Chapter- 1

NOTICE INVITING TENDER (NIT)

1 GENERAL

1.1 Name of Work:

Uttar Pradesh Metro Rail Corporation (UPMRC) Ltd., invites Open e-Tender from eligible applicants, who fulfill qualification criteria as stipulated in Clause 1.4 of NIT, for the work, LKTS-01: Detailed Topographical Survey of East-West Corridor (Charbagh to Vasantkunj) including Depot at Hardoi Road and Alignment Design of Main Line and Depot Entry-Exit Line for Lucknow Metro Rail Project Phase 1B.

UPMRC shall receive e-bids pursuant to this Tender Document, in accordance with the terms set forth herein and as modified, altered, amended and clarified from time to time by UPMRC. Bidders shall submit bids in accordance with such terms on or before the date specified in this document. The Bidders are advised to visit the site/stations and familiarize themselves with the proposed arrangements and all activities necessary in this regard.

UPMRC has adopted a two packet Bidding Process to select suitable lowest Bidder for carrying out the work under LKTS-01.

The brief scope of the work and site information is provided in Employer Requirement & Outline Specification, Chapter-4 of Volume 1.

Key details:

Approximate cost of work (NIT Value)	INR 24.32 lakhs (including GST)
Tender Reference	LKTS-01
*Tender Security /EMD	Amount of Tender Security: Rs. 48,700/- The instrument type for payment of tender security/ EMD shall be Demand Draft, Bank Guarantee, RTGS, NEFT & IMPS. No other mode of payment will be accepted. (i) Payment of tender Security as per clause C 18.1.2(a) of ITT is to be made by RTGS, NEFT & IMPS. The details of bank account of UPMRC are mentioned in succeeding para. The bidders are required to upload scanned copies of transaction of payment of tender security including ereceipt (clearly indicating UTR No. & tender reference must be entered in the remarks at the time of online transaction of payment) in online bid submission, failing which payment may not be considered. (Copy of GST registration no. to be provided along with Tender security/EMD) (ii) Payment of tender security as per clause C 18.1.2 (b) of ITT is to be made by BG/FDR/Demand Draft. BG/FDR/Demand Draft shall be submitted in original in a sealed envelope in the office of CE/ Contract within due date and time of submission. Validity of Tender Security/EMD in case of BG shall remain valid for a period of 45 days beyond the final bid validity period.
Completion period of the Work	03 Months
Tender documents on sale:	From 25.07.2024 (from 11:00 hrs) to 27.08.2024 (up to 15:00 hrs) on e-tendering website https://etenders.gov.in/eprocure/app. Tender document can only be obtained on the website https://etenders.gov.in/eprocure/app .

LKTS-01: Detailed Topographical Survey of East-West Corridor (Charbagh to Vasantkunj) including Depot at Hardoi Road and Alignment Design of Main Line and Depot Entry-Exit Line for Lucknow Metro Rail Project Phase 1B.

*Cost of Tender documents	INR 5,900/- (inclusive of 18% GST) Non-Refundable (Payment of tender document cost/ tender fee is to be made only by RTGS, NEFT & IMPS. No other mode of payment will be accepted. The details of bank account of employer are mentioned in succeeding para The Tenderers are required to upload scanned copies of transaction of payment of tender document cost/tender fee including e-receipt (clearly indicating UTR No. & tender reference must be entered in the remarks at the time of online transaction of payment) failing which payment may not be considered at the time of online bid submission. (Copy of GST registration no. to be provided along with Tender document cost, if applicable)
Details of Bank Account for payment of Tender Security/ EMD and cost of tender document	Name of the Bank Banks Address - HDFC Bank - HDFC Bank Ltd, Sapru Marg, Hazratganj, Lucknow - UPMRCL (Lucknow Project) - 50200009236810 - HDFC0001267
Last date of Seeking Clarification:	O6.08.2024 upto 18:00 hrs. Tenderers to note that seeking clarification on the tender shall be done by sending it on e-tendering portal only. Seeking clarification by mail or post will not be considered. Queries/clarifications from Tenderers after due date and time shall not be acknowledged.
Pre-bid Meeting	The pre-bid meeting shall be conducted through video conferencing by software apps such as Google Meet, Microsoft Team, etc. All Prospective tenderers who have made online payment towards the cost of tender document shall provide the details of the person(s) (maximum up to two) who will be participating in such virtual meeting at least one day before the meeting to the registered official email of Employer i.e. cecontractImrc@gmail.com or cecontract@upmrcl.co.in along with scanned copy of transaction of payment of tender cost / tender fee, including e-receipt (clearly indicating UTR No. and tender reference, so that links having details such as software, meeting ID, password etc. can be mailed to these persons at least 12 hours before the scheduled pre-bid meeting
Date & time of Submission of Tender online	Tender submission start date: 20.08.2024 (11:00 hrs). Tender submission end date: 27.08.2024 (15:00 hrs).
Date & time of opening of Tender	28.08.2024 @ 15:00 Hrs.
Authority and place for seeking clarifications etc.	Chief Engineer/ Contract, Uttar Pradesh Metro Rail Corporation, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow-226010, Uttar Pradesh, India Telephone - 0522-2304015 E-Mail – cecontractImrc@gmail.com https://etenders.gov.in/eprocure/app

