

APPENDIX-'A' TO NOTICE INVITING TENDER (NIT)

1. Name of work : Repairs & maintenance of pumps, motors including control units and connected water supply plants at Masimpur Military Station under GE Silchar
2. Estimated Cost : Rs. 33.50 lakh (at par market)
3. Period of Completion : 180 days
4. Cost of tender documents : Rs. 500/- in the shape of valid DD/Banker's cheque from any Scheduled Bank in favour of the Garrison Engineer Silchar and payable at Silchar
(copy to be uploaded online and original to be submitted offline before due date of opening of Covers 1 & 2)
5. Website/portal address : <https://defproc.gov.in> and www.mes.gov.in
6. Type of contract : The tender shall be item rate contract based on IAFW-1779A (Revised-1955) with specifications and drawings with list of works to be quoted by the Contractor
7. Information and details :
 (a) Bid submission start date
 (b) Bid submission end date
 (c) Date/time for opening of bid (Cover-1)
 } Refer critical dates on e-portal
8. Eligibility Criteria :
 (a) For MES Enlisted Contractors : All Contractors enlisted with MES in class 'D' and category **a(ii)** shall be considered qualified and shall satisfy the following:
 (a) They should have enlistment in Category **a(ii)**
 (b) They should possess valid Electrical License from the state Govt. in his own name or shall have MoU with agency having the same
 (c) They should not carry adverse remarks in WLR of competent Engineer authority
 (b) For other Contractors : The firms not enlisted with MES shall satisfy the following:
 (a) They should meet enlistment criteria of 'D' class MES contractors and category **a(ii)** i.e. with regard to Annual turnover, Solvency, working capital, immovable property/fixed assets, T&P, Engineering establishment, no recovery outstanding in any Govt. Department, Police verification/Passport etc. Enlistment criteria may be seen in Para 1.4 of Section 1 of Part I of MES Manual on Contracts-2007 (Reprint 2012) as available in all MES formations. These firms shall also submit copy of police verification from police authority of the area where the registered office of the firm is located /notarized copy of valid passport of proprietor/each partner/ each Director.
 (b) They should possess valid Electrical License from the state Govt. in his own name or shall have MoU with agency having the same
 (c) They should not carry adverse remarks in WLR /or any other similar report of any authority
 (d) Contractors who have secured two works in MES should get registered in the appropriate designated class with any Registering Authority, else the firm will not be eligible for participation in the tender unless and until the firm is enlisted with the MES
9. Earnest Money : Rs. 67,000/- in favour of the Garrison Engineer Silchar
10. Tender issuing, accepting and executing Office : Garrison Engineer Silchar
11. Name of CWE : HQ 137 Wks Engineers
12. Name of CE : HQ CE Shillong Zone

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1. In case after opening of Cover-I, the number of MES enlisted contractors of eligible class as well as eligible un-enlisted contractors, if any, fulfilling the other eligibility criteria given in NIT is less than 7 (Seven), applications in respect of MES contractors of one class below the eligible class shall also be considered subject to fulfillment of other eligibility criteria given in the NIT. Therefore MES contractor's one class below may also bid for this tender. Such contractors shall not be considered in case their present residual work in hand is more than **five times** their present tendering limit. However in case such contractors fulfill the criteria of up-gradation to the stipulated eligible class based on past experience of completed works (Individual work experience and /or average annual turnover, as applicable) and financial soundness (solvency/financial soundness and working capital), the ceiling of present residual work will not apply and they will be considered for issue of tender. Such bidders shall upload in their Cover-I bid details related to residual work in hand like details of works in hand showing name of works, name of Accepting Officers, Contract amounts, dates of commencement and completion (stipulated) and progress as on bid submission date. Such contractors, if claim to fulfill the criteria of up-gradation shall also upload the requisite information/documents in support of up-gradation. These details shall be verified by the Tender Issuing Authority from concerned formations in case bids of such contractors are considered for evaluation.

2. In case after opening of Cover-1, the number of MES enlisted contractors of eligible class as well as un-enlisted contractors, if any, fulfilling the other eligibility criteria given in NIT, are 07 (Seven) or more, applications of only those one class below the eligible class bidders shall be considered, who have previously completed similar works satisfactorily and are meeting the criteria of up-gradation in respect of past experience of completed works (individual work experience and/or average annual turnover as applicable) and financial soundness (solvency/financial soundness and working capital) as per details given **MES Manual on Contracts 2020**. Therefore such contractors shall upload the requisite information/documents in the cover-I.

