

# **Mormugao Port Trust (Regulations for registration of Contractors)**

## **NOTIFICATION NO. 5-88/(14)/88**

In exercise of the powers conferred under Section 124 (2) of the Major Port Trusts Act, 1963 (3 of 1963) The Board of the Trustees of the Port of Mormugao hereby makes the following regulations for registration of Contractors.

(i) These regulations may be called the Mormugao Port Trust Regulations for registration of Contractors.

(ii) They shall come into force on the date on which the Central Government's approval to these regulations has been published in the official Gazette.

**SCOPE OF THE REGULATIONS:**(a).The appended regulations for registration of contractors will be applicable to all contracts for works executed by the Chief Engineer's/Chief Mechanical Engineer's department.(b).The Chief Engineer/Chief Mechanical Engineer will issue a public notification in Scheduled newspapers notifying the Trustee's intention to the revised procedure and also invite applications for such registration simultaneously giving about two months for the contractors to apply. The Chief Engineer/Chief Mechanical Engineer will scrutinise the applications and obtain sanction of the competent authority to registration. The scheme will be brought into effect thereafter. Such notification shall be repeated after every three years even though the process of registration will be continuous.(c).Even after the registration system as per these regulations comes into force the usual publication of tender notices shall be continued. Tender copies will however, be issued only to the contractors registered in the categories eligible to quote for such works as per notification and those in higher class. If any unregistered contractor wishes to purchase the tender copy he will have to apply for registration and pay 100% of the registration fees. If after the scrutiny of the application he is found suitable for the class for which tenders are invited his tender will be considered along with other tenders otherwise his tender will be ignored.(d).No tender form shall be issued or contract given to any person, syndicate or firm whose name is not borne on the Register of Approved Contractors referred to in Regulations for Registration of Contractors without the orders of the CE/CME.Provided that if on invitation of tenders, no registered contractor tenders and the work cannot conveniently be undertaken departmentally it could be permissible for the CE/CME to give it to an unregistered contractor or a contractor registered in the lower class of that category after re-inviting tender openly and without restrictions.

**NOTE 1 :** When re-invitation of tenders is necessitated due to receipt of high tenders, it is open to the Chief Engineer/Mechanical Engineer to re-invite the tenders openly from registered contractors provided that the high tenders received at the first call are rejected first by the CE/CME.

**NOTE 2 :** If re-invitation of tenders is not found to be feasible due to the extreme urgency of the works, the contract should be negotiated but such negotiations should be carried out only with the registered contractors in the appropriate class and category.

### **1. CLASSIFICATION OF CONTRACTORS:**

The contractors are classed according to their financial status and technical capacity. The classification solvency required, registration fees, officer competent to sanction registration etc. are shown in the following table:

Class minimum	Solvency	Capable executing work of the estimated cost of the work put to tender	Average annual turnover	Estimated cost of work in	Authorised officer
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				hand	to sanctio
A1	Rs.10	Without	Rs.30	Rs. 1.00	Chairm
–	Lakhs	limit	Lakhs	Crore	–
A2	Rs.5	Upto	Rs.20	Rs.30	CE/CM
–	Lakhs	Rs.1 crore	Lakhs	Lakhs	–
A3	Rs.3	Upto	Rs.10	Rs.20	-do-
–	Lakhs	Rs. 60lakhs	Lakhs	Lakhs	–
B1	Rs.1.5	Upto	Rs.4	Rs.10	-do-
–	Lakhs	Rs.30 Lakhs	Lakhs	Lakhs	–
B2	Rs.1	Upto	Rs.2	Rs.5	-do-
–	Lakh	Rs.10 Lakhs	Lakhs	Lakhs	–
C	Rs.	Upto	Rs.1	Rs.2	-do-
–	Rs.50,000	Rs.5 Lakhs	Lakh	Lakhs	–
D	Rs.	Upto	Rs.40,000	Rs.80,000	-do-
–	Rs.20,000	Rs.2 Lakhs	–	Lakhs	–
E	Rs.	Upto	Rs.20,000	Rs.40,000	-do-
–	10,000	Rs.50,000	–	–	–

## **2. SOLVENCY:**

No contractor may be registered without full enquiry as to his stability in regard to :

(a).Financial status supported by the certificate of solvency obtained from the Collector of the district or a banker's certificate.

