

GOVERNMENT OF PUNJAB



TERMS AND CONDITIONS FOR ENLISTMENT OF CONTRACTORS



DEPARTMENT OF SOIL AND WATER CONSERVATION, PUNJAB (DSWC)

O/o Chief Conservator of Soils, Punjab

SCO:92-94, Sector: 17D, Chandigarh

TERMS AND CONDITIONS FOR ENLISTMENT OF CONTRACTORS

1. Applicability

Any Indian Individual, Sole Proprietorship Firm, Partnership Firm, Public Limited Company or a Private Limited Company is entitled to get enlistment as a contractor in Department of Soil and Water Conservation, Punjab under these instructions provided the eligibility criteria and other conditions are satisfied. The enlisted contractors have to abide by all the instructions made herein and as amended from time to time during the currency of their enlistment. No individual or a firm having such individual as one of the partners, who is a dismissed govt. servant; or removed from the approved list of contractors; or demoted to lower class; or having business banned/suspended by any govt. department in the past or convicted by a court of law shall be entitled for enlistment. Cooperative Labour and Construction Society will be enlisted as per decision taken in the meeting dated: 24-09-2014 held under the chairmanship of Hon'ble Chief Minister, Punjab [Govt. memo no. 10/78/10-IW(2)/P.F./5285-5296 Dated:17-10-2014] attached as **Annexure 'A'**.

No officer/official employed in any Department of the Govt. of Punjab or Punjab State Undertaking is allowed to work in the Department of Soil and Water Conservation, Punjab either as a contractor or as employee of a contractor for a period of 3 years after his retirement from govt. service unless he has obtained prior permission of Govt. of Punjab to do so. Even after enlistment, if either the contractor or any of his employees is found to be a person who had not obtained the prior permission of Govt. of Punjab as aforesaid, the name of the contractor shall be removed from the list of enlisted contractors.

- A contractor is permitted to have enlistment in one class only.
- A contractor is not permitted to have enlistment in more than one name.
- A partner of a firm or a Director of company enlisted as a contractor cannot be a partner/Director in any other enlisted firm/company.
- The enlistment of contractor in Department of Soil and Water Conservation, Punjab shall only entitle him to be considered for issue of tender papers subject to the conditions laid down in each individual Notice Inviting Tenders. It shall not confer any right on him either to be necessarily issued the tender papers or for award of works.

2. Enlistment Procedure

The intending contractor shall have to submit the application in a prescribed form (**Annexure-B**) to the enlistment authority along with 50% of the enlistment fee as given in Table-1, complete with all documents as per Annexure-B. The application form shall be available upon payment of Rs 500/- in the form of crossed demand draft in favour of Chief Conservator of Soils, Punjab payable at Chandigarh from CCS/CS/DSCO Office of the DSWC. Incomplete applications and applications not accompanied with necessary documents are liable to be rejected.

The enlistment authority shall have the right to independently verify the details furnished by the contractors and to get works done by the contractor inspected and/or to get such other reports as may be considered necessary. Ordinarily works executed in the Department need not be inspected. The inspecting team for inspection of non DSWC works of the contractors shall furnish their report on quality of construction, workmanship etc. and make specific recommendations to the enlistment authority. The recommendations committee will consist of members as given in Table -I.

If the Enlistment Authority finds the contractor suitable for enlistment, it shall issue the enlistment orders and, otherwise send a letter of rejection of application to the contractor within three months from date of

receipt of application. The decision of the enlistment authority shall be final and binding on the applicant. No refund of 50% of the enlistment fee remitted with the application shall be made to applicants whose applications are rejected.

3. Period/Validity of Enlistment

The enlistment shall be valid for a period of three years. The enlistment can however, be revalidated in accordance with rules in this regard. Each revalidation shall be for a period of three years from the date of expiry of the previous enlistment/revalidation. The enlistment shall be open to review by the enlistment authority and liable to termination, suspension or any other punitive actions at any time, if considered necessary by the enlistment authority after issue of show cause notice.

4. Enlistment Authority and Classes

The enlistment authority and classes along with other general eligibility criteria are given in table 1. The companies/partnership firms or individual who want enlistment in any class shall apply for enlistment at O/o Chief Conservator of Soils, Punjab.

