

**TENDER NOTICE AND INSTRUCTION TO TENDERERS****OPEN TENDER NOTICE NO.CAO/CN/BNC/038/13 DATED 08/10/2013**

Separate Sealed Tenders are invited by Chief Administrative Officer, Construction, South Western Railway, No.18, Miller's Road Bangalore - 560 046, on behalf of the President of India for the under mentioned works.

Tend. Sch. Ref.	Description of work	Type of tender	Approx. value(in Rupees)	Earnest Money Rs. ( EMD )	Date of Opening	Period of completion	Cost of form (in Rs.)
01/038 MKM-KPN/ 01	Marikuppam to Kuppam new BG line - Proposed earthwork in construction of formation in bank/cuttings including construction of minor bridges, side drains, retaining walls, protective works between Marikuppam to Virupakshapura stations (excluding Marikuppam stations) between Km.1/000 to 3/500	TWO PACKET SYSTEM	18,71,08,352	1085540	13/11/2013	9 Months	11350

\*\* Extra Rs.500/- Per set to be paid in case of Postal Delivery of Tender Document.

- NOTE:-**
1. No post tender correspondence will be permitted and the tender shall be decided based on the documents enclosed with the offer only.
  2. Tender costing more than 10 Cr shall have to be submitted in two packet system and below 10 Cr in single packet system.

1. Tenderers can download the tender document from the web site "www.swr.indianrailways.gov.in". Those tenderers, who are participating in the tender with down loaded copy, shall enclose a separate crossed Demand Draft towards cost of the tender form, in favour of Financial Advisor and Chief Accounts Officer, Construction, South Western Railway, Bangalore-46, without which the tender is liable to be rejected.

2. Tender documents (non-transferable) will also be issued from the Office of the Chief Administrative Officer (Construction), South Western Railway, No.18 Millers Road, Bangalore-560 046, between 10:30 hours to 17:00 hours on any working day (from 3 days after tender notification) on receipt of written request for the same accompanied by Cash Receipt for having deposited cost of the Tender document with the Divisional Cashier/Construction, or with any Station Master of South Western Railway.

3. Last date for issue of tender forms in person will be upto 16-00 hrs. on the previous working day of the date of opening of the tender. In case tenderers wish to receive the Tender Document by post/courier, they should send their written request accompanied by cash receipt for having deposited the cost of tender document with additional courier charges of Rs.500/-. The request for Tender Document must reach this office at least a minimum of 10 working days in advance of the date of opening of the tender excluding holidays. However Railway Administration does not take any responsibility for delay/non receipt of the tender document by the tenderer due to failure of courier/postal service or time taken in transit.

NOTE:(1) TENDER BOX WILL BE AVAILABLE FOR DROPPING TENDERS THREE WORKING DAYS BEFORE THE DATE OF OPENING OF TENDER AND UPTO 11-00 HRS. ON THE DATE OF OPENING OF TENDERS IN THE OFFICE OF CHIEF ADMINISTRATIVE OFFICER, CONSTRUCTION, BANGALORE, CHIEF ENGINEER/CONSTRUCTION OFFICE AT HUBLI AND DEPUTY CHIEF ENGINEER OFFICE/CONSTRUCTION AT MYSORE.

(2) TENDER BOX WILL BE AVAILABLE FOR DROPPING TENDERS BETWEEN 9-30 HRS. TO 11-00 HOURS ON THE DATE OF OPENING OF TENDERS AT OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, CONSTRUCTION SOUTHERN RAILWAY, CHENNAI EGMORE.

The Railway does not own any responsibility for any alteration/omission in the contents of tender document while downloading from the web site or otherwise. No claims on this account will be entertained. The Administration will also not own any responsibility if the web site is not opened for downloading the tender document due to any technical snag in the server of the web site.

