

Qtn-13East

NOTICE OF TENDER & SPECIAL CONDITIONS (08 Pages)

1. **Name of work** : Direct Purchase of Services: **Job Work for Consultancy Services For Feasibility Study With Basic Architectural Drawings For Connecting Eastern And Western Parts Of Mathura Cantonment**
2. (a) **Estimated cost** : **Rs.06.0 Lakhs (INR)**
(b) **Tender Fee** : Rs.500/- (Nil only for MES Enlisted Consultants)
(c) **EMD** : 03% of 02(a) above (Nil only for MES Enlisted Consultants)
3. **Period of completion** : 30 to 60 date from the date of acceptance
4. **Approximate date of placing Work Order/Job Order** : **Nov 2018 to Dec 2018**
5. (a) **Accepting Officer(AO)** : Commander Works Engineer, Mathura-01
(b) **Consignee Officer** : **Garrison Engineer (East) Mathura**

6. **Probable critical date schedule of quotation will be as under:**

Publish date	As shown on https://defproc.gov.in/nic gep/app	Bid opening date	As shown on https://defproc.gov.in/nic gep/app
Document download/sale start date		Document download/sale end date	
Clarification start date		Clarification end date	
Bid submission start date		Bid submission end date	

7. **PRE-QUALIFICATION CRITERIA:-**

(a) For MES Enlisted Consultants / Un-enlisted Consultants:

(i) Consultant shall be enlisted with concerned authority (CE Zone / CE Command / E-in-C's Br) letter No. 93348/Misc/Consult/50/Des-1 dated 06 Mar 2013 and subsequent amendments thereof

Note: Bidders not enlisted as Consultants in MES with the authorities mentioned above, may also apply, however, they can be considered if they meet eligibility criteria for selection as given in subsequent paras.

(ii) Important Documents to be uploaded by MES enlisted Consultants or Un-enlisted consultants are as under :-

(aa) Pdf format of application on letter head requesting for issue of quotation of this Tender ID, if online labels allocated in online tender document. (**Applicable for all**)

(ab) Pdf format of Demand Draft / Bankers Cheque worth Rs. 500/- drawn in favour of the consignee officer towards cost of Tender Fee as per Sr. No. 02 above. (**Applicable for un-enlisted consultants**)

(ac) Pdf format of Demand Draft / Bankers Cheque worth 03% of Estimated Value or fixed amount mentioned towards EMD drawn in favour of "Consignee Officer" as per Sr. No. 02 above. The firm opt for other payment instruments for payment of EMD. (**Applicable for un-enlisted consultants**)

(ad) Pdf format of letter of enlistment in MES carried out by CE Zone / CE Command / E-in-C's Br along with its enclosures, if any mentioning the validity of enlistment (**Applicable for MES enlisted**).

The un-enlisted consultants may upload Pdf format of enlistment letter in any State / Central Govt department / PSUs along with its enclosures, if any. The process of enlistment as Consultant shall have been carried out in accordance with **Rule 177 to 196 of General Financial Rules-2017 (Applicable for un-enlisted consultants)**

(ae) Pdf format of GSTIN Registration Certificate (under “Regular” scheme, but not on “Composition” Scheme.) (*Applicable for all*)

\ (af) Pdf format of Partnership Deed and Power of Attorney in case of Partnership firm if online labels allocated in online tender document (*Applicable for all*).

(ag) Pdf format of Consultancy orders issued & executed in MES department / other govt departments for last 06 months in single file (*Applicable for un-enlisted consultants*)

(ah) Past experience in completed similar works during last 3 years in case of Pvt Company / Proprietary Firm (Project cost in Crores) (To full fill any one of three options) (*Applicable for un-enlisted consultants*)

Single Project Rs. Lakhs	Two Projects each at least Rs. Lakhs	Three Projects each at least Rs. Lakhs	Max Cost of Project Rs. Lakhs
8.00 /8.00	5.00 /5.00	4.00 /4.00	Upto 15.00

In this case, the firm must upload documents of work orders.

