

NOTICE INVITING TENDER

1.1 GENERAL

1.1.1 Name of Work:

Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd. invites Open Tenders from eligible agencies, who fulfil qualification criteria as stipulated in Clause 1.1.3 of NIT, for the work, **“Tender AGNV-01: Noise & Vibration study for Agra Metro Rail Project during Construction Phase for Corridor 1 – Taj East Gate to Sikandra.”**

1.1.2 Key details:

Approximate cost of work (NIT Value)	INR 15.40 Lakhs(Exclusive of GST)
Tender Security amount*	<p>Rs. 30,800/-</p> <p>The instrument type for payment of tender security/ EMD shall be RTGS, NEFT IMPS, Demand Draft, Bank Guarantee & Insurance surety bond. No other mode of payment will be accepted.</p> <p>(i) Payment of tender Security as per clause C 18.1.2 of ITT is to be made by RTGS, NEFT & IMPS. The details of bank account of UPMRC are mentioned below. The bidders are required to upload scanned copies of transaction of payment of tender 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 Tender security)</p> <p>Name of the Bank - HDFC Bank Banks Address-HDFC Bank Ltd, Tekari Chambers Ashok Marg, Lucknow Account Name - UPMRCL (Agra Project) Account No. – 50100301966491 IFSC code – HDFC0001267</p> <p>(ii) Payment of tender security as per clause C 18.1.2 of ITT is to be made by BG/Demand Draft. BG/Demand Draft shall be submitted in original in the office of DGM/Environment within due date and time of submission end date of tender.</p> <p>Validity of Tender Security in case of BG/ Demand Draft shall remain valid for a period of 45 days beyond the final bid validity period.</p>
Completion period of the Work	8 Months

Tender documents to be downloaded from e-tendering website	From 20th April 2023 (from 11:00 Hrs) to 22nd May 2023 (up to 15:00 Hrs) on e-tendering website https://etenders.gov.in/eprocure/app Tender document can only be obtained on the website https://etenders.gov.in/eprocure/app .
Cost of Tender documents*	INR 5,900/- (inclusive of 18% GST) Non-Refundable (Payment of tender document cost/ tender fee is to be made only by RTGS, NEFT & IMPS. No other mode of payment will be accepted. The details of bank account of UPMRC are mentioned below. The bidders 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. AGNV-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 Tender document cost/ tender fee) Name of the Bank - HDFC Bank Banks Address -HDFC Bank Ltd, Tekari Chambers Ashok Marg, Lucknow Account Name - UPMRCL(Agra Project) Account No. – 50100301966491 IFSC code - HDFC0001267
Date & time of Submission of Tender	Tender submission start date: 02.05.2023 (10:00 hrs). Tender submission end date: 22.05.2023 (15:00 hrs).
Date & time of opening of Tender	23.05.2023 @ 15:00 Hrs.
Authority and place for seeking clarifications etc.	DGM(Environment) Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow-226010, Uttar Pradesh, India (M) 7705005633 (E) Chetan.tyagi@upmrcl.co.in https://etenders.gov.in/eprocure/app

* *Tenderer already registered with MSME are exempted from submission of cost of tender document and Tender Security/Earnest Money Deposit(EMD).*

Any clarification/corrigendum/addendum to the tender documents shall be uploaded on the official e-portal only, without any obligation of press notification.

For further details, please visit official e-portal <https://etenders.gov.in/eprocure/app>.

For any additional information & help for downloading & uploading, please contact e-tendering service desk at the following ID: support-eproc@nic.in or at Toll Free No.: (91)120-4001002, (91)120-4001005, (91)120-6277787.

1.1.3 QUALIFICATION CRITERIA:

1.1.3.1 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 sub-clauses of clause 1.1.3 of NIT. **Joint Ventures or Consortium are not allowed to participate in the tender.**
- 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. No tenderer can be a sub-contractor while submitting a bid 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: 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 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 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.

(b). The Tenderer / applicant, O.E.M 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 in Form of Tender. The tenderer shall also submit a “Verification Statement” to this effect as per proforma placed at Annexure 3 of NIT.**

iv. Purchase Preference to Local Suppliers/Preference to Make in India:

a) Definitions:

- i. ‘Local content’ means the amount of value added in India which shall be the total value of the item procured (excluding net domestic indirect taxes) minus the value of imported content in the item (including all custom duties) as a proportion of the total value, in percent. Minimum local content shall be 50% for the subject tender.
- ii. ‘Local Supplier’ means a supplier or service provider whose product or service offered for procurement meets the minimum local content as prescribed at sr. no. i above.
- iii. ‘L1’ means the lowest tender or lowest bid received in a tender, bidding process or other procurement solicitation as adjudged in the evaluation process as per the tender or other procurement solicitation.
- iv. ‘Margin of purchase preference’ means the maximum extent to which the price quoted by a local supplier may be above the L1 for the purpose of purchase preference. Margin of purchase preference shall be 20% for the subject tender.

b) Procedure for Purchase Preference in procurement of goods or works which are divisible in nature: NOT APPLICABLE FOR THE SUBJECT TENDER

- i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is from a local supplier, the contract for full quantity will be awarded to L1.
- ii. If L1 bid is not from a local supplier, 50% of the order quantity shall be awarded to L1. Thereafter, the lowest bidder among the local suppliers, will be invited to match

the L1 price for the remaining 50% quantity subject to the local supplier's quoted price falling within the margin of purchase preference, and contract for that quantity shall be awarded to such local supplier subject to matching the L1 price.

