

**NOTICE INVITING e-TENDER**

**e-NIT No - WBIW/SE-I/KC/NIT- 03(e)/2016-17**

**Memo No:930**

**Dated.30.05.2016**

Separate tenders are being invited by the **Superintending Engineer Kangsabati Circle, 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](http://www.wbiwd.gov.in) (the official website of Irrigation & Waterways Department) and click the “e-procurement” link provided therein. They may also visit the designated Government of West Bengal tender website having URL <https://wbtenders.gov.in> for the same e-tender. The e-tender can be searched by typing **WBIW/SE** in the search engine provided in the website/s, by logging-in the designated link of concerned Superintending 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](http://cca.gov.in). The prospective contractors / bidders may contact the e-tendering State Level Help desk located at 7<sup>th</sup> Floor, Jalasampad-Bhavan, Bidhannagar, Sector-II, Kolkata through e-mail ID: [irrigationhelpdesk@gmail.com](mailto:irrigationhelpdesk@gmail.com) or ID: [dvcsc6816@gmail.com](mailto: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](http://www.wbiwd.gov.in).

Intending contractors/bidders are required to download the e-tender documents directly from either of 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 of 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 20.06.2016 at 17.30 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 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-N.I.T No - WBIW/SE-I/KC/NIT-03(e)/2016-17

Sl No.	Name of Work	Concerned Executive Engineer with Headquarter	Amount put to Tender (Rs)	Earnest Money Deposit (Rs)	Time allowed for completion (In days)	Source of Fund	Financial requirements to match the credential in terms of execution of similar items in previous works tender contract (*)
1	2	3	4	5	6	7	8
01	<b>Construction of Check Dam over Bakshi Khal at Mouza-Golore under Dheko G.P. In Block-Raipur, District-Bankura under Kangsabati Canals Division No.II, Khatra.</b>	Kangsabati Canals Division No.II, Khatra.	<b>Rs. 2,62,70,614.00</b>	<b>Rs.5,25,412.00</b>	<b>210 days</b>	<b>Jalatirtha</b>	Bonafide contractors/bidders having following criteria: I. BOQ/Gross Bill Value (without contractual rate in both the cases) of 100% completed works of similar nature should be at least 30% i.e. <b>Rs.78.81 Lakh</b> of the amount put to tender of the work. II. To ascertain similarity, BOQ of the completed works should have any items out of one of the following nature, having aggregated value equal to or more than the limits prescribed below.(Refer to clause 7 of Additional Terms & Conditions of e-NIT) a. <b>Earthwork (Type A): Rs.41.89 Lakh and Concrete work (other than for Buildings &amp; Roads) :Rs.41.16 Lakh</b> b. <b>Annual Turnover:Rs.65.68 Lakh</b> for contractor/bidder/agency/Firm/Company c. Other requirements as contained in e-NIT
02	<b>Construction of Pickup Weir with Check Dam over Dedua Jore at Dedua mouza within Khatra-II G.P. Of Khatra Block District-Bankura under K.L.B. Sub-Division No.-II of Kangsabati Canals Division No.II, Khatra.</b>	Kangsabati Canals Division No.II, Khatra.	<b>Rs. 3,86,87,952.00</b>	<b>Rs.7,73,759.00</b>	<b>240 days</b>	<b>Jalatirtha</b>	Bonafide contractors/bidders having following criteria: I. BOQ/Gross Bill Value (without contractual rate in both the cases) of 100% completed works of similar nature should be at least 30% i.e. <b>Rs.116.06 Lakh</b> of the amount put to tender of the work. II. To ascertain similarity, BOQ of the completed works should have any items out of one of the following nature, having aggregated value equal to or more than the limits prescribed below.(Refer to clause 7 of Additional Terms & Conditions of e-NIT) a. <b>Earthwork (Type A): Rs.53.50 Lakh and Concrete work (other than for Buildings &amp; Roads) :Rs.80.93 Lakh</b> b. <b>Annual Turnover:Rs.96.72 Lakh</b> for contractor/bidder/agency/Firm/Company c. Other requirements as contained in e-NIT

(\*) For Consortiums, additional criteria may be referred under Clause 1, Cl.4.2 & Cl. 7 of General Terms & Conditions.

## ANNEXURE-I

### **(General Terms & Conditions for e-tenders: 'Tender value' above Rs. 45.00 Lakh)**

#### **1. Eligibility for participation**

Bona fide contractors/bidders, Registered Engineers'/Labour 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. 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 10% work credential as well as at least 10% annual turnover from business in preceding 3 years within zone of consideration. Individual constituents of a consortium cannot form another consortium.*

#### **2. Participation in more than one serial of work in a e-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. A 'Pre-Bid' meeting will be held in the office chamber of the Tender Inviting Authority on Day 4 or 5 from the date of publication of e-NIT which shall be notified in the e-NIT therein for all works having tender value **more than Rs. 1.00 Crore**, in order to acclimatize the prospective contractors/bidders through an interactive open session, reply to their queries, and clear doubts in connection with the e-tendered work/s, if any.

