

P.W.D. Contractor's Registration Rules, 1969

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Rule P-W-D-CONTRACTOR-S-REGISTRATION-RULES-1969 of 1969

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P.W.D. Contractor's Registration Rules, 1969

1.

These rules shall be known as the "P.W.D. Contractor's Registration Rules" and shall come into force from the 16th October 1969 in supersession of all other rules on the same subject issued previously. These rules will apply to all the wings of P.W.D. under the administrative control of Government of Orissa in the Works Department, Irrigation and Power Department, and Housing and Urban Development Department.

2.

No person shall be awarded any work except within permissible limit on job basis, under any wing of the P.W.D. and unless he has been registered as a contractor in accordance with these rules and has obtained a valid certificate of Registration in taken thereof. Note. - Nothing fetters the discretion of the Chief Engineer or any officer having the powers of a Chief Engineer to invite tenders for specially important or big works from contractors already registered in the highest class in the C.P.W.D. or in any State Public Works Department, Military Engineering service, any of the Indian Railways or Major Public Body like Calcutta, Bombay and Delhi Corporations or in Port Commissioners, Organisation or Hindusthan Ltd., Rourkela, Bhillai, Bokaro and Durgapur, from reputed Engineering firms of the country engaged in construction work.

3.

[For the purpose of Registration, the Contractors shall be classified as follows and award of any work to any individual contractor the cost of which exceeds the amount noted against the class to which he belongs, is prohibited except with the prior approval of the Engineer-in-Chief or Chief

Engineer.

Class of Contractors	Amount
(i) Super Class	... Unlimited
(ii) Special Class	... Not exceeding Rs. 5.00 crores
(iii) 'A' Class	Not exceeding[Rs. 2.00 crore] [Substituted by Works Department Letter ... No. 8310/WE dated 17.5.2006.]
(iv) 'B' Class	Not exceeding[Rs. 50.00 lakhs] [Substituted by Works Department Letter ... No. 8310/WE dated 17.5.2006.]
(v) 'C' Class	... Not exceeding Rs. 10.00 lakhs
(vi) 'D' Class	... Not exceeding Rs. 5.00 lakhs

A Contractor having licence for a particular class can offer tender meant for his next below Class of the Contractor in addition to his own Class e.g. a Super Class Contractor can offer bidding meant for 'Special Class' in addition to 'Super and Special Class' contractor can offer bidding meant for 'A' Class in addition to Special Class and so on.] [Substituted by F.D. U.O.R. No.449 WF-I, dated 25.8.2001 (w.e.f. 25.8.2001).]

4. [[Substituted by F.D.U.O.R. No.46 Codes, dated 22.7.1996.]

Registration of Contractors falling in 'Super Class' 'Special Class' and 'A' Class will be done by a Committee consisting of the following officers :

- 1. Engineer-in-Chief (Civil (R & B)**
- 2. Chief Engineer, Delta and Flood Control**
- 3. Engineer-in-Chief, P.H. (Urban)**
- 4. Chief Electrical Inspector**
- 5. Chief Engineer, Minor Irrigation**
- 6. Chief Engineer, National Highways**
- 7. Chief Engineer, Buildings**
- 8. Chief Engineer, Rural Works-I**

The Engineer-in-Chief (Civil) R & B will be the convenor and Chairman of the Committee and he will maintain all records for this purpose. The Committee will meet not less than once in a period of

3 months and consider all applications for registration and up-gradation to the above three classes received during the preceding months. Quorum from the meeting of the Officers will be five.(a)Any person desirous of being registered as a Contractor under these rules for the first time and Contractor seeking promotion to a higher class other than Super, Special and 'A' Class shall, make an application to the authority named below in respect of the class under which registrations applied for in Form 'A' appended hereto accompanied by a Treasury Challan showing payment of requisite fee as indicated below.Application for registration in Super, Special and 'A' Class together with Treasury Challan shall be made to the Engineer-in-Chief (Civil) R & B who is the Chairman of the Committee.

