



Government of West Bengal
Irrigation & Waterways Directorate
Office of the Superintending Engineer
Damodar Irrigation Circle
KANAINATSAL, PURBA BARDHAMAN
☎0342-2645669 FAX : 0342-2540165
e-mail- sediciwdwb@gmail.com

NOTICE INVITING 'e'-TENDER

(For works of estimated cost above ` 45.00 lakh)

e-NIT No -WBIW/SE/DIC/NIT-17(e)/2017-18 (2nd Call)

Tender is hereby invited by the **Superintending Engineer, Damodar Irrigation Circle, 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 work 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://wbtenders.gov.in> and locate this tender by typing **WBIW/SE** 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 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. 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 dvsc6816@gmail.com with Telephone No. 033-23346098 and the State Level e-Procurement Help Desk located at the Ground Floor of Jalasampad Bhavan, Ph:(033)-2334 5161 and through e-mail ID: wbehelphdesk@gmail.com on any working day between 10.30AM-5.30PM 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. 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 12.01.2018 till 16.00 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(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

e-N.I.T No. WBIW/SE/DIC/NIT-17(e)/2017-18 (2nd Call)

SI no	Name of Work/Projector, Procurement except services	Designated Executive Engineer to function as DDO & EIC (In case of more than one is engaged, EIC to be decided by the Tender Accepting Authority)	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 19 of the General Terms & Conditions)
1	2	3	4	5	6	7	8	9
1	Emergent replacement of the damaged under sluice gate of Durgapur Barrage by a new fabricated gate more or less the same weight, along with supplying two new spare gates also having equivalent weight of the corresponding existing gates, one each for spillway bay and under sluice bay at P.S. Barjora, District Bankura.	Executive- Engineer, Damodar Head Works Division, Durgapur, Paschim Bardhaman.	2,59,87,773.00	2% of the estimated cost put to tender i.e Rs.5,19,755.00	105 days	Core State Plan	<p>Summary of minimum eligibility desired for technical qualification and for next stage of financial bid of this tender:</p> <p>A. Technical eligibility with respect to PQ credential</p> <ol style="list-style-type: none"> The bidder must have the credential of successful replacement / repair of at least 1 (one) similar type dam / barrage / lock gate (preferably Stoney's Gate for barrage) having span not less than 12.0 metre, including design of gate structure, hoisting arrangement, hoist supporting structure, etc. or of assembly of gates of a major sluice structure comprising not less than 10 gates, preferably including design of the gate structure / electro-mechanical hoisting arrangement, in a single job during last 7 (seven) years. Necessary Award of Contract (AoC) / Work Order (WO) along with BoQ and Completion Certificate (CC) must be produced and uploaded in support of the credential. The bidder should preferably have ISO: 9001-2008 certification with its registered workshop / factory. The bidder must have qualified technical personnel, having experience of designing gates of dams / barrages / sluices / locks. <p>B. Financial capability in preceding three FY within zone of last five FY:</p> <ol style="list-style-type: none"> Average Gross Annual Turnover of the bidder for three FYs within preceding five FY as stated in clause 7 V, should be at least of 50% of Amount put to Tender, amounting to Rupees 1,29,93,887.00 Bidder's Net worth in three preceding financial year within zone of preceding five financial years should be positive determined from Audited Profit & Loss Accounts and corresponding audited balance sheets stated in Clause 7v c. <p>(Both A. & B stated above should be simultaneously fulfilled as minimum eligibility for qualifying in the Technical Bid Evaluation stage, and all claims for eligibility are to be substantiated with valid legally authentic documents during submission of on-line bid itself)</p>	<p>As per Work Programme prepared and uploaded by the Tender Inviting Authority in the form of Bar Chart or other forms.</p> <p align="center">30 days-25% 60 days-60% 90 days-85% 105 days-100%</p>

Note: Joint Venture and consortium are not allowed for the instant work.

General Terms & Conditions of e-tender

1. Eligibility for participation in e-tender under National Competitive Bidding (NCB)

Bonafide Indian Organisations/ Firms /Companies/State Registered Co-operative Societies/ Companies having proven pre-qualification (PQ) work credentials in execution of engineering construction and procurement projects of similar in nature under Government sector not otherwise blacklisted or debarred on the date of publication of this e-NIT are eligible to participate subject to fulfilling the PQ eligibility criteria laid down in the subsequent paragraph.

2. Pre-bid Meeting:

'Pre-Bid' meeting would be held in the office chamber of the Tender Inviting Authority (TIA) preferably on Day 4 from the date of publication of e-NIT. The minutes of this pre-bid meeting containing clarifications if any, would be uploaded by the TIA within 2 (two) working days in the designated folder of e-tender in e-Procurement portal.

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 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, 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'. 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.

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.

