

MILITARY ENGINEER SERVICESIN LIEU OF IAFW-2162 (REVISED -1960) (NOTICE INVITING TENDER)

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 estimated however is not a guarantee and is merely given as a rough guide and if the work cost more or less, a tenderer/bidder 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 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 contractor 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. However all the bidders, whether borne on the approved list of contractors of MES or not (viz unenlisted contractors), are required to fulfil the eligibility criteria as laid down in Appendix "A" to this NIT. 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 tender/bid without depositing Earnest money along with the tender/bid. However bidders who are on the approved list of MES Contractors but have not deposited the Standing Security Deposit and also the bidders who are not on the approved list of MES contractors are required to lodge Earnest Money Deposit of amount and in the form as indicated in Appendix "A" to this NIT.
5. If the tender/bid submitted by a tenderer/bidder is accepted, the bidder will be required to lodge with the concerned Accepting Officer the amount of Performance Security for an amount equivalent to 5% of the contract sum in any of the forms prescribed in sub-condition 19.1 of General Conditions of Contract (IAFW-2249) within 28 days of receipt of the Letter of Acceptance. Failure of the successful contractor to comply with the requirements of sub-condition 19.1 of General Conditions of Contract (IAFW-2249) shall constitute sufficient grounds for cancellation of the contract and forfeiture of the Earnest Money. In case of MES enlisted contractor who has not deposited the Earnest Money, amount equal to the Earnest Money stipulated in the Notice Inviting Tender, shall be notified to the contractor for depositing the amount through MRO. Issue of tender to such contractor shall remain suspended till the aforesaid amount equal to the Earnest Money is deposited in Government Treasury.
6. Not more than one tender/bid shall be submitted/uploaded by one bidder firm. 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 tender as separate competitors. A breach of this condition will render the tenders/bids of both the parties liable for rejection.
7. The office of **Chief Engineer Chandigarh Zone, Chandigarh Cantt** will be the Accepting Officer here in after referred to as such for purpose of the contract.
8. 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 or as amended through corrigendum, if any. Scanned copies of DDs/financial instruments towards cost of tender and Earnest Money Deposit (if applicable) with enlistment details/documents shall be uploaded under packet 1/cover1("T" bid) of the tender/bid on e-tendering portal. DDs/financial instruments are 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 DDs/financial instruments and shall not have any claim from Government whatsoever on this account.
 - 8.1 Tender form and conditions of contract and other necessary documents shall be available on defproc.gov.in site for download and shall form part of contract agreement in case the tender/bid is accepted.
 - 8.2 In case of contractor who has not executed the standing security bond with MES, the cover-1 shall be accompanied with by Earnest Money of amount as mentioned in the Appendix "A" to this NIT in the form of deposit-at-call receipt in favour of concerned CCE/GE/GE(I)/AGE(I) (See Appendix "A") by a scheduled bank or in receipted treasury challan the amount being credited to the revenue deposit of the concerned CCE/GE/GE(I)/AGE(I) (See Appendix "A").
 - 8.3 The CE will return the Earnest Money wherever applicable to all unsuccessful tenderers/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.
 - 8.4 The CE 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.
 - 8.5 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/GE(I)/AGE(I) during working hours.
9. The tenderers/bidders are advised to visit the site of work by making prior appointment with GE/GE(I)/AGE(I)/CCE/Projects Manager who is also the Executing Agency of the work (see appendix "A"). The tenderer/bidders are deemed to have full knowledge of all relevant documents, samples, site etc. whether they have inspected them or not.

