

(In lieu of IAFW-2162) (Revised 1960)

**MILITARY ENGINEER SERVICES**  
**NOTICE OF e -TENDER contd...**

1. A tender is invited for the work as mentioned in Appendix 'A' to this NOTICE OF INVITING TENDER (NIT)
2. The work is estimated to cost as indicated in aforesaid Appendix 'A'. This estimate, 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 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. 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. 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 GE Sukna 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 [eprocuremes.gov.in/eprocure.gov.in](http://eprocuremes.gov.in/eprocure.gov.in) site for download and shall form part of contract agreement in case the tender / bid is accepted.

**NOTICE OF e - TENDER contd...**

6.2 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.

6.3 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 Sukna during working hours.

7. The tenderers/bidders are advised to visit the site of work by making prior appointment with GE Sukan 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, sample, site etc, whether they have inspected them or not.

8 The tender/bid which proposes any alteration to any of the conditions alid 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 Contracts and has made himself aware of the scope and specifications 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 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 dicided by the Accepting Officer based on, inter alia, capability 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 T'bid assigning reasons therof through the eprocuremes website. The applicant contractor/bidder if he so desires may appeal to the next higher Engineer authority viz **HQ CWE Bengdubi** through **Fax No. 0353-2480125** with copy to the Accepting Officer on email before the schedule 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.

**MILITARY ENGINEER SERVICES**  
**NOTICE INVITING TENDER (NIT) (Contd/.....)**

12 The Accepting Officer reserves the right to accept a tender submitted 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 reason for not doing so.

14 This **Notice Inviting Tender (NIT)** including Appendix 'A' shall form part of the contract.

Your's faithfully

AGE (Contracts)  
For Accepting Officer

Enclosures: As above

Signature of Contractor

Dated : \_\_\_\_\_

**APPX 'A' TO NOTICE INVITING e-TENDER INVITING APPLICATION (Contd..)**

1	Name of work	<b><u>SPL REPAIR TO BLDG NO T- 45 (NO 1 TP LINE) AT COY ASC IN SUKNA MIL STN</u></b>
2.	Estimated cost	43.23 Lakh (At Par Market)
3.	Period of completion	270 Days
4.	Cost of tender	Rs. 500.00 in the form of DD / Bankers cheque from any scheduled Bank in favour of GE Sukna and payable at Sukna (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	<b><u>www.defproc.gov.in and www.mes.gov.in</u></b>
6.	Tender Reference Number and Tender ID	GE Sukna/8587 and 2023_MES_621716_1
7.	Type of Contract	The Tender shall be based on item rate contract (IAFW-1779A and GCC IAFW -2249) with Sch 'A' (list of item of works) to be priced by contractor electronically (BOQ).
8.	<b>Timeline Details :</b>	
	(a) Date of publishing of tender	} Refer Critical Dates
	(b) Documents Download/Sale Start date	
	(c) Bid submission start date	
	(d) Document down load/sale end date	
	(e) Bid submission end date	
	(f) Bid opening Date (Cover-I)	
9.	<b>Eligibility Criteria</b>	
	(a) For MES enlisted contractors	All contractors enlisted with MES in <b>class 'D' and above and category a (i)</b> shall be considered subject to satisfactory remarks w.r.t performance in respect of works in hand as reflected in Work Load return (WLR) or any other report circulated by competent engineer authority

**APPX 'A' TO NOTICE INVITING e-TENDER INVITING APPLICATION (Contd..)**

	(b) For other contractors not enlisted with MES	<p>(a) All contractor not enlisted with MES should meet the enlistment criteria of <b>'D' class &amp; a (i) category</b> MES Contractors 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 &amp; 1.5 of Section 1 of MES Manual of Contracts 2020 as available in all MES formations as well as MES website (<a href="http://www.mes.gov.in">www.mes.gov.in</a>)</p> <p>(b) Not carrying adverse remarks in Work Load Report (WLR) or any other similar report circulated by any competent authority, if already working in MES.</p> <p>(c) 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.</p> <p>(d) The firm shall submit EMD as stated below.</p> <p>(e) Details of works completed and under progress in MES be submitted in the following format:-</p> <table border="1" data-bbox="493 1050 1425 1213"> <thead> <tr> <th>Ser No</th> <th>CA No. &amp; 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> <p>(f) 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.</p>	Ser No	CA No. & Name of Work	Value of CA	Date of Commencement	Date of Completion	Extended date of Completion						
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10.	Tender issuing and Accepting Officer	Name : GE Sukna Address : Garrison Engineer Sukna Post: Simulbari – 734 009 Dist: Darjeeling (WB) Contact Detail : Phone : 0353 2573027 Email : <a href="mailto:gesukna11@gmail.com">gesukna11@gmail.com</a>												
11.	Executing Agency	GE Sukna												
12.	Earnest Money	Rs. 86,460.00 in favour of GE Sukna and payable at Sukna in the form of Deposit at call receipt, FDR not acceptable												

