

BIDDING DOCUMENTS

FOR

Supply of 13092 MT UIC 60/60E1, 1080 Head Hardened Grade Rails as per the specifications for Surat Metro Rail Project Phase-I

TENDER NO. GMRC/HH Rail/Surat/Ph-1/2022

PART-I BIDDING PROCEDURE

SECTION-III,

**EVALUATION AND QUALIFICATION
CRITERIA**

Gujarat Metro Rail Corporation (GMRC) Limited

(SPV of Govt. of Gujarat and Govt. of India)

Formerly known as Metro Link Express for Gandhinagar and Ahmedabad (MEGA) Co. Ltd.

Block No.1, First Floor, Karmayogi Bhavan, Behind Nirman Bhavan,

Sector 10/A, Gandhinagar: 382010,

Gujarat, India

Corporate Identification No (CIN): U60200GJ2010SGC059407

THIS PAGE IS INTENTIONALLY LEFT BLANK

Section III – Evaluation and Qualification Criteria

This Section contains all the criteria that the Employer shall use to evaluate bids and qualify Bidders, in accordance with ITB 29, ITB 34, ITB 36. The Bidder shall provide all the information requested in the forms included in Section IV, Bidding Forms.

1. Evaluation

The Purchaser's evaluation of a Bid may take into account, in addition to the Bid Price quoted in accordance with ITB 14.8, one or more of the following factors as specified in ITB 34.2, using the following criteria and methodologies.

(a) Delivery schedule (as per Incoterms specified in ITB 14.7).

The Goods specified in the List of Goods are required to be delivered within the acceptable time range (after the earliest and before the final date, both dates inclusive) specified in Section VI, List of Goods and Delivery Schedule. No credit will be given to deliveries before the earliest date, and Bids offering delivery after the final date shall be treated as non-responsive. Within this acceptable period, an adjustment will not be made, for evaluation purposes only, to the Bid Price of Bids offering deliveries later than the "Earliest Delivery Date" specified in Section VI, List of Goods and Delivery Schedule. (Adjustment factor not applicable)

(b) Cost of major Replacement components, and mandatory spare parts

Deleted

(c) Operating and/or Maintenance Cost

Deleted

(d) Performance and Productivity of the Equipment

Deleted

(e) Specific Additional Criteria

Deleted

1.2 Multiple Contracts (ITB 34.4)

Deleted

THIS PAGE IS INTENTIONALLY LEFT BLANK

2. Qualification (ITB 29.1) [Initial Filter cum Qualification Requirement, Envelope – 1]

After evaluation of IFcQR and Technical Bid, the Financial Bid of IFcQR and technically successful bidder shall be opened. Requirements of IFcQR Bid not included in the tables below shall not be used in the evaluation of the Bidder's qualifications.

2.1 Eligibility						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
2.1.1 Nationality	Nationality in accordance with ITB 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI-1.1 and ELI-1.2, with attachments
2.1.2 Conflict of Interest	No conflicts of interest in accordance with ITB 4.4	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Letter of IFCQR Bid
2.1.3 AFD Eligibility	Not being ineligible to AFD financing, as described in ITB 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Statement of Integrity and Environmental and Social Responsibility
2.1.4 State-Owned Entity	Meet conditions of ITB 4.3	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Forms ELI-1.1 and ELI –1.2, with attachments

2.2 Historical Contract Non-Performance						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
2.2.1 History of Non-Performing Contracts	Termination of a contract ¹ did not occur as a result of contractor's default in the past five (5) years.	Must meet requirements	Must meet requirements	Must meet requirements ²	N/A	Form CON-2.1
2.2.2 Suspension Based on Execution of Bid Securing Declaration by the Employer	Not under suspension based on execution of a Bid Securing Declaration pursuant to ITB 4.5.	Must meet requirement	Must meet requirement	Must meet requirement	N/A	Letter of IFcQR Bid
2.2.3 Pending Litigating	All pending litigation shall in total not represent more than one hundred percent (100%) of the Applicant's net worth and shall be treated as resolved against the Applicant.	Must meet requirement	N/A	Must meet requirement	N/A	Form CON-2.1
2.2.4 Historical Debarment / Blacklisting / Termination / Rescind	Bidder should not have been debarred by Government of India / any State Government in India / Central or State Government undertakings as on the due date of submission of bid.	Must meet requirement	N/A	Must meet requirement	N/A	Form CON-2.2

¹ Non-performance shall include all terminations of contracts where (a) non-performance was not challenged by the Applicant, including through referral to the dispute resolution mechanism under the respective contract, and (b) contracts that were so challenged but fully settled against the Applicant. Non-performance shall not include contracts where Employers decision was overruled by the dispute resolution mechanism.

