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अडमान तथा निकोबार प्रशासन
ANDAMAN AND NICOBAR ADMINISTRATION
मुख्य अभियन्ता का कार्यालय
OFFICE OF THE CHIEF ENGINEER
अडमान लोक निर्माण विभाग
ANDAMAN PUBLIC WORKS DEPARTMENT
निर्माण भवन NIRMAN BHAWAN
पोर्ट ब्लेयर PORT BLAIR

Dated the 16th February, 2009.

To

The Director (IP&T)
A & N Administration,
Port Blair.

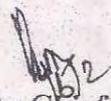
Sub: Publishing of Press Note - Reg.

Sir,

I am directed to forward herewith the Press Note for publishing the same in the Daily Telegrams for two consecutive days i.e. on 17.02.2009 and 18.02.2009

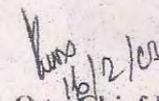
Yours faithfully

Encl As above


F. O to Chief Engineer

Copy to:

1. The Manager Govt. Press with a copy of Press Note for information and necessary action.
2. The Officer-in-charge, State Information Officer, Secretariat is requested to upload the content of the Press Note in website at www.and.nic.in.
3. The AS (PWD) for information and necessary action.


F. O to Chief Engineer
APWD, Port Blair.

PRESS NOTE

The Rules for Enlistment of Contractors in APWD 2002 has now been proposed to notify as Enlistment Rule 2009 consequent on implementation of Rules for Enlistment of Contractor by CPWD 2005 w.e.f 1-5-2005.

Accordingly, an amendment is proposed for Enlistment /Revalidation if found fit on the basis of Enlistment Rule 2002 and amendment issued from time to time in the following manner.

- (I) (i) Applications for Enlistments received with all required documents on or before 31.01.09 but not finalized by 30.06.09.
 - (ii) Applications for Revalidation received on or before 01.07.09 but not finalized.
 - (iii) Applications for Revalidation of Enlistment received between 2.7.2009 and 30.6.2012.
- (II)(a) Contractors so enlisted as above will have to satisfy the criteria as provided in Enlistment Rules 2009 within 12 months of date of issue of order of provisional enlistment in respect of Banker's certificate, T&P and Engineering Establishment and within 24 months from the date of issue of order of Enlistment in respect of works.
- (b) The contractors whose enlistment is revalidated as above will have to satisfy the criteria as provided in Enlistment Rules by 31.12.2011 in respect of Banker's certificate, T&P and Engineering Establishment and by 30.06.2012 in respect of works as given in Para 19 of Enlistment Rules 2009.

All the applications must be submitted before 31-01-2009. The contractor who are already enlisted are required to get their enlistment revalidated further may also apply for revalidation in the new prescribed format within 31-01-2009 or atleast six month advance from the date of expiry of their enlistment in case the same is still valid.

RULES OF ENLISTMENT OF CONTRACTORS IN APWD, 2009

- 1.0 Title: These rules shall be called the “Rules of Enlistment of Contractors in APWD, 2009” and shall come into force with effect from the 1st day of July, 2009.
- 2.0 Short Title: Hereinafter these rules shall be referred to as “Enlistment Rules 2009” for the sake of brevity.
- 3.0 Repeal and Saving
- 3.1 All Rules regarding enlistment/revalidation of contractors in APWD existing before coming into force of Enlistment Rules, 2009 are repealed by Enlistment Rules, 2009.
- 3.2 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 APWD till the period of such enlistment, including revalidation/ extension granted before coming into effect of the Enlistment Rules 2009, expires. However, in regard to all other matters and further revalidation of their enlistment, they shall be governed by the Enlistment Rules 2009.
- 3.3 And also, notwithstanding such repeal, applications as listed below shall be processed on the basis of Enlistment Rules 2002 and amendments issued from time to time and provisionally enlisted/ revalidated if found fit. However, it will be subject to condition as laid down in Para 3.3.1 below.
- (i) Applications for Enlistments received with all required documents on or before 31.01.09 but not finalized by 30.06.09.
 - (ii) Applications for Revalidation received on or before 01.07.09 but not finalized.
 - (iii) Applications for Revalidation of Enlistment received between 2.4.09 and 30.6.2012.
- 3.3.1 (a) Contractors so enlisted under 3.3.(i) above will have to satisfy the criteria as provided in Enlistment Rules 2009 within 12 months of date of issue of order of provisional enlistment in respect of Banker’s certificate, T&P and Engineering Establishment and within 24 months from the date of issue of order of Enlistment in respect of works.
- (b) The contractors whose enlistment is revalidated under 3.3 (ii) & (iii) above, will have to satisfy the criteria as provided in Enlistment Rules by 30.9.2011 in respect of Banker’s certificate, T&P and Engineering Establishment and by 30.06.2012 in respect of works as given in Para 19 of Enlistment Rules 2009.

