

MUMBAI PORT TRUST
CIVIL ENGINEERING DEPARTMENT

AMENDED RULES FOR REGISTRATION OF CONTRACTORS
FOR CIVIL ENGINEERING WORKS
FOR THE CYCLE 2015 TO 2019

GENERAL

- (a) These Rules for Registration of Contractors will be applicable to contract works estimated to cost upto and including Rs. 100 lakhs to be executed by the Civil Engineering Department and will come into force from the date of notification.
- (b) Chief Engineer will issue a public notification in Leading News Papers inviting applications in prescribed form (Annexure – I) for registration of contractors for the cycle (2015 to 2019) and extended period if any.
- (c) Contractors registered in the preceding cycle have to apply afresh for registration in the current cycle; their response and performance during the preceding cycle will be taken into account while examining their application for the current cycle.
- (d) There will be 4 classes of Contractors depending on the maximum value of work they can quote for, as under:

<u>CLASS</u>	<u>Max. Value of Work</u>
A	upto and including Rs. 100 lakh
B	upto and including Rs. 60 lakh
C	upto and including Rs. 30 lakh
D	upto and including Rs. 10 lakh

- (e) There will be 7 Specialties of works, as under:
- I) Asphaltic Paving
 - II) Concrete Paving
 - III) Restorative Repairs
 - IV) Buildings, Godowns, Warehouses and Sheds
 - V) Other Civil Engineering works.
 - VI) Labour intensive works
 - VII) Permanent Way works
- (f) Notice inviting tenders for works will be displayed on Notice Board of Chief Engineers' Office as well as on MbPT website and CPP Portal.
- (g) The 'Form of Application' and 'Rules of Registration' can be obtained in person from the Imprest Clerk, Civil Engineering Department, 3rd floor, Port House, Ballard Estate, Mumbai 400 001 during cash hours i.e. from 10.30 to 13.30 and 14.00 to 15.00 on any working day excepting even Saturdays on payment of Rs. 1050/- (Rupees One Thousand Fifty Only). These charges are inclusive of VAT and are non-refundable. These documents can be downloaded from the Mumbai Port's website (<http://www.mumbaiport.gov.in>). The firms who have downloaded the form of application from the website, are required to pay the application fee at the time of submission of application to Mumbai Port.

The contractor applying for registration shall pay non-refundable scrutiny fee of Rs. 10,000/- (Rupees Ten Thousand Only) alongwith his application form.

The application fee and scrutiny fee can be paid in cash or by Demand Draft or Banker's cheque drawn in the name of "the Board of Trustees of the Port of Mumbai" and shall be payable at Mumbai.

- (h) Tender copies will be issued only to the contractors registered in the categories and class eligible to quote for such works as per notification. Tenders can be downloaded from the MbPT website and CPP Portal.
- (i) If any unregistered contractor wishes to tender he will have to apply for registration and pay 100% of the prescribed fees. If after the scrutiny of his application he is registered in appropriate class and specialty, the tender will be issued to him.
- (j) On invitation of tenders, if no offers are received from the registered contractor, the Chief Engineer is entitle to issue tender to unregistered contractors or to the contractors registered in the lower class after re-inviting tender as OPEN Tender and without any restrictions.
- (k) When re-invitation of tenders is necessitated due to the receipt of high offers, the Chief Engineer is entitle to re-invite the tender as OPEN Tender from registered as well as unregistered contractors.
- (l) No fresh contract will be awarded to a contractor registered in Class 'D', 'C' and 'B' (as defined in Rule 1 hereof) if the total of (balance value of the Port Trust works in his hand) and (the value of the Mumbai Port Trust (MbPT) work in the tender under consideration) exceeds the upper limit of the Class C, B and A respectively.
- (m) "No fresh contract will be awarded to a contractor registered in 'A' Class (as defined in Rule 1), if the total of the balance value of Port Trust works in his hand awarded through registration system and the value of the Mumbai Port Trust (MbPT) work of the tender under consideration exceed the value of the bidding capacity of the contractor indicated in the table below,

(1) Range of Average Annual turnover	(2) Bidding Capacity
Above 0.5 crore to 2.0 crore	2.0 crore
Above 2.0 crore to 4.0 crore	4.5 crore
Above 4.0 crore to 6.0 crore	7.5 crore
Above 6.0 crore to 8.0 crore	10.5 crore
Above 8.0 crore	12.0 crore

- (n) In case of urgency, the MbPT reserves the right to limit tendering to a shortlist of firms registered with the Port Trust and is particulars class and also firms not registered with the Port Trust and also to reduce the time for submission of tenders.

