



**Government of West Bengal
Irrigation & Waterways Department
Jalasampad Bhavan, 1st Floor, Western Block
Bidhannagar, Salt Lake City, Kolkata 700091**

No. 11 - W/2017-18

Dated, Kolkata, 1st August, 2017

MEMORANDUM

Finance Department has promulgated e-tender system since 01.07.2012 vide their Notification No. 3739-F(Y) dated 03.05.2012 and has subsequently introduced a series of amendments in Tender Rules contained in the WBFR.

Various amendments in the tender process, works contract, quotation and procurement policies and delegation of financial powers to engineer officers relating to acceptance of tenders have been issued by Finance Department.

Government Appointed Tender Committees have also been constituted as per order of the Finance Department for recommending acceptance of financial bids of high value tenders, and to act as the recommending authority, in case the number of valid bids in a re-tender is less than three.

In the meantime, a number of modifications have also been affected in the working jurisdiction of the infrastructural set up in the Irrigation & Waterways Directorate for more effective supervision, and smooth execution of works, by adopting a policy of decentralisation down the hierarchy.

In the above backdrop, reconstitution of the existing Tender Evaluation Committees (TEC) in the Irrigation & Waterways Directorate presently functioning for technical bid evaluation of tenders above Rs. 50.00 lakh issued vide Departmental order No. 550-IA dated 02.05.2006 read with No. 1496-IA dated 17.09.2004 and No. 1493-IA dated 21.11.2005 has become necessary to cater with the changes brought forth in the Tender Rules, working jurisdictions and designation of various offices.

2. Accordingly, after careful consideration of the matter it has now been decided by the Government in the Irrigation & Waterways Department to reconstitute the "High Value Tender Evaluation Committees" (HTEC) so as to undertake expeditious & effective decision on 'Technical Bid Evaluations' in respect of high value works tenders beyond Rs. 200.00 lakh.
3. Technical Bid Evaluation of all works Tenders below Rs. 200.00 lakh value would be undertaken by the Tender Evaluation Committees (TEC) being constituted with financial bid acceptance power vested to the Tender Accepting Authorities in terms of Delegation of Tender Acceptance power Order, or the Government Appointed Departmental Tender Committees as applicable under the existing Rules.
4. Details regarding reconstitution of the Tender Evaluation Committees and the modalities for functioning of the aforesaid Tender Evaluation Committees (both HTEC & TEC), general guidelines and principles to be followed regarding evaluation of e-tenders at the technical bid evaluation stage of a two-bid e-tender is appended as **Annexure**.
5. This Order will come into immediate effect for all works tenders proposed to be executed in the Irrigation & Waterways Directorate except in case of EPC contracts, Consultancy services & material procurements. EPC contracts, WB/ADB assisted Projects, SERP, NHP, Consultancy services,

procurement of Computer & peripherals Government stationeries are governed by Orders or Notifications issued separately.

6. This order is issued in supersession this Departments' order No. 550-IA dated 02.05.2006 read with No. 1496-IA dated 17.09.2004 and No. 1493-IA dated 21.11.2005 with approval of Principal Secretary of this Department.

7. Irrigation & Waterways Departmental Code would be modified accordingly in due course.

Encl: Annexure (6 sheets)

sd/
(K. Chattopadhyay)
Secretary

Memo No. 240/1 (3) -IB
IW/O/IA-11C(T)-01/2004

Dated, 1st August, 2017

Copy forwarded for information to:

1. P.S to Hon'ble Minister-in-Charge
Irrigation & Waterways Department
2. Principal Secretary
Irrigation & Waterways Department
3. Financial Advisor
Irrigation & Waterways Department

Encl: Annexure (6 sheets)

sd/
(K. Chattopadhyay)
Secretary

Memo No. 240/2(4) -IB
IW/O/IA-11C(T)-01/2004

Dated, 1st August, 2017

Copy forwarded for information to:

