

## Enclosure-I

(Latest modified e-NIT 'Standard Format' for works of 'Tender Value' (Amount Put to Tender) above Rs.5.00 lakh upto Rs. 45.0 lakh)

**Government of West Bengal**  
**Irrigation & Waterways Directorate**  
**Office of the Executive Engineer**  
**North Dinajpur Irrigation Division**  
**Raiganj, Uttar Dinajpur**  
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### **NOTICE INVITING e-TENDER**

**Short eNIT No. :WBIW/EE/NDID/SNIT-6(e)/2017-18**

Separate tenders are hereby invited by the **Executive Engineer, North Dinajpur Irrigation Division, Irrigation & Waterways Directorate** on behalf of the Governor of West Bengal through electronic tender, (e-tender) under single stage two part e-Procurement System (Part I: Techno-commercial bid and Part II: Financial bid) for the 'LIST OF WORKS' given in next page from eligible Bonafide contractors/agencies/bidders having desired Prequalification eligibility credential for execution of works of similar nature and requisite financial capability. The technical bid in Part-I would require the bidder to only qualify for the next stage and the Part-II comprising financial bid would determine final selection of bidder for execution of the work.

Intending contractors/bidders desirous of participating in the e-tender are required to login the Government of West Bengal e-Procurement website having URL <https://wbttenders.gov.in> and locate this tender by typing **WBIW/EE** in the search engine provided therein, or by logging-in using their assigned user ID and password. They may also visit the official website of Irrigation & Waterways Department, Government of West Bengal [www.wbiwd.gov.in](http://www.wbiwd.gov.in) and locate the same e-tender by clicking the "e-Procurement" link.

Contractors/bidders willing to take part in this e-tender are required to obtain a valid 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, GoWB 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 a 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 Departmental e-Tendering Help desk located at the 7th Floor of Jalasampad Bhavan at Bidhannagar, Sector-II, Kolkata, or through designated e-mail addresses of ID:irrigationhelpdesk@gmail.com and dvcsc6816@gmail.com with Telephone No. 033-23346098 and the State Level e-Procurement Help Desk located at the Ground Floor of Jalasampad Bhavan, through [wbehlpdesk@gmail.com](mailto:wbehlpdesk@gmail.com) on any working day between 10AM-5PM for any query on e-tendering procedure, obtaining DSC and free of cost training on e-tendering usage.

Intending contractors/bidders are required to download the e-tender documents directly from either of the websites stated above. Tender/bid is required to be submitted on-line with the help of the e-Tokens provided. **This is the only mode of submission of tender**. The interested bidders eligible for the tender may submit their bids through the e-Procurement System using their valid DSC e-Token with assigned PIN and using login ID and password. Details of e-tender submission procedure for participating in tenders of the State Government have also been explained in the 'Bidders Manual', which is available in the Departmental website [www.wbiwd.gov.in](http://www.wbiwd.gov.in). Minimum period given to the contractors/bidders for submission of e-bids is counted from the date on which the notice inviting tender including e-tender is actually published in newspaper(s).

**Last date & time of submission of bid electronically, is on 21.09.2017 till 11.00 Hours IST.**

The applicant bidders/contractors must read carefully all the 'Terms & Conditions' contained in this e-Notice Inviting Tender (e-NIT). He/she should particularly go through the Pre-qualification(PQ) works & financial eligibility criteria, and satisfy himself/herself of all the mandatory requirements. Bidders desirous of participating in the e-tender should submit bids for the work only if they fulfill the minimum PQ eligibility criteria and are in possession of all the required PQ documents in original.

All information posted in the website consisting of e-NIT and related documents, WB Works Contract Form No.2911(i)/2911(ii), Bill of Quantities (BOQ), EMD exemption order, if any, of competent authority, corrigenda and drawings etc. if any, all shall form a part of the Tender Agreement / contract document.

## LIST OF WORKS

Short eNIT No. :WBIW/EE/NDID/SNIT-6(e)/2017-18

Sl. No.	Name of Work//Project/Procurement	Estimated Amount put to Tender (Tender Value) (Rs.)	Earnest Money Deposit (Rs.)	Time allowed for completion (In English Calendar days)	Source of fund	Minimum eligibility criteria to match the Prequalification (PQ) works credential in terms of execution of similar previous works contract	Physical Milestones for completion of each work within stipulated time (Refer to Clause 17 of the General Terms & Conditions of e-NIT)
1	2	3	4	5	6	7	8
1	Emergent repairing for closing of breach near Rahimul Islam House on Buri Mondal Sluice Gate Ringh Bundh at Ghera at the Left Bank of River Sui in G.P-Itahar, Block & P.S-Itahar, District – Uttar Dinajpur under North Dinajpur Irrigation Division.	2191429.00	43829.00	90 days	SDRF/ Non Plan	Summary of minimum eligibility desired for technical qualification and for next stage of financial bid of this tender: Bonafide contractors/bidders having Gross Notional value of Completion Certificate (CC) of one 100% completed single project works contract (PQ work credential) in Govt Sector of similar nature (defined under clause 5) to the particular work in this e-NIT, completed within the last five financial years should be of value at least <b>30%</b> of the amount put to tender.	1 <sup>st</sup> 12 days-Core wall to be completed Upto 90days-100%

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

**1. Eligibility for participation in e-tenders under National Comparative Bidding (NCB)**

Bonafide Indian Organisations/ Firms /Companies, State Registered Co-operative Societies, Registered Indian Companies/Firms being the contractors/bidder of equivalent grade or class registered with the Union, State Governments /Govt. Undertakings with proven credentials in execution of engineering construction and procurement projects not otherwise blacklisted or debarred by order on the date of publication of NIT are eligible to participate subject to fulfilling the criteria laid down in the subsequent paragraph. Consortiums and Joint Ventures are not allowed to participate in tenders of value up to Rs. 45.00 lakh

**2. Participation in more than one serial of work out of list of works in the e-tender notice.**

Any contractor/bidder may bid for a maximum of 50% of the total number of works (Serial of works if a number of works have been tendered in the same e-NIT) rounded up to next higher integer, published in any particular e-NIT, subject to a maximum of three, depending on his/her PQ work credential and financial capabilities, details of which have been explained later.

**3. Submission of bid**

**3.1 General procedure for submission of e-bid**

Bids are to be submitted electronically only through on-line bid submission in the e-Procurement portal [www.wbtenders.gov.in](http://www.wbtenders.gov.in) as stated earlier. All documents uploaded in the e-tender by the Tender Inviting Authority forms an integral part of the works contract/Agreement. Contractors/bidders are required to upload the entire set of tender documents along with all other relevant PQ documents as asked for in the e-NIT, electronically through the above portal, within the stipulated date and time as notified in the e-NIT. Tenders are to be submitted in two parts/folders at the same time for each work, one being ' *Technical Proposal*' and the other ' *Financial Proposal*'. The contractor/bidder should carefully go through all the documents of the e-tender and prepare to upload the scanned copies of original documents in a 'Portable Document Format' (PDF) files in the designated link in the web portal as their ' *Technical Bid*'. He/she needs to fill up the rates of items/percentage above or below or 'At-par' in the BOQ downloaded for the work in the designated cell in ' **Excel sheet only**', and upload the same in the designated link in the portal as their ' *Financial Bid*'. Documents uploaded are virus scanned and digitally signed using the 'Digital Signature Certificates' (DSC). Contractors/bidders should especially take note of all the *Addenda* and *Corrigenda* notices related to the e-Tender and upload all of these documents also forming a part of their bid as tender document. Documents uploaded by the contractors/bidders with all information & financial bid/rate comprising ' *Technical bid*' and ' *Financial bid*' cannot be changed after last/end date and time for submission of e-tender. Extension of last date for e-bid submission, if unavoidable, is to be notified within the original validity period of e-bid submission.