5. Jurisdiction and Tendering Limits

The contractors enlisted in any class shall be entitled to tender for various works being executed by DSWC anywhere. Other details such as tendering limit etc. are as per table-I. The contractors shall be governed by the rules, provisions and instructions existing at a particular point of time irrespective of when it was enlisted.

6. Exemption from Enlistment

The Department mainly execute works in farmer's fields. In case of farmer/farmer's on whose fields work is being undertaken opts for executing the labour work themselves, such farmers need not be enlisted as contractors. Such farmers may submit as undertaking in writing to the concerned Divisional Officer about their intent to carry out work itself. However in these cases contractor profit and other such charges as eligible to be paid to contractor shall be deducted from the estimated cost. This shall help provide alternate income and employment source to rural population

7. Eligibility Criteria

Any Indian Individual, Sole Proprietorship Firm, Partnership Firm, Public Limited Company or a Private Limited Company is entitled to get enlistment as a contractor with DSWC, on submission of following:

- In case of sole proprietorship/ HUF an affidavit executed before a 1st Class Magistrate that the applicant is the sole proprietor of the firm/Karta of HUF
- In case of partnership firm (Submit attested copies)
 - Partnership deed attested by Notary Public
 - Form 'A' or equivalent form issued by Registrar of Firms
 - Form 'B' or equivalent form issued by Registrar of Firms
 - Form 'C' or equivalent form issued by Registrar of Firms
 - In case of Private/Public Ltd Co. Article of Association duly attested by Notary Public
- Power of attorney, if any attested by Notary Public

The contractors shall have to satisfy the minimum eligibility criteria specified in **Table-1** before they can be considered for enlistment. As Department is mainly concerned with conservation and management of natural resources i.e. soil and water, the contractors applying for enlistment must have relevant experience in this field. The criterion for experience shall be the execution and completion of minimum three works

satisfactorily or as the case may be of prescribed nature and magnitude on agreement/work order basis during the last five years.

The financial soundness shall be judged on the basis of the solvency certificate issued by the Bankers of the contractor. Such certificate shall be issued by a scheduled bank and shall be submitted in original, in a Bank sealed cover addressed to the enlistment authority. The criteria for the experience and financial soundness existing on the date of receipt of application by enlistment authority as indicated for each class in Table-I shall be applicable.

8. Enlistment Fee

The intending contractor shall forward the completed application to the enlisting authority along with a non refundable enlistment fee by crossed demand draft drawn in the favour of Chief Conservator of Soils, Punjab payable at Chandigarh. For various classes of enlistment the fee is as below.

(A) Class - I : Rs. 15,000/-,

(B) Class - II : Rs. 10,000/-

(C) Class - III : Rs. 5000/-

(D) Class - IV : Rs. 3,000/-

The 50% of the fee is to be submitted along with the application form to the enlistment authority.

In the case of applicants whose application of enlistment is rejected by the Enlistment Authority, amount deposited with the enlistment application stands forfeited and no refund will be made. This condition of no refund also applies to those other applicants, who make request to withdraw enlistment application voluntarily after submission of the same.

Once the enlistment authority approves the enlistment application, the applicant has to deposit the balance fee in the office through bank draft drawn in the favour of Chief Conservator of Soils, Punjab through which application was made within 30 days of issue of such orders. Failure to do so without justified reason means cancellation of the approval.

The fee for revalidation of Enlistment shall be the same as for new/fresh enlistment.

9. PAN card and Income Tax Clearance

The contractor shall furnish copy of valid PAN card and Income Tax Clearance Certificate,(ITCC) along with his application for enlistment. After enlistment, he shall have to apply to the Income Tax Department for issue of ITCC in the month of May every year and submit the same or an attested copy thereof to the enlistment authority by the end of June every year unless exempted by guidelines/instructions issued by Reserve Bank Of India/ Govt. of India. Failure to submit the ITCC in this manner without any justifiable reason will render the contractor liable to be removed from the approved list of contractors. In case of partnership firms, the names of all the partners should be mentioned in the ITCC

10. Sale Tax and VAT Clearance

The contractor shall produce a valid Sales Tax Clearance Certificate along with his application for enlistment. After enlistment, he shall have to apply to Sale and value added Tax Department for issue of No objection/Sales Tax and value added Tax clearance Certificate in the month of May every year and submit the same or an attested copy thereof to the enlistment authority by the end of June every year. Failure to do so without any justifiable reason will render the contractor liable to be removed from the approved list of contractors unless exempted by guidelines/instructions issued by the Punjab Govt./ Govt. Of India. In case of partnership firms, the names, of the partners should be mentioned in the certificate.