4. The Tender documents for the above works will be received and opened simultaneously in the Office of the Chief Administrative Officer (Construction), South Western Railway, Bangalore Cantonment-560046 and Chief Engineer (Construction), South Western Railway, Hubli-580023 and Deputy Chief Engineer (Construction), South Western Railway, Yadavagiri, Mysore-570020 and Office of the Chief Administrative Officer, Construction, Southern Railway, Chennai Egmore, on the same date and timings. Tender documents duly filled in will be received upto 11-00 hours on the date of opening and will be opened on the same day at 11-30 hours. Tenders can also be accepted by post if received before expiry of time of receipt of tender document. However, Railway will not own any responsibility for delay in postal transit. After the opening of the tender in the case of single packet system, the rates will be read out openly in the presence of Tenderers or their authorised representatives present at the time of opening of the tender. Any tender received in person/By post after 11-00 hrs. will not be opened and such tenders will not be considered for evaluation purpose.

5. Tenders invited under two packet system consists of Technical Bid and Price Bid should be submitted in two separate sealed covers as follows:

5(a) Sealed Envelope - 1 containing the TECHNICAL BID as per para 5(d). The documents submitted along with the technical bid shall be as per the Check List provided and in the same order as mentioned in Check List. The tenderer shall put all the enclosures of Technical Bid in one separate envelope, duly sealed and super scribing the following details on the top of the envelope / cover.

(i) "PACKET - 1 : TECHNICAL BID"

- (a) Tender Notice No. & item no
- (b) Date of opening
- (c) Name of work
- (d) Name and address of the Tenderer

5(b) Sealed Envelope - 2 containing PRICE BID as per para 5(e). The tenderer shall put all the enclosures of Price Bid in another separate envelope, duly sealed and super scribing the following details on the top of the envelope / cover.

(i) "PACKET - 2 : PRICE BID"

- (a) Tender Notice No. & item no
- (b) Date of opening

- (c) Name of work
- (d) Name and address of the Tenderer

5(c) Both sealed covers (Packet I & Packet II) as specified above shall be enclosed in another single sealed cover super scribing the following details on top of the envelope / cover.

- (a) Tender Notice No. & item no
- (b) Date of opening
- (c) Name of work
- (d) Name and address of the Tenderer

**5(d). TECHNICAL BID:**

The sealed envelope marked **"Packet I - Technical Bid"** shall consist of the following:-

1. Tender document pertaining to technical bid Packet-I.
2. Cost of tender form and Earnest Money Deposit.
3. Documents in support of technical eligibility criteria as per clause 10 of tender notice.
4. In case of tender submitted by other than individual person, following documents must be submitted.

**4(a) In case of Partnership Firm:-**

- (i) Notarised/Attested copy of Partnership Deed
- (ii) Notarised/Attested copy of Registration Certificate issued by Registrar of Firms.
- (iii) Notarised/Attested copies of change in constitution of the Firm/all amendments to partnership Firm/Deed (if applicable) along with Notarised/Attested copies of acknowledgement(s) issued by Registrar of Firms for these change in constitution/ amendments as required under Partnership Act, 1932.
- (iv) Notarised/Attested copy of Special Power of Attorney (duly registered as per prevailing law) by all partners of the Partnership Firm in favour of Authorized Partner for signing the tender document, signing the Agreement/Rider Agreements (s), witness measurement Books, signing the measurement Book, correspondence, Receiving Payments, settlements, Compromise, signing of No Objections Certificate and referring the disputes/claims to Arbitration etc, on behalf of the Partnership Firm in Original, if the said Partner is not authorized as per the partnership deed terms and conditions.
- (v) Partnership Deed should clearly indicate the share of interest of each individual partner in the partnership Firm and share of authorized partner shall not be less than 35% in the Partnership Firm.
- (vi) In case a partner of a Partnership Firm which submitted tender claiming the credentials /experience as a partner of another Partnership Firm(s)/Joint Venture (s), the notarised/attested copies of those Partnership/Joint Venture(s) Deeds, as the case may be, should be submitted along with tender. If these documents are not submitted along with tender, then the credentials / experience as claimed by that partner shall not be considered.

