



Government of West Bengal
Irrigation & Waterways Department
Jalasampad Bhavan, 3rd Floor, Western Block
Bidhannagar, Salt Lake City, Kolkata 700 091
E-mail: dsw2@wbiwd.gov.in, Phone: 033-23215629

Memo No. 172 (8) - IB
IW/O/IB-Misc-38/2011 (Pt. III)

Dated: 6th September, 2016

From: Shri Amitava Ghosh
Deputy Secretary to the
Government of West Bengal

- To: 1. Chief Engineer (North)
Irrigation & Waterways Directorate
2. Chief Engineer (South)
Irrigation & Waterways Directorate
3. Chief Engineer (West)
Irrigation & Waterways Directorate
4. Chief Engineer
Teesta Barrage Project
Irrigation & Waterways Directorate
5. Chief Engineer (North East)
Irrigation & Waterways Directorate
6. Chief Engineer (South West)
Irrigation & Waterways Directorate
7. Chief Engineer (Design & Research)
Irrigation & Waterways Directorate
8. Director of Personnel & Ex- officio Chief Engineer
Irrigation & Waterways Directorate

Sub: Promulgation of latest modified standardised e-Tender Notice (Se-NIT) for works contracts of value above ₹ 5.00 lakh ---guidelines of e-tendering: reg.

With the recent introduction of on-line receipt and refund of earnest money (EMD) in e-procurements having values above ₹ 5.00 lakh through the State Government e-procurement portal communicated vide Finance Department No. 3975-F(Y) dated 28.07.2016 read with Memo No.144-IB dated,12 August 2016 of this Department, it has been felt necessary to suitably modify the existing Departmental order consisting of standardised 'e-NIT' format for e-tenders circulated vide memo no. 278(8)-IB dated 8th December (Standard e-NIT).

The latest revised & modified version of e-NIT standardized format incorporating all amendments, circulars, notifications amendments in the WBFR, Tender Rules and Delegation of Financial Powers Rules, including its amendments applicable for all e-tenders have been prepared

and appended here. Thus the earlier orders containing the standardized e-NIT and related Annexure and its enclosure stands superseded with immediate effect.

The undersigned is further directed to say that no deviation in any form or manner is permissible for all Departmental e-tenders ranging between ₹ 5.00 lakh to ₹ 500.00 lakh without the prior and written approval of this Department.

For high value e-tenders beyond tender value of ₹ 500.0 lakh, the instant standardized e-NIT format may be suitably modified by the Chief Engineer in his/her capacity as the tender accepting authority, if necessitated in the interest of public works, with the prior and written approval of Government appointed Departmental Tender Committee (DTC), on the condition that such modifications are in no way and spirits contradict with the Orders of this Department as well as that of the Finance Department.

Notices of off-line tenders for works each of value below ₹ 5.00 lakh shall include such clauses as usual and prescribed by the Department from time to time. Tenders below ₹ 5.00 lakh are to be floated in a single bid system. The existing procedure comprising instruments of EMD like Demand Draft, Bankers' Cheque, Pay order, DCR etc. would be valid for off-line tenders.

Concerned Executive Engineers and Superintending Engineers are being requested to download the PDF version of this standardised e-NIT format along with all its annexures from the Departmental website www.wbiwd.gov.in. Soft copies may also be obtained from the Engineer-in Charge of e-tendering cell and the Nodal officer of e-governance cell of this Department.

For attending emergent situations, particularly arising during the monsoon, power has been delegated to invite sort notice off-line tenders for emergent works vide this Departments' Notification No. 19-(W)/2016-17 dated 19.07.2016 communicated under Memo No. 91-IB dated 19.07.2016.

Purchase up to ₹ 10,000.00 may be made without any tender or quotation as per Finance Department guidelines. The purchasing authority not below the rank of Executive Engineer shall certify that the purchase has been made at reasonable market price in cases of purchase from the open market without tender/quotation. Purchase above ₹ 10,000.00 and up to ₹ 1.00 lakh shall be made after inviting off-line quotations from at least four reliable Firms, which shall be opened in presence of willing agents. In such cases of purchase by invitation of quotation, procurement shall be finalized on recommendation of "Local Purchase Committee" to be constituted in each Circle offices. Procurement of materials/service can be undertaken through Limited Tender Inquiry (LTI) to be issued to the supplier who are registered / empanelled with the Circle office, inviting them to offer their bids/prices. In such case of tender, copies of the bidd document should be sent, free of cost, directly by speed post/ registered post / courier / e-mail, simultaneously to all the registered suppliers for the materials/ service in question. The number of supplier Firms in LTI should be more than three. Efforts should be made to identify a higher number of approved suppliers to obtain more responsive bids on competitive basis. Website publicity should also be given for LTI. The lowest bid / price should be accepted in such cases of LTI. Purchase through LTI may be adopted up to the estimated value of the procurement upto ₹ 10.00 lakh, with prior written concurrence of Financial Advisor of the Department. Procurement from a single source may be restored in case of approval of Financial Advisor and the head of the Department/Departmental Secretary in case of extreme urgency due to declared natural calamity. However, open tender without any reservation shall invariably be invited for the supply of articles or stores or for execution of works and service worth ₹ 1.00 lakh or more.

From 1st September 2016 onwards, EMD/Bid security for all e-procurements are being collected only through on-line e-procurement web system communicated in this Department No. 144-IB dated 17.08.2016. However, the usual procedure for submission of instruments of EMD would continue for off-line tenders.

Revisions and amendments made in the WBFR & DFPR 1977 from time to time by the Finance Department are strictly binding. In case of any ambiguity, the same should be brought immediately to the notice of this Department.

The latest modified Tender Contract /Agreement in W.B Form Nos.2911 /2911(i) /2911(ii) circulated vide this Department G.O No.15(8)-Pr.Secy/I&W/2016, dated 11th July 2016 is to be followed for works contracts.

The same is made available in the Departmental website www.wbiwd.gov.in. Separate guidelines for execution of EPC (Engineering Procurement Contracts) through on-line RFP (Request for Proposals), especially for special category of non-schedule high value works have been devised which is presently lying submitted with the Finance Department for obtaining their concurrence. The same is likely to be published very shortly.

For engagement of consultants for services, the EOI and RFP guidelines issued vide Finance Department No. 8385-F(Y), dated, 22.11.2013 is to be adhered to unless otherwise relaxed by Finance Department.

Irrigation & Waterways Departmental Code would be modified accordingly in due course.

This order is issued with the approval of Principal Secretary of this Department.

Encl: As stated

Sd/-
(Amitava Ghosh)
Deputy Secretary to the
Government of West Bengal

Memo No. 172(8) /1(4)-IB

Dated: 6th September, 2016

Copy forwarded for information to:

1. P.S to Hon'ble Minister-in-Charge
Irrigation & Waterways Department
2. Executive Engineer attached to Principal Secretary
Irrigation & Waterways Department
3. Financial Advisor
Irrigation & Waterways Department
4. Deputy Financial Advisor
Irrigation & Waterways Department

Encl: As stated

Sd/-
(Amitava Ghosh)
Deputy Secretary to the
Government of West Bengal

Copy forwarded for information to:

1. Principal Accountant General (A&E), West Bengal
Treasury Buildings, 2, Government Place (West), Kolkata 700 001
2. Principal Accountant General (Audit), West Bengal
Treasury Buildings, 2, Government Place (West), Kolkata 700 001
3. Accountant General, West Bengal, Economics & Revenue Sector Audit
5th Floor, MSO Building, CGO Complex
Block DF, Sector-I, Bidhannagar, Kolkata 700 064
4. Secretary
Finance (Audit) Department, Group-T
NABANNA
325, Sarat Chatterjee Road, Howrah 711 102
5. Secretary
Finance (Budget) Department, Group-N
NABANNA
325, Sarat Chatterjee Road, Howrah 711 102
6. Engineer -in -Chief, Public Works Directorate
7. Engineer -in -Chief, Public Health Engineering Directorate
8. Engineer -in -Chief, Water Resources Investigation & Development Directorate
9. Chief Engineer.....Directorate

Enclo: As stated

Sd/

(Amitava Ghosh)

Deputy Secretary to the
Government of West Bengal

Copy forwarded for information and necessary action to:

- 1-40. Superintending Engineer
..... Circle
Irrigation & Waterways Directorate
- 41-150. Executive Engineer
..... Division
Irrigation & Waterways Directorate
151. Revenue Officer
..... Revenue Irrigation Division
Irrigation & Waterways Directorate
152. Executive Engineer
DVC Study Cell & Nodal Officer e-Governance
Irrigation & Waterways Directorate



153. Executive Engineer
Investigation & Planning Division (South) & Nodal Officer
e-Tendering Cell
Irrigation & Waterways Directorate

✓ 154. Shri Sujay Saha
Executive Engineer
Irrigation & Waterways Department

He is requested to upload the instant order with all its enclosure and annexure in the Notification link of the Departmental website www.wbiwd.gov.in under heading "**Latest revised e-Tender standardized format in the Irrigation & Waterways Department**".

Encl: As stated


06.9.2016.
(Amitava Ghosh)
Deputy Secretary to the
Government of West Bengal

ANNEXURE-I

OTHER TERMS & CONDITIONS FOR WORKS e-TENDERS ABOVE ₹ 45.00 LAKH

1. It is mandatory to publish all NIT/e-NIT/e-NIQ above Tender Value above Rs. 45.00 lakh in the centralized e-tender portal <https://wbtenders.gov.in> and also on Departmental website www.wbiwd.gov.in. Open tenders for execution of works shall be invited in the following manner:

Sl. No.	Items	Manner of e-Tender
i.	For supply of articles or stores or for execution of works and services with estimated value exceeding ₹ 45.00 lakh.	Publication of the work on the notice board and on the website www.wbiwd.gov.in , and also in the official website of Government of West Bengal e-tender portal URL https://wbtenders.gov.in , and also brief referral advertisement in three daily newspapers, one each in Bengali (in case of hill areas of Darjeeling District in Nepali newspaper) in English and Hindi to be ensured simultaneously on the same day.
Explanation: Brief referral advertisement will contain only certain title information such name and location of the scheme, last date for submission of tender, names of the websites where details are available.		

- NOTE:**
- Advertisements may be invited directly by the offices of I&WD to the newspapers at the rates approved by the Information & Cultural Affairs Department.
 - Tender publication date is the date on which the advertisement actually appears in the newspapers and publication of brief referral advertisement in print media and uploading of the e-NIT including tender documents in the web portal shall be simultaneous on the same day. Otherwise in rare cases, the minimum period of submission of tenders should be reckoned from the actual date of publications of advertisement in newspapers or web-portal whichever is later.

2. Minimum period as stated below shall be followed for submission of normal tenders including e-tenders above ₹ 45.00 lakh, from the final publication date:

Sl. no.	Item	Minimum period of submission of e-bid from the date of publication of e-NIT/e-NIQ	
		1 st Tender	2 nd and subsequent Re-tenders
1	For execution of works and services having amount put to tender exceeding ₹ 45.00 lakh and up to ₹ 100.00 lakh or for supply of articles or stores of equivalent value	14 days	7 days
2	For execution of works and services having amount put to tender exceeding ₹ 100.00 lakh or for supply of articles or stores of equivalent value	21 days	10 days

3. DSC permission for e-tender processing is to be provided as under:

Tender Item	DSC permission	Authorized persons for tender processing
For works > ₹ 45 lakh	2 of 4	SE, EE1, EE2 or TA to SE

4. Provisions of this order as laid down for e-NIT shall also be applicable for all e-NIQ of similar range of work value.

Enclosure-I

(Latest modified e-NIT 'Standard Format' for works of 'Tender Value' (Amount Put to Tender) above ₹5.00 lakh upto ₹ 45.0 lakh)

Government of West Bengal
Irrigation & Waterways Directorate
Office of the Executive Engineer
..... **Division**
Postal address: with Telephone No. & Fax No.

NOTICE INVITING e-TENDER

e-N.I.T No - WBIW/EE/Division Code (Maximum 6 characters without space)/e-NIT- ... /2016-17

Separate tenders are being invited by the **Executive Engineer**.....
Division, Irrigation & Waterways Directorate on behalf of the Governor of West Bengal through electronic tender (e-tender) for the works mentioned in the list given in next page from eligible and resourceful contractors/bidders having desired credential and financial capability for execution of works of similar nature.

Intending contractors/bidders desirous of participating in the e-tender are to login to the website www.wbiwd.gov.in (the official website of Irrigation & Waterways Department) and click the "e-procurement" link provided therein. They may also visit the Government of West Bengal designated website of URL <https://wbtenders.gov.in> for the same e-tender. The e-tender can be searched by typing WBIW/EE in the search engine provided in the website/s, by logging-in the designated link of concerned Executive Engineer.

Contractors/bidders willing to take part in the process of e-tender are required to obtain Digital Signature Certificate (DSC) from any of the authorized 'Certifying Authorities' (CA) under Controller of Certifying Authorities (CCA), Department of Electronics & Information Technology (DEIT), Govt. of India. (viz. NIC, n-Code Solution, Safescrypt, e-Mudhra Consumer Services Ltd, TCS, MTNL, IDRBT) or as notified by the CA /Finance Department from time to time. DSC is given as a USB e-Token. After obtaining the Class 2 or Class 3 Digital Signature Certificate (DSC) from any of the above CA, they are required to register the fact of possessing the DSC through the registration system available in the above mentioned website/s. A list of such licensed CAs' is also available in the CCA website cca.gov.in. The prospective contractors / bidders may contact the e-tendering State Level Help desk located at 7th Floor, Jalasampad Bhavan, Bidhannagar, Sector II, Kolkata through e-mail ID: irrigationhelpdesk@gmail.com or ID: dvcsc6816@gmail.com and Telephone No. 033-23346098 on any working day, between 10AM – 5PM for any query on e-tendering, obtaining DSC, training on e-tendering usage, free of cost.

Intending contractors/bidders are required to download the e-tender documents directly from the website/s stated above. Tender is required to be submitted on-line with the help of the e-Tokens provided. **This is the only mode for submission of tender documents.** The interested bidders eligible for the tender may submit their bids through the e-Procurement system using their valid DSC e-Token with assigned PIN and using login ID and password. Details of submission procedure have been explained in the 'Bidders Manual' for participating in e-tenders of the State Government, which is available in the Departmental website www.wbiwd.gov.in. Minimum period of time to be given to the contractors/bidders for submission of e-tenders is counted from the date on which the notice inviting tender including e-tender is actually published in the newspaper(s). In case of publication of the e-NIT in more than one newspaper, all the advertisements should appear simultaneously on the same day in all newspapers. Also, uploading of the notice including e-tender documents in the State Government e-tender portal shall be such the e-tender documents are to be visible in the website <https://wbtenders.gov.in> as soon as the brief referral advertisement appears in the newspaper(s).

Last date & time of submission of e-bids online is on till hours.

The intending bidders/contractors must read the 'Terms & Conditions' contained in the e-Notice Inviting Tender (e-NIT) carefully. He/she should particularly go through the eligibility criteria, and satisfy himself/herself of the mandatory requirements. Contractors/bidders desirous of participating in the e-tender may submit e-bids for the work only if they fulfill the minimum eligibility criteria and are in possession of all the required documents in original.

All information posted in the website consisting of e-NIT and related documents, WB Form No. 2911(i), Bill of Quantities (BOQ), EMD exemption order if any of competent authority, corrigenda and drawings etc. if any, shall form a part of the e-tender document.

