

MILITARY ENGINEER SERVICES
NOTICE INVITING TENDER (NIT)

1. A tender is invited for the work as mentioned in Appendix 'A' to this NOTICE INVITING TENDER (NIT).
2. The work is estimated to cost as indicated in aforesaid Appendix 'A'. This estimate, however, is not a guarantee and it is merely given as rough guide and if the work cost more or less, a tenderer/bidder will have no claim on this account. The tender shall be based on as mentioned in aforesaid Appendix 'A'.
3. The work is to be completed within the period as indicated in aforesaid Appendix 'A' in accordance with the phasing, if any, indicated in the tender from the date of handing over 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 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 additional 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 Principal Controller of Defence Accounts concerned the amount of 'Individual Security Deposit' within thirty days of the receipt by him of notification of acceptance of his tender/bid, failing which this sum will be recovered from 1st RAR payment or from the first final bill. In the case of term/running contracts, remaining sum shall be recovered from subsequent bill(s) of the contractor. 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. The Office of HQ CWE Shimla Hills Jutogh 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 ('T' bid) of the tender/bid on e-tendering portal. DD is refundable in case 'T' bid is not accepted resulting in non-opening of 'Q' bid. The applicant contractor shall bear the cost of bank charges for procuring and encashing 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 defproc.gov.in/eprocure.gov.in site for download and shall form part of contract agreement in case the tender/bid is accepted.
 - 6.2 In Case of contractor who has not executed the Standing Security Bond, the Cover-I shall be accompanied with by Earnest Money of amount as mentioned in Appendix 'A' in the form of deposit at call receipt in favour of concerned GE (See Appendix 'A') by a scheduled Bank or in receipted treasury Challan the amount being credited to the revenue deposit of the concerned GE (See Appendix 'A').
 - 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 Principal Controller of Defence Accounts concerned the amount of 'Individual Security Deposit' within thirty days of the receipt by him of notification of acceptance of his tender/bid, failing which this sum will be recovered from 1st RAR payment or from the first final bill. In the case of term/running contracts, remaining sum shall be recovered from subsequent bill(s) of the contractor.
 - 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, Additional Security Deposit as notified by the Accepting Officer within thirty days of the receipt of his notification of acceptance of his tender/bid, failing which this sum will be recovered from the first RAR payment or from the first final bill. In the case of term/running contracts, remaining

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sum shall be recovered from subsequent bill(s) of the contractor. However, in case where any payment is made to the contractor within thirty days of the receipt by him of notification of acceptance of tender/bid, the amount of additional security deposit shall be recovered from such payment.

- 6.5 The GE will return the Earnest Money wherever applicable to all unsuccessful tenderer/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 bonafide tender/bid was received and all documents were returned.
- 6.6 The GE 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 Security Deposit or will retain the same in part or full on account of security deposit if such a transaction is feasible.
- 6.7 Copies of the drawings and other document pertaining to the work signed for the purpose of identification by the 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 concerned GE during working hours.
7. The tenderers/bidders are advised to visit the site of work by making prior appointment with GE who is also the Executing Agency of the work (see Appendix 'A'). The tenderers/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 rejected.
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 'T' bid and subsequent opening of financial 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 'T' bid and not open the financial bid of any applicant/bidder. 'T' bid validation shall be decided by the Accepting Officer based on, interalia, capability of the firm as per criteria given in Appendix 'A' to this NIT. The applicant contractor/bidder will be informed regarding non-validation of his 'T' bid assigning reasons thereof through the eprocuremes website. The applicant contractor/bidder if he so desires may appeal to the next higher Engineer authority viz HQ CE Chandigarh Zone on email id cezc2-mes@nic.in with copy to 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 Undertaking, 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. This **Notice Inviting tender (NIT)** including Appendix 'A' shall form part of the contract.