(aj) **Criterion for eligibility** : Minimum 01 No M Arch with 2 years experience & 01 No B Arch with 3 years experience and must have all requisite licensed software (*Applicable for un-enlisted consultants*)

(ak) Pdf format of Indemnity Bond by authorized signatory, on Rs.100/- non-judicial stamp duty attested by Notary Public, depicting that the Consultant / firm / Consultant has not been banned / blacklisted by any Government Agency and there is no police complaint / litigation / criminal case(s) pending in court regarding supply of stores / services to any Government Department or PSU or non-involvement in any criminal cases by the firm proprietor(s) / partners / Directors and in case anything is found to be incorrect or false at any stage, M/S _____ hereby indemnify Commander Works Engineer (Army) Mathura, The Deptt of Military Engineer Services, Ministry of Defence, Govt. of India against any kind of financial/legal/litigation losses and damages in that event(*Applicable for un-enlisted consultants*)

(al) For all other “Document Labels”, kindly upload your letter head mentioning “Not Applicable” in pdf form.

(Note : *In case sufficient slots in “Document Labels” are not available, the requisite documents shall be uploaded in pdf format in a single file in the available slots or in the slot of “NIT”*)

SPECIAL CONDITIONS FOR CONSULTANTS BEFORE QUOTING

01. Issue of quotations under limited tender system / Closed Limited Tender System / considering names under open tender system or uploading of quotations do not constitute / entail any guarantee of allotting / awarding any order in the web portal <https://defproc.gov.in/nicgep/app>

02. The decision of Commander Works Engineer Mathura, the Accepting Officer shall be final and binding in case of any dispute. No applicant/Consultant shall be entitled for any compensation whatsoever for rejection of his application by the Accepting Officer on eligibility criterion.

03. For any assistance regarding DSC and its applicability, kindly contact customer care of <https://defproc.gov.in/nicgep/app> .

04. For procedure and terms of reference for bidders, kindly refer MES portal at <https://defproc.gov.in/nicgep/app> at CPP portal.

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05. The quotations have been formulated in accordance with GOI, MoD letter No A/03109/ESP-1(P&C)/SO-I/25/I/D(W-I) dated 07 Jan 1987, Govt of India, Ministry of Defence, E-in-C's Br letter No. 79278/SVC/Gen/2007/E1D dated 17 Aug 2007, Engineer-in-Chief's Br letter No. 36323/PF/E4(UI) dt 26 Jun 07, SOP on e-procurement vide E-in-C's Br letter No. A/37696/12-158/Pol/E2W(PPC) dated 31 Mar 2016 and its amendments dated 26 May 2016 and dated 18 Oct 2016, General Financial Rules-2017, Financial Rules Part-I Volume-I, MES Regulations and Defence Procurement Manual-2009 including E-in-C's Be letter No. 93348/Misc/Consult/50/Des-1 dated 06 Mar 2013 and any amendments from time to time. The contents are already incorporated in this quotation (RFP) and hence copies will not be supplied to the bidder and for any discrepancy / ambiguity in the specifications / conditions of supply of services refer Appendix (Additional Tender documents). Any change / modification in the tender enquiry will be intimated through above mentioned website only through any type of corrigendum. Bidders are therefore requested to visit our website regularly to keep themselves updated.

06. Other important terms and conditions of the RFP(request for proposal) are given in Appendix 'A'.

07. Department reserves the right to /not to accept the above quotation of any firm whether lowest or otherwise depending on feedback received by the department regarding performance of the firm based on the documents supplemented by them. The decision of Accepting Officer in this regard shall be final and binding. The different item(s) of schedules will be accepted partly or fully according to the workable rates quoted for supply of consultancy services as per schedule at the indenting office or considering / deleting any item as per departmental requirement before placing job order or past performance. These orders may be made based on online BOQ Comparative Statements either manually or through online as feasible with the web portal for proper vetting by audit department before placing orders. In token of acceptance, the Acceptance Officer or his authorized officer may upload acceptance letter, in the portal indicating conclusion of the contract / placement of order in due course of time frame as mentioned in Appx 'A' or Special Conditions. For AOC refer relevant subsequent Paras. In the event of your offer for RFP is accepted for only some of the items of enquiry, the work order order will be placed only for those items for which your offer rate is acceptable to the department whole items or individual item(s). The Accepting Officer may cancel any item(s) during course of execution / extension period as per departmental requirements irrespective of value of job order placed.