RULES

RULE NO.1

The contractors will be classed according to their financial status, turnover and track record. The classification, solvency required, etc. are shown in the following table.

Class	Eligible to tender for works costing upto and including (Rs. in lakhs)	Minimum Solvency (Rs. in lakhs)	Minimum Network (Rs. in lakhs)	Minimum working capital & overdraft (Rs. in lakhs)	Average annual turnover for last three years (Rs. in lakhs)
(1)	(2)	(3)	(4)	(5)	(6)
A	Upto 100	20	22	11	50
B	Upto 60	12	18	09	30
C	Upto 30	10	09	05	15
D	Upto 10	03	03	1.5	5

Note (i)

In respect of “professionally” managed firms, the requirement under columns [(3), (4), (5), (6)] will be interpreted on an “or” basis.

Note (ii)

The following firms will be classified as “professionally managed”

(a) The owner or active partner is a qualified Civil Engineer with a Degree in Civil Engineering and has at least 10 years’ experience in the profession.

or

(b) A full time director of the company is a qualified engineer with a Degree in Civil Engineering and has at least 10 years professional experience.

or

(c) The company has been employing on a full time basis during the last ten years qualified engineers with Degree in Civil Engineering as Site Engineer and has delegated to them sufficient financial and administrative authority.

RULE NO.2

No contractor shall be registered without full enquiry as to his stability in regard to Financial status supported by a certificate of solvency / network / working capital plus overdraft obtained from a Scheduled or Nationalized Bank, Chartered Accountant, as applicable supported by balance sheet for the last three years.

(i) A certificate will not be accepted for the purpose of registration if it is more than 12 months old after the date on which it was issued

(ii) Professional capacity and reliability supported by certificates or recommendations of officers of Government or Public Bodies.

RULE NO.3

- (i) For registration, the contractor shall submit an application in the prescribed form indicating the class and the specialty in which he wishes to be registered. The application shall be accompanied by necessary statements and documents as detailed in the Form of Application which can be obtained on payment of prescribed charges.
- (ii) The contractor applying for registration shall pay in full the scrutiny fees, (which will be non-refundable) alongwith his application form.
- (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 for registration, his application will be considered for registration in lower class, if he so desire, in which case a separate application for registration will not be required.

Note 1 :

If the application does not contain complete information, the applicant will be requested to furnish further required information / documents by particular date. If the applicant does not furnish the information / documents by that date or fifteen days thereafter it will be presumed that the applicant is not able to produce the required information / documents, Chief Engineer will treat the application as “non responsive” and will reject the application. Thereafter, if the applicant desires to be reconsidered for registration he will have to apply afresh for the same.

Note 2 :

Every change in ownership pattern and leading technical employees shall be intimated by the contractor to the Chief Engineer forthwith.

RULE NO.4

In each class the firm will be registered in one or more of the following specialties depending upon their experience and the plant and equipment available with them and experience of 7 years of similar type of works for Class 'A', 'B', 'C' & 'D' costing aggregate of Rs. 75 lakh, 35 lakh, 15 lakh & 5 lakh respectively.

Specialty	Description	Requirement
I	Asphaltic paving	<u>For 'A' Class</u> 1) Should have experience of 7 years of Asphaltic paving work comprising of Excavation, rolling and Levelling, providing rubble-Soling, Metalling, laying Asphaltic macadam / concrete /seal coat / mastic etc. 2) Ownership of asphaltic paving material plant or minimum 26% of Partnership/ Equity/ Shareholdings as a Partner or a Director of the Company and other equipment such as pavers, dumpers, rollers, etc. 3) Ownership of a milling machine or a standby arrangement for its hire at a short notice.

