



BANGALORE METRO RAIL CORPORATION, BANGALORE



**BRIEF
NOTICE INVITING TENDER (NIT)**

FOR

**Design, Build, Own, Operate, Maintain and Transfer of High End Pay
& Use Public Restrooms**

1. Bangalore is the most happening City of Technology India. The Nandi Valley is now firmly established as one of the major centre of the world. It also remains and continues to be garden city as well. The heady cocktail of Facilities and vast business opportunities has attracted people within and outside the country. Rapid increase in the population over the last two decades has correspondingly increased the number of vehicles. Today there are about 40 lakhs vehicles registered and about 1,000 new vehicles are being added every day. The need for a mass rapid transport system has never been so urgent. Namma Metro proposes to form the lifeline of transport system with the patronage of the citizens.
2. The Namma Metro has been off the blocks, since 2007 and the elevated lines will become functional in the following stages: The Eastern line by August-September 2011, the Northern line by the end of 2012, the Western and Southern lines March-June 2013. The underground lines will become operational by the end of 2014. Namma Metro has undoubtedly attracted the imagination of all Bangalore citizens and is an eagerly awaited facility.
3. Namma Metro comprises of two corridors - East & West corridor from Baiyappanahalli to Mysore Road covering a distance of 18.10 kilometres the North - South corridor from Hessaraghatta to Puttenhalli covering 24.20 kilometres. There will be 40 stations of which 33 will be elevated and 7 underground. 16 stations will be located in the east-west corridor of which 12 would be elevated and 4 underground and North-South

corridors would have 25 stations of which 21 would be elevated and 3 underground, including one common underground interchange station. When fully commissioned Namma Metro will have a ridership of about 1.5 million passengers per day.

Project proposal

4. While Namma Metro stations are built using the state of the art technology, we however need to equip in and around the stations modern civic amenities and one of the amenities being providing modern pay and use restrooms. BMRCL, under a Public Private Partnership (PPP), proposes to construct restrooms that are World Class in design, construction and maintenance. The terms “World class” mentioned herein signifies setting excellence in terms of design, performance, quality, and customer satisfaction and value when compared with all similar items from anywhere in the world. The restrooms must be designed that will meet the need of the women, children, senior citizens and persons with disabilities.
5. Bangalore Metro Rail Corporation, Bangalore (BMRCL) thus invites proposal from National / Inter-National, Companies, Consortiums, Joint ventures, Corporate houses, Public Sector Companies to submit their bid for participation in the Design, Build, Own, Operate, Maintain and Transfer of High End Public 4 (four) restrooms at the identified 3 (Three) Metro Rail stations located in Reach I.
6. BMRCL will hand over the identified sites to the successful bidder for construction, maintenance and operation for 8 (eight) years. Concessionaire shall in terms of the bid conditions prepare & submit drawings of the proposed location along with details of, size, type construction and type of advertisement space proposed, plumbing and sanitary materials proposed to be used etc. The Concessionaire for the each of the restroom shall pay BMRCL (1) one-time up-front Concession

Fee and (2) monthly fixed license fee during the concession period as mentioned in the table below.

7. While the construction of the restrooms is for public convenience, it also affords an opportunity to the concessionaire to utilize designated space within the constructed area for outdoor / indoor advertising. Further the Concessionaire, for the construction of the restroom and the facilities therein, may explore the possibility of utilizing high end /high quality branded items like commode, washbasin, doors, floor and wall tiles, taps, mirror etc, sourced either on sponsorship basis or on commercial terms from manufacturing companies, whose product when put to actual use in a public place would give their product high visibility. Given the fact that ridership on the metro network is about one and half million a day and that the Metro Stations are located at prime locations with 4-5 hundred thousand commuters boarding and alighting at the station this project proposal will benefit Metro commuters as well the public private partners who can leverage on high end advertisement from corporate houses, private companies, FMCG companies and other business opportunities that could be explored from manufactures of construction, sanitary and plumbing materials.
8. The concessionaire will necessarily have to involve a reputable housekeeping agency to ensure proper maintenance & cleanliness of these restrooms. The housekeeping agency must have all modern facilities, equipment, technology, training to their personnel etc. along with systems for daily monitoring, addressing complaints etc. The housekeeping agency should also be sensitive to provide additional facilities for persons with disability, senior citizens, ladies, & children. The concessionaire would be responsible for complete upkeep, upgrading, landscaping, etc. of the entire site handed over to them during the concession period.

