



सीएमपीडीआई
cmpdi

A Mini Ratna Company

The information given in this document is not to be communicated either directly or indirectly to the press or to any person not holding any official position in CIL/ Government.

TENDER DOCUMENT FOR

Analysis for NAAQS parameters (Ozone, Lead, Carbon mono-oxide, Ammonia, Benzene, Benzo-a-pyrene, Arsenic, nickel, Mercury, Chromium, Cadmium) every month for a period of seven months.



August, 2015

CENTRAL MINE PLANNING AND DESIGN INSTITUTE LIMITED

(A subsidiary of Coal India Limited)

REGIONAL INSTITUTE – VII

BHUBANESWAR (ODISHA) - 751 001

Contact:

0674 – 2530312, 9438881022, 9438881032

Fax No. 0674 – 2394357

CONTENTS

Sl. No	Description	Page No.
1	Tender Document Cover page	1 - 1
2	Contents	2 - 2
3	Section 1 - Tender Notice	3 - 15

SECTION-1

TENDER NOTICE



cmpdi
A Mini-Ratna Company

सेन्ट्रल माईन प्लानिंग एण्ड डिजाइन इन्सटीच्यूट लिमिटेड
(कोल इण्डिया लिमिटेड की अनुषंगी कम्पनी / भारत सरकार का एक लोक उपक्रम)
ÔàçØââu ybDnàÂà – 7, ºàæN âÂàtàê½à swÂà, yâjwâvu tàªàè, sâwÂâçlwÊ, (Êâð»pyà)
Central Mine Planning & Design Institute Limited
(A Subsidiary of Coal India Limited / Govt. of India Public Sector Undertaking)
Regional Institute VII, Gruha Nirman Bhavan, Sachivalaya Marg, Bhubaneswar 751001 (Orissa)

NIT No: CMPDI/RI-VII/ENVIRONMENT/e-Tender/2015/02

Dtd: 14/07/2015

e-TENDER NOTICE

1. Tenders are invited on-line on the website <http://mcltenders.gov.in> from the eligible bidders having Digital Signature Certificate (DSC) issued from any agency authorized by Controller of Certifying Authority (CCA), Govt. of India and which can be traced up to the chain of trust to the Root Certificate of CCA for the following work:

Name of work	Estimated Cost of Work (In Rs.)	Earnest Money (In Rs.)	Application fee (In Rs.)	Period
Analysis for NAAQS parameters (Ozone, Lead, Carbon mono-oxide, Ammonia, Benzene, Benzo-a-pyrene, Arsenic, nickel, Mercury, Chromium, Cadmium) every month.	Rs.850440/-	Rs. 8600/-	NIL	Seven Months

2. Time Schedule of Tender :

Sl. No.	Particulars	Date	Time
a.	Tender e-Publication date	17.07.2015	11.00 Hours
b.	Document download start date	18.07.2015	10.00 Hours
c.	Document download end date	23.07.2015	17.00 Hours
d.	Bid Submission start date	18.07.2015	10.00 Hours
e.	Bid submission end date	23.07.2015	17.00 Hours
f.	Start date for seeking Clarification on-line	17.07.2015	11.00 Hours
g.	Last date for seeking Clarification on-line	23.07.2015	17.00 Hours
h.	Date of Pre-bid Meeting	NA	NA
i.	Last date of receipt of EMD	23.07.2015	17.00 Hours
j.	Technical Bid Opening date	24.07.2015	11.00 Hours

For details of qualification requirements, bid security and complete tender document, visit our website www.cmpdi.co.in. Or <http://eprocure.gov.in/cppp> Detailed tender notice is available at <https://mcltenders.gov.in>.

NOTE: End user portal agreement of MCL is applicable for CMPDI also.

3. **DEPOSIT OF EMD:**

I. Earnest Money can be deposited online only on e-Procurement portal of MCL by following mode:

(a) **Online fund transfer from Axis Bank**

(b) **NEFT from any Scheduled Bank**

(EMD through NEFT has to be paid strictly as per the challan generated by the respective bidder on e-procurement portal of MCL. The EMD payment through NEFT mode should be made well ahead of time to ensure that the EMD amount is transferred to MCL account (Pool account) before bid submission)

II. In case of online payment of EMD, the bid submission can be made only when the EMD is received by MCL (Pool Account).