		<p style="text-align: center;"><u>For 'B', 'C' & 'D' Class</u></p> <ol style="list-style-type: none"> 1) Should have experience of 7 years in Asphaltic paving work comprising of Excavation, rolling and Levelling, providing rubble-Soling, Metalling, laying Asphaltic macadam / concrete / seal coat / mastic etc. 2) Arrangements with owner of asphaltic paving material plant for supply of premixed asphaltic macadam / concrete and related plant and equipments as and when required. 3) Standby arrangement for hire at short notice for supply of dumpers and rollers.
II	Concrete Paving	<p style="text-align: center;"><u>For 'A' Class</u></p> <ol style="list-style-type: none"> 1) Should have experience of 7 years of concrete paving work comprising of Excavation, rolling and Levelling, providing rubble-Soling, Metalling, laying PCC & PQC of different grades of concrete. Note:- Providing and laying of paver block will not be considered as experience for this specialty. 2) Ownership of ready mix concrete plant (RMC), or minimum 26% of Partnership / Equity / Shareholding as a Partner or a Director of the Company, and concrete mixing machine and other equipment such as concrete vibrators, transit mixtures, dumpers, rollers, shuttering, etc. <p style="text-align: center;"><u>For 'B', 'C' & 'D' Class</u></p> <ol style="list-style-type: none"> 1) Should have experience of 7 years of concrete paving work comprising of Excavation, rolling and Levelling, providing rubble-Soling, Metalling, laying PCC & PQC of different grades of concrete. Note:- Providing and laying of paver block will not be considered as experience for this specialty. 2) Arrangements with owner of RMC plant for supply of ready mixed concrete and related plant and equipments at short notice. 3) Ownership or standby arrangement on hire at short notice for concrete mixing machine and other equipment such as concrete vibrators, rollers, shuttering, etc.

III	Restorative Repairs to buildings & structures	<p><u>For A, B, C & D Class:</u></p> <ol style="list-style-type: none"> 1) Should have experience of 7 years in restorative repairs / rehabilitation of RCC structures by jacketing & using epoxy and polymer mortar, other specialized restorative repair works, etc. 2) The Ownership or standby arrangement with RMC plant owner for supply of RMC, and other related equipments at short notice. 3) Ownership or standby arrangement on hire at short notice for concrete mixing machine and other equipment such as concrete vibrators, shuttering materials, etc.
IV	Construction of Buildings, Godowns, warehouse, sheds	<p><u>For A, B, C & D Class:</u></p> <ol style="list-style-type: none"> 1) Should have experience of 7 years in construction of buildings, godowns, sheds, warehouses, etc. 2) The Ownership or standby arrangement with RMC plant owner for supply of RMC, and other related equipments at short notice. 3) Ownership or standby arrangement on hire at short notice for concrete mixing machine and other equipment such as concrete vibrators, shuttering materials, etc.
V	<p><u>Other Civil Engineering works:</u> Compound wall, drainage, sewers, water mains, Plumbing, waterproofing, painting, Supply of materials, Petty Civil Engineering Works and any other works not covered under other specialties mentioned herein and excluding marine works, piling, soil investigations and water main with inside concrete lining.</p>	<p><u>For A, B, C & D Class:</u></p> <ol style="list-style-type: none"> 1) Should have experience of 7 years in any one of the similar type of works. 2) The Ownership or standby arrangement with RMC plant owner for supply of RMC, and other related equipments at short notice. 3) Ownership or standby arrangement on hire at short notice for concrete mixing machine and other equipment such as concrete vibrators, shuttering materials, etc.
VI	<p><u>Labour Intensive works:</u> Loading / Unloading of engineering materials, debris, kuchra, refuse, etc. into and by railway wagon or by Lorries, removal of rank vegetation, De-silting works, Cleaning and cement washing of Water Tanks, Cleaning and washing of toilets, passages, Sweeping of roads and wharfs and collecting of kuchra and dumping into dustbin as well as transporting the same outside MbPT Estate.</p>	<p><u>For A, B, C & D Class:</u></p> <ol style="list-style-type: none"> 1) Should have experience of 7 years in carrying any one of similar type of the works. 2) Ownership or arrangement with the owner of Lorries on hire at short notice.

VII	Permanent Way Works	<p style="text-align: center;"><u>For A, B, C & D Class:</u></p> <ol style="list-style-type: none"> 1) Should have experience of 7 years in carrying out maintenance of Rail tracks or laying of new Rail tracks. 2) Ownership of Hydraulic / pneumatic Jacks, Crow bars and other related equipments.
------------	----------------------------	---

RULE NO. 5

Application for Upgradation from one class to another will be treated as a fresh application for registration. Such Upgradation will be made on merits by the competent authority taking into account the financial parameters specified under RULE NO. 1.