Signature of Contractor
Dated:

EE (QS & C)
DCWE (Contracts)
For Accepting Officer

APPENDIX 'A' TO NOTICE INVITING TENDER (NIT)

1	Name of work	SPECIAL REPAIRS TO ROADS AT POARI UNDER GE 863 EWS
2	Estimated Cost	Rs. 14.80 Lakhs (As per Market)
3	Period of completion	180 days
4	Cost of tender documents	Rs. 500.00 in the shape of DD / Bankers cheque from any schedule Bank in favour of Garrison Engineer 863 EWS payable at Jhakri
5	Website / portal address	www.defproc.gov.in
6	Type of contract	Item rate contract for works by measurement based on IAFW-1779 A & IAFW-2249
7	Information & Details	
	(a) Bid submission start date	12 Oct 2018
	(b) Last date of bid submission	20 Oct 2018
	(c) Date of bid opening	26 Oct 2018
8	Eligibility criteria	
	(A) For MES enlisted Contractors	All contractors enlisted with MES in Class 'E' and above and category "a (i)" shall be considered qualified provided they do not carry adverse remarks in WLR of competent engineer authority.
	(B) For other contractors	(a) The firms not enlisted with MES shall meet the enlistment criteria of " E " class MES contractors & category a(i) i.e with regard to having satisfactorily completed requisite value works, 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 of Contracts -2007 (Reprint 2012) as available in all MES formations. (b) 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. (c) They should not carry adverse remarks in WLR / or any other similar report of any authority.
	(C) For All Contractors	Contractor will not be allowed to execute the work by subletting or through power of attorney holder on his behalf to a third party / another firm except sons / daughters of proprietor / partner / Director and firm's own employees, Director, Project Manager. This shall be subject to certain conditions which will be prescribed in the NIT forming part of the tender documents.
9	Tender issuing and Accepting Officer	CWE Shimla Hills Jutogh
10	Executing agency	GE 863 EWS
11	Earnest Money	Rs. 29,800/- in favour of Garrison Engineer 863 EWS payable at Jhakri

APPENDIX 'A' TO NOTICE INVITING TENDER (Contd.)**NOTES: -**

- (a) The contractor enlisted upto two class below the eligible class may also apply/bid.
- (i) Application /bids from one class below eligible class applicants may be considered in the event of adequate response/bids from the applicants of eligible class.
- (ii) Application from two class below eligible class applicants may also be considered in the event of inadequate response from the applicants of eligible class and one class below eligible class.
- (b) (i) Applications/bids not accompanied by scanned copies of requisite DD/Bankers Cheque towards cost of tender and earnest money (as applicable) shall not be considered for validation of 'T' bid and their finance bids will not be opened.
- (ii) Tenderers/bidders to note that they should ensure that their original DDs and earnest money (as applicable) are received within five days from the date of opening of the finance bid.
- (iii) In case of applications/bids from enlisted contractors of MES, where scanned copies of requisite DD/bankers Cheque towards cost of tender has been uploaded but physical copies are not received by the stipulated date, finance bids will be opened. However, non-submission of physical copies of cost of tender shall be considered as willful negligence of the bidder with ulterior motives and such bidder shall be banned from bidding for a period of six months commencing from the date of opening of finance bid.
- (iv) In case of applications/bids from unenlisted contractors, where scanned copies of requisite DD/bankers Cheque towards cost of tender has been uploaded but physical copies are not received by the stipulated date, finance bids 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 finance bid.
- (v) In case of applications/bids (enlisted contractor as well as unenlisted contractor) where scanned copies of requisite Earnest money (as applicable) were uploaded but the same are not received in physical form within stipulated time, such bids shall not qualify for opening of finance bid.
- (c) Contractors enlisted with MES will upload following documents for checking eligibility:-
- (i) Application for bid in Firm's letter head.
- (ii) Enlistment letter along with its enclosures.
- (iii) Scanned copy of DD/BC towards cost of tender.
- (iv) Scanned copy of **GST Registration number**. This will be one of the criteria for qualifying in 'T' bid. Contractor who does not upload **GST Registration number** shall be disqualified in 'T' bid evaluation and his finance bid shall not be opened.
- (d) Contractors not enlisted with MES will be required to upload necessary documents to prove their eligibility for enlistment in eligible class & category of work, including Affidavit for no recovery outstanding. List of documents required for enlistment in MES has been given in para 1.5 of section 1 of Part I of MES Manual on Contracts 2007 (reprint 2012). Following documents shall also be uploaded amongst others:
- (i) Details of three highest valued similar natures of works executed during last five years, financial year-wise in tabular form giving name of work, Accepting Officer's details, viz, Address, Telephone, Fax No, E-mail ID etc, date of acceptance of tender and actual date of completion. This shall be duly signed by proprietor/all partners/authorized Director of Pvt/Public Ltd, as applicable. It should indicate whether extension was granted or compensation was levied. Attested copy of acceptance letter and completion certificate shall be enclosed of each work. In case performance report has been given by the client same shall also be submitted duly attested.
- (ii) Solvency certificate and working Capital Certificate issued by Scheduled Bank.
- (iii) Annual turnover certificate for last 2 years issued by Chartered Accountant alongwith relevant pages of audited balance sheets in support thereof.
- (iv) Affidavits for possession of movable & immovable properties by proprietor/partner owning the immovable property along with Valuation Certificate from Regd Valuer in support of movable & immovable properties. In case of Limited Company, the immovable property is required to be in the name of the company.