**3.2 Technical Proposal**

The Technical Proposal should contain scanned PDF files of all documents and declarations in the following standardised formats in two part covers or folders.

**3.2 A Technical cover containing:-**

- i. **Applications for e-Tender:** vide application with Self Declaration in specimen *Form-1* which is to be uploaded during bid submission in " **Forms**" folder.
- ii. **Affidavits or undertakings of bidders in 'Forms' folder:** Self declaration of bidder not having common interest in any other work tendered under different serials of this particular e-NIT vide Specimen *Form-2*, Power of Attorney to sign contract/Agreement on behalf of a Firm, Company, except for Proprietorship Firms vide specimen *Form-3*, self declaration on antecedents and performance of the bidder in specimen *Form-5* and Additional Performance Security Bank Guarantee of value of 10% of the amount put to tender if quoted bid price is lower than 20% of the amount put to tender in specimen *Form-6* are to be uploaded during bid submission in " **Forms**" folder.
- iii. **Notice Inviting e-Tender (e-NIT)** is to be uploaded during e-bid submission in " **NIT**" folder.
- iv. **Addenda/Corrigenda:** If published in connection with the NIT is to be uploaded in the ' **NIT**' folder merged with e-NIT documents during e-bid submission.
- v. **Agreement format:** In WB Form No. 2911(i)/2911(ii) published in the e-Tender are to be uploaded during e-bid submission in " **2911**" folder.

vi. **Drawings:** The GAD/Plan/Map published in the e-Tender by the Tender Inviting Authority is to be downloaded by the bidder and again *uploaded during e-bid submission in “Drawings” folder*)

**3.2A.NOTE:** i. *Contractors/bidders are required to keep track in the e-Procurement website [www.wbtenders.gov.in](http://www.wbtenders.gov.in) for all the Addenda or Corrigenda notices and documents published in connection with a particular e-Tender within the bid period and upload the same, digitally signed by him/her along with their e- bid. Tenders submitted without Addendum/Corrigendum are liable to be treated as incomplete and thereby may be liable for disqualification or rejection.*

ii. *Form 1, Form 2, Form 3 and Form 5 are taken from bidders by TIA as self declarations’ or undertakings and PDF in specimen Form 5 as originals of BG if applicable. These formats are specimen or samples only, which may be firstly downloaded by bidders from the NIT in e-Procurement portal, filled up completely and again uploaded with their electronic bid. Authenticity of Bank Guarantee would however be verified from issuing Bank by the tendering authority.*

*PDF files of all other original documents in support of their eligibility and PQ work credential shall have to be mandatorily submitted under the OID cover folders as detailed below:*

**3.2 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
I	<b>Certificates</b>	<i>certificates.pdf</i>	<ol style="list-style-type: none"> <li>1. Latest Professional Tax Payment Certificate (PTPC) or PT payment challan for current financial year or Government Order for exemption in other States, if applicable.</li> <li>2. Valid PAN Card in the name of bidder organisation</li> <li>3. Valid GST Identification number (GSTIN) document under the relevant GST Acts &amp; Rules of State Govt.</li> <li>4. Income Tax Return under IT Act of immediate preceding financial year.</li> </ol>	Refer to Clause 3.2B(I) below for details
II	<b>Company Details</b>	<i>companydetails.pdf</i> 1 <i>companydetails.pdf</i> 2	<ol style="list-style-type: none"> <li>1. For Proprietorship Firms, Partnership Firms, Registered Company, Registered Co-operative Society, (Valid Trade License/ acknowledgement/Receipt of application for Trade License/Revalidation as applicable under the Rules) OTHER REQUIREMENTS:-</li> <li>2. For Partnership Firms (Legally valid Partnership Deed, Form-VIII/ Memorandum of Registration of Registrar of Firms, as applicable)</li> <li>3. For Companies (Incorporation Certificate, Memorandum of Articles of ROC, List of current owners/ Directors/Board Members )</li> <li>4. For State Registered Co-operative Societies: (Society Registration certificate from ARCS of the State, Society by-laws, latest available Auditor’s Report of Directorate of Co-operative Audit within proceeding five years as per Societies Act &amp; Rules)</li> </ol>	Refer to Clause 3.2B(II) below for details
III	<b>Credential of works</b>	Credential pdf 1 Credential pdf 2	<ol style="list-style-type: none"> <li>1. BOQ and work order/ Award of Contract duly authenticated by issuing authority.</li> <li>2. Pre-Qualification Work credential of one 100% completed work as desired in the NIT as the Completion Certificate (CC) duly authenticated by appropriate authorities.</li> </ol>	Refer to Clause 3.2B(III) at next page for details
IV	<b>Financial credential</b>	Payment certificate.pdf	All 100% Payment Certificates of competent authorities during preceding three FY or, IT Return of bidder in thee FY ,or Audited Profit & Loss Accounts statement of three financial years within the zone of receding five financial years.	Refer to Clause 3.2B(IV) at next page for details
V	<b>Declarations</b>	Declaration.pdf	Work programme prepared by TIA in the form of Bar Chart defining the Physical Milestones within the construction period for implementation of the project as per e-NIT & contract/agreement.	Refer to Clause 3.2B(V) below for details

\* OID denotes Other Important Documents.

- i. It is desirable that all documents stated above in PDF files shall be uploaded by bidders during on-line bid submission, only in specified, designated folders.
- ii. Validity of all e-bid documents for evaluation to select the Agency for work in this e-tender shall be determined on the date of publication of e-Notice Inviting Tender.

**3.2 B(I) Certificate/s:** (name of the file should be "**certificates.pdf**")

The following are to be uploaded in scanned PDF files in this folder.

- a. Professional Tax Payment Certificate (PTPC) or the PT payment challan/ receipt for current financial year/Waiver Order of competent authority in other States as applicable.
- b. Valid PAN Card of the bidder/s are required;
- c. Valid 15 digit Goods and Service Tax payer Identification Number (GSTIN) as per GST Act, 2017 & Rules made compulsory by Finance Department, GoWB irrespective of financial Turn Over of bidders .
- d. Latest authenticated Income Tax Return for current financial year or immediate preceding financial year of bidder.

**3.2B (II) Company Details:** (name of file should be "**companydetails.pdf**")

All documents mentioned in tabular format under Clause 3B, as applicable in PDF files in designated folders.

**3.2B (III) Prequalification (PQ) Work Credential "**credential.pdf**"**

- i. Bill of Quantities (BOQ) along with Work Order/Award of Contract; duly authenticated by the competent authority to be submitted under Technical cover (name of file should be "**credential.pdf 1**").
- ii. PQ work credential (100% CC) issued in favour of the contractor/bidder as described under clause 5 of e-NIT (name of file should be "**credential.pdf 2**").

**3.2B (IV) PQ Financial credential:** In '**payment certificate.pdf**' folder under OID cover

- a. Disqualification during PQ evaluation of financial capability of bidder may not be decided during technical bid evaluation by TEC up to work of Rs 45 lakh, as no minimum financial capacity is fixed, except if reveals from documents beyond any doubt of the financial liquidity & bankruptcy of the bidder, determining absolute incapacity to execute the work.
- b. But, i. 'Payment certificate' of works authenticated by appropriate authority for preceding three Financial Years, or, ii. Valid Income Tax Returns for preceding three FY, or, iii. Audited Profit & Loss Accounts statements of three FY, any one of i, ii, or iii as a complete set for three FY within zone of immediate preceding five FY is to be uploaded in '**payment certificate.pdf**' folder under OID cover, else the bidder may be disqualified. Name, address, contact no. and registration no. of auditor Firm is desirable for Profit & Loss accounts statement, if submitted.
- c. Others: Any other documents considered necessary by the bidder related to 3.2B (IV).

