

02

MILITARY ENGINEER SERVICES
NOTICE INVITING TENDER (NIT)

1. A tender is invited for the work as mentioned in Appendix 'A' to this NOTICE INVITING TENDER (NIT).
2. The work is estimated to cost as indicated in aforesaid Appendix 'A'. This estimate, however, is not a guarantee and is merely given as a rough guide and if the work cost more or less, a tenderer/bidder will have no claim on that account. The tender shall be based on as mentioned in aforesaid Appendix 'A'.
3. The work is to be completed within the period as indicated in aforesaid Appendix 'A' in accordance with the phasing, if any, indicated in the tender from the date of handing over site, which will be on or about two weeks after the date of Acceptance of tender.
4. Normally contractors whose names are on the MES approved list for the area in which the work lies, and within whose financial category the estimated amount would fall, may tender/bid but in case of term contracts, contractors of categories SS to E may tender/bid. Under no circumstances will a father and his son(s) or other close relations who have business dealing with one another be allowed to tender/bid for the same contract as separate competitors. Two firms shall be deemed to have business dealing if any of the partner/proprietor/director is common among both of them. A breach of this condition will render the tenders/bids of both the parties liable for rejection.
5. The Office of Head Quarter Commander Works Engineer, Bathinda Military Station will be the Accepting Officer here in after referred to as such for purpose of the contract.
Not more than one tender/bid shall be submitted/uploaded by one bidder firm. Under no circumstances will a father and his son(s) or other close relations who have business dealing with one another be allowed to tender/bid for the same tender as separate competitors. A breach of this condition will render the tenders/bids of both the parties liable for rejection.
6. The Technical Bid and Financial Bid (Cover-1 and Cover-2) shall be uploaded by the contractor on or before the date & time mentioned in NIT. A scanned copy of DD with enlistment details and other documents as specified in Appendix A shall be uploaded as Cover-1 (Technical bid) of the tender on e-tendering portal. DD is refundable in case the contractor is not considered eligible in technical evaluation of Cover-1 resulting in non-opening of Cover-II. The applicant contractor shall bear the cost of bank charges for procuring and encashing the DD including revalidation of DDs and shall not have any claim from Government whatsoever on this account.
 - 6.1. Tender form and conditions of contract and other necessary documents shall be available on <https://defproc.gov.in> site for download and shall form part of contract agreement in case the tender/bid is accepted.
 - 6.1.1 In Case of MES enlisted contractor who has not executed the Standing Security Bond and un-enlisted contractor, the Cover-I shall be accompanied by Earnest Money for the amount mentioned in Appendix 'A' in the form of deposit at call receipt in favour of concerned GE/AGE (I) (see Appendix 'A') by a scheduled Bank or in receipted treasury Challan the amount being credited to the revenue deposit of the concerned GE/AGE (I) (see Appendix 'A'). The GE/AGE (I) will return the earnest money, wherever applicable, to all unsuccessful tenderers/bidders by endorsing an authority on the deposit at call receipt for it's refund, on receipt of intimation from the Accepting Officer to do that.
 - 6.1.2 In case of successful contractor i.e. the lowest contractor having submitted EMD, he shall have the option of converting the EMD instrument into part of the Performance Security to be deposited by him within 28 days from the receipt of intimation of acceptance of tender from Accepting Officer.
 - 6.2 Within 28 days of receipt of the letter of acceptance, the successful contractor shall deliver to the Accepting Officer a Performance Security in any of the forms given below for an amount equivalent to 5% of the contract sum.
 - (a) A Bank Guarantee in the prescribed form.
 - (b) Government Securities, FDR or any other Government Instruments stipulated by the Accepting Officer.
- 6.3 If the performance security is provided by the successful Contractor in the form of a Bank Guarantee, it shall be issued by Nationalized/ Scheduled Indian Bank but its confirmation shall be done only from the Head Office of the Bank.
- 6.4 Failure of the successful contractor to comply with the requirements of sub-clause 19.1 shall constitute sufficient grounds for cancellation of the award of work and forfeiture of the Earnest Money. In case of MES enlisted contractor, amount equal to the Earnest Money stipulated in the Notice Inviting Tender, shall be notified to the tenderer for depositing the amount through MRO. Issue of tender to such tenderers shall remain suspended till the aforesaid amount equal to the Earnest Money is deposited in Government Treasury.

Contd..

