



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-861/2020/902/2428

Date: 09/02/2021

LETTER OF ACCEPTANCE

M/s Riello Power India Pvt. Ltd.
213 A, Sector-4
IMT Manesar
Gurgaon (HR)-122050
Ph. No. – 0124 – 2975498-499.

Sub: Contract: OEM-861: Annual Rate Contract for AROS make UPS installed at DMRC Airport Line Stations, Tunnel Ventilation Building and D-21 Depot Building.

Ref: (i) Online Single Tender submission on e-tendering portal on 28.11.2020.

(ii) Technical & Financial bid opened on 01.12.2020.

(iii) Your letters dated 22.12.2020, 31.12.2020 & 14.01.2021.

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 the negotiated offer of OEM bidder i.e. M/s Riello Power India Pvt. Ltd. for an amount of **Rs. 8,78,838.30 (Rupees Eight Lakh Seventy Eight Thousand Eight Hundred Thirty Eight and Paise Thirty only)** including all duties, taxes, octroi, royalties, levies 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 completion period for this work is **03 (three) Years** from the stipulated date of commencement of work as per clause 1.1.2(I) of NIT.
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. JGM/E&M of this organization will be the Engineer for this contract.

नवल किशोर झा/Nawal Kishore Jha
रप मुक्त अधिकारी/निविदा/ओ. एम् एम्./Dy. CE/Tender/O&M
दिल्ली मेट्रो रेल कॉर्पोरेशन लि०
Delhi Metro Rail Corporation Ltd.

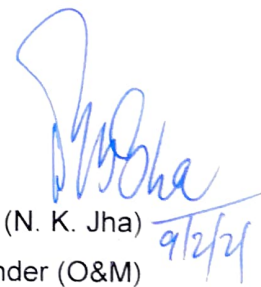
मेट्रो भवन, फायर ब्रिगेड लेन, बाराखम्बा रोड, नई दिल्ली-01
Metro Bhawan, Barakhamba Road, New Delhi-01

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

6. You are requested to contact the JGM/E&M immediately for further necessary action in this matter and to start the work within 7 days from the date of issue of this L.O.A. or as per the instructions of Engineer.
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 pertinent to mention that delay in submission of performance security shall attract penal interest/lead to termination as per clause 4.2 of GCC.
9. The amount of performance security for this contract has been reduced from 10% of the annual contract value to 3% of the value of contract due to COVID-19 pandemic. Accordingly, the revised clause F5 of ITT is attached herewith.

Thanking you,

Yours sincerely,
For Delhi Metro Rail Corporation Limited


(N. K. Jha) १२/५
Dy. CE/Tender (O&M)

- Encl: 1) One copy of this letter in duplicate.
2) Copy of revised clause F5 of ITT.

नवल किशोर झा/Nawal Kishore Jha
इस पत्र के अतिरिक्त/निवेदा/ओ. एम्. एम्./Dy. CE/Tender/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

F5 Performance Security

The Performance Security required shall be for 10% of the Annual **3% of the** 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) days of issue 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

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
- (c) Fixed Deposit Receipt of a Scheduled Commercial Bank/ Post offices based in India duly pledged in favour of Delhi Metro Rail Corporation Ltd.A/c.....(Name of the Tenderer).....along with letter issued by bank as per Annexure-6B of ITT.**The bidder should duly discharge the FDR by signing on reverse side (on revenue stamp) and the signature should be verified by the issuing bank.**

The successful tenderer has the following options for submission of Performance Security;

- (i) Performance Security for an amount of 10% of Annual **3% of the** contract value valid up to 6 months beyond the defect liability period, or
- (ii) ~~Two Performance Security, each for an amount of 5% of Annual contract value with one Performance Security valid upto 6 months beyond the date of completion of work and second Performance Security valid upto 6 months beyond the defect liability period.~~

In case of joint venture/consortium, the Performance Security is to be submitted in the name of the JV / Consortium. However, splitting of the performance security (while ensuring the security is in the name of JV / Consortium) and its submission by different members of the JV / Consortium for an amount proportionate to their scope of work is also acceptable.

- (i) ~~The annual value of contract shall be = $\frac{\text{Awarded contract value}}{n}$~~

~~n =Completion period (in years).~~

F5.2 The Tenderer has to furnish other Guarantees, Undertakings, and Warranties, in accordance with the provisions of the General Conditions of Contract.

F5.3 Failure of the successful Tenderer to comply with the requirements of ~~Paragraphs F4 and F5~~ shall constitute sufficient grounds for the annulment of the award ~~and forfeiture of the Performance Security.~~

बाल किशोर झा
नगरपालिका प्रमुख
दिल्ली मेट्रो रेल कॉर्पोरेशन लिमिटेड
Delhi Metro Rail Corporation Ltd.
मेट्रो भवन, बाराखम्बा रोड, नई दिल्ली-01
Metro Bhawan, Barakhamba Road, New Delhi-01