

APPENDIX 'A' TO NOTICE INVITING TENDER (NIT)
(For works costing less than Rs 50 Crores)

1	Name of work	PROVISION OF ROOF TOP SOLAR POWER GENERATION ON CERTAIN BUILDINGS AT 2 AFSB (PHASE-II)
2	Estimated Cost	Rs. 49.50 lakh (At Par Market)
3	Period of completion	180 days (06 Months)
4	Cost of tender documents	Rs. 500/- in the shape of DD / Bankers cheque from any Scheduled Bank in favour of AGE(I)(AF) CHIMNEY HILLS and payable at BANGALORE .
5	Website"/portal address	www.defproc.gov.in
6.	Type of contract	The tender shall be based on IAFW-1779A (Schedule A' (list of items of work)) and General Conditions of Contracts (IAFW-2249). The tenderers are required to quote their rates against (Schedule A' (list of items of work)).
7.	Timeline details :	
	(a) Bid submission start date	25 Feb 2023
	(b) Last date of bid submission	04 Mar 2023
	(c) Date of bid opening	05 Mar 2023
8.	Eligibility criteria	
	(A) For MES enlisted contractors	Contractors shall be enlisted with MES in Class 'D' and above and category b(i) subject to remarks wrt performance in respect of works in hand reflected in workload return (WLR) or any other report circulated by competent engineer authority.
	(B) For contractors not enlisted with MES	Contractor not enlisted with MES shall meet the enlistment criteria of 'D' class MES contractors & category b(i) i.e. with regard to having satisfactorily completed requisite value works with Central /State Government/Central/State PSUs/AWHO/AFNHB/CGEWHO/DGMAP, annual turnover, bank solvency, working capital and other requirements given in Para 1.4 & 1.5 of Section 1 of MES Manual on Contracts 2020 as available in all MES formations as well as MES website (www.mes.gov.in). (ii) Not carrying adverse remarks in Work Load Report (WLR) or any other similar report circulated by any competent authority, if already working in MES. (iii) Not suspended/debarred/blacklisted (either permanently or temporarily) from participating in any bid or for business dealings by any Central/State Government Department or any Central/State Government PSU or any Autonomous Body under Central/Sate Government or any Local Body as on the bid submission end date.

Contd...

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(For works costing less than Rs 15 Crores)

	(C) For All Contractors	Contractor will not be allowed to execute the work by subletting or through power of attorney holder on his behalf to a third party / another firm except sons / daughters of proprietor / partner / Director and firm's own employees, Director, Project Manager This shall be subject to certain conditions which will be prescribed in the NOT forming part of the tender documents.
9	Tender issuing and Accepting Officer	CWE (AF) South Bangalore
10	Executing agency	AGE (I) (AF) CHIMNEY HILLS.
11	Earnest Money	Rs. 99,000.00 in favour of AGE (I) (AF) CHIMNEY HILLS and payable at BANGALORE.

NOTES:

1. After opening of Cover 1, if the number of MES enlisted contractors of eligible class as well as un-enlisted contractors, if any, fulfilling the other eligibility criteria given in NIT are less than 7 (Seven), applications in respect of contractors **one** class below the eligible class shall also be considered subject to fulfillment of other eligibility criteria given in the NIT. Therefore MES contractors **one** class below may also bid for this tender. However contractors of **one** class below the eligible class shall not be considered in case their present residual work in hand is more than five times present tendering limit. Such bidders shall upload in their Cover-1 bid details of works in hand showing names of work. Names of Accepting Officers, Contract amounts, dates of commencement and completion (Stipulated) and progress as on bid submission date. These details shall be verified by the Tender issuing Authority from concerned formations in case bids of such contractors are considered for evaluation.

2. In case after opening of Cover1, the number of MES enlisted contractors of eligible class as well as un-enlisted contractors, if any, fulfilling the other eligibility criteria given in NIT, are 7 (Seven) or more, applications of only those on class below the eligible class bidders shall be considered, who have previously completed similar works satisfactorily and are meeting the criteria of up-gradation in respect of past experience of completed works (individual work experience and/or average annual turnover as applicable) and financial soundness (solvency/financial soundness and working capital) as per details given in Manual on Contracts. Therefore such contractors shall upload the requisite information/documents in the Cover-1.

3. Un-enlisted contractor shall be considered provided he meets the criteria. Foreign firms shall not be eligible for this tender. However Indian Firms having foreign national / Indian nationals staying abroad / Indian national having taken foreign citizenship, as director (s) shall be considered subject to security clearance from the concerned authorities.

4. Contractors enlisted with MES will upload following documents in Cover -1 for checking eligibility:-

- (a) Application for tender on Firm's letter head.

