



**NIT No: CE(C)/Tender/RI-V/02 of (2015-16).**

**Date: 18.08.2015**

### **e-Tender-notice**

**1. Tenders are invited on-line on the website <https://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	Earnest Money	Completion Period
Construction of Drilling Camp office, residential quarters and other allied structures at Korba, Dist: Korba (CG)	INR 57832257	INR 578325	455 days

### **2. Time Schedule of Activities**

Sl. No.	Particulars	Time Schedule
a.	Tender e-Publication date	26.08.2015 05.30 pm
b.	Document download start date	27.08.2015 5.00 pm
c.	Document download end date	10.09.2015 5.00 pm
d.	Bid Submission start date	27.08.2015 5.30 pm
e.	Bid submission end date	10.09.2015 05.30 pm
f.	Start date for seeking Clarification on-line	28.08.2015 11.00 am
g.	Last date for seeking Clarification on-line	04.09.2015 12.00 noon
h.	Last date of receipt of Application fee & EMD	15.09.2015 12.00 noon
i.	Bid Opening date	15.09.2015 03.30 pm

### **3. Deposit of Bid Security (EMD):**

**3.1 The Bid Security i.e.** Earnest Money (EMD) can be deposited in ON LINE mode on eProcurement portal of MCL tenders by following mode: a) Online fund transfer from Axis Bank and

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 the MCL. The EMD payment through NEFT mode should be made well ahead of time to ensure that the EMD amount has been transferred to MCL (Pool Account) before bid submission.

**3.2** EMD can also be deposited in form of irrevocable Bank Guarantee (BG) from any Scheduled Bank, in the format given in the bid document. The validity of such BG should be 28 days or more beyond the validity period of the bid.

**Note: The BG against EMD shall be accepted only for the tenders where EMD value is Rs. 5.00 Lakhs or more. In tenders having EMD of less than Rs. 5.00 lakhs, only online mode of payment shall be enabled.**

In case of offline submission of EMD through BG, the bidder has to furnish the BG Number, date of issue, expiry date, amount and name of issuing bank, while submitting the tender on-line. The bidder has to deposit the original BG against the EMD in person or by postal means, which must be received in the office of the General Manager (Civil)/, CMPDI HQ, Gondwana Place, Kanke Road, Ranchi- 834031, on any working day after e-publication of NIT and up to three working days after the last date of submission of bid. The Company shall not be responsible for any postal delay in receipt of the EMD. In case the EMD is not received within the aforesaid period, the bid will be rightly rejected.

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

**3.4** In case of online payment of EMD, if the payment is made by the bidder within the last date and time of bid submission but not received by MCL (Pool Account) within the specified period due to any reason whatsoever, then 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, only the relevant queries.

**5. User Portal Agreement :** The bidders have to accept the on-line user portal agreement which contains the acceptance of all the Terms and Conditions of NIT and tender document, undertakings and the e-Procurement system through <https://mcltenders.gov.in> (as this is applicable for CMPDI tenders also) in order to become an eligible bidder. This will be a part of the agreement.

**6. Eligible Bidders :** The invitation for bid is open to all bidders including an individual, proprietorship firm, partnership firm, company registered under company's act or a Joint Venture having eligibility to participate as per eligibility criteria stipulated in clause No: 8 of the NIT. The bidders should have a 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

**7. Joint Venture:** Two or three (but not more than three) companies/contractors may participate in the tender as Joint Venture (JV). Joint Ventures must comply the following requirements: i) Following are the minimum qualification requirements for a joint venture.

- a) The minimum qualification requirements for Joint Venture: The qualifying criteria parameters e.g. experience, financial resources etc. of the individual partners of the J.V. will be as deliberated under clause 8 of the NIT towards fulfillment of qualification criteria related to the experience.
- b) The qualifying criteria parameter e.g. financial resources (turnover and Net worth) of the individual partners of the J.V. will be added together for the relevant period, and the total criteria should not be less

than, as deliberated under clause 8 of the NIT towards fulfillment of qualification criteria related to work experience, financial turn over and net worth.

ii). The formation of Joint Venture or any change in character/partners of the Joint Venture after submission of the bid and any change in the bidding regarding Joint Venture will not be permitted.

iii). The bid, and in case of a successful bid as well as the agreement, shall be signed so as to legally bind all partners jointly and severally and the bid shall be submitted with a copy of the Joint Venture Agreement providing the joint and several liabilities with respect to the contract. (as per Annexure- VI)

iv). 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.

v). 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 shall be nominated for being in charge of the contract and 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 at the time of bidding.