LIST OF WORKS**e-NIT No..... WBIW/EE/...../e-NIT /2016-17**

Sl. No.	Name of Work/Scheme/Project	Amount put to Tender (Tender Value) (₹)	Earnest Money Deposit (₹)	Time allowed for completion (in days)	Source of fund	Minimum eligibility of the contractor/bidder for participating in the e-tender	Physical Milestones for completion of each work within stipulated time (Refer to Clause 17 of the General Terms & Conditions)
1	2	3	4	5	6	7	8
1	Bona fide contractors/bidders having credential of execution of similar nature of work of value 30% of the amount put to tender (tender value) within the last 5 years on the date of publishing of e-NIT	
2	-Do-	
..	-Do-	
n..	-Do-	

(*) For Consortiums, criteria are to be followed as per Clause 1 & 6 (ii) in General Terms & Conditions for e-tenders up to tender value Rs 45.00 lakh.

(General Terms & Conditions for e-tenders having 'Tender value' above Rs 5.0 Lakh up to Rs 45.00 Lakh)

1. Eligibility for participation

Bona fide contractors/bidders, West Bengal Registered Co-operative Societies, Consortiums and Partnership Firms registered with the State Government and contractors/bidders of equivalent grade or Class registered with the Union Government / Military Engineering Services / Indian Railways for execution of civil /M&E works are eligible to participate depending on the criteria as laid down in the subsequent para/clause. Joint Venture Firms are not eligible to participate in tenders.

Note: *In case of consortiums, maximum number of constituents shall be restricted to 5 (five) and each of the constituent must have at least some work credential. Individual constituents of a Consortium cannot form another Consortium.*

2. Participation in more than one serial of work in a tender

Any contractor/bidder may submit bids for a maximum of 50% of the total number of works (rounded up to next higher integer) published in any particular e-NIT depending on his/her previous work credential and financial capability, details of which have been stated later.

3. Submission of Tenders

3.1 General procedure for submission of e-tenders

Bids are to be submitted on-line through either of the website/s stated earlier. Contractors/bidders are required to upload the entire set of e-tender documents along with other related documents as asked for in the e-tender notice(e-NIT) circulated through the above website/s within the stipulated due/end date and time.

For e-tender value above Rs. 5.00 lakh, bids are to be submitted in two folders at a time for each work, one being ' Technical Proposal' and the other 'Financial Proposal'. The contractor/bidder shall carefully go through all the documents of the e-tender and prepare to upload the scanned documents in Portable Document Format (PDF) files in the designated link in the web portal as their Technical Bid. He/she needs to fill up the rates of items in percentage in the BOQ downloaded for the work in the designated cell of Excel sheet and upload the same in the designated link in the portal as their Financial Bid. Documents uploaded are virus scanned and digitally signed using the Digital Signature Certificate (DSC). Contractors/bidders should especially take note of all the addenda and corrigenda related to the e-tender and upload all these documents also as a part of their tender document. Documents uploaded by the bidders with all information & rates comprising Technical bid and Financial bid cannot be changed after last/end date for submission of e-tender.

3.2 Technical Proposal

Technical Proposal should contain scanned copies of documents and/or declarations in the following standardised format in two covers (folders).

A. Technical cover containing:-

- i. Application for e-Tender (vide Form-1) (to be submitted in **"Forms" folder**)
- ii. WB Form No. 2911(i) (to be submitted in **"2911" folder**)
- iii. Notice Inviting e-Tender (e-NIT) (to be submitted in **"NIT" folder**)
- iv. Credential Certificate (to be submitted in **"Forms" folder**)
- v. Declaration of not having common interest in the same serial (vide Form-4 to be submitted in **"Forms" folder**)
- vi. Drawings, if any. (To be submitted in **"Drawings" folder**)
- vii. Addenda/Corrigenda: If published; (to be submitted in the **'NIT' folder merged** with e-NIT already uploaded as pdf file)

NOTES: i. Contractors/bidders are to keep track in the website for all the Addenda and Corrigenda

published for a particular e-tender and upload all the above digitally signed by him/her along with his / her tender. Tenders submitted without Addendum/Corrigendum are liable to be treated as informal and thereby rejected.

- ii. Tender will be summarily rejected if any of the aforesaid items are found missing in their on-line bid submitted.

B. My Document [OID* Cover] containing:

My Document Format for uploading in the OID folder:-

Sl. No.	Folder name	File description	Details	Remarks if any
A	Certificates	certificates.pdf 1 certificates.pdf 2 certificates.pdf 3 certificates.pdf 4	1. Professional Tax Payment Certificate (PTPC) 2. PAN Card 3. Value Added Tax (VAT) Registration Certificate in West Bengal (TIN)/CST Registration for outside State 4. Latest I.T Return Receipt	
B	Company Details	companydetails.pdf 1 companydetails.pdf 2	1. Proprietorship Firms (Trade Licence) 2. Partnership Firms (Partnership Deed, Trade-Licence, Form-VIII or Memorandum of Registration) 3. Limited Companies (Incorporation Certificate, Trade-Licence, Memorandum of Articles) 4. Registered Co-operative Societies (Society Registration Certificate, Trade Licence and By-laws, Documents showing latest office-bearers) 5. Consortiums (Form-VIII) or Memorandum and Undertaking.	
C	Credential of works	Credential pdf 1 Credential pdf 2 Credential pdf 3	1. BOQ duly authenticated by issuing authority and work order. 2. 100% completion certificate for completed work, or 3. Gross bill of 100% completed work including excess and supplementary items not covered in original BOQ.	
D	Financial credential	Payment certificate .pdf	Payment certificate of 100% completed work issued by competent authority or any other related financial information	

* OID denotes Other Important Documents.

C. i. Certificate/s: (name of the file should be "certificates.pdf**") comprising the following:**

- Professional Tax Payment Certificate (PTPC) valid for the current financial year/latest applicable as per rules and PAN Card. Application for PAN addressed to the competent authority may also be considered.
- Value Added Tax (VAT)/CST registration certificate.
- Latest Income Tax Return receipt.

ii. Company Details (name of file should be "companydetails.pdf**") comprising the following:**

A. Details for Consortiums formed out of Proprietorship Firms &/ Partnership Firms

Deed of Consortiums formed with Partnership Firms etc, and documents for their registration in the form of certified copy of 'Form No. VIII,' issued under the Indian Partnership Act, 1932 (Act-IX of 1932) by the Registrar of Firms, West Bengal having their registered office at P-15 India- Exchange Place, Todi-Mansion, 10th Floor, Kolkata 700001.

In case a contractor/bidder is yet to receive Form No. VIII, a “Memorandum” issued from the above office may also be accepted. However, consortiums submitting the Memorandum are also required to submit an undertaking in plain paper along with their application in Forms 1 & 2 and upload its scanned copies in pdf pledging that “Copy of Form No. VIII would be submitted to the Tender Inviting Authority before receiving final payment, in case found to be the lowest bidder L1 and the work is awarded in its favour. Any change in the constituent of the Consortium/Partnership Firm should also be intimated to the office of the Registrar of Firms, Kolkata prior to submission of application in the e-tender and a certified copy of the revised Form No. VIII showing changes in its constituents are required to be submitted. If the Consortium is yet to receive a certified copy of the revised Form No. VIII, it would be required to submit the aforesaid undertaking on-line along with the application.

Note: *An affidavit regarding authorized user of DSC for Consortium and a declaration regarding such authorization for Limited companies is required to be uploaded on-line along with the tender. Scanned copies in pdf of competent authority are to be submitted, if the power is delegated for signing of bid/s to persons other than the applicant contractor/bidder.*

B. State Registered Co-operative Societies and Companies (name of file “companydetails.pdf**”)**

- a. Society Registration certificate in the State from ARCS (Assistant Registrar of Co-operative Societies, GoWB) and Bye-Laws for Cooperative Societies under West Bengal Co-operative Societies Act, 2006 and Rules, 2011.
 - b. Trade Licence for Proprietorship Firms/Partnership Firms/Companies.
 - c. ‘Memorandum of Articles’ for Companies registered by the ROC under Indian Companies Act.
 - d. Any other documents showing names and signatures of latest elected office bearers/Directors/ Board Members.
- iii. **Credential:** Scanned pdf of work credential issued in favour of the contractor/bidder as detailed under clause 5 later. Bill of Quantities (BOQ) duly authenticated by the competent authority along with work order is to be submitted uploaded under ‘OID’ cover (name of file should be “**credential.pdf 1**”). In case of execution of supplementary/substitute supplementary having value more than 30% of the BOQ, final gross value of bill (without contractual rate) including such supplementary/substitute supplementary may be considered in lieu of the original BOQ and scanned and authenticated copy of the Bill shall be uploaded in the ‘**credential.pdf 2**’.
- iv. **Others:** Any other document found necessary.

Note : *Failure of submission of any of the above mentioned documents will render the e-tender liable to summarily rejection.*

3.3 Financial proposal / bid under Financial cover:-

The financial bid should contain the following documents in one cover (folder).

Bill of Quantities (BOQ): The contractor/bidder is required to quote the rate as percentage above or below tender value on-line in the space marked for quoting rate in the BOQ. (only downloaded copy of the above document in Excel sheet is required to be uploaded by the contractor/bidder)

Notes:

- a. *BOQ without a valid numeric rate at the designated space provided in the BOQ will be rejected outright. Contractors/bidders willing to quote “at-par” rate shall need to write “0” in the ‘space’ provided for rates in the BOQ.*
- b. *In cases where BOQ has been changed by the Tender Inviting Authority by way of addendum/corrigendum, contractors/bidders are required to upload the revised BOQ. If bids are submitted prior to the date of publication /uploading of addendum/corrigendum, the contractor/bidder is to resubmit the bids along with the revised BOQ. If the revised BOQ is not found subsequently during financial evaluation, the bid will be rejected.*

4. Tender Fee and Earnest Money Deposit (EMD)

- i. **Tender Fees:** Entire set of e-Tender documents are made available free of cost through the State Government e-tender portal having URL <https://wbtenders.gov.in> and also the Departmental website www.wbiwd.gov.in. In case of off-line tenders having tender value below ₹ 5.00 lakh, tender

documents are available free of cost in the office of the Tender Inviting Authority viz. AE/EE and also made available in the Departmental website www.wbiwd.gov.in . Cost of tender document shall not be charged even during execution of formal tender contract/agreements. However, the contractors/bidders may wherever necessary be charged suitably for asking additional multiple copies of drawings, specifications, Schedule of Rates booklet (SoR) etc. and such fee may be suitably determined by the Tender Inviting Authority as per norms.

ii. Earnest Money Deposit (EMD):

Traditional procedure of depositing EMD through off-line instruments like Bank Draft, Pay- order, Bankers Cheque etc. has been completely dispensed with for all e-tenders/e-procurements of the State Government , w.e.f 1st September, 2016. Intending bidders desiring to make payment of earnest money (EMD) on-line, should beforehand read the instructions carefully, particularly in the challan generated by the system of e-tender/e-procurement, if opted for EMD payment through RTGS/NEFT

A. Login by bidder:

- a. A bidder desirous of taking part in a e-tender invited by a State Government shall login to the e-Procurement portal of the Government of West Bengal using his/her login ID and password using valid DSC.
- b. He/she will select the e-tender to bid and initiate payment of pre-defined EMD for that e-tender by selecting from either of the following payments modes:
 - i. Net-Banking (any of the banks listed in the ICICI Bank Payment Gateway) in case of payment through ICICI Bank Payment Gateway;
 - ii. RTGS/NEFT in case of off-line payment through bank accounts in any Bank approved by RBI in India.

B. EMD payment procedure:

a. Payment by Net Banking (any listed bank) through ICICI Bank Payment Gateway:

- i. On selection of net banking as the payment mode, the bidder will be directed to ICICI Bank Payment Gateway webpage (along with a string containing a Unique ID) where he/she will select the Bank through which he/she wants to do the EMD on-line transaction.
- ii. Bidder will make the payment after entering his Unique ID and password of the bank to process the transaction.
- iii. Bidder will receive a confirmation message regarding success/failure of the transaction.
- iv. If the transaction is successful, the amount paid by the bidder will get credited in the respective Pooling account of the State Government maintained with the Focal Point Branch of ICICI Bank at R.N Mukherjee Road, Kolkata for collection of EMD against unique codes for identification of the tendering authority.
- v. If the transaction is failure, the bidder will again try for payment by going back to the first step.

b. Payment through RTGS/NEFT:

- i. On selection of RTGS/NEFT as the payment mode, the e-procurement portal will show a pre-filled challan having the details to process RTGS/NEFT transaction.
- ii. The bidder will print the challan and use the pre-filled information to make RTGS/NEFT payment using his/her own Bank account.
- iii. Once payment is made, the bank would provide an “**UTR remittance number**” for successful transaction with which the bidder will come back to the e-Procurement portal after expiry of 2 to 3 bank working days to enable the NEFT/RTGS process to complete, in order to verify the payment made and continue with his/her bidding process.
- iv. If verification is successful, the fund get credited to the respective Pooling account of the State Government maintained with the Focal Point Branch of ICICI Bank at R.N Mukherjee Road, Kolkata for collection of EMD.
- v. Hereafter, the bidder will go to e-Procurement portal for final e-submission of his/her bid within pre-assigned last date of submission of e-tender.
- vi. If the payment verification is unsuccessful, the amount will be returned automatically by the system to the bidder's account.

Note: EMD payment made through RTGS/NEFT would require additional 2 to 3 bank working days after date of transaction in the bank before the procedure is completed for enabling the bidder to continue with the bidding process in the on-line e-tender final bid submission. Thus, the bidder is to take precaution in case of RTGS/NEFT transfers so that the entire

process of submission of e-tender is completed within last date of on-line submission of his/her tender. However, Net-banking transaction through ICICI bank payment Gateway would be on real time basis.

C. Refund/Settlement Process for EMD:

- i. After opening of his/her bids and technical evaluation of the same by the Tender Inviting Authority through electronic processing in the e-Procurement portal of the State Government, the tender inviting authority will declare the status of the bid as successful or unsuccessful which will be made available along with the details of the unsuccessful bidders to ICICI Bank by the e-Procurement portal through web services.
- ii. On receipt of the information from the e-Procurement portal, the Bank will refund through an automated process the EMD of the bidders disqualified at the technical evaluation to the respective bidders' bank accounts from which they made the on-line EMD transaction. Such refund will take place within T+2 Bank working days where T will mean the date on which information on rejection of bid is uploaded to the e-Procurement portal by the Tender Inviting Authority.
- iii. Once the financial bid evaluation is electronically processed in the e-Procurement portal, EMD of the technically qualified bidders other than that of the L1 and L2 bidders will be refunded, through an automated process, to the respective bidders' bank accounts from which they made the payment transaction. Such refund will take place within T+2 Bank working days where T will mean the date on which information on rejection of financial bid is uploaded to the e-Procurement portal by the tender inviting authority. However, the L2 bidder should not be rejected till the LOI process is successful.
- iv. If the L1 bidder accepts the LOI and the same is processed electronically in the e-Procurement portal, EMD of the L2 bidder will be refunded through an automated process, to his/her bank account from which he/she had made the payment transaction. Such refund will take place within T+2 Bank working days where T will mean the date on which information on Award of Contract (AOC) to the L1 bidder is uploaded to the e-Procurement portal by the Tender Inviting Authority.
- v. As soon as the L1 bidder is awarded the contract (AOC), the same is processed electronically in the e-Procurement portal for transfer credit to Government Receipt under Public Accounts through GRIPS where under the security deposit to be collected would also be deposited in connection with the work.
- vi. All refunds will be made mandatorily to the Bank account from which the payment of EMD and Tender Fees (if any) were initiated.
- vii. If the e-tender is cancelled, then the EMD would be reverted to the original bidders account automatically after such cancellation order is affected online by the Tender Inviting Authority.

