

CIRCULAR

Consequent upon the circular No. 174 issued vide No. CWC-CD/IX-H&T/Policy/14-15/839 dated 08.06.2015 and in view to simplify the tender, Competent Authority has approved the following changes in the tender document, as such in the tender process and eligibility/qualifying criteria, are to be incorporated in the tender document/NIT which are to be issued by your region in respect of CFS/ICD w.e.f. 01.04.2016.

1. **Concessions to Micro & Small Enterprises (MSEs) for procurement of goods and services as per Procurement Policy for Micro and Small Enterprises (MSEs) order, 2012:**

As per the guidelines issued by Ministry of Micro, Small and Medium Enterprises dt. 23rd March, 2012, the MSME guidelines are to be mandatorily implemented w.e.f 1st April, 2015.

Keeping in view the mandatory nature of above guidelines of Ministry of MSMEs, it is necessary to amend the tender conditions for purchase of goods and services by the Corporation.

The clause as mentioned in **Annex-I** is to be inserted in all future tenders at appropriate place.

The following is to be inserted in NIT:

"MSEs registered with the prescribed agencies are exempted from payment of EMD and cost of tender and should enclose the proof of their being registered with agencies mentioned in the tender document. Their registration should be valid as on last date of submission of tender and they should also mention the terminal validity of their Registration, failing which their offer shall not be considered for benefits detailed in MSE Notification of Govt. of India dated 23.3.2012 or any other notification issued thereafter."

2. **Seeking clarification / documents from the tenderers after scrutiny of the technical bid.**

Sometimes some of the bidders are not submitting the complete documents required and for minor omission / mistakes in submission of these documents, their tenders are being rejected. This problem is expected to be more in Micro & Small Enterprises. This results into

reduced competition or no competition as few tenderers / single tender get technically qualified.

The following conditions to be inserted in the tender:

2.1 Preliminary scrutiny of bids

The Corporation will scrutinize the bids received to see whether they meet the basic requirements as incorporated in the bid document. The bids which do not meet the basic requirements shall be treated as unresponsive and ignored. The following are grounds due to which a bid may be declared as unresponsive and to be ignored during the initial scrutiny:

- (i) The bid is unsigned (where the bid documents have been uploaded using the digital signatures of the person authorized to sign, the same shall be treated as duly signed);
- (ii) The bid is not legible;
- (iii) Required EMD and cost of tender has not been received;
- (iv) The bid validity period mentioned by the bidder in the bid document is for a shorter period than the period required and stipulated in the bid document.
- (v) The bidder has not quoted for all the items, as specified in Section - I (IFB).
- (vi) The bidder has not agreed to the essential conditions i.e. scope of supply, warranty/guarantee clause, liquidated damages / penalty clause, security deposit / performance bank guarantee and dispute resolution mechanism.

Only the bids which are not unresponsive shall be taken up for further evaluation.

2.2 Further evaluation of Stage: I Technical Bid

- (a) Corporation shall evaluate the technical bids to determine whether they are complete, whether the required documents as asked for have been submitted and whether the technical bid is generally in order as per the qualifying conditions of the tender.
- (b) Corporation, if necessary, can ask the tenderer for any specific clarification relating to qualifying document / condition or can seek missing document(s) within the specified time of 10 to 15 days. For this purpose, the procedure stated below in **Para No. 2.3** is to be followed and the specific clarification and missing document is required to be uploaded on the same portal as per the procedure prescribed therein.

- (c) Corporation can waive any minor infirmity or non-conformity or irregularity like spelling mistake(s), signature missing on any page which does not constitute a material deviation.
- (d) The tenderer has the option to respond or not to respond to these queries.
- (e) The request for clarification and missing document(s) by the Corporation and the response of the bidder shall be in writing and no change in price or substance of the tender shall be sought, offered or permitted.
- (f) If the tenderer fails to respond, within the stipulated time period or the clarification(s)/document(s) submitted is non-conforming to requirement of tender conditions, no further time will be given for submitting the same and the tender will be summarily rejected.
- (g) All the responses to the clarifications will be part of the Proposal of the respective tenderer and if the clarifications are in variance with the earlier information in the proposal, the information provided in later stages will be the part of the agreement.

2.3 Procedure to be followed for obtaining missing documents & specific clarification:

- (i) An Icon for clarification shall appear on "Bid details" page (in front of each of the bidder's name) at Corporation's end after opening of Technical / Financial Bid.
- (ii) Corporation shall click on clarification icon for the desired bidder and enter the details of clarifications / missing documents sought within the prescribed time.
- (iii) After entering the details of clarification / missing document sought by the Corporation, same icon shall appear at Bidder's end for replying to the particular clarification / missing document sought by the Corporation. The system will also send the alert to the bidder at his registered e-mail address about the clarification / missing document sought by the Corporation.
- (iv) Bidder will click on clarification icon and will reply to the same and upload the required document (optional) in support of

clarification sought and also submit missing document, if any, within the prescribed time. Bidder cannot ask for any clarification from the Corporation.

