



No: 162/EE/SCD-IV/R&B/KMDA/T-3(Part-IV)

Date: 05.02.2025

Detailed “e” Tender Notice. No.15/EE/SCD-IV/R&B/KMDA of 2024-2025, dt. 05.02.2025 (3rd. Call)

Executive Engineer, SCD-IV, R&B Sector, KMDA invites online tender from reliable, resourceful, bonafide and experienced firms / companies / individual contractors, who have successfully completed the work of similar nature of work as mentioned in the Qualification Criteria of Bid Document within last 5 (five) years from the date of this NIT in any Govt. / Semi-Govt. / Govt. Undertakings / Autonomous Bodies / Statutory Bodies and Local Bodies is eligible for the under mentioned work.

Sl. No.	Name of the works	Estimated cost (including G.S.T & L.W. Cess) (Rs.)	Earnest money (Rs.)	Time of completion	Cost for Tender document (Rs.)	Cost for Formal document (Rs.)
I	II	III	IV	V	VI	VII
1	Maintenance of height barrier and repairing of bituminous pavement of Chingrighata Flyover on E.M Bye pass for the period from January 2025 to December' 2025	1,65,538.00	3,311.00	January' 2025 to December' 2025	NIL	200.00

Corrigendum/Addendum if any would be published on the website only.

- 1) Intending bidder may download the tender documents from the website <https://wbtenders.gov.in> directly with the help of Digital Signature Certificate and Earnest Money should be deposited online either by Net Banking (any listed bank) or through RTGS/NEFT as per requirement of the system.
- 2) **Submission of Tender: -**
 - a) Pre-qualification/Technical Bid and Financial Bid both will have to be submitted online concurrently duly digitally signed in the website <https://wbtenders.gov.in>, as per time schedule stated herein under.
 - b) The Financial Bid of the prospective tenderers will be opened only if the tenderer qualifies in the Technical Bid. The decision of the Tender Inviting Authority will be final and binding to all concerned and no challenge against such decision will be entertained.
- 3) **Time Schedule for Downloading, Uploading and Opening of Tender Documents :-**

a)	Date of uploading of N.I.T. & other Documents (online) (Publishing Date)	Date: 12.02.2025 Time: 15.00 hrs.
b)	Documents download start date (Online)	Date: 12.02.2025 Time: After 15.00 hrs
c)	Documents download end date (Online)	Date: 19.02.2025 Time: 15.00 hrs.
d)	Online Bid Submission Start Date & Time	Date: 12.02.2025 Time: After 15.00 hrs
e)	Online Bid Submission Last Date & Time	Date: 19.02.2025 Time: 16.00 hrs.
f)	Time and Date of Opening of Technical Bid (Bid will be opened by the Authorized Officer)	Date: 21.02.2025 Time: After 16.00 hrs.
g)	Date for opening of Financial Proposal (Online)	To be notified later



4) **Eligibility criteria for the bidders: -**

A) **The bidders should have the credentials as detailed below:**

- i) Intending tenderers should produce credentials of a **similar nature** of completed work of the minimum value of 20% of the estimated amount put to tender during last 5(five) years prior to the date of issue of the tender notice;
or
- ii) Intending tenderers should produce credentials of one single running work of similar nature which has been completed to the extent of 70% or more and value of which is not less than the desired value at (i) above;

In case of running works, only those tenderers who will submit the certificate of satisfactory running work from the concern Executive Engineer, or equivalent competent authority will be eligible for the tender. In the required certificate it should be clearly stated that the work is in progress satisfactory and also that no penal action has been initiated against the executing agency, i.e. the tenderer.

B) **Other terms and condition of the credentials:**

- i) Payment certificate will not be treated as credential.
- ii) **Completion/Credential Certificate** issued by the Executive Engineer or equivalent competent authority of a State/Central Govt., State/Central Govt. undertaking, Statutory/Autonomous bodies constituted under the Central/State Statute on the executed value of completed/running works will be considered as Credential.

N.B. Estimated amount, Date of completion of project & detail communicational address of Client must be indicated in the Credential Certificate.

