

अंडमानतथानिकोबारप्रशासन
मुख्य अभियन्ताकार्यालय
अंडमानलोकनिर्माणविभाग
निर्माणभवन पोर्टब्लेयर



ANDAMAN AND NICOBAR ADMINISTRATION
OFFICE OF THE CHIEF ENGINEER
ANDAMAN PUBLIC WORKS DEPARTMENT
NIRMAN BHAWAN, PORT BLAIR.

Dated the 23 February, 2022

OFFICE ORDER NO: 1018

Whereas the firm M/s S Thakur Traders & Engineers has enlisted as Class-IV (Civil) vide O/o 456 dt 13.04.2016.

Whereas, a Note has been received from SE, PBCC vide U. O. No. WS/1-2(tender)/PBCC/2021-22/333 dt. 29.12.2021 regarding "Replacement of rusted GI roofing to residential Qtrs Ty-II,(T/S) seven Block (JG-179-220) at Junglighat under SD-I, PBNB, APWD, Port Blair" alongwith its enclosures, wherein, it is stated that a tender was invited by EE, PBNB. In response to 13 Nos. tender bid was uploaded, out of this M/s Thakur Traders & Engineers, Govt. Contractor, Port Blair quoted the lowest amount of Rs. 15,55,460/- which is 27.02% below the ECPT of Rs. 21,32,391/- and the validity of tender was upto 16.06.2021. The proposal alongwith relevant documents submitted by SE, PBCC for taking further necessary action as per the new provisions of CPWD Works Manual 2019 being para 4.20 and SOP 4/11 regarding suspension of contractors for violation of EMD declaration.

Whereas, the EE, PBNB, Port Blair on behalf of President of India invites online item rate tenders vide dated 19.02.2021 from all contractors irrespective of their Enlistment in APWD or any other Govt. Dept subject to the condition they have experience on executing the relevant magnitude of work as per CPWD Works Manual and with other GOI organizations in these islands and do not have any adverse remarks.

The letter for acceptance of tender and for depositing PG letter vide Letter dated 14.06.2021 issued to M/s Thakur Traders & Engineers by EE, PBNB, being the lowest bidder and requested to submit the Performance Guarantee within 15 days from the date of issue of PG letter for awarding the work. The Performance guarantee shall be in any of the prescribed forms as provided in Clause-I of the general conditions of contracts for CPWD works and shall be valid upto 27.02.2022.

Subsequently the agency submitted, Proforma for Earnest Money Deposit Declaration dated 10.03.2021. That the contractor while submitting the instant Bid security declaration duly signed by him in terms of the said bid security declaration, "if after the award of work, the contractor fail to sign the contract or to submit the performance guarantee before the deadline defined in the tender document the contractor is to be suspended for one year and shall not be eligible to bid for APWD tenders from the date of issue of suspension order".

Whereas, it is pertinent to mention that the contractor violated EMD declaration and in order to deal with the cases of violation of EMD declaration by the bidders, the new para 4.20 is added in the CPWD Works Manual 2019.

Existing Provision	New Provision
NO Provision	4.20 Suspension of contractors In cases where the bidders violate the EMD declaration submitted alongwith the bid, the Executive Engineer concerned shall report such case for issue of suspension order to the CE(CSQ) Civil. Refer to SOP no 4/11.

Whereas, the SOP 4/11 referred in the Provision 4.20 is as under:

Existing Provision	New Provision
No provision	4/11 Suspension of enlisted/unenlisted contractors due to violation of EMD declaration <ol style="list-style-type: none"> 1. The GoI instructions dated 12.11.2020 on relaxation for earnest money deposit was circulated vide OM no. DG/CON/Misc/13 dated 23.11.2020. 2. The Executive Engineer concerned shall submit report of following violations by the bidders to the CE (CSQ) Civil, Nirman Bhawan, New Delhi along with full facts of the case. <ol style="list-style-type: none"> a) The bidder withdraws/modifies bid during the period of validity of tender. b) The bidder fails to submit PG before the deadline. 3. The CE (CSQ) Civil shall take action for suspension of bidder as per tender after issuing Show Cause Notice by SPEED POST/email. 4. The SE (C&M) shall upload such suspension order in the "List of CPWD/ Non CPWD Debarred Contractors" on CPWD website and formally request DDG (e-Gov) to direct the e tendering portal to disallow the suspended bidder from participating in CPWD tenders.