Signature of Contractor

Signature of Officer

NOTICE INVITING TENDER (NIT) (Contd/-)

6.5 All compensation or other sums of money payable by the contractor to the Government under the terms of this contract or under any other contract with Government may be deducted from, or paid by the sale of a sufficient part of the Performance Security or from the interest arising there from or from any sums which may be due or become due to the contractor by the Government on any account whatsoever and in the event of his Performance Security being reduced by reason of any such deduction, or sale as aforesaid, the contractor shall within ten days thereafter make good in cash or securities, endorsed as aforesaid, any sum or sums which may have been deducted from or realized by the sale of his Performance Security or any part thereof.

Government shall not be responsible for any loss of securities or any depreciation in the value of securities while in their charge nor for loss of interest thereon.

6.6 In this event of contract being cancelled, under Condition 52, 53 & 54 of General Conditions of Contract, the performance security shall be forfeited in full and shall be credited into Consolidated Fund of India.

6.7 The GE will return the Earnest Money wherever applicable to all unsuccessful tenderers/bidders by endorsing an authority on the deposit-at-call receipt for its refund, on production by the tenderer, bidder a certificate of the Accepting Officer that a bonafide tender/bid was received and all documents were returned.

6.8 The GE will either return the Earnest Money to the successful tenderer/bidder by endorsing an authority on the deposit-at-call Receipt for its refund on receipt of an appropriate amount of Performance Security Deposit or will retain the same in part or full on account of performance security deposit if such a transaction is feasible.

6.9 Copies of the drawings and other document pertaining to the work signed for the purpose of identification by the Accepting Officer or his accredited representative, sample of materials and stores to be supplied by the contractor will also be available for inspection by the tenderer/bidder at the office of Accepting Officer and concerned GE during working hours.

7. The tenderers/bidders are advised to visit the site of work by making prior appointment with GE who is also the Executing Agency of the work (see Appendix 'A'). The tenderers/bidders are deemed to have full knowledge of all relevant documents, samples, site etc, whether they have inspected them or not.

8. Any tender/bid which proposes any alteration to any of the conditions laid down or which proposes any other condition or prescription whatsoever, is liable to be rejected.

9. The uploading of bid implies that bidder has read this notice and the Conditions of Contract and has made himself aware of the scope and specification of work to be done and of the conditions and rates at which stores, tools and plants etc will be issued to him and local conditions and other factors having bearing on the execution of the work.

10. Tenderers/bidders must be in possession of a copy of the MES Standard Schedule of Rates (see Appendix 'A') including amendments and errata thereto.

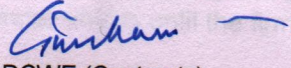
11. Invitation for e-tender does not constitute any guarantee for validation of 'T' bid and subsequent opening of finance bid of any applicant/bidder, even of enlisted contractors of appropriate class, merely by virtue of enclosing DD. Accepting Officer reserves the right to reject the 'T' bid and not open the finance bid of any applicant/bidder. 'T' bid validation shall be decided by the Accepting Officer based on, inter alia, capability of the firm as per criteria given in Appx 'A' to this NIT. The applicant contractor/bidder will be informed regarding non-validation of his 'T' bid assigning reasons thereof through the website <http://defproc.gov.in>. The applicant contractor/bidder if he so desires may appeal to the next higher Engineer authority Viz HQ CE Bathinda Zone Bathinda Mil Stn on email id sswcezbp2-mes@nic.in with copy to the Accepting Officer one mail before the scheduled date of opening of Finance Bid. The decision of the Next Higher Engineer Authority (NHEA) shall be final and binding. The contractor/bidder shall not be entitled for any compensation whatsoever for rejection of his bid.

12. The Accepting Officer reserves the right to accept a tender submitted by a Public Undertaking/Small & Medium Enterprises (SMEs), giving a price preference /purchase preference over other Tender(s)/bids which may be lower, as are admissible under the Government Policy. No claim for any compensation or otherwise shall be admissible from such tenderer/bidder whose tender/bid is rejected.

13. Accepting Officer does not bind himself to accept the lowest or any tender/bid or to give any reason for not doing so.