- (v) Once the prescribed time expires, clarification icon from bidder site shall also disappear automatically.
- (vi) After expiry of prescribed time, Corporation shall download the clarification / missing document submitted by the bidder.

3. Submission of tender processing fee.

The tenderers are being asked to submit / upload the proof of tender processing fee along with the tender. As no tender can be uploaded without payment of tender processing fee, tenderer should not be asked to submit the proof of the same. Once the tenderer pays the tender processing fee to the Service Provider M/s KEONICS, they are able to upload his tender and other relevant documents.

The tender condition for submitting / uploading the tender processing fee along with the tender can be removed from the Eligibility / Qualifying Criteria.

4. Pre-Contract Integrity Pact.

At Present Corporation is requesting the tenderers to submit the Pre-Contract Integrity Pact duly signed along with the tender. Some of the tenderers are not signing the pre-contract integrity pact or they do not sign all the pages and sign the last page of the pre-contract integrity pact. In some cases the tenders were not clear whether they have to upload the Pre-Contract Integrity Pact or not. Tenders of such parties are not considered technically qualified.

Only in those tenders where as per the estimated value of the work, the tenderer should be asked submit the pre-contract integrity pact and the same should be included in the eligibility / Qualifying Criteria. Otherwise, the requirement of submission of Pre-contract Integrity Pact can be removed from the Qualifying Criteria.

Where after scrutiny of the tenders, if it is found that the pre-contract integrity pact has not been signed by the tenderer on all the pages, he can be asked again to submit the same duly signed on all pages within the specified period through the Clarification Icon.

5. Seeking bank guarantee towards security deposit from the scheduled banks.

In some of the tenders, the tenderers are presently being asked to submit security deposit in the form of bank guarantee from the nationalized banks. In the past, some of the tenderers have expressed their inability to provide bank guarantee from the nationalized banks and requested that submission of Bank Guarantee from scheduled banks be allowed. To have uniformity in all the tenders, the bank guarantee can be asked from any of the branch of nationalized / scheduled bank and necessary amendment to be made in the tender document. The following changes may be incorporated in the tender.

“The tenderers are requested to submit bank guarantee towards security deposit issued from any branch of the scheduled bank / nationalized bank”

6. Solvency Certificate - Format and Validity.

For H&T tenders, Corporation is asking the tenderers to submit the solvency certificate certified by any scheduled bank issued not earlier than three months from the date of submission of the tender.

It has been experienced that some of the tenderers are enclosing the solvency certificate which is more than three months old and therefore, they become disqualified. In some cases the solvency certificate is not in the required format.

The issue date of the solvency certificate should not be more than six months old prior to the date of submission of tender or should have validity as on last date of submission of tender. The solvency certificate should be submitted in any of the formats given in **Annex-II** for the purpose of guidance. Minor deviations in wording of the solvency certificate can be accepted in case it is valid as on date of submission of the tender or is issued not more than six months before the last date of submission of tender.

7. Net Worth Certificate (Format)

Tenderer should submit positive net worth certificate duly certified by a practicing Chartered Accountant as per **Annex-III** based on the latest financial year for which accounts i.e. Profit & Loss Account and Balance Sheet have been enclosed with the tender.

8. Need for uploading the full tender document.

The declaration from the tenderer as per **Annex-IV** be submitted with the technical bid confirming that he has understood the tender document and his bid complies with the tender requirements / terms & conditions of the tender document, he has quoted the rates without any condition / deviation and the rates quoted by him are as per tender document. This Requirement of Technical bid be clearly defined in the tender document and also in the checklist.

9. **Need for Resolution of the Board in case of a Company.**

Eligibility criteria stated in tender document in this regard is lengthy and causes rejection of tenders. In many of the cases, the Board Resolution was not enclosed by some of the tenderers. This qualifying condition can, therefore, to be simplified as suggested below.

- (a) Organization Details: In case the bidder is a Proprietorship Firm, Affidavit as per **Annex - V**; in case the bidder is a Partnership Firm, certified copy of Partnership Deed; in case of a Company (whether Private or Public), certified copy of Certificate of Incorporation together with Memorandum and Articles of Association; and in any other case, certified copy of certificate of incorporation be submitted by the bidder.
- (b) Power of Attorney in favour of signatory(ies) duly attested by Notary as per **Annex-VI** be submitted. Annexure VI is for the purpose of guidance only and deviations in the wording can be accepted.
- (c) Copy of Affidavit duly attested by the Notary as per **Annex-VII** be submitted certifying that the documents submitted along with the tender documents are under his knowledge and are authentic, genuine, copy of their original and no part of them is false, forged or fabricated.

