

## **Enclosure-I**

(Latest modified 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 Assistant Engineer**  
**Teesta Mechanical Sub-Division-II**  
**E-Mail ID: ae\_sdo.tmsd2@yahoo.com**

### **NOTICE INVITING TENDER**

**N.I.T No – 01 of Assistant Engineer, Teesta Mechanical Sub-Division-II of 2019-2020**

Sealed tenders are hereby invited by the Assistant Engineer, Teesta Mechanical Sub-Division-II under Teesta Mechanical Division of Irrigation & Waterways Directorate on behalf of the Governor of the State of West Bengal for the 'LIST OF WORKS' given in the next page from eligible bonafide contractors/agencies/bidders having specified Pre-Qualification (eligibility) credential for execution of works of similar nature and desired financial capabilities. The intending contractors have to provide self attested copies of documentary evidence to fit the eligibility criteria as enclosed.

**Last date & time of receipt of application addressed to the Assistant Engineer, Teesta Mechanical Sub-Division-II, Fulbari is on 20/06/2019 till 17:00Hours IST.**

The applicant bidders/contractors are advised to carefully read all the 'Terms & Conditions' contained in this e-Notice Inviting Tender (NIT). He/she should particularly go through the minimum desired Pre-qualification (PQ) works credential & financial eligibility criteria and satisfy himself/herself of all the mandatory eligibility requirements. Bidders desirous of participating in the e-Tender should submit application only if they fulfill the minimum PQ eligibility criteria and are in possession of all the required PQ Credential documents "in original" as these may be summoned by the Tendering authority for verification purposes.

NIT and other related documents, WB Works Contract Form No. 2911(i)/2911(ii), Bill of Quantities (BOQ), EMD exemption order, if any, corrigenda and drawings etc. if any, shall form a part of the Agreement / contract document.

## LIST OF WORKS

**NIT No: 01 of Assistant Engineer, Teesta Mechanical Sub-Division-II of 2019-2020**

Sl. No.	Name of Work//Project/Procurement*	Estimated Amount put to Tender (Tender Value) (Rs.)	Earnest Money (EMD) (Rs.)	Time allowed for completion (In English Calendar days)	Source of fund	Minimum eligibility criteria to match the Prequalification (PQ) credential in terms of execution of similar completed previous works contract
1	2	3	4	5	6	7
1	"Repairing and maintenance of electrical wiring with earthing, exhaust fan etc. installation of HAWA MAHAL at Teesta Barrage site Gajoldoba Jalpaiguri under the Jurisdiction of Teesta Mechanical Division Fulbari"	60,359.00	1207.00	10	Non Plan	Bona fide contractors/bidders having credential of execution of similar nature of work of value 30% of the amount put to tender (tender value) within the last 5 years on the date of publishing of NIT

**(\*) Consortium & Joint Venture are not permitted to bid in this tender.**

## **(General Terms & Conditions for Contract:**

All Bonafide Indian contractors/Agencies/Organizations, Registered Companies/ Firms including Registered Partnership Firms, Proprietorship Firms, Registered Consortiums & valid 'Joint Ventures' and contractors/bidders of equivalent grade or class having Pre-Qualification (PQ) Credential from the Government of West Bengal, Union Government Departments/ Other State Government Departments/ Engineering Wings of GoI /IRCON/RVNL/NHPC, Autonomous Project Authority and other similar organizations of GoI and State Governments/PSU and Corporations of Government of India and other States having successfully completed at least one similar nature project and not otherwise debarred are eligible to participate subject to fulfilling the other PQ eligibility 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

### **1. Participation in more than one serial of work out of list of works published in one NIT.**

Any contractor/bidder may bid for any number of Serials of work in a particular NIT, if more than one work have been published in that NIT, subject to fulfillment of all of the following conditions:

