

## NOTICE INVITING TENDER (NIT)

### 1.1 GENERAL

#### 1.1.1 Name of Work:

Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd. invites Open Tenders on local competitive basis from eligible applicants who fulfil qualification *criteria as* stipulated in clause 1.1.4 of NIT, for the work, “KNPAGT-3: Design, Installation, Testing & Commissioning of Ballastless Track of Standard Gauge in 4 Corridors in Elevated as well as Underground Sections of Kanpur and Agra Metro Project along with supply of fastening systems and associated Ballasted/Ballastless Tracks in 4 Depots.”

The brief scope of the work and site information is provided in ITT clause A1 & Employer Requirements (Volume –3).

#### 1.1.2 Key Details:

Approximate cost of work	INR 530.00 Crores
Tender Security amount	INR 5.30 Crores valid upto 31.07.2021
Completion period of the Work	48 months
Tender documents on sale	From 16.10.2020 to 06.11.2020 (between 10:00 Hrs. to 17:00 Hrs.) on working days
Cost of Tender documents	INR 23,600/- (inclusive of 18% GST) By (Demand Draft in favour of “Uttar Pradesh Metro Rail Corporation Ltd”) payable at Lucknow.
Last date of Seeking Clarification	09.11.2020
Pre-bid Meeting	10.11.2020 @ 11:00 Hrs.(through VC)
Last date of issuing addendum	17.11.2020
Date & time of Submission of Tender	24.11.2020 @ 15:00 Hrs.
Date & time of opening of Tender	24.11.2020 @ 15:05 Hrs.
Authority and place for purchase of tender documents, seeking clarifications and submission of completed tender documents	Chief Engineer Contract Uttar Pradesh Metro Rail Corporation Limited, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal Lucknow (UP) – 226010, INDIA Email: <a href="mailto:cecontractlmrc@gmail.com">cecontractlmrc@gmail.com</a>

#### 1.1.3. Source of Funds:

The Kanpur and Agra Metro Projects are being funded through the through the equity participation by the Government of India and Government of Uttar Pradesh and loan from bilateral/multilateral agencies.

#### 1.1.4 QUALIFICATION CRITERIA:

##### 1.1.4.1 Eligible Applicants: Please refer Clause A3 of ITT

##### 1.1.4.2 Minimum Eligibility Criteria:

**A. Work Experience:** The tenderers will be qualified only if they have completed work(s) during last 7 years ending 30.09.2020 as given below:

##### **A1. Work Experience:**

- i. At least one “Similar Work” of value of Rs. 212 Crores or more.  
or
- ii. Two “Similar Works” each of value Rs.132.50 Crores or more.  
or
- iii. Three “Similar Works” each of value Rs.106 Crores or more.

“**Similar Work**” for this contract shall be work of:

- i. Construction of Ballastless Track with or without Supply of Fastening System for Ballastless Track.  
or
- ii. Supply of Precast concrete component of ballastless track such as precast plinth, slab, sleeper etc. with or without Supply of Fastening System for Ballastless Track.

**A2.** The Tenderer should have a past experience in construction of ballastless track for a track length of at least 80 kms (in case of double/multiple line, each line will be counted separately) either on MRTS or Railway System.

##### **Notes:**

- (i) The Tenderer will be qualified only if they satisfy the criteria as given in para A1 & A2 above (during last seven years ending 30.09.2020).
- (ii) All member of JV/Consortium shall have experience of value atleast 10% of NIT Value from construction of ballastless/ballasted track with or without supply of track components OR supply of precast concrete components of ballastless track such as precast plinth, slab, sleepers etc. with or without supply of track components. Total value of work/works should be equal or more than 53 Crores in last 7 years ending 30.09.2020. Annexure-1 of NIT shall be used for submission of details under this para duly certified by Chartered Accountant and with documentary proof from the Clients.
- (iii) There must be an Indian partner with a minimum of 26% participation in the JV/Consortium. Any substantial partner (equal to or more than 26% participation) can act as a lead partner.
- (iv) The tenderer shall submit details of work executed by them in the Performa of **Annexure-1** 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, bill of

quantities, bill wise details of payment received certified by C.A., T.D.S certificates for all payments received and copy of final/last bill paid by client shall be submitted.

- (v) Quantity of successfully completed portion of any ongoing work up to 30.09.2020 will also be considered for qualification of work experience criteria.
- (vi) For completed works, value of work done shall be updated to 30.09.2020 price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year. Selling rate of exchange at the close of business of the State Bank of India on the day twenty-eight days before the latest date of Tender Submittal shall be considered for calculating equivalent value in INR.
- (vii) In case of joint venture / Consortium, full value of the work, if done by the same joint venture will be considered. However, if the work done by them in any other JV/consortium, value of work as per his percentage participation in that JV shall be considered.