Class of Contractor	Registering Authority	Registration fee
(i) Super Class	Committee of C.Es.	Rs. 2.00 lakh
(ii) Special Class	Committee of C.Es.	Rs. 60,000/-
(iii) 'A' Class	-do-	Rs. 30,000/-
(iv) 'B' Class	Additional C.E. or C.E., if there is no Addl. C.E. in that wing	Rs. 12,000/-
(v) 'C' Class	Any S.E. or by the Addl. C.E. or C.E. if there is no S.E. in that wing	Rs. 6,000/-
(vi) 'D' Class	-do-	Rs. 3,000/-]

Note. - (1) Contractors of 'B' Class and below registered in any one wing shall be entitled to tender for works under any other wing excepting Electrical works. Similarly, contractors of Electrical wings will be entitled to tender for Electrical works only in any other wing. Note. - (2) Contractors registered in Super Class, Special Class and 'A' Class shall be entitled to tender for work under any wing or department of the State Government except the Contractor registered exclusively for Electrical works. Note. - (3) Graduate Engineers and holders should be entitled as 'A' Class and 'B' Class contractors respectively without making any deposit as required in Rule 7 infra on payment of registration fees only at 50% (fifty percent) of the normal rates. Note. - (4) Chief Engineers means Chief Engineer or any other Engineers to whom the State Govt, have delegated powers and functions of a Chief Engineer. (b) The application for registration will be submitted by the applicant alongwith Treasury Challan showing that the registration fees of the required amount has been deposited in the Treasury under the head of account of "059-Public Works", The Registration Fees deposited are non-refundable except, when the applicant is not registered in which case the fees deposited shall be refunded by the authority empowered to make such registration. In case of registration in Super Class, Special Class, and 'A' Class refunds shall be made by the Engineer-in-Chief (Civil) R & B. Note. - Application for duplicate copies of registration certificates should be accompanied by a challan showing a credit of Rs. 5/- (Rupees five) under the Head of Accounts indicated above. (c) The existing contractors shall deposit the differential amount towards registration fees within two months from the date of this amendment. Contractors who have already deposited the differential amount pursuant to Notification dated 27.12.1995 need not deposit such differential amount.

5.

Ordinarily a new contractor shall be registered in the lowest class and promotion to next higher class will depend on performance and capacity - financial, technical, etc. The registering authority may however promotes to or register in a higher class as his discretion any existing or new contractor.

6.

Before grant of a certificate of registration in Form B appended hereto, the registering authority may make such enquiries as he considers, necessary with regard to the suitability of the applicant his technical ability or any other relevant matter. All certificates shall be serially numbered under each class and in the case of C or D Class prefixed with the name of the Circle.

7.

[The applicants desirous of enrolling themselves as contractors should deposit the amounts indicated below in shape of Post Office Savings Bank Account/National Savings Certificate/Post Office Time Deposit Account duly pledged in favour of the Registering Authority.] [Substituted by Works Department Memo No. 10179 (we) dated 20.8.2005.]

Class of Contractors	Amount
(i) Super Class Contractor ...	Rs. 10.00 lakhs
(ii) Special Class Contractor ...	Rs. 2.00 lakhs
(iii) 'A' Class Contractor ...	Rs. 80,000/-
(iv) 'B' Class Contractor ...	Rs. 40,000/-
(v) 'C' Class Contractor ...	Rs. 20,000/-
(vi) 'D' Class Contractor ...	Rs. 20,000/-

In Case of 'Super Class', 'Special Class' and 'A' Class Contractors, the deposit referred to above shall be made in favour of the Engineer-in-Chief (Civil) R & B. The existing contractors shall deposit the differential amount towards the above initial deposit within two months from the date of this amendment. Those contractors who have already deposited need not deposit such differential amount towards the aforesaid initial security deposit.

7A. [[Substituted by No.1606 dated 17.1.1986 and further Substituted by No. 15384, dated 9.7.1991.]

Any person desirous of being registered as a Special Class Contractor or 'A' Class Contractor under these rules for the first time on any contractor seeking promotion to Special Class, or "A" Class, shall satisfy the registering authority that he has under his employment the minimum technical staff as prescribed below :Special Class - One Graduate Engineer and Two Diploma Holders belonging to the State of Orissa."A" Class - One Graduate Engineer or two Diploma Holders belonging to the

State of Orissa. The Contractor shall pay to the Engineering personnel monthly emoluments which shall not be less than the emoluments of the personnel of equivalent qualification employed under the State Government of Orissa. The Chief Engineer, Roads, Orissa, may, however, assist the contractor with names of such unemployed Graduate Engineers and Diploma Holders, if such help is sought for by the Contractor.]

