

Issuance of Revised Consolidated Guidelines related to E-tender Process after studying the process for a year period, after studying the e-tenders received so far, comments-suggestions, issues/problems while implementing Public Works Department's Government Resolution dated 12/04/2017 (regarding e-tender publicity, opening receipt, scrutiny & acceptance, etc. of e-tenders)

**GOVERNMENT OF MAHARASHTRA
PUBLIC WORK DEPARTMENT**

**Government Resolution No. CAT/2017/PK 08/Bldg.-2
Mantralaya, Mumbai – 400 032**

Date: 27/09/2018

- Ref.:**
- 1. Public work Department, Government Resolution No. CAT/2017/P.K.8/Bldg-2, Dt. 12th April 2017.**
 - 2. Public work Department, Government Resolution No. CAT/2017/P.K.8/Bldg-2, Dt. 29th June 2017.**
 - 3. Public work Department, Government Resolution No. CAT/2017/P.K.8/Bldg.-2, Dt. 27th July 2017.**
 - 4. Public work Department, Government Resolution No. Sankirn2017/CR-121 (Part-2)/Bldg.-2, Dt. 19th September 2017.**
 - 5. Public work Department, Government Resolution No. Sankirn2017/CR- 121 (Part-2)/Bldg.-2, Dt. 23rd September 2017.**
 - 6. Public work Department, Government Resolution No. Sankirn2017/CR-121 (Part-2)/Bldg.-2, Dt. 4th September 2018.**
 - 7. Public work Department, Government Resolution No. CAT-2018/P.N.18/Bldg.-2, Dt. 7th February 2018.**
 - 8. Public work Department, Government Resolution No. CAT-2017/P.N.8/Bldg.-2, Dt. 24th May 2018**

Preface:

Government, time to time has issued guidelines regarding process to be followed while calling the tenders and acceptance of the tenders for executing various Roads, Bridges, Building works, including repair-Maintenance. All such guidelines have been issued time to time through various Government Resolutions as per above reference. However, after observing the issues & difficulties encountered while scrutinising the tenders at Government level, i.e. at the level of Principal Secretary and Additional Chief Secretary, it has become necessary to revoke all the existing Government Resolution issued so far related to tendering procedure and issue new guidelines. Accordingly, after due deliberation at Government level and after studying all aspects related to the tendering procedure, Government is herewith issuing collective guidelines on following items related to tendering procedure:

1. Finalization of timeline / time limit from date of getting Administrative Approval (to the Public Works Department's proposals) to publishing the Tender Notice.
2. E-Tender Publicity.
3. E-Tender Publicity Period.
4. Actions to be taken by Tendering Authority before opening of e-tender.
5. Actions to be taken by Tendering Authority while opening of e-tender.
6. Acceptance of e-tender.

This Government Resolution does not include the tender related guidelines for fixing consultants for execution of Roads-Bridge-Buildings (New Construction) and its management, planning, maintenance, investigation. Separate Government Resolution has been issued in this regard.

Government Resolution:

E-tendering has been introduced on 26/11/2016 for quick of fast Implementation of various Government works costing more than Rs.3.00 Lakhs executed in Public Works Department. All the Government Resolutions as mentioned in the above reference regarding tendering procedure to be adopted, have been superseded by following revised orders / guidelines.

1. Tendering related procedure to be followed by field offices after getting Administrative Approval to the projects of Public Works Department.

| Procedure to be followed by Field Offices (Maximum Time Limit in Days) | | | | | | | |
|---|----|--|---|-----------------|---------------|---------------|--|
| Sr. No. | | Procedure to be followed at Field Level | Office Level and Time Period (in days) | | | | Remarks |
| | | | Sub Division | Division | Circle | Region | |
| 1 | | Preparation of Plan, Estimates for getting Administrative Approval from Region Level | 7 | 3 | 2 | 5 | It is necessary to finalize the proposal at Circle/ Region level within the prescribed time limit. |
| 2 | | Preparation of Plan, Estimates for getting Administrative Approval from Government Level | 15 | 3 | 2 | 5 | |
| 3 | | Time required for preparation of Detailed Estimate and Rate Analysis or Rate-list after getting Administrative Approval & Job Number to Planned & Non-Planned works respectively (based on survey, foundation checking, testing and detailed design) | | | | | Considering 50 km road length for maintenance & repairs in the jurisdiction, Sectional Engineer shall prepare 05 estimates within 07 days time period. |
| | i) | Estimate of Road Work | 7 | 1 | 1 | 1 | |
| | | a. Maintenance, Repair & AMC | 7 | 1 | 1 | 1 | |

| | | | | | | | |
|---|------|--|----|---|---|---|---|
| | | b.Strengthening and Black Topping | 15 | 1 | 1 | 1 | |
| | | c.d.Renewal | 7 | 1 | 1 | 1 | |
| | | d.Innovative Works | 15 | 2 | 2 | 2 | |
| | ii) | Estimate of Bridge Work | 15 | 1 | 1 | 1 | After receiving GAD from Design Circle |
| | | a. small bridges upto 60 meter | 15 | 1 | 1 | 1 | |
| | | b. Bridges from 60 to 250 meter | 15 | 3 | 3 | 2 | |
| | | c. Bridges from 250 to 500 meter | 25 | 3 | 3 | 2 | |
| | | d. Bridges more than 500 meter | 60 | 3 | 5 | 2 | |
| | | e. Innovative Bridge Work | 30 | 2 | 1 | 1 | |
| | | f. Bridge repairing | 15 | 1 | 1 | 1 | |
| | | g. Expert/ Expert Consulting cell | 7 | 1 | 1 | 1 | |
| | iii) | Estimate of Building Work | | | | | |
| | | a. up to 100 sq.mt. | 10 | 3 | 3 | 2 | |
| | | b. 100 sq.mt to 5000 sq.mt. | 15 | 3 | 3 | 3 | |
| | | c. more than 15000 sq.mt and buildings more than 5 Stories | 25 | 3 | 5 | 2 | |
| | | d. Building Repairs | 7 | 1 | 1 | 1 | |
| | | e. Innovative /Heritage type | 15 | 1 | 1 | 1 | |
| | | f. Expert/ Expert Consulting cell | 7 | 1 | 1 | 1 | |
| | | g. Other service or machinery related estimate | 7 | 1 | 1 | 1 | |
| 4 | | Scrutiny of Detailed Plans and Estimate and according | 1 | 2 | 2 | 2 | If the estimated cost of the work is increased then reduce the length in case |

| | | | | | | | | |
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| | | technical sanction | | | | | of Road Work & for Bridge-Building works, submit the detailed estimate for according new Administrative Approval and after approval only, accord Technical Sanction. | |
| 5 | | Publishing e-tender after getting the approval to Draft Tender Papers, which is based on Technically Sanctioned Estimates. | 1 | 2 | 2 | 2 | | |
| 6 | | Calling the tenders after receipt of the approval to the Draft Tender Papers. | 1 | 1 | 0 | 0 | | |
| 7 | | Tender period | As per Government Circular dated 12.4.2017 | | | | | |
| 8 | | Uploading the CSD & clarification on website after approval of the same from competent authority. | 0 | 2 | 2 | 2 | | |
| 9 | | Opening of the Bid Envelop No-1 and its scrutiny | 0 | 7 | 7 | 0 | | |
| 10 | | Opening of the Bid Envelop No.2 and submission of bids for approval of the Competent Authority | 0 | 3 | 3 | 2 | | |

