

terms of Para 221(2), when the rates quoted in response to invitation of competitive tenders are considered high and fresh invitation tenders cannot be taken recourse to either for want of time or because of no likelihood of getting more favourable rates and negotiations with contractors are considered necessary for obtaining rates lower than those received in response to the invitation of competitive tenders, negotiations should be made with all the contractors who quoted rates in response to the invitation of tenders, and not with the lowest tenderer alone.

17. Acceptance of Tender :- in terms of NOTIFICATION No. 01/IW dated 19/07/2012 of Secretary to the Govt. of West Bengal, acceptance of the tender will rest with the Competent Authority who does not bind himself to accept the lowest tender and reserves the right to reject in any or all the tenders received and to distribute work between two or more than two Tenderers without assigning any reason thereof.

OTHER TERMS & CONDITIONS.

18. In Terms of vide memo no:-46(5)-IB dt. 11th June-2012, of Deputy Secretary to the Govt. of West Bengal, Mackintosh Burn Ltd., Britannia Engineering Ltd. And Warehouse Saxby Farmer Ltd. Will not enjoy 10% preference in rate for the purpose of selection.

19. Any suppression/misrepresentation of fact will automatically debar the applicant for participating in any Tender under the Division/Circle for at least 3(Three) years from the date of detection, in addition to such other penal action as the Government may deem proper.

20. Intending Tenderers should be equipped with plants, machinery equipment and well point pumping machinery complete with all accessories as required for the work as the department may not be in a position to issue such plants & machinery. They must submit a list of such plants; machinery and equipments in their possession for necessary documentary evidence are to be produced.

21. If required, the intending Tenderers have to be produced Bank solvency certificate of an amount equal to 30% of the estimated amount of the work.

22. Documents submitted along with the application should invariably be in the name of the applicant firm/ Individuals. In terms of Memo. No. 185/JS(W)/IA-11C-9(75)/09 dated 09.06.09 of the Secretary to the Govt. of West Bengal, I&W.D, Joint venture of Firms constituted and duly registered with the appropriate authority will be considered for issuance of Tender Papers.

23. All pages of the documents submitted with the application shall be signed with signature by the applicant and also be serially numbered as 1/10,2/10,3/10.....10/10

24. Copies of Partnership Deed and Firm Registration duly self-attested shall invariably be submitted with the application by a partnership firm.

25. Tenderers should quote their rates both figures and words in terms of overall percentage, "below" or "above" or "at par" with the price schedule both in the 2nd page of W.B.F 2911 (ii) and the last page of price schedule.

26. Any tender containing over writing is liable to be rejected.

27. All corrections are to be attested under the dated signature of the tenderer.

28. When a Tenderer signs his Tender in an Indian Language, the Total amount tendered should also be written in the same language. In case of illiterate Tenderer, the rates tendered should be attested by an witness.

29. The Tenderer who will sign on behalf of a Company or Firm, must produce the registered documents within 3(Three) days from the date of opening the tender, if not submitted with the tender application or with the Tender documents) in support of his competency to enter in to an Agreement on behalf of the Company or the Firm under the Indian Companies or Partnership Act, failing which the tender will not be considered and the deposited Earnest Money will be forfeited.

30. The rate quoted by in the tender form will be final and no subsequent modification in the rates will be entertained even it is done with any letter or other instrument submitted before sealing/closing the Tender box.

31. Any superfluous conditional tender, which does not full fill any of the above conditions, and is incomplete in any respect, is liable to be rejected.

32. VAT, Sales Tax, Royalty, and all other statutory Levy/Cess etc. will have to borne by the Contractor. The engaged Contractors need to get registered under BOCW (RECS) Act and shall have to contribute towards a fund namely "**The West Bengal Building & other Construction worker's Welfare Fund**" @1.00%(one point zero zero percent) of the total amount of the work value which will be deducted directly from the bill value and remitted as per requirement of the said Act as per Finance Department Notification No. 853-F dated 01.02.06.

ing in connection with the tenders is strictly prohibited and the tenders submitted by a tenderer who take resort to canvassing liable to rejection.

Incomplete and illegible tender will be invalidated. All corrections in the tender should be signed with dated initial by the contractors before submission of tender and each page of the tender should also be signed and dated by the contractor.