² This requirement also applies to contracts executed by the Applicant as JV member. The Bidder shall provide accurate information on the related Bidding Form about any litigation or arbitration resulting from contracts completed or ongoing under its execution over the last five (5) years. A consistent history of awards against the Bidder or any member of a joint venture may result in failure of the Bid.

2.3 Financial situation and Performance						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
2.3.1 Financial Capabilities	<p>(i) It is necessary that the firm can withstand the Cash Flow that the contract will require until payment received from Employer. Liquidity therefore becomes an important consideration.</p> <p>(ii) This can be seen from the balance sheets and/or from the banking reference. Net current assets {(Current assets + loans & advances) – (current liabilities + provision)} or documents including banking reference, should show that the Bidder has access to or has available liquid assets, lines of credit and other financial means to meet cash flow INR 340 million for this contract, net of Bidder's commitments for other Contracts. Banking reference should contain in clear terms that in case LOA is issued to the Bidder, the bank will be in a position to lend for this work to the Bidder/member of the Joint Venture/Consortium preferably in the form given in Section IV: Bidding Forms and Schedules - Bidder's Qualification-Form FIN-3. 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.</p> <p>Liquidity of INR 340 million available: Pass Liquidity of</p>	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN – 3.1 and Form FIN – 3.3

2.3 Financial situation and Performance						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	<p>INR 340 million not available: Fail</p> <p>In case of a Joint Venture/Consortium, the above evaluation will be done in totality after applying pro-rata percentage participation of each member and not as individual member. For e.g., if there are three members in a Joint Venture/Consortium with pro-rata percentage participation of 'A%', 'B%' and 'C%' and the calculated liquidity of the respective members are 'X', 'Y' and 'Z', then the evaluation for the above criteria will be based on the pro-rata percentage applied algebraic aggregate i.e. 'AX+BY+CZ'.</p>					
2.3.2 Minimum Average Annual Turnover	<p>(i) The minimum requirements to 'Pass' this criteria is that the Average Annual Turnover for the last five financial years (in terms of rupee equivalent adjusted to last date of the financial year that ended on or before 31.03.2021 by assuming 5% escalation for Indian Rupee and 2% for foreign currency per year) shall not be less than INR 2060 million.</p> <p>(ii) The value of annual turnover shall be calculated as total certified payments received for Contracts in progress and/or completed, within last Five Financial years divided by Five years.</p> <p>(iii) The financial year as applicable in the country of origin of the bidders would be considered. The 'last financial year' will be the latest financial year that ended on or before 31.03.2021</p>	Must meet requirement	Must meet requirement	Must meet 25% of the requirement	Must meet 40% of the requirement	Form FIN-3.2

2.3 Financial situation and Performance						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	(iv) In case of a Joint Venture/Consortium, the above evaluation will be done in totality after applying pro-rata percentage participation of each member and not as individual member. For e.g., if there are three members in a Joint Venture/Consortium with pro-rata percentage participation of 'A%', 'B%' and 'C%' and the Average Annual Turnover of the respective members are 'X', 'Y' and 'Z', then the evaluation for the above criteria will be based on the pro-rata percentage applied algebraic aggregate i.e. 'AX+BY+CZ'.					
2.3.3 Net Worth	The minimum requirements to 'Pass' this criteria is that the Balance sheets should indicate that the Net Worth of the Bidder (to be obtained from audited Balance Sheet) shall be positive in the audited statement of any 3 of the last 5 financial years. The financial year as applicable in the country of origin of the bidders would be considered. The 'last financial year' will be the latest financial year that ended on or before 31.03.2021	Must meet requirement	N/A	Must meet requirement	N/A	Forms FIN-3.1
2.3.4 Available Bid Capacity	As per below mentioned methodology.	Must meet requirement	Must meet requirement	N/A	N/A	Form FIN-3.2, FIN-3.4 & FIN-3.5

Methodology for Working out the Available Bid Capacity

The Bidders will be qualified only if their available bid capacity is more than INR 1030 million. Available bid capacity will be calculated as under:

Available Bid Capacity =2AN-B

Where,

A = Maximum value of works executed in any one (1) year during the last five (5) years

N = Number of years (i.e. 9 months / 12 months = 0.75) prescribed for completion of the present work

B = Value [at price level as on the twenty-eight days prior to 'date for Bid submission' (refer Forms of Bid –Form FIN-3.4)] of existing commitments and on-going works (works in hand) to be completed during next "N" years starting from the twenty-eight days prior to 'date for Bid submission'.