08. Rejection of Bids: As per the powers vested with the Accepting Officer in terms of Rule 173(xix) of General Financial Rules-2017, the bids may / may not be rejected when:

- (a) Effective competition is lacking.
- (b) All Bids and Proposals are not substantially responsive to the requirements of the Procurement Documents.
- (c) The Bids'/Proposals' prices are substantially higher than the updated cost estimate or available budget; **or**
- (d) None of the technical Proposals meets the minimum technical qualifying score.

09. AOC to be posted online: As per condition 07, more than one work orders are anticipated and hence date of acceptance may vary differently for different work orders as per Para 29. Hence posting under AOC is for closing the process of procurement of particular tender for ease in web portal only. All part Job Orders need not be posted by the department in one go under AOC of web portal. If any case(s) is(are) falling within the purview of higher authorities as spelt out under Para 29, in such case a separate letter will be written to effected firm(s) whose work / Job orders are pending with departmental process.

10. Please quote reasonable rate to this office. The period of validity of offer shall remain open for minimum **60 days** from the date of opening of this quotation **or** as mentioned in online tender document.

11. Payment will be made only after the actual receipt of all the stores at destination only after inspection through a Board of Officers constituted by this HQ. No advance / part payments will be made.

12. In case the store supplied is found not conforming to the required specifications, the same either partly or fully will be rejected by the department at any stage. The Consultant will have no claim whatsoever on account of rejection of his offer which is without any prejudice. In this regard, the decision of Accepting Officer will be final and binding.

13. The Consultant has to seek/check the sample of store/item from indenting / consignee office before quoting the rates. The claim by the Consultant at the time of work of the same is not admissible in any case for which the department's decision will be final and binding.

14. The stores will be consigned to the consignee office as mentioned above.

15. Where specifications are not appropriate with / without model / Cat Part no. of item, the item shall be checked with the samples held with indenting office / destination office. In case the model No. / Cat Part No. is appropriate, the shall be holds good as decided by the Accepting Officer as per Para 2 above.

16. In case of tie in the quoted rates for any item(s), by any firms, the order will be placed on the firm having highest order value in other items. In case such firms are also having same amount for clubbing the equally quoted item, then the order will be placed on the firm, where their address is nearest to the consignee office as decided by the Accepting officer.

17. The estimated cost of this proposed work order / job order is based on the present market trend and is approximate. The department is not responsible for any market trend / variation / fluctuation of the estimated value, based on which EMD is collected by the department and hence no claims to this effect are entertained.

18. **Payment & Refund conditions of EMD & Tender Fee:**

(i) The consultant will pay an Earnest Money of 03% of estimated value **or** fixed amounts as mentioned under Ser No. 02 of "Notice of Tender" in terms of **demand draft / Bankers Cheque** favouring the consignee officer but should be submitted at office of CWE Mathura before bid submission end date as explained in para 07 above. The firm opt for other payment instruments for payment of EMD.

(ii) In accordance with Rule 243 of FR Pt-I Vol-I and Rule 170 of **General Financial Rules-2017**, Para 4.7.6 of Defence Procurement Manual-2009, the **EMD if paid in terms of demand draft / Bankers Cheque for 03% of "Order Value"** only will be retained by the department and the bidders may claim the balance EMD or EMD of unaccepted orders / unsuccessful bids for return by the department (through Hand Receipt / ECS / RTGS / NEFT / Online Payment as feasible by the department) from the consignee officer after obtaining the clearance from this office only after acceptance of all connected bid(s) for other firms either fully or partly. However, other payment instruments will be returned only after completion of tender.

