

HARYANA MASS RAPID TRANSPORT CORPORATION LIMITED



Notice Inviting Tender for Licensing of Bare Commercial Space at Rapid Metro Gurugram Depot-1 of HMRTC Network through open E-Tender

(Notice Inviting Tender)

Tender No. HMRTC/PB/2022/01-R1

**HARYANA MASS RAPID TRANSPORT CORPORATION LIMITED
(HMRTC)**

C-3, HSVP Complex, Sector 6, Panchkula - 134109

Phone: - 0172-2563003 India.

CHAPTER 1

Notice Inviting Bids

HMRTC invites E-Tenders from suitable Bidders who may be a sole proprietorship firm, a partnership firm or a company having registered office in India & incorporated under the Companies Act 1956/2013 or a combination of above in the form of Joint Venture (JV) or Consortium for selection of a Licensee to grant **Licensing of Bare Commercial Space utilization at Rapid Metro Gurugram Depot-1 of HMRTC Network**, as detailed in Annexure-1, on “*as is where is basis*” for commercial activities except banned list of usages as detailed in Annexure 12 of RFP & Annexure-II of draft license agreement.

- a) The bidder may be any entity which is a sole proprietorship firm, a partnership firm or a company having registered office in India & incorporated under the Companies’ Act 1956/2013 or a combination of above in the form of Joint Venture (JV) or Consortium.
- b) Bid by a JV/Consortium of firms: In case of a bid by a JV/Consortium of firms, following shall be abide by the participant/s:
 - i. For the purpose of evaluation of the consortium, each member’s contribution towards the turnover shall be considered in the same ratio of their equity participation in the consortium.
Illustration: Say if ‘A’ and ‘B’ are two members of JV/Consortium, ‘A’ is having 70% equity holding in JV and ‘B’ is having 30% equity holding in JV. In such a condition, 70% of A’s turnover and 30% of B’s turnover will be taken for the calculation of eligibility of the JV.
 - ii. The Lead Member of the JV/Consortium shall maintain a minimum equity stake of 51% of the aggregate shareholding of the JV/Consortium during full tenure of License Agreement.
 - iii. Any change in percentage stake of JV/ Consortium members without prior written approval of HMRTC shall be treated as Material Breach of Contract and Successful Bidder/ Licensee’s event of default entitling HMRTC to encash the Interest Free Security Deposit/ Performance Security and or to terminate the License Agreement after 30 (thirty) days notice.
 - iv. Minimum percentage stake of any member in JV/ Consortium during license period (including lock-in-period) shall not be less than 15%.
 - v. Partners having less than 26% participation shall be considered as non-substantial partner and shall not be considered for evaluation which means that their eligibility shall not be considered for evaluation of JV/Consortium.
 - vi. All members of such entity shall be jointly and severally liable for the performance of license agreement.

- c) A bidder shall not have a conflict of interest that affects the bidding process. Any Bidder found to have conflict of interest shall be disqualified. A bidder shall be deemed to have a conflict of interest affecting bidding process if a constituent of one Bidder is also a constituent of another bidder.
- d) Bidder shall undertake that they have not been banned from Business, as on date of Tender submission as per following:
- (i) HMRTC/ any other Metro Organisation (100% owned by Govt.)/ Ministry of Housing & Urban Affairs/ Order of Ministry of Commerce, applicable for all Ministries must not have banned/ debarred business with the bidder/s (including any member in case of JV/ Consortium) as on the date of tender submission. The tenderer shall submit an undertaking to this effect, as per Annexure-9 of tender document.
 - (ii) Also no contract of bidder/s / tenderer executed in either individually or in a JV/Consortium, should have been rescinded/ terminated by HMRTC after award during last 3 (three) years (from the last day of previous month of tender submission) due to non-performance of the bidder/s / tenderer or any of JV/ Consortium members. The bidder/s should submit undertaking to this effect as per Annexure-9 of this Tender Document.
 - (iii) In case at a subsequent date the successful bidder/licensee is found to have been banned for business as given above, HMRTC shall be at liberty to and have full rights to cancel the allotment of built- up Commercial Space and forfeit the Interest Free Security Deposit after adjusting any dues payable by the successful bidder/ licensee. The bidder/s should submit undertaking to this effect, as per Annexure-9 of this Tender Document.
- e) The bidders shall enclose with their application an undertaking stating/providing that all the necessary supporting documents, including duly certified audited accounts and financial statements have been provided.

