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NOTIFICATION

GOVERNMENT OF MIZORAM PUBLIC WORKS DEPARTMENT

No. D. 24011/1/98-PWM,

Dated Aizawl, the 25th May, 1998

RULES FOR REGISTRATION OF CONTRACTORS UNDER PUBLIC WORKS DEPARTMENT, GOVERNMENT OF MIZORAM-1998.

1. **PREAMBLE :** These rules are framed in pursuance of the provisions made in CPWD Manual, Volume-II, Section 35, Para 2 (Appendix 53), 1995-Edition for registration of Contractors which may be applied to Contractors under PWD, Mizoram for all construction works under PWD except Electrical and Mechanical works.

2. **TITLE & COMMENCEMENT :**

These rules may be called "RULES FOR REGISTRATION OF CONTRACTORS UNDER PUBLIC WORKS DEPARTMENT, MIZORAM-1998" and shall be effective from the date of publication in the Official Gazette.

3. **CLASSES OF CONTRACTORS :**

There may be four Classes of Contractors:

- i) Class-I : Qualified to tender works of any amount.
- ii) Class-II : Qualified to tender works upto Rs. 40.00 lakhs.
- iii) Class-III : Qualified to tender works upto Rs. 15.00 lakhs.
- iv) Class-IV : Qualified to tender works upto Rs. 5.00 lakhs.

4. REGISTERING AUTHORITY :

- i) Registration of Class-I Contractors will be done by Chief Engineer with the approval of a Committee consisting of Secretary, PWD as Chairman, Chief Engineer and all Superintending Engineers as Members.
- ii) Registration of Class-II Contractors will be done by the Chief Engineer, PWD, Mizoram with the approval of a Committee consisting of Chief Engineer, PWD, as Chairman, and all Superintending Engineers, PWD as Members.
- iii) Registration of Class-III Contractors will be done by the concerned Superintending Engineer, PWD, with the approval of a committee consisting of Superintending Engineer, PWD of the concerned Circle as Chairman and all Executive Engineers, PWD, under his Circle as Members.
- iv) Registration of Class-IV Contractors will be done by the Executive Engineer concerned with the approval of a committee consisting of concerned Executive Engineer, PWD, working Division of the same Circle and all Sub-Divisional Officers of the Division concerned as Members.

5. QUALIFICATIONS :

- 1) CLASS-I : A Contractor desiring registration as Class-I Contractor-
 - i) should have sufficient means, organisation and machinery for executing the works;
 - ii) should have satisfactorily executed at least 3 works costing not less than Rs. 20.00 lakhs each, at least one of which has been of Building works, and the aggregate value of all such works executed has not been less than Rs. 50.00 lakhs during last 5 (five) years from the date of his application;
 - iii) should have at least 5 years' experience as a registered Class-II Contractor.

Provided that a degree-holder in Civil Engineering having a permanent residence in Mizoram with 10 years' experience in Civil Engineering in Mizoram with sufficient means, organisation and machinery or a firm, the partners of which fulfil the qualifications mentioned in this clause shall be entitled to registration as Class-I Contractor.

- 2) CLASS-II : A Contractor desiring registration as Class-II Contractor-

- i) should have satisfactorily executed at least 3 works of not less than Rs. 5.00 lacs each, at least one of which has been of Building works and the aggregate value of all such works executed has not been less than Rs. 10.00 lakhs during last 5 years' from the date of his applications;

- ii) should have at least 5 (five) years' experience as a registered Class-III Contractor;

Provided that a degree holder in Civil Engineering having a permanent residence in Mizoram with 10 (ten) years' experience, or a diploma in Civil Engineering having a permanent residence in Mizoram with 20 years' experience in the line will be eligible for registration as Class-II Contractor.

3) CLASS-III : A Contractor desiring registration as Class-III Contractor-

- i) should have satisfactorily executed works, the aggregate value of which is not less than Rs. 3.00 lakhs;
- ii) should have at least 3 (three) years' experience as a Registered Class-IV Contractor;

Provided that a degree holder in Civil Engineering Department with 5(five) years's experience or a Diploma in Civil Engineering Department with 10 (ten) years' experience or a none-Diploma in Civil Engineering line with 20 years' experience as Junior Engineer and above, having a permanent residence in Mizoram will be eligible for registration as Class-III Contractor.

4) CLASS-IV :

- i) Any person/individual desiring a registration as Class-IV Contractor should have a permanent residence in Mizoram. He should produce a House Tax Clearance Certificate indicating the House Pass/LSC No. and years at the time of submitting his application for registration. In the case of the person/individual having only House site allotted by Revenue Department/Village Council Authority concerned, the Certificate and Xerox copy of the House Site may be countersigned by the President of Village Council concerned or by the Officer of the Revenue Department, as the case may be.