#### **4. Submission of Tenders**

##### **4.1 General procedure for submission of e-tenders**

Bids are to be submitted on-line through the website/s stated earlier. All the documents uploaded by the Tender Inviting Authority form an integral part of the tender contract/agreement. Contractors/bidders are required to upload the entire set of tender documents along with other related documents as asked for in the e-tender through the above website/s within the stipulated date and time as given in the e-NIT. Tenders 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 Formats (PDF) files in the designated link in the web portal as Technical Bid. He/she needs to fill up the rates of items/percentage in the BOQ downloaded for the work in the designated cell and upload the same again in the designated link in the portal as the 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 of these documents also as a part of their tender document.

Documents uploaded by the contractors/bidders with all information & rates comprising Technical bid and Financial bid cannot be changed after last/end date for submission of e-tender.

##### **4.2 Technical Proposal**

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

**A. Technical File (under Statutory Cover) containing,**

- i. Application for e-Tender (*vide Form-1*) ( to be submitted in "**Forms**" folder )
- ii. Tender Form No. 2911(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 of the originals in the form as detailed under clause 5(ii) towards Earnest Money Deposit as prescribed in the e-NIT against each serial of work or Transaction ID/e-payment acknowledgement in case of on-line EMD to be introduced. (to be submitted in "**Drafts**" folder )

- v. Annual Turnover from business: Profit and loss accounts statement in the prescribed form with annual turnover for last three financial years or during the period since formation of the company/Firm/society, if it was set up in less than three year period. (*vide Form-2 to be submitted in "Forms" folder*)
- vi. Credential Certificate (*vide Form- 3 to be submitted in "Forms" folder*)
- vii. Declaration of not having common interest in the same serial (*vide Form-4 to be submitted in "Forms" folder*)
- viii. Drawings, if any. (*To be submitted in "Drawings" folder*)
- ix. Addenda/Corrigenda: If published. (*to be submitted in the 'NIT' folder merged with e-NIT already uploaded as 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 tender. Tenders submitted without addendum/corrigendum are liable to be treated as informal and thereby rejected.*

ii. *Tenders will be summarily rejected if any of the items in the statutory cover is missing.*

**B. My Document [OID\* Cover] containing:**

**My Document Format for uploading in 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 available I.T Return Receipt	
B	Company Details	companydetails.pdf 1 companydetails.pdf 2 companydetails.pdf 3	1. Proprietorship Firms (Trade Licence) 2. Partnership Firms (Partnership Deed, Trade-Licence, Form-VIII or Memorandum of Registration) 3. Ltd. 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. Completion Certificates of completed work (If Annual Turn Over is below ₹ 1.00 Crore) 3. Gross bill of 100% completed work including excess and supplementary items not covered in original BOQ authenticated by appropriate authority.	
D	Financial Info	P/L Audited Balance-sheet for year -1.pdf P/L Audited Balance-sheet for year -2.pdf P/L Audited Balance-sheet for year- 3.pdf	Profit & Loss account audited balance sheets with annexure containing Form 3CB with annual Turn Over for last three years within zone of consideration.	

\* OID denotes Other Important Documents.

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

- a. 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.

- b. Value Added Tax (VAT) registration certificate. (Non production/non-uploading of this document will result in deduction of VAT as per rules)
- c. Latest Income Tax Return receipt
- ii. Company Details: (name of file should be “**companydetails.pdf**”)

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 submitted on-line with the e-tender. Scanned copies in pdf file 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-operative Societies only) : (name of file should be “**companydetails.pdf**”)

- a. Society Registration certificate from ARCS and By-Laws for Cooperative Societies.
- b. Trade Licence for Proprietorship Firms/ Partnership Firms.
- c. ‘Memorandum of Articles’ for Limited Companies.
- d. Any other document, showing name with signature of all latest office bearers.

- iii. Credential: Scanned copy of work credential issued in favour of the contractor/bidder as detailed under clause 6.

Bill of Quantities (BOQ) along with work order duly authenticated by the competent authority in support of Form-3 submitted under statutory cover (name of file should be “**credential.pdf 1**”).

In case of execution of supplementary/substitute supplementary items having values more than 30% of BOQ, final gross value of bill (without contractual rates) including such supplementary / substitute supplementary items may be considered to ascertain similarity in nature of work and authenticated copy of such bills may be uploaded, if made available and desired by the bidder (name should be “**credential pdf 2**”).

- iv. Financial Information

- a. Balance Sheet: Audited Balance Sheet including Profit & loss Accounts of the preceding three financial years with auditor's certificate regarding Annual Turnover from business in each financial year. The audited Balance Sheet shall contain Annexure, Form 3CB u/s 44AB of IT Act 1961. Auditor’s certificate must contain his/her Membership no./ Registration no. for Audit Firms.

