



GOVERNMENT OF WEST BENGAL
IRRIGATION & WATERWAYS DIRECTORATE
OFFICE OF THE EXECUTIVE ENGINEER
METROPOLITAN MECHANICAL & ELECTRICAL DIVISION
JALASAMPAD BHAWAN (10th FLOOR), SALT LAKE CITY, KOLKATA-91
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NOTICE INVITING TENDER

N.I.T No - WBIW/EE/MMED/NIT- 07 /2022-23

Memo No: - 711/1T-1

Date: - 26.07.2022

Separate sealed percentage rate tenders are being invited by the **Executive Engineer, Metropolitan Mechanical & Electrical Division, Irrigation & Waterways Directorate** on behalf of the Governor of West Bengal, through off line tender for the works mentioned in the under mentioned from eligible and resourceful contractors/bidders having sufficient credential and financial capability for execution of works of similar nature.

The intending bidder/contractor must read the Terms & Conditions contained in the Notice Inviting Tender (NIT) carefully. He/she should particularly go through the eligibility criteria, and satisfy himself/herself of the mandatory requirements. Contractors/bidders desirous of participating in the tender may submit bids for the work only if they fulfill the minimum eligibility criteria and are in possession of all the required documents.

All in formations are given in NIT and related documents, WB Form 2911(ii), Bill of Quantities (BOQ), corrigenda and drawings etc. if any, shall form a part of the tender document.

Canvassing whether directly or indirectly, in connection with tenderers is strictly prohibited and the tenders submitted by the contractors who resort to canvassing will be liable to rejection.

To become eligible for issue of tender, the tender shall have to furnish declaration against common interest and to given an undertaking that eligible similar work(s) has/have not been executed on back to back basis.

Time Schedule of Tender Procedure: -

| Sl. No. | Activity | Date & Time | Remarks |
|---------|--|-----------------------------|---|
| 1. | Last Date & Time for application for purchase of Tender form | 08.08.2022 up to 16:00 Hrs | To be made available with the departmental website as referral /indicative advertisement. |
| 2. | Last Date and time for issue of Tender Paper | 10.08.2022 up to 17:00 Hrs. | |
| 3. | Last Date & Time for Dropping Tender Paper | 12.08.2022 at 14:00 Hrs. | |
| 4. | Date & Time for Opening of tender in the office of Executive Engineer, Metropolitan Mechanical & Electrical Division | 12.08.2022 after 14:30 Hrs. | |

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

TAA: Tender Accepting Authority (Executive Engineer)

LIST OF WORKS

NIT No. WBIW/EE/MMED/NIT- 07 of 2022-2023 (Sl. No.1&2)

| Sl. No. | Name of Work/Scheme/Project | Amount put to Tender (Tender Value) (₹) | Earnest Money Deposit (₹) | Time allowed for completion (in days) | Source of fund | Minimum eligibility of the contractor/bidder for participating in the tender |
|---------|--|---|---------------------------|---------------------------------------|----------------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 01. | "Supply, installation & operation of diesel operated 02 nos. 12.5 HP Capacity surface dewatering pump (hired basis) including supply of POL with the incidental charges etc. at Mondal Ghanti, (Location-II) Municipality- Uttar Dum Dum, Dist: 24 Parganas (North), to be executed by Metropolitan Mechanical & Electrical Division during the year 2022-2023" | 4,83,717.00 | 9,675.00 | 70 Days | SDS / Non Plan Head | 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. |
| 02. | "Supply, installation & operation of diesel operated 01 nos. 26 HP Capacity surface dewatering pump (hired basis) including supply of POL with the incidental charges etc. at outfall point of Sulungini Police Camp canal,(Location-II) Dist: 24 PGS (North), to be executed by Metropolitan Mechanical & Electrical Division during the year 2022-2023" | 4,95,980.00 | 9,920.00 | 70 Days | SDS / Non Plan Head | 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. |

(General Terms & Conditions for Tenders)

1. Eligibility for participation

Bona fide contractors/bidders, Registered Co-operative Societies, Consortiums and Partnership Firms registered with the State Government and contractors/bidders of equivalent grade or Class, registered with the Union Government / Military Engineering Services / Indian Railways for execution of civil works are eligible to participate depending on the criteria as laid down below in the subsequent para/clause. Joint venture firms are not eligible to participate in e-tenders.

Note: In case of consortiums, maximum number of constituents shall be restricted to 5 (five) and each of the constituent must have at least some work credential. Individual constituents of a consortium cannot form another consortium.

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

Any contractor/bidder may bid for any number of Serials of work in a particular NIT, if more than one work has been published in that NIT, details of which have been stated later.

