

Government of West Bengal
Public Works Department
Accounts Branch

No.:137/1-A/PW/O/10C-02/14

Dated: 24.04.2014

NOTIFICATION

WHEREAS it is, in the wake of issuance of Memorandum No.: 1177-F(Y); Dated: 28/02/2014 read with Memorandum No.: 1592-F(Y); Dated: 20/03/2014 of the Finance (Audit Branch) Department, considered expedient so to do;

NOW, THEREFORE, the Governor is pleased hereby to make the following amendments in the Public Works Department Code, as subsequently amended (hereinafter referred to as the said Code):-

Amendments

1. In the said Code, in Volume -I,-

- (i) "Rule 215 shall be omitted."
- (ii) "Rule 216 (1) shall be omitted."
- (iii) "Rule 216 (2) shall be omitted."
- (iv) For rule 217 (1), substitute the following:-
"217 (1a) All works **of and above Rs. 5.00 Lac**, for which e-tendering is mandatory, shall be awarded through **open e-tender** without any reservation for any particular Class of Contractors."

"217 (1b) All other works valuing **less than Rs. 5.00 Lac** shall be awarded through **open tender**. The qualifying experience and other technical criteria required for such works shall be such as may be prescribed by the Department from time to time."
- (v) "Note below Rule 217(2) shall be omitted."
- (vi) "For Rule 218, substitute the following:-
"218 There shall, as a general rule, be no provision for splitting of any work.
However, a work may, with the previous approval of the Department, be split into smaller parts following the principles:-

Contd...P/2

1. The primary consideration governing splitting up shall be expedition in execution thereof consistent with economy and efficiency;
 2. Splitting shall not be resorted to for the purpose of evading the financial powers of the officers calling for tenders; and
 3. Care shall be taken to see that splitting up does not technically damage the structural soundness of the work as a whole and where such possibility exists, the work shall not be split up into smaller parts.”
- (vii) “Rule 219 shall be omitted.”
- (viii) For rule 222 (1), substitute the following:-
“222 (1) Intending tenderers shall not be charged for tender documents in respect of tender for any work of any value.
However, in respect of work valuing more than Rs. 50.00 Crore, the intending tenderers shall be charged such fees for tender documents as may be prescribed by the Department by notification from time to time.”
- (ix) For rule 222 (2), substitute the following:-
“222 (2) The contractors may, where necessary, be charged for additional copies of drawings, specifications, schedules, etc at such fees as may be determined by the concerned Tender Inviting Authority.”
- (x) For rule 226, substitute the following:-
“226 (1) Notices for **open e-tenders** for works each of and above Rs. 5.00 Lac shall, as a general rule, include the following clause:-
- a. **In respect of 1st Call of N.I.T. :-**
‘The intending tenderers shall have to produce credentials of similar nature of work valuing minimum **40%** of the estimated amount put to tender.’
 - b. **In respect of 2nd Call of N.I.T. :-**
‘The intending tenderers shall have to produce credentials of similar nature of work valuing minimum **30%** of the estimated amount put to tender.’
 - c. **In respect of 3rd call of N.I.T. :-**
‘the intending tenderers shall have to produce credentials of similar nature of work valuing minimum **20%** of the estimated amount put to tender.’”
- “(2) Notices for **open tenders** for works each below Rs. 5.00 Lac shall include such clauses as may be prescribed by the Department by notification from time to time.”

- (xi) For rule 229, substitute the following rule:-
"229 In every case of **open e-tender** or **open tender**, as the case may be, an **Earnest Money** amounting to 2% of the Estimated Value of the work put to tender shall be required to be deposited by every tenderer alongwith each tender. Such **Earnest Money** shall be deposited by the tenderers in such form and in such manner as may be prescribed by the Department by notification from time to time."
- (xii) "Rule 230 shall be omitted."
- (xiii) For rule 231, substitute the following rule:-
"231 (1) In every case of **open e-tender**, the **Earnest Money** of every technically disqualified tenderer as well as that of every technically qualified tenderer other than **L₁ (i.e. 1st Lowest Tenderer)** and **L₂ (i.e. 2nd Lowest Tenderer)** tenderers shall revert to his respective account without manual intervention following the same path through which such **Earnest Money** was electronically transferred from the tenderer's bank account to the Pooling Account."