1. Principal Accountant General (A&E), West Bengal
Treasury Buildings, 2, Government Place (West)
Kolkata 700 001
2. Principal Secretary
Finance Department
Government of West Bengal
NABANNA
325, Sarat Chatterjee Road, Howrah 711 102
3. Principal Accountant General (Audit), West Bengal
Treasury Buildings, 2, Government Place (West)
Kolkata 700 001
4. Principal Accountant General, West Bengal
Economics & Revenue Sector Audit
5th Floor, MSO Building, CGO Complex
Block DF, Sector-I, Bidhannagar, Kolkata 700 064

Encl: Annexure (6 sheets)

sd/
(K. Chattopadhyay)
Secretary

Memo No. 240 /3(7) -IB
IW/O/IA-11C(T)-01/2004

Dated, 1st August, 2017

Copy forwarded for information and necessary action to:

1. Chief Engineer (South)
Irrigation & Waterways Directorate
2. Chief Engineer (West)
Irrigation & Waterways Directorate
P.O Sadhanpur (Near Polytechnic)
District Burdwan
Pin 713 101
3. Chief Engineer (South West)
Irrigation & Waterways Directorate
Khusjungle, P.O Abas, District Paschim Medinipur
Pin 721 102
4. Chief Engineer (North)
Irrigation & Waterways Directorate
Netaji More Market Complex, 3rd Floor
Saraju Prasad Road
Netaji More, Malda 732 101
5. Chief Engineer (Design & Research)
Irrigation & Waterways Directorate
6. Chief Engineer (North East)
Irrigation & Waterways Directorate
Club Road, P.O & District Jalpaiguri
Pin 735 101
7. Chief Engineer, Teesta Barrage Project
Irrigation & Waterways Directorate
Teesta Sech Bhavan
2nd Mile, Sevoke Road
Siliguri, District Darjeeling
Pin 734 001

Encl: Annexure (6 sheets)

Sd/-
(A. Ghosh)
Deputy Secretary to the
Government of West Bengal

Memo No. 240 /4(3) -IB
IW/O/IA-11C(T)-01/2004

Dated, 1st August, 2017

Copy forwarded for information and necessary action to:


1. Executive Engineer
DVC Study Cell & Nodal Officer e-Tender
Irrigation & Waterways Directorate

Sd/-

2. Shri P. Mathai, Scientist NIC
e-Tender State Level Help Desk
Government of West Bengal
Jalasampad Bhavan, Salt Lake
3. Shri S. Saha
Executive Engineer
Irrigation & Waterways Directorate

He is requested to upload the instant order in the Notification link of the departmental website www.wbiwd.gov.in under heading "Reconstitution of the Tender Evaluation Committees for works tenders in the I&W Directorate".

Encl: Annexure (6 sheets)


01.8.2012

(A. Ghosh)
Deputy Secretary to the
Government of West Bengal

Annexure

A. Constitution of the Tender Evaluation Committee (TEC) in the Irrigation & Waterways Directorate for deciding on technical qualification of bidders for all works tenders of value (Amount put to Tender) up to Rs. 200.00 lakh, at the Technical Bid Evaluation stage.

Three nos. Tender Evaluation Committees (TEC) is hereby constituted to function in the Irrigation & Waterways Directorate having the following composition:

Amount put to Tender	Tender Accepting Authority	Members of the TEC	Quorum of TEC
Up to Rs 3.0 lakh	Assistant Engineer	1. Assistant Engineer in charge of the work shall function as Chairman 2. 1 (one) Junior Engineer of the work shall assist the AE in-charge.	Off-line single bid system, as per delegated power for acceptance of tenders
Above Rs 3.0 lakh and up to value of Rs 45.00 lakh	Executive Engineer	1. Executive Engineer in-charge of the work shall function as the Chairman 2. Assistant Engineer in-charge of the work and another Assistant Engineer of the Division 3. Junior Engineer posted as Divisional Estimator	Presence of at least three members are mandatory in a TEC meeting including the concerned Executive Engineer for e-tenders in two bid system and upto Rs. 5.00 lakh as per delegated power.
Above Rs 45.0 lakh and up to value of Rs 200.00 lakh	Superintending Engineer	1. Concerned Superintending Engineer shall function as the Chairman 2. TA to the Superintending Engineer 3. Executive Engineer in-charge of the work, 4. Junior Engineer functioning as an Estimator of the Circle office	Presence of at least three members is mandatory in a TEC meeting including the concerned Superintending Engineer of work.