35. The contractor has to obtain the Labour license from the office of the Joint Labour Commissioner of the concerned District in which the location/site of the work falls, under the provision of W.B. Contract Labour (Regulation & Abolition) rules, 1972 and a copy of the license has to be submitted to this office for information & record, failing which the undersigned will in no case be hold responsible for any action taken by the Labour Department. The undersigned being the 'Principal Employer' for the work, will however issue a certificate in specified pro forma of Labour Department in form V for doing the needful by the authority of labour Department.

36. As per rule, the intending tenderer has to disclosed his/their name (s) & style of another firm /individuals (where he is also officiating) in the application for issuing tender forms failing which the decision of the undersigned regarding the matter will be final & binding upon all.

37. The Tenderer should submit a statement at the time of submission of his tender showing the Technical Staff to be engaged for the work, with their Technical qualifications, failing which the tender may be liable to rejection.

38. The Tenderer will have to, if so desired by the Tender Accepting Authority, submit his analysis to justify the rate quoted by him/them.

39. The Tenders will be opened, as specified in the list of works, in presence of the Participating Tenderers or their duly authorized representatives, who may be present at the time of opening and who may also put their signatures in the Tender opening Register.

40. The successful Tenderer will have to execute the duplicate/triplicate/quadruplicate(Plain Paper)copies of his /their tender which will have to be obtained by additional cash payment in the office of the **Executive Engineer (I&W Dte.), West Midnapore Division .**, within 7(seven) days from the date of receipt of the intimation of acceptance of his tender failing which the Earnest Money shall forthwith stand forfeited in favour of the Government and the communication of acceptance of the tender shall automatically stand cancelled.

41. If any Tenderer withdraws his tender before its acceptance or refuses/fails to convert it in to a contract within a reasonable time, without giving any satisfactory explanation for such withdrawal/refusal/failure, he shall be disqualified for submitting any tender in this Division/Circle for a period of 1(one) year and his/their case will be referred to the Government for order as to what further action will be taken against him/them.

42. Materials such as cement, M.S. Rod, R.C.C. Hume Pipes, M.S. sheet Piles, etc. if available in stock, will be issued by the Department to the Contractor for the work as per issue rate fixed by the Engineer-in-charge. Place of issue materials as mentioned in Page 11 of W.B.F. - 2911(ii) or in a separate sheet attached with the Tender documents to be supplied departmentally to the Contractor is furnished with the Tender documents for the work. Any other materials not listed therein, if supplied by the department, the issue rate for such materials will be fixed by the Engineer-in-charge.

43. Hire charges for Tools & Plants Machinery, if issued departmentally, will be recovered from the contractor at such rate as will be fixed by the Engineer-in-charge. The period of hire charges of all Tools & plants Machinery issued from the Government go-down will be counted from the date of their issuance from the go-down and up to the date of return in to the same go- down and the hire charges will be recovered from the contractor accordingly. All Tools & plants Machinery issued to the contractor must be returned in good condition. In the case of any damages, the cost of repair to such damage or replacement will be recovered from the contractor.

44. In the following case a tender may be declared '**INFORMAL**' and unacceptable.

a) Correction, alterations, additions, etc. if not attested by the tenderer.

- b) (i) Earnest money in form of N.S.C./Government Security etc. not held by the Tenderer and not properly pledged.
(ii) Earnest Money in the form of T.R. Challan, D.C.R/Demand Draft, etc. which are short deposited with interest bearing and/or not deposited in favour of the **Executive Engineer, West Midnapore Division** in proper shape.

c) If, the all pages of the Tender documents are not signed by the Tenderer.

d) (i) If, the Tender is not submitted in a cover properly sealed.

(ii) If, the name of the work with N.I.T. No. & Serial No. of the work and the name of the addressee with the name of the Senders (Tenderers) are not exactly written on the envelope.

45. a) In terms of the provision in Para 230 Page of I&W.D. Code Volume- 1 and at the same time provided in Para 150(3) of W.B. Works Departmental Manual, the Earnest Money of all the Tenderers other than the three lowest Tenderer should be refunded after the comparative statement has been prepared and checked and,