



**SOUTH DELHI MUNICIPAL CORPORATION**  
**ADVERTISEMENT DEPARTMENT**  
Dr. Shyama Prasad Mukherjee Civic Centre (25<sup>th</sup>Floor),  
Jawaharlal Nehru Marg, New Delhi-110002, Ph. No. 011-2322-7212

**OPEN TENDER FOR ALLOTMENT OF ADVERTISEMENT RIGHTS THROUGH  
PUBLIC TOILETS WITH OPERATION & MAINTENANCE ON MONTHLY  
LICENSE FEE BASIS UNDER THE JURISDICTION OF SDMC**

**TENDER NOTICE**

No: CO/Advtt./SDMC/Tender-23/2019-20/NIT/D-1650

Dated: 06/01/2020

Bids are invited on behalf of Commissioner, SDMC from eligible bidders for allotment of advertisement rights with operation & maintenance through designated existing Public Toilets under the jurisdiction of SDMC on monthly license fee basis in two bid system (Technical and Financial), for a period of three years and further extendable up to two years subject to satisfactory performance of the firm and as decided by the Commissioner SDMC. The Advertisement rights through Toilet Block sites shall be awarded to the successful H-'1' bidder for display of advertisement at designated toilet block sites as mentioned in **Annexure "1"** of tender document. The eligibility criteria to participate in the bid are mentioned in clause 1 & 3 of the tender document. The evaluation criteria of technical and financial bid are mentioned in clause 10 of the tender document.

The eligible bidder may submit their bid containing the tender documents duly signed on each page along with requisite Earnest Money, tender fee and other documents as mentioned in the tender document.

The tender documents may be downloaded through SDMC's website [www.mcdonline.gov.in](http://www.mcdonline.gov.in). The requisite tender Fee of Rs.10,000/- (Rupees Ten Thousand Only) non refundable for participation in tender shall be deposited by way of demand draft/pay order payable at Delhi drawn in favour of Commissioner, SDMC along with submission of the bid. This Tender Document contains total no. 94 of pages from page 1 to 93. The tenders will be received and opened in the office of Commercial Officer (Advtt.) at the above mentioned address, as per following schedule:

<b>Date of issue of Tender</b>	<b>06.01.2020, onwards</b>
<b>Pre Bid Meeting</b>	<b>13.01.2020, at 15.00 Hours at 25<sup>th</sup> Floor, Conference Hall, Civic Centre, New Delhi- 110002</b>
<b>Date of Placement of Tender Box at 25<sup>th</sup> Floor for submission of bids</b>	<b>27.01.2020, 11.00 AM onwards</b>
<b>Last Date Of Submission of Tender Documents</b>	<b>28.01.2020, Till 15.00 Hours</b>
<b>Date &amp;Time of opening of Technical bid</b>	<b>28.01.2020, At 15.30 Hours</b>

Prospective bidders are advised to regularly scan through SDMC website as corrigendum/amendments/clarification/reply to pre-bid query (if any), will be notified on the official website and no separate advertisement/communication in any other form will be made for this purpose.

Any bid not accompanied with the tender fee and EMD shall be summarily rejected.

**ELIGIBILITY CRITERIA, ESSENTIAL PRE-REQUISITES AND TERMS & CONDITIONS**

**1. Criteria for participation:**

An Individual, Sole Proprietorship Firm, Partnership Firm, Registered Society/Registered Co-operative Society, **NGOs (Registered), RWAs (Registered), Market Associations (Registered)**, Public Limited Company or a Private Limited Company, **against whom no dues are pending either from erstwhile MCD and from SDMC as on date and who have not been blacklisted by erstwhile MCD and by SDMC/NDMC/EDMC, Central/State Govt. departments, Ministry , Autonomous body, PSUs as on bid submission date**, subject to fulfilling the eligibility criteria given in the Document elsewhere is eligible to submit bid for allotment of Advertisement rights with operation & maintenance through designated Public Toilets as mentioned in **annexure- 'I'** under the jurisdiction of SDMC. **The firm has to get itself registered with the Advertisement Department by submitting the requisite document and fulfilment of other necessary formalities as per registration guidelines (if not registered already) within Twelve working days after issuance of offer letter to the firm.**

**Note :- The Bidder must be eligible for registration per se with SDMC on the last date and time of submission of bid for the Public Toilet.**

**2. Site Details:**

Detail of individual Public Toilets including locations are specified in '**Annexure 1**' under the jurisdiction of SDMC.

