

Bihar Enlistment of Contractors Rules, 1992

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1.

These Rules shall come into force with immediate effect.

2.

(i)The Contractors for execution of works in the Department of Water Resources will be registered in one of the following classes-(a)Class I-S-Qualified to tender for works above Rs. 200.00 lakhs(b)Class I-A-Qualified to tender for works upto Rs. 200.00 lakhs(c)Class I-B-Qualified to tender for works upto Rs. 50.00 lakhs(d)Class II-Qualified to tender for works upto Rs. 20.00 lakhs(e)Class III-Qualified to tender for works upto Rs. 5.00 lakhs(f)Class IV-Qualified to tender for works upto Rs. 1.00 lakh(g)Class V-Qualified to tender for works upto Rs. 50,000 only.(ii)Enlistment of Contractors for doing earthwork upto Rs. 10,000 shall not be necessary.(iii)Contractors registered in a particular class will be eligible to tender only one class below that of his registered class.

3.

(i)Enlistment of Contractors under Class I-S, Class-I-A, Class-I-B and Class II, shall be made by a Committee of Chief Engineers, Monitoring and Chief Engineer, Patna of the Department of Water Resources presided over by the Engineer-in-Chief of the Department.(ii)Enlistment of Contractors under Class III shall be made by a Committee of the Superintending Engineer of the Circle concerned and the two senior most Executive Engineers under his Circle.(iii)Enlistment of Contractors under Class IV and Class V shall be made by a Committee consisting of the Executive Engineer concerned of the Division and two Senior most Assistant Engineers of the Division.

4.

(i) Contractors enlisted under Class I-S, Class I-A, Class I-B and Class II shall be eligible for taking up contract in all Projects of the Department of Water Resources. (ii) Contractors enlisted under Class III shall be eligible for tendering of works in a particular Circle in which the registration shall be made. Contractors may however, get themselves registered in other Circles of the Department, where they wish to take up works. (iii) Contractors enlisted under Class IV and Class V shall be enlisted for tendering of works in the Division in which they are registered. Contractors can, however get themselves registered in other Divisions of the Department where they wish to take up works.

5.

Contractors enlisted in Class I-S, Class I-A, Class I-B, Class II and Class III shall be required to have full time technical staff on their rolls as under: (i) Class I-S - Contractors desiring enlistment in this class shall have a full time Engineering organisation capable of dealing with large works in all their stages. Contractors desiring enlistment in this class shall have the following minimum technical organisation on full time basis (a) Well qualified and experienced degree-holder Engineer in the rank of Executive Engineer-one No. (b) Qualified degree-holder Engineer-Two Nos. (c) Qualified diploma-holder Engineer-Four Nos. In addition to above permanent organisation, the Contractor will have to employ one trainee Graduate Engineer at work site and other complementary staff at work-site as determined by the Chief Engineer of the Project when construction work starts. (ii) Class I-A - Contractors desiring enlistment in this class shall have a full time Engineering Organisation capable of dealing with large work in all their stages. Contractors desiring enlistment in this class shall have the following minimum technical organisation on a full time basis. (a) Well qualified and experienced degree-holder Engineer-One No. (b) Qualified diploma holder Engineer-Two Nos. In addition to above Engineering Organisation, the Contractor will have to employ one trainee Graduate Engineer or Diploma holder and other complementary staff at work-site as determined by the Chief Engineer of the Project when construction work starts. (iii) Class I-B - The contractors desiring enlistment in this class shall have the following minimum technical organisation on full time basis. (a) Qualified degree holder Engineer-one No. (b) Qualified diploma holder Engineer-one No. (iv) Class II - Contractors desiring enlistment in this class having previous experience of work and satisfy the condition of work experience as explained in Class-II, para 7 (a) of this Rule and is neither degree or diploma holder, will have to employ one qualified Graduate Engineer on full time basis. But when the desiring individual Contractor is himself a degree or diploma holder, the employment of degree holder will be at his discretion. In case of a firm, one of the partner of the firm must be degree holder Engineer. When the registration is done under the condition explained in para 7(b) of this Rule, the individual Contractor must be qualified graduate engineer himself or-one of the partners of the firm must be a qualified graduate engineer in case of a firm. (v) Class III - Contractors desiring enlistment in this class shall have one qualified diploma holder on full time basis, if the contractor himself is not a degree or diploma holder. In case of a firm, one of the partner of the firm must be a degree or diploma holder. The declaration of employment of engineers in different classes will have to be given by both parties i.e., employer and employee through affidavit alongwith certificates and photos.

