

Selection Procedure for empanelment of Contractors

1.0 Title:

These Procedures shall be called the “Procedures for Empanelment of Contractors (for Civil, Electrical & PH Works) in Odisha State Housing Board - 2016”.

2.0 Short Title :

Hereinafter these Procedures shall be referred to as “Empanelment Procedures for Contractors (Civil & Electrical) - 2016” and “Odisha State Housing Board” as “OSHB” or “BOARD” for the sake of brevity.

3.0 Repeal and Saving:

All procedures regarding empanelment/revalidation of contractors in OSHB existing before coming into force of Procedures for Empanelment of Contractors (for Civil & Electrical Works) in Odisha State Housing Board - 2016” are repealed by Procedures for Empanelment of Contractors (for Civil & Electrical Works) in Odisha State Housing Board - 2016”

4.0 Applicability:

Any Indian Individual, Sole Proprietorship Firm, Partnership Firm, Public Limited Company or a Private Limited Company registered as a contractor in State PWD/CPWD/MES/Railways/any other Govt. PSUs is entitled to get empanelled as a contractor in OSHB under these procedures, provided the eligibility criteria and other conditions are satisfied. The empanelled contractors have to abide by all the procedures 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 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 of Gazetted rank or other Gazetted Officer employed in Engineering or administrative duties in the Engineering Department of the Government of Odisha or OSHB shall be allowed to work as contractor or as an employee of a contractor for a period of two years from the date of his retirement from Government service/OSHB, without the prior permission of the Government/BOARD. If subsequently, either the contractor or any of his employees is found any time to be such a person who had not obtained the permission of the Government/BOARD as aforesaid, his name is liable to be removed from the list of approved contractors.

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

4.4 A contractor is not permitted to have empanelment 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.

5.0 Scope :

5.1 The empanelment of a contractor in OSHB shall only entitle him to be considered for participating in tenders subject to the conditions laid down in individual Notice Inviting Tenders. It shall not confer any right on him either to be necessarily issued the tender paper for award of work.

5.2 No Contractor/Firm shall be allowed to participate in tenders invited by OSHB unless it is empanelled in OSHB in appropriate class and category except for specialized jobs, for which pre qualifications and pre-conditions are required to be decided by the BOARD, or for open tenders not reserved only for empanelled class.

5.3 The empanelled Contractor in OSHB either individual, partnership firm or company who have four works in hand in their names in each category viz.(i)Buildings & internal Water Supply & Plumbing Work, (ii) Roads & Land Development, (iii)External Water Supply & Waste Water Disposal, (iv) Electrical etc. obtained from OSHB shall not be entitled to have any fresh tender forms for further works in the same category unless they physically complete at least one work out of four in hand.

6.0 Empanelment Procedure:

6.1 The contractor shall have to submit the application in the prescribed form to the empanelment authority, complete with all documents.

6.2 Incomplete applications and applications not accompanied with necessary documents are liable to be rejected.

6.3 The empanelment authority will 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.

6.4 If the empanelment 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.

7.0 Period of enlistment:

The empanelment shall be valid for a period of **03(three) years**. The empanelment can, however, be renewed/ revalidated in accordance with rules in this regard. Each renewal/revalidation shall be for a period of three years from the date of expiry of the previous empanelment /renewal subject to submission of certified copies of valid documents like RC, PAN, EPF, VAT and Service Tax Regn.. The empanelment shall be open to review by the enlistment authority and liable to termination, suspension or any other such action at any time, if considered necessary by the empanelment authority after issue of show causes notice.

8.0 Categories, Classes and Tendering Limits:

The empanelment shall be done in the categories of Water supply/Composite (Civil, PH & Electrical) classes of A,B,C&D and Electrical of LT& HT license holders. The contractors enlisted in various Categories and classes shall be entitled to give tender in the State of Odisha for various works being executed by Odisha State Housing Board and the tendering limit up to which they shall be eligible to tender shall be as given in **Sl. 12**. The contractor shall be governed by the Procedure's provisions and instructions existing at a particular point of time irrespective of when he was enlisted.

