

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 rough guide and if the work cost more or less, a tenderer/bidder will have no claim on that account.
3. The work 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. Contractors whose names are on the MES approved list and within whose financial category the estimated amount would fall and unenlisted contractors may submit tender/ bid subject to other criteria mentioned in Appendix 'A'. However in case of term contracts, enlisted contractors of class SS to E may tender/bid. Not more than one tender/ bid shall be submitted/ uploaded by one contractor/ firm. Under no circumstances will a father and his son(s) or other close relatives who have business dealing with one another or sister concerns be allowed to tender/bid for the same contract as separate competitors. Two firms shall be deemed to have business dealing if any of the partner/ proprietor/ director is common among both of them. A breach of this condition will render the tenders/bids of all such parties liable for rejection.
5. The office of **HQ COMMANDER WORKS ENGINEER, BENG DUBI, PO-BENG DUBI, DISTT-DARJEELING, WEST BENGAL, PIN – 734424** will be the Accepting Officer here-in-after referred to as such for purpose of the contract.
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 contract as separate competitors. A breach of this condition will render the tenders/bids of both the parties liable for rejection.
7. The Technical Bid and Financial (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 Cover-1 (Technical 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.
8. 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.
9. 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 as Appendix 'A' in the form of deposit at call receipt in favour of concerned GE (see Appendix 'A') by a Scheduled Bank or in receipted treasury challan the amount being credited to the revenue deposit of the concerned GE (see Appendix 'A'). 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 it's refund, on receipt of intimation from the Accepting Officer to do that.
10. In case of successful contractor i.e. the lowest contractor having submitted the EMD, he shall have the option of converting the EMD instrument into part of Performance Security to be deposited by him within 28 days from the receipt of intimation of acceptance of tender from Accepting Officer.

11. Sample of materials and stores to be supplied by the contractor will also be available for inspection by the bidder at the office of concerned GE during working hours. The bidders are advised to visit the site of work by making prior appointment with GE, who is also the Executing Agency of the work (see appendix 'A'). The bidders shall be deemed to have full knowledge of all relevant documents, samples, site etc., whether they have inspected them or not.

12. Any tender/bid which proposes any alternation to any of the conditions laid down or which proposes any other condition or prescription whatsoever, is liable to be rejected.

13. 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.

14. Tenderers/bidders must be in possession of the copy of MES Standard Schedule of Rates(see Appendix 'A') including amendments and errata thereto.

15. Accepting Officer does not bind himself to accept the lowest or any tender/bid or to give any reason for not doing so.

16. The Accepting Officer reserves the right to accept a tender submitted by a Public Undertaking/Small & Medium Enterprises (SMEs), giving a price preference/purchase 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 for such tenderer/bidder whose tender/bid is rejected.

17. 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.

18. This Notice Inviting Tender (NIT) including Appendix 'A' and Annexures thereto shall form part of the contract agreement.

SIGNATURE OF CONTRACTOR

DCWE (CONTRACTS)
FOR ACCEPTING OFFICER

APPENDIX 'A' TO NOTICE INVITING TENDER(NIT)

1.	Name of work	:	<u>REPAIRS TO ROADS AT MD ACCN UNDER AGE BR-II MIL STN UNDER GE BENG DUBI</u>															
2.	Estimated Cost	:	74.90 Lakhs (At Par Market)															
3.	Period of completion	:	180 days															
4.	Cost of tender documents	:	Rs.1000/- in the shape of DD/Bankers cheque from any schedule Bank in favour GE Bengdubi and payable at Bengdubi .															
5.	Website/portal address		www.defproc.gov.in															
6.	Type of contract	:	The tender shall be based on (IAFW-1779A) and GCC (IAFW-2249) with BOQ (list of items of work) to be priced by tenderer.															
7.	Timeline Details																	
	(a) Bid submission start date		Refer critical dates on the website.															
	(b) Last date of bid submission																	
	(c) Date of bid opening																	
8.	ELIGIBILITY CRITERIA																	
	(a) For MES enlisted contractors		All contractors enlisted with MES in Class 'C' and above and Category 'a(v) [Road works] subject to satisfactory remarks wrt performance in respect of works in hand as reflected in Work Load Return (WLR) or any other report circulated by competent engineer authority.															
	(b) For contractors not enlisted with MES		<p>(a) The firms not enlisted with MES should meet the enlistment criteria of Class 'C' and above and Category 'a (v) [Road works] with regard to satisfactorily completion of requisite value of works with Central/ State Government/ Central/ State PSUs/ AWHO/ AFNHB/ CGEWHO/ DGNP, annual turnover, Bank Solvency, Working Capital, no recovery outstanding in any Govt Department, submission of Police Verification Report/ Passport and other requirements given in Para 1.4 & 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)</p> <p>(b) Not carrying adverse remarks in WLR or any other similar Report of any Competent Authority.</p> <p>(c) Not suspended/ debarred/blacklisted (either permanently or temporarily from participating in any bid or for business dealings by any Central/Btate Government Department or any Central/Btate Government PSU or any Autonomous Body under Central/Btate Government or any Local Body as on the bid submission end date.</p> <p>(d) Details of work completed and under progress in MES be submitted in the following format:-</p> <table border="1"> <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													
9.	Tender issuing and Accepting Officer		HQ COMMANDER WORKS ENGINEER, BENG DUBI, PO- BENG DUBI, DISTT- DARJEELING, WEST BENGAL, PIN – 734424															
10.	Executing agency		GE Bengdubi															
11.	Earnest money		Rs. 1,37,350.00 in favour of GE Bengdubi in the Form of Deposit at Call Receipt issued by any Scheduled Bank, Earnest Money in other Form is not acceptable.															