6. Registration Fee.

- The following registration fee (non-refundable) will have to be deposited by the Contractor through Treasury Challan desiring enlistment in a particular class.

Description of Class	Registration Fee (non-refundable)
Class IS	... Rs. 15,000
Class IA	... Rs. 10,000
Class IB	... Rs. 5,000
Class II	... Rs. 2,000
Class III	... Rs. 1,000
Class IV	... Rs. 500
Class V	... Rs. 250

7.

The following requirements are to be fulfilled by the Contractors desiring enlistment in a particular Class :Class I-S :(a)Contractors desiring enlistment in this class shall be private or public limited concern. The contractors who are neither Public or Private Limited concern can also be registered in this class, but before their renewal of registration they will have to get converted and registered into Private or Public limited concern otherwise their renewal of registration will not be done.(b)They should have sufficient numbers of excavating, hauling and compacting machinery and Tools and Plants of the following nature in working condition at their disposal. Excavating, hauling and compacting units i.e., Excavator, Dumper, Truck, Tractor, Dozer, Roller, Tankers, Pumps, Mixer, Generator, Concrete Mixer, Vibrator, Compressor, Well Point System Pump, etc.The Contractor will have to submit the list of machines and tools with their numbers through affidavit which will clearly specify that they are in working condition.(c)Firms desiring enlistment in this class should have satisfactorily executed atleast three works of not less than Rs. 100 lakhs each and aggregate of these three works executed should not be less than Rs. 500 lakhs.(d)Contractors having no past experience of irrigation, building and road works may also be eligible for registration in this class provided they have a subscribed capital of Rs. 10.00 lakhs and one of the Directors of the company is a qualified Graduate Engineer.(e)The Contractor desiring enlistment in this class will have to submit the attested photo copy of the latest balance sheet duly prepared by the Chartered Accountant regarding the financial position of the firm. The firm must be financially sound.(f)The contractor desiring enlistment in this class shall have full time technical organisation as explained in para (5) of class-IS.Class-I-A :(a)Contractors desiring enlistment in this class shall be private or public limited concern. The contractors who are neither public nor private Class I-S limited concern can also be registered in this class but before their renewal of registration they will have to get converted and registered in to a private or public limited concern, otherwise their renewal of registration will not be done.(b)They should have sufficient numbers of machinery and tools and plants of the following types in working condition at their disposal.Excavator, Dumper, Truck, Tractor, Dozer, Tanker, Pumps, Generator, Concrete Mixer, Vibrator, Sheep foot roller Compressor, Well Point System Pumps etc.The contractors will have to submit the list of such machines and tools

and plants with their number through affidavit which will clearly specify that they are in working condition-(c)Contractor desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 50.00 lakhs each and the aggregate of these three works should not be less than Rs. 200.00 lakhs.(d)Contractors having no past experience of irrigation, building and road works may also be eligible for registration in this class provided they have a subscribed capital for Rs. 7.50 lakhs and one of the Directors of the company is a qualified Graduate Engineer.(e)The contractors desiring enlistment in this class will have to submit the attested photo copy of latest balance sheet duly prepared by the Chartered Accountant regarding the financial position of the Contractor.(f)The Contractors desiring enlistment in this class shall have full time technical organisation as explained in para (5) of Class I-A.

