



**OFFICE OF THE EXECUTIVE ENGINEER
DIVISION-O&M-IA, W&S SECTOR, KMDA
MAKARDAH ROAD, SHANPUR, DASNAGAR
HOWRAH**

**Kolkata
Metropolitan
Development
Authority**

Memo No. :EE(O&M-IA)/3T-1/17-18/126

Date :21/09/2022

ABRIDGED e-Tender Notice No. 03/EE/O&M-IA/W&S/KMDA/2022-23

Notice inviting e-Tender is invited by the under signed in two part viz. Part-I and part-II from reliable, experienced, and resourceful Agencies who have successfully completed similar nature of works is eligible for the under mentioned work having at least 40% of the estimated value in a single contract within last 5 (five) years from the date of issue of this NIT Or, credentials of 2(two) similar nature of completed work, each of the minimum value of 30% of the estimated amount put to tender during 5(five) years, Or, credentials of one single running work of similar nature which has been completed to the extent of 80% or more and value of which is not less than the desired value in Government / Government Undertaking /Autonomous Bodies / Statutory Bodies and local Bodies etc. In case of running works, only those tenderers who will submit the certificate of satisfactory running works from the concerned Executive Engineer, or equivalent competent authority will be eligible for the tender. In the required certificate it would be clearly stated the work is in progress satisfactorily and also that no penal action has been initiated against the executed agency i.e. the tenderer.

Sl. No	Name of the Work	Cost of Work (Rs.)	Earnest Money (Rs.)	Time of completion
(1)	(2)	(3)	(4)	(5)
1	Repair and Maintenance of distribution Grid Line for the period one year under Sankrail Zone-I FAWS Scheme Code No.O&M-131	2,66,668.00	5,333.00	365 days
2	Repair and Maintenance of distribution Grid Line for the period of one year under Sankrail Zone-II FAWS Scheme Code No. O&M-131	3,29,925.00	6,599.00	365 days
3	Repair and Maintenance of distribution Grid Line for the period of one year under SJB FAWS Scheme Code No. O&M-131	4,44,259.00	8,885.00	365 days

6. Last date & time of Online-Submission of Bids: 17/10/2022 at 17:00 Hrs.

For details & corrigendum if any, please keep visit: <https://kmda.wb.gov.in> or contact this office of the undersigned for further information .The authority reserves the right to reject or accept any or all tender without assigning any reason.

**Executive Engineer (Division-O&M-IA)
W&S Sector / KMDA**

Memo No. :EE(O&M-IA)/3T-1/17-18/126/1(6)

Date :21/09/2022

Copy forwarded to:

- The Joint Secretary (Works), KMDA.
- The Chief Engineer, W&S Sector, KMDA.
- The DOF, KMDA.
- The Superintending Engineer (FAWS), W&S Sector, KMDA.
- The Deputy Secretary (PR Cell), KMDA, Unnayan Bhaban, Salt Lake, Kolkata- with a Request to publish in the website and newspaper as per existing norms.
- Notice board

**Executive Engineer (Division-O&M-IA)
W&S Sector / KMDA.**



**OFFICE OF THE EXECUTIVE ENGINEER
DIVISION-O&M-IA, W&S SECTOR, KMDA
MAKARDAH ROAD, SHANPUR, DASNAGAR
HOWRAH**

Memo No. :EE(O&M-IA)/3T-1/17-18/

Date :21/09/2022

Detailed e-Tender Notice No. 03/EE/O&M-IA/W&S/KMDA/2022-23

Notice inviting e-Tender is invited by the under signed in two part viz. Part-I and part-II from reliable, experienced, and resourceful Agencies who have successfully completed similar nature of works is eligible for the under mentioned work having at least 40% of the estimated value in a single contract within last 5 (five) years from the date of issue of this NIT Or, credentials of 2(two) similar nature of completed work, each of the minimum value of 30% of the estimated amount put to tender during 5(five) years, Or, credentials of one single running work of similar nature which has been completed to the extent of 80% or more and value of which is not less than the desired value in Government / Government Undertaking /Autonomous Bodies / Statutory Bodies and local Bodies etc. In case of running works, only those tenderers who will submit the certificate of satisfactory running works from the concerned Executive Engineer, or equivalent competent authority will be eligible for the tender. In the required certificate it would be clearly stated the work is in progress satisfactorily and also that no penal action has been initiated against the executed agency i.e. the tenderer

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Last date & time of Online-Submission of Bids: 17/10/2022 at 17:00 Hrs.