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*Cost of Tender and Tender Security/EMD shall be submitted by the bidders except Micro and Small Enterprises (MSEs) as defined in MSE Procurement Policy issued by Department of Micro, Small and Medium Enterprises (MSME) or are registered with the Central Purchase Organisation.

1.3 Any clarification/corrigendum/addendum to the tender documents shall be uploaded on the official e-portal only, without any obligation of press notification.

For further details, please visit official e-portal https://etenders.gov.in/eprocure/app.

For any additional information & help for downloading & uploading, please contact etendering service desk at the following ID: support-eproc@nic.in or at Toll Free No.: (91)120-4001002, (91)120-4001005, (91)120-6277787.

1.4 QUALIFICATION CRITERIA:

1.4.1 Eligible Applicants:

The tenders for this contract will be considered only from those tenderers (proprietorship firms, partnerships firms, companies, corporations) who meet requisite eligibility criteria prescribed in the sub-clauses of Clause 1.4 of NIT. **Joint Ventures and consortiums are not allowed to participate in the tender.**

- i. A tenderer shall submit only one bid in the same tendering process. 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. A tenderer, if acting in the capacity of subcontractor in any bid, may participate in more than one bid, but only in that capacity.
- **ii.** 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 organizations 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.
- iii. For tender fee/ tender document cost, refer clause C 18 of ITT.
- iv. (a) UPMRC/ Any Other Metro Organization (owned by Govt.)/Ministry of Housing & Urban Affairs/ Order of Ministry of Commerce/ Any other government organization, applicable for all Ministries must not have banned business with the tenderer as on the date of tender submission end date. The tenderer should submit undertaking to this effect in Appendix-19 of Form of Tender.
 - (b) Tenderer for the works awarded by UPMRC/ any other Metro Organization (owned by Govt.)/ Ministry of Housing & Urban Affairs/ Order of Ministry of Commerce/ Any other government organization must have been neither penalized 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 Civil Engineering works of value more than 10% of NIT cost of work, during last three years (from the last day of

- the previous month of tender submission end date). The tenderer should submit undertaking to this effect in **Appendix-20** of From of Tender.
- (c)Tenderer must not have suffered bankruptcy/insolvency during the last five (5) years (from the last day of previous month of tender submission end date). The tenderer should submit undertaking to this effect in **Appendix 21** of Form of Tender.
- (d) If the Tenderer or any of the constituent JV/Consortium member(s) does not meet the criteria stated in the **Appendix-19 or Appendix-20 or Appendix-21**, the tenderer shall be considered ineligible for participation in tender process and they shall be considered ineligible applicants in terms of Clause 1.4.1 of NIT.
- v. If there is any misrepresentation of facts with regards to undertaking submitted vide **Appendix-19**, or undertaking submitted vide **Appendix-20** or **Appendix-21**, the same will be considered as "fraudulent practice" under Clause 4.33.1 a (ii) of GCC and the tender submission of such tenderers will be rejected besides taking further action as per Clause 4.33.1 (b) & 13.2.1 of GCC.

vi. Deleted

vii. Participation by Subsidiary Company / Parent Company with credential of other Company

- a) Applicant in the capacity of a Subsidiary Company as a single entity is not permitted to use the credential of its Parent Company and/or its Sister Subsidiary Company/Companies.
- b) Applicant in the capacity of a Parent Company as a single entity is not permitted to use the credential of its Subsidiary Company/ Companies.

