

RULES

Vide Engineer-In-Chief U.P.P.W.D. Lucknow Letter 362 MTG/70F-68 Dated 8.10.80

Classification and Enlistment of Contractors in the Public Works Department

Rule-1 These rules will govern the classification and enlistment of Contractors in the Public Works Department. The tenders of only those contractors will be considered for any work in the Public Works Department who are entitled to tender for that work according to their enlistment.

Contractors enlisted under A & B classes will be on all Uttar Pradesh State basis, in other words contractor under these classes would be permitted to tender for any civil and mechanical Works in Public Works Department anywhere in Uttar Pradesh. Contractors enlisted in class 'C' and 'D' will be for Circles and Divisions only. The Contractors enlisted under 'A' class for Sanitary and Electrical works would be permitted to tender for any work in Public Works Department any where in Uttar Pradesh and 'B' and 'C' class Sanitary and Electrical contractors will be for Circles & Divisions only. The Electrical Contractors who hold a valid license of Category (A) from Chief Electrical Inspector will be enlisted in 'A' class and those who hold the license of category 'B' will be enlisted in 'B' & 'C' class The U.P. Rajkiya Nirman Nigam and U.P. State Bridge Corporation shall however, be exempted from enlistment under this rule.

Rule-2 (1) Enlistment of contractors will be made separately for the following categories.

1. (i) Building (ii) Bridge (iii) Road works
2. Sanitation and water supply
3. Electrical works
4. Mechanical works

Who are to be enlisted

(2) Each category of contractors will be further classified as in Appendix 'A' according to the upper financial limit of the works for which a contractor enlisted in the particular class can tender.

Rule-3 Enlistment to all classes will be open to all individual undivided Hindu families, firms registered under the Indian partnership Act and Public or private limited companies.

PROVIDED that an applicant will be enlisted only in that class to which found entitled in accordance with these rules by the authority prescribed herein for the purpose.

Qualifications for enlistment

Rule-4 An applicant for enlistment to particular class should have a minimum solvency as mentioned in Appendix 'B', technical staff as mentioned in Appendix 'D'. He should have satisfactorily executed at least five works,

whose individual value should at least be as mentioned in Appendix 'E' & should have not been previously convicted of an offence involving moral turpitude.

However if a contractor does not have the past experience as required in Appendix 'E' but fulfils all other condition for enlistment, will be enlisted provisionally under 'D' category for a period of two year. This period of probation can be extended by one year on special grounds by Engineer-in-chief.

Proof of applicants solvency

Rule-5 (1) In case of individuals, firms and undivided Hindu family proof of the solvency of the applicant will consist of a certificate signed by the Distt. Magistrate concerned or a certificate of reference of a scheduled Bank.

(2) In the case of a private or Public limited company, the proof of the company's solvency will be its last balance sheet audited and certified by a Chartered Accountant or a certificate/reference of a Scheduled Bank.

Proof of employment of technical staff

Rule-6 Proof of employment of the required technical staff will consist of a declaration by the applicant in the following form in the presence of a Notary Public giving full particulars of the required staff.

I S/o R/o *Karta/partner
of applicant for enlistment as a contractor in the Public Works Department U.P. do hereby declare that the following persons are in my/our regular employment on the post & from the dates mentioned against them

I undertake that if any of the post falls vacant and is left unfilled for more than one month, I/we shall inform the authority to whom the application for enlistment is being made.

| Sl. No. | Name & address | Technical Qualification | Post held | Date of regular continuous employment |
|---------|----------------|-------------------------|-----------|---------------------------------------|
| 1 | 2 | 3 | 4 | 5 |

* If the applicant is not an individual

Declared in my presence

Sd.

Seal (Notary public)

Applicant

Proof of possession of Machinery, tools etc-

Rule-7 Proof of possession of required Machinery tools & plants will consist of a declaration by the applicant in the following form made in the presence of stipendiary Magistrate- giving full particulars of the equipments or an Affidavit, for the same verified by a notary.