1.2 A Technical /Pre-Qual Cover

- i. **Applications for e-Tender:** vide Self Declaration in specimen *Form-1* which is to be uploaded during bid submission in "**Forms**" folder.
Quote the rates against each of the items calculate the amount against each item by multiplying the quoted rate with the quantity shown for each of the items and finally add up the individual amounts to arrive at the total amount. This filled up 'BOQ' should further contain a certificate i.e "I/We agree to execute the work at a total cost of Rs.....(both in words and figures)" over the signature and stamp of the bidder and pdf version of the BOQ is to be uploaded in the portal as the "Financial Bid".
- 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 Registered Company, Government Undertakings, autonomous organisations, vide specimen *Form-3*, and self declaration on antecedents and performance of the bidder in specimen *Form-4* 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. **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.
- iv. **Agreement format:** In WB Form No. 2911(ii) in the e-Tender are to be uploaded during e-bid submission in "**2911**" folder.
- v. **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)

vi. **Work programme** in the form of **BAR CHART** prepared by TIA in pdf file defining the Physical Milestones within the construction period for implementation of the project as per e-NIT & contract/agreement is to be downloaded by the bidder and again *uploaded during e-bid submission in "BAR CHART" folder*

3.2A.NOTE: i. Contractors/bidders are required to keep track in the e-Procurement website 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 4 are taken from bidders by TIA as self declarations' or undertakings. 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 before Award of Contract. The other documents i.e e-NIT, Corrigendum/Addendum, Agreement format in 2911, Drawings and Work Programme in Bar Chart are to be downloaded, digitally signed by the bidder and again uploaded in pdf files under the Technical Pre-qual Cover as stated earlier.

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

3.2 B. My Document [OID* Cover]:

My Document Format for uploading in OID folder:-

Sl. No.	Category	Sub-category	Sub-category description	Remarks if any
I	Certificates	1. certificates.pdf 2. GSTregistration certificate.pdf	<ol style="list-style-type: none"> 1. Latest Professional Tax Payment Certificate (PTPC) or, PT payment challan for current financial year or Government Order for exemption in other States, where applicable. 2. Valid PAN Card in the name of bidder/organisation 3. Valid GSTIN applicable under GST Acts & Rules. 4. Income Tax Return of current Assessment year or, IT Return of immediate preceding Assessment year under IT Act & Rules, whichever is latest based on the date of publication of NIT. 5. ISO 9001:2008 or equivalent certificate 6. Udyog Aadhar Registration on certificate issued by the Ministry of Micro, Small & Medium Enterprises, Government of India or similar certificate issued by the Central/State Government. Ministry/Department showing the location / address of the factory/ workshop/plant and the major activity undertaken in that factory / workshop/plant 	Refer to Clause 3.2B(I) at next page for details
II	Company Details	companydetails.pdf 1 companydetails.pdf 2	<ol style="list-style-type: none"> 1. For Proprietorship Firms, Partnership Firms, Registered Company, Registered Co-operative Society. (Valid Trade License/ acknowledgement / Receipt of application for Trade License/ Revalidation applicable under the Rules) <p>OTHER REQUIREMENTS:-</p> <ol style="list-style-type: none"> 2. For Partnership Firms (Legally valid Partnership Deed, Form-VIII/ Memorandum of Registration of Registrar of Firms, as applicable) 3. For Companies 	Refer to Clause 3.2B(II) at next page for details

II Continue d..			(Incorporation Certificate, Memorandum of Articles of ROC, List of current owners/ Directors/Board Members)	
			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 & Rules)	
III	Credential	Credential pdf 1 Credential pdf 2	1. BOQ/SoR and Work Order/ Award of Contract duly authenticated by issuing authority. 2. Pre-Qualification(PQ) Work credential of one 100% completed work as desired in the NIT as the Completion Certificate (CC) duly authenticated by competent authority.	Refer to Clause 3.2B(III) at next page for details
IV	Financial Information	P/L and audited Balance sheet for year -1.pdf1 P/L and audited Balance sheet for year-2.pdf2 P/L and audited Balance sheet for year-3.pdf3.	Profit & Loss accounts and audited balance sheets along with relevant annexure containing the designated Forms 3CA/ 3CB/3CD, as applicable, under IT Act, having Average Annual Turn Over above Rs 1.0 crore, else only Audited Profit & Loss Accounts for any three years within the zone of preceding five financial years from date of publication of e-NIT is required	Refer to Clause 3.2B(IV) at next page for details
V	Declaration	Declaration.pdf.1	Pdf file of list of machinery and equipments in possession of the bidder, typed in bidder's letterhead.	Refer to Clause 3.2B(V) below for details
VI	Manpower	Technical personnel.pdf.1	Pdf file of list of technical personnel in the pay roll of the bidder typed in bidder's letterhead is to be uploaded in the following formal; a. SI No. b. Name c. Designation d. Educational Qualification e. Period of employment in the bidder's firm f. Total year of professional experience including the years of experience gathered during serving in the bidder's firm (to be mentioned separately)	

* OID denotes Other Important Documents.

