

MORMUGAO PORT TRUST  
ENGINEERING CIVIL DEPARTMENT

Notification No 5-GA/(14)/84.

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ENGINEERING (CIVIL) DEPARTMENT

Notification No. 5-GA/(14)/84

In exercise of the powers conferred under Section 124(2) of the Major Port Trusts Act, 1963 (38 of 1963), the Board of Trustees of the Port of Mormugao hereby make the following regulations for registration of contractors:-

- i) These regulations may be called the Mormugao Port Trust Regulations for registration of contractors.
- ii) They shall come into force on the date on which the Central Government's approval of these regulations has been published in the Official Gazette.

SCOPE OF THE REGULATIONS

(a) The appended regulations for registration of contractors will be applicable to all contracts for works executed by the Chief Engineer.

(b) The Chief Engineer will issue a public notification in Scheduled Newspapers notifying the trustee's intention to the revised procedure and also invite applications for such registration simultaneously giving about two months for the contractors to apply. The (c)

(c) Chief Engineer will scrutinize the applications and obtain sanction of the competent authority to registration. The scheme will be brought into effect thereafter. Such notification shall be repeated after every three years even though the process of registration will be continued.

Even after the registration system as per these regulations comes into force the usual publication of tender notices shall be continue. Tender copies will however, be issued only to the contractors registered in the categories eligible to quote for such works as per notification and those in higher class. If any unregistered contractor wishes to purchase the tender copy he will have to apply for registration and pay 100% of the registration fees. If after the scrutiny of his application he is found suitable for the class for which tenders are invited, his tender will be considered along with other tenders, otherwise his tender will be ignored.

(d) No tender form shall be issued or contract given to any person, syndicate of firm whose name is not borne on the Register of Approved Contractors referred to in Regulations for Registration of Contractors' without the order of the CE.

Provided that if on invitation of tenders, no registered contractors tenders and the work cannot conveniently be undertaken departmentally it could be permissible for the CE to give it to an unregistered contractor registered in the lower class of that category after re-inviting tender openly and without restrictions.

**NOTE 1:** When re-invitation of tenders is necessitated due to the receipt of high tenders, it is open to the Chief Engineer to re-invite tenders openly from registered as well as unregistered contractors, provided that the high tenders received at the first call are rejected first by the CE.

**NOTE-2:** If re-invitation of tenders is not found to be feasible due to the extreme urgency of the works, the contract, should be negotiated but such negotiations should be carried out only with the registered contractors in the appropriate class and category.

### **1 :CLASSIFICATION OF CONTRACTORS**

The contractors are classed according to their financial status and technical capacity. The classification solvency required, registration fees, Officer competent to sanction registration, etc. are shown in the following table:

Class	Solvency	Capable of Executing work of the value (i.e.) the estimated cost of the work put to tender	Average Annual turnover	Estimated cost of work in hand	Authority competent to sanction registration	Registration fees payable
A 1	Rs.50 lakh	Without Limit	Rs.150 lakh	Rs.1.00 crore	Chairman	Rs.10000
A 2	Rs.20 lakhs	Upto Rs. 100 lakhs	Rs.50 lakh	Rs.50 lakh	CE	Rs.5000
B	Rs.10 lakh	Upto Rs.50 lakh	Rs.25 lakh	Rs.25 lakh	CE	Rs.4000
C	Rs.4.00 lakhs	Upto Rs.20 lakh	Rs.10 lakh	Rs.10 lakh	CE	Rs.3000
D	Rs.2.00 lakhs	Upto Rs.10 lakh	Rs.5 lakhs	Rs.5 lakhs	CE	Rs.2000
E	Rs.1.00 lakhs	Upto Rs.5 lakh	Rs.2 lakh	Rs. 2 lakh	CE	Rs.1000

## **2. SOLVENCY**

No contractor may be registered without full enquiry as to his stability in regard to :-

a) Financial status supported by a certificate of solvency obtained from the Scheduled /Nationalised Bank.

**NOTE 1:** A solvency certificate shall not be accepted for the purpose of registration more than twelve months after the date on which it was granted.