**Important Note:-**

- A.** All the bidders are advised to visit all these locations and make assessments of revenue potential of these sites before bidding. No claim shall be entertained after bid submission regarding feasibility of site for advertisement or any other claims. The details of all advertisement sites on 'as is where is' basis as mentioned in **Annexure "1"**.
- (i) Any violation of OAP 2017 or the policy in force at that time shall invite penalty and in case the Department observed repeated offence of violation of OAP 2017, in that case the Department will initiate the process of cancellation of the contract with forfeiture of security deposit/Performance Bank Guarantee including Advance MLF without any prior notice.
- (ii) There will be 10% increase on awarded MLF from the 3<sup>rd</sup> year of the contract and also during the time of extended period i.e. 4<sup>th</sup> & 5<sup>th</sup> year, if extended by the Commissioner SDMC.

**3. Eligibility Criteria**

- a.** Current No dues certificate issued under the signature of CO/AC, Advertisement Department, SDMC.
- b.** The bidder should not have made any losses in the last financial year (2018-19). Their net worth should be minimum 25% of the MRP of the Public Toilet under the jurisdiction of SDMC, as mentioned in the document. The last financial year (i.e. 31.03.2019) net worth of the company shall be considered for evaluating of

technical bids, which should be duly certified by a Chartered Accountant.

However, this condition is not applicable in case of NGOs/RWAs/Market Association.

- c. The NGOs/RWAs/Market Associations must be registered with the concerned authorities. (Self attested copy of registration certificate to be submitted)
- d. The Total display area as specified in Annexure – 1 of Document for each Toilet Block can be displayed through single display. However, the same shall not violate any guidelines/terms of Outdoor Advertisement Policy, 2017.
- e. The Minimum annual financial turnover of the bidder during the last financial year must be as follows: *(Not applicable in case of NGOs/RWAs/Market Associations.)* :

**Individual Public Toilet (PT) Wise details of MRP, EMD, Minimum Annual Average financial turnover, Net-worth as on 31.03.2019 are mentioned under the Annexure-'1'.**

**Note:-1. Note:-1.** A prospective bidder can apply for one or more Public Toilet (PT) as per his financial capability subject to fulfilment of Criteria of Minimum Annual Financial Turnover and Minimum Net Worth (As on 31.03.2019) mentioned against each site above.

The financial turnover of the bidder has to be from any legal business activity. The turnover of the bidder shall be ascertained from the following documents which the bidder is required to submit along with his bid:

- (i) Profit & Loss account statement of the bidder for the preceding last financial year showing the annual turnover duly certified by a Chartered Accountant; (FY 2018-19). However, in case of NGOs/RWAs/Market Associations not applicable. The NGOs/RWAs/Market Associations shall submit the statement of Income & Expenditure account for the last financial year.
- (ii) Audited Balance sheet of the bidder for the preceding financial year showing the annual turnover duly certified by a Chartered Accountant; (FY 2018-19)
- (iii) Complete copy of income Tax Returns of the bidder for the preceding financial year; (FY 2018-19)
- (iv) Details of bank account with bank statement of the bidder for the last 12 months.

**f. Eligibility criteria for an individual to participate in Tender:**

- a. An individual shall submit certified copy of ITR for the FY-2018-19.
  - b. Bank Statement for the last one year showing his/her financial soundness.
  - c. Net-worth certificate as on 31.03.2019 (Certified by the Chartered Accountant) on the basis of his/her assets etc. showing the financial soundness.
  - d. Other conditions of eligibility criteria shall not be applicable on him/her.
- g.** Any bidder or Director/Partner/Proprietor of any firm who have been /is associated in any manner with a Firm/Company/Organization, who has not cleared past dues, if any, of SDMC/ erstwhile MCD or has been black-listed by

either erstwhile MCD or SDMC / NDMC / EDMC, or any Govt. organization /Ministry /PSUs Autonomous Body shall not be eligible to participate in the and such participation will be rejected, summarily.

The bidder need to submit an Affidavit in this regard clearly mentioning that all the directors/partners or proprietor are /is/ were /was not associated to any firm/company/organization in any manner who have not cleared past dues of SDMC/Erstwhile MCD or also not associated in past and present to the firm/company/organization in any manner who has been black-listed by either erstwhile MCD or SDMC / NDMC / EDMC, or any Govt. organization /Ministry /PSUs Autonomous Body.