Class I-B :(a)Contractors desiring enlistment in this class shall be private or public limited concern. The contractors who are neither public nor private limited concern can also be registered in this class but before their renewal or registration they will have to get converted and registered in to a private or public limited concern, otherwise their renewal of registration, will not be done.(b)Firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 10.00 lakhs each and the aggregate of these three works executed should not be less than Rs. 50.00 lakhs.(c)Contractors having no past experience of irrigation, building and road works may also be eligible for registration in this class provided they have a subscribed capital of Rs. 5.00 lakhs and one of the Director of the Company is a qualified Graduate Engineer.(d)They should have sufficient numbers of machineries and tools and plants of the following types in working condition at their disposal.Trucks, Tractors, Generator, Concrete Mixer, Vibrator, Pumps, Compressor etc.(e)The contractors desiring enlistment in this class will have to submit the attested photo copy of the latest balance sheet duly prepared by the Chartered Accountant regarding the financial position of the Contractor.(f)The contractors desiring enlistment in this class shall have full time technical organisation as mentioned in para. (5) of Class I-B.

Class II(a)Individual Contractors or construction firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. 3.00 lakhs each and the aggregate of these works executed should not be less than Rs. 15.00 lakhs.(b)The contractors or firms having no past experience of irrigation, building and road works may also be eligible for enlistment in this class provided the working capital is not less than Rs. two lakhs and the individual contractor desiring enlistment and one of the partners of the firm, is a qualified graduate engineer.(c)The contractors desiring enlistment in this class should have machines and tools and plants of the following types in working conditions at their disposal.Truck, Tractor, Mixer machine, Vibrator, Generator, Pumping sets etc.(d)The contractors desiring enlistment in this class shall have full time technical organisation as mentioned in para (5) of Class II.

Class III(a)Individual contractors/ or construction firms desiring enlistment in this class should have satisfactorily executed at least three works of not less than Rs. one lakh and the aggregate of three works executed should not be less than Rs. 5.00 lakhs.(b)The individual contractor, firm having no past experience of irrigation, building and road works may also be eligible for enlistment in this class provided the working capital is not less than Rs. 1,00,000 and the individual contractor desiring enlistment or one of the partners of the firm is a qualified graduate engineer or qualified overseer (diploma holder).(c)Contractors desiring enlistment in this class shall have one qualified diploma holder engineer on full time basis.The engineer may be in the form of a partner of the firm or contractor himself in case of individual contractor explained in para (5) class III of this Rule.

Class IV(a)Individual contractor or construction firms desiring enlistment in this class should have

satisfactorily executed at least three works of not less than Rs. 20,000 each and the aggregate of these three works executed should not be less than Rs. 1.00 lakh.(b)The individual contractor or firm having no past experience of irrigation, building and road works may also be eligible for enlistment in this class provided the working capital is not less than Rs. 20,000 and the individual contractor desiring enlistment or one of the partners of the firm is a qualified graduate engineer or a qualified overseer (diploma holder).Class V (For work upto Rs. 50,000)Individual contractor or construction firms desiring enlistment in this class need not have any past experience of works.

8.

The individual contractor or proprietor of the firm desiring enlistment from classes II to V will have to submit character certificate of each partner from the District Magistrate where they belong.

9.

The contractor of all classes desiring enlistment will have to submit latest Income-Tax clearance certificate.

10.

The application for enlistment of contractors is to be made in the form prescribed in Appendix 'A'.

11.

Contractors desiring enlistment in class-IS, class-IA, class-IB, class-II and belonging to the State will have to apply for registration through the Chief Engineer of the area who will examine, verify and then he will send the application to the Department in the name of Engineer-in-Chief-cum-Addl. Commissioner-cum-Special Secretary alongwith his recommendation. Then this application will be considered for registration by the Department Registration Committee.

12.