3. Un-enlisted contractor shall be considered provided he meets the criteria. Foreign firms shall not be eligible for this tender. However Indian Firms having foreign national/Indian nationals staying abroad/Indian national having taken foreign citizenship, as director(s) shall be considered subject to security clearance from the concerned authorities.

4. Contractors enlisted with MES will upload following documents in Cover-I for checking eligibility:

- (a) Application for tender on Firm's letter head.
- (b) Enlistment letter issued by the Registering Authority duly renewed for the cycle period in vogue.
- (c) Scanned copy of DD/Bankers Cheque toward cost of tender and EMD instrument in case SSD bond is not signed at the time of registration.
- (d) GST & EPF Registration letter with Number.

5. Contractors not enlisted with MES will be required to upload following documents in Cover-I for checking eligibility. Contractors who have secured two works in MES should get registered in the appropriate designated class with any Registering Authority, else the firm will not be eligible for participation in the tender unless and until the firm is enlisted with the MES.

- (a) Application for tender on Firm's letter head.
- (b) Scanned copy of DD/Bankers Cheque toward cost of tender and Earnest Money Deposit (EMD) instrument.
- (c) Copy of Police Verification Report/Police Clearance Certificate/Character Certificate from the Police Authority of the area where the registered office of the firm is located/notarized copy of valid passport of Proprietor/each Partner/each Director.
- (d) All documents required for enlistment in MES for the class mentioned in Para 8(b) above as per Para 1.5 of Section-I of **MES Manual on Contracts 2020**.
- (e) Details of works being executed in MES, if any.
- (f) GST & EPF Registration letter with Number.
- (g) Details of works completed and under progress in MES shall be submitted in the following format:

| Sl No. | CA No. & Name of work | Value of CA | Date of commencement | Date of completion | Extended date of completion (if any) |
|--------|-----------------------|-------------|----------------------|--------------------|--------------------------------------|
| | | | | | |

6. Tenders not accompanied by scanned copies of requisite DD/Bankers Cheque towards cost of tender and Earnest money (as applicable) in Cover-1 shall not be considered for validation of Technical bid and their finance bids will not be opened.

7. Contractors should ensure that their original physical DDs and Earnest Money Deposit (EMD) instruments (as applicable) reach the office of Accepting Officer within **07 days** of bid submission end date, failing which following action shall be taken.

- (a) In case of tenders from an enlisted contractors of MES, where scanned copies of requisite DD/Bankers Cheque towards cost of tender have been uploaded in Technical bid (Cover 1) but physical copies are not received by the stipulated period, their Financial bid (Cover-2) will be opened.

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(b) However non-submission of physical copies of cost of tender shall be considered as willful negligence of the tenderer with ulterior motives and such tenderer shall be banned from bidding for a period of six months commencing from the date of opening of financial bid (Cover 2).

(c) In case of tenders from un-enlisted contractors, where scanned copies of requisite DD/Bankers Cheque towards cost of tender have been uploaded in Technical bid (Cover 1) but physical copies not received within the stipulated period, their Financial bid (Cover-2) will not be opened. Name of such contractors alongwith complete address shall be circulated for not opening of their bids for a period of six months commencing from the date of opening of Financial bid (Cover 2).

(d) In case of tenders from enlisted contractor and un-enlisted contractor, where scanned copies of instruments for Earnest Money Deposit (as applicable) have been uploaded in Cover-1 but the same are not received in physical form within stipulated period, such tenders shall not qualify for opening of Financial bid (Cover 2).

8. Contractor will not be allowed to execute the work by subletting or through power of attorney to a third party/another firm on his behalf. However a contractor can execute the work through power of attorney to sons/daughters/spouse of Proprietor/Partner/Director and firm's own employees, Director, Project manager **provided they are not having a separate enlisted firm in MES in their name as Proprietor/Partner/Director.**

9. After opening of Cover I and during its technical evaluation, in case any deficiency is noticed in the documents required to be uploaded by the tenderers as per NIT, a communication in the form of e-mail/SMS/Speed Post etc. shall be sent to the contractor to rectify the deficiency within a period of seven days from date of communication failing which their Financial bid (Cover 2) shall not be opened and contractor shall not have any claim on the same.

