



दिल्ली मेट्रो रेल कॉर्पोरेशन लि० DELHI METRO RAIL CORPORATION LTD.

(भारत सरकार एवं दिल्ली सरकार का संयुक्त उपक्रम)
(A JOINT VENTURE OF GOVERNMENT OF INDIA AND GOVT. OF DELHI)

No.DMRC/Tender(O&M)/OEM-852/2020/893/2381

Date:12-01-2021

LETTER OF ACCEPTANCE

M/s Thyssenkrupp Elevator India Pvt. Ltd.
429, Functional Industrial Estate,
Patparganj, Delhi-110092
Mob:-9891403072

Sub: Contract: OEM-852: CAMC of 16 Nos. of OTIS make Escalators installed at different Metro Stations of Phase-III for 3 years.

Ref : (i) Online Open Tender submission on e-tendering portal on 25.11.2020
(ii) Financial bid opened on 01.01.2021

Dear Sir,

1. With reference to above, Letter of Acceptance (LOA) is hereby issued to you for the above mentioned work at total cost of **INR 1,15,14,387.42 (Rupees One Crore Fifteen Lakhs Fourteen Thousand Three Hundred Eighty Seven and Forty Two Paise only) including all taxes, duties, octroi, royalties etc.**
2. This 'Letter of Acceptance' is sent herewith to you in duplicate. You are required to return one copy of it duly signed by you on all pages indicating "Unconditional Acceptance" thereof so as to reach the undersigned within seven days of the receipt of this letter.
3. This "Letter of acceptance" shall be treated as "Notice to Proceed" as defined in clause 8.1 of GCC and the work shall be completed within **03 (Three) Years** from **03.02.2021**.
4. You shall ensure full compliance with Tax Laws of India with regard to this contract and shall be solely responsible for the same. You shall keep the employer fully indemnified against your liability of tax, interest, penalty etc. in respect thereof which may arise.
5. DGM/E&M of this organization will be the Engineer for this contract.
6. You are requested to contact the DGM/E&M immediately for further necessary action in this matter.
7. All the works shall be executed in accordance with the specifications stipulated in Tender.
8. It may please be noted that until a formal agreement is executed, this letter will constitute a binding Contract between you and DMRC. Please take necessary action as required vide Clause Nos. F4 and F5 of Instructions to Tenderers (ITT) regarding signing of agreement within 45 days from the issue of Letter of Acceptance and submission of performance security within 30 days from the date of receipt of LOA. Further, it is

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नवल किशोर / निवेदा/ओ. एन. एन./Dy. CE/Tender/O&M

दिल्ली मेट्रो रेल कॉर्पोरेशन लिमिटेड
Delhi Metro Rail Corporation Ltd.

मेट्रो भवन, फायर ब्रिगेड लेन, बाराखम्बा रोड, नई दिल्ली-110001
Metro Bhawan, Barakhamba Road, New Delhi-110001

(मेट्रो भवन, फायर ब्रिगेड लेन, बाराखम्बा रोड, नई दिल्ली-110001)
Metro Bhawan, Fire Brigade Lane, Barakhamba Road, New Delhi-110001

9. The amount of performance security for this contract has been reduced from 10% of the annual value of contract price to 3% of the value of contract due to COVID-19 pandemic. Accordingly, the revised clause F5.1 of ITT is attached herewith.

Yours sincerely,
For Delhi Metro Rail Corporation Limited

Dy.CE/Tender (O&M)

नवल किशोर झा / Nawal Kishore Jha
 जन पुत्र, अभियंता/विशेष अभियंता / Dy. CE/Inspector O&M
 दिल्ली मेट्रो रेल कॉर्पोरेशन लिमिटेड
Delhi Metro Rail Corporation Ltd.
 मेट्रो भवन, बाराखम्बा रोड, नई दिल्ली-01
Metro Bhawan, Barakhamba Road, New Delhi-01

Contract OEM-852: CAMC of 16 Nos. of OTIS make Escalators installed at different Metro Stations of Phase-III for 3 years.

authorized signatory indicating their unconditional acceptance, within one week of receipt of the same by him. No correspondence will be entertained by the Employer from the unsuccessful Tenderers

F3.2 The Letter of Acceptance will constitute a part of the contract.

F3.3 Upon "Letter of acceptance" being signed and returned by the successful Tenderer as per Clause F3.1, the employer will promptly notify the unsuccessful Tenderers and discharge / return their tender securities.

F4 Signing of Agreement

F4.1 The Tenderer should note that in the event of acceptance of the Tender, the Tenderer will be required to execute the Contract Agreement. The Employer shall prepare the Agreement in the Performa (Annexure-7) included in this Document, duly incorporating all the terms of agreement between the two parties. Within 45 days from the date of issue of the letter of acceptance, the successful tenderer will be required to execute the Contract Agreement. The performance guarantee (Security) should be submitted immediately after issue of letter of acceptance but not later than the agreement is signed between the parties. One copy of the Agreement duly signed by the Employer and the contractor through their authorized signatories will be supplied by the Employer to the Contractor.

F4.2 Prior to signing of the Contract Agreement, the successful tenderer shall also submit the following documents within a period of 30 days from the receipt of the Letter of Acceptance:

- Performance Guarantee
- Power of Attorney
- Detailed Consortium or Joint Venture Agreement (duly signed and executed) incorporating :
 - Percentage Participation of each member/partner
 - Joint and several liability of the partners

F5 Performance Security

F5.1 The Performance Security required in accordance with Clause 4.2 of the GCC shall be for ~~10% of the annual value~~ **3%** of Contract Price from the Scheduled commercial Bank (including Scheduled Commercial Foreign Banks) in India in the currency in which the Contract Price is payable which may be reduced for balance years on completion of each year. The Performance Security shall be furnished to the Employer within 30 (thirty) from the date of receipt of the Letter of Acceptance.

The required Performance Security for the sum mentioned above may be submitted in any one of the following forms:

- (a) Irrevocable bank guarantee in the prescribed format, given in Annexure-6A of Instruction to Tenderers (ITT), issued by a Scheduled Commercial Bank based in India or from a branch in India of a Scheduled foreign Bank payable at New Delhi. The Bank Guarantee must be issued on the Structured Financial Messaging System (SFMS) platform and the following codes are to be used by the issuing bank for the purpose mentioned below:
- Issuance & Amendment of Bank Guarantee

Code	Purpose
MT760/IFN760	Bank Guarantee Issuance
MT767/IFN767	Bank Guarantee Amendment

Confirmation of Issuance & Amendment Bank Guarantee

Code	Purpose
IFN760 COV	Confirmation of Bank Guarantee Issuance
IFN767 COV	Confirmation of Amendment in Bank Guarantee

- (b) A separate invoice of the BG will invariably be sent by the issuing bank to the Employer's bank through SFMS. The details of Employer's bank are as under:

ICICI BANK LTD

9A, Phelps Building, Connaught Place, New Delhi-110001, IFSC Code; ICIC0000007

The bank guarantee issued on the SFMS platform shall only be acceptable to the Employer.

- (b) Bank Draft in favour of Delhi Metro Rail Corporation Ltd. payable at New Delhi from a Scheduled Commercial Bank based in India, or