

RITES Ltd/Contract Policy Cell/Gurgaon

E-Tendering- Tender and Contract Document for works, July, 2019

Correction Slip No. 5

Section 1 (Notice Inviting Tender and Instructions to Tenderers)

Clause 2.3: The existing clause may be deleted and replaced with the following:

2.3 The Qualification Criteria to be satisfied will also depend on whether the Work falls in Normal area or difficult area. Difficult area includes North East States, Jammu & Kashmir, Ladakh, Andaman & Nicobar Islands and the 60 districts requiring Integrated Action Plan of Government of India (List available at Annexure X). Normal area covers all areas other than Difficult area. The work for which this Tender has been invited falls under *Normal/*Difficult area.

*(*Strike out whichever is not applicable)*

Annexure-I (Qualifying Criteria for Works Contracts) to Section 1 (Notice Inviting Tender and Instructions to Tenderers) may be deleted and replaced with the following:

ANNEXURE – I

QUALIFYING CRITERIA FOR WORKS CONTRACTS

1. ANNUAL FINANCIAL TURNOVER

The bidder should have achieved a minimum annual financial turnover of Rs. in any one of the last 3 Financial Years.

Notes:

- a) The financial turnover will be taken as given under the head "Income" in audited Profit and Loss Account and excluding non-recurring income, income from other sources and stock. It is clarified that the Financial Turnover means relevant revenue as recorded in the Income side of Profit and Loss Account. It does not mean Profit.
- b) Closing stocks in whatsoever manner should not form part of turnover.
- c) Weightage of 7% (compounded annually) shall be given for equating the financial turnover of the previous years to the current year.
- d) For considering the Financial Years, for example for a work for which the last stipulated date for submission of the bids is in Financial Year 2014-15, the last three Financial Years will be 2013-14, 2012-13 and 2011-12. For a work for which the last stipulated date for submission of the bids is on (say) 05.09.14 (F.Y. 2014-15), with

weightage of 7% compounded annually, the weightages to be applied on the Turnover of the previous three Financial Years will be: F.Y. 2013-14 = 1.070; F.Y. 2012-13 = 1.145; F.Y. 2011-12 = 1.225

- e) The Bidder should furnish Annual Financial Turnover for each of the last 3 Financial Years in tabular form and give reference of the document (with page no.) relied upon in support of meeting the Qualification Criterion.
- f) The Bidder should submit self-attested copy of Auditor's Report along with Balance Sheet and Profit and Loss Statement along with Schedules for the relevant Financial Year in which the minimum criterion is met. Provisional Audit Reports or certified statements will not be accepted.
- g) If the Audited Balance Sheet for the immediately preceding year is not available in case of a work for which the last stipulated date for submission of the bids is before 30th September audited Balance Sheets, Profit and Loss Statements and other financial statements of the three Financial Years immediately preceding the previous Financial Year may be adopted for evaluating the credentials of the Bidder.
- h) In case JV is permitted the following provisions will apply:

- i) Large Works

- For each Partner, the highest Annual Turnover in any of the last three Financial Years will be considered and the weighted figure for the current Financial Year will be worked out as described in Para 1 (Note c). This should not be less than the figure arrived at by multiplying the minimum Annual Turnover stipulated for the Bidder in Qualification Criterion multiplied by the percentage of Financial participation by that partner in the JV. Each partner should satisfy this requirement and thus automatically JV will satisfy the criterion of minimum Annual Turnover.

- ii) Normal Works

- The Partner-in-charge/Lead Member shall singly meet this criterion.

2. WORK EXPERIENCE

- a) **Similar Works Experience**

- (i) **For works in Normal Areas (other than Difficult Areas)**

- The Bidder should have satisfactorily completed in his own name or proportionate share as a member of a Joint Venture, at least one similar work of minimum value of Rs..... OR at least two similar works each of minimum value of Rs. OR at least three similar works each of minimum value of Rs. during the last 5 (five) years prior to the last stipulated date for submission of the Bid. Works completed prior to the cut-off date shall not be considered.