APPENDIX 'A' TO NOTICE INVITING TENDER (Contd.)

(v) In addition, the un-enlisted contractors shall also furnish affidavit on non Judicial stamp paper in the form of hard copy declaring their turnover for last 2 (Two) years.

(vi) Scanned copy of DD of cost of tender and earnest money.

(vii) Scanned copy of **GST Registration number**.

(e) **FOR ALL CONTRACTORS**

(i) Contractor will not be allowed to execute the work by subletting or through power of attorney holder on his behalf to a third party/another firm except sons/daughters of proprietor/partner/Director and firm's own employees, Director, Project Manager. This shall be subject to certain conditions which will be prescribed in the NIT forming part of the tender documents.

(ii) As per Section 6 of the EPF & MP Act, 1952, " the contribution which shall be paid by the employer to the Fund shall be ten per cent of the basic wages, dearness allowance and retaining allowance (if any) for the time being payable to each of the employees whether employed by him directly or by or through a contractor, and the employees' contribution shall be equal to the contribution payable by the employer in respect of him." Therefore, the onus will still lie with the Principal Employer to get compliance of contractors under the EPF & MP Act, 1952 if the total number of workers employed by him through various contractors is more than twenty. Therefore contractors are required to produce Provident Fund Code Number immediately after acceptance of bid but in any case before the commencement of work i.e. before releasing the works order by GE. Further work shall commence on ground only after submission of Provident Fund Code Number and no claims whatsoever shall be entertained due to delay in commencement of work on this account. The contractor shall ensure compliance of EPF & MP Act, 1952 by the sub-contractor if any engaged for said work.

(iii) If the contractor fail to upload their GST Registration Number alongwith 'T' bid, he shall be disqualified in 'T' bid evaluation and finance bid will not be opened.

(iv) 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.

(f) In case of rejection of technical/prequalification bid, contractor may appeal to next higher Engineer authority i.e. HQ CE Chandigarh Zone on email cezc2-mes@nic.in against rejection, whose decision shall be final and binding. However contractor / bidder shall not be entitled to any compensation whatsoever for rejection of technical/prequalification bid.

(I Naresh Kumar)
EE (QS&C)
DCWE (Contracts)
For Accepting officer

Signature of Contractor

Dated:

No. 8418/EWS-26/ 03/E8, Dated : 22 Sep 2018

**HQ Commander Works Engineer,
Shimla Hills, Jutogh-171008**

DISTRIBUTIONS :-

1. MES Builders Association of India, 807 Sahyog, 58 Nehru Place, New Delhi-19
2. MES Builders Association of India, Chandimandir Branch : 462, Sector 8, Panchkula-134109
3. HQ CE Chandigarh Zone, Chandigarh
4. All CsWE under CE CHD Zone_____
5. GE Kasauli/GE 863 EWS/GE Jutogh
6. Notice Board
7. Office Copy