**NOTE 2:** A banker's certificate which brings out the financial soundness of the contractor (to the extent required for the relevant category) shall be accepted. No distinction like scheduled or non-scheduled shall be made for this purpose.

**NOTE 3 :** Solvency certificate in the name of a firm need not be insisted upon if such a certificate for the required amount in the name of one more partner is forthcoming and it is made clear in the partnership that all the partners are jointly and severally responsible to meet all liabilities over and above the business of the firm.

b) Professional capacity and reliability supported by certificates or recommendations of officers of Government or Public Bodies who have had personal knowledge of the applicant and his work.

**NOTE 1:** The experience gained by an individual partner in the execution of works in the past may be taken into consideration while deciding the category of the contractors if the partner concerned has to his credit execution of such works by virtue of monetary share and other interests. Experience gained merely as a employee may not count at proof of the capability of the firm as a whole.

**NOTE 2:** The officer concerned recommending sanction shall ensure that the contractors have the required experience and that have undertaken works of sufficient magnitude justifying their competency to take up the works in the class in which they seek enrolment. If the criteria given in the regulation 5 below is not fulfilled, there would be no necessity for forwarding the application to the registering authority.

## **3. PROCEDURE FOR REGISTRATION**

(i) For registration, the contractor shall submit an application in the form given in annexure 'A' to the CE, for respective type of works, the application shall be accompanied by a declaration that the contractor shall abide by all the labour laws and rules in force from time to time besides the necessary documents referred to in the regulation 2(a) and (b) above.

The CE shall get the Solvency certificate submitted by the contractor duly vetted by the Finance Department before proceeding with registration formalities.

(ii) The contractor applying for registration shall pay 100% of the registration fees which will be non-refundable along with his application form for the class in which he intends to get himself registered.

(iii) If as a result of the scrutiny of the application, a particular contractor is not found suitable for the class for which he had applied for registration, the concerned authority may consider the application for registration for a lower class in which case a separate application for registration will not be required.

**NOTE 1:** The Chief Engineer shall fix a day on which he will personally examine the application and if the application do not contain complete information, call the applicants and explain to them what is required and return the application for resubmission.

**NOTE 2:** Every change in partners Joint venture/ sharing etc, and leading technical employees will be intimated by the contractor to the registering authority forthwith.

#### **4 .ADDITIONAL QUALIFICATION FOR REGISTRATION:**

In each Class the firm will be registered in one or more of the following speciality/ category depending upon their expertise.

- (i) General Engineering Works (which includes building works and other works like Sanitary & water fittings).
- (ii) Structural steel and fabrication works.
- (iii) Water Supply works
- (iv) Drainage works
- (v) Asphaltic Paving works.
- (vi) Pile Foundations.
- (vii) Provision of Fendering Systems.
- (viii) Construction of Offshore structures.
- (ix) Guniting works.
- (x) Concrete Paving.
- (xi) Permanent Way Works.
- (xii) Restorative Repairs to Buildings and Structures.
- (xiii) Supply of Engineering Materials such as Sand, Brick, Metal , Red Earth, Manure etc.
- (xiv) Marine Structures.
- (xv) Landscaping and Gardening works.

Such specialisation shall be treated as an additional qualification though there shall be no attempt to restrict the competition only to those who are specialised in the particular line.

#### **5. UPGRADATION OF CONTRACTORS :**

Promotion from one class to another is permissible on payment of the difference in the registration fee. Such promotion should be made on merits by the competent authority taking into account the cost of works in hand, the annual average turn-over, etc. as specified under Regulation No.1.

**NOTE:** Subsequent to the initial registration in a particular category, applications for upgrading to a higher category will not be considered unless the contractors have carried out some work or works of the Port Trust or of corporate or public bodies in a category in which they were registered earlier.

#### **6. UNDERTAKING TO EMPLOY QUALIFIED ENGINEER :**

At the stage of initial registration, contractors who desire to be registered in A-1 and A-2 class shall give an undertaking that they will employ engineers who have passed the qualifying examination as may be directed by the CE. If they fail to give such an undertaking, they will not be granted registration in 'A-1' and 'A-2' classes.

