

**Government of Punjab
Department of Public Works
(B & R-III Branch)**

To

1. The Chief Engineer (North),
Punjab PWD, B & R- Branch,
Patiala.
2. The Chief Engineer (NH),
Punjab PWD B & R-Branch,
Patiala.
3. The Chief Engineer (IP),
Punjab PWD B & R-Branch,
Chandigarh.
4. The Chief Engineer (South),
Punjab PWD B & R-Branch,
Patiala.
5. The Chief Engineer (Electrical),
Punjab PWD B & R-Branch,
Chandigarh.
- ✓ 6. The Joint Secretary,
Punjab Roads and Bridges Development Board,
Sector-17, Chandigarh.

JS/PWD

Diary No. 6870

Date 16-9-03

Memo No. 12/37/98-IBR3/
Dated, Chandigarh the:

3997

10-9-03

Subject:-

Revised instructions regarding enlistment of contractors in Punjab PWD (B&R).

W A copy of the revised instructions (correction slip No.2 dated 8-11-2002) regarding enlistment of contractors in Punjab PWD (B&R) is enclosed. These instructions shall be referred to as Appendix 7-C of B&R Manual of instructions and shall substitute the existing provisions of instructions issued vide correction slip No.1 dated 1-9-1973.

2. These instructions shall come into force w.e.f. date of issue of this letter. You are, therefore, requested to take immediate necessary action in the matter and instructions may be brought to the notice of all concerned for strict compliance.

3. This issues with the concurrence of the Finance Department conveyed vide their I.D.No. 1/5/47/98-2FE-4/2051, dated 22.2.2000 and with the approval of Chief Minister, Punjab.

W
Additional Secretary Public Works.

**Manual of orders of Punjab PWD (B&R) (revised edition 1962)
Correction slip No. 2 dated 8.11.2002**

**Revised instructions regarding enlistment of contractors in Punjab
PWD (B&R)**

These instructions shall be referred to as appendix 7-C of B&R manual of instructions and substitute the existing provisions of instructions issued vide correction slip No. 1 dated 1.9.1973.

1. Applicability

Any Indian Individual, Sole Proprietorship Firm, Partnership Firm, Public Limited Company or a Private Limited Company, Cooperative Labour & Construction Society is entitled to get enlistment as a contractor in PWD (B&R) under these instructions provided the eligibility criteria and other conditions are satisfied. The enlisted contractors have to abide by all the instructions made herein and as amended from time to time during the currency of their enlistment.

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 demoted to lower class; or having business banned/suspended by any government department in the past; or convicted by a court of law shall be entitled for enlistment.

No Engineer or any other official employed in Engineering or Administrative duties in the Engineering Department of the Government of Punjab or Punjab State undertaking is allowed to work in the PWD (B&R) Department either as contractor or as employee of a contractor for a period of three year after his retirement from Government service unless he has obtained prior permission of Government of Punjab to do so. Even after enlistment, if either the contractor or any of his employees is found to be a person who had not obtained the prior permission of Government of Punjab as aforesaid, the name of the contractor shall be removed from the list of enlisted contractors.

A contractor is permitted to have enlistment in more than one category and under more than one enlistment authority but not in more than one class of the same category in PWD (B&R).

A contractor is not permitted to have enlistment in more than one name.

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.

The enlistment of a contractor in PWD (B&R) shall only entitle him to be considered for issue of tender papers subject to the conditions laid down in each individual Notice inviting Tenders. It shall not confer any right on him either to be necessarily issued the tender papers or for award of work.

2. Enlistment Procedure

The intending contractor shall have to submit the application in a prescribed form (Annexure-I) to the enlistment authority, complete with all documents as per Annexure-I. The application form shall be available upon payment of Rs. 200.00 from any Divisional Office of PWD (B&R) in the form of crossed demand draft drawn in the name of Joint Secretary, Punjab Roads & Bridges Development Board payable at Chandigarh.

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

If the decision regarding enlistment is not conveyed within six months of date of receipt of application, for any reason not attributable to the contractor, a provisional enlistment for one year may be granted to the contractor. Such provisional enlistment may be cancelled without any notice if the contractor is subsequently found unfit for enlistment in the Department.