Intending bidders desirous of participating in the tender are to log on to the website <https://kmda.wb.gov.in> (the web portal of the KMDA) and click on to the "e-procurement" link provided. They may also visit the website <https://kmda.wb.gov.in> for the tender. The tender can be searched by typing KMDA in the search engine provided in the website.

Bidders willing to take part in the process of e-tendering are required to obtain Digital Signature Certificate (DSC) from any authorized Certifying Authority (CA) under CCA, Govt. of India (viz. NIC, n Code Solution, Safe script, e-Mudhra, TCS, MTNL, IDRBT) DSC is given as a USB e-Token. After obtaining the Class 2 or Class 3 Digital Signature Certificate (DSC) from the approved CA they are required to register the fact of possessing the Digital Signature Certificates through the registration system available in the website.

Tenders are to be submitted online and intending bidders are to download the tender documents from the website stated above, directly with the help of the e-Token provided. This is the only mode of collection of tender documents. Details of submission procedure are given below under "General terms and conditions and information".

The intending bidder must read the terms and conditions of the NIT carefully. He should particularly go through the eligibility criteria required and satisfy himself of the requirements for eligibility. He should only submit his bid if he considers himself eligible and he is in possession of all the documents required.

All information posted on the website consisting of NIT and related documents, Form No I, BOQ, Corrigendum etc. and Drawings if any, shall form part of the tender document.

General Terms and Conditions and Information

1. Eligibility for participation:

Bona fide Contractors, Registered Engineers Co-operative Societies, Consortiums and Partnership firms registered with the State Government are eligible to participate, depending on the criteria as detailed below.

2. Participation in more than one work:

Any contractor can submit tenders for a maximum of 50% of the total number of works (rounded up to next higher integer) published in any particular NIT, depending on his credential and financial capability, details of which are given later.

3. Submission of Tenders

3.1 General process of submission

Tenders are to be submitted online through the website stated. All the documents uploaded by the Tender Inviting Authority form an integral part of the contract. Tenderers are required to upload all the tender documents along with the other documents, as asked for in the tender, through the above website within the stipulated date and time as given in the Tender. Tenders are to be submitted in two folders at a time for each work, one is Technical Proposal and the other is Financial Proposal. The tenderer shall carefully go through the documents and prepare the required documents and upload the scanned documents in Portable Document Format (PDF) to the portal in the designated locations of Technical Bid. He needs to fill up the rates of items / percentage in the BOQ, downloaded for the work, in the designated Cell and upload the same in designated location of Financial Bid. The documents uploaded are virus scanned and digitally signed using the Digital Signature Certificate (DSC). Tenderers should specifically take note of all the addendum / corrigendum related to the tender and upload the latest documents as part of the tender.

3.2 Technical Proposal

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

A Technical File (Statutory Cover) containing:

- i. Application for Tender (Vide Form-1) (to be submitted in 'Forms' folder)
- ii. Tender Form No. I to be submitted in 'Form No 1 folder)
- iii. Notice Inviting Tender (NIT) (to be submitted in 'NIT' folder)
- iv. Earnest Money Deposit (EMD) and Cost of Tender - Earnest Money will be deposited by the bidder electronically: online through his net banking enabled bank account, maintained at any bank or offline through any bank by generating NEFT/RTGS Challan from the e-tendering portal. Intending Bidder will get the Beneficiary details from e-tender portal with the help of Digital Signature Certificate and may transfer the EMD from their respective bank as per the Beneficiary Name and Account No., Amount, Beneficiary Bank Name (ICICI) and IFSC Code and also e-procurement Ref. No.
- v. In case, 2% of the quoted rate is higher than Rupees in **Columns No.4**, then the balance amount which is higher than Rupees **in Columns No. 4, will be submitted at the time of receiving LOI. If EMD submitted online is higher than 2% of quoted value then the difference will be adjusted with the Security Deposit.**
- vi. (Scanned copy of Acknowledgement Slip of remittance of EMD & Cost of Tender paper to be uploaded during the electronic submission of the tender).
- vii. Drawings if any (to be submitted in 'Drawings' folder)

Note: Tenders will be summarily rejected if any item in the statutory cover is not uploaded.