OR

(ii) For Works in Difficult Areas (Refer Clause 2.3)

The Bidder should have satisfactorily completed in his own name or proportionate share as a member of a Joint Venture, at least one similar work of minimum value of Rs..... OR at least two similar works each of minimum value of Rs. during the last 5 (five) years prior to the last stipulated date for submission of the Bid. Works completed prior to the cut-off date shall not be considered.

(strike out (i) or (ii) as applicable)

Similar Works

Similar Works shall mean the work of carried out in India under a single contract (including additional work carried out under the contract)

In case the Bidder (Indian Company) wishes to rely on a work completed abroad, the value of such completed work in foreign convertible currency shall be converted into Indian Rupees. The conversion rate shall be decided by RITES based on the rates of currency on the date of completion of work (the bidder to also submit the currency conversion rate as on completion date of the Credential Certificate relied upon by the bidder for the purpose of work experience). Further, such a bidder (Indian Company) should have also completed at least one Similar work of value minimum 40% of estimated cost of work, in India in the last five years prior to the last stipulated date for submission of the Bids.

aa) In case of Railway Works involving one or more components like Earthwork, Bridges, Track Linking, Track Laying, OHE, signaling etc., the Qualifying Criterion relating to Work Experience shall be as under:

(i) For works in Normal Areas (other than Difficult Areas)

The Bidder should have satisfactorily completed in his own name or proportionate share as a member of a Joint Venture, at least one similar work of minimum value of Rs..... OR at least two similar works each of minimum value of Rs. during the last 5 (five) years prior to the last stipulated date for submission of the Bid. Works completed prior to the cut-off date shall not be considered.

OR

(ii) For Works in Difficult Areas (Refer Clause 2.3)

The Bidder should have satisfactorily completed in his own name or proportionate share as a member of a Joint Venture, at least one similar work of minimum value of Rs..... OR at least two similar works each of minimum value of Rs. during the last 5 (five) years prior to

the last stipulated date for submission of the Bid. Works completed prior to the cut-off date shall not be considered.

(strike out (i) or (ii) as applicable)

Similar Works

Similar Works shall mean the work of carried out in India under a single contract (including additional work carried out under the contract)

In case the Bidder (Indian Company) wishes to rely on a work completed abroad, the value of such completed work in foreign convertible currency shall be converted into Indian Rupees. The conversion rate shall be decided by RITES based on the rates of currency on the date of completion of work (the bidder to also submit the currency conversion rate as on completion date of the Credential Certificate relied upon by the bidder for the purpose of work experience). Further, such a bidder (Indian Company) should have also completed at least one Similar work of value minimum 25% of estimated cost of work, in India in the last five years prior to the last stipulated date for submission of the Bids.

(strike out (a) or (aa) as applicable)

Notes:

- I. A weightage of 7% (compounded annually from the date of completion of the work to the last stipulated date for submission of the Bids) shall be given for equating the value of works to the last stipulated date for submission of the Bids. For example, for a similar work of Rs 1,00,000/- completed on 31.12.2017 and the last stipulated date for submission of the bids was 31.08.2020, the value of work that shall be considered after giving weightage is $[Rs\ 1,00,000 * 1.07 * 1.07] \{ 1 + [(7/100) * (244/366)] \} = Rs\ 119832.87$, rounded off to Rs 119833/-
- II. Only such works shall be considered where physical completion of entire work is over or commissioning of work has been done, whichever is earlier.
- III. The Bidder should submit the details of such similar completed works as per the format at Proforma-1 enclosed.
- IV. Works carried out by another Contractor on behalf of the Bidder on a back to back basis will not be considered for satisfaction of the Qualification Criterion by the Bidder.
- V. Credential certificates issued by Government Organizations/Semi Government Organizations of Central or State Government; or by Public Sector Undertakings/ Autonomous Bodies of Central/State Government or their subsidiaries/by Public Ltd. Companies listed in Stock exchange in India or Abroad or subsidiaries of such companies shall only be accepted for assessing the eligibility of a Tenderer. Certificates issued by one of the aforesaid organizations as a lead member (having equity stake of 51% or more) of a Joint

Venture (JV) for a work executed for the JV, will also be acceptable. In case of PPP projects, if the bidder has executed a work for a concessionaire who is one of the aforesaid organizations, then the certificate issued by such concessionaire or by the public authority concerned, will also be acceptable.