9. **Bidders General Information**

In H&T Tenders, the following details may be added:

Operation address (if different from registered office)

Details of Offices in India

Telephone No.

Email address

Website

Fax No.

Service Tax Registration No.

Sales Tax Registration No.

Pan No.

10. Date of submission of EMD

The last date and time for receipt of EMD, tender fee and processing fee should be the same as the date and time of opening of technical bid.

The above instructions shall supersede the earlier instructions to that extent. It is expected that above said simplification of process and eligibility criteria the participation in future NITs shall be increased and the time taken in finalization of tenders will be minimized.


(S.S.Sood)
DGM(Proj.)

Enclosure: As above
Copy to:

1. All RMs, CWC, RO.....
2. GM (Insp.), CWC, CO, New Delhi.
3. GM (F&A), CWC, CO, New Delhi.
4. SE (Engg.), CWC, CO, New Delhi.
5. GM (System), CWC, CO, New Delhi.
6. GM (Purchase), CWC, CO, New Delhi.
7. DGM (IA), CWC, CO, New Delhi.
8. DGM (Vigilance), CWC, CO, New Delhi.
9. DGM (Project), CWC, CO, New Delhi.
- ✓ 10. Circular File
11. Master File

Terms for Micro & Small Enterprises to be included in the Tender

- (a) Tender document shall be provided free of cost to Micro & Small enterprises(MSEs).
- (b) MSEs registered with the agencies for the item/s tendered will be exempted from payment of Earnest Money Deposit(EMD).
- (c) MSEs who are interested in availing themselves of these benefits and preferential treatment, will enclose with their offer the proof of their being registered for goods produced and services rendered with any of the agencies mentioned in the notification of Ministry of MSME indicated below along with the bid.
 - (i) District Industries Centres
 - (ii) Khadi and Village Industries Commission
 - (iii) Khadi and Village Industries Board
 - (iv) Coir Board.
 - (v) National Small Industries Corporation
 - (vi) Directorate of Handicraft and Handloom
 - (vii) Any other body specified by Ministry of MSME.
- (d) The MSEs must also indicate the terminal validity date of their registration which should be valid as on last date of submission of tender. MSEs seeking exemption and benefits should enclose a attested / self-certified copy of valid registration certificate, giving details such as validity, stores / services etc. failing which they run the risk of their bid being passed over as ineligible for the benefits applicable to MSEs.
- (e) The benefit as stated above to MSE, shall be available only for goods / services produced & provided by MSEs for which they are registered.
- (f) In case the MSE does not fulfill the criteria at Sr. No(c), (d) and (e) above, such offers will not be liable for consideration of benefits detailed in MSE notification of Government of India dated 23.03.12 and any other notification issued thereafter.
- (g) Participating MSEs quoting price within price band of L1+15 percent shall also be allowed to supply a portion of requirement by bringing down their price to L1 price in a situation where L1 price is from someone other than a Micro and Small Enterprise and such Micro and Small Enterprise shall be allowed to supply upto 20 percent of total tendered value. In case of more than one such MSE, the supply

will be shared proportionately (to tendered quantity). However, for procurement of services or supplies where quantity is not splittable or non-dividable, MSE quoting price within the price band or L1+15% may be awarded for full / complete supply of total tendered value.

Format of Solvency Certificate

Format 1

No.....

To

.....

.....

This is to state that to the best of our knowledge and information, Mr. / Ms. / M/s a customer of our Bank is respectable and can be treated as good up to a sum of Rs..... (Rupees in words).

It is clarified that this information is furnished without any risk and responsibility on our part in any respect whatsoever more particularly either as guarantor or otherwise. This certificate is issued at the specific request of the customer.

Place:

For BANK

Date:

MANAGER

OR

Format 2

No.....

To

.....

.....

This is to certify that as per information available, Shri / Smt. / Ms....., is solvent upto Rs..... (Rupees). This certificate is valid for the period from to This certificate is issued without any guarantee or responsibility on the part of the Bank or any of its employees.

Place:

For BANK

Date:

MANAGER

Format of Net Worth

A. The Net Worth of Mr./Ms./M/s _____ for last Financial Year _____ is Rs. _____ lakhs as per his/her/their books of Accounts.

(Note: Net Worth means sum total of paid up share capital plus free reserves. Further any debit balance of Profit and Loss Account and Misc. Expenses to the extent not adjusted / or written off, if any, shall be reduced from Reserves and Surpluses.

Signature of Chartered Accountant

Name:

Membership No.:

Seal:

COMPLIANCE TO BID REQUIREMENT

We hereby confirm that we have gone through and understood the Tender Document and our bid complies with the requirements / terms and conditions of the Tender Document and subsequent addendum / corrigendum (if any), issued by CWC, without any deviation / exception / comments / assumptions.