In case of failure on the part of contractors to satisfy (a) or (b) above, their provisional enlistment/ revalidation will be treated as cancelled.

Note 1- Provision under Para 3.3 above i.e. cases to be processed as per Enlistment Rules 2002 relates to eligibility criteria for Enlistment/Revalidation of Enlistment. All other provisions like tendering limit, processing/ late fee, disciplinary action etc., shall be applicable as per Enlistment Rules 2009.

Note 2- In cases of revalidation, contractors have to fulfill criteria related to Bankers'/Working capital certificate, T&P and Engineering Establishment by 31.12.2011 and criteria related to works by 30.6.2012 as per 'Enlistment Rules 2009'. The revalidation orders issued before 30.6.2012 will be 'Provisional' indicating that continuity beyond these dates will be subject to fulfillment of required criteria as per 'Enlistment Rules 2009'.

Note 3- Enlistment Rules 2002' provided for stage wise revalidation also as per its Para 21 (ii) & (iii). Provisional revalidation of enlistment shall accordingly continue to be done till the period permitted under Para 3.3 of 'Enlistment Rules 2009' with stipulation for up gradation by 30.09.2011/31.3.2012.

4.0 Applicability: APWD enlists contractors who intend to work with the department. It is done to have a ready list of suitable and competent contractors for APWD works so as to minimize requirement of verification of credentials of contractors at the time of individual tenders. At the same time only those contractors are allowed to continue in the list that remain active in APWD and perform well. Any Indian Individual, Sole Proprietorship Firm, Partnership Firm, Public Limited Company or a Private Limited Company may apply for enlistment as a contractor in APWD under these Rules provided the eligibility criteria and other conditions are satisfied. The enlisted contractors 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 government servant; or removed from the approved list of contractors; or demoted to lower class; or having business banned/suspended by any government department in the past; or convicted by a court of law shall be entitled for enlistment.

4.2 No Engineer or any other official employed in Engineering or Administrative duties in the Engineering Department of the Government of India is allowed to work in the APWD either as contractor or as employee of a contractor for a period of one year after his retirement from Government service unless he has obtained prior permission of Government of India 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 the prior permission of Government of India as aforesaid, the name of the contractor shall be removed from the list of enlisted contractors.

4.3 A contractor is permitted to have enlistment in more than one category and under more than one enlistment authority but not in more than one class of the same category in APWD.

4.4 A contractor is not permitted to have enlistment in more than one name.

4.5 A partner of a firm or a Director of a company enlisted as a contractor cannot be a partner/ director in any other enlisted firm/company in APWD.

4.6 A contractor will not be enlisted if it was enlisted in any category or class earlier but had remained inactive in APWD during its previous enlistment period.

5. Scope: The enlistment of a contractor in APWD shall only entitle him to be considered for issue of tender papers subject to the conditions laid down in each individual Notice Inviting Tenders. It shall not confer any right on him either to be necessarily issued the tender papers or for award of work.