**Note:** Bidder/Contractor whose Annual Turnover is less than ₹ 1.0 Crore and do not have audited balance sheet of the immediate preceding year during the period of tender, shall need to submit payment certificates of works obtained from clients for such year in support of Form 2 submitted under Statutory cover above.

If the company was set up less than three years ago, audited balance sheet for the number of years since inception is to be submitted.

- v. Others: Any other documents found necessary.

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

### 4.3 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 copies of the above documents are to be uploaded by the contractor/bidder*).

**NOTE:**

- 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 required 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.*

### 5. 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](http://www.wbiwd.gov.in). In case of off-line tenders (Tender value below Rs. 5.00 lakh), tender documents are also available free of cost and also to be available in the Departmental website [www.wbiwd.gov.in](http://www.wbiwd.gov.in). No cost for tender documents shall be charged even during execution of a formal tender agreement. However, the contractors/bidders may wherever necessary be charged suitably for asking for 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 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/ Kangsabati Canals Division No.II**, payable at **Khatra**

Payment in any other forms eg: 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 Receipts 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](http://www.wbiwd.gov.in) and implemented very shortly.

In such case, net banking 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 debaring him/her from participating in any State Govt. tender for a period of three years may be taken and even DSC may be blocked by the e-tender cell of this Department to debar his/her further participation in any Departmental tender during the suspension period. 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 will within 3 working days after being approached in writing with the instrument of EMD by the unsuccessful bidders, 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 only after issuance of LOI/LOA in favour of L1 within next three working days thereafter.

- 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 pooling 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.

## 6. Credential Certificates

- 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., Westing-House 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.

## 7. Eligibility criteria

- i. Eligibility of a contractor / bidder based on his/her work credential will be determined as per norms stated below:
- ii. Monetary value of amount put to tender (i.e tender value) without considering contractual rate of the work executed or its final gross Final bill value excluding contractual rate, inclusive of supplementary /substitute supplementary items (to be considered if BOQ is increased by at least 30%) as the case may be, if 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.

- iii. Financial proposal of any contractor/bidder will come under consideration only when both the criteria mentioned below are satisfied and fulfilled.
  - a. Net notional amount calculated from the Completion Certificate (CC) of a single work during last 5 years issued in favour of the contractor/bidder/agency/Firm/Company/Consortium for a work of similar nature (similarity in nature to be ascertained as per the guidelines stated in para 7(iv) should be **at least 30% of the amount put to tender** (i.e Tender Value) of the work. However, for Consortiums where CC of individual entities of the Consortium are to be considered, sum of net notional work values in the CC of individual entities for works of similar nature (one for each entity) aggregate should be at least 90% of the amount put to tender,

And,
  - b. **Annual turnover** from business as stated in clause 4.2 A(v) and in Form-2 should be at **least 25%** of the amount put to tender of work in which the contractor/bidder/agency/Firm /Company/Consortium intends to participate. However, for Consortiums Annual Turnover of individual entities are to be considered, sum of Annual Turnover from business of such individual entities should be at **least 75%** of the amount of tender in which the Consortium intends to participate.



#### iv. Guidelines for ascertaining similarity in nature of works

- A. Following major items having **weightage of 25% or more** in terms of monetary value in respect of amount put to tender for a work are to be identified and monetary value of each of the major item is to be calculated for any particular work listed in the e-NIT by summing up the associated items of the BOQ coming up under any of the major items as described below:
- a. Earthwork (Type A): Earthwork in dry excavation in irrigation canals / drainage channels or in making of embankments on river / sea front / drainage channels / irrigation canals from borrow pit earth or transported earth, by manual / mechanical means including leads, lifts, and disposal / transportation etc.
  - b. Earthwork (Type B): Earthwork is wet excavation in flowing channels/rivers/reservoirs by barge/pontoon mounted excavators including all leads & lifts and disposal/transportation etc.
  - c. Brickwork /Boulder Masonry Work: Brickwork/boulder masonry work and cement plaster, excluding brick block pitching and similar works.
  - d. Concrete work (other than for Buildings & Roads): RCC, PCC of all grades with reinforcement steels of concrete in hydraulic structures (i.e. structures on or across rivers / streams or jhora/ sea fronts/ drainage channels / irrigation canals excluding C.C block pitching / lining works) including Formwork and staging etc complete.
  - e. Structural Steel works: All types of structural steel works including M.S Sheet piles supply, fabrication, erection / installation etc. complete.
  - f. Protection work (Type A): C.C blocks / Cement concrete lining/toe walls/boulders of all kind, dry brick pitching / brick block pitching/boulder pitching/loose boulder apron/crated boulder dumping/brick bat dumping for sausage or aprons or under water scour depth filling by boulders / brick bats in geo-bags / nylon crated bags/laying of inverted filters below pitching (conventional or geo-jute or geo-synthetics) including supply, carriage and laying at site etc complete.
  - g. Protection work (Type B): Protection work with bullah and bamboo, porcupine cages / groynes or spurs and marginal embankments or levees, pitching by geo bags or polythene bags or crated polythene bags, including supply, carriage, placing / driving in position at site.
  - h. Road work (Type A): All items related to construction / renovation /improvement of bituminous roads/rigid & concrete pavements etc.
  - i. Road work (Type B): All types of fair weather roads involving use of boulder/brick bats/jhama bats/river bed materials/moorum etc.
  - j. Building works: All items related to brickwork, cement concrete work including reinforcement steel, scaffolding staging and shuttering, plastering, painting and flooring of buildings etc.
- B. Monetary values of each of the major items is to be **multiplied by a factor 0.40 to arrive at the financial requirement to match work credential** in terms of execution of similar items and to be integrated with column 8 of list of works.
- C. If value of summation of those items contained in the BOQ or gross completed bill value of the CC (excluding contractual rate), related to at least one of the major items stated in the financial requirements at column 8 of the list of works is equal to or exceeds the amount of any one of financial requirements specified at column 8, the CC of that work may be considered as similar nature of work subject to fulfilment of the following conditions:
- a. After summation, the value may further be multiplied by the factors stated in the table under clause 7 (ii) to take care of the inflationary factors.
  - b. Whenever credential of individual entities of a Consortium is considered, multiplying factor of 0.40 stated in Clause 7 (iv) (B) should be considered as 0.80 of combined values of the BOQ, or gross combined final values of each of CC of the individual entities satisfy the requirement stated in Clause 7 (iv) C(a) above.