3. Submission of Tenders

3.1 Tender Documents

The Tender documents shall consist of the followings and other relevant particulars may be seen by the intending Tenders or by their duly authorized representatives during office hours between 11.00 AM and 4 PM on every working day, till the last date of issue of the Tender Forms in the office of the undersigned:

- a) Notice Inviting Tender.
- b) W.B.F. No.2911 (i)
- c) Price schedule, Additional Terms & Conditions, Special Terms & Conditions, General Specification of the work and other relevant documents.
- d) Plans and Drawings where necessary (these will not be required to be submitted with the tenders but this will form part of the tender documents at the time of executing the agreement after acceptance)

3.2 Application for purchase of tender form

Intending Tenderers have to be submitted application (in duplicate) duly enclosed with the self attested copies of the following documents as per annexed table **praying** for purchase of Tender Form duly addressed to the Executive **Engineer, Metropolitan Mechanical & Electrical Division** and in terms of the Memo. No. 1496-IA/IW/O/IA-11C (T)-1/2004 dated 17th September 2004 and subsequently modified by a corrigendum circulated vide Memo. No. 1493-IA/IW/O/IA-11C (T)-1/2004 dated 21st November, 2005 of the Secretary to the Govt. of West Bengal, I&W.D., the application will be received at the office of the undersigned on any working days between 11.00 AM. to 4.00 PM. on or before the last Date & Time for application as scheduled in “**Time Schedule of Tender Procedure**” above or revised time schedule as per the ‘CORRIGENDUM’ issued subsequently.

Copies of documents:-

| Sl. No. | Documents under different sub head | Details | Remarks if any |
|---------|------------------------------------|--|----------------|
| A | Certificates | 1. Professional Tax Payment Certificate (PTPC) 2. PAN Card 3. GST Registration Certificate 4. Latest I.T Return Receipt 5. E.P.F & E.S.I Registration and up to date relevant documents. | |

| | | | |
|----------|------------------------|---|--|
| B | Company Details | <ol style="list-style-type: none"> 1. Proprietorship Firms (Trade Licence) 2. Partnership Firms (Partnership Deed, Trade-Licence, Form-VIII or Memorandum of Registration) 3. Limited Companies (Incorporation Certificate, Trade-Licence, Memorandum of Articles) 4. Registered Co-operative Societies (Society Registration Certificate, Trade Licence and By-laws, Documents showing latest office-bearers) 5. Consortiums (Form-VIII) or Memorandum and Undertaking. | |
| C | Credential | <ol style="list-style-type: none"> 1. BOQ duly authenticated by issuing authority and work order. 2. 100% completion certificate for completed work, or 3. Gross bill of 100% completed work including excess and supplementary items not covered in original BOQ. | |
| D | Financial Info | Payment certificate of 100% completed work issued by competent authority or any other related financial information | |

* OID denotes Other Important Documents.

C. i. Certificate/s:

- a. Professional Tax (PT) deposit challan valid for the current financial year and PAN Card. Application for PAN addressed to the competent authority may also be considered.
- b. Valid GST Identification number (GSTIN) document under the relevant GST Acts & Rules of State Govt.
- c. Latest Income Tax Return receipt.

ii. Company Details:

- a. Deed of Consortium/Partnership firm, and documents for their registration in the form of certified copy of 'Form No. VIII,' issued under the Indian Partnership Act, 1932 (Act-IX of 1932) by the Registrar of Firms, West Bengal having their registered office at P-15 India- Exchange Place, Todi-Mansion, 10th Floor, Kolkata 700001.

In case a contractor/bidder is yet to receive Form No. VIII, a "Memorandum" issued from the above office may also be accepted. However, consortiums submitting the Memorandum are also required to submit an undertaking in plain paper along with their application in Forms 1 & 2 and upload its scanned copies in pdf pledging that "Copy of Form No. VIII would be submitted to the Tender Inviting Authority before receiving final payment, in case found to be the lowest bidder L1 and the work is awarded in its favour. Any change in the constituent of the Consortium/Partnership Firm should also be intimated to the office of the Registrar of Firms, Kolkata prior to submission of application in the e-tender and a certified copy of the revised Form No. VIII showing changes in its constituents are required to be submitted. If the Consortium is yet to receive a certified copy of the revised Form No. VIII, it would be required to submit the aforesaid undertaking on-line along with the application.

