

Government of West Bengal
Irrigation & Waterways Directorate
Office of the Executive Engineer
Kaliaghai-Kapaleswari-Baghai Project Division
Temathani, P.O.-Lutunia, P.S.-Sabang, Paschim Medinipur.

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NOTICE INVITING e-TENDER

e-N.I.T No - WBIW/EE/KKBPD/e-NIT-03/2016-17

Separate tenders are being invited by the **Executive Engineer, K.K.B. Project Division, Irrigation & Waterways Directorate** on behalf of the Governor of West Bengal, through electronic tender (e-tender) for the works mentioned in the list given in next page from eligible and resourceful contractors/bidders having sufficient credential and financial capability for execution of works of similar nature.

Intending contractors/bidders desirous of participating in the e-tender are to login to the website www.wbiwd.gov.in (the official website of Irrigation & Waterways Department) and click the “e-procurement” link provided therein. They may also visit the Government of West Bengal designated website of URL <https://wbtenders.gov.in> for the same e-tender. The e-tender can be searched by typing WBIW/EE in the search engine provided in the website/s, by logging-in the designated link of concerned Executive Engineer.

Contractors/bidders willing to take part in the process of e-tender are required to obtain Digital Signature Certificate (DSC) from any of the authorized ‘Certifying Authorities’ (CA) under Controller of Certifying Authorities (CCA), Department of Electronics & Information Technology (DEIT), Govt. of India. (viz. NIC, n-Code Solution, Safescrypt, e-Mudhra Consumer Services Ltd, TCS, MTNL, IDRBT) or as notified by the CA /Finance Department from time to time. DSC is given as a USB e-Token. After obtaining the Class 2 or Class 3 Digital Signature Certificate (DSC) from any of the above CA, they are required to register the fact of possessing the DSC through the registration system available in the above mentioned websites. A list of such licensed CAs’ is also available in the CCA website cca.gov.in. The prospective contractors / bidders may contact the e-tendering State Level Help desk located at 7th Floor, Jalasampad Bhavan, Bidhannagar, Sector II, Kolkata through e-mail ID: irrigationhelpdesk@gmail.com or ID: dvcsc6816@gmail.com and Telephone No. 033-23346098 on any working day within working hours for any query on e-tendering, obtaining DSC, training on e-tendering usage, free of cost. Bidders’ Manual is available in the Departmental website www.wbiwd.gov.in.

Intending contractors/bidders are required to download the e-tender documents directly from the website/s stated above. Tender is required to be submitted on-line with the help of the e-Tokens provided. **This is the only mode for e-submission of tender documents.** Details of submission procedure have been explained under “General Terms & Conditions” and Annexure attached with this e-NIT. Minimum period of time to be given to the contractors/bidders for submission of e-tenders should be counted from the date on which the notice inviting tender including e-tender is actually published in the newspaper(s). In case of publication of the e-NIT in more than one newspaper, all the advertisements should appear simultaneously on the same day in all these newspapers. Also uploading of the notice including e-tender documents in the State Government e-tender portal shall be such so as to ensure that the e-tender documents are visible in the website <https://wbtenders.gov.in> as soon as the brief referral advertisement appears in the newspaper(s).

Last date & time of submission of e-bids online is on 03.06.2016 till 14.00 hours.

The intending bidder/contractor must read the Terms & Conditions contained in the e-Notice Inviting Tender (e-NIT) carefully. He/she should particularly go through the eligibility criteria, and satisfy himself/herself of the mandatory requirements. Contractors/bidders desirous of participating in the e-tender may submit e-bids for the work only if they fulfill the minimum eligibility criteria and are in possession of all the required documents.

All information posted in the website consisting of e-NIT and related documents, WB Form 2911(ii), Bill of Quantities (BOQ), corrigenda and drawings etc. if any, shall form a part of the e-tender document.

LIST OF WORKS

e-NIT No- WBIW/EE/KKBPD/e-NIT-03/2016-17

Sl. No.	Name of Work/Scheme/Project	Amount put to Tender (Tender Value) (₹)	Earnest Money Deposit (₹)	Time allowed for completion (in days)	Source of fund	Minimum eligibility of the contractor/bidder for participating in the e-tender
1	2	3	4	5	6	7
01	Restoration to Crest depression over River Kaliaghai Left Embankment in between Ch.46.500 Km to Ch. 48.200 Km occurred due to heavy rainfall during July 2015 in Mouza- Nimkimohar, Block- Sabang, Dist. Paschim Medinipur under K. K. B. Project Division	1566,458.65	₹ 31,329.00	45 (forty five) days	SDRF	Bona fide contractors/bidders having credential of execution of similar work of value 30% of the amount put to tender (tender value) within the last 5 years on the date of publishing of e-NIT

(* For Consortiums, criteria are to be followed as per Clause 1 & 6 (ii) in General Terms & Conditions for e-tenders up to tender value Rs 45.00 lakh.

**(General Terms & Conditions for e-tenders having 'Tender value' above
Rs 5.0 Lakh up to Rs 45.00 Lakh)**

1. Eligibility for participation

Bona fide contractors/bidders, Registered Co-operative Societies, Consortiums and Partnership Firms registered with the State Government and contractors/bidders of equivalent grade or Class, registered with the Union Government / Military Engineering Services / Indian Railways for execution of civil works are eligible to participate depending on the criteria as laid down below in the subsequent para/clause. Joint venture firms are not eligible to participate in e-tenders.

Note: *In case of consortiums, maximum number of constituents shall be restricted to 5 (five) and each of the constituent must have at least some work credential. Individual constituents of a consortium cannot form another consortium.*

2. Participation in more than one serial of work in a tender

Any contractor/bidder may submit bids for a maximum of 50% of the total number of works (rounded up to next higher integer) published in any particular e-NIT depending on his/her previous work credential and financial capability, details of which have been stated later.

3. Submission of Tenders

3.1 General procedure for submission of e-tender

Bids are to be submitted on-line through either of the website/s stated earlier. Contractors/bidders are required to upload the entire set of e-tender documents along with other related documents as asked for in the e-tender notice(e-NIT) circulated through the above website/s within the stipulated due/end date and time.

