

CIL Board's Approval on Amendments of Certain Clauses of CMM.

## TRANSPORT CONTRACTS. (CHAPTER-3 OF CONTRACT MANAGEMENT MANUAL)

Clause Ref.	Existing Provision	Revised Provision
(1)	(2)	(3)
	Engineer-in-charge/ Designated Officer-in-charge who is of an appropriate seniority will be responsible for supervising and administering the contract, certifying payment due to the contractor, valuing variations to the contract, awarding extension of time and valuing compensation events. Engineer-in-charge/Designated Officer-in-charge may further appoint his representatives i.e. another person/ Project Manager or any other competent person and notify to the contractor who is directly responsible for supervising the work being executed at the site, on his behalf under the Delegation of Powers of the company. However, overall responsibility, as far as the contract is concerned will be that of the Engineer-in-charge/Designated Officer-in-charge.	Engineer-in-charge/ Designated Officer-in-charge for this contract will be Sri ..... (Post/designation of an officer to be given here as decided by competent authority ) who will be responsible for supervising and administering the contract.
Cl. 3.2 of Instruction to Bidders.	<b>1.QUALIFICATION OF THE TENDERER</b> e. in support of evidence of adequacy of working capital (at least 20% of the annualized value of the work) for this contract, the bidder should submit a certificate of solvency/access to lines of credit and availability of other financial resources. Such certificate shall be dated within three months before the date of tender opening.	<b>1.QUALIFICATION OF THE TENDERER</b> 3.2. (e) Evidence of adequacy of a minimum working capital (either 20% of the annualised value of the work or the estimated value of the work whichever is less) for this contract. In case of obtaining credit, the certificate from scheduled bank should be produced.
Cl. 12.3 of Instruction to Bidders and Cl. 11 (vii) of General Terms & Condition	All duties, taxes, and other levies payable by the Contractor under the Contract, or for any other cause as applicable on the last date of submission of tender, shall be included in the rates, prices and the total Bid Price submitted by the Bidder. All incidentals, overheads etc. as may be attendant upon execution and completion of works shall also be included in the rates, prices and total Bid price submitted by the bidder. However, such duties, taxes, levies etc which is notified after the last date of submission of tender and/or any increase over the rate existing on the last date of submission of tender shall be reimbursed by the company on production of documentary evidence in support of payment actually made to the concerned authorities	All duties, taxes, and other levies payable by the Contractor under the Contract, or for any other cause as applicable on the last date of submission of tender, shall be included in the rates, prices and the total Bid Price submitted by the Bidder. All incidentals, overheads etc. as may be attendant upon execution and completion of works shall also be included in the rates, prices and total Bid price submitted by the bidder. However, such duties, taxes, levies etc which is notified after the last date of submission of tender and/or any increase over the rate existing on the last date of submission of tender shall be reimbursed by the company on production of documentary evidence in support of payment actually made to the concerned authorities <i>Similarly, if there is any decrease in such duties, taxes and levies the same shall become recoverable from the contractor."</i> <i>Details of such duties, taxes, and other levies alongwith rates shall be declared by the bidders in their Price-bid.</i>