Note: An affidavit regarding authorized user of DSC for Consortium and a declaration regarding such authorization for Limited companies is required to be uploaded on-line along with the tender. Scanned copies in pdf of competent authority are to be submitted, if the power is delegated for signing of bid/s to persons other than the applicant contractor/bidder.

ii. Company Details (for Registered Co-op Societies only):

- a. Society Registration certificate from ARCS and Bye-Laws for Cooperative Societies.
- b. Trade Licence for Proprietorship Firms/Partnership Firms.
- c. Memorandum of Articles for Limited Companies.
- d. Any other documents showing names and signatures of latest elected office bearers.

iii. Credential: Self attested photocopies of work credential issued in favour of the contractor/bidder as detailed under relevant clause later. Bill of Quantities (BOQ) duly authenticated by the competent authority along with work order is to be submitted along with the tender documents. In case of execution of supplementary/substitute supplementary having value more than 30% of the BOQ, final gross value of bill (without contractual rate) including such supplementary/substitute supplementary may be considered in lieu of the original BOQ and authenticated copy of the Bill shall be submitted also.

iv. Others: Any other document found necessary.

Note: Failure of submission of any of the above mentioned documents will render the tender liable to summarily rejection.

3.3 Order for issue of Tender form

The application of the intending tenderer(s) along with the all documents so received by the office of the undersigned after due verification of the supporting credentials and all other documents the tender paper will be issued and the decision of the undersigned will be final & bindings to all.

3.4 Purchase of tender form

Entire set of tender document is made available free of cost. Cost of tender document shall not be charged even execution of formal tender agreement. However, the contractors/bidders may wherever necessary be charged suitably for asking additional multiple copies of drawings, specifications, Schedule of Rates of the Circle/s (SoR) etc. and such fee may be suitably determined by the Tender Inviting Authority as per norms.

3.5 Dropping of tender

Tender that should always be submitted in sealed cover with the name of work clearly written on the body of the W.B.F. No. 2911(i) stated above as well as on the envelope will be dropped in the Division office on the schedule Date & Time as stated and or the changing schedule made vide issuing necessary CORIGENDUM duly addressed to the **Executive Engineer, Metropolitan Mechanical & Electrical Division, Irrigation & Waterways Directorate.**

3.6 Opening of Tender

i) After dropping of Tenders, the box will be closed and the said box will be opened in the same day as per schedule time at the dropping centre.

ii) Tender to be opened by the **Executive Engineer, Metropolitan Mechanical & Electrical Division, Irrigation & Waterways Directorate** after collecting the sealed tenders in presence of the participating Tenderer or his/their authorized representatives who may be present at the time of opening and will put initials in the opening register.

- iii) In terms of Para 221(1) of I & WD Code Volume (i), once the tenders are opened, no tenderer should be allowed to offer fresh quotations unless each of the tenderer is given equal opportunity. In case where the latter step is taken, if time permits, fresh tenders may be invited so as to leave no room for any complaint or grievance whatsoever.

The acceptance of the tender will rest with the **Executive Engineer, Metropolitan Mechanical & Electrical Division, Irrigation & Waterways Directorate** who does not bind himself to accept the lowest tender and reserves the right to reject any or all the tenders received.

4. Tender Fee and Earnest Money Deposit (EMD)

- i. **Tender Fees:** Brief / indicative NIT is made available free of any cost through the Departmental website www.wbiwd.gov.in. In case of off-line tenders having tender value below ₹ 5.00 lakh, tender documents are available free of cost and also made available in the Departmental website www.wbiwd.gov.in. Cost of tender documents shall not be charged even during execution of formal tender agreements. However, the contractors/bidders may wherever necessary be charged suitably for asking additional multiple copies of drawings, specifications, Schedule of Rates of the Circle/s (SoR) etc. and such fee may be suitably determined by the Tender Inviting Authority as per norms.
- ii. **Earnest Money Deposit (EMD):** Earnest Money Deposit (EMD) must presently be submitted in the form of Bank Draft (BD) / Bankers Cheque (BC) / Deposit Call Receipt (DCR) of any scheduled Commercial Bank in India approved by RBI & having a branch in West Bengal which is to be drawn in favour of the **Executive Engineer, Metropolitan Mechanical & Electrical Division, Irrigation & Waterways Directorate**, payable at **Kolkata** Payment in any other forms viz. NSC, KVP, cheques etc will not be accepted.
- iii Earnest Money deposited by the successful tenderer(s) during the tender shall be converted as a part of security money and additional Security shall be deducted from the progressive bills at 8% or such amount from each bill, so that the total deduction together with the 2% EMD constitutes 10% of the Tendered value of work as actually done. Earnest Money for works in open tender, as noted in the list of work, will have to be deposited by the intending tenderers
- iv. The Tenderer should quote the rate both in figures and in words on the basis of percentage above / below or At Par the Schedule of Rates attached with the Tender Form and also in the space provided in the Tender Form and Schedule of Rates;
- a. Any tender containing over writing is liable to be rejected;
- b. All corrections are to be attested under the dated signature of the Tenderer.
- v. When a Tenderer signs his Tender in an Indian Language, the total amount tendered should also be written in the same language. In the case of illiterate Tenderer, the rates tendered should be attested by a witness.
- vi. The Tenderer who will sign on behalf of a Company or Firm, must produce the registered documents (within 3 days from the date of opening the tender) in support of his competency to enter into an Agreement on behalf of the Company or the Firm under the Indian Partnership Act, failing which the Tender will not be considered and the deposited Earnest Money will be forfeited.
- vii. Any letter or other instrument submitted separately in modification of the sealed tender may not be entertained.
- viii. The Tenderer should submit a statement at the time of submission of his tender showing the Technical Staff to be maintained for the work, with their technical qualifications, failing which the tender may be liable to rejection.
- ix. Conditional tender, which does not fulfill any of the above conditions, and is incomplete in any respect, liable to be summarily rejected.