6. FIXED EARNEST MONEY :

The Registered Contractors of Mizoram PWD of various Category and Classes desirous of seeking exemption of Earnest Money in individual cases of tenders will be required to deposit the following lump sum amount of Fixed Earnest Money with the Government in the form of National Savings Certificate or Fixed Deposit or as may be decided by the Government, in the credit of the Government as shown below :

Sl. No.	CLASS OF CONTRACTORS	FIXED EARNEST MONEY
1.	Class-I	Rs. 3,00,000.00 (i.e. Rupees three lakhs only).

Sl. No.	CLASS OF CONTRACTORS	FIXED EARNEST MONEY
2.	Class-II	Rs. 75,000.00 (i.e. Rupees Seventy five thousand only).
3.	Class-III	Rs. 40,000.00 (i.e. Rupees Forty thousand only)
4.	Class-IV	Rs. 10,000.00 (i.e. Rupees Ten thousand only).

7. EARNEST MONEY :

A Contractor without depositing the Fixed Earnest Money stated above shall have to deposit Earnest Money with each individual tender at the following rates :—

- i) For works upto Rs. 5.00 Lakhs : $2\frac{1}{2}\%$ of the estimated cost.
- ii) For works above Rs. 5.00 Lakhs : 2% of the estimated cost.

8. SECURITY DEPOSIT :

A deduction of 10% from a relevant running bill will be effected towards the Security Deposit, and the Earnest Money deposited at the time of tender will be treated as part of the Security Deposit, subject to a maximum of Rs. 5.00 Lakhs.

9. GENERAL CONDITIONS :

- i) All applications for registration as Contractor should be submitted in prescribed form which will be made available from the Chief Engineer's Office, P.W.D., for Class-I and Class-II Contractors, from Superintending Engineer's Office, PWD for Class-III Contractors, from Executive Engineer's Office PWD for Class-IV Contractors. An application duly accompanied with Income Tax Clearance Certificate for Non-Tribals, House Tax Clearance Certificate and Professional Tax Clearance Certificate for Tribals shall be submitted to the concerned Registering Authority.
- ii) A Contractor will be required to certify that he will not get himself registered in more than one class.
- iii) Review of the list of registered Contractors will be done yearly with a view to recommend weeding out of Contractors who are guilty of malpractice or otherwise unsuitable, or have been blacklisted.
- iv) Request(s) for upgradation will be considered at the interval of every two years. While considering upgradation of Contractors to a higher class, Performance Reports maintained by the concerned Superintending Engineers will be taken into account.

v) Contractors who are members of the families of Divisional Accountants or Engineering Officers between the grades of Superintending Engineer and Junior Engineer (both inclusive) will not be allowed to tender for works in the

members will be as in the Central Civil Services (Conduct) Rules, 1964.

- vi) No minor should be registered as Contractor.
- vii) On the death of any Contractor his registration shall be cancelled forthwith by the concerned Registering Authority.
- viii) Performance Report of Contractor shall be maintained as per para 35.5 and 35.6 of CPWD Manual Volume-II- in respect of contractors of Class-III and above, and Confidential Register of Contractors shall be maintained in all Divisions in respect of Class-IV Contractors.

10. CANCELLATION OF REGISTRATION :

If any Registered Contractor is found involved in any of the following activities, his registration will be liable for cancellation, after a summary hearing of such Contractor :

- i) Adoption of malpractices in submitting tender/drawing bills etc.
- ii) Failure to settle accounts with the labourers engaged for works.
- iii) Failure to maintain good reputation and integrity.
- iv) Failure to execute the works according to specifications.
- v) Other undersirable/illegal activities.
- vi) Sale/Sub-letting or transfer of Contractual works on Power of Attorney, or such benami transaction.

11. MISCELLANEOUS :

- i) No Contractor whose registration has been cancelled will be eligible for re-registration as Contractor within 3(three) years from the date of cancellation of his/her registration.

12. REPEAL AND SAVING :

Rules and Procedure for enlistment of Contractors under PWD, Government of Mizoram, as notified, vide No. PWM.276/82/172 dt.23.9.85 with its subsequent amendment dated 30.11.89 stands repealed with the commencement of these rules.

Provided that notwithstanding such repeal, anything done or action taken under the said rules so repealed, shall be deemed to have been validly done or taken under the corresponding provisions of these rules.

Provided further that subject to their satisfactory performance the existing registered Contractors of various Classes desiring to continue their registration shall have to deposit Fixed Earnest Money under rule 6, taking into account the amount already deposited under the previous Rules within such time as may be determined by the Chief Engineer, PWD, failing which the previous Registration shall stand cancelled.

By order etc.

Lalfak Zuala,
Secretary to the Govt. of Mizoram,
Public Works Department.