B. Re-constitution of the High Value Tender Evaluation Committees (HTEC) in the Irrigation & Waterways Directorate for deciding on technical qualification of bidders in works tenders of estimated amount put to tender above Rs. 200.00 lakh, at the Technical Bid Evaluation stage excluding EPC contracts & consultancy services and material procurements.

Four zone wise High Value Tender Evaluation Committees (HTEC) is hereby re-constituted to function in the Irrigation & Waterways Directorate having the following composition:

Zone	Jurisdiction of Chief Engineer	Members of the HTEC	Remarks
North Zone	Chief Engineer (North East) & Chief Engineer, Teesta Barrage Project	1. Superintending Engineer, Teesta Barrage Circle 2. Superintending Engineer, Mahananda Barrage Circle 3. Superintending Engineer, North Bengal Mechanical & Electrical Circle 4. Superintending Engineer, North East Irrigation Circle-I 5. Superintending Engineer, North East Irrigation Circle-II 6. Executive Engineer in-charge of the work tendered	(Quorum of HTEC requires mandatory presence of concerned SE of the work and another SE out of the Zonal Committee and one EE) (Refer to Note*)



Central Zone	Chief Engineer (North)	<ol style="list-style-type: none"> 1. Superintending Engineer, North Irrigation Circle-I 2. Superintending Engineer, North Irrigation Circle-II 3. Superintending Engineer, Mayurakshi Canal Circle 4. Executive Engineer in-charge of the work tendered 	Refer to Note*
West Zone	Chief Engineer (West) & Chief Engineer (South West)	<ol style="list-style-type: none"> 1. OSD & Superintending Engineer, Purulia 2. Superintending Engineer, Kangsabati Circle-I, Bankura 3. Superintending Engineer, Kangsabati Circle-II, Midnapore 4. Superintending Engineer, Western Circle-II, Midnapore 5. Superintending Engineer, Western Circle-III, Tamluk 6. Superintending Engineer, Damodar Irrigation Circle, Burdwan 7. Executive Engineer in-charge of the work tendered 	-Do-
South Zone	Chief Engineer (South) & Chief Engineer (West) & Chief Engineer (Design & Research)	<ol style="list-style-type: none"> 1. Superintending Engineer, Metropolitan Drainage Circle, Kolkata 2. Superintending Engineer, Greater Calcutta Drainage Circle, Kolkata 3. Superintending Engineer, Mechanical & Electrical Circle, Kolkata 4. Superintending Engineer, Western Circle-I, Kolkata 5. Director, River Research Institute, Haringhata 6. Superintending Engineer, Investigation & Planning Circle-I, Kolkata 7. Superintending Engineer, Investigation & Planning Circle-II, Kolkata 8. Superintending Engineer, Eastern-Circle 9. Executive Engineer in-charge of the work tendered 	-Do-

*Note: Quorum of the HTEC is deemed to have been achieved only if the designated Superintending Engineer for the work, another Superintending Engineer out of the zonal list mentioned above and the Executive Engineer-in-charge of the work are present in the Technical Bid Evaluation meeting. Senior most Superintending Engineer attending the HTEC meeting would function as the Chairman.

1. Functions of the Tender Evaluation Committees (HTEC and the TEC), and related procedural modalities are detailed below:
 - a. Both the Tender Evaluation Committees (HTEC & TEC) shall normally obtain from the Tender Inviting Authority (TIA), [responsibility lies with the TIA], entire set of documents of technical bids submitted by all bidders in connection with the tender being evaluated, scrutinise the documents carefully, and advice the TIA to technically qualify only the eligible bidders determined by the committee which shall be binding.



