



**Government of West Bengal
Irrigation & Waterways Directorate
Office of the Executive Engineers
Lower Damodar Construction Division
Fuleswar, Uluberia, Howrah-711316
Phone & Fax: 033-2661031
(Email:ee1ldcd@gmail.com)**

**NOTICE INVITING TENDER NO.-10/EE-I/LDCD of 2021-22
Circulated vide Memo. No. 1344 Dated.24.09.2021.**

Sealed and Separate tenders in specified tender forms are invited by the **Executive Engineer-I, Lower Damodar Construction Division, I & W. Dte., Fuleswar, Uluberia, Howrah** for the works mentioned in the annexed list, from the eligible Contractors of as mentioned in the said Annexure. The Contract Documents can be seen / collected at the office of the **Executive Engineers, Lower Damodar Construction Division, I & W. Dte., Fuleswar, Uluberia, Howrah** between the hours of 11-00 A.M. to 4-00 P.M. on all working days.

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

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. 45.00lakh**

2. 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:

- 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.
- Average of gross annual turnover of the individual bidder/Organization 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.

3. Submission of bid

General procedure for submission of off-line bid

Bids are to be submitted at tender box kept at **Lower Damodar Construction Division office at Fuleswar, Uluberia, Howrah-711316**. All documents uploaded by the Tender Inviting Authority at departmental tender link

<https://wbiwd.gov.in/index.php/applications/tenders> forms an integral part of the works contract/Agreement. Contractors/bidders are required to submit the entire tender documents along with all other relevant PQ credential documents as asked for in the NIT, physically, at the above address, within the stipulated date and time as notified in the NIT. Tenders are to be submitted in a single cover/packet/parcel at the same time for each work, clearly mentioning NIT No. and Serial No of the NIT. The contractor/bidder should carefully go through all the documents of the tender and submit all relevant documents as described below.

All the documents as mentioned in Para 3.2 A & 3.2 B, Earnest Money Draft vide Para 4 below along with one sealed cover labeled "Tender Documents of Sl. No.... of NIT No....." will be placed in an outer/main sealed cover and labeled distinctly & correctly. The inner cover labeled "Tender Documents of Sl. No..... of NIT No....." should contain documents mentioned in Para 3.3 below i.e. NIT documents, 2911, the BoQ/Schedule of work, corrigendum, if any, containing signature of the applicant in each page as a token of acceptance along with quoted rate at specified place. Extension of last date for bid 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. Whenever any corrigendum is issued irrespective of the content (date corrigendum or otherwise), due date of submission of bid will be extended by 7 (seven) calendar days to be published before expiry of the last date for original validity period of bid submission. Extension of last date and time for bid submission by issuance of a Corrigendum shall not be treated as 2nd Call or Re-tender.

APPLICATION FOR TENDER PAPER

Applications for issuing of tender forms are to be made to the Executive Engineer-I, Lower Damodar Construction Division, I & W Dte., Fuleswar, Uluberia, Howrah. Application is to be made in the Applicant's letter-head in prescribed proforma (FORM-I) attached herewith, failing which application will be treated as incomplete and void.

3.2 A Descriptions of "APPLICATION FOR TENDER PAPER" and required documents

- i. Applications for Tender: vide self-declaration format in specimen *Form-1*, Self-declaration of bidder not having common interest as a different bidder organization 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 in sealed cover.
- ii. Earnest Money Draft as stated in para 4 below / order of Exemption.

3.2A.NOTE:

- i. Contractors/bidders are required to keep track in the departmental website <https://wbiwd.gov.in/index.php/applications/tenders> for all the Addenda or Corrigenda notices and documents published in connection with a particular Tender within the bidding period and submit the same, signed by him/her along with their bid. Tenders submitted without Addendum/Corrigendum are liable to be treated as incomplete and thereby liable for disqualification or rejection.
- iii. Form 1, Form 2 and Form 4 are taken from bidders by TIA as bidders self declarations' or undertakings. These formats are specimens or samples only, which are to be firstly downloaded by the bidders from the NIT in Departmental portal, filled up completely preferably in letter head and submitted with their bids.

B. Other Documents required for accepting APPLICATION FOR TENDER PAPER:

Note:

- i. It is desirable that all documents stated here shall be submitted by bidders in specified cover/packet/parcel during bid submission. No other document will be accepted and considered during tender evaluation stage from bidders before publishing of final selection of 1st lowest bidder. 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 (Notice Inviting Tender)

3.2 B(I) The certificate documents mentioned below under Serial a, b c & d are to be submitted

- a. 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.
- b. Valid PAN Card of the bidder/s are required;
- c. 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.

- d. Valid 15 digit Goods and Service Tax payer Identification Number (GSTIN) as per GST Act, 2017 & Rules of the bidder.

B(II) Following documents also should be uploaded during bid submission

- i. For Partnership Firms: Documents of Registration of Partnership Firms in the certified copy of 'Form No. VIII,' issued under Indian Partnership Act, 1932 (Act-IX of 1932) by the Registrar of Firms. In case a Partnership Firm is yet to receive Form No. VIII, a "Memorandum" issued by the Registrar of Firms may also be accepted.
- ii. For Companies: Incorporation Certificate, valid Trade License or acknowledgement of issuing authority of receipt of application for Trade License / renewal, 'Memorandum of Articles' registered under the Registrar of Companies (ROC) under the Indian Companies Act, List of owners/ Directors/Board Members are to be submitted with the bid.
- iii. 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.

