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NOTIFICATION

THE MIZORAM (REGISTRATION OF CONTRACTORS) UNDER THE PUBLIC WORKS DEPARTMENT RULES, 2004.

No. D. 24011/1/98-PWM, the 22nd March, 2004. In exercise of the powers conferred under clause (3) of Article 166 of the Constitution of India, the Governor of Mizoram is pleased to make these rules conformity with the provision in Central Public Works Department Manual Volume-II, Section 85 and Appendix 53, for registration of Contractors under Public Works Department, Mizoram for all construction works under Public Works Department except Electrical and Mechanical works.

Short Title : 1 (1) These rules may be called the Mizoram (Registration of
and Commence- Contractors) Rules, 2004.
ment

(2) They shall come into force from the date of publication in the Official Gazette.

Classes of : 2. On and from the commencement of these rules there shall be
Contractors four classes of Contractors; namely:-

(1) Class-I : Qualified to tender works of any amount.

(2) Class-II : Qualified to tender works upto Rs. 40.00 lakhs.

(3) Class-III : Qualified to tender works upto Rs. 15.00 lakhs.

(4) Class-IV : Qualified to tender works upto Rs. 5.00 lakhs.

**Registering : 3.
Authority**

(1) Registration of Class-I Contractor shall be done by the Engineer-in-Chief, Public Works Department with approval of a Committee consisting of the Secretary, Public Works Department as a Chairman, all Chief Engineers and Superintending Engineers under Public Works Department as Members.

(2) Registration of Class-II Contractors shall be done by the Chief Engineers within their respective jurisdiction with the approval of a committee consisting of the Engineer-in-Chief, Public Works Department as a Chairman, all Chief Engineers and all Superintending Engineers under Public Works Department as Members.

(3) Registration of Class-III Contractors shall be done by the designated Superintending Engineers under Public Works Department with the approval of a Committee consisting of the concerned Chief Engineer, Public Works Department and all the Superintending Engineers under him as Members.

(4) Registration of Class-IV Contractors shall be done by the concerned Executive Engineers, Public Works Department with the approval of a committee consisting of concerned Superintending Engineer, Public Works Department as a Chairman and all Executive Engineers, Public Works Department under him as Members.

**Qualifica-: 4.
tion for re-
gistration
as a Class-I
Contractor.**

(1) There shall be 2(two) qualifications for registration as a Class-I Contractors, namely by promotion and by direct registration. A contractor desiring registration as Class-I Contractor by promotion from Class-II Contractor should have sufficient means, organization and machinery for executing the works, and should have satisfactorily executed at least 3(three) works consisting 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. 70.00 lakhs during the last five years from the date of his application.

Provided that a graduate in civil Engineering with ten years experience and such other engineers possessing diploma in Civil Engineering with twenty years experience of the rank of Executive Engineer and above shall be eligible for registration to Class-I Contractor after a lapse of two years from retirement of active Government Service or after obtaining permission from Government in conformity with Central Civil Service (Pension) Rules, 1972 if such an engineer has sufficient means, organization and machinery.

(2) For the purpose of direct registration, the applicant

(a) should have permanent engineering establishment comprising a minimum of one graduate in Civil Engineer-

ring having three years experience and two other engineers holding diploma in Civil engineering having an experience of the works for a period not less than three years;

(b) should possess atleast six numbers in his establishment in good working condition of the following Civil Construction of tools, plants and machineries :—

- (i) Excavator cum Loader
- (ii) Bull Dozer
- (iii) Paver Finisher
- (iv) Hot Mix Plant
- (v) Road Roller
- (vi) Stone Crusher
- (vii) Concrete batching plant with weight batcher (10 TPH Capacity)
- (viii) Steel shuttering and scaffolding (for an area of atleast 500 sq. m.)
- (ix) Truck/Tripper
- (x) Builder hoist (10m height atleast)
- (xi) Air Compressor
- (xii) Excavator

(c) should possess solvency certificate from Scheduled bank not less than Rs. 50.00 lakhs.