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|----|--|--|---|---|---|---|---|
| 11 | | Approval of the bid Competent Authority after due scrutiny. | 0 | 2 | 3 | 5 | Chief Engineer should submit the bids to Government immediately for necessary action. |
| 12 | | Issuance of the Work Order after receiving various remittances from the approved bidder as per tender stipulations. | 0 | 1 | 1 | 1 | |
| 13 | | Issuance of the notice if the stipulated 25% work is not completed in 25% of time. | 1 | 1 | 1 | 0 | |
| 14 | | Issuance of the notice if the stipulated 50% work is not completed in 50% of time. | 1 | 1 | 1 | 0 | |
| 15 | | Termination of the tender agreement by giving notice to the contractor for his sub-standard work. | 0 | 7 | 7 | 0 | This action is to be taken only when the contractor is given notice in this regard. |
| 16 | | Payment of 1 st bill to the contractor after checking the quality of the work & found satisfactory & when 25% work is done in 25% period. | 1 | 1 | 0 | 0 | This action to be taken when funds are available. |
| 17 | | If the quality of the work is found satisfactory, successive/ next bills be | 2 | 2 | 0 | 0 | This is a timeline for passing the bill after the bill is received. |

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| | | checked and approved. | | | | | |
| 18 | | Submission of tenders and final bill | 15 | 15 | 0 | 0 | The officers, under whose tenure the work is completed, shall be responsible for the final bill. |
| 19 | | Payment of the bills when the funds are available | 2 | 2 | 0 | 0 | |
| 20 | | Passing of the bills when the funds are not available | 2 | 2 | 0 | 0 | |
| 21 | | Refunding/ Returning the Security Deposit after passing the final bill | 1 | 1 | 0 | 0 | |
| 22 | | Maintenance of the work regularly during the defect liability period (DLP) & keeping the records. Also Contractor to be informed accordingly. | 15 | 7 | 2 | 0 | After to be taken up to stipulated time period after passing the final bill. |
| | i | Maintaining the work as per stipulated quality | 2 | 2 | 0 | 0 | |
| | ii | Maintenance of work generally | 2 | 2 | 0 | 0 | |
| | iii | Repairs to be carried out | 3 | 3 | 0 | 0 | |
| 23 | | Giving notice to the contractor for the damages occurred in Defect Liability Period (DLP) | 3 | 3 | 0 | 0 | |
| 24 | | Preparation of ABC Bar-chart | 30 | 30 | 5 | 0 | Superintending Engineer is |

| | | | | | | | |
|--|--|--------------------------------|--|--|--|--|--|
| | | of the work and Record Keeping | | | | | supposed to prepare a Record Drawing, As Built Drawing for the Buildings more than 2500 sq.mt and for the Bridges having length more than 60 meters. |
|--|--|--------------------------------|--|--|--|--|--|

2. Publishing of E-tender :

Public Works Department is entrusted execution of Roads, Bridges, Buildings and its repairs, which are under their jurisdiction and also under the jurisdiction of other government Departments. As per Prevailing practice, Works costing more than Rs. 3.00 Lakh are being executed by publishing, E-tender & by completing the work within time limit as per E-tender stipulation through the contractor who is given work order following E-tender stipulations. Government, vide various Government Resolutions or Circulars have issued guidelines in regards to calling the tenders. Now, all earlier Resolutions / Circulars are superseded by issuing following collective guidelines:

- 1.1** For the work costing less than Rs.3.00 lakh, there is no need to publish the tender in newspaper. For all such small works, tender notice shall be displayed on the Notice Board of Superintending Engineer & Executive Engineer in “English & Marathi”. First call / Notice shall be for 08 days and in case of no response, second call / notice shall be given for 03 days period. As per the stipulated guidelines of General Administration Department, the level of the Newspapers in which the tender notices are to be published shall be as per following table :

| Sr. No. | Estimated Cost of the Work | Level of Publicity | | |
|---------|-----------------------------|-------------------------|--|--|
| | | District level | State Level | National Level |
| 1 | Rs. 3 Lakh to Rs. 50 Lakh | Marathi (1Newspaper) | Marathi (1Newspaper) English (1Newspaper) | -- |
| 2 | Rs. 50 Lakh to Rs. 25 Crore | Marathi (1Newspaper) | Marathi (2Newspaper) Hindi (1Newspaper) | Marathi (2Newspaper) Hindi (1 Newspaper) |

| | | | | |
|---|------------------------|--|--|---|
| 3 | Rs. 25 Crore and above | Marathi (2Newspaper) | Marathi (2Newspaper) English (2Newspaper) Hindi (1Newspaper) | English (2Newspaper) Hindi (2 Newspaper) |
| 4 | Rs. 100 Crore | Marathi (2Newspaper) English (2Newspaper) | Marathi (2Newspaper) English (2Newspaper) Hindi (2 Newspaper) | English (2Newspaper) Hindi (2 Newspaper) |

Note : Director General (Publicity) shall give publicity to these works in the important newspaper of that particular district which is having wide circulation. The advertisement to be given in the newspapers shall be as per format mentioned in Annexure -1 and no change shall be made in this format. If the advertisement in the newspaper is to be published urgently, then the concerned Executive Engineer shall contact the Deputy Director (Publicity), Director / Director General (Information Directorate). If there is any difficulty in publishing the advertisement in the newspaper, then the matter be escalated to the level of Secretary (Buildings), Secretary (Roads), Principal Secretary, (Public Works Department) and the advertisement be published in newspaper. If the tender notice is not published within 03 days after submitting the format for the Publicity Department, the reasons behind the same shall be kept on the record. The newspaper/s in which the tender notice is published, shall be kept in the tender related file by the Executive / Superintending Engineer. If whole / full Newspaper (not only the newspaper cutting where the tender is appeared) shall be attached to the tender file and if tender accepting authority did not find the same, the authority shall mention / point out the fact by mentioning the same on the record i.e. on tender file.