B (III) Eligibility criteria based on Credential of work/Prequalification Work Credential

- 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.

B (IV) PQ Financial Credential:

- a. Disqualification during PQ evaluation of financial capability of bidder shall not be decided during Processing application up to work of Rs 45 lakh, as no minimum financial capacity is fixed, except if reveals from documents beyond any doubt of the financial liquidity & bankruptcy of the bidder, determining absolute incapacity to execute the work.
- b. But, i. 'Payment certificate' of works authenticated by appropriate authority for preceding three Financial Years, or, ii. Valid Income Tax Returns for preceding three FY, or, iii. Audited Profit & Loss Accounts statements of three FY, any one of i, ii, or iii as a complete set for three FY within zone of immediate preceding five FY is to be 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.

Note: If the bidder Company/Firm was set up less than three years ago, audited balance sheets and P/L Accounts for the number of years since inception are to be submitted under Technical cover and the average value would be evaluated only for the period since inception and not three years. Credential Certificate (CC) given as PQ Work Credential may also contain payment certificate and in those cases separate payment certificate is not required.

Tender Documents for Financial proposal / bid:-

The financial bid should contain the following documents in one sealed cover or packet or parcel labeled

"Tender Documents of Sl. No. of NIT No".

- i. NIT: Notice Inviting Tender is to be submitted in entirety, after signing by authorised signatory along with corrigendum, if any.
- ii. Bill of Quantities (BOQ) or Schedule: 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 Schedule of the tendered work.
- iii. Contract / Agreement in WB Form No. 2911 published in the Tender is to be downloaded filled up properly, quoted rate as % above / below / at par in the specified place, signed and submitted during bid submission in a sealed cover as stated above.
- iv. Only the downloaded/issued sheet of the above documents is required to be submitted by the contractor/bidder.
- v. BOQ/Schedule/2911 Agreement without a valid numeric rate at the designated space provided in the BOQ/Schedule/2911 Agreement will be disqualified and rejected outright. Contractors/bidders willing to quote "at-par" rate shall need to write "at-par" in the 'space' provided for rates in the BOQ/Schedule/2911 Agreement of the tendered work.

4. Tender Fee and Earnest Money Deposit (EMD)

i. Tender Fees:

Entire set of Tender documents are made available free of cost through the Tender link of Departmental website www.wbiwd.gov.in. 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 the Demand Draft only. 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 bidder, if the accepted bid price is below 20% or 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 1st lowest bid price. (I&WD No. 09-W/2017-18 dated 20.07.2017 & 271-IB dated 20.07.2018 in the order link of wbiwd.gov.in and 4608-F(Y) dated 18.07.2018 of Finance (Audit) Dept. may be referred)

The Additional Performance Security shall have to be submitted by the selected 1st lowest bidder after issuance of Letter of Acceptance / Letter of Invitation (LoA/LoI) within seven working days and before issuance of Award of Contract (AoC) in the form of "Bank Guarantee" of any Scheduled Bank approved by RBI, payable at **Kolkata** West Bengal, as per specimen format Form-6. If the bidder fails to submit the said value of BG as Additional Performance Security within the seven working days, he may pray for extension of BG submission date within the prescribed 7 days period by another seven days with reasons to be recorded in writing (which is 14 working days from date of issuance of LoA). Else, its/their Earnest Money Deposit (EMD) will be forfeited without any prejudice by the Tender inviting authority and the defaulting bidder also debarred from further participation in all future I&WD tenders for a period of one year for committing the offence on the first occasion and for a period of two years for recurrence of the same offence.

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

4A. EMD payment procedure:

Each Tenderer will have to deposit earnest money (EMD) of the amount specified in the annexure list of works in the following forms: -

- i. Earnest money deposited in S.B.I or any Nationalized Bank in the shape of Bank Draft / D.C.R. in favour of the **Executive Engineer-I, Lower Damodar Construction Division, I.&W.D. payable at Kolkata** will be valid for the purpose. **The original document must be affixed with the Application.**
- ii. **No cheque or cash money will be accepted as Earnest Money.**
- iii. Earnest Money in the shape of N.S.C, K.V.P, and N.S.S. will not be accepted.
- iv. Adjustment of Earnest money with previous deposit if any can not be entertained in any case.
- v. Contractors should have to deposit 2.00% (Two point zero percent) of amount put to tender as stated in the list of works during dropping of tender forms.
- vi. **Security Money:**

In respect of successful tenders, the deposited earnest money 2.00% (Two point zero percent) of the amount put to tender will be converted as a part of Security Deposit and an additional security @ 8% (eight percent) of the tendered amount has to be deposited within 10 days of issuance LoA. In case lump sum deposit in this respect together with EMD value falls short of 10% of Tendered Amount, balance amount will be deducted from the progressive bills.

