

Rules of Enlistment of Contractors
for
Civil Engineering Works in DVC - 2019



DAMODAR VALLEY CORPORATION

2019

**Rules for Enlistment of Contractors
for
Civil Engineering Works
in DVC-2019**

1. Title:

These rules shall be called the “**Rules for Enlistment of Contractors for Civil Engineering Works in DVC- 2019**” and shall come into force with effect from **22nd July, 2019**.

2. Short Title:

Hereinafter these rules shall be referred to as “Enlistment Rule-2019” for the sake of brevity.

3. Scope:

The enlistment of contractors shall be done for receiving tenders for works whose estimated value is up to **Rs. 25.00 lakh**.

- 3.1. The unlisted contractors shall also be allowed to participate in the tendering for the works whose estimated amount is up to **Rs. 2.00 lakh**, subject to obtaining provisional enlistment as per stipulation under the rules.
- 3.2. For works having estimated cost more than **Rs. 25.00 lakh**, tenders will be invited through open advertisement as per DVC rules.
- 3.3. All tenders/ works whose estimated amount exceeds Rs. 1.00 Lakh & above as specified by DVC from time to time will be processed through C&M.

4. Applicability:

Any Indian individual, Sole Proprietorship Firm, Partnership Firm, Public Limited Company, or a Private Limited Company is entitled to get enlistment, as contractor in DVC, provided the eligibility criteria and other conditions are fulfilled. The enlisted contractors shall have to abide by all the rules made herein and as amended from time to time during the currency of their enlistment.

- 4.1. No individual, or a firm having such individual as one of the partners, who is a dismissed DVC employee/Government servant/any PSU employee or removed from the approved list of contractors, or having business banned/suspended by the DVC or any Government department/PSU in the past, or convicted by a court of law shall be entitled for enlistment.
- 4.2. No Engineer or any other officials employed in DVC/Government Department/PSU is allowed to work in DVC either as contractor or as employee of a contractor for a period of two years after his retirement from DVC service/Government service/PSU's service unless he has obtained prior permission of DVC/concerned Government Department /PSU to do so. Even after enlistment, if either the contractor or any of his employees

is found to be a person who had not obtained prior permission of DVC/concerned Government Deptt. /PSU as aforesaid, the name of the contractor shall be removed from the list of enlisted contractors.

- 4.3. A contractor is not permitted to have enlistment in more than one name.
- 4.4. A partner of a firm or a Director or any member of a company enlisted as contractor cannot be a partner/Director/member in any other enlisted firm/company.

Also, a partner of a partnership firm enlisted as contractor is not permitted to have enlistment as a separate entity.

- 4.5. A contractor is permitted to have enlistment in one category only for area of operation as defined in Table-I below.

5. Classification of Contractor:

The enlistment of contractors shall be done in the different categories for the specific area of operation and financial limit of tendering, as shown below in Table-I.

A contractor will be entitled to tender for works belonging to that category and that area of operation in which he has been enlisted. He will not be entitled to tender for works belonging to any other category/area of operation, except the provision made otherwise.

TABLE-I

Category	Financial limit for tendering	Area of operation
Class-I	For works, whose estimated amount exceeds Rs. 17.50 lakh but does not exceed Rs. 25.00 lakh.	All Valley
Class-II	For works, whose estimated amount exceeds Rs. 10.00 lakh but does not exceed Rs. 17.50 lakh.	All Valley
Class-III	For works, whose estimated amount exceeds Rs. 5.00 lakh, but does not exceeds Rs. 10.00 lakh.	Any one of three Zones (i.e. either Zone-I, Zone-II, or Zone-III) *Jurisdiction of each zone is given below.
Class-IV	For works, whose estimated amount is up to Rs. 5.00 Lakh	Any one of the 11(eleven) Areas (i.e. either Area-A, Area-B, Area-C, Area-D, Area-E, Area-F, Area-G, Area-H, Area-I, Area-J or Area-K) ** Jurisdiction of each Area is mentioned below.