**3.2B(V) Declarations:** Work Programme published with the e-Tender by the TIA in the form of a Bar Chart defining the Physical Milestones within Construction period for implementation of the project as per contract in '**declarations.pdf**' folder.

**Note:** No file in Technical (Pre-Qual) cover or OID cover folder is allowed to be kept blank/empty. Where ever the forms and documents are uploaded by the Tender Inviting Authority, the same is to be downloaded, duly filled up converted to pdf file and again uploaded after digital signing forming a part of tender document. Any other documents sought from the bidders are to be converted to pdf, digitally signed and uploaded along with their bid.

**3.3 Financial proposal / bid under Financial cover:-**

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

- i. Bill of Quantities (BOQ): The contractor/bidder is required to quote the rate as percentage above or below the estimated amount put to tender or 'at-par' with tender value, on-line, in the space marked for quoting rate in the BOQ.
- ii. Only the downloaded sheet of the above document in excel format is required to be uploaded by the contractor/bidder.
- iii. BOQ without a valid numeric rate at the designated space provided in the BOQ will be disqualified and

rejected outright. Contractors/bidders willing to quote “at-par” rate shall need to write “0” in the ‘space’ provided for rates in the BOQ.

#### **4. Tender Fee and Earnest Money Deposit (EMD)**

##### **i. Tender Fees:**

Entire set of e-Tender documents are made available free of cost through the State Government e-Procurement portal having URL <https://wbtenders.gov.in> and also in the e-Procurement link of Departmental website [www.wbiwd.gov.in](http://www.wbiwd.gov.in). Cost for tender document will not be charged even during execution of a formal tender contract-agreement. However, the contractors/bidders may wherever necessary shall be suitably charged for additional/multiple copies of drawings, specifications; Schedule of Rates booklet etc. and such fee may be suitably determined by the Tender Inviting Authority as per existing Rules.

##### **ii. Earnest Money Deposit (EMD):**

Intending bidders desiring to make payment of Earnest Money (EMD) has to do the same through e-Payment banking system, on-line and should beforehand read the instructions carefully, particularly those contained in the challan generated in the e-transaction of the portal, if opted for EMD payment through RTGS/NEFT. Quoting bid price in financial bid stage below 20% of the estimated amount put to tender (Tender value) is not desirable, as it leads to a doubt regarding the intension of the bidder to deliver good quality work on due time. Additional Performance Security as Bank Guarantee shall be obtained in specimen Form-6 from any RBI approved Indian Bank located in West Bengal only, if the L1 bid is below 20% of the amount put to tender in addition to EMD and Security Deposit. (I&WD No. 09-W/2017-18 dated 20.07.2017 may be referred in the order link of [wbiwd.gov.in](http://wbiwd.gov.in)) Authenticity of BG would be verified from the issuing bank during technical evaluation stage of tender.

#### **4A. Login by bidder:**

- a. A bidder desirous of taking part in e-tender floated by the State Government shall login to the e-Procurement portal of the Government of West Bengal [www.wbtenders.gov.in](http://www.wbtenders.gov.in) using his/her login ID and password by using their valid DSC.
- b. He/she will select the tender to bid and initiate payment of pre-defined EMD fixed for that tender by selecting from either of the following payments modes:
  - i. Net-Banking (any of the banks listed in the ICICI Bank Payment Gateway) in case of payment through ICICI Bank Payment Gateway;
  - ii. RTGS/NEFT in case of off-line payment through bidders bank accounts in any Bank approved by RBI in India.

#### **4B. EMD payment procedure:**

- a. Payment by Net Banking out of any listed bank through ICICI Bank Payment Gateway:
  - i. On selection of Net Banking as the payment mode, the bidder will be directed to ICICI Bank Payment Gateway (along with a string containing a Unique ID) where he/she will select the Bank through which he/she wants to electronically transact the EMD.
  - ii. Bidder will make the payment after entering his Unique ID and password of the bank to process the e-transaction.
  - iii. Bidder will receive a confirmation message on registered mobile phone regarding success/failure of the transaction.
  - iv. If the transaction is successful, the amount paid by the bidder will get credited in the respective Pooling account of the State Government maintained with the Focal Point Branch of ICICI Bank at R.N Mukherjee Road, Kolkata for collection of EMD against unique codes for identification of the tendering authority.
  - v. If the transaction is failure, the bidder will again try for payment by going back to the first step.
- b. Payment through RTGS/NEFT:
  - i. On selection of RTGS/NEFT as the payment mode, the e-procurement portal will show a pre-filled challan having the details to process RTGS/NEFT transaction.
  - ii. The bidder will print the challan and use the pre-filled information to make RTGS/NEFT payment using his/her own designated Bank account.
  - iii. Once payment is made, the bank would provide an “**UTR remittance number**” for successful transaction with which the bidder will come back to the e-Procurement portal after expiry of 2 to 3 bank working days to enable the NEFT/RTGS process to complete, in order to verify the payment made and continue with his/her bidding process.

- iv. If verification is successful, the fund get credited to the respective Pooling account of the State Government maintained with the Focal Point Branch of ICICI Bank at R.N Mukherjee Road, Kolkata for collection of EMD.
- v. Hereafter, the bidder will go to e-Procurement portal for final submission of his/her e-bid within pre-assigned last date of submission of e-tender.
- vi. If the payment verification is unsuccessful, the amount will be returned automatically by the system to the bidder's bank account.

**Note:** EMD made through RTGS/NEFT would require additional 2 to 3 bank working days after date of transaction in the bank before the procedure is completed for enabling the bidder to continue with the bidding process in the on-line final bid submission. Thus, the bidder is to take precaution in case of RTGS/NEFT transfers, so that the entire process of submission of e-tender is completed within last date of on-line submission of his/her tender. However, Net-banking transaction through ICICI bank payment Gateway would be on real time basis.

#### **4C. Refund/Settlement Process for EMD:**

- i. After decrypting/admitting of all e-bids, the preliminary technical bid evaluation (TBO) summary sheet would be published in the Portal after two working days, and thereafter at least after four working days, the Final technical evaluation (TBE) summary sheet would be published in the Portal with simultaneous electronic processing in the e-Procurement portal by the tender inviting authority done so that status of the all bids as qualified or disqualified; based on the Final Bid Evaluation Sheet (FBE) is made available to all bidders along with the details of the unsuccessful bidders to ICICI Bank by the e-Procurement portal through web services.
- ii. On receipt of the information from the e-Procurement portal, the Bank will refund through an automated process the EMD of the bidders disqualified at the technical evaluation to the respective bidders' bank accounts from which they made the EMD on-line transaction. Such refund will take place within T+2 Bank working days where T will mean the date on which information on rejection of bid is uploaded to the e-Procurement portal by the Tender Inviting Authority.
- iii. Once the financial bid evaluation is electronically processed in the e-Procurement portal, EMD of the technically qualified bidders other than that of the L1 will be refunded, through an automated e-process, to the respective bidders' bank accounts from which they made the payment transaction. Such refund will take place within T+2 Bank working days where T will mean the date on which information on rejection of financial bid is uploaded to the e-Procurement portal by the tender inviting authority.
- iv. As soon as the L1 bidder is awarded the contract (AOC), the same is processed electronically in the e-Procurement portal for transfer to Government Receipt under Public Accounts of the State through GRIPS where under the security deposit will also be collected in connection with the work.
- v. All refunds will be made mandatorily to the Bank account from which the payment of EMD was initiated.
- vi. If the e-tender is cancelled, then the EMD would be reverted to the original bidder's bank account automatically after such cancellation order is processed online by the Tender Inviting Authority.
- vii. TIA reserves the right to forfeit the EMD electronically in case of breach/violation of tender rules as defined under clause 8 & 9.