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. Subsequent declaration/letters/documents shall be signed by the lead partner authorized to sign on behalf of the Joint Venture or by the authorized signatory on behalf of the JV.

ix). The bid should be signed by all the partners of the Joint Venture.

x). 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.

- xi). The J.V. agreement may specify the share of each individual partner for the purpose of execution of this contract. This is required to fulfill eligibility and also for the 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 the bid.
- xii). The earnest money/ Bid security/Bank guarantee can be submitted by the JV/one or more partners of the JV.
- xiii). The JV agreement must be specific that it is valid for the project for which the bidding is done. If the JV breaks up midway before award of work/during bid validity/after award of work/during pendency of the contract, in addition to normal penalties as per provisions of the bid document, all the partners of the JV shall be debarred from participating in future bids for a minimum period of 12 months.
- xiv) JV agreement shall be registered in accordance with the law so as to become legally valid and binding on the members before making any payment.
- xv) JV shall open a bank account in the name of the JV and all payments due to the JV shall be credited by the employer in that account only. To facilitate statutory deductions all statutory documents like PAN/TIN etc. shall be submitted by the JV before making any payment.

## **8. Eligibility Criteria:**

**8. A. Work Experience :** The intending tenderer in its name or as a member of a Joint Venture (to the tune of its proportionate share), having experience of successfully completed similar works, as a prime contractor 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. (INR 23132903).

Or

Two similar completed works each costing not less than the amount equal to 50% of the estimated cost. (INR 28916129).

Or

One similar completed work costing not less than the amount equal to 80% of the estimated cost. (INR 46265806).

(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, against suitable documents, that 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 the prime contractor). The document may be issued by the Owner/Govt department on behalf of the Owner.

\* The work experience of only those works shall be considered for evaluation purpose, which are completed on or before the last day of the 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 previous completed works shall be given a weightage to bring them at current price level by adding 5% for each completed year (total number of days/365 considering 365 days per

year). This weightage will be applicable 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.

In case the bidder is not a prime contractor but a sub-contractor, the bidder experience as sub-contractor will be taken into account, against suitable document that the contract in support of qualification is a sub contract in compliance with the provision of sub contracts in the original contract awarded to a prime contractor. The documents may be issued by owner/ Govt department on behalf of the owner.

**The definition of similar work shall be as follows:**

**“ Completion of Residential Buildings / other Buildings complex ”**

In respect of the above eligibility criteria the bidders are required to furnish the following information online.

- i) Start date & End date of each qualifying experience (similar work).
- ii) Agreement number/Work Order number of each experience. iii) Name and address of Employer /Issuing authority for such Work Order for each experience certificate.
- iv) Percentage (%) share of each experience (100% in case of an individual/proprietorship firm or a partner in a partnership firm and the actual % (percentage) of share in case of a Joint-Venture. v) Executed Value of Work against each experience certificate.
- 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 deliberated here-in-after towards fulfillment of qualification criteria related to the work experience in the following manner:

- a) In case of completion of single work of similar nature costing not less than the amount equal to 80% of the estimated cost put to the tender:-
  - (i) Any JV partner shall have the experience of having completed successfully a single work of similar nature equal to 80% % of the estimated cost put to the tender.  
OR
- b) In case of completion of two works of similar nature each costing not less than the amount equal to 50% of the estimated cost put to the tender:-
  - i) Any one partner of JV can match the above requirement.  
OR ii) At least two partners should each have completed at least one work of similar nature each costing not less than the amount equal to 50% of the estimated cost put to the tender.
- c) In case of completion of two works of similar nature each costing not less than the amount equal to 40% of the estimated cost put to the tender:-
  - i) Any one partner of JV can match the above requirement.  
OR ii) Any two partners shall match the above requirement through completion of at least one work of similar nature each costing not less than the amount equal to 40% of the estimated cost put to the tender.  
OR iii) All the three partners shall match the above requirement through completion of at least one work of similar nature each costing not less than the amount equal to 40% of the estimated cost put to the tender.

However, during fulfillment of any of the above criteria one of the partners, who is the lead partner shall have:-

More than 50% share in the Joint Venture, and

- i) Experience of having completed successfully a single work of similar nature equal to at least 40% of the estimated cost put to tender.

**8. B. Financial-Turnover** : Average annual financial turnover during the last 03( 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(three) 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 simple weightage 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 weightage 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 online:

- i). Annual financial turnover of each of the last 3 years ending 31st March of the previous financial year i.e. 2015.
- ii). Name of the Chartered Accountant issuing the Profit and Loss A/c or the Turnover-certificate.
- iii) Membership-number of the Chartered Accountant (CA).
- iv). Date of issue of financial turnover certificate by the 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 treated as the financial turnover of the bidder for the relevant financial year. In case of JV, if financial turn-over of all the partners is not submitted, the system will not disqualify the JV and instead shall consider assuming a value of zero for partner/partners who has/have not submitted the financial turn-over certificate. If the bidder does not submit turn over value and certificate for all the three years, system will not disqualify the bidder and, instead shall consider all the three years for computing the average by assuming zero value for the year(s), no information is given by the bidder.