1.2 Henceforth, e-tenders shall be published on mahatenders.in website of NIC & also on the other website, in case government has given special directives to do so.

2. E-tender Publicity Period/ Time limit:

2.1 Minimum time/period of Publicity of the tender shall be as below:

| Sr. No. | Estimated Cost of the Work | First Call | Second Call | Third Call |
|---------|----------------------------|------------|-------------|------------|
| 1 | Rs. 3 Lakh to Rs. 50 Lakh | 15 days | 10 days | 7 days |
| 2 | Rs. 50 Lakh to | 25 days | 15 days | 10 days |

| | | | | |
|---|---------------------------------------|---------|---------|---------|
| | Rs. 25 Crore | | | |
| 3 | Rs. 25 Crore to Rs. 100 Crore | 25 days | 25 days | 15 days |
| 4 | Rs. 100 Crore and above(FIDIC/SBD) | 45 days | 30 days | 15 days |

Note: Above said period is including holidays, hence this period includes

Working days plus Holidays

- 1) For any reason, if the time stipulated as above for 1st call is decided to be reduced, then the Chief Engineer shall submit the proposal to the Secretary (Roads)/ Secretary (Works) & take the prior approval. However, the minimum period of publicity shall be 07 days.
- 2) For important works like Helipad, Election Related Works, visit of the dignitaries like the Hon'ble Governor, etc. and for the works in Tribal Area costing less than Rs.1 Crore, tender publicity period shall be 03 days.

2.2 Draft Tender and General Terms & Conditions in Draft Tender:

Tender for works costing up to Rs.15 Crore shall be invited on B-1 (Percentage Rate) form and tenders for works more than Rs.15 Crore shall be invited in SBD (Standard Bidding Document) format.

In case of the bridge works where foundations design is not finalized, tenders be called on EPC basis or on modified 'C' form. Tenders of the building work costing more than Rs.50 Crore, shall be called on EPC basis. Tenders for ROB (Railway Over Bridge) shall be called on EPC basis. All these formats will be made available to field offices by separate letter.

2.3 Power regarding approval of Draft Tenders

Powers for approval of the Draft Tender are delegated as below:

| | | |
|-------------------------|---|---|
| Executive Engineer | : | Tenders Costing up to Rs. 1 Crore. |
| Superintendent Engineer | : | Tenders Costing more than Rs. 1 Crore & up-to Rs. 2.50 Crore. |
| Chief Engineer | : | All Tenders above Rs. 2.50 Crore. |

2.4 Amendment / Improvement in the Draft Tender.

1. Before publishing the Tender Notice, Draft Tender shall be got approved from the competent authority.
2. No changes shall be made in the tender notice & tender papers, once the tenders are published. In case, if it is necessary to make the changes, the same shall be carried out after obtaining prior approval of competent authority as mentioned

below. Also, reasons for approving such changes shall be published on website by highlighting the reasons.

| Sr. No. | Tender Accepting Authority | Competent Authority Who shall give approval to Changes |
|----------------|-----------------------------------|---|
| 1 | Executive Engineer | Concerned Superintending Engineer |
| 2 | Superintending Engineer | Concerned Chief Engineer |
| 3 | Chief Engineer | Chief Engineer |

2.5 For the works costing more than Rs. 1.50 Crore, Pre-bid meeting shall be arranged.

| Sr. No. | Point | Revised Procedure/ Methodology |
|----------------|---|--|
| 1 | Pre-bid Meeting | Pre-bid meeting shall be arranged minimum 07 days before to the last date of submission of the bids. |
| 2 | Issuance of the Clarification and C.S.D. (Common Set of Deviations) | CSD and clarification shall be issued at the earliest after pre-bid meeting with the approval of the competent authority. This shall form part of the tender document. |

It has come to the notice of Government that, at times, pre-bid meetings are conducted in the presence of the officer of lower rank than the officer, who has sanctioned the Draft Tender. With this Government Resolution, it is instructed that, the pre-bid meeting shall be conducted in presence of the Draft Tender approving officer, so that the queries asked during the pre-bid meeting are resolved / responded by the competent authority immediately.

2.6 Office to which the bids to be submitted

| | | |
|---|----------------------------|---------------------------------------|
| 1 | bids up to Rs 1 Crore cost | Office of the Executive Engineer |
| 2 | bids above Rs 1 Crore cost | Office of the Superintending Engineer |

It is mandatory to submit a hard copy within 72 hrs. of bid submission time for the bidders after bids are locked on E- tender portal. Hard Copies to be submitted on at any of the following offices:

1. Office of concerned Executive Engineer.
2. Office of the allied Executive Engineer as directed by the Chief Engineer.
3. Office of the concurred Superintending Engineer
4. Office of the concerned Chief Engineer

Accordingly, date of opening envelope no .1 may be mentioned in notice inviting tender. A hard copy of bid shall be opened only if any problem arises in the process of E-tendering, But in any circumstances, the bid document received shall not be opened without giving prior notice to the concerned officer regarding the date and time of opening of bids.

2.7 Earnest Money

It is necessary deposit or pay Earnest Money as prescribed by the Government, separately for each work while submitting the bids by the bidders. A provision regarding exemption from paying the Earnest Money after depositing certain amount with the Government and taking necessary bond form the bidder, has already been cancelled. It is obligatory to make payment of earnest money through online RTGS/ NEFT/ DD/FDR from the bank account of the concerned bidders. Earnest Money deposit may be taken as follows:

- (i) For the works up to Rs. 1.50 Crores : 1 percent of bid cost.
- (ii) For the work above Rs. 1.50 Crores : 0.50 percent of bid cost or Rs 1.50 lakhs, whichever is more .