4(b) **In case of Limited Company:-**

- (i) Notarised/Attested copy of Memorandum of Association and Articles of Association of the Company.
- (ii) Notarised/Attested copy of incorporation certificate of the Company
- (iii) Notarised/Attested copy of certificate issued by Registrar of Companies in regard of change of name, if any.
- (iv) Notarised/Attested copy of Power of Attorney / Special Power of Attorney (duly registered as per prevailing law) in favour of Authorised Person of the Company for signing the tender document on behalf of the company in Original and Board of Directors resolution of the Company duly certified by Company Secretary/Auditor/Competent Authority in regard to authorization given to Director/Managing Director etc to issue Power of Attorney on behalf of the Company.
- (v) Notarised/Attested copy of complete documents establishing the Merger/DeMerger / conversion / Taking over / acquisition / Sale etc with a Limited company / Partnership Firm / Proprietor etc together with the documents establishing the transfer of assets / liabilities /credentials to the transferee company from the transferor company if applicable.
- (vi) In case, the limited Company which submitted tender, claims the credentials /experience as a partner/Member of another Joint Venture (s)/Limited Company, the notarised/attested copies of those Joint Venture (s) Deeds, as the case may be, should be submitted along with tender without fail. If these documents are not submitted along with tender, then the credentials / experience as claimed by the Limited Company shall not be considered.

4(c) **In case of Joint Venture Firms:-**

- (i) Notarised/Attested copy of the Memorandum of Understanding of Joint Venture Firm (Joint Venture Agreement) as per the format in Annexure-III on a non-judicial stamp paper of appropriate value as per the stamp duty Act.
- (ii) In case of Partnership Firm as a Partner of JV, then the consent of all partners of the Partnership Firm to enter into the Joint Venture Agreement on a stamp paper of an appropriate value in original. In case of limited companies, copy of Board of Directors resolution certified by Company Secretary/Auditor/Competent Authority consenting agreeing for entering into Joint Venture Agreement.
- (iii) Power of Attorney (duly registered as per prevailing law) in favour of one of the Partner of partnership Firm (partner of JV) or Authorized Signatory in case of Limited company (partner of JV) to sign the tender document, signing the Agreement/Rider Agreements (s), witness measurement Books, signing the measurement Book, correspondence, Receiving Payments, settlements, Compromise, signing of No Objections Certificate and referring the disputes/claims to Arbitration etc., on behalf of the Joint Venture, if the same is not covered by the JV agreement terms and conditions.
- (iv) In case of members belonging to partnership Firms/Limited Companies, additional documents, as applicable and as indicated in para (a) and (b) above, should also be furnished.

(v) In case, a partner/Member of a JV which submitted tender, claims the credentials /experience as a partner/Member of another Partnership Firm(s)/Joint Venture (s)/Limited Company, the notarised/attested copies of those Partnership(s) /Joint Venture(s) Deeds, as the case may be, should be submitted along with tender without fail. If these documents are not submitted along with tender, then the credentials / experience as claimed by that partner/Member of JV shall not be considered.

5. Documents in support of financial eligibility as mentioned in para 11a.
6. Test report of ballast and other items as applicable.
7. Any other document considered necessary by the tenderer for evaluation of his offer.
8. Tenderers to note that no offer relating to any financial/commercial terms & conditions including price variation, stage payments, advances and any other payment terms should be enclosed in the "Packet-I - Technical bid". Any such condition/offer should be enclosed along with "price bid" only in packet-II

**5(e). PRICE BID:**

The sealed envelope marked "Packet II - PRICE BID" shall consists of the following:-

1. Tender document pertaining to Packet II-Price Bid.

The tenderer shall duly quote the rates for the items/schedules alone along with any rebate offered in the Schedule of items provided in the Price Bid. No other paper/documents shall be enclosed along with the PRICE BID.