5. Credential Certificate

- i. Completion Certificates (CC) for 100% completed works during the current year and within last five financial years will only be accepted as valid credential.
- ii. CC should clearly show the name, postal address, (contact Tel. No. and FAX or e-mail ID if issued outside the jurisdiction of the State) of the office and designation of the officer/ authority issuing the CC for the work along with the name of work and amount put to tender (Tender Value). Illegible certificates and those having incomplete information may be rejected.
- iii. CC of works executed in the Irrigation & Waterways Directorate will be considered. CC of works executed in other Departments of the State Government/ organizations viz. Public Works & Public Works (Roads) Department, Public Health Engineering Department, Sundarban Affair Department and other State Government Departments, Zilla Parishads & Panchayat Samities only within the jurisdiction of the State of West Bengal, WBHIDCO, WBSEDCL, WBSETCL, KMDA, KMW&SA, KMC, Other Municipal Authorities and Bodies, HRBC, Engineering Departments of Union Government and Organizations like Farakka Barrage Project (FBP) Authority, Indian Railways, KoPT and companies owned or managed by the Government of West Bengal, i.e. Mackintosh Burn Ltd., Westinghouse Saxby Farmer Limited & Britannia Engineering Ltd. may also be considered. Such CC are to be issued by an officer/authority not below the rank of Executive Engineer / Divisional Engineer / District Engineer/Project Manager of the State/Union Government Departments/ Organisations; authorised signatories of CC for Panchayat Samities and Municipalities shall be BDO & Ex-officio Executive Officer and Secretary or equivalent administrative officers respectively. It is desirable to have contact telephone and FAX or e-mail address of the signatory of the CC for all offices outside West Bengal.

Such CC is required to be further countersigned by the immediate superior authority of the issuing authority for all cases outside the State of West Bengal other than if executed direct Union Government Departments /Ministries. Also such certificates when issued in all other States other than those directly of State / Union Government Departments/Ministries and Indian Railways should contain a declaration that the work has been executed to the satisfaction of the concerned Government Organisation and has been declared 100% complete in all respect by the competent authority in the concerned Organisation.

6. Eligibility criteria

- i. Monetary value (Amount put to tender without considering contractual rate) of the 100% completed work or gross final bill value (excluding contractual rate) including supplementary/substitute supplementary, as the case may be, thus submitted will be further multiplied by the following factors to take care of the inflationary effect to arrive at the net notional amount.

Year	Description	Multiplying factor to arrive at net notional amount
Current	-	1.00
1st	1 year preceding the current financial year	1.08
2nd	2 years preceding the current financial year	1.16
3rd	3 years preceding the current financial year	1.26
4th	4 years preceding the current financial year	1.36
5th	5 years preceding the current financial year	1.47

Note: For cases where two contractors/bidders are participating in a e-tender for a particular work are such that one happens to have worked as a sub-contractor of the other, and both the contractors/bidders submit work credential of having completed the same job either wholly or partly, then in such case the credential of the principal contractor will be considered while that of the sub-contractor will not be taken into consideration for determining the eligibility criteria of the contractor/bidder towards the e-tender. If the credentials submitted by hitherto contractors/bidders are for different works, then both the work credentials will be considered towards determining the eligibility criteria of the individual contractors/bidders.

- ii. ***Financial proposal of any contractor/bidder will come under consideration only when the criteria mentioned below are satisfied and fulfilled.***

Net notional amount calculated from Completion Certificate (CC) of a single work during last 5 years issued in favour of the contractor/bidder /agency/firm/consortium for a work of similar nature should be **at least 30%** of the amount put to tender (Tender Value) for the work. However, for consortiums where CC of individual entities of the consortium are to be considered, sum of work values in the CC of individual entities (one for each entity) for works of similar nature should be at least **90%** of the tender value. The power to decide on the criteria of similarity rests without any prejudice solely with the Tender Accepting Authority.

7. Eligibility criteria for participating in more than one tender in a e-NIT

- i. Submission of e-tenders by one single contractor/bidder in excess of 50% of the number of works in any particular e-NIT will not be considered.
- ii. Normally separate Completion Certificates (CC) of 100% completed works is required to be submitted for participating in separate works under a particular e-NIT. However CC for one particular work may be considered as eligibility for participation in maximum two numbers of serials of a e-NIT, provided requisite credential for two such works (to be added arithmetically) satisfies the requirement in all respects out of one such CC.

8. Penalty for suppression / distortion of facts and withdrawal of L1 bidder before acceptance of LOI

If any contractor/bidder fails to produce all the original hard copies of the documents (especially Completion Certificates), or any other document on demand by the Tender Inviting Authority within a specified time frame or if any deviation is detected in the hard copies from the corresponding uploaded soft copies or if there is any suppression / distortion / falsification noticed/detected/pointed

out at any stage of e-tender process prior to the issue of work order, the Tender Inviting Authority will immediately bring the matter to the notice of the Executive Engineer who upon recommending suitable punitive actions against the bidder will place the matter before the concerned Chief Engineer within 15 days of receipt of the complaint from the Tender Inviting Authority and the contractor/bidder may be suspended from participating in all future tenders on the e-Tender platform of I&WD as per approval of the Chief Engineer for a maximum period of 3 (Three) years. In addition, his/her EMD will stand forfeited by the Government. The concerned Chief Engineer then will issue the necessary suspension order in writing with intimation to the defaulting contractor/bidder, other Chief Engineers, Central e-Tendering Cell and also the Department. Copy of such suspension order should invariably be communicated to the Nodal Officer, e-Governance Cell of the Department with a request to upload the order in the Departmental website. Besides, the Irrigation & Waterways Department may also take appropriate legal actions including blacklisting of the defaulting contractor/bidder and debarring him/her from participating in any State Govt. tender for a period up to three years. For e-tenders where such suppression / distortion / falsification is detected at an advanced stage of e-tender processing, the concerned Chief Engineer will be the deciding authority as to what further necessary actions are to be taken regarding the fate of the e-tender.

9. Taxes & duties to be borne by the bidder

Income Tax, VAT, Sales Tax, Royalty, Construction Workers' Welfare Cess and similar other statutory levy / Cess will have to be borne by the contractor/bidder and his/her quoted rate should be quoted accordingly after considering all these charges. Only Service tax, as applicable, if eligible, would be reimbursed as per rules on production of necessary documents.

10. Site inspection prior to submission of tender

Before submitting a e-tender, the intending contractor/bidder should make themselves acquainted thoroughly with the local conditions prevailing at site of implementation of the work by undertaking field inspections and taking into consideration all probable likely factors and difficulties to be involved in execution of the work as per specification in all respects including transportation of materials, communication facilities, climate conditions, nature of soil, availability of local labourers and market rates prevailing in the locality etc. and no claim whatsoever will be entertained on those accounts afterwards. The contractor/bidder may also contact the office of the Executive Engineer Division in between 11.30 hours to 16.30 hours on any working day, prior to the date of actual submission of bid of e-tender.

11. Conditional & incomplete tenders

Conditional and incomplete tenders are liable to be summarily rejected.

12. Opening & evaluation of tenders

12.1 Opening of a Technical Proposal

All works above tender value of Rs 5.00 lakh for which e-tendering is mandatory shall be awarded through open tenders without reservation for any particular class of contractors/bidders. Notices for open off-line tenders for each tender value below Rs 5.00 lakh shall include such clauses as is notified by the Department from time to time.

For e-tenders bids are to be invited in two parts under a two-bid system.

- i. Technical proposal will be opened by the Tender Inviting Authority or his/her authorised representative/s electronically in the official website stated earlier, using their authorised Digital Signature Certificate/s (DSC).
- ii. Intending contractors/bidders may remain present if they so desire.
- iii. Technical cover documents (vide Clause 3.2.A) will be opened/decrypted first and if found in order, Cover (Folder) for OID (vide Clause 3.2.B) will be opened/ decrypted. If there is any deficiency in either of the Technical cover documents, the e-tender will summarily be rejected.
- iv. Decrypted (transformed into readable format) documents of the OID (Other Important Document) Cover will be decrypted/downloaded and handed over to the Executive Engineer (TAA).

12.2 Uploading the list of technically qualified contractors/bidders

- i. Pursuant to scrutiny and decision of the Executive Engineer, after a Technical Bid opening, the list

of eligible contractors/bidders having successfully qualified in the Technical Evaluation for a particular serial of work whose financial proposal will be thus considered, is uploaded on the web portal/s.

- ii. While evaluating all the bids, the Executive Engineer may summon the contractors/bidders and seek clarifications / information or seek additional documents or original hard copy of any of the/all the documents already submitted on-line for verifications and if these cannot be produced within a reasonably stipulated timeframe, their bids will be liable for rejection.

12.3 Opening and evaluation of Financial Proposal

- i. Financial proposals of the contractors/bidders declared technically eligible by the Executive Engineer will be opened electronically by the Tender Inviting Authority from the web portal stated above on the prescribed date and time.
- ii. Intending contractors/bidders may remain present if they so desire.
- iii. The encrypted copies will be decrypted and the rates will be read out to the contractors/bidders remaining present at that time.
- iv. After opening of Financial Proposal, preliminary summary result containing inter- alia the name of contractors/bidders and the respective financial rates quoted by them will be uploaded in the website portal.
- v. If the Executive Engineer (TAA) is satisfied that the rate obtained is fair and reasonable and there is no scope of further lowering down of rate, he may after having the comparative statement test checked by the Divisional Accountant/Divisional Accounts Officer attached to his/her office upload the final summary result containing the name of contractors/bidders and the respective rates quoted by them against each work after acceptance of the rate.
- vi. If there is any scope for lowering down of rate in the opinion of the Executive Engineer / TAA, as L1 bid is abnormally high much above 10% of the Tender Value, all the bidders qualified in technical bid will be notified through system generated e-mail and mobile phone sms to attend e-sealed bid tender-cum-auction on a predetermined date and time to be held in the office of the Tender Accepting Authority. Open off-line bids are normally not encouraged from the point of view of confidentiality and transparency. However, in exceptional cases with recommendation and advice of the Government approved Tender Committee, open off-line bid negotiations with **only the L1 bidder** to lower down the e-sealed bid tender cum auction rate may be held by the Tender Accepting Authority in presence of Tender Inviting Authority for reasons to be recorded in writing.
- vii. If there is no contractor/bidder or the number of contractors/bidders in the 1st Tender is less than three, the tender has to be cancelled. In case of participation of more than three bidders, technical evaluation is to be done and if the number of technically qualified bidders is less than three (3), the tender also has to be cancelled as well and fresh e-tender (i.e 2nd e-tender or 3rd e-tender may have to be invited with lowering of eligibility criteria).
- viii. After holding such e-sealed bid tender cum auction, final result after acceptance of the rate by the Tender Accepting Authority if within the delegated power for acceptance would have to be uploaded in the e-tender website. Otherwise the tender is to be cancelled and invited afresh.
- ix. The Executive Engineer/TAA may ask any of the contractors/bidders to submit rate analysis to reasonably justify the quoted rate by that contractor/bidder.
- x. If the lowest bidder/contractor backs out there should be re-tendering in a transparent and fair manner. In such a situation the TIA may call for Short Notice e-tender with time period as per Government order for re-tenders, if so necessitated in the interest of public works and take decision on the basis of L1 in the Re-Tender or subsequent e-tender. Penal actions for premature withdrawal by bidder have been stated under clause 8 earlier.

12.4 Tender Accepting Authority (TAA)

Authority to which the power has been delegated to accept tenders as per latest Departmental Notification will function as the Tender Accepting Authority (TAA) for evaluation of technical and financial proposals of works having tender value within his/her range of acceptance. As per present delegation, TAA for different tenders within the range above Rs 0.10 Lakh upto Rs 45.00 Lakh would be as follows:

- i. For e-Tenders of value up to Rs 45.0 lakh (above Rs 5.00 lakh and up to Rs 45.0 lakh): Executive-

Engineer Division, I&W Directorate.

- ii. For off-line tenders of value from Rs 3.0 Lakh up to Rs 5.0 Lakh is to be tendered in a single bid system in off-line mode to be accepted by Executive Engineer Division, I&W Directorate. [off-line single bid Tenders]
- iii. For tenders of value up to Rs 3.0 Lakh relating to works only, is to be tendered in a single bid system in off-line mode to be accepted by Assistant Engineer Division, I&W Directorate. [off-line single bid system Manual Tenders]

12.5 Procedure to be followed for acceptance of tender

- i. Selection of contractor/bidder should be made on the basis of at least three valid e-tenders, which shall be opened preferably in presence of their willing agents, if present. If the number of e-tenders received is less than three, e-tender would be cancelled and invited afresh.
- ii. In case of invitation of e-tenders under two-bid system, if the number of contractors /bidders qualified in the technical bid is less than three, e-tender would be invited afresh.
- iii. The lowest tender for all works is accepted as a rule. If for any reason the lowest tender is not accepted, reference is to be made to the appropriate Government for orders as to which of the contractor /bidder the work should be awarded.
- iv. Maximum 5 % excess beyond 'Tender Value' (Amount put to Tender) may be accepted by the Executive Engineer if at least three valid tenders have been received subject to the overall power of tender acceptance delegated to each level of Technical officers as mentioned in the Department Notification issued from time to time, provided tender value after abatement is within the administratively approved cost. In case of excess over administratively approved amount, proposal for revised administrative approval would have to be submitted to the Government, but acceptance of tender and issue of work order may not be kept pending for want of revised administrative approval.
- v. Above 5% and up to 10% of the Tender Value can be recommended for acceptance by the Government appointed Departmental Tender Committee (DTC) subject to the conditions that valid tenders should not be less than three and L1 is accepted and tendered amount is within the administratively approved cost. In case of excess over administratively approved amount, revised administrative approval would have to be submitted to the Government but acceptance of tender, and issue of work order may not be kept pending for want of revised administrative approval/revised financial sanction for Non-Plan works.
- vi. For acceptance of e-tenders above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the DTC as mentioned at clause 12.5 (v) above, with that of the Department shall have to be sent to the Finance Department.
- vii. If the response to an e-Tender is less than three, then Tender should be invited afresh. Such Re-Tender notice shall be published in widely circulated dailies as per guidelines and also through e-Tender web portals. Prior to invitation of Re-Tender / fresh e-Tender, the eligibility criteria and other terms & conditions as contained in the first 'Notice Inviting e-Tender' (e-NIT) shall have to be reviewed by the Tender Inviting Authority, to ascertain whether (i) it was too much restrictive, say, specifications and qualifications were fixed at higher standards than required, (ii) advertisements in the widely circulated Newspapers were properly published and (iii) other related procedural matters were observed in its entirety.
- viii. Even if, after taking appropriate steps in regard to relaxation of criteria to the extent as decided by the Executive Engineer and also wider publicity of 2nd tender in widely circulated dailies and through web-site, the response to the Re-Tender is still less than three, that tender may be accepted. In terms of Delegation of Financial Power Notification of the Department bearing No. 05-(W)/2015-16 dated 20.11.2015, provided the rates do not exceed the schedule rates (SoR) beyond 5% in case of works estimate and the tendered value is within administratively approved cost/sanctioned cost. The same procedure is to be followed for obtaining revised administrative approval/revised financial sanction, stated at clause 12.5 (iv) above, would also be applicable here. Otherwise such cases should be referred to the appropriate Government with the recommendation of the DTC for decision.

