

SECTION 2: FORMS OF BID, QUALIFICATION INFORMATION AND LETTER OF ACCEPTANCE

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Contractor's Bid

Description of the Works: Rehabilitation of Tharad - Deesa Road
(K.M. 33 + 290 to 60+000 and K.M. 80+600 to 83+950 ,S.H. 54)

BID/GSHP-II/NCB/09

To : The Principal Secretary

Address: Roads and Buildings Department, Govt. of Gujarat, 2nd Floor, Block No. 14, New Sachivalaya, Gandhinagar, Gujarat

GENTLEMEN,

Having examined the bidding documents including addendum, we offer to execute the Works described above in accordance with the Conditions of Contract, Specifications, Drawings and Bill of Quantities accompanying this Bid for the Contract Price of _____ [in figures] (_____) [in letters].¹

The advance Payment required is: Rupees _____.

We accept the appointment of _____ as the Adjudicator.

(OR)

We do not accept the appointment of _____ as the Adjudicator and propose instead that _____ be appointed as Adjudicator whose daily fees and biographical data are attached.

This Bid and your written acceptance of it shall constitute a binding contract between us. We understand that you are not bound to accept the lowest or any Bid you receive.

We hereby certify that we have taken steps to ensure that no person acting for us or on our behalf will engage in bribery.

We also undertake that, in competing for (and, if the award is made to us, in executing) the above contract, we will strictly observe the laws against fraud and corruption in force in India namely "Prevention of Corruption Act 1988".

Commissions or gratuities, if any, paid or to be paid by us to agents relating to this Bid, and to contract execution if we are awarded the contract, are listed below :

<u>Name and address of agent</u>	<u>Amount</u>	<u>Purpose of Commission or gratuity</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(if none, state "none")

¹ To be filled in by the Bidder, together with his particulars and date of submission at the bottom of the Form of Bid.

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We hereby confirm that this Bid complies with the Eligibility, Bid Validity and Bid Security required by the Bidding documents.

Yours faithfully,

Authorized Signature:

Name & Title of Signatory: _____

Name of Bidder : _____

Address : _____

Qualification Information

The information to be filled in by the Bidder in the following pages will be used for purposes of post qualification as provided for in Clause 4 of the Instructions to Bidders. This information will not be incorporated in the Contract.

1. For Individual Bidders

1.1 Constitution or legal status of Bidder
[Attach copy]

Place of registration: _____

Principal place of business: _____

Power of attorney of signatory of Bid
[Attach]

1.2 Total value of Civil Engineering construction

work executed and payments received in the last five years** 2012—2013 _____β
(inRs. Million) 2011—2012 _____
2010—2011 _____
2009—2010 _____
2008—2009 _____

1.3.1 Work performed as prime contractor (in the same name) on works of a similar nature over the last five years. **

<u>Project Name</u>	<u>Name of the Employer*</u>	<u>Description of work</u>	<u>Contract No.</u>	<u>Value of contract (Rs. Million)</u>	<u>Date of issue of work order</u>	<u>Stipulated period of completion</u>	<u>Actual date of completion*</u>	<u>Remarks explaining reasons for delay and work completed</u>

1.3.2 Quantities of work executed as prime contractor (in the same name and style) in the last five years: **

<u>Year</u>	<u>Name of the Work</u>	<u>Name of the Employer*</u>	Quantity of work performed (cum) @					<u>Remarks*</u> (<u>indicate contract Ref</u>)
			<u>Earth Work</u>	<u>GSB</u>	<u>WMM</u>	<u>Bituminous Work</u>	<u>Concrete (including RCC & PCC)</u>	
2012-2013								
2011-2012								
2010-2011								
2009-2010								
2008-2009								

*Attach certificate(s) from the Engineer(s)-in-Charge

@The item of work for which data is requested should tally with that specified in ITB clause 4.5A(c).

**immediately preceding the financial year in which bids are received.

β Attach certificate from Chartered Accountant.

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1.4 Information on Bid Capacity (works for which bids have been submitted and works which are yet to be completed) as on the date of this bid.