x. Tenderers. Quoting bid price in financial bid stage below 20% of the estimated amount put to tender (Tender value) is not desirable, as it leads to a doubt regarding the intention of the bidder to deliver good quality work on due time. **Additional Performance Security** as Bank Guarantee shall be obtained in specimen Form-6 from any RBI approved Indian Bank located in West Bengal only, if the L1 bid is below 20% of the amount put to tender in addition to EMD and Security Deposit. (I&WD No. 09-W/2017-18 dated 20.07.2017 may be referred in the order link of wbiwd.gov.in) Authenticity of BG would be verified from the issuing bank during technical evaluation stage of tender.

5. Credential Certificate

- i. Completion Certificates (CC) for 100% completed works during the current year and within last five financial years will only be accepted as valid credential.
- ii. CC should clearly show the name, postal address, (contact Tel. No. and FAX or e-mail ID if issued outside the jurisdiction of the State) of the office and designation of the officer/ authority issuing the CC for the work along with the name of work and amount put to tender (Tender Value). Illegible certificates and those having incomplete information may be rejected.
- iii. CC of works executed in the Irrigation & Waterways Directorate will be considered. CC of works executed in other Departments of the State Government/ organizations viz. Public Works & Public Works (Roads) Department, Public Health Engineering Department, Sundarban Affair Department and other State Government Departments, Zilla Parishads & Panchayat Samities only within the jurisdiction of the State of West Bengal, WBHIDCO, WBSEDCL, WBSETCL, KMDA, KMW&SA, KMC, Other Municipal Authorities and Bodies, HRBC, Engineering Departments of Union Government and Organizations like Farakka Barrage Project (FBP) Authority, Indian Railways, KoPT and companies owned or managed by the Government of West Bengal, i.e. Mackintosh Burn Ltd., Westinghouse Saxby Farmer Limited & Britannia Engineering Ltd. may also be considered. 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 BDO & Ex-officio Executive Officer and Secretary or equivalent administrative officers respectively. It is desirable to have contact telephone and FAX or e-mail address of the signatory of the CC for all offices outside West Bengal.

Such CC is required to be further countersigned by the immediate superior authority of the issuing authority for all cases other than direct Union Government Departments /Ministries outside the State of West Bengal. Also such certificates when issued in all other States other than those directly of State / Union Government Departments/Ministries and Indian Railways should contain a declaration that the work has been executed to the satisfaction of the concerned Government Organisation and has been declared 100% complete in all respect by the competent authority in the concerned Organisation.

Over and above the completion certificates, certificate from the competent authority regarding payment received so far for the work (even if the full payment might not have been received), supported by Bank Statement showing that the corresponding amount of payment has actually been deposited in the bank, will have to be produced in the cases of works executed under Departments / Organizations other than Irrigation & Waterways Department, failing which credentials may not be considered.

- c. Any suppression / misrepresentation of fact will automatically debar the applicant from participating in any tender under the Division / Circle for at least 3 (three) years from the date of detection, in addition to such other penal action as the Government may deem proper.

6. Eligibility criteria

- i. Monetary value (Amount put to tender without considering contractual rate) of the 100% completed work or gross final bill value (excluding contractual rate) including supplementary/substitute supplementary, as the case may be, thus submitted will be further multiplied by the following factors to take care of the inflationary effect to arrive at the net notional amount.