10. Invitation for e-tender does not constitute any guarantee for validation of Technical bid and subsequent opening of Financial bid of any applicant/bidder merely by virtue of enclosing Demand Draft(DD). Accepting Officer reserves the right to reject the Technical bid and not to open the financial bid of any applicant/bidder. Technical bid validation shall be decided by the Accepting Officer based on eligibility of the firm as per criteria given in this Appendix. Tenderer/bidder will be informed regarding non-validation of his Technical bid assigning reasons therefore through tender evaluation report which shall be uploaded on the website. Such tenderer, if desires, may appeal to the next higher Engineer Authority (NHEA) i.e. **HQ 137 Works Engineer, Dimapur (e-mail: dima1373-mes@nic.in)** against such rejection with a copy to the Accepting Officer on e-mail before the scheduled date of opening of the 'Finance Bid'. NHEA shall decide the matter within a period of seven working days from the date of receipt of appeal. The decision of the NHEA shall be final and binding. The tenderer/bidder shall not be entitled for any compensation whatsoever for rejection of his bid.

11. In case an un-enlisted Contractors who have secured two works in MES should get registered in the appropriate designated class with any Registering Authority, else the firm will not be eligible for participation in the tender unless and until the firm is enlisted with the MES and if the Contractor is already executing works in MES he shall not be considered eligible for the subject tender if the total value of such works is more than twice the tendering limit of the MES Class of contractor for which it is eligible. For this purpose details of the works being executed by such a contractor shall be uploaded in the Cover-I of the bid and shall be checked/verified by the Accepting Officer.

12. In case the BOQ is revised through the corrigendum and the bidder has failed to quote on revised BOQ (i.e. he has quoted on pre revised BOQ), such bid shall be treated as willful negligence by the bidder and his quotation shall be considered non-bonafide. In such cases the lowest tender shall be determined from amongst the valid/bonafide bids only. Accepting Officer may decide whether to re-tender or consider the lowest bonafide tender for acceptance.

13. Revoking the offer or revising the rates upward or offering voluntary reduction by the lowest tenderer after opening of Cover-2 shall be considered as a willful default. For this default a penalty of an amount equal to Earnest Money shall be levied. In case of an un-enlisted tenderer, Earnest Money deposited by him shall be forfeited. In case of MES enlisted tenderer having deposited the Standing Security Bond an amount equal to the earnest money stipulated in the NIT, shall be notified to the tenderer for depositing through MRO and consideration of such tenderer in tender evaluation for future works shall remain suspended till the aforementioned amount is deposited in the Government Treasury. No other disciplinary/administrative action shall be taken against such tenderers. In such a situation, the next lowest offer shall not be considered for acceptance, Instead, retendering shall be resorted to in a transparent and fair manner and the defaulting tenderer and his related firm if any, shall not be eligible for this tender in second call or subsequent calls.

14. Tender to related firms shall not be issued simultaneously. Firms shall be termed as related if Proprietor/one or more Partners/ Directors are common. Decision of Accepting Officer on issue/deny the tender to any one of the related firms shall be final and binding.

APPENDIX-'A' TO NOTICE INVITING TENDER (CONTD...)**15. EMPLOYER PROVIDENT FUND AND MISCELLANEOUS (EPF& MP) ACT 1952**

(i) 15.1 In terms of GOI Ministry of labour & employment letter No S-35025/2/2014- SS II dated 15 Jul 2015, all the bidders participating in tendering for the work will ensure that they have '**Provident Fund Code Number**' for their construction workers and same has to be uploaded with Cover-I (Technical Bid) failing which their Technical bid shall be rejected and Financial bid shall not be opened. The Contractors shall also ensure that all agencies engaged should also have provident fund code.

(ii) All the workers deployed by the Contractors or sub contractors should be enrolled as members of provident fund and should be given the universal Account Number (UAN).

(iii) At the time of submitting the final bills of the works, the contractors have to give a certificate on his letter head that all workers employed directly or indirectly by him in the work are registered for EPF and the due contribution have been credited into their account.

16. GST ON WORKS CONTRACTS

(i) In terms of GOI Ministry of Finance, GST has been leviable on works contracts. The liability of GST rests with the contractor and accordingly rates quoted are deemed to be included this aspect. The contractors are advised to take this fact in mind while quoting tender. Nothing extra whatsoever on this account is admissible.

(ii) The rate quoted by contractor shall also includes all taxes/duties i.e. trade tax on works Contracts, GST, custom duty, octroi duty & any other taxes/duties as applicable. This is an express condition of this contract no claim of the contractor shall be entertained by MES on this account.

(iii) It is mandatory for the contractors to upload their GST registration number alongwith the 'T' bid. This will be the one of the criteria for qualifying in 'T' bid. The contractors who do not upload GST registration number, shall be disqualified in 'T' bid evaluation and his finance bid shall not be opened.