(A) Existing commitments and on-going works:

Description of Work	Place & State	Contract No. & Date	Name and Address of Employer	Value of Contract (Rs. million)	Stipulated period of completion	Value of works* remaining to be completed (Rs. million)	Anticipated date of completion
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

(B) Works for which bids already submitted:

Description of Work & Remarks	Place & State	Name and Address of Employer	Estimated value of works period of (Rs. million)	Stipulated decision is completion	Date when if any expected	(7)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

* Attach certificate(s) from the Engineer(s)-in-Charge.

1.5 The following items of Contractor's Equipment are essential for carrying out the Works. The Bidder should list all the information requested below. Refer also to Sub Clause 4.3 (d) of the Instructions to Bidders.

Item of Equipment	Requirement		Availability Proposals			Remarks (from whom to be purchased)
	No.	Capacity	Owned/ leased To be procured	Nos./ Capacity	Age/ Condition	
Dozer	2	200 Cum/hr	*	*	*	*
Motor Grader	2	ENGINE OUTPUT ABOVE 150KW(BLADE 3.35 M) Spreading soil 200 Cum/hr	*	*	*	*
Hydraulic Excavator	3	1.0 Cum Capacity	*	*	*	*
Vibratory Roller	3	Minimum 8-10 Tonne static weight	*	*	*	*

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Item of Equipment	Requirement		Availability Proposals			Remarks (from whom to be purchased)
	No.	Capacity	Owned/ leased To be procured	Nos./ Capacity	Age/ Condition	
Tandem Roller	2	Minimum 8-10 Tonne	*	*	*	*
Pneumatic Road Roller	1	Minimum 200-300KN	*	*	*	*
Tipper (Dumpers)	25	10-14 Cum Capacity	*	*	*	*
Water Tanker	4	6-10KL	*	*	*	*
Hot Mix Plant (Batch Type) with electronic controls and vibratory screens with scrubber	1	Minimum 100 TPH	*	*	*	*
WMM Mixing Plant	1	Minimum 100 TPH	*	*	*	*
Stone Crushing Plant (Cone Crusher with Primary and Secondary Crusher).	1	Minimum 150 TPH	*	*	*	*
Paver Finisher Hydrostatic with sensor control	1	100 TPH Size 5.5m	*	*	*	*
Paver Finisher Mechanical for WMM work	1	100 TPH Size 5.5m	*	*	*	*
Bitumen pressure distributor	2	1750 Sqm/hr	*	*	*	*
Power Broom	1	1250 Sqm/hr	*	*	*	*
JCB/Loader Backhoe	3	1.0 Cum capacity	*	*	*	*

1.6 Qualifications and experience of key personnel proposed for administration and execution of the Contract. Attach biographical data. Refer also to Sub Clause 4.3 (e) and 4.5 (B) (b) of instructions to Bidders and Sub Clause 9.1 of the Conditions of Contract.

<u>Position</u>	<u>Name</u>	<u>Qualifications</u>	<u>Years of experience (general)</u>	<u>Years of experience in the proposed position</u>
<i>Project Manager</i>	*	*	*	*
<i>Highway Engineer</i>	*	*	*	*
<i>Material Engineer</i>	*	*	*	*
<i>Quantity Surveyor</i>	*	*	*	*
<i>Environmental cum Road Safety Engineer</i>	*	*	*	*

1.7 Proposed subcontracts and firms involved. [Refer ITB Clause 4.3 (j)]

Sections of the works	Value of Sub-contract	Sub-contractor (name and address)	Experience in similar work

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*	*	*
	*	*
*	*	*
	*	*
*	*	*
	*	*

- 1.8 Financial reports for the last five years: balance sheets, profit and loss statements, auditors' reports (in case of companies/corporation), etc. List them below and attach copies.
- 1.9 Evidence of access to financial resources to meet the qualification requirements: cash in hand, lines of credit, etc. List them below and attach copies of support documents *[sample format attached]*.
- 1.10. Name, address, and telephone, telex, and fax numbers of the Bidders' bankers who may provide references if contacted by the Employer.
- 1.11 Information on litigation history in which the Bidder is involved.