#### **General Note:-**

- a. If the items of work contained in e-tender are such that even after combination and addition of those into categories of major items defined as illustrated in clause 7(iv) (A), due to aggregate amount being less than 25% of the amount put to tender, the Tender Accepting Authority may

decide on appropriate major items, one or two from amongst the list of important items and further fix up the financial requirement (monetary value of such items) in terms of execution of similar items in previous works in column No. 8 of the list of works against that particular work.

- b. Credential for Type 'B' earth work may also be considered to ascertain similarity in nature for work involving Type 'A' earthwork but the reverse cannot be considered. Similarly, credentials for Type 'A' protection works may also be considered to ascertain similarity in nature for work involving Type 'B' protection work but not vice-versa.
- c. In case authenticated copy of item wise gross completed bill value is not uploaded for any reason whatsoever, eligibility for similar nature of work will be judged on the basis of items of works in the BOQ.

#### **8. Eligibility criteria for participating in more than one serial of work in an e-NIT**

- i. Normally, separate Completion Certificates (CC) of 100% completed works is to be provided for participation in separate works in a particular e-NIT. However, CC for one particular work may be considered as eligible for participation in maximum two numbers of serials, provided requisite work credential i.e financial requirement stated in column 8 of the list of works for two such works (to be arithmetically added for identical major items) satisfies the requirement in all respect from one such CC from the point of view of ascertaining similarity in nature of work.

#### Example:

- a. Suppose major items of two works in any particular e-tender is 'earthwork', the financial requirement of earthwork required for both the serials are arithmetically added and the combined amount is less than or equal to the amount of earthwork contained in the CC of one work, the bidder will be eligible for both the works.
- b. Suppose that major item of two works in any particular e-tender are 'earthwork' and 'concrete work', the financial requirement for the two major items of 'Earthwork' and 'Concrete work' contained in the BOQ of the two serials are less than or equal to the amount of the corresponding items contained in the CC, the bidder becomes eligible for both the works.
- c. i. However, one completion certificate (CC) will be considered for a maximum of two e-tenders.
  - ii. Annual turnover should be more than or equal to **25%** of aggregate Tender Value of works in which the bidder/contractor/Firm/Consortium intends to participate. However for Consortiums, where Annual Turnover of individual entities of the Consortiums are to be considered, the sum of the Annual Turnover of individual entities should be at least **75%** of the aggregate cost of the amount put to tender of works in which the Consortium intends to participate.
  - iii. Both the conditions stated above in (i) and (ii) are to be simultaneously satisfied.
  - iv. Submission of e-Tenders in excess of 50% of total number of works (rounded off to next higher integer) in any particular e-NIT will not be considered.

#### **9. Penalty for suppression / distortion of facts and withdrawal of L1 bidder before acceptance of LOI**

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 Tender Evaluation Committee 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 an 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 upto three years and even e-tender cell of this Department may be advised to block the incumbents DSC in order to debar him/her from participating in any Departmental e-tender during such suspension period. 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.

#### **10. Taxes & duties to be borne by the Contractor/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.

#### **11. Site inspection prior to 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. In this connection intending contractors/bidders are advised to attend the 'Pre-Bid' meeting with the Tender Inviting-Authority on the prefix date to get his/her doubts cleared if he/she desires. He/ She may also contact the office of the **Executive Engineer Concerning 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.