2.8 Security Deposit

- (i) For the works up to Rs. 1.50 Crores : 2 percent of bid cost.
- (ii) For the work above Rs. 1.50 Crores : 1 percent of bid cost (Rounded to next Rs. 1000/-)

2.9 Provision for Post Qualification Criteria may be incorporated in the bid document for all works costing more than Rs 1 Crore shall be as follows:

| | | |
|----|---|--|
| A. | Maximum turnover of the bidder in the last 5 years | Minimum 75 percent of the cost per annum for the work under consideration. Annual cost = (Total Cost of Work/ Period of execution in years) |
| B | Minimum one work shall be done of similar nature in the last 5 years having minimum cost of | As per the cost of work (at prevalent rate) 1. Work costing Rs. 1 Cr to Rs. 10Cr - 30 Percent 2. Work costing more, then 10 Cr - 60 Percent or Rs. 6 Crores, whichever is more. |
| C | Quantity in any one year in last 5 Years, the minimum quantity of the important items and the quantity executed | 30 percent of the quantity of important items of the work under consideration. |
| D | Bid Capacity of the bidder | (A*N*2)-B Where , A = minimum turn over in the fast 5 year (at prevalent rate) N = period of completion of work B = Cost of works in hand (during the period of work under consideration. |
| E | It may be made mandatory that, the bidder has completed the specific nature of work equivalent to the work under confederation. If such work has been sublet from the other contractor to the bidder of the concern work, written permission from the concerned Executive Engineer to this effect shall be submitted. | |

| | |
|---|---|
| | <p>Example-</p> <ol style="list-style-type: none"> 1. In case of the multi-storeyed building, the buildings are to be constructed with special and innovative technologies. In that case this mention with specific mention of the number of storeys be given as a similar kind of work. (number of storeys to be decided at Field Level) 2. Pile foundation work. 3. Similar nature of bridge construction as under consideration in bid. |
| F | Chief Engineer shall check-up the criteria set in regard to availability of plant and machinery owned by the bidder and arrangement for project management for the tendered work. |

2. An escalation of 10 percent per annum may be considered while calculating turnover and the cost of the work at prevalent rate.
3. While selecting the items in accordance with above 'C', important and specific items of the tendered work may be considered.
4. It is obligatory on the bidder to submit the balance cost of works in hand precisely, besides, after submitting bid and prior to final decision in respect of bid, if would be obligatory on part of the bidder to inform regarding the same.
5. While fixing criteria according to above 'E', care shall be taken that, definition of equivalent work is free from ambiguity.
6. It shall be clearly mentioned in the tender notice that, the post qualification criteria is included in the bid document.

2.9.1 Instruction to the Registered Contractors :

2.9.1 (a) Condition regarding the bidder requiring to register himself as a contractor for the work cost up to Rs. 1.50 Crore, shall be made mandatory

2.9.1 (b) Condition regarding a bidder requiring himself to be registered as a contractor for the work costing more than Rs 1.50 Crore may be withdrawn.

2.9.1 (c) Method/Type of Tender for Inviting Bids.

| | | | |
|----|---|--|--|
| 1. | Road Construction and Repairs | Up to Rs. 15 Cr Rs. 15 to Rs. 50 Cr Above 50 Cr | B-1. tender SBD/EPC tender Modified 'C' tender |
| 2. | Bridge Construction and Repairs | Upto Rs. 50 Cr Above Rs. 50 Cr | Modified 'C' tender EPC tender |
| 3. | Building Construction and Repairs and Maintenance | Up to Rs. 15 Cr. Rs. 15 to Rs. 50 Cr Above Rs. 50 Cr | B-1 tender SBD tender EPC tender |

2.9.1(d) An Indian company or sub-company of the International Company which is registered in India will be allowed for taking part in tender process and the same shall be notified in the tender document. This may be given wide publicity and eligibility criteria for all bidders may be fixed in every bid and according to the eligibility criteria, the bidder may be declared as eligible or ineligible. The reasons for disqualification of the bidder shall be published on the website and they shall be given opportunity as their bids shall not be disqualified for minor reasons (as mentioned in clause 4.5.2). Accordingly the documents submitted by such bidders in stipulated time, be scrutinized and the revised list of qualified-disqualified bidders be published on website by giving opportunity to such bidders.

The bidders/ contractors who are qualified for executing similar work in other region, circle, division may be considered as technically quailed, even if they have purposely not submitted the required information in envelop No. 1. This will kerb the misuse of tendering/ awarding procedure the Public Works Department and help in preventing cartel formation during bidding. Financial Bid of all such bidders shall be opened. This will result in receiving competitive bids and avoid cartel formation.

2.9.2 In public works department if it is unavoidable to appoint consultants and to get the work done form theme in stipulated period, then the consultant may be appointed and the consultancy fee may be fixed in terms of percentage of the cost of project/work. In case the, cost of that particular project increases, then the consultancy fees should remain unchanged, i.e. no extra fees other than the already decided fixed fees be given to consultant. The clause or condition in this regards shall be stipulated in their agreement and the same shall be binding on him.

2.9.3 Public Works Department have issued various Government Resolutions, firstly in year 1997 and thereafter up to 2016 various resolutions have been issued. In this, guidelines are given about appointing the panel of the Consultants. It has come to the notice that, the consultants who are eligible for working with PWD but not empanelled, are not eligible for participating in the tender process. Hence, while issuing the tender notice for selection of the consultant, this (i.e. non empanelled consultant can also participate in tendering process) shall be specifically mentioned in the tender. Guidelines regarding post qualification criteria for such tenders will be issued separately. All International consultants, who has their officers in India/ having their registered firm in India can participate in the tender process for fixing the consultant. The condition as above i.e. the bidder need not be registered contractor, shall also be applicable for the Electrical, Mechanical and Architectural related contract.

Security deposit is not necessary while inviting bids for fixing the consultants. QCBS methodology shall be adapted while fixing bids on RFP basis. Performance Security form selected consultant may be taken in the form of Bank Guarantee.

2.9.4 In case of SBD based tenders, it would be mandatory for Civil, Electrical, Mechanical and Architecture field related Contractor to submit itemised Rate Analysis.

2.9.5 Escalation Clause

(A) Notwithstanding the period of completion of work, the Escalation Clause and Star Rate clause in respect of Bitumen, Steel and Cement may be incorporated in bid document. if 100 % grant for the works is available, then Escalation Clause and Star Rate may not be incorporated in bid.

(B) Also, for the works under Deposit Contribution Scheme, if 100 % funds are available, then Escalation Clause and Star-Rate shall not be included. For the works where limited grants or partial grant/deposit fund is available, provision regarding Escalation Clause and Star-Rate shall be included or incorporated in the bid.

3.0 Procedure to be adopted by Tendering Authority before opening of E-tender.

- 3.1** In past, many eminent contractors have complained about the tender document not made available to them. Now, any contractor can download the e-tender document from any place and submit the bid by uploading the same. However, the validity of the bids shall be based on the terms & conditions mentioned in the tender document. If required, contractor may be asked to extend the validity of the tender, i.e. their offer.
- 3.2** Generally, there is no provision of pre-bid meeting in case of the tenders received at the level of Executive Engineer. In such case, 03 days before to opening of the bids, Executive Engineer shall call all those tenderers/bidders to his office, who have submitted the bids. Executive Engineer shall take the certificate from the tenders regarding the e-tender procedure is happened in transparent manner and the bidders do not have any complaint regarding the e-tender procedure happened till the date & time of locking of the e-bids. If the tenderers/bidders object to give such certificate, then the same shall be taken on record. In case, it is found that the objection taken by a tenderer is unjustified and not adhering to the guidelines/law, then the same shall be taken on record. Also, the absentee of the contractors, who were not present, shall be taken on record. Executive Engineer shall keep on record that System Integrator / Service Provider or any other person / element / Web Site coordinator, etc. have not done any kind of interference in tender procedure happening through the web site/portal and also keep on record that all the concerned in the tender process have given due diligence during the tendering process. Only after recording the same, tenders / bids shall be opened in front of the maximum possible tenderers/bidders.