<u>Other party(ies)</u>	<u>Employer</u>	<u>Cause of dispute</u>	<u>Amount involved</u>	<u>Remarks showing present status</u>

- 1.12 Statement of compliance under the requirements of Sub Clause 3.2 of the instructions to Bidders.
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1.13 Proposed work method and schedule. The Bidder should attach descriptions, drawings and charts as necessary to comply with the requirements of the Bidding documents. [Refer ITB Clause 4.1 and 4.3 (k)].

2. Joint Ventures

- 2.1 The information listed in 1.1-1.12 above shall be provided for each partner of the joint venture.
- 2.2 The information in 1.13 above shall be provided for the joint venture.
- 2.3 Attach the power of attorney of the signatory[ies] of the bid authorizing signature of the bid on behalf of the joint venture..
- 2.4 Attach the agreement among all partners of the joint venture [and which is legally binding on all partners], which shows the requirements as indicated in sub-clause 4.4 of the Instructions to Bidders'. Alternatively, a Letter of Intent to execute a Joint Venture Agreement in the event of a successful bid shall be signed by all partners and submitted with the bid, together with a copy of the proposed Agreement
- 2.5 Furnish details of participation proposed in the joint venture as below:

DETAILS OF PARTICIPATION IN THE JOINT VENTURE

PARTICIPATION DETAILS	FIRM 'A' (Lead Partner)	FIRM 'B'	FIRM 'C'
Financial			
Name of the Banker(s)			
Planning			
Construction Equipment			
Key Personnel			
Execution of Work (Give details on contribution of each)			

3. Additional Requirements

3.1 Bidders should provide any additional information required to fulfill the requirements of Clause 4 of the Instructions to the Bidders, if applicable.

**SAMPLE FORMAT FOR EVIDENCE OF ACCESS TO OR AVAILABILITY OF CREDIT
FACILITIES –* CLAUSE 4.5 [B] [c] OF ITB**

BANK CERTIFICATE

This is to certify that M/s. is a reputed company with a good financial standing.

If the contract for the work, namely [funded by the World Bank] is awarded to the above firm, we shall be able to provide overdraft/credit facilities to the extent of Rs. to meet their working capital requirements for executing the above contract.

__ Sd. __

Name of Bank

Senior Bank Manager

Address of the Bank

*** Change the text as follows for Joint venture:**

This is to certify that M/s. who has formed a JV with M/s. and M/s. for participating in this bid, is a reputed company with a good financial standing.

If the contract for the work, namely [funded by the World Bank] is awarded to the above Joint Venture, we shall be able to provide overdraft/credit facilities to the extent of Rs. to M/s. to meet the working capital requirements for executing the above contract.

[This should be given by the JV members in proportion to their financial participation.]

(Name of the Project)

(Declaration regarding customs/excise duty exemption for materials/
construction equipment bought for the work)

(Bidder's Name and Address)

To:
(Name of the Employer)

Dear Sir:

Re: [Name of Work] -
Certificate for Import/Procurement of Goods/Construction Equipment

1. We confirm that we are solely responsible for obtaining customs/excise duty waivers which we have considered in our bid and in case of failure to receive such waivers for reasons whatsoever, the Employer will not compensate us.
2. We are furnishing below the information required by the Employer for issue of the necessary certificates in terms of the Government of India Central Excise Notification No. 108/95 and Customs Notification No. 85/99.

3. The goods/construction equipment for which certificates are required are as under:

Items	Make/ Brand Name	Capacity [where applicable]	Quantity	Value	State whether it will be procured locally or imported [if so from which country]	Remarks regarding justification for the quantity and their usage in works
Goods						
[a] Bitumen						
[b] Others						
Construction Equipment						
[a]						
[b]						
[c]						
[d]						

4. We agree that no modification to the above list is permitted after bids are opened.
5. We agree that the certificate will be issued only to the extent considered reasonable by the Employer for the work, based on the Bill of Quantities and the construction programme and methodology as furnished by us alongwith the bid.
6. We confirm that the above goods will be exclusively used for the construction of the above work and construction equipment will not be sold or otherwise disposed of in any manner for a period of five years from the date of acquisition.

Date: _____
Place: _____

(Signature) _____
(Printed Name) _____
(Designation) _____
(Common Seal) _____

This certificate will be issued within 60 days of signing of contract and no subsequent changes will be permitted.