Contractors residing outside State of Bihar will have to apply for registration through Chief Engineer, Water Resources Department, Patna.The processing and checking of application will be done by him and then he will send to the department alongwith his recommendation.Application for enlistment in Class III will be received by the Superintending Engineer of the Circle and for class IV and class V by the Executive Engineer of the Division.

13.

The registration of contractors for different classes will be valid for three years from the date of registration.

14.

No registered contractors shall sub-let his work or allow any other person to assume his name or registration number for the purpose of tendering or getting award of work in the Department of Water Resources, Govt, of Bihar. In case any such sub-letting or shadow tendering, apparent or camouflaged comes to the notice of the Department, the Department will be at liberty to cancel the registration of the concerned contractor after giving him due opportunity to be heard and also black list him from taking any work in future.

15.

After registration is done the contractors will be issued an identity card from the Department for which he will have to submit three copies of attested photographs alongwith the application of registration in form 'A'. The contractors will have to maintain history of works done by them and remarks of the Executive Engineer under whom the work has been done, in the identity card issued to him.

16.

The contractors will be generally allotted one work at a time. Even if they are valid and lowest tenderer in another bids, until and unless they complete the work allotted to them or the progress of work is at least upto seventy-five percent. No other work will be allotted to him.

17. Renewal of Registration.

- The contractors once registered in a particular class for three years may get his registration renewed for another period of three years after fulfilling the following requirements-(i)Renewal Fee - Renewal fee will be half of the registration fee if the application of renewal is received by the Competent authority within the validity of registration/renewal. If the application is received within one year after the expiry of validity period/renewal period, double the amount of registration fee will have to be deposited in the form of treasury challan.(ii)Performance Certificate - The contractors desiring renewal will have to submit the detail of work done by them during the period of registration/ previous renewal and their overall performance of work with respect to quality, quantity and their behaviour during the period of construction.This certificate should be from the concerned Executive Engineers and where the contractors have worked. If they have not done any work during a particular year they will have to submit affidavit of such content.(iii)Employment of Technical persons - Contractors desiring renewal will have to submit affidavit regarding the full time employment of Engineer as explained in para (5) of the Rules.(iv)Income Tax Clearance Certificate - The contractors desiring renewal will have to submit the latest Income Tax Clearance Certificate.(v)Machineries, Tools and plants - The contractors desiring renewal will have to declare through the affidavits regarding the list of machineries, tools and plants in working condition and in their possession.(vi)The contractors desiring renewal will have to submit attested copy of identity card showing history of works done by them alongwith the renewal application.(vii)If the renewal

deposited within the expiry period of one year is not received within 15th days after the expiry period of one year, their application and other documents received will not be considered for renewal and the renewal fee deposited will stand forfeited.(viii)If any document other than treasury challan is not submitted at the time of application for renewal or any document after scrutiny is found defective or missing, the concerned contractor shall be given a maximum period of 15 days to submit/deposit the concerned documents from the date of issue of the notice demanding him to submit the wanting documents/papers, failing which his application will not be considered for renewal and renewal fee deposited will stand forfeited and his registration will be cancelled.

18. (i) De-registration.

- If any of the documents produced by the contractors at the time of registration is found to be faulty, his registration will be cancelled with immediate effect.(ii)Black listing - If obvious defect is found at a later date in the work done by the contractor or his conduct and behaviour is found unbecoming of a civilized person either during or after the construction period (but within the period of registration or he is found guilty of any criminal offence, or it is established that he has managed to receive excess payment from the Department, or engineers employed by him are found to be associated or employed simultaneously with other firms, or any information furnished by him is found to be wrong or misleading during any time his registration is valid, then for any; or all of the above reasons, it will be open to the Department to black-list the contractor for an indefinite or a specified period and/or de-register him and withhold any further payment due to him and forfeit his earnest money, and security deposit after giving him proper opportunity to represent his case. During the period the contractor has been black listed, he will not be eligible to purchase tender or apply for any work or receive contract any where for any work in the Department. Appendix-'A' Government of Bihar Department of Water Resources Issued to Application for enlistment of Contractors

1. Name of applicant, his present nationality and full address.

2. Whether the firm is a private or public limited concern or undivided Hindu family individual or a registered partnership firm (attested copies of deeds or articles of association to be enclosed).