III. in case of online payment of EMD, if the payment is made by the bidder within last date & time of bid submission but not received by MCL (Pool Account) within the specified period due to any reason the bid will not be accepted. However, the EMD will be refunded back to the bidder.

4. **CLARIFICATION OF BID:** The bidder may seek clarification on-line within the specified period. However, the management will clarify as far as possible the relevant queries.
5. **Availability of tender documents:** Detailed tender notice & Tender documents including terms and conditions of works shall be available on e-tendering portal <https://mcltenders.gov.in> and Tender Notice shall be available at websites www.cmpdi.co.in, or www.tenders.gov.in
6. **General instructions for Submission of Tender:** A bidder should submit the following online for becoming technically eligible
- Letter of Bid**
 - Details of Earnest Money Deposit as per Clause No.: 3**
 - Work Experience Details and Financial Turnover Details as per Clause No.: 8(A) and as per Clause No.: 8(B) respectively**
 - General Technical Evaluation (GTE) is to be agreed as mandatory**
7. **ELIGIBLE BIDDERS:** The invitation for bid is open to all bidders including an individual, proprietorship firm, partnership firm, company or a Joint Venture having eligibility to participate as per eligibility criteria stipulated in clause No.8 of NIT and having Digital Signature Certificate (DSC) issued from any agency authorized by Controller of Certifying Authority (CCA), Govt. of India **and which can be traced up to the chain of trust to the Root Certificate of CCA.**

Note: Joint Venture: Two or three companies/contractors may participate in the tender as Joint Venture (JV). Joint Ventures must comply the following requirements:

- The minimum qualification requirements for Joint Ventures: The qualifying criteria parameters e.g. experience, financial resources etc. of the individual partners of the J.V. will be added together and the total criteria should not be less than as spelt out in qualification criteria.
- The formation of Joint Venture or change in the Joint Venture character/partners after submission of the bid and any change in the bidding regarding Joint Venture will not be permitted.
- Joint Venture Agreement should legally bind all partners jointly and severally.
- The pre-qualification of a joint venture does not necessarily pre-qualify any of its partners individually or as a partner in any other joint venture or association. In case of dissolution of a joint venture, each one of the constituent firms may pre-qualify if they meet all the pre-qualification requirements, subject to written approval of the employer.
- The JV Agreement must include the relationship between joint venture partners in the form of JV Agreement to legally bind all partners jointly and severally for the proposed agreement which should set out the principles for the constitution, operation, responsibilities regarding work and financial arrangements, participation (percentage share in the total) and liabilities (joint and several) in respect of each and all of the firms in the joint venture. Such JV

Agreement must evidence the commitment of the parties to bid for the facilities applied for (if pre-qualified) and to execute the contract for the facilities if their bid is successful.

- vi. One of the partners responsible for performing a key component of the contract shall be designated as Lead Partner. This authorization shall be evidenced by a Power of Attorney signed by legally authorized signatories of all the partners.
- vii. The JV Agreement must provide that the Lead Partner shall be authorized to incur liabilities and receive instructions for and on behalf of any and all partners of the Joint Venture and the entire execution of the contract shall be done with active participation of the Lead Partner.
- viii. The contract agreement should be signed jointly by each Joint Venture Partners.
- ix. An entity can be a partner in only one Joint Venture. Bid submitted by Joint Ventures including the same entity as partner will be rejected.
- x. The J.V. agreement may specify the share of each individual partner for the purpose of execution of this contract. This is required only for the sole purpose of apportioning the value of the contract to that extent to individual partner for subsequent submission in other bids if he intends to do so for the purpose of the qualification in that tender.

8. **ELIGIBILITY CRITERIA:**

A. Work Experience: The intending tenderer must have in its name as a prime contractor experience of having successfully completed similar works **in any Government/Semi-Government/Public sector Undertakings (Central/State)/Private firm (Only if the Private firm is a company registered under Indian companies act'1958** during last 7 (seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be either of the following:-

Three similar completed works each costing not less than the amount equal to 40% of the estimated cost.