13. Acceptance of e-Tender

Lowest valid rate should normally be accepted in accordance with the procedure stated in clause 12.5 above. The Tender Accepting Authority reserves the right to distribute the work amongst more than one contractor/bidder with same rate.

14. Execution of Formal Contract agreement after acceptance of Tender

The contractor/bidder, whose bid is approved for acceptance shall within 15 days of issuance of Letter of Invitation (LOI) to him/her, needs to execute a 'Formal Tender Contract/Agreement' with the Executive Engineer in quadruplicate in W.B.F No. 2911(i) and other tender documents. During executing the 'Formal Contract/Agreement', the successful contractor/bidder will be provided all the tender documents free of cost.

15. Payment against bills raised by the contractor

The payment of Running Account as well as final bill for any work based on progress and performance will be made according to availability of fund and no claim due to delay in payment will be entertained.

16. Bid Validity

The Bid will be normally valid for **120 days** from the date of opening of the financial proposal. However, extension of bid validity may be suitably considered by the TIA, if required, subject to written confirmation of the contractor/bidder (s) to that effect.

17. Definition of Physical Milestones:

The time allowed for carrying out the work as entered in the tender shall be strictly observed by the contractor, and which shall be reckoned from the date on which the order to commence work is given to the contractor. The work shall throughout the stipulated period of the contract be proceeded with all due diligence. Time being deemed to be the essence of contract on the part of the contractor; the contractor shall be bound in all cases, to achieve the 'Milestones' as specified in this NIT into various 'Identifiable and quantifiable construction related stages' pertaining to the work. In the event of the contractor failing to comply with any of the conditions related to achieving the 'Milestones' within the specified time period prescribed for such 'Milestone' plus one month, he/she shall be liable to pay compensation.

If the contractor fails to commence and/or maintain required progress viz. Milestones defined in the e-Notice Inviting Tender over the total time allotted for its full completion and fails to complete the work and clear the site on or before the end of contract period or extended date of completion, he/she shall, without prejudice to any other rights or remedy available under the law on account of such breach, pay as agreed compensation to the implementing Department. This will also apply to items or group of items for which a separate period of completion has been specified.

18. Withdrawal of Tender

Withdrawal of tender/bid once the bid has been submitted online and after passing of end date for submission and has been accepted for further processing, is not allowed. EMD will be forfeited by the Government and the bidder/contractor penalised in terms of Clause 4(ii) and clause 8 referred earlier would be applicable.

19. Schedule of dates for e-Tendering

Sl. No.	Activity	Date & Time	Remarks
1.	Publishing Date	Day 1 at 17.30 Hrs	To be made available with the e-NIT in the website
2.	Document Download start date	Day 1 or 2 to be decided by the EE	
3.	Bid submission start date	-do-	
4.	Document Download end date	(same as bid submission end time & date below)	
5.	Bid submission end date	> = Day 15 at 17:30 Hrs., 2 nd or subsequent tenders >=8 days above e-tender value of Rs 10.0 lakh	
6.	Technical Bid opening date	To be decided by EE. Bid submission end date and technical bid opening date should preferably have at least 48 hours difference in order to facilitate extension of bid submission date by some more days in case of participation of bidders is less than three.	To be notified to all bidders through e-mail
7.	Uploading of the list of Technically qualified bidders	To be decided by EE.	
8.	Financial Bid opening date	-do-	

9.	Uploading of CS (Comparative Statement) and uploading of Final FBE	To be decided by EE(TAA)	& SMS through auto-generation in the system.
10.	Uploading of the Letter of Invitation / Acceptance LOI/LAO	-do-	
11.	Uploading of Award of Contract (AOC) (Work Order)	-do-	

TIA: e-Tender Inviting Authority (Assistant Engineer/Executive Engineer)

TAA: e-Tender Accepting Authority (Executive Engineer)

Additional Terms & Conditions

1. Executive Engineer of the concerned Division is the Engineer-in-Charge in respect of the contract and all correspondences concerning rates, claims, change in specifications and/or design and similar important matters will be valid only if accepted/recommended by the Engineer-in-Charge. If any correspondence of above tender is made with officers other than the Engineer-in-charge for speedy execution of work, the same will not be valid unless copies are sent to the Engineer-in-Charge and approved by him. Instructions given by the Sub-Divisional Officer/Assistant Engineer and the Section Officer/Junior Engineer on behalf of the Engineer-in-Charge shall also be valid (who have been authorised to carry out the work on behalf of the Engineer-in-Charge) regarding specification, supervision, approval of materials and workmanship. In case of any dispute, the decision of Engineer-in-Charge shall be final and binding.
2. Acceptance of the e-tender including the right to distribute the total work between two or amongst more than two contractors/bidders will rest with the Engineer-in-Charge without assigning reason to the contractors/bidders thereof. The Executive Engineer as the accepting authority reserves the right to reject any or all tenders without assigning any reason thereof.
3. The contractors/bidders shall have to comply with the provisions of (a) Contract labour (Regulation & Abolition) Rules, 1970 and its revision (b) Minimum Wages Act 1948 and its amendments, or the modifications thereof or any other laws relating thereto enforced by the appropriate Government from time to time.
4. Engineer -in-Charge shall not entertain any claim whatsoever from the contractors/bidders regarding payment of compensation on account of idle labour on such grounds including non-possession of land in the working zone.
5. Engineer-in-Charge shall not be held liable by the contractor/bidder for any compensation claim due to machines becoming idle, for any circumstances including untimely rains, other natural calamities, strikes etc.
6. Imposition of any duty / tax / royalty etc after work order / commencement and before final completion of the work is to be borne by the contractor/bidder. Original challan of those materials, which are procured by the bidder, may be asked to be submitted for verification if required. However, service tax if eligible would be reimbursed to the contractor/bidder as per rules.
7. Cess @ 1% of the cost of construction works shall be deducted from the Gross value of all works Bill in terms of Finance Department order. Also it is instructed to compulsorily register his/her establishment under the Act, under the competent registering authority, i.e. Assistant Labour Commissioner / Dy. Labour Commissioner of the region for disbursing PF and ESI benefits of workers.
8. No mobilization / secured advance will be allowed unless specified otherwise in the contract.
9. VAT/Sales Tax, Cess, Royalty of sand, stone chips, stone metal/ gravels, boulders, forest products, Toll Tax, Income Tax, Ferry Charges and other Local Taxes if any, are to be paid by the contractor/bidder. No extra payment will be made as re-imbursement or compensation for the above. The rates of supply of finished work items are inclusive of these taxes and charges.
10. All working tools & plants, scaffolding, construction of vats & platforms arrangement of Labour camps shall have to be arranged by the contractor at his/her own cost.
11. The contractor shall arrange for supply of mazdoors, bamboo, ropes, pegs, flags etc. for taking/ layout for the work and for giving and checking measurements by the Engineer-in-Charge or any other Department officer assigned by him / her for which no extra payment claim will be entertained.
12. The contractor should thoroughly scrutinise the site of work and relevant tender documents, drawings etc. before submitting the e-tender and satisfy himself/herself regarding the conditions and nature of works and ascertain the difficulties that might be encountered during execution of the work, carrying of materials to the site of work, availability of drinking water and other human requirements including safety and security etc. Works on river banks may be interrupted due to various unforeseen reasons e.g. sudden rise in water level, inundation of site caused by flood, inaccessibility of working site for carriage and transportation of materials. Engineer-in Charge may instruct the contractor to suspend work that may be subjected to damage due to extremely adverse weather/climatic conditions and no claim will be entertained on this account. There may be variations in alignment, height of embankment or depth of cutting, location of revetment, structures

etc. due to change of topography, river conditions and local requirements etc. from the approved work estimate during actual execution of the scheme. For all such modifications or alterations, the tendered rate and contract will remain valid. The contractor will not be entitled to any additional financial claims or extra rates on any of these accounts.

13. A machine page numbered Site Order book (with triplicate copy of every page) will have to be maintained at site by the contractor and the same has to be issued by the Engineer-in-Charge before commencement of work at site. Instructions issued by the inspecting engineer officers not below the rank of Assistant Engineer will be recorded in this site order book and the contractor must note down and comply the same at the earliest.
14. The work will have to be completed within the time period as mentioned in the NIT/e-NIT. A suitable work programme based on time period allowed for completion of work as per tender is required to be submitted by the contractor within 7(seven) days from the date of receipt of work order which should satisfy the time limit assigned for completion. Contractor should inform in writing the name of his authorized representative/s who are to remain present at site daily during work execution to receive instructions relating to the work, sign measurement book & bills and other Govt. papers etc on the basis of Power of Attorney conferred within 7 (seven) days from the date of receipt of work order, if not done earlier.
15. No compensation is payable for idle labour, contractor's establishment charges or on account of reasons such as variations in price indices/escalation cost etc.
16. All sort of precautions should be taken for the safety of the work force deployed by the contractor and also others at worksite as per safety rules as is enforced by appropriate authority. The contractor will remain liable towards payment of compensation in accordance with the Workman's' Compensation Act etc for the labourers engaged and should deal to settle such cases promptly. Proper road signs as per P.W.D. practice will have to be erected by the contractor at his own cost while operating on or near public thoroughfares.
17. The contractor will have to maintain technically qualified employees and/or apprentices at site as per prevailing Apprentice Act or as stipulated in the contract.
18. The contractor will have to accept the work programme as per modification and priority of work as fixed by the Engineer-in-Charge so that most vulnerable reach and/or critical items are completed before the due date for arrival of monsoon or rise of water level or for any other suitable reason/s.
19. Quantity of various items of work mentioned in the tender schedule or in work order is only tentative. During actual execution, these tendered items may vary, even substantially. Payment will be made on the basis of quantum of work actually done in different items and as per specification and no claim will be entertained for reduction of quantities in some items or due to omission of some tendered items. For execution of quantitative excess in any item beyond 10% or supplementary works, approval of the Superintending Engineer / Chief Engineer Government in the Irrigation & Waterways Department would be required depending on who ever is the Tender Accepting Authority and financial involvement thereof, before making any excess and /or supplementary item work payment.
20. In order to cope up with the present system of e-billing, supply of departmental materials is not encouraged. However, such materials may be issued to the contractor/agency to the extent of requirement, subject to availability, as assessed and following the Treasury system of accounting procedures and in instalments as may be suitably decided by the Engineer-in-Charge. Issuance of materials may be of three categories.
 - a) Materials issued directly to the work subject to its recovery from bills.
 - b) Materials issued from departmental Godown subject to its recovery from bills.
 - c) Materials issued free of cost.
21. Any construction materials brought to work site by the contractor must be approved by the Engineer-in-Charge. Materials rejected must be removed by the contractor from work site at his own cost within 24 hrs of issue of the order to that effect. The rates in the schedule are inclusive of cost and carriage of all materials to worksite. The materials will have to be supplied in phases with due intimation to the Sub-Divisional Officer/Assistant Engineer concerned, in conformity with the progress of the work. For special type of materials, i.e. Geo Synthetic Bags, HDPE Bags, Geo-Textile Filters, Geo-jute Filters etc. if any, relevant data sheets containing the name of the

manufacturers, test report etc. are also to be submitted on each occasion. Engineer-in-Charge may conduct independent tests of all construction materials on the samples drawn randomly before accordance of approval for using these materials for the work. In this regard decision of Engineer-in-Charge is final and binding.

22. For materials under category 20 (a), (b) & (c), the contractor will act as the custodian thereof. The construction materials will have to be carried from the departmental godown to the worksite by the contractor at his own cost. The contractor shall remain responsible for proper storage & safety of the materials. Suitable godowns/ Stores shall have to be made by the contractor at his/her own cost. Penalty charges shall be levied at higher rates for loss, wastage, misuse. Surplus departmentally issued materials if any, shall have to be returned in the godown or store maintained by the Engineer-in-charge at the contractor's cost within the time frame as fixed by Engineer-in-Charge. Otherwise, the cost at penal rates will be recovered from the bill. Indent for departmental materials shall be submitted by the contractor to the S.D.O/AE at least 7 days in advance of actual requirement. No claim will be entertained for non-issuance of such materials on time, but reasonable extension of time will be granted. All materials, whatever be its category thereof, shall be properly stored by the contractor in suitably maintained godowns near the site of work at his own cost & under no circumstances whatsoever shall any material be removed from the site of work without prior written permission of the Engineer-in-Charge. The contractor shall be responsible for any damage or loss of such materials.
23. The contractor shall also have to satisfy the Engineer-in-Charge regarding proper utilization of materials which have been issued departmentally.
24. Value of the materials, under category (a) & (b) of Rule 20, will be recovered from the progressive bills of the contractor in one or successive instalments as may be decided by the Engineer-in-Charge.
25. Requisite quantity of cement as may be required for the work will be supplied from the nearest departmental godown, if stock permits. The issue rate of cement is shown in the Schedule of materials attached with the tender. Excess consumption of cement by more than 5% over the final consumption statement drawn up as per consumption rate specified in the Schedule included in the tender will be recovered at a penal rate shown in schedule.
26. Steel reinforcement rods/MS Sheet Piles/Bitumen will be issued if stock permits from the nearest Departmental godown where such material is available in marketable length/quantity. While issuing the same, for any particular work, the quantity actually required as per approved drawing shall only be issued. It will be responsibility of the Contractor as well as the Engineer-in-Charge to get this quantity properly utilized in the work. Cut pieces, if any, will not be taken back by the Department. Recovery for the total quantum of steel rods issued will be made at the issue rate shown in the Schedule. In case of use over +10%, deduction will be made at a penal rate shown in the Schedule. This whole principle shall apply in case of other M.S materials like sheet piles and structural steel members as well.
27. All quarries and disputes arising out of the works tender contract is to be brought to the notice of Chairman of the Departmental Dispute Redressal Committee in writing for decision within 15 days.

SCHEDULE OF MATERIALS TO BE SUPPLIED DEPARTMENTALLY AND THEIR CORRESPONDING RECOVERY RATES

Sl. No	Name of material Issued departmentally	Issue rate (in)	Unit	Penal recovery rate for loss / misuse / wastage (if not mentioned otherwise in the SoR)	Place of delivery
01	Cement		MT	2 (Two) times issue rate	Departmental godown
02	Steel reinforcement rods/structural steel members/M.S piles		MT	2 (Two) times issue rate	-do-
03	Bitumen		MT	2 (Two) times issue rate	-do-

(Sd/)
Executive Engineer/Superintending Engineer
 Division/Circle,
Irrigation & Waterways Directorate

FORM 1 (Modified)

APPLICATION FOR e-TENDER

To

The Executive Engineer

..... **Division, I&W Directorate**

e-Tender No:- WBIW/EE/Division Code (Maximum 6 characters without space)/ NIT...(e) /2016-17

Serial No of Work applied for :-

**Amount put to Tender :
(Tender Value)**

Dear Sir,

Having examined the Technical cover, OID cover & all other e-NIT documents, I/we hereby would like to state that I/we wilfully accept all your conditions and offer to execute the works as per e-Tender no and Serial no stated above. I/We also agree to remedy the defects after/during execution of the above work in conformity with the conditions of contract, specifications, drawings, bill of quantities and addenda.

Dated this _____ day of _____ 201____

Full name of Bidder / Contractor: _____

Signature: _____

In the capacity of: _____

Duly authorized to sign bids
for & on behalf of (Name of Firm): _____
(In block Capital letters or typed)

Office address with seal if any:

Telephone no(s) (office): _____

Mobile No: _____

Fax No: _____

E mail ID: _____

FORM – 4

Declaration against Common Interest

(To be typed in company/organisation letter head, scanned and uploaded)

Ref:- e-NIT No.,

e-Tender ID No.....