#### **7. EXEMPTION OF EX-SERVICEMEN :**

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

#### **8. EXEMPTION FOR GRADUATE AND DIPLOMA HOLDERS :**

The Graduates and diploma holders in Engineering (Civil) 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 a degree/diploma certificate and solvency certificate and on payment of necessary registration fees. They shall be exempted from 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.500/- shall be recovered initially and the rest by a prorate deduction from bills.

Note :- The above concession will be available for a period of 5 years from the date of passing the respective degree and diploma examination..

#### **9. EXEMPTION FOR CO-OPERATIVE SOCIETY:**

A labourer's co-operative society shall be given registration in 'D' and 'E' classes on its applying in the prescribed form accompanied by the certificate from the Registrar of Co-operative Societies regarding its capacity and financial resources in lieu of solvency or banker's certificate, a certificate of professional capacity from the Officer of the Government or Public Body in whose division it has carried out works and necessary registration fees, such registration will be valid for a period of 3 years from the date of issue of orders provided the society remains registered with the Registrar during the period and shall be renewed on production of a fresh certificate from the Registrar regarding its capacity and financial resources before expiry of the validity period.

## **10. IMPOSITION OF PENALTIES**

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 a warning and/or fine or (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 of 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) and (ii) above, the minimum penalty will be a fine Rs.2500/- while that for a default of the type (iii) the minimum penalty would be Rs.10000/- for contracts of upto Rs.30 lakhs and Rs.50000/- for contracts of above Rs.30 lakhs. 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 on 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 documents.

### **10.3 DE-REGISTRATION**

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

- a. Attempt to defraud the MPT;
- b. Attempt to bribe MPT employee/officer;
- c. Attempt to secure a contract through unfair means or bringing to bear outside influence;
  
- d. Attempt to secure unauthorisedly copies of MPT records and documents in relation to any tender/contract or any other official matter;
- e. Attempt to tamper with MPT records and documents;

- f. Furnishing false and/or misleading information relating to registration and/or any tender/contract;
- g. Threatening, misbehaving with or physical attack on any MPT employee/officer;
- h. Attempt to instigate or collude with other contractors with a view to securing undue advantage;
- i. Conviction by a court of law for any criminal offence; and
- j. 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, whose proprietary firm is de-registered then any other registered contractor who is spouse of such proprietor shall also stand automatically de-registered.

**10.5** 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.

**10.6** 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, whichever is longer.

**10.7** A de-registered contractor shall not be entitled to be issued any tender document/s or quotation/s for any MPT works. Such a contractor shall also not be ordinarily entitled to apply and be considered for renewal of registration or fresh registration upto the expiry of the period of 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.

**10.8 AUTHORITY :** The Chief Engineer, MPT 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 except in respect of class 'A' contractor where the competent authority will be the Dy. Chairman / Chairman.

**10.9 PROCESS :**

**10.9.1** 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 14 days, shall be reckoned from the date of receipt of the notice by the contractor and can be extended, for adequate reasons (to be recorded), by the Chief Engineer issued said notice upto a period of 30 days (including the initial period).

**10.9.2** If the contractor fails to give satisfactory clarification with 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 shall 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.

**10.9.3** 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 names(s) of the partner(s)/share holder(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.

**10.9.4** 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.

**10.9.5** Within 7 days from the date of receipt of the order regarding demotion/de-registration, the contractor shall submit 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.

**10.9.6** If after expiry of the period of 7 days mentioned in clause 10.9.5, 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**

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

## **11. REVIEW OF REGISTER OF CONTRACTORS**

A register of approved contractors shall be maintained by the CE in his office in the form prescribed in Annexure 'B'. The register shall be examined by the CE on 1<sup>st</sup> July each year and at other times, if found necessary on report of specific failure or default by a contractor and if he considers that the financial circumstances or technical capacity of a contractor has so deteriorated that he ought to be removed from the register or placed in a lower class, he may proceed to do so after calling on the contractor to state within a stated time as to why the action as proposed should not be taken against him. Action as taken should be intimated to all concerned. Whenever a contractor is either removed from the approved list or downgraded to a lower class, he will not be entitled to any refund of registration fees.