The enlistment authority shall have the right to independently verify the details furnished by the contractors and to get works done by the contractor inspected and/or to get such other reports as may be considered necessary. Ordinarily works executed in PWD (B&R) Department need not be inspected. The inspection teams for inspecting the non PWD (B&R) works of the contractor shall furnish their report on Quality of construction, workmanship etc. & make specific recommendations to the enlistment authority. The inspections/recommendations committee will consist of following:-

- (a) **For Class I Enlistment**
 - A Committee consisting of One Superintending Engineer and two Executive Engineers.
- (b) **For Class II Enlistment**
 - A Committee consisting of Two Executive Engineers and a Sub Divisional Engineer.
- (c) **For Class III Enlistment.**
 - A Committee consisting of One Executive Engineer and Two Sub Divisional Engineers.
- (d) **For Class IV Enlistment.**
 - No Committee is required.

If the enlistment 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 applicant. Refund to the extent of 50% of the enlistment fee remitted with the application shall be made to such applicants

Notwithstanding above procedure, if the applicant contractor for Class-IV (Civil), Class-IV (Elect.) and Class- IV (Furniture) does not have the required experience, he shall be enlisted provisionally for one year, after fulfilling the requirement of financial soundness. During which he shall have to secure work of required magnitude to become eligible for regularization of the enlistment. On satisfactory completion of the work his enlistment may be regularized for two years from the date of initial provisional enlistment depending upon his performance on the work. In case the contractor is not able to secure any work in PWD during the year, his enlistment shall be cancelled and he shall be debarred from applying afresh for enlistment for two years. The enlistment fee for provisional enlistment for one year shall be 50% of the enlistment fee for regular enlistment.

3. Period of enlistment

The enlistment shall be valid for a period of two years. The enlistment can, however, be revalidated in accordance with rules in this regard. Each revalidation shall be for a period of two years from the date of expiry of the previous enlistment/revalidation. The enlistment shall be open to review by the enlistment authority and liable to termination, suspension or any other such actions at any time if considered necessary by the enlistment authority, after issue of show cause notice.

4. Enlistment Authority, Categories & Classes

The Enlistment authority, categories and classes, along with eligibility criteria are given in Table-I. Enlistment authority shall be the SE/EE as per competency in whose jurisdiction the applicant will have his proof of residence. In case of companies / firms location of Head/Branch office shall be considered for enlistment. For Chandigarh, Panchkula SE Chandigarh shall be the competent authority.

5. **Jurisdiction and Tendering Limits**

The contractors enlisted as class 1 shall be entitled to tender in the State of Punjab, Delhi and Simla (for Punjab works only) & others in respective circles where enlisted for various works being executed by PWD (B&R) Branch and the tendering limit upto which they shall be eligible to tender shall be as given in Table-I. The contractor shall be governed by rules provisions and instructions existing at a particular point of time irrespective of when he was enlisted.

6. **Eligibility Criteria**

The contractors shall have to satisfy the minimum eligibility criteria specified in Table-I, before they can be considered for enlistment.

The criterion for experience shall be the execution and completion of three or two works, satisfactorily as the case may be, of prescribed nature and magnitude on agreement basis, during the last five years. The works should have been executed in the same name & style in which the enlistment is sought.

The financial soundness shall be judged on the basis of the solvency certificate issued by the Bankers of the contractor on the format prescribed in Annexure-V. Such certificate shall be issued by a scheduled bank and shall be submitted, in original, in a Bank sealed cover, addressed to the enlistment authority.

The criteria for the experience and financial soundness existing on the date of receipt of application by enlistment authority as indicated for each class and category Table-I shall be applicable.

7. **Enlistment Fee**

The intending contractor shall forward the completed applications to the enlisting authority along with a non-refundable enlistment fee by crossed Demand Draft drawn in favour of the Joint Secretary, Punjab Roads & Bridges Development Board payable at Chandigarh. For various categories and classes of enlistment, the fee is as below. This fees is to be submitted alongwith application form to the enlisting authority.

(A)	Class I	Rs. 25000/-
(B)	Class II	Rs. 15000/-
(C)	Class III	Rs. 10000/-
(D)	Class IV	Rs. 5000/-

The fees for enlistment of Cooperative Labour & Construction Society shall be 50% of the above fees for each category.

In the case of such applicant whose application of enlistment is rejected by the Enlistment authority, amount to the extent of 50% of the enlistment fee remitted with the application shall be refunded.

The fees for revalidation of Enlistment shall be the same as per new enlistment.

Funds collected by way of sale of application form and fees for Enlistment/Revalidation of Enlistments with Punjab Roads & Bridges Development Board, shall be utilized for construction, improvement/renovation of existing Offices & Residences & automation of Offices of Punjab PWD(B&R) Department.

