

BIDDING DOCUMENTS



MUMBAI METRO LINE 3 (COLABA-BANDRA-SEEPZ)

CONTRACT NO: MM 3-CBS-DEM

Design, Manufacture, Supply, Installation, Testing and Commissioning of E&M works comprising of Electrical Sub Stations with HT and LT works, Ventilation and Air Conditioning Systems (VAC), Fire Detection Systems, Fire Suppression (Fire Fighting) Systems, Building Management System (BMS), EOT cranes, Air-Compressors including compressed air piping works and Plumbing Pumps for the Depot Buildings including OCC and at grade Aarey Station for “Mumbai Metro Line -3”

VOLUME 1 OF 6

BIDDING PROCEDURE

**NOTICE INVITING TENDER (NIT)
INSTRUCTIONS TO TENDERER (ITT)
FORM OF TENDERS (FOT)**

JULY - 2017

**Mumbai Metro Rail Corporation Ltd.
Plot No. R-13, 'E' Block, NaMTTRI Building
Bandra - Kurla Complex,
Bandra (East), Mumbai – 400051, India**

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Composition of Documents

Volume 1	Bidding Procedure
Section I	Notice Inviting Tender (NIT)
Section II	Instructions To Tenderer (ITT)
Section III	Form of Tenders (FOT)
Volume 2	Conditions of Contract and Contract Forms
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Section VI – A	Electrical - HT
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Volume 6	Bill of Quantities

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NOTICE INVITING TENDER (NIT)

1.1 GENERAL

1.1.1 NAME OF WORK:

Mumbai Metro Rail Corporation (MMRC) Ltd. invites Open e-Tenders on local competitive bidding from eligible applicants who fulfil qualification criteria as stipulated in clause 1.1.3 of NIT, for the scope:

Design, Manufacture, Supply, Installation, Testing and Commissioning of E&M works comprising of Electrical Sub Stations with HT and LT works, Ventilation and Air Conditioning Systems (VAC), Fire Detection Systems, Fire Suppression (Fire Fighting) Systems, Building Management System (BMS), EOT cranes, Air-Compressors including compressed air piping works and Plumbing Pumps for the Depot Buildings including OCC and at grade Aarey Station for “Mumbai Metro Line -3”

The brief scope of the work and site information is provided in ITT clause A1 & Employer Requirements (Volume –3 & Volume 4)

1.1.2 KEY DETAILS:

Approximate Cost of work = INR 69,67,05,672/-

Tender Security amount	INR 70,00,000/-
Completion period of the Work	22 months (Including Monsoon Period)
Revenue operation date	September 2020
Tender documents on sale	From 24-07-2017 to 07-09-2017 (up to 11:00 Hrs) on e-tendering website www.tenderwizard.com/MMRC Tender Documents can be downloaded for reference purpose from the e-Tendering Portal www.tenderwizard.com/MMRC . Interested Bidders have to make online payment of Tender Fee using online payment gateway during bid preparation through Debit Card/Credit Card/Net-Banking. Tender Fee receipt can be system generated during bid preparation by the Bidder. For further information on this regard bidders are advised to contact on 011-49424365.
Cost of Tender documents	INR 21,000/- (inclusive of all taxes)
Pre-bid Meeting	08-08-2017 @ 15.00 Hrs. at MMRDA Old Building, 6 th Floor, A Wing Bandra Kurla Complex, C-14 & 15, E Block Bandra (East) Mumbai – 400051, India

Last date of Seeking Clarification	No later than fourteen (14) days prior to the Tender Submission date given in the Notice Inviting Tender (NIT). (Queries from the bidders after due date shall not be acknowledged)
Date & time of Submission of Tender	08-09-2017 @ upto 1800 Hrs.
Date & time of opening of Tender (Tender Security+ Technical)	09-09-2017 @ from 1100Hrs.
Date & time of opening of Tender (Financial Envelope)	To be notified later.
Authority and place for seeking clarifications	Mr. R. K. Sharma, Executive Director (Elect), MMRDA Old Building, 5 th Floor, A Wing Bandra Kurla Complex, C-14 & 15, E Block Bandra (East) Mumbai – 400051, India Telephone: +91 22 26590150 Facsimile number: +91 22 26590150 Email Id: ramesh.sharma@mmrcl.com

1.1.3 QUALIFICATION CRITERIA:

1.1.3.1 Eligible Applicants:

- (i) The tenders for this contract will be considered only from those tenderers (proprietorship firms, partnerships firms, companies, corporations, consortia or joint ventures) who meet requisite eligibility criteria prescribed in the sub-clauses of Clause 1.1.3 of NIT. In the case of a JV / 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 JV / 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-1956/2013 with minimum 26% participation.
- (ii) 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 / Consortium. A tenderer who submits or participates in, more than one bid will cause all of the proposals in which the tenderer has participated to be disqualified. No tenderer can be a subcontractor while submitting a bid individually or as a partner of a JV / Consortium in the same bidding process. 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) A Tenderer and all partners constituting the 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. Tenderer and all partners constituting the Tenderer has been engaged by the Employer to provide consulting services for the preparation related to procurement for or implementation of the project;

