

HARYANA MASS RAPID TRANSPORT CORPORATION LIMITED



Notice Inviting Tender Document for Licensing of Bare Commercial (Retail) Ground/PD Level Spaces at Phase 3 Rapid Metro Station of HMRTC Network

(Tender Document)

Tender No. HMRTC/PB/2022/19-R1

HARYANA MASS RAPID TRANSPORT CORPORATION LIMITED

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

Notice Inviting Bids

1.1 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 (Retail) Ground/PD Level Spaces at Phase 3 Rapid Metro Station 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 11 of this tender document.

- 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 due 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/ Haryana Govt./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 Commercial Spaces 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.
- 1.2 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.

1.3 Salient features of Bidding Process:

- a) HMRTC has adopted a single-stage two packet bidding process for selection of a suitable highest bidder to grant Licensing Rights of pre-identified **Licensing of Bare Commercial (Retail) Ground/PD Level Spaces at Phase 3 Rapid Metro Station of HMRTC Network**, as detailed in Annexure -1.
- b) The bidder/s may participate & bid for schedule. The bidder shall submit the corresponding bid security for the schedules for which bid has been submitted along with the Bid Application as mentioned below :

S. No.	Schedules	Name of Metro Station	Approximate Area (in sq.mtr.)	Bid Security/ Earnest Money (in Rs.)
1	I	Phase-III	660	11,66,052

- c) Bidder is required to submit “Details of Bank Account for Refund of Tender Security/EMD”, in case he is not found successful bidder, as per format vide Annexure-12.

The Application/bid shall be summarily rejected if any of the bid is found without tender cost and Tender Security against the schedules for which bid is submitted.

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.

- d) 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 (₹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.
- e) Tender Document Cost shall be submitted online only on E-tendering portal and Bid Security shall be submitted in the form of RTGS/NEFT only. 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.

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/2022/19-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 may be submitted online and Bid Security/EMD to be submitted by 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.

- f) 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.
- g) Schedule of Bidding Process for tender:

Start of sale of Tender Document to Bidders	From 14.03.2023 to 12.04.2023 (up to 14:00 hrs) 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 on E-tendering portal on or before 12.04.2023 and receipt and details of Tender Document Cost paid have to be uploaded on the web-site up to 12.04.2023.

Bid Security/EMD	S.N.	Schedules	Name of Metro Station	Bid Security/ Earnest Money (in Rs.)
	1	I	Phase III	11,66,052
Site Visit	17.03.2023 onwards at 10:00 hrs.at Rapid Metro Operation Control Center, Moulisari Avenue Road, Near Metro Pillar No. 147, DLF Phase III, Gurugram (Haryana). (Contact : 0172-2563003, 9999767544)			
Pre-Bid Conference	20.03.2023 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 10:00 hrs. on 20.03.2023) 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 27.03.2023 (The queries must be sent only to Registered Email provided in the Tender Document)			
HMRTC's response to queries by	03.04.2023			
Date & Time of Submission of Bids	Latest by 14:00 hrs. of 12.04.2023			
Date & Time of Opening of Bids	15:30 hrs. on 12.04.2023			
Validity of Bids	180 days from bid submission date			

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 of schedule
Commencement of License Fee & OMC	Immediately after 90 days fitment period of 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 schedule as applicable shall be done within 30 (thirty) days of signing of License Agreement of the 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 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.
- 1.4 Addendum/Corrigendum, if any, will be placed on HMRTC website only from time to time. Tender Document can also be downloaded from the website <https://etenders.hry.nic.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.**
- 1.5 HMRTC has adopted a single stage **two packet** Bidding Process to select suitable highest Bidder for licensing of commercial bare spaces of Rapid Metro Station of HMRTC.
- 1.6 The Bidder may obtain further information/ clarification, if any, in respect of Tender documents from the office of General Manager/Contract, HMRTC, C-6, HSVP Complex, Sector-6, Panchkula-134109.
- 1.7 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 beforehand. 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.

- 1.8 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. \
- 1.9 Bid submissions will be made online after uploading the mandatory scanned documents as stated in the tender document for the schedule for which bid is submitted as stated in the Tender document.
- 1.10 The bidder is required to submit the “Bank Details” in the format attached vide Annexure-12. Otherwise uploaded bid shall be rejected.
- 1.11 Late bids (received after last date and time stipulated for submission of bid) shall not be accepted under any circumstances.
- 1.12 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.
- 1.13 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. no bid shall be accepted without proper documents.
- 1.14 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.
- 1.15 The bidders are advised to keep in touch with E-tendering portal <https://etenders.hry.nic.in> and <https://hmrtc.org.in> for updates.
- 1.16 The licensee has to comply with rules and regulations of safety and health management policy of HMRTC.
- 1.17 In case of any grievances/ complaints regarding this tender, the bidders are advised to contact:
 - 1.) General Manager/Contract
HMRTC Limited,
C-6, HSVP Complex,
Sector-6, Panchkula
Email Id: gmcontracthmrtc@gmail.com
Phone No: 0172-2563003

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

1.18 HMRTC secure right to cancel the LOA at a later stage if, it is found that the successful bidder has submitted false / misleading/ incorrect information to HMRTC at any stage of bidding process.