

MILITARY ENGINEER SERVICES
NOTICE OF TENDER

1. Tender is invited for the work as mentioned in Appendix A to Notice inviting of Tender (NIT).
2. The work is estimated to cost as given in Appendix A to Notice of Tender. This estimate, however, is not a guarantee and is merely given as a rough guide and if the work costs more or less, a tenderer will have no claim on that account. The tender shall be based on as mentioned in aforesaid Appendix A.
3. The work is to be completed within the period given in Appendix A to Notice of Tender (in accordance with phasing, if any, indicated in the tender) from the date of handing over of site, which will be on or about two weeks after the date of Acceptance of tender.
4. Normally contractors whose names are on the MES approved list for the area in which the work lies, and within whose financial category the estimated amount would fall, may tender/bid but in case of term contracts, contractors of categories SS to E may tender/bid. In case, where the tender amount is in excess of the financial limit of the contractor and the Accepting officer decides to accept the tender/bid, in which event the tenderer/bidder would be required to lodge performance security deposit as notified by the Accepting officer in terms of conditions of contract. Contractors whose names are on the MES approved list of any MES formation and who have deposited standing security and have executed standing security bond may also tender/bid without depositing Earnest Money along with the tender/bid and if the tender/bid submitted by such a tenderer/bidder is accepted, the contractor will be required to lodge with the controller of Defence Accounts concerned the amount of Performance Security deposit within twenty eight days of the receipt by him of notification of acceptance of his tender/bid, failing which shall constitute sufficient grounds for cancellation of the award of work. The amount equal to the Earnest Money stipulated in the Notice Inviting Tender, shall be notified to the tenderer for depositing the amount through MRO. Issue of tender to such tenderers shall remain suspended till the aforesaid amount equal to the Earnest Money is deposited in Government Treasury. Not more than one tender/bid shall be submitted/uploaded by one contractor or one firm of contractors. Under no circumstances will a father and his son(s) or other close relations who have business dealing with one another be allowed to tender/bid for the same contract as separate competitors. A breach of this condition will render the tenders/bids of both the parties liable for rejection.
5. Assistant Garrison Engineer (Independent) Darjeeling, PO-Jalapahar, Distt-Darjeeling (WB) will be the Accepting Officer here-in-after referred to as such for purpose of the contract.
6. The technical bid and financial bid (Cover-1 and Cover-2) shall be uploaded by the tenderer/bidder on or before the date & time mentioned in NIT. A scanned copy of DD with enlistment details/documents shall be uploaded as packet 1/Cover-1 (Technical bid) of the tender/bid on e-tendering portal. DD is refundable in case the bid is not accepted resulting non-opening of Financial bid. The applicant contractor shall bear the cost of bank charges for procuring and en-cashing the DD and shall not have any claim from Government whatsoever on this account.
- 6.1 Tender form and conditions of contract and other necessary documents shall be available on <https://defproc.gov.in/> eprocure.gov.in site for download and shall form part of contract agreement in case the tender/bid is accepted.

NOTICE OF TENDER (Contd...)

6.2 In case of contractor who has not executed the Standing Security Bond, the cover-l shall be accompanied with the Earnest money of amount as mentioned in Appendix A in the form of deposit at call receipt in favour of AGE (I) Darjeeling by a scheduled bank or in receipted treasury Challan the amount being credited to the revenue deposit of the AGE (I) Darjeeling.

6.3 A Contractor who is not enlisted for the area in which the work lies but whose name is in the MES approved list of any MES formation and who has deposited standing security and executed standing security bond may bid without depositing earnest money alongwith the tender, but if the Accepting officer accepts the tender/bid, the contractor will be required to lodge with the Controller of Defence Accounts concerned the amount of performance security deposit within twenty eight days of the receipt by him of notification of acceptance of his tender/bid, failing which shall constitute sufficient grounds for cancellation of the award of work. The amount equal to the Earnest Money stipulated in the Notice Inviting Tender, shall be notified to the tenderer for depositing the amount through MRO. Issue of tender to such tenderers shall remain suspended till the aforesaid amount equal to the Earnest Money is deposited in Government Treasury.

6.4 A contractor who has executed standing security bond but not corresponding to the appropriate class as mentioned above, shall lodge with the Accepting officer, Performance security deposit as notified by the Accepting Officer within twenty eight days of the receipt of his notification of acceptance of his tender/bid, failing which shall constitute sufficient grounds for cancellation of the award of work. The amount equal to the Earnest Money stipulated in the Notice Inviting Tender, shall be notified to the tenderer for depositing the amount through MRO. Issue of tender to such tenderers shall remain suspended till the aforesaid amount equal to the Earnest Money is deposited in Government Treasury.

6.5 The AGE (I) Darjeeling will return the Earnest Money wherever applicable to all unsuccessful tenders/bidders by endorsing an authority on the deposit-at-call receipt for its refund, on production by the tenderer, bidder a certificate of the Accepting Officer that a bonafied tender/bid was received and all documents were returned.

