

Notice of Invitation for Bids

1.1 GENERAL

1.1.1 Name of Work:

Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd. invites Open Tenders on International Competitive Basis (ICB) from eligible applicants from all countries and all areas, who fulfil qualification criteria as stipulated in Section III of bid documents, for the work, “**Contract KNPAGT - 1: Supply of 17,700 MT Head Hardened Rails (60 E1, IRS-T-12-2009, 1080 grade HH) for Kanpur and Agra Metro.**”

1.1.2 Key details

Approximate cost of work	INR 1,269.01 Millions
Tender Security amount	INR 12.69 Million or US\$ 1,76,288/- or €1,63,400/- Validity of Tender Security in case of BG & FDR should be as per clause 21 of ITB.
Completion period of the Work	18 months from establishment of LC
Tender Document available for sale	From 21.02.2020 to 31.03.2020 (between 10:00 Hrs to 17:00 Hrs) on working days
Cost of Tender Document (Non-Refundable)	INR 23,600/- or US\$ 328/- or € 304/- (inclusive of 18% GST) Non-Refundable (Demand Draft /Banker's cheque) in favour of “Uttar Pradesh Metro Rail Corporation Ltd” payable at Lucknow.) (GST Registration No. shall be provided along with the tender cost, if applicable)
Last date of Seeking Clarification	08.04.2020 (Upto 17:00 Hrs) (Queries from bidders after due date shall not be acknowledged)
Pre-bid Meeting	08.04.2020 at 15:00 Hrs
Last date of issuing addendum	15.04.2020
Tender Submission Date and time	29.04.2020 up to 15:00 Hrs.
Date & time of opening of Tender (Technical Bid)	29.04.2020 at 15:30 Hrs.
Authority and place for submission of tender cost & Tender Security (EMD), seeking clarifications on tender documents and prebid meeting	Chief Engineer Contract UTTAR PRADESH METRO RAIL CORPORATION LTD, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow-226010, Uttar Pradesh, India

1.1.3 Lucknow Metro Rail Corporation Limited (LMRC), a 50:50 jointly owned Company of Government of India and Government of Uttar Pradesh has been reconstituted as per the approval of the Government as single SPV by rechristening it as “Uttar Pradesh Metro Rail Corporation Ltd. (UPMRC)” for implementation of Metro Rail

Projects in various important cities in the State of Uttar Pradesh and has been entrusted with the responsibility of implementation and operation of the rail based Mass Rapid Transit System (Metro) in Kanpur and Agra cities where Metro Projects have been recently approved by Government of India.

1.1.4 QUALIFICATION CRITERIA:

A. Eligibility Criteria:

(I) Minimum Eligibility Criteria

The bidder shall furnish documentary evidence to demonstrate that it meets the following experience requirement(s):

- (i) Supply of minimum quantity of 1,00,000 MT of Rails during last 07 years, out of which Min 50,000 MT Rails should have been supplied outside the country of production from the proposed Rail manufacturing facility.
- (ii) Out of the Rails supplied to other countries, minimum 25,000 MT supply should be Head Hardened (HH) in last seven years as per international standard or similar to be procured in this tender. Further out of 25,000 MT of HH Rails, minimum 12,500 MT of rails supply should be of 60 E1 or similar rail profile.
- (iii) Documentary evidence of Head Hardened (HH) Rails manufacturing facility certified by internationally accredited agency is to be submitted with the bid.

(II) Experience and Technical Capacity

The Bidder shall furnish documentary evidence to demonstrate that it meets the following experience requirement(s):

- (i) Bidder shall furnish year wise and consignee wise details of supply during last seven years ending 31.01.2020.
- (ii) The bidder shall furnish the details of supplies made for the goods being procured in this contract i.e. 60 E1, IRS-T-12-2009, 1080 grade HH rails. Details should include a performance certificate which should include purchase order details, name of purchaser, the railway projects/ MRTS Project, where used / being used, the design speed and axle load of the section, quantity of rails supplied, period of supply and the date of commencing operations on Metro/ Railway system. These rails should have satisfactory performance in at least one Metro/Railway system for 3 years period under train operations. The details of address, contract person, fax / e mail is also to be furnished. In absence of the above statement / details, offer will be summarily rejected. In case design speed, axle load is not included in the client certificate, the bidder shall submit undertaking specifying design speed and axle load.
- (iii) The bidder shall also furnish the
 - Details of Current work commitments;
 - Plant and manufacturing capacity
 - Organisation set up
 - Statement & details of equipment and other facilities available.
 - Evidence of access to lines of credit and availability of other financial resources;

