

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

Government of West Bengal
Irrigation & Waterways Directorate
Office of the Executive Engineer
Teesta Mechanical Division
Teesta Mechanical Yard
Fulbari, Jalpaiguri.
Telephone No. 03532568032 E-Mail ID- eetmdvn@gmail.com

NOTICE INVITING e-TENDER

e-N.I.T No - WBIW/EE/TMD/e-NIT-01/2018-19

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

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

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

Intending contractors/bidders are required to download the e-tender documents directly from either of the websites stated above. Tender 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-tenders 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 e-bids online is on 31/05/18 till 17:00 hours.

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 Prequalification 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 eligibility criteria and are in possession of all the relevant required documents in original.

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

LIST OF WORKS

e-NIT No..... WBIW/EE/TMD/e-NIT-01/2018-19

Sl. No.	Name of Work//Project	Estimated Amount put to Tender (Tender Value) (Rs.)	Earnest Money Deposit (Rs.)	Time allowed for completion (In English Calendar days)	Source of fund	Minimum Financial requirements to match the Prequalification (PQ) works credential in terms of execution in previous works contract desired for the tender from bidders	Physical Milestones for completion of each work within stipulated time (Refer to Clause 17 of the General Terms & Conditions of e-NIT)
1	2	3	4	5	6	7	8
1	Supply, Installation, Testing and Commissioning of Close Circuit Camera(CCTV) security surveillance system including operation and maintenance of two years at the proposed site of Gajoldoba SW Pump House, Gajoldoba, Jalpaiguri."	1416102.16	28322.00	15	Non plan	<p>Summary of minimum eligibility desired for technical qualification and for next stage of financial bid of this tender::</p> <p>Bonafide contractors/bidders having Gross Notional value of Completion Certificate (CC) of one 100% completed single project works contract (PQ work credential) in Govt Sector of similar nature (defined under clause 7) to the particular work in this e-NIT, completed within the last five financial years should be of value at least 30% of the amount put to tender (tender amount)</p> <p>PQ work credential desired: Work of Supply, Installation, Testing and Commissioning of Close Circuit Camera(CCTV) security surveillance system</p> <p>PQ eligibility amount: Rs 4,24,830.00</p>	15 days – 100%

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

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

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

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

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

3. Submission of e-bid/tender

3.1 General procedure for submission of e-tender

Bids are to be submitted on-line through www.wbtenders.gov.in as stated earlier. All the documents uploaded 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 documents as asked for in the e-tender on-line through the above website, within the stipulated date and time as notified in the e-NIT. Tenders are to be submitted in two folders at a time for each work, one being 'Technical Proposal' and the other 'Financial Proposal'. The contractor/bidder shall carefully go through all the documents of the e-tender and prepare to upload the scanned copies of original documents in Portable Document Formats (pdf) files in the designated link in the web portal as their 'Technical Bid'. He/she needs to fill up the rates of items/percentage in the BOQ downloaded for the work in the designated cell of **Excel sheet only**, and upload the same in the designated link in the portal as their 'Financial Bid'. Documents uploaded are virus scanned and digitally signed using the Digital Signature Certificates (DSC). Contractors/bidders should especially take note of all the *Addenda* and *Corrigenda* related to the e-Tender and upload all of these documents also as a part of their bid as tender document. Documents uploaded by the contractors/bidders with all information & rates comprising 'Technical bid' and 'Financial bid' cannot be changed after last/end date for submission of e-tender. **Extension of last date for e-bid submission if unavoidable is to be notified within the original period of bid submission.**

3.2 Technical Proposal

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

3.2 A Technical cover containing:-

- i. **Applications for e-Tender:** vide application with Self Declaration in specimen *Form-1* which is *to be uploaded during bid submission in "Forms" folder.*
- ii. **Average Annual Turnover from business/Payment Certificates:** Profit and Loss accounts statement of the bidder from business audited by Licensed CA Firm of three financial years within the zone of preceding five financial years period or during the period since formation of the Company/Firm/Society, if it was set up in less than three year period *are to be uploaded during bid submission in "Forms" folder, or*
Payment Certificates during three preceding financial years within zone of last five years duly authenticated by appropriate authority fulfilling the eligibility criteria, If Audited Profit & Loss Accounts statement is not available with Annual Turn Over below the requirements under rules of I.T Act, may be uploaded in this folder.

- iii. **PQ work Credential Certificate:** Pre-Qualification work credential of at least one 100% completed work (Completion Certificate) as desired in this Tender satisfying the requisite PQ works credential duly certified and authenticated by issuing authority is *to be uploaded during bid submission in “Forms” folder.*
- iv. **Declarations:** Self declaration of Bidder not having common interest in any other work floated in different serials of that particular Tender *vide Form-2*, Self declaration on antecedents and performance of bidder in *Form-5* and Additional Performance Security Bank Guarantee of 10% of the amount put to tender if bid price is lower than 20% of the amount put to tender in Specimen Format *Form-6* are *to be uploaded during bid submission in “Forms” folder.*
- v. **Notice Inviting e-Tender (e-NIT)** *to be uploaded during bid submission in “NIT” folder.*
- vi. **Addenda/Corrigenda:** If published in connection with the e-NIT is *to be uploaded in the ‘NIT’ folder merged with e-NIT document during e-bid submission.*
- vii. **Contract/Agreement format:** in WB Form No. 2911(i)/2911(ii) published in the e-tender to be uploaded during bid submission in **“2911” folder.**
- viii. **Drawings:** The GAD/Plan/Map if any uploaded by TIA is to be again uploaded during bid submission in **“Drawings” folder)**

NOTE: i. Contractors/bidders are required to keep track in the e-Procurement website www.wbtenders.gov.in for all the Addenda or Corrigenda published for a particular e-Tender and upload the same, digitally signed by the along with his/her bid. Tenders submitted without Addendum/Corrigendum are liable to be treated as incomplete and thereby rejected.