I S/o resident of *Karta/partner
of applicant for enlistment as a contractor, in the public works department, U.P. do hereby declare that I/We possess the following machinery, tools & plants. I undertake that if there is any reduction in this equipment below the limit required by the relevant rules I/We will inform the authority to whom application for enlistment is being made.

| Particulars of Machinery etc. | Estimated Cost | Approximate Age |
|-------------------------------|----------------|-----------------|
|-------------------------------|----------------|-----------------|

* If the applicant is other than an individual.

Proof of previous Experience

Rule-8 evidence of satisfactory execution of five works of the required value will consist of certificate from the engineer in charge of the work of the works not below the rank of an Executive engineer.

Rule-9 (1) The application for enlistment will be made in the form given in Appendix 'F' accompanied by a treasury receipt of the application fee mentioned in sub para (2) & documents mentioned in sub para (3)A. Separate application will have to be moved for different categories of works.

(2) The application fee should be as under.

| | |
|---------|----------|
| Class A | Rs. 50/- |
| Class B | Rs. 40/- |
| Class C | Rs. 25/- |
| Class D | Rs. 15/- |

and it shall not be refunded

(3) Every application shall be accompanied by the following documents –

- (I) Proof of solvency of the applicant.
- (II) Proof of the employment of the required technical staff.
- (III) Proof of possession of required machinery, tools and plants.
- (IV) Proof of execution of five works of the required value.
- (V) In case of a firm, duly certified copy of partnership deed and registration certificate in case of company, the deed of Articles of Association.
- (VI) Income Tax Clearance Certificate.
- (VII) Sales Tax Clearance Certificate.

(4) In case of any change in solvency, technical Staff, tools and plants as mentioned in Rule 4 above or the change in partner or constitution of a firm or articles of Association/Constitution of a company, as mentioned in Rule 9 (3) above the same shall be intimated to be authority competent for enlistment, within 7 days of such change and an acknowledgment of the same shall be obtained.

Officers authorized to enlist

Rule-10 An application for enlistment to a particular class of Contractors will be presented to the authority mentioned in Appendix 'C' who will be the final authority in the matter subject to the provisions of appeal and review made hereafter

Area in which the enlist contractor can work

Rule-11 Enlistment will entitle the contractor to tender for works within the jurisdiction of the authority who ordered enlistment

Rule-12 (1) The authority to which an application for enlistment is presented may get such enquiry held as he considers necessary before passing the final orders. If the authority is satisfied that the applicant is suitable for being enlisted in the class applied for he will pass an order to this effect. This

order, will, however, be provisional & will become final only after the contractor has deposited the security provided below. If the authority is not so satisfied he will pass an order rejecting application giving reasons there of and intimate the applicant in writing within 15 days of such rejection/acceptance order. The applicant can, there after, file an appeal, against the rejection order, before the next higher authority, who will dispose it off ordinarily, within three months.

(2) All applications shall, ordinarily, be disposed off within 3 months of the date of presentation.

(3) A contractor whose application for enlistment has been rejected shall not be entitled to apply a fresh for enlistment within 6 months from the date of the final order passed in the case.

General Security

Rule-13 (1) A general security as mentioned in Appendix 'H' shall be deposited by the contractor within one month of the receipt of enlistment or within such period, not exceeding 3 months as may be extended by the authority ordering enlistment. If no such security is deposited the order of enlistment will be deemed to have lapsed and the matter will be finally closed.

(2) The General Security may be in one of the form as specified in para 71 of Financial Hand Book Vol. V part I as amended from time to time.

(3) A contractor will then become entitled to tender for works allowed by para 11 above, without depositing any earnest money. In case, however, the total estimated cost of one or more tenders of a contractor exceeds the amount by one hundred times of the General Security deposited by him, he will have to deposit, along with any of such tenders the difference of earnest money falling short of the required amount reckoned at the rate of 1% of the estimated cost of the works covered by such tenders as indicated in the tender notice. In this respect, a written statement furnished by the contractor with each tender, will be acceptable.