9.0 Authorities for empanelment

The Chief Engineer, OSHB shall be the appropriate authority for empanelment /Renewal of Empanelment of contractors. The enlistment authority will constitute a committee for the purpose of fresh empanelment / renewal comprising of CAO /Project Engineer (PH)/Project Engineer (Elect.) /Project Engineer-I) /Project Engineer-II / Law Officer.

10.0 Eligibility Criteria (Civil) :

The contractors shall have to satisfy the minimum eligibility criteria specified below for empanelment in OSHB.

CLASS-A :

(a) Contractors desiring empanelment in this class shall be private or public limited concerns.

(b) Contractors desiring empanelment in this class should have a permanent engineering organization capable of dealing with large works in all their stages. They should have sufficient machinery and tools, etc. at their disposal for which they should also submit details. They should submit along with their application full details about their engineering organization.

(c) The applicant should have successfully completed at least three works on Central/State government departments/ organizations/ autonomous bodies/corporations in the respective category each costing not less than **Rs. 100 Lakh** each (At least two works should be building works) **or** two building works of **RS. 125 Lakh** each or one building works of **Rs.200 Lakh** during the last five years, on the date of application. The applicant shall submit along with the application the certificates of the aforesaid works from the clients in the prescribed proforma .

(d) The applicant should furnish a solvency certificate for not less than Rs. 1.0 crores in the prescribed proforma from his bankers. Such certificate shall be issued by a scheduled bank and shall be submitted, in original, in a bank sealed cover, addressed to the empanelment authority.

CLASS- B :

(a) Firms desiring empanelment in this class should have satisfactorily executed at least three works on Central/State government departments/organizations/ autonomous bodies/corporations in the respective category each costing not less than **Rs. 40 Lakh** each (At least two works should be building works) **or** two building works of **Rs. 50 Lakh** each or one building works of **Rs. 80 Lakh**

during the last five years, on the date of application. The applicant shall submit along with the application the certificates of the aforesaid works from the clients in the prescribed proforma .

(b) The applicant should furnish a solvency certificate for not less than **Rs. 40 Lakh** in the prescribed proforma from his bankers. Such certificate shall be issued by a scheduled bank and shall be submitted, in original, in a bank sealed cover, addressed to the empanelment authority.

CLASS- C :

(a) Firms desiring empanelment in this class should have satisfactorily executed at least three works on Central/State government departments/ organizations/ autonomous bodies/ corporations in the respective category costing not less than **Rs. 10 Lakh** each (At least two works should be building works) **or** two building works of **RS. 15 Lakh** each or one building works of **Rs. 20 Lakh** each during the last five years, on the date of application. The applicant shall submit along with the application the certificates of the aforesaid works from the clients in the prescribed proforma .

(b) The applicant should furnish a solvency certificate for not less than **Rs. 10 Lakh** in the prescribed proforma from his bankers. Such certificate shall be issued by a scheduled bank and shall be submitted, in original, in a bank sealed cover, addressed to the empanelment authority.

CLASS D

(a) Firms desiring empanelment in this class should have satisfactorily executed at least three works on Central/ State government departments/ organizations/ autonomous bodies/ corporations in the respective category each costing not less than **Rs. 3 Lakh** each (At least two works should be building works) **or** two building works of **RS. 4 Lakh** each or one building works of **Rs. 6 Lakh** during the last five years, on the date of application. The applicant shall submit along with the application the certificates of the aforesaid works from the clients in the prescribed proforma

(b) The applicant should furnish a solvency certificate for not less than **Rs. 3 Lakh** in the prescribed proforma from his bankers. Such certificate shall be issued by a scheduled bank and shall be submitted, in original, in a bank sealed cover, addressed to the empanelment authority.

11.0 Earnest Money Deposit

Contractors desiring enlistment shall be required to deposit earnest money with each tender as prescribed in the tender documents.