- Quality control system and detailed quality assurance plan.
- (iv) The rails proposed to be supplied in this bid are as per IRS-T-12-2009 Specifications (upto ACS No. 4 dated 04.03.2019). The bidder shall furnish clause by clause confirmation of IRS-T-12-2009 Specifications for the rails proposed to be supplied in this contract.
- (v) The bidder should submit Technical Proposal as per Annexure "A" of Technical specification, in the absence of the same offer will be summarily rejected.

1.1.4 B. 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 (A) of NIT. In the case of a JV or Consortium, all members of the Company / Firm shall be jointly and severally liable for the performance of whole contract. The JV or 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 JV or Consortium during the tendering process and, in the event the JV or Consortium is awarded the Contract, during contract execution.
- (ii) (a) A Tenderer and in case of JV or Consortium, all partners constituting the Tenderer may be from any country and all areas.

(b) 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 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.

- (v) The applicant shall submit user certificate for successful completion as on submission date of tender, failure to submit would result in disqualification.
- (vi) The supplier will submit user certificate for the supply of Rails mentioned in clause 1.1.4 (A) along with their performance. The certificate should contain all the details, so that it can be established that supplier have experience of supplying the HH Rails required for UPMRC work.
- (vii)
 - (a) UPMRC/ any other Metro Organisation (100% owned by Govt.)/ Ministry of Housing & Urban Affairs/ Order of Ministry of Commerce, applicable for all Ministries must not have banned business with the tenderer (including any member in case of JV/Consortium) as on the date of tender submission. The tenderer should submit undertaking to this effect in – Form No. 8 to Section IV (Bidding Forms).
 - (b) Also no contract of the tenderer of the value more than 10% of NIT cost of work, executed either individually or in a JV/Consortium, should have been rescinded / terminated by UPMRC/ any other Metro Organisation (100% owned by Govt.) after award during last 3 years (from the last day of the previous month of tender submission) due to non-performance of the tenderer or any of JV/Consortium members. The tenderer should submit undertaking to this effect in – Form No. 8 to Section IV (Bidding Forms).
 - (c) The overall performance of the tenderer (all members in case of JV/Consortium separately) shall be examined for all the on-going Rails Supply Works awarded by UPMRC/ any other Metro Organisation (100% owned by Govt.) of value more than 40% of NIT cost of work and also for all the completed Rails Supply Works awarded by UPMRC/ any other Metro Organisation (100% owned by Govt.) within last one year (from the last day of the previous month of tender submission), of value more than 40% of NIT cost of work, executed individually or in a JV/ Consortium. The tenderer shall provide list of all such works in the prescribed Performa given in Form No. 8A to Section IV (Bidding Forms). The tenderer (all members in case of JV/Consortium separately) may either submit satisfactory performance Certificate issued by the Client / Employer for the works or give an undertaking regarding satisfactory performance of the work with respect to completion of work/execution of work (for ongoing works) failing which their tender submission shall not be evaluated and the tenderer shall be considered non-responsive and non-compliant to the tender conditions. In case of non-submission of either satisfactory performance Certificate from Client / Employer or undertaking of satisfactory performance of any of the above work, the performance of such work shall be treated as unsatisfactory while evaluating the overall performance of tenderer in terms of Note (b) of Form No. 8A to Section IV (Bidding Forms). In case of performance certificate

issued by the client, same should not be older than three month (from the last day of the previous month of tender submission) for the on-going Works.