Notes:

- 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 documents submitted by bidder shall be determined on the date of publication of tender (e-Notice Inviting Tender)

3.2B(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 to be uploaded in '*GST registration certificate pdf*'.
- d. Income Tax Return of current financial Assessment year or, IT Return of immediate preceding financial Assessment year under IT Act & Rules, whichever is latest based on the date of publication of NIT.

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

- i. Documents mentioned in tabular format under Clause 3.2B, as applicable.
- ii. For Partnership Firms, documents of Registration of Partnership Firms in the certified copy of ‘Form No. VIII,’ issued under Indian Partnership Act, 1932 (Act-IX of 1932) by the Registrar of Firms. In case a Partnership Firm is yet to receive Form No. VIII, a “Memorandum” issued by the Registrar of Firms may also be accepted.
- iii. For Companies, incorporation Certificate, valid Trade License or acknowledgement of issuing authority of receipt of application for Trade License / renewal, ‘Memorandum of Articles’ registered under the Registrar of Companies (ROC) under the Indian Companies Act, List of owners/ Directors/Board Members are to be uploaded with the e-bid.
- iv. For State Registered Co-operative Societies
 - a. Society Registration certificate from ARCS (Assistant Registrar of Co-operative Societies, GoWB) and By-Laws for Cooperative Societies under West Bengal Co-operative Societies Act, 2006 and Rules, 2011 and all amendments.
 - b. Latest Auditor’s Report of Directorate of Co-operative Audit under Department of Co-operative, Government of West Bengal within preceding five financial years as per Societies Act & Rules.

3.2B(III) Credential of work/Prequalification experience “credential.pdf**”**

- i. Bill of Quantities (BOQ) along with Work Order/Award of Contract; duly authenticated by the competent authority is to be submitted under Technical cover (name of file should be “**credential.pdf 1**”).
- ii. Pre-Qualification work credential (100% CC) issued in favour of the contractor/bidder as contained under clause 6 of e-NIT (name of file should be “**credential.pdf 2**”).

3.2B(IV) Financial credential explanation:

- a. Profit & Loss Accounts and Audited Balance Sheets of the preceding three financial years with licensed auditor's certificate regarding Annual Turnover from business with relevant Annexure in IT Form 3CA/3CB/3CD as applicable for the bidder, having Annual Turnover above Rs 1.0 crore in each financial year which is to be evaluated by the Bid Evaluation Committee as an average or arithmetic mean over the said three financial years. Auditor’s certificate should preferably contain his/her Membership / Registration no. of Registered Audit/CA Firm and contact details for verification purposes.
As per IT Act for all type of Firms having Annual Turnover from business less than Rs. 1.00 crore, Profit & Loss accounts and audit balance sheets only is required certified by a Licensed CA Firm/Audit Firm.

Note: a. If the bidder Company/Firm was set up less than three years ago, audited balance sheets and P/L Accounts for the number of years since inception are to be submitted under Technical cover and the average value would be evaluated only for the period since inception and not three years.

b. Any additional document considered necessary by the bidder related to 4.2B (IV).

3.2B(V) Declarations:, the bidder will be required to upload a list of machinery and equipment, typed in bidder’s letterhead. Pdf file of list of machinery and equipments in possession of the bidder, typed in bidder’s letterhead to be uploaded in ‘**Declaration folder**’..

3.2B(VI) In addition, list of technical personnel in the pay role of the bidder, also typed in the bidder’s letterhead is to be uploaded, using the following format in the ‘**Technical Personnel on pay roll and contract folder**’.

- a. SI Number
- b. Name of employee
- c. Designation
- d. Educational Qualification
- e. period of employment
- f. Total years of professional experience including the experience gathered during serving in the bidder’s firm (to be mentioned separately)

Note: Bio-data need not be submitted at the stage of bidding, but the TIA may seek the biodata during evaluation.

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.

Bill of Quantities (BOQ): The bidder is to quote the rates, against each of the items provided in the BOQ, calculate the amount against each of the items, by multiplying the quoted rate, with the quantity shown for each of the items and finally add up the individual amounts, to arrive at the total amount. Thereafter, a certificate i.e "I/We agree to execute the work at the total cost of Rs.....(both in words and figures)" has to be provided in the said BOQ, over signature and stamp of the bidder and pdf version of this BOQ is to be uploaded by the bidder in the portal.

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. 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. **(a) Earnest Money Deposit (EMD):**

Intending bidders desiring to make payment of Earnest Money (EMD) amounting to 2% of the estimated cost put to tender 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.

(b) Additional Performance Bank Guarantee:

"Additional Performance Security" has been made mandatory which shall be obtained only from the successful L1 bidder, only if the accepted bid value is below by more than 20% of the amount put to tender. This Additional Performance Security shall be equal to 10% of the **tendered amount** i.e the L1 bid price.