8. Income Tax Clearance

The contractor shall produce a valid income Tax Clearance Certificate (ITCC), along with his application for enlistment. After enlistment, he shall have to apply to the Income Tax Department for issue of ITCC in the month of May every year and submit the same or an attested copy thereof to the enlistment authority by the end of June every year. Failure to submit the ITCC in this manner without any justifiable reason will render the contractor liable to be removed from the approved list of contractors. In case of partnership firms, the names of all the partners should be mentioned in the ITCC.

9. Sales Tax Clearance

The contractor shall produce a valid Sales Tax Clearance Certificate along with his application for enlistment. After enlistment, he shall have to apply to the Sales Tax Department for issue of No objection/ Sales Tax clearance Certificate in the month of May every year and submit the same or an attested copy thereof to the enlistment authority by the end of June 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, the names of all the partners should be mentioned in the certificate.

10. Electrical License

The intending contractors of Electrical category shall have to produce valid electrical license from the Chief Electrical Inspector of the State of Punjab. The license shall be kept valid 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.

11. Change in Constitution of Firm

The contractor/firm/LC Society shall not modify the existing partnership/membership 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 Annexure-VI. 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/LC Society liable to be removed from the approved list of contractors.

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 enlistment afresh and shall be governed by the eligibility criteria given in Table-I.

If new partners are taken in the firm, the eligibility criteria mentioned in Table-I shall be applicable.

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 and the remaining/surviving partners shall have to seek fresh enlistment.

12. Change in Address

- (a) While applying for enlistment, the contractor should mention address of his Registered office as well as Head Office, if different. All documents i.e. ITCC, Sales Tax Clearance Certificate, Solvency Certificate, Electrical License etc. should bear one such address, otherwise the same shall not be accepted.
- (b) The contractor shall intimate the change of address, if any in advance or maximum within one month of such change. Failure to do so may result in removal of the name of the contractor from the approved list of contractors.

13. Near Relatives Working in PWD (B&R).

Individual Contractors/Partners in a Partnership firm/members of Co-operative L&C Society whose near relatives are Divisional Accountants or Engineering Officers between the grades of Chief Engineer and Junior Engineer (both inclusive) in the Public Works Department (B&R) Department shall not be allowed to tender for works falling in the jurisdiction of the office responsible for award and execution of contract where the near relative is working. For this purpose, a near relative shall mean wife, husband, parents, grand parents, children, grand children, brothers, sisters, first uncles, aunts, first cousins and their corresponding in-laws.

14. Review of Approved List of Contractors.

The contractor shall be required to secure works of appropriate magnitude in PWD (B&R) Department, and others Department of the State during the revalidation/enlistment period. Contractors shall be liable to be black listed for non-observance of enlistment rules. For this purpose the enlistment authority shall have the power to periodically review the approved list of contractors.

15. Revalidation of Enlistment

The validity of initial enlistment of the contractor shall be as given in para 3 above. It shall, however, be revalidated on merits if desired by the contractor. Only the contractor who has secured at least one work of appropriate magnitude in PWD (B&R) Department, Punjab Mandi Board, PUDA, Local bodies of Punjab Government, Chandigarh Administration during the period of enlistment or last revalidation period of enlistment as the case may be, shall be considered for revalidation.

Application for Revalidation

The contractor shall apply for revalidation of his enlistment in the prescribed form (Annexure – VIII) along with all documents as per Annexure-IX, so as to reach the enlistment authority at least 2 months before expiry of his enlistment.

The fees for renewal in a particular category shall be 100% of the fee required for fresh enlistment of that category.

The revalidation application with all documents shall however be accepted upto the date of expiry of enlistment with late fee.

In cases where the application is received after date of expiry of enlistment/revalidation, but within three months of expiry, the application can be accepted with additional 20% of enlistment fees. Applications received, thereafter, shall not be accepted and contractor should apply for fresh enlistment, as per instructions.

On receipt of application for revalidation, complete in all respects and with all necessary documents, provisional extension upto three months from the date of expiry of the enlistment/date of issue of order, whichever is later may be issued.

16. Performance Reports

The contractor should fill the details of each of the work, of appropriate magnitude, secured by him during the last revalidation/enlistment period, in the proforma as given in Annexure-VII.

The list should include all works secured by him during the above mentioned period. In case, the contractor conceals any information, his revalidation will be liable to be cancelled.