- a. There should be full compatibility (matching between the technical PQ credential submitted by the bidder in the form of Credential Certificate (CC) along with other relevant documents as stated under Clause 3.2B III) relating to any work successfully completed by the bidder and technical PQ criteria specified in the NIT for any particular serial of works for which the bidder intends to bid. In other words, technical PQ credential certificate along with relevant documents submitted for any work should at the minimum; satisfy the technical PQ eligibility criteria specified for that work. Normally there should be separate CC along with relevant documents for each of the serial of works, the bidder intends to bid and the serial number relevant to the CC should be clearly written on the body of the CC and also on the other documents stated under **Clause 3.2B III**. However, the bidder will also reserve the right to submit one CC along with relevant documents for bidding in more than one serial of work, provided cumulative technical PQ credential of all such serials should be fulfilled by one single CC. In such case also, serial numbers of the relevant works for which the CC is submitted should be clearly written on the body of the CC by the bidder. Omission of serial numbers on the body of the CC and also on the other documents stated under **Clause 3.2B III**, in case of bidding for more than one serial will lead to rejection of all the bids.
- b. Average of gross annual turnover of the individual bidder/Organization/consortium or Joint Venture for any three financial years within preceding five financial years, as stated under Clause 7V, should not less than the summation of turnover requirements of the relevant individual serial of works for which the bidder intends to bid.

### **2. Submission of bid**

#### **3.1 General procedure for submission of application**

PQ credential documents as asked for in the NIT, should be submitted within the stipulated date and time as notified in the NIT. Contractors/bidders should especially take note of all the *Addenda* or *Corrigenda* notices related to the Tender as tender document. Documents in the Tender submitted by the contractors/bidders containing requisite information & rate cannot be changed after end date and time fixed for submission of the Tender. Extension of last date for submission or insertion of any of Addendum/Corrigendum, if unavoidable is to be notified as per Finance Department guidelines in the, Departmental website, Newspapers and in Notice boards.. Extension of last date and time for bid submission by issuance of a Corrigendum shall not be treated as 2nd Call or Re-tender.

- A. **'Forms'** Applications for Tender: vide self declaration format in specimen *Form-1* , Self declaration of bidder not having common interest as a different bidder organisation in any other work tendered under different serials of this particular NIT *vide specimen Form-2*, and self declaration on antecedents and performance of the bidder in specimen *Form-4*.  
*All above are to be filled up completely, signed and submitted during bid submission.*
- B. *It is desired that self attested Xerox copies of original documents in support of their eligibility and PQ credential shall have to be submitted as detailed below:*

Sl. No.	Category	Sub-category	Sub-category description	Remarks if any
I	Certificates	1. <i>certificates.pdf</i> 2. <i>GST_registration_certificates.pdf</i>	1 Latest Professional Tax Payment Certificate (PTPC) or, PT deposit challan for current financial year or Government Order for exemption in other States where ever applicable. 2 Valid PAN Card in the name of bidder/organisation 3 Income Tax Return of current Assessment year or, IT Return of immediate preceding Assessment year whichever is ;attest available 4 Valid GSTIN under GST Act & Rules	Refer to Clause 3.2C(I) for details
II	Company Details	<i>companydetails.pdf</i> 1 <i>companydetails.pdf</i> 2	1 For Proprietorship Firms, Partnership Firms, Registered Companies, Registered Co-operative Societies Valid Trade License/ acknowledgement or Receipt of application for Trade License/ Revalidation OTHER REQUIREMENTS:-	Refer to Clause 3.2C(II) for details
III	Credential of works	1. Credential pdf 1 2. Credential pdf 2	1 Work Order/ Award of Contract or LOA/LOI duly authenticated by issuing authority. 2 Pre-Qualification (PQ) Work credential of one 100% completed work as desired in the NIT as the Credential Certificate (CC) duly authenticated by competent authority.	Refer to Clause 3.2C(III) for details
IV	Financial credential	Payment certificate.pdf	All 100% Payment Certificates of competent authorities during preceding Five FY. IT Return of bidder in thee FY, or Audited Profit & Loss Accounts statement of any three financial years within the zone of preceding five financial years whichever is available.	Refer to Clause 3.2C(IV) for details

**Note:**

- i. Before publishing of final selection of L1 verification by TEC may be undertaken directly from PQ Credential issuing authority.
- ii. Validity of documents submitted by bidder shall be stand determined on the date of publication of tender notice.

**3.2A** Latest available Professional Tax Payment Certificate (PTPC) or the PT payment challan/receipt for current financial year/Waiver Order of competent authority in other States if applicable.