The Additional Performance Security shall have to be submitted by the selected bidder after issuance of Letter of Acceptance / Letter of Invitation (LoA/LoI) and before Award of Contract (AoC) in the form of "Bank Guarantee" of any Scheduled Bank approved by RBI, payable at Kolkata or / in West Bengal, as per specimen Format-6. If the bidder fails to submit the Additional Performance Security within seven working days from the date of issuance of LoA/LoI, its Earnest Money Deposit (EMD) will be summarily forfeited by the Tendering authority and the defaulting bidder also debarred from further participation in all future I&WD tenders from the date on which the due date for submission of BG had expired (i.e 8th working day from date of receipt of LOA /LOI) by the Departmental Debarment Committee.

The said Bank Guarantee (BG) shall have to be valid up till the end of the contract-Agreement period including extended time period till 100% physical completion of work in all respects and shall be renewed accordingly if required. The said Bank Guarantee shall remain in custody of the DDO & Executive Engineer in-charge of the work, which shall be returned to the bidder/contractor immediately after successful physical completion of the work as per contract. If the bidder fails to complete the work successfully, this Additional Performance Security shall be forfeited at any time during the pendency of the contract period after serving suitable notice to the contractor/bidder agency. Necessary provisions regarding deduction of security deposit from progressive bills of the contractor in respect of the tendered work shall be governed as per relevant clauses of the tender contract-Agreement which will in no way be affected / altered due to this Additional Performance Security.

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 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 bidder's 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 9 & 10.

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

- i. Completion Certificates (CC) for 100% completed works within last seven 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 may contain the name, postal address, contact Telephone No./FAX / e-mail ID, of the office and designation of the officer/ authority issuing the CC for the work. along with the CC should essentially contain name of work and amount put to tender, date of completion of the work and also gross final bill value of the completed work, certificate of issuing authority indicating successful and satisfactory completion of the same. 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. The CC, should inter-alia, contain the certification of designing various hydro-mechanical equipments by the bidder.
- 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

- 6.1 The bidder must complete at least one work during last 7 (seven) years comprising replacement of a damaged barrage/dam/sluice/lock gate of similar type (preferably Stoney's Type barrage gate) of span not less than 12.00 m, by a properly designed new gate of same length and the job should preferably contain the following items:
 - a. Taking out of old gate without damaging the embedded parts.
 - b. Designing hydro-mechanical equipments of the new gate, including gate structure, hoisting arrangement and hoist supporting structures.
 - c. Fabrication of the new gate assembly as per design and erection at site in places as per match-making and finally assembling by in-situ welding.
- 6.2 The bidder should preferably have ISO 9001:2008 certification and its own registered workshop/factory/plant preferably in West Bengal. The bidder will be required to upload Udyog Aadhar Registration Certificate issued by Ministry of Micro, Small & Medium Enterprises, Government of India or similar certificate issued by the Central/State Governments, Ministries/Department, to prove the bidder's ownership of factory/workshop/ plant and also the major activity undertaken in that firm , in case of having the workshop.
- 6.3 The bidder must have qualified technical personnel having proven experience of designing the specified size and nature of gate, i.e dam/barrage/sluice/lock gate, preferably Stoney's type barrage gate having span not less than 12 m.
- 6.4 Eligibility criteria based on average annual financial turnover of the bidder
 - a. Apart from satisfying eligibility criteria based on PQ work credential stated in Clause 6.1 to 6.2, the Annual financial Turnover requirements stated below must also be satisfied to declare a bidder eligible for a particular work.
 - b. **Average of Annual turnover from business within any three FY with the zone of immediate preceding five FY as stated in clause 4.2 B(IV) should be at least 50% of the amount put to tender of work.**
 - c. **'Net financial worth' of the bidder should be positive in the three financial years for which the Annual turn over documents referred under 7Vb. have been uploaded, for qualifying in technical bid. It would inter alia mean that the total assets of a financial year minus Gross total liabilities as per Audited Balance Sheet should be of positive value.**

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

If a contractor/bidder fails to physically produce the originals of documents (especially Bank Guarantee, 100% Completion Certificates and P/L accounts with audited balance sheets), or any other bid document on

demanded by the Tender Evaluation Authority which were submitted as soft copies in PDF files with their e-bid, within a specified time frame, need arising due to any material deviation detected in the uploaded soft copies, 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 at any stage prior to signing of Contract-Agreement or the issue of LOA or AOC, the Tender Inviting Authority will immediately bring the matter to the notice of the concerned Chief Engineer and appropriate penal measures as stated in SI 8 below will be taken. The concerned Chief Engineer then will issue the necessary 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 the order/starting penal measures 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 suspended/debarred contractors".

8. PROCEDURE FOR SUSPENSION AND DEBARMENT OF SUPPLIERS/ CONTRACTORS

A. SCOPE:

The procedures laid down in subsequent paragraphs shall govern the suspension/debarment of suppliers, contractors and bidders ("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.