(d) should possess credit facilities from Scheduled Bank not less than Rs.10.00 lakhs.

(e) should be permanent resident of the State of Mizoram.

Qualifica-
tion for re-
gistration as
a Class-II
contractor

5. (1) A contractor desiring registration as Class-II Contractor have satisfactorily executed at least three works costing not less than Rs. 5.00 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. 18.00 lakhs during the last five years from the date of his application;

Provided that a graduate in civil Engineer without past experience, Civil Engineer having diploma in Civil Engineering with three years experience shall be eligible for registration to Class-II Contractor. A retired non-Diploma Engineers with twenty years experience shall also be eligible for registration to Class-II Contractor after a lapse of two years from retirement of active Government Service or after obtaining permission from Government in conformity with Central Civil Service (Pension) Rules, 1972.

- (2) For the purpose direct of registration as a Class-II contractor, the applicant.

(a) should have permanent engineering establishment comprising of a minimum of one graduate in Civil Engineering having three years experience and two other Engineers having diploma in Civil Engineering having an experience of the works for a period not less than three years.

(b) Should possess at least four numbers in his establishment in good working condition of the following Civil Construction tools, plants and machineries :

- (i) Excavator cum Loader
- (ii) Bull Dozer
- (iii) Paver Finisher
- (iv) Hot Mix Plant
- (v) Road Roller
- (vi) Stone Crusher
- (vii) Concrete batching plant with weight batcher (10TPH Capacity)
- (viii) Steel shuttering and scaffolding (for an area of at least 500 Sq. m)
- (ix) Truck/Tripper
- (x) Builder hoist (10m height atleast)
- (xi) Air Compressor
- (xii) Excavator

(c) should possess solvency certificate from Scheduled Bank not less than Rs. 30.00 lakhs.

(d) should possess credit facilities from Scheduled Bank not less than Rs.6.00 lakhs.

(e) should be permanent resident of the State of Mizoram.

Qualifica- : 6. (1) A contractor desiring registration as Class-III contractor should have satisfactorily executed works, the aggregate value of which is not less than Rs.3.00 lakhs.
tion for registra-
tion as a
Class-III
Contractor.

(2) Graduate Engineers with no past experience, Diploma Engineers with three years experience and non-Diploma Engineers with ten years experience shall also be eligible for registration as Class-III contractor.

Qualifica- : 7. 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 or Land Settlement Certificate No. and year at the time of submitting his application for registration. In the case of the person/individual having only House Site allot-
tion for registra-
tion as a Class-IV Contractor.

ted by Revenue Department/ Village Council Authority concerned, the certificate and photo copy of the House Site duly countersigned by the President of the Village Council concerned or by the Officer of Revenue Department as the case may be.

- Fixed Earnest Money** : 8. The registered contractors of Mizoram of various categories and classes desirous of seeking exemption of Earnest 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 as shown below:

Sl. No.	CLASS OF CONTRACTOR	FIXED EARNEST MONEY	
		TRIBAL	NON-TRIBAL
1.	CLASS-I	Rs.20,000/-	Rs.40,000/-
2.	CLASS-II	Rs.10,000/-	Rs.20,000/-
3.	CLASS-III	Rs. 5,000/-	Rs.10,000/-
4.	CLASS-IV	Rs. 500/-	Rs.1,000/-

- Earnest Money** : 9. A contractor without depositing the Fixed Earnest Money stated above shall have to deposit Earnest Money with each individual tender at the following rates :-

(a) For works upto Rs.5.00laks - 2. 5% of the estimated cost.

(b) For works above Rs.5.00 lakhs- 2% of the estimated cost. Subject to a maximum of Rs.1.00 lakh.

- Security Deposit** : 10. 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 shall be treated as part of the Security Deposit, subject to a maximum of Rs.5.00 lakhs.