- a. Valid PAN Card of the bidder/s are required;
- b. Income Tax Return of current Assessment Year or, IT Return of immediate preceding Assessment year under IT Act & Rules, whichever latest available with the bidder.
- c. Valid 15 digit Goods and Service Tax payer Identification Number (GSTIN) as per GST Act, 2017 & Rules of the bidder to be submitted

i 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** Eligibility criteria based on Credential of work/Prequalification Work Credential "**credential.pdf**"

- i. Work Order/Award of Contract or the Letter of Acceptance (LoA) duly authenticated by the competent issuing authority is to be submitted
- ii. Pre-Qualification (PQ) credential of one 100% completed work of Gross Notional Value as desired in the NIT as the Credential Certificate (CC) duly authenticated by competent authority. (*Name of file should be "credential.pdf 2*).

**3.2C** PQ Financial credential: In '**payment certificate.pdf**' folder under OID cover

- a. . 'Payment certificate' of works authenticated by appropriate authority for preceding three Financial Years, or, ii. Valid

Income Tax Returns for preceding three FY, or, iii. Audited Profit & Loss Accounts statements of three FY, any one of i, ii, or iii as a complete set for three FY within zone of immediate preceding five FY is to be submitted else the bidder may be disqualified. Name, address, contact no. and registration no. of auditor Firm is desirable for Profit & Loss accounts statement, if submitted.

. *Credential Certificate (CC) given as PQ Work Credential may also contain payment certificate and in those cases separate payment certificate is not required.*

b. *No file in Technical / Pre-Qual cover or OID cover folder is allowed by the system to be kept blank/empty. Where*

### 3.3 Financial proposal

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

- i. **Bill of Quantities (BOQ):** The contractor/bidder is required to quote the financial offer/bid price or rate as percentage above or below the estimated amount put to tender or 'at-par' with tender value, in the space marked for quoting rate in the BOQ of the tendered work.
- ii. BOQ without a valid numeric rate at the designated space provided in the BOQ will be disqualified and rejected outright.

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

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

Entire set of e-Tender documents are made available free of cost. Cost for tender documents 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):**

Bidders are required make payment of Earnest Money (EMD) through Bank Draft (BD)/ Bankers Cheque (BC) of any scheduled Commercial Bank approved by RBI which is to be drawn in favour of the Executive Engineer, Teesta Mechanical Division payable at Siliguri. Only if the bidder is exempted from payment of EMD by the State Finance Department, the Govt order for such exemption is to be submitted while opting for EMD exemption category. Any misjudgement and resultant non submission of EMD will lead to rejection of the bid. Finance Department has exempted from payment of EMD to State Registered Labour Cooperative Societies, Mackintosh Burn Limited, Westinghouse Saxby Farmer Limited & Britannia Engineering Limited only. State & Central Govt SSI Units are exempted from EMD for tenders for procurements and supply of **Goods only** and not works contracts. However, all other PQ credentials are to be fulfilled by each

#### **(b) Additional Performance Bank Guarantee:**

"Additional Performance Security" has been made mandatory which shall be obtained only from the successful L1 bidder, if the accepted bid price 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.

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

- i. Once the financial bid evaluation is processed EMD of the bidders other than that of the L1 will be refunded,
- ii. TIA reserves the right to forfeit the EMD electronically in case of breach/violation of tender rules

### 5. **Credential Certificate (CC) as Prequalification Work Credential:**

- i. Credential Certificates (CC) for one/single 100% completed work within last five financial years on the date of publication of NIT will only be accepted as valid PQ credential of work. Incomplete ongoing work shall not be considered for valid PQ Credential. Payment Certificate without containing mandatory details shall not be treated as valid.
- ii. It is desirable that CC should preferably contain the name with designation, postal address of office, contact Telephone No./FAX / e-mail ID of the authority issuing the CC for the work along with name of work, amount put to tender, date of completion of the work, gross final billed value of the 100% completed work, certificate of issuing authority indicating successful and satisfactory completion. Illegible certificates, absence of contact details making it time consuming for verification purposes of CC issued by authorities outside the State are liable to be rejected by the Bid Evaluation Committee (TEC).
- iii. Credential Certificates (CC) of successfully completed works in any Department/autonomous authority of the Government of West Bengal will be considered. CC of 100% completed works executed under any other State / Central Government Ministry / Department / Nationalised Financial Institution Organisation / Govt. Undertaking / Govt. Enterprises or Government Institutions or Local Government Bodies (Municipalities, Zilla Parishad & Panchayat Samities within West Bengal, 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 & 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.