- C) Scanned copy of PAN card, P. Tax, Valid income tax return(For Last 3 yrs.), Valid 15 digit Goods and Services Taxpayer Identification Number (GSTIN) under GST Act, 2017 & Latest Valid Registration Certificate and/or trade license, Credentials, Work Order, Completion Certificate, Payment certificate must be submitted duly digitally signed at desired location in the website <https://wbtenders.gov.in>.
- D) Scanned Copy of one affidavit (as per enclosed format in Tender document - Annexure III) before Notary will have to be submitted mentioning the correctness of the documents and a declaration of penalty debarment etc. faced by him under any Govt./Semi-Govt./Autonomous body/Institution through on line at desired location.
- E) The partnership firm shall furnish the registered partnership deed and the company shall furnish the Article of Association and Memorandum.
- F) Joint Ventures will not be allowed.
- G) Engagement of Sub-Contractor/Subletting is not permitted.
- H) **Earnest Money:** - The tenderer shall have to deposit requisite earnest money along with the tender document in prescribed manner failing which the tender shall be rejected. The balance earnest money if any to fulfill 2%(two percent) of the tender value is to be deposited at the time of execution of formal agreement.

However, even though the earnest money deposited exceeds the prescribed percentage, due to reduction of tendered amount due to any reason whatsoever, such additional earnest money shall be deemed to have been converted into security and further deductions from progressive bills shall be made, taking into consideration the enhanced component of earnest money so converted into security.



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.

If the L1 bidder does not agree to execute the job after opening of Bid, the Earnest Money will be forfeited without any further intimation and may be construed as an attempt to disturb the tendering process and dealt with accordingly legally including debarment up to 3(three) years of the Bidder.

5) a) List of duly digitally signed common documents shall have to be uploaded by each tenderer at the time of submission of Tender through online: -

- i) Pan Card.
- ii) P. Tax
- iii) Income Tax Return (For last 3yrs)
- iv) Audited Balance Sheet for Last Three financial years, as applicable.
- v) Valid 15-digit Goods and Services Taxpayer Identification Number (GSTIN) under GST Act, 2017.
- vi) Latest Valid Registration Certificate and/or Trade License.
- vii) Technical Credential.
 - a) Work Order
 - b) Completion certificate for the work in technical credential.
 - c) Payment certificate of the said work.
 - d) Respective B.O.Q. in support of work order and credential.**
- viii) Affidavit before Notary mentioning the correctness of the documents and declaration of penalty debarment etc.
- ix) Filled up "Declaration" and "Bidder's General Information" as per uploaded/prescribed format.

b) List of documents shall have to upload by a Partnership Firm in addition to Sl. No.5.a)

- i) The power of Attorney for the firm for signing the tender by a partner.
- ii) Partnership Deed.

6) The prospective bidders shall have in their full-time engagement experienced technical personnel with the sufficient knowledge on similar type of work

7) Mismatch in Name

All documents uploaded by the Bidder, in support of his eligibility/credential for Pre-qualification to participate in this Tender should be same and identical & with Digital signature certificate (DSC). Minor mismatch like "M/S", "Kr/Kumar", "Co-Op/Co-Operative" etc. has to be legalized /authenticated by the Bidder by uploading of proper Affidavit (duly Notarized) in this regard.

8) Neither prospective bidders nor any of constituent partner had been debarred to participate in tender by the KMDA during the last 5 (five) years prior to the date of this NIT. Such debar will be considered as disqualification towards eligibility. (A declaration in this respect has to be furnished by the prospective bidders as per prescribed format without which the Technical Bid shall be treated non-responsive).

9) ADDITIONAL PERFORMANCE SECURITY IN PROJECT:

- (i) Additional Performance Security @ 10% of the tendered amount in the form of Bank Guarantee from a Scheduled Bank, valid up to the date of completion of work, shall be obtained from the successful bidder, if the accepted bid value is 80% or less than the estimated amount put to tender.**



The Additional Performance Security shall be equal to 10% of the tendered amount. The Additional Performance Security shall be submitted in the form of Bank Guarantee from any Scheduled Bank as per enclosed format of Tender document (Annexure-I) before issuance of 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.

The said Bank Guarantee shall be valid up to the end of successful completion of the work under the stated contract plus claim period of Six months and shall be renewed accordingly, if required. The said Bank Guarantee shall be returned immediately after successful completion of the work under the stated contract plus claim period of Six months.

If the bidder fails to complete the work successfully, the Additional Performance Security shall be forfeited at any time during the pendency of the Contract period after serving proper notice to the Contractor.

Necessary provisions regarding deduction of security deposit from the progressive bills of the contractor as per relevant clauses of the contract will in no way affected / altered by this Additional Performance Guarantee.

- ii) While issuing bank guarantee in favour of KMDA, the issuing applicants must mention receiver's details as **ICICI bank, IFSC: ICIC00006950, Branch: Salt Lake, Sec-I, in BG text at which SFMS IFIN 760** message to be sent by the issuing bank to establish the authenticity of the given BG.