VI. The cutoff date shall be calculated backwards from the last stipulated date for submission of Tender i.e. for a Tender having the last stipulated date for submission on 06.08.2014, the cutoff date shall be 07.08.2009.

VII. In case JV is permitted the following provisions will apply:

Large Works

All the partners shall jointly meet this criterion.

Normal Works

The Partner-in-charge/Lead Member shall singly meet this criterion.

b) Construction Experience in Key Activities

To qualify for award of the contract, each bidder in his own name or as a member of a Joint Venture should have, in the last five years prior to the last stipulated date for submission of the bid, executed the following key activities in any one work individually*/maximum three works cumulatively* carried out in India.

(Strike out whichever is not applicable)

.....
.....

(Ideally only very few and that too, specialized components of the work may be specified at the discretion of tender approving authority)

Notes:

- I. Credential certificates issued by Government Organizations/Semi Government Organizations of Central or State Government; or by Public Sector Undertakings/ Autonomous Bodies of Central/State Government or their subsidiaries/by Public Ltd. Companies listed in Stock exchange in India or Abroad or subsidiaries of such companies shall only be accepted for assessing the eligibility of a Tenderer. Certificates issued by one of the aforesaid organizations as a lead member (having equity stake of 51% or more) of a Joint Venture (JV) for a work executed for the JV, will also be acceptable. In case of PPP projects, if the bidder has executed a work for a concessionaire who is one of the aforesaid organizations, then the certificate issued by such concessionaire or by the public authority concerned, will also be acceptable.
- II. When key activities are expressed/specified in monetary terms, a weightage of 7% (compounded annually from the date of completion of the Key activity to the last stipulated date for submission of the Bids) shall be given for equating the

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value of key activity to the last stipulated date for submission of the Bids. For example, for a key activity of Rs 1,00,000/- completed on 31.12.2017 and the last stipulated date for submission of the bids was 31.08.2020, the value of key activity that shall be considered after giving weightage is [Rs 1,00,000*1.07*1.07] { 1+[(7/100)*(244/366)]}= Rs 119832.87, rounded off to Rs 119833/-

- III. The work satisfying the criterion for a particular key activity may be different from a work satisfying the criterion for another key activity.
- IV. The Bidder should furnish with his Bid a tabular statement giving contract-wise quantities/amount of key activities(mentioning date of start and date of completion of key activities) executed in the last 5 years prior to the last stipulated date for submission of the bids which meet the Qualification Criterion along with documentary proof in support thereof (indicating page nos.).
- V. Even if a work has not been completed but if the specified quantity/ specified value in monetary terms of the key activity has been completed in the last 5 years prior to the last stipulated date for submission of the bids, the same shall be taken into consideration for the purpose of this criterion.
- VI. Any work executed by the Bidder as a member of a Joint Venture will be accepted provided there is documentary proof in support of the same either in the MOU/Agreement of the JV or in a declaration by the other Members of that JV or the Client confirming that the Key activity was actually executed by the Bidder.

In case JV is permitted the following provisions will apply:

Large Works

All the partners shall jointly meet this criterion.

Normal Works

All the partners shall jointly meet this criterion.

3. SERVICING OF LOAN / CREDIT LIMIT

- (i) The bidder should furnish a declaration that he has not failed to service the principal amount or interest or both of a loan amount / credit limit from any Bank or Financial Institution during a period of one year prior to the dead line for submission of bids i.e. the last stipulated date for submission of bids.

Notes:

- a) In case a bidder has defaulted in servicing his loan/credit limit during a period of one year prior to the last stipulated date for submission of bids, he shall be disqualified.

b) The declaration may be included in the Declaration to be submitted in Performa 3 to this Annexure.

c) In case JV is permitted the following provisions will apply:

Large Works

Each partner shall sign the declaration.

Normal Works

The Partner-in-charge/Lead Member shall sign the declaration.