After acceptance of the tenders based on General Security, the contractor will have to deposit as initial security equivalent to 1% of the tender amount of the contract with a period of one week of acceptance of tender. After adjusting earnest money, if any already deposited as specified above, the initial security above the initial security will then form part of the security made out of usual 10% deduction from the running and final bills, for the execution of the specific work.

The refund of security so deposited and that deducted from the bill will be governed by the terms of the contract for the work.

(4) In case a tender is accepted & the contractor fails to sign the contract and execute the work, earnest money or the initial security referred to in the Rule 13 (3) shall be forfeited from his General Security or the amount deposited separately. In addition to above action to debar, the contractor from tendering for certain period or for ever may be taken by the authority of enlistment.

(5) The authority competent to pass such orders may order recovery of any amount, due from a contractor in respect of any work by deduction from the general security. In all cases of recoveries from the general security, the contractor shall deposit additional general security to as to make up the amount mentioned in Appendix 'H' within one month of the date of receipt of intimation of deduction or recovery. If the contractor fails to make such deposit, his enlistment will be deemed to have come to an end.

(6) The general security may be refunded to the contractor on the expiry of a period of 6 month from the removal of his name from the Register of classified Contractors.

Technical Staff at site of work

Rule-14 (1) The contractor shall have to keep the staff at the site of work as per appendix 'C' attached.

(2) If the contractor fails to comply with sub-rule (1) the Engineer in Charge of the work shall report the matter to the enlisting authority of the contractor who after giving the contractor such opportunity to explain as may be considered necessary order the removal of the Contractor's name from Register of Classified Contractors. This may be in addition to any action which may be taken against the contractor in terms of his contract for the work.

Removal of contractors name from Register of classified Contractors.

Rule-15 (1) The authority competent to enlist a contractor of any higher authority having jurisdiction may order removal of a contractor's name from the Register of enlisted contractor for the reasons to be mentioned in the order & communicated to the contractor. Before such order is passed the contractor shall be served with a show cause notice giving reasons for proposed removal & given a reasonable opportunity to explain, amongst other, the reasons may be....

- (i) Unsatisfactory execution after tender is accepted,
- (ii) Failure to commence work when tender is accepted and contract agreement is executed and order to commence work has been issued.
- (iii) Failure to maintain required solvency technical staff, machinery, tools and paints.
- (iv) Failure to maintain the required amount of general security.
- (v) Conviction of an offence involving moral turpitude.
- (vi) Any other act which in the judgment of the authority competent to order the removal of the name from the list, it undesirable or amount to misconduct.

(2) The officer ordering the removal will inform all authorities below him, who will make a note to this effect against the name of the contractor in their register.

(3) Such order of removal unless passed by the Engineer in Chief/Chief Engineer will not have effect in Circles and divisions not controlled by the authority ordering the removal

Order Appeal/Review

Rule-16 An applicant or enlisted contractor who feels aggrieved by any order passed under these rules, any file an appeal to the next higher authority within a period of one month of receipt of intimation of such order and the order passed by such authority after holding such enquiry as it may consider necessary, shall be final. Such appeals shall ordinarily be disposed off with in a period of two months.

Provided that no appeal shall lie against an order passed by the Engineer in Chief/Chief Engineer. However, the person aggrieved by the said order may apply to the Engineer in Chief/Chief Engineer for a review within the period specified above and the Engineer in Chief/Chief Engineer may pass any order considered suitable.

Register of classified Contractor

Rule-17 (1) All authorities competent to enlist contractors and all Asstt. Engineers shall maintain a Register of classified contractors in forms mentioned in Appendix I. Separate register will be maintained for different categories. Under each category separate pages will be allotted for contractors of different classes.

(2) In this register names of the contractors will be entered under the class in which the contractor is ordered to be enlisted either by the authority maintain the Register or by any higher authority having jurisdiction.