For e-tender value above ₹ 5.00 lakh, bids are to be submitted in two folders at a time for each work, one being ' Technical Proposal' and the other 'Financial Proposal'. The contractor/bidder shall carefully go through all the documents and prepare to upload the scanned documents in Portable Document Format (PDF) files in the designated link in the web portal as Technical Bid. He/she needs to fill up the rates of items in percentage in the BOQ downloaded for the work in the designated cell and upload the same in the designated link in the portal as Financial Bid. Documents uploaded are virus scanned and digitally signed using the Digital Signature Certificate (DSC). Contractors/bidders should especially take note of all the addenda and corrigenda related to the e-tender and upload all these documents also as a part of their tender document. Documents uploaded by the bidders with all information & rates comprising Technical bid and Financial bid cannot be changed after last/end date for submission of e-tender.

3.2 Technical Proposal

Technical Proposal should contain scanned copies of documents and/or declarations in the following standardised format in two covers (folders).

A. Technical File (Statutory Cover) containing:

- i. Application for e-Tender (vide Form-1) (to be submitted in "Forms" folder)
- ii. Tender Form No. 2911(i)/(ii) (to be submitted in "2911" folder)
- iii. Notice Inviting e-Tender (e-NIT) (to be submitted in "NIT" folder)
- iv. Earnest Money Deposit (EMD) Scanned copy in pdf file of the originals in the form as detailed under clause 4(ii) towards EMD as prescribed in the e-NIT against each serial of work or Transaction ID/e-payment acknowledgement receipt in case of on-line EMD to be introduced shortly. (to be submitted in "Drafts" folder)
- v. Declaration of not having common interest in the same serial (vide Form-2). (to be submitted in "Forms" folder)
- vi. Drawing/s if any. (to be submitted in "Drawings" folder)

vii. Addenda/Corrigenda: If published (to be submitted in the '**NIT**' folder merged with e-NIT already uploaded as a pdf file)

NOTES: i. Contractors/bidders are to keep track in the website for all the Addenda and Corrigenda published for a particular e-tender and upload all the above digitally signed by him/her along with the e-NIT. Tenders submitted without Addendum/Corrigendum are liable to be treated as informal and thereby rejected.

ii. Tender will be summarily rejected if any item in the statutory cover is found missing.

B. My Document / OID* Cover containing:

My Document Format for uploading in the OID folder:-

Sl. No.	Folder name	File description	Details	Remarks if any
A	Certificates	certificates.pdf 1 certificates.pdf 2 certificates.pdf 3 certificates.pdf 4	1. Professional Tax Challan 2. PAN Card 3. Value Added Tax (VAT) Registration Certificate 4. Latest I.T Return Receipt	
B	Company Details	companydetails.pdf 1 companydetails.pdf 2	1. Proprietorship Firms (Trade Licence) 2. Partnership Firms (Partnership Deed, Trade-Licence, Form-VIII or Memorandum of Registration) 3. Limited Companies (Incorporation Certificate, Trade-Licence, Memorandum of Articles) 4. Registered Co-operative Societies (Society Registration Certificate, Trade Licence and By-laws, Documents showing latest office-bearers) 5. Consortiums (Form-VIII) or Memorandum and Undertaking.	
C	Credential	Credential pdf 1 Credential pdf 2	1. BOQ duly authenticated by issuing authority and work order. 2. 100% completion certificate for completed work, or 3. Gross bill of 100% completed work including excess and supplementary items not covered in original BOQ.	
D	Financial Info	Payment certificate .pdf	Payment certificate of 100% completed work issued by competent authority or any other related financial information	

* OID denotes Other Important Documents.

C. i. Certificate/s: (name of the file should be "**certificates.pdf**") comprising the following:

- Professional Tax (PT) deposit challan valid for the current financial year and PAN Card. Application for PAN addressed to the competent authority may also be considered.
- Value Added Tax (VAT) registration certificate. (Failure to upload this document will result in deduction of VAT as per prevailing rules)
- Latest Income Tax Return receipt.

ii. Company Details (name of file should be "**companydetails.pdf**") comprising the following:

- Deed of Consortium/Partnership firm, and documents for their registration in the form of certified copy of 'Form No. VIII,' issued under the Indian Partnership Act, 1932 (Act-IX of 1932) by the Registrar of Firms, West Bengal having their registered office at P-15 India- Exchange Place, Todi-Mansion, 10th Floor, Kolkata 700001.

In case a contractor/bidder is yet to receive Form No. VIII, a "Memorandum" issued from the above office may also be accepted. However, consortiums submitting the Memorandum are also required to

submit an undertaking in plain paper along with their application in Forms 1 & 2 and upload its scanned copies in pdf pledging that “Copy of Form No. VIII would be submitted to the Tender Inviting Authority before receiving final payment, in case found to be the lowest bidder L1 and the work is awarded in its favour. Any change in the constituent of the Consortium/Partnership Firm should also be intimated to the office of the Registrar of Firms, Kolkata prior to submission of application in the e-tender and a certified copy of the revised Form No. VIII showing changes in its constituents are required to be submitted. If the Consortium is yet to receive a certified copy of the revised Form No. VIII, it would be required to submit the aforesaid undertaking on-line along with the application.

Note: *An affidavit regarding authorized user of DSC for Consortium and a declaration regarding such authorization for Limited companies is required to be uploaded on-line along with the tender. Scanned copies in pdf of competent authority are to be submitted, if the power is delegated for signing of bid/s to persons other than the applicant contractor/bidder.*

ii. Company Details (for Registered Co-op Societies only) : (name of file should be “**companydetails.pdf**”)

- a. Society Registration certificate from ARCS and Bye-Laws for Cooperative Societies.
- b. Trade Licence for Proprietorship Firms/Partnership Firms.
- c. Memorandum of Articles for Limited Companies.
- d. Any other documents showing names and signatures of latest elected office bearers.

iii. Credential: Scanned pdf of work credential issued in favour of the contractor/bidder as detailed under clause 5 below. Bill of Quantities (BOQ) duly authenticated by the competent authority along with work order is to be submitted uploaded under ‘OID’ cover (name of file should be “**credential.pdf 1**”). In case of execution of supplementary/substitute supplementary having value more than 30% of the BOQ, final gross value of bill (without contractual rate) including such supplementary/substitute supplementary may be considered in lieu of the original BOQ and scanned and authenticated copy of the Bill shall be uploaded in the ‘**credential.pdf 2**’.

iv. Others: Any other document found necessary.