12.0 Fixed Caution Money:

The Enlisted contractors of OSHB of various categories and classes will be required to deposit the following Lump Sum amount of Fixed Caution Money with the BOARD in the form of Demand Draft or as may be decided by OSHB, in the credit of "**Orissa Housing Board Fund**" as shown below:

Sl No	Class of Contractors	Amount of Fixed Caution Money
1	CLASS - A (<i>Rs.150-400 Lakh</i>)	₹ 3,00,000.00
2	CLASS - B (<i>Rs.40-150 Lakh</i>)	₹ 2,00,000.00
3	CLASS – C(<i>Rs.20-40 Lakh</i>)	₹ 1,00,000.00
4	CLASS - D (<i>Upto Rs.20.00 Lakh</i>)	₹ 50,000.00

Note: The Fixed Caution money in respect of Class HT & LT Electrical Contractors shall be the same as prescribed in the above table for Class C Contractors.

13.0 Security Deposit

The security deposit will be collected by deductions from the running bills of the contractors specified in the tender documents and the earnest money, if deposited at the time of tender, will be treated as part of security deposit.

15.0 Income Tax Clearance & other Documents

The Contractor shall produce a copy of the Permanent Account Number (PAN) issued by Income Tax Department along with his application for enlistment. In case of individual contractors the PAN shall be in their own name and in case of Partnership Firm/Company the PAN shall be in the name of the Firm/Company. After enlistment, he shall have to file his Annual Income Tax Returns with the Income Tax Department every year and submit the copy of the same to the Empanelment authority by the end of December every year. Failure to do so without any justifiable reason will render the Contractor liable to be removed from the approved list of Contractors. In case of partnership firms, Income Tax Returns shall be filed in the name of firm and in case of a Company in the name of the Company.

15.1 Copies of Pan Card, VAT Registration No., E.P.F. enrolment No., Service Tax Registration No. and Contractor Registration Certificate.

15.2 Reports on the financial standing with annual turnover as profit and loss account and Audited Balance Sheet for the last three financial years duly certified by chartered Accountant.

16.0 Electrical License

The Contractors of Electrical category shall have to produce valid electrical license from the competent authority in the name of the contractor/partnership firm/Company. 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.

17.0 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 . 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 Contractor.

17.1 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.

17.2 If new partners are taken in the firm, each new partner shall have to satisfy the eligibility conditions mentioned in Rule 4.0

17.3 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

18.0 Changes in Address

(a) While applying for empanelment, the Contractor should mention address of his registered office as well as Head Office, if different. All documents, i.e. PAN Card, Income Tax Returns, Solvency Certificate, Working Capital Certificate, Electrical license, etc., should bear one of the above addresses; otherwise the same shall not be accepted.

(b) The contractor shall intimate the changes, if any, in any of the above addresses, in advance or maximum within one month of such change. Failure to do so may result in removal of his name from the approved list of Contractors.

19.0 Near Relatives Working in OSHB :

Contractors whose near relatives are Divisional Accountants or any Engineering Personnel in OSHB related to concerned work will not be allowed to tender for the said. For this purpose, a near relative shall mean wife, husband, parents, children, brothers, sisters and their corresponding in laws.

20.0 Review of approved list of contractors:

Contractors shall be liable to be weeded out for non-observance of empanelment rules. For this purpose, the enlistment authority shall have the power to periodically review the approved list of contractors.

21.0 Renewal of Empanelment

The validity of initial empanelment of the Contractor shall be for a period of 3 years. It shall however, be renewed on merits if desired by the Contractor.

21.1 Only the contractor who has secured at least one work of the quantum equivalent to the tendering limit of the next lower class from the Government of the state of Odisha departments/Organizations/ Autonomous Bodies/

Corporations in the respective category viz. BLDGS/RLD/WS & WWD/ELECT during the period of enlistment or last renewal period of enlistment, as the case may be considered for renewal. In case they fail to secure any work, they should at least produce three certificates each of quantum equivalent to the tendering limit of the next lower class in the prescribed Proforma from the Government of the state of Odisha departments / Organizations / Autonomous Bodies/Corporations in the respective category viz. BLDGS/RLD /WS & WWD/ELECT during the period of enlistment, as the case may be, certifying therein that they have participated in tendering and submitted their valid tenders with EMD and other necessary requisites. Based on such documentary proof, their registration shall be considered for renewal.