- (b) Enlistment letter issued by the Registering Authority duly renewed for the cycle period in vogue.
- (c) Scanned copy of DD / Bankers Cheque toward cost of tender and EMD instrument in case SSD bond is not signed at the time of registration.
- (d) Any other document required as described in this Appendix.
5. Contractors not enlisted with MES will be required to upload following documents in Cover-1 for checking eligibility.
- (a) Application for tender on Firm's letterhead.
- (b) Scanned copy of DD / Bankers Cheque toward cost of tender and Earnest Money Deposit (EMD) instrument.
- (c) Copy of Police Verification Report/Police Clearance Certificate/Character Certificate from the Police Authority of the area where the registered office of the firm is located/notarized copy of valid passport of Proprietor/each Partner/each Director.
- (d) All documents required for enlistment in MES for the class mentioned in Para 8 (B) above as per Para 1.4 and 1.5 of Section 1 of MES Manual on Contracts 2020.
- (e) Details of works being executed in MES, if any.
- (f) Any other document required as described in this Appendix.
6. Tenders not accompanied by scanned copies of requisite DD/Bankers Cheque towards cost of tender and earnest money (as applicable) in Cover -1 shall not be considered for validation of 'T' bid and their Financial Bids will not be opened.
7. Contractors should ensure that their original physical DDs and Earnest Money Deposit (EMD) instruments (as applicable) reach the office of Accepting Officer within 5 days of bid submission end date, failing which following action shall be taken.
- (a) In case of tenders from an enlisted contractor of MES. Where scanned copies of requisite DD/Bankers Cheque towards cost of tender have been uploaded in Cover-1 but physical copies are not received within the stipulated period, their financial bids (Cover-2) will be opened. However non-submission of physical copies of cost of tender shall be considered as willful negligence of the tenderer with ulterior motives and such tenderer shall be banned from bidding for a period of six months commencing from the date of opening of Financial Bid (Cover2).
- (b) In case of tenders from un-enlisted contractor, where scanned copies of requisite DD/Bankers Cheque towards cost of tender have been uploaded in Cover 1 but physical copies are not received within the stipulated period, their financial bids (Cover 2) will not be opened, Name of such contractors along with complete address shall be circulated for not opening of their bids for a period of six months commencing from the date of opening of Financial bid (Cover 2).
- (c) In case of tenders from enlisted and un-enlisted contractors, where scanned copies of instruments for earnest Money Deposit (as applicable) have been uploaded in Cover -1 by the same are not received in physical form within stipulated period. Such tenders shall not qualify for opening of financial bid (Cover-2).
8. Contractor will not be allowed to execute the work by subletting or through power of attorney to a third party/another firm on his behalf, However a contractor can execute the work through power of attorney to sons/daughters/spouse of Proprietor/Partner/Director and firm's own

employees, director, project manger **provided they are not having a separate enlisted firm in MES in their name as Proprietor/Partner/Director.**

9. After opening of Cover-1 and during its technical evaluation. In case any deficiency is noticed in the documents required to be uploaded by the tenderes as per NIT, a communication in the form of e-mail/SMS/Speed Post etc shall be sent to the contractor to rectify the deficiency within a period of seven days from date of communication failing which their financial bid (Cover-2) shall not be opened and contractor shall not have any claim on the same.

10. Invitation for e-tender does not constitute any guarantee for validation of Technical bid and subsequent opening of financial bid of any applicant/bidder merely by virtue of enclosing DD. Accepting Officer reserves the right to reject the Technical bid and not to open the financial bid of any applicant/bidder. Technical bid validation shall be decided by the Accepting Officer based on eligibility of the firm as per criteria given in this Appendix. Tenderer/bidder will be informed regarding non-validation of his Technical bid assigning reasons therefore through tender evaluation report which shall be uploaded on the website. Such tenderer, if desires, may appeal to the next higher Engineer Authority (NHEA) ie, **Chief Engineer (Air Force) Bangalore** on email ID **cezafb2-mes@nic.in** with copy to the Accepting Officer on email before the scheduled date of opening of Cover-2, NHEA shall decide the matter within a period of seven working days from the date of receipt of appeal. The decision of the NHEA shall be final and binding. The tenderer/bidder shall not be entitled for any compensation whatsoever for rejection of his bid.

11. In case an un-enlisted contractor is already executing works in MES, he shall not be considered eligible for the subject tender if the total value of such works is more than twice the tendering limit of the MES Class of contractor for which it is eligible. For this purpose, details of the works being executed by such a contractor shall be uploaded in the Cover-1 of the bid and shall be checked/verified by the Accepting Officer.