Or

Two similar completed works each costing not less than the amount equal to 50% of the estimated cost.

Or

One similar completed work costing not less than the amount equal to 80% of the estimated cost.

(In case the bidder is not a prime contractor but a sub-contractor, the bidder's experience as sub-contractor will be taken into account if the contract in support of qualification is a sub-contract in compliance with the provision of such sub-contract in the original contract awarded to prime contractor.)

The work experience of the bidder for those works only shall be considered for evaluation purposes, which are completed on or before the last day of month previous to one in which e-Tender has been invited (**i.e. e-Publication date of NIT**). The experience of incomplete/ongoing works as on the last date of eligibility period will not be considered for evaluation.

While considering the value of completed works, the full value of completed works will be considered whether or not the date of commencement is within the said 7 (seven) years period.

The cost of completed works shall be given a weight age to bring them at current price level by adding 5% for each completed year (total number of days/365) after the end date of experience (date of completion of work) till one year before the last day of month previous to one in which e-Tender has been invited.

The definition of similar work shall be as follows:

“CIVIL ENGINEERING WORK”

In respect of the above eligibility criteria the bidders are required to furnish the following information on-line:

- i. Start date & end date of each qualifying experience (similar work)
- ii. Agreement Number/Work Order Number of each experience
- iii. Work Order Issuing authority of each experience
- iv. Percentage (%) share of each experience (100% in case of an individual/proprietorship firm or a partner in a partnership firm and the actual % of share in case of a Joint Venture)
- v. Executed Value of work against each experience
- vi. Confirmation in the form of **Yes/No** regarding submission of **similar work** experience as defined in the NIT.

Note: In case the bidder is a Joint Venture, the work experience of any one, two or three of the individual partners of JV may be furnished as the work experience of the bidder.

B. Financial Turnover: Average annual financial turnover during the last 3 (three) years ending 31st March of the previous financial year should be at least 30% of the estimated cost

(The “Previous Financial Year” shall be computed with respect to the **e-Publication date of NIT**).

If any bidder does not furnish the turnover value for any financial year out of the last 3 financial years, the turnover for that financial year shall be taken as ‘Zero’ and the average annual financial turnover shall be calculated accordingly.

Financial turnover shall be given a weight age to bring them at current price level by adding 5% in the financial turnover for the 2nd year and 10% for the 3rd year. No weight age will be given in the turnover for the 1st year.

In respect of the above eligibility criteria the bidders are required to furnish the following information on-line:

- i. Annual financial turnover of each of the last 3 years ending 31st March of the previous financial year.
- ii. Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover certificate
- iii. Membership Number of the Chartered Accountant
- iv. Date of issue of financial turnover certificate by CA

Note: In case the bidder is a Joint Venture, the turnover of the individual partners of the JV will be added together for each financial year and is to be furnished as the turnover of the bidder for that particular financial year. However, the information against Sl.No. (ii), (iii) & (iv) above will be given w.r.t the lead partner of JV only.

C. Permanent Account Number (PAN): The bidder should possess Permanent Account Number(PAN) issued by Income Tax department, Govt. of India

In respect of the above eligibility criteria the bidders are required to furnish the following information on-line:

- i. Confirmation regarding possessing of Permanent Account Number (PAN) issued by Income Tax department, Govt. of India in the form of **Yes / No**

Note: In case the bidder is a Joint Venture, each individual partner of JV should possess Permanent Account Number (PAN) issued by Income Tax Department, Govt. of India.