#### **5. Completion Certificate as Prequalification (PQ) Work Credentials:**

- i. Completion Certificates (CC) for 100% completed works (Gross 100% final billed value) within last five financial years will only be accepted as valid PQ credential of work. Incomplete ongoing work shall not be considered for valid PQ work Credential. Payment Certificate without containing other mandatory details as required in standard Completion Certificate formats of the PQ work credential shall not be treated as valid CC.
- ii. CC should preferably contain the name, postal address, contact Telephone No. and FAX and e-mail ID, 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 if issued, incomplete contact details making it time consuming for verification purposes of CC outside the jurisdiction of the State and those having incomplete information may be rejected.
- iii. Completion Certificates (CC) of previous works successfully completed in the Irrigation & Waterways Directorate will be considered. CC of 100% completed works executed in any other State / Central Government Ministry / Department / Organisation / Govt. Undertaking / Govt. Enterprises or Nationalised Institutions or Local Government Bodies (Municipalities, Zilla Parishad & Panchayat Samities within West Bengal, will also be considered as valid PQ work credential. 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 the BDO & Executive Officers or equivalent administrative officers respectively. It is desirable to have telephone and FAX or e-mail addresses of the signatory of the CC for all offices outside West Bengal for verification purposes.

**6. Pre Qualification (PQ) eligibility criteria**

Eligibility criteria for prequalification (PQ) of a contractor/ bidder based on his/her credential of 100% completed single works contract and financial capacity in the zone will be determined as per Rules stated below:

- 6. I** Firstly, gross bill value of the work as per CC of single works contract of similar nature completed during the current year and preceding five FY will be multiplied by the following factors to take care of the inflationary effects to arrive at the gross notional amount.

Year	Description	Multiplying factor to arrive at gross notional amount
Current	-	1.00
1 <sup>st</sup>	1 year preceding the current financial year	1.08
2 <sup>nd</sup>	2 years preceding the current financial year	1.16
3 <sup>rd</sup>	3 years preceding the current financial year	1.26
4 <sup>th</sup>	4 years preceding the current financial year	1.36
5 <sup>th</sup>	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 during evaluation of the tender. If the PQ work credentials submitted by hitherto contractors/bidders are for different works, then both the PQ work credentials will be considered for determining the eligibility criteria of the individual contractors/bidders.

**6 II. Financial proposal of any contractor/bidder will come under consideration only when the PQ works criteria mentioned below are satisfied and fulfilled in the Technical Bid Evaluation stage.**

Gross notional amount calculated from Completion Certificate (CC) of a single works contract 100% completed within the zone of immediate preceding five financial years as on the date of this e-NIT, issued in favour of the contractor/bidder /agency/Firm/Registered Co-operative Society for a similar work defined in the tender should be at least 30% of the amount put to tender (Tender Value) for the work it is bidding. The power to decide on the criteria of similarity rests without any prejudice, solely with the Tender Accepting Authority which shall be stated in column 7 of the List of Works.

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

Normally, separate BOQ and Completion Certificate (CC) of 100% completed different works are to be provided by a bidder as PQ work credential for participation in separate works in a particular e-NIT. However, BOQ and CC for one particular work may be considered eligible for participation in maximum two numbers of serials of work in the same e-NIT, provided requisite PQ work credential vis-a-vis PQ work credential (both work as well as financial capacity) desired in column 7 of the 'List of Works' for two works being bid by the same bidder is to be arithmetically added and satisfies the requirement in all respect from one such CC submitted in both the serials.

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

If any contractor/bidder fails to physically produce the originals of documents (especially Bank Guarantee and 100% Completion Certificates), or any other document on demand by the Tender Inviting Authority or Tender Evaluation Committee (TEC) which were submitted as soft copies in PDF files with their e-bid within a specified time frame, arising due to any material deviation detected in the uploaded soft copies,



and leading to specific doubts which could not be cleared by enquiry from issuing authority of these documents, or if there is any suppression/distortion/falsification noticed/detected/ pointed out at any stage of the e-tender process prior to signing of Contract-Agreement or the issuance of LOA or AOC, the Tender Inviting Authority will immediately bring the matter to the notice of the concerned Chief Engineer and the contractor/bidder may be suspended from participating in all future tenders on the e-Procurement platform of I&WD as per approval of the Suspension Committee/ Debarment Committee for a maximum period up to 3 (Three) years. In addition, his/her EMD of the tender 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, Centralized e-Tender Cell and also the Government in the Irrigation & Waterways Department. Copy of all suspension orders/Departmental debarment orders should invariably be communicated to the Nodal Officer, e-Governance Cell of the Department with a request for uploading the order in the Departmental website under the link "List of debarred/blacklisted contractors". Penal measures in regard to various offenses shall be guided in terms of the Departmental Notifications/Orders and as a Rule this would be considered a part of the tender document.

## **9. PROCEDURE FOR SUSPENSION AND DEBARMENT OF SUPPLIERS/ CONTRACTORS**

### **A. SCOPE:**

The procedure as laid down in subsequent paragraphs shall govern the suspension/debarment of suppliers, contractors and consultants ("Contractors" for brevity) involved in Government procurement for offenses or violations committed during competitive bidding and contract implementation, or even later for the works under Irrigation & Waterways Department, Government of West Bengal.

### **B. PROHIBITION ON SUSPENDED / DEBARRED PERSONS / ENTITIES TO PARTICIPATE IN THE BIDDING OF GOVERNMENT PROJECTS / CONTRACTS OF THE DEPARTMENT**

A person / entity that is suspended / debarred by a procuring entity shall not be allowed to participate in any procurement process under Irrigation & Waterways Department during the period of suspension / debarment unless the same has been revoked by the competent authority.

A Joint Venture or Consortium which is suspended / debarred or which has suspended / debarred member/s and/or partner/s as well as a person/entity who is a member of suspended / debarred Joint Venture or Consortium shall, likewise, not be allowed to participate in any procurement process under Irrigation & Waterways Department during the period of suspension / debarment unless the same has been revoked.

### **C. DEFINITION OF TERMS:-**

- i. Bidder:** A person/Contractor/Agency participating in the procurement process and/or a Person/Contractor/Agency/Firm having an Agreement/Contract for any procurement with the Department shall be referred as bidder.
- ii. Bid Evaluation Committee or Tender Evaluation Committee (TEC in short):**
  - a.** 'Bid/Tender Evaluation Committee' (TEC) for the bids invited by the Executive Engineer up to Rs. 45.00 lakh value will be comprising of i) Concerned Executive Engineer as Chairperson and Convener, ii) Concerned Assistant Engineer as Member, iii) Estimator/JE of the office of Executive Engineer of the Division as Member,
  - b.** Bid/Tender Evaluation Committee' for the bids below Rs 3.0 lakh (TEC) value invited by the Assistant Engineer will be comprising of i) Concerned Assistant Engineer as Chairperson and Convener,
  - c.** or, Any other Evaluation Committee constituted by the Department from time to time.
- iii. Consolidated Debarment List:** A list prepared by the Departmental Debarment Committee/Chief Engineer containing the list of bidders debarred by the Irrigation & Waterways Department, Government of West Bengal. The list would be displayed prominently in the designated link in website of the Department clearly stating the period of suspension/debarment.
- iv. Contract implementation:** A process of undertaking a project in accordance with the contract /Agreement documents.
- v. Debarment:** An administrative penalty, in addition to the contract/Agreement provisions, disqualifying a bidder from participating in any procurement process under Irrigation & Waterways Department, Government of West Bengal for a given period.

