

NOTICE INVITING TENDER (NIT)

1 GENERAL

1.1 Name of Work:

Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd., invites open e-tenders on International Competitive Basis (ICB) from eligible applicants from all countries and all area, who fulfill qualification criteria as stipulated in Clause 1.4 of NIT, for the work, “**KNPCC-07 (Funded by EIB): Construction of elevated viaduct and 5 Nos. elevated station (viz. Baradevi Station, Kidwai Nagar Station, Vasant Vihar Station, Baudh Nagar Station & Naubasta Station) including Architectural Finishing, E&M work and special span from end of ramp (after Transport Nagar Station) to Naubasta Station on Corridor-1 of Kanpur MRTS Project at Kanpur, Uttar Pradesh, India.**”

The brief scope of the work and site information is provided in ITT Clause A1 (Volume-1), Employer's Requirements (Volume-3) & Vol-5 (Technical Specification/E&M).

1.2 Key details :

Approximate cost of work	Rs. 526 Crores
Tender Security	Tenderers shall upload scanned copy of Undertaking for Tender Security Declaration as per Annexure-7 of ITT at the time of online bid submission. If Undertaking for Tender Security Declaration is not submitted or is not in prescribed format then such bids shall be considered ineligible and summarily rejected.
Completion period of the Work	30 months
Tender documents on sale:	From 24.08.2021 (from 10:00 hrs) to 01.11.2021 (up to 15:30 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 23,600/- (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 employer are mentioned below. The Tenderers 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. KNPCC-07 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, if applicable)

KNPCC-07: Construction of elevated viaduct and 5 Nos. elevated station (viz. Baradevi Station, Kidwai Nagar Station, Vasant Vihar Station, Baudh Nagar Station & Naubasta Station) including Architectural Finishing, E&M work and special span from end of ramp (after Transport Nagar Station) to Naubasta Station on Corridor-1 of Kanpur MRTS Project at Kanpur, Uttar Pradesh, India.

	<p>Name of the Bank - HDFC Bank Banks Address - HDFC Bank Ltd, Tekari Chambers Ashok Marg, Lucknow Account Name - UPMRCL (Kanpur Project) Account No. - 50100301966502 IFSC code - HDFC0001267</p>
Last date of Seeking Clarification:	<p>24.09.2021 upto 17:00 hrs.</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 mail or post will not be considered. Queries/clarifications from Tenderers after due date and time shall not be acknowledged.</p>
Pre-bid Meeting	<p>28.09.2021 @ 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 tenderers who have made online payment towards the cost of tender document shall 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 (latest by 1500 hrs on 27.09.2021) to the registered official email of Employer i.e. cecontract@upmrcl.co.in alongwith scanned copy of transaction of payment of tender cost / tender fee, including e-receipt (clearly indicating UTR No. and tender reference i.e. KNPCC-07, so that links having details such as software, meeting ID, password etc. can be mailed to these persons at least 12 hours before the scheduled pre-bid meeting</p>
Last date of issuing addendum (if any)	12.10.2021
Date & time of Submission of Tender online	Tender submission start date: 25.10.2021 (10:00 hrs). Tender submission end date: 01.11.2021 (15:30 hrs).
Date & time of opening of Tender	02.11.2021 @ 15:30 Hrs.
Authority and place for seeking clarifications etc.	<p>Chief Engineer/ Contract, Uttar Pradesh Metro Rail Corporation, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow-226010, Uttar Pradesh, India https://etenders.gov.in/eprocure/app</p>

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.

1.3 SOURCE OF FUNDS:

UPMRCL has received Loan from multilateral funding agency (EIB) hereinafter- called "Funding Agency" towards the part cost of the Project, and intends to apply a portion of the proceeds of the loans to payments under this contract. Disbursement of the loans will be subject, in all respects, to the terms and conditions of the Loan Agreements, including the disbursement procedures and the applicable procurement guidelines of EIB. (http://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf). No party other than UPMRC shall derive any rights from the Loan Agreement or have any claim to loan proceeds. The above Loan Agreement will cover only a part of the project cost. The remaining portion shall be financed through equity participation by the Government of India and Government of Uttar Pradesh and other appropriate means.

1.4 QUALIFICATION CRITERIA:

1.4.1 Eligible Applicants: A Tenderer may be from any country and all areas either a single entity or combination of entities in the form of a Joint Venture or Consortium under an existing agreement. Please refer Clause A3 of ITT (which under its sub-clause A3.10 also includes requirements/stipulations regarding (a) Lead Partner of JV/Consortium (b) Non Substantial Partners (c) Requirement for members of JV /Consortium (d) Change in JV /Consortium (e) Participation by Subsidiary Company or Parent Company with credentials of Parent or Subsidiary Company).

1.4.2 Minimum Eligibility Criteria:

A. Work Experience: For a Joint Venture / Consortium to qualify, each of its substantial partners (i.e. having at least 20% participation in JV/Consortium) must have experience of executing at least one Civil work of minimum 20% of NIT value in last 07 years. The tenderer shall submit documentary evidence for the same.