6.6 The AGE (I) Darjeeling will either return the Earnest Money to the successful tenderer/bidder by endorsing an authority on the deposit-at-call Receipt for its refund on receipt of an appropriate amount of Performance Security or will retain the same in part or full on account of Performance security if such a transaction is feasible.

6.7 Copies of the drawings and other documents pertaining to the work signed for the purpose of identification by Accepting Officer or his accredited representative, sample of materials and stores to be supplied by the contractor will also be available for inspection by the tenderer/bidder at the office of Accepting Officer and AGE (I) Darjeeling during working hours.

7. The tenderers/builders are advised to visit the site of work by making prior appointment with AGE (I) Darjeeling which is also the executing Agency of the work. The tenderer/bidders are deemed to have full knowledge of all relevant documents, samples, site etc. whether they have inspected them or not.

8. Any tender/bid which proposes any alteration to any of the conditions laid down or which proposes any other condition or prescription whatsoever is liable to be ejected.

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9. The uploading of bid implies that bidder has read this notice and the Conditions of Contract and has made himself aware of the scope and specification of work to be done and of the conditions and rates at which stores, tools and plants etc will be issued to him and local conditions and other factors having bearing on the execution of the work.
10. Tenderers/bidders must be in possession of a copy of the MES Standard Schedule of Rates (see Appendix A) including amendments and errata thereto.
11. Invitation for e-tender does not constitute any guarantee for validation of bid and subsequent opening of finance bid of any applicant/bidder, even of enlisted contractors of appropriate class, merely by virtue of enclosing DD. Accepting Officer reserves the right to reject the bid and not open the financial bid of any applicant/bidder. Bid validation shall be decided by the Accepting Officer based on, inter alia, capacity of the firm as per criteria given in Appx A to this NIT. The applicant contractor/bidder will be informed regarding non-validation of his bid assigning reasons thereof through the e-procurements website. The applicant contractor/bidder if he so desires may appeal to the next higher Engineer authority viz HQ 136 Wks Engrs on email id :- **sil1363-mes@nic.in** with copy of the Accepting Officer on email before the scheduled date of opening of Finance Bid. The Decision of the Next Higher Engineer Authority (NHEA) shall be final and binding. The contractor/bidder shall not be entitled for any compensation whatsoever for rejection of his bid.
12. The Accepting Officer reserves the right to accept a tender submitted by a Public under taking, giving a price preference over other Tender(s)/bids which may be lower, as are admissible under the Government Policy. No Claim for any compensation or otherwise shall be admissible from such tenderer/bidder whose tender/bid is rejected.
13. Accepting Officer does not bind himself to accept the lowest or any tender/bid or to give any reason for not doing so.
14. Court of 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.
15. The **Notice Inviting Tender (NIT)** including Appendix A shall form part of the contract.

Signature of Contractor**Accepting Officer**

Dated

APPENDIX A' TO NOTICE INVITING TENDER (NIT)

1. Name of work : **REPAIR/REPLACEMENT OF EXTERNAL WATER SUPPLY SYSTEM, CLEANING OF WATER RESERVOIRS AND ALLIED WORKS AT LEBONG UNDER AGE I DARJEELING**
2. Estimated cost of work : **Rs. 9.30 Lakhs (At Par Market)**
3. Period of Completion : **180 days**
4. Cost of tender documents : **Rs. 500/-** in the form of **DD/Bankers** cheque from any scheduled Bank in favour of **AGE (I) Darjeeling** and payable at **Darjeeling**.
(Note : In case of retendering, the contractor who had quoted in the previous call is not required to submit the cost of tender.)
5. Website/portal address : www.defproc.gov.in and www.mes.gov.in
6. Type of contract : The tender shall be based on item rate Contract (IAFW-1779A) & GCC (IAFW-2249) with Sch A list of item of works to be priced by the contractors electronically (BOQ).
7. Information & Details:-
 - (a) Critical dates : As per tender documents
8. **Eligibility Criteria :-**
 - (A) For MES enlisted : All contractors enlisted with MES in **class 'E'** and Contractors above and category **a (ii)** subject to the satisfactory remarks wrt performance in respect of Wks in hand as reflected in work load return (WLR) circulated by competent engineer authority. Refer Note- below.
 - (B) For other contractors : (a) The firms not enlisted with MES shall meet the enlistment criteria of **'E' class MES** contractors & category **a (ii)** i.e. with regard to having satisfactorily completed requisite value works with Central/State Government/Central/ State PSUs/AWHO/AFNHB/CGEWHO/ DGMAP, Annual turnover, Solvency, working capital, immovable property /fixed assets, T&P, Engineering establishment, no recovery outstanding in any Govt Department, Police verification / passport. As per enlistment criteria given in para 1.4 and 1.5 of section 1 part of I of MES Manual on Contracts-2020 as available in all MES formations.