10) Taxes & duties to be borne by the Contractor

Income Tax, GST and Other Taxes as per GOVT. Rule to be borne by the contractor and **the rate should be quoted accordingly after consideration of all these charges.**

11) Security Deposit

Security Deposit @ 8 % of the work value shall be deducted from the all R/A Bill as per prevailing order. No interest will be paid on Security Deposit. Earnest Money @ 2% of the quoted value put to tender would be converted to Security Deposit (total @10%) in case of the successful bidder. All the security money will be refunded after completion of the security period or defect liability period. **Defect liability period for the work will be 06(Six) months.** Hence, Security Deposit will be released after 6(Six) months from the date of completion of the work.

12) Withdrawal of Tender

As per NIC Rules.

- 13) All materials/labours required for execution of the work (as per BOQ) shall be supplied by the contractor at their own cost including Cement, Paints and Steel everything complete.**

- 14) For (a) Procurement of goods and services and (b) Works related contract involving supply of goods and services by contractor. Tax Invoice (S) needs to be issued by the supplier for raising claim under the contract showing separately the tax charged in accordance with the provision of GST Act 2017.**

- 15) There shall be no provision of Arbitration.**

- 16) No Adjustment of Price OR Price Escalation of any kind will be allowed.**

- 17) No Price preference will be allowed for the Work under this NIT.**

- 18) No mobilization advance and secured advance will be allowed.**

- 19) The Executive Engineer, SCD-IV, R&B Sector, KMDA reserves the right to cancel the N.I.T. due to unavoidable circumstances and no claim in this respect will be entertained. At any stage of bidding or even after award of contract if any inadvertent typographical mistake is found in the BOQ or any other tender document, the same will be so corrected as to conform to the prevailing relevant Schedule of Rate and/ or Technically Sanctioned Estimate or any other document as the case may be.**



- 20) 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.
- 21) **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.
- 22) All possible precautions should be taken for the safety of the people and work force deployed at work site 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.
- 23) **All the uploaded documents should be organized in proper order in the respective folders assigning names to the individual documents, failing which your tender may liable to be cancelled.**
- 24) **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.
- 25) The 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. The accepting authority reserves right to reject any or all tenders without assigning any reason thereof.
- 26) 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.
- 27) Bids shall remain valid for a period of 180 days (One Hundred Eighty) from the last date of submission of Financial Bid / Sealed Bid. If the bidder withdraw the bid during the period of bid validity the earnest money as deposited will be forfeited forthwith without assigning any reason thereof.
- 28) **CONDITIONAL and INCOMPLETE TENDER** will not be accepted under any circumstances.
- 29) The Executive Engineer, SCD-IV, R&B Sector, KMDA reserves the right to cancel the N.I.T. due to unavoidable circumstances and no claim in this respect will be entertained.
- 30) During scrutiny, if it is come to the notice to tender inviting authority that the credential or any other papers found incorrect/manufactured/fabricated, that tenderer will not be allowed to participate in the tender and that application will be out rightly rejected without any prejudice with forfeiture of earnest money forthwith. List of "Technically Qualified Bidders" will be published in the web portal only. Financial Bid will be opened within a short period after such publication. Therefore, Bidders are requested to view the tender status on a regular basis. In case if there be any objection regarding Pre-qualification/ list of "Technically Qualified Bidders", that objection should be lodged to the Chairman, Tender/Bid Evaluation Committee within **24 hours** from the date and time of publication of list of qualified Agencies and beyond that time schedule no objection will be entertained by the Tender/Bid Evaluation Committee.