(iv) Notwithstanding above, it shall also be mandatory that contractor will intimate their **GST REGISTRATION NUMBER** to the GE before payment is released to them **failing which no any payment shall be released on a/c of RAR/Bill**. No any claim whatsoever on this account shall be entertained.

17. THIS NOTICE INVITING TENDER SHALL FORM PART OF THE CONTRACT.

18. JURISDICTION OF COURTS Court of the place from where tender has been issued shall alone have jurisdiction to decide any dispute out of or in respect of this tender. After acceptance of tender. Condition 72 – Jurisdiction of Courts of IAFW-2249 shall be applicable.

8826/02 /E8

Military Engineer Services
Garrison Engineer Silchar,
PO: Arunachal, Dist-Cachar
Assam - 788 025
Phone No: 03842-278255
Dated: 28 Aug 2023

**Panna Ram, IDSE
EE (SG)
Garrison Engineer Silchar
Accepting Officer**

Annexure –I

CRITERIA FOR UN-ENLISTED CONTRACTORS

(a) Criteria for 'D' class shall be as under:

| Class | Past experience of completed works in last 5years | Financial soundness | Engineering establishment | Limit of minimum reserves / total of movable or immovable property or fixed assets {in case of companies (80% of minimum reserves/assets shall be in shape of immovable property} Rs. in lakh |
|-------|---|---|--|---|
| 1 | 2 | 3 | 4 | 5 |
| 'D' | <p>(a) Two works costing not less than Rs. 25.00lakh each</p> <p>or</p> <p>One work costing not less than Rs. 40.00 lakh</p> <p>and</p> <p>(b)Average annual turnover for last two consecutive years shall not be less than Rs. 50.00lakh supported with audited balance sheet.</p> <p>A copy of each work order, contract accepted letter, completion certificate, Sch-'A' of contract and performance from the concerned authority shall be submitted by the firm</p> | <p>(a) Solvent upto Rs. 20.00 lakh</p> <p>or</p> <p>financially sound for engagement upto Rs. 50.00 lakh</p> <p>(b) Working capital not less than Rs. 7.50 lakh</p> | <p>(a) One graduate Engineer from a Government recognized institution with minimum experience of 2years</p> <p>and</p> <p>(b) One diploma Engineer from a Government recognized institution with minimum experience of 4years</p> <p>and</p> <p>(c) Affidavit from the firm as well as from the Engineers alongwith copy of their qualifications and experiences to be furnished</p> | 12.50 |

Annexure –I (contd..)Notes:

(i) All applicant Contractors (including enlisted MES contractors) shall upload copies of all the above mentioned documents (whichever is applicable) along with their application, tender cost and EMD prior to closing date of bid submission.

(ii) During execution of work Engineers to be employed as stipulated on serial page No. 8 by the enlisted / un-enlisted Contractors.

(iii) During execution of work T&P to be deployed shall as stipulated on serial page No. 9 by the enlisted / un-enlisted Contractors in addition to stipulations specified in PS.

(c) Particulars of contracts:

Documents regarding Proprietorship/Partnership Private Limited concern to be submitted. Also affidavit regarding no sister concern in MES and no near relative in MES

(d) Joint venture firms are not eligible for quoting of bids.

(e) Police Verification

Copy of Police verification certificate from police authority of the area where registered office is located shall be submitted. Alternatively notarized copy of valid passport of proprietor / each partner / each Director can be submitted.

(f) Certificate regarding no recovery outstanding in any Govt. department

Affidavit to the effect that no recovery of any kind is outstanding in any Govt. department has to be furnished.

(g) Certificate regarding no arbitration / litigation case

Affidavit to the effect that no arbitration / litigation case is outstanding in any Govt. Department has to be furnished.

(h) Copy of last three years income tax return filed.

(j) Copy of details showing value of works completed in last 3 years based on form- 26 AS.

(l) Affidavit that no near relative(s) of the tenderer or their employees/agents is/are working as Gazetted commissioned Govt. Officer in MES/Corps of Engineers/Ministry of Defence.

(m) Affidavit that no near relative(s) of the tenderer is/are working as Junior Engineer in MES/Corps of Engineers.

(n) Clarification on Provident Fund Account Code Number

Before releasing the Work Order after finalization of the tender, it shall be ensured that the Contractor has the Provident Fund Code Number, if applicable.

**Panna Ram, IDSE
EE (SG)
Garrison Engineer Silchar
Accepting Officer**