- b. Technical Bid Evaluation result arrived by the HTEC should clearly state specific reason/s for disqualification of any bidder for enabling the TIA to publish the same in the on-line Technical bid evaluation summary sheets, both in preliminary sheet as well as the final sheet of the e-Tender portal.
- c. HTEC/TEC may advise the TIA on cancellation of tender or modifications of eligibility and pre-qualification minimum eligibility criteria in case of high value re-tenders (2nd call etc) which is to be got approved by the designated Chief Engineer irrespective of the estimated amount put to tender.
- d. Power is delegated to HTEC to verify the authenticity of bid documents by physically summoning the applicant bidder on the basis of specific doubts which could not be cleared, in extreme cases, which shall be exercised only when all other methods of undertaking verification have been exhausted, and there is ample reason to believe that fairness of the technical bid evaluation of the tender cannot be ensured without such action. Prima-facie, there is not enough reason to doubt the authenticity of the bid documents, physical summon of the bidder may be avoided, as after determination of L1 bid in financial bidding and before issuance of LOA, all the on-line documents would be verified with the originals by the Accounts & estimating branches of the office of the designated Executive Engineer, and reported to the Tender Accepting Authority prior to issuance of LOA.
- e. The Tender Evaluation Committees (both HTEC & TEC) should keep in mind that prequalification work credential (CC) and Annual Turnover financial statements containing audited Profit and Loss Accounts determining the financial capacity and financial worth of a bidder has overriding importance for deliverance of quality work and timely completion of project, and hence a very judicious technical PQ evaluation is desired.

2. Frequently Asked Questions (FAQ) in connection with the modalities for functioning of the HTEC/TEC in the Irrigation & Waterways Directorate.

Q1- PTPC not found with the bid/e-bid.

Professional Tax Payment Certificate (PTPC) is desirable from bidders as per existing orders. However, Professional Tax Payment Challan of the current financial year would also be accepted as a valid document at the technical qualification stage.

If waiver of PT is applicable in case of other States/U.T, an undertaking in plain paper should be submitted with the e-bid, that PT registration in West Bengal would be done before receiving payment of any bill against the work, if the bidder is finally selected for the project.

Non submission of PTPC during on-line bidding or PT payment challan or the above undertaking may lead to disqualification of the bidder during Technical Evaluation by the HTEC/TEC.

Q2- Validity of Trade License expired/ Trade Licence not found with the e-bid submitted.

Trade License as per West Bengal Shops & Establishment Act is required to be submitted with the bid which should be valid on the date of inviting of tender notice (NIT).

However, in case of non-availability of a valid Trade License, applicant the bidder is required to submit /upload with the bid, a copy of the application containing acknowledgement/receipt for revalidation/issuance of Trade License. Valid Trade License would have be submitted to the TIA before signing of Tender Agreement, if the bidder is finally selected i.e found to be L1, failing which his EMD of the tender may be forfeited and penal actions taken as per tender rules & orders.

Q3- Is the HTEC/ TEC required ensuring that the bidder is not debarred /blacklisted, before initiating Technical bid evaluation process?

The reply is in the affirmative. The debarment list uploaded in the www.wbiwd.gov.in is to be mandatorily checked prior to taking up of scrutiny of bid documents for technical evaluation. If the applicant bidder is found debarred by Irrigation & Waterways Department on the date of invitation of tender (date of publication of NIT), the bidder is to be disqualified. If the bidder is debarred by other Departments of the State Government, Government of India, the relevant order is to be carefully scrutinised to arrive at a conclusion. However, the TEC may not search antecedents in respect of the bidders activities in other Departments, but an undertaking in plain paper is to be submitted with the bid as a self declaration by the applicant bidder that it is not debarred from participating in Government works/tenders by of State Government or Government of India.

Q4- Annexure of audited balance sheet of Profit and Loss accounts not uploaded for last three years.