B. My Document (Non-Statutory Cover) containing

i. Certificates:

- 1) GST, Professional Tax (PT) submission Challan and PAN Card details including IT return for last three years. Application for such addressed to the competent authority may also be considered.
- 2) VAT registration certificate. (Non production of the document will result in VAT deduction as per prevailing rules).
- 3) **Bank Solvency Certificate from any Scheduled Bank not more than Six Month's old.**

ii. Company Details

1. Registered Deed for Partnership Firm / Consortiums from Registrar of Assurances having office at Todi Mansion, Kolkata. Mere application for registration will not be considered. However in cases where the applicant is yet to receive registration certificate from Todi Mansion, the application is to submit an affidavit in non judicial stamp paper along with the application pledging that "*the registration certificate of the Consortium / Partnership firm would be submitted to the Tender Inviting Authority before making agreement with the Tender Accepting Authority in case he is found lowest*". In case of in-ordinate delay in submitting the document his bid is liable to be rejected and his EMD deposited will stand forfeited to Government. Any change in the constituents of the consortium / partnership firm should also be registered from the Office at Todi Mansion, Kolkata, prior to the date of application of tender otherwise his application will be rejected.

Note: An affidavit regarding authorized user of DSC for consortiums and a declaration regarding such authorization for Limited companies is to be submitted.

2. Trade License for Proprietorship Firms.
3. Memorandum of Articles for Limited Companies
4. Society Registration and Bye-Laws for Cooperative Societies.

iii. Credential:

Credential Certificate issued by an officer not below the rank of Executive Engineer / Divisional Engineer / District Engineer / Project Manager of the other State / Central Government Departments / Organizations to be submitted in '*Credential*' folder. The scanned copy of the Certificate should be uploaded with the non statutory cover and the hard copy should preferably be submitted along with the non statutory documents.

iv. Balance Sheet:

Audited Balance Sheets of last three financial years with auditor's certificate regarding annual turnover from contracting business in each year.

(If the company was set up less than three years ago, audited balance sheet for the no of years since inception is to be submitted)

v. Addenda / Corrigendum's: if published.

Note: Contractors are to keep track of all the Addendum / Corrigendum issued with a particular tender and upload the same digitally signed along with the NIT Tenders submitted without the Addendum / Corrigendum will be informal and liable to be rejected.

vi. Others: Any other documents found necessary

Note: Failure of submission of any one of the above mentioned documents will render the tender liable to summary rejection.

vii. The bidder should not have record of poor performance or they should not have been blacklisted by any employer during the last five years prior to the date of the NIT. Such abandonment or punishment will be considered as disqualification towards eligibility. A declaration in this respect through affidavit has to be furnished by the prospective bidders as per **Format IV without which the Technical Bid shall be treated as non responsive.** The scanned copy of the affidavit should be uploaded with the non statutory cover and the hard copy should **preferably be submitted** along with the non statutory documents.

3.2.1 Financial Proposal

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

- i) Bill of Quantities (BOQ): The contractor is to quote the rate online through computer in the space marked for quoting rate in the BOQ (*only downloaded copies of the above documents are to be uploaded, virus scanned and digitally signed by the contractor*).

4. Submission of original copies of documents of Tender Cost and Earnest Money Deposit

As mentioned earlier.

5. Completion Certificate:

- i. Completion Certificates for fully completed works during the current year and last five financial years will only be accepted. **Certificates issued for partly completed works if valued more than estimated cost of this tender will also be considered.**
- ii. Completion Certificate of work executed in KMDA, KMW&SA will be considered. Completion Certificate of works executed in other Departments of State Government or organizations, like Public Works & Public Works (Roads) Department, Irrigation & Waterways Department, Public Health Engineering Department, Sundarban Affairs Department and various other State Government Departments, Zilla Parishads, West Bengal Housing Infrastructure Development Corporation Limited (WBHIDCO), West Bengal State Electricity Distribution Company Limited (WBSEDCL), Kolkata Metropolitan Development Authority (KMDA), Kolkata Metropolitan Water Sanitation Authority (KMW&SA), Kolkata Municipal Corporation (KMC), Other Municipalities, Hooghly River Bridge Commissioner (HRBC), Engineering Departments of Central Government and Organizations like Farakka Barrage Project (FBP) Authority, Railways, Kolkata Port Trust (KOPT), and companies owned or managed by the State Government, i.e. Mackintosh Burn Ltd., Westinghouse Saxby Farmer Limited & Britannia Engineering Ltd. may also be considered. Such Completion Certificates are to be issued by an officer not below the rank of Executive Engineer / Divisional Engineer / District Engineer / Project Manager of the other State / Central Government Departments / Organizations.