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

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

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

Net notional amount calculated from Completion Certificate (CC) of a single work during last 5 years issued in favour of the contractor/bidder /agency/firm/consortium for a work of similar nature should be **at least 30%** of the amount put to tender (Tender Value) for the work. However, for consortiums where CC of individual entities of the consortium are to be considered, sum of work values in the CC of individual entities (one for each entity) for works of similar nature should be at least **90%** of the tender value. The power to decide on the criteria of similarity rests without any prejudice solely with the Tender Accepting Authority.

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

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 credential submitted by the bidder in the form of Credential Certificate (CC) along with other relevant documents as stated under Clause 5) relating to any work successfully completed by the bidder and criteria specified in the NIT for any particular serial of works for which the bidder intends to bid. In other words, credential certificate along with relevant documents submitted for any work should at the minimum; satisfy the 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 5)** 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 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 5)**, 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, should not less than the summation of turnover requirements of the relevant individual serial of works for which the bidder intends to bid.

8. Taxes & duties to be borne by the bidder

Income Tax, GST, Royalty, Construction Workers' Welfare Cess 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.

9. Site inspection before 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 likely factors and difficulties to be involved in execution of the work as per specification in all respects including transportation of materials, communication facilities, climate conditions, nature of soil, availability of local labourers and market rates prevailing in the locality etc. and no claim whatsoever will be entertained on those accounts afterwards. The contractor/bidder may also contact the office of the **Executive Engineer, Metropolitan Mechanical & Electrical Division** in between 11.30 hours to 16.30 hours on any working day, prior to the date of actual submission of tender.

10. Conditional & incomplete tenders

Conditional and incomplete tenders are liable to be summarily rejected.

11. Tender Accepting Authority (TAA)

Authority to which the power has been delegated to accept tenders as per latest Departmental Notification will function as the Tender Accepting Authority (TAA) for evaluation of technical and financial proposals of works having tender value within his/her range of acceptance. As per present delegation, TAA for different tenders within the range above Rs 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, Metropolitan Mechanical & Electrical 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, Metropolitan Mechanical & Electrical Division**, I&W Directorate.
- 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/SDO, Metropolitan Mechanical & Electrical Division**, I&W Directorate.

12. Procedure to be followed for acceptance of tender

- i. Maximum 5 % excess beyond 'Tender Value' (Amount put to Tender) may be accepted by the Executive Engineer if at least three valid tenders have been received subject to the overall power of tender acceptance delegated to each level of engineer officers as mentioned in the Department Notification issued from time to time, provided tender value after abatement is within the administratively approved cost. In case of excess over administratively approved amount, proposal for revised administrative approval would have to be submitted to the Government, but acceptance of tender and issue of work order may not be kept pending for want of revised administrative approval.
- ii. Above 5% and up to 10% of the Tender Value can be recommended for acceptance by the Government appointed Departmental Tender Committee (DTC) subject to the conditions that valid tenders should not be less than three and L1 is accepted and tendered amount is within the administratively approved cost. In case of excess over administratively approved amount, revised administrative approval would have to be submitted to the Government but acceptance of tender, and issue of work order may not be kept pending for want of revised administrative approval.

- iii. For acceptance of tenders above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the DTC as mentioned at clause 12 (ii) above, with that of the Department shall have to be sent to the Finance Department.
- 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 e-Tender 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' (NIT) shall have to be reviewed 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. Even if, after taking appropriate steps in regard to relaxation of criteria to the extent as decided by the Executive Engineer and also wider publicity of 2nd tender in widely circulated dailies and through web-site, the response to the Re-Tender is still less than three, that tender may be accepted. In terms of Delegation of Financial Power Notification of the Department bearing No. 05-(W)/2015-16 dated 20.11.2015, provided the rates do not exceed the schedule rates (SoR) beyond 5% in case of works estimate and the tendered value is within administratively approved cost. The same procedure to be followed for obtaining revised administrative approval, stated at clause 12.5 (iv) above, would also be applicable here. Otherwise such cases should be referred to the appropriate Government with the recommendation of the DTC for decision.

13. Acceptance of Tender

Lowest valid rate should normally be accepted in accordance with the procedure stated in clause 12.(v) above. The Tender Accepting Authority reserves the right to distribute the work amongst more than one contractor/bidder with same rate.

14. Execution of Formal agreement after acceptance of Tender

The contractor/bidder, whose bid is approved for acceptance shall within 15 days of issuance of Letter of Invitation (LOI) cum L.O.A. to him/her, needs to execute a 'Formal Agreement' with the Executive Engineer, Metropolitan Mechanical & Electrical Division in quadruplicate in W.B.F No 2911(ii) and other tender documents, failing which the Earnest Money shall forthwith stand forfeited in favour of the Government and the communication of acceptance of the tender shall automatically stand cancelled. During execution of the 'Formal Agreement', the successful contractor/bidder will be provided all the tender documents free of cost.