Note : *Failure of submission of any of the above mentioned documents will render the e-tender liable to summarily rejection.*

3.3 Financial Proposal

The financial bid should contain the following documents in one cover (folder).

i. Bill of Quantities (BOQ): The contractor/bidder is required to quote the rate as percentage above or below tender value on-line in the space marked for quoting rate in the BOQ. (only downloaded copy of the above documents are required to be uploaded by the contractor/bidder)

Notes:

- a. *BOQ without a valid numeric rate at the designated space provided in the BOQ will be rejected outright. Contractors/bidders willing to quote “at-par” rate shall need to write “0” in the ‘space’ provided for rates in the BOQ.*
- b. *In cases where BOQ has been changed by the Tender Inviting Authority by way of addendum/corrigendum, contractors/bidders are required to upload the revised BOQ. If bids are submitted prior to the date of publication /uploading of addendum/corrigendum, the contractor/bidder is to resubmit the bids along with the revised BOQ. If the revised BOQ is not found subsequently during financial evaluation, the bid will be rejected.*

4. Tender Fee and Earnest Money Deposit (EMD)

i. **Tender Fees:** Entire set of e-Tender document is made available free of any cost through the State Government e-tender portal having URL <https://wbtenders.gov.in> and the Departmental website www.wbiwd.gov.in . In case of off-line tenders having tender value below ₹ 5.00 lakh, tender documents are available free of cost and also made available in the Departmental website www.wbiwd.gov.in . Cost of tender documents shall not be charged even during execution of formal tender agreements. However, the contractors/bidders may wherever necessary be charged suitably for asking additional multiple copies of drawings, specifications, Schedule of Rates of the Circle/s (SoR) etc. and such fee may be suitably determined by the Tender Inviting Authority as per norms.

- ii. **Earnest Money Deposit (EMD):** Earnest Money Deposit (EMD) must presently be submitted in the form of Bank Draft (BD) / Bankers Cheque (BC) / Deposit Call Receipt (DCR) of any scheduled Commercial Bank in India approved by RBI & having a branch in West Bengal which is to be drawn in favour of the **Executive Engineer, K.K.B. Project Division**, payable at **Kharagpur**. Payment in any other forms viz. NSC, KVP, cheques etc will not be accepted. EMD shall be collected only in soft copy (scanned copy of the original in pdf) for instruments like Bankers Cheque/Bank Draft/ Deposit Call Receipt etc.
- In case of deposit of cash/money; it should mandatorily be deposited on-line by the contractors/bidders in the on-line GRIPS to be linked with www.wbiwd.gov.in and implemented very shortly. In such case, net banking/RTGS transaction acknowledgement receipt is to be uploaded. No alteration of the scanned copy of EMD submitted with the e-tender is allowed at any later stage. The L1 bidder shall submit original documents to the Tender Inviting Authority with his acceptance letter to the Letter of Invitation (LoI). Failure to submit the hard copies including the original instrument of EMD with the acceptance letter within the time period prescribed for the purpose may be construed as an attempt to disturb the e-tendering process and appropriate legal action including blacklisting of the contractor/bidder and debarring him/her from participating in any State Govt. tender for a period up to maximum three years may be taken. Labour Co-operative Societies and State Government Enterprises viz. Mackintosh Burn Limited, Westinghouse Saxby Farmer Limited and Britannia Engineering Limited are fully exempted from payment of EMD against tenders of the State Government. Finance Department G.O for waiver of EMD is to be uploaded in the '**Drafts**' folder under Statutory Cover. These societies/Enterprises, if selected through open e-tenders will however have to furnish requisite Security Deposits (SD) for performance of the work.
- In the present system of on-line submission of scanned copy of EMD, the concerned Executive-Engineer, if required by the bank shall within three working days after being approached in writing with the instrument of EMD by the unsuccessful bidder, release the EMD pledged in his/her favour after opening of technical and financial bids, other than L1 and L2. EMD of L2 bidder is to be released within next three working days after issuance of LOI/LOA in favour of L1.
- a. Upon making fully operational the on-line submission of EMD, the contractors/bidders participating in the e-tender shall deposit the EMD electronically through their respective internet-banking enabled accounts maintained at any bank into the pooling account opened at designated bank by the Tender Inviting Authority / State Government.
 - b. In case of procurement of documents and depositing of EMD, whenever it is applicable as per Clause 5 (ii), the same may be deposited by the contractors/bidders electronically through their respective internet banking enabled accounts at any bank into the pooling account in the designated bank of the Tender Inviting Authority / State Government.
 - c. In case the contractor/bidder has a net-banking account at the designated bank having pooling account of the State Government, he/she will add these accounts for fund transfer: in case the contractor/bidder has net-banking account in other banks he/she will add these accounts for NEFT/RTGS transfer.
 - d. EMD of the contractors/bidders disqualified in the technical evaluation will revert to the respective bidder's accounts without requiring any manual intervention following the same path in which the EMD was transferred from the contractors/bidders bank account to the pooling account electronically once the technical evaluation is electronically processed in the e-tender portal.
 - e. EMD of the technically qualified contractors/bidders other than that of the L1 and L2 contractor/bidder will revert to the respective contractor/bidders' accounts without any manual intervention following the same path in which the EMD was transferred from the contractor's/bidder's bank account to the pooling account electronically once the financial bid evaluation is electronically processed in the e-tender portal.
 - f. The EMD of the L2 bidder will revert to the concerned contractors/bidders account following the same path in which the EMD was transferred from the bidders account from the polling account electronically, once the L1 bidder accepts the LOI and the same is processed electronically.
 - g. The EMD of the L1 contractor/bidder of the State Government Departments will automatically get transferred from the pooling account to the State Government under revenue deposit head "8443-00-103-001-07" along with bank particulars of L1 bidder in GRIPS, as soon as the contractor/bidder accepts the LOI and the same is processed electronically in the State Government e-tender portal.

- h. If less than three financial bids are received, all the EMDs will revert to the respective contractors/bidders account from the pooling account electronically without requiring any manual intervention once the financial bid is processed in the e-tender portal. If such bidder(s), having participated in the 1st e-tender of a work which has been cancelled due to insufficient number of participants or otherwise intends to participate in the 2nd e-tender of the same work (Re-Tender), they are to submit fresh EMD and EMD submitted earlier has been electronically refunded & not considered.
- i. The EMD will be transferred from the pooling account to the Government Revenue Receipt head “0070-60-800-013-27” through GRIPS, once the EMD of the L1 bidder is transferred in the manner mentioned above.