**8. 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 online:

**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 the Income Tax Department, Govt. of India.

**8. D. VAT/Sales Tax Registration on Works Contract:** The bidder should have a VAT/ Sales Tax Registration applicable for works contract issued by the Sales Tax department of any Indian State. In respect of the above eligibility criteria the bidders are required to furnish the following information online:

Construction of Drilling Camp office, residential quarters and other allied structures at Korba

**Confirmation regarding possession of VAT/Sales Tax Registration on Works - Contract issued by Sales Tax department 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 a VAT/Sales Tax Registration on works contract issued by Sales Tax Department of any Indian State.

**8. E. Service Tax Registration: (Not applicable for Exempted Services):**

The bidder should be either a Small Service Provider and exempted for Service Tax registration and/or exempted from payment of service tax but a Body Corporate,

Or, Small Service Provider and /or exempted from payment of service tax but not a Body Corporate,

Or, A Body Corporate,

Or, other than above three categories,

In respect of the above eligibility criteria, the bidder is required to furnish the following information on line:

i) Confirmation in form of Yes/No regarding possessing of the required document as enlisted in NIT with respect to Service tax status of the bidder. ii) Scanned copy of documents attested by a Notary Public to be uploaded by L-1 bidder in support of information /declaration furnished online by the bidder against the eligibility criteria as conformity document.

Any one of the following documents depending upon the status with regard to Service tax as declared by the bidder in the BOQ sheet:

a. Status: Small Service Provider and /or exempted from payment of service tax but a Body Corporate:  
i. Required to submit a certificate, from a practicing Chartered Accountant having membership no, that the bidder is a Small Service Provider and /or exempted for Service Tax Registration and /or exempted from payment of service tax and ii. The Certificate of Incorporation.

b. Status: Small Service Provider and /or exempted from payment of service tax but not a Body Corporate:  
Required to submit a certificate, from a practicing Chartered Accountant having membership no, that the bidder is a Small Service Provider and /or exempted for Service Tax Registration and /or exempted from payment of service tax.

c. Status: A Body Corporate:  
Required to submit Service Tax Registration Certificate issued by Central Excise and Custom Department, Govt. of India.

d. Status: Other than above three categories:

Required to submit Service Tax Registration Certificate issued by Central Excise and Custom Department, Govt. of India

(In case of a JV a certificate from a practicing Chartered Accountant having membership number confirming the status of JV with regard to Service Tax).

**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

Construction of Drilling Camp office, residential quarters and other allied structures at Korba

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.

**c. Letter of Bid:** The format for Letter of Bid (as given in the NIT at Annexure-IX) will be downloaded by the bidder and will be printed/ typed on his letter head. This document will be signed by the bidder or any authorized person of bidder or a DSC holder bidding online with authorization from the bidder 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.

**d. Price Bid:** The Price bid containing the Bill of Quantity will be in Excel format under different heads and/ sub-heads and will be down-loaded by the bidder and he/they will quote the rates for all items/ heads/ sub-heads on this Excel file. Thereafter, the bidder will upload the same Excel file during bid submission in cover-II. The Price-bid of the bidder will have no condition. The Pricebid will be either in Item Rate or Percentage Rate BOQ format and the bidder will have to quote for each of the tendered items. The L-1 will be decided on overall quoted value. 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 sheet may lead to rejection of the bid. The rates quoted by the bidder shall be inclusive of all the taxes but excluding the service-tax.

Prior to quoting the rates in BOQ file, the bidder will select the appropriate service tax status from the following list given in the BOQ:-

- i) Small Service Provider and exempted for Service Tax Registration and/or payment of Service-tax (as per prevalent service-tax act/guidelines based on turnover of taxable service on the last date of bid submission).
- ii) A corporate body (Company registered under Company's Act 1956).
- iii) Other than the above two categories (Individual, proprietorship, partnership and Joint-ventures).

**The price bid file is to be digitally signed and uploaded by the bidder in part-II/Cover-II.**

**Note: If L-1 bidder has been awarded the work on the basis of being a Small service provider and is eligible for exemption from payment of the service tax (as per status declared by the bidder), no service tax will be paid to them in the event of bidder's total turnover of taxable**

**services from all the sources exceeds the threshold limit of exemption during the tenure of contract.**

**10.** All bids are to be submitted on-line on the website <https://mcltenders.gov.in>. No bid shall be accepted off-line. 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.