Sl. No.....

I/We, Sri/Smt. _____, the authorized signatory on

behalf of do hereby affirm that

I/We/any of the member of bidding against e - NIT

No. Sl. No. do not have any common

interest either as a partner on any partnership firm / consortium as a Proprietor / Owner of any other

firm in the same serial for the work I / we want to participate.

Date:

Signature of contractor/bidder
with official seal if any

Enclosure-II

(Latest Modified e-NIT 'Standard Format' for works of 'Tender Value' (Amount Put to Tender) above Rs 45.0 lakh)

*Government of West Bengal
Irrigation & Waterways Directorate
Office of the Superintending Engineer
..... Circle
Postal Address Phone No Fax No*

NOTICE INVITING e-TENDER

e-NIT No - WBIW/SE/Circle Code (Max 6 characters without space)/NIT- (e)/2016-17

Separate tenders are being invited by the **Superintending Engineer**.....
Circle, Irrigation & Waterways Directorate on behalf of the Governor of West Bengal through electronic tender (e-tender) for the works mentioned in the list given in next page from eligible and resourceful contractors/bidders having desired credential and financial capability for execution of works of similar nature.

Intending contractors/bidders desirous of participating in the e-tender are to login to the website www.wbiwd.gov.in (the official website of Irrigation & Waterways Department) and click the "e-procurement" link provided therein. They may also visit the designated Government of West Bengal tender website having URL <https://wbtenders.gov.in> for the same e-tender. The e-tender can be searched by typing **WBIW/SE** in the search engine provided in the website/s, by logging-in the designated link of concerned Superintending Engineer.

Contractors/bidders willing to take part in the process of e-tender are required to obtain Digital Signature Certificate (DSC) from any of the authorized 'Certifying Authorities' (CA) under Controller of Certifying Authorities (CCA), Department of Electronics & Information Technology (DEIT), Govt. of India. (viz. NIC, n-Code Solution, Safescrypt, e-Mudhra Consumer Services Ltd, TCS, MTNL, IDRBT) or as notified by the CA /Finance Department from time to time. DSC is given as a USB e-Token. After obtaining the Class 2 or Class 3 Digital Signature Certificate (DSC) from any of the above CA, they are required to register the fact of possessing the DSC through the registration system available in the above mentioned website/s. A list of such licensed CAs' is also available in the CCA website cca.gov.in. The prospective contractors / bidders may contact the e-tendering State Level Help desk located at 7th Floor, Jalasampad-Bhavan, Bidhannagar, Sector-II, Kolkata through e-mail ID: irrigationhelpdesk@gmail.com or ID: dvcsc6816@gmail.com and Telephone No. 033-23346098 on any working day, between 10AM – 5PM for any query on e-tendering, obtaining DSC, training on e-tendering usage, free of cost.

Intending contractors/bidders are required to download the e-tender documents directly from either of the website/s stated above. Tender is required to be submitted on-line with the help of the e-Tokens provided. **This is the only mode of submission of tender documents.** The interested bidders eligible for the tender may submit their bids through the e-Procurement system using their valid DSC e-Token with assigned PIN and using login ID and password. Details of submission procedure have been explained in the 'Bidders Manual' for participating in e-tenders of the State Government, which is available in the Departmental website www.wbiwd.gov.in. Minimum period of time to be given to the contractors/bidders for submission of e-tenders is counted from the date on which the notice inviting tender including e-tender is actually published in the newspaper(s). In case of publication of the e-NIT in more than one newspaper, all the advertisements should appear simultaneously on the same day in all newspapers. Also, uploading of the notice including e-tender documents in the State Government e-tender portal shall be such the e-tender documents are to be visible in the website <https://wbtenders.gov.in> as soon as the brief referral advertisement appears in the newspaper(s).

Last date & time of submission of e-bids online is on till hours.

The intending bidders/contractors must read the 'Terms & Conditions' contained in the e-Notice Inviting Tender (e-NIT) carefully. He/she should particularly go through the eligibility criteria, and satisfy himself/herself of the mandatory requirements. Contractors/bidders desirous of participating in the e-tender may submit bids for the work only if they fulfill the minimum eligibility criteria and are in possession of all the required documents in original.

All information posted in the website consisting of e-NIT and related documents, WB Form No. 2911(i)/2911(ii), Bill of Quantities (BOQ), EMD exemption order if any of competent authority, corrigenda and drawings etc. if any, shall form a part of the e-tender document.

LIST OF WORKS**e-N.I.T No - WBIW/SE/...../NIT- (e)/2016-17**

Sl no	Name of Work	Designated Executive Engineer with Headquarter (In case of more than one is engaged, to be decided by the Tender Accepting Authority)	Amount put to Tender (Tender Value) (Rs)	Earnest Money Deposit (Rs)	Time allowed for completion (In days)	Source of Fund	Financial requirements to match the credential in terms of execution of similar items in previous works tender contract (*)	'Physical Milestones' for completion of each work within stipulated time (Refer to Clause 19 of the General Terms & Conditions)
1	2	3	4	5	6	7	8	9
01	Executive-Engineer, Division, days	Bonafide contractors/bidders having following criteria: I. BOQ/Gross Bill Value (without contractual rate in both the cases) of 100% completed works of similar nature should be at least 30% of the amount put to tender (tender value) of the work. II. To ascertain similarity, BOQ of the completed works should have any items out of one of the following nature, having aggregated value equal to or more than the limits prescribed below.(Refer to clause 7 of Additional Terms & Conditions of e-NIT) a. Earthwork Type A: for ₹..... b. Protection work Type A: for ₹..... c. Concrete work: for ₹ etc. d. Other requirements as contained in e-NIT	
02	Executive-Engineer, Division, days		

(*) For Consortiums, additional criteria may be referred under Clause 1, Cl.4.2 & Cl. 7 of General Terms & Conditions.

(General Terms & Conditions for e-tenders: 'Tender value' above ₹ 45.00 Lakh)

1. Eligibility for participation

Bona fide contractors/bidders, Registered Engineers'/Labour Co-operative Societies, Consortiums and Partnership firms registered with the State Government and contractors/bidders of equivalent grade or class registered with the Union Government / Military Engineering Services / Indian-Railways for execution of civil / M&E works are eligible to participate depending on the criteria as laid down in the subsequent para. 'Joint Venture Firms' are not eligible to participate in tenders.

Note: *In case of consortiums, maximum number of constituents shall be restricted to 5 (five) and each of the constituent must have at least 10% work credential as well as at least 10% annual turnover from business in preceding 3 years within zone of consideration. Individual Constituents of a Consortium cannot form another consortium.*

2. Participation in more than one serial of work in a e-tender

Any contractor/bidder may submit bids for a maximum of 50% of the total number of works (rounded up to next higher integer) published in any particular e-NIT depending on his/her previous work credential and financial capability, details of which have been stated later.

3. A 'Pre-Bid' meeting will be held in the office chamber of the Tender Inviting Authority on Day 4 or 5 from the date of publication of e-NIT, which shall be notified in the e-NIT therein for all works having tender value more than ₹ 1.00 Crore, in order to acclimatize the prospective contractors/bidders through an interactive open session, replying to their queries, and clear doubts in connection with the tendered work/s, if any.

4. Submission of Tenders

4.1 General procedure for submission of e-tenders

Bids are to be submitted on-line through the website/s stated earlier. All the documents uploaded by the Tender Inviting Authority form an integral part of the tender contract/agreement. Contractors/bidders are required to upload the entire set of tender documents along with other related documents as asked for in the e-tender through the above website/s within the stipulated date and time as given in the e-NIT. Tenders are to be submitted in two folders at a time for each work, one being 'Technical Proposal' and the other 'Financial Proposal'. The contractor/bidder shall carefully go through all the documents of the e-tender and prepare to upload the scanned documents in Portable Document Formats (PDF) files in the designated link in the web portal as their Technical Bid. He/she needs to fill up the rates of items/percentage in the BOQ downloaded for the work in the designated cell of Excel sheet only and upload the same again in the designated link in the portal as their Financial Bid. Documents uploaded are virus scanned and digitally signed using the Digital Signature Certificate (DSC). Contractors/bidders should especially take note of all the addenda and corrigenda related to the e-tender and upload all of these documents also as a part of their tender document.

Documents uploaded by the contractors/bidders with all information & rates comprising Technical bid and Financial bid cannot be changed after last/end date for submission of e-tender.

4.2 Technical Proposal

The Technical Proposal should contain scanned copies and/or declarations in the following standardised formats in two covers (folders).

A. Technical Cover containing:-

- i. Application for e-Tender (vide Form-1) (to be submitted in "**Forms**" folder)
- ii. WB Form No. 2911(i)/2911(ii) (to be submitted in "**2911**" folder)
- iii. Notice Inviting e-Tender (e-NIT) (to be submitted in "**NIT**" folder)
- iv. Annual Turnover from business: Profit and loss accounts statement in the prescribed form with annual turnover of last three financial years or during the period since formation of the company/Firm/society, if it was set up in less than three year period. (vide Form-2 to be submitted in "**Forms**" folder)

- v. Credential Certificate (vide Form- 3 to be submitted in **"Forms" folder**)
- vi. Declaration of not having common interest in the same serial (vide Form-4 to be submitted in **"Forms" folder**)
- vii. Drawings, if any. (To be submitted in **"Drawings" folder**)
- viii. Addenda/Corrigenda: If published; (to be submitted in the **'NIT' folder merged** with e-NIT already uploaded as pdf file)

NOTE: i. Contractors/bidders are to keep track in the website for all the addenda and corrigenda published for a particular e-tender and upload all the above digitally signed by him/her along with his/her tender. Tenders submitted without addendum/corrigendum are liable to be treated as informal and thereby rejected.

ii. Tender will be summarily rejected if any of the aforesaid items are found to be missing in the on-line bid submitted.

B. My Document [OID* Cover] containing:

My Document Format for uploading in OID folder:-

Sl. No.	Folder Name	File Description	Details	Remarks if any
A	Certificates	certificates.pdf 1 certificates.pdf 2 certificates.pdf 3 certificates.pdf 4	1. Professional Tax Payment Certificate (PTPC) 2. PAN Card 3. Value Added Tax (VAT) Registration Certificate in West Bengal (TIN)/CST Registration for other States 4. Latest available I.T Return Receipt	
B	Company Details	companydetails.pdf 1 companydetails.pdf 2 companydetails.pdf 3	1. Proprietorship Firms (Trade Licence) 2. Partnership Firms (Partnership Deed, Trade-Licence, Form-VIII or Memorandum of Registration) 3. Ltd. Companies (Incorporation Certificate, Trade Licence, Memorandum of Articles) 4. Registered Co-operative Societies (Society Registration- Certificate, Trade Licence and By-laws, Documents showing latest office bearers) 5. Consortiums (Form-VIII) or Memorandum and Undertaking	
C	Credential of work	Credential pdf 1 Credential pdf 2 Credential pdf 3	1. BOQ duly authenticated by issuing authority and work order. 2. Completion Certificates of completed work (If Annual Turn Over is below Rs. 1.00 Crore) 3. Gross bill of 100% completed work including excess and supplementary items not covered in original BOQ authenticated by appropriate authority.	
D	Financial credential	P/L Audited Balance-sheet for year -1.pdf P/L Audited Balance-sheet for year -2.pdf P/L Audited Balance-sheet for year- 3.pdf	Profit & Loss account audited balance sheets with annexure containing the appropriate designated Forms 3CA/3CD/3CB, as applicable with annual Turn Over for last three years within the zone of consideration.	

* OID denotes Other Important Documents.

C. i. Certificate/s: (name of the file should be **"certificates.pdf")**

- a. Professional Tax Payment Certificate (PTPC) valid for the current financial year/latest as per

rules and PAN Card. Application for PAN addressed to the competent authority may also be considered.

- b. Value Added Tax (VAT)/CST registration certificate;
- c. Latest Income Tax Return receipt
- ii. Company Details: (name of file should be **"companydetails.pdf"**)

A. Details for Consortiums formed out of Proprietorship Firms &/ Partnership Firms

Deed of Consortiums formed with Partnership Firm etc, and documents of their registration in the form of certified copy of 'Form No. VIII,' issued under the Indian Partnership Act, 1932 (Act-IX of 1932) by the Registrar of Firms, West Bengal having their registered office at P-15 India- Exchange Place, Todi-Mansion, 10th Floor, Kolkata 700001.

In case a contractor/bidder is yet to receive Form No. VIII, a "Memorandum" issued from the above office may also be accepted. However, consortiums submitting the Memorandum are also required to submit an undertaking in plain paper along with their application in Forms 1 & 2 and upload its scanned copies in pdf pledging that "Copy of Form No. VIII would be submitted to the Tender Inviting Authority before receiving final payment, in case found to be the lowest bidder L1 and the work is awarded in its favour. Any change in the constituent of the Consortium/Partnership Firm should also be intimated to the office of the Registrar of Firms, Kolkata prior to submission of application in the e-tender and a certified copy of the revised Form No. VIII showing changes in its constituents are required to be submitted. If the Consortium is yet to receive a certified copy of the revised Form No. VIII, it would be required to submit the aforesaid undertaking on-line along with his/her tender.

Note: *An affidavit regarding authorized user of DSC for Consortium and a declaration regarding such authorization for Limited companies is required to be submitted on-line with the e-tender. Scanned copies in pdf file of competent authority are to be submitted, if the power is delegated for signing of bid/s to persons other than the applicant contractor/bidder.*

B. For State Registered Co-operative Societies and Companies (**"companydetails.pdf"**)

- a. Society Registration certificate from ARCS (Assistant Registrar of Co-operative Societies, GoWB) and By-Laws for Cooperative Societies under West Bengal Co-operative Societies Act, 2006 and Rules, 2011.
 - b. Trade Licence for Proprietorship Firms/ Partnership Firms/Companies.
 - c. 'Memorandum of Articles' for Companies registered by the Registrar of Companies (ROC) under Indian Companies Act.
 - d. Any other document, showing name with signature of all latest office bearers/Directors/Board Members.
- iii. Credential: Scanned copy of work credential issued in favour of the contractor/bidder as detailed under clause 6.
Bill of Quantities (BOQ) along with work order duly authenticated by the competent authority in support of Form-3 submitted under Technical cover (name of file should be **"credential.pdf 1"**).
In case of execution of supplementary/substitute supplementary items having value more than 30% of BOQ, final gross value of bill (without *contractual rates*) including such supplementary / substitute supplementary items may be considered to ascertain similarity in nature of work and authenticated copy of such bills may be uploaded with the bid on-line, if made available and desired by the bidder (name should be **"credential pdf 2"**).
- iv. Financial Information:
- a. Balance Sheet: Audited Balance Sheet including Profit & Loss Accounts of the preceding three financial years with auditor's certificate regarding Annual Turnover from business in each 3CA/3CB/3CD as applicable financial year. The audited Balance Sheet shall contain Annexure, Form 3CA/3CB/3CD as applicable u/s 44AB of IT Act 1961. Auditor's certificate must contain his/her Membership / Registration no. of Registered Audit/CA Firm.

Note: Bidder/Contractor whose Annual Turnover is less than Rs. 1.0 Crore and do not have audited balance sheet of the immediate preceding year during the period of tender, shall need to submit payment certificates of works obtained from clients for such year in support of Form 2 submitted under Statutory cover above.

If the company was set up less than three years ago, audited balance sheet for the number of years since inception is to be submitted.

- v. **Others:** Any other documents found necessary.

Note: Failure to submit of any of the above mentioned documents in the e-tender will render the bid/tender liable to summarily rejection.

