

**GOVERNMENT OF WEST BENGAL
PUBLIC WORKS DEPARTMENT
WORKS BRANCH**

No.242-W(C)/1M-132/15

Dated: 20.05.2015

MEMORANDUM

Subject: Provision of Joint Venture for road works having estimated cost of civil works minimum Rs. 25 crores

Reference: 1. Notification No. 04A/PW/O/10C-02/14 of Accounts Branch, PWD, dated 18 March 2015;
2. Memorandum No. 45-W(C)/1M-23/15 dated 13.02.2015 of Works Branch, PWD;
3. Memorandum No. 44-W(C)/1M-24/15 dated 13.02.2015 of Works Branch, PWD

In procurement process of road works contracts having estimated value of civil works minimum Rs. 25 (twenty five) crores, bidders may participate either individually (the "Sole Firm") or as a Joint Venture of two or more firms under an existing agreement in the form of a Joint Venture (JV). Accordingly, the Notifications and Memorandum mentioned under Reference are modified only for road works contracts having estimated value of civil works minimum Rs. 25 (twenty five) crores as below:

Reference Notification / Memorandum	Original sentences in the Notification / Memorandum	To be replaced by for road works having estimated cost of civil works put to tender minimum Rs. 25 crores
Notification No. 04A/PW/O/10C-02/14 of Accounts Branch, PWD, dated 18 March 2015	Amended Rule under Rule 226(1) of PWD Code, Volume-I "1. For first call: i. Intending tenderers should produce credentials of a similar nature of completed work of the minimum value of 40% of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice. Or	"1. For first call: i. Intending tenderers should produce credentials of a similar nature of completed work of the minimum value of 40% (forty percent) of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice. In case of Joint Venture, one partner in the Joint Venture should produce credentials of a similar nature of completed work valuing minimum 40% (forty percent) of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender

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	<p>ii. Intending tenderers should produce credentials of 2(two) similar nature of completed works, each of the minimum value of 30% of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice.</p> <p style="text-align: center;">Or</p> <p>iii. Intending tenderers should produce credentials of one single running work of similar nature which has been completed to the extent of 80% or more and value of which is not less than the desired value at (i) above.</p> <p>In case of running work, only those tenderers who will submit the certificate of satisfactory running work from the concerned Executive Engineer or</p>	<p style="text-align: center;">Notice</p> <p style="text-align: center;">or</p> <p>ii. Intending tenderers should produce credentials of 2 (two) similar nature of completed works, each of minimum value of 30% (Thirty percent) of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice.</p> <p>In case of Joint Venture, either one partner shall have to produce credentials of 2 (two) similar nature of completed works, each of minimum value of 30% (Thirty percent) of the estimated amount put to tender during 5(five) years or any two partners must each shall have to produce credentials of 1 (one) similar nature of completed work, each of minimum value of 30% (Thirty percent) of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice.</p> <p style="text-align: center;">or</p> <p>iii. Intending tenderers should produce credentials of one single running work of similar nature which has been completed to the extent of 80% (eighty percent) or more and value of which is not less than the desired value at (i) above.</p> <p>In case of running work, only those tenderers who will submit the certificate of satisfactory running work from the concerned Executive Engineer or equivalent</p>

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	<p>equivalent competent authority. In the required certificate it should be clearly stated that the work is in progress satisfactorily and also that no penal action has been initiated against the executed agency, i.e. the tenderer.</p> <p>2. For Second Call:</p> <p>i. Intending tenderers should produce credentials of a similar nature of completed work of the minimum value of 30% of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice.</p> <p style="text-align: center;">Or</p> <p>ii. Intending tenderers should produce credentials of 2 (two) similar nature of completed work each of the minimum value of 25% of the estimated amount put to tender during 5 (five) years prior to the date of issue of this Tender Notice.</p> <p style="text-align: center;">Or</p>	<p>competent authority. In the required certificate it should be clearly stated that the work is in progress satisfactorily and also that no penal action has been initiated against the executed agency, i.e. the tenderer.</p> <p>In case of Joint Venture, credentials for running works will not be considered.</p> <p>2. For Second Call:</p> <p>i. Intending tenderers should produce credentials of a similar nature of completed work of the minimum value of 30% (thirty percent) of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice.</p> <p>In case of Joint Venture, one partner in the Joint Venture should produce credentials of a similar nature of completed work of the minimum value of 30% (thirty percent) of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice</p> <p style="text-align: center;">or</p> <p>ii. Intending tenderers should produce credentials of 2 (two) similar nature of completed work each of the minimum value of 25% (twenty five percent) of the estimated amount put to tender during 5 (five) years prior to the date of issue of this Tender Notice.</p> <p>In case of Joint Venture, either one partner should</p>