**NOTE :** The Executive Engineer shall report confidentially in the form prescribed in Annexure 'C' to the registering authority on 1<sup>st</sup> June each year, cases of contractors who are habitual bad workers and create obstruction in the working of the project to enable that authority to take this into consideration at the time of review or renewal of their registration. The report referred to above shall be in a narrative form and made for a contractor under all categories of registration.



## **12. VALIDITY OF REGISTRATION :**

The registration once done on merits will be valid for a period of 3 years from the date of order sanctioning the registration certificate by the concerned authority on payment of balance of the registration fees. The contractor should get the registration renewed for a further period of 3 years on production of fresh solvency certificate of appropriate category before expiry of its validity. If he fails to do this, the registration should be treated as cancelled and he should be asked to apply for de novo registration.

## **13. CANCELLATION OF REGISTRATION:**

The name of contractors who have not tendered for any works for a **period of 1 year** and those having tendered, failed to secure any contract during the **period of 3 years** in the Port Trust, are liable to be removed from the register of approved contractors. Chief Engineer shall review the registration effected by him every year for taking action for removal or reduction of contractors.

For facilitating such scrutiny, the contractors should be required to submit to the Chief Engineer an annual return ending March every year in the form prescribed in Annexure 'D' with remarks regarding performance from the Executive Engineers in whose division the contractors undertook the works shown in the return. The annual returns in the case of all contractors shall be submitted to the Chief Engineer by the concerned Executive Engineers.

**NOTE :** As there is possibility of contractors omitting from the return works where performance is not satisfactory, the Officers should take the following precautions:

Whenever it is observed that the performance of a contractor is not satisfactory and some action towards his down-grading or removal from the particular category is necessary, the concerned Executive Engineer shall report in detail the matter to the Chief Engineer for taking necessary action. The authority competent to register contractors in a particular class would also be competent to order de-registration or reduction of the class.

## **14. FULFILLMENT OF SPECIAL REQUIREMENTS :**

Special requirements such as electrical licences, plumbing licences, etc. which may be required for particular categories of work like electrical installations, etc. will have to be fulfilled by the contractors whenever such special works are involved.

## **15. FACILITY FOR REGISTRATION :**

If a contractor, whose name has been removed, desires to take up contracts subsequently, he should apply for re-enrolment on payment of the prescribed fees. Such applications shall be considered on its merits.

## **16. EXEMPTION FROM PAYMENT OF E.M.D. :**

The contractors may, if they so desire, deposit an amount as per scale prescribed below, with the Trust, and secure exemption from the payment of Earnest Money after executing the necessary bond in the Form given in Annexure 'E' which should be submitted to the Chief Engineer for record. This will exempt the contractor from payment of earnest money with individual tender if he produces a copy of the bond the concerned Officer whenever he tenders for works and seeks exemption.

Class	Amount of P/ EMD (Rs.)
A 1	Rs.2,00,000/-
A 2	Rs. 1,00 000/-
B	Rs.75,000/-
C	Rs.60,000/-
D	Rs.50,000/-
E	Rs.30,000/-

This deposit may be in cash or in the form of national Savings Certificate, Interest Bearing Securities, Postal Savings, Bank Pass Book, Fixed Deposit, 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 Registered Contractor is eligible to claim exemption only to the extent amount of P.EMD. deposited by him. The P.EMD shall be reduced for every tender that he has submitted subsequently.

The documents submitted towards the Permanent Earnest Money Deposit (PEMD) in the form of other than in cash, should be valid till the validity period of registration. The Permanent Earnest Money Deposit (PEMD) once paid by the registered contractor will not be refunded except the contractor opts for cancellation of registration.

## **17. AUTHORITY FOR REGISTRATION / CANCELLATION**

The work of registration of contractors or their removal or reduction will be done by the Chief Engineer in respect of all classes under his own authority.

## **18. APPEAL FOR REGISTRATION :**

Any contractor rejected, removed or demoted or de-registered by the Chief Engineer may appeal to the Dy. Chairman / Chairman, Mormugao Port Trust against the orders of rejection or removal or de-registration. The decision of the Dy. Chairman / Chairman will be final.