- vi. **Debarred Bidder:** A Bidder who was disqualified by the competent authority of the Irrigation & Waterways Department, Government of West Bengal.
- vii. **Department:** Irrigation & Waterways Department, Government of West Bengal
- viii. **Debarment Committee (Committee competent for issuing Debarment Order):**

The “Debarment Committee” will be comprising of the (i) The Secretary, Irrigation & Waterways Department as Chairperson and Convener, (ii) The Chief Engineer (South), Irrigation & Waterways Directorate as Member and (iii) The Director of Personnel & Ex-officio Chief Engineer, Irrigation & Waterways Directorate as Member, (iv) The Financial Advisor, Irrigation & Waterways Department as Member, (v) For mechanical and electrical works, the Superintending Engineer, Mechanical & Electrical Circle for works of North Bengal, the Superintending Engineer, North Bengal Mechanical & Electrical Circle as Members.

The Debarment Committee is authorised to decide to place alleged bidders under debarment.

- ix. **Entity:** A person/Contractor/Agency/Joint Venture/Consortium/Corporation participating in the procurement process and/or a Person/Contractor/Agency/Joint Venture/Consortium /Corporation having an agreement/contract for any procurement with the Department shall be referred as entity.
- x. **Offence:** A violation or breach of the Constitution of India, laws, regulations, laid down procedure, etc under Prevention of Corruption Act, 1988, Code of Criminal Procedure, 1973 u/s 195(1) and Section 197(1), Competition Act, 2007 and IT Act, 2000 as amended.
- xi. **Procurement:** It is the act of buying goods, services or works from an external source. It is favourable the goods, services or works are appropriate and that they are procured at the best possible cost to meet the needs of the acquirer in terms of quality and quantity, time and location.
- xii. **Procuring Entity/Authority:** The officer authorised by the Irrigation & Waterways Department, Government of West Bengal for procurement.
- xiii. **Suspension:** Temporary disqualification of a bidder from participating in the procurement process of Irrigation & Waterways Department for a period of 6 (six) months when an offence is made against a bidder.

**D Suspension Committee (Committee competent for issuing Suspension Order):**

“Suspension Committee” will be comprising of i) Concerned Chief Engineer of the jurisdiction of work involved as Chairperson and Convener, ii) SE attached to the Chief Engineer as Member and iii) Concerned Superintending Engineer of the respective Circles as Member.

For River Research Institute & Dam Safety Organisations, the concerned Chief Engineer, Irrigation & Waterways Directorate will act as Chairperson and the Directors as Member cum Convenor of the Suspension Committee as stated above.

**E GROUNDS FOR SUSPENSION AND DEBARMENT**

- i. Submission of eligibility requirements containing false information or falsified documents.
- ii. Submission of Bids that contain false information or falsified documents, or the concealment of such information in the Bids in order to influence the outcome of eligibility screening or any other stage of the bidding process.
- iii. Unauthorised use of one’s name/digital signature certified for purpose of bidding process.
- iv. Any documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding in his favour.
- v. Refusal or failure to post a self-declaration to the effect of any previous debarment imposed by any other Department of State Government and / or Central Government.
- vi. All other acts that tend to defeat the purpose of the competitive bidding such as lodging false complain about any bidder, lodging false complain about any officer duly authorised by the Department, restraining any interested bidder to participate in the bidding process etc.
- vii. Assignment and subcontracting of the contract or any part thereof without prior written approval of the procuring entity.
- viii. Whenever adverse reports related to adverse performance, misbehaviour, direct or indirect involvement in threatening, making false complaints etc damaging the reputation of the Department or any other type complaint considered fit by the competent authority of the Department are received from more than one officer or at more than one occasion from individual officer.
- ix. Refusal or failure to post the required performance security/earnest money within the prescribed time

without justifiable cause.

- x. Failure in deployment of technical personnel, engineers and / or work supervisor having requisite license/supervisor certificate of competency as specified in the contract.
- xi. Refusal to accept an award after issuance of 'Letter of Acceptance' or enter into contract with the Government without justifiable cause.
- xii. Failure of the contractor, due solely to his fault or negligence, to mobilize and start work or performance within the specified period as mentioned in the 'Letter of Acceptance', 'Letter of Acceptance cum work Order', 'Work Order', 'Notice of Proceed', 'Award of Contract' etc.
- xiii. Failure by the contractor to fully and faithfully comply with its contractual obligations without valid cause, or failure by the contractor to comply with any written lawful instruction of the procuring entity or his representative(s) pursuant to the implementation of the contract.
- xiv. For the procurement of consultancy service/contracts, poor performance by the consultant of his services arising from his fault or negligence. Any of the following acts by the consultant shall be construed as poor performance:
  - a. Non deployment of competent technical personnel, competent engineers and / or work supervisors;
  - b. Non deployment of committed equipment, facilities, support staff and manpower; and
  - c. Defective design resulting in substantial corrective works in design and / or construction;
  - d. Failure to deliver critical outputs due to consultant's fault or negligence; and
  - e. Specifying materials which are inappropriate and substandard or way above acceptable standards leading to high procurement cost,
  - f. Allowing defective workmanship or works by the contractor being supervised by the consultant.
- xv. For the procurement of goods, unsatisfactory progress in the delivery of the goods by the manufacturer, supplier or distributor arising from his fault or negligence and / or unsatisfactory or inferior quality of goods, vis a vis as laid down in the contract.
- xvi. Wilful or deliberate abandonment or non-performance of the project or contract by the contractor resulting to substantial breach thereof without lawful and / or just cause.

**F. CATEGORY OF OFFENSE:**

- a. First degree of offense: Sl No. 9E(i). to (xvi) to be considered as first degree of offense.
- b. Second degree of offense: Any one of the offenses as mentioned under Clause 9E(i) to (xvi), committed by a particular bidder/contractor/supplier by more than one occasion, be considered as second degree of offense.

In addition to the penalty of suspension /debarment, the bid security/earnest money placed by the concerned bidder or prospective bidder shall also be forfeited.
- c. Debarment procedure and rules with guiding principles are published as Departmental Notification available in [wbiwd.gov.in](http://wbiwd.gov.in) in the Notification link.

**G. PENALTY FOR OFFENSE:**

- a. For committing 1<sup>st</sup> degree of offense: Disqualifying a bidder from participating in any procurement process under Irrigation & Waterways Department, Government of West Bengal up to 2 years.
- b. For committing 2<sup>nd</sup> Degree of offense: Disqualifying a bidder from participating in any procurement process under the Irrigation & Waterways Department, Government of West Bengal for a period of 3 (three) years.

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

In view of introduction of GST with effect from 01.7.2017, all the bidders intending to participate in this e-tender should offer their financial bids inclusive of GST applicable for entire composite works/Procurement of goods & services, labour intensive component contained in the BOQ. Income Tax, Royalty, GST (CGST, SGST, IGST), Construction Workers' Welfare Cess, Labour Insurances 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, and no separate payment towards any of the statutory taxes shall be made by the implementing authority.

**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 factors and difficulties to be involved during 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 designated Assistant Engineer/Executive Engineer Concerned Division in between 11.30 hours to 16.30 hours on any working day, prior to the date of last date for submission of bid in the e-tender.

## **12. Conditional & incomplete tenders**

Conditional and incomplete tenders are liable to be summarily rejected. No off-line document will be entertained until completion of e-Tender process by acceptance of L1 bid.

