

## CIRCULAR NO. 18

Sub: Proforma to be submitted by CE/ACEs alongwith tenders submitted to Works Advisory Board for consideration.

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In order to streamline the procedure for submission of tenders a modified proforma based on the instructions given in CPWD Manual is attached for guidance and necessary action. It is requested that henceforth this proforma should be prepared, filled and submitted alongwith tenders submitted to WAB. While filling the proforma the following further points may be care fully noted for compliance.

1. Name of work should be strictly as per technical sanction.
2. Against item 2(iv) that proportionate amount available in the preliminary estimates on the basis of which administrative approval has been accorded, may be worked out and shown. This should also include the element of contingencies and other adhoc increases allowed in the preliminary estimate. Items not included in the detailed estimate should be excluded.
3. Against item No.3(a)(iv) brief details of the work included in the technically sanctioned estimates may be given.
4. Against item No.4 it may be clearly brought out whether the tenders have been called for the items, included in the technical sanction. Full details of the items omitted alongwith cost will be given. It may also be stated as to how the remaining items will be executed.
5. Against item No.6(iii) names of the papers and the dates on which the advertisement has appeared may be invariably given. On the date of the receipt of tenders, in case the relevant information has not been received from the EE, it will be his personal responsibility to obtain the required information from concerned organisation by deputing a responsible official. If necessary, relevant papers may be consulted in some library or in the office of the concerned newspaper. In short, the EE must bring out very clearly the names of papers and the dates on which the press notice has been advertised. Any laxity on the part of the EE in this respect will be viewed seriously.
6. Against item No.8 the date from which tenders were available for sale to the contractors may be given. It will not be correct to simply mention the last date of the sale of tenders against this item.
7. In the remarks column, against Item No.9 the relevant orders of the competent authority under which a particular contractor or the class of contractors who were not eligible to tender, have been permitted to tender may be quoted. For example, if the tenders have been thrown open to contractors enlisted in next below category or in other departments/organisations, mentions of the relevant orders of the competent authority shall be made here.

8. The information against item 11 can be prepared in a separate statement, to be submitted alongwith the tenders. This statement inter-alia, should clearly bring out the tendered amount/percentage, financial effect of the various conditions and the net amount/percentage of all the tenders received after taking into consideration the financial effect of conditions. Comments on the conditions should also be given.
9. While working out the financial effect of conditions given by the contractors, instructions contained in Director General (Works) CPWD Memo No. CE/Con/766 dt. 1.7.82 (Copy enclosed) should be strictly followed. The lowest contractor should be determined as laid down in this circular and indicated accordingly in the statement. In cases, where conditions are modified by the contractors as a result of negotiations, financial effects statements should indicate both the original conditions and their financial effects. The lowest contractor would, however, be determined in the tender.
10. Against Item No. 12 the works executed by the lowest three tenderers in DDA and comments on the quality of work executed by the (Very good/Good/satisfactory, poor; very poor) should be given. The works should be inspected by the SE concerned and remarks given under his authority.
11. Against item No. 13 the remarks and recommendations of the EE should be exhaustive. These should be given under different headings. While recommending the tender for acceptance or otherwise, the EE should clearly indicate whether the tenderer is financially and technically resourceful enough, to undertake and complete the work within the stipulated period. Comments should be given on the performance of the contractor.
12. The SEs while giving their own recommendations should not simply repeat what the EE has stated. They should exercise their own judgement and make independent recommendations for acceptance or otherwise of the tender.
13. The time schedule for processing the tenders at various levels / has been clearly mentioned in CPWD Manual. In spite of repeated instructions and ~~per~~ personal requests, the said time schedule is not being adhered to in many cases; It is once again enjoined upon all the EEs/SEs/ACEs to ensure that the prescribed time schedule is strictly adhered to and wherever there is any deviation, reasons for the same should be appended.
14. CE/ACEs/SEs/EEs may please ensure that market rates are correctly adopted after proper verification-Whenever there is a variation in rates adopted at the same time for different works, reasons for such variations should be given.

Sd/-

(K.D. BALI)

ENGINEER MEMBER

No. CE/CON/746

Dt: 1.7.1982

Sub: Determination of lowest tenderer taking into account the financial effect of conditions.

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IT HAS come to notice that most of the contractors who are tendering for CPWD works are in the habit of stipulating a number of conditions while submitting their tenders. Such conditions are generally given in form of letter accompanying the tenders, and in a few cases these are mentioned in the tender document itself. Where these conditions are written in some places in the tender document itself, the officer opening the tenders has to enter the remark under his attestation that such condition/conditions has/have been inserted so as to remove possible doubt that the same might have been introduced later i.e. after opening of the tender. In case of letters accompanying the tenders all corrections and over-writings should be listed out on each page under the initials of the officer opening the tenders in the same way as for other pages of the tender documents.

GENERALLY the conditions stipulated by the tenderers have financial-effect which have to be evaluated in an appropriate manner. The financial effect of all such conditions which have financial bearing has to be added to the tendered amount while deciding on the question as who the lowest tender is.

THIS IS brought to the notice of all offices of CPWD as a uniform practice is not being followed in the department and sometimes while determining the lowest tenderer, some people are ignoring the financial effect of conditions. It is, therefore, brought to the notice that the lowest tenderer would be the one whose tendered amount, after adding subtracting the financial effect of all mandatory conditions which have financial effect (Whether such conditions may or may not be acceptable) is the lowest.