- Area of Operation** : 11. (1) The area of operation of Class-I and Class-II contractors shall extend to the whole of the State of Mizoram.

(2) The area of operation of Class-III Contractors shall be divided into two namely, Southern and Northern Mizoram. Class-III Contractors registered by Superintending Engineer, Lunglei Circle shall operate within Lunglei, Saiha and Lawngtlai District and those registered by other Circles shall operate within the undivided Aizawl District.

(3) The area of operation for Class-IV Contractors shall be confined within the Circle under which registration was made.

Cancellation of Registration

12. (1) If any registered Contractor is found involved in any of the following activities, his registration shall be liable to cancellation, after a summary hearing of such contractor :—

- (a) Adoption of malpractices in submitting tender/drawing bills etc.
- (b) Failure to settle accounts with the labourers engaged for works.
- (c) Failure maintain good reputation and integrity.
- (d) Failure to execute the works according to specifications.
- (e) Sale/Sub-letting or transfer of contractual works on power of attorney without permission.

(2) The existing registered contractors of various classes desiring to continue their registration, unless they opt for deposit of Earnest Money under rule 9 shall be required to deposit Fixed Earnest Money under rule 8 taking into account the amount already deposited under the preceding Rules within such time as may be determined by Engineer-in-Chief, Public Works Department failing which the previous registration under the preceding Rules shall stand cancelled.

(3) Registration of proprietorship firm/partnership firm/private or public limited company registered on account of the experience or qualification of one or more of the partners shall stand terminated when the partners on whose experience and qualification based on which registration was made cease to associate with the firm.

General Conditions

13. (1) All applications for registration as Contractor in Annexure-I should be submitted in prescribed form which shall be made available from the office of the Engineer-in-Chief, Public Works Department for Class-I and Class-II Contractors from the office of the Chief Engineer, Public Works Department, Class-III Contractors from the office of the concerned Superintending Engineer and for Class-IV Contractors from the office of the concerned Executive Engineer. And application duly accompanied with Income Tax Clearance Certificate and Professional Tax Clearance for non-tribals. House Tax Clearance Certificate and Professional Tax Clearance Certificate for tribals shall be submitted to the concerned Registering Authority.

(2) A contractor shall be required to certify that he will not get himself registered more than one class.

(3) Revalidation of enlistment of contractors shall be done every 3(three) years with effect from the publication of these new Registration Rules.

(4) Request(s) for upgradation shall be considered at least twice a year. While considering upgradation of contractors to a higher class, performance reports maintained by the concerned Superintending Engineers will be taken into consideration.

(5) Contractors who are members of the families of the Divisional Accountant or Engineering Officers from the grades of Junior Engineers to Superintending Engineers will not be allowed to tender for works in the jurisdiction where such officers are working. Definition of family members shall be as laid down in the Central Civil Services (Conduct) Rules, 1964.

(6) No minor should be registered as contractor.

(7) On the death of any contractor his registration shall be cancelled forthwith by the concerned Registering Authority.

(8) Performance report of Contractors shall be maintained as per para 35.5 and 35.6 of Central Public Works Department Manual Volume-II in respect of Contractors Class-III and above, and Confidential Register of Contractors shall be maintained in all division offices in respect of Class-IV Contractors.

Miscellaneous : 14. No contractor whose Registration has been cancelled shall be eligible for re-registration as contractor within three years from the date of cancellation of his/her Registration.

Repeal and saving : 15. On and from the commencement of these rules, rules and procedures for enlistment of contractors under the Public Works Department of the Government as notified vide No. D.24011/1/98 PWM dt. 25.5.1998 with its subsequent amendments dated 29. 9. 98, 14.6.99 and 20. 6. 01 stand repealed:

Provided that not withstanding such repeal of the preceding rules anything done or action taken under these rules so repealed, shall be deemed to have been validly done or taken under the corresponding provisions of these rules.

By order etc.

Ramhluna Khiangte,
Secretary to the Govt. of Mizoram,
Public Works Department.