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

### **13.1 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 electronic system.

- i. Technical proposal will be opened by the Tender Inviting Authority or his/her authorised representative/s electronically in the official website using their authorised valid Digital Signature Certificate/s (DSC).
- ii. Intending contractors/bidders may remain present if they so desire.
- iii. Technical cover 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/ decrypted. If there is any material deficiency in either of the Technical cover documents, the e-bid is liable to be disqualified & rejected.
- iv. Decrypted (transformed into readable format) documents of the Pre-Qual Technical cover and the OID (Other Important Document) Cover will be decrypted/downloaded by the TIA and handed over to the Technical Bid Evaluation Committee (TEC).

### **13.2 Process of Technical Evaluation in a tender**

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

### **13.3 Uploading the list of technically qualified contractors/bidders**

- i. Pursuant to decision arrived after a Technical Bid Evaluation and review, the final list of eligible contractors/bidders having successfully qualified in the Technical Evaluation stage for a particular serial of work whose financial proposal will be thus considered, is uploaded on the web portal/s.
- ii. While evaluating, the TEC may, if they so desire, summon the contractors/bidders and seek further clarification/information or seek verifications of original hard copy of any of/all the documents already submitted on-line, and if these cannot be produced within stipulated timeframe, their bids will be liable for rejection.

### **13.4 Opening and Evaluation of Financial Proposal/bid**

- i. Financial proposals of the bidders/contractors declared technically qualified 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 the names of contractors/bidders and the rates quoted by them will be uploaded and the result will be made available in the e-tender 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 his office and after their acceptance upload the financial bid evaluation summary sheet or result containing the name of contractors/bidders and the rates quoted by them against each work.
- v. If there is any scope for lowering down of rate in the opinion of the Tender Accepting Authority being abnormally high above 10% of the amount put to tender i.e Tender value, the e-NIT shall be cancelled and invited afresh. No post tender negotiation is permitted. Only in a **very rare and exceptional case**, with prior recommendation and advice of Government appointed Tender Committee bid negotiations with **only the L1 bidder** to lower down the L1 rate obtained in re-tender, through sealed bid/ e-Tender cum reverse auction may be conducted by the Tender Inviting Authority in presence of Tender Accepting Authority for reasons to be recorded in writing.
- vi. If there is no contractor/bidder or the number of contractors / bidders in the 1<sup>st</sup> 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 tender/e-NIT is to be cancelled as well and fresh e-tender vis-a-vis 2<sup>nd</sup> call e-Tender or even 3<sup>rd</sup> call e-Tender may be invited by suitably lowering of minimum eligibility PQ criteria (work & financial) for bidders with wide publicity of Re-tender notices through electronic and print media.
- vii. Final result after acceptance of the rate by the Tender Accepting Authority, if within the delegated power of acceptance would have to be uploaded in the e-Procurement platform. Otherwise, the matter may be referred to the Government Appointed DTC and the appropriate Government for decision.
- viii. The Tender Accepting Authority may ask the L1 bidder/contractor to submit analysis of rates to justify the rate quoted by that bidder after declaration of financial bid evaluation result.
- ix. If the lowest (L1) bidder/contractor backs out there should be Re-tendering in a transparent and fair manner. In such a situation the TIA may call for re-tender with bid submission time period should normally be 14 days for value above Rs. 10.00 lakh, and 7 days for value exceeding Rs. 1.00 lakh but upto Rs. 10.00 lakh.

### 13.5 Tender Accepting Authority (TAA)

Authority to which the power has been delegated to accept tenders as per latest Finance Department 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 ,Concerned 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, Concerned Division, I&W Directorate. [off-line single bid Tenders]
- 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, Concerned Division, I&W Directorate. [off-line single bid system Manual Tenders] on the basis of technically sanctioned costs.

### 13.6 Procedure to be followed for final acceptance of tender & Award of Contract

- i. The lowest (L1) financial bid for all works tenders is accepted as a rule. If for any reason the lowest (L1) bid 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.
- ii. Maximum 5% excess beyond the 'Tender Value' (Amount put to Tender) may be accepted as per delegated power to the Executive Engineer up to Rs 45.00 lakh, and at least three valid bids have been received in the financial bid stage, provided tender value after abatement is within the administratively

approved cost. Maximum 5 % excess beyond the 'Tender Value' (Amount put to Tender) may be accepted above tenders of value below Rs 3.00 lakh upto 5% above amount put to tender and also 5% excess over administratively approved amount, proposal for revised administrative approval/Expenditure sanction 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 approval.

- iii. Above 5% and up to 10% of the Tender Value can be recommended to the Government for acceptance by the Departmental Tender Committee (DTC) subject to the conditions that valid technically qualified bids should not be less than three and L1 bid 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/ Revised Financial sanction.
- iv. 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/relaxed 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.
- v. If the number of valid bids received even in re-tender is less than three, it should be referred by the TIA to the DTC and even the appropriate Government along with the recommendation of the DTC for decision, in accordance with Finance Department Memorandum and other relevant orders in vogue at the time of publication of the e-tender.
- vi. For acceptance of L1 bid after 2<sup>nd</sup> / 3<sup>rd</sup> re-tenders is still above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the DTC as mentioned at clause 13.4, with that of the Department shall have to be sent to the Finance Department for decision.
- vii. All above tender rules applies for all types of works and procurements i.e Plan, Non Plan, deposit works tenders.

#### **14. General guidelines for acceptance of e-Tender**

Lowest valid rate should normally be accepted in accordance with the procedure stated in clause 13.4. The Tender Accepting Authority reserves the right to distribute the work amongst more than one contractor/bidder with same L1 rate.

#### **15. Signing of formal tender contract/agreement after acceptance of e-tender**

The contractor/bidder, whose bid 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 Engineer-in-Charge in quadruplicate in W.B.F. 2911(i)/2911(ii) and all other contract documents, entire set of which may be obtained free of cost from the office of the designated Executive Engineer, Concerned Division in-charge of the work tendered.

If the selected L1 bidder fails to turn up even after 30 days after the initial 15 days from the date of uploading of the AOC in the e-Procurement portal or the despatch date of official communication for signing of the Contract/Agreement, the selected bidder is liable for penal actions which shall comprise blacklisting, debarring from future participation in Government tenders, immediate forfeiture of the Earnest Money deposited in the tender, other penal actions as stipulated under clause 9 & 10 of the e-NIT, the Departmental Notification and also contained in contract W.B Form No. 2911(i)/ 2911(ii)/ Agreement.

#### **16. Payment against bills raised by the contractor**

Periodic Tax invoice/bills containing bidders GSTIN & other details needs to be submitted by the supplier/contractor/Agency/bidder to the DDO for raising claims for receiving payments of work executed under this contract /upon achieving physical Milestones clearly showing separately the Tax charged in accordance with the provisions of the GST Act, 2017.

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. No cost escalation in any form is included in the Tender Contract Agreement.

#### **18. Bid validity**

The Bid will be normally valid for **120 days** from the date of opening of the financial proposal. However,

extension of bid validity may be suitably considered by the Tender Inviting Authority, if required, subject to written confirmation of the contractor/bidder (s) to that effect.

**19. Definition of Physical Milestones:**

The time allowed for carrying out the work as entered in the tender shall be strictly observed by the contractor, and which shall be reckoned from the date on which the order to commence work is given to the contractor. The work shall throughout the stipulated period of the contract be proceeded with all due diligence. Time being deemed to be the essence of contract on the part of the contractor; the contractor shall be bound in all cases, to achieve the 'Milestones' as specified by the Engineer-in-Charge with the AOC, defining pertaining to the work. The contractor within 15 days of receipt of Letter of Acceptance shall submit a work programme commensurate with period of construction in the form of a Bar Chart work programme, stating the timeline of such different Milestones. In the event of the contractor failing to comply with any of the conditions related to achieving the 'Milestones' within the specified time period prescribed for such 'Milestone' plus one month, he/she shall be liable to pay compensation.