5.1 Eligibility criteria

Tenderers should have physically completed at least **similar nature of work** in a single job of 40% value of the quoted amount in last five years, valid VAT/GST Registration Certificate, P.T Clearance Certificate, Income Tax Return for last three financial years, PAN Card, **Annual turnover of Rs. 8.00 lakhs & latest Bank solvency certificate from a nationalized bank as a proof of financial stability amounting to Rupees 10% of Estimated cost (not more than Six Month's old)**, a written declaration in the form of an affidavit before Notary in non-judicial stamp paper as a correctness of the copies (each copy shall also to be certified by the Notary) of all documents submitted and a declaration of Penalty/debarment etc. Faced under any Govt./Semi. Govt./Autonomous Body/Institution etc, audited balance sheet and details of work in hand during the current financial year Normally separate Completion Certificates (CC) of completed works is to be provided for participation in separate works in a particular NIT vide 5(i & ii). However, CC for one particular work may be considered as eligible

for participations in maximum two numbers of serials, provided required credential for both the works satisfies the requirements in all respect from one such completion certificate.

5.2 Penalty for suppression / distortion of facts

If any tenderer fails to produce the original hard copies of the documents (especially Completion Certificates and audited balance sheets), or any other documents on demand of the Tender Evaluation Committee within a specified time frame or if any deviation is the hard copies from the uploaded soft copies or if there is any suppression, the Tender Evaluation Committee upon suggesting suitable punitive measures will bring the matter to the notice of the Chief Engineer concerned immediately and the tenderer may be suspended from participating in the tenders on e-Tender platform of any division or circle of KMDA as per approval of the concerned Chief Engineer for a maximum period 3 (three) years. In addition, his Earnest Money Deposit will stand forfeited to KMDA. The Chief Engineer concerned will issue the necessary orders under intimation to the other Chief Engineers, e-Tendering Cell and also the Department, copy of such order should also invariably to be communicated to the Nodal Officer, e-Governance of this Department with a request to upload the same in the Departmental website.

5.3 Taxes & duties to be borne by the Contractor

Income Tax, VAT, Sales Tax, GST, Royalty, Construction Workers' Welfare Cess and similar other statutory levy / to be borne by the contractor and the rate should be quoted accordingly after consideration of all these charges, Service Tax, if applicable, would be reimbursed subsequently.

5.4 Site inspection before submission of tender

Before submitting any tender, the intending tenderers should make themselves acquainted thoroughly with the local conditions prevailing at site by actual inspection of the site and taking into consideration all factors and difficulties like to be involved in the execution of work in all respect including transportation of materials, communication facilities, climate conditions, nature of soil, availability of local labour and market rate prevailing in the locality etc. and no claim, whatsoever, will be entertained on these account afterwards. In this connection intending tenderers may contact the office of the Executive Engineer, concerned with the work between 11.30 hours to 16.30 hours on any working day prior to date of submission of tenders.

5.5 Conditional and incomplete tender

Conditional and incomplete tenders are liable to summary rejection.

6. Opening and evaluation of tender

6.1 Opening of Technical Proposal

- a) Technical proposals will be opened by the Tender inviting authority or his authorized representative electronically from the website stated above, using their Digital Signature Certificate.
- b) Intending tenderers may remain present at the time of opening if they so desire.
- c) Cover (Folder) for Statutory Documents (vide Clause 3.2A) will be opened first and if found in order, Cover (Folder) for Non-statutory Documents (vide Clause 3.2.B) will be opened. If there is any deficiency in the Statutory Documents, the tender will summarily be rejected.
- d) The non-statutory documents in hard copy should preferably be submitted along with EMD and Tender Cost.
- e) Decrypted (transformed into readable formats) documents of the Non-statutory Cover will be evaluated to finalise eligible tenderers.

6.2 Tender Evaluation Committee (TEC)

Committee will be constituted by the concerned Chief Engineer, if required for issuance of tender papers for high value tenders. This will function as Tender Evaluation Committee (TEC), for evaluation of Technical Proposals of the tenders. Otherwise prevailing system will be effective for evaluating tenders.