C. DEFINITION OF TERMS:-

i. **Bidder:** A person/Contractor/Agency/Company/Corporation participating in the procurement process and/or a Person/Contractor/Agency/Company/ Corporation having an Agreement/ Contract for any procurement with the Department shall be referred as bidder.

ii. Departmental Technical & Tender Committee (DTTC):

A separate Departmental Technical & Tender Committee, composition of which has been detailed at clause 13.2 has been constituted by the Department for the purpose of evaluation of proposals.

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/Company/Corporation participating in the procurement process and/or a Person/Contractor/Agency/Company/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):

In the instant tender, Departmental Technical & Tender Committee (DTTC) will also perform the function of Suspension Committee. Composition of DTTC has been stated in Clause 13.2.

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.
- 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 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. Non-submission of Additional Performance Security in the term of authentic Bank Guarantee of required amount by the selected bidder in a tender, if the bid price is below 20% of tender value within 7 working days from date of receipt of LOA.

F. CATEGORY OF OFFENSE:

- a. First degree of offense: SI No. 10E(i) up to (xiv) are to be considered as first degree of offense.
- b. Second degree of offense: Any one of the offenses as mentioned under Clause 10E (i) to (xvi), committed by a particular bidder/contractor/supplier on more than one occasion would be considered as second degree of offense.

G. PENALTY FOR OFFENSE:

- a. For committing 1st degree offense any of the cases referred to under sl 8E(i) to (v), forfeiture of earnest money and debarment for a period of six months, if the offense is detected during technical evaluation. If the offence is detected after award of the contract and if the offender happens to be the agency selected for work, and such selection is made due to oversight, forthwith termination of contract and determination of contract value in accordance with clause 3(ix) (c) of West Bengal Form No. 2911 and debarment for a period of six months. Further, in case the offense is detected after completion of work and payment of final bill the credential earned would be declared as 'null and void', so that this cannot be used in future to secure other works in the Irrigation & Waterways Department, to gather with debarment for a period of six months.
- b. For committing 1st degree offense in any of the cases referred under SI 8E(ix), (xi) & (xiv), forfeiture of earnest money and debarment for a period of one year.
- c. For committing 1st degree offense in any of the remaining other cases, termination of contract and its determination in accordance with clauses 2 & 3 of West Bengal Form No. 2911.
- d. For committing 2nd degree offenses under all categories, period of debarment will be twice the corresponding period for 1st degree offenses, in addition to other penal provisions for 1st degree offense.

9. 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 note that rates of rates put down in the BOQ are inclusive of GST. All statutory traces, duties, cess etc. will have to be borne by the contractor/bidder no separate payment towards any of the statutory taxes shall be made by the implementing authority. The bidders may quote their rates accordingly.

10. Site inspection prior to submission of tender

Before submitting a bid, the intending contractor/bidder should make themselves acquainted thoroughly with the local conditions prevailing at site of implementation of the work by undertaking field inspections and taking into consideration all probable likely factors and difficulties to be involved during execution of the work as per specification in all respects including transportation of materials, communication facilities, climate conditions, availability of local labourers and market rates prevailing in the locality etc. and no claim whatsoever will be entertained on those accounts afterwards. In this connection intending contractors/bidders are advised to attend the 'Pre-Bid' meeting with the Tender Inviting Authority on the prefixed date to get his/her doubts cleared if he/she desires. He/She may also contact the office of the designated Executive Engineer, Damodar Head Works Division in between 11.30 hours to 16.30 hours on any working day, prior to the date of actual submission of e-bid in the e-tender.

11. Preparation of 'as built' drawing:

In view of the fact that old drawing of the gate assembly is not available the bidder needs to prepare the 'as built drawing' by taking measurements at site and he/she should be solely responsible for corrections of the measurement.

12. Conditional and incomplete tender

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

13. Opening and evaluation of tender

13.1 Opening of a Technical Proposal

- i. Technical proposal will be opened by the Tender Inviting Authority or his/her authorised representative/s electronically in the official website stated earlier, 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 4.2.A) will be opened/decrypted first and if found in order, Cover (Folder) for OID (vide Clause 4.2.B) will be opened/decrypted. If there is any deficiency in either of the Technical cover documents, the bidder may be summarily disqualified and 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 and handed over the decrypted bid documents in soft and hard copies to the designated Tender Evaluation Committee.
- v. Procedure to be followed for opening of a 'Financial bid' is explained later under clause 14.5 of e-NIT

13.2 Departmental Technical & Tender Committee (DTTC)

Departmental Technical & Tender Committee (DTTC) constituted by the Irrigation & Waterways Department for works related to Durgapur Barrage and comprising (a) Chief Engineer (West), (b) Chief Engineer (South), (c) Superintending Engineer, Damodar Irrigation Circle, (d) Superintending Engineer, Mechanical & Electrical Circle (e) Director of Designs, Central Design Office and (f) Executive Engineer, Damodar Head Works Division; will, inter-alia, evaluate the technical and financial proposals for the instant work.