D. Service Tax of the Bidder

The bidder should possess a Service Tax Registration Certificate issued by Govt. Dept. of any Indian State

- i. Confirmation regarding possessing of Service Tax Registration Certificate issued by Govt. Dept of any Indian State in the form of **Yes / No**

Note: In case the bidder is a Joint Venture, each individual partner of JV should possess Service Tax Registration issued by Govt. Dept of any Indian State

E. Provident Fund

The tenderer shall have to ensure implementation of CMPF/EPF, if applicable, in respect of the workers deployed by him as per the Affidavit format given in the bid document at Section-3

- F.** An Affidavit on a non-judicial stamp paper of minimum value of Rs.5 regarding genuineness of the information furnished by him on-line, implementation of CMPF/EPF and authenticity of the scanned copy of documents uploaded by him on line in support of his eligibility, as per the format given in the bid document at Section – 3

G. Legal Status of the bidder:

Any one of the following document:

1. Affidavit or any other document to prove proprietorship/individual status of the bidder.
2. Partnership deed containing name of partners.
3. Memorandum & Article of Association with certificate of incorporation containing name of bidder
4. Joint Venture agreement containing name of partners and lead partner, Power of Attorney to the Lead Partner and share of each partner.

- H. Digital Signature Certificate (DSC):** If the bidder himself is the DSC holder bidding on-line then no document is required. However, if the DSC holder is bidding online on behalf of the bidder then the Power of Attorney or any sort of legally acceptable document for the authority to bid on behalf of the bidder.

- I. Banning:** Declaration by the bidders that they have not been banned or delisted by any govt. or quasi-govt. agencies or PSU, as per the Affidavit format given in the bid document at Section 3

- K. Air analysis:** Bidders should provide documentary evidence of owning an Environmental Laboratory or having MOU with an Environmental Laboratory. The Environmental Laboratory should be duly accredited by Central Pollution Control Board (CPCB), New Delhi or Ministry of Environment & Forest (MoEF) or NABL (National Accreditation Board for Testing and Calibration Laboratories) having jurisdiction in the command area for which the bidder proposes to bid. **They should furnish scope of accreditation of laboratory.**

9. **SUBMISSION OF BID:**

- a) In order to submit the Bid, the bidders have to get themselves registered online on the e-Procurement portal of MCL (<https://mcltenders.gov.in>) with valid Digital Signature Certificate (DSC) issued from any agency authorized by Controller of Certifying Authority (CCA), Govt. of India and which can be traced up to the chain of trust to the Root Certificate of CCA. The online Registration of the Bidders on the portal will be free of cost and one time activity only. If the bidder is an individual person then he should register himself under “Individual” category and if the bidder is a proprietorship firm/partnership firm/Joint Venture/Company then registration should be under “Corporate” category. The registration should be in the name of bidder, whereas DSC holder may be either bidder himself or his duly authorized person.
- b) The bidders have to accept unconditionally the online user portal agreement which contains the acceptance of all the Terms and Conditions of NIT including General and Special Terms & Conditions and other conditions, if any, along with on-line undertaking in support of the authenticity of the declarations regarding the facts, figures, information and documents furnished by the Bidder on-line in order to become an eligible bidder. No conditional bid shall be accepted.

NOTE: End user portal agreement of MCL is applicable for CMPDI also.

- c) **Letter of Bid:** The format of Letter of Bid (as given in the NIT at Section 3) will be downloaded by the bidder and will be printed/typed on Bidder’s letter head and the scanned copy of the same will be uploaded during bid submission in cover-I. This will be the covering letter of the bidder for his submitted bid. The content of the “Letter of Bid” uploaded by the bidder must be the same as per the format downloaded from website and it should not contain any other information.

The Letter of bid will be digitally signed by DSC holder submitting bid online and it does not require any physical signature. However, if the Letter of Bid (LoB) bears the physical signature in addition to the digital signature of DSC holder, it will be accepted without questioning the identity of person signing the Letter of Bid.

If there is any change in the contents of Letter of Bid uploaded by bidder as compared to the format of Letter of Bid uploaded by the department with NIT document, then the bid will be rejected.

- d) **Price Bid (Part –II):** The Price Bid containing the Bill of Quantity will be in Excel format and will be downloaded by the bidder and he will quote the rates **for all items (ITEM RATE)** on this Excel file. Thereafter, the bidder will upload the same Excel file during bid submission in cover-II. L-I will be decided on overall quoted value.

The Price-bids of the tenderers will have no condition. The Price Bid which is incomplete and not submitted as per instruction given above (and also online) will be rejected. **Any alteration/modification in the excel format may lead to rejection of the bid.**

Tenderers should quote their rates excluding the impact of Service-Tax. Applicable Service Tax will be reimbursed as per Service Tax Rule.