5. Credential Certificate

- i. Completion Certificates (CC) for 100% completed works during the current year and within last five financial years will only be accepted as valid credential.
- ii. CC should clearly show the name, postal address, (contact Tel. No. and FAX or e-mail ID if issued outside the jurisdiction of the State) of the office and designation of the officer/ authority issuing the CC for the work along with the name of work and amount put to tender (Tender Value). Illegible certificates and those having incomplete information may be rejected.
- iii. CC of works executed in the Irrigation & Waterways Directorate will be considered. CC of works executed in other Departments of the State Government/ organizations viz. Public Works & Public Works (Roads) Department, Public Health Engineering Department, Sundarban Affair Department and other State Government Departments, Zilla Parishads & Panchayat Samities only within the jurisdiction of the State of West Bengal, WBHIDCO, WBSEDCL, WBSETCL, KMDA, KMW&SA, KMC, Other Municipal Authorities and Bodies, HRBC, Engineering Departments of Union Government and Organizations like Farakka Barrage Project (FBP) Authority, Indian Railways, KoPT and companies owned or managed by the Government of West Bengal, i.e. Mackintosh Burn Ltd., Westinghouse Saxby Farmer Limited & Britannia Engineering Ltd. may also be considered. Such CC are to be issued by an officer/authority not below the rank of Executive Engineer / Divisional Engineer / District Engineer/Project Manager of the State/Union Government Departments/ Organisations; authorised signatories of CC for Panchayat Samities and Municipalities shall be BDO & Ex-officio Executive Officer and Secretary or equivalent administrative officers respectively. It is desirable to have contact telephone and FAX or e-mail address of the signatory of the CC for all offices outside West Bengal.

Such CC is required to be further countersigned by the immediate superior authority of the issuing authority for all cases other than direct Union Government Departments and Ministries outside the State of West Bengal. Also such certificates when issued in all other States other than those directly of State / Union Government Departments and Indian Railways should contain a declaration that the work has been executed to the satisfaction of the concerned Government Organisation and has been declared 100% complete in all respect by the competent authority in the concerned Organisation.

6. Eligibility criteria

- i. Monetary value (Amount put to tender without considering contractual rate) of the 100% completed work or gross final bill value (excluding contractual rate) including supplementary/substitute supplementary, as the case may be, thus submitted will be further multiplied by the following factors to take care of the inflationary effect to arrive at the net notional amount.

Year	Description	Multiplying factor to arrive at net notional amount
Current	-	1.00
1st	1 year preceding the current financial year	1.08
2nd	2 years preceding the current financial year	1.16
3rd	3 years preceding the current financial year	1.26
4th	4 years preceding the current financial year	1.36
5th	5 years preceding the current financial year	1.47

Note: For cases where two contractors/bidders are participating in a e-tender for a particular work are such that one happens to have worked as a sub-contractor of the other, and both the contractors/bidders submit work credential of having completed the same job either wholly or partly, then in such case the credential of the principal contractor will be considered while that of the sub-contractor will not be taken into consideration for determining the eligibility criteria of the contractor/bidder towards the e-tender. If the credentials submitted by hitherto contractors/bidders are for different works, then both the work credentials will be considered towards determining the eligibility criteria of the individual contractors/bidders.

ii. *Financial proposal of any contractor/bidder will come under consideration only when the criteria mentioned below are satisfied and fulfilled.*

Net notional amount calculated from Completion Certificate (CC) of a single work during last 5 years issued in favour of the contractor/bidder /agency/firm/consortium for a work of similar nature should be **at least 30%** of the amount put to tender (Tender Value) for the work. However, for consortiums where CC of individual entities of the consortium are to be considered, sum of work values in the CC of individual entities (one for each entity) for works of similar nature should be at least **90%** of the tender value. The power to decide on the criteria of similarity rests without any prejudice solely with the Tender Accepting Authority.

7. Eligibility criteria for participating in more than one tender in a e-NIT

- i. Submission of e-tenders by one single contractor/bidder in excess of 50% of the number of works in any particular e-NIT will not be considered.
- ii. Normally separate Completion Certificates (CC) of 100% completed works is required to be submitted for participating in separate works under a particular e-NIT. However CC for one particular work may be considered as eligibility for participation in maximum two numbers of serials of a e-NIT, provided requisite credential for two such works (to be added arithmetically) satisfies the requirement in all respects out of one such CC.

8. Penalty for suppression / distortion of facts

If any contractor/bidder fails to produce all the original hard copies of the documents (especially Completion Certificates and audited balance sheets), or any other document on demand by the Tender Inviting Authority within a specified time frame or if any deviation is detected in the hard copies from the corresponding uploaded soft copies or if there is any suppression / distortion / falsification noticed/detected/pointed out at any stage of e-tender process prior to the issue of work order, the Tender Inviting Authority will immediately bring the matter to the notice of the Executive Engineer who upon recommending suitable punitive actions against the bidder will place the matter before the concerned Chief Engineer within 15 days of receipt of the complaint from the Tender Inviting Authority and the contractor/bidder may be suspended from participating in all future tenders on the e-Tender platform of I&WD as per approval of the Chief Engineer for a maximum period of 3 (Three) years. In addition, his/her EMD will stand forfeited by the Government. The concerned Chief Engineer then will issue the necessary suspension order in writing with intimation to the defaulting contractor/bidder, other Chief Engineers, Central e-Tendering Cell and also the Department. Copy of such suspension order should invariably be communicated to the Nodal Officer, e-Governance Cell of the Department with a request to upload the order in the Departmental website. Besides, the Irrigation & Waterways Department may also take appropriate legal actions including blacklisting of the defaulting contractor/bidder and debarring him/her from participating in any State Govt. tender for a period up to three years. For e-tenders where such suppression / distortion / falsification is detected at an advanced stage of e-tender processing, the concerned Chief Engineer will be the deciding authority as to what further necessary actions are to be taken regarding the fate of the e-tender.

9. Taxes & duties to be borne by the bidder

Income Tax, VAT, Sales Tax, Royalty, Construction Workers' Welfare Cess and similar other statutory levy / Cess will have to be borne by the contractor/bidder and his/her quoted rate should be quoted accordingly after considering all these charges.