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

- i. After electronically decrypting on the designated date and time the e-bids received, all the bids will be admitted for downloading of documents without verification by the TIA and placed before the DTTC for evaluation. The bidders shall receive an automated message through e-mail/text message that their bids have been decrypted. The DTTC shall within a minimum of 2(Two) working day scrutinise the bids and Technical Bid opening Summary sheet (TBO) shall be uploaded by TIA pursuant to preliminary scrutiny and decision of the Tender Evaluation Committee (DTTC) with reasons for preliminary rejection, and preliminary list of eligible bidders/ contractors for a particular serial of work whose Technical proposal have been considered for uploading in the web portal/s by the DTTC.
- ii. While evaluating, the DTTC 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 Process of Technical Evaluation during 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 DTTC 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 (DTTC) 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 DTTC, he/she may appeal to the concerned Chief Engineer within 24 hours of receipt of communication from the DTTC. 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 DTTC 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. However, this time period may be curtailed if no clarification/review by any of the bidders within 24 hours of uploading the TBO sheet.

13.5 Opening and Evaluation of Financial Proposal/bid

- i. Financial proposals of the bidders/contractors declared technically qualified by the DTTC 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 web platform.
- iv. If the Tender Accepting Authority (TAA) is satisfied that the rate obtained is fair and reasonable and there is no scope of further lowering down of rate, he/she may after having the comparative statement test checked by the Divisional Accountant / Divisional Accounts Officer attached to the office of the concerned Executive Engineer and after their acceptance by the Tender Acceptance Authority (TAA) instruct the Tender Inviting Authority to upload the financial bid evaluation summary as 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, i. e above 10% of the amount put to tender (Tender value), the e-NIT shall be cancelled and invited afresh 2nd or 3rd re-tender. **No post tender negotiations are permitted.**
- vi. If there is no contractor/bidder or the number of contractors / bidders in the 1st 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 2nd 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 DTTC 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 be 15 days for value above Rs. 100.00 lakh, considering the urgency of the case.

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 Superintending Engineer up to Rs 2.00 crore, 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 beyond Rs 2.00 crore with the recommendation of DTTC by the Chief Engineer if at least three valid bids have been received in the financial bid stage. In case of 5% excess over administratively approved amount, proposal for revised administrative approval would have to be submitted to the Government, but acceptance of tender and issue of work order may not be kept pending for want of revised administrative approval.
- iii. Above 5% and up to 10% of the Tender Value can be recommended to the Government for acceptance by the Departmental Technical & Tender Committee (DTTC) 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 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 DTTC and the appropriate Government along with the recommendation of the DTTC for decision, in accordance with Finance Department Memorandum and other relevant orders in vogue at the time of publication of the tender.
- vi. For acceptance of L1 bid after 2nd / 3rd re-tenders is still above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the DTTC as mentioned at clause 14.5 (v), with that of the Department shall have to be sent to the Finance Department for decision.

14. General guidelines for acceptance of e-Tender

Lowest valid rate should normally be accepted in accordance with the procedure laid down in clause 14.6. The Tender Accepting Authority reserves the right to distribute the work amongst more than one contractor/bidder with same L1 rate or even cancel the tender and invite fresh re-tender.

15. Tender Accepting Authority*

As per delegation of power for tender acceptance, competent accepting authorities for different values of tenders is stated below, provided at least three valid bids are received in the financial bidding stage of the tender/Re-tender:

- i. For tenders up to Rs 200.00 lakh plus 5%*: *Superintending Engineer, Damodar irrigation Circle, Irrigation & Waterways Directorate*
- ii. For tenders above Rs 200.00 lakh*: *Chief Engineer (West), I&W Directorate. Lowest bid for tenders of value above Rs. 200.00 lakh obtained is above the estimated cost put to tender, approval of DTTC before acceptance of tender by the Chief Engineer is required even if three valid bids have been received.*

* Procedure to be followed in terms of Finance Department Notifications on delegation of powers for acceptance applicable at the time of bid acceptance.

16. 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, Damodar Head Works 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.

17. Payment against bills raised by the contractor

Periodic Tax invoice/bills containing bidders GSTIN & other details needs to be submitted by the supplier/contractor 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.

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

19. 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.

20. 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 in this NIT into various 'Identifiable and quantifiable construction related stages' pertaining to the work. For all works 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 of uploaded 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. The bidder is required to digitally sign and upload the work programme in the form of Bar Chart or otherwise in the '**Declaration**' folder during bid submission for all works tenders.