(iii) Department is also not responsible for delays whatsoever which may occur during the course of procurement process or for cancellation of quotations / orders. In such event, the bidder can't claim any interest on the EMD submitted for bidding for this quotation. However, the bidder may withdraw his willingness to quote on account of further bids to be recalled for this quotation so that EMD paid will be refunded by the consignee officer with the clearance from this HQ.

(iv) For recall of this same quotation either fully or partially, a separate EMD is not required to be paid by the bidder, if the previous EMD is not returned by the department.

(v) The EMD will be forfeited if the firm withdraws, or amends, impairs or derogates from the tender in any respect or quotes conditionally.

(vi) Any shortfall of EMD in addition to the order value over the estimated value will be paid through demand draft / MRO within 15 days of acceptance of the bid, failing which the balance amount of EMD will be recovered from the present claims / bills or any bill amounts ordered. In addition, the firm will not be considered for financial bids upto 06 months from the date of completion of this order.

(vii) In all above cases, the decision of Accepting Officer will be final & binding.

(ix) A separate demand draft / Bankers Cheque worth Rs. 500/- shall be submitted towards Cost of Tender Fee which will not be refunded in any case.

(x) However, The bidders at their discretion can opt only one of the following as Payment Instruments :-

(a) Bankers Cheque **OR**

(b) Bank Guarantee **OR**

(c) Demand Draft **OR**

(d) FDR

19. Quoting for Same Items : In case there exist more than 02 similar items in the BOQ and if the rates quoted by one firm or different firms are different, then the work order will be prepared by clubbing the both items with the lowest rate quoted by the firm.

20. The rates shall be quoted at par with the "Price at Destination" duly considering The rates shall be quoted at par with the "Price at Destination" duly considering all Overheads, profits loading / Unloading, Transportation / Conveyance, Inspection by Departmental boards of officers, packing, unpacking, preservation, insurance, delivery, special services, leasing, technical assessment, consultancy, Testing of Store, Checking of stores, working in Defence restricted area, delay in entry / exit at Defence locations, other duties / taxes if any as applicable *but excluding GST*, which will be considered separately as mentioned under BOQ. Any Errors / Corrections of product codes / rate of taxes (without modification of Cat Part No./ description of product if cat part no. doesn't exist) will be rectified by the department under GST column of BOQ while placing orders by modification of HSN/SAC Codes as applicable even after payment depending on the merit of the case.

However orders will be awarded based on rates quoted under Column 13 of BOQ *only* as decided by the Accepting Officer irrespective of Taxes columns and hence no additional claims in any form or due to any reasons will not be entertained. As such tenderers are advised to get acquainted with market trend basic rates of the quoted items and their respective HAN codes / SAC Codes / % of GST / other factors mentioned above while quoting. The HSN / SAC Codes mentioned under BOQ are for guidance only. However, in case of any dispute, the decision of Accepting Officer will be final & binding either to modify the product code & GST during the course of execution or to cancel that particular item in toto.

21. Evaluation of Technical Bids:

(a) The following conditions don't fall under pursuance of the term "*Appeal or Claim By the Bidder to Next Higher Authority (i.e. CE Jaipur Zone) For Rejection Of Technical Bid / Bids*" at any stage during the process:

- (i) Not Meeting eligibility criterion as per Para 02 above and Para 07 of NIT
- (ii) Quoting for Conditional tender
- (iii) Submission of unwanted documents / representations (In such cases the firm will be banned for six months / Bidders other than enlisted other than in MES shall be recommended for ban for 06 months)
- (iv) Any adverse performance feedback received from GEs / AsGE(I) / any MES formations / any department / Enlisting authority.
- (v) If the firm doesn't quote continuously for more than 05 times in case of limited tender system
- (vi) Your firm failed to supply goods / services well in stipulated time frame at previous instance
- (vii) Information of any Sister concern firm come to the knowledge at a later stage