#### **4. Documents to be submitted with form:**

##### **Part-I, Technical Bid:**

The Bidder shall be required to submit following certificates/undertakings and documents in the technical bid. The Technical bid shall be kept in separate sealed cover super scribing '**Part I -Technical Bid**' - "**Tender for allotment of advertisement rights through designated Public Toilets under the jurisdiction of SDMC**". This sealed cover shall contain:-

- a) Complete tender document, each page duly signed by the authorized signatory.
- b) Bid Application in Format given at '**Annexure-2**'.
- c) Power of Attorney in the name of the Authorized Signatory in Format given at '**Annexure-3**'.
- d) The tender documents may be downloaded through SDMC's website [www.mcdonline.gov.in](http://www.mcdonline.gov.in). The requisite tender Fee of Rs.10,000/- (Rupees Ten Thousand Only) for participation in tender shall be deposited by way of demand draft/pay order payable at Delhi drawn in favor of Commissioner, SDMC along with submission of the bid.
- e) No Dues Certificate issued by SDMC under the signature of CO/AC Advertisement, SDMC.
- f) Basic information of bidder as per '**Annexure-4**'.
- g) The bidder/s shall mention his order of preference of site/sites in **Annexure '7'** which shall be considered for order of opening of his financial bid/s for site/sites.
- h) Requisite Earnest Money (Mentioned in Annexure-'1') in the form of Bank Draft/Demand Draft/Bankers Cheque in favour of Commissioner, SDMC.
- i) Document in favour of eligibility criteria mentioned at para No. 3 shall be the part of technical bid.
- j) Complete tender document (i.e. from page 1 to 93) duly signed and under the seal of Sole Proprietorship firm, Partnership firm. Registered Society/Registered Co-operative Society, Public Limited Company or a Private Limited Company.
- k) The bidder should also submit the duly filled and signed Performa of eligibility criteria as per the annexed Performa at **Annexure-'10'**.
- l) Affidavit on non-judicial stamp paper of Rs.100/- as per clause 3 sub clause (f), as mentioned at **Annexure-'11'**.
- m) The bidder should submit an index duly signed by the authorized signatory showing all the documents attached in the technical bid with their page numbers as per Performa annexed at **Annexure-'12'**.

##### **Part-II, Financial Bid:**

Bidder shall be required to submit the following certificates/undertakings and documents in the financial bid:

- 1) Financial Quote for the advertisement sites as mentioned in Annexure '1' in the Format given at 'ANNEXURE-8'. The bidder can select any site (i.e. Individual Public Toilet) or all designated individual Public Toilet site and all sites indicating quote price for each toilet block for advertisement rights with operation & maintenance.
- 2) The financial bid shall be kept in separate sealed cover super scribing '**Part II - Financial Bid - "Tender for allotment of advertisement rights with operation & maintenance through designated Public Toilet mentioned in the annexure-1' under the jurisdiction of SDMC"**.
- 3) The two envelopes as stated above i.e. Part-I and Part-II shall be further sealed and kept in an envelope super-scribing '**Bid - "Tender for allotment of advertisement rights with operation & maintenance through designated Public Toilet mentioned in the annexure-1' under the jurisdiction of SDMC"**', clearly mentioning the name, address of the agency/contractor submitting the bid. Any tender not accompanied with any of the above mentioned documents/information/certificates/undertakings/earnest money/tender cost, is liable to be rejected, summarily. However, SDMC reserves the right to call for information/clarifications from the bidder. Any bidder may apply for a single toilet block site (As mentioned in annexure-1) or more as per his financial capability.

#### **5. Pre-Bid Meeting**

- 1) SDMC shall hold a pre-bid meeting with the prospective bidders on date & time and at Address of the Venue mentioned in the NIT.
- 2) The Bidders will have to ensure that their queries for Pre-Bid meeting should reach at the address mentioned in the NIT by post, or e-mail on or before Date & time specified in the NIT.

#### **6. Response to Pre-Bid Queries and Issue of Corrigendum**

- 1) At any time prior to the last date for receipt of bids, SDMC may, for any reason, whether at its own initiative or in response to a clarification requested by a prospective Bidder, modify the document by way of corrigendum.
- 2) Prospective bidders are advised to regularly scan through SDMC website as corrigendum/amendments/clarification/reply to pre-bid query (if any), will be notified on the official website and no separate advertisement/communication in any other form will be made for this purpose.
- 3) Any such corrigendum shall be deemed to be incorporated into this document.
- 4) In order to afford prospective Bidders reasonable time in which to take the corrigendum into account in preparing their bids, SDMC may, at its discretion, extend the last date for the receipt of bids.
- 5) For any query from applicant, SDMC reserves the right not to offer clarification on any issue raised in a query. No extension of any dead line will be granted on this account that SDMC has not provided clarifications.