(1)	(2)	(3)
<p>Cl.3.3 (Instruction to bidders) "Transport Contract"</p>	<p>3.3 To qualify for award of the contract - a) The intending tenderer must have in its name as a prime contractor experience of having successfully executed works of similar nature (such as Transportation/ Removal of Coal/ Overburden/ Shale/ Extraneous materials/ Sand/ etc ) <i>valuing 65%</i> of the annualised value of the work put to tender in any year during last 7(seven) years ending last day of month previous to the one in which bid applications are invited. In case the bidder is not a prime contractor but a sub-contractor, the bidder experience as sub-contractor will be taken into account if the contract in support of qualification is a sub-contract in compliance with the provision of such sub- contract in the original contract awarded to prime contractor. b) evidence of possessing adequate working capital (at least 20% of the annualised value of the work) inclusive of access to lines of credit and availability of other financial resources to meet the requirement.  c) ownership of a fleet of minimum 1/5<sup>th</sup> of the tipping trucks/trucks and equipment required for the annualized work. If the 1/5<sup>th</sup> requirement is a fraction, next whole number should be taken.</p>	<p>Cl. 3.3 To qualify for award of the contract – a) The bidder must have in its name experience of having successfully executed works of similar nature (such as Transportation/ Removal of Coal/ Overburden/ Shale/ Extraneous materials/ Sand/ etc ) <i>valuing 65%</i> of the annualised value of the work or the estimated value of work whichever is less, put to tender, in any year during last 7(seven) years ending last day of month previous to the one in which bid applications are invited. For substantiating Past Experience, the bidders should submit the work orders, certificate of actual works already executed and TDS certificates. b) The bidder must produce evidence of adequacy of a minimum working capital (either 20% of the annualised value of the work or the estimated value of the work whichever is less) for this contract. In case of obtaining credit, the certificate from scheduled bank should be produced. c) The bidder is required to give an undertaking in the form of an Affidavit in the prescribed format to deploy matching equipments/tippers/ pay-loaders as per NIT either owned or hired.</p>
<p>Cl.2 of ITB (CFM-3.07)  Chap. 3, sec. 4.1g</p>	<p>2. ELIGIBILITY TENDERERS 2.1 The Invitation for Bids is open to all Bidders eligible to participate as per qualifying criteria laid down separately hereinafter. 2.2 All bidders shall provide in their bid Forms of Bid and Qualification Information. 2.3 Joint Venture: Two or three companies/ contractors may jointly undertake contract/contracts. Each entity will be jointly responsible for completing the task as per the contract. 2.4 The Company reserves its right to allow Public Enterprises purchase preference facility as admissible under prevailing policy.  – Written undertaking that no portion of the work is to be sub-contracted.</p>	<p>2. ELIGIBILITY TENDERERS 2.1 The Invitation for Bids is open to all Bidders eligible to participate as per qualifying criteria laid down separately hereinafter. 2.2 All bidders shall provide in their bid Forms of Bid and Qualification Information. 2.3 Joint Venture: Two or three companies/ contractors may jointly undertake contract/contracts. Each entity will be jointly responsible for completing the task as per the contract. 2.4 The Company reserves its right to allow Public Enterprises purchase preference facility as admissible under prevailing policy. <i>2.5. Prior permission is required to be taken from the principal employer for engagement of sub-contractors in transportation contractors.</i>  "Chap. 3, sec. 4.1g – Written undertaking that no portion of the work is to be sub-contracted". .... Is to be deleted.</p>

## Additional issues on Manual for Civil Engineering works (MCEW).

(1)	(2)	(3)
Cl. 4.17(Pt-1) of MCEW	<p>The basic minimum eligibility criteria for the purpose of evaluation of offers received will be as under :-</p> <p>1(a) The Intending tenderer must have in its name as a prime contractor experience of having successfully <b>completed similar</b> works during last 7(seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be either of the following :-  Three similar <b>completed works</b> each costing not less than the amount equal to 40% of the estimated cost. <b>OR</b>  Two similar <b>completed works</b> each costing not less than the amount equal to 50% of the estimated cost. <b>OR</b>  One similar <b>completed work</b> costing not less than the amount equal to 80% of the estimated cost.</p>	<p>The basic minimum eligibility criteria for the purpose of evaluation of offers received will be as under :-</p> <p>1(a) The Intending tenderer must have in its name as a prime contractor experience of having successfully <b>completed similar</b> works during last 7(seven) years ending last day of month previous to the one in which bid applications are invited (i.e. eligibility period) should be either of the following :-  Three similar <b>completed works</b> each costing not less than the amount equal to 40% of the estimated cost. <b>OR</b>  Two similar <b>completed works</b> each costing not less than the amount equal to 50% of the estimated cost. <b>OR</b>  One similar <b>completed work</b> costing not less than the amount equal to 80% of the estimated cost.</p> <p>In all the above cases, while considering the value of completed works, the full value of completed work be considered whether or not the date of commencement is within the said seven years period.</p>