Gross notional amount calculated from Credential Certificate (CC) of a single works contract completed within the zone of immediate preceding five financial years on the date of this

NIT, issued in favour of the contractor/bidder /Agency/Firm/Registered Co-operative Society for a similar work defined in the tender should be at least 30% of the amount put to tender for the work it is bidding. The power to decide on the criteria of similarity rests without any prejudice, solely with the Bid Evaluation Committee (TEC).

**6. Additional eligibility criteria for participating in more than one serial of work in a NIT**

If the same bidder bids separately for on behalf of another Firm or in a different capacity having financial interests in the same work, all the tenders would be rejected.

**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 the Credential Certificates and P/L accounts with audited balance sheets), or any other bid document on demand by the Tender Evaluation Committee (HTEC/TEC) which were submitted as Xerox copies within a specified time frame, need arising due to any material deviations detected, 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 the Tender Inviting Authority will immediately bring the matter to the notice of the concerned Chief Engineer and appropriate penal measures as stated in Clause 10 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 in the link "List of suspended/debarred contractors".

**8. Grounds for Suspension and Debarment**

- i. Submission of eligibility requirements containing false information or falsified documents.
- ii. Unauthorised use of one's signature for purpose of bidding process.
- iii. All other acts that tend to defeat the purpose of the competitive bidding such as lodging false complaints about any bidder, posting baseless allegation about any officer duly authorised by the Department, restraining any interested bidder to participate in the bidding process etc.
- vi. Refusal to accept an award after issuance of 'Letter of Acceptance' or enter into contract with the Government without justifiable cause.
- vii. Refusal or failure to post the required performance security/earnest money within the prescribed time without justifiable cause.
- viii. Subcontracting of the contract or any part thereof without prior written approval of the procuring entity.
- ix. Failure solely due to fault or negligence of the Contractor, to mobilize and start work within the specified period as mentioned in the 'Letter of Acceptance' / 'Letter of Acceptance cum work Order' / 'Work Order' / 'Notice of Process' / 'Award of Contract' etc. ultimately resulting in rescindment of contract.
- x. Failure to fully and faithfully comply with the contractual obligations without valid cause, or failure to comply with any written lawful instruction of the procuring entity or his representative(s) pursuant to the implementation of the contract, ultimately resulting in rescindment of contract.
- xi. 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.

**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 offer their financial bids inclusive of GST applicable for entire composite works/Procurement of goods & services, labour intensive component contained in the BOQ. Income Tax, Royalty, GST (CGST, SGST, IGST), Construction Workers' Welfare Cess, Labour Insurances EPF and similar other statutory levy / cess will have to be borne by the contractor/bidder and his/her quoted rate should be quoted accordingly after considering all these charges, and no separate payment towards any of the statutory taxes rents or levies shall be made by the work implementing authority.

## 11. Site inspection prior to submission of tender

Before submitting 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 factors and difficulties to be involved during execution of the work as per specification in all respects including transportation of materials, communication facilities, climate conditions, nature of soil, availability of local labourers and market rates prevailing in the locality etc. and no claim whatsoever will be entertained on those accounts afterwards. The contractor/bidder may also contact the office of the designated Assistant Engineer/Executive Engineer, Teesta Mechanical Division/Teesta Mechanical Sub-Division-II in between 11.30 hours to 16.30 hours on any working day, prior to the date of last date for submission of bid in the e-tender.

## 12. Conditional and incomplete tender

Conditional and incomplete tenders are liable to be summary rejected.