viii. Purchase Preference to Local Suppliers/Preference to Make in India:

a) Definitions:

- i. 'Local content' means the amount of value added in India which shall, unless otherwise prescribed by the Nodal Ministry, be the total value of the item procured (excluding net domestic indirect taxes) minus the value of imported content in the item (including all custom duties) as a proportion of the total value, in percent.
- ii. 'Class-I local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content equal to or more than 50%, as defined under the Order No. P-45021/2/2017-PP(BE-II) dated 04.06.2020 issued by Department for Promotion of Industry and Internal Trade (DPIIT).
- iii. 'Class-II local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content more than 20% but less than 50%, as defined under the Order No. P-45021/2/2017-PP (BE-II) dated 04.06.2020 issued by Department for Promotion of Industry and Internal Trade (DPIIT).
- iv. 'Non-local supplier' means a supplier or service provider, whose goods, services or works offered for procurement, has local content less than or equal to 20%, as defined under the Order No. P-45021/2/2017-PP (BE-II) dated 04.06.2020 issued by DPIIT.
- v. 'L1' means the lowest tender or lowest bid or the lowest quotation received in a tender, bidding process or other procurement solicitation as adjudged in the evaluation process as per the tender or other procurement solicitation.
- vi. 'Margin of purchase preference' means the maximum extent to which the price quoted by a "Class-I local supplier" may be above the L1 for the purpose of purchase preference. Margin of purchase preference shall be **20%** for the subject tender.
- b) Procedure for Purchase Preference to 'Class-I local supplier' in procurement of goods or works which are divisible in nature: NOT APPLICABLE FOR THE

SUBJECT TENDER

- c) Procedure for Purchase Preference to 'Class-I local supplier' in procurement of goods or works which are not divisible in nature and in procurement of services where the bid is evaluated on price alone: APPLICABLE FOR THE SUBJECT TENDER.
- i. Among all qualified bids, the lowest bid will be termed as L1. If L1 is 'Class-I local supplier', the contract will be awarded to L1.
- ii. If L1 is not 'Class-I local supplier', the lowest bidder among the 'Class-I local supplier', will be invited to match the L1 price subject to Class-I local supplier's quoted price falling within the margin of purchase preference, and the contract shall be awarded to such 'Class-I local supplier' subject to matching the L1 price.
- iii. In case such lowest eligible 'Class-I local supplier' fails to match the L1 price, the 'Class-I local supplier' with the next higher bid within the margin of purchase preference shall be invited to match the L1 price and so on and contract shall be awarded accordingly.
- iv. In case none of the 'Class-I local supplier' within the margin of purchase preference matches the L1 price, the contract may be awarded to the L1 bidder."

d) Minimum Local content and verification of local content:

- i. The 'Class-I local supplier' / 'Class-II local supplier' at the time of tender, bidding or solicitation shall be required to indicate percentage of minimum local content and provide self- certification that the item offered meets the minimum local content requirement for 'Class-I local supplier' / 'Class-II local supplier', as the case may be. They shall also give details of the location(s) at which the local value addition is made.
- ii. In case of procurement for a value in excess of Rs. 10 crores, the 'Class-I local supplier' / 'Class-II local supplier' shall be required to provide a certificate from the statutory auditor or cost auditor of the company (in case of companies) or from a practicing cost accountant or practicing chartered accountant (in respect of suppliers other than companies) giving the percentage of local content after completion of works to the Engineer.
- iii. If any false declaration regarding local content is found, the company shall be debarred for a period of three years from participating in tenders of all metro rail companies.
- iv. Supplier/bidder shall give the details of the local content in a format attached as **Appendix-17 and Appendix-18** of FOT duly filled to be uploaded along with the technical bid. In case, bidder do not upload **Appendix-17 and Appendix-18** of FOT duly filled along with their technical bid, supplier/bidder shall be considered as 'Non-local supplier' and will not be eligible to participate for estimated value of purchases up to Rs. 200 crores except Global tender enquiries in terms of Clause 3(b) of Order No. P-45021/2/2017- PP(BE-II) dated 04.06.2020 issued by Department for Promotion of Industry and Internal Trade (DPIIT).

e) Complaints relating to implementation of Purchase Preference

Fees for such complaints shall be Rs. 2 Lakh or 1% of the value of the local item being procured (subject to maximum of Rs. 5 Lakh), whichever is higher. In case the complaint is found to be incorrect, the complaint fee shall be forfeited. In case, the complaint is upheld and found to be substantially correct, deposited fee of the complainant would be refunded without any interest.

f) Only Class-I local supplier & Class-II local supplier is eligible to bid in this tender.