**NOTE 1 :** A solvency certificate shall not be accepted for the purpose of registration more than twelve months after the date on which it was granted.

**NOTE 2 :** A banker's certificate which brings out the financial soundness of the contractor (to the extent required for the relevant category) shall be accepted. No distinction like scheduled or non-scheduled shall be made for this purpose.

**NOTE 3 :** Solvency certificate in the name of a firm need not be insisted upon if such a certificate for the required amount in the name of one or more partners is forthcoming and it is made clear in the partnership deed that all partners are jointly and severally responsible to meet all liabilities over and above the business of the firm.

**(b).**Professional capacity and reliability supported by certificate or recommendations of officers of Government or Public Bodies who have had personal knowledge of the applicant and his work.

**NOTE 1 :** The experience gained by an individual partner in the execution of works in the past may be taken into consideration while deciding the category of the contractors if the partner concerned has to his credit execution of such works by virtue of monetary share and other interests. Experience gained merely as a servant may not count as proof of the capability of the firm as a whole.

**NOTE 2 :** The Officer concerned recommending sanction shall ensure that the contractors have the required experience and that have under taken works of sufficient magnitude justifying their competency to take up the works in the class in which they seek enrolment. If the criteria given in regulation 5 below is not fulfilled there would be no necessity for forwarding the application to the registering authority.

**(3).PROCEDURE FOR REGISTRATION:**

**(i).**For registration the contractor shall submit an application in the form given in Annexure 'A' to the CE/CME for respective type of works. The application shall be accompanied by a declaration that the contractor shall abide by all the labour laws and rules in force from time to time besides the necessary documents referred to in the regulation 2 (a) and (b) above.

The CE/CME shall get the solvency certificate submitted by the contractor duly vetted by the Finance Department before proceeding with registration formalities.

**(ii).**The contractor applying for registration shall pay 50% of the registration fees which will be non-refundable along with his application form for the class in which he intends to get himself registered. If his application is accepted he shall pay the remaining 50% registration fees within two weeks from the date of receipt of intimation of acceptance of his application.

**(iii).**If as a result of the scrutiny of the application a particular contractor is not found suitable for the class for which he has applied or registration, the concerned authority may consider his application for the registration for a lower class in which case a separate application for registration will not be required.

**NOTE 1:** The Chief Engineer/Chief Mechanical Engineer shall fix day on which he will personally examine the application and if the application do not contain complete information, call the applicants and explain to them what is required and return the applications for resubmission.

**NOTE 2:** Every change in partners and leading technical employees will be intimated by the contractor to the registering authority forthwith.

#### **4. ADDITIONAL QUALIFICATION FOR REGISTRATION:**

If any of the contractors are specialised in one or more distinct types of work mentioned below, the fact should be noted against their name in the register of approved contractors:-

- (1).General Engineering (which includes building works and other works like sanitary and water fittings of buildings which do not require specialization).
- (2).Steel structural work and other building work including sanitary and water fittings not requiring specialization.
- (3).Water supply (including construction of water purification plants).
- (4)Drainage.
- (5).Pile foundations for buildings.
- (6).Special asphalt works.
- (7).Marine structures.

Such specialisation shall be treated as an additional qualification though there shall be no attempt to restrict the competition only to those who are specialised in the particular line.

#### **5. UPGRADATION OF CONTRACTORS:**

Promotion from one class to another is permissible on payment of the difference in the registration fee. Such payment should be made on merits by the competent authority taking into account the cost of works in hand, the annual average turn-over etc. as specified under regulation No.1.

**NOTE:** Subsequent to the initial registration in a particular category, applications for upgrading to a higher category will not be considered unless the contractors have carried out some work or works of the Port Trust or of corporate or public bodies in a category in which they were registered earlier.

#### **6. UNDERTAKING TO EMPLOY QUALIFIED ENGINEERS:**

At the stages of initial registration, contractors who desire to be registered in A-1 and A-2 class, shall give an undertaking that they will employ engineers who have passed the qualifying examination as may be directed by the CE/CME. If they fail to give such an undertaking, they will not be granted registration in A-1 and A-2 classes.

