

NOTICE INVITING TENDER (NIT)

1.1 GENERAL

1.1.1 Name of Work:

Lucknow Metro Rail Corporation (LMRC) Ltd., who has been assigned to carry out interim works for Kanpur Metro Rail Project, invites open tenders from eligible applicants, who fulfill qualification criteria as stipulated in Clause 1.1.4 of NIT, for the work, “**Contract KNPCC-02(R1): Construction of elevated viaduct and 9 Nos. elevated station (viz. IIT Kanpur Station, Kalyanpur Railway Station, SPM Hospital Station, Kanpur University Station, Gurudev Chauraha Station, Geeta Nagar Station, Rawatpur Railway Station, Lala Lajpat Rai Hospital Station & Motijheel Station) including special span on Priority Section of Corridor-1, Phase-I of Kanpur Metro 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)

1.1.2 Key details :

Approximate cost of work	Rs. 676.00 Crores
Tender Security amount	Rs. 6.76 Crores
Completion period of the Work	21 months
Tender documents on sale:	From 28.06.2019 to 19.07.2019 (between 09:30 hrs to 17:30 hrs) on working days
Cost of Tender documents	INR 23600/- (inclusive of 18% GST) (Demand Draft on a scheduled commercial bank based in India in favour of “Lucknow Metro Rail Corporation Ltd”) payable at Lucknow
Last date of Seeking Clarification:	22.07.2019
Pre-bid Meeting	22.07.2019 @ 1500 Hrs
Last date of issuing addendum	26.07.2019
Date & time of Submission of Tender	12.08.2019 upto 15:00 Hrs.
Date & time of opening of Tender	12.08.2019 @ 15:30 Hrs.
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, Vipin Khand, Gomti Nagar, Near Dr.Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow-226010, Uttar Pradesh, India Email: cecontractlmrc@gmail.com

1.1.3 SOURCE OF FUNDS:

This work shall be financed through equity participation of the Government of India and Government of Uttar Pradesh and other appropriate means.

1.1.4 QUALIFICATION 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 or with the intent to enter into such an agreement supported by a letter of intent.
- ii. In the case of a JVA/ consortium:
 - (a) all partners shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms; and
 - (b) the JVA 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 during the tendering process and, in the event the JVA is awarded the Contract, during contract execution.
- iii. A Tenderer, and all partners constituting the Tenderer, shall be from any country and all areas.
- iv. A 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) a Tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for or 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 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.
- v. A Tenderer shall submit only one tender in the same tendering process, either individually as a Tenderer or as a partner of a JVA. 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. A JV/ consortium partner can participate in any one of the JV/Consortium.
- vi. A Tenderer (applies to each individual member in case of a Joint Venture/Consortium) that has been determined to be ineligible by the Funding Agency in accordance with Clause A4.4 of ITT, shall not be eligible to be awarded a contract.
- vii. Tenderers shall provide such evidence of their continued eligibility satisfactory to the Employer, as the Employer shall reasonably request.
- viii. 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, one of the substantial partner in case of JV shall have experience of Viaduct/Bridge/Flyover.**
- ix. 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 Funding Agency/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.**

x. **NON SUBSTANTIAL PARTNERS IN CASE OF JV/CONSORTIUM**

- a. Lead partner must have a minimum of 26% participation in the JV/Consortium.
- b. Substantial Partners should have at least 26% participation, otherwise they 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.

1.1.4.2 **Minimum Eligibility Criteria:**

A. Work Experience: The tenderers will be qualified only if they satisfy the criteria as given below (during last Seven years ending 31.05.2019):

- (i) At least one “similar work”*** of value of **Rs. 540.80 crores** or more **and** at least one elevated metro station in urban environment if not included in this works.

In Case of JV/ Consortium the work of Viaduct/Bridge/Flyover and Stations may be by different Partners also.

If the above “similar work”*** of value **Rs. 540.80 crores** or more has been done by the foreign partner of JV and was done in the country of the foreign partner then in addition to this work, the foreign partner must have done at least one “Similar Work”*** equal to or more than **Rs. 270.40 crores** outside the country of the foreign partner.