21. Withdrawal of bid in a 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.

22. Schedule of important dates of this e-Tender

Sl. No	Activity	Date & Time	Remarks
1.	e-tender Publishing Date in Newspaper	05.01.2018 at 16.00 Hrs.	To be made available with the e-NIT in the website
2.	Document Download start date	05.01.2018 at 16.00 Hrs.	
3.	Bid submission start date	05.01.2018 at 16.00 Hrs.	
4.	Document Download end date & bid submission end date	12.01.2018 at 16.00 Hrs.	
5.	Bid submission end date	12.01.2018 at 16.00 Hrs.	
6.	Technical Bid opening date	12.01.2018 at 16.15 Hrs.	To be suitably decided by TIA
7.	Technical Bid opening Summary sheet (TBO) containing Preliminary Technical Bid Evaluation Summary uploading date		
8.	Uploading of final summary sheet of Technically qualified bidders or Technical Bid Evaluation Sheet (TBE)	To be decided by the TIA with clear 4 working days for disposal of complaints and obtaining decision of appellate authority.	
9.	Financial Bid opening date	To be suitably decided by TIA	To be notified to concerned bidder/s through e-mail & SMS through auto-generation in the system.
10.	Uploading of Financial Bid evaluation sheet (FBE)	-do-	
11.	Uploading of the Letter of Invitation / Acceptance (LOI/LAO)	-do-	
12.	Uploading of Award of Contract (AOC) (Work Order)	-do-	

*TIA: e-Tender Inviting Authority

*TAA: e-Tender Accepting Authority

- 23.** 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. 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.
 20. 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.

21. The contractor shall also have to satisfy the Engineer-in-Charge regarding the proper utilization of materials which have been issued departmentally.
22. 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.
23. The work is to be designed executed strictly as per specification attached with e-NIT and shall confirm relevant BIS/International Codal provisions and good engineering practice.
24. All queries and disputes arising out of the works contract during construction phase are to be brought to the notice of the Chairman of the 'Department Dispute Redressal Committee' in writing for decision within 15 days.
25. Manufacture's Test Certificate will have to be produced. Inspection and testing of raw materials and finished products, both at workshop and also at site will be undertaken by the Engineer-in-Charge, as per relevant Codal provisions.

Special Terms & Conditions in regard to technical and design considerations

1. The agency, i.e the bidder finally selected for the work, has to prepare 'as built' drawing of two categories of gates, i.e for undersluice bay and main barrage bay, by taking measurement of proto type existing gates, which are in relatively good condition and lying placed in position. He is also required to provide separate hydraulic and structural design for total three gates having same span but three different heights mentioned below. Needless to mention that the bidder would be solely responsible for correctness of the measurement. However, at bidding stage, there is no need to submit and "as built" drawing and a copy of a sketch drawing prepared by the Executive Engineer, Damodar Head Works Division, may be collected by the bidder after visiting the site. This drawing is purely tentative and for the purpose of rough assessment of quantity of the existing gate. This does not bar the bidder from taking measurement at site and prepare drawing for the purpose of more accurate assessment, even at bidding stage.
2. Technical criteria of design are stated below:
 - i. Size of opening : 60'-0" (18.29 m) (clear span)
 - ii. Height of water above sill level (max) considering 0.15m above the designed Pond Level of 211.5 ft

a. 1 No. gate for replacement of the damaged left side undersluice bay	:5.49 m
b. 1 No. spare gate for undersluice bay	:5.79 m
c. 1 No. spare gate for main barrage bay	:4.88 m
 - iii. Reference code for Design structures for all gate component and other purposes : As per IS:4622 (latest)
 - iv. Hoist : To match with existing hoist. In other wards, the existing hoist will not be changed. Hoisting capacity of the motor is 4HP in each case
 - v. Operation : The gates shall be used for regulation and operation under the full unbalanced head of water
 - vi. Permissible deflection : Span/800
 - vii. Type of seal : Rubber seal containing to IS 15466 and Is 11855
3. Variation between weight of the new gate and the corresponding existing gate should not be more than +-5%. Structural members of the new gates should be selected accordingly.
4. Similarly, centre of gravity of the new gate, should not vary more than +-5% from that of the old gate.
5. The drawing and design prepared by the agency selected for the work would require approval of the Engineer

in Charge, who may seek advice/recommendation of other Authority as may be decided. Modifications ,if suggested by the Engineer in Charge to the design and drawing during the process of approval, would have to be accepted and implemented by the bidder, without charging any extra cost.

Sd/-
Superintending Engineer
Damodar Irrigation Circle
Irrigation & Waterways Directorate
(DIGITAL SIGNATURE IS SUFFICIENT)

Copy with enclosure forwarded for information and taking necessary action for wide publication to the:-

01.	Chief Engineer(West), Kanainatsal, Purba Bardhaman.
02.	Superintending Engineer, Metropolitan Drainage Circle, Jalsampad Bhawan, Salt Lake City, Kolkata.
03.	Superintending Engineer, Greater Calcutta Drainage Circle, Jalsampad Bhawan, Salt Lake City, Kolkata.
04.	Superintending Engineer, Western Circle No – 1, Jalsampad Bhawan, Salt Lake City, Kolkata.
05	Superintending Engineer, Eastern Circle, Jalsampad Bhawan, Salt Lake City, Kolkata.
06	Superintending Engineer, Mechanical & Electrical Circle, Jalsampad Bhawan, Salt Lake City, Kolkata.
07	Nodal officer of e-Tendering. Irrigation & Waterways Department Jalsampad Bhawan, 7th Floor, Salt Lake City, Kolkata-700091.
08/12	Executive Engineer, Damodar Canal Division/ Burdwan Irrigation Division/Right Bank Irrigation Division/Damodar Headworks Division/Lower Damodar Irrigation Division
13.	Notice Board.