## **19. INTERPRETATION OF REGULATIONS :**

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

The registration will only entitle a firm to buy tender document for the works of the relative class and speciality. The MPT however does not bind itself to accept the lowest or any tender.

ANNEXURE 'A'

(Referred to in Regulations 3)  
Application for Enrolment as Contractor

1. Name of the Applicant & Full Address :
  2. Whether the firm is a joint stock company, Undivided Hindu Family, Individual or a registered partnership firm (attested copy of deeds of articles of association to be enclosed).
  3. Name of Sole Proprietors/Partners with particulars/liabilities attested copy of partnership deed to be enclosed).
  4. Name of person holding the power of attorney (attested copy of power of attorney to be enclosed).
  5. Name of bankers and full address:
  6. Place of Business:
  7. Class in which enrolment is sought :
  8. Whether the contractor desires to deposit lump sum for securing exemption from payment of earnest money or will pay earnest money along with each tender :
  - 9A. List of works undertaken/executed during a period of 5 years preceding the date of application (or-since this initial registration in lower category in the case of upgrading).
    - a) Name of work
    - b) Amount
    - c) Year
    - d) Authority under which carried out
    - e) Date of work Order
    - f) Time limit
    - g) Cost of work done upto the date of application.
- } To be shown in a separate statement

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N.B.: Original or attested copies of certificates of verifications of the above details by the Officers under whom works are carried out to be enclosed.

9B. List of tools and plant in possession of the contractor (or acquired since his initial registration in lower category in the case of upgrading . } Attach a separate list

9C. Technical qualifications and experience of the Proprietor or partners and leading technical employees in the firm. } Attach a separate list

10. Whether the applicant maintains office capable of preparing bills.

11. Workshops, machines, tools and plant held by the applicant (location and site of workshop and also full details regarding machine, tools, etc. to be given).

12. Whether enlisted in any other department  
If so, which class showing amount qualified to tender.

13. Has the applicant or his partners or shareholders been blacklisted in the past by any Government Department?

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14. Amount of the solvency certificate which the applicant holds.  
(A certificate of solvency obtained from a banker's certificate shall be enclosed).
  
15. Income Tax Clearance Certificate of the latest assessment year should be sent along with the application. (Without the Income Tax Clearance Certificate the enlistment will no be made.)

I/We certify that I/We will not get myself/ourselves registered as contractor in the department under more than one name.

(The contractors will have to carry out the work at any site in the Port Trust Estates).

(Signature of the Applicant and Addresses)

Date:

Place:

**NOTE:**

The table showing the classification, solvency required, registration fees etc. is appended for guidance of the Contractors.

**ANNEXURE – 1 D**

**ANNEXURE 'B'**

(Referred to in Regulation 11)

Register of approved Contractors

Sl. No.	Name of contractor and address	Authority for Registration	Date on which the amount of fees was credited in the cash book	Solvency Certificate, Date & amount	Class of Contractor	Date of Registration
1	2	3	4	5	6	7

**ANNEXURE – 1 E****ANNEXURE 'C'**

(REFERRED TO IN NOTE BELOW REGULATION 11)

**CONFIDENTIAL REPORT OF CONTRACTOR**

<b>Sl. No.</b>	<b>Name and Address of Contractor</b>	<b>Class</b>
1.	Does he pay the Security Deposit in prescribed time?	
2.	Does he start the work promptly after the issue of work order?	
3.	Does he maintain the progress of work as per agreement as per the programme mutually agreed?	
4.	Does he pay proper attention to maintain the quality of work and materials?	
5.	Does he work in co-operation with Departmental Staff?	
6.	Are there any complaints from the labourers or petty suppliers regarding non-payment of their wages or bills? Does he pay fair wages?	
7.	Does he show any tendency to create extra items and claims, which are non-acceptable or imaginary?	
8.	Does he use materials issued as per Schedule 'A' properly or is there a tendency of pilferage or improper storing?	
9.	Tendency to quote unbalanced or un-workable rates in tender (i.e. very high rates for some items and low rates for others).	
10.	P.S. Capacity –General Organization of work and resources?	

