



MUMBAI METRO RAIL CORPORATION LIMITED
(A JV company of Govt. of India and Govt. of Maharashtra)
 MMRC Office Building, Bandra-Kurla Complex, Bandra (E), Mumbai- 400 051.
 MMRC e-Tendering portal: www.tenderwizard.com/MMRC
 Website: www.mmrc.com

NOTICE INVITING TENDER (NIT) : 3rd call

1.1 GENERAL (e-Tender)

1.1.1 Name of Work:

Mumbai Metro Rail Corporation (MMRC) Ltd. Invites online open e-tenders from eligible applicants, who fulfil qualification criteria as stipulated in Clause 1.1.4 of NIT, for the work **Contract No : MML3-CBS-DPT: Design, Fabrication, Supply and Erection of Pre-Engineered Steel Buildings for Stabling Yards at Aarey Depot of Mumbai Metro Line-3 (Colaba-Bandra-SEEPZ) Project .**

The brief scope of the work is provided in Clause A1 of ITT (Volume-1) and Employer's Requirement (Volume-3).

1.1.2 Key details :

Tender No	MMRC/ML-3/Car Depot/PEB/NIT/3 rd call/2019 dt. 10/10/2019
Name of Work	Design, Fabrication, Supply and Erection of Pre-Engineered Steel Buildings for Stabling Yards at Aarey Depot of Mumbai Metro Line-3 (Colaba-Bandra-SEEPZ) Project
(a) Type of Tender	Open
(b) Type of Contract	Lumpsum (Square meter) rate basis
(c) Registration requirement	Valid registration under appropriate class with the Government of Maharashtra or other State Governments / Government of India or State / Central Government Undertaking
(d) Estimated Value	Rs. 21,86,72,000/-
(e) Completion Period	12 Months (Including monsoon)
(f) Tender Security	Rs. 10,93,360/- through RTGS/NEFT mode using the System Generated challan
(g) Cost of Tender document	Rs. 5,000/- (Tender fee) + Rs. 900/- (18% GST) (Both non refundable) using online payment gateway i.e. Debit Card/Credit Card/Net-Banking
(h) Performance Bank Guarantee	10 % of contract price as per clause F5 of ITT
(i) Officer:	The Chief Project Manager-5, 1 st Floor, MMRC Project office, North side of City Park, E-Block, Bandra Kurla Complex, Bandra (East), Mumbai - 400 051, e-mail: Charuhas.Jadhav@mmrc.com
(j) E-Tendering Web Site	E-tendering site: www.tenderwizard.com/MMRC Help: Please contact Tender wizard helpdesk at 011-49424365, India Contact Timings: 09.00 Hrs to 20.00 Hrs (GMT + 5.30) or Cell No.: 7666563870/8013426317

1.1.3 Online E-Tender Schedule :

Date of Uploading of NIT & Other Tender Documents (Online Publishing date)	14/10/2019 at 17.00 Hrs
Documents download/Sell start date (Online)	14/10/2019 at 17.01 Hrs
Document download/Sell end date (Online)	30/10/2019 at 11.00 Hrs
Bid submission Last date (Online)	30/10/2019 at 17.00 Hrs
Bid Opening date & Time (Online)	31/10/2019 at 11.00 Hrs

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) A non-Indian firm is permitted to tender only in a joint venture or consortium arrangement with any other Indian firm having minimum participation interest of 26% or their wholly owned Indian subsidiary registered in India under Companies Act-1956 with minimum 26% participation.
(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. However, the lead partner in case of JV shall be one who has experience of similar nature as defined in clause 1.1.4.2 A of NIT.
- v(a). Tenderers should not have been blacklisted or deregistered by the Central Government, State Government of Maharashtra, any PSU of Government of India or Government of Maharashtra or any public-sector Metro Rail corporation in India during the last 5 years. Also the tenderer must not have failed to take possession or to commence any contract after the award of contract.
- v(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 MMRC/ any Central or State Govt. Department / Public Sector Undertaking / Other Govt. entity or local body after award during last 05 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 **Appendix-19** of Form of Tender.
- v(c) The overall performance of the tenderer (all members in case of JV/Consortium separately) shall be examined for all the ongoing Civil Works of value more than 40% of NIT cost of work and also for all the completed Civil Engineering Works 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 either individually or in a JV/Consortium. The tenderer shall provide list of all such works in the prescribed Performa given in **Appendix-19A** of the Form of Tender. 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 (ongoing works) falling 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 Appendix - 19A. 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 ongoing works).