11. Change in Constitution of Firm

The contractor / firm/ LC Society shall not modify the existing partnership/membership or enter into any fresh partnership without the prior approval of the enlistment authority. Such proposal, if any, shall be submitted in advance giving full details of the intended partnership/sole proprietorship along with the draft partnership deed/affidavit and documents. Any change in status of the contractor as an Individual or in constitution of the firm without prior approval of the enlistment authority will render the contractor/firm/LC Society liable to be removed from the approved list of contractors. If a firm is converted in two or more firms by any action of its partners, the new firm(s) or any separated partner(s) in his (their) individual/joint capacity shall have to apply for enlistment afresh and shall be governed by the eligibility criteria given in Table-1.

If new partners are taken in the firm, the eligibility criteria mentioned in Table-1 shall be applicable.

If the number of original partners or a firm reduces to less than half due to any reason including death of partner(s) the enlistments of the firm shall be withdrawn and the remaining/surviving partners shall have to seek fresh enlistment. Also, any change in constitution of the societies shall be in accordance of Labour & Construction Societies Act.

11. Change in Address

(a) While applying for enlistment, the contractor should mention address of his Registered Office as well as Head Office, if different. All documents i.e. ITCC, Sales Tax Clearance Certificate, Solvency Certificate, Electrical License etc. should bear one such address, otherwise the same shall not be accepted.

(b) The contractor shall intimate the change of address, if any, in advance or maximum within one month of such change. Failure to do so may result in removal of the name of the contractor from the approved list of contractors.

12. Near relatives working in DSWC

Individual Contractors/Partners in a Partnership firm/members of Co-Operative L&C Society whose near relatives are working in the DSWC shall not be allowed to tender for works falling in the jurisdiction of the office responsible for award and execution of contract. For this purpose, a near relative shall mean wife, husband, parents, grand parents, children, grand children, brothers, sisters, first uncles, aunts, first cousins and their corresponding in-laws.

13. Review of approved list of contractors

The contractor shall be required to secure works of appropriate magnitude in DSWC and others Department of the State during the revalidation/enlistment period. Contractors shall be liable to be black listed for non-observance of enlistment rules. For this purpose, the enlistment authority shall have the power to periodically review the approved list of contractors.

14. Revalidation of Enlistment

The validity of enlistment of contractors shall be as given in para-3 above, It shall, however, be revalidated on merits if desired by the contractor. Only the contractor who has secured at least one work of appropriate magnitude in DSWC during the period of enlistment or last revalidation period of enlistment as the case may be shall be considered for revalidation.

The contractor shall apply for revalidation of the enlistment in the prescribed form (Annexure-B) along with all other documents so as to reach the enlistment authority at least two months before expiry of his enlistment. The fees for renewal shall be 100% of the fee required for fresh enlistment of that class. 50% of the fee shall be deposited in the same manner as for new enlistment along with revalidation application. The

revalidation application with all documents shall however be accepted up to the date of expiry of enlistment without late fee.

In case where the application is received after date of expiry of enlistment/revalidation but within three months of expiry, the application can be accepted with additional 20% of enlistment fee. Application received, thereafter, shall not be accepted and contractor should apply for fresh enlistment as per instructions. On receipt of application for revalidation, complete in all respects and with all necessary documents provisional extension up to three month from the date of expiry of the enlistment/date of issue of order, which ever is later may be issued

15. Performance Reports

The contractor should fill the details of each of the work, of appropriate magnitude, secured by him, during the enlistment period, in the Performa as given (Annexure-II).

The list should include all works secured by him during the above mentioned period. In case, the contractor conceals any information, his revalidation will be liable to be cancelled.