- 10. All bids are to be submitted on-line on the website <http://mcltenders.gov.in>. No bid shall be accepted off-line.
- 11. It is the bidder’s responsibility to comply with the system requirement i.e. hardware, software and internet connectivity at bidder’s premises to access the e-tender website. Under any circumstances, CMPDIL shall not be liable to the bidders for any direct/indirect loss or damages incurred by them arising out of incorrect use of the e-tender system or internet connectivity failures.

12. After receipt of EMD as stated in clause No.3, the Technical-bid will be decrypted and opened on-line, on the scheduled date and after the pre-scheduled time by the *Bid Openers* with their Digital Signature Certificate (DSC). **The bidders can view bid opening remotely on their personalized dash board under “Bid Opening (Live) Link”.** Thereafter, the Technical-bid shall be evaluated by the system on-line based on the information furnished by bidders on-line in accordance with clause No.8 (Eligibility Criteria). This on-line evaluation will be validated by CMPDIL.
13. After evaluation of Technical-bid, all the bidders will get the information regarding their eligibility on website. Thereafter, a system generated e-mail confirmation will be sent to all successful bidders communicating the date and time of opening of Price-bid i.e. Part - II.
14. The Price-bid of the successful bidders (qualified in Technical-bid) will be decrypted and opened on-line, on the scheduled date and after the pre-scheduled time by the *Bid Openers* with their Digital Signature Certificate (DSC). **The bidders can view bid opening remotely on their personalized dash board under “Bid Opening (Live) Link”.** The bidders will get the information regarding the status of their financial bid and ranking of bidders on website.
15. After opening of Price-bid, the list of documents required to be submitted by L-1 bidder as enlisted below NIT will be specified on-line by Evaluator indicating the start date and end date giving 7 days (7X24 hours) time for on-line submission by bidder. The L-1 bidder will get this information on their personalized dash board under “Upload confirmatory document” link. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder’s responsibility to check the updated status/information on their personalized dash board at least once daily after opening of Price-bid. No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of documents within prescribed time. The bidder will upload the scanned copy of self certified and attested by notary public of all the specified documents in support of the information/declarations furnished by them on-line within the specified period of 7 days and simultaneously will submit the original Affidavit (As per Sl. No. 7 below) either in person or by post to the Tender Inviting Authority within 10 days of last date of online submission of documents.

Sl.No.	Eligibility Criteria	Scanned copy of documents (Self Certified and attested by Notary Public) to be uploaded by L-1 bidder in support of information/ declaration furnished online by the bidder against Eligibility Criteria (CONFIRMATORY DOCUMENT)
1.	Work Experience (Ref. Clause No.8(A) of NIT)	Satisfactory Work Completion Certificate issued by the employer against the experience of similar work containing all the information furnished by bidder on-line.
2.	Financial Turnover (Ref. Clause No.8(B) of NIT)	Financial Turnover certificate for last 3 (three) financial years issued by a Practicing Chartered Accountant having a membership number with Institute of Chartered Accountants of India (In case of JV, turnover certificate for each individual partner of JV)
3.	Permanent Account Number (Ref. Clause No.8(C) of NIT)	PAN card issued by Income Tax department, Govt.of India (In case of JV, PAN card for each individual partner of JV)
4.	Service Tax (Ref. Clause No. 8(E) of NIT)	The Service Tax Registration Certificate issued by Govt. Dept. of any Indian State (In case of JV, Service Tax. Registration certificate for each individual partner of JV)
5.	Affidavit (Ref. Clause No. 8(G) of NIT)	An Affidavit on a non-judicial stamp paper of minimum value of Rs.5 regarding genuineness of the information furnished by him on-line, implementation of CMPF/EPF and authenticity of the scanned copy of documents uploaded by him on-line in support of his eligibility, as per the format given in the bid document at Section 3.
6.	Legal Status of the bidder (Ref. Clause No. 8(H) of NIT)	Any one of the following document : a) Affidavit or any other document to prove proprietorship/individual status of the bidder. b) Partnership deed containing name of partners. c) Memorandum & Article of Association with certificate of incorporation containing name of bidder d) Joint Venture agreement containing name of partners and lead partner, Power of Attorney to the Lead Partner and share of each partner.
7.	Digital Signature Certificate (DSC) (Ref. Clause No. 8(I) of NIT)	If the bidder himself is the DSC holder bidding on-line then no document is required. However, if the DSC holder is bidding online on behalf of the bidder then the Power of Attorney or any sort of legally acceptable document for the authority to bid on behalf of the bidder
8.	Banning (Ref. Clause No. 8(J) of NIT)	Declaration by the bidders that they have not been/have been banned or delisted by any govt. or quasi-govt. agencies or PSU, as per the Affidavit format given in the bid document at Section 3
9.	Any other document to support the qualification information as submitted by bidder on-line	
Note: Only one file in .pdf format can be uploaded against each eligibility criteria. Any additional/other relevant documents to support the information/declaration furnished by bidder online against eligibility criteria may also be attached by the bidder in the same file to be uploaded against respective eligibility criteria.		
10. Air analysis : Bidders should provide documentary evidence of owning an Environmental Laboratory or having MOU with an Environmental Laboratory. The Environmental Laboratory should be duly accredited by Central Pollution Control Board (CPCB), New Delhi or Ministry of Environment & Forest (MoEF) or NABL(National Accreditation Board for Testing and Calibration Laboratories) having jurisdiction in the command area for which the bidder Proposes to bid. They should furnish scope of accreditation of laboratory.		