- (viii) Cartel Bidding as defined in web portal viz. Duplicate IP / Duplicate Alternate email ID / Duplicate Tender Fee Instruments / Duplicate EMD Fee Instruments / Duplicate or invalid GSTIN / TAN / VAT nos. In such cases issue of quotations will be kept abeyance till suitable reply received from the firm or the firm will be recommended for ban by the enlistment authority at least for 03 months.
- (ix) Cancellation / Revoke of Tender or its any stages by the department during the course of processes.
- (x) The firm is holding any pending work orders which were not completed before date of completion of orders or under compensation as reported by any State / Central Govt Departments / non-execution of any orders in MES. In such cases firms will be rejected in Opening Bids / Technical Bids at any stage.
- (xi) The dealer quoting the same items if quoted by OEM (Make AND also Dealers quoting for more than one OEM's (Make's) items even though they have got dealership in many OEMs (Makes)
- (xii) Category of business in GSTIN / VAT registration & its verification of current validity under "Regular" scheme, but not on "Composition" Scheme.

(b) If the decision of higher HQ against the appeal by the Consultants due to rejection of Technical Bid by this office is not rendered within 07 working days, your claim application is deemed to be rejected and Financial Bid will not be opened.

22. Submission of Hard Copies by all eligible Consultants before and after becoming L1

- (i) All the hard copies of uploaded documents shall be submitted at this HQ duly self attested before bid submission end day + 03 Days by speed post., failing which the names will not be considered in technical bid and thus, financial bid will not be considered to be opened.
- (ii) The outside Consultants, dealers and OEMs mentioned under Sr No. 7(b) of Notice of Tender, shall submit 03 sample signatures and 03 Proprietor's passport photograph on letter head who is authorized to sign the documents to match with details in DSC (Digital Signature Certificate) within 10 days of opening Financial Bid, if become L1(Lowest).
- (iii) The **Outside consultants** shall also submit following hard copies at this office within 10 days, duly self attested and attested by Gazetted Officer if become L1 (Lowest) after opening Financial Bid :
 - (a) Police Clearance Certificate obtained from local Police authorities of their dealer locality / jurisdiction mentioning non-involvement in any criminal cases by the firm's proprietor(s) / partners to render their services in sensitive A1 Defence restricted land. The certificate shall not be older than 06 months.

23. Delivery of goods shall be made at the locations or accommodations as directed by the consignee officer. Tenderer shall get details of exact place of delivery from the consignee office before bidding for "Price at Destination"

24. Bidders shall periodically check the website for any revised BOQ uploaded by the department and it shall be responsibility of the bidder to ensure quoting on revised BOQ only. In case of uploading quotation in pre-revised BOQ, it shall be considered as a willful negligence by the bidder and his quotation shall be considered as non-bonafide and rejected.

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25. **Financial Powers To Accept work ORDERS :**

Sr No.	Work Order Value (Rs.)	Financial Power of	Authority	<u>EMD Refund Remarks</u>
(a)	<u>Upto 6.0 Lakhs</u>	HQ CWE Mathura	Sr No. 5(a) of Table 'B' RMES	<u>EMD of 03% of estimated value will not be returned / refunded immediately</u> as enumerated under relevant para mentioned above.
(b)	<u>6.0 to 12.00 Lakhs</u>	HQ CE Jaipur Zone	Sr No. 5(a) of Table 'B' RMES, Para 748 of RMES <i>And</i> E-in-C's Br letter No. A/37696/12-114/Pol/E2W (PPC) dt 23 Nov 2015	The higher value work orders <i>more than Rs. 6.0 Lakhs (Six Lakhs)</i> will be forwarded to higher Head Quarters for countersignature and approval. Hence, <u>EMD of 03% of estimated value will NOT be returned / refunded immediately but after 120 days / Bid validity or after placing last work Order against this quotation (RFP) whichever is earlier.</u> Hence, Consultant will not have any claim of <i>interest on EMD</i> for retention for the said period on account of time lag during the course of process in the departmental channels.
(c)	<u>More than 12.00 Lakhs</u>	HQ E-in-C's Branch, New Delhi		

26. **Adverse Performance Report of repeatedly-quoting-ineligible-firms (in Open Tender System) to their Enlistment Authority:**

This HQ will render performance report to Enlistment authority of firm towards downgrading the class / ban on the firm for 06 months on account of infructuous procedural aspects / correspondences for quoting the ineligible bids for more than two times despite clear instructions of eligibility criterion mentioned in NIT under para 07.