5(f). Sequence of Opening of tender Packets :

On the date of opening of tender, only the "Packet 1 - TECHNICAL BID" of the Tender Document i.e. will be opened. However, the "Packet 2 -PRICE BID" will be kept intact and will not be opened.

The Packet-2 i.e. "PRICE BID" of the Tenderers who gets qualified as a result of consideration of Packet-1 of the Tender Document i.e. "TECHNICAL BID" will be opened in the office of Chief Administrative Officer (Construction) South Western Railway, Construction, 18, Millers Road, Bangalore - 560046 at the date and time which will be intimated to all the short-listed tenderers who can witness opening in their presence or through their authorised representatives.

The Packet-2 i.e. "PRICE BID" of the Tenderers who are not qualified as a result of consideration of Packet-1 of the Tender Document i.e. "TECHNICAL BID", will not be opened and the same will be returned un opened.

**5(g). REFUND OF EMD:**

The Earnest Money of tenderers who do not get short-listed on evaluation of Packet-1 of the Tender Document i.e. "TECHNICAL BID" will be returned by Railways.

The **"Price-Bids"** of short-listed tenderers will be further evaluated for consideration and award of work. EMD of unsuccessful tenderers will be released on finalization/award of tender.

**6.0 IMPORTANT:**

- 6.1 Tenderers are advised to submit their offer as explained above. The offer becomes invalid and shall be summarily rejected if
- i. The Technical bid and Price Bid are submitted separately, not kept in two separate envelopes enclosed in a single cover.
  - ii. The Technical Bid and the Price Bid are mixed in a single envelope such that at the time of opening of Technical Bid, the Price Bid also gets opened.
  - iii. The Technical Bid cover does not contain documents as listed in para 5(d) in support of technical and financial eligibility criteria both, test report of ballast and other items as applicable, document in support of formation and working instructions, etc. of the firm, document in support of Authorised Signatory, etc. as covered under Sr NO.4 of para 5(d) above.
  - iv. The Technical Bid cover does not contain the cost of tender form (if tender form is downloaded from website) and Earnest Money Deposit.
  - v. If the tender is not accompanied by any of the documents mentioned in 5(d) and 5 (e).
- 6.2 Tenderers are required to submit the documents listed at para 5d and 5e along with the tender irrespective of the fact whether it is two packet system or single packet system. In case of single packet system, the Technical Bid and Financial Bid shall be submitted together in a single cover along with required documents.
- 6.3 **No post tender correspondence will be entertained;** only clarification required by the Railway against the document submitted, can be sought from the tenderer. Mandatory documents submitted after opening of tender, will not be considered.
- 6.4 Even for the working contractors of this railway, the onus of establishing the credentials of the tender(s) from the office records or otherwise does not lie with the Railway. Railway shall evaluate the offer only from the certificates/documents (as in 5(d) and 5(e) above) submitted along with the offer.
- 6.5 If the opening date happens to be a holiday, the tenders will be received and opened on the next working day at the same time. In case of Protests/ Bundh declaration the tender will be received and opened on next working day at the time stipulated. However, there will not be any change in last date of issue of tender document on this account.
- 6.6 Late/delayed tender offers received through Post/person after the time of closing of receipt of tender document shall be summarily rejected. However, Railway reserves the right to consider such cases in specific circumstances.

7.(a) The Earnest Money should be in cash or in the form of deposit receipts, pay orders or demand drafts executed by State Bank of India or any of the Nationalised banks or by a Reserve Bank approved scheduled banks.

(b) The EMD amount to be deposited along with the tender form should be in favour of Financial Advisor and Chief Accounts Officer, Construction, South Western Railway, 18, Millers Road, Bangalore-560046 payable at Bangalore. In case FDR issued is in favour of tenderer" in whose name "tender document" is issued; the FDR may have to be pledged in favour of Financial Advisor and Chief Accounts Officer, Construction, South Western Railway, Bangalore-560046. Tenderer(account holder) name has to be specified in the EMD instrument. EMD in the form of Bank Guarantee is not acceptable and tender document submitted along with Bank Guarantee as EMD will be treated as invalid tender. Offers received without valid EMD shall be summarily rejected.