**11.** After receipt of EMD as stated in clause No.3, the Technical-bid i.e. part-I 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, part-I i.e. Technical-bid shall be evaluated by the system on-line based on the information furnished by the bidders on-line in accordance with clause No.8 (Eligibility Criteria). This on-line evaluation will be validated by the CMPDIL.

**12.** After evaluation of Technical-bid (part-1), 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 for opening of Price-bids.

**13.** The Price-bids of the successful bidders (qualified in part-1) 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.

**14.** After opening of Price-bid, the list of documents required to be submitted by L-1 bidder as enlisted below will be specified on-line by Evaluator indicating the start date and end date giving 7(seven) days' time for on-line submission by bidder. The L-1 bidder will get this information on their personalised 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 personalised 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.8 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	VAT/Sales Tax Registration on Works Contract (Ref. Clause No.8.D of NIT)	VAT/Sales Tax Registration Certificate on works contract from any Indian State (In case of JV, VAT/S.T. Registration certificate for each individual partner of JV)
5	Service Tax Registration(Ref. Clause No.8.E of NIT)	The bidder should have Service Tax Registration(PAN based) applicable for works contract issued by Department of Custom & Excise from any Indian State
6	Digital Signature Certificate (DSC)	If the bidder himself is the DSC holder and bidding on-line then no document is required. However, if other DSC holder is bidding online on behalf of the bidder then the Power of Attorney or any other legally acceptable document for the authorization to bid on behalf of the bidder is to be submitted.
7	Legal status of the Bidder	Whether the bidder is an Individual or Proprietor or a Proprietorship or possess a Memorandum/Article of Association, if a Company or a partnership Deed if a partnership firm or joint venture agreement if a Joint Venture firm.
8	An Affidavit on a non-judicial stamp paper of minimum value of Rs.10 regarding genuineness of the information furnished by him on-line 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 Annexure X.	

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.

**15.** The Tender Committee will examine the uploaded documents against information/declarations furnished by the L1 bidder online. If it confirms 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 L1 bidder within the stipulated period then the same will be specified online by Evaluator clearly indicating the omissions/shortcomings in the uploaded documents and indicating start date and end date giving 7 days' time for online re-submission by L1 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.8 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 the Tender Committee during evaluation/scrutiny of the scanned documents uploaded by the bidder, which changes the eligibility status of the bidder (for the first time), then the EMD of L-1 bidder will be forfeited and retender will be done. In this retender, offer from this bidder will not be accepted. This penal action will be enforced from the date of issue of such order.
- 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 the Tender Committee during evaluation/scrutiny of scanned documents uploaded by the 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 of CMPDI and re-tender will be done. This penal action will be enforced from the date of issue of such order.

**16. 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.

**17. Refund of EMD :**

- a) If EMD is paid by the bidder in online mode (Direct debit/NEFT), then the EMD of rejected bidders will be refunded directly to the account from where it had been received (except the cases where EMD is to be forfeited). However, if the EMD is received in the form of BG, it will be refunded by a registered/speed post in case of unsuccessful bidders (except the cases where EMD is to be forfeited).
- b) No claim from the bidders shall be entertained for non-receipt of the refund in any account other than the one where the money was received.
- c) If the refund of EMD is not received by the bidder in the account from which the EMD was received for any technical reason, then it will be paid through conventional system of e-payment. For this purpose, if required, the Tender Inviting Authority will obtain a mandate form from the bidder.
- d) In case the tender is cancelled then the EMD of all participating bidders will be refunded unless it is forfeited by the department. If the bidder withdraws his/her bid online before the end date of submission of the tender then his/her EMD will be refunded automatically after the opening of Part-I of the bid/tender.

e) The Earnest Money of the successful bidder (on award of the contract) will be retained by the CMPDIL and will be adjusted against Performance Security Deposit. However, the EMD deposited by the L-1 bidder in the form of Bank Guarantee (BG) will be discharged when the bidder furnishes the required Performance Security Deposit (PSD) and signs the agreement.

**18.** 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.

**19.** All Duties, taxes and other levies (excluding SERVICE TAX) 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/withhold 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.