15. Return of EMD of the unsuccessful bidder(s).

For the return of the Earnest Money of the unsuccessful Tenderer(s), he/they is/are to apply for the same to the, Executive Engineer Metropolitan Mechanical & Electrical Division giving the reference of the work, N.I.T. No., date of tender, amount and mode of Earnest Money deposited – all in a complete form. The Earnest Money of all Tenderers other than the lowest Tenderer in each case may be refunded, after acceptance of the rate in the comparative statement, as early as possible.

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 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. Bid Validity

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

18. Withdrawal of bid

Withdrawal of tender/bid once the bid has been submitted online and after passing of end date for submission and has been accepted for further processing, is not allowed. EMD will be forfeited by the Government and the bidder/contractor penalised in terms of Clause 4(ii) and clause 8 referred earlier would be applicable.

Additional Terms & Conditions

1. Executive Engineer of the concerned Division is the Engineer-in-Charge in respect of the contract and all correspondences concerning rates, claims, change in specifications and/or design and similar important matters will be valid only if accepted/recommended by the Engineer-in-Charge. If any correspondence of above tender is made with officers other than the Engineer-in-charge for speedy execution of work, the same will not be valid unless copies are sent to the Engineer-in-Charge and approved by him. Instructions given by the Sub-Divisional Officer/Assistant Engineer and the Section Officer/Junior Engineer on behalf of the Engineer-in-Charge shall also be valid (who have been authorised to carry out the work on behalf of the Engineer-in-Charge) regarding specification, supervision, approval of materials and workmanship. In case of any dispute, the decision of Engineer-in-Charge shall be final and binding.
2. Acceptance of the tender including the right to distribute the total work between two or amongst more than two contractors/bidders will rest with the Engineer-in-Charge without assigning reason to the contractors/bidders thereof. The Executive Engineer as the accepting authority reserves the right to reject any or all tenders without assigning any reason thereof.
3. Intending Tenderers not satisfied with the decision of the Tender Paper Issuing Authority may prefer an appeal to the next superior Officer. Concerned Chief Engineer will be the Appellate Authority for High Value Tenders. Necessary communication regarding his appeal to the Appellate Authority must be brought to the notice of such authority within two working days after the date of issue of tender paper, and copy of such communication should also be submitted to the Tender Paper Issuing Authority within the same period, failing which no such appeal will be entertained.
4. The contractors/bidders shall have to comply with the provisions of (a) Contract labour (Regulation & Abolition) Rules, 1970 and its revision (b) Minimum Wages Act 1948 and its amendments, or the modifications thereof or any other laws relating thereto enforced by the appropriate Government from time to time.
5. Engineer -in-Charge shall not entertain any claim whatsoever from the contractors/bidders regarding payment of compensation on account of idle labour on such grounds including non-possession of land in the working zone.
6. Engineer-in-Charge shall not be held liable by the contractor/bidder for any compensation claim due to machines becoming idle, for any circumstances including untimely rains, other natural calamities, strikes etc.
7. Any duty / tax / royalty etc. whatsoever is imposed by the appropriate Government after issuance of work order / commencement and completion of the work, is to be borne by the contractor/bidder. Original challan of materials, which are procured by the contractor/bidder, may be asked to be submitted for verification by the Engineer-in-Charge.