Certificate of enlistment

Rule-18 (1) The authority competent to enlist a contractor to a particular class will issue a certificate of enlistment to the contractor in the form mentioned in Appendix 'J' after the order of enlistment has become final on deposit of general security.

(2) The enlistment will be valid for a period of three years and the year will be reckoned from 1st July to 30th June.

(3) Atleast two months before the expiry of certificate, the contractor will apply for renewal of the certificate to the authority competent to enlist a contractor of that class and having jurisdiction in the form mentioned in Appendix 'K'. The authority concerned will then issue a fresh certificate of enlistment valid till the end of the next three years.

(4) Duplicate certificate of registration may be issued in case where they are lost or destroyed due to an accident or any other valid reason. The application for a duplicate copy should be presented within a week from the date on which it has been lost. The following fee will be charged for the issue of the duplicate copies.

| | Rs. |
|---------------------|------|
| A class contractors | 25/- |
| B class contractors | 20/- |
| C class contractors | 15/- |
| D class contractors | 10/- |

(5) in case of a firm, undivided Hindu families and private and public limited companies, an individual should be authorized to deal with the department on their behalf on production of power of Attorney.

APPENDIX 'A'

(Rule 2-1)

Contractors enlisted in a particular class will be entitled to tender for works of value not exceeding the amount mentioned below –

| Categories | Class A | Class B | Class C | Class D |
|---------------------------------|------------------|-----------------|----------------|----------------|
| I. (i) Building | Up to any amount | Rs. 15.00 Lakhs | Rs. 5.0 Lakhs | Rs. 2.00 Lakhs |
| (ii) Bridges | ----- | ----- | ----- | ----- |
| (iii) Roads | ----- | ----- | ----- | ----- |
| II. Sanitation and water supply | -do- | Rs. 0.50 Lakhs | Rs. 0.10 Lakhs | ----- |
| III. Electrical works | -do- | 1 Lakhs | 0.20 Lakh | ----- |
| IV Mechanical | -do- | -do- | -do- | Rs. 0.05 Lakhs |

APPENDIX 'B'

(Rule 4)

Minimum solvency required for enlistment in each class –

| Categories | Class A | Class B | Class C | Class D |
|---------------------------------|---------------|---------------|---------------|---------------|
| I. (i) Building | Rs. 3.0 Lacs | Rs. 2.0 Lacs | Rs. 1.0 Lacs | Rs. 0.50 Lacs |
| (ii) Bridges | ----- | ----- | ----- | ----- |
| (iii) Road wroks | ----- | ----- | ----- | ----- |
| II. Sanitation and water supply | Rs. 0.25 Lacs | Rs. 0.15 Lacs | Rs. 0.05 Lacs | ----- |
| III. Electrical works | Rs. 1.0 Lacs | Rs. 0.25 Lacs | Rs. 0.05 Lacs | ----- |
| IV Mechanical | -do- | -do- | -do- | ----- |

APPENDIX 'C'

(Rule 4)

Minimum technical staff required for enlistment in each class –

| Categories | Class A | Class B | Class C | Class D |
|---------------------------------|--|---|--|----------------------------------|
| I. (i) Building | One Degree Holder of Civil Engineering | One Diploma Holder of Civil Engineering | One Diploma Holder of Civil Engineering | ----- |
| (ii) Bridges | | | | |
| (iii) Road | | | | |
| II. Sanitation and water supply | One Degree Holder of Civil Engineering & a Licensed plumber | One Diploma Holder of Civil Engineering & a Licensed plumber | One Diploma Holder of Civil Engineering & a Licensed plumber | ----- |
| III. Electrical works | One Diploma Holder of Electrical Engineering & a Licensed Electrician | One Licensed Electrician | One Licensed Electrician | ----- |
| IV Mechanical | One Diploma Holder in Mech. Engineering & a mechanic qualified from I.T.I. or with equivalent qualifications | One mechanic qualified from some I.T.I. or with equivalent qualifications | One mechanic qualified from I.T.I. or with equivalent qualifications | One mechanic trained in workshop |