#### **7. EXEMPTION OF EX-SERVICEMEN:**

A retired member of the Armed Forces desirous of starting business as an approved contractor may be

registered in 'E' class on obtaining from him a simple application supported by a certificate of his having served in the Armed Forces and solvency certificates along with registration fees.

**8. EXEMPTION FOR GRADUATE AND DIPLOMA HOLDERS:**

The Graduates and diploma holders in Civil Engineering who have passed the qualifying examination and have obtained respectively the degree and diploma from the recognised Universities and Institutions may get themselves directly registered in 'D' or 'E' class by applying in the prescribed form to be accompanied by a degree/diploma certificate and solvency certificate and on payment of necessary registration fees. They shall be exempted from the payment of (i) earnest money and (ii) security deposit to the extent of 50% of what normally due in each case. In respect of remaining 50% of the security deposit, a nominal amount of 1% of the estimated cost subject to a minimum amount of Rs.100/- shall be recovered initially and the rest by a prorata deduction from bills.

**NOTE:** The above concession will be available for a period of 5 years from the date of passing the respective degree and diploma examinations.

**9. EXEMPTION FOR CO-OPERATIVE SOCIETY:**

A labourer's co-operative society shall be given registration in 'D' and 'E' classes on its applying in the prescribed form accompanied by a certificate from the Registrar of Co-operative Societies regarding its capacity and financial resources in lieu of solvency or banker's certificate, a certificate of professional capacity from the officer of the Government or Public Body in whose division it has carried out works and necessary registration fees. Such registration will be valid for a period of 3 years, from the date of issue of orders provided the society remains registered with the Registrar during the period and shall be renewed on production of a fresh certificate from the Registrar regarding its capacity and financial resources before expiry of the validity period.

**10. REVIEW OF REGISTER OF CONTRACTORS:**

A register of approved contractors shall be maintained by the CE/CME in his office in the form prescribed in Annexure 'B'. The register shall be examined by the CE/CME on 1st, July each year and at other times, if found necessary on report of specific failure or default by a contractor and if he considers that the financial circumstances or technical capacity of a contractor has so deteriorated that he ought to be removed from the register or placed in a lower class, he may proceed to do so after calling on the contractor to state within a stipulated time as to why the action as proposed should not be taken against him. Action as taken should be intimated to all concerned. Whenever a contractor is either removed from the approved list or down graded to a lower class he will not be entitled to any refund of registration fees.

**NOTE:** The Executive Engineers shall report confidentially in the form prescribed in Annexure 'C' to the registering authority on 1st June each year cases of contractor who are habitual bad workers and create obstruction in the working of the project to enable that authority to take this into consideration at the time of review or renewal of their registration. The report referred to above shall be in a narrative form and made for a contractor under all categories of registration.

### **11.VALIDITY OF**

### **REGISTRATION:**

The registration once done on merits will be valid for a period of 3 years from the date or order sanctioning the registration irrespective of the date of issue of registration certificate by the concerned authority on payment of balance of the registration fees. The contractor should get the registration renewed for a further period of 3 years on production of fresh solvency certificate of appropriate category before expiry of its validity. If he fails to do this the registration should be treated as cancelled and he should be asked to apply for de novo registration.

### **12.FULFILMENT**

### **OF**

### **SPECIAL**

### **REQUIREMENTS:**

Special requirements such as electrical licenses, plumbing licenses etc which may be required for particular categories of work like electrical installations etc. will have to be fulfilled by the contractors whenever such special work are involved.

### **13.CANCELLATION OF REGISTRATION:**

The names of contractors who have not tendered for any works for a period of 3 years and those who having tendered failed to secure any contract during the period of 5 years in the Port Trust should be removed from the register of approved contractors. The CE/CME shall review the registration effected by him every year for taking action for removal or reduction of contractors.

For facilitating such scrutiny, the contractors should be required to submit to the CE/CME annual return ending April every year in the form prescribed in Annexure 'D' with remarks regarding performance from the Executive Engineers in whose division the contractors undertook the works shown in the return. The annual returns in the case of all contractors shall be submitted to the CE/CME by the concerned Executive Engineers.