- ii. Form 1, Form 2, Form-5 and Form 6 as BG are taken from bidders as their self declarations’ or undertakings. These are required to be firstly downloaded by bidders from e-NIT then filled up completely and then again uploaded with the e-bid.

PDF format of all original documents in support of their eligibility and PQ work credential shall have been mandatorily submitted under the OID covers as detailed hereunder:

3.2B. My Document [OID* Cover] containing:

My Document Format for uploading in the OID folder:-

Sl. No.	Folder name	File description	Details	Remarks if any
I	Certificates	<i>certificates.pdf</i>	1. Latest Professional Tax Payment Certificate (PTPC) or PT payment challan for current financial year or Government Order for exemption in other States, if applicable. 2. Valid PAN Card in the name of bidder organisation 3. GST Identification number (GSTIN) document, as applicable under the Act based on Annual Turnover of bidder 4. Latest Income Tax Return of I.T Dept./ of last financial year.	Refer to Clause 3.2B(I) below for details
II	Company Details	<i>companydetails.pdf 1</i> <i>companydetails.pdf 2</i>	1. For Proprietorship Firms, Partnership Firms, Registered Company, Registered Co-operative Society, (Valid Trade License/ acknowledgement/Receipt of application for Trade License/Revalidation as applicable under the Rules) OTHER REQUIREMENTS:- 2. For Partnership Firms (Legally valid Partnership Deed, Form-VIII/ Memorandum of	Refer to Clause 3.2B(II) below for details

			3. Registration of Registrar of Firms, as applicable) For Companies (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 in the State, Society By-laws)	
III	Credential of works	Credential pdf 1 Credential pdf 2	1. BOQ and work order/ Award of Contract duly authenticated by issuing authority. Pre-Qualification Work credential of one 100% completed work as desired in the NIT as the Completion Certificate (CC) duly authenticated by appropriate authorities.	Refer to Clause 3.2B(III) at next page for details
IV	Financial credential	Payment certificate .pdf	100% Payment Certificates of competent authority during preceding three FY or Audited Profit & Loss Accounts statement of three financial years within the zone of preceding five financial year.	Refer to Clause 3.2B(IV) at next page for details

* OID denotes Other Important Documents.

- It is desirable that all documents stated above in PDF files be uploaded by bidders during on-line bid submission in designated/specified folders.
- 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 format in this folder.

- Professional Tax Payment Certificate (PTPC) or the PT payment challan/ receipt for current financial year/Waiver Order of competent authority in other States
- The bidders valid PAN Card are required;
- Valid 15 digit Goods and Service Tax payer Identification Number (GSTIN) as applicable of the bidder organisation contained in GST Act, 2017 made compulsory by Finance Department, GoWB.
- Latest Income Tax Return filed for current financial year or immediate preceding financial year by bidder.

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

- Documents mentioned in tabular format under Clause 3B, as applicable.
- For Companies, incorporation Certificate, valid Trade License or acknowledgement of the issuing authority to receipt of application for Trade License from bidder/ 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.
- For State Registered Co-operative Societies:-
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 its amendments.

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

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

3.2B (IV) Financial credential explanation:

- a. **Payment Certificate:** Payment certificate of works duly authenticated by appropriate authority fulfilling the eligibility criteria; if no Audited Profit & Loss Accounts statement is available may be uploaded in *payment certificate.pdf*. Name, address, contact no. and registration no. of auditor Firm is required for Profit & Loss accounts of audited balance sheet is desired if submitted.

Note: Bidder/Contractor whose Average Annual Turnover is less than Rupees One crore and do not have audited balance sheet of the immediate preceding year during the period of tender, shall submit payment certificate of works obtained from clients for such year to be submitted under Technical cover.

- b. **Others:** Any other documents considered necessary by the bidder related to 3.2B (IV).

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 again uploaded digitally signed as a part of bid. Other documents asked for from the bidders are to be converted to pdf, digitally signed and uploaded with their e-bid.

3.3 Financial proposal / bid under Financial cover:-

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

- Bill of Quantities (BOQ):** The contractor/bidder is required to quote the rate as percentage above or below tender value on-line in the space marked for quoting rate in the BOQ.
- Only downloaded copies of the above document in **Excel Sheet** is to be uploaded by the contractor/bidder.
- BOQ without a valid numeric rate at the designated space provided in the BOQ will be rejected outright. Contractors/bidders willing to quote "at-par" rate shall need to write "0" in the 'space' provided for rates in the BOQ.