HMRTC shall receive Bids pursuant to this Tender Document, in accordance with the terms set forth herein as modified, altered, amended and clarified from time to time by HMRTC. Bidders shall upload their bids in accordance with such terms on or before the date specified in this document. The Bidders are advised to visit the HMRTC premises at the site and familiarise themselves with the proposed arrangements and all activities necessary in this regard.

Salient features of Bidding Process:

- i) Bidders are required to submit refundable Bid Security as per NIT (as specified in Notice Inviting Tender) online on E-tendering portal or in the form of RTGS/NEFT. The along with their Bid. The bank details of HMRTC are :

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Name of Bank	Bank's Address	Account Name & No.	Account Type	IFSC Code
State Bank of India (SBI)	SCO-14, Ground Floor, Sector 10, Panchkula (Haryana) – 134109.	HARYANA MASS RAPID TRANSPORT CORPORATION Account No. 00000040519666666	REGULAR SB CHQ-ENTITIES	SBIN0001509

- ii) Bidders who fail to submit the Bid Security online or in the form of RTGS/NEFT, on or before the specified date and time shall be declared as ineligible and the Bid submitted by them shall be summarily rejected. The Bid shall be valid for a period not less than 180 days from bid due date.

The payment receipt of Tender Document cost and Bid Security/EMD shall be submitted online or in the form of RTGS/NEFT at the time of tender submission.

- iii) The Bid Security of unsuccessful bidders shall be refunded after award of License without considering any interest thereon. The Bid Security of the Selected Bidder shall be adjusted against the Interest Free Security Deposit/Performance Security.
- iv) If the selected Bidder withdraws/alter their Bid at any stage, their Bid Security shall be forfeited by HMRTC.
- v) The payment of the tender cost is acceptable from any account. However, tenderer shall submit such transaction details along with their tender submission on e-tendering portal. If the same transaction reference number has been submitted for more than one bids, all such bids shall be considered ineligible and summarily rejected.
- c) Tender Document (non-transferable) can be downloaded from the web site <https://etenders.hry.nic.in>. Cost of Tender Document (Non-refundable) is Rupees Twenty Five Thousand only (Rs.25,000/-) (including 18% GST). The tender document cost shall be submitted online on E-tendering portal. No other mode of payment will be accepted.
- d) Tender Document Cost shall be submitted online only on E-tendering portal and Bid Security shall be submitted online on E-tendering portal or in the form of RTGS/NEFT. The bank details of HMRTC are:

Name of Bank	Bank's Address	Account Name & No.	Account Type	IFSC Code
State Bank of India (SBI)	SCO-14, Ground Floor, Sector 10, Panchkula (Haryana) – 134109.	HARYANA MASS RAPID TRANSPORT CORPORATION Account No. 00000040519666666	REGULAR SB CHQ-ENTITIES	SBIN0001509

No other mode of payment will be accepted.

To participate in tender, bidders are advised to initiate payments at least 2 days before the tender closing date to avoid any delay in payment confirmation on the portal. In case of any queries or issues, please contact the E-tendering portal Help Desk No: 0120-4200462, 0120-4001002, 0120-4001005.

The bidders will be required to upload scanned copies of transaction of payment of tender document cost/tender fee including **e-receipt (clearly indicating UTR No. and tender reference i.e. HMRTC/PB/2022/01-R1** must be entered in remarks at the time of online transaction of payment, failing which payment may not be considered) to be uploaded in the online bid submission. To avoid any discrepancies in reconciliation of GST, the tender cost and processing fee must be submitted online only and Bid Security shall be submitted online on E-tendering portal or in the form of RTGS/NEFT. The tender no. and name of the tender should be mentioned in details while submitting payments.

The details of actual submission of the tender cost must match with the details of the uploaded documents at the time of bid submission as stated above, failing which the payment may not be considered to be uploaded in online bid submission.