14. This Notice Inviting Tender (NIT) including Appendix 'A' shall form part of the contract.

Signature of contractor


Offg DCWE (Contracts)
For Accepting Officer

APPENDIX 'A' TO NOTICE INVITING TENDER (NIT)

1.	Name of Work	CONSTRUCTION OF DRAINAGE SYSTEM FROM CULVERTS TOWARDS CHETAK PARK AT NORTH CAMPUS UNDER GE(N) BATHINDA AT BATHINDA MIL STN.															
2.	Estimated cost of Work	Rs 24.08 Lakhs															
3.	Period of completion	180 Days															
4.	Cost of tender documents	Rs. 500/- in the form of DD/ Bankers cheque from any Scheduled Bank in favour of GE (N) Bathinda and Payable at Bathinda (Note :- In case of retendering, the contractor who had quoted in the previous call is not required to submit the cost of tender.)															
5.	Website/Portal address	https://defproc.gov.in															
6.	Type of Contract	The tender shall be based on IAFW-1779-A and IAFW-2249 with BOQ (List of items of works) The tenderers are requested to quote their rates against each items of BOQ.															
7.	Information and Details																
(a)	Bid submission start date	Refer critical dates on the website															
(b)	Last date of bid submission	Refer critical dates on the website															
(c)	Date of opening	Refer critical dates on the website															
8.	Eligibility Criteria	All contractors enlisted with MES in Class 'E' and above and category a(i) subject to satisfactory remarks wrt performance in respect of works in hand as reflected in Work Load Return (WLR) or any other report circulated by competent engineer authority.															
	(a) For MES Enlisted contractors																
	(b) For Contractors not enlisted with MES:	<p>(a) Contractor not enlisted with MES should meet the enlistment criteria of 'E' class MES contractors and category a(i) with regard to having satisfactorily completion of requisite value works with Central/State Government/ Central / State PSUs / AWHO / AFNHB / CGEWHO / DGMAP, annual turnover, bank solvency, working capital and other requirement given in Para 1.4 & 1.5 of Section -1 of MES Manual on Contracts – 2020 as available in all MES formations as well as MES website(www.mes.gov.in).</p> <p>(b) Not carrying adverse remarks in Work Load Report (WLR) or any other similar report circulated by any competent authority, if already working in MES.</p> <p>(c) Not suspended/debarred/blacklisted (either permanently or temporarily) from participating in any bid or for business dealings by any central /State Government Department or any Central/State Government PSU or any Autonomous Body under Central /State Government or any local body as on the bid submission end date.</p> <p>(d) Details of works completed and under progress in MES be submitted in the following format:-</p> <table border="1" data-bbox="624 1659 1410 1832"> <thead> <tr> <th>Srl No.</th> <th>CA No. & Name of work</th> <th>Value of CA</th> <th>Date of commencement</th> <th>Date of completion</th> <th>Extended date of completion</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> <p>(e) Un-enlisted Contractor who have secured two works in MES should get themselves registered in the appropriate designated Class with any Registering Authority, else the firm will not be eligible for participation in the tender unless until the firm is enlisted with the MES.</p>				Srl No.	CA No. & Name of work	Value of CA	Date of commencement	Date of completion	Extended date of completion						
Srl No.	CA No. & Name of work	Value of CA	Date of commencement	Date of completion	Extended date of completion												

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NOTICE INVITING TENDER (NIT) (Contd/-)

9.	Tender issuing and Accepting Officer	Tender issuing Officer:- Sh. Gurcharan Singh , AE (QS & C), HQ CWE Bathinda, Bathinda Mil Stn, Phone No. 0164-2921138, Email address:- bthda3-mes@nic.in Tender Accepting Officer Shri Baban Hamchand Patil, (SE) IDSE, CWE Bathinda, Bathinda Mil Stn, Phone No. 0164-2921106, Email address:- bthda3-mes@nic.in.
10.	Executing Agency	GE (North) Bathinda.
11.	Earnest Money	Total Rs. 48,200.00 in favour of GE (N) Bathinda.
12.	Mode of Tendering	Open Tender Enquiry on https://defproc.gov.in