Note :- Subsequent to the initial registration in a particular class and speciality application for upgradation to a higher class/speciality will be considered only if the contractors have completed works including partially completed works for MbPT in the class/speciality in which they are registered earlier as detailed below :

Sr. No.	Class	Minimum aggregate cost of the works completed
1.	Class "B"	Rs. 60 lakhs
2.	Class "C"	Rs. 30 lakhs
3.	Class "D"	Rs. 10 lakhs

RULE NO. 6

Contractors who desires to be registered in Class A & B shall employ qualified civil engineer/s as their employee and furnish such employees details in application form.

RULE NO. 7

A retired member of the Armed Forces desirous of starting business as an approved contractor may be registered in 'D' Class on obtaining from him a simple application supported by a certificate of his having served in the Armed Forces and solvency certificate alongwith registration fees.

RULE NO. 8

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' Class by applying in the prescribed form to be accompanied by degree/diploma certificate and solvency or networth of working capital certificate and on payment of necessary registration fees. Graduates and diploma holders shall be exempted from the payment of (i) Earnest Money and (ii) security deposit to the extent of 50% of what is 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: - RULE NO. 8 is applicable to graduates and diploma holders for a period of 5 years from the date of passing the respective degree and diploma examination. In case of the graduates and diploma holders in civil engineering, who have completed more than 5 years from the date of passing the respective degree/diploma and have working experience in civil engineering field with any organization for more than 5 years, will also be registered in "D" class on payment of necessary registration fees and furnishing necessary solvency or net worth or working capital certificate. However, they will not be given financial concessions as mentioned above.

RULE NO. 9

(A) Labour Co-Operative Societies

The Societies will be registered in appropriate class and specialties on fulfilling the Financial and Technical requirements under Rule No. 1 & 4.

(1) The other conditions to be full filled by the societies are as under:

(I) The Society shall also furnish the following documents along with their application :

- "Certificate of Registration" as Labour Co-operative Societies from Registrar of Labour Co-operative Societies
- List of members of the society with their trade designation such as painters, plumbers, carpenters, masons, fitters, supervisors, unskilled labour etc. and their Name, Address, Age, Gender,
- True copies of Photo Identity cards of the Society members.
- Documentary proof showing that the society has opened Bank Accounts for its members and wages are being paid through cheque.
- Copy of Accident Insurance Policy for its members.

(II) Every year, the society should renew and submit the above documents to MbPT on or before 1st April.

(III) The society shall furnish an Undertaking stating that society will deploy only its members for execution of the work awarded to them and they shall not engage any non-member of their society for execution of the work.

(IV) Certificate from the Registrar of Co-operative societies regarding its capacity and financial resources in lieu of solvency or banker's certificate.

(V) Certificate of professional capacity from the officer of the Government or Public body in whose division it has carried out works.

(2) The registration of the societies in all the skilled work specialties i.e. Specialty I to V and VII will depend upon appropriate class / category of artisan as a member of the society. (For example, for registration of society under specialty IV i.e. construction of building, godowns, warehouses etc. the society shall have masons, fitter, carpenter, plumber, painter, etc. as the members of the society)

(3) The Society must own in its own name or in the name of any of its members sufficient numbers of lorries for works which involve sustained and regular element of transport at a short notice.

(4) The Labour Co-operative Societies will be entitled for the following benefits:

- **Purchase preference :**

The Labour Co-operative Societies participating in the tender will get first right of refusal before the contract is given to the other lowest tenderer provided :

- (i) the society's offer is upto and including 10% of the lowest quoted offer and
- (ii) society is ready to match its price with that of the lowest tenderer.

If there are more than one co-operative society participated in the tender, the above quoted "right of first refusal" will go to the lowest labour co-operative society among the labour co-operative societies participated in the tender.

- The Labour Co-operative Societies are entitled for 50% concession in respect of initial security deposit, additional security deposit and retention money applicable for the tender works and the same shall be recovered from their running account bills.

(5) Subsequent to award of work, in case it is found that society has engaged / deployed workers who are not the members of the society, such society will not be entitled for purchase preference in future tenders quoted by them. However, such society will be allowed to complete the work in hand wherein the breach of Undertaking has been noticed.