#### **7. Bid Submission Instructions:**

- a) The duly filled bid documents should be submitted on or before the due date and time. In case the due date is declared a holiday then due date will be next working day on same time.
- b) Tender form should be clearly filled giving full name and address of the party and in English Language only. All correspondences and other documents

pertaining to the contract, which are exchanged between the parties, shall be written in the English.

- c) That the bid document, including the documents/certificates/ undertakings etc. (all pages) must be signed and paged by the authorized signatory of the bidder.
- d) The Bidder is expected to carefully examine all the instructions, guidelines, terms and conditions and formats of the tender in his own interest. Failure to furnish all the necessary information as required or submission of a bid not substantially responsive to all the requirements of the tender shall be at Bidder's own risk and may be liable for rejection.

#### **8. Rejection of Bids:**

SDMC reserves the right to reject any/all bids without assigning any reason thereof and without incurring any liability to the affected bidder(s) or any obligation to inform the affected bidder(s) of the grounds for such decision. The SDMC may at its sole discretion and at any time during the evaluation of Proposal, disqualify any Bidder on any of the following grounds:

- (i) If he has made misleading or false representations in the document submitted by him.
- (ii) If he has any pending dues with erstwhile MCD or SDMC.
- (iii) Any bidder who has been blacklisted by MCD or SDMC/NDMC/EDMC or any Govt. organization/Ministry /PSUs/ Autonomous body due to any reason.
- (iv) Any bidder who is found to have any interest in the disqualified/blacklisted agency /person /company for which the decision of the SDMC shall be final and binding on all the parties.
- (v) Tries to influence the process through direct contact with any official involved in the process or through manipulative news reports against any competing bidder / complaints against competing bidders from known or unknown sources.
- (vi) Absence or omission of any document as required as per the documents, the concerned bidder shall be declared as not eligible and in that eventuality their financial bid shall not be considered.
- (vii) Fails to provide clarifications with supporting documents related there to within reasonable time, when sought by SDMC while technical scrutiny.
- (viii) Any delay in receipt of documents through registered post/Speed post / courier shall render the invalid. Telegraphic / fax/ e-mail etc. shall be summarily rejected. Decision of SDMC in this regard shall be final and binding upon.
- (ix) Information relating to the examination, clarification and comparison of the Proposals shall not be disclosed to any bidder or any other persons not officially concerned with such process until the selection process is over. If any of bidder found indulged in such activity, then the bid of such bidder shall be summarily rejected and other legal actions shall be taken as per law.
- (x) The Technical Bid proposal should not include any financial bid information. A Technical Bid proposal containing any financial bid information shall be summarily rejected.
- (xi) Any superfluous document(s) not related to the mandatory criteria in company profile shall not be taken into account and no weight-age shall be given and shall result in summary rejection of bids. All participating bidders are clearly instructed to attach documents which are relevant to the scope of work / mandatory criteria as specified in the document and not any other document.

- (xii) Any bidder found indulging in malicious campaign or disinformation campaign or personal character assassination/vilification against any official of the SDMC or any other bidders either directly or through third parties, at any time after publication of the NIT, shall be liable for rejection of bids and other legal actions as per law. Such bidders may also be blacklisted by the Municipal Corporation.
- (xiii) Any interlineations, erasures, over-writing, additions, etc. will disqualify the . Only cutting(s) will be allowed, subjected to signed by the authorized signatory.

**9. Opening of :**

Bids shall be opened at the date and time specified in the NIT.

**10. Bid Evaluation:**

**Technical Bid Evaluation**

Responsiveness of bids submitted by all the Bidders shall be first examined with respect to Bid application, earnest money and tender fee, immediately after opening of the bids. Technical bids of all the responsive bids shall be evaluated as per criteria given in Para 3 (Eligibility criteria) above. All the technically qualified bidders shall be intimated by the Advertisement department/SDMC for opening of financial bid.