9. The cost of construction of a fully loaded world-class restroom at each of the locations (ladies & gents) is approximately estimated to be around Rupees one thousand seven hundred (Rs.17000.00) to Rupees two thousand one hundred (Rs.21000.00) per square meter.

10. The following are the sites identified for the PPP proposal:

Sl. No	Site location	Site measurement	Minimum reserved one time Concession fee	Fixed monthly licence fee for the concession period.	Site plan
1	MG Road, adjacent to the Station	17 x 5 Meters (85 Sq. Mts)	Rs.50, 00,000 (Rupees Fifty lakhs)	Rs.50,000 (Rupees fifty thousand)	Schedule D (i)
2	MG Road, Near Anil Kumble Circle below viaduct.	17 x 5 Meters (85 Sq. Mts)	Rs.50, 00,000 (Rupees Fifty lakhs)	Rs.50,000 (Rupees fifty thousand)	Schedule D (ii)
3	Ulsoor, adjacent to Ulsoor Station	10 x 6 meters (60 Sq. Mts)	Rs.25, 00,000 (Rupees Twenty five lakhs)	Rs.20,000 (Rupees twenty thousand)	Schedule D (iii)
4	Swamy Vivekananda Station, adjacent to the station.	(10 x 5) + (3x3) meters (59 Sq. Meters)	Rs.35,00,000 (Rupees Thirty five lakhs)	Rs.30,000 (Rupees thirty thousand)	Schedule D (iv)

11. Location advantage for display of advertisement and collection of revenue from usage of restrooms.

- a. At MG Road along the viaduct a 700 meters long boulevard is under construction at the cost of Rupees eight crores. This boulevard will be an urban space that will have art gallery, open air theatre etc. The restrooms are located at the either end of the

boulevard. The boulevard is expected to be thrown open to the public by January 2012 and will one of the most sort after urban spaces. (Please see BMRCL web site www.bmrc.co.in under “**News**” Sl. No.14. for the artistic impression of the boulevard.)

- b. Ulsoor is a busy market place and the restroom is located at a very strategic location.
- c. At Swamy Vivekananda Station a Rural Hatt is under construction to facilitate marketing of rural products in line with Delhi Hatt. The construction is along the viaduct running to 700 meters. About 120 ethnically designed stalls are under construction and is expected to be ready by January 2012. This site will not only attract tourists but the residents of Bangalore as well.
- d. The Concessionaire is permitted to commercially use 50% of the Ground floor coverage for advertisement space after allowing sufficient space for entry and exit for gents and ladies toilets with adequate ventilation. The space allotted for advertisement could come up on any side of the outer wall. In the inner walls 20% of the area can be utilized for advertisement of products. BMRCL may also permit the Concessionaire to have advertisement space not exceeding 0.76 meters [2.5 (two and half) feet] in height and run along the length of the roof, provided the design of the advertisement panel satisfy the aesthetic requirement. The design of the restroom should be such that the space for the advertisement does not in any way obstruct the free access, passage and safety of the users in any manner. BMRCL will finally approve the size and positioning of the advertisement and the decision of BMRCL shall be final. BMRCL may also accept minor variation in size of the advertisement, subject to availability of

space and aesthetic not being compromised. The medium of advertisement can be a LCD/LED video wall, or any high quality panel advertising, which will enhance the quality of outdoor/indoor advertising to match the best anywhere in the world. The details regarding the space for advertisement is set out in Sub-clause 7 of Clause 11 under Scope of work in the bid document.

- e. Advertising through Restrooms have definite advantages over the conventional advertisement media. For instance is common knowledge that TV viewers and radio listeners dodge commercials by changing channels. Given the traffic conditions in the city today, motorists quite often do not notice billboard as they drive past. Print media also has its limited on the readers as they can thumb past a print advertisement when all they really want to read is the headlines and news columns that interest them. Even internet pop-up advertisements are normally viewed as an irritant for net browsers.
- f. At a time when people are bombarded with hundreds of advertising messages every day, it's becoming more difficult to reach specific consumers. International research and has shown that advertising could get undivided attention for a couple of minutes at the public restrooms. Bathrooms in public area once considered ad-free zones, have become the latest venue for marketers to pitch products. BMRCL is offering an excellent opportunity for outdoor advertising companies under this PPP proposal to explore new vista in out door advertisement for their clients.