*** Jurisdiction of Zones:**

- Zone-I: The jurisdiction of the SE(C)/DCE(C), Konar, the SE(C)/DCE(C), BTPS, Bokaro Thermal including Bermo Mines, the SE(C)/DCE(C), CTPS, Chandrapura and the SE(C)/DCE(C), KTPS, Koderma including the works of TSC in this region and T & D civil works of GOMD –IV, V & VII.
- Zone-II : The jurisdiction of the SE(C)/DCE(C), Circle-I, Panchet, the SE(C)/DCE(C), Circle-II, Maithon, and the SE(C)/DCE(C), RTPS, Raghunathpur & TSC in this region and T & D civil works of GOMD- II & III.
- Zone-III: The jurisdiction of the SE(C)/DCE(C), DTPS, Durgapur, the SE(C)/DCE(C), DSTPS, Andal, the SE(C)/DCE(C), MTPS, Mejia, the SE(C)/DCE(C), B&I, Durgapur and the SE(C)/DCE(C), Estate Section, DVC, Kolkata including the works of TSC in this region and T & D civil works of GOMD- I & VI.

**** Jurisdiction of Area:**

- Area-A: The jurisdiction of the SE(C)/DCE(C), DVC, Konar including Tilaiya, Hazaribagh, the works of TSC in this region and T & D works of GOMD- V.
- Area-B: The jurisdiction of the SE(C)/DCE(C), BTPS, DVC, Bokaro Thermal including Bermo mines and the works of TSC in this region and T & D works of GOMD- VII.
- Area-C: The jurisdiction of the SE(C)/DCE(C), CTPS, DVC, Chandrapura including the works of TSC in this region and T & D works of GOMD- IV.
- Area-D: The jurisdiction of the SE(C)/DCE(C), Circle-I, DVC, Panchet including the works of TSC in this region and T & D works of GOMD- III.
- Area-E: The jurisdiction of the SE(C)/DCE(C), Circle-II, DVC, Maithon including the works of TSC in this region and T & D works of GOMD- II.
- Area-F: The jurisdiction of SE(C)/DCE(C), MTPS, DVC, Mejia including the works of TSC in this region, T & D works of GOMD-I and GOMD- VI.
- Area-G: The jurisdiction of SE(C)/DCE(C), DTPS, DVC, Durgapur including the works of TSC in this region, T & D works of GOMD- I, GOMD-VI and B&I, Durgapur.
- Area-H: The jurisdiction of the SE(C)/DCE(C), KTPS, DVC, Koderma including the works of TSC in this region and T & D works of GOMD- V.
- Area-I: The jurisdiction of the SE(C)/DCE(C), RTPS, DVC, Raghunathpur including the works of TSC in this region and T & D works of GOMD- III.
- Area-J: The jurisdiction of SE(C)/DCE(C), DSTPS, DVC, Andal including the works of TSC in this region, T & D works of GOMD-I, GOMD- VI and B&I, Durgapur.
- Area-K: The jurisdiction of SE(C)/DCE(C), Estate Section, DVC, Kolkata including the works of TSC in this region and T & D works of GOMD-I.

****Note: -**

Earlier, separate enlistment of contractors was in vogue for (i) Main Project Works (ii) Outside the Main Project Works (Mainly GOMD Sub-Station). At present, only one Enlistment of contractors will be made covering all the Projects/ Stations, GOMDs, TSCs and B&I.

5.1. Tendering for the works whose estimated value is below and up to Rs. 2.00 lakh.

The tendering for the work whose estimated value is below and up to Rs. 2.00 lakh shall be open to unlisted contractor as well as contractors enlisted in Class-IV category. The unlisted contractor shall, however, have to get a Provisional Enlistment from the SE(C)/DCE(C) of the concerned Area of Operation, which will be valid for a period of one year only and extendable for another one year. For obtaining Provisional Enlistment, the intending contractor will have to make an application in prescribed format (Form-C) to the concerned SE(C)/DCE(C) with required statutory documents. Such intending contractor is permitted to have Provisional Enlistment in one Area of operation only (i.e. in any one of the specified Area). For T&D Civil Works, the intending contractor will make an application to the SE(C)/DCE(C), T&D, DVC, Maithon to have provisional enlistment in any one specified area. Such provisional enlistment will be made once in a year to be decided by the concerned SE(C)/DCE(C) through local notification.