Note:

In case of a Joint Venture/Consortium, the above formula will be applied to each member to the extent of his proposed percentage (%) participation in the execution of the work. The Bid Capacity of the Joint Venture/Consortium will be the sum total of the Bid Capacity of each member of the Joint Venture/Consortium as calculated above.

Value of 'A':

The maximum value of works in any one year during last five (5) years ('A' in the above formula) shall be the maximum turnover in any one (1) financial year during the last five (5) financial years. Financial year as applicable in the country of origin of the bidders would be considered. The turnover of works to be furnished in response to Section-IV A: Bidding Forms-Bidder's Qualification Form: Form FIN-2.2 shall be considered for evaluating the value 'A' in above formula and the details furnished by the Bidder shall be supported with audited copies, duly certified by Independent chartered accountant/CPA, indicating Annual turnover of works only.

Value of 'B':

The value of existing commitments and ongoing works (works in hand) ('B' in the above formula) as furnished in response to Section-IV A: Bidding Forms-Bidder's Qualification Form: Form FIN-4.1 and FIN-4.2 shall be considered. The 'twenty-eight days prior to date for Bid submission' means for e.g: Say, if 'date for Bid submission' is 15.01.2020, then 'twenty-eight days prior to date for Bid submission' will be 18.12.2019 and next 3 years period will be period up to 17.12.2022.

2.4 Experience						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
2.4.1 Similar Experience	<p>For the Bidders having source of Rail manufacturing facility in the country of Purchaser, supply of a minimum quantity of 65000MT of rails during last seven years, out of which, minimum 13000 MT supply should be of 60 E1 (UIC 60)-1080 Grade Head Hardened (HH) Rails conforming to IRS-T-12-2009 or equivalent international standards.</p> <p>In case of above supplies from other countries, out of total quantity, 32500 MT Rails should have been to countries outside the country of production from the proposed Rail manufacturing facility.</p> <p>Documentary evidence of 1080 Grade HH Rail manufacturing facility certified by international accredited agency shall be submitted with the bid. Also, the Bidder shall furnish documentary evidence to demonstrate that the Goods it offers meet the following usage requirement(s): The rails proposed to be supplied in this bid are as per IRS-T-12-2009 latest Specifications. The Bidder shall furnish clause by clause confirmation of IRS-T-12-2009 latest Specifications for the rails proposed to be supplied in this contract.</p> <p>Supply of fully completed works shall be taken into consideration for meeting work experience criteria.</p> <p>Refer ITB 17.2 (a) with regards to submission of Manufacturer's authorization using the form included in Section IV, Bidding Forms to demonstrate that it has been duly authorized by the manufacturer or producer of the Goods to supply these Goods in the Purchaser's Country</p>	Must meet requirement	Must meet requirements(v)	N/A	N/A	Form EXP – 4.1
Notes for the Bidder						

