

NOTICE INVITING TENDER (NIT)**1.1 GENERAL****1.1.1 Name of Work:**

Lucknow Metro Rail Corporation (LMRC) Ltd. invites Open Tenders on International Competitive Bidding (ICB) from eligible applicants from all countries and all areas, who fulfil *pre qualification criteria* as stipulated in clause 1.1.4 of NIT, for the scope

“Design, manufacture, supply, installation, testing and commissioning of Automatic Fare Collection System, supply of spares and the training of operation and maintenance personnel for this systems for Phase-1A of Lucknow Metro Rail Project”

The brief scope of the work and site information is provided in ITT clause A1 & specifications are described in Employer Requirements (Volume –3 & Vol. 4)

1.1.2 Key details: -

Approximate Cost of work for LKS 01= INR 78.28 Cr.

Tender Security amount	INR 7.9 Million.
Expected Completion period of the Work	30 months
Tender documents on sale	From 23.11.2015 to 15.12.2015 (between 09:30 Hrs to 17:30 Hrs) on working days
Cost of Tender documents	INR 21000/- (inclusive of 5% UPVAT) (Demand Draft in favour of “Lucknow Metro Rail Corporation Ltd”) payable at Lucknow.
Last date of Seeking Clarification	16.12.2015
Pre-bid Meeting	18.12.2015
Last date of issuing pre-bid replies and addendum	24.12.2015
Date & time of Submission of Tender	15.01.2016 upto 15:00 Hrs.
Date & time of opening of Tender	15.01.2016 @ 15:30 Hrs.
Authority and place for purchase of tender documents, seeking clarifications and submission of completed tender documents	Director (Rolling Stock & Systems) Lucknow Metro Rail Corporation, Administrative Building, Vipin Khand, Gomati Nagar Lucknow-226010

1.1.3 Source of Funds: The project is to be implemented on 50:50 percent model with equity

sharing by Government of India and Government of Uttar Pradesh. Over 50% of the project is to be funded through senior debt from multilateral/ bilateral funding agencies.

1.1.4 INITIAL FILTER CRITERIA:

1.1.4.1 Eligible Applicants:

- i) A Tenderer may be from any country and all areas either a single entity or any combination of entities in the form of a joint venture or association (JVA) under an existing agreement. In the case of a JVA/Consortium: all partners shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms; and the JVA/Consortium shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the partners of the JVA/ Consortium during the tendering process and, in the event the JVA is awarded the Contract, during contract execution. ***The bidder should be a company registered in India in case of individual applicant and in case of JVA/Consortium at least one entity should be a company registered in India.***
- ii) A Tenderer, and all partners constituting the Tenderer, shall be from any country and all areas subject to fulfilment of the condition of clause i) above.
- iii) A Tenderer and all partners constituting the Tenderer, shall not have a conflict of interest. All Tenderers found to have a conflict of interest shall be disqualified. A Tenderer may be considered to have a conflict of interest with one or more parties in this tendering process, if:
 - a) Tenderer and all partners constituting the Tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for or implementation of the project;
 - b) Tenderer and all partners constituting the Tenderer is any associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
 - c) a Tenderer and all partners constituting the Tenderer lends, or temporarily seconds its personnel to firms or organizations which are engaged in consulting services for the preparation related to procurement for or implementation of the project, if the personnel would be involved in any capacity on the same project.
- iv) A Tenderer shall submit only one tender in the same tendering process, either individually as a Tenderer or as a partner of a JVA/ Consortium. A Tenderer who submits or participates in, more than one tender will cause all of the proposals in which the Tenderer has participated to be disqualified. No Tenderer can be a subcontractor while submitting a tender individually or as a partner of a JVA/ Consortium in the same tendering process. A Tenderer, if acting in the capacity of subcontractor in any tender, may participate in more than one tender, but only in that capacity.
- v) International contractors who are considering to participate in bid should form joint ventures, partnerships or consortia for the purpose of applying for tender, are required to involve suitable local partners.
- vi) Tenderers shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.
- vii) A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in joint venture/JVA/ Consortium.
- viii) The Tenderer shall have not been debarred by any multilateral/bilateral funding Agency/Government of India/Any State Government in India/Central or State Government

Undertaking as on the due date of submission of Bid (The tenderer should submit undertaking to this effect in Annexure 7 of initial filter).

ix) IN CASE OF JV/JOINT VENTURE ASSOCIATION(JVA)/Consortium

Lead partner must have a minimum of 40% participation in the JV/JVA/Consortium.

Each Partners shall have minimum 26% participation.

In case of JV/JVA/ Consortium, change in constitution or percentage participation shall not be permitted at any stage after their submission of application otherwise the applicant shall be treated as non-responsive.

x) A Tenderer and all partners constituting the Tenderer shall confirm Non-performance of a contract did not occur within the last two (2) years prior to the deadline for application submission based on all information on fully settled disputes or litigation (as per Annexure-6). A fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective contract and where all appeal instances available to the Applicant have been exhausted.

1.1.4.2 **Minimum Eligibility Criteria :**

(A) Work Experience:

This will deal with similar Contactless smart media based Automatic Fare Collection works executed in the last 10 years ending 31-10-2015 which should have been in successful operation for the last one year (minimum). If the work was done in another JV / Consortium, the value in proportion of participation in that JV / Consortium by the member only will be considered. The details of works will correspond to the No. of Automatic Fare Collection System projects completed in the last 10 Years as given in Annexure 1, 1-A & 2A of Part II of Initial Filter document.