12. **Request for Proposal**

BMRCL invites Proposals (the “**Proposals**”) for selection of a Concessionaire for the said proposal through an open competitive

bidding process in accordance with the procedure set out in the bid document who shall undertake the Assignment in conformity with the Scope of Services. The duration of the concession period is 8 (Eight) years.

13. Sale of RFP Document

Participation in the tender is through a competitive Bid process and the Bid Document can be purchased from the Office of the BMRCL by payment of Rs 10,000 by Demand Draft, in favour of Bangalore Metro Rail Corporation Limited, payable at Bangalore. Those who have purchased the RFP document can attend the pre-bid meeting. Please refer to all the important information mentioned at page 15 referred to as Key details.

14. Eligibility Criteria to bid

For determining the eligibility of Bidders, the following qualification shall apply:

- (a) The Bid is open to all national and international registered Companies. The Bidder shall be a Company incorporated under the Companies Act 1956 or under a Company, which is incorporated in a country outside India under relevant law of that country and has a place of business in India. Bidders can also form a Joint Venture (JV)/consortium and bid for this tender.
- (b) Bidder should have an office in Bangalore as on the date of the issue of this tender or shall give an undertaking that an office shall be established within 45 days from the date of issue of the letter of intent and,
- (c) In case of a Bid by a Consortium/JV:

15. There can be a maximum of 3 (three) members in a Consortium subject to compliance with applicable laws, policies and guidelines of Government of India. The consortium shall specify the approximate percentage of participation and nominate a Lead Member of the Consortium. The consortium must submit the Power of Attorney signed by all members of the consortium in favour of the Lead Member to act on behalf of the Consortium /JV in exercising all rights and obligations of the Consortium/JV. The Consortium/JV shall be jointly and severally responsible. A statement of participation for each constituent member shall be submitted to the effect that they are bona fide members of the group applying for pre-qualification and that, in the event of pre-qualification, they agree to be jointly and severally liable to BMRCL under any contract which may be subsequently awarded to the group. Details of the existing or proposed joint venture, partnership or consortium agreement in the form of a Memorandum of Understanding (MOU) signed by all participants will be required.
16. Any entity which has been barred by the Government of India / Any State Government, or any entity controlled by it, from participating in any Bid, and the bar subsists as on the date of Bid, would not be eligible to submit the Bid.
17. A Bidder, his associates including Consortium members should, in the last 3 (three) years, have neither failed to perform on any contract, as evidenced by imposition of a penalty by an arbitral or judicial authority or a judicial pronouncement or arbitration award against the Bidder his associate members or consortium members, as the case may be, nor has been expelled from any contract by any public entity nor have had any contract terminated any public entity for breach by such Bidder or Consortium. A declaration to this effect shall be submitted with the bid document. The bidders shall not have defaults on any bank / institutions' loans in the past. They should not be defaulters in payment of statutory

dues or liabilities. They shall not be blacklisted by any government or its entity.

18. Technical Capacity:

The bidder's technical competence shall be established by the following parameters:

- (a) The Bidder or the Consortium partners for the project should be able to demonstrate their competence in core areas i.e. Modular Prefab Construction, Outdoor Advertising, Housekeeping and Utility services. Proven track record of contractor engaged by the Bidder in proof of experience in contracts of similar type and scope, duly documented by reference or recommendation letters, certificates etc. The bidder should include a brief description of the roles and responsibilities of individual members, particularly with reference to financial, technical and O&M obligations.
- (b) The Bidders shall produce relevant documents that they or their joint venture partners or their contractors have the requisite design and construction capabilities for the construction of ultra modern restroom.
- (c) The Bidder shall also produce necessary document that they a tie up with a reputed housekeeping agency for the maintenance of the restroom.
- (d) The Bidder shall have endorsement letters from well-established companies with leading brands of products that they are keen in taking advertisement space created in the restroom.
- (e) The Bidder shall obtain from at least one letter from either construction, sanitary or plumbing materials manufacturer that

they are keen to participate on commercial/sponsor terms with the bidder for in the construction of the restroom.