All Contractors will be treated as outsider Contractor and deduction of security deposit will be followed as above.

4B. Refund/Settlement Process for EMD:

- i. Once the bid evaluation is processed by the TEC, EMD of the bidders other than that of the successful bidder will be refunded, on receipt of application from the bidder in that respect within 2 working days.
- ii. As soon as the successful bidder is awarded the contract (AOC), the same will be deposited to the specific head of security deposit against concerned operating code of the Executive Engineer.
- iii. If the tender is cancelled, then the EMD draft would be released by the Tender Inviting Authority.
- iv. TIA reserves the right to forfeit the EMD Draft or electronically after depositing in specified head of account in case of breach/violation of tender rules as defined under clause 8 & 9.

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.

6. Pre Qualification (PQ) eligibility criteria

Prequalification (PQ) eligibility of a contractor/ bidder based on one single 100% completed works contract and financial capacity achieved within the zone of last five financial years will be determined as per Rules stated below:

- 6 I (a). Firstly, the gross value of the work submitted as PQ Credential as per CC of similar in nature completed during the current financial year before date of publishing of NIT or within the preceding five FY will be multiplied by the following factors to take care of the inflationary effects to arrive at the gross notional amount.

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

Note: For cases where two contractors/bidders are participating in a 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 PQ submit work credential of having completed the same job either wholly or partly, then in such case the PQ credential of the principal contractor will be considered while that of the sub-contractor will not be taken into consideration for determining the eligibility criteria of the contractor/bidder during technical evaluation of the tender. If the PQ Credentials submitted by hitherto contractors/bidders are for different works, then both the PQ Credentials will be considered for determining the eligibility criteria of the individual contractors/bidders.

6 II. Submitted Bid of contractor/bidder will come under consideration only when the Technical PQ criteria mentioned below are satisfied and fulfilled in the "Application for Tender Paper" Evaluation stage.

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).

7. 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.

8. Penalty for suppression /distortion of facts and withdrawal of SUCCESSFUL 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 photo copies with their bids within a specified time frame, need arising due to any material deviations detected in the uploaded soft copies, leading to specific doubts which could not be cleared by enquiry from issuing authority of these documents or if there is any suppression/distortion/falsification noticed/detected/ pointed out at any stage of the tender process at any stage prior to signing of Contract-Agreement or the issue of LOA or AOC, the Tender Inviting Authority will immediately bring the matter to the notice of the concerned Chief Engineer and appropriate penal measures as stated in 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".

9. PROCEDURE FOR SUSPENSION AND DEBARMENT OF SUPPLIERS/CONTRACTORS

A. SCOPE:

The procedures laid down in subsequent paragraphs shall govern the suspension and debarment of suppliers, contractors and bidders ("Contractors" for brevity) involved in Government procurement for offenses or violations committed during competitive bidding and contract implementation, or even later for the works under Irrigation & Waterways Department, Government of West Bengal. The concerned Chief Engineer shall publish the suspension and debarment order in the Departmental website with the approval of I&W Department in the designated link within 1 (one) working day of issuance of such order. The TIA shall recommend the case to HTEC/TEC who with opinion of Chief Engineer will place it before DTC/QBEC/DTTC for approval.

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

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

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

C. DEFINITION OF TERMS:-

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

ii. **Bid Evaluation Committees or Tender Evaluation Committees (HTEC/TEC/QBEC in short):**

a. Bid / Tender Evaluation Committee (TEC) for the bids upto tender value of Rs. 45.00 lakh (TEC) invited by the Executive Engineer will be comprising of i) Concerned Executive Engineer as Chairperson and Convener, ii) Assistant Engineer concerned to the work as Member, iii) Another Assistant Engineer from Division as Member or the Junior Engineer posted as the Divisional Estimator.

b. or, Evaluation Committee constituted by the Department from time to time.

- iii. **Consolidated Debarment List:** A list prepared by the Departmental Debarment Committee/Chief Engineer containing the list of bidders debarred by the Irrigation & Waterways Department, Government of West Bengal. The list would be displayed prominently in the designated link in website of the Department clearly stating the period of suspension/debarment.
- iv. **Contract implementation:** A process of undertaking a project in accordance with the contract /Agreement documents.
- v. **Debarment:** An administrative penalty, in addition to the contract/Agreement provisions, disqualifying a bidder from participating in any procurement process under Irrigation & Waterways Department, Government of West Bengal for a given period.
- vi. **Debarred Bidder:** A Bidder who was disqualified by the competent authority of the Irrigation & Waterways Department, Government of West Bengal.
- vii. **Department:** Irrigation & Waterways Department, Government of West Bengal
- viii. **Entity:** A person/Contractor/Agency/Joint Venture/Consortium/Corporation participating in the procurement process and/or a Person/Contractor/Agency/Joint Venture/Consortium/Corporation having an agreement/ contract for any procurement with the Department shall be referred as entity.
- ix. **Offence:** A violation or breach of the Constitution of India, laws, regulations, laid down procedure, etc under Prevention of Corruption Act, 1988, Code of Criminal Procedure, 1973 u/s 195(1) and Section 197(1), Competition Act, 2007 and IT Act, 2000 as amended.
- x. **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.
- xi. **Procuring Entity/Authority:** The officer authorised by the Irrigation & Waterways Department, Government of West Bengal for procurement.
- xii. **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 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. Unauthorized use of one's name/digital signature certified for purpose of bidding process.
- vi. Any documented unsolicited attempt by a bidder to unduly influence the outcome of the bidding in his favour.
- vii. 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.
- xii. Refusal or failure to upload a self-declaration in specimen format of Form-4 to the effect of any previous debarment imposed by I&WD, any other Department of State Government and or Central Government.
- xiii. Wilful or deliberate abandonment or non-performance in a project or contract by the contractor / suppliers resulting to substantial breach thereof without lawful and / or just cause(s).