8. **Railway reserves the right to cancel the tender without assigning any reason there to.**

9.(a).Tenders can be submitted in the name of individual/partnership firm/limited company / joint venture / consortium / MOU etc., as per the stipulations given in the Additional Instruction to Tenderers in tender document.

(b). Joint Venture is applicable for tenders valuing more than Rs.10.00 crores.

**10. ELIGIBILITY CRITERIA FOR WORKS COSTING ABOVE RS.50.00 LAKHS**

Tenderers should satisfy the following Eligibility Criteria.

10.1 Should have physically completed within qualifying period i.e., the last three financial years and current financial year At least one similar nature of work for a minimum value of 35% of the Advertised tender value. The experience certificate is to be attached to the Tender document as per Performa enclosed.

10.2 Total contract amount received during the last 3 financial years and in the current financial year Should be a minimum of 150% of the Advertised tender value. The certificate (attested) from the employer/client, audited balance sheet duly certified by the Chartered Accountant etc., is to be enclosed along with the tender documents.

**10.3 SIMILAR NATURE OF WORK:**

10.3(a).For the items in the Tender Notice, the following are considered as similar works for the purpose of eligibility criteria at 10.1 above.

1) Item No.W.496/MKM-KPN/01	Similar Work	<p><b>Should have successfully completed the contract of earthwork and bridge work for atleast 35% of the advertised tender value.</b></p> <p style="text-align: center;"><b>AND</b></p> <p><b>Should have successfully completed earthwork for a value of Rs.3.98 Crore as part of completed contract in the same contract or any other contract.</b></p> <p style="text-align: center;"><b>AND</b></p> <p><b>Should have successfully completed bridge work for a value of Rs.2.02 Crore as part of completed contract in the same contract or any other contract.</b></p>
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10.3 (b) List of composite works: - NIL

10.4(a).In support of eligibility condition No.10.2 and note(i) above, the tenderer shall submit attested copy of certificate from the employer / client or audited balance sheet certified by the Chartered Accountant. The contractual amount shown in the balance sheets/ certificates for the years prior to three years apart from current year will not be taken into account while calculating total contract amounts received by the tenderer.

10.4(b).The certificate to satisfy similar work covered in para 10.1 and note(ii) above should be signed by an officer not lower than Jr. Administrative grade or Executive Engineer rank in equivalent grade in the Govt. of India/State Government/ PSUs/Government of India undertaking. Tenderer shall enclose attested certificate copies along with the tender.

**NOTES :**

- i) For evaluating tenderer's eligibility with regard to his financial capability, the Railways will examine the overall financial soundness of the tenderers based upon the volume of work handled, turnover, balance sheet, IT returns etc., Hence tenderers shall submit relevant details of previous work done, turnover, balance sheet etc., to evaluate the financial soundness of the tenderer.
- ii) For evaluating tenderer's eligibility with regard to work experience, he shall furnish relevant certificates and details of the physically completed work. The certificate of experience shall be in the Performa shown as INST-1 in the tender. The total value of similar nature of works completed during the qualifying period, in terms of the final bill amount, and not the payments received within qualifying period alone, will be considered. In case, the final bill of similar nature of work has not been passed and final measurements have not been recorded, the paid amount including statutory deduction is to be considered. If final measurements have been recorded and work has been completed with negative variation, then also the paid amount including statutory deduction is to be considered. However, if final measurements have been recorded and work has been completed, with positive variation but variation has not been sanctioned, original agreement value or last sanctioned agreement value whichever is lower should be considered for judging eligibility.
- iii) In case of composite works involving combination of different works, even separate completed works of required value shall also be considered while evaluating the eligibility criteria.