8. Cess @ 1% of the cost of construction work or otherwise as per relevant order of appropriate Government shall be deducted from the gross value of all works bill. Also, it is instructed to register his/her establishment under the relevant Act with the competent registering authority, i.e. Assistant Labour Commissioner / Dy. Labour Commissioner of the region.
9. No mobilization / secured advance will be allowed unless specified otherwise in the contract.
10. GST, Cess, Royalty of sand, stone chips, stone metal/ gravels, boulders, forest products, Toll Tax, Income Tax, Ferry Charges and other Local Taxes if any, are to be paid by the contractor/ bidder. No extra payment will be made as re-imburement or compensation for the above. The rates of supply of finished work items are inclusive of these taxes and charges.
11. All working tools & plants, scaffolding, construction of vats & platforms arrangement of Labour camps shall have to be arranged by the contractor at his/her own cost.
12. The contractor shall arrange for supply of mazdoors, bamboo, ropes, pegs, flags etc. for taking/ layout for the work and for giving and checking measurements by the Engineer-in-Charge or any other Department officer assigned by him / her for which no extra payment claim will be entertained.
13. The contractor should thoroughly scrutinise the site of work and relevant tender documents, drawings etc. before submitting the e-tender and satisfy himself/herself regarding the conditions and nature of works and ascertain the difficulties that might be encountered during execution of the work, carrying of materials to the site of work, availability of drinking water and other human requirements including safety and security etc. Works on river banks may be interrupted due to various unforeseen reasons e.g. sudden rise in water level, inundation of site caused by flood, inaccessibility of working site for carriage and transportation of materials. Engineer-in Charge may instruct the contractor to suspend work that may be subjected to damage due to extremely adverse weather/climatic conditions and no claim will be entertained on this account. There may be variations in alignment, height of embankment or depth of cutting, location of revetment, structures etc. due to change of topography, river conditions and local requirements etc. from the approved work estimate during actual execution of the scheme. For all such modifications or alterations, the tendered rate and contract will remain valid. The contractor will not be entitled to any additional financial claims or extra rates on any of these accounts.
14. A machine page numbered Site Order book (with triplicate copy of every page) will have to be maintained at site by the contractor and the same has to be issued by the Engineer-in-Charge before commencement of work at site. Instructions issued by the inspecting engineer officers not below the rank of Assistant Engineer will be recorded in this site order book and the contractor must note down and comply with the same at the earliest.
15. The work will have to be completed within the time period as mentioned in the NIT/e-NIT. A suitable work programme based on time period allowed for completion of work as per tender is required to be submitted by the contractor within 7(seven) days from the date of receipt of work order which should satisfy the time limit assigned for completion. Contractor should inform in writing the name of his authorized representative/s who are to remain present at site daily during work execution to receive instructions relating to the work, sign measurement book & bills and other Govt. papers etc on the basis of Power of Attorney conferred within 7 (seven) days from the date of receipt of work order, if not done earlier.
16. No compensation is payable for idle labour, contractor's establishment charges or on account of reasons such as variations in price indices/escalation cost etc.
17. All sort of precautions should be taken for the safety of the work force deployed by the contractor and also others at worksite as per safety rules as is enforced by appropriate authority. The contractor will remain liable towards payment of compensation in accordance with the Workman's' Compensation Act etc for the labourers engaged and should deal to settle such cases promptly. Proper road signs as per P.W.D. practice will have to be erected by the contractor at his own cost while operating on or near public thoroughfares.
18. The contractor will have to maintain technically qualified employees and/or apprentices at site as per prevailing Apprentice Act or as stipulated in the contract.
19. The contractor will have to accept the work programme as per modification and priority of work as fixed by the Engineer-in-Charge so that most vulnerable reach and/or critical items are completed before the due date for arrival of monsoon or rise of water level or for any other suitable reason/s.