13.	Performance Security	In case the tender submitted is accepted, the contractor will be required to lodge PERFORMANCE SECURITY DEPOSIT for an amount equivalent to 5% of the contract sum/Lumpsum in favour of the accepting officer within 28 (Twenty Eight) days of receipt of notification of acceptance by the contractor with reference his tender/ bid in the form of BANK GURANTEE or FDR. Failure of the contractor to comply with the requirements of Performance Security shall constitute sufficient grounds for cancellation of the award of work and forfeiture of the Earnest money. In case of MES enlisted contractor, amount equal to the Earnest Money stipulated in the Notice of Tender, shall be notified to the tenderers for depositing the amount through MRO. Issue of tender to such tenderers shall remain suspended till the aforesaid amount equal to the Earnest Maoney is deposited in Government Treasury (See condition 19 of General Condition of Contract IAFW 2249).
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**APPX 'A' TO NOTICE INVITING e-TENDER INVITING APPLICATION****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 like 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. 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 i.e. GE Sukna 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 unenlisted 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. Unenlisted contractor shall be considered provided their firm 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 EMD instrument in case SSD bond is not signed at the time of registration (as applicable).
  - (d) Scanned copy of Provident Fund Code Number letter
  - (e) Scanned copy of GST Registration Certificate
  - (d) Any other document required as described in this Appendix.
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 (as applicable).
  - (c). Scanned copy of Provident Fund Code Number
  - (d). Scanned copy of GST Registration Certificate
  - (e). 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.
  - (f). 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.
  - (g). Details of works being executed in MES, if any.
  - (h). Any other document required as described in this Appendix.

**APPX 'A' TO NOTICE INVITING e-TENDER INVITING APPLICATION (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 **07 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 or 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 CWE Bengdubi** on email id "[bengSZ3-mes@nic.in](mailto:bengSZ3-mes@nic.in)" or through **Fax No. 0353-2480125** 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.



**APPX 'A' TO NOTICE INVITING e-TENDER INVITING APPLICATION (Contd..)**

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 this 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 (ie 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 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. Court of the place where tender has been issued/ uploaded, shall be alone 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 applied.

SIGNATURE OF CONTRACTOR

AGE (Contracts)  
For Accepting Officer

File No. 8587/ 09 /E8

Dated: 04 Oct 2023

Tele: 0353 - 2573027  
NIC Mail Id : [suksz4-mes@nic.in](mailto:suksz4-mes@nic.in)Garrison Engineer Sukna  
PO : Simulbari-734009  
Distt – Darjeeling (WB)

(In lieu of IAFW-2162) (Revised 1960)

**MILITARY ENGINEER SERVICES**  
**NOTICE OF e -TENDER contd...**

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10.	Tender issuing and Accepting Officer	Name : GE Sukna Address : Garrison Engineer Sukna Post: Simulbari – 734 009 Dist: Darjeeling (WB) Contact Detail : Phone : 0353 2573027 Email : <a href="mailto:gesukna11@gmail.com">gesukna11@gmail.com</a>												
11.	Executing Agency	GE Sukna												
12.	Earnest Money	Rs. 86,460.00 in favour of GE Sukna and payable at Sukna in the form of Deposit at call receipt, FDR not acceptable												

13.	Performance Security	In case the tender submitted is accepted, the contractor will be required to lodge PERFORMANCE SECURITY DEPOSIT for an amount equivalent to 5% of the contract sum/Lumpsum in favour of the accepting officer within 28 (Twenty Eight) days of receipt of notification of acceptance by the contractor with reference his tender/ bid in the form of BANK GURANTEE or FDR. Failure of the contractor to comply with the requirements of Performance Security shall constitute sufficient grounds for cancellation of the award of work and forfeiture of the Earnest money. In case of MES enlisted contractor, amount equal to the Earnest Money stipulated in the Notice of Tender, shall be notified to the tenderers for depositing the amount through MRO. Issue of tender to such tenderers shall remain suspended till the aforesaid amount equal to the Earnest Maoney is deposited in Government Treasury (See condition 19 of General Condition of Contract IAFW 2249).
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**APPX 'A' TO NOTICE INVITING e-TENDER INVITING APPLICATION****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 like 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. 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 i.e. GE Sukna 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 unenlisted 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. Unenlisted contractor shall be considered provided their firm 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 EMD instrument in case SSD bond is not signed at the time of registration (as applicable).
  - (d) Scanned copy of Provident Fund Code Number letter
  - (e) Scanned copy of GST Registration Certificate
  - (d) Any other document required as described in this Appendix.
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 (as applicable).
  - (c). Scanned copy of Provident Fund Code Number
  - (d). Scanned copy of GST Registration Certificate
  - (e). 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.
  - (f). 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.
  - (g). Details of works being executed in MES, if any.
  - (h). Any other document required as described in this Appendix.



**APPX 'A' TO NOTICE INVITING e-TENDER INVITING APPLICATION (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 **07 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 or 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 CWE Bengdubi** on email id "[bengSZ3-mes@nic.in](mailto:bengSZ3-mes@nic.in)" or through **Fax No. 0353-2480125** 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.

**APPX 'A' TO NOTICE INVITING e-TENDER INVITING APPLICATION (Contd..)**

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 this 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 (ie 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 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. Court of the place where tender has been issued/ uploaded, shall be alone 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 applied.

SIGNATURE OF CONTRACTOR

AGE (Contracts)  
For Accepting Officer

File No. 8587/ 09 /E8

Dated: 04 Oct 2023

Tele: 0353 - 2573027  
NIC Mail Id : [suksz4-mes@nic.in](mailto:suksz4-mes@nic.in)Garrison Engineer Sukna  
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Distt – Darjeeling (WB)