If such contractor (i.e. unlisted contractor with Provisional Enlistment) secures at least one work during the period of Provisional Enlistment (i.e. one year) and completes the same satisfactorily with his performance grade not below 70 marks, he/she will become entitled for his regular enlistment in Class-IV category. For regularization of the enlistment in Class-IV category, he/she will have to make an application to the enlisting authority in prescribed format with required document.

5.2. The works which are urgent in nature and are to be awarded by exercising the Powers delegated under Sl.no.5.5 & 5.6 of DFP (C) -2013 (i.e. for emergent & urgent nature of work) may be entrusted to any enlisted Contractor irrespective of category in which he is enlisted provided, however, that the Contractor who is selected for the work is enlisted in the Class not lower than the Class to which the work belongs to (had the work been awarded through normal tendering), and his performance grade in at least one work completed by him during the last three years is not below 40 marks.

6. Jurisdiction limit of applicability of the Enlistment of Contractor:

6.1. All places / Stations in the Valley from the Main Projects (**Tilaiya, Hazaribagh, Konar, BTPS, CTPS, Panchet, Maithon, DTPS, MTPS, DSTPS, RTPS, KTPS & Kolkata**) and Sub-Station under the jurisdiction of GOMD's (I to VII) shall fall within the purview of enlistment of Contractors. Civil Works of Bermo Project shall be considered under Zone-I/Area-B.

7. The authority for enlistment:

7.1. One standing committee for the enlistment shall function in a regular manner under the control and guidance of the Chief Engineer (Civil), DVC, Maithon. The enlistment committee shall comprise of the following officers as its member.

- | | |
|---|------------------------------|
| I. Sr. Most Dy. Chief Engineer(C), DVC, Maithon | - Chairman of the Committee. |
| II. SE(C)/DCE(C) & Tech. P.A. to CE(C), DVC, Maithon. | - Member-Secretary |
| III. SE(C)/DCE(C), Engineering & Planning, DVC, Maithon | - Member. |
| IV. DGM (Finance)/ Sr. Manager (Finance), DVC, Maithon | - Member. |

- 7.2. The Chief Engineer (Civil), DVC, Maithon shall be competent to make changes in the constitution of the Committee, as and when considered.
- 7.3. The C.E. (Civil), DVC, Maithon shall be competent to approve the recommendation of the enlistment committee in respect of all its activity, i.e. fresh enlistment/revalidation/upgradation/re-enlistment, etc.
- 7.4. In case of any kind of dispute/differences of opinions within the members of enlistment committee, the matter should be placed before the Chief Engineer (Civil), DVC, Maithon by the Chairman of the enlistment committee. The decision of the CE(C) shall be final.
- 7.5. When the recommendation of the enlistment committee is approved by the Chief Engineer (Civil), DVC, Maithon, the Member-Secretary of the enlistment committee shall issue necessary orders/letters to the contractors intimating about enlistment/revalidation/upgradation/re-enlistment etc. with copy to all concerned. He shall also be responsible for publication of enlistment rules as well as enlistment book (updated).

8. Enlistment Procedure:

8.1. Period of enlistment:

The enlistment shall be valid for a period of 03(Three) years from the date of enlistment and or up-to the date of extension allowed by the Chief Engineer(C), DVC, Maithon. It will be the responsibility of the contractor to get their enlistment revalidated by making application (in the prescribed Form-B) to the appropriate authority.

8.2. Periodicity of enlistment exercise:

The periodicity of enlistment shall be **once in three (03) years**.

However, in case of any dispute relating to Enlistment due to change of constitution of Firm or otherwise, the Committee shall take up the matter on case to case basis within the Enlistment period only.

8.3. Application for fresh enlistment /revalidation /upgradation:

- 8.3.1. The contractor shall have to submit the application for fresh enlistment in prescribed Form-A and for revalidation / up-gradation in Form-B along with desired documents (self-attested) as mentioned in the forms.
- 8.3.2. The prescribed application forms (Form-A / Form-B) can be downloaded from DVC website or a digital / soft copies of the same can also be obtained from the office of the SE(C)/DCE(C) of the concerned zone / area of operation on written request (the contractor / applicant has to bring his own pen drive / CD etc. for obtaining the document). There will be no fee for downloading or obtaining application forms and documents from concerned offices. The application forms shall be filled / completed digitally (i.e. to be filled in computer) and the completed form filled in all respect shall be printed and hard copy along with the soft copy (cd / pen-drive) shall be submitted along with the relevant documents and Enlistment fee (through crossed Demand draft as detailed under Section 10) to the office of the SE(C)/DCE(C) of the concerned zone / area of operation for which he/she is applying for enlistment.