- 31) Before issuance of the LOI, the tender inviting authority may verify the credential & other documents of the lowest tenderer if found necessary. After verification, if it is found that such documents submitted by the lowest tenderer is either manufacture or false in that case, LOI will not be issued in favour of the tenderer under any circumstances.
- 32) **Language of Tender:** - The tender shall be submitted in the prescribed form in English. All literatures and correspondence in connection with the tenders shall be in English.
- 33) **Others:** - The Tender Notice along with other documents like **Tender Form No. - 1 KMDA, Technical Specification, Special Terms and Conditions, BOQ, Addendum and corrigendum etc.** whatever documents uploaded by the department concerned thereto shall be part and parcel of the Tender. The agency must go through carefully the Special Terms and Conditions uploaded by the department before quoting his rate.
- 34) All the documents uploaded by the Tender Inviting Authority forms 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 the 'Technical Bid' and the other 'Financial Bid'. The contractor/ bidder shall carefully go through all the documents and prepare to upload the scanned documents in Portable Document Format (PDF) 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 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.
- 35) **The tender inviting authority reserves the right to accept or reject any or all the tenders without assigning any reason what so ever.**
- a. KMDA reserves the right to,
1. Accept any Bid;
 2. Reject any Bid;
 3. Annul the bidding process and reject all Bids;
 4. Annul the bidding process and commence a new process; and
 5. Waive irregularities, minor informalities, or minor non-conformities which do not constitute material deviations in the submitted Bids from the Bidding Documents, at any time prior to the award of the Contract without incurring any liability to the affected Bidder or Bidders and without any obligation to inform the affected Bidder or Bidders of the grounds for KMDA's actions.
- b. Nothing in ITB is intended to permit KMDA to refuse to provide reasons for rejection to an unsuccessful Bidder.
- 36) **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 Inviting Authority/Tender Evaluation Committee within a specified time frame or if any deviation in the hard copies from the uploaded soft copies or if there is any suppression, the Tender Inviting Authority/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 Water Supply Sector, KMDA as per approval of the Chief Engineer for a maximum period 3(three) years. In addition, the Earnest Money Deposit will stand forfeited to KMDA. The Chief Engineer concerned will issue the necessary orders under intimation to 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.



OFFICE OF THE EXECUTIVE ENGINEER
SCD-IV, R&B, SECTOR, K.M.D.A.
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e-Mail ID - kmdatt.scd4@gmail.com

**Kolkata
Metropolitan
Development
Authority**

37) Debarment clause:

In case of forgery or falsification of record submitted by tenderer or failure to execute committed contract or their failure to perform contractual obligation and thereby resulting delay of the works or execution of the faulty works the contractor / supplier / consultant may be suspended or debarred from KMDA as per the procedure stated in the memorandum no. 547-W(C)/1M-387/15 dated 16/11/2015 and 724-W(c)/1M-953/19 dt. 19/12/19 of Joint Secretary to the Govt. of West Bengal, Public Works Department, Government of West Bengal.

38) Successful tenderer have to follow all the terms & conditions as in force in the KMDA Form No. 1. If any irregularities/misconduct happens or noticed during the work or within the security period with respect to specification & quality of materials, workmanship then the agency has to rectify the same at his own cost to the satisfaction of the E.I.C. otherwise necessary penal action will be taken against him as per the norms in force in the KMDA Form No.1.

39) Successful tenderer have to execute an agreement with KMDA after finalization of tender in 5(Five) set of formal documents including KMDA Form No.1 for each work on payment at the rate mentioned in the above table, Column – VII.in cash to the office of the Executive Engineer, SCD-IV, R&B Sector, KMDA

40) The TDS under GST and/or other Taxes will be applicable during processing the bill against the work as per rules

For detail information please visit <https://wbtenders.gov.in> and <https://kmda.wb.gov.in>.



**Executive Engineer
SCD-IV, R&B Sector, KMDA**

No: 162/1(22)/EE/SCD-IV/R&B/KMDA/T-3(IV)

Date: 05.02.2025

Copy forwarded with their quest to kindly display the NIT in the Notice Board for wide circulation to:

1. *The Deputy Secretary, P.R. Cell, KMDA with request to publish the TENDER NOTICE in the leading News Papers and display in KMDA website as per KMDA norms.*
2. *The Chief Engineer, R&B Sector, KMDA*
3. *The Director of Finance, KMDA*
- 4-8. *The Superintending Engineer Circle-I/II/III/IV/V, R&B, KMDA*
- 9-18. *The Executive Engineer, SCD – I/II/III/IV/V, KCD, QCD, North / South Divn., HSRD*
19. *A.C.F.A., R&B Sector, KMDA.*
20. *The Assistant Engineer, SCD-IV/R&B Sector/KMDA*
21. *The Divn. Accounts Assistant, SCD-IV, R&B, KMDA*
22. *Notice Board, R&B Sector, KMDA*



**Executive Engineer
SCD-IV, R&B Sector, KMDA**



INSTRUCTION TO BIDDERS

Instruction / Guidelines for tenders for electronic submission of tenders online have been annexed for assisting the contractors to participating-tendering.