#### **12. Conditional and incomplete tender**

Conditional and incomplete tenders are liable to be summary rejected.

#### **13. Opening and evaluation of tender**

##### **13.1 Opening of a Technical Proposal**

- 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 1<sup>st</sup> 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 4.2.A) will be opened /decrypted first and if found in order, Cover (Folder) for OID (vide Clause 4.2.B) will be opened. If there is any deficiency in the Statutory 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 Tender Evaluation Committee.
- vi. Procedure to be followed for opening of a Technical bid is explained later under clause 13.5

##### **13.2 Tender Evaluation Committee (TEC)**

Committees constituted for issuance of tenders to eligible contractors/bidders for high value tenders, vide G.O. No.1496-IA dated 17th September 2004 to be read with corrigenda No.1493-IA dated 21.11.2005, 550-IA dated 02.05.2006 and No.902- SIW dated 05.09.2007 will continue to function as Tender Evaluation Committee (TEC), for evaluation of Technical Proposals in the e-tenders until further order.

### **13.3 Uploading of list of technically qualified contractors / bidders in the web portal/s**

- i. Pursuant to scrutiny and decision of the Technical Evaluation Committee (TEC), the list of eligible bidders/ contractors for a particular serial of work whose financial proposal will be considered will be uploaded in the web portal/s.
- ii. While evaluating, the TEC may summon the contractors/bidders and seek further clarification/information or additional documents or original hard copy of any of the documents already submitted and if these cannot be produced within a reasonable and stipulated timeframe, their bid will be liable for rejection.

### **13.4 Opening and evaluation of Financial Proposal**

- i. Financial proposals of the bidders/contractors declared technically eligible by the Tender-Evaluation Committee (TEC) will be opened electronically by the Tender Inviting Authority in the web portal stated above on the pre-notified date and time.
- ii. The encrypted copies will be decrypted and the rates will be read out to the contractors/bidders remaining present at that time, else they may login their respective e-tender accounts to see the (CS) comparative statement in the web portal.
- iii. After opening the financial proposal, the preliminary summary result containing inter-alia, name of contractors/bidders and the rates quoted by them will be uploaded and the result will be made available in the e-tender web portal platform.
- iv. If the Tender Accepting Authority (TAA) is satisfied that the rate obtained is fair and reasonable and there is no scope of further lowering down of rate, he/she may after having the comparative statement test checked by the Divisional Accountant / Divisional Accounts Officer attached to the office of the concerned Executive Engineer instruct the Tender-Inviting Authority to upload the final summary result containing the name of contractors/bidders and the rates quoted by them against each work after acceptance of the rate by the TAA.
- v. If there is any scope for lowering down of rates in the opinion of the Tender Accepting Authority, all the bidders will be notified through the website to attend sealed bid on predetermined date and time to be held in the office of the Tender Accepting Authority. Open bids are normally not encouraged from the point of view of confidentiality and transparency. However, in exceptional cases, open bid negotiations with only the L1 bidder to lower down the sealed bid rate may be held only by the Tender Accepting Authority in presence of Tender Inviting Authority for reasons to be recorded in writing may be required.
- vi. If there is no contractor/bidder or the number of contractors / bidders in the 1<sup>st</sup> e-tender is less than three, the e-tender has to be cancelled. In case of participation of more than three bidders, if the number of technically qualified bidder falls below three, the e-tender is to be cancelled as well and fresh e-tender (i.e 2<sup>nd</sup> e-tender) may be invited.
- vii. After holding such bids, final result after acceptance of the rate by the Tender Accepting-Authority would have to be uploaded in the e-tender website.
- viii. The Tender Accepting Authority may ask any of the bidders/contractors to submit analysis of rates to justify the rate quoted by that bidder.
- ix. 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 has been stated under clause 9 earlier.

### **13.5 Procedure to be followed for acceptance of e-tender**

- i. Selection of contractor/bidder should be made on the basis of at least three valid tenders, which shall be opened in presence of their willing agents. If the number of tenders received is less than three, 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, 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 Tender Accepting Authority 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 tenders above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the DTC as mentioned at clause 13.5 (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 Tender Accepting Authority and also wider publicity of 2<sup>nd</sup> tender in widely circulated dailies and through web-site, 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 13.5 (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.

#### **14. Acceptance of e-Tender**

Lowest valid rate should normally be accepted. However, the Tender Accepting Authority does not bind himself/herself to do so and reserves the right to reject any or all the tenders, citing valid reasons and also reserves the right to distribute the work amongst more than one contractor/bidder.

#### **15. Tender Accepting Authority**

As per latest delegation of power order, Tender Accepting Authority for different tenders is as below:

- i. For tenders up to Rs 200.00 lakh plus 5%\*: *Superintending Engineer, Kangsabati Circle.*
- ii. **For tenders above Rs 200.00 lakh\*** : *Chief Engineer,-West, I&W Directorate*

\* Procedure to be followed in terms of Departmental Notification No. 05-(W)/2015-16 dated 20.11.2015 & No. 03-(W)/2015-16 dated 18.11.2015.