4.3 Financial proposal / bid under Financial cover:-

The financial bid should contain the following documents in one cover (folder).

Bill of Quantities (BOQ): The contractor/bidder is required to quote the rate as percentage above or below tender value on-line in the space marked for quoting rate in the BOQ. *(Only downloaded copies of the above document in excel sheet is to be uploaded by the contractor/bidder).*

NOTE:

- a. *BOQ without a valid numeric rate at the designated space provided in the BOQ will be rejected outright. Contractors/bidders willing to quote “at-par” rate shall need to write “0” in the ‘space’ provided for rates in the BOQ.*
- b. *In cases where BOQ has been changed by the Tender Inviting Authority by way of addendum/corrigendum, contractors/bidders are required to upload the revised BOQ. If bids are submitted prior to the date of publication /uploading of addendum/corrigendum, the contractor/bidder is required to resubmit the bids along with the revised BOQ. If the revised BOQ is not found subsequently during financial evaluation, the bid will be rejected.*

5. Tender Fee and Earnest Money Deposit (EMD)

- i. **Tender Fees:** Entire set of e-Tender documents are made available free of cost through the State Government e-tender portal having URL <https://wbtennders.gov.in> and also the Departmental website www.wbiwd.gov.in. In case of off-line tenders (Tender value below ₹ 5.00 lakh), tender documents are also available free of cost from the office of Tender Inviting Authority and also to be available in the Departmental website www.wbiwd.gov.in. No cost for tender document shall be charged even during execution of a formal tender contract / agreement. However, the contractors/bidders may wherever necessary be charged suitably for asking for additional/multiple copies of drawings, specifications, Schedule of Rates booklet (SoR) etc. and such fee may be suitably determined by the Tender Inviting Authority as per norms.

ii. Earnest Money Deposit (EMD):

Traditional procedure of depositing EMD through off-line instruments like Bank Draft, Pay-order, Bankers Cheque etc. has been completely dispensed with for all e-tenders/e-procurements of the State Government, w.e.f 1st September, 2016. Intending bidders desiring to make payment of earnest money (EMD) on-line, should beforehand read the instructions carefully, particularly in the challan generated in the system of e-tender/e-procurement, if opted for EMD payment through RTGS/NEFT

A. Login by bidder:

- a. A bidder desirous of taking part in a e-tender invited by a State Government shall login to the e-Procurement portal of the Government of West Bengal using his/her login ID and password by using valid DSC.
- b. He/she will select the e-tender to bid and initiate payment of pre-defined EMD for that e-tender by selecting from either of the following payments modes:
 - i. Net-Banking (any of the banks listed in the ICICI Bank Payment Gateway) in case of payment through ICICI Bank Payment Gateway;
 - ii. RTGS/NEFT in case of off-line payment through bank accounts in any Bank approved by RBI in India.

B. EMD payment procedure:

- a. Payment by Net Banking (any listed bank) through ICICI Bank Payment Gateway:
 - i. On selection of net banking as the payment mode, the bidder will be directed to ICICI Bank Payment Gateway webpage (along with a string containing a Unique ID) where he/she will select the Bank through which he/she wants to do the EMD on-line transaction.
 - ii. Bidder will make the payment after entering his Unique ID and password of the bank to process the transaction.
 - iii. Bidder will receive a confirmation message regarding success/failure of the transaction.
 - iv. If the transaction is successful, the amount paid by the bidder will get credited in the respective Pooling account of the State Government maintained with the Focal Point Branch of ICICI Bank at R.N Mukherjee Road, Kolkata for collection of EMD against unique codes for identification of the tendering authority.
 - v. If the transaction is failure, the bidder will again try for payment by going back to the first step.
- b. Payment through RTGS/NEFT:
 - i. On selection of RTGS/NEFT as the payment mode, the e-procurement portal will show a pre-filled challan having the details to process RTGS/NEFT transaction.
 - ii. The bidder will print the challan and use the pre-filled information to make RTGS/NEFT payment using his/her own Bank account.
 - iii. Once payment is made, the bank would provide an “**UTR remittance number**” for successful transaction with which the bidder will come back to the e-Procurement portal after expiry of 2 to 3 bank working days to enable the NEFT/RTGS process to complete, in order to verify the payment made and continue with his/her bidding process.
 - iv. If verification is successful, the fund get credited to the respective Pooling account of the State Government maintained with the Focal Point Branch of ICICI Bank at R.N Mukherjee Road, Kolkata for collection of EMD.
 - v. Hereafter, the bidder will go to e-Procurement portal for final e-submission of his/her bid within pre-assigned last date of submission of e-tender.
 - vi. If the payment verification is unsuccessful, the amount will be returned automatically by the system to the bidder's account.

Note: EMD payment made through RTGS/NEFT would require additional 2 to 3 bank working days after date of transaction in the bank before the procedure is completed for enabling the bidder to continue with the bidding process in the on-line e-tender final bid submission. Thus, the bidder is to take precaution in case of RTGS/NEFT transfers so that the entire process of submission of e-tender is completed within last date of on-line submission of his/her tender. However, Net-banking transaction through ICICI bank payment Gateway would be on real time basis.

C. Refund/Settlement Process for EMD:

- i. After opening of his/her bids and technical evaluation of the same by the Tender Inviting Authority through electronic processing in the e-Procurement portal of the State Government, the tender inviting authority will declare the status of the bid as successful or unsuccessful which will be made available along with the details of the unsuccessful bidders to ICICI Bank by the e-Procurement portal through web services.
- ii. On receipt of the information from the e-Procurement portal, the Bank will refund through an automated process the EMD of the bidders disqualified at the technical evaluation to the respective bidders' bank accounts from which they made the EMD on-line transaction. Such refund will take place within T+2 Bank working days where T will mean the date on which information on rejection of bid is uploaded to the e-Procurement portal by the Tender Inviting Authority.
- iii. Once the financial bid evaluation is electronically processed in the e-Procurement portal, EMD of the technically qualified bidders other than that of the L1 and L2 bidders will be refunded, through an automated process, to the respective bidders' bank accounts from which they made the payment transaction. Such refund will take place within T+2 Bank working days where T will mean the date on which information on rejection of financial bid is uploaded to the e-Procurement portal by the tender inviting authority. However, the L2 bidder should not be rejected till the LOI process is successful.

- iv. If the L1 bidder accepts the LOI and the same is processed electronically in the e-Procurement portal, EMD of the L2 bidder will be refunded through an automated process, to his/her bank account from which he/she had made the payment transaction. Such refund will take place within T+2 Bank working days where T will mean the date on which information on Award of Contract (AOC) to the L1 bidder is uploaded to the e-Procurement portal by the Tender Inviting Authority.
- v. As soon as the L1 bidder is awarded the contract (AOC), the same is processed electronically in the e-Procurement portal for transfer to Government Receipt under Public Accounts through GRIPS where under the security deposit will also be collected in connection with the work.
- vi. All refunds will be made mandatorily to the Bank account from which the payment of EMD and Tender Fees (if any) were initiated.
- vii. If the e-tender is cancelled, then the EMD would be reverted to the original bidders account automatically after such cancellation order is affected online by the Tender Inviting Authority.

6. Credential Certificates

- i. Completion Certificates (CC) for 100% completed works during the current year and within last five financial years will only be accepted as valid credential.
- ii. CC should clearly show the name, postal address, (contact Tel. No. and FAX or e-mail ID if issued outside the jurisdiction of the State) of the office and designation of the officer/ authority issuing the CC for the work along with the name of work and amount put to tender (Tender Value). Illegible certificates and those having incomplete information may be rejected.
- iii. CC of works executed in the Irrigation & Waterways Directorate will be considered. CC of works executed in other Departments of the State Government/ organizations viz. Public Works & Public Works (Roads) Department, Public Health Engineering Department, Sundarban Affair Department and other State Government Departments, Zilla Parishads & Panchayat Samities only within the jurisdiction of the State of West Bengal, WBHIDCO, WBSEDCL, WBSETCL, KMDA, KMW&SA, KMC, Other Municipal Authorities and Bodies, HRBC, Engineering Departments of Union Government and Organizations like Farakka Barrage Project (FBP) Authority, Indian Railways, KoPT and companies owned or managed by the Government of West Bengal, i.e. Mackintosh Burn Ltd., Westinghouse Saxby Farmer Limited & Britannia Engineering Ltd. may also be considered. Such CC are to be issued by an officer/authority not below the rank of Executive Engineer / Divisional Engineer / District Engineer/Project Manager of the State/Union Government Departments/ Organisations; authorised signatories of CC for Panchayat Samities and Municipalities shall be BDO & Ex-officio Executive Officer and Secretary or equivalent administrative officers respectively. It is desirable to have contact telephone and FAX or e-mail address of the signatory of the CC for all offices outside West Bengal.

Such CC is required to be further countersigned by the immediate superior authority of the issuing authority for all cases outside the State of West Bengal other than executed direct Union Government Departments and Ministries. Also such certificates when issued in other States other than those directly of State/Union Government Departments/Ministries should contain a declaration that the work has been executed to the satisfaction of the concerned Government Organisation and has been declared 100% complete in all respect by the competent authority in the concerned Organisation.

7. Eligibility criteria

- i. Eligibility of a contractor / bidder based on his/her work credential will be determined as per norms stated below:
- ii. Monetary value of amount put to tender (i.e tender value) without considering contractual rate of the work executed or its final gross final bill value excluding contractual rate, inclusive of supplementary /substitute supplementary items (to be considered if BOQ is increased by at least 30%) as the case may be, if submitted, will be further multiplied by the following factors to take

care of the inflationary effect to arrive at the net national amount.

Year	Description	Multiplying factor to arrive at net notional amount
Current	-	1.00
1st	1 year preceding the current financial year	1.08
2nd	2 years preceding the current financial year	1.16
3rd	3 years preceding the current financial year	1.26
4th	4 years preceding the current financial year	1.36
5th	5 years preceding the current financial year	1.47

Note: For cases where two contractors/bidders are participating in a e-tender for a particular work are such that one happens to have worked as a sub-contractor of the other, and both the contractors/bidders submit work credential of having completed the same job either wholly or partly, then in such case the credential of the principal contractor will be considered while that of the sub-contractor will not be taken into consideration for determining the eligibility criteria of the contractor/bidder towards the e-tender. If the credentials submitted by hitherto contractors/bidders are for different works, then both the work credentials will be considered towards determining the eligibility criteria of the individual contractors/bidders.

iii. Financial proposal of any contractor/bidder will come under consideration only when both the criteria mentioned below are satisfied and fulfilled.

a. Net notional amount calculated from the Completion Certificate (CC) of a single work during last 5 years issued in favour of the contractor/bidder/agency/Firm/Company/Consortium for a work of similar nature (similarity in nature to be ascertained as per the guidelines stated in para 7(iv) **should be at least 30% of the amount put to tender (i.e Tender Value)** of the work. However, for Consortiums where CC of individual entities of the Consortium are to be considered, sum of net notional work values in the CC of individual entities for works of similar nature (one for each entity) aggregate should be at least 90% of the amount put to tender,

And,

b. **Annual turnover** from business as stated in clause 4.2 A(v) and in Form-2 should be at **least 25%** of the amount put to tender of work in which the contractor/bidder/agency/Firm/Company/Consortium intends to participate. However, for Consortiums Annual Turnover of individual entities are to be considered, sum of Annual Turnover from business of such individual entities should be at **least 75%** of the amount of tender in which the Consortium intends to participate.

iv. Guidelines for ascertaining similarity in nature of works

A. Following major items having weightage of 25% or more in terms of monetary value in respect of amount put to tender for a work are to be identified and monetary value of each of the major item is to be calculated for any particular work listed in the e-NIT by summing up the associated items of the BOQ coming up under any of the major items as described below:

- Earthwork (Type A): Earthwork in dry excavation in irrigation canals / drainage channels or in making of embankments on river / sea front / drainage channels / irrigation canals from borrow pit earth or transported earth, by manual / mechanical means including leads, lifts, and disposal / transportation etc.
- Earthwork (Type B): Earthwork is wet excavation in flowing channels/rivers/reservoirs by barge/pontoon mounted excavators including all leads & lifts and disposal/transportation etc.
- Brickwork /Boulder Masonry Work: Brickwork/boulder masonry work and cement plaster, excluding brick block pitching and similar works.
- Concrete work (other than for Buildings & Roads): RCC, PCC of all grades with reinforcement steels of concrete in hydraulic structures (i.e. structures on or across rivers / streams or jhora/ sea fronts/ drainage channels / irrigation canals excluding C.C block pitching / lining works) including Formwork and staging etc complete.
- Structural Steel works: All types of structural steel work including M.S Sheet piles supply,

fabrication, erection / installation etc. complete.

- f. Protection work (Type A): C.C blocks / Cement concrete lining/toe walls/boulders of all kind, dry brick pitching / brick block pitching/boulder pitching/loose boulder apron/crated boulder dumping/brick bat dumping for sausage or aprons or under water scour depth filling by boulders / brick bats in geo-bags / nylon crated bags/laying of inverted filters below pitching (conventional or geo-jute or geo-synthetics) including supply, carriage and laying at site etc complete.
- g. Protection work (Type B): Protection work with bullah and bamboo, porcupine cages / groynes or spurs and marginal embankments or levees, pitching by geo bags or polythene bags or crated polythene bags, including supply, carriage, placing / driving in position at site.
- h. Road work (Type A): All items related to construction / renovation /improvement of bituminous roads/rigid & concrete pavements etc.
- i. Road work (Type B): All types of fair weather roads involving use of boulder/brick bats/jhama bats/river bed materials/moorum etc.
- j. Building works: All items related to brickwork, cement concrete work including reinforcement steel, scaffolding staging and shuttering, plastering, painting and flooring of buildings etc.
- B. Monetary values of each of the major items is to be multiplied by a factor 0.40 to arrive at the financial requirement to match work credential in terms of execution of similar items and to be integrated with column 8 of list of works.
- C. If value of summation of those items contained in the BOQ or gross completed bill value of the CC (excluding contractual rate), related to at least one of the major items stated in the financial requirements at column 8 of the list of works is equal to or exceeds the amount of any one of financial requirements specified at column 8, the CC of that work may be considered as similar nature of work subject to fulfilment of the following conditions:
 - a. After summation, the value may further be multiplied by the factors stated in the table under clause 7 (ii) to take care of the inflationary factors.
 - b. Whenever credential of individual entities of a Consortium is considered, multiplying factor of 0.40 stated in Clause 7 (iv) (B) should be considered as 0.80 of combined values of the BOQ, or gross combined final values of each of CC of the individual entities satisfy the requirement stated in Clause 7 (iv) C(a) above.

General Note:-

- a. If the items of work contained in e-tender are such that even after combination and addition of those into categories of major items defined as illustrated in clause 7(iv) (A), due to aggregate amount being less than 25% of the amount put to tender, the Tender Accepting Authority may decide on appropriate major items, one or two from amongst the list of important items and further fix up the financial requirement (monetary value of such items) in terms of execution of similar items in previous works in column No. 8 of the list of works against that particular work.
- b. Credential for Type 'B' earth work may also be considered to ascertain similarity in nature for work involving Type 'A' earthwork but the reverse cannot be considered. Similarly, credentials for Type 'A' protection works may also be considered to ascertain similarity in nature for work involving Type 'B' protection work but not vice-versa.
- c. In case authenticated copy of item wise gross completed bill value is not uploaded for any reason whatsoever, eligibility for similar nature of work will be judged on the basis of items of works in the BOQ.