Submission of annexure of audited balance sheet of Profit and Loss accounts from business in Form 3CA/3CB/3CD, as applicable in Rules under section 44AB of I.T Act, by a bidder for the preceding three financial years is mandatory for all applicants having gross annual turnover in any of the three financial years out of the zone of consideration of preceding five financial year is more than Rs. 1.00 crore, else the bidder would stand disqualified. It is not required to upload/submit such annexure in Form 3CA/3CB/3CD, as applicable as per IT Act, if the Annual Turnover is less than Rs. 1.00 crore.

If two years Profit & Loss Accounts audited balance sheet is uploaded with the e-bid for a period within last three financial years', the average would be calculated by dividing the two years annual turnover by three to arrive at Average Turnover figure. If the bidder organisation is constituted less than three years back, the average will be arrived by dividing the financial years completed at the time of tender notice in lieu of three.

Q5- Are signature, official seal or official letter mandatory in applications & other Forms uploaded by a bidder?

The reply is in the negative for e-tender only. Digital signature of the bidders in uploaded bid documents viz. Forms, Appendices, drawings, NIT, Agreement Form WB 2911(ii), Work programme etc. would be sufficient, and physical signature is not mandatory except for undertakings in plain papers and Non-Judicial Stamp papers submitted with the bid, if any. However PQ credential certificates, financial statements shall be in PDF format of originals, signed, validated, and authenticated by concerned / designated officials & Licensed Firms.

Q6- NIT &Tender Agreement format uploaded in e-bid does not match with that desired in e-NIT.

If there is deviation from that what is published in the e-NIT, the bidder shall be liable for disqualification, since it cannot be concluded that the bidder has quoted its financial bid based on the tender rules and work requirements. However typographic errors if any may be ignored if deemed fit.

However uploading of documents in wrong folders in e-Procurement portal of tender is not a sufficient reason for disqualification, provided all the mandatory documents are available in the electronic bid as per requirement of tender.

Q7- Can the HTEC/TEC ask for any off-line document for any bidder during e bid Evaluation process?

The reply is in the negative, not even in off-line manual tenders.

Q8- Does the HTEC/TEC have the responsibility of fixation of eligibility criteria or NIT?

No, the entire responsibility for compliance of relevant tender rules & PQ credential, financial requirements lies with the Tender Inviting and Accepting Authorities as per delegated power orders. It is the assigned responsibility of the HTEC/TEC to carefully scrutinise technical bid documents in order to eliminate forgery, falsification of bid documents to the possible extent within such short period. HTEC / TEC may either through special messenger or through official e-mails communicate with the PQ previous work credential issuing authorities to establish their originality and genuinely during bid evaluation prior to publication of Technical Bid Evaluation result in the website of e-tender.

During re-tender (2nd call or 3rd call etc), the HTEC/TEC may however advise the TIA regarding lowering of PQ eligibility credentials etc which should be relaxed judiciously by application of mind, with prior approval of the concerned Chief Engineer of the project in the Irrigation & Waterways Directorate.

Q9- Is there any role of the Government Appointed Departmental Tender Committees at the Technical Bid Evaluation stage?

Government Appointed Departmental Tender Committees (DTC) have no direct role at the Technical Bid Evaluation stage of a tender. The concerned Chief Engineer of the Project will act as the Appellate Authority in respect of the preliminary Technical Bid Evaluation of the HTEC/TEC, in case of any complaint. However, a bidder has to approach the TIA in case of justified grievances having lead to its disqualification in technical bid stage in a tender, through official e-mail made available in the NIT to be sent to the TIA within 24 hours from date and time of uploading of preliminary Technical Evaluation Summary Sheet in the website of e-tender for review as per procedure explained later under Para 3(a) & (b).

Q10- To what extent variations in the uploaded bid documents may be acceptable?

Standardised Formats for Completion Certificate (CC), PQ credentials may vary from one organisation of the Government to another and even in old and new Forms in the I&W Directorate itself.