**20. Service Tax:** Bidders should quote their rates excluding the impact of Service Tax. Applicable Service Tax payable by the contractors/Service provider will be reimbursed on production of documentary evidence towards payment of such Service tax to the Govt-exchequer. The contractors will have to raise separate bills for claiming reimbursable amount of Service tax paid by him/them. Such bills should necessarily contain contractor's Service tax registration no (TIN), with details of Range/Division/commissionarate address with documentary evidence for payment of Service tax to the appropriate Govt agencies. Separate challans should have to be submitted for separate services. In case of any default/delay in payment of service-tax, wrong claim of CENEVAT credit etc. by the contractors, the CMPDIL would not be responsible and in no case any such claim of contractor will be entertained by CMPDIL.

**21. Cost & Currencies of Bid and Payment:** 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. The tenderer shall closely study all specifications in detail, which govern the rates for which he is tendering. The unit rates and prices shall be quoted by the Bidder entirely in Indian Rupees only.

**22.** The work should be completed within the stipulated period which shall be as per the relevant clause of the GTC.

**23.** 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.

**24.** The tenderer(s) will deploy sufficient number and size of equipment/ machineries/ vehicles and the technical/ supervisory personnel required for execution of the work.

**25.** 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.

**26.** Any canvassing in connection with the tenders in any shape or form is strictly prohibited and tenders submitted by such tenderers who resort to canvassing shall be liable for rejection.

**27.** 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.

**28 Bid Validity:** Bid shall remain valid for a period not less than **120** (One Hundred twenty) days after the deadline for bid submission. A bid submitted with validity of a shorter period shall be rejected by the employer. In exceptional circumstances, prior to expiry of the original time limit, the Employer may request the bidders to extend the period of validity for a specified additional period. The employer's request and the bidder's responses shall be made in writing. A bidder may refuse the request without forfeiture of his bid security. A bidder agreeing to the request will not be required or permitted to modify his bid but will be required to extend the validity of his bid security/EMD (if submitted in the form of BG) for a period of 28 days beyond the extended validity of the bid.

The tenderer shall not, during the said period or within the period extended by mutual consent, revoke or cancel his tender or alter the tender or any terms/conditions thereof without consent in writing of the company. In case the tenderer violates to abide by this, the Company will be entitled to take action as per **clause No.29** (Modification and Withdrawal of Bid) of NIT.

**29. 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 online within the end date of bid submission and their EMD will be refunded. However, if the bidder once 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 CMPDI. The Pricebid 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 year from participating in tenders in CMPDI. 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-tender will be done.

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

**30.** 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.

**31.** The Company reserves its right to allow Public Enterprises purchase preference facility as admissible under prevailing policy.

**32.** This Tender Notice shall be deemed to be part of the Contract Agreement. The “General Terms & Conditions”, Additional Terms & Conditions, Annexures, Safety Code, Integrity Pact, Technical Specifications (Civil & Electrical), Quality Assurance Manual, Drawings 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.

**33.** 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/subvendor. 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-inCharge/ Designated Officer-in-Charge will not relieve the contractor from any of his obligations, duties and responsibilities under the contract.

**34.** If the tenderer gets the work order he will have to submit VAT Registration certificate on works contract from the Appropriate State Authorities, before execution of agreement.

**35.** 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.

**36.** 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.

**37.** Matters relating to any dispute or difference arising out of this tender and subsequent contract awarded based on this tender shall be subject to the jurisdiction of District Court of Korba, Chhattisgarh; where the subject work is to be executed.

**38.** Service-tax will be applicable under Reverse charge mechanism w.e.f. 01/07/2012. The documents for regarding payment of Service Tax on the works is to be submitted along with the bill to avail CENVAT credit by CMPDIL as per the rules.

**39. Drawing: Following drawings are uploaded with this NIT.....**

All relevant drawings regarding the subject work are available in the office of the General Manager(Civil)/CMPDIL. The bidders who wish to see any other drawing not available in the tender document may do so in the office of the General Manager (Civil)/ CMPDIL before the end date of Bid Submission. All the relevant drawings regarding the subject work available in the office of General Manager (Civil)/CMPDIL shall be a part of the Agreement of the subject work.”

**40. Integrity Pact:** The bidders are requested to go through the integrity pact which is a part of the tender document. The Principal has appointed the following competent and credible personalities as Independent External Monitors for this tender, whose contact details are indicated as under:-

SI. No.	Name	Address	Contact Number
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<b>1</b>	Prof(Dr) L.C.SINGHI, IAS(Retd)	L-31, Third floor, Kailash colony, New Delhi	Ph. No: 91-11-292372 Mob. No: +919968073976 mail: lcsinghi@yahoo.com lcsinghi@gmail.com
<b>2</b>	Dr S. M. Jharwal, IES (Retd).	Flat No: 69, IES Apartment, Plot No: 9, Sector: 4, Dwarka, New Delhi.	e-mail: jharwal@nic.in

**General Manager (Civil)/, CMPDIL-HQ.**