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 the Departmental website www.wbiwd.gov.in. No cost for tender document will be charged even during execution of a formal tender agreement. However, the contractors/bidders may wherever necessary shall be suitably charged for asking for additional/multiple copies of drawings, specifications, Schedule of Rates booklet (SoR) etc. and such fee may be suitably determined by the Tender Inviting Authority as per Rules.

ii. Earnest Money Deposit (EMD):

Intending bidders desiring to make payment of Earnest Money (EMD) has to do the same through e-Payment, on-line and should beforehand read the instructions carefully, particularly in the challan generated in the system of e-Procurement, if opted for EMD payment through RTGS/NEFT. Bid price in financial offer below 20% of the estimated amount put to tender is not desirable, as it leads to a doubt regarding the intension of the bidder to deliver good quality work on due time. Additional Performance Security as Bank Guarantee shall be obtained in specimen Form-6 from National Bank payable at PAR, if the L1 bid is below 20% of the amount put to tender along with EMD and Security Deposit as per I&WD No. 09-W/2017-18 dated 20.07.2017 which is available in the order link of wbiwd.gov.in.

4A. Login by bidder:

- 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 valid DSC.
- He/she will select the tender to bid and initiate payment of pre-defined EMD for that tender by selecting from either of the following payments modes:
 - Net-Banking (any of the banks listed in the ICICI Bank Payment Gateway) in case of

- ii. payment through ICICI Bank Payment Gateway;
RTGS/NEFT in case of off-line payment through 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 webpage (along with a string containing a Unique ID) where he/she will select the Bank through which he/she wants to do the EMD on-line transaction.
- ii. Bidder will make the payment after entering his Unique ID and password of the bank to process the transaction.
- iii. Bidder will receive a confirmation message 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 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 account.

Note: EMD payment 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 e-tender 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 opening of his/her bids and technical evaluation of the same by the Tender Inviting Authority through electronic processing in the e-Procurement portal of the State Government, the tender inviting authority will declare the status of the bid as successful or unsuccessful which will be made available 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 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 and Tender Fees (if any) were initiated.
 - vi. If the e-tender is cancelled, then the EMD would be reverted to the original bidders account automatically after such cancellation order is affected online by the Tender Inviting Authority.

5. Completion Certificate as Prequalification (PQ) Credentials of work:

- i. Completion Certificates (CC) for 100% completed works (Gross 100% final billed value) within last five financial years will only be accepted as valid PQ credential of work. Incomplete work shall not be considered as valid PQ work Credential.
- ii. CC should preferably contain the name, postal address, contact Telephone No. and FAX and e-mail ID, of the office and designation of the officer/ authority issuing the CC for the work along with the name of work and amount put to tender (Tender Value). Illegible certificates if issued, incomplete contact details making it time consuming for verification purposes of CC outside the jurisdiction of the State and those having incomplete information may be rejected.
- iii. Credential 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. Enterprise or Nationalised Institutions or Local Government Bodies (Municipalities, Zilla Parishad & Panchayat Samities within West Bengal only, will also be considered as valid PQ 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 and 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

- I. Eligibility criteria for prequalification (PQ) of a contractor / bidder based on his/her credential of completed work will be determined as per Rules stated below:

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

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

Note: i. For cases where two contractors/bidders are participating in a e-tender for a particular work are such that one happens to have worked as a sub-contractor of the

other, and both the contractors/bidders submit work credential of having completed the same job either wholly or partly, then in such case the credential of the principal contractor will be considered while that of the sub-contractor will not be taken into consideration for determining the eligibility criteria of the contractor/bidder towards the e-tender. If the credentials submitted by hitherto contractors/bidders are for different works, then both the work credentials will be considered towards determining the eligibility criteria of the individual contractors/bidders.

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

Gross notional amount calculated from Completion Certificate (CC) of a single work during current FY and last 5 financial years issued in favour of the contractor/bidder /agency/Firm/Registered Co-operative Society for a similar work defined in the tender should be at least 30% of the amount put to tender (Tender Value) for the work. The power to decide on the criteria of similarity rests without any prejudice, solely with the Tender Accepting Authority.

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

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

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

If any contractor/bidder fails to produce all the original hard copies of documents (especially 100% Completion Certificates and audited balance sheets), or any other document on demand by the Tender Inviting Authority within a specified time frame or if any deviation is detected in the hard copies from the corresponding uploaded soft copies, or if there is any suppression/distortion/ falsification noticed/detected/ pointed out at any stage of e-tender process prior to signing of Agreement or the issue of work order/AOC, the Tender Accepting Authority will immediately recommend suitable punitive actions against the bidder will place the matter before the concerned Chief Engineer within 15 days of receipt of the complaint from the Tender Inviting Authority and the contractor/bidder may be suspended from participating in all future tenders on the e-Tender platform of I&WD as per approval of the Chief Engineer for a maximum period of 4 (Four) years. In addition, his/her EMD will stand forfeited by the Government. The concerned Chief Engineer then will issue the necessary suspension order in writing with intimation to the defaulting contractor/bidder, other Chief Engineers, Centralized e-Tender Cell and also the Government in the Irrigation & Waterways Department. Copy of such suspension order should invariably be communicated to the Nodal Officer, e-Governance Cell of the Department with a request for uploading the order in the Departmental website under the link "List of debarred/blacklisted contractors". **Penal measures in regard various offenses even at a later stage shall be in terms of this Department Order and this should be a part of the tender document** has been detailed below:

9. PROCEDURE FOR SUSPENSION AND DEBARMENT OF SUPPLIERS, CONTRACTORS AND CONSULTANTS

A. SCOPE:

The procedure as laid down in subsequent paragraphs shall govern the suspension/debarment of suppliers, contractors and consultants ("Contractors" for brevity) involved in Government procurement for offenses or violations committed during competitive bidding and contract implementation, 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.