8.3.3. The “**Rule of Enlistment**” and “**Instruction to Contractors**” for guidance of the contractor regarding filling up the application form and enlistment/registration rules can also be downloaded from the DVC website or from the office of the SE(C)/DCE(C) of the concerned zone / area of operation on written request.

The contractors shall have to visit DVC Website from time to time for any instruction/changes on the enlistment procedure.

8.3.4. Incomplete applications and applications not accompanied with necessary documents shall be summarily rejected.

8.3.5. The enlistment authority shall have right to verify the details furnished by the contractor and to get such other reports as may be considered necessary.

If required, the enlistment authority may call for original certificate for verification. The contractor who fails to produce the original certificate shall not be considered for enlistment/ revalidation/upgradation.

9. Eligibility criteria:

9.1. Financial Criteria:

The average annual financial turnover of intending contractor (for enlistment) during last three Financial Years ending 31st March of previous Financial Year shall not be less than the amount mentioned below for each category of Enlistment.

Category of Enlistment	Minimum Average Annual Turnover
Class - I	Rs. 7.50 lakh
Class - II	Rs. 5.25 lakh
Class - III	Rs. 3.00 lakh
Class - IV	Rs. 1.50 lakh

The intending contractor (for enlistment) has to submit Audited Annual Account Report / TDS in support of their Average Annual Financial Turnover. If case where Audited Annual Accounts Report for the preceding financial year is not available, certification of financial statement from a practicing Chartered Account (CA) shall also be considered acceptable (for last FY only).

9.2. Fresh enlistment:

The contractors shall have to satisfy the following minimum eligibility criteria.

Category of Enlistment	Minimum Eligibility criteria
Class - I	<p>The Contractor must furnish certificate of having completed successfully civil works as below: -</p> <p>(a) Three similar completed works each costing not less than Rs. 7.00 Lakh (gross value) during the last seven years.</p> <p style="text-align: center;">OR</p>

	<p>(b) Two similar completed works each costing not less than 8.75 Lakh (gross value) during the last seven years. OR</p> <p>(c) One similar completed work each costing not less than 14.00 Lakh (gross value) during the last seven years.</p>
Class - II	<p>The Contractor must furnish certificate of having completed successfully civil works as below: -</p> <p>(a) Three similar completed works each costing not less than 4.00 Lakh (gross value) during the last seven years. OR</p> <p>(b) Two similar completed works each costing not less than 5.00 Lakh (gross value) during the last seven years. OR</p> <p>(c) One similar completed work each costing not less than 8.00 Lakh (gross value) during the last seven years.</p>
Class - III	<p>The Contractor must furnish certificate of having completed successfully civil works as below: -</p> <p>(a) Three similar completed works each costing not less than 2.00 Lakh (gross value) during the last seven years. OR</p> <p>(b) Two similar completed works each costing not less than 2.50 Lakh (gross value) during the last seven years. OR</p> <p>(c) One similar completed work each costing not less than 4.00 Lakh (gross value) during the last seven years.</p>
Class - IV	<p>The contractor must furnish certificate of having completed successfully civil works of any amount at least under one agreement during the last seven years.</p>

The certificate of experience in execution of civil works, as stated above, should be of DVC / PSU / Govt. Deptt. / Semi-Govt. Deptt. / Joint Venture of DVC / reputed private firms (as per satisfaction of Enlistment committee). The works should have been executed in the same name and style in which the enlistment is desired.

9.3. Revalidation of Enlistment:

The revalidation of enlistment shall be done on assessment of the performance of the Contractor's in the works awarded to them.

The contractor shall have to satisfy the following minimum eligibility criteria for revalidation of the enlistment.