12. In case the BOQ is revised through the corrigendum and the bidder has failed to quote on revised BOQ (ie he has quoted on pre revised BOQ), such bid shall be treated as willful negligence by the bidder and his quotation shall be considered non-bonafide. In such cases the lowest tender shall be determined from amongst the valid/bonafide bids only. Accepting Officer may decide whether to re-tender or consider the lowest bonafide tender for acceptance.

13. Revoking the offer or revising the rates upward or offering voluntary reduction by the lowest tenderer after opening of Cover-2 shall be considered as a willful default. For this default a penalty of an amount equal to Earnest Money shall be levied. In case of an un-enlisted tenderer. Earnest Money deposited by him shall be forfeited. In case of MES enlisted tenderer having deposited the Standing Security Bond, an amount equal to the earnest money stipulated in the NIT, shall be notified to the tenderer for depositing through MRO and consideration of such tenderer in tender evaluation for future works shall remain suspended till the aforementioned amount is deposited in the Government Treasury. No other disciplinary/ administrative action shall be taken against such tenderers. In such a situation, the next lowest offer shall not be considered for acceptance. Instead, retendering shall be resorted to in a transparent and fair manner and the defaulting tenderer and his related firm if any, shall be not be eligible for this tender in second call or subsequent calls.

14. Tender to related firms shall not be issued simultaneously. Firms shall be termed as related if Proprietor/one or more Partners/Directors are common. Decision of Accepting Officer on issue/deny the tender to any one of the related firms shall be final and binding.

15. PERFORMANCE SECURITY

15.1 Within 28 days of receipt of the letter of acceptance, the successful contractor shall deliver to the accepting officer a performance security for an amount equivalent to 3%* of the contracts sum as provided under Para 2.5 herein after.

(a) Bank Guarantee Bond in the prescribed form.

(b) Government securities, FDR or any other Government Instruments stipulated by the Accepting Officer.

***Note:** In other cases, Performance security amount at 5% of the contract sum shall be applicable.

15.2 The Performance Security shall be in favour of Accepting Officer and shall be in any of the forms mentioned above. Work Order No 01 shall be placed only after submission of Performance Security of adequate value by the contractor. In case a fixed deposit receipt of any bank is furnished by the contractor to the Government as part of the Performance Guarantee and the Bank is unable to make payment against the said fixed deposit receipt, the loss caused thereby shall fall on the contractor and the contractor shall forthwith on demand furnish additional security to the Government to make good the deficit.

15.3 The period of validity of the Bank Guarantee Bond against Performance Security shall be initially valid upto the stipulated date of expiry of Defects Liability Period plus minimum 60 days beyond that. In case final bill is not paid during this period, the contractor shall get the validity of Performance Guarantee extended to cover such enlarged time required for payment of final bill.

15.4 If the performance security is provided by the successful contractor in the form of a Bank Guarantee, it shall be issued by Nationalized / Scheduled Indian Bank but its confirmation shall be done only from the Head Office of the Bank.

15.5 The Performance Security / Security Deposit @ 3% of the contract sum in lieu of 5% of the contract sum shall be applicable for the following:-

- (a) Contractor with no outstanding recoveries and the contractor who does not intend to abandon the work after entertaining the relief of reduction in Performance Security / Security Deposit. A certificate to this effect shall be rendered to the Accepting officer along with Performance Security.
- (b) The benefit of the reduced Performance Security i.e, at 3% of the contract sum will not be given in the contracts under dispute, wherein arbitration / Court proceedings have already been started or are contemplated.

15.6 **Refund of performance security** : The performance Security Deposited shall be refunded to the contractor after the expiration of the defects liability period of 24 months (vide Condition 46) by the Accepting Officer provided always the contractor shall first have been paid the final bill and have rendered a No-Demand Certificate (IAFW-451). Immediately after expiry of Defect Liability Period, GE concerned shall check and ascertain the position of final bill.

(a) In case final bill has been paid, Contractor shall be asked to submit the NO Demand Certificate (IAFW-451), if not already submitted by him. After submission of No Demand Certificate (IAFW-451), GE shall intimate to the Accepting Officer within a week who shall release the bond duly discharged to the contractor. Accepting Officer shall ensure that no delay occurs in releasing the Bank Guarantee Bond.

(b) In case final bill has not been paid, the status thereof shall be ascertained by Accepting Officer and effort shall be made to get it cleared within one month of expiry of Defect Liability Period. After clearance and payment of final bill, contractor shall be asked to submit the No Demand Certificate (IAFW-451), if not already submitted by him. After submission of No Demand Certificate (IAFW- 451) to GE and on receipt of the same, Accepting Officer shall release the Bond duly discharged to the contractor without any delay.

File No. 82115/ 02 /E8

Dated: 11 Feb 2023

**DCWE (Contracts)
for Accepting Officer**