MILITARY ENGINEER SERVICES**IN LIEU OF IAFW-2162 (REVISED -1960) (NOTICE INVITING TENDER) (CONTD)**

10. Any tender/bid which proposes any alteration to any of the condition laid down or which proposes any other condition or prescription, except for the conditions/specifications/ prescriptions permitted expressly in other parts of the tender documents, shall be liable to be rejected.
11. The uploading of bid implies that bidder has read the notice and the condition of contracts and has made himself aware of the scope and specification of work to be done and 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
12. Tenderes/bidders must be in possession of a copy of the MES Standard Schedule of Rates including amendments and errata thereto.
13. Invitation for e- tender does not constitute any guarantee for validation of "T" 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 "T" bid and not open the finance bid of any applicant/bidder. "T" bid validation shall be decided by the Accepting Officer based on, inter alia, 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 defproc.gov.in website. The applicant contractors/bidder if he so desires may appeal on email/fax/post to the Next Higher Engineer authority i.e. **Chief Engineer Western Command, Chandimandir** (Email id ceengrcl-mes@nic.in) with copy to the Accepting Officer on email ID cezc2-mes@nic.in 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 to any compensation whatsoever for rejection of his bid
14. Accepting Officer does not bind himself to accept the lowest or any tender/bidder or to give any reason for not doing so.
15. This **Notice Inviting tender (NIT)** including Appendix 'A' and Annexure 1 (Integrity Pact) shall form part of the contract.

Signature of Contractor

AAD (Contracts)
for Accepting Officer

**APPENDIX "A" TO NOTICE INVITING TENDER
MILITARY ENGINEER SERVICES**

		NIT NO.09 OF CECZ/2023-24 (Tender ID : 2023_MES_628717_1)												
1	Name of Work	DESIGN & CONSTRUCTION OF DEF MD ACCOMODATION AT SHIMLA STATION ON EPC MODE												
2	Estimated cost	Rs. 6200.00 lakh (Main Project) Rs 480.00 Lakh (Manning and Operation of installations for 2 years after completion of Main Project) (Total at market rate)												
3	Period of completion	36 Months (Thirty six) months for Phase-I (Main Project) 24 Months (Twenty four) months for Phase-II (Manning and Operation of installations for 2 years after completion of Main Project)												
4	Cost of tender documents	Rs. 3000 in the form of DD/Banker"s cheque from any Scheduled Bank in favour of GE (I) JUTOGH and payable at JUTOGH (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												
6	Type of Contract	The tender shall be based on Engineering, Procurement and Construction (EPC) mode on lump sum basis and General Conditions of Contract (IAFW-2249) with BOQ to be quoted by tenderer. The tenderers are required to quote their Lump Sum amount for the entire scope of work in BOQ.												
7	Timeline details	Refer critical dates on the web site www.defproc.gov.in												
	(a) Bid submission start date													
	(b) Bid submission end date													
	(c) Date of bid opening													
8	Eligibility Criteria													
	(a) For MES enlisted contractors	Contractors shall be enlisted with MES in Class 'SS' and category a (i) subject to satisfactory remarks w.r.t performance in respect of works in hand reflected in Work load return (WLR) or any other report circulated by competent engineer authority.												
	(b) For contractors not enlisted with MES	(i) Contractor not enlisted with MES shall meet the enlistment criteria of 'SS' class & a(i) category contractor with regard to satisfactorily completion of requisite value works with Central /State Government/Central/State PSUs/AWHO/AFNHB/ CGEWHO/ DGMAP, annual turnover, bank solvency, working capital and other requirements given in Para 1.4 and 1.5 of Section 1 of MES Manual on Contracts 2020 as available in all MES formations as well as MES website(www.mes.gov.in). (ii) Not carrying adverse remarks in Work Load Return(WLR) or any other similar report circulated by any competent authority, if already working in MES. (iii) 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 PSUs or any Autonomous Body under Central /State Government or any Local Body as on the bid submission end date. (iv) Details of works completed and under progress in MES be submitted in the following format :- <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Srl No</th> <th>CA No. & Name of Work</th> <th>Value of CA</th> <th>Date of Commencement</th> <th>Date of Completion</th> <th>Extended Date of Completion</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> (v) 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.	Srl No	CA No. & Name of Work	Value of CA	Date of Commencement	Date of Completion	Extended Date of Completion						
Srl No	CA No. & Name of Work	Value of CA	Date of Commencement	Date of Completion	Extended Date of Completion									
9	Tender issuing and Accepting Officer(Name, Address, Contact details & Email ID of concerned officer)	Name : Chief Engineer Address: Chief Engineer Chandigarh Zone, Chandigarh 'N' Area, Airport Road Chandigarh-160003 Contact Details : 0172-2970072 Email ID : cezc2-mes@nic.in												
10	Executing Agency	GE (I) JUTOGH												
11	Earnest Money	Rs. 15,00,000.00 (Rs fifteen lakh only) in the form of Deposit at call Receipt FDR/approved securities from any Scheduled/ Nationalized bank in favour of GE (I) JUTOGH . MES registered contractors are exempted from submission of EMD (copy to be uploaded online and original to be submitted offline within 5 five days of bid submission end date).												