## **16. Execution of formal tender agreement after acceptance of e-tender**

The contractor/bidder, whose tender is approved for acceptance, shall within 15 days of the receipt of Letter of Invitation (LOI) or Letter of Acceptance (LOA) in his / her favour, will have to execute a 'Formal Agreement' with the Tender Accepting Authority in quadruplicate in W.B.F. No 2911(ii) and all other documents, entire sets may be obtained free of cost from the office of the **Executive Engineer , Kangsabati Canals Division No.-II, Khatra** connected with the work.

## **17. Refund of EMD of all 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.  
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.

## **18. 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.

## **19. 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.

## **20. Withdrawal of Tender**

Withdrawal of e-Tender 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 5(ii) and clause 9 referred earlier would be applicable.

## **21. Modification of standard e-NIT format for works of tender value beyond Rs. 5.00 crore**

For high value e-tenders beyond and above tender value ( i.e amount put to tender) of Rs. 5.00 crore, the instant standard e-NIT format may be suitably modified by the concerned Chief-Engineer, if required, with the approval of Departmental Tender Committee (DTC), provided such modifications are in no way and manner contrary to the orders and spirit of guidelines and orders of Finance Department & I & W Department.

## 22. Schedule of dates of e-Tender

Sl. No	Activity	Date & Time	Remarks
1.	e-tender Publishing Date	30.05.2016 at 17.30 Hrs	To be made available with the e-NIT in the website
2.	Document Download start date	31.05.2016 at 10.00 Hrs.	
3.	Pre-bid Meeting to be held at the office of Tender Inviting Authority	02.06.2016 at 14.30 hours	
3.	Bid submission start date	02.06.2016 at 14.30 hours.	
4.	Document Download end date & bid submission end date	20.06.2016 at 17.30 hours	
5.	Bid submission end date	20.06.2016 at 17.30 hours	
6.	Technical Bid opening date	21.06.2016 at 12.00 Hrs.	To be notified to all bidders through e-mail & SMS through auto-generation in the system.
7.	Uploaded of list of Technically qualified bidders	To be Notified later	
8.	Financial Bid opening date	-do-	
9.	Uploading of Financial Bid evaluation sheet	To be decided by TAA	
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

\*TAA: e-Tender Accepting Authority

## ANNEXURE-II

### Additional Terms & Conditions

1. The Executive Engineer of the concerned Division will be the Engineer-in-Charge in respect of the tender 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 works, the same will not be valid unless copies are sent to the Engineer-in-Charge and also approved by him. Instructions given by the Sub-Divisional Officer/Assistant Engineer and the Junior Engineer/Section Officer (SAE) on behalf of the Engineer-in-Charge shall also be valid (who have been authorized to carry out the work on behalf of the Engineer-in-Charge) regarding specification, supervision, approval of materials and workmanship. In case of dispute relating to specification and work, the decision of Engineer-in-Charge shall be final and binding. The Engineer-in-Charge will however invariably take all decisions relating to tender contract only after consultation with the Tender Accepting Authority.
2. Acceptance of the tender including the right to distribute the work between two or amongst more than two bidders will rest with the Tender Accepting Authority without assigning reason thereof to the bidder. The accepting authority reserves the right to reject any or all tenders without assigning any reason thereof to the bidder/contractor.
3. The Contractor/bidder shall have to comply with the provisions of (a) Contract Labour (Regulation & Abolition) Rules, 1970 including its revisions (b) Minimum Wages Act 1948 and the modification thereof or any other laws relating thereto as will be in force from time to time.
4. Engineer-in-Charge shall not entertain any claim whatsoever from the contractor for payment of compensation on account of idle labour on such grounds including non-possession of encumbrance free land.
5. Engineer-in-Charge shall not be held liable for any compensation due to machines becoming idle or any circumstances including untimely rains, other natural calamities, like strikes etc.
6. Imposition of any duty / tax / royalty etc whatsoever of its nature (after work order / commencement and before final completion of the work) is to be borne by the contractor/bidder. Original challan of those materials, which are procured by the bidder, may be asked to be submitted for verification.
7. Cess @ 1% of the cost of construction works shall be deducted from the Gross value of all works Bill in terms of Finance Department order No. 853-F dated 01.02.2006. Also it is instructed to register his establishment under the Act, under 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 gravel, boulders, forest product etc, 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 a reimbursement or as compensation for these. The rates of supply and finished work items are inclusive of these taxes and charges.
10. All working tools & plants, scaffolding, construction of vats & platforms and arrangement of Labour Campus will have to be arranged by the contractor at his/her own cost.
11. The contractor shall supply mazdoors, bamboos, ropes, pegs, flags etc. for laying out the work and for taking and checking measurements for which no extra payment will be made.
12. The contractor/bidder should see the site of works and tender documents, drawings etc. before submitting e-tender and satisfy himself/herself regarding the condition and nature of works and ascertain difficulties that might be encountered in executing the work, carrying materials to the