**NOTE:** As there is possibility of contractors omitting from the return, works where performance is not satisfactory, the officers should take the following precautions:-

Whenever it is observed that the performance of a contractor is not satisfactory and some action towards his downgrading or removal from the particular category is necessary, the concerned Executive Engineer shall report in detail the matter to the CE/CME for taking necessary action. The authority competent to

register contractors in a particular class would also be competent to order deregistration or reduction of the class.

#### **14.FACILITY FOR REGISTRATION:**

If a contractor whose name has been removed desires to take up contracts subsequently he should apply for re-enrolment on payment of the prescribed fees. Such application shall be considered on its merits.

#### **15.EXEMPTION FROM PAYMENT OF E.M.D.**

The contractors may, if they do so desire, deposit an amount as per scale prescribed below with the Trust and secure exemption from the payment of earnest money after executing the necessary bond in the form given in Annexure 'E' which should be submitted to the CE/CME for record. This will exempt the contractor from payment of earnest money with each individual tender if he produces a copy of the bond before the concerned officer whenever he tenders for works and seeks exemption:-

<b>Class</b>	<b>General Works</b>	<b>Deposit Rs.</b>
A-1	–	60,000
A-2	–	50,000
A-3	–	40,000
B-1	–	30,000
B-2	–	20,000
C	–	15,000

This deposit may be in cash or in the form of national savings certificate, interest bearing securities, postal savings, bank passbook, fixed deposit accepted, units of unit Trust of India, etc. duly pledged for part or whole and will not be convertible to security deposit.

The concerned officer shall report to the FA & CAO, Mormugao Port Trust, when any earnest money is forfeited and the contractor shall make up that amount if he desired to stay exempted.

#### **16. AUTHORITY FOR REGISTRATION /CANCELLATION:**

The work of registration of contractor or their removal or reduction will be done by the CE/CME after obtaining the necessary sanction of the Chairman in respect of Class A-1. In respect of all other classes it will be done by him under his own authority.

**17. APPEAL FOR REGISTRATION:** Any contractor rejected, removed or reduced by the CE/CME under his own authority may appeal to the Chairman, Mormugao Port Trust against the orders of reduction or removal and the decision of the Chairman will be final.

**18. INTERPRETATION OF REGULATIONS:**

If any question arises relating to the interpretation of these regulations it shall be decided by the Chairman.

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**ANNEXURE 'A'**

**(REFERRED TO IN REGULATION 3)**

**Application for enrollment as Contractor**

1. Name of applicant and full address.
2. Whether the firm is a joint stock company, undivided Hindu Family, individual or a registered partnership firm (attested copy of deeds or articles of association to be enclosed).
3. Name of the sole proprietors/partners with particulars/liabilities (attested copy of partnership deed to be enclosed).
4. Name of person holding the power of attorney (attested copy of power of attorney to be enclosed).
5. Name of bankers and full address.
6. Place of business.
7. Class in which enrolment is sought.
8. Whether the contractor desires to deposit lumpsum for securing exemption from payment of earnest money or will pay earnest money along with each tender.

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**9(A).** List of works undertaken/executed during a period of 5 years preceding the date of application (or since his initial registration in lower category in the case of upgrading).

- |     |  |   |                                      |
|-----|--|---|--------------------------------------|
| (a) | Name of work                                   | ) |                                      |
| (b) | Amount   | ) |                                      |
| (c) | Year   | ) |                                      |
| (d) | Authority under which carried out.             | ) | To be shown in a separate statement. |
| (e) | Date of work order                             | ) |                                      |
| (f) | Time limit                                     | ) |                                      |
| (g) | Cost of work done upto the date of application | ) |                                      |



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**N.B:-** Original or attested copies of certificates of verifications of the above details by the officers under whom works are carried out to be enclosed.

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**9 (B).** List of tools and plant in possession of the contractor (or acquired since his initial registration in lower category in the case of upgrading).

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**9 (C).** Technical qualifications and experience of the proprietor or partners and leading technical employees in the firm.

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**10.Whether** the applicant maintain office capable of preparing bills.

**11.Workshops,** machines, tools and plants held by the applicant (location and site of workshop and also full details regarding machine tools etc. to be given).