For example, in a tender for bridge work where similar nature of work has been defined as bridge work with pile foundation and PSC superstructure, a tenderer, who has completed one bridge work with pile foundation of value atleast equal to 35% of the tender value and also had completed one bridge work with PSC sub structure of value atleast equal to 35% of tender value, should be considered as having fulfilled the eligibility criterion of having completed single similar nature of work.

11. For work costing less than Rs.50.00 lakhs, tenderer should be financially sound and capable of carrying out such works.

12. Even if the tender(s) is/are working contractor(s) of any division / construction organization also and if he/they do not enclose the required certificates his/their offer will not be considered.

13. Work experience certificate issued by Central Govt./State Govt./Semi Govt. Organisations /Authorities, PSU's Govt. Of India/State Govt. shall only be



considered. Certificates issued from Private Individual/private firms will not be considered.

Certificates issued to tenderer as sub-contractor for subletted works by any organisation (Govt/Pvt. Organisation) will not be considered.

14. The responsibility of submitting the correct documents lies with the tenderers. In case, the documents are found manipulated/forged, the offers of such tenderers will not be considered and such tenderers are liable to be debarred to participate for future works duly forfeiting their Earnest Money and the tenderer/Contractor shall have no claims whatsoever in this regard. Railway reserves the right to determine/rescind the contract entered into in case of such false certificates/documents at any stage of the contract treating it as default of the contractor.

15. The tenderers shall not add any conditions on their own either in their covering letter or in the tender documents while submitting their offer. Any such conditions if stated and if are in violation of the Railway's tender conditions, may lead to summary rejection of the offer. Railway reserves the right to reject such tenders summarily without assigning any reasons whatsoever.

16. Tenders containing erasures/alterations in the Tender documents are liable to be rejected. Any corrections made by the tenderer, if necessary, are to be attested by him clearly.

17. The decision of the Railway regarding the corrections/suitability of the certificates is final and the tenderer shall not have any claim whatsoever in this regard.

18. Tenderers shall hold the offer open for acceptance for a minimum period of One hundred and Twenty days for two packet system and ninety days for single packet system from the date of opening of the tender.

19. Tender form is not transferable and the amount once paid is non-refundable.

20. Unreleased EMD if any, held with the Railway Administration, shall not be adjusted towards the EMD towards the EMD to be remitted for the present tender.

21. EMD of those tenderers will be forfeited who resale from their offers within the validity period of the tender.

22. If the tenderer/tenderers deliberately gives wrong information in his/their tender or create circumstance for the acceptance of his/their tender the Railway reserves the right to reject such tender at any stage. The entire EMD with railway will be forfeited. In addition, action will be taken to suspend the business with the tenderer for a period one year.

23. The tenders are advised to visit the site of work in their own interest and acquaint themselves with the site conditions and expected quantum of work. The rates should be quoted duly considering the site conditions.

24.a) Tenderer's representatives are advised to bring authorization letter from the tenderer/firm for attending tender opening, without which she/he will not be allowed to attend the tender opening.

b) Only one representative/tenderer is permitted to attend the tender opening irrespective of number of tender documents submitted on a particular day of opening.

c) Tenderer/Representatives are requested to attend the tender opening in time and also to keep their cell phones switched off while attending.

d) Tenderer/representative are not permitted to enter the premises after the prescribed time for opening of tender(i.e., after 11.30 hours).

25. An individual/ Proprietor/ Partnership Firm/Limited Company can submit only one offer either in his/their Individual capacity or as a Proprietor or as a partner of Partnership Firm /JV Firm or as a Director of any Limited Company etc. In case of more than one offer received and any person is also a Proprietor/partner of Partnership Firm/JV or Director of a Limited Company/subsidiary company which also participated in the same tender, all such offers shall be considered as "Invalid".

**LOOK IN FOR MORE DETAILS IN [www.swr.indianrailways.gov.in](http://www.swr.indianrailways.gov.in)**

