

# Addendum – Tender for Rate contract for supply of contactless Smartcard

## Tender No. CMR/OPN/RC/Ticket Media /TEN-02/2017

Sr No	Clause No	Criteria	Bidder Query	Remarks of CMRL	Addendum
1	Page No. 18 Section V – Eligibility criteria to qualify in Techno-Commercial Bid process Point (1) & (3)	(1) Bidder should have <b>at-least 7 years experience</b> in design, manufacture and supply of contactless smart card.  (3) <b>ork Experience:</b> During last 7 years ending last day of month previous to the one in which applications are invited, the bidder should have any one of the following experiences.	<b>Could CMRL reduce years of experience from 7 years to 6 years of experience?</b>  Contact less cards/Dual Interface cards which came into banks and public use very recently. It would be really helpful if CMRL could consider this criteria into consideration for this tender.	Years of experience shall be reduced to <b>5 years</b> .	Bidder should have <b>at-least 5 years experience</b> in design, manufacture and supply of contactless smartcard.  Work experience: - During last 5 years
2	Page No. 18 Section V – Eligibility criteria to qualify in Techno-Commercial Bid process  Note (i)	A performance statement as mentioned in Annexure-C, giving a <b>list of major supplies executed in India in last 7 years</b> of the items offered by him, giving details of the Purchaser's name and address, order no. and the date and the quantity supplied and whether the supply was made within the delivery schedule; purchase order of past performance to be enclosed. If purchase order/ letter of award is not enclosed bid would be rejected.	Request to kindly revise this point as follows:  In order to consider Global experience in addition to Local Experience  "A performance statement as mentioned in Annexure-C, giving a list of <b>major supplies executed in last 7 years</b> of the items offered by him, giving details of the Purchaser's name and address, order no. and the date and the quantity supplied and whether the supply was made within the delivery schedule; purchase order of past performance to be enclosed. If purchase order/ letter of award is not enclosed bid would be rejected."	Global experience in the name of the bidder shall also be considered for calculation of bidder experience.	A performance statement as mentioned in Annexure –C, giving a list of <b>major supplies executed in last 5 years</b> of the item offered by him, giving details of Purchaser's Name and address, order No. and the date and quantity supplied and whether the supply was made within the delivery schedule.  Purchase order of past performance to be enclosed. IF purchase order / letter of award is not enclosed, bid would be rejected.
3	Page No. 13 Section III Point 5 (a)	<b>Delivery Schedule</b>  <b>Delivery: within 20 days from the date of receipt of purchase order.</b>	Request to kindly revise this clause to: Since this would also depend upon the time CMRL would confirm the artwork. i. Delivery: within 3-4 weeks from the date of receipt of purchase order confirmation of Artwork.	Delivery shall be within 30 days from the date of confirmation of Art work.	<b>Delivery Schedule:</b>  (a) 2 lakhs CSC <b>within 30 days from the date of confirmation of Art work by CMRL.</b>

4	Page 7 2.2 I Section II	<p><b>Procedure for Tender Submission &amp; Evaluation: BID SECURITY (EMD - EARNEST MONEY DEPOSIT):</b> i. The EMD shall be made payable without any condition to the CMRL. <b>A demand draft or banker's cheque in favour of "Chennai Metro Rail Limited" issued by a scheduled Public Sector Bank payable at Chennai</b> should be submitted along with the bid as bid security, for the amount of Rs10,80,000/- (Rupees-Ten Lakhs eighty Thousand Only).</p>	We request you to kindly include the Bank Gurantee for Bid Security as it is acceptable mode of deposit in India.	Bank gurantee shall also be accepted towards bid security.	EMD shall be made payable without any condition to CMRL. <b>A demand draft or bankers cheque or Bank guarantee</b> in favour of Chennai Metro Rail limited issued by a scheduled public sector bank payable at Chennai should be submitted along with the bid as bid security, for the amount of Rs.10,80,000 (Rupees Ten lakhs eighty thousand only).
	Page 9 2.5 e-e Section II	<p><b>Procedure for Tender Submission &amp; Evaluation:</b> It contains a copy of the receipt for payment towards the cost of this Document . It is accompanied by requisite Tender cost and EMD amount in the form of Bank Demand Draft drawn on any Public Sector Bank / by Bank Guarantee from any Public Sector Bank.</p>			EMD amount in the form of Bank Demand draft drawn on any public sector bank / <b>by bank guarantee</b> from any public sector bank.
5	Page 13 Section III/ 5. (b)	<p><b>General Terms and conditions:</b> The balance quantity shall be ordered in phased manner / in batches by CMRL with 20 days notice period for supply.</p>	We request you to change 20 days to 60 days.(more practical)	30 days notice period shall be allowed.	The balance quantity shall be ordered in phased manner / in batches by CMRL within <b>30 days notice</b> period for supply.
6	Page 18 Section III/ 1 .	<p><b>Special Terms and conditions of the contract:</b> Bidder should have at-least seven years experience in design, manufacture and supply of contactless smart card</p>	We request you to include JV/Consortium clause for this bidding.	The bidder (Individual or Jointly ) must be proven manufacturer and supply of contactless smart card.	During last <b>5 years</b> ending last day of month previous to the one in which applications are invited, the bidder <b>(individual or lead partner if JV)</b> should have any one of the experiences.
	Page 18 Section IV 3 .	<p><b>Special Terms and conditions of the contract: Work Experience:-</b> During last 7 years ending last day of month previous to the one in which applications are invited, the bidder should have any one of the following experiences:- a. The bidders should have successfully completed three similar works costing not less than the amount equal to 40% of estimated cost, i.e. Rs. 4.32 Crore (Rupees four Crore thirty two lakhs only). OR b. Two similar completed works costing not less than the amount equal to 50% of estimated cost, i.e. Rs.5.40 (Rupees five crore forty lakhs Only). OR c. One similar completed works costing not less than the amount equal to 80% of estimated cost, i.e. Rs.8.64 Crores (Rupees eight crore sixty four lakhs only).</p>			<b>The clause for JV/ Consortium is attached at Annexure-1</b>