Encl.:-

- 1) Form – 1, APPLICATION FOR e-TENDER.
- 2) Form– 2, Declaration against Common Interest.
- 3) Form -3, Power of Attorney for signing of Contract/Tender Agreement.
- 4) Form- 4, Declaration on antecedents and performance.
- 5) Form- 5, SPECIMEN FORMAT FOR THE BANK GUARNATEE FOR ADDITIOANAL PERFORMANCE SECURITY DEPOSIT.

Sd/-
D.Parua
Superintending Engineer
Damodar Irrigation Circle

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 Superintending Engineer
..... Circle, I&W Directorate

e- Tender No:- WBIW/SE/Circle Code (Maximum 6 characters without space)/ NIT...(e) /201..-1..

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.....

List of Works Sl. No.....

To,
Superintending Engineer
.....Circle
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 – 3

Power of Attorney for signing of Contract/Tender Agreement *

(May be submitted if the bidder is a Company, Autonomous Body, Undertaking, Corporation, and NGO, in plain paper or otherwise which shall be treated as the self declaration of the bidder. May also furnish in any legally acceptable format)

Know all men by these presents, I/We, (name of the firm and address of the registered office) do hereby irrevocably constitute, nominate, appoint and authorise Mr./Ms (Name).....son/daughter of and presently residing at....., who is presently employed with us/ the Lead Member of our Consortium/Joint Venture and holding the position of, as our true and lawful attorney (hereinafter referred to as the "Attorney") to do in our name and on our behalf, all such acts, deeds and things as are necessary or required in connection with or incidental to submission of our bid for the ***** Project proposed or being developed by the Governor of the State of West Bengal represented by the Superintending Engineer, Circle, Irrigation & Waterways Directorate, Government of West Bengal, including but not limited to signing and submission of all applications, bids and other documents and writings, participate in bidders' and other conferences and providing information / responses to the Authority, representing us in all matters before the Authority, signing and execution of all contracts including the Agreement and undertakings consequent to acceptance of our bid, and generally dealing with the 'Authority' in all matters in connection with or relating to or arising out of our bid for the said Project and/or upon award thereof to us and/or till the entering into of the Agreement with the Authority.

AND we hereby agree to ratify and confirm and do hereby ratify and confirm all acts, deeds and things done or caused to be done by our said Attorney pursuant to and in exercise of the powers conferred by this Power of Attorney and that all acts, deeds and things done by our said Attorney in exercise of the powers hereby conferred shall and shall always be deemed to have been done by us.

IN WITNESS WHEREOF WE,, THE ABOVE NAMED PRINCIPAL HAVE EXECUTED THIS POWER OF ATTORNEY ON THIS DAY OF, 20.....For.....

(Signature Name date designation and address of the bidder/(s) & Contact No. & e-mail ID)

Witnesses: (Full Name with permanent addresses and contact nos.)

- 1.
- 2.

Signed & accepted

Notarized

Notes:

- The mode of execution of the Power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executants and when it is so required, the same should be under common seal affixed in accordance with the required procedure.*
- Wherever required, the Bidder should submit for verification the extract of the charter documents and documents such as a board or shareholders' resolution/ power of attorney in favour of the person executing this Power of Attorney for the delegation of power hereunder on behalf of the Bidder.*
- For a Power of Attorney executed and issued overseas, the document will also have to be legalized by the Indian Embassy and notarized in the jurisdiction where the Power of Attorney is being issued. However, the Power of Attorney provided by Bidders from countries that have signed the Hague Legislation Convention, 1961 are not required to be legalized by the Indian Embassy if it carries a conforming Apostile certificate.*

- ***This is only a specimen format and the bidder may submit any other legally valid format by bidder organisation except Proprietorship Firms.***

FORM – 4

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.....

List of Work Sl. No.....

To,
Superintending Engineer
.....Circle
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)

FORM-5*

SPECIMEN FORMAT FOR THE BANK GUARANTEE FOR ADDITIONAL PERFORMANCE SECURITY DEPOSIT

(*To be submitted only if the bid price quoted by the bidder is below 20% of the estimated cost put to tender, non submission of PDF of BG with e-bid will lead to rejection of bidder)

To,
----- (Designation of Engineer-in-Charge)
----- (Office address of Engineer-in-Charge)

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 only to be accepted) should be mentioned on the covering letter of issuing Branch.