- xiv. Non-submission of authentic Bank Guarantee of required amount by the selected bidder in a tender for Procurement of Goods & Works, if the bid price is below 20% of the tender value within the period as prescribed in the NIT, 7 working days from date of issue of LOA which may be extended upto maximum 14 working days.
- xv. Non-submission of a sufficient sum, which together with the Earnest Money deposited by him/her with his/her tender, will make the full security/performance- security amounting to 10% of the tendered amount and in such a case, there shall be no further deductions from the progressive bills so long as value of work does not exceed the tendered amount by the selected bidder in a tender for Procurement of Works, within 10 days of receipt of 'Letter of Acceptance' (LoA) from the Tender Accepting Authority.

E. CATEGORY OF OFFENSE:

- a. First degree of offense: Clause 9 D (i) up to (vii), (xii) & (xiv) is to be considered as first degree of offense.
- b. Any of the offence under Clause (viii) to (xi) & (xiii) shall lead to termination of contract and its determinations in accordance with Clause (ii) & Clause (iii) of Agreement Form No. WB-2911 and simultaneous debarment for a period of 2 years
- c. Second degree of offense: Any one of the offenses as mentioned under Clause 9D (i) to (xiv), committed by a particular bidder/contractor/supplier on more than one occasion would be considered as second degree of offense. Period of debarment will be 2 times the corresponding period penalty applicable for 1st degree offence in addition to other penal provisions contained in 1st degree offence.

F. Procedure and Rules of Debarment:

Debarment procedure and rules are published as Departmental Notification to be read in conjunction with the Corrigenda issued from time to time, as may be seen in the Notification link of the Departmental website wbiwd.gov.in

G. PENALTY FOR OFFENSE:

- a. For committing 1st degree offense any of the cases referred under Clause 9 D (i) to (v), forfeiture of earnest money and debarment for a period of six months, if the offense is detected during technical evaluation. If the offence is detected after award of the contract and if the offender happens to be the agency selected for work, and such selection is made due to oversight, forthwith termination of the contract and determination of contract value in accordance with clause 3(ix) (c) of West Bengal Form No. 2911, and simultaneous debarment for a period of six months. Further, in case the offense is detected after completion of work and payment of final bill the Work credential earned would be declared as 'null and void', so that the same cannot be used in future as PQ credential for securing other works contracts in the Irrigation & Waterways Department, together with debarment for a period of six months.
- b. For committing 1st degree offense in any of the cases referred under Clause 9 D (vi), (vii), (xiii) to (xv), forfeiture of earnest money and debarment for a period of one year. For committing offenses under Clause 9D (xv), debarment period shall be for one calendar year preferably from the date on which the due date for submission of BG had expired (i.e 8th or 15th working day from date of receipt of LOA /LOI) by the concerned Chief Engineer to be notified in the Departmental website.
- c. For committing 1st degree offense in any of the other cases under Clause 9 D (viii) to (xii), termination of contract and its determination in accordance with Clauses 2 & 3 of West Bengal Form No. 2911, including debarment for a period of two years.
- d. For committing 2nd degree offenses under above all categories, period of debarment will be twice the corresponding period for 1st degree offenses, in addition to other penal provisions for 1st degree offense.

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 tender should offer their financial bids inclusive of GST applicable for entire composite works/Procurement of goods & services, labor 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 a tender, the intending contractor/bidder should make themselves acquainted thoroughly with the local conditions prevailing at site of implementation of the work by undertaking field inspections and taking into consideration all probable factors and difficulties to be involved during execution of the work as per specification in all respects including transportation of materials, communication facilities, climate conditions, nature of soil, availability of local labourers and market rates prevailing in the locality etc. and no claim whatsoever will be

entertained on those accounts afterwards. The contractor/bidder may also contact the office of the designated Assistant Engineer/Executive Engineer-I, Lower Damodar Construction Division in between 11:00 hours to 16:00 hours on any working day, prior to the date of last date for submission of bid in the tender.

12. Conditional and incomplete tender

Conditional and incomplete tenders are liable to be summary rejected. No further/separate document will be entertained until completion of Tender process by way of acceptance of SUCCESSFUL bid by the competent Tender Accepting Authority/Government.

13. Opening & evaluation of tender

Opening of Tender

All works above tender value of 0.10 lakh for which 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.