**12.Whether** enlisted in any other department, if so, which class showing amount qualified to tender.

**13.Has** the applicant or his partners or shareholders has been black-listed in the past by any Government Department?

**14.Amount** of the solvency certificate which the applicant holds. (A certificate of solvency obtained from the Collector of the district or a bankers certificate shall be enclosed).

**15.Income** Tax Clearance Certificate for the latest assessment year should be sent along with the application. Clearance Certificate the enlistment will not be made.

I/We certify that I/We will not get myself/ourselves registered as contractor in the department under more than one name.

(The contractors will have to carry out the work at any site in the Port Trust Estates).

DATE:

(Signature of the applicant and address)

**NOTE:** The table showing the classification, solvency required, registration fees etc. is appended for guidance of the contractors.

**ANNEXURE 'B'**

**(Referred to in regulation 10 )**

**Register of approved Contractors**

Sl. No.	Name of the contractor and address.	Authority for registration .	Date of which the amount of fees was credited in the cash book.	<u>Solvency Certificate</u> Date Amount	Class of contractor	Date of registration	Remarks
1	2	3	4	5 6	7	8	9

**ANNEXURE 'C'**

**(Referred to in note below Regulation 10)**  
**(CONFIDENTIAL REPORT OF CONTRACTOR)**

- 
- Name and Address of the Contractor \_\_\_\_\_ Class \_\_\_\_\_
- security deposit in prescribed time?
- (2). Does he start the work promptly after the issue of work order?
- (3). Does he maintain the progress of work as per agreement as per the programm mutually agreed?
- (4). Does he pay proper attention to maintain the quality of work and materials?
- (5). Does he work in co-operation with departmental staff?\*\*\*\*\*
- (6). Are there any complains from the labourers or petty suppliers regarding non-payment of their wages or bills? Does he pay fair wages?
- (7). Does he shown any tendency to create extra items and claims, which are non-acceptable or imaginary?
- (8). Does he use material issued as per Schedule 'A' properly or is there a tendency of pilferage or improper storing?
- (9). Tendency to quote unbalanced or un-workable rates in tender (i.e. very high rates for some items and low rates for others).
- (10). Personal capacity-a General Organization of work and resources?\*\*\*\*\* Does he carry out instructions of site officers promptly and properly.

**ANNEXURE 'D'**

**(Referred to in Regulation 13)**

**ANNUAL RETURN** Annual return for the period ending April to be submitted by a registered contractor to the Chief Engineer/Chief Mechanical Engineer showing works in hand and works tendered for during the year.

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Name of Contractor:	Authority for Registration				
	Class				
Name of work	Name of division	Amount put to tender	Tendered Amount	Date of award of contract, if awarded	Remarks
1	2	3	4	5	6

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**ANNEXURE 'E'**

**(Referred to in Regulation 15)**

**Form of bond to secure exemption from payment of Earnest Money.**

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KNOW ALL MEN BY these presents that we, the undersigned Note (The name of the contractor/firm executing this bond) carrying on business as Engineers and Contractors and being registered Contractors (hereinafter referred to as 'the Bounden' are held firmly bound into the Board of Trustees of the Port of \_\_\_\_\_ (hereinafter referred to as 'the Trustees' which expression shall unless the context does not so admit include his successors and assigns) in the sum of Rs. \_\_\_\_\_ to be paid to the Trustees for which payment will and truly made, we bindourselves and our successors, executors, administrators and representatives firmly by these presents duly signed by us this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

WHEREAS the above named Bounden is bound as per the terms and conditions of tenders issued by or on

behalf of the CE/CME's department of the \_\_\_\_\_ Port Trust for the work/s that has /have to be

executed for the said department/s to pay the to the Trustees Earnest Money for all work/s tendered or to be

tendered in future by the Bounden during the period of \_\_\_\_\_ years from the day of \_\_\_\_\_ 20\_\_\_\_\_ (hereinafter referred to as 'the period').