Accordingly, as proposal submitted by SE, PBCC for taking necessary action as per new provisions of CPWD Works manual 2019 being para 4.20 and SOP 4/11 regarding suspension of contractor for violation of EMD declaration and after taking approval of CE as the Competent Authority, issued Show Cause Notice to the firm M/s Thakur Traders & Engineers, Govt. Contractor vide L. No. 63(10)/2015-16/CE/APWD/FIN/7600 dt. 25.01.2022.

In response to the Show Cause Notice the firm submitted his reply vide L. No. Nil dated 28.01.2022, wherein the firm requested not to take action against him as no fault by their side, the delay in communication of acceptance after the validity period of tender is from the side of the department and for that the firm may not be punished.

As mentioned in the proforma for Earnest Money Deposit Declaration "if after the award of work, the contractor fail to sign the contract or to submit the performance guarantee before the deadline defined in the tender document the contractor is to be suspended for one year and shall not be eligible to bid for APWD tenders from the date of issue of suspension order".

Now, after examining the case, the recommendation of the Chief Engineer, APWD, and in accordance to Rule 4.20, in cases where the bidders

violate the EMD declaration submitted alongwith the bid, the Executive Engineer concerned shall report such case for issue of suspension order to CE(CSQ) Civil alongwith full facts of case. And as per Point No. 3 of SOP 4/11 referred in the Provision 4.20, the CE (CSQ) shall take action for suspension of bidder.


Hence, the Chief Engineer, APWD is pleased to suspend the business with the contractor for a period of one year from the date of issue of this order. However, this order of suspension shall not affect the ongoing works of the Contractor which the contractor is mandatorily required to complete, as per the conditions stipulated in the contract agreement.

*Finance Officer to Chief Engineer,
APWD, Port Blair*
(F. No. 63(10)/2015-16/ CE/APWD/FIN)

OFFICE ORDER BOOK

Copy forwarded for information and necessary action to:

1. M/s Thakur Traders & Engineers, Post Box No. 930, Shadipur, Port Blair, Ph: 9474249080/9647013135, by registered post.
2. The Director (RD, Panchayat & PRIs), A&N Administration, P/Blair for information.
3. The Chief Engineer, MES, Port Blair.
4. The Chief Engineer and Administrator, ALHW, Port Blair
5. The Labour Commissioner, A&N Administration, Port Blair.
6. The Assistant Commissioner, EPF, A&N, Administration, Port Blair.
7. The Assistant Commissioner of Income Tax, A & N Islands, Port Blair.
8. The Asst. P.F Commissioner/OIC, Sub-regional Office, Labour Comm's Building, Supply Line, Port Blair.
9. The Deputy Secretary (PW), A & N Administration, Port Blair.
10. All the Superintending Engineer's under APWD, Port Blair.
11. The Superintending Engineer, Electricity Department, Port Blair.
12. The Superintending Engineer, Zilla Parishad, Port Blair.
13. The Superintending Engineer, Zilla Parishad, N&M Andaman, M/Bunder.
14. The Superintending Engineer, PBMC, Port Blair.
15. The Executive Director, NHIDCL, A&N Islands.
16. All the Executive Engineers under APWD.
17. The Assistant Engineer, ISSD, APWD, Kolkata.
18. The Executive Engineer, E&M (Plg), O/o CE, APWD with the request to upload the order in APWD website.
19. F. No. 2-6/2020/CE/APWD/FIN (Meeting File).


*Finance Officer to Chief Engineer,
APWD, Port Blair.*