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 fulfillment 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 (contractor 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 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 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 eligibility 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. Contractor enlisted with MES will to be required to upload following documents in Cover-1 for checking eligibility and for consideration for opening of their Financial Bids:-

- (i) Application for bid in Firm's letterhead.
- (ii) Enlistment letter issued by the Registering Authority duly renewed for the cycle period in vogue.
- (iii) 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.
- (iv) Scanned copy of Provident Fund Code Number.
- (v) Scanned copy of Goods and Service Tax (GST) Registration Number.
- (vi) Any other document required as described in these tender documents.

5. Contractors not enlisted with MES will be required to upload following documents in Cover-1 to prove their eligibility:-

- (i) Application for tender on Firm's Letter Head.
- (ii) Scanned copy of DD/ Banker's Cheque towards cost of tender and Earnest Money Deposit instrument.
- (iii) Copy of Police Verification Report/ Police Clearance Certificate/ Character Certificate from Police Authority of the area where the Registered Office of the firm is located/ notarized copy of valid passport of proprietor/ each partner/ each Director.
- (iv) All documents required for enlistment in MES for the class & category mentioned in Para 8 above as per Para 1.4 & 1.5 of Section 1 of MES Manual on Contracts 2020. Details of works being executed in MES, if any.
- (v) Scanned copy of GST Regn and Provident Fund Code Number.
- (vi) Details of works being executed in MES, if any.
- (vii) Any other document required as described in the tender documents.

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. Tenderers/bidders should ensure that their original physical DDs and Earnest Money Instrument (if applicable) are received within **05 days** of bids submission end date. Failing which following action shall be taken:-

- (i) In case of applications/bids from enlisted contractors of MES, where scanned copies of requisite DD/Bankers Cheque towards cost of tender has been uploaded but physical copies are not received by the stipulated date, finance bids will be opened. However non-submission of physical copies of cost of tender shall be considered as willful negligence of the bidder with ulterior motives and such bidder shall be banned from bidding for a period of six months commencing from the date of opening of finance bid.
- (ii) In case of applications/bids from unenlisted contractors, where scanned copies of requisite DD/Bankers Cheque towards cost of tender has been uploaded in Cover-1 but physical copies are not received by the stipulated period, their finance bids 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 finance bid.
- (iii) 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 holder on his behalf to a third party/another firm. However a contractor can execute the work through Power of Attorney to sons, daughters, spouse of proprietor/partner/Director and the companies (Companies incorporated under the Companies Act 1956) own employees, Director, Project Manager, provided they are not having a separate enlisted Firm/Company 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/uploading of bid 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 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 **Chief Engineer Siliguri Zone** on email ID cezs2-mes@nic.in with copy to the Accepting Officer on email id bengsz3-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.

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 Eligible 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 wilful 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. The court of the place from where tender has been issued shall alone have jurisdiction to decide any dispute in respect of this tender. After acceptance of tender, Condition 72- Jurisdiction of Courts of IAFW-2249 shall be applicable.

16. On acceptance of the tender, the Contractor is required to deposit Performance Security for an amount equivalent to 5% of the contract sum in the form of FDR or BGB in favour of the Accepting Officer from any of the Scheduled Indian Bank within 28 days of receipt of letter of Acceptance. Work Order shall be placed to the contractor after submission of Performance Guarantee of stipulated value by the contractor, failing which action as per condition 19.3 of IAFW-2249 shall be taken. The F DR for the Performance Security shall be valid till the stipulated date of the defects liability period and the BGB for the Performance Security shall be initially valid up to the stipulated date of expiry of defects liability period plus minimum 60 days beyond that. In case the Final Bill is not paid during this Guarantee Period, the contractor shall get the validity of Performance Guarantee extended to cover such enlarged time required for payment of the Final Bill.

SIGNATURE OF CONTRACTOR

(Abhishek Prasad)
EE (QS&C)
DCWE (Contracts)
for Accepting Officer

File No: 8193/B/ 12 /E8

Headquarters
Commander Works Engineers Bengdubi,
Post: Bengdubi, Dist: Darjeeling (WB)
PIN Code – 734424
Dated: 02 Nov 2023
Internal: Case No. C/8193/B/E8