C. DEFINITION OF TERMS:-

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

ii. **Bid Evaluation Committee or Tender Evaluation Committee (TEC in short):**

'Bid/Tender Evaluation Committee' for the bids invited by the Executive Engineer will be comprising of i) Concerned Executive Engineer inviting bids as Chairperson and convener, ii) ii) Concerned Assistant Engineer as member.

iii. **Consolidated Debarment List:** A list of prepared by the Department containing the list of bidders debarred by the Irrigation & Waterways Department, Government of West Bengal. The list would be displayed prominently in a separate link in website of the Department clearly stating the period of suspension.

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/ Corporation participating in the procurement process and/or a Person/Contractor/Agency/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 (Section 195(1) and Section 197(1), Competition Act, 2007 and IT Act, 2000 as amended.

xi. **Procurement:** It is the act of buying goods, services or works from an external source. It is favourable the goods, services or works are appropriate and that they are procured at the best possible cost to meet the needs of the acquirer in terms of quality and quantity, time and location.

xii. **Procuring Entity/Authority:** The officer authorised by the Irrigation & Waterways Department, Government of West Bengal for procurement.

xiii. **Suspension:** Temporary disqualification of a bidder from participating in the procurement process of Irrigation & Waterways Department for a period of 6 (six) months when an offence is made against a bidder.

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

"Suspension Committee" will be comprising of i) Concerned Chief Engineer of the jurisdiction of work involved as Chairperson and Convener, ii) SE attached to the Chief Engineer as Member and iii) Concerned Superintending Engineer of the respective Circles as Member. For River Research Institute & Dam Safety Organisations, the concerned Chief Engineer, Irrigation & Waterways Directorate will act as Chairperson and the Directors as Member cum Convenor of the Suspension Committee as stated above.

E GROUNDS FOR SUSPENSION AND DEBARMENT

- i. Submission of eligibility requirements containing false information or falsified documents.
- ii. Submission of Bids that contain false information or falsified documents, or the concealment of such information in the Bids in order to influence the outcome of eligibility screening or any other stage of the bidding process.
- iii. Unauthorised use of one's name/digital signature certified for purpose of bidding process.
- iv. Any documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding in his favour.
- v. Refusal or failure to post a self-declaration to the effect of any previous debarment imposed by any other Department of State Government and / or Central Government.
- vi. All other acts that tend to defeat the purpose of the competitive bidding such as lodging false complain about any bidder, lodging false complain about any officer duly authorised by the Department, restraining any interested bidder to participate in the bidding process etc.
- vii. Assignment and subcontracting of the contract or any part thereof without prior written approval of the procuring entity.
- viii. Whenever adverse reports related to adverse performance, misbehaviour, direct or indirect involvement in threatening, making false complaints etc damaging the reputation of the Department or any other type complaint considered fit by the competent authority of the Department are received from more than one officer or at more than one occasion from individual officer.
- ix. Refusal or failure to post the required performance security/earnest money within the prescribed time without justifiable cause.
- x. Failure in deployment of technical personnel, engineers and / or work supervisor having requisite license/supervisor certificate of competency as specified in the contract.
- xi. Refusal to accept an award after issuance of 'Letter of Acceptance' or enter into contract with the Government without justifiable cause.
- xii. Failure of the contractor, due solely to his fault or negligence, to mobilize and start work or performance within the specified period as mentioned in the 'Letter of Acceptance', 'Letter of Acceptance cum work Order', 'Work Order', 'Notice of Proceed', 'Award of Contract' etc.
- xiii. Failure by the contractor to fully and faithfully comply with its contractual obligations without valid cause, or failure by the contractor to comply with any written lawful instruction of the procuring entity or his representative(s) pursuant to the implementation of the contract.
- xiv. For the procurement of consultancy service/contracts, poor performance by the consultant of his services arising from his fault or negligence. Any of the following acts by the consultant shall be construed as poor performance:
 - a. Non deployment of competent technical personnel, competent engineers and / or work supervisors;
 - b. Non deployment of committed equipment, facilities, support staff and manpower; and
 - c. Defective design resulting in substantial corrective works in design and / or construction;
 - d. Failure to deliver critical outputs due to consultant's fault or negligence; and
 - e. Specifying materials which are inappropriate and substandard or way above acceptable standards leading to high procurement cost,
 - f. Allowing defective workmanship or works by the contractor being supervised by the consultant.
- xv. For the procurement of goods, unsatisfactory progress in the delivery of the goods by the manufacturer, supplier or distributor arising from his fault or negligence and / or unsatisfactory or inferior quality of goods, vis a vis as laid down in the contract.
- xvi. Wilful or deliberate abandonment or non-performance of the project or contract by the contractor resulting to substantial breach thereof without lawful and / or just cause.

F. CATEGORY OF OFFENSE:

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

In addition to the penalty of suspension /debarment, the bid security/earnest money posted by the concerned bidder or prospective bidder shall also be forfeited.