If the contractor fails to commence and/or maintain required progress over the total time allotted for its full completion and fails to complete the work and clear the site on or before the end of contract period or extended date of completion, he/she shall, without prejudice to any other rights or remedy available under the law on account of such breach, pay as agreed compensation to the implementing Department. This will also apply to items or group of items for which a separate period of completion has been specified.

**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 L1 bidder/contractor penalised in terms of clause 8 referred earlier would be applicable.

**21. Schedule of important dates in the e-Tender**

Sl. No.	Activity	Date & Time	Remarks
1.	Publishing Date	18.09.2017 at 10.00 Hrs	To be made available with the e-NIT in the website
2.	Document Download start date	18.09.2017 at 10.00 Hrs	
3.	Bid submission start date	18.09.2017 at 10.30 Hrs	
4.	Document Download end date	21.09.2017 at 11.00 Hrs.	
5.	Bid submission end date	21.09.2017 at 11.00 Hrs.	
6.	Technical Bid opening date with preliminary result (TBO Sheet)	21.09.2017 at 12.00 Hrs.	
7.	Uploading of the list of Technically qualified final list of bidders (TBE Sheet)	To be decided by EE	To be notified to all bidders through e-mail & SMS through auto-generation in the system.
8.	Financial Bid opening date (FBO Sheet)	To be suitably decided by TIA	
9.	Uploading of CS (Comparative Statement) and uploading of Final FBE Sheet	To be suitably decided by EE(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 (Assistant Engineer/Executive Engineer)

TAA: e-Tender Accepting Authority (Executive Engineer)

**22.** Extension of last date for e-bid submission or any other Addendum/Corrigendum, if unavoidable is to be notified as per Finance Department guidelines, in the e-Procurement Portal, Departmental website and in Notice boards at least 24 hours before the original validity period of bid submission. Extension of last bid submission date by issuance of a Corrigendum shall not be treated as 2nd or subsequent call of Re-tender.

### **Additional Terms & Conditions**

1. The Executive Engineer of the concerned Division shall be the Engineer-in-Charge in respect of the works contract and all correspondence 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/her. Instructions given by the Sub-Divisional Officer/Assistant Engineer and the Junior Engineer/Section Officer (SO) 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 specifications and work, the decision of Engineer-in-Charge shall be final and binding. The Engineer-in-Charge will however take all decisions relating to works contract only after recommendation/ advice of the Tender Accepting Authority. If there is more than the Executive Engineer assigned for the tender, the Chief Engineer would designate the Engineer-in-Charge for the work.
2. Acceptance of the tender including the right to distribute the work between two or amongst more than two bidders with same L1 rates will rest with the Tender Accepting Authority without assigning reason thereof to any of the bidders. The tender accepting authority reserves the right to reject any or all tenders without assigning sufficient justification thereof to the bidder/contractor. No additional or excess work or additional items of work beyond the tendered amount would be generally allowed. All excess, supplementary or substitute supplementary items of work, if unavoidable are to be accepted by the Tender Accepting Authority only if the total value of work on completion is within the tendered amount. The exiting contract would be terminated after achieving work up to tendered cost (gross value) and balance work would be taken up afresh after fresh sanction and new tender, except in the interest of public services, in rare & special cases under specific approval of the Government.
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. Escalation of cost due to inflationary effects or any other reason is not permitted during construction period or extended time period of contract.
5. Engineer-in-Charge shall not be held liable for any compensation due to machines & equipments becoming idle or any circumstances including untimely rains, other natural calamities, strikes etc.
6. All statutory taxes, viz. GST / labour welfare cess, labour insurance etc or revision of taxation rates even after AOC or commencement and before final completion of the work are to be borne by the contractor/bidder. Original tax invoice/challan or bill of those materials, which are procured by the bidder, may be asked to be submitted for verification if required.
7. Labour Welfare Cess @ 1% of the cost of construction works shall be deducted from the Gross value of all works bills. Also it is instructed to compulsorily register his/her establishment under the Act, under the competent registering authority, i.e. Assistant Labour Commissioner / Dy. Labour Commissioner of the region for disbursing PF and ESI benefits of workers. The bidder should be mandatorily be registered online with Employees Provident Fund Organisation (EPFO) in the on-line system and posses EPF code and all current documents. Penalties and complaints due to non compliance of on-line EPF registration and default is the full responsibility of the bidder even if the TIA is by default the Principal employer
8. No mobilization / secured advance will be allowed unless specified otherwise in the contract or the e-Notice Inviting Tender.
9. GST, Cess, License fees, Royalty for construction materials, forest product etc, Toll Tax, Income Tax, Ferry Charges and other Statutory Government Taxes as applicable during project implementation are to be paid by the contractor/bidder. The rates of supply and finished work items are inclusive of these taxes and levy. Tax invoice/bills needs to be submitted by the supplier/bidder for raising claims under the contract after



attaining of physical milestones showing separately the tax charged in accordance with the provisions of GST Act, 2017.

10. All working tools & plants, scaffolding, construction of vats & platforms and arrangement of Labour Camps will have to be arranged by the contractor at his/her own cost. The contractor shall clear the site of work and restore all damages made due to the Labour camp, erection of yards and godowns, stores etc within 30 days of completion of work.
11. The contractor shall supply mazdoors, bamboos, ropes, pegs, flags T&P, Machineries and equipments 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 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 contractor shall be bound to comply with all the Central & State Pollution Control Acts & Rules during entire construction period.
15. 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. Also, display boards containing brief description and name of project with completion target dates shall be erected at a prominent location at the work site by the contractor for public awareness.
16. 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. No compensation for establishment charge will be entertained.
17. 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 stretch is completed before impending monsoon or rise in river flood water level or commencement of canal irrigation water release or for other suitable reasons.
18. Quantities of different items of work mentioned in the departmental tender schedule/BOQ or in work order are only tentative. In actual work, these may vary considerably. Payment will be made on the basis of works actually completed in different items as per specifications and codes, and no additional claim will be entertained for reduction of quantities in some items or for omission of some items. For execution of any additional item or supplementary works within the tendered value with the total completion value remaining within the accepted tendered cost, approval of the Tender Accepting Authority/Government in the Irrigation & Waterways Department would be required.
19. In order to cope with the present system of e-pradan billing, departmental supply of construction materials is discouraged. 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.

Decision of the Engineer-in-Charge should be final and binding in this regard. He also stands solely responsible for reconciliation of accounts, if materials are issued to the contractor.

20. 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 48 hours 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.
21. For materials under category 19(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 AE/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, wastage or loss of such materials.
22. The contractor shall also have to satisfy the Engineer-in-Charge regarding the proper utilization of materials which have been issued departmentally.
23. Value of the material, under category (a) & (b) of clause 19, will be recovered from the bills of the contractor in one or successive instalments as may be decided by the Engineer-in-Charge.
24. 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.
25. Reinforcement steel rods/MS sheet piles/bitumen will be issued when stock permits, from the nearest departmental go-down where such material is available in marketable length/quantities. 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.