- b. Tenderer and all partners constituting the Tenderer is any associates / affiliates (inclusive of parent firms) mentioned in subparagraph (a) above; or
 - c. A Tenderer and all partners constituting the 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.
- (iv) A firm, who has purchased the tender document in their name, can submit the tender either as individual firm or in JV / Consortium.
- (v) Tenderers should not have been blacklisted or deregistered by the Central Government, State Government of Maharashtra, any PSU of Government of India and 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. The tenderer should submit undertaking to this effect in - **Appendix 19** of Form of Tender. If this undertaking is found to be false at any stage, then tender/contract is liable to be summarily rejected.
- (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.
 - e. 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.

- (ix) A Tenderer and all partners constituting the Tenderer shall confirm Non-performance of a contract did not occur within the last two (2) years prior to the deadline for application submission based on all information on fully settled disputes or litigation (**as per Appendix 18 of FOT**). A fully settled dispute or litigation is one that has been resolved in accordance with the Dispute Resolution Mechanism under the respective contract and where all appeal instances available to the Applicant have been exhausted.

1.1.3.2 Minimum Eligibility Criteria:

A firm, who has purchased the tender document in their name, can submit the bid either as individual firm or in JV / Consortium.

Work Experience: The tenderers will be qualified only if they have completed work(s) during last 10 years as on date of tender submission as given below:

A. General Experience:

- (I) At least one “**similar work**” ** of value of INR **56.0** Crores or more.
OR
(II) Two “**similar works**” ** each of value of INR **35.0** Crores or more.
OR
(III) Three “**similar works**” ** each of value of INR **28.0** Crores or more.

** “**Similar works**” for this contract shall be the work of “Design, Supply, Installation, Testing and Commissioning of E&M works of Metro Station / Metro Depot / Mass Rapid Transit System (MRTS) / Commercial Buildings / Official Buildings / Railway Stations / Airport / Hospital buildings / Industrial establishment. Such E&M work can as well be part of a larger contract. E&M works shall be defined as work containing HT< electrical Fire suppression & Detection and VAC components, out of which electrical component shall be not less than 60% of the E&M works.

In case the work(s) listed under A

(i), (ii) or (iii) do not include at least one work with VAC component of minimum value of Rs. 4.0 Cr, then the tenderer should have executed any other work containing Design, Supply, Installation, Testing and Commissioning of VAC work component of Large Complex/ Metro Station/ Mass Rapid Transit System/ Commercial Buildings/ Official Buildings/ Railway Stations/ Airport/ hospital buildings / Industrial establishment of value **Rs. 4.0 Crores** or more.

And

In case the work(s) listed under A(i),(ii) or (iii) do not include at least one Work with **Fire and Hydraulics System component of minimum value Rs. 4.0 Crores** , then the tenderer should have executed any other Work containing Design, Supply , Installation, Testing and Commissioning of Fire and Hydraulics System of Large Complex/Metro Station/Mass Rapid Transit System/ Commercial Buildings/ Official Buildings/ Railway Stations/Airport/hospital buildings/ industrial establishment of value **Rs. 4.0 Crores** or more.

Note:

- ❖ The tenderer shall submit details of works executed by them in the Performa of **Appendix 11 & 12 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. Experience certificate of any person/official below the rank of Executive engineer will not be accepted as proof for Eligibility. **The work, executed for private client will not be considered for eligibility evaluation.**
- ❖ Value of successfully completed portion of any ongoing work up to last date of submission will also be considered for qualification of work experience criteria.
- ❖ For completed works, value of work done shall be updated to **31.03.2017** 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 JV / Consortium, full value of the work, if done by the same JV / Consortium or any of members of the JV 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.

B. Financial Standing:

The Tenderers will be qualified only if they have minimum financial capabilities as below:

(i) T1: Liquidity

It is necessary that the firm can withstand cash flow that the contract will require until payments received from the Employer. Liquidity therefore becomes an important consideration.

This shall be seen from the balance sheets and/or from the banking reference. Net current assets and/or documents including banking reference, should show that the applicant has access to or has available liquid assets, lines of credit and other financial means to meet cash flow of **6 Crores** for this contract, net of applicant's commitments for other Contracts. Banking reference should contain in clear terms the amount that bank will be in a position to lend for this work to the applicant/member of the JV / 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 references should be from a **Scheduled Commercial Bank (Including scheduled Commercial Foreign Bank) in India** or (in case of foreign parties) from an International bank of_repute acceptable to MMRC **as per standard performa provided in ITT as Annexure-12** 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 = (WM) / 100 and

Liquidity of member-2 =WN / 100

In case the applicant is a JV / Consortium and if Banking Reference is issued by the bank in favour of the JV / Consortium for this contract, then it will be considered for the tenderer and if the Banking reference(s) is issued in favour of any member of JV / Consortium it will be considered only for that member.