4.0 Procedure to be adopted by Tendering Authority while opening the e-tenders.

- 4.1** To avoid the unnecessary suspicion and to maintain the transparency, tenders/bids shall be opened in front of maximum possible bidders. Due to same reason if it is not possible for maximum number of bidders to attend the tender / bid opening process, then the bid opening may be avoided. After opening of Envelop No.1 (Technical Bid) and after scrutiny of the document submitted by the bidder, list of qualification / disqualification be communicated to the bidders and same shall be published on the web / portal on which e-tender process is happening. The contractors who are disqualified, shall be intimated regarding the same along with the reasons for their disqualification.

In case, the disqualified bidder has any queries / objections, the same shall be attended by the tender opening authority by taking personal hearing and the same shall be taken on record. In case, the contractor has expressed his grievances to the Secretary (Roads / Buildings) & Principal Secretary (P.W.D), then after resolving the grievances, revised result (about the qualification / disqualification) shall be published on website. Also, the same shall be communicated to the contractor and only after that, Envelope 2 (Financial Bid) shall be opened. Mention regarding this event shall be included in the Tender Document.

After completing the procedure as mentioned above, Executive Engineer shall take on record that the tender process happened so far is done in transparent manner and there is no complaint about the tendering process. After this, Envelop No.2 (Price Bid of the Bidder) may be opened. If the bidders do not remain present while opening the financial bids, then they shall be contacted again and bid shall be opened in presence of maximum number of bidders. If the bids received are less than 05, then the financial bid shall be opened in presence of minimum 02 bidders. If the number of bids received are more than 05, then the financial bid shall be opened in presence of minimum 03 bidders, so that the bid offer of each other will be known or disclosed to other bidders. Such kind of procedure will avoid creating any kind of doubt/ suspicion against the officers of Public Works Department. If the bidders, even after informing them to remain present for financial bid opening does not remain present, the bids may be opened in front of 03 witness.

- 4.2** There is a provision of conducting pre-bid meeting for the tenders received and opened at circle level. The authority shall see that maximum number of bidders attends the pre-bid meeting and raise the points on the bid document published. If the intending bidders, who have purchased the bid does not have any points / issues / comments, then the written certificate in regards shall be obtained from the bidders and kept on record. Common set of deviation and clarification to the queries raised by the bidders shall be got approved from the competent authority within 04 days. Since now some days, all modern amenities / facilities like Audio – Visuals, Video Conferencing, email, etc. are available, time should not be wasted in the physical correspondence. Accordingly, the common set of deviation & clarification shall be got approved urgently and the same shall be uploaded on tender service providing website within 02 days. In case extra time is required, Chief Engineer of the concern Region may approve the extra time required in uploading after checking the proposals duly and taking the reasons on record. The certificate from all the bidders shall be obtained in regards to that there is no complaint from their side till the event of submission of the bids. Envelop No.1

shall be opened only after obtaining this certificate. After opening of Envelop No.1, the results regarding qualification / disqualification of the bidders shall be published on **www.mahapwd.com** and the website on which tender is being processed. Also all the bidders shall be informed about their qualification / disqualification. Hearing shall be given to the disqualified bidders within 05 days and the queries shall be resolved and all this shall be kept / placed on record including publishing on the website. Envelop No.2 shall be opened only after that.

4.3 Procedure Regarding Processing Single Tender

Receipt of single bid / tender is not beneficial or in the interest of the Government when the tenders are invited through e-tender system for attaining full transparency and legitimate competition. Hence, all the earlier Government Resolutions in regards to single tender are superseded by issuing following orders / guidelines.

“Single Tender / Bid means, only one bid is received during the tendering process or only one bidder is technically qualified after opening of bid Envelop No.1. In such cases, all the tenders shall be rejected without opening their 2nd Envelop and fresh tenders shall be invited immediately. However, no changes in the draft of the tender paper shall be made while going for re-invitation of tenders. If changes are not done in the draft tender document, then this shall be treated as “second call”. If only one bid is received again, then tender received shall be processed as per prevailing guidelines / orders. There is no need to go for retendering in such cases. In some cases, 02 number of bids obtained in 1st call are rejected stating the reason that 03 qualified bids are not received, is not adhering to the CVC guidelines. To avoid the delay and to complete the works in time, receipt of 02 qualified bidders at 1st call shall be considered while opening the bids. If the offer of the lowest bidder is found higher than the prevailing schedule of Rates, then the same shall be submitted to higher level with proper justification for their consideration. If the offer is not of acceptable nature, then the tender shall be rejected from the level of competent authority and the terms & conditions of the tender shall be checked again for giving necessary relaxation in the terms & conditions so as to receive competitive rates and then-after the tenders shall be re-invited.”

The reason for receiving single tender shall be checked / scrutinised considering the terms & conditions mentioned in the tender and schedule of rates on which the tender is based and the Chief Engineer can take a decision regarding changing the terms & conditions of tender or giving some relaxation by way of changing / modifying the clauses in the tender. However, Chief Engineer shall take

such decision keeping in mind that, by doing so, quality of the work is not affected and the increase in estimated cost is due to the revision in schedule of rates. Chief Engineer shall record his decision on the file. Accordingly corrected / modified draft tender shall be published again. In this case, if only 01 tender is received at 1st call, then the same shall be rejected and 2nd call shall be done. i.e. tenders shall be invited again as 2nd call. After 2nd call, if only one bid is received, then the same may be accepted by the competent committee provided the bids received are up to or within the estimated cost put to tender. Bids of higher cost (than the estimated cost) shall be submitted to the competent authority for their approval.

Accordingly, all the concerned shall take a note that, “Public Works Manual” stands modified as per above guidelines.

- 4.4** As per the stipulated timetable, Tendering Authority can open the Envelop No.1 (i.e. Technical Bid), when 03 bids are received through e-tender system. Technical bid shall be scrutinised within 02 days and after the scrutiny. If it is found that only one bidder is qualified, then the tender/bid shall be rejected and tender shall be published for short period, again.