G. PENALTY FOR OFFENSE:

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

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

In view of introduction of GST with effect from 01.7.2017, all the bidders intending to participate in this e-tender should offer their financial bids inclusive of GST applicable for entire composite works/Procurement of goods & services, labour intensive component contained in the BOQ. No separate payment towards GST shall be made by the Tendering / implementing authority. The estimated amount put to tender in the instant e-Tender is not inclusive of GST component but contains the pre-GST taxation amounts. Income Tax, Royalty, GST (CGST, SGST, IGST), Construction Workers' Welfare Cess, Labour Insurances and similar other statutory levy / cess will have to be borne by the contractor/bidder and his/her quoted rate should be quoted accordingly after considering all these charges. On-line tax invoice containing bidders GSTIN needs to be submitted to the DDO by the supplier/contractor for raising claims/bills for receiving payments of work executed under this contract clearly showing separately the Tax charged in accordance with the provisions of the GST Act, 2017 for bidders with annual turnover gained out of all businesses in the immediate preceding year above Rs 2.50 lakh as per GST Act. It is clarified that under no circumstances will there be a revision of any contractual values in the contract due to impact of change in tax rate(s), if any, from VAT/Service Tax to GST.

11. Site inspection prior to submission of tender

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

12. Conditional & incomplete tenders

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

13. Opening & evaluation of tenders**13.1 Opening of a Technical Proposal**

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

- For e-tenders bids are to be invited in two parts under a two-bid electronic system.
- Technical proposal will be opened by the Tender Inviting Authority or his/her authorised representative/s electronically in the official website using their authorised valid Digital Signature Certificate/s (DSC).
 - Intending contractors/bidders may remain present if they so desire.
 - Technical cover documents (vide Clause 3.2.A) will be opened /decrypted first and if found in order, Cover (Folder) for OID (vide Clause 3.2.B) will be opened/ decrypted. If there is any deficiency in either of the Technical cover documents, the e-tender will summarily be rejected.
 - 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 to the Executive Engineer (TAA).

13.2 Uploading the list of technically qualified contractors/bidders

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

13.3 Process of Technical Evaluation during tender

Within 24 hours of uploading the TBO summary sheet containing preliminary Technical bid Qualification result, any of the aggrieved bidder, may seek clarification / redressal / review from the Executive Engineer (TAA) 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 enclosed as 'Annexure' to the bid document shall be followed. In case, the review only seeks the eligibility of the applicant himself, views of the Tender Accepting Authority (Executive Engineer) would be communicated in writing to that bidder within next two (2) working days. If the bidder is not satisfied with the clarification of the TEC, he/she may appeal to the concerned Chief Engineer (appellate authority) within 24 hours of receipt of communication from the TAA. The concerned Chief Engineer will dispose such complaints 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 recommendation of concerned Chief Engineer. Thus at this stage the rejected bidders will get back their EMD. Email 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 final TBE summary sheet uploading shall be 4 working days or more.

13.4 Opening and evaluation of Financial Proposal/bid

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

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

- vi. If there is any scope for lowering down of rate in the opinion of the Executive Engineer / TAA, as L1 bid is abnormally high much above 10% of the Tender Value, Tender Accepting Authority shall invite Re-tender.
- vii. If there is no contractor/bidder or the number of contractors/bidders in the 1st call Tender is less than three, the tender has to be cancelled. In case of participation of more than three bidders, technical evaluation is to be done and if the number of technically qualified bidders is less than three (3), the tender also has to be cancelled as well and fresh e-tender (i.e 2nd e-tender or 3rd e-tender may have to be invited with lowering of eligibility criteria).
- viii. The Executive Engineer/TAA may ask any of the contractors/bidders to submit rate analysis to reasonably justify the quoted rate by that contractor/bidder.
- ix. If the lowest bidder/contractor backs out there should be re-tendering in a transparent and fair manner. In such a situation the TIA may call for Short Notice e-tender with time period as per Government order for re-tenders, if so necessitated in the interest of public works and take decision on the basis of L1 in the Re-Tender. **Penal actions for premature withdrawal by bidder have been stated under clause 8 and Departmental Notification available in www.wbiwd.gov.in.**

13.5 Tender Accepting Authority (TAA)

Authority to which the power has been delegated to accept tenders as per latest Departmental Notification will function as the Tender Accepting Authority (TAA) for evaluation of technical and financial proposals of works having tender value within his/her range of acceptance. As per present delegation, TAA for different tenders within the range above Rs 3.0 Lakh up to Rs 45.00 Lakh would be as follows, provided a minimum of three valid tenders have been received:

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

13.6 Procedure to be followed for acceptance of tender

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

- to be submitted to the Government, but acceptance of tender and issue of work order may not be kept pending for want of revised administrative approval.
- v. Above 5% and up to 10% of the Tender Value can be recommended for acceptance by the Government appointed Departmental Tender Committee (DTC) subject to the conditions that valid tenders should not be less than three and L1 is accepted and tendered amount is within the administratively approved cost. In case of excess over administratively approved amount, revised administrative approval would have to submit 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 for Non-Plan works.
 - vi. For acceptance of e-tenders above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the DTC as mentioned at clause 12.5 (v), with that of the Department shall have to be sent to the Finance Department for decision.
 - vii. If the response to an e-Tender is less than three, then Tender should be invited afresh. Such Re-Tender notice shall be published in widely circulated dailies as per guidelines and also through e-Tender web portals. Prior to invitation of Re-Tender / fresh e-Tender, the eligibility criteria and other terms & conditions as contained in the first 'Notice Inviting e-Tender' (e-NIT) shall have to be reviewed/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.
 - viii. If the number of valid bids received in re-tender is less than three, it should be referred by the TIA to the DTC /the appropriate Government along with the recommendation of the DTC for decision.