- v(d). Tenderer (including any member in case of JV/consortium) 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 Contract of value more than 10% of NIT cost of work, during last three years. The tenderer should submit undertaking to this effect in **Appendix-20** of Form of Tender.
- v(e). If the tenderer or any of the constituent 'substantial member(s)' of JV/Consortium does not meet the criteria stated in the **Appendix 19 or Appendix 19A or Appendix 20**, 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 Clause 1.1.4.1 of NIT.
- v(f). If there is any misrepresentation of facts with regards to undertaking submitted vide Appendix-19, or performance in any of the works reported in the Appendix 19A, or undertaking submitted vide **Appendix-20**, the same will be considered as "fraudulent practice" under Clause 4.33.1 a (ii) of GCC and the tenderers will be rejected besides taking further action as per Clause 4.33.1(b), (c) & 13.2.1 of GCC.
- vi. Tenderer (any member in case of JV/consortium) must not have paid liquidated damages of 10% (or more) of the contract value in a contract due to delay or penalty of 10% (or more) of the contract value due to any other reason during last five years. The tenderer should submit undertaking to this effect in **Appendix-20** of Form of Tender.
- vii. 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.
- viii. 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), vide GCC clause 4.33.1 [a (ii) and (iii)] and acted accordingly.

The Employer in such cases, may in its sole discretion take action under clause 4.33.1 (b) and/or under clause 4.33.1(c) 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 MMRC or take action to terminate the contract in part or whole under clause 13 of GCC as the situation may demand and recover the cost/damages as provided in contract.

1.1.4.2 Minimum Eligibility Criteria:

A. Work Experience: The tenderers will be qualified only if they have completed work(s) during last seven years ending 31/08/2019 as given below:

(i) At least one “**similar work**” * of value of **INR 17.49 crore** or more.

OR

(ii) Two “**similar works**” * each of value of **INR 10.93 crore** or more.

OR

(iii) Three “**similar works**” * each of value of **INR 8.75 crore** or more.

If the tenderer is a JV/Consortium having foreign partner(s) and above work(s) have been executed by the foreign partner of JV and the work(s) were done in the country of the foreign partner, then in addition to this the foreign partner must have executed works of value **INR 8.75 crore** or more outside the country of the foreign partner

The “**similar work**” for this contract shall be “**Design, fabrication, supply and erection of pre-engineered steel buildings /structures**”.

If the past work experience does not have a component of design therein, the bidder to submit an undertaking that services of competent design agencies or specialized PEB vendors would be availed for design of PEB structures for the subject contract.

Notes:

- The tenderer shall submit details of works executed by them in the Performa of **Appendix-17 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 **31.08.2019** will also be considered for qualification of work experience criteria.
- For completed works, value of work done shall be updated to **31.08.2019** 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.
- If the above work(s)(i.e. “similar work” - design, fabrication, supply and erection of pre-engineered steel buildings /structures)comprise(s) 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.

B. Financial Standing : The tenderers will be qualified only if 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 (as per proforma given in Annexure-8 of ITT), 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 INR 2.09 crore 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 MMRC 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 $\geq \frac{W M}{100}$

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

- (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 2.91 crore**

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 of last five financial years should be **\geq INR 11.66 crore.**

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 original with membership number. 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 may 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:

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

Where,

A = Maximum of the value of construction works executed in any one year during the last five financial years (updated to 31.08.2019 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 31.08.2019**) for on-going construction works during period of **12 months w.e.f.** first day of the month of submission of the tender.

