-branding and Inside Advertising Rights Of Taj East Gate and Basai Metro Station of Agra Metro Rail- Priority Corridor in UPMRC network as per scope of work mentioned in tender document.

ix.	Date & time of opening of Bid/Tender	02.01.2024 @ 15:00 Hrs.
x.	Validity of Bid document	180 days from bid submission end date.
xi.	Authority and place for seeking any information, clarifications	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/eprocure/app (Email: cebdupmrc@gmail.com/ cecontractlmrc@gmail.com)

*** Cost of Tender and Tender Security/EMD shall be submitted by the bidders except Micro and Small Enterprises (MSEs) as defined in MSE Procurement Policy issued by Department of Micro, Small and Medium Enterprises (MSME) or are registered with the Central Purchase Organisation.**

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	6,SAPRU MARG, HAZRATGANJ, LUCKNOW

d) The bid security amount to be submitted by the bidder for individual station in which the bidder is interested is tabulated below:

S.No.	Name of Metro station	Bid Security (in Rupees)
1.	Taj East Gate	2,00,000
2.	Basai	2,00,000

NOTE:-1) The amount of Bid Security/EMD fee details shown on CPP Portal webpage (Tender details) is **Rs 2,00,000 per station**. Therefore, the bidders are advised to submit requisite Bid Security amount, as tabulated above, for each station in which the bidder is interested. *For example:* In case bid is submitted for one station, Bid Security amount shall be Rs **2,00,000**. In case bid is submitted for two stations, Bid Security amount shall be Rs 4,00,000. Similarly, the Bid security **for 'N' number of stations shall be Rs. 2,00,000 * N.**

2) The Preference list (Annexure-14 of RFP) & the bid security amount submitted by the bidder shall be checked for deciding the number of stations considered for evaluation. *For example:* A bidder bids for two no. stations but submits Bid security amount for one no. stations only (i.e. Rs. 2,00,000/-), then the stations considered for evaluation shall be as per the order in preference list (Annexure-14 of RFP) submitted by the bidder.

The Bid Security shall be forfeited

- if the Tenderer withdraws his Tender during the period of Tender validity; or
- if the Tenderer does not accept the correction of his Tender price; or
- If the successful Tenderer refuses or neglects to execute the Contract or fails to furnish the required Interest Free Security Deposit within the time specified by the Employer.
- 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 (c) 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) 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

b) if they are part of more than one bid in the procurement; or

c) 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

d) 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 (applies to each individual member in case of a Joint Venture/Consortium) must not have been blacklisted or 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 shall submit a "Verification Statement" to this effect as per proforma placed at Annexure 10.

v. A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in Joint Venture/Consortium.

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 Interest Free Security Deposit and/or to terminate the License Agreement after 30 days' notice.

iv. All members of such entity shall be jointly and severely liable for the performance of License agreement.

1.4 The Tender Document submitted without the cost of bid document and/or bid security/EMD amount in specified form and validity, 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 Turnover** of the bidders during the last three years ending 31st March of the previous financial year should be at least **Rs. 9.93 Lakhs per station either for co-Branding along with outdoor advertisement rights or inside station advertisement rights or for both for each station.** The Bidder shall submit audited financial statements of last three years (i.e. **FY 2020-21, 2021-22 and 2022-23**) certified by Chartered Accountant with stamp & signature along with UDIN.

Example: If the bidder is bidding for Two (02) Metro Stations, the minimum average annual turnover of *INR 19.86 lakhs (Rupees Nineteen lakhs and Eighty Six thousand Only)* in last three (03) audited financial years (i.e. FY 2020-21, 2021-22& 2022-23) is required (Minimum average annual turnover per station * Number of Stations = *INR 9.93 lakhs x 2 Stations = INR 19.86 lakhs*). The same shall be calculated for more number of stations in which the bidder is interested.

- **For Direct bidders, Annual Turnover shall mean turnover from all sectors of business(es).**
- **For Third party bidders/ advertisement firms, the Annual Average Turnover as mentioned above should be from advertisement business(es) only.**
- 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

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

- **It is to be noted that the Bidders need to specify the Preference number for each of their Bided Station as per Annexure- 14 of this RFP. In case, the turnover mentioned doesn't suffice for the number of Bided Stations, the preference order shall be taken into consideration and only stations in the preference order meeting the turnover criteria shall be evaluated.**

Example: If the bidder is bidding for 2 stations, let's say Taj East Gate (Preference 1) and Basai (Preference 2), the minimum average annual turnover of *INR 19.86 lakhs (Rupees Nineteen lakhs and Eighty Six thousand Only)* in last three (03) audited financial years (i.e. FY 2020-21, 2021-22 & 2022-23) is required. (Minimum average annual turnover per station * Number of Stations = = *INR 9.93 lakhs x 2 Stations = INR 19.86 lakhs*). But the annual turnover specified by the Bidder is let's say *INR 15 lakhs (Rupees Fifteen lakhs only)*. Then in that case, the Station with Preference 1 (i.e. Taj East Gate) shall be considered and Preference 2 (i.e. Basai) shall be rejected on account of inefficiency to meet the eligibility criteria.

NOTE: -

- Financial data for latest last three audited financial years (i.e. FY 2020-21, 2021-22 and 2022-23) 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.
- 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 downloaded or uploaded using 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, 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.
- 1.13 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.

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