

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

9.	Contractors should ensure that their original physical DDs and Earnest Money Deposit (EMD) instruments (as applicable) reach the office of Accepting Officers 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 for six months commencing from the date of opening of finance bid (cover 2). (b) In case of tenders from unenlisted contractors, where scanned copies of requisite DD/Banker Cheque towards cost of tender have been uploaded 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 alongwith complete address shall be circulated for not opening of their bids for period of six months commencing form the date of opening of finance 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).
10.	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.
11.	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.
12.	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 'A' to NIT. 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 www.defproc.gov.in. Such tenderer, if desires, may appeal to the next higher Engineer Authority i.e. HQ Chief Engineer Shillong Zone on email id ceshiz-ec-army@nic.in with copy to the Accepting Officer on email id dima1373-mes@nic.in 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.
13.	In case of un-enlisted 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.
14.	In case of 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.
15.	Revoking the offer or revising his rates upward or offering voluntary reduction by the lowest tender after opening of Cover 2 shall considered as a willful default. For this default a penalty of an amount equal of 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.
16.	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.
17.	(i) For submission of e-tender bidders are requested to get themselves registered with www.defproc.gov.in. website alongwith class -II/III Digital Signature Certificate (DSC) issued by authorized CA under IT Act 2003. (ii) For complete details refer our website www.defproc.gov.in at CPP portal. (iii) Any change/modification in the tender enquiry will be intimated through above mentioned website only. Bidders are therefore requested to visit our website regularly to keep themselves updated. (iv) Full notice of tender IAFW-2162 & enlistment criteria are available in all offices of MES and also on MES website
18.	All disputes arising out of or in respect of this tender before acceptance, court of the place shall be Dimapur (Nagaland) jurisdiction only. After acceptance of subject tender, Condition 72 (Jurisdiction of Courts) of IAFW-2249 shall be applicable.
19.	Before quoting the tender, Contractor can visit the site with prior permission of GE concerned to acquaint himself about the site conditions and nature of work to be executed. The Contractor shall also study the tender documents carefully and any discrepancy / clarification / suggestion on tender documents required shall be brought to the notice of Accepting Officer and got clarified before bid submission start date.

Signature of contractor

8808/02/E8

Headquarter
137 Works Engineers
PIN - 914 137
C/O 99 APO

Dated : 19 June 2023

For Accepting Officer