14. General guidelines for acceptance of e-Tender

Lowest valid rate should normally be accepted in accordance with the procedure stated in clause 13.6. The Tender Accepting Authority reserves the right to distribute the work amongst more than one contractor/bidder with same L1 rate.

15. Signing of formal tender contract/agreement after acceptance of L1 bid

The contractor/bidder, whose tender is approved for acceptance, shall within 15 days of the receipt of Letter of Invitation (LOI) or Letter of Acceptance (LOA) in his / her favour, will have to execute a 'Formal Agreement' with the Engineer-in-Charge in quadruplicate in W.B.F. 2911(i)/2911(ii) and all other documents, entire sets may be obtained free of cost from the office of the designated Executive Engineer, Teesta Mechanical Division connected with the work.

If the selected L1 bidder fails to turn up for even after 30 days after the initial 15 days from the date of uploading of the AOC in the tender website or the despatch of official communication for signing of the Formal Agreement, the selected bidder is liable for penal actions which shall comprise blacklisting, debarring from future participation in Government tenders, immediate forfeit of the Earnest Money deposited during instant bid submission and other penal actions as stipulated in the Departmental Notification (enclosed as a part of the bidding document as Annex) and also under W.B Form No. 2911(i)/2911(ii)/Agreement.

16. Payment against bills raised by the contractor

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

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

18. Bid Validity

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

19. Definition of Physical Milestones:

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

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

20. Withdrawal of Tender

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

21. Schedule of dates for e-Tendering

Sl. No.	Activity	Date & Time	Remarks
1.	Publishing Date	18/05/18 at 17:00hrs	To be made available with the e-NIT in the website
2.	Document Download start date	18/05/18 at 17:30 hrs	
3.	Bid submission start date	-do-	
4.	Document Download end date	(same as bid submission end time & date below)	
5.	Bid submission end date	31/05/18 at 17:30 hrs	
6.	Technical Bid opening date with preliminary result (TBO Sheet)	01/06/18 at 11:00 hrs	To be notified to all bidders through e-mail & SMS through auto-generation in the system.
7.	Uploading of the list of Technically qualified final list of bidders (TBE Sheet)	To be decided by EE with at least 4 (Four) clear working days after Technical Bid uploading date in order to enable registering of grievance and decision of Appellate authority, if any).	
8.	Financial Bid opening date (FBO Sheet)	To be suitably decided by TIA	
9.	Uploading of CS (Comparative Statement) and uploading of Final FBE Sheet	To be suitably decided by EE(TAA)	
10.	Uploading of the Letter of Invitation / Acceptance LOI/LAO	-do-	
11.	Uploading of Award of Contract (AOC) (Work Order)	-do-	

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

TAA: e-Tender Accepting Authority (Executive Engineer)

Additional Terms & Conditions

1. Executive Engineer of the concerned Division is the Engineer-in-Charge in respect of the contract and all correspondences concerning rates, claims, change in specifications and/or design and similar important matters will be valid only if accepted/recommended by the Engineer-in-Charge. If any correspondence of above tender is made with officers other than the Engineer-in-charge for speedy execution of work, the same will not be valid unless copies are sent to the Engineer-in-Charge and approved by him. Instructions given by the Sub-Divisional Officer/Assistant Engineer and the Section Officer/Junior Engineer on behalf of the Engineer-in-Charge shall also be valid (who have been authorised to carry out the work on behalf of the Engineer-in-Charge) regarding specification, supervision, approval of materials and workmanship. In case of any dispute, the decision of Engineer-in-Charge shall be final and binding.
2. Acceptance of the e-tender including the right to distribute the total work between two or amongst more than two contractors/bidders will rest with the Engineer-in-Charge without assigning reason to the contractors/bidders thereof. The Executive Engineer as the accepting authority reserves the right to reject any or all tenders without assigning any reason thereof. No additional or excess work or additional items of work beyond the tendered amount would be allowed. All excesses, supplementary or substitute supplementary shall be agreed only if the total value of work on completion is within the tendered amount.
3. The contractors/bidders shall have to comply with the provisions of (a) Contract labour (Regulation & Abolition) Rules, 1970 and its revision (b) Minimum Wages Act 1948 and its amendments, or the modifications thereof or any other laws relating thereto enforced by the appropriate Government from time to time.
4. Engineer-in-Charge shall not entertain any claim whatsoever from the contractors/bidders regarding payment of compensation on account of idle labour on such grounds including non-possession of land in the working zone. Escalation of cost due to inflationary effects or any other reason is not permitted during construction period or extended time period.
5. Engineer-in-Charge shall not be held liable by the contractor/bidder for any compensation claim due to machines & equipments becoming idle, for any circumstances including untimely rains, other natural calamities, strikes etc.
6. Imposition of any GST / royalty etc after work order / AOC or commencement and before final completion of the work is to be borne by the contractor/bidder. Original challan of those materials, which are procured by the bidder, may be asked to be submitted for verification 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 registered with Employees Provident Fund Organisation (EPFO) and bidder having his EPF code and current documents.
8. No mobilization / secured advance will be allowed unless specified otherwise in the contract / e-Notice Inviting Tender.
9. All statutory taxes, GST, Royalty of sand, stone chips, stone metal/ gravels, boulders, forest products, Toll Tax, Income Tax, Ferry Charges and other Government Taxes if any, are to be paid by the contractor/ bidder. The rates of supply of finished work items are inclusive of these taxes and charges. However, for GST, on-line tax invoice needs to be issued for raising claims/bills as per GST Act, 2017.
10. All working tools & plants, scaffolding, construction of vats & platforms arrangement of Labour camps shall have to be arranged by the contractor at his/her own cost and the work site is to be restored to original condition within 30 days of completion of work.
11. The contractor shall arrange for supply of mazdoors, bamboo, ropes, pegs, flags T&P, machineries and equipments etc. for taking/ layout for the work and for giving and checking