- iii. In case such lowest eligible local supplier fails to match the L1 price or accepts less than the offered quantity, the next higher local supplier within the margin of purchase preference shall be invited to match the L1 price for remaining quantity and so on, and contract shall be awarded accordingly.
- iv. In case some quantity is still left uncovered on local suppliers, then such balance quantity may also be ordered on the L1 bidder.

c) Procedure for Purchase Preference in procurement of goods or works which are not divisible in nature and in procurement of services where the bid is evaluated on price alone: APPLICABLE FOR THE SUBJECT TENDER.

- i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is from a local supplier, the contract will be awarded to L1.
- ii. If L1 is not from a local supplier, the lowest bidder among the local suppliers, will be invited to match the L1 price subject to local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such local supplier subject to matching the L1 price.
- iii. In case such lowest eligible local supplier fails to match the L1 price, the local supplier with the next higher bid within the margin of purchase preference shall be invited to match the L1 price and so on and contract shall be awarded accordingly.
- iv. In case none of the local suppliers within the margin of purchase preference matches the L1 price, then the contract may be awarded to the L1 bidder.

d) Minimum local content and verification of local content:

- i. The local supplier at the time of tender shall be required to provide self-certification that the item offered meets the minimum local content and shall give details of the location(s) at which the local value addition is made.
- ii. In case of procurement for a value in excess of Rs. 10 crores, the local supplier shall be required to provide a certificate from the statutory auditor or cost auditor of the company or from a practicing cost accountant or practicing chartered accountant giving the percentage of local content after completion of works to the Engineer.
- iii. If any false declaration regarding local content is found, the company shall be debarred for a period of three years from participating in tenders of all metro rail companies.
- iv. Deleted.

e) Complaints relating to implementation of Purchase Preference

Fees for such complaints shall be Rs. 2 Lakh or 1% of the value of the local item being procured (subject to maximum of Rs. 5 Lakh), whichever is higher. In case the complaint is found to be incorrect, the complaint fee shall be forfeited. In case, the complaint is upheld and found to be substantially correct, deposited fee of the complainant would be refunded without any interest.

- v. **Restriction of Bidders from Countries sharing Land Borders with India as per Ministry of Finance order (Public Procurement No. 1) F.No.6/18/2019-PPD dated 23.07.2020.**

Any bidder from a country which shares a land border with India will be eligible to bid either as a single entity or as a member of a JV / Consortium with others, in any procurement whether of goods, services (including consultancy services and non-consultancy services) or works (including turnkey projects) only if the bidder is registered with the Competent Authority. The Competent Authority for registration will be the Registration Committee constituted by the Department for Promotion of Industry and Internal trade (DPIIT). Political & Security clearance from the Ministries of External and Home Affairs respectively will be mandatory. However, above condition shall not apply to bidders from those countries (even if sharing a land border with India) to which the Government of India has extended lines of credit or in which the Government of India is engaged in development projects. Updated lists of countries to which lines of credit have been extended or in which development projects are undertaken are given in the website of the Ministry of External Affairs.

“The successful bidder shall not be allowed to sub-contract works to any contractor from a country which shares a land border with India unless such contractor is registered with the Competent Authority”.

Note: Joint Ventures and consortiums are not allowed to participate in this tender

Definitions pertaining to “Restriction of Bidders from Countries sharing Land Borders with India” Clause

"Bidder" (including the term 'tenderer', 'consultant' 'vendor' or 'service provider' in certain contexts) means any person or firm or company, including any member of a consortium or joint venture (that is an association of several persons, or firms or companies), every artificial juridical person not falling in any of the descriptions of bidders stated hereinbefore, including any agency, branch or office controlled by such person, participating in a procurement process.

"Bidder from a country which shares a land border with India" means:

- a) An entity incorporated, established or registered in such a country; or
- b) A subsidiary of an entity incorporated, established or registered in such a country; or
- c) An entity substantially controlled through entities incorporated, established or registered in such a country; or
- d) An entity whose beneficial owner is situated in such a country; or
- e) An Indian (or other) agent of such an entity; or
- f) A natural person who is a citizen of such a country; or
- g) A consortium or joint venture where any member of the consortium or joint venture falls under any of the above

"Beneficial owner" will be as under:

- (i) In case of a company or Limited Liability Partnership, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person(s), has a **controlling ownership interest** or who exercises **control** through other means. Explanation—
 - a. **"Controlling ownership interest"** means ownership of, or entitlement to, more than twenty-five per cent of shares or capital or profits of the company;
 - b. **"Control"** shall include the right to appoint the majority of the directors or to control the management or policy decisions, including by virtue of their shareholding or management rights or shareholder's agreements or voting agreements;
- (ii) In case of a partnership firm, the beneficial owner is the natural person(s) who, whether acting alone or together, or through one or more juridical person, has

ownership of entitlement to more than fifteen percent of capital or profits of the partnership;

- (iii) In case of an unincorporated association or body of individuals, the beneficial owner is the natural person(s), who, whether acting alone or together, or through one or more juridical person, has ownership of or entitlement to more than fifteen percent of the property or capital or profits of such association or body of individuals;
- (iv) Where no natural person is identified under (i) or (ii) or (iii) above, the beneficial owner is the relevant natural person who holds the position of senior managing official;
- (v) In case of a trust, the identification of beneficial owner(s) shall include identification of the author of the trust, the trustee, the beneficiaries with fifteen percent or more interest in the trust and any other natural person exercising ultimate effective control over the trust through a chain of control or ownership.