The Tender Committee will examine the uploaded documents against information/declarations furnished by the L-1 bidder online. If it conforms to all of the information/declarations furnished by the bidder online and does not change the eligibility status of the bidder then the bidder will be considered eligible for award of Contract.

In case the Tender Committee finds that there is some deficiency in uploaded documents or documents have not been uploaded by L-1 bidder within the stipulated period then the same will be specified online by Tender Committee clearly indicating the omissions/shortcomings in the uploaded documents and indicating start date and end date giving 7 days (7X24 hours) time for online re-submission by L-1 bidder. The L-1 bidder will get this information on their personalized dash board under "Upload confirmatory document" link. Additionally, information shall also be sent by system generated e-mail and SMS, but it will be the bidder's responsibility to check the updated status/information on their personalized dash board at least once daily after opening of Price-bid. No separate communication will be required in this regard. Non-receipt of e-mail and SMS will not be accepted as a reason of non-submission of documents within prescribed time. The bidder will upload the scanned copy of self certified and attested by notary public of those specified documents within the specified period of 7 days and in case of Affidavit, will simultaneously submit the original Affidavit (As per Sl.No.11 above) either in person or by post to the Tender Inviting Authority within 10 days of last date of online submission of documents.

No additional time will be allowed to the bidder for on-line submission of documents

- a. In case the L-1 bidder submits requisite documents online as per NIT, then the bidder will be considered eligible for award of Contract.
- b. In case the L-1 bidder fails to submit requisite documents online as per NIT or if any of the information/declaration furnished by L-1 bidder online is found to be wrong by Tender Committee during evaluation of scanned documents uploaded by bidder, which changes the eligibility status of the bidder (for the first time), then the EMD of L-1 bidder will be forfeited and re-tender will be done (with the same or different quantity, as per instant requirement). In this re-tender, offer from this bidder will not be accepted.

The Penal action of debarring the bidder in Re-tender will be restricted to first Re-tender only. If Re-tender is not finalized and there is second time Re-tender, then this penal action will not be applicable.

- c. If the L-1 bidder fails to submit the requisite documents online as per NIT or if any of the information/declaration furnished by L-1 bidder online is found to be wrong by Tender Committee during evaluation of scanned documents uploaded by bidder, which changes the eligibility status of the bidder, in two tenders, floated by the same tender inviting authority, within a span of one year (to be counted with respect to date of e-publication of NIT), then the EMD of L-1 bidder will be forfeited and this bidder will be debarred for one year from participating in tenders in CMPDIL and re-tender will be done.
- d. It is responsibility of L-1 Bidder to upload legible / clearly readable scanned copy of all the required documents as mentioned above.