**Eligibility Criteria of bidder for JV / Consortium**

- 1) A Bidder may be a firm that is a single entity or any combination of such entities in the form of a joint venture (JV) under an existing agreement or with the intent to enter into such an agreement supported by a letter of intent. In the case of a JV, all members shall be jointly and severally liable for the execution of the Contract in accordance with the Contract terms. The JV shall nominate a Representative who shall have the authority to conduct all business for and on behalf of any and all the members of the JV during the bidding process and, in the event the JV is awarded the Contract, during contract execution.
- 2) Bids submitted by a JV shall include a copy of the Joint Venture Agreement entered into by all members. Alternatively, a letter of intent to execute a Joint Venture Agreement in the event of a successful Bid shall be signed by all members and submitted with the Bid, together with a copy of the proposed Agreement.
- 3) In the case of the Bid submitted by joint venture specify the name of the Joint Venture as Bidder
- 4) Person signing the Bid shall have the power of attorney given by the Bidder to be attached with the Bid.

**5) Average annual Turnover eligibility –**

	Requirement	Single entity	JV		
			All parties combined	Each member	One member
<b>Financial Performance</b>	The audited balance sheets to be submitted as per tender conditions	Must meet requirement	N/A	Must meet requirement	N/A
<b>Average Annual Turnover</b>	Minimum average annual turnover as per tender conditions	Must meet requirement	Must meet requirement	Must meet 30% of the requirement	Must meet 50% of the requirement

**6) Legal Status of the Bidder (Who can apply)**

a. The Bidder shall be a legally qualified person as per Indian Contract Act 1872.

The Bidder should be either an individual or a Company incorporated under the

Companies Act 2013 or a partnership firm registered under the partnership act 1932 or a group of entities (the ‘Consortium’) coming together to render desired services under and/or in relation to the License.

**b.** A Bidder may be a Private Entity, Government owned Entity, or any combination of them with all members of the consortium having a prior written arrangement viz. Joint Bidding Agreement Or an existing agreement of a Joint Venture. The said arrangement of the Members of Consortium shall not be for less than six (5) years and shall subsist during the term of the License.

**(ii) CONSORTIUM:-**

Bids submitted by a Consortium must comply with following requirements:

- a. The number of Consortium members shall not exceed **four**.
- b. The Consortium shall furnish a Joint Bidding Agreement Annexure-1 (Packet-A) in non-judicial Stamp Paper of minimum **Rs.100/-** as per the format provided in this document, which shall be legally binding on all the members.
- c. The Joint Bidding Agreement for the Consortium shall state the responsibility regarding the Techno-Commercial and financial arrangements in respect of each member in the Consortium. The Joint Bidding Agreement should be valid for a minimum period of **180 days** from the last date of submission of the Bid
- d. The members of the Consortium shall nominate one member as the lead member (the "Lead Member") to act on behalf of the others as their representative to apply/bid for the award of License. This authorization shall be evidenced by submitting a Power of Attorney signed by legally authorized signatories of all the members as per format shown in this Document.(Annexure-3) (Packet-A)
- e. The Lead Member shall have an equity share with highest of the paid up and subscribed equity of the Special Purpose Vehicle.
- f. No change in the composition of a Consortium shall be permitted after submission of bid.
- g. A company or a firm can be a member in only one Consortium, if a company or a firm participates in more than one Bid, all Bids of which it is a part would be summarily rejected.
- h. All members of the Consortium shall be jointly and severally liable, for the obligations and responsibilities entailed by the License Agreement.
  - i. In the event of death of lead partner or other partner during the tenure of the contract, the legal heirs shall be permitted to continue for the unexpired period of license, with approval of CMRL. In the event of any of the partner withdrawing from the Consortium, the contract will stand terminated.
  - ii. In case of a Consortium emerging as the Selected Bidder, the Selected Bidder must incorporate a Special Purpose Vehicle (SPV) under the Indian Companies Act 1956, within 21 days of issue of the Letter of Acceptance (LOA) by CMRL to render desired services under the License. It is clarified that CMRL will execute the License Agreement only with the SPV. The Lead Member shall have the highest equity share holding of the paid up and subscribed equity of the SPV.

- iii. In case of a SPV formed by a Consortium as mentioned above, the Lead Member and member of Consortium who claims substantial Techno-Commercial experience or substantial network in the Bidding Documents must hold the highest of the total paid up equity share capital of the SPV for at least 3 years from the date of execution of the License Agreement. Each of the other members shall compulsorily hold at least 10% of the total paid up equity share capital of the SPV for at least 5 years from the date of execution of the License Agreement. In case the Lead Member or bidding company is holding equity through Affiliate/s such restriction shall apply to such entities.
  
- iv. Any one member of the Consortium should have registered in India as per Indian Laws.