3. Name of person holding the Power of Attorney and his present nationality (attested copy of Power of Attorney to be enclosed).

4. Name of partners, their present nationality with their liabilities (attested copy of partnership deed to be enclosed).

5. Name of Bankers and full address :

Note. - The Banker's report in original preferably in sealed cover giving his/their financial capacity to handle works of the required magnitude should be enclosed.

6. Place of business :

7. Class and category in which enlistment is sought.

8. Registration fee:

Name of Treasury: Challan Number & Date : Verifying authority: (to be done by department)

9. List of works executed :

(i) Name of works : (ii) Year of execution : (iii) Amount (iii) Authority under which carried out: Note. - For works done in the Department or (other than the department of Water Resources) and original or attested copies of certificates from officers under whom works were carried out should be enclosed. If it is not so applicant should clearly indicate this.

10. Area in which the contractor wants to work.

11. Whether the applicant has a full time Engineering organisation capable of dealing with large works in all their stages and has sufficient machinery and tools etc. at their disposal (full details of organisation and machinery and tools to be given as specified in the Registration Rule, 1992).

12. Whether the applicant has one of the Directors a qualified graduate engineer for Class-IS, IA and IB. (Mention name also).

13. Whether the applicant is already enlisted in P.W.D., or C.P.W.D., if so, in which class and category.

14. (a) Whether enlisted with any other department if so, in which class and category showing amount upto which qualified to tender.

(b) Whether the applicant is a shareholder or partner of any firm enlisted in this Department.

15. Whether the applicant or any of his partners or shareholders is/are member (s) of the Indian Parliament or the State Legislature.

16. Whether the applicant or any of his partners or shareholder is/are dismissed Government Servant?

17. Whether the applicant has under his employment dismissed Government Servant?

18. Has the applicant or any of his partners or shareholders been blacklisted or removed from the approved list of contractors or demoted to the lower class or orders passed banning/suspending business with the applicant etc. by any Department in the past?

19. Whether the contractor has read the Rules for enlistment of contractors and is prepared to abide by them?

20. A list of those persons who are working with the applicant in any capacity and who are near relatives to any Gazetted officers in the (Department of Water Resources) Government of Bihar, be submitted. The applicant should also intimate the names of such persons who are employed by him subsequently.

21. The contractors are not entitled to tender for work in the circle in which their near relative is working as Divisional Accountant or within the rank of S.E. to J.E. (both inclusive) and any breach of this condition by any contractor be sufficient to debar him from registration.

Note. - By the term near relative is meant wife, husband, parents and grand parents children, cousins etc.I. I/We certify that I/We will not get myself/ourselves registered as contractor(s) in the Department under more than one name.II. (a) I certify that I did not retire as an engineer or Gazetted Rank of any Gazetted Officers employed on Engineering or Administrative duties in the Engineering Department of the Government of Bihar during the last two years. I also certify that I have neither such a person under my employment with the prior permission of the Government nor individuals seeking enlistment in their own name.(b)We certify that name of the partners/Directors retired as an Engineer or Gazetted rank or as any Gazetted Officer employed in Engineer or Administrative duties to the Engineering Department of the Govt, of Bihar during the last two years. That we have neither under our employment any such persons nor shall we employ any person within two years of his retirement except with the prior permission of the Government (for limited companies and partnership firms).Signature of Applicant and Address.Important Notes:-

- 1. All relevant Certificates should be attached with the applications.**
- 2. Income Tax Clearance Certificate for latest assessment year should be sent along with the application, without the Income Tax Clearance Certificate, the enlistment will not be made.**