The contractor should fill up the details in the Performa as given in Annexure-II in duplicate. For each works, separate Performa should be filled. One copy of all the Performa's should be given to the concerned Divisional Officer, in which the work was executed and the acknowledgement obtained on the second copy of the Performa. This 2nd copy should then be submitted to the enlisting authority, along with the application for revalidation.

The Divisional Officer should fill up the Performa and submit to the Enlistment Authority through his within two weeks of receipt of Performa

In addition to above:

Within one week of completion of each work the Conservator of Soils will forward performance report of all the Agencies who have executed the said work. The performance report shall include the following points:-

- (a) Whether work has been completed before/late/as per time schedule.
- (b) Whether work has been executed as per specifications.
- (c) Any other information which reflects the overall performance of the contractor and grading his performance as very good, good, satisfactory or poor. The performance report shall be intimated to the concerned Conservator of Soils where the contractor is enlisted. The performance report of the contractor is required to consider his merits for revalidation.

16. Revalidation Procedure

The revalidation shall be done on the basis of review of the performance of the contractor pertaining to the period of enlistment/revalidation. Cases shall be categorized and action taken as below:-

- i) Class-1: Enlistment of such contractors, who secured work(s) of appropriate magnitude during the period of enlistment/revalidation, shall be considered for revalidation for a period of three years subject to evaluation of their performance.
- ii) Class -II: Enlistment of contractors, who secured work(s) of appropriate magnitude recently in the final year of their enlistment, because of which the performance cannot be properly judged, shall be extended on deposit of requisite fees for one year for watching the performance and then revalidated for three years from the date of expiry of previous enlistment, if found satisfactory.
- iii) Class-III & IV: contractor who could not secure any work during the enlistment period but submitted three or more tenders (out of which at least 2 tenders should be during the first years of enlistment/revalidation) for

works of appropriate magnitude shall be eligible for extension of enlistment for one year, provided he was among the three lowest tenders in at least one work, so as to enable him to try to secure at least one work. After one year, he shall be regularized in the following manner.

a) If he has not been able to secure any work of appropriate magnitude during the extended period, his enlistment shall stand cancelled and he shall be entitled to apply for fresh enlistment only after one year of expiry of his extended enlistment.

b) If he secured at least one work of appropriate magnitude during the extended one year, he shall be granted further extension of one year so as to watch his performance. After this one year, when his performance report is available, the same shall be evaluated and if found satisfactory, the enlistment shall be revalidated for three years from the date of expiry of previous enlistment.

For the purpose of (iii) above, the contractor should submit certificate in Original from the concerned Divisional Officer in the Performa as given in Annexure-I and II

17. Contractor's Obligations

The contractor should fulfil all his obligations in a manner specified, failing which he shall be liable for action as mentioned there in. Some of the obligations are summarized below:

(a) Prior approval shall be obtained from the enlisting authority before changing the constitution of the firm/company.

(b) Intimation of change of address should be given in advance or within one month to the office of CCS, Punjab.

(d) He should secure at least one work of specified magnitude during the period of enlistment/revalidation.

(e) He shall abide by these rules.

(f) He should not indulge in unethical practices.

(g) He shall execute the works awarded to him strictly as per the terms and conditions of the contract and specifications.

18. Disciplinary Actions

The contractor shall have to abide by all the rules/instructions of enlistment and also by the terms and conditions of the contract and the Notice Inviting Tenders He shall have to execute the works satisfactory, on time and with good quality. The enlisting authority shall have the right to demote a contractor to a lower class suspend, business with him for any period, debar him or remove his name from the approved list of contractors after issue of show cause notice . Decision of the department shall be final and binding on the contractor. All such decisions of the department will be notified in newspaper, displayed on the web site of the department and will be conveyed to all the departments of the state Govt. / State govt. undertaking in which such type of works are undertaken. The following actions of the contractor shall in general, make him liable to disciplinary actions:

i) Demotion to a lower class: The contractor shall be liable for demotion to a lower class, by the enlisting authority if he

(a) Fails to execute a contract or executes it unsatisfactory or is proved to be responsible for constructional defects or fails to execute a contract within a stipulated period or extended period.