- a. The contractor should have satisfactorily completed, **during the last three years, at least one work in DVC** of the magnitude not less than minimum eligibility criteria for enlistment (as per Clause 9.2 above) in the class he is enlisted, and

- b. On evaluation of the performance of the contractors in respect of completed works during the last three years in DVC, his overall grading is assessed to be 40 marks or more (out of 100)

The performance of the contractor shall be evaluated on marking system as per norms prescribed in below:

Calculation sheet for evaluation of contractor's performance

Parameter	Norms for calculation of points	Maximum	Score
1. Time Over Run	<p>A. Towards time taken in completing the work Stipulated time (ST) Actual time (AT) Time Over Run = AT / ST If TOR = 1,50 If TOR = 2, 40 If TOR = 3, 20 If TOR ≥ 3.5, 0</p> <p>B. Towards Compensation for delay in completion. Estimated cost put to tender (E) Amount of compensation(C) Then B = C x 100 / E If B=0, the point is 10 If B=1, the point is 0 If B=5, the point is -5 If B=10, the point is -10 (No points awarded, if compensation is not decided)</p>	50	
*See note below			
2. Quality	(i) Very good : 30 (ii) Good : 20 (iii) Satisfactory : 10 (iv) Poor : 0	30	
3. General Behaviour	Amount claimed in Arbitration (A) Tended amount (T) Then, G=A/T If G=0, the point will be 10 If G < 0.25, the point will be 4 If G ≥ 0.25, the point will be 0	10	
Grand Total :		100	

P ≤ 40Poor
 40 < P ≤ 55.....Satisfactory
 55 < P ≤ 80Good
 P > 80Very good

The above Calculation for evaluation of Contractor's performance shall be evaluated by the field executive and certified by the Engineer-in- Charge of the work and SE(C) / DCE(C).

***Note:** Marks for value in between the stages indicated in A & B above is to be determined by straight-line variation.

The application for re-validation of enlistment will consist of two parts viz. Application Form-B and Performance Report (Part-I & II). While printing the form of Performance Report (Part-I & II), it should be ensured that Part-II of the Performance Report (relating to grading) is got printed on the reverse of Part-I. The contractors should fill only Part-I of the Performance Report for each of the works completed by them in DVC during last three years and submit the application Form-B along with all the performance reports to EE(C)/SDE(C) of concerned division of the project who will fill up Part-II of the Performance Report and scrutinize the application form as per the format. After grading within a week from its receipt, EE(C)/SDE(C) will send the same to the SE(C)/DCE(C). SE(C)/DCE(C) will fill up the Part-II and forward the application form/scrutiny form with all documents to the enlistment authority. This will be done on time bound basis.

In Part-II, apart from grading, no other remarks will be entered by EE(C) /SDE(C) /SE(C) /DCE(C).

9.4. Upgradation of Enlistment:

In order to be eligible for upgradation from lower class to higher class, contractor should have satisfactorily completed, during last three years, at least 1(one) work in DVC of the magnitude not less than the minimum eligibility criteria for enlistment (as per Clause 9.2 above) in the class he desires upgradation. Besides, on evaluation of his performance in that work, his assessed grading should not be less than 40 (for upgradation out of 100).

9.5. Enlistment of existing enlisted contractor from higher class to lower class:

If any enlisted contractor desires his enlistment in lower class, he is permitted to apply for fresh enlistment in that class subject to the fulfillment of eligibility criteria for the class in which he desires enlistment. He will have to mention, in the application, the class in which he is presently enlisted so that his name from that category is deleted after admitting his enlistment in lower class.

9.6. Re-enlistment:

If any contractor does not satisfy the eligibility criteria for re-validation of his enlistment, he is permitted to apply for fresh enlistment in any other class lower to that class in which he was enlisted subject to the fulfillment of eligibility criteria for enlistment for the class in which he desires fresh enlistment.

10. Enlistment Fee:

The intending applicants shall have to pay a non-refundable enlistment fee by crossed Demand Draft in favour of the **Sr. Additional Chief Accounts Officer, DVC, Maithon Dam** payable at **Maithon**, Dhanbad. The enlistment/ re-validation/ upgradation fees for various categories are indicated below in **Table-II**.