	<p>measurements by the Engineer-in-Charge or any other Department officer assigned by him / her for which no extra payment claim will be entertained.</p> <p>12. The contractor should thoroughly scrutinise the site of work and relevant tender documents, drawings etc. before submitting the tender and satisfy himself/herself regarding the conditions and nature of works and ascertain the difficulties that might be encountered during execution of the work, carrying of materials to the site of work, availability of drinking water and other human requirements including safety and security etc. Works on river banks may be interrupted due to various unforeseen reasons e.g. sudden rise in water level, inundation of site caused by flood, inaccessibility of working site for carriage and transportation of materials. Engineer-in Charge may instruct the contractor to suspend work that may be subjected to damage due to extremely adverse weather/climatic conditions and no claim will be entertained on this account. There may be variations in alignment, height of embankment or depth of cutting, location of revetment, structures etc. due to change of topography, river conditions and local requirements etc. from the approved work estimate during actual execution of the scheme. For all such modifications or alterations, the tendered rate and contract will remain valid. The contractor will not be entitled to any additional financial claims or extra rates on any of these accounts.</p> <p>13. A machine page numbered Site Order book (with triplicate copy of every page) will have to be maintained at site by the contractor and the same has to be issued by the Engineer-in-Charge before commencement of work at site. Instructions issued by the inspecting engineer officers not below the rank of Assistant Engineer will be recorded in this site order book and the contractor must note down and comply the same at the earliest.</p> <p>14. The work will have to be completed within the time period as mentioned in the NIT/e-NIT. A suitable work programme based on time period allowed for completion of work as per tender is required to be submitted by the contractor within 7(seven) days from the date of receipt of work order which should satisfy the time limit assigned for completion. Contractor should inform in writing the name of his authorized representative/s who are to remain present at site daily during work execution to receive instructions relating to the work, sign measurement book & bills and other Govt. papers etc on the basis of Power of Attorney conferred within 7 (seven) days from the date of receipt of work order, if not done earlier.</p> <p>15. No compensation is payable for contractor's establishment charges or reasons such as variations in price indices/escalation cost etc.</p> <p>16. All sort of precautions should be taken for the safety of the work force deployed by the contractor and also others at worksite as per safety rules as is enforced by appropriate authority. The contractor will remain liable towards payment of compensation in accordance with the Workman's' Compensation Act etc for the labourers engaged and should deal to settle such cases promptly. Proper road signs as per P.W.D. practice will have to be erected by the contractor at his own cost while operating on or near public thoroughfares.</p> <p>17. The contractor will have to maintain technically qualified employees and/or apprentices at site as per prevailing Apprentice Act or as stipulated in the contract.</p> <p>18. The contractor will have to accept the work programme as per modification and priority of work as fixed by the Engineer-in-Charge so that most vulnerable reach and/or critical items are completed before the due date for arrival of monsoon or rise of water level or for any other suitable reason/s.</p> <p>19. Quantity of various items of work mentioned in the tender schedule or in work order is only tentative. During actual execution, these tendered items may vary, even substantially. Payment will be made on the basis of quantum of work actually done in different items and as per specification and no claim will be entertained for reduction of quantities in some items or due to omission of some tendered items. For execution of quantitative excess in any item beyond 10% or supplementary works, approval of the Superintending Engineer / Chief Engineer Government in the Irrigation & Waterways Department would be required depending on who ever is the Tender Accepting Authority and financial involvement thereof, before making any excess and /or supplementary item work payment.</p> <p>20. In order to cope up with the present system of e-billing, supply of departmental materials is not encouraged. However, such materials may be issued to the contractor/agency to the</p>	
--	---	--

extent of requirement, subject to availability, as assessed and following the Treasury system of accounting procedures and in instalments as may be suitably decided by the Engineer-in-Charge. Issuance of materials may be of three categories.

- a) Materials issued directly to the work subject to its recovery from bills.
- b) Materials issued from departmental Godown subject to its recovery from bills.
- c) Materials issued free of cost.