(ii) T2: Profitability:

Profit before Tax should be **Positive in at least 2 (two) year**, out of the last five audited financial years

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

(iii) T3: Net Worth:

Net Worth of tenderer during last audited financial year should be **≥Rs. 7.00 Crores**

In Case of JV / Consortium, the algebraic sum total of Net Worth of all the members as per the latest audited balance sheets shall be considered the Net Worth of the tenderer.

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 / Consortium will be

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

(iv) T4: Annual Turnover:

The average annual turnover of last **five financial years should be ≥ 38 Crores.**

In Case of JV / Consortium – 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 / Consortium 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 13** OF FOT along with audited balance sheets. The financial data in the prescribed format shall be certified by Chartered Accountant with his stamp and signature. In case audited balance sheet of the last financial year is not made available by the bidder, he has to submit an affidavit certifying that 'the balance sheet has actually not been audited so far'. In such a case the financial data of previous '4' audited financial years will be taken into consideration for evaluation. If audited

balance sheet of any other year than the last year is not submitted, the tender will be considered as non-responsive.

- ❖ Where a work is undertaken by a group, only that portion of the contract which is undertaken by the concerned applicant / member should be indicated and the remaining done by the other members of the group be excluded. This is to be substantiated with documentary evidence.

1.1.3.3 Bid Capacity Criteria:

Bid Capacity: The tenderers will be qualified only if their available bid capacity is more than the approximate cost of work as per NIT. Available bid capacity will be calculated based on the following formula:

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

Where,

A = Maximum of the value of construction works executed in any one year during the last five financial years (updated to **31.03.2017** price level assuming 5% inflation for Indian Rupees every year and 2% for foreign currency portions per year).- **Appendix 14 of FOT.**

N = No. of years prescribed for completion of the work = 22 months = 1.83 years

B = Value of existing commitments (as on **31.07.2017**) for on-going works during period of **22 months w.e.f. 31.07.2017. Appendix 15 of FOT.**

Notes:

Value of existing commitments for on-going construction works during period of **22 months w.e.f. 31.03.2017** has to be submitted by the tenderer in **APPENDIX 15 OF FOT**. These data shall be certified by the Chartered Accountant with his stamp and signature.

In the case of a group, the above formula will be applied to each member to the extent of his proposed participation in the execution of the work. If the proposed % is not provided, equal participation will be assumed.

Example for calculation of bid capacity in case of JV / Consortium

Suppose there are 'P' and 'Q' members of the JV / Consortium with their participation in the JV / Consortium 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 / Consortium shall be as under::

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

- ### 1.1.3.4
- The tender submission of Tenderers, who do not qualify the minimum eligibility criteria & bid capacity criteria stipulated in the clauses 1.1.3.1 to 1.1.3.3 above, shall not be considered for further evaluation and therefore rejected. The mere fact that the tenderer is qualified as mentioned in sub clause 1.1.3.1 to 1.1.3.3 shall not imply that his bid shall automatically be accepted. The same should contain all technical data as required for consideration of tender prescribed in the ITT.

1.1.3.5 Minimum Key Staff requirement (as per Appendix 16 of FOT)

NOTE: Please submit the CV of above Key Personnel (as per Appendix 17 of FOT.)

1.1.4 COMPOSITION OF DOCUMENTS:

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Section IV – General Conditions of Contract (CCC)

Section V – Special Conditions of Contract (SCC)

Volume 3

Employer's Requirement- General Specifications.

Volume 4

Employer's Requirements – Technical Specifications.

Volume 5

Tender Drawings

Volume 6

Bill of Quantities

1.1.5 The Tenderers may obtain further information/ clarification, if any, in respect of these tender documents from the authority defined in the Key details above and from the e-tendering portal www.tenderwizard.com/MMRC.

1.1.6 The intending tenderers must be registered on e-tendering portal www.tenderwizard.com/MMRC. Those who are not registered on the e-tendering portal shall be required to get registered beforehand. If needed they can be imparted training on 'online tendering process'. 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.

1.1.7 The authorized signatory of intending tenderer, as per Power of Attorney (POA), must have valid **class-III digital signature**. The tender document (Bid Data Sheets) can only be downloaded or uploaded using Class-III digital signature of the authorized signatory.