### 13.1 Uploading the list of technically qualified contractors/bidders

- i. While evaluating, the TEC may, if they so desire, summon the contractors/bidders and seek further clarification/information or seek verifications of original of any of/all the documents already submitted, and if these cannot be produced within stipulated timeframe, their bids will be liable for rejection.
- ii. 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 NIT shall be cancelled and invited afresh 2<sup>nd</sup> or 3<sup>rd</sup> re-tender. **No post tender negotiations are permitted.**
- iii. If there is no contractor/bidder or the number of contractors / bidders in the 1<sup>st</sup> tender is less than three, the e-tender has to be cancelled. In case of participation of more than three bidders, if the number of technically qualified bidder falls below three, the tender/NIT is to be cancelled as well and fresh e-tender vis-a-vis 2<sup>nd</sup> call e-Tender or even 3<sup>rd</sup> call e-Tender may be invited by suitably lowering of minimum eligibility PQ criteria (work & financial) for bidders with wide publicity of Re-tender notices through electronic and print media.
- iv. Final result after acceptance of the rate by the Tender Accepting Authority, if within the delegated power of acceptance would have to be uploaded in the e-Procurement platform. Otherwise, the matter may be referred to the Government Appointed DTC and the appropriate Government for decision.
- v. 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.
- vi. If the lowest (L1) bidder/contractor backs out there should be Re-tendering in a transparent manner. In such a situation the TIA may call for re-tender with bid submission time period should normally be 14 days for value above Rs. 10.00 lakh, and 7 days for value exceeding Rs. 1.00 lakh but up to Rs. 10.00 lakh.

### 13.5 Tender Accepting Authority (TAA)

Authority to which the power has been delegated to accept tenders as per latest Finance Department Notification will function as the Tender Accepting Authority (TAA) for evaluation of technical and financial proposals of works having tender value within his/her range of acceptance.

As per present delegation, TAA for different tenders within the range above Rs 0.10 Lakh upto Rs 45.00 Lakh would be as follows:

- i. For e-Tenders of value up to Rs 45.0 lakh (above Rs 5.00 lakh and up to Rs 45.0 lakh): Executive- Engineer ..... 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 ..... Division, I&W Directorate. [off-line single bid Tenders]
- iii. For tenders of value up to Rs 3.0 Lakh relating to works only, is to be tendered in a single bid system in off-line mode to be accepted by Assistant Engineer ..... Division, I&W Directorate. [off-line single bid system Manual Tenders] on the basis of technically sanctioned costs.

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

- i. The lowest (L1) financial bid for all works tenders is accepted as a rule. If for any reason the lowest (L1) bid is not accepted, reference is to be made to the appropriate Government for orders as to which of the contractor /bidder the work should be awarded.
- ii. Maximum 5% excess beyond the 'Tender Value' (Amount put to Tender) may be accepted as per delegated power to the Executive Engineer up to Rs 45.00 lakh, and at least three valid bids have been received in the financial bid stage, provided tender value after abatement is within the administratively approved cost. Maximum 5 % excess beyond the 'Tender Value' (Amount put to Tender) may be accepted above tenders of value below Rs 3.00 lakh upto 5% above amount put to tender and also 5% excess over administratively approved amount, proposal for revised

administrative approval/Expenditure sanction would have to be submitted to the Government, but acceptance of tender and issue of work order may not be kept pending for want of revised approval.

- iii. Above 5% and up to 10% of the Tender Value can be recommended to the Government for acceptance by the Departmental Tender Committee (DTC) subject to the conditions that valid technically qualified bids should not be less than three and L1 bid is accepted and tendered amount is within the administratively approved cost. In case of excess over administratively approved amount, revised administrative approval would have to be submitted to the Government but acceptance of tender, and issue of work order may not be kept pending for want of Revised Administrative Approval/ Revised Financial sanction.
- vii. All above tender rules applies for all types of works and procurements i.e Plan, Non Plan, deposit works tenders.

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

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

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

The contractor/bidder, whose bid is approved for acceptance, shall within 15 days of the receipt of Letter of Invitation (LOI) or Letter of Acceptance (LOA) in his / her favour, will have to execute a 'Formal Agreement' with the Engineer-in-Charge in quadruplicate in W.B.F. 2911 and all other contract documents, entire set of which may be obtained free of cost from the office of the designated Executive Engineer, Teesta Mechanical 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 NIT, the Departmental Notification and also contained in contract W.B Form No. 2911(i)/ 2911(ii)/ Agreement.