OR

- (ii) Two “similar work”*** each of value of **Rs. 338.00 crores** or more **and** at least one elevated metro station in urban environment if not included in above works.

In Case of JV/ Consortium the work of Viaduct/Bridge/Flyover and Stations may be by different Partners also.

If both the above “similar works”*** of value **Rs. 338.00 crores or more** have been done by the foreign partner of JV, then either at least one of these two works should have been done outside the country of the foreign partner and if not, then in addition to this, the foreign partner must have done at least one “Similar Work”*** equal to value **Rs. 270.40 crores** or more outside the country of the foreign partner.

OR

- (iii) Three “similar work”*** each of value of **Rs. 270.40 crores** or more **and** at least one elevated station in urban environment if not included in above works.

In Case of JV/ Consortium the work of Viaduct/Bridge/Flyover and Stations may be by different Partners also.

If all the above three “similar work”*** of **Rs. 270.40 crores** or more or two out of three works have been done by foreign partner of JV, then either at least one of these three works should have been done outside the country of Foreign Partner.

**** “Similar Work” for this contract shall be work of construction of Viaduct/ Bridge/ Flyover (excluding approaches & embankments) having a pre-stressed concrete super structure, with or without elevated metro station.**

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 **31.05.2019** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **31.05.2019** 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.
- If the viaduct/bridge/flyover work includes other works such as approaches, road, non pre-stressed superstructure etc. than the client's certificate clearly indicating the amount for the pre-stressed viaduct/bridge/flyover shall be furnished by the tenderer along with their submissions.
- **A JV partner/Consortium member can participate in only one of the bidding JV/Consortium.**
- The Joint venture/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:** The tenderer must have liquidity equal to cash flow requirement of value **Rs. 55.18 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 LMRC

as per standard performa provided in NIT as Annexure 5 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 $\geq \frac{W M}{100}$ and working capital of member-2 $\geq \frac{W N}{100}$

- 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 - 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 must be **Rs. 77.26 Crores** in the latest audited financial balance sheets

In Case of JV, 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.

- iv) **T4 - Annual Turnover:** The average annual turnover from construction in last five financial years should be \geq **Rs. 309.03 Crores.**

In Case of JV – 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 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-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 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.

1.1.4.3 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:

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

Where,

A = Maximum of the value of construction works executed in any one year during the last five financial years (updated to **31.05.2019** 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 31.05.2019**) for on-going construction works during period of **21 months w.e.f. 01.06.2019**.

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 **24 months w.e.f. 01.06.2019** 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 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:

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

1.1.4.4 The tender submission of tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.4.2 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 sub clause 1.1.4.2 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.

1.1.5 The Tender documents consist of :

Volume 1

Notice Inviting Tender (including Annexures 1 to 5)

Volume 2 Instructions to Tenderers (including Appendix 1 & Annexures 1 to 12)
Form of Tender (including Appendices 1 to 14)

Volume 3 General Conditions of Contracts
Special Conditions of Contract (including Schedules)

Volume 4 Employer's Requirements – General
Employer's Requirements – Functional
Employer's Requirements – Design
Employer's Requirements – Construction
Employer's Requirements – Appendices

Volume 5 Bill of Quantities

Volume 6 Technical Specifications

Volume 7 Tender Drawings

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

- 1.1.6 The contract shall be governed by the documents listed in Para 1.1.5 above along with latest edition of CPWD Specification, IRS Specifications & MORTH Specifications. These may be purchased from the market.
- 1.1.7 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, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow - 226010 (email id: cecontractlmrc@gmail.com)
- 1.1.8 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.
- 1.1.9 Late tenders (received after date and time of submission of bid) shall not be accepted under any circumstances.
- 1.1.10 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 in the form of a Bank Guarantee (as per Annexure-7 of ITT) from Scheduled Commercial Bank in India.
- 1.1.11 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.
- 1.1.12 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.

**Chief Engineer/Contract
Lucknow Metro Rail Corporation**