

## 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 Basis (ICB) basis from eligible applicants from all countries and all areas, who fulfil *qualification criteria* as stipulated in clause 1.1.4 of NIT, for the scope "

**“Contract LKT-3: "Supply of Fastening System for Ballastless track for Lucknow Metro Phase I A Project of Lucknow MRTS.”**

The Fastening System for ballastless track should comply with performance criteria issued vide "**Annexure-C2 to Procedure for Safety Certification and Technical Clearance of Metro Systems -Februray 2015**" issued by Urban Transport and High Speed Directorate of Research Designs and standards Organisation, Manak Nagar, Lucknow-226011- attached as Annexure-A of the Technical Specifications. The proposed Fastening System should have satisfactory performance record of minimum three years in service in regular revenue operation on ballastless track on any two different established railway systems (except exclusive freight tracks) for a length of at least 5km in each metro having speed potential of at least 80 kmph & design axle load of at least 16 T irrespective of wheel profile and rail section. The tenderer shall submit the technical details and test reports to substantiate the compliance of performance criteria given in Annexure-A of the Technical Specification.

#### 1.1.2 Key details :-

Approximate Cost of work	INR 49 Cr.
Tender Security amount	INR 98.00 Lakhs.
Completion period of the Work	24 months
Tender documents on sale	From 28.07.2015 to 17.08.2015 (between 10:00 Hrs to 17 Hrs.) on working days.
Cost of Tender documents	INR 21,000/- (inclusive of 5% DVAT) Non-Refundable (Demand Draft /Banker's cheque) in favour of "Lucknow Metro Rail Corporation Ltd" (Payable at Lucknow.)  Cost of tender documents i.e, D.D./Banker's cheque, in original, shall be accepted only up to 15:00 hours on <u>17.08.2015</u> in the office of <b>Chief Engineer/Design &amp; Track</b> at below mentioned address.
Last date of Seeking Clarification	21.08.2015 (Queries from bidders after

	stipulated date shall not be acknowledged)
Pre-bid Meeting	22.08.2015 @ 1100 Hrs
Last date of issuing addendum	31.08.2015
Date & time of Submission of Tender	28.09.2015 @ 15:00 Hrs.
Date & time of opening of Tender	28.09.2015 @ 15:05 Hrs.
Authority and place for purchase of tender documents, seeking clarifications and submission of completed tender documents	<b>Chief Engineer/Design &amp; Track,</b> Lucknow Metro Rail Corporation, Administrative Building, Vipin Khand,Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow-226010, <b>Uttar Pradesh,India</b>

1.1.3 **Source of Funds:** The contract is proposed to be funded through equity contribution from Govt. of Uttar Pradesh (U.P.) and Govt. of India (GOI).

1.1.4 **QUALIFICATION CRITERIA :**

1.1.4.1 **Eligible Applicants :**

- I. The tenders for this contract will be considered only from those tenderers (proprietorship firms, partnerships firms, companies, corporations, consortia or joint ventures) who meet requisite eligibility criteria prescribed in the sub-clauses of Clause 1.1.4 of NIT. 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. 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 in the same bidding process. A tenderer, if acting in the capacity of subcontractor in any bid, may participate in more than one bid, but only in that capacity.
- 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:
  - a) a tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for implementation of the project;

- b) a tenderer/his any associates/affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
  - c) a tenderer lends, or temporarily seconds its personnel to firms or organisations which are engaged in consulting services for the preparation related to procurement for implementation of the project, if the personnel would be involved in any capacity on the same project.
- IV. A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in joint venture/Consortium.
- V. Any Central / State government department / public sector undertaking / other government entity or local body must not have banned business with the tenderer (any member in case of JV) as on the date of tender submission. Also no contract of the tenderer should have been rescinded / terminated by any Central / State government department / public sector undertaking / other government entity or local body after award during last 5 years due to non-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in - **Appendix 19** of Form of Tender.
- VI. Tenderer (any member in case of JV/consortium) must not have suffered bankruptcy/ insolvency during the last 5 years. The tenderer should submit undertaking to this effect in **Appendix-21** of Form of Tender.
- VII. LEAD PARTNER/NON SUBSTANTIAL PARTNERS/CHANGE IN JV/CONSORTIUM**
- a. Lead partner must have a minimum of 26% participation in the JV/Consortium.
  - b. Partners having less than 26% participation will be termed as non-substantial partner and will not be considered for evaluation which means that their financial soundness and work experience shall not be considered for evaluation of JV/Consortium.
  - c. In case of JV/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.
  - d. The tenderer, in case of JV/Consortium, shall clearly and unambiguously define the role and responsibilities for each substantial/non-substantial partner in the JV agreement/ MOU submitted vide foot note (d) of Appendix 6 of Form of Tender, providing clearly that any abrogation/subsequent re-assignment of any responsibility by any substantive/non-substantive partner of JV/Consortium in favour of other JV/Consortium partner or any change in constitution of partners of JV/Consortium (without written approval of

Employer) from the one given in JV agreement/MOU at tender stage, will be treated, as 'breach of contract condition' and/or 'concealment of facts' (as the case may be), and acted accordingly.

The Employer in such cases, may in its sole discretion take action against any member(s) for failure in tenderer's obligation and declare that member(s) of JV/Consortium ineligible for award of any tender in LMRC or take action to terminate the contract in part or whole.