NOTES :-

- (1) After opening of Cover 1, the number of MES enlisted contractors of eligible class as well as un-enlisted contractors, if any, fulfilling the other eligibility criteria given in NIT is less than 7(Seven), applications in respect of MES contractors one class or two classes (in case of remote and difficult areas to be decided as per list circulated by CE Command/ADG) below the eligible class shall also be considered subject to fulfilment of other eligibility criteria given in the NIT. Therefore MES contractor's one class below (two classes below in case of remote and difficult areas) may also bid for this tender. Such contractors (contractors of one/two classes below the eligible class) shall not be considered in case their present residual work in hand is more than **FIVE TIMES** their present tendering limit. However in case such contractors fulfil the criteria of up-gradation to the stipulated eligible class based on past experience and / or average annual turnover, (as applicable) and financial soundness (solvency / financial soundness and working capital) , the ceiling of present residual work will not apply and they will be considered for issue of tender. Such bidders shall upload in their Cover-1 bid details related to residual works in hand like details of works in hand showing names of work, names of Accepting Officers, Contract amounts, dates of commencement and completion (stipulated) and progress as on bid submission date. Such contractors, if claim to fulfil the criteria of up-gradation shall also upload the requisite information/ documents in support of up-gradation. These details shall be verified by the Tender issuing Authority from concerned formations in case bids of such contractors are considered for evaluation.
- (2) In case after opening of Cover 1, the number of MES enlisted contractors of eligible class as well as un-enlisted contractors, if any fulfilling the other eligibility criteria given in NIT, are 7 (Seven) or more, applications of only those one class below the eligible class bidders shall be considered, who have previously completed similar works satisfactorily and are meeting the criteria of upgradation in respect of past experience of completed works (individual work experience and/or average annual turnover as applicable) and financial soundness (solvency/financial soundness and working capital) as per details given in Manual on Contracts. Therefore such contractors shall upload the requisite information/documents in the Cover-1.
- (3) Un-enlisted contractor shall be considered provided he meets the criteria. Foreign firms shall not be eligible for this tender. However Indian Firms having foreign national/ Indian nationals staying abroad/ Indian national having taken foreign citizenship, as director(s) shall be considered subject to security clearance from the concerned authorities.
- (4) Contractors enlisted with MES will upload following documents in cover 1 for checking eligibility:-
- | | |
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| (a) Application for tender on Firm's letter head. | (b) Enlistment letter issued by the registering Authority duly renewed for the cycle period in vogue. |
| (c) Scanned copy of DD/Bankers Cheque toward cost of tender and EMD instrument in case SSD bond is not signed at the time of registration. | (d) Any other document required as described in this Appendix. |
- 5 Contractors not enlisted with MES will be required to upload following documents in Cover 1 for checking eligibility.

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NOTICE INVITING TENDER (NIT) (Contd/-)

- (a) Application for tender on Firm's letter head. (b) Scanned copy of DD/Bankers Cheque toward cost of tender and Earnest Money Deposit (EMD) instrument.
- (c) Copy of police Verification Report/Police clearance Certificate/ Character Certificate from the Police Authority of the area where the registered office of the firm is located/notarized copy of valid passport of Proprietor/each Partner/each Director. (d) All documents required for enlistment in MES for the class mentioned in Para 8(b) above as per Para 1.5 of Section 1 of MES Manual on Contracts 2020.
- (e) Details of works being executed in MES if any. (f) Any other document required as described in this Appendix.
- (6) Tenders not accompanied by scanned copies of requisite DD/Bankers Cheque toward cost of tender and earnest money (as applicable) in cover 1 shall not be considered for validation of 'T' bid and their Financial Bids will not be opened.
- (7) Contractors should ensure that their original physical DDs and Earnest Money Deposit (EMD) instruments (as applicable) reach the office of Accepting Officer within 07 days of bid submission end date failing which following action shall be taken.
- (a) In case of tenders from an **enlisted** contractors of MES, where scanned copies of requisite DD/Bankers Cheque towards cost of tender have been uploaded in Cover 1 but physical copies are not received within the stipulated period, their financial bids (Cover 2) will be opened. However non-submission of physical copies of cost of tender shall be considered as wilful negligence of the tenderer with ulterior motives and such tenderer shall be banned from bidding for a period of **six months** commencing from the date of opening of Financial Bid (Cover 2).
- (b) In case of tenders from **un-enlisted** contractor, where scanned copies of requisite DD/Bankers cheque towards cost of tender have been uploaded in Cover 1 but physical copies are not received within the stipulated period, their financial bids (Cover 2) will not be opened. Name of such contractors along with complete address shall be circulated for not opening of their bids for a period of **six months** commencing from the date of opening of Financial bid (Cover - 2).
- (c) In case of tenders from **enlisted** and **un-enlisted** contractors, where scanned copies of instruments for Earnest Money Deposit (as applicable) have been uploaded in Cover 1 but the same are not received in physical form within stipulated period, such tenders shall not qualify for opening of financial bid (Cover- 2).
- (8) Contractor will not be allowed to execute work by subletting or through power of attorney to a third party/another firm on his behalf. However a contractor can execute the work through power of attorney to **sons/daughters /spouse of Proprietor/Partner/Director and firm's own employees, director, project manager provided they are not having a separate enlisted firm in MES in their name as Proprietor/ Partner / Director.**
- (9) After opening of Cover 1 and during its technical evaluation, in case any deficiency is noticed in the documents required to be uploaded by the tenders as per NIT, a communication in the form of email/ SMS/Speed Post etc shall be sent to the contractor to rectify the deficiency within a period of seven days from date of communication failing which their financial bid (Cover - 2) shall not be opened and contractor shall not have any claim on the same.
- (10) Invitation for e-tender does not constitute any guarantee for validation of Technical bid and subsequent opening of financial bid of any applicant/bidder merely by virtue of enclosing DD. Accepting Officer reserves the right to reject the Technical bid and not to open the financial bid of any applicant/bidder. Technical bid validation shall be decided by the Accepting Officer based on eligibility of the firm as per criteria given in this Appendix. Tenderer/bidder will be informed regarding non-validation of his Technical bid assigning reasons therefore through tender evaluation report which shall be uploaded on the website. Such tenderer, if desires, may appeal to the next higher Engineer Authority (NHEA) viz **HQ CE Bathinda Zone Bathinda Mil Stn** on email id **sswcezbp2-mes @nic.in** with copy to the Accepting Officer on email before the schedule date of opening of Cover 2. NHEA shall decide the matter within a period of seven working days from the date of receipt of appeal. The decision of the NHEA shall be final and binding. The tenderer/bidder shall not be entitled for any compensation whatsoever for rejection of his bid.