1.4.2 Minimum Eligibility Criteria:

A. Work Experience:

(i) The tenderers will be qualified only if they have successfully completed or ** substantially completed *similar work(s) as a prime contractor/ member of JV, completion date (s) of which falling during last seven years ending last day of the month previous to the month of tender submission end date as given below (Value shall be rounded off to two decimal places):

At least one "similar work" * of value of INR 19.46 Lakhs or more.

OR

At least Two "similar works" * each of value of INR 12.16 Lakhs or more.

OR

At least Three "similar works" * each of value of INR 9.73 Lakhs or more.

* "Similar Work/s" for this tender shall be

Topographical Survey Work in construction projects of Metros/RRTS/High Speed Railways/Railways/4-6 lane National Highways/Expressways of length not less than 5.60 Kms.

** "Substantial" completion shall be based on 80 (eighty) percent (value wise) or more works completed under the contract of the work. Client Certificate for 'substantial completion' of project/work/asset should contain 'financial value of work done' along with financial percentage progress wrt original/revised contract value.

Notes:

- The tenderer shall submit details of work executed by them in the Performa of Annexure-1 & 1 A of NIT for the works to be considered for qualification of work experience criteria. Prime contractor shall mean a bidder who has executed the works in the capacity of Contractor (and not in the capacity of Project Implementing Agency/ Project Executing Agency/ Employer/ Project Management Consultant (PMC) as defined in Clause 3.1.4 (i) of Manual for Procurement of Works, June 2022). Bidders should also specifically take note of clause no 4.5 of SCC. 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 Chartered Accountant (C.A), Tax Deducted at Source (TDS) certificates/ Form 26 AS for all payments received and copy of final/last bill paid by client shall be submitted.
- For completed works, value of work done shall be updated to last day of the month previous to the month of tender submission end date 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 end date of tender.
- In case of Joint venture / Consortium, the value of work as per their percentage participation in such JV/Consortium shall be considered.
- If the above work(s) i.e. "Similar Work" comprise other works, then client's certificate clearly indicating the amount of work done in respect of the "similar work" shall be furnished by the tenderer in support of work experience along-with their tender submissions.
- After opening of financial bids, the work experience credentials (work experience certificate along with other documents if any) of L-1 bidder shall be sent for verification and certification to the concerned client(s). In case of any

concealment or misrepresentation of facts, appropriate action(s) in accordance with Tender Conditions shall be taken as deemed fit.

- **B. Financial Standing:** The tenderers will be qualified only if they have minimum financial capabilities as below:
 - (i) T1 Annual Turnover: The average annual financial turnover of the bidder during the last five years ending 31st March of the previous Financial Years should be ≥ INR 19.46 lakhs.

Notes:

- a) Financial data for latest last five audited financial years has to be submitted by the tenderer in Annexure-2 of NIT along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature and UDIN. In case audited balance sheet of the last financial year is not made available by the Tenderer, 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 last year is not submitted, tender may be considered as non-responsive.
- b) However, the tenderer should have been incorporated more than three years earlier from the last day of the previous month of tender submission end date. In this case, for such tenderer, the average annual turnover shall be arrived considering 'nil' turnover for the financial year(s) for which tenderer was not able to submit audited balance sheet on account of non-incorporation of tenderer. Such data shall be divided by 5 to work out the average annual turnover. In case balance sheet of the last year has not been audited so far, then data shall be divided by 4 to work out the average annual turnover.
- c) Any certification or document required to be provided by CA, must contain UDIN thereon and the particulars of certifications must be same as mentioned on document/certification and submitted to ICAI on its website which can be verified online. In case financial statements for any of the financial year is not required to be audited as per any relevant section of the Income Tax Act, then, same should be supported by C.A. (Chartered Accountant) certificate along with all the GST returns, ITR-3/4 (including all the forms) and form 26AS for each of the financial year not liable to be audited as per relevant section of the income tax Act.
- d) Where the 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.
- 1.4.3 The tender submission of tenderers, who do not qualify the minimum eligibility criteria stipulated in the clauses 1.4.2 above, shall not be considered for further evaluation and therefore rejected. If the tenderer fails to meet the eligibility and qualification criteria, then further scrutiny of other technical parameters will not be done and Financial Proposals of such Tenderers shall not be opened. The mere fact that the tenderer is qualified as mentioned in sub clause 1.4.2 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. Technical proposals meeting the Technical requirement and found substantially responsive only will be qualified for opening of their Financial Proposal.