VIII

- a. Tenderer (including any member in case of JV/consortium) for the works awarded by UPMRC/ any other Metro Organisation (100% owned by Govt.) must have been neither penalised with liquidated damages of 10% (or more) of the contract value due to delay nor imposed with penalty of 10% (or more) of the contract value due to any other reason in any Rails Supply Contract of value more than 10% of NIT cost of work, during last three years. The tenderer should submit undertaking to this effect in Form No. 9 to Section IV (Bidding Forms).
- b. If the tenderer or any of the Constituent 'substantial member(s)' of JV/Consortium does not meet the criteria stated in the Form No. 8 or 8A or 9, the tenderer including the constituent 'substantial member(s)' of JV/Consortium shall be considered ineligible for participation in tender process and they shall be considered ineligible applicants in terms of Clause 1.1.4. B of NIT.
- c. If there is any misrepresentation of facts with regards to undertaking submitted vide Form No. 8, or performance in any of the works reported in the Form No. 8A, or undertaking submitted vide Form No. 9, the same will be considered as "fraudulent practice" under clause 35.1 of GCC and the tender submission of such tenderers will be rejected besides taking further action as per Clause 34.1 (a) (iii) & 35 of GCC.

IX 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 Form No. 10 to Section IV (Bidding Forms).

X 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, 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), vide GCC clause 35.1 and acted accordingly.

The Employer in such cases, may in its sole discretion take action under clause 35.1 and/or under clause 35.2 of GCC 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 UPMRC or take action to terminate the contract in part or whole under clause 34 of GCC as the situation may demand and recover the cost/damages as provided in contract.

1.1.4 C. 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 last audited balance sheets and/or from the banking reference. Net current assets and/or documents including banking reference (as per Performa given in Form No. 11 to Section IV (Bidding Forms) , should show that the applicant has access to or has available liquid assets, lines of credit and other financial means to meet cash flow **INR 120 Millions** 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 and it should not be more than 3 months old as on date of submission of bids.

The Banking Reference should be on the letter head of the Bank.

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 $\geq WM/100$ and liquidity of member-2 $\geq WN/100$

- (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: 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 **INR 169 Millions.**

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 = $(AM+BN)/100$.

- (iv) **T4- Annual Turnover:** The average annual turnover of the tenderer during last five audited financial years should be \geq **INR 677 Millions**

The averages 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 percentage = N, Let the average annual turnover of member 1 is A and that of member 2 is B, then 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 **Annexure-A** (section III of Bidding documents) 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 may be considered as non-responsive.

1.1.5 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:

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 Rails supplies executed in any one year during the last five financial years (updated to **31.01.2020** 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 **31.01.2020**) for Rails supply work during period of **18 months** w.e.f. **01.02.2020**.

Notes:

- Financial data for latest last five financial years has to be submitted by the tenderer in **Annexure-B** (section III of Bidding documents) 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 Rails supply works during period of **18 months** w.e.f. 01.02.2020 has to be submitted by the tenderer in **Annexure-C** (section III of Bidding documents). 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:

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

The tender submission of tenderers, who do not qualify the qualification criteria & bid capacity criteria stipulated in the above clauses, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in clauses above 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 ITB.

1.1.6 The tender submission of tenderers, who do not qualify the minimum eligibility criteria as per Clause 1.1.4A(I), Financial Standing criteria as per Clause 1.1.4C & Bid Capacity criteria as per Clause 1.1.5 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in clauses above 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 ITB.

1.1.7 The Tender documents consist of single volume in respect of Contractual, Technical, and Financial matters and related information as follows:

- Notice Inviting Tender (NIT)
- Instructions to Bidders (ITB)
- Bid Data Sheet (BDS)
- Evaluation and Qualification criteria (including Annexure A, B, & C)
- Bidding Forms (Bill of Quantity)

- Technical Specifications & Delivery Schedule (including Annexure A)
- General Conditions of Contracts (GCC)
- Special Conditions of Contract (SCC)
- Contract Forms

1.1.8 The Tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the office of CE/Contracts, Uttar Pradesh Metro Rail Corporation Ltd., Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow- 226010, Uttar Pradesh, India. (email id: cecontractlmrc@gmail.com)

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

1.1.10 Tenders will be valid for a period of **180 days** (both days inclusive i.e. the date of submission of tenders and the last date of period of validity of the tender) from the latest date of submission of tenders, and shall be accompanied with a tender security of requisite amount in the form as specified in Clause 21 of ITB.

1.1.11 UPMRC reserve 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 tenderer whose tender has been determined to be substantially responsive and compliant to the requirement contained in the Tender Documents and who has offered the Lowest Evaluated Tender Price. Variant bids are not allowed.

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