

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 is merely given as a rough guide and if the work costs more or less, 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 of the site, which may be on or about **one week after** the date of Acceptance of the tender.
4. Normally contractors whose names are borne 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, Accepting Officer decides to accept the tender/bid, in which event the tenderer/bidder would be required to lodge Performance Security Deposit as notified by the Accepting Officer in terms of Conditions of Contract. Not more than one tender/ bid shall be submitted/ uploaded by one contractor or one firm of contractors. Under no circumstances will be father and his son(s) or other close relations who have business dealing with one another will 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 **Garrison Engineer (I) Jutogh Cantt-171008** will be the Accepting Officer hereinafter referred to as such for the purpose of this 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 tender/bid is accepted.
 - 6.2 In case of contractor who has not executed the "Standing Security Bond", the Cover-1 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 mentioned in aforesaid APPENDIX "A" by a scheduled bank or in receipted treasury challan the amount being credited to the revenue deposit of the concerned GE (see Appx 'A').
 - 6.3 A contractor who is not enlisted for the area in which the works 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 along with the tender.
 - 6.4 The GE 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.
 - 6.5 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.

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6.6 Copies of drawings and other documents 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 be available for inspection by the tenderer/bidder at the office of Accepting Officer 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 Appx 'A'). The tenderer/bidder 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 alterations 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 Appx '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 decided 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 thereof through the 'e' procurement website. The applicant contractor/bidder if he so desire may appeal to the next higher Engineer authority viz **HQ CE CZ, Chandigarh** 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. It is an express condition of the tender that 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.

15. This Notice Inviting Tender (NIT) including Appx 'A' shall form part of the contract.

(Dilabar Singh)
AE (QS&C)
AGE (Contracts)
For Accepting Officer

(SIGNATURE OF CONTRACTOR)

APPENDIX "A" TO NOTICE INVITING TENDER (NIT)

1	Name of work	REPAIR/ REPLACEMENT OF BOUNDARY WALL, RETAINING WALL, FENCING AND OTHER MISC WORKS IN THE AREA OF SHIMLA, KUFRI AND SANJAULI AT JUTOGH CANTT UNDER GE (I) JUTOGH												
2	Estimated cost	Rs. 15.00 Lakh (AT PAR MARKET)												
3	Period of completion	180 Days												
4	Cost of tender document	Rs 500 in the shape of DD or Bankers cheque from any Schedule Bank in favour of GE (I) Jutogh Cantt-171008 payable at Shimla (H.P.)												
5	Website/ Portal	www.defproc.gov.in and www.mes.gov.in												
6	Type of contract	The tender shall be based on IAFW-1779-A and IAFW-2249 with Schedule "A" (where renderer to quoted rate of individual item in BOQ).												
7	<u>Information and details</u>													
	(a) Bid submission start date	05.10.2023												
	(b) Last date of bid submission	11.10.2023												
	(c) Date of bid opening	13.10.2023												
8	Eligibility Criteria													
	(A) For MES enlisted contractors	All contractors enlisted with MES in Class 'E' and above the category a (i) shall be considered qualified provided they do not carry adverse remarks in WLR of competent engineer authority.												
	(B) For other contractors	<p>(a) The firms not enlisted with MES shall meet the enlistment criteria of 'E' class MES contractor & 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 on Contracts-2020) as available in all MES formations as well as MES website (www.mes.gov.in).</p> <p>(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/ notarised copy of valid passport of proprietor/each partner/each Director.</p> <p>(c) They should not carry adverse remarks in WLR/or any other similar report of any authority.</p> <p>(d) Details of works completed and under progress in MES be submitted in the following format:-</p> <table border="1" data-bbox="612 1509 1476 1608"> <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> <p>(e) Un-enlisted Contractor who have secured two works in MES should get themselves registered in the appropriate designated Class with any registering authority, else the firm will not be eligible for participation in the tender unless until the firm is enlisted with the MES.</p>	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									
	(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 firms own employees, Director, Project Manager. This shall be subject to certain conditions which will be prescribed in the NOT forming part of the tender documents.												
9	Tender issuing and Accepting Officer	GE (I) Jutogh Cantt 171008												
10	Executing agency	GE (I) Jutogh Cantt - 171008												
11	Earnest Money	Rs. 30,000.00 in favour of GE (I) Jutogh Cantt - 171008												

APPENDIX "A" TO NOTICE INVITING TENDER (NIT) (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 or two classes (in case of remote and difficult areas to be decided as per list circulated by CE command/ ADG) below the eligible class shall also be considered subject to fulfilment of other eligibility criteria given in the NIT. Therefore MES contractor's one class below (two classes below in case of remote and difficult areas) may also bid for this tender. Such contractors (contractors of one/two classes 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 fulfil the criteria of up-gradation to the stipulated eligible class based on passed 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 fulfil the criteria of up-gradation shall also upload the requisite information/ documents in support of up-gradation. 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 up gradation 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. Un-enlisted contractor shall be considered provided he meets the criteria. Foreign firms shall not be eligible for this tender. However Indian Firms having foreign national/ Indian nationals staying abroad / Indian national having taken foreign citizenship, as director(s) shall be considered subject to security clearance from the concerned authorities.

4. Contractors enlisted with MES will upload following documents in Cover 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.
- (d) Uploading of GST Regn Number.
- (e) Scanned Copy of EPFO No.
- (f) 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 letter head.
- (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 form 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 I of MES Manual on Contracts 2020.
- (e) Details of works being executed in MES, if any.
- (f) Uploading of GST Regn Number.
- (g) Scanned Copy of EPFO No.
- (h) Any other document required as described in this Appendix.

6. Tenders not accompanied by scanned copies of requisite DD/Bankers Cheque towards cost of tender and earnest money (as applicable) in Cover 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 (Seven) days of bid submission end date failing which following action shall be taken.

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

- (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 wilful 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 Financial Bid (Cover 2).
- (b) In case of tenders from un-enlisted 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 un-enlisted 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 tenders 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, 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 bidder, if desires may appeal to the next higher Engineer Authority (NHEA) viz **HQ CE CZ, Chandigarh** on email cezc2-mes@nic.in with copy to the Accepting Officer on e-mail 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 tender/bidder shall not be entitled for any compensation whatsoever for rejection of his bid.
11. In case an 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.
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 wilful 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 wilful default. For this default a penalty of an amount equal to Earnest Money shall be levied. In case of an un-enlisted 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/Directions are common. Decision of Accepting Officer on issue/deny the tender to any one of the related firms shall be final and binding.

SIGNATURE OF CONTRACTOR

(Dilabar Singh)
AE (QS&C)
AGE (Contracts)
For Accepting Officer

Case files No: 8223/JUT-71/05 /E8

Dated: 21 Sep 2023

Military Engineer Services
Garrison Engineer (I)
Jutogh Cantt
Shimla-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, Sec 8, Panchkula- 109
3. HQ CE Chandigarh Zone, Chandigarh
4. All CsWE under CE CZ
5. Notice Board
6. Office copy