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NOTICE INVITING TENDER (NIT) (Contd/-)

- (11) In case an un-enlisted contractor is already executing works in MES, he shall not be considered eligible for the subject tender if the total value of such works is more than twice the tendering limit of the MES Class of contractor for which it is eligible. For this purpose, details of the works being executed by such a contractor shall be uploaded in the Cover-1 of the bid and shall be checked verified by the Accepting Officer.
- (12) In case the BOQ is revised through the corrigendum and the bidder has failed to quote on revised BOQ (ie he has quoted on pre revised BOQ), such bid shall be treated as wilful negligence by the bidder and his quotation shall be considered non-bonafide. In such cases the lowest tender shall be determined from amongst the valid / bonafide bids only. Accepting Officer with consultation of IFA may decide whether to re-tender or consider the lowest bonafide tender for acceptance.
- (13) Revoking the offer or revising the rates upward or offering voluntary reduction by the lowest tenderer after opening of Cover 2 shall be considered as a wilful default. For this default a penalty of an amount equal to Earnest Money shall be levied. In case of an un-enlisted tenderer, Earnest Money deposit by him shall be forfeited. In case of MES enlisted tenderer having deposited the standing security Bond, an amount equal to the earnest money stipulated in the NIT, shall be notified to the tenderer for depositing through MRO and consideration of such tenderer in tender evaluation for future works shall remain suspended till the aforementioned amount is deposited in the Government Treasury. No other disciplinary/administrative action shall be taken against such tenderers. In such a situation the next lowest offer shall not be considered for acceptance. Instead, retendering shall be resorted to in a transparent and fair manner and the defaulting tenderer and his related firm if any shall not be eligible for this tender in second call or subsequent calls.
- (14) Tender to related firms shall not be issued simultaneously. Firms shall be termed as related if Proprietor/ one or more Partners /Directors are common. Decision of Accepting Officer on issue/deny the tender to any one of the related firms shall be final and binding.
- (15) All the tenders / bidders to please note that successful bidder whose bid is finally accepted has to submit Performance Security as per condition 19 of IAFW -2249.
- (16) The tenderer attention is invited to ensure compliance of the "EPF & MP Act 1952" before commencement of work, the contractor should produce the provident fund code number to the GE, if applicable.
- (17) **DEFECT LIABILITY PERIOD**
In this respect please refer condition 46 duly amended vide amdt No 49 of IAFW-2249 (General Conditions of Contracts). It is expressed condition of the contract that the defect liability period of the contract shall be **Twenty four calendar months** after the works have been handed over to Government (hereinafter referred to as the "defect liability period").
- (18) **Jurisdiction of court:** - Bathinda shall alone have jurisdiction to decide any dispute out of or in respect of this tender. After acceptance of tender condition-72; Jurisdiction of Courts of IAFW-2249 shall be applicable.

(Signature of Contractor)

8116/2023-24/02/E8
Headquarters
Commander Works Engineers
Military Engineer Services
Bathinda Mil Stn

Distr:

- | | | |
|-------------------------|-----------------------|-----------------------|
| (i) HQ CE Bathinda Zone | (ii) GE (U) Bathinda | (iii) GE (N) Bathinda |
| (iv) GE (S) Bathinda | (v) GE (E/P) Bathinda | |

Internal

- (i) E2 Section : Ref job :- (i) 81 SA/BTD/LBW-19/2023-24

Offg DCWE (Contracts)
30 Jan 2024

Vetted by

IFA 10 Corps
Bathinda Mil Station

Approved by

CWE
Bathinda Mil Station