TABLE-II

Category	Enlistment Fee	GST @ 18%	Total
Class I	Rs. 4000	Rs. 720	Rs. 4,720
Class II	Rs. 3000	Rs. 540	Rs. 3,540
Class III	Rs. 2000	Rs. 360	Rs. 2,360
Class IV	Rs. 1000	Rs. 180	Rs. 1,180

This fee is to be submitted along with the application for enlistment /re-validation /upgradation etc.

The Enlistment Fee for obtaining provisional enlistment for participating in the tendering for works whose estimated amount is below and up to Rs. 2.00 Lakh will be the same as applicable for the enlistment in Class-IV category.

11. Change in Constitution of firm:

In case of any change in the constitution of the firm, the sole proprietor or partner of the firm, the same should be notified to the engineer-in-charge within 30 (Thirty) days of the said change giving full details of the changes along with all relevant documents for necessary examination. The acceptance of the changed status of the firm and necessary incorporation of the same in the enlistment book will be considered on the recommendation of respective SE(C)/DCE(C) and subsequent acceptance by the Chief Engineer (Civil). However, in case of change in the constitution, the contractor shall upload the document indicating satisfactory proof for such intimation (regarding Change in Constitution) to the Chief Engineer (Civil), DVC, Maithon and acceptance thereof along with the tender document.

11.1. If a firm is converted to two or more firms by any action of its Partners, the new firm (s) or any separate partner(s) in his (their) individual/joint capacity shall have to apply for the enlistment afresh on the basis of work experience gained as a separate entity.

11.2. If new partners are taken in the firm, each new partner shall have to satisfy eligibility criteria conditions as mentioned below:

- a) He should be an Indian Individual.
- b) He should not be a dismissed DVC employee/government servant/and any PSU employee or removed from the approved list of contractors or having banned/suspended by DVC or any government department/PSU in the past or convicted by the court of law.
- c) The engineer or any other officials employed in DVC/government department /PSU shall not be allowed to work in DVC either as contractor or as employee of a contractor for a period of 2 (two) years after his retirement from DVC service/government service unless he shall obtain prior permission of DVC/concerned government department/PSU.

- d) The partner of a firm or a director of a company enlisted as contractor cannot be a partner/director of any other enlisted firm/company.
- e) The partner of the partnership firm shall not be permitted to have enlisted as a separate entity.

11.3. If the number of original partners of a firm reduces to less than half due to any reason including death of partner(s)/ death of Sole proprietor in case of sole proprietorship firm, the enlistment of the firm shall be withdrawn.

12. Change in Address:

- a) While applying for enlistment, the contractor shall mention address of his Registered Office as well as Head Office, if different. All documents, i.e. Income Tax return, GST Return, etc. should bear one of the above addresses; otherwise the same shall not be accepted.
- b) The contractor should intimate the change through affidavit if any, in any of the above address, within one month of such change. Failure to do so may result in removal of his name from the approved list of contractors.

13. Correction in the name & address of the enlisted firm:

If any error is noticed by any Contractor/firm in his/their name and address of the firm or in the name of the partners in the enlistment published or notified to him/them, he/they should make a request forthwith to the enlistment authority through SE(C)/DCE(C) of the Office from where the application form of the enlistment/re-validation has been obtained.

Any request for correction shall not be entertained after the period of one month.

13.1. If the details of status of contractor firm including name of Sole Proprietor or name of partners/firm does not match with those mentioned in the enlistment book, the tenders submitted by such contractor shall be out-rightly rejected at the very first instance while opening the tender.

14. Requirement of credential certificate in regard to experience in execution of similar nature of work for obtaining of/participation in tenders for enlisted / fresh contractors.

The requirement of producing credential certificate in respect of tenders for the work shall be governed by the provision contained in the Work & Procurement Manual – 2016 (Revision III) and as amended from time to time by the Corporation.

However, the credential/ work completion certificate submitted by agent (s) working under MGNREGA Scheme/ similar type of government scheme(s) will not be considered as a credential for the purpose of enlistment.

15. All statutory documents or credential /work completion certificates should bear the same name & style of business. However, if there is any deviation that has to be brought to the notice of the respective SE(C)/DCE(C) through affidavit stating that the different name/ Style of business furnished in the aforesaid documents are one & the same.