22.0 Application for Renewal

22.1 The Contractor shall apply for renewal of his empanelment in the prescribed form along with all documents as per so as to reach the enlistment authority at least 2 months before expiry of his empanelment.

22.2 The Contractor should submit a list of all works secured by him during the last five years in the proforma as given in.

22.3 The renewal application with all documents shall however, be accepted up to the date of expiry of empanelment with late fee, which shall be 50% of the normal renewal fees.

22.4 For delay beyond the date of expiry of registration, the existing registration shall be treated as cancelled and the contractor will have to apply for fresh registration on payment of prescribed registration fee, subject to fulfilment of eligibility conditions for fresh registration.

23.0 Up-gradation to higher class:

The contractor /Firms /societies after gaining the requisite experience and fulfilling the other conditions as specified in **Sl. 10** can apply for higher class in the category in which he is enlisted along with all documents and requisite fee.

24.0 Performance Reports

For all civil works executed by the contractor costing over Rs. 10.00 lakhs, the Divisional Engineer shall submit Confidential Reports to the next higher authority for assessment.

25.0 Contractor's Obligation

The Contractor should fulfil 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.

- c) He should secure at least one work/participate in tendering of three works of specified magnitude during the period of enlistment/renewal as per Clause 21.1/21.2
- d) He shall abide by these rules.
- e) He should not indulge in unethical practices.
- f) He shall execute the works awarded to him strictly as per the terms and conditions of the contract and specifications.

26.0 Disciplinary Actions

The Contractor shall have to abide all the procedures of enlistment and also by the terms and conditions of the contract and the Notice Inviting Tenders. He shall have to execute the works satisfactorily on time and with good quality. The empanelment authority shall have the right to demote a Contractor to a lower class, suspend business with him for any period, debar him or remove his name from the approved list of Contractors after issue of Show Cause Notice. Decision of the Empanelment Authority shall be final and binding on the Contractor. The following actions of the Contractor shall, in general, make him liable to disciplinary actions.

26.1 Demotion to a lower class : Unless otherwise decided for reasons to be recorded in writing, the Contractor shall be liable to demotion to a lower class, by the empanelling authority, if he:

- a) no longer has adequate equipment, technical personnel or financial resources; or
- b) is litigious by nature; or
- c) Violates any important condition of contract, or
- d) is responsible for a conduct which may justify his demotion to a lower class.

26.2 No contractor, who is demoted to lower class, shall be eligible for up gradation for a minimum period of 3 years from the date of such demotion.

26.3 Suspension of business: The enlistment authority may suspend business with a Contractor for indefinite period where, pending full enquiry into the allegations, the enlistment authority is prima facie of the view that the contractor is guilty of an offence in relation to business dealings which, when establishment would result in his removal/banning business and it is not considered desirable to entrust new works or continue business with the Contractor.

26.4 Removal from the approved list: Unless otherwise decided for reasons to be recorded in writing, 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) is at default in settlement of tax dues like Income Tax, Contract Tax, Sales Tax, Octroi, Duties etc.

26.5 If the name of the contractor is removed from the approved list by the Empanelment Authority under any of the sub-clauses (a) to (i) of Clause 26.4 above the contractor shall not be entitled for re-enlistment.

27.0 Revision of the Procedures:- The Empanelment Authority of OSHB may modify, add, delete and/ or change any of the above procedures and the same shall be binding on all the enlisted contractors.

28.0 Removal of doubts :- If any doubt arises as to the interpretation of any of the provisions of these procedures, the matter shall be referred to the Chief Engineer, OSHB, who shall decide the same.

29.0 In case any Dispute arising out of empanelment of contractors in OSHB the decision of Chairman, OSHB Shall be final.

30. Relaxation in the Rules- OSHB may make any relaxation in the rules from time to time which shall be binding on the empanelled contractors.

Approved by Chairman, OSHB