Thus, the HTEC/TEC should technically qualify a bidder if the required information desired in a CC is available and found authentic and non submission in the desired format published in NIT should not be a ground for disqualification of a valid bidder. Payment Certificate only shall not be treated as PQ work credential or CC.

Q11- What are the methods which may be opted for, to verify the bid documents?

The HTEC/TEC may verify the documents of a bidder being a company registered with ROC through the Government of India website of Ministry of Corporate Affairs www.mca.gov.in, or through Institute of Chartered Accountants of India www.icai.org, Department of Cooperation, West Bengal etc. Registered Licensed CA Firms may be engaged if necessitated on special cases only for third party specialist advice to HTEC for high value tenders where a large number of bids have been received.

3(a) Modified procedure for uploading the preliminary and final list of technically qualified contractors / bidders in the web portal/s is described below.

- i. After electronically decrypting on the designated date and time the bids received, all the bids will be admitted for downloading of documents without verification by the TIA and placed before the TEC/HTEC for technical evaluation. All the admitted bidders shall receive an automated message through e-mail/sms that their bids have been decrypted. The TEC/HTEC shall within a minimum of

2(Two) working day scrutinise the bids and Technical Bid Opening Summary sheet contained Preliminary Technical Bid Evaluation (PTBE) shall be uploaded by TIA pursuant to preliminary scrutiny and decision of the Tender Evaluation Committee (TEC) with reasons for preliminary rejection, and preliminary list of eligible bidders/ contractors for a particular serial of work whose Technical proposal have been considered for uploading in the web portal/s by the HTEC/TEC.


- ii. While evaluating, the HTEC/TEC may, if they so desire in rare and extreme cases summon the contractors/bidders and seek further clarification/information or seek verifications of original hard copy of any of/all the documents already submitted on-line, and if these cannot be produced within a reasonable and stipulated timeframe, their bids will be liable for rejection.

Within 24 hours of uploading the TBO summary sheet, any of the aggrieved bidder, may seek clarification / redressal / review from the HTEC/TEC, in writing/through e-mail with supporting facts / figures / documents. If such clarification /review relates to eligibility of other bidders, on the grounds of submission of false/forged/manipulated/inappropriate credentials, modalities prescribed in the Departmental Notification enclosed as 'Annexure' to the bid document shall be followed. In case, the review only seeks the eligibility of the applicant himself/herself, views of the Tender Evaluation Committees (HTEC/TEC) would be communicated in writing to that bidder within next two (2) working days. If the bidder is not satisfied with the clarification of the HTEC/TEC, he/she may appeal to the concerned Chief Engineer within 24 hours of receipt of communication from the HTEC. The concerned Chief Engineer will dispose such complaints jointly, in association of at least another available Chief Engineer within next 2 working days. Thereafter Technical Evaluation Sheet (TBE) of the technically qualified bidders would be uploaded, after incorporating modifications if required. The TIA shall while uploading the Final TBE summary sheet accept or reject electronically the admitted bids based on the advice of HTEC/TEC as per Final TBE summary sheet. Thus at this stage the rejected bidders will get back their EMD. Email communication in official e-mail address of TIA or TAA shall be treated as a valid mode of communication. The minimum time period from date of Preliminary Technical Bid Evaluation (PTBE) summary sheet uploading and Final TBE summary sheet uploading shall be 4 working days or more.

- (b) Opening and evaluation of Financial Proposal

Financial proposals of the bidders/contractors declared technically eligible by the Tender Evaluation Committees (HTEC/TEC) will be decrypted electronically by the Tender Inviting Authority in the web portal stated above on the pre-notified date and time.

- (c) Only post tender disputes after signing of works Contract/Agreement shall be referred to the Dispute Redressal Committee, headed by Secretary.
- (d) It is desirable that Bidders' Conferences be organised by the Superintending Engineer of Irrigation & Waterways Directorate at the District level from time to time to educate the bidders regarding Tender Rules and addressing their concerns.


(A. Ghosh) 01.8.2017

Deputy Secretary to the
Government of West Bengal

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