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MILITARY ENGINEER SERVICES
APPENDIX 'A' TO NOTICE INVITING TENDER...Contd..

NOTES

1. In case after opening of Cover- 1, 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 (contractors of one class below the eligible class) 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 upgradation 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-1 bid details related to residual work 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. Such contractors, if claim to fulfill the criteria of upgradation shall also upload the requisite information/documents in support of upgradation. 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 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-1.
3. Unenlisted 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-1 for checking eligibility:-
 - (a) Application for tender on Firm's letterhead.
 - (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 Earnest Money Deposit (EMD) instrument in case SSD bond is not signed at the time of registration.
 - (d) GST Registration Number
 - (e) Integrity Pact duly signed on each page by the bidder shall be uploaded as a part of Technical bid (Cover-I).
5. Contractors not enlisted with MES will be required to upload following documents in Cover -1 for checking eligibility:-
 - (a) Application for tender on Firm's letterhead.
 - (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 1 of MES Manual on Contracts 2020.
 - (e) Details of works being executed in MES, if any.
 - (f) GST Registration Number
 - (g) Integrity Pact duly signed on each page by the bidder shall be uploaded as a part of Technical bid (Cover-I).

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MILITARY ENGINEER SERVICES
APPENDIX 'A' TO NOTICE INVITING TENDER...Contd..

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 'T' bid and their Financial 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 7 days of bid submission end date, failing which following action shall be taken.
 - (a) In case of tenders from an enlisted contractor of MES, where scanned copies of requisite DD/ Bankers Cheque towards cost of tender have been uploaded in Cover- 1 but physical copies are not received within the stipulated period, their financial bids (Cover 2) will be opened. 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).
 - (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- 1 but physical copies are not received within the stipulated period, their financial bids (Cover- 2) will not be opened. Name of such contractors along with 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).
 - (c) In case of tenders from enlisted and unenlisted contractors, 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- 1 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 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 CE WC Chandimandir on email id ceengrcl-mes@nic.in with copy to the Accepting Officer on Email before the scheduled date of opening of Cover- 2. 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 unenlisted 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 the purpose, details of the works being executed by such a contractor shall be uploaded in the cover- 1 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. **Hard copy of the documents as mentioned above will be submitted within 5 (Five) days of the last date & time of opening of "T" bid (Cover 1).**

MILITARY ENGINEER SERVICES
APPENDIX 'A' TO NOTICE INVITING TENDER...Contd.,

14. IMPORTANT INSTRUCTIONS:

14.1 Contractor shall upload copy of Goods and Service Tax (GST) registration certificate of their company. In case of failure to upload and submit the document, the firm shall be disqualified in technical bid evaluation.

14.2 Before issue of the Work Order after acceptance of tender, Contractor shall ensure that they have Provident Fund Code number, if applicable, and shall also ensure compliance of EPF & MP Act, 1952.