- 6.1 Enlistment Procedure: The contractor shall have to submit the application in a prescribed form (Annexure-I) to the enlistment authority, complete with all documents as per Annexure-II.
- 6.2 Incomplete applications and applications not accompanied with necessary documents are liable to be rejected.
- 6.3 All verification, submission of reports etc are to be pursued by the applicant. Any delay on account of delay in verification, submissions of reports etc will not entitle applicant for any type of enlistment.
- 6.4 The enlistment authority shall have the right to independently verify the details furnished by the contractor and to get works done by the contractor inspected and/or to get such other reports as may be considered necessary.
- 6.5 If the enlistment authority finds the contractor suitable for enlistment, it shall issue the enlistment order and, otherwise, send a letter of rejection of the application to the contractor. The decision of the enlistment authority shall be final and binding on the contractor.
- 6.6 The enlisting authority reserves right to limit number of contractors to be enlisted in any class or category on Andaman Nicobar Islands Location basis or any other manner decided by the department.
- 6.7 Enlistment of contractors in the department may be closed at any point of time. While closing the enlistment, the department may have a reserved list of eligible contractors from the pending applications. Out of this, contractors may be enlisted depending on requirement in a particular area or for the Andaman Nicobar Islands as a whole.
7. The enlistment shall be valid for a period of four years. The enlistment can, however, be revalidated in accordance with rules in this regard. Each revalidation shall be for a period of three years from the date of expiry of the previous enlistment/revalidation. The enlistment shall be open to review by the enlistment authority and liable to termination, suspension or any other such action at anytime if considered necessary by the enlistment authority, after issue of show cause notice.
8. Categories & Classes – The enlistment shall be done in the categories and classes mentioned in Table-1
9. Jurisdiction, Tendering Limits & Location of contractor's office- The jurisdiction in which contractors enlisted in various categories and classes shall be permitted to tender in all over Andaman Nicobar Islands and the tendering limit up to which they shall be eligible to tender shall be as given in Table-1. Tendering limit for different categories and class as per 'Enlistment Rules 2009' will be applicable to all contractors, whether enlisted after or prior to 30.06.09; Registered office of the contractor has to be in the same area as jurisdiction for tendering of class and category in which enlistment is sought.
 - 9.1 The contractor shall be governed by the provisions existing at a particular point of time irrespective of when he was enlisted.
10. Authorities for Enlistment: Enlistment in different categories and classes shall be done by different authorities. These are identified in Table I.

11. Eligibility Criteria- The contractors shall have to satisfy the minimum eligibility criteria specified in Table- I, before they can be considered for enlistment. All contractors are expected to keep abreast with enlistment/revalidation rules modified from time to time.
 - 11.1 The criterion for experience, in case of enlistment, shall be the completion of requisite number of works (see para 24.0 also), as the case may be, of prescribed nature and magnitude executed on independent contract basis or as a builder, during the last five years. The works should have been executed in the same name and style in which the enlistment is sought. Enlistment of an individual in corresponding category may also be done based on his Technical Qualification in lieu of experience of completion of works in last 5 years if provision exists in Table I of the Rules, but other eligibility criteria remaining the same.
 - 11.2 The financial soundness shall be judged on the basis of the Banker's certificate or the working capital certificate, as the case may be, issued by the Bankers of the contractor on the format prescribed in Annexure-V. Such certificate shall be issued by a scheduled bank Commercial Bank including Andaman Nicobar State Cooperative Bank Ltd, and Axis Bank Ltd. and shall be submitted, in original, in a bank sealed cover, addressed to the enlistment authority.
 - 11.3 The criteria for enlistment/revalidation shall be as applicable on date of enlistment/revalidation. Applicant may be intimated when his application and verification is complete. The application may be decided within 90 days of such completion.
- 12.0 Processing fee: The contractor shall have to pay a non-refundable processing fee by crossed Demand Draft drawn in favour of the authority authorized by enlisting authority. For various categories and classes of enlistment, the fee is prescribed in Table-I. This fee is to be submitted along with application form to the enlisting authority.
- 13.0 Income Tax clearance: Deleted
- 14.0 Electrical License: The contractors of Electrical category shall have to produce valid electrical license from the competent authority in the name of the contractor. They shall keep valid license throughout the period of enlistment by getting it renewed at suitable intervals and submit an attested copy of the same to the enlistment authority after each renewal. In event of any discontinuity in validity of electrical license of the contractor, its enlistment and authority to work with APWD will also automatically cease to be valid. For applying for tenders for a work in any state they shall have to possess electrical license of appropriate voltage issued by any State Govt. under Clause 45 of compilation of rule of Indian Electricity Rules 1956 or as amended from time to time.
- 15.0 Change in Constitution of Firm: The contractor/firm shall not modify the existing partnership or enter into any fresh partnership without the prior approval of the enlistment authority. Such proposal, if any, shall be submitted in advance giving full details of the intended partnership/ sole proprietorship along with the draft partnership deed/affidavit and documents as per Annexure-VI. Any change in status of the contractor as an 'Individual' or in constitution of the firm without prior approval of the enlistment authority will render the contractor/firm liable to be removed from the approved list of contractors.
 - 15.1 If a firm is converted in two or more firms by any action of its partners, the new firm(s) or any separated 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.