10. Site inspection before submission of tender

Before submitting a e-tender, the intending contractor/bidder should make themselves acquainted

thoroughly with the local conditions prevailing at site of implementation of the work by undertaking field inspections and taking into consideration all probable likely factors and difficulties to be involved in execution of the work as per specification in all respects including transportation of materials, communication facilities, climate conditions, nature of soil, availability of local labourers and market rates prevailing in the locality etc. and no claim whatsoever will be entertained on those accounts afterwards. The contractor/bidder may also contact the office of the Executive Engineer **K.K.B. Project Division** in between 11.30 hours to 16.30 hours on any working day, prior to the date of actual submission of bid of e-tender.

11. Conditional & incomplete tenders

Conditional and incomplete tenders are liable to be summarily rejected.

12. Opening & evaluation of tenders

12.1 Opening of a Technical Proposal

All works above tender value of Rs 5.00 lakh for which e-tendering is mandatory shall be awarded through open tenders without reservation for any particular class of contractors/bidders. Notices for open off-line tenders for each tender value below Rs 5.00 lakh shall include such clauses as is notified by the Department from time to time.

For e-tenders bids are to be invited in two parts under a two-bid system.

- i. Technical proposals will be opened by the Tender Inviting Authority or his authorised representative/s electronically in the official website stated earlier, using their authorised Digital Signature Certificate/s (DSC).
- ii. Technical proposals for those e-tenders whose scanned copies of DD/DCR/BC towards EMD have been uploaded/Acknowledgement of transaction on-line ID scanned copy uploaded by the bidder will only be opened at the 1st instant and then the remaining technical documents should be downloaded by the TIA.
- iii. Intending contractors/bidders may remain present if they so desire.
- iv. Cover (Folder) for Statutory Documents (vide Clause 3.2.A) will be opened /decrypted first and if found in order, Cover (Folder) for OID (vide Clause 3.2.B) will be opened. If there is any deficiency in the mandatory documents, the e-tender will summarily be rejected.
- v. Decrypted (transformed into readable format) documents of the OID (Other Important Document) Cover will be decrypted/downloaded and handed over to the Executive Engineer/TIA.

12.2 Uploading the list of technically qualified contractors/bidders

- i. Pursuant to scrutiny and decision of the Executive Engineer, after a Technical Bid opening, the list of eligible contractors/bidders having successfully qualified in the Technical Evaluation for a particular serial of work whose financial proposal will be thus considered, is uploaded on the web portal/s.
- ii. While evaluating the applications, the Executive Engineer may summon the contractors/bidders and seek clarifications / information or seek additional documents or original hard copy of any of the documents already submitted on-line and if these cannot be produced within a reasonably stipulated timeframe, their bid will be liable for rejection.

12.3 Opening and evaluation of Financial Proposal

- i. Financial proposals of the contractors/bidders declared technically eligible by the Executive Engineer will be opened electronically by the Tender Inviting Authority from the web portal stated above on the prescribed date and time.
- ii. Intending contractors/bidders may remain present if they so desire.
- iii. The encrypted copies will be decrypted and the rates will be read out to the contractors/bidders remaining present at that time.
- iv. After opening of Financial Proposal, preliminary summary result containing inter- alia the name of contractors/bidders and the respective financial rates quoted by them will be uploaded in the website portal.
- v. If the Executive Engineer/TAA is satisfied that the rate obtained is fair and reasonable and

there is no scope of further lowering down of rate, he may after having the comparative statement test checked by the Divisional Accountant/Divisional Accounts Officer attached to the office of the Executive Engineer as the Tender Inviting Authority upload the final summary result containing the name of contractors/bidders and the respective rates quoted by them against each work after acceptance of the rate.

- vi. If there is any scope of lowering down of rates in the opinion of the Executive Engineer, all bidders are to be notified on-line to attend a sealed bid on predetermined time and date to be held in the office of the Executive Engineer. **Open bid, normally is not encouraged** from the point of view of confidentiality and transparency. However, in exceptional cases, open bid negotiations with L1bidder to lower down the sealed bid rate with the approval of Superintending Engineer may be held for reasons to be recorded in writing.
- vii. If there is no contractor/bidder or the number of contractors/bidders in the 1st Tender is less than three, the tender has to be cancelled. In case of participation of more than three bidders, technical evaluation is to be done and if the number of technically qualified bidders is less than three (3), the tender also has to be cancelled.
- viii. After holding such bids, final result after acceptance of the rate by the Executive Engineer would have to be uploaded in the web portal/s.
- ix. The Executive Engineer/TAA may ask any of the contractors/bidders to submit rate analysis to reasonably justify the quoted rate by that contractor/bidder.
- x. If the lowest bidder/contractor backs out there should be re-tendering in a transparent and fair manner. In such a situation the TIA may call for Short Notice e-tender if so justified in the interest of public works and take decision on the basis of L1 in Re-Tender or subsequent e-tender. Penal actions for premature withdrawal by bidder have been stated under clause 8 earlier.

12.4 Tender Accepting Authority (TAA)

Authority to which the power has been delegated to accept tenders as per latest Departmental Notification will function as the Tender Accepting Authority (TAA) for evaluation of technical and financial proposals of works having tender value within his/her range of acceptance. As per present delegation, TAA for different tenders within the range above Rs 0.10 Lakh upto Rs 45.00 Lakh would be as follows:

- i. For e-Tenders of value up to Rs 45.0 lakh (above Rs 5.00 lakh and up to Rs 45.0 lakh): Executive-Engineer, **K.K.B. Project Division**, I&W Directorate.
- ii. For off-line tenders of value from Rs 3.0 Lakh up to Rs 5.0 Lakh is to be tendered in a single bid system in off-line mode to be accepted by Executive Engineer, **K.K.B. Project Division**, I&W Directorate.
- iii. For tenders of value up to Rs 3.0 Lakh relating to works only, is to be tendered in a single bid system in off-line mode to be accepted by Assistant Engineer, **K.K.B. Project Division**, I&W Directorate.