While Sub-clause (a), (b) & (c) of Clause 2.3.1 are mandatory requirements, the remaining two sub-clauses therein, i.e (d) & (e) the Bidder is required to fulfil at least one of criteria failing which the bid shall be disqualified. On such disqualification, his bid document shall not be considered further and the technical package and the financial package will not be opened.

19. **Financial Capacity:** The Applicant /Bidder shall have (the “Financial Capacity”):

- (a) The average annual turnover shall be INR 20,00,00,000 (Twenty corers / Rupees two hundred million) or equivalent as on 31st March 2010 (or calendar year for international bidder/consortium partner) year and for proceeding 3 years as per the three audited accounts for the bidding firm/one of the partners of the consortium. The lead member’s contribution shall be a minimum of 34% of the total average turnover of the consortium and shall be calculated on the basis of weighted average. The Bidder has to enclose the Audited Annual Reports of last three years i.e. 2007- 08, 2008-09 and 2009-10 and shall be submitted as specified in the bid document.

- (b) The Bidder must establish the minimum Net Worth of Rs. 10 Crore (Rupees Ten crore/ One Hundred Million) at the close of preceding financial year, and provide details as per format in the bid document in the form of certificate(s) from statutory auditors specifying the net worth of the Bidder, as at the close of the preceding financial year. In case of a consortium the net worth shall be arrived on the basis of weighted average. For the

purposes of this Bid Document, net worth (the “**Net Worth**”) shall mean the sum of subscribed and paid up equity and reserves from which shall be deducted the sum of revaluation reserves, miscellaneous expenditure not written off and reserves not available for distribution to equity shareholders. All other certificates and particulars required in said appendix shall also be duly filled up with required enclosures.

- (c) The Bidder shall enclose certificate(s) from its Statutory Auditors or from respective Clients stating its Experience over the past 5 (five) years. In the event that the Bidder does not have a statutory auditor, it shall provide the requisite certificate(s) from the firm of Chartered Accountants that ordinarily audits the annual accounts of the Bidder.

Bid by a Consortium/JV

- (a) If the successful bidder is a Consortium/JV, the Contract Agreement shall be signed with the entire Consortium i.e. all the Consortium Members shall be a party to the Agreement. The Consortium with the approval of all the consortium members may be allowed to promote and incorporate a Special Purpose Company (SPC) exclusively to implement the Project, subsequent to the signing of the Contract Agreement. The memorandum of Association and Articles of Association of such SPC, shall have prior approval of BMRCL and also any amendment to such Memorandum of Association or Articles of Association shall have prior approval of BMRCL. For the functional aspects, the SPC will become the operating company of the Project, but the Consortium members shall continue to be responsible and liable for due performance of all the

obligations and responsibilities assumed by them under the Agreement.

- (b) There shall be no change in the consortium's proposed shareholding structure as mentioned in the submitted Bid till the Completion of the Contract period. For making any changes in the consortium structure before Completion, the Bidder must take prior approval of BMRCL.
- (c) The Consortium Lead Member's extent of participation shall not be less than 34 % at all times. Any deviation from the above shareholding structure shall expressly be with the prior written consent of BMRCL. Further, any change in the equity shareholding pattern of the Special Purpose Company during the Contract period resulting in a change in management control shall be notified to BMRC and prior permission taken which will not be unreasonably denied. As and when the (SPC) is created and entrusted the task of implementing the project, the constitutional documents of the SPC and Board Resolutions authorizing the execution, delivery and performance of such tasks will have to be submitted to BMRC.
- (d) All members of the Consortium shall be liable, severally and jointly responsible for the operation and monitoring of the various licensed products mentioned in the scope of work for their compliance to the terms of the License Agreement.
- (e) Any individual Bidder or member of a consortium cannot be member in another consortium and participate in this bid.