\*\*\* Does he carry out instruction of Site Officers promptly and properly?

**ANNEXURE 'D'**  
(Referred to in Regulation 13)  
**ANNUAL RETURN**

Annual Return for period ending April to be submitted by a registered contractor to the Chief Engineer showing works in hands and works tendered for during the year.

Name of the Contractor

Authority for Registration  
Class

Name of the work	Name of the division	Amount put to tender	Tendered amount	Date of award of contract if awarded	Remarks
1.	2.	3.	4.	5.	6.



**ANNEXURE 'E'**

**(Referred to in Regulation 16)  
FORM of bond to secure exemption  
from payment of Earnest Money**

KNOW ALL MEN by these presents that we, the undersigned Note (the name of the contractor/firm executing this bond) carrying on Contractors (hereinafter referred to as 'the Bounden' are held firmly bound into the Board of Trustees of the Port of \_\_\_\_\_ (hereinafter referred to as 'the Trustees' which expression shall unless the context does not so admit include his successors and assigns) in the sum of Rs. \_\_\_\_\_ to be paid to the Trustees for which payment will and truly be made we bind ourselves and our successors executors, administrators, and representatives firmly by these presents duly signed by us this \_\_\_\_\_ day \_\_\_\_\_ 2016

WHEREAS the above named Bounden is bound as per the terms and conditions of tenders issued by or on behalf of the Engineering (Civil) department of the \_\_\_\_\_ 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 to be tendered in future by the Bounden during the period of \_\_\_\_\_ years from the \_\_\_\_\_ day of \_\_\_\_\_ 2016. (Hereinafter referred to as 'the period').

AND WHEREAS as per regulation \_\_\_\_\_ of \_\_\_\_\_ the Bounden will be 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 concerned department (hereinafter referred to as the Chief Engineer for and on behalf of the Trustees in cash a sum of Rs. \_\_\_\_\_ Government Securities of the market value of Rs. \_\_\_\_\_ and execute a bond in favour of Trustees in the form prescribed therefore being these present.

AND WHEREAS the Bounden have delivered to/deposited with the Chief Engineer in the account of the Trustees standing in the name of the Chief Engineer a sum of Rs. \_\_\_\_\_ in cash or in the form of National Saving Certificates, Interest bearing securities, Postal Saving Bank Pass book, fixed Deposit accepted, units of Unit Trust of India, etc. specified in the list thereunder 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/s, tendered or to be tendered by them.

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NOW THE CONDITION of the above written bond is such that if during the said period the Bounden shall be given the work or works tendered for by them if the security required for the proper exemption 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 according to the terms of the said agreement or agreements, then this obligation shall be void and of no effect. Otherwise it shall remain in full force and virtue PROVIDED 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 as 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 required 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 any 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 the appropriate the same and in the event of any such forfeiture being so made the bounden shall within \_\_\_\_\_ days of the date of any such forfeiture deposit in the said account a sum sufficient to make up the said deposit of Rs. \_\_\_\_\_ either in cash or in the form of National Saving Certificates, interest bearing securities, Postal Saving Bank Pass Book, Fixed Deposit accepted Units of Unit Trust of India, etc. of the market value of Rs. \_\_\_\_\_.

It is hereby further agreed 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 the \_\_\_\_\_ Division of the Port Trust, PROVIDED ALWAYS that the return at any time of the said deposit or any part thereof shall not be deemed to effect the right of the Trustees to take proceedings against the Bounden in case any breach of the conditions of the aforesaid agreement 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 into with Trustees or the Officers and servants of the Trustees duly authorized 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 named Bounden have hereto set their respective hands and the Chief Engineer has for and on behalf of the Trustees of the Port of \_\_\_\_\_ set his hand and affixed his official seal hereto the day and year here in above written.

SIGNED & DELIVERED BY  
The above name Bounden in the  
Presence of

1.

Address:

2.

Address:

SIGNED, SEALED & DELIVERED BY SHRI

In the presence of

1.

Address

2.

Address

By Order

SECRETARY