APPENDIX 'D' (Rule 4)

Minimum Machinery-tools and plants required for enlistment in each class –

| S.No. | Name of equipment | Class A | Class B | Class C | Class D |
|-------|--|---------|---------|---------|---------|
| 1. | Concrete mixers | 2 | 1 | 1 | ---- |
| 2. | Vibratos | 3 | 2 | 1 | ---- |
| 3. | Pumps | Pin-2 | Pin-1 | ---- | ---- |
| 4. | Grinding Mill (for Buildings) | 2 | 1 | 1 | ---- |
| 5. | Diesel winches 65 ton capacity (for bridges only) | 2 | 1 | ---- | ---- |
| 6. | Excavating grabs ½ to 1 Cum. capacity (for bridges only) | 4 | 2 | ---- | ---- |
| 7. | Diesel Generating Sets 25 K.W. (for bridges only) | 1 | ---- | ---- | ---- |
| 8. | Tractors (for Roads only) | 1 | ---- | ---- | ---- |
| 9. | Sheep foot Rollers (for roads only) | 2 | ---- | ---- | ---- |
| | Desirable qualifications | | | | |
| 1. | Owing Brick Kilns | | | | |
| 2. | Owing transport | | | | |
| 3. | Owing quarries | | | | |

Note – Ordinarily the enlistment shall be for all the three trades, but in case a contractor wants to take a specific trades, he will have to arrange all the T & P required for completion of that trades as categorized above.

Category II sanitation and water supply -

Equipment as required for proper completion

Category III Electrical Work -

Equipment as required for proper completion of work, provided always no enlistment shall be made for a person or party who does not hold a valid license from the Chief Electrical Inspector under Indian Electricity Rules for execution of electrical work, the contractors who hold a valid license of Category 'A' from the Chief Electrical Inspector will be enlisted in 'A' class and those who hold the license of 'B' category will be enlisted in 'B' and 'C' class,

Category IV Mechanical Works -

In general the contractors applying enlistment under class A, B and C will be required to possess Garage tools as approved by the Transport Commissioner, U.P. for A, B and C type garages respectively. The authority competent to enlist the contractors, however has the discretion to make necessary modification therein.

APPENDIX 'E' (Rule 4)

Minimum value of each of the five works that should have been executed satisfactory for enlistment in each class –

| Categories | Class A | Class B | Class C | Class D |
|---------------------------------|---------------|--------------|---------------|---------------|
| I. (i) Building | | | | |
| (ii) Bridges | Rs. 10 lacs | Rs. 5.0 lacs | Rs. 1.0 lacs | Rs. 0.25 lacs |
| (iii) Road | | | | |
| II. Sanitation and water supply | Rs. 0.25 lacs | Rs. 0.5 lacs | Rs. 0.25 lacs | ----- |
| III. Electrical works | ----- | ----- | | |
| IV Mechanical | Rs. 0.25 lacs | Rs. 0.5 lacs | Rs. 0.25 lacs | |

APPENDIX 'G' (Rule 10)

Officer authorized to enlist

| Categories | Class A | Class B | Class C | Class D |
|---------------------------------|-------------------------------------|-------------------------|-------------------------|--------------------|
| I. (i) Building | Engineer-in-Chief or Chief Engineer | Chief Engineer of Zones | Superintending Engineer | Executive Engineer |
| (ii) Bridges | Zones | | | |
| (iii) Road | | | | |
| II. Sanitation and water supply | -do- | Superintending Engineer | Executive Engineer | ----- |
| III. Electrical works | -do- | -do- | -do- | ----- |
| IV Mechanical | -do- | -do- | -do- | Executive Engineer |

APPENDIX 'H' (Rule 13)