**B. Financial Standing:** The tenderers will be qualified only if they have minimum financial capabilities as below:

**(i) T1 - Liquidity**

- (a) The tenderer must have liquidity equal to cash flow requirement of value **Rs. 19 Crores** for the contract.
- (b) 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).
- (c) 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.
- (d) The Banking references should be from a Scheduled Bank in India as per standard proforma provided in NIT as **Annexure 4** and it should not be more than 3 months old as on the date of submission of bids.
- (e) In Case of JV: - Requirement of working capital is to be distributed between members as per their percentage participation and every member should satisfy the requirement for his portion.

*Example:* Let Member-1 has percentage participation = M and Member-2 has percentage participation = N. If minimum working capital required is 'W' then working capital of Member-1  $\geq W \cdot M / 100$  and working capital of Member-2  $\geq W \cdot N / 100$ .

- (f) In case the applicant is a Joint Venture/Consortium and if Banking Reference is issued by the bank in favour of the Joint Venture/Consortium for this contract, then it will be considered for the tenderer and if the Banking reference(s) is issued in favour of any member of JV/Consortium it will be considered only for that member.
- (ii) **T2 - Profitability:** Profit before Tax should be Positive in at least 2 (two) years out of the last five audited financial years.

**In Case of JV/Consortium** - The profitability of only lead member shall be evaluated.

(iii) **T3 - Net Worth:** Net Worth of tenderer should be positive in last 2 audited financial balance sheets.

**In Case of JV/Consortium**, each members of the JV should have positive Net Worth in the last two financial years.

(iv) **T4 - Annual Turnover:** The average annual turnover from construction of ballastless/ballasted track and supply of ballastless/ballasted track components/fastening system in last five financial years should be **Rs.106 Crores**.

**In Case of JV/Consortium** – the tenderer must fulfil the following conditions:

1. Each partner to have minimum 25% of minimum requirement.
2. At least one partner to have 40% of minimum requirement.
3. All partners put together should meet the minimum requirement as per their percentage participation.

*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 = (AM+BN)/100.

Note

- Financial data for latest last five audited financial years has to be submitted by the tenderer in Annexure-2 of NIT along with audited balance sheets. The financial data in the prescribed format shall be certified by the Independent Financial Auditor (Statutory Auditor) of the company appointed under the Company Act or by a Chartered Accountant with his stamp and signature in original. In case any discrepancy in data is found between the balance sheet and the financial information submitted, the data as available in the balance sheet will be considered.
- 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 '4' audited financial years will be taken into consideration for evaluation. **If audited balance sheet of any other year than the last year is not submitted, the tender will be considered as non-responsive.**
- Where a work is undertaken by a group, only that portion of the contract which is undertaken by the concerned applicant/member should be indicated and the remaining done by the other members of the group be excluded. This is to be substantiated with documentary evidence.

#### 1.1.4.3 Bid Capacity Criteria:

**Bid Capacity:** The tenderers will be qualified only if their available bid capacity is more than the approximate cost of work as per NIT. Available bid capacity will be calculated based on the following formula:

**Available Bid Capacity = 2\*A\*N – B**

Where,

A = Maximum of the value of construction works executed in any one year during the last five financial years (updated to 30.09.2020 price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year).

N = No. of years prescribed for completion of the work

B = Value of existing commitments (**as on 30.09.2020**) for on-going construction works during period of **48 months w.e.f. 01.10.2020**.

Notes:

- Financial data for latest last five financial years has to be submitted by the tenderer in **Annexure-3A** along with audited financial statements. The financial data in the prescribed format shall be certified by the Independent Financial Auditor (Statutory

Auditor) of the company appointed under the Company Act or by a Chartered Accountant with his stamp and signature in original. In case any discrepancy in data is found between the balance sheet and the financial information submitted, the data as available in the balance sheet will be considered.

- Value of existing commitments for on-going construction works during period of **48 months** w.e.f. 01.10.2020 has to be submitted by the tenderer in **Annexure-3B**. These data shall be certified by Independent Financial Auditor (Statutory Auditor) of the company appointed under the Company Act or by a Chartered Accountant with his stamp and signature in original.
- In the case of a group, the above formula will be applied to each member to the extent of his proposed participation in the execution of the work. If the proposed % is not provided, equal participation will be assumed.

*Example:* Suppose there are 'P' and 'Q' members of the JV / Consortium / Group with their participation in the JV / Consortium / Group as 70% and 30% respectively and available bid capacity of these members as per above formula individually works out 'X' and 'Y' respectively, then Bid Capacity of JV / Consortium / Group shall be as under:

$$\text{Bid Capacity of the JV / Consortium / Group} = 0.7*X + 0.3*Y$$

- 1.1.4.4** The tender submission of tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.4.2 to 1.1.4.3 above, shall not be considered for further evaluation and therefore rejected. If the tenderer fails to meet the eligibility and qualification criteria, then further scrutiny of other technical parameters will not be done and Financial Proposals of such Tenderers shall not be opened.

The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.4.2 to 1.1.4.3 shall not imply that his bid shall automatically be accepted. The same should contain all technical data as required for consideration of tender prescribed in the ITT. Technical proposals meeting the Technical Requirement and found substantially responsive only will be qualified for opening of their Financial Proposal.