12.5 Procedure to be followed for acceptance of tender

- i. Selection of contractor/bidder should be made on the basis of at least three valid e-tenders, which shall be opened in presence of their willing agents, if present. If the number of e-tenders received is less than three, e-tender would be cancelled and invited afresh.
- ii. In case of invitation of e-tenders under two-bid system, if the number of contractors /bidders qualified in the technical bid is less than three, e-tender would be invited afresh.
- iii. The lowest tender for all works is accepted as a rule. If for any reason the lowest tender is not accepted, reference is to be made to the appropriate Government for orders as to which of the contractor /bidder the work should be awarded.
- iv. Maximum 5 % excess beyond 'Tender Value' (Amount put to Tender) may be accepted by the Executive Engineer if at least three valid tenders have been received subject to the overall power of tender acceptance delegated to each level of engineer officers as mentioned in the Department Notification issued from time to time, provided tender value after abatement is within the administratively approved cost. In case of excess over administratively approved amount, proposal for revised administrative approval would have to be submitted to the Government, but acceptance of tender and issue of work order may not be kept pending for want of revised administrative approval.

- v. Above 5% and up to 10% of the Tender Value can be recommended for acceptance by the Government appointed Departmental Tender Committee (DTC) subject to the conditions that valid tenders should not be less than three and L1 is accepted and tendered amount is within the administratively approved cost. In case of excess over administratively approved amount, revised administrative approval would have to be submitted to the Government but acceptance of tender, and issue of work order may not be kept pending for want of revised administrative approval.
- vi. For acceptance of e-tenders above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the DTC as mentioned at clause 12.5 (v) above, with that of the Department shall have to be sent to the Finance Department.
- vii. If the response to an e-Tender is less than three, then Tender should be invited afresh. Such Re-Tender notice shall be published in widely circulated dailies as per guidelines and also through e-Tender web portals. Prior to invitation of Re-Tender / fresh e-Tender, the eligibility criteria and other terms & conditions as contained in the first 'Notice Inviting e-Tender' (e-NIT) shall have to be reviewed by the Tender Inviting Authority, to ascertain whether (i) it was too much restrictive, say, specifications and qualifications were fixed at higher standards than required, (ii) advertisements in the widely circulated Newspapers were properly published and (iii) other related procedural matters were observed in its entirety.
- viii. Even if, after taking appropriate steps in regard to relaxation of criteria to the extent as decided by the Executive Engineer and also wider publicity of 2nd tender in widely circulated dailies and through website, the response to the Re-Tender is still less than three, that tender may be accepted. In terms of Delegation of Financial Power Notification of the Department bearing No. 05-(W)/2015-16 dated 20.11.2015, provided the rates do not exceed the schedule rates (SoR) beyond 5% in case of works estimate and the tendered value is within administratively approved cost. The same procedure to be followed for obtaining revised administrative approval, stated at clause 12.5 (iv) above, would also be applicable here. Otherwise such cases should be referred to the appropriate Government with the recommendation of the DTC for decision.

13. Acceptance of e-Tender

Lowest valid rate should normally be accepted in accordance with the procedure stated in clause 12.5 above.

14. Execution of Formal agreement after acceptance of Tender

The contractor/bidder, whose bid is approved for acceptance shall within 15 days of issuance of Letter of Invitation (LOI) to him/her, needs to execute a 'Formal Agreement' with the Executive Engineer in quadruplicate in W.B.F No 2911(ii) and other tender documents. During executing the 'Formal Agreement', the successful contractor/bidder will be provided all the tender documents free of cost.

15. Return of EMD of the unsuccessful bidder(s)

- i. In the present system of e-tender, only L1 bidder is required to submit the EMD in original form after receipt of LOA. Rest of the bidders are required only to upload scanned copies of instrument of EMD in e-tender. However, most banks demand acquaintance of the Executive- Engineer to whom the EMD are pledged, which should be done promptly by the Executive- Engineer within 3 working days after being approached in writing by an unsuccessful bidder, with the instrument.
 - a. EMD of the contractors/bidders disqualified in the technical evaluation will revert to the respective bidder's accounts without requiring any manual intervention following the same path in which the EMD was transferred from the bidder's bank account to the pooling account electronically once the technical evaluation is electronically processed in the e-tender portal.
 - b. EMD of the technically qualified contractors/bidders other than that of the L1 and L2 will revert to the respective contractor's/bidder's account without any manual intervention following the same path in which the EMD was transferred from the bidder's bank account to the pooling account electronically once the financial bid evaluation is electronically processed in the e-tender portal.
 - c. EMD of the L2 contractor/bidder will revert to the respective contractor's/bidder's account following the same path in which the EMD was transferred from the contractor's/bidder's account from the pooling account electronically, once the L1 contractor/bidder accepts the LOI/LOA and the same are processed electronically.

- d. Till such commencement of on-line EMD processing, the hard copies pledged in favour of Executive Engineer would require acquaintance from him/her as per banks mandate.

16. Payment against bills raised by the contractor

The payment of Running Account as well as final bill for any work based on progress and performance will be made according to availability of fund and no claim due to delay in payment will be entertained.

17. Bid Validity

The Bid will be valid for **120 days** from the date of opening of the financial proposal. However, extension of bid validity may be suitably considered by the TIA, if required, subject to written confirmation of the contractor/bidder (s) to that effect.

18. Withdrawal of bid

Withdrawal of tender/bid once the bid has been submitted online and after passing of end date for submission and has been accepted for further processing, is not allowed. EMD will be forfeited by the Government and the bidder/contractor penalised in terms of Clause 4(ii) and clause 8 referred earlier would be applicable.

19. Schedule of dates for e-Tendering

Sl. No.	Activity	Date & Time	Remarks
1.	Publishing Date	19.05.2016 at 18.00 Hours	To be made available with the e-NIT in the website
2.	Document Download start date	19.05.2016 at 18:00 Hours	
3.	Bid submission start date	21.05.2016 at 12:00 Hours	
4.	Document Download end date	03.06.2016 at 14:00 Hours	
5.	Bid submission end date	03.06.2016 at 14:00 Hours	
6.	Technical Bid opening date	03.06.2016 at 14:15 Hours	
7.	Uploaded of list of Technically qualified bidders	To be notified later.	To be notified to all bidders through e-mail & SMS through auto-generation in the system.
8.	Financial Bid opening date	-do-	
9.	Uploading of CS (Comparative Statement) and uploading of Final FBE	-do-	
10.	Uploading of the Letter of Invitation / Acceptance LOI/LAO	-do-	
11.	Uploading of Award of Contract (AOC) (Work Order)	-do-	

TIA: e-Tender Inviting Authority (Assistant Engineer/Executive Engineer)