**b. Financial Bid Opening/Evaluation:**

- (i) Financial bids of the technically qualified bidders shall be opened.
- (ii) Bidders shall be ranked H-1, H-2, H-3 etc. in decreasing order of their financial offers. The selection will be on the basis of the highest monthly License fee quoted by the bidder (H-1) for each Toilet Block as mentioned in the annexure '1' under the jurisdiction of SDMC. However, in the event that two or more Bidders quoting exactly the same bid amount , the H-1 bidder shall be decided either by obtaining spontaneous bids in sealed cover from all the bidder who have quoted the same H-1 rate, which of course must be higher than their original quoted MLF or H-1 will be decided by way of a draw amongst the said bidders then and there itself in the presence of representative of bidders and decision of SDMC in this regard shall be binding on the all the party/bidders.
- (iii) If there is a case of any discrepancy in quoted amount in words and figures, then the amount quoted by the bidder in words shall be considered. The decision of SDMC in this regard shall be binding and final on the all the party/bidders

**11. Acceptance of /Bid:**

- a. The validity of the offer given by the bidder shall be for 180 days from the date of submission of bid and the same cannot be withdrawn by the bidder before the expiry of validity period, otherwise EMD shall be forfeited and the bidder shall be blacklisted for future s for two consecutive years.
- b. The offer/bid made by the bidder shall be subject to acceptance by the competent authority, SDMC or any other officer authorized /designated by the competent authority.
- c. ADVERTISEMENT RIGHT may be given to the highest bidder (at the discretion of the competent authority) only after acceptance of offer letter, completion of all the requisite formalities etc., even if there is valid single bidder. The decision of SDMC in this regard shall be binding and final on the all the party/bidders.

## 12. Conflict of Interest

Applicants shall not have a conflict of interest (the "Conflict of Interest") that affects the process. Any Applicant found to have a Conflict of Interest will be disqualified. An Applicant may be considered to have a Conflict of Interest that affects the Process, if:

- (a) Such Applicant (or any constituent thereof) and any other Applicant (or any constituent thereof) have common controlling shareholders or other ownership interest, direct or indirect shareholding in an Applicant or a constituent thereof in the other Applicant(s) (or any of its constituents); or
- (b) A constituent of such Applicant is also a constituent of another Applicant; or
- (c) Such Applicant receives or has received any direct or indirect subsidy from any other Applicant, or has provided any such subsidy to any other Applicant; or
- (d) Such Applicant has the same authorized representative for purposes of this Proposal as any other Applicant; or

## 13. Offer letter:

The bid (including negotiations, if any) submitted by the H-1 bidder shall be subject to acceptance by the Commissioner, SDMC or any other officer/authority authorized under DMC Act and accordingly the department shall issue offer letter to the H-1 bidder. The offer once accepted, shall be final and binding upon the firm. The agency shall be liable to complete all the requisite formalities (including but not limited to deposition of security deposit/performance guarantee, advance MLF, as mentioned in Annexure -'7', Undertaking by way of affidavit on a stamp paper of Rs 100/- duly notarized to the effect as per '**Annexure-5**' and the firm must get registered in the advertisement department, SDMC in case, the firm is not already registered in SDMC) as specified in offer letter, within **Twelve working days** of issue of the offer letter. Only in exceptional circumstances, the department may consider the request of the advertiser for increase in no. of days for completion of all the requisite formalities subject to approval by Commissioner SDMC.

In case of non fulfillment of formalities of offer letter given to H-1 bidder within the prescribed time, EMD shall be forfeited and the firm may be debarred from participating in upcoming s of Advertisement Department, SDMC for two consecutive years. However, the decision of Commissioner, SDMC or any other officer authorised by him in this regard shall be final and binding.

## 14. Agreement:

After successful completion of all the requisite formalities as mentioned in the offer letter, the 'H-1 bidder' (successful bidder), shall be liable to enter into an agreement with SDMC prior to issuance of allotment letter and within next **two working days** i.e. within nine working days after issue of offer letter, failing which the earnest money, Advance MLF, Security deposited shall be forfeited and offer so issued by the SDMC can be cancelled at the prerogative of SDMC. Further the 'H-1 bidder' (successful bidder) shall liable to be blacklisted & in such an event the registration shall also be cancelled. The agreement is to be executed on a non-judicial stamp paper of Rs. 100/- duly attested by Notary which is to be purchased and provided by the bidder. Agreement format shall be provided by the department along with offer letter and the agreement shall be subject to the provisions contained in the NIT/ documents and Act/Rules/Regulations /Bye-laws, as in force from time to time. The decision of the competent authority in SDMC shall be final and binding on any issue arising out of the Agreement. Any supplementary agreement may be entered on need or circumstantial basis as per the requirements of SDMC. The decision to this effect to be taken by the Commissioner, SDMC shall