(B) Micro, Small and Medium Enterprise (MSME)

The firms / Enterprises Registered as Micro, Small and Medium Enterprise (MSME) with Government will be considered for Registration in respective Class and specialty on fulfilling the requirements mentioned at Rule No. 1 & 4. For these firms, tenders will be issued free of cost and they will be exempted from payment of EMD.

RULE NO. 10

In addition to any penal action under the conditions of individual contracts, a registered contractor may be liable under these Rules to one or more of the following penalties:

- i) Warning
- ii) Fine
- iii) Demotion
- iv) De-registration

10.1 WARNING / FINE

A contractor will be liable to warning and / or fine for (i) non-compliance of any provision of these rules; (ii) failure to comply with any clause under these Rules or any condition of tender (s) / contract(s); and (iii) inadequate progress or performance under a contract (s).

For the first default of any type mentioned above, a warning will be issued. For each subsequent default of the types in (i) & (ii) above, the minimum penalty will be a fine of Rs.5,000/- while that for a default of the type (iii) the minimum penalty would be Rs.10,000/- for contracts of upto Rs.25 lakh and Rs.20000/- for contract of above Rs.25 lakh. Higher amount of fine may be levied by the Chief Engineer for reasons to be recorded.

10.2 DEMOTION

A contractor will be liable to be demoted to a lower class of registration of any of the following grounds :

- (i) Specific failure or default in execution of individual works, in respect of physical progress or quality of such works;
- (ii) Inadequate performance;
- (iii) Deterioration in financial or technical ability / capacity ; and
- (iv) Repeated failure to fill in tender documents fully and correctly or delay in execution of formal contract document.
- (v) Demotion shall be restricted to one class immediately below the existing class of registration. Demotion from the lowest class of registration will amount to de-registration.

10.3 DEREGISTRATION

A contractor will be liable to be de-registered on any of the following grounds :

- i) Attempt to defraud the MbPT;
- ii) Attempt to bribe MbPT employees / officer ;
- iii) Attempt to secure a contract through unfair means or bringing to bear outside influence
- iv) Attempt to secure unauthorisedly copies of MbPT records and documents in relation to any tender / contract or any other official matter
- v) Attempt to tamper with MbPT record and documents;
- vi) Furnishing false and/or misleading information relating to registration and/or any tender/contract.
- vii) Threatening, misbehaving with or physical attack on any MbPT employee/officer
- viii) Attempt to instigate or collude with other contractors with a view to securing undue advantage
- ix) Conviction by a court of law for any criminal offence; and
- x) Any of the grounds not mentioned in Clause 10.3 if it is deemed serious enough.

10.4 If a registered contractor (a firm, partnership or company) is de-registered, then any other registered contractor (a firm, partnership or company), with any partner or shareholder who is also a partner or shareholder or a “spouse” of such partner or shareholder of the de-registered contractor, shall also stand automatically de-registered. If a registered contractor who is a proprietary firm is a de-registered then any other registered contractor who is spouse of such proprietor shall also stand automatically de-registered.

10.5 Demotion and de-registration shall apply to all the classes, categories and disciplines under which the contractor is registered and will be valid for the remaining period of the registration or the period specified in the order of demotion / de-registration. Similarly, a demoted contractor shall not be ordinarily entitled to apply and be considered for renewal / fresh registration in a class higher than that to which he was demoted.

10.6 AUTHORITY :-

The Chief Engineer, MbPT will be competent, either suo moto or on the basis of reports received, to issue warning to, impose fine on and order demotion or de-registration of a contractor.

10.7 PROCESS

10.7.1 Before initiating action for demotion / de-registration the Chief Engineer, shall issue a Notice to the contractor to show cause why the proposed penal action should not be taken against him. The period of notice shall not be less than 15 days, shall be reckoned from the date of receipt of the notice by the contractor and as can be extended by the Chief Engineer, maximum upto a period of 30 days (including the initial period).

10.7.2 If the Contractor fails to give satisfactory clarification within the period stipulated in the show cause notice (or, the extended period, if any), the Chief Engineer shall take a final decision regarding the demotion. Before issuing a final order regarding demotion or for de-registration, the Chief Engineer may give the contractor an opportunity to be heard in person, or through his authorised representative, if such a hearing is requested by the contractor along with his letter of clarification.