8.

Certificates of registration shall remain valid for a period of three years from the date of commencement of the financial year during which they are granted and may be renewed thereafter for further three yearly periods.

9.

[Every registered contractor who wishes to renew his Certificate of registration shall apply to the registering authority not less than one month before the expiry date of the certificate in Form 'C' accompanied with the Treasury Chalan showing deposit of the following fees and performance reported in-Form G (copy enclosed) :

Class of Contractors	Amount
(i) Super Class	... Rs. 50,000/-
(ii) Special Class	... Rs. 20,000/-
(iii) 'A' Class	... Rs. 10,000/-
(iv) 'B' Class	... Rs. 5,000/-
(v) 'C' Class	... Rs. 2,000/-
(vi) 'D' Class	... Rs. 1,000/-

Renewal may be granted by endorsement on the certificate of registration. But if it is found from the performance report that the performance of the contractor is not satisfactory, the registering authority will enquire into the matter and if after such enquiry the authority is convinced that his performance is not satisfactory, action as prescribed under Rule 11 of these Rules shall be taken against the contractor. The registering authority shall not renew the certificate of registration of 'A' Class, Special Class and Super Class contractor if they have not employed Technical Staff as prescribed in Rule 7-A.] [Substituted by Works Department Memo No. 15443/W Codes dated 1.8.2005.].

10.

Failure to apply for renewal in time will render the contractor liable to a penalty equal to the renewal fee for the first three months of default or part thereof. Thereafter the amount of penalty will be equal to the renewal fee for every month of default.

11.

(a)The Divisional Officers should report to the Registering Authority if in their opinion any contractor is incompetent, dishonest, or his performance is unsatisfactory, has contravened any provisions of the Labour Regulations and Rules persistently or has misbehaved with the Department while executing any work or has otherwise forfeited his right to continue as a registered contractor. On receipt of such a report from the Divisional Officer or any other officer-in-charge of Public Works, the Registering Authority may suspend or cancel the certificate of registration after due enquiry if, - (i) The contractor has to execute a contract or has executed unsatisfactorily or is proved to be responsible for constructional defects revealed even before the expiry of twelve months from the completion of the work; (ii) Has no longer adequate equipments, technical personnel or financial resources; (iii) Has intentionally violated any important conditions of the contract; (iv) If declared or is in the process of being declared, bankrupt or insolvent; (v) Has persistently violated the provisions of Labour Regulations and Rules; (vi) Is guilty of misconduct in connection with execution of Government work or of such conduct as is calculated to impede or results in impeding the progress of Government works; (vii) Has failed to clear Government dues outstanding within a period of six months from the date of passing of the Final Bill; (viii) Has failed to employ technical staff as per Rule 7-A; (ix) Has persistently quoted unrealistic rates while tendering for works. (b) Before taking a decision to cancel the registration certificate of a contractor, the registering Authority may, if he considers necessary, issue a notice to a contractor asking him to explain his actions as to why his registration should not be cancelled. (G.O. No. Codes AP-2/75 - 34221, dated 23.12.1975)

12.

Every Registering Authority shall maintain the following registers: (i) Register of applications for registration the following Form D; (ii) Register of certificate registration in Form E; (iii) Register of applications for renewal in Form E. Besides, for every application or registration a separate file shall be opened in which shall be recorded all papers relating to matters arising out of these rules.

13. [[Substituted by Works Department L.No. 15443/W Codes dated 1.8.2005.]

All Contractors for the purpose of participation in tender have to deposit 1% of the bid amount as earnest money at the time of submission of tender and another 1% of the bid amount 1% at the time of drawal of agreement as initial security deposit in the following manner. i. Deposit receipt of Schedule bank. ii. Kissan Vikash Patra. iii. Post Office Savings Bank Account. iv. National Savings Certificate. v. Post Office Time Deposit Account. Besides earnest money and initial security deposits, Contractors of Super, Special A & B Classes will be required to furnish security deposit by way of deduction from their bills at the rate of 5% of the gross amount of each bill whereas in case of C & D Class Contractors, such deduction will be made at the rate of 3% of the gross amount of each bill. Thus the total security deposit from Contractors will be 7% for Super, Special, A & B Class and 5% for C & D Contractors. Provided that in a case of tenders relating to externally aided projects/any other work of Special nature State Government, may prescribed extra percentage towards earnest money deposit and initial Security deposit.][Security deposit of contractors for each work will be refunded in accordance with the following procedure regard being had to the provisions of Rule 279

of the Orissa General Financial Rules, Volume I.