(b) No longer has adequate equipment, technical personnel or financial resources or

(c) is litigious by nature or

(d) violates any important condition of contract or

(e) is responsible for conduct which may justify his demotion to a lower class.

ii) Suspension of business: The enlistment authority may suspend business with a contractor for indefinite period pending till enquiry into a allegations, if the enlistment authority is prima facie of the view that the contractor is guilty of an offence in relation to his dealings which, when established would result in his removal/ban business and it is not considered desirable to entrust new works or continue business with the contractor

iii) Removal from the approved list : The name of the contractor may be removed from the approved list of contractors by the enlistment authority if he:

(a) has, on, more than one occasion failed to execute a contract or has executed it unsatisfactorily or

(b) is proved to be responsible for constructional defect in three or more works or

(c) has executed two or more works which was found to substandard during the course of departmental enquiry against delinquent officials; or

(d) persistently violates any important conditions of the contract or

(e) fails to abide by the conditions of enlistment; or

(f) is found to have given false particulars at the time of enlistment ;or

(g) has indulged in any type of forgery or falsification of records; or

(h) changes constitution of the firm or individual without prior approval of the enlistment authority; or

(i) changes permanent address/business address without intimation to the enlistment authority; or

(j) is declared or is in the process of being declared bankrupt, insolvent, wound up, dissolved or partitioned or

(k) persistently violates the labour regulations and rules or

(l) is involved is complaints of serious, nature received from other departments which prima facie appear to be true or

(m) default in settlement of tax dues like Income Tax, Sale Tax, Octroi duties etc.

(n) is found to have failed twice in completing the work within the stipulated period (closure or as per time limit in contract where no extension was accorded for valid reasons).

19. Revision/Modification of the Instructions

Chief Conservator of Soils, Punjab with prior approval from Secretary, Agriculture, Govt of Punjab may modify, add, delete and/or change any of the above instructions and same shall be binding on all enlisted contractors.

Table: 1
GENERAL ELIGIBILITY CRITERIA

S.No.	Item	Class of Enlistment			
		Class-I	Class-II	Class-III	Class-IV
1	Enlistment authority	Chief Conservator of Soils, Punjab			
2	Recommendation Authority	2 CS + 1 DSCO	1 CS + 2 DSCO	2 DSCO + 1 SDSCO	1 DSCO + 2 SDSCO
3	Tendering limit	Upto Rs. 2.50 Crore	Upto Rs. 1.25 Crore	Upto 50 lacs	Upto Rs.7.50 lacs
4	Nature of Work Experience Required	Natural Resource Management Works/ Water Resources Works	Natural Resource Management Works/ Water Resources Works	Natural Resource Management Works/ Water Resources Works	Nil
5	Magnitude of Work Experience Required	3 works of more than Rs. 50 lacs each in the last five years OR All works totalling Rs. 250 lacs or more in the last five years.	3 works of more than Rs. 25 lacs each in the last five years OR All works totalling 125 lacs or more in the last five years.	3 Works of more than Rs. 10 lacs each during the last five years OR All works totalling Rs. 50 lacs during the last five years	Nil
6	Solvency Certificate	Rs. 60 lacs	Rs. 30 lacs.	Rs. 12 lacs.	Rs. 2.50 lacs
7	Enlistment Fee	Rs. 15,000/-	Rs. 10,000/-	Rs. 5,000/-	Rs. 3,000/-
8	Period of enlistment/revalidation	Three years	Three years	Three years	Three years

Note:- 1. The Departmental works costing more than Rs. 2.50 Crore or works involving specialized skill shall be got executed by putting qualification criteria which will be open to all eligible contractors/firms.

2. Terms Referred: DSWC: Department of Soil and Water Conservation, Punjab, CS: Conservator of Soils, DSCO: Divisional Soil Conservation Officer, SDSCO: Sub Divisional Soil Conservation Officer

FOR APPLICATION FORM DETAILS

PLEASE VISIT:-

Technical Branch

O/o Chief Conservator of Soils, Punjab

SCO:92-94, Sector 17 D

Chandigarh

TEL Nos: 0172-2716158, 2704857

Email: dswctechnical@gmail.com