8. Eligibility criteria for participating in more than one serial of work in an e-NIT

- i. Normally, separate Completion Certificates (CC) of 100% completed works is to be provided for participation in separate works in a particular e-NIT. However, CC for one particular work may be considered as eligible for participation in maximum two numbers of serials, provided requisite work credential i.e financial requirement stated in column 8 of the list of works for two such works (to be arithmetically added for identical major items) satisfies the requirement in all respect from one such CC from the point of view of ascertaining similarity in nature of work.

Example:

- a. Suppose major items of two works in any particular e-tender is 'earthwork', the financial requirement of earthwork required for both the serials are arithmetically added and the combined amount is less than or equal to the amount of earthwork contained in the CC of one work, the bidder will be eligible for both the works.
- b. Suppose that major item of two works in any particular e-tender are 'earthwork' and 'concrete work', the financial requirement for the two major items of 'Earthwork' and 'Concrete work' contained in the BOQ of the two serials are less than or equal to the amount of the corresponding items contained in the CC, the bidder becomes eligible for both the works.
- c. i. However, one completion certificate (CC) will be considered for a maximum of two e-tenders.
 - ii. Annual turnover should be more than or equal to **25%** of aggregate Tender Value of works in which the bidder/contractor/Firm/Consortium intends to participate. However for Consortiums, where Annual Turnover of individual entities of the Consortiums are to be considered, the sum of the Annual Turnover of individual entities should be at least **75%** of the aggregate cost of the amount put to tender of works in which the Consortium intends to participate.
 - iii. Both the conditions stated above in (i) and (ii) are to be simultaneously satisfied.
 - iv. Submission of e-Tenders in excess of 50% of total number of works (rounded off to next higher integer) in any particular e-NIT will not be considered.

9. Penalty for suppression / distortion of facts and withdrawal of L1 bidder before acceptance of LOI

If any contractor/bidder fails to produce all the original hard copies of the documents (especially Completion Certificates and audited balance sheets), or any other document on demand by the Tender Inviting Authority within a specified time frame or if any deviation is detected in the hard copies from the corresponding uploaded soft copies or if there is any suppression / distortion / falsification noticed/detected/pointed out at any stage of e-tender process prior to the issue of work order, the Tender Inviting Authority will immediately bring the matter to the notice of the Tender Evaluation Committee who upon recommending suitable punitive actions against the bidder will place the matter before the concerned Chief Engineer within 15 days of receipt of the complaint from the Tender Inviting Authority and the contractor/bidder may be suspended from participating in all future tenders on the e-Tender platform of I&WD as per approval of the Chief Engineer for a maximum period of 3 (Three) years. In addition, his/her EMD will stand forfeited by the Government. The concerned Chief Engineer then will issue the necessary suspension order in writing with intimation to the defaulting contractor/bidder, other Chief Engineers, Central e-Tendering Cell and also the Department. Copy of such suspension order should invariably be communicated to the Nodal Officer, e-Governance Cell of the Department with a request to upload the order in the Departmental website. Besides, the Irrigation & Waterways Department may also take appropriate legal actions including blacklisting of the defaulting contractor/bidder and debarring him/her from participating in any State Govt. tender for a period upto three years and even e-tender cell of this Department may be advised to block the incumbents DSC in order to debar him/her from participating in any Departmental e-tender during such suspension period. For e-tenders where such suppression / distortion / falsification is detected at an advanced stage of e-tender processing, the concerned Chief Engineer will be the deciding authority as to what further necessary actions are to be taken regarding the fate of the e-tender.

10. Taxes & duties to be borne by the Contractor/bidder

Income Tax, VAT, Sales Tax, Royalty, Construction Workers' Welfare Cess and similar other statutory levy / Cess will have to be borne by the contractor/bidder and his/her quoted rate should be quoted accordingly after considering all these charges. Only Service tax, as applicable, if eligible, would be reimbursed as per rules on production of necessary documents.

11. Site inspection prior to submission of tender

Before submitting a e-tender, the intending contractor/bidder should make themselves acquainted thoroughly with the local conditions prevailing at site of implementation of the

work by undertaking field inspections and taking into consideration all probable likely factors and difficulties to be involved in execution of the work as per specification in all respects including transportation of materials, communication facilities, climate conditions, nature of soil, availability of local labourers and market rates prevailing in the locality etc. and no claim whatsoever will be entertained on those accounts afterwards. In this connection intending contractors/bidders are advised to attend the 'Pre-Bid' meeting with the Tender Inviting-Authority on the prefix date to get his/her doubts cleared if he/she desires. He/She may also contact the office of the Executive Engineer Division in between 11.30 hours to 16.30 hours on any working day, prior to the date of actual submission of bid of e-tender.

12. Conditional and incomplete tender

Conditional and incomplete tenders are liable to be summary rejected.

13. Opening and evaluation of tender

13.1 Opening of a Technical Proposal

- i. Technical proposal will be opened by the Tender Inviting Authority or his/her authorised representative/s electronically in the official website stated earlier, using their authorised valid Digital Signature Certificate/s (DSC).
- ii. Intending contractors/bidders may remain present if they so desire.
- iii. Technical cover documents (vide Clause 4.2.A) will be opened /decrypted first and if found in order, Cover (Folder) for OID (vide Clause 4.2.B) will be opened/decrypted. If there is any deficiency in either of the Technical cover documents, the e-tender will summarily be rejected.
- iv. Decrypted (transformed into readable format) documents of the OID (Other Important Document) Cover will be decrypted/downloaded and handed over to the Tender Evaluation Committee.
- v. Procedure to be followed for opening of a Financial bid is explained later under clause 13.5

13.2 Tender Evaluation Committee (TEC)

Committees constituted from time to time by the Government in the Irrigation & Waterways Department for evaluation of Technical proposals of the contractors/bidders for high value e-tenders, will function as Tender Evaluation Committee (TEC).

13.3 Uploading of list of technically qualified contractors / bidders in the web portal/s

- i. Pursuant to scrutiny and decision of the Tender Evaluation Committee (TEC), the list of eligible bidders/ contractors for a particular serial of work whose Technical proposal will be considered and uploaded in the web portal/s.
- ii. While evaluating, the TEC may if they so desire summon the contractors/bidders and seek further clarification/information or additional documents or seek verifications of original hard copy of any of/all the documents already submitted on-line and if these cannot be produced within a reasonable and stipulated timeframe, their bids will be liable for rejection.

13.4 Opening and evaluation of Financial Proposal

- i. Financial proposals of the bidders/contractors declared technically eligible by the Tender-Evaluation Committee (TEC) will be opened electronically by the Tender Inviting Authority in the web portal stated above on the pre-notified date and time.
- ii. The encrypted copies will be decrypted and the rates will be read out to the contractors/bidders remaining present at that time, else they may login their respective e-tender accounts to see the (CS) comparative statement in the web portal.
- iii. After opening the financial proposal, the preliminary summary result containing inter-alia the names of contractors/bidders and the rates quoted by them will be uploaded and the result will be made available in the e-tender web portal platform.
- iv. If the Tender Accepting Authority (TAA) is satisfied that the rate obtained is fair and reasonable and there is no scope of further lowering down of rate, he/she may after having the comparative statement test checked by the Divisional Accountant / Divisional Accounts

Officer attached to the office of the concerned Executive Engineer instruct the Tender-Inviting Authority to upload the final summary result containing the name of contractors/bidders and the rates quoted by them against each work after acceptance by the Tender Acceptance Authority (TAA).

- v. If there is any scope for lowering down of rate in the opinion of the Tender Accepting Authority being abnormally high much above 10% of the Tender value, all the bidders qualified in technical bid will be notified through system generated e-mail and mobile phone sms to attend e-sealed bid tender-cum-auction on a predetermined date and time to be held in the office of the Tender Accepting Authority. Open off-line bids are normally not encouraged from the point of view of confidentiality and transparency. However, in exceptional cases with prior recommendation and advice of Government appointed Tender Committee open off-line bid negotiations with **only the L1 bidder** to lower down the e-sealed bid tender cum auction rate may be held by the Tender Accepting Authority in presence of Tender Inviting Authority for reasons to be recorded in writing.
- vi. If there is no contractor/bidder or the number of contractors / bidders in the 1st e-tender is less than three, the e-tender has to be cancelled. In case of participation of more than three bidders, if the number of technically qualified bidder falls below three, the e-tender is to be cancelled as well and fresh e-tender (i.e 2nd e-tender/3rd e-tender) may be invited by suitably lowering of minimum eligibility criteria for bidders.
- vii. After holding such e-sealed bid tender cum auction, final result after acceptance of the rate by the Tender Accepting Authority if within the delegated power would have to be uploaded in the e-tender website. Otherwise the matters may be returned to the Government for decision.
- viii. The Tender Accepting Authority may ask any of the bidders/contractors to submit analysis of rates to justify the rate quoted by that bidder.
- ix. If the lowest bidder/contractor backs out there should be re-tendering in a transparent and fair manner. In such a situation the TIA may call for Short Notice e-tender with time period as per Government order for re-tenders if so necessitated in the interest of public works and take decision on the basis of L1 in the Re-Tender or subsequent e-tender. Penal action for premature withdrawal by bidder has been stated under clause 9 earlier.

13.5 Procedure to be followed for acceptance of e-tender

- i. Selection of contractor/bidder should be made on the basis of at least three valid tenders, which shall be opened preferably in presence of their willing agents. If the number of e-tenders received is less than three, tender would be cancelled and invited afresh.
- ii. In case of invitation of e-tenders under two-bid system, if the number of contractors /bidders qualified in the technical bid is less than three, tender would be invited afresh.
- iii. The lowest tender for all works is accepted as a rule. If for any reason the lowest tender is not accepted, reference is to be made to the appropriate Government for orders as to which of the contractor /bidder the work should be awarded.
- iv. Maximum 5 % excess beyond 'Tender Value' (Amount put to Tender) may be accepted by the Tender Accepting Authority if at least three valid tenders have been received subject to the overall power of tender acceptance delegated to each level of Technical officers as mentioned in the Department Notification issued from time to time, provided tender value after abatement is within the administratively approved cost. In case of excess over administratively approved amount, proposal for revised administrative approval would have to be submitted to the Government, but acceptance of tender and issue of work order may not be kept pending for want of revised administrative approval.
- v. Above 5% and up to 10% of the Tender Value can be recommended for acceptance by the Government appointed Departmental Tender Committee (DTC) subject to the conditions that valid tenders should not be less than three and L1 is accepted and tendered amount is within the administratively approved cost. In case of excess over administratively approved amount, revised

administrative approval would have to be submitted to the Government but acceptance of tender, and issue of work order may not be kept pending for want of Revised Administrative Approval/ Revised Financial sanction for Non-Plan works.

- vi. For acceptance of tenders above 10% of the Tender Value (Amount put to tender), upon specific recommendation of the DTC as mentioned at clause 13.5 (v) above, with that of the Department shall have to be sent to the Finance Department.
- vii. If the response to an e-Tender is less than three, then Tender should be invited afresh. Such Re-Tender notice shall be published in widely circulated dailies as per guidelines and also through e-Tender web portals. Prior to invitation of Re-Tender / fresh e-Tender, the eligibility criteria and other terms & conditions as contained in the first 'Notice Inviting e-Tender' (e-NIT) shall have to be reviewed by the Tender Inviting Authority, to ascertain whether (i) it was too much restrictive, say, specifications and qualifications were fixed at higher standards than required, (ii) advertisements in the widely circulated Newspapers were properly published and (iii) other related procedural matters were observed in its entirety.
- viii. Even if, after taking appropriate steps in regard to relaxation of criteria to the extent as decided by the Tender Accepting Authority and also wider publicity of 2nd tender in widely circulated dailies and through web-site, the response to the Re-Tender is still less than three, that tender may be accepted.

In terms of Delegation of Financial Power Notification of the Department bearing No. 05-(W)/2015-16 dated 20.11.2015, provided the rates do not exceed the schedule rates (SoR) beyond 5% in case of works estimate and the tendered value is within administratively approved cost/sanctioned cost.

The same procedure is to be followed for obtaining revised administrative approval/revised financial sanction, stated at clause 13.5 (iv) earlier, would also be applicable here. Otherwise such cases should be referred to the appropriate Government with the recommendation of the DTC for decision.

14. Acceptance of e-Tender

Lowest valid rate should normally be accepted. However, the Tender Accepting Authority does not bind himself/herself to do so and reserves the right to reject any or all the e-tenders without assigning reasons subject to fulfilment of clause 13.5 (iii) and further reserves the right to distribute the work amongst more than one contractor/bidder.

15. Tender Accepting Authority*

As per latest delegation of power order, Tender Accepting Authority for different values of tenders is as below:

- i. For tenders up to Rs 200.00 lakh plus 5%*: *Superintending Engineer, Circle, Irrigation & Waterways Directorate*
- ii. For tenders above Rs 200.00 lakh* : *Chief Engineer,....., I&W Directorate*

* Procedure to be followed in terms of Departmental Notification No. 05-(W)/2015-16 dated 20.11.2015 & No. 03-(W)/2015-16 dated 18.11.2015.

16. Execution of formal tender contract/ agreement after acceptance of e-tender

The contractor/bidder, whose tender is approved for acceptance, shall within 15 days of the receipt of Letter of Invitation (LOI) or Letter of Acceptance (LOA) in his / her favour, will have to execute a 'Formal Agreement' with the Engineer-in-Charge in quadruplicate in W.B.F. 2911(i)/2911(ii) and all other documents, entire sets may be obtained free of cost from the office of the designated Executive Engineerof Division connected with the work.

17. Payment against bills raised by the contractor

The payment of Running Account as well as final bill for any work based on progress and performance will be made according to availability of fund and no claim due to delay in payment will be entertained.

18. Bid validity

The Bid will be normally valid for **120 days** from the date of opening of the financial proposal. However, extension of bid validity may be suitably considered by the TIA, if required, subject to written confirmation of the contractor/bidder (s) to that effect.

19. Definition of Physical Milestones:

The time allowed for carrying out the work as entered in the tender shall be strictly observed by the contractor, and which shall be reckoned from the date on which the order to commence work is given to the contractor. The work shall throughout the stipulated period of the contract be proceeded with all due diligence. Time being deemed to be the essence of contract on the part of the contractor; the contractor shall be bound in all cases, to achieve the 'Milestones' as specified in this NIT into various 'Identifiable and quantifiable construction related stages' pertaining to the work. In the event of the contractor failing to comply with any of the conditions related to achieving the 'Milestones' within the specified time period prescribed for such 'Milestone' plus one month, he/she shall be liable to pay compensation. If the contractor fails to commence and/or maintain required progress viz. Milestones defined in the e-Notice Inviting Tender over the total time allotted for its full completion and fails to complete the work and clear the site on or before the end of contract period or extended date of completion, he/she shall, without prejudice to any other rights or remedy available under the law on account of such breach, pay as agreed compensation to the implementing Department. This will also apply to items or group of items for which a separate period of completion has been specified.

20. Withdrawal of Tender

Withdrawal of e-Tender once the bid has been submitted online and after passing of end date for submission and has been accepted for further processing, is not allowed. EMD will be forfeited by the Government and the bidder/contractor penalised in terms of clause 9 referred earlier would be applicable.

21. Modification of standard e-NIT format for works of tender value beyond ₹ 5.00 crore

For high value e-tenders beyond and above tender value (i.e amount put to tender) of ₹ 5.00 crore, the instant standard e-NIT format may be suitably modified by the concerned Chief-Engineer, if required, with the approval of Departmental Tender Committee (DTC), provided such modifications shall in no way and manner be in contrary to the orders and spirit of guidelines and orders of the I & W Department and the Finance Department, GoWB.