{The Penal action against clause (b) and (c) above will be enforced from the date of issue of such order}.

16. **Validity of Offer:** The rates offered in Part II shall be valid for 120 (One Hundred & Twenty) days from the date of opening of Part – I of the tender

17. **One Bid per Bidder:** Each Bidder shall submit only one Bid, either individually, or as a partner in a partnership firm or a partner in a Joint Venture or a public limited firm. A Bidder who submits or participates in more than one Bid (other than as a sub-contractor or in cases of alternatives that have been permitted or requested) will cause all the proposals with the Bidder's participation to be disqualified.

18. **Refund of EMD:**

If EMD is paid by the bidder in online mode (Direct Debit/NEFT) then the EMD of rejected bidders will be refunded directly to account from where it had been received (except the cases where EMD is to be forfeited). However, if EMD is received through BG then it will be returned by registered / speed post on rejection of bid (except the cases where EMD is to be forfeited).

No claim from the bidders will be entertained for non-receipt of refund in any account other than the one from where the money is received.

If the refund of EMD is not received by the bidder in the account from which the EMD has been made due to any technical reason then it will be paid through conventional system of e-payment. For this purpose if required tender inviting authority will obtain the Mandate Form from the bidder.

In case the tender is cancelled then EMD of all the participating bidders will be refunded unless it is forfeited by the department.

If the bidder withdraws his/her bid online (i.e. before the end date of submission of tender) then the EMD will be refunded automatically after the opening of Part I tender [i.e. Techno-Commercial Bid].

The Earnest Money deposited by the L-1 bidder / Successful Bidder (on Award of contract) will be retained by CMPDIL and will be adjusted to performance Security Deposit. However, EMD deposited by the L-1 bidder in form of BG will be discharged when the bidder furnishes the required performance security deposit (PSD) and signs the agreement.

19. Every tenderer is expected, before quoting his rates, to go through the requirements of materials/workmanship under specification/requirements and conditions of contract and to inspect the site/area of the proposed work at his own cost.

It shall be deemed that the tenderer has visited the site/area and got fully acquainted with the working conditions and other prevalent conditions and fluctuations thereto whether they actually visited the site/area or not and have taken all the above factors into account while quoting his rates.

20. All Duties taxes (Excluding Service Tax) and other levies, payable by the contractor under the contract or for any other cause as applicable on the last date of submission of tender shall be included in the rates, prices and the total bid price submitted by the bidder. All incidentals, overheads etc. as may be attendant upon execution and completion of works shall also be included in the rates, prices and total bid price submitted by the bidder.

However, such duties, taxes, levies etc. which is notified after the last date of submission of tender and / or any increase over the rate existing on the last date of submission of tender shall be reimbursed by the company on production of documentary evidence in support of payment actually made to the concerned authorities.

The company reserves the right to deduct/with-hold any amount towards taxes, levies, etc. and to deal with such amount in terms of the provisions of the Statute or in terms of the direction of any statutory authority and the company shall only provide with certificate towards such deduction and shall not be responsible for any reason whatsoever

21. **Cost of Bidding:** The bidder shall bear all costs associated with the preparation and submission of his bid and the Employer will in no case be responsible and liable for those costs.