TAA: e-Tender Accepting Authority (Executive Engineer)

Additional Terms & Conditions

1. Executive Engineer of the concerned Division is the Engineer-in-Charge in respect of the contract and all correspondences concerning rates, claims, change in specifications and/or design and similar important matters will be valid only if accepted/recommended by the Engineer-in-Charge. If any correspondence of above tender is made with officers other than the Engineer-in-charge for speedy execution of work, the same will not be valid unless copies are sent to the Engineer-in-Charge and approved by him. Instructions given by the Sub-Divisional Officer/Assistant Engineer and the Section Officer/Junior Engineer on behalf of the Engineer-in-Charge shall also be valid (who have been authorised to carry out the work on behalf of the Engineer-in-Charge) regarding specification, supervision, approval of materials and workmanship. In case of any dispute, the decision of Engineer-in-Charge shall be final and binding.
2. Acceptance of the e-tender including the right to distribute the total work between two or amongst more than two contractors/bidders will rest with the Engineer-in-Charge without assigning reason to the contractors/bidders thereof. The Executive Engineer as the accepting authority reserves the right to reject any or all tenders without assigning any reason thereof.
3. The contractors/bidders shall have to comply with the provisions of (a) Contract labour (Regulation & Abolition) Rules, 1970 and its revision (b) Minimum Wages Act 1948 and its amendments, or the modifications thereof or any other laws relating thereto enforced by the appropriate Government from time to time.
4. Engineer -in-Charge shall not entertain any claim whatsoever from the contractors/bidders regarding payment of compensation on account of idle labour on such grounds including non-possession of land in the working zone.
5. Engineer-in-Charge shall not be held liable by the contractor/bidder for any compensation claim due to machines becoming idle, for any circumstances including untimely rains, other natural calamities, strikes etc.
6. Any duty / tax / royalty etc. whatsoever is imposed by the appropriate Government after issuance of work order / commencement and completion of the work, is to be borne by the contractor/bidder. Original challan of materials, which are procured by the contractor/bidder, may be asked to be submitted for verification by the Engineer-in-Charge.
7. Cess @ 1% of the cost of construction work or otherwise as per relevant order of appropriate Government shall be deducted from the gross value of all works bill. Also, it is instructed to register his/her establishment under the relevant Act with the competent registering authority, i.e. Assistant Labour Commissioner / Dy. Labour Commissioner of the region.
8. No mobilization / secured advance will be allowed unless specified otherwise in the contract.
9. VAT/Sales Tax, Cess, Royalty of sand, stone chips, stone metal/ gravels, boulders, forest products, Toll Tax, Income Tax, Ferry Charges and other Local Taxes if any, are to be paid by the contractor/bidder. No extra payment will be made as re-imburement or compensation for the above. The rates of supply of finished work items are inclusive of these taxes and charges.
10. All working tools & plants, scaffolding, construction of vats & platforms arrangement of Labour camps shall have to be arranged by the contractor at his/her own cost.
11. The contractor shall arrange for supply of mazdoors, bamboo, ropes, pegs, flags etc. for taking/ layout for the work and for giving and checking measurements by the Engineer-in-Charge or any other Department officer assigned by him / her for which no extra payment claim will be entertained.
12. The contractor should thoroughly scrutinise the site of work and relevant tender documents, drawings etc. before submitting the e-tender and satisfy himself/herself regarding the conditions and nature of works and ascertain the difficulties that might be encountered during execution of the work, carrying of materials to the site of work, availability of drinking water and other human requirements including safety and security etc. Works on river banks may be interrupted due to various unforeseen reasons e.g. sudden rise in water level, inundation of site caused by flood, inaccessibility of working site for carriage and transportation of materials. Engineer-in Charge may instruct the contractor to suspend work that may be subjected to damage due to extremely adverse weather/climatic conditions and no claim will be entertained on this account. There may be variations in alignment, height of embankment or depth of cutting, location of revetment, structures

etc. due to change of topography, river conditions and local requirements etc. from the approved work estimate during actual execution of the scheme. For all such modifications or alterations, the tendered rate and contract will remain valid. The contractor will not be entitled to any additional financial claims or extra rates on any of these accounts.

13. A machine page numbered Site Order book (with triplicate copy of every page) will have to be maintained at site by the contractor and the same has to be issued by the Engineer-in-Charge before commencement of work at site. Instructions issued by the inspecting engineer officers not below the rank of Assistant Engineer will be recorded in this site order book and the contractor must note down and comply the same at the earliest.
14. The work will have to be completed within the time period as mentioned in the NIT/e-NIT. A suitable work programme based on time period allowed for completion of work as per tender is required to be submitted by the contractor within 7(seven) days from the date of receipt of work order which should satisfy the time limit assigned for completion. Contractor should inform in writing the name of his authorized representative/s who are to remain present at site daily during work execution to receive instructions relating to the work, sign measurement book & bills and other Govt. papers etc on the basis of Power of Attorney conferred within 7 (seven) days from the date of receipt of work order, if not done earlier.
15. No compensation is payable for idle labour, contractor's establishment charges or on account of reasons such as variations in price indices/escalation cost etc.
16. All sort of precautions should be taken for the safety of the work force deployed by the contractor and also others at worksite as per safety rules as is enforced by appropriate authority. The contractor will remain liable towards payment of compensation in accordance with the Workman's' Compensation Act etc for the labourers engaged and should deal to settle such cases promptly. Proper road signs as per P.W.D. practice will have to be erected by the contractor at his own cost while operating on or near public thoroughfares.
17. The contractor will have to maintain technically qualified employees and/or apprentices at site as per prevailing Apprentice Act or as stipulated in the contract.
18. The contractor will have to accept the work programme as per modification and priority of work as fixed by the Engineer-in-Charge so that most vulnerable reach and/or critical items are completed before the due date for arrival of monsoon or rise of water level or for any other suitable reason/s.
19. Quantity of various items of work mentioned in the tender schedule or in work order is only tentative. During actual execution, these tendered items may vary, even substantially. Payment will be made on the basis of quantum of work actually done in different items and as per specification and no claim will be entertained for reduction of quantities in some items or due to omission of some tendered items. For execution of quantitative excess in any item beyond 10% or supplementary works, approval of the Superintending Engineer / Chief Engineer Government in the Irrigation & Waterways Department would be required depending on who ever is the Tender Accepting Authority and financial involvement thereof, before making any excess and /or supplementary item work payment.
20. In order to cope up with the present system of e-billing, supply of departmental materials is not encouraged. However, such materials may be issued to the contractor/agency to the extent of requirement, subject to availability, as assessed and following the Treasury system of accounting procedures and in instalments as may be suitably decided by the Engineer-in-Charge. Issuance of materials may be of three categories.
 - a) Materials issued directly to the work subject to its recovery from bills.
 - b) Materials issued from departmental Godown subject to its recovery from bills.
 - c) Materials issued free of cost.
21. Any construction materials brought to work site by the contractor must be approved by the Engineer-in-Charge. Materials rejected must be removed by the contractor from work site at his own cost within 24 hrs of issue of the order to that effect. The rates in the schedule are inclusive of cost and carriage of all materials to worksite. The materials will have to be supplied in phases with due intimation to the Sub-Divisional Officer/Assistant Engineer concerned, in conformity with the progress of the work. For special type of materials, i.e. Geo Synthetic Bags, HDPE Bags, Geo-Textile Filters, Geo-jute Filters etc. if any, relevant data sheets containing the name of the