4. PROFITABILITY

The Bidder should be a profit (net) making firm and should have made profit during any two of the past 3 Financial Years immediately preceding the last stipulated date for submission of bids. If the audited Balance Sheet for the immediately preceding year is not available in case of a work for which the last stipulated date for submission of the bids is before 30th September, Audited Balance Sheets of the three financial Years immediately preceding the previous Financial Year shall be considered.

The Bidder should furnish figures of net profit of last 3 years in a tabular form and submit attested copies of Auditor's Reports along with audited Balance Sheets and Profit and Loss Statements for the last three Financial Years. Specific reference with page no. of document which proves satisfaction of this Qualifying Criterion should be indicated in the tabular statement.

Notes:

- In case JV is permitted, the following provisions will apply:

Large Works

All the partners shall meet individually this criterion.

Normal Works

The Partner-in-charge/Lead Member shall singly meet this criterion.

5. NET WORTH

The Bidder should have positive Net Worth of at least 15% of the estimated cost.

Notes:

a) Net Worth shall be computed from the bidder's audited balance sheet of the last financial year ending on a date not prior to 18 months from the last stipulated date for submission of the bids.

b) In case JV is permitted, the following provisions will apply:

Large Works

All the partners shall jointly meet this criterion.

Normal Works

The Partner-in-charge/Lead Member shall singly meet this criterion

6. POINTS TO NOTE ON SATISFACTION OF QUALIFYING CRITERIA IN CASE OF BOTH LARGE AND NORMAL WORKS

a) Sub-Contractor's Experiences and Resources

Sub-Contractors' Experiences and Resources will not be taken into account in determining the Bidder's compliance with the qualifying criteria.

b) Experiences and Resources of the Parent Company and other subsidiary companies

If the Bidder is a wholly owned subsidiary of a company, the experience and resources of the owner/parent company or its other subsidiaries will not be taken into account. However, if the Bidder is a Company, only the Experience (and not the Financial Resources) of its subsidiaries will be taken into consideration.

7. DISQUALIFICATION ON CERTAIN GROUNDS

Even though the Bidders may meet the above qualifying criteria, they are subject to be disqualified if they have

- a) Concealed any information/document which may result in the Bidder's disqualification or if any statement/information/document furnished by the Bidder or issued by a Bank/Agency/Third party and submitted by the Bidder, is subsequently found to be false or fraudulent or repudiated by the said Bank/Agency/Third Party. In such a case, besides Bidder's liability to action under para 9.4 of Instructions to Tenderers, the Bidder is liable to face the penalty of banning of business dealings with him by RITES.
- b) Records of any contract awarded to them, having been determined during the past three years prior to the dead line for submission of bids i.e. last stipulated date for submission of bids.
- c) Been declared as Poor Performer by RITES and their name is currently in the 'Negative List' of RITES.
- d) Their business banned or suspended by any Central/State Government Department/ Public Undertaking or Enterprise of Central/State Government and such ban is in force.
- e) Not submitted all the supporting documents or not furnished the relevant details as per the prescribed format.

A declaration to the above effect in the form of affidavit on stamp paper of Rs. 10/- duly attested by Notary/Magistrate should be submitted as per format given in Proforma 3 enclosed.

Annexure IX (Pre-Qualification Performa) to Section 1 (Notice Inviting Tender and Instructions to Tenderers):

The heading of 5th Table ie “Construction Experience in Key Activities/Specified Components (if applicable)” may be deleted and replaced with the following:

Construction Experience in Key Activities (if applicable)


The heading of column 7 of 5th Table i.e. “Actual Date of Completion of Key Activity/Component” may be deleted and replaced with the following:

Actual date of Start and date of Completion of Key Activity

No. RITES/CO/CPC/T&CD/Correction Slip No.5(E-Tendering)

Date: 01.10.2020

The above Correction Slip to Tender and Contract Document for works (E-Tendering, July 2019) is issued with the approval of the Competent Authority.

 1/10/2020

(Pawan Chowdhry)
ED/P&C & Head
Contract Policy Cell

Copy by e-mail to:

1. CMD/DP/DT/DF & CVO
2. All Divisional Heads/SBU Heads
3. AGM/IT for uploading on RITES Website: Tender/RITES/GCC/Tender & Contract Documents for E-Tendering -July 2019 (Correction Slip No.5)