We also confirm that we have quoted the rates without any condition and deviation.

The Tender has been submitted along with the required documents and same have been uploaded under digital signatures of the authorized signatory. We undertake that the tender document shall be deemed to be our bid and in the event of award of work to us, the same shall be considered for constitution of contract agreement. Further, we shall sign and stamp each page of the Tender Document as token of acceptance and as part of contract in the event of award of contract to us.

We further confirm that we have quoted our rates in our financial bid as per the conditions of the Tender Document and for all the items.

Stamp and signature of the bidder : _____

Name of the bidder : _____

NOTE: To be stamped and signed by the authorized signatory who is signing the Bid and submitted along with the Technical Bid.

AFFIDAVIT
(For Sole Proprietary Firm)

I,R/o
.....

..... do hereby
solemnly affirm and declare as under :-

1. That I am Sole Proprietor of (Sole
Proprietor Firm Name)

2. That the office of the firm is situated at
.....
.....

Place:

DEPONENT

Date:

VERIFICATION

Verified that the contents of my above said affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed there from.

Place:

DEPONENT

Date:

FORMAT FOR POWER OF ATTORNEY TO AUTHORIZED SIGNATORY

POWER OF ATTORNEY

(To be executed on non-judicial stamp paper of the appropriate value in accordance with relevant Stamp Act. The stamp paper to be in the name of the firm/ company who is issuing the Power of Attorney).

We, M/s. _____ (name of the firm/ company with address of the registered office) hereby constitute, appoint and authorize Mr./Ms. _____ (Name and residential address) who is presently with us and holding the position of _____ and whose signature is given below as our Attorney to do in our name and our behalf all or any of the acts, deeds or things necessary or incidental to our bid for the work _____ (name of work), including signing and submission of application/ tender / proposal, participating in the meetings, responding to queries, submission of information/ documents and generally to represent us in all the dealings with CWC or any other Government Agency or any person, in connection with the works until culmination of the process of bidding, till the Contract Agreement is entered into with CWC and thereafter till the expiry of the Contact Agreement.

We hereby agree to ratify all acts, deeds and things lawfully done by our said Attorney pursuant to this Power of Attorney and that all acts, deeds and things done by our aforesaid Attorney shall always be deemed to have been done by us.

(In H&T tenders in the case of Consortium/ Joint Venture)
Our firm is a Member/Lead Member of the Consortium of _____,
_____ and _____.

Dated this the _____ day of _____ 20

(Signature and name of authorized signatory being given Power of Attorney)

(Signature and name in block letters of Proprietor / All the partners of the firm / Authorized Signatory for the Company)(Strike out whichever is not applicable)

Seal of the Proprietorship firm / Partnership firm/ Company

Witness 1 :

Name:

Address:

Occupation:

Witness 2:

Name:

Address:

Occupation:

Notes:

- In case the Firm/ Company is a Member of a Consortium/ JV, the authorized signatory has to be the one employed by the Lead Member.
- The mode of execution of the power of Attorney should be in accordance with the procedure, if any, laid down by the applicable law and the charter documents of the executant(s) and when it is so required the same should be under common seal affixed in accordance with the required procedure.
- Power of Attorney is to be attested by Notary.

Affidavit

AFFIDAVIT OF _____, S/o D/o _____,
resident of _____ EMPLOYED AS _____ WITH
_____ HAVING OFFICE AT _____
PIN..... I, the above named deponent do hereby solemnly
affirm and state as under:-

1. That I am the authorized representative and signatory of M/s.....
2. That the document (s) submitted, as mentioned hereunder, by M/s _____ along with the Tender Document submitted under covering letter no. _____ dated _____ towards Tender No. _____ for..... (Project) has / have been submitted under my knowledge.
3. That the document(s) submitted, as mentioned above, by M/s _____ along with the Tender Document towards Tender No. _____ for _____ are authentic, genuine, copies of their originals and have been issued by the issuing authority mentioned above and no part of the document(s) is false, forged or fabricated.
4. That no part of this affidavit is false and that this affidavit and the above declaration in respect of genuineness of the documents has been made having full knowledge of (i) the provisions of the Indian Penal Code in respect of offences including, but not limited to those pertaining to criminal breach of trust, cheating and fraud and (ii) provisions of Tender conditions which entitle the CWC to initiate action in the event of such declaration turning out to be a misrepresentation or false representation.
5. I depose accordingly.

DEPONENT

VERIFICATION

I, the deponent above named do hereby verify that the factual contents of this affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Verified at on this day of20....

DEPONENT

Note: Affidavit is to be attested by Notary.

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