AND WHEREAS as per Regulation \_\_\_\_\_ of \_\_\_\_\_ the Bounden will be exempted from the

payment of Earnest Money along with the tender/s that may be submitted by them if the Bounden deposit

with/deliver to the concerned department (hereinafter referred to as the CE/CME for and on behalf of the

Trustees in cash a sum of Rs. \_\_\_\_\_ /Government Securities of the market value of Rs. \_\_\_\_\_

and executes a bond in favour of Trustees in the form prescribed therefore being these present.

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AND WHEREAS the Bouden have delivered to/deposited with the CE/CME in the account of Trustees standing in the name of the Chief Engineer/Chief Mechanical Engineer a sum of Rs.\_\_\_\_\_in cash or in the form of National Saving Certificates, Interest bearing securities, Postal Saving Bank pass book, fixed deposit accepted, units of unit Trust of Indiaetc.specified in the list thereunder written of the market value of Rs.\_\_\_\_\_ for the purpose of securing exemption from the payment of such Earnest Money to the Trustees in respect of the works tendered or to be tendered by them.

NOW THE CONDITION of the above written bond is such that if during the said period the Bounder shall be given the work or works tendered for by them if the security required for the proper exemption of all the said work or works according to the agreement or agreements entered into with the Trustees in that behalf during the continuance of the aforesaid exemption is duly paid by them separately to the Trustees according to the terms of the said agreement or agreements, then this obligation shall be void and of no effect.

Otherwise it shall remain in full force and virtue PROVIDED ALWAYS and it is hereby declared and agreed to by the Bouden with the Trustees that the deposit of Rs.\_\_\_\_\_ so made as aforesaid shall be and remain the said account of the Trustees as earnest money for the purpose aforesaid with full power of the Trustees or the officers and servants of the Trustees duly authorised in that behalf from time to time as occasion shall require to forfeit the same along with the interest thereon or part thereof as is equal to the amount of Earnest Money payable along with the submission of that particular tender, on the happening of any of the events on account of which under the terms and conditions of the said tender the Earnest Money is liable to be forfeited and to appropriate the same and in the event of any such forfeiture being so made the Bouden shall within \_\_\_\_\_days of the date of any such forfeiture deposit in the said account a sum sufficient to make the said deposit of Rs.\_\_\_\_\_ either in cash or in the form of National Saving Certificates, interest bearing securities, Postal saving bank pass book, Fixed deposit accepted Units Trust of India, etc. of the market value of Rs.\_\_\_\_\_.

It is hereby further agreed and declared by and between the Bouden and the Trustees that in the event of the Bouden claiming for the refund of the above lump sum deposit, the said deposit or such part thereof as has not been forfeited as aforesaid shall be refunded to the Bouden provided that necessary certificate from the CE/CME has been duly obtained to the effect that no amounts are outstanding against the said Bouden in connection with any work done or tendered for by the said

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Bounden in the \_\_\_\_\_ Division of the port trust, PROVIDED ALWAYS that the return at any time of the said deposit or any part thereof shall not be deemed to effect the right to the Trustees to take proceedings against the Bounden in case any breach of the conditions of the aforesaid agreement or agreements shall be discovered after the return of the said deposit or a part thereof PROVIDED FURTHER that if, the Bounden do not duly pay the security deposit as required to be deposited by them for the proper execution of all the said work or works as per the agreement entered into with the Trustees during the continuance of the aforesaid exemption as aforesaid or if the aforesaid deposit of Rs. \_\_\_\_\_ is less than the amount of Earnest Money Deposit to be paid with a particular tender, the Trustees or the Officers and servants of the Trustees duly authorised in that behalf from time to time shall be entitled to effect the balance of the recovery towards Earnest Money Deposit from any other dues payable to the Bounden by the Trustees.

IN WITNESS WHEREOF the above named Bounden have hereto set their respective hands and the CE/CME has for and on behalf of the Trustees of the Port of \_\_\_\_\_ set his hands and affixed his official seal here to the day and year hereinabove written.

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SIGNED & DELIVERED BY  
the above named Bounden  
in the presence of

1.

ADDRESS:

2.

ADDRESS:

SIGNED, SEALED & DELIVERED BY SHRI

in the presence of

1.

Address:

2.

Address:

Mormugao Port Trust

Mormugao.

SECRETARY

Date: \_\_\_\_\_

By Order

M. L. Chandrakeerthi