6.3 Uploading so summary list of technically qualified tenderers (1st round)

- i. Pursuant to scrutiny and decision of the Technical Evaluation Committee (TEC) if formed for high value tenders, the summary list of eligible tenderers for a particular serial of work (whose Financial Proposals will be considered) will be uploaded in the web portals.
- ii. While evaluation, the Committee may summon the tenderers and seek clarification / information or additional documents or original hard copy of any of the documents already submitted and if these cannot be produced within the stipulated timeframe, their proposals will be liable for rejection.

6.4 Opening and evaluation of Financial Proposal

- i. Financial proposals of the tenderers declared technically eligible by the Tender Evaluation Committee will be opened electronically by the Tender Inviting Authority from the web portal stated above on the prescribed date.
- ii. The encrypted copies will be decrypted and the rates will be read out to the contractors remaining present at that time.
- iii. After opening of the financial proposal the preliminary summary result containing inter-alia, name of contractors and the rates quoted by them will be uploaded
- iv. If the Tender Accepting Authority 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 checked, upload the final summary result containing the name of contractors and the rates quoted by them against each work after acceptance of the rate.
- v. The Tender Accepting Authority may ask any of the tenderers to submit analysis to justify the rate quoted by that tenderer.

6.5 Procedures to be followed when one / two technically tenderers participated in any tender

- a. Financial bid of technically qualified single / two tenderers will not be opened immediately.
- b. 2nd call may be invited immediately after technical evaluation and uploading the list of the technically qualified bidder(s) of the 1st call after relaxation of the credential criteria to the extent deemed necessary by the Tender Inviting Authority and advertisement to the wholly circulated newspapers.
- c. If such bidder(s) technically qualified in the 1st call intend(s) to change their rates quoted to the 1st Call, they need to participate in the 2nd call and submit fresh fee towards tender cost. However fresh EMD need not be submitted and EMD submitted earlier will be considered. In case of non submission of fresh tender fee in the 2nd call, the rates quoted in the 1st call would remain valid while the bid submitted in the 2nd call will be rejected.
- d. If such bidder(s) technically qualified in the 1st call does not participate in the 2nd call then the rate of 1st call would be deemed to remain valid in the 2nd call also.
- e. After selection of technically qualified tenderers for 2nd call (in case new tenderer other than the existing tenderer of the 1st call), financial bid of both 1st and 2nd call would be opened.
- f. Financial evaluation for acceptance would be made in a combined way considering both 1st and 2nd call following usual procedures.
- g. However, as stated in clause 6.7(c), in case tender(s) 1st call submit(s) fresh tender in 2nd call, rates of 2nd call would be considered in the process of evaluations.
- h. In case there is no fresh participation in the 2nd call, financial bid of the technically qualified tender(s) of the 1st call would be opened even if there is only one tender in the 1st call and would be considered in the process of evaluation for acceptance following usual procedure.

7. Bid Validity: The Bid will be valid for **120 days from** the date of opening of the financial bid.

8. Acceptance of Tender

Lowest valid rate should normally be accepted. However, the Tender Accepting Authority does not bind himself to do so and reserves the right to reject any or all the tenders, for valid reasons.

8.1 Execution of Formal tender after acceptance of tender

The tenderers, whose tender is approved for acceptance, shall within **15(Fifteen) working days** of the receipt of Letter of Acceptance (LOA) to him, will have to execute 'Formal Agreement' with the Tender Accepting Authority in **Three copies** of KMDA Form No. I which may be purchased on cash payment from the office of the Executive Engineer concerned with the work.

8.2 The NIT shall form a part of the contract agreement. On acceptance of the bid, the successful bidder shall have to sign the contract consisting of NIT, instruction to bidders, special terms and conditions, specification, BOQ, Drawing, Rate quoted, LOA and Tender Form I.

9. Return of Earnest Money of the unsuccessful tenderer(s)

For return of the Earnest Money of the unsuccessful tenderer(s), he/she/they is/are to apply for the same to The Tender Inviting Authority, giving the reference to the work, NIT No., date of tender, amount and mode of Earnest Money deposited – all in a complete form. The Earnest Money of all tenders other than the lowest tenderer in each case may be refunded, after acceptance of the rate in comparative statement or immediately after expiry of seven days from the date of final bid, whichever is earlier.

10. Payment

The payment of RA as well as final bill for any work will be made according to the availability of fund and no claim to delay in payment will be entertained.

Security Deposit

Security Deposit towards performance Security amounting to 3 % of the work value shall be deducted from the R/A Bill as per prevailing order. No interest will be paid on Security Deposit. Earnest Money @ 2% of the estimated value put to tender would be converted to Security Deposit in case of the successful bidder.