SOME OF the conditions may be in the form of rebates for payment at specified intervals which may be considered for acceptance in the light of instructions contained in this office No. CE/CON/769 dt. 29.3.78. These rebates have to be taken into account while determining the lowest tendered amount.

SOMETIMES a condition may not be mandatory but it may be in the form of an offer giving a special rebate if certain condition is fulfilled or a facility is given. It is open to the department to accept or reject such a condition. Normally, such a condition should not be taken into account while determining the lowest tenderer but while coming to a decision on the tenders, the effect of such a condition given by one of the contractors has to be kept in view, if it is to be advantages of Government and the lowest tenderer may be asked during negotiations whether he is prepared to suitably amend his tendered amount if a similar facility is given to him. If he is not so prepared, the officer accepting the tender shall use his discretion keeping the best interests or to go to the next higher authority for permission to consider a tender other than the lowest. In all cases the officer accepting the tender should keep on record his reasons for taking any particular course of action.

THE FACT that the financial effect of all the conditions have been taken into account for determining the position of tenders does not lapse facts mean that if the conditions shall be accepted whether they are acceptable or not. The Officer accepting the tenders has to take decision on each individual conditions regarding its acceptability or other-wise. If the conditions are not acceptable in the form in which the tenders has stipulated then the tenderer can be required during negotiations to bring them into an acceptable form. But in all cases the authority vested with the officer competent to accept a tender is restrained to carry out negotiations only with the lowest tenderer for which purpose the above guidelines have to be followed for determining who the lowest tenderer is.

THE AMOUNT of the tender which is accepted to be indicated in the acceptance letter should not however, take the financial effect worked out by the department on its own assessment. The amount should, however, include the effect of definite rebates offered by the tenderer if these (conditions rebates) are accepted. The percentage indicated for purpose of Clause-12 should also be with reference to the same accepted tendered amount.

Sd/-

(N.S.L.RAO)

DIRECTOR GENERAL OF WORKS.

MEMO FORWARDING TENDERS..TO WORKS ADVISORY BOARD D.D.A.

1. Name of Work -----
2. Ref.to Admn. Approval.
  - i. Authority.
  - ii. No. & Date.
  - iii. Amount.
  - iv. Proportionate amount available for the work included in the present sub-work.
3. a. Ref.to Tech.Sanction -----
  - i. Authority
  - ii. No. & Date.
  - iii. Amount
  - iv. Scope of work.
3. b. Ref. to Exp.sanction.
  - i. Authority
  - ii. No. & date
  - iii. Amount.
4. Scope of work for which tenders have been called for.
5. Ref.to Approval of HIT.
  - i. Authority.
  - ii. No. & Date.
  - iii. Est. amt. put to tender.
6. Ref.to Publicity.
  - i. Date on which notice inviting tender was placed on notice board in Div.Office.
  - ii. Date on which it was circulated to other offices.
  - iii. The names of papers in which it was advertised and date on which advertised.
7. i. The date and time at which tenders were due to be recd. in Divl.Office.
- ii. Postponed date and time, if any.
- iii. Reasons for postponement.

8. The date from which tenders were available for sale to Contractors.

9. Particulars of Contractors to whom tenders were sold quoting authority of DG(W)/CE for issue of tenders to Contractors not eligible to tender.

Name of Contractor	Class in which Regd.	Deptt. in which regd.	Date of Issue of Tender	Remarks (Whether ITCC produced)
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1.  
2.  
3.

10. Opening of tenders:-

- i. Date & Time at which tenders were due to be opened.
- ii. Date & time at which tenders were actually opened.
- b. Name & designation of Officer who actually opened the tenders.
- iii. Names of contractors present at the time of opening of tenders.
- iv. Name & designation of any other person present.
- v. Have all the contractors deposited earnest money.

11. List of persons who tendered for the job with their tendered amount.

Name of Contractor	Amt./%age Quoted	Brief details of rebates & conditions & Financial effect thereof	Net Amt./%age after taking into consideration the financial effect of conditions.	Comments on the conditions
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12. Works Executed by lowest contractors in DDA.

Name of Contractor	Name of Work	Amount	Date of Start	Stipulated date of completion	Actual date of completion	Reasons for delay	Quality of work
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13. Remarks & recommendations of the Ex.Engineer.

- i. Availability of site.
  - ii. Availability of stipulated materials.
  - iii. Approval of layout plan.
  - iv. Approval of Bldg. Plan.
  - v. Clearance from D.U.A.C.
  - vi. Comments on the capabilities of three lowest tenderers including their financial & technical resources.
  - vii. List of works in hand with the three lowest tenderers indicating the name of work, tendered amt. date of start stipulated period, progress made and remarks.
  - viii. Is this the first call of tenders. If not, details of previous calls & results.
  - ix. Availability funds.
  - x. Justification.
  - xi. Any other information.
  - xii. Comments on the tender.
  - xiii. Recommendations of the Ex.Engineer.
14. Reference to submission of tenders by the Ex.Engineer to the Superintending Engineer No. & Date.
15. Recommendation by the Superintending Engineer.
16. Reference to submission of tenders to the Chief Engineer by Superintending Engineer No. & Date.
17. Recommendations of the Chief Engineer.