14.3 In the technical bid, a scanned copy of Power of Attorney in favour of the person uploading the bid using his/her DSC shall be uploaded. In case the digital signatory himself is the sole proprietor, scanned copy of affidavit on stamp paper of appropriate value to this effect stating that he has authority to bind the firm in all matters pertaining to contract including the Arbitration Clause, shall be attached in "pdf" form. In case of partnership concern or a limited company, digital signatory of the bid/tender shall ensure that he is competent to bind the contractor (through partnership deed, general power of attorney or Memorandum and Articles of Association of the Company) in all the matters pertaining to the contracts with Union of India including arbitration clause. A scanned copy of the documents confirming of such authority shall be attached with the tender/bid in "pdf" form, if not submitted earlier. The person uploading the bid on behalf of another partner(s) or on behalf of a firm or company using his DSC shall upload with the tender/bid a scanned copy (in "pdf" form) of Power of Attorney duly executed in his favour by such other or all of the Partner(s) or in accordance with constitution of the company in case of company, stating that he has authority to bind such other person of the firm or the company, as the case may be, in all matters pertaining to the contract including Arbitration Clause.

14.4 Even in case of Firms or Companies which have already given Power of Attorney to an individual authorizing him to sign tender in pursuance of which bids are being uploaded by such person as a routine, fresh Power of Attorney duly executed in his favour stating specifically that the said person has authority to bind such partners of the Firm, or the Company as the case may be, including the condition relating to Arbitration Clause, should be uploaded in "pdf" form along with the tender/bid; unless such authority has already been given to him by the Firm or the Company. It shall be ensured that power of attorney shall be executed in accordance with the constitution of the company as laid down in its Memorandum & Articles of Association.

15. **Performance Security** : Please refer condition 19 of General Conditions of Contract (IAFW-2249) (as amended under amendment No 47 thereto).

16 EXPERTISE OF EPC MODE OF WORKING (REQUISITE TECHNICAL MANPOWER)

(i) If the contractor have the requisite in-house expertise for Architectural, Structural and other Engineering Design for B/R and E/M Services then the contractor shall provide details of technical manpower held on their strength. The minimum strength of technical manpower for design and Engineering (Not for execution, which shall be as per General Conditions of Contracts) portion of the work shall be as under:-

Sr. No.	Qualification & Experience	Minimum Number
1	B. Arch and registered with Council of Architects and minimum 15 years' experience	02
2	B. Arch and registered with Council of Architects and minimum 05 years' experience	02
3	Structural Engineer (B Tech in Structural Engineering) with minimum 10 years' experience	02
4	Civil Engineer (Degree Holder) with minimum 15 years' experience	02
5	Civil Engineer (Degree Holder) with minimum 05 years' experience	02
6	Civil Engineer (Degree/diploma Holder) with minimum 05/10years experience in the field of quantity surveying and having knowledge of MES Standard Schedule of Rates	01
7	MEP Design Experts(Degree Holder in Mechanical/Electrical Engineering with minimum 08 years' experience	02
Total		13

(ii) If however the Contractor does not have the requisite in-house expertise, they shall submit details of MoU with a consultancy firm which has requisite experience of undertaking consultancy of similar nature of projects with amounts not less the estimated cost of the subject work. The consultancy firm is also required to have minimum strength as technical manpower as given in table of note 16 (i) above.

MILITARY ENGINEER SERVICES
APPENDIX 'A' TO NOTICE INVITING TENDER...Contd..