The contractor should fill up the details in the proforma as given in Annexure-VII, in duplicate. For each work, separate proforma should be filled. One copy of all the proformas should be given to the concerned Executive Engineer of the division, in which the work was executed and the acknowledgement obtained on the second copy of the proforma. This 2nd copy should then be submitted to the enlisting authority along with the application for revalidation.

The Executive Engineer should fill up the proforma and submit to the Enlistment Authority through his SE, within two weeks of receipt of proforma.

17. Revalidation Procedure

The revalidation shall be done on the basis of review of the performance of the contractor pertaining to the period of enlistment/revalidation. Cases shall be categorised and action taken as below:

- (i) Category 'A' Enlistment of such contractors, who secure work(s) of appropriate magnitude during the period of enlistment/revalidation shall be considered for revalidation for a period of five years subject to evaluation of their performance.
- (ii) Category 'B' Enlistment of contractors, who secured work(s) of appropriate magnitude recently, in the final year of their enlistment, because of which the performance cannot be properly judged, shall be extended for one year for watching the performance and then revalidated for four years, if found satisfactory.
- (iii) Category 'C' A contractor who could not secure not secure any work during the enlistment period but submitted three or more tenders (out of which at least 2 tenders should be during the first four years of enlistment/revalidation) for works of appropriate magnitude shall be eligible for extension of enlistment for one year, provided he was among the three lowest tenders in at least one work, so as to enable him to try to secure at least one work. After one year, he shall be regularized in the following manner.
 - (a) If he has not been able to secure any work of appropriate magnitude during the extended one year, his enlistment shall stand cancelled and he shall be entitled to apply for fresh enlistment only after one year of expiry of his extended enlistment.
 - (b) If he has secured at least one work of appropriate magnitude during the extended one year, he shall be

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granted extension of one more year so as to watch his performance. After this one year, when his performance report is available, the same shall be evaluated and if found satisfactory, the enlistment shall be revalidated for three years.

For the purpose of (iii) above, the contractor should submit certificate in original from the concerned Executive Engineer in the proforma as given in Annexure-X.

18. Contractor's Obligations

The contractor should fulfill all his obligations in a manner as specified, failing which he shall be liable for 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 obtain valid electrical license for the State.
- (d) He should secure at least one work of specified magnitude during the period of enlistment/revalidation.
- (e) He shall abide by these rules.
- (f) He should not indulge in unethical practices.
- (g) He shall execute the works awarded to him strictly as per the terms and conditions of the contract and specifications.

19. Disciplinary Actions

The contractor shall have to abide by all the rules/instructions of enlistment and also by the terms and conditions of the contract and the Notice Inviting Tenders. He shall have to execute the works satisfactory, on time and with good quality. The enlisting 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 department shall be final and binding on the contractor. The following actions of the contractor shall, in general, make him liable to disciplinary actions.

i) Demotion to a lower class: The contractor shall be liable to demotion to a lower class, by the enlisting authority, if he:

- (a) fails to execute a contract or executes it unsatisfactory or is proved to be responsible for constructional defects;
or
- (b) no longer has adequate equipment, technical personnel or financial resources; or
- (c) is litigious by nature; or
- (d) violates any important condition of contract; or
- (e) is responsible for a conduct which may justify his demotion to a lower class.

ii) Suspension of business: The enlistment authority may suspend business with a contract for indefinite period where, pending full enquiry into a 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 established would result in his removal/banning business and it is not considered desirable to entrust new works or continue business with the contractor.

Removal from the approved list: 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 three or more works or
- (c) has executed two or more works which was found to be substandard during the course of departmental enquiry against delinquent officials; or
- (d) persistently violates any important conditions of the contract; or
- (e) fails to abide by the conditions of enlistment; or
- (f) is found to have given false particulars at the time of enlistment; or
- (g) has indulged in any type of forgery or falsification of records; or
- (h) changes constitution of the firm or individual without prior approval of the enlistment authority; or
- (i) changes permanent address/business address without intimation to the enlistment authority; or
- (j) is declared or is in the process of being declared bankrupt, insolvent, wound up, dissolved or partitioned; or
- (k) persistently violates the labour regulations and rules, or
- (l) is involved in complaints of serious nature received from other departments which prima facie appear to be true; or
- (m) Default in settlement of tax dues like income tax, Contract Tax, sales tax, octroi, duties etc.

20. Revision/Modification of the instructions

Secretary, Public Work (B&R) may modify, add, delete and/or change any of the above instructions and same shall be binding on all enlisted contractors.