

NOTICE INVITING TENDER (NIT)

1.1 GENERAL

1.1.1 Name of Work:

Lucknow Metro Rail Corporation (LMRC) Ltd. invites Open Tenders from eligible applicants, who fulfil qualification criteria as stipulated in Clause 1.1.3 of NIT, for the work, ***“Restoration Work of road along the viaduct on priority section between Transport Nagar and Charbagh”***.

The brief scope of the work and site information is provided in NIT Section 2.

1.1.2 Key details :

Approximate cost of work	INR 16.89 Crores
Tender Security amount	INR 1.7 Crores
Completion period of the Work	3 Months
Tender documents on sale	From 17.10.2016 to 07.11.2016 (between 09:30 Hrs. to 17:30 Hrs.) on working days
Cost of Tender documents (Non-Refundable)	21000/- (inclusive of 5% UPVAT) (Demand Draft on a Scheduled Commercial bank based in India in favour of “Lucknow Metro Rail Corporation Ltd” payable at Lucknow.)
Date & time of Submission of Tender	09.11.2016 up-to 15:00 Hrs.
Date & time of opening of Tender (Technical Bid)	09.11.2016 @ 15:30 Hrs.
Date & time of opening of Tender (Financial Bid)	Will be informed later on after the evaluation of Technical Bids (only to the bidders who will successfully qualify the Technical Evaluation)
Validity of Tender	180 days from the last date of submission of tender.
Authority and place for purchase of tender documents, seeking clarifications and submission of completed tender documents	Chief Engineer/Contract, Lucknow Metro Rail Corporation, Administrative Building, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Vipin Khand, Gomti Nagar, Lucknow-226010

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, consortia or joint ventures) who meet requisite eligibility criteria prescribed in the sub-clauses of clause 1.1.3 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/Consortium. 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/Consortium 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:

- (a) a tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for on implementation of the project;
 - (b) a tenderer is 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 on 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. However, the lead partner in case of JV shall be one who has the experience of **Construction/ Maintenance/ Restoration of road work**.
- v. NON SUBSTANTIAL PARTNERS IN CASE OF 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.
- vi. The Tenderer/applicant (applies to each individual member in case of a Joint Venture/Consortium) must not have been blacklisted or debarred as on the due date of submission of bid by Government of India/ State Government / Government undertaking from participating in the tenders. 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 1A of ITT.**

1.1.3.2 Minimum Eligibility Criteria:

The tenderers will be qualified only if they satisfy the criteria as given in para A below during last seven years ending **30.09.2016**.

A Work Experience: The tenderers will be qualified only if they have completed work(s) during last seven years ending **30.09.2016** as given below:

(i) At least One “similar work”** each of value of **Rs. 13.51 crores** or more.

OR

(ii) Two “similar work”** each of value of **Rs. 8.45 crores** or more.

OR

(iii) Three “similar work”** each of value of **Rs. 6.76 crores** or more.

** **“Similar work” for this contract shall be work involving Construction/ Maintenance/ Restoration of road work.**

NOTE:-

- The tenderer shall submit details of work executed by them in the Performa of **Appendix-17 of F.O.T.** for the works to be considered for qualification of works experience criteria.
- For the above, 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 **30.09.2016** will also be

considered for qualification of work experience criteria.

- For completed works, value of work done shall be updated to **30.09.2016** 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 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.
- Criteria for work experience for “similar work” as described in para-A, above, shall be satisfied by a single entity/JV/Consortium. A JV partner can participate in only one of the bidding. JV/Consortium while a sub-contractor can participate with different/multiple tenderers.
- The joint/MOU/Consortium agreement must contain a clause stating “All the partners are Jointly and severally liable to LMRC”

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. 9.65 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 or (in case of foreign parties) from an international bank of repute acceptable to LMRC 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 working capital required is ‘W’ then working capital of member-1 $\geq \frac{WM}{100}$ and working capital of member-2 $\geq \frac{WN}{100}$.

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) year, out of the last five audited financial years.

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

- (iii) **T3 - Net Worth:** Net Worth of tenderer during last audited financial year should be \geq **Rs. 13.51** Crores.

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 will be

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

- (iv) **T4 - Annual Turnover:** The average annual turnover from Construction/ Maintenance/ Restoration of road work of last five financial years should be **≥Rs. 54.05 Crores.**

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 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-18 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 year other 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.

1.1.3.3 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/ Maintenance/ Restoration of road work executed in any one year during the last five financial years (updated to **30.09.2016** 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 for on-going Construction/ Maintenance/ Restoration of road works during period of **3 month w.e.f. 01.10.2016.**

Notes:

- Financial data for latest last five financial years has to be submitted by the tenderer in **Appendix-15 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/ Maintenance/ Restoration of road works during period of **3 month w.e.f. 01.10.2016** has to be submitted by the tenderer in **Appendix-16 of FOT**. 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 % participation is not mentioned then 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:

Bid Capacity of the JV / group = 0.7X + 0.3Y

1.1.3.4 The tender submission of tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.3.2 to 1.1.3.3 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.3.2 to 1.1.3.3 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 TENDER DOCUMENTS

The Tender documents consist of:

Volume 1:

Notice Inviting Tender (NIT)

Instructions to Tenderers (ITT) - including Annexures

Form of Tender (FOT) - including Appendices

Volume 2:

General Conditions of Contract (GCC)

Special Conditions of Contract (SCC) - including Schedules

Condition of Contract on Safety, Health & Environment (SHE) Ver. 1.2

Volume 3:

Employer's Requirements with Appendices and Technical Specifications

Volume 4:

Bill of Quantities (BOQ)

1.1.5 The contract shall be governed by the documents listed in Para 1.1.4 above along with latest edition of CPWD Specifications. These may be purchased from the market.

The tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of **Chief Engineer / Contract**, Lucknow Metro Rail Corporation Ltd. (LMRC) Administrative Building, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Vipin Khand, Gomti Nagar, Lucknow-226010

All tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause **E4.4** 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.

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

1.1.7 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 **Annexure-6 of ITT** in the form of a Bank Guarantee from Scheduled Commercial Bank in India.

1.1.8 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/ Contract
Lucknow Metro Rail Corporation limited