- i. Tender will be opened by the Tender Inviting Authority or his/her authorized representative/s at the scheduled time as mentioned in Annexure.
- ii. Intending contractors/bidders may remain present if they so desire.
- iii. Outer sealed cover documents (vide Clause 3.2&4) will be opened first and if found in order, will be evaluated for acceptance of application for Tender Paper (vide Clause 3.2A). If there is any material deficiency in either of the documents, the Applications liable to be disqualified & rejected and EMD will be released.
- iv. Documents of the Pre-Qual Technical Credential and Other required Documents will be evaluated by the Tender Evaluation Committee (TEC).

Process of Bid Evaluation in a Tender

Each document submitted (vide Clause 3.2&4) with Application for Tender Paper will be scrutinized and if found in order/as desired will be accepted by the TEC and then only tender of the particular bidder will be declared eligible for further process/evaluation. During the application evaluation process, Intending contractors/bidders may remain present and no subsequent objections whatsoever, raised by any participant, not present during the opening of tenders will be entertained.

Acceptance/Rejection of Application for Tender Documents

- i. Pursuant to decision arrived after a Technical Bid Evaluation and review, the acceptance of contractors/bidders' application in the Application Evaluation stage for a particular serial of work whose tender proposal will be thus considered, will be intimated to bidders present verbally.
- ii. While evaluating, the TEC may, if they so desire, summon the contractors/bidders and seek further clarification/information or seek verifications of original hard copy of any of/all the documents already submitted, and if these cannot be produced within stipulated time frame, their bids will be liable for rejection.

Evaluation of Tender/bid

- i. Inner Cover labeled "Tender Documents of Sl. No. of NIT No. " of the bidders/contractors whose Application for Tender Documents are declared accepted by the Bid/Tender Evaluation Committee (TEC) will be opened by the Tender Inviting Authority stated above.
- ii. The rates will be read out to the contractors/ bidders remaining present at that time.
- iii. If the Tender Accepting Authority (TAA) is satisfied that the rate obtained is fair and reasonable and there is no scope of further lowering down of rate, he/she may after having the comparative statement test checked by the Divisional Accountant / Divisional Accounts Officer attached to his office and after their acceptance may formally issue LoA against each work.
- iv. If there is any scope for lowering down of rate in the opinion of the Tender Accepting Authority being abnormally high, i.e. above 10% of the amount put to tender (Tender value), the e-NIT shall be cancelled and invited afresh 2nd or 3rd re-tender. **No post tender negotiations are permitted.**
- v. If there is any scope for lowering down of rate in the opinion of the Tender Accepting Authority being abnormally high above 10% of the amount put to tender i.e. Tender value, the e-NIT shall be cancelled and invited afresh. No post tender negotiation is permitted.
- vi. If there is no contractor/bidder or the number of contractors / bidders in the 1st tender is less than three, the 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 tender vis-a-vis 2nd call Tender or even 3rd call Tender may be invited by suitably lowering of minimum eligibility PQ criteria (work & financial) for bidders with wide publicity of Re-tender notices through electronic and print media.
- vii. Final result after acceptance of the rate by the Tender Accepting Authority, if within the delegated power of acceptance would have to be intimated through LoA. Otherwise, the matter may be referred to the Government Appointed DTC

and the appropriate Government for decision.

- viii. The Tender Accepting Authority may ask the SUCCESSFUL bidder/contractor to submit analysis of rates to justify the rate quoted by that bidder after declaration of financial bid evaluation result.
- ix. If the lowest (SUCCESSFUL) 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 upto Rs. 10.00 lakh.

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 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-I, Lower Damodar Construction Division, I&W Directorate. [off-line single bid Tenders]
- ii. 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/Sub-Divisional Officer, Lower Damodar Construction Sub-Division No-..., I&W Directorate. [off-line single bid system Manual Tenders] on the basis of technically sanctioned costs.

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

- i. The lowest (SUCCESSFUL) financial bid for all works tenders is accepted as a rule. If for any reason the lowest (SUCCESSFUL) 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 SUCCESSFUL bid is accepted and tendered amount is within the administratively approved cost. In case of excess over administratively approved amount, revised administrative approval would have to be submitted to the Government but acceptance of tender, and issue of work order may not be kept pending for want of Revised Administrative Approval/ Revised Financial sanction.
- iv. If the response to a 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 Departmental web portals. Prior to invitation of Re-Tender / fresh Tender, the eligibility criteria and other terms & conditions as contained in the first 'Notice Inviting Tender' shall have to be reviewed/relaxed by the Tender Inviting Authority, to ascertain whether (i) it was too much restrictive, say, specifications and qualifications were fixed at higher standards than required, (ii) advertisements in the widely circulated Newspapers were properly published and (iii) other related procedural matters were observed in its entirety.
- v. If the number of valid bids received even in re-tender is less than three, it should be referred by the TIA to the DTC and even the appropriate Government along with the recommendation of the DTC for decision, in accordance with Finance Department Memorandum and other relevant orders in vogue at the time of publication of the tender.
- vi. For acceptance of SUCCESSFUL bid after 2nd/ 3rd re-tenders is still above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the DTC as mentioned at clause 13.4, with that of the Department shall have to be sent to the Finance Department for decision.
- vii. All above tender rules applies for all types of works and procurements i.e Plan, Non Plan, deposit work tenders.