For the works of urgent nature, if only one tender is received at first call, then the same shall be rejected and tender shall be re-invited with shorter publicity period. To avoid the delay, notices regarding re-tendering or 2nd call shall be published in the same newspaper & same web portal of tender processing where it was published earlier. At the second call, if 01 or more tenders or bids are received, then the same shall be opened & processed for further action. After taking review of various tenders & its process, it is found that, time taken for opening the envelop no.1 is 15-30 days, for opening financial bid is approximately one-one & half month & further one – one & half month for submitting the proposal to the level of competent authority for their approval. To avoid such delays, tenders / bids received shall be submitted to the competent authority immediately. If the offer of the lowest bidder is found on higher side, then the tender opening authority and the competent committee who is authorized to accept the tender shall try to reduce the offer of lowest bidder by negotiating with him. For the tenders to be accepted at Government level, Chief Engineer shall carry out such negotiations to reduce the bid offer. If the bid offer is still on higher side than the estimated cost, then the bid shall be rejected and the authority who has given Technical Approval to the proposal, shall review the estimate, modify the rates and then the tenders shall be called / invited again. At present, it is found that tenders received at Government level are having bid offer less than the estimated cost put to tender. Hence, all Chief Engineers and Superintending Engineers shall note and record

the trend of below tenders and if in case they receive any lowest bid having their offer on higher side, negotiation shall be carried out with the bidder to bring the offer to the level of on-going trend. If this is not possible, then the concerned Executive Engineer and Superintending Engineers shall decide about the reasonableness of the offer and if the offer is found reasonable, the same shall be placed on record & then the bids / tenders may be accepted by the competent authority.

4.5 Care to be taken by the Tender Opening Authority and Scrutiny Committee while scrutinizing & evaluating the Envelop No.1 (Technical Bid):

As per prevailing practice, tenders are opened at the level of Executive Engineer & Superintending Engineer. After due scrutiny of the documents found in Envelop No.1 at level of Executive & Superintending Engineer, Envelop No.2 are opened at their level only. This system has been changed/modified and henceforth, the tenders will be scrutinised by the Tender Scrutiny Committee as mentioned in the clause 5.1.4. The Tender scrutiny committee shall follow following procedure:

4.5.1 All bidders shall be informed regarding the date & time of opening of bids and the bids shall be opened in front of them only. If some of the bidders are unable to remain present at the time of bid opening, then their written request in this regards shall be taken and placed on record. However, in any case, tenders shall be opened in presence of maximum number of bidders.

4.5.2 After opening of bids by the Bid Scrutiny Committee, if they find any doubts / queries regarding Eligibility / Non- Eligibility of the bidders, then they shall call the explanation from those bidders on following points / items:

1. Paper related to Registration.
2. Explanation regarding power of Attorney (PoA).
3. Discrepancies found in Bank Guarantee.
4. Explanation in case any query / discrepancy found in Technical & Financial Statements.
5. Bridge Length, similar kind of works, height of the building & Quality standards, quantities and cost of individual items of road work.
6. Discrepancies found in Joint Venture Agreements and Non submission of Notified / Notarized documents, Non mention of the share of the shareholders in case of Joint Venture.
7. Explanation regarding discrepancies found in financial clause related statements.

8. Any discrepancy, lacuna, etc. and if any explanation required regarding the any documents submitted in the Technical Bid.

Executive Engineer & Superintending Engineer shall carry out written correspondence with bidders to get their clarification / explanation in regards to above points before bids are declared as qualified or disqualified. The bidder shall not be disqualified for want of paperwork / document of less important nature. In such case, legitimate documents / papers shall be obtained from that bidder and the same shall be submitted before the Bid Scrutiny Committee and then the decision regarding eligibility of the bid shall be taken. All records in this regard shall be placed on tender file and also shall be placed on the website as well and all this shall be clearly mentioned in the proposal regarding acceptance of the bids.

Many times it so happens that, the bidder who is found eligible while opening one bid is found not eligible while opening another bid of similar kind in same tender notice. This may result into formation of the cartel. Hence the bidders, who are found eligible or Technically Qualified in the country / State / P.W.D. for carrying out similar kind of Building / Road / Bridge work, their Technical Bid shall not be disqualified for non-submission of minor / less important documents / papers like PTC, Machinery, Income Tax Related papers similar kind of work related papers / documents. After submitting all these papers by the bidder and after the due scrutiny of these documents, financial bids shall be opened.

4.6 Revised Guidelines regarding acceptance of Bids/Tender with Bid Offer less than 10% below to the Estimated Cost.

- 4.6.1** During the process of bidding, if the lowest bid is less than that of 10% below to the estimated cost put to tender, then the authority inviting tenders/bids shall obtain from the concerned bidder/contractor, the detailed planning regarding execution of the work at such low rates. It shall be ensured that, the work can be executed by the lowest bidder based on the detailed planning of execution submitted by the contractor/bidder.
- 4.6.2** If the lowest bid is below up to 10% of the estimated cost put to tender, then the bidder/contractor shall submit Bank Guarantee or the Demand Draft of 1% of the cost put to tender as a Performance Security in bid /tender envelope no.2. (Scan Copy) (e.g. from the bidder who has quoted 1% to 10% below to the estimated cost -1% of Bid cost).
- 4.6.3** If the cost bid/tender is less than 10% below of the estimated cost put to tender, then
 - (A) Bank Guarantee/D.D. corresponding to the percentage over and above 10% and as per above 4.6.2 may be submitted in envelope no.2 along with bid/tender. (e.g. for Bid Offer of 14%, up to 10% below-1% and $14\%-10\%=4\%$, thus total =

1%+4%=5%). If this amount is less than Rs.1000/-, then Bank Guarantee /DD of minimum Rs.1000/- may be submitted.

(B) If bid/tender quoted is less than 15% below, then DD amount for the balance percentage over & above 15% be worked out at double rate and the same may be submitted (e.g. if the offer is 19% below, then $(19-15=4\% \times 2=8\%)$).

4.6.4 Bank Guarantee or DD will be as per the will of the bidder.

4.6.5 Following Action to be taken in respect of submission of Bank Guarantee /DD/Return of Bank Guarantee.

(A) Bank Guarantee /DD shall be in favor of tender inviting Executive Engineer.

(B) Bank Guarantee/DD shall be of Nationalized or Scheduled and also of Public Sector Bank.

(C) Validity period of Bank Guarantee/DD shall be up to one month after the Defect liability period of the work.

(d) The bidder/contractor may upload the scan copy of Bank Guarantee/DD while filling/ submitting E-tender.

(e) The bidder/contractor may submit Bank Guarantee/DD in sealed envelope in the office of Executive Engineer within the last date of submission of tender/bid.