"Agent" is a person employed to do any act for another, or to represent another in dealings with third persons.

1.1.3.2 Minimum Eligibility Criteria:

The tenderers will be qualified only if they satisfy the criteria as given in para A below.

- A Work Experience:** The tenderers will be qualified only if they have successfully completed or substantially** completed work(s) during last 7 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. **12.32 Lakh** or more.

OR

(ii) Two "similar work" * each of annual value of Rs **7.70 Lakh** or more.

OR

(iii) Three "similar work" * each of annual value of **Rs. 6.16 Lakh** or more.

* **"Similar work"** for this tender shall be work involving noise & vibration studies for Rail Projects (including traffic count and vehicular prediction survey, Noise Modelling & Noise Mapping) for any Metro /Railways etc.

** **"Substantial"** completion shall be based on 80 (eighty) per cent (value wise) or more works completed under the contract. 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'.

*** **Bidder shall submit Purchase order/Invoice of instruments (Vibration – real time data analyser with sample rate 2500/sec and Type 1 Sound level meter) issued by OEM, required for carrying out the similar work bearing the bidders name or can be arranged from other agencies.**

NOTE: -

- The tenderer shall submit details of work executed by them, in the Proforma of **Annexure-4 of NIT** 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/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.

For completed works, value of work done shall be updated to last date of previous month of tender Publish Date, price level assuming 7% per annum simple rate inflation 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.

- Criteria for similar work experience shall be satisfied by a single entity.
- Manual for Procurement of Works (Updated June, 2022) can be downloaded from website of Department of Expenditure, Ministry of Finance, Government of India.

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. 3.30 lakh** 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 Commercial Bank in India or from an International Bank of repute (in case of foreign vendors) acceptable to UPMRC as **per standard performa provided in NIT as Annexure 5** and it should not be more than 3 months old as on the date of submission of bids.

(ii) T2 - Deleted

(iii) T3 –Net worth = positive in last year

(iv) T4 - Annual Turnover:

The average annual financial turnover of the bidder during the last three years ending 31st March of the previous Financial Years should be at least **Rs.4.62 lakhs**.

Notes :

- Financial data for latest last three audited financial years has to be submitted by the tenderer in **Annexure-6** along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature, membership number & Unique Documents Identification Number (UDIN). In case audited balance sheet of the last financial year is not made available by the Tenderer, 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 last year is not submitted, tender may be considered as non- responsive.**

- In case financial statements for any of the financial year is not required to be audited as per any relevant section of the Income Tax Act, then, same should be supported by C.A. (Chartered Accountant) certificate alongwith all the GST returns, ITR-3/4 (including all the forms) and form 26AS for each of the financial year not liable to be audited as per relevant section of the income tax Act.

1.1.4 TENDER DOCUMENTS

The Tender documents consist of:

(A) Technical Cover: -

Notice Inviting Tender (NIT)-including Annexures
Instructions to Tenderers
General Terms & Conditions of Contract (GCC)
Special Conditions of Contract (SCC)

(B) Financial Cover: -

Bill of Quantities (BOQ)

- 1.1.5 The contract shall be governed by the documents listed in Para 1.1.5 above along with latest edition of CPWD Specification, IRS Specifications & MORTH Specifications. These may be purchased from the market by the tenderer.
- 1.1.6 The tenderers may obtain further information/clarification, if any, in respect of these tender documents from the office of **DGM/Environment, Uttar Pradesh Metro Rail Corporation, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow - 226010**
- 1.1.7 All tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause. E4 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.
- 1.1.8 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. Instructions for online bid submission is attached as **Annexure A** to NIT.
- 1.1.9 The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid **Class-II or Class-III digital signature certificate**. The tender document can only be downloaded or uploaded using **Class-II or Class-III digital signature certificate**. 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.
- 1.1.10 Tender submissions shall be done online on <https://etenders.gov.in/eprocure/app>

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

- 1.1.11 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 / 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.
- 1.1.12 Tenders shall be valid for a period of **90 days** from the end date of submission of Tenders and shall be accompanied with a valid tender security/EMD for tender security of the requisite amount.
- 1.1.13 Employer 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 Employer for rejection of his proposal.
- 1.1.14 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.
- 1.1.17 Employer will award the Contract to the Tenderers 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 Tender Price. Variant bids are not allowed.
- 1.1.18 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.

DGM/Environment
Uttar Pradesh Metro Rail Corporation