- 17 PERFORMANCE & OTHER REQUIREMENT** :Bidder shall fulfil the following requirement
- (a) There should not be poor/slow progress in running work. (If yes, submit details and reasons of delay to check that these are not attributable to him or are beyond his control).
 - (b) There are no serious defect observed in works which stand un-rectified (If yes, submit details and reasons)
 - (c) There are no cancelled/ abandoned contracts in which Govt unrealized recoveries exist (If yes, submit details and reasons)
 - (d) He/They have not been blacklisted by any Govt Deptt (If yes, submit details and reasons)
 - (e) There is no Government dues outstanding against the firm (If yes, submit details and reasons)
 - (f) Proprietor/partners/directors of firm are not involved in anti national/anti social activities and have neither been convicted nor any proceeding are pending in court for such activities
 - (h) Firm should have been considered capable of taking more load in work load return circulated by MES. In case the firm is not considered capable for taking more work load due to unsatisfactory performance in the running works, in the prevailing report circulated by MES their technical bid shall be rejected.
- 18 DISQUALIFICATION:** Even though the tenderers meet the above criteria, they are liable to be disqualified if they have made misleading of false information in bidding documents submitted.
- 19. INTEGRITY PACT (IP) :**IP duly signed by Accepting Officer/Authorized Officer has been uploaded along with this tender as **Annexure -II**. The same shall be signed by bidder(s) on each page and scanned copy shall be uploaded as part of Technical bid (cover-1) and original IP duly signed on each page shall be forwarded by post alongwith tender fee and EMD (if applicable) . IP will be an integral part of the Contract and both parties are bound by its provision.
- 20. Q-BID EVALUATION :**
- (a) Arithmetical corrections shall be made as per General Condition of Contracts 6A(A) of IAFW 2249.
 - (b) Commercial Bids will be reviewed to ensure that the figures indicated therein are consistent with the details of the corresponding Technical bids.
 - (c) For the purpose of evaluation "cost" shall be inclusive of all taxes and duties.
 - (d) Bidder who has quoted lowest total cost in Schedule "A" (L-1) shall be considered successful bidder and all other bidders shall be considered unsuccessful. Offer of successful bidder (L-1) shall only be considered for acceptance. If L-1 backs out, retendering shall be resorted in a fair and transparent manner.
 - (e) Completion Period as indicated in Tender Document have been accepted.
- 21.** If bidders/ tenderers desire that any condition or stipulation given in the tender documents is to be modified/amended or deleted, they may submit their comments/suggestions before last working date of clarification as shown in critical date sheet in subject tender ID alongwith supporting documents, as applicable, for consideration by the Deptt for issue of corrigendum/amendments to tender documents. If deptt considers comments/ suggestions to be appropriate, corrigendum/amendments to tender documents shall be issued and also uploaded on E-tendering Portal. If department does not consider comments/suggestion suitable, corrigendum/amendments to tender documents shall not be issued/uploaded on E- tendering Portal and tenderers shall quote strictly complying with the various provisions given in the tender documents.
- 22 PROPRIETARY DATA**
All documents and other information supplied by the Employer or submitted by a Bidder to the Authority shall remain or become the property of the Authority. Bidders are to treat all information as strictly confidential and shall not use it for any purpose other than for preparation and submission of their Bid. The Authority will not return any Bid or any information provided along therewith.
- 23 COST OF BIDDING**
The Bidders shall be responsible for all of the costs associated with the preparation of their Bids and their participation in the Bidding Process. The Employer will not be responsible or in any way liable for such costs, regardless of the conduct or outcome of the Bidding Process.
- 24 SITE VISIT AND VERIFICATION OF INFORMATION**
- 24.1** Bidders are encouraged to submit their respective bids after visiting the Project site and ascertaining for themselves the site conditions, soil condition, location, surroundings, climate, availability of power, water & other utilities for construction, access to site, handling and storage of materials, weather data, applicable laws and regulations, and any other matter considered relevant by them by carrying out necessary survey/investigation. Bidders are advised to visit the site and familiarise themselves with the Project within the stipulated time of submission of the Bid. No extension of time is likely to be considered for submission of Bids.

MILITARY ENGINEER SERVICES
APPENDIX 'A' TO NOTICE INVITING TENDER...Contd..