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

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

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

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

**18. Bid validity**

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

**19. Definition of Physical Milestones:**

The time allowed for carrying out the work as entered in the tender shall be strictly observed by the contractor, and which shall be reckoned from the date on which the order to commence work is given to the contractor. The work shall throughout the stipulated period of the contract be proceeded with all due diligence. Time being deemed to be the essence of contract on the part of the contractor; the contractor shall be bound in all cases, to achieve the 'Milestones' as specified by the Engineer-in-Charge with the AOC, defining pertaining to the work. The contractor within 7 days of receipt of Letter of Acceptance shall submit a work programme commensurate with period of construction in the form of a Bar Chart work programme, stating the timeline of such different Milestones. In the event of the contractor failing to comply with any of the conditions related to achieving the 'Milestones' within the specified time period prescribed for such 'Milestone' plus one month, he/she shall be liable to pay compensation.

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

**20. Withdrawal of bid in a Tender**

Withdrawal of Tender once the bid has been submitted is not allowed. EMD will be forfeited by the Government and the L1 bidder/contractor penalised



## 21. Critical dates of this e-Tender

Sl. No.	Activity	Date & Time
5.	Last date of submission of application	20/06/2019 upto 17:00hrs
6.	Last date of issue of schedule	24/06/2019 upto 17:00 hrs
7.	Last date of dropping of tender	26/06/2019 upto 15:00 hrs
8.	Date of opening of tender	26/06/2019 after 15:00 hrs

### Special Terms & Conditions of the contract

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. Adjustment of original bid prices/escalation cost/ mobilization advance / secured advance shall not be permitted for any reason whatsoever due to cost and time over run 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 go-downs, 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. Insurance of workers and materials is the responsibility of the bidder during entire construction period.
16. The contractor will have to maintain qualified technical employees and/or Apprentices at site as per prevailing Apprentice Act or as stipulated in the contract. No compensation for establishment charge will be entertained.
17. The contractor will have to accept the work programme as per modifications and priority of work fixed by the Engineer-in-Charge so that most vulnerable reach and/or vulnerable stretch is completed before impending monsoon or rise in river flood water level or commencement of canal irrigation water release or for other suitable reasons.
18. Quantities of different items of work mentioned in the departmental tender schedule/BOQ or in work order are only tentative. In actual work, these may vary considerably. Payment will be made on the basis of works actually completed in different items as per specifications and codes, and no additional claim will be entertained for reduction of quantities in some items or for omission of some items. For execution of any additional item or supplementary works within the tendered value with the total completion value remaining within the accepted tendered cost, approval of the Tender Accepting Authority/Government in the Irrigation & Waterways Department would be required.
19. In order to cope with the present system of e-pradan billing, departmental supply of construction materials is discouraged. However, Departmental materials may be issued to the contractor/ bidder to the extent of requirements as assessed and following accounts procedure in the Treasury system of bill payment and in instalments as decided by the Engineer-in-Charge. Issue of materials may be of three categories.
  - a) Materials issued directly to the work and subject to recovery.
  - b) Materials issued from departmental go down and subject to recovery.
  - c) Materials issued free of cost.

Decision of the Engineer-in-Charge should be final and binding in this regard. He also stands solely responsible for reconciliation of accounts, if materials are issued to the contractor.
20. Any materials brought to site by the contractor subject to approval of the Engineer-in-Charge. The rejected materials must be removed by the contractor from the site at his own cost within 48 hours of issue of the order to that effect. The rates in the schedule are inclusive of cost and carriage of all materials to worksite. The materials will have to be supplied in phase with due intimation to the Sub-Divisional Officer/Assistant Engineer concerned in conformity with the progress of the work. For special type of materials, i.e. Geo Synthetic Bags, HDPE Bags, Geo Textile Filter, Geo jute Filter etc. if any, relevant Data Sheet containing the name of the Manufacturers, Test Report etc. will also be submitted in each occasion. Engineer-in-Charge may conduct independent test on the samples drawn randomly before according approval for using the materials at site. In this regard decision of Engineer-in-Charge shall be final and binding.
21. For materials under category 19(a),(b)&(c), the contractor will act as the custodian thereof. The materials will have to be carried from the nearest Departmental go-down to worksite by the contractor at his own cost. The contractor shall remain responsible for the proper storage and safety of the materials. Suitable Go-down/ Store shall have to be made by the contractor at his/her own cost. Penalty charges shall be levied at higher rate for loss, wastage, misuse. Surplus materials of the departmental if any, shall have to be returned to the issuing Go-down or store at the contractor's cost within the time frame as fixed by Engineer-in-Charge, otherwise, the cost at penal rate will be recovered from the bill. Indent for departmental materials shall be submitted by the contractor to the AE/S.D.O. at least 7 days in advance of actual requirement. No claim will be entertained for non-issuance of such materials in time but reasonable extension

of time will be granted. All materials, whatever be the category thereof, shall be properly stored by the contractor in suitable go downs near the site of work at his own cost & under no circumstances whatsoever shall any material be removed from the site of work without prior written permission of the Engineer-in-Charge. The contractor shall be responsible for any damage, wastage or loss of such materials.