22. The tenderer shall closely study all specifications in detail, which govern the rates for which he is tendering.
23. **Currencies of Bid and Payment:** The unit rates and prices shall be quoted by the Bidder entirely in Indian Rupees only.
24. The work should be completed within the stipulated period which shall be reckoned from the tenth day of issue of LOA (Letter of Acceptance) or the actual date of handing over the site whichever is later
25. On completion of the work all rubbish, debris, brick bats etc. shall be removed by the contractor(s) at his/their own expense and the site cleaned and handed over to the company and he/they shall intimate officially of having completed the work as per contract.
26. The tenderer(s) will deploy sufficient number and size of equipments/machineries/vehicles and the technical/ supervisory personnel required for execution of the work.
27. **Change in Constitution of the Contracting Agency:** Prior approval in writing of the company shall be obtained before any change is made in the constitution of the contracting agency, otherwise it will be treated as a breach of Contract.
28. Canvassing in connection with the tenders in any shape or form is strictly prohibited and tenders submitted by such tenderer who resort to canvassing shall be liable for rejection.
29. The Bidder, whose Bid has been accepted, will be notified of the award on-line and also by registered post by the employer prior to expiration of the bid validity period. The L-1 bidder will get the information regarding award of work on their personalized dash-board on-line. On receipt of Letter for Acceptance (LOA)/Work Order of the tender issued by the Company, the successful tenderer shall execute contract agreement in the company's prescribed form for the due fulfillment of the contract. Failure to enter into the required contract within the specified period in the work order shall entail cancellation of LOA/work order and forfeiture of the Earnest Money. The written contract to be entered into between the contractor and the company, shall be the foundation of the rights of both the parties and the contract shall not be deemed to be executed until the contract is signed by both the parties i.e. Contractor and the Company.
30. **Modification and Withdrawal of Bid:**
Modification of the submitted bid shall be allowed on-line only before the deadline of submission of tender and the bidder may modify and resubmit the bid on-line as many times as he may wish. Bidders may withdraw their bids on-line within the end date of bid submission and their EMD will be refunded. However, if the bidder withdraws his bid, he will not be able to resubmit the bid in this tender. For withdrawal of bid after the end date of bid submission, the bidder will have to make a request in writing to the Tender Inviting Authority. Withdrawal of bid may be allowed till issue of work order / LOA with the following provision of penal action:
- a) If the request of withdrawal is received before online notification for opening of price bid, the EMD will be forfeited and bidder will be debarred for 6 months from participating in tenders in CMPDIL. The Price-bid of remaining bidders will be opened and the tender process shall go on.
 - b) If the request of withdrawal is received after online notification for opening of price bid, the EMD will be forfeited and the bidder will be debarred for 1 one year from participating in

tenders in CMPDIL. The Price-bid of all eligible bidders including this bidder will be opened and action will follow as under:

- i. If the bidder withdrawing his bid is other than L-1, the tender process shall go on.
- ii. If the bidder withdrawing his bid is L-1, then re-tendering will be done.

(The penal action against clause (a) & (b) above will be enforced from the date of issue of such order.)

31. The Company reserves the right to postpone the date of receipt and opening of tenders or to cancel the tenders without assigning any reason whatsoever.
32. The Company reserves its right to allow Public Enterprises purchase preference facility as admissible under prevailing policy.
33. This Tender Notice shall be deemed to be part of the Contract Agreement. The “General Terms & Conditions”, Additional Terms & Conditions, Special Terms & Conditions (if any), Technical Specifications, drawings (if any) and any other document uploaded on portal as NIT document forms an integral part of this NIT and shall also form a part of the Contract agreement.
34. No subletting of work as a whole by the contractor is permissible. Subletting of work in piece rated jobs is permissible with the prior approval of the department.
The Contract Agreement will specify major items of supply or services for which the contractor proposes to engage sub-contractor/sub-vendor. The contractor may from time to time propose any addition or deletion from any such list and will submit proposals in this regard to the Engineer-in-Charge/Designated Officer-in-charge for approval well in advance so as not to impede the progress of work. Such approval of the Engineer-in-Charge/Designated Officer-in-Charge will not relieve the contractor from any of his obligations, duties and responsibilities under the contract.
35. If the tenderer gets the work order he will have to submit VAT Registration certificate on works contract from the state of **Odisha**, before execution of agreement.
36. The tenderer shall have to ensure implementation of CMPF/EPF, if applicable, in respect of the workers deployed by him as detailed in the tender document.
37. The Company does not bind itself to accept the lowest tender and reserves the right to reject any or all the tenders without assigning any reasons whatsoever and to split up the work between two or more tenderers or accept the tender in part and not in its entirety.
38. **Matters relating to any dispute or difference arising out of this tender and subsequent contract awarded based on this tender shall be subjected to the jurisdiction of District Court, where the subject work is to be executed.**

-sd-
**HOD (ENV),
CMPDI RI-VII
Bhubaneswar**

Note: For other details like General Terms and Conditions, Different formats, Price Bid and for submission of bid please visit

<http://mcltenders.gov.in>