22. Schedule of dates of e-Tender

Sl. No	Activity	Date & Time	Remarks
1.	e-tender Publishing Date	Day 1 at 17.30 Hrs	To be made available with the e-NIT in the website
2.	Document Download start date	Day 1 or 2 to be decided by the TIA	
3.	Pre-bid Meeting to be held at the office of Tender Inviting Authority	Any working day on Day 4 / Day 5 preferably at 14.30 hours.	
4.	Bid submission start date	-do-	
5.	Document Download end date & bid submission end date	(same as bid submission end time & date below)	
6.	Bid submission end date	> = Day 22 at 17.30 Hrs, 2 nd or subsequent tenders >=10 days	
7.	Technical Bid opening date	To be decided by TIA. Bid submission end date and technical bid opening date should preferably have at least 48 hours difference in order to facilitate extension of bid submission date by some more days in case of participation of bidders is less than three.	
8.	Uploading of list of Technically qualified bidders	To be decided by TIA	To be notified to all bidders through e-mail & SMS through auto-generation in the system.
9.	Financial Bid opening date	-do-	
10.	Uploading of Financial Bid evaluation sheet	To be decided by TAA	
11.	Uploading of the Letter of Invitation / Acceptance (LOI/LAO)	-do-	
12.	Uploading of Award of Contract (AOC) (Work Order)	-do-	

*TIA: e-Tender Inviting Authority

*TAA: e-Tender Accepting Authority

Additional Terms & Conditions

1. The Executive Engineer of the concerned Division will be the Engineer-in-Charge in respect of the tender contract and all correspondences concerning rates, claims, change in specifications and/or design and similar important matters will be valid only if accepted/recommended by the Engineer-in-Charge. If any correspondence of above tender is made with Officers other than the Engineer-in-charge for speedy execution of works, the same will not be valid unless copies are sent to the Engineer-in-Charge and also approved by him. Instructions given by the Sub-Divisional Officer/Assistant Engineer and the Junior Engineer/Section Officer (SAE) on behalf of the Engineer-in-Charge shall also be valid (who have been authorized to carry out the work on behalf of the Engineer-in-Charge) regarding specification, supervision, approval of materials and workmanship. In case of dispute relating to specification and work, the decision of Engineer-in-Charge shall be final and binding. The Engineer-in-Charge will however invariably take all decisions relating to tender contract only after consultation with the Tender Accepting Authority. If there are more than the Executive Engineer assigned for the tender, the Tender Accepting Authority would designate the concerned Engineer-in-Charge.
2. Acceptance of the tender including the right to distribute the work between two or amongst more than two bidders will rest with the Tender Accepting Authority without assigning reason thereof to the bidder. The accepting authority reserves the right to reject any or all tenders without assigning any reason thereof to the bidder/contractor.
3. The Contractor/bidder shall have to comply with the provisions of (a) Contract Labour (Regulation & Abolition) Rules, 1970 including its revisions (b) Minimum Wages Act 1948 and the modification thereof or any other laws relating thereto as will be in force from time to time.
4. Engineer-in-Charge shall not entertain any claim whatsoever from the contractor for payment of compensation on account of idle labour on such grounds including non-possession of encumbrance free land.
5. Engineer-in-Charge shall not be held liable for any compensation due to machines becoming idle or any circumstances including untimely rains, other natural calamities, like strikes etc.
6. Imposition of any duty / tax / royalty etc after work order / commencement and before final completion of the work is to be borne by the contractor/bidder. Original challan of those materials, which are procured by the bidder, may be asked to be submitted for verification if required. However, service tax if eligible would be reimbursed to the contractor/bidder as per rules.
7. Cess @ 1% of the cost of construction works shall be deducted from the Gross value of all works Bill in terms of Finance Department order. Also it is instructed to compulsorily register his/her establishment under the Act, under the competent registering authority, i.e. Assistant Labour Commissioner / Dy. Labour Commissioner of the region for disbursing PF and ESI benefits of workers.
8. No mobilization / secured advance will be allowed unless specified otherwise in the contract.
9. VAT/Sales Tax, Cess, Royalty of sand, stone chips, stone metal gravel, boulders, forest product etc, Toll Tax, Income Tax, Ferry Charges and other Local Taxes if any are to be paid by the contractor/bidder. No extra payment will be made as a reimbursement or as compensation for these. The rates of supply and finished work items are inclusive of these taxes and charges.
10. All working tools & plants, scaffolding, construction of vats & platforms and arrangement of Labour Campus will have to be arranged by the contractor at his/her own cost.
11. The contractor shall supply mazdoors, bamboos, ropes, pegs, flags etc. for laying out the work and for taking and checking measurements for which no extra payment will be made.
12. The contractor/bidder should see the site of works and tender documents, drawings etc. before submitting e-tender and satisfy himself/herself regarding the condition and nature of works and ascertain difficulties that might be encountered in executing the work, carrying materials to the site of work, availability of drinking water and other human requirements & security etc. Work

on river banks may be interrupted due to a number of unforeseen reasons e.g. sudden rises in water levels, inundation during flood, inaccessibility of working site for carriage of materials. Engineer-in Charge may order the contractor to suspend work that may be subjected to damage by climate conditions. No claim will be entertained on this account. There may be variation in alignment, height of embankment or depth of cutting, location of revetment, structures etc. due to change of topography, river condition and local requirements etc. between the preparation and execution of the scheme for which the tendered rate and contract will not stand invalid. The contractor will not be entitled to any claim or extra rate on any of these accounts.

13. A machine page numbered Site Order book (with triplicate copy) will have to be maintained at site by the contractor and the same has got to be issued from the Engineer-in-Charge before commencement of work. Instructions given by inspecting officers not below the rank of Assistant Engineer will be recorded in this book and the contractor must note down the action to be taken by him in this connection as quickly as possible.
14. The work will have to be completed within the time mentioned in the e-NIT. A suitable work programme based on time allowed for completion of work as per e-NIT is to be submitted by the contractor within 7(seven) days from the date of receipt of work order which should satisfy the time limit of completion. The contractor should inform in writing the name of his authorized representative who are to remain present at site daily during work execution at site within 7 (seven) days from the date of receipt of work order who will receive instructions of the work, sign measurement book, bills and other Govt. papers etc.
15. No compensation for idle labour, establishment charge or on other reasons such as variation of price indices etc. will be entertained.
16. All possible precautions should be taken for the safety of the people and work force deployed at worksite as per safety rule in force. Contractor will remain responsible for his labour in respect of his liabilities under the Workmen's Compensation Act etc. He must deal with such cases as promptly as possible. Proper road signs as per P.W.D. practice will have to be erected by the contractor at his own cost while operating public thoroughfares.
17. The contractor will have to maintain qualified technical employees and/or Apprentices at site as per prevailing Apprentice Act or as stipulated in the contract.
18. The contractor will have to accept the work programme as per modifications and priority of work fixed by the Engineer-in-Charge so that most vulnerable reach and/or vulnerable items is completed before impending monsoon or rise in river flood water level or for other suitable reasons.
19. Quantities of different items of work mentioned in the tender schedule or in work order are only tentative. In actual work, these may vary considerably. Payment will be made on the basis of works actually done in different items and no claim will be entertained for reduction of quantities in some items or for omission of some items. For execution of quantitative excess in any item beyond 10% or supplementary works, approval of the Superintending Engineer / Chief- Engineer /Government in the Irrigation & Waterways Department would be required depending on who so ever be the Tender Accepting Authority, before making such payment.
20. In order to cope up with the present system of e-billing, supply of departmental materials is generally not encouraged. However, Departmental materials may be issued to the contractor/bidder to the extent of requirements as assessed and following accounts procedure in the Treasury system of bill payment and in instalments as decided by the Engineer-in-Charge. Issue of materials may be of three categories.
 - a) Materials issued directly to the work and subject to recovery.
 - b) Materials issued from departmental go down and subject to recovery.
 - c) Materials issued free of cost.
21. Any materials brought to site by the contractor subject to approval of the Engineer-in-Charge. The rejected materials must be removed by the contractor from the site at his own cost within 24 hrs of issue of the order to that effect. The rates in the schedule are inclusive of cost and carriage of all materials to worksite. The materials will have to be supplied in phase with due intimation

to the Sub-Divisional Officer/Assistant Engineer concerned in conformity with the progress of the work. For special type of materials, i.e. Geo Synthetic Bags, HDPE Bags, Geo Textile Filter, Geo jute Filter etc. if any, relevant Data Sheet containing the name of the Manufacturers, Test Report etc. will also be submitted in each occasion. Engineer-in-Charge may conduct independent test on the samples drawn randomly before according approval for using the materials at site. In this regard decision of Engineer-in-Charge shall be final and binding.

22. For materials under category 20 (a), (b) & (c), the contractor will act as the custodian thereof. The materials will have to be carried from the nearest Departmental go-down to worksite by the contractor at his own cost. The contractor shall remain responsible for the proper storage and safety of the materials. Suitable Go-down/ Store shall have to be made by the contractor at his/her own cost. Penalty charges shall be levied at higher rate for loss, wastage, misuse. Surplus materials of the departmental if any, shall have to be returned to the issuing Go-down or store at the contractor's cost within the time frame as fixed by Engineer-in-Charge, otherwise, the cost at penal rate will be recovered from the bill. Indent for departmental materials shall be submitted by the contractor to the AE/S.D.O. at least 7 days in advance of actual requirement. No claim will be entertained for non-issuance of such materials in time but reasonable extension of time will be granted. All materials, whatever be the category thereof, shall be properly stored by the contractor in suitable go downs near the site of work at his own cost & under no circumstances whatsoever shall any material be removed from the site of work without prior written permission of the Engineer-in-Charge. The contractor shall be responsible for any damage or loss of such materials.
23. The contractor shall also have to satisfy the Engineer-in-Charge regarding the proper utilization of materials which have been issued departmentally.
24. Value of the material, under category (a) & (b) of Rule 20, will be recovered from the bills of the contractor in one or successive instalments as may be decided by the Engineer-in-Charge.
25. Requisite quantity of cement as may be required for the work will be supplied from the nearest Departmental go down if stock permits. The issue rate of cement is shown in the Schedule of materials attached. Any excess consumption of cement by more than 5% over the final consumption statement drawn up as per consumption rate specified in the Schedule will be recovered at a penal rate shown in schedule.
26. Reinforcement steel rods/MS sheet piles/bitumen will be issued when stock permits, from the nearest departmental go-down where such material is available in marketable length/quantities. While issuing the same, for any particular work the quantity actually required as per approved drawing shall only be issued. While executing the work, it will be responsibility of the Contractor/bidder as well as the Engineer-in-Charge to get this quantity properly utilized in the work. Cut pieces, if any will not be taken back by the Department. Recovery for the total quantum of steel issued will be made at the issue rate shown in the Schedule below. In case of misuse over +10%, deduction will be made at a penal rate shown in the Schedule below. This whole principle shall apply in case of other M.S materials like sheet piles and structural steel members as well.

SCHEDULE OF MATERIALS TO BE SUPPLIED DEPARTMENTALLY AND THEIR RECOVERY RATES

Sl. No	Name of materials	Issue rate (in ₹)	Unit	Penalty recovery rate for loss or misuse or wastage (if otherwise not mentioned specifically in the SoR)	Place of delivery
01	Cement		MT	2 (Two) times issue rate	Departmental Godown
02	Reinforcement steel rods, structural steel members, M.S sheet Piles		MT	2 (Two) times issue rate	-do-
03	Bitumen		MT	2(Two) times issued rate	-do-

27. All queries and disputes arising out of the works tender contract is to be brought to the notice of the Chairman of the 'Department Dispute Redressal Committee' in writing for decision within 15 days.

Sd/-
Executive Engineer

Division
Irrigation & Waterways Directorate

FORM 1 (Modified)

APPLICATION FOR e-TENDER

To
The Superintending Engineer
..... **Circle, I&W Directorate**

e-Tender No:- WBIW/SE/Circle Code (Maximum 6 characters without space)/ NIT...(e) /2016-17

Serial No. of Works applied for :-

Amount put to e-Tender :
(Tender Value)

Dear Sir,

Having examined the Technical cover, OID cover & other e-NIT documents, I/we hereby would like to state that I/we wilfully accept all your conditions and offer to execute the works as per e-Tender no and Serial no stated above. I/We also agree to remedy the defects after/during execution of the above work in conformity with the conditions of contract, specifications, drawings, bill of quantities and addenda.

Dated this _____ day of _____ 201____

Full name of Bidder / Contractor: _____

Signature: _____

In the capacity of: _____

Duly authorized to sign bids
for & on behalf of (Name of Firm): _____
(In block Capital letters or typed)

Office address with seal if any :

Telephone no(s) (office): _____

Mobile No: _____

Fax No: _____

E mail ID: _____

FORM 2 (Modified)

Certificate regarding Summary Statement of Annual Turn Over

This is to certify that the following statement is the summary of the audited Balance Sheet arrived in favour of for the three consecutive financial years or for such period since inception of the Firm, if it was set in less than such three year's period.

Sl. No.	Financial		Remarks
	Year	Annual Turn Over rounded up to in Rupees lakh (two digits after decimal)	
1.			
2.			
3.			
Total			

Average Annual Turnover (in Lakh of Rupees) :

Note:

1. Year preceding the current financial year is to be considered as Year-1.
2. Average annual turnover is to be expressed in lakh of Rupees rounded off to two digits after decimal.
3. Average annual turnover for 3 years is to be obtained by dividing the total turnover by 3.0. If the Firm was set up in less than 3 year's period, consider the turnover for the period from inception to the Year-1. It may be either 1.0 or 2.0. Average turnover is to be obtained by dividing the total turnover by 1.0 or 2.0, as the case may be.
4. In case, the firm was set up in less than 3 year's period, mention the year of inception in the 'Remarks' column.

Signature of the bidder/contractor with date & seal if any

Date & Place:

Verification of Licensed Auditor Firm/ CA Firm
with full corresponding address, Phone No.
with Membership No. and official seal

FORM – 3 (Modified)

Completion Certificate (100% Physical Completion)

1. Name of the work :
2. Name of client :
3. Amount put to tender :
4. Contractual Rate :
5. Whether the work was divided between / among :
more than one contractor, (write Y / N)
If yes, mention the percentage of such division (i.e
50% or 33.33% or 25%)
6. Date of commencement :
7. Date of completion as per work order :
8. Actual date of completion :
9. Final gross 100% value of the bill without :
contractual rate (if the final bill is prepared,
otherwise mention N.A)
10. Attach copy of work order & BOQ :

Write 'attached'

11. Attach copy of final gross 100% bill value (item-
wise) if supplementary and / or substitute
supplementary of more than 30% of the amount of
BOQ crops up during execution and those
supplementary / substitute supplementary items [If
intended to be cited by the bidder to establish
similar nature of work credential] : Write 'attached or N.A'

Signature of the contractor/bidder
with date and seal if any

Signature of the issuing authority
with date and seal
with Contact No., Postal address
and e-mail address

FORM – 4

Declaration against Common Interest

(To be typed in company / organisation letter head scanned and uploaded as PDF)

Ref: e-NIT No. e-Tender ID No.

Sl. No:-.....

I/We, Sri/Smt. _____, the authorized signatory on behalf of _____ do hereby affirm that I/We/any of the member of _____ bidding against e-NIT No. _____ do not have any common interest either as a partner or any Partnership Firm / Consortium as a Proprietor / Owner of any other firm in the same serial for the work I / We want to participate.

Date & Place:

Signature of contractor/bidder
with official seal if any