22. The contractor shall also have to satisfy the Engineer-in-Charge regarding the proper utilization of materials which have been issued departmentally.
23. Value of the material, under category (a) & (b) of clause 19, will be recovered from the bills of the contractor in one or successive instalments as may be decided by the Engineer-in-Charge.
24. Requisite quantity of cement as may be required for the work will be supplied from the nearest Departmental go down if stock permits. The issue rate of cement is shown in the Schedule of materials attached. Any excess consumption of cement by more than 5% over the final consumption statement drawn up as per consumption rate specified in the Schedule will be recovered at a penal rate shown in schedule.
25. Reinforcement steel rods/MS sheet piles/bitumen will be issued if stock permits, from the nearest departmental go-down where such material is available in marketable length/quantities. While issuing the same, for any particular work the quantity actually required as per approved drawing shall only be issued. While executing the work, it will be responsibility of the Contractor/bidder as well as the Engineer-in-Charge to get this quantity properly utilized in the work. Cut pieces, if any will not be taken back by the Department. Recovery for the total quantum of steel issued will be made at the issue rate shown in the Schedule below. In case of misuse over +10%, deduction will be made at a penal rate shown in the Schedule below. This whole principle shall apply in case of other M.S materials like sheet piles and structural steel members as well.
26. The work is to be executed strictly as per specification attached with NIT and shall confirm relevant Indian Standard Codal provisions and good industry practice. In the absence of any such provision in some items, the tending authority reserves the right to adopt suitable International Code/specifications/standards.
27. 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.
28. SCHEDULE OF RECOVERY RATES OF DEPARTMENTALLY SUPPLIED CONSTRUCTION MATERIALS

SI. No	Name of materials	Issue rate (in `)	Unit	Penalty recovery rate for loss or misuse or wastage (if otherwise not mentioned specifically in the SoR)	Place of delivery
01	Cement		MT	2 (Two) times issue rate	Departmental Godown
02	Reinforcement steel rods, structural steel members, M.S sheet Piles		MT	2 (Two) times issue rate	-do-
03	Bitumen		MT	2(Two) times issue rate	-do-

Assistant Engineer  
Teesta Mechanical Sub-Division-II  
Irrigation and Waterways Department  
Fulbari, Jalpaiguri

Copy forwarded for favour of kind information and taking necessary action for wide circulation to the: -

1. Superintending Engineer, North Bengal Mechanical & Electrical Circle, Tinbatti, Siliguri
2. Executive Engineer, Teesta Mechanical Division, Fulbari, Jalpaiguri... In reference to your memo. 386/10E-1  
Dated 27.05.2019
3. Executive Engineer, Teesta Barrage Electrical Division, Tinbatti, Siliguri.
4. DVC Study Cell & Public Relation & Statistical Cell, I & W. Directorate, Govt. of West Bengal Jalasampad  
Bhaban (7<sup>th</sup> floor), Bidhannagar, Kolkata – 700091, for publication in the state web portal:  
[www.wbiwd.gov.in](http://www.wbiwd.gov.in)
5. Assistant Engineer, Teesta Barrage Electrical Sub-Division-I, Teesta Barrage Electrical Division, Odlabari.
6. Assistant Engineer, TMSD-I & III, Fulbari, Jalpaiguri
7. Divisional Accountant of Teesta Mechanical Division, Fulbari, Jalpaiguri
8. Divisional Estimator of Teesta Mechanical Division, Fulbari, Jalpaiguri
9. Office Notice Board

*Sd./*  
Assistant Engineer  
Teesta Mechanical Sub-Division-II  
Irrigation and Waterways Department  
Fulbari, Jalpaiguri