If the accepted bid value is 80% or less of the estimate put to tender, the additional Performance security @ 10% of the Tendered Amount shall be submitted by the contractor in the form of Bank Guarantee from any scheduled bank before issuance of the work order. If the bidder fails to submit the additional performance security **within seven working days from the date of issuance of letter of acceptance**, his earnest money will be forfeited and other necessary actions as per N.I.T like black listing of the contractor, etc, may be taken. The Bank Guarantee shall have to be valid up to end of the contract period and shall be renewed accordingly, if required. The Bank Guarantee shall be returned immediately on successful completion of the contract. If the bidder fails to complete the work successfully the additional performance security shall be forfeited at any time.

11. If any discrepancy arises between two similar clauses on different notification, the clauses as stated in later Notification will supersede former on following sequence:

- a) Tender Form No. I of KMDA
- b) N.I.T.

12. Withdrawal of Tender

If any tender found lowest after opening of the financial bids withdraws his tender before acceptance or refusal within a reasonable time without giving any satisfactory explanation for such withdrawal, he shall be disqualified for making any tender to the department for a minimum period of one year. All cases in which the Tender Accepting Authority has reason to doubt the bona fide of such withdrawal should be reported to the Chief Engineer concerned in all details for issuance of such disqualification orders by the said Chief Engineer, under intimation to the other Chief Engineers, e-Tendering Cell and also to this Department. Copy of such order should invariably be communicated to the Nodal Officer, e-Governance of this Department with a request to upload the same in the Departmental website.

For any queries / clarification regarding the uploading of documents and tendering process please contact the E.E. (Division-O&M-IA), W&S Sector, KMDA.

13. Schedule of Dates for e-Tendering

Sl.	Activity	Date & Time
1.	Publishing Date	28.09.2022 (15.00 hrs.)
2.	Document Download start date and time	28.09.2022 (From 15.00 hrs.)
3.	Bid submission start date and time	28.09.2022 (From 16.00 hrs.)
5.	Document Download end date and time	On or before 17.10.2022 (Up to 15.00 hrs.)
6.	Bid submission end date and time (online)	17.10.2022 (Up to 17.00 hrs.)
7.	Technical Bid opening date	19.10.2022 (After 17.00 hrs.)
8.	Uploading of preliminary list of Technically qualified bidders.	To be notified later
9.	Uploading of final list of Technically qualified bidders	do
10.	Financial Bid opening date	do
11.	Uploading of Financial Bid evaluation sheet	do

14. Joint venture and or any consortium is permitted for the work as per special terms and conditions as indicated in Annexure given in Volume-I of Tender Document.
15. If any of the above mention day which are (stipulated at Sl. No 13) observes holiday / abnormality for reason whatsoever, the respective following working day shall be reckonable for the purpose.
16. **Cost of Tender Document (Non refundable) : NIL to be paid online in favour of "KOLKATA METROPOLITAN DEVELOPMENT AUTHORITY"**
17. No mobilization advance & price escalation if any form will be allowed.
18. Original documents may be verified by the tendering authority at its discretion.
19. There shall be not any adverse report, on any count whatsoever, against the agency where they have worked for the last six years.
20. The rate quoted shall be inclusive of all charges, any type of taxes, duties like VAT, IT & all the labour related laws and benefits etc. applicable or as would be applicable from time to time during the time period of contract.
21. The Executive Engineer of the Division concerned will be the Engineer-in-Charge in respect of the contract and all correspondence concerning rates, claims, change in specification and/or design and similar important matters will be valid only if made 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 approved by him. The instruction given by the Assistant Engineer and the JUNIOR ENGINEER 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, the decision of Engineer-in-Charge shall be final and binding.
22. The acceptance of the tender will rest with the Tender Accepting Authority without assigning reason thereof. The accepting authority reserves right to reject any or all tenders without assigning any reason thereof.