27. **Grounds for administrative actions against Bidder's misconduct in MES / Non-Payment of Govt Revenue:**

The firms would be liable for administrative actions such as suspension/debarment/removal from participating in bidding in MES, if they fail to abide by any of the terms & conditions stipulated in this document and/or on the following grounds, If the firm:-

- (i) Supplies goods of inferior/ substandard quality
- (ii) Fails to update profile data viz about any change in information furnished within the prescribed time limits in the web portal <https://defproc.gov.in/nicgep/app>
- (iii) Executes services without conforming to requirement given in Service Level Agreement (SLA) as applicable
- (iv) Fails to execute an order/ contract or fail to execute it satisfactorily
- (v) Is declared bankrupt or insolvent
- (vi) Fails to produce the requisite documents/ information during the course of inspection / assessment at any stage; and
- (vii) In case the firm has been de-registered/debarred by other MES formations or any State / Central Govt / PSUs etc
- (viii) Improper accounting (adopting unauthorized accounting system contrary to GST Rules) and payment of GST in Govt accounts through GST returns which can be called for by this department either from your firm correlating the data from GST department, if warranted even after completion of financial year(s) including calling for the authenticated purchase vouchers as decided by the Accepting Officer or his representative officer to verify the genuinity of purchases towards payment of GST from your authenticated current account registered with MES interlinked with GST Returns. The cases of defaulters will be intimated for suspension of GST or keeping abeyance of GST till rectification by the firm. The proof of authentication from GST department is mandatory for recommending to re-instate or rectification or regularization. The Accepting Officer reserves the right to carry out post-payment audit and technical examination of the supplies / works and Bill, including all supporting vouchers, abstracts, etc. This HQ, further reserve the right to carry out the aforesaid examination and enforce recovery of overpayments when detected.

28. Information Technology Act, 2000 & Information Technology Act Amendment 2008: The participating bidders in the e-Bidding shall be required to submit bid(s) in adherence of the Information Technology Act, 2000 read along with amendment thereof, duly digitally signed issued to their respective authorized partner in case of partnerships firm / representative / proprietor who participate in e-Bidding on their behalf or e-sign the document as applicable & compatible with the web portal.

29. Zero Value Quotation: If a firm quotes NIL charges / consideration, the bid shall be treated as unresponsive and will not be considered as per Rule 173(i)(h) of General Financial Rules-2017.

30. Role of Evaluator during Item-Wise Evaluation : On request by the bidder in writing, the Evaluator has a right to accept the quoted rates left ineligible by the bidder by opting "NO" while uploading the tender. Hence, bidders are advised to quote reasonable and acceptable rates for all items carefully. Even though ineligible firms selected under limited tender system, the evaluator has right to reject their bids at any stage for which the firm has no right for any claim.

31. Validity of Quotation : The firm's willingness in writing is mandatory for enhancing the validity of extension for a maximum period of 30 days only in case of exceptional cases as per Rule 174(iii) of General Financial Rules-2017 as decided by the Accepting Officer.

32. The Competition Act, 2002: The participating bidders shall not disclose details of their bids or other details of their e-bids to other bidders or indulge in any anti-competitive behavior including price manipulation in violation of Competition Act, 2002.

33. Change of Address: The Consultant / Firms shall intimate their fresh address, if any as per GSTIN / TIN, failing which Civil Police will be approached to trace-out your firm and also this HQ will recommend GST department for suspension of GST till finalization of issues with the department.

Yours faithfully,

(D. Srinivasa Babu)
SBSO
Dy Director (R)
For CWE Mathura