General Security

| Categories | Class A | Class B | Class C | Class D |
|------------------------------------|--|--|--|-------------------------------------|
| | Amount 50000/- | Amount 20000/- | Amount 7500/- | Amount 2500/- |
| I. (i) Building | Pledged to Chief Engineer Engineer | Pledged to Chief Engineer Engineer | Pledged to Superintending Engineer | Pledged to Executive Engineer |
| (ii) Bridges | | | | |
| (iii) Road | | | | |
| II. Sanitation and water supply | 2000 /- -do- | 1000/- Superintending Engineer | 500/- Executive Engineer | ----- |
| III. Electrical works | 20000 -do- | 10000/- -do- E/M | 2000/- -do- E/M | ----- |
| IV. Mechanical | -do- | -do- | -do- -do- | 1000/- Executive Engineer E/M |

APPENDIX 'I' (Rule 17) (1)

Category: - Building/Bridge/Roads/Sanitation/Water Supply
Electrical/Mechanical Works

| Sl No. | Name of Contractor | Full address | Reference to number & date & authority passing order to enlistment | Full Signature of officer maintaining the register | Reference to No & date order and authority passing the order for removing name of the contractor | Signature of officer maintaining the register | Remarks |
|--------|--------------------|--------------|--|--|--|---|---------|
| 1. | 2. | 3. | 4. | 5. | 6. | 7. | 8. |

APPENDIX 'J'

(Rule 18) (1)

Certificate of Enlistment

Dated

Certified that Shri/Sarvasri _____
_____ is/are enlisted
Class _____ contractor in the Public Works Department, U.P. for _____

Category –

This certificate is valid for _____
_____ and shall expire (Mention area i.e. state Circle/ Division.
10th June, 20.....

Sd/- Chief Engineer
Superintending
Engineer
Executive Engineer
Circle/Division

APPENDIX 'K'

(Rule 18) (3)

APPLICATION FOR RENEWAL OR CERTIFICATE OF ENLISTMENT

- (b)
- (c)
-

I/We hereby apply for the renewal of my/our certificate of enlistment dated _____
a class _____ contractor of _____
which expires _____ on 30th June 20_____

- 2. It is hereby declared that I/We still possess solvency, machinery, tools and plants and employ the technical staff required for enlistments above and that I/We am/are otherwise also qualified for such enlistment.
- 3. It is understood that the enlistment is liable to be cancelled if the above declaration is found to be wrong.

Sd/- _____
Applicant

APPENDIX 'F'

(Rule 9) (1)

Application for Enlistment as a Contractor in the Public Works Department Uttar Pradesh

Date day of 20.....

To,

.....

.....

.

Sir,

I/We have the honor to apply for enlistment as the class _____ Contractor in Public Work Department, U.P. for Category _____. A sum of Rs _____ being the fee in respect of the this application has been deposit in the Treasury and the receipt No _____ and date __/__/_____ is enclosed.

The required particulars are given below.

PARTICULARS

1. (a) Name of the applicant individual/Firm/
Company
(b) Address of the individual/Firm/ Company
.....
(c) Telegraphic address and telephone no. of any
.....
2. Nationality of the individual, place of
registration if corporation or firm or company
(attested copies of deeds or records of
association are to be enclosed)
3. Profession of individual or nature of business of
firm or company & place of business
4. Whether enrolled as a member of any builders
association. If so name of the association and
date of enrolment
5. Name of persons holding the power of attorney
(attested copy of power of attorney to be
enclosed)
6. Name of partners with their respective shares in
the firm (copy of partnership deeds to be
enclosed only in case of partnership firm.)
7. (a) Name of Bankers and full address.

