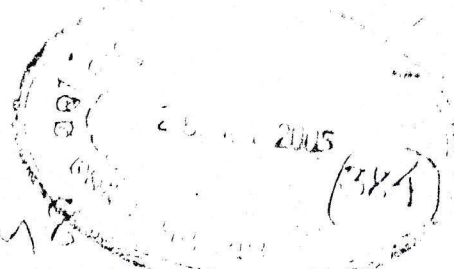


Government of Orissa
Works Department

OFFICE MEMORANDUM

No. E. R. 2/2005 (Pt) 20804/W., Dated.



22348
24.10.05.
19.11.05

2/W-256

After careful consideration, Government has been pleased to issue the following instructions regarding calling for and acceptance of tenders.

A. Preparation & sale of tender documents.

Handwritten notes: 20/10/05, 19/11/05

- i) Tender Notice shall not be floated unless the complete tender documents with all enclosures are prepared and approved by the competent authorities. There will be declaration in the notice board as regards readiness of availability of tender documents.
- ii) At least two officers shall authenticate preparation of tender documents with date and time stamp and one copy to be kept in sealed cover as master copy prior to issue of tender notice.
- iii) Intending purchasers are not required to produce any documents viz Copy of Registration, Valid VAT clearance certificate etc. at the time of purchase of tender documents which would be required for verification purpose in the latter stage. Furnishing of such documents may be made mandatory along with the tender documents otherwise his/her bid shall be declared as non responsive and thus liable for rejection.
- iv) Cash receipt against purchase of tender paper shall be granted without mentioning the name of the purchaser/supplier/contractor but with mention of the work for which purchase has been made.

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B. Invitation of tender.

- v) Publication of tender notices as well as posting of bid documents for works of RS. 20.00 lakhs and above on the state Government's Portal (www.Orissa.Gov.in) shall be mandatory. Pending availability of computers & communication links, the tender notices prepared in electronic form may be made available to the portal group off line through floppy disk or compact disk.
- vi) The engineer-in-Chief/Chief engineers of the department may monitor the publication of tenders on the state Portal on a weekly basis.

- vii) All the engineering departments vis-a-vis offices from Division levels to office of Chief Engineers shall monitor the timely publication and posting of tenders on the State Portal through their nodal officers.
 - viii) For tenders posted in the website, the standard formats of tender notices for posting in the website as well as in the news paper is enclosed as Annexure-I and Annexure-II. The Annexure-III can be used for works not posted in the website.
 - ix) Tender shall be invited as well as opened by the officer competent to accept the same.
 - x) Sale and receipt of tender shall be concurrent and co-terminus.
 - xi) The Executive Engineers shall keep the police informed about any threats to any official or contractor or possible interference during tendering process. Tendering process shall be cancelled on receipt of indication of cartelization or tender fixing subject to valid proof of the same.
- C. Eligibility Criteria and conditions in tender.
- xii) The contractors are required to furnish evidence of ownership of principal machineries/equipments for only those machineries/equipments asked for in the tender documents.
 - xiii) In case the contractor executing several works he is required to furnish a time schedule for movement of equipment/machinery from one site to work site when work is to be executed.
 - xiv) The contractor shall furnish ownership documents for those machineries which he is planning to deploy for the tendered work if these are not engaged or produce certificate from the Executive Engineer under whom these are deployed at the time of tendering as to the period by which these machines are likely to be released from the present contract. Certificate from the Executive Engineer shall not be more than 90 days old on the last date of receipt of tender. (Format of certificate at Annexure-IV).

- xv. In case the contractor proposes to engage machineries and equipments as asked for in the tender document, owned or hired but deployed out side the state, he/she is required to furnish additional 1% EMD/bid security. The entire bid security including the additional bid security shall stand forfeited in case the contractor fails to mobilize the machineries within stipulated time as per the tender document.
- xvi. The contractor intending to hire/lease equipments/machineries are required to furnish proof of ownership from the company/person providing equipment/machineries on hire/lease, along with contracts/agreements/lease deed and duration of such contract.
- D. Receipt of tender documents & acceptance thereof.
- xvii. The tender documents will be sold to the intending purchaser/ Contractor at the same time during selling days in the office of the Division, Sub-Divisions under the Division, concerned Circle, adjacent Divisions, Office of the concerned EIC/Chief Engineer, Similarly, the tenders are required to be received from the tenders in the above Offices during the same time on the days of submission. But opening of the bids shall be carried out in the office of the officer inviting the tender who is also the tender accepting authority.
- xviii. Contractors are not required to write their name on the outer cover containing the bid documents. They are only required to write the name of the work and authority who had issued the tenders. The tender submitted in the wrong box shall not be taken in to consideration.
- xix. The tender boxes shall be so placed that the tenders are dropped in to such boxes without revealing to which box the tender was dropped. The Superintending Engineer of the Circle shall decide about the uniform size, unique number code and suitable colour schemes for the tender boxes pertaining to his office as well as for the Division offices under his jurisdiction. Locks as well as the seal on the boxes should be clearly visible.
- xx. Sealing of the tender boxes after closure of the delivery time may be carried out by tamperproof standard sealing tape..

- xxi. Each office shall maintain a register to record movement of award boxes.
- xxii. In case the 1st lowest tenderer or even the next lowest tenderers withdraw in series one by one, thereby facilitating a particular tenderer for award, then they shall be penalized with adequate disincentives with forfeiture of EMD unless adequate justification for such backout is furnished. Appropriate action for black listing the tenderers shall also be taken apart from disincentivising the tenderer.
- xxiii. In case the reason for backing out of the 1st lowest tenderer is justified then the offer of 2nd lowest tenderer may be accepted, provided that the 2nd lowest tender negotiates with the rates of 1st lowest tenderer. However, approval from the next higher authority is mandatory for such cases.
- xxiv. Similarly, if more than one of the lowest tenderers starting from the 1st lowest in series such as the 1st lowest and the 2nd lowest tender withdraw, this should automatically stand cancelled unless for very special reasons to be recorded in writing. Approval of next higher authority is to be obtained prior to acceptance of the offer of other contractors quoting higher rates in the larger interest of getting the works done in time. In such cases, the next higher authority should accept the tender only if the 3rd lowest tenderer agrees to undertake the work at the rate quoted by the 1st lowest tenderer. In case of some extreme urgency or other valid reasons, the deviation from the lowest rates may be considered, but this should go to the 2nd higher level of authority in the hierarchy for acceptance. In such cases, prior detailed investigation of the circumstances and reasons therefor should be recorded in writing for accepting such tender at higher rates than the 1st lowest offer.
- 2) Relevant, existing CPWD provisions stand modified as per above instructions.
 - 3) Steps will be taken for effecting necessary amendments at the time of rewriting the CPWD codes.
 - 4) Any deviation from this instruction would be viewed seriously and disciplinary action would be taken against the delinquent.

sd/- R.K. Dash,
Engineer-in-Chief-Cum-Secretary to Govt.
Works Department.

(P.T.O)