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 with membership number.
- Value of existing commitments for on-going construction works during period of **12 months w.e.f.** first day of the month of submission of the tender 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 original with membership number.
- 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:

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

The Tender documents consist of :

Volume 1

Notice Inviting Tender
Instructions to Tenderers (including Annexures)
Form of Tender (including Appendices)

Volume 2

General Conditions of Contracts
Special Conditions of Contract (including Schedules)
Condition of Contract on Safety, Health & Environment for Mumbai Metro Rail Project

Volume 3

Employer's Requirements including appendices

Volume 4

Technical Specifications

Volume 5

Tender Drawings

- 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.
- 1.1.4.5** Certificate of satisfactory completion of similar works issued by competent officer as well as works being performed shall be uploaded online.
- 1.1.4.6** Bidders should have valid class 3 Digital Signature Certificate (DSC) obtained from any Certifying Authorities empanelled by Controller of Certifying Authorities India. In case of requirement of DSC, Bidders should go to the same e-tender www.tenderwizard.com/MMRC portal right hand side and follow the procedure mentioned in the document Procedure for Digital Certificate or may contact Tender Wizard helpdesk contact numbers given above.
- 1.1.4.7** Tenderer who are participating in e-tendering for the first time shall have to obtain a User ID & password from the above mentioned portal after filling the registration form on the home page.
- 1.1.4.8** **Validity period of the offer of the tenderer will be 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 date of submission of Tenders**
- 1.1.4.9** The lowest tenderer will have to submit the rate analysis of all major items if called for.
- 1.1.4.10** Bidder should upload scanned attested photocopies of all documents on above mentioned official e-Tendering portal & produce in original on request by MMRC at any stage from e-Tender opening.
- 1.1.4.11** Awarded tenderer shall have to submit signed copy of tender manually to the department.
- 1.1.4.12** **MMRC reserves the right to verify financial transaction of contractor in his Bank / Financial Institutions. Contractor should give authority to that effect along with his accounts number and Bank/ Financial institution name & address. Any changes / modification may be communicated to MMRC immediately.**
- 1.1.4.13** If there is any amendment in the tender the same shall be published on following MMRC's official e-Tender portals / website :
MMRC e-Tendering Portal: www.tenderwizard.com/MMRC
MMRC Website: www.mmrc.com
- 1.1.4.14** Right to reject any or all offers without assigning any reason thereof is reserved by MMRC.

Date. 10/10/2019
Place: Mumbai
Tender No.MMRC/ML-3/Car Depot/PEB/NIT/3rd call/2019

Sd/-
Director (Projects),
MMRC

GENERAL
INSTRUCTIONS TO BIDDERS (ITB)

All bidders must note that this being E-tender, bids received only through online on E-tendering portal www.tenderwizard.com/MMRC shall be considered as an offer. **Any bid submitted in paper form will not be received and opened and shall be summarily rejected.**

Procedure for submission of E-tender by bidder :

Interested bidders who wish to participate should visit website www.tenderwizard.com/MMRC which is the ONLY website for bidding their offer. Further, the procedure is as follows:

1. Register your company in website www.tenderwizard.com/MMRC for obtaining a Login ID and Password (after paying necessary registration charges). This is one time annual payment and applicable for bidding other tenders also.
2. Using the login ID, password and digital signature, enter the tender portal to purchase the tender document.
3. Pay processing fees and tender cost through e-payment gateway.
4. With the payment of processing fee and tender cost, the bidder can download the 'Technical bid' (Microsoft Excel file 'Technicalbid.xls') and 'Financial bid' (Microsoft Excel file 'Financialbid.xls') by clicking on the link "Show Form".
5. Download the 'Technical bid' and 'Financial bid' and save them without changing the file name. Fill up your quotations, save them. Then upload the 'Technical bid' and 'Financial bid' in appropriate links.
6. Attach supporting documents first in "Document Library". Then attach them by selecting in particular tender.
7. Submit your tender. You will receive a system generated "Acknowledgement Copy" of tender submission.
8. Bidder can change quoted rates any time before of closing date & time.

Bidder must submit the offer before the online closing date & time. The website will automatically stop accepting the offer after online closing date and time.

Bidder manual & system requirement is available on website www.tenderwizard.com/MMRC for necessary help.