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|-------|---|---|
| (i) | In case of contractors for supply of materials and carriage of material | Security deposit is to be refunded in full along with the final bill within a month of satisfactory completion of contract; |
| (ii) | In case of item rate and L.S. contracts | Full refund is to be made one year after the date of completion provided final bill has been paid and defects, if any, rectified. However, in case of projects executed with externally aided fund. Security deposit is to be refunded as outlined therein. |
| (iii) | Place-rate contract | Full refund is to be made six months after the date of completion provided final bill has been paid and defects if any, rectified. |

In case, however, where refund of security is delayed for non-payment of final bill, the two per cent of the security deposit recovered as earnest money and initial security may be refunded and the balance of the deposit may be refunded after the payment of the final bill.] [Added by Works Department L. No. 17321 dated 11.10.2006.]

14.

No registered Contractor shall be eligible for renewal of certificate of registration unless he has validly tendered for or executed any work during the following periods counted from the date of expiry of the term of the certificate -

	Not validity tendered during the years	Not executed work during the years
(1)	(2)	(3)
(1) Special and "A" Class	3	8
(2) "B" Class	2	5
(3) "C" Class "D" Class	2	3

The Contractors already enlisted in Class B, C and D, before coming into force of these rules should be deemed to have been registered under rules, but those who have been enlisted in Class "A" and desire to be upgraded to special Class should furnish fresh applications to the appropriate authority. Contractors already enlisted in "A" Class by the Chief Engineer and Additional Chief Engineer before promulgation of P.W.D. Contractors Registration Rules, 1967 would continue as such till the certificate of registration becomes due for renewal. Once renewal becomes due they should apply afresh to the Committee for registration as "A" Class contractors under the new rules. (G.O. No. Codes - AP 9/75-34221, dated 23.12.1975) [Form-A] [Substituted by works Department Memo No 15443/W Codes dated 1.8.2005.] Application for registration of a Contractor/Upgradation to a Higher Class The Applicants desire to enroll themselves as contractors and also for the purpose of upgradation to higher class should furnish necessary information in the enclosed proforma

- 1. Name of the applicant, qualification, if any**
- 2. Permanent address -**

(should include telephone No. Fax No. and E-mail ID)
- 3. The class in which registration is now prayed for**
- 4. The class in which already registered and when ?**
- 5. In case of Registered Contractor, the list of works done by him indicating the details of each work should be furnished with a certificate of the Engineer-in-charge under whom he worked. The contractor has to furnish the list of works done by him during the last three years in the enclosed format.**
- 6. Whether agreement for any work was rescind by the concerned Authority (during last 5**
- 7. Whether any work was abandoned by the Contractor (during last 5 years) ? If so, reasons in detail.**
- 8. A copy of the Treasury Challan in which the prescribed fee has been deposited in the treasury has been attached (Yes/No.)**
- 9. List of tools, plants, machinery and vehicles which the firm owns.**
- 10. The names and qualifications of the partners of the applicant in case of partnership firm, the copy of the partnership deed to be furnished.**
- 11. Whether the applicant has tendered for any work/works under any Engineering Department/Organisation of the State Government during the last three years.**
- 12. Technical and financial standing for the category concerned as required under Rule 6.**
- 13. Whether the applicant has registered himself as a contractor under any other name.**

14. Whether three copies of passport size photograph of the applicant duly attested have been enclosed : (Yes/No.)

Date :Signature of the applicantForm-BCertificate of Registration (Vide Rule 6 of the P.W.D. Contractors Registration Rules, 1967)Office of the.....Order No.....Date.....is hereby registered as.....Class contractor according to the revised classification prescribed under Rule 3 of the P.W.D. Contractors Registration Rules, 1967.*2. He has deposited the fixed security, as prescribed under Rule 13 of the said rules with the..... He is, therefore, entitled to tender and take up works without depositing earnest money or initial security deposit.He has not deposited the fixed security as prescribed under the rules. He is to deposit earnest money and initial security deposit while tendering or taking up works as laid down under the rules. He will, however, be exempted and an intimation to that effect will be given if he makes such fixed deposits.