14. General guidelines for acceptance of 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 SUCCESSFUL rate.

15. Signing of formal tender contract/agreement after acceptance of 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-I, Lower Damodar Construction Division** or Sub-Divisional Officer, **Lower Damodar Construction** Sub-Division No-..... in-charge of the work tendered.

If the selected SUCCESSFUL bidder fails to turn up even after **30** days after the initial **15** days from the date of issuing of the AOC in the e-mail ID of bidder 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, debaring from future participation in Government tenders, immediate forfeiture of the Earnest Money deposited in the tender, other penal actions as stipulated under clause 9 & 10 of the e-NIT, the Departmental Notification and also contained in contract W.B Form No. 2911 Agreement.

16. Payment against bills raised by the contractor

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

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

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

18. Bid validity

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

19. Definition of Physical Milestones:

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

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

20. The tender with overwriting, illegible writing, erasing and incomplete or conditional one are liable to rejection

21. In the event of tender being submitted by a Partnership Firm it must be signed by each of the partners of the firm or a Power of Attorney holder, as stipulated in the Indian Partnership Act.

22. All the tenders in which any one of the prescribed conditions is not fulfilled will be rejected

23. In case of any nonscheduled Holiday/ Bundh/Strike in the aforesaid dates the next working will be treated as the scheduled date for that purpose.

24. In case of work containing laboratory test in laboratory other than Departmental Lab necessary document showing own set up for Lab test, like test equipment purchase document & valid calibration certificate in the name of Agency or

authenticated consent letter of laboratory authority & declaration of Agency for Lab test to be done in any Govt. BE/B.Tech University/College, IIST (Shibpur), National Test House

25. In case of work containing laboratory test at Departmental Quality Control Laboratory

For Geo-technical investigation work, for "Testing at Dept. Laboratory", Agency has to dispatch the samples collected at site to the Departmental Quality Control Laboratory for testing. After obtaining results from the Laboratory through the undersigned the Agency has to prepare and submit the necessary Report

**Executive Engineer-I
Lower Damodar Construction Division
Irrigation & Waterways Directorate**

ADDITIONAL TERMS & CONDITION
(TO FORM A PART OF THE TENDER DOCUMENT)
Additional Terms & Conditions

1. The Executive Engineer of the concerned Division shall be the Engineer-in-Charge in respect of the works contract and all correspondence concerning rates, claims, change in specifications and/or design and similar important matters will be valid only if accepted/recommended by the Engineer-in-Charge. If any correspondence of above tender is made with Officers other than the Engineer-in-charge for speedy execution of works, the same will not be valid unless copies are sent to the Engineer-in-Charge and also approved by him/her. Instructions given by the Sub-Divisional Officer/Assistant Engineer and the Junior Engineer/Section Officer (SO) on behalf of the Engineer-in-Charge shall also be valid (who have been authorized to carry out the work on behalf of the Engineer-in-Charge) regarding specification, supervision, approval of materials and workmanship. In case of dispute relating to specifications and work, the decision of Engineer-in-Charge shall be final and binding. The Engineer-in-Charge will however take all decisions relating to works contract only after recommendation/ advice of the Tender Accepting Authority. If there is more than the Executive Engineer assigned for the tender, the Chief Engineer would designate the Engineer-in-Charge for the work.
2. Acceptance of the tender including the right to distribute the work between two or amongst more than two bidders with same SUCCESSFUL 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 existing 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 possess EPF code

and all current documents. Penalties and complaints due to non compliance of on-line EPF registration and default is the full responsibility of the bidder even if the TIA is by default the Principal employer

8. No mobilization / secured advance will be allowed unless specified otherwise in the contract or the e-Notice Inviting Tender.
9. GST, Cess, License fees, Royalty for construction materials, forest product etc, Toll Tax, Income Tax, Ferry Charges and other Statutory Government Taxes as applicable during project implementation are to be paid by the contractor/bidder. The rates of supply and finished work items are inclusive of these taxes and levy. Tax invoice/bills needs to be submitted by the supplier/bidder for raising claims under the contract after attaining of physical milestones showing separately the tax charged in accordance with the provisions of GST Act,2017.
10. All working tools & plants, scaffolding, construction of vats & platforms and arrangement of Labour Camps will have to be arranged by the contractor at his/her own cost. The contractor shall clear the site of work and restore all damages made due to the Labour camp, erection of yards and godowns, stores etc within 30 days of completion of work.
11. The contractor shall supply mazdoors, bamboos, ropes, pegs, flags T&P, Machineries and equipments etc. for laying out the work and for taking and checking measurements for which no extra payment will be made.
12. The contractor/bidder should see the site of works and tender documents, drawings etc. before submitting tender and satisfy himself/herself regarding the condition and nature of works and ascertain difficulties that might be encountered in executing the work, carrying materials to the site of work, availability of drinking water and other human requirements & security etc. Work on river banks may be interrupted due to a number of unforeseen reasons e.g. sudden rise in water levels, inundation during flood, inaccessibility of working site for carriage of materials. Engineer-in Charge may order the contractor to suspend work that may be subjected to damage by climate conditions. No claim will be entertained on this account. There may be variation in alignment, height of embankment or depth of cutting, location of revetment, structures etc. due to change of topography, river condition and local requirements etc. between the preparation and execution of the scheme for which the tendered rate and contract will not stand invalid. The contractor will not be entitled to any claim or extra rate on any of these accounts.
13. A machine page numbered Site Order book (with triplicate copy) will have to be maintained at site by the contractor and the same has got to be issued from the Engineer-in-Charge before commencement of work. Instructions given by inspecting officers not below the rank of Assistant Engineer will be recorded in this book and the contractor must note down the action to be taken by him in this connection as quickly as possible.
14. The contractor shall be bound to comply with all the Central & State Pollution Control Acts & Rules during entire construction period.
15. All possible precautions should be taken for the safety of the people and work force deployed at worksite as per safety rule in force. Contractor will remain responsible for his labour in respect of his liabilities under the Workmen's Compensation Act etc. He must deal with such cases as promptly as possible. Proper road signs as per P.W.D. practice will have to be erected by the contractor at his own cost while operating public thoroughfares. Also, display boards containing brief description and name of project with completion target dates shall be erected at a prominent location at the work site by the contractor for public awareness.