2.4 Experience						
Criterion	Requirement	Single Entity	Joint Venture (existing or intended)			Submission Requirements
			All Parties Combined	Each Member	One Member	
	<p>(i) For contracts under which the Bidder participated as a JV member, only the Bidder's share, by capacity/value, shall be considered to meet this requirement. Work experience of only substantial partner (partner with share of 26% or more in the JV / Consortium) shall be considered for evaluating of JV/Consortium.</p> <p>(ii) The similarity shall be based on the physical size, complexity, methods/technology and/or other characteristics described in Section VII, Employer's Requirements.</p> <p>(iii) Bidder shall furnish year wise and consignee wise details of supply during last seven years. Completion / Supply shall be evidenced by submission of end-user certificates such as Taking-over Certificates and Completion Certificates as required to be submitted as attachment to Form EXP-4.1 of Section IV, Bidding Forms.</p> <p>(iv) For projects executed outside India, all documents including Completion Certificates or Performance Certificates, or Implementation Completion Reports shall be translated to unambiguous English language stated in ITB 10.</p> <p>(v) For contracts under which the Bidder participated as a JV member or sub contractor, only the Bidder's share, by value, shall be considered to meet this requirement.</p> <p>(vi) Value of successfully completed portion of any ongoing work up to last day of the month previous to the month of tender submission will also be considered for qualification of work experience criteria, provided at least 70% of work (i.e. supply of grade rail) is completed. The necessary documentary evidence to be submitted by bidder for claiming the ongoing work under this clause.</p> <p>(vii) 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.</p> <p>(viii) Participation by Subsidiary Company / Parent Company with credential of other Company.</p> <p>a) Applicant in the capacity of a Subsidiary Company as a single entity is not permitted to use the credential of its Parent Company and/or its Sister Subsidiary Company/ Companies unless the Applicant participates in tender as JV/Consortium with its Parent Company and/or its Sister Subsidiary Company/ Companies as a member(s) in JV/Consortium with minimum 26% participation each (as substantial member) for such member(s).</p> <p>b) Applicant in the capacity of a Parent Company as a single entity is not permitted to use the credential of its Subsidiary Company/ Companies unless the Applicant participates in tender as JV/Consortium with its Subsidiary Company/ Companies as a member(s) in JV/Consortium with minimum 26% participation each (as substantial member) for such member(s).</p>					

3. Evaluation of Technical Bid (i.e. Envelope - 2) :

Completeness and responsiveness of the Technical Bid will be assessed according to the Responsiveness Criteria of ITB 29.2.

4. Evaluation of Financial Bid (i.e. Envelope - 3) :

4.1 Completeness and responsiveness of the Financial Bid will be assessed according to the Responsiveness Criteria of ITB 34.2. In addition to the criteria listed in ITB 34.2, the following criteria shall apply in evaluation of financial bid.

4.2 Domestic Preference

4.2.1 If the Bidding Data Sheet so specifies, the Purchaser will grant a margin of preference to goods manufactured in the Purchaser's country for the purpose of bid comparison, in accordance with the procedures outlined in subsequent paragraphs.

4.2.2 An individual firm is considered a domestic bidder for purposes of the margin of preference if it is constituted in the country of the Purchaser, has more than 50 percent ownership by nationals of the country of the Purchaser, and if it does not subcontract more than 30 percent of the contract price, excluding provisional sums, to foreign contractors. JVs are considered as domestic bidders and eligible for domestic preference only if the individual member firms are constituted in the country of the Purchaser, have more than 50 percent ownership by nationals of the country of the Purchaser, and the JV shall be constituted in the country of the Borrower. The JV shall not subcontract more than 30 percent of the contract price, excluding provisional sums, to foreign firms. JVs between foreign and national firms will not be eligible for domestic preference

4.2.3 Bids will be classified in one of three groups, as follows:

- (a) Group A: Bids offering goods manufactured in the Purchaser's Country, for which (i) labor, raw materials, and components from within the Purchaser's Country account for more than thirty (30) percent of the CIP price; and (ii) the production facility in which they will be manufactured or assembled has been engaged in manufacturing or assembling such goods at least since the date of bid submission;
- (b) Group B: All other bids offering Goods manufactured in the Purchaser's Country;
- (c) Group C: Bids offering Goods manufactured outside the Purchaser's Country that have been already imported or that will be imported.

4.2.4 To facilitate this classification by the Purchaser, the Bidder shall complete whichever version of the Price Schedule furnished in the Bidding Documents is appropriate provided, however, that the completion of an incorrect version of the Price Schedule by the Bidder shall not result in rejection of its bid, but merely in the Purchaser's reclassification of the bid into its appropriate bid group.

4.2.5 The Purchaser will first review the bids to confirm the appropriateness of, and to modify as necessary, the bid group classification to which bidders assigned their bids in preparing their Bid Forms and Price Schedules.

4.2.6 All evaluated bids in each group will then be compared to determine the lowest evaluated bid of each group. Such lowest evaluated bids shall be compared with each other and if as a result of this comparison a bid from Group A or Group B is the lowest, it shall be selected for the award.

4.2.7 If, as a result of the preceding comparison, the lowest evaluated bid is from Group C, the lowest evaluated bid from Group C bids will then be further compared with the lowest evaluated bid from Group A, after adding to the evaluated bid price of goods offered in the bid for Group C, for the purpose of further comparison only an amount equal to fifteen (15) percent of the CIP (named place of destination) bid price. The lowest-evaluated bid determined from this last comparison shall be selected for the award.