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

21. Any construction materials brought to work site by the contractor must be approved by the Engineer-in-Charge. Materials rejected must be removed by the contractor from work site at his own cost within 24 hrs of issue of the order to that effect. The rates in the schedule are inclusive of cost and carriage of all materials to worksite. The materials will have to be supplied in phases with due intimation to the Sub-Divisional Officer/Assistant Engineer concerned, in conformity with the progress of the work. For special type of materials, i.e. Geo Synthetic Bags, HDPE Bags, Geo- Textile Filters, Geo-jute Filters etc. if any, relevant data sheets containing the name of the manufacturers, test report etc. are also to be submitted on each occasion. Engineer-in-Charge may conduct independent tests of all construction materials on the samples drawn randomly before accordance of approval for using these materials for the work. In this regard decision of Engineer-in-Charge is final and binding.
22. For materials under category 20 (a), (b) & (c), the contractor will act as the custodian thereof. The construction materials will have to be carried from the departmental godown to the worksite by the contractor at his own cost. The contractor shall remain responsible for proper storage & safety of the materials. Suitable godowns/ Stores shall have to be made by the contractor at his/her own cost. Penalty charges shall be levied at higher rates for loss, wastage, misuse. Surplus departmentally issued materials if any, shall have to be returned in the godown or store maintained by the Engineer-in-charge at the contractor's cost within the time frame as fixed by Engineer-in-Charge. Otherwise, the cost at penal rates will be recovered from the bill. Indent for departmental materials shall be submitted by the contractor to the S.D.O/AE at least 7 days in advance of actual requirement. No claim will be entertained for non-issuance of such materials on time, but reasonable extension of time will be granted. All materials, whatever be its category thereof, shall be properly stored by the contractor in suitably maintained godowns near the site of work at his own cost & under no circumstances whatsoever shall any material be removed from the site of work without prior written permission of the Engineer-in-Charge. The contractor shall be responsible for any damage or loss of such materials.
23. The contractor shall also have to satisfy the Engineer-in-Charge regarding proper utilization of materials which have been issued departmentally.
24. Value of the materials, under category (a) & (b) of Rule 20, will be recovered from the progressive bills of the contractor in one or successive instalments as may be decided by the Engineer-in-Charge.
25. Requisite quantity of cement as may be required for the work will be supplied from the nearest departmental godown, if stock permits. The issue rate of cement is shown in the Schedule of materials attached with the tender. Excess consumption of cement by more than 5% over the final consumption statement drawn up as per consumption rate specified in the Schedule included in the tender will be recovered at a penal rate shown in schedule.
26. Steel reinforcement rods/MS Sheet Piles/Bitumen will be issued if stock permits from the nearest Departmental godown where such material is available in marketable length/quantity. While issuing the same, for any particular work, the quantity actually required as per approved drawing shall only be issued. It will be responsibility of the Contractor as well as the Engineer-in-Charge to get this quantity properly utilized in the work. Cut pieces, if any, will not be taken back by the Department. Recovery for the total quantum of steel rods issued will be made at the issue rate shown in the Schedule. In case of use over +10%, deduction will be made at a penal rate shown in the Schedule. This whole principle shall apply in case of other M.S materials like sheet piles and structural steel

members as well.

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

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

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

(Digital Signature verified)

(Sd/)
Executive Engineer
Teesta Mechanical Division,
Irrigation & Waterways Directorate

FORM 1

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

APPLICATION FOR e-TENDER

**To,
The Executive Engineer
Teesta Mechanical Division, I&W Directorate**

e- Tender No:- WBIW/EE/TMD/ NIT...(e) /2018-19

Serial No. of Works applied for :-

Amount put to e-Tender: Rs

Dear Sir,

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

Dated this _____ day of _____ 201____

Full name of Bidder / Contractor: _____

Name in full of Signatory/s*: _____

In the capacity* of: _____

Duly authorized to sign bid

for & on behalf of (Name of Firm): _____

(In block Capital letters or typed)

Office address with seal:

Telephone no(s) (office): _____

Mobile No: _____

Fax No: _____

E mail ID: _____

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

(DIGITAL SIGNATURE OF BIDDER IS SUFFICIENT)

FORM – 2

Declaration against Common Interest

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

Ref:- e-NIT No.,

e-Tender ID No.....

Work Sl. No.....

To,
Executive Engineer
Teesta Mechanical Division
Irrigation & Waterways Directorate

I/We, Sri/Smt. _____, the authorized signatory on behalf of _____ do hereby affirm that I/We/any of the member of..... bidding against e - NIT No. _____ Sl. No. _____ do not have any common interest either as a partner in any partnership firm /consortium/Joint Venture or as Proprietor / Principal Share Holder of any other Firm/Company in the same serial for the work I / we want to participate.

Dated this _____ day of _____ 201____

Full name of Bidder / Contractor: _____

Authorised Signatory: _____

In the capacity of: _____

Duly authorized to sign bid

for & on behalf of (Name of Firm): _____

(In block Capital letters or typed)

Office address with seal:

Telephone no(s) (office): _____

Mobile No: _____

Fax No: _____

E mail ID: _____

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

(DIGITAL SIGNATURE OF BIDDER IS SUFFICIENT)

FORM – 5

Declaration on antecedents and performance

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

Ref:- e-NIT No.,

e-Tender ID No.....

Work Sl. No.....

To,
Executive Engineer
Teesta Mechanical Division
Irrigation & Waterways Directorate

I/We, Sri/Smt. _____, the authorized signatory on behalf of _____ do hereby affirm that I/We/any of the member of..... bidding against e - NIT No. Sl. No. are not black listed or debarred from participation in State Government procurements and tenders in the Irrigation & Waterways Directorate, Government of West Bengal, other Departments of the State Government and Government of India on the date of publication of this Notice Inviting Tender (NIT).

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

Dated this _____ day of _____ 201____

Full name of Bidder / Contractor: _____

Authorised Signatory: _____

In the capacity of: _____

Duly authorized to sign bid

for & on behalf of (Name of Firm): _____

(In block Capital letters or typed)

Office address with seal:

Telephone no(s) (office): _____

Mobile No: _____

Fax No: _____

E mail ID: _____

(SIGNATURE OF BIDDER REQUIRED)

FORM-6*

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

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

To,

The Executive Engineer,

Teesta Mechanical Division,

Fulbari, Jalpaiguri.

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.