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(b) Not suspended/debarred/blacklisted (either permanently or temporarily) from participating in any bid or for business dealings by any Central / State Government Department or any Central / State Government PSU or any Autonomous Body under Central/State Government or any Local Body as on the bid submission end date.

(c) Not carrying adverse remarks in WLR or any other similar report of any competent authority, if already working in MES.

(d) Details of works completed and under progress in MES be submitted in the following format :-

Srl No.	CA No. & Name of work	Name & Address of Accepting Officer	Value of CA	Date of commencement	Date of completion	Extended date of completion	Progress as on bid submission end date	Amount of balance work in hand
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(e) Un-enlisted contractor who have secured two works in MES should get themselves registered in the appropriate designated class with any registering authority, else the firm will not be eligible for participation in the tender unless until the firm is enlisted with the MES.

9. Tender issuing and Accepting Officer : **AGE (I) DARJEELING**
10. Executing Agency : **AGE (I) DARJEELING**
11. Earnest Money : **Rs 18600/-** in favour of AGE (I) Darjeeling in the form of Deposit at call receipt. FDR is not acceptable.
12. **Performance Security** : **5% of CA** amount to be delivered to Accepting Officers by the successful contractor within 28 days of receipt of letter of Acceptance alongwith performa as given in notes above failing which shall constitute sufficient grounds for cancellation of award. Please also read condition 19 of IAFW-2249 (Print 1989)

Notes:-

1. After opening of Cover-I, if 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 less than 7(Seven), applications in respect of contractors one class or two classes (in case of remote and difficult areas to be decided as per list circulated by CE Command/ADG) below the eligible class shall also be considered subject to fulfillment of other eligibility criteria given in the NIT. Therefore MES contractors one class below (two classes below in case of remote and difficult areas) may also bid for this tender. However contractors of one/two classes below the eligible class shall not be considered in case their present residual work in hand is more than twice their present tendering limit. Such bidders shall upload in their Cover-I bid details of works in hand showing names of work, names of Accepting Officers, Contract amounts, dates of commencement and completion (stipulated) and progress as on bid submission date. These details shall be verified by the Tender Issuing Authority from concerned formations in case bids of such contractors are considered for evaluation.

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2. In case after opening of Cover I, 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 7 (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 upgradation 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 in Manual on Contracts. 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 :-
- Application for tender on Firm's letterhead.
 - Enlistment letter issued by the Registering Authority duly renewed for the cycle period in vogue.
 - Scanned copy of DD/Banker Cheque toward cost of tender and EMD instrument in case SSD bond is not signed at the time of registration.
 - Any other document required as described in this Appendix.
5. Contractors not enlisted with MES will be required to upload following documents in Cover I for checking eligibility :-
- Application for tender on Firm's letterhead.
 - Scanned copy of DD/Banker Cheque toward cost of tender and Earnest Money Deposit (EMD) instrument.
 - 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.
 - All documents required for enlistment in MES for the class mentioned in Para 8(b) above as per Para 1.5 of Section 1 of MES Manual on Contracts 2020.
 - Details of works being executed in MES, if any.
 - Any other documents required as described in this Appendix.
6. Tenders not accompanied by scanned copies of requisite DD/Bankers Cheque towards cost of tender and earnest money (as applicable) in Cover I shall not be considered for validation of ₹ bid and their Financial Bids will not be opened.
7. Contractor should ensure that 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:-

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- (a) In case of tenders from and enlisted contractor of MES, where scanned copies of requisite DD/Bankers Cheque towards cost of tender have been uploaded in Cover I but physical copies are not received within the stipulated period, their financial bids(Cover II) will be opened. However non-submission of physical copies of cost of tender shall be considered as wilful 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 II).
- (b) In case of tenders from unenlisted contractor, where scanned copies of requisite DD/Bankers Cheque towards cost of tender have been uploaded in Cover I but physical copies are not received within the stipulated period, their financial bids (Cover II) 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 II).
- (c) In case of tenders from enlisted and unenlisted contractors, where scanned copies on instruments for Earnest Money Deposit (as applicable) have been uploaded in Cover I but the same are not received in physical form within stipulated period, such tenders shall not qualify for opening of financial bid (Cover II).
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 firms 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 II) 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 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) viz HQ 136 Wks Engrs on email id sil1363-mes@nic.in with copy the Accepting Officer on email before the scheduled date of opening of Cover II. 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 unlisted 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.

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13. Revoking the offer or revising the rates upward or offering voluntary reduction by the lowest tenderer after opening of Cover II 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 unenlisted 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.

15. INTEGRITY PACT :- NOT APPLICABLE.

16. JOINT VENTURE :- NOT APPLICABLE.

17. (TPP Ser No - 04 of Code head 01/474/03)

Unit: AGE (I) Darjeeling

Case File : 9071/ /E8

Dated : June 2023

(Roshan Lal)

Capt

AGE (I) Darjeeling

Distributions :-

INTERNAL : E-2 Sec &. **(NOTICE BOARD)**