"231 (2) The **Earnest Money** of **L₂** shall, after the **L₁** has accepted the **LOI (i.e. Letter of Intent)**, revert to his respective account without manual intervention following the same path through which such **Earnest Money** was electronically transferred from the tenderer's bank account to the Pooling Account."

"231 (3) The **Earnest Money** of **L₁** shall, after he has accepted the **LOI (i.e. Letter of Intent)**, automatically get transferred from the the Pooling Account to the State Government revenue deposit head."

"231 (4) In every case of **open e-tender** or **open tender**, as the case may be, where **Earnest Money** is deposited in physical form, the **Earnest Money** of every technically disqualified tenderer as well as that of every technically qualified tenderer other than **L₁ (i.e. 1st Lowest Tenderer)** and **L₂ (i.e. 2nd Lowest Tenderer)** tenderers shall be refunded to him within **three (3) days** after the comparative statement has been prepared and approved."

"231 (5) The **Earnest Money** of **L₂** shall be refunded to him within **three (3) days** after the **L₁** has accepted the **LOI (i.e. Letter of Intent)**.

"231 (6) The **Earnest Money** of **L₁** shall, after he has accepted the **LOI (i.e. Letter of Intent)**, be credited to the State Government revenue deposit head finally by the Tender Accepting Authority."
- (xiv) "Rule 232 shall be omitted."
- (xv) "Rule 233 shall be omitted."

2. In the said Code, in Volume -II,:-

"Appendix 8 shall be omitted"

This bears the concurrence of Group-T of Finance (Audit) Department vide their U.O. No.100 dated 24.04.2014.

By order of the Governor,

Sd/- Indevar Pandey
Principal Secretary to the
Government of West Bengal

Memo No.137/1-A/1(2)-PW/O/10C-02/14

Date 24.04.2014

Copy forwarded for information and necessary action to:-

1. The Principal Secretary, Finance Department.
2. The Engineer-in-Chief & Ex-Officio Secretary, P.W. Department.

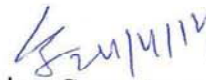

Joint Secretary,
Public Works Department

Memo No.137/1-A /1(18)-PW/O/10C-02/14

Date 24.04.2014

Copy forwarded for information and necessary action to:-

1. The Accountant General (A & E), West Bengal, Government Place (west), Kolkata-1.
2. The Accountant General (Local Bodies Audit), West Bengal, C.G.O. Complex, 3rd MSO Building, Sector - I, Block - DF, 5th Floor, Bidhan Nagar, Kolkata - 64.
3. The Chief Engineer, Head Quarter/North Zone/West Zone/South Zone, Public Works Directorate.
4. The Chief Engineer (Electrical)-I, Public Works Directorate
5. The Chief Engineer, Head Quarter/North Zone/West Zone/South Zone, Public Works (Roads) Directorate.
6. The Chief Engineer, National Highway, Public Works (Roads) Directorate.
7. The Chief Engineer, Planning, Public Works Directorate / Public Works (Roads) Directorate.
8. The Chief Engineer, Social Sector, Public Works Directorate.
9. The Chief Engineer, RBRI, Public Works (Roads) Directorate.
10. The Joint Secretary, Public Works Department.
11. The Joint Secretary Administration/Technical, Public Works (Roads) Department.
12. The Financial Advisor, Integrated Finance Branch, P.W.D.
13. The Technical Secretary, P.W.D.
14. The Finance (Audit) Department of this Government.
15. Accounts/CRC Branch, Public Works Department.
16. Accounts Branch, Public Works (Roads) Department.
17. The IT Cell, P.W.D.


Joint Secretary,
Public Works Department