10.7.3 Any order of penalty passed by the Chief Engineer under these Rules shall state the facts of the case and give the reasons for the order. In case of demotion and de-registration, the order shall also specify the name(s) of the partner (s)/ shareholder (s) of the contractor's firm/partnership/company as well as the period of demotion / de-registration in his order, he shall intimate the contractor accordingly.

10.7.4 As far as practicable, the Chief Engineer shall take final decision regarding demotion / de-registration within 7 days of completion of hearing of the contractor.

10.7.5 Within 7 days from the date of receipt of the order regarding demotion / de-registration, the contractor shall surrender the original registration certificate (for necessary endorsement) to the Chief Engineer's Office. If any contractor does not comply with this requirement within the period of 7 days mentioned above, he shall be deemed to have been de-registered at the expiry of the above mentioned period, even if the penalty imposed was demotion.

10.7.6 If after expiry of the period of 7 days mentioned in Clause 10.7.5., a penalised contractor is found to have obtained a tender/work order for any work, the contractor's tender will not be considered at all and the work order, if any, will be deemed to have been cancelled.

REFUND

10.8 A demoted or de-registered contractor shall not be entitled to refund of registration / renewal fees.

RULE NO.11

Whether a contractor gets registered at the commencement of the cycle or at any other time during the cycle, all registrations will be co-terminus and valid upto the termination of cycle unless the contractor's name is removed earlier from the register by MbPT due to the contractor's failure or default.

RULE NO.12

Contractors who do not tender for any work of the MbPT during a period of one year after their registration are liable to be removed from the register.

RULE NO.13

Any contractor rejected, removed, demoted or de-registered by the Chief Engineer, may appeal to the Dy. Chairman / Chairman against order of rejection, removal, demotion or deregistration, the decision of Dy. Chairman / Chairman will be final.

RULE NO.14

Special requirements such as plumbing license, electrical supervisor's licence etc. which may be required for particular categories of work like house drainage, water supply, general drainage works, electrical installation etc. will have to be fulfilled by the contractors whenever such special works are involved.

RULE NO.15

The contractors shall forward to the Chief Engineer an annual return ending 31st March every year in the form prescribed in ANNEXURE 'A' on or before 30th June of every year through the Divisional Engineers.

RULE NO.16

The contractors may, if they so desire, deposit an amount as per scale prescribed below with the MbPT and secure exemption from the payment of earnest money with each individual tender, after executing the necessary bond in the form given in ANNEXURE 'B' which should be submitted to the Chief Engineer for record. The contractor shall submit fresh FDRs/NSCs or other instruments and the instruments submitted by the contractor for the earlier cycle shall be collected back by the contractor. Renewal of the FDR and other instruments will not be done by MbPT. The contractor shall produce a copy of the bond before the concerned officer whenever he tenders for works and seeks exemption from payment of Earnest Money Deposit.

SCALE OF PERMANENT EARNEST MONEY DEPOSIT

CLASS	AMOUNT OF PEMD
A	Rs.2,00,000/-
B	Rs.1,00,000/-
C	Rs. 50,000/-
D	Rs. 30,000/-

This deposit may be made in cash or in the form of National Saving Certificate, Interest Bearing Securities, Postal Savings Bank Pass Book, Fixed Deposit Receipts, Units of Unit Trust of India etc. duly pledged for part or whole and will not be eligible for conversion into part of prescribed security deposit.

The documents submitted towards the Permanent Earnest Money Deposit (PEMD) in the form of other than in cash, should be valid minimum upto the end of the cycle i.e. upto 30.06.2019 or extension thereof. The Permanent Earnest Money (PEMD) once paid by the registered contractor will not be refunded except the contractor opts for cancellation of registration.

The FDRs and other instruments to be lodged by the contractors should be of Nationalised Banks/Scheduled Banks (approved by MbPT) situated within the limits of MCGM.

When the Permanent Earnest Money Deposit or part thereof is forfeited, the contractor shall make up the amount, if he desires to stay exempted.

RULE NO.17

The Registration will only entitle a firm a buy tender documents for the works of the relative class and specially. However, it is not binding on MbPT to accept the lowest or any tender.

RULE NO.18

The MbPT reserves the right to add, delete or amend the Rules of registration by giving one month's notice to all the firms on the registered list.