- (b) In case of limited liability companies, copy of last balance sheet duly audited should be attached.
- (c) Particulars of immovable properties with their market value attach certificate from Deputy commissioner/Collector
- 8. Area in which the contractor wants to work
- 9. List of works executed giving name of work
 - (a) Name of work
 - (b) Amount of work
 - (c) Year of execution
 - (d) Authority under which carried out (to be shown on separate statement). Original or attached copies of certificates if any may be enclosed.
- 10. Resources of contractors
 - (a) Details of technical staff employed with technical qualification and experience
 - (b) Details of tools and plants, machinery, transport etc.
 - (c) Detail of workshop if any with location
- 11. Whether the applicant is Diploma holder, qualified civil or Electrical Engineer or has any other technical qualification (attested copy of the Diploma or degree to be attached)
- 12. (a) Whether the applicant is already enlisted in P.W.D. if so in which class and category
- (b) Whether enlisted with any other department if so in which class and category showing amount up to which qualified tenderor
- 13. Whether the applicant is a share holder of any firm enlisted in this department or any other department giving full details
- 14. (a) How many years has the applicant's organization been in business as a General contractor under the present business name
- (b) Have the applicant ever failed to execute any work awarded to him. if so, where and why

CERTIFICATE

1. I/We certify that I/We will not get my self/our selves registered as contractors (in the Sarvajnik Nirman Vibhag) under more than one name.
2. I/We agree to notify the officer accepting this application and enlisting my/our name on the Sarvajnik Nirman Vibhag's list of any changes in the forgoing particulars as they occur and to verify and confirm these particulars.
3. I/We certify that the above particulars are correct and that should been, That If/We have given a false certificate of that if I/We failed the fact of my/our subsequent amalgamation with another firm, my/our name is liable to be removed from the Sarvajnik Nirman Vibhag's list of contractors and any contract that I/WE may be holding at the time is liable to be resigned.

Signature of the applicant and address

Important Notes –

1. All relevant certificate should be attached with the application
2. Applications for enlistment is Building and Road, Sanitary and Water supply and Electrical should be submitted on separate forms.
3. Income tax clearance certificate for the last assessment year should be sent along with the application. Without income tax clearance certificate the enlistment will not be considered.

SARVAJANIK NIRMAN VIBHAG UTTAR PRADESH

RULES FOR DEBARRING AND BLACK LISTING OF CONTRACTORS

The rules are intended to standardize the principles to be observed in case of debarring and blacklisting of contractors.

DEBARRING

Any contractor (including a firm with all its known partners and proprietors) whether Registered or otherwise may be debarred by an officer not below the rank of Superintending Engineer from getting any work for a specified period depending upon the gravity of the default of the part of the contractors. The Superintending Engineer can debar from work in their own circle while / the Deputy Chief Engineer/Additional Chief Engineer and Chief Engineer can Debar from works in the whole of the U.P. The debarring may be done where the contractor/contractors:-

- a. Fails to execute contract (s) or executes it unsatisfactorily or is proved to be responsible for constructional defect (s) revealed after the expiry of the prescribed period, or
- b. Violates any important conditions of contract,
- c. He or his representative, has shown undesirable manners behaviors etc. in business dealing, or
- d. Persistently violates the provisions of labour Regulations and Rules, or
- e. Some significant structure (s) is passed against him/they by a court of law and which makes it necessary to debar him/they or
- f. Where there may be other adequate ground (s) justifying such an action.

BLACKLISTING

Chief Engineer may blacklist a contractor including a firm with all its known partners and proprietor registered or otherwise where:-

- a. There are sufficient & strong reason to believe that the contractor or his employees has been guilty of malpractices such as bribery corruption, fraud including substitution of, or interpellation in tenders, pilfering or unauthorized use or disposal of Government materials issued for specific works etc.

N.B. Explanation – Any act or commission by the contractor which leads or would have led to an unfair gain to himself and consequent loss to the Government shall be deemed to be a malpractice within the meanings of the above clause.

- b. The contractor continuously refuse to pay Govt. dues without showing adequate reasons and where the ordering authority is satisfied that no reasonable dispute attracting reference to arbitration or Court of Law exists for the contractor's or
- c. where a contractor or his partner or his representative has been convicted by a court of law for offences involving moral turpitude in relation to the business dealings, or

- d. Where security considerations including suspected disloyalty to the state so warrant the blacklisting order.

Action for blacklisting contractor should be taken only where it is established that offence was committed in order to secure advantage to the contractor and not where the object may be to secure advantage to the person concerned viz employee or representative of the contractor, personally.