- 15.2 If new partners are taken in the firm, each new partner shall have to satisfy the eligibility conditions mentioned in Rule 4.0
- 15.3 If the number of original partners of a firm reduces to less than half due to any reason including death of partner(s), the enlistment of the firm shall be withdrawn. Original partners means constituents at the time of Enlistment and those who have remained as constituent for more than 5 years.
- 16.0 Change in address- while applying for enlistment, the contractor should mention address of his Registered office as well as Head Office, if different. All documents i.e. Bankers' Certificate, Electrical license etc. should bear one of the above addresses, otherwise the same shall not be accepted
- 16.1 The contractor shall intimate the change, if any, any of above addresses, in advance or maximum within one month of such change along with acknowledgement of noting down of such change in address from the Bank, Income Tax, Sales Tax authorities etc. Failure to do so may result in removal of his name from the approved list of contractors.
- 17.0 Near Relatives Working APWD: Contractors whose near relatives are Divisional Accountant or Engineering Officers between the grades of Superintending Engineer and Junior Engineer (both inclusive) in the Andaman Public Works Department will not be allowed to tender for works if the circle responsible for award and execution of contract is the one where the near relative is working. For this purpose a near relative shall mean wife, husband, parents, grand parents, children, grand children, brothers, sisters, uncles, aunts, cousins and their corresponding in-laws.
- 18.0 Review of Approved List of Contractors: The contractor shall be required to secure works of appropriate magnitude in APWD during the revalidation/enlistment period. Contractors shall be liable to be weeded out for non-observance of enlistment rules. For this purpose the enlistment authority shall have the power to periodically review the approved list of contractors.
- 19.0 Revalidation of Enlistment- The validity of initial enlistment of the contractor shall be as given in Para 7.0. It shall, however, be revalidated on merits, if desired by the contractor. Only the contractor who has secured at least two works (see Para 24.0 also) of appropriate magnitude (as applicable for enlistment in relevant class) in APWD, during the period of enlistment or last revalidation period of enlistment as the case may be shall be considered for revalidation. Appropriate magnitude shall mean the minimum amount mentioned in the column 5 of Table-1 against relevant class/category. The revalidation shall be done for the period as detailed below:-
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- 19.1 Application for Revalidation-
 - 19.1.1 The contractor shall apply for revalidation for his enlistment in the prescribed form 'Annexure VIII' along with all documents as per Annexure IX so as to reach the Enlistment Authority at least 6 months before expiry of his enlistment.

The revalidation application with all documents shall however be accepted up to the date of expiry of enlistment with late fee.

- 19.1.2 In cases where the application is received after date of expiry of enlistment/revalidation, but within three months of expiry, the application can be accepted with double the late fee. Applications received, thereafter, shall not be accepted and contractor should apply for fresh enlistment, as per rules.
- 19.1.3 Late fee will be same as the enlistment processing fee as prescribed in Table 1 of 'Enlistment Rules 2009'. This is payable in the form of Demand Draft in favor of the authority, as authorized by enlisting authority.
- 19.1.4 On receipt of application for revalidation complete in all respect and with all necessary documents, provisional extension upto six months from the date of expiry of enlistment/date of issue of order, which ever is later may be issued.
- 19.1.5 In some cases orders of revalidation of enlistment of class 1 contractors were issued by the enlisting authority and in some cases orders of revalidation were under process beyond validity of their enlistment was upto a period to 31.1.2009 whereas validity of their last enlistment was upto a date prior to 30.6.2009. The gap between validity of last revalidation/enlistment and 30.06.2009 as provided in the order of revalidation shall be considered as period covered under revalidation.
- 20.0 Annual Confidential report of Contractors (ACRC)
- 20.1 Contractors will be required to complete the form of Annual confidential report (ACRC), in duplicate as per Annexure VII, on completion of work or every year in respect of works being executed/executed by them under a APWD division and submit one copy of the same to the concerned Executive Engineer/Assistant Engineer by 15th January. Second copy of the Annexure(s) bearing acknowledgement of Executive Engineer//Assistant Engineer along with list of works as per Annexure III be submitted to enlisting authority by 31st January. This ACRC will be for the works done by them for the period 1st January to 31st December of the previous year or part thereof. Depending upon criteria fixed by the enlisting authority in respect of ACRC, contractors will be considered for revalidation. The enlisting authority reserves full right for fixing criteria for evaluation of ACRC.
- 20.2 The list should include all works secured by him during the above mentioned period. In case, the contactor hides any information, his revalidation will be liable to be cancelled.
- 21.0 Revalidation Procedure: The revalidation shall be done on the basis of evaluation of ACRC on criteria as per Annexure X or as decided by enlisting authority.
- 22.0 Contractor's obligations: The contractor should fulfill all his obligations under these rules in time and manner as specified, failing which he shall be liable for the action as mentioned therein. Some of the obligations are summarized below:-
- (a) Prior approval shall be obtained from the enlisting authority before changing the constitution of the firm/company.