3. [Attested Photo of Sri..... is affixed.] [Inserted by works Department No. L. 15292 dated 13.5.1983.]

4. Specimen Signature of.....is attested Registering Authority.

*(Strike out whichever is not applicable)Chief Engineer/ SuperintendingEngineer/ Executive EngineerForm-CApplication of Contractor for renewal of registration in P.W.D.(To be applied one month before the date of expiry of the registration)

1. Name of the Contractor

2. Class in which registered and the authority

3. Date of registration

4. Date of application for renewal

5. Amount of fees paid with Treasury Challan as prescribed under Rule 8.

6. If the applicant has validly tendered for any work during the period.

7. If the contractor has obtained work order during the period in respect of his class as per Rule 14.

8. If the Contractor has executed any work during the period in respect of his class as noted under Rule 14.

9. Attested true copies of up-to-date Income Tax and Sales Tax Clearance Certificate of appropriate authority to be attached and the original certificate to be produced to the Registering Authority at the time of renewal.

Signature of applicant
Form-D Register of applications received for Registration Promotion as Contractors

Sl. No.	Name of the applicant with address	Date of receipt of the application	Purpose of the application	Fees paid	Order passed	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Form-E Register of Certificates of Registration issued under Rule-13

Sl. No.	Name of the contractors with address	Registration certificate No. and date	Class in which registered	Period for which registration certificate issued (from.... to....)	Date of cancellation	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Form-F Register of applications for Renewal of Registration of Contractors

Sl. No.	Name of applicant with address	Date of receipt of application	Amount of fees paid	Order passed	Remarks
(1)	(2)	(3)	(4)	(5)	(6)

[Form-G] [Inserted by F.D.U.O.R. No. 84 dated 16.2.2000 (w.e.f. 1.4.2000)] Performance Report of Contractor

Sl. No.	Name of the work for which tender paper allowed to be purchased	Cost of work	Date of purchase of tender document	Signature of E.E. or his representative
(1)	(2)	(3)	(4)	(5)

Date of receipt of tender	Valid or not	Reference of work order and agreement if approved	If any legal para legal case initiated by Court Dept.	Remarks E.E. on performance
(6)	(7)	(8)	(9)	(10)

[Format for List of Works Done During Last Three Years] [Inserted by Works Department Memo No. 15443/W Codes dated 1.8.2005.]

Sl. No.	Department/ Organisation	Name of work	Estimated cost	Agreement amount (rupees in lakhs)	Agreement No.	Schedule date of commencement as per agreement
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1	2	3	4	5	6	7
Actual date of commencement	Scheduled date of completion as per agreement	Actual date of completion	Whether the work is completed in time	Cause of delay if any	Litigation, if any	Remarks Comments of Engineer-in-Charge with Sign
8	9	10	11	12	13	14

Counter signature of the Employer(s)Signature of the Contractor[In Tender Call Notice (N.I.T.) Contractors shall be asked to furnish report in the following proforma duly certified by the Executive Engineers under whom he has executed works in order to their past performance.] [Inserted by Works Department Memo No. 15443/W Codes dated 1.8.2005.]Performance Record of Contractors :

1. Name of the Contractor :

2. Registration No. and date :

3. Class of Contractor :

4. Licensing Authority :

5. Licence valid upto :

6. Details of works executed :

Sl. No.	Jobs under execution	Agreement amount	Date of commencement	Stipulated date of completion	Whether work is progressing as per programme	Reasons for delay if any
1	2	3	4	5	6	7

7. Whether the contractor has requisite machineries and personnel deployed (details of machinery and personal deployed) :

8. Whether the quantity of construction is satisfactory :

9. Whether he has capability to make good the loss time :

10. Whether the Contractor has abandoned any work in the past three years, if yes, the details, thereof :

11. Whether the contractor has entered in to any litigation in the past if yes, the details thereof :

12. Name of the Certifying Officer with official seal.

Signature of Contractor.