Bidders should have valid clause 3 Digital Signature Certificate (DSC) having both Signing and Encryption Certificates obtained from any Certifying Authorities empaneled by Controller of Certifying Authorities India. In case of requirement of DSC,

Bidders should go to www.tenderwizard.com/MMRC and follow the procedure mentioned in the document Procedure for Digital Certificate

1.1.8 Tender submissions will be made online after uploading the mandatory scanned documents Bid shall be submitted online on the e-tendering portal in '**Two electronic envelopes system**' within prescribed schedule.

A) e-Envelope 'A'

(i) (Tender Fee, Tender Security)

Bidder should generate and upload scanned copies of Receipt for the following –

Generate Receipt for e-tender fee

Upload **Tender Fee** Receipt (RTGS / NEFT / Net banking / Credit card / Debit card) and Scan copy of Bank Guarantee /DD/Bankers Cheque /Pay Order **towards Tender security**.

(ii) (Technical Bid)

Bidder shall upload scanned copies of Technical Document as per RFP/Bid document.

B) e-Envelope 'B' (Financial Bid)

Bidder shall quote his offer **as percentage below / above / at par the estimated cost electronically** based on his filled Financial Proposal (vol-6) at the prescribed space in the dialog box in Envelope- **B1 Percentage Rate Tender Form**.

Under “MMRC- Financial Bid Percentage Rate”

Under “Price Bid- Covering Letter”

Upload the digitally signed copy of Tender document and Quotation in company’s Letter head under the template” Price Bid- Covering Letter” bidder shall upload scanned copy of Financial Proposal (Financial Package) Volume 6 of Tender document duly Quoted/Filled.

Payment Procedure for Tender Fee and Tender security.

(i) Tender Fee:

Tender Document can be downloaded for reference purpose from the e-Tendering Portal of MMRC during the period mentioned in the tender notice. Interested Bidders have to make online payment of **INR. 21,000/- (Rupees Twenty-One Thousand only)** inclusive of all taxes and duties (non-refundable) as Tender Processing Fee using online payment gateway during bid preparation using i.e. Debit Card/Credit Card/Net-Banking. Tender Fee receipt can be system generated during bid preparation by the Bidder.

(ii) Tender Security amount

Tender Security amount for this work will be **INR 70, 00,000/- (Rupees Seventy Lakhs only)**. The Tenderer shall submit with his Tender a Tender Security for the sum mentioned in NIT in the following forms:

- a. an irrevocable Bank Guarantee issued by a Scheduled Commercial Bank (including Scheduled Commercial Foreign Banks) in India in the form given in Annexure 7, of the Instruction to Tenderers (ITT) payable at Mumbai.
- b. A Demand Draft/Pay Order/Bankers Cheque in favour of “ Mumbai Metro Rail Corporation Limited” , India payable at Mumbai from a Scheduled Commercial Bank (including Scheduled Commercial Foreign Banks) in India.

c. E-transfer through RTGS/NEFT/Net Banking/Credit card/Debit Card.

(In case of JV / Consortia, Bank Guarantee for Tender Security shall be in the name of JV / Consortia and not in name of individual members.) The Tender Security shall remain valid for a period of 180 days from the last date of submission of tender.

The tenderer shall upload the scanned copy of the Bank Guarantee/ Demand Draft/Pay Order/Bankers Cheque as part of Envelope A on the online MMRC e-tendering portal only. **The bidder shall submit the original Bank Guarantee/ Demand Draft/Pay Order/Bankers Cheque before the deadline of the submission of bid** at the office of the Executive Director (Electrical), MMRDA Building, 5th Floor, A-Block, Bandra Kurla Complex, Bandra –East, Mumbai-400051, India

Submission of Tenders shall be closed on e-tendering portal of MMRC on the date & time of submission prescribed in NIT after which no tender shall be accepted. It shall be the responsibility of the bidder / bidder to ensure that his tender is submitted online on e-tendering portal of MMRC before the deadline of submission. MMRC will not be responsible for non-receipt of tender documents due to any delay and/or loss etc.

The lowest tenderer will have to submit the rate analysis of all major items if called for.

- 1.1.9** All Tenderers are hereby cautioned that tenders containing any material deviation or reservations as described in Clause. **E 4.4** of “Instructions to Tenderers and/or minor deviation without quoting the cost of withdrawal shall be considered as non-responsive and is liable to be rejected.
- 1.1.10** Tenders shall be valid for a period of **180 days** (both days inclusive i.e. the date of submission of tender and the last date of period of validity of the tender) from the date of submission of Tenders and shall be accompanied with a tender security of the requisite amount as per clause C18 of ITT.
- 1.1.11** MMRC 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 MMRC for rejection of his proposal.
- 1.1.12** Bidders shall note that the maximum file size that can be uploaded is 5 MB. All the uploaded files in tender submission should be named properly and arranged systematically
- 1.1.13** The bidders are advised to keep in touch with e-tendering portal www.tenderwizard.com/MMRC for updates.

Executive Director (Electrical)
Mumbai Metro Rail Corporation Limited