(b) Intimation of change of address should be given in advance or within one month along with acknowledgement from Banker, Income Tax and Sales Tax authorities.

(c) He shall continue to possess, throughout the period of enlistment/revalidation, a valid electrical licence of appropriate voltage issued by appropriate authority.

(d) He should secure works of specified magnitude during the period of enlistment/revalidation as provided in Para 19.0 above

(e) He shall abide by these rules.

(f) He should not indulge in unethical practices and maintain good conduct

(g) He shall execute the works awarded to him strictly as per the terms and conditions of the contract and specifications.

23.0 Disciplinary Actions: The contractor shall have to abide by all the rules of enlistment and also by the terms and conditions of the contract and the Notice Inviting Tenders. He shall have to execute the works as per contract on time and with good quality. The enlisting authority shall have the right to demote a contractor to lower class, suspend business with him for any period, debar him or remove his name from the approved list of contractors indefinitely or for a period as decided by enlisting authority after issue of show cause notice. Decision of the enlisting authority shall be final and binding on the contractor. The following actions of the contractor shall, in general, make him liable to disciplinary actions:-

23.1 Demotion to a lower class- The contractor shall be liable to demotion to a lower class, by the enlisting authority, if he:

(a) fails to execute a contract or executes it unsatisfactorily or is proved to be responsible for constructional defects: or

(b) no longer has adequate equipment, technical personnel or financial resources: or

(c) is litigious by nature: or

(d) violates any important condition of contract: or

(e) his staff misconducts or misbehaves with APWD officials or.

(f) Deleted

(g) is responsible for a conduct which may justify his demotion to a lower class or

(h) any other reason which in view of enlisting authority is adequate for his demotion to a lower class.

23.2 Suspension of business: The enlistment authority may suspend business with a contractor for indefinite period or for a period as decided by enlisting authority, pending full enquiry into the allegations, if 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 of contractors. Business may also be suspended with a contractor up to a period of one year in case he fails to start the work after the award on two occasions.

- 23.3 Removal from the approved list: The name of the contractor may be removed from the approved list of contractors, by the enlisting authority, if he:
- (a) has, on more than one occasion, failed to execute a contract or has executed it unsatisfactorily: or
 - (b) is proved to be responsible for constructional defects in two or more works: or
 - (c) persistently violates any important conditions of the contract: or
 - (d) fails to abide by the conditions of enlistment: or
 - (e) is found to have given false particulars at the time of enlistment: or
 - (f) has indulged in any type of forgery or falsification of records: or
 - (g) changes constitution of the firm or Individual without prior approval of the enlistment authority: or
 - (h) changes permanent address/ business address without intimation to the enlistment authority : or
 - (i) is declared or is in the process of being declared bankrupt, insolvent, wound up, dissolved or partitioned: or
 - (j) persistently violates the labour regulations and rules: or
 - (k) is involved in complaints of serious nature received from other departments which prima facie appear to be true: or
 - (l) Default in settlement of tax dues like income tax, Contract tax, Sales tax, octroi, duties etc, or
 - (m) has already been demoted for other reason(s): or
 - (n) Ceases to fulfil eligibility criteria based on which enlistment/revalidation was done: or
 - (o) is considered not required to be in list of APWD for any other reason considered fit by enlistment authority: or
 - (p) Does not start the work after the same is awarded to him on three occasions.

24. Definition of building work – Items of pre fabricated huts, false ceiling, compound walls, storm water drains, sewer lines, water supply lines, Road - Gully chamber and supply of SFRC covers if executed exclusively under separate contract and not as part of main building contract shall be excluded from the definition of building work Further for the purpose of enlistment/revalidation of class I & II contractors of all categories i.e. Civil, Electrical and Horticulture etc., only the original works, including the works, of additions, alterations/renovation will come under the purview of the including the works as mentioned in the Table I of the Rules. For enlistment/revalidation of contractors of categories Class III and below, maintenance works excluding the works of sweeping, cleaning, scavenging, care taking, watch and ward and the like will also come under the purview of the work along with original work. This shall be applicable to all cases for which applications for enlistment/revalidation were received on or after 1.01.2011. This will also apply to all cases of enlistment/revalidation under Rules 2002 and being processed under para 3.3 of Enlistment Rules 2009.