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	<p>iii. Intending tenderers should produce credentials of one single running works of similar nature which has been completed to the extent of 75% or more and value of which is not less than the desired value at (i) above.</p> <p>In case of running work, only those tenderers who will submit the certificate of satisfactory running work from the concerned Executive Engineer or equivalent competent authority. In the required certificate it should be clearly stated that the work is in progress satisfactorily and also that no penal action has been initiated against the executed agency, i.e. the tenderer.</p>	<p>produce credentials of 2 (two) similar nature of completed work each of the minimum value of 25% (twenty five percent) of the estimated amount put to tender during 5 (five) years prior to the date of issue of this Tender Notice or any two partners must each should produce credentials of 2 (two) similar nature of completed work each of the minimum value of 25% (twenty five percent) of the estimated amount put to tender during 5 (five) years prior to the date of issue of this Tender Notice.</p> <p>or</p> <p>iii. Intending tenderers should produce credentials of one single running works of similar nature which has been completed to the extent of 75% (seventy five percent) or more and value of which is not less than the desired value at (i) above.</p> <p>In case of running work, only those tenderers who will submit the certificate of satisfactory running work from the concerned Executive Engineer or equivalent competent authority. In the required certificate it should be clearly stated that the work is in progress satisfactorily and also that no penal action has been initiated against the executed agency, i.e. the tenderer.</p> <p>In case of Joint Venture, credentials for running works will not be</p>

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	<p>3. For third call:</p> <p>i. Intending tenderers should produce credentials of similar nature of completed work of minimum value of 20% of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice.</p> <p style="text-align: center;">Or</p> <p>ii. Intending tenderers should produce credentials of one single running work of similar nature which has been completed to the extent of 70% or more and value of which is not less than the desired value at (i) above.</p> <p>In case of running work, only those tenderers who will submit the certificate of satisfactory running work from the concerned Executive Engineer or equivalent competent authority. In the required certificate it should be clearly stated that the work is in progress satisfactorily and also that no penal</p>	<p>considered.</p> <p>3. For third call:</p> <p>i. The intending tenderers should produce credentials of similar nature of completed work of minimum value of 20% (twenty percent) of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice.</p> <p>In case of Joint Venture, one partner in the Joint Venture should produce credentials of similar nature of completed work of minimum value of 20% (twenty percent) of the estimated amount put to tender during 5(five) years prior to the date of issue of this Tender Notice.</p> <p style="text-align: center;">Or</p> <p>ii. Intending tenderers should produce credentials of one single running work of similar nature which has been completed to the extent of 70% (seventy percent) or more and value of which is not less than the desired value at (i) above.</p> <p>In case of running work, only those tenderers who will submit the certificate of satisfactory running work from the concerned Executive Engineer or equivalent competent authority. In the required certificate it should be clearly stated that the work is in progress satisfactorily and also that no penal action has been initiated against the</p>

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	action has been initiated against the executed agency, i.e. the tenderer”	executed agency, i.e. the tenderer.” In case of Joint Venture, credentials for running works will not be considered.
Memorandum No. 45-W(C)/1M-23/15 of Works Branch, PWD dated 13 February 2015	Annexure – A: para (1): “The Bidder’s Net worth for the last year calculated as the difference between total assets and total liabilities should be positive.”	“The Bidder’s Net Worth for the last year calculated on the basis of capital, profit and free reserve available to the firm should be positive. In case of Joint Venture, Net Worth for each partner of the Joint Venture should be positive, which shall be calculated as follows: i. If Joint Venture is a Company, Net Worth should consist of share capital, profit and free reserve available to the Company. ii. If Joint Venture is a partnership or proprietary firm, Net Worth should consist of capital, profit and free reserve available to the firm.”
Memorandum No. 44-W(C)/1M-24/15 dated 13.02.2015 of Works Branch, PWD	Annexure IV – DECLARATION <ul style="list-style-type: none"> • “I, the undersigned, declare that all the statements made in the attached documents in respect of mode of ownership of machineries are true and correct. • Certified that required specified machineries to the works under this NIT will be installed at the working site within 45 days (maximum) from the date of LOA / work Order. • The undersigned also hereby certifies that neither our firm 	<ul style="list-style-type: none"> • “We, the undersigned, declare that all the statements made in the attached documents in respect of mode of ownership of machineries are true and correct. • Certified that required specified machineries to the works under this NIT will be installed at the working site within 45 days (maximum) from the date of LOA / work Order. • The undersigned also hereby certifies that neither we <p>_____</p> <p>_____ nor any constituent had been</p>