manufacturers, test report etc. are also to be submitted on each occasion. Engineer-in-Charge may conduct independent tests of all construction materials on the samples drawn randomly before accordance of approval for using these materials for the work. In this regard decision of Engineer-in-Charge is final and binding.

22. For materials under category 20 (a), (b) & (c), the contractor will act as the custodian thereof. The construction materials will have to be carried from the departmental godown to the worksite by the contractor at his own cost. The contractor shall remain responsible for proper storage & safety of the materials. Suitable godowns/ Stores shall have to be made by the contractor at his/her own cost. Penalty charges shall be levied at higher rates for loss, wastage, misuse. Surplus departmentally issued materials if any, shall have to be returned in the godown or store maintained by the Engineer-in-charge at the contractor's cost within the time frame as fixed by Engineer-in-Charge. Otherwise, the cost at penal rates will be recovered from the bill. Indent for departmental materials shall be submitted by the contractor to the S.D.O/AE at least 7 days in advance of actual requirement. No claim will be entertained for non-issuance of such materials on time, but reasonable extension of time will be granted. All materials, whatever be its category thereof, shall be properly stored by the contractor in suitably maintained godowns near the site of work at his own cost & under no circumstances whatsoever shall any material be removed from the site of work without prior written permission of the Engineer-in-Charge. The contractor shall be responsible for any damage or loss of such materials.
23. The contractor shall also have to satisfy the Engineer-in-Charge regarding proper utilization of materials which have been issued departmentally.
24. Value of the materials, under category (a) & (b) of clause 20, will be recovered from the progressive bills of the contractor in one or successive instalments as may be decided by the Engineer-in-Charge.
25. Requisite quantity of cement as may be required for the work will be supplied from the nearest departmental godown, if stock permits. The issue rate of cement is shown in the Schedule of materials attached with the tender. Excess consumption of cement by more than 5% over the final consumption statement drawn up as per consumption rate specified in the Schedule included in the tender will be recovered at a penal rate shown in schedule.
26. Steel reinforcement rods will be issued if stock permits from the nearest Departmental godown where such material is available in marketable length. While issuing the same, for any particular work, the quantity actually required as per approved drawing shall only be issued. It will be responsibility of the Contractor as well as the Engineer-in-Charge to get this quantity properly utilized in the work. Cut pieces, if any, will not be taken back by the Department. Recovery for the total quantum of steel rods issued will be made at the issue rate shown in the Schedule. In case of use over +10%, deduction will be made at a penal rate shown in the Schedule. This whole principle shall apply in case of other M.S materials like sheet piles and structural steel members as well.
27. All quarries and disputes arising out of the works tender contract is to be brought to the notice of Chairman of the Departmental Dispute Redressal Committee in writing for decision within 15 days.

SCHEDULE OF MATERIALS TO BE SUPPLIED DEPARTMENTALLY AND THEIR CORRESPONDING RECOVERY RATES

Sl. No	Name of material Issued departmentally	Issue rate (in Rs)	Unit	Penal recovery rate for loss / misuse / wastage if not mentioned otherwise in the SoR of the Circle	Place of delivery
01	Cement		MT	2 (Two) times issue rate	Departmental godown
02	Steel reinforcement rods/structural steel members/M.S piles		MT	2 (Two) times issue rate	-do-

**Executive Engineer
K.K.B. Project Division,
Irrigation & Waterways Directorate**

Copy for information & wide Circulation to the:-

1. Chief Engineer, South-West I & W Dte. Khas jungle, Abash, Paschim-Midnapur.
2. Superintending Engineer, Western Circle, II, I & W Dte. Midnapore, Paschim Medinipur.
3. Sabhadhipati, Paschim Medinipur Zilla Parishad, Midnapore
4. Sabhadhipati, Purba Medinipur Zilla Parishad, Tamluk, Purba Medinipur.
5. Executive Engineer, East Midnapur Division, I & W Dte. Tamluk, Purba Medinipur.
6. Executive Engineer, Contai Irrigation Division. I & W. Dte. Contai, Purba Medinipur.
7. Executive Engineer, West Midnapore Division. I & W. Dte. Midnapore, Paschim Medinipur.
8. Executive Engineer, Kangsabati Canal Division No.- IV, I & W.Dte., Midnapore, Paschim Medinipur.
9. Sub- Divisional Officer. /K.K.B Project Sub Division-I, I&W. Dte. Temathani (Sabang), Paschim Medinipur.
10. Sub- Divisional Officer. /K.K.B Project Sub Division-II, I&W. Dte. Sabang, Paschim Medinipur.
11. Sub- Divisional Officer. /K.K.B Project Sub Division-III, I&W. Dte. Sabang, Paschim Medinipur. .
12. Secretary, Midnapore Sadar/ Contai/ Ghatal/ Jhargram/ Khargapur Sub- Divisional contractors' Association.
13. Secretary, Association of Paschim Medinipur Engineers' Co-operative societies Ltd, Midnapore, Paschim Medinipur.
14. Office Notice Board/ Divisional Accounts Officer / Estimating Section /Hd. Clerk / Cash Section of Kaliaghai-Kapaleswari-Baghai Project Division.

Sd/-

Executive Engineer
K.K.B. Project Division