site of work, availability of drinking water and other human requirements & security etc. Work on river banks may be interrupted due to a number of unforeseen reasons e.g. sudden rise in water levels, inundation during flood, inaccessibility of working site for carriage of materials. Engineer-in Charge may order the contractor to suspend work that may be subjected to damage by climate conditions. No claim will be entertained on this account. There may be variation in alignment, height of embankment or depth of cutting, location of revetment, structures etc. due to change of topography, river condition and local requirements etc. between the preparation and execution of the scheme for which the tendered rate and contract will not stand invalid. The contractor will not be entitled to any claim or extra rate on any of these accounts.

13. A machine page numbered Site Order book (with triplicate copy) will have to be maintained at site by the contractor and the same has got to be issued from the Engineer-in-Charge before commencement of work. Instructions given by inspecting officers not below the rank of Assistant Engineer will be recorded in this book and the contractor must note down the action to be taken by him in this connection as quickly as possible.
14. The work will have to be completed within the time mentioned in the e-NIT. A suitable work programme based on time allowed for completion of work as per e-NIT is to be submitted by the contractor within 7(seven) days from the date of receipt of work order which should satisfy the time limit of completion. The contractor should inform in writing the name of his authorized representative who are to remain present at site daily during work execution at site within 7 (seven) days from the date of receipt of work order who will receive instructions of the work, sign measurement book, bills and other Govt. papers etc.
15. No compensation for idle labour, establishment charge or on other reasons such as variation of price indices etc. will be entertained.
16. All possible precautions should be taken for the safety of the people and work force deployed at worksite as per safety rule in force. Contractor will remain responsible for his labour in respect of his liabilities under the Workmen's Compensation Act etc. He must deal with such cases as promptly as possible. Proper road signs as per P.W.D. practice will have to be erected by the contractor at his own cost while operating public thoroughfares.
17. The contractor will have to maintain qualified technical 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 modifications and priority of work fixed by the Engineer-in-Charge so that most vulnerable reach and/or vulnerable items is completed before impending monsoon or rise in river flood water level or for other suitable reasons.
19. Quantities of different items of work mentioned in the tender schedule or in work order are only tentative. In actual work, these may vary considerably. Payment will be made on the basis of works actually done in different items and no claim will be entertained for reduction of quantities in some items or for omission of some 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 so ever be the Tender Accepting Authority, before making such payment.
20. In order to cope up with the present system of e-billing, supply of departmental materials is generally not encouraged. However, Departmental materials may be issued to the contractor/bidder to the extent of requirements as assessed and following accounts procedure in the Treasury system of bill payment and in instalments as decided by the Engineer-in-Charge. Issue of materials may be of three categories.
  - a) Materials issued directly to the work and subject to recovery.
  - b) Materials issued from departmental go down and subject to recovery.
  - c) Materials issued free of cost.
21. Any materials brought to site by the contractor subject to approval of the Engineer-in-Charge. The rejected materials must be removed by the contractor from the 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 phase 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 Filter, Geo jute Filter etc. if any, relevant Data Sheet containing the name of the Manufacturers, Test Report etc. will also be submitted in each occasion. Engineer-in-Charge may conduct independent test on the samples drawn randomly before according approval for using the materials at site. In this regard decision of Engineer-in-Charge shall be final and binding.

22. For materials under category 20 (a), (b) & (c), the contractor will act as the custodian thereof. The materials will have to be carried from the nearest Departmental go-down to worksite by the contractor at his own cost. The contractor shall remain responsible for the proper storage and safety of the materials. Suitable Go-down/ Store shall have to be made by the contractor at his/her own cost. Penalty charges shall be levied at higher rate for loss, wastage, misuse. Surplus materials of the departmental if any, shall have to be returned to the issuing Go-down or store at the contractor's cost within the time frame as fixed by Engineer-in-Charge, otherwise, the cost at penal rate will be recovered from the bill. Indent for departmental materials shall be submitted by the contractor to the S.D.O. at least 7 days in advance of actual requirement. No claim will be entertained for non-issuance of such materials in time but reasonable extension of time will be granted. All materials, whatever be the category thereof, shall be properly stored by the contractor in suitable go downs 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 the proper utilization of materials which have been issued departmentally.
24. Value of the material, under category (a) & (b) of clause 20, will be recovered from the 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 go down if stock permits. The issue rate of cement is shown in the Schedule of materials attached. Any excess consumption of cement by more than 5% over the final consumption statement drawn up as per consumption rate specified in the Schedule will be recovered at a penal rate shown in schedule.
26. Reinforcement steel rods/MS sheet piles will be issued when stock permits, from the nearest departmental go-down 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. While executing the work, it will be responsibility of the Contractor/bidder 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 issued will be made at the issue rate shown in the Schedule below. In case of misuse over +10%, deduction will be made at a penal rate shown in the Schedule below. This whole principle shall apply in case of other M.S materials like sheet piles and structural steel members as well.