16. Measures for ensuring satisfactory participation in tenders:

It has been noticed that sometimes there is poor response in some cases either due to peculiar nature of work or at times, due to apprehended consortium of the contractors enlisted in the particular category. This not only causes difficulties in the finalization of the tenders but also the rates offered are not competitive. In order to overcome this difficulty, the committee decided the following measures.

If it is noticed that there is poor response (participation by one or two bidders only) due to peculiar nature of work or due to apprehended formation of consortium of the contractors enlisted in the entitled category and the rate offered is assessed to be very much higher than the reasonable rate and if the situation does not improve even after second call of tenders, the matter should be referred to the Chief Engineer (Civil), DVC, Maithon for allowing participation of contractors enlisted in higher category also.

The Chief Engineer (Civil) will be competent to decide such matter. Depending upon the merits of individual cases, he may allow participation of contractors enlisted in the next higher category or allow participation of contractors enlisted in all higher categories. He may even allow participation of unlisted contractors also along with enlisted contractors of all higher categories. However, the contractors enlisted in the entitled category shall be always eligible to participate in the tenders, in such cases.

17. Disciplinary Action:

The Contractor shall have to abide by all the Rules of Enlistment and also by Terms and Condition of the Contract and Notice Inviting Tenders. The enlisting authority shall have the right to demote a Contractor to a lower class, suspend business with him for any period, debar him or remove his name from the approved list of Contractor after issue of Show Cause Notice. Decision of the department shall be final and binding on the Contractor. The penal action as per Terms & Condition of Contracts will also be operative as per decision of the engineer-in-charge, in addition.

17.1. Demotion to lower class:

If at any point of time, it is reported upon or detected that the performance of a Contractor in respect of any work executed (or in progress) within the last three years is such that his grading is likely to be below the 40 marks, the said contractor shall be demoted to next lower class. However, the Class-IV Contractor will be given one more chance for improvement for a period of one year. After the lapse of one year if the performance does not improve, their names may be removed from the list of enlistment.

17.2. Suspension of business:

The enlistment authority may suspend business with a contractor for indefinite period where, pending full enquiry into the allegation, the enlistment authority is prima facie of the view that the Contractor is guilty of an offence in relation to business dealings which, when established, would result in his removal/banning business and it is not considered desirable to entrust new works or continue business with the Contractors. The restriction to continue

business with the Contractors can be done for a maximum period of three years with the approval of CE(C), DVC, Maithon. However, power for removal permanently will rest with Corporation in specific cases.

17.3. Removal from the approved list of contractor:

The name of the contractor may be removed from the approved list of contractors, if he: -

- a) is found to have given false particulars at the time of enlistment.
- b) fails to abide by the conditions of enlistment.
- c) has indulged in any type of forgery or fabrication of records.
- d) is proved to be responsible for constructional defects in the works executed by him.
- e) persistently violates any important conditions of contract.
- f) is declared or is in process of being declared bankrupt, insolvent, wound up, dissolved or partitioned.
- g) violates the Labour Laws, Rules & Regulations.
- h) does not surrender DVC accommodation/land allotted to him after expiry of allotment period or extension granted thereto.
- i) is considered by the department guilty of any sort of malpractice, bribing, corruption, etc.

Besides above, the enlistment of contractors shall be cancelled for any of the following reasons.

- a) If there is any adverse report from the District Magistrate/ Dy. Commissioner/ Superintendent of Police or equivalent Official regarding the character of the contractor.
- b) If there is any report with sufficient proof that the contractor has misbehaved with the employee of the Corporation in connection with the discharge of their duties.
- c) If the proprietorship/partnership of the contractor firm changes due to sale proceeds/death or due to any other reasons and the same is not notified to the enlistment authority within the stipulated period for acceptance of the changed status of the firm to continue the enlistment in DVC and for incorporating the changes in the enlistment book.

The conditions incorporated under (iv) & (v) are to be dealt with as per terms and conditions of contract. However, after declaring the Contractor debarred for a period of at least three years by the field executives as per penal action of the Contract Clauses, the enlistment may also be cancelled by the CE(C) on the exclusive request of the respective SE(C)/DCE(C).