16. The contractor will have to maintain qualified technical employees and/or Apprentices at site as per prevailing Apprentice Act or as stipulated in the contract. No compensation for establishment charge will be entertained.
17. The contractor will have to accept the work programme as per modifications and priority of work fixed by the Engineer-in-Charge so that most vulnerable reach and/or vulnerable stretch is completed before impending monsoon or rise in river flood water level or commencement of canal irrigation water release or for other suitable reasons.
18. Quantities of different items of work mentioned in the departmental tender schedule/BOQ or in work order are only tentative. In actual work, these may vary considerably. Payment will be made on the basis of works actually completed in different items as per specifications and codes, and no additional claim will be entertained for reduction of quantities in some items or for omission of some items. For execution of any additional item or supplementary works within the tendered value with the total completion value remaining within the accepted tendered cost, approval of the Tender Accepting Authority/Government in the Irrigation & Waterways Department would be required.
19. In order to cope with the present system of e-pradan billing, departmental supply of construction materials is discouraged. However, Departmental materials may be issued to the contractor/ bidder to the extent of requirements as assessed and following accounts procedure in the Treasury system of bill payment and in installments 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 installments as may be decided by the Engineer-in-Charge.
24. Requisite quantity of cement as may be required for the work will be supplied from the nearest Departmental go down if stock permits. The issue rate of cement is shown in the Schedule of materials attached. Any excess consumption of cement by more than 5% over the final consumption statement drawn up as per consumption rate specified in the Schedule will be recovered at a penal rate shown in schedule.
25. Reinforcement steel rods/MS sheet piles/bitumen will be issued when stock permits, from the nearest departmental go-down where such material is available in marketable length/quantities. While issuing the same, for any particular work the quantity actually required as per approved drawing shall only be issued. While executing the work, it will be responsibility of the Contractor/bidder as well as the Engineer-in-Charge to get this quantity properly utilized in the work. Cut pieces, if any will not be taken back by the Department. Recovery for the total quantum of steel issued will be made at the issue rate shown in the Schedule below. In case of misuse over +10%, deduction will be made at a penal rate shown in the Schedule below. This whole principle shall apply in case of other M.S materials like sheet piles and structural steel members as well.

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

Sl. No	Name of materials	Issue rate (in Rs.)	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-

27. Exemption of EMD by producing MSME certificate is not admissible.

**Executive Engineer-I
Lower Damodar Construction
Division, Irrigation & Waterways Directorate**

TIME SCHEDULE OF NOTICE INVITING TENDER NO-10/EE-I/LDCD of 2021-22

1	Last Date, Time & Place for receiving of application for purchasing Tender document.	05.10.2021	Up to 16:00 Hours	Office of the Executive Engineer-I , Lower Damodar Construction Division
2	Last Date, Time & Place for Issuing Tender from.	05.10.2021	Up to 17:15 Hours	
3	Last Date, time & place for receiving filled up Tender documents.	07.10.2021	Up to 12:00 Hours	
4	Date, time and Place of opening Tender.	07.10.2021	After 13:30 Hours	

*N.B: Original copies of all attested copies which one enclosed with the application should be produced for verification on demand. Payment will be made as per availability of fund of **Lower Damodar Construction** Division.*

Executive Engineer-I,
Lower Damodar Construction Division.
Fuleswar, Uluberia, Howrah.