## VIII. DELETED

### 1.1.4.2 Minimum Eligibility Criteria :

**(All values in Indian Rupees), (1 Crore = 10 million)**

**A. Work Experience:** The tenderers will be qualified only if they have completed work(s) during last seven years ending **30.06.2015** as given below:

(i) *At least one "similar work" \*\* each of value of Rs. 39.20 crores or more.*

OR

(ii) *Two "similar works" \*\* each of value of Rs. 24.50 crores or more.*

OR

(iii) *Three "similar works" \*\* each of value of Rs.19.60 crores or more.*

*If the bidder is a JV/Consortium and has a foreign partner and above work(s) have been done by the foreign partner of JV and such work(s) were done in the country of the foreign partner then in addition to this, the foreign partner must have done at least one work of value Rs. 19.60 crores or more of similar nature outside his country.*

**\*\* "Similar works" for this contract shall be work of "Supply of fastening system being offered in this tender for ballastless track on an established railway system (except exclusive freight tracks) such as Metro System and meeting the performance criteria issued vide "Annexure-C2 to Procedure for Safety Certification and Technical Clearance of Metro Systems -Februray 2015" issued by Urban Transport and High Speed Directorate of Research Designs and standards Organisation, Manak Nagar, Lucknow-226011- attached as Annexure-A of the Technical Specifications . "**

- The tenderer shall submit details of works executed by them in the Performa of **Appendix 11 & 12 of FOT** 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 also be submitted.
- Value of successfully completed portion of any ongoing work up to **30.06.2015** will also be considered for qualification of work experience criteria.

- For completed works, value of work done shall be updated to **30.06.2015** price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year. The exchange rate of foreign currency shall be applicable 28 days before the submission date of tender.

In case of joint venture / 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.

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

- (i) **T1 – Liquidity** It is necessary that the firm can withstand cash flow that the contract will require until payments received from the Employer. Liquidity therefore becomes an important consideration.

This shall be seen from the balance sheets and/or from the banking reference. Net current assets and/or documents including banking reference, should show that the applicant has access to or has available liquid assets, lines of credit and other financial means to meet cash flow of **Rs. 6.13 Crores** for this contract, net of applicant's commitments for other Contracts. Banking reference should contain in clear terms the amount that bank will be in a position to lend for this work to the applicant/member of the Joint Venture/Consortium. In case the Net Current Assets (as seen from the Balance Sheets) are negative, only the Banking references will be considered. Otherwise the aggregate of the Net Current Assets and submitted Banking references will be considered for working out the Liquidity.

The banking reference should be from a Scheduled Bank in India **as per standard performa provided in ITT as Annexure-8** and it should not be more than 3 months old as on date of submission of bids.

In Case of JV- Requirement of liquidity is to be distributed between members as per their percentage participation and every member should satisfy the minimum requirement.

Example: Let member-1 has percentage participation= $M$  and member-2 has percentage participation= $N$ . If minimum liquidity required is ' $W$ ' then liquidity of member-1  $\frac{W M}{100}$  and

100  
liquidity of member-2  $\frac{W N}{100}$

- (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/Consortium** - The profitability of only lead member shall be evaluated.

- (iii) **T3 - Net Worth:** Net Worth of tenderer during last audited financial year should be positive.

In Case of JV- Net worth will be based on the percentage participation of each Member.

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/JVA/Consortium will be

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

- (iv) **T4 - Annual Turnover:** The average annual turnover of last **five financial years** should be  $\geq$  **Rs. 19.60 Cr.**

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/JVA/Consortium will be

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

**Notes:**

- Financial data for latest last five audited financial years has to be submitted by the tenderer in **APPENDIX 13** of FOT 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 as per NIT. Available bid capacity will be calculated based on the following formula:

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

Where,

A = Maximum of the value of construction works/Supplies executed in any one year during the last five financial years (updated to **30.06.2015** 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 30.06.2015**) for on-going construction works/Supplies during period of **24 months w.e.f. 01.07.2015**.

**Notes:**

- Financial data for latest last five financial years has to be submitted by the tenderer in **APPENDIX 14 of FOT** 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 **24 months w.e.f. 01.07.2015** has to be submitted by the tenderer in **APPENDIX 15 OF FOT**. These data shall be certified by the 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 for calculation of bid capacity in case of JV / Group**

Suppose there are 'P' and 'Q' members of the JV / group with their participation in the JV / 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 / group shall be as under:

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

- 1.1.4.3.1 The tender submission of Tenderers, who do not qualify the Qualification Criteria specified in para 1.1.4 including 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. The mere fact that the tenderer is qualified as mentioned in above clause / sub clause 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.

1.1.5 The Tender documents consist of Contractual, Technical, Financial matters and related information as follows:

- Notice of Invitation to Tender
- Instructions to Tenderer (With Annexures)
- Technical Specifications
  - Annexure – ‘A’ (Performance Criteria)
- General Conditions of Contract
- Special Conditions of Contract
- Form of Tender (With Appendices)

1.1.6 **All Tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause. B 4.0 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.**

1.1.7 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.

1.1.8 Tenders shall be valid for a period of **180 days** (both days inclusive i.e. the date of submission of tender and the last date of period of validity of the tender) from the date of submission of Tenders and shall be accompanied with a tender security of the requisite amount as per clause B 13 of ITT.

1.1.9 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.

**Chief Engineer/Design & Track  
Lucknow Metro Rail Corporation limited**