Letter of Acceptance
(letterhead paper of the Employer)

_____ [date]

To: _____ [name and
address of the Contractor]

Dear Sirs,

This is to notify you that your Bid dated _____ for execution of the _____
_____ [name of the contract and
identification number, as given in the Instructions to Bidders] for the Contract Price of Rupees _____
_____ (_____) [amount in words and figures], as
corrected and modified in accordance with the Instructions to Bidders¹ is hereby accepted by our Agency.

We accept/do not accept that _____ be appointed as the Adjudicator².

We note that as per bid, you do not intend to subcontract any component of work.

[OR]

We note that as per bid, you propose to employ M/s. as sub-contractor for
executing

[Delete whichever is not applicable]

You are hereby requested to furnish Performance Security, plus additional security for unbalanced bids in terms of ITB clause 29.5, in the form detailed in Para 34.1 of ITB for an amount of Rs. _____ within 21 days of the receipt of this letter of acceptance valid upto 28 days from the date of expiry of Defects Liability Period i.e. upto and sign the contract, failing which action as stated in Para 34.3 of ITB will be taken.

We have reviewed the construction methodology submitted by you alongwith the bid in response to ITB Clause 4.3[k] and our comments are given in the attachment. You are requested to submit a revised Program including environmental management plan as per Clause 27 of General Conditions of Contract within 14 days of receipt of this letter.

Yours faithfully,

Authorized Signature

Name and Title of Signatory

Name of Agency

1 Delete "corrected and" or "and modified" if only one of these actions applies. Delete "as corrected and modified in accordance with the Instructions to Bidders" if corrections or modifications have not been effected.

² To be used only if the Contractor disagrees in his Bid with the Adjudicator proposed by the Employer in the "Instructions to Bidders."

Issue of Notice to proceed with the work

(letterhead of the Employer)

To

_____ (date)

_____ (name and address of the Contractor)

Dear Sirs:

Pursuant to your furnishing the requisite security as stipulated in ITB clause 34.1 and signing of the contract agreement for the construction of _____ @ a Bid Price of Rs. _____, you are hereby instructed to proceed with the execution of the said works in accordance with the contract documents.

Yours faithfully,

(Signature, name and title
of signatory authorized to
sign on behalf of
Employer)

Agreement Form

Agreement

This agreement, made the _____ day of _____ 20_____,
between _____
_____ [name and address of Employer]
(hereinafter called “the Employer”) of the one part and _____

_____ [name and address of contractor] (hereinafter
called “the Contractor”) of the other part.

Whereas the Employer is desirous that the Contractor execute _____

_____ [name and identification number of Contract](hereinafter called “the Works”) and the Employer has accepted
the Bid by the Contractor for the execution and completion of such Works and the remedying of any defects
therein, at a contract price of Rs.....

NOW THIS AGREEMENT WITNESSETH as follows:

1. In this Agreement, words and expression shall have the same meanings as are respectively assigned to them in the Conditions of Contract hereinafter referred to, and they shall be deemed to form and be read and construed as part of this Agreement.
2. In consideration of the payments to be made by the Employer to the Contractor as hereinafter mentioned, the Contractor hereby covenants with the Employer to execute and complete the Works and remedy any defects therein in conformity in all aspects with the provisions of the Contract.
3. The Employer hereby covenants to pay the Contractor in consideration of the execution and completion of the Works and the remedying the defects wherein the Contract Price or such other sum as may become payable under the provisions of the Contract at the times and in the manner prescribed by the Contract.
4. The following documents shall be deemed to form and be read and construed as part of this Agreement, viz.:
 - i) Letter of Acceptance;
 - ii) Notice to proceed with the works;
 - iii) Contractor’s Bid;
 - iv) Contract Data;
 - v) Conditions of contract (including Special Conditions of Contract);
 - vi) Specifications;
 - vii) Drawings;
 - viii) Bill of Quantities; and
 - ix) Any other document listed in the Contract Data as forming part of the contract.
 - x) Joint Venture Agreement

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In witness whereof the parties thereto have caused this Agreement to be executed the day and year first before written.

The Common Seal of _____

was hereunto affixed in the presence of:

Signed, Sealed and Delivered by the said _____

in the presence of:

Binding Signature of Employer _____

Binding Signature of Contractor _____