- e) Bidders are expected to carry out extensive survey of HMRTC premises and analysis at their own cost, before submitting their respective bids for award of the License Agreement. HMRTC shall provide necessary permission and assistance to the prospective Bidders in this regard.
- f) Schedule of Bidding Process for tender:

Start of sale of Tender Document to Bidders	From 13.05.2022 to 16.06.2022 (up to 17:30hrs) on E-Tendering website https://etenders.hry.nic.in . For further information on this regard, bidders are advised to contact on 0172-2563003. For technical queries related to E-tendering Portal, Help Desk No: 0120-4200462, 0120-4001002, 0120-4001005.
Cost of Tender Document (Non-refundable)	Non-Refundable Tender Document Cost of Rs. 25,000/- (inclusive of 18% GST) shall only be accepted online only in form of NEFT/RTGS on or before 17:30 hours on 16.06.2022 and receipt and details of Tender Document Cost paid have to be uploaded on the web-site upto 15:30 hours on 16.06.2022
Bid Security/EMD	Rs.3,10,000/- (Rupees Three Lakhs Ten Thousand Only) to be accepted online or in the form of RTGS/NEFT as per above details in Clause 2.3.
Site Visit	18.05.2022 at 10:00 hrs. at Rapid Metro Operation Control Center, Mousari Avenue Road, DLF Phase III, Near Pillar No. 147, Gurugram (Haryana). (Contact : 0172-2563003, 93100458750)

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Pre-Bid Conference	25.05.2022 at 11:30 hrs. The pre-bid meeting shall be conducted through video conferencing by software apps such as WebEx/Microsoft Teams/Google Meet. All Prospective bidders shall provide the details of the person(s) (Mobile No. and E-mail id) (maximum up to two) who will be participating in such virtual meeting at least one day before the meeting (latest by 11:00 hrs. on 24.05.2022) to the registered official email of HMRTC i.e. hmrtcdgm@gmail.com 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.
Last date of receiving queries	17:30 hrs. on 01.06.2022 (The queries must be sent only to Registered Email provided in the Tender Document)
HMRTC's response to queries by	08.06.2022
Date & Time of Submission of Bids	Latest by 17:30 hrs. of 16.06.2022
Date & Time of Opening of Bids	11:00 hrs. on 17.06.2022
Validity of Bids	180 days from bid submission date

The Cost of Tender Document to be submitted online only and Bid Security amount have to be submitted online or in the form of RTGS/ NEFT for credit of the account as given in at Sr. No. 2.3 of the above table, by specified date and time i.e. before the last date & time of uploading of bid as per Clause 2.3 above, failing which the offer/ bid of such bidder shall be declared as ineligible and the said bid submitted shall be summarily rejected. The Bid shall be valid for a period not less than 180 days from the last date of submission of bid. Bidders, who fail to submit the Cost of Tender Document and the Bid Security online on or before the prescribed date and time, shall be declared as ineligible and the Bid submitted by them shall be summarily rejected. No other mode of payments will be accepted. The bidder will be required to upload scanned copies of transaction of payment of tender cost and bid security/ EMD at the time of bid submission clearly indicating the UTR No. & tender Ref. No. The detail of Tender cost and EMD/ Bid security remitted as per above should be correctly uploaded & detail must match in the online submission failing which the payment may not be considered to be uploaded in online bid submission.

g.) Schedule of Various Stages: The Selected Bidder shall follow the following time lines:

Stage of Activity	Time Period
Payment of Interest Free Security Deposit to HMRTC by Successful Bidder.	Within 30 days of date of issue of Letter of Acceptance.
Signing of License Agreement	Within 30 days of receipt of payments as per Letter of Acceptance.
Vacant space to be handed over to Selected Bidder	Within 7 days of signing of License Agreement.
Registration of License Agreement	Within 30 days of signing of License Agreement.
Payment of Advance Quarterly License Fee + Other Maintenance Charges	Within 30 days of date of issue of LOA.
Commencement of License Fee & OMC	Immediately after 90 days fitment period of respective schedule i.e. w.e.f. 91 st day of handing over of space.