Minimum Requirement

The applicant (or the concerned member in case of JV / Consortium) must have completed at least one work of similar nature costing INR 62.63 crores or more at the price level of 31-03-2015 OR a work of similar nature over a set of minimum 19 stations. If the above criteria is being fulfilled by the foreign partner of the JV / Consortium and the work was done in the country of origin of the foreign partner, then in addition to this, the foreign partner must have done at least one work of similar nature costing INR 39.14 Crores or more at price level of 31-03-2015 OR a work over a set of minimum 12 stations, outside the country of origin of the foreign partner.

OR

The applicant (or the concerned member in case of JV / Consortium) must have completed at least two works of similar nature each costing INR 39.14 crores or more at the price level of 31-03-2015 OR two works of similar nature, with each work over a set of minimum 12 stations. If both the works are done by the foreign partner of the JV / Consortium, then either, one work should have been done outside the country of origin of the foreign partner, or if both the works are in the country of origin of the foreign partner, then in addition to this,

the foreign partner must have done at least one work of similar nature costing INR 31.31 Crores or more at price level of 31-03-2015 or a work over a set of minimum 10 stations, outside the country of origin of the foreign partner.

OR

The applicant (or the concerned member in case of JV / Consortium) must have completed at least three works of similar nature each costing INR 31.31 crores or more at the price level of 31-03-2015 OR three works of similar nature, with each work over a set of minimum 10 stations. If all the three works or two out of the three works are done by the foreign partner of the JV / Consortium, then at least one out of the three works should have been done outside the country of origin of the foreign partner.

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 C.A., T.D.S 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 **date of tender submission** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to tender submission date assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year. **For the purpose of evaluation of work experience, all prices will be converted to Indian Rupees using the Exchange (selling) rates for those currencies at the close of business of the State Bank of India at 31st December of each year for the works completed in respective year. For the works completed in the latest year before 31st of December of current year, the exchange rates of foreign currency shall be applicable 28 days before the tender submission date.**
- In case of joint venture / JVA/Consortium, full value the work, if done by the same joint venture or any of members of the Joint Venture shall be considered. If the work done by them in any other JV/JVA, 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 7.83 Cr. (Approx. equal to 3 months cash flow)** as per linear distribution of cash flow 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/JVA. 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 or from an International Bank of repute (in case of foreign vendors) and it should not be more than 3 months old as on the date of submission of bids.
- (e) In Case of JV/JVA: - 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 $\geq \frac{WM}{100}$ and working capital of member-2 $\geq \frac{WN}{100}$.
- (f) In case the applicant is a Joint Venture/JVA and if Banking Reference is issued by the bank in favour of the Joint Venture/JVA 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/JVA it will be considered only for that member.

- (ii) **T2 - Profitability:** Profit before Tax should be Positive in at least 2 (two) year, out of the last five audited financial years

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

- (iii) **T3 - Net Worth:** Net Worth of tenderer must be positive in the latest audited financial balance sheets.

In Case of JV/JVA, the algebraic sum total of Net Worths of all the members as per the latest audited balance sheets shall be considered the Net Worth of the tenderer.

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

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

100

- (iv) **T4 - Annual Turnover:** The average annual turnover of last **five financial years should be \geq 62.63 cr.**

In Case of JV/JVA – 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/JVA will be

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

100

Notes:

- Financial data for latest last five audited financial years has to be submitted by the tenderer in **Annexure-3** 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 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.

The approximate cost of work for **LKS 01 is Rs. 78.28 Cr.**

Bid capacity will be calculated based on the following formula:

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

If Bid Capacity of a tenderer is:-

- (i) **More than or equal to Rs. 78.28 Cr. the tenderer will qualify.**
- (ii) **Less than Rs. 78.28 Cr. the tenderer will be disqualified.**

Where,

A = Maximum of the value of works executed in any one year during the last five financial years (updated to tender submission date 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 =30 months=2.5 years

B = Value of existing commitments (**as on tender submission date**) for on-going works during period of **30 months w.e.f.** tender submission date

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.
- Value of existing commitments for on-going construction works during period of **36 months** w.e.f. **tender submission date** has to be submitted by the tenderer in **Annexure-2A**. These data shall be certified by the Chartered Accountant with his stamp and signature.
- 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.

1.1.4.4 The tender submission of Tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.4.1 to 1.1.4.3 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.4.1 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.

1.1.4.5 **Deleted**

1.1.5 **The Tender documents consist of :**

Volume 1

Notice Inviting Tender
(With Qualification Requirements)
Instructions to Tenderers (including Annexures)
Form of Tender (including Appendices)

Volume 2

General Conditions of Contracts
Special Conditions of Contract (including Schedules)
Condition of Contract on Safety, Health & Environment (SHE)

Volume 3

Employer's Requirements – General specifications

Volume 4

Employer's Requirements – Particular Specifications

Volume 5

Tender Drawings

1.1.6 The Tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of Director (Rolling Stock & Systems), Lucknow Metro Rail Corporation, Administrative Building, Vipin Khand, Gomati Nagar, Lucknow-266010.

1.1.7 All Tenderers are hereby cautioned that tenders containing any material deviation or

LKS01 Notice Inviting Tender reservations as described in Clause **E 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.

- 1.1.8 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.1.9 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 and validity as per clause C17 of ITT.
- 1.1.10 LMRC 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 LMRC for rejection of his proposal.
- 1.1.11 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.

Director (Rolling Stock & Systems)
For Managing Director
Lucknow Metro Rail Corporation limited