17.4. Competent authority to take disciplinary action:

- a) The Chief Engineer (Civil), DVC, Maithon shall be competent to take disciplinary action as declared in para 18.1, 18.2 & 18.3 above in respect of contractors enlisted in all categories.
- b) However, the punishment of “Black Listing” & “Banning”, which are more severe by nature, shall be considered by the Corporation on recommendation of Chief Engineer (Civil).

17.5. Effect of Disciplinary action on the Running Contracts:

Disciplinary orders of “Removal from the approved list of contractors” & “Debarring” shall not ordinarily, affect the current contracts with the contractors against whom disciplinary action has been taken. However, specific direction of the competent authority shall be required in respect of dealing the current contract.

18. Invitation of tenders from enlisted contractors:

For invitation of tenders from amongst the enlisted contractors, the NIT shall not be published in press.

After implementation of e-tendering system in DVC, sending copy of NIT to the individual contractors (Class I & Class II) and display on Notice Board has been discontinued.

Tenders / NIT of DVC is being published on DVC Website (www.dvc.gov.in), DVC's e-tendering portal (<https://etender.dvc.gov.in>) , Indian Trade Journal's e-portal (<http://itj.gov.in>) and also through govt. Central public Procurement Portal (CPPP – <https://eprocure.gov.in>). All the interested contractors are advised to visit website (www.etenders.gov.in) of Central Public Procurement Portal (CPPP) on regular basis wherein all tenders are hoisted.

19. Notwithstanding anything contained in this enlistment rule, the DVC reserves the right of inviting of tenders from any Contractor firm whether or not he is enlisted in any category in case of intricate/special nature of work requiring high technical capability and experience and other justified reasons.
20. The tender, which does not fulfill all conditions of NIT, shall be treated as invalid tender and shall be discarded for consideration at the very first instance.
21. Regarding acceptance / rejection of any tender, the guidelines made in Works & Procurement manual – 2016 and further revisions will be fully applicable, if any ambiguity arises.

22. Power of Attorney

22.1. The Proprietor, or any of the partners, or a Director of any enlisted contractor firm shall not issue power of attorney for participating in the tenders/execution of work to the proprietor, any of the partners, or a Director of another enlisted contractor firm (of any category). If he does so, the tender submitted by him shall be treated as invalid tender. Besides, disciplinary action may be taken against such contractors.

22.2. If any contractor intends to give Power of Attorney to any person other than that declared during Enlistment, he will have to obtain prior approval from the Enlistment Authority i.e. the Chief Engineer(C) giving proper justification thereof.

23. If any contractor or his partner or his authorized representative/person holding his power of attorney occupies any unauthorized building, land, shop or any property of DVC, his enlistment may be cancelled. Further, such Contractor will not be eligible for enlistment in DVC.

24. The cases that will contradict/ conflict any provision of the Enlistment Rules approved by the Corporation will be referred to the Enlistment Committee through the Member- Secretary of the Enlistment Committee, otherwise any subsequent application/appeal of any contractor/person/body of persons will be dealt with by the concerned SE/DCE as per the approved Rules for the Enlistment and need not to be referred to the Enlistment Committee.

25. **Retention period of the base documents relating to the enlistment:**

The retention period of all base documents relating to the enlistment including application of the Contractor shall be three years or up to the validity period of that enlistment.

26. **Interpretation/Clarification:**

Interpretation/clarification of the Chief Engineer (Civil), DVC, Maithon in respect of any clauses under this enlistment rule shall be final.

27. **Revision of the Rules:**

The Chief Engineer (Civil), DVC, Maithon may modify, add, delete and/or change any of the above rules and the same shall be binding on all enlisted contractors.

28. **Repeal and Saving:**

All rules regarding enlistment of contractors in DVC existing before coming into force of this enlistment rules are repealed. Notwithstanding such repeal, the contractors already enlisted on the basis of rules hitherto in force shall continue to enjoy the status of enlisted contractors of DVC till the period extension of the existing enlistment is granted. However, in regard to all other matters and further revalidation of their enlistment, they **shall be governed by the enlistment rule-2019.**

29. The detail of appropriate Affidavit /Deed of Partnership related to the Certificate of Experience in execution of Civil Works (Credential), the basis of which forms the minimum eligibility criteria, is required to be furnished by the Contractor.

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