Memo No:-1344

Dated:-24.09.2021

Copy forwarded for information & wide Circulation to the:-

1. Chief Engineer, West, I & W Dte. Kanainatsal, Bardhaman.
2. Superintending Engineer, Western Circle-I, I & W Dte. Jalsampad Bhawan, Salt lake City, Kolkata.
3. Sabhadhipati, Howrah Zilla Parishad, Howrah.
4. Executive Engineer-II, Lower Damodar Construction Division, Fuleswar, Uluberia, Howrah.
5. Executive Engineer, Howrah Irrigation Division. I & W. Dte. Jalsampad Bhawan, Salt lake City, Kolkata.
6. Sub-Divisional Officer, Lower Damodar Construction Sub Division-I, I&W. Dte., Fuleswar, Uluberia, Howrah.
7. Sub-Divisional Officer, Lower Damodar Construction Sub Division-II, I&W. Dte., Fuleswar, Uluberia, Howrah.
8. Sub-Divisional Officer, Lower Damodar Construction Sub Division-IV, I&W. Dte., Ulughata, Howrah.
9. Sub-Divisional Officer, Seijberia Irrigation Sub Division, I&W. Dte., Ulughata, Howrah.
10. Sub-Divisional Officer, Howrah Drainage Sub Division, I&W. Dte., Nazirganj, Howrah.
11. Office Notice Board/ Divisional Accounts Officer / Estimating Section / Hd. Clerk / Cash Section of Lower Damodar Construction Division.

Executive Engineer-I,
Lower Damodar Construction Division.
Fuleswar, Uluberia, Howrah.

FORM-1

APPLICATION FOR TENDER

To
The Executive Engineer-I,
Lower Damodar Construction Division,

NIT No:- **10/EE-1/LDCD of 2021-22**

Serial No of Work applied for :-

Amount put to Tender :Rs.....
(Tender Value)

Dear Sir,

Having examined the NIT documents, I/we hereby would like to state that I/we willfully accept all your conditions and offer to execute the works as per Tender no and Serial no stated above. 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.

Dated this _____ day of _____ 20 _____

Full name of Bidder/Contractor: _____

Signature: _____

In the capacity of: _____

Duly authorized to sign bids
for & on behalf of (Name of Firm):

(In block Capital letters or typed)

Office address with seal if any:

Telephone no(s)(office): _____

Mobile No: ____

Fax No: _____

E mail ID: _____

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:- NIT No:- **10/EE-I/LDCD of 2021-22**

Sl. No. of work (in the list of work in the NIT)

To,
Executive Engineer - I
Lower Damodar Construction 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 NIT No. _____ do not have any common interest either as a partner in any other 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 _____ 20 _____

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.

FORM -4

Declaration on antecedents and performance

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

Ref:- NIT No:- **10/EE-I/LDCD of 2021-22**

Work Sl. No.....

To,
Executive Engineer -
Lower Damodar Construction 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 NIT No. _____ Sl.No. _____ are not black listed suspended 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 later stage this submission (undertaking) is found incorrect, the bidder company along with all its constituent members/owners/partners would be liable to penal actions as decided by the Government under the law.

Dated this _____ day of _____ 201

Full name of Bidder/Contractor: _____

_____ Authorised Signatory:

In the capacity of: _____

Duly authorized to sign bid

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

(In block Capital letters or typed)

Office address with seal:

Telephone no(s) (office): _____

Mobile No: _____

Fax No: _____

E mail ID: _____

(SIGNATURE OF BIDDER)

FORM-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% or below more than 20% of the estimated cost put to tender otherwise the tender will be treated as invalid and rejected)

To,

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

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

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 comes into force with immediate effect and shall remain in force and valid for a period upto the time of completion of the work under the stated contract plus claim period of six months for the Bank Guarantee. Notwithstanding, anything

mentioned above, our liability against this guarantee is restricted to Rs. (Rs.) and unless a claim in writing is lodged with us within the validity period, i.e. upto.....of this guarantee all our liabilities under this guarantee shall cease to exist.

Signed and sealed this day of 20 at

SIGNED, SEALED AND DELIVERED

For and on behalf of the BANK by:

(Signature)

(Name)

(Designation)

(Code Number)

(Address)

NOTES:

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

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

LIST OF WORK OF NOTICE INVITING TENDER NO.10/EE-I/LDCD of 2021-22

1. Last date of receiving filled up Tender documents: 07.10.2021 up to 12:00 Hours

2. Date and time of opening tender :07.10.2021 up to 13:30 Hours

Sl No	Name of Work	Amount Put To Tender (In Rs.)	Earnest Money (In Rs.)	Tender Form No.	Time allowed for completion of work	Eligibility of contractor to participate in tender
1	Soil Investigation work in connection with necessary protection work At Hirapur Sawsan Right Bank of River Hoogly Block & P.S. - Sankrail in the district Howrah under Howrah Drainage Sub-Division of Lower Damodar Construction Division during the year 2021-22.	124004.00	2480.00	2911	21 days	Preference will be given to the 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
2	Soil Exploration for propped R.C.C. Bridge over Patkelghata Main Khal at Boichi Jelepara in GP- Kharuberia, Block-Shyampur-II, District-Howrah under L.D.C Division during the year 2021-22.	107340.00	2147.00	2911	21 days	Preference will be given to the 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
3	Soil Exploration for proposed Matapara Sluice over Gholar Khal of GP- Balichaturi, Block-Shyampur-I, District-Howrah under L.D.C Division during the year 2021-22.	107340.00	2147.00	2911	21 days	Preference will be given to the 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

Sd/-

**Executive Engineer-I
Lower Damodar Construction Division
e-mail ID:ee1ldcd@gmail.com**