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

Sl. No	Name of materials	Issue rate (in `)	Unit	Penalty recovery rate for loss or misuse or wastage	Place of delivery
01	Cement		MT	2 (Two) times issue rate	Departmental Godown
02	Reinforcement steel rods, structural steel members, M.S sheet Piles		MT	2 (Two) times issue rate	-do-

27. All queries and disputes arising out of the works tender contract is to be brought to the notice of the Chairman of the 'Department Dispute Redressal Committee' in writing for decision within 15 days.

**FORM 1 (Modified)**

**APPLICATION FOR e-TENDER**

**To  
The Superintending Engineer  
Kangsabati Circle**

**e-Tender No:- WBIW/SE-I/KC/NIT-03e/2016-17**

**Serial No. of Works applied for :- .....**

**Amount put to e-Tender : Rs.  
(Tender Value)**

Dear Sir,

Having examined the Statutory, Non statutory & e-NIT documents, I/we hereby would like to state that I/we wilfully accept all your conditions and offer to execute the works as per e-Tender no and Serial no stated above. I/We also agree to remedy the defects after/during execution of the above work in conformity with the conditions of contract, specifications, drawings, bill of quantities and addenda.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_

Full name of Bidder / Contractor: \_\_\_\_\_

Signature: \_\_\_\_\_

In the capacity of: \_\_\_\_\_

Duly authorized to sign bids  
for & on behalf of (Name of Firm): \_\_\_\_\_  
(In block Capital letters or typed)

Office address with seal if any :

Telephone no(s) (office): \_\_\_\_\_

Mobile No: \_\_\_\_\_

Fax No: \_\_\_\_\_

E mail ID: \_\_\_\_\_

**FORM 2 (Modified)**

**Certificate regarding Summary Statement of Annual Turn Over**

This is to certify that the following statement is the summary of the audited Balance Sheet arrived in favour of ..... for the three consecutive financial years or for such period since inception of the Firm, if it was set in less than such three year's period.

Sl. No.	Financial		Remarks
	Year	Annual Turn Over rounded up to in Rupees lakh (two digits after decimal)	
1.			
2.			
3.			
Total			

**Average Annual Turnover (in Lakh of Rupees) :**

Note:

1. Year preceding the current financial year is to be considered as Year-1.
2. Average annual turnover is to be expressed in lakh of Rupees rounded off to two digits after decimal.
3. Average annual turnover for 3 years is to be obtained by dividing the total turnover by 3.0. If the Firm was set up in less than 3 year's period, consider the turnover for the period from inception to the Year-1. It may be either 1.0 or 2.0. Average turnover is to be obtained by dividing the total turnover by 1.0 or 2.0, as the case may be.
4. In case, the firm was set up in less than 3 year's period, mention the year of inception in the 'Remarks' column.

\_\_\_\_\_  
Signature of the bidder/contractor with date & seal if any

Date & Place:

**FORM – 3 (Modified)**

**Completion Certificate (100% Physical Completion)**

1. Name of the work :
2. Name of client :
3. Amount put to tender :
4. Contractual Rate :
5. Whether the work was divided between / among more than one contractor, (write Y / N)  
If yes, mention the percentage of such division (i.e 50% or 33.33% or 25%) :
6. Date of commencement :
7. Date of completion as per work order :
8. Actual date of completion :
9. Final gross 100% value of the bill without contractual rate (if the final bill is prepared, otherwise mention N.A) :
10. Attach copy of work order & BOQ : Write 'attached'
11. Attach copy of final gross 100% bill value (item-wise) if supplementary and / or substitute supplementary of more than 30% of the amount of BOQ crops up during execution and those supplementary / substitute supplementary items [If intended to be cited by the bidder to establish similar nature of work credential] : Write 'attached or N.A'

Signature of the contractor/bidder  
with date and seal if any

Signature of the issuing authority  
with date and seal

**FORM – 4**

**Declaration against Common Interest**

**Ref:- e-NIT No. WBIW/SE-I/KC/NIT-03e/2016-17**

**e-Tender ID No. ....**

I/We, Sri/Smt. \_\_\_\_\_, the authorized signatory on behalf of \_\_\_\_\_ do hereby affirm that I/We/any of the member of \_\_\_\_\_ bidding against e-NIT No. **WBIW/SE-I/KC/NIT-03e/2016-17** do not have any common interest either as a partner or any Partnership Firm / Consortium as a Proprietor / Owner of any other firm in the same serial for the work I / We want to participate.

Date & Place:

Signature of contractor/bidder  
with official seal if any