GENERAL

1. Particular care should be taken to see that those against whom corrective or administrative action is taken as above do not transact business with Govt. under a different name or title.
2. Once the orders for debarring/blacklisting are issued they should not be ordinarily revoked unless.
 - a. On a review the ordering authority or the authority higher than it is of the opinion that the punishment already meted out is adequate in the circumstances of the case or the order so passed was not justified or,
 - b. In respect of the same facts the accused has been honorably acquitted by a Court of Law.
3. Copies of all blacklisting orders should immediately be forwarded by the Chief Engineer, Public Work Department to the Head of other Sister Engineering Departments of the State. Two copies of the orders may also be submitted to the Government in Public Works Department who will transmit a copy thereof to the Government of India.
4. All investigations, discussions, correspondence and orders relating to the cases of debarring and blacklisting should be "CONFIDENTIAL" excepting in the case of blacklisting on ground of suspected disloyalty &/ or participation in subversive activities, which should be classified as "SECRET" Even in the case of blacklisting for fraud, corruption etc., the discussions or the investigations relating to the case may have to be kept secret if the circumstances demand.
5. The fact of the reason (s) for, debarring or blacklisting shall not be communicated either to the contractor concerned or any member of the public but if for any administrative reasons it becomes essential to make such a communication, it must be only a bare intimation of the non-requirement of the services (for debarring) or blacklisting, without assigning any reason (s) for the action taken but where a contractor is blacklisted for formal practices e.g. corruption, bribery etc., even the fact of blacklisting shall, under no circumstances be intimated or leaked out to the contractor or any member of the public. If representations are received, care must be taken not to assign any reason for the action either orally or in writing. Where by some means.... a contractor comes to know of the decision to debar or blacklist and asks for information on the point, then either no such information should be supplied to him or only a non-committal reply should be given. The General Security, if any, of the affected contractor should not be retained but released immediately after the debarring/blacklisting orders with a simple intimation to the contractor on the following lines (which may be modified, if at all necessary).

“This is to inform you that services are no longer required by the (Name of Deptt. or office)- Your General Security Deposit is accordingly returned herewith”

6. The debarring/blacklisting orders should be circulated to all officers authorized invite tenders for works in P.W.D. U.P. by means of semi-official letters(marked “CONFIDENTIAL” or “SECRET” as necessary), giving complete particulars i.e. name father’s name caste postal and regular residential addresses of the persons/firms bodies involved. The order should be on the following lines in case of debarring.

“Services of (give name of contractor or firm) should not be utilized for any work of P.W.D. in Uttar Pradesh/ (...) circle for a period of (...) expiring of (... date) the particulars of the contractor/ firm are given below:-

and with regard to the blacklisting be orders should be on the following lines :-

“It has been decided to blacklist the contractor/firm mentioned below:-

Name of the contractor father’s name caste, Postal and regular residential addresses of the person/ firms/Bodies involved.

2. The contractor/firm need not be informed of this decision nor should the reasons for which they have been blacklisted be disclosed to them.

Sd/Chief Engineer

7. Debarring/blacklisting order should be taken too simply that the persons/firm/bodies involved are not to be considered as perfectly fit for the handing of any Govt. Business for the time being or for such duration as the order any specify. Where there are recommendations of instruction from the competent authority for suspension of even the current business with the person/firm/bodies involved it may be given effect to so for as may be feasible under the existing terms and condition of the Agreement (s) contract (s) due to the premature closure of the business dealings.

REGISTER OR CONTRACTORS CONFIDENTIAL RECORD:-

The register of Contractors confidential record as prescribed Under Para 507 of the P.W.D. Manual of Orders Vol., I, 3rd edition should invariably be maintained and kept up to date by each Divisional& Sub-divisional office wherein be sides other particulars, any undesirable element (s) noticed in the Working, dealings behavior etc. Should immediately be recorded and after a minute and personal investigation into the matter necessary report and recommendation may be submitted through proper channels, for the consideration and decision of the competent authority.