- 23.** There shall be no provision for arbitration.
- 24.** The Bidder shall have to comply with the provisions of (a) Contract labour (Regulation & abolition) Rules, 1970(b) Minimum Wages Act 1948 or the modification thereof or any other laws relating thereto as will be in force from time to time.
- 25.** Department shall not entertain any claim whatsoever from the contractor for payment of compensation on account of idle labour on any ground including non-possession of land.
- 26.** The Government shall not be held liable for any compensation due to machines becoming idle for any circumstances including untimely rains, other natural calamities, strike etc.
- 27.** Imposition of any duty / tax / royalty etc. whatsoever of its nature (after work order / Commencement and completion of the work) is to be borne by the bidder. Original challans of those materials, which are procured by the bidder, may be asked to be submitted for verification.
- 28.** Cess @ 1% of the cost of construction works shall be deducted from the Gross value of the Bill in Terms of Finance Department order No. 853-F dated 01.02.2006. Also it is instructed to register his Establishment under the Act, under the competent registering Authority, i.e. Assistant Labour Commissioner / Dy. Labour Commissioner of the region concerned.
- 29.** VAT / Sales Tax/ GST, 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. No extra payment will be made for these. The rates of supply and finished work items are inclusive of these.
- 30.** All working tools and plants, scaffolding, construction of vats & platforms will have to be arranged by the contractor at his own cost.
- 31.** The contractor shall supply mazdoors, bamboos, ropes, pegs, flags etc. for laying out the pipe work and for taking and checking measurements for which no extra payment will be made.
- 32.** The contractor should see the site of works and tender documents, drawings etc. before submitting tender and satisfy himself regarding the condition and nature of works and ascertain difficulties that might be encountered in executing the work, carrying materials to the site work, availability of drinking water and other human requirements and security etc. The Engineer-in-Charge may order the contractor to suspend any work that may be subjected to damage by climate conditions. No claim will be entertained on this account. The contractor will not be entitled to any claim or extra rate on any accounts.
- 33.** 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 the work. Instructions given by inspecting officers will be recorded in this book and the contractor must note down the action taken by him in this connection as quickly as possible.
- 34.** The work will have to be completed within the time mentioned in the tender notice. A suitable work program 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 at site within 7 (seven) days from the date of receipt of work order who will receive instruction of the work, sign measurement book, bills and other Govt. papers etc.
- 35.** No compensation for idle labour, establishment charge or on other reasons such as variation of price index etc. will be entertained.
- 36.** 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 made by the contractor at his own costs while operating a republic thoroughfare.
- 37.** The contractor will have to maintain qualified technical employees and/or Apprentices at site as per prevailing Apprentice Act or other Department Rules & Orders circulated from time to time.
- 38.** The contractor will have to accept the work program and priority of work fixed by the Engineer-in-Charge so that most vulnerable reach and / or vulnerable items be completed before the date needed by the Department due to impending monsoon or rise of water level or for other reasons.
- 39.** The 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 of any item beyond 10% or supplementary works, approval

of the Superintending Engineer / Chief Engineer would be required depending on whoever be the Tender Accepting Authority, before making payment.

40. Departmental materials shall be issued to the contractor to the extent of requirements as accessed and in installments 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 at free of cost.
41. Any materials brought to site by contractor must be 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 concerned in conformity with the progress of the work. For special type of materials, 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 is final and binding.
42. For materials under category 40 (a), (b) & (c), the contractor will act as the custodian thereof. The materials will have to be carried from the 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 him at his 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 Assistant Engineer 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, whatsoever 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.
43. The contractor shall also have to satisfy the Engineer-in-Charge regarding the proper utilization of materials which have been issued departmentally.
44. Value of the material, under category (a) & (b) of clause 40 above, will be recovered from the bills of the contractor in one or successive installments as may be decided by the Engineer-in-Charge.
45. 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.
46. Reinforcing steel materials will be issued when stock permits, from the nearest department go-down where such material is available in marketable length. While issuing the same, for any particular work the quantity actual required as per approved drawing shall only be issued. While executing the work, 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 issued will be made at the issue rate shown in the Schedule. In case of misuse 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 also.



Executive Engineer (Division-O&M-IA)
W&S Sector / KMDA

Memo No. :EE(O&M-IA)/3T-1/17-18/126/1(6)

Date :21/09/2022

Copy forwarded to:

- i) The Joint Secretary (Works), KMDA.
- ii) The Chief Engineer, W&S Sector, KMDA.
- iii) The DOF, KMDA.
- iv) The Superintending Engineer (FAWS), W&S Sector, KMDA.
- v) The Deputy Secretary (PR Cell), KMDA, Unnayan Bhaban, Salt Lake, Kolkata- with a Request to publish in the website and newspaper as per existing norms.
- vi) Notice board



**Executive Engineer (Division-O&M-IA)
W&S Sector / KMDA.**