CHIEF ENGINEER

ANNEXURE 'A'
(Referred to in Rule 15)

Annual return for period ending March to be submitted by a registered contractor to the Chief Engineer showing MbPT works tendered for during the year.

Name of Contractor :-

Authority for Registration :-

Class :-

Specialties :-

Name of the work	Name of Division	Amount put to tender Tendered Amount Rs.	Date of award of Contract, if awarded	Remarks of Divisional Engineer
1	2	3	4	5

Annexure 'B'
(Referred to in Rule 16)

(Form of bond to secure exemption from payment of Earnest Money)

KNOW ALL MEN BY these presents that we, the undersigned _____ (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 upto the Board of Trustee of Port of Mumbai (hereinafter) referred to as the "the Trustees which expression shall unless the context does not so admit include their successors and assigns) in the sum of Rs. _____ to be paid to the Trustees for which payment well and truly to be made we bind ourselves and our successors, executor, well and truly to be made we bind ourselves and our successors, executors, administrators and representatives firmly by these present duly signed by us this _____ day of _____ 20_____.

Whereas the abovementioned Bounden is bound as per the terms and conditions of tenders issued by or on behalf of the Civil Engineering Department of the Mumbai Port Trust for the work/s that has/have to be executed for the said Department/s to pay to the Trustees Earnest Money for all work/s tendered or years, from the _____ day of _____ 20_____ to the _____ day of _____ 20_____ (hereinafter referred to as the "period).

AND WHEREAS AS per RULE No.16 of the Rule of Registration, the Bounden will 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 Civil Engineering Department, of the Mumbai Port Trust a sum of Rs. _____ in cash, Government, Securities of the market value of Rs. _____ and executed a bond in favour of Trustees in the form prescribed therefore being these presents.

AND WHEREAS the Bounden have delivered to deposit with the Civil Engineering Department, Mumbai Port Trust in the account of Trustees as sum of Rs. _____ in cash or in the form of National Saving Certificates, Interest bearing Securities, Postal Savings Bank, Pass Book, Fixed Deposit Receipts, Units of Unit Trust of India etc. specified in the list hereunder 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 work tendered or to be tendered by them.

Now the conditions of the above written bond is such that if during the period, the Bounden shall be given the work/s tendered by them and if the security required for the proper execution 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 accordingly to the terms of said agreement or agreements then this obligation shall be void and of no effect.

Otherwise, it shall remain in full force and virtue PROVIDE ALWAYS and it is hereby declared and agreed to by the Bounden with the Trustees that the deposit of Rs. _____ so made as aforesaid shall be and remain the said account of the Trustees of Earnest Money for the purpose aforesaid with full power to 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 pay 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 Bounden shall within Fifteen days of the date of any such forfeiture being so made, the Bounden shall within Fifteen days of the date of any such forfeiture of deposits in Rs. _____ either in cash or in the form of National Savings Certificates, Interest Bearing Securities, Postal Savings, Bank Pass Book, Fixed Deposit Receipts, Units of Unit Trust of India etc. of the market value of Rs. _____.

It is hereby further agrees and declared by and between the Bounden and the Trustees that in the event of the Bounden claiming for the refund of the above lumpsum deposit, the said deposit or such part thereof as has not been forfeited as aforesaid shall be refunded to the Bounden provided that necessary certificate from the Chief Engineer has been duly obtained to the effect that no amounts are outstanding against the said Bounden in connection with any work done or tendered for by the said Bounden in any Division of the Mumbai Port Trust PROVIDED ALWAYS that the return at any time of the said deposit or any part thereof shall not be deemed to affect the right of the Trustees to take proceedings against 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 in to with the Trustees during the continuance of the aforesaid exemption, as aforesaid exemption 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 of the Officers and servant 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 mentioned bounden have hereby set their respective hand and the Chief Engineer has for and on behalf of the Trustee of the Port of Mumbai set his hand and affixed his official seal hereto the day and year hereinabove written.

SIGNED AND DELIVERED BY

the above named Bounden

in the presence of

1. Name : _____
Address : _____
2. Name : _____
Address : _____

SIGNED, SEALED AND DELIVERED

By Shri _____

In presence of

1. Name : _____
Address : _____
2. Name : _____
Address : _____