- 24.2 It shall be deemed that by submitting a Bid, the Bidder has:
- (a) made a complete and careful examination of the Bidding Documents, Schedules annexed to EPC agreement Document;
 - (b) received all relevant information requested from the Employer; accepted the risk of inadequacy, error or mistake in the information provided in the Bidding Documents or furnished by or on behalf of the Authority relating to any of the matters referred to in Clause 24.1 hereinabove. No claim shall be admissible at any stage on this account.
 - (c) satisfied itself about all matters, things and information including matters referred to in Clause 24.1 here-in-above necessary and required for submitting an informed BID, execution of the Project in accordance with the Bidding Documents and performance of all of its obligations there under;
 - (d) acknowledged and agreed that inadequacy, lack of completeness or incorrectness of information provided in the Bidding Documents or ignorance of any of the matters referred to in Clause 24.1 hereinabove shall not be a basis for any claim for compensation, damages, extension of time for performance of its obligations, loss of profits etc. from the Authority, or a ground for termination of the Agreement by the Contractor;
 - (e) acknowledged that it does not have a Conflict of Interest; and
 - (f) agreed to be bound by the undertakings provided by it under and in terms hereof.
- 24.3 The Employer shall not be liable for any omission, mistake or error in respect of any of the above or on account of any matter or thing arising out of or concerning or relating to RFP, including any error or mistake therein or in any information or data given by the Authority.
25. The contractor may utilize the services of consultants for preparation of architectural details and structural details and preparation of architectural and structural drawings through reputed qualified and experienced consultants in this field. The name of such consultants shall be got approved by the contractor from the Accepting Officer. The consultants proposed by contractor for this purpose shall meet the eligibility criteria for enlistment of consultants corresponding to the applicable Group based on the estimated cost of the work/project as stipulated in the Standard Operating Procedure laid down in Engineering-in-Chief Branch letter No 93348/MISC/Consul/51/E-2 Des-1 dated 06 Mar 2013. While proposing the name of such consultants for approval, the contractor shall enclose the relevant documents in support of the eligibility criteria as mentioned in above letter. The consultant shall be engaged for the work through a proper MOU till completion of project.
26. The contractor shall employ qualified and experienced agents for getting the works of various services executed wherever there is requirement for this purpose as approved by the Accepting Officer or the authorized Engineer Authority on its behalf.
27. In case of rejection of technical /prequalification bid, bidder may appeal to Next Higher Engineer Authority i.e Chief Engineer Western Command on an email id ceengrcl-mes@nic.in with copy to the Accepting Officer on Email before the scheduled date of opening of Cover- 2. 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.
28. 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.
29. 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 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.
30. Court having original jurisdiction over the place from where tender has been issued shall alone have jurisdiction to decide over any dispute out of or in respect of issue related to bidding under this tender. After acceptance of tender, Condition 72 (Jurisdiction of Courts) of General Conditions of Contract (IAFW-2249) shall be applicable.

Signature of Contractor

Dated : 17-11-2023

Contact No(Dir(C): 0172-2970072(O)


Dy DirAAD (Contracts)
For Accepting officer

MILITARY ENGINEER SERVICES
APPENDIX 'A' TO NOTICE INVITING TENDER...Contd..

No. 83679/SHJ/T/ 19 /E8 Dated :17 Nov 2023

HQ Chief Engineer, Chandigarh Zone
'N' Area, Near Airport Road,
Chandigarh-160003

DISTRIBUTIONS :-

1. Builders Association of India, G-1/G-20 Commerce Centre, 7th Floor J.Dodajee road Tardeo, 4000, Bombay-40034
2. MES Builders Association of India, 807 Sahyog, 58 Nehru Place, New Delhi-19
3. Hony Secy MES Builders Association of India, Chandigarh Branch, 3024, Sector 28-D, Chandigarh
4. MES Builders Association of India, Sadar Bazar, Jalandhar Cantt
5. Zonal Chief Engineers _____
6. All CsWE under CE CHD Zone _____
7. All GE's/AGE (I) under CE CHD Zone
8. Cantonment Board, Chandigarh
9. General Post Office, Chandigarh
10. State Bank of India, Chandigarh
11. Municipal Corporation, Chandigarh
12. CE CPWD, Chandigarh
13. CE Chandigarh Admn Chandigarh
14. Stn. Master, Rly. Stn., Chandigarh
15. Command Chief Engineers _____
16. I/D: - E-2 (Plg)
17. 83679/SHJ /T/E8

Signature of Contractor
Dated :

_____ for Accepting Officer

Headquarters
Chief Engineer Chandigarh Zone
Military Engineer Services

Dated : _____