1. **Registration of Contractor:-** Any contractor willing to take parting the process of e-Tendering will have to be enrolled & registered with the Government e – Procurement system through logging on to <https://wbtenders.gov.in>. The contractor is to click on the link for e – Tendering site as given on the web portal.
2. **Digital Signature Certificate (DSC):-** Each contractor is required to obtain a class - II or class – III Digital Signature Certificate(DSC) for submission of tenders from the approved service provider of the national Information’s Centre (NIC) on payment of requisite amount details are available at the Web Site stated in Clause-1 of Guideline to Bidder. DSC is given as a USB e –Token.
3. **Collection of Tender documents:-** The contractor can search & download NIT & Tender documents electronically from computer once he logs on to the website mentioned Clause 1 using the Digital Signature Certificate. This is the only mode of collection of Tender documents.
4. **Submission of Tenders:-**
 - a) **General process of submission:-** Tenders are to be submitted through online to the website stated in Cl.1 in two folders at a time for each work, one is Technical bid and other is Financial Bid before the prescribed date and time using the Digital Signature Certificates.
 - b) **Technical Bid:-** Technical Bid contain scanned copies of the followings further in two covers(folder).

A-1. Statutory Cover Containing.

- i) Demand Draft/Pay Order to wards earnest money (EMD) as prescribed in the NIT.
- ii) NIT (download & upload the same digitally signed).
- iii) Filled up “Declaration” and “Bidder’s General Information” as par uploaded/prescribed format.

N.B: Bidder must download KMDA Tender Form No-1, General Terms and Condition, Special Terms & Conditions, Technical Specifications, all other addendum, Corrigendum etc. Whatever documents uploaded by the department in the web under the NIT and must go through carefully before quoting his rate. These documents are necessarily be uploaded by the bidder.

A-2. Non-Statutory/Technical documents Cover containing.

1. Income Tax Return(For last 3yrs)
2. Audited Balance Sheet (For last 3yrs) average annual turnover for last three years should be in accordance to total project cost for this NIT.
3. Pan Card.
4. Professional Tax clearance certificate.
5. GST registration.
6. Trade License.
7. Technical Credential.
8. Work Order for the work in technical credential
9. Payment certificate of the said work.
10. Engineer’s qualification Certificate.
11. B.O.Q. of the similar nature of work.

Note: Failure of submission of any of the above mentioned documents (as stated in A-1 & A-2)will render the tender liable to summarily rejected for both statutory & non statutory cover.



5. THE ABOVE STATED NON-STATUTORY / TECHNICAL DOCUMENTS SHOULD BE ARRANGED IN THE FOLLOWING MANNER.

Sl. No.	Category Name	Sub-Category Description	Details
A.	Certificates	Certificates	i) Pan Card. ii) Professional Tax clearance certificate. iii) Acknowledgement of IT return (For last 3 hrs.) v) GST registration.
B.	Company Details	Company Details-1	i) Trade License ii) Partnership Deed, iii) Society Registration, Power of Attorney, iv) MoA/MoU etc. as applicable.
C.	Financial Info	Financial Info-1	i) Audited Balance Sheet (For last 3 yrs.).
D.	Credential	Credential-1	i) Credential, Work Order, Payment certificate, Bank Solvency Certificate. Engineers Certificate Etc.

Click the check boxes beside the necessary documents in the My Document list and then click the tab "Submit Non-Statutory Documents" to send the selected documents to non-Statutory folder. Next Click the tab "Click to Encrypt and upload" and then click the "Technical" Folder to upload the Technical Documents.

c) Financial Bid:-

- i) The financial bid should contain the following documents in one cover (folder) i.e., Bill of Quantities (BOQ). The contractor is to quote the rate through on line in the space marked for quoting rate in the BOQ.
- ii) Only downloaded copies of the above documents are to be uploaded, virus scanned & digitally signed by the contractor.

6. Opening & Evaluation of Tender:-

a) Opening of Technical Bid:

- i) Technical bid will be opened by the Executive Engineer, SCD-IV, R&B SECTOR, KMDA. Intending tenderer may remain present if they so desire. Statutory Cover (folder) would be opened first & if found in order and correct Non Statutory Cover (folder) will be opened. If there is any deficiency in the Statutory & Non statutory documents the tender will summarily be rejected.
- ii) Decrypted (transformed in to readable formats) documents of the non-statutory cover will be downloaded & handed over to the evaluation committee.
- iii) List of technically qualified tenderers would be uploaded.

NB: While evaluation, the committee may summon of the tenderers & seek clarification/ information or additional documents or original hard copy of any of the documents already submitted & if they are not produced with in the stipulated time frame, their bid will liable for rejection.

b) Opening and evaluation of Financial Bid:

- i) Financial bid of tenderers declared technically eligible by the Tender Evaluation Committee will be opened electronically from the web portal on the prescribed date and time.

7. Penalty for suppression/distortion facts:

Submission of false document by tenderer is strictly prohibited.