Opening of technical Proposal

20. A committee constituted for the purpose shall open technical proposals of only those firms, who have been pre-qualified, for further evaluation. Technical proposals will be evaluated for their compliance of responsiveness to various tender requirements. The bidders can prepare a full table model of the toilet design at their own cost. This will help BMRCL to understand and technically evaluate the complete product offered by the bidder. The Bidder is required to make a power point presentation to showcase the design, facility and type of fixtures offered, housekeeping protocol etc. BMRCL through a committee constituted for the purpose will carry out a detailed evaluation of the Proposals in order to determine whether the technical aspects are in accordance with the requirements set forth in this RFP. Only those Bidders who score 60 Marks and above in the evaluation of the Technical Proposal will be invited for the opening of the Financial Bids.
21. The Concessioner shall be selected on the basis of the highest one time concession fee to BMRCL, which shall be above the minimum concession fee specified in the table above and the payment of the fixed monthly license fee plus escalation by 5% every year on the fixed monthly license fee payable year on year till the end of concession period.
22. The Bidder, whose financial proposal for each location of the Restrooms, which is most advantageous to BMRCL, will be selected as the Concessionaire for the respective locations bid for.
23. The Bidder selected in terms of the evaluation criteria specified above shall be the Concessionaire in terms of the agreement entered into for a period of 8 (eight years) subject to fulfilment of terms and conditions as stipulated in the agreement and in terms of this Bid Document.

Pay and use Restrooms.

24. The Concessionaire is also entitled to charge the public for the usage of the various facility at prices approved by BMRCL from time to time. The charges that the concessionaire can charge for the services, is Rupee One (Rs.1/-) for urinals usage and Rupees Three (Rs.3) for water closet usage. The Concessionaire can also separately charge for the paper to cover the water closet seat, sanitary napkins, dippers and other toiletry items at rates determined and approved by BMRCL.
25. The revenue accrued by the Concessionaire shall completely accrue to the Concessionaire. It may also be possible, with future technology in place; the Metro Contactless Smart Card used by the commuters could be used for the payment of the facility. BMRCL will make suitable technological arrangement to reimburse the Concessionaire the amounts collected through the CSC for the usage of the facility at the restroom.
26. The Concessionaire selected through this Bid process shall be required to enter into an Agreement with BMRCL wherein the detailed terms and conditions including the scope of work of the Concessionaire and obligations as stipulated in this Bid document shall be spelt out in detail.

KEY DETAILS

1.	Date of Issue of Bid document	29-08-2011
2.	Cost of Bid document	Non-refundable fee in the form of demand draft from a Scheduled Commercial Bank in India in favour of “Bangalore Metro Rail Corporation Limited”, payable at Bangalore for an amount of Rs 10,000/- (Ten Thousand) only.
3.	Dates for Purchase of Bid document	On all working days between 11.00 hours and 17.00 hours (IST) from 29-08-2011 to 19-09-2011 at BMRCL office
4.	Address for purchase of Bid document	The Managing Director, Bangalore Metro Rail Corporation Limited, 3 rd Floor, BMTC Complex, K H Road, Shanthinagar, Bangalore-560027 Please note: Download facility is not enabled. Document has to be purchased from the above address only.
5.	Bid Security Amount (Refundable)	Rs. 5,00,000/- (Rupees Five Lakhs only) in the form of demand draft from a Scheduled Commercial Bank in India or a bank guarantee issued by a nationalized bank, or a Scheduled Bank in India having a net worth of at least Rs. 1,000 crore, in favour of “Bangalore Metro Rail Corporation Limited”, payable at Bangalore and having a validity period of not less than 90 days
6.	Pre bid meeting	19-09-2011 at 15.00 (IST) hours at Conference Hall, Bangalore Metro Rail Corporation Limited, 3 rd Floor, BMTC Complex, K H Road, Shanthinagar, Bangalore-560027
7.	Last date and time for submission of Bids	Up to 15.00 Hours (IST) on 30-09-2011
8.	Opening of Outer Envelope and Envelope-I	1600 Hours on 30-09-2011
9.	Opening of Envelope-II	Date and Time will be notified to only those Bidders who meet the pre-qualification criteria
10	Opening of Financial Bid	Date and Time will be notified to only those Bidders whose technical proposals are adjudged as responsive.