The tenderers will be qualified only if they have completed work(s) during last Seven years ending **31.07.2021** as given below:

(i) At least one "similar work"* of value of **Rs. 421 Crores** or more

OR

(ii) Two "similar works" * each of value of **Rs. 263 Crores** or more

OR

(iii) Three "similar works"* each of value of **Rs. 210 Crores** or more

- In case of JV/Consortium the work of viaduct & station may be by different partners also.
- Tenderer (or atleast one member in case of JV/Consortium) should have carried out at least one "similar work" * of value **Rs. 210 Crores** or more in India or in a country outside their own country.

“**Similar Work/s**” for this contract shall be work of construction of minimum 2 km length of Metro Viaduct/bridge/fly over (excluding approach embankment) having pre-stressed concrete super structure, with or without elevated metro station (which may/may not include finishing work and E&M works)

- The tenderer should have constructed at least one elevated metro station as a part of at least one “**Similar Work**” referred in para (i) / (ii) / (iii) above or under any other separate contract of Metro Railway.

Notes :

- The tenderer shall submit details of work executed by them, in the Performa of **Annexure-1** 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 Chartered Accountant (C.A), 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 ongoing work up to 31.07.2021 will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to 31.07.2021 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.**
- In case, the qualifying work(s) were done by tenderer in JV/Consortium, then the value of work as per their percentage participation in such JV/Consortium shall be considered.
- Tenderer must have experience of executing E&M works similar to scope of work defined in Section E.00 of Vol-5 (Technical Specification/E&M) for atleast one Metro Station / Railway Station / Commercial building etc. In case tenderer doesn't meet the requisite experience, Contractor may engage sub-contractor having the required experience for E&M works. **The eligibility of the subcontractor shall be evaluated after award of work.** The contractor shall be required to submit proposal for engaging subcontractor in **Appendix 15 of Form of Tender.**

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. 30 Crores** 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 Employer as **per standard performa provided in NIT as Annexure 4** and it should not be more than 3 months old as on the date of submission of bids.

d) 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 $\geq \frac{W \cdot M}{100}$ and working capital of member-2 $\geq \frac{W \cdot N}{100}$

e) 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 - Deleted

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

In Case of JV/Consortium- Each member of the JV should have positive Net Worth in the last Two audited financial years.

iv) T4 - **Annual Turnover:** The average annual turnover **from construction** in last five financial years should be \geq **Rs. 168 Crores.**

The average annual turnover of JV/Consortium 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 = $(AM+BN)/100$

Notes :

- Financial data for latest last five audited financial years has to be submitted by the tenderer in **Annexure-2** along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature. 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 '4' 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.**

- Where the 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.

1.4.3 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:

$$\text{Available Bid Capacity} = 2 * A * N - B$$

Where,

A = Maximum of the value of construction works executed in any one year during the last five financial years (updated to **31.07.2021** 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 31.07.2021**) for on-going construction works during period of **30 months w.e.f. 01.08.2021**.

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.

Example for calculation of bid capacity in case of JV / Consortium / Group

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:

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

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 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 **30 months w.e.f. 01.08.2021** has to be submitted by the tenderer in **Annexure-3B**. These data shall be certified by the Chartered Accountant with his stamp and signature in original.

1.4.4 The tender submission of tenderers, who do not qualify the minimum eligibility

criteria & bid capacity criteria stipulated in the clauses 1.4.1 to 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 1.4.1 to 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.

1.5 The Tender documents consist of:

Volume 1

- Notice Inviting Tender (including Annexures)
- Instructions to Tenderers (including Annexures)
- Form of Tender (including Appendices)

Volume 2

- General Conditions of Contracts
- Special Conditions of Contract (including Schedules)

Volume 3

- Employer's Requirements – General
- Employer's Requirements – Functional
- Employer's Requirements – Design
- Employer's Requirements – Construction
- Employer's Requirements – Appendices

Volume 4

- Bill of Quantities

Volume 5

- Technical Specifications

Volume 6

- Tender Drawings

Volume 7

- Condition of Contract on Safety, Health & Environment (SHE)

1.6 The contract shall be governed by the documents listed in Para 1.5 above along with latest edition of CPWD Specification, IRS Specifications & MORTH Specifications. These may be purchased from the market by the tenderer.

1.7 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, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow - 226010

1.8 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.

1.9 The intending tenderers must be registered on e-tendering portal <https://etenders.gov.in/e procure/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.

- 1.10 The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid **Class-II or Class-III digital signature**. The tender document 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.
- 1.11 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 Undertaking for Tender Security Declaration towards Tender Security and other documents as stated in the tender document. Instructions for on-line bid submission are furnished hereinafter.
- 1.12 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.
- 1.13 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.14 Tenders shall be valid for a period of **180 days** from the date of submission of Tenders and shall be accompanied with a tender security of the requisite amount as per clause C18.1 of ITT.
- 1.15 The Tender procedure will be carried out in line with EIB's Guide to Procurement:http://www.eib.org/attachments/strategies/guide_to_procurement_en.pdf.
- 1.16 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.
- 1.17 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.
- 1.18 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.
- 1.19 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.

**Chief Engineer/Contract
Uttar Pradesh Metro Rail Corporation**