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

<b>Sl. No</b>	<b>Name of materials</b>	<b>Issue rate (in ‘)</b>	<b>Unit</b>	<b>Penalty recovery rate for loss or misuse or wastage (if otherwise not mentioned specifically in the SoR)</b>	<b>Place of delivery</b>
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-
03	Bitumen		MT	2(Two) times issue rate	-do-

(Digital Signature verified)

**(Sd/)**  
**Executive Engineer**  
**North Dinajpur Irrigation Division,**  
**Irrigation & Waterways Directorate**

# **FORM 1**

(To be submitted in plain paper/letter head as per specimen, duly filled up and uploaded with digital signature which shall be treated as the self declaration of the bidder)

## **APPLICATION FOR e-TENDER**

**To,**  
**The Executive Engineer**  
..... **Division, I&W Directorate**

**e- Tender No:-**

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

**Amount put to e-Tender: Rs** .....

Dear Sir,

Having examined the Technical cover, OID cover & all other e-NIT documents, I/we hereby would like to state that I/we wilfully accept all your conditions and offer to execute the work as per the tenders rules in e-NIT, terms & conditions, specifications, drawings, bill of quantities and corrigenda/addenda, SoR, and Agreement (WB Form No. 2911(i)/(ii) involving the e-Tender and Serial no of work stated above. I/We acknowledge that the making of our bid shall be regarded as an unconditional and absolute acceptance of the terms & conditions of the e-NIT. 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/corrigenda.

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

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

Name in full of Signatory/s\*: \_\_\_\_\_

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

Duly authorized to sign bid

for & on behalf of (Name of Firm): \_\_\_\_\_

(In block Capital letters or typed)

Office address with seal: .....

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

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

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

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

\*In case of Joint Venture & Consortium the Lead Member to submit this format.

(DIGITAL SIGNATURE OF BIDDER IS SUFFICIENT)

**FORM – 2**

**Declaration against Common Interest**

( To be submitted in plain paper/letter head as per specimen, duly filled up and uploaded with digital signature, which shall be treated as the self declaration of the bidder)

**Ref:- e-NIT No. ....,**

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

**Work Sl. No.....**

To,  
Executive Engineer  
.....Division  
Irrigation & Waterways Directorate

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. .... Sl. No. ....  
do not have any common interest either as a partner in any partnership firm /consortium/Joint Venture or as  
Proprietor / Principal Share Holder of any other Firm/Company in the same serial for the work I / we want to participate.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 201\_\_\_\_  
Full name of Bidder / Contractor: \_\_\_\_\_  
Authorised Signatory: \_\_\_\_\_  
In the capacity of: \_\_\_\_\_  
Duly authorized to sign bid  
for & on behalf of (Name of Firm): \_\_\_\_\_  
(In block Capital letters or typed)

Office address with seal: .....  
Telephone no(s) (office): \_\_\_\_\_  
Mobile No: \_\_\_\_\_  
Fax No: \_\_\_\_\_  
E mail ID: \_\_\_\_\_

\*In case of Joint Venture & Consortium the Lead Member to submit this format.

(DIGITAL SIGNATURE OF BIDDER IS SUFFICIENT)

**FORM – 5**

**Declaration on antecedents and performance**

( To be submitted in plain paper/letter head as per specimen, duly filled up and uploaded with digital signature, which shall be treated as the self declaration of the bidder)

**Ref:- e-NIT No. ....**

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

**Work Sl. No.....**

To,  
Executive Engineer  
.....Division  
Irrigation & Waterways Directorate

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. .... Sl. No. ....  
are not black listed or debarred from participation in State Government procurements and tenders in the Irrigation & Waterways Directorate, Government of West Bengal, other Departments of the State Government and Government of India on the date of publication of this Notice Inviting Tender (NIT).

If at a latest stage this submission is found incorrect, the bidder company along with all its contingent members/owners/partners would be liable to penal actions as decided by the Government under the rules.

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

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

Authorised Signatory: \_\_\_\_\_

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

Duly authorized to sign bid

for & on behalf of (Name of Firm): \_\_\_\_\_

(In block Capital letters or typed)

Office address with seal: .....

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

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

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

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

(SIGNATURE OF BIDDER REQUIRED)

**FORM-6\***

**SPECIMEN FORMAT FOR THE BANK GUARANTEE FOR ADDITIONAL PERFORMANCE SECURITY DEPOSIT**

(\*To be submitted if the bid price quoted by the bidder is below 20% of the estimated cost put to tender otherwise the tender will be treated as invalid and rejected)

To,

----- (Designation of Engineer-in-Charge)

----- (Office address of Engineer-in-Charge)

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WHEREAS \_\_\_\_\_ (name and address of Contractor) (hereafter called "the Contractor") has undertaken, in pursuance of Contract No: \_\_\_\_\_ dated \_\_\_\_\_ to execute \_\_\_\_\_ (name of Contract and brief description of Works) (hereinafter called "the Contractor").

AND WHEREAS it has been stipulated by you in the said Contract that the Contractor shall furnish you with a Bank Guarantee by a Scheduled commercial bank for the sum specified therein for '**ADDITIONAL PERFORMANCE SECURITY DEPOSIT**' for compliance with his obligation in accordance with the Contract:

AND WHEREAS we \_\_\_\_\_ (Indicate the name of the bank and branch) have agreed to give the Contractor such a Bank Guarantee:

NOW THEREFORE we \_\_\_\_\_ ; \_\_\_\_\_ (Indicate the name of bank and branch) hereby affirm that we are the Guarantor and responsible to you on behalf of the Contractor, upto a total of \_\_\_\_\_ Rs. (amount of guarantee) \_\_\_\_\_ (in words). We undertake to pay you, upon your first written demand and without cavil or argument, a sum within the limits of \_\_\_\_\_ (amount of guarantee) as aforesaid without your needing to prove or to show grounds or reasons for your demand for the sum specified therein.

We \_\_\_\_\_ (Indicate the name of the bank and branch) hereby waive the necessity of your demanding the said debt from the contractor before presenting us with the demand.

We \_\_\_\_\_ (Indicate the name of the bank and branch) further agree to pay to you any money so demanded notwithstanding any dispute or disputes raised by the contractor(s) in any suit or proceeding pending before any court or Tribunal relating thereto, our liability under this present absolute and unequivocal.

The payment/so made by us under this bond shall be a valid discharge of our liability for payment there under and the contractor(s) shall have no claim against us for making such payment.

We \_\_\_\_\_ (Indicate the name of the bank and branch) further agree that no change or addition to or other modification of the terms of the Contract or of the works to be performed there under or of any of the contract documents which may be made between you and the contractor shall in any way release us from any liability under this guarantee, and we hereby waive notice of any such change, addition or modification.

We \_\_\_\_\_ (Indicate the name of the bank and branch) lastly undertake not to revoke this guarantee except with the previous consent of you in writing.

This guarantee shall be valid upto ----- . It come into force with immediate effect and shall remain in force and valid for a period upto the time of completion of the work under the stated contract plus claim period of six months for the Bank Guarantee. Notwithstanding, anything mentioned above, our liability against this guarantee is restricted to Rs \_\_\_\_\_ (Rs. \_\_\_\_\_ ) and unless a claim in writing is lodged with

us within the validity period, i.e upto.....of this guarantee all our liabilities under this guarantee shall cease to exist.

Signed and sealed this            day            of            20            at

**SIGNED, SEALED AND DELIVERED**

For and on behalf of the BANK by:

(Signature)

(Name)

(Designation)

(Code Number)

(Address)

**NOTES:**

- i. The bank guarantee should contain the name, designation and code number of the officer(s) signing the guarantee

The address, telephone number and other details of the Head Office of the Bank as well as of issuing Branch (within West Bengal/AT PAR ANYWHERE IN INDIA only to be accepted) should be mentioned on the covering letter of issuing Branch.