(f) Executive Engineer may return Bank Guarantee/DD of the respective contractors/bidders within 7 days after opening the tender/bid if the necessary documents on opening envelope no.1 are not found complied with.

(g) After finding documents as required in envelope no.1, envelope no.2 may be opened. Except 1st lowest bidder & 2nd lowest bidder, Bank guarantee/DD of all other bidders may be returned within 3 days.

(h) After the work order is issued to the 1st lowest bidder, BG/DD of the 2nd lowest bidder may be returned within 3 days.

(j) In above process, EMD of the bidders, submitting fraudulent papers, BG may be forfeited and the contractors/bidder may be black listed. Also, the tenders/bids of such black listed contractors may not be opened.

4.6.6 Executive Engineer, may issue work order only after receiving validity of BG/DD up to 1 month after the defect liability period of the work.

4.6.7 After satisfactory completion of the work, Executive engineer may return security Deposit and Bank Guarantee as per provision in the tender to the contractor within 3 months.

4.6.8 Levels of submission of E-tender.

To avoid delay, after receiving the e-tenders, proposal from the bidder/contractor be scrutinized in detail and the proposal be directly submitted to the Competent authority as per following table.

| Sr.No. | Cost of Work | The concerned officer whom E-tender to be submitted |
|---------------|------------------------|--|
| 1 | Rs.3 lakh to Rs.1 Cr | Executive Engineer |
| 2 | Rs.1cr to Rs.2.50 Cr | Superintending Engineer |
| 3 | Rs.2.50 Cr to Rs.15 Cr | Chief Engineer |
| 4 | Rs.15cr and above | Government Level |

5. Acceptance of e-tender

Terms & Conditions of the tender shall not be changed once the bids/tenders are published on e-tender web portal. Such changes, i.e. changes done after publicity creates doubts/suspicion in the general public against functioning of the Government. This may damage image & credibility of the Government. Hence, incase changes are to be done in the content of published tender, the same shall be done with written prior permission of the competent authority. While doing so, the letter in this regards and the reasons/justification for doing the changes shall be published on e-tender website & mahapwd.com.

5.1.1 Submission of additional Performance Security Deposit.

Guidelines are already given regarding submitting Additional Performance Security Deposit in form of Bank Guarantee by the contractor (or bidder) who has quoted rates below than 10% of the estimated cost. The bid of the bidder, who does not submit the Bank Guarantee of required amount or who does not submit the Bank Guarantee at all, shall be summarily rejected.

While submitting the Additional Performance Security Deposit to be submitted along with the tender/bid, bidder's offer up to two decimal point shall be considered while calculating the amount of Additional Performance Security.

Additional Performance Guarantee can be accepted in from of Demand Draft, Fixed Deposit Receipt, Bank Guarantee of any Nationalized Bank. Bidder shall submit the undertaking in Envelop No.1 & 2, regarding submission of Additional Performance Security in prescribed format.

After completing the work satisfactorily, Additional Performance Security Deposit may be refunded/returned. Executive Engineer shall keep on record regarding satisfactory completion of the work & for this purpose it is not necessary to take any application from the contractor.

Additional Performance Security Deposit of rest of the bidders than L-1 and L-2 (Lowest & Second lowest Bidder), shall be returned immediately after opening of the Financial Bids. Additional Performance Security of L-2 bidders shall be returned to him after giving work order to L-1 bidder or 30 days of bid opening date, whichever is later.

5.1.2 Validity Period of the Tender.

Tender Validity Period shall be 60 days, 75 days, 90 days and 120 days for the tender at the level of Executive Engineer, Superintending Engineer, Chief Engineer & Government level, respectively.

5.1.3 Opening the e-tender in office hours

E-tendering procedure and publishing e-tender is done on the e-tender processing online system as approved by the Government. To avoid the complaints like (a) tenders not opened within office hours (b) tender not opened in front of maximum bidders, tenders shall be opened in office hours only and in presence of maximum bidders who have submitted the bid. In exceptional case, due to some unavoidable reason, tenders may be opened after office hours by intimating the bidders in this regard. In such case, while opening the tenders, bidders or at least 02 witness shall remain present while opening the bids, so as to maintain transparency of the system.

5.1.4 Tender Evaluation Committee

1. For tender cost up to Rs. 1.00 Crore.

| | | |
|---|---|------------------|
| 1 | Concerned Executive Engineer | Chairman |
| 2 | Concerned Asst. Superintending Engineer | Member |
| 3 | Concerned Division's Dy. Executive Engineer | Member secretary |

2. For tender cost more than Rs. 1 Crore; up to Rs. 100 Crore.

| | | |
|---|--|------------------|
| 1 | Concerned Superintendent Engineer | Chairman |
| 2 | Executive Engineer/Dy. Engineer of VQC and if they are not available, then concerned Asst. Superintending Engineer | Member |
| 3 | Concerned Executive Engineer | Member |
| 4 | Dy. Executive Engineer of Concerned Division | Member Secretary |

3. For the tender cost more than Rs. 100 Crore.

| | | |
|---|--|------------------|
| 1 | Chief Engineer | Chairman |
| 2 | Superintending Engineer | Member |
| 3 | Superintendent Engineer Vigilance & Quality Control Circle | Member |
| 4 | Concerned Executive Engineer | Member |
| 5 | Concerned Dy. Executive Engineer | Member Secretary |

Concerned Divisional Accountant shall be the member of all committees and he should check all financial details completely/thoroughly.

5.1.5 Power regarding Tender acceptance

| | | |
|------------------------------|---|---|
| Executive Engineer Committee | : | Tenders costing up to Rs. 1 Crore (EE,DE,DAO) |
|------------------------------|---|---|

| | | |
|-----------------------------------|---|---|
| Superintending Engineer Committee | : | Tenders costing more than Rs. 1 Crore & up to Rs. 2.50 Crore (SE,EE,DAO) |
| Chief Engineer committee | : | Tenders costing more than Rs. 2.50 Crore & up to Rs. 15.00 Crore (CE,SE,SE VQCC, DAO) |

5.1.6 Revised Guidelines to be followed for Acceptance of Tender at Government Level.

- a. Tenders costing more than Rs. 15 Crore amount to be accepted at Government Level.
- b. Regarding Tenders costing more than Rs. 15 Crore & up to 30 Crore where tender of higher offer than the estimated cost are received:

Road and Bridge works:

| | | |
|---|--|------------------|
| 1 | Secretary (Roads) P.W. Department | Chairman |
| 2 | Secretary (Buildings) P.W. Department | Member |
| 3 | Inter Financial Adviser and Dy. Secretary, P.W. Department | Member |
| 4 | Concerned Dy. Secretary (Road/Building) | Member Secretary |