1.5 The Tender documents consist of:

Volume 1

- Chapter -1 Notice Inviting Tender (including Annexures) (NIT)
- Chapter -2 Instructions to Tenderers (including Annexures) (ITT)
- Chapter -3 Form of Tender (including Appendices) (FOT)

- Chapter -4 Employer Requirement & Outline Specification
- Chapter -5 Tender Drawings

Volume 2

Bill of Quantity (BOQ) / Pricing Documents
 Tender Prices & Schedule of Payment

Volume 3

- General Conditions of Contract (GCC)
- Special Conditions of Contract (including Schedule 1) (SCC)
- 1.6 The contract shall be governed by the documents listed in Para 1.5 above along with latest edition of CPWD Specifications, NBC, Local Bye-Laws, IS Codes, IRS Specifications, MORTH Specifications and any other applicable code(s) issued by BIS duly notified within 28 days before contract submission date. These may be purchased from the market by the tenderer.
- 1.7 The tenderers may obtain further information/clarification, if any, in respect of these tender documents from the office of Chief Engineer/Contract, Uttar Pradesh Metro Rail Corporation, Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow 226010
- **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.
- 1.9 The intending tenderers must be registered on e-tendering portal https://etenders.gov.in/eprocure/app. Those who are not registered on the e-tendering portal shall be required to get registered beforehand. After registration, the tenderer will get user id and password. On login, tenderer can participate in tendering process and can witness various activities of the process. Instructions for online bid submission is attached as Annexure A to NIT.
- 1.10 The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid Class-II or Class-III digital signature. The tender document can only be downloaded or uploaded using Class-II or Class-III digital signature. However, the tenderer shall upload their tender on https://etenders.gov.in/eprocure/app using class-II or class-III digital signature of the authorized signatory only.
- 1.11 Tender submissions shall be done online on https://etenders.gov.in/eprocure/app after uploading the mandatory scanned documents towards cost of tender documents such as scanned copies of transaction of payment i.e. RTGS, NEFT & IMPS and scanned copy of Tender Security/ EMD and other documents as stated in the tender document. Instructions for on-line bid submission are furnished hereinafter.
- 1.12 Submission of Tenders shall be closed on e-tendering website of Employer at the date & time of submission prescribed in NIT after which no tender shall be accepted. It shall be the responsibility of the Tenderer / tenderer to ensure that his tender is submitted online on e-tendering website https://etenders.gov.in/eprocure/app before the deadline of submission. The Employer shall not be responsible for any delay, difficulties and/or inaccessibility of the downloading and/or uploading facility from the e-procurement portal for any reason whatsoever.
- 1.13 Tenders shall be valid for a period of 180 days (both days inclusive i.e. submission end date of tenders and the last date of period of validity of the tender) from the end date of submission of Tenders and shall be accompanied with a valid tender security/ EMD of the requisite amount as

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per clause C18.1 of ITT.

- **1.14** Employer 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 Employer for rejection of his proposal.
- **1.15** Tenderers are requested to visit e-tendering portal https://etenders.gov.in/eprocure/app regularly for any Employer's issued clarifications, addendum, corrigendum and/or due date extensions.
- **1.16** 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.
- 1.17 Any suit or application, arising out of any dispute or differences on account of this tender shall be filed in a competent court at Lucknow, Uttar Pradesh only and no other court or any other district of the country shall have any jurisdiction in the matter.
- 1.18 For any complaints, tenderers may contact CVO UPMRC at Administrative Building, Vipin Khand, Gomti Nagar, Near Dr. Bhimrao Ambedkar Samajik Parivartan Sthal, Lucknow-226010, Uttar Pradesh, India, 0522-2304015 E-Mail- cvo-upmrc@upmrcl.co.in

Chief Engineer/Contract Uttar Pradesh Metro Rail Corporation