20. Quantity of various items of work mentioned in the tender schedule or in work order is only tentative. During actual execution, these tendered items may vary, even substantially. Payment will be made on the basis of quantum of work actually done in different items and as per specification and no claim will be entertained for reduction of quantities in some items or due to omission of some tendered items. For execution of quantitative excess in any item beyond 10% or supplementary works, approval of the Superintending Engineer / Chief Engineer Government in the Irrigation & Waterways Department would be required depending on who ever is the Tender Accepting Authority and financial involvement thereof, before making any excess and /or supplementary item work payment.
21. In order to cope up with the present system of e-billing, supply of departmental materials is not encouraged. However, such materials may be issued to the contractor/agency to the extent of requirement, subject to availability, as assessed and following the Treasury system of accounting procedures and in instalments as may be suitably decided by the Engineer-in-Charge. Issuance of materials may be of three categories.
 - a) Materials issued directly to the work subject to its recovery from bills.
 - b) Materials issued from departmental Godown subject to its recovery from bills.
 - c) Materials issued free of cost.
22. Any construction materials brought to work site by the contractor must be approved by the Engineer-in-Charge. Materials rejected must be removed by the contractor from work site at his own cost within 24 hrs of issue of the order to that effect. The rates in the schedule are inclusive of cost and carriage of all materials to worksite. The materials will have to be supplied in phases with due intimation to the Sub-Divisional Officer/Assistant Engineer concerned, in conformity with the progress of the work. For special type of materials, i.e. Geo Synthetic Bags, HDPE Bags, Geo- Textile Filters, Geo-jute Filters etc. if any, relevant data sheets containing the name of the manufacturers, test report etc. are also to be submitted on each occasion. Engineer-in-Charge may conduct independent tests of all construction materials on the samples drawn randomly before accordance of approval for using these materials for the work. In this regard decision of Engineer-in-Charge is final and binding.
23. For materials under category 20 (a), (b) & (c), the contractor will act as the custodian thereof. The construction materials will have to be carried from the departmental godown to the worksite by the contractor at his own cost. The contractor shall remain responsible for proper storage & safety of the materials. Suitable godowns/ Stores shall have to be made by the contractor at his/her own cost. Penalty charges shall be levied at higher rates for loss, wastage, misuse. Surplus departmentally issued materials if any, shall have to be returned in the godown or store maintained by the Engineer-in-charge at the contractor's cost within the time frame as fixed by Engineer-in-Charge. Otherwise, the cost at penal rates will be recovered from the bill. Indent for departmental materials shall be submitted by the contractor to the S.D.O/AE at least 7 days in advance of actual requirement. No claim will be entertained for non-issuance of such materials on time, but reasonable extension of time will be granted. All materials, whatever be its category thereof, shall be properly stored by the contractor in suitably maintained godowns near the site of work at his own cost & under no circumstances whatsoever shall any material be removed from the site of work without prior written permission of the Engineer-in-Charge. The contractor shall be responsible for any damage or loss of such materials.
24. The contractor shall also have to satisfy the Engineer-in-Charge regarding proper utilization of materials which have been issued departmentally.
25. Value of the materials, under category (a) & (b) of clause 20, will be recovered from the progressive bills of the contractor in one or successive instalments as may be decided by the Engineer-in-Charge.
26. Requisite quantity of cement as may be required for the work will be supplied from the nearest departmental godown, if stock permits. The issue rate of cement is shown in the Schedule of materials attached with the tender. Excess consumption of cement by more than 5% over the final consumption statement drawn up as per consumption rate specified in the Schedule included in the tender will be recovered at a penal rate shown in schedule.
27. Steel reinforcement rods will be issued if stock permits from the nearest Departmental godown where such material is available in marketable length. While issuing the same, for any particular work, the quantity actually required as per approved drawing shall only be issued. It will be responsibility of the Contractor as well as the Engineer-in-Charge to get this quantity properly utilized in the work. Cut pieces, if any, will not be taken back by the Department. Recovery for the total quantum of steel rods issued will be made at the issue rate shown in the Schedule. In case of use over +10%, deduction will

be made at a penal rate shown in the Schedule. This whole principle shall apply in case of other M.S materials like sheet piles and structural steel members as well.

28. To verify the competency, capacity and financial stability of the Intending Tenderer(s) the Tender Paper Issuing Authority may demand production of any necessary document(s) as it may deem necessary.
29. The Tenderer(s) will have to, if so desired by the Tender Accepting Authority, submit his analysis to justify the rate quoted by him.
30. As per G.O.No. 1627(8)/IA dated 26th November 2001 of Irrigation & Waterways Department , Government of West Bengal , Clause 25 of Tender Form No. 2911 stands deleted in respect of contract of value less than Rs. 100.00 lakh.

(B.Bhattacharjee)
Executive Engineer
Metropolitan Mechanical & Electrical Division,
I & W Dte., Govt. of West Bengal

Memo No:711/1(6)/1T-1

Date: - 26.07.2022

Copy submitted for favour of kind information to:

1. The Secretary to the Govt. of West Bengal, I&W Department.
2. The Chief Engineer, Mechanical & Electrical, I&W Directorate, Govt. of West Bengal.
3. The Joint Secretary (Works) to the Govt. of West Bengal, I&W Department.
4. The Deputy Secretary (Works) to the Govt. of West Bengal, I&W Department.
5. The Superintending Engineer, Mechanical & Electrical Circle, I&W Dte., Govt. of West Bengal.

(B.Bhattacharjee)
Executive Engineer
Metropolitan Mechanical & Electrical Division,
I & W Dte., Govt. of West Bengal

Memo No: 711 /2(5)/1T-1

Date:- 26.07.2022

Copy forwarded for information to:

1. The Assistant Engineer, Metropolitan Mechanical & Electrical Division, I&W Directorate.
2. The Director of information, Department of Information & cultural Affairs, Nabanna, Shibpur, Mandirtala, Howrah-711102 for wide circulation.
3. The Estimating Section, Metropolitan Mechanical & Electrical Division.
4. The Accounts Section, Metropolitan Mechanical & Electrical Division.
5. Notice Board of Metropolitan Mechanical & Electrical Division.

(B.Bhattacharjee)
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Metropolitan Mechanical & Electrical Division,
I & W Dte., Govt. of West Bengal