- 1.1.4.5 Minimum Key Staff Requirement** – Tenderers is required to submit details/proposal of minimum key staff to be deployed as given below. Minimum qualification required for key staff has been given in Annexure – 8 of ITT.

- Project Manager** – having minimum 15 years of total experience out of which 5 years should be in projects of similar nature and at similar level i.e. installation of ballastless track and turnouts in metros/railways.
- Deputy Project Manager (DPM) Ballastless Track** - having minimum 10 years of total experience out of which 3 years should be in installation of ballastless track in metros/railways.
- Deputy Project Manager (DPM) Ballastless Turnout** - having minimum 10 years of total experience out of which 3 years should be in installation of ballastless turnout in metros/railways.
- Deputy Project Manager (DPM) Ballasted Track** - having minimum 10 years of total experience out of which 3 years should be in installation of ballasted track in metros/railways.
- Manager Rail Welding** - having minimum 10 years of total experience out of which 3 years should be in Flash Butt Welding and Alumino Thermic Welding.

- f. **Chief Quality Assurance Manager** - having minimum 8 years of total experience out of which 2 years should be in quality control in installation of ballastless / ballasted track.
- g. **Deputy Project Manager (DPM) Design & Interface** - having minimum 8 years of total experience out of which 2 years should be in Design of similar projects.
- h. **Survey In-Charge** - having minimum 8 years of total experience out of which 2 years should be in installation of ballastless track.
- i. **Chief SHE Manager** –As per the qualification and experience given in General Instruction – 2 of UPMRC SHE manual.

**NOTE – Please submit the CV of above Key Personals as per Annexure – 5 of NIT**

**1.1.4.6** The fastening system for ballastless track is also to be provided by the contractor in this contract. Ballastless track fastening system already approved (vide letter No. CT/EF/Global EOI-2017/Ballastless Track dated 25.10.2019) by RDSO/MOR or installed & commissioned in any MRTS project in India and under observation & approval of RDSO/MOR as per clause 1.2 of Annexure-C2 of performance criteria of fastening system for ballastless track (attached as Annexure 11 of ITT), can only be proposed under this contract. The proposed ballastless track fastening system shall adequately meet the insulation requirement for stray current of 750V DC Bottom 3<sup>rd</sup> Rail Traction System as per EN 50122-2 and as per requirement of Tender. The proposed Ballastless Track Fastening System should also have two layer of insulations i.e. between rail & fastening and between fastening & track plinth/slab. Bidder should also take note of clause C6.6 of ITT.

**1.1.4.7** The tenderer should either own mobile flash butt welding plant for deploying the same for this contract or should furnish a concrete proposal to hire / subcontract the same along with the names /details of source /agencies for the same.

**1.1.4.8 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”.

**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 shareholders 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.

- (vi) 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. In this regard, bidder has to submit an undertaking as per Appendix-12 of FOT.

#### **1.1.5 The Tender documents consist of:**

<b>Volume 1</b>	Notice Inviting Tender Instructions to Tenderers (including Annexures) Form of Tender (including Appendices)
<b>Volume 2</b>	General Condition of Contract Special conditions of Contract (Including Schedules)
<b>Volume 3</b>	Employer's Requirements – General Specification Employer's Requirements – Particular Specification Employer's Requirements – Appendices

<b>Volume 4</b>	Tender Drawings
<b>Volume 5</b>	Bill of Quantities and Explanatory Notes to BOQ
<b>Volume 6</b>	Condition of Contract on Safety, Health & Environment (SHE) Ver 1.2

- 1.1.6 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 separately from the market.
- 1.1.7 The tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of Chief Engineer Contract, Uttar Pradesh Metro Rail Corporation Limited, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal Lucknow - 226010.
- 1.1.8 All tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause. E 4.4 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.
- 1.1.9 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.1.10 Tender shall be valid for a period of 180 days from the initially notified date of submission of Tender and shall be accompanied with a tender security of the requisite amount (as per Annexure-6 of ITT) from Scheduled Commercial Bank in India and valid upto 31.07.2021 from initially notified date of tender submission **in the form of an irrevocable Bank Guarantee, an irrevocable Letter of Credit or a Demand Draft**
- Note:** Bidders to note that the payment of tender security shall be made from the account of bidder only. However, in case of JV/ Consortium, the tender security can either be paid from JV/Consortium account or one of the constituent members of JV/Consortium.
- If tender security has been made from other than the account mentioned above, same shall not be accepted and all such bids shall be considered ineligible and summarily rejected.
- 1.1.11 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.
- 1.1.12 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 Reasonable Tender Price. Variant bids are not allowed.
- 1.1.13 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.
- 1.1.12 **Tenderer shall note that all tender submissions are to be properly numbered, indexed and hardbound.**

**Chief Engineer (Contract)**  
**Uttar Pradesh Metro Rail Corporation**