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	<p>_____ nor any constituent had been debarred to participate in tender by Public Works Department during the last 5(five) years prior to the date of this NIT.</p> <ul style="list-style-type: none"> • The undersigned understands and agrees that further qualifying information may be requested and agrees to furnish any such information at the request of the Department. • Certified that I have applied in the Tender in the capacity of individual / as a partner of a firm and I have not applied severally for the same job. • Certified that I have applied in the tender in the capacity of individual / as a partner of a firm and I have applied to the works under this NIT restricted to 	<p>debarred to participate in tender by Public Works Department during the last 5(five) years prior to the date of this NIT.</p> <ul style="list-style-type: none"> • The undersigned understands and agrees that further qualifying information may be requested and agrees to furnish any such information at the request of the Department. • Certified that I have applied in the Tender in the capacity of individual / as a partner of a firm and I have not applied severally for the same job. If the applicant is a Joint Venture, insert the following: We have applied in the Tender as a Joint Venture with: [Insert a list with full name and the legal address of each member, and indicate the Lead Member]. We have attached a copy [insert: “of the memorandum of understanding of the Joint Venture”] signed by every participating member, which details the likely legal structure of and the confirmation of joint and severable liability of the members of the said Joint Venture till completion of the work including the defect liability period. • Certified that we have applied in the tender in the capacity of individual / as a partner of a firm or as a member of any joint venture and we have applied to the works under this NIT

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	<p>section 197, 199 & 200 of Indian Penal Code along with section- 71 & section -73 of Indian Information & Technology act 2008 & any other applicable law for the time being in force in addition to forfeiture of Earnest Money / Security Deposit.</p> <p>_____</p> <p>Signed by an authorised officer of the firm</p> <p>_____</p> <p>Title of the officer</p> <p>_____</p> <p>Name of the firm with seal</p> <p>Date _____</p>	<p>section -73 of Indian Information & Technology act 2008 & any other applicable law for the time being in force in addition to forfeiture of Earnest Money / Security Deposit.</p> <p>_____</p> <p>Signed by an authorised officer of the firm</p> <p>_____</p> <p>Title of the officer</p> <p>_____</p> <p>Name of the firm with seal</p> <p>Date _____</p> <p>[For a Joint Venture, either all members shall sign or only the Lead Member shall sign, in which case the power of attorney in favour of such Lead Member to sign on behalf of all members of the Joint Venture shall be attached]"</p>

In case of Joint Venture, the earnest money and/or security deposit including earnest money shall be in the name of the Joint Venture that submits the Bid.

This order is issued with the concurrence of Finance Department, Group-T vide their U.O.No.Group T/2015-2016/0025 dated 21.04.2015.

All concerned are being informed.

By order of the Governor,

(INDEVAR PANDEY)

Principal Secretary to the Govt. of West Bengal,
Public Works Department.

Copy forwarded for information and necessary action to:-

1. The Principal Accountant General (A&E), West Bengal.
2. The Finance Department, Group-‘T’.
3. The Finance (Budget) Department.
4. The Additional Chief Secretary/ Principal Secretary/ Secretary,-----
----- Department. (all)
5. The Divisional Commissioner, Jalpaiguri/Burdwan/Presidency Division.
6. The District Magistrate, _____ (all districts).
7. The Engineer-in-Chief & Ex-Officio Secretary, PWD.
8. The Chief Engineer(All), P.W.Directorates /P.W.(Roads) Wing / Social Sector /
Electrical, PWD.
9. The Superintending Engineer(All), P.W.Directorates /P.W.(Roads) Wing / Social
Sector / Electrical, PWD.
10. The Financial Adviser, PWD.
11. Technical Secretary, P.W.Department.
He is requested to take necessary steps to amend the PWD Code accordingly.
12. The Executive Engineer(All), P.W.Directorates /P.W.(Roads) Wing / Social Sector /
Electrical, PWD.
13. The Executive Engineer, IT Division, PWD.

He is requested to upload the memorandum in PWD website.


Joint Secretary,
Public Works Department.

Copy forwarded for information to:-

- 1) The Secretary to the Hon'ble Chief Minister, West Bengal.
- 2) The P.S. to Hon'ble M.I.C, Public Works Department.
- 3) The Senior P.S. to the Chief Secretary to the Government of West Bengal.
- 4) The Sr.Pr.S. to the Principal Secretary, PWD.


Joint Secretary,
Public Works Department.