Building works:

| | | |
|---|--|------------------|
| 1 | Secretary (Buildings) P.W. Department | Chairman |
| 2 | Secretary (Roads) P.W. Department | Member |
| 3 | Inter Financial Adviser and Dy. Secretary, P.W. Department | Member |
| 4 | Concerned Dy. Secretary (Road/Building) | Member Secretary |

- Regarding tender acceptance, meeting will be organized on every Tuesday or on convenience day.
- In the meeting, after due discussion, all members will take decision on the proposal of acceptance of the tender.
- Checklist to be used during the meeting for the scrutiny of the proposed is separately given.

c. Regarding Acceptance of tenders costing more than Rs. 30 Crore.

| | | |
|---|--|----------|
| 1 | Additional Chief Secretary/Principal Secretary, Finance Department | Chairman |
| 2 | Additional Chief Secretary/Principal Secretary, Planning Department | Member |
| 3 | Additional Chief Secretary/Principal Secretary, P.W.D. Department | Member |
| 4 | Additional Chief Secretary/Principal Secretary, Water Resources Department | Member |

Above committee, if necessary, shall call required officers and after giving due consideration/thoughts on the bid offer on lower/higher side, will take the decision regarding acceptance of tender.

5.2 Time Limit regarding Acceptance of Tender

It is necessary to announce and enforce the time limit for receiving the tender, its opening, verification of documents, attending the complaints/grievances and issue the works orders to the contractor. Field Officers shall complete this process as mentioned in the following table.

| Sr. No. | Action to be taken | Tender costs and time Period (In day) | | | |
|---------|--|--|----------------------------|---------------------------|---------------------------------------|
| | | Tender up to Rs. 1 Crore | Tender up to Rs. 2.5 Crore | Tender up to Rs. 15 Crore | Tender costing more than Rs. 15 Crore |
| 1 | Publishing the tender and receiving newspapers | 5 | 5 | 5 | 5 |
| 2 | Opening of Envelop No.1 (Technical Envelop) | As per date and time mentioned in the tender | | | |
| 3 | Minimum period for receipt of SBD Tender | 15 | 25 | 25 | 45 |
| 4 | Pre-tender (Pre-Bid) meeting date (After publishing the Tender) | 5 | 10 | 10 | 10 |
| 5 | Uploading of CSD | 3 | 3 | 3 | 3 |
| 6 | Scrutiny of Envelop No.1 through the concerned Committee | 7 | 10 | 10 | 10 |
| 7 | Attending & Resolving the queries of bidders and preparation of final list of eligible bidders | 3 | 5 | 10 | 10 |
| 8 | Opening of Envelop No.2 (Financial Envelop) | 3 | 3 | 0 | 0 |
| 9 | Submission of the tender proposal to the competent Authority for their approval. | 7 | 7 | 5 | 5 |

| | | | | | |
|----|--|----------------|----------------|----------------|-----------------|
| 10 | Action regarding approval of the tender | 12 | 12 | 12 | 27 |
| 11 | Sending letter to the Contractor for submission of various deposits. | 5 | 5 | 5 | 5 |
| 12 | If contractor does not pay the deposit in stipulated time, his tender/bid shall be rejected and after discussing with the second lowest bidder, next line of action shall be decided. However, time limit shall not be extended. | 10 | 10 | 10 | 10 |
| | Total | 55 Days | 85 Days | 95 Days | 120 Days |

5.3 Tender fees:

All tenders are published online. Tender fees be charged as under:

| Sr. No. | Tender cost | Tender fee |
|---------|--------------------------------|-----------------|
| 1 | Up to Rs. 3.00 Lakh | Rs. 200 + GST |
| 2 | Rs. 3 Lakh to Rs. 50 Lakh | Rs. 500 + GST |
| 3 | Rs. 50 Lakh to Rs. 2 Crore | Rs. 1000 + GST |
| 4 | Rs. 2 Crore and 5 Crore | Rs. 2000 + GST |
| 5 | Rs. 5 Crore to Rs. 100 Crore | Rs. 3000 + GST |
| 6 | Rs. 100 Crore to Rs. 500 Crore | Rs. 5000 + GST |
| 7 | More than Rs. 500 Crore | Rs. 10000 + GST |

5.4 Goods & Service Tax (GST)

1) In respect of the Goods and Service Tax, the contractor shall submit the required documents and the Executive Engineer, after deducting the VAT/Excise as per the requirement, shall scrutinize the bills and pay the same to the Contractors within 30 days.

2) Rate of the various materials or items in the State schedule of Rates shall be excluding the Goods and Service Tax. While preparing the estimates, the prevailing Goods and Service Tax (GST) shall be included in the Recapitulation Sheet.

3) The tender for the works shall be called on the basis of estimated cost, excluding the Good and Service Tax (GST).

5.5 Plant & Equipment:

1) No condition regarding ownership of land for housing Plant & Equipment shall be stipulated.

2) The expiry period of new equipment shall be presumed as 15 years.

3) For first 10 years, there is no need for obtaining the Eligibility Certificate from the Superintendent Engineer (Mechanical).

4) After 10 years, Eligibility Certificate from the Superintendent Engineer (Mechanical) shall be obtained.

5) For the works costing more than Rs. 1.50 Crores and also for the works of Unemployed Engineers, the conditions regarding ownership of Hot Mix Plant/Batch Mix Plant/Machinery shall not be stipulated. In the tender, certificate regarding availability of the Plant Machineries on rental basis, shall be taken from them i.e. from Unemployed Engineers and the small contractors.

6. This Government Resolution, Supersedes the related provisions in Public Works Manual Sixth edition, 1984 of the Government of Maharashtra and also supersedes all Government Resolutions/Circulars issued earlier in respect to the tenders/ tendering procedure. The provisions or clauses in the Public Works Accounts Code shall also be modified according to above guidelines and the same shall be done & published in due course.

7. All the Concerned Executive Engineers/Superintendent Engineers shall note this Government Resolution personally and shall take proper precautions or care for the strict of implementation of above guideline. Otherwise, disciplinary action shall be taken against the concerned officers, employee for the delay happening in the implementation of the Government Resolution. There is a provision of paying the compensation to the contractors in standard bidding Document. The Regional Officers shall take precaution that, no such event i.e. paying the compensation to the contractor arises.

This Government Resolution is available on the Government of Maharashtra's website www.maharashtra.gov.in having code 201809271753060418. This order is issued with the digital signature.

By the order and in the name of Governor of Maharashtra.

Sd/-

(Sachin Chivate)
Under Secretary, (Buildings)
Government of Maharashtra