h.) Registration of License Agreement: The registration of License Agreement of the respective schedule as applicable shall be done within 30 (thirty) days of signing of License Agreement of the respective schedule by the successful bidder/ licensee (registration fees, stamp duty, etc. to be fully borne by the successful bidder/ licensee) and the duly registered documents are to be submitted to HMRTC immediately for records. Any amendment in the Contract /License Agreement, if required to be registered, shall also be registered within 30 (thirty) days from the date of amendment and duly registered documents shall be submitted to HMRTC for records. In case the registration of the License Agreement/ Amendment is not done within the 30 (thirty) days for signing of License Agreement/ Amendment, it shall be treated as “Material Breach of Contract” in terms of Clause No. 12.2(p) of Draft License Agreement. The Successful Bidder/ Licensee will be given 30 (thirty) days time to cure the default in terms of Clauses No. 12.3 of Draft License Agreement. In case Successful Bidder/ Licensee fails to remedy the default to the satisfaction of the HMRTC within the cure period of 30 days, HMRTC may terminate the License Agreement of respective schedule after the expiry of cure period duly forfeiting the Interest Free Security Deposit/Performance Security and any other amount paid by the Successful Bidder/ Licensee.

Addendum/Corrigendum, if any, will be placed on <https://etenders.hry.nic.in> website only from time to time. Tender Document can also be downloaded from the website <https://hmrtc.org.in> and may be submitted along with document cost at the time of submission of bids. **Late/delayed bid received after the stipulated date and time of submission of tender shall be out rightly rejected.**

HMRTC has adopted a single stage **two packet** Bidding Process to select suitable highest Bidder for licensing of commercial bare space of Rapid Metro Gurugram Depot-1 of HMRTC network.

The Bidder may obtain further information/clarification, if any, in respect of Tender documents from the office of Haryana Mass Rapid Transport Corporation Limited C-3, HSVP Complex, Sector 6, Panchkula (India) – 134109 Phone: 0172-2563003.

The intending Bidder must be registered on E-Tendering portal <https://etenders.hry.nic.in>. Those who are not registered on the E-Tendering portal required to be registered before hand. After registration the Bidder will get User Id and Password. On login, Bidder can participate in Tendering process and can witness various activities of the process.

The authorized signatory of intending Bidder, as per Power of Attorney (POA), must have valid Class III Certificates with signing key usage digital signature. The bid document can only be downloaded or uploaded using Class III Certificates with signing key usage digital signature of the authorized signatory.

Bid submissions will be made online after uploading the mandatory scanned documents as stated in the tender document for the respective schedule for which bid is submitted as stated in the Tender document.

The bidder is required to submit the “Bank Details for Refund of Tender Security” in the format attached vide Annexure-15.

Late bids (received after last date and time stipulated for submission of bid) shall not be accepted under any circumstances.

HMRTC reserves the right to accept or reject any or all proposals without assigning any reasons. No Bidder shall have any cause of action or claim against the HMRTC for rejection of their bids.

All the uploaded files in tender submission should be named properly and arrange systematically. No special character/space should be there in the uploaded file name.

After successful completion of processing of tender, the Letter of Acceptance to the successful bidder shall be uploaded on the E-Tendering portal <https://etenders.hry.nic.in> which can be downloaded by successful bidder.

The bidders are advised to keep in touch with E-Tendering portal <https://etenders.hry.nic.in> and <https://hmrtc.org.in> for updates.

The licensee has to comply with rules and regulations of safety and health management policy of HMRTC enclosed and the same shall be read be in conjunction with Tender Document (uploaded separately).

The licensee has to comply with rules and regulations of Safety and Health Management policy of HMRTC. The same is enclosed separately.

In case of any grievances/ complaints regarding this tender, the bidders are advised to contact:

- 1.) General Manager (Contract)
HMRTC Limited,
C-3, HSVP Complex, Sector-6,
Panchkula-134109, Haryana India
Phone: - 0172-2563003

- 2.) Deputy Chief Vigilance Officer
HMRTC Limited,
C-3, HSVP Complex, Sector-6,
Panchkula-134109, Haryana India
Phone No: 0172-2563003

Tender Document